

ON ESTABLISHING INTERIM CATCH LIMITS FOR SWORDFISH IN THE IOTC AREA OF COMPETENCE

SUBMITTED BY: AUSTRALIA, EUROPEAN UNION

Explanatory Memorandum

1. Background

In accordance with *Resolution 25-07 on a management procedure for swordfish in the IOTC Area of Competence*, the 27th Session of the IOTC Scientific Committee (SC27) recommended a total allowable catch (TAC) for swordfish of 30,527 t per year for the period 2026 to 2028. This is higher than recent annual IOTC catches and represents a 15% catch increase from 2023 catch (26,525 t) and an 8.68% increase from the 2024 catch (28,090 t). This proposal establishes interim catch limits to reduce the risk of exceeding the TAC recommended by the Scientific Committee.

2. Basic Concepts

This proposal is not an ongoing allocation of rights to catch swordfish but rather applies to the period 2027 to 2028 (1st management cycle) as an interim catch limit measure. Nothing in this resolution shall prejudice the outcomes from the Technical Committee on Allocation Criteria (TCAC).

Under this proposal, catch limits are established for CPCs for whom their 2024 catch exceeds 1,500 t. These CPCs are referred to as “main harvesters” and collectively have accounted for 85% of all swordfish catch. CPCs who do not exceed 1500 t are referred to as “small harvesters”. Main harvesters will receive an increase of 8.68% (1.0868) to their 2024 catch level, reflecting the difference between the recommended TAC and 2024 catch. We also applied the 8.68% increase to the small harvesters catch.

If the average annual catch of a small harvester in the years 2025 and 2026 is greater than 1,500 t, the Commission will consider setting a binding catch limit for that small harvester for the 2nd management cycle from 2029, unless broader allocation criteria have been agreed to by the Commission.

Fleet	2024 Catch in tonnes	8.68% increase to 2024 catch
Sri Lanka	7,615	8,276
EU	6,068	6,594
Taiwan, China	3,027	3,290
Indonesia	2,511	2,729
India	1,672	1,817
China	1,577	1,714
I. R. Iran	1,523	1,655
Main Harvesters	23,993	26,076
Small Harvesters	4,097	4,451
Total	28,090	30,527

Reported catch of small harvesters in 2024

Oman	968
Seychelles	647
Malaysia	502
Bangladesh	402
South Africa	378
Japan	296
Tanzania	244
Mauritius	190
Kenya	175
Australia	121
Madagascar	94
Comoros	41
Korea	39
Sub total	4097

Catch data from "IOTC-2025-WPTT27-DATA02_RC-rev2"

3. Other Elements**- Over Catch**

If any CPC subject to a binding limit exceeds its catch limit, 100% of the over catch shall be deducted from that CPC's catch limit during or before the adjustment year as indicated in the following table:

Catch year	Adjustment year
2027	2029
2028	2030
...	...

However, if any CPC subject to paragraph 3 exceeds its catch limit for two consecutive years, this CPC's catch limit for the corresponding adjustment year shall be reduced by 125% of the excess catch (of both years combined), and the Commission may recommend additional measures, if appropriate.

- Under Catch

Under catch in a given catch year, of a value up to a maximum of 10% of a CPC's catch limit, may be carried over to the corresponding adjustment year (as determined by the above adjustment year table).

- Prohibition of chartering arrangements with CPCs that lodge an objection

Resolution 19/09 on Vessel Chartering in the IOTC Area of Competence prohibits chartering arrangements that undermine IOTC Conservation and Management Measures (para. 2.). In accordance with this provision, CPCs shall not conclude chartering arrangements with objecting CPCs as below.

- i. Flag CPCs shall prohibit chartering arrangements with CPCs that are objecting to this Resolution. This is to prevent a loophole where a CPC increases swordfish catches outside the application of this Resolution.
- ii. CPCs shall prohibit chartering arrangements with flag CPCs that are objecting to this Resolution. This is to not provide fishing opportunities to objecting flag CPCs that would increase swordfish catches outside this Resolution.

Similarly, export of fishing vessels to CPCs that are objecting to this Resolution shall be prohibited in order to prevent “flag of convenience” fishing operations.

RESOLUTION 26/XX
ON ESTABLISHING INTERIM CATCH LIMITS FOR SWORDFISH IN THE IOTC AREA OF
COMPETENCE.

Keywords: Swordfish, Management Procedure, Harvest Strategy, Catch Limits.

The Indian Ocean Tuna Commission (IOTC),

RECALLING the responsibility of IOTC for the conservation and optimum utilisation of tuna and tuna-like species in the IOTC area of competence;

RECOGNISING the need for action to ensure the achievement of IOTC objectives to conserve and manage tuna and tuna-like species resources in the IOTC area of competence;

MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Articles 87 and 116 of the United Nations Convention on the Law of the Sea (UNCLOS) regarding the right to fish on the high seas subject to their treaty obligations, the rights and duties as well as the interests of coastal States provided for, *inter alia*, in Article 64 UNCLOS and the provisions of Section 2 of Part VII of UNCLOS;

RECOGNISING the special requirements of developing States, particularly Small Island Developing States, in Article 24 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

ACKNOWLEDGING the ongoing work of the Technical Committee on Allocation Criteria to develop a fair and equitable allocation framework that recognises the respective interests, fishing patterns and fishing practices of members, the sovereign rights of coastal States and the special requirements of developing States;

RECOGNISING *Resolution 25/07 on a management procedure for swordfish tuna in the IOTC area of competence*, which introduced a Management Procedure (MP) for swordfish for the first time in the IOTC;

RECOGNISING that the 27th Session of the IOTC Scientific Committee (SC27) recommended a total allowable catch (TAC) of 30,527 t per year for 2026 to 2028, which provides a 15% increase from the 2023 catch level, in accordance with the MP;

ACKNOWLEDGING the Scientific Committee advice that the most recent stock assessment in 2023 determined swordfish is not overfished or subject to overfishing;

NOTING that *Resolution 25/07* stipulates that “the Commission shall adopt the TAC based on the outcome of the MP, unless Scientific Committee identifies exceptional circumstances that require consideration of alternate management actions to be taken by the Commission”;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement:

TAC and Catch Limits

1. The total allowable catch (TAC) for Swordfish shall be 30,527 t each year in the period 2027-2028 in accordance with the Management Procedure (MP) established by *Resolution 25/07 management procedure for swordfish in the IOTC area of competence*.

2. The annual catch limits shown in the table below shall be applied in 2027 and 2028.

	Catch limit (t)
Sri Lanka	8,276
EU	6,594
Indonesia	2,729
India	1,817
China	1,714
Iran	1,655

3. The Commission shall request Taiwan, Province of China, to limit their annual swordfish catch in the IOTC area of competence to 3,290 t in 2027 and 2028. Any overage or underage of their swordfish catch shall be subject to paragraph 4, 5 and 6.
4. If any Contracting Parties and Cooperating Non-Contracting Parties (CPCs) specifically referred to in the table in paragraph 2 exceeds its catch limit, 100% of the over catch shall be deducted from the respective CPC's catch limit during or before the adjustment year as indicated in the following table.

Catch year	Adjustment year
2027	2029
2028	2030
2029	2031
...	...

5. If any CPC exceeds its catch limit for two consecutive years, the respective CPC's catch limit during or before the corresponding adjustment year shall be reduced by 125% of the overage, and the Commission may recommend additional measures, as appropriate.
6. Up to 10% of an underage of a CPC referred to in the table in paragraph 2 in a given year may be carried over to the corresponding adjustment year in the table in paragraph 4.
7. The Commission shall review and if necessary, amend this Resolution in 2028 for the management period commencing in 2029. In case the Commission cannot agree on a revised resolution, adjustments shall be applied to the catch limits indicated under paragraph 2 in proportion to the change in TAC.
8. The CPCs specifically referred to in the table in paragraph 2, may transfer their initial catch limit to another CPC. Both CPCs shall provide information to the IOTC Secretariat in terms of the quantity to be transferred. The IOTC Secretariat shall disseminate this information to all CPCs without delay.
9. The IOTC Secretariat shall annually prepare and circulate, by 31 December each year, a table of allocated catch limits disaggregated in accordance with the requirements set out in paragraphs 1 to 8, including catch limits, adjustments of overage and underage, and transfers, for the following year. When the catch data is revised retrospectively, the changes shall be reflected in the calculation.

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10. CPCs that are not specifically referred to in the table of paragraph 2 are encouraged to maintain catch and effort at their 2024 catch levels plus 8.68%, without prejudice to the development aspirations of those CPCs.
 11. If a CPC subject to paragraph 10 catches more than 1,500 t on average over any two consecutive years from 2025 and thereafter, the Commission shall consider establishing a binding catch limit applicable to that CPC at the first session of the Commission after such catch data has been delivered and if an allocation scheme has not yet been agreed and implemented by the Commission.
 12. If the sum of catches of any Contracting Parties that have objected to this Resolution is equal to 15% or more of the TAC in any year, the catch limits in paragraphs 2 and 3 shall no longer apply. If this occurs, CPCs shall strive to maintain catches within the limits indicated under paragraph 2, 3 and 10 until the Commission reviews this Resolution at the next annual Session.
 13. Nothing in this Resolution shall pre-empt or prejudice the future allocation of fishing opportunities.
 14. This Resolution shall not prejudice the rights and obligations under international law of coastal States, in particular those developing coastal CPCs in the IOTC area of competence whose current fishing activity relating to swordfish is limited, but that have a real interest in fishing for this species, and that may wish to develop their own fisheries targeting swordfish. Those coastal CPCs shall implement robust monitoring, control and surveillance measures, as applicable, in relation to their capacity and resources.

Chartering Agreements and Export of Fishing Vessels

15. CPCs shall not grant their consent as a flag CPC to a chartering agreement with CPCs that object to this Resolution in accordance with Article IX, paragraph 5 of the IOTC Agreement.
16. CPCs shall not grant their consent as a chartering CPC to a chartering agreement with flag CPCs that object to this Resolution in accordance with Article IX, paragraph 5 of the IOTC Agreement.
17. CPCs shall not export their flagged authorized fishing vessels to CPCs that object to this Resolution in accordance with Article IX, paragraph 5 of the IOTC Agreement.

Scientific Work

18. The IOTC Scientific Committee shall provide advice to the Commission on the potential impacts of carrying forward the underage of catch limits under paragraph 6 on the effectiveness of the Management Procedure.