

INTER-AMERICAN TROPICAL TUNA COMMISSION

COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION

2ND MEETING

**La Jolla, California (USA)
29-30 June 2011**

MINUTES OF THE MEETING

AGENDA

	Documents
1. Opening of the meeting	
2. Election of Chairman	
3. Approval of the minutes of the 1 st meeting of the Committee	
4. Adoption of the agenda	
5. Approval of the minutes of the 9 th Meeting of the Joint IATTC-AIDCP Working Group on fishing by non-Parties	
6. Rules of procedure of the Committee	COR-02-06
7. Compliance with IATTC measures in 2010	COR-02-07
8. National reports on the obligations established in Article XVIII of the Antigua Convention	
9. Format for national reports	COR-02-09
10. Consideration of the provisional IUU vessel list	COR-02-10
11. Cooperating non-Parties and fishing entities	COR-02-11
12. Other business	
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The second meeting of the Committee for the Review of the Implementation of Measures Adopted by the Commission was held in La Jolla, California (USA), on 29-30 June 2011. The attendees are listed in Appendix 1.

1. Opening of the meeting

The meeting was opened by the Director of the IATTC, Dr. Guillermo Compeán.

2. Election of Chairman

Mr. David Hogan, of the United States, was re-elected Chair.

3. Approval of the minutes of the 1st meeting of the Committee

The minutes were approved without comments.

4. Adoption of the agenda

The provisional agenda was adopted with the inclusion of a review of the following proposals:

- a. **Japan:** Vessels of non-cooperating non-Members on the Regional Vessel Register; amendments to Resolutions [C-00-06](#) on the Regional Vessel Register, [C-03-07](#) on large-scale longline vessels authorized to operate in the eastern Pacific Ocean (EPO), and [C-11-09](#) on transshipments at sea.
- b. **Japan and the European Union:** National reports on compliance;
- c. **United States:** Exchange of points of view on Resolution [C-05-07](#) to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the EPO (“IUU list”).

5. Approval of the minutes of the 9th Meeting of the Joint IATTC-AIDCP Working Group on Fishing by non-Parties

The minutes were approved without comments.

6. Rules of procedure of the Committee

The Committee recommended that the Commission consider adopting a comprehensive set of rules of procedure that could be applied to all the meetings of the Commission and of its subsidiary bodies.

7. Compliance with IATTC measures in 2010

Mr. Ernesto Altamirano, of the IATTC staff, presented Document [COR-02-07](#), which contains detailed information on compliance with IATTC resolutions in 2010. The Committee specifically discussed the following elements of the report:

7.1. General comments

The Committee agreed generally that it is necessary to have more information from national authorities not only about the purse-seine fleet, but also about other types of fishing and other gears. It also agreed that the names and flags of vessels should appear in the staff’s annual report on compliance.

The Committee also discussed the sources of the information on which the report is based, in particular the inclusion of information provided by national or IATTC observer programs and matters related to deadlines and logistical tasks among the programs. It recommended that the annual compliance report contain information from the national and IATTC observer programs whenever possible, and that the report indicate the cases in which the information does not yet include all the data. It also recommended that Members with national observer programs consult with the Secretariat with regard to the possibility and usefulness of convening a meeting of national and IATTC observer programs to discuss the exchange of data and the deadlines that must be observed, including guidelines in this regard and other administrative issues.

7.2. Resolution on bycatch ([C-04-05](#))

7.2.1. Sea turtles (Section 2.1.1.a¹)

The Committee highlighted that there is little information from Members on bycatches of sea turtles in the longline fishery, and that it was necessary to complete this information.

7.2.2. Sharks (Section 2.1.1.b)

With regard to this section of the report, some Members pointed to the great number of “finned” sharks

¹ The references correspond to the relevant sections of Document [COR-02-07](#), *Compliance with IATTC measures in 2010*

(dorsal fin cut off and the rest of the animal discarded) in the purse-seine fishery, compared with the data reported in 2009.

The European Union asked Mexico for information on catches of sharks by its fleet. Mexico indicated that these catches, which are made up mainly of silky sharks, are to a great degree made incidentally in sets on floating objects. More than one national fleet records high bycatches of sharks, and historic variations in the concentrations of sharks in the north and south of the EPO affect the distribution of these bycatches among the national fleets. He requested that the discrepancies between the two resolutions on sharks ([C-04-05](#) and [C-05-03](#)) be resolved, since one of them calls for retaining captured sharks and the other does not.

The Committee recommended that the resolutions that deal with sharks be reviewed, with a view to harmonizing them and clarifying the issue of the retention of sharks aboard fishing vessels.

7.3. Resolution on fish-aggregating devices ([C-99-07](#)) (Section 2.2)

The Committee noted that no reports of transshipments in 2010 had been received, nor of the use of tender vessels in the fishery on fish-aggregating devices (FADs).

7.4. Resolution on at-sea reports ([C-03-04](#)) (Section 2.3)

The Committee took note of the continued good compliance with the sending of at-sea reports, which has been at levels close to 100% since 2008.

7.5. Conservation of tunas ([C-09-01](#)) (Section 2.4.1)

The Committee discussed the cases of four Class-6 purse-seine vessels included in this section of the report for having made sets during closure periods: *Cayude*, *Orinoco II*, and *Taurus Tuna* (all Venezuela), and *Templario I* (Panamá). Furthermore, the Class-4 vessel *Mar Cantábrico* (Bolivia) is presumed to have fished during a closure in 2010. Also addressed was the case of the vessel *Grenadier* (Colombia) for having fished during a closure in the high-seas area established in Resolution C-09-01.

Panamá reported that the *Templario I* is at the stage of presenting evidence of the investigative process it is undergoing, and that the conclusion of the process would be reported later. Colombia indicated that the case of the *Grenadier* is in the same situation.

Venezuela explained the circumstances that led to the inclusion of three of its vessels in the compliance report. He recalled that a request to change the vessel's closure period had been denied, even though vessels of other countries had been granted such exemptions. Several delegations agreed with Venezuela that treatment should be equitable, and that these vessels should not be considered to have committed violations, and should therefore not be included in the report. The Committee agreed that these vessels should not be considered to be in violation of Resolution C-09-01. Further, Venezuela, with the support of most delegations, said that in future there should be no exceptions or exemptions regarding the closure periods, and proposed that this be agreed by the Commission

The Committee recommended to the Commission that, considering the needs and recommendations for conservation and management, and until there were general procedures to treat exceptions in compliance with the measures adopted in this regard, exceptions such as those discussed in this case should not be considered.

Regarding the requirement of full retention of tuna aboard, the Committee took note that the annual discard rate has decreased greatly, from about 20 thousand tons in 1998 to only 480 tons in 2010.

With respect to the bigeye catch limits for longline vessels, Ecuador stated that it would review the situation, and that it committed to sending its monthly catch data, starting in August.

7.6. Resolution on the provision of data (C-03-05) (Section 2.7)

The Committee discussed compliance with Resolution C-03-05 on the provision of data, stressing particu-

larly the need for Members sending data on all fishing gears to the Secretariat promptly. A considerable number of Members have not sent their information for 2009, and the lack of that information affects the objectives and functions of the Commission. Capacity building in developing countries needs to be encouraged in order to be able to count on reliable information on the impact of small longliners that operate in the EPO.

7.7. Recommendation on research buoys (C-10-03)

The Committee took note of comments indicating that the violations of this recommendation included in the report should be seen in the context that, from the legal point of view, the measure is a recommendation, not a resolution.

7.8. Resolution on fleet capacity (C-02-03) (Section 2.6)

The Committee considered the cases of four vessels that fished in the EPO in 2010 without being on the Regional Register, and thus in contravention of Resolution C-02-03: *Marta Lucía R* and *Dominador I* (both Colombia), and *Ignacio Mar I* and *Tuna I* (both Ecuador).

Ecuador stated that the circumstances of the *Tuna I* and *Ignacio Mar* arise from a dispute over capacity between Ecuador and Panamá, as has been extensively noted in the past.

Colombia stated that it had already explained on repeated occasions the circumstances of the vessels *Marta Lucía R* and *Dominador I*, and that its position remained unchanged. Colombia wished to discuss this matter in the context of Resolution C-02-03.

7.9. Transshipments at sea by longline vessels (C-08-02)

Mr. Ricardo Belmontes, of the Commission staff, reported that in general the program has worked well, and that the only lack of compliance was with regard to the sending of annual reports by the Members that participate in the program. Cases of transshipment of sharks had been observed in 2010, and reported to the Member in question, whose investigation determined that there was no infraction. The program needed an additional contribution of USD 200,000 in 2011, due to the considerable increase in requests for observers and in their time at sea, and for 2012 a budget of a USD 1,000,000 would be required to cover the costs of the program.

The Committee requested that in the future the compliance report include matters related to Resolution C-08-02.

8. National reports on the obligations established in Article XVIII of the Antigua Convention

Various Members made verbal reports on cases mentioned in the compliance reports for 2009 and 2008.

- a. Venezuela reported that it had applied the maximum sanction to the vessel *Don Francesco* for failure to comply with the closure in 2009, and that a relapse would result in the withdrawal of its fishing permit. Furthermore, for 2011, the fishing permit would be revoked for any vessel that violated a conservation measure.
- b. Colombia reported that, with regard to violations of the closure in 2009, an administrative process was being followed to determine whether sanctions would be applied to the respective vessels.
- c. Ecuador noted that: (1) it has a national plan of action for the protection of sharks that prohibits “finning” (cutting off the fins and discarding the rest of the animal); (2) measures will be taken with regard to vessels reported to be in violation of Resolution [C-11-03](#) on fishing on research buoys; (3) regarding the vessel *Ocean Lady*, the official in question was sanctioned for not requesting the vessel’s inclusion in the Regional Register; (4) the vessel *Ingalápagos* was sanctioned for not informing the fisheries authority of its transit trip; (5) it was determined that the sets by the vessel *Lizi* were not made in the high seas closure area; and (6) the case of the *Ignacio Mar I* resulted from a dispute with Panama over capacity, as noted above.

- d. Mexico reported that seven possible infractions regarding turtles and the case of the violation of the closure in the high seas area established in Resolution C-09-01 by the vessel *Nair* were in the sanctioning process.
- e. Nicaragua reported that the case of the violation regarding a sea turtle is in the administrative sanctioning process.
- f. Panamá reported that the vessels *La Parrula*, *Tunamar*, and *Julie L* were sanctioned, however, the process is being appealed in the case of the latter two. As regards the *Sirenza I*, information was presented to corroborate that it did not carry out fishing activities during the closure days on which it was not in port.

9. Format for national reports

Mr. Belmontes presented Document [COR-02-09](#) on a format for national reports. The Committee discussed the document briefly, and then focused its attention on the proposal by the European Union and Japan on compliance with IATTC measures (Proposal [82-I-1](#)), and on the relationship between the proposed checklist for verifying the implementation of those measures and the elements in Document [COR-02-06](#) relating to compliance. The Committee considered that the way of integrating those elements and presenting them to the Commission should be reviewed, with the aim of adopting a structured and standardized format for the presentation of national reports.

10. Consideration of the provisional IUU vessel list

After a discussion of the provisional list of IUU vessels in Document COR-02-10 and circulated previously by the Secretariat, the Committee recommended that the Belize-flag vessels *Yu Long* and *Yu Long No. 6* not be included in the IUU List, not only because of the actions taken by Belize, but also because Resolution [C-05-03](#) does not specifically prohibit exceeding the 5% limit for shark fins if they are intended for consumption aboard the vessel.

Colombia reiterated its previous expositions on the background to its request to include the vessels *Dominador I* and *Marta Lucía R* in the Regional Register, and expressed its objection to the inclusion of the former in the IUU list. Similarly, Ecuador explained once more the case of the vessel *Ignacio Mar I*, and expressed the same objection.

In view of the lack of further information from Bolivia regarding the vessel *Mar Cantábrico*, which fished during the closure period in 2010 and without an observer aboard, the Committee recommended that it be included in the IUU list, and that the Commission inform the government of Bolivia of its wish that Bolivia cooperate with the objectives of the IATTC.

One Member proposed including the vessels *Don Abel* (Venezuela) and *Tunamar* (Panamá) in the provisional IUU list, but this was not done due to the objections of other Members. Some delegations considered that such objections should be brought to the attention of the Committee for discussion, instead of taking the decision of including or not the proposed vessels in the provisional list. Other delegations indicated that the procedures for the inclusion of vessels in that list should be properly followed, and that the Secretariat should be given clear instructions, so as not to put it in the position of deciding whether it is appropriate to include a vessel in the list.

With regard to the vessel *Don Abel*, Venezuela explained that, during the two years since it was proposed for inclusion in the IUU list for fishing without being on the Regional Register, there had not been consensus on its inclusion. The vessel's fishing permit had been withdrawn in 2008, and it would not operate as long as it was not on the Register.

Panama reported that the vessel *Tunamar* was sanctioned with a fine of US\$ 1,150,000, and its fishing licence was not renewed. The Committee recommended that these two vessels not be included in the provisional IUU list.

The Committee reviewed the request for removing from the IUU list various Indonesian-flag vessels, and analyzed the case of a Colombian-flag vessel, the *Caribbean Star No. 31*, which in the previous year was identified as of unknown flag by the Commission. Colombia stated that it was its flag vessel, but that it did not have a fishing permit and, according to recent information, was tied up in port. Under these circumstances, the Committee recommended the removal of this vessel from the IUU list.

Indonesia made a presentation and answered multiple questions about its flag vessels on the IUU list. After considering the available information, the Committee recommended that four Indonesian vessels – *Permata*, *Permata 102*, *Permata 138*, and *Mutiara 28* – be removed from the IUU list. Indonesia expressed its intention of cooperating actively with the Commission to provide and update information on the cases of the Indonesian vessels that would remain on the IUU list.

11. Cooperating non-Members

Only Cook Islands requested the status of Cooperating non-Member, and after some discussion the Committee recommended that it be granted that status, and that it be reminded of the requirements and deadlines that it implies.

Japan presented its proposal for implementing Resolution C-02-03 on capacity by removing from the Regional Register vessels of flag of non-cooperating non-Members, specifically Bolivia and Honduras, by means of a recommendation by the Committee to the Commission or a Commission resolution. Some Members supported the concept of the proposal, while others expressed concern about the process, stating that some prior notification should be given to the States in question. The Committee recommended that the Commission consider the proposal, taking into account in the procedures to follow the concerns expressed by various Members.

12. Other business

The United States made a presentation on its proposal to amend Resolution C-05-07 on the procedures for including vessels in the IUU list. Various delegations made comments, and the United States offered to take them into consideration for inclusion in its proposal when it presented it to the Commission.

13. Recommendations for the Commission

1. **Rules of procedure:** The Committee recommended that the Commission consider adopting a comprehensive set of rules of procedure that could apply to the meetings of the Commission and its subsidiary bodies.
2. **Administrative and procedural matters:** The Committee recommended that the Commission consider the following points regarding the annual compliance report:
 - a. That, in cases in which the information is available, the flags and names of vessels be reported in the presentation to the Committee of the report;
 - b. That whenever possible the report reflect data from both the national and IATTC observer programs, or that the report indicate the cases in which these data were not wholly included; and
 - c. That the report includes information on the implementation of the resolutions on the IUU list (C-05-07) and transshipments by longliners (C-08-02), and compliance with these measures.
3. **National observer programs:** The Committee recommended holding a meeting of the national and IATTC programs to discuss data exchange and the deadlines that must be met, including guidelines on these matters, and other administrative issues.
4. **Resolutions on sharks:** The Committee recommended that the Commission review, and consider amending, the resolutions on sharks (C-04-05 and C-05-03), in order to clarify the Commission's intentions regarding the retention of captured sharks and other issues that have resulted in incon-

sistencies and difficulties in implementing them at the national level.

5. **Format for national reports:** The Committee recommended that the Commission consider establishing a format for national reports on implementation and compliance, with a possible consolidation of the Secretariat's proposals in Document COR-02-09 and the proposal of the European Union and Japan. It also recommended that the Commission consider developing a format for data reports compatible with the requirements of Commission resolutions.
6. **IATTC IUU vessel list:** The Committee recommended that:
 - a. The vessel *Mar Cantábrico* (Bolivia) be added to the IUU list;
 - b. The following vessels be removed from the IUU list: *Caribbean Star 31* (Colombia); *Permata*, *Permata 102*, *Permata 138*, and *Mutiara 28* (all Indonesia).
7. **Cooperating non-Members:** The Committee recommended that Cook Islands be granted cooperating non-Member status, and that it be reminded of the requirements and deadlines that it involves.
8. **Exclusion from the Regional Register of vessels of non-cooperating non-Members:** The Committee recommended that the Commission consider the proposal of Japan on the removal from the Regional Register of vessels of non-cooperating non-Members, in accordance with Resolution C-00-06, which established the Register, taking into account the aspects of procedure and due process noted by various Members with regard to actions of this kind.
9. **Venezuelan vessels:** Concerning the vessels *Cayude*, *Orinoco II*, and *Taurus Tuna*, the Committee recommended to the Commission not to consider these vessels as having committed an infraction, but that in the future, until the establishment of a general procedure on exemptions or exceptions to the adopted management and conservation measures, no requests for exemption or exception should be considered.
10. **Improvement of data reports:** The Committee recommended that the Commission review the data reporting requirements established in its measures, and improve and strengthen the requirements regarding data reports for all gear types on all the species in the Commission's purview, with emphasis on reports for longline fisheries, in particular for longline vessels of less than 24 meters length overall, not covered by the current resolutions.

14. Adjournment

The meeting was adjourned at 7:30 p.m. on 30 June 2011.

Appendix 1.

ATTENDEES - ASISTENTES

BELIZE - BELICE

JAMES AZUETA *
Belize Fisheries Department
jazueta_bz@yahoo.com

VALERIE LANZA *
IMMARBE
valerie@immarbe.com

WILFREDO POTT*
Belize Fisheries Department
willpott@gamil.com

CANADA

LAUREN DONIHEE*
Fisheries Oceans
lauren.donihee@dfo-mpo.gc.ca

COLOMBIA

PAULA CABALLERO*
Ministerio de Relaciones Exteriores
paula.caballero@cancilleria.gov.co

CARLOS ROBLES*
Ministerio de Agricultura y Desarrollo Rural
carlos.robles@minagricultura.gov.co

JUAN CALDAS
Ministerio de Ambiente, Vivienda y Desarrollo Territorial
jcaldas@minambiente.gov.co

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

ARMANDO HERNÁNDEZ
ANDI/Cámara Armadores
ahernandez@andi.com.co

ALEJANDRO LONDOÑO
ANDI/Asociación Nacional de Empresarios de Colombia
alondono@andi.com.co

DIEGO CANELOS
Seatech International, Inc.
dcanelos@seatechint.net

ENRIQUE DE LA VEGA
Fundación Pesca Limpia
edelavega@pescalimpia.org

LUÍS PAREDES
Seatech International, Inc
paredeslr@lexpraxis.com

COSTA RICA

ASDRÚBAL VÁSQUEZ*
Ministerio de Agricultura y Ganadería
vasquezal@ice.co.cr

ECUADOR

LUÍS TORRES*
Subsecretaría de Recursos Pesqueros
luis.torres@pesca.gob.ec

ERIKA PAZMIÑO
Subsecretaría de Recursos Pesqueros
erika.pazmino@pesca.gob.ec

HUGO VERA
Subsecretaría de Recursos Pesqueros
hugo.vera@pesca.gob.ec

RAFAEL TRUJILLO
Cámara Nacional de Pesquería
direcjec@camaradepesqueria.com

LUIGI BENINCASA
ATUNEC
luigibenincasa@gmail.com

JAIME HOLGUÍN
NIRSA S.A.
presidencia@nirsa.com

ABEL PALADINES
Delipesca S.A.
paladineshnos@aiaisat.net

EL SALVADOR

ANA GALDAMEZ*
MAG – CENDEPESCA
marlenebiol@yahoo.com

SONIA SALAVERRÍA
Grupo Calvo S.A. de C.V.
soniasalaverria@yahoo.com

EUROPEAN UNION- UNIÓN EUROPEA

ROBERTO CESARI*
European Commission
roberto.cesari@ec.europa.eu

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

MARCO D'AMBROSIO*
European Commission
marco.dambrosio@ec.europa.eu

FRANCE - FRANCIA

JONATHAN LEMEUNIER*
Ministère de l'Agriculture et de la Pêche
jonathan.lemeunier@agriculture.gouv.fr

GUATEMALA

HUGO ALSINA*
Ministerio de Agricultura, Ganadería y Alimentación
hugo@alsina-et-al.org

VASCO FRANCO
Pesquera Reina de la Paz
vascofrancoduran@yahoo.com

JAPAN - JAPÓN

SHINGO OTA*
Fisheries Agency of Japan
shingo_oota@nm.maff.go.jp

HARUO TOMINAGA
Fisheries Agency of Japan
haruo_tominaga@nm.maff.go.jp

TAKUMI FUKUDA
Fisheries Agency of Japan
takumi_fukuda@nm.maff.go.jp

HISAO MASUKO
Japan Tuna Fisheries Co-operative Association
masuko@japantuna.or.jp

KOREA - COREA

HYUNWOOK KWON*
Ministry of Food, Agriculture, Forestry and Fisheries
6103kwon@naver.com

KIM JUNG-RE
Ministry of Food, Agriculture, Forestry and Fisheries
drew1126@naver.com

JONGWAN AHN
Ministry of Food, Agriculture, Forestry and Fisheries
ahnjk90@korea.kr

ILKANG NA
Korea Overseas Fisheries Association
ikna@kosfa.org

MÉXICO

MARIO AGUILAR*
CONAPESCA
mariogaguilars@aol.com

LUÍS FLEISCHER
Centro Regional de Investigación Pesquera
lfleischer21@yahoo.com

MICHEL DREYFUS
Instituto Nacional de la Pesca
dreyfus@cicese.mx

NICARAGUA

JULIO GUEVARA*
INATUN
juliocgp@gmail.com

PANAMÁ

RAÚL DELGADO*
ARAP/Autoridad de los Recursos Acuáticos de Panamá
rdelgado@arap.gob.pa

SHELLA FRANCESCHI
ARAP/Autoridad de los Recursos Acuáticos de Panamá
mbarallo@arap.gob.pa

ALEXANDER CASTILLO
ARAP/Autoridad de los Recursos Acuáticos de Panamá
alexandercastilloleon@gmail.com

PERÚ

GLADYS CÁRDENAS*
Instituto del Mar del Perú
gcardenas@imarpe.gob.pe

RICARDO BERNALES
Sociedad Nacional de Pesquería
rbernales@diamante.com.pe

TAIPEI CHINO – CHINESE TAIPEI

WALLACE M. G. CHOW
Department of International Organizations
chitai@msl.f.a.gov.tw

CITAI LING
Fisheries Agency
chitai@msl.f.a.gov.tw

ROBERT DUAN
Department of Treaty and Legal Affairs

WEI-YANG LIU
Oversea Fisheries Development Council

chitai@msl.fa.gov.tw

YI-CHI HUANG

Department of Interational Organizations
chitai@msl.fa.gov.tw

weiyang@ofdc.org.tw

KUAN-HSIUNG WANG

National Taiwan Normal University
khwang@seed.net.tw

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMÉRICA

RODNEY MCINNIS*

NOAA/National Marine Fisheries Service
rod.mcinnis@noaa.gov

WILLIAM FOX

U.S. Commissioner
hogandf@state.gov

ED STOCKWELL

U.S. Commissioner
edstockwell@insightbb.com

DAVID HOGAN

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

DEREK CAMPBELL

NOAA/National Marine Fisheries Service
derek.campbell@noaa.gov

HEIDI HERMSMEYER

NOAA/National Marine Fisheries Service
heidi.hermsmeyer@noaa.gov

DONALD MASTER

NOAA/National Marine Fisheries Service
don.master@noaa.gov

PAUL ORTÍZ

NOAA/Office of General Counsel
paul.ortiz@noaa.gov

JEREMY RUSIN

NOAA/National Marine Fisheries Service
jeremy.rusin@noaa.gov

BRADLEY WILEY

NOAA/National Marine Fisheries Service
brad.wiley@noaa.gov

SVEIN FOUGNER

Hawaii Longline Association
sveinfougner@cox.net

GUILLERMO GÓMEZ

Gomez-Hall Associates
gomezhall@gmail.com

JOHN ZUANICH

Star Kist Company
john.zuanich@starkist.com

VENEZUELA

ALVIN DELGADO*

PNOV/FUNDATUN
adelgadopnov@cantv.net

LILLO MANISCALCHI

Avatun
lillomaniscalchi@yahoo.com

ENZO NATOLI

INATUNCA
gruonatali@gmail.com

SALVATORE NATOLI

INCATUNCA
gruonatali@gamil.com

OBSERVERS – OBSERVADORES

INDONESIA

SUSENO SUKOYONO*

Ministry of Marine Affairs and Fisheries
suseno.sukoyono@gmail.com

JOHN WONG

Indonesia Tuna Association/ASTUIN
ayu@bit.net.id

FARIDA LIM

Indonesia Tuna Association/ASTUIN
ayu@bit.net.id

NON-GOVERNMENTAL ORGANIZATIONS – ORGANIZACIONES NO GUBERNAMENTALES

REBECCA REGNERY

Humane Society International
rregnery@hsus.org

OTHER OBSERVERS – OTROS OBSERVADORES

ARNULFO FRANCO

FIPESCA
arnulfofranco@fipisca.com

STEPHANIE DÍAZ

FIPESCA
fipisca@fipisca.com

SECRETARIAT – SECRETARÍA

GUILLERMO COMPEÁN, Director

gcompean@iattc.org

ERNESTO ALTAMIRANO

ealtamirano@iattc.org

RICARDO BELMONTES

MILTON LÓPEZ

mlopez@iattc.org

JOYDELEE MARROW

jmarrow@iattc.org

JEAN-FRANCOIS PULVENIS

rblemontes@iattc.org
DENISSE BONAROS
dbonaros@iattc.org
LAURA BOWLING
lbowling@iattc.org
MÓNICA GALVÁN
mgalvan@iattc.org
MARTIN HALL
mhall@iattc.org

jpulvenis@iattc.org
SIMON ROBERTS
sroberts@iattc.org
CYNTHIA SACCO
csacco@iattc.org
NICK VOGEL
nvogel@iattc.org
NICHOLAS WEBB
nwebb@iattc.org

*Head of Delegation – Jefe de Delegación