

INTER-AMERICAN TROPICAL TUNA COMMISSION

PERMANENT WORKING GROUP ON COMPLIANCE

9TH MEETING

PANAMA CITY (PANAMA)

19 JUNE 2008

DOCUMENT COM-9-04 (REVISED)

COMPLIANCE WITH IATTC MEASURES IN 2007

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All tonnages are in metric tons (t). The following abbreviations are used:

Countries and fishing entities:

| | |
|-----|--------------------------|
| BLZ | Belize |
| BOL | Bolivia |
| CHN | China |
| COL | Colombia |
| CRI | Costa Rica |
| ECU | Ecuador |
| ESP | Spain |
| EUR | European Union |
| GTM | Guatemala |
| HND | Honduras |
| JPN | Japan |
| KOR | Republic of Korea |
| MEX | Mexico |
| NIC | Nicaragua |
| SLV | El Salvador |
| TWN | Chinese Taipei |
| USA | United States of America |

| | |
|-----|-----------|
| VEN | Venezuela |
| VUT | Vanuatu |

Species:

| | |
|-----|---|
| BET | Bigeye tuna (<i>Thunnus obesus</i>) |
| SKJ | Skipjack tuna (<i>Katsuwonus pelamis</i>) |
| YFT | Yellowfin tuna (<i>Thunnus albacares</i>) |

Forms:

| | |
|-----|-------------------|
| RDC | Compliance Record |
| RDT | Shark Record |
| RTM | Sea Turtle Record |

Miscellaneous:

| | |
|-----|--|
| CPC | IATTC Party, cooperating non-party, fishing entity or regional economic integration organization |
| FAD | Fish-aggregating device |
| EPO | Eastern Pacific Ocean |

The information presented in this document relates to some of the issues on the agenda of the 9th Meeting of the IATTC Permanent Working Group on Compliance, to be held in Panama City, Panama, on 19 June 2008.

The data related to the purse-seine fisheries in this report cover all trips initiated in 2007 (2007 trips) covered by the IATTC observer program, and also includes data received from national observer programs.

For comparative purposes, the number of successful sets¹ for trips that started during 2004-2007 was as follows:

| | |
|------|---------------------|
| 2003 | 21,164 |
| 2004 | 18,379 |
| 2005 | 21,664 |
| 2006 | 19,329 |
| 2007 | 18,062 ² |

The number of 2007 trips is as follows:

| | IATTC | National | Not observed | Total |
|--------------|------------|------------|----------------|------------|
| COL | 21 | 18 | - | 39 |
| ECU | 159 | 71 | 5 ³ | 235 |
| EUR | 8 | 9 | - | 17 |
| GTM | 4 | 0 | - | 4 |
| HND | 14 | 0 | - | 14 |
| MEX | 102 | 100 | - | 202 |
| NIC | 10 | 9 | - | 19 |
| PAN | 54 | 45 | - | 99 |
| PER | 1 | 0 | - | 1 |
| SLV | 26 | 0 | - | 26 |
| USA | 5 | 0 | - | 5 |
| VEN | 38 | 37 | - | 75 |
| VUT | 11 | 0 | - | 11 |
| Total | 453 | 289 | 5 | 747 |

1. RELEVANT COMMISSION RESOLUTIONS

The IATTC resolutions which were in effect during 2007 and which can be analyzed in terms of compliance are:

| | Adopted |
|--|-----------|
| C-99-07 <i>Resolution on fish-aggregating devices</i> | July 1999 |
| C-02-03 <i>Resolution on the capacity of the tuna fleet operating in the EPO</i> | June 2002 |
| C-03-04 <i>Resolution on at-sea reporting</i> | June 2003 |
| C-03-05 <i>Resolution on data provision</i> | June 2003 |
| C-04-05 <i>Consolidated resolution on bycatch (Rev 2)</i> | June 2006 |
| C-05-02 <i>Resolution on northern albacore tuna</i> | June 2005 |
| C-05-03 <i>Resolution on the conservation of sharks</i> | June 2005 |
| C-06-02 <i>Resolution for a program on the conservation of tuna in the EPO</i> | June 2006 |

¹ For this report, a successful set is defined as a set in which at least one of the three species covered by the full retention requirement (yellowfin, skipjack and bigeye) is caught.

² Includes sets made in 2008 during trips starting in 2007

³ Five trips of one class-5 vessel required to carry an observer as a result of an AIDCP resolution.

The *Resolution on Fish-Aggregating Devices* continues the prohibition of transshipment of tuna at sea and of the use of tender vessels.

The *Resolution on the capacity of the tuna fleet operating in the EPO* establishes rules and procedures governing the entry, transfer and operation of purse-seine vessels in the tuna fisheries of the EPO.

The *Resolution on at-sea reporting* requires all purse-seine vessels which carry an on-board observer to transmit the observer’s weekly report to the staff.

The *Resolution on data provision* establishes the types and format of fisheries data to be provided to the Director by countries with vessels fishing for tunas in the EPO.

The *Consolidated Resolution on Bycatch* calls for the full retention of all tuna caught by purse-seine vessels and a requirement to release unharmed, to the extent practicable, non-target species, with special requirements for releasing sea turtles.

The *Resolution on northern albacore tuna* establishes limits on the catch of albacore in the EPO.

The *Resolution on the conservation of sharks* calls for restrictions on the finning of sharks and the provision of information on shark catches.

The *Resolution for a program on the conservation of tuna in the EPO for 2007* establishes a prohibition on any fishing by purse-seine vessels in of the EPO from either (1) 1 August to 11 September; or (2) from 20 November to 31 December. It also limits each CPC’s longline catches of bigeye tuna.

2. REVIEW OF POSSIBLE VIOLATIONS DURING 2007

2.1. Consolidated resolution on bycatch (C-04-05)

There are two compliance elements to be analyzed from this resolution, the requirements to release all bycatch and to retain all tuna caught.

2.1.1. Release requirement

The resolution calls for fishermen to release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, dorado, and other non-target species, with specific requirements for the release of encircled or entangled sea turtles.

2.1.1.a Sea turtles

With respect to sea turtles, the resolution requires that all sea turtles be released by fishermen on purse-seine vessels. More specifically, the resolution calls for the following:

1. Require fishermen on vessels targeting species covered by the Convention to promptly release unharmed, to the extent practicable, all sea turtles.
2. 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 be stopped as soon as the turtle

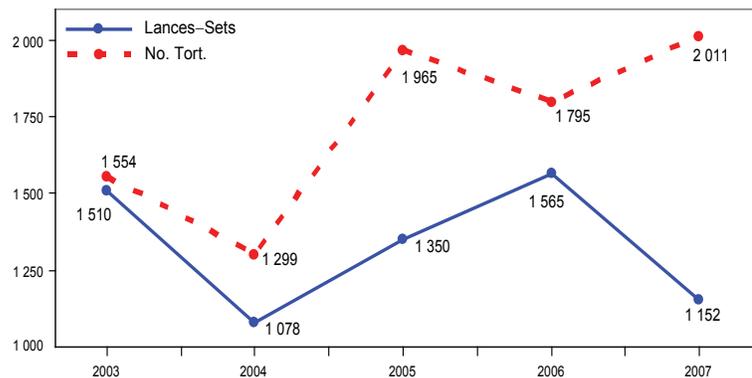


FIGURE 2.1. Sets with turtles involved, and number of turtles

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.
3. Prohibit vessels targeting species covered by the Convention from disposing of salt bags or any other type of plastic trash at sea.

Figure 2.1 illustrates the number of sets with turtles involved and the number of turtles involved, observed by the IATTC and national observer programs during 2003-2007. Sea turtles were involved in 1,152 sets during 2007 trips, a decrease of 26% compared to 2006 (1,565 sets), although the number of turtles involved increased over 12%.

| | COL | ECU | ESP | GTM | HND | MEX | NIC | PAN | PER | SLV | USA | VEN | VUT | Tot | % |
|------------------|------------|------------|-----------|-----------|-----------|------------|-----------|------------|----------|-----------|-----------|------------|-----------|--------------|------------|
| Escaped | 7 | 11 | - | - | - | - | 2 | 11 | - | 2 | - | 9 | 2 | 44 | 2 |
| Released: | | | | | | | | | | | | | | | |
| Unharmmed | 93 | 373 | 22 | 8 | 34 | 797 | 41 | 277 | - | 37 | 10 | 144 | 46 | 1,882 | 94 |
| Slightly injured | 5 | 12 | 1 | 3 | - | 18 | - | 13 | - | 1 | - | 7 | - | 60 | 3 |
| Severely injured | - | 4 | - | - | 3 | 1 | 1 | 1 | - | - | - | 4 | 2 | 16 | 1 |
| Left entangled | - | - | - | - | - | - | - | - | - | - | - | 3 | - | 3 | 0 |
| Killed | - | 1 | - | - | - | 1 | - | - | - | 1 | - | - | - | 3 | 0 |
| Consumed | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Other/Unknown | 1 | 1 | - | - | - | - | - | - | - | - | - | 1 | - | 3 | 0 |
| Total | 106 | 402 | 23 | 11 | 37 | 817 | 44 | 302 | - | 41 | 10 | 168 | 50 | 2,011 | 100 |

TABLE 2.1. Condition of sea turtles involved in purse-seine sets, 2007

Table 2.1 shows the condition of the turtles involved, by vessel flag. The data in Table 2.2 show that compliance has been constant over the years, with over 90% of the involved turtles being released unharmed and less than 1% of them dead and 1% severely injured as a result of interaction with the fishery. In 2007, there were five sets with turtles passed through the power block, which resulted in the mortality of one of them. The staff is in the process of notifying the respective governments.

| | 2003 | | 2004 | | 2005 | | 2006 | | 2007 | |
|---------------------------|--------------|------|--------------|------|--------------|------|--------------|------|--------------|------|
| Involved | 1,554 | | 1,299 | | 1,965 | | 1,795 | | 2,011 | |
| Escaped/Released unharmed | 1,421 | (91) | 1,213 | (93) | 1,840 | (94) | 1,678 | (93) | 1,926 | (96) |
| Slightly injured | 97 | (6) | 65 | (5) | 74 | (4) | 86 | (5) | 60 | (3) |
| Severely injured | 20 | (1) | 12 | (1) | 18 | (1) | 15 | (1) | 16 | (1) |
| Killed | 5 | <1 | 2 | <1 | 6 | <1 | 6 | <1 | 3 | <1 |
| Consumed | 2 | <1 | 1 | <1 | 1 | <1 | - | - | - | - |
| Other/Unknown | 9 | (1) | 6 | <1 | 26 | (1) | 10 | (1) | - | - |

TABLE 2.2. Condition of turtles involved in purse-seine sets. Numbers in parentheses are percentages.

Table 2.3 indicates the condition of the five turtles that passed through the power block, as indicated above. In comparison, three turtles were reported in this category in 2006, four in 2005, six in 2004 and eight in 2003.

It should be noted that observers make an assessment of the condition of all turtles involved in sets, and specifically those passed through the power block, but do not have the time or specialized knowledge necessary to make a thorough examination.

| | |
|-------------------|----------|
| Released unharmed | - |
| Slightly injured | - |
| Severely injured | 2 |
| Killed | 1 |
| Consumed | - |
| Other/Unknown | 2 |
| Total | 5 |

TABLE 2.3. Condition of sea turtles passed through power block, 2007

Sea turtles can also become entangled in webbing discarded at sea or webbing hung under fish-aggregating devices (FADs).

The fate of the 28 turtles that were found entangled alive in a FAD prior to the set (23 sets) is shown in Table 2.4. The number of sets and the number of turtles entangled in FADs decreased from 2006, 53 turtles in 33 sets, and is very similar to 2005, 28 and 21, respectively.

| | COL | ECU | ESP | GTM | HND | MEX | NIC | PAN | PER | SLV | USA | VEN | VUT | Tot | % |
|------------------|----------|-----------|-----|-----|----------|-----|-----|----------|-----|----------|-----|----------|-----|-----------|----|
| Sets | 3 | 11 | - | - | 1 | - | - | 3 | - | 1 | - | 4 | - | 23 | |
| Escaped | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Released: | | | | | | | | | | | | | | | |
| Unharm ed | 3 | 9 | - | - | - | - | - | 2 | - | 1 | - | - | - | 15 | 54 |
| Slightly injured | - | 2 | - | - | - | - | - | 2 | - | - | - | - | - | 4 | 14 |
| Severely injured | - | 1 | - | - | 3 | - | - | 1 | - | - | - | 1 | - | 6 | 21 |
| Left entangled | - | - | - | - | - | - | - | - | - | - | - | 3 | - | 3 | 11 |
| Killed | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Consumed | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Other/Unknown | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Total | 3 | 12 | - | - | 3 | - | - | 5 | - | 1 | - | 4 | - | 28 | |

TABLE 2.4. Fate of sea turtles found entangled alive in webbing in FADs involved in sets, 2007

Releasing a turtle that has become entangled in a FAD on which a set is being made is a requirement of Resolution C-07-03, which was adopted in June 2007. It is not clear whether this resolution was to enter into force immediately upon adoption. In 2006 there were no occurrences of this, but in 2007 three turtles were left entangled.

Observers also record sightings of turtles entangled in netting associated with floating objects on which **no set** is made. The 172 turtles involved in the 140 sightings recorded in 2007 (excluding turtles recorded as previously dead) are broken down in Table 2.5 by the action taken by the crew after the sighting.

| | COL | ECU | ESP | GTM | HND | MEX | NIC | PAN | PER | SLV | USA | VEN | VUT | Tot | % |
|------------------|-----------|-----------|----------|----------|----------|----------|----------|-----------|-----|----------|-----|-----------|----------|------------|----|
| Sightings | 15 | 48 | 1 | - | 14 | 1 | 6 | 19 | - | 3 | - | 32 | 1 | 140 | % |
| Escaped | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Released: | | | | | | | | | | | | | | | |
| Unharm ed | 11 | 42 | 1 | - | - | 2 | 5 | 13 | - | 2 | - | 17 | 1 | 94 | 55 |
| Slightly injured | 2 | 16 | - | - | - | - | 2 | 13 | - | - | - | 12 | - | 45 | 26 |
| Severely injured | - | 3 | - | - | - | - | - | 3 | - | - | - | 1 | - | 7 | 4 |
| Left entangled | 5 | 12 | - | 2 | - | - | - | - | - | - | - | 4 | - | 23 | 13 |
| Killed | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Consumed | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Other/Unknown | - | - | - | - | 2 | - | - | - | - | 1 | - | - | - | 3 | 2 |
| Total | 18 | 73 | 1 | 2 | 2 | 2 | 7 | 29 | - | 3 | - | 34 | 1 | 172 | |

TABLE 2.5. Fate of sea turtles sighted entangled in webbing (no set), 2007

Observers reported a total of 23 turtles left entangled in 140 sightings of FADs on which no set was made; the corresponding numbers in 2006 were 26 turtles in 185 sightings, 17 and 134 in 2005, 26 and 124 in 2004, and 25 and 183 in 2003. Before the passage of Resolution C-07-03 there were no compliance issues associated with turtles left entangled in FADs when no set is made, as the resolution then in force only encouraged their release. However, Resolution C-07-03 is clear that fishermen are required to release all sea turtles observed entangled in FADs.

In terms of compliance, the staff identified, through the RDC and the RTM, three different categories of violations of the sea turtle release requirements which occurred during 2007 trips:

1. No effort to avoid entanglement of turtles;
2. Failure to stop net roll to release turtles;

3. Failure to make all appropriate efforts for the recovery of a turtle brought aboard the vessel, before returning it to the water;

In addition to the failure to stop net roll, which resulted in the five turtles noted above going through the power block, the violations recorded by IATTC observers for 2007 trips, and reported to the pertinent national authorities, are listed in Table 2.6.

| Vessel flag | No effort to avoid entanglement | No recovery effort | Total |
|--------------|---------------------------------|--------------------|------------|
| COL | - | 5 | 5 |
| ECU | 32 | 5 | 37 |
| HND | 0 | - | 0 |
| MEX | 26 | 12 | 38 |
| NIC | - | - | 0 |
| PAN | 49 | 1 | 50 |
| SLV | - | 1 | 1 |
| USA | 1 | 1 | 2 |
| VEN | 18 | 8 | 26 |
| VUT | 6 | 1 | 7 |
| Total | 132 | 34 | 166 |

TABLE 2.6. Violations of sea turtle release requirements recorded by IATTC observers, 2007

The increase in the number of violations of no effort to avoid entanglement (132) since the 63 recorded in 2006 and 11 in 2005 reflects the more comprehensive data recorded on the RDC.

Resolution C-04-05 prohibits vessels from disposing of salt bags or any other type of plastic trash at sea. Accordingly, the RDC requires the observer to record whether any such trash was discarded. Since the size of the trash items is not defined in the resolution, the observers record, in addition to discards of salt bags, any discards of large plastic bags, like those used for trash containers. Observers do not record each instance of such discards, nor estimate the number or volume of salt bags or other trash discarded, simply whether such trash was disposed of during the trip; therefore, Table 2.7 indicates only the number of trips during which there was at least one occurrence of discards of salt or plastic bags. However, in most cases there were several occurrences of discards during a trip.

| Vessel flag | Trips with RDCs | Trips with trash discarded |
|--------------|-----------------|----------------------------|
| COL | 21 | 2 |
| ECU | 159 | 32 |
| ESP | 8 | 3 |
| GTM | 3 | - |
| HND | 14 | 3 |
| MEX | 102 | 45 |
| NIC | 10 | 5 |
| PAN | 55 | 11 |
| PER | 1 | - |
| SLV | 26 | 11 |
| USA | 5 | 2 |
| VEN | 38 | 15 |
| VUT | 11 | 1 |
| Total | 453 | 130 |

TABLE 2.7. Trips with discards of trash recorded by IATTC observers, 2007

2.1.1.b Sharks

On the *Registro de Tiburones (Shark Record; RDT)*, observers record the ‘fate’ (released alive, discarded dead, consumed) of any shark involved in a set on tunas; the data for 2007 are summarized in Table 2.8.

It should be noted that, as with turtles, the observer, with very limited time and experience, makes an estimate of the condition of the shark. Thus, those animals reported alive and released may have injuries

that are not obvious to the observer.

| | COL | ECU | ESP | GTM | HND | MEX | NIC | PAN | PER | SLV | USA | VEN | VUT | Tot | |
|--------------|------------|--------------|--------------|------------|------------|--------------|------------|--------------|----------|------------|------------|---------------|------------|---------------|----------|
| Sets | 129 | 1,215 | 164 | 16 | 66 | 536 | 31 | 288 | 2 | 101 | 30 | 390 | 73 | 3,041 | % |
| Released | 35 | 658 | 253 | 15 | 59 | 3 | 73 | 329 | - | 86 | 17 | 462 | 63 | 2,053 | 6 |
| Discarded | 510 | 5,278 | 960 | 49 | 58 | 853 | 405 | 2,706 | - | 520 | 104 | 1,240 | 350 | 13,033 | 39 |
| Retained | 45 | 1,770 | 4 | 46 | 16 | 6,750 | 42 | 362 | 2 | 15 | 1 | 9,320 | 3 | 18,376 | 55 |
| Other | 1 | - | - | - | - | - | - | - | - | - | - | - | - | 1 | <1 |
| Unknown | 1 | 6 | - | - | - | 15 | 5 | 21 | - | - | - | - | - | 51 | <1 |
| Total | 592 | 7,712 | 1,217 | 110 | 133 | 7,621 | 525 | 3,418 | 2 | 621 | 122 | 11,025 | 416 | 33,514 | |

TABLE 2.8. Fate of sharks involved in purse-seine sets, 2007

The observers reported less sets with sharks involved in 2007 (3,041), compared to 2006 (3,224), but there were more sharks involved, 33,514 compared to 24,796, an increase of 7.7 sharks per set in 2006 to 11 sharks per set in 2007 (43%) . The staff has no explanation for this increase.

As indicated in previous reports, it is believed that most of the sharks that arrive on deck alive (in 2007, 31,409, or 94%) die soon after being brought aboard. The available data also suggest that, if the aim of the resolution is to avoid mortality of sharks, more efforts should be made to avoid capturing sharks, or at least to avoid bringing sharks aboard with the catch of tuna.

The 18,376 sharks retained may represent a violation of the Resolution C-04-05, which requires the release, to the extent practicable, of all sharks taken as bycatch.

Observers record on the RDC information on ‘finned’⁴ sharks, which are also recorded on the RDT as ‘Discarded’. Table 2.9 shows that, of the 453 2007 trips with IATTC observers aboard, sharks were finned in 105 (23%), for a total of 3,206 finned sharks caught in sets on tunas. In 2006, the corresponding numbers were 257 and 87 (34%) for 4,526 sharks finned. It should be noted that, in 2006, the RDCs came into use after the beginning of the year, so direct comparisons of these numbers are not advisable because the rate of sharks finned could vary by season of the year.

| Vessel flag | Trips with RDC | Trips with finned sharks | % | Finned sharks | Finned sharks caught outside sets |
|--------------|----------------|--------------------------|-----------|---------------|-----------------------------------|
| COL | 21 | 13 | 62 | 196 | 8 |
| ECU | 159 | 44 | 28 | 653 | 4 |
| ESP | 8 | | 0 | | |
| GTM | 4 | 1 | 25 | 30 | 0 |
| HND | 14 | 4 | 29 | 13 | 8 |
| MEX | 102 | 4 | 4 | 799 | 40 |
| NIC | 10 | 3 | 30 | 98 | 0 |
| PAN | 54 | 14 | 26 | 724 | 0 |
| PER | 1 | 0 | 0 | 0 | 0 |
| SLV | 26 | 6 | 23 | 86 | 0 |
| USA | 5 | 2 | 40 | 48 | 0 |
| VEN | 38 | 9 | 24 | 496 | 0 |
| VUT | 11 | 5 | 45 | 63 | 0 |
| Total | 453 | 105 | 23 | 3,206 | 60 |

TABLE 2.9. Finned sharks recorded by IATTC observers, 2007

Sometimes vessel crews fish for sharks with hand lines while the vessel is stopped, usually at night. It is not clear whether this activity is prohibited by any IATTC resolution. Observers record any instances this practice that they witness, and also the number of sharks caught and finned. It should be noted that these

⁴ Defined as cutting the fins from the shark and discarding the rest of the animal

observations are made opportunistically, as this fishing occurs mainly when the observer is off duty or during the night. Nonetheless, for the 453 IATTC trips, the observers recorded at least 60 sharks that were finned.

2.1.2. Full-retention requirement

Resolution C-04-05 calls for the implementation of 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, in order to provide a disincentive to the capture of these small fish. Another exception is the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

2.1.2.a Data collected by observers

Observers make an estimate of the tonnage of tuna, by species, discarded at sea, and code the reason for discarding it as follows:

| Code | |
|------|------------------------------------|
| 1 | Unmarketable tuna size |
| 2 | Unmarketable tuna condition |
| 4 | All vessel wells are full |
| 5 | No wells are ready to receive tuna |
| 6 | Other reason / Reason unknown |

For this analysis, discards coded 2, 4 or 5 were considered to be covered by the exemptions specified in the resolution, so only discards coded 1 and 6 were considered to contravene the full retention requirement. All the data on discards presented in this report correspond only to discards with these two codes.

Table 2.10 shows the number of successful sets in the EPO, the number of such sets with discards of tunas, and the estimated tonnage of tunas discarded, during 2003-2007.

| | Successful sets | Sets with discards | % Sets w/discards | Tonnage discarded |
|------|---------------------|--------------------|-------------------|-------------------|
| 2003 | 21,164 | 2,583 | 12 | 17,199 |
| 2004 | 18,379 | 1,571 | 9 | 14,465 |
| 2005 | 21,664 | 1,578 | 7 | 13,802 |
| 2006 | 19,329 | 1,098 | 6 | 6,297 |
| 2007 | 18,062 ⁵ | 694 | 4 | 4,476 |

TABLE 2.10. Number of successful sets, sets with discards (YFT, BET, SKJ) coded 1 or 6, and tonnage discarded, 2003-2007

It is noteworthy that the data for 2007 indicate that only 4% of the successful sets had illegal discards, compared with 12% in 2003. This reduction could be attributed to the enforcement of the resolution, but as seen in the next section, it is probably due to other reasons, such as scarcity of the resource and/or the increased price of tuna.

2.1.2.b Discards recorded by vessel personnel

The Resolution, and the procedures approved by the Parties in November 2000, require that, if yellowfin, skipjack, or bigeye tuna is discarded because it is unfit for human consumption, the captain and the chief engineer document the reasons in writing. *Tuna Discard Records* (TDR) are made available to all captains for this purpose, and the forms are collected at the end of each trip.

⁵ For comparative purposes, includes sets made in 2008 during trips starting in 2007, although the retention requirement was in force in 2007 only.

An analysis of the 2007 trips in which IATTC observers recorded discards for any reason of any of the three species covered by the resolution shows that, as in previous years, the captains are not complying with the requirement to document the reasons for discarding tuna. During 2007, only 23% of the sets with discards were documented by captains and, in 65% of the cases they did document, the reason they gave is not valid under the resolution, such as *fish too small* or *no commercial value for size/species*.

In about half of the 2,571 sets with discards recorded by captains on the TDRs during 2001-2007 (Table 2.11), invalid reasons were cited, showing that captains are not aware of this resolution or that they are not concerned about its implementation.

| | Sets with discards observed | Sets included on TDRs | % | Sets on TDRs with illegal discards | % |
|--------------|-----------------------------|-----------------------|-----------|------------------------------------|-----------|
| 2001 | 3,406 | 369 | 11 | 123 | 33 |
| 2002 | 2,855 | 453 | 16 | 159 | 35 |
| 2003 | 3,751 | 631 | 17 | 425 | 67 |
| 2004 | 2,193 | 309 | 14 | 210 | 68 |
| 2005 | 2,644 | 412 | 16 | 214 | 52 |
| 2006 | 1,189 | 241 | 15 | 94 | 39 |
| 2007 | 621 ⁶ | 156 | 25 | 102 | 65 |
| Total | 16,707 | 2,571 | 15 | 1,327 | 52 |

TABLE 2.11. Discards reported by IATTC observers and on TDRs, 2001-2007

2.2. Resolution on fish-aggregating devices (FADs) (C-99-07)

There are two elements of this resolution which need to be considered in terms of compliance: the prohibition of transshipment of tuna at sea by purse-seine vessels fishing for tuna in the EPO, and the prohibition on the use of tender vessels operating in support of vessels fishing on FADs in the EPO.

The staff has received no reports of transshipments at sea. The last definitive report to the staff of a tender vessel in the EPO was on 17 June 2000.

2.3. Resolution on at-sea reporting (C-03-04)

In June 2003, the Commission adopted a modification to the resolution adopted in June 2001 regarding reporting information of fishing activities while the vessel is at sea. The operative change in the new resolution is that the vessel personnel are responsible for transmitting the observer's weekly report of catches (and dolphin mortalities, if applicable) to the staff; previously, the vessel personnel had merely been requested to allow the observer to transmit the report. The intention of the change was to improve the low percentage of reports received (48% and 51% in 2001 and 2002, respectively). During 2003, a marked increase in compliance was observed: during the second semester, when the new resolution was in effect, the reporting rate increased to 70%. The rate improved to 73% in 2004 and 89% in 2005, decreased to 85% in 2006,

| | Program | Weeks | Reports | % |
|--------------|----------|--------------|--------------|-----------|
| COL | IATTC | 236 | 204 | 86 |
| | National | 216 | 167 | 77 |
| ECU | IATTC | 1,101 | 1,035 | 94 |
| | National | 510 | 464 | 91 |
| EUR | IATTC | 63 | 63 | 100 |
| | National | 72 | 72 | 100 |
| GTM | IATTC | 36 | 34 | 94 |
| HND | IATTC | 76 | 76 | 100 |
| | National | 690 | 498 | 72 |
| MEX | IATTC | 716 | 629 | 88 |
| | National | 690 | 498 | 72 |
| NIC | IATTC | 84 | 70 | 83 |
| | National | 69 | 61 | 88 |
| PAN | IATTC | 456 | 448 | 98 |
| | National | 429 | 378 | 88 |
| PER | IATTC | 7 | 7 | 100 |
| SLV | IATTC | 182 | 182 | 100 |
| USA | IATTC | 56 | 56 | 100 |
| | National | 316 | 308 | 97 |
| VEN | IATTC | 336 | 319 | 95 |
| | National | 316 | 308 | 97 |
| VUT | IATTC | 90 | 90 | 100 |
| Total | | 5,741 | 5,160 | 90 |

TABLE 2.12. Percentages of at-sea reports received 2007

⁶ Includes only sets covered by Resolution C-04-05 made in 2007

and in 2007 increased to its highest level (90%; Table 2.12).

2.4. Resolution on the conservation of tuna (C-06-02)

Resolution C-06-02 on a program on the conservation of tuna in the EPO for 2007 established a prohibition on any fishing by purse-seine vessels in the EPO from either (1) 1 August to 11 September; or (2) 20 November to 31 December.

In 2007, Colombia, Ecuador, El Salvador, Honduras, Spain and the United States implemented the closure during August-September; Guatemala, Mexico, Nicaragua, Panama, Vanuatu and Venezuela implemented it during November-December.

There were several issues related to compliance with the closure during 2007:

1. The Panamanian vessel *Julie L* claimed to have observed the closure implemented by Ecuador while under a *contract of association* with an Ecuadorean company. The vessel did not fish during the August-September closure, but it made 17 sets and caught 226 t of yellowfin and 122 t of skipjack from 20 November to 13 December 2007, during the closure implemented by Panama.
2. The Venezuelan vessel *Don Abel*, which is not on the Regional Vessel Register, made 21 sets during the November-December closure and caught 31 t of yellowfin and 209 t of skipjack.
3. The vessel *Esthercho* started the year under the flag of Honduras and it observed the August-September closure. On 30 July, the vessel changed flag to Panama and did not observe the November-December closure implemented by Panama. The staff believes that the resolution does not contemplate such a situation, in which a vessel, having complied with one closure under one flag, finds itself obliged to comply with a second closure under a different flag. The Parties may wish to clarify this in future resolutions.
4. The Panamanian-flag vessel *Sirenza I*, a class-5 purse seiner, was not in port at the time of the closure implemented by Panama began.
5. The Mexican tuna purse-seine vessels *Guaymas* (class 5) and *Tizoc* (class 4) were not in port at the time of the closure implemented by Mexico began.
6. Peru did not notify the Director of the implementation of the closure, but documents obtained by the staff indicate that it implemented the August-September closure although, at that time, Peru did not have a tuna purse-seine vessel in the Regional Vessel Register.

Resolution C-06-02 also establishes limits on longline catches of bigeye for China, Chinese Taipei, Japan and Korea, and requires other CPCs to take measures necessary to ensure their total annual longline catch of bigeye tuna in the EPO during 2007 does not exceed 500 t or their respective 2001 catch levels, whichever is higher.. The Resolution also requires each CPC whose longline catches have exceeded 500 t shall to provide monthly reports of its catches of bigeye tuna.

Table 2.13 shows the limits and catches of bigeye for those CPCs required to make monthly reports. China made no monthly reports and Vanuatu did not report for the months of July-December.

| t | Limit/2001 catch | 2007 catch |
|-----|------------------|------------|
| CHN | 2,639 | 2,324 |
| JPN | 34,076 | 13,262 |
| KOR | 12,576 | 5,611 |
| TWN | 7,953 | 5,859 |
| USA | 500 | 330 |
| VUT | 3,277 | 494 |

TABLE 2.13. Longline catches of bigeye, from monthly reports

2.5. Resolution on northern albacore tuna ([C-05-02](#))

Resolution C-05-02 on northern albacore tuna calls upon all CPCs to take the necessary measures to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore tuna is not increased. It also calls upon all CPCs to report all catches of North Pacific albacore, by gear type, to the IATTC every six months.

It is very difficult, if not impossible, to monitor compliance with this resolution because of the way that it is structured. Specifically, the requirement is to limit effort, but it is catches that are reported, not effort. Also, the resolution calls for limiting effort to “current” levels, but “current” is not defined.

Canada, Chinese Taipei, Japan, Korea, and the United States submitted catch reports semi-annually for 2007. The United States and Chinese Taipei reported their catches for the entire north Pacific, whereas other CPCs reported catches from the EPO only.

Some countries (Belize, Cook Islands, Mexico, and Panama) with small catches of albacore did not report every six months, but did make the required annual reports.

Because of the difficulties associated with the proper implementation and monitoring of this resolution, the staff is recommending to the Commission modifications of the resolution to define what is meant by “current” effort, to require reporting of effort in addition to catch, and to clarify that the six-month catch and effort reports should be for the EPO only.

2.6. Resolution on fleet capacity (C-02-03)

In June 2002, the Commission adopted Resolution C-02-03 on the capacity of the tuna purse-seine fleet operating in the 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 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 is 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.

There are several purse-seine vessels which have fished in the EPO during recent years while not on the Register, and are thus in violation of Resolution C-02-03:

1. The *Marta Lucía R* (Colombia), which entered the fishery on 22 February 2004.
2. The *Athena F* (Venezuela), which entered the fishery on 15 March 2006 while not on the Register, was reported to the Working Group in June 2006. The vessel was added to the Register on 28 March 2007.
3. The *Don Abel* (Venezuela) was removed from the Register, at the request of Venezuela, on 20 December 2006. The vessel has continued to fish in the EPO since that time. The staff has asked Venezuela whether the vessel has been removed from its register, but has received no response.
4. The *Vicente F* (Panama) was removed from the Register on 26 April 2007, and continued to fish in the EPO while not on the Register until 2 June 2008, at which time it was added to the Register under the flag of Guatemala.
5. The *Caribe Tuna* (Venezuela) was removed from the Register at the request of Venezuela on 20 September 2007, but has continued to fish in the EPO. The staff has asked Venezuela whether the

vessel has been removed from its register, but has received no response.

6. The *Caribbean Star No. 31* (flag unknown) has fished in the EPO while not on the Register since 22 June 2004.
7. The *Dominador I* (Colombia), which entered the fishery on 12 March 2008 while not on the Register.
8. The *Ignacio Mar I* (Ecuador), which entered the fishery in late 2007 while not on the Register.
9. The *Mary Lynn* (flag unknown) was removed from the Register on 23 April 2004, and continued to fish in the EPO while not on the Register until 14 September 2007, at which time it was added to the Register under the flag of Colombia.

There are three purse-seine vessels that have stored fish in wells which were supposedly sealed in order for the vessels to be able to fish in compliance with Resolution C-02-03:

1. The *Aracely F* (Panama) during a February-March 2007 fishing trip, stored 97 tons of tuna in a well which was supposed to be sealed.
2. The *Jeannine* (Mexico), during a January-March 2007 fishing trip, stored 112 tons of tuna in wells which were supposed to be sealed. Mexico used capacity that it had available to unseal wells effective 21 June 2007.
3. The *Atlantis IV* (Nicaragua), during two fishing trips, October-December 2006 and January-February 2007, stored 723 tons of tuna in wells which were supposed to be sealed. Nicaragua acquired the capacity to allow the wells to be unsealed on 15 February 2007.

The staff has information that at least four vessels have increased their capacity contrary to Resolution C-02-03, the *Tarqui* and *Doña Roge* (Ecuador), and the *Taurus Tuna* and *Taurus I* (Venezuela).

The staff has written to the relevant governments regarding these increases, but has received no replies.

On 7 June 2007, the High Commissioner of French Polynesia informed the Director that French authorities had charged the vessel *Daniela F* (Venezuela) with illegal fishing in French Polynesian waters, and inquired about adding the vessel to the IUU List. The Director responded that the communication was received too late for consideration at the 2007 annual meeting of the Commission, and also noted that Resolution C-05-07 does not establish unauthorized fishing within zones of national jurisdiction as one of the activities for which vessels are presumed to have carried out IUU fishing. The staff received no further communication on this matter, and so it is unclear whether France wishes to pursue this matter in either the Compliance Working Group or the Joint Working Group on Fishing by Non-Parties.

Finally, on 30 May 2008 the staff received a communication from the High Commissioner of French Polynesia advising that the *Gouta*, a Panama-flag carrier vessel, was inspected, and it was discovered that three Indonesian-flag longline vessels, which are not on the Regional Vessel Register, transshipped fish in the EPO. It is not clear if this activity is sufficient evidence of illegal fishing by these vessels.

2.7. Resolution on data provision (C-03-05) and other data reporting requirements

Resolution C-03-05 on data provision makes mandatory the provision of specified fisheries data to the Director, on an annual basis, for all vessels fishing for species under the purview of the Commission.

The nature and format of the data to be provided are spelled out in detail in the resolution. The aggregated data required for each year are to be provided by 30 June of the following year.

All the countries with purse-seine vessels fishing in the EPO are meeting the requirements of the resolution.

With respect to catch data for longline vessels, particularly smaller vessels based in coastal countries, the minimum required information for 2007 has not been received from a number of countries.

With respect to catch data for troll vessels, the required information for 2007 has been received from all three countries with troll vessels operating in the EPO, Canada, Cook Islands, and the United States.

Also, there are reporting requirements in Resolutions C-04-05, C-07-03, C-05-03, and C-05-01. Resolution C-04-05 encourages all CPCs to provide the Commission with all data on catches of sea turtles in all fisheries targeting species covered by the IATTC Convention, and Resolution C-07-03 requires reporting to the IATTC by 30 June of each year, beginning in 2008, on the progress of implementation of the FAO guidelines to reduce sea turtle mortality in fishing operations. Resolution C-05-03 requires each CPC to report annually data on catches, effort by gear type, landing and trade of sharks, by species where possible, including available historical data, and also requires sending to the IATTC staff, by 1 May, a comprehensive annual report of the implementation of this Resolution during the previous year. Resolution C-05-01 encourages CPCs to collect and voluntarily provide the Commission with all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of the IATTC.

Very few CPCs provide any of the reports noted in the paragraph above.

2.8. Resolution on sharks (C-05-03)

Resolution C-05-03 prohibits the finning of sharks, and establishes that any shark fins on board a vessel must account for at least 5% of the weight of sharks on board the vessel. On 14 February 2007, the High Commissioner of French Polynesia informed the staff that a Chinese Taipei vessel, the *Hai Fa No. 21*, had been found in possession of shark fins in the port of Papeete, and that it appeared that the vessel was in violation of Resolution C-05-03. Chinese Taipei investigated and advised the staff on 28 May (with a follow-up on 8 June) that it had found the vessel to be in violation of the Resolution, and had confiscated the vessel's bigeye vessel quota and suspended its fishing license for two months.

Information on the finning of sharks by purse-seine vessels is included in section 2.1.1 b. The staff has no information on this matter with respect to longline vessels.