

INTER-AMERICAN TROPICAL TUNA COMMISSION

84TH MEETING (EXTRAORDINARY)

La Jolla, California (USA)
24 October 2012

MINUTES OF THE MEETING

AGENDA

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1. Opening of the meeting

The meeting was opened by the Chairman of the Commission, Mr. Alvin Delgado, who asked for nominations for the post of rapporteur, in accordance with rule of procedure III.10. In view of the lack of nominations, the Chairman stated that he would assume this function jointly with the Secretariat, and expressed his disappointment that the rules of procedure were not applied appropriately for this case. Guatemala supported these statements.

Seventeen Members of the Commission participated in the meeting, with China, Korea, Kiribati, and Va-

nuatu absent (Appendix 1).

2. Adoption of the agenda

The provisional agenda was adopted with the inclusion of a new item 9 on the determination of the entry into force of resolutions, as requested by Guatemala.

3. Overlap area between the IATTC and the WCPFC

Dr. Guillermo Compeán, Director of the Commission, presented Document [IATTC-83-INF-B](#) on the overlap area between the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC). He explained that the document was prepared jointly by him and the Director of the WCPFC, Dr. Glenn Hurry, and that it contained five options for the management of the overlap area.

In response to a question by Ecuador, Dr. Compeán clarified that, during the negotiations for the WCPFC Convention, both the then Director of the Commission and various Members of the IATTC had warned of the problems that would result from creating a area in which the competences of the two commissions overlapped, more so in view of the competence already exercised traditionally by the IATTC in that area.

The Chairman of the WCPFC, Dr. Charles Karnella, explained that that organization reviewed the document at its previous meeting, but did not express itself in favor of any of the options, although a certain preference for options 2 and 4 was evident.

An extensive and exhaustive discussion then took place of the five options presented in the document, with numerous interventions in which the Members expressed, among others, their concerns regarding the practical consequences of the proposed arrangements.. Finally, the Members present at the meeting adopted a recommendation (Appendix 2) based on a combination of options 4 and 5, plus some additional elements that arose from the discussion.

4. Resolution on North Pacific albacore

Canada presented a revised text of the proposal ([IATTC-83 J-1 REV2](#); Appendix 3a) presented at the 83rd meeting of the Commission in June 2012, recalling that consensus had almost been reached, with only the review of some changes in the Spanish version lacking. However, he recognized that subsequently the positions of some Members have distanced themselves from this possible consensus. In view of the difficulty of reaching an agreement during the present meeting, Canada invited the interested delegations to work on the proposal during the following months, with a view to bringing a proposal to the meeting of the Commission in 2013.

5. Request by Honduras for the status of Cooperating Non-Member of the Commission

Honduras presented its request for the status of Cooperating Non-Member of the IATTC, indicating that it had a right to this as a coastal country. She stated that, in spite of the inappropriateness of the exclusion of its vessels from the Commission's Regional Vessel Register at the meeting in June of this year, those vessels were not operating in the IATTC Convention Area, respecting the Commission's decision, despite the fact that, internally, the Honduran government has no legal basis for forbidding vessel owners from fishing in that area. Having to wait until the summer of 2013 for its reinstatement as a Cooperating Non-Member would have very severe economic consequences for its tuna industry.

After listening to these arguments, the Members present agreed that, in accordance with paragraph 5 of Resolution [C-07-02](#), they could not take a decision on this request before it was examined by the Review Committee¹, which would not meet until the summer of the following year.

The delegations of Colombia, Costa Rica, Guatemala, Mexico, Nicaragua, Panama, Peru, and Venezuela expressed their support for the request by Honduras, but deferred to the need to respect the established procedures. Furthermore, some of the Members present did not have the mandate of their capital authori-

¹ The Review Committee has assumed the functions of the Joint Working Group on Fishing by Non-Parties specified in that Resolution.

ties to take a decision on this matter at this meeting.

6. Adoption of conservation measures for the fishery associated with fish-aggregating devices (FADs)

Mexico presented a proposal (Appendix 3b) on a management plan to regulate fishing effort on fish-aggregating devices (FADs) in the purse-seine fishery in the eastern Pacific Ocean (EPO). This proposal, almost identical to the one presented by the European Union and Colombia at the previous meeting and which came close to approval, attempted to resolve one of the Commission's important pending matters, which had been under discussion for ten years, and the current meeting was a good opportunity for approving it.

The European Union stated that it was pleased that its proposal had support; however, he had no mandate to support it at this extraordinary meeting. He noted that there was already a pilot project, and asked the Secretariat for information on it. Colombia likewise express its thanks for the proposal, stating that this issue must advance and that it would take the proposal presented as a basis for a discussion at the next meeting of the Commission.

Ecuador indicated that a great deal of work had been done on the issue. At the previous meeting, the proposal was not approved because of missing comments from the United States. The latter country indicated that it explained its reservations about the proposal on that occasion, and that it was not in a position to discuss it at the present meeting.

Dr. Martín Hall, head of the IATTC bycatch program, presented information on the pilot project on FADs, indicating that progress has been made on almost all the tasks involved. However, in order to make progress on the part about marking and monitoring FADs, either the participation of the industry and/or funds from other sources were necessary.

7. Adoption of a monitoring program of tuna lengths by fleet

Mexico recalled that Resolution [C-03-05](#) on data provision, in its paragraph 2, establishes the minimum requirements for providing data on catches and effort to the Commission and, if at all possible, also length-frequency data, and asked whether the information on lengths by fleet was being received. Dr. Compeán answered that the information is received by country, not by fleet or by length, and that sampling of lengths by area is carried out.

Mexico encouraged the Members to comply with this requirement, and indicated that the Review Committee should be informed of any non-compliance.

8. Trade, certification and sustainability of tunas

Mexico recalled that it took the case of trade in tuna from the EPO in the United States to the World Trade Organization, which determined that there was discrimination, granting a period of 15 months for the United States to adjust its relevant legislation.

He pointed out that it has been claimed that dolphin mortality occurs only in the EPO; however a WCPFC document (Appendix 4a) reports that it occurs in the fishing area under the competence of that Commission, thus showing that there is mortality in the fisheries in other seas of the world. Therefore, trade in tuna from other oceans should be subject to regulations as strict as those applied for the EPO, since that tuna is sold as dolphin-safe even though dolphins are caught.

9. Determination of the date of entry into force of resolutions

Guatemala made a presentation on the reasons for which it considered it advisable to review this issue. There is no ambiguity in the provisions of the Antigua Convention and the Commission's rules of procedure regarding the date of the entry into force of resolutions adopted by the Commission, so it is not considered necessary to formulate specific recommendations on the matter. However, in order to eliminate any doubt about these dates, the Director was asked that, in future, he make a clear reference to the "notification" of resolutions, as established in Article IX, paragraph 7, of the Antigua Convention,

when circulating them to the Members of the Commission after their adoption.

10. Other business

a) CITES

Japan indicated that there is a proposal to include the manta ray (*Manta birostris*) in Appendix II of the Convention on International Trade in Endangered Species (CITES), and some Members of the IATTC are included among its co-sponsors. Japan stated that the manta ray is caught by fisheries managed by the IATTC, thus those co-sponsoring Members should have consulted with the IATTC before becoming a co-sponsor of the proposal.

b) Statement by Guatemala on the issue of fishing capacity

Guatemala presented a written statement on the issue of fishing capacity related to its fleet, for inclusion in the minutes of the meeting (Appendix 4b).

11. Adjournment

The meeting was adjourned at 7:56 p.m. on 24 October 2012.

Appendix 1.

ASISTENTES – ATENDEES

BELICE - BELIZE

VALERIE LANZA
IMMARBE
valerie@immarbe.com

WILFREDO POTT
Ministry of Fisheries, Forestry & Sustainable D.
Wilpott@gmail.com

CANADA

LAUREN DONIHEE
Fisheries and Oceans of Canada
lauren.donihee@dfo-mpo.gc.ca

COLOMBIA

HEIDI BOTERO
Ministerio de Relaciones Exteriores
Heidi.botero@cancilleria.gov.com
JULIÁN BOTERO
Autoridad Nacional de Acuicultura y Pesca
director.aunap@gmail.com
VLADIMIR PUENTES
Autoridad Nacional de Acuicultura y Pesca
vpuentesaunap@gmail.com

CARLOS A. ROBLES
Ministerio de Agricultura y Desarrollo Rural
carlos.robles@minagricultura.gov.co
JUAN CALDAS
Ministerio de Ambiente, Vivienda y Desarrollo Territorial
jcaldas@minambiente.gov.co
ENRIQUE DE LA VEGA
Programa Nacional de Observadores de Colombia
edelavega@pescalimpia.org

COSTA RICA

LUIS DOBLES
INCOPECA
rperez@incopesca.go.cr
ASBRUDAL VASQUEZ
Ministerio de Agricultura y Ganadería
vazquezal@ice.co.cr

BERNAL CHAVARRÍA
Ministerio de Agricultura y Ganadería
bchavarria@lsg-cr.com

ECUADOR

GUILLERMO MORÁN
Ministerio de Agricultura, Ganadería, Acuicultura y Pesca
guillermo.moran@pesca.gob.ec
LUÍS TORRES
Subsecretaría de Recursos Pesqueros
luis.torres@pesca.gob.ec
RAFAEL TRUJILLO
Cámara Nacional de Pesquería
direcjec@camaradepesqueria.com
CARLOS GÓMEZ
Cámara Nacional de Pesquería
cgomez@ecutel.net

LUIGI BENINCASA
ATUNEC
atunec@manta.ecua.net.ec
CARLOS CEVALLOS
EMPROPECA, S.A.
Cevallos.c@gmail.com
JAIME HOLGUIN
Nirsa, S. A.
presidencia@nirsa.com
JOSÉ OLMEDO
Agencia Naviera Bow, S.A.
ab.joseolmedo@gmail.com

EL SALVADOR

ANA M. GALDAMEZ
CENDEPESCA
marlenebio@yahoo.com

OSCAR ALVAREZ
Calvo Pesca, S.A.
gustavo.alvarez@calvo.es

ESTADOS UNIDOS DE AMÉRICA - UNITED STATES OF AMERICA

RODNEY MCINNIS
NOAA/National Marine Fisheries Service
rod.Mcinnis@noaa.gov
WILLIAM FOX
U.S. Commissioner
bill.fox@wwfus.org
DONALD HANSEN
U.S. Commissioner
don@danawharfspoortfishing.com
RINI GHOSH

BRADLEY WILEY
NOAA/U. S. Department of Commerce
brad.wiley@noaa.gov
MICHELLE ZETWO
NOAA/U. S. Department of Commerce
michelle.zetwo@noaa.gov
MICHAEL TILLMAN
U.S. Delegation
mftillman@mac.com
AUGUST FELANDO

NOAA/U.S. Department of Commerce
rini.ghosh@noaa.gov

MARK HELVEY

NOAA/U.S. Department of Commerce
Mark.helvey@noaa.gov

MARTINA SAGAPOLU

NOAA/U. S. Department of Commerce
Martina.sagapolu@noaa.gov

DALE SQUIRES

NOAA/U.S. Department of Commerce
Dale.squires@noaa.gov

HEIDI TAYLOR

NOAA/U. S. Department of Commerce
Heidi.taylor@noaa.gov

Attorney at Law
augustfelando@aol.com

GUILLERMO GOMEZ

Gomez-Hall Associates
gomezhall@gmail.com

PAUL KRAMPE

American Tuna Boat Association
krampepaul@aol.com

KATHERINE TAYLOR

AFRF
phf@international-law-offices.com

FRANCIA - FRANCE

CHRISTOPHE MISSELIS

Ministere Des Ressources Marines
Christophe.misselis@marines.min.gov.pf

MATTHIEU SERNA

Ministere de L'Ecologie, Due Deleoppement Duranble Et de
L'Energie
Mrccpapeete.adjoint@mail.pf

GUATEMALA

CARLOS MARIN

Ministerio de Agricultura, Ganadería y Alimentación
Cfmarin1058@gmail.com

HUGO ALSINA

Ministerio de Agricultura, Ganadería y Alimentación
hugo.alsina@maga.gob.gt

BRYSLIE CIFUENTES

Ministerio de Agricultura, Ganadería y Alimentación
Brysliec@hotmail.com

RAUL MENDOZA

Maya Pesca, S.A.
gestion@mayapesca.com

JAPÓN - JAPAN

KENGO TANAKA

Fisheries Agency of Japan
kengo_tanaka@nm.maff.go.jp

SHUYA NAKATSUKA

Fisheries Agency of Japan
shuya_nakatsuka@nm.maff.go.jp

MÉXICO

MARIO AGUILAR

CONAPESCA
mariogaguilar@aol.com

CARLOS HUSSONG

CANAINPESCA
hussongc@pescabrava.com

MICHEL DREYFUS

Instituto Nacional de la Pesca
dreyfus@cicese.mx

ERNESTO ESCOBAR

Pesca Azteca, S.A. de C.V.
escobar@pescaazteca.com

LUÍS FLEISCHER

Centro Regional de Investigación Pesquera
lfeischer21@yahoo.com

ALEJANDRO CHALJUB

Pesca Chiapas
alejandro@procesachiapas.com

NICARAGUA

JULIO GUEVARA

INATUN
juliocgp@gmail.com

MIGUEL MARENCO

NICOTUN
nseawolf@turbonett.com.ni

ARMANDO SEGURA

Cámara de la Pesca de Nicaragua
capenic@ibw.com.ni

BERNARDO FERNANDEZ

INATUN - Asesor

PANAMÁ

RAÚL DELGADO

ARAP/Autoridad de los Recursos Acuáticos de Panamá
rdelgado@arap.gob.pa

PERÚ

GLADYS CÁRDENAS

Instituto del Mar del Perú
gcardenas@imarpe.gob.pe

TAIPEI CHINO - CHINESE TAIPEI

WEI-YANG LIU

Overseas Fisheries Development Council
weiyang@ofdc.org.tw

CITAI LING

Council of Agriculture /Fisheries Agency
chitai@msl.f.a.gov.tw

KUANG-I HU

Department of International Organizations
Ministry of Foreign Affairs
kihu@mofa.gov.tw

UNIÓN EUROPEA - EUROPEAN UNION

ROBERTO CESARI

European Commission
roberto.cesari@ec.europa.eu

MARIA S. MOSET MARTINEZ

Ministerio de Medio Ambiente y Medio Rural y Marino
smosetma@magrama.es

JAVIER ARÍZ

Instituto Español de Oceanografía
Javier.ariz@ca.ieo.es

JULIO MORÓN

OPAGAC
opagac@arrakis.es

IMANOL LOINAZ

Albacora S.A.
iloinaz@albacora.es

VENEZUELA

ALVIN DELGADO

PNOV/FUNDATUN
adelgadopnov@cantv.net

LILLO MANISCALCHI

Avatun
lillomaniscalchi@yahoo.com

OBSERVADORES - OBSERVERS

HONDURAS

RENE E. GUTIERREZ

Secretaría General de Agricultura y Ganadería
renecitagutierrez@yahoo.com

ORGANIZACIONES INTERNACIONALES - INTERNATIONAL ORGANIZATIONS

CHARLES KARNELLA

WCPFC
charles.karnella@noaa.gov

MICHAEL ARBUCKLE

World Bank
marbucle@worldbank.org

TIM BOSTOCK

World Bank
tbostock@worldbank.org

REBECCA LENT

World Bank
rlent@worldbank.org

SECRETARÍA - SECRETARIAT

GUILLERMO COMPEÁN, Director

gcompean@iattc.org

MARISOL AGUILAR

maguilar@iattc.org

RICARDO BELMONTES

rblemontes@iattc.org

MÓNICA GALVÁN

mgalvan@iattc.org

MARTIN HALL

mhall@iattc.org

TERESA MUSANO

tmusano@iattc.org

JEFF MORGAN

jmorgan@iattc.org

JEAN-FRANCOIS PULVENIS

jpulvenis@iattc.org

ENRIQUE UREÑA

eurena@iattc.org

NORA ROA-WADE

nwade@iattc.org

NICHOLAS WEBB

nwebb@iattc.org

Appendix 2.

INTER-AMERICAN TROPICAL TUNA COMMISSION

84TH MEETING (EXTRAORDINARY)

La Jolla, California (USA)

24 Oct 2012

RECOMMENDATION

IATTC – WCPFC OVERLAP AREA

The Members of the Inter-American Tropical Tuna Commission (IATTC) present at the 84th Meeting (Extraordinary):

Having considered and analyzed Document [IATTC-83 INF-B](#) prepared by the Directors of IATTC and WCPFC on the overlap area between the two organizations:

1. Recognize that a fundamental and essential objective of the work of the two Commissions is to develop and strengthen their cooperation in order to promote the achievement of the objectives of their respective conventions, within the limits of their respective competencies;
2. Note that such cooperation is an obligation for the organizations and their members under international law and under the specific provisions of their respective Conventions;
3. Note that the existence of the overlap area, although unfortunate, is a fact whose consequences must be addressed to avoid any negative impact on the achievement of the objectives of their respective conventions;
4. Notwithstanding the merits of all five options presented by the Directors, the IATTC Members consider that, for the time being, the most appropriate course of action would be a two-step approach:
 - a. In the short term, agree on the most practical arrangement, applicable only in the overlap area, which would be to adopt a solution along the lines defined by the Directors of the IATTC and WCPFC as Option 4, *i.e.*:
 - i. Vessels listed exclusively in the WCPFC register shall apply the conservation and management measures of the WCPFC when fishing in the overlap area.
 - ii. Vessels listed exclusively in the IATTC register shall apply the conservation and management measures of the IATTC when fishing in the overlap area.
 - iii. In the case of vessels listed in the registers of both organizations, the corresponding flag Member shall decide and notify to both Commissions under which of the two commissions those vessels shall operate when fishing in the overlap area, as regards the application, for a period of not less than three years, of the conservation and management measures of that Commission.
 - iv. In the case of vessels listed in the registers of both organizations, the vessels of a Cooperating Non-Member shall apply the conservation and management measures of the Commission of which it is a member, when fishing in the overlap area.
 - b. Initiate in parallel a longer-term process through the establishment of a joint working group to explore avenues for managing tuna stocks in the entire Pacific Ocean, considering, *inter alia*, the joint management components outlined in Option 5 defined by the Directors of the IATTC and the

WCPFC in Document [IATTC-83 INF-B](#).

5. Recognize the need for each Commission to facilitate granting to the members of the other Commission the status of Member or Cooperating Non-Member.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)
25-29 June 2012

PROPOSAL IATTC-83 J-1 REVISED

SUBMITTED BY CANADA

RESOLUTION ON NORTH PACIFIC ALBACORE TUNA

The Inter-American Tropical Tuna Commission (IATTC ~~or Commission~~), having responsibility for the scientific study of tunas and tuna-like species in the Convention Area~~fishes of the eastern Pacific Ocean~~, and for the formulation of recommendations to ~~the Contracting Parties, cooperating non Parties, fishing entities and regional economic integration organizations~~its members and cooperating non-members (CPCs) with regard to the conservation and management of these resources;

Observing that the ~~best scientific evidence on~~2011 stock assessment of North Pacific albacore ~~tuna~~ from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) indicates that the ~~species stock~~ is not being overfished nor is it in an overfished state;

~~either fully exploited, or may be experiencing fishing mortality above levels that are sustainable in the long term, and~~

Taking note that the IATTC staff has recommended that a working group be established to develop an operational definition of current effort, including a baseline reference period,~~be developed;~~

~~said that the stock assessment for Northern Pacific albacore tuna suggests a need for management measures to avoid increases in fishing mortality, and~~ Recognizing the importance of working with the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), as provided for in Article XXIV of the Antigua Convention, in order to manage and conserve North Pacific albacore ~~tuna~~ throughout its migratory range;

~~and~~ Recalling further Article 22(4) of the WCPFC Convention that provides for cooperation with the IATTC regarding fish stocks that occur in the convention areas of both organizations;

Recognizing Article IV of the Antigua Convention calling upon members of the Commission to apply the precautionary approach, as described in the relevant provisions of the United Nations Food and Agriculture Code of Conduct, as well as the 1995 United Nations Fish Stocks Agreement, for the conservation, management and sustainable use of fish stocks covered by the Convention; and,

Considering the ongoing work within the ~~Northern Committee of the~~ WCPFC towards the development of a precautionary approach framework for North Pacific albacore, which ~~will~~ should include target and limit reference points, ~~as well as pre-agreed decision rules~~ should those reference points be breached;

The IATTC therefore resolves that:

- 1. The total level of fishing effort ~~for-foren~~ North Pacific albacore tuna in the Eastern Pacific Ocean not be increased beyond current levels.*
- 2. The CPCs shall take necessary measures to ensure that the level of fishing effort by their vessels ~~fishing for catching~~ fishing for North Pacific albacore tuna is not increased;*

3. All CPCs shall report to the Director all catches of North Pacific albacore in the Convention Area every six months. All CPCs shall further report to the Director all effort for fishing vessels targeting North Pacific albacore in the Convention Area. ~~to the Director all catches and effort for fisheries catching North Pacific albacore in the Convention Area regardless of target species. Catches and effort shall be reported by gear type. Catches shall be reported in terms of weight. These reports shall be submitted to the Director by July 31st, and January 31st of each year, and shall cover fishing activity in the previous year. Fishing effort shall be reported in terms of the most relevant measures for a given gear type, including at a minimum for all gear types, the number of vessel days fished. These reports shall be submitted to the Director by May 1st and December 1st of each year.~~
- ~~4.4.~~ All CPCs shall report to the Director by January 31st, 2012, a list of their specific fisheries or fleets that they have determined to be fishing North Pacific albacore in the Convention Area, and a description of how they are implementing the limit on effort described in paragraph 2 along with any corresponding monitoring mechanisms, that they have established.
- ~~2.~~ All CPCs shall report all catches of North Pacific albacore tuna by gear type to the IATTC every six months.
- ~~5.~~ 54. The Director shall, in coordination with the IATTC scientific staff and the IATTC Scientific Advisory Committee, as well as the ISC and other scientific bodies conducting scientific reviews of this stock, ~~scientific staff and the IATTC Scientific Advisory Committee,~~ monitor the status of North Pacific albacore ~~tuna~~ and report to the Commission on the status of the stock at each annual meeting.
- ~~6.~~ 6. The ~~Scientific Advisory Committee~~ Director shall, in coordination with the IATTC scientific staff and the IATTC Scientific Advisory Committee, ~~shall~~ review work undertaken within the WCPFC towards the development of a precautionary approach framework for North Pacific albacore that includes target and limit reference points and pre-agreed decision rules, and make recommendations in respect of such a framework for consideration by the Commission.
- ~~3.~~
- ~~7.~~ 75. The CPCs shall consider future actions with respect to North Pacific albacore ~~tuna~~ as may be warranted based on the outputs from paragraphs 5 and 6 ~~the results of such future analysis.~~
- ~~8.~~ 8. The Commission shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and the WCPFC in their goals and effectiveness with respect to North Pacific albacore.
- ~~4.~~
- ~~5.~~ 6. The CPCs call upon the members of the WCPFC to consider, at the earliest opportunity, taking such action as may be necessary to ensure the effective conservation and management of North Pacific albacore tuna throughout its range including, in particular, measures to ensure that fishing effort on the stock in the WCPFC area does not increase and, as necessary, measures to reduce fishing effort to levels commensurate with the long-term sustainability of the resource.
- ~~6.~~ 7. The Commission through the Director shall communicate with the WCPFC and request them to take similar measures.
- ~~7.~~
- ~~9.~~ 89. The provisions of paragraph 2 shall not prejudice the rights and obligations under international law of those coastal CPCs in the Convention Area whose current fishing activity for North Pacific albacore is limited, but they have a real interest in fishing for the species, and that may wish to develop their own fisheries for North Pacific albacore in the future. ~~The provisions of paragraph 2 shall not prejudice the rights and obligations under international law of those coastal CPCs in the EPO Convention Area whose current fishing activity for n~~ Northern Pacific albacore tuna is limited, but that

~~have a real interest in, and history of, fishing for the species, that may wish to develop their own fisheries for Northern Pacific albacore tuna in the future.~~

10. 10. The Commission, through the Director, shall communicate this Resolution to the WCPFC Secretariat.

11. 11. This Resolution replaces Resolution C-05-02.

Appendix 3b.

WORKING DOCUMENT SUBMITTED BY MEXICO

This document is based preponderantly on the proposal presented by Colombia and the European Union (IATTC-83 PROP D-1 REV_3) at the 83rd meeting of the IATTC in June 2012.

MANAGEMENT PLAN TO REGULATE FISHING EFFORT ON FISH-AGGREGATING DEVICES IN THE PURSE-SEINE FISHERY OF THE EASTERN PACIFIC OCEAN

The Inter-American Tropical Tuna Commission (IATTC)

Reaffirming its commitment to the application of the precautionary approach, which establishes that a lack of scientific information must not be used as a pretext for not taking management measures for the fisheries resources of the eastern Pacific Ocean (EPO);

Aware that tunas aggregate naturally under floating objects adrift in the ocean;

Recalling that the regulation of fishing effort is one of the most efficient conservation measures for maintaining tuna stocks at sustainable levels;

Attentive to the provisions of IATTC Resolution C-99-07 on measures related to the regulation of fish-aggregating devices (FADs);

Taking into account Resolution C-04-05 on bycatch, especially with regard to catches of juvenile tunas and bycatches of non-target species;

Reiterating the need to reduce bycatches of juvenile yellowfin and bigeye tunas in the purse-seine fishery of the EPO;

Concerned about the difficulties there have been in quantifying purse-seine fishing effort on FADs;

Taking into account IATTC Resolution C-11-01 on a multiannual program for the conservation of tuna in the Eastern Pacific Ocean in 2011-2013;

Concerned about the effect on the average length of the catches of the three main tuna species, mainly bigeye tuna, caught with purse seines on FADs (Document SAC 02-13), the significant effect that FADs may have on bigeye tuna spawning biomass, according to IATTC estimates (Document SAC-03-06), and that skipjack tuna is captured by FADs and in unassociated schools in the EPO (Document SAC-03-03), and according to IATTC estimates, its exploitation rate has been increasing in recent years (Document SAC-03-07);

Noting the substantial increase in the number of purse-seine sets made on FADs since 1993, increasing the catches of juvenile tuna and fishing mortality in general for the EPO, the impact of this fishing method being currently much greater than that of the longline fishery for bigeye tuna (Document SAC-02-07);

Conscious of the need to address, as a matter of priority, the elimination and reduction to the lowest possible level illegal, unreported and unregulated (IUU) fishing activities;

AGREES TO:

1. Ask the Director to carry out the pilot research and data collection project on FADs that are used to aggregate tunas in the EPO, in accordance with the provisions of paragraph 14 of Resolution C-11-01. For the purposes of this Resolution, the term "Fish-Aggregating Device" (FAD) means drifting or anchored floating or submerged objects deployed by vessels for the purpose of aggregating target tuna species.

2. Ensure that CPCs facilitate and do what is necessary for the pilot research project to be implemented in 2013.
3. CPCs whose fleets fish with FADs in the area of the EPO shall submit a FAD Management Plan* by 1 January 2013 that may include the information included in Annex I of this Resolution. The Management Plan shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs.

NOTE: this will not lend validity to these management plans of each CPC; it does not endorse these, it is only a preliminary plan which, as indicated below, will be presented to the Scientific Advisory Committee.

4. The information collected in the framework of the pilot research project and the management plans submitted by the CPCs shall be made available to the Scientific Advisory Committee for analysis.
5. In 2014 the scientific staff of the IATTC, in coordination with the Scientific Advisory Committee, shall present the results of its analyses of the information collected, and on the basis of these results, shall formulate opportune recommendations for regulating fishing on FADs that contribute to the management of the affected stocks.
6. In 2014, compliance with FAD reporting requirement will be comprehensively reviewed by the *Committee for the Review of the Implementation of Measures adopted by the Commission* and presented to the Commission.

Annex 1

GUIDELINES FOR PREPARATION OF FAD MANAGEMENT PLANS

To support obligations in respect of FADs in Resolution IATTC-12-XX, the FAD Management Plan (FADMP) for each CPC whose fleets include one or more purse-seine vessels that fish with FADs in the area of the EPO, even if only sporadically, shall submit to the IATTC a FAD Management Plan (FADMP). The FADMP shall include, at a minimum, the following information:

1. Objective of the FADMP
2. Implementation period of the FADMP
3. Implementing fleet: identification and technical characteristics of the vessels
4. Implementation zone: details of zones authorised for the use of FADs, including spatio-temporal limitations, if any, on their deployment, for example territorial waters, navigation routes, proximity to artisanal fisheries, etc.
5. Means for monitoring and review of the implementation of the FADMP
6. Strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs.
7. Measures for reducing bycatches with FADs
8. Inventory of FADs per vessel:
 - type
 - dimensions
 - individual identification
 - associated buoy (type and identifier)
 - updated every time a modification is made
9. Record of FAD activity:
 - Information on catch per set on FADs;
 - deployment,
 - recovery,

- replacement
- checking

Means for reporting to the Commission

Additionally and voluntarily, the following information may be included:

- Institutional arrangements for management of the FAD Management Plans:
 - Institutional responsibilities,
 - application processes for FAD deployment approval,
 - Obligations of vessel owners and masters in respect of FAD deployment and use,
 - FAD replacement policy,
 - reporting obligations,
 - observer acceptance obligations,
 - relationship to Catch Retention Plans,
 - conflict resolution policy in respect of FADs.
- FAD construction specifications and requirements
 - FAD design characteristics (a description),
 - FAD markings and identifiers,
 - Lighting requirements,
 - radar reflectors,
 - visible distance,
 - radio buoys [requirement for serial numbers],
 - satellite transceivers [requirement for serial numbers].

Appendix 4a.



**EIGHTH REGULAR
SESSION**

Koror,
Palau

5-9 December
2011

**SUMMARY INFORMATION ON WHALE SHARK AND CETACEAN INTERACTIONS IN
THE TROPICAL WCPFC PURSE SEINE FISHERY**

WCPFC8 -2011-IP-01

9 November 2011

Paper prepared by SPC-OFP

1. Introduction

This paper provides an update of information presented in [WCPFC7-2011-IP-01](#) on whale shark and cetacean interactions in the tropical purse seine fishery.

2. Data sources and definitions

The data used in this paper comprise operational-level logsheet and observer data for the period 2007-2010¹ for purse seiners operating in the tropical (20°N-20°S) purse seine fishery. The domestic fisheries of Indonesia and the Philippines are excluded as key data are not available. It is assumed in the analyses that the currently processed observer data, representing 16% coverage of fishing days over the 2007-2009 period, and 45% coverage of fishing days in 2010, are representative of overall purse seine fishing operations during these periods.

Sets are classified as “whale” or “whale shark” by the purse seine operator and likewise by the observer if the tuna aggregation being set upon is considered to have been associated with these animals at the time that the aggregation was located. The classification is not dependent on whether or not the associated animals are ultimately encircled by the set. The whale-associated set type is primarily associations with baleen whales (suborder *Mysticeti* – filter-feeding whales) and occasionally the sperm whale (*Physeter macrocephalus*), but not the other toothed cetaceans (suborder *Odontoceti*), which are smaller and faster (e.g. dolphins and porpoises). Interactions with the smaller toothed cetaceans do occur in the purse seine fishery, although they do not appear to maintain persistent associations with tuna in the WCPFC Convention Area in the same way that they do with yellowfin tuna in the eastern Pacific Ocean (Bailey et al. 1996). Therefore, there is not a separate set type classification for toothed cetaceans in the regional purse seine logsheet or observer data forms.

The term “interaction” is used in this paper to describe situations where an animal interacts with the fishing gear. In the purse seine fishery, an interaction is understood to be an observation that an animal is fully or partially encircled in the net, even if it escapes before the net is completely closed. An interaction is therefore distinct to “a sighting” which is an observation of an animal that is not encircled or directly affected by the purse seine net.

3. Observations and Discussion

3.1 *Animal-Associated set types and interactions*

Table 1 provides a comparison of the proportion of purse seine sets by set type in the WCPFC tropical purse seine fishery for logsheet and observer data for the periods (a) 2007-2009 and (b) 2010. Observer data suggest that the numbers of whale- and whale shark-associated sets are severely under-reported on logsheets, although the extent of under-reporting was less in 2010 than in 2007-2009.

According to logsheet and observer data, the frequency of **tuna schools associated with “whales”** (i.e. whale-associated sets) is clearly higher than the frequency of whale shark-associated sets. Specifically, the number of whale-associated sets was up to four times the frequency of whale shark-associated sets (Table

¹ The years 2007-2010 were selected because observer coverage is higher in this period than in previous years and observers have more experience in recording large animal interactions and identifying marine mammals to the species level in more recent years.

1 for both logsheets and observer data). However, the observer-reported **interactions** of whale sharks in the net were much higher than interactions of baleen whales. One of the reasons for this situation may be that vessels tend to report the presence of either whales or whale sharks in association with tuna schools as “whale-associated” instead of differentiating between the two distinct animal-association categories.

3.2 *Whale shark interactions and mortalities*

Observers recorded 211 whale shark interactions in 168 sets from throughout the fishery in 2007-2009 (Table 2a; Figure 1a) and 186 interactions from 137 sets in 2010 (Table 2b; Figure 1b). The available information on interactions by set type (Table 3) suggests that the proportion of whale-shark associated sets should be higher than that reported by observers. This is because more than two-thirds (73% in both 2007-2009 and 2010) of the sets where whale sharks were encountered in the net (i.e. “interactions”) were not recorded as a “whale shark-associated” set type. One of the main reasons for this is that the whale shark may be not visible at the time of setting and so the set is recorded as another set type (e.g. “unassociated, feeding on baitfish”). Subsequently, the observer discovers the animal in the net during the brailing process, and records it as an interaction.

Typically, whale shark interactions were of solitary animals, although several cases of multiple whale sharks in single sets are recorded in the observer data. Whale sharks are relatively slow-moving animals and rarely escape unassisted before the net is closed and typically require crew intervention to be released. The mortality rate of interactions was estimated (based on observer data) at 12% for 2007-2009 (Table 2a) but was considerably lower at 5% in 2010 (Table 2b). The observed interaction and mortality rates imply a total whale shark mortalities in the purse seine fishery of approximately 56 animals in 2009 and 19 animals in 2010.

3.3 *Baleen whale interactions and mortalities*

In 2007-2009, observers reported 26 baleen whale interactions in 23 sets, mostly of solitary animals the majority (21 individuals in 18 sets) of which were the humpback whale (*Megaptera novaeangliae*) (Table 2a). In 2010, the encounter rate was considerably lower (7 interactions in 5 sets) with the majority of interactions (4) being with the sei whale (*Balaenoptera borealis*). Whale-associated set types were recorded widely throughout the fishery, although observed interactions have occurred mainly in the western part of the region (Figure 2a, b). Baleen whales are more frequently sighted at the time of setting than whale sharks and are therefore more likely to be assigned to the correct set type (Table 3).

Observers report that whales often escape before the net is completely closed and at least larger whales are also known to punch holes through the net when closed. The observed mortalities in 2007-2009 and in 2010 are confined to Bryde’s whale. The observed interaction and mortality rates infer a total mortality of baleen whales of 5 and 2 animals in 2009 and 2010 respectively.

3.4 *Toothed cetacean interactions and mortalities*

Observers reported interactions with thirteen different species of toothed cetacean during the period 2007–2010, with false killer whales and several dolphin species (bottlenose, common, spinner and rough-toothed dolphins) the most frequently encountered (Table 2a, b). Interactions occurred across all of the common purse seine set types (Table 3a, b), but were more common in the associated set types (drifting and anchored FADs and logs). False killer whale (Figure 3a, b) and dolphin (Figure 4a, b) interactions have been observed widely throughout the WCPFC tropical purse seine fishery.

In 2007-2009, 798 toothed cetacean interactions were observed from 134 sets (Table 2a). Mortality rates were generally high (65% of interactions), with some reports indicating that they were not detected in the net early enough for release to be effected and had drowned. These interaction and mortality rates infer a total mortality of toothed cetaceans in the purse seine fishery in 2009 of 1,195 animals (Table 2a). In 2010, both the encounter and mortality rates were substantially lower than observed in the previous 3 years, leading to a much lower estimate of total mortality of toothed cetaceans of 110 (Table 2b).

4. Conclusion

The conclusions of this updated paper are the same as those in [WCPFC7-2011-IP-01](#) and are reiterated here for convenience.

It is clear that purse seine sets on whale sharks are a combination of both targeted sets and inadvertent capture. Interactions with toothed whales appear to be mainly incidental, rather than the result of sets specifically targeted at these animals. On the other hand, most sets on baleen whales do appear to be targeting a specific interaction, even if temporary, between the whales and tuna.

Any mitigation measure prohibiting the setting in the vicinity of whale sharks and marine mammals will need to consider that the animal may not be detected until the setting operation is at an advanced stage, particularly for whale sharks. There may also be a need for the development and dissemination of best-practice guidelines for releasing encircled animals.

5. References

Bailey, K.N., P.G. Williams & D.G. Itano. 1996. By-catch and discards in the western Pacific tuna fisheries: A review of SPC Data Holdings and Literature. Oceanic Fisheries Programme Technical Report 34. South Pacific Commission, Noumea, New Caledonia.

Table 1a. Proportion of sets by set type and source of data for the WCPFC tropical purse seine fishery, 2007-2009 (excludes sets "not specified")

Set type	LOGSHEETS		OBSERVER	
	Sets	%	Sets	%
Unassociated	54,319	54.6%	10,821	56.5%
Natural Log	15,804	15.9%	1,623	8.5%
Drifting FAD	22,403	22.5%	3,487	18.2%
Anchored FAD	6,864	6.9%	2,600	13.6%
Whale (Marine mammal)	124	0.1%	485	2.5%
Whale shark	45	0.0%	120	0.6%

Table 1b. Proportion of sets by set type and source of data for the WCPFC tropical purse seine fishery, 2010 (excludes sets "not specified")

Set type	LOGSHEETS		OBSERVER	
	Sets	%	Sets	%
Unassociated	31,289	74.7%	15,211	72.9%
Natural Log	3,166	7.6%	1,451	7.0%
Drifting FAD	5,626	13.4%	3,152	15.1%
Anchored FAD	1,646	3.9%	624	3.0%
Whale (Marine mammal)	80	0.2%	331	1.6%
Whale shark	64	0.2%	84	0.4%

Table 2a. Baleen whale, whale shark and toothed cetacean interactions in the WCPFC tropical purse seine fishery, 2007-2009 (Source: Observer data; total sets observed = 19,136 sets)

Species common name	Scientific name	Sets	% sets encountered	Number	Encounter rate (no. / 1,000 sets)	% Dead	Mortality rate (no. / 1,000 sets)	Estimated Mortality in 2009
BALEEN WHALES								
BRYDE'S WHALE	Balaenoptera Edeni	3	0.010%	3	0.15	67%	0.10	4
HUMPBACK WHALE	Megaptera novaeangliae	18	0.090%	21	1.04	0%	0.00	0
SEI WHALE	Balaenoptera borealis	2	0.010%	2	0.10	0%	0.00	0
BALEEN WHALES		23	0.120%	26	1.54	8%	0.12	5
WHALE SHARK								
WHALE SHARK	Rhincodon typus	168	0.830%	211	10.43	12%	1.29	56
TOOTHED CETACEANS								
DOLPHIN, BOTTLENOSE	Tursiops truncatus	18	0.090%	110	5.44	62%	3.36	148
DOLPHIN, COMMON	Delphinus delphis	8	0.040%	61	3.02	95%	2.87	126
DOLPHIN, INDO-PACIFIC BOTTLENOSE	Tursiops aduncus	14	0.070%	131	6.48	71%	4.60	202
DOLPHIN, LONG-BEAKED COMMON	Delphinus capensis	2	0.010%	40	1.98	8%	0.15	7
DOLPHIN, RISSO'S	Grampus griseus	9	0.040%	40	1.98	100%	1.98	87
DOLPHIN, ROUGH-TOOTHED	Steno bredanensis	15	0.070%	103	5.09	71%	3.61	158
DOLPHIN, SPINNER	Stenella longirostris	13	0.060%	68	3.36	82%	2.77	122
DOLPHIN, SPOTTED	Stenella attenuata	1	0.000%	6	0.30	100%	0.30	13
DOLPHIN, STRIPED	Stenella coeruleoalba	2	0.010%	8	0.40	100%	0.40	17
DOLPHINS / PORPOISES (UNIDENTIFIED)	Delphinidae	1	0.000%	1	0.05	100%	0.05	2
FALSE KILLER WHALE	Pseudorca crassidens	42	0.210%	216	10.68	51%	5.44	239
MELON-HEADED WHALE	Peponocephala electra	2	0.010%	2	0.10	50%	0.05	2
PYGMY KILLER WHALE	Feresa attenuata	1	0.000%	1	0.05	100%	0.05	2
SHORT-FINNED PILOT WHALE	Globicephala macrorhynchus	6	0.030%	11	0.54	27%	0.15	7
TOOTHED CETACEANS		134	0.700%	798	41.70	65%	27.23	1,195

1. **"Estimated Mortality in 2009"** has been determined by applying the mortality rate (observers) to the total number of sets undertaken during 2009.

Table 2b. Baleen whale, whale shark and toothed cetacean interactions in the WCPFC tropical purse seine fishery, 2010 (Source: Observer data; total sets observed = 20,853 sets)

Species common name	Scientific name	Sets	% sets encountered	Number	Encounter rate (no. / 1,000 sets)	% Dead	Mortality rate (no. / 1,000 sets)	Estimated Mortality in 2010
BALEEN WHALES								
BEAKED WHALE - CUVIER'S	<i>Ziphius cavirostris</i>	1	0.000%	1	0.05	0%	0.00	0
BEAKED WHALES NEI	<i>Mesoplodon spp</i>	1	0.000%	1	0.05	0%	0.00	0
BRYDE'S WHALE	<i>Balaenoptera Edeni</i>	1	0.000%	1	0.05	100%	0.05	2
SEI WHALE	<i>Balaenoptera borealis</i>	2	0.010%	4	0.18	0%	0.00	0
BALEEN WHALES		5	0.024%	7	0.34	14%	0.05	2
WHALE SHARK								
WHALE SHARK	<i>Rhincodon typus</i>	137	0.630%	186	8.54	5%	0.46	19
TOOTHED CETACEANS								
DOLPHIN, BOTTLENOSE	<i>Tursiops truncatus</i>	3	0.010%	10	0.46	70%	0.32	13
DOLPHIN, INDO-PACIFIC BOTTLENOSE	<i>Tursiops aduncus</i>	1	0.000%	1	0.05	0%	0.00	0
DOLPHIN, RISSO'S	<i>Grampus griseus</i>	1	0.000%	9	0.41	0%	0.00	0
DOLPHIN, ROUGH-TOOTHED	<i>Steno bredanensis</i>	5	0.020%	28	1.29	18%	0.23	10
DOLPHIN, SPINNER	<i>Stenella longirostris</i>	3	0.010%	31	1.42	81%	1.15	48
DOLPHIN, SPOTTED	<i>Stenella spp.</i>	2	0.010%	7	0.32	0%	0.00	0
DOLPHIN, STRIPED	<i>Stenella coeruleoalba</i>	2	0.010%	8	0.37	63%	0.23	10
FALSE KILLER WHALE	<i>Pseudorca crassidens</i>	18	0.080%	47	2.16	28%	0.60	25
SHORT-FINNED PILOT WHALE	<i>Globicephala macrorhynchus</i>	2	0.010%	3	0.14	0%	0.00	0
TOOTHED CETACEANS		37	0.177%	144	6.91	38%	2.64	110

1. "**Estimated Mortality in 2010**" has been determined by applying the mortality rate (observers) to the total number of sets undertaken during 2010.

Table 3a. Whale shark, baleen whale and toothed cetacean interactions in the WCPFC tropical purse seine fishery by set type, 2007-2009 (Source: Observer data)

Set type	Whale Shark			Baleen Whales			Toothed Cetaceans		
	Sets	Number	%	Sets	Number	%	Sets	Number	%
Unassociated	93	125	59%	6	6	23%	26	129	16%
Natural Log	0	0	0%	0	0	0%	23	158	20%
Drifting FAD	10	12	6%	0	0	0%	28	125	16%
Anchored FAD	2	2	1%	0	0	0%	39	296	37%
Whale (Marine Mammal)	11	11	5%	17	20	77%	10	28	4%
Whale shark	48	57	27%	0	0	0%	0	0	0%
(Not specified)	4	4	2%	0	0	0%	5	62	8%

Table 3b. Whale shark, baleen whale and toothed cetacean interactions in the WCPFC tropical purse seine fishery by set type, 2010 (Source: Observer data)

Set type	Whale Shark			Baleen Whales			Toothed Cetaceans		
	Sets	Number	%	Sets	Number	%	Sets	Number	%
Unassociated	80	104	57%	3	3	43%	6	20	14%
Natural Log	7	7	4%	0	0	0%	7	42	29%
Drifting FAD	5	5	3%	0	0	0%	17	73	50%
Anchored FAD	2	3	2%	0	0	0%	4	9	6%
Whale (Marine Mammal)	3	8	4%	2	4	57%	2	2	1%
Whale shark	32	50	27%	0	0	0%	0	0	0%
(Not specified)	6	6	3%	0	0	0%	1	1	1%

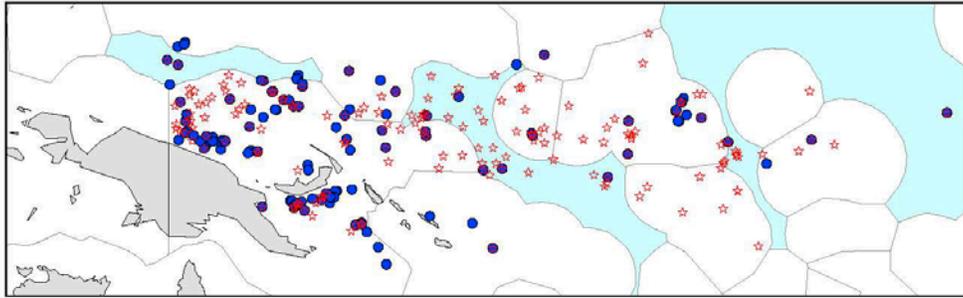


Figure 1a. Locations of observed whale shark interactions (red stars) and whale shark-associated sets (blue circles) in the WCPFC tropical purse seine fishery, 2007-2009 (Source: Observer data)

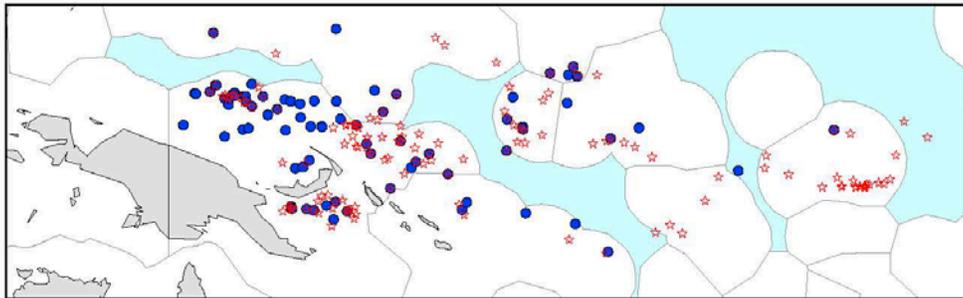


Figure 1b. Locations of observed whale shark interactions (red stars) and whale shark-associated sets (blue circles) in the WCPFC tropical purse seine fishery, 2010 (Source: Observer data)

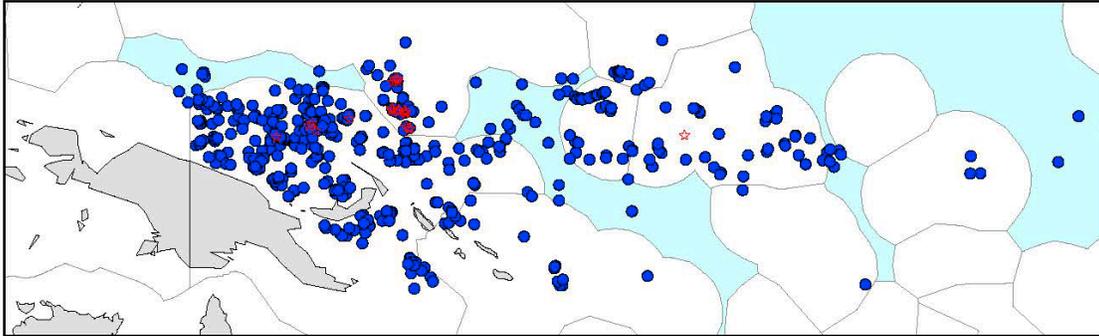


Figure 2a. Locations of observed baleen whale interactions (red stars) and baleen whale-associated sets (blue circles) in the WCPFC tropical purse seine fishery, 2007-2009 (Source: Observer data)

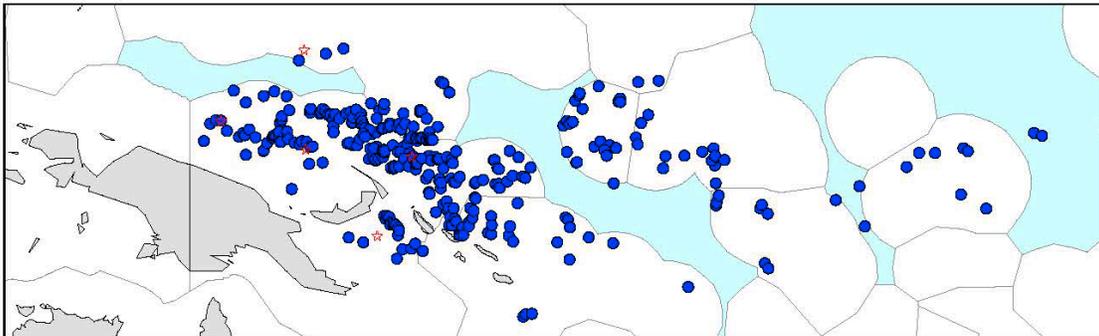


Figure 2b. Locations of observed baleen whale interactions (red stars) and baleen whale-associated sets (blue circles) in the WCPFC tropical purse seine fishery, 2010 (Source: Observer data)

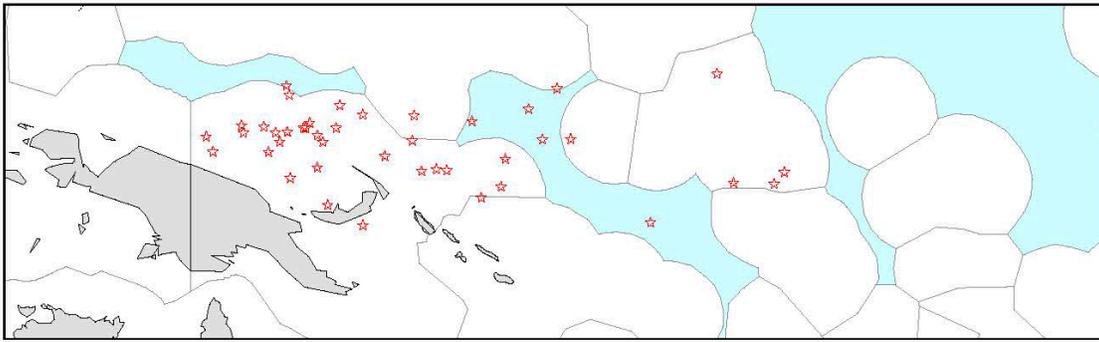


Figure 3a. Locations of observed false killer whale interactions (red stars) in the WCPFC tropical purse seine fishery, 2007-2009 (Source: Observer data)

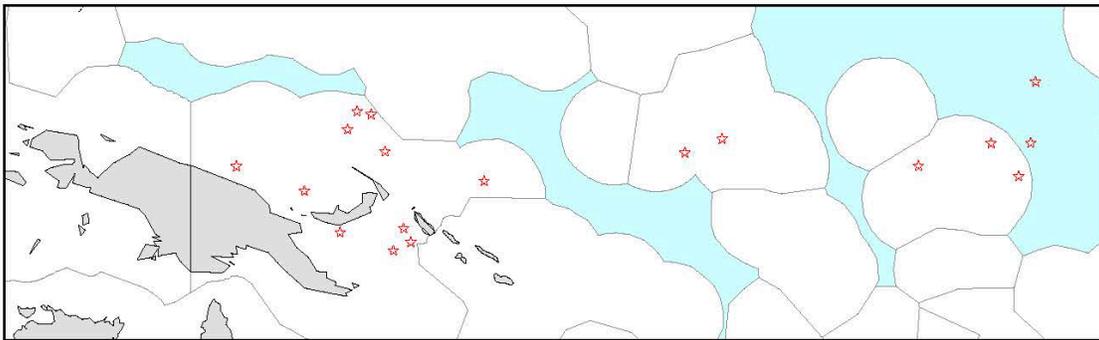


Figure 3b. Locations of observed false killer whale interactions (red stars) in the WCPFC tropical purse seine fishery, 2010 (Source: Observer data)

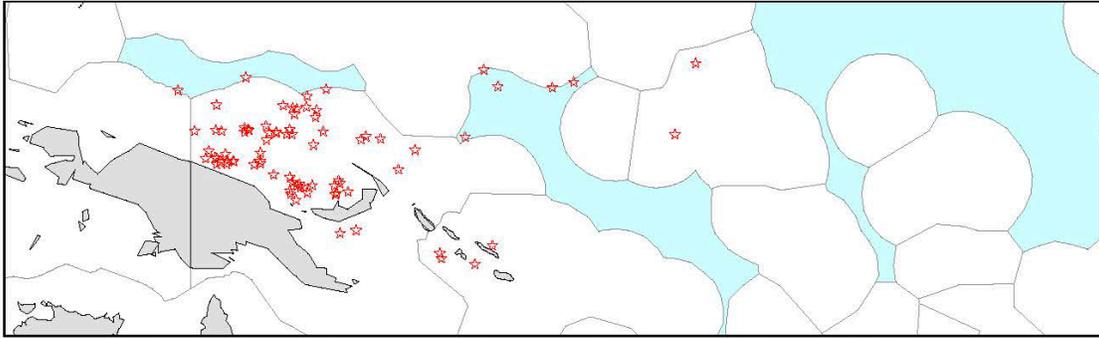


Figure 4a. Locations of observed dolphin species interactions (red stars) in the WCPFC tropical purse seine fishery, 2007-2009 (Source: Observer data)

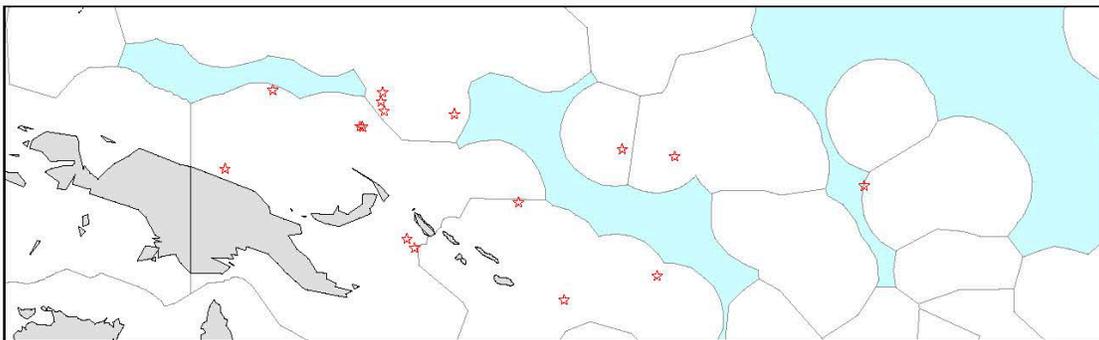


Figure 4b. Locations of observed dolphin species interactions (red stars) in the WCPFC tropical purse seine fishery, 2010 (Source: Observer data)

Appendix 4b.

STATEMENT BY GUATEMALA AT THE 84TH MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION REGARDING 3762 M³ OF WELL VOLUME THAT ARE ITS PROPERTY AND ARE UNDER CLAIM

The Official Delegation of the Republic of Guatemala that is attending the 84th Meeting of the Commission presents a Statement, intended to be included in the Minutes, to recall the attempted theft of three thousand seven hundred and sixty-two cubic meters (3762 m³) of well volume that are the property of the State of Guatemala, now usurped by two (2) vessels that once held licenses for commercial fishing for tuna and that received at the time the indicated capacity, as a temporary concession and subject to conditions which, ultimately, were not complied with, as is recorded in the Regional Vessel Register that the IATTC maintains to date.

A few days short of nine years since the attempted theft, Guatemala must remind you that it has suffered economic loss and deprivation of the exercise of the rights that are recognized to it under International Law, due to this usurpation, for which reason it urges the Commission to expedite possible solutions to this unfortunate situation.

This statement is made in order to maintain and reaffirm the claim to the above-mentioned volume, in order to be able to take internal actions in accordance with domestic Law, and resort to the unilateral, bilateral or multilateral agreements that may apply.

At La Jolla, California, USA, on the twenty-fourth day of the month October of the year two thousand and twelve.