

INTER-AMERICAN TROPICAL TUNA COMMISSION

MINUTES OF THE 80TH MEETING

The Jolla, California (USA)

8-12 June 2009

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1. Opening of the meeting

The meeting was opened by Dr. Guillermo Compeán, Director of the Commission. The attendees are listed in Appendix 1.

2. Election of Chair

Mr. William Gibbons-Fly, of the United States, was elected to chair the meeting.

3. Adoption of the agenda

The European Union (EU) requested the inclusion of two matters, one on the placement of observers on longline vessels and the other on swordfish.

Peru, Guatemala and Colombia requested a discussion of the matter of fishing capacity. Peru stated that it would make a presentation as a part of this discussion.

Mexico requested a discussion on modifying the rule on decision-making on conservation measures. Panama and Vanuatu supported this request.

Korea stated that it would present a proposal on modifying Resolution C-05-07 on the IUU vessel list.

The Chair informed the meeting that a program of work would be circulated, which would include the new items proposed and would establish a timetable for the discussion of the items on the agenda.

4. Status of the Antigua Convention

Mr. Hallman, Deputy Director of the IATTC, reported on the status of the ratification of the Antigua Convention. According to the United States, the depositary government for the instrument, there have been 10 ratifications, seven of them by member countries of the 1949 Convention – Costa Rica, El Salvador, France, Japan, Mexico, Nicaragua and Panama – so the new convention would enter into force 15 months after the deposit of this seventh instrument of ratification, that is, on 27 August 2010.

Colombia questioned whether there could be a contradiction in the Antigua Convention, with paragraph 2 of Article XXXI stating that an instrument of ratification or accession must be deposited for a country to be bound by the Convention, while paragraph 5 of Article XXXI states that a Party to the 1949 Convention that has not yet consented to be bound by the Antigua Convention shall be deemed to remain a member of the Commission unless it provides written notification before the Antigua Convention enters into force that it elects to not remain a member. Colombia asked whether the 1949 Convention would still exist and remain in force for a State that had not ratified or acceded to the Antigua Convention.

The chairman noted that all of these matters had been thoroughly addressed during the negotiation of the Antigua Convention and that it would not be productive to discuss them in detail again at this meeting.

Costa Rica noted that it was the seventh country to deposit its instrument of ratification, and presented a message about this (Appendix 4.a).

The United States thanked and congratulated the members of the IATTC that have ratified the Antigua

Convention, and noted that it had wanted to be one of them, but it is still awaiting passage of the necessary implementing legislation.

Dr. Compeán reported that a document had been prepared on the main features of the Antigua Convention, which would be presented at the meeting of the regional tuna fisheries management organizations (RFMOs) scheduled for early July.

5. The fishery in 2008 and status of tuna and billfish stocks

Dr. Compeán presented Document IATTC-80-05, noting that the status of bigeye tuna is of most concern.

Japan noted that it was concerned about the status of bigeye, and that measures should be taken to ensure its conservation. He added that longline fishing effort had decreased, while fishing with other gears had increased.

Ecuador asked whether an evaluation of bigeye in the western Pacific had been carried out, and whether a joint evaluation had been carried out by the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC). Dr. Compeán responded that assessments have been done that assume both one stock and two single stocks, and the conclusions were similar.

The European Union noted that a major recruitment of bigeye had been reported despite the reduction of its biomass, and emphasized the importance of carrying out a joint evaluation between the two commissions. The EU also asked whether the Commission staff had done an assessment recently of swordfish in the eastern Pacific Ocean (EPO).

Dr. Compeán noted that there is no clear relationship between the size of the bigeye stock and the recruitment to it, and reiterated that the status of bigeye in the EPO is of concern. He said that it is a good idea for the two Commissions to have complementary management measures for bigeye. Regarding swordfish, he noted that a stock assessment would be presented as soon as one could be completed by Commission staff.

The United States emphasized that the information presented on the bigeye stock clearly showed that overfishing of bigeye was continuing, and commented that it was more important to take measures to conserve bigeye than to define with certainty its stock structure.

6. a. Report of the 10th Stock Assessment Review Meeting

Dr. Richard Deriso, of the Commission staff, presented the report of this meeting, held in May 2009, emphasizing its recommendations. Regarding yellowfin tuna, he noted that the meeting agreed that the fishing mortality of this species is not above the level of maximum sustainable yield, and that the stock is in good condition and is not overexploited, although it would be good practice to consider a precautionary approach in addressing management measures.

Regarding bigeye, the conclusion was that there is overfishing, and that the fishing mortality is above the maximum sustainable yield. He explained that the scientific staff carried out several types of analyses of abundance, and the conclusion in all of them, including a Pacific-wide assessment, was that the resource is overexploited.

b. Staff conservation recommendations

Dr. Deriso presented the recommendations of the Secretariat, noting that they were similar to those presented at previous meetings, and which include the following elements:

Conservation of yellowfin and bigeye tunas

- Purse-seine fishery: Closure applicable for 3 years (2009-2011), with a duration of 12 weeks in the entire eastern Pacific Ocean (EPO) (20 June – 11 September), delayed 25 days in 2009 (15 July – 6 October) due to the timing of the IATTC meeting. Closure of an offshore area which would begin at the end of the 12-week closure (12 September – 31 December), shortened in 2009 due to the tim-

ing of the IATTC meeting.

- Longline fishery: Fixed catch limits for China, Korea, Japan, and Chinese Taipei, also catches by other fleets limited to 83% of their respective catches in 2001 or 500 t, whichever is greater.
- Marking and identification of FADs.
- Full retention of tuna catches (Resolution C-06-03).

Resolution C-05-02 on North Pacific albacore:

- Formation of an *ad hoc* working group to develop an operational definition of the “current levels” of effort specified in the resolution.
- Include information on fishing effort in the six-monthly reports.
- Include data for the EPO only in the reports.

Colombia requested information on the results of the unilateral closures in 2008. Dr. Deriso answered that this subject was addressed at the stock assessment meeting, and that the results showed that the effect was about half of what was recommended.

The Secretariat reported that 18% of the vessels made sets during the unilateral closures of the EPO, and that one country implemented individual vessel closures, and that with the information available to the Secretariat evaluating compliance with these closures was difficult. He added that, as far as the Secretariat was aware, only one country adopted measures for its longline fleet, but that all the catches by the large longline fleets were less than the staff’s recommendations.

7. Recommended research program and budget for 2009 and 2010

Ms. Nora Roa-Wade, of the Commission staff, presented Document IATTC-80-07, in which the proposed research program and estimates of costs in fiscal year (FY) 2011 are described. At the 78th meeting of the Commission in June 2008 a budget of US\$ 5,793,744 was provisionally agreed for FY 2010, subject to clarification of the impact of this budget on the Commission’s programs. The document presented includes a revised budget for FY 2010.

The recommended budget for FY 2011 is US\$ 6,029,723. Ms. Wade emphasized that the Secretariat faces the challenges of the worldwide increase in the cost of living, especially that related to the cost of the staff’s salaries and the increase in the cost of health insurance.

Regarding the contributions of the countries to the Commission’s budget, there is a considerable quantity still unpaid. Information was presented to the meeting indicating the member countries that had not fully paid their contributions and the amounts owed.

The European Union noted that the Antigua Convention would have a series of budgetary consequences, since there would be more members and greater income, and asked whether there a calculation had been made of how much the contributions would change.

Dr. Compeán explained that a total budget is approved and, if a new country joins, that budget is distributed among the new number of members. He noted that when the Antigua Convention enters into force, a new formula for the financial contributions will have to be considered.

Japan noted it was concerned about the outstanding contributions, since about US\$ 4 million was owed, and urged the Parties to comply with their obligations. Vanuatu explained that it had not paid due to its having financial difficulties, but it would undertake the necessary efforts to pay its contributions.

The United States proposed that a working group review the matter of a new contribution formula with the entry into force of the Antigua Convention. He noted that it would be desirable to have the finance working group meet for this purpose during the next meeting of the Commission. The meeting agreed with this proposal, and the Chairman commented that it might be wise to consider using the current for-

mula for determining member country contributions until such time as a new formula could be agreed. Several delegations agreed with this comment.

Finally, the revised budget for 2010 was approved as presented; that for 2011 was adopted provisionally, pending confirmation at the next meeting. Also, Resolution C-09-01 on financing for FY 2010 was adopted (Appendix 2.b).

8. Seabird conservation:

a. Report of technical meeting, May 2009

Dr. Compeán presented Document IATTC-80-08a, which is the report of the technical meeting. He noted that the results of that meeting contributed to the staff's draft resolution.

b. Consideration of measures

Dr. Compeán presented the staff's recommendations for the conservation of tunas (Document [IATTC-80-06b](#))(Appendix 3.X)

Japan, supported by Korea, noted several concerns that it had with the draft resolution, with both delegations commenting that IATTC measures should be similar to those adopted by the WCPFC. Mexico made various observations on the text, and the United States offered to prepare a new draft that would include the comments received. The European Union reminded the meeting that the IATTC is the only RFMO that has not agreed to mitigation measures for seabirds.

Spain and the United States presented a new proposal (C1-G; Appendix 3.f), the text of which appeared to be generally agreeable to all delegations, although Japan made clear that it would not approve a seabird resolution until tuna conservation measures had been agreed. At the end of the meeting, after agreement on a conservation program had been agreed, Japan stated that it could not accept the seabird resolution because the conservation measures agreed were not strong enough. Japan noted that the seabird measures were not intended to start until 2011, so that if the resolution was adopted at next year's meeting the measures could still be implemented in a timely manner.

Finally, the proposal was not approved due to lack of time for concluding its discussion, and it was agreed to address the matter at the next meeting.

9. IATTC-WCPFC cooperation

a. Exchange of data between IATTC and WCPFC

Mr. Hallman presented Document [IATTC-78-10b](#), which contains the draft memorandum of cooperation between the two organizations on the exchange of data. He noted that the conditions regarding the exchange of information with the WCPFC are also subject to the rules of confidentiality of the IATTC and the Agreement on the International Program for the Conservation of Dolphins (AIDCP).

Japan supported cooperation between the two organizations, including with regard to the exchange of data, but noted that the confidentiality rules would prevent operational data from being provided. Only aggregated data could be exchanged.

Japan also noted that it had some technical and legal changes to the draft agreement which it would circulate.

Other delegations acknowledged that the confidentiality rules of the two Commissions would only allow aggregated data to be exchanged.

Dr. Compeán commented that data associated with the memorandum of cooperation were independent of each country's obligations to provide information within each organization.

Finally, the Commission, after making some changes to the draft, authorized the Director to sign the memorandum on behalf of the Commission.

b. Cooperation between observer programs

Dr. Compeán introduced this matter, noting the value of achieving mutual recognition of the observer programs of both commissions, so that the same observer could be deployed on vessels that operated in both convention areas.

Mexico noted that tuna vessels pass through the areas of competence of both commissions during a single trip, so mutual recognition between the observer programs was very important. He asked when mutual recognition of observer programs could be realized. Other delegations also encouraged the Secretariat to continue progressing cooperative observer arrangements with the WCPFC, since this would be of benefit to vessels legally fishing in both areas on a single fishing trip.

Dr. Compeán noted that discussion between the Secretariats of the two Commissions were ongoing, and stated his view that an arrangement providing for such a mutual recognition could be achieved relatively quickly.

Dr. Andrew Wright, Executive Secretary of the WCPFC, agreed with Dr. Compeán's remarks, adding that the work is viewed as very positive from the WCPFC's perspective.

10. a. Program for transshipments at sea by longline vessels

Dr. Ricardo Belmontes, of the Commission staff, presented Document IATTC-80-10, noting the program began on 1 January 2009, and described the results of the program during the first five months of its implementation.

Pursuant to Resolution C-08-03, he presented an evaluation of the costs of the two alternative proposals for implementing the program: through an external agency and as an extension of the observer program of the AIDCP. He noted that the recommendation of the Secretariat was to continue during 2010-2011 the scheme implemented to date, i.e., contracting an external company. The Secretariat could evaluate the program and compare costs again in the future if so requested by the Commission.

The proposal was approved, as well as a new distribution of the costs of the program, which will be distributed during 2009 as follows: Japan (36.1%), Korea (29.3%), Chinese Taipei (24.5%), China (7.4%), and Vanuatu (2.7%).

11. Fleet capacity

Peru made a presentation on how it intends to add purse-seine vessel capacity consistent with Resolution C-02-03 on fleet capacity. Guatemala made a statement regarding its claim to capacity (Appendix 4.b). Colombia reiterated its right to add capacity, noting that it was not a Party to the IATTC when Resolution C-02-03 was adopted. Venezuela reminded the meeting of its pending claim to 5,472 m³ of well volume.

El Salvador commented that these capacity issues would need to be resolved in the working group on capacity.

12. Report of the 10th Permanent Working Group on Compliance

The chair of the working group presented a general report on its meeting, noting that the following were discussed: the recent measures adopted by various countries regarding the finning of sharks; the implementation of unilateral closures; various cases of non-compliance with respect to the issue of fleet capacity; and the matter of identifiers for tuna vessels, which would be reviewed at the next meeting of the tuna RFMOs and which would mean additional requests for information.

Finally, he noted that the recommendations of the group were the establishment of management measures for the conservation of tuna, and a review of the procedures for the inclusion of vessels in the IUU list.

Regarding the recommendation of the Secretariat for the improvement of Resolution [C-05-02](#) on northern albacore tuna, the United States repeated the suggestion it made in the compliance working group that a small, informal technical meeting be held to develop a recommendation on exactly what is meant by "cur-

rent effort” in the resolution. Other delegations supported this idea, but due to a lack of time, this technical group could not meet

13. Report of the 7th Joint Working Group on Fishing by Non-Parties

The chair of the group presented his report. The four following items, which required decisions by the Commission, were addressed.

a. Renewal of the status of Cooperating Non-Party

The Commission decided to renew the status of Cooperating Non-Party for Belize, Canada, China, Cook Islands, and the European Union, and the status of Cooperating Fishing Entity for Chinese Taipei.

b. Request by Kiribati for Cooperating Non-Party status

Kiribati’s request for Cooperating Non-Party status was approved, after resolving Japan’s question about whether Kiribati intended to bring a vessel to the EPO and what type of fishery it would initiate if it were granted the status requested. Kiribati stated that its fishing capacity is limited and that, if it brought a vessel to fish in the EPO, it would only do so in accordance with all IATTC measures.

c. Provisional list of IUU vessels

- 1) It was agreed that the vessels *Tching Ye No. 6* (Belize) and *Goidau Ruey 1* (Panama) would be included in the IUU list.
- 2) It was agreed that the nomination to the list of the carrier vessels *Taiho Maru* (Japan) and *Senta* (Panama) would be withdrawn, since their inclusion would not be in accordance with the established procedures.
- 3) Regarding the vessels *Lina*, *Minako*, and *Tomio*, the Commission agreed that more information should be sought in order to confirm that these vessels had actually fished 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.
- 4) Regarding the vessels *Dominador I* (Colombia) and *Ignacio Mar I* (Ecuador), proposed for inclusion in the IUU list because they were not on the IATTC Regional Vessel Register and had carried out fishing operations in the EPO, there was no consensus for their inclusion.

Colombia also noted that it objected to the inclusion of the vessel *Marta Lucía R* in the list; however, it was clarified that it had already been incorporated into the list years ago, so consensus would be required for its removal.

- 5) Regarding the vessel *Don Abel* (Venezuela), it was agreed to not include it in the list, since it had not carried out fishing operations in 2008.

In this regard, the Commission agreed that it would normally not be necessary or appropriate to include a vessel on the IUU list for the first time if that vessel had not fished during the year that its status on the list was being considered, or during the previous year.

- 6) In the case of the vessel *Caribbean Star No 31*, of unknown flag, discussion was postponed until such time as additional information might be available regarding its recent operations.

d. Current IUU Vessel List

The Commission did not decide to remove any vessels from the current IUU list.

14. Actions following the meeting of Tuna Commissions, Kobe, January 2007

Regarding a proposal by several countries (H1; Appendix 3.i), the United States stated that it hoped to work with those countries, as well as with Japan, the European Union, and other interested delegations, in order that a final draft could be presented to the Commission for its consideration. Mexico and El Salva-

dor expressed their willingness to continue working with all interested countries on the draft of a resolution.

In the end, this proposal was left pending due to the lack of sufficient time for its consideration.

15. Resolution [C-06-05](#), Trade Measures to Promote Compliance

The United States presented a proposal (B1; Appendix 3.c) to amend this resolution, which was no longer in force, noting that the proposal had been presented at the meeting of the Commission in June 2008. The European Union expressed its support for the proposal.

El Salvador and Mexico noted that they had also presented amendments to this resolution at previous meetings, mainly with regard to including positive incentives into the resolution to provide for access to markets for products caught in a sustainable manner.

Japan stated that it supported trade measures for promoting compliance, but cautioned that they should be applied in a non-discriminatory manner.

Colombia and Ecuador expressed reservations about whether trade measures could coexist with other trade commitments adopted in other international fora or agreements. They also supported Mexico's idea of including trade measures to favor market access for tuna captured in a sustainable manner.

The United States, Japan, and the European Union all commented that the system of multilaterally-agreed trade measures adopted pursuant to procedures agreed in resolutions had been accepted in other RFMOs, and had been determined to be consistent with trade obligations in the World Trade Organization (WTO).

16. Amendment of Resolution [C-05-07](#), IUU vessel list

The United States presented a proposal (A1; Appendix 3.a) on the IUU vessel list, noting that this had been presented at previous meetings, that the proposed changes were necessary to improve the IUU process, and that they appeared to have widespread support among delegations. Also, Korea presented its proposal to modify Resolution C-05-07 (A2; Appendix 3.c), likewise presented at previous meetings.

Japan asked that the paragraph on transshipments be modified, so that carrier vessels could also be included in the IUU list for non-compliance.

Canada noted that the changes were necessary, and asked that IUU vessels identified in other RFMOs be incorporated, noting that this had already been approved in ICCAT and that it was an item at the meetings of the tuna RFMOs. Also, Canada asked that the inclusion of vessels that fished in a national Exclusive Economic Zone without the permission of the coastal State be considered in the criteria.

Mexico noted that, as a result of the consensus rule for decision-making, it was virtually impossible to include a vessel of a member country, even if it were violating conservation measures. He proposed that the Parties abstain from participating in decisions on their flag vessels. He commented that, for vessels identified as IUU by other RFMOs to be automatically included in the IATTC IUU list, and *vice versa*, to be feasible, the processes and criteria should be comparable, which he did not believe was the case at this time.

Panama and Guatemala supported Mexico's position regarding consensus and the impossibility of including a vessel if the flag country vetoed it.

17. Size limit for inclusion of vessels in the IUU Vessel List

This proposal was incorporated in the discussion of item 16 of the agenda on Resolution C-05-07.

18. Review of [1992 Resolution on the The Jolla Agreement](#)

Mr. Hallman presented Document IATTC-75-17 regarding the Resolution on the 1992 Agreement on the International Dolphin Conservation Program (La Jolla Agreement). He noted that this Resolution is still in force, but that it would be useful to update it, in particular with regard to the Commission's commit-

ment to observer coverage.

To this end, the Secretariat had prepared a draft resolution, which, after some discussion, was approved by the Commission (Appendix 2.c).

19. Review of Commission staff's research

Drs. Deriso and Martín Hall, also of the IATTC staff, presented the Commission's research work on by-catches and tuna biology.

Peru asked whether the tuna fishery in the EPO could now be classified as a fishery that adheres to an ecosystem approach. In response, several delegations emphasized the scientific work of the Commission, which puts the Commission in the forefront as regards the application of the ecosystem approach.

Several delegations emphasized the value of the scientific work of the IATTC staff, commenting that it was important that the nature and results of this work be distributed and, as appropriate, publicized to the maximum extent possible.

20. Resolutions

The resolutions approved were as follows:

Resolution	No.	Status	Appendix
Conservation of tunas 2009-2011	C-09-01	Approved <i>ad referendum</i>	2.a
Financing for AF 2010	C-09-03	Approved	2.b
Resolution on the IDCP	C-09-04	Approved	2.c

Regarding the resolution on tuna conservation, this was approved *ad referendum* after extensive discussions during the entire week of the meeting, and after a review of several different proposals, including one from Colombia that proposed a system that allowed individual vessels to choose their closure periods. Colombia stated that it had already approved and published in its Official Register conservation measures for tunas for 2009, so for that year its vessels would not be able to follow the measures adopted multilaterally. Also, it insisted that the status of yellowfin and bigeye tunas were not similar, and that therefore conservation measures should be differentiated and that more progress should be made in the regulation of the use of FADs.

The idea behind the *ad referendum* approach was to provide delegations with the opportunity to consult their capitals before giving their final approval. A deadline of 15 July was established, after which Resolution C-09-01 would be considered adopted if no objection was received.

In case the resolution on tuna conservation was not approved, an alternative text was agreed (Recommendation C-09-02), which contains the same conservation measures as Resolution C-09-01, but which would be implemented by the governments listed in the text of the recommendation.

One delegation noted that if the resolution were not adopted, it might have legal problems in the implementation of the recommendation in a legally binding manner, but that it would make its best efforts to follow the recommendation.

The European Union expressed its disappointment regarding the elimination from the text of the resolution of a paragraph that was in the previous conservation resolution directing the Commission to develop trade restrictive measures, consistent with international law and the WTO, to promote compliance. The EU hoped that this issue would be addressed during the next meeting.

Regarding the paragraph in the resolution requiring the full retention of tuna catches, the United States made clear its concern over the lack of compliance with the resolution and its view that it should not be continued beyond the period of the resolution unless there is a clear consensus to do so.

The proposals discussed but not approved, and postponed for consideration at the next meeting, were the

following:

No.	Proposal	Presented by	Appendix
A1-A	Amendment of Resolution C-05-07 , List of IUU Vessels	United States	3.a
A1-B	New paragraph 18 for proposal A1-A	Spain	3.b
A2	Amendment of Resolution C-05-07 , List of IUU Vessels	Korea	3.c
B1	Resolution on trade measures for promoting compliance	United States	3.d
B1-A	Modification of Proposal B1, paragraph 14	Spain	3.e
D1	Observers on longline vessels	European Union	3.f
E1	Limitation of the capacity of the longline fleet	Spain	3.g
H1	Evaluation of the Commission's performance	Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Venezuela	3.h
C1-G	Resolution on the mitigation of the impact of fishing on seabirds	Spain, United States	3.i

The resolution on seabirds was generally agreed, but its adoption was postponed until the next Commission meeting at the request of Japan.

Regarding the proposal for carrying observers on longline vessels (D1; Appendix 3.g), after discussion and revision Japan and other countries with significant longline fleets indicated that they could accept it, but Korea noted that it was the first time that it had seen this proposal, so it would need to consult with its industry before taking a decision. Korea proposed that the adoption of the resolution be deferred until the next meeting.

Spain presented a proposal on limiting fishing capacity in terms of the number of longline vessels (E1; Appendix 3.h). Several general comments were made, and the meeting agreed to consider it further at the next meeting.

21. Election of Chairs of Working Groups

The Commission took the following decisions regarding the chairs of working groups:

Working group	Previous Chair	New Chair
Bycatch	Luís Fleischer (Mexico)	No change
Capacity	Arnulfo Franco (Panama)	No change
Compliance	David Hogan (United States)	No change
Financing	Allison Routt (United States)	Brad Wiley (United States)
Fishing by non-Parties	Elisa Barahona (Spain)	Staffan Ekwall (EU)

22. Other business

Canada expressed its profound disappointment that one member country had denied the approval to allow Canada to join the Commission. She thanked those that had approved its request, and stated that Canada intended to be a Party to the Antigua Convention and would continue to work closely with the Commission.

Many delegations acknowledged Canada's efforts to join the IATTC, and urged the Party that denied its approval to grant it.

The United States stated that Mr. Gibbons-Fly was elected to chair the present meeting only. Thus, there was a need to consider a chair for the next Commission meeting, as well as for the interim period before

the next meeting.

23. Place and date of next meeting

It was agreed that the next meeting of the Commission would be held from 27 September to 1 October 2010 in La Jolla, or at an alternate venue if so decided.

24. Adjournment

The meeting was adjourned at 7:51 p.m. on 12 June 2009.

Appendix 1.

ATTENDEES - ASISTENTES

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Appendix 2.a.

RESOLUTION C-09-01

RESOLUTION ON A MULTIANNUAL PROGRAM FOR THE CONSERVATION OF TUNA IN THE EASTERN PACIFIC OCEAN IN 2009-2011

The Inter-American Tropical Tuna Commission (IATTC):

Being responsible for the scientific study of the tunas and tuna-like species of the eastern Pacific Ocean (EPO) and for formulating recommendations to the High Contracting Parties, cooperating non-Parties, Cooperating Fishing Entity and Regional Economic Integration Organization (collectively “CPCs”) with regard to these resources, and having maintained, since 1950, a continuous scientific program dedicated to the study of these resources,

Recognizes, based on past experience in the fishery, that the potential production from the resource can be reduced if fishing effort is excessive;

Aware, that previous conservation and management measures adopted by the Commission, and although the catches of bigeye and yellowfin tunas have decreased, capacity continues to increase,

Observes that the yellowfin tuna resource in the EPO supports one of the most important surface fisheries for tunas in the world;

Taking into account the best scientific information available, reflected in the staff’s recommendations and in the report of the Working Group on Stock Assessments in May 2009;

Considering that the studies of bigeye tuna presented show that the stock is below a level that would produce the maximum sustainable yield (MSY), and that the studies of yellowfin tuna indicate that the spawning stock will likely decline under current levels of fishing mortality;

Considering that the population of bigeye is the same for all the Pacific Ocean, from east to west;

Recognizing the importance of urging the Western and Central Pacific Fisheries Commission (WCPFC) to adopt parallel conservation measures for the tuna stocks in that region, and in particular, the shared stocks of highly migratory tunas in the Pacific Ocean;

Resolves as follows:

1. This resolution is applicable in the years 2009-2011 to all purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the EPO.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (less than 182 metric tons carrying capacity) are not subject to this resolution.
3. All purse-seine vessels covered by this resolution must stop fishing in the EPO for a period of 59 days in 2009, 62 days in 2010, and 73 days in 2011. These closures shall be effected in one of two periods in each year as follows:
2009 – 1 August to 28 September, or from 21 November to 18 January 2010;
2010 – 29 July to 28 September, or from 18 November to 18 January 2011;
2011 – 18 July to 28 September, or from 7 November to 18 January 2012.

In 2011 the results of the conservation measures adopted shall be evaluated, in the context of the results of the stock assessments for 2011 and, depending on the conclusions reached by the scientific

staff of the Commission, the period of duration of the closure for that year shall be ratified or adjusted.

4. Notwithstanding the provisions of paragraph 3, purse-seine vessels of IATTC capacity class 4 (between 182 and 272 metric tons carrying capacity) will be able to make only one single fishing trip of up to 30 days duration during the specified closure periods, provided that any such vessel carries an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP).
5. That the fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S illustrated in Figure 1 be closed from 0000 hours on 29 September to 2400 hours on 29 October.

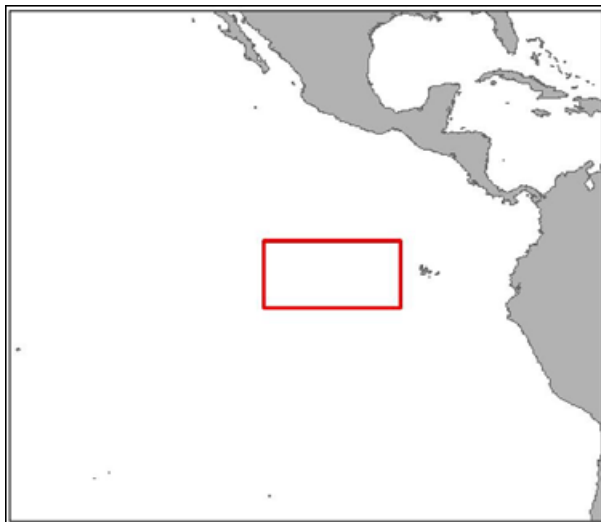


Figure 1. Closure area

6. In each one of the years covered by this resolution, and for each one of the two closure periods, each CPC shall notify the Director, by 15 July in 2009 and by 15 April in 2010-2011, the names of all the purse-seine vessels that will observe each closure period.

Every vessel that fishes during 2009-2011, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of CPC under which it fishes during the year, must observe the closure period to which it was committed.

7. Each CPC shall, for purse-seine fisheries:
 - a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;
 - b. Inform all interested parties in its national tuna industry of the closure;
 - c. Inform the Director that these steps have been taken;
 - d. Ensure that at the time a closure period begins, and for the entire duration of that period, all the purse-seine vessels fishing for yellowfin, bigeye, or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, in the EPO are in port, except that vessels carrying an observer from the AIDCP On-Board Observer Program may remain at sea, provided they do not fish in the EPO. The only other exception to this provision shall be that vessels carrying an observer from the AIDCP On-Board Observer Program may leave port during the closure, provided they do not fish in the EPO.
8. Each CPC shall take the measures necessary to control the total annual catch of bigeye tuna in the

EPO during 2009-2011 by longline tuna vessels fishing under its jurisdiction.

9. China, Japan, Korea, and Chinese Taipei shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2009-2011 do not exceed the following levels:

Metric tons	2009	2010
China	2,533	2,507
Japan	32,713	32,372
Korea	12,073	11,947
Chinese Taipei	7,635	7,555

10. For 2011, the total annual longline catches of bigeye tuna in the EPO shall be adjusted appropriately based on the conservation measures adopted for purse-seine vessels in 2011, as ratified or adjusted in accordance with paragraph 3.
11. Other CPCs shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2009-2010 do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001^{1,2}. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director. For 2011, the limits in this paragraph shall remain in effect if the Commission maintains conservation measures for purse-seine vessels, as ratified or adjusted in accordance with paragraph 3
12. To prohibit landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene this resolution. The Director shall provide relevant information to the Parties to assist them in this regard.
13. Each CPC shall notify the Director, by 15 July in 2009 and by 15 April in 2010-2011, of national actions taken to implement this resolution, including any controls it has imposed on its fleets and any monitoring, control, and compliance measures it has established to ensure compliance with such controls.
14. To evaluate progress towards the objectives of this resolution, in 2010 and 2011, the IATTC scientific staff will analyze the effects on the stocks of the implementation of this resolution, Resolution C-06-02, Resolution C-04-09, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
15. To authorize the Director to develop, in consultation with interested Parties a pilot program for research into, and gathering information on, the FADs used to aggregate tunas in the EPO. As an integral part of the program, initiate, in the first quarter of 2010, in Manta (Ecuador), a research and information-gathering program for FADs. The program shall include, *inter alia*, provisions for the marking of FADs, maintaining a record of the numbers of FADs on board each vessel at the beginning and end of each fishing trip, and recording the date, time, and position of deployment of each FAD. The Director shall report on the status of this effort at the next annual meeting of the IATTC. The information collected shall be held by the Commission staff, and shall be made available to CPCs, subject to any confidentiality rules or policies that the Commission may establish, which must be defined before the program begins..
16. Subject to the availability of the necessary funding, the Director shall continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels

¹ The Parties acknowledge that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the EPO.

² The Parties acknowledge that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.

17. Renew, for 2010, the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set. At its annual meeting in 2010, the Commission shall review the results of the program, including compliance, and decide whether to continue it.
18. The Director shall continue efforts to promote compatibility between the conservation and management measures adopted by IATTC and WCPFC in their goals and effectiveness, including by frequent consultations with his counterpart in WCPFC, so that they can maintain, and inform their respective organizations of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific bases and effectiveness of those measures.

Appendix 2.b.

RESOLUTION C-09-03

FINANCING FOR FISCAL YEAR 2010

The Parties to the Inter-American Tropical Tuna Commission (IATTC):

Understanding the importance of ensuring sufficient funding for the Commission in a timely manner so it may continue to effectively develop and implement the agreed conservation and management program for the living marine resources of the eastern Pacific Ocean (EPO) and conduct the associated data collection and research;

Noting that non-payment of the agreed contributions may impair the Commission's ability to continue its operations;

Aware that the allocation of the costs of supporting the Commission among Parties should be transparent, fair and equitable, stable, and predictable, but also should allow for redistribution of costs as new Parties join;

Aware that the Commission at its 75th Meeting, agreed on a formula for calculating the contributions of the Parties to the Commission's budget;

Taking into account the relevant provisions of the Antigua Convention, adopted in Antigua, Guatemala, on 27 June 2003;

Noting that several non-Parties derive benefits from catching or utilizing fish covered by the Convention, but do not make contributions to the Commission;

Taking note of the staff's proposals regarding the budget presented in Document IATTC-80-07; and

Recognizing the need to seek economies in the operation of the Commission, in order to reduce costs;

Have agreed as follows:

1. To adopt the budget of US\$ 5,793,744 for fiscal year (FY) 2010; and to provisionally approve the budget of US\$ 6,029,723 for FY 2011.
2. To contribute to the budget of the IATTC for FY 2010 in accordance with the following schedule of payments; which was developed using the funding formula approved by the 75th Meeting of the Commission in June 2007.

(US\$)	FY 2010	FY 2011
	Payable 1 January 2010	Provisional
Colombia	303,893	323,054
Costa Rica	86,559	92,189
Ecuador	759,079	807,096
Spain	304,312	324,361
France	95,952	101,855
Guatemala	64,787	68,804
Japan	310,821	328,096
Korea	197,539	195,081
Mexico	895,102	951,409
Nicaragua	54,476	57,667
Panama	411,363	435,534
Peru	51,919	55,009

El Salvador	107,380	114,039
United States	1,746,553	1,746,553
Venezuela	330,155	350,773
Vanuatu	73,856	78,206
Total	5,793,744	6,029,723

3. That the Director shall inform each Party, at least two months prior to the annual meeting, of its projected contribution for the following two financial years.
4. That the Commission shall not pay more than 30% of the costs associated with the AIDCP On-Board Observer Program for vessels of member states.
5. In the case of a member that is also a member of the Western and Central Pacific Fisheries Commission, only 50% of catches made by its flag vessels in the overlap area between the two Commissions shall be included in the calculation of that member's contribution based on catch.
6. That the contributions of any new member of the Commission shall be determined on the same basis as the contributions of existing members, subject to the Commission's financial regulations.
7. That States not presently members of the IATTC, and fishing entities which have vessels fishing for fish covered by the Convention, should make, and request their flag vessels to make, voluntary contributions to the Commission, preferably on the same basis as the contributions of existing members.
8. To invite NGOs interested in the work of the IATTC to make contributions to the Commission's budget.

Appendix 2.c.

RESOLUTION C-09-04

RESOLUTION ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

The Inter-American Tropical Tuna Commission (IATTC):

Recalling the agreement of governments expressed in resolutions of the intergovernmental meetings held in San José, Costa Rica, in September 1990, and La Jolla, California, in January 1991, to establish an international program for the reduction of incidental mortality of dolphins caught in association with tuna in the purse-seine fishery in the eastern Pacific Ocean (EPO);

Further recalling that, in 1999, the Agreement on the International Dolphin Conservation Program (AIDCP) entered into force, and that, in its 1998 Resolution on the AIDCP, the IATTC requested the Director to perform the functions relating to the implementation of the Agreement set forth in the Agreement;

Noting with satisfaction that, in accordance with the objectives of the AIDCP, a significant reduction in dolphin mortality has been achieved;

Noting that the AIDCP observer program has achieved international acclaim;

Appreciating that, through the international observer program established by the AIDCP, the IATTC acquires valuable data on the purse-seine fishery relating to tunas and associated or dependent species, which greatly assist the Commission in discharging its obligation to conserve the fish stocks under its purview; and

Believing that there is value in strengthening and clarifying the linkage between the IATTC and the AIDCP observer program;

Agrees:

To continue the current international observer program, including the requirement of placing an observer on each trip made in the EPO by purse-seine vessels of capacity greater than 363 metric tons and ensure that at least one-half of the observers assigned each year to each national fleet are IATTC observers;

This Resolution replaces the 1992 Resolution on the La Jolla Agreement.

Appendix 3.a.

PROPOSAL IATTC-80 A1-A

SUBMITTED BY THE UNITED STATES

**RESOLUTION TO ESTABLISH A LIST OF VESSELS THAT HAVE
ENGAGED IN ILLEGAL, UNREPORTED AND UNREGULATED FISHING
ACTIVITIES IN THE EASTERN PACIFIC OCEAN**

The Inter-American Tropical Tuna Commission (IATTC):

Recalling that the FAO Council adopted on 23 June 2001 an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), which stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

Concerned that IUU fishing activities in the Convention Area [undermine] [diminish] the effectiveness of the conservation and management measures adopted by the IATTC;

Further concerned that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with IATTC measures;

Determined to address the challenge of an increase in IUU fishing activities by way of measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of Parties, Cooperating Non-Parties, Cooperating fishing entities and regional economic integration organizations (collectively “CPCs”) and non-CPCs under the relevant IATTC instruments;

Considering the action undertaken in other regional tuna fisheries organizations to address this issue;

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities;

Noting that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments, and in accordance with the rights and obligations established in the World Trade Organization (WTO) Agreement; and

Acknowledging the importance of due process and the participation of the parties involved;

Resolves as follows:

Identification of IUU Activities

1. At each Annual Meeting, the Commission shall identify those vessels that have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which has [undermined] [diminished] the effectiveness of the Convention and the IATTC measures in force, and shall establish, and amend in subsequent years as necessary, a list of such vessels (the IUU Vessel List), in accordance with the procedures and criteria set out in this Resolution.
2. This identification shall be suitably documented, based on, *inter alia*, reports from CPCs relating to IATTC resolutions in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds. Information from CPCs should be provided in the format approved by the Commission.

3. For the purposes of this resolution, vessels fishing³ for species covered by the IATTC Convention within the Convention Area are presumed to have carried out IUU fishing activities, as described in the IPOA-IUU, when a CPC presents suitably documented information that such vessels, *inter alia*:
 - a. Are not on the IATTC Regional Vessel Register, or
 - b. [Harvest species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations [⁴]
[Engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters over which the existence of a CPC's sovereignty is recognized by all CPCs, or]
 - c. Make false reports or fail to record or report their catches made in the Convention Area, or
 - d. Engage in fishing activities in a closed area or during a closure period, or
 - e. Use prohibited fishing gear or fishing methods, or
 - f. Transship with [, participate in joint fishing operations with, support, or resupply] vessels included in the IUU Vessel List, or
[Transship with vessels included in the IUU Vessel List, or a vessel not included on the relevant vessel registers of the IATTC, the Western and Central Pacific Fisheries Commission (WCPFC), the Indian Ocean Tuna Commission (IOTC); or]
 - g. [Conduct transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of the WCPFC or the IOTC, or]
 - h. Are without nationality, or
 - i. Engage in fishing activities that [undermine] [diminish] the provisions of the Convention or any other IATTC conservation and management measures, or
 - j. [Are under the control of the owner or operator of any vessel on the IUU Vessel List.]
4. [A CPC that discovers any vessel presumably engaged in IUU fishing activities in the Convention Area shall make efforts to advise and provide suitably documented information to the pertinent flag State, if known. The flag State shall promptly acknowledge receipt of the notification and initiate investigations of the alleged activities. After the investigation is completed, the flag State shall transmit a report of the investigation of the alleged case to the reporting CPC, with a copy to the Director.]
5. At least 120 days before the Annual Meeting, each CPC shall transmit to the Director a list of vessels presumed to have carried out IUU fishing activities in the Convention Area during the current or previous two years, accompanied by suitably documented information relating to the provisions of paragraphs 2 or 3 above concerning the presumption of IUU fishing activity, and shall also make efforts to simultaneously send the same information to the flag State of the vessel, if known.

Draft IUU Vessel List

6. On the basis of the information received pursuant to paragraph 5 above, or other information as described in this paragraph, the Director shall draw up a Draft IUU Vessel List with the list of potential IUU vessels received per paragraph 5. The Director shall also automatically include on this Draft IUU Vessel List any vessel, which during the current or previous 2 years fished in the Convention

³ Fishing, as included here, shall also pertain to activities of carrier and bunker vessels operating in the IATTC Convention Area.

⁴ Reference to the FAO IUU IPOA at para 3.1.1. This provision is not intended to prejudice the rights or obligations of any CPC with regard to matters or claims under international law of maritime jurisdiction or boundaries, or disputes related thereto.]

Area in a manner that meets the criteria established in paragraph 3 of this resolution. At least 90 days before the Annual Meeting of the Commission, the Director shall transmit the consolidated Draft IUU Vessel List, together with all the available supporting information, to all CPCs, as well as to non-CPCs with vessels on the Draft IUU Vessel List.

7. The Draft IUU Vessel List, as well as the Provisional IUU Vessel List and the IUU Vessel List described below, shall contain the following details for each vessel, where available:
 - a. Name and previous names;
 - b. Flag and previous flags;
 - c. Owner and previous owners;
 - d. Operator and previous operators;
 - e. Call sign and previous call signs;
 - f. Length overall;
 - g. Lloyds Register Fairplay (LRF) number;
 - h. Photographs;
 - i. Date first included on the List; and
 - j. Summary of activities that justify inclusion of the vessel on the List, together with reference to all relevant documents informing of and evidencing those activities.
8. The Director shall make documented efforts to notify the relevant flag States, at least 75 days before the annual meeting, of their vessel's inclusion on the Draft IUU Vessel List and/or presumed IUU activities and provide a copy of the pertinent suitably documented information. The Director shall request the flag State to promptly acknowledge receipt of the notification. If no acknowledgement is received from the relevant flag State within 10 days of the date of transmittal, the Director shall re-transmit the notification through an alternate means or channels of communication and in a manner that can be documented.
9. The Director shall request each CPC and non-CPC with vessels on the Draft IUU Vessel List to notify the owner of the vessels of their inclusion on the Draft List, and of the consequences should they be included in the IATTC IUU Vessel List to be adopted by the Commission at its Annual Meeting.
10. Upon receipt of the Draft IUU Vessel List, CPCs shall closely monitor the vessels included in that List in order to follow their activities and possible changes of name, flag, operator and/or registered owner.
11. As appropriate, CPCs and non-CPCs with vessels on the Draft IUU Vessel List may transmit comments to the Director at any time, but no later than 30 days before the Annual Meeting, including suitably documented information pursuant to paragraph 15.
12. CPCs may at any time submit to the Director any additional information that may be relevant to the vessels on the Draft IUU Vessel List. The Director may also add any relevant information in this regard for the reference of the CPCs.
13. The Director shall re-circulate, at least two weeks in advance of the Annual Meeting of the Commission, to the CPCs and the non-CPCs concerned, the Draft IUU Vessel List, together with all of the suitably documented information received pursuant to paragraphs 5, 11, and 12.

Provisional IUU Vessel List

14. At its annual meeting, the [appropriate IATTC Working Group] [IATTC Permanent Working Group on Compliance] (Working Group) shall examine the Draft IUU Vessel List, which includes any new

vessels identified pursuant to paragraph 6, as well as the information referred to in paragraph 12, in order to develop a Provisional IUU Vessel List. The Working Group shall also make recommendations to the Commission regarding any vessels that should be removed from the current IUU Vessel List after review of any information provided to the Director pursuant to paragraph 23 of this resolution.

15. The Working Group shall not include in the Provisional IUU Vessel List any vessel that is not on the current IUU Vessel List if the vessel's flag State has demonstrated that:
 - a. The vessel fished in a manner consistent with IATTC conservation and management measures [or the laws and regulations of a State when fishing in waters under the jurisdiction of that State], or have fished exclusively for species not covered by the IATTC Convention, or
 - b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity, or
 - c. The case regarding the vessel or vessels involved in IUU fishing activities has been settled to the satisfaction of both the CPC that originally submitted the vessel for listing and the flag State involved, or
 - d. The vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not recently participated in IUU fishing activities.
16. The Working Group shall not include a vessel on the Provisional IUU List if the notification provisions of paragraph 4 and 5 were not followed.
17. Following the examination referred to in paragraph 14, the Working Group shall submit the Provisional IATTC IUU Vessel List to the Commission for its consideration.

New IUU Vessel List

18. At its Annual Meeting, the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on that List and any recommendations to amend the current IUU Vessel List and adopt a new IUU Vessel List. The Commission shall remove a vessel from the current IATTC IUU Vessel list only if the vessel's flag State submits to the Director the suitably documented information described in paragraph 23 of this resolution. Any objection to the removal of a vessel from the IUU Vessel List should be based on the listing criteria in paragraph 3 and the information provided pursuant to paragraph 23.
19. Upon adopting the new IUU Vessel List, the Commission shall request CPCs and non-CPCs with vessels on the IUU Vessel List to:
 - a. Notify the owner of the inclusion of their vessel(s) on the IUU Vessel List and the consequences that result from being included in the List, and
 - b. Take all necessary measures to eliminate those IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
20. CPCs shall take all necessary non-discriminatory measures under their applicable legislation, consistent with international law and each CPC's international obligations and paragraphs 36, 56, and 66 of the IPOA-IUU, to:
 - a. Ensure that fishing vessels, support vessels, mother ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support, or resupply, vessels on the IUU Vessel List;
 - b. Ensure that vessels on the IUU Vessel List that enter ports voluntarily are not authorized to land,

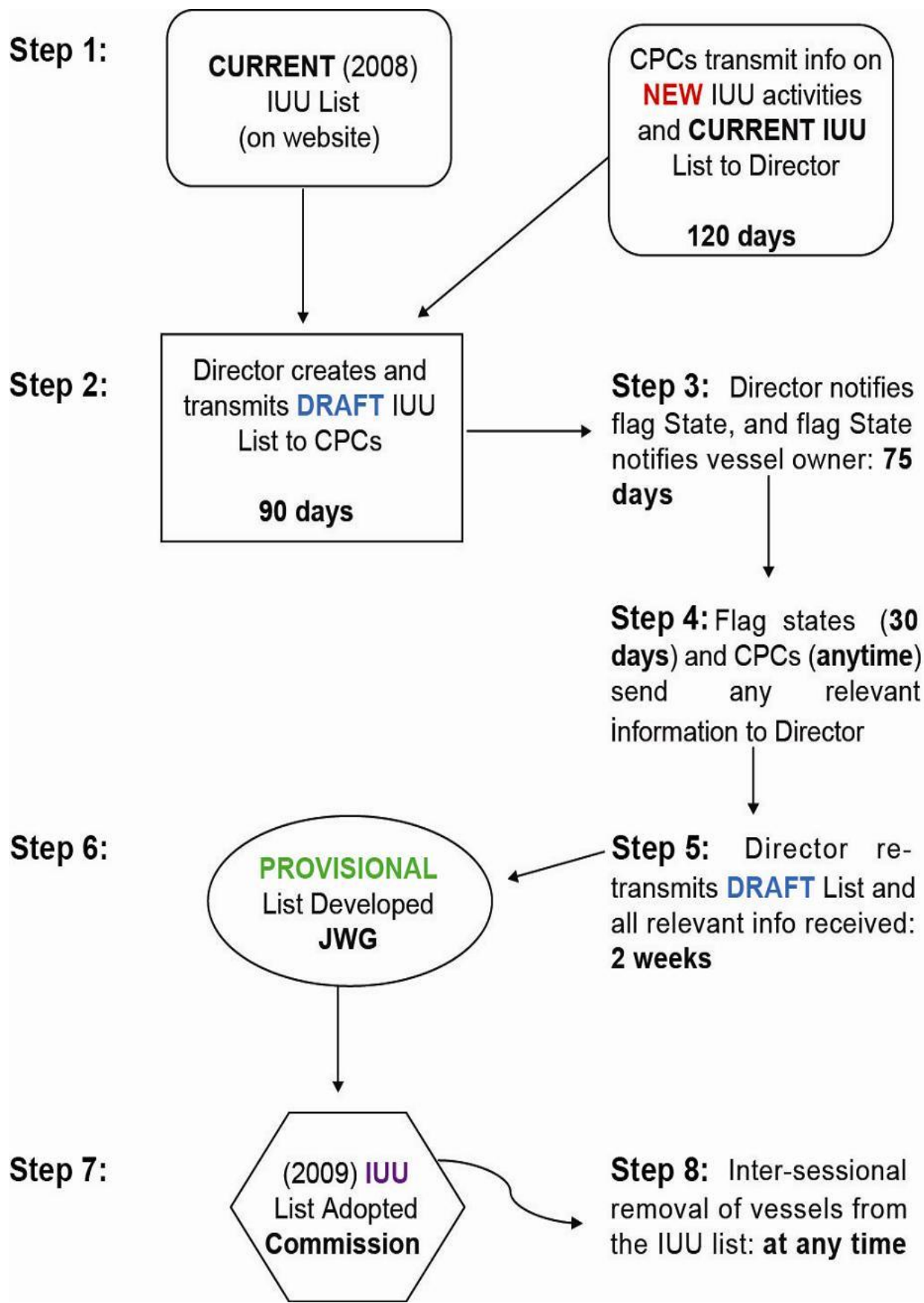
- transshipment, refuel or resupply therein, except in situations of *force majeure* or for rendering assistance to vessels, or persons on those vessels, in danger or distress, but are inspected upon entry;
- c. Prohibit the chartering of a vessel on the IUU Vessel List;
 - d. Refuse to grant their flag to vessels on the IUU Vessel List;
 - e. Prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IUU Vessel List;
 - f. Encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the IATTC Convention caught by vessels on the IUU Vessel List;
 - g. Collect, and exchange with other CPCs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List.
21. The Director shall take any measure necessary to ensure publicity of the IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including publishing it on the IATTC website. Furthermore, the Director shall transmit the IUU Vessel List to the FAO and other regional fisheries management organizations for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.
 22. Without prejudice to the rights of CPCs and coastal States to take proper action, consistent with international law, including WTO obligations, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the Draft or Provisional IUU Vessel Lists, pursuant to paragraphs 6 or 17, or that have been removed from the IUU Vessel List, pursuant to paragraphs 18 and 26, on the grounds that such vessels are involved in IUU fishing activities.

Modification of the IUU Vessel List

23. CPCs and non-CPCs with a vessel on the IUU Vessel List may request the removal of the vessel from the list at any time, including during the inter-sessional period, by submitting to the Director suitably documented information demonstrating that:
 - a. i) It has adopted measures that will seek to ensure that the vessel complies with all IATTC measures;
 - ii) It will be able to assume effectively flag State duties with regards to the monitoring and control of the vessel's fishing activities in the Convention Area; and
 - iii) It has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity; or
 - b. The vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not recently participated in IUU fishing activities, or
 - c. The case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CPC that originally submitted the vessel for listing and the flag State involved, or
 - d. the vessel no longer exists.
24. The Director will transmit the removal request, with all the supporting information, to the CPCs within 15 days following the receipt of the removal request. CPCs shall promptly acknowledge receipt of the removal request and may, at that time, request additional information from the requesting flag

State. If no acknowledgement is received by the Director within 10 days of the date of transmittal, the Director shall retransmit the removal request and, to the extent practicable, shall use additional means available to ensure that the request has been received.

25. Commission decisions on a request to remove a vessel during an inter-sessional period shall follow procedures established for decisions by correspondence together with the procedures outlined in paragraphs 26 and 27. Each CPC shall examine the removal request and notify the Director in writing of its response, and the rationale therefore, regarding the removal of the vessel within 30 days following the notification by the Director. Lack of response from a CPC by the 30-day deadline shall be considered acceptance of the request to remove the vessel.
26. If CPCs agree to the removal of the vessel from the IUU Vessel List within the period stipulated in paragraph 25, the Director will inform CPCs, non-CPCs, FAO and other regional fisheries management organizations, and will remove the vessel from the IUU Vessel List, as published on the IATTC website.
27. If a CPC disagrees with the request for the removal of the vessel from the IUU Vessel List, the vessel will be maintained on the IUU Vessel List and the Director will inform the CPCs and/or non-CPCs that made the removal request.
28. All information provided to the Working Group shall be subject to the confidentiality rules of the IATTC.
29. With respect to longline vessels, this resolution shall apply to vessels measuring [22] [24] meters or more in length overall.
30. This resolution shall be subject to review, and as appropriate, revised.
31. This resolution replaces Resolution C-05-07.



	Before Annual Meeting	Action to be taken	Paragraph
STEP 1	120 days	CPCs transmit to the DIRECTOR information on NEW (2007-2008) IUU activities, and notify the relevant flag States	5
STEP 2	90 days	DIRECTOR creates the DRAFT IUU List, based on the CURRENT IUU List and NEW vessels, and transmits it to all CPCs and to those non-CPCs with vessels on the List	6, 7
STEP 3	75 days	(a) DIRECTOR notifies relevant flag States	8
		(b) FLAG STATES notify vessel owners	9
STEP 4	30 days	(a) FLAG STATES transmit to the DIRECTOR information in defense their vessels' activities	11
	At any time	(b) CPCs transmit to the DIRECTOR any additional information related to the vessels on the DRAFT List	12
STEP 5	2 weeks	The DIRECTOR re-circulates the DRAFT List, with all the information received, to all CPCs and to those non-CPCs with vessels on the DRAFT List	13
STEP 6	Joint Working Group	(a) Reviews the DRAFT List and all the information received	14
		(b) Creates the PROVISIONAL List 1. Recommends which vessels on the CURRENT List should be removed 2. Recommends which NEW vessels should be retained	14 14-16
STEP 7	Commission	(a) Reviews the PROVISIONAL List and all the information received	18
		(b) Amends the PROVISIONAL List, as appropriate	18, 23
		(c) Adopts a new IUU List (for 2009)	18
STEP 8	Between meetings	DIRECTOR receives request for vessel removal and all supporting information	23
		15 days from receipt of request: DIRECTOR transmits request and all supporting information to CPCs	24
		30 days from receipt of request: CPCs respond with rationale for position	25

Appendix 3.b.

**PROPOSAL A1-B
PRESENTED BY SPAIN**

NEW PARAGRAPH 18 FOR PROPOSAL IATTC-80 A-1A

New paragraph 18:

Upon receipt of the final IUU vessel list established by another regional fisheries management organization (RFMO) managing tuna or tuna-like species and any information regarding that list, the Director shall circulate this information to the CPCs. Vessels that have been added or deleted from the respective lists shall be incorporated into, or deleted from, the IATTC IUU Vessel List, as appropriate, unless any Party objects within 30 days of the date of transmittal by the Director, on the grounds that:

- i. there is satisfactory information to establish that the vessel did not engage in any IUU fishing activities, or that effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity, or
- ii. there is satisfactory information to establish that none of the requirements mentioned in i) above have been met with regard to a vessel deleted from the respective lists, or
- iii. there is insufficient information to make a determination pursuant to sub-paragraph (i) or (ii) above within 30 days.

In the event of an objection to a vessel listed by another RFMO managing tuna or tuna-like species being incorporated into, or deleted from, the IATTC IUU Vessel List, such vessel shall be placed on the provisional IUU Vessel List.

Appendix 3.c.

**PROPOSAL A2
SUBMITTED BY KOREA**

**PROPOSAL ON THE “RESOLUTION TO ESTABLISH A LIST OF
VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL,
UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE
EASTERN PACIFIC OCEAN (C-05-07)”**

12. Proposal

The Republic of Korea earnestly wishes to propose that subparagraph i of Paragraph 1 of the C-05-07 be amended as follows:

1. For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention are presumed to have carried out IUU fishing activities in the EPO, *inter alia*, when an IATTC Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively “CPCs”) present evidence that such vessels:

(...)

- i. ~~Are under the control of the owner of any vessel on the IATTC IUU Vessel List.~~

13. Rationale

Paragraph 1 lists examples of those vessels that are presumed to have carried out IUU fishing activities. Subparagraph i of paragraph 1 says that the vessels under the control of the owner of any vessel on the IATTC IUU Vessel List are presumed to have carried out IUU fishing activities. This subparagraph was first introduced in the Resolution C-04-04 to apply to non-Parties of the IATTC and then in 2005 to the Parties as well. However, from the legal and practical perspective, Korea finds subparagraph i not only unreasonable but against the general principles of law for the following reasons:

First, it is unjustifiable to presume other vessels under the control of the same owner of the vessel to have carried out IUU fishing activities when they are not directly linked to such activities. In most cases of fishing activities, vessels are controlled not by the owners but by the operators or captains. There must be established direct relationship between acts and liability. Only the vessel suspected of actual offence should be included on the draft IATTC IUU Vessel List drawn up by the Director. This subparagraph is therefore too excessive and against the general principle of imposing liability for some involvement in the wrongful act.

Second, it is related to the effectiveness or practicability of subparagraph i. For example, let us suppose that a company owns about 100 vessels which are operating in the Convention Area and that one of its vessels is on the IATTC IUU Vessel List. Then, according to the current subparagraph i, the other 99 fishing vessels will automatically be presumed to have carried out IUU fishing activities. This does not make sense and no effective presumption can stand in this case.

Furthermore, too much documentation would have to follow to determine whether those vessels should be included in the IATTC IUU Vessel List or not. It is time-consuming and moreover it would be extremely difficult to prove those vessels to be IUU vessels. Currently 22 vessels are in the IATTC IUU Vessel List and they all fished without authorization. As such, this subparagraph i has never been invoked and will be irrelevant.

Third, most of the RFMOs including the ICCAT, IOTC, CCAMLR and NEAFC do not contain any such a type of provision as subparagraph i in their IUU-related measures. However, the WCPFC mirrored such a subparagraph in its conservation measure on the IUU Vessel List in 2006 without substantial discussion on this issue, and it revised the conservation measure in 2007. At the 4th Annual Meeting of the WCPFC in December 2007, Korea with the support of several members raised this issue but failed. Since then this issue is under the negotiation process among members of the WCPFC.

14. WCPFC discussions

For the parties to understand this issue better, I briefly introduce the discussions in the WCPFC.

At the 4th annual meeting of the Technical and Compliance Committee of the WCPFC in October 2008, the Secretariat provided a paper analyzing this outstanding issue. Please see the attached paper (WCPFC-TCC4-2008/12). In conclusion, the paper suggested two options: one is to develop additional procedures to give effect to that provision and the other is to amend the provision. At the meeting, the majority favored retaining this paragraph while the minority favored its removal. The TCC4 recommended that the Commission will not apply the provision (paragraph 3(j) of the CMM2007-03) as a criterion for IUU listing in developing the Draft IUU vessel list in 2009. It also agreed that, during this period, the Secretariat, in consultation with interested CCMs, will develop additional procedures to give effect to this paragraph.

This recommendation was adopted at the 5th annual meeting of the Commission in December 2008. The CCMs will discuss this issue again in 4th annual meeting of the TCC of the Commission in October 2009.

[Attachment]: WCPFC-TCC4-2008/12

Appendix 3.d.

PROPOSAL IATTC-80 B1

SUBMITTED BY THE UNITED STATES

**RESOLUTION ON THE ADOPTION OF TRADE MEASURES TO
PROMOTE COMPLIANCE**

The Inter-American Tropical Tuna Commission (IATTC), meeting in [], on the occasion of its [] Meeting;

Noting that the objective of the IATTC is to maintain the populations of species covered by the IATTC Convention in the eastern Pacific Ocean (EPO) at the level which will permit maximum sustainable catches;

Considering the need for action to ensure the effectiveness of the measures to achieve the objectives of the IATTC;

Considering the importance, for the achievement of those objectives, that all Parties, co-operating non-parties, co-operating fishing entities and regional economic integration organizations (collectively "CPCs") take action to respect IATTC conservation and management measures;

Further considering the importance of having all CPCs and non-CPCs cooperate with the IATTC, in particular by taking measures or exercising effective control to ensure that their vessels do not engage in any activity that [diminishes][undermines] the effectiveness of IATTC conservation and management measures;

Recognizing that positive incentives constitute an important factor for promoting compliance with fisheries conservation and management measures, and further recognizing the importance of market access, consistent with national legislation, for fish and fish products caught in conformity with the conservation and management measures of the IATTC;

Aware of the need for sustained efforts by CPCs to ensure the enforcement of IATTC's conservation and management measures, and the need to encourage non-CPCs to abide by these measures;

Noting that trade restrictive measures should be implemented only as a last resort, where other measures have proven unsuccessful to prevent, deter and eliminate any act or omission that [diminishes] [undermines] the effectiveness of IATTC conservation and management measures;

Noting that trade restrictive measures should be implemented in accordance with the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU);

Also noting that trade restrictive measures must be adopted and implemented in accordance with international law, including the World Trade Organization (WTO) Agreement, and, to this end, must be implemented in a fair, transparent and non-discriminatory manner;

Resolves as follows:

1. CPCs that import products of species covered by the IATTC Convention, or in whose ports those products are landed, should collect and examine as much import or landing data and associated information as possible on such products, and submit the following information to the Commission, where available, each year:
 - a. names and flags of the vessels that caught and produced such products;
 - b. species of the products;

- c. areas of catch (inside or outside the EPO);
 - d. product weight by product type;
 - e. points of export;
 - f. names and addresses of owners of the vessels; and
 - g. vessel registration number.
2.
 - a. The Commission, through the Permanent Working Group on Compliance (Compliance Working Group) or the Joint Working Group on Fishing by Non-Parties (Joint Working Group), as appropriate, shall identify each year:
 - i. CPCs that have failed to fulfill their obligations under the IATTC Convention in respect of IATTC conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with IATTC conservation and management measures by vessels flying their flags; and/or
 - ii. Non-CPCs that have failed to take measures or exercise effective control to ensure that vessels flying their respective flags do not engage in any activity that [undermines][diminishes] the effectiveness of IATTC conservation and management measures.
 - b. These identifications shall be based on a review of all information provided in accordance with paragraph 1 and any other relevant information, where available, such as: the catch data compiled by the Commission; trade information on these species obtained from national statistics; any IATTC statistical document program; the IATTC IUU Vessel List; as well as any other information obtained in ports and on fishing grounds.
 - c. In deciding whether to make such an identification, the Compliance Working Group or the Joint Working Group should consider all relevant matters, including the history, nature, circumstances, extent, and gravity of the act or omission that may have [diminished][undermined] the effectiveness of IATTC conservation and management measures.
 3. The Commission shall ask the CPCs and non-CPCs identified under paragraph 2 to rectify the act or omission that led to their identification, and shall notify them of the following:
 - a. the reason(s) for the identification, with all available supporting evidence;
 - b. the opportunity to respond to the Commission in writing, at least 30 days prior to the next Annual Meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation; and
 - c. in the case of a non-CPC, invite it to participate as an observer at the Annual Meeting where the issue will be considered and, as appropriate, invite it to consider becoming a cooperating non-Party.
 4. CPCs are encouraged, jointly and individually, to ask the CPCs or non-CPCs identified pursuant to paragraph 2 to rectify the act or omission that led to their identification under paragraph 2 so as not to [diminish][undermine] the effectiveness of IATTC conservation and management measures.
 5. The Commission, through the Director, shall, by more than one means of communication, transmit the Commission's request and notification to the identified CPC or non-CPC, and seek to obtain confirmation from the CPC or the non-CPC that it received the notification.
 6. The Compliance Working Group or the Joint Working Group shall evaluate the response of each CPC or non-CPC, together with any new information, and recommend that the Commission decide on one of the following actions to be applied to each CPC and non-CPC:

- a. revoke its identification made pursuant to paragraph 2;
- b. continue its identification made pursuant to paragraph 2; or
- c. adopt non-discriminatory trade restrictive measures.

Notwithstanding the consultation requirement, the absence of a response from CPCs or non-CPCs within the time limit set forth in paragraph 3 shall not prevent action by the Commission.

Trade-restrictive measures shall be considered by the Compliance Working Group or the Joint Working Group only after efforts have been made to consult, pursuant to paragraphs 3, 4 and 5 above, and only when other actions to promote compliance that are reasonably available to the Commission have proven unsuccessful.

7. The Commission shall notify the CPCs and non-CPCs concerned of the decision made pursuant to paragraph 6 and the underlying reasons for such a decision, in accordance with the notification procedures specified in paragraph 5.
8. If the Commission decides on the action described in paragraph 6.c, it shall recommend to the CPCs, pursuant to Articles I.2 and II.5 of the IATTC Convention, to take specific non-discriminatory trade restrictive measures, consistent with their respective international obligations, including those contained in the WTO Agreement.
9. CPCs shall notify the Commission of any measures that they have taken for the implementation of the non-discriminatory trade restrictive measures adopted in accordance with paragraph 8.
10. In order for the Commission to recommend discontinuing an identification, or the lifting of trade restrictive measures, the Compliance Working Group and/or the Joint Working Group shall review each year all trade restrictive measures adopted in accordance with paragraphs 6 and 8 and provide, as appropriate, opportunities for participation in the review by any affected CPC or non-CPC. Should this review show that the situation has been rectified, the Compliance Working Group or the Joint Working Group, as appropriate, shall recommend to the Commission discontinuing the identification or the lifting of the non-discriminatory trade restrictive measures, as appropriate. Such decisions should also take into consideration whether the CPCs and/or non-CPCs concerned have taken concrete measures capable of achieving a lasting improvement of the situation.
11. Where exceptional circumstances so warrant, or where the available information clearly shows that, despite the lifting of trade restrictive measures, a CPC or non-CPC continues to [diminish] [undermine] the effectiveness of IATTC conservation and management measures, the Commission may recommend immediate action regarding that CPC or non-CPC, including, as appropriate, recommending the re-imposition of trade restrictive measures in accordance with paragraph 8. Before making such a decision, the Commission shall ask the CPC or non-CPC concerned to immediately rectify the act or omission which the Commission has determined requires immediate action and shall provide the CPC or non-CPC with a reasonable opportunity to respond.
12. The Commission shall establish annually a list of CPCs and non-CPCs that are subject to a trade restrictive measure pursuant to paragraph 8.
13. The Commission recognizes the importance of market access, consistent with national legislation, for fish and fish products caught in conformity with the conservation and management measures of the IATTC, to promote compliance with such measures.

Appendix 3.e.

PROPOSAL IATTC-80 B1a
PRESENTED BY PANAMA

PROPOSAL TO MODIFY PROPOSAL IATTC-80 B1

Adding paragraph 14, as follows:

14. Without prejudice to the rights of CPCs to undertake relevant actions, compatible with international law, CPCs should not take any unilateral trade measures nor impose sanctions on CPCs and non-CPCs, identified in accordance with paragraph 2.

Appendix 3.f.

PROPOSAL IATTC-80 C1-G

PRESENTED BY SPAIN AND THE UNITED STATES

**RESOLUTION TO MITIGATE THE IMPACT ON SEABIRDS OF FISHING
FOR SPECIES COVERED BY THE COMMISSION**

The Inter-American Tropical Tuna Commission (IATTC):

Recognizing that some threatened and endangered seabird populations are found in the eastern Pacific Ocean (EPO);

Understanding that bycatches of seabirds are known to occur in the longline fisheries operating in some areas of the EPO; and

Reaffirming the importance of implementing the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries;

Believing that fisheries observer programs can greatly increase the understanding of the extent of interactions between seabirds and fisheries, and the evaluation of how seabird bycatch mitigation measures can be most effectively applied; and

Taking account of the work of the IATTC, including the IATTC Technical Meeting on Seabirds held on 11 May 2009, that has showed that combining different mitigation measures is more effective than the use of a single measure in reducing bycatch of seabirds; and

Noting that scientific research into mitigation of seabird bycatch in longline fisheries has shown that the effectiveness of measures depends on the type of vessel, the season, and the species of seabirds present; and

Noting that effective mitigation measures can reduce the loss of bait and therefore increase catches;

Resolves as follows:

1. Contracting Parties, Cooperating Non Parties, fishing entities and regional economic integration organizations (collectively "CPCs") shall report to the Commission on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for reducing incidental catches of seabirds in longline fisheries.

2. CPCs shall require their longline vessels⁵ that fish for species covered by the Commission in the EPO north of 23°N (except the Gulf of California and the area east of a line drawn from the intersection of the 28°N parallel and the coast of Baja California down to 23°N) and south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S (see Annex 1) to use at least two of the mitigation measures in Table 1, including at least one from Column A.

Table 1: Mitigation measures

Column A	Column B
Side setting with bird curtains and weighted branch lines	<i>Tori</i> line
Night setting with minimum deck lighting	Weighted branch lines
<i>Tori</i> line	Blue-dyed bait
Weighted branch lines	Deep-setting line shooter
	Underwater setting chute
	Management of offal discharge

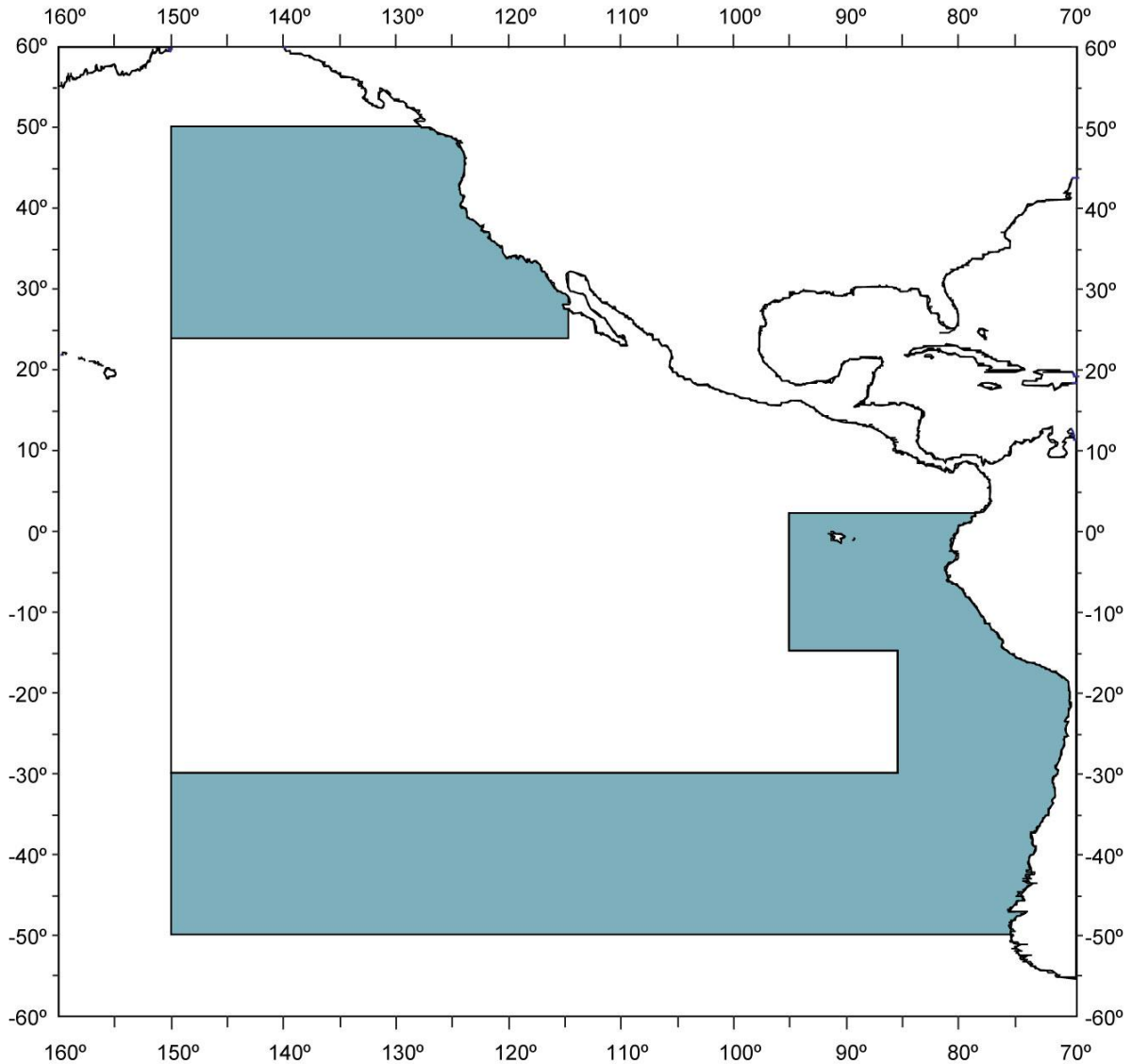
3. CPCs with longline vessels fishing in other areas of the EPO are encouraged to voluntarily employ at least one of the mitigation measures in Table 1.
4. The Commission shall, by its 2010 annual meeting, adopt minimum technical specifications for the mitigation measures in Table 1. Specifications shall be based on the advice of the IATTC staff, the Working Group on Bycatch, the Scientific Committee, or any other relevant information that the IATTC wishes to use for this purpose, and shall take into account the results of research envisaged in paragraph 8 below, along with the minimum technical specifications adopted by other relevant organizations, such as those included in the Western and Central Pacific Fisheries Commission Conservation and Management Measure 2007-04.
5. CPCs shall inform the Commission, by 1 May 2011, and annually thereafter, of the mitigation measures, including the relevant technical specifications that their flag vessels plan to employ in the implementation of this resolution.
6. CPCs are encouraged to work, jointly and individually, to undertake research to further develop and refine methods for mitigating seabird bycatch, including measures for use during the process of hauling in longlines, and shall submit to the Commission any information derived from such efforts. Preferably, research should be undertaken in the fisheries and areas in which the measures will be used.
7. CPCs shall provide annually to the Commission any available information regarding interactions with seabirds involving their flag vessels in the fishery, including bycatches of seabirds and details of seabird species and all relevant information available from observer or other monitoring programs.
8. CPCs are encouraged to establish national programs to place observers aboard longline vessels flying their flags or fishing in their waters, for the purpose of, *inter alia*, gathering information on the interactions of seabirds with the longline fisheries.
9. CPCs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longline fishing operations are released alive and in the best condition possible, and that, whenever possible, hooks are removed without jeopardizing the life of the seabird.
10. CPCs shall begin implementation of this resolution no later than 1 May 2011.
11. The effectiveness of this resolution to reduce seabird bycatch in the EPO, including the mitigation measures in Table 1, the area of application, and the minimum technical specifications adopted pur-

⁵ Vessels propelled by outboard motors are not subject to this resolution

suant to this resolution, shall be evaluated at least biennially by the IATTC staff, the Working Group on Bycatch, the Scientific Committee, or any other relevant information that the IATTC wishes to use for this purpose.

12. This resolution replaces Resolution C-05-01.

Annex 1



Areas (shaded) within the IATTC Area in which the use of at least two mitigation measures for reducing seabird bycatch is required: north of 23°N (except the Gulf of California and the area east of a line drawn from the intersection of the 28°N parallel and the coast of Baja California down to 23°N) and south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S.

Appendix 3.g.

**PROPOSAL D1-A
SUBMITTED BY SPAIN**

RESOLUTION ON OBSERVERS FOR LONGLINE VESSELS

The Inter-American Tropical Tuna Commission:

Noting the need to ensure uniform and equitable treatment of all tuna-fishing vessels operating in the Eastern Pacific Ocean (EPO);

Recognizing the need to collect comprehensive data on interactions on non-target species, in particular, sea turtles, sharks and seabirds;

Noting that large purse-seine vessels operating in the EPO are required to carry scientific on-board observers in accordance with the International Dolphin Conservation Program;

Resolves as follows:

1. Each Party, co-operating non-Party, fishing entity and regional economic integration organisation (collectively "CPCs") shall ensure that, as of 30 June 2012, at least 5% of the fishing trips carried out by their large-scale longline tuna fishing vessels greater than 24 meters overall length carry an observer.
2. Each CPC shall provide the IATTC Secretariat by 1 February 2012 with the names of their vessels that will carry observers. Each CPC shall endeavor to ensure that observer coverage will be representative of the activities of its fleet.
3. The main task of the observer shall be to record catch levels of tuna species, species composition, as well as any interactions with non-target species, such as sea turtles, seabirds and sharks, and other data as required by the Commission.
4. The IATTC Secretariat shall draw up a draft common reporting format detailing the required data to be collected by observers, which shall be considered by the Scientific Committee and agreed by the Commission.
5. The CPCs shall submit on an annual basis to the IATTC Secretariat, by 31 March, the observers' information on the previous year's fishery.
6. The CPCs shall submit to the IATTC Secretariat, by 31 March of each year, a report, in the agreed format, on the observers' activities during the previous year.
7. The IATTC shall conduct a scientific review of the effectiveness of the level of coverage established in paragraph 1 above, with a view to making recommendations on any change that may be necessary to accomplish the objectives of this Resolution.

Appendix 3.h.

PROPOSAL E1

SUBMITTED BY SPAIN

**RESOLUTION ON THE LIMITATION OF FISHING CAPACITY IN TERMS
OF NUMBER OF LONGLINE VESSELS**

The Inter American Tropical Tuna Commission (IATTC),

Recognizing that the scientific staff of the Commission has expressed concerns about the status of the stocks of highly migratory species in the IATTC Area;

Taking note in particular of the conservation recommendations by the staff to introduce precautionary measures to avoid an increase in catches of this species;

Taking note of the conservation measures adopted in 2006 by the Western and Central Pacific Fisheries Commission and in 2007 by the Indian Ocean Tuna Commission;

Conscious of the need to avoid an overexploitation of stocks in its entire area of distribution;

Aware that the issue of excess fishing capacity is of worldwide concern, and is the subject of an International Plan of Action developed by the United Nations Food and Agriculture Organization (FAO);

Noting that the FAO International Plan of Action for the Management of the Fishing Capacity (IPOA-Capacity) stipulates in its Objectives and Principles that States and Regional Fisheries Management Organizations confronted with an overcapacity problem which is undermining the achievement of long-term sustainability outcomes, should endeavour initially to limit at the present level and progressively reduce the fishing capacity applied to affected fisheries;

Believing that it is important to limit fishing capacity in the IATTC Area in order to ensure that the fisheries in the region are conducted at a sustainable level;

Adopts, in accordance with the IATTC Convention, the following Resolution:

1. IATTC Parties and Cooperating Non-Parties (hereafter 'CPCs') shall limit the number of their longline vessels over 20 meters in length overall that fish in the IATTC Area to the number of their vessels active in the area during 2007.
2. The total tonnage of the vessels of a CPC defined in paragraph 1, expressed as the sum of their individual gross tonnages, shall be the limit of that CPC's capacity for its longline fleet. If vessels are substituted or replaced, the total tonnage of a CPC's vessels may not exceed this limit.
3. CPCs shall, by 1 February 2010, provide the Director with complete data on the presence of their active vessels covered by this Resolution in the EPO during 2007. In notifying the Director, CPCs shall verify the effective presence and fishing activities of such vessels in the EPO in 2007, through VMS records, catch reports, port calls, or other available information. The Commission staff shall have access to such information upon request.
4. During the period of application of this Resolution, a CPC may change the number of vessels on the list provided to the Director, provided that the CPC can either demonstrate that the change in the number of vessels will not lead to an increase of fishing effort for swordfish, or that it is directly limiting catches by using individual transferable quotas under a comprehensive national management

plan which has been provided to the Commission⁶.

5. Each CPC shall ensure that, if there is a proposed transfer of capacity to its fleet, the vessel or vessels to be transferred are on the IATTC Record of Longline Vessels or on comparable record of any other tuna regional fisheries management organization. No vessels on a list of IUU vessels of any regional fisheries management organization may be transferred.
6. This Resolution is applicable during 2009 and 2010. The Commission shall review its implementation at its Annual Meeting in 2010.

Appendix 3.i.

PROPOSAL H1

PRESENTED BY COSTA RICA, EL SALVADOR, GUATEMALA, MEXICO, NICARAGUA, PANAMA, AND VENEZUELA

RESOLUTION ON THE REVIEW OF THE PERFORMANCE OF THE ORGANIZATION

The Inter-American Tropical Tuna Commission (IATTC):

Taking into account the agreements and considerations emanating from FAO at its session of [...], as well as UN Resolution 61/105 of 2006 which exhorts Regional Fisheries Management Organizations (RFMOs) to undertake a review of their performance;

Noting the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan, on 26 January 2007, and in particular those related to Performance Reviews, as well as the considerations emanating from the meeting of the Chairs of tuna organizations held in March 2007 in San Francisco, California;

Recognizing that other RFMOs have made progress in the process of Performance Reviews; and

Aware of the importance of developing comprehensive evaluation criteria for measuring the performance of RFMOs appropriate to the reality of the organization, the fisheries that it regulates and their markets;

Resolves as follows:

1. The Commission shall conduct a review of its performance, for presentation at its annual meeting in 2010, with the goal of improving its effectiveness and efficiency in fulfilling its mandates.
2. This review shall be carried out on the basis of the criteria in Annex A taking into account all the programs and activities under the IATTC's responsibility and the relevant international agreements, and instruments related to the conservation and management of fisheries resources.
3. A Review Panel shall be constituted, which shall be responsible for carrying out the review of the performance of the IATTC, in accordance with this Resolution. This panel shall be composed of two/three representatives of IATTC Parties, a member of the Secretariat, and three external experts with suitable experience in fisheries science, in the management of fisheries resources, and in the legal regulation of fisheries, respectively.

⁶ Nothing in this resolution shall be interpreted to limit the rights and obligations of any developing coastal state to manage and develop the tuna fisheries under its jurisdiction or in which it maintains a longstanding and significant interest.

The external experts shall be internationally recognized, and shall have experience in, and knowledge on, matters for which the IATTC has responsibility. The members of the Panel should be nationals of the member countries with representations of four identified regions: North, Central and South America, and distant water fishing nations, with knowledge in fisheries management and international fisheries organizations, especially in IATTC's programs and activities.

4. The Review Panel Chairperson shall be a member of the Panel, elected by its members. The Panel may adopt its own rules of procedure and any guideline to perform its work as the members may deem necessary.
5. In order to integrate the Panel, the IATTC Secretariat shall prepare a list of 10 candidates each for both the experts and country representatives, which shall be sent to the Parties through email so they can indicate their respective preferences. The persons that receive the most votes will be selected to integrate the Panel. Member countries may submit the name of a prospective panelist.
6. 4. The Panel shall assess in its final report, the efficiency status of the organization, it shall identify the circumstances which implied such efficiency level and will provide to the Commission with the advice on tools, strategies and main actions to improve the level of efficiency assessed.
7. In reviewing the performance of the Commission and formulating its recommendations the Panel take into consideration the implications of the entering into force of the Antigua Convention
8. The IATTC Secretariat shall provide logistical support to the Review Panel, and its staff will participate in the work of the Panel as required by the members of the Panel.
9. Travel and accommodation costs for the participation in the meetings of the Review Panel for the external experts shall be borne by the IATTC budget. IATTC Parties shall bear the costs of their own representatives who participate in the sessions of the Review Panel. However, if this is not possible for them, their participation shall also be covered by the Commission's budget.
10. The Chair of the Panel shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2010 Annual Meeting. The Director shall distribute the report and recommendations to the IATTC Parties and observers, and publish them on the Commission's website. The Parties may then make their respective observations.
11. The Commission shall consider, and as appropriate adopt, such actions as may improve their performance, in accordance with the results of the review that that Panel presents, identifying, as appropriate, the necessary resources that this may imply on the basis of a cost-benefit approach.

Annex A

Suggested criteria for reviewing the performance of the Commission

	AREA	General Criteria	Detailed Criteria
1	<i>Collection, analysis, and scientific evaluation of information (data)</i>	Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the IATTC has agreed formats, specifications and timeframes for data submissions. • Extent to which the Parties and cooperating non-members of the IATTC, individually or through the Commission, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. • Extent to which fishing data and fishing vessel data are gathered by the IATTC and shared among members and other RFMOs. • Extent to which the IATTC is addressing any gaps in the collection and sharing of data as required. • Extent to which the data collected by the Commission complies with the stock assessment needs • Degree to which the financial resources allocated to data collection are appropriate • Availability of resources for such data collection.
		Living marine resources	<ul style="list-style-type: none"> • Status of the principal fish stocks under the purview of the IATTC in relation to the maximum sustainable yield or other pertinent biological parameters • Trends in the status of those stocks. • Status of the species that belong to the same ecosystems as, or that are associated with or depend on, the main target stocks (hereafter “non-target species”). • Trends in the status of those species.
		Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the IATTC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment. • Extent to which IATTC has developed capacity and infrastructure for carrying out in depth scientific analyses.
2	<i>Adoption of conservation and management measures</i>	Basis and efficiency of measures adopted	<ul style="list-style-type: none"> • Degree of correspondence between the scientific recommendations made by the scientific staff of the Commission and the conservation measures adopted by the Parties • Extent to which the IATTC has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available. • Extent to which the IATTC has adopted the best practices for fisheries management in accordance with the pertinent international instruments, especially those relating to the management of fisheries resources • Extent to which the precautionary approach and ecosystem

			<p>considerations are applied including the application of precautionary reference points.</p> <ul style="list-style-type: none"> • Extent to which the IATTC has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the IATTC has moved toward the adoption of conservation and management measures for previously unregulated fisheries resources (?) • Extent to which IATTC has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fishing on living marine resources and marine ecosystems. • Extent to which fishing gear and methods are selective, minimize discards and catches of juveniles, and are harmless to the marine environment • Extent to which the IATTC has adopted measures to minimize pollution, waste, discards, catch by lost, abandoned or unutilized fishing gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species • Extent to which the marking of fishing gear, in accordance with the Code of Conduct for Responsible Fishing, has been attempted
		Capacity management	<ul style="list-style-type: none"> • Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.
		Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the IATTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants in accordance with the status of the resources and taking into consideration article 5 of the Code of Conduct for Responsible Fishing and other applicable international instruments. • Extent to which the IATTC allocates fishing opportunities among its members in accordance with international standards.
3	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which IATTC Parties are fulfilling their duties as flag States under the treaty establishing the IATTC pursuant to decisions and measures adopted by IATTC and under other applicable international instruments.
		Port State measures	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted pertinent and necessary measures relating to the exercise of the rights and duties of its members as port States. • Extent to which Port State measures adopted by IATTC are effectively implemented taking into consideration the logistical resource capacity available in Developing States
		Monitoring, control and surveillance	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted integrated MCS measures (e.g., required use of VMS, observers, certification

		lance (MCS) *	<p>and catch documentation and trade tracking schemes, restrictions on transshipment)</p> <ul style="list-style-type: none"> • Extent to which MCS measures are effectively implemented . • Extent to which these systems contribute to the objectives for which they were created, including, VMS, and the tuna tracking and certification scheme.
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which the IATTC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which the IATTC, its Parties and cooperating non-members monitor and follow up on infractions of management measures • Extent to which these mechanisms are being effectively utilized • Extent to which there is reciprocity with other organizations and other states for the exchange of pertinent information
		Trade, market Access related measures and Sustainability	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted measures relating to the exercise of the rights and duties of its members as market States • [Extent to which the adoption of trade related measures by the IATTC, has contributed to the effective implementation of provisions of the IATTC Convention and conservation and management related measures adopted by the Commission and its Programs, including the AIDCP,, in accordance with the applicable provisions of the Commission and consistent with the contents of section 11.2 of the Code of Conduct for Responsible Fishing, including paragraphs 11.2.4, 11.2.5 and 11.2.6. • Extent to which these trade-related measures are effectively implemented • Extent to which market access is restricted by members to the entry of fisheries products for which the IATTC has responsibility and that have been captured in a manner either consistently or inconsistently with the conservation and management measures adopted by the Commission or those of the AIDCP, in accordance with the WTO.
4	<i>Functioning of the Organization</i>	Decision-making	<ul style="list-style-type: none"> • Extent to which IATTC has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner • Extent to which the decision-making procedures are effective and are a factor in the development and adoption of conservation measures
		Transparency	<ul style="list-style-type: none"> • Extent to which the IATTC is operating in a transparent manner, including the participation of NGOs with experience in fisheries resource conservation and management. • Extent to which the IATTC's decisions, reports of meetings, the scientific advice on which decisions are taken, and other

			relevant materials are made available to the public in a timely manner
		Dispute settlement	<ul style="list-style-type: none"> • Extent to which the IATTC has established adequate mechanisms for resolving disputes.
			•
5	<i>International cooperation</i>	Relationship to cooperating non-members	<ul style="list-style-type: none"> • Extent to which the IATTC facilitates cooperation between the Parties and non-members, including through the adoption and implementation of procedures for granting cooperating status.
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> • Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.
		Cooperation with other RFMOs	<ul style="list-style-type: none"> • Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
		Special requirements of developing States	<ul style="list-style-type: none"> • Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with fishing allocations or opportunities and the development of their capability effectively participate in the scientific assessments made within the framework of the IATTC, and their ability to participate in relevant meetings • Extent to which IATTC Parties, individually or through the IATTC, provide relevant assistance to developing States
6	<i>Financial and administrative issues</i>	Availability of resources for IATTC activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of the IATTC and to implement the IATTC's decisions. • Extent to which IATTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat. • Extent to which the cost of the Commission's projects and activities justify their financial costs, principally but not exclusively, by means of a cost-benefit analysis.

Appendix 4.a.

COMMUNIQUÉ FROM COSTA RICA TO THE 80TH MEETING OF THE IATTC ON THE OCCASION OF THE COMMENCEMENT OF THE ANTIGUA CONVENTION

Mr. President, Honorable Commissioners, distinguished cooperating members and organizations that accompany us:

As you are aware, the Republic of Costa Rica has had the honor of continuing the effort of ratifying the Antigua Convention, initiated by the United Mexican States in the month of January 2005, and successively materialized by the Republic of El Salvador, the Republic of Nicaragua, the Republic of Panamá, the Republic of France and Japan in July 2008, with which our countries have assumed the joint responsibility of facilitating the definitive initiation of modernizing the Inter-American Tropical Tuna Commission, with the entry into force of the Antigua Convention, the fruit of the most visionary farts of all the member countries of the IATTC that participated in its composition in the year 2003.

Since its adoption, the Antigua Convention, has received the additional ratification of the European Union, Belize, Korea and Canada, which demonstrates not only confidence in the organization but also additionally the commitment of our countries to assume together the challenges imposed by the new order of international fisheries management.

In the strengthening of the Inter-American Tropical Tuna Commission, we place great hopes for timely management for the sustainable use of the marine resources in the eastern Pacific Ocean. The experience that we have accumulated since the beginning of the Commission, will doubtless be able to guide us on a path that is not always simple, but clearly propitious for success in our purposes. Therefore, we wish to transmit a message of shared contentment about the beginning of this period of transition, which involves for us a renewed commitment so that the joint work of the Commission will continue to be an example in the management and ordering of the fisheries of the world.

Thank you very much

Luis Gerardo Dobles Ramírez

Head of Delegation

Appendix 4.b.

STATEMENT OF THE DELEGATION OF THE REPUBLIC OF GUATEMALA TO THE 80TH MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

The national section of the Republic of Guatemala, in the framework of the 80th meeting of the Inter-American Tropical Tuna Commission (IATTC), states, once more, that it maintains its constant, systematic and permanent opposition to the attempted denial of the rights that were recognized to it under International Law, as a developing coastal State, to have a tuna purse-seine fleet flying its flag, which was done by means of the Commission's Resolution C-98-11 and claims its ownership of 3,762 m³ of well volume.

It is frustrating that the country cannot use that which belongs to it, due to circumstances completely alien to its will and without having given its agreement to the alleged transfer of its capacity. The expressions of interest from national vessel owners who, legitimately and with every right, want to make use of the fishing opportunities that the country has, cannot be met.

On the one hand, Guatemala has complied with its commitments by not replacing those assets at the margins of the IATTC Regional Vessel Register, but rather has patiently maintained its claim and waited for the State of Right, justice and equity to be imposed. It is lamentable that none of these important legal values has been able to find acceptance in this painful situation.

On the other hand, it has seen with stupefaction how the volume of the fleet has been increasing, especially by utilizing the open door of inactive vessels which, by changing flag, are activated in accordance with Resolution C-02-03. We are not saying that these are illegal movements, since the text allows it, but they are inconsistent with the letter of the Resolution, whose object is to impede the growth of the fleet. There is also asymmetry among the States regarding their individual rights.

From that point of view, the Resolution is an unjust and ineffective framework, which does not achieve its objective but has been converted into a straitjacket that prevents Guatemala from replacing its assets.

In this scenario, Guatemala strongly reaffirms its right to replace its carrying capacity and maintains its claim by means of this statement.

In La Jolla, California, United States of America, 8 June 2009.