

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

4TH MEETING

LANZAROTE, SPAIN
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COMPLIANCE BY NON-PARTIES

At the second meeting of the Joint Working Group on Fishing by Non-Parties, held in Antigua, Guatemala, in June 2003, its terms of reference were agreed. Among the functions established by the terms of reference is that stated in 2.b: "review and monitor compliance by non-parties with the conservation and management measures of both the IATTC and the AIDCP".

To analyze the compliance of non-parties, one must determine what measures were in effect during the time period of the evaluation for each of the two agreements, and then consider the record of the vessels of the non-party in adhering to the measures.

As regards the AIDCP, the non-parties with vessels fishing in the region are Belize, Cambodia, Canada, Chile, China, Chinese Taipei, Georgia, Indonesia, and Korea. None of these vessels are purse seiners, so there is evidently no compliance issue with respect to the AIDCP.

In the case of the IATTC, the analysis is more complex. The non-parties with vessels fishing in the region are Belize, Bolivia, Cambodia, Canada, Chile, China, Chinese Taipei, Colombia, Georgia, Honduras, Indonesia, and Korea. In 2004 the Commission had two measures applicable to longline vessels, the provision of required catch data ([Resolution C-03-05](#)), and a limit on the amount of catch of bigeye tuna ([Resolution C-04-09](#)).

Regarding the provision of catch data, Bolivia, Chile, Colombia, Georgia, and Indonesia have not provided the required information for 2003, which is the requirement of Resolution C-03-05, and Belize has provided data for 2001 and 2004. In the case of Colombia, there is only one longline vessel, for which the staff has no catch information.

For those non-parties that reported their catch data, there were no violations of the bigeye catch limit.

The measures applicable to purse-seine vessels in 2004 were much more extensive. In addition to general catch data reporting, there were measures relating to bycatch ([Resolution C-04-05](#)), weekly at-sea reporting ([Resolution C-03-04](#)), fleet capacity ([Resolution C-02-03](#)) and tuna conservation (area closure) ([Resolution C-04-09](#)). These are analyzed in considerable detail in Document COM-6-05, *Compliance with IATTC measures in 2004*, prepared for the meeting of the IATTC Permanent Working Group on Compliance.

During 2004, only Bolivia and Colombia among the non-Parties had purse-seine vessels. For the purposes of the Joint Working Group, and in particular with regard to the question of determining the status of cooperating non-party, it is perhaps most useful to focus on the measures related to fleet capacity and tuna conservation that apply to the purse-seine fleet.

With respect to capacity, in June 2002 the Commission adopted Resolution C-02-03 on the capacity of the tuna purse-seine fleet operating in the eastern Pacific Ocean (EPO). The capacity management system established by the resolution does not include the concept of national capacity allocations or limits; instead, fleet capacity limitations are essentially determined by the IATTC Regional Vessel Register. Therefore, the key elements of the resolution address how vessels may be added to or removed from the

Register. The participating governments have agreed to use the Register as the definitive list of purse-seine vessels authorized by the participants to fish for tunas in the EPO. According to the resolution, 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 resolution prohibits the entry of new vessels, defined as those not included on the Register, to the EPO purse-seine fleet, except to replace vessels removed from the Register. There are some limited and specific exceptions to this rule for five countries, and these are elaborated in the resolution. Thus, a country cannot add a purse-seine vessel to its fleet unless it is a replacement or the country is allowed an exception.

The compliance issue relevant to this Working Group is that a newly-built purse-seine vessel, the *Martha Lucía R.*, entered the fishery on February 22, 2004, under Colombian flag, and has been fishing for tuna in the EPO. This vessel is not on the Register, and is not eligible for inclusion because the terms of the resolution have not been met: it is not replacing another vessel, and Colombia is not one of the five countries allowed an exception by the resolution.

Regarding the tuna conservation issue, Resolution C-04-09 established a prohibition on any fishing by purse-seine vessels in of the EPO either (1) from 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.

The staff has identified possible violations of the closures by vessels flying the flags of Bolivia and Colombia. The details of these violations are elaborated in Document COM-6-05. The vessels which fished during the closure under Bolivian flag have since transferred flag to Colombia.