

INTER-AMERICAN TROPICAL TUNA COMMISSION

88<sup>TH</sup> MEETING (EXTRAORDINARY)

La Jolla, California (USA)  
31 October - 1 November 2014

MINUTES OF THE MEETING

AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Report of the 16<sup>th</sup> Meeting of the Permanent Working Group on Fleet Capacity
4. Adjournment

APPENDICES

- 1 List of attendees
- 2 Report of the Chair of the Permanent Working Group on Fleet Capacity

The 88<sup>th</sup> (extraordinary) meeting of the Inter-American Tropical Tuna Commission (IATTC) was held in La Jolla, California (USA), on 31 October and 1 November 2014. The attendees are listed in Appendix 1.

**1. Opening of the meeting**

The meeting was opened by the Chair of the IATTC, Mr. Alvin Delgado, of Venezuela. In accordance with item 10 of the Commission's Rules of Procedure, Mr. Julio Guevara, of Nicaragua, continued as rapporteur.

**2. Adoption of the agenda**

The agenda was adopted without changes. Guatemala requested that its case of a claim for restitution of capacity be reviewed first.

**3. Report of the 16<sup>th</sup> Meeting of the Permanent Working Group on Fleet Capacity**

Mr. Bernal Chavarría, of Belize, chair of the Working Group, presented his report (Appendix 2). The Group recommended that the Commission continue the review of the cases described in the report of the 15<sup>th</sup> meeting of the Group, in the manner indicated in the minutes of the first part of the 87<sup>th</sup> meeting of the Commission (*i.e.* in conjunction with measures for mitigating the effect of the increase in capacity, including a plan for reducing capacity in the eastern Pacific Ocean (EPO)) and in the following order:

- a) **Capacity disputes or claims.** Cases of Guatemala, Ecuador, Venezuela, Vanuatu, and Bolivia.
- b) **Additional capacity.** Requests by Costa Rica (7,058 m<sup>3</sup>), Nicaragua (4,200 m<sup>3</sup>), El Salvador (2,105 m<sup>3</sup>), Peru (5,851 m<sup>3</sup>) and Honduras (3,000 m<sup>3</sup>).
- c) **Other cases.** Requests by Ecuador for review for the vessels *Victoria A* (850 m<sup>3</sup>), *María del Mar* (281 m<sup>3</sup>), *Doña Roge* (300 m<sup>3</sup>), *Eli* (220 m<sup>3</sup>), *Monteneme* (908 m<sup>3</sup>) and *Isabel IV* (1,534 m<sup>3</sup>).

The Commission reviewed those cases, with the following results:

**a) Capacity disputes or claims**

**i. Guatemala**

After recognizing the merits of the request by Guatemala for restitution of 3,762 m<sup>3</sup> of carrying capacity,

the Commission agreed to consider the request favorably without further need for review, but conditioned the activation of the capacity on the approval by the Commission, at the first possible opportunity, of conservation measures that would counterbalance that capacity.

The European Union indicated that, in addition to the adoption of conservation measures, it considers that the activation of the capacity should be conditioned on the adoption of a plan for reducing capacity in the EPO.

The United States reiterated its position that acceptance in principle of the merits of Guatemala's case and of any other pending case for granting, activating, or in any other way adding capacity, is conditioned on the adoption of commensurate conservation and management measures, to mitigate the addition of all new capacity. The United States suggested using the mechanism established in Resolution C-13-01 to achieve a conservation balance by increasing the days of fishing closure in the EPO, using the scientific staff's analysis of 1.2 days of closure per 1,000 cubic meters of well volume added, and extending the resolution beyond 2016. There was no consensus on this approach.

Guatemala made the following proposals for counterbalancing the impact of activating the capacity that had been favorably resolved:

Global measures:

- a. Identification of new spawning, breeding, and recruitment areas for tuna species in the EPO as 'no-fishing' areas.
- b. Enlargement of the *corralito* area<sup>1</sup>.

Unilateral measures:

- a. Carry out fishing activities beyond one hundred (100) nautical miles of the Exclusive Economic Zones (EEZs).
- b. Limit fishing by this capacity to the technique of fishing on dolphins and assess the impact that would result from fishing on dolphins.

Pursuant to Guatemala's proposal, the Commission instructed the Director that the scientific staff should develop studies of the impact of:

- a. Measures that authorize fishing activity beyond 100 nautical miles of the Guatemalan and other Members' EEZs.
- b. Limiting fishing by the capacity restored to Guatemala to fishing on dolphins.
- c. Prohibiting fishing in areas identified as spawning, breeding, and recruitment areas for tuna species in the EPO.
- d. Enlarging the area of the *corralito* as well as increasing the duration of the closure period.
- e. Measures that limit the mortality of juveniles.

**ii. Case of Vanuatu (vessel *Esmeralda C*)**

It was not possible to reach a consensus on this case. The Commission decided to keep it open for consideration at its next meeting.

**iii. Case of Ecuador (vessel *Roberto M*)**

The Commission approved the request by Ecuador to utilize an amount of capacity equivalent to that of the *Roberto M* (1,161 m<sup>3</sup>).

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<sup>1</sup> Defined in Resolution C-13-01; closed to purse-seine fishing during the month of October.

#### **iv. Case of Venezuela**

After recognizing the merits of the request by Venezuela for partial restitution of 1,668 m<sup>3</sup> corresponding to the vessel *Napoleón I* and the remainder of 3,805 m<sup>3</sup> at such time as the status of the resource allowed it, the Commission considered the request favorably, subject to the same conditions as the request by Guatemala.

#### **v. Case of Bolivia**

It was not possible to reach a consensus on the request by Bolivia for restitution of the 5,830 m<sup>3</sup> of carrying capacity. The EU, supported by other delegations, considered that the case should rather be addressed through the appropriate national courts. The Commission decided to consider this case again at its next meeting.

##### **b) Requests for additional capacity**

It was not possible to reach a consensus on the requests for additional capacity presented by various developing coastal Members: Costa Rica (7,058 m<sup>3</sup>), Nicaragua (4,200 m<sup>3</sup>), El Salvador (2,105 m<sup>3</sup>), Peru (5,851 m<sup>3</sup>) and Honduras (3,000 m<sup>3</sup>). The Commission decided to consider these cases again at its next meeting.

##### **c) Other cases**

Ecuador recalled its requests for reviewing the capacity for the vessels *Doña Roge* (300 m<sup>3</sup>), *Eli* (220 m<sup>3</sup>) and *Ljubica M* (176 m<sup>3</sup>), arguing that these are cases of correcting the capacity recorded on the Regional Register.

Also, he noted that the review of the cases of the vessels *Victoria A* (850 m<sup>3</sup>), *María Del Mar* (281 m<sup>3</sup>), and *Isabel IV* (1,534 m<sup>3</sup>), which, due to an administrative error by the Ecuadorian government, were not included in the Regional Register when it was created in 2002, and the vessel *Monteneme* (908 m<sup>3</sup>), was pending. The European Union respected the prerogative of Ecuador to put forward the cases related to sunken vessels, but asked them to consider the possibility of withdrawing the requests, as they were submitted long after the entry into force of Resolution C-02-03 and they are impossible to verify.

The Commission agreed to consider anew at its next meeting all the cases pending due to lack of consensus.

Also, due to lack of time, the Commission was unable to continue the discussion initiated in the Working Group on a plan for reducing capacity and on measures to counterbalance any increase in the capacity of the fleet, and in particular how to introduce the necessary adjustments in the resolution that would replace C-13-01 when it expired. In this regard, the Commission adopted the proposal by Guatemala to advance that task in a virtual working group, which would promote the exchange of information on the practices of Members regarding conservation measures, consult with the Secretariat, and maintain communications with the Scientific Advisory Committee, and should report its progress to the Chair of the Commission.

To this end, the Commission agreed to maintain the virtual working group created at its 87<sup>th</sup> meeting in July 2014, and that Guatemala would be responsible for coordinating it through the current coordinator, Mr. Chavarría, or whomever Guatemala appointed for that purpose.

#### **4. Adjournment**

The meeting was adjourned on 1 November 2014 at 8:30 p.m.

## Appendix 1.

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**Appendix 2.**

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**PERMANENT WORKING GROUP ON FLEET CAPACITY**  
**16<sup>TH</sup> MEETING**  
**The Jolla, California (USA)**  
**30 October 2014**

**REPORT OF THE MEETING**

**AGENDA**

1. Opening of the meeting
2. Adoption of the agenda
3. Review of pending capacity claims, requests or disputes
4. Plans for the reduction of the capacity of the fleet
5. Recommendations to the Commission
6. Other business
7. Adjournment

The sixteenth meeting of the Permanent Working Group on Fleet Capacity was held in The Jolla, California, on 30 October 2014. The attendees are listed in Appendix 1.

**Opening of the meeting**

Mr. Bernal Chavarría, of Belize, was appointed Chair of the Working Group. Mr. Julio Guevara, of Nicaragua, was appointed rapporteur.

**Adoption of the agenda**

The provisional agenda was approved without changes.

**Review of pending capacity claims, requests or disputes**

The Working Group recognized that the recommendations issued at its 15<sup>th</sup> meeting are still in force and are not subject to revision or modification, especially those contained in paragraphs a), b), and c) of the Group's report that are reflected in the minutes of the 87<sup>th</sup> Meeting of the Commission, regarding:

- a. Consider favorably the request by Guatemala that it be granted as a replacement the amount of 3,762 m<sup>3</sup> that was transferred without its consent.
- b. Consider favorably the requests by Ecuador (*Roberto M*; 1,161 m<sup>3</sup>), Vanuatu (*Esmeralda C*; 1,358 m<sup>3</sup>), and Venezuela (*Napoleón I*; 1,668 m<sup>3</sup>) that they be granted as restitution of the amounts corresponding to well volumes that were transferred without their consent.
- c. Consider favorably the requests by Costa Rica (7,058 m<sup>3</sup>), Nicaragua (4,200 m<sup>3</sup>) and El Salvador (2,105 m<sup>3</sup>), in their character of developing coastal countries.

With the aim of establishing whether there was consensus in the group on a position different to that already expressed at the 15<sup>th</sup> Meeting, the group proceeded to review the cases in paragraphs d) and e) of those minutes, corresponding to:

- d. Discuss, at Ecuador's request, the cases of the Ecuadorean vessels *Victoria A*, *María del Mar*, *Doña Roge*, and *Eli* at the Commission plenary.
- e. Discuss, at Bolivia's request, granting that country 5,830 m<sup>3</sup> as restitution of that capacity that was transferred without the consent of the Bolivian government.

There was no consensus on the determination of a favorable recommendation on those cases to the Commission and instead it was decided to maintain what was decided at the 15<sup>th</sup> Meeting of this Group. It was recognized that it is not within the competence of this Group to issue an opinion about the legitimacy of the claims and requests and therefore it was established that the favorable opinion would depend on the merit that each case has and on the alternatives that are implemented to ensure that the result of the acceptance be in accordance with the ordered management of the capacity without detriment to the conservation of the resource. One delegation recalled its position that any decision that may be taken regarding the claims, requests or disputes, will depend on the approval and effective execution of a management plan and the long-term reduction of capacity, considering the need to establish global, and not unilateral, management measures that will ensure the mitigation of the impacts.

The Chair of the Group in his capacity as Coordinator, presented a verbal report on the progress of the Virtual Group by correspondence, concluding by saying that during this exercise more requests were received, including the case of Peru of 5,851 m<sup>3</sup> and of Honduras of 3,000 m<sup>3</sup>. However he mentioned that the participation of the delegations was limited and did not end in effective progress that might have developed in the group, in the negotiations for finding a solution to these matters.

At Ecuador's request, the cases submitted by that delegation to the Group and to the Commission in the framework of the Virtual Group by Correspondence were presented, regarding the vessels *Monteneme* and *Isabel 4*. Also presented was Peru's request for 5,851 m<sup>3</sup> based on the right to develop its fisheries, the status of the skipjack stock that would be its main fishing target and the stock available in its exclusive economic zone. The Working Group decided to recommend that the pending cases be brought to the attention of the Commission.

#### **Plans for the reduction of the capacity of the fleet**

The Group decided to take as the basis for discussion the document that is Proposal H-2A of the European Union, which is the draft *IATTC resolution for the management of fishing capacity in the eastern Pacific Ocean (EPO)*, as well as the matrix developed at the Cartagena workshop as a reference document. The Group worked on receiving general comments related to each one of the paragraphs that the document contains of which the Commission staff took note. It was decided to make the document that contains those comments available to the delegations to continue their analyses.

It was recognized that the process should take into account all the components and details of what might even mean a modification of the current resolution C-02-03, so both the situations created by that resolution and those that support the current scheme should be considered. Also recognized was the need to evaluate the different impacts of the various fishing gears and in particular in the case of longliners a segmented consideration due to the differences among fleets within the same fishing gear.

#### **Recommendations to the Commission**

It was recommended to the Commission to continue to be aware of the cases contained in the report of the 15<sup>th</sup> Meeting of the Permanent Working Group as indicated in the minutes of the first part of the 87<sup>th</sup> Meeting of the Commission; also, it was recommended that the Commission be aware of the pending cases for discussion, among others those regarding the vessels *Monteneme*, *Isabel IV* and the request by Peru for 5,851 m<sup>3</sup>.

#### **Other business**

No other business was presented.

#### **Adjournment**

The meeting was adjourned at 6:36 p.m. on 30 October 2014.