P3 Addendum to the Pre-assessment, Scoping Document and Workplan of Pacific Ocean tropical tuna - purse seine (US Pacific Tuna Group) fishery against the Marine Stewardship Council Fisheries Standard

Confidential Report
Version 1.0

Prepared by

by Tom Evans at Key Traceability Ltd.

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Key Traceability Ltd.
+44 7505 122728
info@keytraceability.com
England Registered Company 09730288
70 Londesborough Road, Portsmouth, PO4 0EX

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Glossary

Acronym	Definition
ACAP	Agreement on the Conservation of Albatrosses and Petrels
CoC	Chain of Custody
COPESCAALC	Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean
CPPS	Permanent Commission for the South Pacific
CPUE	Catch per Unit Effort
EEZ	Exclusive Economic Zone
FIP	Fishery Improvement Programme
IADCP	International Agreement on the Dolphin Conservation Program
IATTC	Inter-American Tropical Tuna Commission
IUU	Illegal, Unreported and Unregulated (fishing)
IWC	International Whaling Commission
MCS	Monitoring, Control and Surveillance
MSC	Marine Stewardship Council
NPOA	National Plan of Action
OLDEPESCA	Latin American Organization for Fisheries development
PI	Performance Indicator
RAA	The Aquaculture Network for the Americas
RFMO	Regional Fisheries Management Organisation
SPRFMO	South Pacific Regional Fisheries Management Organisation
TAC	Total Allowable Catch
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Fish Stocks Agreement
USPTG	United States Pacific Tuna Group
UoA	Unit of Assessment
UoC	Unit of Certification
VMS	Vessel Monitoring System

1. Addendum executive summary

This document presents the results of a P3 scope extension to the original pre-assessment against the Marine Stewardship Council (MSC) Fisheries Standard for sustainable fishing (Version 2.01). The fishery being assessed is the Pacific Ocean tropical tuna - purse seine (US Pacific Tuna Group) fishery. The US Pacific Tuna Group Purse Seine Fishery targets yellowfin (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*). The fishery operates using Fish Aggregation Devices (FADs), and seines are generally set on these FADs. Nets are also regularly set on free school tuna. The seven US flagged vessels in the USPTG fleet operate primarily in the WCPO and deliver the majority their catches directly to the StarKist Samoa tuna processing plant in Pago Pago, American Samoa. The vessel also uses Pago Pago, American Samoa as their home port. Some of the vessels seasonally operate in the ETP and deliver catches to canneries in Ecuador or Mexico.

The purse seine vessels fish within the Eastern Pacific Ocean within the IATTC Convention Area and EEZs of the US and the WCPFC commission area and EEZs of the United States (Jarvis, Baker Island, American Samoa) and PNA countries (Kiribati, Cook Islands, Tokelau, Tuvalu, Samoa, Fiji, Vanuatu, Solomon Islands, Nauru, Marshall Islands, Federated States of Micronesia, Papua New Guinea, and Palau).

The aim of the document is to give guidance on gaps against the MSC fisheries standard that could be improved by a Fisheries Improvement Project (FIP) in relation to the updated scope. The updated scope is including Ecuadorian and Nicaraguan management under Principle 3. This pre-assessment only considered publicly available data and no site visits or consultations with stakeholders were carried out. Data was collected from the RFMO and FAO website and other publicly available studies. Additional information was obtained from existing MSC assessments.

For Principle 3, the addendum to the pre-assessment considered Ecuador and Nicaragua. Nicaragua struggled regarding their scoring of their fishery specific management system which predicted a failure of three PIs. Ecuador fared better with a total of four PIs scoring unconditional passes with none scoring less than 60. The pre-assessment was carried out remotely, and an onsite visit may improve this scoring in the future.

In conclusion, there are several PIs in this assessment that would likely receive a fail (<60) or conditions on an MSC full assessment, and actions need to be taken to improve the scoring.

2. Report details

2.1. The MSC Fisheries Standard

There are three principles in the MSC standard:

Principle 1 – Sustainable fish stocks, target fish stocks must be kept at a sustainable level.
Principle 2 – Minimising environmental impacts, the fishery should be managed in a way that maintains the structure, productivity, function, and diversity of the fisheries ecosystem.
Principle 3 – Effective management, the fishery must have a responsive management system in place and management must meet all local, national, and international laws.

Fisheries assessed against the MSC Fisheries Standard are evaluated against 28 Performance Indicators (PIs) within the three principles. There are six performance indicators for Principle 1, split between two components, outcome (two PIs) and management (four PIs). Principle 2 has 15 performance indicators split into three components (outcome, management strategy, information) for primary species, secondary species, endangered threatened and protected species, habitats, and ecosystem. Principle 3 has seven performance indicators split between two components, governance, and policy (three PIs) and fishery specific management system (four PIs).

PIs are scored for the fishery based on the MSC specific scoring guidelines (SGs). For a fishery to be certified, the fishery must score a minimum of 60 against all 28 PIs and an average of 80 across each of the three principles. Performance indicators that score between 60 and 79 will be given a condition to achieve a score of 80 or above within a specific timeframe. After certification, the fishery will undergo annual audits and will be re-assessed every five years.

The purpose of this pre-assessment is to evaluate the status of the fishery in relation to the MSC Fisheries Standard and to identify deficiencies relating to the two new flag states, for further analysis please see the original preassessment. A pre-assessment cannot fully duplicate a full assessment against the MSC standard. A full assessment involves expert team members and public consultation stages that are not included in a pre-assessment. A pre-assessment provides a provisional assessment of a fishery based on a limited set of information provided by the client; its conclusions as to the outcome of a full assessment are always somewhat uncertain.

The following key constraints were identified which may influence the outcome of an eventual full assessment:

- No site visit was held for this pre-assessment because of the travel involved. Stakeholders were therefore not consulted.
- No data directly relating to the fishery was collected, this means that scoring has been by extrapolation, especially in relation to bycatch and ETP species under Principle 2.
- Traceability systems in place in the fisheries were not analysed, and it is recommended this is investigated prior to full assessment to ensure compliance with fishery assessment traceability requirements and ascertain whether separate Chain of Custody (CoC) certification at the vessel level will be needed.

3. Updated Units of Assessment

3.1. Units of Assessment

Note on MSC vocabulary: Unit of Certification (UoC) vs. Unit of Assessment (UoA)

The UoA is defined as consisting of the target stock(s), gear type(s), vessel type(s), and fishing fleets or groups of vessels, or individual fishing operators pursuing that stock, including any other eligible fishers that are outside the unit of certification.

The UoC is defined as consisting of the target stock(s), gear type(s), vessel type(s), and fishing fleets or groups of vessels, or individual fishing operators pursuing that stock including those client group members initially intended to be covered by the certificate.

In summary, the **UoA = UoC + any other eligible fishers identified at the start of assessment**.
For the purposes of this pre-assessment, **no other eligible fishers** were identified; **the UoA is therefore the same as the UoC.**

The fishery is within scope of the MSC Fisheries Standard. The report considers the following updated Units of Assessment as of December 2021:

Table 1 - Units of Assessment of the fishery

Item	UoA 1	UoA 2	UoA 3	UoA 4	UoA 5
Stock	Eastern Pacific Ocean skipjack tuna	Eastern Pacific Ocean yellowfin tuna	Western and Central Ocean Pacific skipjack tuna	Western and Central Ocean Pacific yellowfin tuna	Western and Central Ocean Pacific bigeye tuna
Geographical Area	Eastern Pacific Ocean within the IATTC Convention Area and EEZs of the US	Eastern Pacific Ocean within the IATTC Convention Area and EEZs of the US	WCPFC Convention Area and EEZs of the United States (Jarvis, Baker Island, American Samoa) and PNA member parties (Kiribati, Cook Islands, Tokelau, Tuvalu, Samoa, Fiji, Vanuatu, Solomon Islands, Nauru, Marshall Islands, Federated States of Micronesia, Papua New Guinea, and Palau)	WCPFC Convention Area and EEZs of the United States (Jarvis, Baker Island, American Samoa) and PNA member parties (Kiribati, Cook Islands, Tokelau, Tuvalu, Samoa, Fiji, Vanuatu, Solomon Islands, Nauru, Marshall Islands, Federated States of Micronesia, Papua New Guinea, and Palau)	WCPFC Convention Area and EEZs of the United States (Jarvis, Baker Island, American Samoa) and PNA member parties (Kiribati, Cook Islands, Tokelau, Tuvalu, Samoa, Fiji, Vanuatu, Solomon Islands, Nauru, Marshall Islands, Federated States of Micronesia, Papua New Guinea, and Palau)
Fishing gear type	Purse seine gear, all set types	Purse seine gear, all set types	Purse seine gear, all set types	Purse seine gear, all set types	Purse seine gear, all set types

Client group	US Pacific Tuna Group	US Pacific Tuna Group	US Pacific Tuna Group	US Pacific Tuna Group	US Pacific Tuna Group
Other eligible fishers	Vessels specified in ACDR	None at this time	None at this time	None at this time	None at this time

3.2. Version details

The report uses the MSC Fisheries Standard v2.01, the Fisheries Certification Process v2.2 and MSC pre-assessment reporting template v3.1. The default assessment tree was used without adjustments. The Risk-Based Framework (RBF) was not used.

The MSC decision rule for reaching the final recommendation is as follows:

- No PIs can score below 60.
- The aggregate score for each Principle, rounded to the nearest whole number, is 80 or above.

The aggregate score for each Principle is the sum of the weighted score of each PI within that Principle.

3.3. Fishery description

The US Pacific Tuna Group Purse Seine Fishery targets yellowfin (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*). The fishery operates using Fish Aggregation Devices (FADs), and seines are generally set on these FADs. Nets are also regularly set on free school tuna. The seven US flagged vessels in the USPTG fleet operate primarily in the WCPO and deliver the majority their catches directly to the StarKist Samoa tuna processing plant in Pago Pago, American Samoa. The vessel also use Pago Pago, American Samoa as their home port. Some of the vessels seasonally operate in the EPO and deliver catches to canneries in Ecuador or Mexico.

The purse seine vessels fish within the Eastern Pacific Ocean within the IATTC Convention Area and EEZs of the US and the WCPFC commission area and EEZs of the United States (Jarvis, Baker Island, American Samoa) and PNA countries (Kiribati, Cook Islands, Tokelau, Tuvalu, Samoa, Fiji, Vanuatu, Solomon Islands, Nauru, Marshall Islands, Federated States of Micronesia, Papua New Guinea, and Palau).

The fishery under assessment is within the scope of the MSC Fisheries Standard (7.4 of the MSC Certification Process v2.2):

- The target species is not an amphibian, reptile, bird, or mammal.
- The fishery does not use poisons or explosives.
- The fishery is not conducted under a controversial unilateral exemption to an international agreement.
- The client or client group does not include an entity that has been convicted for a forced or child labour violation in the last two years.
- The fishery has not been convicted for a shark finning violation in the last two years.
- The fishery has in place a mechanism for resolving disputes, and disputes do not overwhelm the fishery.
- The fishery is not an enhanced fishery as per the MSC FCP 7.4.2.12; and
- The fishery is not an introduced species-based fishery as per the MSC FCP 7.4.2.13

3.4. Principle 3 Addendum

3.4.1 Ecuador

Tuna is Ecuador's main industrial fishery. In 2014 Ecuador exported $ 2.9 billion USD of fish products, the second largest exporting country in Latin America after Chile. Fish and shrimps together account for 11% of all exports. In 2012, fishmeal exports earned some $ 116 million USD (Seafish, 2015).

Ecuador is a member of the following regional fishery bodies:

- Agreement on the Conservation of Albatrosses and Petrels (ACAP).
- Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean (COPESCAALC).
- Inter-American Tropical Tuna Commission (IATTC).
- International Whaling Commission (IWC).
- Latin American Organization for Fisheries development (OLDEPESCA).
- Permanent Commission for the South Pacific (CPPS).
- South Pacific Regional Fisheries Management Organisation (SPRFMO).
- The Aquaculture Network for the Americas (RAA).
- International Agreement on the Dolphin Conservation Program (IADCP).

The public fisheries and aquaculture sector is constituted by the:

- Ministry of Foreign Commerce, Industry, Fisheries and Competitivity, which is responsible for supporting the improvement of the quality of fisheries and aquaculture products throughout their productive cycle, including the capture, selection, processing, and marketing phases; this Ministry must also promote the sustainable development of fisheries and aquaculture.
- Under-secretary of Fisheries Resources, which was created by Legislative Decree No. 669 of 24 July 1972. This is the lead government agency for the fisheries and aquaculture sector, having a mandate for the enforcement of laws and regulations by the sector, the elaboration of developmental plans and programmes for the fisheries and aquaculture sector, and of coordination with the private sector. The Under-secretary of Fisheries Resources, draws its support from two institutions: the General Directorate of Fisheries, which is the national specialised agency in charge of directing and controlling fisheries and aquaculture as well as the industrialisation and marketing of their produce; and the National Fisheries Institute which is in charge of fisheries and aquaculture research and of monitoring the quality of fisheries products.

The Ecuadorian fisheries and aquaculture sector is regulated by the Law for Fisheries and Development, legislated by Decree 178 of 12 February 1974 and its Regulations, Agreements, Resolutions and Measures proceeding from competent agencies. Among the main Presidential Decrees issued is 496 for the regulation of shark capture and 093 that prohibits fishing activities directed at manta rays.

The regulation of the fishing sector is carried out through Executive Decrees issued from the Presidency of the Republic and Ministerial Agreements issued by the Minister of Agriculture, Livestock, Aquaculture and Fisheries (FAO, 2011).

The main issues confronting Ecuadorian fisheries are the need to: (a) upgrade and reinforce the legal and institutional framework for fisheries; (b) improve fisheries management (solutions to conflicts, regulations, monitoring, control and surveillance (MCS) and research); (c) establish adequate systems for extension and training of, and technology transfer to, small-scale fishers; (d) improve infrastructure for use by small-scale fishers; (e) promote social and economic development of fishing communities, including provision of credit; and (f) improve facilities for marketing of landings from small-scale fisheries (FAO, 2011).

Table 2 - Summary of Performance Indicator level scores of Ecuador

Performance Indicator	Draft scoring range	Data deficient?
3.1.1 – Legal and customary framework	**60-79**	**No**
Rationale or key points		
The public fisheries and aquaculture sector is constituted by: • Ministry of Foreign Commerce, Industry, Fisheries and Competitivity, which is responsible for supporting the improvement of the quality of fisheries and aquaculture products throughout their productive cycle, including the capture, selection, processing, and marketing phases; this Ministry must also promote the sustainable development of fisheries and aquaculture; and • Under-secretary of Fisheries Resources, which was created by Legislative Decree No. 669 of 24 July 1972 published in the Official Registry Number 13 of 1 August 1972. This is the lead government agency for the fisheries and aquaculture sector, having as mandate the enforcement of laws and regulations by the sector, the elaboration of developmental plans and programmes for the fisheries and aquaculture sector, and of coordination with the private sector. The Ecuadorian fisheries and aquaculture sector is regulated by the Law for Fisheries and Development, legislated by Decree 178 of 12 February 1974 and its Regulations, Agreements, Resolutions and Measures proceeding from competent agencies. The tuna fishery in Ecuador is managed within the IATTC framework. The Resolutions and Recommendations proposed by the IATTC for the conservation of tunas in the EPO are adopted by the Ecuadorian government. Initially, IATTC resolutions are translated into local regulations through Ministerial agreements issued by the undersecretariat for Fishery Resources of the Ministry of Agriculture, Livestock, Aquaculture and Fisheries (MAGAP). International agreements are complemented by the Fisheries and Fisheries Development Law, issued in 1974 and amended in 1985 by MAGAP. General fishery regulations of the Law were issued in July 2002 (Decree No. 3198). Ecuador has an effective legal system and the adoption of the IATTC framework is binding and is enforced. Executive Decree No. 636 of 11 January 2019 created the Vice-Ministries of Production and Industries, Export and Investment Promotion, and Aquaculture and Fisheries, with the Under-Secretary for Fisheries Resources (SRP) of the Vice-Ministry of Aquaculture and Fisheries being the highest authority in matters of fisheries management in the country. The SRP is responsible, among other things, for implementing and supervising the national fisheries policy, ensuring compliance with fisheries laws and regulations, drawing up fisheries development plans and programmes, coordinating the activities of the public and private sectors, managing the financial credit of fisheries, approving the reports and plans of companies in the fisheries sector and studies on the activity of the commissions, and managing the development of the fisheries sector. Ecuador's Fisheries and Fisheries Development Act (Codification No. 2005007) is the basic regulation for the planning and management of the activity. This law is articulated through its corresponding regulation, the last revision of which is dated February 2016. In accordance with the contents, this Law regulates the fishing		

activities of national and international vessels, establishing censuses of authorised vessels, fishers and the relevant permits and documentation necessary for vessels to fish within Ecuador's EEZ. In addition, the law establishes mechanisms for infractions and sanctions. Ecuador has implemented a satellite monitoring system, which includes an important fraction of the country's fishing vessels, including industrial fleets such as purse seiners, longliners and mother ships. This system is responsible for monitoring, in real time, the situation and possible infractions of the vessels.

However, the Ecuadorian legal framework has been considered outdated by the European Union, which has granted the country the so-called Yellow Card, having found that the country's regulations and procedures for combating IUU fishing do not comply with international and regional standards applicable to the conservation and management of fisheries resources. This warning also considers that there is an obsolete legal framework that does not guarantee that the system of sanctions is dissuasive for those who commit infractions.

This shows that there is an effective and organised legal system in place, therefore, scoring SG(a)80.

The Fisheries Law and its regulations establish the infringements and the sanctioning procedure in case of non-compliance, but do not specify a specific dispute resolution mechanism. There are elements of the management system that are used for the discussion and search for solutions to conflicts and disputes in Ecuador. The National Fisheries Development Council has, among its tasks, to establish and guide the country's fisheries policy. In addition, it participates in the approval of plans and programmes for the development of fishing and the annual evaluation of the results in order to allow the authorities to make the necessary changes. Ecuadorian citizens have access to the judicial system to address issues that cannot be dealt with through the specific system and can initiate proceedings against decisions taken by the fisheries administration scoring SG(b)60. To score more, the fishery must be able to demonstrate that it is transparent and effective in addressing most issues arising from the management system.

The management system has mechanisms to fulfil the explicit or traditional legal rights of people dependent on fisheries for their food or livelihood in accordance with the objectives of MSC Principles 1 and 2. However, it cannot be considered as a mechanism that formally commits the parties and therefore would not achieve the SG100. Ecuador has a set of laws and regulations to manage fishing resources in a way that guarantees access for fishermen to exercise the activity within a clear and accessible framework. These regulations (Fisheries Act and Regulations) consider the rights of fishermen. Thus, Articles 1.2 and 1.3 establish the characteristics of artisanal fishing and the fishermen who carry it out. Artisanal fishing has an exclusive fishing area of 8 miles and the law establishes special mechanisms for the promotion of this fishing activity. The Government of Ecuador has implemented National Plans of Action for the main fisheries, such as tuna, and which have as a common basis, to establish specific and clear tools for all the elements of these fisheries through the implementation of new regulations. The specific Advisory Council for the Resource can, among other tasks, advise the administration on the formulation of strategies and policies that strengthen the management, sustainable use, production, and competitiveness of the production chain of the tuna resource**.**

3.1.2 – Consultation, roles, and responsibilities	**≥80**	**No**

Rationale or key points

The organisations that participate in the consultation process are the fishing associations (ATUNEC, CNP, CEIPA), the fishery authority (SRP), and national scientists. Through a series of formal and informal mechanisms (i.e., emails, phone calls, official letters, bilateral meetings), actions of SRP taken at the national level are coordinated with IATTC.

According to SRP all roles and responsibilities of organisations and individuals who are involved in the management process are clearly defined and understood by all relevant parties, particularly at the national level. Through the Fisheries Management Regulations (ROPs) and the National Action Plans (NAPs), the rules

of fisheries management are established for the main fisheries in the country. Therefore, this SI met the SG(a)80.

The Ecuadorian fisheries management system includes consultation mechanisms with the different stakeholders of the fishery. The National Fisheries Development Council are consultation mechanisms where the Administration and the industry can discuss the situation of the fisheries and make proposals for changes in the management processes. Ecuador, as a member of the IATTC, maintains with the tuna fishing sector a constant exchange of information that allows them to have coordinated responses and a joint strategy for meetings and decision-making in the IATTC meeting achieving SG(b)80.

The existing consultation processes in Ecuador do not have the same specific weight depending on the fishery. In the case of the tuna purse-seine fishery, given that it is the country's main fishing industry, there is a level of participation of the different interested parties in the management processes and there are better developed consultation processes between the Administration and the industry than in the case of other fisheries. In addition, in general, the Ecuadorian fisheries administration maintains informal consultation processes with the sector to address specific issues arising from special situations that may occur in the fisheries. For Ecuador, this SG(c) met SG80, but not SG(c)100.

3.1.3 – Long term objectives	**≥80**	**No**

Rationale or key points

The Fisheries and Fisheries Development Law (1974), amendment (Reforming Law, 1985) and Regulations (2002) have long term objectives dealing with capture fisheries, aquaculture, processing, and trade. The objectives of the National Fisheries Institute (INP) are to provide scientific advice to the fishery-aquaculture sector, to achieve sustainable management of aquatic resources and conservation of ecosystems, and to ensure the quality of fishery and aquaculture products.

The main objective of the regulation establishing seasonal/area closures for tuna (2008) is conservation and management of the resource, to guarantee the long-term sustainability of tuna populations and other marine resources associated with tuna fisheries in the EPO. To achieve this objective, seasonal area closures, excluder devices for small fish, and FAD regulations for tunas have been implemented. No specific measures are implemented for Ecuador's longline industrial tuna fleet, although this is a minor component of the IATTC and Ecuadorian fleets targeting tunas.

According to the SRP, the fishing objectives for the bigeye, yellowfin and albacore management are defined in IATTC resolutions and subsequent ministerial agreements, establishing management and conservation measures (seasons and/or closures). The latest conservation measures from October 2013 (Ministerial Agreement 174) reinforce the management objectives for target species and include considerations for bycatch and ETPs. This agreement does not include measures for the industrial longline tuna fishery. Considering the above, it is considered that Ecuador has management tools that allow for the establishment of long-term objectives to meet at least SG(a)80

3.2.1 – Fishery-specific objectives	**60-79**	**Yes**

Rationale or key points

The Ecuador Tuna National Action Plan sets out several strategic lines, which include reducing bycatch; improving environmental impact monitoring and management systems; strengthening the national traceability system; developing environmental education programmes; outreach and communication; promoting scientific

research; and institutional reinforcement, to better respond to any threats that may affect such a crucial sector for the country's economy.

This action is also part of the national government's efforts to adequately respond to the yellow card warning issued at the end of last year by the European Union regarding fish exports and return to a positive status. This meets SG(a)60 but further evidence of implementation and evidence of short- and long-term objectives is required to increase the score.

3.2.2 – Decision-making processes	**60 – 79**	**Yes**

Rationale or key points

At the national level, decision-making processes are led by the Undersecretary of Fishery Resources (SRP), through the National Council for Fisheries Development. This Council is responsible for the development of the national fisheries policy, the approval of the fisheries development plans and programmes, and the annual assessment of the results in order to allow authorities to make necessary changes. The SRP acts as the chairman of this council and other members are: The Foreign Relationship Ministry, Ministry of Environment, Ministry of Economy, Naval Authority, and a representative of the fishing industry. Ecuador's management system is increasingly based on scientific knowledge of fishery resources. However, despite the existence of a scientific body (INP) in charge of advising the SRP, it does not have enough technical and economic capacity to fulfil this role effectively, although an effort is being made to improve this situation. The SRP itself carries out its own technical-scientific research, based on data from the landing control and observer program, with the objective of improving knowledge of the fisheries and acting based on this. The catch control system is effective, through the observers on board and the inspectors at the landing points, which provides the necessary information for better decision making. The IATTC uses information that is published when making decisions and are always upheld from a consensus, meeting 80 for SIa.

The decision-making system can respond to serious problems that may arise in the fishery and have been identified through research, activity monitoring, evaluation, or consultation with stakeholders. In recent years many actions have been implemented to improve the situation of the fishery and to give it a management framework that allows decisions to be taken based on better scientific knowledge and with more agile and adaptive tools for each situation of the fishery. However, there are no elements to identify that the system is prepared to adapt effectively and quickly to important changes that could appear in any of the components of the fishery therefore meeting SG(b)60.

Under the IATTC, ETP species training is provided to captains operating within their waters and disputes are resolved during annual meetings. All decision-making resolutions are disclosed to members of the IATTC, and a consensus is required to resolve disputes. For example, in the 2020 Interamerican commission of tropical tuna, pledged to continue the conservation management measures into 2021, as well as managing the improvements of fish aggregating devices (FADs) using the precautionary approach. On the other hand, Ecuadorian law does not consider the precautionary approach in decision making. The SRP has made a notable effort in obtaining and analysing information regarding this fishery, however, it is not a scientific entity that can provide sufficiently robust management advice. This SI does not meet SG(c)80.

The IATTC publishes all annual fishery reports on their website, providing transparency around the effectiveness of the management within the fishery. Information on the fishery's performance and management action is available on request, and explanations are provided for any actions or lack of action associated with findings and relevant recommendations emerging from research, monitoring, evaluation, and review activity meeting SG(d)80.

Fishing in Ecuador is one of the main economic and social activities of the country. Therefore, the Fisheries Administration is permanently working on improving access to resources within a framework of sustainability and with greater participation of the fisheries sector, scientists, and civil society. The publication, implementation, and revision of National Plans of Action for certain fisheries and species respond to this dynamic. However, not all fisheries have published Action Plans yet. This policy has led to a good harmony, in general, between the national fishing sector and the fishing administration and it is not usual for legal disputes to occur that result in judicial decisions against the management system and must be implemented immediately. SI(e) meets SG80.

3.2.3 – Compliance and enforcement	**60 – 79**	**Yes**

Rationale or key points

Ecuador has a satellite monitoring system (VMS) aimed at industrial fishing vessels and mother-liners that must install it and keep it operational regardless of gross registered tonnage (GRT). The system installed must comply with the technical and operational specifications issued by the National Directorate of Aquatic Spaces (DIRNEA), which is part of the National Maritime Authority. DIRNEA also guarantees the inviolability and confidentiality of the data transmitted by each vessel. Fishing boats cannot carry out fishing operations without having installed and operating satellite monitoring device. The information is analysed in real time by both DIRNEA, and the Undersecretary of Fisheries Resources through the Fisheries Satellite Monitoring Centre located in the facilities of this organisation in the port of San Mateo. The boats emit a signal with the system every hour. There is also a system of land-based control of vessel landings by inspectors from the Undersecretariat of Fisheries Resources. At each landing point there are inspectors who check the catch and whether it conforms to the declaration made by the captain or owner of the vessel. If there is an irregularity, sanction procedures are initiated, and the catches are seized. There is a total of 167 inspectors at national level. Landing control coverage at authorised points is 100%. Fishing control is coordinated from the Directorate of Control of Fishing Resources belonging to the Undersecretary of Fishing Resources. Its mission is to control fishing management through the systematic and permanent evaluation of compliance with the laws, regulations, standards, fishing, and environmental policies in force. This administrative body is represented by the Director of Control of Fishing Resources. There is a NATIONAL FISHERIES CONTROL PLAN where all the processes and control mechanisms are gathered. The SRP and DIRNEA carry out some inspections at sea, but their vessels are small and usually cannot go further than 6 – 8 miles, so they do not reach larger vessels such as mother ships. The navy collaborates sporadically in the control of fishing inspection activities because its effort is mainly dedicated to controlling and fighting against drug trafficking. The infringements detected are collected in a database and have specific protocols for action and analysts who develop the evidence to subsequently impose the required sanctions in accordance with the existing legal framework.

Despite this, the European Union has given Ecuador a warning, in the form of a Yellow Card, in September 2019. This notice is since, according to the EU, the current legal framework is outdated and does not comply with international and regional standards applicable to the conservation and management of fisheries resources. Furthermore, the implementation of the law is hampered by this outdated legal framework, ineffective administrative procedures, and lenient treatment of violations. As a result, the system of sanctions is neither depriving offenders of the benefits derived from IUU fishing nor is it dissuasive. It considers that there are serious shortcomings in terms of control, especially in the tuna fishing and processing industries, undermining the reliability of the traceability system on which the certification of the legality of catches is based. Ecuador is in the process of approving a new Fisheries Law that would provide solutions to existing problems, but it has not yet been approved and therefore implemented. Therefore, this only meets SG(a)60.

Articles No 64 et seq. of the Fisheries Act define the causes of the infringements and the various penalties depending on the seriousness of the infringements. Thus, there are fines; temporary suspension of the benefits

they enjoy; suppression of such benefits; confiscation of the fishing; and imprisonment. According to the seriousness of the offence, one or more of the penalties indicated will be applied. According to the information provided, most of the sanctions are due to failure of satellite devices. Since there is an inspection on land at the time of landing, the number of infringements is very low, however, there is no effective control at sea so there is no information on infringements during the extractive activity and therefore no record of sanctions. According to information from the Undersecretariat of Fisheries Resources in 2018, 1800 files were opened for irregularities related to fishing activity, of which 40% reached a fine. However, the yellow card imposed by the European Union has as one of the main arguments for its application, that the administrative processes derived from the infringements are ineffective and lenient and as a result, the system of sanctions is not depriving the offenders of the benefits derived from IUU fishing nor is it dissuasive. The proposed Fishing Law currently being debated in Ecuador will modify the legal framework related to infractions and sanctions, but this law has not yet been approved meeting SG(b)60 but not more.

According to the information provided by the National Directorate of Fishery Control of the Undersecretariat of Fishery Resources, there are no serious problems of infractions in this fishery. The satellite monitoring system is effective and serious infringements are hardly recorded; However, small vessels (fibres) do not have satellite monitoring. In addition, checks at sea are carried out onboard small boats, in the first 6 – 8 miles of the coast and not where the mother ships fish. In addition, there is an observer programme for the longline fleet of the Undersecretariat of Fisheries Resources that provides relevant information that is used as a basis for the stock assessments. Although its coverage does not cover 100% of the activity. This element met SG(c)80, but not SG(c)100.

There is no evidence of systematic non-compliance by both artisanal and industrial fishers in this fishery. The number of sanctions is low, and they are not considered as serious faults that imply economic sanctions to the fishers. Most of them do not involve the immobilisation of the vessel which would be the most serious misconduct. However, the yellow card imposed by the European Union has as one of the main arguments for its application, that the administrative processes derived from the infringements are ineffective and lenient and as a result, the system of sanctions is not depriving the offenders of the benefits derived from IUU fishing nor is it dissuasive. In addition, the lack of control over activity at sea does not ensure that control is effective in determining that systematic non-compliance exists. Therefore, this element does not meet the SG(d)80.

3.2.4 – Management performance evaluation	**≥80**	No

Rationale or key points

In Ecuador, the National Fisheries Development Council oversees assessing the performance of the management system. In March 2010, SRP created a Technical Committee to address all local, national, and international management issues. However, due to recent changes in the SRP's administrative structure, it is not clear whether this Commission has been active in reviewing and monitoring management performance on a regular basis. The IATTC hosts regular meetings to discuss and evaluate the various management systems implemented across the fisheries. Ecuador is a committed member of the IATTC and frequents all the meetings held, providing evidence to support their management systems. Ecuador participates in several research projects with the IATTC, but the National Fisheries Institute (INP) has limited resources and personnel to carry out tuna research independently. Therefore, the INP is currently not monitoring the tuna purse seine fishery directly, although since 1985 it has collected and organised information on yellowfin, skipjack, and bigeye caught by artisanal fleets and commercial, through INP log records and observer data onboard the IATTC.

Through the Advisory Council established under this Plan, new management mechanisms or modifications to existing ones are proposed and discussed, and subsequently implemented through the publication of new

rules. This includes a procedure for its periodic evaluation every 5 years. Currently, this process is being carried out including all parts of the specific management system of the fishery and meets SG(a)100.

The IATTC are subject to regular internal reviews, which are then published once complete. There was one external review regarding the IATTC dolphin conservation programme (Adams, 2016), but no others could be located during an online search. The Ecuador advisory council contemplates that it should be externally evaluated every five years. In 2013, a mid-term evaluation was carried out to determine its degree of implementation and effectiveness. The final evaluation of the first implementation period should have been carried out in 2015, however, this evaluation is currently underway. These processes are participatory with all the actors of the fishery involved including scientists, the country's fishery administration, fishermen and civil society. This process is carried out by contracting an external consultancy for this purpose. Therefore, if it is considered that there is a regular internal review. On the other hand, there is no regular mechanism in place for external review of the fisheries management framework. However, occasionally, the main elements of management related to the status of the stock are discussed between scientists from Ecuador scoring SG(b)80.

3.4.2 - Nicaragua

Nicaragua is one of the richest countries in Central America in terms of fishery resources. The fishing tradition in the Pacific has focused on the fishing of products with scales and in the Caribbean, in the fishing of shrimp and lobster and, to a lesser extent, in fish such as snapper, sea bass, groupers, eels, among others.

Total catches in 2017 were estimated at around 51,000 metric tonnes, reaching and exceeding 50,000 tonnes reported in 2014 after the fall recorded in 2015 (FAO, 2018a). Nicaragua is a member of the following regional fishery bodies:

- Comisión de Pesca para el Atlántico Centro-Occidental (COPACO).
- Central America Fisheries and Aquaculture Organisation (OSPESCA).
- Commission for Small-Scale and Artisanal Fisheries and Aquaculture of Latin America and the Caribbean (COPPESAALC).
- Inter-American Tropical Tuna Commission (IATTC).
- International Commission for the Conservation of Atlantic Tunas (ICCAT).
- International Whaling Commission (IWC).
- Latin American Organisation for Fisheries development (OLDEPESCA).
- The Aquaculture Network for the Americas (RAA).
- International Agreement on the Dolphin Conservation Program (IADCP).

The Nicaraguan Institute of Fisheries and Aquaculture (INPESCA) was created in January 2007 as an independent organisation under the direct control of the President of the Republic, reorganising the previous National Administration of Fisheries and Aquaculture (ADPESCA). INPESCA has five general technical directorates, five regional offices and five administrative offices.

Since May 2000, Nicaragua is part of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The country has not ratified the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels Fishing on the High Seas, nor the United Nations Agreement on Fish Populations of 1995 (FAO, 2018a).

Table 3 - Summary of Performance Indicator level scores of Nicaragua

Performance Indicator	Draft scoring range	Data deficient?
3.1.1 – Legal and customary framework	**≥80**	**No**
Rationale or key points		
Nicaragua is a member nation of the regional Fisheries and Aquaculture Integration Policy for the Central American Isthmus (SICA/OSPESCA 2005), whose policy explicitly subscribes to the United Nations Convention on the Law of the Seas, the United Nations High Seas Fishing Agreement for Highly Migratory Species and to the FAO Code of Conduct for Responsible Fishing. According to the Fisheries and Aquaculture Law No. 489 of Nicaragua, published in December 2004, the Ministry of Industry and Commerce (MIFIC) is responsible for managing the use and exploitation of fishery resources and is the competent authority to enforce the law and regulations. Since 2007, the Nicaraguan Fisheries and Aquaculture Institute (INPESCA) (former Fisheries Administration, ADPESCA) and the Directorate General of Natural Resources (DGRN) are in charge of regulation		

and management of the national fisheries. There is also a multisectoral consulting body, the National Commission for Fisheries and Aquaculture (CONAPESCA).

The current legal framework of the fisheries sector in Nicaragua includes (FAO 2006, Barnutti 2006):

- Law No. 489, Fisheries and Aquaculture Law (published in December 2004).
- Regulations of the Law No. 489, Law on Fisheries and Aquaculture. Establishes the regulations to Law No. 489 (published in 2005).
- Nicaraguan Mandatory Technical Standard for Gears and Fishing Methods (NTON 03045-03). Establishes the technical specifications for the gears and methods used in the extraction of fishery resources.
- Act No. 453, Act for Fiscal Equity. Establishes fees for fishing rights.
- Law 290. Organisation and Procedures of the Executive Branch. Sets the structure and functions of institutions within the executive branch.
- Decree 40-2005, Special Provisions for the Tuna Fisheries and Associated Highly Migratory Species. Establishes regulations, procedures, sanctions and fees for tuna and highly migratory fisheries.
- Ministerial Agreements. Are issued according to the type of regulation needed at a given time.

To perform its functions, MIFIC coordinates activities with other government entities: the Navy, the National Police, MARENA, the Directorate General of Aquatic Transportation of the Ministry of Transportation and Infrastructure, Municipal Governments, Councils and Autonomous Regional Governments of the Atlantic, among others (Ehrhardt 2006). A review of the legal framework of the Nicaraguan fisheries management system indicates that it is generally consistent with local, national, and international laws and standards that are aimed at achieving sustainable fisheries in accordance with MSC Principles 1 and 2 meeting SG(a)80.

The fisheries law and regulations incorporate a transparent mechanism for the resolution of legal disputes. The legal process and sanctions for violations to the law are also clearly laid out and updated periodically via the governmental website. The government agencies have clearly defined roles to resolve disputes and deal with legal issues at the local and federal level and are considered to be effective and appropriate to the context of the fishery meeting SG(b)80.

The law contains special provisions for artisanal fisheries to observe the legal rights of people dependent on fishing for food or livelihood. Currently, the Nicaraguan government and international organisations are finding economic alternatives for the fishers in the diving sector that will be displaced from the lobster fishery when the law to ban this activity goes into effect. This demonstrates a score of SG(c)80.

The legal framework in Nicaragua has clear objectives, rules, and regulations, and is continuously updated through a careful review process. It meets all the SG80 standards and thus receives a pass score level.

3.1.2 – Consultation, roles, and responsibilities	**≥80**	**No**

Rationale or key points

The roles of all government agencies and stakeholder groups involved in the fishery management process in Nicaragua are clearly defined (FAO 2006):

- MIFIC is responsible for managing the use and exploitation of fishery resources and is the competent authority to implement law and regulations through INPESCA and DGRN.
- The DGRN is responsible for planning and developing policies for the use of the State's natural resources: mining, fisheries, aquaculture, and forests.

- INPESCA is responsible for three areas: research, promotion, and monitoring, control and surveillance of fisheries and aquaculture activities.
- CONAPESCA plays the most important role in fisheries management in Nicaragua; it provides the forum for the participation of all interested parties and provides advice for the fisheries policy. Specific functions include providing recommendations to improve the fisheries and aquaculture policy, supervise the elaboration of Global Annual Quotas (CGAC), manage the fishing licences, recommend scientific research programs, review closed season proposals issued by MARENA and recommend closures, and recommend measures to protect and conserve marine ecosystems.

Fishery regulations in Nicaragua are currently developed by the DGRN/MIFIC with technical contributions from INPESCA. The initiatives for new regulations are agreed upon by DGRN, INPESCA and the fishing industry (integrated into CONAPESCA in the new Fisheries Law). The agencies and individuals involved in the management process are clearly identified, and their roles and responsibilities are explicitly defined and understood (Barnutti 2006, FAO 2006) meeting SG(a)80.

The management system includes regular consultation processes with representatives from all sectors and interest groups, including fishing communities, industry, research institutions, NGOs, and local and federal government agencies. Local knowledge, traditions, and needs are addressed in the process. All parties can participate in stakeholder meetings and be involved in the consultation process meeting SG(b)80. The only problem may be that the industrial fishery, represented by CAPENIC, is a powerful interest group whose voice may have more weight in the decision-making process due to economic interests (SC 2010) which provides opportunity but requires more to score SG(c)100.

3.1.3 – Long term objectives	**≥80**	**No**

Rationale or key points

At the national level, the main objective of the fisheries policy of Nicaragua, based on Law 489, is the sustainable use of fisheries and aquaculture resources through maintaining the environmental quality of the ecosystems that support them. Specific objectives include conservation and sustainable development of aquatic resources; optimising the use of traditional fishing by promoting the diversification of non-traditional fisheries and aquaculture activities; promoting exports to generate income and employment opportunities and maintaining and promoting environmental quality and ecosystem health. The main objective of the fisheries management policy is to ensure the quality, diversity, and availability of fishery resources in "sufficient quantity for present and future generations, in a sustainable development context" (La Gaceta 2004, Ehrhardt 2004).

The management system has clear long-term objectives that are consistent with MSC Principles and Criteria and incorporate the precautionary approach. They are explicit within the national and regional management policy and guide the decision-making process and achieve SG(a)80.

3.2.1 – Fishery-specific objectives	**<60**	**Yes**

Rationale or key points

This pre-assessment was conducted remotely, and a literature was completed online. This scoring may well be improved if a site visit was conducted, however in the absence of information, SG60 cannot be awarded.

3.2.2 – Decision-making processes	**<60**	**Yes**

Rationale or key points

The process to issue Ministerial Agreements follows a complex flow of information across different fishery management agencies. All issues and initiatives to reform or create new regulations or technical proposals are agreed upon by DGRN and the fishing industry (represented in CONAPESCA), with technical contributions from the Research Directorate (CIPA) of INPESCA. Technical proposals are sent to the DGRN/MIFIC that elaborates draft Ministerial Agreements, which are forwarded to the Regional Autonomous Councils of the Atlantic. After receiving their comments, DGRN sends the draft proposal to CONAPESCA, where it is discussed and analysed by all the interested parties. Once the consultation process is completed, DGRN sends the resolution to MIFIC, where the Minister issues Ministerial Agreements. These are published in the Official Gazette and sent to INPESCA for implementation by the Directorate of Monitoring, Surveillance and Control. The Fisheries Inspectors are in charge of implementing the regulation (Ehrhardt 2004, Barnutti 2006). This meets SG60 for SI a and b.

This decision-making process uses the precautionary approach at various stages, and it is timely, adaptive, and results in measures and strategies to achieve the fishery-specific objectives. Results from the consultation process are published online for all stakeholders to understand the recommendations emerging from research, monitoring, evaluation, and review activities (Ehrhardt 2004, 2006, Barnutti 2006) achieving SG(c)80.

Information is available generally upon request from the Ministry, however, there is no further proof that more information is available, therefore only scoring SG(d)60.

No knowledge regarding the approach to disputes is available however, and this fails to score SG(e)60.

3.2.3 – Compliance and enforcement	**<60**	**Yes**

Rationale or key points

The authority responsible for monitoring, control and surveillance of all fishing and aquaculture activities in Nicaragua is MIFIC, through the Directorate of Monitoring and Control (DMVC) of INPESCA, in coordination with MARENA and the Autonomous Regional Councils in the case of the autonomous regions. The inspection system is supported by the Naval Force, the National Police, the Customs Directorate, Municipalities, and other state institutions. There is good collaboration among these government entities, and inspectors and enforcement agents are well-trained, however neither INPESCA nor the Naval Force have adequate means of transportation or infrastructure to survey all the fishing areas around the country. There are currently 25 inspectors from INPESCA that operate in collaboration with personnel from the Municipalities (La Gaceta 2004, FAO 2007b, SC 2010).

The source of most of the problems outlined above is generalised poverty and lack of economic alternatives in Nicaragua. Also, the lack of financial resources and personnel within the government limits the capacity for adequate implementation of the monitoring, control, and surveillance (MCS) system.

Thus, the MCS system in Nicaragua is overall weak because there are very limited resources to ensure compliance with regulations, even if the Fisheries Law establishes clear sanctions to different violations. The main problems include the inability of the government and the industry to control excess capacity and overcapitalisation of the fishery, to control fishing, observer coverage (required) in the longline fishery is low (5%) and IUU fishing in general. The use of VMS will strengthen the surveillance and monitoring capacity in the region. Due to these problems, this indicator would fail the fishery and has meant we are not able to accurately score all Sis.

3.2.4 – Management performance evaluation	**60 – 79**	**Yes**

Rationale or key points

In Nicaragua, the National Institute of Fisheries and Aquaculture (INPESCA) and the Fisheries and Aquaculture Research Centre (CIPA) of INPESCA are the government agencies in charge of conducting research, oriented to address the information needs of management. In coordination with MARENA and consultation with CONAPESCA, INPESCA elaborates the research plans for each fishery. The activities stipulated in the fishery research plan that apply to the lobster fishery are:

- A permanent inventory of aquatic resources, their classification, distribution and abundance.
- Assessment of fishery resources of commercial interest to propose management measures such as permanent closures, fishing seasons, fishing gears, etc.
- Collection, storage, processing, and annual publication of biostatistical information from national fisheries and aquaculture activities.
- Calculation of biologically acceptable catch as the basis to develop the technical proposal for the Annual Global Catch Quota for fisheries under limited access and the calculation of number of vessels that can be authorised to operate.
- Research, validation and development of new fishing and aquaculture techniques designed to diversify and promote the sustainable use of aquatic resources.
- Participation in the preparation of proposals for technical rules and regulations.
- Collection of data and information derived from fishing activities, such as catch, effort, fleet inventory, business capacity, costs, and prices.
- Calculation of the cumulative percentage of Global Annual Catch Quotas and publication through electronic media.

While there are limited personnel at CIPA to perform all these activities, there are researchers specialised in stock assessment that are able to apply sophisticated analytical methods. Frequently, fishery and aquaculture research activities are supported by academic institutions and universities in Nicaragua: Centro de Investigación de Ecosistemas Acuáticos (CIDEA), Universidad Centroamericana; Centro de Investigación de los Recursos Acuáticos (CIRA), Universidad Nacional Autónoma de Nicaragua; Ave Maria College; Escuela de Biología, Universidad Nacional Autónoma de Nicaragua Sede León; Bluefields Indian and Caribbean University (BICU); Universidad de las Regiones Autónomas de la Costa Caribe de Nicaragua (URACCAN) (FAO 2006). Therefore, the fishery has mechanisms in place to evaluate some of the management system scoring SG(a)60

Nicaragua also receives technical and financial assistance from different bilateral agencies and regional and international organisations that support the development of sustainable fisheries in Central America. Currently the main donors are Spain, Japan, Norway, Denmark, and funding agencies include OSPESCA, FIINPESCA, FAO, PASMA/DANIDA, USAID. These funds have helped to expand the fisheries research programs, conduct training courses to build local capacity, provide incentives for artisanal fishers, modernise the research, carry out reviews and monitoring technology (e.g., VMS).

Regional and international cooperation is helping Nicaragua to enhance fisheries research, improve data collection and monitoring programmes and build homogeneous regional databases, which will help to better address the information needs of management (Ehrhardt 2004; OSPESCA 2005; Barnutti 2006; FAO 2007). The research programme is believed to address management needs for P1 and P3, but the ecological impacts of the fishery (P2 issues) must also be considered in future research plans. Also, no evidence was available to assess whether research results are disseminated to all interested parties in a timely fashion. There is evidence for occasional internal reviews but nothing more only scoring SG(b)60.

4. Recommendations and scoping

This section is provided to highlight to the client fishery what may be necessary prior to, or during the full assessment, which has not been covered by this pre-assessment. It seeks to prepare the client for further information requests and full assessment site visit activities and relates only to Panama PIs.

Regarding all PIs, it will be necessary for the client fishery to provide full catch data (all species), directly from the fishery itself and also via a request to the relevant national management authorities who process fishery logbooks. This provides the fishery with third-party, verifiable data to cross-check against the fisheries. It is important that this information is by set type to fully understand fishery impacts on the two distinct operation methods. It will also be necessary to ask the flag states' management authorities to request aggregated observer data for the fleets. This provides the third-party data on bycatch and ETP species' interactions which are necessary to score PIs in Principle 2. Ideally this information would be split by area of operation to make for a more accurate P2 assessment. Other data that may be requested include instructions to captains, particularly in reference to marine pollution policies and ETP species handling, VMS data for the fleet, (via management authorities), fleet records of ETP species interactions, and traceability information. A note on sharks, compliance records/incidences of shark finning from observer reports or sanctions/penalties imposed on client vessels will need to be considered here in order to score shark finning scoring issues. This has not been covered by this pre-assessment due to the lack of fishery-specific data.

With regard to stakeholder involvement in FIP and the full assessment, it will be necessary to engage with the national management bodies in the coastal states in which the fisheries operate to bolster Principle 3 and ensure a smooth assessment process. This is necessary for a full understanding of the management structures and implementation of relevant RFMO Resolutions and national management regulations. Also expect a certain amount of interest from NGO groups. This is not necessarily a negative, as they may have research/studies that may be useful for the assessment, but also, they may have concerns regarding the assessment. Sometimes this is due to further public pressure but also due to unfamiliarity with the MSC assessment process. Where possible the client fisheries should look to engage with these groups prior to announcement, during the preparation of the Announcement Comment Draft Report (ACDR). Further details of the full assessment process can be found on the MSC website.

It is also necessary prior to full assessment to conduct a review of the traceability systems in operation in these fisheries. Information was not provided in this pre-assessment, and it will be necessary to understand how catch from different UoAs are handled. A crucial part of the traceability assessment is that there is a system in place to demonstrate appropriate records are available tracing the path of the fishery products back to the UoAs. Particular points to consider are the point of intended change of ownership for the product, separation systems in place, potential for mixing of certified and non-certified product and whether separate chain of custody certification will be needed prior to the change of ownership (CoC will always be required following the first change of ownership).

Full assessment typically takes around 12 months from start to finish, so the more comprehensive the data collection, the more streamlined the assessment timeline. Please note that delays may occur to

the assessment timeline if significant stakeholder comments or objections to the certification of the fishery are received.

5. Workplan

Based on the assessment, scoping document, and participant input, the fishery improvement project has developed this workplan addendum with activities that will help it correct the deficiencies necessary to achieve its objectives. This addresses all the gaps between fishery performance and the MSC Standard identified in the pre-assessment.

This workplan includes:

- FIP coordination to run the FIP by carrying out the actions listed below. Further to these actions, there are necessary FIP coordination tasks that need to be arranged such as hosting steering group and stakeholder meetings, updating FisheryProgress.org and supporting action implementation.
- Objectives - We recommend objectives focus on a time frame of five years (or less). Objectives will address all the fishery's environmental challenges necessary to achieve a level of sustainability consistent with an unconditional pass of the MSC standard. We also recommend all fishery improvement projects work toward including traceability and addressing social issues as part of their objectives.
- A list of actions - Actions are major activities that must be completed to address the deficiencies identified in the pre-assessment. The workplan also includes tasks, which break actions down into specific steps that describe how the action will be accomplished.
- Responsible parties - Organisations/people responsible for completing each action.
- Timeframes - An estimate of the timeframe needed to complete each action and/or task.
- An associated budget which estimates the main costs for the FIP.

5.1. Principle 3 workplan addendum

Action Number and Name	**3.1 Legal and customary framework for Ecuador**
Action Goal	To have a strong legal and customary framework for Ecuador in place.
Action Description	This IPG has two actions associated with it. Information could not be found during the pre-assessment to evidence meeting SG80 for both SIb and SIc for PI 3.1.1. This could be a product of the remote pre-assessment that was conducted, which led to precautionary scoring against the MSC Fisheries Standard.
Expected Completion Date	December 2024
Priority	Medium
Estimated Cost	Year 3: $ 5,000USD Year 4: $ 5,000USD Year 5: $ 2,500USD
Responsible Parties	National management bodies.
MSC PI Addressed by the Action	3.1.1

Tasks/ Milestones	Responsible (lead)	Responsible (supporting role)	Starting date	Estimated completion date	Evidence of completion / results
3.1a: Conduct a review of the fishery dispute mechanisms of Ecuador with input from relevant stakeholders and produce a report of findings. Any new information found will be used to update this workplan, as necessary.	FIP coordinator/ FIP consultant	Ministry, fishery	January 2022	January 2023	

3.1b: Conduct a review of customary fishery rights of Ecuador with input from relevant stakeholders and produce a report of findings. Any new information found will be used to update this workplan, as necessary.	FIP coordinator/ FIP consultant	Ministry, fishery	November 2022	November 2023	
3.1c: Hold regular stakeholder meetings to develop dispute mechanism where absent. Minutes should be kept of each meeting, topics discussed, outcomes and appropriate timelines for implementation.	Ministries/FIP consultant/ fishery	FIP coordinator, NGOs	May 2023	December 2024	
3.1d: Hold regular stakeholder meetings to develop a mechanism to integrate and observe customary rights into the management system where absent. Minutes should be kept of each meeting, topics discussed, outcomes and appropriate timelines for implementation.	Ministries/FIP consultant/ fishery	FIP coordinator, NGOs	November 2023	December 2024	
3.1e: Ensure appropriate transparent and effective dispute resolution is enshrined in legislation	FIP coordinator		June 2024	December 2024	
3.1f: Ensure appropriate dispute resolution and respect for rights is enshrined in legislation	FIP coordinator		June 2024	December 2024	

Action Number and Name	**3.2 Fishery-specific objectives for Ecuador and Nicaragua**
Action Goal	Have short- and long-term fishery specific objectives that are demonstrably consistent with achieving the outcomes expressed by MSC's P1 and P2 and are explicit within the fishery specific management system.
Action Description	At both the international and national level, the management objectives apply to all tuna species, therefore, there are no specific fishery objectives for yellowfin tuna, mahi-mahi, or swordfish in the EPO, and Ecuadorian waters.
Expected Completion Date	December 2024
Priority	High
Estimated Cost	Year 3: $ 10,000USD Year 4: $ 10,000USD Year 5: $ 5,000USD
Responsible Parties	FIP coordinator, FIP participants and the national management bodies.
MSC PI Addressed by the Action	3.2.1

Tasks/ Milestones	Responsible (lead)	Responsible (supporting role)	Starting date	Expected completion date	Evidence of completion / results
3.2a: Conduct a review of fishery-specific objectives of Ecuador and Nicaragua with input from relevant stakeholders and produce a report of findings. Any new information found will be used to update this workplan, as necessary.	FIP coordinator/ FIP consultant	Ministry, fishery	January 2022	November 2022	
3.2b: Hold regular stakeholder meetings to develop fishery-specific objectives where absent. Minutes should be kept of each meeting, topics discussed,	Ministries/FIP consultant/ fishery	FIP co-ordinator, NGOs	March 2022	December 2024	

outcomes and appropriate timelines for implementation.					
3.2c: Ensure appropriate transparent and effective fishery-specific objectives is enshrined in legislation through the development, agreement, and implementation of a fishery-specific management plan.	FIP coordinator	Ministry	June 2024	December 2024	
3.2d: Periodically review the appropriateness of objectives to ensure that they are achieving the management aims.	FIP coordinator		June 2024	December 2024	

Action Number and Name	**3.3 Decision-making processes for Ecuador and Nicaragua**
Action Goal	To fully understand the Ecuadorian and Nicaraguan decision-making processes to show that it is an established, adaptive process that considers the precautionary approach and is wholly transparent.
Action Description	The decision-making process within the IATTC is highly participatory and each member state can vote in all decisions and rulings. However, the conservation measures are often not up to par with the recommendations made by scientific staff and may not include explanations of their actions. In Ecuador, however, it is unclear whether decision-making is a participatory process. The action potentially covers four scoring issues from PI 3.2.2. This could be a product of the remote pre-assessment that was conducted, which led to precautionary scoring against the MSC Fisheries Standard.
Expected Completion Date	December 2024
Priority	High
Estimated Cost	Year 3: $ 10,000USD Year 4: $ 10,000USD Year 5: $ 2,000USD
Responsible Parties	FIP coordinator, national management bodies.
MSC PI Addressed by the Action	3.2.2

Tasks/ Milestones	Responsible (lead)	Responsible (supporting role)	Starting date	Expected completion date	Evidence of completion / results
3.3a: Conduct review of the decision-making processes in Ecuador and Nicaragua to fully understand gaps identified in pre-assessment. The reviews should include:	FIP coordinator/ FIP consultant		January 2022	May 2023	

1. Is the process transparent, timely & evidence-based? 2. Does the decision-making processes respond to serious and other important issues identified in relevant research, monitoring, evaluation, and consultation? 3. Does it include the precautionary approach and use of best science available? 4. Input from management authorities and other relevant stakeholders. 5. If there are/have been any legal challenges and how these have been addressed by the management system and/or fishery. A report should be produced for relevant and interested stakeholders and should detail the findings and identify the gaps.					
3.3b: Define decision-making processes in the management plan. The process shall include, if necessary, how will evidence be: 1. Included (from research, monitoring, evaluation, and consultation). 2. Stakeholders be consulted. 3. Utilised from best-available information to ensure the precautionary approach. 4. Outcomes be communicated (information should be made available on request and explanations are provided for any actions or lack of action associated with findings and relevant recommendations emerging from	Ministries/ FIP consultant/ fishery	FIP co-ordinator, NGOs	May 2022	November 2024	

research, monitoring evaluation and review activity). 5. Process for addressing legal challenges if necessary. 6. Precautionary approach in management plan.					
3.3c: Hold consultations with relevant stakeholders to incorporate above into decision-making processes. Multiple consultations may need to be held.	Ministries/ FIP consultant/ fishery	FIP co-ordinator, NGOs	November 2022	December 2024	
3.3d: Implement the decision-making process, ensuring stakeholder are consulted and informed (for example via email, website, formal report etc.) best-available information (from RFMOs, research etc.) and the precautionary approach are included.	Ministries/ FIP consultant/ fishery	FIP co-ordinator, NGOs	November 2023	December 2024	
3.3e: Review the efficacy of the decision-making process.	Ministries/ FIP consultant/ fishery	FIP co-ordinator, NGOs	June 2024	December 2024	

Action Number and Name	**3.4 Compliance and enforcement for Ecuador and Nicaragua**
Action Goal	Have sufficient evidence to conclude that sanctions are consistently applied and provide an effective deterrence.
Action Description	There is little information at the national level on compliance within the two longline fleets, although there is no evidence of systematic non-compliance. There is also illegal fishing at the international level; information on international infractions is registered by the IATTC.
Expected Completion Date	December 2024
Priority	Medium
Estimated Cost	Year 3: $ 10,000USD. Year 4: $ 10,000USD Year 5: $ 7,500USD
Responsible Parties	National management bodies.
MSC PI Addressed by the Action	3.2.3

Tasks/ Milestones	Responsible (lead)	Responsible (supporting role)	Starting date	Expected completion date	Evidence of completion / results
3.4a: Review MCS systems in place in the fisheries. This should include: 1. MCS plans and strategies. 2. Information on MCS mechanisms in place (VMS, logbooks, landed catch documentation etc.). 3. Interviews with enforcement personnel.	FIP coordinator/ FIP consultant	Fishery	January 2022	May 2023	

4. Records of previous infringements, penalties, sanctions and/or court proceedings. 5. Any previous reviews or evaluations of MCS systems. A report should be produced for relevant and interested stakeholders and should detail the findings and identify the gaps.					
3.4b: Develop plan to combat the gaps identified in the national MCS systems based on findings of report in.	Ministries/ FIP consultant/ fishery	FIP co-ordinator, NGOs	May 2022	May 2023	
3.4c: Hold consultations with relevant stakeholders to discuss implementation and potential adjustments to plan. Meeting minutes should be produced after each consultation to allow topics, actions, opinions, difficulties, and progress to be recorded and monitored for all affect parties.	Ministries/ FIP consultant/ fishery	FIP co-ordinator, NGOs	November 2022	December 2024	
3.4d: Implement finalised plan where necessary, allocating the necessary resources to ensure successful employment of improved MCS system.	Ministries/ FIP consultant/ fishery	FIP coordinator, NGOs	November 2023	December 2024	
3.4e: Review effectiveness of MCS system implemented and adjust where necessary. A report should be produced and supplied to stakeholders and consultations re-opened if necessary.	Ministries/ FIP consultant/ fishery	FIP coordinator, NGOs	June 2024	December 2024	

Action Number and Name	**3.5 Monitoring and management performance evaluation for Nicaragua**
Action Goal	The fishery-specific management systems of Nicaragua are subject to regular external review.
Action Description	The IATTC is subject to periodic internal reviews. In 2016, the first external audit was carried out and marked the beginning of formal monitoring of the management system. However, there is no regular external review procedure. It Is unknown if regular and ongoing reviews have been maintained for local and national topics related to longline fisheries management.
Expected Completion Date	December 2024
Priority	Medium
Estimated Cost	Year 3: $ 5,000USD Year 4: $ 5,000USD Year 5: $ 2,000USD
Responsible Parties	National management bodies.
MSC PI Addressed by the Action	3.2.4

Tasks/ Milestones	Responsible (lead)	Responsible (supporting role)	Starting date	Estimated completion date	Evidence of completion / results
3.5a: Review fishery-specific management processes currently in place. Ascertain whether these systems are subject to external review, the format, the areas already reviewed (tuna management plan, performance, decision-making, MCS, compliance to RFMO/international regulations etc.) and the frequency to which these occur.	FIP coordinator/ FIP consultant		January 2022	May 2023	

A report will be produced for relevant and interested stakeholders and should detail the findings and identify the gaps.					
3.5b: Develop plan to combat the gaps identified in the national fishery-specific systems based on findings of report.	Ministries/ FIP consultant/ fishery	Other national bodies/ agencies, FIP coordinator	May 2022	November 2022	
3.5c: Hold consultations with relevant stakeholders to discuss implementation and potential adjustments to plan. Meeting minutes should be produced after each consultation to allow topics, actions, opinions, difficulties, and progress to be recorded and monitored for all affect parties.	Ministries/ FIP consultant/ fishery	Other national bodies/ agencies, FIP coordinator	November 2022	December 2024	
3.5d: Implement finalised plan with binding commitment and requirements to undertake reviews where necessary, allocating the necessary resources to ensure regular external reviews from relevant bodies.	Ministries/ FIP consultant/ fishery	Other national bodies/ agencies, FIP coordinator	November 2023	December 2024	
3.5e: Review effectiveness of review system implemented and adjust where necessary. A report should be produced and supplied to stakeholders and consultations re-opened if necessary.	Ministries/ FIP consultant/ fishery	Other national bodies/ agencies, FIP coordinator	June 2024	December 2024	

5.3. Actions by priority

Table 4 - High priority actions for the Pacific Ocean tropical tuna - purse seine (US Pacific Tuna Group)

Action Number and Name		Priority	PI addressed
3.2	Fishery specific objectives for Ecuador and Nicaragua	High	3.2.1
3.3	Decision-making processes for Ecuador and Nicaragua	High	3.2.2
3.4	Compliance and enforcement for Ecuador and Nicaragua	High	3.2.3

Table 5 – Medium priority actions for the Eastern Pacific Longline Large Pelagic FIP (Martec)

Action Number and Name		Priority	PI addressed
3.1	Legal and customary framework for Ecuador	Medium	3.1.1
3.5	Monitoring and management performance evaluation for Nicaragua	Medium	3.2.4

5.4. Estimated Budget

The below table lays out the estimated budget as suggested in this workplan. Assumptions were made and this budget is inclusive of possible costs, note electronic monitoring is not included and would be a separate budget stream.

Table 6 - Budget for the scope extension Pacific Ocean tropical tuna - purse seine (US Pacific Tuna Group)[1]

Action number and name		Year 3 ($USD)	Year 4 ($USD)	Year 5 ($USD)	Total (US$)
FIP Coordination		10,000	10,000	10,000	**30,000**
3.1	Legal and customary framework for Ecuador	5,000	5,000	2,500	**12,500**
3.2	Fishery specific objectives for Ecuador and Nicaragua	10,000	10,000	5,000	**25,000**
3.3	Decision-making Processes for Ecuador and Nicaragua	10,000	10,000	5,000	**25,000**
3.4	Compliance and enforcement for Ecuador and Nicaragua	10,000	10,000	7,500	**27,500**
3.4	Monitoring and management performance evaluation for Nicaragua	5,000	5,000	2,000	**12,000**
Total ($USD)		**50,000**	**50,000**	**32,000**	**132,000**

[1] *No expenses are included in this budget.*

6. References

Acuerdo Ministerial N.º 023 de 14 de febrero de 2011 mediante el cual se establece el Plan de Acción Nacional para la Conservación y Manejo del Recurso Dorado de Ecuador

IATTC. 2017, January 1. Tunas, billfishes and other pelagic species in the eastern Pacific Ocean in 2016. Fishery Status Report No. 15. http://www.iattc.org/PDFFiles/FisheryStatusReports/_English/No-15-2017_Tunas,%20billfishes%20and%20other%20pelagic%20species%20in%20the%20eastern%20Pacific%20Ocean%20in%202016.pdf

IATTC, 2021. Report on the Tuna Fishery, Stocks, and Ecosystem in the Eastern Pacific Ocean in 2020, s.l.: Inter-American Tropical Tuna Commission.

ISC Albacore Working Group. 2011. Stock assessment of albacore tuna in the North Pacific Ocean in 2011. Scientific Committee Seventh Regular Session, Pohnpei, Federated States of Micronesia, 9-17, August 2011. WCPFC-SC7-2011/SA-WP-10SC-7-SA-WP-10__NP_albacore_assessment_.pdf

Medley, P. A. H., Gascoigne, J. & Scarcella, G., 2021. An Evaluation of the Sustainability of Global Tuna Stocks Relative to Marine Stewardship Council Criteria: Principles 1 and 3, Washington D.C.: International Seafood Sustainability Foundation.

Medley, P. A. H. & Powers, J. E., 2015. An Evaluation of the Sustainability of Global Tuna Stocks Relative to Marine Stewardship Council Criteria, Washington D.C., USA: International Seafood Sustainability Foundation.

Morgan, S. et al., 2016. The North-eastern Tropical Pacific Purse Seine Yellowfin and Skipjack Tuna Fishery, USA: SCS Global Services.

PLAN DE ACCION NACIONAL PARA PREVENIR, DESALENTAR Y ELIMINAR LA PESCA ILEGAL NO DECLARADA Y NO REGLAMENTADA (PAN PESCA INDNR- Ec) Ministerio de Agricultura, Ganadería, Acuacultura y Pesca - Viceministerio de Acuacultura y Pesca
Plan de acción nacional para conservación y manejo de Tiburones de Ecuador. 44 pp.

REGLAMENTO A LA LEY DE PESCA Y DESARROLLO PESQUERO. Decreto Ejecutivo 3198. Registro Oficial 690 de 24-oct.-2002. Ultima modificación: 19-feb.-2016

7. Appendices

7.1. Assessment information

Small-scale fisheries

No small-scale fisheries were identified for any of the UoAs listed in this pre-assessment.

7.2. Evaluation processes and techniques

Site visits

A site visit was not conducted for this pre-assessment.

Recommendations for stakeholder participation in full assessment

Stakeholders were not conducted for this site visit. However, for the full assessment it will be important to engage with the following groups of stakeholders:

- Overlapping fisheries (certified and in assessment).
- Overlapping Fishery Improvement Projects (FIPs).
- NGOs with an interest in the fishery.
- Regional Fisheries Management Organisations.
- National management authorities for which the fisheries may operate.

7.3. Harmonised fishery assessments

Harmonisation will be required in the case of this fishery. It should be noted that by the time this fishery is ready for MSC full certification, more fisheries may well have become MSC-certified. Table 7 below lists the overlapping fisheries at the time of this report being written.

There are no north pacific swordfish stock or Ecuadorian fisheries within the MSC programme, only two south pacific stocks and one withdrawn Panama fishery. These are:

Table 7 – Overlapping fisheries with this updated assessment.

Fishery name	Certification status and date	PIs to harmonise
Mexico Pacific swordfish - longline	FIP	P1
Costa Rica large pelagics - longline and green stick	FIP	P1
Panama Tropical Pacific Yellowfin & Skipjack Purse Seine Tuna Fishery	Withdrawn	P3

7.4. Table of scores for each updated MSC PI

Table 4 - Principle 3 list of Scoring for the Pacific Ocean tropical tuna - purse seine (US Pacific Tuna Group)

Principle 3 – Effective Management			Nicaragua	Ecuador
Governance and Policy	3.1.1	Legal and Customary Framework		
	3.1.2	Consultation, Roles & Responsibilities		
	3.1.3	Long Term Objectives		
Fishery Specific Management System	3.2.1	Fishery Specific Objectives		
	3.2.2	Decision Making Process		
	3.2.3	Compliance and Enforcement		
	3.2.4	Management Performance Evaluation		

Key

Pass without conditions	
Pass with conditions	
Fail	

N/A – Not Applicable