

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

8th MEETING

**The Jolla, California (USA)
6 June 2009**

MINUTES OF THE MEETING (REVISED)

AGENDA

	Documents
1. Opening of the meeting	
2. Adoption of the agenda	
3. Approval of minutes of the 7 th meeting	
4. List of vessels identified as being engaged in IUU fishing	JWG-8-04
5. Cooperating non-parties or fishing entities	JWG-8-06
6. Other business	
7. Recommendations for the IATTC and the Meeting of the Parties	
8. Adjournment	

The eighth meeting of the Joint Working Group on Fishing by Non-Parties was held in La Jolla, California (USA) on 6 June 2008. The attendees are listed in Appendix 1.

1. Opening of the meeting

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission, opened the meeting. Mr. Staffan Ekwall, of the European Union (EU), chaired the meeting.

2. Adoption of the agenda

The agenda was adopted as presented.

3. Approval of minutes of the seventh meeting

The minutes of the seventh meeting of the Working Group were adopted as presented.

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

Mr. Brian Hallman, Deputy Director of the Commission, presented Document JWG-8-04, *IATTC IUU Vessel List*, noting that the group had to decide whether to recommend to the Commission that some or all of the 12 vessels on the provisional IUU list (Appendix 2) be added to the IUU Vessel List (Appendix 3), and also whether any vessels should be removed from the current IUU List, established pursuant to Resolution C-05-07. The group's discussions and recommendations with regard to these matters were as follows:

a. *Tching Ye No. 6* (Belize), longliner

France requested the inclusion of this vessel, since it was found fishing in the jurisdictional waters of Clipperton Island without a fishing license. The working group noted that fishing without a license in a country's jurisdictional waters was not one of the criteria for an IUU listing stipulated in Resolution C-05-07. However, not reporting catches in the EPO was a valid reason for a listing, and the vessel clearly met this provision of the resolution.

Belize stated that it had withdrawn the vessel's flag; therefore, if it was included in the IUU list, it should be recorded as of unknown flag.

The working group recommended the inclusion of this vessel on the IUU list, in view of the absence of catch reporting pursuant to paragraph 1.b of Resolution C-05-07.

b. *Dominador I* and *Marta Lucía R* (Colombia), purse seiners

These two vessels were included in the provisional list at the request of the European Union, which requested that all vessels that had fished in the eastern Pacific Ocean (EPO) without being on the Commission's Regional Vessel Register be included in the IUU List.

The *Dominador* made five fishing trips during 2008 while not on the Register, and the *Marta Lucía* made 12 such trips during 2006-2009.

These cases gave rise to a discussion of the period of time relevant to the fishing activity of a vessel that should be taken into account for a nomination to the IUU list. Several members of the working group expressed their view that the previous year might be an appropriate time period, while the United States considered that a two-year time period would be preferable. The working group did not make a formal recommendation to the Commission on this matter.

Colombia objected to the inclusion of both of these vessels on the IUU list, noting that it did not accept the validity of the procedures used to initially add the *Marta Lucía* to the list, and that Colombia had the right to add the *Dominador* to its fleet.

Based on the Colombian intervention, the working group decided to defer the consideration of these vessels to the Commission meeting.

c. *Ignacio Mar I* (Ecuador), purse seiner

The Secretariat reported that this vessel had made a total of 17 fishing trips in the EPO in 2007, 2008 and 2009, while not on the Register.

Ecuador stated that it had asked the Commission that this vessel be included in the Register in replacement of the vessel *Roberto M*, (which is the same vessel as the *Tunapesca* on the Register with Panamanian flag), and that this request had met the requirements of Resolution C-02-03. Ecuador stated its objection to the inclusion of the vessel in the IUU list.

The working group decided to defer the discussion of this case to the meeting of the IATTC.

d. *Taiho Maru* (Japan); carrier

France requested the inclusion of this carrier vessel on the IUU list, since it had received fish in the EPO from the longline vessel *Lina*, which should be on the IUU list because it is not on the Register.

Japan pointed out that it had written a letter on this case, which had been circulated to the Parties. Japan agreed that transshipping with vessels on the IUU list is a basis for being added to the list as an IUU vessel, but emphasized that the *Lina* was and is not on the IATTC IUU list. It did not appear to Japan that there was any basis in Resolution C-05-07 for adding this vessel to the IUU list.

After some discussion, it was clear to the working group that there would be no agreement on recommending an IUU listing for this vessel, and it was decided to refer the case to the Commission.

e. *Lina, Minako y Tomio* (Indonesia), longliners

France proposed the inclusion of these vessels; they transshipped fish in the EPO while not on the Regional Register, and they would therefore qualify for inclusion in the IUU list in accordance with paragraph 1.a. of Resolution C-05-07, since it is reasonable to assume that the vessels fished in the EPO.

Panama, Japan, and the United States commented that it would be good to have concrete information that these vessels had actually fished in the EPO before placing them on the IUU list. The working group agreed that more information should be sought on the possible fishing activities of the vessels in the EPO before taking a decision on adding them to the IUU list. The vessels should be on the draft and provisional IUU lists for 2010, and their cases should then be reviewed again next year.

f. *Goidau Ruey* (Panama), longliner

France proposed this vessel for the IUU list since it had fished in the EPO, did not carry Vessel Monitoring System equipment, and did not report its catches. Therefore, the vessel qualifies for inclusion in the IUU list pursuant to paragraphs 1.b and 1.d. of Resolution C-05-07.

Panama stated that the vessel had been sanctioned by the withdrawal of its fishing license for the practice of ‘finning’ sharks, and for not reporting all catches. Panama did not object to the inclusion of the vessel on the IUU list, commenting that once its flag was withdrawn, an action which was anticipated, the vessel should be recorded as having an unknown flag.

The working group recommended the inclusion of this vessel on the IUU list.

g. *Senta* (Panama), carrier

France requested the inclusion of this vessel, since it received fish in the EPO from a longline vessel that should be on the IUU list because it is not on the Register.

The working group noted that this case was similar to that of the *Taiho Maru* which had been discussed earlier and regarding which there was no agreement by the meeting on recommending an IUU listing.

h. *Don Abel* (Venezuela), purse seiner

This vessel was included in the provisional list pursuant to the EU’s request to include vessels that are not on the Regional Register and have fished in the EPO.

Venezuela explained that the vessel had not fished since 2007 and should therefore not be included in the IUU list, in view of the discussion in the working group that only the previous year’s activity should be taken into account when evaluating the possible inclusion of a vessel in the IUU list. The working group decided not to add this vessel to the IUU list.

i. *Caribbean Star No. 31* (flag unknown), purse seiner

Colombia reported that this vessel had flown the Colombian flag but that the Colombian flag had been withdrawn in 2007. Colombia indicated that information on the vessel’s activities as a Colombian flag vessel would be sent to the Secretariat. Belize reported that this vessel used to be on the Register under Belize flag, and that Belize informed the IATTC Secretariat of the deletion of the vessel from its national register in June 2004.

The working group agreed to review the case at the next meeting, since there were doubts about whether the vessel had carried out fishing operations since 2007. In the meantime, further information would be collected if possible.

j. Removal of vessels from the current IUU Vessel List

The working group did not recommend that any vessels be removed from the current IATTC IUU list. Colombia stated that the cases regarding its flag vessels should be reviewed at the meeting of the Commission, noting that the working group reviewed a provisional list, not the definitive list.

5. Cooperating non-parties or fishing entities for 2008

The Secretariat presented Document JWG-8-05, *Cooperating non-parties or fishing entities*, noting that for the six that already had cooperating status 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.

Regarding the request by Kiribati to be considered a cooperating non-party, the matter was deferred to the meeting of the IATTC, since Japan had some questions and the delegation of Kiribati would not be present until the Commission meeting. Specifically, Japan wanted to know what kind of fishing Kiribati intended to conduct in the EPO, commenting that, pursuant to Commission resolutions, Kiribati cannot bring purse-seine vessels into the region.

6. Other business

Guatemala stated its view that the mandate of this working group was obsolete, and proposed that the Secretariat explore the possibility of doing away with it and moving the discussion of the IUU list to the permanent working group on compliance, recognizing that the terms of reference of the working group on compliance might have to be amended.

Several delegations and the Chair commented that the mandate of the working group should be reviewed in the context of the Antigua Convention and the new Committee for the review of implementation of Commission measures, to be established pursuant to that Convention.

Mexico and Guatemala commented that a way should be found to avoid the possibility of members blocking the inclusion of their own flag vessels on the IUU list.

7. Recommendations for the IATTC and the AIDCP

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

The Working Group agreed to recommend to the IATTC the following:

1. Renew the cooperating status of Belize, Canada, China, Cook Islands, the European Union, and Chinese Taipei, and discuss the request of Kiribati to be accorded such status.
2. Take the respective decisions about the cases addressed regarding the provisional IUU list.
3. Maintain on the IUU Vessel List the vessels currently on it, and discuss the case of the Colombian vessel *Marta Lucía R.*

8. Adjournment

The meeting was adjourned at 11:52 a.m. on 6 June.

Appendix 1.

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Appendix 2.

PROVISIONAL IATTC IUU VESSEL LIST – 20 MAY 2009

Vessel	Flag	Gear
<i>Tching Ye N°6</i>	BLZ	LL
<i>Dominador I</i>	COL	PS
<i>Marta Lucía R.</i>	COL	PS
<i>Ignacio Mar I</i>	ECU	PS
<i>Taiho Maru</i>	JPN	MR
<i>Lina</i>	IDN	LL
<i>Minako</i>	IDN	LL
<i>Tomio</i>	IDN	LL
<i>Goidau Ruey I</i>	PAN	LL
<i>Senta</i>	PAN	MR
<i>Don Abel</i>	VEN	PS
<i>Caribbean Star No. 31</i>	UNK	PS

Appendix 3.

CURRENT IATTC IUU VESSEL LIST

<http://www.iattc.org/VesselRegister/IUU.aspx?Lang=en>

Buque	Bandera	Arte
<i>Marta Lucia R.</i>	COL	PS
<i>Bhineka</i>	IDN	LL
<i>Hiroyoshi 17</i>	IDN	LL
<i>Jimmy Wijaya 35</i>	IDN	LL
<i>Permata 1</i>	IDN	LL
<i>Permata 2</i>	IDN	LL
<i>Permata 6</i>	IDN	LL
<i>Permata 8</i>	IDN	LL
<i>Bhaskara No. 10</i>	UNK	LL
<i>Bhaskara No. 9</i>	UNK	LL
<i>Camelot</i>	UNK	LL
<i>Chia Hao No. 66</i>	UNK	LL
<i>Dragon III</i>	UNK	LL
<i>Jyi Lih 88</i>	UNK	LL
<i>Ming Yu Sheng 8</i>	UNK	LL
<i>Orca</i>	UNK	LL
<i>Permata</i>	UNK	LL
<i>Permata 102</i>	UNK	LL
<i>Permata 138</i>	UNK	LL
<i>Reymar 6</i>	UNK	LL
<i>Ta Fu 1</i>	UNK	LL
<i>Wen Teng No. 688</i>	UNK	LL

BLZ	Belize - Belice	VEN	Venezuela
COL	Colombia	UNK	Unknown—Desconocido
ECU	Ecuador	MR	Carrier - Carguero
IDN	Indonesia	LL	Longline—Palangre
JPN	Japan - Japón	PS	Purse seine—Red de cerco
PAN	Panama - Panamá		