

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

MINUTES OF THE MEETING

AGENDA

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2. Adoption of the agenda	
3. Approval of the minutes of the 82 nd Meeting	
4. a. The fishery in 2011 and status of the tuna and billfish stocks	IATTC-83-05
b. Review of the Commission staff's research	
b. Staff conservation recommendations	IATTC-83-05c
5. Report of the third meeting of the Scientific Advisory Committee	
6. Reports of Working Groups:	
a. Third meeting of the Committee for the Review of Implementation of Measures Adopted by the Commission.	
b. 12 th meeting of the Permanent Working Group on Fleet Capacity	
c. 11 th meeting of the Working Group on Finance	
7. Resolutions	
8. Administrative issues:	
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b. Financial audit of the Commission	
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10. Recommended research program and budget for 2013 and 2014	IATTC-83-11
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12. Trade, certification, and sustainability of tunas in the EPO	
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APPENDICES

1	List of attendees	
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2e	Financing for fiscal year 2013	C-12-05
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3d	83-E1 REV1 European Union. Conservation of hammerhead sharks caught in association with the fisheries in the IATTC Convention Area	
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3f	83-F1 REV1 European Union. Rules and procedures regarding confidentiality	
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3h	83-H1 Japan. Management of fishing capacity	
3i	83-J1 REV2 Canada. North Pacific albacore tuna	
3j	83-K2 Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Peru, Venezuela. Contribution by the IATTC to the AIDCP national observer programs	
3k	83-N1 Ecuador. Amendment of Resolution C-11-07 on the process for improved compliance of resolutions adopted by the Commission	
3l	83-Q1 Mexico. Observers on longline vessels	
3m	83-R1 United States. Amendment of Resolution C-05-07 on IUU fishing	
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5a	Opening statement by Mexico	
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5d	Proposal by Ecuador on modifications of the terms of reference of the <i>ad hoc</i> groups of experts for the resolution of the current disputes about capacity	
5e	Report of the Chair of the Committee for the Review of the Application of Measures Adopted by the Commission ("Review Committee")	
5f	Report of the Chair of the Working Group on Finance	

1. Opening of the meeting

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

In view of some differences among the delegations regarding the interpretation of the duration of the mandate of the Chair and Vice-Chair in office, a meeting of heads of delegation was held, which, after intensive efforts to bring opposed positions together, agreed that the current meeting would be chaired by the Chair of the previous meeting, Mr. William Gibbons Fly, of the United States, and that the election of a new Chair and Vice-Chair would be held at the end of the current meeting.

2. Adoption of the agenda

The agenda was approved with two changes. At the request of Mexico, an item was added on trade, certification, and sustainability of tunas, and item 2 on the election of the Chair and Vice-Chair of the IATTC was moved to item 15 of the agenda.

The Mexican delegation made an opening statement (Appendix 5a).

3. Approval of the minutes of the 82nd Meeting of the IATTC

Japan, supported by the European Union, asked that in future the minutes be circulated as soon as possible, that the comments received be incorporated, and that they be approved promptly during the intersessional period, and not a year later during the following meeting of the Commission.

Chinese Taipei expressed its dissatisfaction and reservations over the list of attendees (Appendix 1 of the Minutes). Excluding this list, the minutes of the 82nd Meeting were approved with a terminological correction (“catch limits” instead of “quotas”).

After the approval of the minutes, Chinese Taipei made a statement in which it emphasized that the list of attendees, Appendix 1 of the Minutes of the 82nd meeting of the IATTC, is incomplete and incorrect. Chinese Taipei added that, in a manner contrary to the practice followed by the IATTC in recent years, the list does not contain the full names of the affiliation or the agencies of some of the members of the delegation of Chinese Taipei, and even the e-mail addresses of some of these members are also incorrect. Chinese Taipei indicated that it had contacted Dr. Compeán for the necessary corrections to be made, but had received no response, and wished that its dissatisfaction be put on record. Chinese Taipei reiterated his request that the list be corrected as soon as possible and that this problem be resolved in the most proactive and impartial manner. Chinese Taipei expressed its wish that this type of problem not occur again in the future, and asked that this statement be reflected in the minutes of the meeting.

4. a. The fishery in 2011 and status of the tuna and billfish stocks

Dr. Compeán presented Document [IATTC-83-05](#), indicating that, as regards yellowfin tuna, the recent rates of fishing mortality were lower than those corresponding to the maximum sustainable yield (MSY), and it is estimated that the recent levels of spawning biomass are at about that level, indicating that this resource is not overfished.

Regarding bigeye tuna, it is estimated that the recent rates of fishing mortality are slightly above the level corresponding to MSY, and that the recent levels of spawning biomass are above that level. The results of this assessment indicate a recent (2005-2010) recovering trend for bigeye tuna in the EPO, subsequent to the IATTC tuna conservation resolutions initiated in 2004. However, at the beginning of 2011, a slight decrease of the spawning biomass began, and it is predicted that, at current levels of fishing mortality and with average recruitments, the observed rebuilding trend of the stock will not continue. Regarding skipjack tuna, there is uncertainty about its status in the EPO; there could be differences in the status of the stock between regions, and there is no evidence indicating a credible risk for the stocks of this species.

In response to various questions and comments, Dr. Compeán indicated that the document mentions the catches of bluefin tunas and of swordfish, and the assessment of albacore but not other assessments. In

the case of bluefin tuna, the intention had been to present the corresponding assessment at this meeting, but for reasons external to the Commission the assessment will be carried out soon in conjunction with the Pacific Bluefin Working Group of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), on dates to be defined. Regarding the assessment of North Pacific albacore, this was carried out in the ISC, and had been presented to the IATTC Scientific Advisory Committee (SAC) by one of its members.

With regard to billfishes, the work program was presented at the meeting of the SAC. Also, in 2011 a report on the stock of swordfish in the EPO in the south of the continent, likewise presented to the SAC, indicated that there was no need to take measures, since overfishing is not occurring.

Regarding striped marlin, in 2011 an assessment of the stock in the northern Pacific was carried out, and it was concluded that the stock is healthy. Assessments of blue and striped marlin will be carried out in 2013.

Regarding a comment by a Member that the Regional Vessel Register is incomplete as regards small vessels (less than 363 metric tons carrying capacity), Dr. Compeán indicated that occasionally data on the unloadings of vessels that are not on the Register are compiled, and thus information is obtained regarding to vessels that are operating even though they are not on the Regional Register.

In response to interventions on other matters, Dr. Compeán stated that the staff does not have information on the reduction of longline vessels since the Secretariat is not informed, about active longline vessels but it is known that the number of hooks has been increasing since 2008, but remains below the historical levels of the previous 20 years. Regarding tagging studies, the emphasized that the assessment of the data is ongoing and that when it is finalized, the data will be available.

b. Review of the Commission staff's research

Dr. Richard Deriso, Chief Scientist and Coordinator of Scientific Research, presented information about the work being carried out by the Commission staff.

The participants indicated that the work that the Commission carries out through its staff is laudable. A request was made for work for capacity building in developing Members by means of a workshop on tagging at the IATTC's [Achetines Laboratory](#) in Panama. A question was asked about whether these activities are reflected in the work program, since they involve a cost that should be assessed and prioritized by the Commission, as in other regional fisheries management organizations (RFMOs), in which the Members must approve this kind of activity. Greater cooperation with the ISC was requested, and a comment was made that a more effective work related to paragraph 14 of Resolution C-11-01 on fish-aggregating devices (FADs) should be carried out, and that this should be included in the agenda for the SAC.

Some Members indicated that the Achetines Laboratory could do much more, and that its results should be disseminated, and its activities further strengthened in order to have more effective results. A request was made that a document about the laboratory and its achievements be prepared for the Commission and the public in general, in addition to the description on the IATTC website.

Dr. Compeán explained that the costs of research activities are detailed in Document IATTC-83-11 on the budget, and that many activities are carried out with external funds. An example is the program for tagging tunas near the central Pacific Ocean, resources for which were obtained from the South Pacific Commission (SPC); many projects are supported by cooperation agencies of the Government of Japan, and a study on FADs was carried out with the resources from the International Seafood Sustainability Foundation (ISSF). The priorities regarding this matter are presented at the meeting of the SAC. Cooperation with SPC, as well as with other organizations in the Western Pacific, is very good.

Regarding FADs, Dr. Compeán noted that it is known how many there are and where they are deployed, but the movements of individual FADs and how many times a FAD is set on are unknown. If the Members agree, these data could be made available to all. Regarding the Achetines Laboratory, it is of great value for research, and is essentially supported by external projects. The intention is that these comple-

ment the available budget and promote work of interest to the Commission. The Commission's Annual Report contains a chapter dedicated to the work and progress in the projects carried out at the laboratory.

Panama extended an invitation to visit the Achotines Laboratory to observe its work and achievements directly.

Mexico indicated that it would be important to have a document in which the external contributions were identified, and ensure that activities funded in this way and sometimes presented as priorities are consistent with the work assigned by the Commission as a whole to the Commission staff. He also emphasized the persistent lack of data on longline fisheries and on FADs, and urged the Commission to strive to obtain these data.

The EU stated that the IATTC scientific research program should be presented, on a yearly basis, during the plenary session, for approval by the Commission. The program should be presented as an IATTC working document to IATTC Members and Cooperating Non-Members (CPCs) in due time, and should indicate the suggested IATTC staff and Scientific Advisory Committee priorities for research activities and the related objectives and costs.

c. Staff conservation recommendations

Dr. Deriso presented the following recommendations by the scientific staff, contained in Document [IATTC-83-05c](#):

1. Have measures that are applicable for two years: 2012-2013

2. Yellowfin, bigeye, and skipjack tunas:

- a. Extension of the purse-seine closure:
 - i. Closure of 62 to 74 days in the Convention Area, in two periods.
 - ii. Exception of one 30-day trip by Class-4 vessels with an observer
 - iii. Closure of the high-seas area (29 September-29 October)
 - iv. Other applicable provisions of Resolution C-11-01
 - v. Longline catch limits as in Resolution C-11-01 (adjusted if a 74-day closure is chosen for the purse-seine fishery).
- b. Alternatives to extending the closure:
 - i. Individual Vessel Quotas of $[0.56][1.2]$ t/m³ for yellowfin and bigeye
 - ii. Extend to five months the closure in the high-seas area.

3. Pacific bluefin tuna

- a. Commercial fishery: 2012-2013: annual catches no greater than the 1994-2007 average
- b. Sport fishery: effort no greater than the 2006-2010 maximum
- c. Monthly reports of catches and fishing effort.

4. North Pacific albacore tuna

- a. Establish an *ad hoc* working group to develop an operational definition of the "current levels" of effort specified in Resolution C-05-02
- b. Amend Resolution C-05-02 as regards reports of catch and effort in the EPO.

The European Union indicated its dissatisfaction with the process for developing and presenting the recommendations of the scientific staff, in particular, to what extent the Scientific Advisory Committee (SAC) reviewed them, more so when the Committee has never been able to reach the quorum necessary for meeting formally. The EU stated, in particular, that the IATTC scientific staff's advice and management recommendations should be systematically and exhaustively reviewed by the SAC, and should be presented to the Plenary as IATTC scientific staff and SAC joint advice and recommendations, in line

with the more modern approaches used in international fishery management, granting at the same time, the maximum level of participation and transparency in this fundamental process. In this regard, access to task I and task II data for all relevant fleet segments targeting species under the competence of the IATTC should be also granted to all CPC scientific representatives, as well as non-governmental organization (NGO) observers. The United States emphasized the importance of having rules of procedure that would allow alternative mechanisms for participation in the SAC to be utilized, such as videoconferences. Japan referred to the need to ensure that a document with the scientific staff recommendations be presented to the Committee before being presented to the Commission. In response to those comments, Dr. Compeán expressed his concern about the lack of participation by scientists from all the Members in the meetings of the Committee. As regards the process, he indicated that, in fact, the recommendations had been considered and discussed by the Committee. He added that the Antigua Convention defines precisely and clearly the role of the scientific staff of the Commission and of the SAC and their respective competencies. In this regard, various Members reiterated their satisfaction with the work of the scientific staff, noting that it provides objective and impartial recommendations, and recalled that, in accordance with Article 13 of the Antigua Convention, it is the Director's function to present the recommendations of the scientific staff, following consultations with the SAC. Others agreed on the need to ensure that a quorum is reached during the meetings of the Committee, since having a large presence of Members is essential and therefore the requirement of a quorum is particularly important, and that to this end it was necessary to provide for greater support so that scientists from all member countries could participate in its meetings. However, they noted that, even in the absence of a quorum, the prescribed procedure was properly observed by the scientific staff in developing its recommendations.

In addition, and in answer to a question on the impact of FADs, Dr. Compeán stated that they had indeed a negative impact on the sizes of the fish in the catch.

5. Report of the third meeting of the Scientific Advisory Committee (SAC)

Dr. Compeán presented the report of the SAC, and indicated that the Committee recommended that:

1. The IATTC staff:
 - i. carry out an assessment of dorado (mahi-mahi; *Coryphaena hippurus*) in the EPO.
 - ii. consider using a different method for assessing the stock of Pacific bluefin tuna in the EPO, and present a new management recommendation based on a quota greater than the average annual catches during 1994-2007.
 - iii. establish clear rules for developing scientific documents, including the presentation of data (this recommendation was also made in 2010).
 - iv. carry out investigations of the natural mortality rate of yellowfin, noting that the best way of carrying them out is more tagging studies.
 - v. carry out the identification of individual FADs in the EPO for research and monitoring purposes, including an assessment of fishing effort.
2. the Commission:
 - i. adopt rules on the availability of fisheries data with a standard similar to the other RFMOs. The current situation regarding the availability of data for research purposes is not satisfactory (this recommendation was also made in 2011).
 - ii. consider the work of the staff on points of reference and control limits for harvesting rates when adopting objectives and limits by stock.
 - iii. consider changing the position of the high-seas closure area, as a suitable conservation measure for juvenile bigeye.
3. that the values for steepness in the stock-recruitment relationship used in the yellowfin assessments be discussed during the external review of these assessments in the autumn of 2012.

4. that effective days fishing (excluding transit days) be used as a measure of fishing effort when the 5% coverage by observers aboard longline vessels is implemented.
5. that research experiments be carried out on the reduction of the incidental mortality of sharks, and on the estimate of survival of sharks caught by all types of fishing gear, giving priority to the gears with significant catches. The experiments on survival should include studies of the effect on survival of shorter sets and of the use of circular hooks.
6. that a fund be established to support research into the mitigation of catches of sharks and for data-collection projects.

The presentation of the report gave rise to a discussion on various organizational aspects related to the Committee, including its relationship with the Director (who chairs it) and the scientific staff of the Commission.

The European Union requested that the IATTC SAC report be regularly reviewed and discussed by SAC participants, and formally adopted by SAC Members, with the opportunity of introducing minority views in the report. The European Union suggested that the question of whether the Secretariat or a rapporteur selected by the Committee should prepare the reports of the Committee's meetings be discussed. He also stressed that the report should be distributed as soon as possible, and not be made available to the Members barely a week before the annual meeting of the Commission. Dr. Compeán noted that the Committee has always been willing to nominate a rapporteur, and that nominations for the post are welcome. For its part Mexico noted that this is a decision that should be taken by consensus. Regarding the second point, he explained that this was linked to the dates of the meeting of the Committee and that, if those dates were moved forward in order to separate the meetings of the Committee and the Commission, it would not be possible to make the most recent stock assessments available to the Committee.

Ecuador stated that the functional relationship between the Committee and the Commission should be better defined, within the framework of determining a strategy, and that matters should be clarified before the next meeting of the Commission, when new conservation and management measures would be considered. Mexico recalled that those relationships were defined clearly and precisely in the Antigua Convention, in particular with regard to the process of developing the recommendations and their presentation to the Commission by the scientific staff through the Director.

The Members expressed concern about the lack of a quorum that had prevented the Committee from meeting formally. It was agreed that greater participation was necessary. In this regard, the European Union stated its willingness to consider the possibility of contributing to the special fund established by Resolution C-11-11 to ensure the participation of scientists from developing Members in the meetings and activities of the Committee. The EU also noted that the only IATTC staff recommendations presented and discussed during the 2012 SAC session were those related to the extension of the duration of the time closure. These recommendations were then circulated to all IATTC Members and Cooperating Non Members. A second set of recommendations, which were disseminated only later and after the first distribution, and related to bigeye quota per vessel and extension of the duration of the high seas (*corralito*) closure, were not exhaustively discussed by the IATTC SAC. In this regard, the EU queried on the reason why the relocation of the *corralito* closure was not considered in this second set of recommendations by the IATTC scientific staff.

The consideration of the recommendations on mahi-mahi and on sharks gave rise to a discussion of the interpretation of the provisions of the Antigua Convention regarding vessels covered by the Convention and the adoption of an ecosystem approach. Some CPCs stated that fishing vessels targeting sharks and mahi-mahi are not covered by the Convention, whereas other CPCs stated that they are covered by the Convention. No conclusion was reached on this point.

Canada recalled that in 2010 it had presented a proposal on the precautionary approach, and asked whether the Commission had considered it. Dr. Compeán answered that a document had been prepared for consideration by the Committee in which that proposal had been taken into account in its substantive aspects,

and that the staff was working to prepare a proposal for the Commission, as indicated in that document.

In response to comments by the European Union, Dr. Compeán explained that there had not been consensus within the Committee regarding modifying the position of the closure area established in paragraph 5 of Resolution C-11-01, nor about the possible extension of the closure periods, .

A Member suggested that the Committee provide a recommendation on tropical tunas directly to the next meeting of the Commission. However, another Member objected, and recalled that this was already defined in the Antigua Convention. Some Members agreed with the need to receive advice from the SAC, but stressed that it was not possible to replace the procedures nor the role of the scientific staff as defined in the Antigua Convention.

Dr. Compeán also noted that the SAC had recommended an adjustment of the high-seas closure area, which was not included in the scientific staff's recommendation because of the difficulty of evaluating its effectiveness before presenting this option to the Commission.

6. Reports of the working groups:

a) Permanent working group on fleet capacity

Mr. Luis Dobles, Chair of the working group, presented the corresponding report (Appendix 5b), highlighting two proposals for resolutions for consideration by the Commission, on rules of procedure for capacity loans or concessions and on a protocol for sealing wells. After reviewing them, the Commission approved them as Resolutions C-12-06 and C-12-08, respectively (Appendices 2f and 2h).

The United States and Ecuador presented two proposals for modifying the draft terms of reference for the ad hoc groups of experts for the resolution of current disputes regarding capacity (Appendices 5c and 5d). Due to lack of time, the Commission was not able to discuss these proposals in depth nor reach agreement on the terms of reference, leaving this matter for its next meeting.

b) Review Committee

The Chair of the Committee, Mr. David Hogan, of the United States, presented the report of the third meeting of the Committee (Appendix 5e). The Commission adopted the following recommendations by the Committee:

1. Remove from the IUU¹ List the vessel *Mar Cantábrico* (Bolivia) and restore it to the IATTC Regional Vessel Register. Also, withdraw from the List the seven Indonesian vessels: *Bhineka*, *Hiroyoshi 17*, *Jimmy Wijaya 35*, *Permata 1*, *Permata 2*, *Permata 6*, and *Permata 8*.
2. Grant Bolivia the status of Cooperating Non-Member.
3. Grant the status of Cooperating Non-Member to Cook Islands, on condition that it participate in the meetings of the Review Committee and of the Commission, as well as submit the relevant information on compliance with the conservation and management measures adopted by the Commission.

On another matter, the Commission was asked to review options regarding the deadlines established in Resolution C-11-07 for submitting information necessary for the work of the Committee. The proposal presented by Ecuador on this matter was reviewed (Appendix 3k), without reaching a consensus.

Bolivia expressed its gratitude for being granted the status of Cooperating Non-Member of the IATTC and for the agreement to withdraw the vessel *Mar Cantábrico* from the IUU List and restore it to the IATTC Regional Vessel Register. He stated that Bolivia would shortly initiate the process necessary for being Party to the Antigua Convention.

c) Working Group on Finance

¹ Illegal, unreported, and unregulated

The Chair of the Working Group, Mr. Bradley Wiley, of the United States, presented his report (Appendix 5f) of the meeting, held on 22 June 2012. The Group recommended that the current formula be used during 2013-2017 at least. Taking into account this recommendation, the Commission approved Resolution C-12-04 (Appendix 2d).

7. Resolutions

Nine resolutions and one recommendation were approved.

a) Resolutions adopted

1. **Amendment to Resolution C-11-01 on tuna conservation (C-12-01;** Appendix 2a). Of the various possible amendments that were discussed, including increasing the length of the closures from 62 to 74 days or other alternative measures, the only ones adopted were those in the proposal presented by Vanuatu on exemptions due to *force majeure* to compliance with the closures prescribed by the resolution. Mexico noted the importance that both the request and the opinion issued by CPCs on being consulted about the request should be suitably justified in each case'. . Although Vanuatu request for F/V Mirelur force majeure exemption submitted along with its proposed amendments to Resolution C-11-01 was debated and not objected, it was required by the European Union that Vanuatu makes its formal request for exemption in accordance with the adopted amendments to Resolution C-11-01. Vanuatu did agree with the European Union proposal and indicated that it would submit its formal request to the Secretariat for circulation to all IATTC members.
2. **Establishment of a Committee on administration and finance (C-12-02;** Appendix 2b).
3. **IATTC rules of procedure (C-12-03;** Appendix 2c). This resolution was adopted with a statement by Mexico noting that approving texts whose improvement was difficult to achieve, especially when not all Members were able to participate adequately in their discussion, was not the most appropriate way to proceed.
4. **Ad hoc financing for fiscal years 2013-2017 and beyond (C-12-04;** Appendix 2d).
5. **Financing for fiscal year 2013 (C-12-05;** Appendix 2e). For 2012, consistent with past practice, the Commission will continue to pay no more than 30 percent of the costs associated with the AIDCP On-Board Observer Program for vessels of Members. Members acknowledged that that any decision to change this percentage of the costs in the future would require a consensus decision by the Commission and that the percentage would change to the extent to which the work and use of the data collected and used by the IATTC exceeded 30%..
6. **Rules of procedure regarding capacity loans or concessions and chartering of vessels with temporary transfers of capacity (C-12-06;** Appendix 2f).
7. **Amendment to Resolution C-11-09 on establishing a program for transshipments by large-scale fishing vessels (C-12-07;** Appendix 2g).
8. **Protocol for sealing fish wells on purse-seine vessels (C-12-08;** Appendix 2h). The Commission adopted these guidelines with a statement by the European Union that it would not oppose the consensus but had to note that the practice of sealing wells had never been approved by the Commission (a final decision on the legality of these operations is pending since 2006) and, on the contrary, should be prohibited or discouraged.
9. **Conservation and management measures for bluefin tuna in the eastern Pacific Ocean (C-12-09;** Appendix 2i). This resolution was adopted with a statement by Korea and another by Mexico. Korea stated that the adoption of this resolution and its implementation should not affect the conservation and management actions or decisions that the Western and Central Pacific Fisheries Commission (WCPFC) may take with regard to this species. Mexico stated that, as it is the same

stock, it was essential that measures be taken by the WCPFC since they would have a greater effect and, therefore, this recommendation would be revised next year if necessary.

10. Recommendation on best available science (C-12-10; Appendix 2j).

In addition, a proposal for a resolution on an assessment of the stocks of dorado (mahi-mahi) was considered. The Commission approved carrying out this assessment, subject to the priorities adopted regarding research, but noted that, due to its nature, it was not a decision that required adopting a resolution.

b) Proposals presented or circulated but not approved

1. **Catch certification system.** The European Union presented this proposal (**Proposal B-1 REV 1; Appendix 3a**) which did not reach the required consensus.
2. **Minimum standards for in-port inspections (Proposal C-1 REV 1; Appendix 3b).** This proposal presented by the European Union was not approved. Various delegations pointed out the links between this proposal and the Agreement on Measures Adopted by Port States adopted in FAO, and that it was not possible to adopt this type of resolution while various Members of the Commission continued to discuss the possibility of ratifying or adhering to that agreement. Other delegations expressed their agreement with the adoption by the IATTC of measures of this type, provided they were designed taking into account the needs of the Commission itself.
3. **Management of FADs (Proposal D-1-REV 2; Appendix 3c)** A majority of the Members supported this proposal, submitted by Colombia and the European Union on the management of FADs, describing it as necessary. However, there was not enough time to consider a modification proposed by the United States, so it was not possible to finish the discussion and perhaps approve this resolution.
4. **Hammerhead sharks (Proposal E-1 REV 1; Appendix 3d).** Despite intensive discussions, this proposal by the European Unión did not achieve the consensus necessary for its adoption.
5. **Silky sharks (Proposal E-2 REV; Appendix 3e).** Despite intensive discussions, this proposal by Colombia did not achieve the consensus necessary for its adoption.
6. **Rules and procedures regarding confidentiality (Proposal F-1 REV 1 and F-1 A; Appendices 3f and 3g).** This proposal, submitted by the European Unión and complemented by a proposal submitted by Ecuador, did not achieve the consensus necessary for its adoption.
7. **Management of fishing capacity. (Proposal H-1; Appendix 3h).** This proposal, submitted by Japan as an amendment of the proposal that it had presented the previous year, did not achieve the consensus necessary for its adoption. In particular, various delegations stated that before freezing definitively the capacity of purse-seiners in the EPO, the existing issues regarding capacity disputes should be resolved
8. **North Pacific albacore tuna (Proposal J-1 REV2; Appendix 3i).** There was not enough time to consider the second revision of this proposal submitted by Canada, so it did not achieve the consensus necessary for its adoption.
9. **Contribution by the IATTC to the AIDCP national observer programs. (Proposal K-1; Appendix 3j).** In view of the budget situation facing the Commission for 2012, this proposal by Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Peru, and Venezuela, for additional funding from the Commission to support national observer programs, was withdrawn. However, these delegations made clear their interest in continuing the discussion on this point at future meetings, with a view to increasing the level of observer funding from the Commission in the future.
10. **Amendment to Resolution C-11-07 on the process for improved compliance of resolutions adopted by the Commission. (Proposal N-1; Appendix 3k).** Despite a general agreement among

the Members regarding the need to reconsider the deadlines established for the submission of information to the Commission, this proposal, submitted by Ecuador, could not achieve the consensus necessary for its adoption.

11. **Observers on longline vessels. (Proposal Q-1 A; Appendix 3l).** Due to the lack of time for considering this proposal by Mexico, it was postponed until the next meeting of the Commission.
12. **Amendment of Resolution C-05-07, IUU Vessel List (Proposal R-1, Appendix 3m).** Due to the lack of time for considering this proposal by the United States, it was postponed until the next meeting of the Commission
13. **Rules of procedure for the provisional transfer of bigeye catch limits by large-scale longliners. (Proposal U-1; Appendix 3n).** Due to the lack of time for considering this proposal by Japan, it was postponed until the next meeting of the Commission.

8. Administrative matters

a) Rules of procedure for the IATTC and its subsidiary bodies.

After the presentation of the report of Mr. Derek Campbell, of the United States, Chair of the Working Group on this matter, and with two additional modifications in the text (amendment of paragraph 34; introduction of a paragraph indicating that the rules should be reviewed in 2015), the rules of procedure were approved by the Commission (Resolution C-12-03; Appendix 2c)

b) Financial audit of the Commission

It was reported that the Secretariat had duly distributed the auditor's report for 2012. There were no comments.

9. Technical assistance for developing countries

Dr. Compeán presented Document [IATTC-83-10](#), which reports on the actions carried out to support developing countries, as well as a plan for supporting them in accordance with Resolution C-11-11. He reported that a special account had been established for receiving contributions to the special Fund, but to date no contributions had been made., The European Union reported on its efforts to contribute to the Fund; however, in accordance with their government's rules when granting such funds, there is a "co-financing rule" requiring that a non-European Union contribution be made before making such a contribution itself. Japan advised that it would be difficult for it to contribute more than it was already through its contribution to the various work programs mentioned in the document. Costa Rica urged Dr. Compeán to take actions to obtain contributions to the Fund, and Mexico commented that non-governmental organizations (NGOs) interested in the species covered by the Antigua Convention could contribute to the Fund.

El Salvador pointed out the importance of technical assistance regarding sharks; it also mentioned that it requested support for a scientist of that country to participate in the meeting of the Scientific Advisory Committee but did not obtain the support requested, since the Fund is not yet operative. Ecuador expressed gratitude for the support that it had already received from the Commission and its staff with respect to technical assistance.

In response to a comment by Kiribati, Dr. Compeán reported that in August 2012 a course on observer training would be held in that country, thus responding to the interest that it had expressed regarding actions aimed at ensuring that observers in other ocean regions have the same level of competence and training as the observers in the EPO.

10. Recommended research program and budget for 2013 and 2014

Ms. Nora Roa-Wade, of the IATTC staff, presented Document [IATTC-83-11](#), which proposes an operating budget for 2013 of US\$ 7,361,149; an increase of approximately US\$ 1 million compared to the previous year. She explained that the requested amount was necessary to cover increased medical insurance costs for the staff; an obligatory employer contribution increase to the International Fisheries Commission

Pension plan which was supported by some Members at the meeting in 2011; an increase in staff salaries resulting from the reconfiguration of salary allocations from the AIDCP program; two positions related to the new obligations related to the management of sharks, and a 2% cost of living increase. She also reported that, despite the reduction of many budget line items, the Commission continued to face financial challenges deriving from non-payment of contributions by some of its Members.

Regarding this last point, Venezuela reported that the payment of its contribution was in process. Panama referred to a previously-submitted letter, which had been circulated to the Members of the Commission, explaining the cause of the five-year delay in payment of its contributions. Various Members urged Panama to pay its debts to the Commission as soon as possible.

After a long discussion, in which various delegations emphasized the impossibility of accepting the proposed increase, the Commission adopted a budget of US\$ 6,335,009 for 2013 (**Resolution C-12-05**; Appendix 2e, in which the amount of the contribution of each one of the 21 Members is calculated in accordance with Resolution C-12-04).

Ms. Roa-Wade clarified that this 2% budget increase of US\$ 124,216 was not sufficient to cover neither the increase of US\$ 208,560 for the required additional contribution to the pension fund nor the increase resulting from the reconfiguration of salary allocations from the AIDCP program, totaling US\$ 427,249 so in effect reflects a budget reduction. As a result, the operating budget would not be sufficient to cover, among other things, any portion of annual meeting costs. Consequently, these costs, which include airfare, food, and accommodations for participating staff, must be borne by the Member hosting the meeting, in addition to all costs for simultaneous interpretation. Ms. Roa-Wade also noted that the staff would no longer be able to print any IATTC publications for distribution, nor replace field office vehicles, which are old and require costly repairs.

With regard to this decision, the United States expressed its concern regarding the effects that it could have on the work of the Commission and its staff, and particularly regarding programs of activities related to sharks. He reminded the Commission of its legal obligation to finance the pension fund, as reflected in the Commission's Annual Report for 1957². Canada requested status reports on the situation with the pension fund. Similarly, Mexico indicated that on the one hand, the Commission increased the work and the responsibilities of its staff and the work program, but on the other hand, did not agree to the increase in the budget necessary to support those new activities. Likewise, he noted that new responsibilities should not be assigned if there was no clearly identified budget for this purpose, and that it would not be appropriate to require the staff to carry out activities when there were no resources necessary to do so.

The European Union requested that future budget documents be presented in a more detailed format. Canada added that this information should be provided 4 weeks in advance of the annual meeting. In accordance with Article VII.1.u of the Antigua Convention, Mexico, co-sponsored by Canada, presented a proposal establishing an Administration and Finance Committee as a new subsidiary body of the Commission which the Commission approved (Resolution C-12-02; Appendix 2b).

11. Observer program for transshipments at sea

Mr. Ricardo Belmontes, of the IATTC staff, presented Document [IATTC-83-12](#) on the development of this program in the last year. He reported that the program, which has functioned for three and a half years, has developed normally and without problems nor infractions. He indicated that the number of observers assigned and of days at sea, as well as of transshipments and fish transshipped has increased con-

² [The Commission] "Approved an employee retirement plan developed for the several international fishery Commissions of which the United States is a member, and authorized the inclusion in the recommended budget for joint expenses of the Commission during fiscal year 1958-1959, the amount of \$10,000 for this purpose, this amount being in addition to the amount of \$352,725 previously approved for the joint expenses of the research program."

stantly every year.

It was agreed that the contract with the Marine Resources Assessment Group (MRAG) for operating the program should be renewed, with a budget of US\$ 1 million for 2013, the same as for 2012.

The European Union requested that, similarly to other RFMOs that have implemented the same program, in addition to the Secretariat's report of the previous year implementation of the program, the report of the implementing body (MRAG) be also circulated in due time to all CPCs, starting from the next Plenary.

The Director agreed with this suggestion, and will circulate the MRAG transshipment report in due time before the 2013 IATTC Plenary.

12. Trade, certification and sustainability of tunas in the EPO

Due to lack of time, this item could not be addressed, and its consideration was postponed until the next meeting of the Commission.

13. Review of the IATTC's performance

Dr. Compeán recalled the difference of opinion about whether the evaluation should include the AIDCP or not.

In view of the persistence of the situation, and despite a call by various Members to reach an agreement, taking into account particularly that all the other tuna RFMOs had finalized their respective review process, it was not possible to reach a consensus on a draft resolution.

14. Amendment of Resolution C-05-07, IUU Vessel List

Due to lack of time, the proposal presented by the United States (proposal R-1, Appendix 3m) to modify Resolution C-05-07 on the procedures for including vessels in the IUU list could not be discussed, leaving this matter for the next meeting of the Commission.

15. Chairs of working groups

This item was not discussed.

16. Election of the Chair and Vice-Chair

The meeting was temporarily suspended due to the request of the Chair to leave before it was adjourned. Mr. Alvin Delgado, of Venezuela, was elected to chair the remainder of the meeting as well as Chairman of the Commission for the intersessional period and the meeting of the Commission in June 2013. The election of the Vice-Chair was left pending.

17. Other business

In response to a request by Canada, the Chair convened a meeting of the Heads of Delegation to discuss issues related to the term of the Director under the provisions of the Antigua Convention. Article XII of the Antigua Convention provides that:

“The term of the Director shall be of 4 years, and he may be reappointed as many times as the Commission decides.”

The principal purpose of the Heads of Delegation meeting was to seek consensus among the Members of the Commission as to the specific dates associated with the beginning and end of the Director's four-year term. As reported by the Chair to the Plenary of the Commission, the Heads of Delegation reached a consensus that the term began with the entry into force of the Antigua Convention on August 27, 2010, and would conclude on August 26, 2014. The Chair noted that the Heads of Delegation further agreed that a decision on whether to reappoint the current Director or to select a new Director will be required well in advance of that date, and that a process was needed for identifying potential candidates, including the current Director, and taking a decision. He also noted that they agreed that this issue should be considered and such a process adopted at the annual meeting of the Commission in 2013.

18. Place and date of the next meeting

This item was not discussed.

19. Adjournment

The meeting was adjourned at 8:50 p.m. on 29 June 2012.

Appendix 1.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

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INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-01

**AMENDMENT TO RESOLUTION C-11-01 ON TUNA
CONSERVATION**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Aware of its responsibility for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its Members and Cooperating non-Members (CPCs) with regard to these resources;

Recognizing that the potential production from the resource can be reduced if fishing effort is excessive;

Aware that the capacity of the purse-seine fleets fishing for tunas in the Convention Area continues to increase;

Taking into account the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach;

Recognizing the importance of conservation measures taken by the Western and Central Pacific Fisheries Commission (WCPFC) for the tuna stocks in that region and the stocks of highly migratory tunas in the Pacific Ocean;

Agrees:

To apply in the Convention Area the conservation and management measures for yellowfin and bigeye tuna set out below, and requests that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and report on such activities at the next meeting of the Commission;

1. These measures are applicable in the years 2011-2013 to all CPCs' purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the IATTC Convention Area.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) are not subject to these measures.
3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of 62 days in 2011, 62 days in 2012, and 62 days in 2013. These closures shall be effected in one of two periods in each year as follows:
 - 2011 – 29 July to 28 September, or from 18 November to 18 January 2012.
 - 2012 – 29 July to 28 September, or from 18 November to 18 January 2013.
 - 2013 – 29 July to 28 September, or from 18 November to 18 January 2014.
4. Notwithstanding the provisions of paragraph 3, purse-seine vessels of IATTC capacity class 4 (be-

tween 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. 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 shall be closed from 0000 hours on 29 September to 2400 hours on 29 October.

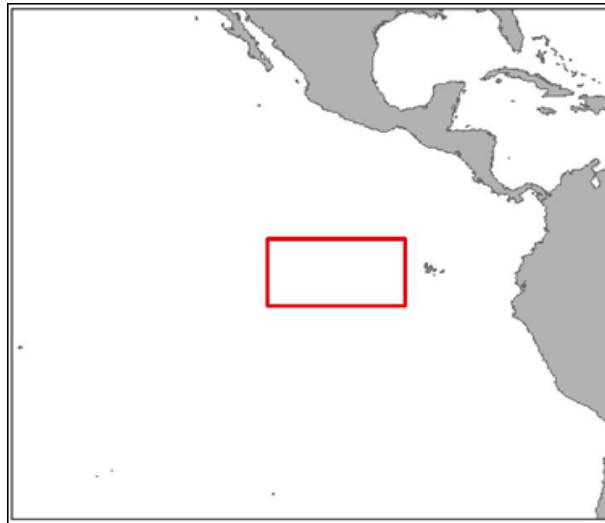


Figure 1. Closure area

6.
 - a. In each one of the years in which these measures are applicable, and for each one of the two closure periods, each CPC shall notify the Director, by 15 July, the names of all the purse-seine vessels that will observe each closure period;
 - b. Every vessel that fishes during 2011-2013, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe the closure period to which it was committed.
7.
 - a. Notwithstanding the provision of subparagraph 6.a and 6.b, a request by a CPC, on behalf of any of its vessels, for an exemption due to *force majeure*³ rendering said vessel unable to proceed to sea outside said closure period during at least a period equivalent to the closure period prescribed in paragraph 3 above, shall be sent to the Secretariat
 - b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure*.
 - c. The Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.
 - d. The request shall be considered accepted, unless an IATTC Member objects to it formally within 15 calendar days of the receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.
 - e. If the request for exemption is accepted,

³ For the purposes of paragraph 7, only cases of vessels disabled by mechanical and/or structural failure, fire, or explosion shall be considered *force majeure*

- i. the vessel shall observe a reduced closure period of 30 consecutive days in the same year during which the *force majeure* event occurred, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
- ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event occurred, it shall observe a reduced closure period of 30 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3

8. 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 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 Convention Area 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 Convention Area. 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 Convention Area.
9. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2011-2013 do not exceed the following levels:

Metric tons	2011-2013
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555

10. For 2012 and 2013, the total annual longline catches of bigeye tuna in the Convention Area shall be adjusted appropriately based on any conservation measures that may be adopted for purse-seine vessels in those years, as ratified or adjusted in accordance with paragraph 19.
11. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2011-2013 do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001^{4,5}. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director. For 2012 and 2013, the limits in this paragraph shall remain in effect if the conservation measures for purse-seine vessels are maintained, as ratified or adjusted in accordance with paragraph 19.
12. Landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to

⁴ The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

⁵ The Commission acknowledges 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.

provide relevant information to CPCs to assist them in this regard.

13. Each CPC shall notify the Director, by 15 July of each year, of actions taken to implement these measures, 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. In order to evaluate progress towards the objectives of these measures, in 2012 and 2013 the IATTC scientific staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
15. The Director is requested to develop, in consultation with interested CPCs, a pilot program for research into, and gathering information on, the fish-aggregating devices (FADs) used to aggregate tunas in the Convention Area. 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 is requested to report on the status of this effort at the next annual meeting of the IATTC. The information collected shall be held by the IATTC staff.
16. Subject to the availability of the necessary funding, the Director is requested to continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels 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. For 2012, renew 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 2012, the IATTC will review the results of the program, including compliance, and decide whether to continue it.
18. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members 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.
19.
 - a. In 2013 the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the IATTC scientific staff, in consultation with the Scientific Advisory Committee, Based on such evaluation, the Commission shall adopt conservation and management measures for the sustainable use of tuna and tuna-like species at its meeting in 2013.
 - b. Except in cases of *force majeure* prescribed in paragraph 7, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 6.a, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-02

**ESTABLISHMENT OF A COMMITTEE ON ADMINISTRATION
AND FINANCE**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

In accordance with the provisions of Article VII, paragraph 1 (u), of the Antigua Convention;

Agrees:

To establish a Committee on Administration and Finance, with the following terms of reference:

1. The Committee shall be composed of those representatives designated for this purpose by each Member of the Commission, who may be accompanied by such experts and advisers as that Member may deem advisable.
2. The functions of the Committee shall be the following:
 - (a) examine the draft budget for the ensuing year and the subsequent year;
 - (b) draw to the attention of the Commission, as appropriate, any matter of an administrative or financial character;
 - (c) prepare a report of each meeting of the Committee for transmission to the Commission, that includes advice and recommendations on matters related to the budget, finance, and administration of the Commission;
 - (d) examine the financial audit reports.
3. The Committee shall meet at least once a year, preferably on the day or days prior to the commencement of the annual meeting of the Commission.
4. The Committee may convene additional meetings at the request of at least two (2) of the Members of the Commission, provided that a majority of the Members support the request.
5. The Committee shall exercise its functions in accordance with such rules of procedure, guidelines, and directives as the Commission may adopt.
6. The Committee shall assume the functions of the Working Group on Finance, which is hereby terminated.
7. In support of the work of the Committee, the staff of the Commission shall:
 - (a) collect the information necessary for the work of the Committee, in accordance with the procedures established by the Commission;
 - (b) provide such analyses as the Committee deems necessary for carrying out its functions;
 - (c) prepare the reports of the Committee;
 - (d) distribute to the members of the Committee all pertinent information.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-03

IATTC RULES OF PROCEDURE

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

In accordance with the provisions of Article VII, paragraph 1(s), of the Antigua Convention;

Agrees:

To adopt the following Rules of Procedure:

IATTC RULES OF PROCEDURE

I. SCOPE OF APPLICATION

1. Except as otherwise provided in the Convention or decided by the Commission, these Rules of Procedure shall apply, *mutatis mutandis*, to all subsidiary bodies of the Commission, including the Scientific Advisory Committee and the Committee for the Review of the Application of Measures Adopted by the Commission.

II. REPRESENTATION

2. Each Member shall communicate to the Director, as soon as possible, the names of its Commissioners, as well as the contact points who shall have primary responsibility for correspondence with the Secretariat. Any change and replacement shall be immediately communicated to the Director.
3. Before any meeting of the Commission, each Member shall communicate to the Director the names of the delegates, experts and advisers that it has appointed pursuant to Article VI.2 of the Convention.

III. MEETINGS OF THE COMMISSION

4. Pursuant to Article VIII.1 of the Convention, the Commission shall meet at least once per calendar year. The date and place of the meeting shall be decided by the Commission.
5. The announcement of an ordinary meeting shall be communicated by the Director to all the Members and to all the non-Members and intergovernmental organizations invited by the Commission as observers to the meeting, pursuant to Annex 2, paragraph 1, to the Convention, normally at least ninety (90) days in advance of the date fixed for the meeting. This announcement shall also be posted on the website of the Commission as soon as possible.
6. Pursuant to Article VIII.2 of the Convention, an extraordinary meeting may be convened at any time. The date and place of an extraordinary meeting shall be those that the Commission determines.
7. The announcement of an extraordinary meeting shall be communicated by the Director to all the Members and to all the non-Members and intergovernmental organizations invited by the Commis-

sion as observers to the meeting, pursuant to Annex 2, paragraph 1, to the Convention, normally at least forty-five (45) days in advance of the date fixed for the meeting. This announcement shall also be posted on the website of the Commission as soon as possible.

8. The Director, in consultation with the Chair, shall draw up an agenda for ordinary or extraordinary meetings, and shall circulate it to the Members together with a communication of the announcement of the meetings of the Commission and its subsidiary bodies. The agenda should normally be circulated at least sixty (60) days in advance of the date fixed for the ordinary meeting and thirty (30) days in advance of the date fixed for the extraordinary meeting.
9. Any member of the Commission may, at least forty-five (45) days before the date fixed for the opening of the ordinary meeting, or twenty-five (25) days in the case of an extraordinary meeting, request the inclusion of supplementary items in the provisional agenda. A request of supplementary items in the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item. Such items shall be communicated to all Members and Cooperating non-Members of the Commission (hereinafter referred to as “CPCs”) at least thirty (30) days before the opening of the ordinary meeting, and twenty (20) days before the opening of the extraordinary meeting.
10. The Commission shall appoint a rapporteur from one of the Members at the beginning of each meeting, in order to assist the Chair in the production of a meeting report.
11. The meeting of the Commission shall be held at the headquarters of the Commission unless it decides otherwise.

IV. POSTING AND CIRCULATION OF DOCUMENTS AND SUBMISSION OF PROPOSALS

12. For the submission of proposals, Members shall use the agreed templates which shall be posted on the Commission’s website.
13. If a draft proposal is either an amendment to an existing resolution or recommendation, or an amendment to a previous proposal by the same proponent, it shall be submitted and circulated in both a clean version and a track change version.
14. All background documents to be prepared by the Director for the next ordinary meeting shall, to the extent possible and subject to applicable rules of confidentiality, be posted on the Commission’s website and circulated among all CPCs and observers at least forty-five (45) days in advance of the meeting, unless otherwise decided by the Commission. These documents shall include, *inter alia*, the report of the Scientific Advisory Committee, the staff conservation recommendations, the compliance report, the at-sea transshipment reports, the draft annual budget, and the auditor’s report.
15. Any proposal or other relevant document to be discussed at a meeting shall be submitted to the Director not less than twenty-one (21) days before the opening of the meeting. These shall be posted on the Commission website immediately in their original language. The Director shall translate and circulate proposals to all CPCs at the latest ten (10) days before the beginning of the meeting.

V. OBSERVERS

16. Participation of observers is governed by the provisions of Annex 2 to the Convention. Unless otherwise decided by the Commission, observers other than non-governmental organizations (NGOs) cannot attend meetings held in executive session and the meetings of Heads of Delegations.

VI. CHAIR AND VICE-CHAIR

17. At the end of each of its meetings, the Commission shall elect individuals to serve as Chair and Vice-Chair. These individuals shall be from different Parties, unless the Commission decides otherwise. The Chair and Vice-Chair shall remain in office for a period of one year. The Chair and Vice-Chair may be re-elected unless they are no longer able to carry out their respective functions or their successors are elected. If the Commission is not able to elect a Chair and/or a Vice-Chair, the host Member

(the Member that will host the annual meeting in that year) shall provide the Chair, and the previous host Member the Vice-Chair.

18. The duties of the Chair are to be exercised both during the meeting and during the intersessional period. These are:
 - a. Declare the opening and the closing of the meeting;
 - b. Preside over the meetings of the Commission;
 - c. Decide on all questions of order that may arise at the meetings of the Commission. However, delegates may request that any decision by the Chair be submitted to the Commission for approval or rejection.
 - d. Encourage and facilitate consensus on matters under consideration at the meetings of the Commission.
 - e. Act in representation of the Commission, in accordance with the tasks that the Commission may assign.
 - f. In general, carry out such functions as the Commission may assign.
19. If the Chair is unable to carry out its functions at any time, the Vice Chair shall act as Chair until such time as the Chair is able to resume carrying out its functions or a new Chair is elected. If neither the Chair nor the Vice-Chair are able to carry out their functions, the host Member shall provide a Chair and the previous host Member a Vice-Chair.

VII. DIRECTOR

20. The Commission shall establish criteria and procedures to appoint a Director, whose competence in the field of the Convention is established and generally recognized, in particular in its scientific, technical and administrative aspects. In the appointment of the Director, the views of the Members shall be expressed through a secret ballot should one of the Members so request.
21. The terms and functions of the Director shall be pursuant to Article XII of the Convention.

VIII. INTERSESSIONAL DECISION-MAKING

22. Without prejudice to the provisions of Article IX of the Convention, where a decision cannot be deferred until the next meeting of the Commission, a matter may be decided during the period between meetings electronically (*e.g.* email, secure website). Matters to be decided under this section shall not include those in paragraph 2 and 3 of Article IX of the Convention.
23. The Chair, on its initiative, or the Director, at the request of at least three (3) Members that have made a proposal, may move for adoption without delay of such proposal by intersessional decision. In doing so, the Chair, in consultation with the Vice-Chair, shall determine the necessity of considering the proposal intersessionally.
24. Where the Chair determines that it is not necessary to consider the proposal intersessionally, the Chair shall promptly notify the Members referred to in paragraph 23 of such determination and the reasons. Within ten (10) days of the notification, the Members may request an intersessional decision on the Chair's determination.
25. Where the Chair determines that it is necessary to consider the proposal intersessionally, the Chair shall promptly transmit to all Members of the Commission:
 - a. The proposal, including any explanatory note;
 - b. The determination made by the Chair under this paragraph; and
 - c. A request for an intersessional decision.

26. Members shall promptly acknowledge receipt of the transmittal under paragraph 25. If no acknowledgment is received within seven (7) days of the date of transmittal, the Director shall retransmit the transmittal, using all additional means available to ensure that the transmittal has been received. Confirmation by the Director that the transmittal has been received shall be deemed conclusive regarding the participation of the Member in the decision-making process.
27. Members shall respond within thirty (30) days of the date of the initial transmittal if they do not agree with the proposal, or if they require additional time to consider the matter. If a Member requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one fifteen (15) day extension will be permitted. In the event of such an extension, the Director shall inform all Members of the final date by which responses must be received.
28. If no reply from a Member is received within thirty (30) days of transmittal, or by the extended deadline specified by the Director in the event of a fifteen (15) day extension to consider the proposal, that Member shall be deemed to have joined the consensus, as long as the Director has confirmed receipt of the transmittal by that Member pursuant to paragraph 26.
29. The result of a decision taken intersessionally shall be ascertained by the Director at the end of the decision-making period and promptly notified to all Members. If any explanations of positions are received, these shall also be transmitted to all Members.
30. Proposals adopted intersessionally shall become effective for all CPCs pursuant to Article IX of the Convention.
31. Proposals transmitted for intersessional decision-making shall not be subject to amendment during the decision-making period.
32. A proposal that has been rejected by intersessional decision for any reason shall not be reconsidered until the following meeting of the Commission.

IX. COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION

33. The functions, rules, and procedures of the Committee shall be those established in Article X and Annex 3 of the Convention.
34. The Committee shall elect an individual as Chair, who shall serve for a term of two years and may be re-elected.

X. SCIENTIFIC ADVISORY COMMITTEE

35. The functions, rules, and procedures of the Committee shall be those established in Article XI and Annex 4 of the Convention.
36. The Director shall serve as Chair of the Committee, pursuant to article XI paragraph 6 of the Convention.
37. The Committee may consider documents submitted by individuals and entities other than CPCs and observers.

XI. OTHER SUBSIDIARY BODIES

38. Subsidiary bodies shall hold their meetings with the frequency and at the date and place that the Commission may determine.
39. In the case of a request or recommendation for an intersessional meeting, the Director will consult the Commission pursuant to section VIII of these rules of procedure.
40. Each subsidiary body shall elect its own Chair.

XII. REPORTS AND MINUTES

41. The Director shall prepare an annual report of the activities of the Commission during the previous year, and circulate it among Members at least forty-five (45) days before the ordinary meeting.
42. The draft report of the Commission shall include all decisions adopted by the Commission.
43. The draft reports of the meetings of the Commission, its Committees and other subsidiary bodies, shall be transmitted within fourteen (14) days after the end of the meeting by the Director, in coordination with the Chair of the Commission and of the respective Committee or other subsidiary bodies, to all CPCs for their comments.
44. Any comments shall be submitted no later than fourteen (14) days from the reception of the draft report. The Director, in coordination with the Chair of the meeting, shall make every effort to reflect these comments and send the revised version of the report within fourteen (14) days for final endorsement. If there are still any outstanding issues, the Director will consult with the concerned CPCs to resolve the issue and prepare a revised report which will be the final draft.
45. The final draft shall be submitted for approval to the Commission through intersessional decision-making.
46. The final reports of the Commission, Committees and other subsidiary bodies shall be sent electronically to all CPCs and published on the Commission's website.

XIII. DOCUMENTS

47. Upon request, the Commission shall provide to any CPC copies of any documents pertaining to the Commission. The Director shall consider electronic means of distributing documents to save cost and paper.
48. Reports and statistics of individual fisheries production and details of the operations that companies individually provide to the Commission or its staff shall be considered as confidential and treated in accordance with rules on confidentiality established by the Commission.

XIV. AMENDMENTS

49. These Rules of Procedure may be amended as deemed necessary by the Commission, and in accordance with Article IX of the Convention and/or Section VIII of these Rules of Procedure.
50. The Commission shall review these rules no later than its annual meeting in 2015, and consider revising them as necessary for the effective and efficient operation of the Commission.

XV. LANGUAGES

51. English or Spanish may be used during meetings of the Commission, and simultaneous interpretation and translation into the other language will be provided. The reports, minutes, official documents, and official publications of the Commission shall be in both languages. Official correspondence of the Commission, communications, or documents formulated by the CPCs should be circulated in both languages to the extent practicable and taking into account budgetary constraints.

XVI. APPLICABILITY

52. These Rules of Procedures replace those adopted by the Commission at its 4th meeting on 13 August 1952, as amended.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-04

AD HOC FINANCING FOR FISCAL YEARS 2013-2017 AND BEYOND

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recognizing the importance of equity and stability in the calculation of the contributions of Members to the Commission's budget, and of fully funding the work of the Commission so that it may fulfill its duties and responsibilities;

Giving due consideration to the principle that the proportion of the expenses paid by each Member should be equitable, transparent, and related to its proportion of the total catch of tunas from the Convention Area and other components of the formula used to calculate the contributions, as well as to the consensus of the Members that other factors should be considered in determining their proportional contributions; and

Taking into account the relevant provisions of the Antigua Convention;

Resolves as follows:

1. The following elements shall be used in the determination of the contributions of Members to the IATTC budget until such time as a Member requests review and revision of the contribution formula as provided for in paragraph 6 of this Resolution:
 - a) Each Member's contribution shall be calculated as follows: 10% of the total budget, minus any special contribution, divided equally among all the Members (base contribution); the remaining 90% is shared among the Members, weighted by Gross National Income (GNI) category, as follows:
 - i. An operational component (10%);
 - ii. The catches by their flag vessels (70%);
 - iii. Their utilization of tuna from the Convention Area (10%).

GNI Category	GNI range (US\$)
0.5	< 1,499
1	1,500 - 3,499
2	3,500 - 6,499
3	6,500 - 10,999
4	11,000 - 15,999
5	16,000 -20,999
5.5	≥ 21,000

Table 1. GNI categories used for allocating contributions

- b) The weighting factors used in calculating contributions shall be the same as the GNI categories.
 - c) Each Member's catch contribution shall be based on the annual average of the catches by its flag vessels in the three most recent years for which catch data are available.
 - d) In the determination of a Member's utilization, 50% of the tuna loins included in the calculation shall be attributed to the Member that exported the loins and 50% to the Member that imported them.
 - e) 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.
2. That the Director shall inform each Member, at least two months prior to the annual meeting, of its projected contribution for the following two fiscal years.
 3. 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.
 4. That all IATTC non Members 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.
 5. To invite non-governmental organizations interested in the work of the IATTC to make contributions to the Commission's budget.
 6. This *ad hoc* formula shall be used to calculate Members' contributions to the IATTC budget for the years 2013-2017, and indefinitely thereafter, unless a Member indicates that the formula is no longer appropriate and requests that a new contribution formula be considered at the following Annual Meeting of the IATTC. Any Member making a request to reconsider this formula is encouraged to provide an explanation to the Commission of the reasons for its dissatisfaction with it.

Appendix 2e.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-05

FINANCING FOR FISCAL YEAR 2013

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Understanding the importance of ensuring sufficient funding for the Commission in a timely manner, so that it may continue to effectively develop and implement the agreed conservation and management program for the living marine resources of the IATTC Convention Area 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 Members should be transparent, fair and equitable, stable, and predictable, but also should allow for redistribution of costs as new Members join;

Aware that the Commission, at its 83rd Meeting, agreed on a formula for calculating the contributions of the Members to the Commission's budget for the years 2013-2017;

Taking into account the relevant provisions of the Antigua Convention;

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

Taking note of the staff's proposals regarding the budget presented in Document [IATTC-83-11](#); and

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

Agrees:

1. To adopt the budget of US\$ 6,335,009 for fiscal year (FY) 2013.
2. That the Members shall contribute to the Commission's budget for FY 2013 in accordance with the following schedule:

	FY 2013 (US\$)
Belize	40,758
Canada	132,345
China	49,797
Colombia	236,498
Korea	162,204
Costa Rica	72,858

Ecuador	853,514
El Salvador	70,108
United States	1,746,553
France	96,896
Guatemala	56,334
Japan	379,060
Kiribati	30,638
Mexico	913,941
Nicaragua	41,735
Panama	435,910
Peru	49,692
Chinese Taipei	128,860
European Union	314,052
Vanuatu	50,736
Venezuela	472,520
Total	6,335,009

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-06

**RULES OF PROCEDURE REGARDING CAPACITY LOANS OR
CONCESSIONS AND CHARTERING OF VESSELS WITH
TEMPORARY TRANSFERS OF CAPACITY**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recalling the conclusions and recommendations of the Permanent Working Group on Fleet Capacity;

Agrees:

To adopt the following rules of procedure regarding capacity loans or concessions and chartering of vessels with temporary transfers of capacity.

1. CAPACITY LOANS OR CONCESSIONS

1. A vessel that uses loaned or conceded capacity may be added to the IATTC Regional Vessel Register, using a specified amount of capacity, expressed in cubic meters of well volume, that the loaning or conceding Member or Cooperating non-Member (“CPC”) has available. The vessel must fly the flag of the receiving CPC.
2. Both CPCs involved shall agree that the vessel may be removed from the Regional Register at any time at the request of either one of them, by means of a written communication to the Director. If the vessel is removed from the Regional Register, the capacity that it utilizes shall revert to the loaning or conceding CPC, and shall be used again by that CPC only, unless the loaning CPC notifies the Director otherwise. The receiving CPC shall have no right to the capacity utilized by the vessel if it is removed from the Regional Register.
3. If the vessel changes flag during the period of the loan or concession, it shall be automatically removed from the Regional Register, and the capacity shall revert to the loaning or conceding CPC. If there is agreement on a change of flag for the vessel to a third CPC, the loaning CPC and the third CPC shall follow the process of changing flag in accordance with the established procedures .
4. The receiving CPC, as the flag government of the vessel, shall be legally responsible for all the activities of the vessel associated with compliance with the rules, recommendations, and resolutions of the Agreement on the International Dolphin Conservation Program (AIDCP) and the IATTC.
5. The arrangement for the loan or concession of capacity, in order to be valid and effective, shall be notified in writing to the Director by the competent authorities of both CPCs, jointly or consecutively. The Director shall report this arrangement in the monthly capacity reports, and it shall be noted in the Regional Register as part of the information associated with the vessel.
6. Both CPCs involved shall provide the Director with a copy of the documentation for the capacity loan

or concession, which he shall keep confidential, unless both CPCs decide otherwise.

2. VESSEL CHARTERS WITH TEMPORARY CAPACITY TRANSFERS

1. In the case of vessel charters with temporary transfers of capacity, and in order for the corresponding flag change to be reflected in the Regional Register, the Director must receive a copy of the agreement for the temporary transfer of capacity, together with documentation showing that the CPC granting the charter (“chartering CPC”) has suspended the vessel’s flag or authorized the registration of the vessel under another flag, and that the receiving CPC (“charterer CPC”) has granted or authorized the vessel to utilize, its flag. Once this information is received, the corresponding change will be made in the Regional Register.
2. All this documentation shall be kept confidential by the Director, unless both CPCs involved decide otherwise.
3. The charterer CPC, as the vessel’s flag government, shall be legally responsible for all matters related to the activities of the vessel associated with compliance with the rules, recommendations, and resolutions of the IATTC and the AIDCP, from the time when the flag changes from the chartering CPC to the charterer CPC.
4. The Director must receive confirmation from both CPCs that, if the vessel is removed from the Regional Register, its capacity shall revert to the chartering CPC and may be used only by that CPC, unless both CPCs notify the Director otherwise. The charterer CPC shall not have any rights regarding the capacity of the vessel if it is removed from the Regional Register.
5. When the charter agreement terminates, the vessel with temporary transfer of capacity shall return to the chartering CPC, unless the chartering CPC informs the Director otherwise.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-07

AMENDMENT TO RESOLUTION C-11-09 ON ESTABLISHING A PROGRAM FOR TRANSSHIPMENTS BY LARGE-SCALE FISHING VESSELS

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA) on the occasion of its 83rd Meeting:

Taking account of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the IATTC;

Expressing grave concern that organized tuna-laundering operations have been conducted, and a significant amount of catches by IUU tuna longline fishing vessels have been transhipped under the names of duly licensed fishing vessels;

In view therefore of the need to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Antigua Convention Area, including the control of their landings; and

Aware of the need to amend consequently its Resolution C-11-09 on establishing a program for transshipments by large-scale fishing vessels;

Agrees:

Section 1. General Rules

1. Except under the program to monitor transshipment at sea outlined below in Section 2, all transshipment operations in the Antigua Convention Area of tuna and tuna-like species and sharks caught in association with the fisheries covered by the Convention (hereinafter referred to as “tuna and tuna-like species and sharks”) must take place in port.
2. Each Member and Cooperating Non-Member of the Commission (CPC) shall take the necessary measures to ensure that large-scale tuna-fishing vessels⁶ (LSTFVs) flying its flag comply with the obligations set out in Annex 1 when transshipping in port.
3. This Resolution does not apply to troll vessels, pole-and-line vessels or vessels engaged in the transshipment of fresh fish⁷ at sea.

SECTION 2. PROGRAM TO MONITOR TRANSSHIPMENTS AT SEA

4. The Commission hereby establishes a program to monitor transshipments at sea, which applies only

⁶ For the purposes of this Resolution, “Large-scale tuna fishing vessels” are defined as all vessels fishing beyond areas of national jurisdiction or beyond each CPC-controlled areas and targeting tuna or tuna-like species.

⁷ For the purposes of this Resolution, “fresh fish” means tuna or tuna-like species that are alive, whole or dressed/gutted, but not further processed or frozen.

to large-scale tuna longline fishing vessels (LSTLFVs) and to carrier vessels authorized by their respective flag CPC to receive transshipments from these vessels at sea. No at-sea transshipment of tuna and tuna-like species and sharks caught by fishing vessels other than LSTLFVs shall be allowed.

5. Each CPC shall determine whether or not to authorize its LSTLFVs to transship at sea. Only LSTLFVs that are included in the IATTC list of authorized longline vessels and that operate under the jurisdiction of CPCs that participate in the observer program established by this Resolution and that finance the costs of its implementation are authorized to make transshipments at sea. The Director will maintain a list of such vessels. Any such transshipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 of this Resolution.

SECTION 3. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSSHIPMENTS AT SEA IN THE Convention area

6. The Commission shall establish and maintain a record of carrier vessels authorized by their respective flag CPCs to receive tuna and tuna-like species and sharks at sea from LSTLFVs in the Convention Area (IATTC Record of Carrier Vessels). For the purposes of this Resolution, carrier vessels not on this Record are deemed not to be authorized to receive tuna and tuna-like species and sharks in at-sea transshipment operations.
7. Each CPC shall submit to the Director, in electronic format if possible, the list of the carrier vessels that it has authorized to receive at-sea transshipments from its LSTLFVs in the Convention Area. This list shall include the following information for each vessel:
 - a. The flag of the vessel;
 - b. Name of vessel, register number;
 - c. Previous name (if any);
 - d. Previous flag (if any);
 - e. Details of previous deletion from other registries (if any);
 - f. International radio call sign;
 - g. Type of vessel, length, gross tonnage (GT) and carrying capacity;
 - h. Name and address of owner(s) and operator(s); and
 - i. Time period authorized for transshipping.
8. Each CPC shall promptly notify the Director, after the establishment of the initial IATTC Record, of any addition to, deletion from and/or modification of the IATTC Record, at the time such changes occur.
9. The Director shall maintain the IATTC Record and take measures to ensure publicity of the Record through electronic means, including placing it on the IATTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
10. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution C-04-06 on the establishment of a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSSHIPMENT

11. Transshipments by LSTLFVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal CPC concerned. CPCs shall take the necessary measures to ensure that LSTLFVs flying their flag comply with the following conditions:

Flag CPC Authorization

12. LSTLFVs are not authorized to transship at sea unless they have obtained prior authorization from their flag CPC.

Notification obligations

Fishing vessel:

13. To receive the prior authorization mentioned in paragraph 12, the master and/or owner of the LSTLFV must notify the following information to its flag CPC authorities at least 24 hours in advance of an intended transshipment:
 - a. the name of the LSTLFV and its number in the LSTLFV List,
 - b. the name of the carrier vessel and its number in the IATTC Record of Carrier Vessels, and the product to be transshipped,
 - c. the tonnage by product to be transshipped,
 - d. the date and location of transshipment, and
 - e. the geographic location of the tuna and tuna-like species and sharks catches.

The LSTLFV concerned shall complete and transmit to its flag CPC, not later than 15 days after the transshipment, the IATTC transshipment declaration, along with its number in the IATTC LSTLFV List, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IATTC transshipment declaration to the Director and the flag CPC of the LSTLFV, along with its number in the IATTC Record of Carrier Vessels, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IATTC transshipment declaration, along with its number in the IATTC Record of Carrier Vessels, to the competent authorities of the CPC where the landing takes place.

Regional Observer Program

16. Each CPC shall ensure that all its carrier vessels that transship at sea have on board an IATTC observer, in accordance with the IATTC Regional Observer Program in Annex 3. The IATTC observer shall monitor compliance with this Resolution, and notably that the transshipped quantities are consistent with the catch reported on the IATTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the Convention Area without an IATTC observer on board, except in cases of *force majeure* duly notified to the Director.

Section 5. General Provisions

18. To ensure the effectiveness of the IATTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a. In validating the Statistical Document, flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV;
 - b. The Flag CPC of the LSTLFV shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IATTC Observer Program; and
 - c. CPCs shall require that the catches of species covered by the Statistical Document Programs by LSTLFVs in the Convention Area, when imported into the territory or area of a CPC, be accompanied by validated statistical documents and a copy of the IATTC transshipment declaration.
19. Each CPC shall report annually before 15 September to the Director:
 - a. The quantities by species transshipped during the previous year.
 - b. The names of its vessels on the IATTC LSTLFV List which have transshipped during the pre-

vious year; and

- c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from its LSTLFVs.
20. All tuna and tuna-like species and sharks landed in, or imported into, the territory or area of a CPC, either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the IATTC transshipment declaration until the first sale has taken place.
21. Each year, the Director shall present a report on the implementation of this Resolution to the annual meeting of the Commission, which shall review compliance with this Resolution.
22. This Resolution replaces Resolution C-11-09.

Annex 1

CONDITIONS RELATING TO IN-PORT TRANSSHIPMENT BY LSTFVS

General

1. Transshipment operations in port may only be undertaken in accordance with the procedures detailed below.

Notification obligations

2. Fishing vessel:
 - 2.1. At least 48 hours prior to transshipping, the captain of the LSTFV must notify the following information to the Port State authorities:
 - a. the name of the vessel and its number in the IATTC Regional Vessel Register,
 - b. the name of the carrier vessel, and the product to be transshipped,
 - c. the tonnage, by product, to be transshipped,
 - d. the date and location of transshipment,
 - e. the major fishing grounds of the tuna and tuna like species and sharks catches.
 - 2.2. The captain of an LSTFV shall, at the time of the transshipment, inform the vessel's Flag CPCs of the following;
 - a. the products and quantities involved,
 - b. the date and place of the transshipment,
 - c. the name, registration number and flag of the receiving carrier vessel,
 - d. the geographic location of the tuna and tuna like species and sharks catches.
 - 2.3. The captain of the LSTFV shall complete and transmit to the vessel's flag CPC not more than 15 days after the transshipment, the IATTC transshipment declaration, along with the vessel's number in the IATTC LSTFV List, in accordance with the format set out in Annex 2.

Receiving vessel

3. Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of catches of tuna and tuna-like species and sharks transshipped to the carrier vessel, and complete and transmit to the competent authorities of the vessel's flag CPC the IATTC transshipment declaration.

Landing State

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete an IATTC transshipment declaration, and transmit it to the competent authorities of the landing State where the landing is to take place.
5. The Port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received, and shall cooperate with the flag CPC of the LSTFV to ensure that landings are consistent with the catches reported by the vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC with LSTFVs shall report each year to the IATTC the details of the transshipments by its vessels.

**ANNEX 2
IATTC TRANSSHIPMENT DECLARATION**

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign: Flag: Flag state license number: National Register Number, if available: IATTC Register Number, if available:	Name of the Vessel and Radio Call Sign: Flag: Flag state license number: National Register Number, if available: IATTC Register Number, if available:

Day Month Hour Year (2_0_) Agent's name: Master's name of LSTV: Master's name of Carrier:

Departure () () () from ()
 Return () () () to () Signature: Signature: Signature:
 Transhipment () () () ()

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: () kilograms LOCATION OF TRANSHIPMENT

Species	Port	Sea					Type of product										
			Whole	Gutted	Headed	Filleted											

If transhipment effected at sea, IATTC Observer Signature:

ANNEX 3

IATTC REGIONAL OBSERVER PROGRAM

1. Each CPC shall require carrier vessels included in the IATTC Record of Carrier Vessels which transship at sea, to carry an IATTC observer during each transshipment operation in the Convention Area.
2. The Director shall appoint the observers, and shall place them on board the carrier vessels authorized to receive transshipments in the Convention Area from LSTLFVs flying the flag of CPCs that implement the IATTC observer program established by this Resolution.

Designation of the observers

3. The designated observers shall have the following qualifications to accomplish their tasks:
 - a. sufficient experience to identify species and fishing gear;
 - b. satisfactory knowledge of IATTC conservation and management measures;
 - c. the ability to observe and record information accurately; and
 - d. a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

4. Observers shall:
 - a. not be, to the extent possible, nationals or citizens of the flag CPC of the receiving carrier vessel;
 - b. be capable of performing the duties set forth in point 5 below;
 - c. be included in the list of observers maintained by the Director; and
 - d. not be a crew member of an LSTLFV or an employee of an LSTLFV company.
5. The observer's tasks shall be, in particular, to:
 - 5.1. on the LSTLFV intending to transship to a carrier vessel, and before the transshipment takes place:
 - i. check the validity of the fishing vessel's authorization or license to fish for tuna and tuna-like species and sharks in the Convention Area;
 - ii. check and record the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
 - iii. check that the VMS is functioning, and examine the logbook;
 - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check the documentation on such transfers;
 - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the master of the carrier vessel; and
 - vi. record the results of these duties on the fishing vessel in the observer's report.
 - 5.2. on the carrier vessel:
 - a. monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i. record and report upon the transshipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;
 - iii. observe and estimate products transshipped;
 - iv. verify and record the name of the LSTLFV concerned and its registration number;
 - v. verify the data contained in the transshipment declaration;
 - vi. certify the data contained in the transshipment declaration; and
 - vii. countersign the transshipment declaration;

- b. issue a daily report of the carrier vessel's transshipping activities;
 - c. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d. submit to the Director the aforementioned general report within 20 days from the end of the period of observation; and
 - e. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLFVs and of the LSTLFVs owners and accept this requirement in writing as a condition of appointment as an observer.
 7. Observers shall comply with requirements established in the laws and regulations of the flag CPC which exercises jurisdiction over the vessel to which the observer is assigned.
 8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the flag CPCs of carrier vessels

9. The responsibilities regarding observers of the flag CPCs of the carrier vessels and their captains shall include the following, notably:
 - a. Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i. satellite navigation equipment;
 - ii. radar display viewing screens when in use; and
 - iii. electronic means of communication.
 - c. Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e. The flag CPCs shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.
10. The Director, in a manner consistent with any applicable confidentiality requirements, shall provide to the flag CPC of the carrier vessel under whose jurisdiction the vessel transshipped and to the flag CPC of the LSTLFV, copies of all raw data, summaries, and reports pertaining to the trip three months prior to the meeting of the Committee for the Review of Implementation of Measures adopted by the Commission.

Obligations of LSTLFVs during transshipments

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit, and shall be granted access to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.
12. The Director shall submit the observer reports to the Committee for the Review of Implementation of Measures adopted by the Commission and to the Scientific Advisory Committee.

Observer fees

13. The costs of implementing this program shall be financed by the flag CPCs of LSTLFVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the

program. This fee shall be paid into a special account of the Director and the Director shall manage the account for implementing the program;

14. No LSTLFV may participate in the at-sea transshipment program unless the fees, as required under paragraph 13, have been paid.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-08

**PROTOCOL FOR SEALING FISH WELLS ON PURSE-SEINE
VESSELS**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recalling the conclusions and recommendations of the Permanent Working Group on Fleet Capacity;

Agrees:

To adopt the following protocol governing the sealing of wells on purse-seine vessels:.

If vessel wells are sealed, with the aim of reducing the vessel's overall capacity, this protocol shall be followed. This protocol, by regulating the sealing of wells as exceptional cases, shall be applied in a way that does not contravene the provisions of Resolution C-02-03, in particular its articles 6 and 7, regarding the system for verifying capacity measurements and the introduction of new vessels. In order for the reduced well volume of the vessel to be recorded on the Regional Vessel Register for purposes of the implementation of Resolution C-02-03 on fleet capacity, the following procedure must be followed by all vessels with wells sealed after the adoption of Resolution C-02-03:

1. A sealed well is defined as any space on board a vessel, intended for the freezing, maintenance, or storage of fish, access to which has been blocked to prevent its use for these purposes.
2. The well must be physically sealed in a tamper-proof manner, and in such a way that it does not communicate with any other space on the vessel and that its use for any other storage is prevented. The inspection and verification of the vessel's sealed wells for the first time shall be carried out by vessel's flag government.
3. It shall be possible to open a sealed well only in case an emergency. If a sealed well is opened at sea, the observer must be present both when the well is opened and when it is resealed.
4. All refrigeration equipment in the well must be rendered inoperative.
5. Any vessel with one or more of its wells sealed to reduce its well volume recorded on the Regional Vessel Register shall be required to carry an observer from the International Dolphin Conservation Program (IDCP) on board.
6. Observers shall be notified as to which vessels are operating with sealed wells, and shall report any instances of sealed wells being used for storing fish, to verify compliance with this protocol, and the results reported to the Director.
7. All the information regarding compliance with this protocol shall be sent by the Director to the Committee for the Review of Implementation of Measures Adopted by the Commission, in accordance with Article X, paragraph 8a, of the Antigua Convention, regarding the collection of information necessary for the work of the Committee.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RESOLUTION C-12-09

**CONSERVATION AND MANAGEMENT MEASURES FOR
BLUEFIN TUNA IN THE EASTERN PACIFIC OCEAN**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Taking into account that the stock of Pacific bluefin tuna is caught in both the Western and Central Pacific Ocean (WCPO) and in the Eastern Pacific Ocean (EPO);

Affirming that it is necessary to take preventive measures throughout the range of the resource to contribute to the stability of the stock of Pacific bluefin tuna;

Recognizing that the impact of the fisheries in the WCPO is much greater than the EPO fisheries and their rate of increase in recent years is greater (Document IATTC 83-05, page 76);

Noting that, consequently, conservation measures that are adopted in the WCPO are more important for the conservation of these stocks, and those that are currently in force may not be sufficient to reduce the fishing mortality of juveniles;

Encouraging both Commissions to take complementary and effective measures to reduce the mortality of bluefin tuna throughout the entire spectrum of ages, especially juveniles;

Urging all IATTC Members and Cooperating non-Members (CPCs) involved in this fishery to participate in a fair and equitable manner, and without exceptions, in the discussions and adoption of conservation measures applicable to the stock throughout its entire range;

Mindful that these measures are intended as an interim means for exercising caution towards assuring sustainability of the Pacific bluefin tuna resource and motivating comparable action on the part of the Western and Central Pacific Fisheries Commission (WCPFC), and that future conservation measures should be based not only on these interim measures, but also on development of future scientific information and advice of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) and the IATTC scientific staff; and

Taking into account the IATTC scientific staff's conservation recommendation for the Convention Area (Document IATTC 83-05c) as well as those adopted by the WCPFC, and committed to maintaining fishing activity at sustainable levels;

Resolves as follows;

1. In the IATTC Convention Area, the commercial catches of bluefin tuna by all the CPCs during the two-year period of 2012-2013 shall not exceed 10,000 metric tons.
2. The commercial catch of bluefin tuna in the commercial fishery in the Convention Area shall not exceed 5,600 metric tons during the year 2012.

3. Notwithstanding paragraphs 1 and 2, any CPC with a historical record of Eastern Pacific bluefin catches may take a commercial catch of up to 500 metric tons of Eastern Pacific bluefin tuna annually.
4. CPCs shall take the measures necessary to ensure that the total catch of Pacific bluefin in the Convention Area for each year does not exceed the catch limit for that year. For this purpose, each CPC shall report its catches to the Director in a timely manner, but on a monthly basis as a minimum. The Director shall communicate this information to all the CPCs on a monthly basis, and inform the CPCs when the total annual catch limit is reached.
5. Taking into account the recommendations of the IATTC scientific staff formulated in consultation with the 4th meeting of Scientific Advisory Committee, the new ISC stock assessment for Pacific bluefin tuna, and the measures taken by the WCPFC, the Commission shall review this resolution at its meeting in 2013 and take appropriate actions, for juveniles in particular
6. The Commission shall ask the WCPFC to take measures comparable to the measures in this Resolution.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

RECOMMENDATION C-12-10

BEST AVAILABLE SCIENCE

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recognizing the importance of sound scientific advice as the centrepiece for the conservation and management of tuna and tuna-like species in the IATTC Convention Area, in accordance with international law and in line with the information needs of the IATTC;

Aware that the availability of adequate scientific information is fundamental to carrying out the objective of the Antigua Convention laid down in its Article II;

Noting the role of the scientific staff;

Recognizing the importance of the Scientific Advisory Committee in revising any scientific plans, proposals, and research programs of the Commission as well as any assessments, analyses, research, work or recommendations prepared by the scientific staff before consideration by the Commission, as laid down in Annex IV of the Antigua Convention;

Recognizing the limited financial resources of developing coastal States, and wishing to assist in building their scientific capacity;

Acknowledging the need to improve the availability and quality of data and analysis used for the provision of scientific advice, including on bycatch and discards; and

Building on the deliberations and recommendations of the Kobe process;

Agrees to:

1. Take all measures which would be appropriate:
 - i. To ensure a more interactive relationship between Members and Cooperating non-Members (CPCs), the IATTC scientific staff, and the Scientific Advisory Committee in relation to the provision of scientific advice, the Director shall, as appropriate, convene in person, virtually or otherwise, technical meetings prior to the official meeting of the Scientific Advisory Committee.
 - ii. To improve the collection and submission of data to the IATTC, including on bycatches;
 - iii. To support research programs and projects relevant to the information needs of the IATTC;
 - iv. To facilitate participation in meetings of the Scientific Advisory Committee and its Working Groups as well as in other relevant scientific bodies of scientists with suitable scientific qualifications;
 - v. To contribute to the training of scientific researchers, including young scientists.
2. Preserve and promote the professional independence and excellence of the scientific staff, the Scientific Advisory Committee and its Working Groups, and the relevance of their work to the information

needs of the IATTC, by:

- i. Enhancing the participation of scientists in meetings of the Scientific Advisory Committee and its Working Groups, including scientists involved in other tuna regional fisheries management organizations (RFMOs) and other relevant scientific bodies;
 - ii. Enhancing the participation of the scientific staff in meetings of other tuna RFMOs and relevant scientific bodies;
 - iii. In conformity with the provisions of Article XII(3) of the Antigua Convention, drafting a strategic plan which shall be used to guide the work of the scientific staff the Scientific Advisory Committee and its Working Groups in assisting the IATTC to effectively achieve its mandate.
 - iv. Ensuring that relevant, professionally independent, and objective scientific advice, based on the best available and peer-reviewed scientific analysis, is presented by the scientific staff and the Scientific Advisory Committee to the IATTC;
 - v. Ensuring that the sources and history of revisions of all documents submitted to and assessed by the scientific staff, the Scientific Advisory Committee and its Working Groups are fully documented;
 - vi. Establishing standardized formats for the provision of clear and transparent advice to the IATTC;
 - vii. Providing for well-defined rules for formulating scientific advice to the IATTC, reflecting different views while striving for consensus, to promote consistency and transparency;
 - viii. Ensuring that the key role of the Scientific Advisory Committee as established by Annex IV of the Antigua Convention is respected;
3. With the aim of meeting the above-mentioned objectives, consider broadening financial support and mechanisms, including, *inter alia*, contributing to the "Special Sustainable Development Fund", as established by Resolution C-11-11, for developing IATTC Members, for the purpose of the implementation of this Recommendation, in particular to:
 - i. Contribute to the scientific capacity-building of developing CPCs and enhance their effective participation in the work of the Scientific Advisory Committee and its Working Groups;
 - ii. Provide the necessary resources for the scientific staff, the Scientific Advisory Committee and its Working Groups, including consideration of alternative funding models for the commissioning of research.
 4. Strengthen, as appropriate, peer-review mechanisms within the scientific staff and the Scientific Advisory Committee by the participation of invited experts (*e.g.* from other RFMOs or from academia) in the scientific staff and Scientific Advisory Committee activities. These experts shall be subject to the data confidentiality rules and procedures currently applicable in the IATTC.
 5. Continue to support the scientific staff and Scientific Advisory Committee's initiatives to publish their scientific findings in the scientific peer-reviewed academic literature.

INTER-AMERICAN TROPICAL TUNA COMMISSION
83RD MEETING
La Jolla, California (USA)
25-29 June 2012

PROPOSAL IATTC-83 B-1 REV 1

SUBMITTED BY THE EUROPEAN UNION
IATTC RESOLUTION ON A CATCH CERTIFICATION
SCHEME

EXPLANATORY MEMORANDUM

Goal: this Resolution is intended to ensure the long-term conservation and sustainable use of the fish stocks covered by IATTC by improving the availability of data on catches of tropical tunas and swordfish falling under the IATTC competence and by controlling its trade flows in order to combat illegal, unreported and unregulated (IUU) fishing.

New elements: this proposal was already submitted to the IATTC Annual Meeting in 2011. For the upcoming 2012 IATTC Annual Meeting the proposal has been updated and improved with a simplified Catch Certificate in order to take into consideration the needs of developing countries CPCs (requiring one single Catch Certificate for catches from different vessels) and a provision on processed products to better reflect the economic reality of trade in tropical tuna.

Rationale: catch documentation schemes market measures have been internationally recognized as one of the most effective tools to fight against IUU and act upon the management of stocks and catches, in addition they are also an invaluable instrument for gathering huge amount of data.

To achieve all these goals, it is necessary to establish an effective control of the movements of these catches through the traceability of the product from the net to its final market, including reprocessing in intermediate countries. The Catch Certificate foreseen in the IATTC Catch Certification Scheme will help determine whether tropical tunas taken in the Convention Area are caught in a manner consistent with IATTC's conservation measures. As mentioned, it will also improve data collection on catches and trade of tropical tunas and swordfish.

Under this Resolution Flag CPCs have the duty to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IATTC conservation and management measures. In addition, port CPCs and importing CPCs remain responsible to promote the effectiveness of management measures adopted by IATTC by ensuring compliance with IATTC Resolutions.

The current Resolution is in conformity with international law, notably as regards the World Trade Organization (WTO), and in line with the standard practice in other RFMOs.

Additional advantages: this Resolution also intends to rationalise the current catch documentation obligations, notably for the exporting CPCs. Resolution C-03-01 *concerning the IATTC Bigeye Tuna Statistical document programme* will be superseded by the adoption of this Resolution. As a result of the adoption of this Resolution, it will no longer be necessary to provide documentation related to the *Bigeye Tuna Statistical programme*. The IATTC CDS, if adopted and once recognised by the EU, will substitute, for the EU market, the need to use the EU IUU certificate.

EUROPEAN UNION DRAFT PROPOSAL FOR AN IATTC RESOLUTION ON A CATCH CERTIFICATION SCHEME

The Inter American Tropical Tuna Commission (IATTC),

RECOGNIZING the impact that market factors have on the fishery;

CONCERNED by the impact that illegal, unregulated and unreported (IUU) fishing has in the IATTC Convention Area;

REITERATING the responsibilities of flag CPCs to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IATTC Resolutions;

NOTING the need for improved and strict control on all the components involved in tropical tunas and swordfish fisheries;

MINDFUL of the rights and obligations of port CPCs to promote the effectiveness of management measures adopted by regional fisheries management organizations;

UNDERLINING the complementary role that importing CPCs also have in the control of the catches of tropical tunas and swordfish to ensure compliance with IATTC Resolutions;

RECOGNIZING that in order to have effective control of the movements of tropical tunas and swordfish, strict tracking of the product from the point of capture throughout the whole operation to its final market has to be established;

COMMITTED to taking steps that conform with international law, notably as regards the World Trade Organization (WTO), and to ensure that tropical tunas and swordfish entering markets of Commission Members, Associate members of IATTC and non-members of IATTC is caught in IATTC Convention Area in a manner that does not diminish the effectiveness of IATTC Resolutions;

UNDERLINING that the adoption of this measure is intended to help support the implementation of Resolutions as well as scientific research for tropical tunas and swordfish stocks;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1, of the Convention establishing the IATTC, the following:

PART I

GENERAL PROVISIONS

1. Each Member and Cooperating Non-Member (hereafter referred to as CPCs) shall take the necessary steps to implement an IATTC Certification Scheme for the purpose of identifying the origin of tropical tunas and swordfish to which Resolutions apply.
2. For the purpose of this Scheme:
 - a) "Export" means:
Any movement of tropical tunas and swordfish caught in the IATTC Convention Area by a fishing vessel flying the flag of a CPC to the territory of another CPC or non-Member to the IATTC, or from the fishing grounds to the territory of a CPC which is not the flag CPC of the fishing vessel or to the territory of a non-Member to the IATTC.
 - b) "Import" means:
Any introduction, including for transshipment purposes, of tropical tunas and swordfish caught in the IATTC Convention area in their caught or processed forms into the territory of a CPC, which is not the CPC where the fishing vessel is flagged.
 - c) "Re-export" means:
Any movement of tropical tunas and swordfish in their caught or processed forms from the territory

of a CPC where it had been previously imported.

d) "Tropical tunas" means:

yellowfin, bigeye and skipjack tunas species caught in the IATTC Convention area.

e) "Consignment" means:

Products of tropical tunas and swordfish, which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee.

f) "Competent authority" means:

Any public authority, public institution and/or official empowered to attest the veracity of information contained in documents required under this Recommendation and to carry out verification of such documents.

PART II

TROPICAL TUNAS AND SWORDFISH CATCH CERTIFICATES

3. Each consignment of tropical tunas and swordfish imported into or exported or re-exported from the territory of a CPC shall be accompanied by a validated tropical tunas and swordfish catch certificate (TSCC) and, as applicable, a validated tropical tunas and swordfish re-export certificate (TSRC). Any such import, export or re-export of tropical tunas and swordfish without a completed and validated TSCC or TSRC shall be prohibited.
4. Each CPC shall provide TSCC forms only to fishing vessels authorized to catch tropical tunas and swordfish in the IATTC Convention Area. Such forms are not transferable to another fishing vessel. Each TSCC form shall have a unique document identification number. Document numbers shall be specific to the flag CPC and assigned to the fishing vessel.
5. Copies of TSCC shall follow each part of split consignments or processed product, using the unique document number of the original TSCC in order to track them.
6. CPCs shall keep copies of documents issued and received for at least two years.
7. Export, import and re-export of fish parts other than the meat (i.e., heads, eyes, roes, guts and tails) shall be exempted from the requirements of this Resolution.
8. The fishing vessel masters, or their authorized representative, or the authorized representative of the flag CPC or the exporter shall complete the TSCC, if possible electronically, by providing the required information in appropriate sections and request its validation in accordance with paragraph 10, on each occasion that they export tropical tuna and swordfish products.
9. A validated TSCC shall include the information identified in **Annex 1** forms attached. In cases where a section of the TSCC model does not provide enough room to completely track movement of tropical tunas and swordfish from catch to trade, the needed information section may be expanded as necessary and attached as **Annex**. The competent authority of the CPC shall validate the **Annex** as soon as possible, but not later than the next movement of tropical tunas and swordfish.
10. a) The TSCC must be validated by the competent authority of the flag CPC of the fishing vessel.
b) The competent authority of the flag CPC shall validate the TSCC for tropical tuna products only when all the information contained in the TSCC has been established to be accurate as a result of the verification of the consignment, and only when those products comply with all relevant provisions of the Resolutions.
11. Where tropical tuna and swordfish catches are transhipped or landed in bulk, competent authorities of the flag CPC shall make an additional validation of the catch certificate section 3 "verified weight landed", following classification of species composition.

12. Where the tropical tunas and swordfish quantities caught and landed are less than 1 metric ton or three fish, the logbook or the sales note may be used as a temporary TSCC, pending the validation of the TSCC within seven days and prior to export.

PART II

BIS – TROPICAL TUNAS AND SWORDFISH SIMPLIFIED CATCH CERTIFICATE

13. This Part shall apply to fishing vessels of CPCs
- with an overall length of less than 12 meters without towed gear; or
 - with an overall length of less than 8 meters with towed gear; or
 - without a superstructure; or
 - of less than measured 20 GT.
14. Catches by such fishing vessels which are only landed in the flag CPCs and which together constitute one consignment may be accompanied by a simplified tropical tuna and swordfish catch certificate (hereinafter referred to as “simplified TSCC” (**Annex 4**)) instead of the TSCC.

PART III

TROPICAL TUNAS AND SWORDFISH RE-EXPORT CERTIFICATES

15. Each CPC shall ensure that each tropical tunas and swordfish consignment which is re-exported from its territory be accompanied by a validated TSRC.
16. The operator who is responsible for the re-export shall complete the TSRC by providing the required information in its appropriate sections and request its validation for the tropical tunas and swordfish consignment to be re-exported. The completed TSRC shall be accompanied by a copy of the validated TSCC relating to the tropical tuna and swordfish products previously imported.
17. The TSRC shall be validated by the competent authority of the re-exporting CPC.
18. The CPC shall validate the TSRC for tropical tunas and swordfish product only when:
- a) all the information contained in the TSRC has been established to be accurate,
 - b) the validated TSCC(s) submitted in support to the TSRC had been accepted for the importation of the products declared on the TSRC,
 - c) the products to be re-exported are wholly or partly the same products on the validated TSCC(s) and
 - d) a copy of the TSCC(s) shall be attached to the validated TSRC.
19. The validated TSRC shall include the information identified in **Annex 2** forms attached.

PART IV

PROCESSED PRODUCTS

20. In order to re-export products constituting one single consignment and which have been processed in that re-exporting CPC using tuna species imported from a third country other than that re-exporting CPC, the re-exporting CPC shall ensure that the TSRC shall be accompanied by a Processing Statement(s) established by the processing plant and endorsed by its competent authorities. The Processing Statement shall be in accordance with the form of Appendix 1 of **Annex 2** to the TSRC.
21. When a CPC exports processed products caught by catching vessels flagged to the CPC, it is not required to submit a Processing Statement(s).

PART V

COMMUNICATION AND VERIFICATION

22. Each CPC shall communicate, if possible electronically, a copy of all validated TSCCs or TSRCs within fifteen working days following the date of validation, or without delay where the expected du-

ration of the transportation should not take more than fifteen working days, to the following:

- a) the competent authorities of the CPC where the tropical tunas and swordfish will be imported, and
- b) the IATTC Secretariat.

23. The IATTC Secretariat shall extract from the validated TSCCs or communicated under paragraph 21 above the information marked with an asterisk in **Annex 1** or **Annex 2** forms and enter this information in a database on a password protected section of its website, as soon as practicable.

At its request, the Scientific Committee shall have access to the catch information contained in the database, except the vessel names.

24. Each CPC shall ensure that its competent authorities take steps to identify each consignment of tropical tunas and swordfish imported into or exported or re-exported from its territory and request and examine the validated TSCC(s) and related documentation of each consignment of tropical tunas and swordfish.

These competent authorities may also examine the content of the consignment to verify the information contained in the TSCC and in related documents and, where necessary, shall carry out verifications at with the operators concerned.

25. If, as a result of examinations or verifications carried out pursuant to paragraph 23, a doubt arises regarding the information contained in a TSCC, the final importing CPC and the CPC whose competent authorities validated the TSCC(s) or TSRC(s) shall cooperate to resolve such doubts.
26. If a CPC involved in trade of tropical tunas and swordfish identifies a consignment with no TSCC or no valid TSCC, it shall notify the findings to the exporting CPC and, where known, the flag CPC.
27. Pending the examinations or verifications under paragraph 23 to confirm compliance of the tropical tunas and swordfish consignment with the requirements in the present Resolution and any other relevant measures adopted by IATTC, the CPC shall not grant its release for import or export.
28. Where a CPC, as a result of examination or verifications under paragraph 23 and in cooperation with the competent authorities concerned, determines that a TSCC or TSRC is invalid, the import, export or re-export of the tropical tunas and swordfish products concerned shall be prohibited.
29. The Commission shall request the non-CPCs that are involved in import, export or re-export of tropical tunas and swordfish to cooperate with the implementation of the Scheme and to provide to the Commission data obtained from such implementation.

PART V COMMUNICATION OF DATA

30. CPCs that validate TSCCs in respect of their flag fishing vessels and/or TSRCs, shall notify to the IATTC Secretariat:
 - a) the name and full address of their competent authorities responsible for validating and verifying TSCCs or TSRCs, and
 - b) the name, title, signature and sample impression of stamp or seal of the validating government officials who are individually empowered.

This notification shall indicate the date at which this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the tropical tunas and swordfish catch certification scheme shall be communicated with the initial notification. Updated details on competent authorities, officials and national provisions shall be communicated to the IATTC Secretariat in a timely fashion.

31. The information on competent authorities and officials transmitted by notifications to the IATTC Secretariat shall be placed on a password protected page of the database on validation held by the IATTC

Secretariat. The list of the CPCs having notified their competent authorities, officials and the dates of entry into force of the entitlement shall be placed on a publicly accessible website held by the IATTC Secretariat.

CPCs are encouraged to access this information to help verify the validation of TSCCs and TSRCs.

32. Each CPC shall notify to the IATTC Secretariat the points of contact (name and full address of the authorities) that should be informed when there are questions related to TSCCs or TSRCs.
33. Notification pursuant to paragraphs 29, 30 and 31 shall be sent by CPCs to the IATTC Secretariat, by electronic means, whenever possible.
34. CPCs shall provide to the IATTC Secretariat a report each year by October 1 for the period from July 1 of the preceding year to June 30 of the current year to provide the information described in **Annex 3**.

The IATTC Secretariat shall post these reports on a password protected section of the IATTC website, as soon as practicable. At its request, the Scientific Committee shall have access to the reports received by the IATTC Secretariat.

35. This Resolution will be revised during the IATTC 2013 Annual Meeting, with the view of expanding the scope of application of the IATTC Catch Certification Scheme to all tuna and tuna like species falling under the IATTC competence as well as any other elements deemed to be revised.
36. CPCs will also consider the implementation of an integrated electronic catch certification scheme in a view to progressively and completely replace the paper-based one.
37. The provisions of this recommendation enter into force on 1st January 2013
38. IATTC Resolution C-03-01 concerning the *IATTC Bigeye tuna statistical document programme* is superseded by this Resolution.

Annex 1
IATTC tropical tunas (yellowfin, bigeye and skipjack) and swordfish catch certificate

IATTC CATCH CERTIFICATE		
Document number*		
1. Validating Authority		
Name		
Address		
Tel.:	e-mail:	
Fax:		
2. Fishing Vessel		
Fishing Vessel Name *		
Flag* - Home Port and Registration Number		
Call Sign	IMO/Lloyd's Number (if issued)	
Fishing licence No.	Valid until	Inmarsat No. Telefax No. Telephone No. E-mail address (if issued)
3. Description of Product (See next page)		
4. Applicable Resolutions		
References of applicable Resolutions		
5. Master of fishing vessel		
Name of master of fishing vessel	Signature	Seal

IATTC CATCH CERTIFICATE

3. Description of Product						
Species *	Product code	Catch area(s) and dates*	Estimated live weight (kg)*	Estimated weight to be landed (kg)	Verified Weight Landed (kg) where appropriate	Type of processing authorised on board

IATTC CATCH CERTIFICATE

6. Declaration of Transhipment at Sea

Name of Master of Fishing vessel		Signature	Date
Transhipment Date	Transhipment Area	Transhipment Position	Estimated weight (kg)
Master of Receiving Vessel		Signature	
Vessel Name		Call Sign	IMO/Lloyds Number (if issued)

7. Transhipment authorisation within a port area

Name	Authority	Signature
Address	Tél.	
Port of Landing	Date of Landing	Seal

8. Exporter

Name and address of Exporter		
Signature	Date	Seal

9. Flag State Authority Validation

Name/Title		
Signature	Date	Seal

10. Transport details : See Appendix I

IATTC CATCH CERTIFICATE

APPENDIX I. TRANSPORT DETAILS

<p>1. Exporting country*</p> <p>Country of exportation Port/airport/other place of departure</p>	<p>2. Exporter Signature</p>	
<p>Name</p>	<p>Address</p>	<p>Signature</p>
<p>Vessel name and flag</p>	<p>Container number(s)</p>	
<p>Flight number/airway bill number</p>		
<p>Truck nationality and registration number</p>		
<p>Railway bill number</p>		
<p>Other transport document</p>		

Annex 2
IATTC tropical tunas and swordfish species re-export certificate

IATTC RE-EXPORT CERTIFICATE

Document Number* :					
RE-EXPORT SECTION					
1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY					
2. POINT OF RE -EXPORT *					
3. DESCRIPTION OF IMPORTED TROPICAL TUNAS AND SWORDFISH					
Product Type		Net weight (kg)*	Flag CPC	Date of import *	TSCC No*
F/FR	RD/GG/DR/FL/OT				
4. DESCRIPTION OF TROPICAL TUNAS AND SWORDFISH FOR RE-EXPORT					
Product Type*		Net weight (kg)*	Corresponding TSCC number from section 3.		
F/FR	RD/GG/DR/FL/OT				
F= Fresh, FR=Frozen, RD= Round, GG= Gilled & Guttled, DR=Dressed, FL=Filet, OT=Others (Describe the type of the product):					
STATE OF DESTINATION* :					
5. RE-EXPORTER STATEMENT: I certify that the above information is complete, true and correct to the best of my knowledge and belief.					
Name	Address	Signature	Date		
6. GOVERNMENT VALIDATION I validate that the above information is complete, true and correct to the best of my knowledge and belief.					
Name & Title	Signature	Date	Government Seal		
IMPORT SECTION					
7. IMPORTER STATEMENT: I certify that the above information is complete, true and correct to the best of my knowledge and belief.					
Importer Certification					
Name	Address	Signature	Date		
Final point of import * : City	State/Province	CPC			

NOTE: if a language other than English is used in completing this form, please attach the English translation to this form.
NOTE: Valid transport documents and copies of TSCC shall be attached.

APPENDIX I. STATEMENT BY THE PROCESSING PLANT

I confirm that the processed fishery products: (product description and Combined Nomenclature code) have been obtained from catches imported under the following catch certificate(s):

Catch certificate number	Vessel flag(s)	Validation date(s)	Catch description	Total landed weight (kg)	Catch processed (kg)	Processed fishery product (kg)

Name and address of the processing plant

Name and address of the exporter (if different from the processing plant)

Approval number of the processing plant

Health certificate number and date:

Responsible person of the processing plant:	Signature and seal	Date:	Place:
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Endorsement by the competent authority:

Official	Signature and seal	Date:	Place:
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Annex 3
Report on the Implementation of the IATTC tropical tunas and swordfish Catch Certification Scheme

Reporting CPC:

Period of reference: July 1 [2XXX] to June 30 [2XXX]

1. Information extracted from TSCCs
 - number of TSCCs validated;
 - number of validated TSCCs received;
 - total amount of tropical tuna and swordfish products imported, exported, re-exported with breakdown by CPC of origin, re-export or destination, fishing areas and fishing gears;
 - number of verifications of TSCCs requested to other CPCs and summary results;
 - number of requests for verifications of TSCCs received from other CPCs and summary results;
 - total amount of tropical tunas and swordfish consignments subject to a prohibition decision with breakdown by products, nature of operation (import, export, re-export), reasons for prohibition and CPCs and/or non-Members of origin or destination.

2. Information on cases under Part IV paragraph 19
 - number of cases
 - total amount of tropical tunas and swordfish with breakdown by products, nature of operation (import, export, re-export), CPCs or other countries referred to in Part IV paragraph 19 above.

**Annex 4
IATTC simplified catch certificate**

IATTC SIMPLIFIED CATCH CERTIFICATE

4. LIST OF VESSELS

List no:.....

Page: (..... /)

Catch Certificate no:

Exporter:

2. DESCRIPTION OF PRODUCT

No.	Name of the vessel	Registration number	Product	Quantity (kg)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total				

Signature and seal/stamp of the exporter:

Flag State Validating Authority

Name/title	Date and Signature	Seal/stamp

APPENDIX I. TRANSPORT DETAILS

1. Exporting country:		Port/airport/other place of departure	
2. Exporter Signature			
Name		Address	
		Signature	
Vessel name and flag		Container number(s)	
Flight number/airway bill number			
Truck nationality and registration number			
Railway bill number			
Other transport document			

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 C-1 REV 1

SUBMITTED BY THE EUROPEAN UNION

**IATTC RESOLUTION FOR AN IATTC SCHEME FOR
MINIMUM STANDARDS FOR INSPECTION IN PORT**

Explanatory Memorandum

Goal: this Resolution is intended to contribute to the long-term conservation and sustainable use of living marine resources, and in particular of highly migratory stocks, in the IATTC Convention Area through strengthened, harmonized and transparent minimum standards for inspections in port to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

New elements: as compared with the proposal submitted in 2010 and 2011 this simplified proposal abandons the fully-fledged FAO Port State Measures approach. Instead it focuses on the most essential elements of port inspections: designated ports, prior notifications, inspections and infringements. It is therefore more in line with the requests from developing coastal CPCs as it also includes a number of simplified provisions in order to facilitate consensus at the IATTC.

Rationale: in coherence with the role of port CPCs in the adoption of effective measures to promote the sustainable use and the long term conservation of living marine resources, this resolution foresees the establishment by CPCs of a list of minimum standards for port inspections including designated ports to which vessels may request entry, a system of prior notification, the verification of landings and transshipments, port inspections, and inspection and infringement procedures.

In addition to that, it will be the first ever port inspection measure adopted by IATTC. Therefore it will ensure consistency with management measures taken in other RFMOs and improve the results of the measures aimed towards conservation of tuna and tuna-like species in the Eastern Pacific Ocean. This will contribute to more responsible management of the stocks under the IATTC's mandate.

IATTC RESOLUTION FOR AN IATTC SCHEME FOR MINIMUM STANDARDS FOR INSPECTION IN PORT

Deeply concerned about the continuation of illegal, unreported and unregulated fishing in the IATTC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Developing States,

Conscious of the role of the port CPCs in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources,

Recognizing that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag CPCs and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing,

Recognizing that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing,

Aware of the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures,

Bearing in mind that, in the exercise of their sovereignty over ports located in their territory, CPCs may adopt more stringent measures, in accordance with international law,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention,

Recalling the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries,

THE INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC)

Having regard to Article XX and XXI of the IATTC Convention,

Agrees to adopt the following Resolution in conformity of Article IX of the IATTC Convention:

SCOPE

1. In the exercise of their sovereignty over ports located in their territory, Members and Cooperating Non-Members (hereinafter CPCs) may adopt more stringent measures, in accordance with international law.
2. With a view to monitor compliance with IATTC Resolutions, each CPC, in its capacity as a port CPC, shall apply this Resolution for an effective scheme of port inspections in the IATTC Convention Area in respect of foreign fishing vessels carrying IATTC-managed species and/or fish products originating from such species that have not been previously landed or transhipped at port, hereinafter referred to as "foreign fishing vessels".
3. Without prejudice to specifically applicable provisions of other IATTC Resolutions, this Resolution shall apply to foreign fishing vessels equal to or greater than 20 meters in length overall.
4. Each CPC shall subject foreign fishing vessels below 20 meters length overall and fishing vessels entitled to fly its flag to a comparable port inspection programme to be designed and implemented by that CPC.

5. CPCs shall take necessary action to inform fishing vessels' entitled to fly their flag of this and other relevant IATTC Resolutions.

COMPETENT AUTHORITY

6. Each CPC shall designate a competent authority to serve as a contact point for the purposes of receiving notifications, and issuing authorizations pursuant to this Resolution. It shall transmit the name and contact information for its competent authority to the IATTC Director no later than 30 days following the entry into force of this Resolution. Any subsequent changes shall be notified to the IATTC Director at least 7 days before such changes take effect. The IATTC Director shall promptly notify CPCs of any such change.
7. The IATTC Director shall establish and maintain a register of competent authorities based on the lists submitted by the CPCs. The register and any subsequent changes shall be published promptly on the IATTC website.

DESIGNATED PORTS

8. Each CPC shall designate its ports to which foreign fishing vessels may request entry pursuant to this Resolution.
9. Each CPC shall, to the greatest extent possible, ensure that every designated port has sufficient capacity to conduct inspections pursuant to this Resolution.
10. Each CPC shall provide to the IATTC Director within 30 days from the date of entry into force of this Resolution list of designated ports. Any subsequent changes to this list shall be notified to the IATTC Director at least 14 days before the change takes effect.
11. The IATTC Director shall establish and maintain a register of designated ports based on the lists submitted by the port CPCs. The register and any subsequent change shall be published promptly on the IATTC website.

PRIOR NOTIFICATION

12. Each flag CPC shall take necessary action to ensure that fishing vessels entitled to fly its flag or their representatives notify the competent authority of the port CPC whose designated port they wish to use for the purpose of landing and/or transshipment, at least 72 hours before the estimated time of arrival at the port, of the following information:
 - a) Vessel identification (External identification, Name, IMO No, if any, and IRCS);
 - b) Name of the designated port, as referred to in the IATTC register, to which it seeks entry and the purpose of the port call (landing and/or transshipment);
 - c) Fishing authorization or, where appropriate, any other authorization held by the vessel to support fishing operations on IATTC species and/or fish products originating from such species, or to transship related fishery products;
 - d) Estimated date and time of arrival in port;
 - e) The estimated quantities in kilograms live weight of each IATTC species and/or fish products originating from such species held on board, with associated catch areas. If no IATTC species and/or fish products originating from such species are held on board, a 'nil' report shall be transmitted;
 - f) The estimated quantities for each IATTC species and/or fish products originating from such species in kilograms live weight to be landed or transshipped, with associated catch areas. The port CPC may also request other information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.
13. The port CPC may prescribe a longer or shorter notification period than specified in paragraph 12, taking into account, inter alia, the type of fishery product, the distance between the fishing grounds

and its ports. In such a case, the port CPC shall inform the IATTC Director, who shall publish the information promptly on the IATTC website.

USE OF PORT BY FOREIGN FISHING VESSELS AS AUTHORIZED BY THE PORT CPC

14. Landing or transshipment operations shall be subject to verification by the competent authority of the port CPC to determine the completeness of the information submitted as prescribed in paragraph 12 and to carry out an inspection in accordance with paragraph 19 below, if required.
15. Notwithstanding paragraph 14, the port CPC may authorize all or part of a landing or trans-shipment in cases where the information set out in paragraph 12 is incomplete or verification is pending. In such cases, the fishery products concerned shall be kept in storage. The fishery products shall only be released once the information set out in paragraph 12 and the verification have been completed. If this information is not complied with within 14 days of the commencement of the landing or trans-shipment, the port CPC may seize and dispose of the fishery products in accordance with its domestic laws. The cost of storage shall be borne by the operators in accordance with the domestic laws of the port CPC.

PORT INSPECTIONS

16. Inspections shall be carried out by the competent authority of the port CPC.
17. Each year CPCs shall inspect at least 5 % of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.
18. In determining which foreign fishing vessel to inspect, the port CPC shall give priority to:
 - a) requests from other CPCs or relevant regional fisheries management organizations that particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing, by the vessel in question, and
 - b) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing.
 - c) vessels included on the IATTC list of IUU vessels, as specified in Resolution C-05-07

INSPECTION PROCEDURE

19. Each inspector shall carry a document of identity issued by the port CPC. In accordance with domestic laws, port CPC inspectors may examine all relevant areas, decks and rooms of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any relevant documents, including fishing logbooks, Cargo Manifests and Mates Receipts and landing declarations in case of transshipment, which they deem necessary to ensure compliance with the IATTC Resolutions. They may take copies of any documents considered relevant, and they may also question the Master and any other person on the vessel being inspected.
20. Inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 12 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided [JPN: to the extent practicable].
21. On completion of the inspection, the port CPC inspector shall provide the Master of the foreign fishing vessel with the inspection report containing the findings of the inspection, including possible subsequent measures that could be taken by the port CPC competent authority. The Master shall be given the opportunity to add any comments or objection to the report and to contact the competent authority of the flag CPC. The inspector and the Master shall sign the report and a copy of the report shall be provided to the Master. The Master's signature shall serve only as acknowledgement of the receipt of a copy of the report.

22. The port CPC shall transmit a copy of the inspection report to the IATTC Director no later than 14 days following the date of completion of the inspection.
23. CPCs shall take necessary action to ensure that Masters facilitate safe access to the fishing vessel, cooperate with the competent authority of the port CPC, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port CPC inspectors in the execution of their duties.

PROCEDURE IN THE EVENT OF INFRINGEMENTS

24. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed an infringement of the IATTC Resolutions, the inspector shall:
 - a) record the infringement in the inspection report;
 - b) transmit the inspection report to the port CPC competent authority, which shall promptly forward a copy to the IATTC Director and, if the vessel fly the flag of another CPC, to the competent authority of the flag CPC;
 - c) if possible, take all necessary action to ensure safekeeping of the evidence pertaining to such alleged infringement.
25. If the infringement falls within the legal jurisdiction of the port CPC, the port CPC may take action in accordance with its domestic laws. The port CPC shall promptly notify the action taken to the competent authority of the flag CPC and to the IATTC Director, which shall promptly publish this information in a secured part of the IATTC website.
26. Other infringements shall be referred to the flag CPC. Upon receiving the copy of the inspection report, the flag CPC shall promptly investigate the alleged infringement and notify the IATTC Director of the status of the investigation and of any enforcement action that may have been taken within 6 months of such receipt. The IATTC Director shall promptly publish this information in a secured part of the IATTC website. CPCs shall include in their Compliance questionnaire information regarding the status of such investigations.
27. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in Resolution C-05-07, the port CPC shall promptly report the case to the flag CPC and notify as soon as possible the IATTC Director, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

GENERAL PROVISIONS

28. CPCs are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with IATTC Resolutions. A description of such programs should be provided to the IATTC Director which should publish it on the IATTC website.
29. Without prejudice to domestic laws of the port CPC, the flag CPC may send its own officials to accompany the inspectors of the port CPC and observe the inspection of its vessel, having previously received an invitation from the competent authority of the port CPC. Officials from the flag CPC shall not exercise any enforcement powers in the port CPC.
30. Flag CPCs shall consider and act on reports of infringements from inspectors of a port CPC on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. CPCs shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Resolution.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 D-1 REV 2

SUBMITTED BY THE EUROPEAN UNION AND COLOMBIA

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

Explanatory Memorandum

Goal: in order to ensure sustainability of fishing operations for stocks under the IATTC competence, all gears deployed to target these resources should be managed. This Resolution is intended to contribute to the long-term conservation and sustainable use of living marine resources, and in particular of highly migratory stocks, in the IATTC Convention Area by establishing a Fishing Aggregating Devices (FADs) Management Plan.

More specifically the Resolution foresees the development and implementation of a pilot research project and data collection on FADs (already foresaw in Resolution C-11-01) and, more important, the submission of Management Plans by CPCs that fish with FADs in the IATTC Convention Area. The Management Plans shall cover, amongst other, objectives, scope, institutional arrangements, FADs requirements and strategies to limit the capture of small bigeye and yellowfin tuna usually associated with fishing on FADs.

New elements: this draft Resolution was already submitted to IATTC in 2011 jointly with Colombia. For 2012 it incorporates a new element addressing small bigeye and yellowfin tuna usually associated with the use of FADs.

Rationale: FADs are increasingly used by purse seiner fleets to increase the efficiency of their catches. While FAD fishing can be an efficient method for catching large schools of tuna, industrial-scale FAD fisheries can have significant adverse impacts on tunas (notably on small tunas) and other species (notably by-catches of seabirds and turtles). Overall, information on FAD use is not widely available because information on their exact numbers and locations is considered proprietary by industrial fishing vessel operators and fleets. This is the reason why, with the view of starting a serious management approach to FADs, the first essential element is to have a complete picture of the FADs and FADs utilization made by IATTC CPCs using them.

The FADs Management Plans obligations, should be seen as a first step of an IATTC regulatory approach which, on the basis of the gathered information should be developed by the IATTC scientific staff in strict coordination with the IATTC Scientific Advisory Committee.

Background: IATTC has adopted some conservation and management measures aimed at FADs. In 1999

IATTC recommended to limit the transshipment of catches from vessels associated with FAD fishing as well as commissioning a research on FADs and catches. Additionally IATTC Resolution C-11-01 on *Tuna conservation* required IATTC to start a voluntary pilot research programme with interested parties on FAD information gathering. The current proposal builds and develops the existing regime in order to make it more comprehensive and ambitious in line with similar decisions adopted in other RFMOs.

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

The Inter-American Tropical Tuna Commission (IATTC)

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

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

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

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

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

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

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

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

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

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

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

AGREES TO:

1. Ask the Director to make, in coordination with the Members and Cooperating non-Members (CPCs), the arrangements necessary for carrying out the pilot research project and data collection on FADs that are used to aggregate tunas in the EPO, in accordance with paragraph 14 of Resolution C-11-01. For the purposes of this Resolution, the term Fish Aggregation Device (FAD) means drifting, floating or submerged objects deployed and/or tracked by vessels, including using radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse seine or ring-net fishing operations.

2. CPCs whose fleets include one or more purse-seine vessels that fish with FADs in the area of the EPO, even if only sporadically, shall submit a FAD Management Plan by 1 January 2013 that shall include the information included in Annex I of this Resolution. The Management Plan shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs.
3. The information collected in the framework of the pilot research project and the management plans submitted by the CPCs shall be made available to the Scientific Advisory Committee for analysis.
4. In 2014, compliance with FAD reporting requirement will be comprehensively reviewed by the *Committee for the Review of the Implementation of Measures adopted by the Commission* and presented to the Commission.
5. In 2014 the scientific staff of the IATTC, in coordination with the Scientific Advisory Committee, shall present the results of its analyses of the information collected, and on the basis of these results shall formulate opportune recommendations for regulating the management of the affected stocks.

Annex 1

GUIDELINES FOR PREPARATION OF FAD MANAGEMENT PLANS

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

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

Additionally and voluntarily, the following information may be included:

- Institutional arrangements for management of the FAD Management Plans:
 - Institutional responsibilities,

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

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

**La Jolla, California (USA)
25-29 June 2012; 09:00**

PROPOSAL IATTC-83 E-1 REV 1

SUBMITTED BY THE EUROPEAN UNION

**IATTC RESOLUTION ON THE CONSERVATION OF
HAMMERHEAD SHARKS (FAMILY *SPHYRNIDAE*) CAUGHT IN
ASSOCIATION WITH FISHERIES IN THE IATTC CONVENTION
AREA**

Explanatory Memorandum

Goal: Hammerhead sharks, caught mainly in the longline but also in purse seine fisheries, are among the top shark species caught in the Eastern Pacific Ocean (EPO). Since hammerhead sharks is one of the most vulnerable existing shark species and there is not enough knowledge or data currently available for this species, it is necessary to adopt a precautionary approach to its conservation through the prohibition of retaining hammerhead sharks on board of vessels and release them unharmed when possible.

New elements: this draft Resolution was already presented at the IATTC 2011 Annual Meeting. In order to reply to the needs of developing coastal CPCs, it has been improved and updated with an exception for developing coastal CPCs for catches intended for local consumption and domestic trade complemented with their best endeavours not to increase current catches of hammerhead sharks. It also foresees the possibility to envisage nursery areas in the future.

Rationale: the international scientific community points out that the hammerhead species *Sphyrna lewini* and *Sphyrna zygaena*: (a) are one of the species with the lowest productivity, (b) have been ranked as one of the five species with the highest degree of risk in an ecological risk assessment; (c) have high at-vessel mortality and constitute a small portion of the shark catch; (d) are one of the easiest shark species to identify; (e) **are a highly-valued** species in the shark fin trade; and (f) that a significant proportion of the species catch is composed of juveniles, justifying a precautionary approach in their management.

Moreover, the Antigua Convention requires IATTC to adopt conservation measures for species associated with the main targeted stocks, this species being one of them.

IATTC RESOLUTION ON THE CONSERVATION OF HAMMERHEAD SHARKS (FAMILY *SPHYRNIDAE*) CAUGHT IN ASSOCIATION WITH FISHERIES IN THE IATTC CONVENTION AREA

The Inter American Tropical Tuna Commission (IATTC),

CONSIDERING that hammerhead sharks of the family *Sphyrnidae* are caught as by-catch in the IATTC Convention Area;

NOTING that the international scientific community points out that the hammerhead sharks of the species *Sphyrna lewini* and *Sphyrna zygaena* are ranked among the species with the lowest productivity;

CONSIDERING that it is difficult to differentiate between the various species of hammerhead sharks without taking them on board and that such action might jeopardize the survival of the captured individuals;

Agrees that:

1. Members and Cooperating non-Members (hereafter referred to as CPCs) shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of hammerhead sharks of the family *Sphyrnidae*, taken in the IATTC Convention area.
2. CPCs shall require vessels flying their flag to promptly release hammerhead sharks as soon as possible, and to do so in a manner that results in as little harm to the shark as possible
3. All hammerhead sharks taken in the IATTC Convention area during sport and recreational fishing shall be released alive as soon as feasible. In no circumstances shall specimens be retained on board, transhipped, landed, stored, sold or offered for sale. CPCs shall ensure that sport and recreational fishers carrying out fishing with a high probability of catching hammerhead sharks in the IATTC Convention Area are equipped with instruments and instructions, including supplying species identification guides for their fleets and developing guidelines and training for the safe release of sharks, to increase the survivorship of released hammerhead sharks.
4. Hammerhead sharks of the family *Sphyrnidae* caught by developing coastal CPCs for local consumption and domestic trade are exempted from the measures established in paragraph 1, provided that these CPCs annually report data for catches, effort by gear type, landing and trade of sharks of the family *Sphyrnidae*, by species, in accordance with IATTC reporting procedures, including available historical data.
5. Developing coastal CPCs exempted from this prohibition pursuant to paragraph 4 shall not increase their catches of hammerhead sharks. Such CPCs shall take necessary measures to ensure that hammerhead sharks of the family *Sphyrnidae* will not enter international trade and shall notify IATTC of such measures.
6. CPCs shall, where possible, implement research on hammerhead sharks taken in the IATTC Convention area in order to identify potential nursery areas and to address other outstanding research and data needs. Based on this research, CPCs shall consider time and area closures and other measures, as appropriate.
7. CPCs shall record through their observer programs the number of discards and releases of hammerhead sharks with indication of status (dead or alive) and report it to IATTC.
8. This resolution shall enter into force on 1 January 2013.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 E-2 REV

SUBMITTED BY COLOMBIA

**RESOLUTION ON THE CONSERVATION OF SILKY SHARKS
CAUGHT IN ASSOCIATION WITH FISHERIES IN THE IATTC
CONVENTION AREA**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recognizing that fish stocks covered by the IATTC include other species of fish taken by vessels fishing for tunas;

Recalling that it is a function of the IATTC to establish, as necessary, conservation and management measures and recommendations for species belonging to the same ecosystem and that are affected by fishing or are associated with stocks of fishes covered by the IATTC, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

Considering that silky sharks (*Carcharhinus falciformis*) are the main shark species caught in association with purse-seine fisheries for tunas;

Noting that silky sharks are vulnerable to overexploitation due to their low reproductive capacity, slow intrinsic population growth, and especially the fact that these sharks are taken in fisheries targeting other resources such as tunas, whose growth rates and fecundity are much greater;

Emphasizing that, at the meeting of the Scientific Advisory Committee in May 2012, the IATTC scientific staff expressed concern about the substantial declining trend in catches of silky shark by purse-seine vessels, particularly in the southern region, and recommended the conservation measures set out in Document [IATTC 83-05c](#) (revised);

Recognizing that precautionary measures for this species are needed, due to its condition in the IATTC Convention Area, and that, according to the IATTC staff, there is sufficient information available to warrant such measures;

Agrees that:

1. Members and Cooperating non-Members (CPCs) shall take management and conservation measures with respect to retaining onboard, transshipping, landing, storing, selling, or offering for sale any partial or whole carcass of silky sharks in the fisheries covered by the IATTC.
2. CPCs shall require vessels flying their flag to promptly release silky sharks unharmed as soon as they are seen in the net, on the hook, or on the deck, and do it in a manner that will result in the least

possible harm to the individuals captured.

3. CPCs shall record *inter alia*, through the observer programs, the number of discards and releases of silky sharks, with an indication of status (dead or alive). and report it to the IATTC.
4. In their annual reports, CPCs shall report to the Commission of the steps taken to implement this Resolution, including monitoring, control, and surveillance measures that support its implementation .
5. CPCs shall, where possible, implement research projects on silky sharks in the IATTC Convention Area.
6. In order to assess progress toward the objectives of these measures, in 2013 and 2014 the IATTC scientific staff shall analyze the implementation of this resolution and shall propose, if necessary, suitable measures to be applied in the following years.
7. The Commission shall review this Resolution at the latest at its annual meeting in 2014, and consider revising it in the light of the 2013 assessment of silky sharks and the recommendations of the IATTC scientific staff.
8. This Resolution shall enter into force on 1 January 2013.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 F-1 REV 1

SUBMITTED BY THE EUROPEAN UNION

**IATTC RESOLUTION ON DATA CONFIDENTIALITY POLICY
AND PROCEDURES**

The Inter American Tropical Tuna Commission (IATTC),

RECOGNIZING the need for confidentiality at the commercial and organisational levels for data submitted to the IATTC;

CONSIDERING the provisions set forth in IATTC Resolution C-04-10 on *Catch Reporting*;

MINDFUL of the obligations of CPCs in IATTC Resolution C-11-07 on the *Process for Improved Compliance of Resolutions adopted by the Commission*;

CONSIDERING the provisions set forth in IATTC Resolution C-03-05 on *Data Provision*;

Agrees that:

1. The following policy and procedures on confidentiality of data will apply:

DATA SUBMITTED TO THE IATTC

2. The policy for releasing catch-and-effort, length-frequency and observer data will be as follows:

Standard stratification

- a) Catch-and-effort and length-frequency data grouped by 5° longitude by 5° latitude by month for longline and 1° longitude by 1° latitude by month for surface fisheries stratified by fishing nation are considered to be in the public domain, provided that the catch of no individual vessel or company can be identified within a time/area stratum.

Finer level stratification

- b) Catch-and-effort and length-frequency data grouped at a finer level of time-area stratification will only be released with written authorisation from the sources of the data. Each data release will require the specific permission of the Director. CPCs will have access to data held by the Commission relating to the operations carried out within their own respective Exclusive Economic Zone.
- c) Observer catch-and-effort and length-frequency data grouped by 1° longitude by 1° latitude for surface fisheries and by 5° longitude by 5° latitude for longline, stratified by month and by fishing nation are considered to be in the public domain, provided that the catch of no individual vessel or company can be identified within a time/area stratum.

- d) When a Working Group requests finer-scale data, it will specify the reasons for which the data are required.
 - e) Individuals requesting the data are required to provide a description of the research project, including the objectives, methodology and intentions for publication. Prior to publication, the manuscript must be cleared by the Director. The data are released only for use in the specified research project and the data must be destroyed upon completion of the project. Data may be used in the research project only in a manner that does not identify individuals or individual business information. However, with authorisation from the sources of the data, catch-and-effort and length-frequency data may be released for long-term usage for research purposes, and in such cases the data need not be destroyed.
 - f) The identity of individual vessels and companies will be hidden in fine-level data unless the individual requesting this information can justify its necessity, to which the Flag State which is the source of such data agrees.
 - g) Both Working Groups and individuals requesting data shall provide a report of the results of the research project to the IATTC for subsequent forwarding to the sources of the data.
3. The policy for releasing tagging data will be as follows:
- a) Detailed tagging and recovery data are considered to be in the public domain, with the exception of any vessel names or identifiers and detailed information about the person who recovered the tag (name and address). Tagging and recovery data will be available on the IATTC website.

PROCEDURES FOR THE SAFEGUARD OF RECORDS

4. Procedures for safeguarding records and databases will be as follows:
- a) Access to logbook-level information or detailed observer data will be restricted to IATTC staff requiring these records for their official duties. Each staff member having access to these records will be required to sign an attestation recognising the restrictions on the use and disclosure of the information.
 - b) Logbook and observer records will be kept locked, under the specific responsibility of the Head of the Data Collection and Database Program. These sheets will only be released to authorised IATTC personnel for the purpose of data input, editing or verification. Copies of these records will be authorised only for legitimate purposes and will be subjected to the same restrictions on access and storage as the originals.
 - c) Databases will be secured to preclude access by unauthorised persons. Full access to the database will be restricted to the Head of the Data Collection and Database Program and to senior IATTC staff requiring access to these data for official purposes, under the authority of the Director. Staff entrusted with data input, editing and verification will be provided with access to those functions and data sets required for their work.

DATA SUBMITTED TO WORKING GROUPS AND THE SCIENTIFIC COMMITTEE

5. The above rules of confidentiality will apply to all members of Working Groups and the Scientific Advisory Committee.

DATA SUBMITTED RELATIVE TO GEAR DEPLOYMENT

6. The Commission shall amend this resolution to address the confidentiality of FAD data and the data about the number of hooks deployed in longline gear, following a related amendment of C-04-10 on catch reporting.
7. This Resolution replaces the IATTC Resolution on Confidentiality of 1 February 1951.

Appendix 3g.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

**La Jolla, California (USA)
25-29 June 2012; 09:00**

PROPOSAL IATTC-83 F-1A

SUBMITTED BY ECUADOR

**ADDITION TO PROPOSAL F-1 ON DATA CONFIDENTIALITY
POLICY AND PROCEDURES**

Ecuador proposes that the paragraph boxed and shaded below be added to the European Union's proposal F-1 on data confidentiality policy and procedures

The Inter American Tropical Tuna Commission (IATTC),

RECOGNIZING the need for confidentiality at the commercial and organisational levels for data submitted to the IATTC;

CONSIDERING the provisions set forth in IATTC Resolution C-04-10 on *Catch Reporting*;

MINDFUL of the obligations of CPCs in IATTC Resolution C-11-07 on the *Process for Improved Compliance of Resolutions adopted by the Commission*;

CONSIDERING the provisions set forth in IATTC Resolution C-03-05 on *Data Provision*;

Agrees that:

8. The following policy and procedures on confidentiality of data will apply:

GENERAL PRINCIPLE

9. Statistics and information about the fishing activities of vessels, all documents about the operations of companies, and any other data considered individually and that refer to persons, companies or firms, shall be reserved in an absolutely confidential form and be accessible only to the flag CPC and to those members of the scientific group who need to know about them in the course of their research.

DATA SUBMITTED TO THE IATTC

10. The policy for releasing catch-and-effort, length-frequency and observer data will be as follows:

Standard stratification

h) Catch-and-effort and length-frequency data grouped by 5° longitude by 5° latitude by month for longline and 1° longitude by 1° latitude by month for surface fisheries stratified by fishing nation are considered to be in the public domain, provided that the catch of no individual vessel or company can be identified within a time/area stratum.

Finer level stratification

(...)

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 H-1

SUBMITTED BY JAPAN

**DRAFT RESOLUTION ON MANAGEMENT OF FISHING
CAPACITY**

EXPLANATORY NOTE

1. Japan is concerned about over capacity of purse seine fishing vessels in the Eastern Pacific Ocean as it is likely to negatively affect stocks of tunas and species incidentally caught, especially where there is no catch limit on these stocks. Although IATTC has been adopting the measures on specified closure period and area to offset such negative impacts, adjustment of capacity to the level commensurate with the stock level would be much better in terms of enforcement feasibility and response to unexpected decrease of stocks of tunas.
2. Based on these ideas, Japan submitted to the 12th meeting of the Permanent Working Group on Fleet Capacity last October DRAFT RESOLUTION ON FREEZE AND REDUCTION OF PURSE SEINE CAPACITY. Taking into account comments received from CPCs during the 12th meeting of the Permanent Working Group on Fleet Capacity, Japan revised the draft and submitted it to the 1st Workshop on Vessel Buybacks last April for further discussion.
3. Throughout discussions at the Working Group and Workshop, several CPCs stated that not only purse seine fishing vessels but also long line fishing vessels should also be subject to capacity management measures.
4. Japan believes that at this moment no capacity management measure is necessary for long line fishing vessels, but at the same time shares the view that this may be required in the future. In this regard, it will be important for IATTC to establish a system to monitor changes of active fishing capacity of long line fishing vessels so that IATTC can adopt necessary measures quickly if the active capacity of long line fishing vessels has surpassed or is likely to surpass a threshold.
5. There are two other issues raised repeatedly during discussions in the Working Group as well as Workshop; relationship with sovereign rights and long liners' financial contribution to the purse seine buy-back scheme. With regard to the relationship between sovereign rights and capacity buy-back, Japan acknowledges that some CPCs consider the capacity as sovereign rights and thus it is difficult for them to accept reduction of their capacity. This scheme would not work, however, if all the purse seine CPCs stick to consider that the capacity belonging to them as part of their sovereign rights. Japan hopes that purse seine CPCs will show certain flexibility to achieve meaningful capacity reduction of purse seine fishing vessels in the EPO. Furthermore, Japan would like to remind that the proposal requires CPCs' approval for any capacity transaction.

6. As to the financial contribution from long line fishing vessels to the purse seine buy-back scheme, we have already explained that this scheme is not expected to result in the reduction of total catch by purse seine vessels until it reduces the total active capacity to less than 158,000 cubic meters since the closure periods are expected to be decreased corresponding to the reduction of capacity towards the target. Therefore, there will be no benefit for long line fishing vessels at least in foreseeable future, while remaining purse seiners will get more benefit. Also, it should be recalled that the number of long line fishing vessels has been reduced substantially using a large amount of financial resources. Based upon those reasons, Japan believes the financial contribution for the purse seine buy-back scheme should be sought for from purse seine fishing vessels, if contribution from outside proved to be impossible.
7. The draft attached hereto consists of two parts: Capacity Management Scheme for Purse Seine Fishing Vessels and Capacity Monitoring Scheme for Long Line Fishing Vessels. The first part is a revision of the revised paper submitted to the 1st Workshop based on comments received. The second part is a new element to materialize the idea expressed in paragraph 4 above. Japan hopes that this draft will be a good basis for discussions on capacity issues.

DRAFT RESOLUTION ON MANAGEMENT OF FISHING CAPACITY

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA) on the occasion of its 83rd Meeting:

Concerned that purse-seine fishing capacity in the eastern Pacific Ocean (hereinafter referred to as “EPO”) has been increasing in recent years;

Understanding that excess fishing capacity in a region makes it more difficult for governments to consent on and implement effective conservation and management measures for the fisheries of that region;

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

Recalling that the Commission adopted Resolution on the Capacity of the Tuna Fleet Operating in the Eastern Pacific Ocean (C-02-03) at the 69th Meeting in 2002 in order to address the problem of excess capacity in the tuna purse-seine fleet operating in the EPO;

Further recalling that the Commission adopted Plan for Regional Management of Fishing Capacity at the 73rd Meeting in 2005 toward the same objective;

Reminded that Article VII, paragraph 1 (h) of the Antigua Convention reads “adopt appropriate measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fish stocks covered by this Convention”:

Agrees:

1. Capacity Management Scheme for Purse Seine Fishing Vessels

Objective

1. The Commission shall freeze and then reduce the capacity of purse seine fishing vessels in order to ensure sustainable use of tuna stocks in the EPO.

Basic principle

2. Any capacity change under this scheme shall be effective only with the consent of the flag Member and Cooperating non-Member of IATTC (hereinafter referred to as “CPC”).

3. Any one CPC shall not possess at any time more than 30% of the total active capacity of purse seine vessels in the EPO.
4. The Director shall revoke any transactions if it detects violation of any rules and restrictions contained in this document or those adopted by the Commission.

Freeze of capacity

5. After January 1, 2013, each CPC shall not increase the total active capacity of its purse seine fishing vessels beyond the maximum level of 2012 except the case permitted in paragraph 6 below.
6. As an exception to paragraph 5 above, each developing CPC may increase its active capacity by utilizing up to 50% of Inactive/Sunk capacity and Available capacity (hereinafter referred to as “non-active capacity”) that it possesses. In case of developed CPCs, this percentage shall be 30%.

Reduction of capacity

7. The total active capacity of purse seine fishing vessels shall be reduced to 158,000 cubic meters in the medium- to long-term, while giving due consideration to development of purse seine fisheries by coastal developing CPCs. The benchmark “158,000 cubic meters” may be changed by the Commission based on advice of the Scientific Advisory Committee and the scientific staff of the Secretariat.
8. Reduction of active capacity will be achieved by two approaches: (1) buy-back of active capacity by the Commission through auction; and (2) automatic reduction of active capacity at the time of replacing current active vessels with other ones.

Buy-back of capacity through auction

9. Active capacity may be auctioned for buy-back purposes.
10. For the purpose of buying back active capacity through auction, the Commission shall establish a Capacity Reduction Fund to be administered by the Director (hereinafter referred to as “the Fund”).
11. The Director shall first seek assistance from intergovernmental organizations such as the World Bank or GEF or donation from industry group for operation of the Fund as well as voluntary contribution from CPCs. If this is not feasible, the Director shall seek a low-interest loan from international financial institutions, which shall be paid back later by the fees collected from owners of active purse seine fishing vessels. If this is not feasible, owners of active purse seine fishing vessels shall contribute to the Fund annually [50] dollars per 1 cubic meter of fish hold capacity. The Commission shall decide details of the Fund operation, including how to deal with cases of change of owners and cases of retirement of owners from fishing, etc.
12. During each annual meeting, the Director shall hold an auction using the Fund in the margin of the meeting to buy back active capacity. A flag CPC authority or owner, who offered the lowest price per 1 cubic meter of the fish hold capacity, shall win the auction and receive the amount (the price multiplied by the capacity amount for the buy-back)¹. In return, the capacity bought-back shall be relinquished from the CPC. The Director shall hold a second auction and thereafter if there remains enough amount in the Fund after the first auction.
13. The vessel bought-back shall be scrapped under the supervision of the Director. The cost for scrapping the vessel shall be paid by the Fund. If any money is accrued from the scrapping, it shall be put into the Fund.
14. The owners of the purse seine vessels who wish to participate in an auction shall obtain approval from

¹ The upper limit of the amount shall be 80% of the money accumulated in the Fund at the time of the auction. The Director shall decide the total amount of capacity available for buy-back and the starting price, taking into consideration the amount of remaining money and the reasonable bid price.

the flag CPC authority in advance of the auction. Before the commencement of an annual auction, the Director shall consult with the flag CPC to confirm if such owner is duly authorized to do so.

Automatic reduction of capacity at the time of replacing current active vessels with other ones

15. When an active purse seine vessel is replaced by a second-hand vessel, no more than 90% of the existing vessel's capacity shall be used (i.e., the capacity of the replacing second-hand vessel must be 90% or less than that of the one to be replaced). When an active purse seine vessel is replaced by a newly built vessel, no more than 70% of the existing vessel's capacity shall be used (i.e., the capacity of the replacing newly built vessel must be 70% or less than that of the one to be replaced).
16. If more capacity is necessary for replacement or if the capacity of the vessel replacing the existing one is found later to be larger than originally expected, such excess capacity shall be obtained by purchasing active capacity. The principle in paragraph 15 shall be also applied to such additional capacity (i.e., if 500 cubic meters is purchased, only 450 cubic meters may be used in case that the replacing vessel is second-hand one and only 350 cubic meters may be used in case that it is newly built one.). The purchased capacity may not be activated until the documented proof certifying that the purchased vessel has been scrapped is provided to the Secretariat.

Consideration to development of purse seine fisheries by coastal developing CPCs

17. Any active capacity which is bought-back through auction or which becomes available as a result of replacement in paragraph 15 and 16 above shall be added to the Reserve Capacity to be established by the Commission and administered by the Director (hereinafter referred to as "the Reserve Capacity").
18. The Director shall announce the availability of capacity in the Reserve Capacity when it exceeds 3,000 cubic meters. The Director shall establish a period during which a request for utilizing such capacity can be submitted. Only owners from CPCs with non-active Capacity authorized by the Commission may utilize the capacity available in the Reserve Capacity. Such owners shall submit a concrete utilization plan which is authorized by the flag CPC.
19. When there are more than one capacity requests and the total requested amount of capacity is more than the capacity available in the Reserve Capacity, the following order shall be applied:
 - a. 1st priority: utilization of the capacity authorized under paragraph 10 of Resolution C-02-03
 - b. 2nd priority: utilization of capacity authorized by the Commission as necessary for fishery development of coastal developing CPCs (other than 1st)
 - c. 3rd priority: utilization of non-active capacity (other than 1st and 2nd)
20. If the owner whose request was accepted does not use the obtained capacity within 6 months (in case of a second-hand vessel) or within 1 year (in case of a newly built vessel), the obtained capacity shall be returned to the Reserve Capacity unless the Commission decides otherwise.
21. When the total amount of the Non-active Capacity becomes zero, the Reserve Capacity shall be terminated and the remaining capacity in the Reserve Capacity shall be voided. If the total active capacity is above 158,000 cubic meters at that time, reduction of active capacity shall be continued in accordance with paragraphs 8 to 16 above.

Administration of the scheme

22. The cost for establishment and management of the scheme (excluding the personnel cost) shall be covered by the Fund. Up to 50,000 US dollars per year may be expended from the Fund for management of the scheme, holding auctions and observing scrapping.
23. The scheme shall be terminated when the total amount of the non-active capacity becomes zero and the total amount of the active capacity is reduced down to 158,000 cubic meters unless another benchmark is agreed upon by the Commission.

24. When increase of capacity becomes possible, such newly available capacity shall be allocated based on a consensus of the Commission. In case that a consensus cannot be reached, the capacity shall be allocated in proportion to the amount of reduced capacity by each CPC.

2. Capacity Monitoring Scheme for Long Line Fishing Vessels

Objective

25. The objective of the scheme is to enable the Commission to properly monitor changes in total active capacity of long line fishing vessels operating in the EPO so that the Commission will be able to consider introduction of capacity management measures in the future.

Basic principle

26. Each CPC shall report its active long line fishing capacity every year in accordance with the scheme below.

Scheme

27. By the end of 2012, each CPC shall report to the Director the number of tuna long line fishing vessels (hereinafter referred to as "TLFV") under their flag which actually operated in the EPO in 2011. The number of TLFV shall be reported in accordance with the following categories:

- a. 24 m or greater in overall length
- b. Less than 24 m in overall length with freezing capacity
- c. Less than 24 m in overall length without freezing capacity

In 2013 and thereafter, each CPC shall submit such information for the previous year to the Director by the end of March.

28. The Director shall compile the information submitted in accordance with paragraph 3 and 4 above by CPCs by category and circulate it to all CPCs one month prior to the annual meeting.

29. The Scientific Advisory Committee shall evaluate relative impact of each category and report the result back to the 2014 Commission meeting.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 J-1 REV 2

SUBMITTED BY CANADA

RESOLUTION ON NORTH PACIFIC ALBACORE TUNA

The Inter-American Tropical Tuna Commission (IATTC or Commission), having responsibility for the scientific study of tunas and tuna-like species in the Convention Area, and for the formulation of recommendations to its members and cooperating non-members (CPCs) with regard to the conservation and management of these resources;

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

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

Recognizing the importance of working with the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), as provided for in Article XXIV of the Antigua Convention, in order to manage and conserve North Pacific albacore throughout its migratory range:

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

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

Considering the ongoing work within the WCPFC towards the development of a precautionary approach framework for North Pacific albacore, which should include target and limit reference points, should those reference points be breached;

The IATTC therefore resolves that:

1. The total level of fishing effort for North Pacific albacore tuna in the Eastern Pacific Ocean not be increased beyond current levels.
2. The CPCs shall take necessary measures to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore tuna is not increased;
3. All CPCs shall report to the Director all catches of North Pacific albacore in the Convention Area every six months. All CPCs shall further report to the Director all effort for fishing vessels targeting

North Pacific albacore in the Convention Area. Catches and effort shall be reported by gear type. Catches shall be reported in terms of weight. These reports shall be submitted to the Director by July 31st, and January 31st of each year, and shall cover fishing activity in the previous year.

4. All CPCs shall report to the Director by January 31, 2012, a list of their specific fisheries or fleets that they have determined to be fishing North Pacific albacore in the Convention Area, and a description of how they are implementing the limit on effort described in paragraph 2 along with any corresponding monitoring mechanisms, that they have established.
5. The Director shall, in coordination with the IATTC scientific staff and the IATTC Scientific Advisory Committee, as well as the ISC and other scientific bodies conducting scientific reviews of this stock, monitor the status of North Pacific albacore and report to the Commission on the status of the stock at each annual meeting.
6. The Director shall, in coordination with the IATTC scientific staff and the IATTC Scientific Advisory Committee, review work undertaken within the WCPFC towards the development of a precautionary approach framework for North Pacific albacore that includes target and limit reference points, and make recommendations in respect of such a framework for consideration by the Commission.
7. The CPCs shall consider future actions with respect to North Pacific albacore as may be warranted based on the outputs from paragraphs 5 and 6.
8. The Commission shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and the WCPFC in their goals and effectiveness with respect to North Pacific albacore.
9. The provisions of paragraph 2 shall not prejudice the rights and obligations under international law of those coastal CPCs in the Convention Area whose current fishing activity for North Pacific albacore is limited, but they have a real interest in fishing for the species, and that may wish to develop their own fisheries for North Pacific albacore in the future.
10. The Commission, through the Director, shall communicate this Resolution to the WCPFC Secretariat.
11. This Resolution replaces Resolution C-05-02.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 K-2

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

RESOLUTION ON CONTRIBUTIONS BY THE IATTC TO THE NATIONAL OBSERVER PROGRAMS (AIDCP)

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Aware of the importance and excellent work of the IATTC and national Observer Programs, aboard tuna vessels contemplated in the framework of the Agreement on the International Dolphin Conservation Program;

Recognizing that through the international observer program established by the AIDCP, the IATTC acquires valuable data about the purse-seine fishery related to tunas and associated or dependent species, vital for the conservation of the stocks of tunas under the purview of the Commission.

Taking into account that with the contributions of the AIDCP national observer programs to the IATTC these allow the IATTC, to monitor the different IATTC resolutions;

Understanding that the national observer programs are fundamental for fulfilling the objectives contemplated in the IATTC Convention Article VI paragraph 3 and, in the AIDCP Convention the development-related part of Annex II of the same Convention;

Taking into account that the IATTC contributes annually 30% of the budget of the AIDCP which is utilised by the AIDCP Secretariat for administrative costs and of a scientific nature of the Scientific Observer Program administered by the Secretariat, and that that contribution, does not benefit the national observer programs, despite the important work of collecting information that these programs carry out for use by the IATTC;

Aware of the evidence of their reliability that the national observer programs have given by equipping themselves, by means of appropriate instruments, with the procedures and results of the observer programs moved forward by the IATTC, generating together, highly reliable information that has allowed the IATTC, to fulfil with sufficient coverage the Conventional objectives that are specific to it.

Remembering that the duties of the observers are subject to the AIDCP which establishes in Annex II:

1. *The duties of the observers shall be, inter alia:*
 - a. *to gather all pertinent information on the fishing operations of the vessel to which the observer is assigned as is necessary for implementation of this Agreement;*

- b. *to make available to the captain of the vessel to which the observer is assigned all measures established by the Parties pursuant to this Agreement;*
- c. *to make available to the captain of the vessel to which the observer is assigned the record of dolphin mortality of that vessel;*
- d. *to prepare reports on information gathered in accordance with this paragraph, and provide the vessel captain with the opportunity to include in such reports any information the captain might deem to be relevant;*
- e. *to provide such reports to the Director or the pertinent national program, to be used in accordance with Annex VII, paragraph 1, of this Agreement; and*
- f. *to perform such other functions as agreed by the Parties.*

Taking into consideration that the costs for the implementation and performance of the national programs have increased significantly in recent years due to the increase in moving observers, inflation, salary increases for observers and contractual benefits, among others; as well as the fact that the contributions that the AIDCP has been making up to now to the different Observer Programs are insufficient.

Recognising that the participation of the observer programs represents among other advantages and benefits, economy in costs, effectiveness and quality for the IATTC, since it reduces the participation coverage in the programs and, as a consequence in the logistics of the same;

Assuming the importance that the different observer Observer Programs which the AIDCP currently has, they require maintaining the level of demand that has characterised them as regards efficiency and objectivity, additional resources are necessary;

Agrees:

First: That the IATTC contribute to the budgets of the national observer programs created under the rules of the AIDCP, with an amount equivalent to 30% of the percentage that the IATTC contributes annually to the AIDCP.

Second: That the contribution to the AIDCP addressed by the first agreement above, be transferred to the different Observer Programs proportional to the monitored coverage.

Third: That the contribution to the AIDCP addressed by the first agreement above, be established in a permanent manner and be provided to the AIDCP before 1 January of each year, starting on 1 January 2013.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 N-1

PRESENTED BY ECUADOR

**AMENDMENT OF RESOLUTION C-11-07 ON THE PROCESS FOR
IMPROVED COMPLIANCE OF RESOLUTIONS ADOPTED BY THE
COMMISSION**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its ~~82nd~~^{83rd} Meeting:

Reaffirming that compliance by Members with measures adopted by the Commission is one of the key elements to achieve the objective of the Antigua Convention;

Concerned that in general the level of compliance within the Commission needs to be improved in order to ensure the long-term conservation and sustainable use of the fish stocks covered by the Convention; and

Aware that:

- a) Other tuna regional fisheries management organizations (RFMOs) have already started a comprehensive program for reviewing each member's compliance status;
- b) Each CPC or member shall take the necessary steps to ensure the implementation and enforcement of conservation and management measures adopted in accordance with the Antigua Convention, including the adoption of the necessary laws and regulations;
- c) The Secretariat will guarantee the standards of confidentiality and transparency, understanding that these are complementary;

Agrees that:

1. This Resolution shall be applied to Members and co-operating non-Members of the Commission (CPCs).
- A) **Meetings of the Committee for the Review of Implementation of Measures adopted by the Commission (the Committee)**
2. (a) Unless otherwise decided by the Commission: (a) Committee meetings shall be held for a period of at least two days in the week preceding the Commission's ordinary meeting; (b) Committee meetings shall be held during the ordinary meeting of the Commission in case there are Members that did not participate in the Committee meeting, but are participating in that Commission meeting. Committee meetings may also be held, if necessary, during the ordinary meeting of the Commission for other reasons.

(b) The Committee and the Commission, respectively, will address the cases corresponding to the

calendar year immediately preceding the year of the regular meeting being held.

B) Committee preparatory work

3. In preparation for Committee meetings, the following procedures shall be followed:

- (a) ~~Three~~Six months prior to the ordinary meeting of the Commission~~Committee meeting~~, the Director shall send each CPC a standard questionnaire on compliance with IATTC resolutions (Annex). The contents of the questionnaire shall be kept updated by the Director, in consultation with the Chair of the Committee, to reflect amendments to, or repeals of, existing resolutions, or the adoption of new resolutions.
- (b) The Director shall extract information on possible non-compliance with IATTC resolutions from the reports of the IATTC observers for purse-seine fishing vessels and at-sea transshipment as well as other available information, and send to each CPC, as confidential information, omitting the identification of the vessel, company, and the flag within the period of time specified in subparagraph (a)~~three months prior to the Committee meeting~~, such the information related to the fishing vessels flagged to that CPC.
- (c) Each CPC shall fill in the questionnaire and send it back to the Director ~~two~~three months prior to the Committee meeting at the latest. Each CPC shall also investigate the possible non-compliance cases in sub-paragraph (b) and report the results of the investigation back to the Director two months prior to the Committee meeting, adding supporting evidence regarding the investigations conducted on the cases identified as possible non-compliance.
- (d) The Director shall circulate a report based on the reports of the ~~all the filled-in questionnaires to~~ all CPCs one month prior to the Committee meeting. The Director shall also circulate to all CPCs, one month prior to the Committee meeting, the confirmed list (proved cases) of names and flags of the fishing vessels involved in the possible non-compliance cases as well as the response of the flag CPCs to such cases.

C) Committee mandate and meetings

4. The Committee meeting shall review each CPC's compliance and enforcement of IATTC resolutions during the inter-sessional period preceding the meeting, based on, ~~inter alia, the filled-in questionnaires~~, the compliance report provided by the Director and the information on possible non-compliance cases with IATTC resolutions in paragraph 3 (d). The Committee meeting shall also discuss non-submission or late submission of the questionnaire by CPCs as well as repeated absences at Committee meetings. The order of such reviews shall be decided by the Chairman of the Committee in a fair and transparent manner.
5. At the end of the meeting, the Committee shall identify, for each CPC, the compliance record, areas of possible improvement as well as any recommended actions for consideration of the Commission based on the results of the review and discussion in paragraph 4. Such identifications and recommendations shall be recorded in the report of the Committee, which shall be sent to the Commission.
6. Before proceeding with actions under section D, the CPCs will have the opportunity to reply during the meeting of the Committee, either orally or in writing,

D) Follow-up of the Committee's work

7. Upon receiving the report from the Committee, the Commission shall consider any comments or replies from of the CPC concerned. If necessary, the Commission will subsequently decide actions for improving compliance by each CPC, which includes sending a letter from the Commission Chairman to each CPC, indicating each CPC's compliance record and identifying areas of possible improvement.
8. CPCs for which areas of possible improvement have been identified shall submit a plan of action for such improvement within three months of the end of the Commission's ordinary meeting.

9. (a) The Committee may consider development of a scheme of sanctions and incentives as well as a mechanism for their application to improve compliance by all CPCs to be submitted to the Commission for consideration and possible adoption

(b) If, because of the nature of the case, the time to investigate cases of possible non-compliance is insufficient, this will continue to be addressed at the next meeting(s) of the Committee and the Commission, respectively.
10. To facilitate the implementation of IATTC reporting requirements and review pursuant to this Resolution, the Committee shall also develop a set of common guidelines and formats for data submissions.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 Q-1

SUBMITTED BY MEXICO

Explanatory Memorandum

The objective of this proposal is to have the data and statistics necessary for fulfilling the responsibilities of the Commission, and to that end an increase and rationalisation of the percentage of coverage of the longline fleet by independent observers is proposed.

We have noted throughout this meeting (and others) the lack of compliance in submitting information about targeted catches and bycatches of various species in the longline fleets. Furthermore, the fishing mortality of various components of the ecosystem is not assessed due to the lack of that information, and it is imperative to have it to be able to assess the total (actual) mortality and thus be able to consider comprehensive management measures which focus on reducing the significant impacts

As regards costs, it must be expected that this coverage will have a cost correlated with the duration of trips and other characteristics of the operation of longline vessels. An estimate of these costs is required, and this must be assessed in the light of compliance and the Commission's responsibilities, which because of the lack of this valuable information have still not been fulfilled.

RESOLUTION ON OBSERVERS ON LONGLINE VESSELS

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Reiterating the need to guarantee a uniform and equitable treatment for all tuna-fishing vessels that operate in the Antigua Convention Area;

Ratifying the previously acknowledged need to obtain scientific information on target species, as well as data on the interactions of fishing activity with non-target species, in particular, sea turtles, sharks, and seabirds;

Recognising that there are mandates and activities under the Commission's responsibility that have still not been able to be fully developed due to an insufficiency of data from longline vessels;

Considering that it is necessary to have independent information, as is done with the purse-seine fleet, to verify the quality of the information;

Noting that large purse-seine vessels that operate in the Convention Area are required to carry scientific observers aboard, in accordance with the Agreement on the International Dolphin Conservation Program and the related provisions established in the framework of the IATTC; and

Taking into account that at the 82nd meeting a coverage by observers of 5% of the high-seas fishing operations of longline vessels was agreed;

Agrees that:

1. Each Member and Cooperating non-Member (CPC) shall ensure that, from 1 January 2013, at least 15% of the fishing effort by its longline vessels over 20 meters length overall carry a scientific observer;
2. Of that percentage, 5% shall be from the Commission's Observer Program, The cost of these shall be covered directly by the CPCs that utilise that coverage;
3. In 2016, on the basis of the results of the observer program for the longline fleet, the Secretariat, after consultations with the Scientific Advisory Committee, shall recommend to the Commission regarding the level needed to achieve the objectives of this Resolution, as well as those established by the various Resolutions. This degree of coverage will then be subject to approval by the Commission at the corresponding regular meeting;
4. The coverage by observers as well as the data collected shall be used for scientific work and for that which the Commission decides;
5. The functions that; with regard to this resolution, correspond to the Director, Scientific Advisory Committee and observers shall be those that were agreed in Resolution C-11-08

Appendix 3m.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012; 09:00

PROPOSAL IATTC-83 R-1

PRESENTED BY THE UNITED STATES

This proposal is to revise IATTC Resolution C-05-07. It was originally presented at the 80th meeting of the Commission in June 2009 and has been revised to address points raised by the various members during the 80th, 81st, and 82nd Meetings. The original proposal on which this document is based is available as Appendix 3.b of the [minutes of the 80th Meeting](#) of the Commission. This document shows all the differences between this proposal and Proposal IATTC-82 M-1, available as Appendix 3.i of the minutes of the 82nd Meeting.

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 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 members and cooperating non-members (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 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 CPC, non-CPC, or international verifiable statistics, as well as any other information obtained from Port CPC or non-CPCs and/or gathered from the fishing grounds.
3. For the purposes of this resolution, vessels fishing² 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:
 - 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 regulations³
 - 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
 - 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 diminish the effectiveness of 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. (Procedures for applying this paragraph are attached as Annex A.)
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 CPC or non-CPC, if known. The flag CPC or non-CPC shall promptly acknowledge receipt of the notification and initiate investigations of the alleged activities. After the investigation is completed, the flag CPC or non-CPC shall transmit a report of the investigation of the alleged case to the reporting CPC, with a copy to the Director.
5. At least 70 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

² Fishing, as included here, shall also pertain to activities of carrier and bunker vessels operating in the IATTC Convention Area.

³ This provision is not intended to prejudice the rights or obligations of any State with regard to matters or claims under international law of maritime jurisdiction or boundaries, or disputes related thereto.

efforts to simultaneously send the same information to the flag State of the vessel, if known. Information on IUU vessel activity submitted by CPCs pursuant to this paragraph should be provided in the format attached as Annex B of this Resolution.

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 Area in a manner that meets the criteria established in paragraph 3 of this resolution. At least 55 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. LHS Fairplay number⁴;
 - 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.
 - k. [Destination of catch]
8. The Director shall make documented efforts to notify the relevant flag CPCs or non-CPCs, at least 55 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 CPC or non-CPC to promptly acknowledge receipt of the notification. If no acknowledgement is received from the relevant flag CPC or non-CPC within 10 days of the date of transmittal, the Director shall retransmit 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

⁴ Formerly Lloyd's Register-Fairplay.

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 IATTC Committee for the Implementation of Measures Adopted by the Commission (Review Committee) 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 Review Committee 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 Review Committee 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 CPC or non-CPC 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 CPC or non-CPC 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 Review Committee 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 Review Committee 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 CPC or non-CPC 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, transship, 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 CPC or non-CPC 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 CPC or non-CPC. 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 Review Committee shall be subject to the confidentiality rules of the IATTC.
 29. With respect to longline vessels, this resolution shall apply to vessels measuring 22 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.

Annex A

PROCEDURES FOR APPLYING PARAGRAPH 3(J) OF IATTC RESOLUTION [C-XX-XX]

These procedures are to be followed by the Commission in applying paragraph 3(j) of this Resolution. The procedures must work in concert and not conflict with the procedures outlined in this Resolution, and the rules and responsibilities of the Review Committee and the Commission.

3. Ownership and control

1. For the purposes of these procedures, the legal or natural person(s) or entity/entities that own and control a vessel (the “owner(s) of record”) are those indicated on the IATTC Regional Vessel Register or IATTC list of large-scale tuna longline fishing vessels (LSTLFVs). If a vessel is not on either of those lists, then the owner of record is the owner or owners as indicated on the vessel’s flag registration document.
2. For the purposes of these procedures, a vessel shall be considered to have the same owner(s) of record where one or more of the legal or natural person(/s) or entity/entities indicated on the IATTC Regional Vessel Register or IATTC list of LSTLFVs is the same. If a vessel is not on either of those lists, then the owner(s) of record is/are the same where one or more of the legal or natural person/s or entity/entities indicated on the vessel’s flag registration document is/are the same.
3. For the purpose of considering whether to add or remove a vessel or vessels from the Provisional IUU Vessel List or the IUU Vessel List pursuant to paragraph 3j and paragraphs 18 and 23 of this Resolution, the owner(s) of record will not be considered to have changed unless the new owner(s) of record provides suitably documented information demonstrating to the satisfaction of the Commission that the ownership of the vessel has changed, that the previous owner(s) of record no longer has any legal, financial or real interests in it, and that the new owner(s) of record has not participated in any IUU fishing activities.

4. Identification and nomination of vessels

4. For the purposes of these procedures, a vessel may be nominated by a CPC under paragraph 3(j) of this Resolution if it meets the condition in paragraph (a) below, and the conditions in either paragraphs (b) or (c) below:
 - a. The fishing vessel to be nominated:
 - i. is currently operating in the Convention Area; or
 - ii. has operated in the Convention Area at any time since the date of the activity that led to the listing of the vessel(s) currently on the IUU Vessel List (hereafter “underlying vessel(s)”); and
 - iii. is, or was at any time since the date of activity that led to the listing of the underlying vessel(s) on the IUU Vessel List, on the IATTC Regional Vessel Register or IATTC list of LSTLFVs.
 - b. The owner of record is the owner of record of three or more vessels currently on the IUU Vessel List.
 - c. The owner of record has one or more vessels that have been included on the IUU Vessel List for the last two years or more.
5. For the purposes of these procedures, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) that meet condition 4(a) shall be considered together and either all or none will be placed on the IUU Vessel List.

5. Information to be provided

6. CPCs shall submit suitably documented information demonstrating that the fishing vessels they wish to nominate under paragraph 3(j) of this Resolution meet the criteria set out in paragraph 4 of these procedures. CPCs shall submit this information to the Director 70 days before the annual meeting of the Review Committee along with the list of fishing vessels being nominated (hereinafter “3j” vessels).
7. Before or at the same time as transmitting a list of 3j vessels to the Director, the CPC shall notify, either directly or through the Director, the relevant flag CPC or non-CPC of the vessels’ inclusion on this 3j list, and provide a copy of the pertinent suitably documented information. The flag CPC or non-CPC shall promptly acknowledge receipt of the notification. If no acknowledgment is received within 10 days of the date of transmittal, the CPC shall retransmit the notification through an alternative means of communication.

6. Draft IUU Vessel List

8. The Director shall include on the Draft IUU Vessel List, which is drawn up and circulated in accordance with the provisions of this Resolution, those 3j vessels that have been nominated by CPCs in accordance with these procedures.
9. The Director shall notify the relevant flag CPC or non-CPC of the inclusion of their 3j vessels on the draft IUU Vessel List and of the consequences of these vessels being confirmed on the IUU Vessel List.
10. As appropriate, relevant flag states with 3j vessels on the Draft IUU Vessel List may transmit to the Director, at least 10 days before the Review Committee’s annual meeting, suitably documented information showing the 3j vessels do not meet the criteria outlined in paragraph 4 of these procedures. The Director shall circulate this information to all CPCs immediately upon receipt of such information.
11. Small island developing CPCs may provide additional information to the Director prior to Implementation Committee, or anytime before the annual meeting of the Commission to advise that the proposed IUU listing of such 3j vessels would constrain the operation of domestic processing, transshipment facilities, or associated vessels of small island developing CPCs, or would undermine existing investment in FFA member countries. The Director shall circulate this information to all CPCs immediately upon receipt of such information.

7. Provisional and current IATTC IUU Vessel List

12. At its annual meeting, with respect to 3j vessels that are on the Draft IUU Vessel List, the Review Committee shall:
 - a. consider suitably documented information, if any, provided by a CPC or a non-CPC, as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and responsiveness of the owner of record in such proceedings;
 - b. consider information related to 3j vessels that may be submitted by small island developing CPCs pursuant to paragraph 11: and
 - c. following consideration of this information, decide whether to include the nominated 3j vessels on the Provisional IUU Vessel List developed in accordance with the provisions of this Resolution.
13. As appropriate, relevant flag CPC or non-CPCs with 3j vessels on the current IUU Vessel List may transmit, at least [20] days before the Annual Meeting of the Commission, but may submit at any time, to the Director, suitably documented information showing the 3j vessels do not meet the criteria outlined in paragraph 4 of these procedures, or any other relevant information, including suitably documented information as provided for in paragraph 1. The Director shall circulate this information to all CPCs immediately upon receipt of such information.

14. The Review Committee shall not include 3j vessels on the Provisional IUU Vessel List if suitably documented information is provided by any CPC or relevant flag CPC or non-CPC that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4.
 15. At its annual meeting, with respect to 3j vessels that are on the current IUU Vessel List the Review Committee shall:
 - a. consider suitably documented information, if any, provided by a CPC or non-CPC, as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and responsiveness of the owner of record in such proceedings; and
 - b. following consideration of the suitably documented information, recommend to the Commission whether or not the 3j vessels should be removed from the IUU Vessel List.
 16. The Review Committee shall recommend removal of 3j vessels from the current IUU Vessel List if suitably documented information:
 - a. is provided that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4; or
 - b. is provided that demonstrates that significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3j vessels, and the CPC that originally submitted the 3j vessels for listing is satisfied.
- 8. IUU Vessel List**
17. Once 3j vessels are included on the Provisional IUU Vessel List, they shall be treated as part of that list and, where appropriate, the IUU Vessel List, in accordance with paragraphs 18-22 of this Resolution.
- 9. Modification of the IATTC IUU Vessel List**
18. Relevant flag CPC or non-CPCs may request to remove 3j vessels from the IUU Vessel List at any time during the inter-sessional period by submitting to the Director suitably documented information that:
 - a. the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4; or
 - b. significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3j vessels, and the CPC that originally submitted the 3j vessels for listing is satisfied.
 19. Removal requests for 3j vessels shall be treated in accordance with paragraphs 24-27 of this Resolution.
 20. If the underlying vessel is removed from the IUU List, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) and listed pursuant to the 3j procedures contained herein will be automatically removed at the same time.

ANNEX B - IATTC REPORTING FORM FOR IUU ACTIVITY

Pursuant to paragraphs 2 and 5 of IATTC Resolution [C-xx-xx] to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, attached are details of alleged IUU activity.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item		Available Information
a	Name and previous names (if any)	
b	Flag and previous flags	
c	Owner and previous owners	
d	Operator and previous operators	
e	Call sign and previous call signs (if any)	
f	Length overall	
g	LHS Fairplay number	
h	Photographs	
i	Date first included on the IATTC IUU list (if applicable)	
j	Date of alleged IUU fishing activities	
k	Position of alleged IUU fishing activities	
l	Summary of alleged IUU activities (see also section B)	
m	Summary of any actions known to have been taken in response to the activities	
n	Outcome of any actions taken	

B. Details of Alleged IUU Activity

(Indicate with a “X” the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

C-xx-xx para. 3	Vessel fished* for species covered by the IATTC Convention within the Convention Area and:	Indicate
a	Are not on the IATTC Regional Vessel Register	
b	Harvested 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	
c	Made false reports or fail to record or report their catches made in the Convention Area	
d	Engaged in fishing activities in a closed area or during a closure period	
e	Used prohibited fishing gear or fishing methods	
f	Transshipped with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List	
g	Conducted transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of the WCPFC or the IOTC	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IATTC	
j	Are without nationality	
k	Engaged in fishing activities that diminish the effective-	

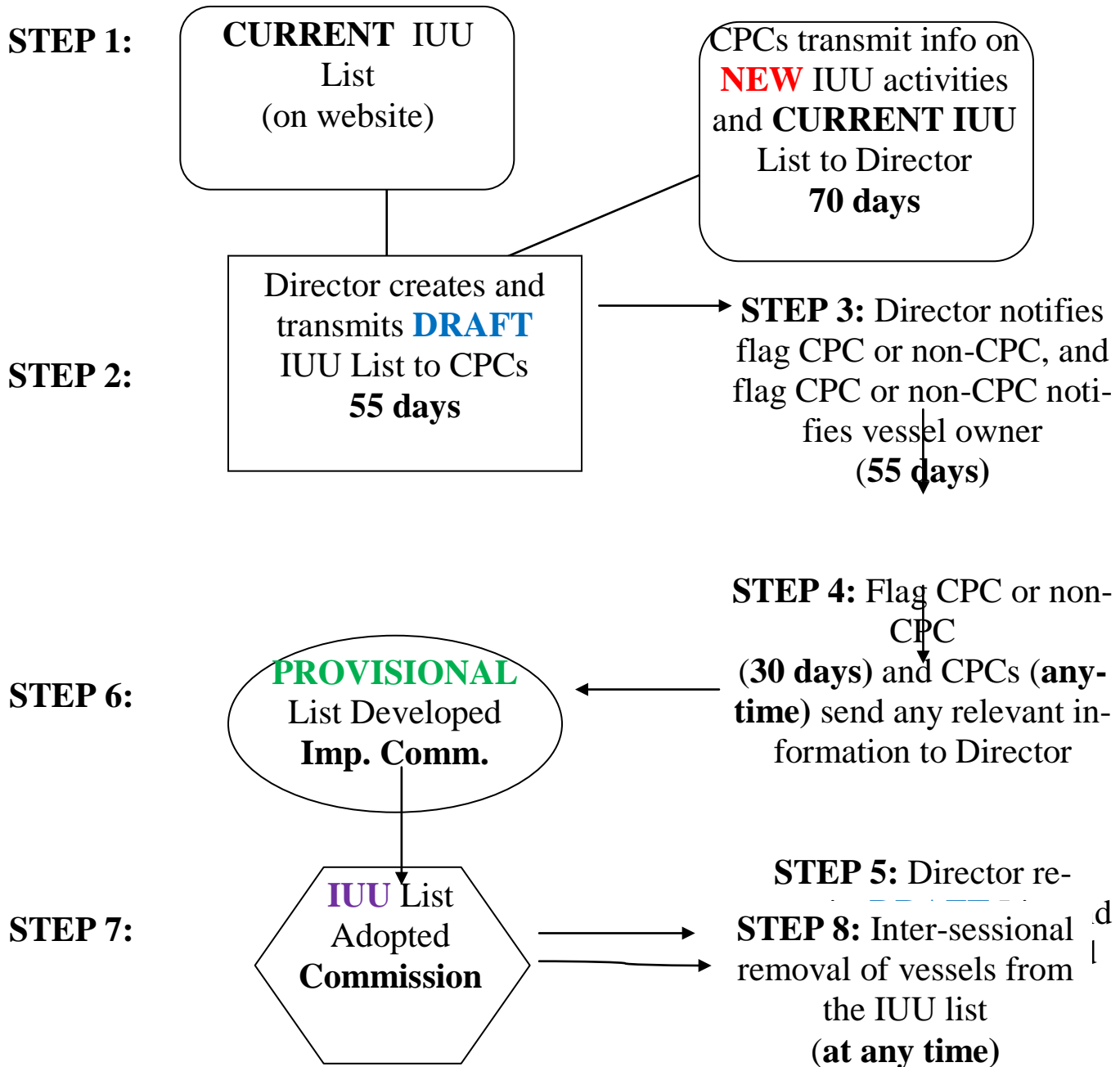
	ness of the provisions of the Convention or any other IATTC conservation and management measures	
1	Are under the control of the owner or operator of any vessel on the IUU Vessel List (procedures for applying this provision are contained in Annex A of Resolution C-XX-XX)	

* Paragraph 3 of Resolution C-XX-XX provides that fishing, as included here, shall also pertain to activities of carrier and bunker vessels operating in the IATTC Convention Area.

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)

Annex C - Guidance for the Implementation of Resolution C-XX-XX



	Before Annual Meeting	Action to be taken	Paragraph
STE P 1	70 days	CPCs transmit to the DIRECTOR information on NEW IUU activities, and notify the relevant flag CPC or NON-CPC	5
STE P 2	55 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
STE P 3	55 days	(a) DIRECTOR notifies relevant flag CPC or NON-CPC	8
		(b) FLAG CPC or NON-CPC notify vessel owners	9
STE P 4	30 days	(a) FLAG CPC or NON-CPC 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
STE P 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
STE P 6	Review Committee	(a) Reviews the DRAFT List and all the information received	14
		(b) Creates the PROVISIONAL List	14
		1. Recommends which vessels on the CURRENT List should be removed 2. Recommends which NEW vessels should be retained	14-17
STE P 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	18
STE P 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

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

**La Jolla, California (USA)
25-29 June 2012; 09:00**

PROPOSAL-PROPUESTA IATTC-83 U-1

SUBMITTED BY JAPAN

**DRAFT RESOLUTION ON RULES OF PROCEDURE
REGARDING TEMPORARY TRANSFER OF BIGEYE CATCH
LIMIT BY LARGE SCALE LONGLINES**

1. The catch limit for bigeye by large-scale tuna longline vessels may be temporarily transferred between CPCs.
2. Both CPCs involved in such transfer shall, separately or jointly, notify the Commission of the transfer. The notification shall specify the amount of transfer and the year subject to the transfer.
3. The CPC which receives the transfer shall be responsible for management of the transferred catch limit, including monitoring and monthly reporting of the catch.
4. The transferred catch limit may not be transferred again under any condition.

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

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

OPENING STATEMENT BY MEXICO

Mexico comes to this Eighty-Third Meeting of the IATTC in La Jolla California, with the commitment and responsibility to continue cooperating fully with the other members and participants to maintain and improve one of the most effective fisheries management regimes for tuna and tuna-like species in existence; whose conservation standards in terms of target species and protection of bycatch may be simply described as the highest, most stringent and most effective that have existed for the tuna fishery worldwide.

Without a doubt, whether with regard to fishing for tuna in association with dolphins, on schoolfish and even with floating objects, the IATTC's standards and management in the EPO allow us to have the certainty that tuna from the EPO is managed in a wholly responsible, transparent and effective manner.

In the upcoming days we will have to review the status of the fishery for tunas and billfishes in the eastern Pacific, review the operation of the Commission's management system, consider various draft resolutions and continue with the analysis of how to optimize compliance with them.

For the proper implementation of all these tasks and to ensure that they fulfill their objectives properly, the Delegation of Mexico wishes to highlight and share with the Members the following thoughts, directed especially at achieving greater effectiveness of measures that may be adopted and at attaining the objectives of the Antigua Convention:

1. In the adoption of conservation measures and the subsequent adoption of recommendations we must ensure that the problems and conditions that are addressed really concern the IATTC, the region in which this Commission exercises its jurisdiction and the situation and status of its members. We do not support the adoption or importation of management measures that have been adopted in other RFMOs or multilateral fora, and even those adopted by some members for other regions where conditions or realities may be different.
2. The mere harmonization of conservation measures is also not reason enough to import regulations from other fora. This should only occur when there is a specific, sufficient and justifiable reason and after the Commission as a whole deems that its own alternatives are or would be inappropriate. In various cases the compatibility of standards and criteria may be a more appropriate alternative than harmonization.
3. We also do not consider appropriate exporting national rules and on the contrary, we support creating regulations of a multilateral, fair and transparent nature and which ensure a high sustainability. Experience of cases where unilateral schemes have been favored, shows that certain unilateral rules or standards are not transparent, lack an adequate scientific basis and particularly are used as unjustified barriers to trade; and even, become conservation standards lower and more limited and less effective than those adopted multilaterally within the framework of the Commission.
4. In addition to being multilateral, RFMO rules should be consistent with cost-benefit criteria rather than cost-effectiveness.
5. The areas where in our Commission further information is still required or where there are not yet adequate data reports from the different types of fisheries deserve special attention. The use of independent observers at relevant and appropriate numbers and percentages of coverage is a

mechanism that should be used where information that is generated is currently insufficient. The longline fishery where the data and reports are still, mostly, the product of computations and estimates deserves special attention.

6. Fleet capacity as in all tuna RFMOs continues to present unresolved challenges and problems which have to be resolved as a priority. However, the control currently exercised in the IATTC remains comparatively the most effective and we must take care of it, in addition to resolving the pending cases resulting from movements of capacity among member countries. The Commission as a whole must address the above, as well as take care and agree that there be no inappropriate or illegal transfers of interoceanic capacity to the EPO or from the EPO.
7. It is appropriate for the members of the IATTC to participate and promote resolutions and measures regardless of the number of vessels of the flag to which they would be applied, even if they had no vessels. What is not appropriate is when they do have their own vessels, insufficiently regulated, they are given a comparatively lax regulation which may not be effective and affects the common objective.
8. Tuna from the IATTC is characterized by its high sustainability and therefore should be recognized as such by markets, consumers and the various regulations that govern their marketing including tariffs. Maintaining a fisheries regime such as that of the IATTC-AIDCP whose standards are comparatively and particularly strict requires positive incentives. In that regard, this Commission cannot but be aware of the long-standing dispute that arose between Mexico and the USA due to the dolphin-safe problem since more than 20 years ago. Recently, on May 16 to be precise, the World Trade Organization (WTO) ruled, in its final decision in favor of Mexico, a dispute that began in 2008. In this decision, it was determined that the US measures on dolphin-safe labeling currently in force are discriminatory and should be brought into line with WTO regulations. Certainly the decision favored Mexico but in reality the winner in this is sustainability, the protection of the marine environment of multiple species and especially the dolphins in the EPO that both the IATTC and the AIDCP have jointly promoted. It is for that reason that Mexico does not see losing countries in this dispute. The decision establishes clear support for sustainable fishing and the multilateral approach to ecosystem problems and particularly for the protection of dolphins in the area under the stewardship of the IATTC-AIDCP that its Members carry out.

Also this decision by the WTO which as a neutral third party analyzed this problem found, based on all the documentary evidence, that in other ocean areas outside the jurisdiction of the IATTC there are in tuna fisheries with purse seines, in some areas hundreds and in others thousands of dolphin kills annually and that these kills, in spite of this, does not prevent that tuna from denominating itself and be recognized as such by the major markets, as dolphin safe. This, in addition to the fact that there are not any kind of measures to avoid or at least minimize mortality or injury to these mammals by tuna purse-seine vessels. WCPFC data with low observer coverage show this. Proper training of observers and instructions to keep count of this mortality might even increase these figures. The implications of this contradiction are not minor: on the one hand the existence of a higher and significant mortality of dolphins continues to be denied, and on the other hand the consumer has been and continues to be misled and misinformed about tuna that labels itself as dolphin-safe and that comes from outside the EPO and is caught by vessels not regulated by the IATTC.

What remains now is that in addition to these realities in other tuna-fishing areas, the multiple discards, the bycatches of various pelagic species, and the proven and very high mortality of dolphins and other marine mammals that has finally been confirmed as occurring outside the EPO be addressed. If this is done and as of now the situation of dolphins and those species outside the EPO is addressed, the WTO ruling will have made an additional and very significant contribution in favor of the marine environment and dolphins and pelagic species in those areas. In addition to recognizing the success of the IATTC-AIDCP by celebrating and giving due value to the effectiveness of its regulations and particularly by requiring the cessation of the discrimination that exists against the

tuna caught in observance of these regulations in the EPO. This is clearly an implicit recognition of all the members of this Commission and the AIDCP.

For that reason in every sense we welcome the WTO's contribution in favor of the environment and especially the sustainable fishing and the exemplary protection of dolphins.

9. We invite NGOs, that really work towards and have proven experience in promoting sustainable fishing, to recognize and disseminate the WTO ruling and above all promote its significance and the proven success of the AIDCP and IATTC and do so publicly, not only for the AIDCP but for all the programs that are important for the Commission and the sustainability of the fisheries that it governs. This above selective criteria and despite the complexity of the situations. The openness of the IATTC to participation by NGOs also means that our work as a Commission is analyzed and is under the view and scrutiny of the public, but equally, also the performance and positioning of these important and valuable groups, the NGOs, is equally open to the evaluation of all. It is good that this exists in the IATTC and let us welcome this duality of performance analysis and transparency.
10. The financial situation of the Commission should also require our utmost attention. In our opinion, a priority if not the priority, will be to preserve the level of excellence in scientific research that we have; because if one thing characterizes and distinguishes the IATTC, it is the recognized level of its research. This unique feature among several RFMOs must be preserved and strengthened in order to ensure the continued quality of the advice from the scientific staff of the IATTC. But there is in addition another reason that might not always be recognized. For developing countries this quality in research and scientific work would at present be difficult to achieve independently. In addition to the fact that without a doubt, this is by its nature neutral.
11. Similarly, we the members must be consistent between the budget that we ultimately choose to assign to the Commission and what we require of it. For Mexico it is not appropriate to expect the Commission to perform functions for which resources were not allocated or which it does not have. Hence the need to allocate priorities and tasks and above all do this by consensus and in accordance with priorities that are multilateral.

Finally we wish for the success of our work.

INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
13TH MEETING
La Jolla, California (USA)
20-21 June 2012

CHAIR'S REPORT

This group met with a very active participation by the Members on Saturday 23 June 2012 from 9 a.m. to 4 p.m., and succeeded in addressing all the issues on the planned agenda. After reviewing and discussing the issues addressed, the group established the following points and recommendations for the attention of the Commission at its 83rd plenary meeting.

1. Maintain the role and work of the group as the Commission's permanent group on fleet capacity.
2. Communicate to the Commission the need to attend to, with the defined priority, the situation of claim and requests of capacity issues by Member countries in accordance with the following:
 - a. Claim by Colombia and Costa Rica for the implementation of the footnote in Resolution C-02-03.
 - b. Claims by Member countries regarding existing controversies about capacity ongoing since some years ago due to problems of interpretation of provisions or resolutions with the Secretariat itself.
 - c. Claims for new capacity presented by countries such as Nicaragua and El Salvador.
3. Reiterate the implementation of the rules of procedure for the application and implementation of Resolution C-02-03; and, as regards capacity loans or concessions by Member countries, recommend to the Commission at its 83rd plenary meeting their approval for application within the framework of the IATTC.
4. Recommend to the Commission that it approve the protocol on sealing fish wells on vessels in order to proceed to its implementation.
5. Continue to define the role to be played by, and the configuration of, the special *ad hoc* groups, for the assessment and issuance of a finding in cases of controversies or disputes regarding capacity by Member countries that will allow their constitution and subsequent functioning. In relation to this issue, the United States and Ecuador made comments in writing that were posted on the website for documents for this meeting regarding the rules of procedure of such groups.

INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
13TH MEETING
La Jolla, California (USA)
20-21 June 2012

PROPOSAL BY THE UNITED STATES

**DRAFT RESOLUTION ON THE TERMS OF REFERENCE OF AN AD
HOC EXPERT PANEL FOR THE SETTLEMENT OF THE CURRENT
DISPUTES REGARDING CAPACITY**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recalling the conclusions and recommendations of the Permanent Working Group on Fleet Capacity;

Inspired by the provisions of Article XXV, paragraph 3, of the Antigua Convention;

Agrees:

That the following terms of reference will apply to an Ad Hoc Expert Panel for the Settlement of the Current Disputes regarding Capacity established consistent with Article XXV, paragraph 3, of the Antigua Convention:

1. Scope of application and notification

- 1.1. These Terms of Reference apply to the current disputes regarding capacity related to the interpretation and application of IATTC Resolution C-02-03, which are referred to in the reports of the Permanent Working Group on Fleet Capacity.
- 1.2. The Members that are parties to a dispute referred to in paragraph 1 shall notify the IATTC Chair and Director of their intention to submit that dispute to an Ad Hoc Expert Panel.
- 1.3. The notification shall be accompanied by a full description of the subject matter of the dispute as well as the grounds invoked by each party to the dispute.
- 1.4. The Director shall promptly transmit a copy of the notification to all Members and Cooperating Non- Members.

2. Constitution of the Ad Hoc Expert Panel

- 2.1. No sooner than [30] days and no later than [45] days after the notification referred to in Paragraph 1.2, the parties to the dispute shall notify the IATTC Chair and Director of the constitution of the Ad Hoc Expert Panel, including the names of the members of the Panel[and the time schedule for its work and activities]. The Director shall promptly transmit a copy of this notification to all Members and Cooperating Non-Members.

2.2. Unless the parties agree otherwise, the following shall apply:

- (a) The Ad Hoc Expert Panel shall consist of [3] experts to be chosen from the list referred to in Paragraph 2.3;
- (b) The parties to the dispute shall each select [1] expert and agree on the third expert, who will chair the Panel and coordinate its work and activities; if the parties to the dispute cannot agree on the nomination of the third expert, the President of the International Tribunal of the Law of the Sea shall make the appointment, unless the parties to the dispute agree that the appointment be made by another person or a third Member.

OR

- (c) The parties to the dispute shall each select [1] expert; the expert designated by the President of the International Tribunal of the Law of the Sea will chair the Panel and coordinate its work and activities;
- (d) None of the experts shall be a national of either party to the dispute and shall not be of the same nationality as the other two [2] experts;
- (e) In case of a dispute between more than two Members, parties to the dispute which are of the same interest shall select [1] expert jointly;
- (f) The members of the Ad Hoc Expert Panel shall serve in their individual capacities and not as government representatives, nor as representatives of any organization.

2.3. The Director shall draw up and maintain a list of experts. Each Member shall be entitled to nominate two experts. The Commission may invite, through the Director, the International Tribunal of the Law of the Sea, FAO or other relevant international organizations to propose experts to be included in the list.

3. Functioning of the Ad Hoc Expert Panel

- 3.1. The Commission, through its Director and staff, will provide to the Ad Hoc Expert Panel all the necessary logistical support, including, as appropriate, the arrangements for its meetings.
- 3.2. The Ad Hoc Expert Panel may seek additional information, oral or in writing, from the parties to the dispute or from any person or body that it deems appropriate. However, before the Panel seeks such information from any individual or body within the jurisdiction of a Member it shall inform the authorities of that Member.
- 3.3. The parties to the dispute shall cooperate in good faith with the Ad Hoc Expert Panel and, in particular, shall endeavor to comply with requests by the Panel to submit written materials, provide information and attend meetings.
- 3.4. [During the proceedings, each party to the dispute may, on its own initiative or at the invitation of the Ad Hoc Expert Panel, make suggestions for the settlement of the dispute.]
- 3.5. Any IATTC Member other than the parties to the dispute but having a substantial interest in the subject matter shall have an opportunity to make written submissions to the Ad Hoc Expert Panel. These submissions shall also be given to the parties to the dispute and shall be reflected in the report of the Panel.
- 3.6. All documents to be submitted to the Ad Hoc Expert Panel in accordance with the provisions above shall be so through the IATTC Director.

- 3.7. The Ad Hoc Expert Panel will be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties to the dispute under international law and in accordance with the conservation and management measures adopted by the Commission.
- 3.8. The deliberations of the Ad Hoc Expert Panel shall be confidential; its report and recommendations shall be drafted without the presence of the parties to the dispute.
- 3.9. The Ad Hoc Expert Panel shall meet in closed session. The parties to the dispute shall be present at the meetings only when invited by the Panel to appear before it.
- 3.10. The Ad Hoc Expert Panel shall aim at reaching a consensus in its conclusions and recommendations. If this is not possible it shall reach its conclusions and recommendations by a majority of its members. The minority view shall be reflected in the report.
- 3.11. Unless the parties to the dispute agree otherwise, the Ad Hoc Expert Panel shall, within [90] days from its constitution, make its report and recommendations, in writing, to the Commission through the Director. The report and recommendations shall be confined to the subject matter of the dispute and state the reasons on which they are based. The Director shall communicate promptly the report and recommendations of the Ad Hoc Expert Panel to all Members. The Commission shall consider and discuss the report and recommendations of the Ad Hoc Expert Panel at its first meeting following that communication.
- 3.12. The Ad Hoc Expert Panel will carry out its work and activities in English or Spanish. The final report of the Ad Hoc Expert Panel referred to in paragraph 3.11 will be submitted to the Commission both in English and in Spanish; all other documents utilized in the proceedings will be in either of these two languages.

4. Costs

- 4.1. The common costs of the Ad Hoc Expert Panel shall be borne by the parties to the dispute in equal parts. These costs include:
 - (a) the fee, travel and other expenses of the third expert;
 - (b) the costs of any additional advice requested by the Ad Hoc Expert Panel;
 - (c) the costs of all services including the logistical support provided by the Commission and its staff.
- 4.2. Before the initiation of the proceedings, the each party to the dispute shall deposit an equal amount in the account of the Commission, as an advance for the costs referred to in paragraph
- 4.3. If the required deposits are not paid in full by all parties within [30] days, the proceedings will be suspended.
- 4.4. All expenses incurred by a party to the dispute, including the fee, travel and other expenses of the expert it has appointed, shall be borne by that party.

INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
13TH MEETING
La Jolla, California (USA)
20-21 June 2012

PROPOSAL BY ECUADOR

**TERMS OF REFERENCE OF THE *AD HOC* GROUPS OF EXPERTS FOR
THE SETTLEMENT OF THE CURRENT DISPUTES REGARDING
CAPACITY**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recalling the conclusions and recommendations of the Permanent Working Group on Fleet Capacity;

Inspired by the provisions of Article XXV, paragraph 3, of the Antigua Convention;

Agrees:

That the following terms of reference will apply to the *Ad Hoc* Groups of Experts for the Settlement of the Current Disputes regarding Capacity:

- a. Claims due to disputes arising from capacity transfers, and b) discrepancies in the application of Resolution C-02-03 since its entry into force, which are referred to in the reports of the Permanent Working Group on Fleet Capacity.

Those interested in invoking these terms of reference and the alternative solutions for discrepancies in implementation which they provide, if necessary, shall have authorization from the respective authorities in their country.

A) 1. ON DISPUTES ARISING FROM TRANSFERS OF CAPACITY

- 1.2. The Members that are parties to a dispute referred to in subparagraph a) of the preceding paragraph shall notify the IATTC Chair and Director of their intention to submit that dispute to an *Ad Hoc* Group of Experts.
- 1.3. The notification shall be accompanied by a full description of the subject matter of the dispute as well as the grounds invoked by each party to the dispute.
- 1.4. The Director shall inform all Members and Cooperating Non-Members of the notification as soon as possible.
2. Constitution of the Ad Hoc Group of Experts
 - 2.1. No sooner than [30] days and no later than [45] days after the notification referred to in Paragraph 1.2, the parties to the dispute shall notify the IATTC Chair and Director of the names of the experts of the ad hoc Group. Once all the experts of the *Ad Hoc* Group have been designated, the Director shall proceed and inform all Members and Cooperating Non-Members.

2.2. Unless the parties agree otherwise, the following shall apply:

- (a) The *Ad Hoc* Group of Experts shall consist of [3] experts to be chosen from the experts on the list referred to in Paragraph 2.3, with the exception of the expert who, should the case arise, would be nominated by the President of the International Tribunal of the Law of the Sea, FAO, or other relevant international organizations;
- (b) Each party to the dispute shall each select one [1] expert; the parties to the dispute shall agree on the third expert, who will chair the Group and coordinate its work and activities; if the parties to the dispute do not agree on the nomination of the third expert, the parties to the dispute may ask the experts they nominated, the third member, or the President of the International Tribunal of the Law of the Sea, FAO or other pertinent international organizations to nominate the third expert.
- (c) None of the experts shall be a national of either party to the dispute and shall not be of the same nationality as the other two [2] experts;
- (d) In case of a dispute between more than two Members, the parties to the dispute that share the same interests shall agree on the selection of [1] expert;
- (e) The members of the *Ad Hoc* Group of Experts shall serve in their individual capacities and not as government representatives, nor as representatives of any organization.

2.3. The Director shall maintain a list of experts. Each Member shall be entitled to nominate (1) expert from the list, which shall not be in number of experts less than 10 experts. To this end, each party may invite (5) experts, who may be independent natural persons with a recognized career and knowledge and experience of the subject, who may not be officials of IATTC Member governments nor IATTC Commissioners. If necessary, the Commission, through the Director, will have the authority to ask the International Tribunal of the Law of the Sea, FAO or other relevant international organizations to propose experts to be included in the list.

3. Functioning of the Ad Hoc Group of Experts

- 3.1. The Commission, through its Director and staff, will provide to the *Ad Hoc* Group of Experts all the necessary logistical support, including, as appropriate, the arrangements for its meetings, and if necessary, through its Director, appear before the *Ad hoc* Group to give its version of the facts, if it in some way became involved in the dispute.
- 3.2. The *Ad Hoc* Group of Experts shall seek additional information, oral or in writing, from the parties to the dispute or from any person or body that it deems appropriate. However, before the Group seeks such information from a public servant or governmental body within the jurisdiction of a Member it shall inform the authorities of that Member.
- 3.3. The parties to the dispute shall cooperate in good faith with the *Ad Hoc* Group of Experts and, in particular, shall endeavor to comply with requests by the Group to submit written materials, provide information and attend meetings.
- 3.4. At any time during the proceedings and until the release of the final report, any of the parties to the dispute may, on its own initiative or at the invitation of the *Ad Hoc* Group of Experts, make suggestions for the settlement of the dispute.
- 3.5. All documents to be submitted to the *Ad Hoc* Group of Experts in accordance with the provisions above shall be sent with a copy to the IATTC Director.
- 3.6. The *Ad Hoc* Group of Experts will be guided by principles of transparency, objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties to the

dispute under international law and in accordance with the rules adopted by the Commission, relevant to the dispute.

- 3.7. The deliberations of the *Ad Hoc* Group of Experts shall be confidential; its report and recommendations shall be drafted without the presence of the parties to the dispute.
 - 3.8. The *Ad Hoc* Group of Experts shall meet in closed session. The parties to the dispute, as well as third parties that may have become involved in the dispute, shall be present at the meetings only when invited by the Group to appear before it.
 - 3.9. The *Ad Hoc* Group of Experts shall aim at reaching a consensus in its conclusions and recommendations. If this is not possible it shall reach its conclusions and recommendations by a majority of its members. The minority view shall be reflected in the report, as shall those which the parties to the dispute may have expressed to the *Ad hoc* Group of Experts.
 - 3.10. Unless the parties to the dispute agree otherwise, the *Ad Hoc* Group of Experts shall, within no more than [120] days from its constitution, make its report and recommendations, in writing, to the Commission through the Director. The report and recommendations shall be confined to the subject matter of the dispute and state the *de facto* and *de jure* reasons on which they are based. The Director shall communicate promptly the report and recommendations of the *Ad Hoc* Group of Experts to all Members. The Commission shall consider and discuss the report and recommendations of the *Ad Hoc* Group of Experts in its presence and at its first meeting following the presentation of the report.
 - 3.11. The *Ad Hoc* Group of Experts will carry out its work and activities in English or Spanish. The final report of the *Ad Hoc* Group of Experts referred to in paragraph 3.11 will be submitted to the commission both in English and in Spanish; all other documents utilized in the proceedings will be in either of these two languages.
4. Costs
- 4.1. The common costs of the *Ad Hoc* Group of Experts shall be borne by mutual agreement by the parties to the dispute in equal parts. These costs include:
 - (a) the fee, travel and other expenses of the third expert;
 - (b) the costs of any additional advice requested by the *Ad Hoc* Group of Experts;
 - (c) the costs of all services including the logistical support provided by the Commission and its staff.
 - 4.2. Before the initiation of the proceedings, each party to the dispute shall deposit an equal amount in the account of the Commission, as an advance for the costs referred to in paragraph 5.1. If the required deposits are not paid in full by the parties to the dispute within [30] days, the proceedings will be suspended.
 - 4.3. All expenses incurred by a party to the dispute, including the fee, travel and other expenses of the expert it has appointed, shall be borne by that party.

B) 2. ON DIFFERENCES IN THE INTERPRETATION OF RESOLUTION C-02-03

- 2.1. When a dispute is not between Members, but about differences in the interpretation of Resolution C-02-03, the Members that consider themselves affected in one of those referred to in subparagraph b) of paragraph 1 shall notify the Chairman and Director of the IATTC of their intention of submitting that dispute to an *Ad hoc* Mediation.
- 2.2. The notification shall be accompanied by a complete description of the matter that is the subject of the interpretation dispute, as well as the reasons on which the difference in the interpretation of Resolution C-02-03 between the affected party and the IATTC is based.

2.3. The Director shall inform all Members and Cooperating non-Members of the notification as soon as possible.

3. Mediation under international rules

3.1. No sooner than [30] days and no later than [45] days after the notification mentioned in paragraph 2.1, the party affected by the interpretation dispute shall notify the Chairman and Director of the IATTC of its decision to initiate the process of Ad Hoc Mediation. The Director shall send a copy of the notification to all Members and Cooperating non-Members as soon as possible.

3.2. Unless otherwise agreed by the parties to the interpretation dispute, the following shall apply:

- (a) The mediation will be carried out under the organization and supervision of an International Secretary nominated by the parties to the interpretation dispute, with the intervention of (1) sole MEDIATOR, who shall be chosen from the list of experts mentioned in paragraph 3.2.b in accordance with the following procedure.
- (b) In order to draw up the list, each party to the interpretation dispute may invite three (3) experts, through the designated Secretary, these shall be independent natural persons with a recognized career and knowledge, probity and experience of the subject, who may not be officials of IATTC Member governments nor IATTC Commissioners. If necessary, the Independent Secretary shall have the authority to ask the International Tribunal of the Law of the Sea, the FAO or other relevant international organizations, to propose experts for inclusion in the list. The MEDIATOR shall be designated from among the six (6) experts listed by consensus between the parties to the interpretation dispute, and if no agreement is reached, by lot.
- (c) The AD HOC MEDIATOR may not be a national of the affected party nor a public servant or governmental representative of the party to the dispute IATTC Commissioner, nor part of the IATTC staff. The same shall apply to the Independent Secretary.
- (d) The AD HOC MEDIATOR shall carry out his functions in an unofficial capacity, and not as a representative of any government, nor as a representative of any organization. The AD HOC MEDIATOR shall decide, at his sole discretion, the place where the MEDIATION process shall be carried out.

4. Functioning of the de AD HOC MEDIATION

4.1. The Independent Secretary, shall provide to the AD HOC MEDIATOR all the help and logistical support necessary, including, as appropriate, compilation of the documents submitted by the parties, sending such documents to the AD HOC MEDIATOR, as well as arrangements for its meetings.

4.2. The AD HOC MEDIATOR shall obtain all additional information and documentation, oral or written, related to the case, from the parties to the interpretation dispute or from any person or body that he deems relevant. However, before the Independent Secretary obtains such information from a public official or governmental entity under the jurisdiction of a Member, he shall inform the authorities of that Member of this.

4.3. The parties to the interpretation dispute shall cooperate in good faith with the AD HOC MEDIATOR and, in particular, shall strive to comply with the requests of the MEDIATOR regarding the submission of written documents, provision of information and attendance at meetings.

4.4. During the process and until the release of the final report, each party to the dispute may, on its own initiative or upon invitation of the AD HOC MEDIATOR, make suggestions for solving the dispute.

4.5. All documents that are submitted to the AD HOC MEDIATOR in accordance with the preceding provisions shall be submitted through the Independent Secretary, who shall also assemble and maintain complete records of the whole process.

- 4.6. The Mediation shall be governed by the principles of transparency, objectivity, fairness, justice and the provisions contained in Resolution C-02-03. Furthermore, taking into account, *inter alia*, the rights and duties of the parties to the dispute and in accordance with the rules relating to Mediation in international law.
 - 4.7. The deliberations of the AD HOC MEDIATOR shall be of a confidential nature.
 - 4.8. The AD HOC MEDIATOR, shall deliberate and shall meet behind closed doors with the parties to the interpretation dispute jointly. The parties to the dispute shall be present at the meetings only when the MEDIATOR invites them to appear before him, and may, if necessary, meet behind closed doors with only one of the parties to the interpretation dispute.
 - 4.9. The AD HOC MEDIATOR shall have the objective of pursuing the solution to the dispute, as well as of drafting the agreements or solutions that may put an end to the dispute, or in its absence may establish the framework necessary to submit it to an International Court or International Arbitration Tribunal. His final opinion shall be reflected in the definitive report.
 - 4.10. Unless the parties to the dispute agree otherwise, the AD HOC MEDIATOR shall present his report and recommendations, in writing, to the Commission through the Secretary, within no more than ninety [90] days of his designation attaching the agreements reached or certifying the impossibility of reaching them. The report and the recommendations shall be limited to the matter subject of the difference in the interpretation of Resolution C-02-03 and shall explain the reasons on which they are based. The Secretary shall through communication transmit without delay the report and the recommendations of the AD HOC MEDIATOR to all the Members. The Commission shall examine and discuss the report and the recommendations of the AD HOC MEDIATOR at its first meeting after that communication.
 - 4.11. The AD HOC MEDIATOR shall carry out his work and activities in English or Spanish. The final report of the AD HOC MEDIATOR shall be presented to the Commission in English and in Spanish; all the other documents used in the proceedings shall be in either of those two languages.
5. Costs
- 5.1. The shared costs of the Mediation, shall be borne by mutual agreement by the parties to the dispute in equal parts. These costs include:
 - (a) the honoraria, travel expenditures and other expenditures of the AD HOC MEDIATOR;
 - (b) the costs of any additional advice requested by the AD HOC MEDIATOR;
 - (c) the honoraria and costs of the Secretary and of all the services, including the organization and supervision of the proceedings and the logistical support provided by the Secretary in carrying out his functions.
 - 5.2. Before the initiation of the proceedings, each party to the interpretation dispute shall deposit an equal amount in the Commission's account, as an advance on the costs referred to in paragraph 5.1. If all the parties do not pay the requested deposits in full within [30] days, the proceedings shall be suspended.
 - 5.3. All costs incurred by a party to the dispute, including its own costs in honoraria, travel and others, shall be borne by that party.

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF
MEASURES ADOPTED BY THE COMMISSION

3RD MEETING

La Jolla, California (USA)
20-21 June 2012

CHAIR'S REPORT

1. Opening of the meeting

The meeting was called to order by its Chairman, David Hogan, of the United States. For purposes of paragraph 4 of Resolution C-11-07, the Chairman noted the absence of China, El Salvador, and Kiribati, and indicated that the Committee would remain open until those Members arrived for the plenary and could participate in the review called for in that Resolution.

2. Approval of the minutes of the 2nd meeting of the Committee for the Review of Implementation of Measures adopted by the Commission

The Minutes of the 2nd Meeting were adopted as presented.

3. Adoption of the agenda

The provisional agenda was adopted after two revisions to agenda item 4 based on requests to include a sub-item for Members to provide information on follow-up to prior cases and an additional sub-item to discuss matters related to procedural issues of the Committee.

4. Compliance with IATTC measures in 2011

Ricardo Belmontes, of the IATTC staff, made a presentation on the staff's efforts to implement the elements of Resolution C-11-07 for which it was responsible, in particular the circulation of the compliance questionnaire, and identified a number of items for the Committee's attention. These include issues relating to the timing of the distribution of compliance questionnaires, a review of the programs which help provide information for the Secretariat's compliance report, and an examination of possible compliance issues in the Antigua Convention that have not been included in the compliance questionnaires, including contributions to the budget, fishing in the Convention Area without authorization, Members maintaining registers of vessels authorized to fish, and vessels of Members fishing in another Member's waters without authorization.

4a: Report of the Secretariat on Compliance: The Committee reviewed and generally discussed Document COR-03-04a on compliance with IATTC measures in 2011. The specific compliance information with regard to the relevant resolutions is included in that meeting document. The Committee agreed as a matter of procedure to discuss specific cases from the report as part of the Member-by-Member review, without prejudice to the development of that process into standard practice, and discussed general elements of the report.

Ecuador and other Members of the Committee discussed Ecuador's letter to the Director requesting that the Secretariat's compliance report be withdrawn from the Commission's website, citing the need to respect confidentiality of the information it contained with regard to possible infractions and identification of vessels by name.

Provision of data (C-05-03): It is not clear that data on shark catches and effort should be sent to the Sec-

retariat. The Commission should evaluate the resolution to consider updating it and specifying the data to be included. There was again discussion on potentially contradictory language in the shark resolution that made it difficult for some Members and it was recommended that the Commission examine whether it would be necessary to revise that resolution.

Tuna discards (C-11-01): IATTC should consider determining the minimum amount of tuna that could be considered a discard. There was a suggestion that Members with an interest get together to draft an amendment for consideration to fix the existing resolution, since clear rules are needed.

4b-4c: Member-by-Member Review and Follow-up to Prior Cases: The Committee then turned to the consideration of the review of implementation on a Member-by-Member basis, considering that such a review could include both a presentation of the results of the questionnaire and also follow-up to specific cases in the compliance report for 2011 and prior years, as appropriate. While there were some cautionary comments that this was a sort of experimental approach, it could proceed to determine its effectiveness and efficiency.

A description of the Member-by-Member review from the Chair's perspective will be appended to this report.

As a result of the review a number of recommendations emerged:

1. For future reviews the Secretariat should present a table with data provision status for each Member, based on the data reporting elements of all applicable measures.
2. A table containing all of the reporting and procedural deadlines from the IATTC measures was also discussed as an implementation tool to help guide the Members.
3. The IATTC's conservation and management resolution should be examined to determine if it should be revised to include catches of longline vessels of less than 24 meters length overall.
4. The questionnaire should be reviewed with regard to the language used in the questions to make it more clear as to the applicability of a yes, no or N/A response. A suggestion was to use compliant or non-compliant instead of yes or no.
5. The Committee reiterated that Members should initiate their investigations of possible compliance matters as soon as they received the observer's report, recognizing that in some cases additional information might be required from the Secretariat.
6. The Secretariat should examine its internal procedures to streamline their process where possible to get observer reports and notifications of compliance issues to the Members as soon as possible.
7. The Secretariat's compliance report should be drafted to reflect compliance rates and relative assessments to underscore where there is good compliance, and the Members expressed confidence that in many cases there was very high compliance with the IATTC's measures.

4d: Procedural Issues: The Committee discussed issues of timing in the circulation and return of the questionnaire, the structure of the questionnaire to add a column for explanation of responses, the timing of the circulation of the Secretariat's compliance report, the amount of time needed for a Member's review of other Members' responses, and provision of comments and questions to other Members in advance, and possible revisions in Resolution C-11-07 to make adjustments to the schedule for these activities to provide the Members with more time. The Committee also discussed whether its meeting should be moved to coincide with the October AIDCP meetings, or moved to a month later in the annual calendar to provide more time between the end of the calendar/fishing year and the Committee meeting. The Committee recommended that the Commission consider scheduling its meeting later in the year, and further consider the scheduling options developed by the Secretariat as a result of the Committee discussion. Some Members indicated an interest in bringing forth an amendment of Resolution C-11-07 in this regard.

5. Consideration of the Provisional IUU List

No vessels were nominated to be added to the IUU List.

Indonesia made a presentation reflecting its correspondence with the Commission on six of its vessels which it had sanctioned and which it requested be withdrawn from the IUU List. It also described a seventh vessel on the IUU List as less than the size limit for eligibility for inclusion in the IUU List. After discussion of the steps Indonesia had taken, the Committee agreed to recommend that the Commission approve removal of the following seven vessels: *Bhineka*; *Permata 01*; *Permata 02*; *Permata 06*; *Permata 08*; *Jimmy Wijaya 35*; and *Hiroyoshi 17*. Indonesia committed to reiterate its characterization of the vessel *Bhineka* as too small to be eligible for inclusion in the IUU List.

Bolivia made a presentation on the steps taken to sanction the vessel *Mar Cantábrico*, and Ecuador reiterated that the vessel had been in port and had also been sanctioned by Ecuador. After examination of these actions, the Committee recommended to the Commission to approve removal of the *Mar Cantábrico* from the IUU List.

6. Cooperating Non-Members

In conjunction with discussion of the *Mar Cantábrico* and the Bolivian presentation during the Member-by-Member review, the Committee recommended that the Commission approve Cooperating non-Member status for Bolivia. Bolivia committed to exerting responsible flag State control by investigating the location and status of several longline vessels of concern, and to not register any additional longline vessels until it had developed the capability to continue exerting effective flag State control.

With the approval of Cooperating non-Member status, the Bolivian purse-seine vessel *Mar Cantábrico* will be added to the Regional Vessel Register.

In light of the criteria for obtaining Cooperating non-Member status, the Committee considered the application for renewal of that status for Cook Islands, but did not reach a recommendation because Cook Islands did not participate in the Committee's meeting, and instead deferred to the Commission for any action.

7. Other business

No other business was discussed.

8. Recommendations

In addition to the other recommendations described in sections 4b-c above, the Committee offers the following recommendations to the Commission:

1. Remove the following eight vessels from the IUU List: the Bolivian vessel *Mar Cantábrico* and the Indonesian vessels *Bhineka*, *Permata 01*, *Permata 02*, *Permata 06*, *Permata 08*, *Jimmy Wijaya 35*, and *Hiroyoshi 17*.
2. Approve Cooperating non-Member status for Bolivia, and discuss such status for Cook Islands.
3. Consider scheduling the 2013 Committee and/or the Commission meetings later in the year, and further consider the scheduling options developed by the Secretariat as a result of the Committee discussion.
4. Consider amendments to Resolution C-11-07 to provide more time in the schedule of activities established by that resolution.

Appendix 5f.

INTER-AMERICAN TROPICAL TUNA COMMISSION

WORKING GROUP ON FINANCE

12TH MEETING

La Jolla, California (USA)

22 June 2012

CHAIRMAN'S PRELIMINARY REPORT

1. Opening of the meeting

Mr. Brad Wiley of the United States, Chair of the Working Group of Finance, opened the meeting at 9:15 AM, on June 22, 2012.

2. Adoption of the agenda

A few members noted a desire to discuss some budget-related items and the Chair noted that in creating both the past and current iterations of the Working Group, the only task assigned to the Working Group by the Commission was the identification of a permanent formula to be used to calculate the financial contributions of Members and, failing that, to recommend a formula to be used in the interim. Thus, the Working Group was not the appropriate venue for substantive discussions regarding the budget. The Chairman also noted an error in the characterization of agenda item 4, which refers to a review of the formula approved by the 11th meeting of the Working Group. The Chair noted that the Working Group did not agree on a formula at that meeting, but rather that four iterations of the formula were submitted to the Commission for consideration, and the Commission had decided to continue using the *ad hoc* formula that was developed at the 10th meeting of the Working Group to calculate Members' contributions to the 2012 budget. With this clarification, the agenda was otherwise adopted as presented.

3. Approval of the minutes of the 11th meeting of the Working Group

The minutes of the 11th Meeting of the Working Group were adopted as presented.

4. Review of the four formulas forwarded to the Commission for consideration at its 82nd meeting, and the formula approved by the Commission for calculating contributions to the 2012 budget

The Working Group examined document FIN-12-04, which provided an overview of the previous year's discussions, the four formulas submitted to the Commission, and the formula that was used to calculate contributions to the 2011 and 2012 budgets. The Chair highlighted the differences between this formula and the formula that had been approved in 2007, which was then used until the Antigua Convention entered into force. The first change was that the GNI categories were expanded to include a new weighting category of 5.5, which was applied to members with per capita GNIs of US\$ 21,000 or more. The second change was that the percentage of the budget accounted for in the utilization component of the formula was reduced from 15% to 10%, with a corresponding increase in the catch component from 65% to 70%. The base component and operational component remained unchanged, with each accounting for 10% of the budget.

5. Consideration of the formula to be adopted for determining contributions to the budget pursuant to the Antigua Convention

The Chair next provided a summary of previous discussions of possibilities for a permanent formula, and a summary of the various configurations that had been examined over the previous two years. He explained that new scenarios had not been prepared for examination at the current meeting because he considered that the range of potentially useful scenarios had already been examined. The Chair recalled

that one of the objectives identified at the 10th meeting of the Working Group in 2010 had been to identify a new formula that would result in Members making contributions that were similar in proportion to what they had been paying under the formula adopted in 2007: that is, the goal was to avoid creating big winners or big losers. However, in his opinion, at least a few of the options examined during the last two meetings provided that result - at least for the vast majority of Members - yet the Working Group had not been able to reach consensus on a new, permanent formula to recommend to the Commission. He believed that this situation was due to the range of strongly-held positions relating to the concept of utilization, which were based on matters of principle. Some Members felt that utilization should be eliminated altogether, while others feel just as strongly that utilization served as a very important acknowledgement that the processing sectors realized a great deal of the value generated from tuna harvested in the IATTC area. Accordingly, these Members felt that, if anything, the percentage of the formula accounted for under utilization should be increased from its most recent level of 10%, not reduced. Additionally, when contemplating potential further reductions in the percentage of utilization in the formula, some Members indicated that the only acceptable option would be to reallocate those reductions to the catch category; while others indicated that they could only accept a reallocation to the operational or base components.

The Chair indicated that he had conducted a number of discussions with delegations individually, and was of the impression that the positions of most delegations had not changed since the previous meeting of the working group. Therefore, he had no reason to expect that the Working Group would be able to reach consensus on further changes to the formula or on a permanent formula to recommend to the Commission. A general discussion of options for the formula followed, and there was general agreement that there was no possibility of achieving consensus, and that extensive discussions on the topic would not be a good use of time available to the Members, given the other important matters that were still pending in other AIDCP and IATTC working groups. There was also consensus that the best option available was the continued use of the ad hoc formula developed in 2010 and used to calculate contributions to the Commission's budget in 2011 and 2012. Members also considered that it was unlikely that the strongly-held views around the table would change substantially in the foreseeable future, and thus it might not be productive for the Working Group to continue to meet on a yearly basis to review the options that have been presented to date. Therefore, it was considered prudent to agree to recommend the use of the current ad hoc formula for a period of years, or until such time as any Member felt that they could no longer acquiesce to its continued use as a basis for assigning contributions. A proposal was made that the ad hoc formula should be recommended to use for at least the next five years and indefinitely after that, until such time as a Member calls for the formula to be reopened. Some Members felt that it was important to maintain the option of re-opening the formula at any time, with due notice, and that the initial five-year period should be expressed as an objective, not a requirement. There was consensus on this approach, with the addition that any Member requesting re-opening of the formula should be asked to provide an explanation to the Commission of the reasons for its dissatisfaction with the ad hoc formula. The Chairman agreed to draft a document reflecting this consensus recommendation, and provide it to the Secretariat for translation and subsequent consideration during the 83rd meeting of the IATTC.

6. Other Business

Having concluded the discussions on a contribution formula, a few Members suggested that the Working Group use part of the remaining time allocated to it for the purpose of discussing the possibility of the creation of an IATTC committee with responsibility for a range of issues under the heading of administration and finance. The Chair expressed a willingness to entertain such a conversation, with the understanding that it would necessarily be an informal discussion and that the Working Group did not have a mandate to make recommendations to the Commission on such a topic. A general discussion followed, with a number of members expressing support for the concept of creating an IATTC Administration and Finance Committee. Some of the functions of such a subsidiary body might include responsibility for matters relating to the contribution formula, consideration of proposed IATTC budgets,

payments and arrears, as well as the Secretariat staff structure and compensation. It was noted that many other international organizations, including most RFMOs, have such committees and that ideas for the necessary terms of reference and rules of procedure could be drawn from publicly available documents, so long as they were also consistent with the relevant provisions of the Antigua Convention. At least one delegation desired to develop a preliminary list of responsibilities, perhaps even beginning on some draft documents, but other delegations indicated that they were not prepared to engage substantively on the idea at this meeting, and that they might find it more helpful to have a set of draft documents to which they could react and the conversation then concluded.

The delegation of Venezuela asked that the Chairman mention in his report to the Plenary that they would be bringing forward a proposal to the Commission, on behalf of the IATTC Members with national observer programs, regarding matters of finance, so that IATTC Members could be advised of this intention.

7. Recommendations to the Commission

The Working Group agreed to recommend to the Commission the continued use of the contribution formula used for the previous two years, on an ad hoc basis, for the next five years and thereafter, until such time as any Member requests that discussions on a permanent contribution formula be re-opened. The Chairman of the Working Group has subsequently drafted a document that could serve as the basis for a Resolution to be adopted by the Commission, consistent with this recommendation, and it has been provided to the Secretariat staff.

8. Adjournment

The 12th meeting of the IATTC Working Group on Finance was adjourned at 11:30 a.m. on June 22, 2012.