

INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
12TH MEETING

DEL MAR, CALIFORNIA, USA
23 - 24 OCTOBER 2011

DOCUMENT CAP-12-07

**REVIEW OF PROCEDURES RELATED TO THE IMPLEMENTATION OF
RESOLUTION C-02-03 ON THE CAPACITY OF THE PURSE-SEINE
FLEET**

The following text is extracted from Document [CAP-11-06](#), prepared for the 11th meeting of the working group in April 2011. The proposed technical change to paragraph 9 of Resolution C-02-03 has been modified, and only those changes that received general support at that meeting have been incorporated.

3. CURRENT PROCEDURES

The procedures followed by Commission staff in implementing the Resolution, and in particular in maintaining the official records associated with the Regional Register and other Commission vessel lists, have been improved and formalized since 2002. Following is a summary of the current procedures:

1. In order to be included on the Register, a vessel must provide all of the information required in Resolution C-00-06 on the Regional Vessel Register. The well volumes of purse-seine vessels should be measured; however, this is not a condition for inclusion in the Regional Register. It is necessary, at a minimum, that the flag government of the vessel provide an official well volume, whether measured or otherwise determined by the government. Also, it is useful for the Secretariat to have a breakdown and/or diagram showing the volumes of each of the vessel's wells; again, this is not a requirement for inclusion in the Register.
2. For a new vessel to be included in the Regional Register, the flag government must advise the Secretariat in writing, and must have sufficient capacity available, *i.e.*, equal to or greater than the well volume of the vessel to be added. If the new vessel is replacing another vessel that has been or is being removed from the Register, that vessel must be identified. If the new vessel has recently been granted its flag, documentation showing its new registration must be provided, as well as documentation regarding the deletion of its previous flag.
3. For a vessel on the Regional Register to change flag and remain on the Register, both governments associated with the change must agree, and must confirm this to the Secretariat in writing. At its 73rd meeting in June 2005, the Commission agreed that: "A change of flag by a vessel from one CPC to another, and the vessel's status on the Regional Register, shall not be considered effective until the Director has received official notification of the change from both governments involved". The Secretariat has interpreted this to mean that the approval must come from the government agency responsible for fisheries matters.

It is now very difficult for a vessel on the Regional Register to change flags and remain on the Register, because nearly all governments have made clear their interest in removing their flag vessels from the Register if they want to change flags.

4. A vessel may be removed from the Regional Register if its flag government so requests in writing. In this case, the well volume of the vessel removed will be available to the government for adding

vessels in the future. If a vessel with a smaller well volume than the vessel removed is later added, the excess, or residual, is retained by the government, and is so documented in the Commission's records.

It is important to note that these residuals are available to governments as a result of vessels being removed not only from the list of active vessels, but also from the list of inactive vessels.

If a vessel is removed from the Regional Register, the Secretariat needs to know whether the government is also removing the vessel from its national register.

5. A vessel may change its status from active to inactive, and vice versa. Paragraph 9 of the Resolution addresses the matter of inactive vessels. It has several elements:
 - a. Notification of vessels that will be inactive must be provided to the Secretariat by January 1 of each year;
 - b. A vessel declared inactive must remain in that status for the entire year;
 - c. An active vessel may replace an inactive one during the year, provided that the total active capacity of the vessels of the country receiving the vessel does not then exceed the active capacity of all of its vessels on 28 June 2002.

The Secretariat considers that there are some technical problems with the language on inactive vessels in the Resolution, and that the drafting could be improved, since there may be a contradiction between paragraph 9 and paragraph 5, which establishes that vessels authorized to operate are those included in the June 2002 List and its subsequent changes, without distinguishing between active and inactive vessels. The modification could be as noted below. However, in practice, vessels rarely change their status on these lists during the course of a year, although such changes have been recorded; if a vessel wishes to do so, its flag government must notify the Secretariat in writing.

6. A government may decide to simply give part or all of its available capacity to another government. This could be done as part of a broader cooperation agreement, or for some other reason, although no reason is required for such an action. This has occurred on a few occasions. Any such action must be notified to the Secretariat in writing. The idea of "lending" capacity has been informally discussed, but has not been implemented. This possibility is discussed in more detail further below.

The following additional points were raised by the delegations during the meeting:

7. The Secretariat should have a list of the national authorities of each country competent to deal with transfers of vessels and their capacity on the Regional Register.
8. Residual capacity that is allocated to a vessel of another flag should be duly recorded in the Regional Register, and it should be specified whether the capacity transfer is temporary or permanent.

The following text illustrates the changes proposed by the Secretariat in Section 6 of Document CAP-11-06.

RESOLUTION ON THE CAPACITY OF THE TUNA FLEET OPERATING IN THE EASTERN PACIFIC OCEAN (REVISED)

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

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

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

Concerned that purse-seine fishing capacity in the eastern Pacific Ocean (EPO) has been increasing in recent years;

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;

Aware of the importance of tuna fishing to the economic development of the Parties;

Committed to giving full effect to the relevant rules of international law, as reflected in the United Nations Law of the Sea Convention;

Recalling the resolutions to limit the capacity of the tuna purse-seine fleet in the EPO approved by the IATTC at its 62nd Meeting in October 1998 and by correspondence on 19 August 2000;

Seeking to address the problem of excess capacity in the tuna purse-seine fleet operating in the EPO by limiting such capacity to a level which, in harmony with other agreed management measures and projected and actual levels of catch, will ensure that tuna fisheries in the region are conducted at a sustainable level:

Have agreed as follows:

1. For the purposes of this Resolution, the EPO is defined as the area bounded by the coastline of the American continents, the 40° North parallel, the 150° West meridian and the 40° South parallel.
2. For the purposes of this Resolution, and without setting any precedent, “participant” means Parties to the IATTC, and States and regional economic integration organizations (REIOs), and fishing entities that have applied for membership of the Commission or that cooperate with the management and conservation measures adopted by the Commission. The Commission shall determine which States, REIOs and fishing entities are considered to be cooperating with such management and conservation measures.
3. To finalize and adopt, as soon as possible, a plan for regional management of fishing capacity, as specified in the resolution on fleet capacity of 19 August 2000. Such a plan shall take into account the right of coastal States and other States with a longstanding and significant interest in the tuna fisheries of the EPO to develop and maintain their own tuna fishing industries.
4. To review on a regular basis, and modify if necessary, the methods for estimating fishing capacity and the target level of 158,000 m³, established in the resolution on fleet capacity of 19 August 2000, for the total capacity of the purse-seine fleet, taking into account the level of the stocks of tuna and other relevant factors.
5. To use the Regional Vessel Register (“the Register”) established by the resolution of the 66th Meeting of the Commission, as of 28 June 2002, with any subsequent modifications that do not increase the total capacity of purse-seine vessels established in the Register, as the definitive list of

purse-seine vessels authorized by the participants to fish for tunas in the EPO. Any purse-seine vessel fishing for tunas in the EPO that is not on the Register would be considered to be undermining IATTC management measures. The Register shall include only vessels flying the flags of participants. Each participant shall verify the existence and operational status of, and confirm the accuracy of the information on, its vessels, as required by that resolution, including the requirement to promptly notify the Director of the Commission (“the Director”) of any modifications to that information. For purse-seine vessels, the Register shall include only vessels that have fished in the EPO before 28 June 2002. A participant may remove any vessel flying its flag from the Register by notifying the Director.

SUBSTITUTE FOR CURRENT PARAGRAPH 5: To use the Regional Vessel Register (“the Register”) established by the resolution of the 66th Meeting of the Commission, as of 28 June 2002, with any subsequent modifications that do not increase the total capacity of purse-seine vessels established in the Register, **except as provided in this resolution**, as the definitive list of purse-seine vessels authorized by the participants to fish for tunas in the EPO. Any purse-seine vessel fishing for tunas in the EPO that is not on the Register would be considered to be undermining IATTC management measures. The Register shall include only vessels flying the flags of participants. Each participant shall verify the existence and operational status of, and confirm the accuracy of the information on, its vessels, as required by that resolution, including the requirement to promptly notify the Director of the Commission (“the Director”) of any modifications to that information. ~~For purse-seine vessels, the Register shall include only vessels that have fished in the EPO before 28 June 2002.~~ A participant may remove any vessel flying its flag from the Register by notifying the Director.

6. The well volume of each purse-seine vessel, once confirmed by the relevant participant and verified by an independent survey supervised by the Director, shall be reflected in the Register.
7. To prohibit the entry of new vessels, defined as those not included in the Register, to the EPO purse-seine fleet, except to replace vessels removed from the Register, and provided that the total capacity of any replacement vessel or vessels does not exceed that of the vessel or vessels replaced.
8. To prohibit increasing the capacity of any existing purse-seine vessel unless a purse-seine vessel or vessels of equal or greater capacity is removed from the Register.
9. Notwithstanding paragraphs (7) and (8), above, by January 1 of each year, a participant may notify the Director of any purse-seine vessel operating under its jurisdiction and listed on the Register that will not fish in the EPO in that year. Any vessel identified pursuant to this paragraph shall remain on the Register as “inactive” and shall not fish in the EPO in that year. In such cases, the participant may substitute another purse-seine vessel or vessels on the Register, and those vessels shall be authorized to fish in the EPO provided that the total “active” capacity of purse-seine vessels flying the flag of that participant in any year does not exceed the capacity listed for such vessels on the Register as of 28 June 2002.

REPLACEMENT FOR CURRENT PARAGRAPH 9: ~~Notwithstanding paragraphs (7) and (8), above, b By January 1 of each year~~ A participant may notify the Director of any purse-seine vessel operating under its jurisdiction and **listed on the Register** that will not fish in the EPO in that year. Any vessel identified pursuant to this **paragraph shall remain will be added to** the Register as “inactive” **for the purposes of its contribution to the on-board observer program. Vessels on either the active and inactive lists can transfer from one list to the other at any time during the year** and shall not fish in the EPO in that year. ~~In such cases, the participant may substitute another purse-seine vessel or vessels on the Register, and those vessels shall be authorized to fish in the EPO provided that the total “active” capacity of purse-seine vessels flying~~

~~the flag of that participant in any year does not exceed the capacity listed for such vessels on the Register as of 28 June 2002.~~

10. Subject to the provisions of this resolution:

10.1. Notwithstanding paragraphs (7) and (8), the following participants may add purse-seine vessels to the Register after 28 June 2002, within the following limits*:

| | |
|-------------------------|---------------------|
| Costa Rica: | 9364 m ³ |
| El Salvador: | 861 m ³ |
| Nicaragua: ¹ | 5300 m ³ |
| Peru: | 3195 m ³ |

10.2. Guatemala may increase its purse-seine fleet by 1700 m³ and commits to obtaining that capacity within a period of two years.

11. In the implementation of paragraph (10.1) above, a participant wishing to bring a new vessel into the EPO shall (1) so notify the other participants, through the Director, and (2) undertake efforts to find a suitable vessel from the Register for at least four months following such notification before bringing a new vessel into the EPO.

12. Notwithstanding paragraphs (7) and (8), a limit of 32 United States vessels authorized and licensed to fish in other areas of the Pacific Ocean under an alternative international fisheries management regime, and that may occasionally fish to the east of 150° West, shall be authorized to fish in the EPO provided that: a) the fishing activity of any such vessels in the EPO is limited to a single trip not to exceed 90 days in one calendar year; b) the vessels do not possess a Dolphin Mortality Limit pursuant to the Agreement on the International Dolphin Conservation Program; and c) the vessels carry an approved observer. A similar exception shall be considered for vessels of other participants with a similar record of participation in the EPO tuna purse-seine fishery and that meet the criteria listed above.

NEW PARAGRAPH: For the purpose of implementing this resolution and maintaining the Register, the following procedures will be applied with regard to vessels that change flag: A change of flag by a vessel from one CPC to another, and the vessel's status on the Regional Register, shall not be considered effective until the Director has received official notification of the change from the competent authorities of both governments involved.

13. Nothing in this resolution shall be interpreted to limit the rights and obligations of any participant to manage and develop the tuna fisheries under its jurisdiction or in which it maintains a longstanding and significant interest.²

14. To urge all non-Parties to provide the information required by this resolution and comply with its provisions.

* Costa Rica, Colombia, and Peru maintain long-term capacity requests of up to 16,422 m³, 14,046 m³, and 14,046 m³, respectively. The Parties also acknowledge that France has expressed an interest in developing a tuna purse-seine fleet on behalf of its overseas territories in the EPO.

¹ 4038 m³ in the original resolution adopted in June; modified by consensus of the Parties, 3 November 2002

² ~~This paragraph was agreed *ad referendum* pending consultations among Costa Rica, El Salvador, Nicaragua, and Venezuela on a possible alternative.~~