

Disentangling Sustainability, Equitability, and Power Dynamics of the Indian Ocean Tuna Commission



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Executive Summary

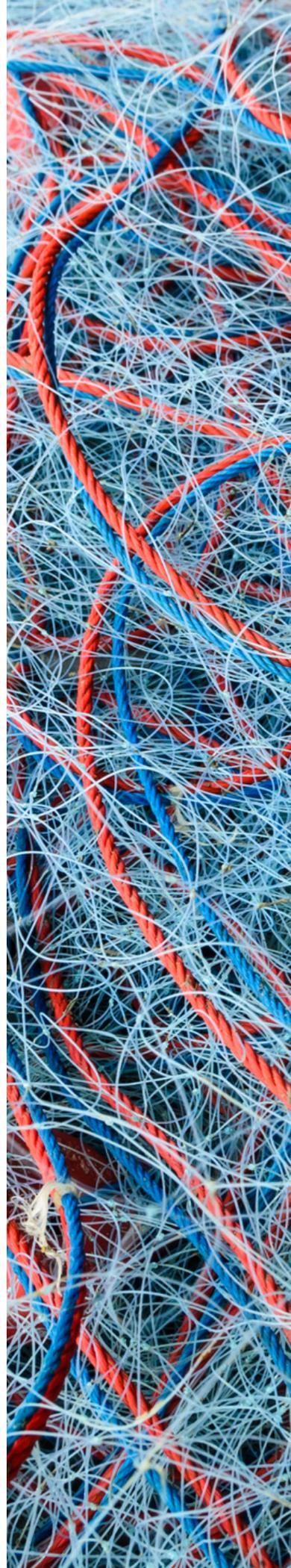
Distant water fishing nations, such as members of the European Union (EU) have received criticism from NGOs in the media for “neocolonial’ plundering” of fish stocks in the Indian Ocean – specifically in regard to yellowfin tuna, which is managed by the Indian Ocean Tuna Commission (IOTC). The IOTC, a regional fisheries management organization, is tasked with regulating the fishing of tuna stocks in the Indian Ocean with the aim of conserving and managing these stocks for the long-term benefit of the environment and of the fisheries of its region. Increased media attention to equitable and sustainable stock distribution within the IOTC has brought attention to how the organization’s political dynamics influence decision-making as well as member states’ fishing practices as they attempt to comply with IOTC policies while maximizing their profitability.

An extensive literature review, a series of expert interviews with non-governmental organization (NGO) professionals, and observation of the Technical Committee on Allocation Criteria informed this report. The political dynamics within the member nations of the IOTC are a significant issue that affects the long-term sustainability of stocks as well as the economic development of the developing countries that have a history of being influenced by wealthy nations. Despite the IOTC’s struggles, the NGO community appears optimistic about the prospects for developing coastal state advocacy and the role of observers within the IOTC. This report concludes that adjustments to the IOTC structure and bureaucracy could help to remediate some of the organization’s current struggles.

Recommendations address:

- Improvements to data collection and transparency;
- opportunities for coastal states to advocate for their own interests; and
- modernizing the IOTC Agreement to account for issues such as bycatch mitigation, data collection methods, and crew labor standards.

Sustainability and equitability issues within the IOTC are inherently intertwined, making it even more crucial to streamline the IOTC’s institutional structure and procedures.





Maldives coastline

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Commission Structure

The Indian Ocean Tuna Commission (IOTC) is a regional fisheries management organization (RFMO), an international body comprised of member nations that share a common “interest in managing and conserving fish stocks in a particular region”. The IOTC is one of 17 regional fisheries management bodies working to govern international fisheries around the world. Members of an RFMO can include coastal states adjacent to the body of water of interest, distant water fishing nations which are “those countries that fish outside their own territories and usually extend their range of action to faraway places”, or a combination of both as is the case with the IOTC. RFMOs are created through international agreements and treaties and have goals ranging from fishing regulation to prevention and mitigation of negative fisheries' impacts on the wider marine ecosystem.

The IOTC was established at the Council of the Food and Agriculture Organization of the United Nations (FAO) and remains under its purview. The IOTC is one of two RFMOs that the FAO has established; the other being the Western Central Atlantic Fishery Commission. The main regional functions of the IOTC, as described by the IOTC Agreement, are to:

- gather and analyze scientific information to review the conditions of the fish stock;
- encourage research and development activities with respect to the fish stock;
- adopt conservation and management measures on the basis of scientific evidence;
- keep under review the economic and social aspects of the fisheries, and in particular the interests of developing coastal states.

The structure of the IOTC has multiple layers but at its core are the member states, experts, and observers which are governed by the IOTC Secretariat (see page 2). The IOTC's main body is the Commission, which is composed of all member states, and is tasked with adopting measures concerning the aforementioned purposes - particularly conservation and management. All binding measures are adopted by a vote of consensus, which is reached when two-thirds majority of all members present and voting cast a vote in favor of a measure. However, members who oppose are not bound to the agreement. The IOTC Commission holds sessions annually, where issues are discussed and decisions are brought to a vote. In addition to the Commission, the Scientific Committee, a Compliance Committee, and a Standing Committee on Administration and Finance meet regularly to aid the Commission in its decision-making.



A Fish Aggregating Device (FAD)

IOTC Members & Observers

Contracting Parties

Australia	Mauritius
People's Republic of Bangladesh	Mozambique
China	Sultanate of Oman
Comoros	Pakistan
Eritrea	Philippines
European Union	Seychelles
France	Somalia
India	Sri Lanka
Indonesia	South Africa
Islamic Republic of Iran	Sudan
Japan	Tanzania
Kenya	Thailand
Republic of Korea	United Kingdom of Great Britain and Northern Ireland
Madagascar	Yemen
Malaysia	
Maldives	

Non-Contracting Parties

Liberia
Senegal

Invited Experts

Taiwan

Pre-Approved Observers

Agreement on the Conservation of Albatrosses and Petrels
Commission for the Conservation of Antarctic Marine Living
Resources
Commission for the Conservation of Southern Bluefin Tuna
Convention on International Trade in Endangered Species of
Wild Fauna and Flora
Fisheries Forum Agency
Indian Ocean Commission
Indian Ocean MOU on Port State Control
Indian Ocean - South East Asian Marine Turtle MOU
International Commission for the Conservation of Atlantic
Tunas
Inter-American Tropical Tuna Commission
Southeast Asian Fisheries Development Center
Southern Indian Ocean Fisheries Agreement
Southwest Indian Ocean Fisheries Commission
Western and Central Pacific Fisheries Commission

NGO Observers

African, Caribbean and Pacific Group of States
African Union - InterAfrican Bureau for Animal Resources
Australis National Centre for Ocean Resources and
Security
Birdlife International
Blue Marine Foundation
Blue Resources Trust
Coalition for Fair Fisheries Arrangements
Conservation International
Earth Island Institute
East Africa Platform of Non State Actors in Fisheries and
Aquaculture Sector
Earthworm Foundation
Federation of Artisanal Fishermen of the Indian Ocean
Global Tuna Alliance
Greenpeace International
Institute for Sustainable Development and International
Relations
International Fund for Animal Welfare
International Game Fish Association
International Pole and Line Foundation
International Seafood Sustainability Foundation
Island Conservation Society
Key Traceability
Marine Stewardship Council
Organisation for the Promotion of Responsible Tuna
fisheries
The Pew Charitable Trusts
Rain Forest Rescue International, Sri Lanka
Southeast Asian Fisheries Development Center
Southern Indian Ocean Fisheries Agreement
Shark Advocates International
Shark Alliance
SHARKPROJECT International
Stop Illegal Fishing
Sustainable Fisheries Partnership
Sustainable Fisheries and Communities Trust
Sustainable Indian Ocean Tuna Initiative
US-Japan Research Institute
World Wildlife Fund
WildAid

Intergovernmental Observers

Food and Agriculture Organization of the United Nations (FAO)
Democratic People's Republic of Korea (DPRK)
Russian Federation (RF)

United Arab Emirates (UAE)
United States of America

IOTC Dynamics

In March of 2021, the EU was criticized in the media for its “neo-colonial” behavior in the governance of the Indian Ocean. Specifically, the EU was called out for their dominance in the IOTC as well as their use of fish aggregating devices (FADs) which contribute significantly to yellowfin tuna overfishing within the IOTC management area. The number of observers at IOTC meetings has grown yearly, leading to increased media coverage as NGOs call for increased awareness of the current power dynamics within the Commission. One of the ways that the EU and other more dominant countries indirectly exert force is through economic means. Wealthy nations provide monetary incentives to smaller member nations through foreign aid, fishing rights access payments, and indirectly through trade agreements. Dominant states might suggest that these funds could be redirected elsewhere if the coastal state refuses to vote in line with the wealthier member state.

The wealth disparity between distant water fishing nations and developing coastal states creates an imbalance in available expertise as well. Smaller countries often have less funding to send scientists and managers to IOTC Commission meetings. With fewer scientists sent from small and developing coastal states, there is an imbalance in opinions shifted toward the wealthier states who can afford considerable scientific representation in Commission meetings or the more frequent committee meetings.

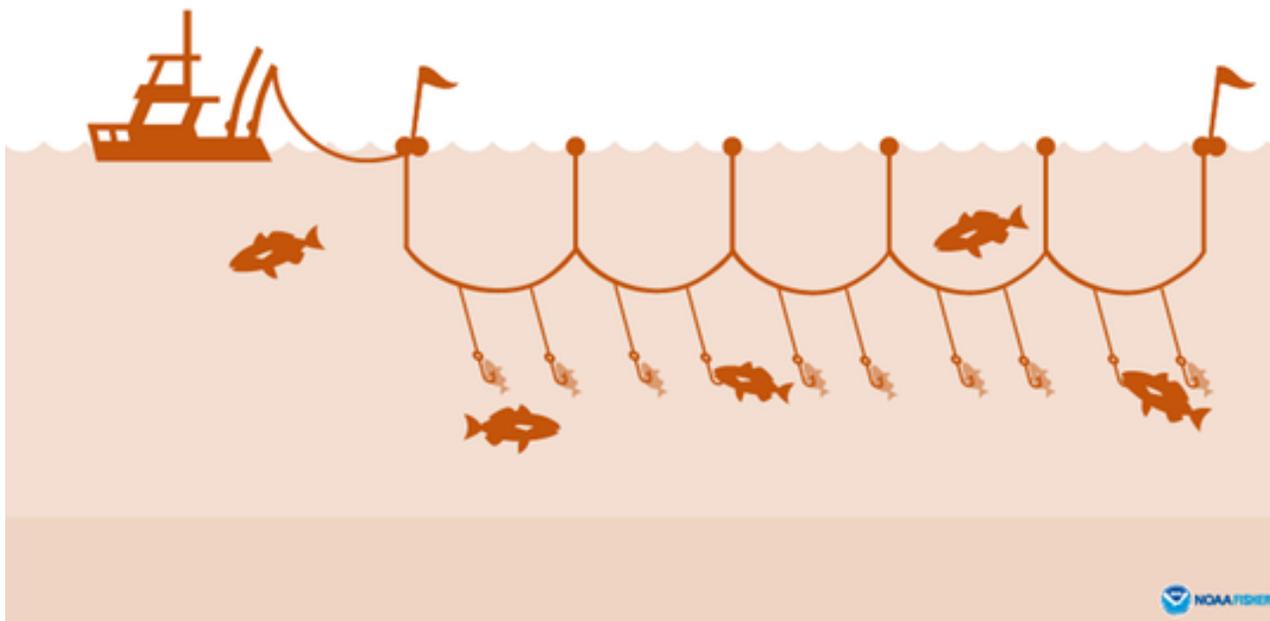
Further power imbalances stem from the use of flags of convenience - vessels sailing under a coastal state’s flag when the vessel is, in fact, owned by a distant water fishing state. Despite the vessel being crewed and flagged by a developing coastal state, it is the vessel owners from developed, wealthy, nations that profit from this practice. This separation between production and profit can fuel overfishing, and unfair labor conditions, leading to long-term disruption of the Indian Ocean ecosystem and impact the livelihoods of coastal communities.



A boat flying the EU flag

The use of drifting Fish Aggregating Devices (FADs) is a controversial issue within the IOTC. FADs are man-made floating objects (see image on page 1) that encourage the settlement of prey such as marine plants, crustaceans, and mollusks which attract aggregations of small fish. FADs are equipped with a satellite transmitter that shares their location with the owner only, so the IOTC cannot track them. As a result, there is little oversight on where freely-drifting, unmanned FADs are. While the number of FADs a single company can manage is capped at 300 per vessel per year, these numbers are self-reported and the retrieval rate of FADs that are no longer in active use is unclear. This lack of oversight combined with the sheer number of FADs creates a considerable problem whereby these FADs can drift in and out of Exclusive Economic Zones (EEZs) and Marine Protected Areas. In the case of EEZs, these FADs limit access to fish by the coastal state. When FADs drift, in particular when they drift into MPAs, it can lead to entanglement and bycatch issues. Incidental bycatch from a FAD is usually left unreported. FADs remain an issue because, despite the issue of FAD use previously having been discussed at the IOTC, it was decided that there was not enough scientific evidence to inform the reduction of their numbers. Instead, the issue needed to be sent to the Scientific Committee.

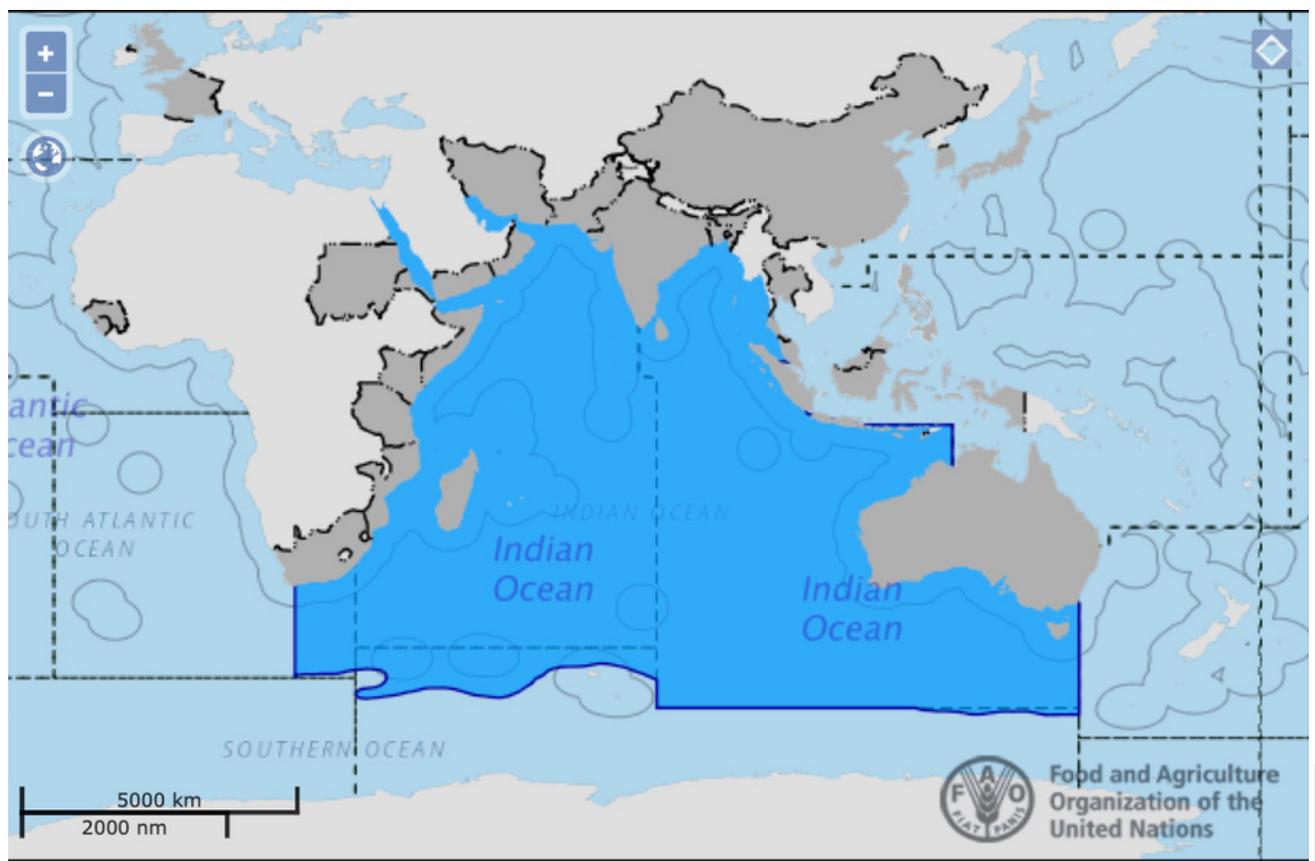
One of the biggest barriers to change in the IOTC is its bureaucratic structure. Unlike other RFMOs, IOTC sits under the FAO. During our interviews, experts mentioned that management of the IOTC suffers from its lack of independence. The IOTC's ability to effectively operate and accomplish its goals is hampered by its need to report to the FAO and UN. If the IOTC did not have to report to the FAO, they would have the ability to make decisions faster and more efficiently. Taiwan performs the most longline fishing in the Indian Ocean, but they are considered an "invited expert" instead of a Contracting Party or Cooperating Non-Contracting Party (CPC). This means that they are not bound to the same conservation decisions and measures taken by the IOTC, because the UN does not recognize their sovereignty.



NOAA Fisheries

Diagram of Longline Fishing

The IOTC is beholden to the structure of the FAO and the UN which have their own issues regarding a lack of transparency. Member nations must pay membership fees to the FAO, which opens the door for greater economic influence of the wealthier nations within the IOTC. The funding and scientific expert representation provided from wealthier nations is extremely influential as it enables the wealthiest members, such as the EU, to dominate the discussions at the Scientific Committee or Compliance Committee meetings and potentially influence decisions that work in their favor without consideration for the best interests of developing coastal states such as, for example, the Maldives. As aforementioned, the FAO controls the budget and administrative elements of the IOTC, which can make any push for action on the IOTC's part cumbersome and inflexible as the Secretariat is not able to make decisions and then implement them as an independent body. Instead, budget and administrative decisions have to go through a whole secondary bureaucracy to be put into effect. This further challenges the IOTC's ability to act quickly and effectively to accomplish its goals.



FAO Fisheries & Aquaculture

- Area of competence
 - Established limits of the area of competence
 - FAO fishing areas
 - Members
 - 200 nautical miles arcs
 - International boundary
 - Special boundary line
 - Armistice or international administrative line
 - Other line of separation
 - FAO Fishing Areas codes
- IOTC Area of Competence**

Another issue lies in the relationship between NGOs and state delegations at IOTC meetings, which further influences the political dynamics of decision-making. The level of NGO interaction and advocacy within IOTC processes and state delegations varies depending on the organization itself. Formally, NGOs take on an observer role in IOTC meetings. This means NGOs participate in IOTC decision-making processes solely by watching these processes happen. Outside of the meetings themselves, however, NGOs often release reports offering their own opinions to inform upcoming decisions and critiques of the decisions made. Oftentimes NGOs will also accept speaking opportunities at RFMO functions.

Greenpeace has actively engaged in such speaking events and provided input on the matters being discussed. NGOs might also embed themselves into delegations as technical advisors and provide support during meetings. This is a common tactic that NGOs use to affect change and influence the delegations, who are the member parties that vote on IOTC policies. NGOs might also work together to co-develop conservation measures or influence policy from the outside through drawing attention to issues in the media and putting pressure on a state to vote a certain way. Another common way NGOs contribute to the discourse at IOTC meetings, and more largely at RFMOs in general, is by providing information such as presentations, papers, and workshops to the technocrats within the institution.

In 2011 developing coastal member states of the IOTC created a coalition called the G16, named for clause 16 of the IOTC Agreement which discusses the rights of coastal states, “who shar[e] a common objective of sustainable utilisation of Indian Ocean tuna and tuna-like resources for the benefit and future of all coastal states”. By banding together and voting as a single bloc, coastal states have been able to push back against the distant water fishing states. Coordination within the G16 to commit to long-term sustainability is one of the greatest tools coastal states have to advocate for themselves, especially when their own interests are in contrast to the wealthier, more developed, nations.



The 14th Meeting of the IOTC Compliance Committee

Indian Ocean Tuna Commission

Recommendations

1. Improve Data, Monitoring, Transparency, and Compliance Standards

There are opportunities to significantly improve the standards by which the IOTC collects information and data on fish stocks, the transparency to the public of such data, and having the Compliance Committee meet quarterly rather than the current standard of once per year. The International Commission for the Conservation of Atlantic Tunas (ICCAT) data collection processes could serve as a model. The IOTC currently asks for data on tuna stocks quarterly, submitted yearly. A sliding scale for data collection would increase IOTC oversight of the tuna stocks, such as:

- Contracting parties and cooperating non-contracting parties (CPCs) must report their catch data once a quarter until they reach 80% of their allocated quota.
- Once the CPC reaches 80% of their quota, they would then be required to report their catch data once a month.
- When the CPC reaches 90% of their quota, they would report their catch data once a week.

This data, after verification by the IOTC, would then be released to the public, giving all stakeholders equal opportunity to understand fishing activity in the Indian Ocean. The greater frequency of data collection allows for a more efficient Compliance Committee - allowing them to act immediately should under- or over-fishing occur, particularly given an increase in meeting frequency. Furthermore, this data collection method would change the type of information by which the Compliance Committee makes decisions. Currently, they work off of data that compiles non-compliance by vessel and fleet; however, there is no centralized data that contains per-state non-compliance. The addition of a new data set into the standards of the IOTC that shows per-state non-compliance allows for a better understanding of which are the non-compliant states, instead of only the non-compliant vessels and fleets.

Benefits

- Improving the standards by which the IOTC collects data, and the frequency by which they collect it, as well as their transparency affords the Compliance Committee a greater ability to respond to non-compliance by member states.
- Transparency of data to the public improves the ability for NGOs and other organizations to respond to IOTC actions.
- The difference in data collection type, from compliance by-vessel to by-state, allows for a better understanding of who the biggest contributors to overfishing are.

Barriers

- Changes in data collection methods require a consensus from the IOTC to be executed, which may be difficult to achieve.
- It would be challenging for CPCs to achieve this consensus and report as a collective group.
- It might prove costly to both the CPC and the IOTC to collect, validate, and analyze data more frequently.

2. Enhance G16 Advocacy

To adjust for the disadvantages outlined in this report, the IOTC should give the G16 the ability to vote as a bloc. The G16 could be entered as an additional coalition-style delegation representing the interests of all the coastal states of the Indian Ocean. In addition to the single vote each G16 member delegation would obtain, the G16 could be allowed a single vote as a bloc if all G16 members are in consensus with the proposal. This would aid in the shift of the balance of power and promote equal influence of both coastal and non-coastal states within the IOTC.

Benefits

- Acting as a collective developing coastal state unit would create an opportunity for such states to advocate for their own interests, taking into account that actions taken in the Indian Ocean directly affect coastal states as opposed to the distant water fishing nations.
- The potential for sustainability advocacy promotes the possibility to further develop coastal states economically without these states being under economic threat, by dominant states, to vote a certain way.

Barriers

- There is a risk that the G16 itself is too disjointed to unite as one within the bloc to affect the change that the new coalition-type delegation would seek to accomplish.
- Given that the IOTC works on a two-thirds consensus, changing the status quo by giving G16 states more power would make it difficult to pass as CPCs such as the EU, China, and Japan reap the benefits from the current structure.
- This does not address the outstanding data collection and transparency issues, or the IOTC's overarching outdated structure under the FAO-UN complex.



Seychelles fishermen offload Yellowfin Tuna

Food and Agriculture Organization of the United Nations



Fishermen from the Maldives, a G16 Member, pole and line fishing

G16 - Group of IOTC Coastal States

3. Modernize the IOTC Treaty

The current IOTC Agreement as a treaty should be amended to address issues that were not anticipated at the time of its ratification in 1993 and implementation in 1996. This policy recommendation is based upon the Multilateral High-Level Conference (MHLC) of the Western and Central Pacific Fisheries Commission (WCPFC). One of the largest barriers to change in the IOTC is the fact that it is under the legal and administrative authority of the FAO. To combat this, an international conference could be held through the FAO to reform the budget and administrative elements it controls to make the IOTC processes more flexible and efficient. This would allow the IOTC to add Taiwan as a signatory to the IOTC Agreement without contradicting the UN stance on Taiwan's sovereignty, thus holding Taiwan accountable to sustainability measures of the IOTC. Taiwan could still hold 'expert' status within the IOTC; therefore, it would not be recognized as a country maintaining the status quo. However, Taiwan would sign an external agreement with the IOTC holding Taiwan accountable to data collection, transparency, and non-compliance measures that the standard CPC state must comply with.

Benefits

- Create long-term change in IOTC bureaucracy and administrative elements. This update accounts for modern problems that were not anticipated in the original treaty by the original signatories.
- With this modernization, the IOTC would be able to address topics such as bycatch mitigation, new data collection methods such as Electronic Monitoring Systems (EMS) and Vessel Monitoring Systems (VMS), FADs, and crew labor standards.
- IOTC could effectively hold Taiwan, one of the biggest long-line fishers in the Indian Ocean, accountable for their fishing activities in the Indian Ocean. This is something that the IOTC currently struggles with.
- Ultimately, the opportunity to revise the IOTC Agreement is a chance for CPCs to craft an agreement that accounts for other large scale challenges such as climate change and economic downturn.

Barriers

- Modernizing the IOTC treaty has been advocated in the past by countries such as the EU; however, developing countries did not support modernizing the structure of the FAO-UN matrix from which the IOTC is governed. This is because they receive crucial monetary benefits for their own sustainable development practices from the FAO and they do not want to risk losing that financial support.
- In regard to Taiwan, there would likely be backlash from China, causing them to block this action or at the very least exclude Taiwan from the equation, so as to not set a precedent of recognizing Taiwan as a sovereign by a UN suborganization.
- Updating the IOTC institutional structure would require permission, and likely guidance, from the FAO and UN which would slow down the process of approval and implementation. This can be remediated by working with Multilateral High-Level Conference of the Western and Central Pacific Fisheries Commission as they recently modernized their own treaty which has been highly successful in both sustainability goals and equity between countries.

Conclusion

It is imperative that the IOTC confront its systemic equity problems and respond to growing claims by outsiders of lack of sustainability in the Indian Ocean. Updating data collection and transparency standards, equalizing the voice of wealthy nations and developing coastal states, and modernizing the IOTC agreement to improve its efficiency would significantly improve the organization's capacity for adaptive, effective resource management.



Somali fishers bringing their catch back to shore

Food and Agriculture Organization of the United Nations