

COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL  
INTER-AMERICAN TROPICAL TUNA COMMISSION  
PERMANENT WORKING GROUP ON FLEET CAPACITY  
**8<sup>TH</sup> MEETING**

LANZAROTE (SPAIN)  
22-23 JUNE 2005

**DOCUMENT CAP-8-04**

**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 [C-00-02](#) on bigeye tuna and [C-00-10](#) on 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 four years.

A final draft was last discussed at the 70<sup>th</sup> 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.

This final draft was subsequently discussed at the 7<sup>th</sup> meeting of the Permanent Working Group on Fleet Capacity in February 2004. The Working Group incorporated the changes made by the 70<sup>th</sup> meeting of the IATTC in June 2003 and most of the changes suggested by correspondence by Japan (deletion to paragraph 30 was not agreed, and was bracketed).

The Working Group also introduced additional language to paragraph 10e, and an alternative to paragraph 31a (a new paragraph 31c), but could not agree on these changes. They were bracketed, together with paragraph 31a. This bracketed final draft was last considered at the 72<sup>nd</sup> meeting of the IATTC in June 2004, but was not discussed in detail, mostly because issues similar to those in paragraphs 31a and 31c could not be agreed elsewhere.

Upon close scrutiny, the bracketed paragraph 31a seems to take the EPO Plan into the realm of decisions of how flag changes are handled between governments. This is an area that is dealt with by existing maritime law and best avoided in the EPO plan. The Working Group might consider as an alternative:

"31a. The transfer, from the jurisdiction of one participant to that of another, of any vessel that will fish for species covered by the Convention and be included on the Regional Vessel Register, shall be governed by relevant Commission resolutions."

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

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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 23<sup>rd</sup> 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 66<sup>th</sup> 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 Participants<sup>1</sup> to implement the Code of Conduct. Participants should apply this Plan in a manner consistent with international law.
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 fleet targeting species covered by the Convention, and it will be implemented by resolutions adopted by the

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<sup>1</sup> 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.

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 fishing capacity in the EPO, to assist in achieving long-term sustainability of the fishery targeting species covered by the Convention. The management of fleet capacity will complement other measures taken to conserve the stocks of species covered by the Convention. 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 fishing capacity and improvement of the capability for monitoring fishing capacity;
  - b. The consideration of a reduction schedule to effectively manage 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 fishing capacity 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) assessments and monitoring of fishing capacity, and periodic adjustment of target levels established for the fleet and/or fishery, as appropriate; (2) capacity limits; and (3) economic incentives.
  - c. **Holistic approach:** The management of 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 conservation of the marine environment. It 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 should be given to managing the fishing capacity in the tuna purse-seine [and longline] fisheries, in which there already exists excess fishing capacity. However, the management of capacity in other fisheries 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 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 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 fishing capacity. The IATTC should keep FAO updated on progress on the assessment, development, and implementation of the EPO Plan.
11. The implementation of the EPO Plan should give due recognition to Article 5 of the Code of Conduct, in relation to enhancing the ability of developing countries to participate in fisheries targeting species covered by the Convention, 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 should be acknowledged and affirmed.
  13. The economic importance of the fleets targeting species covered by the Convention 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 fleets targeting species covered by the Convention. It 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)*) and on the Regional Vessel Register (*Resolution on a Regional Vessel Register*, 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 fleet targeting species covered by the Convention. The well volume of vessels, in cubic meters (m<sup>3</sup>), 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 fleets targeting species covered by the Convention.
17. The target level for the purse-seine fishery is 158,000 m<sup>3</sup> 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 also establish the target fishing capacity for longliners and for 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 covered by the Convention. 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 targeting species covered by the Convention consistent with the objective of this Plan and the Resolution on Fleet Capacity.
23. The Permanent Working Group on Fleet Capacity will, by 1 January 2006, evaluate the necessity and feasibility of a reduction plan to achieve the target level of well volume, with a target date for implementation to be determined by the Commission.

#### **5.1.2. Longline fleets and other fleets**

24. The Permanent Working Group on Fleet Capacity will develop mechanisms to limit the capacity of longline and other fleets targeting species covered by the Convention using gears other than purse seines and propose target levels for such fleets and a reduction plan to achieve them.<sup>2</sup>

## **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 fisheries targeting species covered by the Convention, distinguishing between factors 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 species covered by the Convention.

## **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 species covered by the Convention that do not exercise effective jurisdiction and control over their vessels, or whose vessels do not comply with the EPO Plan. Participants should take measures to encourage such Participants to implement the EPO 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

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<sup>2</sup> The Commission adopted a *Resolution on the management of fishing capacity of large-scale tuna longline fishery* in June 1999

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 fleet targeting species covered by the Convention. The entry of new vessels should be governed by the following considerations:
  - a. [No transfer of vessels to the jurisdiction of another Participant should be allowed without the express consent and formal authorization of both Participants, and 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 fleet targeting species covered by the Convention should be developed. The system should include rules to address how vessels not currently participating in the fishery targeting species covered by the Convention might do so in the future, and the replacement of lost or retired vessels.
  - c. [A Flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide to the vessel an authorization to fish in waters under its jurisdiction, or on the high seas, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State.]
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.