

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

**La Jolla, California (USA)
25-29 June 2012**

RESOLUTION C-12-01

**AMENDMENT TO RESOLUTION C-11-01 ON TUNA
CONSERVATION**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Aware of its responsibility for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its Members and Cooperating non-Members (CPCs) with regard to these resources;

Recognizing that the potential production from the resource can be reduced if fishing effort is excessive;

Aware that the capacity of the purse-seine fleets fishing for tunas in the Convention Area continues to increase;

Taking into account the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach;

Recognizing the importance of conservation measures taken by the Western and Central Pacific Fisheries Commission (WCPFC) for the tuna stocks in that region and the stocks of highly migratory tunas in the Pacific Ocean;

Agrees:

To apply in the Convention Area the conservation and management measures for yellowfin and bigeye tuna set out below, and requests that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and report on such activities at the next meeting of the Commission;

1. These measures are applicable in the years 2011-2013 to all CPCs' purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the IATTC Convention Area.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) are not subject to these measures.
3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of 62 days in 2011, 62 days in 2012, and 62 days in 2013. These closures shall be effected in one of two periods in each year as follows:
 - 2011 – 29 July to 28 September, or from 18 November to 18 January 2012.
 - 2012 – 29 July to 28 September, or from 18 November to 18 January 2013.
 - 2013 – 29 July to 28 September, or from 18 November to 18 January 2014.
4. Notwithstanding the provisions of paragraph 3, purse-seine vessels of IATTC capacity class 4 (be-

tween 182 and 272 metric tons carrying capacity) will be able to make only one single fishing trip of up to 30 days duration during the specified closure periods, provided that any such vessel carries an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP).

5. The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S illustrated in Figure 1 shall be closed from 0000 hours on 29 September to 2400 hours on 29 October.

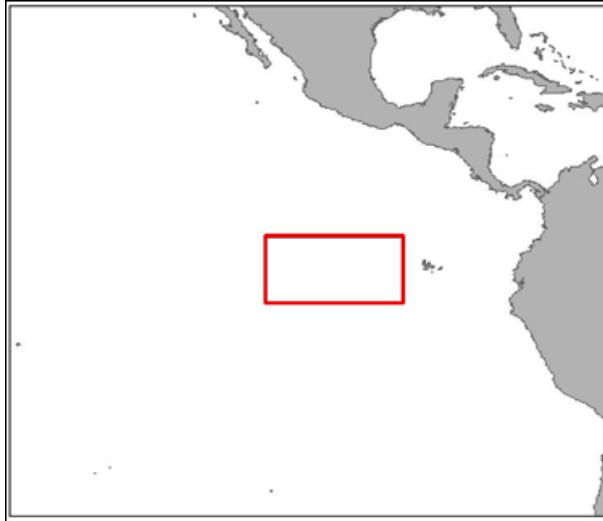


Figure 1. Closure area

6.
 - a. In each one of the years in which these measures are applicable, and for each one of the two closure periods, each CPC shall notify the Director, by 15 July, the names of all the purse-seine vessels that will observe each closure period;
 - b. Every vessel that fishes during 2011-2013, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe the closure period to which it was committed.
7.
 - a. Notwithstanding the provision of subparagraph 6.a and 6.b, a request by a CPC, on behalf of any of its vessels, for an exemption due to *force majeure*¹ rendering said vessel unable to proceed to sea outside said closure period during at least a period equivalent to the closure period prescribed in paragraph 3 above, shall be sent to the Secretariat
 - b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure*.
 - c. The Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.
 - d. The request shall be considered accepted, unless an IATTC Member objects to it formally and with cause within 15 calendar days of the receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.

¹ For the purposes of paragraph 7, only cases of vessels disabled by mechanical and/or structural failure, fire, or explosion shall be considered *force majeure*

- e. If the request for exemption is accepted,
 - i. the vessel shall observe a reduced closure period of 30 consecutive days in the same year during which the *force majeure* event occurred, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
 - ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event occurred, it shall observe a reduced closure period of 30 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3

- 8. 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 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 Convention Area 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 Convention Area. 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 Convention Area.
- 9. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2011-2013 do not exceed the following levels:

Metric tons	2011-2013
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555

- 10. For 2012 and 2013, the total annual longline catches of bigeye tuna in the Convention Area shall be adjusted appropriately based on any conservation measures that may be adopted for purse-seine vessels in those years, as ratified or adjusted in accordance with paragraph 19.
- 11. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2011-2013 do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001^{2,3}. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director. For 2012 and 2013, the limits in this paragraph shall remain in effect if the conservation measures for purse-seine vessels are maintained, as ratified or adjusted in accordance with paragraph 19.

² The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

³ The Commission acknowledges that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

12. Landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to provide relevant information to CPCs to assist them in this regard.
13. Each CPC shall notify the Director, by 15 July of each year, of actions taken to implement these measures, 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.
14. In order to evaluate progress towards the objectives of these measures, in 2012 and 2013 the IATTC scientific staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
15. The Director is requested to develop, in consultation with interested CPCs, a pilot program for research into, and gathering information on, the fish-aggregating devices (FADs) used to aggregate tunas in the Convention Area. The program shall include, *inter alia*, provisions for the marking of FADs, 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 Director is requested to report on the status of this effort at the next annual meeting of the IATTC. The information collected shall be held by the IATTC staff.
16. Subject to the availability of the necessary funding, the Director is requested to 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.
17. For 2012, renew the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set. At its annual meeting in 2012, the IATTC will review the results of the program, including compliance, and decide whether to continue it.
18. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific bases and effectiveness of those measures.
19.
 - a. In 2013 the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the IATTC scientific staff, in consultation with the Scientific Advisory Committee, Based on such evaluation, the Commission shall adopt conservation and management measures for the sustainable use of tuna and tuna-like species at its meeting in 2013.
 - b. Except in cases of force majeure prescribed in paragraph 7, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 6.a, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.
20.
 - a. Notwithstanding the provision of subparagraph 6.a and 6.b, a request by a CPC, on behalf of any

of its vessels, for an exemption due to *force majeure*⁴ rendering said vessel unable to proceed to sea outside said closure period during at least a period equivalent to the closure period prescribed in paragraph 3 above, shall be sent to the Secretariat

- b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure*.

⁴ For the purposes of paragraph 7, only cases of vessels disabled by mechanical and/or structural failure, fire, or explosion shall be considered *force majeure*