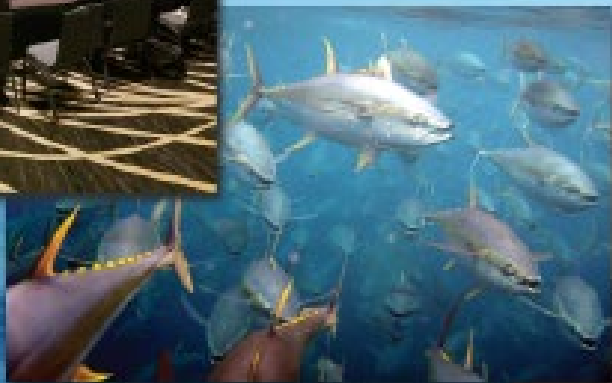




Comisión Interamericana del Atún Tropical Inter-American Tropical Tuna Commission



22^a Reunión del Grupo de Trabajo Permanente sobre la Capacidad de la Flota
22nd Meeting of the Permanent Working Group on Fleet Capacity

(por videoconferencia—by video conference)
18^a Agosto—18 August 2021

I. The global legal framework for addressing overcapacity

1992: Agenda 21:

Article 17.45:

"(...), Management of **high seas fisheries**, including the adoption, monitoring and enforcement of effective conservation measures, is inadequate in many areas and some resources are overutilized. There are problems of unregulated fishing, **overcapitalization**, **excessive fleet size** (...)"

Article 17.71:

"Fisheries in many **areas under national jurisdiction** face of mounting problems, including local overfishing, unauthorized incursions by foreign fleets, **overcapitalization**, **excessive fleet size**, (...)"

1995: The UNFSA:

Preamble :

"(...) noting that there are problems of unregulated fishing, **over-capitalization**, **excessive fleet size** (...)"

1995: The FAO Code of Conduct for Responsible Fisheries:

Article 6, General Principles, paragraph 6.3:

"States should prevent overfishing and **excess fishing capacity** and should implement management measures to ensure that fishing effort is commensurate with the productive capacity of the fishery resources and their sustainable utilization. (...)"

1999: The FAO International Plan of Action For the Management of Fishing Capacity:

II. IATTC legal framework for addressing overcapacity

2003 [2010]: The “Antigua Convention”:

Preamble

- **Reaffirming** their commitment to the Rio Declaration on Environment and Development and **Agenda 21**, particularly Chapter 17, adopted by the United Nations Conference on Environment and Development (1992), and to the Johannesburg Declaration and Plan of Implementation adopted by the World Summit on Sustainable Development (2002);
- **Stressing the need** to implement the principles and standards of the **Code of Conduct for Responsible Fisheries** adopted by the Conference of the Food and Agriculture Organization of the United Nations (FAO) in 1995, including the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, which forms an integral part of the Code, as well as the **International Plans of Action** adopted by FAO within the framework of the Code of Conduct;

ARTICLE VII. FUNCTIONS OF THE COMMISSION

- (h) adopt appropriate measures to prevent or eliminate over-fishing and **excess fishing capacity** and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fish stocks covered by this Convention;
- (l) where necessary, develop criteria for, and make decisions relating to, the allocation of total allowable catch, or **total allowable fishing capacity**, including **carrying capacity**, or the level of fishing effort, taking into account all relevant factors;

2002-2015: the IATTC Resolutions for managing the capacity of the fleet

C-02-03 Capacity of the tuna fleet operating in the EPO (revised)

C-12-06 Capacity loans and concessions, and chartering

C-12-08 Protocol for sealing wells

C-14-05 Amends and replaces C-11-12 Capacity of Peru

C-15-02 Interpretation of paragraph 6 of Resolution C-02-03 on deadline applicable to revisions of well volume

C-18-06 Amends and replaces C- 14-01 (which amended and replaced C-11-06 Regional Vessel Register)

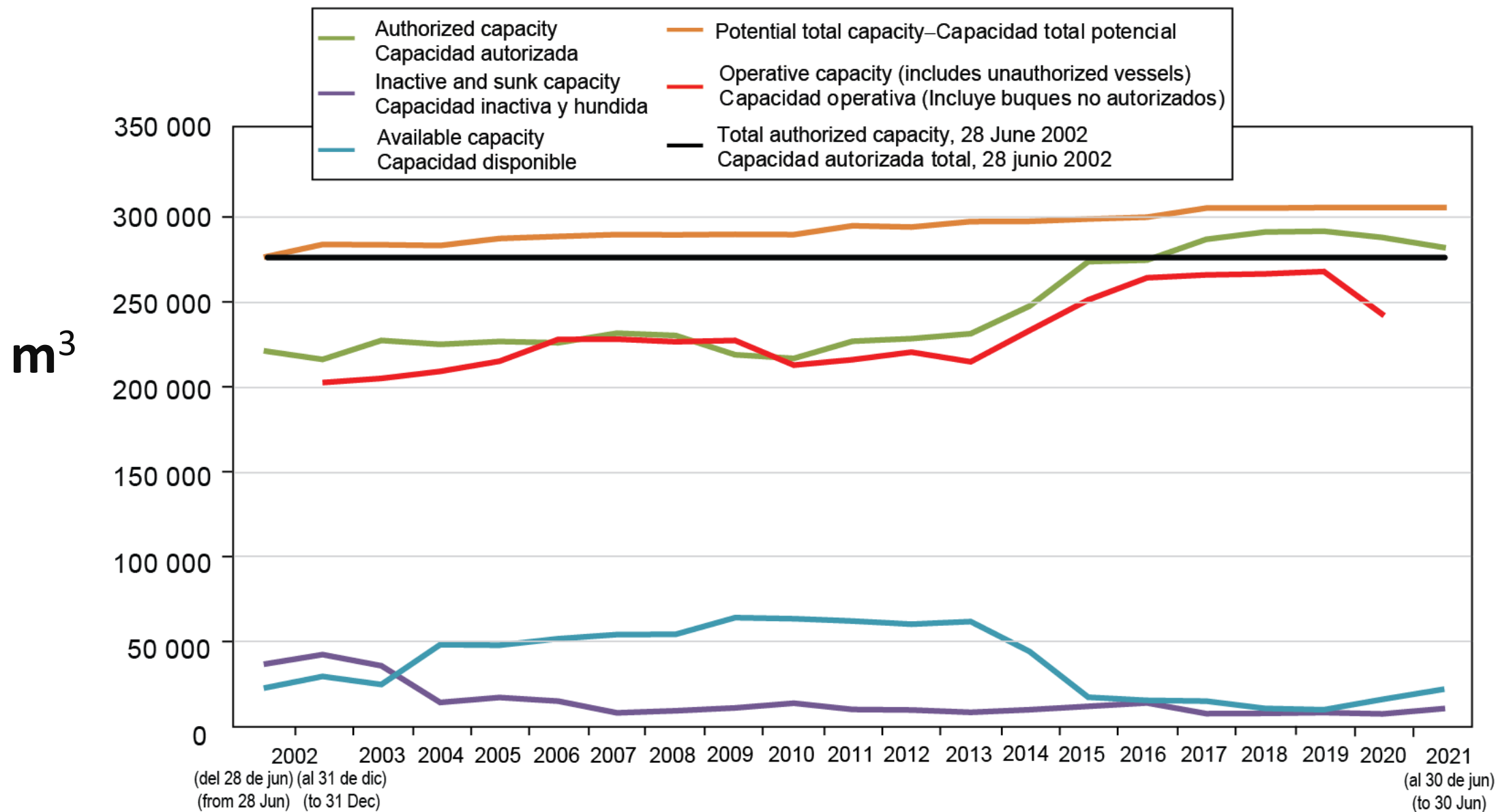
2005: IATTC Plan for Regional Management of Fishing Capacity

III. The current situation as summarized in doc.CAP-22-01

- Potential total capacity: 302,642 m³ [in 2002, 273,467 m³ – an increase of 28,894 m³ – amount that does not take into account the "Long-term capacity requests of Costa Rica, Colombia, and Peru maintain long-term capacity requests of up to 16,422 m³, 14,046 m³, and 14,046 m³, respectively. In footnote res. C-02-03
- The movements in the Regional Register are constantly controlled and monitored in a transparent manner and are given due publicity in addition to be monthly informed to the CPCs or whenever at their request.
- This strict control has allowed for the stabilization of the total amount of capacity registered but pending claims(including 20,305 m³ of new requests), disputes still to be solved(10,993 m³ still in dispute) or the eventual need to solve a few number of pending cases (3688 m³) or to introduce corrections in the already registered wells volumes may still imply a certain amount of, but limited, increase in the capacity.
- The system is inherently complex and this complexity is increased with the authorized processes of transfer of capacity, including on the basis of temporal loans or concessions or chartering as well as of sealing of wells.
- This practice of almost 20 years has shown a number of possible or desirable improvements in the processes and rules that govern them.
- It must also be recognized that it has not shown any spontaneous trend towards decrease in capacity.

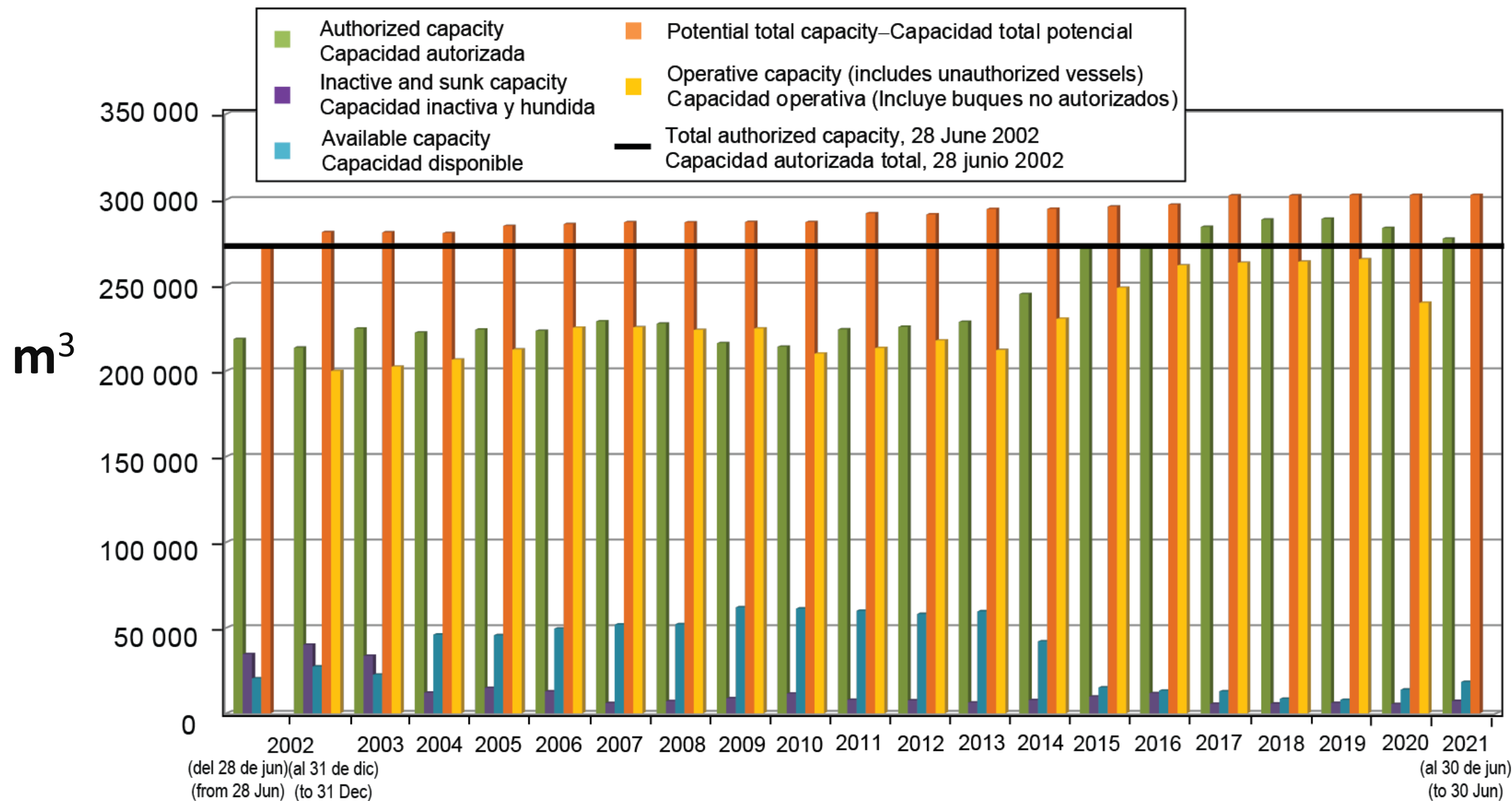
Capacidad de la flota de cerqueros en el OPO, 2002-2021

Purse-Seine fleet capacity in the EPO, 2002-2021



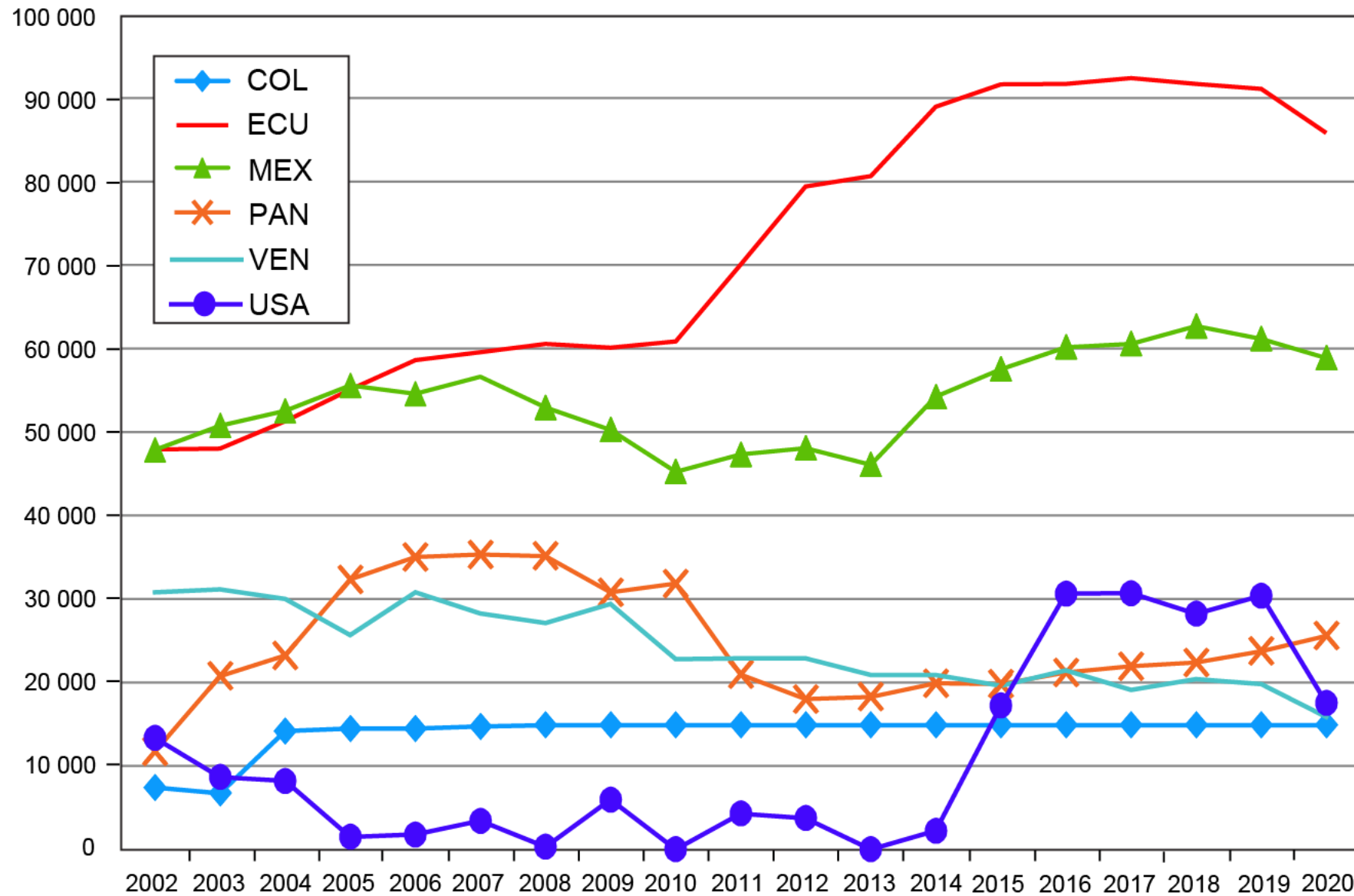
Capacidad de la flota de cerqueros en el OPO, 2002-2021

Purse-Seine fleet capacity in the EPO, 2002-2021



Volumen de bodegas (metros cúbicos) de las principales flotas de buques cerqueros que pescaron en el OPO en 2002-2020
Well volume (cubic meters) of the principal fleets of purse-seine vessels that fished in the EPO in 2002-2020

m³



Límites especiales de capacidad* – Special Capacity Limits*

La situación actual con respecto a la utilización de esas límites especiales de capacidad es:
The current situation regarding the utilization of these special capacity allocations is:

	Límite - Limit (m ³)	
	Provisto - Provided	Restante - Remaining
Costa Rica	9 364	7 800
El Salvador	861	0
Guatemala	1 700	0
Nicaragua	5 300	0
Perú-Peru	8 195	454
	25 420	8 254

*párrafo-paragraph 10, Res C-02-03 and C-14-05



Préstamos de capacidad y fletamentos de buques _Capacity loans or concessions and chartering of vessels - CURRENT SITUATION - SITUACION ACTUAL

<u>Loans/Concessions</u>						
<u>Vessel</u>	<u>Loaning CPC</u>	<u>Receiving CPC</u>	<u>Volume</u>	<u>Start</u>	<u>End</u>	<u>Status</u>
Vicente	Belize	Ecuador	220	5/20/2021	5/20/2026	Still in Force
Vicente	Bolivia	Ecuador	222	12/1/2020	12/1/2021	Still in Force
Cap Danny B	Costa Rica	Ecuador	356	3/12/2013	12/3/2019	Needs Action
Monteneme	Costa Rica	Ecuador	908	2/25/2013	2/25/2019	Needs Action
PS-1	Costa Rica	Ecuador	300	3/12/2013	12/3/2019	Needs Action
Juan Pablo II	Ecuador	Panama	442	9/8/2017	5/11/2043	Still in Force
Ugavi Dos	El Salvador	Ecuador	1,881	6/20/2016	6/20/2021	Needs Action
Diva Maria	Guatemala	Panama	1,633	5/26/2017	5/18/2027	Still in Force
Ljubica	Guatemala	Panama	2,000	5/26/2017	5/18/2027	Still in Force
Vicente	Guatemala	Ecuador	625	11/27/2018	11/27/2020	Needs Action

<u>Charters</u>						
<u>Vessel</u>	<u>Chartering CPC</u>	<u>Charterer CPC</u>	<u>Volume</u>	<u>Start</u>	<u>End</u>	<u>Status</u>
La Peña	Guatemala	Panama	1,475	1/17/2017	9/21/2024	Still in Force
Reina de la Paz	Guatemala	Panama	2,100	7/27/2012	3/11/2027	Still in Force
Connie Jean Two	Panama	Ecuador	742	4/8/2016	8/27/2022	Still in force
Delia	Panama	Ecuador	995	3/12/2013	9/7/2022	Still in Force
Maria Del Mar A	Panama	Ecuador	2,304	7/12/2012	7/12/2023	Still in Force
Milena A	Panama	Ecuador	996	6/22/2012	6/22/2028	Still in Force

<i>Special Charter:</i> This vessel is operating under a charter agreement between Panama (the "chartering CPC") and Nicaragua (the "charterer CPC") under the Nicaragua flag and using Nicaragua Capacity [This effects only the vessel not the well volume]						
<u>Vessel</u>	<u>Chartering CPC</u>	<u>Charterer CPC</u>	<u>Volume</u>	<u>Start</u>	<u>End</u>	<u>Status</u>
Andrea I	Panama	Nicaragua	2,170	11/29/2016	9/28/2019	Needs Action

Transferencias permanentes de capacidad

Permanent transfers of capacity

Fecha de registro Date recorded	CPC donante Donor CPC	CPC receptor Receiving CPC	Buque/Compañía Vessel/Company	Volumen (m³) Well volume (m³)
01 Dec 2020	Nicaragua	Ecuador	Don Igilio	99
26 Feb 2021	Nicaragua	Panama	Txopituna Dos	1 750
26 Feb 2021	Nicaragua	Panama	Txopituna Dos and Txopituna	732
26 Feb 2021	Nicaragua	Panama	Txopituna Dos	10
10 Mar 2021	Nicaragua	Ecuador	Eurofish S.A.	890
20 May 2021	Nicaragua	Ecuador	Seafman C.A.	1 484

Casos pendientes de solicitudes, reclamos, y disputas de capacidad

Pending cases of capacity requests, claims and disputes

Country	Cubic meters	Details
a. Requests based on footnote in Resolution C-02-03		
Peru	5,851	Part of 14,046 m ³ in footnote to Resolution C-02-03. Already granted 5,000 m ³ in 2014.
Costa Rica	7,058	Part of 16,422 m ³ in footnote to Resolution C-02-03.
Colombia	4,772	Part of 14,046 m ³ in footnote to Resolution C-02-03. Already granted 2,024 m ³ in 2013.
SUBTOTAL	17,681	
b. Claims arising from disputes		
Bolivia	5,830	Capacity which was allegedly transferred to Colombia without Bolivia's approval.
Vanuatu	1,358	For the vessel <i>Esmeralda C</i> , which was allegedly transferred to Panama without Vanuatu's approval.
Venezuela	3,805	From vessels Jane IV (1,250 m ³), Baraka (1,287 m ³) and Templario I (1,268 m ³) request still pending for the future if the status of the tuna stocks allows it. All these vessels are on Regional Register under Panamanian flag.
SUBTOTAL	10,993	
c. New requests		
El Salvador	2,105	Special needs and requirements of developing coastal countries
Nicaragua	4,200	" "
Honduras	3,000	" "
Guatemala	9,000	" "
Mexico	2,000	" "
SUBTOTAL	20,305	
d. Other cases		
Ecuador	220	<i>Eli</i>
	176	<i>Ljubica M.</i>
	908	<i>Monteneme</i>
	1,534	<i>Isabel IV</i> (never on the Regional Register)
	850	<i>Victoria A.</i> (never on the Regional Register)
SUBTOTAL	3,688	
TOTAL	52,667	



Questions

