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**DRAFT PLAN FOR REGIONAL MANAGEMENT OF FISHING CAPACITY**

The 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 Director 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 EPO Plan is a policy document that will establish the general framework for managing the capacity of the tuna fleets in the eastern Pacific, and it will be implemented by resolutions adopted by the Commission. It is based on the draft plan presented at the 69<sup>th</sup> meeting of the Commission, but has been modified to take into account the discussion at that meeting and the 2002 resolution on capacity.

The 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 actions in three phases, 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 EPO Plan is presented for discussion and, if appropriate, approval by the Commission. It should be noted that most of the actions on phase one (*e.g.* the establishment of a Regional Vessel Register) and several of the actions on phase two are either completed or have already been discussed.

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## INTER-AMERICAN TROPICAL TUNA COMMISSION

### DRAFT PLAN FOR REGIONAL MANAGEMENT OF FISHING CAPACITY

#### 1. INTRODUCTION

1. 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.
2. The International Plan of Action for the Management of Fishing Capacity was adopted at the 23<sup>rd</sup> Session of the FAO Committee on Fisheries in February 1999. The IATTC has recognized that the issue of managing fishing capacity in the tuna fishery of the Eastern Pacific Ocean (EPO) needs to be addressed. Excessive fishing capacity is a problem that can contribute to overfishing, the degradation of marine fisheries resources, and the decline of food production potential, and inevitably causes economic waste.
3. At its 66<sup>th</sup> Meeting, held in San Jose, Costa Rica, on 12-15 June 2000, the IATTC adopted two resolutions that instructed the Director to prepare a comprehensive draft plan for the regional management of fishing capacity in the EPO.

#### 2. NATURE AND SCOPE OF THE REGIONAL PLAN OF ACTION

4. 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.
5. The EPO Plan reflects the commitment of all Participants<sup>1</sup> to implement the Code of Conduct. Participants shall apply this Plan in a manner consistent with international law.
6. The EPO Plan is an element of fishery conservation and sustainable management. It is a policy document that establishes the general framework for managing the capacity of the tuna-fishing fleet, and it will be implemented by resolutions adopted by the Commission.. .

#### 3. OBJECTIVE AND PRINCIPLES

7. 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, to assist in achieving long-term sustainability of the tuna fishery of the EPO. The management of fleet capacity will complement other measures taken to conserve the tuna stocks. Participants shall endeavor to limit the total fleet capacity at the present level and to reduce it, as appropriate, in accordance with an agreed program. After any targets for the fleet capacity have been achieved, Participants shall exercise caution to avoid growth in fleet capacity.
8. The immediate objective shall be achieved through a series of actions related to two main strategies:

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

- a. The updating of a comprehensive regional assessment of tuna-fishing capacity and improvement of the capability for monitoring fishing capacity;
  - b. The consideration of a reduction schedule to effectively manage tuna-fishing capacity.
9. 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.
  10. 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 actions in the following three phases: (1) updated assessments and diagnoses; (2) consideration of limits on the purse-seine fleet and on vessels using other types of fishing gear ; and (3) periodic adjustment of target levels established for the fleet and/or fishery , as appropriate.
    - 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.
    - 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.
  11. 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.
  12. In the implementation of the EPO Plan, 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 shall be acknowledged and affirmed.
  13. 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.

## **4. PHASE ONE**

### **4.1. Assessment and monitoring of fishing capacity**

#### **4.1.1. 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 (m<sup>3</sup>), will be used as the primary basis for measuring the capacity of the purse-seine fleet.

#### **4.1.2. Diagnosis and assessment**

15. The IATTC shall establish the target fishing capacity of all the tuna-fishing fleets in the EPO.

16. The target level for the purse-seine fishery is 158,000 m<sup>3</sup> of total well volume. This target level shall be reviewed on a regular basis, and modified, if necessary, taking into account the status of the stocks.

17. The IATTC shall establish the target fishing capacity for the large-scale longline fleets.

#### **4.1.3. Regional Vessel Register**

18. 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.

19. Participants shall support FAO in the development of appropriate and compatible standards for records of fishing vessels.

20. The IATTC shall maintain a list of vessels of non-Participants fishing in a manner that undermines either the EPO Plan or other management measures adopted by the Commission.

## **5. PHASE TWO**

### **5.1. Capacity Limits**

#### **5.1.1. Purse-seine fleet**

21. Each Participant shall limit the capacity of its purse-seine fleet operating in the EPO consistent with the objective of this Plan and the Resolution on Fleet Capacity .

22. The Permanent Working Group on Fleet Capacity will evaluate the necessity and feasibility of a reduction plan to achieve the target level of well volume by 1 January 2006.

#### **5.1.2. Other fleets**

23. The Permanent Working Group on Fleet Capacity will develop mechanisms to limit the capacity of fleets fishing for tunas using gears other than purse seines , and if it considers appropriate, propose target levels for such fleets and a reduction plan to achieve them.

## **6. PHASE THREE**

### **6.1. Subsidies and economic incentives**

24. 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.

25. Participants shall reduce and progressively eliminate all factors, including subsidies, 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.

## **6.2. Mechanisms to promote implementation**

### **6.2.1. Awareness building and education**

26. 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.

### **6.2.2. Scientific and technical cooperation**

27. 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.

28. 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.

29. The IATTC shall keep FAO updated on progress on the assessment, development, and implementation of the EPO Plan.

## **7. COMPLIANCE**

30. 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.

31. 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.

## **8. PERIODIC REVIEW AND ADJUSTMENTS**

32. At least every four years, the IATTC shall review the implementation of the EPO Plan to identify cost-effective strategies for increasing its effectiveness and the consideration of different management systems and fishing capacity.

33. 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.

## **9. OPERATIONAL PROCEDURES**

34. The Permanent Working Group on Fleet Capacity shall recommend to the IATTC measures for addressing matters related to the EPO Plan, including adjustments as appropriate, and shall review annually the entry of new vessels to the EPO tuna fleet. 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 vessels 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.

35. Participants shall provide the Director, in a timely manner and in accordance with Commission resolutions, all the information regarding their flag vessels necessary for the proper maintenance of the Register.

#### **10. COOPERATION WITH OTHER ORGANIZATIONS AND ARRANGEMENTS**

36. Participants shall consider participating 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.
37. The IATTC shall support co-operation and the exchange of information with FAO and relevant regional fisheries organizations.