

NTER-AMERICAN TROPICAL TUNA COMMISSION
**COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF
MEASURES ADOPTED BY THE COMMISSION**

9th MEETING

**San Diego, California, EEUU
21-22 August 2018**

**DOCUMENT COR-09-02
IATTC IUU VESSEL LIST**

IATTC Resolution [C-15-01](#), which amended and replaced IATTC Resolution C-05-07, requires the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated (IUU) fishing activities in the eastern Pacific Ocean (EPO), based on information collected by Members and Cooperating Non-Members (CPCs) and from any other relevant sources.

In addition to describing in detail the procedure for compiling the List, Resolution C-15-01 also establishes, *inter alia*, that:

1. The Committee for the Review of the Implementation of Measures Adopted by the Commission (Review Committee) shall each year examine the provisional IATTC IUU Vessel List, as well as the information that supports the inclusion, and shall remove a vessel from the provisional IATTC IUU Vessel List if the vessel's flag State demonstrates that:
 - a. The vessel did not engage in any of the IUU fishing activities described in paragraph 3 of Resolution C-15-01, or
 - b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity.
2. Following the examination referred to in the above paragraph, the Review Committee shall recommend that the Commission approve the provisional IATTC IUU Vessel List, as amended by the Review Committee.

As notified by the Director to the CPCs (memorandum ref. 0286-410 dated 25 June 2018) (Appendix A) and as of the date of preparation of this document, five vessels were proposed by Peru for inclusion in the IUU List and, therefore, included in the draft IUU list.

The resolution C-15-01 states in its paragraph 8 that the CPC "... *shall transmit, at the latest 30 days before the Annual Meeting, their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing for species covered by the IATTC Convention in the EPO*". Accordingly, Ecuador sent two letters with comments to demonstrate that the inclusion of the five vessels under their flag in the draft INN list was not appropriate or justified. These letters were circulated with my memorandum 304-410 dated July 6 (Appendix B).

It should also be recalled also that Fiji submitted a letter to the Director to reiterate their request for removal of the vessel *Xin Shi Ji 16* from the current IUU list. That letter, with the additional information that it contains, was circulated with my memorandum 0285-410 dated 25 June 2018 (Appendix C).

As to the vessels which are already on the current IUU Vessel List, they will remain on that list until the Commission decides otherwise.

Appendix A

COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION

8901 La Jolla Shores Drive, La Jolla CA 92037-1509, USA – www.iattc.org
Tel: (858) 546-7100 – Fax: (858) 546-7133 – Director: Guillermo Compeán

26 June 2018
Ref.: 0286-410

To: Commissioners

cc.: Bolivia, Chile, Honduras, Indonesia, Liberia

From: Guillermo Compeán, Director



Re: Draft IATTC IUU List 2018-2019

Through my memorandum ref. 0142-410 dated April 13, 2018, I reminded you that, in accordance with Resolution C-15-01 on establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean, each CPC should provide information on vessels presumed to be carrying out IUU fishing activities in the Convention Area of the past two years, in the format attached as Annex A of the Resolution (“*LATTC Reporting Form for IUU Activity*”) which was attached to my 13 April memorandum. I reminded you that this information had to be provided to the Director no later than June 14, 2018.

Within that period, I have received from Peru information on the activities of 5 Ecuadorian flagged vessels: *Gloria A, Rafa A, Don Alvaro, Yelisava y Rossana L* (this one presented last year and re-sent again) with a request that they be included in the draft IUU list.

In this regard, IATTC Resolution C-15-01 on *establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean*) states in its paragraph 6 that:

“... the Director shall draw up a draft LATTC IUU Vessel List, together with the current IUU list, and shall transmit it, together with all the supporting evidence provided, to all CPCs, as well as to non-Members with vessels on the List, 55 days before the Annual Meeting. The Director shall ask each CPC and non-CPC with vessels on the Draft IUU Vessel List to notify the owners of the vessels of their inclusion in the list and of the consequences of the vessels being included in the LATTC IUU list”.

As indicated in that paragraph, the purpose of this memorandum is to transmit to you the draft IUU Vessel List (2018-2019) (identical to the current IUU Vessel list, but with the inclusion of the mentioned 5 vessels), together with the formats required by the respective resolution and sent by Peru.

In accordance with paragraph 8 of Resolution C- 15-01, the next step in the process will be the transmission by CPCs and non-Members with vessels on the List, at the latest 30 days before the Annual Meeting, of *“their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of LATTC conservation and management measures nor had the possibility of fishing for species covered by the LATTC Convention in the EPO.”* Based on this information, in accordance with paragraph 10 of resolution C- 15 -01, the Director shall draw up a provisional IATTC IUU Vessel List, and transmit it.

Appendix a) Draft IUU List (identical to the current IUU Vessel list, but with the inclusion of the 5 vessels in yellow)

	IATTC Vessel number	Name	Gear	Flag
*	1471	Don Alvaro	PS	ECU
	3742	Gloria A	PS	ECU
	3031	Rafa A	PS	ECU
	3979	Rossana L	PS	ECU
	3874	Yelisava	PS	ECU
1	15579	Xin Shi Ji 16	LL	FJI
2	14613	Neptune	LL	GEO
3	12290	Bhaskara No. 10	LL	UNK
4	12291	Bhaskara No. 9	LL	UNK
5	9407	Camelot	LL	UNK
6	125	Chia Hao No. 66	LL	UNK
7	6163	Dragon III	LL	UNK
8	6591	Goidau Ruey No. 1	LL	UNK
9	9505	Jyi Lih 88	LL	UNK
10	11369	Orca	LL	UNK
11	95	Reymar 6	LL	UNK
12	9405	Ta Fu 1	LL	UNK
13	13568	Tching Ye No. 6	LL	UNK
14	129	Wen Teng No. 688	LL	UNK

Flag	Description
UNK	Unknown
GEO	Georgia
FJI	Fiji

Gear	Description
LL	Long line
PS	Purse Seine

Appendix b) Documentation sent by Peru

Gloria A

Pursuant to paragraphs 4 of IATTC Resolution [C-15-01] to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, attached are details of alleged IUU activity.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item		Available Information
a	Name of vessel and previous names (if any)	Gloria A, previous name Pisces
b	Flag and previous flags (if any)	Ecuador, previous flag: EEUU
c	Owner and previous owners, including beneficial owner (if any)	Negocios Industriales Real NIRSA SA
d	Owner's place of registration	
e	Operator and previous operators	
f	Call sign and previous call signs (if any)	HC2396
g	IMO number (if any)	7011632
h	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier	IATTC number: 3742 Ecuadorian register no. P-00-00743
i	Length overall	45.72
j	Photographs	One photo (attached)
k	Date first included on the IATTC IUU list (if applicable)	
l	Date of alleged IUU fishing activities	12/22/2017
m	Position of alleged IUU fishing activities	15° 26' 57" S, 75° 48' 10" W
n	Summary of alleged IUU activities (see also section B)	The vessel Gloria A was intervened by the General Direction of Captaincies and Coast Guard (DICAPI) of the Peruvian Navy the General Directorate of Supervision, and the Audit of the Ministry of Production at the coordinates 15° 26' 57" S, 75° 48' 10" W at a distance of 37 m.n from the coast. The inspectors of the General Directorate of Supervision, and Audit verified that there were in wells a quantity of 45.310 t of the tuna resource bonito (<i>Sarda chiliensis chiliensis</i>) without a fishing permit to carry out extractive activities. That incident was reported in the Audit act no. 07-AFI-000185 and no. AFI-000187.
o	Summary of any actions known to have been taken in response to the activities	45.310 t of bonito tuna were confiscated and donated to the municipality and beneficiary entities. .
p	Outcome of any actions taken	The administrative process sanction is in progress

B. Details of Alleged IUU Activity

(Indicate with an "X" the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

C-15-01, para. 3	Vessel fished for species covered by the IATTC Convention within the Convention Area and:	Indicate
a	Are not on the IATTC Regional Vessel Register	
b	Harvested species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations	X
c	Made false reports or fail to record or report their catches made in the Convention Area	
d	Engaged in fishing activities in a closed area or during a closure period	
e	Used prohibited fishing gear or fishing methods	
f	Transshipped with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List	
g	Conducted transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of other RFMOs	
h	Are without nationality	
i	Engaged in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures	
j	Engage in fishing for IATTC species and the flag State has exhausted or has no quota or catch limit	
k	Are under the control of the owner or operator of any vessel on the IUU Vessel List	

E/P GLORIA A



FOTOGRAFIA N° 01: Embarcación de cerco de bandera extranjera (Ecuatoriana) GLORIA A (P-00-00743), acoderada en el muelle centenario de Pesquera Diamante S.A. – Callao, la cual fue intervenida por los fiscalizadores de la DGSFS-PA, por incumplimiento de la normativa pesquera vigente.

Rafa A

Pursuant to paragraphs 4 of IATTC Resolution [C-15-01] to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, attached are details of alleged IUU activity.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item		Available Information
a	Name of vessel and previous names (if any)	Rafa A, previous name Maria del Carmen
b	Flag and previous flags (if any)	Ecuador, previous flag: Ecuador
c	Owner and previous owners, including beneficial owner (if any)	Negocios Industriales Real NIRSA SA
d	Owner's place of registration	
e	Operator and previous operators	
f	Call sign and previous call signs (if any)	HC2870
g	IMO number (if any)	8818348
h	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier	IATTC number: 3031 Ecuadorian register no. P-00-00727
i	Length overall	41.75
j	Photographs	One photo (attached)
k	Date first included on the IATTC IUU list (if applicable)	
l	Date of alleged IUU fishing activities	12/22/2017
m	Position of alleged IUU fishing activities	15° 26' 47" S, 75° 48' 21.97" W
n	Summary of alleged IUU activities (see also section B)	The vessel Gloria A was intervened by the General Direction of Captaincies and Coast Guard (DICAPI) of the Peruvian Navy the General Directorate of Supervision, and the Audit of the Ministry of Production at the coordinates 15° 26' 47" S, 75° 48' 21.97" W at a distance of 37 m.n from the coast. The inspectors of the General Directorate of Supervision, and Audit verified that there were in wells a quantity of 222.2075 t of the tuna resource bonito (<i>Sarda chiliensis chiliensis</i>) without a fishing permit to carry out extractive activities. That incident was reported in the Audit act no. 07-AFI-000176 and no. AFI-000177.
o	Summary of any actions known to have been taken in response to the activities	222.2075 t of bonito tuna were confiscated and donated to the municipality and beneficiary entities. .
p	Outcome of any actions taken	The administrative process sanction is in progress

B. Details of Alleged IUU Activity

(Indicate with an "X" the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

C-15-01, para. 3	Vessel fished for species covered by the IATTC Convention within the Convention Area and:	Indicate
a	Are not on the IATTC Regional Vessel Register	
b	Harvested species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations	X
c	Made false reports or fail to record or report their catches made in the Convention Area	
d	Engaged in fishing activities in a closed area or during a closure period	
e	Used prohibited fishing gear or fishing methods	
f	Transshipped with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List	
g	Conducted transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of other RFMOs	
h	Are without nationality	
i	Engaged in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures	
j	Engage in fishing for IATTC species and the flag State has exhausted or has no quota or catch limit	
k	Are under the control of the owner or operator of any vessel on the IUU Vessel List	

E/P RAFA A



FOTOGRAFIA N° 01: Embarcación de cerco de bandera extranjera (Ecuatoriana) RAFA A (P-00-00727), acoderada en el muelle centenario de Pesquera Diamante S.A. – Callao, la cual fue intervenida por los fiscalizadores de la DGSFS-PA, por incumplimiento de la normativa pesquera vigente.

Don Alvaro

Pursuant to paragraphs 4 of IATTC Resolution [C-15-01] to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, attached are details of alleged IUU activity.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item		Available Information
a	Name of vessel and previous names (if any)	Don Alvaro, previous name Huan Yuan Yu No. 10
b	Flag and previous flags (if any)	Ecuador, previous flag: Bolivia
c	Owner and previous owners, including beneficial owner (if any)	Geopaxi SA
d	Owner's place of registration	
e	Operator and previous operators	
f	Call sign and previous call signs (if any)	HC4633
g	IMO number (if any)	8963832
h	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier	IATTC number: 1471 Ecuadorian register no. P-04-00772
i	Length overall	37.55
j	Photographs	One photo (attached)
k	Date first included on the IATTC IUU list (if applicable)	
l	Date of alleged IUU fishing activities	12/22/2017
m	Position of alleged IUU fishing activities	15° 28' 72''S, 75° 47' 89''W
n	Summary of alleged IUU activities (see also section B)	The vessel Don Alvaro was intervened by the General Direction of Captaincies and Coast Guard (DICAPI) of the Peruvian Navy the General Directorate of Supervision, and the Audit of the Ministry of Production at the coordinates 15° 28' 72''S, 75° 47' 89''W at a distance of 37 m.n from the coast. The inspectors of the General Directorate of Supervision, and Audit verified that there were in wells a quantity of 106.5165 t of the tuna resource bonito (<i>Sarda chiliensis chiliensis</i>) without a fishing permit to carry out extractive activities. That incident was reported in the Audit act no. 07-AFI-000186 and no. 07-AFI-000154.
o	Summary of any actions known to have been taken in response to the activities	106.5165 t of bonito tuna were confiscated and donated to the municipality and beneficiary entities. .
p	Outcome of any actions taken	The administrative process sanction is in progress

B. Details of Alleged IUU Activity

(Indicate with an “X” the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

C-15-01, para. 3	Vessel fished for species covered by the IATTC Convention within the Convention Area and:	Indicate
a	Are not on the IATTC Regional Vessel Register	
b	Harvested species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations	X
c	Made false reports or fail to record or report their catches made in the Convention Area	
d	Engaged in fishing activities in a closed area or during a closure period	
e	Used prohibited fishing gear or fishing methods	
f	Transshipped with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List	
g	Conducted transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of other RFMOs	
h	Are without nationality	
i	Engaged in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures	
j	Engage in fishing for IATTC species and the flag State has exhausted or has no quota or catch limit	
k	Are under the control of the owner or operator of any vessel on the IUU Vessel List	

EIP DON ALVARO



FOTOGRAFIA N° 01: Embarcación Pesquera de bandera ecuatoriana DON ALVARO (P-04-00772), acoderada en el muelle Centenario de Pesquera Diamante S.A. – Callao, la cual fue intervenida por los fiscalizadores de la DGSFS-PA, en incumplimiento de la normativa pesquera vigente.

Buque Yelisava

Pursuant to paragraphs 4 of IATTC Resolution [C-15-01] to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, attached are details of alleged IUU activity.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item		Available Information
a	Name of vessel and previous names (if any)	Yelisava, previous name Sea Hunter
b	Flag and previous flags (if any)	Ecuador, previous flag: Vanuatu
c	Owner and previous owners, including beneficial owner (if any)	Pesdel SA
d	Owner's place of registration	
e	Operator and previous operators	
f	Call sign and previous call signs (if any)	HC4054
g	IMO number (if any)	6928577
h	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier	IATTC number: 3874 Ecuadorian register no. P-00-00809
i	Length overall	46.32
j	Photographs	One photo (attached)
k	Date first included on the IATTC IUU list (if applicable)	
l	Date of alleged IUU fishing activities	12/24/2017
m	Position of alleged IUU fishing activities	12° 56.7'S, 78° 28.3'W
n	Summary of alleged IUU activities (see also section B)	The vessel Yelisava was intervened by the General Direction of Captaincies and Coast Guard (DICAPI) of the Peruvian Navy the General Directorate of Supervision, and the Audit of the Ministry of Production at the coordinates 12° 56.7'S, 78° 28.3'W at a distance of 102 m.n from the coast and made available to the personnel of the General Directorate of Supervision, and Audit, who verified that there were in wells a quantity of 283,860 t of the tuna resource bonito (Sarda chiliensis chiliensis) without a fishing permit to carry out extractive activities. That incident was reported in the Audit act no. 07-AFI-000180 and no. 07-AFI-000181.
o	Summary of any actions known to have been taken in response to the activities	283,860 t of bonito tuna were confiscated and donated to the municipality and beneficiary entities. .
p	Outcome of any actions taken	The administrative process sanction is in progress

B. Details of Alleged IUU Activity

(Indicate with an "X" the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

C-15-01, para. 3	Vessel fished for species covered by the IATTC Convention within the Convention Area and:	Indicate
a	Are not on the IATTC Regional Vessel Register	
b	Harvested species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations	X
c	Made false reports or fail to record or report their catches made in the Convention Area	
d	Engaged in fishing activities in a closed area or during a closure period	
e	Used prohibited fishing gear or fishing methods	
f	Transshipped with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List	
g	Conducted transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of other RFMOs	
h	Are without nationality	
i	Engaged in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures	
j	Engage in fishing for IATTC species and the flag State has exhausted or has no quota or catch limit	
k	Are under the control of the owner or operator of any vessel on the IUU Vessel List	

E/P YELISAVA



FOTOGRAFIA N° 01. Traslado de los inspectores de la Dirección General de Supervisión, Fiscalización y Sanción del Ministerio de la Producción (DGSEFPA), por parte de personal de la Dirección de Capitanías y Guardacostas de la Marina de Guerra del Perú (DICAPI) hacia la embarcación YELISAVA, fondeada en la bahía del Callao.

Rossana L

(Información enviada en 2017)

Pursuant to paragraphs 4 of IATTC Resolution [C-15-01] to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, attached are details of alleged IUU activity.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item		Available Information
a	Name of vessel and previous names (if any)	Rosanna L, previous name Atun IV
b	Flag and previous flags (if any)	Ecuador, previous flag: Belize
c	Owner and previous owners, including beneficial owner (if any)	Delfitec, SA
d	Owner's place of registration	
e	Operator and previous operators	
f	Call sign and previous call signs (if any)	V3KK
g	IMO number (if any)	7930735
h	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier	IATTC number:010121545 Ecuadorian register no. P-00-00839
i	Length overall	55.16
j	Photographs	Four photos (attached)
k	Date first included on the IATTC IUU list (if applicable)	
l	Date of alleged IUU fishing activities	02/17/2017
m	Position of alleged IUU fishing activities	17° 22.627'S, 77°22.957'W
n	Summary of alleged IUU activities (see also section B)	The vessel <i>Rossana L</i> was intervened by the General Direction of Captaincies and Coast Guard (DICAPI) of the Peruvian Navy on 17 February 2017 at a distance of 175 m.n from the coast of Paracas at coordinates 17° 22.627'S, 77°22.957'W. The inspectors of the General Directorate of Supervision, and Audit of the Ministry of Production prepared the "report of occurrences" no. 008-00335 dated February 19, 2017 for the alleged infraction of not having a fishing permit to carry out extractive activities of hydrobiological resources in jurisdictional waters when the amount of 45 tons of tuna were found in well no. 5.
o	Summary of any actions known to have been taken in response to the activities	45 t of tuna were confiscated and donated to the church located in the Ica Region
p	Outcome of any actions taken	The administrative process sanction is in progress

B. Details of Alleged IUU Activity

(Indicate with an “X” the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

C-15-01, para. 3	Vessel fished for species covered by the IATTC Convention within the Convention Area and:	Indicate
a	Are not on the IATTC Regional Vessel Register	
b	Harvested species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations	Date: February 17 2017. Location: 17° 22.627'S, 77°22.957'W
c	Made false reports or fail to record or report their catches made in the Convention Area	
d	Engaged in fishing activities in a closed area or during a closure period	
e	Used prohibited fishing gear or fishing methods	
f	Transshipped with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List	
g	Conducted transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of other RFMOs	
h	Are without nationality	
i	Engaged in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures	
j	Engage in fishing for IATTC species and the flag State has exhausted or has no quota or catch limit	
k	Are under the control of the owner or operator of any vessel on the IUU Vessel List	

FOTOGRAFÍAS



Foto 1. E/P ROSSANA L, intervenida por DICAPI arribando al muelle.



Foto 2. E/P ROSSANA L acoderada en el muelle terminal portuario de paracas S.A.



Foto 3. E/P ROSSANA L, con IMO n° 7930735 y matrícula Ecuatoriana P-00-00839



Foto 4. E/P ROSSANA L con recurso atún en bodega capturado sin permiso de pesca en aguas peruanas.

**COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMISSION**

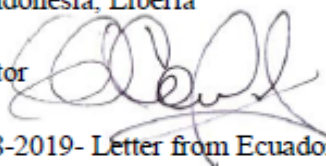
8901 La Jolla Shores Drive, La Jolla CA 92037-1509, USA – www.iattc.org
Tel: (858) 546-7100 – Fax: (858) 546-7133 – Director: Guillermo Compeán

06 July 2018
Ref.: 0304-410

To: Commissioners

cc.: Bolivia, Chile, Honduras, Indonesia, Liberia

From: Guillermo Compeán, Director



Re: Draft IATTC IUU List 2018-2019- Letter from Ecuador

Through my memorandum Ref. 0286-410 dated June 25, 2018, and in accordance with paragraph 6 of Resolution C-15-01 *on establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean*, I circulated the draft IATTC IUU list 2018 – 2019 (identical to the current IUU vessel List, but with the inclusion of five Ecuadorian flagged vessels) together with the formats required by the respective Resolution and sent by Peru.

As indicated in paragraph 8 of Resolution C-15-01, CPC with vessels on the draft IUU list can transmit, at the latest 30 days before of the annual meeting *“their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing for species covered by the IATTC Convention in the EPO.”* In accordance to the previous paragraph, please find attached, for your information and consideration, the letters sent by Ecuador with comments to demonstrate that the inclusion of vessels under their flag in the draft IUU List is not appropriate or justified.

Based on the previous information and in accordance with paragraph 10 of Resolution C-15 01, the Director shall draw up a provisional IATTC IUU Vessel List, and circulate it 15 days before of the Annual Meeting.

MINISTRY OF AQUACULTURE AND FISHERIES

LETTER no. MAP-SRP-2018-1958-O
Manta, July 3 2018

Subject: Ref .: 0286-410
Mr. Guillermo A. Compeán

Director
INTER-AMERICAN COMMISSION OF TROPICAL TUNA
At his office

With my consideration:

I hereby refer to document Ref .: 0286-410 circulated on June 25, 2018 to the IATTC Member Countries, in relation to an unjustified request to include the vessels "RAFA A", "GLORIA A", "YELISAVA "and" DON ALVARO "to the provisional list of IUU vessels of the Commission, without having transgressed any provision of the Convention or conservation measure in force adopted by the IATTC and also bypassing the established and approved procedure.

The Ecuadorian Fisheries Authority regrets that the request for the inclusion of vessels of the reference in the IATTC preliminary list of IUU vessels has been circulated among the Parties, not following the established procedure in a serious and delicate issue and therefore clearly regulated in Resolution C-15-01, which provides:

“Before or at the same time as transmitting a list of presumed IUU vessels to the Director, the CPC shall also notify the relevant flag State, either directly or through the Director, of its request to include the vessel on the list of presumed IUU vessels, provide a copy of the suitably documented information, and request the flag State to promptly acknowledge receipt of the notification. If no acknowledgement is received from the relevant flag State within 10 days of the date of transmittal, the CPC shall retransmit the notification through an alternative means of communication. Upon receipt of information pursuant to paragraph 4, the Director shall also inform the flag State of its vessel’s inclusion on the list of presumed IUU vessels, provide a copy of the suitably documented information, and inform the flag State about the procedures of this Resolution, including the opportunity of the flag State and interested parties to provide information in response to the listing proposal”.

This Fishing Authority, in spite of this procedure, did not receive any information from the Fishing Authority of the sister Republic of Peru, about the alleged illegal, unreported and unregulated fishing activities (IUU) of the mentioned vessels, those that would have deserved our due attention as Flag State and Contracting Party to the Antigua Convention.

Notwithstanding the above, we can see in the information provided in the forms sent by you, and analyzed by our office:

- a) That the Peruvian Fishing Authority has carried out the pertinent actions in accordance with its legislation and has proceeded to confiscate the catches that were found aboard the vessels of the bonito species and more precisely "*sarda chiliensis*" in accordance with its domestic legislation.
- b) That the fishing permit granted by Peru, prohibits any discarding, considering both, the target and authorized species and the non-target species, and it was proceeded in such way.
- c) That the Peruvian Fishing Authority has initiated administrative actions for having contravened conservation and management measures sovereignly established by said State

in favor of the bonito species ("*sarda chiliensis*") and that the vessel owners must exercise their right to defense .

- d) That the resource "*sarda spp*" is one of the populations of tunas and related species covered by the Antigua Convention and that no conservation measures or resolutions exist that expressly and expressly prohibit or limit their capture, including the specie "*sarda chiliensis*" regarding which we are commenting, and is exceptional in purse seine fisheries in the EPO. If deemed appropriate, Ecuador could add its consensus to Peruvian initiatives to establish resolutions to study in more depth the state of the resource mentioned above.
- e) That in all cases, besides finding the vessels registered in the Regional Register, having a fishing permit from the State of their flag, they had also received the fishing permit to operate in the territorial waters of Peru and had them on board observers in compliance with the resolutions of the IATTC and the AIDCP, and also observers of the IMARPE of Peru. We are not dealing with cases, nor by far, of IUU fishing in which there is no responsible flag state, nor fishing permits for the high seas and territorial waters and / or exclusive economic zones where appropriate, nor responsible nor controls, and much less on board and throughout the cruise.
- f) That, in the case of the four vessels, the reports of the observers provided by the IATTC and the National Observer Program of Ecuador, are clean and report the capture as appropriate, of the bonito specimens without any annotation or observation, as well as compliance with all the other measures and resolutions of the IATTC that are many and varied.
- g) By means of official letter No. 0036-545 of January 23, 2018 issued by its Authority, it mentions the following

*"The *Sarda orientalis*, known as Bonito Sierra in Ecuador, is a species related to tuna and is therefore covered by the Antigua Convention."* The same applies to the other varieties of the sardine species of the scombrid family, which are included in the annual reports on the status of the populations prepared by the scientific staff of the Commission.

The reported impasses of capturing a species punctually excluded by Peru in their fishing permits and that could not be ruled out either, do not entail or imply a diminution of the effectiveness of the Convention or contravene any conservation measures adopted by the IATTC and in force. and, therefore, they do not constitute or constitute illegal, unreported and unregulated (IUU) fishing activities.

The Committee for the Review of the Application of Measures Adopted by the Commission, as established in Annex 3 of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission ("*Antigua Convention*") is competent to "*examine and follow up on the conservation and administrative measures adopted by the Commission, as well as the cooperation measures referred to in Article XVIII, paragraph 9, of this Convention*". The Committee is being informed and resolve in cases where the effectiveness of the Convention is not being undermined, nor has it contravened existing conservation measures or resolutions, adopted by the Commission and in respect of which it lacks the powers and competencies that they have as their source the Antigua Convention itself, which governs the relations between its parties today.

The inclusion of the vessels "RAFA A", "GLORIA A", "YELISAVA" and "DON ALVARO" in the provisional list of IUU vessels of the Commission that you prepared, has not been justified in a motivated and documented manner. It has become clear that there are not sufficient, factual and much less legal merits for this and that to maintain them unjustly and without evidence of transgression to the concrete measures of the IATTC, could undoubtedly jeopardize the effectiveness of the Antigua Convention and the credibility of its institutionality that has been exemplary in the management of tuna fisheries and related species.

Therefore, the Republic of Ecuador rejects that said vessels be included in the draft of the INN Provisional List and requests that they be withdrawn immediately as no IATTC Resolution has been infringed.

With sentiments of consideration. Sincerely,

Electronically signed document
Ing. Jorge Manuel Costain Chang
SUBSECRETARY OF FISHERY RESOURCES

Copy: Mr. Magister Jose Isidro Andrade Vera, Director of Fisheries Policy and Planning

Subject: Response to document \ Ref.: 0286-410 on the preliminary IUU list

Doctor Guillermo A. Compeán
Director
Inter-American Tropical Tuna Commission

Dear Sir:

By means of this letter, Mr. Director, and considering document Ref .: 0286-410 circulated on June 25, 2018 to the Member Countries of the IATTC, I wish to inform you that the Ecuadorian Fisheries Authority categorically rejects the request for inclusion of the vessel "ROSSANA L" on the IATTC IUU vessels list, for the following reasons:

1. That the relevant protocol has not been followed as established in Article 5:

“Before or at the same time as transmitting a list of presumed IUU vessels to the Director, the CPC shall also notify the relevant flag State, either directly or through the Director, of its request to include the vessel on the list of presumed IUU vessels, provide a copy of the suitably documented information, and request the flag State to promptly acknowledge receipt of the notification. If no acknowledgement is received from the relevant flag State within 10 days of the date of transmittal, the CPC shall retransmit the notification through an alternative means of communication. Upon receipt of information pursuant to paragraph 4, the Director shall also inform the flag State of its vessel’s inclusion on the list of presumed IUU vessels, provide a copy of the suitably documented information, and inform the flag State about the procedures of this Resolution, including the opportunity of the flag State and interested parties to provide information in response to the listing proposal.”

In this regard, please be informed that this Authority has not received any information about the alleged illegal, unreported and unregulated fishing activities (IUU) of the aforementioned vessel.

2. According to the information provided in the submitted form, the Peruvian Fisheries Authority is reported to have carried out the relevant actions in accordance with its legislation and to have opened the proceedings and having imposed sanctions (seizure and fine) to the owners of the vessel. Therefore, in reference to the principle of Non bis in idem (not to judge twice for the same facts), it would not correspond to the plenary of the Commission to discuss new sanctions on these alleged infractions
3. The Fisheries Authority of Peru has again requested the Commission to include on the INN list the tuna vessel "ROSSANA L" registered in Ecuador, because of events that would have occurred in 2017 and that were duly clarified. in the Committee for the Review of the Application of Measures Adopted by the Commission and considered by the plenary of the Commission, which resolved not to include the aforementioned vessel in the list of IATTC IUU vessels.

It is surprising that the request that was made for the 92nd CIAT Meeting in Mexico City, from July 24 to 28, 2017, be repeated, to be considered again at the next meeting, when it

is known that there is already a firm resolution of the Commission that was taken in accordance with the Committee's Report.

I would like to refer to the Minutes of the 92nd Meeting of the Commission in July 2017, in which paragraph 6 states "*Maintain the IATTC's IUU list with no changes*", therefore, it is not considered that the case of the "ROSSANA L", which was already widely discussed at the last meeting of the Commission and was approved by all the members and which allow me to transcribe:

" The Commission took note of those recommendations. It concluded that there was no action to be taken regarding the IUU list,"

The firm resolutions adopted by the Highest Body of the IATTC cannot be reconsidered, unless there are new, sufficient and documented merits for it, which is not remotely the case.

From the information that you have circulated, we note that it is the same request that Peru has already made and the same unfounded charges and the same documentation, which was already known and resolved by the parties, for which reason Ecuador expresses its opposition and requests that the B / P "ROSSANA L" be excluded from the provisional list of IUU vessels in compliance with the resolution already adopted by the Committee and the Commission.

I again refer to the principle of Non bis in idem (not to judge twice for the same facts), which is applicable to the case of "ROSSANA L".

In addition, I would be grateful, Mr. Director, if, following the procedures that we observed in the IATTC, the Representation of the brother country of Peru, and the other CPCs and Cooperating Non-Parties, are reminded that the Commission already resolved this specific case and that there are no sufficient merits to reconsider or review this situation, without the timely provision of a duly documented evidence related to the alleged INN fishing activity, as provided in resolution C-15-01.

I cannot fail to indicate that, for Ecuador, the Committee and the Commission, the fishing activities were carried out with all the required authorizations within the exclusive economic zone of Ecuador, on the date and at the positions that we informed at the time.

Sincerely ,

Electronically signed document

Ing. Jorge Manuel Costain Chang

UNDERSECRETARY FOR FISHERIES RESOURCES

Appendix C

COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMISSION

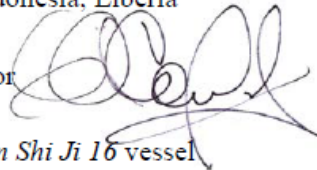
8901 La Jolla Shores Drive, La Jolla CA 92037-1509, USA – www.iattc.org
Tel: (858) 546-7100 – Fax: (858) 546-7133 – Director: Guillermo Compeán

25 June 2018
Ref.: 0285-410

To: Commissioners

cc: Bolivia, Chile, Honduras, Indonesia, Liberia

From: Guillermo Compeán, Director



Re: Letter from Fiji regarding *Xin Shi Ji 16* vessel

Please find attached for your information and consideration copy of letter Ref. FF/B/2/4-3-2-10, dated 13 June 2018, sent by Mr. Aisake Batibasaga, Director of Fisheries in the Ministry of Fisheries of Fiji, requesting the removal of the Fiji flagged vessel *Xin Shi Ji 16* from the IATTC's IUU list.



Ministry of Fisheries

Takayawa Building

360 Toorak Road,

P O Box 13026, Suva, Republic of Fiji

Telephone: (679) 3301 611/3301 011 Fax: (679) 331 6120/331 6118



MINISTRY OF FISHERIES

File Ref.: FF/B/2/4-3-2-10

Date: 13/06/2018

The Director
Inter-American Tropical Tuna Commission
8901 La Jolla Shores Drive
La Jolla CA 92037-1509
United States of America

Re: Request for Removal of the Fiji flagged vessel *Xin Shi Ji 16* from the IATTC's IUU list

Dear Mr Compean,

Bula vinaka and greetings from Fiji.

I am writing this letter to request for the removal of the Fiji flagged vessel (3DNT) from the IATTC's IUU list.

The vessel has remained moored within our Suva Port area since its IUU listing four years ago in 2014. We have cooperated with you in providing all the information and documentation requested by the IATTC regarding the subjected vessel.

The vessel operators have suffered greatly during this past four years having to pay fees and other costs associated with keeping the vessel moored within our harbour area in addition to the loss of potential revenue if fishing.

It is in our view, that the vessel has paid the price of having its name in the IATTC's IUU list and therefore we are seeking the reconsideration of its listing from your office and that of the IATTC.

Your kind consideration and approval will be highly appreciated.

Vinaka.

Yours sincerely,

Aisake Batibasaga
Director Fisheries