

## Recommendation No. 50

### **Conservation and Management of Tropical Tuna in the Indian Ocean**

Sustainable management of the Indian Ocean yellowfin tuna (*Thunnus albacares*) fishing is an urgent priority. One of the obstacles is the lack of implementation of the recovery plan by several parties: Indonesia, Madagascar, Oman, Iran, India and Somalia voted against Resolution 21-01 on an interim recovery plan for yellowfin tuna in the Indian Ocean. Catches by Contracting Parties (CPCs) of the Indian Ocean Tuna Commission (IOTC) implementing the resolution, including the European Union (EU), have been in line with the recovery plan since 2014, representing a reduction of 60,000 tonnes of yellowfin tuna. In contrast, catches by the CPCs that opposed the resolution are 75,000 tonnes higher than projected in the recovery plan, undermining IOTC's efforts to manage the stock sustainably. This analysis is clearly presented by the IOTC Scientific Committee (SC): *The Commission has a provisional recovery plan for yellowfin tuna, with catch limitations based on 2014/2015 levels (Resolution 21/01, which superseded Resolutions 19/01, 18/01 and 17/01). Some of the fisheries subject to catch reductions achieved catch reductions in 2021 in line with the reduction levels set out in the Resolution, but these reductions were offset by increases in catches by exempted CPCs and some CPCs subject to yellowfin tuna catch limitations.*

When asked about the impact of the closure of one or more fisheries, the Committee also gave the following opinion<sup>1</sup>: *The SC took note of the quantitative analyses presented at the meeting (IOTC-2023-WGFAD05-13 and IOTC-2023-WPTT25-INF08). The analyses, all carried out over a 10-year period, indicate that the most beneficial impacts on the stocks of the three tuna species, in order from most to least beneficial, would be (i) a three-month total closure for all gears, (ii) a two-month total closure for all gears, and (iii) a three-month closure for purse seiners on floating objects in the whole ocean. In addition, several scenarios with closures applied to other gears also meet the objective of returning bigeye tuna (*Thunnus obesus*) and yellowfin tuna to the green quadrant of the Kobe matrix within 10 years. However, the SC noted that these benefits were estimated on the assumption that there would be no increase in catches of other gears during this period and also noted that any benefits from these closures would only*

---

<sup>1</sup> Point 99 of the report of the 26<sup>th</sup> session of the IOTC Scientific Committee

*be observed if there was no reallocation of catches to other gears or other time periods.*

In addition to the difficulties associated with the non-implementation of the provisional recovery plan for yellowfin tuna, which was opposed by six IOTC members, it is important to recognise other problems related to the sustainability of the yellowfin tuna stock and the impact of fishing on this species. Unsustainable fishing practices, such as the use of destructive fishing methods such as driftnets, which are banned, and the overfishing mortality of juvenile yellowfin tuna associated with various fishing activities, exacerbate the pressure on yellowfin tuna stocks. The recovery of yellowfin tuna stocks is therefore hampered not only by non-compliance with the recovery plan, but also by a lack of consensus on the measures to be taken to address the problem. Disagreements over the allocation of quotas and the regulation of fishing gear add to the challenge. It is imperative that all CPCs come together to find a common solution and work together to implement sustainable management practices.

The non-application of IOTC rules, as well as the misuse of jurisdiction by the fleet in terms of maritime standards, including fisheries control, but also lower social and economic standards, is detrimental to the European fleets operating in the Indian Ocean: artisanal, longline and deep-sea fleets from Mayotte and Reunion Island operating in the IOTC area of jurisdiction.

The European Union is also under strong pressure from third countries within the IOTC, particularly Indonesia, India and Pakistan, to reduce their catches to compensate for the increase in the number of objectors.

The Outermost Regions Advisory Council (CCRUP) also recognises that pelagic sharks are a significant by-catch in IOTC fisheries and that the EU has played an important role in introducing and supporting measures to reduce the impact on sensitive shark species. However, several factors contribute to the lack of compliance and continued overfishing of sharks by some CPCs.

With regard to sharks, the EU has been at the forefront of the fight against finning and the CCRUP encourages the EU to continue these efforts in the IOTC framework through a proposal on "naturally attached fins". In addition, a number of measures need to be taken to ensure the protection and recovery of shark populations affected by IOTC fisheries.

Finally, with regard to drifting Fish Aggregating Devices (dFADs), although the IOTC has already banned dFADs with netting and will eventually reduce the number of

allowed dFADs to 300, which is already the lowest number among tuna Regional Fisheries Management Organizations (RFMOs), we believe that immediate action is still needed to implement and ensure compliance in order to facilitate the transition to biodegradable dFADs.

Therefore, **the CCRUP recommends that the European Commission:**

- Participate in TCAC (Technical Committee on Allocation Criteria) meetings to ensure fair and equitable quotas in the Indian Ocean, maintaining European quotas for yellowfin tuna, skipjack tuna (*Katsuwonus pelamis*) and bigeye tuna, as European fleets have already made significant efforts, and oppose any discriminatory measures against the European Union;

- If the closure of fisheries is unavoidable, there should be protection for the small-scale fleets of the outermost regions by exempting them from its application;

- Advocate that, whenever objections represent a volume of catches above a certain percentage of total catches, the measure should cease to apply, in order to guarantee the effectiveness of any management measure and discourage clandestine behaviour;

- Work towards a level playing field between European and third country fleets as regards catch reporting and control, and in particular:

1. Promote the prohibition of transshipment at sea, with all CPCs having to ensure that fishing operations and transshipment involving their vessels are properly controlled and effectively managed; in particular, in the case of Indonesia's experimental programme, which relaxes the rules on observation of transshipment at sea in its favour and is not subject to scheduled data transmission, which must be opposed;

2. Establishment of a control and surveillance system on the high seas: in 2023, only China opposed the European Union's proposal;

3. Increase the level of surveillance of vessels on the IOTC list of authorised vessels;

4. Facilitate the achievement of the 5% observer coverage by fleets through IOTC support programmes, as well as the implementation of electronic monitoring and the strengthening of disembarkation monitoring;

5. Ensure full compliance with IOTC resolutions and support a responsible approach to the conservation of regional tuna stocks, in particular by promoting

compliance by all IOTC parties with the ban on large-scale driftnet fishing in Resolution 17-07, to which Pakistan has objected, and by establishing the percentage of tropical tuna catches by countries objecting to the draft resolution beyond which its application to other CPCs cannot be imposed;

- The CCRUP congratulates the European Commission on its intention to resubmit a joint proposal on the "naturally attached fins" measure, but in the light of opposition from other CPCs, recommends that efforts be made to negotiate bilaterally with Japan and China to reach an agreement to ban shark finning before the annual meeting;

- Present a proposal for the adoption of catch limits for skipjack tuna, respecting a multi-species management approach, by 2025 at the latest, based on the most recent stock assessments and with an allocation to CPCs based on recent catches;

- Promote a ban on the retention of other threatened species not yet covered by this measure, such as the hammerhead shark;

- Defend measures to reduce the mortality of sharks that cannot be kept on board, such as the ban on the use of metal wires (as is the case in the waters of the Azores), and stress the need to comply with IOTC Resolution 19/02, which requires the use of dFADs made of materials that do not encourage entanglement in by-catch, such as dFADs with netting;

- Advocate that the narrowing of exemptions to the ban on the keeping of endangered shark species should only apply to artisanal and subsistence vessels, and that products from these animals should not be allowed to enter international trade;

- Continue its efforts to promote the biodegradability of dFADs by incorporating into the IOTC the Resolution C-23-04 of the Inter-American Tropical Tuna Commission (IATTC), adopted at the initiative of the European Union last year;

Opinion of the *Chambre de l'agriculture de la pêche et de l'aquaculture de Mayotte (CAPAM)* and of the *Comité Régional des Pêches Maritimes et des Élevages Marins de Guyane française (CRPMEM GF)*

CAPAM and CRPMEM GF defend the need to reduce the number of dFADs authorised in the waters of the outermost regions in order to minimise the negative impact on the region's ecosystems.

Opinion of the *Comité Régional des Pêches Maritimes et des Élevages Marins* (CRPMEM) La Réunion

The CRPMEM La Réunion considers that, if the closure is unavoidable, the small fleets of less than 24 metres in the outermost regions should be preserved by being exempted from its application.

Opinion of the International Pole & Line Foundation (IPNLF)

The EU has proven to be a major player in marine conservation on a global scale. The Common Fisheries Policy (CFP) clearly states that its objective is to "place sustainability at the heart of EU fisheries policy". The EU has been a Contracting Party (CPC) to the Indian Ocean Tuna Commission (IOTC) since 1995, and the EU fleet is one of the three largest fishing fleets for tropical tuna species in this area of the ocean.

The IPNLF agrees that sustainable management of the Indian Ocean yellowfin tuna (*Thunnus albacares*) fishery is an urgent priority. EU-flagged and EU-owned purse seiners are major contributors to the overfishing of this stock. Ineffective management of drifting fish aggregating devices (dFADs) used by these industrial purse seiners remains a major concern. Scientists have consistently found strong links between the decline of tropical tuna stocks and the high levels of juvenile tuna caught around dFADs. Since the stock was declared overfished in 2015, industrial purse seiners have caught more than 100 million juvenile yellowfin tuna using dFADs.

The lack of transparency in the way dFADs are installed, monitored and recovered, and the lack of accountability of dFAD owners for ecosystem and habitat damage, as well as the high levels of pollution associated with dFADs, are of great concern.

The legality of dFAD operations is also questionable and, in some cases, it is very likely that dFAD operations constitute illegal, unreported and unregulated (IUU) fishing. Thousands of dFADs are lost or abandoned in the Indian Ocean every year and, in most cases, this loss or abandonment most likely constitutes a violation of international law on marine pollution. Recent reports submitted to the IOTC Compliance Committee have revealed the systematic non-compliance of dFADs used by EU-flagged and other purse seiners with IOTC Resolution 19/2, which aims to manage dFADs. In addition, very few lost and abandoned dFADs recovered in coastal areas appear to comply with IOTC regulations on non-entanglement and biodegradability.

The IPNLF continues to urge the EU delegation to the IOTC to fulfil its international and national obligations by applying the precautionary approach to conservation - a fundamental environmental principle that requires action to prevent potential damage to the environment even before there is scientific evidence that such damage is certain to occur. The precautionary approach is not only enshrined in an IOTC resolution, but is also explicitly mentioned in Article 6 of the 1995 United Nations Fish Stocks Agreement (UNFSA), which states that: "*Member States shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures*". EU fisheries legislation, adopted as part of the Common Fisheries Policy, also makes explicit reference to the precautionary approach.

It is therefore clear that the EU delegation to the IOTC has a moral and legal obligation to apply the precautionary approach when dealing with the serious negative impacts of dFADs. Indeed, the European Commission's binding negotiating mandate for the IOTC stipulates that the EU must "act in accordance with the objectives and principles pursued by the Union under the CFP, including the precautionary approach". The precautionary approach must never be used as a disguised form of protectionism. The EU has a moral and legal obligation to act in the interests of its 450 million citizens and not just to protect the interests of the Spanish, French and Italian commercial companies that profit from their fishing activities in the Indian Ocean.

The IPNLF therefore calls upon the EU delegation to the 28<sup>th</sup> meeting of the IOTC to apply the precautionary approach and urgently support the adoption of the following management measures to ensure more effective management of dFADs:

1. Reduce the maximum number of dFADs that can be deployed per vessel from the current limit of 350 to a maximum of 150 per vessel.
2. Agree to the implementation of a 3 month per year dFAD closure, during which no dFAD fishing will be allowed.
3. Establish a dFAD monitoring system ("DFADMS") that shares information with the IOTC Secretariat in real time and in a transparent manner.
4. Establishment of an IOTC dFAD register containing complete information on ownership of dFADs, accessible to all IOTC members.
5. Complete the phasing out of support vessels for seiners deploying and supporting dFADs by the end of 2024.

6. Complete elimination of dFADs made from materials that are entangling and non-biodegradable.
7. Ensure that all dFAD data are made available to all IOTC scientists so that informed management decisions can be made based on further scientific analysis.

#### Opinion of Sciaena

With regard to the first two points of this recommendation, i.e. the maintenance of European quotas and the fleets that can be exempted from a closure, Sciaena refrains from supporting or opposing this part of the recommendation.