

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**92<sup>ND</sup> MEETING**

**Mexico City, Mexico**

**24-28 July 2017**

**PROPOSAL IATTC-92 B-4 REVISED**

**SUBMITTED BY BELIZE, GUATEMALA, NICARAGUA,  
COSTA RICA AND PANAMA**

**COMPENDIUM OF CONSERVATION MEASURES FOR TROPICAL  
TUNAS IN THE EASTERN PACIFIC OCEAN DURING 2018-2019  
[AND 2020]**

**EXPLANATORY MEMORANDUM**

We Central American coastal countries are concerned about the constant increases in the capacity of the purse-seine fleets that fish for tropical tunas in the Convention Area, and that those increases are made only by some CPCs, creating inequality and eliminating even more the possibilities of developing our countries' fisheries.

Several international fisheries instruments including UNCLOS and the 1995 Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks require cooperation and to take into account the special conditions of the developing coastal countries in order to be able to develop their fisheries both in their exclusive economic zones and on the high seas, which means not only promoting and encouraging direct access to the fisheries by these countries but also ensuring that when adopting conservation and management measures, a disproportionate burden is not transferred directly or indirectly to those countries. This, in our opinion, is already happening within the Inter-American Tropical Tuna Commission, which affects our nations by hindering the right to fisheries development that coastal and developing countries have.

It is for that reason, that motivated to continue the responsible efforts of cooperation towards the sustainability of the fisheries for tropical tunas in the EPO but at the same time to promote the effective development of the developing coastal nations that have small fleets (less than [8] purse-seine vessels), we present the following compendium of measures.

These measures are aimed at reducing the total fishing effort and protecting tunas of juvenile sizes.

*The Inter-American Tropical Tuna Commission (IATTC), gathered in Mexico City, Mexico, on the occasion of its 92<sup>nd</sup> Meeting:*

*Aware* of its responsibility 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 (CPCs) with regard to these resources;

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

*Concerned* that the capacity of the purse-seine fleets fishing for tunas in the Convention Area continues to increase;

*Aware* that several instruments of international fisheries law establish that developing countries have the right to effective access to and development of fisheries both in their exclusive economic zones and on the high seas;

*Recognizing* that when adopting conservation and management measures, a disproportionate conservation burden should not be transferred directly or indirectly to coastal developing countries with small fleets;

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

*Considering* that a reduction in the fishing mortality of small tunas in the fishery with floating objects, would increase the level of sustainability of the resources;

*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;

*Agrees:*

To apply in the Convention Area the conservation and management measures for tropical tuna set out below, and to request that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and also report on such activities at each annual meeting of the Commission;

1. These measures are applicable in 2018, 2019 [and 2020] to all CPCs' 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 Convention Area.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) and longline vessels less than 24 meters length overall, are not subject to these measures.

#### **SPATIOTEMPORAL MEASURES FOR PURSE-SEINE FLEETS**

3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of [62] days in each year covered by this resolution. These closures shall be effected in one of two periods, as follows: from 00:00 hours on 29 July to 24:00 hours on 28 September, or from 00:00 hours on 18 November to 24:00 hours on 18 January of the following year.
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 period, provided that any such vessel carries an observer authorized pursuant to 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, known as the "*corralito*", which is illustrated in Figure 1 shall be closed from 0000 hours on 29 September to 2400 hours on 29 October of each year.

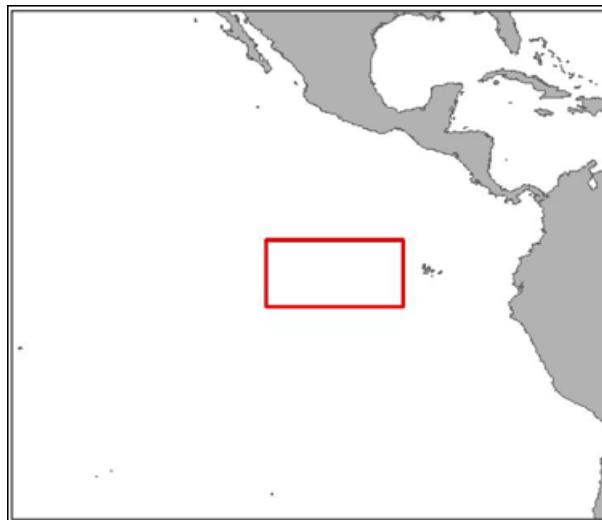


Figure 1. Closure area

6. a. For each one of the closure periods, each CPC shall notify the Director, by 15 July of each year, the names of all the purse-seine vessels that will observe each closure period.  
b. Every vessel that fishes, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe the closure period to which it was committed.
7. a. Notwithstanding the provisions of subparagraph 6a and 6b, a request by a CPC, on behalf of any of its vessels, for an exemption due to *force majeure*<sup>1</sup> rendering said vessel unable to proceed to sea outside said closure period during at least a period equivalent to the closure period prescribed in paragraph 3, shall be sent to the Secretariat, at the latest one month after it happens.  
b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure*.  
c. The Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.  
d. The request shall be considered accepted, unless an IATTC Member objects to it formally within 15 calendar days of the receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.  
e. If the request for exemption is accepted:
  - i. the vessel shall observe a reduced closure period of 30 consecutive days in the same year during which the *force majeure* event occurred, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
  - ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event occurred, it shall observe a reduced closure period of 30 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July.
  - iii. Vessels that benefit from the exemption must carry an observer aboard authorized pursuant to the AIDCP.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3.

8. Each CPC shall, for purse-seine fisheries:
  - a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;
  - b. Inform all interested parties in its 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 Convention Area are in port, except that vessels carrying an observer authorized pursuant to the AIDCP may remain at sea, provided they do not fish in the Convention Area. The only other exception to this provision shall be that vessels carrying an observer authorized pursuant to the AIDCP may leave port during the closure, provided they do not fish in the Convention Area.

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<sup>1</sup> For the purposes of paragraph 8, only cases of vessels disabled by mechanical and/or structural failure, fire, or explosion shall be considered *force majeure*

## **ESTABLISHMENT OF CATCH LIMITS**

9. The IATTC establishes a total annual catch limit of the average level observed during 2013-2015 for yellowfin and bigeye (combined) caught by capacity class 4, 5, and 6 purse-seine vessels of 97,711 t for the fishery on floating objects, and 162,182 t on dolphins by Class-6 vessels. These catch limits include the activation of the capacity recognized for Guatemala and Venezuela at the 88th Meeting of the IATTC. The Director shall notify CPCs when the catch of yellowfin and bigeye by capacity class 4, 5, and 6 purse-seine vessels reaches 80% of the total catch limit in sets on floating objects or dolphins, respectively. At 90% of the total catch limit, the Director shall notify CPCs of an estimated closure date for the respective fishery, and at 100% the Director will announce the closure of the respective fishery. CPCs shall ensure that purse-seine vessels flying their flag stop making sets on floating objects or dolphins when the total limit is reached in the respective fishery.
10. If by virtue of having reached the total catch limit prescribed in paragraph 9 the fisheries on floating objects and on dolphins are closed in a given year, a total annual catch limit of [XX] is established for the fishery on unassociated schools of tuna (“breezers”). Catches on floating objects and on free schools shall be recorded by the observer. When 90% of that limit is reached the Director shall notify CPCs of an estimated date of closure for this fishery.
11. The Director shall communicate to the parties the automatic closure of the fisheries referred to in paragraphs 9 and 10 which shall be effective [15] calendar days after his communication has been made.
12. Coastal developing CPCS with small fleets<sup>2</sup> may continue to fish on reaching the limits mentioned in paragraphs 9 and 10, without detriment to their obligation to comply with the corresponding spatial temporal closures.]

***or***

9. [During 2018, each purse-seine vessel may catch small yellowfin and bigeye tunas associated with floating objects up to an accumulated annual quantity of the total of its authorized carrying capacity plus 20%; if the vessel reaches 120% of its catch, it may no longer fish for yellowfin and bigeye tunas associated with floating objects (natural or artificial, modified to attract tuna). For the year 2019, the accumulated annual quantity may not exceed the authorized capacity of the vessel plus 10%, and for [2020], the catch limit for small species may not exceed the accumulated annual quantity equal to the vessel’s respective authorized capacity. In no case may limits not utilized by a specific vessel be transferred to other vessels. Each vessel may catch per trip up to 30% of small yellowfin and bigeye tunas, estimated according to the composition of the catch of the respective trip. If the percentage of catch of small tunas during the trip is greater than 30%, the excess will be computed as catch from the following trip and if in total during a calendar year, it accumulates a percentage of catch of small tunas greater than the allowed annual total catch of small tunas that year, it must cease to fish for what is left of the year and it will be sanctioned in accordance with the domestic legislation of the flag State. The excess obtained in a year of the allowed annual total catch of small tunas shall be computed as caught in the first trip of the following year.
10. Coastal developing CPCS with small fleets<sup>2</sup> may continue to fish on reaching the limits mentioned in paragraph 9, without detriment to their obligation to comply with the corresponding spatial temporal closures.]

## **MEASURES FOR THE FISHERY ON FLOATING OBJECTS**

13. Before the start of each closure period to which they have committed, purse-seine vessels shall recover [XX%] of the floating objects that they have placed in the sea and commit to not deploying any more, at least one month before the beginning of the selected closure period for each year. For the recovery

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<sup>2</sup> Coastal developing countries with small fleets means any developing country that has less than [8] purse-seine fishing vessels flagged in the Regional Register.

they may use auxiliary vessels provided that an observer travels on them who will ensure that no catch has been made with its own gear and that its main task was the recovery of floating objects, in the formats that the Director will provide and a copy of which shall be sent to the IATTC within 8 days following arrival in port.

14. An annual limit on FAD deployments is established; CPCs shall ensure that none of their purse-seine vessels of IATTC classes 1 to 6 shall deploy more than the following FADs per year in accordance with the following limits divided by vessel class:

- a. 100 to 300 m<sup>3</sup> of carrying capacity [150] FADs,
- b. 301 to 600 m<sup>3</sup> of carrying capacity [175] FADs,
- c. 601 to 1000 m<sup>3</sup> of carrying capacity [200] FADs,
- d. 1001 to 1500 m<sup>3</sup> of carrying capacity [225] FADs,
- e. 1501 to 2000 m<sup>3</sup> of carrying capacity [250] FADs,
- f. 2001 m<sup>3</sup> or more of carrying capacity [300] FADs.

For monitoring compliance with the limits on FADs deployments by each one of its vessels the CPC shall monitor it, utilising the FAD data collection form established in Resolution C-16-01, as well as the information supplied by the on-board observer for IATTC class-6 vessels. The Commission, in conjunction with the Scientific Advisory Committee, shall review the progress and results of the implementation of this measure and may adjust the established limit. In their work, the above-mentioned bodies may consider the recommendations that may arise from the *Ad Hoc* Working Group on FADs.

#### **MEASURES FOR THE LONGLINE FISHERY**

15. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2018, 2019 and 2020 do not exceed the following levels:

Metric tons	2018, 2019, 2020
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555

16. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during the years included in this resolution do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001<sup>3,4</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director.

#### **OTHER PROVISIONS**

17. 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 CPCs to assist them in this regard.
18. Each CPC shall submit to the Director, by 15 July of each year, a national report on its updated national compliance scheme and 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.

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<sup>3</sup> The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

<sup>4</sup> The Commission acknowledges 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.

19. In order to evaluate progress towards the objectives of these measures, in each year 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.
20. Subject to the availability of the necessary funding, the Director is requested to continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.
21. 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.
22. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the 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.
23. Annually the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the IATTC scientific staff, in consultation with the Scientific Advisory Committee, and based on such evaluation, the Commission shall take further actions including substantial extension of closure days for purse seine vessels or equivalent measures.
24. Except in cases of *force majeure* prescribed in paragraph 8, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 7a, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.