

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

9TH MEETING

LA JOLLA, CALIFORNIA (USA)
20 OCTOBER 2007

MINUTES OF THE MEETING

AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Presentation on the status of the Plan of Action on Fishing Capacity
4. Proposals to amend Resolution [C-02-03](#) on the capacity of the tuna fleet operating in the EPO:
 - a. Proposal of Peru
5. Other proposals related to fleet capacity:
 - a. Proposal of Guatemala
 - b. Proposal of Venezuela
 - c. Proposal of Colombia
6. Recommendations to the Commission
7. Other business
8. Adjournment

APPENDICES

1. List of attendees
2. Statement by Colombia
3. [Document CAP-9-INF A](#)
4. Proposal on capacity by Peru (F2)
5. Statement by Peru
6. [Document CAP-9-INF B](#)
7. Proposal on capacity by Guatemala (F3)
8. Proposal on capacity by Venezuela (F1)

The 9th meeting of the Permanent Working Group on Fleet Capacity was held in La Jolla, California (USA) on 20 October 2007. The Chairman of the Working Group is Mr. Arnulfo Franco, of Panama, and the attendees are listed in Appendix 1.

1. Opening of the meeting

Dr. Mario Aguilar, Chairman of the Inter-American Tropical Tuna Commission (IATTC) opened the meeting, welcoming the new member of the IATTC, Colombia, and the new Director, Dr. Guillermo Compeán.

Colombia read a statement (Appendix 2) indicating that, in Colombia's view, the resolutions adopted by the IATTC overreach the terms of the 1949 Convention, and thus lack legal standing. For this reason it considered Resolution C-02-03 on fleet capacity invalid, and thus could not go along with any proposal

for modifying it.

Many delegations expressed surprise and dismay about Colombia's position, noting that the Commission's mandate is the conservation of the fisheries resource, and controlling capacity is one approach to achieving this goal. Various delegations pointed out that the Working Group is technical, and cannot address such matters.

It was agreed that the meeting should continue and discuss the matters on the agenda; Colombia's position could be addressed in the forum of the IATTC.

On behalf of Vanuatu, Nicaragua stated that no decision that affected Vanuatu should be taken until Vanuatu, which could not be present, could express its opinion.

2. Adoption of the agenda

Spain proposed a review of the IATTC [Plan for regional management of fishing capacity](#), adopted in 2004, before considering any of the requests, and this was added to the agenda as item 3. With this addition, the agenda was approved.

3. Review of the plan for regional management of fishing capacity

Dr. Compeán briefly reviewed the plan, noting that not all the authorized capacity was in use, and that if it were, this would have a further effect on the status of the stocks. The staff was analyzing the effect of changes in the efficiency and operational practices of the fleet, and thus its effect on the stocks.

Dr. Compeán drew the meeting's attention to [Document CAP-9-INF A](#), the staff's analysis of the effect of the three requests for capacity increase made at the 75th Meeting of the Commission in June 2007 (Appendix 3).

4. Proposals to amend Resolution C-02-03 on the capacity of the tuna fleet operating in the EPO:

a. Proposal of Peru

Dr. Gladys Cárdenas, of Peru, presented and explained the request by Peru to increase its carrying capacity to 14,046 cubic meters (m³), summarized in the statement in Appendix 4. She said that Peru was committed to managing the resource, but there should be fairness and justice regarding the owners of the resource and those that exploit it.

Costa Rica stated that it could not approve increases in the capacity established in Resolution C-02-03 without scientific evidence to support it, and that if such evidence existed, it would ask for the capacity of up to 16,422 m³ specified in a footnote to the Resolution. He asked whether such evidence existed. Dr. Compeán noted that the target in the *Plan for regional management of fishing capacity* is 158,000 m³, whereas the current capacity is 238,000 m³.

5. Other proposals related to fleet capacity:

The situation with the two following proposals is summarized in [Document CAP-9-INF B](#) (Appendix 5), whose [Appendices](#) are available at <http://www.iattc.org/9th-Meeting-PWG-CAP-2007ENG.htm>.

a. Proposal of Guatemala

Guatemala presented its proposal for a Resolution (Appendix 6) in which it proposed recovering 3,762 m³ of two vessels that left its flag.

b. Proposal of Venezuela

Venezuela presented its proposal (Appendix 7) for recovering 5,473 m³ of capacity of vessels that left its registry in a situation that it considers unjust and damaging to its sovereignty.

c. Proposal of Colombia

Colombia was in the process of finalizing its proposal, and presented it to the meeting of the Commission on 22 October.

6. Recommendations to the Commission

There was no consensus on any of the proposals for modifying Resolution C-02-03, and there were therefore no recommendations to the Commission.

7. Other business

El Salvador asked that the minutes reflect its request for an increase in capacity, originally made at the meeting of the Working Group in June 2005.

8. Adjournment

The Chairman summarized the discussions and stated that, in view of the comments made by some Parties, these matters would be referred to the Commission.

The meeting adjourned at 6:00 p.m.

Appendix 1.

ATTENDEES – ASISTENTES

COLOMBIA

DIEGO CADENA

Ministerio de Relaciones Exteriores
Diego.cadenas@cancilleria.gov.co

RODRIGO AMAYA

Ministerio de Relaciones Exteriores
rodrigo.amaya@cancilleria.gov.co

VLADIMIR PUENTES

Ministerio de Ambiente, Vivienda y Desarrollo Territorial
vpuentes@minambiente.gov.co

CARLOS VILLALOBOS*

Instituto Costarricense de Pesca y Acuicultura
cvillas@racsa.co.cr

BERNAL CHAVARRIA*

Instituto Costarricense de Pesca y Acuicultura
bchavarria@bcvabogados.com

GUILLERMO MORAN*

Subsecretaría de Recursos Pesqueros
subse01@subpesca.gov.ec

LUIS TORRES NAVARRETE*

Ministerio de Agricultura, Ganadería, Acuicultura y Pesca
ltorres@espoltel.net

RAMON MONTAÑO

Subsecretaría de Recursos Pesqueros
rmontano@subpesca.gov.ec

RAFAEL TRUJILLO

Cámara Nacional de Pesquería
direjec@camaradepesqueria.com

JULIAN MARTINEZ

Pesquera Ugavi, S.A.
Eliugavi@systray.net

MANUEL OLIVA*

Cendepesca
moliva@mag.gob.sv

SONIA SALAVERRÍA*

Ministerio de Agricultura y Ganadería
ssalaverria@mag.gob.sv

SAMUEL JUÁREZ*

Ministerio de Agricultura, Pesca y Alimentación
juarez@mapausa.org

JAVIER ARÍZ

Instituto Español de Oceanografía
javier.ariz@ca.ieo.es

ERICK VILLAGRAN*

Unipesca/Ministerio de Agricultura
Erick.villagran@gmail.com

HUGO ALSINA

Ministerio de Agricultura, Ganadería y Alimentación
hugo.alsina@maga.gob.gt

DIEGO CANELOS

Seatech International, Inc.
dcanelos@col3.telecom.com.co

LUIS PAREDES

Paredes Mansfield & Cia.
paredeslr@lexpraxis.com

COSTA RICA

ASDRÚBAL VÁSQUEZ*

Ministerio de Producción
Vasquezal@ice.co.cr

ECUADOR

JOHN SABANDO

Agrol S.A.
jvillavicencio@villavicencioyassociados.ec

ABEL PALADINES

Paladines Hermanos
paladineshnos@aiaisat.net

GABRIELA VILLAR

Pesquera Ugavi, S.A.
gabriela.villar@ugavi.com

JIMMY VILAVICENCIO

ASISERVY S.A.
jvillavicencio@villavicencioyassociados.ec

EL SALVADOR

CARLOS SANCHEZ*

Calvopesca
Carlos.sanchez@calvo.es

ESPAÑA - SPAIN

ESTANISLAO GARAVILLA

OPAGAC
egaravilla@isabel.net

JULIO MORÓN

OPAGAC
opagac@arrakis.es

GUATEMALA

NERY BOJORQUEZ

Ministerio de Relaciones Exteriores
nbojorquez@minex.gob.gt

JULIO MARTINI

Ministerio de Relaciones Exteriores
martinipresent@gmail.com

JAPAN-JAPÓN

HIDEO INOMATA

Fisheries Agency of Japan
hideo_inomata@nm.maff.go.jp

KENJI KAGAWA

Fisheries Agency of Japan
Kenji_kagawa@nm.maff.go.jp

KENGO TANAKA

Fisheries Agency of Japan
kengo_tanaka@nm.maff.go.jp

MARIO AGUILAR*

CONAPESCA
marioaguilar@aol.com

MICHEL DREYFUS*

Instituto Nacional de la Pesca
dreyfus@cicese.mx

EDWARD WEISSMAN*

eweissman@aol.com

ARNULFO FRANCO*

Fundación Internacional de Pesca
Afrancho29@yahoo.com

ALFONSO MIRANDA*

Ministerio de la Producción
amiranda@produce.gob.pe

GLADYS CÁRDENAS*

Instituto del Mar del Perú
gcardenas@imarpe.gob.pe

RICARDO BERNALES

Sociedad Nacional de Pesquería
gerencia@diamante.com.pe

RAÚL SÁNCHEZ

Sociedad Nacional de Pesquería
snpnet@terra.com.pe

GONZALO BERTIE

Austral Group S.A.A.
gbertie@austral.com.pe

KIKUO CHIYO

Japan Tuna Fisheries Cooperative Association
section3@intldiv.japantuna.or.jp

PETER MIYAKE

Japan Tuna Fisheries Cooperative Association
p.m.miyake@gamma.ocn.ne.jp

KOHSUKE HIGAKI

National Ocean Tuna Fishery Associations
k-higaki@zengyoren.jf-net.ne.jp

MÉXICO

LUÍS FLEISCHER

Centro Regional de Investigación Pesquera
lfleischer21@yahoo.com

CECILIA VILLANUEVA

Secretaría de Relaciones Exteriores
cvillanueva@sre.gob.mx

NICARAGUA

PANAMÁ

MARÍA PATRICIA DÍAZ*

Fundación Internacional de Pesca
Pinky_diaz@hotmail.com

PERÚ

CLAUDIA LEÓN

Pez de Exportación S.A.C.
cmlr@terra.com.pe

CLARA MASTORAL

Pez de Exportación S.A.C.
Clara_mas@terra.com.pe

JAIME TRUJILLO

Pesquera Hayduk, S.A.
jtrujiillo@hayduk.com.pe

MASSIMO VISANI

COPEINCA
mvisani@copeinca.com.pe

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMÉRICA

DAVID HOGAN

U.S. Department of State
hogandf@state.gov

RODNEY MCINNIS*

NOAA/National Marine Fisheries Service
Rod.Mcinnis@noaa.gov

RAYMOND CLARKE

NOAA/National Marine Fisheries Service
raymond.clarke@noaa.gov

CHRISTOPHER FANNING

NMFS/Southwest Region Headquarters
Chris.fanning@noaa.gov

WILLIAM JACOBSON

NOAA National Marine Fisheries Services
Bill.jacobson@noaa.gov

LINDSEY WALLER

NOAA/National Marine Fisheries Service
Lindsey.waller@noaa.gov

BRADLEY WILEY

NOAA/National Marine Fisheries Services
Brad.wiley@noaa.gov

PAUL KRAMPE

American Tuna Boat Association
krampepaul@aol.com

SVEIN FOGNER

Hawaii Longline Association
sveinfogner@cox.net

RANDI THOMAS

National Fisheries Institute / USTF
rthomas@nfi.org

VENEZUELA

OSNEIVER SANDOVAL
Ministerio de Relaciones Exteriores
Osneiver.sandoval@mre.gob.ve

ALVIN DELGADO*
PNOV/FUNDATUN
fundatunpnov@cantv.net

CARLOS MILANO
Instituto Nacional de la Pesca y Acuicultura
presidencia@inapesca.gov.ve

LILLO MANISCALCHI
Avatun
lillomaniscalchi@yahoo.com

OBSERVERS - OBSERVADORES

BELIZE

ANGELO MOUZOROPOULOS
International Merchant Marine Registry
angelom@immarbe.com

CANADA

SYLVIE LAPOINTE
Government of Canada
lapointesy@dfo-mpo.gc.ca

EUROPEAN UNION – UNION EUROPEA

STAFFAN EKWALL
European Commission, DG Fisheries
Staffan.ekwall@ec.europa.eu

ALAIN FONTENEAU
Institut de Recherche pour le Developpment
fonteneau@ird.fr

NON-GOVERNMENTAL ORGANIZATIONS – ORGANIZACIONES NO GUBERNAMENTALES

CRISTOBEL BLOCK
Humane Society International
Kblock@hsus.org

PETER FLOURNOY
American Fishermen's Research Foundation
phf@pacbell.net

INTERNATIONAL ORGANIZATIONS – ORGANIZACIONES INTERNACIONALES

SUNGKWON SOH
WCPFC
sungkwons@mail.fm

SECRETARIAT – SECRETARÍA

GUILLERMO COMPEÁN, Director
gcompean@iattc.org

ERNESTO ALTAMIRANO
ealtamirano@iattc.org

MARTHA ARIAS
marias@iattc.org

RICK DERISO
rderiso@iattc.org

MARTIN HALL
mhall@iattc.org

BRIAN HALLMAN
bhallman@iattc.org

JOYDELEE MARROW
jmarrow@iattc.org

CYNTHIA SACCO
csacco@iattc.org

NICHOLAS WEBB
nwebb@iattc.org

*Commissioner-Comisionado

Appendix 2.

STATEMENT BY COLOMBIA

In the first place, allow me to convey to you the greetings of the Government of the Republic of Colombia, which is especially pleased to participate on this first occasion as a Party to the Inter-American Tropical Tuna Commission. In this regard, we wish to state that our presence results from our interest in contributing, among peers, to the achievement of the high objectives set out in the 1949 Convention, which are simply the preservation of a fundamental resource for the social development of the peoples, especially those that derive or may derive an important part of that development from an appropriate utilization of the natural resources present in their jurisdictional waters or in waters adjacent to these.

We are fully identified with the process for the adoption of recommendations, agreed since almost 60 years ago, to rationalize the catch of tunas, under a methodology that corresponded to a scientific method that established the maximum permissible catch of a resource that is highly sensitive to over-exploitation.

That methodology has not ceased to be valid with the passage of time. On the contrary, today it takes on a greater relevance and it becomes necessary that we submit to the designs of nature that do not follow the logic that we as humans seek to impose on it, since it always shows us that, however much we may want it, it always follows its own rules.

Without prejudice to the foregoing, now as a Party State, we must state that many of the methods adopted over time to impose certain decisions may have gone beyond the original mandate, and thereby exceeded the capacity transferred to the Commission as a subject of international law.

For this reason, in the Instrument of Adherence deposited on 10 October last, we included a statement that takes up again the original terms of the 1949 Convention, which cannot be read otherwise than as a call to us to take up again, as a group, the legal path and avoid in future actions that outside actors could attack for the same reasons of juridical abuse.

So complex are the situation created and the results that derive from it, that it can be seen how many of the resolutions adopted, contrary to the original spirit of the Convention, even reached the point of generating legal regimes that can be read as a violation of the sovereignty of States over their jurisdictional waters, among them not only their Exclusive Economic Zone but also their territorial sea and their internal waters.

In view of all the above, upon depositing the instrument of adherence to the *Convention between the United States of America and the Republic of Costa Rica for the establishment of an Inter-American Tropical Tuna Commission*, made at Washington on the thirty-first (31st) of May of nineteen forty-nine (1949), it was accompanied by the following statement:

“The Government of the Republic of Colombia declares that none of the provisions of the Convention nor of the subsequent decisions adopted in relation to it and not provided for in it, among others the definition of the area of the Eastern Pacific Ocean (EPO), the incorporation or exclusion of vessels from the regional vessel register and the allocation of carrying capacities, may be interpreted as a modification of the position of the Republic of Colombia with regard to that convention or to the International Law of the Sea, in particular about its maritime areas regarding which it has sovereignty or sovereign rights or jurisdiction in accordance with its domestic laws and international law, including the applicable international treaties, or as express or tacit acceptance of the provisions adopted in relation to this Convention that limit or whose effect is to limit the full exercise of any right belonging to the Republic of Colombia.”

To conclude, it remains for us only to say that it is the Commission itself that is called on to change its course, restore the legality of its actions and therefore repair, by means of the correction, those actions that have restricted the rights of States in general and of Colombia in particular, whose consequences are known by all. An example of the foregoing, is the selective application of certain criteria as the

incorporation of some motor vessels in IUU lists.

For all these reasons, our actions within this Commission will follow with the greatest rigor the strict implementation of the principles and rules included in the 1949 Convention, since all our actions are subjected to the scrutiny and review of the High Courts and the Congress of the country, and because they can later be demanded of us, by means of the application of the figure of estoppel, in other international scenarios. Therefore, Colombia will not be able to go along with any initiative that seeks to go beyond the legal channels in force of the 1949 Convention, and invites the High Contracting Parties to review the whole legal body of decisions of this Commission, through the constitution of the necessary working group, and to restore immediately and without delay the right of the fishing vessel Marta Lucía.

Appendix 3.

DOCUMENT CAP-9-INF A

EFFECT OF FLEET CAPACITY INCREASES

At the 75th Meeting of the Commission in June 2007, three proposals for capacity increases (F1, F2 and F3) were presented by Venezuela, Peru and Guatemala. The staff was asked to analyze the effect of these proposals on the tuna stocks, and how they would affect the recommendation for a 109-day closure for bigeye tuna and 74 day closure for yellowfin tuna in Document [IATTC-75-07b](#). Subsequently, as the result of a dispute about jurisdiction, the purse-seine vessel *Cuyuni* remained on the Regional Register as a Vanuatu-flag vessel and Venezuela has claimed the right to replace it; the effect of this issue is also included in the analysis.

The recommendations in Document [IATTC-75-07b](#) were designed to limit fishing mortality (F) to the level corresponding to the fishing rate at maximum sustainable yield (MSY). In order to achieve this objective with the increases in capacity resulting from these proposals, the current recommended closure would need to be extended as shown in the table. Every additional 10,000 cubic meters (m^3) of capacity translates into an extension of the closures proposed in IATTC-75-07b of approximately 12 days for yellowfin (YFT) and 10 days for bigeye (BET).

	Capacity increase (m^3)	Extension of recommended closures in IATTC-75-07b (days)	
		YFT	BET
F1	5473	6	6
F2	10851	13	11
F3	3760	4	4
<i>Cuyuni</i>	1446	1	1
Total¹	21530	25	22

An increase in capacity of 21,530 m^3 would change the recommendations in Document IATTC-75-07b as follows:

Recommendation 1(a), yellowfin: “Extend the closure periods for the purse-seine fishery in Resolution C-06-02 by an additional 57 [= 32+25] days, to 99 [= 74+25] days, and that the closure period be extended further if the carrying capacity of the purse-seine fleet continues to increase.”

Recommendation 2.2.1, bigeye: “In addition to the yellowfin closure in 1 (a) above [99 days], close the purse-seine fishery on floating objects in the EPO for an additional 32 days.” [for a total of 131 days, the original total 109 days plus 22 additional days].

If the closures cannot be tailored to a given species, then the recommended closure for both yellowfin and bigeye tuna is the larger of the two individual species closures. For example with an increase in capacity of 21,530 m^3 the closure period recommended is 131 days.

¹ Does not equal sum of individual proposals because of rounding to whole days

Appendix 4.

PROPOSAL F2

SUBMITTED BY PERU

RESOLUTION ON THE RESERVE OF CARRYING CAPACITY ESTABLISHED IN RESOLUTION C-02-03, BY THE PERUVIAN GOVERNMENT

The Inter-American Tropical Tuna Commission:

Aware that Peruvian legislation ensures compliance with the commitments acquired in the IATTC and in the Agreement on the International Dolphin Conservation Program, such as the Tuna Fisheries Management Plan, which establishes measures for the conservation of the resource, and following the criteria for responsible fishing adopted internationally,

Noting the need to ensure a uniform and equitable treatment of all the members that form part of the IATTC and knowing that the government of Peru has reiterated its reserve on the right to a fleet of 14,046 m³ of carrying capacity, reflected in Resolution C-02-03, of June 2002,

Resolves:

1. To recognize that the reserve of volume of carrying capacity for Peru is equivalent to 14,046 m³, including the carrying capacity (3,195 m³) that it possesses to date, authorized by Resolution C-02-03.
2. To stipulate that the Peruvian government inform the IATTC opportunely of the names of the vessels to which the tuna-fishing permit is granted, so that they may be included in the IATTC Regional Vessel Register.

Appendix 5.

STATEMENT BY PERU

The Government of Peru expresses its gratitude to the Secretariat and to the distinguished Contracting Parties to the Inter-American Tropical Tuna Commission (IATTC) for having allowed this Working Group on Fleet Capacity to be held and supports the work that this Organization has been doing, particularly in matters regarding policies of conservation and sustainable use of the tuna resources and development of regional fisheries.

Peru is a country with an extensive history of fishing, both in terms of tuna resources and in the processing of these products, since the year 1939, with important tuna companies establishing themselves in its territory from the 40s to the 70s and with fishing authorized for owners of foreign-flag tuna vessels, by means of the system of fishing permits.

The great availability of tuna resources in the waters of the Peruvian maritime domain in these last years is demonstrated by the fishing operations of foreign-flag vessels which recorded an average catch in the last 4 years (2003-2006) of 67,000 tons.

Currently, we have a processing capacity on land for canned and frozen tuna of the order of 50,000 tons annually of raw material, and the legal mechanisms exist that establish measures to promote the globalization of the tuna fishery and the development of the canning and freezing industry for this species, in compliance with the requirements of the current Tuna Fisheries Management Plan regarding nets, fishing operations, protection of marine mammals, among others.

In view of these considerations and taking into account the rich potential for tunas on our shores, we allow ourselves at this meeting, that our right to a fleet of 14,046 m³ of carrying capacity be reserved, as reflected in Resolution N° C-02-03 of June 2002, on the Capacity of the Tuna Fleet operating in the EPO and Peru asks the Member States of the IATTC for their support in obtaining the increase in carrying capacity to 14,046 m³, instead of the 3,195 m³ assigned in the referenced Resolution.

Our claim is based on the rights we possess and exercise as a coastal country in our jurisdictional sea in accordance with the Political Constitution, International Treaties on these matters and the existence of important tuna fishing grounds in the maritime domain of Peru, without prejudice to the recognized policy of responsible fishing which is a regulation whose observance is obligatory in our country.

We must, in consequence, stress that it is a standing concern shared by Peru to consider it prudent to adopt measures that limit the capacity of the fleet at the level of the EPO, but provided that the sovereign rights are respected that the coastal countries exercise in their maritime domains in order to achieve and consolidate the development of their tuna industries.

Peru reaffirms its conviction that the cooperation requested should be viewed as a complement to the national effort aimed at favoring its sustained development in the field of tuna and as a means of ensuring equitable access to opportunities of greater responsible use of its own resources.

Appendix 6.

DOCUMENT CAP-9-INF B

VESSEL INFORMATION

This document summarizes relevant information about the vessels that will be discussed during the 9th Meeting of the Working Group, *i.e.*, those involved in proposals F1 and F3, and the situation of the vessel *Cuyuni*. Only the most pertinent dates and documents (*) involved with each case are included; there are a number of other associated documents which can be made available if required.

The effects of adding the capacity of these vessels to the fleet are discussed in Document CAP-9-INF A.

1. PROPOSAL F1

Jane (now Jane IV), La Foca (now Baraka), Napoleon (now Napoleon I), and Templario (now Templario I)

Issue: Whether Venezuela can retain the capacity for these vessels, which changed flag to Panama. See documents in Appendix A.

21 Oct 2005	Secretariat sent letter to Venezuela inquiring about flag change and status of vessels on Regional Register	*
24 Oct 2005	Vessels registered in Panama (3 Jun 2005 for <i>Napoleon</i>)	*
28 Oct 2005	Vessels deleted by Venezuela (20 Oct 2005 for <i>Napoleon</i> ; 31 Oct 2005 for <i>Templario</i>)	*
08 Nov 2005	Vessels changed to Panama on Regional Register	
16 Dec 2005	Venezuela sent letter to Secretariat asking to retain capacity	*

2. PROPOSAL F3

Albacora Doce (now Guayatuna Uno) and Albacora Catorce (now Guayatuna Dos)

Issue: Whether Guatemala can retain the capacity for these vessels, which changed flag to Panama, and subsequently to Ecuador. See documents in Appendix B.

26 Nov 2003	Vessels deleted by Guatemala, registered in Panama	*
-------------	--	---

04 Dec 2003	Guatemala sent letter instructing Secretariat to remove vessels from Regional Register and reserving the right to replace the vessels	*
12 Dec 2003	Regional Register changed to list vessels under both Guatemala and Panama	
25 Jan 2005	Vessels registered in Ecuador	*
27 Jan 2005	Vessels changed to Ecuador on Regional Register	

3. *CUYUNI*

Issue: Whether Venezuela can retain the capacity for this vessel, which Vanuatu states is Vanuatu flag, was chartered temporarily to Venezuela, and cannot be removed from the Register by Venezuela. See Documents in Appendix C.

11 Jul 2002	Venezuela sent letter stating that the <i>Cuyuni</i> will replace the <i>Orinoco</i> , a sunken Venezuelan-flag vessel	*
17 Sep 2002	Vessel registered in Venezuela	*
19 Sep 2002	Vanuatu deleted vessel from the Regional Register	
26 Sep 2002	Vessel changed to Venezuela on Regional Register	
21 Feb 2003	Director sent letter to Commissioners stating that the <i>Cape Breton</i> has replaced the <i>Cuyuni</i> for Vanuatu	*
13 Aug 2007	Vessel deleted by Venezuela	*
16 Aug 2007	Vanuatu sent letter stating that the vessel has a valid Vanuatu registration and is no longer chartered to Venezuela	*
17 Aug 2007	Letter from Vanuatu IATTC Commissioner	*
17 Aug 2007	Vessel changed to Vanuatu on Regional Register, with a note that Venezuela claims to have deleted the vessel and reserved its capacity	
20 Aug 2007	Director sent letter to Commissioners, recommending that the matter be addressed by the Working Group on Capacity	*

Appendix 7.

PROPOSAL F3

PROPOSAL BY GUATEMALA

DRAFT RESOLUTION

The Inter-American Tropical Tuna Commission (IATTC),

Considering that:

1. Guatemala and other Parties concerned 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* (now *Guayatuna Uno*) y *Albacora Catorce* (now *Guayatuna Dos*) have in effect been transferred to other States;
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 above-mentioned vessels, including their carrying capacity, to the registries of other pertinent States;
2. Recognize as a unique case the need for Guatemala to restore the carrying capacity lost due to the removal of the above-mentioned vessels and due to a difference in interpretation of the above-mentioned Resolution;
3. Accept Guatemala's commitment to restore 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;
4. Declare that this is a solution of an exceptional nature, that will not establish any precedent and will not prejudice the positions of the other participants in the Resolution regarding the management of carrying capacity.

Appendix 8.

PROPOSAL F1

PRESENTED BY VENEZUELA

CLAIM FOR THE 5,473 CUBIC METERS OF CAPACITY OF VENEZUELA

Considering: that in notification, dated 21 October 2005, identified with Ref. 0834-549 the IATTC, stated that it knew that four Venezuelan vessels were in the process of changing flag.

Considering: that on 16 December 2005 the Commission was answered by a communication sent by the National Institute of Fisheries and Aquaculture, reference INAPESCA/ORI/N°1958, which stated that there was no knowledge of the intention of the Venezuelan vessels *El Templario*, *Jane*, *La Foca*, and *Napoleón* of changing flag.

Considering: that subsequent to the above-mentioned communication, the Commission circulated a notification dated 30 December 2005, Ref: 1030-410 which stated that cancellation certificates had been received from Venezuela for the vessels *El Templario*, *Jane*, *La Foca* and *Napoleón* and subsequently the Director of the Commission changed the flag of the four (4) vessels.

Considering: that at the 73rd Meeting of the IATTC in Lanzarote, Spain, it was agreed, as is stated in the minutes of that Meeting, specifically in item 15 that **“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 both governments involved”**

Considering: that at the 14th meeting of the Parties held in La Jolla, California, on 20 October 2005 it was agreed as stated in the minutes of that Meeting specifically in item 6.a of the report of the IRP in the first paragraph, quote “it was agreed that the nine vessels in question could have DMLs allocated to them if, by 1 January 2006, they **had clearly changed flag**”. (To clarify, among these 9 vessels were the 4 vessels in question).

Considering: that Venezuela in a communication dated 16 December 2005 declared itself, not authorizing the transfer of the capacity of these 4 vessels y ratified its position that the carrying capacity belongs to the flag State.

Considering: that neither in Resolutions, nor in procedures is a time limit or deadline regulated for a Party to declare itself for or against a change of flag in the IATTC Regional Vessel Register.

Considering: even if there is no regulation, Resolution y/o procedures that establish time limits for the Parties to declare themselves for or against a change of flag, at the 14 Meeting of the Parties for this specific case 1 January 2006 was established as a deadline for the change of flag to come into effect.

Considering: that Venezuela in repeated communications sent to the Secretariat has stated that the carrying capacities belong to the country.

Considering: that the Director of the IATTC cannot, in accordance with the procedures agreed by the Commission, consider effective a change of flag, without having the documentation or express will of the competent Authorities of both governments involved.

Considering: that the elements expressed show a violation of the procedures agreed by the Commission for changes of flag by a vessel on the IATTC Regional Vessel Register

Proposes:

1. That the Commission ratify the procedure established by the IATTC for the transfer of capacity of vessels from one CPC to another.
2. That the Commission indicate the time limit for the CPCs involved to declare themselves on the acceptance or not of a transfer of capacity quota on the IATTC Regional Vessel Register.
3. That the Commission declare which document, resolution or rule establishes the deadline for CPCs to declare themselves on the transfer of carrying capacity.

In view of the elements categorically presented, Venezuela requests the Plenary of this Commission that it recognize the legitimacy that it has over the 5,473 cubic meters of capacity belonging to the Venezuelan State.