

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL

75TH MEETING

CANCUN (MEXICO)
25-29 JUNE 2007

DOCUMENT IATTC-75-15

SIZE LIMIT FOR VESSELS INCLUDED IN THE IATTC IUU VESSEL LIST

For the past several years, the Commission has been discussing the limit of 24 meters overall length for vessels to be eligible for inclusion in the IATTC IUU Vessel List. During the 74th meeting of the Commission in June 2006, it became clear that most, if not all, Parties believe that the 24 meter limit is too high.

The Joint Working Group on Fishing by Non-Parties recommended to the Commission an amendment to Resolution [C-05-07](#) (attached) which combined a length limit, to be decided by the Commission, with the criterion that all vessels with a history of fishing in waters outside the jurisdiction of their flag states be eligible for inclusion in the IUU List. The Commission did not agree to this proposal, but decided to consider it again at its 75th meeting.

Figure 1, which shows the distribution of length of vessels on the IATTC Regional Register, indicates that 1,722-vessels are smaller than 24 meters.

The Commission should decide on whether to amend paragraph 11 of Resolution [C-05-07](#), and if so, in what manner.

A related question is the definition of vessel length. Three IATTC Resolutions ([C-03-07](#), [C-04-06](#), and [C-05-07](#)) contain measures applying to vessels longer than 24 m. In two cases length is specified as “overall length”, and the third simply refers to “length.” It has been proposed that the IATTC and other regional fisheries management organizations (RFMOs) should harmonize their definitions of vessel length, and should use a common standard of interpreting length. A letter from Belize (attached) on this subject, addressed to various RFMOs, was circulated to CPCs on 25 April.

Specifically, Belize proposed that the length of a vessel should be defined as the length between perpendiculars, as in the FAO Compliance Agreement and other international instruments.

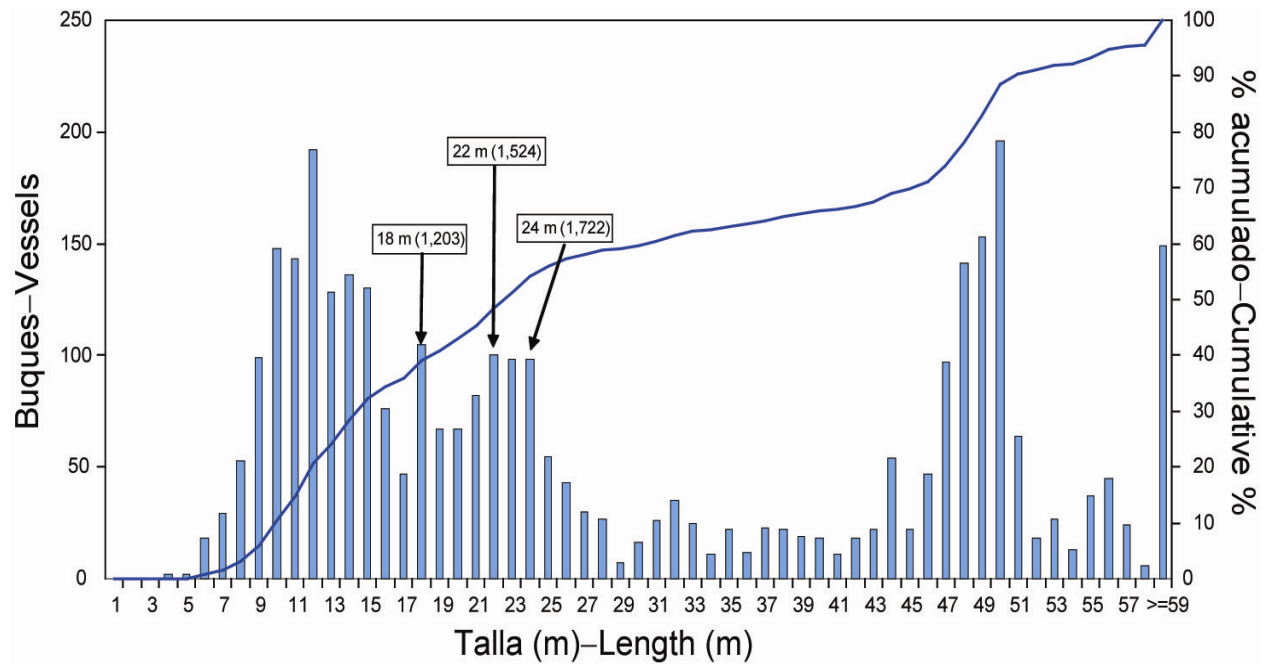


FIGURA 1. Buques incluidos en el Registro Regional de Buques de la CIAT para los que se dispone de información de eslora (3.355 buques). Para 355 buques no se dispone de tal información. La línea indica el porcentaje acumulado. Los números en paréntesis indican el total acumulado para buques menores de 18, 22 y 24 m.

FIGURE 1. Vessels on the IATTC Regional Vessel Register for which length information is available (3,355 vessels). This information is not available for 355 vessels. The line indicates the cumulative percentage. Numbers in parenthesis are the number of vessels smaller than 18, 22 and 24 m.

RESOLUTION C-05-07

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

The Inter-American Tropical Tuna Commission (IATTC):

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

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the IATTC conservation and management measures.

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

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

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

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities; and

Noting that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement;

Resolves as follows:

1. For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention are presumed to have carried out IUU fishing activities in the EPO, *inter alia*, when an IATTC Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively "CPCs") presents evidence that such vessels:
 - a. Harvest species covered by the IATTC Convention in the EPO and are not on the IATTC Regional Vessel Register, or
 - b. Do not record or report their catches made in the EPO, or make false reports, or
 - c. Take or land undersized fish in contravention of IATTC conservation measures, or
 - d. Fish during closures in contravention of IATTC conservation measures, or
 - e. Use prohibited fishing gear in contravention of IATTC conservation measures, or
 - f. Transship with vessels included in the IATTC IUU Vessel List, established by this resolution, or
 - g. Are without nationality and harvest species covered by the IATTC Convention in the EPO, or
 - h. Engage in fishing activities contrary to any other IATTC conservation and management measures, or

- i. Are under the control of the owner of any vessel on the IATTC IUU Vessel List.
2. Each CPC shall transmit to the Director, before 1 February of every year, a list of any vessels presumed to have carried out IUU fishing activities in the EPO during the current and previous years, accompanied by the evidence supporting the presumption of IUU fishing activity.

The IATTC IUU Vessel List shall be based on information collected by CPCs and from any other relevant sources. Information from CPCs should be provided in the format approved by the Parties.

3. On the basis of the information received pursuant to paragraph 2, the Director shall draw up a draft IATTC IUU Vessel List and shall transmit it, together with all the supporting evidence provided, to all CPCs, as well as to non-parties with vessels on the List, before 1 March of each year. CPCs and non-parties shall, before 15 April, transmit their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing for species covered by the IATTC Convention in the EPO.

Upon receipt of the draft IATTC IUU Vessel List, CPCs shall closely monitor the vessels included in the draft List in order to determine their activities and possible changes of name, flag and/or registered owner.

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

The Joint Working Group shall remove a vessel from the provisional IATTC IUU Vessel List if the vessel's flag State demonstrates that:

- a. The vessel did not engage in any of the IUU fishing activities described in paragraph 1, or
 - b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity.
7. Following the examination referred to in paragraph 6, the Joint Working Group shall recommend that the Commission approve the provisional IATTC IUU Vessel List, as amended by the Joint Working Group.
 8. Once the provisional IATTC IUU Vessel List is adopted by the Commission, the Commission shall ask non-parties with vessels on the IATTC IUU Vessel List to take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
 9. CPCs shall take all necessary measures, under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:
 - a. ensure that vessels flying their flag do not transship with vessels on the IATTC IUU Vessel List;

- b. ensure that vessels on the IATTC IUU Vessel List that enter ports voluntarily are not authorized to land or transship therein;
 - c. prohibit the chartering of a vessel on the IATTC IUU Vessel List;
 - d. refuse to grant their flag to vessels on the IATTC IUU Vessel List, unless the vessel has changed owner, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel or, having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing;
 - e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List;
 - f. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the IATTC Convention caught by vessels on the IATTC IUU Vessel List;
 - g. collect, and exchange with other CPCs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List.
10. The Director shall take any measure necessary to ensure publicity of the IATTC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the IATTC website. Furthermore, the Director shall transmit the IATTC IUU Vessel List to other regional fisheries organizations for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.
11. This resolution shall apply to any fishing vessel greater than 24 meters overall length.
12. Without prejudice to the rights of CPCs and coastal states to take proper action, consistent with international law, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IATTC IUU Vessel Lists, pursuant to paragraphs 3 or 4, or that have been removed from the IATTC IUU Vessel List, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.
13. This resolution replaces Resolution C-04-04.

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Fax

To:	The Chairmen and Executive Directors/ Executive Secretaries of ICCAT, IATTC, IOTC and WCPFC	From:	Angelo Mouzouropoulos, Director- General
Cc:	Mr. Sachiko Tsuji-Secretary of CWP on Fishery Statistics, FAO Mr. Jean-François Pulvenis de Séligny Director, Fishery Policy and Planning, FAO Ms. Beverly Wade-Fisheries Administrator, Ministry of Agriculture & Fisheries Mr. Julio Maaz-Fisheries Officer, Ministry of Agriculture & Fisheries	Pages:	9
Fax:		Date:	11th April 2007
Re:	Fishing Vessels - Definition of Length		

Dear All,

Re: Fishing Vessels - Definition of Length

We have noted that certain RFMO Conventions, Resolutions and Recommendations define the length of fishing vessels as being the "Length Overall" or "Overall Length". At the same time, the Statutory Certificates issued to fishing vessels by their national Ship Registries reflect length in accordance with the definition contained in the relevant IMO Conventions and FAO/ILO Agreements/Guidelines which is often referred to as the Length Between Perpendiculars (LBP). Consequently, there is no verifiable evidence in the certification onboard fishing vessels which reflects the length overall. Briefly:

- The IMO definition of length is reflected in Article 2 Section 8 of the International Convention on Tonnage Measurement of Ships 1969 as well as in Article 2 Section 8 of the International Convention on Load Lines, 1966 (Attachments 1 & 2). These are mandatory International Conventions which have been ratified by all 166 Member States of the IMO. The latter Convention does not apply to

fishing vessels but the former applies to all fishing vessels of 24 metres and above, measured in accordance with the definition contained therein.

- The FAO/ILO/IMCO Voluntary Guidelines for the Design Construction Equipment of Small Fishing Vessels (1980) which “apply to new decked fishing vessels of 12 metres in length and over, but less than 24 metres in length” utilizes the definition contained in the abovementioned IMO Conventions – Attachment 3. In addition, the IMO/FAO/ILO Code of Safety for Fishermen and Fishing Vessels which applies “to new decked fishing vessels of 24 metres in length and above” also uses the same definition of length – Attachment 4.
- The IMO Torremolinos International Convention for the Safety of Fishing Vessels 77/93 Consolidated Edition 1995, also defines length in the same way as the aforementioned – Attachment 5.
- The FAO definition of length is also reflected in Article 1(c) of the “Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas” – the FAO Compliance Agreement – Attachment 6.

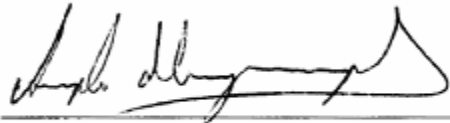
Consequently, the definition of length contained in the abovementioned Conventions/Agreements/Guidelines has been incorporated into the respective Flag States’ domestic legislation and all ships’ certificates reflect this mandatory internationally accepted definition of length.

As you are aware, the definition of length is of particular importance because several RFMOs go on to define fishing vessels of 24 metres in length overall and above as “large scale tuna longline fishing vessels” (LSTLVs) giving rise to the requirement that they be equipped with VMS and as well as to comply with their Transshipment Regulations/Recommendations. In this regard, it should be borne in mind that there are a substantial number of fishing vessels whose length as per the IMO/FAO definition (often referred to as the Length between Perpendiculars – LBP) is 23.80 metres whereas their length overall is 27 metres. The ships’ certificates show the length of these vessels as being 23.80 metres. In the case of Belize registered fishing vessels, our national regulations render VMS a mandatory requirement for **all** vessels fishing on the High Seas irrespective of length. However, in the same way as other States, due to the introduction of transshipment regulations, **we perceive that there is now a pressing need to harmonize the definition of length so that it is consistent with the IMO Conventions/FAO Compliance Agreement and be readily verifiable by inspection of the certification onboard such vessels so as to ensure transparency and to avoid the possibility of abuse. Also, in our view, the harmonization of the definition of length is an essential prerequisite for any future introduction of IMO or FAO Identification Numbers for fishing vessels of a certain length and above which will need to conform with the definition**

of length contained in the relevant mandatory IMO Conventions/FAO Agreements/Guidelines etc referred to above.

We would appreciate if this issue can be raised at the earliest opportunity and would look forward to the harmonization of the definition of length in the interests of consistency and transparency.

With kind regards,



Angelo Mouzourouopoulos FICS, FCI Arb.
Director General



Libardo Brú BSc MSc
Technical manager

Attachment 1.

International Convention on Tonnage Measurement of Ships, 1969

- (8) "length" means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

Attachment 2.

International Convention on Load Lines, 1966

- (8) Length means 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

Attachment 3.

FAO/ILO/IMO Voluntary guidelines for the design, construction and equipment of small fishing vessels 1980

- .6 "Length (L)"* should be taken as 96 per cent of the total length on a waterline at 85 per cent of the least depth, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that length is greater. In vessels designed with rake of keel the waterline on which this length is measured should be parallel to the designed waterline;

Attachment 4.

IMO/FAO/ILO Code of Safety for fishermen and fishing vessels 2005

1.2.20 *Length (L)** should be taken as 96% of the total length on the waterline at 85% of the least depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel, the waterline on which this length is measured should be parallel to the designed waterline.

Attachment 5.

**IMO Torremolinos International Convention for the Safety of Fishing Vessels 77/93
Consolidated Edition 1995**

(5) *The length (L)* shall be taken as 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

Attachment 6.

FAO Compliance Agreement (<http://www.fao.org/legal/treaties/012T-e.htm>)

(c) "length" means

- o (i) for any fishing vessel built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

- (ii) for any fishing vessel built before 18 July 1982, registered length as entered on the national register or other record of vessels;