

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

**7<sup>TH</sup> MEETING**

**La Jolla, California, USA**  
**22-23 June 2016**

**CHAIR'S REPORT OF THE MEETING**

**AGENDA**

	Documents
1. Opening of the meeting	
2. Adoption of the agenda	
3. Compliance with IATTC measures in 2015: a. Report by the staff on compliance b. Review of the questionnaires completed by CPCs relating to Resolution <a href="#">C-11-07</a>	COR-07-03
4. Consideration of the provisional IUU Vessel List	COR-07-04
5. Cooperating non-Members	COR-07-05
6. Other business	
7. Recommendations for the Commission	
8. Adjournment	

**APPENDIX**

1. List of attendees (to be added in minutes)

The seventh meeting of the Committee for the Review of Implementation of Measures Adopted by the Commission (Compliance Committee) was held in La Jolla, California, USA, on 22-23 June 2016. The attendees are listed in Appendix 1.

**1. Opening of the meeting**

The meeting was opened by the Chair of the Committee, Mr. David Hogan of the United States.

**2. Adoption of the agenda**

The provisional agenda was adopted with the inclusion under Item 6, Other Business, of a request by the United States to make a presentation updating the Committee on recent cases of interactions with data buoys, in contravention of Resolution C-11-03 (*Resolution Prohibiting Fishing on Data Buoys*).

**3. Compliance with IATTC measures in 2015**

**a) Report by the staff on compliance**

The Secretariat presented the document COR-07-03, which summarized compliance with IATTC resolutions in 2015. Notably, potential infractions of the tropical tuna discard prohibition under Resolution C-13-01 (*Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean During 2014-2016*) doubled since 2014. The presentation led to discussions on items of format (i.e., whether to or not to

include discards in the report), and more general compliance and conservation concerns.

Regarding Resolution C-12-07 (*Amendment to Resolution C-11-09 on Establishing a Program for Transshipments by Large-Scale Vessels*), the discussion centered around the provisions of the resolution on reporting of transshipment declaration forms. Some Members viewed the language as non-binding for reporting, whereas others viewed reporting as a responsibility, if not a requirement, to help address any concerns about the adequacy of monitoring of transshipments at sea.

Regarding two resolutions relating to sharks, C-04-05 (*Consolidated Resolution on Bycatch*) and C-05-03 (*Resolution on the Conservation of Sharks Caught in Association with Fisheries in the Eastern Pacific Ocean*), the EU noted an inconsistency in the language. Resolution C-04-05 states all bycatch should be released, to the extent practicable; whereas, Resolution C-05-03 states all bycatch should be released except if used for human consumption. It was also noted that, more generally, there are inconsistencies in language in other resolutions as well.

There were also differences of opinions on the concept of transferring the longline bigeye catch limits established in Resolution C-13-01. A member opined that because there was not an explicit mechanism regulating the rules of transfer, they considered the practice prohibited. Other CPCs responded that while it was not expressly authorized, it was also not prohibited. It was noted that this topic of discussion has arisen in previous meetings, and that there is a proposal to formalize a mechanism for transfers.

There was also a discussion of the amount of information CPCs provided to the Compliance Committee with regard to results of investigations. A Member suggested that CPCs should provide more details regarding the sanctions imposed, so that the Committee could assess their effectiveness. Although, as the Chair noted, it is important to be informed to learn from other Members, some Members stated that judgment on whether the sanction was strong enough is not within the scope of the Committee and that it may infringe upon national sovereignty. The Committee was reminded by a Member that, under the Antigua Convention, the Compliance Committee may consider development of tools to promote strengthened implementation, and that the Committee might begin work to define criteria for identifying gaps in implementation for purposes of requesting action plans, as well as mechanisms for their application, to be submitted to the Commission for consideration.

The Committee also discussed the importance of deadlines for report submissions and Member recommendations to include that information in the compliance summary report made by the IATTC staff.

The report presented by the staff included two tables related to whale sharks. In response to a question by the staff, Members requested that all information pertinent to catches of whale sharks be included in the report for transparency, even if later found to not be in contravention of the applicable resolution (Resolution C-15-03, *Collection and Analyses of Data on Fish-Aggregating Devices*, in this case). For example, vessels of two Members set on whale sharks, but the presentation noted that the set was unintentional, and therefore not in contravention of Resolution C-15-03. Members of the Committee replied that this information should still be included in the report. Whale shark information was presented in two tables, one with potential infractions and the other with cases known to not be infractions, and it was suggested that this format biased the reader and therefore the information should be combined into a single table.

Regarding Resolution C-11-08 (*Resolution on Scientific Observers for Longline Vessels*), the Committee requested that the percentage of coverage be included in the Secretariat's summary report. The Secretariat presented percent effort with observer coverage per each CPC. Before the meeting concluded, IATTC staff presented concerns and recommendations to improve consistency in longline observer information provided to the IATTC by CPCs. In general, it was noted that the information provided varies and may not be comparable. As such, the Commission should work to standardize the information collected and submitted to the IATTC. The Committee was reminded that the Scientific Advisory Committee already recommended a reporting format for the observers, as well as for the CPC summary reports to be provided

to the IATTC Secretariat. The Committee also discussed providing a comprehensive distribution of letters to all CPCs to ask for submissions in timely manner, and include on the agenda for next year an item on the development of criteria to identify areas that need strengthening for the purpose of requesting the development of action plans.

Regarding Resolution C-13-03 (*Supplemental Resolution on North Pacific Albacore*), a Member reminded the Committee that, as reflected in the minutes of the 87<sup>th</sup> Annual Meeting of the IATTC, the Commission agreed to maintain Resolution C-13-03. This includes submitting catch and effort data in the format specified in the resolution. It was noted that many CPCs have not submitted data since the first year it was required, and that the data that was submitted is incomplete.

The Committee discussed the importance of timely budget contributions by Members of the Commission, noting that during this discussion some members updated the Committee that payments had very recently been made. The Committee was reminded of the consequences under the Antigua Convention for two Members in arrears by an amount exceeding 24 months.

In light of a complicated case involving potential transit without the appropriate waiver, in contravention of Resolution C-09-04 (*Resolution on the International Dolphin Conservation Program*), the Committee found there is no mechanism to describe circumstances in which a vessel may be incapable of fishing, and possibly exempt from the observer requirement when transiting. Guatemala made a presentation on the case and provided a written note to append to this Chair's report, which is attached.

#### **b) Review of the questionnaires completed by CPCs relating to Resolution [C-11-07](#)**

With the exception of Kiribati, which did not send a delegation to the Committee meeting, each Member made a brief presentation on its responses to the questionnaire and, in a few cases, possible cases of non-compliance recorded in 2015. Kiribati and cooperating non-members Bolivia, Honduras, Indonesia, and Liberia were provided the opportunity to present when the Compliance Committee meeting was re-opened during the IATTC plenary.

During the review, a more general discussion on captain review of observer forms occurred. In an effort to provide a more timely and fair investigation, some Members suggested that vessel captains be provided the opportunity to review observer records. Similar to the requirements under the AIDCP, captains could sign the form. However, others expressed different views and suggested this is something that could be considered by the Commission.

The Committee also had a more general discussion on sea turtle mitigation efforts and conservation concerns during the review of questionnaires. It was noted that because of the small amount of longline observer coverage, it is very difficult to know the impacts to sea turtles.

#### **4. Consideration of the provisional IUU Vessel List**

There were no new cases to report. Regarding the Vessel *Xin Ji 16* from Fiji, the Director stated that the Secretariat would again contact Fiji, and the Committee also suggested other avenues, including contacting the WCPFC, as well as bilateral work by Members. It was recommended that this vessel should stay on the IUU vessel list.

#### **5. Cooperating non-Members**

The four applicant CPCs seeking renewal of their Cooperating Non-Member status did not participate in the meeting of the Committee, so the meeting was suspended until the plenary when all but Bolivia were present. The Committee, after considering the respective requests, recommended that the Commission renew the Cooperating Non-Member status for Bolivia, Honduras, Indonesia, and Liberia.

It was noted that it was necessary to again remind Cooperating Non-Members of the importance of participating effectively at meetings of the IATTC and its subsidiary bodies. One Member noted that Indonesia's application was identical to its application in 2015, and that the Secretariat should request that

Indonesia provide an updated set of materials.

## **6. Other business**

The United States presented an update to recent events in contravention of Resolution C-11-03. The United States emphasized a recent vandalism event on a buoy related to the DART (Deep-Ocean Assessment and Reporting of Tsunamis) buoy array in the eastern Pacific Ocean. Vandals removed all electronic components of the South Acapulco buoy, leaving it completely disabled. The United States was able to repair the buoy, but without this buoy areas of Central America would have a one-hour delay in detection of a tsunami. The United States provided an update on the TAO (Tropical Atmosphere Ocean) buoys, similar to the presentation last year, noting that the number of interactions with data buoys has increased, and reiterated its request to other nations to raise awareness in their fleets and help prevent and deter this illegal activity.

In reference to its proposal before the Commission on the use of compliance information, Mexico highlighted again the need to draw the Commission's attention to the improper use that has been made of the information shared by the Parties in compliance to Resolution C-11-07, and mainly, in contravention of Articles XVII and XXII of the Antigua Convention, which clearly establish the regulatory framework and the rules of confidentiality for the information provided by the Parties. Mexico noted that the information presented in the Commission must be used for the specific purpose stipulated by the Antigua Convention and not on an unilateral basis.

## **7. Recommendations for the Commission**

The Committee makes the following recommendations to the Commission:

1. Include Resolution C-13-03 (*Supplemental Resolution on North Pacific Albacore*) in the Annual Compliance Questionnaire, as well as the letter the Secretariat sends with data reporting requirements.
2. Review the situation of budget contribution arrears in the context of Antigua Convention, taking into account receipt of pending contributions as may be discussed in the meeting of the Committee on Administration and Finance, and consider actions that may be taken to encourage compliance.
3. Reiterate the deadline for submission of transit waivers and consider the utility, in light of frequency of events, of developing criteria to assess situations in which a vessel is inoperable or other factors that warrant adjusting the rules governing the issuance of waivers to the observer requirement when transiting.
4. Adjust procedures and forms to provide access to captains to review and sign observer records on compliance, as in the AIDCP.
5. The compliance report for the Compliance Committee should show, and Members should be asked to report, implementation of longline observer coverage using the metric agreed to by the Scientific Advisory Committee.
6. In the near-term, the Commission should send a letter to all CPCs reminding them of the need for full compliance with the observer requirements, requesting data on implementation of observer requirements, and calling for the use of the standardized form for reporting of the observer data as agreed by the SAC. The letter should include a near-term deadline for the implementation data submission. CPCs should also be asked to update the information on and status of their longline vessels on the IATTC Register.
7. The Compliance Committee should include an additional agenda item for the 8<sup>th</sup> Meeting of the Compliance Committee to discuss tools in Resolution C-11-07 (*Resolution for Improved Compliance with Resolutions Adopted by the Commission*) to identify members whose implementation of any measures are inadequate and/or need improvement, including a process to request an action plan to encourage stronger implementation of Resolution C-11-07.

8. Regarding the Compliance Questionnaire, when a response is “not applicable”, CPCs should provide a rationale for using that response. An option may be to change the questionnaire form to include an additional field in the event of a “not applicable” response.
9. Data on whale sharks should be collected, to include details on how a whale shark caught in a fishery was released, for purposes of eventually developing best practices for the safe release of whale sharks.
10. Review and clarify inconsistencies in resolutions. For example, clarify the possible inconsistency between Resolutions C-04-05 and C-05-03 on sharks for assessing compliance.
11. Include all CPCs in the Compliance Compendium, even if there are no compliance cases identified.
12. When CPCs report on sanctions or other actions applied to their vessels, CPCs should endeavor to add more information, subject to national laws and procedures. For example, describe the type of sanction, but not necessarily the amount.
13. On data buoys, reiterate the critical importance of the arrays and the pressing need for CPCs to reinforce awareness of their fleet, and effectively address any compliance cases, especially those from the 2015 compliance report.
14. Regarding the IUU vessel list, a letter should be sent to Fiji requesting engagement regarding the *Xin Ji 16*, and a similar request should be included in the transmittal of the IUU list to the WCPFC and any other relevant RFMOs. CPCs could also reach out to Fiji bilaterally.
15. Renew cooperating non-member status for four applicant CPCs: Bolivia, Honduras, Indonesia and Liberia, and consider communicating an admonition that the Commission would not renew the status in future years if the CPCs did not participate in the Commission’s subsidiary bodies.

## **8. Adjournment**

The meeting was adjourned on Wednesday, June 29, 2016 during the annual meeting of the IATTC.

STATEMENT BY GUATEMALA  
F/V VICENTE: Transit without an observer – Result of the investigations

1. Introduction

The F/V VICENTE was indicated to have made a transit without an observer from Manta to Guayaquil, Ecuador, leaving on 18JAN16, the last day of the closure, and arriving on 21JAN16. Guatemala was consulted by the Director of the IATTC about this transit and gave a provisional answer the needs to be expanded, in the light of the investigations carried out to that end. On that account, the Guatemalan delegation offers explanations given that the VICENTE was last on the IATTC Regional Vessel Register in 2014 under Guatemalan flag, and because currently it has received a capacity loan property of the State of Guatemala.

2. Legal aspects

- 2.1. The VICENTE was registered as a vessel out of service under Panamanian flag valid until 06NOV16. It was undergoing major repairs, after various years of being inactive and having suffered a fire in September 2014. Its presence in an Ecuadorian port was due to the need to attend to those repairs while it was in the process of nationalization.
- 2.2. The vessel was not listed to participate in the fishery in 2015;
- 2.3. It was not included in the IATTC Register;
- 2.4. It was not, physically nor legally, a fishing vessel, because it did not have a class of service indicated, nor was it in an operational state for fishing;
- 2.5. It was also not obliged to comply with any closure in 2015, as is shown by the list of vessels subject to the closure of Resolution C-13-01;
- 2.6. The vessel was removed from the IATTC Register towards the end of 2014 and was out throughout the year 2015. In 2016, the process of including it therein is underway, but at the time of the transit it had not paid the assessment corresponding to the current year, for which reason it could not be assigned an observer to accompany the transit in accordance with subparagraph c), paragraph 12, Annex II of the Agreement on the International Dolphin Conservation Program (AIDCP), which states that “[n]o observer shall be assigned to a vessel for which the required fees have not been paid.”;

3. Factual aspects

- 3.1. The vessel owners requested on 08JAN16, that is, before the transit commenced, an exemption from the Ecuadorian fisheries authority, which declined precisely for that reason on 15JAN16 and because the vessel was not yet flying its flag. The matter was referred to the Ecuadorian maritime authority, since it was not a fishing vessel. This latter authority gave permission to carry out the transit to the shipyard as of 17JAN16;
- 3.2. The transit was carried out in conditions that did not permit fishing operations, since the vessel had only a navigator (without a fishing captain), with a crew reduced to the minimum required for reasons of safety, without carrying a purse-seine net not a skiff and without freezing capacity;
- 3.3. The reason for the transit was to enter dry dock in a shipyard, operated by the Ministry of National Defence of Ecuador, in accordance with the contract for providing services agreed with the vessel owners on 08JAN16, with the vessel having to present itself as of 15JAN16 to use its turn;
- 3.4. The VICENTE cancelled its previous registry definitively on 14MAR16, being in good standing with its previous flag, and was registered in Ecuador entirely normally on 04APR16.

#### 4. Conclusions

- 4.1. A vessel's remaining in port during the closure as a general rule, the obligation to carry an observer if it must make a transit during the closure and the obligation to obtain, before departing, a transit exemption in controlled conditions, are mechanisms to prevent, deter and eliminate illegal and unreported fishing. Logically, fishing during a closure is a serious infraction; making a transit without having an exemption is a formal fault, comparatively much more minor;
- 4.2. In this particular case, a vessel that has no fishing service because it is being repaired, and that does not have the technological capacity to fish, that is not included in the IATTC Register and had not been committed to comply with a particular closure, constitutes a situation that is moreover singular;
- 4.3. Because it is not obligated, the transit does not match any infraction that is described;
- 4.4. With these explanations, the delegation of Guatemala considers it proper to dismiss this case.

La Jolla, USA, 27JUN16.