

Questionnaire for the Principle 3 information

Atlantic Ocean purse seine tuna FIP (GSK Marine S.A.)

Introduction

Following the meeting between Key Traceability, Capsen S.A., Grand Bleu S.A., GSK Marine S.A., and the Ministry of Fisheries, there is still outstanding information regarding the Principle 3 (Effective Management) requirements before the FIP can become certified by the Marine Stewardship Council (MSC). Please see the questionnaire below which requests specific information. The questionnaire is a simple request to find out if the ministry/management system has the required information.

More specific descriptions of the various actions and examples of these actions from other fisheries can be found below.

Questionnaire

Information request	Yes/no
3.1.1b – Dispute resolution mechanisms for national and international fishing	<input type="checkbox"/>
3.2.1a – Fishery-specific objectives	<input type="checkbox"/>
3.2.2b – Evidence of the fishery management system responding to serious issues	<input type="checkbox"/>
3.2.2e – Evidence of compliance to legal challenges in a timely manner	<input type="checkbox"/>
3.2.3b – Evidence that the fishery management system consistently applies sanctions where necessary	<input type="checkbox"/>
3.2.3d – Evidence of systematic non-compliance	<input type="checkbox"/>
3.2.4b - Internal and external reviews of the fisheries management system	<input type="checkbox"/>

Information needs

3.1.1 – Legal and Customary Framework

“The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require the use of the resource to be responsible and sustainable” – **Marine Stewardship Council**

b. Dispute resolution mechanisms for national and international fishing

The Fisheries management system should have a robust dispute resolution mechanism to ensure that any issues are dealt with in an appropriate manner, and through the relevant services, like judicial systems.

If there are dispute resolution mechanisms enshrined within the Liberian fisheries, these may be found in legislation, fisheries agreements, or the fishery management plan itself.

E.g., SG80 Sian Ka'an and Banco Chinchorro Biosphere Reserves Spiny Lobster (Certified 2012): An appropriate dispute resolution framework is provided through a full-scale judicial system. Sanctions by authorities for failures to comply with the law and its subsidiaries have to meet the requirements of the Federal Law of Administrative Procedure. The mechanism for the resolution of legal disputes is appropriate to the context of the fishery, and the assessment team was not aware of any legal disputes. Nevertheless the assessment team did not find evidence that the system has been tested and proven to be effective.

3.2.1 – Fishery-specific objectives

“Fishery-specific objectives provide direction for management measures or regulations and are designed around the overarching national, international or regional goals and/or policies set by governments for their fishery sector.” – **Marine Stewardship Council**

a. Objectives

This is to outline that the management system has a clear direction for management measures within the fishery that support the long-term objectives. This includes anything that directly relates to the Atlantic Ocean purse seine tuna FIP, including specific harvest control rules for bigeye, skipjack and yellowfin tuna, including Total Allowable Catch (TAC) limits, fishery closures, or stock assessments. These objectives should also cover Principle 2 requirements to ensure that non-target species, habitats and ecosystems are as protected as possible from fisheries, including the use of Marine Protected Areas or no fishing zones.

E.g., SG80 Ashtamudi Estuary short-necked clam (Certified 2014): The explicit long-term objective that guides decision-making is to maintain a yield from the stock that is consistent with estimates of its maximum sustainable yield. This is estimated to be approximately 50% of the standing stock and is currently set at 12,000t of clams per annum. This objective is transposed into the fishery's management system as a TAC based upon the most recent stock survey and implemented by the Village Clam Fishery Council. The objective of sustainable management of the fishery also sets the context for the established management policy for the fishery (the 30mm mesh size; ban on mechanical harvesting; maximum of 1,400 clams meats per kg; seasonal closure of the fishery). These HCRs serve to ensure that exploitation is limited and that a breeding stock of clams is maintained in the fishery.

3.2.2 – Decision-making processes

“The process by which decisions are informed and made, and against what criteria is therefore critical to the success of fisheries management in meeting its stated objectives.” – **Marine Stewardship Council**

b. Serious and important issues

The fishery management plan should outline how the serious and important issues that arise as a result of research, monitoring, or evaluations of the system are dealt with and if they are done so in a timely manner. This could be found in fisheries legislation, evidence of transcripts, impact assessments, or the fisheries management plan itself.

E.g., SG80 U.S. Atlantic spiny dogfish (Certified 2012): Issues identified are considered in the decision-making process and where needed, actions can be taken quickly, while in-season monitoring allows for changes in approach and related regulations. The process takes account of the consequences of decisions on management objectives for spiny dogfish on the ecosystem, and of the impacts on those who depend on the fishery for their livelihoods.

e. Approach to disputes

The fisheries management system should approach and deal with all disputes in a timely manner.

This action is linked to both the one above (3.2.2b) and the dispute resolution mechanism action (3.1.1b). Evidence for those two actions would suffice a pass for this action.

3.2.3 – Compliance and enforcement

“Assess whether the monitoring, control and surveillance (MCS) mechanisms are adequate to ensure the management and conservation measures in a fishery are enforced and complied with, and that illegal, unreported or unregulated (IUU) fishing is avoided/minimised.” – **Marine Stewardship Council**

b. Sanctions

The fishery management system should be able to provide evidence that in the case of an offence, or non-compliance to the fishery management policy, sanctions should be enforced and upheld. These sanctions should also be consistently applied to ensure that they provide an effective deterrence against future offences.

Evidence for these sanctions and requirements could be in actual court cases where the sanctions were applied, past records of offenders being sanctioned, and reviews (internal and external) about the monitoring, control, and surveillance mechanisms in place which enforce these sanctions.

E.g., SG80 Mexico Baja California pole and line yellowfin and skipjack tuna (Certified 2012): There are strong sanctions for non-compliance and it is considered that these provide effective deterrence; however given the status of the sector with low levels of activity it is not possible to conclude that these demonstrably provide effective deterrence.

d. Evidence of systematic non-compliance

As mentioned, this is a particular PI that is difficult to evidence, due to the need for absence of information. However, what could be shown is that the sanctions, retributions, or legal consequences are robust and efficient enough to act as a preventative measure to illegal activity and, therefore, lead to full compliance.

MSC reviewers will look, specifically, for any evidence of non-compliance across the entire fleet, including hosting meetings or interviews with relevant people.

E.g., SG80 Sian Ka’an and Banco Chinchorro Biosphere Reserves spiny lobster (Certified 2012): The cooperatives and the fishers that belong to them respect the authority, comply with law and assist with enforcement. Although some illegal fishing by non-cooperative fishers occurs there is no evidence of systematic non-compliance.

3.2.4 – Monitoring and management performance

“Transparent and accountable fisheries institutions and decision-making processes allow for ongoing internal and external evaluation that ensure effective and improving management performance.” – **Marine Stewardship Council**

b. Internal and/or external reviews

Both of these actions require that the fisheries management system undergoes regular internal and external review. The external review is essential in scoring the FIP an unconditional pass at MSC certification so is needed for this FIP.

E.g., SG80 Maldives pole & line skipjack tuna (Certified 2012): At the national level, **internal review** is permanent while **external review** by consultants is **occasional** although IOTC review is permanent. At the regional level there is permanent internal review. The recently conducted external review of IOTC allows the finding that this takes place occasionally therefore the external review at the national and regional level cannot be regarded as regular.