

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

3RD MEETING

LIMA (PERU)
10 JUNE 2004

DOCUMENT JWG-3-06

COOPERATING NON-PARTIES OR FISHING ENTITIES

1. BACKGROUND

In June 2003 the Commission adopted a [Resolution on criteria for attaining the status of cooperating non-party or cooperating fishing entity to AIDCP and IATTC](#) (C-03-11), which sets forth the requirements that must be fulfilled by non-parties and fishing entities seeking that status. These include matters relating to the provision of information, compliance with conservation and management measures, and participation in meetings.

The resolution requires that cooperating status be accorded on a year-to-year basis, and that it be decided by both the Meeting of the Parties to the AIDCP and the IATTC Annual Meeting on the basis of a review of compliance with the above-mentioned requirements.

Also in June 2003, the Joint Working Group on Fishing by Non-Parties agreed its terms of reference (TOR). Among its functions are those stated in paragraphs 2.e-g of the TOR, *viz.*:

- e. analyze the mechanism by which the status of cooperating non-party, entity or fishing entity shall be requested and granted.
- f. propose the procedures for evaluating the status of cooperating non-party, entity or fishing entity and define the reasons for revoking such a status.
- g. recommend to the IATTC and the Meeting of the Parties to the AIDCP, such actions as may be required to obtain, request, grant and maintain the status of cooperating non-party, entity or fishing entity, as well as those that are considered necessary to promote and improve compliance with the conservation and management measures of the IATTC and/or the AIDCP.”

The IATTC members determined that the cooperating non-parties and cooperating fishing entity to the IATTC during 2004 would be China, the European Union, Korea and Chinese Taipei.

2. PROCEDURES

2.1. Requests for cooperating status (TOR, 2.e)

Regarding the mechanism for requesting cooperating status specified in paragraph 2.e of the TOR, the Working Group should decide whether to recommend the establishment of a formal application procedure. ICCAT, for instance, requires any non-party or fishing entity requesting cooperating status to make a formal application at least 90 days before the annual meeting. This formal request must be accompanied by specific information relating to data, research and compliance.

2.2. Evaluation of cooperating status (TOR, 2.f)

The procedures for evaluating cooperating status, mentioned in paragraph 2.f, would appear to be relatively clear: the Joint Working Group is to evaluate annually whether the requirements set forth in

Resolution C-03-11 are being met. While recommendations regarding cooperating status may come by consensus from the Working Group, it is clear from the TOR that a recommendation to the IATTC may be made by consensus of the IATTC members, and a recommendation to the Meeting of the Parties to the AIDCP may be made by consensus of the AIDCP Parties.

2.3. Determination of cooperating status (TOR, 2.g)

Finally, and perhaps most importantly, there is the matter of the actual determination of cooperating status, the apparent intent of paragraph 2.g of the TOR. The specific requirements that need to be examined are already elaborated in Resolution C-03-11; if the governments decide that more formal procedures should be developed for the determination of cooperating status, in particular the matter of a formal application, it would appear that these could not apply until the meetings in June 2005.

Under these circumstances, it would still be necessary to make a determination of cooperating status for 2005 at this 2004 meeting. In this regard, it should be noted that Document JWG-3-04 identifies non-parties and their vessels, and [Document JWG-3-05](#) analyzes compliance by non-parties. These documents should be helpful in determining the status of cooperating non-parties and cooperating fishing entities for 2005, although it is clear that the specific requirements of Resolution C-03-11 need to be analyzed in order to make the required determinations.

The specific requirements in Resolution C-03-11 with respect to non-parties are:

1. Information requirements:

The analysis under this section refers to both IATTC and AIDCP, and does not address the matter of small-scale coastal fisheries.

- a. *Communicate full data on its historical fisheries in the IATTC area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas.*

This requirement has been met by Chile, China, Korea and Chinese Taipei, although the full range of the data mentioned in this provision has not been made available.

- b. *Communicate annually catch and effort data and size-frequency distribution of the catches (when possible) in due time and appropriate format for scientific evaluation of the stocks.*

This requirement has essentially been met, pursuant to the IATTC [Resolution on data provision](#), which requires that annual data be reported by June 30 of the following year, as elaborated in [Document JWG-3-05](#), by Chile, China, Honduras, Korea and Chinese Taipei.

- c. *Communicate details on current fishing presence in the area, number of vessels and vessel characteristics.*

This requirement has been met by Chile, China, Honduras, Korea and Chinese Taipei, although information on the number of vessels actually fishing in the eastern Pacific Ocean (EPO) has not been made available by Korea and Chinese Taipei.

- d. *Communicate research programs it has conducted in the IATTC area and share the information and the results with the IATTC and AIDCP.*

The Commission staff has no information regarding research programs conducted in the EPO by any non-party, with the exception of Chile, although length-frequency data from EPO longline catches have been made available by Chinese Taipei.

2. Compliance requirements:

- a. *Respect all conservation measures in force in IATTC-AIDCP.*

AIDCP: the only issue associated with this requirement is the activity of one purse-seine vessel of Belize, which fished without an observer during 2003. As noted in Documents JWG-3-04 and [JWG-](#)

[3-05](#), Belize no longer has any large purse-seine vessels fishing in the EPO.

IATTC: the principal conservation measure, the December area closure, was not respected by Bolivian vessels during 2003, nor by Bolivian and Colombian vessels during 2002.

b. Respect the capacity limits already in force in IATTC for tuna vessels.

AIDCP: this requirement does not apply.

IATTC: Colombia has not respected the agreed capacity limits, as elaborated in [Document JWG-3-05](#).

c. Inform IATTC/AIDCP of the measures it takes to ensure compliance by its vessels, including inter alia and as appropriate, observer programs, inspection at sea and in port, and Vessel Monitoring Systems (VMS).

AIDCP: this requirement has not been followed by Belize, the only non-party with a large purse-seine vessel fishing during 2003. Belize no longer has any large purse-seine vessels operating in the region.

IATTC: this requirement has not been followed by Belize, Bolivia, China, Colombia, Georgia, Honduras, Indonesia, Korea, Chinese Taipei and St. Vincent

d. Respond to alleged violations of IATTC or AIDCP measures by its vessels, as determined by the appropriate bodies, and communicate to AIDCP or IATTC the actions taken against the vessels.

AIDCP: this requirement has not been followed by Belize.

IATTC: with regard to the December area closure, there are no issues for 2003. For 2002, Bolivia and Colombia did not follow this requirement.

3. Participation:

Participation at plenary and scientific meetings, as an observer.

AIDCP: there has been no participation in meetings by Belize.

IATTC: there has been participation in plenary and scientific meetings by China, Korea and Chinese Taipei; participation in plenary meetings by Bolivia and Colombia; and participation in scientific meetings by Chile.