

INTER-AMERICAN TROPICAL TUNA COMMISSION

MINUTES OF THE 72<sup>ND</sup> MEETING

Lima (Peru)  
14-18 June 2004

Chairman: Dr. Alfonso Miranda Eyzaguirre (Peru)

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

The meeting was opened by the Minister of Production of Peru, Ing. Alfonso Velázquez Tuesta. After welcoming the attendees to his country, he outlined the situation of the various fisheries in Peru, stressing their importance as a source of both income and food. He affirmed Peru's commitment to the rational and sustainable use of fisheries resources, and described the progress made in the development of the tuna industry in particular. Finally, he expressed his hope that the meetings would be productive and successful.

The attendees are listed in Appendix 1.

## **2. Election of Chairman**

Dr. Alfonso Miranda Eyzaguirre, Vice-Minister of Fisheries of Peru, was elected Chairman of the meeting.

Korea announced its intention to become a member of the Commission and asked for the formal support from all the members. Many members expressed their support to Korea, hoping the formalities could be fulfilled rapidly so that Korea could become a member of the Commission as soon as possible.

## **3. Adoption of the agenda**

The meeting decided to include a new item 11 in the agenda, on the implementation of conservation measures for 2004. Agenda item 18 was amended to *Recommendations and resolutions for 2005*. The provisional agenda was adopted with these changes.

Dr. Allen noted that several governments had expressed interest in having a discussion of changing the usual Commission procedure for selecting a chairman, along the lines of electing a chairman who would serve for a longer time period instead of having the host government of the annual meeting provide a chairman essentially for just that meeting. This matter could be discussed under agenda item 20, *Election of officers*.

## **4. The fishery in 2003**

Dr. Allen presented information on the fishery in the eastern Pacific Ocean (EPO) during 2003, elaborated in [Document IATTC-72-04](#), Section A. A lengthy discussion on data provision topics ensued, particularly about the longline fishery catch and effort data of some participants. Concern was expressed about the lack of data from some participants, and about the figures being revised several times for some fleets. It was agreed all data should be subject to a scientific review before submission to the Commission, and that a definitive table of catches by country and gear be provided to future meetings.

## **5. Status of tuna and billfish stocks**

Continuing the presentation of [Document IATTC-72-04](#), Dr. Allen reviewed the status of the stocks of yellowfin and bigeye tunas and other species. Conservation recommendations were necessary for yellowfin and bigeye only.

In respect of yellowfin tuna, Dr. Allen summarized the assessment as follows:

1. The results are similar to those of previous assessments.
2. The biomass is estimated to have declined in 2003.
3. There is uncertainty about recent and future recruitment and biomass levels.
4. The current spawning biomass ratio (SBR) is less than that required to produce the average maximum sustainable yield (AMSY).
5. The current fishing mortality rates are slightly less than those required to produce AMSY.
6. The average weight of the yellowfin in the catch is less than the critical weight, and increasing the

average weight would substantially increase AMSY.

7. There have been two different productivity regimes, and the levels of AMSY and the biomass required to produce AMSY may differ between the regimes.
8. The results are sensitive to the assumption about the stock-recruitment relationship.

Dr. Allen recommended that the purse-seine fishery in 2005 should be restricted for 17% of the year, or the equivalent of two months, to keep the fishing mortality rate corresponding to the AMSY. He pointed out that there would be no difference in the effect of a closure during the 3<sup>rd</sup> quarter or during the 4<sup>th</sup> quarter of 2004.

Regarding bigeye tuna, Dr. Allen explained that the 2004 results are similar to those of previous assessments, and with the assessment made on a Pacific-wide basis.

Dr. Allen summarized the bigeye assessment as follows:

1. Almost all cohorts since 1998 have been below average,
2. Under all scenarios considered, fishing mortality levels are greater than those corresponding to the AMSY,
3. As a consequence, total biomass and spawning biomass will decrease in the future below the lowest levels observed during the period modeled (1975-2004),
4. The current status and future projections are considerably more pessimistic if a stock-recruitment relationship exists,
5. These conclusions were robust to alternative assumptions about the population dynamics and the uncertainties contemplated in the fishery data.

Given the very low projected levels of spawning stock size, Dr. Allen recommended that the catches of both large and small fish should be reduced by 50%.

Purse-seine sets on floating objects take primarily skipjack, and closures to conserve bigeye may reduce skipjack catches unnecessarily. In recent years, 15 vessels have taken 50% of the purse-seine catch of bigeye, suggesting that it is possible to reduce catches of bigeye in sets on floating objects. Individual vessel catch limits for bigeye tuna could be considered as a way of allowing purse-seine vessels to continue fishing for skipjack while reducing catches of bigeye. This type of restriction would not affect most of the vessels that primarily catch skipjack.

Between 2000 and 2001, longline catches increased by about 30%, from about 46,000 to about 61,000 t. Measures should be taken to restrict the total longline catch to the level of 2000.

The discussion on the bigeye assessment centered on the need of accurate and timely longline data, the different conservation effects of reducing effort in the longline fishery or in the purse-seine fishery, uncertainties associated with the estimation of natural mortality, interaction with fisheries in the central and western Pacific, and on the need for bigeye tagging in a large area in the central Pacific. The effectiveness of previous conservation measures and, in particular, the lack of effect of the 2003 closure, was considered.

Japan asked that the monitoring a catches of bigeye less than 60 cm be continued.

## **6. Report of the Working Group on Stock Assessment**

Dr. Allen presented [the report of the 5th meeting of the Working Group on Stock Assessment](#), and drew the attention of the meeting to its recommendations.

He explained that the working group reviewed the staff management recommendations and in general agreed with them. The Working Group was concerned about the uncertainty regarding the estimates of

longline catch, and particularly that some longline data became available only after the assessment had been carried out. It reviewed the effectiveness of 2003 closures, which apparently had little effect on catches, and suggested that developing management control rules might be useful. The Working Group made a number of recommendations concerning the continuation of research on selectivity in the skipjack fishery, the extension of bigeye tagging to a larger area in the central Pacific, strict implementation of the collection of total nominal EPO catch data by the staff and national agencies, and the incorporation of further oceanographic and multidisciplinary studies into the work of the Commission. The Working Group also recommended that the conclusions presented in by the staff concerning management of fleet capacity be presented to the Commission ([Document IATTC-72-06](#)),

## **7. Report of the Permanent Working Group on Compliance**

Mr. David Hogan of the United States, Chairman of the 5<sup>th</sup> meeting of the Permanent Working Group on Compliance, presented his report (Appendix 3.a). The Commission endorsed all the recommendations in the report.

The meeting discussed the proposal by the European Union (EU) concerning the adoption of trade measures to promote compliance (Appendix 4.a). The EU explained that the recommendation is similar to those of other tuna organizations, and that it is designed primarily to promote compliance with conservation measures. It noted that the proposal is multilateral, encourages an open system to increase cooperation, gives enough time to potential offenders, and was drafted with the participation of many delegations. Many participants expressed interest in the proposal, stressing the importance of multilateral measures, as opposed to unilateral actions, for promoting compliance. It was suggested that any such measures should also include incentives that promote compliance. Some delegations noted that they needed to consult other government agencies before taking a position on the proposal.

A small working group subsequently met to discuss the EU proposal. Progress was made, but no final agreement could be reached, and it was agreed that the proposal would be discussed again at the next Commission meeting.

## **8. Report of the Joint Working Group on Fishing by Non-Parties**

The Chairman of the Joint Working Group, Mr. Roberto Cesari of the European Union, reported the results of the 3<sup>rd</sup> meeting (Appendix 3.b).

The Commission agreed that letters should be sent to non-Parties with vessels fishing in the Convention Area, asking them not to undermine the Commission's conservation and management measures.

Mr. Cesari presented the recommendations of the Joint Working Group on:

1. *Resolution on the amendment to the terms of reference of the Joint Working Group on fishing by non-parties,*
2. *Resolution on criteria for attaining the status of cooperating non-party or fishing entity in IATTC,*
3. *Resolution on a system of notification of sightings and identification of vessels operating in the Convention Area, and*
4. *Resolution to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the eastern Pacific Ocean.*

All were adopted by the Parties with minor modifications (Appendices 2.a-d). Japan made a statement (Appendix 5) regarding its understanding of certain provisions of Resolution C-04-04 on establishing an IATTC List of IUU vessels.

During the discussion, concern was expressed about the 28 large purse-seine vessels owned by Chinese Taipei businessmen, operating in the central Pacific near the boundary with the eastern Pacific. The Commission endorsed the Working Group's request to the Director to write to the Western and Central

Pacific Fisheries Commission expressing concern about this growth in fleet capacity. The meeting agreed that Canada, China, Chinese Taipei, the European Union, Honduras, and Korea have attained the status of cooperating non-party or fishing entity. The status of Bolivia was also discussed. Although the group recognized and commended the effort of Bolivia to take steps for full compliance, several parties felt that, given the recent history of some Bolivian vessels, it would be prudent to proceed carefully, and recommended that Bolivia's status be reviewed again next year.

## **9. Report of the Bycatch Working Group**

Mr. Katsuma Hanafusa, of Japan, reported on [the 4th meeting of the Bycatch Working Group](#), held in January 2004, on behalf of the Chairman. He presented the recommendations of that meeting regarding amendments to the Consolidated Resolution on Bycatch (C-03-08) and on a three-year program to improve sea turtle conservation.

A lengthy discussion regarding the effectiveness of Resolution C-03-08 in mitigating sea turtle mortality ensued. Regarding the recommendation to make the use of circle hooks and certain types of bait mandatory in the longline fisheries to reduce turtle mortality, some delegations felt that, while some countries have carried out research on gear changes with positive results, more research and education was needed before such a measure could be included in the Resolution.

The Commission also discussed the recommendation on a program to improve sea turtle conservation, and approved it, with additional introductory language, as the *Resolution on a three-year program to mitigate the impact of tuna fishing on sea turtles* (C-04-07; Appendix 2.g).

During the discussion, the United States expressed its support for the proposal in Annex 5 of the minutes to the Bycatch Working Group meeting, for the Commission to serve as a regional information and education center on sea turtle bycatch. While the Commission considered the proposal worthwhile in general, some parties felt that its scope was too ambitious, that it could overlap with other international agreements, and that the implications, especially budgetary, could be significant.

The extension of the prohibition on discarding tuna until January 1, 2006, was also discussed. The Commission noted that compliance with this measure is poor, but agreed to extend it for a year. The United States stated that it would agree to this extension, but if compliance did not improve, it could not support it again. After this discussion, the meeting approved a new *Consolidated Resolution on Bycatch* (C-04-05; Appendix 2.e), with the modifications proposed by the Working Group.

The European Union introduced a proposal to regulate the removal of fins of sharks onboard vessels (Appendix 4.b). Most participants expressed their agreement with the spirit of the proposal, noting that shark finning is prohibited in the national legislation of a number of governments. However, the proposal seemed too complicated and difficult to enforce for many.

Japan introduced a more comprehensive proposal on conservation and management of sharks, which calls for, *inter alia*, assessments of shark stocks (Appendix 4.c). The Commission discussed these two proposals and agreed to maintain both for further consideration at its next meeting.

Chinese Taipei presented a report, requested by the Bycatch Working Group, regarding longline vessels of less than 24 m reported to be targeting sharks off Central America (Appendix 3.c).

## **10. Report of the Working Group on Fleet Capacity**

Mr. David Hogan, of the United States, Chairman of the 7<sup>th</sup> meeting of the Permanent Working Group on Fleet Capacity in February 2004, reported that the deliberations of the group are presented in the [minutes of that meeting](#). He drew attention to the Working Group's recommendations to the Commission: proposed revisions to Resolution C-02-03 on fleet capacity (Minutes of the Working Group meeting, Appendix 2) and to the draft Plan for Regional Management of Fishing Capacity.

The Working Group's recommendations for modifying Resolution C-02-03 were extensively discussed.

The meeting reached agreement on many of the recommendations, some of them editorial and technical, including those in paragraphs 7 and 7bis on adding vessels to, and deleting vessels from, the Regional Register. However, the meeting could not agree on a proposal made by the United States to modify paragraph 10, on the exception granted to 32 purse seine vessels based in the western Pacific, nor on the proposal on flag transfers (paragraph 14), because some participants felt that the proposed procedures would go against the concept of open mobility of vessels among flags. After lengthy deliberations on these two remaining points, the Commission decided to leave Resolution C-02-03 unchanged.

Peru presented a statement on its long-term aspirations regarding its tuna fleet (Appendix 6).

The Commission also noted the proposal by Guatemala and Panama for a Resolution regarding a disputed capacity transfer (Appendix 4.d), which these countries asked the Commission to consider at its next meeting.

The meeting did not discuss the final draft of the *Plan for Regional Management of Fishing Capacity* in detail, mostly because the last two paragraphs remaining in brackets, regarding regulating flag transfers, are similar to those that could not be agreed in the proposed changes to Resolution C-02-03.

### **11. Implementation of conservation measures for 2004**

This new agenda item was proposed by several countries, with the objective of reviewing Resolution C-03-12, of October 2003, on the conservation of tunas in the eastern Pacific Ocean. Costa Rica, Guatemala, Mexico, Nicaragua, Peru, Vanuatu, and Venezuela presented a proposal for tuna conservation in 2004 which would allow each national fleet to choose one of two closure periods, and also restrict fishing north and south of 5°N. The meeting discussed the feasibility of allowing individual vessels of a national fleet equipped with a Vessel Monitoring System (VMS) to choose which of the two closure periods to observe, but agreed that such a system would be too complex, and impracticable.

After a lengthy debate, the meeting decided that this item was closely linked with the matter of recommendations for conservation for 2005, so it was merged with agenda item 18 on *Recommendations and resolutions for 2005*.

### **12. Report of the Finance Working Group**

Mr. Samuel Juárez, of Spain, reported on the [6<sup>th</sup> meeting of the Working Group on Finance](#), on behalf of the Chairman.

The discussion centered on the lack of an agreed formula for member country contributions, after several years of negotiation, which puts the financial stability of the Commission at risk. The United States stated that it may not be able to sustain the current levels of special support in the future, and other countries stated that the absence of a formula, or a stable and predictable way of calculating contributions, could preclude prompt payment because of internal legislation. Vanuatu asked that the record reflect its reservation on agreeing to the formula currently under consideration, because Vanuatu considered that utilization and catch should be assigned the same weighting.

The Commission also discussed the need to agree on objective, non-negotiated weighting factors, the relative merit of catch versus utilization factors in the draft formula, and the possibility of a fixed base contribution of 20%. In the end, no agreement was reached on a formula, and there was no specific proposal for an additional meeting of the working group to address the issue.

### **13. Use of Vessel Monitoring Systems**

Dr. Allen explained the background of this issue with respect to the interest and involvement of the Commission in establishing a satellite-based vessel monitoring system (VMS) for the fleets of member countries operating in the EPO. He also explained that at the last meeting there was general agreement that VMS is a valuable fisheries management tool, but there was insufficient time to discuss a final resolution in detail.

He then introduced [Document IATTC-72-12](#), which included a draft resolution for a VMS program. The Commission considered there was no longer a need for a pilot or initial program, and that it should apply to the entire fleet in the EPO, not only to a part of it. It also considered that reporting to the Director might be too complex, but agreed that the VMS could be used to transmit the weekly data considered in Resolution C-03-04 on at-sea reporting. After discussing and changing some technical details in the draft, the meeting approved Resolution C-04-06 on the establishment of a Vessel Monitoring System (VMS) (Appendix 2.f).

#### **14. Requirement to mark fish-aggregating devices (FADs)**

Dr. Allen introduced [Document IATTC-72-13](#), *Marking of Fish-Aggregating Devices*. He explained that the document was a letter sent to Commissioners on 27 August 2003, outlining a staff proposal for a system for marking FADs. The proposal was made within the context of measures to better understand and manage the use of FADs, and the marking of this type of gear is supported by FAO and other international agreements.

The Commission discussed this topic and agreed to send it to the Working Group on Stock Assessment for consideration, as it falls under the data collection category. Some participants felt that the proposal was more appropriate for anchored FADs and that more research was needed on other gears as well, such as longlines, while others supported it because it would improve research on FADs, which could reduce the catch of small bigeye tuna.

#### **15. Implementation of the Resolution on the IATTC bigeye statistical document program**

Dr. Allen explained that two Parties and four non-parties had implemented the bigeye statistical document program by providing copies of their authorized signatures, and noted that only Japan had provided information on imports of bigeye tuna. He also stated that the staff intended to put all the information required by the resolution on the Commission's website, protected by a password, noting that other Commissions had proceeded to implement statistical document requirements in a similar fashion. The meeting agreed that this was an appropriate way to implement the resolution.

#### **16. Review of Commission staff's research**

Dr. Allen said that, due to time constraints, this topic had to be shortened, but that detailed descriptions of the staff's research are presented in the Commission's Annual report and other publications. Only two topics were presented at the meeting, tuna tagging and sea turtle mortality mitigation experiments.

Dr. Deriso, head of the Tuna-Billfish Program, showed preliminary results of the tagging research carried out by the staff. Since 2000 more than 10,000 fish have been tagged, and more than 4,000 have been recaptured. About 7,000 bigeye have been tagged, 58 of them with archival tags; in general, recaptures of bigeye have been relatively close to the release area, in the FAD fishing region. The behavior of bigeye appears to be modified by their association with FADs: fish associated with FADs tend to remain near the surface, rather than the normal behavior of spending the night at depths over 300 m.

Dr. Arenas, of the IATTC staff, presented the results of preliminary experiments and workshops carried out in Ecuador and Peru on mitigation of sea turtle mortality in conjunction with the governments and fisheries institutes. The overall objective is to reduce sea turtle mortality in artisanal longline fisheries by the use of circle hooks instead of the traditional "J" hooks and different release techniques. Preliminary results of experiments with 5,000 hooks of each kind on 63 artisanal vessels showed that sea turtle hook rates are considerably lower for circular hooks than for traditional hooks, with only a minor reduction in catch rates of target species. The delegation of Ecuador expanded on the presentation on sea turtle research and its future objectives.

During the discussion on research, Japan highlighted the importance of tagging research on bigeye for the understanding of its behavior and its implications for reducing the catches of small bigeye in the FAD fishery, and proposed that more research on this topic be funded. Dr. Allen indicated that he had written

to governments and NGOs asking for financial support for research on the behavior of bigeye associated with FADs.

### **17. Recommended research program and budget for FY 2005 and FY 2006**

Dr. Allen presented [Document IATTC-72-16](#), which presents the proposed research program and estimates of expenditure for the Commission's 2006 financial year (1 October 2005-30 September 2006), by project and specific budget objects. Consistent with last year's presentation, the paper also reflects the cost of the observer program and other AIDCP costs.

Dr. Allen noted that before 2003, the Commission generally had sufficient cash reserves to carry its operations into the new financial year without receiving contributions at the beginning of the year. Because this is no longer the case, and virtually all the reserves have been depleted, the Commission amended its financial regulations to require member contributions to be paid by 1 November of each financial year.

As in the previous year, Dr. Allen expressed his concern over the budget situation facing the Commission, mainly due to the failure of governments to make timely payments or to meet their financial obligations at all. He stressed that continual efforts are being made to reduce expenditures, but some planned replacement of equipment could not be deferred any longer.

The expected regular operations expenditure in FY 2004 is US\$4,854,946, with an expected total deficit for the year of US\$322,040, and a forecast bank balance at the end of the financial year of US\$488,933, sufficient for less than one month's operation.

During the discussion, several members explained the difficulties they face in making timely payments of contributions, and others indicated that the payments of arrears would be made soon. The meeting then discussed a finance resolution with contributions based on the agreed contributions for FY 2004, using updated catch and utilization data. After some deliberations on the specific figures for some countries, and consideration of the recommended research program and budget for FY 2005 and FY 2006, Resolution C-04-08 (Appendix 2.h), approving and financing the recommended budget of US\$5,016,321 for FY 2005, was agreed by the Parties.

### **18. Recommendations and resolutions for 2005**

Dr. Allen presented the recommendations of the staff regarding conservation and management measures for yellowfin and bigeye tuna for 2005 ([Document IATTC-72-17](#)). A lengthy discussion took place on this matter, focusing on the ineffectiveness of the conservation measures for 2003, on the length and nature of the recommended conservation measures for bigeye, for both purse seine and longline vessels, and also on the new concept of catch limits for individual purse-seine vessels for bigeye conservation.

The proposal presented by several countries and discussed in point 11 of the agenda was reviewed again in detail. Mexico requested that a graph showing the effect of the fisheries of closures during the 3<sup>rd</sup> and 4<sup>th</sup> quarters of the year be included in the minutes (Appendix 7). During the discussion of appropriate limits for longline catches of bigeye tuna, Dr. Allen advised the Commission that the assessment showed that it was unlikely that the 2004 longline catches would reach the levels of 2001, the level to which national longline catches were limited by Resolution C-03-12.

Finally, Resolution C-04-09 on a multi-annual program for the conservation of tuna in the eastern Pacific Ocean for 2004, 2005, and 2006 (Appendix 2.i) was supported and agreed by all the IATTC members.

China expressed its dissatisfaction with the resolution, claiming it would have an unfair negative impact on the operation of the Chinese longline fleet.

Chinese Taipei also opposed the resolution, because of the severe cut in catches by its fleet.

The Ocean Conservancy expressed its view that the conservation measure was insufficient to prevent the decline of the bigeye stocks.

The Commission adopted Resolution C-04-10 on catch reporting (Appendix 2.j).

Japan noted that less than 30 purse-seine vessels take approximately 80% of the catch of small bigeye, and that this information might guide the course of the Commission's work toward solving the difficulties that seasonal closure or declining catches posed for fishermen. Japan expressed its hope that, although the resolution did not address this situation, the owners and captains of these vessels would cooperate to reduce their catches of small bigeye and work with the Commission toward the reduction of bycatches of bigeye to help the stocks to recover.

The ten resolutions adopted by the meeting are presented in Appendix 2.

**19. Place and date of next meeting**

It was agreed that the next regular meeting of the IATTC would be held in Spain in June 2005.

**20. Election of officers**

Because of time constraints, no election of officers took place.

**21. Other business**

No other business was discussed.

**22. Adjournment**

The meeting was adjourned on 19 June 2004, at 2:58 a.m.

## Appendix 1.

### ATTENDEES – ASISTENTES

#### COSTA RICA

**LIGIA CASTRO**, Comisionado  
**ASDRÚBAL VÁSQUEZ**, Comisionado  
Instituto Costarricense de Pesca

**JOSÉ LUIS ARAYA**  
Ministerio de Agricultura y Ganadería

#### ECUADOR

**FRANKLIN ORMAZA** - Comisionado  
**LUIS TORRES NAVARRETE** - Comisionado  
Ministerio de Comercio Exterior,  
Industrialización, Pesca y Competitividad  
**RAMÓN MONTAÑO**  
Asociación de Atuneros del Ecuador  
**JOSÉ ALFREDO SALVADOR**  
Cámara Ecuatoriana de Industriales & Procesadores  
Atuneros  
**GUILLERMO MORÁN**  
Asociación de Exportadores de Pesca Blanca  
**CÉSAR ROHÓN**  
**ROBERTO AGUIRRE**  
**RAFAEL TRUJILLO**  
Cámara Nacional de Pesquería  
**BERNARDO BUEHS**  
**DANIEL BUEHS**  
**RICARDO BUEHS**  
Manacripex Cía. Ltda.  
**IVO CUKA**  
Pesdel S.A.  
**BARTOLOMÉ FERNÁNDEZ**  
Frigolab “San Mateo”

**JUAN GARCÍA**  
Afgan - Faridy  
**LUIS EDUARDO GARCÍA**  
**LUIS GÓMEZ**  
Legalsa & Heinert  
**PABLO GARCÍA**  
Servigrup S.A.  
**BRUNO LEONE**  
Compañía Anilisa S.A.  
**DIEGO MILETIC**  
Pesquera Jadrán S.A.  
**MIGUEL MOLINA**  
Somarsa S.A.  
**GIANSANDRO PEROTTI**  
Transmarina C.A.  
**ALFONSO PAZ**  
Damburi S.A.  
**ABEL PALADINES**  
PH, Industria, Pesca, Construcciones  
**ELISEO VILLAR**  
Ugavi de Tunidos S.A.

#### EL SALVADOR

**MANUEL CALVO** - Comisionado  
**RAÚL SOTO RAMÍREZ**  
Embajador de El Salvador en el Perú

**SONIA SALAVERRIA**  
Ministerio de Agricultura y Ganadería

#### FRANCE – FRANCIA

**XAVIER VANT** - Commissioner  
Ministry of Agriculture, Food, Fisheries and  
Rural Affairs

#### GUATEMALA

**FÉLIX RAMIRO PÉREZ** - Comisionado  
Ministerio de Agricultura, Ganadería y  
Alimentación  
**OLGA MARÍA AGUJA**  
Embajadora de Guatemala en el Perú

**IGNACIO URIBE**  
Atunera Sant Yago S.A.

#### JAPAN – JAPÓN

**KATSUMA HANAFUSA** - Commissioner  
**TETSUYA KAWASHIMA**  
**TAKUMI FUKUDA**  
**YOSHIKI NAKAMURA**  
Fisheries Agency of Japan  
**TATSUO SUNAHARA**  
Ministry of Foreign Affairs

**HISAO MASUKO**  
Federation of Japan Tuna Fisheries Co-operative  
Associations  
**KENICHI SHIBA**  
National Ocean Tuna Fishery Association  
**ZIRO SUZUKI**  
National Research Institute of Far Seas Fisheries

**GUILLERMO COMPEÁN** - Comisionado  
Instituto Nacional de la Pesca  
**RICARDO BELMONTES**  
**RAMÓN CORRAL**  
**MARIO AGUILAR**  
CONAPESCA  
**MARK ROBERTSON**  
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**MIGUEL A. MARENCO** - Comisionado  
Ministerio de Fomento, Industria y Comercio

**ARNULFO FRANCO** - Comisionado  
Autoridad Marítima de Panamá  
**MARÍA PATRICIA DÍAZ**  
Robles & Robles

**ALFONSO MIRANDA** - Comisionado  
**JORGE VÉRTIZ** - Comisionado  
**RAÚL PONCE**  
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**Appendix 2.a.**

**RESOLUTION C-04-01**

**RESOLUTION ON THE AMENDMENT TO THE TERMS OF REFERENCE  
OF THE JOINT WORKING GROUP ON FISHING BY NON-PARTIES**

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

*Recognizing* that tuna fisheries are now a global phenomenon, and that fishing vessels can migrate between oceans to prosecute such fisheries;

*Further recognizing* that there is a growing phenomenon of fishing vessels moving between different oceans to escape action against Illegal, Unregulated and Unreported (IUU) fishing activities taken by other regional fisheries organizations;

*agrees to amend the Terms of Reference for the Joint Working Group on Fishing by Non-Parties as follows:*

The following new sub-paragraph “e” be inserted after the existing sub-paragraph “d” in section 2, *Functions*:

“e. when reviewing and monitoring the compliance of a non-party and determining whether it has fulfilled the requirements to obtain the status of Co-operating Non-Party, Entity or Fishing Entity, the Joint Working Group shall also take into account the activities of these non-parties as co-operating non-parties or non-parties in other oceans which have regional fisheries organizations that regulate the conservation and management of highly migratory fish stocks under their competence.”

The following sub-paragraphs remain as currently drafted, with the appropriate changes in identification.

This resolution shall enter into force once the Parties to the AIDCP have approved these amendments to the Terms of Reference.

**Appendix 2.b.**

**RESOLUTION C-04-02**

**RESOLUTION ON CRITERIA FOR ATTAINING THE STATUS OF  
COOPERATING NON-PARTY OR FISHING ENTITY IN IATTC**

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

*Recalling* Resolution C-03-11 on Criteria for attaining the Status of Cooperating Non-Party or Cooperating Fishing Entity to AIDCP and IATTC;

*Recognizing* the continuing need to encourage non-parties or fishing entities with vessels fishing for species covered by the IATTC Convention to implement the conservation and management measures of the IATTC; and

*Recognizing* the need for clear criteria to enable non-parties or fishing entities whose vessels fish for species covered by the IATTC Convention to attain the status of Cooperating non-Party or Cooperating Fishing Entity;

*Resolves as follows:*

1. Each year, the Director shall contact all non-parties and fishing entities with vessels known to be fishing for species covered by the IATTC Convention, to urge them to become a Party to the IATTC or to attain the status of a Cooperating Non-Party or Cooperating Fishing Entity to IATTC (Cooperating Status). In doing so, the Director shall provide copies of all relevant resolutions adopted by the Commission.
2. Any non-party or fishing entity that seeks to be accorded Cooperating Status shall apply to the Director requesting such status. Such requests must be received by the Director no later than ninety (90) days in advance of an annual meeting of the Commission in order to be considered at that meeting.
3. Non-parties and fishing entities requesting Cooperating Status shall fulfil the following requirements in order to have this status considered by the Commission:
  - a. Information requirements:
    - a. Communicate full data on its historical fisheries in the IATTC area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
    - b. Communicate annually catch and effort data and size-frequency distribution of the catches (when possible) in due time and appropriate format for scientific evaluation of the stocks;
    - c. Communicate details on current fishing presence in the area, number of vessels and vessel characteristics;
    - d. Communicate research programs it has conducted in the IATTC area and share the information and the results with the IATTC.
  - b. Compliance requirements:
    - i. Respect all conservation measures in force in IATTC;
    - ii. Respect the capacity limits already in force in IATTC for tuna vessels;
    - iii. Inform the IATTC of all the management and conservation measures it takes to ensure compliance by its vessels, including *inter alia* and as appropriate, observer programs, inspection at sea and in port, and Vessel Monitoring Systems (VMS);

iv. Respond to alleged violations of IATTC measures by its vessels, as determined by the appropriate bodies, and communicate to IATTC the actions taken against the vessels.

c. Participation:

Participation at plenary and relevant subsidiary and scientific meetings, as an observer.

4. An applicant for Cooperating Status shall also:
  - a. confirm its commitment to respect the Commission's conservation and management measures; and
  - b. inform the Commission of the measures it takes to ensure compliance by its vessels with the conservation and management measures of the IATTC.
5. The Joint Working Group on Fishing by non-Parties shall be responsible for reviewing requests for Cooperating Status and for recommending to the Commission whether an applicant should receive Cooperating Status. In granting Cooperating Status, caution shall be used to avoid excess fishing capacity or illegal, unreported and unregulated (IUU) fishing activities in the Convention area.
6. Cooperating Status shall be reviewed annually by the Commission, and may be revoked if the Cooperating Non-Party or Cooperating Fishing Entity has not complied with the criteria for attaining such status established by this resolution.
7. This resolution replaces Resolution C-03-11 on Criteria for attaining the Status of Cooperating Non-Party or Cooperating Fishing Entity to AIDCP and IATTC.

**Appendix 2.c.**

**RESOLUTION C-04-03**

**RESOLUTION ON A SYSTEM OF NOTIFICATION OF SIGHTING AND  
IDENTIFICATION OF VESSELS OPERATING IN THE CONVENTION  
AREA**

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

*Concerned* that illegal, unreported and unregulated (IUU) fishing activities in the Convention area undermine the effectiveness of the IATTC conservation and management measures.

*Recognizing* the importance of cooperating with respect to the sightings of vessels that may be fishing contrary to the IATTC conservation and management measures;

*Resolves as follows:*

1. Encourages vessels of IATTC Parties, cooperating non-Parties, fishing entities or regional economic integration organizations (collectively "CPCs") to report informally to the Director, if possible in real time, any sightings of vessels that may be fishing contrary to the conservation and management measures of the IATTC;
2. Encourages vessels of CPCs to report to their responsible authorities any sightings of vessels that may be fishing contrary to the conservation and management measures of the IATTC on the form attached to this resolution.
3. The responsible authorities referred to in paragraph 2 shall communicate the information reported on these forms to the Director. Once the Director has verified, to the extent possible, that the vessel sighted was likely to have been fishing contrary to the conservation and management measures of the IATTC, he shall inform the other CPCs of the vessel's activity, and shall also inform the government concerned and request that it rectify the vessel's activities. Any CPC informed of a sighting of one of its vessels shall reply, informing the Director of the steps it has taken to investigate and, if necessary, rectify the situation.

**Appendix 2.d.**

**RESOLUTION C-04-04**

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

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

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

*Concerned* that IUU fishing activities in the Convention area undermine the effectiveness of the IATTC conservation and management measures.

*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 management and conservation measures.

*Determined* to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of flag States 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 larger than 24 meters in length overall (hereinafter referred to as “large-scale fishing vessels”) conducting IUU fishing activities; and

*Noting* that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement;

*Resolves as follows:*

1. For the purposes of this resolution, fishing vessels flying the flag of a non-party are presumed to have carried out IUU fishing activities in the EPO, *inter alia*, when an IATTC Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively "CPCs") presents evidence that such vessels:
  - a. Harvest species covered by the IATTC Convention in the EPO and are not on the IATTC Regional Vessel Register, or
  - b. Do not record or report their catches made in the EPO, or make false reports, or
  - c. Take or land undersized fish in contravention of IATTC conservation measures, or
  - d. Fish during closures in contravention of IATTC conservation measures, or
  - e. Use prohibited fishing gear in contravention of IATTC conservation measures, or
  - f. Transship with vessels included in the IATTC IUU Vessel List, established by this resolution, or
  - g. Are without nationality and harvest species covered by the IATTC Convention in the EPO, or
  - h. Engage in fishing activities contrary to any other IATTC conservation and management measures, or

- i. Are under the control of the owner of any vessel on the IATTC IUU Vessel List.
2. Each CPC shall transmit to the Director, before 1 February of every year, a list of any vessels flying the flag of a non-party presumed to have carried out IUU fishing activities in the EPO during the current and previous years, accompanied by the evidence supporting the presumption of IUU fishing activity.

The IATTC IUU Vessel List shall be based on information collected by CPCs and from any other relevant sources. Information from CPCs should be provided in a format to be developed by the Secretariat and approved by the Parties.

3. On the basis of the information received pursuant to paragraph 2, the Director shall draw up a draft IATTC IUU Vessel List and shall transmit it, together with all the supporting evidence provided, to all CPCs, as well as to non-parties with vessels on the List, before 1 March of each year. CPCs and non-parties shall, before 15 April, transmit their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing for species covered by the IATTC Convention in the EPO.

Upon receipt of the draft IATTC IUU Vessel List, CPCs shall closely monitor the vessels included in the draft List in order to determine their activities and possible changes of name, flag and/or registered owner.

4. On the basis of the information received pursuant to paragraph 3, the Director shall draw up a provisional IATTC IUU Vessel List, and transmit it, two weeks in advance of the Annual Meeting of the Commission, to the CPCs and the non-parties concerned, together with all the evidence provided.
5. CPCs may at any time submit to the Director any additional information which might be relevant for the establishment of the IATTC IUU Vessel List. The Director shall circulate the information, together with all the evidence provided, to the CPCs and to the non-parties concerned, at least two weeks before the Annual Meeting of the Commission.
6. The IATTC-AIDCP Joint Working Group on Fishing by Non-Parties (Joint Working Group) shall each year examine the provisional IATTC IUU Vessel List, as well as the information referred to in paragraphs 3 and 5. The results of this examination may, if necessary, be referred to the Permanent Working Group on Compliance.

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

- a. The vessel did not engage in any of the IUU fishing activities described in paragraph 1, or
  - b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity.
7. Following the examination referred to in paragraph 6, the Joint Working Group shall recommend that the Commission approve the provisional IATTC IUU Vessel List, as amended by the Joint Working Group.
  8. Once the provisional IATTC IUU Vessel List is adopted by the Commission, the Commission shall ask non-parties with vessels on the IATTC IUU Vessel List to take all the necessary measures to eliminate these 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.
  9. CPCs shall take all necessary measures, under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:

- a. ensure that vessels flying their flag do not transship with vessels on the IATTC IUU Vessel List;
  - b. ensure that vessels on the IATTC IUU Vessel List that enter ports voluntarily are not authorized to land or transship therein;
  - c. prohibit the chartering of a vessel on the IATTC IUU Vessel List;
  - d. refuse to grant their flag to vessels on the IATTC IUU Vessel List, unless the vessel has changed owner, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel or, having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing;
  - e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List;
  - f. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the IATTC Convention caught by vessels on the IATTC 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.
10. The Director shall take any measure necessary to ensure publicity of the IATTC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the IATTC website. Furthermore, the Director shall transmit the IATTC IUU Vessel List to other regional fisheries organizations for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.
  11. This resolution shall apply initially to large-scale fishing vessels flying the flag of non-parties. The Commission shall, at its Annual Meeting in 2005, review and, as appropriate, revise this resolution with a view to extending it to other IUU fishing activities by vessels of non-parties and CPCs.
  12. Without prejudice to the rights of CPCs and coastal states to take proper action, consistent with international law, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IATTC IUU Vessel Lists, pursuant to paragraphs 3 or 4, or that have been removed from the IATTC IUU Vessel List, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.

**Appendix 2.e.**

**RESOLUTION C-04-05**

**CONSOLIDATED RESOLUTION ON BYCATCH**

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

*Recalling and reaffirming* the Resolutions on Bycatch adopted at the 66<sup>th</sup>, 68<sup>th</sup>, and 69<sup>th</sup> Meetings of the Commission in June 2000, 2001, and 2002, respectively;

*Recognizing* the value of consolidating the operative parts of these resolutions into one comprehensive resolution on bycatch;

*Believing* that any additional measures on bycatch should also be incorporated into this single resolution;

*Has agreed as follows:*

**ACTIONS BY GOVERNMENTS**

Contracting Parties, cooperating non-Parties, fishing entities and regional economic integration organizations (collectively “CPCs”) shall:

**Reduction of the incidental mortality of juvenile tunas:**

- a. Until January 1, 2006:
  - i. Implement programs 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.
  - ii. Review annually the effect and effectiveness of this program.
- b. Support, and seek the necessary funds for, the following future studies and research:
  - i. Develop technology for releasing juvenile tunas, particularly sorting grids.
  - ii. Apply technology for the identification of species and size composition in schools prior to setting, for example acoustic technology.
- c. Pursue the establishment of mechanisms for communicating information on areas of high concentration of juvenile tunas in real time within the fleet or parts of the fleet, taking account of the importance of ensuring confidentiality of such information.

**1. Release of non-target species**

Require fishermen on purse-seine vessels to promptly release unharmed, to the extent practicable, all sharks, billfishes, rays, dorado, and other non-target species.

**General:**

- a. Publicize the provisions of the Resolutions, particularly the requirement to promptly release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, dorado and other non-target species.
- b. Encourage fishermen to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.
- c. Urge governments with vessels targeting species covered by the Convention to provide the required bycatch information as soon as possible.

## 2. **Sea turtles:**

- a. Require fishermen on vessels targeting species covered by the Convention to promptly release unharmed, to the extent practicable, all sea turtles.
- b. Encourage all the CPCs to voluntarily provide the Commission with all data on bycatches of sea turtles in all fisheries targeting species covered by the Convention, recognizing that a comprehensive approach is necessary to deal effectively with sea turtle issues;
- c. Encourage FAO to address the conservation and management of sea turtles, including the issue of bycatches of sea turtles as part of such a comprehensive approach;
- d. Implement the following actions:
  - i. Train crews of vessels targeting species covered by the Convention, particularly those without observers, in techniques for handling turtles to improve survival after release.
  - ii. Prohibit vessels targeting species covered by the Convention from disposing of salt bags or any other type of plastic trash at sea.
  - iii. Encourage the release, when practicable, of sea turtles entangled in FADs and other fishing gear.
  - iv. Foster the recovery of FADs when they are not being used in the fishery.
  - v. Take measures, including providing assistance, necessary to ensure that longline vessels carry on board the necessary equipment (*e.g.* de-hookers, line cutters and scoop nets) for appropriate release of incidentally caught sea turtles
- e. Require specific measures for encircled or entangled sea turtles, as follows:
  - i. Whenever a sea turtle is sighted in the net, all reasonable efforts should be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat.
  - ii. If a turtle is entangled in the net, net roll should stop as soon as the turtle comes out of the water and should not start again until the turtle has been disentangled and released.
  - iii. If a turtle is brought aboard the vessel, all appropriate efforts to assist in the recovery of the turtle should be made before returning it to the water.
- f. Educate fishermen through information dissemination activities, including distributing informational materials and organizing seminars on, *inter alia*, reducing bycatches of sea turtles and safe handling of incidentally caught sea turtles to improve their survivability.

### **ACTIONS BY IATTC STAFF**

The Director shall:

Reduction of the incidental mortality of juvenile tunas:

Seek the necessary funds for the following future studies and research:

- i. Develop technology for releasing juvenile tunas, particularly sorting grids.
- ii. Develop technology for the identification of species and size composition in schools prior to setting, for example acoustic technology.

## 3. **Species of large pelagic fish of interest to the artisanal fishery, particularly dorado:**

Identify areas of high bycatches of these species, and verify the stability in time and space of any such areas.

## 4. **Billfish, sharks and rays:**

- a. Develop techniques and/or equipment to facilitate their release from the deck or from the net.
- b. Seek the necessary funds to carry out experiments to determine the survival rates of released

billfish, sharks and rays.

- c. Define areas and periods in which any of these species are most likely to be caught.

**5. Sea turtles:**

- a. Study and formulate recommendations regarding modifications of the design of FADs to eliminate entanglement of sea turtles, particularly the use of webbing hanging below FADs.
- b. Educate fishermen through information dissemination activities, including distributing informational materials and organizing seminars on, *inter alia*, reducing bycatches of sea turtles and safe handling of incidentally caught sea turtles to improve their survivability.
- c. Compile manuals produced by the CPCs for safe handling and release of incidentally caught sea turtles by all gear types, and make those manuals available to all the CPCs for their use.

**6. General:**

Urge those governments with vessels targeting species covered by the Convention to provide the required bycatch information as soon as possible.

This resolution replaces Resolution C-03-08, *Consolidated Resolution on Bycatch*.

**Appendix 2.f.**

**RESOLUTION C-04-06**

**RESOLUTION ON THE ESTABLISHMENT OF A VESSEL MONITORING SYSTEM (VMS)**

*The Inter-American Tropical Tuna Commission (IATTC), meeting in Lima, Peru, on the occasion of its 72<sup>nd</sup> Meeting:*

*Recognizing* the value of satellite-based Vessel Monitoring Systems (VMS) for the Commission's conservation and management programs, including compliance;

*Aware* that many Parties have established VMS systems and programs for their fleets and that their experience may be very helpful in supporting the conservation and management programs of the Commission;

*Noting* that such systems have been discussed at several meetings of the Commission, and are considered in the Resolution on Compliance of June 2000;

*Agree that:*

1. Each Party with tuna-fishing vessels 24 meters or more in length operating in the eastern Pacific Ocean and harvesting species for which the Commission has established conservation and management measures shall, by January 1, 2005, or as soon as possible thereafter, establish a satellite-based vessel monitoring system (VMS); except that a Party that already has such a program in effect shall be deemed to have satisfied this requirement;
2. While specific operational details of Parties' VMS requirements may vary, the Parties should seek to ensure that:
  - a. The information collected by the VMS for each vessel will include the vessel's identification and position (latitude and longitude) with an error of less than 500 meters at a confidence level of 99%, and the date and time and position information will be collected at least once every six hours.
  - b. VMS equipment on vessels will, at a minimum, be tamper proof, fully automatic for position data reporting, operational at all times regardless of environmental conditions, and, if possible, capable of manual transmission of reports and messages.
3. If practicable, the VMS equipment may be usable to transmit to the Director the weekly data considered in the *Resolution on At-Sea Reporting (C-03-04)* of June 2003.
4. The Commission strongly encourages governments not party to the Commission whose flag vessels fish in the EPO to participate in the VMS program established by this resolution.
5. Each Party and cooperating non-Party shall provide to the Director by May 31, 2005, a progress report on its VMS consistent with this resolution. Based on these reports, the Commission will discuss how best to proceed with future consideration of VMS to support its conservation and management program at its annual meeting in June 2005.
6. The Director shall ensure that any information provided to the Director or the Commission pursuant to this resolution is maintained in strict accordance with the Commission's rules and procedures on confidentiality.

**Appendix 2.g.**

**RESOLUTION C-04-07**

**RESOLUTION ON A THREE-YEAR PROGRAM TO MITIGATE THE  
IMPACT OF TUNA FISHING ON SEA TURTLES**

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

*Considering* the possible adverse effects of tuna fishing on the populations of sea turtles in the eastern Pacific Ocean (EPO); and

*Further considering* the recommendation of the 4<sup>th</sup> Meeting of the Working Group on Bycatch in January 2004;

*Adopts the following program:*

**THREE-YEAR PROGRAM TO MITIGATE THE IMPACT OF TUNA  
FISHING ON SEA TURTLES**

**A. COLLECTION AND ANALYSIS OF ALL AVAILABLE INFORMATION ON  
INTERACTIONS WITH SEA TURTLES**

**1. For the purpose of collection of statistically reliable scientific data regarding bycatch of sea turtles from fisheries**

- a. Contracting Parties, cooperating non-Parties, fishing entities and regional economic integration organizations (collectively “CPCs”) are encouraged to collect, and provide to the IATTC, all available information on fishery interactions with sea turtles in the eastern Pacific Ocean (EPO), including both incidental and direct catches and other impacts on sea turtle populations.
- b. CPCs should develop other techniques, including electronic and other monitoring devices, to improve the collection of scientific data regarding sea turtle bycatch.

**2. High priority of research in coastal habitat areas of sea turtles**

Interested CPCs, in cooperation with the IATTC, should assign a high priority to conducting research on the interaction between small-scale artisanal fisheries and bycatch of sea turtles in coastal areas.

**3. Review of information and data on sea turtles**

CPCs and, as appropriate, the IATTC should review available information and data regarding:

- a. biology of sea turtles, including, but not limited to, behavior, diet selection, migration pattern, and nesting areas and nursery grounds.
- b. all sea turtle conservation efforts undertaken by CPCs and other organizations.

To this end, the IATTC should intensify, as appropriate, cooperation with FAO, other regional fisheries management organizations and organizations for sea turtle conservation.

**B. MITIGATION MEASURES FOR REDUCING SEA TURTLE BYCATCH**

**1. Review of effectiveness of mitigation measures**

The Commission should review the effectiveness of the mitigation measures and their impact on catches of both sea turtles and target species.

## **2. Improvement of fishing gears**

CPCs and the IATTC should continue to improve techniques to further reduce sea turtle bycatch, and should expeditiously undertake research to determine the effectiveness of the use of circle hooks and other measures in reducing the incidental catch and mortality of sea turtles, and assess their effects on the catch of target species.

## **C. INDUSTRY EDUCATION**

### **1. Preparation and distribution of informational materials**

CPCs and the IATTC should continue wide distribution of informational materials to fishermen who operate in the EPO to assist them in treating incidentally-caught sea turtles properly to improve their survivability.

### **2. Convening meetings for fishermen**

CPCs and the IATTC should continue and expand organization of seminars for fishermen to enable them to treat incidentally-caught sea turtles properly to improve their survivability.

## **D. CAPACITY BUILDING IN COASTAL DEVELOPING COUNTRIES**

The Commission should establish a voluntary fund to assist coastal developing CPCs in improving conservation of sea turtles.

## **E. REPORTING**

CPCs should report to the IATTC, in a timely manner, as appropriate, information relevant to this program.

## Appendix 2.h.

### RESOLUTION C-04-08

#### RESOLUTION ON FINANCING

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

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

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

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

*Giving due consideration* to the current requirement in the Convention establishing the Commission that the proportion of the expenses paid by each Party should be related to the proportion of the total catch utilized by that Party and the consensus of the Parties that other factors should be considered in determining their proportional contributions;

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

*Recognizing* that the ability of a Party to make its contribution may be limited by circumstances beyond its control, and that such a situation may require a reconsideration of the budget for that year;

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

*Taking note of* the staff's proposals regarding the budget presented in Document IATTC-72-16 and the need to implement a long-term financing system; and

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

*Have agreed as follows:*

1. To adopt the recommended budgets of US\$ 5,016,321 for FY 2005 and US\$ 5,182,908 for FY 2006 presented in Document IATTC 72-16.
2. To contribute to the budget of the IATTC for FY 2005 in accordance with the following schedule of payments, which was developed taking into account the draft funding formula illustrated in the tables attached to the Minutes of the 5<sup>th</sup> Meeting of the Working Group on Finance, held August 29-31, 2001, in La Jolla, California.

(US\$)	FY 2005
Costa Rica <sup>1</sup>	52,382
Ecuador	348,406
Spain	563,093
France	92,852
Guatemala	45,483
Japan	397,731
Mexico	964,115
Nicaragua	18,285
Panama	137,811
Peru	33,759
El Salvador	42,171
United States	1,936,972
Venezuela	325,254
Vanuatu	58,008
<b>Total</b>	<b>\$5,016,321</b>

3. That the Working Group on Finance continue its deliberations on the funding formula in order to achieve consensus among the Parties on the use of the formula for determining each Party's contribution to the IATTC budget for FY 2006 and for the longer term.
4. That the Director shall inform each Party, at least two months prior to the annual meeting, of its projected contribution for the following two financial years.
5. That the Commission shall not pay more than 30% of the costs associated with the AIDCP On-Board Observer Program for vessels of member states.
6. That the contributions of any new member of the Commission shall be determined on the same basis as the contributions of existing members, subject to the Commission's financial regulations.
7. To call upon States not presently members of the IATTC which have vessels fishing for fish covered by the Convention to make voluntary contributions to the Commission until such time as they might become members.

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<sup>1</sup> Costa Rica commits to contributing US\$ 32,000, and shall seek to comply with the stipulations of this resolution

**Appendix 2.i.**

**RESOLUTION C-04-09**

**RESOLUTION FOR A MULTI-ANNUAL PROGRAM ON THE  
CONSERVATION OF TUNA IN THE EASTERN PACIFIC OCEAN FOR  
2004, 2005 AND 2006**

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

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

*Recalling* that the *Resolution on the Conservation of Yellowfin and Bigeye Tuna in the Eastern Pacific Ocean* approved by the IATTC at its 69<sup>th</sup> meeting in Manzanillo, Mexico, encouraged states and fishing entities with large-scale tuna longline vessels (LSTLVs) to undertake initiatives similar to that of Japan, *i.e.* reduction by 20% of its fleet, in accordance with FAO International Plan of Action;

*Being aware* with grave concern that, despite the above Resolution, the catch of bigeye tuna by LSTLVs and their fishing capacity are still growing in the eastern Pacific Ocean (EPO);

*Taking into account* the best scientific information available, as reflected in the recommendation of the staff and the report of the meeting of the Working Group on Stock Assessments in May 2004; and

*Considering* that the studies of yellowfin and bigeye tuna presented at this meeting show that both stocks are at a level below that which would produce the average maximum sustainable yield (AMSY);

*Recognizing the importance of* urging the Western and Central Pacific Fisheries Commission to adopt appropriate measures to conserve the tuna stocks in that region;

*Resolves as follows:*

1. That this resolution is applicable in 2004, 2005 and 2006 to purse-seine vessels fishing for yellowfin, bigeye, and skipjack tunas, and to longline vessels.
2. Pole-and-line and sportfishing vessels are not subject to this resolution.
3. That the fishery for tunas by purse-seine vessels in the EPO, defined as the area bounded by the coastline of the Americas, the 40°N parallel, the 150°W meridian, and the 40°S parallel, shall for 2004, 2005 and 2006 be closed from either (1) 0000 hours on 1 August to 2400 hours on 11 September; or (2) from 0000 hours on 20 November to 2400 hours on 31 December.
4. Each IATTC Party, cooperating non-party, fishing entity or regional economic integration organization (collectively "CPCs") shall for each year concerned, choose which of the two specified periods will be closed to purse-seine fishing by all of its vessels, and notify the Director by 15 July. All the vessels of a national fleet must stop purse-seine fishing during the period selected.
5. Every vessel that fishes in 2004, 2005 and 2006, regardless of the flag under which it operates or whether it changes flag during the year, must observe the closure period to which it committed on 15 July of each year.
6. To prohibit landings, transshipments and commercial transactions in tuna or tuna products that have been positively identified as originating from fishing activities that contravene this resolution. The Director may provide relevant information to the Parties to assist them in this regard. The Commission shall develop transparent and non-discriminatory criteria and procedures to adopt trade restrictive measures consistent with international law and the provisions of the World Trade Organization to promote compliance in the EPO.

7. Each CPCs shall, for purse-seine fisheries:
  - 7.1. No later than 45 days before the date of entry into force of a closure:
    - 7.1.1. take the legal and administrative measures necessary to implement the closure;
    - 7.1.2. inform all interested parties in its national tuna industry of the closure;
    - 7.1.3. inform the Director that these steps have been taken.
  - 7.2. For the 2004, 2005 and 2006 closures, ensure that at the time the closures begins, and for the entire duration of the closures, all purse-seine vessels fishing for yellowfin, bigeye and skipjack tunas flying its flag 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, shall take the measures necessary to ensure that their total annual longline catch of bigeye tuna in the EPO during 2004, 2005 and 2006 will not exceed the following catch levels<sup>2</sup>.

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

Other CPCs shall take the measures necessary to ensure that their total annual longline catch of bigeye tuna in the EPO during 2004, 2005 and 2006 will not exceed their respective 2001 catch levels. Each CPC with LSTLVs shall provide monthly catch reports to the Director.

9. The IATTC Scientific Working Group will analyze, in 2005 and 2006, the effect of these measures on the stocks, and will propose, if necessary, appropriate measures to the Commission in 2005 and 2006 for its consideration.
10. Each CPC shall comply with this resolution.
11. This resolution replaces Resolution C-03-12.

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<sup>2</sup> The Parties acknowledge that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the EPO.

**Appendix 2.j.**

**RESOLUTION C-04-10**

**RESOLUTION ON CATCH REPORTING**

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

*Conscious of the importance of transparency in information on total catches for purposes of stock assessment and compliance with management measures, and*

*Notwithstanding the confidentiality provisions of the Rules of Procedure,*

*Agrees as follows:*

The Director will report annual catches of species covered by the Convention, by flag and gear, to the Parties before 1 June of the following year, except that categories containing two or less vessels or companies shall be pooled.

## Appendix 3.a.

# PERMANENT WORKING GROUP ON COMPLIANCE

## 5<sup>TH</sup> MEETING

LIMA (PERU)  
11 JUNE 2004

### CHAIR'S REPORT

David Hogan of the United States was elected chairman.

The provisional agenda was adopted with some modifications to include presentations by some delegations.

The staff presented its report on compliance in 2003 (Document COM-5-04), beginning with the review of relevant Commission Resolutions under agenda item 3 and continuing with the review of possible violations under agenda item 4.

The staff noted that this year's report, unlike in previous years, included information obtained from the national observer programs.

Regarding sea turtles, it was noted that in 2003 there were 1,510 sets involving 1,554 sea turtles, compared to 842 sets involving 1,000 turtles in 2002. Of the 1,554 turtles involved in 2003, 89% were released unharmed and 4% escaped, so 93% of the turtles involved suffered no adverse effects from the fishery. In 2003 a total of 32 violations were recorded by IATTC observers and reported to governments, compared to 69 violations in 2002.

Regarding the requirement for purse-seine vessels to retain on board all tuna caught, the staff reported that there was a 41% increase in sets with discards in 2003 compared to 2001-2002, and the tonnage of tunas discarded increased by 56%. The staff also reported that the percentage of sets with discards had fallen from 18% of the total number of sets during the three years prior to the resolution to 12% during the three years since.

Regarding at sea-reporting, the staff reported that in the second half of 2003, after the new resolution of June 2003 on this matter entered into force, the rate of reports received was 70%, versus 54% during the first six months of 2003. Also, the reporting rate during the first quarter of 2004 was 75%.

Discussion of the report included an intervention by Mexico that the data and information analyses related to the discard provisions of the bycatch resolution were important, particularly in terms of the status of the bigeye tuna stock, and recommended that those provisions, which are set to expire in 2004, be extended.

After some discussion of the section of the compliance report on sharks, Spain encouraged the Bycatch Working Group to continue its work to determine what action was necessary for the Secretariat to take with regard to shark bycatch.

The Working Group supported a request by Japan to ask the staff to contact the relevant States regarding the interaction between their purse-seine vessels and the vessel *Faro Villano*.

The staff noted some corrections to be made to Document COM-5-04 based on recently-submitted information regarding compliance with the resolution on data provision.

Under agenda item 5, *National reports on possible violations*, Venezuela presented a report on the development of measures and mechanisms to improve reporting and responses to reports on compliance issues, especially cases involving sea turtles.

Japan presented an [information paper](#) concerning progress in measures to eliminate large-scale longline vessels engaged in IUU fishing. Chinese Taipei offered some additional information on cooperation with Japan in this project.

Under agenda item 6, *Criteria and procedures to adopt trade measures to promote compliance*, the Secretariat presented [Document COM-5-06](#), and the European Union presented its proposal regarding the development of trade measures to promote compliance, which was modelled on a recent ICCAT recommendation. The Working Group discussed the EU proposal, and some delegations offered comments on the usefulness and function of such a measure. The EU invited all delegations to offer comments and to work with it and the staff on an amended version to be submitted to the Commission for consideration.

The Working Group recommended that the Commission consider the understanding adopted by the AIDCP with regard to the implementation of the provisions of paragraph 5 of Resolution C-03-12 on tuna conservation, regarding landings, transshipments and commercial transactions in tuna or tuna products positively identified as originating from fishing activities that contravene the resolution, with a view toward adopting a similar understanding for implementation within the IATTC in the event that similar measures are adopted for the future.

Mexico presented a letter from the Colombian delegation expressing concern over its treatment by the Secretariat of the AIDCP and the IATTC. In response to Colombia's statements, the Working Group expressed unanimous faith and confidence in the Secretariat, and a desire for efforts by the members, both individually and collectively, to encourage Colombia to participate cooperatively in the work of the IATTC and the AIDCP.

The Working Group will meet in conjunction with the annual meeting of the IATTC in 2005.

**Appendix 3.b.**

**JOINT WORKING GROUP ON FISHING BY NON-PARTIES  
3<sup>RD</sup> MEETING**

LIMA (PERU)  
10 JUNE 2004

**CHAIR'S REPORT**

The Joint Working Group on Fishing by Non-Parties was chaired by Roberto Cesari, of the European Union.

**A. Adoption of the agenda**

The EU presented two proposals: one on the adoption of a list of vessels identified as engaged in IUU fishing (E1), and the other concerning an amendment to the Working Group terms of reference (B1), for fishing activities of non-parties to IATTC/AIDCP in other oceans to be taken into account when considering their status as cooperating non-parties. One was presented under point 7 of the agenda and the other under point 8.b.

The provisional agenda was adopted with these additions.

**B. Identification of non-parties with vessels fishing in the EPO and of individual vessels of non-parties fishing in the EPO**

A list of vessels of non-parties fishing in the Eastern Pacific Ocean (EPO) presented by the Secretariat (Document JWG-3-04) will be updated with the characteristics of the vessels. The Working Group noted that many Chinese Taipei vessels in that document were not included in the IATTC LSTLFV List. It was decided that the Secretariat will send letters to the governments of the vessels asking them not to undermine IATTC conservation and management measures.

The Secretariat will write to Parties requesting detailed vessel information that is missing in the list.

It was decided that a letter will be sent by the Secretariat to Chile asking for the missing information on their vessels fishing in the EPO.

Japan pointed out the worrying situation of the 28 new super purse-seine vessels owned and operated by citizens of Chinese Taipei which may fish around the 150°W boundary between the EPO and the Western Pacific Ocean. The Parties agreed that the Secretariat will send a second letter to the Western and Central Pacific Fisheries Commission (WCPFC), whose Convention enters into force very soon, to express the concerns of the IATTC Parties, before the meeting of the WCPFC in July in Sapporo, Japan. It was also agreed that letters of concern will be sent by the Secretariat to the flag states concerned and Chinese Taipei.

**C. Compliance by non-parties**

As there are no non-parties with purse-seine vessels in the EPO, there was no identification of cooperating or non-cooperating non-parties for the AIDCP.

Pursuant to IATTC Resolution C-03-11, adopted in 2003, defining the criteria to be used in the consideration of the status of Co-operating Non-Party, the IATTC Parties reviewed compliance by IATTC non-parties with measures adopted by the Commission for 2003 and 2004 (Document JWG-3-05). This review revealed that vessels of Bolivia and Colombia had not complied fully with the most important conservation measures in force, Resolutions C-02-03 on fleet capacity and C-03-12 on tuna conservation. However, the Working Group noted that Bolivia had since taken appropriate action to resolve the situation.

The following non-parties with longline vessels had not complied with Resolution C-03-05 on data provision: Belize, Georgia, Indonesia, and St. Vincent and the Grenadines.

The Secretariat was instructed to send a letter to all governments of vessels that were not complying with IATTC conservation and management measures, asking them to rectify the situation,

#### **D. Cooperating non-parties or fishing entities**

The following non-parties have been identified as Co-operating Non-Parties or Fishing Entities (CPCs): Bolivia, Canada, China, the European Union, Honduras, Korea and Chinese Taipei.

These decisions of the Working Group will be forwarded to the IATTC Plenary.

A draft *Resolution on criteria for attaining the status of cooperating non-party or fishing entity in IATTC* (F1) was agreed, and will be forwarded to the IATTC Plenary for consideration. This resolution replaces Resolution C-03-11, adding formal procedures for requesting and attaining such status.

#### **E. List of vessels identified as engaged in IUU fishing (Document JWG-3-07)**

A European Union proposal on the creation of an IUU vessel list was extensively discussed, and obtained general support, with some requests for minor modifications by Japan, Mexico, and the United States, and will be forwarded to the IATTC Plenary for consideration (Proposal E2).

It was also decided that this proposal will be adapted for the AIDCP, and will be submitted to the next Meeting of the Parties in October 2004.

#### **F. System of notification of sightings and identification of non-party vessels operating in the region**

A draft *Resolution on a system of notification of sighting and identification of vessels operating in the Convention Area* (G1) was agreed, and will be forwarded to the IATTC Plenary for consideration.

#### **G. Recommendations for the IATTC**

The Working Group recommends that the Commission consider the following:

1. *Resolution to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean* (E2)
2. *Resolution on a system of notification of sighting and identification of vessels operating in the Convention Area* (G1)
3. *Resolution on criteria for attaining the status of cooperating non-party or fishing entity in IATTC* (F1)
4. *Amendment to the Terms of Reference of the Joint Working Group on fishing by Non-Parties* (B1)

The Working Group informs the Commission that vessels of Bolivia and Colombia did not comply fully with the most important conservation measures in force in 2003 and 2004, Resolutions C-02-03 on fleet capacity and C-03-12 on tuna conservation. The Working Group also informs the Commission that the following non-parties with longline vessels did not comply with Resolution C-03-05 on data provision: Belize, Georgia, Indonesia, and St. Vincent and the Grenadines. The non-parties mentioned in this paragraph therefore do not fulfil the criteria of Resolution C-03-11 for identification as a Cooperating Non-Party, but the Working Group reminds the Commission that Bolivia has already taken appropriate measures to address the situation of non-compliance.

The Working Group recommends that the Commission endorse the identification of Bolivia, Canada, China, the European Union, Honduras, Korea and Chinese Taipei as Co-operating Non Parties or Fishing Entities (CPCs).

### Appendix 3.c.

## INFORMATION ABOUT LONGLINE VESSELS OF LESS THAN 24 M REPORTED TO BE TARGETING SHARKS OFF CENTRAL AMERICA

SUBMITTED BY CHINESE TAIPEI

### Background

In the working group on bycatch 4<sup>th</sup> meeting of IATTC held from February 14-16, 2004, in Kobe, Japan, Chinese Taipei was asked to provide information to the next meeting of the Commission in June on its longline vessels less than 24 m reported to be targeting sharks off Central America.

Based on the requirement of aforementioned meeting and for the purpose of understanding shark fishery in the Central America, Chinese Taipei has dispatched a survey group to the areas concerned for gathering the relevant information. This preliminary report is the summary of the information gathered in the IATTC Convention area.

### The Survey Group

The survey group was composed of representatives from Fisheries Agency, National Taiwan Ocean University and Taiwan Fisherman's Association. The group visited Panama and Costa Rica from May 1 to 15, 2004.

### Visited Authorities

Besides for finding whole picture of shark fishery in the region, the Survey Group has also called on the following officials of the governmental agencies and environmental groups for exchanging views on the conservation and management of shark resources:

1. **Panama:** Mr. Arnulfo Franco, Director of Marine Resource of Panama
2. **Costa Rica:**
  1. *Ms. Ligia Castro Wate (Presidenta Ejecutiva, Instituto Costarricense de Pesca y Acuicultura)*
  2. *Mr. Juan Manuel Cordero Gonzalez (Director Area de Calidad de Vida, La Defensoria de los Habitantes)*
  3. *Mr. Randall Arauz, Presidente Pretoma, Director Centroamericano STRP, Miembro Grupo Especialista de Tiburones, UICN*
4. **WWF:** Ms. Sylvia Marin (Regional Representative, WWF Central America)

### Summarized fact

1. Panama (Vacamonte):

There are about 30 longline vessels less than 24 m using Vacamonte as base port for getting supply, maintenance and unloading catch. Those vessels usually operated in the eastern Pacific Ocean off Panama and caught sharks seasonally. The Survey Group found the shark meat was quite favored in the market of Central America. Vessels fishing in the region are subject to the coastal states' government regulations. No finning has been found.

2. Costa Rica (Puntarenas):

There are about 50 longline vessels less than 24 m using Puntarenas as base port, and those usually operated in the eastern Pacific Ocean off Costa Rica and seasonally targeted sharks. However, Costa Rica has issued relevant regulation prohibiting finning. No finning has been found in Costa Rica.

3. Due to having huge demand on shark meat in Central America, especially in Mexico, there could

have a result that most of shark meat produced from Panama and Costa Rica were sold to Mexico. It is believed that shark meat market has been quite stable in the areas of Central America. Economic interest could be the incentive element for vessels seasonally targeting sharks. Aside from the reason, more tighten coastal states' regulations with respect to tuna and tuna-like species have been adopted and applied to fishermen, the fishing vessels including locals and from Chinese Taipei were declined to discard shark carcass even sharks were the target species.

4. All officials of those authorities and organizations which were visited were greatly concerned over the shark resources and expressed their willingness to cooperate with Chinese Taipei in the future for jointly collecting catch information or conducting survey on shark resources. Meanwhile, the environmental groups have also realized what extent Chinese Taipei has made on the conservation of shark resources.

**Appendix 4.a.**

**PROPOSAL D3**

**PROPOSAL BY THE EUROPEAN UNION, AMENDED BY THE  
DRAFTING GROUP**

**RESOLUTION CONCERNING THE ADOPTION OF TRADE MEASURES  
TO PROMOTE COMPLIANCE**

*The Inter-American Tropical Tuna Commission (IATTC), meeting in Lima, Peru, on the occasion of its 72<sup>nd</sup> Meeting;*

*Noting* 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;

*Considering* the need for action to ensure the effectiveness of the measures to achieve the objectives of the IATTC;

*Considering* the obligation of all Parties, co-operating non-parties, co-operating fishing entities or regional economic integration organizations (collectively "CPCs") to respect IATTC conservation and management measures;

*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-parties to abide by these measures;

*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 the effectiveness of IATTC conservation and management measures;

*Noting* 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 should be adopted and implemented in accordance with international law, including principles, rights and obligations established in the World Trade Organization (WTO) Agreements, and implemented in a fair, transparent and non-discriminatory manner;

*Resolves as follows:*

1. CPCs that import products of species covered by the IATTC Convention, or in whose ports those products are landed, should collect and examine as much import or landing data and associated information as possible on such products, and submit the following information to the Commission 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;
  - g. registration.

2.
  - a. The Commission, through the Permanent Working Group on Compliance (Compliance Working Group) or the Joint Working Group on Fishing by Non-Parties (Joint Working Group), as appropriate, should identify each year:
    - i. CPCs that have failed to fulfil their obligations under the IATTC Convention in respect of IATTC conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with IATTC conservation and management measures by vessels flying their flags; and/or
    - ii. Non-parties that have failed to discharge their obligations under international law to co-operate with IATTC in the conservation and management of species covered by the IATTC Convention, in particular, by not taking measures or exercising effective control to ensure that vessels flying the flags do not engage in any activity that undermines the effectiveness of IATTC conservation and management measures.
  - b. These identifications should be based on a review of all information provided in accordance with paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on these species obtained from national statistics; any IATTC statistical document program; the IATTC IUU Vessel List; as well as any other information obtained in ports and on fishing grounds.
  - 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 the effectiveness of IATTC conservation and management measures.
3. The Commission should ask the CPCs and non-parties identified under paragraph 2 to rectify the act or omission that led to their identification, and notify them of the following:
  - a. the reason(s) for the identification, with all available supporting evidence;
  - b. the opportunity to respond to the Commission in writing, at least 30 days prior to the 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-party, invite it to participate as an observer at the annual meeting where the issue will be considered.
4. CPCs are encouraged, jointly and individually, to ask the CPCs or non-parties identified pursuant to paragraph 2 to rectify the act or omission that led to their identification under paragraph 2 so as not to diminish the effectiveness of IATTC conservation and management measures.
5. The Commission, through the Director, should, by more than one means of communication, transmit the Commission's request to the identified CPC or non-party, and seek to obtain confirmation from the CPC or the non-party that it received the notification.
6. The Compliance Working Group or the Joint Working Group should evaluate the response of each CPC or non-party, together with any new information, and recommend that the Commission decide on one of the following actions to be applied to each CPC and non-party:
  - a. revoke its identification made pursuant to paragraph 2;
  - b. continue its identification made pursuant to paragraph 2; or
  - c. adopt non-discriminatory trade restrictive measures.

In the case of CPCs, trade measures should be considered only when any such actions as the Commission may take to promote compliance[, such as the reduction of catch limits,] either have

proven unsuccessful or would not be effective.

7. If the Commission decides on the action described in paragraph 6.c, it should recommend to the Parties, pursuant to Articles I.2 and II.5 of the IATTC Convention, to take specific non-discriminatory trade restrictive measures, consistent with their international obligations. The Commission should notify the CPCs and non-parties concerned of the decision and the underlying reasons, in accordance with the procedures specified in paragraph 5.
8. CPCs should 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 7.
9. In order for the Commission to recommend the lifting of trade restrictive measures, the Compliance Working Group and/or the Joint Working Group should review each year all trade restrictive measures adopted in accordance with paragraph 7. Should this review show that the situation has been rectified, the Compliance Working Group or the Joint Working Group, as appropriate, should recommend to the Commission the lifting of the non-discriminatory trade restrictive measures. Such decisions should also take into consideration whether the CPCs and/or non-parties concerned have taken concrete measures capable of achieving a lasting improvement of the situation.
10. Where exceptional circumstances so warrant or where the available information clearly shows that, despite the lifting of trade restrictive measures, a CPC or non-party continues to diminish the effectiveness of IATTC conservation and management measures, the Commission may decide on immediate action regarding that CPC or non-party, including, as appropriate, the imposition of trade restrictive measures in accordance with paragraph 7. Before making such a decision, the Commission should ask the CPC or non-party concerned to discontinue its wrongful conduct and should provide the CPC or non-party with a reasonable opportunity to respond.
11. The Commission should establish annually a list of CPCs and non-parties that are subject to a trade restrictive measure pursuant to paragraph 7 and, with respect to non-parties, are considered non-cooperating non-parties to IATTC.

**Appendix 4.b.**

**PROPOSAL C1a**

**PROPOSAL BY THE EUROPEAN UNION**

**RESOLUTION ON THE REMOVAL OF FINS OF SHARKS ON BOARD  
VESSELS**

*The Inter-American Tropical Tuna Commission (IATTC) meeting in Lima, Peru, on the occasion of its 72<sup>nd</sup> Meeting;*

*Noting* that the practice of ‘shark finning’, whereby the fins are removed from sharks, with the remainder of the shark being discarded at sea, may contribute to the excessive mortality of sharks to such an extent that many stocks of shark are depleted, and their future sustainability may be endangered;

*Being Aware* that the FAO International Plan of Action for the Conservation and Management of Sharks expressly calls upon states to co-operate internationally, including through regional fishery management organizations such as IATTC;

*Noting* that 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 long-line fleets also provide the required bycatch information as soon as possible;

*Believing* that specific measures to be respected by all fishing gears are necessary for the protection of shark stocks in the Eastern Pacific Ocean;

*Resolves that:*

1. Parties and co-operating non-Parties of IATTC shall prohibit the removal of shark fins on board vessels flying their flag, and retain on board, transship or land shark fins.
2. It shall be prohibited to purchase, offer for sale or sell sharks fins which have been removed on board, retained on board, transshipped or landed in contravention of this Resolution.
3. In derogation to paragraph 1 above, Parties and co-operating Non-Parties may allow vessels flying their flag to remove shark fins from dead sharks and to retain onboard, transship or land shark fins from such vessels holding a special authorization to fish for sharks issued by the flag state for that vessel.
4. Such a special authorization shall only be issued to fishing vessels where a capacity to use all parts of sharks has been demonstrated and where the need for the separate processing on board of shark fins and the remaining parts of sharks has been justified.
5. It shall be prohibited to discard at sea the remaining parts of sharks after the removal of shark fins, except those parts resulting from basic processing operations, such as beheading, gutting and skinning.
6. The weight of the fins kept from the catch shall never exceed the theoretical weight of the fins that would correspond to the remaining parts of sharks retained on board, transshipped or landed.
7. For the purposes of controlling the application of paragraph 5 above, the theoretical correspondence between weights of fins and bodies shall be established by the IATTC Secretariat, taking into account the type of fishery, the species composition and the type of processing and storage. In no case shall the theoretical weight of the fins exceed 5% of the live weight of the shark catch.

8. Fishing vessel captains which hold a special authorization to fish for sharks shall keep records of the weight of shark fins and the remaining parts of sharks retained on board, transshipped or landed.
9. When the shark catch is not landed as a whole, captains of vessels shall record, with valid documentation, the landings, transshipments and sales of shark fins or remaining parts of sharks.
10. A vessel which holds a special authorisation to fish for sharks shall notify its flag state and the competent authority of the port state or landing facility it wants to use, at least 72 hours before the estimated time of arrival at the port of landing, of the catches retained on board, the catches intended for landing and its estimated time of arrival.
11. Parties and co-operating non-Parties shall send to the IATTC Secretariat, by 1 May at the latest, a comprehensive annual report on the implementation of this Resolution during the previous year.

#### **Appendix 4.c.**

### **PROPOSAL I1**

#### **PROPOSAL BY JAPAN**

#### **RESOLUTION ON CONSERVATION AND MANAGEMENT OF SHARKS**

*The Inter-American Tropical Tuna Commission (IATTC) meeting in Lima, Peru, on the occasion of its 72<sup>nd</sup> Meeting;*

*Concerned* that an extensive shark fishery is reported to be conducted in the EPO off Central America by a large number of shark fishing vessels, including some slightly smaller than 24 m length overall, about which the Commission has little information, and shark meat has a large market demand;

*Recalling* that the 58<sup>th</sup> General Assembly of the United Nations adopted Resolution A/58/L concerning sharks; and

*Recalling* that the International Plan of Action for Conservation and Management of Sharks was adopted at the 23<sup>rd</sup> FAO Committee on Fisheries;

*Resolves that:*

12. Each Party and co-operating non-party, co-operating fishing entity or regional economic integration organization (collectively "CPCs") shall establish and implement a national plan of action for conservation and management of shark stocks, in accordance with the FAO International Plan of Action for Conservation and Management of Sharks.
13. CPCs shall collect information on their shark catches, effort by gear type, landing and trade of shark products, and provide it to the Commission.
14. CPCs shall prohibit directed shark fisheries conducted solely for the purpose of harvesting shark fins.
15. The Working Group on Stock Assessments, in cooperation with the Western and Central Pacific Fisheries Commission, shall conduct stock assessments on sharks (in 2005) and, as appropriate, recommend conservation and management measures to the Commission for its considerations and decision.

**Appendix 4.d.**

**PROPOSAL L1**  
**PROPOSAL BY GUATEMALA AND PANAMA**  
**DRAFT RESOLUTION**

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

*Considering that:*

1. Panama and Guatemala have acted in good faith and have made different interpretations of the *Resolution on the capacity of the tuna fleet operating in the eastern Pacific Ocean* (Resolution C-02-03), adopted by the 69<sup>th</sup> Meeting of the Commission in Manzanillo, Mexico, on 28 June 2002;
2. The vessels *Albacora Doce* and *Albacora Catorce* have in effect been transferred to Panama;
3. Guatemala has defended, for many years, its legitimate rights under international law to participate in the tuna fisheries in the EPO;
4. There is no intention of affecting adversely any third party or national interest;

*Agrees to:*

1. Recognize the effective transfer of the vessels *Albacora Doce* and *Albacora Catorce*, including their carrying capacity, to Panamanian registry;
2. Recognize as a unique case the need for Guatemala to recover the carrying capacity lost due to the removal of the vessels *Albacora Doce* and *Albacora Catorce*;
3. Establish the obligation for the Parties involved to communicate to the Director of the IATTC any intention to transfer a vessel between themselves;
4. Accept Guatemala's commitment to recover the carrying capacity, up to a limit of 3760 m<sup>3</sup>, mainly with vessels from the region and within a period of not more than two (2) years;
5. Declare that this is an *ad hoc* solution, of an exceptional nature, that will not establish any precedent and will not prejudice the positions of the other participants in the Resolution regarding the management of carrying capacity.

## **Appendix 5.**

### **STATEMENT BY JAPAN ON RESOLUTION C-04-04**

In adopting the Resolution to Establish a List of Vessels Presumed to have Carried out Illegal, Unregulated and Unreported Fishing Activities in the Eastern Pacific Ocean, Japan would like to register in the record the following understanding.

First, Paragraph 9 of the Resolution stipulates that the Contracting Parties shall take all necessary measures, under their applicable legislation, to implement the listed actions including prohibition of import of all tuna and tuna-like species caught by the vessels on the IUU list in the Convention Area. In interpreting the whole provision related to this trade restrictive action, Japan understands that this provision requires the measures pertaining to the species covered by the statistical document programs.

Second, although the scope of fishing vessels covered by this scheme is limited to non-parties initially, Japan understands in view of the paragraph 11 that expansion of the scope to Contracting Parties will be considered as a matter of priority at the next Annual Meeting and be realized in the near future.

With this understanding, Japan would like to follow the consensus on the adoption of this Resolution.

## **Appendix 6.**

### **STATEMENT BY PERU**

The Government of Peru, as a coastal state of the Eastern Pacific Ocean and on the occasion of the 72<sup>nd</sup> Meeting of the IATTC, wishes to make clear the following:

In the context of the deliberations on the Capacity of the Fleet, Peru maintained its carrying capacity, reserving the right to a carrying capacity of 6 000 m<sup>3</sup> in the short term, maintaining its long-term request for 14 046 m<sup>3</sup>, in accordance with the provision of Resolution N° C-02-03 of June 2002, on the Capacity of the Tuna Fleet operating in the EPO.

The current internal legislation in our country guarantees strict compliance with the measures for the conservation and management of the tuna resources.

We ask the Secretariat that this document be appended to the Resolution on Fleet Capacity.

**Appendix 7.**

Projections of spawning biomass of yellowfin tuna under three scenarios; (A) no restrictions; (B) a six-week closure in the third quarter; (C) a six-week closure in the fourth quarter.

