

# INTER-AMERICAN TROPICAL TUNA COMMISSION

## MINUTES OF THE 79<sup>TH</sup> MEETING

La Jolla, California (USA)  
6-7 November 2008

### AGENDA

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## **1. Opening of the meeting**

The meeting was opened by Mr. Arnulfo Franco of Panama, who chaired the meeting in the absence of Dr. Reynaldo Pérez Guardia, Chairman of the Commission. The attendees are listed in Appendix 1.

## **2. Adoption of the agenda**

The approval of the minutes of the 78<sup>th</sup> meeting of the IATTC was added as item 3. The European Union (EU) asked to include a proposal on the conservation of swordfish in the eastern Pacific Ocean (EPO) after item 5, as well as an update on the status of the ratification of the Antigua Convention under *Other business*. Korea and the United States requested that the matter of Resolution [C-05-07](#) on IUU fishing be discussed, and Ecuador asked for presentations by each country, under item 5, on the conservation measures they were applying in 2008.

## **3. Approval of the minutes of the 78<sup>th</sup> meeting of the IATTC**

The minutes of the 78<sup>th</sup> meeting of the IATTC were approved with some clarifications regarding (a) China's position on the 6% reduction in the quotas for bigeye caught by longline vessels; (b) the request by Mexico and Venezuela for more time to consider the IATTC-WCPFC agreement on exchanging data before approving it; and (c) clarification of Ecuador's position on Colombia's proposal on conservation measures.

## **4. Review of the fishery in 2008**

Dr. Guillermo Compeán, Director of the IATTC, described the current situation of the fishery. He noted that, in general terms, the fishery was same as it was when presented during the meeting in June. Catches of the main species were still low, and the capacity of the fleet and the fishing effort continued to increase.

## **5. Conservation of tunas**

Ecuador asked that, before discussing tuna conservation measures for 2009, each country report on the measures it was applying in 2008. Some countries reported that they had already implemented closures of the purse-seine fishery, and others confirmed that they were in the process of implementing a closure in the coming winter; however, some countries stated that their national legislation does not allow any such measures to be applied in the absence of a multilateral measure agreed by the IATTC.

Dr. Deriso, of the IATTC scientific staff, presented the staff's recommendations (Document [IATTC-79-04](#)) regarding the conservation of tunas, which are very similar to those presented at the 78<sup>th</sup> meeting of the Commission in June 2008. The staff's specific recommendations, covering 2009-2011, are as follows:

- a. For each purse-seine vessel: a 12-week closure in the entire EPO, and closure of an offshore area during a non-overlapping 16 weeks.
- b. For the longline fishery: fixed catch limits for China, Japan, Korea, and Chinese Taipei, and catches by other CPCs not to exceed 500 tons or 83.6% of their respective catches in 2001, whichever is higher.

The United States presented a proposal (Appendix 2.a) by which each Party would commit to implementing conservation and management measures for the purse-seine fishery in 2008 and report on these measures to the Commission prior to its annual meeting in 2009. This proposal was approved, pending agreement on conservation measures for 2009.

The meeting based its initial discussion about the implementation of measures for 2009 on Proposal H2 (Appendix 2.b), which reflects the points that were mostly agreed at the Commission's meeting in June.

These points were all extensively discussed anew, and the general agreements were reflected in a new proposal (C1; Appendix 2.c). The main points in this proposal included the duration of the resolution, the dates and duration of the closures, the exclusion of small vessels, an additional offshore closure area, management measures for FADs, catch limits for longline vessels, and the coordination of management measures with the WCPFC.

Colombia presented a proposal (C2; Appendix 2.d) for a staggered closure, by which each vessel could choose the period when it would cease fishing. In presenting this proposal, Colombia noted that the staff of the Commission had prepared a study (Document [IATTC-79-04](#)) indicating that an individual vessel closure would not have a negative impact on the recommended closures. Nonetheless, some Parties noted the difficulties in administering such a system and in monitoring compliance, and expressed concerns that it would be less effective in terms of tuna conservation. They noted that the proposal might be acceptable if it contained additional measures to compensate for these drawbacks.

Regarding the proposed 6% reduction in longline quotas for bigeye, Japan and Korea indicated that this would be acceptable only if the rest of the package of measures in the conservation proposal were acceptable.

Following extensive discussions, and despite the fact that many elements of a conservation program were widely agreed, the meeting could not reach a consensus on all points. In particular, there was no overall agreement on the exclusion of smaller vessels from the closure, the idea of individual vessel closures, and the length and size of the additional closure in the offshore area.

Costa Rica, Guatemala, Nicaragua and Mexico presented a final statement (Appendix 3.a), inviting all the Parties to adopt and implement a compromise proposal (C3; Appendix 2.e), which reflected the points that were mostly agreed by the Parties.

## **6. Conservation of swordfish in the EPO**

Spain presented a proposal (A1; Appendix 2.f) on the conservation of swordfish in the EPO, which establishes, in general terms, that IATTC Parties and Cooperating Non-Parties shall limit the number of their longline vessels over 24 meters in length overall that fish for swordfish in the EPO to the number of their vessels active in this fishery during 2007.

Several delegations expressed support for the proposal in principle, but asked for time to review it carefully. Some questions were raised, *inter alia*, regarding whether artisanal vessels were included in the restrictions, how the restrictions would be enforced, the meaning of certain terminology in the proposal, and how to engage Chile in the proposal.

The representative from the EU gave a preliminary response to most of these questions, and the meeting agreed to consider the matter at the next meeting of the Commission.

## **7. Report on the budget**

Dr. Compeán presented Document [IATTC-79-05](#), which was prepared at the request of the Commission to analyze the matter of reducing the recommended budget for 2010 to the same level as the approved budget for 2009, and estimate how these reductions might impact the operations of the IATTC.

Dr. Compeán explained that the all the costs in the recommended budget for 2010 presented in June are necessary for the staff to carry out its assigned tasks and responsibilities, and that he could not see any way of reducing costs further without increasing the workload of individual staff members beyond a reasonable level, or eliminating entire programs. Either of these options would inevitably affect the quality of the staff's work, and therefore he could not support any reductions in the recommended budget.

Spain explained that its interest, as expressed in June, in keeping the 2010 budget at the same level as the 2009 budget, was based on its belief that the budget could be reduced without affecting research programs or the quality of the staff's work. Other delegations also noted that they would not support a reduction in

the budget if this would affect research programs. There was support from several delegations for a re-consideration of the 2010 budget at the Commission meeting in June 2009.

## **8. Report of the 7<sup>th</sup> meeting of the Joint Working Group on Fishing by non-Parties**

The chairman of this working group, Mr. Staffan Ekwall of the EU, presented the report of the meeting of this group. He noted in particular that the Commission needed to approve the working group's recommendations regarding Cooperating Parties and the amendment of the IUU Vessel List to remove the vessel *Mary Lynn*. The Commission accepted this report, and approved the two matters noted by Mr. Ekwall.

## **9. Actions following the meeting of Tuna Commissions, Kobe, January 2007**

Dr. Compeán reviewed Document [IATTC-79-07](#), noting that the question of adopting a procedure for reviewing the IATTC's performance had been pending since June 2007. At the joint meeting of the five regional fisheries management organizations (RFMOs) for tunas in January 2007, a course of action had been agreed that included the development by each RFMO of a procedure for reviewing its performance, but the IATTC had so far not made any progress toward this objective.

Dr. Compeán noted that Document IATTC-79-07 contained two proposals, one by Spain, Japan and the United States (B1a; Appendix 2.g), originally presented in June 2007, and the other by Mexico and El Salvador (G1; Appendix 2.h). He stressed that the IATTC is considerably behind in this matter compared to other RFMOs, which are in the final stages of their evaluations and will present the results at the joint meeting of the five tuna RFMOs in January 2009. The Commission urgently needed to decide about:

- a. The final text for a resolution elaborating how to carry out the evaluation.
- b. Defining the criteria for the evaluation.
- c. The independent experts that could participate in the Panel.
- d. A budget to provide for conducting the review.

Mexico pointed out that there were few differences between the two proposals, principally the evaluation criteria, which had been modified in proposal G1 to adapt them better to the IATTC, the participation of the IATTC staff in the evaluation, and financing the participation of certain countries. Mexico asked for time to reconcile these differences but, due to lack of time at the meeting, it was decided that work should be done to advance this issue by correspondence.

## **10. Tuna tagging**

Dr. Compeán presented Documents [IATTC-79-09a](#) and [IATTC-78-08c](#), stressing the importance of this regional tuna tagging project for obtaining information essential for the staff's evaluations of the stocks. Dr. Compeán encouraged governments to contribute to the funding of the project.

Ecuador, France, Japan, and Spain expressed their support for the regional tagging project, noting in particular the importance of tagging bigeye tuna in the central Pacific.

## **11. Resolution [C-06-05](#), Trade Measures to Promote Compliance**

This item was not addressed due to lack of time, and the discussion was postponed until the next meeting of the Commission.

## **12. Report of the Working Group on Fleet Capacity**

Mr. Franco, the permanent chairman of the Working Group, reported that no recommendation could be made by the group because no consensus was reached regarding the various requests for capacity that had been considered. However, the working group generally agreed on elements that must be addressed in any arrangement for the temporary transfer of capacity between countries. There was no agreement as to the best way to document these points, but there was a widespread view that they should be recorded with

the Secretariat in a transparent manner. It was suggested that these elements could be included in a draft resolution for future consideration by the Commission.

Peru, Bolivia, and Guatemala made statements (Appendices 3.b, 3.c, 3.d), expressing their disappointment about the results of the meeting and indicating their future intentions in relation to this issue.

### **13. Other business**

Each delegation reported on its situation regarding the ratification of the Antigua Convention. Almost every delegation whose government had not yet ratified the Convention stated that its internal process to do so was well underway. Japan confirmed its recent ratification, and Costa Rica and the United States reported that they were in final stages of ratification.

It was noted that, with the ratification by Japan, only one more ratification or accession by a Party to the 1949 Convention that was Party to that Convention on the date the Antigua Convention was opened for signature is needed for the entry into force of the Antigua Convention to commence.

### **14. Place and date of next meeting**

The next meeting of the Commission will be held on 8-12 June 2009, with the venue left undecided, pending confirmation by Colombia.

### **15. Adjournment**

The meeting was adjourned at 6:30 p.m. on 7 November 2008.

## Appendix 1.

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**Appendix 2.**

**PROPOSAL BY THE UNITED STATES**

1. Recognizing that the IATTC did not adopt any tuna conservation measures at its 78<sup>th</sup> Meeting, and consistent with their national laws and regulations, each IATTC Party, Cooperating Non-party, fishing entity or regional economic integration organization (collectively CPCs) shall implement, as practicable, conservation and management measures for 2008 for the purse-seine fishery for yellowfin, skipjack and bigeye tuna. The measures may take into consideration the conservation and management measures contained in Resolution C-06-02, the conservation recommendations of Document IATTC-78-06b, the conservation objectives and the specific provisions of the proposals presented at the 78<sup>th</sup> Meeting of the IATTC, the unilateral measures adopted by IATTC Parties in 2008, and the level of effort of their fleets on the species for which they fish.
2. Each CPC should report its implementation of conservation and management measures in 2008 to the Commission, through the Secretariat, at least 30 days prior to the 2009 annual meeting of the IATTC.
3. The CPCs further recognize that the lack of agreed conservation measures and the subsequent adoption of unilateral measures weakens the Commission and is inconsistent with its objectives, and agree that it shall not be considered a precedent or an acceptable substitute for multilateral measures adopted by the Commission, consistent with scientific advice.

**Appendix 2.b**

**PROPOSAL H2**

**Elements of agreement**

1. Two closure periods for 2008, and two closure periods for 2009.
2. The closure in 2008 shall have a duration of 49 days
3. The closure in 2009 shall have a duration of 59 days
4. Both closures shall be observed by all vessels of more than 273 tons carrying capacity (classes 5 and 6)
5. Class-4 vessels may make one additional trip of up to 30 days duration during the closures applicable to class-5 and -6 vessels
6. A line along the 5° North parallel is established, which Ecuadorean and Mexican vessels may not cross during their respective closure periods.

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1. Close the EPO to deployment of FADs during the winter closure period.
2. During the next annual meeting of the IATTC, and on the basis of the recommendations of the scientific staff, establish regulations on the use of FADs.
3. Encourage CPCs with vessels that operate in the EPO and in the western and central Pacific Ocean to ensure that these vessels observe the closure period tied up in port, unless they have the corresponding license or have initiated the procedure necessary to collaborate with the corresponding regional fisheries management organization.
4. Colombia, as a new member and as a period of adaptation, will observe a staggered closure for each one of its vessels for the corresponding period according to the size of the vessels, adding five days for each vessel, which must be in port.
5. As an exceptional case, and without setting any precedent, in 2008 and 2009 only, vessels flying the flag of Colombia will observe a closure of the same duration as those established in this resolution for other vessels, but Colombia will be able to determine the dates of the period during which each vessel will not fish. Colombia will inform the Director of these dates for each vessel by [DATE].

## Appendix 2.c

### PROPOSAL C1

#### RESOLUTION ON A PROGRAM FOR THE CONSERVATION OF TUNA IN THE EASTERN PACIFIC OCEAN IN 2009

*Being responsible* for the scientific study of the tunas and tuna-like species of the eastern Pacific Ocean (EPO) and for formulating recommendations to the High Contracting Parties, cooperating non-Parties, Cooperating Fishing Entity and Regional Economic Integration Organization (collectively “CPCs”) with regard to these resources, and having maintained, since 1950, a continuous scientific program dedicated to the study of these resources,

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

*Aware*, that previous conservation and management measures adopted by the Commission, and although the catches of bigeye and yellowfin tunas have decreased, capacity continues to increase,

*Observes* that the yellowfin tuna resource in the EPO supports one of the most important surface fisheries for tunas in the world;

*Taking into account* the best scientific information available, reflected in the staff’s recommendations and in the report of the Working Group on Stock Assessments in May 2008;

*Considering* that the studies of yellowfin and bigeye tunas presented show that both stocks are below a level that would produce the maximum sustainable yield (MSY);

*Considering* that the stock of bigeye is the same for all the Pacific Ocean, from east to west;

*Considering* that the increase in the use of fish-aggregating devices (FADs) with the latest generation of satellite equipment and other technologies might affect the tuna fisheries in the EPO; and

*Recognizing* the importance of urging the Western and Central Pacific Fisheries Commission (WCPFC) to adopt parallel conservation measures for the tuna stocks in that region, and in particular, the shared stocks of highly migratory tunas in the Pacific Ocean;

*Resolves as follows:*

1. This resolution is applicable in the year 2009 to all purse-seine vessels of more than 273 metric tons carrying capacity, and to all longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the EPO.
2. Pole-and-line, troll, and sportfishing vessels are not subject to this resolution.
3. Purse-seine vessels of between 182 and 272 metric tons capacity will be able to make a single fishing trip of up to 30 days duration during the temporal closure periods applicable to purse-seine vessels of greater capacity, provided they carry an observer from the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP) aboard.
4. All vessels covered by this resolution must stop fishing in the EPO for 59 days, during one of the following two periods: from 1 August to 28 September or from 20 November to 18 January 2010.

[To ensure the effectiveness of the closures, in the case of vessels flying the flag of Ecuador or Mexico, those vessels that choose the first closure period of the year shall not be able to fish north of the 5°N parallel when this area is closed. Reciprocally, vessels that choose the second closure period will not be able to fish south of that parallel during the time that that area is closed.]

[That the fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of

94° and 110°W and between 3°N and 5°S illustrated in Figure 1 be closed from 0000 hours on 29 September to 2400 hours on 29 October.

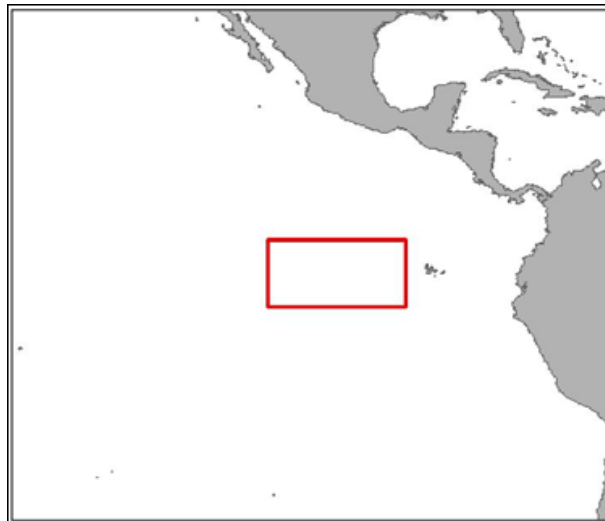


Figure 1. Closure area]

5. For each one of the two closure periods, each CPC shall notify the Director, by 15 April, the names of all the purse-seine vessels that will observe each closure period.

Every vessel that fishes during 2008 and 2009, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of CPC under which it fishes during the year, must observe the closure period to which it was committed.

6. 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 national 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, or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, 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 in the EPO.
7. Each CPC shall take the measures necessary to control the total annual catch of bigeye tuna in the EPO during 2009 by longline tuna vessels fishing under its jurisdiction.
8. China, Japan, Korea, and Chinese Taipei shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2009 do not exceed the following levels:

<b>Metric tons</b>	<b>2009</b>
China	[2,481]
Japan	[32,031]
Korea	[11,821]
Chinese Taipei	[7,476]

9. Other CPCs shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2009 do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001<sup>1</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director.
10. 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. The Director shall 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 restrictive trade measures consistent with international law, including World Trade Organization agreements and other applicable trade agreements, to promote compliance in the EPO.
11. Each CPC shall notify the Director, by 15 April 2009, of national actions taken to implement this resolution, 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.
12. To evaluate progress towards the objectives of this resolution, the IATTC scientific staff will analyze the effects on the stocks of the implementation of this resolution, Resolution C-06-02, Resolution C-04-09, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
13. That, from January 2009, vessels that use FADs shall be required to mark the FADs in accordance with a program developed by the Commission, to include, *inter alia*, maintaining a record of the numbers of FADs on board each vessel at the beginning and end of each fishing trip, and recording the date, time, and position of deployment of each FAD. The information collected shall be held by the Commission staff, and shall be made available to CPCs, subject to any confidentiality rules or policies that the Commission may establish.
14. Initiate, in January 2009, a data-collection program on FADs that are used to aggregate tunas in the EPO that includes *inter alia* a marking system. The applicable research protocol shall be developed by an *ad-hoc* Working Group, led by the Director, and with the participation of the interested Parties, to be presented at the next annual meeting of the IATTC.
15. Subject to the availability of the necessary funding, the Director shall 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.
16. Instruct the Director to continue efforts that will allow the IATTC and the WCPFC to have equivalent management measures.
17. The WCPFC is encouraged to adopt, as soon as possible, conservation measures comparable to those adopted in this resolution, with the aim of maximizing the effectiveness of the collective measures of the two organizations, and ensuring a positive result for the resources.
18. Each CPC shall comply with this resolution.

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<sup>1</sup> 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.

**PROPOSAL C2**  
**PRESENTED BY COLOMBIA**  
**PROPOSAL FOR AN INDIVIDUAL VESSEL CLOSURE**

The proposal is presented as an open alternative for any Party that wishes to apply this type of closure. The conservation measure is equivalent to adopting a closure of 59 days for the two periods that are currently being discussed by the Parties.

General conditions of the measure:

**1. INDIVIDUAL VESSEL CLOSURE FOR PURSE-SEINE VESSELS**

- Applies in 2009
- Closure of 61 days for class-5 and 6 vessels and 32 days for class 1-4 vessels.
- Inform the IATTC of the closure period of each vessel of each fleet (starting month) before 1 January 2009, ensuring a homogeneous distribution of the vessels during the year in such a way that there vessels in a closure throughout the year. This schedule cannot be modified.
- Each country shall commit to send evidence of compliance with the closure as follows: The fisheries authority shall notify the IATTC monthly of the vessel or vessels that started a closure in the scheduled month or evidence of fishing activity outside the EPO; the start of the closure is established from 00:00 hours on the day following that on which the last set in the month in which the vessel was previously scheduled, to 24:00 hours of the day in which the 61 continuous days of the period established for class 5 and 6 vessels have been complied with; at the start of the closure the IATTC and the flag fisheries authority shall be informed of the destination; utilize the On-Board Observer Program to monitor the closure on class 5 vessels when applicable, and class 6 at the start of their closure period.
- Transit authorizations during the closure period for a given vessel shall be issued by the national fisheries authority and duly notified to the IATTC, always carrying an observer aboard, having sealed wells and with the basic crew required for the transit.
- Vessels of classes 1 to 4 shall be in port at the start of the closure and until its period terminates.
- At least the vessels of classes 5 and 6 must have a VMS system that is monitored by the flag government that serves to verify its closure period.
- If a vessel changes flag during the closure period, it should comply with the closure for which it was scheduled before the change took place.

**2. CLOSURE IN THE SPECIAL HIGH-SEAS CLOSURE ZONE BETWEEN LONG 94 AND 110 AND LAT 3 N AND 5 S BY INDIVIDUAL VESSEL.**

- Applies in 2009.
- Closure of 84 days for purse-seine vessels of classes 5 and 6.
- The same conditions apply as in item (1) as applicable.

**3. CONSERVATION MEASURE FOR LONGLINE VESSELS BASED ON THE INDIVIDUAL VESSEL CLOSURE**

In accordance with the proposal of the IATTC scientific staff.

**PROPOSAL C3**  
**SUBMITTED BY COSTA RICA, GUATEMALA, MEXICO AND**  
**NICARAGUA**

**RESOLUTION ON A PROGRAM FOR THE CONSERVATION OF TUNA**  
**IN THE EASTERN PACIFIC OCEAN IN 2009**

*Being responsible* for the scientific study of the tunas and tuna-like species of the eastern Pacific Ocean (EPO) and for formulating recommendations to the High Contracting Parties, cooperating non-Parties, Cooperating Fishing Entity and Regional Economic Integration Organization (collectively "CPCs") with regard to these resources, and having maintained, since 1950, a continuous scientific program dedicated to the study of these resources,

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

*Observes* that the tuna resource in the EPO supports one of the most important surface fisheries for straddling and highly-migratory resources in the world;

*Taking into account* the best scientific information available, reflected in the staff's recommendations and in the report of the Working Group on Stock Assessments held in May 2008;

*Considering* that the increase in the use of fish-aggregating devices (FADs) with the latest generation of satellite equipment and other technologies might affect the tuna fisheries in the EPO; and

*Taking into consideration* the urgency of adopting agreed measures for the conservation of these resources *Resolves as follows*:

1. This resolution is applicable in the year 2009 to all purse-seine vessels of more than 273 metric tons carrying capacity, and to all longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the EPO.
2. Pole-and-line, troll, and sportfishing vessels are not subject to this resolution.
3. Purse-seine vessels of between 182 and 272 metric tons capacity will be able to make a single fishing trip of up to 30 days duration during the temporal closure periods applicable to purse-seine vessels of greater capacity, provided they carry on board an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP).
4. All vessels covered by this resolution must stop fishing in the EPO for 59 days, during one of the two periods of 59 continuous days which each Party shall define considering the best scientific information and the objective of this resolution. The period chosen shall be communicated to the Secretariat with the corresponding notice, indicating the names of all the purse-seine vessels that will observe each closure period.
5. Every vessel that fishes during 2009, regardless of the flag under which it operates or of whether it changes flag or jurisdiction of the CPC under which it fishes during the year, shall observe the closure period to which it was committed.
6. [Subject to the approval of, and effective compliance with, of the Implementation Protocol that forms part of this resolution as an annex, as an exceptional case, and without setting any precedent, in 2009 only, vessels flying the flag of Colombia will observe a single continuous closure, of the same duration as those established in this resolution for other vessels, but Colombia will be able to determine the dates of the period during which each vessel will not fish. Colombia will inform the Director of these dates for each vessel by [DATE] ]



7. To ensure the effectiveness of the closures, in the case of vessels flying the flag of Ecuador or Mexico, those vessels that choose the first closure period of the year shall not be able to fish north of the 5°N parallel when this area is closed. Reciprocally, vessels that choose the second closure period will not be able to fish south of that parallel during the time that that area is closed.
8. [The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 94° and 110°W and between 3°N and 5°S illustrated in Figure 1 shall be closed for a continuous period of 60 days, which each Party shall define considering the best scientific information and the objective of this resolution.

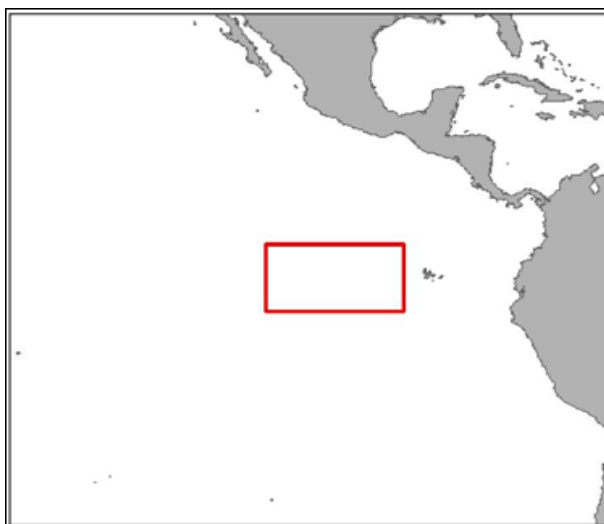


Figure 1. Closure area]

9. 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 national 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, or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, 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 in the EPO.
10. Each CPC shall take the measures necessary to control the total annual catch of bigeye tuna in the EPO during 2009 by longline tuna vessels fishing under its jurisdiction.
11. China, Japan, Korea, and Chinese Taipei shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2009 do not exceed the following levels:

Metric tons	2009
China	[2,481]
Japan	[32,031]
Korea	[11,821]
Chinese Taipei	[7,476]

12. Other CPCs shall take the measures necessary to ensure that their total annual longline catches of bigeye tuna in the EPO during 2009 do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001<sup>2</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director.
13. 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. The Director shall 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 restrictive trade measures consistent with international law, including World Trade Organization agreements and other applicable trade agreements, to promote compliance in the EPO.
14. Each CPC shall notify the Director, when notifying the respective period chosen in accordance with paragraph 4 of this resolution, of national actions taken to implement this resolution, 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.
15. To evaluate progress towards the objectives of this resolution, the IATTC scientific staff will analyze the effects on the stocks of the implementation of this resolution, Resolution C-06-02, Resolution C-04-09, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
16. That, from January 2009, vessels that use FADs shall be required to mark the FADs in accordance with a program developed by the Commission, to include, *inter alia*, maintaining a record of the numbers of FADs on board each vessel at the beginning and end of each fishing trip, and recording the date, time, and position of deployment of each FAD. The information collected shall be held by the Commission staff, and shall be made available to CPCs, subject to any confidentiality rules or policies that the Commission may establish.
17. Initiate, in January 2009, a data-collection program on FADs that are used to aggregate tunas in the EPO that includes *inter alia* a marking system. The applicable research protocol shall be developed by an *ad-hoc* Working Group, led by the Director, and with the participation of the interested Parties, to be presented at the next annual meeting of the IATTC.
18. Subject to the availability of the necessary funding, the Director shall 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.
19. Instruct the Director to continue efforts that will allow the IATTC and the WCPFC to have equivalent management measures.
20. Each CPC shall comply with this resolution.

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<sup>2</sup> 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.

## PROPOSAL A1

### SUBMITTED BY SPAIN

#### RESOLUTION ON THE CONSERVATION OF SWORDFISH IN THE EASTERN PACIFIC OCEAN

*The Inter American Tropical Tuna Commission (IATTC),*

*Recognizing* that the scientific staff of the Commission has expressed concerns about the status of the swordfish stock in the IATTC Area;

*Taking note* in particular of the conservation recommendations by the staff to introduce precautionary measures to avoid an increase in catches of this species;

*Taking note* of the conservation measures adopted in 2006 by the Western and Central Pacific Fisheries Commission and in 2007 by the Indian Ocean Tuna Commission;

*Conscious* of the need to avoid an overexploitation of this stock in its entire area of distribution;

*Aware* that the issue of excess fishing capacity is of worldwide concern, and is the subject of an International Plan of Action developed by the United Nations Food and Agriculture Organization (FAO);

*Noting* that the FAO International Plan of Action for the Management of the Fishing Capacity (IPOA-Capacity) stipulates in its Objectives and Principles that States and Regional Fisheries Management Organizations confronted with an overcapacity problem which is undermining the achievement of long-term sustainability outcomes, should endeavour initially to limit at the present level and progressively reduce the fishing capacity applied to affected fisheries;

*Believing* that it is important to limit fishing capacity in the IATTC Area in order to ensure that the swordfish fisheries in the region are conducted at a sustainable level;

*Adopts*, in accordance with the IATTC Convention, the following Resolution:

1. IATTC Parties and Cooperating Non-Parties (hereafter 'CPCs') shall limit the number of their longline vessels over 24 meters in length overall that target swordfish in the eastern Pacific Ocean (EPO) to the number of their vessels active in this fishery during 2007.
2. The total tonnage of the vessels of a CPC defined in paragraph 1, expressed as the sum of their individual gross tonnages, shall be the limit of that CPC's capacity for fishing for swordfish. If vessels are substituted or replaced, the total tonnage of a CPC's vessels that target swordfish may not exceed this limit.
3. CPCs shall, by 1 February 2009, provide the Director with complete data on the presence of their active vessels covered by this Resolution in the EPO during 2007. In notifying the Director, CPCs shall verify the effective presence and fishing activities of such vessels in the EPO in 2007, through VMS records, catch reports, port calls, or other available information. The Commission staff shall have access to such information upon request.
4. During the period of application of this Resolution, a CPC may change the number of vessels on the list provided to the Director, provided that the CPC can either demonstrate that the change in the number of vessels will not lead to an increase of fishing effort for swordfish, or that it is directly limiting catches by using individual transferable quotas under a comprehensive national management plan which has been provided to the Commission.
5. Each CPC shall ensure that, if there is a proposed transfer of capacity to its fleet, the vessel or vessels to be transferred are on the IATTC Record of Longline Vessels or on comparable record of any other

tuna regional fisheries management organization. No vessels on a list of IUU vessels of any regional fisheries management organization may be transferred.

6. This Resolution is applicable during 2009 and 2010. The Commission shall review its implementation at its Annual Meeting in 2010.

## Appendix 2.g

# **PROPOSAL B1A**

## **SUBMITTED BY JAPAN, SPAIN AND THE UNITED STATES**

### **RESOLUTION BY IATTC TO UNDERTAKE A PERFORMANCE REVIEW OF THE ORGANISATION**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Taking into account* the desirability for IATTC to respond positively to the 2006 UN Resolution 61/105 calling for Regional Fisheries Management Organisations (RFMOs), such as IATTC, to undertake urgently a Performance Review;

*Noting* the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan on 26 January 2007, and notably those in relation to Performance Reviews and Annex I to Appendix 14 of the Report of the Joint RFMO Meeting;

*Further noting* the communication of 30 April 2007 from the Facilitator of the Performance Review Discussion identifying criteria to be used in the undertaking of a Performance Review;

*Recognising* that other RFMOs are also in the process of undertaking similar Performance Reviews;

*Aware* that the international community has expectations that all RFMOs will undertake a Performance Review thereby respecting the UN Resolution 61/105 and the need for accountability in regard to the stewardship entrusted to RFMOs for the conservation of the fisheries resources;

*Further recognising* the urgency in which such Performance Reviews should be undertaken;

*Resolves as follows:*

1. The Commission shall conduct a Performance Review, which shall be carried out on the basis of the attached provisional list of criteria.
2. A Review Panel composed of a representative from 6 Parties of IATTC, a representative from a IATTC NGO observer, and 2 external experts with notably scientific, fisheries management and legal experience, respectively, shall be constituted.  
The external experts shall be internationally recognised, but not be involved with or have experience of IATTC.  
The Review Panel Chairperson shall be a Panel member selected by the Panel.
3. The IATTC Secretariat shall provide logistical support to the Review Panel, and will participate in the work of the Panel as the Panel deems necessary.
4. Travel and accommodation costs for the participation in the Review Panel meetings for external experts shall be borne by the IATTC Budget. IATTC Parties shall bear the costs of their own representatives participating in the Review Panels proceedings.
5. The Panel Chairperson shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2009 Annual Meeting. The Director shall distribute the report and recommendations to Parties and observers and place them on the Commission's website.

**Suggested Criteria for Reviewing the Performance of  
Regional Fisheries Management Organizations (RFMOs)**

	AREA	General Criteria	Detailed Criteria
1	<i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> <li>• Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards.</li> <li>• Trends in the status of those stocks.</li> <li>• Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter “non-target species”).</li> <li>• Trends in the status of those species.</li> </ul>
		Data collection and sharing	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I.</li> <li>• Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.</li> <li>• Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs.</li> <li>• Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.</li> </ul>
		Quality and provision of scientific advice	<ul style="list-style-type: none"> <li>• Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.</li> </ul>
		Adoption of conservation and management measures	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available.</li> <li>• Extent to which the RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points.</li> <li>• Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</li> <li>• Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries.</li> <li>• Extent to which the RFMO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems.</li> <li>• Extent to which the RFMO has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.</li> </ul>
		Capacity management	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> <li>• Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>

		Compatibility of management measures	<ul style="list-style-type: none"> <li>Extent to which measures have been adopted as reflected in UNFSA Article 7.</li> </ul>
		Fishing allocations and opportunities	<ul style="list-style-type: none"> <li>Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11.</li> </ul>
<b>2</b>	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> <li>Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.</li> </ul>
		Port State measures	<ul style="list-style-type: none"> <li>Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3.</li> <li>Extent to which these measures are effectively implemented.</li> </ul>
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> <li>Extent to which the RFMO has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes).</li> <li>Extent to which these measures are effectively implemented.</li> </ul>
		Follow-up on infringements	<ul style="list-style-type: none"> <li>Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.</li> </ul>
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>Extent to which the RFMO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance).</li> <li>Extent to which these mechanisms are being effectively utilized.</li> </ul>
		Market-related measures	<ul style="list-style-type: none"> <li>Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States.</li> <li>Extent to which these market-related measures are effectively implemented.</li> </ul>
<b>3</b>	<i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> <li>Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.</li> </ul>
		Dispute settlement	<ul style="list-style-type: none"> <li>Extent to which the RFMO has established adequate mechanisms for resolving disputes.</li> </ul>
<b>4</b>	<i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> <li>Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.</li> <li>Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.</li> </ul>
		Relationship to cooperating non-members	<ul style="list-style-type: none"> <li>Extent to which the RFMO facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> <li>Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities.</li> </ul>
		Cooperation with other RFMOs	<ul style="list-style-type: none"> <li>Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.</li> </ul>

		Special requirements of developing States	<ul style="list-style-type: none"> <li>• Extent to which the RFMO recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5.</li> <li>• Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.</li> </ul>
5	<i>Financial and administrative issues</i>	Availability of resources for RFMO activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions.</li> </ul>
		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> <li>• Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</li> </ul>

## Appendix 2.h

# PROPOSAL G1

## PRESENTED BY MEXICO AND EL SALVADOR

### RESOLUTION ON THE REVIEW OF THE PERFORMANCE OF THE ORGANIZATION

*The Inter-American Tropical Tuna Commission (IATTC):*

*Taking into account* the agreements and considerations emanating from FAO at its session of ....., as well as UN Resolution 61/105 of 2006 which exhorts Regional Fisheries Management Organizations (RFMOs) to undertake a review of their performance;

*Noting* the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan, on 26 January 2007, and in particular those related to Performance Reviews, as well as the considerations emanating from the meeting of the Chairs of tuna organizations held in March 2007 in San Francisco, California;

*Recognizing* that other RFMOs have made progress in the process of Performance Reviews; and

*Aware* of the importance of developing comprehensive evaluation criteria for measuring the performance of RFMOs appropriate to the reality of the organization, the fisheries that it regulates and their markets;

*Resolves as follows:*

1. The Commission shall conduct a review of its performance, for presentation at its annual meeting in 2010.
2. This review shall be carried out on the basis of the criteria in Annex A.
3. A Review Panel shall be constituted, which shall be responsible for carrying out the review of the performance of the IATTC, in accordance with this Resolution. This panel shall be composed of four representatives of Parties to of IATTC\*, a member of the Secretariat, a representative of a non-governmental organization which preferably has participated as an observer in the work of the IATTC, with proven experience in the management of fisheries resources, and three external experts with suitable experience in fisheries science, in the management of fisheries resources or in their legal regulation, respectively.

The external experts shall be internationally recognised, y shall have experience in, and knowledge of, matters for which the IATTC has responsibility .

The Review Panel Chairperson shall be a member of the Panel, elected by its members.

4. The IATTC Secretariat shall provide logistical support to the Review Panel, and its staff will participate in the work of the Panel as required by the members of the Panel.
5. Travel and accommodation costs for the participation in the meetings of the Review Panel for the external experts shall be borne by the IATTC budget. IATTC Parties shall bear the costs of their own representatives who participate in the sessions of the Review Panel. However, if this is not possible for them, their participation shall also be covered by the Commission's budget.
6. The Chair of the Panel shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2010 Annual Meeting. The Director shall distribute the report and recommendations to the Parties and observers, and publish them on the Commission's website.
7. The Commission shall consider, and as appropriate adopt, such actions as may improve their performance, in accordance with the results of the review that that Panel presents, identifying, as appropriate, the necessary resources that this may imply on the basis of a cost-benefit approach.



**Annex A**

**Suggested criteria for reviewing the performance of the Commission**

	<b>AREA</b>	<b>General Criteria</b>	<b>Detailed Criteria</b>
	<i>Collection, analysis, and scientific evaluation of information (data)</i>	Data collection and sharing	<ul style="list-style-type: none"> <li>• Extent to which the members and cooperating non-members of the IATTC, individually or through the Commission, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.</li> <li>• Extent to which fishing data and fishing vessel data are gathered by the IATTC and shared among members and other RFMOs.</li> <li>• Extent to which the IATTC is addressing any gaps in the collection and sharing of data as required.</li> <li>• Availability of the financial resources necessary for collecting data for the entities that are to collect them.</li> </ul>
		Living marine resources	<ul style="list-style-type: none"> <li>• Status of the principal fish stocks under the purview of the IATTC in relation to the maximum sustainable yield or other pertinent biological parameters</li> <li>• Trends in the status of those stocks.</li> <li>• Status of the species that belong to the same ecosystems as, or that are associated with or depend on, the main target stocks (hereafter “non-target species”).</li> <li>• Trends in the status of those species.</li> </ul>
		Quality and provision of scientific advice	<ul style="list-style-type: none"> <li>• Extent to which the IATTC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.</li> <li>• Ability and infrastructure of the Commission for carrying out in-depth analyses in scientific matters for which it is responsible.</li> </ul>
	<i>Adoption of conservation and management measures</i>	Base and eficacia de las medidas que se adoptan.	<ul style="list-style-type: none"> <li>• Degree of correspondence between the scientific recommendations made by the scientific staff of the Commission and the conservation measures adopted by the Parties</li> <li>• Extent to which the IATTC has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available.</li> <li>• Extent to which the IATTC has adopted the best practices for fisheries management in accordance with the pertinent international instruments, especially those relating to the management of fisheries resources</li> <li>• Extent to which the precautionary approach is applied</li> <li>• Extent to which the IATTC has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</li> <li>• Extent to which fishing gear and methods are selective, minimize discards and catches of juveniles, and are harmless to the marine environment</li> <li>• Extent to which the IATTC has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned drifting gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species</li> <li>• Extent to which the marking of fishing gear, in accordance with the Code of Conduct for Responsible Fishing, has been attempted</li> </ul>
		Capacity management	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> </ul>

			<ul style="list-style-type: none"> <li>• Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>
		Fishing allocations and opportunities	<ul style="list-style-type: none"> <li>• Extent to which the IATTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants in accordance with the status of the resources</li> <li>• Extent to which the IATTC allocates fishing opportunities fairly among its members</li> </ul>
2	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> <li>• Extent to which IATTC members are fulfilling their duties as flag States under the treaty establishing the IATTC and other decisions adopted by the Organization</li> </ul>
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted integrated MCS measures (e.g., required use of VMS, observers, certification and catch documentation and trade tracking schemes, restrictions on transshipment)</li> <li>• Extent to which these measures are effectively implemented.</li> <li>• Extent to which these systems contribute to the objectives for which they were created (for example, VMS enables the level of effort made to be determined, and its consistency with the applicable framework, observers provide accurate information on catches and fishing operations in general, the certifications and other documentation established facilitate trade in sustainable products and deter trade in those that are not</li> </ul>
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance).</li> <li>• Extent to which the IATTC, its members and cooperating non-members monitor infractions of management measures</li> <li>• Extent to which these mechanisms are being effectively utilized</li> <li>• Extent to which there is reciprocity with other organizations and other states for the exchange of pertinent information</li> </ul>
		Sustainability and trade	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted measures relating to the exercise of the rights and duties of its members as market States</li> <li>• Extent to which measures have been adopted to favor with effective access to the markets of the Parties products caught in a sustainable manner, in accordance with the applicable provisions of the Commission and consistent with the contents of paragraphs 11.2.4, 11.2.5 and 11.2.6 of the Code of Conduct for Responsible Fishing</li> <li>• Extent to which these market-related measures are effectively implemented</li> <li>• Extent to which the countries of the relevant markets restrict the entry of fisheries products for which the IATTC has responsibility that have been captured in a manner inconsistent with the management measures adopted by the Commission, in accordance with the WTO</li> </ul>
4	<i>Functioning of the Organization</i>	Decision-making	<ul style="list-style-type: none"> <li>• Extent to which IATTC has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner</li> <li>• Extent to which the decision-making procedures are effective and are a factor in the development of conservation measures adopted reflect the position of the majority of the Parties, when decisions are adopted by consensus and the efficacy of the rule of consensus for decision-taking and its effects on the conservation measures that are</li> </ul>

			<a href="#">adopted under this rule</a>
		Transparency	<ul style="list-style-type: none"> <li>• Extent to which the IATTC is operating in a transparent manner and the participation of NGO with experience and ability in the management of fisheries resources is permitted</li> </ul>
		Dispute settlement	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate mechanisms for resolving disputes.</li> </ul>
5	<i>International cooperation</i>		<ul style="list-style-type: none"> <li>• Extent to which the IATTC's decisions, reports of meetings, the scientific advice on which decisions are taken, and other relevant materials are made available to the public in a timely manner</li> </ul>
		Relationship to cooperating non-members	<ul style="list-style-type: none"> <li>• Extent to which the IATTC facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> <li>• Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.</li> </ul>
		Cooperation with other RFMOs	<ul style="list-style-type: none"> <li>• Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.</li> </ul>
		Special requirements of developing States	<ul style="list-style-type: none"> <li>• Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including A) Fishing allocations or opportunities, B) the development of their ability to participate in the technical assessments made within the framework of the IATTC</li> <li>• Extent to which IATTC members, individually or through the IATTC, provide relevant assistance to developing States</li> </ul>
	*	Availability of resources for IATTC activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of the IATTC and to implement the IATTC's decisions</li> <li>• <a href="#">Degree of effectiveness, including the cost benefit analysis of the financial resources that the Parties allocate and of the budget of the organization, including the specific programs that have been established, with the status of the species that are the responsibility of the Commission</a> <a href="#">Extent to which the cost of the Commission's projects and activities justify their financial costs, principally but not exclusively, by means of a cost-benefit analysis</a></li> </ul>

**Appendix 3.a**

**COSTA RICA, GUATEMALA, MEXICO, NICARAGUA**

**DECLARATION ON THE ADOPTION OF A VOLUNTARY PROGRAM BY  
MAJORITY, FOR THE CONSERVATION OF TUNAS IN THE EASTERN PACIFIC  
OCEAN IN THE YEAR 2009**

**To the CPCs, the Scientific Community International Civil Society:**

The Parties to the Inter-American Tropical Tuna Commission, duly represented by their official Commissioners who sign this Declaration,

*Considering,*

- I. That the Inter-American Tropical Tuna Commission was created with the clear objectives of managing the tuna fishery in the Eastern Pacific Ocean, issuing effective recommendations which, on the basis of scientific research, would execute the necessary joint action by the High Contracting Parties in order to maintain the populations of fishes that are covered by this Convention at the level of abundance that will permit the maximum sustained catches,
- II. That in essence, it is the manifest will of the Parties, by their presence and participation at the meetings of the Commission, financial support and majority execution of the recommendations issued, maintaining alive the motivating spirit of action that is solid, permanent and consistent with the objectives of the Commission
- III. That for many years, the Commission has recognized the value of the scientific recommendations and has obtained a balance between such actions and the development of fishing activity for the benefit of Development and Food Security of the countries that participate in the fishery,
- IV. That the programs and actions in force in the Commission, have as their objective carrying out joint management by the Parties towards a common objective of conservation of tunas and species ecosystemically associated as well as sustainability of the fishing activity.
- V. That in exercise of the principle of International Responsibility in the management of fisheries resources, the Parties have to make the greatest effort possible to facilitate a consensus that will facilitate the attainment of the objectives of the Commission,
- VI. That during the year 2008, despite the efforts of the Commission, the Parties have not reached an effective consensus on the implementation of conservation measures, generating concern in the different spheres of management and impact, on the ability to agree on its efforts towards a common objective.
- VII. That the lack of consensus, which generates impediments to the institutional adoption of resolutions, is not an obstacle for the acknowledgement both of the scientific recommendation, and the contribution of the debates that take place in their analysis and on the basis of this input, is also not an obstacle to the agreed adoption by majority of effective and balance conservation measures, in the same voluntary manner in which the majority of the Parties declared their commitment to obtaining consensus through the instruments of the Commission,

- VIII. That in consequence, the aspiration to consensus is an obligation for all the Parties, moreover, when consensus is not possible, it is also not valid to hide behind that the failure to adopt commitments within the framework of the legality in force in each Party, on a voluntary and structured basis, that value the institutional effort made and attempt to send to those who in a minority maintain dissent, the clear message of urging them to carry out substantially agreed action, whence arises the current impossibility of not arriving at formal consensus in the adoption of recommendations, it is not an obstacle to carrying joint action opportunely.
- IX. That in the framework of the instruments approved by the Commission, Rule of Procedure V, establishes the possibility in cases of proven urgency, of arriving at consensus through communications directed by the Parties to the Secretariat, without the indispensable need of going to a formal meeting,

**Declare:**

1. That due to the efforts made during the 79<sup>th</sup> Meeting of the Parties, held in La Jolla, California, United States of America, have not been sufficient to agree again a recommendation by consensus, regarding a Program for the Conservation of Tunas in the Eastern Pacific Ocean in 2009, the parties that sign this Declaration, formally and voluntarily adopt the recommendations contained in the draft Resolution identified at the Meeting of the Parties as **C3**, committing to carrying out in their respective countries and jurisdictions, actions in accordance with its legal system to achieve the implementation of the content of that Proposal.
2. That the Parties that sign this document, reiterate their most absolute confidence in the capacity of the Commission and each one of its members, to construct on a scientific and balanced basis, the necessary consensus for a management that is uniform, solid and consistent with the principles and objectives of the Commission.
3. That by signing this Declaration, the Parties wish to manifest to the Presidency, that with its signature they they make clear their vote in favor of the adoption of the measures contained in the above-mentioned Proposal **C3**, requesting that the issue addressed during the 79<sup>th</sup> Meeting as “Adoption of Conservation Measures”, be considered to a decision by means of Rule of Procedure V, given the manifest and indubitable urgency of a prompt joint decision by the Parties, so that the parties that have not signed this document and expressed their approval, be given the space necessary so that thinking about what has happened invites them to reconsider its position and join the Consensus, achieving Conservation Measures which cover and bind the Parties entirely for the year 2009.
4. Finally, we recognize the validity of the Commission to address the complex matters of Fisheries Management, but state our concern about the resulting dynamic which has not allowed Consensus. We make an emphatic appeal to our consciences, so that future actions are not guided by dissent or inflexibility, recognizing that the value of our effort is only measured by the effective ability to contribute more than to the debate, to the construction of common decisions consistent with the interests to which we have all committed, beyond those who because of its particular approach, do not contribute to the conservation of the resource nor to its sustainable use.

### Appendix 3.b

#### STATEMENT BY THE DELEGATION OF PERU ON CARRYING CAPACITY TO THE 79TH MEETING OF THE COMMISSION

The delegation of Peru demonstrated at the 78th Meeting of the Commission, held in June of this year in Panama City, the legal solidity of the Rights that have been reserved in Resolution C-02-03, which were recorded in a footnote.

In the framework of that exercise, the delegation has informed the 10<sup>th</sup> Meeting of the IATTC Working Group on the Capacity of the Fleet of the Eastern Pacific Ocean of the way in which it will implement the well volumes that have been recognized to Peru by the Commission, both the 3 195 m<sup>3</sup> of paragraph 10.1 and the 14 046 m<sup>3</sup> of the reserve formulated.

Peru has acted, as always, with legal certainty, basing its rights on historical, scientific bases, and on real and provable regulations. In the same manner, it has acted with transparency, by informing the Parties of its intentions, without presenting *faits accomplis* nor moving surreptitiously between the interstices that abound in the Resolution in force. It has also acted with responsibility, exercising its rights in a manner that does not involve an increase in the current fishing mortality, since it will limit access by foreign vessels to the tuna resources present in its maritime domain during the time when they are there.

On the basis of the relevant texts of the Resolution indicated above and, in addition, paragraph 13, which indicates that “*nothing in this resolution shall be interpreted to limit the rights and obligations of any participant to manage and develop the tuna fisheries under its jurisdiction or in which it maintains a longstanding and significant interest*”, Peru will make use of the 14 046 m<sup>3</sup> to which it has a right through the establishment of a fishery with Peruvian vessels, property of national vessel owners.

It must be clarified that, although to facilitate the debate the stances of the various countries have come to be called “*requests*”, Peru has not come to “*request*”, but to “*inform*” the Parties of how it will exercise the rights which have been recognized in the Resolution on capacity.

Peru has legal justification and, furthermore, the moral authority to act in the way it has announced, since it is one of the countries that honored the commitment to adopt conservation measures consistent with the progress made in Panama City last June.

Peru will promptly inform the Director of the names and other details of the national vessels that will join the fishery in waters of the Peruvian national domain, for their inclusion in the IATTC Register.

### Appendix 3.c

#### STATEMENT BY BOLIVIA

1. Bolivia makes manifest is disappointment with the lack of decision by the Commission on its requests that:
  - Acknowledge that Bolivia will exercise its sovereign right regarding the 5.830 m3 recognized in Resolution C-02-03
  - Execute the immediate withdrawal from the Regional Vessel Register of the vessels of an offending vessel owner, requested by means of the note of 17 December 2004
  - Also, due to the regrettable decision by the Commission to consider this matter as bilateral and deepen this problem with its self-declaration of incompetence to hear these matters.
2. In reality, it seems to be incompetent to attend to many matters, when they are not of interest to it or to which they are not committed.
3. Bolivia ratifies its opinion, considering that this Commission is looking out only for the interests of a few States and of vessel owners, leaving aside the rights expressly recognized to all States in UNCLOS.
4. Given these circumstances, Bolivia has no alternative but to take the measures that suit it best, to give effect to its claim and the denunciation to the corresponding competent authorities, so that the level of disregard by this Commission of the rights of States, which expressly contravenes the principles of equality recognized the United Nations Charter, UNCLOS and the FAO Code of Conduct for Responsible Fishing.
5. All the above, leads us to consider it pointless to continue with this process and not receive a definitive response.
6. In this regard, we ratify that Bolivia will adopt effective measures to exercise its sovereign rights and seek to sanction those who are culpable of the omissions and actions denounced, which includes the execution of all types of measures that protect our rights.
7. Finally, I would thank your Presidency to include this statement expressly in the minutes of this meeting.

Thank you,

### Appendix 3.c

#### STATEMENT OF GUATEMALA

At the conclusion of the 79<sup>th</sup> Meeting of the IATTC, the delegation of the Republic of Guatemala observes with unease that the claim that it has been maintaining since November of 2003 continues unaddressed, especially due to the indifference of several of the Parties to the Commission.

The 10<sup>th</sup> Meeting of the Permanent Working Group on Fleet Capacity, convened precisely towards the end of this year to clear the agenda of the 78<sup>th</sup> Meeting held in Panama last June, has resulted in another failure: Despite the efforts by Guatemala to present its case in an orderly fashion and propose a legally viable solution, which does not mean an increase in fleet capacity, some Parties continue to seek subterfuges to delay a practical and honorable solution, since collective management measures have not been adopted, that heeding Guatemala's claim would imply agreeing to all the others, that a single solution must be found, common to all the cases.

It has become clear to Guatemala that the IATTC has lost considerable legitimacy, by having failed in its tasks of adopting conservation measures in the recent past, and by postponing indefinitely attending to the problems of capacity. In this scenario, the countries are left to their own devices, without the help of the forum to find an answer to their needs.

Guatemala has been patient in the extreme: It has never blocked any matter in order to impose a solution to its predicament; rather, it has been flexible regarding the time that it has had to addressing it, postponing dealing with it on various occasions and putting up with a superficial and hurried examination, all in the interests of cooperating in addressing other matters. In view of the failed attempts to adopt management measures for 2008 in the forum, Guatemala established unilateral measures consistent with what it was negotiating in Panama, in a responsible and committed manner. Even so, it has not received anything at all in return.

In the search for a solution, the Republic of Guatemala has reached the conclusion that, independently of what some Parties may think, it continues to have the right to replace its assets which were allegedly transferred, without its agreement, to another State. This assertion is based on the proven fact that capacity is an asset that belongs to States, that changes of flag and transfers of capacity are different matters, which are managed separately in time, and that only the fisheries authorities, and not others, can express themselves regarding surrendering their national capacity.

In view of all the above, Guatemala declares that the Commission does not have will nor interest in resolving this regrettable and prolonged matter. Even so, by legal mandate, it cannot abandon continuing its claim to that which belongs to it, in this and in other scenes. Guatemala will proceed, therefore, to act in accordance with its interpretation of the current state of affairs and of the legal situation of the matter that concerns it, in a manner consistent with Resolution C-02-03, with its laws and regulations and in accordance with the development of its tuna industry.

For the Delegation of the Republic of Guatemala:

Dra. Carmen Sandoval de Corado, Vice-minister and Commissioner  
Dr. Fraternal Díaz Monge, Coordinator and Commissioner  
Ab. Hugo Alsina Lagos, Advisor