

81ST MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION SUMMARY OF OUTCOMES

The 81st meeting of the IATTC was held in Antigua, Guatemala, September 27-October 1, 2010. The IATTC meeting was preceded by the 23rd meeting of the Parties to the Agreement on the International Dolphin Conservation Program (September 24) the 1st meeting of the Committee for the Review of Implementation of Measures Adopted by the Commission (September 24), the 9th meeting of the Joint Working Group on Fishing by Non-Parties (September 25), and the 10th meeting of Working Group on Finance (September 25).

This document describes issues and outcomes of particular interest to the Pacific Council. It partially relies on summary notes prepared by Ms. Heidi Hermsmeyer, NMFS Southwest Region.

Mr. Donald Hansen participated as one of the U.S. Commissioners. Dr. Kit Dahl participated in the U.S. delegation on behalf of the Council.

Consensus Issue

In advance of the meeting China circulated a letter on participation by Chinese Taipei (Taiwan). They argued the “Chinese Taipei can only participate in the work of the Commission in its character as a fishing entity” and for that reason no national symbols (flag, emblem, etc.) could be displayed, the Chinese Taipei delegation should be seated after participating states, and no references should be made that have “sovereign implications” (e.g., use of the title “Republic of China”). The other members of the Commission were unwilling to accede to these demands and in response China announced at the beginning of the meeting that they would not join consensus on any matter. Obviously, this created a serious obstacle to the completion of the work of the Commission.

Proposals Considered

Table 1 summarizes proposals considered by the members, based on a list circulated by the Secretariat on the last day of the meeting and notes circulated to the U.S. delegation by Heidi Hermsmeyer. In addition to those listed, Ms. Hermsmeyer noted discussion of a proposal to amend the current longline transshipment resolution (C-08-02) to require longline vessels to be on an authorized list. The proposal was not presented in resolution form and will be taken up at the next meeting.

As noted in Table 1, three proposals were agreed to as recommendations without consensus: the seabird mitigation resolution proposed by the European Union and Japan, the fishing on data buoys resolution proposed by the U.S., and the update of the current tuna conservation resolution (C-09-01), discussed below.

Outcomes of Interest to the Council

As noted, China’s unwillingness to join consensus stymied much material progress at this meeting. In fact, there was some concern that if a budget could not be adopted the Commission Secretariat would cease to function. A diplomatic workaround was devised to allow member contributions.

Although Japan, Mexico, and the United States met on the margins to discuss the issue, no proposal for Pacific bluefin tuna conservation measures was considered.

The staff recommendation (see Document IATTC-81-06b) to form an ad hoc working group to develop an operational definition of current level of effort directed towards North Pacific albacore as specified in paragraph 1 of Resolution C-05-02 was not addressed.

Resolution C-09-01 (*Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean*) was essentially rolled over as an “agreement” to cover the 3-year period 2011-2013 with the same measures that applied in 2010 to apply in 2011. In summary, key measures are a 62-day closure for class 4-6 purse seine vessels, the purse seine closure area west of the Galapagos Islands to reduce bigeye catch (referred to as “el corralito”), the longline national bigeye catch limits, and the purse seine full retention provision. The European Union and Japan argued strongly for the application of a 73-day purse seine closure and commensurate reductions in the longline catch limits for 2011 (as proposed for 2011 in C-09-01), but the major Latin American fishing countries, including Ecuador and Mexico, were unwilling to agree. The text includes a provision similar to C-09-01 for the “out years” (2012-2013) stating that in each subsequent year (2011 and 2012) the conservation measures will be evaluated and measures for the next year “ratified or adjusted.” This leaves open the possibility that if the positive trends in the current bigeye and yellowfin stock assessments are not borne out in future stock assessments (or assessment updates) the Commission could adjust the measures to be more precautionary.

Since China blocked consensus, the tuna conservation measures could not be adopted as a binding agreement (Resolution). The United States discussed a similar situation with respect to Columbia at the 2009 Commission meeting as a formula for addressing the consensus issue. At that meeting, Resolution C-09-01 was adopted *ad referendum* in concert with a duplicate agreement, which allowed Columbia to join consensus at a later date (with a deadline of July 15, 2010) after consulting with their government before final approval. In the current situation, the expectation is that diplomatic pressure can be put on China to join consensus in this way to create a binding agreement. However, it is not clear that China explicitly committed to the *ad referendum* process to consider joining consensus pending governmental consultations. In the absence of a binding agreement there was reference to members complying with the measures voluntarily consistent with the recommendation. However, it is unclear how realistic this is for member countries. For example, under domestic law (the Tuna Conventions Act and the High Seas Fishing Compliance Act) the United States may promulgate regulations to implement only those resolutions actually adopted by the IATTC (i.e., binding resolutions).

The United States circulated a letter to the Secretariat requesting that they analyze a total allowable catch (TAC) program for purse seine and longline fisheries, to be discussed at next year’s meeting (attached). The request was not discussed on the floor. This request may be reinforced by a workshop planned by the International Seafood Sustainability Foundation to consider rights-based management in tuna fisheries. Although not yet announced, it is likely to occur before the next Commission meeting.

Belize volunteered to host the next meeting with Ecuador as an alternative. Meeting dates were not set although it is expected that the time frame will revert to June consistent with the timing of the annual meeting in previous years.

Table 1. Proposals circulated and/or discussed. (Circulated proposals labeled, others from notes.)

Name	Proponent(s)	Disposition
A-3. Resolution to Mitigate the Impact on Seabirds of Fishing for Species Covered by the Commission	European Union, Japan	Adopted as a recommendation, China blocking consensus
B-3. Resolution on Scientific Observers for Longline Vessels	European Union, Japan	Carried over to next meeting
C-1. Resolution a Tropical Tunas and Swordfish Certification Scheme	European Union	Carried over; need to merge C-1 and C-2
C.2 Resolution on IATTC Catch Documentation Scheme	Japan	Carried over; need to merge C-1 and C-2
D-1-A. Resolution for the Establishment of a List of Active Longline Vessels	European Union	Not agreed to due to objection by Korea
E-1-A. Resolution on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing	Canada, European Union	Carried over to next meeting
F-1. Resolution on Prohibiting Fishing on Data Buoys	United States	Adopted as a recommendation, China blocking consensus
G-1. Creation of the Special Sustainable Development Fund for Fisheries for Highly Migratory Species to Strengthen the Institutional Capacity of Developing Countries	Belize, Costa Rica, El Salvador, Guatemala, Nicaragua, Panama	Carried over to next meeting or implemented without a resolution
H-1. Resolution Establishing the Committee for the Review of Implementation Measures Adopted by the Commission	European Union, Guatemala, United States	Carried over to next meeting or implemented without a resolution
I-1. Calculating Contributions to the IATTC Budget	Working Group on Finance	Consensus blocked
I-2. Budget for 2011	Working Group on Finance	Consensus blocked; previous provisional budget used to allow voluntary contributions
J-1-A. Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean in 2011-2013	Revision of C-09-01	Adopted as a recommendation, China blocking consensus
K-1. Modification of proposal IATTC 80 A1-A, Resolution on IUU Fishing (to replace C-05-07)	Belize, Costa Rica, El Salvador, Guatemala, Nicaragua, Panama	Carried over to next meeting
L-1. Resolution Strengthening C-05-03 on sharks	Belize, Columbia, Costa Rica, El Salvador, Guatemala, Nicaragua, Panama	Text not circulated, not discussed
M-1. Resolution on the Election of the Chair and Vice-Chair of the IATTC	European Union, United States	To be reflected in meeting minutes as rules of procedure
Resolution on the Review of the Performance of the Organization	Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Panama, and Venezuela at	Carried over to next meeting
Resolution on the Adoption of Trade Measures to Promote Compliance	United States	Carried over to next meeting
Proposal to Change Size Limit for Inclusion on the IUU Vessel List 24 meters to 22 meters		Agreed but China blocked consensus

Note: Alphanumeric labels denote the revision process; for example proposal B-3 merges similar proposals B-1 and B-2 made by the European Union and Japan.



UNITED STATES DEPARTMENT OF COMMERCE
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Dr. Guillermo Compeán
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Re: U.S. Request to Evaluate a Total Allowable Catch Program

Dear Dr. Compeán:

According to several recent reports, publications, and workshops¹, the time is ripe to increase the use of effective rights-based management that aligns the economic incentives of fishermen and states to the common overall goals of sustainable and economically viable fisheries, conservation of biodiversity, and net socioeconomic benefits. Conservation measures in the IATTC Convention Area have become increasingly restrictive to control fishing mortality levels, which makes reaching consensus to adopt such measures inherently difficult. In addition, some countries dispute, or are seeking to change, their current circumstances under the IATTC's capacity regime. The Commission has had limited success in resolving capacity issues, and this has affected negotiations on several conservation and management measures.

The IATTC staff has previously recommended that the Commission examine alternative means to reduce the fleet size in the purse-seine fishery toward the Commission's target of 158,000 cubic meters, in order to facilitate the conservation of the stocks of yellowfin, bigeye, and skipjack tunas and the economic viability of the fisheries. If the Commission continues to manage the purse-seine fishery using primarily IATTC Resolution C-02-03 and the Regional Vessel Register (*i.e.*, limits on vessel well volume) and closure periods, there will continue to be economic inefficiencies in both the purse-seine and longline sectors, and many discussions at the Commission will continue to be hampered by disagreements over capacity limits and related allegations of illegal, unreported, and unregulated (IUU) fishing activities.

The United States requests that the Secretariat conduct a quantitative cost-benefit analysis of implementing a total allowable catch (TAC) program in the purse seine and longline fisheries targeting tunas in the IATTC Convention Area for 2012 and beyond. The United States is interested in comparing various TAC programs to determine which is the most beneficial and feasible, including: 1) a global TAC (*i.e.*, competitive among members and vessels); 2) national TACs; 3) national TACs with individual fishing quotas allocated to vessels of each nation; 4) individual fishing quotas allocated to vessels irrespective of flag; and 5) an industry-financed buyback (perhaps with an initial World Bank loan) of excess rights and/or vessels. These

¹ For example, The Bellagio Framework for Sustainable Tuna Fisheries: Capacity controls, rights-based management, and effective MCS, 2010, and Conservation and Management of Transnational Tuna Fisheries, by Robin Allen, James Joseph and Dale Squires, 2010.

programs should be analyzed for the purse-seine and longline sectors, as well as the possibility of combining these sectors in a TAC program.

The analysis should compare each program with the current management regime (i.e., 2010 measures). In other words, each TAC program should be compared to the measures that are currently in place to limit catch and effort (e.g., closure periods and areas, catch limits, and the Regional Vessel Register and the requirements of Resolution C-02-03). The analysis should also include discussion of additional management elements of TAC programs, such as: 1) which species or age classes of tuna the TAC would apply to; 2) different options for establishing initial allocation schemes; 3) initial estimates of what those allocations would be; 4) administrative, monitoring and enforcement costs; 5) transferability of quotas; 6) closure options when a TAC is reached; and 7) assistance to developing countries. The United States requests that this analysis be completed 60 days before the 2011 Commission annual meeting, circulated in advance to the members, and presented at that meeting by the principal analysts, and that sufficient time be allocated on the agenda to allow for a full discussion of the results, in order to allow the Commission to consider these management options for 2012 and beyond.

Please circulate this letter to the other Commission members.

Sincerely,



Rodney R. McInnis
Commissioner