



Food and Agriculture
Organization of the
United Nations



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

iotc ctot

Fisheries management

IOTC ROS SFO TR1



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This module aims to provide Observers with the required knowledge on the:

- ✓ basic concepts of fisheries management,
- ✓ the usage of observer programs in fisheries management, and
- ✓ IOTC fisheries concepts relevant to scientific observer work

Candidates performance on this training module will be evaluated based on their understanding of the concept of target species; bycatch species; non-target species, retained catch, discarded catch, overfishing, FAD, associated and free school, improper for human consumption as defined by the IOTC.



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International Legislation Governing Observer Requirements

IOTC ROS SFO TR1.3.1

Category: Fisheries management

[IOTC ROS SFO TR1]



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UNITED NATIONS CONVENTION on the LAW of the SEA (UNCLOS)

Also called

- [Law of the Sea Convention](#) or
- [Law of the Sea treaty](#)

International agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982



[The Convention concluded in 1982](#)

This convention came about when the international community recognised the desperate need to manage the oceans and waterways of the world and that consensus amongst nations was needed to achieve this.



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UNITED NATIONS CONVENTION on the LAW of the SEA (UNCLOS)

Foundation of all measures relating to oceans defines:

- the rights and responsibilities of nations with respect to their use of the world's oceans
- establishes guidelines for
 - peaceful uses of the seas and oceans,
 - equitable and efficient utilization of their resources,
 - conservation of living resources
 - protection and preservation of the marine environment.



The Law of the Sea Convention defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.



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UNITED NATIONS CONVENTION on the LAW of the SEA (UNCLOS)

- Cornerstone of nearly all agreements related to the management of the High Seas
- Most regional fisheries organizations and other maritime agreements originate through the UNCLOS

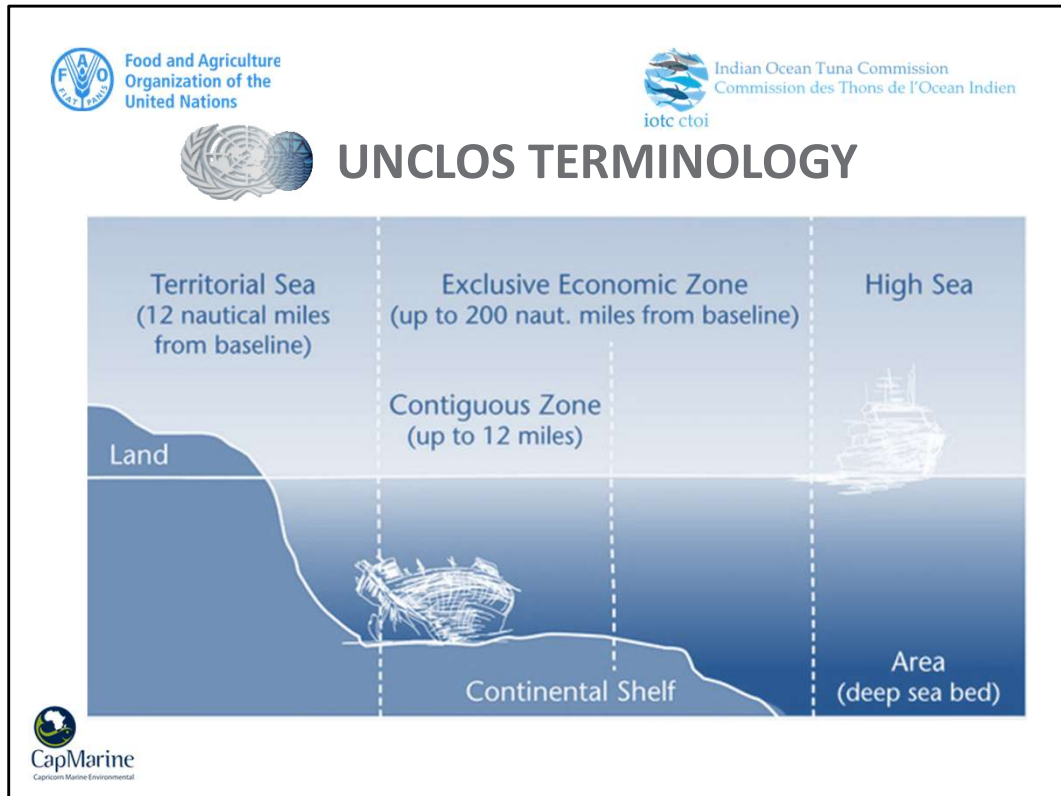


■ Countries having signed and ratified

■ Country having signed, but not ratified



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Key to managing the world's oceans was defining specific areas and the regulation and responsibility of these areas. These include:

- TERRITORIAL SEA AND CONTIGUOUS ZONE
- CONTIGUOUS ZONE
- EXCLUSIVE ECONOMIC ZONE (EEZ)
- CONTINENTAL SHELF
- HIGH SEAS



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UNCLOS TERMINOLOGY

Territorial Sea / Waters

Out to 12 nautical miles [22 km from the baseline]

- coastal state have international right to
 - set laws,
 - regulate use, and
 - use any resource



It is set at 12 nautical miles (22 224 meters), counted from the baseline (low-water line) or from the archipelagic baseline for archipelagic States. In the territorial sea, the coastal State has sovereign rights, as in its own territory and inland waters, to exercise all its laws, regulate all uses and exploit all resources; the State must however authorize the passage of warships and merchants in transit, provided that they do not harm the State, do not threaten its safety and do not infringe its laws: this is known as the right of innocent passage.



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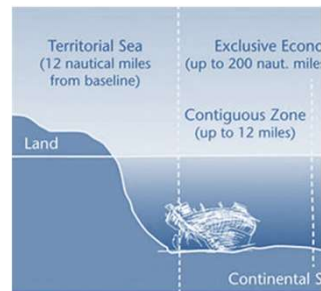
UNCLOS TERMINOLOGY

Contiguous zone

From 12-24 nautical miles from baseline limit

State can continue to enforce laws in four specific areas:

- customs
- taxation
- immigration and
- pollution



1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:
 - (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
 - (b) punish infringement of the above laws and regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.



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UNCLOS TERMINOLOGY

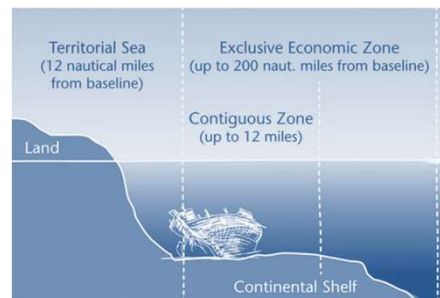
Exclusive economic zones (EEZs)

These extend from the from the baseline to 200 nautical miles [370 km]

Within this area, the coastal nation has sole exploitation rights over all natural resources.

Foreign nations have the freedom of navigation and overflight, subject to the regulation of the coastal states.

Foreign states may also lay submarine pipes and cables



Each coastal State may decide whether or not to establish an EEZ; it may then arbitrarily set its width, but the EEZ may not extend beyond 200 nm counted from the baseline. In the exclusive economic zone, the coastal State has:

- Rights, jurisdiction and duties of the coastal State in the exclusive economic zone
- Conservation of the living resources;
- Utilization of the living resources;
- Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it;
- Highly migratory species



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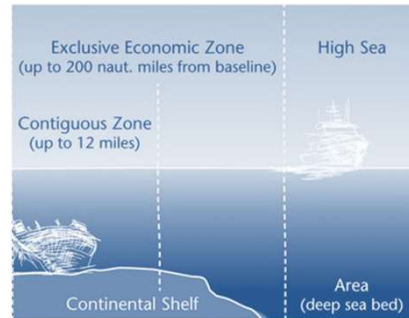


UNCLOS TERMINOLOGY

International Waters - High Seas

Oceans, seas, and waters Outside of National Jurisdiction are referred to as International Waters or the High Seas.

- Ships sailing the high seas are under the jurisdiction of the flag state



The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by the Convention and by other rules of international law. No State may validly purport to subject any part of the high seas to its sovereignty. Every State, whether coastal or land-locked, has the right to sail ships flying its flag on the high seas. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.



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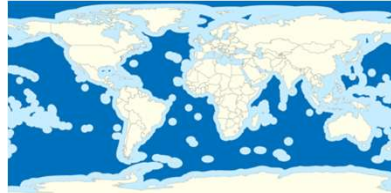


UNCLOS TERMINOLOGY

Hot pursuit

If the foreign vessel is observed committing a violation to a coastal States national laws within

- territorial waters
- a contiguous zone,
- the EEZ

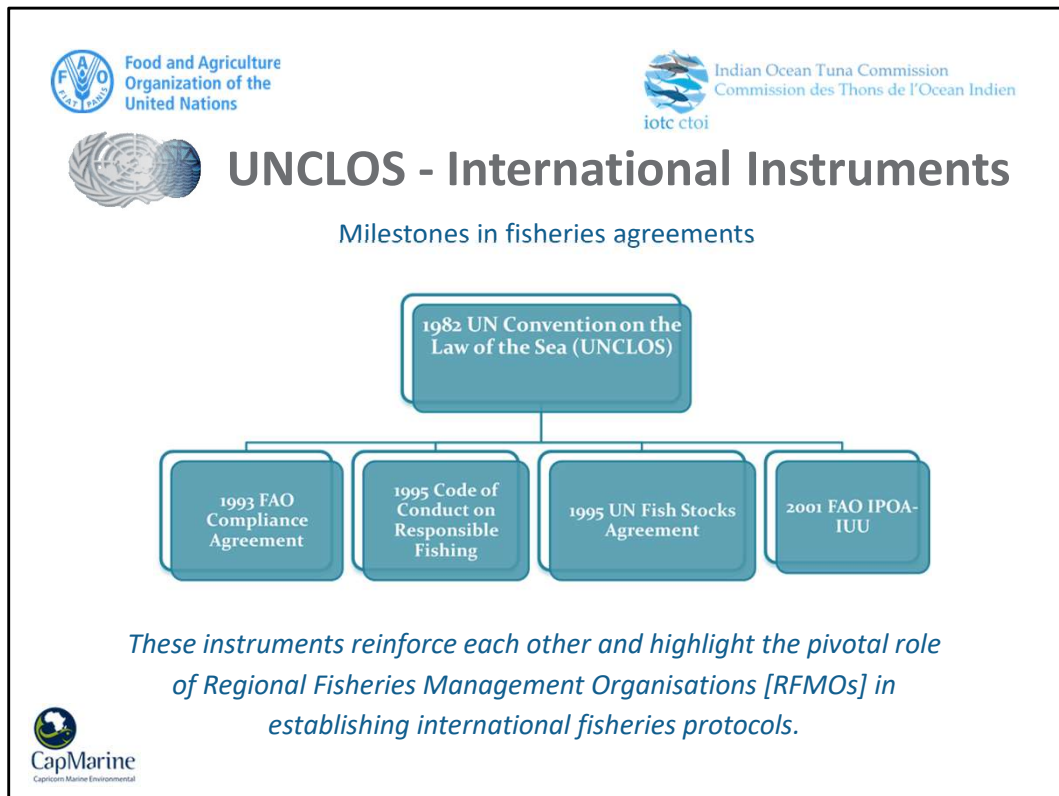


It may continue pursuit onto the High Seas

The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of another foreign state



The right of hot pursuit is a national territorial jurisdiction derived from national sovereignty. It is an expansion and extension of the coastal State's territorial jurisdiction as well as an exception to freedom of the high seas. UNCLOS has developed and expanded the right of hot pursuit, which can now start from the suprajacent waters of the coastal State's contiguous zone, archipelagic waters, exclusive economic zone and continental shelf. The right of hot pursuit is also the coastal State's main means and form of effective maritime law enforcement.



The development of modern-day observer schemes was identified in UNCLOS as contributing to the conservation and management of marine living resources. The 1982 Convention laid the foundation for a new era in international fisheries law that was followed by several major agreements that were drawn up to enhance the legal status of the management and conservation of marine living resources, the most important of these were:

- 1993 FAO Compliance Agreement;
- 1995 FAO Code of Conduct for Responsible Fisheries; and
- 1995 UN Fish Stocks Agreement (UNFSA).

1993 FAO Compliance Agreement

Agreement to Promote Compliance with International Conservation and Management Measures [CMM] by Fishing Vessels on the High Seas

Binding fisheries agreement

- Places responsibility on flag States to have control over their vessels on high-seas
[Article 217 UNCLOS]
- Requires Parties to exchange information concerning vessels reported to have engaged in activities undermining international CMMs



The 1993 FAO Compliance Agreement applies to all fishing vessels that are used, or intended, for fishing on the high seas. A contracting Party is required to take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures. In particular, no Party shall allow any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless it has been authorized to be so used by the appropriate authority or authorities of that Party. A fishing vessel so authorized shall fish in accordance with the conditions of the authorization.

Is a binding agreement.

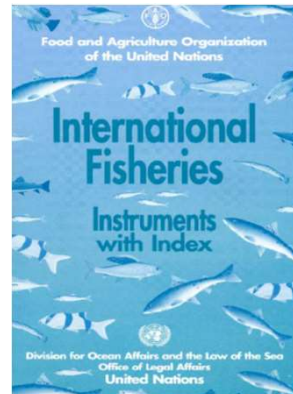
1995 UN Fish Stocks Agreement

Conservation and the Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

a binding fisheries agreement

Provides legal aspects for sub-regional and regional fisheries organisations cooperation in enforcement of CMMs.

Encapsulates core issues concerning the role and functions of RFMOs, such as the Indian Ocean Tuna Commission.



Multilateral treaty created by the United Nations to enhance the cooperative management of fisheries resources that span wide areas, and are of economic and environmental concern to a number of nations. The Agreement adopted in 1995, came into force in 2001 and has been ratified, of December 2016, by 84 parties, which includes 83 states and the European Union. Straddling stocks are fish stocks that migrate through, or occur in, more than one exclusive economic zone. Straddling fish stocks are especially vulnerable to overexploitation because of ineffective management regimes and noncompliance by fishing interests. Highly migratory fish refers to fish species which undertake ocean migrations and also have wide geographic distributions, and usually denotes tuna and tuna-like species, shark, marlin and swordfish.

1995 FAO Code of Conduct for Responsible Fisheries

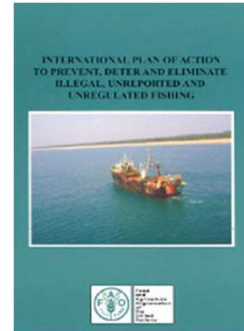
The FAO International Plan of Actions

voluntary instruments

Focuses on all States responsibilities that include

- flag State responsibilities,
- coastal State measures,
- port State measures,
- international market-related measures, research
- responsibilities of RFMO's

In combatting IUU Fishing and
the conservation of sharks, seabirds and other ETP Spp.



The United Nations Food and Agriculture Organization (FAO) adopted the FAO Code of Conduct for Responsible Fisheries on 31 October 1995 “with a view to ensuring the effective conservation, management and development of bio-aquatic resources with respect for ecosystems and biodiversity”. The code of conduct serves as the basis for ecosystem-based fisheries management. Within the framework of this agreement, International Action Plans (IAPs) have been developed for the protection of seabirds and sharks, as well as for the fight against IUU fishing.

Is a voluntary agreement.



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Regional Fisheries Management Organizations

- Established by international agreements or treaties
- Focus on regulating fishing for a particular species or group of species
- Ensure that the fishery does not negatively affect the wider marine ecosystem
- 17 regional fisheries management organizations (RFMOs) world wide



Under the above described international law, countries are required to cooperate to manage high seas, straddling and highly migratory fish stocks. An RFMO—short for regional fisheries management organization—is an international body made up of countries that share a practical and/or financial interest in managing and conserving fish stocks in a particular region. These include coastal States, whose waters are home to at least part of an identified fish stock, and “distant water fishing nations” (DWFN), whose fleets travel to areas where a fish stock is found. The main purpose of regional fisheries management organizations is to manage, conserve and protect these fish stocks within the mandate of their respective convention. There are approximately 17 RFMOs covering various geographic areas, some of which overlap.



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ANY QUESTIONS?



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