

INTER-AMERICAN TROPICAL TUNA COMMISSION

98TH MEETING

(by videoconference)

23 – 27 August 2021

PROPOSAL IATTC-98 C-5

SUBMITTED BY JAPAN

**PROPOSED RESOLUTION ON CONSERVATION MEASURES FOR
TROPICAL TUNAS IN THE EASTERN PACIFIC OCEAN DURING
2022-2024**

The Inter-American Tropical Tuna Commission (IATTC), gathered virtually, on the occasion of its 98th Meeting;

Aware of its responsibility for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its Members and Cooperating Non-Members (CPCs) with regard to these resources;

Recognizing that the potential production from the resource can be reduced if fishing effort is excessive;

Concerned that the capacity of the purse-seine fleets fishing for tunas in the Convention Area continues to increase;

Taking into account the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach; and

Recalling the need to take into account the special circumstances and requirements of the developing countries of the region, particularly the coastal countries, as recognized in the Antigua Convention, in particular in its Preamble and its Article XXIII, paragraph 1;

Agrees:

To apply in the Convention Area the conservation and management measures for tropical tuna set out below, and to request that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and also report on such activities at each annual meeting of the Commission;

1. These measures are applicable ~~during 2021~~ 2022-2024 to all CPCs' purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the Convention Area.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) and longline vessels less than 24 meters length overall, are not subject to these measures, except those related to the management of FADs.

MEASURES FOR PURSE-SEINE FLEETS

3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of 72 days. This closure shall be effected in one of two periods, as follows: from 00:00

hours on 29 July to 24:00 hours on 8 October, or from 00:00 hours on 9 November to 24:00 hours on 19 January of the following year.

4. If the total number of sets on floating objects (OBJ) in the previous year exceeds the yearly average number of sets on OBJ during 2017-2019, the Convention Area shall be closed for additional days, which will be calculated by the IATTC scientific staff using the following formula, for all purse seine sets on OBJ and on unassociated schools (NOA), except for the vessels that historically have made mostly NOA sets¹. The additional closure days shall start immediately after a closure period for each vessel notified in accordance with paragraph 6.

Additional closure days for year (i): $[365 - (\text{days open in year (i)*}) - 72]$

*days open in year (i) = $\text{Min} [\text{Days open in year (i-1)} \times (\text{average OBJ sets (2017- 2019)} / \text{OBJ sets in year (i-1)}), 365 - 72]$

5. The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S, known as the “*corralito*”, which is illustrated in Figure 1, shall be closed from 00:00 hours on 9 October to 24:00 hours on 8 November.

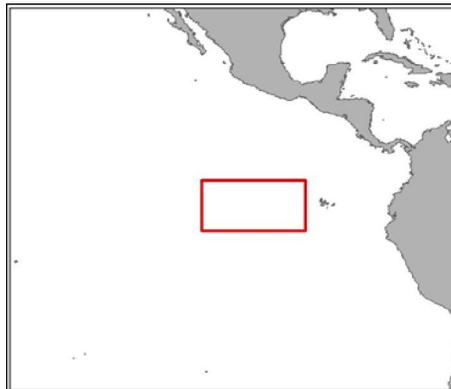


Figure 1. Closure area

6. a. Each CPC shall notify the Director, by 15 July, the names of all the purse-seine vessels that will observe each closure period.
b. Every vessel that fishes, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe the closure period to which it was committed.
7. a. Notwithstanding the provisions of subparagraphs 5a and 5b, a request by a CPC, on behalf of any of its vessels, for an exemption due to *force majeure*² rendering said vessel unable to proceed to sea outside said closure period during a period of at least 75 continuous days, shall be sent to the Secretariat, at the latest one month after it happens.
b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure*.

¹ For the purpose of this measure, “purse seine vessels that historically made mostly NOA” are defined as those that have made 75% or more of their sets on NOA in each of 3 of the 5 years 2015-2019.

² For the purposes of paragraph 6, only cases of vessels disabled in the course of fishing operations by mechanical and/or structural failure, fire or explosion, shall be considered *force majeure*

- c. The Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.
- d. The request shall be considered accepted, unless an IATTC Member objects to it formally within 15 calendar days of the receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.
- e. If the request for exemption is accepted:
 - i. the vessel shall observe a reduced closure period of 40 consecutive days in the same year during which the *force majeure* event occurred, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
 - ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event occurred, it shall observe a reduced closure period of 40 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July the following year.
 - iii. vessels that benefit from the exemption must carry an observer aboard authorized pursuant to the AIDCP.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3.

- 8. Each CPC shall, for purse-seine fisheries:
 - a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;
 - b. Inform all interested parties in its tuna industry of the closure;
 - c. Inform the Director that these steps have been taken;
 - d. Ensure that at the time a closure period begins, and for the entire duration of that period, all the purse-seine vessels fishing for yellowfin, bigeye, and/or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, in the Convention Area are in port, except that vessels carrying an observer authorized pursuant to the AIDCP may remain at sea, provided they do not fish in the Convention Area. The only other exception to this provision shall be that vessels carrying an observer authorized pursuant to the AIDCP may leave port during the closure, provided they do not fish in the Convention Area.

MEASURES FOR THE FISHERY ON FISH-AGGREGATING DEVICES

- 9. CPCs shall ensure that each purse-seine vessel flying their flag has no more than the yearly average following number of fish aggregating devices (FADs) it used during 2018-2019, as defined in Resolution C-19-01, active at any one time.

Class 6 (1,200 m³ and greater):	450 FADs
Class 6 (< 1,200 m³):	300 FADs
Class 4-5:	120 FADs
Class 1-3:	70 FADs

- 10. A FAD shall be activated exclusively onboard a purse-seine vessel.
- 11. For the purposes of this resolution, a FAD is considered active when it:
 - a. is deployed at sea; and
 - b. starts transmitting its location and is being tracked by the vessel, its owner, or operator.

12. In order to support the monitoring of compliance with the limitation established in Paragraph 8, and the work of the IATTC scientific staff in analyzing the impact of FAD fisheries, while protecting business confidential data, CPCs shall report, or require their vessels to report, daily information on all active FADs to the Secretariat, in accordance with FAD Working Group Guidance on Reporting on FADs, with reports at monthly intervals submitted with a time delay of at least 60 days, but no longer than 90 days.
13. Each CPC shall ensure that:
 - a. its purse-seine vessels do not deploy FADs during a period of 15 days prior to the start of the selected closure period;
 - b. all its Class-6 purse-seine vessels recover within 15 days prior to the start of the closure period a number of FADs equal to the number of FADs set upon during that same period.
14. The Scientific Advisory Committee and the *Ad hoc* Permanent Working Group on FADs shall review the progress and results of the implementation of the FAD provisions contained in this Resolution and make recommendations to the Commission, as appropriate.
15. To reduce the entanglement of sharks, sea turtles or any other species, CPCs shall ensure that the design and deployment of FADs shall be based on the principles set out in paragraphs 1 and 2 of Annex II of Resolution C-19-01.

MEASURES FOR THE LONGLINE FISHERY

16. China, Japan, Korea, United States, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during ~~2021~~ 2022-2024 do not exceed 55,131 metric tons, distributed at the following levels:

Country	Metric tons
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555
United States	750

17. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001^{3,4}. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director.
18. A CPC referenced in paragraph 15 may make a single transfer of a portion of its bigeye tuna catch limit to other CPCs that also have a bigeye tuna catch limit listed in paragraph 15, provided that the total transferred by any CPC does not exceed 30 percent of its catch limit. These transfers cannot be made to retroactively cover an overage of another CPC's catch limit. Both CPCs involved in a transfer shall, separately or jointly, notify the Director 10 days in advance of the intended transfer. This notification shall specify the tonnage to be transferred. The Director shall promptly notify the Commission of the transfer.
19. The CPC that receives the transfer shall be responsible for management for the transferred catch

³ The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

⁴ The Commission acknowledges that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

limit, including monitoring and monthly reporting of catch. A CPC that receives a one-time transfer of bigeye tuna catch limit shall not retransfer that catch limit to another CPC. The amount of bigeye transferred shall be considered without prejudice by the Commission for the purposes of establishing any future limits or allocations.

OTHER PROVISIONS

20. Landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to provide relevant information to CPCs to assist them in this regard.
21. Each CPC shall submit to the Director, by 15 July, a national report on its updated national compliance scheme and actions taken to implement these measures, including any controls it has imposed on its fleets and any monitoring, control, and compliance measures it has established to ensure compliance with such controls.
22. In order to evaluate progress towards the objectives of these measures, the IATTC scientific staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
23. Subject to the availability of the necessary funding, the Director is requested to continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.
24. Renew the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.
25. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific bases and effectiveness of those measures.
26. This Resolution shall be reviewed annually and be revised as necessary with a view to ensuring the intended effectiveness of these measures.
27. In 202~~4~~ the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the IATTC scientific staff, in consultation with the Scientific Advisory Committee, and based on such evaluation, the Commission shall take further actions including substantial extension of closure days for purse-seine vessels or equivalent measures, at its meeting in 202~~4~~.
28. Except in cases of *force majeure* prescribed in paragraph 6, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 5a, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.