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PERMANENT WORKING GROUP ON FLEET CAPACITY

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**REVIEW OF PROCEDURES RELATED TO THE IMPLEMENTATION OF
RESOLUTION C-02-03 ON THE CAPACITY OF THE PURSE-SEINE
FLEET**

This document is an update of Document [CAP-10-03](#), prepared for the 10th Meeting of the Working Group in November 2008 and updated for the 12th Meeting in October 2011. At the meeting in 2008 procedures were approved for the movement of vessels on the IATTC Regional Vessel Register and the transfer of vessels and their capacities among the participants¹. These procedures have been implemented since then to date.

The document had a section on proposed amendments to Resolution C-02-03, but considering that some delegations stated not to change any part of the resolution, this section has been removed of this document.

Also, the glossary of terms used frequently in the implementation of Resolution C-02-03 has been updated.

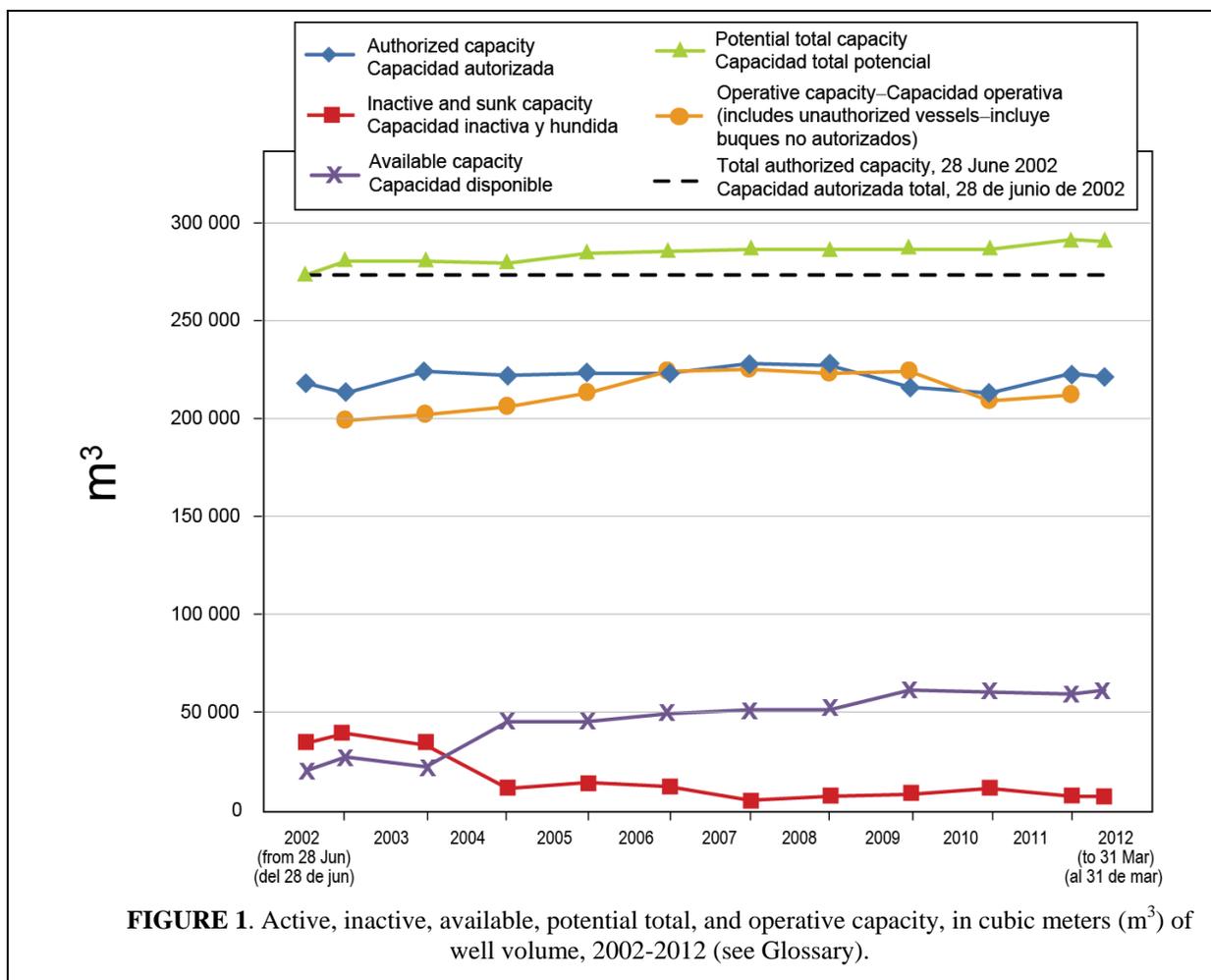
The Secretariat is not proposing that this document be discussed again; it is presented only to update the data on the capacity of the purse-seine fleet in the EPO, and as a reminder of the procedures that are followed to implement resolution C-02-03.

1. INTRODUCTION

The implementation of [Resolution C-02-03 on fleet capacity](#), in force for more than eight years, has gone well, especially considering the complexity and delicacy of various elements of the Resolution and its ground-breaking nature.

Nevertheless, it is not always well understood that the capacity management system created by the Resolution does not establish national capacity allocations or limits; instead, fleet 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 Regional Register. During the negotiation of the resolution, one approach which was extensively considered was a system of national capacity limits. However, it was not possible to reach an agreement based on this concept, and a scheme was adopted that controlled vessel access via the Regional Register. Also, it should be noted that, while the system agreed does limit the number of vessels, it does not limit catches. Therefore, the capacity limits must be complementary to other conservation and management measures that restrict catches. The Secretariat has made available to each government a document which shows the history of each country's

¹ Defined in Resolution C-02-03 as "Parties to the IATTC, and States and regional economic integration organizations (REIOs), and fishing entities that have applied for membership of the Commission or that cooperate with the management and conservation measures adopted by the Commission".



flag vessels with regard to the Regional Register, and how that has affected, historically, the changes in the well volume available to each country since the Resolution entered into force. A monthly report of the movements made in the Regional Register relating to the resolution C-02-03 is also sent.

It should be recalled that, in June 2005, the Commission adopted a [Plan for Regional Management of Fishing Capacity](#). The principal objective of the Plan is to establish a comprehensive program for managing the capacity of all fishing fleets operating in the eastern Pacific Ocean (EPO), to ensure the long-term sustainability of the fisheries covered by the IATTC. For the purse-seine fishery, this will mean a reduction in the current level of fishing capacity. To quote from the section of the Plan setting forth its objectives and principles: “CPCs and all participants in these fisheries should limit the total fleet capacity to the present level and to reduce it, as appropriate, in accordance with an agreed program. After any targets for the fleet capacity have been achieved, CPCs and all participants in these fisheries should exercise caution to avoid growth in fleet capacity.”

2. IMPLEMENTATION TO DATE

Early in the implementation of the Resolution, some problems developed with regard to vessel transfers, mainly because of the lack of clearly defined procedures for when flag changes should be recorded and how to address the status of a vessel on the Regional Register that was in the process of changing flags. For example, a scenario that occurred on several occasions was the following: the Secretariat had official information, in the form of documents from the governmental agency responsible for allowing flag transfers, that a vessel had changed flags legally. On that basis, the Secretariat modified its records.

However, the original flag government of the vessel in question subsequently requested that the vessel be removed from the Regional Register – in one case, more than a month after the vessel changed flag – and claimed the right to replace the vessel with another. Of course, at that point, the original flag government no longer had jurisdiction over the vessel. This scenario was the basis for some of the disputes that have occurred over capacity.

It appears that the main reason for these problems was that, in some countries, the government agency responsible for flag transfers is different from that responsible for fisheries matters, and a lack of communication between these agencies resulted in a vessel legally leaving a country's register without the approval, or in some cases knowledge, of the latter agency. These problems were essentially rectified by the decision of the Commission to not change the status of any vessel on the Regional Register without the explicit approval of both of the flag governments involved in a flag transfer, notwithstanding the fact that a vessel may in fact have changed flags legally.

The active purse-seine capacity on the Regional Register on 31 March 2012 is 221,799 m³. The capacity of inactive or sunk vessels is 7,589 m³, and the capacity available as a result of movements of vessels on the Regional Register is 61,626 m³, for a potential total of 291,014 m³. In June 2002, when the Resolution entered into force, the active capacity was 218,482 m³, while the sum total of the active and inactive capacity, plus that included in paragraph 10 of the resolution, was 273,467 m³ (Figure 1). It should be noted that these numbers do not take into account the capacity in the footnote to the resolution, which at least one country has already claimed.

The reason for this increase of 17,547 m³ in the potential capacity is that, while the essential purpose of the Resolution was to freeze capacity, some of its elements allow increases: adding vessels pursuant to paragraph 10, replacing sunk vessels, and changing inactive vessels to active, and the concrete case of the concession by the Commission in June 2011 of 5,000 m³ of well volume to Peru. Also, in the months following the adoption of the Resolution, the Commission agreed to add several vessels to the Regional Register, to account for oversights made by delegations at the meeting at which the resolution was adopted. Also, it is important to note that Resolution C-11-12, by which the capacity was conceded to Peru, stipulates that it must be used by Peruvian-flag vessels that will operate only in waters under the jurisdiction of Peru, and that it cannot be transferred to other flags, nor be used for chartering vessels of other flags.

In addition, the measurement of vessel capacity has to be taken into account. In 2002, the capacity of the great majority of vessels was estimated; currently, almost all vessels have been measured, with an overall result of greater capacity.

3. CURRENT PROCEDURES

The procedures followed by Commission staff in implementing the Resolution, and in particular in maintaining the official records associated with the Regional Register and other Commission vessel lists, have been improved and formalized since 2002. Following is a summary of the current procedures:

1. In order to be included on the Register, a vessel must provide all of the information required in Resolution C-00-06 on the Regional Vessel Register. The well volumes of purse-seine vessels should be measured; however, this is not a condition for inclusion in the Regional Register. It is necessary, at a minimum, that the flag government of the vessel provide an official well volume, whether measured or otherwise determined by the government. Also, it is useful for the Secretariat to have a breakdown and/or diagram showing the volumes of each of the vessel's wells; again, this is not a requirement for inclusion in the Register.
2. For a new vessel to be included in the Regional Register, the flag government must advise the Secretariat in writing, and must have sufficient capacity available, *i.e.*, equal to or greater than the well volume of the vessel to be added. If the new vessel is replacing another vessel that has been or is being removed from the Register, that vessel must be identified. If the new vessel has recently

been granted its flag, documentation showing its new registration must be provided, as well as documentation regarding the deletion of its previous flag.

3. For a vessel on the Regional Register to change flag and remain on the Register, both governments associated with the change must agree, and must confirm this to the Secretariat in writing. At its 73rd meeting in June 2005, the Commission agreed 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”. The Secretariat has interpreted this to mean that the approval must come from the government agency responsible for fisheries matters.

It is now very difficult for a vessel on the Regional Register to change flags and remain on the Register, because nearly all governments have made clear their interest in removing their flag vessels from the Register if they want to change flags.

4. A vessel may be removed from the Regional Register if its flag government so requests in writing. In this case, the well volume of the vessel removed will be available to the government for adding vessels in the future. If a vessel with a smaller well volume than the vessel removed is later added, the excess, or residual, is retained by the government, and is so documented in the Commission’s records.

It is important to note that these residuals are available to governments as a result of vessels being removed not only from the list of active vessels, but also from the list of inactive/sunk vessels.

If a vessel is removed from the Regional Register, the Secretariat needs to know whether the government is also removing the vessel from its national register.

5. A vessel may change its status from active to inactive, and vice versa. Paragraph 9 of the Resolution addresses the matter of inactive vessels. It has several elements:
 - a. Notification of vessels that will be inactive must be provided to the Secretariat by January 1 of each year;
 - b. A vessel declared inactive must remain in that status for the entire year;
 - c. An active vessel may replace an inactive one during the year, provided that the total active capacity of the vessels of the country receiving the vessel does not then exceed the active capacity of all of its vessels on 28 June 2002.

The Secretariat considers that there are some technical problems with the language on inactive vessels in the Resolution, and that the drafting should be improved, since there could be a contradiction between paragraph 9 and paragraph 5, which establishes that the vessels authorized to operate are those included in the list of June 2002, as subsequently modified, without distinguishing between active and inactive vessels. However, in practice, vessels rarely change their status on these lists during the course of a year; if a vessel wishes to do so, its flag government must notify the Secretariat in writing. If there are no comments to the contrary, the Secretariat will continue to include vessels to the list of active vessels at any part of the year.

6. The Commission has discussed establishing a protocol for the sealing of wells, but nothing has been agreed in this regard. Consequently, there are no agreed procedures for the sealing of wells, and some vessels on the Regional Register have thus sealed one or more wells in order to reduce their capacity so that they are in compliance with the Resolution. In such cases, the flag government must provide to the Secretariat information regarding the capacity of the wells to be sealed and an official diagram of the vessel with the dimensions of each of its wells. At their 18th meeting in October 2007, the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) decided that the assessments paid by vessels to support that program should be based on a vessel’s

total capacity, regardless of any sealed wells.

7. In accordance with the above, it is considered that a vessel whose original total capacity was 363 t or more, and was therefore required to carry an AIDCP observer on board, shall continue to be subject to that requirement even if its capacity is reduced below that level as a result of sealing or disabling wells. Furthermore, the fees paid to the AIDCP observer program shall be calculated on the basis of the vessel's total capacity, regardless of any sealed or disabled wells. Both the total capacity of the vessel and the reduced capacity resulting from sealing or disabling wells are recorded on the Regional Register.
8. The Secretariat should have a list of the authorities in each country competent for carrying out transfers of vessels and their capacities on the Regional Register.
9. The residual capacity that is allocated to a vessel of another flag should be duly recorded on the Regional Register, and it should specify whether the transfer of capacity is temporary or permanent.

4. EXCEPTIONS FOR ADDING NEW VESSELS TO THE REGIONAL REGISTER

Although the current system is not based on national capacity limits, paragraph 10 of the Resolution allows certain countries to add to their fleets new vessels that are not on the Register. The current situation regarding these exceptions is:

	Limit (m ³)	
	Provided	Remaining
Costa Rica	9,364	7,483
El Salvador	861	0
Guatemala	1,700	0
Nicaragua	5,300	0
Peru	3,195	2,195
TOTAL	20,420	9,678

5. VESSELS FISHING WHILE NOT ON THE REGIONAL REGISTER

As has been noted in previous documents and communications by the Secretariat, there are vessels fishing in the EPO that are not on the Regional Register. While this is essentially a compliance issue, it is important to take the capacity of these vessels into account, since it is included in the calculations of capacity operating in the EPO (213,008 m³ in 2011; Figure 1) that is used in the stock assessments of tunas in the EPO. Currently, these vessels are:

Name	Flag	Well volume (m ³)	Notes
<i>Dominador I</i>	COL	421	One trip in 2010 and one in 2011.
<i>Marta Lucia R.</i>	COL	1,603	Three trips in 2010, three in 2011, and two in 2012.
<i>Ignacio Mar I</i>	ECU	370	Seven trips in 2010, seven in 2011, and two in 2012.
<i>Tuna I</i>	ECU	316	Six trips in 2010; eleven in 2011, and one in 2012.
<i>Mar Cantábrico</i>	BOL	222	Trips in 2010 and 2011. Has not fished since its inclusion in the IUU List.

Further, according to information available to the Secretariat, the following vessels have increased their capacity contrary to the Resolution. The Secretariat has written to the relevant government regarding these increases, but no solution has been reached.

Name	Flag	Well volume on Register (m³)	Increased well volume (m³)
<i>Doña Roge</i>	ECU	592	917
<i>Tarqui</i>	ECU	459	634
<i>Ricky A</i>	ECU	818	1,208

Appendix A.

GLOSSARY OF TERMS USED IN THE IMPLEMENTATION OF RESOLUTION C-02-03

Active capacity. See Resolution [C-02-03](#). The total well volume, in cubic meters, of vessels that are on the IATTC Regional Register and can fish in the EPO. Can change status to inactive at any time during the year..

Inactive capacity. See Resolution [C-02-03](#). The total well volume, in cubic meters, of vessels that are on the IATTC Regional Register and have declared that they will not fish during a given year, but retain the right to become active provided they remain on the Regional Register, or vessels that have sunk. Can change status to active only at the end of the year

Available capacity. The total well volume, in cubic meters, that a participant has available for allocation to vessels as the result of: (a) vessels withdrawing from the Regional Register; (b) changes of flag, when the participant ceding the vessel can choose whether to retain the right to the vessel's capacity for future use; (c) residuals from transfers and movements of vessels on the Regional Register; (d) the national capacity allocations specified in paragraph 10 of Resolution [C-02-03](#).

Operative capacity. The total well volume, in cubic meters, of all vessels actually operating in the EPO, regardless of whether they are on the Regional Register. This is the capacity used by the IATTC scientific staff for its assessments of the tuna stocks.

Potential total capacity. The sum of active capacity, inactive capacity, and available capacity. The total well volume, in cubic meters, that would be operating in the EPO if all participants activated all their vessels and used all their available capacity (including inactive/sunk capacity) to bring new vessels into the fishery.

Vessels authorized to fish. Specified in Resolution [C-00-06](#) on a Regional Vessel Register. Currently, the sum of active and inactive/sunk vessels.

Total capacity of vessel. The total well volume of the vessel, including the volume of any wells sealed or disabled for fish storage in order to reduce the vessel's capacity.