

RESOLUTION 17/04

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),

RECOGNISING 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;

RECOGNISING that the international community has recognised 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 utilisation 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;

CONSIDERING the Millennium Development Goals, particularly Goal Number 2 aims to “End hunger, achieve food security and improved nutrition and promote sustainable agriculture”.

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

RETENTION OF TARGETED 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 as defined in paragraph 4. b) (ii).

RETENTION OF NON-TARGETED SPECIES

2. Contracting Parties and Cooperating Non-Contracting Parties shall require all purse seine vessels to retain on board and then land, to the extent practicable, the following non-targeted species or species group; other

tunas, rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda, except fish considered unfit for human consumption as defined in paragraph 4. b) (ii), and/or species which are prohibited from retention through domestic legislations and international obligations.

3. Contracting Parties and Cooperating Non-Contracting Parties using other gear types not provided for in paragraph 1 and 2 of this resolution, which are targeting tuna and tuna like species in the IOTC area of competence should encourage their vessel to:
 - a) take all reasonable steps to ensure the safe release of non-targeted species taken alive, to the extent possible, while taking into consideration the safety of the crew.
 - b) retain on board and then land all dead non-targeted species except those considered unfit for human consumption as defined in paragraph 4. b) (ii) and/or are prohibited from retention through domestic legislations and international obligations.
4. Procedures for the implementation of full retention requirements include:
 - a) No bigeye tuna, skipjack tuna, yellowfin tuna and non-targeted species referred to in paragraph 2 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 tunas and the non-targeted species 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) and the non-targeted species as listed in Para 2 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) and the non-targeted species as listed in Para 2 were caught during the final set of a trip and there is insufficient storage capacity to accommodate all tuna (bigeye tuna, skipjack tuna or yellowfin tuna) and the non-targeted species 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) and the non-targeted species alive as soon as possible; and
 - no further fishing is undertaken after the discard until the tuna (bigeye tuna, skipjack tuna, and/or yellowfin tuna) and the non-targeted species on board the vessel has been landed or transhipped.

NON-RETENTION

5. Where the captain of the vessel determines that fish should not be retained on board in accordance with Clause 4.b (i) and (ii), the captain shall record the event in the relevant logbook including estimated tonnage and species composition of discarded fish; and estimated tonnage and species composition of retained fish from that set.

REVIEW

6. The IOTC Scientific Committee, the IOTC Working Party on Tropical Tunas, and the IOTC Working Party on Ecosystems and Bycatch shall as a matter of priority:
 - a) act on its recommendation in the Report of the 18th Session of the IOTC Scientific Committee and undertake work to examine the benefits of retaining non-targeted species catches, other than those prohibited via IOTC Resolution, and present its recommendations to the 22nd Annual Session of the

Commission. The work should take into account all species that are usually discarded on all major gears (i.e., purse-seines, longlines and gillnets), and should look at fisheries that take place both on the high seas and in coastal countries and the feasibility of both retraining on-board and processing of the associated landings.

IMPLEMENTATION

7. This Resolution shall enter into force on 1st January 2018 and will be revised, according to the advice of the IOTC Scientific Committee resulting from the review of the IOTC Working Party on Tropical Tunas (for bigeye tuna, skipjack tuna and yellowfin tuna) and of the IOTC Working Party on Ecosystems and Bycatch (for non-target species).
8. This Resolution supersedes Resolution 15/06 *On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna and a recommendation for non-targeted species caught by purse seine vessels in the IOTC area of competence.*