

**JOINT WORKING GROUP ON FISHING BY NON-PARTIES**

**3<sup>RD</sup> MEETING**

LIMA (PERU)  
10 JUNE 2004

**MINUTES OF THE MEETING**

**AGENDA**

1. Opening of the meeting
2. Election of chair
3. Adoption of the agenda
4. Identification of non-parties with vessels fishing in EPO, and of individual vessels of non-parties fishing in EPO
5. Compliance by non-parties
6. Cooperating non-parties or fishing entities
7. List of vessels identified as engaged in IUU fishing
8. System of notification of sighting and identification of non-party vessels operating in the region
9. Recommendations for the IATTC and the Meeting of the Parties
10. Other business
11. Adjournment

**APPENDICES**

1.	List of attendees
2.	Draft Resolution on criteria for attaining the status of cooperating non-party or fishing entity in IATTC
3.	Draft Resolution to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean
4.	Draft Resolution on a system of notification of sighting and identification of vessels operating in the Convention Area
5.	Draft Amendment to the Terms of Reference of the Joint Working Group on fishing by Non-Parties

**DOCUMENTS**

<a href="#">JWG-3-04</a>	Identification of vessels of non-parties fishing in the eastern Pacific
<a href="#">JWG-3-05</a>	Compliance by non-parties
<a href="#">JWG-3-06</a>	Cooperating non-parties or fishing entities
<a href="#">JWG-3-07</a>	List of vessels identified as engaged in IUU fishing
<a href="#">JWG-3-08</a>	System of notification of sighting and identification of non-party vessels operating in the region

## **1. Opening of the meeting**

The meeting was opened by Dr. Robin Allen, Director of the IATTC. The attendees are listed in Appendix 1.

## **2. Election of chair**

The Joint Working Group on Fishing by Non-Parties was chaired by Mr. Roberto Cesari, of the European Union (EU).

## **3. Adoption of the agenda**

The provisional agenda was adopted.

## **4. Identification of non-parties with vessels fishing in the EPO and of individual vessels of non-parties fishing in the EPO**

Dr. Allen presented Document JWG-3-04, *Identification of Vessels of Non-parties Fishing in the Eastern Pacific*, noting that paragraph 2.a. of the working group's terms of reference calls upon the working group to "identify non-parties with vessels fishing in the region, and identify the individual vessels of non-parties." Dr. Allen noted that the Commission staff had compiled two lists of vessels of non-parties, as required by the terms of reference, that include all vessels that fished during 2003 and/or during 2004 as of June 1, 2004. The AIDCP list currently contains no vessels. Dr. Allen noted that vessels from Chile primarily target swordfish, using longlines, gillnets, and harpoons, and that the Commission staff does not have information on individual vessels from Chile.

The Working Group noted that many Chinese Taipei vessels listed in Document JWG-3-04 were not included in the IATTC LSTLFV List. Dr. Allen stated that most of these vessels were landing fish in Central America, and it may be that many of them are less than 24 meters in length and thus would not be included on the LSTLFV List.

It was decided by the Working Group that the Secretariat would send letters to the governments of the non-party vessels asking them not to undermine IATTC conservation and management measures, and that a letter will be sent by the Secretariat to Chile asking for the missing information on their vessels fishing in the EPO.

Japan pointed out the worrying situation of the 28 new super purse-seine vessels owned and operated by citizens of Chinese Taipei which may fish around the 150°W boundary between the EPO and the Western Pacific Ocean. Japan also presented an information paper on this issue. Chinese Taipei stated that its purse-seine vessels would not fish in the EPO, expressed its interest in cooperating on this matter, and noted that a meeting was scheduled in Sapporo, Japan, in July, to address the issue.

The Parties agreed that the Secretariat should send a letter before the Sapporo meeting to the Western and Central Pacific Fisheries Commission (WCPFC), whose Convention enters into force very soon, to express the concerns of the IATTC Parties with regard to the new superseiners fishing in the Pacific.

## **5. Compliance by non-parties**

As there are no non-parties with purse-seine vessels in the EPO, there was no identification of cooperating or non-cooperating non-parties for the AIDCP.

Pursuant to IATTC Resolution C-03-11, adopted in 2003, defining the criteria to be used in the consideration of the status of Co-operating Non-Party, the IATTC Parties reviewed compliance by IATTC non-parties with measures adopted by the Commission for 2003 and 2004 (Document JWG-3-05). This review revealed that vessels of Bolivia and Colombia had not complied fully with the most important conservation measures in force, Resolutions C-02-03 on fleet capacity and C-03-12 on tuna conservation. However, the Working Group noted that Bolivia had since taken appropriate action to resolve the situation.

The following non-parties with longline vessels had not complied with Resolution C-03-05 on data provision: Belize, Georgia, Indonesia, and St. Vincent and the Grenadines.

The Secretariat was instructed to send a letter to all governments of vessels that were not complying with IATTC conservation and management measures, asking them to rectify the situation,

## **6. Cooperating non-parties or fishing entities**

Dr. Allen presented Document JWG-3-06, which analyzes the requirements for attaining cooperating status spelled out in Resolution C-03-11. After considerable discussion, the Working Group identified the following non-parties as Co-operating Non-Parties or Fishing Entities: Bolivia, Canada, China, the European Union, Honduras, Korea and Chinese Taipei.

These decisions of the Working Group were forwarded to the IATTC Plenary.

The meeting also discussed the question of procedures for attaining cooperating status, and agreed on a draft *Resolution on criteria for attaining the status of cooperating non-party or fishing entity in IATTC* (Appendix 2) to be forwarded to the IATTC Plenary for consideration. This resolution would replace Resolution C-03-11, adding formal procedures for requesting and attaining such status.

## **7. List of vessels identified as engaged in IUU fishing (Document JWG-3-07)**

A European Union proposal on the adoption of a list of vessels identified as engaged in IUU fishing (Proposal E1) was extensively discussed, and obtained considerable support from many delegations. This proposal was forwarded to the IATTC Plenary for its consideration (Appendix 3).

It was also decided that this proposal would be adapted for the AIDCP, and submitted to the next Meeting of the Parties in October 2004.

## **8. System of notification of sightings and identification of non-party vessels operating in the region**

A draft *Resolution on a system of notification of sighting and identification of vessels operating in the Convention Area* (Appendix 4) was agreed, and forwarded to the IATTC Plenary for consideration.

## **9. Recommendations for the IATTC and the Meeting of the Parties**

The Working Group decided to forward to the IATTC Plenary and the Meeting of the Parties the proposal by the European Union for an amendment to the Working Group terms of reference, for fishing activities of non-parties to IATTC/AIDCP in other oceans to be taken into account when considering their status as cooperating non-parties (Proposal B1; Appendix 5).

The Working Group recommended that the Commission consider the following draft resolutions:

- a. *Criteria for attaining the status of cooperating non-party or fishing entity in IATTC* (Appendix 2);
- b. *Establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean* (Appendix 3);
- c. *System of notification of sighting and identification of vessels operating in the Convention Area* (Appendix 4);

The Working Group also recommended the draft resolution in Appendix 2 to the Meeting of the Parties to the AIDCP.

The Working Group informed the Commission that vessels of Bolivia and Colombia did not comply fully with the most important conservation measures in force in 2003 and 2004, Resolutions C-02-03 on fleet capacity and C-03-12 on tuna conservation. The Working Group also informed the Commission that the following non-parties with longline vessels did not comply with Resolution C-03-05 on data provision: Belize, Georgia, Indonesia, and St. Vincent and the Grenadines. The non-parties mentioned in this

paragraph therefore do not fulfill the criteria of Resolution C-03-11 for identification as a Cooperating Non-Party, but the Working Group reminded the Commission that Bolivia has already taken appropriate measures to address the situation of non-compliance.

The Working Group recommended that the Commission endorse the identification of Bolivia, Canada, China, the European Union, Honduras, Korea and Chinese Taipei as Co-operating Non Parties or Fishing Entities (CPCs).

Colombia expressed its concern at not being included among the countries recommended for cooperating status, and later sent a letter to the AIDCP and IATTC delegates regarding this concern and accusing the Secretariat of bias and unjustified hostility towards Colombia. All of the other delegations, while recognizing the importance of Colombia to the success of both agreements, expressed their support for the Secretariat, and rejected the allegations of partiality and hostility by the Secretariat towards Colombia.

#### **10. Other business**

No other business was discussed.

#### **11. Adjournment**

The meeting was adjourned on 10 June 2004.

**Appendix 1.**

**JOINT WORKING GROUP ON FISHING BY NON-PARTIES  
GRUPO DE TRABAJO CONJUNTO SOBRE LA PESCA POR NO PARTES  
3<sup>rd</sup> MEETING - 3<sup>a</sup> REUNION**

**10 JUN 2004  
Lima, Perú**

**ATTENDEES – ASISTENTES**

**BOLIVIA**

**HANS BELLOTA  
ANTONIO APALA**  
Dirección General de Intereses Marítimos

**COLOMBIA**

**JAIME RIVAS**  
Ministerio de Agricultura y Desarrollo Rural  
**ARTURO VEGA  
CARLOS MOSQUERA**  
INCODER

**ARMANDO HERNÁNDEZ**  
ANDI Cámara de la Industria Pesquera  
**DIEGO CANELOS**  
Seatech International, Inc.

**ECUADOR**

**LUIS TORRES**  
Ministerio de Comercio Exterior, Industrialización,  
Pesca y Competitividad  
**LIGIA SOLÍS  
JORGE BANCHÓN**  
PROBECUADOR

**RAMÓN MONTAÑO**  
ATUNEC

**EL SALVADOR**

**SONIA SALAVERRÍA**  
Ministerio de Agricultura y Ganadería

**EUROPEAN UNION - UNION EUROPEA**

**ROBERTO CESARI  
ALAN GRAY**  
European Commission

**HONDURAS**

**JUAN CARLOS RIVERA**  
Dirección General de la Marina Mercante  
de Honduras

**JAPAN - JAPÓN**

**KATSUMA HANAFUSA  
TETSUYA KAWASHIMA  
TAKUMI FUKUDA  
YOSHIAKI NAKAMURA**  
Fisheries Agency

**HISAO MASUKO**  
Federation of Japan Tuna Fisheries Co-operative  
Associations

**MEXICO**

**RICARDO BELMONTES  
MARIO AGUILAR**  
CONAPESCA  
**GUILLERMO COMPEÁN  
MICHEL DREYFUS  
LUIS FLEISCHER  
PEDRO ULLOA**  
Instituto Nacional de la Pesca

**LUIS FUEYO**  
SEMARNAT/PROFEPA  
**MARK ROBERTSON**

**PERU**

**JORGE VÉRTIZ**  
**JORGE ZUZUNAGA**  
**CHRISTINE BRODIE**  
**GLADYS CÁRDENAS**  
**VÍCTOR LOYOLA**  
**LUIS VALDERRAMA**  
**JOSÉ PELLÓN**  
**BEATRIZ CASTRO**  
**ANTONIETA PALIZA**  
**TANIA SÁNCHEZ**  
**EDITH NEGRÓN**  
Ministerio de la Producción

**JORGE PONCE**  
**ANA TERESA LECAROS**  
Ministerio de Relaciones Exteriores  
**LUIS ABAD**  
Dirección General de Capitanías y Guardacostas

**SPAIN - ESPAÑA**

**JAVIER ARÍZ TELLERÍA**  
Instituto Español de Oceanografía  
**SAMUEL JUÁREZ**  
Embajada de España en Washington

**JULIO MORÓN**  
OPAGAC

**UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA**

**DAVID HOGAN**  
**JAMES STORY**  
Department of State  
**RODNEY MC INNIS**  
**PAT DONLEY**  
**JEREMY RUSIN**  
**BRETT SCHNEIDER**  
**MICHELLE ZETWO**  
National Marine Fisheries Service

**RANDI THOMAS**  
U.S. Tuna Foundation

**VENEZUELA**

**ALVIN DELGADO**  
Programa Nacional de Observadores de Venezuela

**OBSERVERS - OBSERVADORES**

**KOREA – COREA**

**OH SEUNG KWON**  
**MICHAEL ALAN FERRIN**  
Ministry of Maritime Affairs and Fisheries

**CHINESE TAIPEI – TAIPEI CHINO**

**TSU YAW TSAY**  
**HONG-YEN HUANG**  
**DING-RONG LIN**  
Fisheries Agency  
**LI-FANG HUANG**  
Ministry of Foreign Affairs

**PETER HO**  
Overseas Fisheries Development Council  
**WEN-CHENG LIN**  
Taiwan Tuna Association

**NON GOVERNMENTAL ORGANIZATIONS - ORGANIZACIONES NO GUBERNAMENTALES**

**KITTY BLOCK**  
Humane Society  
**MOISÉS MUG**  
**MARGARITA S. DE JURADO**  
WWF Central América

**NINA YOUNG**  
The Ocean Conservancy  
**NELSON RUSSELL**  
The Billfish Foundation

**STAFF - PERSONAL**

**ROBIN ALLEN, Director**  
**ERNESTO ALTAMIRANO**  
**ALEJANDRA FERREIRA**

**BRIAN HALLMAN**  
**BERTA JUÁREZ**  
**NICHOLAS WEBB**

## Appendix 2.

### PROPOSAL F1

#### DRAFT RESOLUTION ON CRITERIA FOR ATTAINING THE STATUS OF COOPERATING NON-PARTY OR FISHING ENTITY IN IATTC

*The Inter-American Tropical Tuna Commission (IATTC)*

*Recalling* Resolution C-03-11 on Criteria for attaining the Status of Cooperating Non-Party or Cooperating Fishing Entity to AIDCP and IATTC,

*Recognizing* the continuing need to encourage non-parties or fishing entities with vessels fishing for species covered by the IATTC Convention to implement the conservation and management measures of the IATTC;

*Recognizing* the need for clear criteria to enable non-parties or fishing entities whose vessels fish for species covered by the IATTC Convention to attain the status of Cooperating non-Party or Cooperating Fishing Entity;

*Resolves as follows:*

1. Each year, the Director shall contact all non-parties and fishing entities with vessels known to be fishing for species covered by the IATTC Convention, to urge them to become a Party to the IATTC or to attain the status of a Cooperating Non-Party or Cooperating Fishing Entity to IATTC (Cooperating Status). In doing so, the Director shall provide copies of all relevant resolutions adopted by the Commission.
2. Any non-party or fishing entity that seeks to be accorded Cooperating Status shall apply to the Director requesting such status. Such requests must be received by the Director no later than ninety (90) days in advance of an annual meeting of the Commission in order to be considered at that meeting.
3. Non-parties and fishing entities requesting Cooperating Status shall fulfil the following requirements in order to have this status considered by the Commission:
  - a. Information requirements:
    - i. Communicate full data on its historical fisheries in the IATTC area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
    - ii. Communicate annually catch and effort data and size-frequency distribution of the catches (when possible) in due time and appropriate format for scientific evaluation of the stocks;
    - iii. Communicate details on current fishing presence in the area, number of vessels and vessel characteristics;
    - iv. Communicate research programs it has conducted in the IATTC area and share the information and the results with the IATTC.
  - b. Compliance requirements:
    - i. Respect all conservation measures in force in IATTC;
    - ii. Respect the capacity limits already in force in IATTC for tuna vessels;
    - iii. Inform IATTC of the measures it takes to ensure compliance by its vessels, including inter alia and as appropriate, observer programs, inspection at sea and in port, and Vessel Monitoring Systems (VMS);

- iv. Respond to alleged violations of IATTC measures by its vessels, as determined by the appropriate bodies, and communicate to IATTC the actions taken against the vessels.

c. Participation:

Participation at plenary and scientific meetings, as an observer.

- 4. An applicant for Cooperating Status shall also:
  - a. confirm its commitment to respect the Commission's conservation and management measures; and
  - b. inform the Commission of the measures it takes to ensure compliance by its vessels with the conservation and management measures of the IATTC.
- 5. The Joint Working Group on Fishing by non-Parties shall be responsible for reviewing requests for Cooperating Status and for recommending to the Commission whether an applicant should receive Cooperating Status. In its review, the Joint Working Group shall also consider information regarding the applicant available from other regional fisheries management organizations. In granting Cooperating Status, caution shall be used to avoid excess fishing capacity or illegal, unreported and unregulated (IUU) fishing activities in the Convention area.
- 6. Cooperating Status shall be reviewed annually by the Commission, and may be revoked if the Cooperating Non-Party or Cooperating Fishing Entity has not complied with the criteria for attaining such status established by this resolution.
- 7. This resolution replaces Resolution C-03-11 on Criteria for attaining the Status of Cooperating Non-Party or Cooperating Fishing Entity to AIDCP and IATTC.



## Appendix 3.

### PROPOSAL BY THE EUROPEAN UNION

#### DRAFT RESOLUTION TO ESTABLISH A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE EASTERN PACIFIC OCEAN

##### *Explanatory Memorandum*

The Terms of Reference for the Joint IATTC-AIDCP Working Group on Fishing by Non-Parties identify one of the functions of that Working Group as developing “a system of notification of sighting and identification of non-Party vessels operating in the region.” Furthermore, it is also foreseen that the Joint Working Group should “propose criteria for and develop a list of vessels identified as being engaged in illegal, unreported and unregulated (IUU) fishing activities in the region to complement the list of vessels authorized to fish in the region as identified in the IATTC Regional Vessel Register.”

This latter function is also directly foreseen in the FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU).

In light of these requirements, the European Community hereby submits for the attention of Parties a draft proposal for an IATTC Resolution relating to the elaboration of an IUU vessel list which would be applicable to non-parties of the IATTC who are not considered co-operating non-parties.

This draft proposal is based on the following principles:

1. in order to ensure a coherent approach, it applies to non-party vessels fishing for all the species placed under the competence of IATTC;
2. it establishes a definition of what should be understood by "IUU fishing activities" in the eastern Pacific Ocean (EPO), on the basis of a number of non-cumulative criteria. These criteria target vessels of non-parties that do not co-operate with the IATTC, whereby vessels must operate in such a manner as not to compromise the effectiveness of IATTC conservation and management measures. In particular, non-parties may be placed on the IUU list if they fail to notify the IATTC of vessels flying their flag which have been licensed to fish in the IATTC area, fail to declare the catches made by these vessels, or any other applicable conservation measures.
3. It is based on the implementation of IATTC's existing mechanisms for data and information collection concerning fishing activities undertaken in the EPO.

The proposed procedure is structured in several stages involving, in particular, the elaboration of a draft list of IUU vessels by the Director based on information received from IATTC Parties or co-operating non-parties or entities. This draft list shall be transmitted to all IATTC Parties and co-operating non-parties, and the non-parties concerned, for comments.

The IATTC-AIDCP Joint Working Group on Fishing by Non-Parties shall review annually and amend this list on the basis of presentations from Parties, co-operating non-parties or entities, or on the basis of the comments and information received from the flag states of the vessels involved. If it is proven that the vessel did not take part in IUU fishing; that it has been already sanctioned with sufficient severity; or that it has changed owner.

Once the Joint Working Group completes this review process, it draws up a provisional list, which is submitted to the Commission for adoption.

Once the Commission has adopted the list in accordance with the format attached to these recommendations, the Commission shall ask the flag states of vessels on the IUU List to take the

necessary steps to eliminate these IUU fishing activities. The IUU List shall be reviewed annually by the IATTC.

Vessels on the IUU List shall either be denied transshipment possibilities with IATTC Parties, Co-operating non-Parties or Entities, or access to port the landing of their catches.

In conclusion, the Community considers that the potential improvements brought about by this proposal to IATTC's mechanisms to fight IUU fishing, are the following:

1. it establishes, for the first time, criteria for the identification of the vessels engaged in IUU fishing;
2. it establishes a clearly structured procedure for the drafting of lists of IUU vessels as well as for the withdrawal of vessels included therein;
3. it defines the consequences for these vessels as a result of their inclusion on the list.

## PROPOSAL E1

### PROPOSAL BY THE EUROPEAN UNION

#### DRAFT RESOLUTION TO ESTABLISH A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREGULATED AND UNREPORTED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN

*Recalling* that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unregulated and unreported fishing (IPOA). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non discriminatory way.

*Concerned* that IUU fishing activities in the Eastern Pacific Ocean (EPO), which for the purpose of this Resolution is the area bounded by the coastline of the Americas, the 40°N parallel, the 150°W meridian, and the 40°S parallel, diminish the effectiveness of the IATTC conservation and management measures.

*Further concerned* that there is a possibility that a number of vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with IATTC management and conservation measures.

*Determined* to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels without prejudice to further measures adopted in respect of flag States under the relevant IATTC instruments.

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

*Conscious* of the need to address, as a matter of priority, the issue of vessels larger than 24 meters in length overall (hereinafter referred to as “large-scale fishing vessels”) conducting IUU fishing activities.

The Inter-American Tropical Tuna Commission (IATTC)

*Resolves that*

1. For the purposes of this recommendation, the fishing vessels flying the flag of a non-Party are presumed to have carried out illegal, unregulated and unreported fishing activities in the Eastern Pacific Ocean (EPO), inter-alia, when a Party or co-operating non-Party, or entity presents evidence that such vessels:
  - a. Harvest tunas and tuna-like species in the EPO and are not registered on the IATTC list of vessels authorised to fish for tuna and tuna-like species in the EPO, or
  - b. Harvest, tuna and tuna-like species in the EPO, whose flag state is without quotas, catch limit or effort allocation under relevant IATTC conservation and management measures, or
  - c. Do not record or report their catches made in the EPO, or make false reports, or
  - d. Take or land undersized fish in contravention of IATTC conservation measures, or
  - e. Fish during closed fishing periods or in closed areas in contravention of IATTC conservation measures, or
  - f. Use prohibited fishing gear in contravention of IATTC conservation measures, or
  - g. Tranship with vessels included in the IUU list, or
  - h. Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the EPO without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels, or

- i. Are without nationality and harvest tunas or tuna-like species in the EPO, or
  - j. Engage in fishing activities contrary to any other IATTC conservation and management measures.
  - k. Are under the control of the owner of the vessels which have been listed as IUU vessels.
2. Parties and Co-operating Non-Parties, or Entities, shall transmit every year to the IATTC Director before 1 February, the list of vessels flying the flag of a Non-Party presumed to be carrying out IUU fishing activities in the EPO, during the current and previous years, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.

This list shall be based on the information collected by Parties and Co-operating Non-Parties, and Entities. In order to facilitate the establishment of such a list Parties and Co-operating Non-Parties or Entities shall provide such information in the annexed format.

3. On the basis of the information received pursuant to paragraph 2, the IATTC Director shall draw up a draft IUU list and shall transmit it together with all the evidence provided to Parties and Co-operating Non-Parties, or Entities, as well as to Non-Parties whose vessels are included on these lists before 1 March each year.

Parties, Co-operating Non-Parties, or Entities, and Non-Parties, shall transmit their comments as appropriate, including evidence showing that the listed vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the EPO, before 15 April to IATTC.

Upon receipt of the draft IUU list, Parties, Co-operating Non-Parties, or Entities shall closely monitor these vessels included in the draft IUU list in order to determine their activities and possible changes of name, flag and/or registered owner.

4. On the basis of the information received pursuant to paragraph 3, the IATTC Director shall draw up and transmit 2 weeks in advance of the Commission Annual Meeting to the Parties, Co-operating Non-Parties, or Entities and to the Non-Parties concerned, together with all the evidence provided.
5. Parties and Co-operating Non-Parties, or Entities may at any time submit to the IATTC Director any additional information, which might be relevant for the establishment of the IUU list. The IATTC Director shall circulate the information at latest 30 days before the Annual Commission Meeting to the Parties and Co-operating Non-Parties, or Entities, and to the Non-Parties concerned together, with all the evidence provided.
6. The IATTC-AIDCP Joint Working Group on Fishing by Non-Parties (Joint Working Group) shall examine each year, the provisional list, as well as the information referred to in paragraphs 3 and 5. The results of this examination may, if necessary, be referred to the Permanent Working Group on Compliance (Compliance WG).

The Joint Working Group shall recommend to the Commission to remove a vessel from the provisional list if the flag State demonstrates that:

- a. The vessel did not take part in any IUU fishing activities described in paragraph 1, 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.
7. Following the examination referred to in paragraph 6, the Joint Working Group shall submit to the Commission for approval, the provisional list of the vessels identified as carrying out IUU fishing activities in the EPO.
  8. On adoption of the list, the Commission shall request Non-Parties, whose vessels appear on the IUU list, to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform

the Commission of the measures taken in this respect.

9. Parties and Co-operating Non-Parties, or Entities shall take all necessary measures, under their applicable legislation:
  - a. So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list;
  - b. So that IUU vessels that enter ports voluntarily are not authorised to land or tranship therein;
  - c. To prohibit the chartering of a vessel included on the IUU list;
  - d. To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner; and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Party of Co-operating Non-Party, or Entity, determines that granting the vessel its flag will not result in IUU fishing;
  - e. To prohibit the imports, or landings and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;
  - f. To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU lists;
  - g. To collect and exchange with others Parties or Co-operating Non-Parties, or Entities any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list.
10. The IATTC Director shall take any necessary measure to ensure publicity of the IUU vessels list adopted by IATTC pursuant to paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the IATTC website. Furthermore, the IATTC Director shall transmit the IUU vessels list to other regional fisheries organisations for the purposes of enhanced co-operation between IATTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
11. This recommendation shall apply initially to large-scale fishing vessels flying the flag of Non-Parties. The Commission shall, at its Annual Meeting in 2005, review and, as appropriate, revise this recommendation with a view to its extension to other types IUU fishing activities of Non-Party vessels and, to Party, Co-operating non-Party, and Entity vessels.
12. Without prejudice to the rights of flag Parties or Co-operating Non-Parties, or Entities and coastal states to take proper action consistent with international law, the Parties, Co-operating Non-Parties, or Entities, should not take any unilateral trade measures or other sanctions against vessels provisionally included in the draft IUU list, pursuant to paragraph 3, or which have been already removed from the list, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.

## Appendix 4.

### PROPOSAL G1

#### DRAFT RESOLUTION ON A SYSTEM OF NOTIFICATION OF SIGHTING AND IDENTIFICATION OF VESSELS OPERATING IN THE CONVENTION AREA

*The Inter-American Tropical Tuna Commission (IATTC):*

*Concerned* that illegal, unreported and unregulated (IUU) fishing activities in the Convention area undermine the effectiveness of the IATTC conservation and management measures.

*Recognizing* the importance of cooperating with respect to the sightings of vessels that may be fishing contrary to the IATTC conservation and management measures;

*Resolves as follows:*

1. Encourages vessels of IATTC Parties, cooperating non-Parties, fishing entities or regional economic integration organizations (collectively "CPCs") to report informally to the Director, if possible in real time, any sightings of vessels that may be fishing contrary to the conservation and management measures of the IATTC;
2. Encourages vessels of CPCs to report to their responsible authorities any sightings of vessels that may be fishing contrary to the conservation and management measures of the IATTC on the form attached to this resolution.
3. The responsible authorities shall communicate the information reported on these forms to the Director, who shall, once he has verified, to the extent possible, that the vessel sighted was likely to have been fishing contrary to the conservation and management measures of the IATTC, inform the other CPCs of the vessel's activity, and shall also inform the government concerned and request that it rectify the vessel's activities.

## Appendix 5.

# PROPOSAL BY THE EUROPEAN UNION FOR AN AMENDMENT TO JOINT WORKING GROUP ON FISHING BY NON-PARTIES TERMS OF REFERENCE

### *Explanatory Memorandum*

The EC is aware that tuna fisheries are now a global phenomenon, whereby fishing vessels can easily and rapidly move between the oceans where tuna occurs in order to prosecute such fisheries where there is an apparent abundance of stocks. The Eastern Pacific Ocean, in the EC view, is not excluded from this phenomenon.

It is our view that some vessels which change the geographic scope of their fishing activities do so to escape directed action of other regional fisheries organizations to address illegal, unreported or unregulated fishing activities (IUU) in the waters falling under their competence.

It is possible that such vessels may be flying the flag of non-Parties of the IATTC or the AIDCP, who may be requesting to obtain the status of co-operating non-Party to the IATTC or the AIDCP. It is the view of the EC that, when such applications are received, the actions of vessels of these flag states in other oceans falling under the competence of other regional fisheries organizations should also be taken into account.

Neither the IATTC nor AIDCP should be seen as condoning or promoting the authorization of vessels which have relocated to the Eastern Pacific Ocean, in particular to avoid action being taken against them in other oceans as a result of being engaged in IUU activities.

Therefore, the EC considers it necessary that the IATTC-AIDCP Joint Working Group on Fishing by Non-Parties should take into account the fishing activities of non-parties in other oceans when considering requests to obtain Co-operating status. Accordingly, the EC proposes the insertion of such consideration as a new subparagraph “e” to the Functions in the Terms of Reference for the Working Group, which were adopted in 2003.

## PROPOSAL B1

### PROPOSAL BY THE EUROPEAN UNION

#### DRAFT AMENDMENT TO THE TERMS OF REFERENCE OF THE JOINT WORKING GROUP ON FISHING BY NON-PARTIES

*Recognizing* that tuna fisheries are now a global phenomenon, and that fishing vessels can migrate between oceans to prosecute such fisheries;

*Further recognizing* that there is a growing phenomenon of fishing vessels moving between different oceans to escape action against Illegal, Unregulated and Unreported (IUU) fishing activities taken by other regional fisheries organizations;

The IATTC, at its 72<sup>nd</sup> meeting in Lima, Peru, and the AIDCP at its 11<sup>th</sup> Meeting of the Parties in Lima, Peru, agree to amend the Terms of Reference for the Joint Working Group on Fishing by Non-Parties as follows:

The following new sub-paragraph “e” be inserted after the existing sub-paragraph “d” in section 2, *Functions*:

“e. when reviewing and monitoring the compliance of a non-party and determining whether it has fulfilled the requirements to obtain the status of Co-operating Non-Party, Entity or Fishing Entity, the Joint Working Group shall also take into account the activities of that non-party as a co-operating non-party in other oceans which have regional fisheries organizations that regulate the conservation and management of highly migratory fish stocks under their competence.”

The following sub-paragraphs remain as currently drafted, with the appropriate changes in identification.