

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

MINUTES OF THE 5th MEETING

**Busan (Korea)
23 June 2006**

AGENDA

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1. Opening of the meeting	
2. Adoption of the agenda	
3. Approval of minutes of the fourth meeting	
4. Compliance by non-parties	JWG-5-04
5. Consideration of the size limit for IUU vessels	JWG-5-07
6. List of vessels identified as being engaged in IUU fishing	
7. Cooperating non-parties or fishing entities for 2007	JWG-5-05
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APPENDICES

1. List of attendees
2. JWG-5-INF A: Chinese Taipei's measures in improving fisheries management
3. Letter from Chinese Taipei regarding renewal of Cooperating Status

1. Opening of the meeting

The meeting was opened by the Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission. Ms. Elisa Barahona of Spain was elected chair of the meeting. The attendees are listed in Appendix 1.

2. Adoption of the agenda

The meeting agreed to reverse the order of items 5 and 7 of the provisional agenda.

3. Approval of minutes of the fourth meeting

The minutes of the 4th meeting of the Working Group were adopted as presented.

4. Compliance by non-parties

Dr. Allen presented Document JWG-5-04 on compliance by non-parties. Several delegations made comments on the presentation. It was agreed to ask the Secretariat to send letters to all the governments that had not submitted the information on catches by their fleets.

5. Consideration of size limit for IUU vessels

Japan expressed its view that the size limit of 24 meters for vessels to be eligible for inclusion on the IATTC IUU list was too high, and proposed that the criterion should be all those vessels capable of fishing in waters outside the jurisdiction of their flag states. After discussing the matter, the Working Group decided to present to the Commission an amendment to Resolution C-05-07 which combined a length limit, to be decided by the Commission, with the criterion that all vessels with a history of fishing in waters outside the jurisdiction of their flag states be eligible for inclusion in the IUU List.

6. List of vessels identified as being engaged in IUU fishing

The meeting reviewed the Provisional IATTC Vessel List, prepared by the IATTC staff, which consisted of the current IATTC IUU List and a series of comments regarding these and other vessels which had been sent to the staff by various governments.

After considerable discussion, a revised list of vessels was prepared, and the Working Group agreed that this list would be transmitted to the Commission for its consideration. Among the vessels considered during this discussion, the cases of the vessel *Atlantis IV*, Nicaragua flag, and *Athena F*, Venezuela flag, stimulated considerable discussion. These two vessels have been fishing in the eastern Pacific Ocean but are not on the IATTC Regional Vessel Register.

Some delegations expressed their view that the flag governments of these two vessels had not received sufficient notification that the vessels might be considered IUU, while others made it clear that the proper procedures had been followed for these two vessels in terms of following the requirements of Resolution C-05-07. In the end, it was decided that the issue of whether these two vessels, plus four troll vessels currently of unknown flag, should be placed on the IUU list would be further addressed by the Commission during its upcoming meeting.

Another matter which the Working Group decided should be addressed by the Commission was whether the Belize flag vessels should remain on the IUU list.

Dr. Allen advised the meeting that it had recently come to his attention that a vessel with the flag of Netherlands Antilles, the *Faro Villano*, has been fishing in the EPO, and that he had requested information on catch and other details on the vessel's operations from the appropriate government authorities.

Spain introduced a modification of Resolution C-05-07 in order to improve and clarify the procedures associated with establishing the IATTC List of IUU vessels. Various delegations acknowledged the need to clarify the procedures contained in that resolution, and supported the proposal, but had comments on the text. It was agreed that the comments would be provided to the delegation of Spain in order to have a more consolidated proposal before discussing it in an informal working group, and presenting the result to the plenary. Also, Costa Rica, with the support of several other delegations, produced an alternative proposal regarding these procedures. The delegations decided to attempt to reach agreement on a consolidated proposal on this matter before the end of the Commission meeting.

7. Cooperating non-parties or fishing entities for 2007

Dr. Allen presented Document JWG-5-05, noting that applications requesting Cooperating Status in IATTC for this year have been sent by seven governments: Belize, Canada, China, Chinese Taipei, Cook Islands, the European Union, and Honduras.

Chinese Taipei made a statement (Document JWG-5-INF A; Appendix 2) regarding measures it has taken to improve its fisheries management to meet the conservation and management measures adopted by the Commission. Chinese Taipei noted that, in addition to the planned 160-vessel reduction already noted, it will further reduce the number of its large-scale tuna longline vessels with ultra-low-temperature freezers, excluding albacore vessels, to 280 by the end of 2007.

The working group considered each application for cooperating status individually, and after doing so, recommended that Canada, China, Chinese Taipei, and the European Union should be granted Cooperating Status. There was not a consensus in the Working Group regarding Belize, Cook Islands, or Honduras; it was decided instead that these cases should be considered by the Commission plenary. Further, the staff was asked to provide additional information regarding the applications and fishing activities of Belize, Canada, the Cook Islands and Honduras prior to the consideration of this matter at the Commission meeting.

8. Recommendations for the IATTC and the Meeting of the Parties

The Working Group agreed to recommend the following to the Commission:

1. Regarding the question of the size limit for vessels to be eligible for inclusion on the IATTC IUU Vessel List, that the Commission consider an amendment to Resolution C-05-07 which combines a length limit, to be decided by the Commission, with the criterion that all vessels with a history of fishing in waters outside the jurisdiction of their flag states be eligible for inclusion in the IUU List.
2. Regarding the IATTC IUU Vessel List, that the Commission finalize a new List based on the discussions of the Working Group.
3. Regarding applications by governments for cooperating status, that Canada, China, Chinese Taipei, and the European Union be granted cooperating status, and the applications of Belize, Cook Islands, and Honduras, be analyzed further by the Commission.

9. Other business

The Working Group agreed that, in deciding upon the IUU list each year, the Commission should consider its existing list and add and/or delete vessels to it, rather than building a completely new list each year.

With respect to another procedural issue, the Working Group agreed to a suggestion by Chinese Taipei that it should not be necessary for a government with Cooperating Status to make a new application each year in order to have its status for the next year considered by the Commission (Appendix 3). It was agreed that Resolution C-04-02 should be modified to make this procedure clear, and Costa Rica offered to draft a proposal on this matter for presentation to the Commission.

10. Adjournment

The meeting was adjourned.

Appendix 1.

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Appendix 2.

DOCUMENT JWG-5-INF A

CHINESE TAIPEI'S MEASURES IN IMPROVING FISHERIES MANAGEMENT

1. Introduction

The Director of IATTC, Dr. Robin Allen, wrote Chinese Taipei a letter dated 26 October 2005 requesting that Chinese Taipei rectify the situation of laundering of catches and improve control of small longline vessels, overcapacity, and the fishery directed towards sharks, and report the actions it takes at the 2006 meeting of the Commission. It should be noted that Chinese Taipei has taken appropriate measures and actions to improve its fisheries management to meet the conservation and management measures adopted by the Commission and other relevant regional fisheries management organizations (RFMOs). Such measures include provision of a list of tuna longline vessels over 24 meters authorized to fish in the Convention Area and a list of vessels, including those over and under 24 meters, authorized to fish in the Convention Area, setting species-specific fishing area for vessels, application of catch limit for bigeye tuna on individual fishing vessel basis in accordance with IATTC Resolution C-04-09, implementation of vessel monitoring system, verification of catch through statistical document programs for bigeye tuna, and imposition of severe penalty on those who have violated the regulations. Above all, Chinese Taipei has implemented a vessel reduction program. The government and the industry have allocated more than US\$200 million to buy back 160 fishing vessels during 2005 and 2006, so that its global fleet size can be commensurate with the fishing possibility.

2. Measures to prevent laundering activities

2.1. Prevention on the overuse of quota

To prevent overuse of fishing quota by fishing vessels and the resulting motivation of fish laundering, species-specific fishing areas for vessels targeting on bigeye tuna and albacore tuna have been set, and no interchange of fishing areas by their designated fishing activities are permitted, without prior authorization. Their positions are being monitored to ensure compliance. Vessels are required to install satellite-based vessel monitoring system for sending uninterrupted position messages to the VMS center of the Fisheries Agency four times daily.

Catch limit for bigeye tuna is applied on individual fishing vessel basis. Vessels are required to report weekly their catch to the Fisheries Agency. When any fishing vessel has used up its quota, it will be required to stop fishing and enter into a port. Those who overuse their quota will be punished. Punitive actions taken to enforce this measure are described in the following section.

Statistical document programs for bigeye tuna have been carried out in accordance with the requirement of the IATTC and other relevant RFMOs, and the quantity of fish offloaded at market port has been crosschecked against the statistical documents to make sure the quantity reported for transshipment is accurate.

2.2. Punitive Actions

2.2.1. 2005

Atlantic Ocean: One fishing vessels involving overuse of bigeye quota was punished by suspension of its fishing license for one month and its quota was thus deducted with amount of overcatch. Another fishing vessel involving in unauthorized transshipment of its catch to foreign vessel was penalized by suspension of its fishing license for three months. Still another fishing vessel involving in unauthorized fishing operation cooperating with foreign country was punished by suspension of its fishing license for six

months.

Indian Ocean: The fishing license of one vessel that made false report of its position was suspended for two months. One carrier that didn't report its position and hid its activities of transshipment was punished by suspension of its fishing license for one month. Another fishing vessel that went operating at foreign base and transshipping catch from other vessel without authorization was punished by suspension of its fishing license for six months.

Pacific Ocean: One small-scale vessel involving in unauthorized fishing in the Eastern Pacific Ocean was called back to its homeport and punished by revocation of its fishing license due to its non-compliance with the timeframe of abovementioned port returning call. This case is still under administrative proceedings, with petition from the boat owner.

2.2.2. 2006:

Atlantic Ocean: One vessel involving in falsification of its bigeye catch and providing its statistical document to other fishing vessel for exporting bigeye catch was punished by suspension its fishing license for six months.

Indian Ocean: The fishing licenses of three vessels involving in falsification of catch and providing their statistical documents to other fishing vessels for exporting bigeye catch were suspended for six months. One fishing vessel that transshipped catch from other vessel without authorization was punished by suspension of its fishing license for six months. As for one carrier that didn't report its position, its fishing license was suspended for three months.

3. Control of small-scale longline vessels

The small-scale longline vessels fishing in the IATTC Convention Area shall be authorized by the government in advance, and they are required to report their catch data. Currently there are 8 small-scale longline vessels authorized to fish in the IATTC Convention Area, and they are all on the list of IATTC regional vessel register. The catch of these 8 vessels have already been included in the data Chinese Taipei provided to the IATTC. To enhance the management, the government of Chinese Taipei will be exerting more efforts to improve the management of this fleets by requiring vessels to install VMS, and establishing an ocean-based licensing system, to cohere with the relevant conservation and management measures of IATTC and other relevant RFMOs.

4. Reduction of fishing capacity

In order that the fishing capacity of bigeye target fleet can be commensurate with the fishing possibilities, the government has carried out mandatory vessel buyback program, under which 160 large-scale tuna longliners are to be bought back by the government for scrap between 2005 and 2006. The government and the industry have poured in US\$200 million to handle this matter. After full implementation of this program by the end of 2006, the number of ultra-low temperature longliners operating in the Pacific Ocean will be reduced to 60, with around 30% of reduction from that of the 2005. The vessel reduction program is illustrated in the table below.

	Indian Ocean	Pacific Ocean	Atlantic Ocean	Total
2005	24	15	20	59
2006	83	10	8	101
Total	107	25	28	160

Reduction of Large-Scale Tuna Longliners by Oceans in 2005 and 2006

5. Control of the fishing directed towards sharks

There are 8 small longline vessels of Chinese Taipei catch sharks seasonally. They are all on the Regional Register List, and their catch are also included in the fishing data Chinese Taipei provided. In addition, Chinese Taipei publicized its NPOA on shark conservation in May 2006, addressing the government's

policy on the conservation of sharks, including prohibition of finning.

6. Other measures taken

6.1. Implementation of limit-entry policy:

In order to prevent expansion fishing capacity, since 1989 Chinese Taipei has been implementing limit-entry policy which prohibits building a fishing vessel of Chinese Taipei's flag unless for replacement of a decommissioned fishing vessel.

6.2. Measures relating to purse seiners:

Chinese Taipei introduced strict limitation on the export of fishing vessels. In order to prevent expansion of fishing capacity resulted from exportation of foreign-owned fishing vessels, Regulations on Permission for the Export of Fishing Vessels were promulgated on June 29, 2005, prohibiting exportation of any tuna vessels built in Chinese Taipei unless for replacement of a sunk or scrapped fishing vessel of equivalent tonnage of a member or cooperating non-member of a RFMO. In addition, when its flagged longline vessel has been exported, the original owner will not be entitled to build a replacement vessel to avoid the expansion of the global fishing capacity.

6.3. Port state control:

The previous regulation of Chinese Taipei was to prohibit fishing vessels on the IUU lists from entering its ports. This regulation has changed since June 2005, prohibiting those fishing vessels not on the positive lists from entering ports.

6.4. Encourage the owner of foreign flagged vessels to comply with reporting requirement:

In 2006, IATTC provided Chinese Taipei with the "*List of vessels currently operating in the IATTC area as at 1st February 2006.*" The government of Chinese Taipei has identified those foreign flagged fishing vessels operated or owned by its nationals, and officers of the Fisheries Agency have visited the owners explaining to them the regulations and requirements of IATTC on conservation and management of tuna stocks in place, and encouraging them to comply.

6.5. Efforts in improving data collection:

To collect onboard scientific data on fishing operation, catches of major target species, ecological related species, and biological samples, Chinese Taipei has launched an observer program since 2001. The number of observers onboard of longliner in the Pacific Ocean has increased from one in 2002 to four in 2005, with increasing observation. Most of observation trips were made in the tropical area. The program is in progress this year with expected similar level of coverage.

7. Conclusion

To comply with IATTC resolutions, Chinese Taipei has taken measures and actions necessary. Therefore, the cooperating status for Chinese Taipei deserves for the Commission's favorable consideration. Then, with the connection between the Commission and Chinese Taipei, more contribution by Chinese Taipei in the work of the Commission in relation to the conservation and management of tuna stocks in the Eastern Pacific Ocean could be made.

Appendix 3.



行政院農業委員會漁業署

FISHERIES AGENCY

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Dear Dr. Allen:
Issue Concerning the Renewing Procedure of the Cooperating Status

During the 4th meeting of Joint Working Group on Fishing by Non-Parties last year, we have raised the issue concerning the renewing procedure of the cooperating status for a Non-party/Fishing entity that has already been granted such status. The Working Group decided that the non-parties should apply for such status each year. For this, we consent that the Article 2 of the Resolution C-04-02 shall be observed and an annual application process should be completed. Thus, we have sent a letter concerning the Request for Reviewing the Cooperating Status on 15 March 2006.

However, in accordance with the Resolution C-04-02, Article 6 provides “**Cooperating Status shall be reviewed annually** by the Commission, and **may be revoked** if...” It’s our understanding that Article 6 shall be observed as well. Therefore, the procedure for granting Cooperating Status to new applicants and the procedure for review such status to an existing Cooperating Non-Party or Fishing Entity are different. Once a Non-party/Fishing entity has been granted Cooperating Status in IATTC 73rd meeting, it’s our assumption that its cooperating status shall be reviewed annually in accordance with the Resolution C-04-02, particularly taking into account of the text of Article 6.

Attached please find the legal argument of Chinese Taipei concerning the reviewing procedure of cooperating status of IATTC.

Yours sincerely,

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