

# COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMMISSION

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## MINUTES OF THE 78<sup>TH</sup> MEETING (REVISED)

**Panama**  
**23-27 June 2008**

### AGENDA

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1. Opening of the meeting	
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3. Adoption of the agenda	
4. Ratifications of the Antigua Convention	
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6. a. Report of the 9 <sup>th</sup> Stock Assessment Review Meeting	
b. Staff conservation recommendations	<a href="#">IATTC-78-06b</a>
c. Purse-seine net experiments	
7. Report of 76 <sup>th</sup> and 77 <sup>th</sup> meetings of the IATTC	
8. Adoption of conservation measures	
9. Fleet capacity	
10. a. Recommended research program and budget for 2009 and 2010	<a href="#">IATTC-78-08</a>
b. Amendment of financial regulations to new financial year	
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13. Program for transshipments	<a href="#">IATTC-78-11</a>
14. Report of the 8 <sup>th</sup> Permanent Working Group on Compliance	
15. Report of the 6 <sup>th</sup> Joint Working Group on Fishing by Non-Parties	
16. Report of the 3 <sup>rd</sup> WCPFC-IATTC Consultative Meeting	
17. Actions following the meeting of Tuna Commissions, Kobe, January 2007	<a href="#">IATTC-78-15</a>
18. Resolution <a href="#">C-06-05</a> , Trade Measures to Promote Compliance	
19. Amendment of Resolution <a href="#">C-05-07</a> , IUU vessel list	
20. Size limit for inclusion of vessels in the IUU Vessel List	<a href="#">IATTC-78-18</a>
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22. Review of Commission staff's research	
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26. Place and date of next meeting	
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## APPENDICES

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2.b	Transshipments	C-08-02
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3.c	<b>B1. Costa Rica.</b> Modification of Resolution C-05-03 on the conservation of sharks	
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<b>4.</b>	<b>STATEMENTS:</b>	
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4.b	<b>Colombia.</b> On conservation measures	
4.c	<b>Ecuador.</b> On conservation measures	
4.d	<b>El Salvador, on behalf of OSPESCA.</b> On conservation measures	
4.e	<b>Costa Rica, Panama.</b> Utilization of the fleet capacity allocated to Costa Rica	
<b>5.</b>	<b>OTHER</b>	
5.a	Draft agreement on exchange of information between the IATTC and WCPFC	

## 1. Opening of the meeting

The meeting was opened by the Vice-president of Panama, Sr. Rubén Arosemena Valdés. The attendees are listed in Appendix 1.

## 2. Election of Chairman

Dr. Reynaldo Pérez Guardia, of Panamá, was elected Chairman of the meeting.

## 3. Adoption of the agenda

Given the fundamental importance of agreeing to conservation measures, it was agreed to add this as a separate agenda item, to be discussed after the presentation of the background information under items 5, 6 and 7.

Peru, Guatemala and Venezuela asked that the matter of fleet capacity be discussed, and this was added as agenda item 9.

The following requests were made for matters to be discussed under *Other Business*:

Colombia: creation of a working group on resolving disputes;

Costa Rica: fishing for large pelagic species in the EPO, utilization of its carrying capacity allocation, modification of Resolution C-05-03 on sharks, process for accreditation of delegations;

El Salvador: amendment of Resolution C-06-05 on trade measures;

Belize: sportfishing;

European Union (EU): presentation on legislation on imports of fisheries products.

In view of the great number of matters raised, in addition to those already on the agenda, France suggested organizing the week's work in a way that would ensure that all these matters would be addressed. A program of work was prepared and distributed.

## 4. Ratifications of the Antigua Convention

Each delegation reported on its situation regarding the ratification of the Antigua Convention, which now stands as follows:

Ratified/acceded	Belize, El Salvador, France, Korea, Mexico, Nicaragua, Panama, European Union
In final stages of ratification/accession process	Costa Rica, Japan
Ratification/accession in progress	Canada, Ecuador, Guatemala, Peru, United States, Vanuatu, Venezuela

It was noted that only two more ratifications or accessions by Parties to the 1949 Convention that were Parties to that Convention on the date the Antigua Convention was opened for signature are needed for the process of entry into force of the Antigua Convention to commence.

## 5. The fishery in 2007 and the status of tuna and billfish stocks

Dr. Guillermo Compeán, Director of the IATTC, presented Document IATTC-78-05. He noted that the catch of yellowfin in 2007 was the lowest since 1984, and the catch of yellowfin, bigeye, and skipjack tunas combined was more than 100 thousand tons less than in 2006.

The delegations asked questions related to the increase in the carrying capacity of the fleet, that information be presented that considered not only the spawning biomass but also the total biomass in relation to yellowfin and bigeye, that the slight recovery of the catches in 2008, which did not tally with the explanations of the biomass, be explained, that measures be taken jointly with the central Pacific for

bigeye, that the gears which cause more fishing in the years in which catches fell be identified, and on the impact on the stocks of the use of fish-aggregating devices (FADs). The Secretariat presented the additional information that was requested, and answered the questions.

#### **6. a. Report of the 9th Stock Assessment Review Meeting**

Dr. Rick Deriso, of the Commission staff, presented the report of this meeting, held in May 2008, and drew attention to its recommendations.

#### **b. Staff conservation recommendations**

Dr. Deriso presented the staff's recommendations in Document IATTC-78-06b regarding the conservation of tunas, which are very similar to those presented at the 77th meeting of the Commission in March 2008. The staff identified the capacity of the purse-seine fleet as the principal problem with respect to the conservation of yellowfin and bigeye tunas and the economic viability of the fisheries, and recommended that the Commission examine means to reduce the fleet size as soon as possible toward the target of 158,000 m<sup>3</sup> established in the Commission's plan for the regional management of fishing capacity.

The staff's specific recommendations, covering 2008-2010, were as follows:

#### **Conservation of yellowfin and bigeye tunas:**

- a. **Purse-seine fishery:** 12-week closure in the entire EPO, 20 June-11 September (dates amended in 2008 due to dates of IATTC meeting), plus closure of an offshore area, 12 September-31 December.
- b. **Longline fishery:** Fixed catch limits for China, Japan, Korea, and Chinese Taipei; catches for other CPCs limited to 83% of 2001 catches or 500 t.

**Marking and identification of FADs:** require FADs to be marked, and Commission staff to maintain record of FADs and their use.

**Conservation of swordfish:** Limit annual catches to 13,000 t.

The staff also recommended improved reporting requirements for albacore tuna, and a large-scale tagging program for bigeye and yellowfin.

#### **c. Purse-seine net experiments**

Dr. Martín Hall, of the Commission staff, presented information on research into mitigating the impact of the purse-seine fishery on juvenile tunas. These studies are focused mainly on modifying certain features of FADs, using acoustic technology to determine the composition of tuna schools before making a set, and the use of sorting grids to allow small fish to escape from the net. He noted that the experiments were promising, but insufficient to allow any firm conclusions to be drawn regarding the effectiveness of any of these methods.

Ecuador noted that it had experimented extensively with sorting grids, and Spain stated that it was carrying out a pilot program with acoustic techniques.

#### **7. Reports of 76th and 77th meetings of the IATTC**

Dr. Compeán reported on the 76<sup>th</sup> and 77<sup>th</sup> meetings of the IATTC, held in October 2007 and March 2008, respectively. Mexico made some modifications to the minutes of the 77th meeting.

#### **8. Adoption of conservation measures**

Lic. Mario Aguilar, of Mexico, Chairman of the 76<sup>th</sup> and 77<sup>th</sup> meetings, summarized the results of the two meetings, which are elaborated in the minutes of those meetings. He reported that, while the two meetings made a lot of progress towards agreement on a conservation program, in the end, unanimous

agreement could not be reached

Following the 77<sup>th</sup> meeting of the Commission, Venezuela circulated a proposal in April 2008, which was used as the basis for discussion in this meeting in Panama. The main points covered in the discussion and in the Venezuelan proposal included the duration of the resolution, the duration of the closures, the exclusion of small vessels, the possibility of a staggered closure on a vessel-by-vessel basis, an additional offshore closure area, management measures for FADs, catch limits for longline vessels, and the coordination of management measures with the WCPFC.

The above points were all extensively discussed, in the plenary, in meetings of the heads of delegations, and in various informal groups but, although almost all the Parties supported the Venezuelan proposal, with certain modifications agreed during the discussions (Appendix 3g), some elements were unacceptable to Colombia or Ecuador, and no final agreement could be reached.

Towards the very end of the meeting, Mexico presented a compromise proposal (Appendix 3h), reflecting the points that were agreed.

The elements of agreement were:

1. Two closure periods in 2008 and in 2009, 49 days in 2008 and 59 days in 2009;
2. Both closures to be observed by all vessels of more than 273 t carrying capacity (Classes 5 and 6);
3. Vessels of between 183 and 272 t carrying capacity may make one additional trip of up to 30 days' duration during the closures applicable to the larger vessels;
4. Ecuadorean and Mexican vessels may not cross the 5°N parallel during their respective closure periods.

Regarding longline fishing, while China, Chinese Taipei, Japan and Korea agreed that, on the basis of the agreed restrictions on purse-seine vessels, a 6% reduction in 2009 of the longline catch limits for bigeye in Resolution C-06-02 would be acceptable, China expressed concerns over the impact of such a reduction on its fishing vessels.

These elements of agreement were acceptable to nearly all delegations, but Colombia wanted additional restrictions on the use of FADs and the ability for its vessels to observe the agreed closure days on a staggered, vessel-by-vessel basis, following advance notification to the Secretariat of the period of closure chosen by each vessel.

Following further discussion, Colombia indicated its willingness to forego additional restrictions on FADs at this time, but insisted on its proposal for a staggered, vessel-by-vessel closure. The meeting considered accepting this, as a transitional measure for Colombian vessels only, recognizing that Colombia recently joined the Commission. During this discussion, Peru stated that the same measures should apply to its flag vessels, and Ecuador stated that this exception for Colombia was not acceptable due to a lack of a technical basis that would make this procedure compatible with the objective of reducing the catch of juvenile tuna during their recruitment. At this point, the meeting concluded due to lack of time and without any agreement on conservation measures.

Venezuela made a statement (Appendix 4a) expressing its frustration and disappointment at this outcome and its concern at the inability of the Commission to fulfil its mandate. Various other delegations made statements (Appendices 4b-d) regarding conservation, and some expressed their intention of implementing closures unilaterally.

## **9. Fleet capacity**

The meeting discussed whether to hold another meeting of the Working Group on Fleet Capacity, and if so, when. It was agreed that a meeting should be held in the October 2008 time period, around the same

time as the AIDCP meetings to be held in La Jolla.

Peru expressed its intention of making use of the additional capacity of 14,046 cubic meters (m<sup>3</sup>) reflected in the footnote to paragraph 10.1 of Resolution C-02-03, noting that this was not a new request for capacity.

The United States stated that the footnote reflected a claim for capacity, and that the permissible limits were those in paragraph 10.1, so utilizing the capacity in the footnote would require the Commission's agreement.

Colombia noted that it also had a claim in the footnote, but would await the result of the next meeting of the Working Group on Capacity before utilizing that capacity. Bolivia, Guatemala, and Venezuela stated that they also had issues to raise at that meeting.

Costa Rica stated that it could not review requests for additional capacity individually, since there are multiple requests that should be reviewed as a whole, considering their effect on fishing mortality and on the tuna stocks in general. He noted that his country was also included in the footnote mentioned by Peru for increasing its capacity, and that if that capacity were granted, then capacity should also be granted to Costa Rica. Also, Costa Rica announced an agreement with Panama to initiate the utilization of the capacity assigned to Costa Rica in that resolution (Appendix 4e).

Various delegations expressed concern about these potential increases in capacity, noting that the current capacity was already well in excess of the target capacity, and that any further increases would mean that the fishing mortality would increase and any closures would have to be extended. Also, any increase in capacity by a Party would act as a precedent, opening the door to similar actions by other Parties. It was noted that some vessels that were not on the Regional Vessel Register were fishing

Various delegations noted the importance of linking the question of capacity to that of conservation, and that information was required on how any changes in capacity would affect the fishing mortality and any catch limits established.

It was agreed that, for the next meeting, the staff should provide detailed information on the inclusion and removal of vessels to the Regional Vessel Register since the beginning of the implementation of Resolution C-02-03 in June 2002.

#### **10.a. Recommended research program and budget for 2009 and 2010**

Dr. Compeán presented Document IATTC-78-08, noting that the budget requested for 2010, US\$ 5,793,744, was about 3% greater than that for 2009, due only to inflation, and was very similar to those of recent years. He also noted that there was US\$ 2,104,000 in outstanding unpaid contributions.

Dr. Compeán also introduced Document IATTC-78-08 SUP, prepared at the request of Spain, which included additional information regarding expenditures and the composition of Commission staff.

Regarding the staff, whose salaries account for the lion's share of the budget, the Director explained that, unlike the other regional fisheries management organizations (RFMOs), the IATTC staff collects, processes, and analyzes data, carries out stock assessments and other research, and provides the Secretariat for the Agreement on the International Dolphin Conservation Program (AIDCP).

Dr. Compeán explained that, during FY 2007, and FY 2008 to date, the following changes took place in the staff: a policy adviser who had left was replaced; a stock assessment scientist who had left was replaced; the tuna-billfish database manager was replaced; the Director's secretary was replaced by an existing secretary, who was replaced in turn, and an assistant scientist, who formed part of a project under contract, was hired for the ecosystem research project. A data entry technician for the tuna statistics section retired, and a computer systems assistant resigned; neither vacancy has been filled. Three of the people on the list work part-time.

Regarding the apparent large variations in the costs of various budget items among years, Dr. Compeán

explained that this was due to changes in accounting procedures intended to standardize the IATTC and AIDCP budgets, and that the total budget had remained fairly constant over the years.

Regarding the variations between the costs of each project presented in the budget document at a given Commission meeting and those presented in subsequent budget documents, Dr. Compeán explained that the initial recommended budget submitted for approval is estimated from the costs in the current year. The actual costs in the budget documents following these estimated costs are different for a variety of reasons, including fluctuations in personnel, efforts to reduce costs, and reallocation of budgeted funds among projects. Although the actual budget allocations among projects may differ from the estimates, the total expenses for Commission operations, excluding special projects, have remained fairly constant and within the budget. It should be noted that the reallocation of budgeted items from one category to another, if not in excessive amounts, is the way that most organizations operate.

Spain stated that the budget was much larger than it should be, continues to increase without justification, and could be reduced considerably without affecting the research programs or quality of the staff's work. Spain also asked several questions regarding the supplementary information provided by the Secretariat, and stated that it did not believe that this information was fully responsive to the Spanish request. The Director answered these questions, and commented that, in recent years, the only increases to the Commission's budget were adjustments based on modest increases to account for inflation.

Mexico pointed out that the reason that the IATTC budget is larger than that for other RFMOs is because of its research component. In Mexico's view, having this research carried out by the IATTC staff not only ensured its impartiality, but also eliminated the inequalities that would result from having each country carry out its own research, since many of the member countries did not have the facilities, expertise and/or funds to do this. Also, if the research were done by the individual countries, the total cost would be much higher.

Finally, a budget for 2010 was approved at the same level as that for 2009 (Resolution C-08-01; Appendix 2a), and the Director was asked to report to the meeting of the Commission in November 2008 on the impact that this reduction from the requested budget might have on the operation of the Commission.

#### **10.b. Amendment of financial regulations to new financial year**

The Commission approved a change in the financial regulations to establish the financial year as the period of 1 January to 31 December, and that contributions to the budget should be paid by 1 March of each financial year.

#### **10.c. Proposal for a regional tuna tagging program**

Dr. Compeán presented Document IATTC-78-08c, noting the importance of a comprehensive regional tagging program for obtaining information on the main tuna species essential for the staff's evaluations of the stocks. He noted that the cost of the program was too great to be paid from the Commission's regular budget.

France strongly supported this proposal, expressing its interest in closely involving French Polynesia in the program, and indicated that France would explore the possibility of providing assistance for the program. Spain also supported the program, but wanted the Commission to finance it out of its regular budget. Japan stressed the importance of this research, and stated that it would be prepared to make a special contribution to the tagging program.

### **11. Seabird conservation**

The meeting discussed Proposal F1 (Appendix 3e), presented by Spain and the United States, which was similar to the proposals presented, but not adopted, at previous meetings. It would establish measures to mitigate the bycatches of seabirds in the longline fishery, a worldwide problem on which the other RFMOs had adopted measures.

Most delegations supported the proposal; however, Mexico expressed doubts regarding the adequacy of the science regarding the seabird populations in the eastern Pacific and the interactions of seabirds with fisheries in the region, and suggested referring the matter to the Working Group on Bycatch.

The United States expressed concerns about sending the issue to that Working Group, noting that the Working Group had already addressed this question, and that the proposal, which was very similar to those adopted by the other RFMOs, was the result of a considerable effort involving many delegations. However, in view of Mexico's concerns, the proposal could not be approved. The secretariat of the Agreement for the Conservation of Albatrosses and Petrels (ACAP) offered the services of its experts for refining the proposal.

#### **12.a. Handling of data on fishing west of 150°W**

Dr. Compeán presented Document IATTC-78-10a, noting that, recently, questions have arisen regarding fisheries data collected by IATTC observers aboard vessels fishing beyond the western boundary of the IATTC area at 150°W.

Dr. Compeán advised that, when vessels cross that boundary, IATTC observers have instructions to continue collecting data. These data are used both for stock assessments and other research, and for verifying compliance with IATTC and AIDCP measures. Also, the flag governments of vessels fishing west of 150°W had requested the collection of the data, which are made available to them by Commission staff.

Dr. Compeán commented that the principal policy question to be addressed is whether observers should continue to collect data on fisheries activities by vessels operating west of 150°W. He noted that if observers no longer collected these data, the IATTC data base would lose continuity. Furthermore, any vessel fishing outside the EPO would not be eligible for an *AIDCP Dolphin-Safe* certificate, as observers could not document the required information on the Tuna Tracking Form, as specified in the [AIDCP System for Tuna Tracking and Verification](#).

Dr. Compeán explained that if the Parties wish to continue having observers collect these data, they need to decide how the information should be handled. There are two aspects to this which need to be considered.

First is the issue of whether the data should be treated as confidential pursuant to IATTC and/or AIDCP rules. The issue has arisen as a result of several enforcement incidents involving vessels fishing west of 150°W with IATTC observers aboard. In those cases, the staff has treated the observer data as confidential, and has denied access to governments (other than the flag governments) which have requested it. However, if the Parties decide that observers should continue to collect data, and that these data should be considered confidential, then it would be advisable to amend IATTC and/or AIDCP confidentiality rules to clarify the issue.

Second, the Parties need to decide whether to provide data collected by observers to the WCPFC, and if so, under what conditions in terms of format and confidentiality. This matter will be addressed under agenda item 12(b), *Exchange of data between IATTC and WCPFC*.

The Commission decided that observers should continue collecting data on fishing activities west of 150°W, and that these data should be subject to the same rules of confidentiality as data taken in the EPO.

#### **12.b. Exchange of data between IATTC and WCPFC**

The Commission discussed the draft agreement on data exchange with the WCPFC in Document IATTC-78-10b (Appendix 5a). The draft agreement, which was circulated to the Commissioners on 1 May 2008, was proposed by the WCPFC in order to provide for a formal exchange of data between the two Commissions.

It was pointed out that the draft agreement would allow the release of information only in a manner

consistent with the confidentiality rules of each organization. While several delegations spoke in favor of the agreement, and none objected to it, Mexico and Venezuela expressed some concerns and, since there was not sufficient time to fully clarify these concerns, there was no approval by the Commission to sign the agreement.

### **13. Program for transshipments**

Dr. Compeán presented Document IATTC-78-11, noting that there are two items of fundamental importance for a transshipment program: drawing up the IATTC Register of Carrier Vessels, for which each CPC must send to the Director of the IATTC the list of carrier vessels that should be included in the Register, and the formation of the program for observers aboard carrier vessels, under which every carrier vessel authorized to receive transshipments at sea must have an observer aboard as of 1 January 2009.

Dr. Compeán pointed out the urgency of obtaining the information required for establishing the former, and of deciding how the latter should be implemented. The staff's understanding was that transshipments at sea would be prohibited as of 1 January 2009 unless the carrier vessel carried an observer, and he requested clarification regarding procedures for carrier vessels of countries that were not CPCs.

Some delegations considered that transshipments at sea should not be allowed, and that this observer program should be provisional.

A proposal to modify Resolution C-06-04 on transshipments was approved (Resolution C-08-02; Appendix 2b), and a proposal for a procedure for establishing the observer program for carrier vessels was also approved (Resolution C-08-03; Appendix 2c).

The United States expressed its understanding that, as used in this resolution, as well as in the Commission's conservation resolutions and in Resolutions C-98-05 and C-98-10, the limitations or restrictions on transshipment at sea do not apply to the transfer of live bluefin tuna from the control of one purse-seine vessel to the control of another vessel. No Party disagreed or had a different interpretation of the meaning of 'transshipment' in Commission resolutions.

### **14. Report of the 8<sup>th</sup> Meeting of the Permanent Working Group on Compliance**

Mr. David Hogan, of the United States, presented an oral report of the meeting of the Working Group. The two recommendations discussed in the Working Group, on prohibiting landings of fish caught by vessels not on the Regional Vessel Register and on modifying Resolution C-05-03 on the conservation of sharks, were not approved.

The proposal to prohibit landings of fish caught by vessels not on the Regional Vessel Register was proposed by El Salvador, and was supported by several other delegations. However, Venezuela objected to the proposal, noting that it needed more time to normalize the situation for one of its vessels with respect to the Register. It was decided that this proposal would be reviewed again in the future.

The proposal regarding the conservation of sharks was presented by Costa Rica. The European Union commented that the science associated with the proposal needed additional consideration, and suggested that the proposal be examined again in 2009.

### **Agenda items 15 to 25.**

These items were not addressed due to lack of time, and their discussion was postponed. This included the proposal, outstanding since June 2007, for the adoption of criteria for the performance review agreed at the meeting of tuna RFMOs in January 2007. Mexico and El Salvador presented a proposal to modify the June 2007 proposal on this performance review (Appendix 3f), but it was not discussed. Also, the following proposals were not fully discussed or resolved:

	Appendix
<b>A1a. Korea:</b> Modification of Resolution C-05-07 on the IATTC IUU Vessel List	3a
<b>A2c. United States:</b> Modification of Resolution C-05-07 on the IATTC IUU Vessel List	3b
<b>B1. Costa Rica:</b> Modification of Resolution C-05-03 on the conservation of sharks	3c
<b>E1. El Salvador:</b> Prohibition of landings of fish caught by vessels not on the Regional Vessel Register	3d
<b>F1. Spain, United States:</b> Resolution to mitigate the impact of fishing on seabirds	3e

## **26. Place and date of next meeting**

The next meeting of the Commission will be held in La Jolla, California (USA), on dates to be decided around the end of October or beginning of November 2008.

Colombia offered to host the next annual meeting of the Commission June 8-12, 2009, and this invitation was accepted by the Commission.

## **27. Adjournment**

The meeting was adjourned on 27 June 2008.

## Appendix 1.

### ATTEENDEES – ASISTENTES

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\*Commissioner-Comisionado

**Appendix 2a.**

**RESOLUTION C-08-01**

**FINANCING FOR FISCAL YEAR 2009**

*The Parties to the Inter-American Tropical Tuna Commission (IATTC):*

*Understanding* the importance of ensuring sufficient funding for the Commission in a timely manner so it may continue to effectively develop and implement the agreed conservation and management program for the living marine resources of the eastern Pacific Ocean (EPO) and conduct the associated data collection and research;

*Noting* that non-payment of the agreed contributions may impair the Commission's ability to continue its operations;

*Aware that* the allocation of the costs of supporting the Commission among Parties should be transparent, fair and equitable, stable, and predictable, but also should allow for redistribution of costs as new Parties join;

*Aware that* the Commission at its 75<sup>th</sup> Meeting, agreed on a formula for calculating the contributions of the Parties to the Commission's budget;

*Taking into account* the relevant provisions of the Antigua Convention, adopted in Antigua, Guatemala, on 27 June 2003;

*Noting* that several non-Parties derive benefits from catching or utilizing fish covered by the Convention, but do not make contributions to the Commission;

*Taking note of* the staff's proposals regarding the budget presented in Document IATTC-78-08; and

*Recognizing* the need to seek economies in the operation of the Commission, in order to reduce costs;

*Have agreed as follows:*

1. To adopt the budget of US\$ 5,508,722 for fiscal year (FY) 2010. At the meeting of the IATTC in October 2008, the Director will present the impact that maintaining the same budget level as in 2009 may have on the operation of the Commission.
2. To contribute to the budget of the IATTC for FY 2009 and the transition period of 1 October to 31 December 2008, to cover the change in fiscal year, in accordance with the following schedule of payments, which was developed using the funding formula approved by the 75th Meeting of the Commission in June 2007.

(US\$)	<b>FY 2009</b> Payable 1 January 2009	<b>Transition period</b> <b>(1 Oct-31 Dec 2008)</b> Payable 1 Nov 2008	<b>FY 2009</b> <b>(consolidated)<sup>1</sup></b>
Colombia	165,729	50,024	215,753
Costa Rica	104,014	19,992	124,006
Ecuador	719,993	115,040	835,033
Spain	326,731	120,372	447,103
France	86,822	29,720	116,542
Guatemala	54,317	11,582	65,899
Japan	318,567	113,425	431,992
Korea	181,173	51,442	232,615
Mexico	867,966	229,871	1,097,837
Nicaragua	48,856	9,694	58,550
Panama	360,148	77,429	437,577
Peru	50,559	10,841	61,400
El Salvador	97,344	17,740	115,084
United States	1,746,553	436,640	2,183,193
Venezuela	307,877	67,766	375,643
Vanuatu	72,072	15,604	87,676
<b>Total</b>	<b>5,508,722</b>	<b>1,377,181</b>	<b>6,885,903</b>

3. That the Director shall inform each Party, at least two months prior to the annual meeting, of its projected contribution for the following two financial years.
4. That the Commission shall not pay more than 30% of the costs associated with the AIDCP On-Board Observer Program for vessels of member states.
5. In the case of a member that is also a member of the Western and Central Pacific Fisheries Commission, only 50% of catches made by its flag vessels in the overlap area between the two Commissions shall be included in the calculation of that member's contribution based on catch.
6. That the contributions of any new member of the Commission shall be determined on the same basis as the contributions of existing members, subject to the Commission's financial regulations.
7. That States not presently members of the IATTC, and fishing entities which have vessels fishing for fish covered by the Convention, should make, and request their flag vessels to make, voluntary contributions to the Commission, preferably on the same basis as the contributions of existing members.
8. To invite NGOs interested in the work of the IATTC to make contributions to the Commission's budget.
9. To invite Japan to make a special contribution of up to US\$ 120,000, in addition to its contribution established in paragraph 2, to be used, pursuant to consultations between Japan and the Director, in special research or other programs.

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<sup>1</sup> Includes the payment for the transition period

**Appendix 2b.**

**RESOLUTION C-08-02**

**RESOLUTION ON ESTABLISHING A PROGRAM FOR TRANSHIPMENTS  
BY LARGE-SCALE FISHING VESSELS**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Taking account* of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the IATTC;

*Expressing grave concern* that organized tuna laundering operations have been conducted, and a significant amount of catches by IUU tuna longline fishing vessels have been transhipped under the names of duly licensed fishing vessels;

*In view therefore of the need* to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Convention Area, including the control of their landings;

*Resolves as follows:*

**SECTION 1. GENERAL RULES**

1. Except under the special conditions outlined below in Section 2 for transshipment operations at sea, all transshipment operations of tuna and tuna-like species in the IATTC Convention Area must take place in port.
2. Each IATTC Party, Cooperating Non-party, fishing entity or regional economic integration organization (collectively “CPCs”) shall take the necessary measures to ensure that large-scale tuna fishing vessels<sup>2</sup> (“LSTFVs”) flying its flag comply with the obligations set out in Annex 1 when transshipping in port.
3. This resolution does not apply to troll vessels, pole-and-line vessels or vessels engaged in the transshipment of fresh fish<sup>3</sup> at sea.

**SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA**

4. The Commission hereby establishes a program to monitor transshipments at sea, which applies initially to large-scale tuna longline fishing vessels (“LSTLFVs”) and to carrier vessels authorized by their respective flag governments to receive transshipments from these vessels at sea.
5. Each CPC shall determine whether or not to authorize its LSTLFVs to tranship at sea. Any such transshipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 of this Resolution.

**SECTION 3. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE CONVENTION AREA**

6. The Commission shall establish and maintain a record of carrier vessels authorized by their respective flag governments to receive tuna and tuna-like species at sea from LSTLFVs in the Convention Area (IATTC Record of Carrier Vessels). For the purposes of this Resolution, carrier vessels not on this Record are deemed not to be authorized to receive tuna and tuna-like species in

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<sup>2</sup> For the purposes of this Resolution, “large-scale tuna fishing vessels” are defined as all vessels fishing beyond areas of national jurisdiction and targeting tuna or tuna-like species.

<sup>3</sup> For the purposes of this Resolution, “fresh fish” means tuna or tuna-like species that are live, whole or dressed/gutted, but not further processed or frozen.

at-sea transshipment operations.

7. By 1 July 2008, each CPC shall submit to the Director, in electronic format if possible, the list of the carrier vessels that it has authorized to receive at-sea transshipments from its LSTLFVs in the Convention Area. This list shall include the following information for each vessel:
  - a. The flag of the vessel;
  - b. Name of vessel, register number;
  - c. Previous name (if any);
  - d. Previous flag (if any);
  - e. Details of previous deletion from other registries (if any);
  - f. International radio call sign;
  - g. Type of vessels, length, gross tonnage (GT) and carrying capacity;
  - h. Name and address of owner(s) and operator(s)
  - i. Time period authorized for transshipping
8. Each CPC shall promptly notify the Director, after the establishment of the initial IATTC Record, of any addition to, deletion from and/or modification of the IATTC Record, at the time such changes occur.
9. The Director shall maintain the IATTC Record and take measures to ensure publicity of the Record and through electronic means, including placing it on the IATTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
10. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution C-04-06 on the establishment of a Vessel Monitoring System (VMS).

#### **SECTION 4. AT-SEA TRANSHIPMENT**

11. Transshipments by LSTLFVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLFVs flying their flag comply with the following conditions:

##### **Flag State Authorization**

12. LSTLFVs are not authorized to tranship at sea unless they have obtained prior authorization from their Flag State.

##### **Notification obligations**

###### **Fishing vessel:**

13. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLFV must notify the following information to its Flag State authorities at least 24 hours in advance of an intended transshipment:
  - a. the name of the LSTLFV and its number in the LSTLFV List,
  - b. the name of the carrier vessel and its number in the IATTC Record of Carrier Vessels, and the product to be transhipped,
  - c. the tonnage by product to be transhipped,
  - d. the date and location of transshipment,
  - e. the geographic location of the tuna catches.

The LSTLFV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IATTC transshipment declaration, along with its number in the IATTC LSTLFV List, in accordance with the format set out in Annex 2.

**Receiving carrier vessel:**

14. The master of the receiving carrier vessel shall complete and transmit the IATTC transshipment declaration to the Director and the flag CPC of the LSTLFV, along with its number in the IATTC Record of Carrier Vessels, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IATTC transshipment declaration, along with its number in the IATTC Record of Carrier Vessels, to the competent authorities of the State where the landing takes place.

**Regional Observer Program**

16. Each CPC shall ensure that, no later than 1 January 2009, all its carrier vessels that tranship at sea have on board an IATTC observer, in accordance with the IATTC Regional Observer Program in Annex 3. The IATTC observer shall monitor compliance with this Resolution, and notably that the transshipped quantities are consistent with the catch reported in the IATTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the Convention Area without an IATTC observer on board, except in cases of *force majeure* duly notified to the Director.

**SECTION 5. GENERAL PROVISIONS**

18. To ensure the effectiveness of the IATTC conservation and management measures pertaining to species covered by Statistical Document Programs:
  - a. In validating the Statistical Document, Flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV.
  - b. The Flag CPC of the LSTLFV shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IATTC Observer Program.
  - c. CPCs shall require that the catches of species covered by the Statistical Document Programs by LSTLFVs in the Convention Area, when imported into the territory of a CPC, be accompanied by validated statistical documents and a copy of the IATTC transshipment declaration.
19. Each CPC shall report annually before 15 September to the Director:
  - a. The quantities by species transhipped during the previous year.
  - b. The names of its vessels on the IATTC LSTLFV List which have transhipped during the previous year.
  - c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from its LSTLFVs.
20. All tuna and tuna-like species landed in or imported into, the territory of a CPC, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IATTC transshipment declaration until the first sale has taken place.
21. Each year, the Director shall present a report on the implementation of this Resolution to the annual meeting of the Commission, which shall review compliance with this Resolution.
22. These provisions will be applicable from 1 July 2008. At its 2010 Annual Meeting, the Commission shall review and, as appropriate, revise this Resolution.
23. This Resolution replaces Resolution C-06-04.

## **Annex 1**

### **Conditions relating to in-port transhipment by LSTFVs**

#### **GENERAL**

1. Transhipment operations in port may only be undertaken in accordance with the procedures detailed below.

#### **NOTIFICATION OBLIGATIONS**

2. Fishing vessel:
  - 2.1. At least 48 hours prior to transhipping, the captain of the LSTFV must notify the following information to the Port State authorities:
    - a. the name of the vessel and its number in the IATTC Regional Vessel Register,
    - b. the name of the carrier vessel, and the product to be transhipped,
    - c. the tonnage, by product, to be transhipped,
    - d. the date and location of transhipment,
    - e. the major fishing grounds of the tuna and tuna like species catches.
  - 2.2. The captain of an LSTFV shall, at the time of the transhipment, inform the vessel's Flag State of the following;
    - a. the products and quantities involved,
    - b. the date and place of the transhipment,
    - c. the name, registration number and flag of the receiving carrier vessel,
    - d. the geographic location of the tuna and tuna like species catches.
  - 2.3. The captain of the LSTFV shall complete and transmit to the vessel's flag State not more than 15 days after the transhipment, the IATTC transhipment declaration, along with the vessel's number in the IATTC LSTFV List, in accordance with the format set out in Annex 2.

#### **RECEIVING VESSEL**

3. Not later than 24 hours before the beginning and at the end of the transhipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of catches of tuna and tuna-like species transhipped to the carrier vessel, and complete and transmit to the competent authorities of the vessel's flag CPC the IATTC transhipment declaration.

#### **LANDING STATE**

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete an IATTC transhipment declaration, and transmit it to the competent authorities of the landing State where the landing is to take place.
5. The Port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received, and shall cooperate with the flag CPC of the LSTFV to ensure that landings are consistent with the catches reported by the vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC with LSTFVs shall report each year to the IATTC the details of the transhipments by its vessels.

**Annex 2  
IATTC TRANSHIPMENT DECLARATION**

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign: Flag: Flag state license number: National Register Number, if available: IATTC Register Number, if available:	Name of the Vessel and Radio Call Sign: Flag: Flag state license number: National Register Number, if available: IATTC Register Number, if available:

Day    Month    Hour    Year    (2\_0\_ )    Agent's name:    Master's name of LSTV:    Master's name of Carrier:

Departure    |    |    |    from |  
 Return    |    |    |    to    |  
 Transshipment |    |    |    |

Signature:                      Signature:                      Signature:

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: [ ] kilograms LOCATION OF TRANSHIPMENT

Species	Port	Sea	Type of product													
			Whole	Gutted	Headed	Filletted										

If transshipment effected at sea, IATTC Observer Signature:

## Annex 3

### IATTC REGIONAL OBSERVER PROGRAM

1. Each CPC shall require carrier vessels included in the IATTC Record of Carrier Vessels which tranship at sea, to carry an IATTC observer during each transshipment operation in the Convention Area.
2. The Director shall appoint the observers, and shall place them on board the carrier vessels authorized to receive transshipments in the Convention Area from LSTLFVs flying the flag of Parties and of Cooperating non-Parties and fishing entities that implement the IATTC observer program established by this Resolution.

#### DESIGNATION OF THE OBSERVERS

3. The designated observers shall have the following qualifications to accomplish their tasks:
  - a. sufficient experience to identify species and fishing gear;
  - b. satisfactory knowledge of IATTC conservation and management measures;
  - c. the ability to observe and record information accurately;
  - d. a satisfactory knowledge of the language of the flag of the vessel observed.

#### OBLIGATIONS OF THE OBSERVER

4. Observers shall:
  - a. not be, to the extent possible, nationals of the flag State of the receiving carrier vessel;
  - b. be capable of performing the duties set forth in point 5 below;
  - c. be included in the list of observers maintained by the Director;
  - d. not be a crew member of an LSTLFV or an employee of an LSTLFV company.
5. The observer's tasks shall be, in particular, to:
  - 5.1. on the LSTFLV intending to tranship to a carrier vessel, and before the transshipment takes place:
    - i. check the validity of the fishing vessel's authorization or license to fish for tuna and tuna-like species in the Convention Area;
    - ii. check and record the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
    - iii. check that the VMS is functioning, and examine the logbook;
    - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check the documentation on such transfers;
    - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the master of the carrier vessel.
    - vi. record the results of these duties on the fishing vessel in the observer's report.
  - 5.2. on the carrier vessel:
    - a. monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
      - i. record and report upon the transshipment activities carried out;
      - ii. verify the position of the vessel when engaged in transshipping;
      - iii. observe and estimate products transhipped;
      - iv. verify and record the name of the LSTLFV concerned and its registration number;
      - v. verify the data contained in the transshipment declaration;

- vi. certify the data contained in the transshipment declaration;
  - vii. countersign the transshipment declaration;
  - b. issue a daily report of the carrier vessel's transshipping activities;
  - c. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
  - d. submit to the Director the aforementioned general report within 20 days from the end of the period of observation.
  - e. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLFVs and of the LSTLFVs owners and accept this requirement in writing as a condition of appointment as an observer;
  7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
  8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

#### **OBLIGATIONS OF THE FLAG STATES OF CARRIER VESSELS**

9. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
  - a. Observers shall be allowed access to the vessel personnel and to the gear and equipment;
  - b. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
    - i. satellite navigation equipment;
    - ii. radar display viewing screens when in use;
    - iii. electronic means of communication.
  - c. Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
  - d. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
  - e. The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.
10. The Director, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CPC of the LSTLFV, copies of all raw data, summaries, and reports pertaining to the trip.

#### **OBLIGATIONS OF LSTLFVS DURING TRANSHIPMENTS**

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit, and shall be granted access to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.
12. The Director shall submit the observer reports to the Compliance Working Group and to the Stock Assessment Review Meeting.

## **OBSERVER FEES**

13. The costs of implementing this program shall be financed by the flag CPCs of LSTLFVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the Director and the Director shall manage the account for implementing the program;
14. No observer shall be assigned to a vessel for which the fees, as required under paragraph 13, have not been paid.

**Appendix 2c.**

**RESOLUTION C-08-03**

**IMPLEMENTATION PROCEDURES FOR THE OBSERVER PROGRAM  
FOR AT-SEA TRANSSHIPMENTS BY LARGE-SCALE TUNA LONGLINE  
FISHING VESSELS**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Expressing* the need to implement a Program for at-sea transshipments by large-scale tuna longline fishing vessels (LSTLFVs), in accordance with Resolution C-06-04;

*Resolves as follows;*

1. An informal Ad Hoc Working Group shall be established, composed primarily of those CPCs that have experience in observer programs for at-sea transshipments by LSTLFVs.
2. The first meeting of the Working Group shall be held on the occasion of the Northern Committee of the WCPFC in Tokyo from 11 to 13 September 2008.
3. The Director shall evaluate the approximate costs of implementing the observer program for carrier vessels established in paragraph 16 of Resolution C-06-04, which is similar to that implemented in ICCAT, by means of a service contract with an external agency, and shall report the results to the first meeting of the Working Group.
4. The Working Group shall decide how the costs of the program shall be shared among the participating CPCs for the implementation of the program from 1 January 2009.
5. Each CPC that participates in the at-sea transshipment program shall submit to the Director, by 30 September of each year, the plans of transshipment, including the number of LSTFLVs that will participate in at-sea transshipment for the following year and the number of carrier vessel cruises, for the Director to calculate the accurate cost of the program and to arrange for observers and other associated matters.
6. The Director shall evaluate the costs of implementing the observer program for carrier vessels by expanding the IATTC observer program under the Agreement on the International Dolphin Conservation Program (AIDCP), *i.e.*, the Director shall be in charge of the implementation of the observer program, including the hiring, training, dispatch, and management of the observers aboard carrier vessels. The Director shall submit the results of this evaluation to the members of the Working Group one month prior to the IATTC Annual Meeting in 2009. The Working Group shall examine the results of the evaluation and decide whether to recommend to the IATTC Annual Meeting in 2009 that the observer program be changed from the service contract with an external agency to the expanded IATTC observer program.
7. The IATTC Annual Meeting in 2009 shall consider a decision on that change.

## PROPOSAL A1a

### SUBMITTED BY KOREA

#### PROPOSAL ON THE “RESOLUTION TO ESTABLISH A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN (C-05-07)”

##### 1. PROPOSAL

The Republic of Korea earnestly wishes to propose that subparagraph i of Paragraph 1 of the C-05-07 be amended as follows:

1. For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention are presumed to have carried out IUU fishing activities in the EPO, inter alia, when an IATTC Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively “CPCs”) present evidence that such vessels:

(...)

- i. Are under the control of the owner or operator of any vessel of a CPC that has been on the IATTC IUU Vessel List and that changes flag to a non-CPC.

##### 2. RATIONALE

Paragraph 1 lists examples of those vessels that are presumed to have carried out IUU fishing activities. Subparagraph i of paragraph 1 says that the vessels under the control of the owner of any vessel on the IATTC IUU Vessel List are presumed to have carried out IUU fishing activities. This subparagraph was first introduced in the Resolution C-04-04 to apply to non-Parties of the IATTC and then in 2005 to the Parties as well. However, from the legal and practical perspective, Korea finds subparagraph i not only unreasonable but against the general principles of law for the following reasons:

First, it is unjustifiable to presume other vessels under the control of the same owner of the vessel to have carried out IUU fishing activities when they are not directly linked to such activities. In most cases of fishing activities, vessels are controlled not by the owners but by the operators or captains. There must be established direct relationship between acts and liability. Only the vessel suspected of actual offence should be included on the draft IATTC IUU Vessel List drawn up by the Director. This subparagraph is therefore too excessive and against the general principle of imposing liability for some involvement in the wrongful act.

Second, it is related to the effectiveness or practicability of subparagraph i. For example, let us suppose that a company owns about 100 vessels which are operating in the Convention Area and that one of its vessels is on the IATTC IUU Vessel List. Then, according to the current subparagraph i, the other 99 fishing vessels will automatically be presumed to have carried out IUU fishing activities. This does not make sense and no effective presumption can stand in this case.

Furthermore, too much documentation would have to follow to determine whether those vessels should be included in the IATTC IUU Vessel List or not. It is time-consuming and moreover it would be extremely difficult to prove those vessels to be IUU vessels. Currently 24 vessels are in the IATTC IUU Vessel List and they all fished without authorization. As such, this subparagraph i has never been invoked and will be irrelevant.

Third, most of the RFMOs including the ICCAT, IOTC, CCAMLR and NEAFC do not contain any such

a type of provision as subparagraph i in their IUU-related measures. It is without any precedent in any RFMO practice. Although the WCPFC mirrored such a subparagraph in its 2006 conservation measure on the IUU Vessel List, it will reconsider the subparagraph this year, obviously for its unreasonable character described above.

Korea's proposal reflects the discussions made on last Sunday's informal meeting for the IUU issue. Because the current wording in the Resolution did not distinguish responsible owners from irresponsible ones, the necessity to protect good intended owners was addressed. Also it was discussed that irresponsible operators should be subject to the Resolution. Taking into account those informal discussions and reflecting the preamble part on re-flagging saying that "*The IATTC further concerned that there is possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with the IATTC measures*", Korea submits this proposal for the consideration of the Commission. Korea believes that this proposal is consistent with the spirit of the preamble of the Resolution.

Thank you very much for your consideration.

**PROPOSAL A2c**  
**SUBMITTED BY THE UNITED STATES**  
**RESOLUTION C-05-07**

**RESOLUTION TO ESTABLISH A LIST OF VESSELS PRESUMED TO  
HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED  
FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Recalling* that the FAO Council adopted on 23 June 2001 an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

*Concerned* that IUU fishing activities in the Convention Area [undermine] [diminish] the effectiveness of the conservation and management measures adopted by the IATTC;

*Further concerned* that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with IATTC measures;

*Determined* to address the challenge of an increase in IUU fishing activities by way of measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of Parties, Cooperating Non-Parties, Cooperating fishing entities and regional economic integration organizations (collectively CPCs) and non-CPCs under the relevant IATTC instruments;

*Considering* the action undertaken in other regional tuna fisheries organizations to address this issue;

*Conscious* of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities;

*Noting* that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with the rights and obligations established in the World Trade Organization (WTO) Agreement; and

*Acknowledging* the importance of due process and participation of the parties involved;

*[Resolves] [Recommends] as follows:*

**Identification of IUU Activities**

1. At each Annual Meeting, the Commission shall identify those vessels that have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which has [undermined] [diminished] the effectiveness of the Convention and the IATTC measures in force, and shall establish, and amend in subsequent years as necessary, a list of such vessels (the IUU vessel list), in accordance with the procedures and criteria set out in this Resolution.
2. This identification shall be suitably documented based on, *inter alia*, reports from CPCs relating to IATTC resolutions in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, Statistical documents and other national or international verifiable statistics, as well as any

other information obtained from Port States and/or gathered from the fishing grounds. Information from CPCs should be provided in the format approved by the Commission.

3. For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention within the Convention Area are presumed to have carried out IUU fishing activities, as described in the IPOA-IUU, when a CPC presents suitably documented information that such vessels, *inter alia*:
  - a. Are not on the IATTC Regional Vessel Register<sup>4</sup>, or
  - b. Make false reports or fail to record or report their catches made in the Convention Area, or
  - c. Engage in fishing activities in a closed area or during a closure period, or
  - d. Use prohibited fishing gear or fishing methods, or
  - e. Transship with[, participate in joint fishing operations with, support, or resupply] vessels included in the IUU Vessel List, or
  - f. Are without nationality, or
  - g. Engage in fishing activities that [undermine] [diminish] the provisions of the Convention or any other IATTC conservation and management measures, or
  - h. [Are under the control of the owner or operator of any vessel on the IUU Vessel List.]
4. At least 120 days before the Annual Meeting, each CPC shall transmit to the Director a list of vessels presumed to have carried out IUU fishing activities in the Convention Area during the current or previous two years, accompanied by suitably documented information relating to the provisions of paragraphs 2 or 3 above concerning the presumption of IUU fishing activity, and shall also make efforts to simultaneously send the same information to the flag State/fishing entity authority of the vessel, if known.

#### **Draft IUU Vessel List**

5. On the basis of the information received pursuant to paragraph 5 above, the Director shall draw up a Draft IUU Vessel List incorporating vessels on the Current IUU Vessel List with the list of potential IUU vessels received per paragraph 5 and, based on any other suitably documented information at the Director's disposal, any other vessels that meet the criteria established in paragraph 3 of this measure. The Director shall automatically include on this Draft IUU Vessel List any vessel, which during the previous 12 months, fished in the Convention Area while not on the Regional Vessel Register<sup>4</sup> or fished during a closure period. At least 90 days before the annual meeting, the Secretariat shall transmit the consolidated Draft IUU Vessel List, together with all the available supporting information, to all CPCs, as well as to non-CPCs with vessels on the Draft IUU Vessel List.
6. The Draft IUU Vessel List, as well as the Provisional IUU Vessel List and the IUU Vessel List described below, shall contain the following details for each vessel, where available:
  - a. Name and previous names;
  - b. Flag and previous flags;
  - c. Owner and previous owners;
  - d. Operator and previous operators;
  - e. Call sign and previous call signs;

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<sup>4</sup> Does not apply to vessels on the WCPFC Record of Fishing Vessels fishing in the area shared by the IATTC and WCPFC Conventions.

- f. Vessel length over all;
  - g. Lloyds Register Fairplay (LRF) number;
  - h. Photographs;
  - i. Date first included on the List; and
  - j. Summary of activities that justify inclusion of the vessel on the List, together with reference to all relevant documents informing of and evidencing those activities.
7. The Director shall make documented efforts to notify the relevant flag States, at least 75 days before the annual meeting, of their vessel's inclusion on the Draft IUU Vessel List and/or presumed IUU activities and provide a copy of the pertinent suitably documented information. The Director shall request the flag State promptly acknowledge receipt of the notification. If no acknowledgement is received from the relevant flag State within 10 days of the date of transmittal, the Director shall retransmit the notification through an alternate means or channels of communication and in a manner that can be documented.
  8. The Director shall request each CPC and non-CPC with vessels on the Draft IUU Vessel List to notify the owner of the vessels of their inclusion on that List, and of the consequences of their inclusion being confirmed in the IUU Vessel List.
  9. Upon receipt of the Draft IUU Vessel List, CPCs shall closely monitor the vessels included in that List in order to follow their activities and possible changes of name, flag, operator and/or registered owner.
  10. As appropriate, CPCs and non-CPCs with vessels on the Draft IUU Vessel List may transmit comments to the Director at any time, but no later than 30 days before the Annual Meeting, including suitably documented information showing that their vessels have fished in a manner consistent with IATTC conservation and management measures, or have fished exclusively for species not covered by the IATTC Convention.
  11. CPCs may at any time submit to the Director any additional information that may be relevant to the vessels on the Draft IUU Vessel List. The Director may also add any relevant information in this regard for the reference of the CPCs.
  12. Director shall re-circulate, at least two weeks in advance of the Annual Meeting of the Commission, to the CPCs and the non-CPCs concerned, the Draft IUU Vessel List together with all of the suitably documented information received pursuant to paragraphs 5, 11 and 12.

#### **Provisional IUU Vessel List**

13. At its annual meeting, the IATTC-AIDCP Joint Working Group on Fishing by Non-Parties (Joint Working Group) shall examine the Draft IUU Vessel List, which includes vessels on the Current IUU Vessel List and any new vessels identified pursuant to paragraph 6, as well as the information referred to in paragraph 12, in order to develop a Provisional IUU Vessel List, including recommendations to the Commission regarding any vessels that should be removed from the Current IUU List after review of any information provided by flag State to the Director pursuant to paragraph 23 of this measure. The results of this examination may, if necessary, be referred to the Permanent Working Group on Compliance.
14. For vessels not already on the Current IUU Vessel List, the Joint Working Group shall not include a vessel in the Provisional IUU Vessel List if the vessel's flag State demonstrates that:
  - a. The vessel fished in a manner consistent with IATTC conservation and management resolutions, or fished exclusively for species not covered by the IATTC Convention, 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, or

- c. The case regarding the vessel or vessels involved in IUU fishing activities has been settled to the satisfaction of both the CPC that originally submitted the vessel for listing and the flag State involved.
15. For vessels not already on the Current IATTC IUU List, the Joint Working Group shall not include a vessel on the Provisional IUU list if the notification provisions of paragraph 5 were not followed.
16. Following the examination referred to in paragraph 14, the Joint Working Group shall submit the Provisional IATTC IUU Vessel List to the Commission for its consideration.

#### **New IUU Vessel List**

17. At its annual meeting the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List and any recommendations to amend the Current IUU Vessel List above, and adopt a new IUU Vessel List. The Commission shall remove a vessel from the Current IATTC IUU Vessel list only if the vessel's flag State submits to the Director the information provided in paragraph 23 of this measure.
18. Upon adopting the new IUU Vessel List, the Commission shall request CPCs and non-CPCs with vessels on the IUU Vessel List to:
  - a. Notify the owner of the inclusion of their vessel(s) on the IUU Vessel List and the consequences that result from being included in the List, and
  - b. Take all necessary measures to eliminate those IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
19. CPCs shall take all necessary non-discriminatory measures under their applicable legislation, consistent with international law and each CPC's international obligations and paragraphs 36, 56 and 66 of the IPOA-IUU, to:
  - a. Ensure that fishing vessels, support vessels, mother ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support or resupply vessels on the IATTC IUU Vessel List;
  - b. Ensure that vessels on the IUU Vessel List that enter ports voluntarily are not authorized to land, transship, refuel or resupply therein, except in situations of *force majeure* or for rendering assistance to vessels, or persons on those vessels, in danger or distress, but are inspected upon entry;
  - c. Prohibit the chartering of a vessel on the IUU Vessel List;
  - d. Refuse to grant their flag to vessels on the IUU Vessel List;
  - e. Prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IUU Vessel List;
  - f. Encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the IATTC Convention caught by vessels on the IUU Vessel List;
  - g. Collect, and exchange with other CPCs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List.
20. The Director shall take any measure necessary to ensure publicity of the IUU Vessel List, in a manner

consistent with any applicable confidentiality requirements, including publishing it on the IATTC website. Furthermore, the Director shall transmit the IUU Vessel List to the FAO and other regional fisheries management organizations for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.

21. Without prejudice to the rights of CPCs and coastal States to take proper action, consistent with international law, including WTO obligations, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the Draft or Provisional IUU Vessel Lists, pursuant to paragraphs 6 or 17, or that have been removed from the IUU Vessel List, pursuant to paragraphs 18 and 26, on the grounds that such vessels are involved in IUU fishing activities.

#### **Modification of the IUU Vessel List**

22. CPCs and non-CPCs with a vessel on the IUU Vessel List may request the removal of the vessel from the list, including at any time during the inter-sessional period, by submitting to the Director suitably documented information demonstrating that:
  - a.
    - i) It has adopted measures that will seek to ensure that the vessel complies with all IATTC measures;
    - ii) It will be able to assume effectively flag State duties with regards to the monitoring and control of the vessel's fishing activities in the Convention Area; and
    - iii) It has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity; or
  - b. The vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not recently participated in IUU fishing activities, or
  - c. The case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CPC that originally submitted the vessel for listing and the flag State involved.
23. The Director will transmit the removal request, with all the supporting information, to the CPCs within 15 days following the receipt of the removal request. CPCs shall promptly acknowledge receipt of the removal request and may, at that time, request additional information from the requesting flag state. If no acknowledgement is received by the Director within 10 days of the date of transmittal, the Director shall retransmit the removal request and shall use additional means available to ensure the request has been received.
24. Commission decisions on a request to remove a vessel during an interim period shall follow procedures established for decisions by correspondence together with the procedures outlined in paragraphs 26 and 27. Each CPC shall examine the removal request and notify the Director in writing of its response, and the rationale therefor, regarding the removal of the vessel within 30 days following the notification by the Director. Lack of response from a CPC by the 30day deadline shall be considered acceptance of the request to remove the vessel.
25. If CPCs agree to the removal of the vessel from the IUU Vessel List within the period stipulated in paragraph 25, the Director will inform CPCs, non-CPCs, FAO and other regional fisheries management organizations, and will remove the vessel from the IUU Vessel List, as published on the IATTC website.
26. If a CPC disagrees with the request for the removal of the vessel from the IUU Vessel List, the vessel will be maintained on the IUU Vessel List and the Director will inform the CPCs and/or non-

CPCs that made the removal request.

27. All information provided to the Working Group shall be subject to the confidentiality rules of the IATTC.
28. This [recommendation] [resolution] shall apply to vessels measuring [22] [24] meters or more in length overall.
29. This [recommendation] [resolution] and shall be subject to review, and as appropriate, revised.
30. This [recommendation] [resolution] replaces Resolution C-05-07.

**Appendix 3c.**

**PROPOSAL B1**

**PRESENTED BY COSTA RICA**

**PROPOSAL TO MODIFY RESOLUTION C-05-03 ON THE  
CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH  
FISHERIES IN THE EASTERN PACIFIC OCEAN**

The addition to the Resolution of the following paragraph 4 bis is proposed.

4. CPCs shall require their vessels to have onboard fins that total no more than 5% of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures.

<p>4 bis. If a CPC allows, in accordance with its legislation, shark fins to be unloaded naturally attached to the body, with partial cuts in the fins that allow efficient bleeding and suitable storage for the entire utilization of the body, without separating the fins from the body completely, subject to inspection for compliance by a competent authority at the point of unloading, the proportion of fins to body weight may exceed the percentage established in paragraph 4 of this resolution, since it is evident that with this procedure of natural attachment the practice of finning is not being facilitated.</p>
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**Appendix 3d.**

**PROPOSAL E1**  
**PRESENTED BY EL SALVADOR**  
**PROPOSAL TO PROHIBIT LANDINGS OF FISH CAUGHT BY VESSELS**  
**NOT ON THE REGIONAL VESSEL REGISTER**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Concerned* that vessels that are not included on the Commission's Regional Vessel Register are fishing in the eastern Pacific Ocean (EPO) in contravention of the Commission's conservation and management measures;

*Convinced* that it is important to take effective measures in a timely manner to discourage such fishing and to support the Commission's conservation and management program;

*Recognizing* that every nation has the right to control landings of fish in its ports in accordance with its national laws and policies;

*Convinced* that it is important to control landings of fish caught in contravention of the Commission's conservation and management measures;

*Aware* that the Commission has procedures for including vessels on its List of IUU Vessels; and

*Convinced* that the measures contemplated in this resolution are consistent with, and complementary to, the Commission's procedures for including vessels on its List of IUU Vessels;

*Agrees:*

That CPCs, in accordance with their respective national legislation and regulations, not allow landings or transshipments of tuna caught in the Convention Area by vessels which are not included on the IATTC Regional Vessel Register established by Resolution C-00-06, but which are required by Commission resolutions to be so included.

**Appendix 3e.**

**PROPOSAL F1**  
**PRESENTED BY SPAIN AND THE UNITED STATES**  
**RESOLUTION TO MITIGATE THE IMPACT OF FISHING FOR HIGHLY**  
**MIGRATORY FISH STOCKS ON SEABIRDS**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Concerned* that some seabird species, notably albatrosses and petrels, are threatened with global extinction;

*Noting* advice from the Commission for the Conservation of Antarctic Marine Living Resources that together with illegal, unreported and unregulated fishing, the greatest threat to Southern Ocean seabirds is mortality in longline fisheries in waters adjacent to its Convention Area;

*Noting* Conservation Measure 2007-04 adopted by the Western and Central Pacific Fisheries Commission (WCPFC) at its fourth regular session in 2007;

*Recognizing* the importance of the consultative relationship between the Commission and the WCPFC and the importance of working with Commission for the Conservation of Antarctic Marine Living Resources and the WCPFC, as appropriate, to this and other issues of shared concern;

*Desiring* to achieve consistency of bird mitigation measures, as appropriate, between the Eastern Pacific and the Western central Pacific;

*Noting*, however, that scientific research into mitigation of seabird bycatch in surface longline fisheries has shown that the effectiveness of various measures varies depending on the vessel type, season, and seabird species assemblage present;

*Noting* also that the use of fisheries observer programs can greatly increase the understanding of how seabird bycatch mitigation measures can be most effectively applied; and

*Noting* the advice of the Working Group to Review Stock Assessments and the concurrence of the Commission with such advice that combinations of mitigation measures are essential for effective reduction of seabird bycatch;

*Resolves as follows:*

1. Contracting Parties, Cooperating Non Parties, fishing entities and regional economic integration organisations (collectively "CPCs") shall, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline fisheries (IPOA-Seabirds) if they have not already done so.
2. CPCs shall report to the Commission on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries.
3. CPCs shall require all their longline vessels, except longline vessels less than 15 meters in length overall, that fish for species covered by the IATTC Convention, to use at least two of the mitigation measures in Table 1, including at least one from Column A in the areas defined in Annex 1. CPCs are encouraged to require their longline fishing vessels of less than 15 meters length overall to do the same.

**Table 1: Mitigation measures**

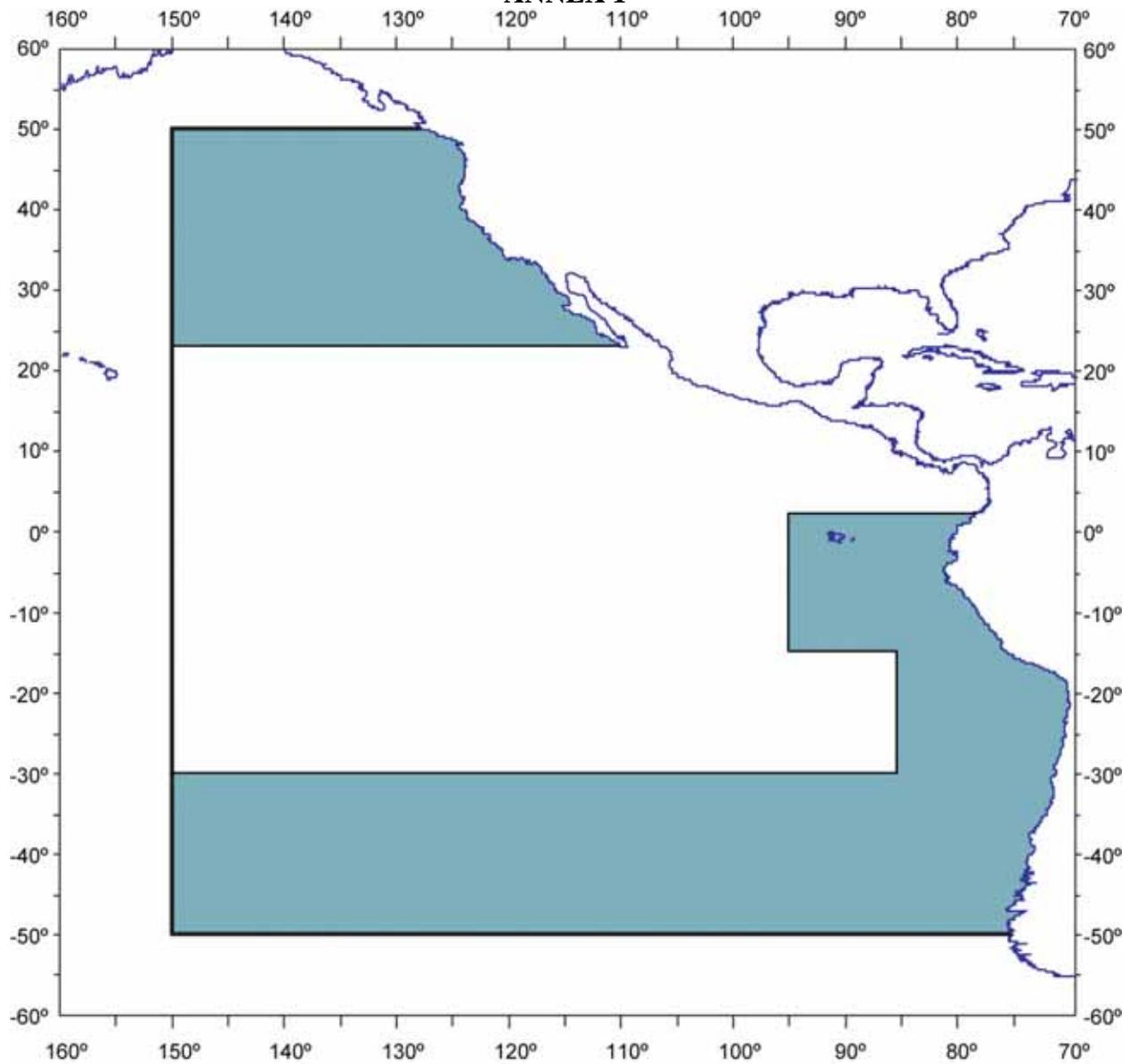
Column A	Column B
Side setting with a bird curtain and weighted branch lines <sup>5</sup>	Tori line <sup>6</sup>
Night setting with minimum deck lighting	Blue-dyed bait
Tori line	Deep setting line shooter
Weighted branch lines	Underwater setting chute
	Management of offal discharge

4. In other areas, CPCs are encouraged to employ one or more of the seabird mitigation measures listed in Table 1.
5. The Commission will, at its 2009 Annual Meeting, adopt minimum technical specifications for the mitigation measures in Table 1, based on the advice of the the Working Group to Review Stock Assessments and the Working Group on Bycatch. With the aim of achieving, to the extent practicable and appropriate, consistency with the WCPFC measure, the Working Groups should take into account the minimum technical specifications provisionally adopted by the WCPFC in 2007 (Annex 2).
6. CPCs are encouraged to take into account the provisionally adopted minimum technical specifications for reducing seabird bycatch, as described in WCPFC Conservation and Management Measure 2007-04, until specifications are developed by the IATTC.
7. CPCs whose longline vessels of 15 meters or more length overall fish in the area defined in Annex 1 shall inform the Commission, by 1 May 2009, and annually thereafter, of the mitigation measures, including minimum technical specifications, that they will require their vessels to employ in the implementation of this resolution.
8. CPCs are encouraged to work together and individually to undertake research to further develop and refine measures to mitigate seabird bycatch, including mitigation measures for use during the hauling process, and shall submit to the Secretariat, for use by the Working Group to Review Stock Assessments and the Working Group on Bycatch, any information derived from such efforts. Research should be undertaken in the fisheries and areas in which the measure will be used.
9. CPCs are encouraged to provide the Commission with all available information from observer or other monitoring programs on interactions with seabirds, including by-catches and details of species, to enable the Working Group to Review Stock Assessments and the Working Group on Bycatch to estimate seabird mortality in all fisheries to which the IATTC Convention applies and to ensure adequate application of this resolution.
10. Based on this information, the Working Group to Review Stock Assessments and the Working Group on Bycatch, shall formulate recommendations, as appropriate, for an updated suite of mitigation measures, or other recommendations for implementation and application of this resolution, and submit these to the Commission for its consideration.
11. CPCs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longlining are released alive and in the best condition possible, and that, whenever possible, hooks are removed without jeopardizing the life of the seabird.
12. CPCs shall begin implementation of this resolution by no later than 1 May 2009.

<sup>5</sup> Side setting with a bird curtain and weighted branch lines from Column A is counted as two mitigation measures.

<sup>6</sup> The simultaneous use of two (*i.e.* paired) tori lines is counted as two mitigation measures.

## ANNEX 1



Areas (shaded) within the IATTC Area in which the use of at least two mitigation measures for reducing seabird bycatch would be required. They include waters north of 23°N (except the Gulf of California) and south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S.

## ANNEX 2

### 1. SPECIFICATIONS FOR COLUMN A MITIGATION MEASURES.

#### 1.A. TORI LINES:

- a. Minimum length: 100m
- b. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of the point where the hookline enters the water.
- c. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- d. Streamers must be less than 5m apart and be using swivels and long enough so that they are as close to the water as possible.
- e. If the tori line is less than 150m in length, it must have a towed object attached to the end that the aerial extent is maintained over the sinking baited hooks.
- f. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### 1.B. TORI LINE (LIGHT STREAMER):

- a. Minimum length of tori line: 100m or three times the total length of the vessel,
- b. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of a point where the hookline enters the water.
- c. Must be attached so that the aerial extent is maintained over the sinking baited hooks
- d. Streamers must be less than 1m apart and be 30cm in minimum length.
- e. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### 1.C. SIDE SETTING WITH BIRD CURTAIN AND WEIGHTED BRANCH LINES:

- a. Mainline deployed from port or starboard side as far from stern as practicable (at least 1m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.
- b. When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
- c. Bird curtain must be employed:
  - i. Pole aft of line shooter at least 3m long;
  - ii. Minimum of 3 main streamers attached to upper 2m of pole;
  - iii. Main streamer diameter minimum 20mm;
  - iv. Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

#### 1.D. NIGHT SETTING:

- a. No setting between local sunrise and one hour after local sunset; and
- b. Deck lighting to be kept to a minimum, noting requirements for safety and navigation.

#### 1.E. WEIGHTED BRANCH LINES:

FOLLOWING MINIMUM WEIGHT SPECIFICATIONS ARE REQUIRED

- a. Minimum weights attached to all branch lines is 45 grams, with the following options:
  - i. less than 60 grams weight attached to within 1 meter of the hook; or
  - ii. greater than 60 grams and less than 98 grams weight attached to within 3.5 meters of the hook; or
  - iii. greater than 98 grams weight attached to within 4 meters of the hook

## **2. SPECIFICATIONS FOR COLUMN B MITIGATION MEASURES.**

### **2.A. WEIGHTED BRANCH LINES:**

FOLLOWING MINIMUM WEIGHT SPECIFICATIONS ARE REQUIRED

- a. Minimum weights attached to all branch lines is 45 grams, with the following options:
  - i. less than 60 grams weight attached to within 1 meter of the hook; or
  - ii. greater than 60 grams and less than 98 grams weight attached to within 3.5 meters of the hook; or
  - iii. greater than 98 grams weight attached to within 4 meters of the hook

### **2.B. BLUE DYED BAIT:**

- a. The Commission Secretariat shall distribute a standardized color placard.
- b. All bait must be dyed to the shade shown in the placard.

### **2.C. MANAGEMENT OF OFFAL DISCHARGE:**

- a. Either:
  - i. No offal discharge during setting or hauling; or
  - ii. Strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.

**Appendix 3f.**

**PROPOSAL G1**  
**PRESENTED BY MEXICO AND EL SALVADOR**  
**RESOLUTION ON THE REVIEW OF THE PERFORMANCE OF THE**  
**ORGANIZATION**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Taking into account* the agreements and considerations emanating from FAO at its session of ....., as well as UN Resolution 61/105 of 2006 which exhorts Regional Fisheries Management Organizations (RFMOs) to undertake a review of their performance;

*Noting* the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan, on 26 January 2007, and in particular those related to Performance Reviews, as well as the considerations emanating from the meeting of the Chairs of tuna organizations held in March 2007 in San Francisco, California;

*Recognizing* that other RFMOs have made progress in the process of Performance Reviews; and

*Aware* of the importance of developing comprehensive evaluation criteria for measuring the performance of RFMOs appropriate the the reality of the organization, the fisheries that it regulates and their markets;

*Resolves as follows:*

1. The Commission shall conduct a review of its performance, for presentation at its annual meeting in 2010.
2. This review shall be carried out on the basis of the criteria in Annex A.
3. A Review Panel shall be constituted, which shall be responsible for carrying out the review of the performance of the IATTC, in accordance with this Resolution. This panel shall be composed of four representatives of Parties to of IATTC\*, a member of the Secretariat, a representative of a non-governmental organization which preferably has participated as an observer in the work of the IATTC, with proven experience in the management of fisheries resources,, and three external experts with suitable experience in fisheries science, in the management of fisheries resources or in their legal regulation, respectively.

The external experts shall be internationally recognised, y shall have experience in, and knowledge of, matters for which the IATTC has responsibility .

The Review Panel Chairperson shall be a member of the Panel, elected by its members.

4. The IATTC Secretariat shall provide logistical support to the Review Panel, and its staff will participate in the work of the Panel as required by the members of the Panel.
5. Travel and accommodation costs for the participation in the meetings of the Review Panel for the external experts shall be borne by the IATTC budget. IATTC Parties shall bear the costs of their own representatives who participate in the sessions of the Review Panel. However, if this is not possible for them, their participation shall also be covered by the Commission's budget.
6. The Chair of the Panel shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2010 Annual Meeting. The Director shall distribute the report and recommendations to the Parties and observers, and publish them on the Commission's website.
7. The Commission shall consider, and as appropriate adopt, such actions as may improve their performance, in accordance with the results of the review that that Panel presents, identifying, as appropriate, the necessary resources that this may imply on the basis of a cost-benefit approach.

**Annex A**

**Suggested criteria for reviewing the performance of the Commission**

	<b>AREA</b>	<b>General Criteria</b>	<b>Detailed Criteria</b>
	<i>Collection, analysis, and scientific evaluation of information (data)</i>	Data collection and sharing	<ul style="list-style-type: none"> <li>• Extent to which the members and cooperating non-members of the IATTC, individually or through the Commission, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.</li> <li>• Extent to which fishing data and fishing vessel data are gathered by the IATTC and shared among members and other RFMOs.</li> <li>• Extent to which the IATTC is addressing any gaps in the collection and sharing of data as required.</li> <li>• Availability of the financial resources necessary for collecting data for the entities that are to collect them.</li> </ul>
		Living marine resources	<ul style="list-style-type: none"> <li>• Status of the principal fish stocks under the purview of the IATTC in relation to the maximum sustainable yield or other pertinent biological parameters</li> <li>• Trends in the status of those stocks.</li> <li>• Status of the species that belong to the same ecosystems as, or that are associated with or depend on, the main target stocks (hereafter “non-target species”).</li> <li>• Trends in the status of those species.</li> </ul>
		Quality and provision of scientific advice	<ul style="list-style-type: none"> <li>• Extent to which the IATTC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.</li> <li>• Ability and infrastructure of the Commission for carrying out in-depth analyses in scientific matters for which it is responsible.</li> </ul>
	<i>Adoption of conservation and management measures</i>	Base and eficacia de las medidas que se adoptan.	<ul style="list-style-type: none"> <li>• Degree of correspondence between the scientific recommendations made by the scientific staff of the Commission and the conservation measures adopted by the Parties</li> <li>• Extent to which the IATTC has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available.</li> <li>• Extent to which the IATTC has adopted the best practices for fisheries management in accordance with the pertinent international instruments, especially those relating to the management of fisheries resources</li> <li>• Extent to which the precautionary approach is applied</li> <li>• Extent to which the IATTC has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</li> <li>• Extent to which fishing gear and methods are selective, minimize discards and catches of juveniles, and are harmless to the marine environment</li> <li>• Extent to which the IATTC has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned drifting gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species</li> <li>• Extent to which the marking of fishing gear, in accordance with the Code of Conduct for Responsible</li> </ul>

			Fishing, has been attempted
		Capacity management	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> <li>• Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>
		Fishing allocations and opportunities	<ul style="list-style-type: none"> <li>• Extent to which the IATTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants in accordance with the status of the resources</li> <li>• Extent to which the IATTC allocates fishing opportunities fairly among its members</li> </ul>
2	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> <li>• Extent to which IATTC members are fulfilling their duties as flag States under the treaty establishing the IATTC and other decisions adopted by the Organization</li> </ul>
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted integrated MCS measures (e.g., required use of VMS, observers, certification and catch documentation and trade tracking schemes, restrictions on transshipment)</li> <li>• Extent to which these measures are effectively implemented.</li> <li>• Extent to which these systems contribute to the objectives for which they were created (for example, VMS enables the level of effort made to be determined, and its consistency with the applicable framework, observers provide accurate information on catches and fishing operations in general, the certifications and other documentation established facilitate trade in sustainable products and deter trade in those that are not)</li> </ul>
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance).</li> <li>• Extent to which the IATTC, its members and cooperating non-members monitor infractions of management measures</li> <li>• Extent to which these mechanisms are being effectively utilized</li> <li>• Extent to which there is reciprocity with other organizations and other states for the exchange of pertinent information</li> </ul>
		Sustainability and trade	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted measures relating to the exercise of the rights and duties of its members as market States</li> <li>• Extent to which measures have been adopted to favor with effective access to the markets of the Parties products caught in a sustainable manner, in accordance with the applicable provisions of the Commission and consistent with the contents of paragraphs 11.2.4, 11.2.5 and 11.2.6 of the Code of Conduct for Responsible Fishing</li> <li>• Extent to which these market-related measures are effectively implemented</li> <li>• Extent to which the countries of the relevant markets restrict the entry of fisheries products for which the IATTC has responsibility that have been captured in a manner inconsistent with the management measures adopted by the Commission, in accordance with the WTO</li> </ul>
4	<i>Functioning of the Organization</i>	Decision-making	<ul style="list-style-type: none"> <li>• Extent to which IATTC has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner</li> <li>• Extent to which the decision-making procedures are effective and are a factor in the development of</li> </ul>

			conservation measures
		Transparency	<ul style="list-style-type: none"> <li>• Extent to which the IATTC is operating in a transparent manner and the participation of NGO with experience and ability in the management of fisheries resources is permitted</li> </ul>
		Dispute settlement	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate mechanisms for resolving disputes.</li> </ul>
5	<i>International cooperation</i>		<ul style="list-style-type: none"> <li>• Extent to which the IATTC's decisions, reports of meetings, the scientific advice on which decisions are taken, and other relevant materials are made available to the public in a timely manner</li> </ul>
		Relationship to cooperating non-members	<ul style="list-style-type: none"> <li>• Extent to which the IATTC facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> <li>• Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.</li> </ul>
		Cooperation with other RFMOs	<ul style="list-style-type: none"> <li>• Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.</li> </ul>
		Special requirements of developing States	<ul style="list-style-type: none"> <li>• Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including A) Fishing allocations or opportunities, B) the development of their ability to participate in the technical assessments made within the framework of the IATTC</li> <li>• Extent to which IATTC members, individually or through the IATTC, provide relevant assistance to developing States</li> </ul>
	*	Availability of resources for IATTC activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of the IATTC and to implement the IATTC's decisions</li> <li>• Extent to which the cost of the Commission's projects and activities justify their financial costs, principally but not exclusively, by means of a cost-benefit analysis</li> </ul>

**Appendix 3g.**

**PROPOSAL H1a**

**PRESENTED BY VENEZUELA**

**[RESOLUTION][RECOMMENDATION] ON A MULTIANNUAL PROGRAM  
FOR THE CONSERVATION OF TUNA IN THE EASTERN PACIFIC  
OCEAN IN 2008, 2009[ AND 2010]**

*Being responsible* for the scientific study of the tunas and tuna-like species of the eastern Pacific Ocean (EPO) and for formulating recommendations to the High Contracting Parties, cooperating non-Parties, Cooperating Fishing Entity and Regional Economic Integration Organization (collectively “CPCs”) with regard to these resources, and having maintained, since 1950, a continuous scientific program dedicated to the study of these resources,

*Recognizes*, based on past experience in the fishery, that the potential production from the resource can be reduced if fishing effort is excessive;

*Aware*, that previous conservation and management measures adopted by the Commission, and although the catches of bigeye and yellowfin tunas have decreased, capacity continues to increase,

*Observes* that the yellowfin tuna resource in the EPO supports one of the most important surface fisheries for tunas in the world;

*Taking into account* the best scientific information available, reflected in the staff’s recommendations and in the report of the Working Group on Stock Assessments in May 2008;

*Considering* that the studies of yellowfin and bigeye tunas presented show that both stocks are below a level that would produce the maximum sustainable yield (MSY);

*Considering* that the stock of bigeye is the same for all the Pacific Ocean, from east to west;

*Considering* that the increase in the use of fish-aggregating devices (FADs) with the latest generation of satellite equipment and other technologies might affect the tuna fisheries in the EPO; and

*Recognizing* the importance of urging the Western and Central Pacific Fisheries Commission (WCPFC) to adopt parallel conservation measures for the tuna stocks in that region, and in particular, the shared stocks of highly migratory tunas in the Pacific Ocean;

*[Resolves][recommends] as follows:*

1. This [resolution][recommendation] is applicable in the years 2008, 2009[ and 2010] to all purse-seine vessels, and to all longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the EPO.
2. Pole-and-line, troll, and sportfishing vessels[, and purse-seine vessels of less than 363 metric tons capacity] are not subject to this [resolution][recommendation], [with the exception of vessels of between 273 and 363 metric tons capacity[, which will be able to make a single fishing trip during the temporal closure periods contemplated in this [resolution][recommendation], and which are required to carry an observer aboard during such trips].
3. All vessels covered by this resolution must stop fishing in the EPO during one of the following two periods:  
in 2008, for 49 days, from ( \_\_\_\_\_ ) to ( \_\_\_\_\_ ) or from ( \_\_\_\_\_ ) to ( \_\_\_\_\_ );  
in 2009, for 56 days, from ( \_\_\_\_\_ ) to ( \_\_\_\_\_ ) or from ( \_\_\_\_\_ ) to ( \_\_\_\_\_ )

[; in 2010, between 49 and 63 days from ( \_\_\_\_\_ ) to ( \_\_\_\_\_ ) or from ( \_\_\_\_\_ ) to ( \_\_\_\_\_ )].

[The duration of the closure in 2010 shall be subject to review by the Commission, taking into account the recommendations of the scientific staff.]

#### **ECUADOR**

[However, in 2009 the Director may reduce the duration of the closure to 49 days if an analysis of the available data leads him to the conclusion that these reductions will not substantially harm the corresponding stocks.]

#### **MEXICO**

[However, the Director is authorized to modify the limit for 2009, reducing or increasing it by a maximum of 7 days, if an analysis of the available data leads him to the conclusion that:

- a. reducing it to 49 days would not substantially harm the corresponding stocks; or
- b. increasing it to 63 days is necessary, due to the status of the stocks.

Notwithstanding the above, the CPCs shall review this [resolution][recommendation] at its annual meeting in 2009, or at any other meeting that might be held pursuant to Rule XII of the Commission's Rules of Procedure, to decide whether an adjustment of this [resolution][recommendation] is warranted particularly with regard to the duration of the closure in 2009.

To ensure the effectiveness of the closures, in the case of vessels flying the flag of Ecuador or Mexico, those vessels that choose the closure period during August-October of the year shall not be able to fish north of the 5°N parallel when this area is closed. Reciprocally, vessels that choose the closure in the November-February period will not be able to fish south of that parallel during the time that that area is closed.]

#### **COLOMBIA**

[Each CPC shall choose, for each year, the dates on which each one of its vessels shall comply with the closure. During the entire closure period for that vessel, it must remain tied up in port.

4. [That deploying FADs be prohibited during the period of 1 October to 31 December during 2008, 2009 [and 2010].]

That the fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels [fishing on floating objects] in the EPO be closed in 2008, 2009[ and 2010,] from 0000 hours on [[1 November][12 September] to 2400 hours on 31 December] [19 September to 2400 hours on 2 November] within the area of 94° and 110°W and between 3°N and 5°S illustrated in Figure 1.

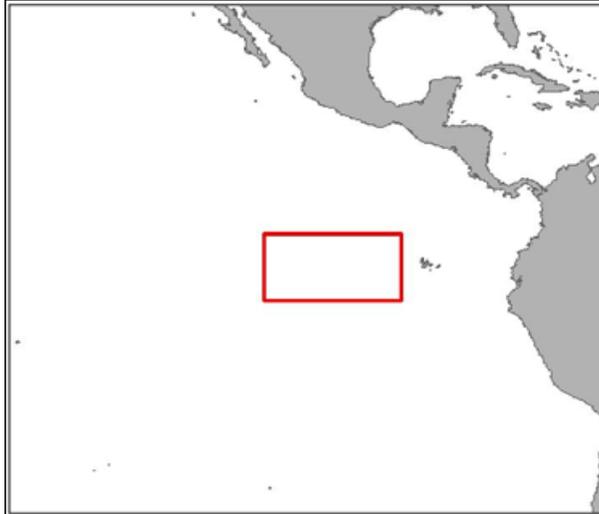


Figure 1. Closure area

5. In each one of the years covered by this resolution and for each one of the two closure periods, each CPC shall notify the Director, by 15 July in 2008 and by 15 April in 2009[ and 2010], the names of all the purse-seine vessels that will observe each closure period.

Every vessel that fishes during 2008, 2009[ and 2010], regardless of the flag under which it operates or whether it changes flag or the jurisdiction of CPC under which it fishes during the year, must observe the closure period to which it was committed.

6. Each CPC shall, for purse-seine fisheries:
  - a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;
  - b. Inform all interested parties in its national tuna industry of the closure;
  - c. Inform the Director that these steps have been taken;
  - d. Ensure that [at the time a closure period begins, and for the entire duration of that period, [all the] purse-seine vessels fishing for yellowfin, bigeye, or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, in the EPO are in port, except that vessels carrying an observer from the AIDCP On-Board Observer Program may remain at sea, provided they do not fish in the EPO. [The only other exception to this provision shall be that vessels carrying an observer from the AIDCP On-Board Observer Program may leave port during the closure, provided they do not fish in the EPO.]
7. Each CPC shall take the measures necessary to control the total annual catch of bigeye tuna in the EPO during 2008, 2009 and 2010 by longline tuna vessels fishing under its jurisdiction.
8. China, Japan, Korea, and Chinese Taipei shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2008, 2009[ and 2010] do not exceed the following levels:

China	2,639 metric tons
Japan	34,076 metric tons
Korea	12,576 metric tons
Chinese Taipei	7,953 metric tons

9. Other CPCs shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2008, 2009[ and 2010] do not exceed the greater of 500 metric tons or

their respective catches of bigeye tuna in 2001<sup>7</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director.

10. To prohibit landings, transshipments and commercial transactions in tuna or tuna products that have been positively identified as originating from fishing activities that contravene this resolution. The Director shall provide relevant information to [the Parties to assist them in this regard][the CPC that has contravened the provisions of this paragraph and shall afterwards notify all the CPCs, as a means of denouncing illegal fishing, to promote timely compliance in the EPO, of this management measure]. [The Commission shall develop transparent and non-discriminatory criteria and procedures to adopt restrictive trade measures consistent with international law, including World Trade Organization agreements and other applicable trade agreements, to promote compliance in the EPO.]
11. Each CPC shall notify the Director, by 15 July in 2008, and by 15 April in 2009[ and 2010], of national actions taken to implement this [resolution][recommendation], including any controls it has imposed on its fleets and any monitoring, control, and compliance measures it has established to ensure compliance with such controls.
12. To evaluate progress towards the objectives of this [resolution][recommendation], in 2008, 2009[, and 2010], the IATTC scientific staff will analyze the effects on the stocks of the implementation of this [resolution][recommendation], Resolution C-06-02, Resolution C-04-09, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
13. [That, from January 2009, vessels that use FADs shall be required to mark the FADs in accordance with a program developed by the Commission, to include, *inter alia*, maintaining a record of the numbers of FADs on board each vessel at the beginning and end of each fishing trip, and recording the date, time, and position of deployment of each FAD. The information collected shall be held by the Commission staff, and shall be made available to CPCs, subject to any confidentiality rules or policies that the Commission may establish.]
14. Initiate, in January 2009, a data-collection program on FADs that are used to aggregate tunas in the EPO that includes *inter alia* a marking system. The applicable research protocol shall be developed by an *ad-hoc* Working Group, led by the Director, and with the participation of the interested Parties, to be presented at the next annual meeting of the IATTC.
15. Subject to the availability of the necessary funding, the Director shall continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.
16. Instruct the Director to continue efforts that will allow the IATTC and the WCPFC to have equivalent management measures.
17. The WCPFC is encouraged to adopt, as soon as possible, conservation measures comparable to those adopted in this [resolution][recommendation], with the aim of maximizing the effectiveness of the collective measures of the two organizations, and ensuring a positive result for the resources.
18. Each CPC shall comply with this [resolution][recommendation].

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<sup>7</sup> The Parties acknowledge that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the EPO.

**Appendix 3h.**

**PROPOSAL H2  
PRESENTED BY MEXICO**

**Elements of agreement**

1. Two closure periods for 2008, and two closure periods for 2009.
2. The closure in 2008 shall have a duration of 49 days
3. The closure in 2009 shall have a duration of 59 days
4. Both closures shall be observed by all vessels of more than 273 tons carrying capacity (classes 5 and 6)
5. Class-4 vessels may make one additional trip of up to 30 days duration during the closures applicable to class-5 and -6 vessels
6. A line along the 5° North parallel is established, which Ecuadorean and Mexican vessels may not cross during their respective closure periods.

#### Appendix 4a.

### STATEMENT BY VENEZUELA

Thank you, Mr. Chairman.

Before we enter into the debate that awaits us today, I would like to share with the delegations some thoughts and suggestions, which I would request be reflected in the minutes.

First of all, I must express my delegation's most profound frustration and disappointment with what has happened at this meeting, and at previous meetings, which brings us to finding ourselves once again on the last day of a long and difficult negotiation in which, frankly, nothing has been achieved.

I would remind you that the conservation proposal that we have been discussing was circulated by my country's Fisheries Administration to all the Parties several weeks ago, inviting comments. Since there were none, we assumed that it did not contain anything that was totally unacceptable, although, of course, we never thought that it would be accepted as was, and we came to this meeting with the best intentions of joining the consensus that might develop on the basis of our proposal or of any other that might be presented. Since there were no others, our proposal, which as you know is based on the recommendations of the scientific staff of the IATTC, has served as a basis for our debate, and we thank you for the many positive and constructive comments and proposals that have enriched and improved our original text.

In this regard, I would like to invite the delegations to join our proposal, which appears to be generally acceptable to most delegations, so that it is no longer the 'Proposal of the Bolivarian Republic of Venezuela', but rather reflects the majority opinion of the Parties, even if they do not agree with all its content. I remind you that, although it bears our name, we do not agree with all the modifications that it now includes. Having said that, since it still bears my country's name, we have allowed ourselves, with the aim of contributing to our debate being as concise, clear and complete as possible, not to take in all the proposed modifications. We have included those that, in our judgment, enrich our text and have a possibility of being accepted by consensus. We have not included those that do not seem to have support, or which, because they are new and substantive concepts that require extensive discussion, at this time would slow the negotiation down ever more; likewise, in view of the fact that a great part of the proposal consists of texts taken directly from resolutions previously agreed by the Parties, in many cases after extensive and sometimes difficult debates in which almost all, or even all, the countries here present participated, it did not seem advisable to us to include suggestions that seek to reopen debates that we held on previous occasions and that reached agreement. Of course, if any delegation thinks that our proposal is unacceptable, partially or totally, there is nothing to prevent it from presenting another aimed at reaching the ends that we all desire by another path. In that case, I would ask those delegations to present their texts as far in advance as possible; likewise, I would ask them to consult with other delegations so that they may know in advance if there is a possibility of consensus, since we do not have the time, now or in the future, for extensive and futile debates on proposals that have little prospect of being approved. I very much doubt that we will have the time today to finish the debate on conservation that has already cost us so much effort and so many days; there are still many other proposals on important matters that have not even been presented, much less debated or approved. It is critical that we approve the budget,

and extremely important that we approve a plan for reviewing performance; still to be addressed are the IUU List, trade measures, conservation of other species, and the other matters that we have to discuss. I understand and share the frustration of all those who have dedicated time and effort to these other proposals, to see them left totally aside.

Having said this, and in the interests of using the very little time we have left, I would like to suggest that, if the idea is to continue today the debate on conservation, we carry on working on the basis of the text that was originally ours, and in which we have incorporated concrete proposals, added specific points that appear to have support, and deleted those parts that it was agreed to delete. I think that we are closer to a consensus than might be thought, but it seems clear that we simply lack the time to take this matter to a successful conclusion at this meeting. There is no need to tell you that is an extremely deep disappointment for my delegation, which presented its proposal in advance precisely to avoid this kind of situation.

If we do not reach an agreement, so be it, but let us not delude ourselves, this result was not inevitable; with good will and a spirit of cooperation differences can always be resolved, however difficult the process may be. Without this attitude, we can meet in December and in February and March and whenever it may be, and we will not move one single step forward.

As a Commission, we have not fulfilled our obligation of conserving the stocks of tunas in the eastern Pacific, whose condition does not allow us the luxury of postponing a decision any further. As I said yesterday, all of us here have many other obligations to meet, and if we carry on in this way, I don't see any point in wasting more time in the future on apparently useless meetings and debates.

I am very sorry to have to say all this, and my intention is not to open a debate on these matters. Let us focus on the essential and important; this is not the time to repeat positions or postures that we are all aware of. Our challenge is to go away from here with some positive result, and not feeling that we have wasted an entire week.

Thank you, Mr. Chairman.

#### **Appendix 4b.**

### **STATEMENT BY COLOMBIA**

In view of the course of events related to the conservation measures that the Commission should recommend at this meeting, and in view of the difficulty of reaching consensus as regards these measures after multiple discussions, Colombia allows itself to:

Remind that the objective of the Commission, according to the 1949 Convention, is to seek and recommend measures for the conservation of the tuna species of the Eastern Pacific Ocean (EPO).

Ratify that Colombia is ready to apply conservation measures for the protection of the tuna resource, on the understanding that such measures may not come into conflict with the internal legislations of the Party States.

Stress that it is the authorities of the Party States that are under the obligation of checking that these

recommendations are implemented effectively by their fleets, which is not a function of the Commission because it is not contemplated in its mandate.

Exhort the Party States to adopt measures to do away with predatory fishing practices, since these are the ones that are damaging the tuna resource, such as the indiscriminate use of fish-aggregating devices (FADs). The Party States cannot, to protect these predatory practices, oblige other to accept measures that contribute to creating serious socioeconomic problems, such as a simultaneous stoppage of all its fleet, especially taking into account that the same conservation goal is achieved by doing this stoppage in an orderly manner.

Note that the goal of stopping a vessel is to reduce the fishing effort, which without doubt is achieved by stopping the vessels operating at any time of year, against which there is no scientific reason that proves otherwise.

Emphasize that conservation measures must be taken on real catch figures, which show that to date the annual catches both in 2007 and in 2008 of yellowfin and big-eye [*sic*] are below the volumes that could threaten their conservation.

Demand that the management of the Commission be done in a transparent manner, in such a way that it may have credibility to the Party States and to the international community.

Warn that some of the Commission's actions exceed its original mandate, such as the creatino of the Regional Vessel Register, the allocation of carrying capacities and the establishment of the IUU vessel list.

Declare its rejection and concern about the information presented by the Secretariat regarding the fishing operations carried out by vessels of classes 1 to 5 in the jurisdictional waters of the Republic of Colombia, which when they do not have the corresponding permits, constitute a violation of its sovereignty, sovereign rights and jurisdiction.

Exhort the other Party States to submit the data on all the operations that their flag vessels have carried out, taking into account that their knowledge is indispensable in the interests of the legality and transparency with which the Commission and its members must be guided, in order to guarantee respect of the rules of International Law that govern amicable relations in the international ambit.

Put on record that despite the disagreements that exist regarding conservation measures, Colombia will implement a staggered closure of 49 days for the year 2008, and asks the Party States to accompany it in this effort.

And by virtue of the above, proposes the following:

1. All vessels that are registered in the Party States and those operating in the EPO shall comply with the above closure tied up in port in the periods decreed by the flag State.
2. Any of the Parties shall be able to implement the above measures as of 1 July of the year 2008.
3. Close the zone included between 94 and 110W and between 3N and 5S for the fishery on FADs, from 12 September to 31 December. There is no scientific reason for not fishing on dolphins in this area, taking into consideration that scientific reports indicate that this type of fishing does not threaten the sustainability of the resource.
4. Prohibit tuna vessels from artificially deploying FADs from 1 October to 31 December of the year 2008.
5. Stop the fisheries in the EPO in the year 2008 when the following volumes of catch are reached: yellowfin 225,000 MT; bigeye 65,000 MT.
6. Prohibit sets on FADs, floating objects or schoolfish that have more than 15% tuna of less than 3 lbs of any of the species of tuna (SKY [*sic*], YF, BE).

#### Appendix 4c.

### STATEMENT BY ECUADOR

In the face of the adjournment of the 78<sup>th</sup> meeting of the Inter-American Tropical Tuna Commission IATTC, held in Panama City in June 2008, the Ecuadorian Delegation wishes to leave on record the following points with the objective that on no account conservation measures in the EPO should cease to be applied in the fisheries exercise in progress:

- a. Ecuador's standing vocation of leading and supporting the plans, programs and incentives for the conservation of fisheries resources that are related to the preservation of tunas both in the Eastern Pacific Ocean and in the Central and Western Pacific is common knowledge.
- b. Ecuador has been leading and supporting important management and conservation programs linked to the survival of sea turtles, sharks, marine mammals, as well as other coastal marine species and the optimization of catching gears used by artisanal fishers that reduce their impact on non-target species.

Furthermore, it has developed significant conservation programs in the Galapagos Islands, which are declared a World Heritage site by UNESCO as well as the declaration of the Galapagos Marine Reserve, whose range covers a surface greater than that of our own national territory.

Additionally the initiative has been taken to substantially extend the implementation and recording of the "sorting grids", developed jointly by technicians of the Ecuadorian public and private sector with the support of the Commission staff.

All these conservation measures have been agreed subsequent to the analysis of serious and professionally-executed studies. The Ecuadorian view that expresses the increase of reasonable doubts about the studies presented within the Commission is not unknown.

- c. The invariable vocation of Ecuador to establish a closure period for catching tunas in the Eastern Pacific Ocean, in order to stop the activities of the fleet that operates in the country and/or unloads its catches in our ports, for a period no shorter than the previous years, that is, six weeks, is evident to all the honorable representatives of friendly countries.
- d. The Ecuadorian Delegation has intervened in recent meetings convened for that purpose in Cancun, Mexico, in La Jolla USA and here in Panama City, and its willingness to adapt its position, in favor of consensus and if necessary extend that closure period, is evident to all those who intervened at those meetings.
- e. It is for these reasons that the Delegation of Ecuador, aware of its responsibilities, informs the honorable delegates members of the IATTC, that even though it has not yet taken any Resolution on this matter, Ecuador, by virtue of its sovereign decision has resolved that it will carry out a closure of all tuna-catching operations in the EPO both for national vessels and for those associated and other foreign vessels that unload in the Country. The closure will begin as has been the common practice until now, on 1 August, and will conclude on 11 September 2008. Vessels of Classes 1 to 5 shall be given a differentiated treatment in view of the fact that their reduced impact on the catches of the species that are the target of the measures has been established.
- f. The Members of the IATTC, Vessel owners, Industries and the International Community are informed that the unloading of tuna in any Ecuadorian Port shall not be authorized if a violation of the rules of the closure established by our government is confirmed.
- g. Finally, Ecuador invites the Delegations of the friendly Countries to continue seeking, with respect and scientific and technical bases, a consensus that will enable us to reach multilateral and agreed measures; and, if this is not possible, to implement as well as possible within their respective internal legislations the best and most effective resolutions that they can adopt for the benefit of the resources and of the industry that utilizes them.

**Ing. Guillermo Morán Velásquez**  
UNDERSECRETARY OF FISHERIES RESOURCES  
PRESIDENT OF THE ECUADORIAN DELEGATION

**Appendix 4d.**

**STATEMENT BY THE CENTRAL AMERICAN COUNTRIES**

The delegations of the Central American countries present at the 78<sup>th</sup> Meeting of the Inter-American Tropical Tuna Commission (IATTC) held in Panamá from 23 to 27 June 2008,

*Considering:*

That it is necessary to adopt joint management measures that will ensure the sustainability of the tuna fisheries;

That although the fourth meeting to address this matter is about to end, it has been impossible to reach the consensus necessary for its adoption;

That, according to the most reliable scientific evidence available, the catches of tunas in the EPO are at their lowest historical levels;

That the sustainability of the tuna stocks is essential for the social and economic development of our coastal States.

*Agree*

1. To express our concern, frustration and discontent at not having reached, at this meeting of the IATTC, the consensus necessary for adopting management measures;
2. Inform that the countries signatory to this statement will continue their efforts towards the adoption of management measures for the present year, taking into consideration the recommendations of the MULTIANNUAL PROGRAM FOR THE CONSERVATION OF TUNAS IN THE EASTERN PACIFIC OCEAN IN 2008, 2009 AND 2010 which enjoyed general acceptance during the 78<sup>th</sup> Meeting;
3. Invite the other IATTC CPCs to join these regional efforts.

(signed)  
For Costa Rica

(signed)  
For El Salvador

(signed)  
For Guatemala

(signed)  
For Nicaragua

(signed)  
For Panamá

Panama, 27 July 2008

**Appendix 4e.**

**STATEMENT BY COSTA RICA AND PANAMA**

In our position as representatives of the national authorities for Fisheries Administration of the Republics of Costa Rica and Panama, it is our pleasure to direct this statement to the Director, with the aim of making an express communication and request that note be taken of the agreement whose text is attached and whose content we request be protected under the rules of confidentiality of the Commission, by which a Panamanian-flag vessel, receives under the figure of Controlled Concession, a carrying capacity quota that belongs to the Republic of Costa Rica, subject to the terms and conditions stipulated in that agreement.

It has been noted that the ownership of the quota conceded temporally and conditionally to the vessel indicated in the Agreement, has been expressly understood as such by the relevant vessel owner and its concession takes place in the framework of internal legislation which allows the allocation of that quota, to facilitate the supply of raw material to that country's processing industry, understanding that the quota belonging to the above-mentioned vessel and which existed before the above-mentioned agreement, shall not be distributed to any other vessel and shall remain exclusively reserved to be reactivated by the indicated vessel when the agreement communicated by this act concludes; as well as the fact that the capacity quota with which that vessel will operate under this agreement, is the exclusive sovereign property of the Republic of Costa Rica.

Given the above, we ask the Director to note that:

1. The parties involved in the above-mentioned agreement, have authorized both countries to provide the information that may be pertinent, in compliance with the resolutions of the IATTC and AIDCP in force.
2. The vessel to which the agreement refers, shall continue under the flag of the Republic of Panama, with the obligations that the Flag State imposes, on the control and monitoring the vessel's operations, particularly those obligations that it may have in the regulatory framework of the IATTC and AIDCP but without the right of the Flag State to the Costa Rican capacity quota, whose sovereignty is recognized by Panama.
3. In any case in which due to the conduct, will or action of the Vessel Owner or the Flag State of the Vessel to which the agreement relates, if they decide to utilize the capacity quota related to that vessel, it will be understood that such utilization shall be on the quota which on the occasion of the agreement which is notified by this act, should become inactive, therefore no action related to the capacity quota of the above-mentioned vessel, shall affect the quota conceded by Costa Rica, which for all effects shall continue to be considered as a sovereign quota of the Republic of Costa Rica.
4. With the agreement which is being communicated, fishing effort is not increased, since the vessel indicated in the agreement, is on the Regional Vessel Register, has been operating and owns an active quota, which is temporarily inactivated, while the agreement of which the Commission is hereby informed is in force.

We thank Doctor Compeán for his attention and subscribe ourselves cordially,

(signed)

Dr. Reynaldo Pérez-Guardia  
Administrador General de la  
Autoridad de los Recursos  
Acuáticos de Panamá

(signed)

Dr. Carlos Villalobos Solé  
Presidente Ejecutivo del  
Instituto Costarricense de Pesca y  
Acuicultura

**Appendix 5a.**

**AGREEMENT ON THE EXCHANGE OF DATA**

**between**

**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY  
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

**and**

**THE INTER-AMERICAN TROPICAL TUNA COMMISSION**

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC) and the Inter-American Tropical Tuna Commission (hereafter IATTC):

**RECOGNISING** the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC Convention) and the Antigua Convention for the strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention) have provisions to address the cooperation with other organizations in order to ensure that the objectives of both Conventions are reached;

**FURTHER RECOGNIZING** that the Memorandum of Understanding between the WCPFC and the IATTC agreed to establish and maintain consultation, cooperation and collaboration in respect of exchange of data and information, in a manner consistent with the information-sharing policies of each Commission; and

**NOW THEREFORE** the WCPFC and IATTC agree to the following conditions for the exchange and release of data from fisheries which capture highly migratory fish species:

**1. CONDITIONS FOR THE EXCHANGE OF DATA**

- (a) Subject to fulfilling internal requirements of each Commission regarding data confidentiality and information security, both Commissions exchange equivalent data on a reciprocal basis, and maintain the data in a manner consistent with the security standards established by each Commission.
- (b) The conditions in paragraph (a) above shall apply to all data as specified below to be disseminated to other Commission.

**2. OPERATIONAL LEVEL DATA**

Operational-level tuna fisheries data includes catch and effort (including by-catch of mammals, turtles, sharks and billfish), observer, unloading, transshipment and port inspection data.

**3. AGGREGATED DATA**

Aggregated catch and effort data includes:

- (a) Data for long line gear aggregated by flag State by 5° latitude and by 5° longitude by month;

- (b) Data for surface gear (including purse seine) aggregated by flag State by 1° latitude and by 1° degree longitude by month; and
- (c) Aggregated observer data (made up of observations from a minimum of three vessels).

**4. OTHER DATA**

Monitoring, control, surveillance, inspection and enforcement data includes:

- (a) The names and other markings of 'Vessels Of Interest' to each organization; and
- (b) Transshipment verification reports for vessels transshipping in the Convention Area of one RFMO but which have fished within the Convention Area of the other.

**5. MODIFICATION AND AMENDMENT**

This Agreement on the Exchange of Data is subject to modification and amendment by mutual consent.

**6. TERMINATION**

Either Commission may terminate this Agreement on the Exchange of Data by giving six months' notice of intention to terminate to the other Commission.

**7. SIGNATURE**

Signed on behalf of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Inter-American Tropical Tuna Commission:

.....  
Chairman, WCPFC

Date:

.....  
Chairman, IATTC  
Date: