

**JOINT WORKING GROUP ON FISHING BY NON-PARTIES**

**7<sup>th</sup> MEETING**

**Panama  
20 June 2008**

**MINUTES OF THE MEETING**

**AGENDA**

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4. List of vessels identified as being engaged in IUU fishing	JWG-7-04
5. Status of nine ex-IUU longline vessels	JWG-7-05
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The seventh meeting of the Joint Working Group on Fishing by Non-Parties was held in Panama on 20 June 2008. The attendees are listed in Appendix 1.

**1. Opening of the meeting**

Dr. Compeán, Director of the Inter-American Tropical Tuna Commission, opened the meeting. Mr. Stefan Ekwall, of the European Union, was elected chair of the Working Group.

**2. Adoption of the agenda**

The agenda was adopted as presented.

**3. Approval of minutes of the sixth meeting**

The minutes of the sixth meeting of the Working Group were adopted with the addition of Guatemala to the list of participants.

**4. List of vessels identified as being engaged in IUU fishing**

Mr. Brian Hallman, of the Commission staff, presented Document JWG-7-04, *IATTC IUU Vessel List*, noting that a memorandum had been sent out on 6 June describing five cases for consideration by the Working Group. He also commented on the matter of clarifying the Secretariat's role in drawing up the list of IUU vessels, and noted that several proposals had been presented for modifying Resolution C-05-07, which established the IATTC IUU Vessel List and the associated procedures.

The five cases mentioned in the memorandum of 6 June were discussed.

- a.
  - i. Regarding the *Hai FA No. 21* (Chinese Taipei), found in violation of IATTC resolutions by French authorities, Chinese Taipei reported on the punishment given the vessel, and France was satisfied with this information. Given this, and the fact that the vessel had sunk, it was decided not pursue including this vessel on the IUU List.
  - ii. Regarding the *Mega Rezeki 02* (Indonesia), likewise found in violation of IATTC resolutions by French authorities, no response had been received from Indonesia. France noted that because it is not known whether the vessel is over 24 meters in length, a condition for being on the IUU list, it is not appropriate to proceed with a listing at this time. France stated that it would seek information from authorities in French Polynesia regarding the length of the vessel. The Working Group agreed that if this information is forthcoming and indicates that the vessel is over 24 meters in length, it could be included on the IUU list by the Commission.
- b. Regarding the *Martha Lucía* (Colombia), Colombia requested that it be removed from the IUU List. Various delegations opposed this request, and the case was referred to the Commission for consideration, pending the results of discussions among heads of delegations.
 

During the discussion of this case, Mexico expressed its view that a country should not have veto power when the Commission decides whether to add one of that country's flag vessels to the IUU list. Costa Rica agreed with this idea, but Guatemala opposed it, and it was agreed to pursue this issue at a later time.
- c. Regarding the *Mary Lynn* (Ecuador), Colombia noted the apparent contradiction of the vessel being on both the Regional Vessel Register and the IUU List. The staff explained that the vessel had been added to the IUU List last year for fishing without a flag and without being on the Regional Vessel Register. Subsequently, the vessel obtained Colombian flag and was added to the Register by Colombia, using capacity that was available to Colombia. However, even though the vessel was now fishing legally, a decision of the Commission is required to remove it from the IUU List.
 

Ecuador requested that the *Mary Lynn* be removed from the IUU List, since it now had Ecuadorean flag and was on the Regional Register. A question was asked whether the vessel should have been granted Colombian flag considering paragraph 9d of Resolution C-05-07. Colombia explained that this was not an issue since Colombia had determined that granting the vessel its flag would not result in IUU fishing, as required by that paragraph of the resolution. This explanation was accepted by the meeting, and it was decided to recommend that the Commission remove this vessel from the IUU list.
- d. Regarding the request by Indonesia to remove its vessels from the IUU List, the Working Group decided that more information should be obtained from Indonesia about each one of the 11 vessels on the List, plus the *Permata 138*. There were questions about the situation regarding the five vessels which Indonesia said were no longer active and had been removed from its register, such as whether they had been scrapped, had changed flags, or were still fishing elsewhere. Japan suggested that these five vessels should continue to be listed as IUU with unknown flag, and others supported this suggestion. Regarding the 7 vessels which Indonesia said had been instructed not to fish in the IATTC area, the meeting had questions as to whether the vessels had been sanctioned and whether Indonesia could ensure that the vessels had left the eastern Pacific and would not return. The staff was asked to seek these clarifications from Indonesia. The Working Group recommended that the flag of the *Permata 138* should be changed on the IUU list from unknown to Indonesian, since it is now known that the vessel is registered Indonesia.
- e. Regarding the *Dragon 18*, the vessel sunk in 2006, and so the Working Group recommended that this vessel should be removed from the IUU List.

The Working Group discussed whether the vessels *Caribbean Star* (unknown flag) and *Caribe Tuna* and *Don Abel* (Venezuela) should be included in the IUU List because they had fished in the eastern Pacific while not on the Regional Register. Regarding the *Caribbean Star*, the Working Group agreed that this

vessel was a good candidate to be included in the IUU List, unless further information came to light. However, it was recognized that the vessel was not included on the provisional or draft lists, and in order to ensure that all procedures were strictly followed, it was agreed to include this vessel in the preliminary IUU lists during 2009, with the decision to be made by the Commission during the 2009 annual meeting. In the meantime, the Secretariat was asked to do what it could to ascertain information regarding the flag of the vessel.

Regarding the Venezuelan-flag vessels *Caribe Tuna* and *Don Abel*, Venezuela explained that it was in the process of resolving some internal problems associated with these vessels, problems which it expected to be resolved in the near future, and that for now it did not agree to including the vessels on the IUU list.

Colombia noted that this item could not be closed until the case of the *Martha Lucía* was discussed in the proposed meeting of heads of delegation.

#### **5. Status of nine ex-IUU longline vessels**

Mr. Hallman presented Document JWG-7-05, *Status of nine former IUU longline vessels*, recounting the history of this situation. During the meetings of the Working Group and the IATTC in June 2007, the case of these nine vessels was discussed.

The vessels in question were at one point included in the IUU List due to the fact that they operated in the EPO but were not included in the Regional Vessel Register and did not report their catches; two of them had no nationality, because their respective registries had been cancelled.

During the 2007 meetings, Guatemala, to whose flag the vessels had recently moved, requested their removal from the IUU List, on the basis that the vessels would now be controlled by Guatemala and would follow the rules of the Commission. The Commission decided to grant this request, but the inclusion of the vessels on the Commission's list of authorized large longline vessels was made dependent on the Government of Guatemala submitting additional information to the Commission, in particular regarding the new owners' relationship with previous owners and operators. The Commission decided that, if the information was not provided before the next meeting of the Commission, or if the information was not fully satisfactory, the nine vessels would be automatically on the IUU List the following year.

The Government of Guatemala sent the requested information to the Secretariat, and this was distributed to the CPCs. However, in a communication dated 16 May 2008, the Guatemalan fisheries authorities informed the Secretariat that the vessels had left the national registry. It was later learned that the vessels are now registered in Panama.

Japan noted that it did not wish to include the vessels on the IUU list, but that it would like to discuss bilaterally with Panama certain conditions pertaining to the control of these vessels. Panama agreed to hold such discussions with Japan.

Notwithstanding any bilateral discussions which might occur, the Working Group agreed to recommend to the Commission that these vessels not be included in the IUU List. Panama undertook to send to the Secretariat the official measurements of the vessels, in order to establish whether they are greater than 24 meters length overall, and thus should be included in the Commission's list of large-scale longline vessels authorized to operate in the eastern Pacific Ocean, pursuant to Resolution C-03-07.

#### **6. Cooperating non-parties or fishing entities for 2008**

Dr. Compeán presented Document JWG-7-06, *Cooperating non-parties or fishing entities*, noting that the situation had not changed since the previous year. The Working Group recommended that the Commission maintain the status of cooperating non-party for Belize, Canada, China, Cook Islands, and the European Union, and cooperating fishing entity for Chinese Taipei.

#### **7. Other business**

Bolivia made a statement (Appendix 2) confirming its interest in purse-seine fleet capacity, and express-

ing concern that its rights in this area appear to have been compromised. Colombia expressed surprise at this statement, and reserved its right to go on the record with a response.

Belize noted the importance of reviewing the matter of measurement of vessel length, and of harmonizing this among the various regional fisheries management organizations (RFMOs). The Chairman stated that this matter would be better taken up at a meeting of these organizations.

The United States indicated that it wished to discuss some amendments to Resolution C-05-07, and Spain noted that it had also proposed some amendments to this resolution. The Working Group agreed that these should be discussed in an informal meeting, to see whether a set of recommendations on modifying this resolution could be agreed and presented to the Commission.

#### **8. Recommendations for the IATTC and the Meeting of the Parties**

There were no recommendations to the Meeting of the Parties of the AIDCP.

The Working Group agreed to recommend to the IATTC that the vessel *Mary Lynn* be removed from the Commission's IUU List.

France suggested that the Working Group also ask that the Commission consider including in the IUU List vessels that fish in the Exclusive Economic Zones of other nations without a licence and vessels that are on the IUU lists of other RFMOs, and should make it possible to include vessels of less than 24 meters in length on its IUU List.

Belize proposed that vessels without a flag should be included on the IUU list.

#### **9. Adjournment**

The meeting was adjourned on 20 June at 6:00 pm.

## Appendix 1.

### ATTENDEES - ASISTENTES

#### COLOMBIA

**DIEGO CADENA**

Ministerio de Relaciones Exteriores

[diego.cadena@cancilleria.gov.co](mailto:diego.cadena@cancilleria.gov.co)

**VLADIMIR FUENTES**

Ministerio de Ambiente, Vivienda y Desarrollo Territorial

[vpuentes@minambiente.gov.co](mailto:vpuentes@minambiente.gov.co)

**DIEGO CANELOS**

Seatech International Inc.

[dcanelos@seatechint.net](mailto:dcanelos@seatechint.net)

**LUÍS R. PAREDES**

Paredes Mansfield & Cia.

[paredeslr@lexpraxis.com](mailto:paredeslr@lexpraxis.com)

**ARMANDO HERNÁNDEZ**

INCODER / Programa Nacional de Observadores

[observadores@incoder.gov.co](mailto:observadores@incoder.gov.co)

#### COSTA RICA

**CARLOS VILALOBOS\***

Instituto Costarricense de Pesca y Acuicultura

[cvazquez1@ice.co.cr](mailto:cvazquez1@ice.co.cr)

**ASDRÚBAL VÁZQUEZ\***

Ministerio de Agricultura y Ganadería

[vazquez1@ice.co.cr](mailto:vazquez1@ice.co.cr)

**BERNAL CHAVARRÍA\***

Instituto Costarricense de Pesca y Acuicultura

[bchavarria@bcvabogados.com](mailto:bchavarria@bcvabogados.com)

#### ECUADOR

**LUÍS TORRES\***

Ministerio de Agricultura, Ganadería, Acuicultura y Pesca

[asesor01@subpesca.gov.ec](mailto:asesor01@subpesca.gov.ec)

**JIMMY MARTINEZ\***

Subsecretaría de Recursos Pesqueros

[jmartinez@mardex.com.ec](mailto:jmartinez@mardex.com.ec)

**RAFAEL TRUJILLO**

Cámara Nacional de Pesquería

[direjec@camaradepesqueria.com](mailto:direjec@camaradepesqueria.com)

#### EL SALVADOR

**SONIA SALAVERRÍA\***

Ministerio de Agricultura y Ganadería

[ssalaverria@mag.gob.sv](mailto:ssalaverria@mag.gob.sv)

**CARLOS SÁNCHEZ**

Calvopesca

[carlos.sanchez@calvo.es](mailto:carlos.sanchez@calvo.es)

#### ESPAÑA - SPAIN

**JAVIER ARÍZ**

Instituto Español de Oceanografía

[javier.ariz@ca.ieo.es](mailto:javier.ariz@ca.ieo.es)

**STAFFAN EKWALL**

European Commission, DG Fisheries

[staffan.ekwall@ec.europa.eu](mailto:staffan.ekwall@ec.europa.eu)

#### FRANCE - FRANCIA

**DELPHINE LEGUERRIER \***

Ministry of Agriculture and Fisheries

[delphine.leguerrier@agriculture.gouv.fr](mailto:delphine.leguerrier@agriculture.gouv.fr)

#### GUATEMALA

**HUGO ALSINA**

Ministerio de Agricultura, Ganadería y Alimentación

[hugo.alsina@maga.gob.gt](mailto:hugo.alsina@maga.gob.gt)

#### JAPAN - JAPÓN

**HIDEO INOMATA**

Fisheries Agency of Japan

[hideo\\_inomata@nm.maff.go.jp](mailto:hideo_inomata@nm.maff.go.jp)

**HISAO MASUKO**

Japan Tuna Fisheries Co-operative Association

[masuko@japantuna.or.jp](mailto:masuko@japantuna.or.jp)

**SHINGO OTA\***

Fisheries Agency of Japan

[shingo\\_oota@nm.maff.go.jp](mailto:shingo_oota@nm.maff.go.jp)

## MEXICO

**MARIO AGUILAR\***  
CONAPESCA  
[mariogaguilars@aol.com](mailto:mariogaguilars@aol.com)

**HUMBERTO ROBLES**  
Instituto Nacional de Pesca  
[hrobles@cicese.mx](mailto:hrobles@cicese.mx)

**PEDRO ULLOA**  
Instituto Nacional de la Pesca  
[ulloapedro@hotmail.com](mailto:ulloapedro@hotmail.com)

## NICARAGUA

**MANUEL PEREZ\***  
Instituto Nicaraguense de la Pesca y la Acuicultura  
[mperez@inpesca.gob.ni](mailto:mperez@inpesca.gob.ni)

## PANAMA

**ARNULFO FRANCO\***  
Fundación Internacional de Pesca  
[alfranco29@yahoo.com](mailto:alfranco29@yahoo.com)

**LEYKA MARTINEZ\***  
ARAP  
[leikamartinez@yahoo.com](mailto:leikamartinez@yahoo.com)

**MARIA PATRICIA DIAZ\***  
Fundación Internacional de Pesca  
[pinky\\_diaz@hotmail.com](mailto:pinky_diaz@hotmail.com)

**DAVID SILVA**  
ARAP  
[davidsilvat@yahoo.com](mailto:davidsilvat@yahoo.com)

**NESTOR VALLESTER**  
ARAP  
[vallester10@gmail.com](mailto:vallester10@gmail.com)

**VASCO FRANCO**  
Fundación Internacional de Pesca  
[vascofrancoduran@yahoo.com](mailto:vascofrancoduran@yahoo.com)

**JULIO GUEVARA**  
Fundación Internacional de Pesca  
[programanacionalobservadores@gmail.com](mailto:programanacionalobservadores@gmail.com)

**LUIS RODRIGUEZ**  
Fundación Internacional de Pesca  
[lr24toto@hotmail.com](mailto:lr24toto@hotmail.com)

## PERÚ

**GLADYS CÁRDENAS\***  
Instituto del Mar del Perú  
[gcardenas@imarpe.gob.pe](mailto:gcardenas@imarpe.gob.pe)

## UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMÉRICA

**RODNEY MCINNIS\***  
NOAA/National Marine Fisheries Service  
[rod.Mcinnis@noaa.gov](mailto:rod.Mcinnis@noaa.gov)

**DAVID HOGAN**  
U.S. Department of State  
[hogandf@state.gov](mailto:hogandf@state.gov)

**RANDI THOMAS**  
National Fisheries Institute  
[rthomas@nfi.org](mailto:rthomas@nfi.org)

**SARAH MCTEE**  
US Department of State  
[mcteesa@state.gov](mailto:mcteesa@state.gov)

**JUDSON FEDER**  
NOAA/ Office of General Counsel  
[judson.feder@noaa.gov](mailto:judson.feder@noaa.gov)

**WILLIAM JACOBSON**  
NOAA National Marine Fisheries Services  
[bill.jacobson@noaa.gov](mailto:bill.jacobson@noaa.gov)

**DAN LAWSON**  
NOAA National Marine Fisheries Service  
[dan.lawson@noaa.gov](mailto:dan.lawson@noaa.gov)

**DONALD MASTERS**  
NOAA/National Marine Fisheries Services  
[don.masters@noaa.gov](mailto:don.masters@noaa.gov)

**ALLISON ROUTT**  
NOAA/ National Marine Fisheries Services  
[allison.routt@noaa.gov](mailto:allison.routt@noaa.gov)

**SUNEE SONU**  
NOAA/ National Marine Fisheries Service  
[sunee.sonu@noaa.gov](mailto:sunee.sonu@noaa.gov)

**BRADLEY WILEY**  
NOAA/National Marine Fisheries Services  
[brad.wiley@noaa.gov](mailto:brad.wiley@noaa.gov)

**JOHN ZUANICH**  
Del Monte Foods/Starkist Brands  
[john.zuanich@delmonte.com](mailto:john.zuanich@delmonte.com)

## VENEZUELA

**CRISTINA STREDEL**  
Instituto Socialista de la Pesca y Acuicultura  
[ori@inapesca.gob.ve](mailto:ori@inapesca.gob.ve)

**ALVIN DELGADO\***  
PNOV/FUNDATUN  
[fundatunpnov@cantv.net](mailto:fundatunpnov@cantv.net)

**OSNEIVER SANDOVAL**  
Ministerio del Poder Popular para las Relaciones Exteriores

**EDIXON YEPEZ**  
Ministerio del Poder Popular para las Relaciones Exteriores  
[edixonyepez@hotmail.com](mailto:edixonyepez@hotmail.com)

**CARIBAY CAMACHO**  
Fextun  
[caribay@cantv.net](mailto:caribay@cantv.net)

**LILLO MANISCALCHI**  
Avatun

[osneiver.sandoval@mre.gob.ve](mailto:osneiver.sandoval@mre.gob.ve)

[lillomaniscalchi@yahoo.com](mailto:lillomaniscalchi@yahoo.com)

## **OBSERVERS - OBSERVADORES**

### **BELIZE - BELICE**

**ANGELO MOUZOROPOULOS**

International Merchant Marine Registry  
[angelom@immarbe.com](mailto:angelom@immarbe.com)

**JULIO MAAZ**

Belize Fisheries Department  
[Julo.maaz@gmail.com](mailto:Julo.maaz@gmail.com)

### **BOLIVIA**

**CARLOS LANDIVAR**

Dirección General de Intereses Marítimos, Fluviales,  
Lacustres y Marina Mercante  
[pescamar@mindef.gov.bo](mailto:pescamar@mindef.gov.bo)

### **CANADA**

**LAUREN DONIHEE**

Fisheries and Oceans Canada  
[doniheel@dfo-mpo.gc.ca](mailto:doniheel@dfo-mpo.gc.ca)

### **CHINESE TAIPEI - TAIPEI CHINO**

**HONG-YEN HUANG**

Fisheries Agency  
[hangyen@msl.f.gov.tw](mailto:hangyen@msl.f.gov.tw)

**CHI-CHAO LIU**

Fisheries Agency  
[chichao@msl.f.gov.tw](mailto:chichao@msl.f.gov.tw)

**WEI-YANG LIU**

Overseas Fisheries Development Council  
[weiyang@ofdc.org.tw](mailto:weiyang@ofdc.org.tw)

**HANN JUNG CHANG**

Embassy of the Republic of China (Taiwan) in Republic of  
Panama  
[hajchang@mofa.gov.tw](mailto:hajchang@mofa.gov.tw)

## **INTERNATIONAL ORGANIZATIONS – ORGANIZACIONES INTERNACIONALES**

**VEZ NORRIS**

FFA  
[wez.norris@ffa.int](mailto:wez.norris@ffa.int)

**AVIER ARIZ**

ICCAT  
[javier.ariz@ca.iceo.es](mailto:javier.ariz@ca.iceo.es)

**ANDREW WRIGHT**

WCPFC  
[dreww@mail.fm](mailto:dreww@mail.fm)

## **NON-GOVERNMENTAL ORGANIZATIONS – ORGANIZACIONES NO GUBERNAMENTALES**

**IEGHAN JEANS**

Ocean Conservancy  
[mjeans@oceanconservancy.org](mailto:mjeans@oceanconservancy.org)

**REBECCA REGNERY**

Humane Society International  
[regnery@hsus.org](mailto:regnery@hsus.org)

### **SECRETARIAT - SECRETARÍA**

**GUILLERMO COMPEÁN, Director**

[gcompean@iattc.org](mailto:gcompean@iattc.org)

**ERNESTO ALTAMIRANO**

[ealtamirano@iattc.org](mailto:ealtamirano@iattc.org)

**RICARDO BELMONTES**

[rbelmontes@iattc.org](mailto:rbelmontes@iattc.org)

**DAVID BRATTEN**

[dbratten@iattc.org](mailto:dbratten@iattc.org)

**MÓNICA GALVÁN**

[mgalvan@iattc.org](mailto:mgalvan@iattc.org)

**BRIAN HALLMAN**

[bhallman@iattc.org](mailto:bhallman@iattc.org)

**CYNTHIA SACCO**

[csacco@iattc.org](mailto:csacco@iattc.org)

**NICHOLAS WEBB**

[nwebb@iattc.org](mailto:nwebb@iattc.org)

## Appendix 2.

### STATEMENT BY BOLIVIA

The Government of Bolivia reiterates, in the framework of the 78th Meeting of the Inter-American Tropical Tuna Commission its status as signatory state to the United Nations Convention on the Law of the Sea, signed in Jamaica - 1982, its right to fish in international waters being recognized in application of Articles 69 and 116 of the cited convention, obliging itself to cooperate with coastal countries and regional organizations created to regulate the use of marine resources, in accordance with the principles of the 1992 Rio Declaration on the environment and development, as well as the FAO Code of Conduct for Responsible Fishing.

Bolivia, since August 2001 administers the Agreement on the International Dolphin Conservation Program – AIDCP to the fishing vessels that operate in the Eastern Pacific Ocean under Bolivian flag; the corresponding document was presented opportunely to the depositary Government of the Agreement and communicated simultaneously: to the Secretary General of the United Nations Organization and the Secretary General of the International Marine Organization.

Within this process, five fishing vessels clearly identified with the Bolivian flag were reported by the International Review Panel por infractions committed, in some cases repeatedly, on 23 cruises made between 12 January 2003 and 1 December 2004.

The Bolivian Maritime Authority proceeds in accordance with the provisions of the Bolivian Regulations for Maritime Fishing, the Agreement on the International Dolphin Conservation Program and the Code of Conduct for Responsible Fishing in its Article 7.

However, these vessels that have attempted to bring about a very particular flagging situation as has been described by my country at the meetings of the Commission and the AIDCP from 2004 to date; and which by suggestion of the AIDCP, through an agreement between parties it is established that a final decision of Bolivian justice regarding this case, which has already been submitted to the Secretariat of the Commission, will be observed.

My country allows itself to remind this plenary that in accordance with the resolutions in force that regulate the capacity of the fleet in the Eastern Pacific Ocean, **Bolivia has not communicated nor accepted** any type of modification regarding the capacity of the Bolivian tuna fleet registered opportunely in the Regional Vessel Register, and which is currently diminished against its will.

Therefore, my country sees with concern that the vessels AMANDA S, CABO DE HORNOS, NAZCA, SEA GEM and GOLD COAST, the last currently sailing under another name, operate freely and even obtain allocations of DMLs without having complied with the sanctions duly communicated at the appropriate time and with the existence of a final sentence issued by the Judge of the 7th District civil commercial court of Bolivia, which is officially known by this Commission.

I request, Mr. Chairman, that this Statement be included in the corresponding Minutes.