# Action 2.3.1 Review relevant national and international legislation to determine where ETP species have a potential overlap with the fishery

*A review of relevant national and international legislation was conducted to determine where ETP species have a potential overlap with the fishery, and as well as a review of the monitoring / control / surveillance system in place in the fishery (see tasks for supporting documentation).*

Assessment

International policy drafted by the FAO provides a framework through which regional and national institutions can use to support the sustainable management of ETP species that may interact with longline swordfish fisheries in the Eastern Pacific Ocean. However, no policy at the international level is enforceable by law but is voluntary.

At the regional level, IATTC have endorsed five, mandatory resolutions pertaining to the management of the longline swordfish fisheries, but there is no resolution or framework delineating enforcement measures or the penalties for the guidance. They are endorsed by the IATTC Member States and seek to develop best practices, based on scientific advice and the preservation of the fishery.

Concerning the two States, Panama and Vanuatu, both have numerous policies addressing the overlap between ETP and longline swordfish fisheries, including NPOA’s for turtles and sharks as mandated by the FAO and in turn by IATTC, yet only Vanuatu has a legally enforceable regulation.

Therefore, in the strictest use of the term ‘legislation’, there is very little legal material that can effectively enforce sustainable practices in the management of ETP species in swordfish longline fisheries in the Eastern Pacific Ocean.

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| International legislation for the protection of ETP species | | |
| Food and Agricultural Organisation | | |
| Title + Link | **Status** | **Summary** |
| [International Plan of Action for the Conservation and Management of Sharks](https://www.fao.org/ipoa-sharks/background/about-ipoa-sharks/en/) | Mandatory | The objective of the IPOA-SHARKS is to ensure the conservation and management of sharks and their long-term sustainable use. The term “sharks” is taken to include all species of sharks, skates, rays and chimaeras (Class Chondrichthyes). The IPOA-SHARKS applies to States in the waters of which sharks are caught by their own or foreign vessels and to States the vessels of which catch sharks on the high seas. |
| [International Plan of Action for reducing incidental catches of seabirds in longline fisheries](https://www.fao.org/fishery/ipoa-seabirds/about/en) | Mandatory | Seabirds are being incidentally caught in various commercial longline fisheries in the world, and concerns are arising about the impacts of this incidental catch. Key longline fisheries in which incidental catch of seabirds are known to occur are: tuna, swordfish and billfish in some particular parts of oceans. The objective of the IPOA-SEABIRDS is to reduce the incidental catch of seabirds in longline fisheries where this occurs. |
| Regional legislation for the protection of ETP species | | |
| The Inter-American Tropical Tuna Commission (IATTC) | | |
| Title + Link | **Status** | **Summary** |
| Resolution on Data Provision ([C-03-05](https://www.iattc.org/PDFFiles/Resolutions/IATTC/_English/C-03-05-Active_Provision%20of%20data.pdf)) | Mandatory | Policy obliges governments to take the necessary steps to ensure that all pertinent catch information is provided to the IATTC on an annual basis, for all of their vessels fishing for species under the purview of the Commission. |
| Consolidated Resolution on Bycatch ([C-04-05](https://www.iattc.org/PDFFiles/Resolutions/IATTC/_English/C-04-05-REV-2-Active_Consolidated%20bycatch%20resolution.pdf)) | Mandatory | * Encourages fishermen to develop and use techniques and equipment to facilitate the rapid and safe release of ETP species * Urge governments with vessels targeting species covered by the Convention to provide the required bycatch information as soon as possible. * Seeks to educate fishermen through information dissemination activities, including distributing informational materials and organizing seminars on, inter alia, reducing bycatches of sea turtles and safe handling of incidentally caught sea turtles to improve their survivability. |
| Resolution on the conservation of sharks caught in association with fisheries in the Eastern Pacific Ocean ([C-05-03](https://www.iattc.org/PDFFiles/Resolutions/IATTC/_English/C-05-03-Active_Sharks.pdf)) | Mandatory | Each Party and co-operating non-party, co-operating fishing entity or regional economic integration organization (collectively “CPCs”) should establish and implement a national plan of action for conservation and management of shark stocks, in accordance with the FAO International Plan of Action for the Conservation and Management of Sharks. |
| Resolution on the conservation of Oceanic Whitetip sharks caught in association with fisheries in the Antigua Convention area ([C-11-10](https://www.iattc.org/PDFFiles/Resolutions/IATTC/_English/C-11-10-Active_Conservation%20of%20Oceanic%20whitetip%20sharks.pdf)) | Mandatory | Members and Cooperating non-Members (CPCs) shall prohibit retaining onboard, transhipping, landing, storing, selling, or offering for sale any part or whole carcass of oceanic whitetip sharks in the fisheries covered by the Antigua Convention. |
| Resolution to mitigate the impact of seabirds on fishing for species covered by the IATTC ([C-11-02](https://www.iattc.org/PDFFiles/Resolutions/IATTC/_English/C-11-02-Active_Seabirds.pdf)) | Mandatory |  |
| National legislation for the protection of ETP species | | |
| Panama | | |
| Title + Link | **Status** | **Summary** |
| [Resolution Nº 13-ARAP](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC179399/) ─ Plan of Action for the Conservation and Management of Shark Fisheries. | Mandatory | The present Resolution adopts the Plan of Action for the Conservation and Management of Shark Fisheries, which responds to the warning call in which elasmobranch populations are currently found both nationally and internationally; a situation that is due to the lack of management that allows for sustainable fishing activity, as well as the recovery of populations that are being exploited without any control. The Action Plan aims to increase the shark resource, through its protection and sustainable use to ensure long-term industrial and artisanal fisheries, these provisions are applicable to all vessels that carry out directed or incidental shark fishing activities in the jurisdictional waters of the Republic of Panama, based on the provisions of Article 1 of Law No. 9 of 2006. |
| Resolution Nº 14-ARAP ─ National Action Plan for the Conservation and Management of Shark and Ray Fisheries in Panama, 2017. | Mandatory | This Resolution adapts the National Plan of Action for the Conservation and Management of Shark and Ray Fisheries in Panama - 2017, with the objective of protecting and guaranteeing the long-term sustainable use of these resources, to be reviewed every four years. It establishes that the provisions contained in the Action Plan are applicable to any vessel that carries out directed or incidental fishing activities on shark resources, or incidental fishing on skates and rays.  As in the first edition, the National Plan of Action (NPOA) responds to the alarming state of shark populations at the national level, due to a lack of management that allows for responsible fishing activities and the slow recovery of exploited populations, from which skates and rays are no exception.  The present update of the NPOA aims to ensure the long-term sustainability of shark and ray populations, through five objectives:   1. To promote and facilitate processes for the development of knowledge, research and monitoring of sharks and rays, their critical habitats and their fisheries, with the participation of technical personnel from the State and those present in academic and non-governmental organisations and from the productive sector itself, in order to achieve the conservation and adequate management of this resource. 2. Strengthen regulatory, planning and management capacity to guarantee the sustainable use and/or conservation of sharks and rays in Panama and their critical habitats; 3. Have a control and surveillance programme aimed at guaranteeing compliance with existing rules and regulations in order to reduce illegality; 4. To ensure that information on initiatives for the conservation and sustainable use of sharks and rays reaches the general public, with emphasis on the governmental and fisheries sector, through inter-institutional coordination and support from various sectors of society; 5. To achieve the necessary funding and institutional strengthening for the implementation of NPOA Sharks and Rays projects and activities. |
| [Decree No. 6-A](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC199635/) - Provisions to reduce the risk of injury and mortality of marine mammals associated with fishing. | Mandatory | This Decree establishes provisions to reduce the risk of injury and mortality of marine mammals associated with fishing, and to this end, the harassment, capture, hunting, injury, retention on board and/or unloading in port and killing of any species of marine mammals in the jurisdictional waters of the Republic of Panama is prohibited during the exercise of fishing activities. |
| [Decree No. 278](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC200486/) - Amends Decree No. 6-A, on provisions to reduce the risk of injury and mortality of marine mammals associated with fishing. | Mandatory | This Decree amends the Decree No. 6-A which makes provisions to reduce the risk of injury and mortality of marine mammals associated with fishing, with respect to the following specific prohibitions: (a) It is prohibited to discard rubbish at sea, such as lines, nets, gear and any other debris during fishing operations or any related activity; (b) It is prohibited to round up, chase, separate, interpose between females and their young, and use firearms, pyrotechnics, or otherwise, to scare away marine mammals during fishing operations. |
| [Resolution Nº 31](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC164990/) - National Action Plan for the Conservation of Sea Turtles in the Republic of Panama. | Mandatory | This Resolution approves the National Action Plan for the Conservation of Sea Turtles in the Republic of Panama. The purpose of the National Action Plan is to prioritize scientific and technical research actions on sea turtle species and their key habitats, monitoring activities, regional information exchange and sustainable management, as well as the generation of socio-economic income alternatives in coastal and island communities without undermining sea turtle populations. The general objective of the Action Plan is to establish strategic actions to conserve sea turtle populations and their habitats, carrying out institutional and community strengthening activities, developing species awareness programmes, and promoting research and sustainable development.  The National Action Plan will be implemented by the Ministry of the Environment through the Directorates of Coasts and Seas and Protected Areas and Wildlife, as the competent bodies in this area. In addition, other institutions, NGOs, community groups, companies and/or other actors with competence and interest in participating will be involved.  The specific objectives and guidelines of the National Action Plan are:   1. Strengthen the regulatory, financial and technical capacity of public institutions linked to the protection, conservation and research of sea turtles, with the participation of civil society; 2. Develop educational and awareness programmes for the general population on the protection, conservation and importance of sea turtles and their habitats; 3. Encourage and facilitate processes for the development of knowledge, research and monitoring of sea turtles and their habitats; 4. Contribute to the conservation and management of sea turtle populations and their habitats.   The National Action Plan consists of a diagnostic and a strategic component. The diagnostic component provides an overview of the current situation of sea turtles in Panama, prioritising the most endangered species and highlighting the most critical sites where the State should concentrate its efforts. The strategic component sets out the lines of action to be followed, identifying the relevant actors called upon to lead the processes and the estimated cost of each of the implementations to be promoted and consolidated. |
| National legislation for the protection of ETP species | | |
| Vanuatu | | |
| Title + Link | **Status** | **Summary** |
| [Vanuatu National Plan of Action on Sharks 2015 – 2018.](http://faolex.fao.org/docs/pdf/van182440.pdf) | Mandatory | This Plan is a national policy with a cross-sectoral approach. The timeframe of the Plan is 4 years between 2015 and 2018. The purposes of this Plan are (i) ensure conservation, management, development and sustainable use of oceanic sharks in Vanuatu waters, (ii) promote long-term biological sustainability and rational optimum and economic utilization of sharks in Vanuatu’s Tuna longline fishery, and (iii) prevent, avoid or minimize any potential adverse environmental and social impacts, effects or risks of fishing, other human activities and environmental factors on oceanic shark species. This Plan shall apply to all commercial fishing activities in Vanuatu waters, including those within six miles of the shore, and those waters around the islands of Matthew and Hunter, recognizing that the EEZ boundaries are not currently ratified; and all fishing vessels registered to and licensed by Vanuatu wherever they fish. The Plan exempts artisanal fishing vessels that fish particularly for subsistence use. |
| [Fisheries Regulations Order, 2009.](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC127934/)  [Fisheries Regulations (Amendment) Order 2013](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC149145/)  [Fisheries Regulations (Amendment) Order 2014](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC148868/) | Legally Enforceable | These Regulations, made under the Fisheries Act, provide for the conservation and regulation of fisheries in Vanuatu waters and the issue of licences and in authorized fishing areas, i.e. the Vanuatu Exclusive Economic Zone and certain areas covered by specified international conventions, e.g. the Convention on the Conservation of Antarctic Marine Living Resource (CCAMLR), the International Convention for the Conservation of Atlantic Tuna (ICCAT) and the Convention on the Conservation and Management of highly migratory fish stocks in the Western and Central Pacific Ocean (WCPFC). The Regulations also provide with respect to aquaculture and fish processing and standards for the export of fish.  The Regulations prescribe the procedures and form for the application for and the granting of a foreign fishing licence, for a locally based foreign fishing licence, for local fishing licences for a test, exploration and research licence and an international authorisation to fish certificate. The operator of the vessel must ensure that the International Authorization to Fish Certificate is on board at all times, while fishing in Vanuatu waters and outside of Vanuatu waters and must be produced at the request of an authorized officer. They also prescribe general licence conditions, which regard, among other things communication and report systems. The operator of a vessels must also ensure that the marine environment is not polluted. Other provisions concern a Vessel Monitoring System and observers. Any flagged vessels that are found to have committed serious violations of responsible Regional Tuna Fisheries Management Organization's Convention measures must cease to operate until all outstanding sanctions have been complied with. A Vanuatu flagged fishing vessel must not be issued with an authorization to fish certificate to fish in an authorized fishing area unless the operator complies with certain equipment requirements. |
| [National Policy for the Management of Vanuatu Tuna Fisheries.](https://www.fao.org/faolex/results/details/en/c/LEX-FAOC190632/) 2014. | Mandatory | This Plan shall apply to all highly migratory tuna and tuna-like species, and all other non-target, associated or dependent species taken in the course of fishing; fishing activities and methods; product development from tuna and other marine species; related activities; and areas covered for licensing and for management of flagged vessels. The main objectives of this Plan are:   1. sustainable use and management of tuna resources in Vanuatu waters; 2. long-term economic and social benefits to the people of Vanuatu through maximized harvest of tuna resources; 3. contribution to food security; 4. compliance with regional and international responsibilities under various tuna related treaties, conventions and agreements of which Vanuatu is a member or cooperating non-member.   Benefits arising from tuna fisheries will be distributed equitably among the people of Vanuatu in rural and urban areas. A data and research system will be developed to gather the information necessary to monitor and manage Vanuatu tuna fishing and fisheries. Moreover, a national fisheries information system will be established to provide all necessary tools and procedures for managing all Vanuatu licensed and/or flagged vessels fishing for tuna. The cooperation between all relevant national institutions will be strengthened for the effective management of tuna fisheries, such as an active Fisheries Management Advisory Council which is established pursuant to Part 3 Section 9 of the Fisheries Act of 2014. In order to develop a sustainable local tuna fishing industry, the Government shall take measures, including financial support to fishermen associations; support to rural fisheries markets; implementation of policies and legislation to facilitate fish processing, value-adding and exports in compliance with best practices and quality standards acceptable to potential markets; financial support for domestic tuna fishery development; and construction of small-scale surface longline fishing vessel. |