

INTER-AMERICAN TROPICAL TUNA COMMISSION  
**PERMANENT WORKING GROUP ON COMPLIANCE**  
**MINUTES OF THE 9<sup>th</sup> MEETING**

**Panama**  
**19 June 2008**

**AGENDA**

	<b>Documents</b>
<ol style="list-style-type: none"><li>1. Opening of the meeting</li><li>2. Adoption of the agenda</li><li>3. Review of relevant <a href="#">Commission Resolutions</a></li><li>4. Compliance with IATTC measures in 2006:<ol style="list-style-type: none"><li>a) <a href="#">Resolution on bycatch</a> (C-04-05):<ol style="list-style-type: none"><li>i. release of live bycatch</li><li>ii. full retention</li></ol></li><li>b) <a href="#">Resolution on fish-aggregating devices</a> (C-99-07)</li><li>c) <a href="#">Resolution on the conservation of tuna</a> (C-06-02):<ol style="list-style-type: none"><li>i. Purse-seine closures</li><li>ii. Limitation of longline catch</li></ol></li><li>d) <a href="#">Resolution on at-sea reporting</a> (C-03-04)</li><li>e) <a href="#">Resolution on fleet capacity</a> (C-02-03)</li><li>f) <a href="#">Resolution on data provision</a> (C-03-05)</li><li>g) <a href="#">Resolution on northern albacore tuna</a> (C-05-02)</li><li>h) National reports</li></ol></li><li>5. Other business</li><li>6. Recommendations for the Commission</li><li>7. Adjournment</li></ol>	COM-9-04

The ninth meeting of the Permanent Working Group on Compliance was held in Panama City (Panama) on 19 June 2008. The attendees are listed in Appendix 1.

**1. Opening of the meeting**

The meeting was called to order by the chairman, David Hogan of the United States.

**2. Adoption of the agenda**

The provisional agenda was adopted, with the addition under *Other Business* of a proposal by Costa Rica to modify Resolution C-05-03 on sharks, and with a request that the matter of compliance with Resolution C-05-07 on the IUU Vessel List be included.

**3. Review of relevant [Commission Resolutions](#)**

Mr. Brian Hallman, Deputy Director of the IATTC, presented Document COM-9-04 on compliance with IATTC resolutions in 2007. He noted that the report included data from IATTC and national program observers from a total of 747 trips, and that it reviewed compliance with the resolutions on fish-

aggregating devices, the capacity of the tuna fleet in the eastern Pacific Ocean (EPO), at-sea reports, data provision, bycatch, vessel monitoring systems, northern albacore tuna, conservation of sharks, y a tuna conservation program in the EPO.

#### **4. Compliance with IATTC measures in 2007**

##### **a) [Resolution on bycatch \(C-04-05\)](#):**

It was reported that in 2007 a total of 130 trips with discards of plastic trash were recorded, and the Working Group requested that information on these cases be provided to the Parties so that they could take appropriate action. The staff noted that the governments received copies of all the observer reports, and that with those, this type of infraction could be adequately monitored.

##### **i. Release of live bycatch**

Regarding sharks, observers reported 3,401 sets in which 33,514 sharks were involved. Of these, 2,053 were released alive, 13,033 were discarded, and 18,376 were retained. In 105 of the 453 trips for which a Compliance Report (RDC) was completed, 3,206 sharks were 'finned' (had their fins cut off).

The European Union (EU) asked why so many sharks were being retained and finned, despite the prohibitions in the resolution. The Secretariat answered that this has to do with the high prices paid for sharks and their fins, and that the requirement of the resolution that is not being complied with is that of releasing live sharks. Panama noted that the resolution requires that live sharks be released, to the extent possible, and that most national legislations allow sharks to be retained, but not finned.

It was pointed out that compliance with the restrictions on finning of sharks required attention by the Commission, and several delegations described the actions they are taking to implement the restriction and improve compliance.

España asked for an explanation of the increased catches of sharks by the fishing fleets that traditionally have caught tuna associated with dolphins. The Secretariat indicated that it did not have a clear explanation for this, and that it could be related to a change in fishing strategy, or to changes in the distribution of sharks, or to incomplete information about the fleet that does not fish on dolphins.

Regarding sea turtles, it was noted that in 2007 there were 1,152 sets involving 2,011 sea turtles, compared to 1,565 sets involving 1,795 turtles in 2006. Of the 1,152 turtles involved in 2007, 94% were released unharmed and 2% escaped, so 96% of the turtles involved suffered no adverse effects from the fishery. Observers recorded only 3 turtle mortalities and 3 turtles left alive and entangled, plus 16 that were seriously injured.

##### **ii. Full retention**

Regarding the requirement for purse-seine vessels to retain on board all tuna caught, the staff reported that observers reported 694 sets with discards during 2007, resulting in an estimated 4,476 tons discarded.

Japan noted that the full retention requirement should be addressed in the meeting of the Commission, since it expired in January 2008.

##### **b) [Resolution on fish-aggregating devices \(C-99-07\)](#)**

The staff indicated that it had received no reports of transshipments at sea in 2007, nor of the use of tender vessels in the fishery on fish-aggregating devices (FADs).

##### **c) [Resolution on the conservation of tuna \(C-04-09\)](#):**

##### **i. Purse-seine closures**

Regarding compliance with the closures of the purse-seine fishery, seven cases were presented: 1) three vessels that were not in port when the closure began; 2) one vessel that fished during a closure without being on the Regional Vessel Register; 3) one vessel that observed the closure of the country under whose

flag it was operating before 15 July but that subsequently changed flag; 4) a vessel that observed the closure of another country with which it had a contract of association; and 5) a country that did not report on its implementation of the closure.

Panama explained that, regarding its three flag vessels that did not observe the winter closure chosen by Panama, two had complied with the Ecuadorean summer closure, since they were under a contract of association with that country, and the other complied with the Honduran summer closure, to which it was committed before 15 July, the date specified in the resolution for advising the Director about which closure period a national fleet would observe, but then changed flag to Panama before the beginning of the winter closure. Thus, all three vessels had observed a closure in 2007.

Venezuela reported that its flag vessel was also operating under a contract of association with Ecuador, and had complied with that country's closure. Mexico stated that, regarding its two vessels that had not been in port when the closure began, the case was under investigation, since it was understood that the vessels were operating under a contract of association with another country. It considered that this type of case was not regulated by the resolution, and the way to address them should be discussed.

For its part, Peru noted that it had issued the respective national document for implementing the closure even though it had no vessels operating in the EPO at that time, but that due to an administrative issue it had not been sent to the Secretariat.

This gave rise to an extensive debate on whether the vessels identified as not complying with a closure should be nominated for inclusion in the IUU List. Several delegations noted that this matter should be treated with the greatest of care, that the procedures should be strictly followed, and inclusion in the IUU List should be the last resort. It was suggested that this matter should be addressed in the Joint Working Group on fishing by non-Parties.

## **ii. Limitation on longline catch**

Regarding the bigeye catch limits, none of the reported catches exceeded the established limits.

Japan again expressed concern over the 2001 catch data from Vanuatu, on which the 2007 catch limit for longline vessels of that Party were based.

### **d) [Resolution on at-sea reporting](#) (C-03-04)**

The staff reported that the reporting rate in 2007, 90%, was an improvement over the previous year, when the rate was 85%.

### **e) [Resolution on fleet capacity](#) (C-02-03)**

The staff reported that nine vessels had fished in the EPO in 2007 while not on the Regional Vessel Register. The Colombian vessel *Martha Lucía R* and the vessel *Caribbean Star No. 31*, of unknown flag, continued to fish in the EPO in 2007 while not on the Regional Register; three vessels – *Athena F* (Venezuela), *Vicente F* (Panama), and *Mary Lynn* (now Ecuador) – also fished in the EPO while not on the Regional Register, but had now been added to it; and two vessels – *Dominador I* (Colombia) and *Ignacio Mar* (Ecuador) – entered the fishery without being on the Regional Register. It also reported that two other vessels, *Caribe Tuna* and *Don Abel*, were withdrawn from the Regional Register by Venezuela, but continued to fish in the EPO in 2007.

The staff reported that three vessels – *Aracely F*, *Jeannine*, and *Atlantis IV* – stored fish in wells that were supposedly sealed, and that at least four vessels – *Tarqui* and *Doña Roge* (Ecuador), and *Taurus Tuna* and *Taurus I* (Venezuela) – increased their capacity, in contravention of the Resolution.

The discussion of compliance with the capacity resolution centred on the continued concerns of some delegations regarding the increase in the number of cases of vessels that fished in the EPO without being on the Regional Register, since in 2006 two cases were reported, and nine in 2007. The Working Group also discussed the possibility of the Director being authorized to nominate vessels for the IUU List, and of

having a resolution that would allow the prohibition of unloadings for vessels that were not on the Regional Register.

Japan stated that the individual cases reviewed under this item should be dealt with individually by the countries concerned, and that the Commission should review the worrying increase in fishing capacity in spite of the resolution.

The Chairman asked for further information about the cases presented. Ecuador addressed the case of the vessel *Ignacio Mar I*, requesting that the communication from the government of his country be circulated indicating its position (Appendix 2). Panama noted that the change of flag by the vessel *Roberto M* had been carried out in accordance with its legislation and with international law, and that the previous flag State had not requested that the vessel be withdrawn from the Regional Register.

Mexico noted that the case of the vessel *Jeannine* had already been addressed the previous year, when it reported that Mexico had enough reserve capacity available to allow the sealed well to be reopened, and that the vessel paid its contribution to the AIDCP on the basis of the new capacity. Finally, Colombia reserved the right to deal with the cases of its vessels *Martha Lucía* and *Dominador 1* after holding a meeting with the Secretariat on the proceedings that are followed to add or move vessels on the Regional Register.

Regarding the sealing of wells, one delegation stated that this might not be an effective way of controlling capacity, and that there were no agreed procedures for implementing it. Mexico expressed interest in recognizing and regulating this process properly, so that there would not be any undue increases in the registered capacity.

f) [Resolution on data provision \(C-03-05\)](#)

The staff noted that this a very important resolution for the work of the Commission. However, the reports and data which the countries committed to providing in this and other resolutions was not always received, even though at least one reminder letter had been sent.

g) [Resolution on northern albacore tuna \(C-05-02\)](#)

The staff described parts of the resolution that the Commission should clarify in order to improve its implementation and monitoring; in particular, it is very difficult to monitor compliance with the limitation of effort, since what are reported are catches. It noted that having accurate data would be important for establishing parallel measures with the Western and Central Pacific Fisheries Commission (WCPFC).

There was a discussion of whether the catch reports should cover only the EPO, and whether they should be annual rather than six-monthly. It was noted that it is difficult to quantify effort because in some cases albacore is a bycatch species, and migrates over the whole northern Pacific; these matters should be discussed in greater depth.

h) **National reports**

Various delegations presented information on recently-adopted conservation measures. Japan and Chinese Taipei described various measures, especially on the conservation of sharks; Belize, measures regarding the protection of sea turtles and seabirds, and the provision of information on bycatches; and the EU, measures that it will implement regarding the importation of fisheries products in order to curb IUU fishing.

It was noted that there is little monitoring, as well as a lack of comprehensive responses from flag States, of the actions taken in cases of non-compliance. The Chairman proposed that each government make an effort to respond to the problems detected and have responses at the next meeting of the Working Group, in June 2009.

Also, Spain requested that the next year's report on compliance in 2008 include information on the actions taken regarding the actions stipulated in paragraph of Resolution C-05-07 on IUU fishing, for

which the countries should send the Secretariat information on this matter. He cited as an example the case of the vessel *Mary Ann*, which in the past had flown the flag of Colombia, and asked that delegation to state whether, in Colombia's case, the Commission, under its 1949 Convention, could generate mandates that would in turn generate legal obligations at the national level. Various delegations, including México, Spain, and the United States, answered this question in the affirmative.

## **5. Other business**

Costa Rica presented a proposal to modify Resolution C-05-03 on sharks (Appendix 3), which would allow the unloading of sharks with their fins partially cut or with cuts that would allow them to be bled. Various delegations supported this proposal, but others expressed concern that their national legislation and the trend at the international level is that sharks be unloaded with the fins totally attached to the body.

The United States raised the matter of vandalism of research buoys anchored on both sides of the equator in the EPO, which are used to obtain climatological information, for rescues, as a tsunami alert system, and various other purposes. The meteorological equipment has been stolen, or they have been found with bullet holes, or they have been used as FADs, towing them away from their intended position and causing damage to the equipment. In 18 months 20 buoys have been affected, leading to the loss each year of 15% of the data.

Several delegations expressed interest in eliminating this problem by informing the fishermen, and by working on a resolution that would prohibit interfering with these buoys.

Lastly, Japan proposed that, at future meetings of the Working Groups, the delegations include persons in charge of applying laws in their respective countries.

## **6. Recommendations for the Commission**

The Working Group recommends that the Commission:

1. Review the procedures for the inclusion of vessels in the IUU List.
2. Review Resolution C-05-02 on northern albacore tuna, with the aim of improving the monitoring of compliance, especially as regards the question of fishing effort.
3. Ask governments to report on the actions taken to promote compliance with the resolutions included in the annual report on compliance prepared for the meeting of the Working Group.
4. Address the proposal by El Salvador to prohibit unloadings by vessels that are not on the IATTC Regional Vessel Register (Appendix 4).
5. Review the proposal by Costa Rica to amend Resolution C-05-03 on sharks .

## **7. Adjournment**

The meeting was adjourned.

## Appendix 1.

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## Appendix 2.



Ministerio de Agricultura, Ganadería,  
Acuicultura y Pesca

Oficio N° 2008391

Guayaquil, 16 de Junio de 2008.

Doctor  
Guillermo Compeán  
Director  
Comisión Inter-Americana del Atún Tropical  
La Jolla.



Dear Sir:

In reference to your letter no. 377-545 of 9 June and to the circular letter no. 379-410 of 10 June, both related to our request for incorporating to the Register of authorized Vessels, the F/V Ignacio Mar I and Ignacio Mar VI, in substitution for the F/V Roberto M, I allow myself to recapitulate and clarify briefly what has happened in this case:

1. On 18 November 2004 the Director of the IATTC sent to the then Undersecretary of Fisheries of Ecuador Humberto Moya, letter no. 0929-545, in which, after explaining that the referenced vessel was seized and auctioned in Panama, asked for his opinion *'before any action is taken'*.
2. On 22 November 2004, scarcely 6 days later, through letter no. 2004263, Undersecretary Humberto Moya answered the Director of the IATTC, that the capacity or fishing quota of the F/V Roberto M belongs to Ecuador.
3. Despite the fact that Ecuador made its position clearly established from the beginning, the Director nevertheless retained on Ecuador's list the vessel Roberto M, allowed – without any basis – the incorporation of that vessel (now under the name of Pescatun) into Panama's list, inexplicably duplicating that capacity.
4. Since then and despite the constant complaints and the continuous letters that have gone back and forth between the government of Ecuador and the IATTC staff, the above-mentioned vessel continues to appear on the lists of Ecuador and Panama.

Ecuador has no dispute whatever with Panama, as you erroneously state in the second paragraph of circular letter no. 379-410. Ecuador has a complaint against the IATTC staff for having taken an administrative decision which is arbitrary and contrary to the express and timely opinion of the highest Ecuadorian fisheries authority; that decision has undermined our sovereignty and harmed our interests.

The problem raised by this case is the sole responsibility of the staff, therefore it is unjust, to say the least, to attempt to have the Commission endorse it.

Regarding the vessel Ignacio Mar VI, which is still not fishing, I inform you that its characteristics are identical to those of the Ignacio Mar I.

Attached you will find scanned copies of letters no. 0929-545 from the Director of the Iatc and 2004263 from the Undersecretary of Fisheries Resources, mentioned in this letter. Once the legal process is concluded, I will inform, of its results.

Sincerely,

(signed)

Ing. Guillermo Morán

UNDERSECRETARY OF FISHERIES RESOURCES

**Appendix 3.**

**PROPOSAL B1**

**PRESENTED BY COSTA RICA**

**PROPOSAL TO MODIFY RESOLUTION C-05-03 ON THE  
CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH  
FISHERIES IN THE EASTERN PACIFIC OCEAN**

The addition to the Resolution of the following paragraph 4 bis is proposed.

4. CPCs shall require their vessels to have onboard fins that total no more than 5% of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures.

<p>4 bis. If a CPC allows, in accordance with its legislation, shark fins to be unloaded naturally attached to the body, with partial cuts in the fins that allow efficient bleeding and suitable storage for the entire utilization of the body, without separating the fins from the body completely, subject to inspection for compliance by a competent authority at the point of unloading, the proportion of fins to body weight may exceed the percentage established in paragraph 4 of this resolution, since it is evident that with this procedure of natural attachment the practice of finning is not being facilitated.</p>
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**Appendix 3.**

**PROPOSAL E1**  
**PRESENTED BY EL SALVADOR**  
**PROPOSAL TO PROHIBIT LANDINGS OF FISH CAUGHT BY VESSELS**  
**NOT ON THE REGIONAL VESSEL REGISTER**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Concerned* that vessels that are not included on the Commission's Regional Vessel Register are fishing in the eastern Pacific Ocean (EPO) in contravention of the Commission's conservation and management measures;

*Convinced* that it is important to take effective measures in a timely manner to discourage such fishing and to support the Commission's conservation and management program;

*Recognizing* that every nation has the right to control landings of fish in its ports in accordance with its national laws and policies;

*Convinced* that it is important to control landings of fish caught in contravention of the Commission's conservation and management measures;

*Aware* that the Commission has procedures for including vessels on its List of IUU Vessels; and

*Convinced* that the measures contemplated in this resolution are consistent with, and complementary to, the Commission's procedures for including vessels on its List of IUU Vessels;

*Agrees:*

That CPCs, in accordance with their respective national legislation and regulations, not allow landings or transshipments of tuna caught in the Convention Area by vessels which are not included on the IATTC Regional Vessel Register established by Resolution C-00-06, but which are required by Commission resolutions to be so included.