

INTER-AMERICAN TROPICAL TUNA COMMISSION

75TH MEETING

CANCUN (MEXICO)
25-29 JUNE 2007

PROPOSAL F1

PRESENTED BY VENEZUELA

CLAIM FOR THE 5,473 CUBIC METERS OF CAPACITY OF VENEZUELA

Considering: that in notification, dated 21 October 2005, identified with Ref. 0834-549 the IATTC, stated that it knew that four Venezuelan vessels were in the process of changing flag.

Considering: that on 16 December 2005 the Commission was answered by a communication sent by the National Institute of Fisheries and Aquaculture, reference INAPESCA/ORI/N°1958, which stated that there was no knowledge of the intention of the Venezuelan vessels *El Templario*, *Jane*, *La Foca*, and *Napoleón* of changing flag.

Considering: that subsequent to the above-mentioned communication, the Commission circulated a notification dated 30 December 2005, Ref: 1030-410 which stated that cancellation certificates had been received from Venezuela for the vessels *El Templario*, *Jane*, *La Foca* and *Napoleón* and subsequently the Director of the Commission changed the flag of the four (4) vessels.

Considering: that at the 73rd Meeting of the IATTC in Lanzarote, Spain, it was agreed, as is stated in the minutes of that Meeting, specifically in item 15 that **“A change of flag by a vessel from one CPC to another, and the vessel’s status on the Regional Register, shall not be considered effective until the Director has received official notification of the change from both governments involved”**

Considering: that at the 14th meeting of the Parties held in La Jolla, California, on 20 October 2005 it was agreed as stated in the minutes of that Meeting specifically in item 6.a of the report of the IRP in the first paragraph, quote “it was agreed that the nine vessels in question could have DMLs allocated to them if, by 1 January 2006, they **had clearly changed flag**”. (To clarify, among these 9 vessels were the 4 vessels in question).

Considering: that Venezuela in a communication dated 16 December 2005 declared itself, not authorizing the transfer of the capacity of these 4 vessels and ratified its position that the carrying capacity belongs to the flag State.

Considering: that neither in Resolutions, nor in procedures is a time limit or deadline regulated for a Party to declare itself for or against a change of flag in the IATTC Regional Vessel Register.

Considering: even if there is no regulation, Resolution y/o procedures that establish time limits for the Parties to declare themselves for or against a change of flag, at the 14 Meeting of the Parties for this specific case 1 January 2006 was established as a deadline for the change of flag to come into effect.

Considering: that Venezuela in repeated communications sent to the Secretariat has stated that the carrying capacities belong to the country.

Considering: that the Director of the IATTC cannot, in accordance with the procedures agreed by the Commission, consider effective a change of flag, without having the documentation or express will of the competent Authorities of both governments involved.

Considering: that the elements expressed show a violation of the procedures agreed by the Commission

for changes of flag by a vessel on the IATTC Regional Vessel Register

Proposes:

1. That the Commission ratify the procedure established by the IATTC for the transfer of capacity of vessels from one CPC to another.
2. That the Commission indicate the time limit for the CPCs involved to declare themselves on the acceptance or not of a transfer of capacity quota on the IATTC Regional Vessel Register.
3. That the Commission declare which document, resolution or rule establishes the deadline for CPCs to declare themselves on the transfer of carrying capacity.

In view of the elements categorically presented, Venezuela requests the Plenary of this Commission that it recognize the legitimacy that it has over the 5,473 cubic meters of capacity belonging to the Venezuelan State.