

INTER-AMERICAN TROPICAL TUNA COMMISSION

89TH MEETING

**Guayaquil, Ecuador
29 June-3 July 2015**

DOCUMENT IATTC-89 INF-C

SUBMITTED BY BOLIVIA

**REQUEST BY THE PLURINATIONAL STATE OF BOLIVIA
FOR THE RESTITUTION OF CARRYING CAPACITY IN THE
FRAMEWORK OF THE INTER-AMERICAN TROPICAL TUNA
COMMISSION**

Ministry of Defense

La Paz, 12 Jun 2015

DCGIMFLMM – UBPM. No. 022/15

Doctor.

Guillermo Compean

**EXECUTIVE DIRECTOR OF THE INTER-AMERICAN
TROPICAL TUNA COMMISSION**

La Jolla Shore Drive

Mr. Director.

I am writing to you regarding the 88th Meeting of the IATTC, at which various cases of Carrying Capacity were left pending, which will be addressed again at the 89th Meeting of the Commission.

In this regard, the Plurinational State of Bolivia as a Cooperating Non-Member State of the Commission in its legitimate right, in accordance with Resolution C-02-03 “Capacity of the Tuna Fleet operating in the Eastern Pacific Ocean”, maintains the request for the restitution of 5830 m³ of carrying capacity which was transferred permanently to another Member State of the Commission without the consent of the Bolivian State.

Our request is based on the Minutes of the 38th Meeting of the International Review Panel held on 16-18 February 2005, on the Agreement at which Bolivia and Colombia arrived.

On that occasion, I greet the Director with the assurances of my heartfelt and distinguished consideration..

(signed)

V.-Adm. Marco Aurelio Arenas Alarcón

**DIRECTOR GENERAL OF MARITIME, FLUVIAL,
LACUSTRINE AND MERCHANT MARINE INTERESTS AND
MARITIME AUTHORITY OF THE PLURINATIONAL STATE OF BOLIVIA**

Ministry of Defense

REQUEST BY THE PLURINATIONAL STATE OF BOLIVIA FOR THE RESTITUTION OF CARRYING CAPACITY IN THE FRAMEWORK OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION.

The Plurinational State of Bolivia, in its capacity as Cooperating Non-Member State of the Inter-American Tropical Tuna Commission (IATTC), presents to this Fisheries Regulation Body, the reiteration of the claim for restitution of 5833 M³ (cubic meters) of carrying capacity and a reserve of 582 M³ allocated to the Bolivian State;

In 2002 during its 69th Meeting, the Inter-American Tropical Tuna Commission approved **Resolution C-02-03 on the “Capacity of the tuna fleet operating in the The Eastern Pacific Ocean”, which is of 158,000 metric tons.** According to the Manzanillo Minutes, Bolivia was granted a Carrying Capacity of 5800 M³ and a reserve of 582 M³, as a consequence of the well volume of the fishing vessels “Amanda S”, “Cabo de Hornos”, “Gold Coast”, “Nazca”, “Sea Gem”, under Bolivian flag and Bolivian Fishing License.

The Inter-American Tropical Tuna Commission, reported to the Maritime Authority of Bolivia, the infractions committed by the above-mentioned vessels in the framework of the International Agreement for the Conservation of Dolphins (AIDCP). The Directorate-General of Maritime, Fluvial, Lacustrine and Merchant Marine Interests in its capacity as **Maritime Authority**, in compliance with the 71st Meeting of the IATTC proceeded to apply the corresponding sanctions to the offending vessels, by means of Administrative Resolution: 03/04 of 19 April 2004, 04/04 of 26 April 2004, 07/04 of 30 June 2004, 08/04 31 August 2004 10/04 of 1 October 2004 14/04 25 October 2004, 15/04 8 November 2004, 16/04 of 8 November 2004 and 17/04 13 December 2004.

The application of sanctions to the above-mentioned vessels, caused the owner of the fishing vessels (Seatech International), to attempt to evade the fines applied by the Maritime Authority, migrating to the Colombian Register with forged documentation; this activity of the company led to legal proceedings being initiated which culminated in Constitutional Ruling number 085812005-R.

At the 11th Meeting of the Parties, Bolivia reported that the sanctioned vessels changed flag without the authorisation of Bolivia and without complying with the sanctions imposed.

During the 12th Meeting of the Parties the annual granting of Dolphin Mortality Limits (DMLs) for the 2005 management took place, where the four DMLs corresponding to Bolivia were maintained in reserve due to the dispute generated by these vessels.

At the 38th Meeting of the International Review Panel, Bolivia and Colombia agreed to redistribute the DMLs for those vessels provisionally, until the decision of the Bolivian courts; likewise Colombia would respect their decision. It is clear that during this procedure the granting of DMLs was of a provisional nature. However, Bolivia and Colombia as a gesture of good faith and with the Commission's knowledge, entered this agreement of a provisional nature on the allocation of the DMLs.

At the 15th Meeting of the Parties, Bolivia made its corresponding claim through a statement at the plenary, it also submitted the decision of the Bolivian courts and the following statement:

- An original copy of the Administrative Resolution signed by the Maritime Authority of

Bolivia No. 05/06.

- A notarized copy of Constitutional Ruling No. 085812005-R issued on 27 July 2005, which revokes resolution number 051/2004-SSAIII, by which the fishing company obtained five certificates of cancellation of flag.

Since then the **Plurinational State of Bolivia has made various efforts** at the different annual meetings of the Commission, its claim and petition **to recover the Carrying Capacity which belongs to it by legitimate right.**

The Plurinational State of Bolivia showed permanently is great willingness for a solution since it was a transfer of capacity without Bolivia's consent, since there is no document by which the Plurinational State of Bolivia cancels or transfers to another State of the Commission, which is responsible for the conservation and management of Tuna in the EPO, for which reason our State was affected in its legitimate rights to its carrying capacity of 5830 M³ (cubic meters) curtailing its capacity due to administrative matters of the IATTC.

This is because of this situation and certain of counting on the good acceptance by the Inter-American Tropical Tuna Commission and its Member States that will allow this request and petition for the restitution of 5830 m³ of capacity to the Plurinational State of Bolivia, as well as that of the other sister countries which are also in this situation, without prejudice to the sustainability of the resources and the conservation of tunas in the EPO.

La Paz, 12 June 2015