# **INTER-AMERICAN TROPICAL TUNA COMMISSION**

# 81<sup>st</sup> MEETING

# Antigua, Guatemala 27 September-1 October 2010

# AGENDA

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22.	Other business:	

- a. Changes in closure periods due to *force majeure*b. Matters related to Resolution <u>C-02-03</u> on fleet capacity
- c. Shark finning
- d. Incorporating the functions of the Joint Working Group on Fishing by Non-Parties into the Compliance Review Committee
- 23. Place and date of next meeting
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# **APPENDICES**

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3c	-	Document 81-10a REV. Memorandum of cooperation with the WCPFC on of	bserver pro-	
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31	K-1	Belize, Costa Rica, Guatemala, Nicaragua, El Salvador, Panama. Modifica	tion of pro-	
		posal IATTC-80-1-A on IUU fishing		
3m	H-1	Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Panama and Ver	nezuela.	
	· · ·	Evaluation of the performance of the IATTC		
3n		European Union. Register of longline vessels		
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<u>3p</u>		European Union, United States. Election of Chair and Vice-Chair		
4				
4a	Guatemala. Carrying capacity.			
4b	China. Participation in the Antigua Convention.			
<u>4c</u>				
5				
5a				
5b	<b>▲</b> ▲			
5c	*			
5d	United States. Request to evaluate a total allowable catch (TAC) program			

### **1.** Opening of the meeting

The meeting was opened by Dr. Guillermo Compeán, Director of the Commission. The attendees are listed in Appendix 1.

### 2. Election of Chairman

Lic. Jorge E. Girón, Deputy Minister for Livestock, Hydrobiological and Food of the Government of Guatemala, was elected to chair the meeting.

### 3. a. Adoption of the agenda

The following additions to the agenda were requested:

- 1. **United States.** Presentation on domestic regulations on managing its capacity. Resolution on protecting data buoys.
- 2. Peru, Colombia, and Guatemala. Statements regarding carrying capacity.
- 3. Guatemala. Situation of certain vessels with respect to the closure in 2010.
- 4. Colombia. Fish-aggregating devices (FADs) and their effects on the tuna fishery.
- 5. El Salvador. Proposal for a resolution on finning of sharks.
- 6. **Japan**. Three proposals: conservation of seabirds; observers on longline vessels; and a system for catch documentation.
- 7. Mexico. Subsidies affecting fisheries and a resolution on an IATTC performance review.
- 8. Ecuador. Procedure for changing closure periods.
- 9. **European Union**. Five proposals: observers on longline vessels; list of longline vessels; catch documentation system; seabirds in the longline fishery; and the FAO Agreement on port State measures.
- 10. **Canada**. Presentation of an information document on the development of a mechanism to implement a precautionary approach for IATTC management measures (<u>IATTC-81 INF-B</u>).

The revised agenda is presented on pages 1 and 2 of these minutes.

### b. Approval of the minutes of the 80th Meeting of the IATTC

The minutes of the 80<sup>th</sup> Meeting of the IATTC were approved with a minor editorial change suggested by by the United States.

### 4. a. Entry into force of the Antigua Convention

Mr. Brian Hallman, Deputy Director of the IATTC, reported that the Secretariat had been advised by the United States, the depositary government, that the Antigua Convention entered into force on 27 August 2010, and that this meeting of the Commission was the first one under the new Convention.

Thirteen governments have ratified the Convention and deposited their instruments of ratification or accession. Four of these – Belize, Canada, China, and the European Union – became new IATTC members as of 27 August.

Chinese Taipei, as a Fishing Entity, provided the required written communication to the depositary, pursuant to Article XXVIII of the Convention, and therefore also became a member of the Commission as of 27 August. Mr. Hallman reported that a meeting was held last week of the Committee for the Review of Implementation of Measures Adopted by the Commission, a new group established by the Antigua Convention.

The European Union (EU) indicated that this was the first meeting in which it was participating as a member of the Commission, and stressed its intention of cooperating. Similarly, Canada expressed its

pleasure at being a member of the Commission.

China commented that since Chinese Taipei is a new member in the capacity of a Fishing Entity, not a sovereign State, this fact must be reflected in the meeting arrangements. China had sent the Secretariat a letter on this matter, which it asked to include in the record of the meeting (Appendix 5a). Chinese Taipei commented that it could not accept discriminatory treatment with respect to its membership, and also had sent the Secretariat a letter for inclusion in the meeting record (Appendix 5b).

This matter had been discussed at a heads of delegation meeting prior to the opening of the Commission meeting, and it appeared from that meeting that it would be possible for the other delegations to accommodate some, but not all, of the concerns of China, as elaborated in its letter.

At this point in the proceedings the formal meeting was temporarily suspended so that delegations could further address the problem in a less formal setting. Following this consultation, the Chair of the meeting announced that there was no change in the positions of the other IATTC members that they could not agree to all of China's requests regarding meeting arrangements.

Later in the meeting, after additional consultations, the Chair again confirmed to the meeting that the situation had not changed. China made clear to the meeting that, under these circumstances, China could not agree to any formal resolutions offered for adoption pursuant to the Antigua Convention. Several delegations urged China to be more flexible, considering that all of the Commission's resolutions are related to conservation and management, and that China's position would, in essence, prevent agreement on important international conservation and management measures for marine resources in the eastern Pacifc Ocean (EPO). China stated that it shared the interests and concerns of the other delegations regarding conservation and management, but that it could not modify its position on formal resolutions, given the importance for China of the issue of meeting arrangements relative to Chinese Taipei.

In the course of the discussion on this matter during the remainder of the meeting, China clarified that, while it could not agree to formal Commission resolutions, it would not object to less formal recommendations that other members wished to pursue. China advised that it would likely be willing to voluntarily follow recommendations that were important for effective conservation and management, but that it would not be legally bound by them.

It became clear during the meeting that not all members would necessarily be legally bound by agreed IATTC recommendations, but that under the circumstances, this would be the best way to proceed. It was suggested that any such recommendations should be formatted along the lines of the recommendation on tuna conservation originally agreed during the 80<sup>th</sup> meeting of the Commission (C-09-02) but which was subsequently superseded by Recommendation C-09-01.

### b. Precautionary approach to fisheries conservation

Canada presented the informational document (<u>IATTC-81-INF-B</u>), noting that reference points should be identified for applying the precautionary approach, and for classifying the status of the populations as critical, cautious, or healthy. Dr. Richard Deriso, IATTC Chief Scientist, noted that this proposal is similar to others presented before in other organizations, and that it had been adopted in one of them some years ago. He also commented that, in his view, the difficult part of proposals along these lines is not the reference points, but rather the decision rules, in particular whether the management decisions become automatic or leave discretion to governments to choose management options.

Various delegations expressed their support for the general concept of the proposal, and especially for the application of the precautionary approach. The meeting agreed that the proposal should be reviewed by the IATTC scientific staff and by the Scientific Advisory Committee (SAC) at its next meeting.

### 5. a. The fishery in 2009 and status of the tuna and billfish stocks

Dr. Compeán presented Document <u>IATTC-81-05</u>, noting that the yellowfin tuna resource had shown stability of spawning biomass in recent years, and that current spawning biomass is above the level

asociated with maximum sustainable yield (MSY). Regarding bigeye tuna, recruitment had improved, and the outlook was more optimistic; a declining trend in spawning biomass was no longer apparent. Regarding skipjack tuna, the situation is similar to that of previous assessments, in that the biomass, recruitment, and exploitation rate have continued to increase, but there is some concern that the increased exploitaton rate is approaching or perhaps exceeding the level associated with MSY.

The EU asked about the situation regarding other species that are the responsibility of the IATTC, such as swordfish, albacore, and bluefin tuna, and commented that the change in the results of the bigeye assessment was noteworthy.

Dr. Compeán explained that the documents for the meeting of the SAC included information on the longline fishery, carrying capacity, and all the species within the competence of the IATTC. The closures of the fishery have been effective for the recovery of the tunas, and this had been reported to the SAC and at meetings of regional fisheries management organizations (RFMOs). The change in the trends in the status of the populations is encouraging, but caution should be exercised in their management in the future.

Japan agreed that caution should be exercised despite the optimistic assessment, and supported using the precautionary approach. He asked about the impact of the management measures on catches of juvenile bigeye and the reasons for the apparent recovery of the bigeye stock. He also expressed concerns about skipjack tuna, which is currently healthy but may be approaching overexploitation.

Dr. Compeán indicated that the closure of the high seas area, where juvenile bigeye predominate, plus the months of regular closure, had helped the recovery of bigeye. Regarding skipjack, he agreed that the precautionary approach should be applied, since the exploitation rate is nearing the MSY.

Colombia agreed that caution should be exercised in the future management of bigeye, and observed that, since a new technique was used for the bigeye assessment, it is necessary to ensure that the optimistic results are not an artifact of this change. Two important environmental phenomena had occurred, an El Niño and La Niña, and these are not reflected in the scientific documents. He also asked how the issue of the effects of the floating-object fishery should be managed.

Dr. Compeán noted that assessments were presented at the meeting of the SAC regarding the influence of El Niño on the resource, but there was not enough information available for a thorough evaluation. He further noted that a comparison of the results of the new and the previous assessment methods revealed no significant differences in the results. He stressed that the staff works with the best scientific information available.

Mexico, Ecuador and Canada stated that they were pleased by the apparent improvement in the status of the bigeye stock, but noted that the precautionary approach should be applied, and that the positive trend would need to be confirmed in future assessments.

### b. Review of the Commission staff's research

This item was not addressed due to lack of time.

### 6. a. Report of the first meeting of the Scientific Advisory Committee

Dr. Compeán presented the recommendations contained in the <u>Report of the Scientific Meeting</u> held in La Jolla from 31 August to 3 September 2010. He noted that there was a question about whether this was a meeting of the SAC, given the apparent lack of a quorum, but that, regardless, the report contained recommendations made by the participants.

Dr. Compeán reported that the rules of procedure of the SAC were being drafted andwould be circulated for comment prior to the next meeting of the SAC.

### b. Staff conservation recommendations

Dr. Compeán presented the recommendations of the staff contained in Document IATTC-81-06b, as fol-

lows:

### Yellowfin and bigeye tunas

- a. Purse-seine fishery (vessels of IATTC size classes 4-6):
  - a. Closure applicable for 3 years (2011-2013), with a duration of 62 days in the entire eastern Pacific Ocean (EPO) (29 July 28 September or 18 November 18 January).
  - b. Closure of the high-seas area established in Resolution C-09-01 from 29 September to 29 October.
- b. Longline fishery:
  - a. Fixed catch limits in 2010 for China, Korea, Japan, and Chinese Taipei.
  - b. Catches by other fleets limited to the greater of their catches in 2001 or 500 t.
- c. Marking and identification of FADs.

### Bluefin tuna

- 1. Commercial fishery: annual catches in 2011-2012 no greater than the 1994-2007 average.
- 2. Sport fishery: effort no greater than the maximum during 2006-2010.
- 3. Monthly reports on catches and effort by the sport fishery.

### North Pacific albacore tuna

- 1. Formation of an *ad hoc* working group to develop an operational definition of the "current levels" of effort specified in Resolution  $\underline{C-05-02}$ .
- 2. Include information on fishing effort in the six-monthly reports.
- 3. Include data for the EPO only in the reports.

### Full retention of tuna caught by purse seines

Renew the program to require all purse-seine vessels to retain on board and land all bigeye, skipjack, and yellowfin tuna caught.

Japan commented that apparently there was insufficient information available on the operations of small longline vessels, noted that it was pleased to see a recommendation on Pacific bluefin tuna, and emphasized the importance of being precautionary in the management of the bigeye stock in light of uncertainties regarding the stock assessment.

Canada, the EU, and the United States also stressed the importance of being precautionary with respect to bigeye. Mexico and Ecuador agreed, but noted that they were pleased to see an improvement in the stock status, since this appeared to show that the management measures were having a positive impact.

Colombia, the EU, and the United States expressed their interest in the implementation of the paragraph in Resolution C-09-01 addressing research on FADs. Dr. Compeán commented that the Secretariat had sought information from the industry on the number and location of FAD placements in an effort to move the research program forward, but no such information had been forthcoming.

Regarding the conservation program for 2011, the meeting recognized that, although the current Resolution C-09-01 is in effect during 2011, it does not mandate specific measures for limiting the fisheries for yellowfin and bigeye during that year, and it was therefore necessary at this meeting to agree to specific limits on fishing for 2011, if not longer.

Consequently, the members spent considerable time at the meeting addressing this matter. Finally, at the

end of the meeting, a conservation recommendation was agreed (Appendix 2a) along the lines described in section 4.a. of these minutes. With regard to the purse-seine closures, one of the main features of the recommendation, it was decided that there would be a closure of 62 days in each year during 2011-2013, with the measures for 2012 and 2013 subject to confirmation or adjustment based on the yellowfin and bigeye stock assessments. Equivalent restrictions on longline catches of bigeye tuna were also established. It was also decided to continue the closure of the offshore area to purse-seine fishing that was in place for 2009 and 2010.

China expressed its willingness to apply voluntarily the conservation measures established for its longline fleet in the recommendation.

### c. Observers on longline vessels

There were two similar proposals on this issue, B1 by Japan and B-2 by the EU, which were extensively discussed by the meeting. The main idea of these proposals was generally supported, with comments that the level of coverage should determined on the basis of fishing effort, that the proposed level of 5% was too low, that the program should be scientific and carried out by the countries, and that developing countries might have financial difficulties in implementing it.

The two proposals were combined into a joint proposal B-3 (Appendix 3a), which was circulated to the meeting but not approved due to a lack of meeting time.

### 7. Technical assistance for developing countries

Mr. Ricardo Belmontes, of the Commission staff, presented Document <u>IATTC-81-07</u>, noting that the Antigua Convention establishes a mandate to provide technical assistance, and the joint tuna RFMO meetings had made recommendations supporting such assistance. A fund could be created for this purpose with voluntary contributions by IATTC members, international donor agencies, non-governmental organizations, and the industry, and be managed by the Secretariat for projects proposed by members and subsidiary groups of the Commission.

The members supported the creation of this fund. Some members suggested that it be included in the budget as of 2012, since this would facilitate obtaining the resources from their national administrations, but two delegations preferred that funding come from voluntary contributions.

Proposal G-1 (Appendix 3b), presented by Belize, Costa Rica, El Salvador, Guatemala, Nicaragua, and Panama, which establishes how the fund should be created and used, received general support from the members, but was not finally approved due to a lack of time at the meeting.

### 8. Recommended research program and budget for 2011 and 2012

Ms. Nora Roa-Wade, of the Commission staff, presented Document <u>IATTC-81-08</u>, which presents the proposed research program and estimates of costs in fiscal years (FY) 2011 and 2012. The recommended budget for FY 2011 was US\$ 6,621,787, and that for 2012 was US\$ 6,833,278. She explained that the increase in the budget request is due to additional responsibilities and work for Commission staff as a result of the entry into force of the Antigua Convention, and to increasing health care and pension costs for Commission staff. Also, the costs of moving the Commission's head office would need to be covered in 2011 and 2012. Several members stated that they had difficulties in accepting increases in the budget at this time. The EU asked those members with outstanding contributions to explain the delay in their payments, and asked to review the report of the external auditors. He also suggested considering the possibility of reducing the size of the IATTC scientific staff, noting that other tuna RFMOs do not have large scientific staffs, and observing that this resulted in the necessity of a high budget for the Commission.

Several members expressed their support for having the IATTC maintain an independent scientific staff, noting that this way of working was contemplated by the Antigua Convention, and commenting that the work of the scientific staff puts the IATTC at a higher level than other RFMOs, and benefits those members that do not have the resources to carry out their own research. It also allows a more balanced deci-

sion-taking than in other RFMOs, in which national scientists carry out assessments and develop recommendations.

The members with outstanding contributions reported on the status of their payments. Canada stated that it would review why its contribution had not been received by the Secretariat. The United States explained that the delay in its payment was due to the change in the IATTC's financial year, and this would be resolved in the near future. Ecuador stated that it would pay as soon as domestic budgetary questions had been resolved. Guatemala reported that it had implemented a payment schedule, and would be current by mid-2011. Panama indicated that it would report at a later stage during the meeting, but this did not happen.

The meeting decided to maintain the budget for 2011 at the same level provisionally approved during the 80<sup>th</sup> meeting of the Commission in June 2009, *i.e.* a budget of US\$ 6,029,723. Also, it was decided that the contributions by members in 2011 would be calculated in accordance with the recommendation of the working group on finance.

### 9. Seabird conservation

Japan and the EU presented a joint proposal on measures to mitigate the impact of the longline fishery on seabirds, indicating that they were very similar to those in place in the Western and Central Pacific Fisheries Commission (WCPFC).

The proposal was approved, with the exclusion from the mitigation area of the jurisdictional waters of Mexico. It was clarified that those members that do have any record of bycatch of seabirds by their flag vessels are not obliged to adopt these mitigation measures. It was also clarified that the application of the measures would begin no later than 1 September 2011 for longline vessels equal to or greater than 24 meters in length overall, and no later than 1 September 2012 for longline vessels of less than 24 meters. It was agreed that the technical specifications for measures most suitable for use by vessels of less than 24 meters will be considered by the Commission's working group on bycatch, the SAC, and the IATTC scientific staff. It was agreed that the seabird proposal would be adopted as a recommendation (Appendix 2b) along the lines described in section 4.a. of these minutes.

### **10. IATTC-WCPFC cooperation**

### a. Cooperation between observer programs

Mr. Hallman presented Document <u>IATTC-81-10a</u>, which contains the draft memorandum of cooperation on the mutual approval of observers from the WCPFC and IATTC programs. He reported that a meeting had been held with the WCPFC to discuss technical issues for both programs, in which similarities and differences were identified, and that a memorandum of cooperation on the exchange of data with the WCPFC had already been agreed.

Many members approved the approach elaborated in the memorandum, indicating that mutual recognition between the two organizations regarding on-board observers was necessary to avoid duplication and facilitate the operation of vessels that fish in both areas.

Ecuador expressed its concern regarding a statement by a member of the WCPFC that the standards of the IATTC observer program are not adequate for working with that organization. The EU stated that the WCPFC program could learn from the experience of the IATTC with its observer program, and suggested that the two programs should collaborate on technical issues to ensure that standards are compatible.

Following the discussion, the Secretariat added two new paragraphs to the memorandum to address the concerns expressed, and the revised version (Appendix 3c) was circulated. However, there was not enough time during the meeting for the members to discuss or approve the memorandum of cooperation.

### b. Overlap area

Dr. Compeán introduced this matter, noting that the one problem is that the regulations of the two com-

missions in the overlap area may not be consistent. Also, it was not clear that vessels of IATTC members fishing in this area needed to follow WCPFC requirements, and vice versa. Regarding this latter point, Ecuador remarked that it had received a communication from the WCPFC indicating that one of its vessels was fishing in the overlap area in a manner not consistent with WCPFC resolutions. Ecuador requested that the Director inform the WCPFC that the overlap area is regulated by the IATTC, and that vessels that are included in the IATTC Regional Vessel Register and comply with its regulations can operate legally in that area. Several members supported this request, and also commented that the WCPFC should be encouraged to accept the requests of IATTC members to be given the status of cooperating non-Parties.

The meeting discussed the possibility of the Secretariat obtaining legal advice with respect to the overlap area and perhaps other complicated legal issues, with several members commenting that this might well be useful. El Salvador noted the difficulties of adding vessels to the WCPFC register of vessels, stating that only a few of its vessels had been authorized by the WCPFC to fish in the high seas, which presumably would include part of the overlap area.

Canada asked whether it might be useful for the IATTC and WCPFC Secretariats to meet as had been done in the past. It was pointed out by other delegations that these meetings had not proven to be particularly useful in resolving difficult issues because the Secretariats are not able to speak on behalf of the member governments.

Japan proposed holding an extraordinary meeting of the members of both commissions to address relevant issues, and noted this could be done during the time frame of the joint meeting of the tuna RFMOs in July 2011 (Kobe 3). This proposal was supported by several other members.

### **11. Program for transshipments at sea by longline vessels**

Mr. Belmontes presented Document <u>IATTC-81-11</u>, noting that the program had operated since January 2009. The number of on-board observers placed and of days at sea has increased significantly in 2010, and additional contributions of US\$ 150,000 are necessary for 2010.

The members agreed that this additional contribution should be made, and that the budget for 2011 should be US\$ 750,000. As in 2009 and 2010, the costs would be distributed among the participating members (China, Japan, Korea, Chinese Taipei, and Vanuatu), with Belize and Peru paying for individual transshipments.

The meeting discussed the Secretariat's recommendation to modify paragraph 5 of Resolution  $\underline{C-08-02}$  so that only those vessels on the Regional Register and that contribute to the costs of the on-board observer program would be allowed to make transshipments. This recommendation was accepted by the Commission, but was not approved due to the lack of sufficient meeting time (Appendix 3d).

### 12. FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing

A joint proposal by Canada and the EU (E-1-A, Appendix 3e) was presented on the adoption of port State measures to improve the implementation of IATTC conservation and management measures and to combat IUU fishing. The delegations explained that in drafting the proposal they drew upon the recently concluded FAO framework Agreement on Port State Measures to Combat IUU Fishing.

Mexico pointed out that support for the agreement in FAO was not unanimous, and that any measures adopted within the IATTC should be designed for the region and not address problems in other regions. Other members noted that adopting this proposal would prejudge ongoing internal consultations in their countries regarding the ratification of that agreement.

Japan expressed support in general terms, but indicated that its domestic law needed to be changed before it could ratify the FAO agreement. Vanuatu noted various problematic paragraphs in the proposal (Appendix 5c).

### **13. Reports by Working Groups:**

# a. 1<sup>st</sup> meeting of the Committee for the review of implementation of measures adopted by the Commission

The chair of the committee, Mr. David Hogan of the United States, summarized the results of the meeting, noting that it recommended abolishing the working group on fishing by non-Parties and dividing its functions between the new review committee established by the Antigua Convention and the AIDCP International Review Panel, as appropriate, including examining any necessary changes to rules of procedure or terms of reference. The committee also recommended that the Commission examine any changes needed to reconcile the resolutions related to sharks, and also to incorporate any changes necessary to improve the survival of sharks in the fisheries in which they are taken. The committee also concurred with the proposed course of action for the Secretariat to continue working on Unique Vessel Identifiers (UVI).

Mr. Hogan also summarized the information on compliance with Commission measures as elaborated in the compliance report prepared by the Secretariat. Regarding the question of lack of compliance with the closure of the purse-seine fishery, Colombia reported that it would review the number of days of closure observed in 2009 by the vessel *Marta Lucía*. Colombia was asked to present more information on its individual-vessel closure in 2009. The EU proposed that the difference between the number of days of closure observed by a vessel and that established in Resolution C-09-01 should be added to the vessel's closure period the following year. Some delegations supported this idea, but there was no consensus.

Japan expressed its hope that all Colombian vessels would observe a 62-day closure in 2010, in accordance with Resolution <u>C-09-01</u>, and proposed that the Bolivian vessel *Mar Cantábrico* that operated during the closure be placed on the provisional IUU list. Both Bolivia and Honduras, which have vessels fishing in the EPO, should be invited to apply for cooperating non-member status. This suggestion was supported by the other members.

Ecuador reported that there are ongoing processes regarding the cases in which its vessels are involved for lack of compliance with Resolution  $\underline{C-09-01}$ , and that the results would be communicated to the IATTC as soon as the processes concluded.

Regarding the issue of capacity, it was reported that seven vessels that are not on the Regional Register fished in the EPO during 2009: *Marta Lucía R* (Colombia); *Dominador I* (Colombia); *Cap. Tino B*. (Ecuador); *Ignacio Mar I* (Ecuador); *Ocean Lady* (Ecuador); *Tunamar* (Panama); and *Tuna I* (Ecuador).

Ecuador reported that the vessels *Cap. Tino B* and *Ocean Lady* had already been added to the Regional Register, and the vessels *Ignacio Mar* y *Tuna I* had been assigned the capacity previously assigned to the *Roberto M*, a vessel listed on Regional Register with a notation that it is the same vessel as the *Tunapesca* under Panama flag.

Colombia reiterated its view that the two Colombian-flag vessels mentioned should not be considered to be fishing illegally, and are not so considered by Colombia. Colombia stated that it had provided an explanation of the circumstances of the *Marta Lucía R* and *Dominador I* at previous meetings, and that its position remains the same. Colombia also reiterated that it wished to see a discussion by the Commission on how to resolve this issue in the context of Resolution C-02-03 on the capacity of the purse-seine fleet.

### b. 8<sup>th</sup> meeting of the Joint Working Group on Fishing by Non-Parties

The chair of the working group, Mr. Roberto Cesari of the European Union, presented his report, which reflected the following points regarding the provisional List of IUU vessels.

- a. Neptune (Georgia) and Caribbean Star No. 31 (unknown): include in the list of IUU vessels.
- b. *Lina*, *Minako*, and *Tomio* (Indonesia): withdraw nomination for the IUU list based on recent information provided by Indonesia.
- c. Yu Long and Yu Long N. 6 (Belize): Maintain vessels on provisional IUU list for 2011.

- d. *Dominador I* (Colombia), *Ignacio Mar I* (Ecuador), *Tuna Mar* (Panama) and *Don Abel* (Venezuela): no consensus on their inclusion in the IUU vessel list.
- e. Marta Lucía R (Colombia): there was no consensus for removing this vessel from the IUU list.

There was considerable discussion regarding the removal of the vessel *Permata* (Indonesia) from the IUU list on the basis that it was sunk. However, in the view of the meeting, a close examination of the available evidence did not prove conclusively that the vessel had sunk, and so it was decided to keep it on the IUU list pending further clarification. Regarding the other 10 Indonesian-flag vessels on the IUU list, the Commission noted that in the correspondence on these cases it is not clear that the government of Indonesia has clearly indicated that the vessels have been sanctioned for fishing in the EPO without being on the Regional Register, other than noting that warning letters have been issued.

The IATTC members indicated that, while they were pleased that the Indonesian government was making helpful efforts to resolve these cases, they would like assurances from Indonesia that (1) sanctions of adequate severity have been imposed on the vessels for their past illegal fishing activities in the EPO, (2) the vessels are currently prohibited by Indonesia from fishing in the EPO, and (3) Indonesia is effectively monitoring the vessels, along with a detailed explanation of how that is being done.

Regarding the assignment of Dolphin Mortality Limits (DMLs) to vessels on the IUU list, the working group agreed to recommend to the Parties to the AIDCP that they review the criteria for the assignment of DMLs and consider whether it was appropriate for vessels not on the Regional Register to receive DMLs.

The working group recommended that it be dissolved, and that its functions under the IATTC be assigned to the Committee for the review of implementation of measures and its AIDCP functions to the AIDCP International Review Panel. The EU, Guatemala, and the United States presented a proposal on this subject (Proposal H-1; Appendix 3f). This was discussed by the meeting and, while it achieved widespread support as an appropriate action with the entry into force of the Antigua Convention, no definitive recommendation on dissolving the Joint Working Group was finalized. It was also pointed out that the Parties to the AIDCP would have to take similar action since this was a joint working group.

The Commission decided to renew the Cooperating Non-Party status for both the Cook Islands and Kiribati. In response to a question by Japan, Kiribati stated that it currently had no plans to fish in the EPO, but that, if Kiribati-flag vessels did fish in the EPO, they would do so in accordance with the rules of the IATTC.

### c. 10<sup>th</sup> meeting of the Working Group on Finance

The chair of this working group, Mr. Brad Wiley of the United States, reported that the working group recommended adopting a formula similar to that agreed in 2007, but modified by reducing the utilization component from 15% to 10% and adding the difference to the catch component, and also adding a category of 5.5 for the gross national income weighting factor (Proposal I-1; Appendix 3g). The meeting decided to utilize this formula for the calculation of the contributions for 2011, and to continue working towards a new formula for subsequent years.

The EU and Japan indicated that the correct direction was being followed in progressing towards eliminating the component of utilization. The EU asked the Secretariat to provide to all members its utilization data and the method used for calculating this component.

### 14. Meetings of the five tuna regional fisheries management organizations

Mr. Hallman introduced Document <u>IATTC-81-14</u>, which contains the recommendations that arose from the various workshops held in the framework of the Kobe process of joint meetings of the tuna RFMOs.

Several members expressed their support for the Kobe process and most of its recommendations, and commented that decisions should be taken on how to advance these. The United States noted that it would host the joint meeting of the RFMOs in 2011, and that it had been recommended that the working

group on bycatch meet on that occasion.

### 15. a. Resolution C-06-05, Trade Measures to Promote Compliance

The United States noted that this resolution had lapsed, and that various proposals had been made, most recently Proposal B-1 (Appendix 3h) presented at the 80<sup>th</sup> Meeting of the Commission in June 2009, that would allow this important measure to once again enter into force.

Several members supported the adoption of this proposal, but Colombia expressed some doubts and wanted to be sure it was consistent with Colombia's trade agreements and with World Trade Organization requirements. El Salvador reminded the meeting that amendments to this resolution had been presented at previous meetings, principally regarding positive incentives to promote market access for products caught in a sustainable manner, and that there was still some work to do to find an acceptable proposal.

Without a consensus, the proposal was left pending for future review.

### b. Catch certification system

The EU and Japan presented proposals (C-1, Appendix 3i; C-2, Appendix 3j) on catch documentation systems for species of fish covered by the Antigua Convention.

Various members were sympathetic to the idea, but asked for more time to review it and take a decision, and also to prepare their industries regarding the measure. Some indicated that care must be taken so that this measure did not become a non-tariff barrier to trade and to ensure that it was not inconsistent with any domestic regulations.

Canada suggested that this initiative could be reviewed in the framework of a technical workshop, and this was supported by some delegations. Japan noted that it was considering holding a technical meeting of this type on the occasion of the third meeting of the tuna RFMOs.

El Salvador indicated that this proposal, like others, did not appear to take into account the difficulties for developing States in applying them, mainly due to a lack of adequate resources, and that it was it was not timely to consider certifying shark catches, for example, when reductions in the budget for investigations of that resource had been proposed.

The Commission decided to leave this item pending for future consideration.

### c. Subsidies relative to trade in fisheries products

Mexico indicated that it would draft a proposal, but this was not presented at the meeting.

### 16. Amendment of Resolution C-05-07, IUU vessel list

The United States presented proposal A-1-A (Appendix 3k) on the IUU vessel list, indicating that it had been presented at the previous year's meeting and had garnered widespread support, and emphasizing that the proposed changes were necessary for improving the IUU process.

Costa Rica, on behalf of OSPESCA, indicated that it had an alternative proposal (K-1, Appendix 31), and asked that the proposals be combined. It was agreed that a small group should meet to do this, but the issue was not discussed again in the Commission meeting.

### 17. Size limit for inclusion of vessels in the IUU Vessel List

Mr. Hallman presented Document <u>IATTC-81-17</u>, which explains that currently only longline vessels of more than 24 meters overall length can be included in the IUU list, and that it had been previously proposed that Resolution <u>C-05-07</u> be amended to allow more longline vessels involved in IUU fishing to be included in the list.

The members discussed various measurements of length that could be used for this purpose. In the end, it was agreed that 20 meters be established as the minimum length for including vessels in the IUU list.

However, due to the fact that the meeting ran out of time, a recommendation to implement this was not approved.

### 18. Including vessel charter arrangements in official Commission records

Mr. Hallman introduced this item, indicating that there are vessel charter arrangements which can be useful to include in official Commission records, mainly to help avoid problems later on if governments wish to remove vessels from the IATTC Regional Vessel Register or authorize a flag change. However, the Secretariat did not have a clear mandate to maintain this type of information or to take it into account in considering changes to the Regional Register.

The Commission took note of this issue, noting that it is a matter that warrants further discussion, but there was no objection to including this information in Commission records maintained by the staff.

### **19.** Captain training seminars

Colombia proposed that the national observer programs also carry out the training of captains, and that reviews or refresher courses could be carried out subsequently at a regional level by the IATTC, and that this should be clearly specified in the procedures.

Venezuela reminded the meeting that the Mexican and Venezuelan programs had held seminars in the past, and that there were already procedures for the programs to carry them out, provided qualified staff ere available.

It was agreed that an informal meeting of the national observer program representatives and IATTC staff would be beneficial to improving the procedures associated with this matter.

#### **20. Resolutions**

The outcomes of the discussions on the various proposals are elaborated in these minutes under the appropriate agenda items.

### a. Performance review

The Secretariat introduced this item, indicating that no agreement had been reached on a resolution at previous meetings. The United States noted that this is a commitment arising from the Kobe meeting in 2007, and that the IATTC was behind other RFMOs in this regard. Mexico indicated that the current proposal (Appendix 3m) was very similar to the previous one. El Salvador and Mexico reiterated the need to include a trade component and the AIDCP in the evaluation of the IATTC.

Canada strongly supported a resolution to provide for a performance review of the Commission that should be addressed in an urgent manner. The EU supported Canada and the United States on this, remarking that the delay in carrying out the performance review diminished the credibility of the IATTC.

Canada expressed surprise at the interest of some delegations in including the AIDCP in the review, and suggested that the AIDCP be reviewed separately. The EU noted that it did not oppose including the AIDCP if that would advance the evaluation of the IATTC.

Mexico and El Salvador expressed their willingness to continue working with interested delegations on finalizing a resolution relative to a performance review.

It was agreed that a joint proposal should be developed by the interested delegations, but none was presented to the meeting.

### b. Fishing on data buoys

The United States presented a proposal to prohibit fishing on or near data buoys, which it described as a destructive practice, and noted that this matter had been raised at previous meetings. The meeting agreed to support this proposal as a recommendation (C-10-03; Appendix 2c) along the lines described in section 4.a. of these minutes.

### c. Limiting longline fishing capacity

The EU presented a proposal to freeze the fishing capacity of the fleet of longline vessels greater than 24 meters in length overall at 2008 levels. China, Korea, and Chinese Taipei did not disagree with the general concept of limiting longline fishing capacity, but noted that the current longline catch is low, and that the capacity and effort of the purse-seine fleets have not been reduced, and it was therefore not appropriate to further limit longline capacity.

The EU presented an alternative proposal (D-1-A; Appendix 3n), which required only that the IATTC maintain an updated list of active longline vessels of more than 22 meters length overall that are actually fishing in the EPO. Several delegations requested more time to study this proposal, noting that it should not limit the development of longline fisheries by developing countries. In the end, the proposal did not have the support necessary for approval.

### 21. Election of Chairs of Working Groups

This item was not discussed due to lack of time, so there was no decision to replace any of the current chairs, who remain as follows:

Working group	Current Chair
Bycatch	Luis Fleischer (Mexico)
Capacity	Arnulfo Franco (Panama)
Compliance	David Hogan (United States)
Financing	Brad Wiley (United States)
Fishing by non-Parties	Roberto Cesari (EU)

### 22. Other business

### a. Changes in closure periods due to *force majeure*

This item was not addressed due to lack of time.

### b. Matters related to Resolution <u>C-02-03</u> on fleet capacity

Peru reminded the meeting that it had been claiming the right to 14,046 cubic meters  $(m^3)$  of well volume for its purse-seine fleet reflected in the footnote to Resolution C-02-03, and asked that it be granted 5,000 m<sup>3</sup> for its flag vessels.

Colombia observed that it had circulated a note in June 2010, expressing its view that Resolution C-02-03 has not been followed and that there was no transparency in the management of capacity in terms of vessel movements in the Regional Register. It asked that the working group on capacity meet to review issues related to the resolution.

Dr. Compeán clarified that the staff consistently provides full information to all members on movements of all purse-seine vessels in the Regional Register, so there is total transparency in the management of capacity.

Costa Rica expressed support for review of proposals that would improve the operation of the resolution, but advised that it would not accept changes in the text of the resolution. It also noted that the capacity allocated to it by the resolution had been utilized by means of arrangements with Panama which were not definitive vessel transfers.

The United States asked whether it would be possible or appropriate for the Commission to satisfy all the requests for additional capacity. The United States would report later on changes in its national register, and noted that it was asking the IATTC staff to analyze a system of total allowable catches (TACs) to manage the fishery (Appendix 5d), which might reduce the necessity for strict capacity limitations.

Guatemala made a statement regarding the attempt to deprive its fleet of 3,762 m<sup>3</sup> of capacity (Appendix

4a). Venezuela reminded the meeting that it had a claim of  $5,473 \text{ m}^3$ , and requested an updated report on the movements of all purse-seine vessels.

The EU noted that Resolution C-02-03 could not be regarded as an instrument that had frozen capacity, since the current level of capacity was above the recommended level. The EU also stated that the regional capacity plan should be implemented, particularly with regard to reducing excess fishing capacity.

Japan supported Dr. Compeán's statement, pointing out that the IATTC has managed the issue of capacity of the purse-seine fleet much better than other RFMOs. However, it is disappointing that the purse seine capacity in the region has not been reduced. He expressed concern about arrangements for 'lending' capacity, since they could increase fishing capacity, and asked that this matter be discussed further if there is another meeting of the capacity working group.

Panama clarified that the arrangements with Costa Rica for lending capacity have been carried out in accordance with established procedures and Resolution C-02-03.

Finally it was agreed that the working group on capacity would meet before the next annual meeting of the IATTC, and would provide an opportunity for discussion of the various requests or claims for capacity, the regional plan, and other relevant matters. Costa Rica offered to host this meeting, and it was agreed that the dates and venue would be established via correspondence through the Secretariat.

### c. Shark finning

Belize, Costa Rica, Guatemala, Nicaragua, El Salvador, and Panama circulated proposal L-1 (Appendix 30), which seeks to strengthen Resolution C-05-03 on sharks; however, there was no time to discuss it.

### d. Election of the Chair and Vice-Chair of the Commission

The United States and the EU presented a joint proposal (M-1-A; Appendix 3p) for electing the Chair and Vice-Chair of the Commission, to apply as of the next meeting of the Commission. After some discussion, the meeting agreed to to follow the procedures contained in this proposal.

### e. Case of a Guatemalan vessel

Guatemala reported that it would present the case regarding the appropriate closure period for one of its flag vessels by correspondence, given the lack of time for discussing it during the present meeting.

### f. Statement by China

China delivered to the Secretariat a statement about its participation as a member of the IATTC, which could not be read due to lack of time (Appendix 4b).

### g. Statement by Colombia on capacity

Colombia delivered to the Secretariat a statement on the subject of capacity, which could not be read due to lack of time (Appendix 4c).

### 23. Place and date of next meeting

It was agreed that the next meeting of the Commission would be held in June 2011. Belize offered to host the meeting, and Ecuador proposed itself as an alternative venue. There was some discussion about the possibility of holding the meeting in La Jolla immediately prior to the third joint meeing of the tuna RFMOs (Kobe 3), in order to facilitate greater participation of IATTC members in the latter meeting.

### 24. Adjournment

The meeting was adjourned at 9:22 p.m. on 1 October 2010.

#### Appendix 1.

### **ATTENDEES - ASISTENTES**

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### INTER-AMERICAN TROPICAL TUNA COMMISSION

# 81<sup>ST</sup> MEETING

### ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

# **RECOMMENDATION C-10-01**

# RECOMMENDATION ON A MULTIANNUAL PROGRAM FOR THE CONSERVATION OF TUNA IN THE EASTERN PACIFIC OCEAN IN 2011-2013

The governments of Belize, Canada, Colombia, Costa Rica, Ecuador, El Salvador, the European Union, France, Guatemala, Japan, the Republic of Korea, Mexico, Nicaragua, Panama, Peru, Chinese Taipei, the United States of America, Vanuatu, and Venezuela ("the governments"), all members of the Inter-American Tropical Tuna Commission (IATTC):

*Aware* that the IATTC is responsible for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its members and cooperating non-members with regard to these resources;

*Recognizing* that the potential production from the resource can be reduced if fishing effort is excessive;

Aware that the capacity of the purse-seine fleets fishing for tunas in the eastern Pacific Ocean (EPO) continues to increase,

*Taking into account* the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach;

*Recognizing* the importance of conservation measures taken by the Western and Central Pacific Fisheries Commission (WCPFC) for the tuna stocks in that region and the stocks of highly migratory tunas in the Pacific Ocean;

*Agree* to apply in the EPO the conservation and management measures for yellowfin and bigeye tuna set out below, and request that the staff of the IATTC monitor the fishing activities of their respective flag vessels relative to this commitment, and report on such activities at the next meeting of the IATTC;

1. These measures are applicable in the years 2011-2013 to all their purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the eastern Pacific Ocean (EPO).

- 2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (less than 182 metric tons carrying capacity) are not subject to these measures.
- 3. All purse-seine vessels covered by these measures must stop fishing in the EPO for a period of 62 days in 2011, 62 days in 2012, and 62 days in 2013. These closures shall be effected in one of two periods in each year as follows:

2011 – 29 July to 28 September, or from 18 November to 18 January 2012.

2012 – 29 July to 28 September, or from 18 November to 18 January 2013.

2013 – 29 July to 28 September, or from 18 November to 18 January 2014.

- 4. Notwithstanding the provisions of paragraph 3, purse-seine vessels of IATTC capacity class 4 (between 182 and 272 metric tons carrying capacity) will be able to make only one single fishing trip of up to 30 days duration during the specified closure periods, provided that any such vessel carries an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP).
- 5. The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S illustrated in Figure 1 shall be closed from 0000 hours on 29 September to 2400 hours on 29 October.

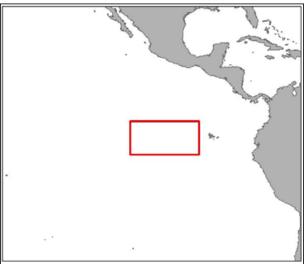


Figure 1. Closure area

- 6. a. In each one of the years in which these measures are applicable, and for each one of the two closure periods, each government shall notify the Director, by 15 July, the names of all the purseseine vessels that will observe each closure period;
  - b. Every vessel that fishes during 2011-2013, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the government under which it fishes during the year, must observe the closure period to which it was committed.
- 7. Each government 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.

8. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the EPO during 2011-2013 do not exceed the following levels:

Metric tons	2011-2013
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555

- 9. For 2012 and 2013, the total annual longline catches of bigeye tuna in the EPO shall be adjusted appropriately based on any conservation measures that may be adopted for purse-seine vessels in those years, as ratified or adjusted in accordance with paragraph 18.
- 10. All other governments undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the EPO during 2011-2013 do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001<sup>1,2</sup>. Governments whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director. For 2012 and 2013, the limits in this paragraph shall remain in effect if the conservation measures for purse-seine vessels are maintained, as ratified or adjusted in accordance with paragraph 18.
- 11. Landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to provide relevant information to IATTC members to assist them in this regard.
- 12. Each government shall notify the Director, by 15 July of each year, of national actions taken to implement these measures, 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.
- 13. In order to evaluate progress towards the objectives of these measures, in 2012 and 2013 the IATTC scientific staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
- 14. The Director is requested to develop, in consultation with interested governments, a pilot program for research into, and gathering information on, the FADs used to aggregate tunas in the EPO. The program shall include, *inter alia*, provisions for the marking of FADs, 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 Director is requested to report on the status of this effort at the next annual meeting of the IATTC. The information collected shall be held by the IATTC staff.
- 15. Subject to the availability of the necessary funding, the Director is requested to continue the experi-

<sup>&</sup>lt;sup>1</sup> The governments acknowledge that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the EPO.

<sup>&</sup>lt;sup>2</sup> The governments acknowledge that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

ments 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 government carrying out its own experimental programs with sorting grids and presenting its results to the Director.

- 16. For 2011, renew the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set. At its annual meeting in 2011, the IATTC will review the results of the program, including compliance, and decide whether to continue it.
- 17. The IATTC should continue efforts to promote compatibility between the conservation and management measures adopted by IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific bases and effectiveness of those measures.
- 18. a. In 2011 the results of these measures shall be evaluated in the context of the results of the stock assessments and, depending on the conclusions reached by the scientific staff of the IATTC, the duration of the closure for 2012 shall be ratified or adjusted;
  - b. In 2012 the results of these measures shall be evaluated in the context of the results of the stock assessments and, depending on the conclusions reached by the scientific staff of the IATTC, the duration of the closure for 2013 shall be ratified or adjusted.

Appendix 2b.

### INTER-AMERICAN TROPICAL TUNA COMMISSION

# 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

### **RECOMMENDATION C-10-02**

# RECOMMENDATION TO MITIGATE THE IMPACT ON SEABIRDS OF FISHING FOR SPECIES COVERED BY THE IATTC

The governments of Belize, Canada, Colombia, Costa Rica, Ecuador, El Salvador, the European Union, France, Guatemala, Japan, the Republic of Korea, Mexico, Nicaragua, Panama, Peru, Chinese Taipei, the United States of America, Vanuatu, and Venezuela ("the governments"), all members of the Inter-American Tropical Tuna Commission (IATTC):

*Recognizing* that some threatened and endangered seabird populations are found in the eastern Pacific Ocean (EPO);

*Understanding* that bycatches of seabirds are known to occur in the longline fisheries operating in some areas of the EPO;

*Noting* that the Antigua Convention calls for the adoption of conservation and management measures and for the recommendations for species belonging to the same ecosystem and that are affected by fishing for the fish stocks;

*Reaffirming* the importance of implementing the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries ("IPOA-Seabirds");

*Recalling* that tuna Regional Fisheries Management Organizations responsible for other ocean areas have adopted measures to mitigate the accidental bycatch of seabirds in longline fisheries;

*Believing* that fisheries observer programs can greatly increase the understanding of the extent of interactions between seabirds and fisheries, and the evaluation of how seabird bycatch mitigation measures can be most effectively applied;

*Taking account of* the work of the IATTC, including the IATTC Technical Meeting on Seabirds held on 11 May 2009, that has showed that combining different mitigation measures is more effective than using a single measure in reducing bycatch of seabirds;

*Noting* that scientific research into mitigation of seabird bycatch in longline fisheries has shown that the effectiveness of measures depends on the type of vessel, the season, and the species of seabirds present; and

*Noting* that effective mitigation measures can reduce the loss of bait and therefore increase catches;

*Agree* to apply in the EPO the following measures to mitigate the impact on seabirds of fishing for species covered by the IATTC;

1. The governments shall report to the IATTC 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.

2. The governments shall require their longline vessels<sup>3</sup> that fish for species covered by the IATTC in the EPO north of 23°N (except in Mexican jurisdictional waters) 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 (see Annex 1) to use at least two of the mitigation measures in Table 1, including at least one from Column A. Vessels shall not use the same measure from Column A and Column B.

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

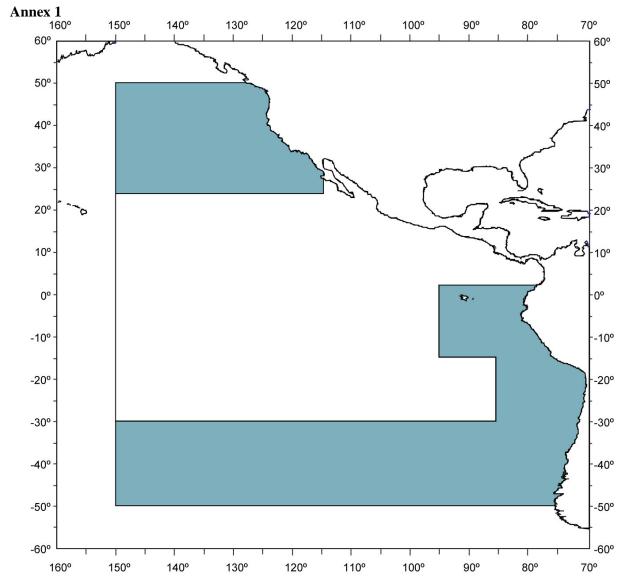
Table	1:	Mitigation	measures
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- 3. Members and cooperating non-members of the IATTC with longline vessels fishing in the EPO other than the area mentioned in paragraph 2 above, are encouraged to voluntarily employ at least one of the mitigation measures included in Table 1.
- 4. Minimum technical standards for measures are shown in Annex 2, subject to possible modifications based on research and evaluations mentioned in paragraphs 6 and 11.
- 5. The governments shall inform the IATTC, by 1 September 2011, and annually thereafter, of the mitigation measures that their flag vessels plan to employ in the implementation of this recommendation.
- 6. Members and cooperating non-members of the IATTC are encouraged to work, jointly and individually, to undertake research, especially on specifications for weighted branch lines, to further develop and refine methods for mitigating seabird bycatch, including measures for use during the process of hauling in longlines, and shall submit to the IATTC any information derived from such efforts. Preferably, research should be undertaken in the fisheries and areas in which the measures will be used.
- 7. The governments shall provide annually to the IATTC any available information regarding interactions with seabirds involving their flag vessels in the fishery, including bycatches of seabirds and details of seabird species and all relevant information available from observer or other monitoring programs.
- 8. Members and cooperating non-members of the IATTC are encouraged to establish national programs to place observers aboard longline vessels flying their flags or fishing in their waters, for the purpose of, inter alia, gathering information on the interactions of seabirds with the longline fisheries.
- 9. Members and cooperating non-members of the IATTC are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longline fishing operations are released alive and in the best condition possible, and that, whenever possible, hooks are removed without jeopardizing the life of the seabird.
- 10. The governments shall begin implementation of this recommendation no later than 1 September 2011 for their longline vessels equal to or greater than 24 meters in length overall, and no later than 1 September 2012 for their longline vessels less than 24 meters in length overall. The technical specifications for measures most suitable for use by vessels less than 24 meters in length overall shall be considered by the Working Group on Bycatch, the Scientific Advisory Committee (SAC), and the

<sup>&</sup>lt;sup>3</sup> Vessels propelled by outboard motors are not subject to this recommendation

IATTC scientific staff.

- 11. The effectiveness of this recommendation to reduce seabird bycatch in the EPO, including the mitigation measures in Table 1, the area of application, and the minimum technical specifications adopted pursuant to this recommendation, shall be subject to review and possible modification, taking into account the scientific advice from the Working Group on Bycatch, the SAC, and the IATTC scientific staff..
- 12. The Working Group on Bycatch, and the SAC will also consider the need to extend this recommendation to other fleets operating in the EPO.
- 13. This recommendation replaces IATTC Resolution C-05-01.



Areas (shaded) within the EPO in which the use of at least two mitigation measures for reducing seabird bycatch is required: north of 23°N (except in Mexican jurisdictional waters) and south of 30°S, plus the area bounded by the coastline at 2°N, west to 20°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S.

### Annex 2

### **Specifications for Column A mitigation measures**

### 1.a. Tori lines

- i. Minimum length: 100 m
- ii. 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.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 5m apart, be using swivels and long enough so that they are as close to the water as possible.
- v. If the tori line is less than 150 m in length, must have a towed object attached to the end so that the aerial extent is maintained over the sinking baited hooks.
- vi. 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)

- i. Minimum length of tori line: 100 m or three times the total length of the vessel.
- ii. 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.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 1m apart and be 30 cm in minimum length.
- v. If two (*i.e.* paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.
- 2. Side setting with bird curtain and weighted branch lines
  - i. Mainline deployed from port or starboard side as far from stern as practicable (at least 1 m), and if mainline shooter is used, must be mounted at least 1 m forward of the stern.
  - ii. When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
  - iii. Bird curtain must be employed:
    - Pole aft of line shooter at least 3 m long;
    - Minimum of 3 main streamers attached to upper 2 m of pole;
    - Main streamer diameter minimum 20 mm;
    - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) minimum diameter 10 mm.
- 3. Night setting
  - i. No setting between local sunrise and one hour after local sunset.
  - ii. Deck lighting to be kept to a minimum, noting requirements for safety and navigation.
- 4. Weighted branch lines
  - i. Following minimum weight specifications are required:
  - ii. Minimum weights attached to all branch lines is 45 g, with the following options:
    - less than 60 g weight attached to within 1 m of the hook; or
    - greater than 60 g and less than 98 g weight attached to within 3.5 ms of the hook; or
    - greater than 98 g weight attached to within 4 m of the hook.

### **Specifications for Column B mitigation measures**

- 1. Weighted branch lines
  - i. Following minimum weight specifications are required:

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

### 2. Blue dyed bait

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

### 3. Management of offal discharge

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

### Appendix 2c.

### INTER-AMERICAN TROPICAL TUNA COMMISSION

# 81<sup>ST</sup> MEETING

### ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

# **RECOMMENDATION C-10-03**

# **RECOMMENDATION PROHIBITING FISHING ON DATA BUOYS**

The governments of Belize, Canada, Colombia, Costa Rica, Ecuador, El Salvador, the European Union, France, Guatemala, Japan, the Republic of Korea, Mexico, Nicaragua, Panama, Peru, Chinese Taipei, the United States of America, Vanuatu, and Venezuela ("the governments"), all members of the Inter-American Tropical Tuna Commission (IATTC):

*Aware* that many nations, including Members of the IATTC, operate and deploy data buoys throughout the eastern Pacific Ocean (EPO) and oceans worldwide to gather information used to improve weather and marine forecasts, provide assistance to fisheries by collecting data on sea surface and subsurface temperatures, provide assistance to search and rescue efforts at sea, and collect critical data used to conduct research on meteorological and oceanographic topics and climate prediction;

Knowing that highly migratory species, in particular tunas, aggregate in the vicinity of data buoys;

*Recognizing* that the World Meteorological Organization and the Intergovernmental Oceanographic Commission have determined that vandalism and damage to data buoys by fishing vessels are a significant problem in the Pacific Ocean and worldwide;

*Concerned* that vandalism or damage to data buoys results in significant loss of data critical to weather forecasting, to the study of marine conditions, to tsunami warnings, to support search and rescue efforts at sea, and that Members of the IATTC expend considerable time and resources to locate, replace, and repair data buoys damaged or lost due to fishing activities or vandalism;

Alarmed that the loss of data critical to the study of marine conditions from vandalism or damage to data buoys undermines analyses by IATTC scientists seeking better understanding of tuna habitat use and rela-

tionships between climate and tuna recruitment, and research by environmental scientists in general;

*Mindful* that several data buoy programs publish information on the internet describing the type and location of such buoys;

*Noting* that it is a function of the IATTC to promote, to the extent practicable, the development and use of environmentally safe fishing techniques and such other related activities, and to promote the application of the relevant provisions of the Code of Conduct for Responsible Fishing; and

*Further noting* that it is also a function of the IATTC to adopt measures as may be necessary to achieve its objective, including non-discriminatory and transparent measures to prevent, deter and eliminate activities that undermine the effectiveness of the conservation and management measures adopted by the IATTC;

Agree to apply in the EPO the following measures regarding fishing on data buoys:

For the purpose of this Recommendation, data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting environmental data, and not in support of fishing activities.

- 1. The governments shall:
  - Prohibit their fishing vessels from fishing within one nautical mile of, or interacting with, a data buoy in the EPO, which includes, but is not limited to, encircling the buoy with fishing gear, tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy, and, if the buoy is anchored, cutting its anchor line.
  - Prohibit their fishing vessels from taking on board a data buoy, unless specifically authorized or requested to do so by a member or cooperating non-member of the IATTC or owner responsible for that buoy.
  - Encourage their fishing vessels operating in the EPO to keep watch for data buoys at sea and to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys.

Require their fishing vessels that become entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible.

- 2. Members and cooperating non-members of the IATTC are encouraged to require their fishing vessels to report to them all entanglements and provide the date, location, and nature of the entanglement, along with any identifying information on the data buoy. The governments shall notify the IATTC of all such reports.
- 3. Fishing activities inconsistent with paragraphs 1 and 2 above shall be deemed to undermine the effectiveness of the resolutions adopted by the IATTC in accordance with Article XVIII of the Antigua Convention, and shall, for purposes of paragraph (1)(e) of IATTC Resolution C-05-07, be considered the use of prohibited fishing gear.
- 4. Notwithstanding paragraph 1, scientific research programs notified to the IATTC may operate fishing vessels within one nautical mile of a data buoy, provided they do not interact with the data buoy, as described in paragraph 1.

Appendix 3a.

### INTER-AMERICAN TROPICAL TUNA COMMISSION

# 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

# PROPOSAL B-3

# SUBMITTED BY THE EUROPEAN UNION AND JAPAN

## RESOLUTION ON SCIENTIFIC OBSERVERS FOR LONGLINE VESSELS

The Inter-American Tropical Tuna Commission (IATTC):

*Noting* the need to ensure uniform and equitable treatment of all tuna-fishing vessels operating in the Convention Area;

*Recognising* the need to collect comprehensive data on interactions with non-target species, in particular, sea turtles, sharks and seabirds;

*Noting* that large purse-seine vessels operating in the Convention Area are required to carry scientific observers aboard, in accordance with the Agreement on the International Dolphin Conservation Program;

*Taking* into account that 5% observer coverage of high-seas fishing operations was noted as the initial level at the Kobe II workshop on Monitoring, Control, and Surveillance, held in Barcelona, Spain, in June 2010;

Resolves as follows:

- 1. Each member and cooperating non-member shall ensure that, from 1 January 2012, at least 5% of the fishing trips made by its longline fishing vessels greater than 24 metres length overall –carry an scientific observer.
- 2. Each member and cooperating non-member shall provide the Director, by 1 November 2011, with the provisional list of its vessels that will carry scientific observers. Each member and cooperating non-member shall endeavour to ensure that observer coverage will be representative of the activities of its fleet.
- 3. The main task of the scientific observers shall be to record catch levels of fish species, species composition, as well as any interactions with non-target species such as sea turtles, seabirds and sharks.
- 4. The Scientific Advisory Committee shall draw up a common reporting format detailing the required data to be collected by scientific observers.
- 5. Scientific observers shall submit to their Flag State authorities a report on these observations at the latest 30 days after the end of each fishing trip.
- 6. Every year, members and cooperating non-members shall submit to the Scientific Advisory Committee, by 31 March, the scientific observer's information on the previous year's fishery in a format established by the Scientific Advisory Committee.
- 7. In 2013 the Scientific Advisory Committee shall conduct a scientific review of the effectiveness of the level of coverage established in paragraph 1 above, with a view to making recommendations to the Commission on any change that may be necessary to accomplish the objectives of this Resolution, including the increase of the coverage rate.

Appendix 3b.

### INTER-AMERICAN TROPICAL TUNA COMMISSION

# 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

# **PROPOSAL G-1**

# SUBMITTED BY BELIZE, COSTA RICA, EL SALVADOR, GUATEMALA, NICARAGUA, PANAMA

## CREATION OF THE SPECIAL SUSTAINABLE DEVELOPMENT FUND FOR FISHERIES FOR HIGHLY MIGRATORY SPECIES TO STRENGTHEN THE INSTITUTIONAL CAPACITY OF DEVELOPING COUNTRIES

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

*Taking into account* the provisions of Article XXIII of the Antigua Convention that the Commission shall seek to adopt measures relating to technical assistance, technology transfer, training and other forms of cooperation, to assist developing countries that are members of the Commission to fulfill their obligations under this Convention, as well as to enhance their ability to develop fisheries under their respective national jurisdictions and to participate in high seas fisheries on a sustainable basis;

*Recalling* that the Antigua Convention in its Article XXIII likewise establishes that the members of the Commission shall facilitate and promote such cooperation, especially financial and technical, and the transfer of technology, as may be necessary for the effective implementation of the previous paragraph;

*Considering* that the Antigua Convention in its Article VII, paragraph b) indicates that one of the functions of the Commission is that it shall adopt standards for collection, verification, and timely exchange and reporting of data concerning the fisheries for fish stocks covered by the Convention;

*Likewise taking into account* that the Antigua Convention in its Article VII, paragraph f) indicates that conservation and management measures and recommendations shall be adopted, as necessary, for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, the fish stocks covered by the Convention, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

*Likewise taking into account* that the Antigua Convention in its Article VII, paragraph i) indicates that the Commission shall establish a comprehensive program for data collection and monitoring which shall include such elements as the Commission determines necessary, and that each member of the Commission may also maintain its own program consistent with guidelines adopted by the Commission; and

*Recalling* that the Commission has agreed various resolutions that commit its member countries to submit information on catches of tunas and bycatches, among others.

### Resolves as follows:

- 1. The "Special fund for strengthening the institutional capacity of developing countries for the sustainable development of fisheries for highly migratory species", hereafter "The Fund", is created, which shall be administered by the Inter-American Tropical Tuna Commission.
- 2. The resources of the Fund shall proceed from special contributions obtained from the members or

from national and international bodies or entities interested in strengthening the capacities of developing countries. Such contributions may be declared by the donor for a specific use, consistent with the nature of the fund, or may be subject to the ordinary use of investments in building capacity for developing countries.

- 3. The Director shall budget for the year 2011, an item of fifty thousand dollars set aside to constitute the initial capital of the Fund. In subsequent years, without detriment to the Commission by a decision of its members stipulating a greater amount, [...] percent of the ordinary budget shall be set aside to be transferred as a permanent contribution by the Commission to the Fund.
- 4. El Director shall present to the Commission the strategic investment plan chargeable to the fund for its approval every year, which shall be constructed on the basis of the requirements of the developing countries and the analyses carried out by the Commission staff.
- 5. The administration of the Fund shall be the responsibility of the Director and shall be subject to the auditing rules of the Commission.
- 6. The purpose of the utilization of the Fund shall be the development of technical and scientific capacity, as well as organizational infrastructure, that will allow the developing countries to duly follow and comply with their obligations established under the Antigua Convention, particularly:
  - a. The creation of a standardized system for collecting, processing and analyzing data, as regards the stocks of tunas and tuna-like species and other species of fish caught by vessels that fish for tunas and tuna-like species en the Antigua Convention area.
  - b. Education and training, mainly in relation to the implementation and development of databases, analysis of fisheries statistics and data, and stock assessments, among others.
  - c. The participation of representatives of developing countries in the annual meetings of the Commission or its subsidiary groups, as well as of scientific experts in the meetings of the Scientific Advisory Committee.
  - d. Have the scientific staff necessary for fulfilling the aims of this resolution in support of developing countries.
  - e. The creation of a standardized program for collecting, processing, and analyzing data, in order to match the processes with the Commission's systems.
  - f. Others that the Commission may decide, strictly for the creation of capacity development.
- 7. Members are encouraged to make contributions to the Fund.

Appendix 3c.

### INTER-AMERICAN TROPICAL TUNA COMMISSION

# 81<sup>ST</sup> MEETING

ANTIGUA, GUATEMALA 27 SEPTEMBER-1 OCTOBER 2010

# DOCUMENT IATTC-81-10a REV

# COOPERATION WITH WCPFC OBSERVER PROGRAM

In response to a request from members, the staffs of the IATTC and the WCPFC have worked together to prepare this draft memorandum of cooperation, presented here for the consideration of the Commission.

### MEMORANDUM OF COOPERATION (MOC) ON THE CROSS-ENDORSEMENT OF WCPFC AND IATTC APPROVED OBSERVERS WHEN OBSERVING ON THE HIGH SEAS OF THE CONVENTION AREAS OF BOTH ORGANIZATIONS

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 (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC):

**UNDERSTANDING** the value of undertaking cooperative efforts to facilitate the operation of vessels that fish in both Convention Areas during the same fishing trip;

**CONSIDERING** the Memorandum of Understanding between WCPFC and IATTC signed in 2006 and the Memorandum of Cooperation signed in 2009;

**CONFIRM** the following conditions for the cross-endorsement of approved observers to operate on authorized vessels that undertake fishing operations in the Convention Areas of both organizations:

- 1. The IATTC and the WCPFC recognize the importance of facilitating mutual cooperative participation among the members of both Commissions.
- 2. The IATTC and the WCPFC recognize that their respective observer programs meet the standards of both Commissions by collecting accurate data on fishing activities essential to the conservation and management of the fish stocks covered by their respective Conventions.
- 3. Vessels with observers may fish in the IATTC Convention Area only if they are included on the IATTC Regional Vessel Register, and may fish in the WCPFC Convention Area only if they are

included on the WCPFC Record of Fishing Vessels.

- 4. Cross-endorsement for an observer will be given only when the IATTC and WCPFC Secretariats agree that the observer has met the necessary training requirements for operating on vessels that fish in both Convention Areas.
- 5. It is understood that the data and information requirements of each Commission will be met by the authorized observers when the vessel in question is in its Convention Area.
- 6. All data and information collected by observers operating on trips that extend into the Convention Area of the other organization will be provided to both the IATTC and WCPFC Secretariats.
- 7. Each Secretariat will identify the data and information required for its Commission and will ensure that observers will be able to meet all such requirements with respect to vessels fishing within that Commission's Convention Area.
- 8. The Secretariats shall cooperate in observer training, with a view towards developing a core group of observers from the observer program of each organization who may be assigned to vessels operating in both Convention Areas to meet the requirements of both IATTC and WCPFC with respect to observers.
- 9. The provisions of this MOC may also apply to specified areas of either organisation which are not high seas, in accordance with relevant approval procedures of each Commission, and when so advised by the Secretariat of the relevant Commission to the other Secretariat.
- 10. This MOC is subject to periodic review, and may be modified as agreed by both Commissions. Either Commission may terminate this MOC with three months' notice of such intention to the other Commission.

Signed on behalf of the WCPFC and the IATTC:

Chairman, WCPFC	Director, IATTC
Date:	Date:

Appendix 3d.

#### PROPOSAL BY THE SECRETARIAT

#### From Document <u>IATTC-81-11</u>, Section 2:

As regards longline vessels authorized to make transshipments at sea, Resolution C-08-02 does not specify that they must be on the IATTC list of longline vessels authorized to fish in the Convention Area. (The vessels authorized to make transshipments are considered to be the longline vessels of the five members fully participating in the transshipment program, plus one Peruvian longline vessel which has also transshipped at sea.) The staff considers that this is an omission, and that it should be a requirement for longline vessels to make transshipments at sea. This would require an amendment to Resolution C-08-02. This issue was addressed at the 80<sup>th</sup> meeting of the Commission in June 2009, but was not resolved.

In order to address this issue, the staff proposes that the following text be added to paragraph 5 of Resolution  $\underline{C-08-02}$ :

"5. Each member shall determine whether or not to authorize its LSTLFVs<sup>4</sup> to tranship at sea. For the purposes of this resolution, only those vessels that are included in the IATTC list of authorized longline vessels and that operate under the jurisdiction of the members that participate in the observer program established by this Resolution and that finance the costs of its implementation are authorized to make transshipments at sea. The staff will maintain a list of such vessels. Any such transhipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 of this Resolution."

Appendix 3e.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## PROPOSAL E-1-A

## SUBMITTED BY CANADA AND THE EUROPEAN UNION

## RESOLUTION ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

#### EXPLANATORY MEMORANDUM

This Resolution is intended to contribute to the long-term conservation and sustainable use of living marine resources, and in particular of highly migratory stocks, in the IATTC Convention Area through strengthened, harmonized and transparent port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

IUU fishing activities in the IATTC Convention Area have shown an increasing trend that should be reversed. Better control at the port level is a primary means towards eliminating these activities.

<sup>&</sup>lt;sup>4</sup> Longline vessels over 24 meters length overall

IATTC has adopted some conservation and management measures aimed towards the conservation and responsible exploitation of stocks under its mandate, notably by establishing a list of vessels presumed to have carried out IUU fishing activities in the Convention Area and by adopting a multi-annual program for the conservation of tuna.

Flag States are responsible for ensuring that their vessels conduct fishing activities in a responsible manner, in compliance with IATTC conservation and management measures. In addition, there is a need for improvement and stricter controls on all aspects of IATTC fisheries. It is the responsibility of flag States to promote the effectiveness of management measures adopted by regional fisheries management organizations (RFMOs).

To ensure consistency with the binding Agreement on Port State Measures to combat IUU fishing, which was adopted and opened for signature in November 2009 within the framework of FAO, as well as with the management measures taken in other RFMOs, and to improve the results of the measures aimed towards conservation of tuna and tuna-like species in the Eastern Pacific Ocean it is recommended to implement Port state measures within the IATTC. This will contribute to more responsible management of the stocks under the IATTC's mandate.

## RESOLUTION ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

#### The Inter American Tropical Tuna Commission (IATTC),

*Deeply concerned* about the continuation of illegal, unreported and unregulated fishing in the IATTC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Developing States,

*Conscious* of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources,

*Recognizing* that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing,

*Recognizing* that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing,

Aware of the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures,

*Recognizing* the need for assistance to developing countries to adopt and implement port State measures and thereby noting the requirements laid down in Article 23 of the IATTC Convention,

*Taking note of* the binding Agreement on port State measures to combat IUU fishing which was adopted and opened for signature within the framework of FAO in November 2009, and desiring to implement this Agreement in an efficient manner in the IATTC Area,

*Bearing in mind* that, in the exercise of their sovereignty over ports located in their territory, CPCs may adopt more stringent measures, in accordance with international law,

*Recalling* the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention,

*Recalling* the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24

November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries,

Noting the Plan of Action adopted in Kobe in January 2007 by the Joint Tuna RFMOs Meeting,

Having regard to Article XX and XXI of the IATTC Convention,

Agrees to adopt the following Resolution in conformity of Article IX of the IATTC Convention:

#### PART I

#### **GENERAL PROVISIONS**

#### Article 1

#### Use of terms

For the purposes of this Conservation and management measure:

- a. "fish" means all species of living marine resources whether processed or not that are under the competence of the IATTC ;
- b. "fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish in the IATTC Convention area;
- c. "fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
- d. "illegal, unreported and unregulated fishing", hereinafter referred as IUU fishing, refers to the activities set out in paragraph 1 of IATTC Resolution C-05-07 to establish a List of Vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing in the Eastern Pacific Ocean, as may be amended from time to time;
- e. "port" includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying; and
- f. "vessel" means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

#### Article 2

#### Objective

The objective of this Resolution is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the IATTC Convention Area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

#### Article 3

#### Application

- 1. Each CPC shall, in its capacity as a port State, apply this Resolution in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:
  - a) vessels of a neighboring State, with an overall length of less than 12 meters, or without superstructure, or of less than measured 20 GT, that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing ; and
  - b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously

landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.

- 2. A CPC may, in its capacity as a port State, decide not to apply this Resolution to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Such vessels shall be the subject to measures by the CPC, which are as effective as measures applied in relation to vessels entitled to fly its flag.
- 3. This resolution shall be applied to CPCs' ports within the IATTC area of competence. The CPCs situated outside the IATTC area of competence shall endeavour to apply this Resolution.
- 4. The provisions of this resolution applicable to flag States and port States shall apply, *mutatis mutandis*, to all members of the Commission.
- 5. This resolution shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.

#### Article 3bis

#### Relationship with international law

Nothing in this Resolution shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Resolution shall be construed to affect the sovereignty of CPCs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zones, and the exercise by CPCs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent port State measures than those provided for in this Resolution.

#### Article 4

#### Integration and coordination at the national level

Each CPC shall, to the greatest extent possible:

- a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;
- b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and
- c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Resolution.

#### Article 5

#### Cooperation on exchange of information

- 1. In the implementation of this Resolution and with due regard to appropriate confidentiality and data protection requirements, CPCs shall cooperate and exchange information with the IATTC Secretariat and the relevant flag State, as appropriate, by:
  - a) requesting information from, and providing information to, relevant databases;
  - b) requesting and providing cooperation to promote the effective implementation of this Resolution.
- 2. Each CPC shall, to the greatest extent possible, ensure that its fisheries related information system allow for the direct electronic exchange of information on port State measures with other CPCs and with the IATTC Secretariat, in order to facilitate the implementation of this Resolution.

3. CPCs shall cooperate through the IATTC Secretariat in the effective implementation of this Resolution.

#### Article 6

#### Competent authorities

- 1. Each CPC, in its capacity as a port or flag State, shall designate the competent authority to serve as contact point for the purposes of receiving notifications, providing or receiving confirmations, and issuing authorizations pursuant to this Resolution. It shall transmit the name and contact information for its competent authority to the IATTC Secretariat no later than 45 days after the entry into force of this Resolution. Any subsequent changes shall be notified to the IATTC Secretariat at least 15 days before the change takes effect.
- 2. The IATTC Secretariat shall establish and maintain a register of competent authorities based on the lists submitted by the CPCs. The register shall be posted on the IATTC website.

#### PART 2

#### **ENTRY INTO PORT**

#### Article 7

#### Designation of ports

- 1. Each CPC wishing to grant access to its ports by vessels not entitled to fly its flag shall designate and publicize any of its ports to which vessels may request entry pursuant to this Resolution Each CPC shall provide a list of its designated ports to IATTC Secretariat within three months from the date of entry into force of this Resolution Any subsequent changes to this list shall be notified to the IATTC Secretariat at least 15 days before the change takes effect.
- 2. Each CPC shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Resolution
- 3. The IATTC Secretariat shall establish and maintain a register of designated ports based on the lists submitted by the port State CPCs. The register shall be posted on the IATTC website.

#### Article 8

#### Advance request for port entry

Each CPC shall require the master of a vessel or its authorised representative to provide the information in Annex 1 at least 72 hours in advance of the requested port entry to the competent authority of the port State CPC. However, a port State CPC may make provision for a longer or shorter notification period, taking into account, *inter alia*, the type of fish or fish product and the distance between the fishing grounds and its ports, and providing that the port State CPC must have enough time to examine the above mentioned information. In such a case, the port State CPC concerned shall inform the IATTC Secretariat, which shall post the information on the IATTC website.

#### Article 9

#### Port entry, authorization or denial

1. After receiving the relevant information required pursuant to Article 8, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, the port State CPC shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the master of the vessel or to its representative.

- 2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the CPC upon the vessel's arrival at port.
- 3. In the case of denial of entry, the port State CPC shall communicate its decision to the flag CPC of the vessel, and to the IATTC Secretariat, to be posted on the secure part of the IATTC website. The IATTC Secretariat shall communicate this decision to all CPCs and to other regional fisheries management organizations.
- 4. Without prejudice to paragraph 1 of this Article, when a port State CPC has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, after the IATTC has had an opportunity to to review and confirm the listing of such vessel the port State CPC shall deny that vessel entry into its ports.
- 5. Notwithstanding paragraphs 3 and 4 of this Article, a port State CPC may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.
- 6. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, the port State CPC shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, inter alia, refueling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article 11 apply mutatis mutandis in such cases. Denial of such use of ports shall be in conformity with international law.

#### Article 10

#### Force majeure or distress

Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State CPC from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

#### PART 3

#### **USE OF PORTS**

#### Article 11

#### Use of ports

- 1. Where a vessel has entered one of its ports, the port State CPC shall deny, pursuant to its laws and regulations and consistent with international law, including this Conservation and management measure, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refueling and resupplying, maintenance and dry-docking, if:
  - a) The information provided by the vessel in Annex 1 is found to be false;
  - b) the port State CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities in the IATTC Convention area; or
  - c) the port State CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by the coastal State in respect of areas under the national jurisdiction of that State;

- d) the port State CPC receives clear evidence that the fish on board was taken in contravention of the IATTC Resolutions and/or applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
- e) the flag State does not confirm within 14 days, on the request of the port State, that the fish on board was taken in accordance with the IATTC Resolutions and/or applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State; or
- f) the port State CPC has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing in the IATTC Convention area, including in support of a vessel included in the list of IUU vessels referred to in Article 9, paragraph 4, unless the vessel can establish:
  - i. that it was acting in a manner consistent with relevant IATTC Resolutions; or
  - ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, included in the list of IUU vessels referred to in Article 9, paragraph 4.
- 2. Notwithstanding paragraph 1 of this Article, the port State CPC shall not deny a vessel referred to in that paragraph the use of port services:
  - a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
  - b) where appropriate, for the scrapping of the vessel.
- 3. 4. Where a port State CPC has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and the IATTC Secretariat, which will post this information on the secure part of the IATTC website. The IATTC Secretariat shall communicate this decision to all CPCs and to other regional fisheries management organizations.
- 4. 5. A port State CPC shall withdraw its denial of the use of its port pursuant to paragraph 1 of this Article in respect of a vessel only if there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.
- 5. 6. Where a port State CPC has withdrawn its denial of the use of its ports, it shall promptly notify those to whom a notification was issued pursuant to paragraph 4 of this Article.

#### PART 4

#### **INSPECTIONS AND FOLLOW-UP ACTIONS**

#### Article 12

#### Levels and priorities for inspection

- 1. Each CPC shall carry out inspections of at least 10% of landings and transhipments from fishing vessels in its ports during each reporting year.
- 2. Inspections shall involve the monitoring of the entire discharge or transshipment and include a crosscheck between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transshipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.
- 3. In determining which vessels to inspect, the port State CPC shall give priority to:
  - a) vessels that have previously been denied entry or use of a port in accordance with this recommendation;

- b) requests from other CPCs or regional fisheries management organizations that particular vessels be inspected, particularly where such requests are supported by evidence of IUU fishing, or fishing related activities in support of such fishing, by the vessel in question; and
- c) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing, or fishing related activities is support of such fishing, in particular vessels that appear on IUU lists adopted by other regional fisheries management organizations.

#### Article 13

#### Conduct of inspections

- 1. Each port State CPC shall ensure that its inspectors carry out the functions set forth in Annex 2 as a minimum standard.
- 2. Each port State CPC shall, in carrying out inspections in its ports:
  - a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 17;
  - b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
  - c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with IATTC Resolutions;
  - d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
  - e) in case of appropriate arrangements with the flag State of the vessel, invite the flag State to participate in the inspection;
  - f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
  - g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
  - h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
  - i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.
- 3. The port CPC may invite inspectors of other CPCs to accompany their own inspectors and observe the inspection of landings or transhipment operations of fishery resources caught by fishing vessels flying the flag of another CPC.

#### Article 14

#### Results of inspections

Each CPC shall, as a minimum standard, include the information set out in Annex 3 in the written report of the results of each inspection.

#### Article 15

#### Transmittal of inspection results

- 1. The port State CPC shall transmit a copy of the inspection report to the flag State and to the IATTC Secretariat within thirty full working days of the completion of the inspection and, as appropriate, as soon as possible to:
  - a) States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing in those States' waters within IATTC Convention area; and
  - b) the State of which the vessel's master is a national
  - c) the flag State of any vessel that transshipped catch to the inspected vessel.

#### Article 16

#### Electronic exchange of information

- 1. To facilitate the implementation if this Resolution, each CPC shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information relevant to this Resolution, with due regard to appropriate confidentiality and data protection requirements and the guidelines in Annex 4.
- 2. Each CPC shall designate a competent authority that shall act as a contact point for the exchange of information under this Resolution. Each CPC shall notify the pertinent designation to the IATTC Secretariat to be posted on the IATTC website.
- 3. The IATTC Secretariat shall and with due regard to appropriate confidentiality and data protection requirements, coordinate and facilitate the electronic exchange of information relevant to the implementation of this Resolution between CPCs as well as coordinate with other global or regional electronic information-exchange systems that may be established to assist with the implementation of port State measures to combat IUU fishing and fishing related activities.

#### Article 17

#### Training of inspectors

Each CPC shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex 5. The CPCs shall seek to cooperate in this regard.

#### Article 18

#### Port State actions following inspection

- 1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting CPC shall:
  - a) promptly notify the flag State, and as appropriate, the relevant Coastal State and the IATTC Secretariat and the State of which the vessel's master is a national of its findings; and
  - b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Resolution.
- 2. Notwithstanding paragraph 1 of this Article, a port State CPC shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.

3. Nothing in this Resolution prevents a CPC from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

#### Article 19

#### Information on recourse in the port State

- 1. A port State CPC shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that CPC pursuant to Articles 7, 9, 11 or 15, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the CPC.
- 2. The port State CPC shall inform the flag State, the owner, operator, master or representative and the IATTC Secretariat, as appropriate, of the outcome of any such recourse. The port State CPC shall inform the IATTC Secretariat of any change in its decision pursuant to Articles 7, 9, 11 or 15. The IATTC Secretariat shall post the new decision on the secure part of the IATTC website.

#### PART 5

#### **ROLE OF FLAG STATES**

#### Article 20

#### Role of flag States

- 1. Each CPCs shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Resolution.
- 2. When a CPC has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Resolution.
- 3. Each CPC shall encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Resolution. CPCs are encouraged to develop fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Resolution.
- 4. Where, following port State inspection, a flag State CPC receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.
- 5. Each CPC shall, in its capacity as a flag State, report to other CPCs, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.
- 6. Each CPC shall ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such

fishing as measures applied to vessels referred to in point 1 of Article 3.

#### PART 6

#### **REQUIREMENTS OF DEVELOPING STATES**

#### Article 21

#### Requirements of developing States

- 1. CPCs shall give full recognition to the special requirements of CPCs developing States in relation to the implementation of this Resolution. To this end, CPCs shall, either directly or through the IATTC Secretariat, provide assistance to CPC developing States in order to, inter alia:
  - a) enhance their ability, in particular the least-developed among them, to develop a legal basis and capacity for the implementation of effective port State measures;
  - b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
  - c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.
- 2. CPCs shall give due regard to the special requirements of developing CPCs port States, in particular the least-developed among them, to ensure that a disproportionate burden resulting from the implementation of this Resolution is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, CPCs shall cooperate to facilitate the implementation by the relevant CPCs developing States of specific obligations under this Resolution.
- 3. CPCs shall assess the special requirements of CPCs developing States concerning the implementation of this Resolution.
- 4. IATTC CPCs shall cooperate to establish appropriate funding mechanisms to assist CPCs developing States in the implementation of this Resolution. These mechanisms shall, inter alia, be directed specifically towards:
  - a) developing national and international port State measures;
  - b) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
  - c) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
  - d) assisting CPCs developing States with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Resolution.
- 5. Cooperation with and among developing States CPCs in implementing this Resolution may include the provision of technical and financial assistance through bilateral, multilateral, and regional channels.
- 6. CPCs shall establish an ad hoc working group to periodically report and make recommendations to the CPCs on the establishment of funding mechanisms including a scheme for contributions, identification and mobilization of funds, the development of criteria and procedures to guide implementation, and progress in the implementation of the funding mechanisms. The ad hoc working group shall also take into account, *inter alia*.
  - a) the assessment of the needs of developing States CPCs;
  - b) the availability and timely disbursement of funds;

- c) transparency of decision-making and management processes concerning fundraising and allocations; and
- d) accountability of the recipient developing States CPCs in the agreed use of funds.
- 7. CPCs shall take into account the reports and any recommendations of the ad hoc working group and take appropriate action.

#### PART 7

#### **ENTRY INTO FORCE**

#### Article 22

#### Entry into force

The present Resolution shall enter into force on 1<sup>st</sup> January 2011

ANN	EX 1 Informati	on to be prov	vided in adv	ance by ve	essels requesting	port entry	
1. Intended p	ort of call						
2. Port State							
3. Estimated	date and time of	arrival					
4. Purpose(s)							
5. Port and da	ate of last port c	all					
6. Name of the vessel							
7. Flag State							
8. Type of ves	sel						
9. Internation	al Radio Call Si	gn					
10. Vessel con	tact information	n					
11. Vessel ow	ner(s)						
12. Certificate	e of registry ID						
13. IMO ship	ID, if available						
14. External I	D, if available						
15. IATTC II	)						
16. VMS	No	1	Yes: Natio	onal	Yes: RFMO(s)	Т	ype:
17. Vessel dim		Beam					
18. Vessel ma	ster name and n	ationality					
19. Relevant f	ishing authoriza	ation(s)					
Identifier	Issued by	Validity	Fishi	ing ar-	Species	G	ear
20. Relevant t	ransshipment a	uthorization(	( <b>s</b> )				
Identifier	Issu	ed by		Validi	ty		
Identifier	Issu	ed by		Validi	ity		
21. Transship	ment information	on concerning	g donor ves	sels			
Date Loca	tion Name	Flag State	ID number	Species	Product form	Catch a are	Quantity
22. Total catc	h onboard				23. Ca	atch to be o	offloaded
Species	Product form	Catch a	rea	Quantity	V	Quantit	у

ANNEX 1 Information to be provided in advance by vessels requesting port entry

#### **ANNEX 2 Port State inspection procedures**

Inspectors shall:

a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;

b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;

c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex 1;

d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or IATTC Secretariat or other relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;

f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;

g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;

h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;

i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and

j) arrange, where necessary and possible, for translation of relevant documentation.

ANNEX 3
IATTC Port inspection report form

1. Inspection report no		2. Port State								
3. Inspecting authority					1					
4. Name of principal inspector						ID				
5. Port of inspecti	on									
6. Commencemen	t of inspec	ction	YYYY		MM		DD		НН	
7. Completion of i	inspection		YYYY		MM		DD	DD HH		
8. Advanced notif	ication re	ceived	Yes			No				
9. Purpose(s)	LAN	TRX	K Pl	RO	OTH	I (specify)				
10. Port and State last port call	and date	of				YYYY	MN	1	DD	
11. Vessel name		·	·					·		
12. Flag State										
13. Type of vessel										
14. International	Radio Cal	l Sign								
15. Certificate of	registry II	)	I							
16. IMO ship ID,	if availabl	e								
17. External ID , i	f availabl	e								
18. Port of registr	У		1							
19. Vessel owner(s	s)									
20. Vessel benefic known and differ										
21. Vessel operato	or(s), if dif									
22. Vessel master		l natior	ality							
23. Fishing master	onality									
24. Vessel agent										
25. VMS	Yes: National		Yes: RFMOs		Туре:					
26. Status in IOT	C, includi	ng any	IUU vessel	listin	g					
Vessel identifier RFMO			Flag State status		Vessel on authorize vessel list		ed	Vessel on IUU	V vessel list	

27. Releva	ant fishing	, authoriza	ation(s)						
Identifier	fier Issued by		Validity	ŀ	Fishing area(s)		Spe	cies	Gear
20 D I									
	ant transs	hipment a	uthorization(	(S)					
Identifier			Issued by			Validi	-		
Identifier			-	Issued by			ty		
	shipment	informatio	on concerning	g donor	vessels				
Name	Flag	g State	ID no	Species		form	t Catch		Quantity
30 Evolu		floodod og	atch (quantity	<i>u</i> )					
							):fformaria a	la ata u a	an avantite declared and
Species	Product form	Catch area(s)	Quantity declared	Quantity offloade					en quantity declared and letermined, if any
	retained	1 1							
Species	Product form	Catch area(s)	Quantity declared			n quantity declared and etermined, if any			
32 Evam	ination of	logbook(s	) and other	Yes	No		Comments		
dogumon				Yes	No		Comments		
dogumon	tation coh	mo(a)		Yes					
informati	34. Compliance with applicable trade     Yes     No     Comments       information scheme(s)     35. Type of gear used     Ves     Ves     Ves								
	examined		Yes N	Vo Con	nments				
aaandan	ngs by insp	rograph	165 1		menus				
57. I IIuli	igs by insp								
<b>38.</b> Appar	rent infrin	gement(s)	noted includ	ing refe	rence to	relev	ant legal i	nstru	ment(s)
				8			8		
39. Comn	nents by th	ne master							
40. Action	ı taken								
<u> </u>									
41. Maste	er's signati	ure							
42. Inspec	42. Inspector's signature								

#### **ANNEX 4 Information systems on port state measures**

In implementing this Resolution, each CPC shall:

a) seek to establish computerized communication;

b) establish, to the extent possible, websites to publicize the list of ports designated in accordance with Article 5 and the actions taken in accordance with the relevant provisions of this Resolution;

c) identify, to the greatest extent possible, each inspection report by a unique reference number starting with 3-alpha code of the port State and identification of the issuing agency;

d) utilize, to the extent possible, the international coding system below in Annexes 1 and 3 and translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	ASFIS 3-alpha code (known as FAO 3-alpha code)
vessel types:	ISSCFV code (known as FAO alpha code)
gear types:	ISSCFG code (known as FAO alpha code)

#### **ANNEX 5 Guidelines for the training of inspectors**

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics;

2. Health, safety and security issues;

3. Applicable national laws and regulations, areas of competence and Resolutions of the IATTC, and applicable international law;

4. Collection, evaluation and preservation of evidence;

5. General inspection procedures such as report writing and interview techniques;

6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;

7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;

8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilizing conversion factors for the various species and products;

9. Identification of fish species, and the measurement of length and other biological parameters;

10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;

11. Equipment and operation of VMS and other electronic tracking systems; and

12. Actions to be taken following an inspection.

Appendix 3f.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## **PROPOSAL H-1**

## SUBMITTED BY THE EUROPEAN UNION, GUATEMALA, AND THE UNITED STATES

# RESOLUTION ESTABLISHING THE COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION

The Inter-American Tropical Tuna Commission (IATTC):

Acknowledging that Article X of the Convention for the Strenghtening of the Inter-American Tropical Tuna Commission ("the Antigua Convention") requires the establishment of a Committee for the Review of Implementation of Measures Adopted by the Commission ("the Implementation Review Committee") in accordance with the provisions of Article X of the Antigua Convention;

Also acknowledging that Article XXVI of the Antigua Convention requires Commission members to cooperate to jointly deter non-members from carrying out activities that undermine the effectiveness of that Convention and to encourage, as appropriate, other States, regional economonic integration organizations, and fishing entities to become members of the Commission or to adopt laws and regulations consistent with that Convention;

*Recognizing* that the functions of the Permanent Working Group on Compliance ("the Compliance Working Group") established by IATTC Resolution C-99-01 are similar to and consistent with those of the Implementation Review Committee as set forth in the Antigua Convention, and that the Compliance Working Group is not specifically required in the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission and may be dissolved by the Commission;

Also recognizing that the functions of the Joint Working Group on Fishing by Non-Parties ("the Joint Working Group") established by the Commission and approved by the Meeting of the Parties to the Agreement on the International Dolphin Conservation Program include responsibilities that are similar to and consistent with those of the Compliance Working Group, such as actions to address illegal, unreported, and unregulated fishing; and

*Noting* the recommendation of the 9<sup>th</sup> meeting of the Joint Working Group that the Commission consider dissolving the Joint Working Group and transferring its functions and responsibilities to the Implementation Review Committee, with a view to improving the efficiency and effectiveness of subsidiary bodies of the Commission with related mandates;

Resolves as follows:

- 1. To establish the Committee for the Review of Implementation of Measures Adopted by the Commission, in accordance with Article X of the Antigua Convention.
- 2. With the concurrence of the Meeting of the Parties to the Agreement on the International Dolphin Conservation Program, to:

- a. dissolve the Joint Working Group on Fishing by Non-Parties; and
- b. transfer to the Implementation Review Committee all functions and responsibilities of the Joint Working Group relating to the IATTC.
- 3. To dissolve the Permanent Working Group on Compliance.
- 4. To replace references to the Compliance Working Group and Joint Working Group in active IATTC resolutions with "Committee for the Review of Implementation of Measures Adopted by the Commission" or "Implementation Review Committee", as appropriate.
- 5. The Rules of Procedure for the Compliance Working Group adopted by the Commission in June 2001 shall apply *mutatis mutandis* to the Implementation Review Committee.
- 6. In the case of a conflict between a provision of the Antigua Convention and a provision of the Rules of Procedure for the Compliance Working Group, the provision of the Antigua Convention shall prevail.
- 7. With a view to further enhancing the transparency and efficiency of its mandate and operations, the Implementation Review Committee should, at its 2011 meeting, consider developing terms of reference and rules of procedure, based on Article X and Annex 3 of the Antigua Convention, and taking into account the Rules of Procedure of the Compliance Working Group, as appropriate, to recommend to the Commission for adoption.
- 8. To recommend to the Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) to concur with the Commission's dissolution of the Joint Working Group and to transfer the Joint Working Group's functions and responsibilities related to the AIDCP to the International Review Panel.

Appendix 3g.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

#### ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## **PROPOSAL I-1**

## CALCULATING CONTRIBUTIONS TO THE IATTC BUDGET

The Inter-American Tropical Tuna Commission (IATTC):

*Recognizing* the importance of equity and stability in the calculation of the contributions of members to the Commission's budget, and of fully funding the work of the Commission so that it may fulfill its duties and responsibilities,

*Giving due consideration to* the principle that the proportion of the expenses paid by each member should be equitable, transparent, and related to its proportion of the total catch of tunas from the Convention Area and other components of the formula, as well as to the consensus of the members that other factors should be considered in determining their proportional contributions;

*Taking into account* the relevant provisions of the Antigua Convention;

Resolves as follows:

- 1. The following elements shall be used in the determination of the contributions of members to the IATTC budget for 2011:
  - A. Each member's contribution shall be calculated as follows: 10% of the total budget, minus any special contributions, shall be divided equally among all the members (base contribution); the remaining 90% shall be allocated among members, weighted by their Gross National Income (GNI) category in accordance with the following:
    - i. an operational component (10%);
    - ii. the catches by their flag vessels (70%);
    - iii. their utilization of tuna from the Convention Area (10%).

GNI category	Range (USD)
0.5	<u>&lt;</u> 1,499
1	1,500-3,499
2	3,500-6,499
3	6,500-10,999
4	11,000-15,999
5	16,000-20,999
5.5	<u>&gt;</u> 21,000

Table 1. GNI categories used for allocating contributions

- B. The weighting factors used in calculating contributions shall be the same as the GNI categories.
- C. Each member's catch contribution shall be based on the annual average of the catches by its flag vessels in the three most recent years for which catch data are available.
- D. In the determination of a member's utilization, 50% of the tuna loins included in the calculation

shall be attributed to the member that exported the loins and 50% to the member that imported them.

- E. 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.
- 2. The Working Group on Finance shall continue its deliberations on the funding formula in order to achieve consensus among the members of the Commission on the use of the formula for determining each member's contribution to the IATTC budget for 2012 and for the longer term.

Appendix 3h.

## INTER-AMERICAN TROPICAL TUNA COMMISSION

## 80<sup>TH</sup> MEETING

LA JOLLA, CALIFORNIA (USA) 8-12 JUNE 2009

#### PROPOSAL IATTC-80 B1

#### SUBMITTED BY THE UNITED STATES

#### RESOLUTION ON THE ADOPTION OF TRADE MEASURES TO PROMOTE COMPLIANCE

The Inter-American Tropical Tuna Commission (LATTC), meeting in [ ], on the occasion of its [ ] Meeting;	
<i>Noting</i> that the objective of the IATTC is to maintain the populations of species covered by the IATTC Convention in the eastern Pacific Ocean (EPO) at the level which will permit maximum sustainable catches;	
<i>Considering</i> the need for action to ensure the effectiveness of the measures to achieve the objectives of the IATTC;	
Considering the importance, for the achievement of those objectives, that all Parties, co-operating non-	Deleted: obligation
parties, co-operating fishing entities <u>and</u> regional economic integration organizations (collectively "CPCs") <u>take action</u> to respect IATTC conservation and management measures;	Deleted: or
Further considering the importance of having all CPCs and non-CPCs cooperate with the IATTC, in particular by taking measures or exercising effective control to ensure that their vessels do not engage in any activity that [diminishes][undermines] the effectiveness of IATTC conservation and management measures;	
<i>Recognizing</i> that positive incentives constitute an important factor for promoting compliance with fishe- ries conservation and management measures, and further recognizing the importance of market access, consistent with national legislation, for fish and fish products caught in conformity with the conservation and management measures of the IATTC;	
Aware of the need for sustained efforts by CPCs to ensure the enforcement of IATTC's conservation and management measures, and the need to encourage non- <u>CPCs</u> to abide by these measures;	, Deleted: parties
Noting that trade restrictive measures should be implemented only as a last resort, where other measures have proven unsuccessful to prevent, deter and eliminate any act or omission that [diminishes] [under- mines] the effectiveness of IATTC conservation and management measures;	
<i>Noting</i> that trade restrictive measures should be implemented in accordance with the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU);	
Also noting that trade restrictive measures <u>must</u> be adopted and implemented in accordance with interna- tional law, including the World Trade Organization (WTO) Agreement, and, to this end, must be imple- mented in a fair, transparent and non-discriminatory manner;	Deleted: Should Deleted: principles, rights and obligations established in
Resolves as follows:	Deleted: s

1. CPCs that import products of species covered by the IATTC Convention, or in whose ports those

			nation as possible on such products, and submit the following information to the Commission <u></u> re available, each year:		
		a.	names and flags of the vessels that caught and produced such products;		
		b.	species of the products;		
		c.	areas of catch (inside or outside the EPO);		
		d.	product weight by product type;		
		e.	points of export;		
		f.	names and addresses of owners of the vessels; and		
		g.	vessel registration <u>number</u> .		
	2.	a.	The Commission, through the Permanent Working Group on Compliance (Compliance Work- ing Group) or the Joint Working Group on Fishing by Non-Parties (Joint Working Group), as ap- propriate, <u>shall</u> identify each year:	(	Deleted: should
'			<ol> <li>CPCs that have failed to fulfill their obligations under the IATTC Convention in respect of IATTC conservation and management measures, in particular, by not taking measures or ex- ercising effective control to ensure compliance with IATTC conservation and management measures by vessels flying their flags; and/or</li> </ol>	1	Deleted: parties
			ii. Non- <u>CPCs</u> that have failed to take measures or exercise effective control to ensure that ves- sels flying their respective flags do not engage in any activity that <u>[undermines][diminishes]</u> the effectiveness of IATTC conservation and management measures.		Deleted: discharge their obligations under international law to co-operate with IATTC in the conservation and manage-
		b.	These identifications <u>shall</u> be based on a review of all information provided in accordance with paragraph 1 <u>and</u> any other relevant information, <u>where available</u> , such as: the catch data compiled by the Commission; trade information on these species obtained from national statistics; any		men couse value and manage- ment of species covered by the IATTC Convention, in particu- lar, by not taking
			IATTC statistical document program; the IATTC IUU Vessel List; as well as any other informa- tion obtained in ports and on fishing grounds.	100000	Deleted: exercising Deleted: the
		c.	In deciding whether to make such an identification, the Compliance Working Group or the Joint Working Group should consider all relevant matters, including the history, nature, circumstances, extent, and gravity of the act or omission that may have [diminished][undermined] the effective-ness of IATTC conservation and management measures.	Contraction of the second s	Deleted: should Deleted: or, as appropriate,
	3.	The	Commission shall ask the CPCs and non- <u>CPCs</u> identified under paragraph 2 to rectify the act or omission that led to their identification, and <u>shall</u> notify them of the following:	-{	Deleted: should
		a.	the reason(s) for the identification, with all available supporting evidence;	l	Deleted: parties
		b.	the opportunity to respond to the Commission in writing, at least 30 days prior to the <u>next</u> Annual Meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation; and		
		c.	in the case of a non- <u>CPC</u> , invite it to participate as an observer at the Annual Meeting where the issue will be considered and, as appropriate, invite it to consider becoming a cooperating non- <u>Party.</u>	(	Deleted: party
	4.	para	Cs are encouraged, jointly and individually, to ask the CPCs or non <u>-CPCs</u> identified pursuant to graph 2 to rectify the act or omission that led to their identification under paragraph 2 so as not to ninish][undermine] the effectiveness of IATTC conservation and management measures.	-{	Deleted: parties
	5.	The	Commission, through the Director, shall, by more than one means of communication, transmit	.1	Deleted: should
		the	Commission's request and notification to the identified CPC or non-CPC, and seek to obtain con-	-	Deleted: party

products are landed, should collect and examine as much import or landing data and associated in-

firmation from the CPC or the non-CPC that it received the notification.	- Deleted: party
The Compliance Working Group or the Joint Working Group shall evaluate the response of each CPC or non-CPC, together with any new information, and recommend that the Commission decide on one	Deleted: should
of the following actions to be applied to each CPC and non- <u>CPC</u> :	Deleted: party
<ul> <li>revoke its identification made pursuant to paragraph 2;</li> </ul>	
b. continue its identification made pursuant to paragraph 2; or	
c. adopt non-discriminatory trade restrictive measures.	Deleted: In the case of CPCs.
Notwithstanding the consultation requirement, the absence of a response from CPCs or non-CPCs ,	trade measures should be con-
within the time limit set forth in paragraph 3 shall not prevent action by the Commission.	sidered only when any such
	actions as the Commission may
Trade-restrictive measures shall be considered by the Compliance Working Group or the Joint Work-	take to promote compliance either have proven unsuccessful

ing Group only after efforts have been made to consult, pursuant to paragraphs 3, 4 and 5 above, and only when other actions to promote compliance that are reasonably available to the Commission have proven unsuccessful.

6.

- 7. The Commission shall notify the CPCs and non-CPCs concerned of the decision made pursuant to paragraph 6 and the underlying reasons for such a decision, in accordance with the notification procedures specified in paragraph 5.
- If the Commission decides on the action described in paragraph 6.c, it shall recommend to the CPCs, pursuant to Articles I.2 and II.5 of the IATTC Convention, to take specific non-discriminatory trade restrictive measures, consistent with their respective international obligations, including those contained in the WTO Agreement.
- CPCs shall notify the Commission of any measures that they have taken for the implementation of the non-discriminatory trade restrictive measures adopted in accordance with paragraph 8.
- 10. In order for the Commission to recommend discontinuing an identification, or the lifting of trade restrictive measures, the Compliance Working Group and/or the Joint Working Group shall review each year all trade restrictive measures adopted in accordance with paragraphs 6 and 8 and provide, as appropriate, opportunities for participation in the review by any affected CPC or non-CPC. Should this review show that the situation has been rectified, the Compliance Working Group or the Joint Working Group, as appropriate, shall recommend to the Commission discontinuing the identification or the lifting of the non-discriminatory trade restrictive measures, as appropriate. Such decisions should also take into consideration whether the CPCs and/or non-<u>CPCs</u> concerned have taken concrete measures capable of achieving a lasting improvement of the situation.
- Where exceptional circumstances so warrant, or where the available information clearly shows that, <sup>3</sup>/<sub>4</sub> despite the lifting of trade restrictive measures, a CPC or non-CPC continues to [diminish] [undermine] the effectiveness of IATTC conservation and management measures, the Commission may recommend immediate action regarding that CPC or non-CPC, including, as appropriate, recommending the re-imposition of trade restrictive measures in accordance with paragraph 8. Before making such a decision, the Commission shall ask the CPC or non-CPC concerned to immediately rectify the act or omission which the Commission has determined requires immediate action and shall provide the CPC or non-<u>CPC</u> with a reasonable opportunity to respond.
- 12. The Commission shall establish annually a list of CPCs and non-CPCs that are subject to a trade restrictive measure pursuant to paragraph 8.
- 13. The Commission recognizes the importance of market access, consistent with national legislation, for fish and fish products caught in conformity with the conservation and management measures of the IATTC, to promote compliance with such measures.

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or would not be effictive.

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in 2008, when its application shall terminate, at which time it may be renewed with the adjustments that the Parties may decide

Appendix 3i.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## **PROPOSAL C-1**

## SUBMITTED BY THE EUROPEAN UNION

## RESOLUTION ON A TROPICAL TUNAS AND SWORDFISH CATCH CERTIFICATION SCHEME

#### EXPLANATORY MEMORANDUM

This Resolution is intended to help support the implementation of conservation and management measures, improve control and data gathering as well as scientific research, for tropical tunas – yellowfin, bigeye and skipjack - and swordfish falling under the IATTC competence, considering the pressure on these stocks in the Eastern Pacific Ocean (EPO), the impact which market factors have on these resources and fisheries, and the need to control trade flows in order to combat illegal, unreported and unregulated fishing.

This Resolution also intends to rationalise the current catch documentation obligations, notably for the exporting CPCs. On one hand, the Resolution C-03-01 *concerning the IATTC Bigeye Tuna Statistical document programme* will be superseded by the adoption of this Resolution and, on the other hand, the new catch certification required can be used in the framework of the new European Union IUU Regulation. As a result of the adoption of this Resolution, it will no longer be necessary to provide documentation related to the above referred scheme.

IATTC has adopted or is in progress of doing so some conservation and management measures for the main targeted species falling under its competence. These measures aim at preserving the stocks while exploiting these in a responsible way by freezing the fishing capacity of the fleets targeting these stocks as well as minimizing the impact of illegal, unregulated and unreported (IUU) fishing in the EPO area. (Note: this sentence is not clear. Above is just a suggestion)

Flag States have the duty to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IATTC conservation and management measures. In addition, there is a need for improvement and strict control on all the components involved in tuna and tuna like species fisheries. Port States remain responsible to promote the effectiveness of management measures adopted by regional fisheries management organizations.

Moreover, there is a complementary role of importing States that also have the control of the catches caught in the IATTC area of competence to ensure compliance with IATTC Resolutions. An effective control of the movements of these catches, tracking of the product from the point of capture throughout the whole operation to its final market, has to be established.

In conformity with international law, notably as regards the World Trade Organization (WTO), and to ensure that all catches entering markets of CPCs of the Agreement establishing the IATTC area are caught in a manner that does not diminish the effectiveness of IATTC Resolutions.

In order to be consistent, notably with the management measures taken in other RFMO, and to improve the results of the IATTC conservation and management measures for the species falling under its competence, it is recommended to implement a new catch certification scheme contributing to a better management of these stocks.

## RESOLUTION ON A TROPICAL TUNAS AND SWORDFISH CATCH CERTIFICATION SCHEME

The Inter American Tropical Tuna Commission (IATTC),

RECOGNIZING the impact that market factors have on the fishery;

*CONCERNED* by the impact that illegal, unregulated and unreported (IUU) fishing has in the IATTC Convention Area;

*REITERATING* the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IATTC Resolutions;

*NOTING* the need for improved and strict control on all the components involved in tropical tunas and swordfish fisheries;

*MINDFUL* of the rights and obligations of port States to promote the effectiveness of management measures adopted by regional fisheries management organizations;

UNDERLINING the complementary role that importing States also have in the control of the catches of tropical tunas and swordfish to ensure compliance with IATTC Resolutions;

*RECOGNIZING* that in order to have effective control of the movements of tropical tunas and swordfish, strict tracking of the product from the point of capture throughout the whole operation to its final market has to be established;

*COMMITTED* to taking steps that conform with international law, notably as regards the World Trade Organization (WTO), and to ensure that tropical tunas and swordfish entering markets of Commission Members, Associate members of IATTC and non-members of IATTC is caught in IATTC Convention Area in a manner that does not diminish the effectiveness of IATTC Resolutions;

UNDERLINING that the adoption of this measure is intended to help support the implementation of Resolutions as well as scientific research for tropical tunas and swordfish stocks;

*ADOPTS*, in accordance with the provisions of Article IX, paragraph 1, of the Convention establishing the IATTC, the following:

#### PART I GENERAL PROVISIONS

- 1. Each Contracting party and Cooperating Non-Contracting party (hereafter referred to as CPCs) shall take the necessary steps to implement an IATTC Certification Scheme for the purpose of identifying the origin of tropical tunas and swordfish to which Resolutions apply.
- 2. For the purpose of this Scheme:
  - a. "Export" means:

Any movement of tropical tunas and swordfish caught in the IATTC Convention Area by a fishing vessel flying the flag of a CPC to the territory of another CPC or non-Member to the IATTC, or from the fishing grounds to the territory of a CPC which is not the flag CPC of the fishing vessel or to the territory of a non-Member to the IATTC.

b. b) "Import" means:

Any introduction, including for transhipment purposes, of tropical tunas and swordfish in their caught or processed forms into the territory of a CPC, which is not the CPC where the fishing

vessel is flagged.

c. c) "Re-export" means:

Any movement of tropical tunas and swordfish in their caught or processed forms from the territory of a CPC where it had been previously imported.

d. d) "Tropical tunas" means:

yellowfin, bigeye and skipkack tunas species.

#### PART II TROPICAL TUNAS AND SWORDFISH CATCH CERTIFICATES

- 3. Each consignment of tropical tunas and swordfish imported into or exported or re-exported from the territory of a CPC shall be accompanied by a validated tropical tunas and swordfish catch certificate (TTCC) and, as applicable, a validated tropical tunas and swordfish re-export certificate (TTRC). Any such import, export or re-export of tropical tunas and swordfish without a completed and validated TTCC or TTRC shall be prohibited.
- 4. Each CPC shall provide TTCC forms only to fishing vessels authorized to catch tropical tunas and swordfish in the IATTC Convention Area. Such forms are not transferable to another fishing vessel. Each TTCC form shall have a unique document identification number. Document numbers shall be specific to the flag CPC and assigned to the fishing vessel.
- 5. Copies of TTCC shall follow each part of split consignments or processed product, using the unique document number of the original TTCC in order to track them.
- 6. CPCs shall keep copies of documents issued and received for at least two years.
- 7. Export, import and re-export of fish parts other than the meat (i.e., heads, eyes, roes, guts and tails) shall be exempted from the requirements of this Resolution.
- 8. The fishing vessel masters, or their authorized representative, or the authorized representative of the flag CPC shall complete the TTCC, if possible electronically, by providing the required information in appropriate sections and request its validation in accordance with paragraph 10, on each occasion that they export tropical tuna and swordfish products.
- 9. A validated TTCC shall include the information identified in **Annex 1** forms attached. In cases where a section of the TTCC model does not provide enough room to completely track movement of tropical tunas and swordfish from catch to trade, the needed information section may be expanded as necessary and attached as annex. The competent authority of the CPC shall validate the annex as soon as possible, but not later than the next movement of tropical tunas and swordfish.
- 10. a. The TTCC must be validated by an authorized government official, or other authorized individual or institution, of the flag CPC of the fishing vessel.
  - b. The flag CPC shall validate the TTCC for tropical tuna products only when all the information contained in the TTCC has been established to be accurate as a result of the verification of the consignment, and only when those products comply with all relevant provisions of the Resolutions.
- 11. Where the tropical tunas and swordfish quantities caught and landed are less than 1 metric ton or three fish, the logbook or the sales note may be used as a temporary TTCC, pending the validation of the TTCC within seven days and prior to export.

#### PART IIbis – TROPICAL TUNAS AND SWORDFISH SIMPLIFIED CATCH CERTIFICATE

12. This Part shall apply to fishing vessels of CPCs with an overall length of less than 12 meters without towed gear; or with an overall length of less than 8 meters with towed gear; or

without a superstructure; or of less than measured 20 GT.

- 13. Catches from CPC fishing vessels referred to in point 12 which are only landed in the flag CPC of the vessels and which together constitute one consignment may be accompanied by a simplified catch certificate instead of the catch certificate referred to in Part II, points 3-11, of this resolution.
- 14. The simplified catch certificate shall contain all the information specified in Annex IV of this resolution and shall be validated by a public authority of the CPC with necessary powers to attest the accuracy of the information.
- 15. The validation of the simplified catch certificate shall be requested by the exporter of the consignment upon submission to the public authority of all information specified in the specimen shown in Annex IV of this resolution.

#### PART III TROPICAL TUNAS AND SWORDFISH RE-EXPORT CERTIFICATES

- 16. Each CPC shall ensure that each tropical tunas and swordfish consignment which is re-exported from its territory be accompanied by a validated TTRC.
- 17. The operator who is responsible for the re-export shall complete the TTRC by providing the required information in its appropriate sections and request its validation for the tropical tunas and swordfish consignment to be re-exported. The completed TTRC shall be accompanied by a copy of the validated TTCC relating to the tropical tuna and swordfish products previously imported.
- 18. The TTRC shall be validated by an authorized government official or authority.
- 19. The CPC shall validate the TTRC for tropical tunas and swordfish product only when:
  - a. all the information contained in the TTRC has been established to be accurate,
  - b. the validated TTCC(s) submitted in support to the TTRC had been accepted for the importation of the products declared on the TTRC,
  - c. the products to be re-exported are wholly or partly the same products on the validated TTCC(s) and
  - d. a copy of the TTCC(s) shall be attached to the validated TTRC.
- 20. The validated TTRC shall include the information identified in Annex 2 forms attached.

#### PART IV COMMUNICATION AND VERIFICATION

- 21. Each CPC shall communicate, if possible electronically, a copy of all validated TTCCs or TTRCs within fifteen working days following the date of validation, or without delay where the expected duration of the transportation should not take more than fifteen working days, to the following:
  - a. the competent authorities of the CPC where the tropical tunas and swordfish will be imported, and
  - b. the IATTC Secretariat.
- 22. The IATTC Secretariat shall extract from the validated TTCCs or communicated under paragraph 17 above the information marked with an asterisk in Annex 1 or Annex 2 forms and enter this information in a database on a password protected section of its website, as soon as practicable.

At its request, the Scientific Committee shall have access to the catch information contained in the database, except the vessel names.

23. Each CPC shall ensure that its competent authorities, or other authorized individual or institution, take steps to identify each consignment of tropical tunas and swordfish imported into or exported or re-exported from its territory and request and examine the validated TTCC(s) and related documentation of each consignment of tropical tunas and swordfish.

These competent authorities, or authorized individuals or institutions, may also examine the content of the consignment to verify the information contained in the TTCC and in related documents and, where necessary, shall carry out verifications at with the operators concerned.

- 24. If, as a result of examinations or verifications carried out pursuant to paragraph 23, a doubt arises regarding the information contained in a TTCC, the final importing CPC and the CPC whose competent authorities validated the TTCC(s) or TTRC(s) shall cooperate to resolve such doubts.
- 25. If a CPC involved in trade of tropical tunas and swordfish identifies a consignment with no TTCC or no valid TTCC, it shall notify the findings to the exporting CPC and, where known, the flag CPC.
- 26. Pending the examinations or verifications under paragraph 23 to confirm compliance of the tropical tunas and swordfish consignment with the requirements in the present Resolution and any other relevant measures adopted by IATTC, the CPC shall not grant its release for import or export.
- 27. Where a CPC, as a result of examination or verifications under paragraph 23 and in cooperation with the validating authorities concerned, determines that a TTCC or TSRC is invalid, the import, export or re-export of the tropical tunas and swordfish products concerned shall be prohibited.
- 28. The Commission shall request the non-CPCs that are involved in import, export or re-export of tropical tunas and swordfish to cooperate with the implementation of the Scheme and to provide to the Commission data obtained from such implementation.

#### PART V COMMUNICATION OF DATA

- 29. CPCs that validate TTCCs in respect of their flag fishing vessels and/or TTRCs, shall notify to the IATTC Secretariat:
  - a. the name and full address of their authorities responsible for validating and verifying TTCCs or TTRCs, and
  - b. the name, title, signature and sample impression of stamp or seal of the validating officials who are individually empowered.

This notification shall indicate the date at which this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the tropical tunas and swordfish catch certification scheme shall be communicated with the initial notification. Updated details on validating authorities, officials and national provisions shall be communicated to the IATTC Secretariat in a timely fashion.

30. The information on validating authorities and officials transmitted by notifications to the IATTC Secretariat shall be placed on a password protected page of the database on validation held by the IATTC Secretariat. The list of the CPCs having notified their validating authorities, officials and the dates of entry into force of the entitlement shall be placed on a publicly accessible website held by the IATTC Secretariat.

CPCs are encouraged to access this information to help verify the validation of TTCCs and TTRCs.

- 31. Each CPC shall notify to the IATTC Secretariat the points of contact (name and full address of the authorities) that should be informed when there are questions related to TTCCs or TTRCs.
- 32. Notification pursuant to paragraphs 25, 26 and 27 shall be sent by CPCs to the IATTC Secretariat, by electronic means, whenever possible.

33. CPCs shall provide to the IATTC Secretariat a report each year by October 1 for the period from July 1 of the preceding year to June 30 of the current year to provide the information described in Annex 3.

The IATTC Secretariat shall post these reports on a password protected section of the IATTC website, as soon as practicable. At its request, the Scientific Committee shall have access to the reports received by the IATTC Secretariat.

- 34. This Resolution will be revised during the IATTC 2012 Annual Meeting, with the view of expanding the scope of application of the IATTC Catch Certification Scheme to all tuna and tuna like species falling under the IATTC competence as well as any other elements deemed to be revised.
- 35. CPCs will also consider the implementation of an integrated electronic catch certification scheme in a view to progressively and completely replace the paper-based one.
- 36. The provisions of this recommendation enter into force on 1st January 2011
- 37. IATTC Resolution C-03-01 concerning the IATTC Bigeye tuna statistical document programme is superseded by this Resolution.

Appendix 3j.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## **PROPOSAL C-2**

## SUBMITTED BY JAPAN

## **RESOLUTION ON IATTC CATCH DOCUMENTATION SCHEME**

The Inter-American Tropical Tuna Commission (IATTC):

*Concerned* that illegal, unreported and unregulated (IUU) fisheries are still one of the factors hampering sustainable use of fishery resources;

*Recognizing* that the ICCAT Catch Documentation Scheme for Atlantic bluefin tuna is working effectively to prevent IUU products from entering the market;

*Recalling* that one of the reasons why some countries proposed to list several shark species in CITES Appendix II at the COP 15 of CITES in Doha was lack of information on sharks;

*Further recalling* that participants in the Joint Tuna RFMO workshop on Monitoring, Control and Surveillance held in Barcelona from 3 to 5 June 2010 supported the expansion of the catch documentation scheme to species other than Atlantic bluefin tuna and southern bluefin tuna;

*Recognizing* that special consideration should be given to implementation of the catch documentation scheme for sharks;

Determined to take further measures to combat IUU fisheries and collect information on catch and trade;

Resolves as follows:

#### PART I GENERAL PROVISIONS

- Each Member and Cooperating non-Member of the Commission (hereafter "CMC") shall take the necessary steps to implement an IATTC Catch Documentation Scheme for the purpose of identifying the origin of tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area to which conservation and management measures apply. Initially, the species subject to the Scheme (hereafter "the Species") shall : **Tunas**: Yellowfin tuna (*Thunnus albacares*); bigeye tuna (*Thunnus obesus*); skipjack tuna (*Katsuwonus pelamis*); albacore tuna (*Thunnus alalunga*); Pacific bluefin tuna (*Thunnus orientalis*); **Swordfish** (*Xiphias gladius*); **Sharks**: silky shark (*Carcharhinus falciformis*); oceanic whitetip shark (*Carcharhinus longimanus*); blue shark (*Prionace glauca*); porbeagle shark (*Lamna nasus*); mako sharks (*Isurus spp.*); thresher sharks (*Alopias spp.*); hammerhead sharks (*Sphyrna spp.*); and other sharks.
- 2. For the purposes of this Program:
  - a) "Export" means:

Any movement of the Species caught in the Convention Area by a fishing vessel flying the flag of a CMC to the territory of another CMC or non-Member of the IATTC, or from the fishing grounds to the territory of a CMC which is not the flag CMC of the fishing vessel or to the territory of a non-Member of the IATTC.

b) "Import" means:

Any introduction of the Species in their caught or processed forms into the territory of a CMC, which is not the CMC where the fishing vessel is flagged (flag CMC).

c) "Re-export" means:

Any movement of the Species in their caught or processed forms from the territory of a CMC to which it had been previously imported.

d) "Transshipment" means:

Any transfer of fish from vessels that have caught the fish to carrier vessels, either at sea or in port.

#### PART II CATCH DOCUMENTS

- 3. Each consignment of the Species imported into or exported or re-exported from the territory of a CMC shall be accompanied by a validated IATTC catch document (IACD) and, as applicable, a validated IATTC re-export certificate (IARC). Any such import, export or re-export of the Species without a completed and validated IACD or IARC shall be prohibited.
- 4. Each CMC shall provide IACD forms only to fishing vessels authorized to catch the Species in the Convention Area. Such forms are not transferable to another fishing vessel. Each IACD form shall have a unique document identification number. Document numbers shall be specific to the flag CMC and assigned to the fishing vessel.
- 5. Copies of IACD shall follow each part of split consignments or processed product, using the unique document number of the original IACD in order to track them.
- 6. CMCs shall keep copies of IACDs issued or received for at least two years.
- 7. Export, import and re-export of fish parts other than the meat and shark fins (i.e., heads, eyes, roes, guts, bones and tails) shall be exempted from the requirements of this Resolution. Products for hand carrying by travelers shall also be exempted from the requirements of this Resolution.
- 8. The fishing vessel masters, or their authorized representative, or the authorized representative of the flag CMC shall complete the IACD, by providing the required information in appropriate sections and request its validation for catch information and transshipment information in accordance with paragraph 10. The exporter shall complete the IACD for the trade information and request its validation in accordance with paragraph 10.
- 9. The form of the IACD shall be Annex 1. Each space may be expanded as necessary. All the annexes shall be filled in in accordance with the attached instruction sheets. CMCs are strongly encouraged to introduce electronic forms.
- 10. a) The Catch Information section, the Transshipment Information section, and the Trade information section with respect to the exported products of the IACD shall be validated respectively by an authorized government official, or other authorized individual or institution, of the flag CMC of the fishing vessel. Each section shall not be validated until the previous section is validated.
  - b) Notwithstanding paragraph a), if a fishing vessel operates in waters under the jurisdiction of another CMC (hereafter "coastal CMC"), the Catch Information section of the IACD may be validated by an authorized government official, or other authorized individual or institution, of the coastal CMC. If the catch is landed at a port within the territory of a coastal CMC, it may be treated as domestic landing of the coastal CMC, which therefore does not require completion of the Trade Information section as long as the fish stays within the coastal CMC. If the fish is exported from the coastal CMC, the Trade Information section may be validated by the coastal CMC.

- c) Notwithstanding paragraph a), if a fishing vessel operates under a charter arrangement with another CMC (hereafter "chartering CMC"), the Catch Information section of the IACD shall be validated by an authorized government official, or other authorized individual or institution, of the chartering CMC.
- d) Each section of the IACD shall be validated only when all the information contained in the section has been established to be accurate as a result of the verification of the consignment, and only when those products comply with all relevant provisions of the IATTC conservation and management measures.
- e) Validation shall not be required in the event that each fish available for sale is tagged, in accordance with paragraph 25, by the flag CMC of the fishing vessel that caught the Species. However, the IACD shall be completed and accompany the products. In the case that the Species is traded in a fresh or chilled form, a tag shall be attached to it. By the end of 2012, the IATTC shall develop an electronic tagging system in which the information can be retrieved instantly from the tag by any person with a designated scanner.
- f) The IATTC shall develop an electronic validation scheme by the end of 2012 where electronic forms are electronically validated and communicated to other CMCs and the Secretariat.
- 11. When the Species quantities caught and landed are less than one metric ton, the vessel logbook or the sales note may be used as a temporary IACD, pending the validation of the IACD within seven days and prior to export.
- 12. When the Species are caught by artisanal fishing vessels and exported, Annex 2 may be used as the IACD to aggregate landings by multiple vessels. Each space may be expanded as necessary.

#### PART III SPECIES DESTINED TO PROCESSING PLANTS

- 13. In the case that the Species is caught by purse seiners and brought to processing plants, the catch information may be validated at processing plants. Such processing plants shall be within the territory of a CMC and registered with the Commission.
- 14. Notwithstanding paragraph 10 a), validation at processing plants may be done by an authorized government official, or other authorized individual or institution of the CMC where the processing plant is situated.
- 15. Annex 3 may be used as the IACD for the Species destined to processing plants.
- 16. CMCs where the processing plants are situated shall submit an annual report to the Secretariat that describes information by plant and catching vessel including the reported weight, the validated weight and the product weight for the preceding year by June 30 of the following year. The format of the annual report is Annex 4.

#### PART IV SHARKS

- 17. When shark catch is recorded in the Catch Information section of the IACD form, both the weight and the number of the shark shall be specified, by species or species group.
- 18. When the shark bodies and fins are separated and transshipped or traded, bodies and fins shall be recorded in the Transshipment or Trade Information section of the IACD form separately.
- 19. Annex 1 shall also be used for sharks. Nevertheless, if sharks or shark fins caught and landed by different fishing vessels are aggregated, and the whole or part of the aggregated products is transacted and traded, Annex 5 may be used to record such transaction and trade. In this case, Annex 5 shall be accompanied by the copy or original of all the relevant IACDs (Annex 1).

#### PART V RE-EXPORT CERTIFICATES

- 20. Each CMC shall ensure that the Species consignment which is re-exported from its territory be accompanied by a validated IARC.
- 21. The operator who is responsible for the re-export shall complete the IARC by providing the required information in its appropriate sections and request its validation for the Species consignment to be re-exported. The completed IARC shall be accompanied by a copy of the validated IACD relating to the Species products previously imported.
- 22. The IARC shall be validated by an authorized government official, or other authorized individual or institution.
- 23. The CMC shall validate the IARC for the Species product only when:
  - a) all the information contained in the IARC has been established to be accurate,
  - b) the validated IACD(s) submitted in support to the IARC had been accepted for the importation of the products declared on the IARC,
  - c) the products to be re-exported are wholly or partly the same products on the validated IACD(s) and
  - d) a copy of the IACD(s) shall be attached to the validated IARC.

24. The form of the IARC shall be Annex 6. Each space may be expanded as necessary.

#### PART VI TAGGING

- 25. In the case that each fish available for sale is tagged, the flag CMCs shall require their fishing vessels to affix a tag to each fish no later than the time of landing or transshipping. Tags shall have unique country-specific numbers and be tamper-proof. The fishing vessel masters, or their authorized representative, or the authorized representative of the flag CMC shall complete Annex 7 to be attached to Annex 1 and indicate the total by species in the Catch Information Section of Annex 1. A summary of the implementation of the tagging program shall be submitted to the Secretariat by the CMC.
- 26. When sharks are separated into bodies and fins on board the catching vessels and tagged, bodies and fins shall be tagged, respectively. CMCs that implement tagging for sharks shall develop special tags which shall allow matching of bodies and fins from the same individuals.

#### PART VII COMMUNICATION AND VERIFICATION

- 27. Each CMC shall communicate electronically to the Secretariat a copy of all validated IACDs or IARCs within five working days following the date of validation, or without delay where the expected duration of the transportation should not be more than five working days. In the case of tagging, each CMC shall communicate electronically a copy of all IACDs including **Annex 7** as soon as possible to the Secretariat.
- 28. The Secretariat shall extract from the IACDs or IARCs communicated under paragraph 27 above the information marked with an asterisk in **Annex 1** through **7** and enter this information in a database on a password protected section of its website, as soon as practicable. At its request, the Scientific Advisory Committee shall have access to the catch information contained in the database, except the vessel names.
- 29. Each CMC shall ensure that its competent authorities, or other authorized individual or institution,

take steps to identify each consignment of the Species imported into or exported or re-exported from its territory and request and examine the validated IACD(s) and related documentation of each consignment of the Species. These competent authorities, or authorized individuals or institutions, may also examine the content of the consignment to verify the information contained in the IACD and in related documents and, where necessary, shall carry out verifications with the operators concerned.

- 30. If, as a result of examinations or verifications carried out pursuant to paragraph 29, a doubt arises regarding the information contained in a IACD, the importing CMC and the CMC whose competent authorities validated the IACD(s) or IARC(s) shall cooperate to resolve such doubts.
- 31. If a CMC involved in trade of the Species identifies a consignment with no IACD or no valid IACD, it shall notify the findings to the exporting CMC and, where known, the flag CMC.
- 32. Pending the examinations or verifications under paragraph 29 to confirm compliance of the Species consignment with the requirements in the present Resolution and any other relevant measures adopted by IATTC, the CMC shall not grant its release for import or export.
- 33. When a CMC, as a result of examination or verifications under paragraph 29 and in cooperation with the validating authorities concerned, determines that an IACD or IARC is invalid, the import, export or re-export of the Species products concerned shall be prohibited.
- 34. The Commission shall request the non-CMCs that are involved in import, export or re-export of the Species to cooperate with the implementation of the Scheme to provide to the Commission data obtained from such implementation.

#### PART VIII COMMUNICATION OF DATA

- 35. CMCs that validate IACDs in respect of their flag fishing vessels and/or IARCs, shall notify to the Secretariat:
  - a) the name and full address of their authorities responsible for validating and verifying IACDs or IARCs, and
  - b) the name, title, and signature of the validating officials who are individually empowered. This notification shall indicate the date at which this title comes into force. A copy of the provisions adopted in national law for the purpose of implementing the catch documentation program shall be communicated with the initial notification. Updated details on validating authorities, officials and national provisions shall be communicated to the Secretariat in a timely fashion.
- 36. The information on validating authorities and officials transmitted by notifications to the Secretariat shall be placed on a password protected section of its website held by the Secretariat. The list of the CMCs having notified their validating authorities and officials, and the dates of entry into force of the title, shall be placed on a publicly accessible website held by the Secretariat. CMCs are encouraged to access this information to help verify the validation of IACDs and IARCs.
- 37. Each CMC shall notify to the Secretariat the points of contact (name and e-mail address) that should be informed when there are questions related to IACDs or IARCs.
- 38. Notification pursuant to paragraphs 35, 36 and 37 shall be sent by CMCs to the Secretariat, by electronic means.
- 39. CMCs shall provide to the Secretariat a report each year by April 1 for the preceding year to provide the information described in **Annex 8**. The Secretariat shall post these reports on a password protected section of the website, as soon as practicable. At its request, the Scientific Advisory Committee shall have access to the reports received by the Secretariat.

#### PART IX OTHERS

- 40. This Resolution shall enter into force on January 1, 2012. The Commission will hold a preparatory workshop in 2011.
- 41. This Resolution will be reviewed and revised if necessary in 2013 with the view to expanding the scope of application of the Catch Documentation Scheme to species other than the Species as well as any other elements deemed to be revised. Such expansion of the scope shall take into account scientific advice from the Scientific Advisory Committee.

Resolution C-03-01 (Resolution on IATTC Bigeye Tuna Statistical Document Programme) is superseded by this Resolution.

Appendix 3k.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 80<sup>TH</sup> MEETING

LA JOLLA, CALIFORNIA (USA) 8-12 JUNE 2009

#### PROPOSAL IATTC-80 A1-A

## SUBMITTED BY THE UNITED STATES

RESOLUTION TO ESTABLISH A LIST OF VESSELS, THAT HAVE ENGAGED IN ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN

The Inter-American Tropical Tuna Commission (LATTC):

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), which 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 the participation of the parties involved;

Resolves as follows:

#### Identification of IUU Activities

 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.

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lating 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<sup>1</sup> for species covered by the IATTC Convention

2. This identific1ation shall be suitably documented, based on, inter alia, reports from CPCs re-

- 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:
  - Are not on the IATTC Regional Vessel Register, or

[Harvest species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations [3]

[Engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters over which the existence of a CPC's sovereignty is recognized by all CPCs. orl

- 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
- Use prohibited fishing gear or fishing methods, or e.
- f. Transship with [, participate in joint fishing operations with, support, or resupply] vessels included in the IUU Vessel List, or

[Transship with vessels included in the IUU Vessel List, or a vessel not included on the relevant vessel registers of the IATTC, the Western and Central Pacific Fisheries Commission (WCPFC). the Indian Ocean Tuna Commission (IOTC); or]

- [Conduct transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of the WCPFC or the IOTC, or]
- Are without nationality, or h
- Engage in fishing activities that [undermine] [diminish] the provisions of the Convention or any i other IATTC conservation and management measures, or
- [Are under the control of the owner or operator of any vessel on the IUU Vessel List.]
- 4. [A CPC that discovers any vessel presumably engaged in IUU fishing activities in the Convention. Area shall make efforts to advise and provide suitably documented information to the pertinent flag State, if known. The flag State shall promptly acknowledge receipt of the notification and initiate investigations of the alleged activities. After the investigation is completed, the flag State shall transmit a report of the investigation of the alleged case to the reporting CPC, with a copy to the Director.]
- 5. 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 of the vessel, if known.

#### Draft IUU Vessel List

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<sup>&</sup>lt;sup>1</sup> Fishing, as included here, shall also pertain to activites of carrier and bunker vessels operating in the IATTC Convention Area.

<sup>[&</sup>lt;sup>3</sup> Reference to the FAO IUU IPOA at para 3.1.1. This provision is not intended to prejudice the rights or obligations of any CPC with regard to matters or claims under international law of maritime jurisdiction or boundaries, or disputes related thereto.]

- 6. On the basis of the information received pursuant to paragraph 5 above, or other information as described in this paragraph, the Director shall draw up a Draft IUU Vessel List with the list of potential IUU vessels received per paragraph 5. The Director shall also automatically include on this Draft IUU Vessel List any vessel, which during the current or previous 2 years fished in the Convention Area in a manner that meets the criteria established in paragraph 3 of this resolution. At least 90 days before the Annual Meeting of the Commission, the Director 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.
- 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;
  - f. Length overall;
  - g. Lloyds Register Fairplay (LRF) number;
  - h. Photographs;
  - i. Date first included on the List; and
  - 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.
- 8. 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 to 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.
- 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 the Draft List, and of the consequences <u>should they</u> <u>be included in the IATTC</u>IUU Vessel List to be adopted by the Commission at its Annual Meeting.
- 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.
- 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 <u>pursuant to paragraph 15.</u>
- 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 reregard for the reference of the CPCs.
- The 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.

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regulations of a State when fishing in waters under the jurisdiction of that State,]

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#### Provisional IUU Vessel List

- 14. At its annual meeting, the [appropriate IATTC Working Group] [IATTC Permanent Working Group on <u>Compliance</u>] (Working Group) shall examine the Draft IUU Vessel List, which includes, 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. The Working Group shall also make recommendations to the Commission regarding any vessels that should be removed from the current IUU Vessel List after review of any information provided to the Director pursuant to paragraph 23 of this resolution.
- 15. The Working Group shall not include in the Provisional IUU Vessel List any vessel that is not on the current IUU Vessel List if the vessel's flag State has demonstrated that:
  - a. The vessel fished in a manner consistent with IATTC conservation and management measures [or the laws and regulations of a State when fishing in waters under the jurisdiction of that State], or have fished exclusively for species not covered by the IATTC Convention, or
  - 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, or
  - d. 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.
- The Working Group shall not include a vessel on the Provisional IUU List if the notification provisions of paragraph 4 and 5 were not followed.
- Following the examination referred to in paragraph 14, the Working Group shall submit the Provisional IATTC IUU Vessel List to the Commission for its consideration.

#### New IUU Vessel List

- 18. 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 that List and any recommendations to amend the current IUU Vessel List 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 <u>suitably documented</u> information <u>described</u> in paragraph 23 of this resolution. <u>Any objection to the removal of a vessel from the IUU Vessel List should be based on the listing criteria in paragraph 3 and the information provided pursuant to paragraph 23.</u>
- Upon adopting the new IUU Vessel List, the Commission shall request CPCs and non-CPCs with vessels on the IUU Vessel List to:
  - 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.
- 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

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not participate in any transshipment or joint fishing operations with, support, or resupply, vessels on the 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;
- Prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IUU Vessel List;
- 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.
- 21. 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.
- 22. 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

- 23. CPCs and non-CPCs with a vessel on the IUU Vessel List may request the removal of the vessel from the list at any time, including 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<u>or</u>
  - d. the vessel no longer exists.

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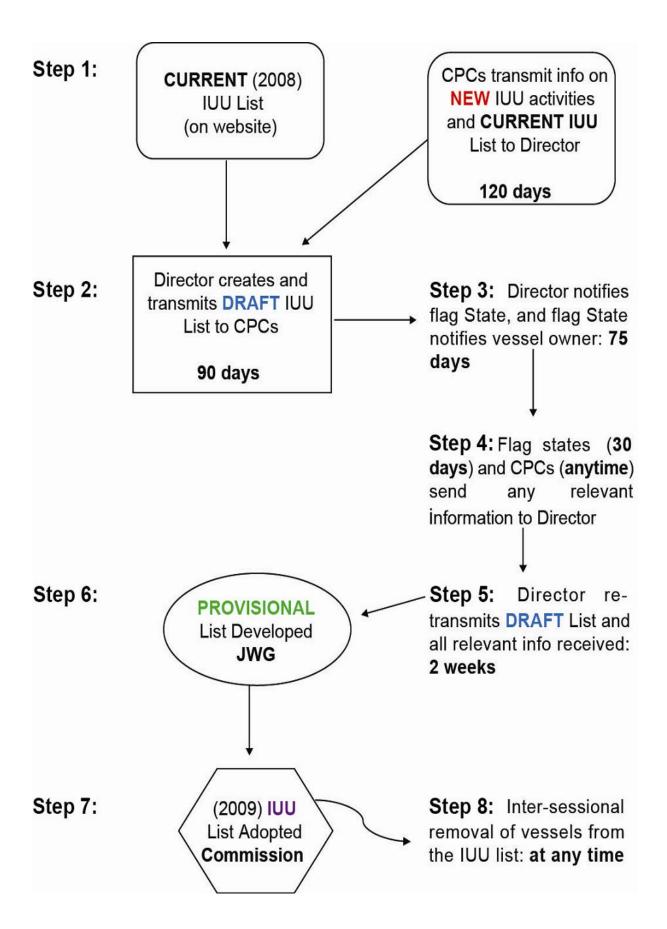
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- 24. The Director will transmit the removal request, with all the supporting information, to the CPCs within 15 days following the receipt of the removal request. CPCs shall promptly acknowledge receipt of the removal request and may, at that time, 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, to the extent practicable, shall use additional means available to ensure that the request has been received.
- 25. Commission decisions on a request to remove a vessel during an inter-sessional 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 therefore, regarding the removal of the vessel within 30 days following the notification by the Director. Lack of response from a CPC by the 30-day deadline shall be considered acceptance of the request to remove the vessel.
- 26. 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.
- 27. 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.
- 28. All information provided to the Working Group shall be subject to the confidentiality rules of the IATTC.
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- 30. This resolution shall be subject to review, and as appropriate, revised.
- 31. This resolution replaces Resolution C-05-07.



	Before An- nual Meeting	Action to be taken	Paragraph
STE P 1	120 days	CPCs transmit to the DIRECTOR information on <b>NEW</b> (2007-2008) IUU activities, and noti- fy the relevant flag States	5
STE P 2	90 days	DIRECTOR creates the <b>DRAFT</b> IUU List, based on the <b>CURRENT</b> IUU List and <b>NEW</b> vessels, and transmits it to all CPCs and to those non-CPCs with vessels on the List	6, 7
STE	75 days	(a) DIRECTOR notifies relevant flag States	8
P 3		(b) FLAG STATES notify vessel owners	9
STE	30 days	(a) FLAG STATES transmit to the DIRECTOR information in defense their vessels' activi- ties	11
P 4	At any time	(b) CPCs transmit to the DIRECTOR any additional information related to the vessels on the DRAFT List	12
STE P 5	2 weeks	The DIRECTOR re-circulates the <b>DRAFT</b> List, with all the information received, to all CPCs and to those non-CPCs with vessels on the <b>DRAFT</b> List	13
	Joint Working Group	(a) Reviews the DRAFT List and all the information received	14
STE P 6		<ul> <li>(b) Creates the <b>PROVISIONAL</b> List</li> <li>1. Recommends which vessels on the <b>CURRENT</b> List should be removed</li> <li>2. Recommends which <b>NEW</b> vessels should be retained</li> </ul>	14 14-16
	Commission	(a) Reviews the PROVISIONAL List and all the information received	18
STE P 7		(b) Amends the PROVISIONAL List, as appropriate	18, 23
		(c) Adopts a new IUU List (for 2009)	18
	Between meetings	DIRECTOR receives request for vessel removal and all supporting information	23
STE P 8		<b>15 days</b> from receipt of request: DIRECTOR transmits request and all supporting infor- mation to CPCs	24
		30 days from receipt of request: CPCs respond with rationale for position	25

Appendix 3l.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## **PROPOSAL K-1**

## SUBMITTED BY BELIZE, COSTA RICA, EL SALVADOR, GUATEMALA, NICARAGUA AND PANAMA

Proposal IATTC A1-A was presented by the United States at the 80th meeting of the Commission in June 2009. The present proposal would modify paragraphs 2 and 3 of the section *Identification of IUU Activities*, and also the last two paragraphs of that proposal.

## RESOLUTION TO ESTABLISH A LIST OF VESSELS THAT HAVE ENGAGED IN ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN

#### 1. ....

- 2. This identification shall be <u>based</u>, with clear, precise and consistent, inter alia, on reports from CMCs relating to IATTC measures in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, and other national or international verifiable statistics, as well as any other <u>suitably documented</u> information obtained from Port States and/or gathered from the fishing grounds. Information from CMCs should be provided in the format approved by the Commission.
- For the purposes of this resolution, vessels fishing<sup>1</sup> for species covered by the IATTC Convention are presumed to have carried out IUU fishing activities within the Convention Area, when a CPC presents evidence that such vessels have engaged in the activities set forth in any of the following paragraphs:
  - a. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations and whose catches have not been reported, or have been reported inaccurately, to the competent national authority, in contravention of national laws and regulations.
  - b. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations and whose activities have been carried out in the zone of competence of the IATTC, have not been reported, or have been reported inaccurately, in contravention of the reporting procedures of the Commission.
  - c. Carried out by national or foreign vessels. or vessels without nationality, in waters under the jurisdiction of a State or fishing entity, in the zone of application of the IATTC when the flag State or fishing entity in which they are registered, is not a CMC of the IATTC, in a manner which is not consistent with or is in contravention of the conservation and management meas-

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<sup>&</sup>lt;sup>1</sup> Fishing, as included here, shall also pertain to activites of carrier and bunker vessels operating in the IATTC Convention Area.

measures of the IATTC.

- d. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations in zones or in relation to fish stocks for which there are no applicable conservation or management measures and in which such fishing activities are carried out in a manner which is not consistent with responsibilities regarding the conservation of living marine resources that concern the State or fishing entity, by virtue of international law.
- e. Carried out by vessels that fly the flag of a CMC of the IATTC, but fish in contravention of conservation and management measures adopted by the IATTC and by virtue of which the CMCs are bound, or the pertinent provisions of applicable international law and that have not been reported or have been reported inaccurately, to the competent national authority, in contravention of national laws and regulations.
- f. Carried out by vessels that fly the flag of a CMC of the IATTC, but fish in contravention of conservation and management measures adopted by the IATTC and by virtue of which the CMCs are bound, or the pertinent provisions of applicable international law and carried out in the zone of competence of the IATTC, that have not been reported or have been reported inaccurately, in contravention of the reporting procedures of the IATTC.
- g. Carried out in violation of national laws or international obligations, contracted by the CMC of the IATTC and that have not been reported or have been reported inaccurately, to the competent national authority, in contravention of national laws and regulations.
- h. Carried out in violation of national laws or international obligations contracted by the CMC of the IATTC and that have not been reported or have been reported inaccurately, in contravention of the reporting procedures of the IATTC.
- i. Carried out in violation of national laws or international obligations contracted by the CMC of the IATTC and in zones or in relation to fish stocks for which there are no applicable conservation or management measures and in which such fishing activities are carried out in a manner which is not consistent with responsibilities regarding the conservation of living marine resources that concern the State or fishing entity, by virtue of international law.

4.

#### Final clauses

- 30. This resolution shall apply to all fishing vessels over 22 meters length overall.
- 31. This resolution replaces Resolution C-05-07.

Appendix 3m.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 80<sup>TH</sup> MEETING

LA JOLLA, CALIFORNIA (USA) 8-12 JUNE 2009

#### PROPOSAL H-1

## PRESENTED BY COSTA RICA, EL SALVADOR, GUATEMALA, MEXICO, NICARAGUA, PANAMA, AND VENEZUELA

# 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 to 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, with the goal of improving its effectiveness and efficiency in fulfilling its mandates.
- 2. This review shall be carried out on the basis of the criteria in Annex A taking into account all the programs and activities under the IATTC's responsibility and the relevant international agreements, and instruments related to the conservation and management of fisheries resources.
- 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 two/three representatives of IATTC Parties, a member of the Secretariat, and three external experts with suitable experience in fisheries science, in the management of fisheries resources, and in the legal regulation of fisheries, respectively.

The external experts shall be internationally recognized, and shall have experience in, and knowledge on, matters for which the IATTC has responsibility. The members of the Panel should be nationals of the member countries with representations of four identified regions: North, Central and South America, and distant water fishing nations, with knowledge in fisheries management and international fisheries organizations, especially in IATTC's programs and activities.

4. The Review Panel Chairperson shall be a member of the Panel, elected by its members. The Panel may adopt its own rules of procedure and any guideline to perform its work as the members may deem necessary.

- 5. In order to integrate the Panel, the IATTC Secretariat shall prepare a list of 10 candidates each for both the experts and country representatives, which shall be sent to the Parties through email so they can indicate their respective preferences. The persons that receive the most votes will be selected to integrate the Panel. Member countries may submit the name of a prospective panelist.
- 6. 4. The Panel shall assess in its final report, the efficiency status of the organization, it shall identify the circumstances which implied such efficiency level and will provide to the Commission with the advice on tools, strategies and main actions to improve the level of efficiency assessed.
- 7. In reviewing the performance of the Commission and formulating its recommendations the Panel take into consideration the implications of the entering into force of the Antigua Convention
- 8. 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.
- 9. 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.
- 10. 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 IATTC Parties and observers, and publish them on the Commission's website. The Parties may then make their respective observations.
- 11. 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

		-	eviewing the performance of the Commission
	AREA	General Crite-	Detailed Criteria
1	Collection, analysis, and scientific eval- uation of in- formation (da- ta)	ria Data collection and sharing	<ul> <li>Extent to which the IATTC has agreed formats, specifications and timeframes for data submissions.</li> <li>Extent to which the Parties 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>Extent to which the data collected by the Commission complies with the stock assessment needs</li> <li>Degree to which the financial resources allocated to here allocated to here allocated to here.</li> </ul>
		Living marine resources	<ul> <li>data collection are appropriate</li> <li>Availability of resources for such data collection.</li> <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> </ul>
		Quality and provision of scientific advice	<ul> <li>Trends in the status of those species.</li> <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>Extent to which IATTC has developed capacity and infrastructure for carrying out in depth scientific analyses.</li> </ul>
2	Adoption of conservation and manage- ment measures	Basis and effi- ciency of measures adopted	<ul> <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 and ecosystem</li> </ul>

· · · · · · · · · · · · · · · · · · ·	
Image: Capacity managementCapacity managementCapacity managementImage: Capacity managementCapacity managementExtent to conserve	ations are applied including the application of pre- ry reference points. which the IATTC has adopted and is implementing rebuilding plans for depleted or overfished stocks. which the IATTC has moved toward the adoption rvation and management measures for previously ted fisheries resources (?) which IATTC has taken due account of the need to marine biological diversity and minimize harmful of fishing on living marine resources and marine ms. which fishing gear and methods are selective, min- scards and catches of juveniles, and are harmless to ne environment which the IATTC has adopted measures to the pollution, waste, discards, catch by lost, need or unutilized fishing gear, catch of non- pecies, both fish and non-fish species, and im- associated or dependent species, in particular pered species which the marking of fishing gear, in accord- th the Code of Conduct for Responsible Fish- been attempted which the IATTC has identified fishing capacity ormensurate with long-term sustainability and opti- lization of relevant fisheries. o which the IATTC has taken actions to prevent
or elimi	nate excess fishing capacity and effort.
tions and oppor- tunities lowable to accour participa and takin duct for tional ins • Extent to	o which the IATTC agrees on the allocation of al- catch or levels of fishing effort, including taking in- nt requests for participation from new members or ints in accordance with the status of the resources ing into consideration article 5 of the Code of Con- Responsible Fishing and other applicable interna- struments.
	which IATTC Parties are fulfilling their duties as
and enforce- ties flag State ment to decision	es under the treaty establishing the IATTC pursuant ons and measures adopted by IATTC and under oth- able international instruments.
measures sary meason of its me • Extent to	b) which the IATTC has adopted pertinent and neces- sures relating to the exercise of the rights and duties embers as port States. b) which Port State measures adopted by IATTC are ally implemented taking into consideration the logis-
	burce capacity available in Developing States
Monitoring, • Extent to	

		control and sur-	measures (e.g., required use of VMS, observers, certification
		veillance	and catch documentation and trade tracking schemes, re-
		(MCS) *	strictions on transshipment)
			• Extent to which MCS measures are effectively imple-
			mented.
			• Extent to which these systems contribute to the objec-
			tives for which they were created, including, VMS, and
			the tuna tracking and certification scheme.
		Cooperative	• Extent to which the IATTC has established adequate cooper-
		mechanisms to	ative mechanisms to both monitor compliance and detect and
		detect and deter	deter non-compliance (e.g., compliance committees, vessel
		non-compliance	lists, sharing of information about non-compliance).
			• Extent to which the IATTC, its Parties and cooperating non-
			members monitor and follow up on infractions of manage- ment measures
			• Extent to which these mechanisms are being effectively uti-
			lized
			• Extent to which there is reciprocity with other organizations
			and other states for the exchange of pertinent information
		Trade, market	• Extent to which the IATTC has adopted measures relating to
		Access related	the exercise of the rights and duties of its members as market
		measures and	States
		Sustainability	• [Extent to which the adoption of trade related measures by
		-	the IATTC, has contributed to the effective implementation
			of provisions of the IATTC Convention and conservation
			and management related measures adopted by the Commis-
			sion and its Programs, including the AIDCP,, in accordance with the applicable provisions of the Commission and con-
			sistent with the contents of section 11.2 of the Code of Con-
			duct for Responsible Fishing, including paragraphs 11.2.4,
			11.2.5 and 11.2.6.
			• Extent to which these trade-related measures are effectively
			implemented
			• Extent to which market access is restricted by members to
			the entry of fisheries products for which the IATTC has re-
			sponsibility and that have been captured in a manner either
			consistently or inconsistent with the conservation and man- agement measures adopted by the Commission or those of
			the AIDCP, in accordance with the WTO.
4	Functioning of	Decision-	• Extent to which IATTC has transparent and consistent deci-
	the Organiza-	making	sion-making procedures that facilitate the adoption of con-
	tion	6	servation and management measures in a timely and effec-
			tive manner
			• Extent to which the decision-making procedures are effec-
			tive and are a factor in the development and adoption of con-
			servation measures
		Transparency	• Extent to which the IATTC is operating in a transparent
			manner, including the participation of NGOs with experi-
			ence in fisheries resource conservation and management.
			• Extent to which the IATTC's decisions, reports of meetings,

5	International	Dispute settle- ment Relationship to	<ul> <li>the scientific advice on which decisions are taken, and other relevant materials are made available to the public in a timely manner</li> <li>Extent to which the IATTC has established adequate mechanisms for resolving disputes.</li> <li>Extent to which the IATTC facilitates cooperation between</li> </ul>
	cooperation	cooperating non-members	the Parties and non-members, including through the adoption and implementation of procedures for granting cooperating status.
		Relationship to non-cooperating non-members	• Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.
		Cooperation with other RFMOs	• Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
		Special re- quirements of developing States	<ul> <li>Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with fishing allocations or opportunities and the development of their capability effectively participate in the scientific assessments made within the framework of the IATTC, and their ability to participate in relevant meetings</li> <li>Extent to which IATTC Parties, individually or through the IATTC, provide relevant assistance to developing States</li> </ul>
6	Financial and administrative issues	Availability of resources for IATTC activi- ties	<ul> <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 IATTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</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 3n.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## **PROPOSAL D-1-A**

## SUBMITTED BY THE EUROPEAN UNION

## RESOLUTION FOR THE ESTABLISHMENT OF A LIST OF ACTIVE LONGLINE VESSELS IN THE CONVENTION AREA

The Inter-American Tropical Tuna Commission (IATTC):

*Affirming* the importance of ensuring that all vessels fishing in the Convention Area comply with the conservation and management measures agreed by its member governments;

*Inspired* by the principles of the Code of Conduct for Responsible Fisheries and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;

*Aware* of the need to have pertinent information relative to the operations of vessels fishing in the eastern Pacific Ocean (EPO);

Adopts, in accordance with the Antigua Convention, the following Resolution:

- 1. Members and cooperating non-members shall notify to the IATTC Secretariat, by 31<sup>st</sup> May 2011, and by the same date each year thereafter, the list of longline vessels, by gear type, greater than 22 meters length overall and their respective overall capacity, expressed in gross tonnage (GT), that actually fished in the Convention Area during the previous year;
- 2. When notifying the Secretariat in accordance with paragraph 1, the members and cooperating nonmembers shall confirm that they have verified the effective presence and fishing activities of these vessels in the Convention Area for the concerned year, through their VMS records, catch reports, port calls, or by other means. The staff shall have access to such information upon request.
- 3. The Secretariat will establish a list of active longline vessels, will publish on the Commission website and will keep it regularly updated.

Appendix 3o.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## PROPOSAL L-1

## SUBMITTED BY BELICE, COLOMBIA, COSTA RICA, EL SALVADOR, GUATEMALA, NICARAGUA AND PANAMA

## STRENGTHENING OF THE CONSERVATION AND MANAGEMENT OF SHARKS IN THE EASTERN PACIFIC OCEAN

The Inter-American Tropical Tuna Commission (IATTC):

*Recalling* that the United Nations Food and Agriculture Organization International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks;

*Considering* that many sharks are part of pelagic ecosystems in the Convention Area, and that sharks are captured in fisheries targeting tunas and tuna-like species;

*Recognizing* the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of species of sharks that are a part of both of targeted fishing and bycatch, as part of shark conservation and management of these resources;

*Considering* that an extensive unregulated shark fishery is reported to be conducted in the Convention Area by a large number of shark-fishing vessels, including some slightly smaller than 24 meters length overall, about which the Commission has little information;

*Noting* that the IATTC has adopted, in its Consolidated Resolution on Bycatch, a requirement for fishermen on purse-seine vessels to release unharmed non-target species, to the extent practicable, including sharks, and that governments with longline fleets also provide the required bycatch information as soon as possible;

*Noting* that the IATTC has adopted, in its Resolution C-05-03, a scheme for bringing aboard sharks caught by purse-seine and longline vessels in the Convention Area, which promotes compliance with the IPOA-Sharks and establishes a percentage limit for fins that vessels are allowed to have on board up to the first point of unloading.

*Recognizing* that it has been promoted in recent years that all sharks unloaded reach the first point of unloading with fins attached with a partial cut, as a mechanism that will guarantee without any doubt the eradication of finning;

*Believing* that specific measures to be respected by vessels of all fishing gears are necessary for the conservation of sharks in the Convention Area;

Resolves as follows:

1. Each member and cooperating non-member should establish and implement a National Plan of Action for the Conservation and management of shark stocks, in accordance with the FAO

International Plan of Action for the Conservation and Management of Sharks.

- 2. In 2011, the IATTC, in cooperation with scientists of members and cooperating non-members and, if possible, the Western and Central Pacific Fisheries Commission, shall provide preliminary advice on the stock status of key shark species and propose a research plan for a comprehensive assessments of these stocks.
- 3. When fishing for sharks is authorized, members shall take the measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing.
- 4. Unloading of shark fins is allowed only if they are naturally attached to the carcass, with partial cuts in the fins that allow efficient bleeding and suitable storage for entire utilization of the body, without separating the fins from the body completely, to guarantee that these products do not result from finning.
- 5. Alternatively, when the particular circumstances of a member or cooperating non-member make it necessary, it will be permissible to separate the fins from the carcasses, provided that the weight of the fins does not exceed 5% of the weight of the carcasses of sharks aboard, up to the first point of landing. Members and cooperating non-members are encouraged to gradually replace this 5% method by that of naturally-attached fins described in paragraph 4 above. In the meantime, those members and cooperating non-members that continue to use de 5% method shall take the measures necessary to ensure compliance with that ratio through certification, monitoring by observers, or other appropriate measures.
- 6. Members and cooperating non-members that cannot implement paragraph 4 shall inform the IATTC Secretariat as soon as possible of the time it will take to implement it.
- 7. It is prohibited for fishing vessels to retain on board, transship, land or trade in any fins harvested in contravention of this Resolution.
- 8. In fisheries for tunas and tuna-like species that are not directed at sharks, members and cooperating non-members shall encourage their fishermen, to the extent practicable, to release live sharks that are caught incidentally and are not used for food and/or subsistence, with special attention to juveniles.
- 9. Members and cooperating non-members shall discourage the use of juvenile sharks as a fisheries product for trade, food, and/or subsistence.
- 10. Members and cooperating non-members are encouraged, where possible, to conduct research to identify shark nursery areas, with the objective of supporting correct management of these areas.
- 11. The Commission shall consider the technical and financial assistance that should be given to developing members and cooperating non-members for the collection of data on their shark catches.
- 12. Each member and cooperating non-member shall annually report data on catches, effort by gear type, landings, where possible, in accordance with IATTC reporting procedures, including available historical data. Members and cooperating non-members shall send to the IATTC Secretariat, by 1 May at the latest, a comprehensive annual report of the implementation of this Resolution during the previous year.
- 13. This resolution replaces Resolution C-05-03.

Appendix 3p.

#### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 81<sup>ST</sup> MEETING

ANTIGUA (GUATEMALA) 27 SEPTEMBER – 1 OCTOBER 2010

## **PROPOSAL M-1-A**

## SUBMITTED BY THE EUROPEAN UNION AND THE UNITED STATES

## RESOLUTION ON THE ELECTION OF THE CHAIR AND VICE-CHAIR OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

The Inter-American Tropical Tuna Commission (IATTC):

*Taking into account* Article I(7) of the Convention for the Establishment of an Inter-American Tropical Tuna Commission and Article VIII(5) of the Antigua Convention, which establish the obligation to elect a Chair of the Commission;

*Recognizing* the need for the effective and smooth functioning of the Commission during its meetings, as well as between them;

Resolves the following:

- 1. Beginning with the 82<sup>nd</sup> meeting of the Inter-American Tropical Tuna Commission, the Commission shall elect individuals to serve as Chair and Vice-Chair for a period of one year. If the Commission cannot elect a Chair or Vice-Chair, the host member shall provide a Chair and the previous host member shall provide a Vice-Chair;
- 2. If the Chair is unable to carry out its functions at any time, the Vice Chair shall act as Chair until such time as the Chair is able resume carrying out its functions or a new Chair is elected;
- 3. After an initial one year term, the Chair and Vice-Chair shall be re-elected for an additional period of one year unless they are no longer able to carry out their respective functions or an objection is raised by a Member of the Commission.

#### Appendix 4a.

#### STATEMENT OF THE DELEGATION OF THE REPUBLIC OF GUATEMALA AT THE 81<sup>ST</sup> MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Guatemala addresses the 81<sup>st</sup> Meeting of the Inter-American Tropical Tuna Commission held in this city of Antigua, to express again its discontent and disappointment at the continuation of the lamentable matter of the 3,762 cubic meters of well volume of which, in a manner contrary to its wishes, attempts have been made to deprive it since the end of 2003.

On the occasion of the meeting of this assembly, for the first time, under the aegis of the Antigua Convention, it is imperative to approve this matter that the Commission has pending with this and other issues of the capacity of the purse-seine fleet.

In this new legal framework, a light of hope is turned on to find an appropriate solution under the mechanism for the resolution of disputes contemplated in article XXV of the Convention that has recently entered into force. This delegation is aware that these events antedate the date on which this rule can be applied, but these are current problems, which with goodwill and real intentions, this matter can be directed in a manner consistent with the solutions that we ourselves have included in this instrument. Of course no option of domestic Law nor International Law is discarded.

Unlike other actors, Guatemala has abstained from replacing that volume with new vessels, from outside the Commission's Regional Vessel Register, in observance of its commitments within the organization. It is worrying that others have followed a different path, although, leaving aside strict legal considerations, the frustration and unease that is produced by seeing one's rights violated and without having a clear horizon for reaching a solution are understood.

The assets of Guatemala are not renounced nor can they be transferred without its consent. Those who have them do not strenghen any right by the passage of time in these conditions. With this statement those rights are claimed, since they were expressly recognized to Guatemala by Resolutions of the Commission that date back to 1998, y we are not aware of any other legal effect that claims otherwise.

This statement is made to bring about the consquente international effects, of permanent, constant and sustained opposition to the not agreed transfer of those 3,762 cubic meters of well volume belonging to the State of Guatemala.

In Antigua, Guatemala, thirtieth of September of two thousand and ten.

#### Appendix 4b.

## STATEMENT OF THE CHINESE DELEGATION AT THE 81<sup>ST</sup> MEETING OF THE IATTC

Madam Chair,

As a contracting party of the Convention and new member of the Commission, Chinese delegation, together with all other delegates, has been invited to make joint efforts and push forward the goals of the Antigua Convention. Unfortunately, some unsettled issues prevent Chinese delegation from devoting ourselves to cooperation.

The Antigua Convention says that the member of the Commission include contracting party member and fishing entity member, who has different legal status under the Convention. Chinese delegation claims that the sitting arrangement of the plenary and listing of participants in relevant documents of the Commission, as well as the website etc., shall comply with the Convention, that is to say first contracting party members then fishing entity members. China believes that such claim clearly reflects the distinction of contracting party members and fishing entity members in their legal status as specified in the Antigua Convention, and is exactly in line with the spirit of the Convention.

IATTC is not only a Regional Fishery Management Organization, but also an inter-governmental organization, where political issues are consequently inevitable. Only when such issues have been properly settled, can the members focus on discussion of fisheries.

Some argues that China's claim is to challenge the credibility of the Commission. In fact, such kind of words is severely challenging China's crucial interests, which is unacceptable. It must be emphasized that, in the spirit of cooperation and under the principle on conservation and management of tuna resources in the Convention area, China showed its utmost flexibility during the amendment of the Convention, which made it possible to include fishing entities to participate in the work of the Commission. China participates this meeting with the desire to push forward the objects of the Convention with joint efforts of all the delegates. Chinese delegation believes that our claim is absolutely in consistent with the Convention.

Chinese delegation is unwilling to see what happened recently and has endeavored its utmost efforts to avoid such situation from the very beginning. Chinese delegation addressed to the Director of the Secretariat and the commissioner of the hosting country on September 22 where our position and claims were clearly illustrated. Then, the delegation had an informal consultation with the Secretariat on arrival to reaffirm the position, illustrated the position and claims to the heads of delegation, and requested relevant issues be properly solved before the meeting commences.

These days, Chinese delegation communicated with other delegates in various occasions with the hope that such issues would not become an issue to be discussed in the plenary. We believe that many colleagues sitting around the table have good knowledge on the efforts made by our delegation. Should such efforts are not duly respected as it should be, Chinese delegation would not be able to join consensus on adopting any outcome of this meeting, including all proposals and resolutions.

Thank you Madam Chair, Chinese delegation requests this statement be reflected in the minutes of this meeting.

#### Appendix 4c.

## STATEMENT BY COLOMBIA ON CARRYING CAPACITY IN THE INTER-AMERICAN TROPICAL TUNA COMMISSION

On the occasion of the 81<sup>st</sup> Meeting of the Inter-American Tropical Tuna Commission (IATTC), the Delegation of Colombia makes the following statement for the record:

1. Colombia, on ratifying the 1949 Convention, makes the following statement:

"The Government of the Republic of Colombia declares that none of the provisions of the Convention nor of the subsequent decisions adopted in relation to it and not provided for in it, among others the definition of the area of the Eastern Pacific Ocean (EPO), the incorporation or exclusion of vessels from the regional vessel register and the allocation of carrying capacities, may be interpreted as a modification of the position of the Republic of Colombia with regard to that convention or to the International Law of the Sea, in particular about its maritime areas regarding which it has sovereignty or sovereign rights or jurisdiction in accordance with its domestic laws and international law, including the applicable international treaties, or as express or tacit acceptance of the provisions adopted in relation to this Convention that limit or whose effect is to limit the full exercise of any right belonging to the Republic of Colombia."

- 2. In this regard, Colombia observes with concern that since the issuing of Resolution C-02-03 in the year 2002, the total of the carrying capacity of the IATTC has experienced an increase of about 16%. This unjustified increase does not meet the objective for which that Resolution was issued. Colombia wishes to state its concern about the inconsistencies observed in the implementation of the recommendations and decisions of the IATTC, in matters such as Carrying Capacity and IUU lists which go against the sovereignty of the country.
- 3. Therefore, Colombia declares the imperative need that within the Commission a thorough review be carried out of the procedures introduced in compliance with Resolution C-02-03 on carrying capacity and definition of a regional vessel register.
- 4. Moreover, the same Resolution C-02-03 states, by means of a footnote related to paragraph 101, the express request of the Government of Colombia to increase its carrying capacity by 14,046 m<sup>3</sup>. Despite the compliance by Colombia with the IATTC's conservation measures, and its insistent request for recognition of the referenced paragraph the Commission has not responded to these requests.
- 5. Colombia states its firm rejection of the irregular inclusion of the vessel Martha Lucía R in the IATTC list of IUU vessels. This situation is due to the fact that the IATTC created the Regional Vessel Register on 28 June 2002, on which date Colombia was not a Party to the IATTC. Colombia, repeatedly has presented the evidence to the Commission, on the compliance with the conservation measures emanating from the IATTC and AIDCP, and has requested the collaboration of the countries and the Commission for resolving this issue, without a satisfactory response to date.
- 6. In view of all the above, Colombia claims its sovereign fishing rights on the Eastern Pacific Ocean, of which it is coastal, rights sufficiently recognized by international law.

Appendix 5a.

# 中华人民共和国农业部渔业局

 BUREAU OF FISHERIES, MINISTRT OF AGRICULTURE, THE PEOPLE'S REPUBLIC OF CHINA

 地址:北京弄晨馆南里 11 号,邮政编码: 100126
 Address: No. 11 Nongzhanguannanli, Beijing, 100126

 电话 (TEL): +86-10-59192928,
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Dr. Guillermo Compeán, Director IATTC

21 September, 2010

Your Excellency,

I refer to the forthcoming 81<sup>st</sup> meeting of the Inter-American Tropical Tuna Commission, which is the first Commission meeting after the entry into force of *the Antigua Convention*.

China has approved *the Antigua Convention* and will participate in this meeting as a Contracting Party to the Convention and a member of the Commission as well. Instructed by the Government of China, I wish to request Your Excellency to properly address the Taiwan issue in the meeting.

China all along adheres to the One-China Principle. There is only one China in the world and Taiwan is part of China. China firmly oppose to any attempt to create "two Chinas" or "one China, one Taiwan". Pursuant to relevant resolution of the Commission, Chinese Taipei can only participate in the work of the Commission in its character as a fishing entity. To this end, I hereby request that some arrangements should be made as follows in the meeting of the Commission:

1. The use or appearance of the so-called "National Flag", "National Emblem" or "National Anthem" of Taiwan authority is forbidden.

2. Chinese Taipei, as a fishing entity, should be arranged to be seated after the participating States. In the meeting documents, inter alia, the name list of participants, Chinese Taipei should also be listed after the participating States.

3. In all meeting activities, publications, documents, materials and other relevant items, the use of any terms that have sovereign implication such as "Republic of China", "R.O.C.", "Taiwan", "Ministry of Foreign Affairs" and "Executive Yuan" etc. is forbidden.

The proper settlement of the Taiwan issue is of vital importance to China in participating in the Commission meetings. As the Director of the Commission and convener of the Commission meetings, Your Excellency has the responsibility to ensure efficient functioning of the Commission. China would like to work together with Your Excellency, with a view to solving the Taiwan issue properly and making the meeting a success.

Please accept, Your Excellency, the compliments of my highest consideration.

Sincerely yours,

荫丽之

Zhao Liling Head of the Chinese Delegation to the 81<sup>st</sup> Meeting of the Commission Director Division of Distant Water Fisheries Bureau of Fisheries Ministry of Agriculture, China Appendix 5b.



行政院農業委員會漁業署 FISHERIES AGENCY Council of Agriculture, Executive Yuan No.1 Fishing Harbour North 1st Road, Kaohsiung, Taiwan TEL: 886-2-33436182 FAX: 886-2-33436128 <u>http://www.fa.gov.tw</u>

September 24, 2010

Dr. Guillermo A. Compeán Director Inter-American Tropical Tuna Commission

Dear Dr. Compeán:

While we are to gather in Antigua, Guatemala to celebrate the entry into force of the Antigua Convention and rejoice in the inaugural meeting of the IATTC under the new regime of Antigua Convention, it is regretful to learn the issuance of a letter addressed to the Director of the IATTC Secretariat dated 21 September 2010 by the Chinese Delegation.

First of all, I would like to stress that IATTC has a long history and time-honored tradition for more than six decades. All new members to this regional body should be respectful of its proud tradition and practice, rather than taking an assumptive attitude towards the exercise of its functions.

Furthermore, the adoption of the Antigua Convention itself is an achievement of collective wisdom by the original drafters and negotiators. Taiwan made tremendous concessions during the negotiations that led to the adoption of the Antigua Convention by, for instance, agreeing to use "Chinese Taipei" as its designation after the entry into force of the Antigua Convention, as reflected in the *Report of the Working Group* (footnote 2) issued by Chairman of the Working Group to Review the IATTC Convention, Ambassador Jean-Francois Pulvenis, on 27 June 2003 and in the Resolution C-03-09 adopted in the 70<sup>th</sup> Meeting of the IATTC on the same date. Chinese Taipei's concessions were made in a



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view to contributing to the success of the adoption of the Antigua Convention and to the smooth operation of the regime established by this Convention.

LATTC is a regional fisheries management organization established with an objective to "ensure the long-term conservation and sustainable use of the fish stocks covered by this Convention." LATTC is thus not a political forum to settle the so-called "one China issue." We do not like to see such political maneuvering made by the Chinese Delegation occurring in a body like LATTC. Such political maneuvering will not contribute to the work of the LATTC but will only damage the cooperative spirit shown in the past negotiations and the goals of the LATTC in the years to come.

As a member of the LATTC as defined in Article I paragraph 7 of the Antigua Convention, Chinese Taipei cannot accept any unequal treatment in sitting arrangement or presentation in any activities, publications, documents, materials of the IATTC, suggesting any differentiation from any other members of the IATTC.

Chinese Taipei Delegation would also like to draw the attention of the members of the Commission that the leader of the Chinese Government, Wen Jiabao, indicated in New York on September 22 that the recent signing and entry into force of the Economic Cooperation Framework Agreement (ECFA) between two sides of Taiwan Strait was pivotal in terms of peaceful development of the two sides, and based on the economic mutual trust built upon the ECFA, he would like to see further development of political and military mutual trust between the two sides. However, the above mentioned communication issued by the Chinese



行政院農業委員會漁業署 FISHERIES AGENCY Council of Agriculture, Executive Yuan No.1 Fishing Harbour North 1st Road, Kaohsiung, Taiwan TEL: 886-2-33436182 FAX: 886-2-33436128 http://www.fa.gov.tw

Delegation apparently deviates from what was said by its leader and can do more damage to the recent cooperative atmosphere across the Taiwan Strait and to the feeling of people on Taiwan.

As a new member of the IATTC, Chinese Taipei Delegation is attending the 81<sup>st</sup> meeting in Antigua to play a constructive role in pursuing a collaborative path toward our common goal as expressed in Article II of the Antigua Convention. I trust that any political disturbance against such collaborative framework is inappropriate and not welcomed by us. I earnestly hope that this unpleasant incident will not hamper our celebration of the entry into force of the Antigua Convention and our work under the new Convention next week and in the years to come. I wish to request the IATTC Secretariat to circulate this letter to all the members of the Commission.

Sincerely,

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Hong-Yen Huang Head of the Chinese Taipei Delegation to the 81<sup>st</sup> Meeting of the LATTC Director Deep Sea Fisheries Division Fisheries Agency Council of Agriculture, Executive Yuan

#### Appendix 5c.

#### COMMENTS BY VANUATU ON PROPOSAL E-1-A, PORT STATE MEASURES FOR PREVENTING, DETERRING, AND ELIMINATING IUU FISHING

Thank you Mr. Chair,

Having carefully read the joint EU and Canadian proposal which we are thankful for, Vanuatu is in general agreement with the aim of said resolution.

However, part of Article 9 is problematic to us for the following reasons.

A/ Art 9.3 states that "in the case of denial of entry, the port State CPC shall communicate its decision to the flag CPC of the vessel, and to the IATTC Secretariat, to be posted on the secure part of the IATTC website. The IATTC Secretariat shall communicate this decision to all CPCs and to other regional fisheries management organizations". Such wording is also content in art 11.

It should be noted that at this stage, the vessel could simply be suspected of IUU fishing activities as prescribed in Art 9.4 (unless indeed listed in any RFMO), and be denied entry into the port without being inspected. Yet, in addition to the communication of the Port State CPC denial of entry decision to the Flag CPC, to the IATTC Secretariat and CPCs members which we do not have any problem with, the same information shall be communicated by the Secretariat to other RFMOs without the Flag State's intervention.

It seems to us that this requirement of transmission of information is stronger in this draft resolution than in the current resolution C 05-07 establishing a list of vessels presumed to have carried out IUU fishing activities whereby the transmission of information to other RFMOs takes place only after that the concerned Flag and Coastal States had the chance to defend their respective positions before the Commission.

Vanuatu is therefore of the view that such transmission of information to other RFMOs is NOT appropriate given the harm that such communication could have on the vessel's name would it then be revealed that such assumptions were simply wrong...

Besides, would indeed that IUU activities assumption be baseless, we note that nowhere in this draft resolution is described the process following which the Flag State will be given the chance to provide additional information to possibly withdraw the ship's name from a given list be it in the secure part of the IATTC website or with other RFMOs.

Proper communication guidance is given only in case of proper inspections not in case of strict denial of entry for IUU activities suspicions.

B/ On another point of a more general nature Mr. Chair, reading Article 2 of this draft resolution, we note that its objective is to prevent, deter and eliminate IUU fishing through the implementation of effective port state measures.

However, Para 9.4 states that when a port State CPC has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing etc... the port State CPC **shall** deny that vessel entry into its ports. Therefore, the principle is to deny entry into ports if a vessel is suspected of IUU fishing activities. We do not believe that such principle being "denial of entry" is the most effective way to prevent, deter and eliminate IUU fishing.

Then reading para 9.5, we note that "a port State CPC <u>may</u> allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law". Still in the same spirit, we note that the inspection is here the exception and not the principle in case of IUU fishing activities suspicions. Shouldn't it be the other way around?

Shouldn't Port State CPCs be encouraged to authorize the entry of these suspected IUU fishing vessels (which are not yet listed in any IUU lists) into their ports for inspection purposes in accordance with Part 4 of this Draft Resolution? Wouldn't that be more effective to prevent, deter and eliminate IUU fishing activities instead of establishing a principle of denial of entry?

Thank you Mr. Chair.

Appendix 5d.



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE Southwest Region 501 West Ocean Blvd Long Beach, CA 90802-4213

Dr. Guillermo Compeán Director, Inter-American Tropical Tuna Commission 8604 La Jolla Shores Drive La Jolla, California 92037-1508

Re: U.S. Request to Evaluate a Total Allowable Catch Program

Dear Dr. Compeán:

According to several recent reports, publications, and workshops<sup>1</sup>, the time is ripe to increase the use of effective rights-based management that aligns the economic incentives of fishermen and states to the common overall goals of sustainable and economically viable fisheries, conservation of biodiversity, and net socioeconomic benefits. Conservation measures in the IATTC Convention Area have become increasingly restrictive to control fishing mortality levels, which makes reaching consensus to adopt such measures inherently difficult. In addition, some countries dispute, or are seeking to change, their current circumstances under the IATTC's capacity regime. The Commission has had limited success in resolving capacity issues, and this has affected negotiations on several conservation and management measures.

The IATTC staff has previously recommended that the Commission examine alternative means to reduce the fleet size in the purse-seine fishery toward the Commission's target of 158,000 cubic meters, in order to facilitate the conservation of the stocks of yellowfin, bigeye, and skipjack tunas and the economic viability of the fisheries. If the Commission continues to manage the purse-seine fishery using primarily IATTC Resolution C-02-03 and the Regional Vessel Register (*i.e.*, limits on vessel well volume) and closure periods, there will continue to be economic inefficiencies in both the purse-seine and longline sectors, and many discussions at the Commission will continue to be hampered by disagreements over capacity limits and related allegations of illegal, unreported, and unregulated (IUU) fishing activities.

The United States requests that the Secretariat conduct a quantitative cost-benefit analysis of implementing a total allowable catch (TAC) program in the purse seine and longline fisheries targeting tunas in the IATTC Convention Area for 2012 and beyond. The United States is interested in comparing various TAC programs to determine which is the most beneficial and feasible, including: 1) a global TAC (*i.e.*, competitive among members and vessels); 2) national TACs; 3) national TACs with individual fishing quotas allocated to vessels of each nation; 4) individual fishing quotas allocated to vessels irrespective of flag; and 5) an industry-financed buyback (perhaps with an initial World Bank loan) of excess rights and/or vessels. These

<sup>&</sup>lt;sup>1</sup> For example, The Bellagio Framework for Sustainable Tuna Fisheries: Capacity controls, rights-based management, and effective MCS, 2010, and Conservation and Management of Transnational Tuna Fisheries, by Robin Allen, James Joseph and Dale Squires, 2010.

programs should be analyzed for the purse-seine and longline sectors, as well as the possibility of combining these sectors in a TAC program.

The analysis should compare each program with the current management regime (i.e., 2010 measures). In other words, each TAC program should be compared to the measures that are currently in place to limit catch and effort (e.g., closure periods and areas, catch limits, and the Regional Vessel Register and the requirements of Resolution C-02-03). The analysis should also include discussion of additional management elements of TAC programs, such as: 1) which species or age classes of tuna the TAC would apply to; 2) different options for establishing initial allocation schemes; 3) initial estimates of what those allocations would be; 4) administrative, monitoring and enforcement costs; 5) transferability of quotas; 6) closure options when a TAC is reached; and 7) assistance to developing countries. The United States requests that this analysis be completed 60 days before the 2011 Commission annual meeting, circulated in advance to the members, and presented at that meeting by the principal analysts, and that sufficient time be allocated on the agenda to allow for a full discussion of the results, in order to allow the Commission to consider these management options for 2012 and beyond.

Please circulate this letter to the other Commission members.

Sincerely,

Rodney RM Shinis

Rodney R. McInnis Commissioner