

## HARMONIZED TERMS AND DEFINITIONS FOR IOTC CONSERVATION AND MANAGEMENT MEASURES

Prepared by IOTC Secretariat, 16 APRIL, 2016

### PURPOSE

To submit for the consideration of the Compliance Committee (CoC), a set of harmonized Terms and Definitions for IOTC Conservation and management Measures and to recommend additional measures for strengthening the global coherence of IOTC CMMs.

### BACKGROUND

For many years, IOTC CMMs were regarded as a collection of juxtaposed measures rather than a set of interrelated regulations. As a result, little attention was paid to ensure the coherence and consistency of the terminology used throughout IOTC CMMs. Over the years, this has created uncertainty and confusion with respect to the meaning of certain terms and affected the sound and uniform comprehension of certain CMMs by leaving room for interpretation.

This issue was raised by an increasing number of Contracting Parties and Cooperating non-Contracting Parties (CPCs). At its eighteenth session, the Commission noted confusion among many CPCs regarding the lack of a clear definition of the term “fishing vessels” and agreed that the Compliance Committee (CoC) should develop a recommendation for a clear definition for the terms or expressions “fishing vessels”, “fishing” and “fisheries related activities”.

65. NOTING the confusion among many CPCs regarding the lack of a clear definition of fishing vessels, the Commission AGREED that the Compliance Committee develop a recommendation for a clear definition for fishing vessels, fishing and fisheries related activities.

At the same annual meeting, certain CPCs expressed concerns on many issues related to the implementation of the Regional Observer Programme and requested, among other things, the Commission to establish clearer definitions.

158. The Commission AGREED that some of the technical aspects of the Implementation of the Transshipment at-sea programme should be reviewed at the next Compliance Committee meeting. Some participating CPCs expressed concerns on many issues related to the implementation of the ROP and REQUESTED the Commission to establish clearer definitions, guidelines and sets of procedures, especially on minimum safety requirements of fishing vessels and carrier fishing vessels to ensure consistency and transparency.

This was captured in the CoC’s recommendation stipulating that “there should be a requirement for all Conservation and Management Measures to use a set of clear definitions” and directing the Compendium Working Group to develop definitions of key terms to be posted on the IOTC website and incorporated in the Compendium of CMMs.

CoC11.11 (para. 71) **NOTING** the confusion among many CPCs regarding what certain terms mean, the CoC **RECOMMENDED** that there should be a requirement for all Conservation and Management Measures to use a set of clear definitions. The Compendium Working Group should develop the definitions for them to be added to the IOTC website and the Compendium of CMMs.

In view of the lack of activity by the Compendium Working Group, the Secretariat sought the assistance of the Indian Ocean Commission’s SmartFish Programme to finance this work. A consultant was recruited for this task. The conclusions and recommendations for the way forward are presented in the following pages along with proposed definitions of key terms to be introduced in the IOTC Glossary of terms (Appendix I). The whole body of the Consultant’s work is available in document IOTC-2016-CoC13-INF05.

On behalf of the Commission, the Secretariat would like to extend its thanks and appreciation to the support received from the SmartFish Programme, which is Funded by the European Union and implemented by the Indian Ocean Commission (IOC) jointly with the Food and Agricultural Organization of the United Nations (FAO).

### **Discussion**

Little attention has been paid to ensure the global coherence of IOTC CMMs. With the growing number of CMMs over the years, the need to clarify the state of these measures was recognized. Efforts to do so started with the adoption of Resolution 13/01 *On the Removal of Obsolete Conservation and Management Measures*, which provided for the removal of obsolete CMMs, and with the publication of a Compendium of Active Conservation and Management Measures for the Indian Ocean with CMMs arranged in reversal chronological order. While a number of key terms have been defined to facilitate the understanding of certain CMMs, no record of these definitions is available. To date, one has to search through each individual CMM to determine whether specific terms have been defined. Additionally, there is uncertainty for a number of definitions as to whether they were intended to be of global application or were merely drawn up for the purpose of a particular CMM. The absence of an approved set of definitions of key terms combined with the lack of rigor in the terminology used within and throughout CMMs affects the good and universal comprehension of these measures, which, in turn, is also likely to undermine the effectiveness of their implementation.

The proposed set of key terms along with their definitions in Appendix I is based on best international practice and is adapted to the IOTC context. It was opted not to include certain terms in the IOTC Glossary of Terms based on the fact that, up to now, these terms were used only within the context of one specific CMM, though, it was recognized that their definitions were of general application (e.g. vessel monitoring device). Should these terms be introduced in more than one CMM, their definition should then be moved into the IOTC Glossary of Terms. The definitions of scientific terms to be included in the IOTC Glossary of Terms have to be vetted by the SC and for some to be developed in consultation with it (e.g. bycatch).

The adoption of a set of key terms along with their definitions should be seen as the first step in the process of strengthening the global coherence of IOTC CMMs. To be effective, it should be supplemented by additional measures:

- agree on a mechanism to introduce new definitions by defining clear-cut criteria to determine whether specific terms should be defined and whether they should be included in the IOTC Glossary of Terms;
- specify for each definition whether it is of global or limited application;
- apply a common practice for the introduction of new definitions in CMMs so as to make it easy for readers to find them. In this regard, it is recommended to stop introducing new definitions through footnotes. One may opt, for instance, to introduce new definitions in a dedicated paragraph at the beginning of a CMM;
- upon adoption of recommendations provided in this document, carefully review each CMM to adjust its wording accordingly;
- make clear that the purpose of keywords listed at the beginning of each CMM since 2015 are research tools.

The IOTC would have to discuss and determine whether the devising of the IOTC Glossary of Terms and its placing on the IOTC website is a first step that should lead to the formulation of an integrated set of IOTC CMMs. This would certainly contribute to clarify the rules applicable in the Indian Ocean with respect to fishing activities targeting species under the IOTC mandate. There have been precedents in other RFMOs, in particular the Northwest Atlantic Fisheries Organization (NAFO). NAFO has adopted an integrated set of conservation and enforcement measures that incorporates all NAFO conservation and enforcement measures currently in force. These measures are revised every year by NAFO. Amendments, which were adopted at the latest annual meeting, are listed along with the reference documents in the pages preceding the consolidated version of the Conservation and Enforcement Measures. The first article of this integrated set of measures provides definitions of key terms.

**RECOMMENDATION/S**

That the CoC **NOTE** paper IOTC–2016–CoC13–13, which propose a set of key terms along with their definitions and recommends additional measures for strengthening the global coherence of IOTC CMMs.

## Appendix I

## Proposed definitions of key terms to be introduced in the IOTC Glossary of terms

Key terms	Definitions
Authorized vessels	“vessels that are: a) 24 meters in length overall or above; OR b) in case of vessels less than 24 meters, those operating outside the EEZ of the flag State; AND c) authorized to fish for tuna and tuna-like species or to carry out fishing related activities in the IOTC area of competence.”
Bycatch	“all species other than those listed in Annex B of the IOTC Agreement, caught or interacted with by fisheries for tuna or tuna-like species in the IOTC area of competence”
Coastal fisheries	“any fishing activity undertaken by a fishing vessel, including small-scale fisheries for subsistence or local markets, not required to be registered on the IOTC Record of Authorized Vessels (i.e. with a LOA less than 24 meters), targeting tuna and tuna-like species or catching tuna and tuna-like species as bycatch and operating exclusively in the waters under the sovereignty or jurisdiction of the flag State, including sport fishing”
CPCs	“Contracting Parties and Cooperating non-Contracting Parties”
Discard(s)	“any part of the catch that is returned to the sea, whether dead or alive”
Fishing	“searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish”
Fishing aggregating device or FAD	“any drifting (DFAD) or anchored floating or submerged object (AFAD), which is natural or artificial and equipped with a monitoring device (or an instrumented buoy), deployed or not for the purpose of aggregating target tuna species”
Fishing logbook	“a permanently bound logbook issued by the flag State of a vessel and required for any purpose relating to fishing or fishing related activities, with irremovable pages, each of which is consecutively numbered”
Fishing related activities	“Any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, and the provisioning of personnel, fuel, gear and other supplies at sea, as well as the deployment, monitoring and retrieving of drifting Fish Aggregating Devices” <sup>1</sup>
Fishing vessel	“any vessel used for, equipped to be used for, or intended to be used for, fishing”
Harvest control rules	“a rule that describes how harvest is intended to be controlled by management in relation to the state of some indicator of stock status”
IOTC Agreement	“the 1993 Agreement for the establishment of the Indian Ocean Tuna Commission”
IOTC Area of competence	“the area of competence of the Indian Ocean Tuna Commission as defined in Article II of, and Annex A to, the IOTC Agreement”
IOTC Record of Authorized Vessels	“the Record established under Resolution 15/04 or subsequent Resolution”
IUU fishing	“any fishing activity set out in Resolution 11/03” <sup>2</sup>
Large-scale fishing vessel	“any fishing vessel 24 meters in length overall or above”
Limit reference points	“the limit beyond which the state of a fishery and / or a resource is not considered desirable”
Port	“Includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying”
Scientific observer	“a person who collects information on board authorized vessels for scientific purposes”
Supply vessel	“any vessel used for, equipped to be used for, or intended to be used for, fishing related activities”
Support vessel	“any vessel used for supporting fishing vessels in the purse seine fishery using drifting FADs, including deploying, monitoring, modifying and retrieving drifting FADs”
Target reference points	“a state of a fishery and / or a resource which is considered desirable”
Vessel	“any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities”

<sup>1</sup> One may also consider whether a reference to instrumented buoys should be made therein.

<sup>2</sup> This wording of this definition will have to be adjusted if Resolution 11/03 is superseded.