

**JOINT WORKING GROUP ON FISHING BY NON-PARTIES**

**6<sup>TH</sup> MEETING**

CANCUN, MEXICO  
22 JUNE 2007

**DOCUMENT JWG-6-05**

**IATTC IUU VESSEL LIST**

IATTC [Resolution C-05-07](#) requires the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated (IUU) fishing activities in the eastern Pacific Ocean, based on information collected by CPCs and obtained from any other relevant sources.

The procedure for compiling the List is as follows:

1. CPCs transmit to the Director, before 1 February, a list of any vessels of non-parties presumed to have carried out IUU fishing activities in the EPO during the current and previous years, together with supporting evidence;
2. On the basis of this information, the Director prepares a draft IATTC IUU Vessel List and circulates it, with the supporting evidence, to CPCs, and to non-Parties with vessels on the List, before 1 March; before 15 April, CPCs and non-Parties transmit their comments on the draft List to the Director;
3. The Director prepares a provisional IATTC IUU Vessel List, and transmits it, with the supporting evidence, to the CPCs and the non-Parties concerned two weeks in advance of the Annual Meeting of the Commission.

No information or comments have been received from any government this year, therefore the provisional List to be considered by the Working Group (Appendix A) is the same as the current [IATTC IUU Vessel List](#)<sup>1</sup>.

Resolution C-05-07 establishes that:

6. The IATTC-AIDCP Joint Working Group on Fishing by Non-Parties (Joint Working Group) shall each year examine the provisional IATTC IUU Vessel List, as well as the information referred to in paragraphs 3 and 5. The results of this examination may, if necessary, be referred to the Permanent Working Group on Compliance.

The Joint Working Group shall remove a vessel from the provisional IATTC IUU Vessel List if the vessel's flag State demonstrates that:

- a. The vessel did not engage in any of the IUU fishing activities described in paragraph 1, or
  - b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity.
7. Following the examination referred to in paragraph 6, the Joint Working Group shall recommend that the Commission approve the provisional IATTC IUU Vessel List, as amended by the Joint Working Group.

The note from the Director accompanying the provisional IATTC IUU Vessel List, circulated on 25 May, included the following information, which, while not commentary on the draft List, may be relevant to the consideration of this matter by the Parties:

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<sup>1</sup> <http://www.iatcc.org/VesselRegister/IUUENG.html>

1. The staff received letters from the High Commissioner of French Polynesia on 14 February requesting that consideration be given to adding two vessels to the IUU List, the *Mega Rezeki 02*, Indonesia flag, and the *Ha FA No. 21*, Chinese Taipei flag. In response, we noted that, according to our understanding of Resolution C-05-07, for a vessel to be added to the IUU List this year, relevant information must have been presented by February. We also noted that we would provide the information on these vessels to the Commission meeting in June. Regarding the *Ha FA No. 21*, Chinese Taipei has reported on the action that it took against the vessel, and has requested that it not be included in the IUU List. Attached is the correspondence regarding these two vessels (Appendix B).
2. Nine vessels on the IUU List have changed flags and names. Attached is a copy of correspondence from Guatemala regarding these vessels (Appendix C). The Commission should decide whether the flags and names of these nine vessels on the IUU List should be changed.
3. Regarding the vessel on the IUU List carried as Cambodian flag, *Dragon III*, the staff received a letter on 19 April from the Ministry of Agriculture Forestry and Fisheries of Cambodia stating that Cambodia does not have any flag vessels fishing in the EPO. Previously, we had received correspondence from the International Ship Registry of Cambodia confirming the presence of the vessel in the EPO, but stating that it was not fishing for tuna or tuna-like species. We sought clarification from Cambodia, and were informed by the International Ship Registry of Cambodia on 17 March that the vessel had been permanently deleted from the Cambodian registry as of 14 March and had changed flag to Costa Rica (Appendix D). The staff wrote to Costa Rica on 29 May seeking verification of the change of flag, and was advised that the *Dragon III* is not registered in Costa Rica. Thus, it would appear that this vessel has no flag, and should be carried on the IUU List as unknown flag.
4. The staff has information, provided by the government of Belize, that the vessel named *Dragon 18*, included on the IUU List with an unknown flag, was reported missing/lost at sea on 7 April 2005.
5. A vessel on the IUU List, *Wen Teng 668*, flag unknown, has been seen in Fiji, apparently in the process of changing its name to *Mahkoia Abadi No. 196*. The Commission has no procedure for amending its IUU List to reflect changes in names or flags of vessels on the List. However, pursuant to the memorandum sent to Commissioners on 25 October 2006, the format of the list on the Commission's website was expanded to include other information available about the vessels, and in the case of the *Wen Teng 668*, the name change is noted on the [additional page associated with this vessel](#)<sup>2</sup>.
6. The staff has information from unloadings in Costa Rica that the *Permata 6*, carried on the IUU List as Indonesian flag, is in fact Georgia flag.

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<sup>2</sup> <http://www.iattc.org/VesselRegister/VesselDetails.aspx?VesNo=129&Lang=en>

Appendix A.

PROVISIONAL IATTC IUU VESSEL LIST

26 MAY 2007

	Name	Gear	Flag		Name	Gear	Flag
1.	<a href="#">Marta Lucia R.</a>	PS	COL	18.	<a href="#">Permata 6</a>	LL	IDN
2.	<a href="#">Chen Chieh 1</a>	LL	GEO	19.	<a href="#">Permata 8</a>	LL	IDN
3.	<a href="#">Chen Chieh 11</a>	LL	GEO	20.	<a href="#">Dragon III</a>	LL	KHM
4.	<a href="#">Chen Chieh 12</a>	LL	GEO	21.	<a href="#">Camelot</a>	LL	UNK
5.	<a href="#">Chen Chieh 2</a>	LL	GEO	22.	<a href="#">Chen Chieh No. 61</a>	LL	UNK
6.	<a href="#">Chen Chieh 22</a>	LL	GEO	23.	<a href="#">Chen Chieh No. 62</a>	LL	UNK
7.	<a href="#">Chen Chieh 31</a>	LL	GEO	24.	<a href="#">Chi Hao No. 66</a>	LL	UNK
8.	<a href="#">Chen Chieh 32</a>	LL	GEO	25.	<a href="#">Dragon 18</a>	LL	UNK
9.	<a href="#">Bhaskara No. 10</a>	LL	IDN	26.	<a href="#">Jyi Lih 88</a>	LL	UNK
10.	<a href="#">Bhaskara No. 9</a>	LL	IDN	27.	<a href="#">Mary Lynn</a>	PS	UNK
11.	<a href="#">Bhineka</a>	LL	IDN	28.	<a href="#">Ming Yu Sheng 8</a>	LL	UNK
12.	<a href="#">Hiroyoshi 17</a>	LL	IDN	29.	<a href="#">Orca</a>	LL	UNK
13.	<a href="#">Jimmy Wijaya XXXV</a>	LL	IDN	30.	<a href="#">Permata 138</a>	LL	UNK
14.	<a href="#">Permata</a>	LL	IDN	31.	<a href="#">Reymar 6</a>	LL	UNK
15.	<a href="#">Permata 1</a>	LL	IDN	32.	<a href="#">Ta Fu 1</a>	LL	UNK
16.	<a href="#">Permata 102</a>	LL	IDN	33.	<a href="#">Wen Teng No. 688</a>	LL	UNK
17.	<a href="#">Permata 2</a>	LL	IDN				

COL	Colombia	UNK	Unknown–Desconocido
GEO	Georgia	PS	Purse seine–Red de cerco
IDN	Indonesia	LL	Longline–Palangre
KHM	Cambodia–Camboya		

Appendix B.

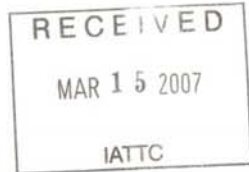


Ministère  
des transports,  
de l'équipement,  
du Tourisme  
et de la Mer



Service des  
Affaires maritimes  
de Polynésie française

N° /SAM  
247



Papeete, le 14 février 2007

Le Haut-commissaire  
de la Polynésie française

to

Mr the Director of IATTC  
8604 La Jolla Shores Drive  
La Jolla CA 92037-1508  
USA

**Subject** : Infringement of IATTC Taiwan fishing vessel »Hai FA N°21 «  
**Référence** : Resolutions C-05-03  
**Enclosure** : Infringement procedure against fishing vessel « Mega Rezeki 02 »

On October 26th 2006, the French authorities have controlled in the port of Papeete a fishing vessel « Hai FA N°21 » with a Taiwanese flag.

This vessel, a long-line fishing vessel, owned by « Lin Hai (2<sup>nd</sup> Road Ku San District Koashiung Taiwan) was fishing between latitudes 05°33' South and 07° South and longitudes 144° West and 148°51' West during the period from October 3th to October 22th.

Concerning compliance of IATTC regulations :  
This fishing vessel had on board 476 kilograms of shark fins in bags without carcasses on board.

Resolution C-05-03 resolves that vessels will not have on board fins that total is no more than 5% of the weight of sharks on board. In fact, this vessel is not complying with this resolution.

So, according to IATTC resolution N°C 05-07 and considering the infringement established, it would be appropriate if this vessel could be considered as an IUU vessel.

Yours sincerely,

The High Commissioner  
Of French Polynesia



Anne BOQUET

CC BRIAN  
Joi Delec  
HAWAII  
FILE

affaires  
maritimes Motu Uta - BP 495 - 78713 PAPEETE - ☎ : (00 689).54 95 25 - Fax : 43.43.90 - e-mail : affmar@mail.pf



Ministère  
des transports,  
de l'équipement,  
du Tourisme  
et de la Mer



Service des  
Affaires maritimes  
de Polynésie française

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Papeete, le 14 février 2007

Le Haut-commissaire  
de la Polynésie française

to

Mr the Director of IATTC  
8604 La Jolla Shores Drive  
La Jolla CA 92037-1508  
USA

ABA

**Subject** : Infringement of IATTC and French Fisheries Régulations

**Référence** : Resolutions C-05-07

**Enclosure** : Infringment procedure againt fishing vessel « Mega Rezeki 02 »

On october 27th 2006, the French war ship « Prairial » was investigating French Exclusive Economic Zone around Clipperton. She has controlled an irregular Indoesian fishing vessel in activity at a distance of about 75 nautical miles from the island.

This vessel named « Mega Rezeki 02 » had an Indonesian flag, Equatorian fishing licence, Chinese and Chinese Taipei seamen and the ship was owned by a Costa-rican company.

This fishing vessel had no French licence to fish in Clipperton EEZ.

Concerning appliance of IATTC regulations :

- This fishing vessel is not reported as a registrated IATTC vessel, according to resolution C-03-07
- She has no VMS equipment required by resolution C-04-06
- She had some shark fins on board without shark carcasses.

Due to infringment of French regulations, fish caught in French EEZ and fishing equipment had been seized. A procedure against the captain and the owner of the fishing vessel has been established and sent to French public prosecutor in Papeete.

More over, the IAATC list of IUU vessels indicates thas 11 of the 33 IUU vessels are Indonesian.

So, according to IATTC résolution N°C 05-07 and considering infringements established, it would be appropriate if this vessel could be considered as an IUU vessel.

Yours sincerely,

The High Commissioner  
Of French Polynesia



Anne BOQUET

CC Bland  
Lay De ler  
Hinhui  
File



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行政院農業委員會漁業署  
FISHERIES AGENCY  
Council of Agriculture, Executive Yuan  
No.2, Chao-chow St. TAIPEI, TAIWAN  
TEL: 886-2-3343-6110 FAX: 886-2-3343-6268 <http://www.fa.gov.tw>

Dr. Robin Allen  
Director  
Inter-American Tropical Tuna Commission  
Scripps Institute of Oceanography  
8604 La Jolla Shore Drive  
La Jolla, CA 92037-1508

May 28, 2007

Dear Dr. Allen:

**Subject: Report on Vessel "Hai Fa No. 21" for the Infringement of IATTC  
Resolution C-05-03**

I am writing to follow up my previous letter on April 3<sup>rd</sup> 2007 concerning our flagged vessel "Hai Fa No. 21" suspected of the infringement of IATTC Resolution C-05-03.

According to our investigation as the attachment, the vessel did violate the provision of IATTC Resolution C-05-03, which recommends that vessels be required to have on board fins that total no more than 5% of the weight of sharks onboard, up to the first point of landing. Therefore, Chinese Taipei has taken punitive action on the vessel in accordance with its domestic laws and regulations by confiscating its individual bigeye tuna quota of 2007 by 40 metric tons, and at the same time, suspending its fishing license for 2 months. The vessel has been ordered by this Agency to stop its operation and is now on the way to the port of Souva, Fiji, for the implementation of the suspension of its fishing license.

Through punitive action taken by this Agency, the vessel has suffered substantial loss that is much more than its possible profits from such infringement. It is our belief that effective action has been taken on the vessel in response to its infringement of the IATTC Resolution C-05-03. Therefore, it is our request not to include "Hai Fa No. 21" on the IUU list in accordance with Resolution C-05-07. Attached please find the report on this case.

Lastly, I would like to express my sincere appreciation to the French Polynesia Authority for their reporting on this case that assists Chinese Taipei in enforcing its fisheries management.

Yours sincerely,

Dah-Wen Shieh  
Director-General



行政院農業委員會漁業署  
FISHERIES AGENCY  
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No.2, Chao-chow St. TAIPEI, TAIWAN  
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## **Investigation Report on Vessel "Hai Fa No. 21" for the Infringement of IATTC Resolution C-05-03**

**Reported by Fisheries Agency of Chinese Taipei  
05/28/2007**

### ● **Subject of Investigation**

On February 14<sup>th</sup>, 2007, the High Commissioner of French Polynesia wrote a letter to the Director Mr. Robin Allen of IATTC. In the said advising communication, the High Commissioner expressed that the French authorities had controlled the fishing vessel "Hai Fa No. 21" flagged Chinese Taipei while mooring in the port of Papeete on October 26<sup>th</sup>, 2006 and found 476 kilograms of shark fins in bags on board without carcasses. Therefore, the French Polynesia requested this vessel to be included on the IATTC list of IUU vessel for its infringement of the IATTC Resolution C-05-03.

### ● **Investigation Results**

Fisheries Agency of Chinese Taipei was informed by the Director of IATTC on this case in late March 2007 and immediately conducted investigation accordingly. For expeditious investigation, the Fisheries Agency has also requested the French Polynesia for providing evidence report for reference.

From our basic information, it is ascertained that the fishing vessel "Hai Fa No. 21" has been granted by the Fisheries Agency to fish for bigeye tuna in the Eastern Pacific Ocean in 2006 and this vessel is also on the positive vessel list of IATTC.

By investigation of this Agency, the vessel, while mooring in the port of Papeete on October 26<sup>th</sup>, 2006, did violate the provision of IATTC Resolution C-05-03, requiring vessels to have on board fins that total no more than 5% of the weight of sharks onboard, up to the first point of landing.

### ● **Punitive action taken by Fisheries Agency**

Fisheries Agency of Chinese Taipei has taken punitive action in accordance with its domestic laws and regulations on the vessel by confiscating its individual bigeye tuna quota of 2007 by 40 metric tons subject to our regulations and, at the same time, suspending its fishing license for 2 months.

### ● **Progress of Compliance Measures**

The vessel has been ordered by Fisheries Agency to immediately stop its operation in the Eastern Pacific Ocean after the said punitive penalty decided. Currently, the vessel is on its way to the port of Souva, Fiji, for the implementation of the suspension of its



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fishing license. It is expected to enter ports in early June for the suspension punishment.

● **Further Actions**

In addition, the official representatives of Chinese Taipei in Fiji are requested to conduct regular inspection to affirm the punitive actions would be imposed properly and completely.

In order to further enhance the compliance of IATTC conservation and management measures on sharks, propaganda has been made through the relevant vessel owner organization to ensure the proprietors understand that future violation would be subject of severe punishment.



## Appendix C.

## TRANSLATION



MINISTERIO DE AGRICULTURA,  
GANADERÍA Y ALIMENTACIÓN

Oficio Coor-017-2007  
ERVCS/l  
Guatemala, Bárcenas, Villa Nueva, 12 de enero de 2.007.

**Dr. Robin Allen, Director**  
**Comisión Interamericana del Atún Tropical (CIAT)**  
**8604 La Jolla Shores Drive**  
**La Jolla, CA 92037-1508**  
**Estados Unidos de América.-**

**UNIDAD DE MANEJO DE LA PESCA Y  
ACUICULTURA -UNIPESCA-**

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Mr. Director,

I am writing to you in reference to 9 longline tuna-fishing vessels that fly the flag of the Republic of Guatemala since a very recent date.

The vessels in question are those in the appended table, which had been placed on the LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN (IUU Vessel List) created by Resolution C-05-07 that regulates the matter of the List of IUU vessels in 2005 and maintained on it in 2006. This inclusion in the list was due basically to the fact that, although they operated in the EPO, some of them were not included in the Regional Vessel Register – paragraph 1(a) of the Resolution-, nor did they report their catches -subparagraph (b)-; 2 of them had no nationality - subparagraph (g)-, because their respective registries had been cancelled previously.

Guatemala has granted them its flag pursuant to the domestic legislation that governs the issuing of provisional registration and of definitive registry, inscription and flagging. Additionally, my country has complied, very especially, with the above-mentioned Commission Resolution, inasmuch as it is consistent with paragraph 9(d), *in fine*, which indicates that a State should not grant its flag to vessels on the IUU Vessel List unless, “*having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing.*” My government, as the flag CPC, has determined that it could control these vessels and that they will not carry out any further IUU fishing. In addition, the vessels are in the process of being **acquired by a Guatemalan mercantile society which is operating them temporarily, which will help to materialize the first assumption of fact of the subparagraph cited.**

I think it useful to offer some additional considerations, as follows:

1. The inclusion of the vessels on the IUU Vessel List was due, in great measure, to behaviors attributable to their previous flag States, which did not or could not include them in the IATTC Register and did not or could not report their catches. It should not be forgotten that neither individual citizens nor mercantile societies are valid interlocutors of the Commission at an official level and inscription in the Regional Vessel Register is an act reserved exclusively for the flag State, the only one with the right to do it;
2. This fisheries administration, in hand with the maritime authority that resides in the Ministry of National Defense and in coordination with the Consulates of the Republic that are part of

the Ministry of Foreign Relations, considers, as I indicated before, that it can exercise effective control over those vessels, which their previous flag States did not or could not in the past, nor the port States from which they operated;

3. Regarding their staying on the IUU Vessel List, my government will pronounce itself in a note in response to your communication Ref. 0006-410 of 5 January past, sent to the Commissioners, with copy to the Cooperating Non-Parties, seeking their opinions to your understanding of Resolution C-05-07.
4. On another matter, my government will in due course instruct you to inscribe these vessels in the Regional Vessel Register that the Commission maintains, created in accordance with Resolution C-00-06. Inclusion will not be requested in the LIST OF LONGLINE FISHING VESSELS OVER 24 METERS (LSTFLVs) AUTHORIZED TO OPERATE IN THE EASTERN PACIFIC OCEAN, established by Resolution C-03-07, because their length is 23.80 meters exactly, that is to say, they are not greater than 24 metros and, therefore, do not need to be included in the list of LSTFLVs. This is shown perfectly by the official Guatemalan documents issued by the consular and maritime authorities of my country, which have already carried out the legal procedures.
5. In the meantime, they are being granted commercial tuna-fishing licenses for national-flag vessels and they must operate with limitations, among others, of unloading, while they are on the IUU Vessel List, in Guatemalan ports. This is done in order not to compromise the compliance by other States of the pertinent Resolution but allowing them their operations in a controlled manner, since a total prohibition on fishing would bring about the economic ruin of their new owners.
6. Guatemala has elected to develop a longline tuna fleet in view of the temporary impossibility of utilizing the carrying capacity that it owns and that has been taken, against its will, to another Party state. By the way this longline fleet already operates in the EPO, so the fishing effort is not being increased.
7. In a wider perspective, while my country establishes a longline fleet and starts to generate historic rights to continue participating in the fishery for highly-migratory species to which it is coastal, contributes to controlling a part of IUU fishing in the EPO and to regularize the operations of vessels which have been indicated as practicing it. Even though the vessels may, eventually, leave the indicated List, by controlling their operations that mechanism is strengthened as an appropriate way to eliminate, progressively, IUU fishing in the EPO.

Guatemala has acted with absolute responsibility since it became Party to the Commission. This case differs in no way from this path.

I ask the Director to distribute this letter to the other Parties of the 1949 Convention and to the Cooperating Non-Parties of the Commission, as he deems appropriate, in order to guarantee the greatest transparency in the actions of my country in this process.

I thank you for your kind attention to this matter, while renewing to you the securities of my attentive consideration.

Sincerely,

(signed)

Lic. Erick Roderigo Villagrán Colón, MSc.  
Coordinator and Commissioner

CC. Lic. Bernardo López Figueroa, Minister  
Ing. Ricardo Santa Cruz Rubí, Vice-Minister and Commissioner

LIST OF NEW GUATEMALAN-FLAG LONGLINE VESSELS

No.	Current name	Former name	Current flag	Former flag
1	Maya 1	Chen Chieh 1	GTM	GEO
2	Maya 11	Chen Chieh 11	GTM	GEO
3	Maya 12	Chen Chieh 12	GTM	GEO
4	Maya 2	Chen Chieh 2	GTM	GEO
5	Maya 22	Chen Chieh 22	GTM	GEO
6	Maya 31	Chen Chieh 31	GTM	GEO
7	Maya 32	Chen Chieh 32	GTM	GEO
8	Maya 61	Chen Chieh 61	GTM	UNK -Formerly BLZ
9	Maya 62	Chen Chieh 62	GTM	UNK -Formerly BLZ

Appendix D.

**THE KINGDOM OF CAMBODIA**  
**I.S.R.O.C.**  
**FLAG STATE ADMINISTRATION**

Our Ref:ISROCCB07052604  
To:Inter-American Tropical Tuna Commission  
Attn:Mr.Robin Allen/Director

Dear Sirs,

Further to our message dated 17/Mar/2007 below, once again, we hereby officially let you noticed that Cambodian ship of **DRAGON III** (Call Sign:XUEF3 GRT/NRT:152/71, Fishing Vessel) in your IUU Vessel List was **permanently deleted** under the flag of Cambodia as of 14 March 2007 for the reason of transfer to Costa Rica flag as applied.

We would like to sincerely thank you for your consistent cooperation as always and in this regard, hopefully, expecting your proper measure to be taken in due consideration.

Your kind confirmation on this message will be so appreciated.

Sincerely yours,

Charlie Bach  
Managing Director  
ISROC HEAD OFFICE