

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

11TH MEETING

SAN JOSÉ (COSTA RICA)
26-28 APRIL 2011

MINUTES OF THE MEETING

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The 11th meeting of the Permanent Working Group on Fleet Capacity was held in San José, Costa Rica, on 26-28 April 2011. The attendees are listed in Appendix 1.

1. Opening of the meeting

The meeting was opened by Dr. Guillermo Compeán, Director of the Commission.

2. Adoption of the agenda

The provisional agenda was approved with the inclusion under item 10, Other business, of a presentation by the United States on its domestic regulations regarding its fleet and the IATTC Regional Vessel Register.

3. Election of chairman

Mr. Luis Dobles, of the delegation of Costa Rica, was elected to chair the meeting.

4. Review of the Commission's Plan for Regional Management of Fishing Capacity in the EPO

Dr. Compeán made a presentation on the operation of Resolution [C-02-03](#) since its adoption in 2002. He noted that it has been effective in keeping capacity at levels very close to those recorded in 2002 in the original list of vessels, with an increase of only about 13,000 cubic meters (m³) of well volume. The increase resulted from revisions of the list, which resulted in the inclusion of new vessels, and from the official measurements of vessel capacity in 2005, which resulted in an increase in the registered capacity of many vessels. He pointed out that the current operative capacity is less than the active capacity registered in 2002.

Also, he presented document [CAP-11-04](#) on the review of the [Plan for Regional Management of Fishing Capacity](#) in the eastern Pacific Ocean (EPO) adopted in 2005, noting that several aspects of the plan have not yet been implemented, such as the formulation of a program for reducing the capacity of the purse-seine fleet toward the target of 158,000 m³, the establishment of a capacity limit for longline vessels, and the implementation of the commitment to review the economic incentives that might encourage growth in capacity, referenced in the third stage of the plan.

Various delegations stated that the resolution had achieved its objective of freezing the growth of capacity, but that progress should be made toward reducing it, in accordance with the capacity plan. Also, some delegations expressed concern that the currently inactive capacity might be activated soon, and asked whether the United States' new domestic regulations regarding its fleet would imply an increase in the global capacity on the IATTC [Regional Vessel Register](#).

Other delegations stated that, as regards the question of economic incentives, fishing subsidies and tariffs on tuna trade that might bring about an increase in catches to offset the tariffs should be considered.

5. Analysis of optimum total fishing capacity for the EPO

Dr. Richard Deriso, Chief Scientist of the IATTC, presented document [CAP-11-05](#), a review of the optimum capacity for the total tuna fleet in the EPO. The recommended capacity for the purse-seine fleet is 158,000 m³, the same as that recommended in the capacity plan; as regards the size of the longline fleet, it is well below the recommended level. In both cases, the optimum capacity is a moving target, and the choice of how to manage the fisheries must be made by the Commission.

Various delegations asked about the impact on the number of days of closure that an increase in the capacity of the purse-seine fleet would have. Dr. Deriso presented a graph showing that the increase would be virtually linear, and explained that the calculations about the length of the closures are based on the current operational fleet.

6. Review of procedures relative to the implementation of Resolution C-02-03 on purse-seine fleet capacity

Mr. Ricardo Belmontes, of the Secretariat, presented document [CAP-11-06](#) on this subject. This is an update of the procedures presented and approved at the 10th meeting of the working group in November 2008. Also, there is a series of technical issues in the resolution that require changes, since they are now no longer pertinent.

The group stated the need for having clear and transparent procedures, as well as for having a list of the competent national authority in each country for authorizing transfers of vessels and capacity in the Regional Register, and for the Secretariat to maintain records of movements of capacity balances and loans.

The group agreed on the importance of making the technical amendments to the resolution presented in the document, as well as of correcting the coordinates in the resolution of the area regulated by the IATTC. However, the final text of a recommendation to the Commission on the amendments was not agreed, and

several delegations stated that they were not prepared to open the text of the resolution to amending substantive matters.

7. Vessel chartering and capacity loans

Mr. Belmontes presented document [CAP-11-07](#) on this subject. Document [CAP-10-03](#), prepared for the 10th meeting of the working group, includes procedures for capacity loans, but the current document also includes proposals for monitoring vessel charters that involve capacity loans from one country to another. Currently the countries involved in these movements are asked informally for information that will make it possible to determine which country will keep the loaned capacity if a vessel that receives loaned capacity or is chartered is withdrawn from the Regional Register before the respective contract expires, thus avoiding possible disputes in the future.

The working group considered it necessary to monitor the capacity loans and vessel charters, and that there be clarity and transparency in these transactions; however, there was not enough time to review the procedural proposals presented in the document, so a final decision on this matter was not reached.

8. Proposals regarding fleet capacity

The delegations of Colombia, Ecuador, El Salvador, Guatemala, Korea, Nicaragua, Peru and Venezuela presented to the group their aspirations regarding capacity or recalled unresolved disputes over capacity. These are summarized in the table attached as Appendix 2, and the statements on this matter made by El Salvador, Guatemala, and Peru, are attached as Appendices 3-5, together a letter received afterwards from Nicaragua summing up its statements at the meeting (Appendix 6).

9. Recommendations to the Commission

The working group's [recommendations to the Commission](#) are attached as Appendix 7.

10. Other business

The United States made a presentation on the change in its internal regulations regarding its purse-seine fleet. The U.S. regulations make it possible for the United States to utilize the capacity it has available pursuant to Resolution C-02-03, in a manner similar to the utilization by other members, by lifting the limits it imposed on itself. The United States does not anticipate a significant increase in the active US purse-seine capacity in the IATTC Convention Area in the short term. Also, these regulations are not related to the 32 U.S. vessels contemplated in paragraph 9 of Resolution C-02-03.

11. Adjournment

The meeting of the working group was adjourned at 8:45 p.m. on 29 April.

Appendix 1.

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Appendix 2.

REQUESTS FOR INCREASING CAPACITY OR CAPACITY CLAIMS

Country	Request	Justification	m ³ requested
COLOMBIA	Increase capacity by 2,024 m ³	<ul style="list-style-type: none"> - Claim to rights as a coastal state - Attention to this request which is set down in Resolution C-02-03 itself - This request has been in force since 2002 	2,024
ECUADOR	Claim to the capacities of the purse-seine vessels: <i>Roberto M</i> 1,161 m ³ <i>Victoria A</i> 850 m ³ <i>María del Mar</i> 198 m ³	<ul style="list-style-type: none"> - <i>Roberto M</i>: left Ecuador illegally and was auctioned in Panama. Was never removed from the fisheries or maritime registers in Ecuador, nor was the flag change communicated to the IATTC. - <i>Victoria A</i>: operated and paid the fees for the observer program in years prior to 2002, sank and was not included in the Regional Register. - <i>María del Mar</i>: class-2 vessel; sank and was not included in the Regional Register as inactive, despite request for reinstatement 	2,209
EL SALVADOR	Increase capacity by 1,861 m ³	<ul style="list-style-type: none"> - El Salvador is a coastal developing country; there are opportunities for developing the fishery. - Tuna has a very high importance; the economy is vulnerable and small-scale, tuna increases sources of jobs. - The industry needs raw material to ensure its production, estimated at the capacity of a new vessel. 	1,861
GUATEMALA	Recover 3,762 m ³ of capacity, claimed since 2003	<p>The dispute is recorded in the Regional Register, through notes in the margin</p> <p>The volume makes up 40% of national capacity. Not having almost half of its volume harms its chances of development in terms of fleet, facilities on shore, historical rights to participate in coastal fisheries, employment, food security, niches in international markets.</p>	3,762

KOREA	Movement of purse-seine vessels to the EPO 31,706 MT	Korea has 28 purse-seine vessels operating in the Western Central Pacific Ocean. Sometimes the fleet needs to move into the EPO when unfavorable oceanic conditions or fishing situations occur in the WCPO.. In being so, Korea would like to have those vessels be eligible for the exception like the US vessels under the conditions specified in the same paragraph (3 conditions of Para 12 for 32 United States vessels). There is no intention to increase the total capacity of Korean fleets whatsoever.	42,238
NICARAGUA	3,000 tons (or equivalent in m ³)	Official request since 2008, based on the need of a coastal country to increase tuna activities to attend to the legitimate requirements for work of coastal communities	4,200
PERU	Utilize 5,000 m ³ of the 14,046 m ³ in the footnote to Resolution C-02-03	Peru accepted that its rights to 14,046 m ³ be recorded in the footnote to Resolution C-02-03, since it considered it could exercise them in due time. Peru, a coastal developing country, with a vulnerable and dependent economy, cannot utilize the resource in its jurisdictional waters; this is contrary to international law. Peru needs to improve food security and reduce high indices of poverty and malnutrition.	5,000
VENEZUELA	Recover 5,473 m ³ of capacity that it lost due to movements of vessels	Corresponds to 4 vessels that the IATTC authorized to transfer to another party without having the confirmation and acceptance of Venezuela, as established by the procedures adopted by the IATTC for the transfer of vessels between different countries.	5,473
TOTAL			68,917

Appendix 3.

STATEMENT BY EL SALVADOR

Dear Delegates:

As all of you are aware, El Salvador during previous meetings has made requests for capacity increase for one additional vessel, which have been presented by the Ministry of Agriculture and Livestock of El Salvador at every opportunity as well as by the delegates who have represented the country at those meetings.

It is our intention to increase capacity by 1,861 m³ more, which we base on the following considerations:

1. El Salvador is a country in which tuna sector has a very high importance, since our country has a vulnerable and small-scale economy, this sector has allowed an increase in the sources of work for our inhabitants.
2. El Salvador being a coastal developing country, opportunities to develop our fishery have been identified.
3. The national industry is in need of raw material to be able to ensure its production and that is estimated as the capacity of a new vessel, with an approximate size of 1,861m³.

As you can see, El Salvador does not wish to see undermined its rights as a coastal developing country that needs to expand its industry to give prosperity and wellbeing to the country.

Moreover, El Salvador has always contributed to responsible and sustainable fishing by complying with the rules that have been implemented by the various regional fisheries organizations to which it belongs, so it has the full right to request, as it has been for more than five years, the increase of 1,861 m³ for one more vessel.

San José, Costa Rica, 27 April 2011

Delegation of El Salvador

Appendix 4.

STATEMENT BY GUATEMALA

With the permission of the Chairman and of the distinguished delegates present at this new meeting of the Permanent Working Group, the delegation of the Republic of Guatemala wishes to make the following statement:

1. First of all, I wish to thank the Chairman and the Commission staff for including this item in the agenda of this meeting.
2. The State of Guatemala attends every meeting with a grave concern: Finding a solution to a matter that has to do with its carrying capacity which is the property of my government and which a multinational company, which recognized that such capacity is the property of the Republic of Guatemala, when it signed the corresponding administrative contract, has attempted to take away, utilizing anomalies for changes of flag and in contravention of the rules of Internal Law and of International Law, part of my country's national quota.
3. With no intention of reliving, at this time the extensive debates that have taken place, fortunately this matter has led to the creation of verification mechanisms, such as those of Lanzarote, Spain 2005, which have made it possible to avoid a greater number of cases, but that which concerns Guatemala remains still unresolved.
4. My government has suffered all this time at seeing itself temporarily deprived of that which in justice belongs to it, opportunities have been lost of attracting new investment and it has reduced the presence of my country in the tuna fishery of which it is a coastal country. This solution does not mean an increase with new carrying capacity but THE REPLACEMENT of what corresponds to my country.

My government perceives that an opportunity now presents itself for resolving this in a satisfactory, albeit delayed manner. Therefore, it encourages all the delegates to extend the greatest spirit of cooperation towards Guatemala to conclude this matter, taking into account its relative degree of development as regards tuna and its status as a coastal state of the Eastern Pacific Ocean. My country has been very patient. At once the great importance and the greatest sensitivity of this matter stands out.

This delegation is convinced that it can count on the greatest goodwill of the High Contracting Parties to the IATTC. Guatemala reiterates its greatest willingness to work reciprocally and intensively in the search for the agreement necessary for the sustainable management of our fisheries

Mr. Chairman, Messrs. Delegates: I must stress that if Guatemala's legitimate aspiration is not attended to, it would establish a terrible precedent for those countries that, similarly, have placed their expectations of growth in the development of their own national fleets, and could put the Commission in an extremely difficult position due to not being capable of resolving the problem in accordance with justice and fairness.

I kindly request that it be incorporated in the minutes of this 11th Meeting of the Permanent Working Group. Thank you very much, Mr. Chairman and Messrs. Delegates.

Appendix 5.

STATEMENT BY PERÚ

This statement, issued on 26 April 2011, is distributed at the request of the delegation of Peru, requesting that it be included verbatim in the minutes of this 11th Meeting of the Permanent Working Group.

The Government of Peru expresses its gratitude to the Secretariat and the High Contracting Parties of the Inter-American Tropical Tuna Commission (IATTC) for having allowed this Permanent Working Group on the Fleet Capacity to be held and supports the institutional task of this Organization, particularly as regards the policy of conservation of tuna resources and regional fisheries development.

In the course of these recent years, Peru has maintained its firm conviction and desire to develop the tuna fishery in the area of the Eastern Pacific Ocean and form its own tuna fleet, a situation which motivated our participation in the meetings convened by the Inter-American Tropical Tuna Commission (IATTC), hoping to make viable the allocations that were conferred on us by Resolution C-02-03 adopted in the year 2002.

For the purposes of this Statement, we summarize the main bases that justify and support the request for recognition of carrying capacity for Peru, our aspiration being totally legitimate in the framework of current International Law, as well as the rights that are ours as a coastal State and Member State of the Inter-American Tropical Tuna Commission and of the Agreement on the International Dolphin Conservation Program.

Resolution C-02-03 on "*Capacity of the Tuna Fleet operating in the Eastern Pacific Ocean (revised)*" regulated, among other matters, the recognition of adding purse-seine vessels to the IATTC Register after 28 June 2002, to a volume of 3 195 m³ for Peru, also clearly indicating that the request is maintained for the long term for up to 14 046 m³, which was accepted by Peru to safeguard its expectative right to the future consolidation of a national tuna fleet; having demonstrated, in good faith, a marked flexibility to not impede the necessary consensus in the adoption of the Resolution cited.

In recent years it has been observed that the capacity of the purse-seine fleet that fishes for tunas in the Eastern Pacific Ocean (EPO) continues to increase, as is indicated by Recommendation C-10-01, of the 81st Meeting of the IATTC (27 September – 1 October 2010), a capacity increase that becomes inconsistent with the objectives of the Resolution adopted in the year 2002, as well as the objectives proposed for this meeting. However, Peru has repeatedly asked to use part of the carrying capacity that it keeps reserved for the long term, but has found opposition from some members of the Organization, depriving us of the exercise of a legitimate aspiration derived from the express commitment assumed and which is recorded in the above-mentioned Resolution of the year 2002.

We base our request to utilize part of the carrying capacity, on the basis of confirming the great availability of tunas in waters under the jurisdiction of Peru, a situation that has been in evidence since historical times, our country having been the leader in the tuna fishery in Latin America in the 1950s, achieving catches of more than 39 thousand tons of tunas. The recent catches of foreign-flag tuna vessels that operate in Peruvian jurisdictional waters, also confirm this; between 2003 and 2010 an average annual catch of 57 thousand tons of tunas was recorded, with an average annual operation of 68 vessels; in 2005 a maximum catch of 104 590 t was obtained with the participation of 110 tuna vessels.

Also, Peru, in the framework of a food security policy aimed at reducing the high indices of poverty and malnutrition of a significant part of the population, has been promoting the development of national productive capacities. To this end, a State strategy has been designed and is being implemented that involves the optimal utilization of marine resources, among them tunas, to provide food to the population, on the basis of ensuring compliance with the commitments adopted in the IATTC and the Agreement on the International Dolphin Conservation Program.

We must recall that article 13 of IATTC Resolution C-02-03 de la IATTC establishes that nothing in that

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, a clear and express rule that supports our irrefutable right to proceed to develop the tuna fleet.

Peru has been and is respectful of the agreements adopted by this Organization having complied fully with the conservation and management measures and others relevant to the tuna fishery. The current tuna capacity limit that was established for Peru equivalent to 3 195 m³ limits our country's utilization of the tuna resource in our own jurisdictional waters, which is markedly inequitable, notwithstanding our status as a developing coastal country and with a visible need to attain food security, guaranteeing the consumption of aquatic products for the economically less fortunate population.

Nine years after the adoption of the cited Resolution and our reiterated requests to the IATTC at previous meetings, the Peruvian proposal is reduced to utilizing initially 5 000 m³ of the 14 046 m³ of carrying capacity to which it has a right and which was recognized for it for the long term, a circumstance that would allow it to establish a small tuna purse-seine fleet, with national vessels and owners that dedicate themselves to fishing for other pelagic species and that occasionally, when tunas become available in Peruvian jurisdictional waters, they could be utilized responsibly by means of the extractive activity of this fleet.

In summary, we understand and share the prudent sense and scope of applying limiting measures to the capacity of the fleet at the level of the EPO, but they cannot alter, much less modify, the sovereign rights of coastal countries in their jurisdictional waters for the development of the tuna industry for the good of feeding our population.

Finally, we reiterate that the interpretation by Peru of the often-mentioned Resolution C-02-03, consists of affirming that the requirement of a long term has been complied with, given that nine (9) years have passed since the adoption of that measure, and it is now appropriate to exercise those rights in a manner consistent with the applicable rules of International Law, a situation that foresees the progressive use of the 14 046 m³ to which it has a right, beginning with a capacity of 5 000 m³, with national vessels and owners and subject to compliance with Peru's Regulations for the Management of Tuna Fisheries, which establish conservation and management measures following the principles, guidelines, and criteria for responsible fishing adopted at the international level and is thus consistent with the management measures of the IATTC and of the AIDCP. Likewise, we reaffirm the exercise of our right as a coastal country to develop and maintain a tuna-fishing industry without this, in no case, implying an increase in fishing mortality and contributing to guaranteeing the conservation of the tuna resource, in accordance with the firm application of the principle of sustainability that underlies State policy in matters of fisheries development.

San José, Costa Rica, April 2011

Delegation of Peru

Appendix 6.

TRANSLATION



Gobierno de Reconciliación
y Unidad Nacional
El Pueblo, Presidente!



Managua, 28 de abril 2011

Doctor
Guillermo Compeán
Director
Inter-American Tropical Tuna Commission (IATTC)

His office. –

Dear Doctor:

The Government of Nicaragua wishes to thank the IATTC secretariat and the fisheries authorities, for organizing the meeting of the Permanent Working Group on Fleet Capacity

Within the framework of such a distinguished working group, Nicaragua wishes to reiterate the request that it expressed officially to the Director of the IATTC secretariat by means of a note that the President of the Instituto Nicaragüense de Pesca y Acuicultura sent to you on 18 November 2008, in which the IATTC was asked for, inter alia, the allocation of 3,000 (three thousand) metric tons or their equivalent in cubic meters to the carrying capacity already assigned in resolution C-02-03.

This request is based on the need for coastal countries to grow in tuna production, at least to this level which, although it may be modest, encourages investment on land and, therefore, the opening of new sources of jobs and social development. The Government of Nicaragua has been making significant efforts, recognized by the main international financial bodies, in order to continue developing the Nicaraguan fisheries sector, this allocation of capacity would be of great help, particularly for the neediest communities that live in the coastal areas of the country. Our country being one of those that has a very marked poverty levels in Latin America y the Central American region and with a weak economic development, we are convinced that this allocation of capacity would mitigate in part the needs of our country since it would generate sources of income for the people of Nicaragua. With the current allocation that we have and with others transferred by some vessel owners, it has been shown that the country has sufficient administrative, technical and legal capacity for the responsible utilization and control of these activities; and that sustainability recommendations and conservation measures, even those that are not binding, driven in the framework of the IATTC and AIDCP, have always been supported and implemented.



Nicaragua en el Alba
CRISTIANA, SOCIALISTA, SOLIDARIA!

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Appendix 7.

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

11TH MEETING

SAN JOSÉ (COSTA RICA)
26-28 APRIL 2011

RECOMMENDATIONS

Taking into account that the Plan for Regional Management of Fishing Capacity adopted in 2005 still needs further actions to be fully implemented;

Considering the importance that the issue of capacity development represents for the coastal and developing States of the Eastern Pacific Ocean;

Given the need to establish in the most expeditious way a new comprehensive plan based on an holistic approach to capacity management in the IATTC Convention Area;

Considering the importance of fishing for highly migratory fish stocks as a source of food, employment and economic benefits for the populations of the Members, and that conservation and management measures must address those needs and take into account economic and social impacts;

The Working Group agrees to:

1. Submit to the Commission the list of requests for increases in capacity or claims for capacity considered by the Working Group, attaching supporting documentation that each requesting member sends to the Director. The list shall identify three categories:
 - a. Requests by coastal members based on the footnote to Resolution C-02-03;
 - b. Claims arising from disputes resulting from capacity transfers and/or differences in the implementation of Resolution C-02-03 since its entry into force;
 - c. Requests for new increases in capacity for EPO coastal countries and non-coastal countries.
2. Recommend to the Commission that it attend to the requests contained in the list in the order in which the three categories are presented in paragraph 1.
3. Ask the Director to prepare a document that will assist the deliberations of the meeting of the Commission in 2011, and that presents, in a preliminary manner, the different scenarios of the impact on the conservation of the resource of tuna and tuna-like species in the EPO in relation to the requests detailed in subparagraphs a and c of paragraph 1, and the Scientific Advisory Committee will be asked to examine, before the annual meeting of the Commission in 2012, that document, offering its comments and advice to the Commission.
4. Review scenarios of shifting balance between different gear types, and give consideration to the establishment of a capacity limitation also for the longline fleet.
5. Ask the Director to include in the agenda of the next meeting of the Commission the time necessary to address the problem and identify solutions.
6. Recommend the formation of an *ad hoc* group for the settlement of disputes referred to in paragraph 1, subparagraph b, based on the provisions of Part VII of the Antigua Convention, and also recommend that the Members consult by correspondence, through the Director, to formulate terms of reference for the *ad hoc* group for presentation to the Commission.

7. Recommend to the Commission that it define issues related to the capacity of the fleet as a matter of priority as soon as possible, to which end a process of consultations additional to those held at the annual meeting of the Commission in 2011 will be defined, with a view to resolving all the requests for increases in capacity at the latest by the meeting of the Commission in 2012.
8. Recommend to the Commission to develop and agree clear and transparent rules and procedures for implementation of Resolution C-02-03, including capacity transfers, vessel charters and loans, to reduce the potential for future disputes over capacity.
9. Taking into account the previous paragraphs, recommend to the Commission that it review the Plan for Regional Management of Fishing Capacity and consider, based on scientific advice, potential strategies to reduce purse-seine capacity, to ensure that effort is commensurate with conservation advice and progressively approaching the target level resulting from the review.