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DRAFT PLAN FOR REGIONAL MANAGEMENT OF FISHING CAPACITY

The draft *Plan for Regional Management of Fishing Capacity* (the EPO Plan) presented in this document was prepared in accordance with the terms of the IATTC resolutions on [bigeye](#) and [fleet capacity](#), adopted in June and August 2000, respectively. In these resolutions, the Commission requested the Director to prepare a comprehensive draft plan for the regional management of tuna fishing capacity, in accordance with the [FAO International Plan of Action for the Management of Fishing Capacity](#).

Several drafts of the EPO Plan have been presented at meetings of the Commission and the Working Group during the last three years. A draft was last discussed at the 70th meeting of the IATTC in June 2003. Several suggestions were made for improving the plan, and the staff was asked to incorporate those. However, there was no opportunity to present the final plan, with the revisions, for approval at the meeting.

The plan including those changes was subsequently distributed by correspondence for review by the Commission. No further comments were received, except for changes suggested by Japan, marked in the attached text.

In its final form, the EPO Plan retains its major elements, such as nature and scope, a description of objectives and principles, the identification of actions in three phases, and references to the Code of Conduct and other international instruments.

The EPO Plan is a policy document that will establish the general framework for managing the capacity of the tuna fleets in the eastern Pacific, and it will be implemented by resolutions adopted by the Commission.

INTER-AMERICAN TROPICAL TUNA COMMISSION

PLAN FOR REGIONAL MANAGEMENT OF FISHING CAPACITY

June 2003

(with modifications proposed by Japan, September 2003)

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1. INTRODUCTION

1. The overall issue of fishing capacity in the EPO is one that should be considered within the context of the FAO Code of Conduct for Responsible Fisheries and its general objective of sustainable fisheries. The Code of Conduct provides that States shall take measures to prevent or eliminate excess fishing capacity and shall ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.
2. The International Plan of Action for the Management of Fishing Capacity was adopted at the 23rd Session of the FAO Committee on Fisheries in February 1999. The IATTC has recognized that the issue of managing fishing capacity in the tuna fishery of the Eastern Pacific Ocean (EPO) needs to be addressed. Excessive fishing capacity is a problem that can contribute to overfishing, the degradation of marine fisheries resources, and the decline of food production potential, and inevitably causes economic waste.
3. At its 66th Meeting, held in San Jose, Costa Rica, on 12-15 June 2000, the IATTC adopted two resolutions that instructed the Director to prepare a comprehensive draft plan for the regional management of fishing capacity in the EPO.

2. NATURE AND SCOPE OF THE REGIONAL PLAN OF ACTION

4. This Plan of Action for the Regional Management of Tuna Fishing Capacity (the EPO Plan) has been elaborated within the framework of the FAO International Plan of Action for the Management of Fishing Capacity and the FAO Code of Conduct for Responsible Fisheries, as envisaged by Article 2(d) of the Code. The provisions of Article 3 of the Code apply to the interpretation and application of this Regional Plan of Action and its relationship with other international instruments.
5. The EPO Plan reflects the commitment of all Participants¹ to implement the Code of Conduct. Participants shall apply this Plan in a manner consistent with international law.

¹ For the purposes of this document, “Participant” means Parties to the IATTC, and States, Regional Economic Integration Organizations and Fishing Entities that have applied for membership of the Commission or that cooperate with the management and conservation measures adopted by the Commission.

6. The EPO Plan is an element of fishery conservation and sustainable management. It is a policy document that establishes the general framework for managing the capacity of the tuna-fishing fleet, and it will be implemented by resolutions adopted by the Commission.

3. OBJECTIVE AND PRINCIPLES

7. The objective of the EPO Plan is to achieve, by 1 January 2006, an efficient, equitable and transparent management of tuna fishing capacity in the EPO, to assist in achieving long-term sustainability of the tuna fishery of the EPO. The management of fleet capacity will complement other measures taken to conserve the tuna stocks. Participants should endeavor to limit the total fleet capacity at the present level and to reduce it, as appropriate, in accordance with an agreed program. After any targets for the fleet capacity have been achieved, Participants should exercise caution to avoid growth in fleet capacity.
8. The immediate objective should be achieved through a series of actions related to two main strategies:
 - a. The updating of a comprehensive regional assessment of tuna-fishing capacity and improvement of the capability for monitoring fishing capacity;
 - b. The consideration of a reduction schedule to effectively manage tuna-fishing capacity.
9. These strategies may be implemented through complementary mechanisms to promote implementation of this EPO Plan: awareness building and education, technical cooperation at the international level, and coordination.
10. The management of tuna fishing capacity ~~shall~~should be based on the FAO Code of Conduct for Responsible Fisheries and should take into consideration the following major principles and approaches.
 - a. **Participation:** The EPO Plan should be implemented through the IATTC, in cooperation with other appropriate intergovernmental organizations.
 - b. **Phased implementation:** The management of fishing capacity should be achieved through actions in the following three phases: (1) ~~updated~~ assessments and monitoring of fishing capacity diagnoses; (2) ~~consideration of limits on the purse seine fleet and on vessels using other types of fishing gear~~capacity limits; and (3) ~~periodic adjustment of target levels established for the fleet and/or fishery~~, as appropriate economic incentives.
 - c. **Holistic approach:** The management of tuna fishing capacity in the EPO should be comprehensive and consider all factors affecting capacity in both national and international waters.
 - d. **Conservation:** The management of fishing capacity should facilitate the conservation and sustainable use of tuna stocks in the EPO ~~and the protection of the marine environment~~. It ~~shall~~should be consistent with the precautionary approach, the need to minimize bycatch, waste, and discards, and ensure selective and environmentally safe fishing practices and the protection of biodiversity in the marine environment.
 - e. **Priority:** Priority ~~shall~~should be given to managing the fishing capacity in the tuna purse-seine fishery, in which there already exists excess fishing capacity. However, the management of longline fishing capacity ~~shall~~should also be addressed.
 - f. **New technologies:** The management of fishing capacity should take into account the incorporation of environmentally sound and evolving technology in all fisheries covered by this Plan.
 - g. **Mobility:** The management of fishing capacity should encourage the efficient use of fishing capacity, allow the legitimate transfer of vessels among Participants, and discourage entry of new

vessels into the EPO if that leads to excess capacity.

- h. **Transparency:** The EPO Plan ~~shall~~should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.
 - i. **Awareness building and education.** Participants should develop information programs at national and regional levels to increase awareness about the need for the management of tuna fishing capacity, and the costs and benefits resulting from adjustments in that capacity in the EPO.
 - j. **Scientific and technical cooperation.** Participants should support training and institutional strengthening and consider providing financial, technical, and other assistance to developing countries on issues related to the management of fishing capacity.
 - k. **International collaboration.** Participants should strive to collaborate, through FAO and through international arrangements, in research, training, and the production of information and educational material aiming to promote the effective management of tuna fishing capacity. The IATTC ~~shall~~should keep FAO updated on progress on the assessment, development, and implementation of the EPO Plan.
11. The implementation of the EPO Plan ~~shall~~should give due recognition to Article 5 of the Code of Conduct, in relation to enhancing the ability of developing countries to participate in tuna fisheries, including access to such fisheries, in accordance with their legitimate rights and their obligations under international law.
 12. In the implementation of the EPO Plan, the right of coastal countries and other countries with a longstanding and significant interest in the tuna fisheries in the EPO to develop and maintain their own tuna fishing industries ~~shall~~should be acknowledged and affirmed.
 13. The economic importance of the tuna-fishing fleets and the need to limit the size of these fleets to a level commensurate with economic viability should be considered in implementing the EPO Plan.
 14. The EPO Plan is a policy document that establishes the general framework for managing the capacity of the tuna fleets in the EPO. It ~~shall~~should be implemented by resolutions adopted by the IATTC, in particular the resolutions (including any future amendments) on fleet capacity (*Resolution on the Capacity of the Tuna Fleet Operating in the eastern Pacific Ocean (Revised)*, Attachment A), and on the Regional Vessel Register (*Resolution on a Regional Vessel Register*, Attachment B), which are an integral part of the EPO Plan.

4. PHASE ONE

4.1. Assessment and monitoring of fishing capacity

4.1.1. *Measurement of fishing capacity*

15. The IATTC should monitor, through the Permanent Working Group on Fleet Capacity, the capacity of the tuna fleet operating in the EPO. The well volume of vessels, in cubic meters (m³), will be used as the primary basis for measuring the capacity of the purse-seine fleet.

4.1.2. *Diagnosis and assessment*

16. The IATTC should establish the target fishing capacity of all the tuna-fishing fleets in the EPO.
17. The target level for the purse-seine fishery is 158,000 m³ of total well volume. This target level should be reviewed on a regular basis, and modified, if necessary, taking into account the status of the stocks.
18. The IATTC should establish the target fishing capacity for ~~the large-scale longline~~other fleets.

4.1.3. Regional Vessel Register

19. The IATTC has established, in accordance with its Resolution of June 2000, a Regional Register of Vessels authorized to fish in the Convention Area for species under the purview of the Commission. Participants should provide the Director with information concerning any change to their fleets.
20. Participants should support FAO in the development of appropriate and compatible standards for records of fishing vessels.
21. The IATTC should maintain a list of vessels of non-Participants fishing in a manner that undermines either the EPO Plan or other management measures adopted by the Commission.

5. PHASE TWO

5.1. Capacity Limits

5.1.1. Purse-seine fleet

22. Each Participant should limit the capacity of its purse-seine fleet operating in the EPO consistent with the objective of this Plan and the Resolution on Fleet Capacity.
23. The Permanent Working Group on Fleet Capacity will evaluate the necessity and feasibility of a reduction plan to achieve the target level of well volume by 1 January 2006.

5.1.2. Other fleets

24. The Permanent Working Group on Fleet Capacity will develop mechanisms to limit the capacity of fleets fishing for tunas using gears other than purse seines, and if it considers appropriate, propose target levels for such fleets and a reduction plan to achieve them.

6. PHASE THREE

6.1. Economic incentives

25. Participants should assess the possible impact of all factors, including vessel construction for export, contributing to overcapacity on the sustainable management of tuna fisheries in the EPO, distinguishing between factors, ~~including subsidies~~, which contribute to overcapacity and unsustainability and those which produce a positive effect or are neutral.
26. Participants should reduce and progressively eliminate all factors, including economic incentives and other factors, that contribute, directly or indirectly, to the build-up of excessive fishing capacity, thereby undermining the sustainability of the tuna resources in the EPO.

7. COMPLIANCE

27. The Permanent Working Group on Compliance should review and monitor compliance with the EPO Plan, and should recommend to the IATTC appropriate measures for addressing matters related to compliance with the EPO Plan.
28. The IATTC should identify Participants whose vessels fish for tunas in the EPO that do not exercise effective jurisdiction and control over their vessels, or whose vessels do not comply with this Plan. Participants should take measures to encourage such Participants to implement this Plan.

8. PERIODIC REVIEW AND ADJUSTMENTS

29. At least every four years, the IATTC should review the implementation of the EPO Plan to identify cost-effective strategies for increasing its effectiveness and the consideration of different management systems and fishing capacity.
30. The overall capacity target should be reviewed regularly to ensure ~~that it takes into account ecosystem considerations and~~ that it remains in balance with the available fishery resources and

management objectives.

9. OPERATIONAL PROCEDURES

31. The Permanent Working Group on Fleet Capacity should recommend to the IATTC measures for addressing matters related to the EPO Plan, including adjustments as appropriate, and should review annually the entry of new vessels to the EPO tuna fleet. The entry of new vessels ~~shall~~should be governed by the following considerations:
 - a. No transfer of vessels to the jurisdiction of another Participant ~~shall~~should be allowed without the express consent and formal authorization of both Participants, and ~~shall~~should be subject to any relevant Commission resolutions.
 - b. A system to deal with new vessels (defined as those not included in the Regional Vessel Register) entering the EPO tuna fishing fleet ~~shall~~should be developed. The system ~~shall~~should include rules to address how vessels not currently participating in the tuna fishery in the EPO might do so in the future, the replacement of lost or retired vessels, and the loss of capacity due to non-utilization.
32. Participants should provide the Director, in a timely manner and in accordance with Commission resolutions, all the information regarding their flag vessels necessary for the proper maintenance of the Register.

10. COOPERATION WITH OTHER ORGANIZATIONS AND ARRANGEMENTS

33. Participants should consider participating in international agreements that relate to the management of fishing capacity, in particular the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.
34. The IATTC should support co-operation and the exchange of information with FAO and relevant regional fisheries organizations.

Attachment A.

**INTER-AMERICAN TROPICAL TUNA COMMISSION
RESOLUTION C-02-03, JUNE 2002**

**RESOLUTION ON THE CAPACITY OF THE TUNA FLEET OPERATING
IN THE EASTERN PACIFIC OCEAN (REVISED)**

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

Aware that the issue of excess fishing capacity is of concern worldwide and is the subject of an International Plan of Action developed by the United Nations Food and Agriculture Organization;

Understanding that excess fishing capacity in a region makes it more difficult for governments to agree on and implement effective conservation and management measures for the fisheries of that region;

Concerned that purse-seine fishing capacity in the eastern Pacific Ocean (EPO) has been increasing in recent years;

Believing that it is important to limit fishing capacity in the EPO in order to help ensure that the tuna fisheries in the region are conducted at a sustainable level;

Aware of the importance of tuna fishing to the economic development of the Parties;

Committed to giving full effect to the relevant rules of international law, as reflected in the United Nations Law of the Sea Convention;

Recalling the resolutions to limit the capacity of the tuna purse-seine fleet in the EPO approved by the IATTC at its 62nd Meeting in October 1998 and by correspondence on 19 August 2000;

Seeking to address the problem of excess capacity in the tuna purse-seine fleet operating in the EPO by limiting such capacity to a level which, in harmony with other agreed management measures and projected and actual levels of catch, will ensure that tuna fisheries in the region are conducted at a sustainable level:

Have agreed as follows:

1. For the purposes of this Resolution, the EPO is defined as the area bounded by the coastline of the American continents, the 40° North parallel, the 150° West meridian and the 40° South parallel.
2. For the purposes of this Resolution, and without setting any precedent, “participant” means Parties to the IATTC, and States and regional economic integration organizations (REIOs), and fishing entities that have applied for membership of the Commission or that cooperate with the management and conservation measures adopted by the Commission. The Commission shall determine which States, REIOs and fishing entities are considered to be cooperating with such management and conservation measures.
3. To finalize and adopt, as soon as possible, a plan for regional management of fishing capacity, as specified in the resolution on fleet capacity of 19 August 2000. Such a plan shall take into account the right of coastal States and other States with a longstanding and significant interest in the tuna fisheries of the EPO to develop and maintain their own tuna fishing industries.
4. To review on a regular basis, and modify if necessary, the methods for estimating fishing capacity and the target level of 158,000 m³, established in the resolution on fleet capacity of 19 August 2000, for the total capacity of the purse-seine fleet, taking into account the level of the stocks of tuna and other relevant factors.

5. To use the Regional Vessel Register (“the Register”) established by the resolution of the 66th Meeting of the Commission, as of 28 June 2002, with any subsequent modifications that do not increase the total capacity of purse-seine vessels established in the Register, as the definitive list of purse-seine vessels authorized by the participants to fish for tunas in the EPO. Any purse-seine vessel fishing for tunas in the EPO that is not on the Register would be considered to be undermining IATTC management measures. The Register shall include only vessels flying the flags of participants. Each participant shall verify the existence and operational status of, and confirm the accuracy of the information on, its vessels, as required by that resolution, including the requirement to promptly notify the Director of the Commission (“the Director”) of any modifications to that information. For purse-seine vessels, the Register shall include only vessels that have fished in the EPO before 28 June 2002. A participant may remove any vessel flying its flag from the Register by notifying the Director.
6. The well volume of each purse-seine vessel, once confirmed by the relevant participant and verified by an independent survey supervised by the Director, shall be reflected in the Register.
7. To prohibit the entry of new vessels, defined as those not included in the Register, to the EPO purse-seine fleet, except to replace vessels removed from the Register, and provided that the total capacity of any replacement vessel or vessels does not exceed that of the vessel or vessels replaced.
8. To prohibit increasing the capacity of any existing purse-seine vessel unless a purse-seine vessel or vessels of equal or greater capacity is removed from the Register.
9. Notwithstanding paragraphs (7) and (8), above, by January 1 of each year, a participant may notify the Director of any purse-seine vessel operating under its jurisdiction and listed on the Register that will not fish in the EPO in that year. Any vessel identified pursuant to this paragraph shall remain on the Register as “inactive” and shall not fish in the EPO in that year. In such cases, the participant may substitute another purse-seine vessel or vessels on the Register, and those vessels shall be authorized to fish in the EPO provided that the total “active” capacity of purse-seine vessels flying the flag of that participant in any year does not exceed the capacity listed for such vessels on the Register as of 28 June 2002.
10. Subject to the provisions of this resolution:
 - 10.1. Notwithstanding paragraphs (7) and (8), the following participants may add purse-seine vessels to the Register after 28 June 2002, within the following limits*:

Costa Rica:	9364 m ³
El Salvador:	861 m ³
Nicaragua: ²	5300 m ³
Peru:	3195 m ³
- ~~10.2.~~ 10.2. Guatemala may increase its purse-seine fleet by 1700 m³ and commits to obtaining that capacity within a period of two years.
11. In the implementation of paragraph (10.1) above, a participant wishing to bring a new vessel into the EPO shall (1) so notify the other participants, through the Director, and (2) undertake efforts to find a suitable vessel from the Register for at least four months following such notification before bringing a new vessel into the EPO.

* Costa Rica, Colombia, and Peru maintain long-term capacity requests of up to 16,422 m³, 14,046 m³, and 14,046 m³, respectively. The Parties also acknowledge that France has expressed an interest in developing a tuna purse-seine fleet on behalf of its overseas territories in the EPO.

² 4038 m³ in the original resolution adopted in June; modified by consensus of the Parties, 3 November 2002

12. Notwithstanding paragraphs (7) and (8), a limit of 32 United States vessels authorized and licensed to fish in other areas of the Pacific Ocean under an alternative international fisheries management regime, and that may occasionally fish to the east of 150° West, shall be authorized to fish in the EPO provided that: a) the fishing activity of any such vessels in the EPO is limited to a single trip not to exceed 90 days in one calendar year; b) the vessels do not possess a Dolphin Mortality Limit pursuant to the Agreement on the International Dolphin Conservation Program; and c) the vessels carry an approved observer. A similar exception shall be considered for vessels of other participants with a similar record of participation in the EPO tuna purse-seine fishery and that meet the criteria listed above.
13. Nothing in this resolution shall be interpreted to limit the rights and obligations of any participant to manage and develop the tuna fisheries under its jurisdiction or in which it maintains a longstanding and significant interest.³
14. To urge all non-Parties to provide the information required by this resolution and comply with its provisions.

³ This paragraph was agreed *ad referendum* pending consultations among Costa Rica, El Salvador, Nicaragua, and Venezuela on a possible alternative.

Attachment B.

INTER-AMERICAN TROPICAL TUNA COMMISSION
RESOLUTION C-00-06, JUNE 2000

RESOLUTION ON A REGIONAL VESSEL REGISTER

The Inter-American Tropical Tuna Commission (IATTC):

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

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

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

Therefore recommends to the High Contracting Parties that:

1. They request the Director to establish and maintain a record of vessels that have been authorized to fish in the Convention Area for species under the purview of the Commission, on the basis of the information detailed in paragraph 2 below.
2. Each Party supply the Director the following information with respect to each vessel under its jurisdiction to be included in the record established pursuant to paragraph 1:
 - a. name of vessel, registration number, previous names (if known), and port of registry;
 - b. a photograph of the vessel showing its registration number;
 - c. previous flag (if known and if any);
 - d. International Radio Call Sign (if any);
 - e. name and address of registered owner or owners;
 - f. where and when built;
 - g. length, beam, and moulded depth;
 - h. fish hold capacity in cubic meters, and carrying capacity in metric tons;
 - i. name and address of operator (manager) or operators (if any);
 - j. type of fishing method or methods;
 - k. gross tonnage;
 - l. power of main engine or engines.
3. Each Party promptly notify the staff of any modifications to the information listed in paragraph 2.
4. Each Party also promptly notify the staff of any additions to or deletions from the record of vessels authorized to fish.
5. Each Party promptly notify the staff of any fishing vessel that is no longer entitled to fly its flag.
6. They request non-member governments with vessels fishing in the EPO under their jurisdiction to provide to the Director the information detailed in paragraph 2 and to otherwise follow the terms of this Resolution.