

出國報告(出國類別：其他)

## 參加美洲熱帶鮪魚委員會(IATTC)特別會議 會議報告

服務機關：行政院農業委員會漁業署

姓名職稱：凌啓泰 技士

派赴國家：加州拉荷葉(La Jolla)

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## 摘要

- 一、 2012 年美洲熱帶鮪魚委員會(IATTC)特別會議(IATTC84)於本(101)年 10 月 24 日於美國加州 La Jolla 市舉行，除韓國、中國、萬那杜、吉里巴斯等 4 個會員國未出席外共有 17 個會員國出席。本次特別會議針對 IATTC 與 WCPFC(中西太平洋漁業委員會)重疊水域所衍生之管理問題通過建議，略以：(一)兩組織透過持續合作以解決重疊區爭議。(二)為解決重疊區爭議，對重疊區內作業的漁船採取兩階段措施，(1)單獨為 IATTC(WCPFC)會員者應遵守 IATTC(WCPFC)規定，兩邊組織皆為會員者，由船旗國提出選用遵守 IATTC 或 WCPFC 的規定至少為期 3 年，在 WCPFC 為合作非會員，IATTC 係會員者則遵守 IATTC 之規定。(2)依據選項 5，長期目標為，成立聯合工作小組找尋最佳解決方案。
- 二、 本次特別會議召開前，由於各國對議程無法取得共識導致特別會議過程中產生諸多爭議，委員會決定於明(2013)年年會再檢視相關議事規則及規定。

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## 壹、目的

「美洲熱帶鮪魚委員會」(IATTC)是東太平洋專責管理及保育鮪類之區域性漁業管理組織，自 2010 年 8 月 27 日「安地瓜公約」生效後，我國參與 IATTC 即具有「委員會會員」之地位，東太平洋為我國鮪延繩釣漁業之重要漁場，我國以會員地位參與 IATTC 之管理決策，俾維護我國權益。1949 年 IATTC 公約生效之初並未劃定界線，在 1972 年的會議記錄曾有記載 150°W 為 EPO 水域之界線，之後在 2003 年開始磋商之安地瓜公約內明定 150°W 界線。2004 年 WCPFC 公約生效前 1995、1997 年 SPC 報告亦曾記載以 150°W 為界線。惟同屬太平洋島國水域的法屬玻里尼西亞不希望其水域被 150°W 一切為二，故有重疊區的產生。然而中南美洲國家認為其圍網漁船於重疊水域作業歷史久遠，WCPFC 成立後將該水域劃入公約內，因此中南美洲的 IATTC 會員期望能釐清重疊區內的管理規定，我國同時為 IATTC 與 WCPFC 的會員，在同疊區內作業的我國籍漁船應同時遵守兩邊委員會所通過的規定，一但委員會針對重疊區通過特別管理規定將連帶影響我國鮪延繩釣漁船在東太平洋水域的作業模式。

2012 年 IATTC 特別會議(IATTC84)於本(2012)年 10 月 24 日在美國 La Jolla 市召開，由漁業署凌啓泰技士率團，團員包括財團法人中華民國對外漁業合作發展協會劉維揚秘書等人員參加。

## 貳、過程

2012 年 IATTC 特別會議(IATTC 84)於 10 月 24 日召開，由現任大會主席委瑞內拉籍 Alvin Delgado 擔任主席，除韓國、中國、萬那杜、吉里巴斯等 4 個會員國外共有 17 個會員國出席，合作非會員庫克群島、玻利維亞則未參加，另 WCPFC 主席 Dr Charles Karnella 亦到場與會，謹將本次參加會議情形陳報如下：

- 一、我團於 10 月 23 日(星期二)晚間抵達美國拉荷雅，當晚在大廳巧遇歐盟團長 Roberto Cesari，我團隨即上前與 C 團長禮貌性問候，並探詢有關隔(24)日特別會議安排情形，C 團長復以 AIDCP 各國已就特別會議議程進行非正式協商，初步共識為特別會議僅召開 1 日，惟對於議程內容尚未取得共識，墨西哥等國仍堅持將 FAD 管理計畫等五案納入議程，但歐方已明確表示對該等議題未獲授權，無法加入共識。
- 二、24 日(星期三)早上會議開幕前，我團諮詢日本新上任 IATTC Commissioner 田中健吾有關日方對於重疊區議題的立場，日方認為在重疊區內應遵守兩邊組織的規範，重疊區的問題應就實際有衝突的議題如觀察員派遣等個別解決。另經向秘書處職員詢問獲悉韓國、中國並未報名參加特別會議，故無從得知其等立場。
- 三、主席於 10 月 24 日上午 9 時 30 分宣布會議正式開始，主席首先邀請各國代表自我介紹，隨後請各國提案會議記錄人選，由於無人提名或志願，主席裁示由秘書處擔任，並聲稱此會造成不良前例。隨後即就議程草稿展開討論：
  - (一)瓜地馬拉要求在其他議題項下新增「討論決議生效期程」及「瓜國漁撈能力聲明」等二項。歐盟認為依據議事規則，所有議題在會前皆應有會議文件說明內容，質疑目前多項議程均未提供前述說明，並強調議程仍應以共識決定。
  - (二)日本表示「宏都拉斯合作非會員案」與現有決議不符(依決議合作非會員申請應由年會審核而非特別會議)，對該議案提出質疑。主席解釋此係尼加拉瓜提出議程，由於尼加拉瓜在 23 日提出此案時未有反對意見，故仍納入議程草稿。歐盟同意日本意見，表示歡迎各方加入合作非會員，但是強調程序的重要性。尼加拉瓜回應，宏都拉斯當時因故未能出席年會，所以其合作非會員資格遭到撤銷，此已對

其作業權利造成影響，並強調此議題確實具有急迫性，應在特別會議討論。

- (三)法國強調僅接受會議為期 1 日，且該團僅獲討論重疊區和北太平洋長鰭鮪決議修正案之授權。美國強調特別會議應討論具迫切性之議題，並指出前一日的 AIDCP 基本上已有共識會議只開一天。厄瓜多認為特別會議與年會有異，討論議題的原則本來就會不一致，並質疑許多議題的急迫性，希望特別會議能對急迫性議題(重疊區)做出具體結論。哥倫比亞及哥斯大黎加則認為應盡速通過現有議程，俾進入實質討論。
- (四)墨西哥表示同意前(23)日會議只開一天的共識，但認為各國對於急迫性的見解不一，所以議題不應該有優先排序的考量，並提議通過議程。歐盟質疑特別會議不能討論合作非會員申請案，此案列入議程會造成不良先例。哥斯大黎加認為列入不表示必須同意。隨後無異議通過議程，並把厄瓜多意見列入會議紀錄。

#### 四、重疊水域

- (一)在歐盟要求下，首先由秘書長就會議文件進行簡單報告，渠表示 IATTC 自 1949 年成立，當時並為清楚定義公約水域，僅以 EPO 做為公約區，直到 1970 年代秘書處文件開始註明公約區係西經 150 度為界，FFA 過去亦以西經 150 度做為界線，IATTC 則是到安地公約才正式定亦公約水域為西經 150 度以東的太平洋海域。並簡單介紹重疊區內各國漁業活動歷史，最後簡單介紹目前 5 個可供討論的方案。
- (二)薩爾瓦多、瓜地馬拉首先表態支持選項 4(按：各組織會員之漁船各自遵循組織規範，倘同時為兩組織會員者，則須向委員會報告其欲永久遵從何方組織規範)，但要求列入同時是一個組織會員及另一組織合作非會員的國家，僅需遵守身為會員之組織的規定。
- (三)厄瓜多詢問在 HMLC 討論之初宣告重疊水域為其公約水域時，IATTC 是否有做出聲明？秘書長表示 IATTC 當時的秘書長 Robin Allen 有參與談判，並曾指出這樣畫界將來會有問題。厄瓜多進一步指出 IATTC 應該向 WCPFC 強調此一問題的存在，透過合作解決此問題。考量 IATTC 存在的歷史及會員國在 EPO 作業的實績，原本重疊區議題並不該存在，因此在此一情況下，IATTC 應該以選項 1(按：由 IATTC 管理重疊水域並每年向 WCPFC 提出報告，法屬玻里尼西亞及吉里巴斯 EEZ 則由 WCPFC 管理)做為 IATTC 的立場向 WCPFC 提出，但是由於

選項 1 在可能難以被接受，故認為此議題 IATTC 應有與 WCPFC 討論的策略，而非僅討論採用何一選項。同時表示厄瓜多在申請 WCPFC 合作非會員時，感覺到傳統作業權利遭受壓迫。希望 IATTC 達成一致立場傳達予 WCPFC，以保障權益。

- (四) WCPFC 主席 Charles 說明，WCPFC8 對此議題並未作出具體結論，係請主席與執行長儘速與 IATTC 展開協商，惟有部分偏好選項 2(按：重疊水域內之圍網漁業由 IATTC 管理，延繩釣漁業則由 WCPFC 管理)或選項 4。
- (五) 歐盟表示此一問題需要兩邊組織通過相同的措施才能解決，歐盟支持委員會積極與 WCPFC 合作解決此案，因此，EU 支持選項 5(按：兩組織設立工作小組以 10 年期的長期研究找出適用的管理規定，此一選項初期則先以選項 2 為過渡性措施)，但強調此選項等同間接通過選項 2。至於選項 1 可以預期不會被 WCPFC 接受，並認為合作非會員應參與組織的義務應與會員一致。
- (六) 歐盟並詢問秘書長目前是否有 WCPFC 的圍網船在重疊水域內作業。秘書長表示手邊並無確切資料，但據了解韓國圍網船有在重疊水域作業的紀錄。
- (七) 日本認為基本原則為會員及合作非會員均需遵守組織的規定，但可針對個別措施討論，以避免重複的措施。原則支持選項 2 但不持強硬立場。法國、秘魯亦支持選項 2，並強調重疊區南方有長鰭鮪漁業的存在，需要與 WCPFC 管理措施一致。美國亦支持選項 2，並認為選項 5 是可行方向，但需要許多時間。
- (八) 墨西哥認為應從法律觀點檢視本案，強調此問題需要兩組織協商。哥斯大黎加亦提出法律觀點認為不應限制公約適用區域，因此無法接受選項 2 但支持選項 4
- (九) 主席報告表示多數國家支持選項 2、4 或 5，將以此為基礎與 WCPFC 討論重疊區問題解決方向，並請秘書處職員以此方向草擬建議案文件，下午繼續進行討論。

五、 秘書處職員針對上午結論做出建議案草稿，各國對此議案繼續討論：

- (一) 哥斯大黎加指出選項 2 形同放棄對公約部分區域的管轄權，不符該國對條約法律的規範，因此無法加入共識。隨後獲瓜地馬拉、墨西哥、薩爾瓦多支持。
- (二) 歐盟表示為了解決重疊區問題，可以不堅持選項 2 改以選項 4，但認

爲此結果長遠而言仍然無法解決重疊區問題。日本則舉海鳥保育措施爲例，表示委員會有許多措施議亦僅適用於部分區域，因此認爲並無放棄管轄權的法制問題，並同意本案長期性而言需以選項 5 以爲最終解決之道。

(三)美國質疑選項 4 可能導致一來自 WCPFC 會員的圍網漁船進入重疊區作業不用受 IATTC 漁船容積限制？考量達成共識的可能性，美方要求內部討論選項 4。獲得主席同意，會議經過短暫停止，歐盟表示可以接受選項 4，但是要求選項 4 應由船旗國對所有漁船提出適用組織規範，而非由個別漁船自行選用適用規範。日本則表示選項 4 仍須釐清許多技術性問題，由於日本國內有許多型態延繩釣漁船分別於東、西太作業，可能需要允許同一漁法的漁船分別遵守不同組織的規定(如以東太爲主要漁場的大釣船在重疊區內遵守 IATTC 規定，以西太爲主要漁場的小釣船則遵守 WCPFC 規定)，因此目前僅能同意原則上選擇選項 4，但是有關進一步的內容需帶回國內討論。

(四)美國認爲選項 4 要求漁船選用遵守 IATTC 或 WCPFC 規定後「永久」有效的要求不盡合理，薩爾瓦多建議將「永久」改爲 3-5 年。隨後主席裁示再由秘書處職員重新草擬建議案草稿，草稿完成前先討論其它議案。

六、北太平洋長鰭鮪決議修正案：加拿大表示由於第 83 屆年會結束後，會員國間對本案意見仍有差距，仍需要一些時間才有可能達成共識，因此不打算在此重啓討論。

七、宏都拉斯合作非會員案：

(一)宏都拉斯代表報告其船隊在 EPO 作業歷史已久，申明已遵守 IATTC 規定，倘 IATTC 要在明年才授予其漁船在 EPO 作業的權利，等同損害該國漁業，因此請求 IATTC 同意該國合作非會員的申請。

(二)日本表示合作非會員的申請有其既有的程序，包含提交歷史漁獲量資料供「聯合工作小組」審查亦是要求之一。歐盟、薩爾瓦多支持日本意見，法國及厄瓜多則表示此議題沒有獲得授權，無法加入共識。

(三)哥斯大黎加、哥倫比亞、巴拿馬、祕魯、尼加拉瓜、墨西哥、委瑞內拉基於鼓勵各國積極參與委員會的立場，支持宏都拉斯申請案。主席認爲此議題倘無法達成共識，應延後到明年年會討論。哥斯大黎加則要求會議紀錄應註明此案無法通過的原因。



#### 八、 FAD 管理計畫：

- (一)墨西哥表示在 83 屆年會期間已經提出會議文件，但是因為會議時間不足，所以無法通過，本次提案係延續 83 屆年會的討論。厄瓜多表示第 83 屆年會結果是由美國持續與各國就提案文字內容協商，由於目前未見協商結果文字，因此無法支持本案。歐盟則表示雖然本案於第 83 屆會議中係由歐盟所提出，亦希望本案盡快通過，但本次會議中歐方代表未就本案獲得授權，無法進行討論。
- (二)墨西哥認為本案之提出並無程序問題，對歐盟以程序問題阻擋討論表示不滿及不解。歐盟認為此為原則性問題，重申特別會議應僅討論急迫性議題，否則若各國均將前次會議議題未決議題提出討論，將導致特別會議等同於第二次年會。
- (三)美國則表示上次會議因美方不及提出修訂案而未通過，但希望在下次年會中能有進展。主席認為此案未有共識，保留到明年年會討論。

九、 監控各鮪魚船隊鮪魚體長案：墨西哥表示提案內容為希望延繩釣漁船能依據 C-03-05 的要求，提交體長頻度資料。秘書處表示延繩釣國家有提交資料，但最理想的為分區域的體長頻度資料。日本表示不解墨國提案用意。墨國表示僅為提醒各國應繳交資料。

十、 貿易、認證及鮪魚永續案：墨西哥於會中提出 WCPFC 科學文件指出，西太平洋圍網船亦有造成海豚死亡的問題，認為海豚保育計畫應不侷限於東太平洋(暗指美國限制其圍網漁獲進口為歧視性措施)。美方對墨國提案意圖表示不解，經確認墨國係要求將其發言列入紀錄而無要求進行實質決議後，即不再回應。本案並未進行進一步討論。

十一、 其他議題：瓜地馬拉表示，由於鮪魚養護管理措施通過日期距離休漁時間過近，常造成執行上的困難。希望決議通過到生效至少要有一年的時間，瓜國並表示希望秘書處檢視哪些決議，符合前述條件並需要指明生效日期。秘書處表示未來在提供決議案時，將註明各決議之生效日期。瓜國並表示已提供秘書處其對於漁撈能力之聲明，但未於會中宣讀。主席裁示將瓜國意見及聲明列入紀錄。

十二、 秘書處職員完成重疊區建議案草稿修正，各國就重疊區議案重啟討論：  
(一)歐盟與美國對於重疊區作業漁船選用遵守 IATTC 或 WCPFC 規定後需維持多久的期限意見相左。

- (二)各方對於在 WCPFC 為合作非會員、在 IATTC 為會員者，如何適用本建議案仍具疑慮。
- (三)經過再次磋商，祕書處重新提出建議案修正草稿後，獲各國與會代表通過，建議案重點略以：
  - (1)兩組織透過持續合作以解決重疊區爭議
  - (2)合作解決此爭議是兩邊組織及所屬會員的責任
  - (3)避免重疊區爭議對兩邊公約造成負面影響
  - (4)為解決重疊區爭議，對重疊區內作業的漁船採取兩階段措施，i. 單獨為 IATTC(WCPFC)會員者應遵守 IATTC(WCPFC)規定，兩邊組織皆為會員者，由船旗國提出選用遵守 IATTC 或 WCPFC 的規定至少為期3年，在 WCPFC 為合作非會員，IATTC 係會員者則遵守 IATTC 之規定。ii. 依據選項 5，透過長期性程序，成立聯合工作小組找尋最佳解決方案。
  - (5)協助另一方會員取得合作非會員資格。

十三、哥斯大黎加於會議結束前表示，本次特別會議召開過程中在程序問題上產生諸多爭議，認為在下次年會應再檢視相關議事規則及規定，以避免往後再次出現類似情形，獲墨西哥附議。主席隨後於晚間 8 點半左右宣告本次特別會議結束。

### 參、心得與建議

- 一、本屆特別會議雖僅對重疊水域通過無拘束力的建議案，未來仍需視 WCPFC 委員會對於重疊水域討論之結果，由 IATTC 委員會另外通過決議。
- 二、除了重疊水域案外，本屆年會另有討論北太平洋長鰭鮪決議修改案，雖與會者未能在本屆達成共識，惟我國內漁政管理機關與業者仍需持續注意此案可能發展。

## INTER-AMERICAN TROPICAL TUNA COMMISSION

### 84<sup>TH</sup> MEETING (EXTRAORDINARY)

La Jolla, California (USA)

24 Oct 2012

## RECOMMENDATION IATTC –

### WCPFC OVERLAP AREA

The Members of the Inter-American Tropical Tuna Commission (IATTC) present at the 84<sup>th</sup> Meeting (Extraordinary):

*Having considered and analyzed* Document [IATTC-83 INF-B](#) prepared by the Directors of IATTC and WCPFC on the overlap area between the two organizations:

1. Recognize that a fundamental and essential objective of the work of the two Commissions is to develop and strengthen their cooperation in order to promote the achievement of the objectives of their respective conventions, within the limits of their respective competencies;
2. Note that such cooperation is an obligation for the organizations and their members under international law and under the specific provisions of their respective Conventions;
3. Note that the existence of the overlap area, although unfortunate, is a fact whose consequences must be addressed to avoid any negative impact on the achievement of the objectives of their respective conventions;
4. Notwithstanding the merits of all five options presented by the Directors, the IATTC Members consider that, for the time being, the most appropriate course of action would be a two-step approach:
  - a. In the short term, agree on the most practical arrangement, applicable only in the overlap area, which would be to adopt a solution along the lines defined by the Directors of the IATTC and WCPFC as Option 4, *i.e.*:
    - i. Vessels listed exclusively in the WCPFC register shall apply the conservation and management measures of the WCPFC when fishing in the overlap area.
    - ii. Vessels listed exclusively in the IATTC register shall apply the conservation and management measures of the IATTC when fishing in the overlap area.
    - iii. In the case of vessels listed in the registers of both organizations, the corresponding flag Member shall decide and notify to both Commissions under which of the two commissions those vessels shall operate when fishing in the overlap area, as regards the application, for a period of not less than three years, of the conservation and management measures of that Commission.
    - iv. In the case of vessels listed in the registers of both organizations, the vessels of a Cooperating Non-Member shall apply the conservation and management measures of the Commission of which it is a member, when fishing in the overlap area.
  - b. Initiate in parallel a longer-term process through the establishment of a joint working group to explore avenues for managing tuna stocks in the entire Pacific Ocean, considering, *inter alia*, the joint management components outlined in Option 5 defined by the Directors of the IATTC and the WCPFC in Document [IATTC-83 INF-B](#).
5. Recognize the need for each Commission to facilitate granting to the members of the other Commission the status of Member or Cooperating Non-Member.

## COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMISSION

8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA – www.iattc.org  
Tel: (858) 546-7100 – Fax: (858) 546-7133 – Director: Guillermo Compeán

9 November 2012

Ref.: 0569-410

To: Commissioners

C.c.: Bolivia, Cook Islands

From: Alvin Delgado, Chair



Guillermo Compeán, Director



Re: Draft Minutes of the 84<sup>th</sup> Meeting (Extraordinary) of the IATTC

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Please find attached for your information and consideration copy of the draft Minutes of the 84<sup>th</sup> Meeting (Extraordinary) of the IATTC, which was held in La Jolla on October 24, 2012.

We wish to recall that the rules of procedure adopted by the Commission state in their paragraph 44 that:

*“Any comments shall be submitted no later than fourteen (14) days from the reception of the draft report. The Director, in coordination with the Chair of the Meeting, shall make every effort to reflect these comments and send the revised version of the report within fourteen (14) days for final endorsement. If there are still any outstanding issues, the Director will consult with the concerned CPCs to resolve the issue and prepare a revised report which will be the final draft.”*

We would therefore very much appreciate receiving your comments on this draft within the 14 days indicated above.

**INTER-AMERICAN TROPICAL TUNA COMMISSION****84<sup>TH</sup> MEETING (EXTRAORDINARY)**

La Jolla, California (USA)

24 October 2012

**MINUTES OF THE MEETING****AGENDA**

	Documents
1. Opening of the meeting	
2. Adoption of the agenda	
3. Overlap area between IATTC and WCPFC	<a href="#">IATTC-83-INF-B</a>
4. Updated Resolution on North Pacific albacore	<a href="#">IATTC-83 J-1 REV2</a>
5. Request by Honduras for the status of Cooperating Non-Member of the Commission	
6. Adoption of conservation measures for fishing in association with fish aggregating devices (FADs)	
7. Adoption of a monitoring program of tuna sizes per fleet	
8. Trade, certification, and sustainability of tunas	
9. Review of the date of entry into force of resolutions	
10. Other business	
11. Adjournment	

**APPENDICES**

1	List of attendees
<b>2.</b>	<b>RECOMMENDATIONS</b>
2a	IATTC-WCPFC overlap area
<b>3.</b>	<b>PROPOSALS</b>
3a	IATTC-83-J1 REV2 <b>Canada.</b> Resolution on North Pacific albacore tuna
3b	IATTC-84-MEX <b>Mexico.</b> Management plan to regulate fishing effort on fish-aggregating devices in the purse-seine fishery of the eastern Pacific Ocean
<b>4.</b>	<b>OTHERS</b>
4a	WCPFC document circulated by Mexico
4b	Guatemala: statement on capacity

**1. Opening of the meeting**

The meeting was opened by the Chairman of the Commission, Mr. Alvin Delgado, who asked for nominations for the post of rapporteur, in accordance with rule of procedure III.10. In view of the lack of nominations, the Chairman stated that he would assume this function jointly with the Secretariat, and expressed his disappointment that the rules of procedure were not applied appropriately for this case. Guatemala supported these statements.

Seventeen Members of the Commission participated in the meeting, with only China, Korea, Kiribati, and

Vanuatu absent (Appendix 1).

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

The provisional agenda was adopted with the inclusion of a new item 9 on the determination of the entry into force of resolutions, as requested by Guatemala.

## **3. Overlap area between the IATTC and the WCPFC**

Dr. Guillermo Compeán, Director of the Commission, presented Document [IATTC-83-INF-B](#) on the overlap area between the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC). He explained that the document was prepared jointly by him and the Director of the WCPFC, Dr. Glenn Hurry, and that it contained five options for the management of the overlap area.

In response to a question by Ecuador, Dr. Compeán clarified that, during the negotiations for the WCPFC Convention, both the then Director of the Commission and various Members of the IATTC had warned of the problems that would result from creating a area in which the competences of the two commissions overlapped, more so in view of the competence already exercised traditionally by the IATTC in that area.

The Chairman of the WCPFC, Dr. Charles Karnella, explained that that organization reviewed the document at its previous meeting, but did not express itself in favor of any of the options, although a certain preference for options 2 and 4 was evident.

An extensive and exhaustive discussion then took place of the five options presented in the document, with numerous interventions in which the Members expressed, among others, their concerns regarding the practical consequences of the proposed arrangements, in particular with regard to the increase in current fishing capacity, especially that of the longline fleet. Finally, the Members present at the meeting adopted a recommendation (Appendix 2) based on a combination of options 4 and 5, plus some additional elements that arose from the discussion.

## **4. Resolution on North Pacific albacore**

Canada presented a revised text of the proposal ([IATTC-83 J-1 REV2](#); Appendix 3a) presented at the 83rd meeting of the Commission in June 2012, recalling that consensus had almost been reached, with only the review of some changes in the Spanish version lacking. However, he recognized that subsequently the positions of some Members have distanced themselves from this possible consensus. In view of the difficulty of reaching an agreement during the present meeting, Canada invited the interested delegations to work on the proposal during the following months, with a view to bringing a proposal to the meeting of the Commission in 2013.

## **5. Request by Honduras for the status of Cooperating Non-Member of the Commission**

Honduras presented its request for the status of Cooperating Non-Member of the IATTC, indicating that it had a right to this as a coastal country. She stated that, in spite of the inappropriateness of the exclusion of its vessels from the Commission's Regional Vessel Register at the meeting in June of this year, those vessels were not operating in the IATTC Convention Area, respecting the Commission's decision, despite the fact that, internally, the Honduran government has no legal basis for forbidding vessel owners from fishing in that area. Having to wait until the summer of 2013 for its reinstatement as a Cooperating Non-Member would have very severe economic consequences for its tuna industry.

After listening to these arguments, the Members present agreed that, in accordance with paragraph 5 of Resolution [C-07-02](#), they could not take a decision on this request before it was examined by the Review Committee<sup>1</sup>, which would not meet until the summer of the following year.

The delegations of Colombia, Costa Rica, Guatemala, Mexico, Nicaragua, Panama, Peru, and Venezuela expressed their support for the request by Honduras, but deferred to the need to respect the established

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<sup>1</sup> The Review Committee has assumed the functions of the Joint Working Group on Fishing by Non-Parties specified in that Resolution.

procedures. Furthermore, some of the Members present did not have the mandate of their capital authorities to take a decision on this matter at this meeting.

## **6. Adoption of conservation measures for the fishery associated with fish-aggregating devices (FADs)**

Mexico presented a proposal (Appendix 3b) on a management plan to regulate fishing effort on fish-aggregating devices (FADs) in the purse-seine fishery in the eastern Pacific Ocean (EPO). This proposal, almost identical to the one presented by the European Union and Colombia at the previous meeting and which came close to approval, attempted to resolve one of the Commission's important pending matters, which had been under discussion for ten years, and the current meeting was a good opportunity for approving it.

The European Union stated that it was pleased that its proposal had support; however, he had no mandate to support it at this extraordinary meeting. He noted that there was already a pilot project, and asked the Secretariat for information on it. Colombia likewise express its thanks for the proposal, stating that this issue must advance and that it would take the proposal presented as a basis for a discussion at the next meeting of the Commission.

Ecuador indicated that a great deal of work had been done on the issue. At the previous meeting, the proposal was not approved because of missing comments from the United States. The latter country indicated that it explained its reservations about the proposal on that occasion, and that it was not in a position to discuss it at the present meeting.

Dr. Martín Hall, head of the IATTC bycatch program, presented information on the pilot project on FADs, indicating that progress has been made on almost all the tasks involved. However, in order to make progress on the part about marking and monitoring FADs, either the participation of the industry and/or funds from other sources were necessary.

## **7. Adoption of a monitoring program of tuna lengths by fleet**

Mexico recalled that Resolution [C-03-05](#) on data provision, in its paragraph 2, establishes the minimum requirements for providing data on catches and effort to the Commission and, if at all possible, also length-frequency data, and asked whether the information on lengths by fleet was being received. Dr. Compeán answered that the information is received by country, not by fleet or by length, and that sampling of lengths by area is carried out.

Mexico encouraged the Members to comply with this requirement, and indicated that the Review Committee should be informed of any non-compliance.

## **8. Trade, certification and sustainability of tunas**

Mexico recalled that it took the case of trade in tuna from the EPO in the United States to the World Trade Organization, which determined that there was discrimination, granting a period of 15 months for the United States to adjust its relevant legislation.

He pointed out that it has been claimed that dolphin mortality occurs only in the EPO; however a WCPFC document (Appendix 4a) reports that it occurs in the fishing area under the competence of that Commission, thus showing that there is mortality in the fisheries in other seas of the world. Therefore, trade in tuna from other oceans should be subject to regulations as strict as those applied for the EPO, since that tuna is sold as dolphin-safe even though dolphins are caught.

## **9. Determination of the date of entry into force of resolutions**

Guatemala made a presentation on the reasons for which it considered it advisable to review this issue. There is no ambiguity in the provisions of the Antigua Convention and the Commission's rules of procedure regarding the date of the entry into force of resolutions adopted by the Commission, so it is not considered necessary to formulate specific recommendations on the matter. However, in order to eliminate any doubt about these dates, the Director was asked that, in future, he make a clear reference to



the "notification" of resolutions, as established in Article IX, paragraph 7, of the Antigua Convention, when circulating them to the Members of the Commission after their adoption.

## **10. Other business**

### **a) Tuna species in CITES**

Japan indicated that there is a proposal to include southern bluefin tuna (*Thunnus maccoyii*) in Appendix II of the Convention on International Trade in Endangered Species (CITES), and that various Members of the IATTC support that proposal. He suggested that the Commission adopt as a policy that the regional fisheries management organisation in charge of the management of a species be the forum for discussing and taking decisions on that species before the issue is dealt with in CITES.

### **b) Statement by Guatemala on the issue of fishing capacity**

Guatemala presented a written statement on the issue of fishing capacity related to its fleet, for inclusion in the minutes of the meeting (Appendix 4b).

## **11. Adjournment**

The meeting was adjourned at 7:56 p.m. on 24 October 2012.

Appendix 1.

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## IATTC-84 extraordinary Minutes DRAFT

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