

COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
8TH MEETING

LANZAROTE (SPAIN)
23 JUNE 2005

MINUTES OF THE MEETING

AGENDA

1. Opening of the meeting
2. Election of Chairman
3. Adoption of the agenda
4. Draft Plan for Regional Management of Fishing Capacity
5. Review of implementation of the [*Resolution on the capacity of the tuna fleet operating on the EPO*](#) (C-02-03)
6. Recommendations to the Commission:
 - a. Recommendations
 - b. Proposal by Guatemala and Panama at IATTC 72nd Meeting.
 - c. Other requests for capacity increases
7. Other business
8. Adjournment

DOCUMENTS

- [CAP-8-04](#) Draft Plan for Regional Management of Fishing Capacity
[CAP-8-05](#) Review of Implementation of the Resolution on the Capacity of the Tuna Fleet (C-02-03)

APPENDICES

1. List of attendees
2. Statement by Guatemala
3. Statement by Costa Rica
4. Draft Plan for Regional Management of Fishing Capacity
5. Statement by France
6. Proposal by Guatemala and Panama, 72nd Meeting, June 2004

The 8th Meeting of the IATTC Permanent Working Group on Fleet Capacity was held in Lanzarote (Spain) on June 22, 2005. The attendees are listed in Appendix 1.

1. Opening of the meeting

The Director of the Commission, Dr. Robin Allen, opened the meeting.

2. Election of Chairman

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

3. Adoption of the Agenda

After some discussion, the provisional agenda was approved without changes. Guatemala expressed its preference for item 6a to be discussed early in the agenda, explained the reasons for its proposal, and requested that a statement be included in the minutes (Appendix 2), and Costa Rica made a statement regarding its position on fleet capacity (Appendix 3)

4. Draft Regional Plan of Capacity

Dr. Allen introduced Document [CAP-8-04](#) (*Draft Plan for Regional Management of Fishing Capacity*). He explained that the draft EPO Capacity Plan in the document incorporates the changes suggested during the last discussion of the plan at the 7th meeting of the Working Group in February 2004. At that meeting, the Working Group introduced additional language to paragraph 10e, and an alternative to paragraph 31a (a new paragraph 31c), but could not agree on these changes, which were bracketed. Dr. Allen noted that this draft Plan was last considered at the 72nd meeting of the IATTC in June 2004, but was not discussed in detail, mostly because issues similar to those in paragraph 31a could not be agreed elsewhere.

The Working Group discussed the draft Plan, and agreed to delete paragraph 31c and to introduce new text for bracketed paragraph 31a. The group noted that the new text for paragraph 31a could not be construed as a new interpretation of Resolution C-02-03 on the capacity of the tuna fleet operating in the EPO. The Group also harmonized some parts of the text with language already in the Antigua Convention and added flexibility to some dates. With these changes, the Group decided to recommend the *Draft Plan for Regional Management of Fishing Capacity* (Appendix 4) to the Commission for adoption.

5. Review of implementation of the [Resolution on the capacity of the tuna fleet operating in the EPO \(C-02-03\)](#)

Mr. Brian Hallman of the IATTC staff presented Document [CAP-8-05](#), *Review of Implementation of the Resolution on the Capacity of the Tuna Fleet (C-02-03)*. He reiterated that the Resolution does not envisage the concept of national capacity limits; instead, the capacity of the fleet is essentially determined by the IATTC Regional Vessel Register.

Mr. Hallman reviewed the implementation of the Resolution to date, and explained in detail the proposals to strengthen the Resolution developed by Commission staff for consideration by the Working Group, notably those related to replacement of vessels on the Regional Register, flag transfers, and the list of inactive purse-seine vessels. He explained that there are three vessels listed twice on the Regional Register as a result of disputed flag transfers, and that some of the proposed technical changes to the Resolution had already been agreed at the last meeting of the Working Group.

A lengthy discussion of the staff proposals ensued, with delegations expressing a variety of views for and against the recommendations in Document CAP-8-05. During the discussion, many Parties expressed the view that it is not advisable to increase the size of the purse-seine fleet in the EPO, while others made requests for increases in capacity for their individual fleets.

Specifically, Peru asked that the special allocation for its fleet in the Resolution be increased from 3,195 to 6,000 cubic meters (m³), while maintaining its long-term request for 14,000 m³; El Salvador asked for an additional 2,105 m³ in order to accommodate the addition of one vessel; Colombia asked for an additional 4,500 m³ to accommodate three additional vessels, and also that the *Martha Lucia R.* be included on the Regional Register; and Vanuatu asked to be allowed to replace the capacity of a sunk vessel, the *Olympia* (1,275 m³), which should have been included on the sunk vessel list in June 2002 when the limits were first established.

France made a statement regarding the development of its overseas territories' tuna longline fleets (Appendix 5).

These requests for additional capacity generated considerable discussion by the Working Group. While delegations expressed understanding of these countries' wish to expand their fleets, many pointed out that

most countries would like to do the same, but that this would be contrary to the spirit of the Resolution and also detrimental to the resource.

Another point of discussion of concern to some delegations was the large amount of capacity belonging to vessels that have been removed from the list of inactive vessels but could be added back at any time, since it represents a potentially large increase in total active fishing capacity in the future.

The Working Group discussed procedures for flag transfers. While it was recognized that flag transfers are a matter for governments, and not something in which the Commission should be involved, it was recognized that the Commission needs to establish rules for maintaining the Regional Register, and that this requires decisions to be made regarding the flags of vessels. The Working Group agreed that the staff should receive documentation from the competent authorities of both governments involved in a flag transfer before changing the flag of a vessel on the Regional Register, and that this procedure should be codified. However, rather than amending the Resolution to accomplish this, it was decided that the minutes could reflect the procedure, as follows:

“A change of flag by a vessel from one CPC to another, and the vessel’s status on the Regional Register, shall not be considered effective until the Director has received official notification of the change from the competent authorities of both governments involved.”

There was some discussion about whether the competent authorities should be limited to the fisheries authority responsible for IATTC matters, but this was not agreed, as most delegations believed this was an internal matter for each government to resolve.

In the end, the Working Group did not agree on any changes to the Resolution.

6. Recommendations to the Commission:

a. Recommendations

The Working Group recommended that the Commission approve the *Draft Plan for Regional Management of Fishing Capacity* (Appendix 4).

b. Proposal by Guatemala and Panama at the IATTC 72nd Meeting

Regarding the disputed transfer of flag of two vessels from Guatemala to Panama, the importance of communication among agencies involved in flagging vessels and flag transfers, both within and between governments, was again stressed, and the proposal brought forward by Guatemala and Panama at the IATTC 72nd meeting (Appendix 6) was again discussed. Guatemala noted that this proposed solution did not require any changes to Resolution C-02-03, and stressed that this was a unique case of the utmost importance to its government.

Several delegations expressed their understanding of the importance of this matter to Guatemala, but also expressed reservations about the proposal, noting that it would increase the capacity of the fleet in the EPO and that this was not advisable. The proposal was not submitted for the consideration of the 73rd meeting of the IATTC as a recommendation of the working group.

c. Other requests for capacity increases

Several delegations put forward requests for capacity increases for their fleets. None of these proposals were submitted for the consideration of the 73rd meeting of the IATTC as a recommendation of the working group.

7. Other business

No other business was discussed.

8. Adjournment

The meeting was adjourned on June 22, 2005.

Appendix 1.

WORKING GROUP ON FLEET CAPACITY GRUPO DE TRABAJO SOBRE LA CAPACIDAD DE LA FLOTA

8th MEETING - 8^a REUNIÓN

June 22, 2005 - 22 de junio de 2005

Lanzarote, Spain

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Appendix 2.

STATEMENT BY GUATEMALA

With the indulgence of the Chairman and 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. The State of Guatemala attends this meeting with an acute concern: the solution of a question that has to do with the carrying capacity that is property of my government and that a multinational company, which recognized that this capacity is property of the State of Guatemala when it signed the corresponding administrative contract, wanted to take, using anomalies for the change of flag and in contravention of the rules of Domestic Law and International Law, part of the national quota of my country;
2. Without wishing to relive, at this time, the extensive debates that have taken place with another sister Delegation, my Delegation sees as an acceptable solution the consideration of a new draft *ad hoc* resolution presented at the 72nd meeting of the IATTC held in Lima, Peru, sponsored jointly with another honorable delegation, as reflected in the Minutes of that meeting;
3. This proposal offers a legal and political solution to a problem that has been particularly difficult, since it is the first case of its type that occurred in the Commission. Fortunately, this matter has had the effect that mechanisms for verification have been adopted that have made it possible to avoid a greater number of cases occurring, but the one that concerns Guatemala is still unresolved. My government has suffered during all this time, seeing itself temporarily deprived of what in justice belongs to it; opportunities to attract new investment to the country have been lost and it has reduced the presence of my country in the tuna fishery of which it is coastal. This solution does not mean an increase with new carrying capacity but a replacement of that which corresponds to my country; in any case, a minimal percentage of the global capacity, an amount that it will be possible to handle in accordance with the Plan for the Regional Management of Fishing Capacity;
4. However, in spite of all the above, my government observes that an opportunity now presents itself to resolve it satisfactorily, albeit tardily. Therefore, it encourages all the delegations to show the greatest spirit of cooperation towards Guatemala to conclude this matter, taking into account its relative degree of tuna-related development and its status as a coastal State of the EPO. My country has been very patient. Therefore, it stresses the great importance and the greater sensitivity of this matter;
5. This delegation is convinced that it can count on the best disposition of the High Contracting Parties of the Commission. Guatemala reiterates its best disposition to work reciprocally and intensively in the search for the agreements necessary for the sustainable management of our fisheries, both at this meeting and in the 73rd meeting of the Commission currently being held.
6. Mr. Chairman, Delegates: I must note that not attending to the legitimate aspirations of Guatemala would set a dangerous precedent for those countries that, similarly, have placed their expectations of growth in the development of their own national fleet, and could place the Commission in an extremely difficult position, if it is not able to resolve the problem in accordance with justice and fairness.

I ask that this be incorporated into the Minutes of this 8th meeting of the Permanent Working Group.

That is all regarding this matter for now. Thank you very much, Mr. Chairman and Delegates.

Appendix 3.

STATEMENT BY COSTA RICA

1. Costa Rica has always been a country committed to the sustainability of marine resources and its actions in all for a and international and multilateral fora and organizations has been very much in keeping. Proof of this is the founding of the IATTC 56 years ago between the United States of America and Costa Rica.
2. Costa Rica, as a result of its jurisdiction over Cocos Island on the Pacific coast, has a marine jurisdictional zone of approximately 560,000 square kilometers, equivalent to 12 times its continental territory and the third-largest jurisdictional zone in the EPO after Mexico and Ecuador.
3. Costa Rica as a national strategy has exploited under responsible regulations the tuna resource in its jurisdictional waters through the granting of temporary purse-seine fishing licences to vessels that comply with the management and conservation dictates of the IATTC and the AIDCP, and under legislation with strong incentives of free licences for those vessels that unload their catches of tuna in Costa Rican ports for processing in our territory.
4. Costa Rica as a coastal state of the EPO has the right to develop in the future its own tuna-fishing industry as is set down in point 3 of Resolution C-02-03 on fleet capacity of June 2002.
5. The increase in tuna-fishing capacity in the EPO not only puts in greater danger the sustainable level of this fishery, but also reduces proportionally the potential effectiveness of the fleet capacity granted to Costa Rica in Resolution C-02-03.

In view of all the above, we respectfully state that Costa Rica will not accept any proposal for changes or exceptions in the text of the current Fleet Capacity Resolution C-02-03, that directly or indirectly implies an increase in fishing capacity in the EPO.

Appendix 5.

The Working Group recommends that the Commission adopt the following text

PLAN FOR REGIONAL MANAGEMENT OF FISHING CAPACITY

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1. INTRODUCTION

1. The overall issue of fishing capacity in the EPO is one that should be considered within the context of the FAO Code of Conduct for Responsible Fisheries and its general objective of sustainable fisheries. The Code of Conduct provides that States shall take measures to prevent or eliminate excess fishing capacity and shall ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.
2. The International Plan of Action for the Management of Fishing Capacity was adopted at the 23rd Session of the FAO Committee on Fisheries in February 1999. The IATTC has recognized that the issue of managing fishing capacity in the tuna fishery of the Eastern Pacific Ocean (EPO) needs to be addressed. Excessive fishing capacity is a problem that can contribute to overfishing, the degradation of marine fisheries resources, and the decline of food production potential, and inevitably causes economic waste.
3. At its 66th Meeting, held in San Jose, Costa Rica, on 12-15 June 2000, the IATTC adopted two resolutions that instructed the Director to prepare a comprehensive draft plan for the regional management of fishing capacity in the EPO.

2. NATURE AND SCOPE OF THE REGIONAL PLAN OF ACTION

4. This Plan of Action for the Regional Management of Tuna Fishing Capacity (the EPO Plan) has been elaborated within the framework of the FAO International Plan of Action for the Management of Fishing Capacity and the FAO Code of Conduct for Responsible Fisheries, as envisaged by Article 2(d) of the Code. The provisions of Article 3 of the Code apply to the interpretation and application of this Regional Plan of Action and its relationship with other international instruments.
5. The EPO Plan reflects the commitment of all IATTC Parties, cooperating non-Parties, fishing entities or regional economic integration organizations (collectively “CPCs”) to implement the Code of Conduct. CPCs and all participants in these fisheries should apply this Plan in a manner consistent with international law.
6. The EPO Plan is an element of fishery conservation and sustainable management. It is a policy document that establishes the general framework for managing the capacity of the fleet targeting species covered by the Convention, and it will be implemented by resolutions adopted by the Commission.

3. OBJECTIVE AND PRINCIPLES

7. The objective of the EPO Plan is to achieve, by 1 January 2006 or as soon as possible thereafter, an efficient, equitable and transparent management of fishing capacity in the EPO, to assist in achieving long-term sustainability of the fishery targeting species covered by the Convention. The management of fleet capacity will complement other measures taken to conserve the stocks of species covered by the Convention. CPCs and all participants in these fisheries should endeavor to limit the total fleet capacity at the present level and to reduce it, as appropriate, in accordance with an agreed program. After any targets for the fleet capacity have been achieved, CPCs and all participants in these fisheries should exercise caution to avoid growth in fleet capacity.
8. The immediate objective should be achieved through a series of actions related to two main strategies:
 - a. The updating of a comprehensive regional assessment of fishing capacity and improvement of the capability for monitoring fishing capacity;
 - b. The consideration of a reduction schedule to effectively manage fishing capacity.
9. These strategies may be implemented through complementary mechanisms to promote implementation of this EPO Plan: awareness building and education, technical cooperation at the international level, and coordination.
10. The management of fishing capacity should be based on the FAO Code of Conduct for Responsible Fisheries and should take into consideration the following major principles and approaches.
 - a. **Participation:** The EPO Plan should be implemented through the IATTC, in cooperation with other appropriate intergovernmental organizations.
 - b. **Phased implementation:** The management of fishing capacity should be achieved through actions in the following three phases: (1) assessments and monitoring of fishing capacity, and periodic adjustment of target levels established for the fleet and/or fishery, as appropriate; (2) capacity limits; and (3) economic incentives.
 - c. **Holistic approach:** The management of fishing capacity in the EPO should be comprehensive and consider all factors affecting capacity in both national and international waters.
 - d. **Conservation:** The management of fishing capacity should facilitate the conservation and sustainable use of tuna stocks in the EPO and the conservation of the marine environment. It should be consistent with the precautionary approach, the need to minimize bycatch, waste, and discards, and ensure selective and environmentally safe fishing practices and the protection of biodiversity in the marine environment.
 - e. **Priority:** Priority should be given to managing the fishing capacity in the tuna purse-seine and longline fisheries, in which there already exists excess fishing capacity. However, the management of capacity in other fisheries should also be addressed.
 - f. **New technologies:** The management of fishing capacity should take into account the incorporation of environmentally sound and evolving technology in all fisheries covered by this Plan.
 - g. **Mobility:** The management of fishing capacity should encourage the efficient use of fishing capacity, allow the legitimate transfer of vessels among CPCs and all participants in these fisheries, and discourage entry of new vessels into the EPO if that leads to excess capacity.
 - h. **Transparency:** The EPO Plan should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.
 - i. **Awareness building and education.** CPCs and all participants in these fisheries should develop information programs at national and regional levels to increase awareness about the need for the management of fishing capacity, and the costs and benefits resulting from adjustments in that

capacity in the EPO.

- j. **Scientific and technical cooperation.** CPCs and all participants in these fisheries should support training and institutional strengthening and consider providing financial, technical, and other assistance to developing countries on issues related to the management of fishing capacity.
 - k. **International collaboration.** CPCs and all participants in these fisheries should strive to collaborate, through FAO and through international arrangements, in research, training, and the production of information and educational material aiming to promote the effective management of fishing capacity. The IATTC should keep FAO updated on progress on the assessment, development, and implementation of the EPO Plan.
11. The implementation of the EPO Plan should give due recognition to Article 5 of the Code of Conduct, in relation to enhancing the ability of developing countries to participate in fisheries targeting species covered by the Convention, including access to such fisheries, in accordance with their legitimate rights and their obligations under international law.
 12. In the implementation of the EPO Plan, the right of coastal countries and other countries with a longstanding and significant interest in the tuna fisheries in the EPO to develop and maintain their own tuna-fishing industries should be acknowledged and affirmed.
 13. The economic importance of the fleets targeting species covered by the Convention and the need to limit the size of these fleets to a level commensurate with economic viability should be considered in implementing the EPO Plan.

4. PHASE ONE

4.1. Assessment and monitoring of fishing capacity

4.1.1. *Measurement of fishing capacity*

14. The IATTC should monitor, through the Permanent Working Group on Fleet Capacity, the capacity of the fleet targeting species covered by the Convention. The well volume of vessels, in cubic meters (m³), will be used as the primary basis for measuring the capacity of the purse-seine fleet.

4.1.2. *Diagnosis and assessment*

15. The IATTC should establish the target fishing capacity of all the fleets targeting species covered by the Convention.
16. The target level for the purse-seine fishery is 158,000 m³ of total well volume. This target level should be reviewed on a regular basis, and modified, if necessary, taking into account the status of the stocks.
17. The IATTC should also establish the target fishing capacity for longliners and for other fleets.

4.1.3. *Regional Vessel Register*

18. The IATTC has established, in accordance with its Resolution C-00-06 of June 2000, a Regional Register of Vessels authorized to fish in the Convention Area for species covered by the Convention and, in accordance with Resolution C-03-07, a list of longline fishing vessels over 24 meters authorized to operate in the eastern Pacific Ocean. CPCs and all participants in these fisheries should provide the Director with information concerning any change to their fleets.
19. CPCs and all participants in these fisheries should support FAO in the development of appropriate and compatible standards for records of fishing vessels.
20. The IATTC has established, in accordance with Resolution C-04-04, a list of vessels presumed to have carried out illegal, unreported and unregulated (IUU) fishing activities in the eastern Pacific Ocean.

5. PHASE TWO

5.1. Capacity Limits

5.1.1. Purse-seine fleet

21. Each CPC and participant in these fisheries should limit the capacity of its purse-seine fleet targeting species covered by the Convention consistent with the objective of this Plan and the Resolution on Fleet Capacity.
22. The Permanent Working Group on Fleet Capacity will, by 30 June 2006 or as soon as possible thereafter, evaluate the necessity and feasibility of a reduction plan to achieve the target level of well volume, with a target date for implementation to be determined by the Commission.

5.1.2. Longline fleets and other fleets

23. The Permanent Working Group on Fleet Capacity will develop mechanisms to limit the capacity of longline and other fleets targeting species covered by the Convention using gears other than purse seines and propose target levels for such fleets and a reduction plan to achieve them.¹

6. PHASE THREE

6.1. Economic incentives

24. CPCs and all participants in these fisheries should assess the possible impact of all factors, including vessel construction for export, contributing to overcapacity on the sustainable management of fisheries targeting species covered by the Convention, distinguishing between factors which contribute to overcapacity and unsustainability and those which produce a positive effect or are neutral.
25. CPCs and all participants in these fisheries should reduce and progressively eliminate all factors, including economic incentives and other factors that contribute, directly or indirectly, to the build-up of excessive fishing capacity, thereby undermining the sustainability of the species covered by the Convention.

7. COMPLIANCE

26. The Permanent Working Group on Compliance should review and monitor compliance with the EPO Plan, and should recommend to the IATTC appropriate measures for addressing matters related to compliance with the EPO Plan.
27. The IATTC should identify CPCs and all participants in these fisheries whose vessels fish for species covered by the Convention that do not exercise effective jurisdiction and control over their vessels, or whose vessels do not comply with the EPO Plan. The Commission should take measures to encourage such CPCs and participants in these fisheries to implement the EPO Plan.

8. PERIODIC REVIEW AND ADJUSTMENTS

28. At least every four years, the IATTC should review the implementation of the EPO Plan to identify cost-effective strategies for increasing its effectiveness and the consideration of different management systems and fishing capacity.
29. The overall capacity target should be reviewed regularly to ensure that it takes into account ecosystem considerations as appropriate, and that it remains in balance with the available fishery resources and management objectives.

9. OPERATIONAL PROCEDURES

30. The Permanent Working Group on Fleet Capacity should recommend to the IATTC measures for addressing matters related to the EPO Plan, including adjustments as appropriate, and should review annually the entry of new vessels to the fleet targeting species covered by the Convention. The entry

of new vessels should be governed by the following considerations:

- a. [The transfer, from the jurisdiction of one CPCs or participant in these fisheries to that of another, of any vessel that will fish for species covered by the Convention and be included on the Regional Vessel Register, shall be governed by relevant Commission resolutions]
 - b. A system to deal with new vessels (defined as those not included in the Regional Vessel Register) entering the fleet targeting species covered by the Convention should be developed. The system should include rules to address how vessels not currently participating in the fishery targeting species covered by the Convention might do so in the future, and the replacement of lost or retired vessels.
31. CPCs and all participants in these fisheries should provide the Director, in a timely manner and in accordance with Commission resolutions, all the information regarding their flag vessels necessary for the proper maintenance of the Register.

10. COOPERATION WITH OTHER ORGANIZATIONS AND ARRANGEMENTS

32. CPCs and all participants in these fisheries should consider participating in international agreements that relate to the management of fishing capacity, in particular the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.
33. The IATTC should support co-operation and the exchange of information with FAO and relevant regional fisheries organizations.

Appendix 5.

STATEMENT BY FRANCE

France agrees with the proposal as it is, with the possibility to maintain and develop its fleet, in which there does not already exist an excess fishing capacity. That can be taken into account with the following footnote to any future resolution or recommendation:

“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.”

Appendix 6.

PROPOSAL BY GUATEMALA AND PANAMA

DRAFT RESOLUTION

The Inter-American Tropical Tuna Commission (IATTC),

Considering that:

1. Panama and Guatemala have acted in good faith and have made different interpretations of the *Resolution on the capacity of the tuna fleet operating in the eastern Pacific Ocean* (Resolution C-02-03), adopted by the 69th Meeting of the Commission in Manzanillo, Mexico, on 28 June 2002;
2. The vessels *Albacora Doce* and *Albacora Catorce* have in effect been transferred to Panama;
3. Guatemala has defended, for many years, its legitimate rights under international law to participate in the tuna fisheries in the EPO;
4. There is no intention of affecting adversely any third party or national interest;

Agrees to:

1. Recognize the effective transfer of the vessels *Albacora Doce* and *Albacora Catorce*, including their carrying capacity, to Panamanian registry;
2. Recognize as a unique case the need for Guatemala to recover the carrying capacity lost due to the removal of the vessels *Albacora Doce* and *Albacora Catorce*;
3. Establish the obligation for the Parties involved to communicate to the Director of the IATTC any intention to transfer a vessel between themselves;
4. Accept Guatemala's commitment to recover the carrying capacity, up to a limit of 3760 m³, mainly with vessels from the region and within a period of not more than two (2) years;
5. Declare that this is an *ad hoc* solution, of an exceptional nature, that will not establish any precedent and will not prejudge the positions of the other participants in the Resolution regarding the management of carrying capacity.