

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

3RD MEETING

LIMA (PERU)
10 JUNE 2004

DOCUMENT JWG-3-05

COMPLIANCE BY NON-PARTIES (UPDATED)

At the second meeting of the Joint Working Group on Fishing by Non-Parties, held in Antigua, Guatemala, in June 2003, its terms of reference were agreed. Among the functions established by the terms of reference is that stated in 2.b: “review and monitor compliance by non-parties with the conservation and management measures of both the IATTC and the AIDCP”.

Document JWG-3-04 addresses the requirement of paragraph 2.a. of the terms of reference that the Working Group “identify non-parties with vessels fishing in the region, and ... identify the individual vessels of non-parties.” To analyze the compliance of these non-parties, one must determine what measures were in effect during the time period of the evaluation for each of the two agreements, and then consider the record of the vessels of the non-party in adhering to the measures.

As regards the AIDCP, the non-parties with vessels fishing in the region are Belize, Canada, Chile, China, Georgia, Indonesia, Korea, Chinese Taipei, and St. Vincent. All of these except Canada and Belize have only longline vessels, and since the AIDCP does not have any requirements with respect to longline fishing, there is evidently no compliance issue.

Canada has troll vessels that fish for albacore tuna, and the staff has catch information for this fishery. Belize has purse-seine vessels, but in 2003 had only one vessel of more than 363 metric tons capacity, and thus under the purview of the AIDCP. During 2003 this vessel, the *Don Italo*, made four trips without an observer, a clear violation of the AIDCP. Later in 2003 this vessel changed flag to Panama.

In the case of the IATTC, the analysis is more complex. The non-parties with vessels fishing in the region are Belize, Bolivia, Canada, Chile, China, Colombia, Georgia, Indonesia, Korea, Chinese Taipei, and St. Vincent. In 2003 the Commission had only one measure applicable to longline vessels, the provision of required catch data. This issue is also discussed in the IATTC compliance report for 2003 (Document COM-5-04), where it is noted that these data for 2002 have not been received for the longline vessels of Belize, Bolivia, Colombia, Georgia, Indonesia, Honduras, Chinese Taipei, and St. Vincent. However, since that document was prepared, 2002 catch data have been received from Chinese Taipei. In 2002 Honduras had 81 vessels fishing in the EPO, but has since reduced that number to one vessel; the staff has received 2002 catch data for this one vessel.

The measures applicable to purse-seine vessels in 2003 were much more extensive. In addition to general catch data reporting, there were measures relating to bycatch, weekly at-sea reporting, fleet capacity and tuna conservation (area closure). These are analyzed in considerable detail in the IATTC compliance report for 2003. For the purposes of the Joint Working Group, and in particular with regard to the question of determining the status of cooperating non-party, it is perhaps most useful to focus on the measures related to fleet capacity and tuna conservation that apply to the purse-seine fleet.

With respect to capacity, in June 2002 the Commission adopted a resolution on the capacity of the tuna purse-seine fleet operating in the EPO. The capacity management system established by the resolution does not include the concept of national capacity allocations or limits; instead, fleet capacity limitations

are essentially determined by the Regional Vessel Register. Therefore, the key elements of the resolution address how vessels may be added to or removed from the Register. The participating governments have agreed to use the Register as the definitive list of purse-seine vessels authorized by the participants to fish for tunas in the EPO. According to the resolution, any purse-seine vessel fishing for tunas in the EPO that is not on the Register would be considered to be undermining IATTC management measures.

The resolution prohibits the entry of new vessels, defined as those not included on the Register, to the EPO purse-seine fleet, except to replace vessels removed from the Register. There are some limited and specific exceptions to this rule for five countries, and these are elaborated in the resolution. Thus, a country cannot add a purse-seine vessel to its fleet unless it is a replacement or the country is allowed an exception.

The compliance issue relevant to this Working Group is that a newly-built purse-seine vessel, the *Martha Lucia*, entered the fishery on February 22, 2004, under Colombian flag, and has been fishing for tuna in the EPO. This vessel is not on the Register, and would not be eligible for inclusion even if Colombia requested it, because the terms of the resolution have not been met: it is not replacing another vessel, and Colombia is not one of the five countries allowed an exception by the resolution.

Turning to the tuna conservation issue, the 2003 *Resolution on the conservation of tuna in the EPO* established a prohibition on any fishing by purse-seine vessels in a specified area of the EPO from December 1 through December 31, 2003. The precise coordinates of the closed area are spelled out in the resolution.

The staff has identified two possible violations of this closure. In the first case, the IATTC observer aboard the Bolivian-flag vessel *Amanda S.* recorded a set made on December 1 at a position which, according to the vessel's satellite navigation equipment, was within the closure zone. Furthermore, the observer reported that he was asked not to record this illegal fishing activity.

The second case also involved a Bolivian flag vessel, *Sea Gem*, which was reported by an observer aboard another vessel as setting inside the closed area on December 28.

The Director informed Bolivia of these incidents and asked that they be investigated and action be taken. Bolivia responded by fining the vessels, and recently asked for the assistance of IATTC members in detaining Bolivian vessels that have been sanctioned for violations of measures of the IATTC. Bolivia has advised the management of both vessels that they will not be released from the Bolivian registry until they have complied with any sanctions imposed on them.