

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

3RD MEETING

LIMA (PERU)
10 JUNE 2004

DOCUMENT JWG-3-07

LIST OF VESSELS IDENTIFIED AS ENGAGED IN IUU¹ FISHING

At the second meeting of the Joint Working Group on Fishing by Non-Parties, held in Antigua, Guatemala, in June 2003, its terms of reference were agreed. Among the functions established by the terms of reference is that stated in 2.j: “propose criteria for and develop a list of vessels identified as being engaged in IUU fishing activities in the region to complement the list of vessels authorized to fish in the region as identified in the IATTC Regional Vessel Register.”

Document JWG-3-04 addresses the requirement of paragraph 2.a of the terms of reference that the Working Group “identify non-parties with vessels fishing in the region, and ... identify the individual vessels of non-parties,” and [Document JWG-3-05](#) the requirement of paragraph 2.b that it “review and monitor compliance by non-parties with the conservation and management measures of both the IATTC and the AIDCP.” The information in those documents should be helpful in organizing the required list of vessels.

Of course, criteria for defining compliance for the purposes of such a list need to be decided. The issue is complicated by the fact that there are two separate agreements, with different requirements. To be on the IUU list, must a vessel be fishing contrary to both agreements, or only one? One solution would be to have two separate lists, one for each agreement.

Other criteria issues are the nature and number of violations committed by a vessel, and in what period. The number of violations is relevant: for example, a vessel that failed to comply with a reporting requirement once would probably not be on the list, but a vessel that never reported or made only 10% of the required reports in a year, or some other period, might well be a candidate for the list. Similarly, one failure to release a sea turtle would not place a vessel on the list, but a vessel that persistently disregarded this requirement might be considered differently.

On the other hand, some compliance problems are sufficiently serious that the number of violations is not as important. For example, a purse-seine vessel that fished even though it was not on the list of active authorized vessels might be added to the IUU list automatically. In the case of closure violations, a vessel might not qualify for the list if it made only a single set, but it would if it fished for two weeks during a month-long closure, for example, or made a certain number of sets, or made only a small number of sets but did it two years in a row.

All these questions need to be addressed. The Working Group could establish guidelines and decide annually on a case-by-case basis which vessels should be on the list, or develop a more rigid formula, as was done by the Parties to the AIDCP in defining a “pattern of infractions” pursuant to that Agreement.

As regards the IATTC, following the approach in [Document JWG-3-05](#), the longline vessels that could be included on the IUU list would be those not reporting the required catch data. This would include the longline vessels of Belize, Georgia, Indonesia and St. Vincent. Honduras had vessels that did not report

¹ Illegal, unreported, and unregulated

catch data for 2002, but those vessels have all been deregistered.

Which purse-seine vessels to include on the IATTC IUU list would need careful consideration, although those vessels that violated the measures related to fleet capacity and tuna conservation closures during 2002 and 2003 might warrant special consideration.

The AIDCP IUU list would be limited to purse-seine vessels only. At present there are no non-parties with purse-seine vessels of capacity greater than 363 metric tons fishing in the eastern Pacific. Regarding the vessels of AIDCP Parties, vessels with persistently bad compliance records might be candidates for the list; this could include vessels identified as engaging in a “pattern of violations”, as defined under the AIDCP, or vessels recommended for inclusion on the list by the Parties.

Finally, there is the question of the consequences of a vessel being on the list. This is not mentioned in the TOR, and does not need to be addressed at this stage, but as this matter evolves the Working Group will need to consider how the list can be used most effectively to enhance compliance, the underlying reason behind creating the list.