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DRAFT PLAN FOR REGIONAL MANAGEMENT OF FISHING CAPACITY

The Permanent Working Group on Fleet Capacity was established at the 61st Meeting of the IATTC in June 1998. During its meetings, the group has discussed various aspects of tuna-fishing capacity in the eastern Pacific Ocean (EPO), including the consideration of a regional plan of action for the management of that capacity.

The draft Plan of Action (EPO Plan) presented in this document was prepared in accordance with the terms of the IATTC resolutions on bigeye and fleet capacity, adopted in June and August 2000, respectively. In these resolutions, the Commission requested the staff to prepare a comprehensive draft plan for the regional management of tuna fishing capacity, in accordance with the FAO International Plan of Action for the Management of Fishing Capacity.

The draft EPO Plan follows the FAO Plan closely, and retains its major elements, such as nature and scope, a description of objectives and principles, the identification of urgent, immediate and long-term actions, and references to the Code of Conduct and other international instruments. It also contains elements from several IATTC resolutions and text that has been discussed at meetings of several Commission working groups.

The draft EPO Plan is presented as the basis for discussion and, if appropriate, approval by the Commission. It should be noted that most of the urgent actions (*e.g.* the establishment of a Regional Vessel Register) and several of the immediate actions are either completed or have already been discussed.

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INTRODUCTION

1. The issue of excess fishing capacity in the tuna fishery of the eastern Pacific Ocean (EPO) is causing increasing concern. Excessive fishing capacity is a problem that, among others, can contribute substantially to overfishing, the degradation of marine fisheries resources, and the decline of food production potential, and inevitably causes significant economic waste.
2. The overall issue of fishing capacity in the EPO is one that should be considered within the context of the FAO Code of Conduct for Responsible Fisheries and its general objective of sustainable fisheries. The Code of Conduct provides that States shall take measures to prevent or eliminate excess fishing capacity and shall ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.
3. In 1997, the FAO Committee on Fisheries (COFI) requested FAO to address the issue of fishing capacity. FAO organized a Technical Working Group on the Management of Fishing Capacity in La Jolla, USA, from 15 to 18 April 1998. A subsequent FAO consultation was held in Rome from 26 to 30 October 1998, preceded by a preparatory meeting from 22 to 24 July 1998. The International Plan of Action for the Management of Fishing Capacity was adopted at the 23rd Session of COFI in February 1999.
4. At the 61st Meeting of the Inter-American Tropical Tuna Commission (IATTC), held in La Jolla, USA, on 10-12 June 1998, a Permanent Working Group on Fleet Capacity was established. The Working Group met in La Jolla, USA, on 3-4 September 1998 and on 8-9 October 1999; in San Jose, Costa Rica, on 26-28 January 1999; in Panama City, Panama, from 31 July to 2 August 2000, and in La Jolla, USA, on 25-26 October 2000 and March 7-8, 2002. At the 62nd Meeting of the IATTC, held in La Jolla, USA, on 15-17 October 1998, a resolution limiting the capacity of the tuna purse-seine fleet in 1999 was adopted. At its 66th Meeting, held in San Jose, Costa Rica, on 12-15 June 2000, the IATTC adopted two resolutions which included instructions to the staff to prepare a comprehensive draft plan for the regional management of fishing capacity in the EPO.

I. NATURE AND SCOPE OF THE REGIONAL PLAN OF ACTION

5. This Plan of Action for the Regional Management of Tuna Fishing Capacity (the EPO Plan) has been elaborated within the framework of the FAO International Plan of Action for the Management of Fishing Capacity and the FAO Code of Conduct for Responsible Fisheries, as envisaged by Article 2(d) of the Code. The provisions of Article 3 of the Code apply to the interpretation and application of this Regional Plan of Action and its relationship with other international instruments.

6. The EPO Plan reflects the commitment of all Participants¹ to implement the Code of Conduct. Participants shall apply this Plan in a manner consistent with international law.
7. The EPO Plan is an element of fishery conservation and sustainable management.

II. OBJECTIVE AND PRINCIPLES

8. The objective of the EPO Plan is to achieve, by 1 January 2006, an efficient, equitable and transparent management of tuna fishing capacity in the EPO. *Inter alia*, to achieve long-term sustainability of the tuna fishery of the EPO. Participants shall endeavor initially to limit the total fleet capacity at the present level and to progressively reduce it in accordance with an agreed program. After targets for the fleet capacity have been achieved, Participants shall exercise caution to avoid growth in capacity.
9. The immediate objective shall be achieved through a series of actions related to two major strategies:
 - a. The updating of a comprehensive regional assessment of tuna fishing capacity and improvement of the capability for monitoring fishing capacity;
 - b. The development and implementation of a reduction schedule to effectively manage tuna fishing capacity.
10. These strategies may be implemented through complementary mechanisms to promote implementation of this EPO Plan: awareness building and education, technical cooperation at the international level, and coordination.
11. The management of tuna fishing capacity shall be based on the FAO Code of Conduct for Responsible Fisheries and shall take into consideration the following major principles and approaches.
 - a. **Participation:** The EPO Plan shall be implemented through the IATTC, in cooperation with other appropriate intergovernmental organizations.
 - b. **Phased implementation:** The management of fishing capacity shall be achieved through the following three phases: (1) urgent actions (updated assessments and diagnoses to be completed within six months of the adoption of the EPO Plan); (2) immediate actions (to be completed within one year after the adoption of the EPO Plan); and (3) long-term actions (periodic adjustment of assessment and diagnosed measures, as appropriate). The IATTC shall progressively implement the EPO Plan and strive to achieve the target capacity by 1 January 2006.
 - c. **Holistic approach:** The management of tuna fishing capacity in the EPO shall be comprehensive and consider all factors affecting capacity in both national and international waters.
 - d. **Conservation:** The management of fishing capacity shall facilitate the conservation and sustainable use of tuna stocks in the EPO and the protection of the marine environment. It shall be consistent with the precautionary approach, the need to minimize bycatch, waste, and discards, and ensure selective and environmentally safe fishing practices and the protection of biodiversity in the marine environment.
 - e. **Priority:** Priority shall be given to managing the fishing capacity in the tuna purse-seine fishery, in which there already exists excess fishing capacity. However, the management of longline fishing capacity shall also be addressed.
 - f. **New technologies:** The management of fishing capacity shall take into account the incorporation of environmentally sound and evolving technology in all fisheries covered by this Plan.

¹ For the purposes of this document, "Participant" means Parties to the IATTC, States and Regional Economic Integration Organizations, and Fishing Entities that have applied for membership to the Commission or that cooperate with the management and conservation measures adopted by the Commission.

- g. **Mobility:** The management of fishing capacity shall encourage the efficient use of fishing capacity, allow the legitimate transfer of vessels among Participants, and discourage entry of new vessels into the EPO if that leads to excess capacity.
 - h. **Transparency:** The EPO Plan shall be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.
12. The implementation of the EPO Plan shall give due recognition to Article 5 of the Code of Conduct, in relation to enhancing the ability of developing countries to participate in tuna fisheries, including access to such fisheries, in accordance with their legitimate rights and their obligations under international law.
13. The implementation of the EPO Plan shall acknowledge and affirm the right of coastal countries and other countries with a longstanding and significant interest in the tuna fisheries in the EPO to develop and maintain their own tuna fishing industries.

III. URGENT ACTIONS

Section I: Assessment and monitoring of fishing capacity

Measurement of fishing capacity

14. The IATTC shall monitor, through the Permanent Working Group on Fleet Capacity, the capacity of the tuna fleet operating in the EPO. The well volume of vessels, in cubic meters (m³), will be used as the primary basis for measuring the capacity of the purse-seine fleet.

Diagnosis and assessment

15. The IATTC shall establish the target fishing capacity of all the tuna-fishing fleets in the EPO within six months of the adoption of the EPO Plan.
16. The target level for the purse-seine fishery is 158,000 m³ of total well volume. This target level shall be reviewed on a regular basis, and modified, if necessary, taking into account the levels of the stocks.

Regional Vessel Register

17. The IATTC has established, in accordance with its Resolution of June 2000, a Regional Register of Vessels authorized to fish in the Convention Area for species under the purview of the Commission. Participants shall provide the Director with information concerning any change to their fleets.
18. Participants shall support FAO in the development of appropriate and compatible standards for records of fishing vessels.
19. The IATTC shall maintain a list of vessels of non-Participants fishing in a manner that undermines the EPO Plan.

IV. IMMEDIATE ACTIONS

Section I: Capacity limits

20. Each Participant shall limit the capacity of its fleet operating in the EPO consistent with the objective of this Plan to establish a limit on the total capacity of the tuna purse-seine fleet operating in the EPO.
21. The Regional Vessel Register, as of [18 June 2002] and as subsequently modified, shall be used as the definitive list of purse-seine vessels authorized to fish for tunas in the EPO, as specified in the Resolution on the Capacity of the Tuna Fleet of [__ June 2002²]. Any purse-seine vessel fishing for tunas in the EPO that is not on the list would be considered to be undermining IATTC management

² See the draft resolution on the capacity of the tuna fleet operating in the eastern Pacific Ocean, approved by the 6th meeting of the Permanent Working Group on Fleet Capacity, 8 March 2002

and conservation measures.

22. Participants shall prohibit, except to replace vessels removed from the Regional Vessel Register, and provided that the total capacity of any replacement vessel or vessels does not exceed that of the vessel or vessels replaced:
 - a. Increasing the capacity of any existing vessel; and
 - b. The entry of new vessels, defined as those not included in the Register, to the EPO purse-seine fleet.

Section II: Progressive reduction

23. Participants agree to endeavor to develop and implement, through the Permanent Working Group on Fleet Capacity, by [date], a reduction schedule to achieve the target level of 158,000 m³ of well volume by 1 January 2006, along with procedures to implement that schedule in the purse-seine fishery.
24. The reduction schedule, once adopted, will serve as the basis for further action by the IATTC with respect to the capacity of the EPO purse-seine tuna fleet and, in particular, for achieving a target reduction in overall fleet capacity, including a limitation and reduction schedule, if appropriate, for other vessels in the EPO tuna fishery.

V. LONG-TERM ACTIONS

Section I: Subsidies and economic incentives

25. Participants shall assess the possible impact of all factors, including subsidies, contributing to overcapacity on the sustainable management of tuna fisheries in the EPO, distinguishing between factors, including subsidies, which contribute to overcapacity and unsustainability and those which produce a positive effect or are neutral.
26. Participants shall reduce and progressively eliminate all factors, including subsidies and economic incentives and other factors that contribute, directly or indirectly, to the build-up of excessive fishing capacity, thereby undermining the sustainability of the tuna resources in the EPO.

Section II: Mechanisms to promote implementation

Awareness building and education

27. Participants shall develop information programs at national and regional levels to increase awareness about the need for the management of tuna fishing capacity, and the costs and benefits resulting from adjustments in that capacity in the EPO.

Scientific and technical cooperation

28. Participants shall support training and institutional strengthening and consider providing financial, technical, and other assistance to developing countries on issues related to the management of fishing capacity.
29. Participants shall strive to collaborate, through FAO and through international arrangements, in research, training, and the production of information and educational material aiming to promote the effective management of tuna fishing capacity.
30. The IATTC shall keep FAO updated on progress on the assessment, development, and implementation of the EPO Plan.

VI. COMPLIANCE

31. The Permanent Working Group on Compliance shall review and monitor compliance with the EPO Plan, and shall recommend to the IATTC appropriate measures for addressing matters related to compliance with the EPO Plan.

32. The IATTC shall identify Participants whose vessels fish for tunas in the EPO that do not exercise effective jurisdiction and control over their vessels, or whose vessels do not comply with this Plan. Participants shall take measures to encourage such Participants to implement this Plan.

VII. PERIODIC REVIEW AND ADJUSTMENTS

33. At least every four years, the IATTC shall review the implementation of the EPO Plan for the purpose of identifying cost-effective strategies for increasing its effectiveness and the consideration of different management systems and fishing capacity.
34. The overall capacity target shall be reviewed regularly to ensure that it takes into account ecosystem considerations and that it remains in balance with the available fishery resources and management objectives.

VIII. OPERATIONAL PROCEDURES

35. The Permanent Working Group on Fleet Capacity shall review annually the entry of new vessels to the EPO tuna fleet, and shall recommend to the IATTC measures for addressing matters related to the EPO Plan, including adjustments as appropriate. The entry of new vessels shall be governed by the following considerations:
 - a. No transfer of vessels to the jurisdiction of another Participant shall be allowed without the express consent and formal authorization of both Participants, and shall be subject to any relevant Commission resolutions.
 - b. A system to deal with new vessels (defined as those not included in the Regional Vessel Register) entering the EPO tuna fishing fleet shall be developed. The system shall include rules to address how States not currently participating in the tuna fishery in the EPO might do so in the future, the replacement of lost or retired vessels, and the loss of capacity due to non-utilization. A Participant wishing to bring a new vessel into the fishery shall (1) so notify the other Participants, through the Director, and (2) undertake efforts to find a suitable vessel from the Register for at least four months following such notification before bringing a new vessel into the fishery. In such cases, the vessel to be replaced will have to be first removed from the Regional Vessel Register at the request of the flag State.
36. To update the Regional Vessel Register in accordance with the resolution establishing the Register, Participants shall notify the Director by [date] of the operational status of each vessel, indicating whether the vessel is fishing or expected to fish during the current year.

IX. GENERAL

37. Participants shall consider partaking in international agreements that relate to the management of fishing capacity, in particular the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.
38. The IATTC shall support co-operation and the exchange of information with FAO and relevant regional fisheries organizations.
39. The economic importance of the tuna-fishing fleets and the need to limit the size of these fleets to a level commensurate with economic viability shall be considered in implementing the EPO Plan.