

INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON COMPLIANCE

MINUTES OF THE 1ST MEETING

San Jose, Costa Rica
June 9-10, 2000

AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Rules of procedure
4. Review of relevant Commission Resolutions
5. Review of information on the legal and administrative provisions of each Government regarding the fishery restrictions for 1999
6. Review of possible violations during 1999:
 - a) Resolution on fish-aggregating devices:
 - I) Tender vessels
 - II) Transshipment at sea
 - b) Resolution on bigeye tuna:
 - I) Definition of sets on floating objects
 - II) Sets on floating objects after November 8
 - c) Resolution on yellowfin tuna:
 - I) Trips with sets in restricted areas, with more than 15% of yellowfin:
 - i) Implementation of restricted areas (October 14)
 - ii) Closure of the CYRA (November 23)
 - d) Resolution on fleet capacity
7. Regional register of vessels
8. Fishing by non-Parties
9. Implementation of global agreements addressing compliance
10. Vessel monitoring systems
11. Other business
12. Adjournment

APPENDICES

1. List of attendees
2. Recommended Rules of Procedure for the Working Group
3. Information document on compliance
4. Recommendations to the IATTC
5. Draft resolution on a regional vessel register
6. Draft resolution on fishing by vessels of non-Parties

The 1st Meeting of the Permanent Working Group on Compliance was held in San José, Costa Rica, on June 9 and 10, 2000. It was attended by representatives of the governments of Colombia, Costa Rica, Ecuador, El Salvador, European Union, France, Guatemala, Japan, Mexico, Nicaragua, Panama, Peru, Spain, United States of America, Vanuatu, and Venezuela, and of the following non-governmental organizations: Center for Marine Conservation, Whale and Dolphin Conservation Society, World Wildlife Fund, and the Humane Society of the United States. The attendees are listed in Appendix 1.

1. Opening of the meeting

Dr. Robin Allen, Director of the IATTC, opened the meeting, and Lic. Mara Murillo, of Mexico, was elected to the chair.

2. Adoption of the agenda

The provisional agenda was approved as presented.

3. Rules of Procedure

During the discussion of this item, the European Union, Guatemala and Peru requested that they participate in the Working Group as members. However, since the resolution creating the Working Group clearly established that it should be made up only of IATTC Parties, this request was denied.

The Working Group agreed on Rules of Procedure (Appendix 2) to be forwarded to the Commission for approval.

4. Review of relevant Commission resolutions

The staff presented a brief review of the IATTC resolutions on fleet capacity (October 1998), bigeye tuna (July 1999), fish-aggregating devices (July 1999), and yellowfin tuna (October 1999).

5. Review of information on the legal and administrative provisions of each Government regarding the fishery restrictions for 1999

The staff explained the two tables presented in the information document (Appendix 3). Mexico pointed out an error in the first table: the second phase of the yellowfin restriction, a closure on the entire CYRA, came into force in Mexico on November 30, 1999, not November 23 as in the table. Also, the United States noted that it had announced the closure for bigeye tuna for November 8, 1999, not November 19 as in the second table.

El Salvador, the European Union and Venezuela stated that they would provide more information on their legal provisions regarding the fishery restrictions for 1999.

6. Review of possible violations during 1999

a) Resolution on fish-aggregating devices:

1) Tender vessels

The staff presented the section of the information document concerning the use of tender vessels in the eastern Pacific Ocean (EPO).

Panama commented that it had not been aware that vessels under its flag had been using tender vessels, and would have preferred to receive this information prior to the meeting so that it could have acted accordingly.

Guatemala expressed its surprise at the information presented and its hope that with this information the problem could be resolved.

The European Union also expressed surprise, and its intention of taking the necessary measures if the information presented was confirmed. A letter from the staff had been received regarding one vessel, but without any supporting evidence. They suggested that this type of information be sent to the corresponding governments at least 15 days prior to the meeting so that they can come prepared to discuss the issues.

Mexico expressed its surprise that the instances of use of tender vessels were recent, and said that this was an even greater cause for concern. There was apparently concrete evidence to support the information presented in the document, and he invited the countries under whose jurisdiction these vessels operated to confirm whether the information is correct; at that point appropriate measures could be taken. Mexico supported the proposal that the information be sent to the governments first, that the governments respond within a certain period, and that the staff then forward this information to the Working Group as soon as possible.

Dr. Allen said that this process was new for the Commission and the staff, and that it would be helpful if the Working Group established guidelines at this meeting regarding the procedures to be followed with the information obtained.

The United States and Venezuela supported Mexico's proposal regarding the provision of information on violations to the respective flag states. The United States added that the governments should be required to respond within a certain time, and that the staff should play an active role in collecting this type of information.

Ecuador commented that several observer countries at the meeting requested equal rights with member countries but were not fulfilling their obligations, and requested that all the countries present establish a prohibition on tender vessels in their respective legal frameworks. This point was generally accepted by all delegations.

The European Union confirmed that measures adopted by the Commission will be incorporated in EU fishing regulations.

The Chair proposed that each government should make sure that its legislation prohibits the use of tender vessels and investigate whether such vessels are being used by its national fleet, and that the staff should inform the corresponding government immediately of any evidence that such vessels were being used.

II) Transshipment at sea

The staff advised that they did not have any information on transshipment at sea taking place during 1999.

b) Resolution on bigeye tuna

I) Definition of sets on floating objects

Dr. Martín Hall, of the IATTC staff, explained the different situations that can arise when setting on floating objects, such as the fact that a set could be made some distance away from the object itself. The Working Group agreed that a clear definition of a set on a floating object is necessary, and discussed some of the possible criteria.

II) Sets on floating objects after November 8

The staff presented the data in the information document.

Panama stated that it had conducted an investigation and explained the sanction applied to the vessel.

Ecuador stated that it had started administrative procedures regarding these possible violations, but had encountered the problem that, without a clear definition of a set on a floating object, it could not sanction the vessel. This difficulty would be resolved once the Commission adopted a specific definition. Also, Ecuador proposed that the depth of purse-seine nets in the fishery be limited to a maximum of 22 standard strips (about 240 meters).

Mexico agreed that a definition was needed, but noted that in each case the government in question would still have to decide whether the set was a deliberate set on a floating object. Ecuador suggested that the observer's notes should be taken into account; in the case of the Ecuadorian vessel, the notes showed that the floating objects were not deployed by the vessel nor were they towed away from the net, and no bigeye was caught in any of the sets, indicating that the captain's intention was to set on unassociated schools of tuna.

The Working Group agreed to recommend to the Commission that a definition of a set on a floating object be established, and that governments report to the Commission the actions taken with respect to infractions of restrictions agreed by the Commission (Appendix 4).

c) **Resolution on yellowfin tuna**

D) Trips with sets in restricted areas, with more than 15% of yellowfin:

The staff presented the data in the information document.

Mexico informed the group that the information sent by the staff had been studied and that all the cases reported had been in conformity with the closure dates established by Mexican regulations, November 4 and November 30, respectively. The difference between these dates and those reported by the staff was due to the lack of time after they were advised of the closure dates by the Director. In order to avoid a similar situation in 2000, they requested that the closure notices be sent at least six weeks prior to the expected date of closure, and that the Director confirm that date 15 days before the closure was due to come into effect.

The United States commented that the staff should not be the only source of information on possible infractions. Governments also should monitor compliance and provide information on compliance by their respective fleets, since they had the ultimate responsibility.

All the delegations supported these proposals, and it was agreed that they would be included in the Working Group's recommendations to the Commission (Appendix 4).

d) **Resolution on fleet capacity**

The staff presented a table of current capacities by flag.

Ecuador noted that some vessels that were not operating had been removed from the Ecuadorian fleet list, the capacity of seven vessels had been adjusted and three more were to have their capacity reassessed, and as a result the capacity of the national fleet would be reduced considerably.

In response to a comment about inconsistencies between the Commission's list of vessels and the records maintained by individual national authorities, Dr. Allen explained that the staff's information on vessels is based on information supplied by governments or, if not available from governments, from other informal and unofficial sources, and requested specific instructions on this issue. The Working Group agreed that the staff should be given detailed guidelines on how to collect the information. Panama expressed interest in cooperating with other governments in monitoring vessels.

The United States suggested that governments should take measures to ensure that the capacities of their respective fleets are in compliance with those established in the resolution of October 1998, unless otherwise agreed by the Commission in the light of any recommendations of the Working Group on Fleet Capacity. The Working Group agreed that the October 1998 limits should remain in place until the next meeting of the Working Group on Fleet Capacity.

Costa Rica asked that the minutes make clear that the table on fleet capacity presented by the staff is for compliance purposes only, and could not be considered as prejudicial to other capacity matters.

7. Regional register of vessels

The staff introduced this item, summarizing the main points addressed in the information document on this matter. After an extensive discussion, the Working Group agreed to a draft resolution on a Regional Vessel Register (Appendix 5) for consideration by the Commission.

8. Fishing by non-parties

The staff introduced this item, noting that tuna fishing by vessels of non-Party states did not appear to be a significant problem in the EPO at present, but it does occur and could increase in the future. The Working Group discussed at length a draft resolution on fishing by vessels of non-Parties, and eventually agreed on a text (Appendix 6) for consideration by the Commission.

9. Implementation of global agreements addressing compliance

The staff presented information on those parts of certain recent global agreements that address the question of compliance, such as the 1995 UN Implementing Agreement, the FAO Compliance Agreement, and the Code of Conduct for Responsible Fishing. The Working Group discussed the subject, and the United States encouraged those governments that had not yet ratified these agreements to do so.

10. Vessel monitoring systems

Dr. Allen explained that this item had been included for information purposes. Several countries with vessels fishing in the EPO were contemplating requiring vessel monitoring systems for their fishing fleets, and since such systems could be useful for verifying compliance with certain measures adopted by the Commission, the Working Group should be aware of the possibilities and developments.

Peru commented that it had established a satellite tracking system for all its vessels.

The European Union encouraged the Working Group to recommend that the possibility of establishing such a system in the EPO be studied. This suggestion was supported by other delegations, and the Working Group agreed to recommend to the Commission that the staff investigate the potential of monitoring systems and report back to the Working Group.

11. Other business

No other business was discussed.

12. Adjournment

The meeting was adjourned at 2:30 p.m. on June 10, 2000.

Appendix 1.

**COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION
GRUPO DE TRABAJO SOBRE EL CUMPLIMIENTO – WORKING GROUP ON
COMPLIANCE**

1ª REUNION – 1st MEETING

**San José, Costa Rica
9-10 de junio de 2000 – June 9-10, 2000**

ASISTENTES – ATTENDEES

PAISES MIEMBROS-MEMBER COUNTRIES

COSTA RICA

HERBERT NANNE ECHANDI
Instituto Costarricense de Pesca y Acuicultura

GEORGE HEIGOLD
Enlatadora Nacional S.A.

ECUADOR

RAFAEL TRUJILLO BEJARANO
LUIS TORRES NAVARRETE
Ministerio de Comercio Exterior, Industrialización y
Pesca
CESAR ROHON HERVAS
Cámara Nacional de Pesquería

ROBERTO AGUIRRE
Negocios Industriales Real Nirsa, S.A.
BERNARDO BUEHS
Atuneros de Ecuador (ATUNEC)

EL SALVADOR

MARGARITA SALAZAR DE JURADO
Ministerio de Agricultura y Ganadería

ABDON ENRIQUE AGUILLON
Ministerio de Economía

JAPAN

DAISHIRO NAGAHATA
MASAHIRO MINO
Ministry of Agriculture, Forestry and Fisheries

SALLY CAMPEN
Federation of Japan Tuna Fisheries Cooperative
Associations

MEXICO

JERONIMO RAMOS SAENZ PARDO
MARA MURILLO CORREA
RICARDO BELMONTES ACOSTA
GUILLERMO COMPEAN JIMENEZ
Secretaría de Recursos Naturales y Medio Ambiente

LUIS FUEYO MAC DONALD
Procuraduría Federal de Protección al Ambiente
JOSE JUAN VELAZQUEZ MACOSHAY
Supremos del Golfo y del Pacífico S.A.de C.V.
ERNESTO ESCOBAR
Pesca Azteca S.A. de C.V.

PANAMA

ARNULFO FRANCO
Autoridad Marítima de Panamá

HUGO ALSINA
Overseas Tuna Pacific, S.A.

UNITED STATES OF AMERICA

WILLIAM GIBBONS-FLY
BRENT STEWART
Department of State

SVEIN FOUGNER
ALLISON ROUTT
NICOLE LE BOEUF
National Marine Fisheries Service
PAUL KRAMPE
United Tuna Cooperative

VENEZUELA

JEAN FRANCOIS PULVENIS
SANTOS VALERO
Ministerio de Relaciones Exteriores

MARBEL CAROLINA BELTRAN
Ministerio de la Producción y el Comercio

HECTOR LOPEZ
Programa Nacional de Observadores

JOSE MARIA BENGUA
Avatun

OBSERVADORES-OBSERVERS

COLOMBIA

IVAN DARIO ESCOBAR MARTINEZ
Ministerio de Agricultura y Ganadería

EUROPEAN UNION

ERNESTO PENAS
RONAN LONG
NEISSE JURGEN
IGNACIO YBANEZ

JUAN IGNACIO ARRIBAS
JAVIER ARIZ TELLERIA
GABRIEL SARRO
JOAQUIN GOMEZ

GUATEMALA

LUIS ROBERTO ARAGON
FRED BATLLE RIO
MAURICIO MEJIA ESCALANTE
Ministerio de Agricultura, Ganadería y Alimentación

MARIELLA VELEZ
NERY HUMBERTO BOJORQUEZ GARCIA
Ministerio de Relaciones Exteriores
MARIA OLGA MENENDEZ
AGEXPRONT

PERU

JORGE VERTIZ CALDERON
JORGE ZUZUNAGA ZUZUNAGA
Ministerio de Pesquería

GLADYS CARDENAS
Instituto del Mar del Perú

ORGANIZACIONES NO GUBERNAMENTALES-NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG
Center for Marine Conservation
KATHLEEN O'CONNELL
Whale and Dolphin Conservation Society

ANDREA OLIVER
SANDRA ANDRAKA
World Wildlife Fund
ALEJANDRO ROBLES
Conservation International-Mexico

IATTC - CIAT

ROBIN ALLEN, Director
ERNESTO ALTAMIRANO
DAVE BRATTEN
MARCELA CAMPA

MONICA GALVAN
MARTIN HALL
BRIAN HALLMAN
BERTA JUAREZ

Appendix 2.

Inter-American Tropical Tuna Commission PERMANENT WORKING GROUP ON COMPLIANCE

RULES OF PROCEDURE

June 2000

1. Functions

In accordance with the Resolution on the Establishment of a Permanent Working Group on Compliance adopted by the members of the Inter-American Tropical Tuna Commission (IATTC) (“the members”) during its 63rd Meeting, the functions of the Permanent Working Group on Compliance (“the Working Group”) shall be:

- a) To review and monitor compliance with conservation and management measures adopted by the IATTC;
- b) To recommend to the IATTC means of promoting compatibility among the national fisheries management measures of the members, including infractions and sanctions;
- c) To recommend to the IATTC appropriate measures for addressing matters related to compliance with fisheries management measures;
- d) Analyze information by flag and, as necessary, by vessel, and other information necessary to carry out its functions;
- e) To report the results of its work to the IATTC, which will in turn inform the members and non-members.

2. Governmental members

The Working Group shall be composed of representatives of each of the Parties of the IATTC (“governmental members”).

3. Observers

Representatives of non-Parties, pertinent intergovernmental organizations, non-governmental environmental organizations with recognized experience in matters pertaining to this Working Group, and owners of tuna vessels fishing in the eastern Pacific Ocean under the jurisdiction of any of the Parties, may participate in the Working Group as observers.

4. Decision making

1. All participants in the Working Group shall have speaking rights, but only the governmental members shall have voting rights. The Working Group shall adopt its reports and recommendations by consensus of the governmental members present and voting. Any recommendations of the Working Group must be considered by the IATTC.
2. In cases of urgency, and without prejudice to the provisions of paragraph 4 (1) of these rules of procedure, the Working Group may take decisions by correspondence through a vote of the governmental members, under the following procedures:
 - a) The proposal shall be circulated to all members of the Working Group, in writing, with all pertinent documentation, at least 14 days before the proposed effective date of the resolution, action, or measure and the votes shall be transmitted to the Director no less than 7 days before the proposed effective date;
 - b) The proposal shall be considered urgent unless a simple majority of the governmental members

objects in writing and the proposal shall be accepted unless any governmental member objects in writing; and

- c) The Director shall circulate the proposal as well as the accompanying documentation, receive and count the votes, and inform the members of the Working Group of the results of a vote as soon as the voting closes.

5. Chairperson

1. The Chairperson of the Working Group, who shall be a member of a delegation of one of the Parties, shall be elected for a two-year term at the regular meeting of the Working Group, and may be reelected to the position by the Working Group. The Working Group shall also, on the same schedule, elect a vice-Chairperson, who shall fulfill the duties of the Chairperson until the end of the period of appointment, should the position become vacant. The vice-Chairperson shall also serve as Chairperson if the latter is unable to attend or participate in a meeting of the Working Group.
2. The duties of the Chairperson shall be to:
 - a) Propose the time and place of all regular meetings of the Working Group for its consideration;
 - b) To convene special meetings of the Working Group, at the request of at least two governmental members, as long as such request is supported by a majority of the governmental members;
 - c) Present to the regular meetings of the IATTC the reports, recommendations, and communications of the Working Group.

6. Information

1. The Director shall provide to the governmental members and non-member governments all pertinent information relative to the operation of their flag vessels at least 15 days in advance of a meeting of the Working Group.
2. Governmental members and observers shall apply the rules of confidentiality adopted by the IATTC with respect to all information provided to the Working Group.

7. Attendance at meetings

1. There shall be no restrictions on the number of persons a governmental member may include in its delegation to a meeting of the Working Group.
2. Observers from intergovernmental and non-governmental organizations shall be limited to two delegates, but may bring more with the approval by consensus of the governmental members. If a consensus is not possible, this matter may be decided by a two-thirds majority of the governmental members.

8. Meetings

The Working Group shall meet at least once each year, if possible in conjunction with a meeting of the IATTC. The quorum for a meeting is two-thirds of the governmental members.

9. Language

The official languages of the Working Group shall be English and Spanish.

10. Amendments

These rules of procedure shall be approved by the IATTC. The Working Group may recommend to the IATTC, for approval, any changes that may be necessary in order for the Working Group to fulfill its mandate.

Appendix 3.

**INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISION INTERAMERICANA DEL ATUN TROPICAL**

66TH MEETING

SAN JOSE, COSTA RICA

JUNE 14-15, 2000

BACKGROUND PAPER FOR THE COMPLIANCE WORKING GROUP

PREPARED JUNE 2000

The information presented in this document relates to some of the issues on the agenda of the 1st Meeting of the IATTC Working Group on Compliance, to be held in San Jose, Costa Rica, on June 9, 10 and 12, 2000.

1. Agenda Item 4. Review of relevant Commission resolutions

The four IATTC resolutions which were in effect during 1999 and which can be analyzed in terms of compliance are as follows:

1. Fleet capacity	October 1998	62 nd Meeting of the IATTC
2. Bigeye tuna	July 1999	64 th Meeting of the IATTC
3. Fish-aggregating devices	July 1999	64 th Meeting of the IATTC
4. Yellowfin tuna	October 1999	65 th Meeting of the IATTC

2. Agenda Item 5. Review of information on the legal and administrative provisions of each Government regarding the fishery restrictions for 1999

The staff sent several communications to participating governments requesting information on their applicable legal and administrative provisions regarding the restriction of the fishery for yellowfin tuna pursuant to the resolution of October 1999. The first phase of the restriction, the implementation of restricted areas, came into effect when the catch of yellowfin in the Commission's Yellowfin Regulatory Area (CYRA) in 1999 reached 240,000 metric tons, and was announced for October 14, 1999. The second phase of the restriction, a closure of the fishery for yellowfin in the entire CYRA, based on a catch limit of 265,000 metric tons, was announced for November 23, 1999.

The following table summarizes the responses received from participating governments:

	First phase (restricted areas)		Second phase (entire CYRA)	
	Date implemented	Information provided	Date implemented	Information provided
Belize	no response	none	no response	none
Colombia	not mentioned	none	02 Dec 1999	A, C
Costa Rica	no response	none	no response	none
Ecuador	14 Oct 1999	B	23 Nov 1999	A, B
El Salvador	no response	none	no response	none
European Union	not mentioned	none	23 Nov 1999	A
Guatemala	not mentioned	none	23 Nov 1999	A, B
Honduras	no response	none	no response	none
Mexico	4 Nov 1999	A, C	23 Nov 1999	A, C
Nicaragua	no response	none	no response	none
Panama	not specified	A, C	not specified	A, C
USA	not specified	C	23 Nov 1999	A, B, C
Vanuatu	no response	none	no response	none
Venezuela	no response	none	no response	none

A: letter from government

B: copies of letters sent to the national industry

C: copies of relevant regulations and/or administrative decrees

Similar communications were sent regarding the prohibition of sets on floating objects established pursuant to the resolution on bigeye tuna of July 1999, in which it was agreed that, once the purse-seine catch of bigeye in the eastern Pacific Ocean (EPO) in 1999 reached 40,000 metric tons, sets on floating

objects would be prohibited for the rest of the year. It was announced that the 40,000-ton catch level would be reached on November 8, 1999, and therefore sets on floating objects should be prohibited after that date.

The following table summarizes the responses received from participating governments:

	Date of closure	Information provided
Belize	no response	none
Colombia	no response	none
Costa Rica	30 Sep 1999	A, C
Ecuador	8 Nov 1999	A, B
El Salvador	no response	none
European Union	8 Nov 1999	A
Guatemala	30 Sep 1999	A, B
Honduras	no response	none
Mexico	8 Nov 1999	A, B
Nicaragua	no response	none
Panama	not specified	A, C
USA	19 Nov 1999	A, B, C
Vanuatu	30 Sep 1999	B
Venezuela	no response	none

A: letter from government

B: copies of letters sent to the national industry

C: copies of relevant regulations and/or administrative decrees

3. Agenda Item 6. Review of possible violations during 1999

a) Resolution on fish-aggregating devices

There are two elements in this resolution which need to be considered in terms of compliance: the prohibition of transshipment of tuna at sea by purse-seine vessels fishing for tuna in the EPO, and the prohibition of the use of tender vessels operating in support of vessels fishing on fish-aggregating devices (FADs) in the EPO. The staff has information that three tender vessels have operated and are still operating in the EPO. One is the *Explorer II*, believed to be registered in the Netherlands Antilles. This vessel is believed to be associated with fishing vessels flying the flags of Guatemala, Panama, and Spain, and has been documented by observers as receiving or passing FADs, fuel, food, supplies, and crew. A second tender vessel, the *Albacora Ocho*, believed to be registered in Spain, arrived in the EPO in April 2000. This vessel is believed to be associated with fishing vessels from Guatemala and Panama, and has been documented by observers as deploying, checking, and reporting on FADs. The information the staff has on the third tender vessel, the *Erpeco Uno*, is that it arrived from Spain in November 1999 and is associated with vessels registered in Guatemala.

b) Resolution on bigeye tuna

The resolution does not include a definition of a set on a floating object. Some sets are made on fish which may be associated with a floating object but are at some distance from it, and the floating object itself may not be encircled. For purposes of compliance with the resolution, it may be necessary to define precisely what is meant by a set on a floating object.

The main element of the analysis of compliance with this resolution is a review of trips with sets on floating objects made between November 8 and December 31, 1999, the period during which such sets

were prohibited. The information available to the staff, from the IATTC observer data base unless otherwise indicated, is as follows:

Nov 8-Dec 31, 1999	Number of		
	vessels	sets	
Colombia	1	6	
Ecuador	1	6	+ 3 additional sets by vessels < 363 mt (logbook data)
Panama	1	1	
Venezuela	4	21	

c) Resolution on yellowfin tuna

There are two elements to this resolution to be analyzed: the first is trips with sets on yellowfin tuna and with landings of more than 15% yellowfin made inside the restricted areas between October 14 and December 31, 1999. The information available to the staff is as follows:

Oct 14-Dec 31, 1999	Number of trips			Data source
	With IATTC observer*	Other		
		> 363 mt	< 363 mt	
Belize	1			logbook data
Ecuador	11			
Honduras	1			
Mexico	8	2		
Panama	2			
Vanuatu	1			
Venezuela	2			

*All information in this column from IATTC observer data base

The second element of this resolution is trips with sets on yellowfin tuna and with landings of more than 15% yellowfin made inside the CYRA between November 23 and December 31, 1999. The information available to the staff is as follows:

Nov 23-Dec 31, 1999	Number of trips			Data source
	With IATTC observer*	Other		
		> 363 mt	< 363 mt	
Colombia	3		3	landings data
Ecuador	6		18	landings data and logbook data
Mexico	5	11 ¹	2 ²	¹ logbook data; ² landings data
Panama			4	landings data
Vanuatu	2			
Venezuela	7			

*All information in this column from IATTC observer data base

d) Resolution on fleet capacity:

The agreed levels of fleet carrying capacity, in metric tons, and the actual levels in January 2000 were as follows:

	October 1998 resolution	January 2000 (actual)	Excess
Belize	1877	2209	332
Colombia	6608	6227	-
Ecuador	32203	38190	5987
El Salvador	1700	1411	-
European Union	7885 ¹	8916	-
Guatemala	- ²	5050	-
Honduras	499	1588	1089
Mexico	49500	50090	590
Nicaragua	2000	1073	-
Panama	3500	6057	2557
USA	8969	7747	-
Vanuatu	12121	12922	801
Venezuela	25975	25976	1
TOTAL	158837	169456	

¹ Assigned to Spain in the resolution, but transferred to the European Union; also, this number was subsequently revised to 8,916 mt as a result of a re-evaluation of the size of the vessels.

² Not assigned a specific capacity limit in the resolution

4. Agenda Item 7. Regional register of vessels

One approach to assist in effective compliance with agreed conservation and management measures, in particular with respect to non-members or those states or entities not fishing in accordance with such measures, is the development of regional registers of fishing vessels. Such registers or records of fishing vessels could include both vessels authorized to fish by their flag state governments or vessels which may be fishing in an illegal or unregulated manner.

The South Pacific Forum Fisheries Agency (FFA) has adopted such a mechanism in an effort to discourage poaching or unlicensed fishing within the jurisdictional waters of FFA members, as well as non-compliance with fishing agreements. Vessels which have not complied with national laws or relevant fishing agreements cannot obtain good standing on the FFA regional register, and the FFA countries have agreed not to license any such vessels. This register has proven to be an effective enforcement tool for the South Pacific island nations.

The concept of compiling a register of vessels authorized to fish is embodied in the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement), which stipulates, *inter alia*, that (1) no Party shall allow any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless it has been authorized to do so by the appropriate authority of that Party; (2) each Party is responsible for ensuring that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures, and may withdraw its authorization to fish on the high seas for vessels which are not in compliance; (3) each Party must maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas. The lists of authorized vessels, along with accompanying information, are to be sent to the FAO, which would thus be able to maintain a global database on legitimate high-seas fishing vessels.

A compilation of information on vessels which may have fished or be fishing contrary to national laws or regional conservation and management measures is a related approach to assist in compliance. A regional list of vessels would probably have a considerable deterrence value, particularly for vessels from non-member or non-cooperating states which are fishing contrary to the agreed regional conservation and management program.

The development of regional registers is evolving in terms of international practice among countries in their efforts to combat illegal, unreported and unregulated (IUU) fishing, and is likely to be addressed in the International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing which FAO is developing. It may also be of interest to the Commission for the EPO, and the staff has prepared a draft resolution on the subject for discussion by the Commission.

5. Agenda Item 8. Fishing by non-Parties

This problem has been addressed by several regional fishery management organizations. It would appear that it is not as large a problem in the EPO in relation to the responsibilities of the IATTC as it is in other areas. However, there is some fishing by non-member states for species for which the IATTC is responsible, and it is possible that this could increase in the future. On a wider scale, this issue is being given considerable attention at the level of the United Nations; in particular, FAO is currently developing an International Plan of Action on IUU fishing, which has a broader scope than just fishing by non-Parties, but this is a major element of IUU fishing.

In addressing this matter it is important to have a clear understanding of what is meant by non-Party. For purposes of compliance, it might be particularly useful and appropriate for IATTC members not to consider as non-Parties those governments which have formally applied for IATTC membership, currently Colombia, the European Union, Guatemala, and Spain.

The Commission could address this issue in several ways. First, a list of non-Party vessels could be established, in light of the requirement in the Compliance Agreement that Parties shall exchange information with respect to activities of fishing vessels flying the flags of non-Parties that undermine the effectiveness of international conservation and management measures, and shall cooperate to ensure that such vessels do not engage in such activities. As a first step, the Commission could consider that fishing by these vessels was undermining the IATTC conservation and management program and could notify the relevant governments of this. Second, the Commission should ensure that non-Parties are informed about and follow conservation and management measures adopted by the Commission, and also continue its recent practice of not including non-Parties in Commission resolutions which establish capacity limits or other matters related to resource allocation.

Appendix 4.

Inter-American Tropical Tuna Commission PERMANENT WORKING GROUP ON COMPLIANCE

**San Jose, Costa Rica
June 2000**

Recommendations to the Commission

The Permanent Working Group on Compliance, in accordance with the mandate which it was given by the Commission, recommends to the Commission that it:

- Approve the Rules of Procedure of the Permanent Working Group on Compliance.
- Reiterate to the Parties the obligation that each Party has to monitor and take the actions necessary to ensure strict compliance with the conservation and management measures agreed by the Commission regarding the fleet operating in the eastern Pacific Ocean (EPO) under its jurisdiction. Also, encourage non-Parties under whose jurisdiction fishing vessels operate in the EPO, to fulfill their obligations, in accordance with international law, to cooperate in the implementation of the agreed regional conservation and management measures and monitor and take the actions necessary to ensure strict compliance with those measures.
- On the basis of the information collected by the IATTC staff, the Director shall send immediately to the pertinent Party information on possible cases of non-compliance detected for the fleet operating under its jurisdiction. The Director shall report on the progress of the legal procedures in cases of non-compliance during the meeting of the Permanent Working Group on Compliance, on the basis of the information supplied by each Party.
- In relation to monitoring compliance with the resolutions adopted by the Commission on bigeye tuna and fish-aggregating devices (64th Meeting of the IATTC, July 1999) and on yellowfin tuna (65th Meeting of the IATTC, October 1999), as well as any other measure agreed by the Commission, each Party, as well as non-Parties whose fleets operate in the EPO, shall:
 - Send to the Director, before August 30, 2000, information on the pertinent provisions of its legal framework which allows the timely implementation of the conservation and management measures agreed by the Commission.
 - Send to the Director information on the legal and administrative provisions for implementing the conservation and management measures, as well as other measures directed at the tuna fleet operating in the EPO, at the latest 10 days after their entry into force.
 - Send to the Director reports of developments in the investigations in progress regarding possible non-compliance by vessels under its jurisdiction, at the latest 60 days after the date on which the information was received by the competent authority, and send every 60 days a report on the progress, results and, if applicable, sanctions applied in relation to such non-compliance until a final resolution of pending cases has been achieved. This information shall include cases of possible non-compliance identified by the competent

national authority of the flag state and regarding which action has been taken. Each Party shall strive to accelerate, within the framework of its national legislation, the processes which allow the resolution of cases of non-compliance.

- In order that the conservation and management measures agreed regarding catch limits for bigeye tuna and yellowfin tuna may be implemented in a timely fashion, the Director shall inform all Governments whose fleets operate in the EPO of the estimated dates of closure under the following mechanism:
 - 45 days before the estimated date on which the catch limit will be reached, a first notice shall be sent;
 - 15 days before the measures associated with the reaching of the catch limit enter into force, a final notice confirming the closure date shall be sent.
- Instruct the Director to define, on the basis of the scientific and technical information at his disposal, a set on a floating object. Once this is defined, present the definition to the Commission and send it to Directors of the national observer programs, as well as to the Governments, so that there is a common understanding of what is meant by the term.
- Adopt the proposed resolution for the establishment of a regional register of fishing vessels.
- Adopt the proposed resolution on fishing by non-Parties.
- Ask the Director that the Commission staff study the potential of the Parties having vessel monitoring systems, and present its analysis to the Commission for consideration.

Appendix 5.

**Inter-American Tropical Tuna Commission
PERMANENT WORKING GROUP ON COMPLIANCE**

**San Jose, Costa Rica
June 2000**

Draft resolution on a regional vessel register

The Inter-American Tropical Tuna Commission (IATTC):

Affirming the importance of ensuring that all vessels fishing in the Convention Area comply with the conservation and management measures agreed by its member governments;

Inspired by the principles of the Code of Conduct for Responsible Fisheries and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;

Aware of the need to have pertinent information relative to the operations of vessels fishing in the eastern Pacific Ocean (EPO);

Therefore recommends to the High Contracting Parties that:

1. They request the Director to establish and maintain a record of vessels that have been authorized to fish in the Convention Area for species under the purview of the Commission, on the basis of the information detailed in paragraph 2 below.
2. Each Party supply the Director the following information with respect to each vessel under its jurisdiction to be included in the record established pursuant to paragraph 1:
 - a. name of vessel, registration number, previous names (if known), and port of registry;
 - b. a photograph of the vessel showing its registration number;
 - c. previous flag (if known and if any);
 - d. International Radio Call Sign (if any);
 - e. name and address of registered owner or owners;
 - f. where and when built;
 - g. length, beam, and moulded depth;
 - h. fish hold capacity in cubic meters, and carrying capacity in metric tons;
 - i. name and address of operator (manager) or operators (if any);
 - j. type of fishing method or methods;
 - k. gross tonnage;
 - l. power of main engine or engines.
3. Each Party promptly notify the staff of any modifications to the information listed in paragraph 2.
4. Each Party also promptly notify the staff of any additions to or deletions from the record of vessels authorized to fish.
5. Each Party promptly notify the staff of any fishing vessel that is no longer entitled to fly its flag.
6. They request non-member governments with vessels fishing in the EPO under their jurisdiction to provide to the Director the information detailed in paragraph 2 and to otherwise follow the terms of this Resolution.

Appendix 6.

**Inter-American Tropical Tuna Commission
PERMANENT WORKING GROUP ON COMPLIANCE**

**San Jose, Costa Rica
June 2000**

Draft resolution on fishing by vessels of non-Parties

The Inter-American Tropical Tuna Commission (IATTC):

Reaffirming the principles of the Code of Conduct for Responsible Fishing and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas approved by the FAO Conference on 24 November 1993;

Affirming the importance of ensuring that all vessels fishing in the Convention Area comply with the measures agreed by its member governments;

Believing that it is important to address the matter of fishing for species under the purview of the IATTC by vessels under the jurisdiction of non-Parties;

Concerned that fishing by vessels of states or fishing entities not members of and not cooperating with the IATTC could undermine the conservation and management measures agreed by the IATTC;

Therefore recommends to the High Contracting Parties that:

1. They gather information, either directly or through the Director, with respect to fishing vessels of states or fishing entities not members of the IATTC which undermine the conservation and management measures agreed by the IATTC.
2. They exchange information among themselves, either directly or through the Director, with respect to the activities of such vessels;
3. They request the Director to communicate with the governments whose fishing vessels are referred to in paragraph 1 for the purpose of urging them to comply with the measures agreed by the IATTC member governments and to remind them of their obligation, in accordance with international law, to cooperate in the implementation of agreed regional conservation and management measures, as well as to monitor compliance with such measures and to take the actions necessary to ensure such compliance;
4. They request the Director to report the results of his communications pursuant to paragraph 3 to the member governments of the IATTC, in order that they may, in accordance with international law, take measures necessary to ensure that fishing vessels under the jurisdiction of non-Parties do not engagedeter in activities of vessels of non-Parties that undermine the effectiveness of the conservation and management measures established by the Commission.