

RESOLUTION 13/11

ON A BAN ON DISCARDS OF BIGEYE TUNA, SKIPJACK TUNA, YELLOWFIN TUNA, AND NON-TARGETED SPECIES CAUGHT BY PURSE SEINE VESSELS IN THE IOTC AREA OF COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING the need for action to ensure the achievement of IOTC objectives to conserve and manage bigeye tuna, skipjack tuna and yellowfin tuna in the IOTC area of competence;

RECOGNIZING that the international community has recognized both ethical concerns and policy regarding discards of species in several international instruments and statements, including United Nations General Assembly resolutions (A/RES/49/118 (1994); A/RES/50/25 (1996); A/RES/51/36 (1996); A/RES/52/29 (1997); A/RES/53/33 (1998); A/RES/55/8 (2000); and A/RES/57/142 (2002)), United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement); The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995; the Code of Conduct for Responsible Fisheries, the FAO International Plan of Action (IPOA) on sharks; the Convention on Biological Diversity (CBD);

RECALLING that the United Nations Fish Stocks Agreement has underlined the importance of ensuring the conservation and optimum utilization of highly migratory species through the action of regional fishery bodies such as the IOTC, and provides that “*States should minimize ... discards, ..., catch of non target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species ...*”;

RECALLING that The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995, provides that “*States should...reduce bycatches, fish discards...*”;

RECALLING that the FAO Code of Conduct for Responsible Fisheries provides that “*States should take appropriate measures to minimize waste, discards...collect information on discards ...; ... take account of discards (in the precautionary approach) ...; develop technologies that minimize discards ...; use of selective gear to minimize discards*”;

RECALLING that the Commission adopted Resolution 12/01 *on the implementation of the precautionary approach*;

CONCERNED about the morally unacceptable waste and the impact of unsustainable fishing practices upon the oceanic environment, represented by the discarding of tunas and non-target species in the purse seine fishery for tunas in the Indian Ocean;

CONSIDERING the important volume of tuna and non-targeted species discarded in the purse seine fishery for tunas in the Indian Ocean;

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

RETENTION OF TUNA SPECIES

1. Contracting Parties and Cooperating non-Contracting Parties shall require all purse seine vessels to retain on board and then land all bigeye tuna, skipjack tuna, and yellowfin tuna caught, except fish considered unfit for human consumption.
2. Procedures for the implementation of full retention requirements include:
 - a) No bigeye tuna, skipjack tuna, and/or yellowfin tuna caught by purse seine vessels may be discarded after the point in the set when the net is fully pursed and more than one half of the net has been retrieved. If

equipment malfunctions affect the process of pursing and retrieving the net in such a way that this rule cannot be complied with, the crew must make efforts to release the tuna as soon as possible.

- b) The following two exceptions to the above rule shall apply:
- i. Where it is determined by the captain of the vessel that tuna (bigeye tuna, skipjack tuna or yellowfin tuna) caught are unfit for human consumption, the following definitions shall be applied:
 - "unfit for human consumption" are fish that:
 - is meshed or crushed in the purse seine; or
 - is damaged due to depredation; or
 - has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive;
 - "unfit for human consumption" does not include fish that:
 - is considered undesirable in terms of size, marketability, or species composition; or
 - is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.
 - ii. Where the captain of a vessel determines that tuna (bigeye tuna, skipjack tuna or yellowfin tuna) was caught during the final set of a trip and there is insufficient well space to accommodate all tuna (bigeye tuna, skipjack tuna or yellowfin tuna) caught in that set. This fish may only be discarded if:
 - the captain and crew attempt to release the tuna (bigeye tuna, skipjack tuna or yellowfin tuna) alive as soon as possible; and
 - no further fishing is undertaken after the discard until the tuna (bigeye tuna, skipjack tuna or yellowfin tuna) on board the vessel has been landed or transshipped.

RETENTION OF SPECIES OTHER THAN THOSE SPECIFIED UNDER PARA 2, A)

3. Contracting Parties and Cooperating non-Contracting Parties should encourage all purse seine vessels to retain on board and then land all non-targeted species as far as the vessel can ensure appropriate fishing operation (including but not limited to other tunas, rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda) except fish considered unfit for human consumption (as defined in paragraph 2 b) i). A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the non-targeted fish caught in that set.

IMPLEMENTATION

4. The Scientific Committee, Working Party on Tropical Tunas, and Working Party on Ecosystems and Bycatch shall annually:
 - a) review the information available on bycatch (retained and discarded) by purse seine vessels; and
 - b) provide advice to the Commission on options to sustainably manage discards in purse seine fisheries.
5. This Resolution shall enter into force on 1 January 2014 and will be revised, according to the advice of the Scientific Committee resulting from the review of the Working Party on Tropical Tunas (for bigeye tuna, skipjack tuna and yellowfin tuna) and the Working Party on Ecosystems and Bycatch (for non-target species).
6. This Resolution supersedes Recommendation 10/13 *on the implementation of a ban on discards of skipjack tuna, yellowfin tuna, bigeye tuna and non targeted species caught by purse seiners.*