

INTER-AMERICAN TROPICAL TUNA COMMISSION

MINUTES OF THE 71ST MEETING

**Del Mar, California (USA)
6-7 October 2003**

Chairman: Mr. David Hogan (United States)

AGENDA

1. Opening of the meeting
2. Election of Chairman
3. Adoption of the agenda
4. Measures for the conservation of tunas
5. Non-compliance with Commission management measures
6. Other business
7. Adjournment

APPENDICES

1. List of attendees
2. Proposal by Ecuador
3. Statement by Colombia
4. *Resolution on the conservation of tuna in the eastern Pacific Ocean*

1. Opening of the meeting

Dr. Robin Allen, Director of the IATTC, opened the meeting. The attendees are listed in Appendix 1.

2. Election of chairman

Mr. David Hogan, of the United States, was elected Chairman of the meeting.

3. Adoption of the agenda

The meeting decided to reverse the order of Items 4 and 5 of the provisional agenda, so that the conservation of tunas is discussed before addressing the matter of non-compliance.

The United States requested that its proposal for amending the 2002 *Resolution on fleet capacity*, circulated at the previous meeting of the Commission in June 2003, be addressed under Item 6 of the agenda, *Other business*. The meeting agreed that, time permitting, it would take up the discussion of the subject from the previous meeting.

With these modifications, the agenda was adopted.

4. Measures for the conservation of tunas

Dr. Allen reminded the delegations of the reason for this extraordinary meeting of the Commission, The 70th meeting of the Commission, held in June 2003, produced a draft resolution on tuna conservation which all of the IATTC members except Ecuador could support. Ecuador agreed to consider the draft resolution further and to advise the Commission by correspondence whether or not it could agree to it. Subsequent communications with Ecuador made it clear that Ecuador had serious reservations about the draft resolution, and several governments believed that another meeting should be held to attempt to develop a consensus resolution..

As a preamble to discussions on the conservation resolution, Dr. Allen presented [a series of graphs](#) updating the meeting on the catches of tunas in 2003 to date, the capacity of the fleet, and the evolution of that capacity. He also presented information on the seasonality of purse-seine catches of bigeye and the seasonal changes in catches of bigeye and skipjack in the core area for purse-seine bigeye catches.

A lengthy discussion ensued on appropriate measures for the conservation of tuna in the eastern Pacific Ocean (EPO), during which many delegations expressed their points of view.

Ecuador expressed its concern regarding the implementation of the closure in December 2003 for reasons affecting its national economy, and made it clear that it could not accept the draft resolution produced in June. The delegation noted that a closure of the entire EPO fishery in December would have a profoundly negative socio-economic impact on Ecuador, and stated that if the main point of the conservation resolution was to minimize catches of juvenile bigeye tuna, December was not the best month to close the purse seine fishery for this purpose.

After further discussion, Ecuador presented an alternative written proposal (Appendix 2), the essence of which was to close the purse seine fishery not associated with dolphins during July 2004. Ecuador explained its proposal in more detail to the meeting, and after some technical questions for Dr. Allen and preliminary comments by some delegations, it was agreed that consultations should be held among heads of delegations.

Eventually, the meeting of the heads of delegation produced a draft resolution on the conservation of tunas, which called for, *inter alia*, prohibiting all purse seine fishing in a certain defined area in December 2003, and in the entire EPO from 1 August to 11 September 2004, and also required that the total longline catch of bigeye tuna in the EPO not exceed that in 2001.

This new draft resolution was discussed at some length during the plenary meeting. Japan expressed its concern over paragraph 5 of the resolution, which calls for the prohibition of “landings, transshipments and commercial transactions in tuna or tuna products that have been positively identified as originating

from fishing activities that contravene this resolution in 2003.” Japan understood that the first sentence of paragraph 5 is for the purse-seine fishery that mainly lands its catch in this region, but Japan has almost no import record of purse-seine caught tuna in the EPO, and under the circumstances of non-application of the statistical document programs to the purse-seine fishery, Japan cannot technically implement this particular sentence. However, Japan was ready to work to develop transparent and non-discriminatory criteria and procedures, as described in the last sentence of this paragraph, and would not block agreement on the measure.

China and Chinese Taipei both expressed concerns that the proposed reductions in catches by longline vessels were too restrictive, and said that it was not reasonable to expect drastic cuts in the longline fisheries to occur so quickly. China said that it would be impossible for it to comply in 2003 with the reduction of catches to levels not exceeding those in 2001, because its catches had already exceeded those in 2001. Other delegations acknowledged that it was not reasonable at this stage to impose such catch limits for the longline fleets in 2003, and it was agreed that they would begin in 2004.

Colombia registered its objection to the manner in which the meeting had been conducted, in particular the fact that the small meeting of heads of delegation did not provide Colombia with the opportunity to participate in a meaningful way. Several delegations noted that limiting the meeting to heads of delegations of member countries was not meant to exclude participation in the debate, but rather to expedite the process of resolving particular contentious issues and arrive at a consensus that would be acceptable to all members, and observed that Colombia now had the opportunity to express its views on the issue in this plenary session. Colombia said that it had prepared a written statement expressing its concerns, and asked that this statement be included in the minutes of the meeting (Appendix 3).

Mexico asked that the record of the meeting be clear that the resolution would not apply to any fisheries for bluefin tuna. Mexico also expressed its view that any criteria developed regarding trade restrictions, pursuant to paragraph 5 of the resolution, should include the importance of taking into account, when relevant, good scientific evidence.

A resolution on conservation was finally agreed by the governments present at the meeting (Appendix 4). The Director was instructed to transmit the resolution to those IATTC member governments not present as soon as possible to request their approval. Before the meeting concluded, those members not present did approve the resolution.

5. Non-compliance with Commission management measures

The issue relating to compliance with the management measures of the Commission was included in the resolution adopted, so was not addressed separately.

The United States raised the matter of non-compliance in 2002 by Bolivia and Colombia with the Commission’s tuna conservation program, specifically, fishing by vessels of those two countries during the December closure. The U.S. suggested that the Director write letters to Bolivia and Colombia on behalf of the IATTC member nations expressing their serious concern over the 2002 violations by flag vessels of the two countries, drawing attention to the 2003 conservation resolution, in particular paragraph 5 regarding trade restrictions. The letters should also point out that the Commission has recently adopted criteria for the determination of “cooperating non-parties”, and in the case of Colombia, make clear that there is no longer any impediment to Colombia becoming a member of the Commission.

6. Other business

No other business was discussed.

7. Adjournment

The meeting was adjourned on 7 October 2003.

Appendix 1.

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

71ª REUNION - 71st MEETING

6-7 de octubre de 2003 - October 6-7, 2003

Del Mar, California, USA

ASISTENTES - ATTENDEES

COSTA RICA

ASDRÚBAL VÁSQUEZ - Comisionado
INCOPESCA

ECUADOR

LUCÍA FERNÁNDEZ de DE GENNA- Comisionado

LUIS TORRES NAVARRETE - Comisionado

Ministerio de Comercio Exterior,
Industrialización, Pesca y Competitividad

LUIGI BENINCASA

RAMÓN MONTAÑO

ATUNEC

ALFREDO SALVADOR

Cámara Ecuatoriana de Industriales & Procesadores
Atuneros

GUILLERMO MORÁN

Asociación de Exportadores de Pesca Blanca

LUIS EDUARDO GÓMEZ

Legalsa S.A.

BRUNO LEONE

Compañía Anilisa S.A.

FRANCISCO LEONE

Servigrup - Flota

DIEGO MILETIC

Pesquera Jadrán S.A.

IVO CUKA

Pesdel S.A.

ABEL PALADINES

EL SALVADOR

MANUEL CALVO - Comisionado

SONIA SALAVERRIA

Ministerio de Agricultura y Ganadería

ESPAÑA - SPAIN

CARLOS DOMINGUEZ

IGNACIO ESCOBAR

Secretaría General de Pesca Marítima

AMOR SOLA MENÉNDEZ

Embajada de España en Washington

JAVIER ARÍZ TELLERÍA

Instituto Español de Oceanografía

GABRIEL SARRÓ

JULIO MORÓN

OPAGAC

ESTADOS UNIDOS DE AMERICA - UNITED STATES OF AMERICA

SCOTT BURNS - Commissioner

PATRICK ROSE - Commissioner

RODNEY MCINNIS - Commissioner

ROBERT FLETCHER - Commissioner

WILLIAM GIBBONS-FLY

DAVID HOGAN

JAMES STORY

Department of State

SVEIN FOUGNER

PAT DONLEY

BRETT SCHENEIDER

ALLISON ROUTH

JEREMY RUSIN

GARY SAKAGAWA

JESSICA KONDEL

CHRISTOPHER FANNING

MEGHAN DONAHUE

National Marine Fisheries Service

MICHAEL MCGOWAN

MARCELA CAMPA

Bumble Bee Seafoods

PETER FLOURNOY

American Fishermen's Research Foundation

PETER DILEVA

Caribbean Fishing, Inc.

CHARLES HART

Marco Marine Seattle

SUSAN JACKSON

Del Monte/Starkist Seafood

PAUL KRAMPE

United Tuna Cooperative

JAMES SOUSA

Mar Pacífico Fishing N.V.

ROBERT OSBORN

United Anglers of Southern California

CARY GANN
Caribbean Marine Service Co., Inc.
WILLIAM SARDINHA
Sardinha & Cileu Management Inc.
JULIUS H. ZOLEZZI
Zolezzi Enterprises, Inc.
ED VAN OS
Van Os Oceanic Ltd.

KEVIN MCCLAIN
Chicken of the Sea International
RENATO CURTO
ANTHONY VUOSO
Tri-Marine International Co.
KATHRYN MENGERINK
KELLY MALSH

FRANCIA - FRANCE

XAVIER VANT - Commissioner
Ministry of Agriculture and Fishery

GUATEMALA

FRATERO DÍAZ MONGE – Comisionado
PABLO GIRÓN – Comisionado
JOSÉ G. RUÍZ
Ministerio de Agricultura, Ganadería y Alimentación

NERY BOJORQUEZ
Ministerio de Relaciones Exteriores

JAPON – JAPAN

KATSUMA HANAFUSA - Commissioner
SEIICHI SAKAMOTO
Fisheries Agency of Japan

HISAO MASUKO
Federation of Japan Tuna Fisheries Co-operative
Associations
SALLY CAMPEN

MEXICO

GUILLERMO COMPEÁN - Comisionado
MICHEL DREYFUS - Comisionado
RICARDO BELMONTES
MARIO AGUILAR
ANGEL GÓMEZ
CONAPESCA
LUIS FLEISCHER
PEDRO ULLOA
Instituto Nacional de la Pesca

ERNESTO ESCOBAR
Pesca Azteca S.A. de C.V.
JUAN J. VELÁZQUEZ CÁRDENAS
Atunera Mexico C.A. de C.V.
MARK ROBERTSON
Williams Mullen Strategies

NICARAGUA

MIGUEL A. MARENCO - Comisionado
Ministerio de Fomento, Industria y Comercio

PANAMA

LUIS DORATI
Trimarine International S.A.

VANUATU

CHRISTOFF EMELEE
DAVID JOHNSON
Ministry of Maritime Affairs

EDWARD WEISSMAN - Commissioner
HUGO ALSINA LAGOS
Office of Deputy Commissioner of Maritime Affairs

VENEZUELA

FRANCISCO ORTISI
Atumar S.A.

OBSERVADORES – OBSERVERS

BOLIVIA

GONZÁLO SÁNCHEZ
ALFREDO ROJAS
Ministerio de Defensa

CHINA

XIAOBING LIU
HAIRONG DONG
Ministry of Agriculture

NING MA
LIYU WANG
Ministry of Foreign Affairs

COLOMBIA

ARTURO VEGA
CARLOS MOSQUERA
IVÁN D. ESCOBAR
INCODER
ARMANDO HERNÁNDEZ
ANDI

ALVARO BUSTAMANTE
ATUNEC S.A.
HUGO MARINO
GUILLERMO DAW
GRALCO S.A.
DIEGO CANELOS
Seatech Internacional

UNION EUROPEA - EUROPEAN UNION

JOHN SPENCER
ROBERTO CESARI
EDUARDA DE SOUSA
European Commission

COREA - KOREA

SUNGKWON SOH
Ministry of Maritime Affairs and Fisheries

TAIPEI CHINO - CHINESE TAIPEI

TZU-YAW TSAY
Fisheries Agency

ORGANIZACIONES INTERNACIONALES – INTERNATIONAL ORGANIZATIONS

GONZALO PEREIRA
Comisión Permanente del Pacífico Sur

STEVE REILLY
International Whaling Commission

ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG
The Ocean Conservancy

MOISÉS MUG
World Wildlife Fund

PERSONAL - STAFF

ROBIN ALLEN, Director
ALEJANDRA FERREIRA
MONICA GALVÁN

JOSHUE GROSS
BRIAN HALLMAN
BERTA JUÁREZ
NICHOLAS WEBB

Appendix 2.

IATTC 71-5 B1

PROPOSAL BY ECUADOR

Ecuador advocates the continuation of its usual policy of conservation and responsible fishing.

It proposes a **system of closures and other similar measures by target species** and with clear scientific bases regarding its geographical extent, timing, and duration, in this case, in order to protect bigeye tuna, and in accordance with the scientific and technical information, foresees a stoppage of the fleet not associated with dolphins, for the next month of July 2004.

Ecuador commits to collaborating with its legal system in order that the decisions of the IATTC, taken within this scientific and technical framework, be respected under penalty of the maximum rigor of the law in force.

It also suggests that in order to take similar measures to protect other species, procedures should be unified, and closures and other similar measures that likewise ensure the survival of such species be applied to the fleets that capture them.

To this end, the meeting shall appoint a **drafting committee** to present the appropriate regulations for the enforcement of this conservation program.

Appendix 3.

STATEMENT BY COLOMBIA

We wish to express our disagreement with the way that this meeting is being conducted, in which we believe that the scenarios for discussion and agreement should be open and in a spirit of multilateral negotiation.

Our aim at this meeting was to participate in a decision that affects us all alike. Therefore, we think that this aim has not been achieved.

Our delegation wishes to express to this Commission that given that we did not participate in the process of discussion and agreement, we would do ill if we took a decision without making the consultations that are essential to our knowledge and understanding.

We ask the Secretariat that this be reflected in the minutes.

Appendix 4.

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL

71^a REUNION – 71ST MEETING

LA JOLLA, CALIFORNIA (USA)
6-7 OCT 2003

RESOLUTION C-03-12

**RESOLUTION ON THE CONSERVATION OF TUNA IN THE EASTERN
PACIFIC OCEAN**

The Inter-American Tropical Tuna Commission (IATTC):

Recalling that the *Resolution on the Conservation of Yellowfin and Bigeye Tuna in the Eastern Pacific Ocean* approved by the IATTC at its 69th meeting in Manzanillo, Mexico, encouraged states and fishing entities with large-scale tuna longline vessels (LSTLVs) to undertake initiatives similar to that of Japan, *i.e.* reduction by 20% of its fleet, in accordance with FAO International Plan of Action,

Being aware with grave concern that, despite the above Resolution, the catch of bigeye tuna by LSTLVs and their fishing capacity are still growing in the eastern Pacific Ocean (EPO),

Having responsibility for the scientific study of the tunas and tuna-like fishes of the EPO, and for the formulation of recommendations to the High Contracting Parties with regard to these resources, and having maintained since 1950 a continuing scientific program directed toward the study of those resources,

Notes that the tuna resource of the EPO supports one of the most important surface fisheries for tunas in the world,

Recognizes that, based on past experience in the fishery, the potential production from the resource can be reduced by excessive fishing effort,

Notes that in the years from 1980 through 2002, excepting 1987, the Director recommended conservation measures to the Commissioners, and that in turn such measures were approved by the Commissioners for recommendation to their respective governments,

Believing that it is important to follow a precautionary approach when addressing conservation and management measures for the tuna resource of the EPO, and

Considering that the studies of yellowfin and bigeye tuna presented at this meeting show that, the current fishing effort (2000-2001 average) would be above the average maximum sustainable yield levels for both species if recruitment is strongly dependent on the amount of spawning.

Resolves:

1. That this resolution is applicable in 2003 and 2004 to purse-seine vessels fishing for yellowfin, bigeye, and skipjack tunas, and to longline vessels in 2004.
2. Pole-and-line and sportfishing vessels are not subject to this resolution.
3. That the fishery for tunas by purse-seine vessels in the following area be closed from 0000 hours on 1 December to 2400 hours on 31 December 2003:

From the intersection of longitude 95°W with the west coast of the Americas south to latitude 10°N, then west to longitude 120°W, then south to latitude 5°S, then east to

longitude 100°W, then north to latitude 5°N, then east to longitude 85°W, and finally north to the intersection with the west coast of the Americas.

4. That the fishery for tunas by purse-seine vessels in the EPO, defined as the area bounded by the coastline of the Americas, the 40°N parallel, the 150°W meridian, and the 40°S parallel, be closed from 0000 hours on 01 August 2004 to 2400 hours on 11 September 2004.
5. To prohibit landings, transshipments and commercial transactions in tuna or tuna products that have been positively identified as originating from fishing activities that contravene this resolution in 2003. The Director may provide relevant information to the Parties to assist them in this regard. The Commission shall develop transparent and non-discriminatory criteria and procedures to adopt trade restrictive measures consistent with international law and the provisions of the World Trade Organization to promote compliance in the EPO.
6. Each IATTC Party, cooperating non-party, fishing entity or regional economic integration organization (collectively “CPCs”) shall, for purse-seine fisheries:
 - 6.1. No later than 45 days before the date of entry into force of a closure:
 - 6.1.1. take the legal and administrative measures necessary to implement the closure;
 - 6.1.2. inform all interested parties in its national tuna industry of the closure;
 - 6.1.3. inform the Director that these steps have been taken.
 - 6.2. For the 2004 closure, ensure that at the time the closure begins, and for the entire duration of the closure, all purse-seine vessels fishing for yellowfin, bigeye and skipjack tunas flying its flag in the EPO are in port, except that vessels carrying an observer from the AIDCP On-Board Observer Program may remain at sea provided they do not fish in the EPO. The only other exception to this provision shall be that vessels carrying an observer from the AIDCP On-Board Observer Program may leave port during the closure, provided they do not fish.
7. That each CPC shall take the measures necessary to ensure that its total annual longline catch of bigeye tuna in the EPO during 2004 will not exceed that in 2001¹. Each CPC with LSTLVs shall provide monthly reports to the Director.
8. This resolution shall not be considered to prejudice any future arrangements by the Commission for the conservation of bigeye and yellowfin tuna.
9. That measures for the conservation of tunas in the EPO for 2005 shall be adopted at the 72nd Meeting of the Commission, taking into account the scientific advice of the Commission staff, in accordance with the usual practice.

¹ The Parties acknowledge that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the EPO.

Zona de veda, establecida por la Resolución C-03-12 sobre la conservación de atunes aprobada en la 71ª reunión de la CIAT, para la pesca por buques atuneros cerqueros, desde las 0000 horas del 1° de diciembre hasta las 2400 horas del 31 de diciembre de 2003

Closure zone, established by Resolution C-03-12 on tuna conservation approved at the 71st meeting of the IATTC, for fishing by tuna purse-seine vessels, from 0000 hours on 1 December to 2400 hours on 31 December 2003

