
**INTERNATIONAL COMMISSION
for the
CONSERVATION of ATLANTIC TUNAS**

**R E P O R T
for biennial period, 1996-97
PART II (1997) - Vol. 1
English version**

MADRID, SPAIN

1998

INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

CONTRACTING PARTIES

Angola, Brazil, Canada, Cape Verde, People's Republic of China, Côte d'Ivoire, Croatia, Equatorial Guinea, European Community, France *, Gabon, Ghana, Republic of Guinea, Japan, Republic of Korea, Libya, Morocco, Russia, Sao Tomé & Principe, South Africa, Spain, Tunisia, United Kingdom *, United States, Uruguay, Venezuela

COMMISSION OFFICERS

Commission Chairman

R. CONDE DE SARO, SPAIN
(since 17 November 1995)

First Vice-Chairman

V. ARARIPE MACEDO, Brazil
(since 21 November 1997)

Second Vice-Chairman

E. A. KWEI, Ghana
(since 21 November 1997)

Panel No.

PANEL MEMBERSHIP

Chair

- | | | |
|-----|---|-------------------|
| -1- | Angola, Brazil, Canada, Cape Verde, Côte d'Ivoire, European Community, France, Gabon, Ghana, Japan, Korea (Rep.), Libya, Morocco, Russia, Sao Tome & Principe, United Kingdom, United States, Venezuela | EC (H. Da Silva) |
| -2- | Canada, Croatia, European Community, France, Japan, Korea (Republic), Libya, Morocco, United Kingdom, United States | UK (J. A. Barnes) |
| -3- | European Community, Japan, Korea (Rep.), Namibia, South Africa, United States, Uruguay | USA (R. Lent) |
| -4- | Angola, Brazil, Canada, European Community, Japan, Korea (Republic), United States, Venezuela | Japan (I. Nomura) |

SUBSIDIARY BODIES OF THE COMMISSION

Chairman

STANDING COMMITTEE ON FINANCE & ADMINISTRATION (STACFAD)

J. JONES, Canada
(since 21 November 1997)

STANDING COMMITTEE ON RESEARCH & STATISTICS (SCRS)

Sub-Committee on Statistics: S. TURNER (United States), Coordinator
Sub-Committee on Environment: A. FONTENEAU (EC), Coordinator
Sub-Committee on By-catches: H. NAKANO (Japan), Coordinator

J. E. POWERS, United States
(since 24 October 1997)

CONSERVATION & MANAGEMENT COMPLIANCE COMMITTEE

C. DOMINGUEZ (EC)
(since 21 November 1997)

PERMANENT WORKING GROUP FOR THE IMPROVEMENT OF ICCAT STATISTICS AND CONSERVATION MEASURES (PWG)

J. F. PULVENIS (Venezuela)
(since 21 November 1997)

ICCAT SECRETARIAT

Executive Secretary: Dr. A. RIBEIRO LIMA
Assistant Executive Secretary: Dr. P. M. MIYAKE
Address: C/Corazón de María 8, Madrid 28002 (Spain)

* France and the United Kingdom are members in the name of their overseas territories not covered by the Treaty of Rome.

FOREWORD

The Chairman of the International Commission for the Conservation of Atlantic Tunas presents his compliments to the Contracting Parties of the International Convention for the Conservation of Atlantic Tunas (signed in Rio de Janeiro, May 14, 1966), as well as to the Delegates and Advisers that represent said Contracting Parties, and has the honor to transmit to them the "**Report for the Biennial Period, 1996-97, Part II (1997)**", which describes the activities of the Commission during the second half of said biennial period.

This issue of the Biennial Report contains the reports of the Fifteenth Regular Meeting of the Commission, held in Madrid, Spain, in November, 1997, and the reports of all the meetings of the Panels, Standing Committees and Sub-Committees, as well as some of the Working Groups. It also includes a summary of the activities of the Secretariat and a series of National Reports of the Contracting Parties of the Commission, relative to their activities in tuna and tuna-like fisheries in the Convention Area.

Given that the combined length of these is too great for them to be included in one volume, the Report for 1997 has been published in two volumes. **Volume 1** includes the Reports of the Secretariat on its activities, the Proceedings of the Commission Meetings and the reports of all the associated meetings, with the exception of the Report of the Standing Committee on Research and Statistics (SCRS). **Volume 2** contains the Report of the Standing Committee on Research and Statistics (SCRS) and its appendices, as well as the National Reports mentioned above.

This Report has been prepared, approved and distributed in accordance with Article III, paragraph 9, and Article IV, paragraph 2-d, of the Convention, and Rule 15 of the Rules of Procedure of the Commission. The Report is available in the three official languages of the Commission: English, French and Spanish.

R. Conde de Saro
Commission Chairman

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SECRETARIAT REPORTS

1997 ADMINISTRATIVE REPORT (COM/97/6) *

1. Contracting Parties of the Commission

On October 24, 1997, the Legal Department Food and Agriculture Organization of the United Nations (FAO) notified the Secretariat that the Republic of Croatia had deposited an instrument of adherence to the Convention on October 20, 1997.

On January 5, 1998, FAO notified the Secretariat that on December 16, 1997, Tunisia had deposited an instrument of adherence to the Convention.

The European Community deposited an instrument of adherence to the International Convention for the Conservation of Atlantic Tunas on November 14, 1997, thus implementing the Paris Protocol. In accordance with new paragraph 6 of Article XIV of the Convention, the Member States of the European Community that are members of ICCAT, shall cease to be Parties to the Convention. France and the United Kingdom informed the Commission that they intended to maintain membership in ICCAT in respect of their overseas territories not included in the Treaty of Rome.

2. New ICCAT Executive Secretary

On March 1, 1997, Dr. Adolfo Ribiero Lima (Portugal) assumed his duties as the new Executive Secretary of the Commission.

3. Commission officers

At the Meetings of the Standing Committee on Research and Statistics (October 1997) and the Commission (November 1997), the following officers were elected:

<i>Chairman:</i>	R. Conde de Saro (Spain)
<i>First Vice-Chairman:</i>	M. V. Araripe Macedo (Brazil)
<i>Second Vice-Chairman:</i>	E. Kwei (Ghana)

The Panel Chairs are as follows:

<i>Panel 1:</i>	European Community
<i>Panel 2:</i>	United Kingdom-Bermuda
<i>Panel 3:</i>	United States
<i>Panel 4:</i>	Japan

The officers of other Commission bodies are as follows:

- a) *Standing Committee on Finance & Administration (STACFAD):*
Chairman: J. Jones (Canada)

* The Administrative Report presented at the 1996 Commission Meeting was updated to December 31, 1997.

- b) *Standing Committee on Research & Statistics (SCRS):*
Chairman: J. Powers (United States)
- b.1 *Sub-Committee on Statistics:*
 Convener: S. Turner (United States)
- b.2 *Sub-Committee on Environment:*
 Coordinator: A. Fonteneau (European Community)
- b.3 *Sub-Committee on By-catches:*
 Coordinator: N. Nakano (Japan)
- c) *Conservation & Management Measures Compliance Committee:*
 Chairman: C. Dominguez (European Community)
- d) *Permanent Working Group for the Improvement of ICCAT Statistics & Conservation Measures (PWG):*
 J. F. Pulvenis (Venezuela)

4. Acceptance or ratification of Madrid Protocol to the ICCAT Convention

In accordance with its Article 3, the Madrid Protocol will enter into force, for all the Contracting Parties, on the 90th day following the deposit with the Director General of FAO of the last instrument of approval, ratification or acceptance by three-quarters of the Contracting Parties, and these three-quarters should include all the Parties classified by the United Nations Conference on Trade and Development as of June 5, 1992, as developed market economy countries.

As of December 31, 1997, the following Contracting Parties have officially ratified or accepted the Protocol:

Republic of Korea	Acceptance on June 11, 1993
Canada	Ratification on September 22, 1993
South Africa	Acceptance on September 30, 1993
Spain	Ratification on February 14, 1994
United States of America	Ratification on August 24, 1994
Russian Federation	Acceptance on September 14, 1994
Republic of Guinea	Acceptance on April 13, 1995
Portugal	Ratification on November 27, 1995
Morocco	Ratification on December 9, 1996
Brazil	Ratification on January 15, 1997
Uruguay	Acceptance on July 24, 1997
Italy	Acceptance on August 6, 1997
Croatia	Acceptance on October 20, 1997
European Community	Acceptance on November 14, 1997

5. ICCAT Regulations and Resolutions

On February 3, 1997, the Secretary transmitted the texts of the Recommendations and Resolutions adopted by the Commission at its Tenth Special Meeting (San Sebastian, November 1996) to the Contracting Parties and to non-contracting parties, fishing entities and intergovernmental fisheries organizations, requesting their cooperation to adopt these measures.

Since no objections were received from the Contracting Parties, the Recommendations entered into force on August 4, 1997, and on that same date notification was transmitted to all the above-mentioned Parties and organizations. These Recommendations and Resolutions are included Annex 5 to the "Report for Biennial Period, 1996-97 (Part I), Vol. 1".

On December 12, 1997, the Secretariat transmitted the texts of the Recommendations and Resolutions adopted by the Commission at its Fifteenth Regular Meeting (Madrid, November 1997) to the Contracting Parties and to non-contracting parties, fishing entities, and intergovernmental fisheries organizations, requesting their cooperation to adopt these measures. If no objections are received from the Contracting Parties, the Recommendations will enter into force six months after the date of transmission, i.e., June 13, 1998. The texts of the Recommendations and Resolutions adopted in 1997 are included in Annex 5 to this volume.

6. Monitoring and inspection activities

As of December 31, 1997, the Contracting Parties that have accepted the ICCAT Scheme of Port Inspection, which was adopted by the Commission at its First Special Meeting (Madrid, 1978) and in effect since 1983 are as follows: Brazil, Côte d'Ivoire, Spain, United States, France, Gabon, Portugal, Sao Tome & Principe, South Africa, and Venezuela.

By a Commission decision in 1995, the new format for the National Reports includes a section for the Contracting Parties to inform on their application of this Scheme, summarizing the results obtained.

7. ICCAT inter-sessional meetings, Species Groups, SCRS Plenary Sessions

In accordance with Commission decisions, the following meetings of a scientific-technical nature were held in 1997. Details on these meetings are provided in the Report on Statistics and Coordination (COM-SCRS/97/9).

- Working Group on Sharks (Shimizu, Japan - March 11-14, 1997)
- Ad Hoc Working Group on Bigeye (Madrid, Spain - April 9-11, 1997)
- Inter-sessional Meeting on Monitoring and Compliance (Washington, D.C. - May 5-7, 1997)
- Ad Hoc GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean on the Tag Recovery Network (Messina, Italy - June 23-24, 1997)
- Informal Inter-sessional Meeting of Panel 4 (Joao Pessoa, Brazil - July 15-16, 1997)

The SCRS Species Groups met at the ICCAT Headquarters in Madrid, from October 9 to 18, 1997.

The 1997 SCRS Plenary Sessions took place on October 20 to 24, in Madrid. The 1997 SCRS Report was presented to the Commission.

8. Meetings at which ICCAT was represented

The Commission was represented at the following meetings:

- 17th Session of the Coordinating Working Party on Atlantic Fishery Statistics (CWP) (Hobart, Australia - March 3-7, 1997). ICCAT was represented by Dr. P. M. Miyake, the ICCAT Assistant Executive Secretary.
- FAO Committee on Fisheries (COFI) (Rome, March 20, 1997). Dr. A. Ribeiro Lima, ICCAT Executive Secretary, represented ICCAT in a observer capacity.
- ICES Stock Group on Elasmobranch Fishes (Copenhagen, Denmark - May 26-30, 1997). ICCAT was represented by Dr. H. Matsunaga (Japan), represented ICCAT as an observer.
- 58th Meeting of the Inter-American Tropical Tuna Commission (IATTC) (San Jose, Costa Rica - June 3-5, 1997). Dr. Z. Suzuki (Japan) represented ICCAT in an observer capacity.
- CCSBT Working Group on Ecologically Related Species (Canberra, Australia - June 3-6, 1997). At this meeting, organized by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), ICCAT was represented, in a observer capacity, by Dr. Y. Uozumi (Japan).

- 10th Conference of the Parties to the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) (Harare, Zimbabwe - June 9-20, 1997). Dr. H. Nakano (Japan) represented ICCAT at this meeting as an observer.
- 4th Annual Meeting of CCSBT (Canberra, Australia - September 8-13, 1997). Mr. H. Morishita (Japan) represented ICCAT at this meeting as an observer.
- 22nd Session of the General Fisheries Council for the Mediterranean (GFCM) (Rome, October 13-16, 1997). ICCAT was represented, in an observer capacity, by Mr. C. Dominguez (Spain) for the first two days, and by Dr. A. Ribeiro Lima, ICCAT Executive Secretary, for the last two days.
- 59th Meeting (Special) of the Inter-American Tropical Tuna Commission (IATTC) (La Jolla, California, U.S.A. - October 28-31, 1997). Mr. B. Hallman (United States) represented ICCAT as an observer.

9. Coordination of research and statistics

The Report on Statistics and Coordination of Research (COM-SCRS/97/9), summarizes activities during 1997 concerning coordination of research as well as biostatistical activities, relative to tuna and tuna-like species in the Convention area.

10. ICCAT lottery for recovered tags

The annual lottery for the ICCAT International Cooperative Tagging Program for Tuna and Tuna-like Species, was held on October 20, 1997, at the time of the SCRS meeting. There were 347 tags entered in this year's lottery. The three US\$500 lottery rewards corresponded as follows:

- Tropical tunas (165 tags): Winner: a tag placed on a yellowfin tuna by France and recovered by a Senegalese citizen.
- Temperate tunas (116 tags): Winner: a tag placed on a bluefin tuna by the United States and recovered by a U.S. citizen.
- Billfishes (66 tags): Winner: a tag placed on a sailfish by the United States and recovered by a U.S. citizen.

11. Cooperation with other countries, organizations, and entities

Secretariat activities in this area included the following:

Sierra Leone: Through its Embassy in Washington, Sierra Leone has shown an interest in becoming a member of the Commission. On May 7, 1997, a copy of the "Basic Texts" was sent to this Embassy.

Guinea Bissau: In May, 1997, the Embassy of Guinea Bissau in Paris contacted the Secretariat and indicated interest in the Commission's activities. The Secretariat sent the *Basic Texts*, the Recommendations and Resolutions, as well as the 1992 Madrid Protocol. Later, the Minister of Fisheries of Guinea Bissau ratified this interest and indicated that Guinea Bissau intended to become a Contracting Party to ICCAT.

Panama: At the end of June, 1997, Mrs. Ivette de Jaen, Technical Director of the National Maritime Commission of Panama, visited the Executive Secretary and expressed her country's keen interest in collaborating actively in ICCAT. Later, in the month of October, the Chairman of the Commission received a letter from the Minister of Foreign Affairs of Panama, in which he pointed out the measures adopted by his country to

assure the effectiveness of the ICCAT conservation program for bluefin tuna. The letter, duly translated by the Secretariat, was transmitted to the Heads Delegates of the Contracting Parties on October 13, 1997.

- Chinese Taipei:** In accordance with a decision of the Commission, Dr. P. Miyake, ICCAT Assistant Executive Secretary, visited Chinese Taipei in July, 1997, to carry out an in-depth review of the data collection and data processing scheme, in collaboration with the Chinese Taipei scientists. Dr. Miyake coordinated this joint work. The report, in the three official languages of the Commission, will be published in the "*Collective Volume*" series.
- Croatia:** In September, 1997, the Executive and Assistant Executive Secretaries received a visit from Messrs. Z. Homen and A. Dujmusic, of the Directorate of Fisheries of the Ministry of Agriculture of the Republic of Croatia. During the visit, discussion was centered on matters relative to the Croatian fisheries and of that country's interest in becoming a full member of ICCAT and in closely collaborating with this Commission. Croatia became a Contracting Party to the Commission in October, 1997.
- Namibia:** Also in the month of September, 1997, Mr. A. Z. Ishtitle, of the Ministry of Fisheries and Marine Resources of Namibia, visited the Secretariat and discussed with Dr. P. M. Miyake about the Namibian fisheries and the albacore regulations, as well as the possible membership of Namibia in the Commission.
- Tunisia:** In a letter dated November 4, 1997, the Republic of Tunisia informed the Secretariat that its Chamber of Deputies had voted in favor of ratification of the ICCAT Convention and that, in the meantime, Tunisia intended to participate as an observer. Tunisia became a Contracting Party to the Commission in December, 1997.

12. Publications

From January 1 to December 31, 1997, the Secretariat has distributed the following publications:

- Statistical Bulletin, Vol. 26
- Data Record, Vol. 38
- Collection of Scientific Papers, Vol. XLVI, Nos. 1, 2, 3 and 4
- Report for Biennial Period, 1996-97, Part I (Vois. 1 and 2) - English, French and Spanish versions

All the above publications were prepared, edited and reproduced at the Secretariat, except for the covers and the binding.

13. Improvement of the Secretariat's computer equipment

The Secretariat acquired the following computer equipment and materials in 1997 meeting: 2 portable PCs (Toshiba Terca), 2 laser printers, a program to design web pages (HOT METAL), and a program to convert graphics (ALCHEMY).

14. Secretariat staff

In May, 1997, one of the multi-lingual secretaries in the French department resigned for personal reasons. After a selection process, Mrs. Carole Azema-Redondo, of French nationality, was contracted and started working at the Secretariat on September 1, 1997.

15. Change in the Secretariat offices

At the end of May, 1997, the ICCAT Secretary, at the proposal of the Spanish Ministry of Agriculture, Fisheries and Food, moved its offices to a building owned by the Spanish Secretariat of Maritime Fishing, located at Corazon de Maria Street, No. 8. The Secretariat offices are on the 6th floor.

1997 FINANCIAL REPORT (COM/97/7) *

1. AUDITOR'S REPORT - FISCAL YEAR 1996

The Executive Secretary transmitted a copy of the Auditor's Report to the governments of all the Contracting Parties in April, 1997. The General Balance at the close of Fiscal Year 1995 (see attached **Statement 1**), showed a balance in Cash and Bank of 41,283,984 Pesetas, corresponding to the available in the Working Capital Fund (39,153,861 Pesetas) and the advances on future contributions accumulated to the close of Fiscal Year 1996 (2,130,123 Pesetas).

At the close of Fiscal Year 1996 there were accumulated pending contributions (corresponding to 1996 and previous years) that amounted to 165,557,303 Pesetas.

2. FINANCIAL STATUS OF THE 2ND HALF OF THE BIENNIAL BUDGET - FISCAL YEAR 1997

The financial operations of the Commission corresponding to Fiscal Year 1997 were maintained in pesetas. The accounting entries which originate in U.S. dollars are also registered in pesetas, applying the official monthly exchange rates facilitated by the United Nations.

The 1997 Regular Budget (165,398,000 Pesetas) was approved by the Commission at its Tenth Special Meeting (San Sebastian, November, 1996). The General Balance (attached as **Statement 2**), reflects the assets and liabilities at the close of Fiscal Year 1997, which are shown in detail in **Tables 1 to 6**.

Table 1 shows the status of the contributions of each of the Contracting Parties as of the close of Fiscal Year 1997.

Of the total budget approved, income received towards 1997 contributions amounted to 133,588,480 Pesetas at the close of the Fiscal Year. Only 13 of the 24 Contracting Parties included in this Budget have paid their total contributions (Brazil, Canada, People's Republic of China, France, Japan, Republic of Korea, Morocco, Portugal, Russia, South Africa, Spain, the United Kingdom, and the United States). Venezuela paid part of its 1997 contribution (4,994,692 Pesetas). Advances totaling (2,130,123 Pesetas) were received in 1995 from Côte d'Ivoire (1,530,123 Pesetas) and in 1996 from Morocco (600,000 Pesetas), and were applied towards payment of these countries' 1997 contributions. An advance was also received in 1997 from the People's Republic of China (25,217 Pesetas), which will be applied towards its 1998 contribution.

The contributions to the 1997 regular budget pending payment by the Contracting Parties at the close of Fiscal Year 1997 amounted to 31,809,518 Pesetas.

The total accumulated debt from budgetary and extra-budgetary contributions, to the close of Fiscal Year 1997, amounted to 170,215,650 Pesetas, which includes extra-budgetary contributions from Libya and Italy, which recently joined the Commission, and the debts pending from Benin, Cuba, and Senegal, which are no longer Contracting Parties to ICCAT. Tunisia could not be included since the some information for this country was pending receipt at the close of the Fiscal Year.

Table 2 shows the budgetary liquidation of expenses at the close of Fiscal Year 1997, broken down by budget chapters.

Following herewith are some general comments by chapters:

* The Financial Report presented at the 1997 Commission was updated to the close of Fiscal Year 1997.

Chapter 1 - Salaries: The salaries and remuneration for 11 members of the ICCAT Secretariat staff were charged to this chapter.

The total expenditures for Chapter 1 include the updating of the remuneration schemes to those currently in effect for staff classified in the United Nations categories, including step (tenure) raises.

Chapter 2 - Travel: This expenses charged to this Budget chapter correspond to home leave expenses for two members of the Secretariat in the Professional Category, in accordance with Article 27 of the "Staff Regulations and Rules", and to travel and per diem expenses for the Secretariat's participation in the following inter-sessional meetings:

- 22nd Session of the FAO Committee on Fisheries (COFI) (Rome, Italy - March 16-19, 1997)
- ICCAT Inter-Sessional Meeting on Monitoring and Compliance (Washington, D.C., - May 5-7, 1997)
- ICCAT/European Community Meeting (Brussels, Belgium - June 30, 1997)

Chapter 3 - Commission Meeting: Expenditures remained within the amount budgeted.

Chapter 4 - Publications: The costs for the Commission publications listed in the Administrative Report (COM/97/6) were charged to this budget chapter.

Chapter 5 - Office Equipment: Expenses charged to this chapter, to the close of Fiscal Year 1997, included the last monthly installment for a leased photocopier, exercising the option to buy, the purchase of a new fax machine, and some office furniture.

Chapter 6 - Operating Expenses: This chapter shows the expenses incurred in the operation of the Secretariat in Fiscal Year 1997.

Chapter 7 - Miscellaneous: This chapter includes various expenses of a minor nature, such as the use of taxis for official business, minor repairs at the Secretariat, etc.

Chapter 8 - Coordination of Statistics and Research

a) Salaries: Salaries and remuneration for three Secretariat staff members are charged to this sub-chapter. The observations made under Chapter 1 as regards the salary schemes currently in force in 1997 for U.N. classified staff also apply to this sub-chapter. This sub-chapter also includes the salary and Spanish Social Security expenses of one staff member who chose to continue in this special regime.

b) Travel to improve statistics and research: Trip expenses and per diem for the Secretariat's participation in the following meetings were charged to this sub-chapter:

- Coordinating Working on Fishery Statistics (CWP) (Hobart, Australia - March 3-8, 1997)
- Working Group on Sharks (Shimizu, Japan - March 11-14, 1997)
- Review of Chinese Taipei Longline Statistics (Taipei - July 6-26, 1997)
- Meeting of the General Fisheries Council for the Mediterranean (GFCM) (Rome, Italy - October 14-15, 1997)

c) Port Sampling: No expenses were charged to this sub-chapter.

d) Biostatistical Work: The purchase of a portable PC (Toshiba Tecra) was charged to this sub-chapter.

e) Computer Equipment: The following computer purchases were charged to this sub-chapter: a portable PC (Toshiba Tecra), two laser printers, a program to design web pages (HOT METAL), and a program to convert graphics (ALCHEMY).

f) Data Processing: Expenses charged include the annual leasing cost and maintenance contract for the main computer. Also charged to this sub-chapter were the expenses incurred for electronic mail, email transmission of correspondence of an administrative, scientific and statistical nature, and access and use of the INTERNET data base.

g) Scientific meetings: Expenditures for the SCRS plenary sessions and the species groups remained within the amount budgeted.

h) Miscellaneous: The Commission budgeted 2,000,000 Pesetas for the Bluefin Year Program (BYP). At the close of Fiscal Year 1997, 774,536 Pesetas had been spent.

Chapter 9 - Contingencies: Expenditures were slightly (3.8%) over the amount initially budgeted to cover the installation expenses of the new Executive Secretary. This was due to the unforeseen expenses resulting from the relocation of the Secretariat offices. At the close of Fiscal Year 1997, expenses amounted to 3,155,612 Pesetas.

Table 3 shows the budgetary and extra-budgetary income received by the Commission during Fiscal Year 1997. Budgetary income amounted to 131,458,357 Pesetas, from Contracting Party contributions paid in 1997 towards the 1997 budget, Venezuela's contributions corresponding to other years (29,303,652 Pesetas), and other income (extra-budgetary) received in 1997. The extra-budgetary received in 1997 included: the partial contribution of the People's Republic of China (adherence during the second half of 1996), Croatia's contribution (adherence during the second half of 1997), observer fees (CARICOM, Ireland, Mexico, Panama, Trinidad & Tobago), bank interest, the refund of Value Added Tax, reimbursement for publications, a reimbursement from the IEO for tags, and funds from the Billfish Research Program Budget to contribute towards the Secretariat's expenses relative to this Program.

Table 4 shows the composition and balance of the Working Capital fund at the close of Fiscal Year 1997. The Fund shows a positive accounting balance of 44,191,447 Pesetas, which represents 26.71% of the 1997 Budget.

Table 5 shows cash flow during Fiscal Year 1997, as regards income and expenses.

Table 6 shows the status of Cash and Bank at the close of Fiscal Year 1997, with a balance of 47,116,664 Pesetas, which corresponds to the total available in the Working Capital Fund, as well as the available in funds for other programs and advances on future contributions.

3. ICCAT TUNA SYMPOSIUM

The ICCAT Tuna Symposium, held in the Azores in 1996, was financed by the Commission of the European Communities (FAIR PROGRAM) and the Autonomous Government of Azores.

The activity involving this fund during Fiscal Year 1997, which is maintained separate from the Commission accounting and administered by Dr. Miyake, the Symposium Secretary, was as follows:

Balance at the start of Fiscal Year 1997	Pts. 6,223,787
Deposits in 1997 (Bank interest on checking & time deposit accounts)	<u>106,935</u>
Sub-total	6,330,722
Expenditures (towards Symposium publication & bank charges)	<u>- 2,180,289</u>
BALANCE (at the close of Fiscal Year 1997)	Pts. 4,150,433

4. PROGRAM FOR ENHANCED RESEARCH FOR BILLFISH

This special fund was established in 1986 (in U.S. dollars) to administer the Program for Enhanced Research for Billfish. For accounting purposes, the Program funds are shown in pesetas within the General Balance of the Commission, although the deposits and expenditures are made in U.S. dollars. The status of these funds, in U.S. dollars, at the close of Fiscal Year 1997, were as follows:

Balance at the start of Fiscal Year 1997	US\$ 19,301.68
Deposits made in 1997	<u>25,000.00</u>
Sub-total	44,301.68
Expenditures (including bank charges)	<u>- 33,268.81</u>
BALANCE (at the close of Fiscal Year 1997)	US\$ 11,032.87

5. OTHER PROGRAMS

The Commission received US\$ 20,000, in equal parts, from the Council of Agriculture, Executive Yuan, and the Deep Sea Tuna Boatowners Association, of Chinese Taipei, to be applied in equal amounts of US\$ 5,000 each, as follows: (1) the Program for Enhanced Research for Billfish; (2) publication of results of the Symposium; (3) the ICCAT Bluefin Year Program (BYP); and (4) the ICCAT Bigeye Year Program (BETYP). These amounts, as well as their use will be reflected in the 1998 financial tables.

STATEMENT 1. GENERAL BALANCE (at the close of Fiscal Year 1996) (PESETAS)

<i>ASSETS</i>		<i>LIABILITIES</i>	
Available:		Acquired holdings (net)	
	Pts.		Pts.
			6,699,871
-- Banco Exterior de Espana:		Guaranty deposit	61,564
Acct. 030-17672.60-A (Pts.)	1,191,693		
Acct. 030-17329.75-F (Conv. Pts.)	9,588,559	Available in the Working Capital Fund	39,153,861
Acct. 030-31279.43-E (US\$)	\$55,986.98 7,222,320		
-- Barclays		Available in Billfish Trust Fund	2,489,917
Acct. 21001466 (Pts.)	8,317,082		
Acct. 41002088 (US\$)	\$15,607.86 2,013,414	Available in Symposium Trust Fund	6,223,787
Time Deposit (US\$)	\$100,000.00 12,900,000		
Cash on hand (Pts.)	<u>50,916</u>	Advances on future contributions	2,130,123
Total Available (Pts.)	\$171,594.84 41,283,984	Accumulated pending contributions	165,557,303
(Exchange rate: 1US\$ = 129 Pts.)			
Available in Billfish Trust Fund:			
Acct. 030-31555.90-B (US\$)	\$19,301.68 2,489,917		
Available in Symposium Trust Fund:			
Acct. 030-0126445 (Pts.)	6,223,787		
Receivables:			
Overdue contributions	165,557,303		
Fixed Assets:			
Acquired before 1996	18,501,709		
Acquired during 1996	699,736		
Retired during 1996	<u>0</u>		
Total Fixed Assets, in use	19,201,445		
Accumulated depreciation	<u>(12,501,574)</u>		
Fixed Assets (net)	6,699,871		
Guaranty deposit	<u>61,564</u>		
TOTAL ASSETS	222,316,426	TOTAL LIABILITIES	222,316,426

STATEMENT 2. GENERAL BALANCE (at the close of Fiscal Year 1997) (PESETAS)

<i>ASSETS</i>			<i>LIABILITIES</i>	
Available:		Pts.		Pts.
			Acquired holdings (net)	8,082,776
-- Banco Exterior de Espana:			Guaranty deposit	61,564
Acct. 030-17672.60-A (Pts.)		1,539,749	Available in the Working Capital Fund	44,191,447
Acct. 030-17329.75-F (Conv. Pts.)		5,560,933	Available in Billfish Trust Fund	1,643,898
Acct. 030-31279.43-E (US\$)	\$217,028.37	32,337,227	Available in Symposium Trust Fund	4,150,433
-- Barclays			Available in funds for other programs	2,900,000
Acct. 21001466 (Pts.)		5,223,004	Advances on future contributions	25,217
Acct. 41002088 (US\$)	\$16,139.83	2,404,835	Accumulated pending contributions	170,215,650
Time Deposit (US\$)	\$0.00	0		
Cash on hand (Pts.)		50,916		
Total Available (Pts.)	\$233,168.20	47,116,664		
(Exchange rate: 1US\$ = 149 Pts.)				
Available in Billfish Trust Fund:				
Acct. 030-31555.90-B (US\$)	\$11,032.87	1,643,898		
Available in Symposium Trust Fund:				
Acct. 030-0126445 (Pts.)		4,150,433		
Receivables:				
Overdue contributions		170,215,650		
Fixed Assets:				
Acquired before 1997	19,201,445			
Acquired during 1997	3,066,796			
Retired during 1997	0			
Total Fixed Assets, in use	22,268,241			
Accumulated depreciation	(14,185,465)			
Fixed Assets (net)		8,082,776		
Guaranty deposit		61,564		
TOTAL ASSETS		231,270,985	TOTAL LIABILITIES	231,270,985

TABLE 1. STATUS OF CONTRACTING PARTY CONTRIBUTIONS (Pesetas) (to the close of Fiscal Year 1997)

<i>Country</i>	<i>Past due at start of Fiscal Year 1997</i>	<i>1997 Contracting Party contributions</i>	<i>Contributions paid in 1997 or applied to the 1997 Budget</i>	<i>Contributions paid in 1997 towards previous budgets</i>	<i>Balance due at the close of Fiscal Year 1997</i>
A) Regular Commission Budget:					
Angola	2,765,280	2,750,617	0	0	5,515,897
Brazil	0	7,952,940	7,952,940	0	0
Canada	0	3,985,708	3,985,708	0	0
Cap Vert	16,508,018	2,260,803	0	0	18,768,821
China (People's Rep.)	0	927,704	927,704	0	0
Cote d'Ivoire	0	2,008,434	1,530,123 1/	0	478,311
Espana	0	36,155,151	36,155,151	0	0
France	0	23,284,598	23,284,598	0	0
Gabon	4,203,764	1,771,492	0	0	5,975,256
Ghana	65,283,466	8,158,765	0	0	73,442,231
Guinea Ecuatorial	6,800,413	944,519	0	0	7,744,932
Guinea (Rep. of)	4,254,315	884,357	0	0	5,138,672
Japan	0	12,652,927	12,652,927	0	0
Korea	0	4,542,881	4,542,881	0	0
Libya	0	3,240,030	0	0	3,240,030
Maroc	0	3,090,707	3,090,707 2/	0	0
Portugal	0	8,561,357	8,561,357	0	0
Russia	0	2,280,497	2,280,497	0	0
Sao Tome & Principe	3,728,024	1,820,855	0	0	5,548,879
South Africa	0	2,883,243	2,883,243	0	0
United Kingdom	0	3,620,576	3,620,576	0	0
United States	0	17,125,376	17,125,376	0	0
Uruguay	2,885,102	939,428	0	0	3,824,530
Venezuela	29,303,652	13,555,033	4,994,692	29,303,652	8,560,341
<i>Sub-total (A)</i>	<i>135,732,034</i>	<i>165,397,998</i>	<i>133,588,480</i>	<i>29,303,652</i>	<i>138,237,900</i>
B) New Contracting Parties:					
China, People's Rep. (1996)	465,980	0	0	465,980	0
Croatia (1997)	0	902,560	902,560	0	0
Italy (1997)	0	2,618,461	0	0	2,618,461 3/
Libya (1995)	2,334,940	0	0	0	2,334,940 4/
<i>Sub-total (B)</i>	<i>2,800,920</i>	<i>3,521,021</i>	<i>902,560</i>	<i>465,980</i>	<i>4,953,401</i>
C) Withdrawals of Contracting Parties:					
Benin (Eff: 31-Dec-94)	8,403,961	0	0	0	8,403,961
Cuba (Eff: 31-Dec-91)	11,034,300	0	0	0	11,034,300
Senegal (Eff: 31-Dec-88)	7,586,088	0	0	0	7,586,088
<i>Sub-total (C)</i>	<i>27,024,349</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>27,024,349</i>
TOTAL (A+B+C):	165,557,303	168,919,019	134,491,040	29,769,632	170,215,650

1/ The advance from Cote d'Ivoire (1,530,123 Pts) received in 1995 was applied as partial payment towards the 1997 contribution.

2/ The advance from Morocco (600,000 Pts) received in 1996 was applied as partial payment towards the 1997 contribution.

3/ Extra-budgetary contribution from Italy (2,618,461 Pts), as a new Commission member during the 2nd half of 1997.

4/ Balance pending (2,334,940 Pts) from the extra-budgetary contribution of Libya (as a new Commission member during the 2nd half of 1995).

TABLE 2. LIQUIDATION OF BUDGETARY EXPENDITURES (Pesetas) (to the close of Fiscal Year 1997)

<i>Chapters</i>	<i>1997 Budget</i>	<i>Expenditures at the close of Fiscal Year 1996</i>
1. Amount budgeted & budgetary expenditures:		
Chapter 1. Salaries	90,516,000	90,293,259
Chapter 2. Travel	4,488,000	4,446,574
Chapter 3. Commission Meetings	8,521,000	8,521,000
Chapter 4. Publications	5,020,000	4,501,992
Chapter 5. Office Equipment	1,730,000	1,126,966
Chapter 6. Operating Expenses	12,680,000	13,222,976
Chapter 7. Miscellaneous	1,524,000	1,279,504
Sub-total Chapters 1-7	124,479,000	123,392,271
Chapter 8. Statistics and Research:		
8A Salaries	19,475,000	21,142,044
8B Travel to improve statistics	4,000,000	2,944,001
8C Port Sampling	0	0
8D Biostatistical Work	1,000,000	1,287,640
8E Computer Equipment	990,000	1,386,767
8F Data Processing	2,704,000	2,568,200
8G Scientific Meetings (including SCRS)	7,710,000	7,710,000
8H Miscellaneous - BYP	2,000,000	774,536
Sub-total Chapter 8	37,879,000	37,813,188
Chapter 9. Contingencies	3,040,000	3,155,612
TOTAL BUDGETARY EXPENDITURES (Chapters 1 to 9)	165,398,000	164,361,071
Reimbursement of funds to the EC. 1/	0	159,969
TOTAL EXPENDITURES IN FISCAL YEAR 1997	165,398,000	164,521,040

1/ This amount corresponds to a reimbursement of unused funds to the Commission of the European Communities (equivalent to 951 ECU), from the Symposium Steering Committee Meeting (Bari, 1995).

TABLE 3. BUDGETARY & EXTRA-BUDGETARY INCOME RECEIVED (Pesetas) (to the close of Fiscal Year 1997)

1.1 Contributions received in 1997 towards the 1997 Budget:			
Brasil	(18 Sep 1997)	7,952,940	
Canada	(19 Feb 1997)	3,985,708	
China (People's Rep.)	(30 Dec 1997)	927,704	
Espana	(01 Apr 1997)	36,155,151	
France	(05 Mar 1997)	23,284,598	
Japan	(21 Feb 1997)	12,652,927	
Korea	(06 Mar 1997)	4,542,881	
Maroc	(18 Apr 1997)	2,490,707	
Portugal	(11 Jun 1997)	8,561,357	
Russia	(28 Aug 1997)	2,280,497	
South Africa	(18 Mar 1997)	2,883,243	
United Kingdom	(5 May & 15 Nov 1997)	3,620,576	
United States	(20 Jan 1997)	17,125,376	
Venezuela	(26 Sep 1997)	4,994,692	131,458,357
1.2 Contributions received in 1997 towards previous budgets:			
Venezuela	(26 Sep 1997)		29,303,652
1.3 Extra-budgetary contributions from new Contracting Parties received in 1997:			
– People's Rep of China (2nd half of 1996)		465,980	
– Croatia (2nd half of 1997)		902,560	1,368,540
1.4 Other extra-budgetary income:			
– Observers at ICCAT Meetings (CARICOM, Ireland, Mexico, Panama, Trinidad & Tobago)		2,009,362	
– Bank interest		1,231,106	
– Refund from VAT		255,368	
– Reimbursement for publications		47,749	
– From Billfish Program towards Secretariat operating expenses		145,000	
– Reimbursement by IEO for tags		365,700	
– Difference in currency exchange (positive)		1,243,669	5,297,954
1.5 Advances applied to 1997 contributions:			
– Cote d'Ivoire, Morocco			2,130,123
TOTAL INCOME RECEIVED IN 1997			169,558,626

TABLE 4. COMPOSITION & BALANCE IN THE WORKING CAPITAL FUND (Pesetas) (to the close of Fiscal Year 1997)

Available in the Working Capital Fund (at start of Fiscal Year 1997)		39,153,861
<i>Deposits:</i>		
Contributions paid in 1997 towards previous budgets	29,303,652	
Extra-budgetary contributions & other income received in 1997	<u>6,666,494</u>	<u>35,970,146</u>
Sub-total		75,124,007
Contributions paid in 1997 and/or in advance for application to the 1997 budget		133,588,480
<i>Less:</i>		
Budgetary expenditures (Chapters 1 to 9) for Fiscal Year 1997	164,361,071	
Reimbursement of funds to the EC	<u>159,969</u>	<u>- 164,521,040</u>
BALANCE AVAILABLE (at the close of Fiscal Year 1997)		44,191,447

TABLE 5. CASH FLOW (Pesetas) (during Fiscal Year 1997)

<i>INCOME & ORIGIN</i>		<i>EXPENSES & APPLICATION</i>		
Balance in Cash and Bank (at the start of Fiscal Year 1997)		41,283,984	Expenditures (to the close of Fiscal Year 1997) (Chapters 1 to 9)	164,361,071
Income:				
Contributions paid in 1997 towards the 1997 Budget	131,458,357		Reimbursement of funds to the EC	159,969
Contributions, paid in 1997, towards previous budgets	29,303,652		Available in the Working Capital Fund	44,191,447
Other extra-budgetary income received in 1997	5,297,954		Available in funds for other programs	2,900,000
Extrabudgetary contributions from new Contracting Parties received in 1997	1,368,540		Total advances received for application to future contributions & accumulated to the close of Fiscal Year 1997 (Peoples's Rep. of China)	25,217
Advances received towards future contributions (People's Rep. of China)	25,217			
Special contribution for other programs	<u>2,900,000</u>	170,353,720		
TOTAL INCOME & ORIGIN		211,637,704	TOTAL EXPENSES & APPLICATION	211,637,704

TABLE 6. STATUS OF CASH & BANK (Pesetas) (at the close of Fiscal Year 1997)

<i>SUMMARY</i>		<i>BREAKDOWN</i>	
Balance in Cash and Bank	47,116,664	Available in the Working Capital Fund	44,191,447
		Available in funds for other programs	2,900,000
		Advance on future contributions (People's Rep. of China)	25,217
TOTAL CASH IN CASH & BANK	47,116,664	TOTAL AVAILABLE & ADVANCES	47,116,664

**REPORT ON STATISTICS
AND COORDINATION OF RESEARCH IN 1997
(COM-SCRS/97/9) ***

1. Introduction

While there were less inter-sessional meetings in 1997 than in 1996, a considerable amount of staff time was spent on finalizing tasks which were pending after the meetings held in 1996.

2. Review of national statistics

2.1 Data collection

A table showing the progress made by the Secretariat in the collection of 1996 Task I, Task II and biological data submitted by the national offices was presented at the meeting.

Once again, the late submission of data, particularly of Task I and catch-at-size data for bigeye, albacore, swordfish and bluefin from some of the major fishing countries made it difficult for the Secretariat to create and update these files before the SCRS stock assessment sessions.

While it is recognized that some countries may have difficulties in meeting the deadlines set by the SCRS for data submission, all Contracting Parties are urged to give their attention to this matter and to submit their data as early as possible, to enable the Secretariat to carry out the tasks requested of it by the Commission.

a) Task I data (total nominal catches)

At the time of writing this report (October 1, 1997), the following Contracting Parties had still not submitted 1996 Task I data: Cape Verde, People's Republic of China, Cote d'Ivoire, France (temperate species), Guinea Equatorial, Italy (except some swordfish data), Japan, Libya, Sao Tome & Principe, United States and Venezuela. In other cases, Task I data were calculated by the Secretariat from Task II data files. Data were also lacking from many non-contracting parties, entities or fishing entities and institutions which normally submit catch statistics to ICCAT. Data for 1996 were only received from Namibia (preliminary), Santa Helena and Chinese Taipei.

b) Task II (catch and effort data and size data)

Data for 1996 were still not available (as of October 1, 1997) from the following Contracting Parties: Angola (size) Cape Verde (partial catch and effort data received from Dakar), People's Republic of China, Cote d'Ivoire, Equatorial Guinea, France (temperate species), Gabon, Italy (only partial data received), Japan (catch and effort), Morocco, Russia, Sao Tome and Principe, United States, Uruguay, and Venezuela. The only non-contracting party to submit Task II (catch and effort) data for 1996 was Santa Helena, and catch-at-size data were received from Chinese Taipei.

* The Report presented at the 1997 Commission Meeting was edited.

3. Secretariat's statistical work in 1997

3.1 Routine work

As mentioned above, the lack of data from so many countries made it difficult for the Secretariat to prepare the necessary data for the Species Group meetings and the SCRS. The fact that the 1997 SCRS meeting was held slightly earlier than in previous years and that the stocks assessments for the major species were carried out simultaneously, aggravated this situation further.

The routine work of the statistics department has been published in previous reports.

3.2 Special tasks carried out by the Secretariat during 1997

In addition to the tasks reported below, see section 4 on meetings relative to SCRS activities:

a) Creation of catch at size for bigeye tuna

Following a 1996 decision of the SCRS, the Secretariat recreated the entire catch-at-size data for bigeye (1975-1996), for the surface and longline fisheries. Details are reported in SCRS/97/6.

b) Revision of historical data base for Taiwanese longline fishery

According to a decision taken by the SCRS in 1996, Dr. P. M. Miyake visited Chinese Taipei at the invitation of the Overseas Fisheries Development Council (OFDC) in Taipei. A team of scientists from the OFDC and various universities worked together to conduct a critical review and revision of all the historical data for the longline fisheries of Chinese Taipei. The new statistical collection system was also revised. The results are reported in SCRS/97/17.

c) Creation of a Website home page for ICCAT

An ICCAT home page was created and posted on the Internet, and includes general information on ICCAT, its mandate, financing, structure and functions of its various auxiliary bodies, publications, regulatory measures currently in effect, various research activities, a summary of stock assessments, and current events. The page was posted on a trial basis and is only available in English, but later it will also be available in French and Spanish. The website address is: <http://www.iccat.es/>

d) Tag recovery network

In collaboration with the SCRS Chairman and Convener of the *Ad Hoc* Tagging Working Group, the Secretariat established a tag recovery network. Efforts to recover recaptured tags, including all the corresponding information, has started in Spain, Portugal, Italy, Greece, France and Morocco, where coordinators for the network have been nominated. A meeting of the *Ad-Hoc* GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea was held in July, 1997, in Messina, Italy, specifically for that purpose (see Sect. 4.2).

Funded by the Bluefin Year Program, Mr. A. Srou (Morocco) travelled to Tunisia and Libya on behalf of the Working Group, to extend the network to these countries.

Tag recovery posters (one for conventional tags and one for archival tags) were developed and translated, with the collaboration of many national scientists. They are now available in English, French, Spanish, Arabic, Chinese, Greek, Japanese, Korean and Portuguese.

e) Bluefin Year Program (BYP)

This was the first year that some limited funding became available from the Commission for this Program, and the Secretariat is now coordinating some of the activities. These included establishing the tag recovery network as mentioned above, and arranging biological sampling at Cartagena to establish a conversion factor for belly meat to round weight for bluefin tuna. This problem has been pending for some years, but it has finally been possible to access the products thanks to the close collaboration of the Spanish and Japanese governments and industries with the

Secretariat. The work, which was partially funded by the Bluefin Year Program, was carried out by Spanish and Japanese scientists and the results were reported by the national scientists.

f) Bigeye Year Program (BETYP)

The Secretariat organized a meeting to discuss the BETYP (see Sect. 4.3). The Executive Secretary visited the European Union Headquarters in Brussels to solicit funding from the European Commission for this Program. The European Commission replied to this request, indicating that while it cannot fund entire programs of this nature, it could give consideration to applications for funding of small-scale individual projects within the BETYP.

3.3 Unreported catches of non-contracting parties, entities or fishing entities

Further improvements were observed in this area, mainly due to the ICCAT Bluefin Tuna Statistical Document Program. Document SCRS/97/7 provides estimates of unreported catches.

3.4 Collection of information on by-catches

The report of the meeting of the Working Group on Sharks (see Sect. 4.1) was circulated and adopted by the SCRS and Commission through correspondence. After the formal adoption, a copy was sent to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), for the CITES Conference of Contracting Parties which was held in June 1997, in Zimbabwe. Developments in shark by-catch data collection by ICCAT have been informed to the CITES Secretariat and Animals Committee. Close contact has been maintained with the CITES Animals Committee, whose chairman attended the meeting of the ICCAT Shark Working Group.

3.5 Improvement of computer facilities and software

Further to the recommendations made by the Sub Committee on Statistics in 1996, the Secretariat purchased the following computer and electronic equipment in 1997, which is fundamental to the work of the Secretariat: 2 laser printers, (a necessity arising from the office distribution of the new headquarters), 2 portable PCs (for the Assistant Executive Secretary and Systems Analyst), a program to design web pages (HOT METAL) and one to convert graphics (ALCHEMY).

Since the 1997 Commission budget for this sub-chapter was reduced to half the amount proposed by the Sub-Committee on Statistics, the budgetary allocation was insufficient to cover all the items recommended in 1996, and therefore only the top priority items could be purchased. These purchases were necessary since the Secretariat's equipment could no longer sufficient support the work of the Commission, particularly the work of a scientific nature.

3.6 Bibliographic data base

As there were insufficient funds to cover the most fundamental equipment, this software could not be purchased in 1997. It is hoped that budgetary provision will be made for 1998.

4. Meetings

The inter-sessional meetings relative to SCRS activities in 1997 included:

4.1 Working Group on Sharks of the Sub-Committee on By-Catches

This meeting was held at the invitation of the Japanese Government at Shimizu, Japan, March 11-14, 1997 and was convened by Dr. G. Scott. The Report (COM-SCRS/97/12) was circulated to the Commissioners and approved through correspondence, so that the final version could be sent to CITES for their Animals Committee meeting.

4.2 Ad-Hoc GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea on Establishing Tag Recovery Networks

This meeting was held at Messina, at the invitation of the University of Messina, June 23-24, 1997. It was convened by Dr. G. Cavallaro. The Group's report was presented as COM-SCRS/97/11.

4.3 Preparatory Meeting of Bigeye Year Program

A small group met at the Secretariat on April 9-11, 1997. The Group reviewed the BETYP presented in 1996 to the Commission and made some minor modifications to the program. At the same time, the Resolution on Bigeye Tunas adopted by the Commission in 1996 was critically studied and incorporated into the revised BETYP. The report was presented in COM-SCRS/97/10.

4.4 Other meetings at which ICCAT was represented

The Coordinating Working Party on Fishery Statistics was held at the Antarctic Commission for Conservation Marine Living Resources (CCAMLR), Hobart, Australia, March 3-8, 1997. Dr. P.M. Miyake represented ICCAT and was again nominated Chairman of the Working Party. The Report of the meeting was presented as COM-SCRS/97/13. At the meeting Dr. Miyake emphasized the need for collaboration of the fisheries agencies in order to minimize discrepancies in the various data bases, and for cooperation in the collection of by-catch and shark data.

ICCAT was represented in an observer capacity at several international meetings, which are reported in the Administrative Report (COM/97/6).

5. Publications

Details of the ICCAT scientific publications issued in 1997 are reported in the Administrative Report.

The editing of the Report of Third Billfish Workshop (Miami, July 1996) has been completed by Dr. E. Prince and the Secretariat is working on page setting of the documents for enhanced publication.

Dr. J. Beckett was contracted as General Editor for the Proceedings of the ICCAT Tuna Symposium. A formal application for funding for this editorial work and for enhanced publication was made in early 1997 to the European Commission.

Dr. Beckett contacted the referees, chosen from a list provided by the moderators, and the peer review process of the contributions is almost complete. His progress report was presented as SCRS/97/20.

RECORDS OF MEETINGS

FIFTEENTH REGULAR MEETING OF THE COMMISSION

Madrid, Spain - November 14 to 21, 1997

FIRST PLENARY SESSION

November 14, 1997

1. Opening of the meeting

1.1 The Fifteenth Regular Meeting of the Commission was held from November 14 to 21, 1997 in Madrid at the Hotel Chamartin. The Commission Chairman, Mr. Rafael Conde de Saro (Spain) presided over the meeting.

1.2 The Commission Chairman introduced Mr. Samuel Juarez Casado, Secretary General of Maritime Fishing of Spain. In his opening address, Mr. Juarez pointed out the magnitude and the economic and social importance of the fisheries regulated by the Commission. He noted the increasing importance of ICCAT as one of the most advanced fisheries organizations, which serves as a model for other international fisheries organizations, particularly in view of the innovative conservation and management measures ICCAT adopts, and the gradual application of such measures, which take into account the socio-economic aspects of fishing activities. The Secretary General reiterated the issue of compliance with the Commission's regulatory measures, which will be thoroughly reviewed during the course of this meeting.

1.3 Mr. Juarez noted how the Commission has advanced in its work to attain the main objective of its Convention, which is to guarantee the long-term, sustainable exploitation of the resources it regulates. To reach this objective, the Commission has never avoided making difficult decisions when such action was deemed necessary. Thus, the Commission's is united in its determination to assure that its effectiveness is not undermined by fleets that fish in the same waters, land their catches at the same ports and commercialize their products on the same markets, but yet do not comply with its conservation and management schemes. Mr. Juarez expressed his confidence in the collaboration maintained among the Contracting Parties to solve the problems of non-compliance. In conclusion, the Spanish Secretary General of Maritime Fishing wished all the participants a fruitful meeting and a pleasant stay in the city of Madrid. The Opening Address by Mr. Juarez is included as Annex 4.

1.4 The Commission Chairman also addressed the participants at the opening session and, on behalf of the Commission, thanked Mr. Juarez for his presence and especially for his clear understanding of ICCAT's work and its objectives. Mr. Conde added that the Commission should be proud of its work, particularly as regards the adoption of important and innovative decisions in conservation and management of the resources. Such success is attributable to the extreme sense of responsibility of the Contracting Parties and others who fish in the area and voluntarily cooperate in ICCAT's work. The Commission Chairman pointed out that ICCAT's measures are both global and efficient, in that they provide the Contracting Parties with sufficient multi-lateral support to be able to adopt measures against those who do not share the same sense of responsibility. Such a "dumping" of conservation represents a grave danger which endangers the effectiveness of the measures adopted by ICCAT. Mr. Conde hoped that in spite of the Commission's full agenda this week, it would be possible to meet all the challenges and fulfil its responsibilities in conservation and management. Mr. Conde officially declared the Fifteenth Regular Meeting of the Commission open. His address to the Commission is also included in Annex 4.

2. Adoption of Agenda and arrangements

2.1 In reviewing the Tentative Commission Agenda, the Delegate of Canada asked that an item be added to address, early in the meeting, the precautionary approach, since the principles of such an approach will affect the Commission's future work.

2.2 Spain, while not objecting to adding a specific item, noted his understanding that the precautionary approach would be dealt with during the discussion of the SCRS Report (i.e. Item 7). He also noted that perhaps a special working group might be set up to meet during the inter-sessional period for such discussion.

2.3 Following the above comments, it was decided to discuss the precautionary approach under Item 7. Thus, the Agenda was adopted unchanged, and is attached as Annex 1.

2.4 The List of Commission Documents is attached as Annex 3.

3. Introduction of Contracting Party delegations

3.1 Before asking the Head Delegates of the Contracting Parties present at the meeting to introduce their respective delegations, the Chairman expressed the Commission's welcome to Italy and Croatia, both of which have recently become Parties to the ICCAT Convention. Mr. Conde also noted that the full membership of the European Community was also imminent, pending formal confirmation of the EC's deposit of an instrument of adherence, since all other requirements have been met. Hence, this Agenda item was temporarily left in abeyance.

3.2 Later during the Plenary Session, Dr. D. Fadda, of the FAO Legal Department announced that the European Community had deposited an instrument of adherence to the Convention, thus implementing the Paris Protocol. As a consequence of the adoption of this Protocol, and in accordance with new paragraph 6 of Article XIV of the Convention, the EC Member States which are presently members of ICCAT, shall cease to be Parties to the Convention and shall transmit a written notification to this effect to the Director-General of FAO. According to Article XII of the Convention, this cessation shall be effective on December 31, 1997.

3.3 The Delegate of the European Community addressed the Commission and noted that the adherence of the EC represented an opportunity to fully participate in the activities of this organization. He pointed out the increased world-wide importance of regional organizations in the management of the fishing resources. He assured the EC's commitment to actively promote all the decisions taken towards lasting management of tunas and to cooperate with all the Contracting Parties in order to assure that such actions are most effective.

3.4 Two EC Member States, France and the United Kingdom, informed the Commission that, while they will cease to be Members of the Commission as EC Members, and are going to notify the Director-General of FAO in the coming weeks, they intend, however, to continue their membership in ICCAT on behalf of their overseas territories for which the Community does not have competence for fisheries conservation.

3.5 The Head Delegate of the United States also addressed the Commission during the First Plenary Session; his statement is attached as Annex 6-1.

3.6 The following Contracting Parties were present at the Fifteenth Regular Meeting of the Commission: Angola, Brazil, Canada, People's Republic of China, Croatia, Equatorial Guinea, European Community, France, Gabon, Ghana, Italy, Japan, Republic of Korea, Libya, Morocco, Portugal, Russia, Sao Tome & Principe, Spain, South Africa, United Kingdom, United States, Uruguay, and Venezuela. The List of Participants is attached as Annex 2.

3.7 The Delegates of Croatia and Italy appreciated the warm welcome and words of encouragement received from the Commission members and looked forward to working within ICCAT as full members of the organization. Italy, as an EC Member State, noted it would be withdrawing from the Commission.

4. Introduction and admission of observers

4.1 The Representative of the Fisheries Department of the Food and Agriculture Organization of the United Nations (FAO) pointed out the close links between FAO and ICCAT, which are further strengthened by an official agreement of cooperation between both organizations, particularly the technical cooperation, data exchange, fisheries research, fisheries management, and the importance of the GFCM/ICCAT joint activities. He assured the Commission that FAO will continue to assist ICCAT to the fullest extent and will continue to provide any necessary support and assistance to the Commission throughout the meeting. The FAO Representative also referred to discussions taking place concerning a global Expert Consultation on Implications of Precautionary Approach for Tuna Biological and Technological Research and that the FAO was looking forward to further fruitful cooperation with ICCAT.

4.2 The following observers delegations introduced themselves: Denmark, Iceland, Ireland, Mexico, Namibia, Netherlands Antilles, Panama, Trinidad & Tobago, Tunisia, as well as the Caribbean Community (CARICOM), Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Food & Agriculture Organization of the United Nations (FAO) and the International Whaling Commission (IWC) and Chinese Taipei (See Annex 2, List of Commission Participants).

4.3 The People's Republic of China and Chinese Taipei addressed letters to the Commission on the subject of observers. Said letters were distributed to Heads of Delegations. The Memorandum from the People's Republic of China was later distributed for inclusion in the Meeting Report, and is attached herewith as Annex 6-2.

5. Status of the ratification or acceptance of the Protocol of amendment to the Convention (adopted in Paris 1984)

5.1 The Executive Secretary referred the delegates to the Administrative Report (COM/97/5) for details of the status of the Protocol signed in Paris in 1984 to permit the accession of the European Community (EC) to ICCAT, and noted that of the 26 Contracting Parties of ICCAT, three had not ratified or accepted the Protocol.

5.2 The Chairman pointed out that the intervention of the FAO legal expert, Mr. Fadda, at the 1996 meeting had clarified the position, and that it had been agreed that the ratification or acceptance of those countries which had not been Contracting Parties at the time of the signing of the Protocol was not necessary for it to enter into force. As all the countries which had been Contracting Parties to the Convention at the time of the signing of the Paris Protocol had ratified or accepted, the European Community would be considered a member as soon as it had been confirmed that the European Community had deposited an instrument of adherence with FAO. Mr. Fadda of FAO confirmed later in the session that such an instrument had been deposited, and that the European Community should now be considered an ICCAT Contracting Party. He added that under the provisions of the Protocol, membership was now open to any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by the Convention.

6. Status and ratification or acceptance of the Protocol of amendment to the Convention (adopted in Madrid in 1992)

6.1 The Executive Secretary again referred to the Administrative Report (COM/97/6) for details on the status of the Madrid Protocol to amend the scheme of calculating the member country contributions. As this Protocol required that 75% of the Contracting Parties ratify or accept the Protocol, with this 75% to include all those Contracting Parties with developed market economies at the time the Protocol was signed, the Protocol could not yet enter into force, as acceptance or ratification by two developed market economy Parties and three developing economy Parties was still required. The Executive Secretary urged those Contracting Parties which had not yet ratified or accepted the Protocol to do so, as there were very important financial implications for the Commission.

6.2 The People's Republic of China requested clarification as to whether the same principles applied to the Madrid Protocol as to the Paris Protocol, i.e. whether it was necessary for those Contracting Parties which had joined ICCAT subsequent to the signing of the Madrid Protocol were required to ratify or accept it. Mr. Fadda stated that the only legal requirement for the Madrid Protocol to enter into force was the ratification or acceptance of 75% of the twenty one (21) countries which were ICCAT Contracting Parties at the time of the signing of the Protocol, this 75% to include all developed market economy countries. This meant that it was not necessary for the People's Republic of China, or any of the countries which became Contracting Parties after the signing of the Protocol to ratify or accept it.

6.3 The Delegate of Venezuela informed the Commission that while his government was committed to accepting the Protocol, Venezuelan legislation required that the Protocol be passed by Congress before it could be formally ratified or accepted. This procedure had been embarked upon and he believed that it would be completed very soon.

6.4 The Chairman thanked the Delegate of Venezuela for this information and stressed the importance of the acceptance of this Protocol to all the Contracting Parties. The Chairman confirmed that those Contracting Parties which had deposited instruments of adherence to the Convention after the adoption of the Paris and Madrid Protocols were assumed to be bound by these Protocols.

6.5 The Delegate of Japan informed the Commission that he expected his country to ratify the Protocol next year. The Delegate of France also expected his country to ratify the Protocol in the near future and the Delegate of Sao Tome stated that the Government of Sao Tome would be able to ratify in the first semester of 1998.

7. Report of the Meeting of the Standing Committee on Research and Statistics (SCRS)

7.1 Dr. Z. Suzuki, Chairman of the SCRS, presented the 1997 Report of the Standing Committee on Research and Statistics to the Commission and summarized the scientific findings.

7.2 Dr. Suzuki informed the Commission that comprehensive stock assessments had been carried out on bigeye tuna, southern albacore and east Atlantic sailfish, and made a brief presentation of the methods used in these assessments, and the results obtained.

7.3 The SCRS Chairman called the attention of Panel 4 to the changes in the fishing pattern of bigeye tuna which had taken place in recent years, and the increase in catches, particularly of juveniles, resulting from fishing with fish aggregating devices (FADs). He expressed concern that the percentage of fish smaller than the minimum size of 3.2 kg had now reached 70%, and expressed doubt as to whether the Commission considered it appropriate to continue with this minimum size limit of 3.2.kg.. While research was still necessary to ascertain the natural mortality of juveniles, Dr. Suzuki warned the Commission that continued fishing on juveniles would lead to substantial losses in yield-per-recruit, and ultimately to stock depletion. He considered that this was a critical period for bigeye tuna and recommended that overall fishing levels be reduced to 1991-92 levels (i.e. 85,000 MT).

7.4 Dr. Suzuki also drew the attention of the Commission to the revised plan for the Bigeye Year Program (BETYP). This Program had been presented to the Commission the previous year, with a request for funding, but the budget had been considered prohibitive. The SCRS now requested that in the event that the full budget could not be met by the Commission, that seed money of at least US\$ 50,000 be allocated to activate the Program. He pointed out that a Working Group had met in April, 1997, which had dealt with some of the specific questions posed by the Commission in relation to fishing with floating objects. He also stated that, in accordance with the recommendation adopted by the Commission in 1996, an observer program had been initiated, and that the French and Spanish fleets had adopted, on a voluntary basis, a closed season and area for fishing with floating objects, both natural and artificial, during the months of November and December 1997 and January 1998 in the area between 5°N and 4°S, the African coast and 20°W.

7.5 The Delegate of Japan asked by how many tons the catch would be reduced if the minimum size regulation were respected, and by how many tons would the catch of juveniles need to be reduced in order to reach MSY levels. He also noted that the longline catch of Chinese Taipei had twice been revised upward, and that catch levels of this fishery in recent years (1992-1996) had doubled. He asked Dr. Suzuki whether the outlook for bigeye tuna would be more optimistic if this increase in the catches of Chinese Taipei had not occurred and if minimum size regulations had been observed.

7.6 Dr. Suzuki replied that as the current proportion of juveniles in the bigeye catch was 70%, compliance with the minimum size regulation would be in the order of 15-20,000 MT. In answer to the second question, Dr. Suzuki referred the Delegate to BET-Figure 8 of the SCRS Report, and pointed out that assuming that SCRS assumptions about the natural mortality of juveniles are correct, then it would be possible to increase yield per recruit(Y/R) by reducing catches of juveniles, although it was not possible to estimate the magnitude of reduction of the juvenile catch in order to attain MSY. He added that, effectively, the situation would be much more optimistic had the minimum size regulation been observed and had the Chinese Taipei catches not increased.

7.7 The Delegate of the EC requested further details of the BETYP. He noted that there were considerable uncertainties in the bigeye assessment. These uncertainties mainly concerned the natural mortality of juveniles. The importance of this could be relevant to the effect of removing juveniles on the state of the stock. In this context, he asked what direction it was expected that research would take under the BETYP.

7.8 Dr. Suzuki replied that the most ambitious aim of the Program was to improve knowledge on mortality and a massive intensive tagging experiment was planned. He added that the tagging program carried out by the South Pacific Commission on skipjack and yellowfin had proved to be very worthwhile, and it was hoped that similarly good results could be obtained from tagging Atlantic bigeye.

7.9 The Delegate of the EC repeated concerns about the degree of uncertainty and lack of knowledge on vital parameters such as natural mortality. He asked whether any pattern had been detected in the age composition of catches according to area and season, and presuming an overall reduction in catch to 1991-92 levels, how long would it take to reach MSY. He also asked the SCRS Chairman how the closed area policy on FADs voluntarily adopted by France and Spain would affect the outlook for the stock.

7.10 Dr. Suzuki replied that while the first question had not yet been studied in detail, he believed that the age composition by gear was stable regardless of season or area. He pointed out that the uncertainties in the analysis had led the SCRS to be reserved in their recommendations and that the reduction of catch to 1991-92 levels was the minimum requirement, the sooner it being implemented, the sooner the stock could reach MSY levels. He applauded the voluntary measures on time-area closure to FAD fishing taken by France and Spain, but added that it would lead to a reduction of about 3,000 MT which might be insufficient to arrest the decline of the spawning stock biomass.

7.11 The Delegate of Japan also expressed concerns about the conflicting forecasts regarding the condition of the stock reported in the Executive Summary and requested clarification. Dr. Suzuki replied that the apparent inconsistencies were due to the uncertainties which were as yet unresolved but that the pessimistic outlook was probably the more realistic, and this was the one which had been used as a basis for the section on Management Recommendations.

7.12 The Delegate of the United States asked the SCRS Chairman to summarize the recommendations of the SCRS. As he understood it, the SCRS was recommending both a reduction in catch levels to 85,000 MT and a reduction in the percentage of small fish. Dr Suzuki confirmed this, adding that a reduction in the overall catch levels, particularly by tropical purse seiners, would automatically lead to a reduction in the percentage of juveniles.

7.13 The Delegate of the United States asked to what percentage juvenile catches needed to be reduced, and how this could be achieved. Dr. Suzuki answered that the percentage should be less than 15%, but acknowledged that this would be difficult to implement due to the multi-species nature of the fisheries, and further study would be needed by the Commission.

7.14 Dr Suzuki then proceeded to summarize the findings of the SCRS on albacore. He informed the Commission that the decline in northern albacore catches was possibly due to an environmental phenomenon known as the North Atlantic Oscillation. The group had, however, concentrated on southern albacore, and an assessment had been carried out. He noted that a major revision in the data of Chinese Taipei had been carried out before the assessment. He called attention of Panel 3 to the 1996 recommendation that catch levels be limited to 22,000 MT. The SCRS recommended that, while there were still some uncertainties in the analysis and further research was required, on the basis of the results of the 1997 assessment this level (22,000) be maintained.

7.15 The only other assessment which had been carried out was that of east Atlantic sailfish. He drew the attention of Panel 4 to the results of this analysis, which showed the stock to be slightly below MSY, but added that the catch level was still slightly below replacement yield and that if catch levels remained stable, the stock would increase to a level above MSY. With regard to blue marlin and white marlin, these species were clearly overexploited, although some of the data for the south Atlantic were unreliable.

7.16 The Delegate of Japan expressed concern regarding the use of unreliable data, and asked about the availability and quality of data from the recreational fisheries. Dr. Suzuki replied that despite the uncertainties involved in the south Atlantic data, it appeared there was no serious doubt that the marlin stocks were at risk at current catch levels. He admitted that there were difficulties in obtaining data from recreational fisheries, but there were relatively sufficient data available to render their input important.

7.17 No assessment had been carried out for bluefin tuna, but Dr. Suzuki drew the attention of the Commission to the new conversion factor for belly meat to round weight which had been established by joint efforts of Japanese and Spanish scientists. With respect to changing the borderline between east and west stocks, further research was needed, and it was hoped that more positive results could be obtained in two or three years. He stressed the importance of the Bluefin Year Program in this regard, and urged the Commission to continue the funding initiated in 1996.

7.18 In response to questions from the Delegates of the United States and the EC., Dr. Suzuki informed the Commission that the Bluefin Tuna Statistical Document was the main source of catches included in the NEI categories for bluefin. Dr. Miyake, the Assistant Executive Secretary, added that not all Japanese imports in excess of catches were included in the NEI category, but only where it had been established that they were not reported in any other category.

7.19 The Delegate of the EC asked what the response had been to the Commission's 1996 recommendation that Contracting Parties provide information on landings at their ports. The Assistant Executive Secretary replied that some information had been received. It was agreed that this point would be further discussed at the Panel meetings, as would the doubt raised by Japan relating to the appropriateness of the breakdown between the catch limit of the east Atlantic and that of Mediterranean stocks, due to the Commission's understanding of treating these two areas as a single management area in relation to the same stock.

7.20 In relation to the other species, Dr. Suzuki pointed out that there had been no assessment, the only new research being a base case study for sex-specific analysis of swordfish. He concluded by drawing the attention of the Commission to those recommendations which had financial implications for the Commission, notably the Bluefin Year Program and the Bigeye Year Program. There would also be several inter-sessional meetings held during 1998, and the attendance of some Secretariat staff would be necessary.

7.21 The SCRS Chairman added that the precautionary approach had also been discussed during the SCRS, reflecting a general trend in fishery management as could be seen from the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO Code of Conduct for Responsible Fishing. The Delegate of Canada considered that the interpretation and implementation of the precautionary approach would be very important for the future of the Commission, and suggested that a small working group be formed in order to formulate specific requests to the SCRS regarding the definition of the appropriate of biological parameters. The Delegate of Canada also thanked Dr. Suzuki for his excellent work as Chairman of the SCRS, and congratulated Dr. Powers of the United States on his appointment as new Chairman.

7.22 The Delegate of the United States also expressed his delegation's appreciation of the work of Dr. Suzuki, and endorsed the idea put forward by the Canadian Delegate that a small working group be formed to discuss the precautionary approach, but added that the precautionary approach should be borne in mind in the day to day activities of the Commission. He considered that adopting ineffective measures and non-compliance by Contracting Parties with ICCAT measures was not precautionary.

7.23 The FAO representative, Dr. J. Majkowski, suggested it might be appropriate for ICCAT to consider co-sponsoring a Global Expert Consultation on Implications of the Precautionary Approach for Tuna Biological and Technological Research if ICCAT sees a need for such a consultation. The Chairman suggested that this be discussed by STACFAD, due to the financial implications involved.

7.24 In response to the suggestion by the Delegate of Canada, a small working group had been formed to discuss the precautionary approach, and to guide the SCRS in their work on this. Various informal proposals had been drafted and the Delegate of Canada stated that the discussions had been very positive, although they had been unable to reach full consensus. They had noted that an *Ad Hoc* working group was to be formed by the SCRS, and felt that this initiative should continue.

7.25 The Delegate of Canada made a statement summarizing the work which Canada felt the SCRS should carry out. The statement by Canada is attached as Annex 6-3.

7.26 The Delegate of the United States supported Canada's position regarding the precautionary approach and the related *Ad Hoc* Working Group.

7.27 The Delegate of the EC expressed concerns that duplication of efforts with FAO and other bodies should be avoided. While he agreed with the proposal of establishing a working group, he felt that there should be no limit to the size of the group, and that it should deal with a wider range of issues than biological parameters. He also expressed concern about the SCRS proposal to establish a review committee for the species reports, as he considered that the SCRS plenary was the appropriate forum in which to carry out such review.

7.28 The Chairman thanked Dr. Suzuki for his presentation and congratulated him on behalf of the Commission for his excellent work during his term as SCRS Chairman.

7.29 The Report of the Standing Committee on Research and Statistics, as well as the recommendations contained therein, was adopted by the Commission. The Report will be published in the *"Report for Biennial Period, 1996-97, Part II (1997) - Vol. 2"*.

8. Report of the ICCAT Inter-Sessional Meeting on Monitoring and Compliance

8.1 The Chairman drew attention to document COM/97/19 which contained the Report of this meeting (Washington, D.C., May 5-7, 1997), and which had addressed very interesting and substantive matters. It was agreed that a full discussion of the Report would take place at the meeting of the Compliance Committee, and the Permanent Working Group, and that any recommendations or substantive issues arising from these discussions would be discussed in Plenary at the time of the adoption of the Reports of the Compliance Committee and the Permanent Working Group.

8.2 After discussions in the PWG and Compliance Committee, the Report of the Inter-sessional Meeting on Monitoring and Compliance was adopted by the Commission, and is attached as Annex 7.

SECOND PLENARY SESSION
November 20, 1997

13. ICCAT and international fishery organization and agreements

- UN Agreement on Straddling Fish Stocks & Highly Migratory Fish Stocks

13.1 The Chairman opened the second Plenary Session and invited comments on the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks.

13.2 The Observer from Namibia made a statement to the Commission, expressing the view that, although he was pleased with some of the decisions taken during the meeting, he felt that the basis used by ICCAT for allocations of fishing opportunities were not consistent with the rights of coastal states under the United Nations Conference on the Law of the Sea (UNCLOS), and especially not with the provisions of the UN Agreement on Straddling Stocks and Highly Migratory Stocks, and cited various articles from the Agreement by way of example. The Delegate of Namibia briefly outlined the current situation of Namibia's fisheries and sought guidance on ICCAT's position in general, and three points in particular; (1) the special status of developing states whose economies are overwhelmingly dependent on the exploitation of living marine resources; (2) the position of developing states who have embarked upon developing their own fishing industries; and (3) coastal states who are also developing states. The Statement by Namibia is attached as Annex 6-4.

13.3 The Chairman noted that ICCAT, as an organization, could not be a party to the UN Convention. However, given that the individual Contracting Parties could be parties to the Convention, this would act as the link to ICCAT, as Commission decisions were the result of decisions taken collectively by Contracting Parties. He confirmed that full note had been taken of Namibia's concerns, and that the issue could be addressed at next year's meeting.

13.4 The Delegate of the United States supported the suggestion from the Chair, and was pleased to note that some of the recommendations adopted during the meeting had been viewed favorably by Namibia. He urged ICCAT Contracting Parties to ratify the UN Agreement, adding that while it did not have much impact at present, it would be of considerable importance once it entered into force. He added that Commission decisions should be taken in regard to the precautionary approach and improved compliance should be taken bearing the UN Agreement in mind.

13.5 The Delegate of Namibia assured the Chairman that he did not expect a full response to the points which he had raised, but hoped that the issues would be discussed by the Commission in the future. The Delegate of Brazil supported the Statement made by the Namibian Delegate, was glad that the agreement on albacore had been to their satisfaction, and agreed that the issues raised in the statement should be discussed at future meetings.

- FAO Code of Conduct for Responsible Fishing

13.6 The Delegate of the EC drew the attention of delegates to one important chapter of the FAO Code of Conduct for Responsible Fisheries, namely Chapter II on "Post-harvest practices and trade". A Conference of Fisheries Ministers relating to this subject had been held in September 1997 at La Toja, and was attended by over 50 Ministers or ministerial delegates, including many from ICCAT Contracting Parties. He informed delegates that the text of the final Ministerial Declaration would be made available to delegates through the Secretariat.

- Relations with other fora

13.7 Mr. Fadda, the FAO Legal Adviser, had informed the Commission of the establishment of the Indian Ocean Tuna Commission (IOTC), a "Sister Commission" to ICCAT, and pointed out that, following the important decisions taken during the IOTC sessions held in December 1996, March 1997 and September 1997, the new Commission, which is an autonomous body within the FAO framework, will actually start to be operational in the Seychelles, the host country, at the beginning of 1998.

13.8 The Chairman expressed his hope that ICCAT and IOTC would collaborate closely in the future.

13.9 The Delegate of Namibia informed the Commission of progress made towards the establishment of a new fisheries organization in the southeast Atlantic. Namibia had initiated discussions with Angola, South Africa and the U.K. on behalf of the dependent territory of St. Helena and Ascension Island. Consensus had been reached on the draft Convention, which would now be discussed with other states with a real fishing interest in the southeast Atlantic, at a meeting which would be held in December. It was not intended that the new Commission would have jurisdiction over species under the ICCAT mandate, but he anticipated that cooperation would be maintained with ICCAT. He also informed the Commission of the work of the marine fisheries sector of the Southern African Development Community in which fourteen countries were involved. The aims of this sector of SADC were to strengthen social and economic ties and to improve monitoring and compliance with conservation measures on an individual and regional basis. It was expected that they would closely liaise with fishery organizations such as ICCAT.

13.10 The Chairman thanked the Delegate of Namibia for his information and took note of the fact that the new Commission would have no jurisdiction over species under ICCAT mandate. He confirmed ICCAT's disposition to cooperate and considered that, in these circumstances, the new fisheries Commission described by Namibia would be beneficial to all.

13.11 The Delegate of the United States informed the Commission that the United States had received an invitation to the forthcoming meeting mentioned by the Delegate of Namibia. While he realized that the intention was not to overlap with ICCAT species, the draft Convention did, in fact, list species under the ICCAT mandate.

13.12 The Delegate of the EC added that they had also received an invitation, and that while the EC hoped to participate actively in this new Commission, it should be clear that this should not include species under the ICCAT mandate.

13.13 The Delegate of Spain informed the Commission that he had been an observer at the meeting of Commission for the Conservation of Antarctic Living Marine Resources (CCAMLR), and had been requested by CCAMLR to ask the Commission about the measures which it had adopted on by-catches of birds in the ICCAT Convention Area.

13.14 The Chairman suggested that the SCRS be requested to assess whether it would be possible to address this issue, and that the matter be raised again at next year's meeting if necessary.

13.15 The Representative of FAO, Mr. J. Majkowski, briefly informed the Commission of three activities of interest to ICCAT: the management of sharks, monitoring and control of fishing capacity and the monitoring of sea birds taken as by-catch by the longline fisheries. He outlined plans for Technical Working Groups which were scheduled for early 1998, and the related Consultations. He also mentioned the proposed global Expert Consultation on Implications of the Precautionary Approach for Tuna Biological and Technological Research.

13.16 The Chairman thanked the FAO representative and was sure that the work of FAO would be of great significance to ICCAT and that the results of these meetings would be a good basis for ICCAT discussions.

15. Other matters

15.1 The Chairman opened the floor to other matters for discussion. The Observer from Mexico made a statement on behalf of her Government, expressing their concern in relation to non-compliance with management and conservation measures adopted by the Commission by the Contracting Parties themselves, which was inconsistent with the decisions applied to non-contracting parties, entities or fishing entities which do not cooperate with the Commission. She also expressed Mexico's concern regarding some of the fleets operating in the Atlantic if fisheries under the Commission's mandate, which had transferred some of their operations to other areas which could have serious effects on the fish stocks, which were at present in optimum condition, in these areas. She concluded by outlining some of the management measures which Mexico had recently taken in addition to those measures already in effect in relation to longline fisheries of yellowfin in the Gulf of Mexico and Caribbean Sea. The statement by Mexico is attached as Annex 6-5.

15.2 The Delegate of Brazil also made a statement to the Plenary Session expressing his concern over ICCAT practices, especially in regard to the work of the SCRS, where they felt that on some occasions, scientists had tried to draw biased conclusions from the data and introduce personal opinions into the reports. He also expressed concern

over the increased catches of juvenile tropical tunas by fishing with fish aggregating devices. The statement by Brazil is attached as Annex 6-6.

15.3 The Observer from Iceland informed the Commission of the continued research which had been carried out in cooperation with Japanese vessel owners, which had shown significant quantities of bluefin in Icelandic waters. Iceland called for the rights of coastal states to be respected. Iceland also expressed concern regarding the current management of Atlantic bluefin tuna, as catches of juveniles were still above recommended levels. The Observer from Iceland urged the Commission to tackle this problem, and thereby ensure that coastal states are not deprived of the future economic benefit of harvesting this resource. The statement by Iceland is attached as Annex 6-7.

15.4 The Delegate of Japan confirmed that Japanese vessels had been involved in research in Icelandic waters, and that regarding the issue of quota management, the catches by the vessels operating in Iceland's EEZ were reported as Japanese catch.

15.5 The Observer from CARICOM informed the Commission of the work carried out by the CARICOM Fisheries Resource Assessment and Management Program (CFRAMP) and also noted the rights of coastal states to develop fisheries to meet their local needs. The statement by CARICOM is attached as Annex 6-8.

15.6 Dr. Suzuki, Chairman of the SCRS expressed concern over the statement made by the Delegate of Brazil concerning the SCRS. Dr. Suzuki assured the Commission that the scientific analyses were based on a thorough and open discussion by all scientists concerned, and that there was no basis for accusing the SCRS of including biased or incorrect information in their reports. While not all opinions could be reflected in the reports, he stressed that the SCRS would continue to have open and clear discussions to ensure that the reports presented were based on sound analyses.

15.7 The Chairman noted that all the observers who had criticized ICCAT in their statements had the option to assume full rights and obligations and totally participate in future management decision by becoming Contracting Parties. Furthermore, ICCAT decisions were legally binding to Contracting Parties who accepted them, and not subject to voluntary compliance. Finally, ICCAT decisions and measures, while taking into account national rights, were the result of international cooperation and were not based on unilateral decisions.

FINAL PLENARY SESSION

November 21, 1997

9. Report of the Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)

9.1 The Chairman of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), Mr. B. Hallman (United States), presented the Report of the PWG. He drew the Commission's attention to the *"Recommendation by ICCAT on Unreported Catches of Bluefin Tuna, Including Catches Classified as Not-Elsewhere Included (NEI)"* (attached as Annex 5-3), the *"Recommendation by ICCAT Concerning the Implementation of the ICCAT Bluefin Tuna Statistical Document Program on Re-export"* (attached as Annex 5-4), the *"Recommendation by ICCAT on Transshipments and Vessels Sightings"* (attached as Annex 5-11), and the *"Resolution by ICCAT on Becoming a Cooperating Party, Entity or Fishing Entity"* (attached as Annex 5-17), all of which had been proposed by the PWG. These were reviewed by the Commission and adopted.

9.2 The PWG Chairman reported that model letters from the Commission Chairman had been drafted by the PWG to various non-contracting parties, entities or fishing entities, specifically to Barbados, Chile, Costa Rica and Ecuador regarding actions to reduce non-conformance with ICCAT conservation measures; to Belize, Honduras and Panama regarding non-compliance with ICCAT conservation measures; to Belize, Honduras and Panama regarding swordfish; to CARICOM regarding collaboration with ICCAT conservation and management measures; to Chinese Taipei regarding actions to reduce non-conformance with ICCAT swordfish recommendations; and to Trinidad & Tobago regarding actions pursuant to the ICCAT swordfish action plan. All these letters were adopted by the Commission, and are appended to the Report of the Sixth Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG).

9.3 The Report of the Sixth Meeting of the Permanent Working Group, together with all the recommendations contained therein, was adopted by the Commission and is attached as Annex 8 to the Commission Proceedings.

9.4 The Commission thanked the PWG Chairman and the Rapporteur for their efficient work.

10. Report of the Meeting of the Compliance Committee

10.1 The Chairman of the Compliance Committee, Mr. G. Taylor (EC) presented the Report of the Compliance Committee, and drew the attention of the Commission to the Recommendations proposed by the Compliance Committee, the *"Recommendation by ICCAT to Improve Compliance with Minimum Size Regulations"* (attached as Annex 5-1), the *"Recommendation by ICCAT Regarding Compliance in the South Atlantic Swordfish Fishery"* (attached as Annex 5-8), the *"Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme"* (attached as Annex 5-10) and the *"Recommendation by ICCAT Concerning a Vessel Monitoring System Pilot Program"* (attached as Annex 5-12).

10.2 The Delegate of Brazil expressed his disapproval of the *"Recommendation Regarding Compliance in the South Atlantic Swordfish Fishery"* (Annex 5-8), as he did not think that there had been full and open discussion on the issue. He disagreed with the same trade restriction and sanctions which had been approved in the Commission's *"Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries"* adopted in 1996 being applied to the south Atlantic.

10.3 The Chairman of the Commission pointed out that the extension of the Recommendation to the south Atlantic was a question of balance and consistency. It was vital that ICCAT take the necessary steps to conserve and manage international fisheries, and must not take discriminatory actions. He felt that the Recommendation was in keeping with this tenet of consistency, and as the possibility of taking trade measures against non-Contracting Parties, entities or fishing entities existed, it was logical that such a measure could also be applied to Contracting Parties, in the event that such an action were warranted. He added that this Recommendation involved precise procedures with in-built multi-lateral guarantees. It was not aimed at any particular country, nor did he foresee the need to apply it in the near future. He suggested that the matter be discussed again at the 1998 Commission meeting.

10.4 The Delegate of Brazil stated that there was a problem involving the political position of Brazil, as any trade sanctions implemented by Brazil could only be dictated by the World Trade Organization (WTO) and, therefore, Brazil could not accept this Recommendation for political reasons.

10.5 The Delegate of the United States stated that there had been no intention to suppress discussion of the draft Recommendation, and he noted support for the comments made by the Commission Chairman regarding consistency. He pointed out that the World Trade Organization does not impose trade sanctions, but decides on the appropriateness of such actions in specific cases. He noted support for a multilateral process where trade restriction decisions are concerned. He further added that the ICCAT Recommendation included a clause to the effect that any proposed trade measures must be consistent with each party's international obligations. He noted that the recommendation, as written, provides sufficient protection for every ICCAT member.

10.6 The Delegate of the EC supported the comments of the U.S. Delegate, as he did not consider that there was any reason for treating the south Atlantic stock in a different manner to the north Atlantic stock of this species. This view was also supported by the Delegate of Japan, who considered the Recommendation as an extension of the conservation measures, to make compliance more effective.

10.7 The Delegate of Canada stated that, while he recognized the right of Contracting Parties to express a reservation to any Recommendation adopted by the Commission, he would be disappointed if Brazil chose to exercise that right in relation to the "*Recommendation Regarding Compliance in the South Atlantic Swordfish Fishery*" (Annex 5-8), since the Recommendation adopted in 1996 to provide incentives for compliance was a highly significant step forward by ICCAT, and had sent a very strong message that ICCAT was committed to conservation and had the collective will to ensure that conservation measures were not only adopted but that they were also complied with. He stressed that compliance with the ICCAT conservation regime must be the cornerstone of the Commission's credibility. If any one Contracting Party were to opt out of the regime, the effectiveness of the Recommendation would be undermined, and an unfortunate message would be sent to those who were scrutinizing ICCAT activities. The Commission should ensure consistency in its actions. He urged Brazil to consider these issues carefully before choosing its course of action.

10.8 The Delegate of Brazil considered that the extension of this Recommendation to the south Atlantic was inconsistent, as it allowed the possibility of punishing coastal developing countries which exported swordfish by imposing trade sanctions, but not developed countries which imported swordfish, and was therefore discriminatory.

10.9 The Report of the Compliance Committee was adopted, together with all the recommendations contained therein. The "*Recommendation by ICCAT to Improve Compliance with Minimum Size*" (attached as Annex 5-1), the "*Recommendation by ICCAT Regarding Compliance in the South Atlantic Swordfish Fishery*" (attached as Annex 5-8), the "*Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme*" (attached as Annex 5-10), and the "*Recommendation by ICCAT Concerning a Vessel Monitoring System Pilot Program*" (attached as Annex 5-12). In adopting the "*Recommendation by ICCAT Regarding Compliance in the South Atlantic Swordfish Fishery*" (Annex 5-8), the Commission agreed that the matter could be discussed and reviewed at the 1998 meeting, if it were considered necessary. The Report of the Compliance Committee is attached as Annex 9.

10.10 The Commission Chairman thanked the Chairman of the Compliance Committee and the Rapporteur for their efficient work.

11. Reports of the Meetings of Panels 1-4 and consideration of possible regulatory measures.

11.1 The Reports of Panels 1 to 4 were presented to the Commission by the respective Panel Chairmen, The Commission reviewed and adopted the Panel Reports (attached as Annex 10, together with all the Recommendations and Resolutions proposed by each Panel:

- Panel 1: *Recommendation by ICCAT Concerning Juvenile Bigeye Tuna and Fishing Fleet Size (Annex 5-13); Resolution by ICCAT on Bigeye Tuna Catch Reduction (Annex 5-14); Resolution by ICCAT on Chinese Taipei Bigeye Tuna Catches (Annex 5-15)*
- Panel 2: *Recommendation by ICCAT on a Supplemental Management Measure Concerning Age Zero Bluefin Tuna (Annex 5-2); and Resolution by ICCAT for the Development of Additional Recovery Scenarios by SCRS for Atlantic Bluefin Tuna (Annex 5-16).*

- Panel 3: *Recommendation by ICCAT on Implementation of the Annual Southern Albacore Catch Limit (Annex 5-5).*
- Panel 4: *Supplemental Recommendation by ICCAT Regarding Catches of North Atlantic Swordfish for 1998 and 1999 (Annex 5-6); Recommendation by ICCAT Concerning the Establishment of Percentage Share of Total Allowable Catch (TAC) & 1998-2000 Catch Quotas for South Atlantic Swordfish (Annex 5-7); Recommendation by ICCAT Regarding Atlantic Bluefin Marlin and Atlantic White Marlin (Annex 5-9).*

11.2 The Delegate of the People's Republic of China, an observer to Panel 4, expressed his reservations concerning the quota shares allocated in the "*Recommendation by ICCAT Concerning the Establishment of Percentage Shares of Total Allowable Catch (TAC) and 1998-2000 Catch Quotas for South Atlantic Swordfish*" (Annex 5-7). His statement is attached as **Appendix 13 to Annex 10**.

11.3 The Observer from Chinese Taipei also made a statement at the Commission Plenary Session reiterating its disagreement with the swordfish quota allocations, which is attached as **Annex 6-9**.

11.4 The concerns of the People's Republic of China and Chinese Taipei were duly noted by the Commission.

11.5 The Commission Chairman thanked the Panel Chairmen and Panel Rapporteurs for their efficient work.

12. Report of the Meeting of the Standing Committee on Finance and Administration (STACFAD)

12.1 The Report of the Standing Committee on Finance and Administration (STACFAD), was presented to the Commission by the STACFAD Chairman, who also presented the 1998-1999 Biennial Budget and Contracting Party contributions, that had been adopted by STACFAD. The total 1998 Budget amounts to 184,497,000 pesetas, of which 175,797,000 will be financed by contributions. The Commission reviewed and adopted the Report and the 1998 Budget and corresponding contributions, with the understanding that the 1999 Commission Budget and contributions were provisionally and would be subject to review at the 1998 STACFAD meeting. It was noted that voluntary contributions had been offered by several countries, entities or fishing entities, and these were accepted. The STACFAD Report is attached as **Annex 11** to the Proceedings, including the 1998 Commission Budget (**Table 1**) and the corresponding contributions for 1998 (**Table 2**) and 1999 (**Table 3**), as well as the catch and canning data (**Table 4**)

12.2 The Commission Chairman thanked the STACFAD Chairman and Rapporteur for their efficient work.

13. ICCAT and international fishery organizations and agreements

13.1 This Item was discussed during the Second Plenary Session.

14. Date and place of next meeting of the Commission

14.1 The Delegate of Spain informed the Commission that the Government of the Autonomous Community of Galicia had extended an invitation to hold the 11th Special Meeting of the Commission in Santiago de Compostela. The Commission was pleased to accept this invitation and it was agreed that the 11th Special Meeting be held in Santiago de Compostela, Spain, November 16 to 23, 1998, which would allow three weeks between the Commission Meeting and the Meeting of the Standing Committee on Research and Statistics, which would be held October 19 to 23, 1998.

15. Other matters

15.1 This Item was discussed during the Second Plenary Session.

16. Election of Chairman of the Commission

16.1 The Delegate of the United States nominated the current Chairman, Mr. R. Conde, (EC) for re-election. This nomination was supported by the Delegate of Japan and Mr. R. Conde was unanimously elected for a second term. Mr. Conde was honored to serve a second term, and thanked the Commission for the confidence placed in him.

17. Election of Vice-Chairmen of the Commission

17.1 The Delegate of the European Community nominated Rear-Admiral M. V. Araripe Macedo (Brazil) to serve as First Vice Chairman. This nomination was seconded by Venezuela, and supported by all delegations. Admiral Macedo was honored to accept the position and thanked the Commission for their support and the confidence placed in him.

17.2 The Delegate of the United States nominated Dr. E. Kwei of Ghana to serve as Second Vice Chairman to the Commission. This nomination was seconded by the Delegate of Russia and Dr. Kwei was unanimously elected. Dr. Kwei thanked the Commission for its consideration, and hoped that his being elected would add to the experience which he had gained with ICCAT.

18. Adoption of the Report

18.1 The Report of the Fifteenth Regular Meeting of the International Commission for the Conservation of Atlantic Tunas was adopted.

19. Adjournment

19.1 The Executive Secretary congratulated the Commission Chairman on his re-election, and welcomed the newly elected Vice-Chairmen. The Delegate of the EC, as a new member, expressed his thanks to the Chairman Commission, the Executive Secretary, the interpreters and all the members of the Secretariat staff, for their excellent work.

19.2 The Fifteenth Regular Meeting of the International Commission for the Conservation of Atlantic Tunas was adjourned on November 21, 1997.

ANNEX I

1997 COMMISSION AGENDA

1. Opening of the meeting
2. Adoption of Agendas and arrangements
3. Introduction of Contracting Party Delegations
4. Introduction and admission of observers
5. Status of the ratification/acceptance of the Protocol of amendment to the Convention (adopted in Paris: 1984)
6. Status of the ratification/acceptance of the Protocol of amendment to the Convention (adopted in Madrid: 1992)
7. Report of the Meeting of the Standing Committee on Research and Statistics (SCRS)
8. Report of the ICCAT Inter-Sessional Meeting on Monitoring & Compliance
9. Report of the Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics & Conservation Measures (PWG)
10. Report of the Meeting of the Compliance Committee
11. Reports of the Meetings of Panels 1 to 4 and consideration of possible regulatory measures
12. Report of the Meeting of the Standing Committee on Finance and Administration (STACFAD)
 - Adoption of the Budget and Contributions for the 1998-1999 Biennial Period
13. ICCAT and international fishery organizations and agreements
 - U.N. Agreement on Straddling Fish Stocks & Highly Migratory Fish Stocks
 - FAO Code of Conduct for Responsible Fishing
 - Relations with other fora
14. Date and place of the next meeting of the Commission
15. Other matters
16. Election of Chairman of the Commission
17. Election of Vice-Chairmen of the Commission
18. Adoption of Report
19. Adjournment

ANNEX 2

LIST OF COMMISSION PARTICIPANTS

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LIST OF COMMISSION DOCUMENTS

- COM/97/
- 1 Tentative Commission Agenda
 - 2 Tentative Agenda of the Standing Committee on finance and Administration (STACFAD)
 - 3 Tentative Agenda of Panels 1 to 4
 - 4 (Rev.) Tentative Agenda of the Compliance Committee
 - 5 (Rev.) Tentative Agenda of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)
 - 6 1997 Administrative Report
 - 7 1997 Financial Report
 - 8 (Rev.) Proposed Biennial Budget for 1998-1999
 - 9 (SCRS/97/9) Report on Statistics and Coordination of Research in 1997
 - 10 (SCRS/97/10) Report of the *Ad Hoc* Working Group on Bigeye (Madrid, Spain, April 9 to 11, 1997)
 - 11 (SCRS/97/11) (Rev.) Report of the Meeting of *Ad Hoc* GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea on the Tag Recovery Network (Messina, Italy, June 23 & 24, 1997)
 - 12 (SCRS/97/12) Report of the Working Group on Sharks, ICCAT Sub-Committee on By-Catch (Shimizu, Japan, March 11 to 14, 1997)
 - 13 (SCRS/97/13) Report of the seventeenth session of the Coordinating Working Party on Fishery Statistics (Hobart, Tasmania, Australia, March 3 to 7, 1997)
 - 14 (SCRS/97/14) Observer's Report of 58th Meeting of the Inter-American Tropical Tuna Commission (San José, Costa Rica, June 3 & 4, 1997) - Suzuki, Z.
 - 15 (SCRS/97/15) Observer Report on CITES 10th Meeting of the Conference of the Parties (Harare, Zimbabwe, June 9 to 20, 1997) - Nakano, H.
 - 16 (SCRS/97/16) (Rev.) Statistics concerning catch-restricted species - ICCAT Secretariat
 - 17 Report of the 1997 Meeting of the Standing Committee on Research and Statistics (SCRS) (Madrid, Spain, October 9 to 24, 1997)
 - 18 Report of Informal Inter-Sessional Meeting of Panel 4 (João Pessoa, Brazil, July 15 & 16, 1997)
 - 19 ICCAT Inter-sessional Meeting on Monitoring and Compliance (Washington, D.C., USA, May 5 to 7, 1997)
 - 20 Current management Recommendations and related Resolutions adopted by ICCAT for the conservation of Atlantic tunas and tuna-like species
 - 21 Agreement of the Community Producers of Frozen Tunas for the Protection of Tunas in the Atlantic Ocean
 - 22 Responses to ICCAT Chairman's special letters
 - 23
 - 24
 - 25 Observer Report on the Meeting of the Inter-American Tropical Tuna Commission (La Jolla, California, U.S.A., October 28 to 31, 1997) - B.S. Hallman
 - 26 Proposed draft text relative to observers at ICCAT meetings

ANNEX 4

OPENING ADDRESSES

– BY MR. SAMUEL JUAREZ CASADO, SECRETARY GENERAL
OF MARITIME FISHING OF SPAIN

Mr. Chairman, Mr. Executive Secretary, Distinguished Delegates, Ladies and Gentlemen:

It is an honor for me to address you on the occasion of the Fifteenth Regular Meeting of this Commission, which carries out so much work, given the magnitude and economic importance of the fisheries under its mandate and the geographic variety of the delegations represented here.

The International Commission for the Conservation of Atlantic Tunas is gaining importance in the wide panorama of international fisheries organizations as one of the most advanced organizations, because of the nature of the measures it adopts, because of its capacity to unite its members in attaining common objectives, and because of its steadfastness in facing any external obstacles that might undermine the efficiency of its work.

The first aspect that I mentioned, the innovative character of the measures which the Commission adopts, cannot set objectives such as the gradual application of the measures to reduce catches by monitoring effort, without taking into account the socio-economic aspects of the fishing activity.

This Commission also serves as an example for other international fishery organizations because of the quality of the scientific advice provided by its Standing Committee on Research and Statistics, whose model of organization is taken into account by similar scientific committees.

In addition, I would like to point out the importance of the aspects relative to the monitoring of compliance of the conservation and management measures, aspects which will be the subject of an especially thorough review at this regular meeting, thanks to adequate intersessional preparation.

In order to attain its objectives, this Commission has always worked in an atmosphere of cooperation among its Contracting Parties, which favors consensus and the awareness that the most efficient decision is that adopted through agreement of all those who will be involved in its compliance.

In the case of this Commission, consensus does not mean obsolete methods to adopt decisions based on outdated concepts of sovereignty of the States, but a guarantee of flexibility and adaptation of all the Commission members to the circumstances of the reality of international fishing, which is in a constant process of change.

The application of the principles I have mentioned constitute the basis on which the members of the Commission have come to accept the realization of efforts to guarantee the long-term, sustainable exploitation of the species under its mandate.

These efforts result in a modification of fishing capacity and catches to optimum levels and involve socio-economic sacrifices. In spite of the undeniable political difficulties involved in carrying out such an ambitious program, this Commission has never avoided making difficult choices when necessary.

Thus, the steadfastness of the Contracting Parties results in the same attitude towards those who try to exercise unfair competition against our Parties' fleets, fishing in the same waters, landing at the same ports and selling their products on the same markets.

The doors of this Commission are open to all those who wish to cooperate with us in reaching our objectives. However, those who choose not to cooperate should be informed that they will encounter in the Commission members a united front that will hinder such attempts. This was demonstrated at the Commission's Tenth Special Meeting held in 1996 in San Sebastian, which set a precedent in this and other international fisheries organizations.

I have full confidence that, for the sake of flawless coherence between the internal and external action of the Commission members, and in view of the need to present a common front to those who undermine the efficiency of our conservation and management measures, the Commission will not give in to the easy temptation to lessen already acquired internal obligations to make them apparently more bearable. Perhaps we would obtain short-term results, but no doubt we would do so at a very high price in terms of loss of credibility and jeopardizing the sustainability of the fishing resources.

To conclude, I would like to wish you success in the work facing this Commission session, and I hope there will still be time for those of you who have come from other countries and other areas of Spain to enjoy the hospitality of our city.

-- BY MR. RAFAEL CONDE DE SARO, CHAIRMAN OF THE COMMISSION

I would like to thank the Secretary General of Maritime Fishing for honoring us with his presence at this opening and for the hospitality he offers us, and most especially, for the content of his remarks which perfectly summarizes the work which ICCAT is carrying out, as well as the goals facing the Commission and the solutions that have been found to reach them.

I think we can be proud of our work, in that ICCAT has had the courage to adopt extremely important and innovative decisions in matters of conservation and management of the resources.

This has been possible because of the high level of responsibility demonstrated by the Contracting Parties, as well as those fishing in the Convention area, who have effectively collaborated with our organization.

This sense of responsibility has resulted in a genuine willingness for international cooperation, which is an essential element for ICCAT to appropriately carry out its work.

These two elements resulted in actions, in concrete conservation and management measures on species that have very important economic and social importance. They have also resulted in global and efficient measures. That is, they give the Contracting Parties sufficient multilateral support to be able to adopt measures against those who, because they do not share the same sense of responsibility, carry out authentic unfair competition, a real "dumping" of conservation, which represents a grave danger that puts at risk the efficiency of the measures adopted and signifies an intolerable mockery of others' efforts.

We have a very full agenda and only one week to complete it. Let's all get to work and convert to reality the kind words of the Secretary General of Maritime Fishing of Spain.

ANNEX 5

RECOMMENDATIONS & RESOLUTIONS ADOPTED BY THE COMMISSION

- ANNEX 5-1 Recommendation by ICCAT to Improve Compliance with Minimum Size Regulations
- ANNEX 5-2 Recommendation by ICCAT on a Supplemental Management Measure Concerning Age Zero Bluefin Tuna
- ANNEX 5-3 Recommendation by ICCAT Concerning Unreported Catches of Bluefin Tuna, Including Catches Classified as Not Elsewhere Included (NEI)
- ANNEX 5-4 Recommendation by ICCAT Concerning the Implementation of the ICCAT Bluefin Tuna Statistical Document Program on Re-Export
- ANNEX 5-5 Recommendation by ICCAT on Implementation of the Annual Southern Albacore Catch Limit
- ANNEX 5-6 Recommendation by ICCAT Regarding Catches of North Atlantic Swordfish for 1998 and 1999
- ANNEX 5-7 Recommendation by ICCAT Concerning the Establishment of Percentage Share of Total Allowable Catch (TAC) and 1998-2000 Catch Quotas for South Atlantic Swordfish
- ANNEX 5-8 Recommendation by ICCAT Regarding Compliance in the South Atlantic Swordfish Fishery
- ANNEX 5-9 Recommendation by ICCAT Regarding Atlantic Bluefin Marlin and Atlantic White Marlin
- ANNEX 5-10 Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme
- ANNEX 5-11 Recommendation by ICCAT on Transshipments and Vessel Sightings
- ANNEX 5-12 Recommendation by ICCAT Concerning a Vessel Monitoring System Pilot Program
- ANNEX 5-13 Recommendation by ICCAT Concerning Juvenile Bigeye Tuna and Fishing Fleet Size
- ANNEX 5-14 Resolution by ICCAT on Bigeye Tuna Catch Reduction
- ANNEX 5-15 Resolution by ICCAT on Chinese Taipei Bigeye Tuna Catches
- ANNEX 5-16 Resolution by ICCAT for the Development of Additional Recovery Scenarios
- ANNEX 5-17 Resolution by ICCAT on Becoming a Cooperating Party, Entity or Fishing Entity

ANNEX 5-1

**RECOMMENDATION BY ICCAT TO IMPROVE COMPLIANCE
WITH MINIMUM SIZE REGULATIONS**

RECOGNIZING that some Contracting Parties are not complying with the minimum size regulations for ICCAT stocks;

ACKNOWLEDGING that compliance with minimum size regulations would improve the state of ICCAT stocks;

NOTING THAT to better assess all harvest of ICCAT stock, parties, entities or fishing entities should make every effort to submit timely and complete Task II information (catch and effort statistics in detailed time/area strata and size data by ICCAT sampling areas and quarterly periods).

Therefore,

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS:**

1. That Contracting Parties immediately implement measures to ensure the monitoring and enforcement of the minimum size regulations for ICCAT stocks;
2. That at the 1998 Commission meeting, and each year thereafter, each Contracting Party who has harvested any bluefin tuna weighing less than 1.8 kg, or whose harvest of any ICCAT stock exceeds the specified minimum size tolerance level adopted by the Commission, explain to the Compliance Committee:
 - a) The magnitude of the over-harvest;
 - b) Domestic measures implemented to avoid further over-harvest;
 - c) Monitoring of compliance with domestic measures; and
 - d) Any other actions to be taken to prevent further over-harvest;
3. That beginning at the 2000 Commission Meeting, if any Contracting Party's actions pursuant to paragraph (2) have failed to prevent further over-harvest, the Commission may recommend measures to reduce harvest of undersized fish, which may include, but are not limited to, time and area closures, assignment of small fish quotas, and/or gear restrictions.

**RECOMMENDATION BY ICCAT ON A
SUPPLEMENTAL MANAGEMENT MEASURE
CONCERNING AGE ZERO BLUEFIN TUNA**

CONSIDERING the Recommendations adopted by the Commission in 1974, 1994, and 1996 concerning bluefin tuna minimum size;

IN ORDER TO ensure adequate enforcement and monitoring of the prohibition on harvest of age zero bluefin tuna;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

In addition to the prohibition on retaining on board, landing and sale of age zero bluefin (weighing less than 1.8 kg) by fishing vessels of Contracting Parties and non-contracting parties, entities or fishing entities, each Contracting Party and non-contracting party, entity or fishing entity shall take the necessary measures to prohibit the landing, possession, or sale in markets in nations bordering the Convention area of Atlantic bluefin tuna of age zero (weighing less than 1.8 kg);

This Recommendation is supplemental to the minimum size regulations currently in effect for bluefin tuna.

ANNEX 5-3

RECOMMENDATION BY ICCAT CONCERNING UNREPORTED CATCHES OF BLUEFIN TUNA, INCLUDING CATCHES CLASSIFIED AS NOT-ELSEWHERE INCLUDED (NEI)

RECOGNIZING that existing discrepancies between the catch statistics reported to ICCAT by Contracting Parties and non-contracting parties, entities or fishing entities, and the import data compiled from the Bluefin Tuna Statistical Documents are used by the Standing Committee on Research & Statistics (SCRS) to identify non-reported catches and to classify them as NEI;

RECALLING the Resolution adopted by the Commission at its Tenth Special Meeting in November 1996 requiring Contracting Parties and non-contracting parties, entities or fishing entities to identify landings and transshipment data from foreign vessels and transmit such data to the Secretariat;

FURTHER RECALLING the Recommendation adopted by the Commission at its Eighth Special Meeting in November 1992 requiring all Contracting Parties to identify the source of all imported bluefin tuna through the use of the Bluefin Tuna Statistical Document;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. Contracting Parties and non-contracting parties, entities or fishing entities follow the standards for the reporting of annual nominal catches (Task I) by vessels flying their flags as outlined in Chapter 2 of the *ICCAT Field Manual for Statistics and Sampling*. Contracting Parties and non-contracting parties, entities or fishing entities establish the necessary measures to ensure the reporting of the total landings and transshipments of bluefin tuna by vessels flying their flags.
2. Whenever the SCRS includes catches in the NEI category, it indicate to the Permanent Working for the Improvement of ICCAT Statistics and Conservation Measures (PWG) the reasons which have led to their decision.
3. At the 1998 Commission meeting, and each year thereafter, Contracting Parties and non-contracting parties, entities or fishing entities compare their Task I statistics with the Bluefin Tuna Statistical Document reports. If an NEI catch appears as attributed to a Contracting Party or non-contracting party, entity or fishing entity, that Party shall provide an analysis of the source of the NEI catch to the PWG or Compliance Committee, where appropriate.
4. For purposes of determining whether Contracting Parties have complied with applicable catch limits, any NEI catch recognized by a Party shall subsequently be added to the Task I annual nominal catch data of the appropriate Contracting Party unless this Party provides an explanation showing that the amount or the allocation of the NEI catch is not appropriate.
5. For the purposes of determining whether non-contracting parties, entities or fishing entities have complied with applicable catch limits, any NEI catch attributed to that non-contracting party, entity or fishing entity shall subsequently be added to the Task I annual nominal catch data of the appropriate non-contracting party, entity or fishing entity, unless that non-contracting party, entity or fishing entity provides an explanation showing that the amount or the allocation of the NEI catch is not appropriate.

RECOMMENDATION BY ICCAT CONCERNING THE IMPLEMENTATION OF THE ICCAT BLUEFIN TUNA STATISTICAL DOCUMENT PROGRAM ON RE-EXPORT

RECOGNIZING that the ICCAT Bluefin Tuna Statistical Document Program has been working quite effectively to collect statistical information on catches of Atlantic bluefin tuna by non-contracting parties, entities or fishing entities;

RECOGNIZING that the need for establishing a re-export system within the ICCAT Bluefin Tuna Statistical Document Program is increasing in Contracting Parties;

ALSO RECOGNIZING that it is necessary to establish a re-export system within the ICCAT Bluefin Tuna Statistical Document Program in order to ensure the smooth international trade of bluefin tuna products without diminishing the effectiveness of the Program, which aims to collect statistical information on catches of Atlantic bluefin tuna through international trade:

BEARING IN MIND that paragraph (d) of the 1994 Resolution by ICCAT Concerning the Effective Implementation of the ICCAT Bluefin Tuna Statistical Document Program requests non-contracting parties, entities or fishing entities which are major importers of bluefin tuna to cooperate with the implementation of the Program and to provide the Commission with data obtained from such implementation:

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. A Contracting Party shall be free to validate ICCAT Bluefin Tuna Re-export Certificates (a sample is attached as Attachment 1) for bluefin tuna imported by that Contracting Party, to which ICCAT Bluefin Tuna Statistical Documents or ICCAT Bluefin Tuna Re-export Certificates are attached. ICCAT Bluefin Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the ICCAT Bluefin Tuna Statistical Document. A copy of the original Bluefin Tuna Statistical Document accompanying the imported bluefin tuna must be attached to an ICCAT Bluefin Tuna Re-export Certificate. The copy of the original Bluefin Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the ICCAT Bluefin Tuna Statistical Document. When re-exported bluefin tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bluefin tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the ICCAT Bluefin Tuna Statistical Document.
2. ICCAT Contracting Parties which import bluefin tuna shall accept Re-export Certificates validated in accordance with the procedure set forth in paragraph 1 with attachments of all verified copies as required in paragraph 1.
3. ICCAT Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 1 shall require from the re-exporting bluefin dealer necessary documents (e.g. written sales contracts) which are to certify that the bluefin tuna to be re-exported corresponds to the imported bluefin tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
4. Contracting Parties which import re-exported bluefin tuna shall report import data obtained from Re-export Certificates to the Executive Secretary each year by April 1 for the period of July 1 - December 31 of the preceding year and by October 1 for the period of January 1 - June 30 of the current year, which shall be circulated to all Contracting Parties by the ICCAT Executive Secretary. The format of this report shall be that as described in Attachment 2.
5. Contracting Parties shall be free to accept Re-export Certificates validated by a non-contracting party, entity, or fishing entity which has established an import scheme of the ICCAT Bluefin Tuna Statistical Document Program and implements it in accordance with this recommendation and paragraph (d) of the 1994 Resolution by ICCAT Concerning the Effective Implementation of the ICCAT Bluefin Tuna Statistical Document Program.

DOCUMENT NUMBER	ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY				
2. POINT OF RE-EXPORT				
3. DESCRIPTION OF IMPORTED FISH				
Product F/FR	Type ^N RD/GG/DR/FL/OT	Net Weight (Kg)	Flag country/ entity/fishing entity	Date of import
A/ F=Fresh; FR=Frozen; RD=Round; GG=Gilled & Gutted; DR=Dressed; FL=Fillet; OTH=OTHER (Describe the type of product.)				
4. DESCRIPTION OF FISH FOR RE-EXPORT				
Product F/FR	Type ^N RD/GG/DR/FL/OT	Net Weight (Kg)		
A/ F=Fresh; FR=Frozen; RD=Round; GG=Gilled & Gutted; DR=Dressed; FL=Fillet; OT=Other (Describe the type of product)				
5. RE-EXPORTER CERTIFICATION: <u>I certify that the above information is complete, true, and correct to the best of my knowledge & belief.</u>				
Name License # (if applicable)	Address	Signature	Date	
6. GOVERNMENT VALIDATION: <u>I validate that the above information is complete, true, and correct to the best of my knowledge & belief.</u>				
Name & Title	Signature	Date	Government Seal	
IMPORT SECTION:				
IMPORTER CERTIFICATION: <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>				
Importer Certification (Intermediate Country)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Intermediate Country)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Final Destination of Shipment)				
Name	Address	Signature	Date	License # (if applicable)
(Final) Point of Import: City _____ State or Province _____ Country/Entity/fishing entity _____				

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

**BIANNUAL REPORT OF THE ICCAT BLUEFIN
TUNA RE-EXPORT CERTIFICATE**

Period: _____ to _____, _____ Import country/entity/fishing entity: _____
 (Month) (Month) (Year)

Flag Country/ Entity/ Fishing entity	Re-export Country/ Entity/ Fishing entity	Point of Export	Product Type		Product Weight (kg)
			F/FR	RD/GG/DR/FL/OT	

**RECOMMENDATION BY ICCAT ON IMPLEMENTATION
OF THE ANNUAL SOUTHERN ALBACORE CATCH LIMIT**

RECALLING that ICCAT has established an annual catch limit of 22,000 MT for southern albacore by countries, entities or fishing entities fishing actively for albacore in the Atlantic Ocean south of 5°N, with effect from 1 January 1998;

CONCERNED that "countries fishing actively for albacore" have not been objectively defined, thereby creating potential uncertainty in the application of the southern albacore catch limit;

CONSIDERING the need to jointly review the southern albacore catch history for South Africa and Namibia;

ALSO CONCERNED that maximum southern albacore catch levels of countries, entities or fishing entities that catch southern albacore as by-catch have not been established;

DESIRING to ensure the implementation of effective measures to prevent further declines in the southern albacore resource, and to ensure the re-building of this stock to MSY levels by the year 2005;

Therefore,

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. All countries, entities or fishing entities which have reported an average annual catch of albacore in the Atlantic Ocean south of 5°N of more than 1,000 MT over the period 1992-1996 be considered to be "fishing actively for southern albacore", in terms of the 1996 ICCAT southern albacore catch limit recommendation.
2. Namibia be considered as a party "fishing actively for southern albacore".
3. Annual catch limits be established on a two yearly basis for albacore caught in the Atlantic Ocean south of 5°N by countries, entities or fishing entities fishing actively for southern albacore (in terms of (1) and (2) above), to be set at 22,000 MT for 1998 and 1999, subject to revision at the end of 1998.
4. Those countries, entities or fishing entities fishing actively for southern albacore, in terms of the above definition, implement suitable measures to limit their catches so as to ensure that the catch limit of 22,000 MT is not exceeded during 1998.
5. All countries, entities or fishing entities which have reported average annual catches of albacore in the Atlantic Ocean south of 5°N of 1,000 MT or less over the period 1992 to 1996, and all countries, entities or fishing entities developing new fisheries for albacore in the Atlantic Ocean, be subject to an annual catch limit of no more than 110% of their average of 1992-1996 for albacore in the Atlantic Ocean south of 5°N.
6. The southern albacore catch limit be reviewed by the Commission (SCRS and Panel 3) on a two yearly basis in order to revise the catch limit, as necessary, to achieve the desired re-building of southern albacore stock to MSY levels by the year 2005.
7. Those countries, entities or fishing entities participating actively in the fishery for southern albacore continue negotiations in order to achieve agreement on the division of the recommended southern albacore catch limit into quotas among them.
8. Longline fishing countries, entities or fishing entities who are not actively fishing for southern albacore will endeavor to limit their total annual catch of southern albacore to no more than 4% by weight of their total bigeye longline catch in the Atlantic South of 5°N. This incidental catch provision applies only to calendar year 1998 and will be reviewed at the 1998 ICCAT meeting.
9. Notwithstanding the provisions of Article VIII, paragraph 2 of the ICCAT Convention, and considering that the catch limit for southern albacore is effective from 1 January 1998, the countries, entities or fishing entities concerned shall consider the above recommendations fully in implementing the catch limits established in 1996 by the Commission.

**SUPPLEMENTAL RECOMMENDATION BY ICCAT
REGARDING CATCHES OF NORTH ATLANTIC SWORDFISH
FOR 1998 AND 1999**

RECOGNIZING that the Commission, at its Tenth Special Meeting (San Sebastian, 1996), set a Total Allowable Catch (TAC) and quota shares for north Atlantic swordfish for 1997, 1998 and 1999;

RECOGNIZING that 6% of the TAC for each of these years was set aside for those without specific quotas;

GIVEN that the TAC is decreasing in each of these years in recognition of the scientific advice provided by the SCRS;

NOTING that overall catches by those without specific quotas have been increasing in recent years;

NOTING that those with specific quotas have significantly reduced their overall catch since 1993.

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. Contracting Parties, non-contracting parties, entities or fishing entities, without specific quotas of swordfish in the north Atlantic reduce their catch for 1998 and 1999 by 45% of their 1996 catch levels as reported by the Standing Committee on Research & Statistics (SCRS) at its 1997 meeting with the following exception;
 - a) those with 1996 catch levels below 100 MT shall not increase their catch above their 1996 level as reported by the SCRS at its 1997 meeting.
2. Contracting Parties, non-contracting parties, entities or fishing entities without any reported catch in 1996 refrain from developing any directed swordfish fishery in the north Atlantic in 1998 or 1999.
3. The domestic fishery in the U.K. dependent territory of Bermuda be allocated a quota of 28 MT of north Atlantic swordfish for the year 1997; and decreasing, on a fixed percentage basis during 1998 and 1999, in accordance with the Recommendation adopted at the Tenth Special Meeting of the Commission.

ANNEX 5-7

**RECOMMENDATION BY ICCAT CONCERNING THE ESTABLISHMENT
OF PERCENTAGE SHARES OF TOTAL ALLOWABLE CATCH (TAC)
AND 1998-2000 CATCH QUOTAS FOR SOUTH ATLANTIC SWORDFISH**

IN VIEW OF the 1996 stock assessment on South Atlantic swordfish and the 1997 report from the Standing Committee on Research & Statistics (SCRS) indicating that the stock is overexploited, noting that 1996 catches exceeded the estimated replacement yield of 14,620 MT, and recommending that total allowable catch be reduced;

REALIZING that the setting of annual allocations of total allowable catch (TAC) for south Atlantic swordfish is necessary in order to meet conservation objectives;

NOTING that at the ICCAT Inter-sessional Meeting of Panel 4, held in July, 1997, in Joao Pessoa, Brazil, an agreement was reached on the proposal of quota allocation for south Atlantic swordfish for 1998, 1999 and 2000, after having considered a number of criteria specific to this fishery;

RECOGNIZING that the next stock assessment for swordfish will take place in 1999, and that TAC will be reassessed, if necessary, at that time;

DESIRING to facilitate an orderly and equitable setting of shares of TAC for South Atlantic swordfish under any conservation program established by ICCAT;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS:

1. That, to achieve an orderly and equitable allocation of quota shares in the South Atlantic swordfish fishery, the following allocation scheme is established for a three-year period beginning in 1998 to determine annual quotas of total allowable catch for South Atlantic swordfish:

<i>PARTY</i>	<i>PERCENTAGE SHARE OF SOUTH ATLANTIC SWORDFISH</i>
Brazil	16.00%
Spain	40.00%
Japan	25.75%
Uruguay	4.75%
Other Contracting Parties:	5.50%
Others	8.00%

2. That the Other Contracting Parties and Others, as referred to in (1) above, should not increase their catches above the catch of recent years;
3. That based on the above sharing arrangement, a TAC of 14,620 MT shall apply for each of the years 1998, 1999, and 2000 (see table below). Underages/overages from 1998 quotas may be added to/must be subtracted from the 1999 and 2000 quotas. The TAC for the year 2000 may be revised at the 1999 meeting should the 1999 stock assessment for swordfish so require;

<i>PARTY</i>	<i>QUOTA (MT)</i>
Brazil	2339.2
Spain	5848.
Japan	3764.6
Uruguay	694.5
Other Contracting Parties:	804.1
Others	1169.6
Total	14620.

4. That Contracting Parties and others, as referred to in (1) above, adopt measures of effort limitation and catch control that may be necessary to ensure compliance with the quotas in the above paragraphs.

**RECOMMENDATION BY ICCAT REGARDING COMPLIANCE
IN THE SOUTH ATLANTIC SWORDFISH FISHERY**

RECOGNIZING that at its 1997 meeting the Commission addressed south Atlantic swordfish quotas;

NOTING that compliance with the quotas is essential to effective implementation;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

The "Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries", adopted by the Commission at its Tenth Special Meeting (November 1996), be extended to include compliance in the south Atlantic swordfish fishery.

ANNEX 5-9

**RECOMMENDATION BY ICCAT REGARDING
ATLANTIC BLUE MARLIN AND ATLANTIC WHITE MARLIN**

RECOGNIZING that the objective of ICCAT is to maintain populations of tunas and tuna-like species, including Atlantic blue marlin and Atlantic white marlin, at levels that will produce maximum sustainable yield (MSY) for food and other purposes;

EXPRESSING CONCERN that the Standing Committee on Research & Statistics (SCRS) has estimated that current Atlantic blue marlin biomass is at 24% of the MSY level, and that Atlantic white marlin biomass is at 23% of the MSY level;

NOTING that the current stock assessment is derived in part from problematic data as indicated in the 1997 SCRS Report;

CAREFULLY REVIEWING projections for blue marlin and white marlin indicating that reductions in fishing mortality are necessary to avoid further declines in the stocks and to begin rebuilding these stocks;

RECOGNIZING that rebuilding blue marlin and white marlin stocks will be beneficial to all parties fishing on these stocks, as they are a source of food and recreational activity for many parties, entities or fishing entities

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

All Contracting Parties and non-contracting parties, entities or fishing entities

1. Reduce, starting in 1998, blue marlin and white marlin landings by at least 25% for each species from 1996 landings, such reduction to be accomplished by the end of 1999.
2. Promote the voluntary release of live blue marlin and white marlin.
3. Advise ICCAT annually of measures in place or to be taken that reduce landings of marlins or fishing effort in the commercial and recreational fisheries that interact with blue marlin and white marlin.
4. Provide all base data requested by the SCRS to improve stock assessment and work to improve current monitoring, data collection and reporting procedures in all their fisheries. In 1999, the SCRS shall conduct blue marlin and white marlin stock assessments and, at the 1999 Commission meeting, the Commission shall review the results of the stock assessment and recommend appropriate management measures, if necessary.
5. The provisions of Section 1 shall not apply to small-scale artisanal fisheries, i.e. those small-scale fisheries for subsistence purposes, including sale to local markets.

The ICCAT Secretariat shall inform all non-contracting parties, entities or fishing entities of this recommendation and encourage them to cooperate with these measures.

**RECOMMENDATION BY ICCAT
FOR A REVISED ICCAT PORT INSPECTION SCHEME**

RECOGNIZING that many parties currently have port inspection schemes in place;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. Inspection shall be carried out by the appropriate authorities of the Contracting Parties, who will monitor compliance with the Commission's conservation measures for all ICCAT species, at their own ports, without discrimination. Inspectors shall produce identification as provided by the national government.
2. In the case of an apparent violation by a foreign fishing vessel, the inspector shall draw up a report of the inspection on a form standardized by the Commission, or on a form produced by the national government which collects the same quality of information. The inspector must sign the report in the presence of the master of the vessel, who shall be entitled to add or have added to the report any observations, and to add his own signature. The inspector should note in the vessel's logbook that an inspection was made. Copies of the form must be sent to the flag state of the vessel and to the ICCAT Secretariat within 10 days. In the case of a violation by a domestic vessel, domestic procedures will be followed for documentation, which must also provide the same quality of information as the standard ICCAT form.
3. An inspector may examine the fish, fishing gear, fish samples, and all relevant documents, including fishing logbooks and cargo manifest (in the case of a mother ship or carrier vessel), to verify compliance with ICCAT measures. The master of the vessel is required to cooperate with the inspector. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.
4. Parties shall consider and act on reports of apparent violations by foreign inspectors on a similar basis as the reports of national inspectors in accordance with their national legislation. Contracting Parties shall collaborate, in accordance with their legislation, in order to facilitate judicial or other proceedings arising from reports of inspectors acting under these arrangements.
5. For cases in which an apparent violation has occurred, the vessel's flag state shall notify ICCAT of actions taken to address the violation.
6. All parties shall inform their vessel masters who are fishing on ICCAT species of the regulations. The masters shall also be instructed to cooperate with the inspectors in national as well as foreign ports.
7. Parties whose vessels enter, land, or tranship their catches in ports other than their own, can send their own inspectors to inspect their own vessels with respect to the observance of the Commission's regulations, having previously obtained an invitation from the port state in which the inspection shall be executed.

In addition, parties are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchanges program designed to promote cooperation, share information, and educate each party's inspectors on strategies and operations that promote compliance with ICCAT's management measures. The countries' national report should include a description of such programs.

NB: The Commission agreed that most ICCAT recommendations can only be enforced during off-loading, and therefore this is the most fundamental and effective tool for monitoring and inspection. This recommendation would modify the existing ICCAT port inspection scheme to require national port inspection schemes and to provide minimum standards in conducting port inspection of foreign and domestic vessels during off-loading and transshipment operations of all ICCAT species. The purpose of the port inspection scheme is to ensure individual vessel compliance as well as to facilitate overall monitoring of each party's fisheries for ICCAT species. ICCAT hopes that the parties will actually exceed these minimum standards in order to effect timely and accurate monitoring of landings and transshipments, check compliance with ICCAT management measures, ensure quotas are not exceeded, and collect data and other information on landings and transshipments.

ANNEX 5-11

**RECOMMENDATION BY ICCAT ON
TRANSSHIPMENTS AND VESSEL SIGHTINGS**

RECOGNIZING the importance of ensuring that at-sea transshipments do not undermine ICCAT conservation measures; and

ALSO RECOGNIZING the importance of cooperating with respect to the sightings of vessels which may be fishing contrary to ICCAT conservation measures;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. Contracting Parties shall ensure that fishing vessels and mother vessels flying their flag only receive at-sea transshipment of ICCAT species from Contracting Parties and Cooperating Parties, Entities, or Fishing Entities, as defined in the "Resolution on Becoming a Cooperating Party, Entity or Fishing Entity" adopted by the Commission in 1997. Such transshipment activities shall be reported annually to the Commission.
2. Any sightings of vessels that appear to be without nationality (stateless) that may be fishing for ICCAT species shall be reported immediately to the appropriate authorities of the Contracting Party whose vessel or aircraft made the sighting. Where there are reasonable grounds for suspecting that a fishing vessel targeting ICCAT species on the high seas is stateless, a Contracting Party may board and inspect the vessel. Where evidence so warrants, the Contracting Party may take such action as may be appropriate in accordance with international law. Any Contracting Party receiving a report of a sighting or conducting an action against a stateless fishing vessel shall immediately notify the ICCAT Secretariat, which, in turn, shall notify all other Contracting Parties. In addition, Contracting Parties are encouraged to establish points of contact to facilitate cooperation and other appropriate actions
3. Any observation by a Contracting Party vessel or aircraft of Contracting Parties' vessels that may be fishing contrary to ICCAT conservation measures shall be reported immediately to the appropriate authorities of the flag-State making the observation. That Contracting Party shall then immediately notify the appropriate authorities of the flag-State of the vessel fishing. Each Contracting Party making the observation and the Contracting Party whose fishing vessels were observed shall provide the pertinent information to the ICCAT Secretariat for review by the Compliance Committee.
4. Any observation by a Contracting Party vessel or aircraft of non-contracting party, entity or fishing entity vessels that may be fishing contrary to ICCAT conservation measures shall be reported immediately to the appropriate authorities of the flag-State making the observation. The Contracting Party shall then notify immediately the appropriate authorities of the flag-State of the vessel fishing. Each Contracting Party making the observation shall also immediately notify the ICCAT Secretariat, which, in turn, shall notify the other Contracting Parties.

**RECOMMENDATION BY ICCAT CONCERNING
A VESSEL MONITORING SYSTEM PILOT PROGRAM**

RECOGNIZING the developments in satellite-based vessel monitoring systems (VMS), and the possible utility within ICCAT;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. Each Contracting Party with vessels greater than 24 meters in overall length (or greater than 20 meters between perpendiculars) and fishing for ICCAT species on the high seas outside the fisheries jurisdiction of any coastal state shall adopt a pilot program for a satellite-based vessel monitoring system (VMS) for ten percent of such vessels, or ten vessels, whichever is greater. The pilot program will be a flag-state based program.
2. Each Contracting Party shall implement a three-year pilot program effective 1 January, 1999; except the three-year pilot program for vessels fishing in the Mediterranean, which shall be effective 1 January, 2000. Contracting Parties are encouraged to implement the pilot program earlier, if possible.
3. The pilot program shall not apply to vessels that never spend more than 24 hours at sea, counted from the time of departure from port to the time of return to port.
4. Information collected shall include the vessel identifier, location, date and time, which shall be collected with a required frequency to ensure that the Contracting Party can effectively monitor the vessel.
5. Performance standards shall at a minimum include a system that:
 - is tamper proof;
 - is fully automatic and operational at all times regardless of environmental conditions;
 - provides real time data; and
 - provides latitude and longitude, with a position accuracy of 500 m. or better, with the format to be determined by the flag state.
6. At its meeting in the year 2000, the Commission shall establish procedures on the submission of aggregate information and how the information is shared between Contracting Parties. These procedures shall ensure that appropriate measures are in place to ensure confidentiality.
7. By 1 June 1998, each Contracting Party shall submit to the Secretariat a report on anticipated implementation of its pilot program. Beginning in 1999, each Contracting Party shall report annually on the progress and implementation of its pilot VMS program. These reports shall be included in the annual national report.
8. The Commission shall evaluate the pilot program at its meeting in 2002.

ANNEX 5-13

**RECOMMENDATION BY ICCAT
CONCERNING JUVENILE BIGEYE TUNA
AND FISHING FLEET SIZE**

NOTING the 1997 SCRS Report recommendations concerning the need to reduce the catch of juveniles of bigeye tuna as well as the total catch of this species in the Atlantic;

RECOGNIZING that there is a need to collect basic data on fleet size;

AWARE of the danger that the large increase in bigeye tuna catches observed could present to this stock;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS:**

That all Contracting Parties and Cooperating non-contracting parties, entities or fishing entities whose vessels harvest bigeye tuna in the Atlantic Ocean:

1. Endeavor to take the necessary measures to reduce the catch of juvenile bigeye tuna and to reduce the total catch of this species in the Atlantic to the levels recommended by the Standing Committee on Research & Statistics (SCRS).
2. Notify the ICCAT Executive Secretary, by 31 August 1998, the list of their respective vessels (of more than 80 GRT) that are fishing for bigeye tuna in the Atlantic Ocean. This list of vessels shall contain the following information:
 - Name of vessel, register number
 - Previous flag (if any)
 - International radio call sign (if any)
 - Type of vessels, length and GRT
 - Name and address of owner(s)
3. Endeavor to establish, at the 1998 annual meeting of the Commission, a limitation on the number of their vessels of more than 80 GRT fishing for bigeye tuna as of 1999, taking into account the recommendation of the SCRS.
4. In the event of the fixing of this limitation, the evolution of the number of vessels in this fishery since the period 1991-1992, shall be taken into account as the main factor.
5. This recommendation will not apply to vessels which fish Atlantic bigeye tuna only occasionally, or to parties whose annual catch of Atlantic bigeye tuna in recent years is less than an average of 200 MT over the period 1992-1996.

**RESOLUTION BY ICCAT
ON BIGEYE TUNA CATCH REDUCTION**

WELCOMING the initiative by purse seine fleets from certain Contracting Parties to apply, on a voluntary basis, a closed area and season for the use of fish aggregating devices (FADs)

NOTING THAT, at its Tenth Special Meeting in 1996, ICCAT adopted an observer program concerning fisheries for bigeye and yellowfin tuna, by purse seine and other gears;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RESOLVES:**

- 1) To appeal to other concerned Contracting Parties to undertake other appropriate measures to improve the situation of the stock;
- 2) That the Standing Committee on Research & Statistics (SCRS) will examine, in 1998, the results of the observer program adopted in 1996 for all tropical tuna fleets, including the results of this voluntary measure of a closed area and period, in order to determine areas and seasons of concentrations of juveniles and spawners.

ANNEX 5-15

**RESOLUTION BY ICCAT
ON CHINESE TAIPEI BIGEYE TUNA CATCHES**

AWARE of the dangers that the large increase in catches by longliners over recent years could present to the stock of Atlantic bigeye tuna;

NOTING THAT the Standing Committee on Research & Statistics (SCRS) has recommended that, in order not to exploit bigeye tuna over its level of maximum sustainable yield, there should be a significant reduction in the increase in catches;

NOW, therefore,

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RESOLVES THAT:

1. Catches of Atlantic bigeye tuna by Chinese Taipei be limited to 16,500 MT in 1998.

**RESOLUTION BY ICCAT
FOR THE DEVELOPMENT OF ADDITIONAL RECOVERY SCENARIOS
BY SCRS FOR ATLANTIC BLUEFIN TUNA**

RECALLING that at the Fourteenth Regular Meeting of the Commission in 1995, the Commission adopted measures on Atlantic bluefin tuna research;

NOTING that in 1998 the Standing Committee on Research & Statistics (SCRS) will perform a new assessment of the eastern and western Atlantic bluefin tuna populations; and

ALSO NOTING that additional recovery scenarios will provide the Commission with the information needed to consider, develop, and improve long-term stock rebuilding plans in 1998;

THEREFORE,

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RESOLVES:**

- 1) That the SCRS evaluate any possible existing deficiencies in providing the basic data (Tasks I and II) on the different fleets as well as the possible effects of these deficiencies on the results of the assessments.
- 2) That the SCRS study and present, at its 1998 meeting, different possible stock recovery scenarios (at levels that support MSY) for the west Atlantic and the east Atlantic, including the Mediterranean, taking into account various alternatives of possible levels of recruitment and mixing of the stocks and, if possible, different alternatives of selectivities of the catch.
- 3) That the SCRS study in which time-area strata in the Mediterranean the monthly closure to purse seiners would be more effective for the conservation of the bluefin stock.
- 4) That the Contracting Parties will undertake to provide the best available Task I and Task II data that will enable the SCRS to accomplish these analyses.

ANNEX 5-17

**RESOLUTION BY ICCAT
ON BECOMING A COOPERATING PARTY,
ENTITY OR FISHING ENTITY**

RECALLING the "Resolution on Coordination with Non-Contracting Parties" adopted at its Ninth Special Meeting in 1994; and

RECOGNIZING the continuing need to encourage all non-contracting parties, entities or fishing entities with vessels fishing for ICCAT species to implement ICCAT conservation measures;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RESOLVES THAT:**

1. Each year, the Executive Secretary of ICCAT shall contact all non-contracting parties, entities or fishing entities known to be fishing in the Convention area for species under ICCAT competence to urge each of them to become a Contracting Party to ICCAT or to attain status as a Cooperating Party, Entity or Fishing Entity. In doing so, the Executive Secretary shall provide a copy of all relevant Recommendations and Resolutions adopted by the Commission.
2. Any non-contracting party, entity or fishing entity which seeks to be accorded Cooperating Party, Entity, or Fishing Entity status shall apply to the Executive Secretary. At the time such a request is made (and annually thereafter), the applicant shall inform ICCAT of its firm commitment to respect the Commission's conservation and management measures. The applicant shall commit itself to transmit all the data to ICCAT that the Contracting Parties have to submit to ICCAT based on the recommendations adopted by the Commission. Requests must be received by the ICCAT Secretariat no later than ninety (90) days in advance of an ICCAT annual meeting, to be considered at that meeting.
3. The Commission's Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) shall be responsible for reviewing requests for Cooperating Party, Entity or Fishing Entity status and for recommending to the Commission whether or not an applicant should be considered a Cooperating Party, Entity or Fishing Entity. The PWG shall also be responsible for the annual evaluation of those applicants that receive Cooperating Party, Entity or Fishing Entity status with a view towards determining whether that status should be continued.
4. Those non-contracting parties, entities or fishing entities that do not respond to the Commission as specified in this Resolution will not be considered Cooperating Parties, Entities or Fishing Entities to ICCAT.

ANNEX 6

STATEMENTS PRESENTED TO THE PLENARY SESSIONS

- ANNEX 6-1** **Statement by the United States to the First Plenary Session**
- ANNEX 6-2** **Statement by the People's Republic of China Concerning
Observers at ICCAT Meetings**
- ANNEX 6-3** **Statement by Canada on the Precautionary Approach**
- ANNEX 6-4** **Statement by the Republic of Namibia on Coastal Developing
States**
- ANNEX 6-5** **Statement by Mexico on Cooperation with ICCAT**
- ANNEX 6-6** **Statement by Brazil on ICCAT's Responsibilities in Relation
to the Conservation and Management of Atlantic Tuna
Resources**
- ANNEX 6-7** **Statement by Iceland on Atlantic Bluefin Tuna**
- ANNEX 6-8** **Statement by the CARICOM Fisheries Resource Assessment
and Management Program (CFRAMP) on Collaboration with
ICCAT**
- ANNEX 6-9** **Statement by Chinese Taipei to the Commission Plenary
Session**

**STATEMENT BY THE UNITED STATES
TO THE FIRST PLENARY SESSION**

Mr. Chairman, Mr. Executive Secretary, distinguished delegates, ladies and gentleman:

The United States is pleased to be participating in the Fifteenth Annual Meeting of ICCAT and looks forward to working with all delegations on the many challenging issues facing ICCAT this year.

While the United States has many specific issues that it intends to address at this meeting, a primary theme for us again this year will be compliance.

As ICCAT members, all Contracting Parties are vested with the responsibility of conserving and managing tuna and tuna-like species in the Atlantic Ocean. The objective of our Convention is to "maintain populations of these fishes at levels which will permit maximum sustainable catch." This objective should not be taken lightly.

In some instances, we have adopted conservation and management measures in an attempt to address conservation concerns; however, in too many cases, implementation by ICCAT members has been inadequate or, in certain cases, non-existent. In other instances where there are known conservation needs, we have failed to adopt any measures. This state of affairs is unacceptable.

In order to address the depleted or declining status of the various tuna, swordfish, and marlin stocks, ICCAT must strengthen its existing conservation measures and adopt additional ones. With regard to blue and white marlins, ICCAT, up to now, has refused to take measures to address the declines of these stocks, and the problem has become a crisis. At this 1997 meeting, we need new, strong measures to stop this dangerous decline.

Another issue of particular concern to the United States are the continued high catches of juvenile (undersized) bigeye, yellowfin, and bluefin tunas. These egregious catches of small fish must be addressed immediately.

Of course, as with past conservation and management measures, the effectiveness of any new measures depends on compliance. The Commission has shown some commitment to strengthen compliance by ICCAT members. The Inter-sessional Meeting on Monitoring and Compliance held in Washington, D.C., earlier this year made some headway in this regard. The United States fully endorses the proposals stemming from this meeting, but simply adopting these measures will not be enough. They must be implemented by all parties.

In light of the continuing challenges faced by ICCAT, the United States strongly endorses the decision taken by the SCRS to form an ad hoc working group to address the precautionary approach; however, the Commission should not use this as a reason to put this issue on hold. The need to adopt precautionary approaches in fisheries management has gained worldwide acceptance and cannot be ignored.

While the United States does not want to pre-empt the conclusions of the ad hoc working group to be formed, some conclusions are inescapable based on existing documentation about the precautionary approach. One such conclusion is that ineffective management or, worse, a complete lack of management, is not precautionary in nature. A second conclusion relates to paragraph 7 of Annex II of the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, which clearly states that fishing mortality should not exceed the level associated with maximum sustainable yield. A third conclusion is that remedial action is needed to rebuild over-fished stocks. Unfortunately, these three conclusions are all too applicable to many ICCAT species. At this meeting, we should use these conclusions as guides, as we ask ourselves whether the actions (or lack of actions) that we propose this year are precautionary in concept.

We, the members of ICCAT, are all in this together. Many of the species under ICCAT's purview are in imminent danger. Together we will either succeed or fail at addressing the problems of the various fisheries. It's our choice. Let's work together to succeed.

**STATEMENT BY THE PEOPLE'S REPUBLIC OF CHINA
CONCERNING OBSERVERS AT ICCAT MEETINGS**

As is known to all, Chinese Taipei has been an inalienable part of the Chinese territory since ancient times. To date, 159 countries have established diplomatic relations with China. They all recognize that there is but one China in the world, that the government of the People's Republic of China is the sole legal government representing China in its entirety and that Chinese Taipei is part of China.

According to Article XI of the International Convention for the Conservation of Atlantic tunas, which provides "The Commission may invite any appropriate international organization and any Government which is a member of the United Nations or of any specialized agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies", and also according to the Guidelines and Criteria, Chinese Taipei is ineligible for observer status to ICCAT meetings. Therefore, we cannot accept Chinese Taipei being admitted to ICCAT meetings as an observer under the name of "Taiwan", which means splitting China and creates "one China, one Taiwan" within ICCAT.

However, in order to help achieve the objectives of conservation, management and sustainable utilization of tuna resources in the Atlantic Ocean, and to take into consideration the fact that fishermen of Taiwan harvest tunas in the Convention area, the Chinese Delegation, in the spirit of cooperation, after consulting with other Contracting Parties, may accept Chinese Taipei attending ICCAT meetings as a fishing entity in the capacity of an observer under the designation of "*Chinese Taipei*". We hope that, in the future, the Commission, the Secretariat, and the Contracting parties will handle this issue accordingly.

**STATEMENT BY CANADA
ON THE PRECAUTIONARY APPROACH**

Canada strongly endorses the initiative by the SCRS to form an ad hoc Working Group on the Precautionary Approach.

Canada recognizes both the importance of early action to implement the provisions regarding the precautionary approach and the importance of maintaining comparability of this approach among the tuna and tuna-like stocks of concern to ICCAT.

We believe that the SCRS should begin its work now in order to identify and research biological reference points that SCRS scientists believe appropriate for ICCAT-managed stocks.

Canada would hope that the SCRS would focus on Article 6 and Annex II of the United Nations Fisheries Agreement and provide a report that addresses, in a consistent way for each of the ICCAT species harvested in the Atlantic Ocean and Mediterranean Sea, the following topics:

First, a recommendation for the limit and target precautionary reference points described in Annex II indicating areas of uncertainty;

Second, information including medium term (3-5 years) stock considerations and the associated uncertainty (risk or probabilities), which will assist the Commission to develop the management strategies described in paragraphs 4 and 5 of Annex II of the Agreement;

Third, information on the research and monitoring required to evaluate and refine the reference points described in paragraphs 1 and 3 in Annex II of the Agreement; these research requirements should set out in the order or priority considered appropriate by the SCRS; and,

Finally, other aspects of Article 6 and Annex II of the Agreement which the SCRS considers useful for the implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries.

Canada also encourages the SCRS to collaborate with FAO on the organization of an Expert Consultation Regarding the Implications of the Precautionary Approach for Tuna Research. Furthermore, Canada encourages the SCRS to collaborate and consult with ongoing scientific evaluations of Precautionary Approaches already undertaken by ICES, NAFO, NASCO or by other international fisheries organizations, as appropriate.

ANNEX 6-4

STATEMENT BY THE REPUBLIC OF NAMIBIA ON COASTAL DEVELOPING STATES

Namibia wishes to express its gratitude for the opportunity to attend this meeting as an observer. We will be keen listeners, but also hope to participate in an appropriate way.

Since Namibia's independence in 1990, we have been scrutinizing the activities of some international bodies, including ICCAT, with a view to possible membership. Generally and in principle, Namibia supports the aims and objectives of ICCAT, however, there are a few concerns and reservations which in our opinion, need to be clarified to assist Namibia in making a final decision to become a Contracting Party.

As a starting point, Namibia wishes to affirm its commitment to the conservation of Atlantic tunas. Namibia knows only too well the economic cost of over-fishing and conservation failure.

However, we are concerned about the impacts of allocation mechanisms on economic development opportunities, especially for developing coastal states. In our view, the allocation processes which we understand are currently the basis for allocations of fishing opportunities within ICCAT, are not consistent with the rights of coastal states under UNCLOS, and especially not with the provisions of the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks ("The Agreement"). In particular, Namibia cannot accept allocations of fishing opportunities based on historical fishing patterns because Namibia as a nation did not have the opportunity to participate in fishing in the past.

Namibia considers that a new approach to the allocation of fishing opportunities within ICCAT is required; that this approach should be based on the appropriate provisions of the Agreement; and that historical fishing levels should be a minor factor in the application of these provisions.

As background, Namibia offers the following points:-

1. Part 5 of UNCLOS allows coastal states to declare Exclusive Economic Zones up to 200 nm from their baselines. In having done so, areas under coastal jurisdiction increasingly overlapped with the traditional ICCAT species distribution areas. In addition, Part 5 of UNCLOS calls on states to co-operate with international organizations in managing highly migratory stocks.

It is Namibia's opinion that the intention of the UNCLOS provision was to enhance co-operation and not to limit the normal sovereign rights and rightful claims of coastal states - especially in a case like that of Namibia, which came into existence some 30 years after the establishment of ICCAT!

2. From the UN Agreement, coastal states and states fishing on the high seas will be subject/obliged, when the Agreement comes into force, to:-

- Article 7(2)(e) making provision for the respective dependence on the stocks concerned.
- Article(8)(3) dealing with membership of sub-regional or regional fisheries management organizations and stating *inter alia*: "The terms of participation in such organization or arrangement shall not preclude such States from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned";
- Article(19)(i) "In fulfilling their obligation to co-operate through sub-regional or regional fisheries management organizations or arrangements, States shall agree on means by which the fishing interest of new members of the organization or new participants in the arrangement will be accommodated";
- The whole of Article(11), but especially the following:
 - (d) "the needs of coastal fishing communities which are dependent mainly on fishing for the stocks;
 - (e) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and
 - (f) the interests of developing States from the sub-region or region in whose areas of national jurisdiction the stock also occur".
- Article 24 recognizing the special requirements of developing States, including the vulnerability of developing States which are dependent on the exploitation of living marine resources.
- Article 25 obliging States to co-operate directly or through sub-regional, regional or global organizations to enhance the ability of developing States, to conserve, manage and utilize highly migratory stocks and straddling stocks and to facilitate participation in sub-regional and regional organizations.

Namibia's situation

1. Total production of living marine resources from the EEZ varies from 300 to 500 kg per capita per annum, whilst fisheries contribution to the GDP is about 8%, expected to grow by 30% per year.

2. The UN classified Namibia as a developing country, but because of the skewed nature of income of the different population groups, the UN Economic and Social Council assigned Namibia an 'as if' Lesser Developed Country (LDC) status.

3. Revenues from the fisheries sector reflect the country's second largest earner of foreign exchange, amounting to more than 30% of total merchandise export.

4. It is estimated that by the year 2001 the number of jobs in the fisheries sector will have more than doubled since Independence. In excess of 85% of positions will be held by Namibians.

5. Namibia gained independence in 1990 and immediately declared an EEZ. Since then, and only since then, an own Namibian fishing industry could start to develop. Tremendous growth and Namibianization have taken place, but the fishery is still far removed from full potential and having reached reachable goals. This pertains also to the Namibian tuna fishery.

6. Namibia initiated the establishment of a regional organization in line with the guidelines as contained in the UN Agreement. It is planned that this organization will function in close co-operation with and in full recognition of ICCAT, but dealing with non-ICCAT species.

7. Namibia is Sector Coordinator for marine fisheries in the Southern African Development Community (SADC) consisting of 14 member countries, of which seven are involved in marine fisheries.

Namibia's position

In contemplating membership of ICCAT, Namibia, having regard for the UNCLOS and UN Agreement provisions as cited above, is seeking guidance on ICCAT's position in general and the sharing of ICCAT species in particular:-

1. The special status of developing states whose economies are overwhelmingly dependent on the exploitation of living marine resources;

2. The position of developing states who have embarked upon developing their own fishing industries, including tuna;

3. Coastal states who are also developing states.

It is Namibia's opinion that Namibia qualifies for special status as contemplated in paragraphs 1-3 *supra*. Thus, in sharing e.g. southern albacore and supporting ICCAT's TAC of 22,000 MT, Namibia considers it is entitled to a share of at least one-third of an annual TAC.

Namibia embarked upon a southern albacore fishery on in 1992/93. In 1993, catches were 3,534 MT and 3,0785 MT in 1994. Declines in recent years can be ascribed to adverse environmental conditions (*Benguela El Niño*), but catches are believed to increase in future years - not only because of normalization of the environment, but also an expanding and developing tuna industry.

Experimental catches of swordfish showed promising results and may lead to the establishment of a swordfish industry.

ANNEX 6-5

STATEMENT BY MEXICO ON COOPERATION WITH ICCAT

Mr. Chairman, Executive Secretary, Delegates, Ladies and Gentlemen:

In the name of the Government of Mexico I should like to take this opportunity to share with you some reflections about matters of interest to the Commission and which we consider to be of the greatest importance in achieving the sustainable development of the fisheries under the mandate of this Commission.

Mexico has been participating as an observer in the Commission meetings for more than twenty years, and has been cooperating with the work of ICCAT during this time; it has taken the recommended conservation and management measures into account and has submitted information in relation to the catches observed in the fishing operations of the fleet under our national jurisdiction.

Mexico is fully convinced that multilateral organizations represent the best means of establishing, in a balanced manner, conservation and management measures for those living marine resources which require cooperation among states, in a way in which said measures contribute effectively to the development of responsible fishing, based on the best scientific evidence available and respecting the sovereign rights of each state; and it is in light of this principle that Mexico has expressed its intention to participate in the Commission as a full Contracting Party.

For this reason, Mexico has noted with concern some situations in the Commission which must be carefully evaluated in order to fully comply with the obligations acquired by the States in the United Nations Convention on the Law of the Sea and the commitments undertaken in the Code of Conduct for Responsible Fisheries, as well as those reflected in other instruments of International Law.

As has been already stated by some delegations, it is worrying, not only in relation to the benefit of sustainable resources of those fisheries under the Commission mandate, but also in relation to the credibility of the Commission, that the fleets under the jurisdiction of ICCAT Contracting Parties do not fully comply with the management and conservation measures recommended and agreed by the Commission. Neither does it seem appropriate that at this meeting each member State justify the reason for the non-compliance with measures adopted, and this situation becomes worse each year. It also seems inappropriate that, faced with this situation, it is recommended that sanctions be applied to non-Contracting Parties for not cooperating with the Commission by not complying with its recommendations. Does this mean that compliance with responsible management of living marine resources can be evaluated in different ways depending on whether or not States are members of international organizations? In keeping with international law, the of compliance with such measures by non-Contracting Parties should be demanded once the Parties of the organization itself comply with the conservation and management measures which they have adopted, otherwise, this will be interpreted as a double standard.

Mexico has worked consistently towards the promotion and implementation of the principles needed to achieve responsible fisheries. It is for this reason we have for many years been considering the recommendations of the Commission and applying them internally where appropriate. However, if we analyze some recommendations of the Commission, we note with concern that they contravene the articles of international law. For example, some recommendations do not take into account the rights of coastal states to enjoy the benefits derived from the use of living marine resources and those derived from the compliance with conservation and management measures, by restricting their participation in the fisheries.

In the case of the Atlantic, I should like to briefly outline some of the actions taken by the Government of Mexico recently in relation to tuna fisheries in the Gulf of Mexico. On 4 August last, an official Mexican Standard was published in the official bulletin of the Federation, with the object of establishing a fishing regime which guaranteed the optimal utilization of the resources of yellowfin tuna, using vessels equipped with longline for tuna fishing in waters of the Gulf of Mexico and Caribbean Sea under Federal jurisdiction, as well as the conservation and preservation of this resource and of the species likely to be caught as by-catch. The Standard complements the regulations already in force for this fishery. This Standard establishes, among other things, the following regulations:

- Maximum size of vessels;
- Maximum number of units of fishing effort in the area;
- For each vessel, an annual quantity of by-catch for the main species associated with the fishery;
- Minimum size and weight for bluefin tuna by-catch;
- That billfish species which are taken as by-catch should be released in conditions favorable to their survival;
- That where sharks are retained on board, the whole fish should be retained and utilized, the retaining of fins only being prohibited; and
- An on-board scientific observer should accompany all fishing trips made by the longline tuna fleet, making it the only fleet in the Atlantic to have 100% coverage.

Mexico is willing and committed to continuing this work, but this willingness and commitment should also act as a guide for the actions of ICCAT Contracting Parties.

On the other hand, I should like to point out, that while recognizing the merit, it is worrying to see how here we have all congratulated some tuna fleets operating in the Atlantic which have voluntarily decided to temporarily halt their fishing operations, mainly because the stocks of some species have been severely affected by these operation, reducing the capacity per recruit and eliminating the profitability of the fishing operations. The reason for this once again is the non-compliance with management and conservation measures recommended and adopted by ICCAT, mainly those relating to the minimum size and fishing of juveniles.

However, what seems most serious to Mexico, and which we feel cannot be justified, is that now these fleets wish to reactivate their operations, transferring to those fishing grounds in which the stocks of the fishery resources are in optimal condition, and to carry out the fishery using the fishing techniques which have been scientifically proven to have played an important role in the deterioration of the fishery in the Atlantic, and which we know have negative effects on the stocks of tunas in these fishing grounds, where the willingness and commitment of the States and the fleets which operate in these grounds is reflected in their compliance with the management and conservation measures adopted.

Mexico will continue to support the actions of the Commission and will continue to cooperate with it, with the purpose of fully implementing the principles of responsible fishing, which will lead not only to the living marine resources being benefitted, but also our States.

ANNEX 6-6

**STATEMENT BY BRAZIL ON ICCAT'S RESPONSIBILITIES
IN RELATION TO THE CONSERVATION AND
MANAGEMENT OF ATLANTIC TUNA RESOURCES**

Our delegation would like to reiterate its strong commitment with ICCAT's works, whose main achievements has made it respected as the only competent organization with the full mandate for the conservation and management of Atlantic tuna resources.

The increased importance given to regional organizations by the recent developments in the legal basis governing the utilization of marine living resources lead us to believe that ICCAT will have increased responsibilities in relation with the harmonization of the conflicting interests of countries exploiting Atlantic tuna resources, if the objective of sustainable use of this resources is to be achieved.

In this regard, we would like to share with the other delegations attending this meeting our concerns with some practices recently observed at the SCRS meetings, whose re-incidence could jeopardize in a very significant way the reputation and credibility of ICCAT.

One first important point that we would like to stress is related with the fact that some scientists have been trying, sometimes with success, to draw biased interpretations from the available data or information, with the intent of introducing into the species reports personnel opinions or points of view which clearly reflects the protection of the fishing interests of their countries.

This is a fact that deserves the most serious consideration, as the SCRS provides the scientific basis and foundation for all ICCAT's conservation and management recommendations and the persistence of this practice would unquestionably cast suspicion on the results and conclusions reached by the SCRS and as a consequence would compromise the credibility of ICCAT.

Another point having negative implications for the future of ICCAT is related with the reliability of the statistical data provided by some ICCAT Contracting Parties. In this case, there is a need to be more specific and we would like to mention a country that lacking any previous catch record for a given fishery, in face of a new situation which indicated the need or convenience of having such catch data, in a very expeditious way produced estimates which give an impression of opportunism rather than anything else.

This situation is still more serious because there was a recommendation in place for this fishery, imposing limits on the catches of countries already established in the fishery, and these new catch estimates were, furthermore, higher than the recommended catch limit, giving a clear indication of lack of compromise and compliance with the ICCAT recommended management measure.

Another situation that equally deserves consideration is related with the purse seine fishery associated with fishing aggregating devices (FADs), which was recently developed in the eastern equatorial Atlantic. This fishery brings about high mortality rates of juvenile fishes, which have not yet contributed to the replenishment of the stock and ultimately leads to a reduction of yield per recruit.

To give a more clear understanding of this problem, we call your attention to the bigeye SCRS report which indicates average catch weights in the range of 45-50 kg and 20-30 kg respectively for the longline and baitboat fishery, while for the purse seine fishery the average weight of bigeye caught is only 5 kg. In addition, the report also shows that, in 1996, 70% of the catches were comprised of individuals below the minimum size limit of 3.2 kg recommended by ICCAT.

Another point exacerbating this problem is the fact that since 1990, the same countries which are harvesting this high percentage of juvenile bigeye, have initiated the condemned practice of the utilization of flags of

convenience, with the clear intention of reducing their responsibility of the damage to this stock. The situation has reached such a serious point that the fishing sector engaged in this fishery has adopted a voluntarily moratorium on fishing with floating objects during some months of the year. This is a measure that has been presented as an effective achievement in terms of significantly reducing the mortality of juveniles, however, no sufficient evidence has been demonstrated to confirm this fact.

We are deeply concerned with the fact that if we do not evaluate the results of this measure with a great degree of criticism, we may, in fact, be praising those really responsible for the depletion of this stock.

It is our understanding that this fact should be deeply analyzed by this plenary, with a view to studying the pertinence of applying the precautionary approach to the management of this stock, as provided for in the UN agreement on straddling and highly migratory fish stocks, in order to adopt the most appropriate conservation and management measures before it is too late.

Finally, we would like to stress to all delegations that the points raised are not only intended to protect our common interests but are also aimed at finding more effective ways to strengthen ICCAT'S work and mission.

ANNEX 6-7

STATEMENT BY ICELAND ON ATLANTIC BLUEFIN TUNA

Iceland would firstly like to inform the meeting of continued research within the Icelandic EEZ, carried out in co-operation between the Icelandic Fishery Ministry and Japanese vessel owners, in order to find out whether bluefin tuna could be caught in commercial quantities. The result is that this is definitely the case. The Icelandic Marine Research Institute has informed the Icelandic Ministry of Fisheries that the result of the research merits further study of bluefin tuna abundance in Icelandic waters since feasibility study has revealed significant concentrations of the species within the Icelandic EEZ.

Secondly, Iceland would like to emphasize that the rights of coastal States need to be respected. Once more Iceland would like to remind the members of the Commission of Iceland's status as a coastal state in respect of the Atlantic bluefin tuna stock. The management of the Atlantic bluefin tuna stock must take duly into account rights and interests of coastal States. As a coastal State Iceland has full rights to require those currently exploiting the Atlantic bluefin tuna to limit their catches in order to allow the stock to recover and to allow for reasonable harvesting of the coastal States that have not yet been able to develop their fisheries. In this context Iceland would like to stress the special circumstances of States whose economies are overwhelmingly dependent on the exploitation of the living marine resources.

In general, Iceland is of the opinion that the Commission needs to work progressively towards a solution that takes fully into account the rights of coastal states. Until now this has not been the case.

Finally, Iceland would like to express its concerns regarding the current management of the Atlantic bluefin tuna stock. Iceland is especially concerned about the fact that fishing of juvenile is still above recommended levels. Iceland urges the Commission to tackle this problem and thereby ensure that coastal States are not deprived of the future economic benefit of harvesting the resource.

ANNEX 6-8

**STATEMENT BY THE CARICOM FISHERIES RESOURCE
ASSESSMENT AND MANAGEMENT PROGRAM (CFRAMP)
ON COLLABORATION WITH ICCAT**

The CARICOM Fisheries Resource Assessment and Management Program (CFRAMP) wishes to inform the International Commission for the Conservation of Atlantic Tunas (ICCAT) of its continuing support for ICCAT's attempts to conserve and manage fisheries resources under its jurisdiction. In particular, over the past year, CFRAMP has, with its twelve (12) Caribbean member participating countries,:

- 1) Further developed Management Plans for pelagic, coral reef, shrimp, groundfish, lobster and conch resources;
- 2) Continued its co-operative program of data collection (catch, effort, biological data) and database development;
- 3) Intensified conservation and fisheries management awareness in fisher and coastal communities and government administration;
- 4) Increased tagging activities, especially with recreational fishermen, for four large pelagic species (*A. solandri*, *S. cavalla*, *C. hippurus*, *T. atlanticus*) in the Caribbean, with related ageing studies for the three Scrombrids;
- 5) Continued work on creating a permanent regional fisheries mechanism to manage Caribbean fisheries after the conclusion of CFRAMP.

CFRAMP has also been actively working in cooperation with Caribbean countries in developing institutional capabilities, through staff training and provision of physical resources and technical assistance to Fisheries Departments to meet the challenges of managing large pelagic resources. In 1997, the Food and Agricultural Organization (FAO) and Organization of Eastern Caribbean States (OECS) countries also convened a sub-regional meeting to review and develop the national legal instruments to manage straddling and highly migratory fish stocks.

In the coming year CFRAMP and participating Caribbean countries will focus on the analysis of catch, effort and biological data collected since 1995 among twelve participating countries; further intensify efforts to enhance the regional fisheries management framework through technical consultations and support to participating countries; and continue efforts to improve data collection and reporting systems. CFRAMP will also be co-operating with the European Union (EU) in delivering two additional programs in the ACP Caribbean countries - the CARIFORUM program to include Bahamas, Haiti, Dominican Republic and Suriname; and the "Strengthening Fisheries and Biodiversity Management" project being executed in co-operation with the International Center for Living Aquatic Resources Management (ICLARM). A total of sixteen Caribbean countries will be involved.

We wish to assure ICCAT Contracting Parties and the Secretariat of the seriousness with which the conservation and management of large pelagic resources is being addressed by CFRAMP in its co-operative activities with Caribbean countries, and to re-iterate the sovereign rights of Caribbean countries to develop these fisheries to meet their local, national and regional needs. Consistent with the pursuit of these objectives CFRAMP will continue to work with an support ICCAT and its management resolutions and recommendations.

STATEMENT BY CHINESE TAIPEI TO THE COMMISSION PLENARY SESSION

I am sure all of you agree that working on the high seas is very dangerous. Some of our fishermen have been injured and some have even been killed due to the severe working conditions. And why should these people continue working in this hell-like situation?

Chinese Taipei is a small island with more than 21 million inhabitants, about 70% of its land is mountainous area. We have very poor natural resources, and that is why our people were driven to work on the ocean.

Honorable delegates and observers, when you are enjoying a tuna sandwich or sashimi, have you ever thought that the tuna may have come from Chinese Taipei fishermen, and that one of these fishermen may have been killed during such a fishing operation?

Anyway, please think of the mutual benefit and fair treatment between each other. The need of our fishermen whose well-being and living are dependent on the exploitation of marine living resources, including tunas. This is a very important socio-economic factor which should be considered by the international fisheries management bodies.

I would like to reiterate that the southern Atlantic swordfish quota allocation to Chinese Taipei is not fair. Our fishermen will cry when they have to throw away swordfish by-catch. Honorable delegates and observers, please do think about the reasonable incidental by-catch in our fisheries.

Chinese Taipei sincerely appreciates the invitation of the Commission extended to us to participate in this Meeting, and would like to extend our thanks to the Secretariat for their preparation and efficiency.

**REPORT OF THE ICCAT INTER-SESSIONAL MEETING
ON MONITORING AND COMPLIANCE**

(Washington, D.C. - May 5 to 7, 1997)
(COM/97/19)

1. Opening of the meeting, adoption of the Agenda, & meeting arrangements

1.1 The Commission Chairman, Mr. Rafael Conde (Spain) opened the Inter-sessional meeting on Monday, May 5, 1997, and welcomed all the participants. He thanked the United States for hosting the meeting and providing such excellent facilities. The List of Participants is attached as **Appendix 2 to Annex 7**.

1.2 The Revised Tentative Agenda, circulated in advance of the meeting, was reviewed. As regards Agenda item 8, the Delegate from Spain requested that the following bullet points be added:

- Trade flows within the European Union (EU)
- Re-exports
- Exports of live tuna
- Update/modification of format for statistical document
- Conversion factors

1.3 It was agreed that the items would be incorporated, and the Agenda was adopted (attached as **Annex 1**).

1.4 Mr. Pat Moran (United States) was appointed Rapporteur.

1.5 The Chairman noted that Agenda items 2-4 were of a more general nature and suggested that they be covered together and examined within the context of practical arrangements.

1.6 The Chairman suggested that delegates attempt to draft recommendations and resolutions on items of common ground that might be adopted at this year's annual Commission Meeting in November. It was agreed that the meeting should allow for full participation from observers.

2. Monitoring and inspection needs, goals and objectives

3. Existing international monitoring and inspection schemes

and

4. U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks requirements

1. The Delegate from the United States welcomed the delegates and noted the importance of this meeting. (Mr. Martin's statement is attached as **Appendix 1 to Annex 7**.) He briefly outlined a five-element approach for monitoring and inspection that included: port inspection; at-sea boarding and inspection as embodied in the U.N. Agreement on Straddling Fish Stock and Highly Migratory Fish Stocks; an observer pilot project; vessel monitoring systems (VMS); and other compliance elements.

2. The Delegate from Spain emphasized the need to monitor the activities of ICCAT Contracting Party vessels and to gather information for scientific and compliance purposes. He noted that all EU vessels over 24 meters will be equipped with this VMS starting in 1998. He also noted that the U.N. and FAO standards of flag state responsibility should be complementary to the scheme proposed by the United States.

3. The Delegate from Japan stated that flag state responsibility is of paramount importance. He noted the suitability of port inspection in ICCAT, given the nature of conservation and management measures, such as minimum size restrictions and landing restrictions. He agreed with the United States in that those who ratify the U.N. Agreement would be automatically bound by Articles 21 and 22 when this Agreement enters into force, but added that the allowed alternative scheme would be more practical. Regarding observers, the delegate noted that such an

approach must be for science, not for monitoring or enforcement. In reference to the use of VMS, the Delegate from Japan expressed continued support for a scheme administered by flag states. He also agreed with the United States that uncontrolled transshipments on the high seas cannot be allowed and noted that it is important that flag states be accountable for any transshipment activity, although outright prohibition may be excessive. Finally, citing evidence of stateless vessels operating in the Mediterranean during the closed season, he noted that a lot of stateless vessels are presumed to be linked to non-contracting parties, so ICCAT needs to address the means to control and enforce against these.

4. The Delegate from France insisted on flag state responsibility in management. Regarding tunas, he noted that specific aspects of the fishery impose certain monitoring and control measures. He believed port inspection to be the best means by which to monitor and control tuna fishing and hence the scheme should be improved and made more applicable by the ICCAT Contracting Parties. Regarding at-sea inspection, he agreed with Japan that the articles of the U.N. Convention may not be the best adapted for the tuna fisheries, so there is an urgent need to find better substitute measures. Regarding observers, he noted the difficulty in asking an observer to play both a scientific and a compliance role.

5. The Delegate from the People's Republic of China praised the effectiveness of the current ICCAT management measures and wished that ICCAT might strengthen its role in conservation and management of tuna resources in the Convention area. He emphasized that the relevant issues and different situations of different parties should be considered during the development of monitoring and inspection schemes. He expressed hope that ICCAT would develop feasible and practical schemes, under the general principles of the U.N. Agreement, to meet the management objectives of the future.

6. The Delegate from Portugal supported the statements made by Spain, Japan and France with respect to available tools for monitoring and inspection and the way they might be implemented. Regarding observers, he agreed with the Delegate of France that the use of scientific observers for enforcement would create a very difficult situation.

7. The Delegate from Canada noted the common themes in the discussion and cited the importance for ICCAT to take steps forward for measures that are transparent, consistently applied, and that include non-contracting parties (NCPs).

8. The Delegate from Venezuela also noted the general accord regarding the need to have programs that allow sustainable fishing, but did not see a dichotomy between observer roles of scientific and compliance monitoring. He noted that IATTC uses observers to collect information used for science and enforcement.

9. The Delegate from Korea stated it was important for distant water nations to underline responsibilities, not just to conserve stocks but for sustainable management. However, he noted that there were technical, judicial, and other matters that must be considered. He stated that any plan should be judged based on its efficiency and that monitoring and control should not be too burdensome on vessels fishing legally.

10. The Delegate from South Africa expressed keen interest in the conservation of southern tuna stocks. He supported improved monitoring of these species provided those measures were practical and could be applied. He stated that delegates should get down to basics and discuss implementation.

11. The observer from Sierra Leone expressed grave concern regarding illegal fishing in its waters. He supported the statements of others and called for monitoring of fisheries and protection of small countries.

12. The Chairman agreed with the Delegate from South Africa that the meeting needed to get down to "nuts and bolts" and thanked the delegations for their concise and constructive comments.

5. At-sea vessel monitoring and compliance

a) Vessel Monitoring Systems (including satellite tracking systems)

5.a.1 The Delegate of the United States stated that ICCAT should now move to the implementation phase for VMS and set up a pilot project. He noted the EU program currently underway and stated that four elements in setting

up a pilot project would be: identifying a percentage of coverage (coverage rate); identifying certain fisheries where real-time catch reporting could be valuable; developing and incorporating electronic catch reporting forms and, most importantly, developing standards.

5.a.2 The observer from the EU outlined recently adopted regulations for the use of VMS. He noted that the first phase, to be completed by 30 June 1998, foresees installation of VMS on EU vessels that fish on the high seas, those that have mutual accord agreements, and on industrial fishing vessels. The system collects vessel identification, location, date and time. It will be run by flag States and some technical details are still under discussion. In response to questions from the Delegate of Japan, the EU noted that industrial (fishmeal) vessels are included due to concerns regarding by-catch of small fish and that the scheme does not currently cover the Mediterranean due to the large number of small vessels fishing in this area.

5.a.3 The Chairman noted that position and time data could be useful for closed areas/seasons (such as in the Mediterranean) and as an indicator of fishing effort. He stated that any program must be oriented toward practicality. The Delegate from France noted that effort is not always in proportion to catch. The Chairman agreed with France, but emphasized that position information is still valuable. Regarding issues of confidentiality, he stated that technical solutions are available to address confidentiality. However, he noted that the scheme must also be transparent and include information sharing.

5.a.4 The Delegate from Venezuela expressed concern regarding the resource outlay for small countries to set up such a scheme.

5.a.5 The Delegate for Japan supported the idea for a pilot project, but noted that it must apply across the board, while still taking into consideration the various developmental stages among countries. However, ICCAT must not require some countries to implement while others are exempted because of their developmental stage. He suggested a transitional period within which there is some flexibility. This scheme must also cover all oceans, although ICCAT might want some differentiated coverage. Regarding data confidentiality, the Japanese Delegate agreed that VMS data must be under flag State control.

5.a.6 The observer from Sierra Leone strongly supported the use of a VMS system for the East Atlantic continental shelf. He referred to the situation off Sierra Leone's coast as the "wild west of fishing" and stated that fishing is not monitored, stocks are depleted, and big international fleets are fishing on the spawning grounds without regard for coastal state concerns. He called for the same VMS standard world-wide.

5.a.7 The Delegate from Portugal noted the possibility of using systems that do not have to be monitored by satellite. A low-cost option may be available, although it would require more staff.

5.a.8 The Brazilian Delegate agreed with Portugal and stated that VMS should not be required in domestic waters. He further stated that there was no need to make VMS mandatory for all countries, and that Brazil is still evaluating VMS systems to determine what is most appropriate for them.

5.a.9 The Chairman noted that the terms "pilot scheme" and "non-discriminatory" do not necessarily mean mandatory. He stated that Delegates should consider whether: (1) VMS is viable; (2) how VMS is defined; (3) what alternatives to satellite control there are; (4) where VMS should apply (high seas and/or EEZs); and (5) which fisheries VMS should be applied to.

5.a.10 The Delegate of Japan clarified that the term "non-discriminatory" does not interfere with coastal State jurisdiction on conservation and management measures in the EEZ. Monitoring and enforcement approaches may be different within respective EEZs. Japan supports application of VMS in high seas.

5.a.11 The Delegate from the United States suggested a pilot scheme that would include: universal coverage and application to 5-10% of vessels over 24 meters fishing on the high seas. He stated that this last raises questions regarding the application of the pilot program to the Mediterranean. He stated that this may not solve all of the problems in the fisheries, but it provided a start to help ICCAT determine future direction on this issue.

5.a.12 The Chairman recommended that the discussion not become too technical and lose sight of immediate goals.

5.a.13 The observer from Australia noted their experience that VMS is useful for closed seasons and areas and that it creates added values when used to enable observers to be deployed in useful ways and for surveillance. He also cited its value for real-time catch reporting and accurate daily reporting, which creates higher data quality. Australia applies VMS to domestic and foreign vessels in its waters and on the high seas. Port access of foreign vessels is based on the presence of VMS.

5.a.14 The Chairman, citing common points of discussion, suggested that a small, transparent drafting group meet on this issue, which was supported by the Parties.

5.a.15 At a later session, the small group, which met to draft the text of a recommendation on a VMS pilot program, reported on the results of the group's discussions and presented the draft text to the meeting.

5.a.16 The Delegate from Venezuela requested that the document should not stress the satellite technology so much and asked that discussion include alternative (non-satellite) options for vessel monitoring. The Chair expressed the opinion that the text does not disqualify such options.

5.a.17 The Delegate from the People's Republic of China expressed the same concerns as Venezuela and noted that they use a single side-band radio system for their vessels in the South Pacific that they find effective. They called for more flexibility in the language of the draft recommendation.

5.a.18 The Delegate from the United States noted that current VMS hardware is not that expensive and that real-time data collection is desirable as a future responsible goal.

5.a.19 The Chairman noted the existence of a passive system that is less expensive, but does not provide real-time capability. He suggested that other options might be discussed in the 1997 Commission Meeting.

5.a.20 Extensive discussion ensued as a result of Korea's objection to the percent of coverage required in the text. The Korean delegate (supported by the Chinese delegate) was highly concerned that text required a higher percentage of coverage by States with fewer than ten vessels, resulting in inequality in the schemes. It was pointed out that this inconsistency could exist no matter what minimum coverage standard was identified. The Chairman noted that the numbers were not as important as the commitment by Parties to participate and control their vessels. He stated that perhaps this issue should also be brought up for further discussion at the 1997 Commission Plenary in November.

5.a.21 At this point, some editorial suggestions were made to improve or clarify the text. The *"Recommendation Proposed by the ICCAT Inter-Sessional Meeting on Monitoring and Compliance for a Vessel Monitoring System (VMS) Pilot Program"*, as adopted by the Inter-Sessional Meeting, to be presented to the 1997 Commission Meeting for its consideration, is attached as Appendix 4 to Annex 7.

b) At-sea inspection programs

5.b.1 The Chairman stated that given the nature of current ICCAT recommendations, at-sea inspection may not be most critical at present. He noted the value of discussions on what aspects of at-sea inspection might apply to the Convention Area and the way the U.N. Agreement might apply. He stated that enforcement and control were all-inclusive and that a mix of schemes could fulfill "alternatives" as required in the U.N. Agreement.

5.b.2 The Delegate of the United States stated that this is a potentially highly controversial topic and since the U.N. Agreement has not come into force, perhaps it should be left for now.

5.b.3 The Delegate of Spain (supported by Japan), citing the discussions of the small working group in San Sebastian, noted that no progress is needed on an at-sea inspection scheme, since an alternative to Articles 21-22 of the U.N. Agreement is already in existence at this time.

5.b.4 The Chairman suggested that there seems to be clear consensus that there is less urgency for an at-sea inspection program at this time. However, he stated that an item should be included on the 1997 Commission Agenda to take a more formal position vis a vis the development of an alternative inspection scheme. The Delegate from Canada disagreed and stated that if Delegates had indeed put this issue aside, perhaps the issue should not be pursued

on the November Agenda, but rather time be given to assess the impact of the U.N. Agreement, after it comes into effect, before ICCAT decides on the necessity for an ICCAT at-sea inspection program.

5.b.5 The Delegate from France stated that this meeting should try to define a system that includes specifics of the tuna fishery and be more efficient.

5.b.6 The Chairman (supported by Japan and France) noted that a specific ICCAT at-sea inspection scheme is not urgent as that modality of control is not an essential element in ICCAT fisheries. He expressed concern that problems may arise given the mechanics of the U.N. Agreement since if there is no alternative scheme, Articles 21, 22 and 23 of the Agreement would come into force. Then ICCAT Contracting Parties who ratify the Agreement would be subject to an at-sea scheme that is not pertinent to these fisheries. He stated that's why ICCAT should be explicit on how these Articles would be applied and hence included on the 1997 Commission Agenda.

5.b.7 The Delegate of the United States did not agree that an alternate program is necessary and stated that the U.N. Agreement is acceptable.

5.b.8 The Japanese Delegate noted that postponing the decision without saying anything regarding the need for an at-sea inspection scheme on behalf of ICCAT seems somewhat irresponsible. He stated that an abnormal situation could be created if some countries are bound by U.N. Agreement while others are not. Hence he called for a policy statement from ICCAT that does not diminish the potential for the future.

5.b.9 The U.S. Delegate expressed understanding that if the U.N. Agreement comes into force on January 1, 1998, for example, and if ICCAT does not develop an alternative scheme by this August, then the U.N. Agreement becomes operative, since two years have elapsed from the date of adoption. Thus, it appears that the U.N. Agreement would come into force for ICCAT Parties. ICCAT could adopt an alternative program, however, at any time, if it so chose.

5.b.10 The Delegate of Spain noted that a decision to establish a comprehensive control system is independent, and not tied to the entry into force of the Convention. The entry into force would not apply to all ICCAT Contracting Parties, but only to those who ratified the Convention. At that time, it should be decided whether ICCAT members which are parties to the U.N. Agreement would continue to apply an ICCAT system.

5.b.11 The Chairman noted there was no pressing need to take a decision at this point, but maintained the usefulness of including this item on the Agenda for the 1997 Commission Meeting. He concurred with Japan that it would be irresponsible not to have a collective approach to this issue. The U.N. at-sea inspection would only apply to those members of ICCAT that had adopted the system. Thus, this item should be included on the Agenda, in order for the Commission Plenary to discuss and clarify some of the issues. He noted that the more formal discussion on this issue should take place at the Commission Plenary.

5.b.12 It was agreed that the item should be left on the Agenda for the 1997 Commission Meeting.

c) Vessels of non-contracting party nations

5.c.1 The Chairman indicated it was evident that ICCAT wants to be coherent and consistent. If there is no at-sea inspection for Contracting Parties, then it would be difficult to examine non-contracting parties within such a system. As mentioned before, thought and discussion should be dedicated to whether these non-contracting parties could be guided to participate in an ICCAT VMS.

5.c.2 The Delegate of France agreed with the Chairman that ICCAT cannot have a scheme for non-contracting parties that does not apply to Contracting Party vessels. The existing ICCAT port inspection system, if it were improved and enforced, could allow for ICCAT monitoring of non-contracting party behavior. He noted that all the countries that import and process tuna on a large scale were present at this meeting and that the goal should be to monitor landings and exports, as well as commercial activities. If ICCAT reinforces coverage of commercial vessels, then considerable catch data could be collected.

5.c.3 The Delegate of Spain endorsed the views of France regarding the monitoring in ports as applied to the vessels mentioned above. He noted that agreement by non-contracting parties to participate in such a scheme might

be used as an indication of cooperating party status. He also noted that there seems to be a legal or theoretical vacuum, in practice, in that it is difficult for stateless vessels to enter any ports. These countries could carry out transshipments on the high seas, so there is a need to address this problem in particular. This issue was also raised by Spain at the 1996 Commission meeting in San Sebastian, since there has been a dramatic increase in vessels that appear to be stateless in the Mediterranean.

5.c.4 The Delegate of the United States expressed concern about non-contracting parties whose activities are undermining ICCAT. The Commission has certainly taken some strict measures, particularly regarding trade measures. The same could be done here. For example, we might ask ICCAT members who observe either a stateless vessel or a non-contracting party vessel committing a violation to report this immediately to ICCAT. Consideration could also be given to the prohibition of at-sea transshipments from non-contracting party vessels to Contracting Party vessels, and Contracting Parties could be authorized to seize stateless vessels.

5.c.5 The Chairman felt that ICCAT might want to toughen some of the measures already in place. ICCAT has been extremely patient in past years, so perhaps at this time, it would be useful to recommend the Commission to accelerate the implementation of such measures. Regarding stateless vessels, the only solution may be arrest and seizure. It could be recommended that the Contracting Parties which have available the means to carry out this type of action to go ahead and do so. Patrol vessels would be needed on the high seas, which merits further reflection. Then, the only thing we might have are transitory stateless vessels, i.e. vessels that only use a flag when they are going into a port (this is actually done). Thus, we may want a more active policy of seizure. Some specific measures should be applicable to vessels that transfer to stateless vessels.

5.c.6 The Delegate of Japan questioned whether stateless vessels can be seized and arrested. He inquired if there is any established international law that allows such seizure.

5.c.7 The Delegate of the United States pointed out that by definition a vessel that is stateless does not have rights or courtesy, so that it comes under the regulations of the country which sights that boat. If the vessel looks stateless, it can be boarded; if it is confirmed to be stateless, then this could result in the seizure of a vessel.

5.c.8 In response to the Chairman's inquiry as to what would happen if the vessel suddenly produces a flag, the U.S. Delegate answered that it should be reported to the claimed flag state of the vessel as reflected in the documents produced by the master of the vessel. At this point, the citing vessel may request permission from the flag State to either enforce the regulations of that flag State, or to enforce the regulations of the citing vessel flag State. If the flag is observed to be switched, then the citing vessel may examine assimilation of the vessel as stateless. Once a second flag is produced, they are no longer accorded protection under any State based upon UNCLOS. The Delegate noted that the United States often does this in cases of drug vessels and has done it once in the case of a fishing vessel. These arrests are made by Government vessels.

5.c.9 The Delegate of Japan noted that since stateless vessel do not belong to any state that could punish the vessel, some countries will make arrests, others may not.

5.c.10 The U.S. Delegate noted that stateless vessels are subject to a state's own regulations, e.g. U.S. regulations if found by the U.S.

5.c.11 The Chairman noted that ICCAT is starting to get information on the identification of stateless vessels. Thus, ICCAT should eventually have the means to react.

5.c.12 The U.S. Delegate suggested that using the words "strongly encouraged", instead of "required" might help solve Japan's problem. Also, some formal sharing arrangements of the costs might be arranged among the Contracting Parties. Several Contracting Parties could get also together and develop an action plan.

5.c.13 The Delegate of Spain indicated that perhaps the Commission cannot require ICCAT Contracting Parties to arrest and seize. He added that Spain could not accept this since it is too expensive, but only encouraging Contracting Parties to do so does not seem to be quite enough. The least we can ask of ourselves as Contracting Parties is to accept whenever possible that we check the flag of vessels, that we try to exercise the right to visit and check on the flag, but it won't always be possible to arrest and seize. In other cases we might actually discover the real flag that the ship has been hiding, but the fact that stateless vessels exist means ICCAT can't be indifferent. As

far as possible, Contracting Parties should exercise their right to visit and to the extent possible actions be taken to arrest stateless vessels when appropriate.

5.c.14 The Chairman noted that by exercising the right of visit, the Contracting Parties would be acting more forcefully than just recommending. This is a feasible alternative on this issue. He was also in favor of the collective, or multi-country approach, as suggested by the United States, to help in vessel identification and to share patrolling costs, especially for the Mediterranean.

5.c.15 The Delegate of Japan had no problem on substance, but indicated he could have some difficulty as regards arresting vessels.

5.c.16 The Delegate of Venezuela noted that, in addition to actions under international law, there was mention made concerning the possibility of actions by the Contracting Parties in the sense of sanctioning their own vessels that participate in illegal fishing activities. He questioned whether that matter would come into play in discussing the exercise of the right to visit on the high seas. The Delegate also stressed the importance that any measures be followed by Contracting Parties as well as by non-contracting parties.

5.c.17 The Delegate of Spain, with U.S. concurrence, pointed out that the prohibition of any relation with such vessels meant that they should not be allowed in ICCAT Contracting Party ports, and that the Commission should also consider prohibiting transshipments from them.

5.c.18 The Canadian Delegation agreed with Spain and the United States. He noted that non-contracting parties might also be included in this prohibition, although the legal implications might be somewhat different.

5.c.19 The Chairman noted that the Commission had "broken ground" last year on the issue on of non-contracting party compliance.

5.c.20 The Delegate of Japan recalled that the U.S. had suggested the prohibition of transshipments from non-contracting parties, but that the U.S. Delegate had not qualified non-cooperating parties.

5.c.21 The Japanese Delegate felt that if we define non-contracting cooperating parties and non-cooperating parties, then certain standards have to be set up, otherwise the distinction would be random and would be confusing.

5.c.22 The U.S. Delegate recalled that several years ago ICCAT devised a method to define a non-cooperating party. He noted that these would be all non-contracting parties that have not become cooperating parties. This issue is quite complex, but added that such countries would be subject to no transshipments at sea. By having this concept we would encourage non-contracting parties to become cooperating parties.

5.c.23 The Chairman noted ICCAT's history on these issues. He also referred to the definition of a "cooperating party" developed by ICCAT. He also noted the usefulness of taking Japan's comments into account to the effect that we cannot act in a random or discriminatory manner, and that thought has to be given as to how this would be announced, as a minimum of forewarning would be needed to the non-contracting parties.

5.c.24 The Delegate of Spain noted we should not allow transshipments by these countries to the Contracting Parties as a complementary measure to what the Commission decided in San Sebastian.

5.c.25 The Chairman noted that what is needed is a commitment by the Contracting Parties that they will not allow transshipments to or from non-contracting parties. This is the responsibility of the Contracting Parties alone. Non-contracting parties must be notified that they will not be allowed to trade.

5.c.26 The Delegate of France also pointed out the need to be precise and that transshipments in both directions should be disallowed. This would also cover commercial vessels, not just fishing boats, as otherwise it would be meaningless.

5.c.27 The Chairman indicated that this could go further than just at-sea transshipments, and could also involve port transshipments. He also reiterated that this would be a Contracting Party commitment, but one having consequences for non-contracting parties. He sought the group's reactions on the problems concerning the scope of

this recommendation with regard to the prohibition of transshipments to non-contracting, non-cooperating flag merchant vessels.

5.c.28 The Delegate of Japan noted that this matter was discussed when drafting recommendations at the 1996 Commission Meeting in San Sebastian. He pointed out that if transshipping occurs, it would be better to be regulated, but he recognized that in practice, Japan would have some difficulties in regulating merchant vessels' activities, as it was outside its fisheries agency. He also noted that regulation of transshipment at sea to or from fishing vessels could be discussed, but he disagreed with France that ICCAT can also control commercial vessels, as these vessels can take on fruit, cars, etc. which ICCAT cannot control.

5.c.29 The Observer from the EU asked for clarification regarding whether such regulation of transshipments would be considered a trade measure. If so, there could be some complications for the EU, as concerns the legal nature and the implementation of such a recommendation. The observer from the EC also reminded the Inter-sessional Meeting that as concerns issues falling under the exclusive competence of the Community, on the basis of Articles 43 and 113 of the EC Treaty, decisions are taken by the Council of the European Union on a proposal by the European Commission. Therefore, Community decisions on these issues will be taken according to these procedures.

5.c.30 The U.S. Delegate indicated that the regulation of transshipments at sea and at port could be a very powerful weapon. If we could authorize action to be taken at the port, this would be a significant step. He also indicated that NAFO is taking some steps on this, and he cited Article 23, paragraph 3, of the U.N. Agreement, which provides that "states may adopt regulations empowering relevant national authorities to prohibit landings and transshipments...". He believed that ICCAT should seriously consider prohibition of landings by non-contracting parties in contracting party ports.

5.c.31 The Delegate of Canada stated that this may be considered a trade issue and it may be a conservation issue. In Canada, the Fisheries Minister must issue a license for a foreign vessel to enter port to undertake a range of activity including transshipment. In the case of vessels from States which do not cooperate in the implementation of ICCAT measures, a license to enter port will not be issued, except in cases of *force majeure*. Therefore, a restriction on transshipment doesn't arise as the vessel cannot enter the port for any activity. Regarding transshipments at sea, we can prohibit Canadian vessels from selling or buying from a vessel at sea.

5.c.32 The Delegate of Brazil stated that the usual procedure in his country is not to allow foreign vessels to transship in Brazilian ports.

5.c.33 The Delegate of Japan explained that as regards Japan, if there are some fishing activities, then there is usually some transport to and from fishing vessels included. Also it is very common that in fishing, transshipment is stipulated. If two vessels transship at sea, even if it is between a commercial and a fishing vessel, in the sense that they exchange ownership, it is considered trade. But as an activity of fishing vessels this should be regulated, as it is considered to constitute one form of a harvesting activity. Japan agreed with the points raised by Brazil and Canada.

5.c.34 The Delegate from Korea explained that some Korean distant water fishing vessels in the Atlantic catch tunas seasonally (for example, from April and May) and then move to another ocean, e.g. the Indian Ocean. At that time, they may want to transship their catches to other transport vessels, then move on to other fishing grounds. Thus, they have to transship. Sometimes two vessels, belonging to the same owner, transship from one vessel to the other for economic reasons. He asked that the Commission take such situations into consideration.

5.c.35 The Chairman reminded Korea that ICCAT is not considering the prohibition of transshipments between two vessels of the same Contracting Party, or between Contracting and cooperating non-contracting parties, entities or fishing entities as these would be controlled and monitored under existing reporting programs.

5.c.36 The Delegate from Venezuela informed the meeting that his country already imposes restrictions on landings in cases where at-sea transshipment has occurred. The cargo of such vessels is often seized.

5.c.37 The Observer from the EU reserved judgement on this issue until such time as the EU has had time to thoroughly study the implications of specific recommendations.

5.c.38 The Delegate of Japan expressed that ICCAT should go back to its definition of a cooperating party and proposed that transshipments with non-contracting parties be prohibited unless they have officially become cooperating parties.

5.c.39 The Chairman reiterated that non-contracting parties have to be forewarned of the measures being considered by ICCAT.

5.c.40 The Delegate of Spain believed that we have to be cautious and not risk losing the credibility ICCAT has been building through its action plans for bluefin tuna and swordfish. He indicated that he did not fully agree with the United States that any non-contracting party would be excluded until it proves itself.

5.c.41 The Chairman stated that this measure is complementary to those already adopted within an action plan for a country that is not cooperating. This may require a well-thought out scheme. ICCAT was sufficiently convinced at its 1996 meeting to identify countries for trade measures.

5.c.42 Dr. Lima, the ICCAT Executive Secretary informed the meeting that the Chairman had written several letters (to several countries, GFCM, the EU) for which no responses have yet been received. He expressed that ICCAT should be sure it has justifiable cause for taking this type of measure.

5.c.43 The Delegate of Canada believed that a strong letter was needed to outline the measures adopted, indicating that if States informed ICCAT they were prepared to comply with ICCAT measures, they would be subject to ICCAT sanctioned restrictions.

5.c.44 Dr. Lima cited the example of the numerous letters which ICCAT has written. He pointed out two cases, one concerning a country which exceeded the ICCAT cap by 69%, and another in which 43% of its catch was less than minimum size. In spite of these letters, some countries have continued the same practices.

5.c.45 The Delegate of Spain supported the plan of action procedure.

5.c.46 The Chairman indicated that letters could be sent to non-cooperating parties informing them that the measures would be adopted at the annual Commission meeting.

5.c.47 The Delegate from the United States noted that the real issue is if prohibition should be in place against transshipments to Contracting Parties from non-contracting parties, entities or fishing entities that have not agreed to cooperate with ICCAT. This type of transshipment should be the focus, as it allows skirting of ICCAT conservation and management measures. The drafting group reconvened to examine this specific approach.

5.c.48 The Spanish Delegate requested that the working group also define the term non-cooperating non-contracting party in the new document.

5.c.49 A small group met to draft transshipment measures and after prolonged discussion, finalized text to be presented to the Commission Meeting in November, 1997, for consideration and possible adoption. The *"Measures Regarding Transshipments Proposed by the ICCAT Inter-Sessional Meeting on Monitoring and Compliance"* are attached as Appendix 5 to Annex 7.

Tuesday, May 6, 1997

6. In-port monitoring and compliance

a) Port inspection programs

6.a.1 The Chair noted there was a need to identify modalities of transparency and information sharing. He asked for comments from Contracting Parties that have such programs in place as well as those that do not.

6.a.2 The Delegate from Spain stated that Spain has a scheme in place which is implemented to the limit of available resources. He expressed support for an ICCAT program ratified by all Contracting Parties, noting that fully implemented programs, with appropriate domestic legislation, could greatly enhance the quality of monitoring in ICCAT and might also help address the non-contracting party issue.

6.a.3 The Chair noted that the 1996 Compliance Committee Report indicates that only 10 of 22 Contracting Parties have accepted the ICCAT port inspection scheme, and fewer still have implemented it. He urged Contracting parties not to let concerns over cost deter them from implementation.

6.a.4 The Delegate of Portugal indicated that they have implemented an inspection scheme although the number of inspectors is still insufficient. They also cited a lack of resources in explaining their lack of full implementation. The Delegate of Venezuela noted that his country has implemented a limited inspection scheme. Brazil stated that they too have adopted, but have not yet implemented. He noted that inspections are taking place under domestic law.

6.a.5 The Delegate from Japan stated that Japan has not accepted the scheme due to concerns over the legal foundation in the Convention for port States enforcement. He noted that they have instructed their vessels to cooperate with the authority of port states when in the ports of other Contracting Parties. He expressed concern that a wide scope of coverage requiring inspections on vessels making port calls cannot be accepted by Japan. He also noted that this scheme might limit the authority of port States.

6.a.6 The Delegate from Spain (supported by France) stated that merchant and fishing vessels calling at ports should be included, as they may be involved in transshipment, and documentation could be checked. He noted that paragraph 1 of the ICCAT scheme offers flexibility in such matters.

6.a.7 The Delegate of Canada agreed with Japan that the scheme might limit port State authority. He noted that Canada has a high level of dockside inspection already and expressed concern that an ICCAT scheme might place an unacceptable bureaucratic burden on port States.

6.a.8 In response to comments from the Canadian Delegate, the Delegate of the United States expressed the opinion that bureaucratic requirements of the scheme could be simplified to reduce the burden on port States. He agreed with Spain regarding inspections of vessels making calls and expressed the view that language could be drafted that addresses the concerns of Japan as well. In reference to inspector exchanges between Contracting Parties, he noted that could result in overall increased cooperation. He suggested that ICCAT might include on its staff a person to deal specifically with monitoring and inspection issues. He further suggested that Contracting Parties only allow their vessels to land in the ports of other Contracting Parties and that the scheme be broadened to include other ICCAT species. The United States also suggested that an acceptable scheme should be recommended for adoption at the next ICCAT meeting.

6.a.9 In ensuing discussion, Delegates expressed general support for the concept of voluntary bilateral (or other) agreements for inspector exchange and for the extension of the scheme to include other ICCAT species. The U.S. suggestion regarding landings by Contracting Parties limited to Contracting Party ports was not generally supported. Spain and others stated that an examination of financial and organizational implications would be necessary regarding the hiring of additional ICCAT staff to deal with these issues.

6.a.10 The Delegate from Korea requested that the Secretariat provide summary results of ICCAT port inspections. The Secretariat and Chairman clarified that the Compliance Committee issues reports of these results and that information is also published in annual national reports, but that aggregate data are not available. The Korean Delegate noted its vessels are subject to customs clearance procedures and that Korea could not support any scheme that would place a further burden on their vessels.

6.a.11 Concern was expressed regarding the U.S. suggestion that Contracting Party landings be limited to Contracting Party ports. It was noted that this might be overkill. It was generally agreed, however, that the scheme should be drafted in the form of a recommendation. The Chairman urged the drafting group to incorporate the elements expressed in the recommendation.

6.a.12 At a later session, the drafting group presented its proposed *"Recommendation Proposed by the ICCAT Inter-Sessional Meeting on Monitoring and Compliance for a Revised ICCAT Port Inspection Scheme"*. After considerable discussion and some modifications to the draft text, it was adopted by the meeting, for presentation to

the Commission Plenary in November, 1997, for its consideration. The text of the proposed Recommendation is attached as **Appendix 6 to Annex 7**.

7. Other monitoring and compliance management measures

a) Observer programs

7.a.1 The Chairman noted that any observer program should be useful, practical and cost efficient. It must further be determined: if there is a need for a program; what type of program should be used (national, international, or bilateral); and what nature a program should take (science, compliance, or both).

7.a.2 There were strong concerns expressed by the Delegates from Spain, Japan, Portugal, and France regarding the use of observers for anything but the gathering of scientific data. The viability of a dual scientific and enforcement role for inspectors was questioned and it was pointed out that those countries that have scientific observer programs in place might risk a loss of credibility within their fleets. This could reduce the effectiveness and reliability of these schemes.

7.a.3 The Delegate from Venezuela expressed the view that observers could effectively fulfill dual roles. He cited the IATTC observer program as an example of where this kind of observation takes place, noting that the observer only records information, while the Commission ensures compliance.

7.a.4 The Delegate of the United States also stated that there may be value in developing an ICCAT observer scheme and noted that the U.S has 100% coverage of its longline and gillnet tuna fisheries. He expanded on Venezuela's example of the IATTC and stated that a small, focused pilot project could achieve considerable results.

7.a.5 The Canadian Delegate also expressed support for a dual role observer scheme and noted that a pilot program might begin with data gathered by scientific observers that would be reviewed by enforcement personnel. The Chairman noted that it might be possible to target such a scheme toward specific issues within fisheries (such as the use of FADs), but stated that broad application may not be useful.

7.a.6 The Observer from Australia also supported the use of an observer scheme which collected scientific data but also validated catch reports whilst on-board. The scheme currently being used in the EEZ and high seas of Australia complemented inspection activities through validating and calibrating catch reports. He further noted that this has been very valuable in assessing fishing practices and non-retained catches which could not be verified in port.

7.a.7 Further discussion reflected the general opinion that scientific observers are useful but that a general application of a scheme including compliance is not desirable. Therefore, it might be better to focus on port inspection and VMS to achieve this goal. It was also agreed that the SCRS should be asked to cite areas in which scientific observer data might be useful to improve research.

7.a.8 The Spanish Delegate suggested that Contracting Parties be prepared at the 1997 Commission meeting to discuss observer domestic schemes in place in their countries. The Chairman agreed and noted that this information might also be supplied to the Secretariat for inclusion in a summary report on this issue. This would be useful for examining future needs.

c) Other measures

7.c.1 The Delegate from Spain suggested that since nothing which delegates have agreed upon at this meeting excludes the duties of States to monitor their own vessels, it might be advisable to state formally that ICCAT endorses the principles contained in section 8(2) of the FAO Code of Conduct and Article 18 of the U.N. Agreement. After further discussion, it was agreed that it might be beneficial to circulate a questionnaire to get indications of the levels of Contracting Party acceptance to these agreements. This will be prepared by the Secretariat and distributed at the 1997 Commission Meeting.

8. Refine technical aspects of the Bluefin Tuna Statistical Document

8.1 The Delegate from Spain stated that concerned parties had met informally to discuss this issue. He then offered a synopsis of current discussions touching on five issues: (1) re-exportation; (2) trade flows of bluefin tuna in the EU; (3) tuna imported live and exported by the second country after fattening; (4) proposed amendment to the format of the bluefin statistical document to allow for a single document covering a shipment of tuna originating on a number of vessels of the same Contracting Party; and (5) conversion factors.

8.2 There was general support for this initiative.

8.3 A summary of the discussions by the informal group regarding the *"Technical Aspects of the ICCAT Bluefin Tuna Statistical Document (BTSD) Considered by the ICCAT Inter-Sessional Meeting on Monitoring and Compliance"* are attached herewith as **Appendix 7 to Annex 7**. These were approved by the Meeting, for presentation to the 1997 Commission Meeting for consideration.

9. Other matters

9.1 U.S. Congressman Jim Saxton, Chairman of the Congressional Sub-Committee on Fisheries, addressed the inter-sessional meeting. He expressed his support for this meeting and emphasized the importance the United States Congress places on ICCAT. Congressman Saxton's address is attached as **Appendix 8 to Annex 7** to this Report.

10. Adoption of Report

10.1 The Report, as presented in the English version (corresponding to the May 5 and May 6 sessions), was adopted, with the understanding that the once it has been translated into French and Spanish by the ICCAT Secretariat, it would be circulated among the participants for final comments.

11. Adjournment

11.1 At the time of closing the meeting, the Chairman reiterated appreciation to the U.S. Government for hosting the inter-sessional meeting and for providing all the facilities, and logistical support. He also thanked the Rapporteur and the translators for a job well done. Mr. Conde expressed his gratitude to the all participants for their spirit of collaboration which contributed to the success of the meeting.

11.2 The inter-sessional meeting was adjourned on Wednesday, May 7, 1997.

Appendix 1 to ANNEX 7

**AGENDA OF THE ICCAT INTER-SESSIONAL MEETING
ON MONITORING AND COMPLIANCE
(Washington, D.C. - May 5 to 7, 1997)**

1. Opening of the meeting, adoption of Agenda, and meeting arrangements
2. Monitoring and inspection needs, goals and objectives.
3. Existing international monitoring and inspection schemes
4. U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks requirements
5. At-sea vessel monitoring and compliance
 - Vessel monitoring systems (including satellite tracking systems)
 - At-sea vessel inspection programs
 - Vessels of non-contracting party nations
6. In-port monitoring and compliance
 - Port inspection programs
 - Landing and transshipment restrictions
7. Other monitoring and compliance management measures
 - Observer programs
 - Stateless vessels
 - Other measures
8. Refine technical aspects of the Bluefin Tuna Statistical Document
9. Other matters
10. Adoption of Report
11. Adjournment

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ON MONITORING AND COMPLIANCE**
(Washington, D. C. - May 5 to 7, 1997)

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* New ICCAT Secretariat address, as of May 21, 1997.

**OPENING STATEMENT BY MR. WILL MARTIN,
HEAD DELEGATE OF THE UNITED STATES TO ICCAT**

Mr. Chairman, Mr. Executive Secretary, distinguished Commissioners, ladies and gentlemen:

The United States would like to welcome all participants to the ICCAT Inter-Sessional Meeting on Monitoring and Inspection, and to our beautiful city of Washington. We have been looking forward to this meeting, as ICCAT moves to strengthen its compliance program.

As we all know, many of the fish stocks under ICCAT's purview are in trouble, and increasing attention is being placed on the fishing activities of ICCAT Contracting Parties. In agreeing to hold this meeting, the Commission acknowledged that we, its members, need to do more if we are to ensure the long-term viability of these species and of our fishing industries.

The job before us is difficult, but its importance cannot be overstated. And we must work together to get it done. Our ultimate goal is to adopt the necessary conservation measures and to assure compliance with these measures by Contracting Parties and non-contracting parties.

ICCAT has tried in vain in the past to implement meaningful monitoring and inspection measures. At this meeting, we must take the first steps to put into action needed monitoring and inspection approaches, and we must agree to implement them. We believe that development of a truly comprehensive scheme of monitoring and inspection is too complex a task for this three-day inter-sessional meeting and that focus should be placed on those areas where improved monitoring and inspection is needed and where progress can be made.

So, for the United States, we see our task to be the development of an effective first set of monitoring and inspection measures. We will be proposing a set of measures that will include the following elements:

1) **Port inspection** - We believe this to be the most important and fundamental element of monitoring and inspection since most of ICCAT's current recommendations can be monitored at port. Our approach to port inspection is a practical one. Let us look at the existing ICCAT port inspection scheme which has never been implemented fully. We should make necessary improvements in this existing scheme. Then, let's agree to implement the scheme.

2) **At-sea boarding and inspection** - Some years ago, ICCAT adopted an at-sea inspection scheme which has never been implemented. This scheme has been superseded by the provisions of the U.N. Agreement on Straddling Species and Highly Migratory Species. We think the boarding and inspection provisions of the U.N. Agreement are acceptable, and that no further action on this topic is necessary at this time.

3) **Observer pilot project** - We believe development of a limited application observer program for catch monitoring and data verification purposes should be considered at this meeting. We do not propose observers for each vessel. However, we think that an initial pilot scheme involving a small percentage of vessels would be a good start. This pilot project can be assessed at a future ICCAT meeting, and we can make appropriate adjustments then.

4) **Vessel Monitoring System (VMS)** - We believe that VMS can be an effective monitoring approach in many situations. A few years ago, ICCAT held a special inter-sessional meeting to examine VMS, but no agreement was reached. We are open to considering the possibility of a VMS pilot project.

5) **Other compliance elements** - We believe restriction should be placed on transshipments at sea by vessels of ICCAT Contracting Parties and that the Commission should develop procedures to deal immediately with vessels observed fishing contrary to ICCAT recommendations and with "stateless" vessels.

We will elaborate later in the meeting regarding details, but I wanted to give you now an outline of our ideas.

Again, let me say that the United States welcomes all of our distinguished guests. We are confident that, working together, we will be able to address successfully these very difficult and complex issues.

Appendix 4 to ANNEX 7

**RECOMMENDATION PROPOSED BY THE ICCAT INTER-SESSIONAL
MEETING ON MONITORING AND COMPLIANCE FOR A
VESSEL MONITORING SYSTEM PILOT PROGRAM**

*THE INTERNATIONAL COMMISSION FOR THE
CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:*

1. Each Contracting Party with vessels greater than 24 meters in overall length (or greater than 20 meters between perpendiculars) and fishing for ICCAT species on the high seas outside the fisheries jurisdiction of any coastal state shall adopt a pilot program for a satellite-based vessel monitoring system (VMS) for ten percent of such vessels, or ten vessels, whichever is greater. The pilot program will be a flag-state based program.
2. Each Contracting Party shall implement a three-year pilot program effective 1 January, 1999; except the three-year pilot program for vessels fishing in the Mediterranean, which shall be effective 1 January, 2000. Contracting Parties are encouraged to implement the pilot program earlier if possible.
3. The pilot program shall not apply to vessels that never spend more than 24 hours at sea, counted from the time of departure from port to the time of return to port.
4. Information collected shall include the vessel identifier, location, date and time, which shall be collected with a required frequency to ensure that the Contracting Party can effectively monitor the vessel.
5. Performance standards shall at a minimum include a system that:
 - is tamper proof;
 - is fully automatic and operational at all times regardless of environmental conditions;
 - provides real time data; and
 - provides latitude and longitude, with a position accuracy of 500 m. or better, with the format to be determined by the flag state.
6. At its 2000 meeting, the Commission shall establish procedures on the submission of aggregate information and how the information is shared between Contracting Parties. These procedures shall ensure that appropriate measures are in place to ensure confidentiality.
7. By 1 June, 1998, each Contracting Party shall submit to the Secretariat a report on anticipated implementation of its pilot program. Beginning in 1999, each Contracting Party shall report annually on the progress and implementation of its pilot VMS program. These reports shall be included in the annual national report.
8. The Commission shall evaluate the pilot program at its 2002 meeting.

Appendix 5 to ANNEX 7

**MEASURES REGARDING TRANSSHIPMENTS
PROPOSED BY THE ICCAT INTER-SESSIONAL MEETING
ON MONITORING AND COMPLIANCE**

1. Contracting Parties shall ensure that fishing vessels flying their flag only receive high seas transshipment of ICCAT species from Contracting Parties and Cooperating Parties, as defined in the *Resolution on the Coordination with non-contracting parties* adopted by the Commission at its Ninth Special Meeting (December 1994). Such transshipment activities shall be reported annually to the Commission.
2. Any sightings of vessels that appear to be without nationality (stateless) that may be fishing for ICCAT species shall be reported immediately to the appropriate authorities of the Contracting Party whose vessel or aircraft

made the sighting. Where there are reasonable grounds for suspecting that a fishing vessel targeting ICCAT species on the high seas is stateless, a Contracting Party may board and inspect the vessel. Where evidence so warrants, the Contracting Party may take such action as may be appropriate in accordance with international law. Any Contracting Party receiving a report of a sighting or conducting an action against a stateless fishing vessel shall immediately notify the ICCAT Secretariat, which, in turn, shall notify all other Contracting Parties. In addition, Contracting Parties are encouraged to establish points of contact to facilitate cooperation and other appropriate actions

3. Any observation by a Contracting Party vessel or aircraft of Contracting Parties' vessels that may be fishing contrary to ICCAT conservation measures shall be reported immediately to the appropriate authorities of the flag-State making the observation. That Contracting Party shall then immediately notify the appropriate authorities of the flag-State of the vessel fishing. Each Contracting Party making the observation and the Contracting Party whose fishing vessels were observed shall provide the pertinent information to the ICCAT Secretariat for review by the Compliance Committee.

4. Any observation by a Contracting Party vessel or aircraft of non-contracting party vessels that may be fishing contrary to ICCAT conservation measures shall be reported immediately to the appropriate authorities of the flag-State making the observation. The Contracting Party shall then notify immediately the appropriate authorities of the flag-State of the vessel fishing. Each Contracting Party making the observation shall also immediately notify the ICCAT Secretariat, which, in turn, shall notify the other Contracting Parties.

At the 1997 Annual Meeting of ICCAT, those non-contracting parties considered to be Cooperating Parties, as defined in the *Resolution on the Coordination with Non-contracting Parties* adopted by the Commission at its Ninth Special Meeting (December 1994), will be identified by the Permanent Working Group. This list will be reviewed and updated annually.

Appendix 6 to ANNEX 7

**RECOMMENDATION PROPOSED BY THE
ICCAT INTER-SESSIONAL MEETING ON MONITORING & COMPLIANCE
FOR A REVISED ICCAT PORT INSPECTION SCHEME**

RECOGNIZING that many parties currently have port inspection schemes in place;

The parties at the ICCAT Inter-Sessional Meeting on Monitoring and Compliance recommend to the Commission that ICCAT adopt a recommendation under Article VIII of the Convention requiring that all parties adopt a national port inspection scheme containing the following minimum standards of port inspection for transshipment and off-loading operations which must be carried out by the inspectors:

1. Inspection shall be carried out by the appropriate authorities of the Contracting Parties, who will monitor compliance with the Commission's measures for all ICCAT species, at their own ports, without discrimination. Inspectors shall produce identification as provided by the national government.

2. In the case of an apparent violation by a foreign fishing vessel, the inspector shall draw up a report of the inspection on a form standardized by the Commission, or on a form produced by the national government which collects the same quality of information. The inspector must sign the report in the presence of the master of the vessel, who shall be entitled to add or have added to the report any observations, and to add his own signature. The inspector should note in the vessel's logbook that an inspection was made. Copies of the form must be sent to the flag state of the vessel and to the ICCAT Secretariat within 10 days. In the case of a violation by a domestic vessel, domestic procedures will be followed for documentation, which must also provide the same quality of information as the standard ICCAT form.

3. An inspector may examine the fish, fishing gear, fish samples, and all relevant documents, including fishing logbooks and cargo manifest (in the case of a mother ship or carrier vessel), to verify compliance with ICCAT measures. The master of the vessel is required to cooperate with the inspector. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.

4. Parties shall consider and act on reports of apparent violations by foreign inspectors on a similar basis as the reports of national inspectors in accordance with their national legislation. Contracting Parties shall collaborate, in accordance with their legislation, in order to facilitate judicial or other proceedings arising from reports of inspectors acting under these arrangements.

5. For cases in which an apparent violation has occurred, the vessel's flag state shall notify ICCAT of actions taken to address the violation.

6. All parties shall inform their vessel masters who are fishing on ICCAT species of the regulations. The masters shall also be instructed to cooperate with the inspectors in national as well as foreign ports.

7. Parties whose vessels enter, land, or tranship their catches in ports other than their own, can send their own inspectors to inspect their own vessels with respect to the observance of the Commission's regulations, having previously obtained an invitation from the port state in which the inspection shall be executed.

In addition, parties are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on strategies and operations that promote compliance with ICCAT's management measures. The countries' national report should include a description of such programs.

NB: The parties at the ICCAT Inter-Sessional Meeting agreed that most ICCAT recommendations can only be enforced during off-loading, and therefore this is the most fundamental and effective tool for monitoring and inspection. This recommendation would modify the existing ICCAT Port Inspection Scheme to require national port inspection schemes and to provide minimum standards in conducting port inspection of foreign and domestic vessels during off-loading and transshipment operations of all ICCAT species. The purpose of the port inspection scheme is to ensure individual vessel compliance as well as to facilitate overall monitoring of each party's fisheries for ICCAT species. ICCAT hopes that the parties will actually exceed these minimum standards in order to effect timely and accurate monitoring of landings and transshipments, check compliance with ICCAT management measures, ensure quotas are not exceeded, and collect data and other information on landings and transshipments.

Appendix 7 to ANNEX 7

TECHNICAL ASPECTS OF THE ICCAT BLUEFIN TUNA STATISTICAL DOCUMENT (BTSD) CONSIDERED BY THE ICCAT INTER-SESSIONAL MEETING ON MONITORING AND COMPLIANCE

1) Re-exports

The Committee considered that the original BTSD did not contemplate reexports, except for the purposes of transit without transformation. Therefore, the Committee requested that the issue be addressed by the Permanent Working Group in its next session.

2) Commercial flow of bluefin tuna within the European Community

The Committee addressed two types of problems:

- The validation of a BTSD by a State different from the flag State. The Committee confirmed, as adopted in the last ICCAT meeting in San Sebastian, that only in the case of Member States of the EC which are also members of ICCAT would that mechanism be possible, after the appropriate notification to all ICCAT Contracting Parties through the Secretariat.
- The expedition of successive bluefin tuna cargos originated from the same BTSD. The Committee recognized that the requirement of a BTSD for each portion of the original cargo could be made more flexible, if the importing State authorities accepted it. Therefore, the interested Contracting Parties will consult with a view to reach a possible simplification of the administrative procedures. If a result is reached, information will be transmitted to all ICCAT Contracting Parties through the Secretariat.

3) Imports of raised tuna

The Committee recommended that the PWG address this issue in the future to allow for the exact attribution of the imported product to a specific flag State. The Committee recognized, however, that this attribution is at present very difficult and that, therefore, the imports of this type of product will be treated in the following way:

- * The BTSD will be validated by the State where the tuna is raised.
- * The amounts imported will be recorded separately from the rest of each Contracting Party's exports, since it is not possible to attribute the catch to any single State. The importing State will inform ICCAT in that way.
- * The nature of the product ("farmed or raised tuna") will be indicated in a footnote at the bottom of item number 5, "Description of Fish", of each BTSD.

4) Modifications to the format of the BTSD

The Committee did not recommend the introduction of any modification to the format of the BTSD, since it would involve legislative changes by Contracting Parties. However, in the case of imports of live tuna, this circumstance will be specified in the bottom of item 5, "Description of Fish", of the current BTSD format.

5) Conversion factors

The Committee recommended that, for non-contracting parties, the Secretariat should continue to use the conversion factors recommended by SCRS, including a specific conversion factor for belly-meat, different from the general conversion factor for "Other presentations", which is currently equal to 2.

For Contracting Parties, the Committee requested the Secretariat not to use any conversion factor for belly-meat, except the general conversion factor for "Other presentations", namely 2. For Round, Gilled and Gutted, Dressed, Filet and Other Presentations, the Secretariat may provisionally apply the conversion factors used by the SCRS. However, the Committee requested the Commission, to adopt a formal decision (based, *inter alia*, on the advice of SCRS), on the conversion factors applicable to imports recorded under the BTSD Program, including a conversion factor for belly meat, in order to estimate catches of Contracting and non-contracting parties, entities or fishing entities.

Appendix 8 to ANNEX 7

**ADDRESS BY MR. JIM SAXTON,
UNITED STATES CONGRESSMAN, TO THE ICCAT INTER-SESSIONAL
MEETING ON MONITORING AND COMPLIANCE**

Ladies and Gentlemen:

Thank you, Mr. Chairman. I want to thank all of you for allowing me the opportunity to briefly come before you today to extend my support for this Inter-Sessional meeting and the important direction this will take ICCAT.

I requested to come here and address the representatives of member nations in order to emphasize the level of importance the United States Congress places on ICCAT and our hope that ICCAT can become a more effective body for the international stewardship of the highly migratory species under its purview.

As a member of the United States Congress in the House of Representatives, I represent a large coastal district in the state of New Jersey, with nearly 50 miles of coastline along the Western Atlantic. My fishery constituents range from commercial longliners, dealers and processors, to weekend recreationals. With the exception of the United States budget, Medicaid, and Social Security, the most contentious issues I face in Congress involve the management of highly migratory species along the Atlantic, particularly Atlantic bluefin tuna. However, despite the diversity of these groups and the fierce competition between them for a larger share of the domestic quotas, these groups are generally united in their concern over the health of these fisheries.

My Congressional district is not unique when it comes to the sustained level of controversy surrounding highly migratory fisheries in the Atlantic. Throughout the years, Congress has amended domestic law to strengthen the management, improve the science, increase the accountability of fishermen, and prioritize the need for international negotiation to rebuild and sustain our domestic "ICCAT" fisheries.

Our fishermen have come along way. They are investing in the future by sacrificing in the present. They have increasingly embraced the need for collecting accurate scientific data, and have acknowledged their responsibilities in accomplishing such a task. Nevertheless, without effective mechanisms to provide verifiable compliance with management measures, the provisions are reduced to good intentions only. More importantly, the scientific data and statistical analysis on which decisions are made have no credibility, and become flexible pawns for the many agendas within the fishing community. Improving the collection and integrity of fisheries data necessary for realistic estimates of population abundances, mortality levels, and fishing effort, is universally recognized as paramount if sustainable management is to be achieved.

Whether it's Atlantic bluefin tuna, yellowfin, swordfish, or other stressed stocks of highly migratory species, increasing effort and monies are being expended in the United States to ensure compliance with management measures that have been implemented in an effort to return these fisheries to economically and ecologically sustainable resources.

Our fishermen are permitted and surveyed, vessel captains are required to keep logbooks, dockside inspections are conducted at random, landings are recorded, and comparative checks are made against the parallel records required of licensed dealers. Last year, the U.S. Congress amended the Fisheries Conservation and Management Act to include strengthening provisions specific to the management of highly migratory species. And hundreds of thousands of dollars are being expended to establish a computerized permitting system capable of processing over 30,000 Atlantic tunas permits and provide real-time estimates of landings to ensure domestic quotas are not exceeded and other management measures are not ignored.

Nevertheless, our efforts will be in vain without the international cooperation necessary for verifiable compliance and enforcement of ICCAT provisions. As we prepare to usher in the 21st century, one of the defining characteristics will be the establishment of multi-lateral agreements for managing living resources in the global commons. The importance of fisheries and marine resources is underscored by the recent example of the FAO International Code of Conduct for sustainable fishing practices. We are currently in the public process of reviewing proposed domestic regulations to implement our responsibilities under the international code of conduct.

ICCAT has a unique opportunity to help forge multi-lateral management plans for the recovery and sustainability of some of the world's largest and most valuable international fisheries. The good intentions are clear from the level of interest and membership in ICCAT. Judging from last year's agreement for better compliance and enforcement of ICCAT provisions, there appears to be recognition that ICCAT's conservation measures are only as legitimate as the strength and aggressiveness of its members' domestic laws. I can assure you that we in the U.S. Congress are doing our job by making strong domestic laws to implement the ICCAT measures, and to back this up with strong enforcement. We expect the other ICCAT countries to do the same.

I applaud all of you for attending this inter-sessional meeting which I believe is critical to the future of ICCAT, and I am encouraged that compliance and enforcement may be given the priority necessary for achieving the goals envisioned in the mission of ICCAT. I hope tangible results will be evident at ICCAT 1997. Only then can these fisheries rebuild to the level of economic and biological robustness that once characterized their populations.

Thank you.

REPORTS OF SUBSIDIARY BODIES

- ANNEX 8 Report of the Sixth Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics & Conservation Measures (PWG)
Appendices 1 to 10
- ANNEX 9 Report of the Meeting of the Compliance Committee
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- ANNEX 11 Report of the Meeting of the Standing Committee on Finance and Administration (STACFAD)
Table 1 - Budget Adopted by the Commission for 1998-1999
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**REPORT OF THE SIXTH MEETING
OF THE PERMANENT WORKING GROUP FOR THE IMPROVEMENT
OF ICCAT STATISTICS AND CONSERVATION MEASURES (PWG)**

1. Opening of the Session

1.1 The Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) met at Hotel Chamartin, Madrid, Spain, at the time of the Fifteenth Regular Meeting of the Commission. The meeting was opened by the PWG Chairman, Mr. B. Hallman (United States).

2. Appointment of Rapporteur

2.1 Mr. J. Jones (Canada) was nominated to serve as Rapporteur.

3. Adoption of Agenda

3.1 The agenda, circulated earlier, was adopted with one additional item. The Delegate of Canada requested a review of a specific recommendation on transshipment arising from the Inter-sessional Meeting on Monitoring and Compliance, held in Washington, D.C. in May, 1997 (see Annex 7 to the Commission Proceedings). It was agreed that the additional item would be dealt with following agenda item 7. The adopted Agenda is attached as Appendix 1 to Annex 8.

4. Review of the Validation of the ICCAT Bluefin Tuna Statistical Document

4.1 The ICCAT Assistant Executive Secretary, Dr. P. M. Miyake, outlined the role of the Secretariat in the process of validation of the Bluefin Tuna Statistical Document (BTSD). As soon as the Secretariat receives a list, signatures and seals of the persons authorized to validate the BTSDs from exporting Parties, these are transmitted to the importing countries, to assure proper identification of the such authorized persons, their signatures and the respective seals for the BTSDs in the importing countries. Parties must inform the Secretariat of its authorized agents to ensure that BTSDs are properly validated. All importing countries send a bi-annual summary report of BTSDs to the Secretariat. These reports are circulated to all Contracting Parties.

4.2 Dr. Miyake also informed the PWG that a 1996 ICCAT Resolution to allow European Union Member States that are also members of ICCAT (France and Spain) to validate catches landed in either country, came into effect in October, 1997. As the EC is now a member of ICCAT and upon any subsequent withdrawal of France or Spain from ICCAT, the wording of this Resolution may need to be reviewed.

4.3 The national reports of various countries were reviewed. The Delegate from Japan informed the PWG that in 1996, 62% of the 8198 BTSDs collected by Japanese customs were validated by non-contracting parties, entities, or fishing entities. In 1997, 6552 BTSDs have been collected from January 1 to June 30 and 91% of the total were validated by non-contracting parties, entities, or fishing entities. Japan imported a total of 10,946 MT of Atlantic bluefin tuna in 1996 and 2,029 MT to June 30, 1997. Of the total, 40% in 1996, and 58% in 1997 was imported from non-contracting parties, entities, or fishing entities. The Delegate from Japan informed the PWG that in 1996 there were no imports of Atlantic bluefin tuna from Belize and Honduras. The Delegate of Japan also noted that, in 1996 and 1997, quantities of tuna caught in the eastern Atlantic and the Mediterranean were imported through Las Palmas, Spain. The import included catches of non-contracting parties, entities, or fishing entities, Panama (883 MT in 1996 and 608 MT to October 31, 1997), and Chinese Taipei (446 MT in 1996 and 281 MT to October 31, 1997) and Contracting Parties Equatorial Guinea (716 MT in 1996) and Guinea (192 MT in 1996 and 243 MT to October 31,

1997). The Delegate of Japan noted that to maintain the effectiveness of the BTSD, it is essential to properly implement the BTSD and to collect sighting information. The Delegate of Japan also noted that the same vessel name appeared in BTSDs from Panama and Equatorial Guinea, and pointed out a possibility that its flag was transferred from Panama to Equatorial Guinea.

4.4 The Secretariat noted that the biannual report is a summary of BTSDs and does not now contain the names of vessels, and suggested that the names of vessels of certain countries (Panama and Equatorial Guinea and the Republic of Guinea) be provided to the PWG. Such procedure would facilitate the PWG and call those Parties attention to monitor the activities of their fleets, of which their respective governments may not be aware.

4.5 The Delegate of Japan stated they would provide the names of vessels for both Panama and Equatorial Guinea.

4.6 The Delegate of the European Community commented that the EC will gear its internal regulations to address the mutual validation of BTSDs for France and Spain. This process will take about six months.

4.7 The Delegate of the EC provided the PWG with highlights of the National Report of Spain to ICCAT. He noted that Spain had validated 831 BTSDs with a total of 2534 MT of bluefin tuna in 1996, and had worked closely with Japan on the BTSD process. This work has helped identify the source of a small discrepancy between the import data of Japan and the export data of Spain. The discrepancy, less than 5%, occurs particularly at year end, when exports may not be identified as Japanese imports until the new year. The Delegate also noted that, since the mutual validation with France came into effect only in October, 1997, there was little experience with the process. 1998 will provide a full year's experience with the process.

4.8 The Delegate of the EC asked the Secretariat to explain a discrepancy between a difference in the 1996 statistics (COM/97/16-Rev.) between Spanish export figures and Japanese import figures.

4.9 Dr. Miyake responded that most likely the Spanish export figures are in product form while the Japanese import information given in document COM/97/16-Rev. are converted to round weight equivalent, save for belly meat.

5. Status of implementation of ICCAT Recommendations adopted by the Commission in 1996 relative to the Bluefin Tuna Statistical Document Program

5.a) On the validation of BTSDs between ICCAT Contracting Parties which are members of the EU

5.a.1 The Delegate of Japan notified the PWG that official notification was received from Spain on June 30, 1997, and from France on July 22, 1997. The mutual validation systems became effective two months following the official notification.

5.a.2 The Chair raised an earlier point relative to the mutual validation and the role of the EU as an ICCAT member. The Delegate of Japan commented that only France and Spain have made the necessary arrangements for mutual validation and it was unclear whether the mutual validation would now apply to all EU members. The Chair suggested the issue be re-visited under Agenda item 9.b.

5.b) Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution

5.b.1 The Delegates of Japan, United States, Canada, Korea, and the observer from Chinese Taipei all confirmed the implementation of the "Recommendation by ICCAT Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution". The Delegate from the EC advised the PWG that these procedures are underway in the EU to implement the Recommendation.

5.b.2 The Chair encouraged all Parties to fully implement the Recommendation.

5.c) Regarding Panama Pursuant to the 1994 ICCAT Bluefin Tuna Action Plan Resolution

5.c.1 The Chair noted that the "Recommendation by ICCAT Regarding Panama Pursuant to the 1994 Bluefin Tuna Action Plan Resolution" was to be effective only on January 1, 1998, and thus no action was reported. The Chair suggested this agenda item should be deferred until the response from Panama is reviewed under item 6.

6. Review of responses to the Commission Chairman's letters to Belize, Honduras, Panama, Trinidad & Tobago, Algeria, Tunisia, Croatia, the EU and GFCM

6.1 Dr. Lima, Executive Secretary of ICCAT, noted that the letters of the Commission and the responses received are contained in Document COM/97/22. Responses were received from Panama, Trinidad and Tobago, and Tunisia. Croatia and the European Community are now members of ICCAT. There were no responses received from Algeria, Belize, Honduras or GFCM.

6.2 The Observer from Panama reviewed the response to the Commission's letter. The response is included in Document COM/97/22 and that circulated at the meeting. The Observer from Panama informed the PWG of the administrative measures which Panama will implement in response to the ICCAT Recommendation. The administrative measures are outlined in the above referenced documents (Appendix 2 to Annex 8).

6.3 The Delegate of the European Community raised two points with the PWG. First, the Delegate informed the PWG that, in regard to the letter received from the Commission in respect of Italy and Greece, Italy and the European Community are now members of ICCAT. This will ensure future compliance with all ICCAT measures. The Delegate of the EC also questioned the Observer from Panama on the administrative measures suggested by Panama and specifically requested clarification of the term "proven violation", and whether a BTSD or Port Inspection document would constitute a proven violation.

6.4 The Observer from Panama replied that such documentation, including sightings, will be included as evidence in any investigation, and that these procedures are the same as those which Panama follows with other international organizations.

6.5 The Chair asked the Observer from Panama whether Panama had authorized fishing activity for tuna vessels.

6.6 The Observer from Panama replied that Panama has not authorized any vessels to operate within ICCAT areas. He further explained that, in the past, there was no mechanism for such authorization, but Panama had now passed an Executive Decree which regulates International Fishing Licenses. A vessel fishing without a license will be deflagged and removed from the Panamanian Registry.

6.7 The Delegate of the United States commented that the new administrative measures of Panama were appreciated but asked whether Panama would monitor its own fleet's activities, or act only if another party provided monitoring or documentation to Panama. The U.S. felt that these measures would fall short of ICCAT requirements if Panama did not monitor its own fleet.

6.8 The observer from Panama explained that Panama was examining some measures to monitor its own fleets, perhaps through aircraft surveillance. It was also examining the idea of reflecting the cost of monitoring activity into the cost of the fishing license.

6.9 The Delegate of Canada asked for additional time to review the documents circulated at the meeting and to return to this issue later. This was agreed and the PWG will return to this under Agenda 7.a.

7. Review of information concerning fishing by non-contracting parties, entities, or fishing entities

7.1 The Delegate of Japan reviewed sighting information contained in its National Report.

7.2 The Delegate of the EC spoke on the information outlined in the National Report of Spain regarding tuna imports and sightings, but cautioned that air sightings do not necessarily imply fishing activity.

7.3 The Delegate of the United States noted to the PWG that it would appreciate that data on swordfish imports also be provided by other countries, if available.

7.4 The Delegate of Japan replied that the data on swordfish will be provided to the U.S., but it was noted that swordfish import statistics are only recently (1997) available in a separate classification.

7.5 Dr. Miyake noted that the Secretariat will create a data base for such data if members provide the data reports.

Second Session

7.6 The Chair noted that the PWG has reviewed the information provided in national reports and documents provided during the first session and the comments upon the responses received from non-contracting parties, entities, or fishing entities. The PWG now must analyze this information and determine a course of action.

7.a) Bluefin tuna

7.a.1 The Delegate of the United States noted that neither Belize nor Honduras has replied to letters from the Chairman of the Commission and there continues to be some activity in vessel sightings and trade data attributable to Belize and Honduras. Honduras notified the Commission in 1995 that it would not verify any BTSD for bluefin tunas. Given this evidence and record, the Delegate of the United States proposed to continue the trade restrictions regarding Belize and Honduras pursuant to the 1994 Bluefin Tuna Action Plan Resolution.

7.a.2 The Delegate of Canada supported the proposal of the United States regarding Belize and Honduras.

7.a.3 The Chair noted a consensus among members with the proposal of the United States regarding Belize and Honduras and suggested letters be sent from the Commission Chairman explaining the decision. The PWG approved letters (Appendix 3 to Annex 8) to signed by the Commission Chairman.

7.a.4 The Delegate of the European Community proposed that the PWG recommend that the trade measures regarding Panama pursuant to the 1994 Bluefin Tuna Action Plan Resolution continue as scheduled and become effective January 1, 1998. The Delegate of the EC noted the response of Panama and suggested that if Panama can show that the measures proposed are effective and produce results consistent with ICCAT conservation measures, then the Commission can review the restriction regarding Panama at a later date.

7.a.5 The Delegate of the United States supported the proposal of the European Community. The United States appreciated the efforts of Panama to address the Commission's concerns, but noted the efforts are recent actions. The United States agreed that if the actions of Panama are shown to be effective then the Commission can re-visit the restriction.

7.a.6 The Delegate of Canada also supported the proposal of the European Community to continue the restriction regarding Panama as scheduled. Canada did acknowledge the efforts of Panama but concluded the measures proposed must be shown to be effective and if so, the Recommendation can be reviewed.

7.a.7 The Delegate of Japan commented that the decision of the Commission in 1996 was not taken lightly and without thought. The decision was to effect trade restrictions on January 1, 1998, unless the Commission, through evidence provided by Panama prior to this meeting, concluded otherwise. Japan noted that Panama has outlined its intentions, not produced evidence of action or results. As such, the PWG can only conclude to continue the restrictions regarding Panama effective January 1, 1998. Japan also noted that Panama must produce evidence and documents that actions have been effective and if such we can review again at next year's meeting.

7.a.8 The Chair concluded there was a consensus on this issue and noted the Commission should send a letter to Panama (Appendix 3 to Annex 8) recognizing its efforts and encouraging Panama to continue its actions as proposed and that the measures will be lifted when Panama has demonstrated, to the satisfaction of the Contracting Parties, that it has effectively applied the appropriate cooperation measures, including the Presidential decree of 13 November 1997, to respect the ICCAT conservation and management measures. Contracting Parties will consider this matter at the 11th Special Meeting and shall take the decision whether or not to remove the measures.

7.a.9 The Chair noted that members had not identified any other non-contracting parties, entities, or fishing entities.

7.b) *Swordfish*

7.b.1 The Chair noted that no countries are identified in the Swordfish Action Plan, but that the Commission had sent a letter to Trinidad & Tobago (see Document COM/97/22).

7.b.2 The Delegate of the European Community proposed that the Commission send letters to Belize, Honduras and Panama to determine what conservation measures are in place to protect Atlantic swordfish. The EC suggested that the Commission could then study any replies at the 1998 meeting. The EC noted it had documentation of activity by vessels of those countries and imports of swordfish from these countries.

7.b.3 The Delegate of the United States supported the EC proposal to regarding Belize, Honduras and Panama and further suggested including Chinese Taipei, Chile and Barbados as non-contracting parties, entities, or fishing entities, whose fishing and management measures the Commission should question.

7.b.4 The Observer from Chinese Taipei responded to the U.S. concern on its increased fishing activity and stated that it sets its catch quota for north Atlantic swordfish at 330 MT, as recommended by ICCAT. Chinese Taipei requested that ICCAT forward any documentation and it will respond to this evidence.

7.b.5 The Delegate of the United States identified Trinidad & Tobago as showing exports which are in excess of its allowed catch. A U.S. delegation had visited Trinidad & Tobago and dialogue is continuing. The U.S. was pleased with the actions and response of Trinidad & Tobago, but imports continue, as does activity of other parties operating from Trinidad & Tobago. The U.S. proposed that the Commission send a further letter to Trinidad & Tobago expressing concern about exports.

7.b.6 The Chair referred the PWG to a statement made by Trinidad & Tobago (Appendix 4 to Annex 8), outlining its intent to become a Contracting Party to ICCAT and the measures it is putting into effect. The Chair asked the Observer from Trinidad & Tobago to explain these measures more fully.

7.b.7 The Observer from Trinidad & Tobago suggested that the overage identified by the United States is a result of a mix of transshipments from foreign flag vessels which based their fishing activities in Trinidad & Tobago. The Observer explained that the measures outlined in her statement Appendix 4 to Annex 8 are now in place and will be effective in 1998.

7.b.8 The Assistant Executive Secretary, Dr. Miyake, pointed out that Table 3 of document COM/97/16-Rev. shows a difference in imports and reported catches for Barbados, Trinidad & Tobago, Costa Rica, Ecuador, Mexico and South Africa. He asked whether some of the catches from Ecuador, Mexico and South Africa may be catches of swordfish from outside the Atlantic Ocean.

7.b.9 The Delegate of the United States informed the PWG that a review of import reports and subsequent discussions with Mexico confirmed that most catches came from the Pacific Ocean. The Observer from Mexico confirmed the U.S. statement and added that if ICCAT required further documents or data, these could be supplied.

7.b.10 The PWG reviewed the information regarding swordfish and agreed that (the attached) letters be sent to Belize, Honduras and Panama (Appendix 5 to Annex 8), to Trinidad and Tobago (Appendix 6 to Annex 8), to Chinese Taipei (Appendix 7 to Annex 8), to Barbados/Chile/Costa Rica/Ecuador (Appendix 8 to Annex 8), and to CARICOM (Appendix 9 to Annex 8).

7.c) *Other species*

7.c.1 The Delegate of the European Community proposed that the Commission write to all Contracting and non-contracting parties, entities, or fishing entities inviting each party to reduce the level of catches of juvenile tropical

tunas and inviting each party to join the voluntary closed season applied to EC purse seine vessels. The EC will bring forward a draft letter for review by the PWG. The Chair suggested that this issue is best dealt with in Panel 1.

7.d) Identification of countries fishing contrary to ICCAT Conservation Measures

7.d.1 The Chair noted no parties had been identified, other than those discussed above, fishing contrary to ICCAT measures.

Third Session

8. Measures regarding transshipments

8.1 The Chair noted that Canada requested this item be added to the Agenda. This issue was discussed at the ICCAT Inter-sessional Meeting on Monitoring and Compliance. the reference document is COM/97/19, Annex 5.

8.2 The Delegate of Canada noted that at the Inter-sessional Meeting on Monitoring and Compliance it was concluded, in discussions regarding transshipments, that the PWG, at this year's meeting, will discuss the definition of those non-contracting parties, entities, or fishing entities considered to be cooperating. Canada outlined an approach to determine cooperating parties, entities, or fishing entities. The Delegate of Japan and the United States supported the proposal of Canada. The Chair asked Canada, Japan and the United States to bring forward a draft resolution on this issue.

8.3 The Delegate of the European Community agreed that some procedure was necessary to define cooperating parties, entities, or fishing entities. The Delegate of the EC also raised the need to clearly define "fishing vessel" as it applies to measures regarding transshipments. The legal definition of fishing vessel varies among Contracting Parties. ICCAT needs to clarify this to ensure there are uniform measures across all parties. The Delegate of Japan responded that the resolution of the inter-sessional was adopted after extensive discussions and Japan agreed to it. The Delegate of Japan stated that if the current wording is changed, Japan may have a legal problem. The Chair noted the extensive dialogue on this issue and suggested it be resolved by adding a provision which would state that Contracting Parties will apply the above transshipment prohibition as broadly as possible in accordance with their laws. The Delegate of the EC requested additional time to examine this.

8.4 The Delegate of the United States commented that the intent of the resolution is to prevent non-contracting parties, entities, or fishing entities from circumventing ICCAT measures. There are, however, two loopholes in the resolution; the definition of fishing vessel and the area of application of the measure. He suggested that this needed further discussion. Delegates agreed on the latter point. The intent was to deal with at-sea transshipment, not just high seas. The PWG was instructed to amend Annex 5 of COM/97/19 (now attached as Annex 5-11 to the Commission Proceedings), paragraph 1 to "at sea", replacing high seas.

8.5 The Delegate of Canada distributed, for discussion, a "*Resolution on Becoming a Cooperating Party, Entry, or Fishing Entity*" to ICCAT. The Resolution of Canada was supported by the Delegates of Brazil, Japan and Venezuela. The Delegate to the EC suggested a more precise wording for a part of paragraph 2 of the Resolution. This was agreed by all and the Resolution was approved by the PWG and presented to the Commission for final approval (attached as Annex 5-17 to the Commission Proceedings. The U.S. Delegate added that the Commission should send letters to all relevant non-contracting parties, entities or fishing entities informing them of the provisions of the Resolution.

8.6 Following informal discussions, a Recommendation was tabled on transshipments and vessel sightings. The Delegates of the European Community and Canada requested modifications to some wording. This was agreed by all members and the "*Recommendation Transshipments and Vessel Sightings*" was approved by the PWG and forwarded to the Commission for final approval (attached as Annex 5-11 to the Commission Proceedings).

9. Technical Aspects of the Bluefin Tuna Statistical Document

9.a) Re-exports

9.a.1 The Chair reviewed the recommendation of the inter-sessional to review the Bluefin Tuna Statistical Document Program (BTSDP) to accommodate the re-export of products.

9.a.2 The Delegate of Japan reviewed a proposal to address the re-export of tuna products within the BTSDP. The recommendation addresses two issues; re-export and commercial flow within the European Community. The Delegate of the European Community thanked Japan for its efforts in developing the proposal and felt that it would address both the issue of re-export and commercial flow within the European Community. The Delegate supported the recommendation in principle but requested time to properly review the recommendation.

9.a.3 The Chair concluded that the recommendation was approved in principle; pending member review of the wording and language.

9.a.4 The PWG approved the *"Recommendation Concerning the Implementation of the ICCAT Bluefin Tuna Statistical Document Program on Re-Export"*, and forwarded it to the Commission for final approval (attached as Annex 5-4 to the Commission Proceedings).

9.b) Commercial flow of bluefin products within the European Community

9.b.1 The Delegate of Japan commented that there were two aspects to this issue; transfer within the EC and mutual validation. He suggested that the former was resolved with the proposal for a re-export certificate. The latter, he suggested, applied only to France and Spain at present, when the mutual agreements are formally informed to Japan, through the Secretariat, in accordance with the 1996 ICCAT Recommendation. The process established for mutual validation should require prior notification to ICCAT and to date only France and Spain have complied.

9.b.2 The Delegate of the European Community advised the PWG that (1) the ICCAT recommendations will remain in force; (2) The Community will adapt its current regulations to permit the authorities of the Member States which export bluefin tuna to validate the Statistical Documents of the Member States which fish bluefin tuna; (3) The Community will notify the ICCAT Secretariat of the Community legislation adopted which includes the list of the competent authorities of the Member States who can validate the Statistical Documents; and (4) The EC will cooperate with the other ICCAT Contracting Parties to align the ICCAT recommendations with the new Community system.

9.c) Imports of raised or "farmed" tuna

9.c.1 In a follow-up to the discussion on this subject at the Inter-Sessional Meeting in Washington in May, (see Annex 7 to the 1997 Commission Proceedings) the PWG recognized the need to establish an appropriate scheme and format applicable to raised tuna in connection with the current BTSD.

9.c.2 In the course of the discussion, the issue was raised as to whether the exact attribution of the imported product to a specific flag state is feasible. The PWG recognized, however, that this attribution may be difficult and may sometimes contribute to triggering incentive on the part of the exporter to register unfounded weight should this information become mandatory for the BTSD format.

9.c.3 Nonetheless, the PWG agreed to the need to collect accurate information on tunas which were brought in the farm site, such as the flag country of the fishing vessel, the gear used to catch these, the amounts of catch and so on.

9.c.4 The PWG, therefore, agreed that at the present time the imports of raised tuna shall be treated in the following way.

- 1) The BTSD shall be validated by the country where the tuna was raised.

- 2) The amounts imported of raised fish will be recorded separately from the rest of the imports for each country. And the importing country shall inform ICCAT in that way.
- 3) The name of the export country shall be indicated in item number 1 of each BTSD instead of Flag Country, the name of the tuna farm site shall be indicated in item number 2 of each BTSD instead of the name of the vessel and the nature of the product (farmed or raised tuna) shall be indicated in a footnote at the bottom of item number 5, "Description of fish", of each BTSD.
- 4) The column of net weight shall be filled in with the raised products' weight and the rest of the columns, except gear code and area of catch of each BTSD shall be filled in as in the case of the normal BTSD.
- 5) Tuna farms which raise exported tuna are obliged to keep the following information, i.e. the name of the fishing vessel which caught the tuna for farming, the flag country of that fishing vessel, the gear code, the amounts of catch, the area of catch and the date of reception of tuna for all these received for farming.
- 6) The tuna farm shall submit such information to ICCAT through its government upon the ICCAT Secretariat's request.

9.c.5 The PWG also requested that the appropriate authorities of exporting countries shall make these requirements mentioned above known to their exporters.

9.c.6 For the sake of information, a sample "Bluefin Tuna Statistical Document Form for Raised Tuna" which the Japanese authorities intend to require importers to submit is attached as Appendix 10 to Annex 8.

9.d) Modifications to the format of the BTSD

9.d.1 The Chair noted to the PWG the recommendation of the Inter-Sessional Meeting on Monitoring and Compliance (COM/97/19, now attached as Appendix 4 to Annex 7), paragraph 4, to have the PWG formally record the decision that, in the case of imports of live tuna, this circumstance will be specified in the bottom on item 5, "Description of Fish", of the current BTSD format. This was agreed by all members.

9.d.2 The Delegate of the European Community raised an additional issue of the format of the BTSD (see COM/92/20, page 49). The current format works well when the tuna product is only from one vessel. But, if a shipment contains tuna caught by more than one vessel, then the current format of the BTSD cannot account for this circumstance. In such circumstances, multiple BTSD's are required for the same shipment. The EC fully understands the difficulties of Japan to change the format of the BTSD. But it asks the PWG to reflect its continuing request to examine a modification in the format of the BTSD to allow one shipment to carry one BTSD, instead of the current requirement of one BTSD for each vessel which caught tuna contained in the shipment. The Delegate of Japan replied that Japan has, in the past, examined this request, with negative response, but stated it would continue to study the request, noting that the final decision should rest with the importing country.

9.e) Conversion factors

9.e.1 The Chair reviewed the Recommendation of the Inter-Sessional meeting on Monitoring and Compliance (see COM/97/19, Annex 7, paragraph 5) to request the Commission to adopt a formal decision (based, *inter alia*, on the advice of SCRS) on the conversion factors applicable to imports recorded under the BTSD Program, including a conversion factor for belly meat, in order to estimate catches of Contracting and non-contracting parties, entities, or fishing entities. The SCRS has provided such advice (See SCRS/97/17, 19.5.7 (10) and SCRS/97/80 and SCRS/97/103). The PWG is asked to reflect this decision in its record.

9.e.2 The Delegate of Japan agreed and proposed the PWG formally record the decision on conversion factors as recommended at the Inter-Sessional Meeting on Monitoring and Compliance.

9.e.3 The Delegate of the European Community raised a point of procedure; does the PWG record the decision or must the Commission adopt a resolution. It was unclear at the Inter-Sessional Meeting. The Delegate of the EC asked the PWG to formally reflect the sincere appreciation of ICCAT members for the work of scientists from Spain

and Japan, the Secretariat and SCRS in undertaking the studies and reaching a successful conclusion. The Delegate of the EC noted, particularly, the cooperation and assistance of the Spanish and Japanese industry toward this study and requested the PWG to reflect its appreciation. The Delegate of the EC recommended that the PWG adopt the conversion factors as recommended by SCRS. He further proposed that the conversion factors be applied to the imports of non-contracting parties, entities or fishing entities and that they be incorporated in the "Field Manual". But he noted that for Contracting Parties for which there is Task I data, a different problem arises which needs further clarification. This is a possibility that import data could provoke double counting of estimated catches in a circumstance where belly meat is exported to a particular country and subsequently other product forms of the same tunas are also exported to the same country. In such a circumstance the round weight equivalent may be double the real one. Extensive discussion ensued on the associated risk of double counting by using the conversion factors for Contracting Parties or of understating the round weight equivalent if the conversion factor is not used. The Delegate of the EC concluded that the EC need to study, in concert with its exporting sector, the effects of using the conversion factors and the risk of double counting estimated catches.

9.e.4 The Chair concluded that a consensus was reached to adopt the conversion factors, as recommended by SCRS, and to implement for non-contracting parties, entities, or fishing entities. The Chair asked the EC and others, if needed, to further study the effects of using the conversions factors on Contracting Parties and return next year with additional documentation.

10. Measures to improve ICCAT required fishery statistics

10.1 The Chair noted that this is a concurrent issue with the Compliance Committee and addresses the issue of catches assigned NEI specific to parties. The Chair further noted there were considerable informal meetings among members to develop a resolution on this issue. A "Recommendation Concerning Unreported Catches of Bluefin Tuna, Including Catches Classified as Not Elsewhere Included (NEI)" was tabled and approved by the PWG, and forwarded to the Commission for final approval (attached as Annex 5-3 to the Commission Proceedings). In the discussion on the recommendation, members asked the PWG to clearly record its intent. Particularly, the assessment of NEI catch, as recommended, should not be considered catch history above the amounts reported to ICCAT as Task I. The PWG cautioned that NEI catches classified to any party's catches should not be used to assign catch quotas or for the limitation of catches.

11. Review of the mandate of the Permanent Working Group

11.1 The Delegate of the European Community commented that the work of PWG is growing broader in scope each year and in some areas there is overlap with other Committees, particularly Compliance. He suggested that the mandate of PWG (see Appendix 12 to the 1992 Commission Proceedings) be reviewed to focus its work on particular aspects of ICCAT's responsibilities. The Chair stated that the best means to proceed was to develop and table a formal proposal. It was agreed that interested parties would meet to further discuss this matter.

11.2 The Chair reported the results of the informal discussions among interested parties. There was agreement on the need to revise the Terms of Reference of the PWG. There was a consensus that the statistical focus of the PWG mandate should remain, that its focus on conservation measures should concentrate on non-contracting parties, entities, or fishing entities, but that consideration should also be given to retaining a broad enough mandate to address other conservation matters if Contracting Parties so desire. The new Chairman of the PWG will meet with the new chair of the Compliance Committee and produce a revised Terms of Reference to be circulated prior to next year's meeting of ICCAT. This was agreed.

12. Other matters

12.1 No other matters were raised.

13. Future work and meetings of the PWG

13.1 The PWG will meet at same time and the same place as the 1998 Commission meeting.

14. Election of Chairman of the PWG

14.1 The Delegate of Canada nominated Mr. J. F. Pulvenis (Venezuela) for PWG Chairman, and this was seconded by the EC. Mr. Pulvenis was elected by acclamation.

14.2 Several Delegates thanked Mr. Brian Hallman, the outgoing PWG Chairman, for his hard work in skillful leadership of the Working Group through the development and implementation of the Bluefin Tuna Statistical Document Program. Mr. Hallman thanked the PWG for its support through his mandate.

15. Adoption of Report

15.1 After introducing some modifications, the Report of the PWG was adopted, and forwarded to the Commission for final approval.

16. Adjournment

16.1 The 1997 Meeting of the Permanent Working Group was adjourned.

Appendix 1 to ANNEX 8

PWG AGENDA

1. Opening of the Session
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of the validation of the ICCAT Bluefin Tuna Statistical Documents
5. Status of implementation of ICCAT Recommendations adopted by the Commission in 1996 relative to the Bluefin Tuna Statistical Document Program:
 - a) On the Validation of BTSDs Between ICCAT Contracting Parties Which are Members of the EU
 - b) Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution
 - c) Regarding Panama Pursuant to the 1994 ICCAT Bluefin Tuna Action Plan Resolution
6. Review of responses to the Commission Chairman's letters to: Belize, Honduras, Panama, Trinidad & Tobago, Algeria, Tunisia, Croatia, the EU and GFCM
7. Review of information concerning fishing by non-contracting parties, entities or fishing entities
 - a) Bluefin tuna
 - b) Swordfish
 - c) Other species
 - d) Identification of countries fishing contrary to ICCAT conservation measures
8. Items from the Inter-Sessional Meeting on Monitoring & Compliance regarding proposed measures on transshipment
9. Technical aspects of the Bluefin Tuna Statistical Document
 - a) Re-exports
 - b) Commercial flow of bluefin products within the European Community
 - c) Imports of raised or "farmed" tuna
 - d) Modifications to the format of the BTSD
 - e) Conversion factors
10. Measures to improve ICCAT-required fishery statistics
11. Review of the mandate of the Permanent Working Group
12. Other matters
13. Future work and meetings of the Permanent Working Group
14. Election of Chairman of the PWG
15. Adoption of Report
16. Adjournment

**ADMINISTRATIVE MEASURES BY PANAMA
IN RESPONSE TO THE ICCAT RECOMMENDATION**

Dated: November 13, 1997

From: Ministry of Foreign Affairs
Office of the Minister - Panama
No. DGREI/DREM/N.993

Mr. Chairman:

It is my pleasure to write to you to inform you that the Government of the Republic of Panama, with a firm desire to continue cooperating with the Commission's conservation program for Atlantic bluefin tuna, and committed to the need for finding the mechanisms that lead to a solution of the problem, have signed and published in the Official Gazette, an Executive Decree that regulates the International Fishing Licenses for Vessels in International Service.

This Decree regulates the obtaining of the international fishing license for vessels in international service that are registered or which request their registration in the Panamanian Merchant Marine.

This license will be canceled when there is a duly proven report of a violation of the conservation and management measures of regional and sub-regional fishing organizations.

In this sense, I would appreciate it, Mr. Chairman, if would kindly inform the Member States of ICCAT of the measure taken by the Republic of Panama to assure the efficiency of the Atlantic bluefin tuna conservation program.
(Signed)

RICARDO ALBERTO ARIAS
Minister of Foreign Affairs

TO: Mr. Rafael Conde de Saro, Commission Chairman

PANAMANIAN EXECUTIVE DECREE NO. 49 (OF 13 NOVEMBER 1997)

"By which the International Fishing License for Vessels
in International Service is established and regulated
and other measures taken"

THE PRESIDENT OF THE REPUBLIC
In use of his legal faculties,

CONSIDERING:

That Article 50 of the Decree of Law No. 17 of 9 July 1959 establishes that "all persons who wish to carry out fishing, are obligated to obtain a Fishing License, issued by the Department of Fishing and Related Industries, which is currently called the General Directorate of Marine Resources;

That the Republic of Panama has a considerable international registry of vessels dedicated to fishing on the world level;

That is necessary to regulate the activity of such vessels in order to comply with the obligations and objectives contained in the Convention on the Law of the Sea, adopted by Lay no. 38 of 4 June 1996, as well as other international agreements;

That the issuance of the International Fishing License will assist in the registration and control of the operations of these Panamanian vessels, with an aim towards complying with the fisheries management measures adopted by international organizations for the sustainability of the resources. This will also permit imposing sanctions for violations of these regulations, including the cancellation of the International Fishing Permit.

DECREES:

ARTICLE ONE: An International Fishing License is established for vessels registered in International Service of that solicit their registration in the Panamanian Merchant Marine.

Obtaining the Fishing License for the vessels in International Service and the payment of the corresponding fees, will be prerequisite to the request for registration of the vessel in the Consular and Vessel General Directorate of the Ministry of Finance and Treasury.

ARTICLE TWO: The Fishing License referred to in this Decree, will be requested from the Ministry of Commerce and Industry through the General Directorate of Marine Resources.

ARTICLE THREE: In order to approve the Fishing License the following requirements must be met:

- A) The name of the company and the boat owner, is nationality and address must be confirmed.
- B) Certificate of Tonnage and other vessel documents that might serve to confirm all the characteristics and specifications.
- C) Indicate the marine species that the vessel will catch, and the coordinates of the area where fishing operations will take place.
- D) Indicate the methods and fishing gears that the vessel will use to carry out fishing activities and/or their storage and processing characteristics.
- E) Designate the ports and areas where the vessel will carry out landing operations or transshipment of its catches.

ARTICLE FOUR: Once all the requirements established in the previous Article are completed, the General Directorate of Marine Resources of the Ministry of Commerce and Industry will proceed to issue or refuse issuance of the International Fishing License to the requesting vessel, taking into account the provisions of this Decree, the obligations which emanate from international Conventions on marine species and the economic interests of the Nation.

ARTICLE FIVE: The Panamanian vessels in International Service which at the time of entry into force of this Decree have a fishing permit from the General Directorate of Marine Resources will continue to be registered in the Panamanian Merchant Marine. Notwithstanding, such vessels will request the international Fishing License from the General Directorate of Marine Resources within a period not to exceed three months, from the enactment of this Decree.

Paragraph: The non-compliance of the provisions of this Article is reason for the loss of registration in the Panamanian Merchant Marine.

ARTICLE SIX: The International Fishing License will be valid for one year, and should be renewed prior to the date of expiration.

ARTICLE SEVEN: The following are infractions to the present Decree and reasons for the cancellation of the International Fishing License:

- A) Proven violation of the conservation and management measures of regional and sub-regional fishery organizations.
- B) Proven violation of fishing in the Exclusive Economic Zone of any country, without the corresponding authorization.
- C) Non-compliance of the rules and regulations of the Consular and Vessel General Directorate.
- D) When those conditions cease which served for obtaining the International Fishing License from the Ministry of commerce and Industry, in accordance with the Article Two of this Decree.
- E) When procurement of the International Fishing License has been obtained through deceit or false information.
- F) Non-compliance of the provisions of this Decree.

ARTICLE EIGHT: The International Fishing License established by this Decree will have the following fees:

- A) Vessels up to 2,000 gross registered tonnage, the sum of three thousand Balboas (B/3,000.00) (Panamanian currency).
- B) Vessels greater than 2,000 gross registered tonnage, the sum of five thousand Balboas (B/5,000.00).

ARTICLE NINE: The fees for the International Fishing License should be paid to the General Directorate of Marine Resources of the Ministry of Commerce and Industry.

The monies collected for the issuance of the International Fishing License will be deposited to the general account of the National Treasury.

ARTICLE TEN: Violations of the provisions of this Decree will be sanctioned in accordance with Article 197 of the Fiscal Code, according to the nature of the violation. These fines will be imposed by the General Directorate of Marine Resources of the Ministry of Commerce and Industry.

ARTICLE ELEVEN: The data base of the International Fishing Licenses will be available to all interested parties.

ARTICLE TWELVE: A copy of the sanctions on infractions contemplated in this Decree will be sent to the interested organizations.

ARTICLE THIRTEEN: This Decree will enter into force starting from its enactment.

INFORM AND PUBLISH, Panama City, 13 November, Nineteen Ninety-seven.

(signed & sealed)

(signed & sealed)

CARLOS A. SOUSA LENNOX M.
Minister of Commerce and Industry, In charge

ERNESTO PEREZ BALLADARES
President of the Republic of Panama

Appendix 3 to ANNEX 8

**MODEL LETTER FROM THE ICCAT CHAIRMAN
TO BELIZE AND HONDURAS REGARDING NON-CONFORMANCE
WITH ICCAT CONSERVATION MEASURES**

Dear Excellency:

At its 1996 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a recommendation with the effect of requiring action by ICCAT Contracting Parties that would result in prohibitions of trade in Atlantic bluefin tuna and its products thereof from (Belize) (Honduras). That recommendation entered into force on August 4, 1997.

In a letter dated February 20, 1997, the Commission wrote in detail to (Belize) (Honduras) concerning the recommendation. A copy of that letter with its enclosures is attached.

To date, (Belize) (Honduras) has not responded to the requests made by the Commission.

As detailed in the letter of February 20, 1997, the Commission wanted to collaborate with (Belize) (Honduras), as with other non-contracting [parties, entities or fishing entities] to ensure the establishment of binding requirements on (Belizian) (Honduran) fishing vessels. The specific requirements included: fishing consistently with ICCAT bluefin tuna catch limitations, area closures, and size limits in the eastern Atlantic, including the Mediterranean; no fishing for bluefin tuna in the western Atlantic; collection of all catch data on Atlantic bluefin tuna; and reporting to ICCAT all catches of Atlantic bluefin tuna by fishing vessels under its flag.

The Commission, at its 1997 annual meeting, directed me to write to (Belize) (Honduras) reiterating in full the message of the letter of February 20, 1997. Until (Belize) (Honduras) takes the necessary measures to ensure that ICCAT conservation measures are adhered to by its flag vessels, the prohibitions recommended by the Commission in 1996 will remain in force.

Chairman of the Commission

Attachments

**MODEL LETTER FROM THE ICCAT CHAIRMAN
TO PANAMA REGARDING NON-CONFORMANCE
WITH ICCAT CONSERVATION MEASURES**

Dear Excellency:

At its 1996 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a recommendation with the effect of requiring action by ICCAT Contracting Parties that would result in prohibitions of trade in Atlantic bluefin tuna and its products thereof from Panama. The recommendation is effective from January 1, 1998 unless the Commission were to decide, on the basis of documentary evidence, at its 1997 annual meeting or before, that Panama had brought its fishing practices into consistency with ICCAT conservation and management measures for Atlantic bluefin tuna.

In a letter dated February 20, 1997, the Commission wrote in detail to Panama concerning the recommendation. A copy of that letter with its enclosures is attached. Although the recommendation was adopted in November 1996, the effective date for its implementation was delayed until January 1, 1998. This recognized that Panama had indicated a sincere desire to rectify the Atlantic bluefin tuna fishing practices of its vessels.

As detailed in the letter of February 20, 1997, the Commission wanted to collaborate with Panama, as with other non-Contracting Parties, to ensure the establishment of binding requirements on Panamanian fishing vessels. The specific requirements included: fishing consistently with ICCAT bluefin tuna catch limitations, area closures, and size limits in the eastern Atlantic, including the Mediterranean; no fishing for bluefin tuna in the western Atlantic; collection of all catch data on Atlantic bluefin tuna; and reporting to ICCAT all catches of Atlantic bluefin tuna by fishing vessels under its flag.

The Commission reviewed the data and information provided at the 1997 ICCAT meeting, including the measures which Panama has recently taken to improve control of its flag fishing vessels. Although the Commission appreciates the efforts which Panama has taken, these steps were determined to be insufficient to warrant cancellation or further delay in implementation of the trade measures recommended by ICCAT in 1996. Panama is not reporting catch data to ICCAT. Import information (Bluefin Tuna Statistical Document) indicates that Panama exported 883 MT of Atlantic bluefin tuna to Japan in 1996, and has continued to export comparable quantities during 1997. In addition, there were documented sightings of Panamanian vessels greater than 24 meters in length in the Mediterranean during the 1997 closed season (June-July), contrary to ICCAT conservation measures.

The Commission directed me to write to Panama reiterating the message of the letter of February 20, 1997. The Commission will review the situation again at its 1998 annual meeting and consider the continuation of trade measures on the basis of any new documentary evidence available at that time.

The Commission wishes to encourage Panama to continue expeditiously with the work it has begun, and to fully implement measures which effectively rectify the fishing practices of its vessels.

Chairman of the Commission

Appendix 4 to ANNEX 8

**STATEMENT BY TRINIDAD & TOBAGO
CONCERNING COMPLIANCE WITH ICCAT CONSERVATION MEASURES**

Trinidad and Tobago is requesting that the following statement be incorporated in the report of the 15th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT):

We take this opportunity to affirm our commitment to the principles of sustainable use of fisheries resources nationally and globally through the responsible harvesting of these resources, and in maintaining adequate data collection systems towards these ends.

This has been translated into tangible initiatives aimed at management and conservation of domestic fisheries, however, the nature and scope of issues concerning management of highly migratory fisheries resources of regional and international interest, such as tunas and associated species, have posed a challenge to Trinidad and Tobago, where there are four categories of vessels that use port facilities:

- 1) Locally owned and registered vessels.
- 2) Locally owned foreign flagged vessels.
- 3) Foreign owned and foreign flagged vessels.
- 4) Mother ships (foreign flagged).

Trinidad and Tobago is undertaking activities to meet ICCAT's compliance obligation's through the establishment and enhancement of systems for data collection and reporting. Such systems have been implemented for the effective management of category 1 vessels. With regard to the last three categories, port state responsibilities are being pursued to address shortcomings in data collection. For example, transshipment and catch records according to the assigned national character or flag of vessels have been misreported in the past. As a consequence fish have arrived in the ports of ICCAT Contracting Parties as Trinidad and Tobago "landings" or "exports" and not as catches or transshipments from foreign flagged vessels (categories 2,3,4).

A number of mechanisms have been put in place to enhance data collection as part of our ongoing program in fisheries resource assessment and management and especially in support of our intention to become an ICCAT Contracting Party. In this regard, reference is made to the Trinidad and Tobago National Report (SCRS/93/29); Our 1997 report (SCRS/97/119), addresses queries raised by ICCAT with Trinidad and Tobago in 1997. The actions taken by Trinidad & Tobago include:

- Agreement by category 2 vessels to complete fishing logs (along with category 1 vessels).
- Amendments to existing legal instruments to assign national character to locally owned vessels and entry of such vessels in a national vessel register. National legislation is being revised in cooperation with FAO.
- Ongoing training of custom brokers and relevant customs officials to ensure the accurate recording of all shipments by "flag" of vessel as 'country of origin'.
- Upgrading of the national data collection system through additional staff and improved software systems.

Such data will provide a means of verification of the data available from other sources. It is important to note that the systems for enhancing data collection, including those mentioned above, are currently being implemented and will not have immediate impact. Therefore, the modifications to the systems are expected to be reflected in the 1998 data.

With regard to the quota of 125 tonnes allocated to Trinidad and Tobago for north Atlantic swordfish, the ICCAT quota will have to be shared over a larger number of national flag vessels, when registration changes noted above take place.

The decision to become an ICCAT Contracting Party is one which is being implemented at the highest administrative and political levels in Trinidad and Tobago, and consideration given to the additional resources required to guarantee our ability to meet our obligations. In the interim, Trinidad and Tobago is seeking recognition as a co-operating party to ICCAT, and wishes to use its presence at the 15th Regular Commission Meeting to meet with the ICCAT Secretariat to obtain information and clarify Contracting Party membership requirements, fees, and responsibilities.

**MODEL LETTER FROM THE ICCAT CHAIRMAN
TO BELIZE/HONDURAS/PANAMA ON SWORDFISH**

Dear Excellency:

Subsequent to its 1995 meeting, ICCAT announced that it had adopted an "Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Swordfish". The Resolution on this Action Plan was sent to you by the ICCAT following the 1995 annual meeting. The Action Plan sets forth a process designed to seek the cooperation of parties, entities or fishing entities not members of ICCAT with the conservation program for Atlantic swordfish. The process requires the Commission to review information available on swordfish catch and trade in order to identify non-contracting parties, entities or fishing entities with vessels fishing for Atlantic swordfish in a manner which diminishes the effectiveness of the relevant conservation measures of the Commission, and to request any party, entity, or fishing entity so involved to bring its fishing activities into accord with the ICCAT conservation measures. As a last resort, this process can result in recommendations for Contracting Parties to take measures with the effect of prohibiting trade in Atlantic swordfish from an identified party consistent with the provisions of the action plan resolution.

During the 1997 meeting, the Commission reviewed all relevant information and determined that it had some concerns regarding the fishing activities of vessels flying the flag of (Belize) (Honduras) (Panama) relating to Atlantic swordfish, notably (Belizian) (Honduran) (Panamanian) vessels have been observed fishing in the area over which ICCAT has competence, and not reporting any catches.

Furthermore, an increase in the quantity of swordfish landed by (Belizian) (Honduran) (Panamanian) vessels in Contracting Party ports has been noted.

The Commission therefore requests (Belize) (Honduras) (Panama) to inform it of the implementation of the measures that it has taken to ensure that the Atlantic swordfish fishing activities and catch reporting of vessels flying the (Belizian) (Honduran) (Panamanian) flag are consistent with ICCAT's recommendations. At its 1998 Special Meeting, the Commission will examine the information provided by (Belize) (Honduras) (Panama).

I would draw your attention to the fact that should the Commission consider that such information is not adequate or that the swordfish fishing activities of vessels flying the flag of (Belize) (Honduras) (Panama) are inconsistent with ICCAT recommendations, it may decide to apply the ICCAT Swordfish Action Plan Resolution.

For your information, I am enclosing herewith copies of each of the regulatory measures as well as the Resolutions relative to the activities of fishing vessels of non-Contracting Parties which have been adopted by the Commission.

Please accept the assurances of my highest consideration.

Chairman of the Commission

**MODEL LETTER FROM THE ICCAT CHAIRMAN
TO TRINIDAD & TOBAGO REGARDING ACTIONS PURSUANT TO
THE ICCAT SWORDFISH ACTION PLAN**

Dear Excellency:

At its 1997 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) reviewed the fishing activities of various non-contracting parties, entities, or fishing entities under the Action Plan Resolution for Atlantic Swordfish, adopted in 1995. The Commission reviewed all available information regarding the fishing activities of vessels of Trinidad and Tobago, and of other fishing vessels operating in and around Trinidad and Tobago. Progress has been made since the 1996 meeting of the ICCAT in response to the letter sent to Trinidad

and Tobago by the ICCAT Chairman. ICCAT recognizes Trinidad and Tobago's efforts to monitor its fisheries and to report fully to ICCAT regarding landings and trade data from its country. ICCAT also recognizes Trinidad and Tobago's participation in the 1997 ICCAT meeting and expresses its wish that Trinidad and Tobago will continue to participate and will join ICCAT.

Although the Commission is pleased with the efforts of Trinidad and Tobago, the Commission remains concerned about swordfish catches and landings in Trinidad and Tobago. The Commission will continue to closely observe the situation in Trinidad and Tobago, and ICCAT encourages Trinidad and Tobago to continue its efforts to improve the monitoring of its fishing fleet and its efforts to monitor the activities of fishing fleets using ports located in Trinidad and Tobago. In addition, ICCAT urges the Government of Trinidad and Tobago to implement and enforce ICCAT Recommendations and continue to report catch and trade data.

At the 1998 meeting of ICCAT, the Commission will review Trinidad and Tobago's progress in improving monitoring and control of its vessels fishing for highly migratory species and in the implementation of relevant ICCAT Recommendations.

Chairman of the Commission

Appendix 7 to ANNEX 8

**MODEL LETTER FROM THE ICCAT CHAIRMAN
TO CHINESE TAIPEI REGARDING ACTIONS TO REDUCE
NON-CONFORMANCE WITH ICCAT SWORDFISH RECOMMENDATIONS**

Dear Sir:

At its 1997 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) reviewed the fishing activities of various non-contracting parties, entities, or fishing entities under the Action Plan Resolution for Atlantic swordfish, adopted in 1995. A copy of this Action Plan resolution is enclosed. The Resolution sets forth a process designed to seek the cooperation with the conservation program of ICCAT by non-contracting parties, entities, or fishing entities. The process requires the Commission to review information available on catch and trade in order to identify non-contracting parties, entities, or fishing entities with vessels fishing for Atlantic swordfish in a manner that diminishes the effectiveness of the relevant conservation measures of the Commission, and to request any non-contracting party, entity, or fishing entity involved to bring its fishing activities into conformity with the ICCAT conservation measures. As a last resort, this process can result in recommendations for Contracting Parties to take trade restrictive measures with respect to Atlantic swordfish products from those non-contracting parties, entities, or fishing entities identified under the Action Plan Resolution.

During the 1997 annual meeting, the Commission reviewed all available information regarding the fishing activities of vessels of Chinese Taipei and found that catches of vessels of Chinese Taipei have exceeded the catch limits set by ICCAT for swordfish in the North Atlantic. In 1995, the catch was 489 MT exceeding the cap of 127 MT by 362 MT. In 1996, the catch again exceeded the cap by 397 MT. This continuing disregard for ICCAT conservation measures is a matter of concern, and these catches by Chinese Taipei could diminish the effectiveness of these measures for North Atlantic swordfish. Enclosed are the ICCAT Recommendations and Resolutions which limit catches of Atlantic swordfish in both the North and South Atlantic. Also enclosed is the Resolution of the 1997 meeting of ICCAT regarding becoming a Cooperating Party, Entity, or Fishing Entity to ICCAT.

At the 1998 meeting of ICCAT, the Commission will review actions by Chinese Taipei to implement ICCAT conservation measures and to provide catch and other statistics on its catch and trade in Atlantic swordfish. This information as well as import data from ICCAT Parties will be the basis for determining whether or not to identify Chinese Taipei as diminishing the effectiveness of ICCAT conservation measures. Such a determination would set the stage for possible trade restrictions by ICCAT Parties on Atlantic swordfish according to the ICCAT Swordfish Action Plan.

Chairman of the Commission

**MODEL LETTER FROM THE ICCAT CHAIRMAN
TO BARBADOS/CHILE/COSTA RICA/ECUADOR REGARDING ACTIONS
TO REDUCE NON-CONFORMANCE WITH ICCAT CONSERVATION MEASURES**

Dear Excellency:

At its 1997 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) reviewed the fishing activities of various non-contracting parties, entities, or fishing entities under the Action Plan Resolution for Atlantic Swordfish, adopted in 1995. A copy of this Action Plan resolution is enclosed. The Resolution sets forth a process designed to seek the cooperation with the conservation program of ICCAT by non-contracting parties, entities, or fishing entities. The process requires the Commission to review information available on catch and trade in order to identify non-contracting parties, entities, or fishing entities with vessels fishing for Atlantic swordfish in a manner that diminishes the effectiveness of the relevant conservation measures of the Commission, and to request any non-contracting party, entity, or fishing entity so involved to bring its fishing activities into conformity with the ICCAT conservation measures. As a last resort, this process can result in recommendations for Contracting Parties to take trade restrictive measures with respect to Atlantic swordfish products from those non-contracting parties, entities, or fishing entities identified under the Action Plan Resolution.

During the 1997 annual meeting, the Commission reviewed all available information regarding the fishing activities of vessels of Barbados/Chile/Costa Rica/Ecuador. Trade data showed increased exports to certain ICCAT Contracting Parties from your country. These Contracting Party import figures may indicate that new fisheries for Atlantic swordfish are being developed by Barbadian/Chilean/Costa Rican/Ecuadorian vessels. Specifically, trade data shows imports in 1996 from Barbados of 38 MT/ from Costa Rica (304 MT)/ from Ecuador (82 MT). Information available indicated that Chile had caught 169 MT of Atlantic swordfish and may have landed it in Uruguay. Imports in 1997 continue at similar levels. As these catches of Atlantic swordfish could be in excess of ICCAT conservation measures, the Commission is seeking clarification of the situation from your country. Enclosed are the ICCAT recommendations and resolutions which limit catches of Atlantic swordfish. Also enclosed is the Resolution of the 1997 meeting of ICCAT giving the definition of a Cooperating Parties, Entity, or Fishing Entity and specifying the actions required for a non-contracting party, entity, or fishing entity to become a Cooperating Party.

Given the apparent interest of your country in the harvest of ICCAT species, the Commission requests that you become a Contracting Party to ICCAT or a Cooperating Party, Entity, or Fishing Entity. It is critical for the effectiveness of ICCAT conservation measures that your country abide by all relevant ICCAT conservation measures. In addition, it is very important that your country report catch and trade information relative to catches of ICCAT species to the Commission. The ICCAT Secretariat is available to assist with any of these matters. Copies of documentary evidence of your country's support for the objectives of ICCAT and of the relevant catch and trade statistics should be provided to the Commission in advance of the November, 1998, meeting of the Commission.

At the 1998 meeting of ICCAT, the Commission will review the data and information provided by your country. This information, together with trade data from ICCAT Parties, will be used by ICCAT in its various deliberations, including discussions relating to the Swordfish Action Plan Resolution described above.

Chairman of the Commission

Appendix 9 to ANNEX 8

**MODEL LETTER FROM THE ICCAT CHAIRMAN TO CARICOM REGARDING
COOPERATIVE ACTION AND THE COLLECTION OF DATA**

Dear Sir:

During the 1997 meeting of the International Commission on the Conservation of Atlantic Tunas (ICCAT), trade and catch statistics revealed catches by a number of Caribbean countries that are not consistent with the conservation measures established by the ICCAT. Enclosed letters have been sent to the relevant CARICOM countries.

The ICCAT is concerned that there appears to be an increasing number of countries involved in catching and transshipping Atlantic swordfish. The ICCAT has expressed its concern about swordfish in the 1995 Resolution "Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Swordfish". Catch and trade data have shown Trinidad and Tobago to have exports in excess of the ICCAT established quota for swordfish in the North Atlantic. At the 1997 meeting, representatives of Trinidad and Tobago attended and provided information showing that much of the swordfish is caught by other nations and transshipped through Trinidad and Tobago. Information was also available showing imports of swordfish from a number of CARICOM countries into the U.S. market. Details are included in the enclosed table. Specifically, trade data shows imports in 1996 from Barbados of 38 MT. Information from Trinidad and Tobago reveals transshipments from vessels of St. Vincent of 55 MT, from Suriname of 12 MT.

As you are aware, ICCAT took the decision in 1996 regarding trade restrictive measures that ban the import of Atlantic bluefin tuna from Belize and Honduras because vessels of these countries diminished the effectiveness of the ICCAT bluefin tuna conservation measures. At its 1997 Meeting, the Commission decided to proceed to place the same ban on Atlantic bluefin tuna from Panama for the same reason. We recognize Panama and Honduras are not members of CARICOM.

To the extent that CARICOM countries have an interest in fishing for tunas and tuna-like species in the Atlantic, the Commission requests that they become Contracting Parties to ICCAT or a Cooperating Parties, Entities, or Fishing Entities. It is critical to the effectiveness of ICCAT conservation measures that countries of CARICOM abide by all relevant ICCAT conservation measures.

It is also important that these countries collect and report catch and trade data to the ICCAT Secretariat. The ICCAT Secretariat is available to assist as appropriate.

Therefore, the Commission would be grateful if the CARICOM would put a special priority during this coming year on facilitating cooperative action and collection of information amongst its Member States to improve the effective application of ICCAT measures by CARICOM members which are not ICCAT members.

Chairman of the Commission

Sample Bluefin Tuna Statistical Document Form for Farmed or Raised Tuna

DOCUMENT NUMBER		ICCAT BLUEFIN TUNA STATISTICAL DOCUMENT			
EXPORT SECTION:					
1. FLAG COUNTRY/ENTITY/FISHING ENTITY ----> Export Country/Entity/Fishing Entity					
2. NAME OF VESSEL & REGISTRATION NUMBER (When available) ----> Name of Tuna Farm					
3. TRAPS (if applicable)					
4. POINT OF EXPORT (CITY, STATE OR PROVINCE, AND COUNTRY/ENTITY/FISHING ENTITY)					
5. DESCRIPTION OF FISH					
Product F/FR	Type ^{A/} RD/GG/DR/FL/OT	Gear Code ^{B/}	Area of Catch ^{C/}	Net Wt. ^{D/} (kg)	Tag Number (if applicable)
<p>A/ F=Fresh; FR=Frozen; RD=Round; GG=Gilled & Guttled; DR=Dressed; FL=Fillet; OTH=OTHER (Describe the type of product.) <--- Farmed or Raised</p> <p>B/ When the Gear Code is OT, describe the type of gear.</p> <p>C/ Ocean area (e.g. east/west Atlantic; Mediterranean, Pacific).</p> <p>D/ Insert the product weight of the farmed (or raised) tuna.</p>					
6. EXPORTER CERTIFICATION: <u>I certify that the above information is complete, true, and correct to my knowledge/belief.</u>					
Address	Signature	Date	License # (if applicable)		
7. GOVERNMENT VALIDATION: <u>I validate that the above information is complete, true, and correct to the best of my knowledge & belief.</u>					
Name & Title	Signature	Date	Government Seal		
IMPORT SECTION:					
8. IMPORTER CERTIFICATION: <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>					
Importer Certification (Intermediate Country)					
Name	Address	Signature	Date	License # (if applicable)	
Importer Certification (Intermediate Country)					
Name	Address	Signature	Date	License # (if applicable)	
Importer Certification (Final Destination of Shipment)					
Name	Address	Signature	Date	License # (if applicable)	
(Final) Point of Import: City _____ State or Province _____ Country/Entity/Fishing Entity _____					

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ANNEX 9

REPORT OF THE MEETING OF THE COMPLIANCE COMMITTEE

1. Opening of the meeting

1.1 The meeting was opened by Chairman of the Committee, Mr. Gary Taylor.

2. Adoption of Agenda

2.1 The Agenda was presented for adoption. The Delegate of the European Community recommended that the Report of the Inter-Sessional Meeting on Monitoring and Compliance be moved from Item 8 to Item 4. As no objections were raised, the Chairman accepted the change and the Agenda was adopted, and is attached as Appendix 1 to Annex 9.

3. Appointment of Rapporteur

3.1 Mr. Dennis Imwold (United States) was nominated and accepted to serve as Rapporteur of the meeting.

4. Report of the Inter-Sessional Meeting on Monitoring & Compliance (Washington, DC-May 5-7, 1997)

4.1 Mr. Rafael Conde, Chairman of the Commission, reported on the Inter-Sessional Meeting on Monitoring and Compliance held in Washington, D.C. from May 5-7, 1997. Mr. Conde referred delegates to the Report of the Inter-Sessional meeting (attached as Annex 7 to the Proceedings). He lauded the hard work of all parties at the Inter-Sessional, and praised the three measures proposed by the meeting, i.e. the *"Recommendation Proposed by the ICCAT Inter-sessional Meeting on Monitoring and Compliance for a Vessel Monitoring System Pilot Program"*, the *"Measures Regarding Transshipments Proposed by the ICCAT Inter-Sessional Meeting on Monitoring and Compliance"*, and the *"Recommendation Proposed by the ICCAT Inter-Sessional Meeting on Monitoring and Compliance for a Revised ICCAT Port Inspection Scheme"* (formerly Annexes 4-6 to the Inter-sessional Meeting Report and now attached to the Proceedings as Annexes 5-10, 5-11 and 5-12, respectively). He noted that this was an attempt to "put teeth" into the goals of fishery management at ICCAT.

4.2 The U.S. Delegate expressed pleasure at being able to host the Inter-Sessional, and also praised the hard work and goodwill of the Commission Chairman and all who attended, and moved for acceptance of the report. The Delegate of Canada lauded the attention given at the Inter-Sessional to compliance and monitoring, expressed total support for the measures and endorsed the recommendation to approve the report. The Delegate of Japan endorsed the measures proposed in Annexes 4-6 of the Inter-Sessional Meeting Report (and recommended that the "Technical Aspects of the ICCAT Bluefin Tuna Statistical Document (BTSD) Considered by the ICCAT Inter-Sessional Meeting on Monitoring and Compliance (formerly Annex 7 to the Inter-Sessional Meeting Report; now attached as Appendix 4 to Annex 7) be dealt with further at the meeting of the Permanent Working Group (PWG). The Delegate from the European Community (EC) expressed satisfaction with the Inter-Sessional meeting and favored strengthening compliance and monitoring measures. The U.S. Delegate asked if the status of cooperating non-contracting parties, entities or fishing entities was settled or needed further discussion. The Chairman said that the issues involving non-contracting parties, entities or fishing entities and if the technical aspects of the BTSD would be better discussed during the meeting of the PWG.

4.3 The Chairman reviewed the status of the Annexes to the Inter-sessional Report by noting that the Recommendations on "Vessel Monitoring System Pilot Program" and "a Revised ICCAT Port Inspection Scheme", proposed at the inter-sessional meeting would be submitted to the Commission Plenary for adoption, while the proposed "Recommendation Regarding Transshipments" would be discussed by the PWG.

5. Status of compliance of the Contracting Parties as concerns statistics

5.1 The Chairman asked Dr. Miyake to address the issue of statistics. Dr. Miyake referred delegates to the Report on Statistics and Coordination of Research (COM/97/9). He drew attention to section 2.1 of this document and noted that several Contracting Parties, including People's Republic of China, Cote d'Ivoire, Equatorial Guinea, France, Italy, Libya, Sao Tome and Principe and Venezuela had either not submitted any Task I data, or had only submitted partial data. He remarked that the scientists had to make estimates to make up for missing data, as illustrated in document COM-SCRS/97/16 (Rev.).

5.2 Regarding this document, the U.S. Delegate raised the issue of the data reported in the "Not Elsewhere Included" (NEI) category. He said that ICCAT needs to connect data to the correct parties. Dr. Miyake said that the report was based on Japan's import statistics which are supposed to have included data on the flag of the catching party, type of gear, and area of catch. He said that column 4 showed the excess of imports over reported catch, but was ambiguous as imports from one country, entities, or fishing entities may include catches of other countries, entities or fishing entities. Therefore, he cautioned that those figures were only used as estimations of unreported catches and should not necessarily be attributed to the corresponding countries, entities or fishing entities.

5.3 Dr. Miyake mentioned that the last column in Table 2 of CON-SCRS/97/16 (Rev.), which provides an estimate of NEI catches, shows a 25% reduction from base quotas for the east Atlantic and for the Mediterranean areas. The Delegate of Japan remarked that the two should be added together, except in the case of France, in accordance with the 1995 recommendation. Dr. Miyake explained that Table 3, which was not complete to the extent of Table 2, showed some excess catch for swordfish over imports, and added that there again was some ambiguity regarding the flag of these catches, as exports may include catches from other oceans and/or transshipments.

5.4 The Delegate of Sao Tome and Principe explained that the reason that his country had not reported statistics was that his country had no commercial fishery, nor did Sao Tome and Principe have any imports or exports of tuna. He said ships of ICCAT members were, however, fishing in waters of Sao Tome and Principe, but they had been unable to collect the data relating to these vessels. Dr. Miyake responded that 1996 a letter from the Government of Sao Tome and Principe had been received, showing statistics for a four-month period of that year. He suggested that Sao Tome take up the question of third party fishing vessels bilaterally with the parties concerned. The Delegate reiterated that his country has only an artisanal fishery, and said he would discuss the matter of statistics separately with the ICCAT Secretariat.

5.5 Returning to the original discussion of NEI, the EC Delegate seconded the U.S. call for further information on NEI, urging that SCRS reference each NEI statistic to a specific entity. Dr. Miyake provided delegates with a list of the country, entity or fishing entity codes used, to help to explain the NEI figures. The EC Delegate also asked whether there had been any changes to previous year's catches especially for South Atlantic swordfish.

5.6 The EC Delegate did not agree with the format of the presentation of document COM-SCRS/97/16 (Rev.) and considered that it needed further discussion by the PWG. He asked about the basis for the discrepancies noted in the right-hand column of the report, adding that vessels of one country, entity or fishing entity landing in another should not be accepted as an excuse as the documentation of the catch plainly requires that the flag of the catch vessel and that of the transshipment country, entity or fishing entity be reported. He was not questioning the value of the information contained therein, but he suggested the data be discarded if it cannot be explained.

5.7 Dr. Miyake replied that NEI estimates have to be made when entities report no catch in the face of export data to the contrary. He added, for example, that where one country's, entity's, or fishing entity's exports exceed the reported catches of that country, entity, fishing entity that excess must be explained in some way.

5.8 The Delegate of Canada suggested a review of the report would appear to be consistent with the Compliance Committee mandate. The Chairman said it would appear proper to review data in the Compliance Committee, but matters of format would belong in the PWG.

5.9 The U.S. Delegate pointed out that the NEI data represented a huge percentage of catch overages, and stressed that it was not good to have such a quantity unidentified, and that failure to report remained of great concern to the U.S. He suggested a special informal meeting be held to discuss the matter further. The EC delegate had no objection to the separate meeting as long as south Atlantic catch was included in the discussion. The Chairman accepted the recommendation and scheduled a separate informal meeting on this issue.

6. Review of the status of application and compliance of the ICCAT conservation and management measures

6.1 The Delegate of Canada presented a statement (attached as Appendix 2 to Annex 9) which reminded delegates that in 1996 many expressed disappointment at the rate of non-compliance with ICCAT conservation and management measures, yet the most recent SCRS Report is another disturbing record of performance. Regarding minimum size restrictions, he noted excessive catches of undersized fish. Regarding quotas, many have been surpassed considerably. Unreported catch (NEI) of bluefin tuna in the Mediterranean alone reached 9,000 MT. He stressed that catches must be attributed to Contracting Parties where relevant and not to the NEI category. He warned that stock depletion and collapse will ensue, as non-contracting parties, entities or fishing entities] will not adhere to measures that Contracting Parties continue to ignore. He finished by calling all parties to commit to adherence, and said incentives to comply (and disincentives for non-compliance) must be strengthened.

6.2 The Delegate of Japan reminded delegates that Japan has managed its fisheries, including catch limits by fishing year running from August-July, and not by calendar year, since it imposed a scientific quota for west Atlantic bluefin tuna in 1982. She then reported that a Japanese patrol vessel found one Japanese longliner in the Mediterranean during a closed season and punished it. The patrol vessel had also photographed Korean vessels fishing in the Mediterranean during a closed season. She also reminded delegates that Japan is importing bluefin tuna from countries, entities or fishing entities which are not reporting the catch. She further stated that Equatorial Guinea and the Republic of Guinea were exporting bluefin tuna to Japan but were not reporting any catches in 1993 or 1994 to ICCAT. They were, therefore, not complying with ICCAT requirements.

6.3 The U.S. Delegate supported the statement by the Delegate of Canada, and added that the U.S. would also be providing a statement (attached as Appendix 3 to Annex 9) and a package of recommended compliance measures. He informed the Committee that the United States also has a "fishing year" for swordfish similar to Japan's.

6.4 The Delegate of Korea remarked that his nation prohibits fishing in the Mediterranean during the closed season. He said his government had checked the log books of the concerned vessels and had ascertained that they were not in the Mediterranean at the time of the photographs. He promised his government would continue in their efforts to enforce ICCAT measures. The Chairman asked that Korea send a written report of its investigation.

6.5 The Observer from Panama informed the Committee that his Government had submitted a report notifying the Commission of new measures passed to comply with ICCAT objectives. He remarked that none of the offending vessels cited in the ICCAT letter are now flagged as Panamanian, as offending vessels were being removed from the Panamanian Register. The Chairman noted that the fishing activities of Panama should be addressed at the meeting of the PWG.

6.6 The Delegate of Japan added that he was limiting his comments on the National Report of Japan with regard to illegal Mediterranean fishing to Contracting Parties, and that he would provide information on non-contracting parties, entities or fishing entities at the meeting of the PWG.

6.7 At a later session, the U.S. Delegate presented two proposed recommendations relative to compliance: a draft "Recommendation on Compliance in the South Atlantic Swordfish Fishery", and a draft "Recommendation to Improve Compliance with Minimum Size". The U.S. Delegate recalled that at the previous session both Canada and the U.S. had mentioned the lack of compliance, and the SCRS Report shows that such a lack still remains. While introducing the two proposed recommendations, he explained the provisions. Both draft recommendations include the requirement to report, and included subsequent enforcement measures.

6.8 The EC Delegate, while having no objection to the proposal relating to the south Atlantic swordfish fishery, expressed serious reservations about the proposed recommendation on minimum size, and would need more time to study the draft. The Delegate of Canada referred delegates to his previous statement of concern, and wanted to ensure that ICCAT measures are respected. He considered that members needed incentives to ensure compliance, and thus the recommendation on minimum size was a desirable measure for ICCAT to consider and adopt. He felt the U.S. proposal was a step forward towards improved compliance. The Delegate of Japan supported the proposal on south Atlantic swordfish, subject to agreement being reached on a quota for the south Atlantic swordfish fishery. Although he considered that the proposal on minimum size needed further study, he supported the general thrust of the recommendation.

6.9 The EC Delegate asked how many Contracting Parties had submitted bluefin tuna and tropical tuna catch-at-size data. Dr. Miyake replied that for bluefin tuna, catch-at-size data had been received from Canada, Japan and the U.S. for the west Atlantic, and from France, Spain, Japan (along with partial data from Morocco, Italy, Greece and Chinese Taipei) for the east Atlantic. He added that the scientists believed that catch-at-size data may under-represent small size fishes. For tropical tunas, the major providers of data were France, Spain, Ghana, Japan, Portugal, Cape Verde and Chinese Taipei. He informed the Committee that the Secretariat has tables of undersized fish by country, entity, fishing entity for bigeye tuna which are available to delegates on request.

6.10 Returning to the U.S. compliance proposals, the Delegate of the People's Republic of China stated that to seriously consider the proposal on south Atlantic swordfish would first require the establishment of limits/closures for the south Atlantic swordfish fishery and suggested this be done in the appropriate Panel. He added that he did not initially have a problem with the proposed recommendation on minimum size but needed further time to study it. The Chairman agreed that limits/closures need to be established first before a South Atlantic compliance scheme could begin. The U.S. Delegate explained that the U.S. compliance recommendations were presented in the Compliance Committee with the understanding that a quota for the south Atlantic swordfish fishery would be established in Panel 4.

6.11 The Chairman, at a later session, re-opened the floor for discussion of the proposed recommendation on south Atlantic swordfish fishery, and the proposed recommendation on minimum size. The U.S. Delegate again explained that these proposals were meant to address serious non-compliance with regulatory measures. Regarding the proposal on minimum size compliance, it could be seen that 70% of bigeye caught are under the 3.2 kg. minimum size limit. In the eastern Atlantic, bluefin catch under the 6.4 kg. minimum size has increased to 50% of the overall catch. In the Mediterranean, 35% of bluefin taken are undersized. For yellowfin, undersized catch increased to 49.7% in 1995, up from 31.4% in 1994. To summarize, the draft recommendation proposed by the U.S. to improve compliance with minimum size would apply to bigeye, bluefin, yellowfin, and swordfish; parties, entities or fishing entities will begin to report the harvest of under-sized fish in 1998 and, similar to the 1996 measures, subsequent year overages will require explanation and could eventually result in penalties. The draft recommendation proposed by the U.S. on compliance in the south Atlantic swordfish fishery would simply extend the 1996 ICCAT north Atlantic compliance package to the south Atlantic.

6.12 The Delegate of Japan observed that as long as agreement could be reached on quotas for the south Atlantic, there was no reason not to accept the U.S. proposal on south Atlantic swordfish. He recommended that Panel 4 come to agreement on the quota issue. The Delegate of Canada agreed that there are serious problems with compliance, and as both proposals attempt to address these problems, Canada supported them. The Committee agreed on the proposal on south Atlantic swordfish, in principle, and assuming Panel 4 could agree on a TAC, this Recommendation would be sent to the Commission for adoption. The *"Recommendation Regarding Compliance in the South Atlantic Swordfish Fishery"* is attached as Annex 5-8 to the Proceedings.

6.13 With regard to the proposal on compliance with minimum size, the EC Delegate stated that the EC would be unable to accept it without modification. While the EC agreed with the goal of protecting juvenile fish, the imposition of penalties would threaten those who supplied Task II data. Those who are dutifully submitting their data will be penalized if they report overages on juvenile take. As a better solution, he recommended the use of time/areas closures, such as those voluntarily established by EC vessel owners. While the EC does not yet know the results of its closed time/area experiment, he felt it would be preferable to explore all ways to accomplish the goal of minimum size compliance without penalization.

6.14 The Delegate of Canada agreed with the EC that the proposal on minimum size not in itself likely to achieve the required degree of compliance, and that the Commission needed to continue to seek additional measures to accomplish that objective. He considered, however, that the Commission should support the recommendations in order to mark its concern and establish its commitment. He hoped the proposals would be adopted, and that parties, entities or fishing entities would not be discouraged from providing accurate data, as was consistent with their commitments.

6.15 The U.S. Delegate reminded the Committee that the record of juvenile over-fishing required that something be done. He asked delegates not to focus on the penalties, as there would first be a chance for parties, entities or fishing entities to explain their overages. He recalled that as far back as 1973, the yellowfin minimum size limit had been set at a 3.2 kg. with a 15% tolerance, but there had been little success with compliance over the years. He said the credibility of ICCAT was at stake.

6.16 The Delegate of Japan agreed with the need for regulation of small-sized fish and was concerned that the regulations are continually being violated. He observed that closed areas and regulating FAD use were other options to deal with the issue. He said that since various management options on tropical tunas were under discussion, Japan was not, at that particular moment, prepared to speak for, or argue against, the proposal.

6.17 The EC Delegate noted that the potential negative effect of the proposal would not only be a failure to send data, but also the reporting of biased data to avoid penalization. This would jeopardize the evaluation of stocks. He asked whether the term "import restrictions" would apply to Contracting Parties. The U.S. Delegate replied that the format used in the proposal on minimum size only repeats the 1996 language already approved and used for the bluefin Atlantic fishery. The recommendation would progress from reporting requirements, payback provisions with penalties, to other measures as recommended by the Commission.

6.18 Dr. Miyake noted that scientists do their best to get catch-at-size data and make estimates of small fish take from those data. These data were collected for scientific purposes, and not for ensuring compliance with management measures. He indicated that unless adequate data collection systems were in place, the use of these voluntarily supplied scientific data to enforce compliance could result in a loss of this information in the future". A separate database would need to be created for compliance purposes.

6.19 The U.S. Delegate hoped that compromise language could be agreed. The EC Delegate did not consider that it was merely a problem of language; rather, there was a fundamental difference over the use of sanctions. The Delegate of Brazil expressed the view that use of sanctions would be discriminatory, favoring large consumers whose own fisheries are used totally for domestic consumption over those countries, entities or fishing entities which exported the major part of their catch. He also warned that sanctions could be used for other purposes. The Delegate of Venezuela agreed with Brazil.

6.20 The U.S. Delegate noted the concern over sanctions, and would try to remove the penalty aspects of the proposal while maintaining the thrust of the recommendation.

6.21 At a later session, The U.S. Delegate presented a revised proposal, advising that it attempted to address concerns expressed earlier. What remained in this proposal were three elements: parties, entities, fishing entities are required to report catch of under-sized fish; the Commission will monitor compliance with minimum size catch restrictions; in the year 2000, the Commission may take measures to deal with lack of compliance.

6.22 The EC Delegate appreciated the efforts by the U.S. Delegate to delete elements the EC felt were not appropriate. He appealed to all parties, entities or fishing entities to provide the Task 2 data (catch and effort by small time-area strata, and size data by ICCAT sampling area, by quarter) required to meet the goals of this proposal, and recommended language be added to the Recommendation to promote that. The U.S. Delegate agreed to the introduction of such an amendment.

6.23 The Delegate of the EC inquired about the scope of the proposal, since the heading refers to minimum size of fishes generically, whereas the text referred to bluefin. The U.S. Delegate replied that the proposal referred in paragraph 2 to the "harvest of any ICCAT stock".

6.24 The Delegate of Japan agreed with the revised proposal. After no further discussion, the Chair declared that the proposal was approved and would be submitted to the Commission for adoption. The *"Recommendation to Improve Compliance with Minimum Size Regulations"* is attached as Annex 5-1 to the Commission Proceedings.

6.25 The Delegate of Brazil sought to reopen discussion of the Recommendation Regarding Compliance in the South Atlantic Swordfish Fishery. The Chair noted that record showed that this had been approved earlier and the subject was therefore closed. The Delegates of Uruguay and the Delegate of Sao Tome and Principe urged that Brazil be heard. The Executive Secretary, however, advised that as a point of order, discussion could not be reopened by the Committee after a recommendation had been approved. The Chair ruled that any further discussion on the proposed recommendation would have to take place during the Plenary Session of the Commission. The delegate of Brazil confirmed his intention to raise the issue at the Plenary Session.

7. National rules for the application of the ICCAT measures and the collection of catch data

7.1 The EC Delegate informed the Committee that the EC was working on a package of measures to comply with ICCAT regulatory measures on a Community-wide basis, and had already prepared a proposal on bluefin tuna and swordfish catch limitations. He then asked each EC Member State present to summarize national developments over the past year:

— *Spain* reported that 1996 was the first complete year after entry into force of its regulation of its longline fishing fleet in the south Atlantic. The Spanish fleet reports statistics regularly, but there is sometimes a delay from south Atlantic ports. For the past year, catches by Spain were within their quota limit in the north Atlantic, but exceeded the catch limit in the south Atlantic. According to available updated information, limits shall not be exceeded this year. Spain has data available in summary form for those who are interested. For bluefin tuna, Spain this year had stayed within the 15% limit for juveniles, although many vessels in the Mediterranean are artisanal, which results in a greater mortality for juveniles. Spain is adopting measures for the collection of catch reports from its Mediterranean fleet. Spain closed the fishery for purse seiners in the Mediterranean in August which helped limit catch this year, but its Atlantic fleet had an exceptional catch. For tropical tunas, SCRS recommendations have been taken up, allowing catch levels for yellowfin and bigeye to remain at 1991-1992 levels. Spain has taken voluntary measures to reduce catches of juveniles of yellowfin and bigeye down through time/area closures. Spain has reduced purse seine vessels in tropical fisheries, and now has 25% observer coverage there.

-- *France* reported voluntary measures adopted (with Spain) to reduce juvenile catch of bigeye and yellowfin through a time/area closure for fish aggregating devices (FADs). France reminded delegates that it has had tropical tuna recommendations going back 20 years, but noted the measures were not effective to reduce the catch of small fish. On bluefin tuna, France has taken measures to limit the number of fishing vessels and monitor their activities and their catches. France closed its purse seine fishery in August this past year, and this fleet complied with its quota. Regarding export of bluefin tuna, France now had an agreement which allowed Spanish authorities to validate the Bluefin Tuna Statistical Documents for the French catches exported from Spain.

— *Portugal* reported that legislation was passed in August on swordfish, establishing a partial quota for the mainland, Azores, and Madeira fleets. The mainland fleet achieved its quota this year and the fishery was closed. Portugal also hopes to close its 1997 swordfish fishery off the Azores. Although Portugal's 1996 catch was seen as exceeding quota (perhaps as the result of improved statistics), future catch will be kept under control.

— *Italy* said its Ministry of Agriculture established a working group to improve the collection of statistics. Regarding limitation of Mediterranean catch, Italy has a driftnet retirement plan and were considering other measures that should result in a reduction of catch. Aircraft use for purse seine fishing has been banned. An observer program starts next year for longliners. Italy reported increased control all over the Italian coast.

7.2 The U.S. Delegate reported, on a U.S. fishing-year basis, a swordfish take during fishing year of June 1996-May 1997 in the north Atlantic of 2890 MT (within the 3500 MT quota), and a south Atlantic swordfish take of 386 MT (exceeding the 250 MT limit). The U.S. fishery in the south Atlantic is a new one which was not regulated by the U.S. Government until this year. For bluefin tuna, the United States has a commitment to reduce long-line fishery discards. To protect spawning areas in the Gulf of Mexico, the U.S. allows only one bluefin tuna to be taken as by-catch per trip. This results in fish being discarded. In 1996, the U.S. reduced bluefin discards by 50%, and hopes to report further progress next year.

7.3 Dr. Miyake referred to the National Reports, and noted that only the texts of these reports are translated and published in the "Biennial Report", whereas the annexes are kept on file at the Secretariat, in their original language. He also noted that the reports of some parties, entities or fishing entities are increasing considerably in volume, and asked the delegates to consider whether the Secretariat should include the translated reports in their entirety in future Biennial Reports. The Delegate of Canada reminded the Committee that the guidelines indicate National Reports should not exceed 8 pages, or 20 pages in the case of multiple fisheries. The EC Delegate suggested the Secretariat consider only a translated abstract of National Reports be included in future Biennial Reports. This suggestion was accepted by the Committee.

7.4 The Delegate of Ghana reminded delegates of past controversy over landing of juvenile fish. Since then fish aggregating devices (FADs) had come into vogue and actually increased the take of juveniles. This topic was discussed at the 1996 meeting of the Commission, but no action was taken. While France and Spain can be lauded for

voluntarily giving up FADs during a three-month spawning period, the FADs are then again put in use for the other nine months, returning to the previous harmful practice. He called for the voluntary restriction to be extended and adopted by other parties. The EC Delegate responded that while France and Spain did voluntarily establish an area/time closure for FADs, it was regrettable that others did not adopt similar measures. He added that catches of undersized yellowfin and bigeye are unavoidable as they were also caught incidentally when fishing for skipjack.

8. Current ICCAT Port Inspection Scheme

8.1 The Executive Secretary reported that the current status of acceptance of the scheme is shown in the Administrative Report (COM/97/6). The EC Delegate referred to the Annexes of the National Reports, showing that in the past year there were 56 inspections in the Atlantic under the ICCAT scheme, with 10 violations found, and 46 in the Mediterranean, with 23 violations found. He remarked that national considerations inhibit further inspections of the ports of Contracting and non-contracting parties, entities or fishing entities. The Chairman urged adoption of the scheme by all Contracting Parties as soon as possible.

9. Review of compliance with the United Nations Resolutions on large-scale pelagic driftnets within the ICCAT Convention area

9.1 The EC Delegate informed the Committee that a Community Regulation of 1992 prohibits the use of driftnets longer than 2.5 km. To support that prohibition, national control programs have been set up, as well as a Community-wide program to monitor compliance. He said that recently a Member State had instituted a re-conversion plan for the fleet fishing for swordfish, and the EC had taken part in the funding of that program. He mentioned that this program provides important financial incentives to encourage driftnet fishermen to quit this activity. He added that next year the EC will undertake to complete data and supply them to the SCRS in relation to this fishery.

10. Date and place of the next meeting of the Compliance Committee

10.1 It was decided that the next meeting of the Compliance Committee would be at the same time and place as the Eleventh Special Meeting of the Commission.

11. Other Matters

11.1 No other matters were raised.

12. Election of Compliance Committee Chairman

12.1 Japan nominated Mr. C. Dominguez of the EC to serve as Compliance Committee Chairman. Canada seconded the nomination. Venezuela, Brazil and Sao Tome all supported the nomination. The Committee thanked the out-going Chairman, Mr. G. Taylor (EC) for his excellent work, and welcomed Mr. C. Dominguez as new Chairman.

13. Adoption of Report

13.1 The report of the Compliance Committee was adopted.

14. Adjournment

14.1 The 1997 Meeting of the Compliance Committee was adjourned.

AGENDA OF THE COMPLIANCE COMMITTEE

1. Opening of the meeting
2. Adoption of Agenda
3. Appointment of Rapporteur
4. Report of the Inter-Sessional Meeting on Monitoring and Compliance (Washington, D.C. - May 5 to 7, 1997).
Review and consideration of proposed Recommendations and Resolutions
5. Status of compliance of the Contracting Parties as concerns statistics
6. Review of the status of application and compliance of the ICCAT conservation and management measures.
Questions resulting from the SCRS Report
7. National rules for the application of the ICCAT measures and the collection of catch data
8. Current ICCAT Port Inspection Scheme
 - Status of acceptance of the Scheme by the Contracting Parties
 - Progress obtained in the inspections carried out under this Scheme
9. Review of compliance of the United Nations Resolutions on large-scale pelagic driftnets within the ICCAT Convention area
10. Date and place of the next meeting of the Compliance Committee
11. Other matters
12. Election of Compliance Committee Chairman
13. Adoption of Report
14. Adjournment

STATEMENT BY CANADA ON COMPLIANCE

Last year in this forum, we focused on the status of compliance with ICCAT management measures by Contracting Parties. At that time, many delegations expressed concern and disappointment with our record of compliance. The high degree of non-compliance by many Contracting parties was noted, and the adverse effect which this performance has on the credibility of this Commission was emphasized.

The most recent SCRS report provides us with a report card on the progress that has been made by Contracting Parties in adhering to the management measures adopted by the Commission. Again, a disturbing record of performance emerges.

For yellowfin, ICCAT has adopted a minimum size limit of 3.2 kg. For the period 1975-94, 48% of the catch has been less than 3.2 kg. Moreover, the overall fishing effort has increased by 10.5% over the period 1993-96, contrary to the requirement that fishing effort not increase above the 1992 level.

For bigeye, 70% of the catch taken in 1996 was below the minimum size limit of 3.2 kg. I would emphasize that 70% of the catch was in non-compliance.

For bluefin, in 1974, ICCAT recommended that bluefin tuna fishing mortality in the entire Atlantic and in the Mediterranean be limited to recent levels. This recommendation entered into force in 1975. The SCRS report advises us that this restriction "has not had any impact since the measure has never been respected."

We have adopted a minimum size limit of 6.4 kg. In the eastern Atlantic and Mediterranean, 40% and 35% respectively of the catch in these two areas was less than 6.4 kg. For these same two areas, the Commission adopted a measure requiring a 25% reduction in catch based on catch levels of 1993 or 1994, to be achieved by 1998. The SCRS notes that the response to this measure to date is that "quotas have been surpassed considerably for certain countries" and in addition "there has been an increase in unreported catch."

For swordfish, ICCAT has adopted a minimum size limit of 25 kg, or a minimum length of 125 cm. The tables in the SCRS report show that there is a considerable number of countries not in compliance with these minimum size restrictions

In addition to the failure to comply with these management measures, we are also observing a disturbing trend in the amount of catch which cannot be attributed to specific Contracting Parties. The category of NEI features prominently in our tables of catch statistics. In 1994, 7,138 MT of bluefin in the Mediterranean was listed under the NEI category. In 1996 this has risen to 9,234 MT. This is an increase of almost 30%. In 1996 it also represents about 32% of the entire bluefin catch in the Mediterranean.

We must do something about this situation - catches by Contracting Parties must be counted accurately and assigned to the country that catches the fish. This increasing trend of assigning catches to NEI must be addressed.

The widespread failure of management systems to ensure adherence to measures adopted by ICCAT should be unacceptable to all Contracting Parties. These measures have been adopted to ensure that we achieve conservation objectives and ensure that we have a sustainable fishery for the long term.

Our failure to ensure compliance with measures the Commission has adopted not only undermines the credibility of ICCAT. More importantly, it results in significant loss of yield, and erodes future options by permitting increased catches of juvenile fish. the outcome will inevitably be stock depletion and eventual collapse.

This poor record also weakens our ability to expect non-Contracting Parties to adhere to ICCAT measures. How can we expect others to comply with restrictions we ourselves ignore?

We are at an important decision point for this Commission. If we continue to ignore management measures, and pay lip service to the scientific advice we receive, the outlook for the stocks under our collective responsibility is indeed bleak. If we wish to achieve a sustainable fishery, we must all make a commitment to compliance to management measures we adopt.

Last year we adopted important new measures to provide greater incentives to ensure adherence to quotas. This year, we need to extend that concept to provide incentives for compliance with management measures. We would strongly support the introduction of measures which would serve as dis-incentives to those who do not comply with the rules set by the Commission.

Appendix 3 to ANNEX 9

STATEMENT BY THE UNITED STATES ON COMPLIANCE

Last year, ICCAT took a historic step to address over-fishing of bluefin tuna and North Atlantic swordfish by adopting compliance measures applicable to member countries. These measures included annual reports of catch limit overages, reductions of catch levels by 100% of these overages during the subsequent management period, and ultimately, possible reductions of 125% of these overages and, if necessary, trade restrictive measures. Further, ICCAT held a successful Inter-sessional Meeting on Monitoring and Compliance to address additional concerns, such as transshipment at sea, stateless vessels, port inspection, and vessel monitoring Systems (VMS).

All members of ICCAT should be proud of these recent actions. Compliance is essential to the success of the ICCAT conservation program. But, our work is not over.

Despite strong statements of support for ICCAT compliance, the data presented by SCRS indicate otherwise. Review of SCRS reports and other data provided by the Secretariat reveal substantial non-compliance with catch limits and minimum size restrictions for several species.

For bluefin tuna in the eastern Atlantic and Mediterranean, a number of countries have exceeded the 1995 cap (i.e. the higher of 1993 or 1994 catch levels), especially when the Not Elsewhere Included (NEI) catch is taken into consideration. Some countries have not made significant efforts to reduce their catch of bluefin towards the 1998 goal

of a 25% reduction from the current cap. The record for North Atlantic swordfish is no better with seven countries exceeding the current cap.

The data indicate that compliance with minimum size is worse. For eastern Atlantic and Mediterranean bluefin tuna, SCRS estimates that the proportion of fish caught less than 6.4 kg increased to 50% in 1995 and will likely remain high in 1996. For bigeye tuna, in 1996 the harvest of fish less than the minimum size was 70%, continuing an increasing trend since 1991. Of the yellowfin harvested in 1995, 50% were less than the minimum size of 3.2 kg. up from 31% in 1994.

Flagrant non-compliance not only leads to the further decline of stocks, it weakens the ICCAT regime, and impacts the fishermen and communities dependent upon these valuable resources. Therefore, we believe the 1996 ICCAT compliance package should be expanded. We must continue to build on the compliance agreements of 1996 by expanding to South Atlantic swordfish the 1996 "Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries", and by seeking ways to ensure compliance with existing minimum sizes. Toward these ends, we will seek discussion of specific proposals in the Compliance Committee and in the appropriate Panels.

REPORTS OF THE MEETINGS OF PANELS 1 TO 4

Report of the Meeting of Panel 1

1. Opening

1.1 In the absence of Dr. L. Koffi (Cote d'Ivoire), the Chairman of Panel 1, the members of the Panel requested Dr. H. Silva (EC) to act as Chairman. Dr. Silva agreed to chair the meeting and opened the session.

2. Adoption of Agenda

2.1 The Agenda was adopted without change, and is attached as **Appendix 1 to Annex 10**.

3. Appointment of Rapporteur

3.1 Dr. A. Fonteneau (EC) was appointed rapporteur for the Panel.

4. Review of Panel membership

4.1 Following the entry of the European Community into ICCAT, substituting the Member States of the Community, Panel 1 currently comprises seventeen members: Angola, Brazil, Canada, Cap Vert, Côte d'Ivoire, European Community, Gabon, Ghana, Japan, Korea, Libya, Morocco, Russia, Sao Tome & Principe, UK-Bermuda, United States and Venezuela. Of these, Gabon, Cape Verde, Cote d'Ivoire and Morocco were absent from the Panel meeting. An Observer from Chinese Taipei was admitted.

5. Report of the Standing Committee on Research and Statistics (SCRS)

5.a) Yellowfin

5.a.1 The Chairman of the SCRS, Dr. Z. Suzuki (Japan), reviewed the main points of the report of the SCRS (Item 6 on the Commission Agenda). Regarding yellowfin, he recalled that the SCRS assess the yellowfin stock under a single stock assumption. The current catches, 136,000 MT in 1996, are slightly below maximum sustainable yield (MSY), estimated to be about 150,000 MT. The SCRS considers the stock to be at a level of full exploitation, although any possible degree of over-exploitation is difficult to assess, due to serious uncertainties relating to the increase in purse seine fishing power. The SCRS recommended that a Working Group meet in May 1998 to try to improve estimates of the effective effort employed on yellowfin and the current rate of exploitation of this species.

5.a.2 The European Community noted the need for the better protection of juvenile yellowfin, but stressed that this problem should be addressed in the context of overall multi-species management, taking into account the management of skipjack and bigeye. The two programs initiated in 1997 by the European Union, an observer program and a program aimed at the voluntary seasonal closure of the purse seine fishery using floating objects by the European purse seiners, should lead towards an eventual reduction in the catches of juveniles.

5.b) Skipjack

5.b.1 The SCRS Chairman summarized the conclusions of the SCRS on the state of the skipjack stocks in the east and west Atlantic, although the SCRS had not carried out a stock assessment on skipjack in 1997. The biological

characteristics of this species, particularly their rapid growth and early reproduction, cause no concern for the conservation of this resource. It seems, however, that in the east Atlantic, the catches of skipjack have shown a slow but regular decline over the last four years, despite the sustained fishing efforts targeting on this species, particularly in the operations of many artificial floating objects. This could be an indication of regional over-exploitation of the eastern stock. The SCRS concluded that the state of stock should be closely monitored.

5.b.2 In response to a question by the Chair as to how the SCRS could improve these analyses, the SCRS Chairman replied that various actions had been taken in this regard, including the bigeye observer program, the size and species sampling program relating to European Union purse seiners which has just been completed (the results of this program will be available in early 1998), and the working group which the SCRS intends to hold in May 1998, will all assist in making progress in the analyses of the state of the skipjack stocks.

5.c) Bigeye

5.c.1 Following the decision taken by the Commission in 1996, bigeye tuna was dealt with for the first time by Panel 1.

5.c.2 The SCRS Chairman summarized the conclusions of the SCRS regarding the state of the Atlantic bigeye stock. The SCRS had carried out an intensive stock assessment this year which confirmed the serious concerns about its present condition: it is clear to the SCRS that the bigeye stock has been notably over-exploited since 1993, as a result of both the rapid increase in the catches of juveniles by surface gears (especially purse seiners), and by longliners. The catch in recent years reached a level of 107,000 MT (1994-1996), the MSY being estimated at a level well below this, at between 70,000 and 90,000 MT. A marked decline in the size of the spawning stock was noted, which is now at a level which threatens to be insufficient to sustain the stock. The forecast for the future of this stock is very uncertain, due to the many uncertainties regarding the biology of this species (for example, stock structure, growth, natural mortality, etc.) but is generally pessimistic, unless a significant reduction in catches (of both juveniles and adults) be effected immediately.

6. Measures for the conservation of stocks

6.a) Yellowfin

6.a.1 The conservation measures limiting the season of fishing on floating objects, decided voluntarily by the European Union purse seiners, should reduce mortality of juvenile yellowfin, of which there are important catches, especially of individuals weighing less than 3.2 kg. Management measures for yellowfin were not discussed.

6.b) Skipjack

6.b.1 No management measures for this stock were recommended.

6.c) Bigeye

6.c.1 The Delegate of the United States expressed concern that the catch level of 85,000 MT recommended by the SCRS seemed excessive compared to the low rate of replacement yield estimated by the SCRS for this stock. Dr. Suzuki explained that the catch level currently recommended by the SCRS was the result of major uncertainties in the current analyses. This level was the minimum objective of the SCRS, and that a further reduction in catches would be desirable.

6.c.2 The Delegate of Japan expressed concern over effects that the catches of juveniles taken by purse seiners, and of adult fish taken by the longliners of one country, entity or fishing entity have on the state of the stock. He fully welcomed the closed season for fishing on floating objects voluntarily decided by the French and Spanish purse seiners. The Delegate of Japan also suggested that it would be useful for ICCAT to consider making the content of this initiative an ICCAT Recommendation. The Delegate of Japan also expressed his concern regarding the spectacular increase in longline catches by Chinese Taipei which arose from the revisions to the data submitted this year to the SCRS by Chinese Taipei. These catches had increased from 1,000 MT in 1989 to 25,000 MT in 1996. The Delegate

of Japan believed that this increase was one of the causes of the current increase in the overall catch, and that it was contrary to the commitment undertaken by Chinese Taipei; Japan therefore requested that Chinese Taipei reduce its catches of bigeye to 12,000 MT, this being the level which the Commission had requested at the 1995 meeting. The Delegate of Japan concluded by expressing his concern about the risk that some fleets may change to flags of convenience, with the aim of avoiding the catch limits to be decided by ICCAT, or other conservation-related requests made by ICCAT. He concluded that ICCAT should put management measures relating to fishing effort limitation into effect which would be really efficient for all fleets. The statement by Japan is attached as **Appendix 2 to Annex 10**.

6.c.3 The Observer from Chinese Taipei responded by submitting a statement which clarified its position regarding the increase in bigeye catches recently reported by Chinese Taipei to ICCAT. The statement by Chinese Taipei is attached as **Appendix 3 to Annex 10**.

6.c.4 The Delegate of the European Community said there was a need to reduce the catches of both juvenile and spawning bigeye, but considered that it was still premature to adopt, at ICCAT level, the measure to restrict catches taken by floating objects which had been voluntarily adopted this year by the French and Spanish purse seiners. The results of the management measures put into effect for the first time by the fishermen this year should first be analyzed by the SCRS.

6.c.5 The Delegate of Japan expressed the idea that the current over-exploitation of the bigeye and other tropical tuna stocks was largely due to the excessive increase in the size of the fleets. To resolve this problem of overcapacity, the Delegate of Japan suggested a series of technical measures for ICCAT to monitor the names of all the tuna fishing vessels catching bigeye, through a statistical register which would be established by ICCAT. This proposal by Japan was the subject of some discussion.

6.c.6 The Delegate of the European Community stated that the Japanese proposal constituted an interesting base for discussions on how to better monitor fishing effort. He also suggested that the future registration of tuna vessels fishing for bigeye ought to be limited to vessels of a certain size, this size limit being open for discussion. He also confirmed his interest in studying, in 1998, the establishment of closed seasons similar to those which had been put into effect by European purse seiners in 1997, and also closed seasons for longliners, similar to those which were in effect for Mediterranean bluefin tuna, with the aim of protecting the spawning stock.

6.c.7 The Delegate of Canada stressed the need to take into account the SCRS recommendation that catches be reduced to levels below MSY and to reduce the catch of juveniles. He also supported the proposal made by the European Community that the future register of vessels fishing for bigeye be limited to vessels of a minimum size, e.g. 24 meters in length, and this category of vessels should, in the near future, have their positions monitored by satellite, as this vessel length is the same as that adopted for the pilot program on vessel monitoring.

6.c.8 The Delegate of Japan reminded the Panel that the real problem was still the fishing overcapacity of both the surface and longline tuna fleets, especially of large-sized industrial vessels. He expressed the view that the closed fishing seasons for fishing on floating objects should be put into effect, but that he did not envisage closures aimed at protecting bigeye spawners, as these had not been recommended by the SCRS. He also called attention to the fact that a number of small countries, entities, fishing entities which were not members of ICCAT had recently expanded fishing effort by re-flagging and it was necessary to discourage these flags of convenience.

6.c.9 The SCRS Chairman clarified that while the SCRS had not made any explicit recommendation concerning closed seasons for longliners, it was clear that adequate measures ought to be adopted to reduce the catch of spawners. He also reminded the Panel that the excessive catches of juvenile bigeye tuna had a negative effect on the biological productivity of the stock.

6.c.10 The Delegate of Brazil expressed some reservations about all the proposals aimed at limiting fishing effort, especially that of coastal states which only operated with small vessels. He considered that the controlling of catches by quota for which each country, entity or fishing entity is responsible for the correct application, was preferable to a control of fleet size. He expressed serious concern regarding the excess catches of juvenile bigeye and yellowfin by fisheries using floating objects and considered that the closed season established by the European purse seiners was an insufficient measure. The Delegate of Brazil concluded by proposing that the use of FADs be progressively abolished, and that such abolition should be attained by the end of 1999. The Recommendation proposed by Brazil is attached as **Appendix 4 to Annex 10**.

6.c.11 The Delegate of China agreed in principle with the Japanese proposal to limit the fishing overcapacity of the fleets, but also expressed concern that such a system may unfairly restrict access to tuna resources by those countries, entities or fishing entities which are not yet active in the fishery.

6.c.12 The Delegate of the United States subscribed to the view that there was a need to reduce catch of bigeye by 20% to meet the SCRS recommendation. He stressed the seriousness of the current predicament of bigeye and the urgency of effectively limiting catches, both of juveniles and adults. He recalled that his country only caught small quantities of bigeye with various types of vessels, including commercial, sport and recreational vessels. He proposed that any country, entity or fishing entity which caught only small quantities of bigeye, less than 2,000 MT per year, should be exempted from the registry of vessels fishing for bigeye tuna. He also called attention to a U.S. proposal to improve compliance with minimum size measures.

6.c.13 The Observer from Chinese Taipei supported the Japanese proposal to establish an ICCAT registry for vessels fishing bigeye tuna.

6.c.14 The Delegate of the European Community stated that the closure adopted by the purse seines was an historic initiative for ICCAT tuna fisheries, and the positive effects on tuna resources should be analyzed by the SCRS, which should collect all the information. The statement by the Delegate of the EC is attached as **Appendix 5 to Annex 10**.

6.c.15 The Delegate of Russia stressed the value of taking measures aimed at protecting juvenile bigeye, and of carrying out further research on this species. He also informed the Panel of Russia's intention to develop such research in the near future.

6.c.16 Following these discussions, Panel 1 proposed the following three measures:

(1) following the proposal by Japan, amended after the issue had been discussed by the Panel, a Recommendation to establish an ICCAT register of fishing vessels exploiting bigeye tuna in the Atlantic, i.e., the "*Recommendation by ICCAT Concerning Juvenile Bigeye Tuna and Fishing Fleet Size*" (attached as Annex 5-13 to the Commission Proceedings;

(2) a Resolution to limit the bigeye tuna catches of Chinese Taipei to a level of 16,500 MT, i.e., the "*Resolution by ICCAT on Chinese Taipei Bigeye Tuna Catches*" (attached as Annex 5-15 to the Commission Proceedings; and

(3) a general resolution to reduce bigeye catches, i.e., the "*Resolution by ICCAT on Bigeye Tuna Catch Reduction*" (attached as Annex 5-14 to the Commission Proceedings.

6.c.17 The Panel adopted these three Resolutions and forwarded them to the Commission for final adoption. The Panel also considered that the adoption of these Resolutions would constitute a first positive step towards limiting the fishing mortality of bigeye tuna.

6.c.18 The Observer from Chinese Taipei expressed reservations about the resolution which aimed to limit the bigeye catches of Chinese Taipei, and considered that this recommendation discriminated against their fisheries.

6.c.19 Regarding the future ICCAT register of vessels fishing for bigeye, the Delegate of Canada, recognizing the benefit this measure, informed the Commission that it would be impossible for Canada, due to Canadian national legislation, to submit the names and addresses of fishing vessel owners to ICCAT; other information concerning the vessels could be sent without any difficulty.

6.c.20 The Delegate of the European Community stated that he considered the current ICCAT measures on minimum size of yellowfin and bigeye to be biologically unrealistic, and that it would be still very difficult to apply them effectively, because of the mix of the various tuna species harvested in the schools. He requested that the SCRS study the applicability of this measure, taking into account the multi-species nature of the fishery and the selectivity of the gears.

7. Research

7.1 The SCRS Chairman informed the Panel about the ambitious research program on bigeye tuna proposed by the SCRS in 1996, the need for which was confirmed in 1997 by the SCRS. The Chairman of the SCRS recalled that the SCRS considered that such a program was necessary for the rational management and conservation of this very valuable resource. He also pointed out the value of the Working Group on the purse seine abundance indices, the results of which would allow better estimation of effective effort operating on the various species and stocks.

7.2 The Panel Chairman stressed the importance of carrying out these two projects, especially the Bigeye Year Program.

7.3 The Delegate of the European Community asserted that the non-adoption in 1996 of the first version of the Bigeye Year Program (BETYP) submitted by the SCRS made it essential that this program become operational this year, as the results were vital to the conservation of bigeye tuna which is a very valuable tuna resource. He concluded by expressing the hope that all interested parties participate actively in the BETYP.

7.4 The Delegate of Canada pointed out the very positive consequences that would result from the seed money which he hoped would be allocated to the Bigeye Year Program, which Canada considered to be very beneficial, based on the experience with the Bluefin Year Program last year.

7.5 The Chairman noted the consensus of the Panel which was in favor of the Bigeye Research Program being carried out, and that the Panel hoped STACFAD would provide initial funding.

8. Date and place of next Panel meeting

8.1 The Panel decided to hold its next meeting at the same time and place as the next meeting of the Commission.

9. Other matters

9.1 A model letter written to Contracting Parties and non-contracting parties, entities or fishing entities which fish on floating objects in the Gulf of Guinea, to invite them to participate in the time/area closure of this fishery, undertaken by the European Community purse seiners from November 1997 to January 1998, was discussed.

9.2 The Delegate of the European Community emphasized the courage of this exemplary initiative of these fishermen, stating that others should be encouraged to follow their example, and the voluntary measure should be extended to other purse seine fleets operating in the area, although it was recognized that complementary management measures needed to be studied and adopted in future.

9.3 The Delegate of Ghana also applauded the initiative of the closed area/season recently imposed by the European Community purse seiners and hoped that all countries, entities or fishing entities with purse seine fisheries on floating objects would join the program, considering it would be dishonest for those countries, entities or fishing entities not to participate in this program to use floating objects in the area prohibited to the European seiners. He noted, however, that the effectiveness of this closed area/season had required much technical preparation by both the fishermen and the scientists, for example with the recruitment and training of observers whose presence on board is vital to monitor this measure. He therefore concluded that it would be difficult for purse seiners of non-European countries, entities, fishing entities to join in this closure at the last minute, although he did not question the utility of ICCAT inviting these vessels to participate voluntarily in the current closed season.

9.4 The Panel therefore recommended that the ICCAT Chairman to immediately send a letter recommending that all countries, entities or fishing entities operating purse seine fisheries on floating objects in the area to join the closure. The Chairman's letter is attached as Appendix 6 to Annex 10.

9.5 The Delegate of the European Community asked that these letters be sent by fax to those concerned, given that the closed season for fishing on floating objects has already been operational since 1 November 1997 and that it will finish in January 1998.

9.6 Dr. Suzuki, the SCRS Chairman, drew the attention of the Panel to the PIRATA program recently developed by three Contracting Parties (United States, Brazil and the European Community) aimed at anchoring oceanographic buoys in the inter-tropical area. These buoys would supply environmental sub-surface information of great use to the fisheries and to the SCRS, and would be available in real time through Internet and the WEB. The Panel therefore recommended that all the tuna fishing units operating in the area not operate in the proximity of these buoys (even though these generally constitute excellent aggregating devices), as the electronic system of these deep anchors is very fragile.

10. Election of Panel Chairman

10.1 It was unanimously agreed that the EC would Chair Panel 1 for the next biennial period.

11. Adoption of Report

11.1 The Report of Panel 1 was adopted.

12. Adjournment

12.1 The 1997 Meeting of Panel 1 was adjourned.

Report of the Meeting of Panel 2

1. Opening

1.1 The meeting was opened by Mr. J. Barnes (United Kingdom-Bermuda), who had been asked to Chair the Panel.

2. Adoption of Agenda

1.2 The Agenda was adopted without change and is attached as **Appendix 1 to Annex 10**.

3. Appointment of Rapporteur

3.1 Dr. J. Powers (United States) was designated Rapporteur.

4. Review of Panel membership

4.1 Following the entry of the European Community into ICCAT, substituting the Member States of the Community, the following Panel 2 members were present: Canada, European Community, Japan, Korea, Libya, Morocco, United States and UK-Bermuda. Additionally, Croatia became a new member of Panel 2.

5. Report of the Standing Committee on Research and Statistics (SCRS)

5.1 The Chairman of the Standing Committee on Research and Statistics, Dr. Z. Suzuki (Japan), reviewed and summarized the SCRS work on bluefin and north Atlantic albacore.

5.a *Bluefin (North)*

5.a.1 Dr. Suzuki noted that no new assessments had been conducted in 1997 on either eastern or western Atlantic bluefin tuna. The SCRS repeated the report of the status of stocks from the previous year and highlighted new information received during the last year. For western Atlantic bluefin tuna the stock abundance is still considered low relative to historical levels but the stock appears to be increasing somewhat. Several catch rate series were updated this year for consideration by the SCRS. Preliminary estimates of catch rates in the U.S. rod and reel handline fishery in 1996 indicated increases that are consistent with the 1996 predictions of a relatively strong 1989 year class entering this fishery. The relative strength of this year class was first indicated in the Japanese longline catch rates when it entered the fishery in about 1992.

5.a.2 Eastern Atlantic and Mediterranean bluefin tuna were still experiencing extremely high catches in 1996. Reported landings amounted to 40,490 MT which is an increase of more than 1000 MT as compared to reported catches for 1995. Recent information suggests that the 1995 year class in the east may have been strong, whereas initial evidence indicates that the 1996 year class is expected to be weak. The SCRS noted that the Commission recommended that there be a reduction of catch of 25% in 1998 from the 1993 or 1994 levels in order to achieve a target level, i.e. reduction to 25,000 MT of the total catch. It was noted that the 1996 reported catches were considerably higher than the target catch level for 1998 for certain parties, entities or fishing entities. At the same time, an increase is noted in unreported catches, especially in the Mediterranean.

5.a.3 The SCRS Chairman highlighted the severe lack of basic catch statistics, especially in the Mediterranean and noted that these were the responsibility of the parties, entities or fishing entities involved in this fishery. Present statistics are not satisfactory, and do not meet even minimum standards.

5.a.4 The Delegate of the United States complimented Dr. Suzuki and the SCRS for their work. The U.S. Delegate had two additional questions for Dr. Suzuki. The first question noted the recent revisions to the catches in the eastern Atlantic and Mediterranean for 1993 and 1994 which were the base years from which the 25% reduction in catch was to be calculated, and asked whether a reduction larger than 25% would now have to be implemented in order to achieve a 25,000 MT goal. Dr. Suzuki answered that this was the case. The U.S. Delegate also asked whether reductions were considered separately between the Mediterranean Sea and the eastern Atlantic Ocean. Dr. Suzuki responded that the areas should be considered together.

5.a.5 The Japanese Delegate requested clarification of Dr. Suzuki's answer of the question by the U.S. Delegate on the 25% reduction. Dr. Suzuki responded that some parties, entities or fishing entities had corrected their data and thus their past catches had increased for recent years.

5.a.6 The Delegate of Croatia commented on the closure to purse seining in the month of August and noted that if such a closure were to protect small fish in the eastern Adriatic, then August was not the most appropriate time period.

5.a.7 The Delegate of the European Community had three questions for the SCRS Chairman. First, he wanted clarification of the U.S. Delegate's question on whether reductions in the eastern Atlantic and Mediterranean should be considered separately; secondly, he asked about the fishing in the central Atlantic and how that related to the border between eastern and western Atlantic; and thirdly, he requested clarification on how catches are assigned to parties, entities or fishing entities particularly for coastal states. To the first question, Dr. Suzuki responded that the eastern Atlantic and Mediterranean should be considered together. To the second question, he noted that the original boundary was an artificial boundary of 45 degrees West longitude in the north Atlantic. In the early 1990's there were catches in the area of the north central Atlantic just east of the boundary, primarily by Japanese longliners. Since then, that fishery has moved to new fishing grounds south of Iceland at about 20 degrees West. To the third question Dr. Suzuki answered that normally the catch is assigned to the country, entity or fishing entity of the flag of the vessel making the catch.

5.a.8 The Delegate of Japan suggested that, as to the question of to whom the catch is attributed, sometimes other arrangements may be made, provided that it does not undermine the effectiveness of the conservation measures. Dr. Suzuki replied that, in principle, the flag of the vessel defines the country, entity or fishing entity catching the fish and deferred to the Assistant Executive Secretary of ICCAT for clarification. The Assistant Executive Secretary responded that this issue is one of major discussion within FAO bodies, and among regional fisheries agencies. He reaffirmed that in principle the flag of the vessel defines the catch assignment, but there are joint ventures in which under specific criteria the catch can be assigned to the coastal state under pre-specified agreements. The European Community Delegate affirmed that where formal agreements exist, these issues are clear, but that, in other instances some confusion still remains.

5.b Albacore (North)

5.b.1 No new assessments were conducted this year for northern Albacore. The status reported last year indicated that recruitment appears to be maintained, as is large fish biomass. Catches in 1996 were consistent with this assessment.

5.b.2 No questions on north Atlantic Albacore were put to the SCRS Chairman.

6. Measures for the conservation of stocks

6.a Bluefin (North)

6.a.1 The Delegate of the European Community suggested that time-area closure applicable to purse seiners in the Mediterranean be re-examined. The dates of 15 July to 15 August were suggested as a possibility. The Croatian

Delegate supported the need for changing time-area closures and suggested that in the eastern Adriatic a closure to purse seiners in late May through June would be more appropriate for reducing mortality of ages zero and one bluefin.

6.a.2 The U.S. Delegate made a statement noting the strong concern about recent catch activities, especially in the Mediterranean. He noted that although the U.S. fishery for bluefin is in the west, some fish are known to cross over the Ocean. Thus, the actions in the east Atlantic and Mediterranean may have an effect on the conservation efforts in the West. Therefore, the activities in the east Atlantic are of interest to the United States. The U.S. Delegate noted that minimum size restraints in the east Atlantic and Mediterranean continue to be exceeded and, indeed, appear to be getting worse. The overall cap on catch is being exceeded and unreported catches appear to be increasing, to such an extent that the stock is not likely to be sustained. The original 25% reduction recommended by the Commission will not now reduce catches to the 25,000 MT goal, if unreported (NEI) catches are not reduced. There seems to be no trend toward compliance. Therefore, the focus should now be on making some progress. To that end the U.S. Delegate suggested that the focus be on small fish weighing less than 1.8 kg which are sold in the markets. A previous recommendation prohibited retention, but what is needed now is an improvement to prohibit these fish in the markets. Additionally, the U.S. Delegate suggested the examination of comprehensive closure options within the Mediterranean. In conclusion, the U.S. Delegate underlined the great concern over compliance with both the minimum size recommendations and the overall quota, especially in the Mediterranean. The United States presented a proposal to prohibit fish weighing 1.8 kg or less in the market.

6.a.3 The European Community Delegate intervened with several observations. While the EC supported the need to examine time-area closures, they questioned why this should be limited to the Mediterranean. They would be pleased if the Gulf of Mexico and the north central Atlantic were examined, as well. The Delegate also noted that the 25% reduction was already quite harsh, but the EC was doing its utmost to implement these recommendations. Therefore, a revision of this measure would not be opportune.

6.a.4 The Delegate of Japan noted the rationale of the U.S. proposal of limiting the sale of fish weighing 1.8 kg or less, but questioned the enforceability of such a measure. As concerned closed areas, he said that he would like to hear a rationale for the European Community's proposal for a modification of the time period for closure and Croatia's proposal for a small fish closure in the Adriatic Sea. The Japanese Delegate also noted that June and July in the Mediterranean is closed to longliners, while purse seiners were enjoying this prime season. Japanese longliners were being treated unfairly and, thus, at least part of June should be opened to longliners.

6.a.5 The U.S. Delegate responded to the European Community's concerns by noting that the west Atlantic spawning areas had already been closed by the United States to directed fishing for bluefin. He also noted the difficulties in implementing a large catch reduction. Indeed, that had already been done in the west Atlantic resulting in stabilization of the stock. He noted the next step was a recovery plan. He also endorsed SCRS study of the north central Atlantic.

6.a.6 The Canadian Delegate expressed concern with the status of the stocks and noted that SCRS has been clear that the catch must be reduced. Therefore, a recommendation of a 25% reduction from either 1993 or 1994 catch was adopted. But to this point there had been no decrease, indeed, there was an increase. Therefore, a larger decrease is now needed to achieve the original goals. Canada was also concerned with the effects of small fish catch on future yield and opportunities for rebuilding stocks. Canada supported the U.S. proposal for reducing undersized fish catch and supported examination of other measures such as closures in the Mediterranean. Like the United States, Canada has a stake in the bluefin fishing activities in the Mediterranean.

6.a.7 The Delegate of the European Community noted that with regard to the purse seine closure in the Mediterranean, purse seiners have only a limited time in which they can fish, whereas longlines are capable of operations for much longer periods of the year.

6.a.8 The Delegate of Japan reiterated that initially the Japanese longline fishery in the north central Atlantic was around or just east of the boundary, but that now it had moved to new grounds further east. Japan did not support the study of the north Atlantic fishery alone without addressing the overall management issue, including the boundary line itself. The Delegate of Japan expressed reservations about the proposal for limiting small fish weighing less than 1.8 kg in the markets because this would also involve Pacific bluefin, species totally outside the ICCAT jurisdiction, and because it would require fundamental changes in law over which the fishery management authority does not have jurisdiction.

6.a.9 The Delegate of Croatia expressed a desire to hear the rationale for the European Community's proposal for a modification for the time period closure.

6.a.10 Dr. Suzuki, the SCRS Chairman, interjected that proper evaluation of time-area closures require detailed Task II data, i.e. the catch by size, area and time period. However, these statistics are severely lacking in the Mediterranean. Therefore, it is impossible to carry out these analyses very well.

6.a.11 The U.S. Delegate presented a proposal in which the SCRS is being asked for bluefin tuna (both east and west) stock recovery plans to be developed at the 1998 SCRS. The recovery plan should include options of mixing, alternative selectivities and other aspects. The Chairman of SCRS responded that he could not guarantee that the SCRS could address mixing. As for the range of selectivities, while there was no problem in examining individual options, the SCRS would not be able to study all possible options. The U.S. Delegate responded that they did not mean to burden the SCRS and would leave it to SCRS to decide the best course, but that what was wanted was the widest range of options possible.

6.a.12 The Croatian Delegate presented a proposal to alter the closure to purse seines in the Mediterranean in August (attached as **Appendix 7 to Annex 10**). The Delegate of Croatia noted that in the eastern Adriatic May 15-June 15 is a period in which small fish are presently caught and that a closure during this period would reduce small fish catch, whereas, the present closure (August) is when larger fish are caught.

6.a.13 Dr. Suzuki congratulated the Croatian Delegate for providing the new and useful data on catches by size and month in those waters. He noted, however, that the SCRS did not have equivalent data from the Italian side of the Adriatic. If this were available, then an SCRS evaluation would be better. Given present data, the SCRS could offer no advice at present on the effectiveness of this closure.

6.a.14 The Delegate of Canada asked what the consequences might be of having a different closure in the eastern Adriatic at one time versus the rest of the Mediterranean in August, particularly with respect to the possible transfer of fishing effort. The Croatian Delegate noted that the tuna move with the current in the Spring in the eastern Adriatic and later move West. Also, while there may be some difficulties inherent in different closures in different areas, about two-thirds of proposed part of the Adriatic is in the territorial waters of coastal countries. The Delegate of Croatia responded that if we desire to protect juveniles and especially spawning stock biomass, there is no doubt that it would be better if the closed season were May-June rather than August.

6.a.15 The Delegate of Japan also expressed concern regarding separate closed seasons, suggesting that this may cause enforcement problems. He also expressed the hope that Croatia would comply with the overall percent reduction. The Delegate of Japan repeated the view that there was unfair treatment of longliners, and that purse seiners took the spawners.

6.a.16 The Delegate of the European Community suggested that the SCRS be asked to develop analyses of the effect of specific monthly and area closures for purse seines which could provide the most effective conservation measures for bluefin as possible. The Chair of SCRS responded that this would require the reporting of reliable Task II data from the major purse seine fleets, especially the French and Italian fleets. Without these data, the SCRS could not carry out this task.

6.a.17 The U.S. Delegate asked the European Community to clarify how they planned to implement the 1998 catch limits. The EC responded that the 1998 catch limits will be by country as presently determined in the SCRS report and will be allocated accordingly within the EC to those Member States.

6.a.18 The Delegate of the European Community introduced their proposal to modify the U.S. proposal for recovery scenarios. The Delegate of Japan reiterated the SCRS Chair's requirement for reporting of Task I and II data, if closures are to be evaluated. The Chair of the Panel suggested that words to the effect that timely reporting of Task I and Task II data would be required for the SCRS to make the evaluation be included in the last paragraph of the EC proposal. This was agreed and the proposal was adopted as "*Resolution by ICCAT for the Development of Additional Recovery Scenarios by SCRS for Atlantic Bluefin Tuna*", and forwarded to the Commission for approval (see **Annex 5-16**).

6.a.19 The Delegate of the United States indicated that there were difficulties in banning the sale of fish of 1.8 kg or less for some parties, entities or fishing entities with Pacific markets. Therefore, the U.S. Delegate suggested

the proposal could be modified to indicate limitation of sales in markets bordering the ICCAT Convention Area in the Atlantic. This modification was made and the proposal was adopted. The Panel forwarded this *"Recommendation by ICCAT on a Supplemental Management Measure Concerning Age Zero Bluefin Tuna"* to the Commission for approval (see Annex 5-2).

6.a.20 The European Community Delegate noted that the two major markets for bluefin were the EC and Japan. He commented that the EC supported the proposal but that since the EC had already implemented regulations to limit the sale of fish less than 1.8 kg and the measure excluded the Japanese market, he was not impressed about its usefulness.

6.b Albacore (North)

6.b.1 No additional measures for north Atlantic albacore were proposed. However, the Delegate of the European Community announced that the EC would be providing the complementary Task II data that France had not yet transmitted.

7. Research

7.a) Bluefin (North)

7.a.1 The SCRS Chairman highlighted the research activities on bluefin tuna within the Bluefin Year Program. These included archival tagging to obtain detailed migration routes for identifying stocks, systematic genetics samples of small fish throughout the areas where they occur, and sampling of small fish otolith for micro-constituent analyses to define the area of origin of these fish. He also noted that, because of the limitations on the retention of small bluefin tuna, scientists would need a permit or exemption to be able to conduct this sampling.

7.b) Albacore (North)

7.b.1 The SCRS Chairman noted that progress had been made in examining oceanographic factors and their relationship with recruitment success of northern albacore. He also noted that he was pleased with the European Community's announcement that they were making data available for standardization of effort in their northern albacore fisheries.

8. Date and place of next Panel meeting

8.1 Panel 2 agreed to hold its next meeting at the same time and place as the Eleventh Special Meeting of the Commission in 1998.

9. Other matters

9.1 There were no other matters introduced.

10. Election of Panel Chairman

10.1 The Delegate of Japan proposed that U.K.-Bermuda continue as Chair. The Delegate of South Africa expressed his support and with the agreement of the other delegations, it was decided that U.K.-Bermuda would chair Panel 2 for the next biennial period.

11. Adoption of Report

11.1 The Report of Panel 2 was adopted.

12. Adjournment

12.1 The 1997 meeting of Panel 2 was adjourned.

Report of the Meeting of Panel 3

1. Opening

1.1 The meeting of Panel 3 was opened by Dr. R. Lent (United States), who welcomed all the Panel members and observers.

2. Adoption of Agenda

2.1 The Agenda was adopted without change and is attached as Appendix 1 to Annex 10.

3. Appointment of Rapporteur

3.1 Dr L. Kell (EC) was nominated to serve as rapporteur.

4. Review of Panel membership

4.1 Following the entry of the European Community into ICCAT, substituting the Member States of the Community, the members of Panel 3 are: the European Community, Japan, Korea, South Africa and the United States.

4.2 Brazil, Canada, the People's Republic of China, Croatia, Namibia, Chinese Taipei and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT, represented by Mr. H. Watanabe), attended the Panel as observers.

5. Report of the Standing Committee on Research and Statistics (SCRS)

5.a) Southern bluefin tuna

5.a.1 Dr. Suzuki, Chairman of the Standing Committee on Research and Statistics (SCRS) presented the SCRS report for southern bluefin tuna.

5.a.2 Dr Suzuki stated that CCSBT was responsible for the assessment of southern bluefin tuna throughout the southern oceans, while ICCAT was responsible only for the Atlantic Ocean. ICCAT therefore only collected statistics on the Atlantic fishery, and monitored the stock assessments carried out by the CCSBT. Southern bluefin tuna was heavily exploited in the past but is now subject to stringent regulatory measures.

5.a.3 Much has recently been learned about southern bluefin tuna biology, and otoliths suggest that fish can live for much longer than previously thought. Individuals over age 40 have been found despite the currently reduced stock size. Two hypotheses that might explain this observation are low natural mortality of older fish or a cryptic biomass resulting in not all fish being available to the fishery.

5.a.4 Stock status is assessed using Virtual Population Analysis (VPA). The estimated biomass of adult fish aged 8 years and older has declined and catch per unit of effort (CPUE) has decreased rapidly, although it now appears to have stabilized. Current levels of spawning stock biomass are similar to that of northern bluefin tuna in the west. Pre-adult (ages 6 to 7) biomass has followed a similar trend. There has been rebuilding of the population of fish aged 3 to 7 following the decline in the Australian small fish fishery and helped by recent high recruitments. Parental biomass is not well estimated although the pre-adult population is thought to have been rebuilt.

5.a.5 There are problems, however, in the use of an abundance index based upon the Japanese longline fishery due to management restricting both the range and duration of the fishery. Indices derived from these data may not, therefore, be representative of the entire stock. Projections made using these indices suggest a recovery of the stock to the 1980 level by 2020 with a probability of between 20% and 80%.

5.a.6 Current regulation of the fishery is by quota divided amongst Australia, Japan and New Zealand, the current global quota is 11,450 MT.

5.a.7 Dr. Suzuki stated that of those countries, entities or fishing entities present at the 1997 Commission meeting, catches were made by Korea and Japan (ICCAT Contracting Parties) and by Chinese Taipei (Observer).

5.b) Albacore (South)

5.b.1 Dr. Suzuki, Chairman of the SCRS presented the report of the Standing Committee on Research and Statistics for southern albacore.

5.b.2 The major catch of south Atlantic albacore is taken by Chinese Taipei longliners for which Task I and II data were completely revised this year, with the assistance of the ICCAT Assistant Executive Secretary, in Taipei. Longline fisheries are also conducted by Japan and some South American countries, and South Africa has a baitboat fishery. Since 1980, catches have been between 1,000 and 8,000 MT and catches by longliners ranged from 20,000 to 35,000 MT.

5.b.3 An age-specific production model was used to assess the stock using the revised data. The current catch level is less than the revised MSY of 26,400 MT and hence the stock is not in a condition of significant over-exploitation. Recognizing that many uncertainties remain in the diagnosis for the south Atlantic albacore, and that various recommendations have been made to rectify these problems, the SCRS reiterated that those countries, entities and fishing entities involved in the southern albacore fishery make a concerted effort to implement the catch limit recommended in 1996 and reiterated in 1997, and proposed that new stock assessments be carried out in 1998. The two major fisheries of South Africa and Chinese Taipei, both enacted regulatory measures. Chinese Taipei limited directed effort and South Africa improved data collection by issuing log books and restricting landings to particular ports. Management recommendations are the same as last year.

6. Measures for the conservation of stocks

6.a) Southern bluefin tuna

6.a.1 The Chairman of SCRS stated that ICCAT data from the Atlantic are important for the management of southern bluefin tuna, although CCSBT is responsible for the stock in all oceans.

6.a.2 Korea stated that it catches a small amount of southern bluefin tuna in the Atlantic. In 1996 it had supplied data to ICCAT and regretted that they had not supplied catch data in 1997 but will do so in the future.

6.a.3 The Assistant Executive Secretary stated for clarification that since southern bluefin tuna are distributed between the Indian, Pacific and Atlantic Oceans it is difficult to perform stock assessments or undertake studies unless data is available from all three oceans. Stock assessments are performed by CCSBT, but ICCAT is very keen to collaborate with the former body, and observers are sent to CCSBT from ICCAT.

6.b) Albacore (South)

6.b.1 The Chair recalled that last year it was agreed that the parties concerned would meet to agree on sharing arrangements.

6.b.2 The Delegate of the US stated that their fishery of this southern albacore was relatively minor, and they respected the interests of the major fisheries, but were concerned about conservation. They were pleased with the current catch limit of 22,000 MT that would ensure recovery by 2005.

6.b.3 The Delegate of South Africa made a statement to the effect that while they accepted the catch limit of 22,000 MT, they were concerned that this limit only applied to those "fishing actively for southern albacore", which had not been defined, and that a maximum southern albacore by-catch level has not been established. The statement by South Africa on southern temperate tunas is attached as Appendix 8 to Annex 10. South Africa therefore proposed supplementary measures regarding the implementation of annual southern albacore catch limit.

6.b.4 The Delegate of the United States asked whether there was to be any carry over or penalty associated with the 22,000 MT catch limit. The Delegate of South Africa confirmed that there would not.

6.b.5 The Delegate of Namibia stated that they very strongly supported the 22,000 MT catch limit but had reservations about the sharing agreement. He stated that the South African proposal to base the definition of those "fishing actively for southern albacore" on catches made over the period 1989-1993 was unfair to Namibia which was not in existence in 1989. Namibia asked the Commission to recognize Namibia's special status. Namibia only established an albacore fishery within its EEZ between 1992 and 1993. Initially 80% of vessels fishing in Namibian waters were flying foreign flags while now 90% fly Namibian flags. Attention was also drawn to the catch table in the SCRS Report (COM/97/17), as Namibia had never submitted catch statistics, the reported figures were incorrect. Namibia stated that in the future it would supply statistics.

6.b.6 The Assistant Executive Secretary stated that the new data would be welcomed and that the problems with the Namibian catches recorded in the SCRS report were probably due to catches made by joint ventures, which were reported by the vessel flag state, rather than by Namibia.

6.b.7 The EC Delegate announced that although the EC already provided data on purse seine by-catch it will submit improved data in the future.

6.b.8 The Delegate of South Africa explained that its objective was to minimize catches over the catch limit and to include as many countries, entities and fishing entities as possible in the regulatory measures. In response to Namibia's concerns South Africa agreed to use catches in the last five years if this would include Namibia as an actively participating fishing entity.

6.b.9 The Delegate of Japan requested clarification from South Africa about the definition of "fishing actively for southern albacore". Japan's catch of southern albacore is a by-catch and during the 1996 meeting the Japanese Delegate expressed reservations about imposing quotas; after discussion with South Africa it was understood that under the currently effective recommendation Japan was excluded from the application of the regulatory measures. South Africa also promised at the 1996 meeting to report on the progress of bilateral negotiations with Chinese Taipei. Japan had assumed that those countries, entities or fishing entities actively fishing for southern albacore were South Africa and Chinese Taipei. South Africa 1997 proposal is that all countries, entities and fishing entities which reported an average annual catch of albacore in the Atlantic Ocean south of 5°N of more than 400 MT over the period 1989-1993 be considered to be "fishing actively for southern albacore", in terms of the 1996 ICCAT southern albacore catch limit recommendation. From the SCRS report it can be seen that catches greater than 400 MT were reported for, Brazil, Japan, Portugal, Spain, Chinese Taipei and Namibia. Last year it was assumed that the catch limit of 22,000 MT would be divided between South Africa and Chinese Taipei, effective from 1 January 1998, and that those two would make arrangements for allocation. He asked why there was need for change when last year's proposal was endorsed by the SCRS and has not been implemented yet. A second problem is that Japan's catch, although greater than 400 MT, comprises by-catch in the bigeye fishery. The South African proposal in Japan's opinion was not based on SCRS scientific findings.

6.b.10 The Chair noted that the change in the definition of countries, entities or fishing entities "actively fishing for southern albacore" was such that more countries, entities or fishing entities were included in the 22,000 MT catch limit and that albacore was a by-catch rather than a directed fishery in the case of Japan.

6.b.11 The EC Delegate agreed that there was a difference between by-catch and a directed catch.

6.b.12 The Delegate of South Africa stated that the reason for a 400 MT catch threshold was to include as many countries, entity or fishing entities as possible within the catch limit negotiations.

6.b.13 The Delegate of Namibia wanted clarification as to who should share the catch limit and requested a meeting to clarify this.

6.b.14 The Delegate of South Africa stated that in negotiation with Namibia and Chinese Taipei a date of January 1, 1998, was set for the implementation of the regulatory measures, and that these countries, entities or fishing entities would enter into new negotiations.

6.b.15 The Chair stated that there was no agreement about the actual percentages and that would best be achieved in a small informal meeting.

6.b.16 The Delegate of the United States asked whether the implementation of a 22,000 MT catch level on January 1, 1998, was still the objective, and asked what would happen if there were no agreement.

6.b.17 The Delegate of Japan stated that there was a fundamental change from the 1996 recommendation and that South Africa had introduced new elements which were not previously discussed. No merit was seen in reducing by-catch without justification and they did not want, therefore, to be a party to quota share.

6.b.18 The Delegate of the EC agreed with the Delegate of Japan on the issue of directed catch and by-catch.

6.b.19 The Chair asked the Chairman of SCRS what the catch would be if the catch limit of 22,000 MT was applied only to those countries, entities or fishing entities actively fishing for southern albacore.

6.b.20 Dr Suzuki replied that he could not answer the question immediately but considered the projection with a catch of 24,000 MT and observed that at that catch level biomass recovered to MSY in a few years. In last year's projection, a catch of 24,000 MT would not lead to a recovery. There is uncertainty about this stock so a conservative attitude was taken and the stock will be assessed again next year with an improved assessment and revised data.

6.b.21 The Assistant Executive Secretary stated that in the 1996 statistics, the catches of Chinese Taipei and South Africa were below 22,000 MT, and the total reported catch of southern albacore was 24,000 MT.

6.b.22 The EC Delegate stated that the catch data would be revised and that he could not give an exact figure until this revision had been carried out.

6.b.23 The Chair summarized the results of informal discussions to decide regulatory measures. There were four options. Status Quo, (the 1996 level) the South African proposal as first presented, a proposal from the Chair, and a modified version of the South African proposal. This latter proposal amended the threshold that defined actively fishing countries, entities or fishing entities as those with annual catches between 400 and 1000 MT. Three countries, entities or fishing entities are now defined as actively fishing under this threshold (South Africa, Brazil and Chinese Taipei). The Namibian catches need to be separated from the South African statistics so that Namibia is included in those countries, entities or fishing entities defined as actively fishing. Catch by countries, entities or fishing entities not defined as actively fishing are to be capped at no more than 110% of the average of the last five years. An exception to this 110% limit was made for countries, entities or fishing entities whose catch of southern albacore is a longline by-catch.

6.b.24 The Assistant Executive Secretary stated that new recommendations adopted by the Commission take effect six months after their formal transmittal to the Contracting Parties. As it was envisaged that the 22,000 MT share would started on January 1, 1998, a paragraph would therefore be needed in the recommendation to encourage countries, entities or fishing entities to observe the measures contained in the new recommendation, before it came officially into force.

6.b.25 The Delegate of the United States supported the modified proposal of South Africa as it meets the SCRS limit of 24,000 MT and includes Namibia in the sharing scheme. The cap of 110% of the last five years catches was also accepted.

6.b.26 The Delegate of Japan stated that they appreciated the efforts of South Africa and the Chair but reiterated that Japan does not consider itself as a country actively fishing for albacore in the south Atlantic and did not see the need to be included in the proposed catch limitation.

6.b.27 The Observer from Chinese Taipei stated that he appreciated the need to control catch and the need to take account of the interests of coastal nations, countries, entities or fishing entities but asked whether the existing recommendation had come into effect.

6.b.28 An informal meeting was held to make modifications to the South African proposal. At a later session of Panel 3, the Chair presented the final *"Recommendation Concerning the Implementation of the Annual Southern Albacore Catch Limit"* which had been agreed upon, and explained that those countries, entities or fishing entities actively fishing for southern albacore, had been defined as those whose average catch over the last five years exceeded a threshold of 1,000 MT, and the limiting of catches of others to no more than 110% of the average level over the same period. An exception to this is in point 8 of the recommendation where longline fishing countries, entities or fishing entities who are not actively fishing for southern albacore are to endeavour to limit their catches to 4% by weight of their total bigeye longline catch in the Atlantic south of 5°N. The Recommendation would be reviewed next year. The Recommendation was adopted by Panel 3 and forwarded to the Commission for approval (attached as Annex 5-5 to the Commission Proceedings).

7. Research

7.1 Due to the uncertainties surrounding the southern albacore stock assessment, a new assessment will be conducted in 1998 by the SCRS.

8. Date and place of next Panel meeting

8.1 It was agreed that the next meeting of Panel 3 would be held at the same time and place as the next Commission meeting.

9. Other matters

9.1 It was agreed that an informal inter-sessional meeting of the countries, entities or fishing entities actively fishing south Atlantic albacore, to be chaired by the Chair of Panel 3, would be held in Cape Town, South Africa, in April, 1998, to decide the division of the 22,000 MT national quotas.

10. Election of Panel Chairman

10.1 It was unanimously agreed that the United States would continue to Chair Panel 3 for the next biennial period.

11. Adoption of Report

11.1 The Report of Panel 3 was adopted.

12. Adjournment

12.1 The 1997 meeting of Panel 3 was adjourned.

Report of the Meeting of Panel 4

1. Opening

1.1 The meeting of Panel 4 was opened by Mr. I. Nomura (Japan), Chairman of Panel 4.

2. Adoption of Agenda

2.1 The Panel reviewed and adopted the Agenda, which is attached as **Appendix 1 to Annex 10**.

3. Appointment of Rapporteur

3.1 Drs. A. Di Natale (EC) and N. Miyabe (Japan) were nominated to serve as Rapporteurs for Panel 4.

4. Review of Panel membership

4.1 Following the entry of the European Community into ICCAT, substituting the Member States of the Community, Panel 4 is currently comprised of the following eight members: Angola, Brazil, Canada, EC, Japan, Republic of Korea, United States and Venezuela. All Panel members were represented.

4.2 The Delegate of Uruguay announced that his country is now officially requesting to be a member of this Panel. The observer from South Africa also expressed his country's wish to become a member Panel 4 in 1998.

4.3 Observers from CARICOM, the People's Republic of China, Chinese Taipei and UK-Bermuda were admitted.

5. Report of the Standing Committee on Research and Statistics (SCRS)

5.a) *North Atlantic swordfish*

5.a.1 Dr. Z. Suzuki, Chairman of the SCRS, stated that the catch of North Atlantic stock suddenly increased in 1978, and this was when the mercury limitation in the U.S. was lifted. The catch had been increasing during the following 10 years and reached 15,000 MT. After it reached a high of 20,000 MT in 1987, it declined to 14,000-15,000 MT, due to the regulations imposed on this species.

5.a.2 The status of the stock has been analyzed by production model analysis and Virtual Population Analysis (VPA). However, no new analyses were conducted in 1997, and the same assessment results were repeated. Updated CPUE from several important fisheries continued to decline. The current catch is larger than its replacement yield (RY), and therefore the stock will continue to decrease.

5.a.3 There is, however, the basic issue of sexual dimorphism in growth that is commonly seen in other billfishes as well. Sex-specific analysis, which takes that into account, needs more thorough analysis, and is scheduled to be fully explored in 1999. The results are more realistic and could be more optimistic than the current analysis.

5.a.4 The current 1994 regulatory recommendations were not effective in conserving this stock. Even though substantially reduced quotas for 1997 to 1999, which Commission established in 1996, were implemented, the stock will continue to decline.

5.a.5 Dr. Z. Suzuki stated that the SCRS reiterated its 1996 recommendation that the level of harvest needs to be immediately reduced below the level of estimated RY (estimated at about 11,400 MT at the beginning of 1996).

5.b) *South Atlantic swordfish*

5.b.1 Dr. Z. Suzuki explained that, in contrast to the north Atlantic, the catch in the south Atlantic had a shorter period (about 10 years) of high catches. This increase was mainly caused by the shift of fishing effort from the north Atlantic and to increased longline effort by South Atlantic coastal countries.

5.b.2 The same arguments on the status of the north Atlantic stock can also be applied to the south Atlantic stock, although this stock is less precisely known.

5.b.3 The SCRS recommended that the catch limit be reduced to below the currently estimated replacement yield (RY). The RY at the beginning of 1996 was estimated as about 14,600 MT.

5.c) *Billfishes*

5.c.1 Dr. Suzuki summarized the most relevant information on billfishes included in the 1997 SCRS Report. The over-exploitation of both blue marlin (BUM) and white marlin (WHM) was the essential point indicated in the SCRS Report. He noted that the basic data on which the analysis has been carried out are not completely reliable, particularly due to the diversified nature of the fisheries, i.e., artisanal fishery, recreational fishery and large-scale longline fishery.

5.c.2 Dr. Suzuki, referring to the conclusion's of the SCRS, pointed out that the present catch level appears not sustainable for both species. For blue marlin, the reported landings in the total Atlantic in 1996 (4,439 MT) were much higher than the estimated equilibrium replacement yield of about 1,920 MT. Maximum sustainable yield (MSY) was estimated to be about 4,461 MT. The situation is similar for white marlin. Reported landings for the total Atlantic in 1996 were 1,508 MT, which was larger than the estimated equilibrium replacement yield of about 921 MT. The estimated MSY was about 2,177 MT for this species.

5.c.3 Dr. Suzuki suggested that one practical way to deal with a reduction of mortality is to release all fish caught alive. If the post-release survival rate, which should be confirmed through relevant research, was assured to be high, this approach be accepted from a biological point of view.

5.c.4 East Atlantic sailfish (including spearfish) appear fully exploited or over-exploited but not as heavily as marlins. Total reported landings in 1996 (1,332 MT) were lower than the replacement yield. Dr. Suzuki, following the suggestion by the SCRS, invited the Commission to take some steps to reduce catches in the near future.

5.d) *Atlantic bonito and other species*

5.d.1 The Chairman of SCRS, Dr. Z. Suzuki, presented a brief summary on Atlantic bonito and other species from the Executive Summary Report of the SCRS. Atlantic bonito is classified under the category of small tunas. As usual, available information is very poor. Total catch of this category in 1996 was 65,000 MT. The historical peak was reached in the 1980's and catches have decreased thereafter. More than ten species were included in this category, while the catch of the top four species (Atlantic bonito, frigate tuna, spotted Spanish mackerel and king mackerel) accounted for more than 85% of the total catch.

5.d.2 Current information does not generally allow for an evaluation of stock status of these species, although stock assessments were conducted for some species in the coastal areas of the southeastern United States and the Gulf of Mexico. Because of this, the outlook of Atlantic bonito and other species was unknown.

5.d.3 In 1996, ICCAT circulated a questionnaire to all small tuna fishing countries in order to investigate the magnitude of catch, fishing area and season, gear type, etc. It turned out that fisheries are very diverse, involving both artisanal and industrial fisheries using a variety of gears and different sizes of vessels.

5.d.4 The SCRS Chairman noted that there were no recommendations made by the SCRS.

6. Measures for the conservation of stocks

6.a) North Atlantic swordfish

6.a.1 The Delegate of Canada stated that the Recommendation adopted in 1996 set a three-year decreasing (TAC) for this stock. Canada agreed to share 94% among the five countries that have traditionally accounted for the majority of the catch and the remaining 6% was to be shared by "others". Unfortunately, at that time, we failed to place any limitation on individual countries fishing under the "others" category. If all of those currently fishing in this category were to maintain their 1996 level of catch in 1997-1999, they would be catching almost twice as much fish as had been accounted for by a 6% share. Canada, therefore, believes that last year's recommendation must be amended to put some specific limitations on those fishing out of the "others" quota.

6.a.2 The Chairman asked whether or not the Delegate of Canada had prepared a draft. The answer was no. Then, the Chairman proposed to work with the Delegates of Canada on the possible mechanism in order to solve this problem, provided there was no objection. This proposal was accepted.

6.a.3 At the later stage, a recommendation concerning the catches of north Atlantic swordfish for 1998 and 1999 was drafted by the Delegate of Canada and circulated. The draft included a substantial reduction of catches for Contracting Parties, non-contracting parties, entities or fishing entities that did not receive a specific quota, and asked those parties and entities, that did not have any reported landing, to refrain any development of a directed fishery.

6.a.4 The Delegate of the United States supported this draft and proposed a minor modification in the wording.

6.a.5 The Delegate of the EC stated that he could go along with the Canadian proposal.

6.a.6 The observer from CARICOM asked the Secretariat to provide a list of the parties and entities to which the Recommendation is going to be applied.

6.a.7 The Secretariat agreed to provide such a list created for scientific purposes.

6.a.8 The Delegate of the EC asked for clarification on the meaning of the word "directed" in the last paragraph.

6.a.9 The Canadian Delegate responded that this word was added so as not to prevent the development of other type of fishery which may incidentally catch small amount of swordfish.

6.a.10 The Delegate of UK (Bermuda) expressed his strong reservation on the draft Recommendation.

6.a.11 The ICCAT Assistant Executive Secretary pointed out that many 1996 catch figures are preliminary and subject to change in the future.

6.a.12 The Chairman suggested incorporating all the improvements on the text of the draft Recommendation given by the various delegations. He expressed his hope to seek a possible agreement with Bermuda. Recalling that a special quota was given to UK-Bermuda when management measures were considered on the western stock of bluefin tuna, he offered a similar special consideration on a swordfish quota for UK (Bermuda), giving 28 MT as quota for 1997 and a fixed percentage reduction in the following two years.

6.a.13 The Delegate of the UK-Bermuda accepted the Chairman's suggestion.

6.a.14 The "Recommendation by ICCAT Regarding Catches of North Atlantic Swordfish for 1998 and 1999" was adopted by Panel 4 and forwarded to the Commission for final approval. It is attached as Annex 5-6 to the Commission Proceedings.

6.b) South Atlantic swordfish

6.b.1 The Chairman briefly recalled and reviewed last year's Panel 4 meeting and the informal inter-sessional meeting of Panel 4, which was held July 15-16, 1997, in Joao Pessoa, Brazil. The Report of the Inter-Sessional

Meeting of Panel 4 was adopted by the Panel and forwarded to the Commission for final approval (attached as Appendix 9 to Annex 10).

6.b.2 There were several Delegates who expressed concern at the 1996 Commission meeting, saying that the coastal and developing aspects of coastal states were neglected. As a result, no agreement was reached on the percentage quota share for south Atlantic swordfish among countries that harvest this species, and it was decided to extend the existing Recommendation one more year. That is why the meeting in Brazil was called. Delegates from swordfish fishing countries and entities, except for the Republic of Korea and Chinese Taipei, took part in that meeting, according to the Commission's instructions. The meeting started with discussion of key factors on allocation criteria, such as historical catch, consideration on developing States' fisheries, preferential treatment for coastal states, etc. In doing so, there was general agreement among participants that special consideration should be given to developing coastal states and that the historical catch share should play an important element in agreeing on quota share. Then, the Chairman put forward a proposal which utilizes the following weighting factors: 5% for developing states, 47.5% given for the past 10 year's catch, 47.5% given to the catch for the last three years. The final agreement was very similar to the Chairman's original proposal. Some countries, however, expressed difficulty in accepting this, in spite of sacrifices made by some other countries. Nonetheless, the most important achievement of this meeting was an agreement made on future share for the years 1998-2000, based on the replacement yield (RY) (14,620 MT) estimated by the SCRS. The Chairman asked how members of this Panel would like to handle the results of the informal inter-sessional meeting of Panel 4.

6.b.3 The Delegate of the EC expressed his willingness to endorse the outcome (quota of 14,620 MT and sharing percentages) of the informal meeting. He also mentioned that the possible problem regarding other catches for Contracting and non-contracting parties, entities or fishing entities, which was already pointed out by the Canadian Delegate for the north Atlantic stock, may occur for the south Atlantic stock as well, and if so, it should be clarified further in the future.

6.b.4 The Chair noted that it was a good point, and explained how allocation for non-contracting parties, entities, fishing entities (8%) was determined.

6.b.5 The Delegate of Canada questioned the magnitude of the RY for 1998-2000, as the currently available RY was estimated for the beginning of 1996, and the 1996 and 1997 catches seemed to be higher than that RY.

6.b.6 The Chairman of SCRS, Dr. Z. Suzuki, responded that under the same assumptions and basic data, RY at the beginning of 1998 would be expected to be lower than 14,620 MT.

6.b.7 The Delegate of Brazil expressed support for the results from the inter-sessional meeting, while noting that it was difficult to reconcile the very divergent and conflicting positions to reach agreement at the informal meeting. At the same time, he proposed to establish an *ad hoc* Working Group whose terms of reference are to study the relevant technical criteria for catch allocation for this stock and to develop a specific proposal to this end.

6.b.8 The Japanese Delegate fully supported the results and recommendations of the informal inter-sessional meeting of Panel 4.

6.b.9 The Delegate of Uruguay congratulated the hard work conducted at the said meeting. He stated that quota allocation was not an easy task and had not yet come to the end. He supported the establishment of the Working Group that was proposed by the Delegate of Brazil.

6.b.10 The Delegate of the United States echoed the appreciation of the Delegates of Brazil and Uruguay for the effort undertaken by the participants at the informal inter-sessional meeting of Panel 4. He acknowledged the sacrifice made by Japan. He stated that while the U.S. fishery in the south Atlantic is very small, the south Atlantic stock is important for the north Atlantic stock as well. The U.S. fishery in the south Atlantic expanded more rapidly during recent years than he expected, and exceeded a quota of 250 MT during the 1996 "fishing year". He agreed to receive a quota for the "other" category. At the same time, he pointed out that summing all other category might exceed the allowance of 5.5%, and stated that this problem as well as the proposed establishment of a Working Group be negotiated next year.

6.b.11 The Delegate of Canada offered compliments to participants as well as the Chairman of the informal inter-sessional meeting of Panel 4. He also presented Canada's statement, which is given in **Appendix 10 to Annex 10**, on the management measures to be taken for south Atlantic swordfish. He stated that the RY in 1998 would be well below 14,620 MT and that because of fishing operations conducted in 1996 and 1997, it is reasonable to assume that the total harvest in 1998 should now be below 13,000 MT in order to restore the stock to the level that would support MSY.

6.b.12 The Delegate of the EC raised the three questions. First, the currently estimated RY was based on the non-separation of sex in the catch data. If sex-specific analysis were undertaken, what would the level of RY be? Second, what is the effect of revision of catch statistics by Chinese Taipei over the level of RY? Third, in relation to the boundary of north and south stocks, it was noted that some genetic analysis indicated a significant difference between these two areas. Could it be confirmed or still premature to define it?

6.b.13 The Chairman of SCRS replied that the same can be applied to the first question, i.e., the result could be more a optimistic view if data were prepared for that purpose, though the final conclusion remains uncertain. In this sense, the situation could be different from the north Atlantic stock. The second question is more difficult to answer and is not clear which direction it affects. Regarding the third question, it may be wise to wait for more a thorough analysis in the future since the number of samples appeared to be small. The result would be different as data are added. However, it is more prudent to have a compatible regulation for both stocks, as seen in bluefin tuna, because this species is capable of moving extensively.

6.b.14 The observer from Chinese Taipei presented a statement (**Appendix 11 to Annex 10**). He strongly protested that Chinese Taipei had not been invited to the informal inter-sessional meeting of Panel 4, and at the same time requested that Chinese Taipei's allocation of south Atlantic swordfish be changed upward.

6.b.15 The Chairman responded that he and other participants at the inter-sessional meeting were well aware of the need to be accountable for the established quota share of "others" and that "others" was not treated unfairly based on the formula used.

6.b.16 The observer of the People's Republic of China stated that catch limits or quotas should be settled on the basis of reasonable criteria. He also stressed that special consideration should be given to coastal and developing countries fishing on the high seas, as well as those newly present in this fishery.

6.b.17 The Chairman summarized the discussion and noted that there was no agreement on how to handle the results of the informal inter-sessional meeting of Panel 4.

6.b.18 At a later session of Panel 4, the Chairman presented a proposed recommendation on quota share and a TAC for three years (1998-2000). He explained that he put much emphasis on the agreement reached at the informal inter-sessional meeting of Panel 4. At the same time, he respected the scientific logic to be followed by any recommendation which may be made by the SCRS.

6.b.19 The Delegate of Japan expressed his appreciation to the Chairman and fully supported this proposal.

6.b.20 The Delegate of Brazil presented a statement (**Appendix 12 to Annex 10**). While agreeing to the proposal, he expressed his dissatisfaction on the small percentage share for his country and on the fact that the results of the meeting did not produce any significant advance in discussion of the relevant criteria for quota allocation.

6.b.21 The Delegate of the EC, while generally endorsing it, asked for confirmation of his understanding that a TAC may be reconsidered but percentage shares are not in 1999. He also suggested adding one new paragraph that ensures compliance with the quotas at the end of the Recommendation.

6.b.22 The Delegate of Uruguay requested that quota shares be reconsidered when TAC is revised. He further noted the validity of doing so, as some of the swordfish fishing countries and entities had not participated in the informal inter-sessional meeting of Panel 4.

6.b.23 The Chairman expressed his preference of quota shares being fixed for three years because that was the most important key element of the outcome reached in Brazil. He confirmed that if there is an eventual revision of the TAC, the percentage breakdown would not change.

6.b.24 The Delegate of Brazil reiterated the need for establishment of an *ad hoc* Working Group which discusses key factors for quota shares.

6.b.25 The Delegate of Canada repeated his views on TAC for the south Atlantic stock. He also stated that TAC should be lower than 13,000 MT, given the fact that the stock was exposed by two years of high fishing after an RY of 14,620 MT (at the beginning of 1996) was estimated.

6.b.26 The observer of the People's Republic of China presented a statement (attached as Appendix 13 to Annex 10). While noting the importance of the results of the informal inter-sessional meeting of Panel 4, he expressed some concern on quota shares since the criteria for the determination of shares was not fully discussed, and not enough consideration was given to developing countries. He further proposed that the current management measure be extended for 1998.

6.b.27 The Delegate of the United States noted the importance of specifying who the other Contracting Parties are and indicated three Contracting Parties: the Republic of Korea, Portugal, and the United States. He noted that Ghana had also reported catch in 1996. He stated that other parties should not be encouraged to develop new fisheries while the stock was over-exploited and needed to be rebuilt. He noted that he could go along with the EC's suggestion regarding compliance. The Canadian proposal was acceptable but he thought it might be difficult to agree among members of Panel 4 on the matter which is not included in the agreement made in Brazil.

6.b.28 The Chairman preferred not to specify particular names of other Contracting Parties since it would categorically exclude possible but legitimate access by those not named.

6.b.29 The observer of Chinese Taipei expressed his reluctance to accept the results of informal inter-sessional meeting of Panel 4 as Chinese Taipei was not invited. He also claimed that a similar consideration, which Japan requested for the south Atlantic albacore regulation as a by-catch country, be given to Chinese Taipei.

6.b.30 The Chairman requested EC to submit text on the point the EC had raised (see para. 6.b.21).

6.b.31 The Delegate of the EC circulated the new draft, in which he added text as new paragraph 4. There was no comment on this new paragraph and it was thus accepted.

6.b.32 The Delegate of Brazil repeated the need for establishment of an *ad hoc* Working Group on criteria for quota shares, and proposed the additional sentences at the end of this Recommendation.

6.b.33 While the Delegate of Uruguay supported the suggestion made by Brazil, the Delegate of the EC questioned the objective of the Working Group, the time to start and the species to be included.

6.b.34 The Delegate of Brazil replied that this Working Group should start now, and deal not only with swordfish, but also with other species (including species in other Panels) as well.

6.b.35 The Chairman, hearing this response, suggested to keep the record of this discussion in the minutes but not to include the Brazilian proposal in the Recommendation since no such agreement was made at the informal inter-sessional meeting of Panel 4. He also stated that the establishment of an *ad hoc* Working Group will not be decided this year, but this Panel agreed that the point made by Brazil, i.e. discussion on key allocation factors, would remain on the Agenda of Panel 4.

6.b.36 The Delegate of Brazil accepted this as a fair suggestion.

6.b.37 The observer of Chinese Taipei asked for clarification on the percent share of Chinese Taipei since it is not clear in the new Recommendation.

6.b.38 The Chairman responded that Chinese Taipei is included as "others" by definition, and understood that the catch of Chinese Taipei for this species should not be more than 1,169.6 MT.

6.b.39 The new *Recommendation Concerning the Establishment of Percentage Share of Total Allowable Catch (TAC) and 1998-2000 Catch Quotas for South Atlantic Swordfish* was adopted by the Panel and forwarded to the Commission (see Annex 5-7 to the Commission Proceedings).

6.b.40 The Delegate of the United States expressed his concerns about the continued over-harvest of small size fish and the detrimental impact on the stocks.

6.c) Billfishes

6.c.1 The Delegate of the United States noted that several ICCAT stocks are in serious trouble, and noted conservation measures have been taken by ICCAT with respect to several of these stocks. Marlins, however, have been neglected and are in serious decline. He noted that ICCAT has a responsibility to address the decline of marlin stocks as well. He explained that measures had been adopted by the United States, and urged that ICCAT must adopt measures to lead to the recovery of the stock. He suggested that these might include the adoption of restrictions that would limit retention in by-catch fisheries and in recreational fisheries, specifically, prohibition of the retention of blue and white and blue marlin, except for tournament giant fish.

6.c.2 The Delegate of Canada noted that even though the billfish catch is not significant for Canada, it should be recognized that the billfish stocks are in significant decline and continued to decrease. Knowing this, Canada would be prepared to consider conservation measures provided they are consistently provided (?) by all fleets.

6.c.3 The Delegate of Japan presented his views on billfish stocks and management measures. He shared views on the stock status of billfishes expressed by previous speakers, although he indicated serious concern about reported catches, and requested improved analyses the SCRS is conducting. He explained that there is no directed billfish fishing in the Atlantic by his country and billfish catches resulted from longline fishing on other target species as by-catch.

6.c.4 The Delegate of Japan also pointed out the difficulty to take any effective conservation measure on species not directly fished, which is only taken as a by-catch. It has been remarked that the Japanese longliners release and tag live billfishes on a voluntary base and, furthermore, the United States and Japan are the only two countries respecting and applying the 1995 ICCAT Resolution on Billfishes, by implementing a specific tag and release program.

6.c.5 The Delegate of Japan, finally, stated that management measures should be equally and fairly shared by all fishermen, and his country cannot accept any sacrifice of one type of fishery for the benefit of the other type, such as the recreational fishery.

6.c.6 The Chairman re-opened the discussion after he introduced that the informal consultation, undertaken extensively over the last few days, presented a draft Recommendation regarding blue marlin and white marlin. He invited the Delegate of the United States to present a brief explanation on it.

6.c.7 The Delegate of the United States thanked all parties who cooperated and worked so hard to come to this agreement. He noted that this is the first management measure taken for billfish. He stated that the essential part of the Recommendation is in the first operative paragraph which assures the 25% reduction of landing over 1996 by the end of 1999. The proposal further requested that the SCRS conduct a stock assessment in 1999.

6.c.8 The Delegate of Canada supported the draft Recommendation congratulating the achievement of difficult task. He asked a clarification whether the effort reduction is mandatory or not that is written in the operative third paragraph.

6.c.9 The Delegate of the United States answered that this paragraph just indicates the need to advise ICCAT of future action taken and that "fishing effort" means effort in fishing that interacts with marlins.

6.c.10 The Delegate of Brazil agreed to adopt, in principle, the conservation measure on billfish, but he noted some reservations. He stated Brazilian catch of billfish went down in 1996, and because of this it would be very difficult to further reduce. He suggested using the average landings for 1992 to 1996 instead of 1996 in the first paragraph of the proposed recommendation, and minor wording change in the fifth paragraph. He asked for

clarification on what kind of data was being requested in the fourth paragraph. He also asked that language in the fifth paragraph be changed to "small scale and artisanal" to include two groups of vessels.

6.c.11 The Delegate of Japan supported a draft Recommendation proposed by the Delegate of the United States, and presented his statement emphasizing the significance of these stringent measures for marlins, fair and indiscriminate application of measures for all fishermen and improving monitoring, data collection and reporting.

6.c.12 The Delegate of the EC supported the views expressed by the Delegate of Japan, and cannot support any discrimination among fishermen.

6.c.13 The Delegate of Brazil expressed his disappointment and asked the Chairman to go back to the points he raised before. With the permission by the Chairman, he proposed wording changes in the fourth and fifth paragraph.

6.c.14 The change in the fourth paragraph inserting the word "base" before "data" was accepted.

6.c.15 The U.S. Delegate could not accept the Brazilian proposal to have small-scale fisheries exempted in addition to artisanal fisheries because it would exempt a lot of the problems associated with small-scale longline boats.

6.c.16 The Delegate of the EC expressed his willingness of supporting the draft Recommendation. He noted that the fleets of the EC are an essential part of the Atlantic longline fishery. Therefore, he wished to state, for the record, that the acceptance of the final text by the EC was not just due to the fact that other interested parties had agreed to it.

6.c.17 There were no more interventions and thus the proposed "*Recommendation by ICCAT Regarding Atlantic Blue Marlin and Atlantic White Marlin*" was adopted and forwarded to the Commission for its consideration (see Annex 5-9 to the Commission Proceedings).

7. Research

7.a) *Swordfish, Atlantic bonito and other species*

7.a.1 Dr. Z. Suzuki, the Chairman of the SCRS, had no further comments, since this subject has already been presented at other occasion.

7.b) *Billfishes*

7.b.1 Dr. Suzuki, on behalf of the SCRS, briefly reported the specific conclusion stated in the 1997 SCRS Report, pointing out that billfish stocks in the Atlantic have been mostly exploited by longline fishery and appear to be over-exploited, and that fishing mortality should be reduced. He stated that one of the approaches is to release billfishes taken alive by any fishery. He stressed the need to confirm the survival rate after release using several techniques, such as sonic tracking or pop-up tagging. After this is confirmed, the large-scale application of this method can be started.

8. Date and place of next Panel meeting

8.1 It was agreed to hold the next Panel meeting at the same time and place as the next Commission meeting.

9. Other matters

9.1 No other matter was discussed.

10. Election of Panel Chairman

10.1 It was proposed that Mr. I. Nomura (Japan) continue as Chairman of Panel 4. Mr. Nomura was elected by acclamation.

11. Adoption of Report

11.1 The report of Panel 4 was adopted.

12. Adjournment

12.1 The 1997 meeting of Panel 4 was adjourned.

*Appendix 1 to ANNEX 10***AGENDA FOR PANELS 1 TO 4**

Panel 1 (Tropical Tunas)
Panel 2 (Temperate Tunas-North)
Panel 3 (Temperate Tunas-South)
Panel 4 (Other Species)

1. Opening
2. Adoption of Agenda
3. Appointment of Rapporteur
4. Review of Panel membership
5. Report of the Standing Committee on Research and Statistics (SCRS)
6. Measures for the conservation of stocks:

Panel 1

- a) Yellowfin
- b) Skipjack
- c) Bigeye

Panel 2

- a) Bluefin (North)
- b) Albacore (North)

Panel 3

- a) Southern bluefin
- b) Albacore (South)

Panel 4

- a) Swordfish
- b) Billfishes
- c) Atlantic bonito
- d) Other species

7. Research
8. Date and place of next Panel meeting
9. Other matters
10. Election of Panel Chairmen
11. Adoption of Report
12. Adjournment

Appendix 2 to ANNEX 10

STATEMENT BY JAPAN ON BIGEYE TUNA
 (attached to Report of Panel 1)

The issue of how the Commission should address the conservation of bigeye tunas in the Atlantic in response to the SCRS recommendations has long been due for discussion in this Commission. The problem, as we can see from the SCRS reports and the Commission's recommendations in recent years is twofold.

The first part of the problem relates to the need to reduce the catch of juvenile fish which has increased dramatically, in order to protect future spawning stocks, focusing on the regulation and limitation of the use of FADs. We note that, in both the SCRS recommendations and the Commission's actions in the past, the need for measures to reduce catches of juvenile fish has been emphasized. In this connection, Japan fully appreciates the initiative by the Spanish and the French purse seine industries to institute voluntary measures to prohibit the use of FADs and other activities with similar effects in the Bay of Guinea are during November through January. To encourage wider participation, Japan proposes that the same measures be adopted as an ICCAT recommendation.

The second part of the problem is the need to reduce the total bigeye tuna catch to the MSY level, which is about 85,000 MT. Here, not only purse seine but also longline and baitboat fisheries should bear the burden. A few

years ago, the SCRS started expressing its concern about increasing bigeye tuna catch above the MSY level set at that time. Expectations have been that all parties concerned should refrain from increasing their catch. In this connection, the reported catch of Chinese Taipei had been observed to double annually from 1991-1994, as reported at the 1995 SCRS.

1991	approximately	700 MT
1992	approximately	5,000 MT
1993	approximately	12,000 MT
1994	approximately	20,000 MT

The Chairman of the Commission wrote to the authorities of Chinese Taipei on 30 January 1996, requesting them to consider limiting their catch to 12,000 MT. After this letter was sent, Chinese Taipei revised its reported catches to even higher levels.

1991	approximately	12,000 MT
1992	approximately	10,000 MT
1993	approximately	12,000 MT
1994	approximately	17,000 MT

At the PWG meeting last year, the observer from Chinese Taipei stated that they had taken measures to reduce their catch as much as possible in 1996, and the actual bigeye catch should be very close to 12,000 MT in 1996. The PWG Chairman thanked Chinese Taipei for their efforts in reducing the catch of bigeye tuna.

Unfortunately, we now see a very different situation from that which was stated. As you can see from this year's SCRS report, the bigeye catch of Chinese Taipei was 13,426 MT in 1993, 19,680 MT in 1994, 18,023 MT in 1995 and 25,115 MT in 1996. To be very candid, it is extremely hard for us to accept such dramatic and unchecked increases, given the Commission's request to the contrary and the words we heard from Chinese Taipei last year. It is not my desire to give a hard time to friends from Chinese Taipei. Nonetheless, whatever regulatory measures we may choose, we want Chinese Taipei to shoulder its part of the burden, and that means that the catch of Chinese Taipei should be reduced to 12,000 MT.

We have repeatedly heard unconfirmed information from our industry representatives that Chinese Taipei has reflagged about 70 longliners to other countries and its shipbuilding industry has contracted to build more than 30 super-freezer longliners this year, many of which are operating in or destined to operate in the Atlantic tuna fisheries, mainly targeting bigeye tuna. We have also heard that the authorities of Chinese Taipei have no intention of re-registering these vessels under Chinese Taipei's flag, which would be, in my opinion, the sensible option. Otherwise, this means that these vessels will continue to operate under flags of convenience. In any event, if these reports are true, these activities only aggravate the already severe problem of overcapacity of fishing vessels. Of course, this situation is not a problem only applicable to bigeye tuna, but to the world tuna fishery as a whole. We have to think seriously about the need to establish a mechanism by which reduction of the fleet can be effectively implemented in a concerted way by all those concerned. I would like to elaborate on this point at a later stage.

Appendix 3 to ANNEX 10

STATEMENT BY CHINESE TAIPEI ON BIGEYE TUNA
(attached to Report of Panel 1)

Chinese Taipei would like to take this opportunity to clarify some points on bigeye tuna raised by Japan. Japan criticized Chinese Taipei for having twice revised its bigeye catch in the Atlantic Ocean. These revisions were made to reflect the actual status of our fishery, since there were serious discrepancies between the figures on bigeye as reported by our fleet and the Japanese customs report on the import of our bigeye. May I remind you that in the last few years there were a series of SCRS Meetings held in Taipei, namely, the Data Preparatory Meeting in 1995, SCRS Albacore Stock Assessment Session in 1996, and the Critical Review Meeting on Chinese Taipei Statistics in July, 1997. One of the main reasons for holding these meetings in Taipei was to clarify and rectify these discrepancies.

Fortunately, these discrepancies have been successfully rectified, particularly at the recent Critical Review Meeting (see document SCRS/97/17), and the revisions of figures of bigeye simply reflect these facts.

Secondly, I do not recall any recommendation whatsoever from the Commission requesting Chinese Taipei to set a catch limit on bigeye. We are not sure on which recommendation Japan is basing its request that Chinese Taipei set a catch limit at 12,000 MT. We consider it as purely unilateral, and regret to have to state that we are not prepared to accept such a request.

Thirdly, regarding the issue of vessel re-flagging, we would like Japan to provide us with a name list of vessels which Japan could identify as belonging to Chinese Taipei. As I understand, most of those vessels were originally second-hand Japanese vessels with replenishment and sales of fish handled by Japanese businessmen after transfer of ownership. Anyway, they are not registered in Chinese Taipei, nor do they fly our flag. Furthermore, they are not under our jurisdiction and, therefore, Japan should not criticize us for their responsibility.

Appendix 4 to ANNEX 10

**PROPOSAL BY BRAZIL FOR A RECOMMENDATION ON THE
PROHIBITION OF PURSE SEINE FISHING ON FISH AGGREGATING
DEVICES (FADS) IN THE ATLANTIC OCEAN**

(attached to Report of Panel 1)

NOTING that the purse seine fishery on fish aggregating devices (FADs) in the tropical equatorial Atlantic is the major cause of juvenile mortality, which has now reached a level of 70%;

CONSIDERING that the voluntary temporary suspension or reduction in purse seine fishing on FADs is not sufficient to guarantee a solution to this problem:

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF
ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. All Contracting Parties and collaborating Non-Contracting Parties and entities whose vessels fish in the Atlantic undertake to progressively reduce the fishing effort of purse seine gears using fish aggregating devices (FADs), until this fishing method has been completely abolished; such abolition should be attained by the end of 1999.

Appendix 5 to ANNEX 10

**STATEMENT BY THE EUROPEAN COMMUNITY
ON THE PROTECTION OF IMMATURE OF BIGEYE AND YELLOWFIN TUNAS**
(attached to Report of Panel 1)

The European Community applauds the decision taken by the Spanish and French freezer purse seine tuna vessels, on 25 April 1997, with the aim of effectively and voluntarily contributing to the reduction in juvenile fishing mortality of bigeye and yellowfin

The Community wishes to recall that the decision taken by the boat owners formally prohibits the fishing on artificial and floating objects, during a three month period, in a large area of 3,300,000 km², i.e. in all the fishing area corresponding to this period.

The Community notes that the time-area strata chosen by the vessel owners corresponds to the greatest concentration of fish in general under floating objects and of immature bigeye and yellowfin in particular, according

to the scientific analyses of historical data carried out by the SCRS and the survey which was carried out with the Captains of tuna vessels complying with the ICCAT recommendation of 1997.

The Community wishes to point out that the production of fishing on floating objects by the vessels concerned in this time-area strata in 1996 reached 17,500 MT, representing an F.O.B. cash flow of 19 million US dollars. These figures clearly illustrate the risks taken by the vessel owners and the importance of this really historic decision.

We should also like to recall that the application of this decision is controlled by an observer on board each tuna vessel during the period.

The Community is pleased to note that to date, since 1 November, only one infraction has been observed, and sincerely hopes that this experiment, which has never before been tried, can be successfully carried out to its full term.

The Community urges boat owners, captains and their crews to persist in their efforts, in spite of the resulting sacrifices.

The Community requests ICCAT to make efforts to convince tuna boat owners which have not yet joined in this decision to adopt these measures and apply them immediately.

The Community, as well as scientists, expects much from the analyses of the results of this voluntary experiment to measure the effects on the stocks and the socio-economic consequences. The Community also eagerly awaits the results of the on-board observer programme carried out on purse seiners, baitboats and longliners, in response to the recommendation of November 1997.

The European Community considers that when ICCAT has obtained these results, this Commission can then adopt adequate appropriate and effective measures.

The Community hopes that all ICCAT Contracting Parties and non Contracting Parties concerned about the optimum exploitation of tuna stocks in the Atlantic will encourage their industrialists (shipowners and fishermen) to take similar measures and to carry them out on a voluntary basis, which is really nothing more than the application of responsible fishing practices.

Appendix 6 to ANNEX 10

**MODEL LETTER FROM THE ICCAT CHAIRMAN
TO THOSE FISHING BIGEYE TUNA IN THE ATLANTIC OCEAN**
(attached to Report of Panel 1)

Dear ,

The International Commission for the Conservation of Atlantic Tunas (ICCAT), being very concerned by the catch of juvenile tunas caught in the Atlantic Ocean, commends the initiative taken by the Spanish and French purse seine freezer boat owners regarding the joint decision which was made on 25 April 1997. Please find attached the text of this decision.

The Commission encourages all Contracting Parties and non-contracting parties and entities which have vessels fishing in the Atlantic Ocean to request their vessel owners to actively and fully participate without delay in this action, of which the Commission has great expectations.

The Commission requests that it be informed of the responses which you receive from the owners of the fishing vessels flying the flag of your country.

I should like to take this opportunity to assure you of my highest consideration.

Rafael Conde de Saro
Chairman of the Commission

Appendix 7 to ANNEX 10

**PROPOSAL BY CROATIA FOR A CHANGE TO THE RECOMMENDATION
CONCERNING THE MEDITERRANEAN CLOSED SEASON**
(attached to Report of Panel 2)

RECALLING the Recommendation adopted by the Commission in November 1996, prohibiting the fishing of bluefin tuna by purse seine throughout the Mediterranean Sea during the month of August;

CONSIDERING the necessity to take measures regarding the gears used during periods when their impact is most notable on juveniles;

CONSIDERING the new information about size structure from purse seine fishery in the Adriatic Sea which has been presented during the SCRS meeting and its recommendation to re-examine closure dates for this area;

CONCERNED about counter-productive results produced by the implementation of this Recommendation in the eastern part of the Adriatic Sea;

THEREFORE,

THE INTERNATIONAL COMMISSION FOR THE
CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

Instead of the prohibition of purse seine fishing in the Adriatic Sea during the period from August 1 to 31, purse seine fishing in the eastern part of the Adriatic Sea (eastern part from the middle line) be prohibited during the period from May 15 to June 15.

Appendix 8 to ANNEX 10

STATEMENT BY SOUTH AFRICA ON SOUTHERN TEMPERATE TUNAS
(attached to Report of Panel 3)

During the past five years, ICCAT has made substantial progress with assessment of the southern albacore resource, and with the development of management recommendations based on these assessments. South Africa believes that this progress, made in a relatively short time, serves to confirm the essential role of ICCAT in the development of negotiated, responsible management measures for Atlantic tunas.

We are particularly encouraged by the efforts made by countries fishing for southern albacore to reduce catches in recent years, and by the resultant reduction in reported catch in 1996. Unfortunately, we must note that the reduction in South African catches has resulted from reduced availability of albacore in our fishing area, rather than from active management action on our part. Despite these reductions, total reported catches during 1996 continued to exceed the recommended catch level. We therefore remain concerned about the future of this resource, and believe that efforts to effectively implement the recommended catch limit must continue if the southern albacore stock is to be restored to optimal yield levels.

In response to the 1996 ICCAT recommendation to implement a catch limit of 22,000 MT for southern albacore, South Africa has initiated negotiations with other countries fishing actively for this resource. It is hoped that these negotiations will result in agreement on the division of the ICCAT recommended catch limit into country quotas, in order to facilitate the practical and effective implementation of the limit. However, these negotiations have also

highlighted a number of shortcomings in the existing ICCAT catch limit recommendation. The implementation of the existing catch limit recommendation for southern albacore is complicated by uncertainty concerning which countries may be considered to be "fishing actively for southern albacore", and therefore subject to the catch limit. The effectiveness of the catch limit is also potentially jeopardized by the fact that a maximum southern albacore by-catch level has not been established for countries not considered to be actively fishing this stock.

South Africa believes that these aspects need to be addressed if the southern albacore catch limit is to be effective. We would therefore like to make a proposal to address these aspects, to facilitate the effective implementation of the recommended catch limit on southern albacore during 1998.

*Appendix 9 to ANNEX 10***REPORT OF THE INFORMAL INTER-SESSIONAL MEETING OF PANEL 4***(Joao Pessoa, Brazil - July 15 & 16, 1997)**(attached to Report of Panel 4)***1. Opening of the meeting**

1.1 The Meeting of Panel 4 was opened by Rear Admiral (RRM) Mauro Vianna de Araripe Macedo. Mr. Macedo welcomed the delegations and expressed his hope for a productive and successful meeting. He also expressed his wish that the delegates have an enjoyable stay.

1.2 Mr. I. Nomura (Japan), Chair of Panel 4, recalled that at the 1996 ICCAT meeting in San Sebastian, the Panel members were unable to reach agreement on an allocation scheme for south Atlantic swordfish. Therefore, it was decided to hold an inter-sessional meeting on this issue.

2. Adoption of Agenda and arrangements for the meeting

2.1 The Chair asked for review, comments, and adoption of the draft Agenda.

2.2 The Delegate of Spain requested that the discussion of catches by non-contracting parties, entities or fishing entities whose activities may undermine the effectiveness of ICCAT measures be made under the appropriate Agenda item.

2.3 The Chair indicated that discussion of non-contracting parties, entities or fishing entities' catch may fall under different Agenda items. He stated that discussion of the allocation aspects would fall under Agenda items 4 and 5, although other aspects would fall under item 6.

2.4 With that understanding, the draft Agenda was adopted (attached as **Addendum 1 to Appendix 9**).

2.5 Dr. R. Lent (United States) was nominated as Rapporteur.

2.6 Regarding meeting logistics, the Chair expressed his hope that Agenda item 4 could be completed on the first day of the meeting, and that the Panel could also begin addressing Agenda item 5. The Chair also hoped that the entire afternoon of the second day of the meeting would be available for adoption of the Report, since many participants were not native English speakers.

3. General comments on the issue of quota allocation for the south Atlantic swordfish fishery

3.1 The Chair invited countries to introduce their delegations and to provide their comments in turn. The List of Participants is attached as **Addendum 2 to Annex 9**.

3.2 At the request of the Delegate from the United States, the Chair provided an historical review of all existing ICCAT Recommendations for the south Atlantic. These include catch limits based on catches in 1993 and 1994, two alternative minimum size Recommendations, and the Swordfish Action Plan Resolution.

3.3 The Delegate of Japan expressed concern over the increasing catches of swordfish in the south Atlantic and noted the SCRS' concern for the stock. He stated that for Japan, swordfish is a secondary target, but still an important species in the bigeye fishery. Japan supported a long term catch allocation scheme similar to that in the north Atlantic. The Delegate noted that this allocation should be divided into five categories, including: the four major fishing Contracting Parties (Spain, Japan, Brazil, and Uruguay) whose annual catch is greater than 250 MT, and a fifth group

composed of other Contracting Parties with less than 250 MT and of non-contracting parties, entities or fishing entities, including Chinese Taipei. The allocation regime should be mainly based on historical catch with other considerations given. He noted that Japan has observed the ICCAT Recommendations on south Atlantic swordfish minimum sizes and catch limitations while some parties have not observed the 1994 Recommendation.

3.4 The Delegate from the United Kingdom expressed concern over the decline in the south Atlantic swordfish stocks, as found in the SCRS reports, and the potential for impact on all Atlantic swordfish stocks. He indicated a number of other issues to be addressed when country quotas are established, including ensuring access to fish stocks by Contracting Parties within their own EEZs. The U.K. delegation felt that catch limits should be established for Contracting Parties with traditional distant water vessels as well as for coastal countries. He also noted concern over non-Contracting Parties fishing activities and over non-reporting or inaccurate reporting. He concluded that measures implemented should be as direct as possible.

3.5 The Delegate of Portugal noted with satisfaction the participation at this ICCAT meeting of non-contracting parties, entities or fishing entities, such as Argentina. She stated that Portugal has a directed swordfish fishery in this area, and supported measures for a more equitable and sound management of stocks aiming to maintain the fishery at a sustainable level. The Delegate indicated that while she supported resolution of catch shares, it was important to keep in mind the total allowable catches (TACs) and thus the actual level of catch represented by these percentages. She also noted the importance of historical catch records, as well as interests of individual parties. Fishing by non-contracting parties, entities or fishing entities should also be addressed.

3.6 The Delegate of Spain supported the establishment of long term quota allocation shares similar to those developed for the north Atlantic fishery, along with determination of a TAC. Such an approach would allow stability in the region. He noted that such a program would also bring sacrifices and that Spain was ready to accept its share of the burden along with other countries. The Delegate from Spain stressed that the status of the south Atlantic swordfish resource should be a great concern. The Spanish delegation supported as a main criterion the level of historical catches as reported by the SCRS. While he noted the problem of non-reporting of data, he did not support the use of data other than those reported to SCRS, which is the body responsible for these data.

3.7 The Delegate of Venezuela noted that many questions remain regarding the dynamics of swordfish populations. While it is well known that swordfish spawn in tropical regions all year long, there is uncertainty regarding the 5 degree North dividing line. Regarding allocation, when drastic reductions are to be made, the largest contribution should go to countries that have exploited traditionally. The Delegate noted the need for equitable solutions and stressed that coastal countries have not been responsible for the increase in catches. He supported the division of the quota and reminded the other Delegates that some 22 countries participate in south Atlantic swordfish fishery, although only 5 harvested more than 250 MT in 1995. He noted that if all countries that caught less than 250 MT have historical rights to this amount of quota, this would indicate a potential of 4,250 MT.

3.8 The Observer from Argentina noted that this was his country's first participation in an ICCAT meeting. He stated that its primary concern was the status of the resource, and expressed hope that Argentina could contribute to the development of rational conservation measures. He also announced that Argentina planned to seek membership in ICCAT.

3.9 The Delegate of Uruguay expressed concern over the situation of south Atlantic swordfish. He noted that coastal countries participate in this fishery and have witnessed catch increases that were not made by vessels of the coastal States. Uruguay agreed with the need for a just distribution of quota, but with special consideration for coastal States.

3.10 The Delegate of Brazil noted that fishery management and regulation is treated as a multi-disciplinary issue in his country, therefore Brazil included in its delegation representatives from all aspects of the fishery. He also welcomed the representatives from non-contracting parties, entities or fishing entities. The Delegate then gave an opening statement (attached as Addendum 3 to Annex 9) recalling the United Nations Convention on the Law of the Sea (UNCLOS) and the need for fishing activity to ensure economic development as well as food supply. He noted that developed countries have greater capacity and resources to reduce operational costs of fishing, that special considerations are necessary in a sharing scheme for the south Atlantic, and that some countries have not been complying with ICCAT Recommendations for this area. The Delegate from Brazil indicated that distribution based on historical fisheries may not be fair to coastal countries and/or developing countries. He noted that other criteria relevant to these fisheries include the socioeconomic and historical environment, the recognition of spawning, feeding,

and growth areas off coastal countries, and commitment to conservation and management measures. He stated that a new allocation scheme should keep in mind the possible entry of new countries into the fishery as well as non-contracting parties, entities or fishing entities. The Delegate also noted the uncertainty over MSY estimation which is used for TAC calculation. In closing, the Delegate from Brazil noted that an allocation scheme alone would not be sufficient, as non-compliance was undermining coastal States' efforts to develop fisheries.

3.11 The Delegate of the United States stressed the need for a resolution on the allocation of swordfish in the south Atlantic, in order to avoid continued over-exploitation, and noted that country quotas are among the best measures used at ICCAT. He expressed concern over the appropriateness of dividing the north-south stocks at the 5 degree North line, and the potential impact of south Atlantic fisheries on the north Atlantic - issues which would not be addressed at this meeting. He also noted the presence of U.S. fishing vessels in the south Atlantic and that the catch of these vessels has not been fully reported to ICCAT. This is due in part to fishing under arrangements with coastal States in which catch data appear to be reported by the coastal State in some cases. While the United States is attempting to bring this under proper management and reporting, there needs to be a uniform system of reporting for all countries when operating under special arrangements with coastal States, whether renting, leasing, charter, joint venture. He noted that the United States was also concerned about fishing in spawning areas in the tropical zones, and would consider a limitation on catch in that area.

3.12 The Chair then summarized the opening statements with three major points:

- 1) Historical catch share should be based on ICCAT statistical figures, but there was the question of unreported data by both Contracting Parties and non-contracting parties, entities or fishing entities, although the focus at this meeting is on reporting by Contracting Parties.
- 2) Coastal States and/or developing countries should be given some special preference due to special needs.
- 3) Non-contracting parties, entities or fishing entities' share must be addressed. The Chair noted the absence of Chinese Taipei, the largest non-contracting fishing entity.

4. Review of relevant criteria for catch quota allocation

4.1 The Chair opened the floor for discussion by requesting that countries respond to the three items he indicated in his summary of the discussion under Agenda item 3.

4.2 The Delegate of Brazil then provided a presentation of overheads as an introduction to the Brazilian proposal. The presentation reviewed the management of swordfish, including quotas as well as other measures. He noted the difficulty of determining the level of MSY for south Atlantic swordfish, as well as harvest prediction. Distribution of the catch among nations was also noted as difficult due in part to difficulties of data collection and the fact that, until the mid 1980's, most swordfish catch was in fisheries targeting other species. He noted that from 1988 onwards the increase in production was significant due to a shift in fishing effort from the north Atlantic and that Coastal States such as Brazil saw their share diminish. The Delegate from Brazil noted that historical catches favor developed countries and that ICCAT needs to take into account the factors included in UNCLOS regarding developing coastal countries and responsible fisheries. He stated that a number of other factors should be taken into account when considering an allocation scheme for the south Atlantic, including historical, socio-economic, and bio-oceanographic factors of the fishery.

4.3 The Chair noted that it was premature to address concrete proposals for allocation before discussion of relevant criteria, and asked the Delegate from Brazil to present the proposal under Agenda item 5, following the discussion on criteria.

4.4 The Delegate of the United States expressed support for many of the statements made by Brazil. While he accepted the possibility of some preference for coastal States, the degree of preference could be a difficult issue. The U.S. Delegate also believed that historical shares and records of catches are important, including current fishing. He noted that the United States has made an effort to monitor its activity in the south Atlantic and would be willing to share these data with the Panel members, and believed that other countries might wish to do the same.

4.5 The Chair indicated that discussion of historical share implies a specific time period in the past which must be addressed in the discussion, e.g. past 10 years, 5 years, etc., and any exclusion for particular years in relation to compliance or other issues. Regarding unreported catch by Contracting Parties, the Chair noted the need to discuss which country would be accountable under joint venture arrangements, or charter arrangements - coastal or flag? The Chair noted that this issue could be discussed at this inter-sessional meeting, but probably cannot be decided as it is an over-arching issue that the entire Commission should discuss. He also stated that, regarding coastal State preference, ICCAT has never separated TAC between EEZ and outside. He doubted whether it was appropriate for this Panel to address such a legal question since it will have an over-arching effect on the future of ICCAT dealing with all tuna resources, not just south Atlantic swordfish.

4.6 The Delegate from Spain indicated that determination of the nationality of catches is within the responsibility of the SCRS and, therefore, should not be addressed in Panel 4. He also noted that despite Spain's non-compliance with ICCAT Recommendations in the south Atlantic in 1995, Spain undertook a great effort to report these numbers, and, therefore, could not accept the revision of figures reported to SCRS. The Delegate also indicated that implementation of international fisheries measures does not necessarily require consideration of factors other than historical catch.

4.7 The Chair noted that changing the reported data at this stage would complicate the discussion, however everyone should be given the opportunity to modify their data if appropriate. The Chair repeated his point that the question regarding to which country catch is attributed under a joint venture or charter system cannot be decided in this group. He noted that this is a legal issue. Again, the Chair stated that those issues should be addressed by those nations concerned instead of an attempt to make a general rule in this Panel 4 inter-sessional.

4.8 The Delegate of Portugal said that in regard to data collection, there are two main questions. First, for those countries that practice joint ventures and charter arrangements, the individual situations vary considerably. Secondly, there are data questions other than those relating to charter and joint ventures. For example, catches made by Portugal were not reported every year. Given the EU policy of landing in any other EU country without restrictions, Portuguese landings in other countries were not reported. For example, for '89 and '90, catches made by Portugal were reported in the SCRS data series under separate category as landings in Spanish ports. The Delegate then noted that Portugal, like the United States, admits that there is a need in her country to improve monitoring and catch reporting. She also noted the importance of historical criteria, but said that the selection of years to be considered would be critical. Regarding coastal State preferences, she said that the discussion could be very lengthy and she agreed with the Delegate from Spain that there is no precedent for such considerations even in recent international texts. In addition, she said such consideration could affect ICCAT at all levels.

4.9 The Delegate from Brazil noted the concerns expressed by some countries regarding the expansion beyond historical criteria, and reminded the other delegations that Brazil was searching for an option that would reflect the difference between the northern and southern allocation issue. He expressed his hope that ICCAT would show its ability to adapt itself to a new situation, and that there are priorities independent of statistical historical catch.

4.10 The Chair indicated that it could be difficult to create a completely innovative allocation scheme that would affect all future ICCAT recommendations, unless all parties unequivocally support it. However, he said that it would be possible to come up with a unique allocation scheme for south Atlantic swordfish. While the Chair agreed that the scheme of allocation in the north Atlantic could not be followed in its entirety in the south due to a different fishery situation, he did not feel a completely new system should be sought for the benefit of chances of agreement.

4.11 The Delegate of Spain indicated his disagreement with the statement by the Delegate of Portugal concerning the effect of EC policy on the accuracy of SCRS figures. He reiterated his earlier statement that data reported to SCRS should not be reappraised at this meeting.

4.12 The Delegate of Japan commented on criteria for catch quota allocation. First, Japan was opposed to the concept of quota rights for coastal States because swordfish is a highly migratory species managed by a regional fishery organization in accordance with the U.N. Agreement. However, he noted that Brazil and Uruguay strongly insisted on the rights of developing coastal nations. The Delegate of Japan noted the current ICCAT Recommendation that allows a special allocation of 250 MT for developing fishing. Secondly, historical catch (both short run and long run) should be the most important factor in quota allocation. The Delegate of Japan also opposed parties' trying to change SCRS data.

4.13 The Delegate of Brazil, in response to the Chair's statement that using criteria other than historical catch could put into risk the stability of the ICCAT process, stated that the opposite is also true and asked for further consideration of this issue. He reminded Panel members of the sovereign right of coastal States over resources in their EEZ's and the need to fish at sustainable levels.

4.14 The Delegate of Uruguay also noted his support for ensuring fishing rights within their EEZ and his concern over the effect of fishing outside the zone by other countries.

4.15 The Delegate of Spain noted that the approach of Brazil must be in the spirit of cooperation, not unilateral measures, as indicated in Article 64 of UNCLOS, which calls for cooperation between coastal countries and countries fishing on the high seas in the conservation of highly migratory species, both inside and outside EEZ's.

4.16 The Delegate of Brazil said the position of Brazil is one in search of cooperation, to be achieved at this inter-sessional meeting. The agreement would be reached in order to ensure that coastal countries with developing fisheries have cooperation.

4.17 The Chair provided a summary of comments under Agenda item 4:

1) All agreed to the need for establishing a scheme of quota allocation among the nations concerned.

2) Regarding the relevant criteria for the quota allocation,

2.1 All agreed that given the special nature of the fishery, criteria to be applied for south Atlantic swordfish fishery should not be the same in all aspects as those applied for the north Atlantic swordfish fishery.

2.2 All agreed that historical catch records should be important and significant factors in determining quota shares. Some countries claimed that this factor should play a dominant role, while others disagreed. The latter stressed *inter alia* the need for incorporating development of this fishery in recent years.

2.3 All agreed the needs of developing States' fisheries should be given due consideration.

2.4 Some called for preferential treatment in the quota sharing scheme for fisheries conducted within EEZ under the sovereign right of the coastal State, while others were against that, indicating that the international legal system does not confer such preference.

2.5 The issue of unreported catch was raised, but there was no agreement as to how to address and resolve that problem.

2.6 Regarding which country should be accountable for catches in the case of joint venture and charter arrangements, there was a general feeling by participants that since the system varies widely for each case, this issue should be best left to agreement among nations concerned.

3) All agreed that there should be a mechanism in which non-Contracting Parties' fishing operations are addressed and incorporated into any quota-sharing agreement.

4.18 The Chair noted that it would not be possible to reach agreement on some of these items at this moment, and felt it best to proceed with Agenda item 5.

4.19 In response to this summary, the Delegate from Brazil noted the need to recognize the different situation in the south Atlantic from the north Atlantic. Brazil asked that ICCAT take this into discussion and consideration in the future.

4.20 The Chair said that Brazil's comment would be included in the record, and invited Brazil to make their specific proposal to this effect during the discussions under Agenda item 5.

5. Proposals for the allocation of swordfish catch quota

5.1 The Chair invited delegations to present concrete proposals.

5.2 The Delegate from Brazil continued with his presentation, which was distributed later to the participants. He remarked that the proposed system of allocation of catch is based on the criteria presented, which are found in the scientific specialized literature (Caddy 1982, 1996).

The criteria presented were the following:

- 1) Historical catch.
- 2) Distribution of stock biomass.
- 3) State of development of the countries.
- 4) Dependency on the fishing areas
- 5) Compliance with conservation and management measures

The explanation of the criteria is included in report by Brazil, which is attached as **Addendum 4 to Annex 9**.

5.3 The Delegate of Portugal noted that the Brazilian proposal used a wide series of data and criteria and was very difficult to evaluate without a written document and time to comment. Even so it was possible to understand the logic of the proposal and the Delegate of Portugal raised several questions to the Brazilian delegation, as follows:

- 1) Regarding the first criterion and the combination of two historical periods, the Brazilian proposal uses catches up to 1993, since that was the year in which ICCAT adopted management recommendations, which is a logical approach. But then the fifth criterion does bring in the more recent years due to consideration of compliance issues. The Delegate of Portugal noted some inconsistency in this aspect of the proposal.
- 2) The Delegate of Portugal also questioned the data regarding spawning and breeding, and noted that there is such same activity on the high seas.
- 3) Regarding the criterion for the level of development, there was concern that certain regions of other countries, including Portugal, could have levels of development that are not very advanced.
- 4) Regarding the criterion of dependence on fisheries in the EEZ, the Delegate of Portugal noted that there could exist a community located in Portugal, Spain, or another country, that could be even more dependent on these fisheries than a community located in Uruguay.
- 5) Considering the last criterion, she noted that catches of juveniles could be considered as severe as exceeding the quota levels.

5.4 The Delegate of Brazil responded to the Portuguese questions on the proposal. Coastal areas have dependence based on food production. He argued in support of the use of catch record data for measuring compliance, and that minimum size could also be used as long as there are data available for measuring compliance.

5.5 The Delegate of Brazil noted that it would be helpful to consider other alternatives from other countries, in order to stimulate the discussion.

5.6 The Chair noted that a discussion on Brazilian proposal might be helpful since it was very substantive, but that he would welcome other proposals to be tabled, too.

5.7 The Delegate of Spain expressed his appreciation for the presentation by Brazil and the hard work on the proposal. He had several questions and comments for the Brazilian delegation:

- 1) The primary allocation criterion should be historical catches, including the most recent past. He noted that the use of several periods with progressive weights for catches in the more recent past can be a useful approach.
- 2) The Delegate from Spain also noted that the area of distribution for swordfish is actually much larger than just the coastal nations, and includes high seas. Swordfish are highly migratory species, although certain inshore areas could exhibit higher small fish catch rates.
- 3) Regarding the stage of development, the Delegate of Spain noted that he had already indicated that this factor could be a complement to the historical data. He also underlined that the Brazilian approach gave Spain an index of development equal to that of Japan.
- 4) Regarding fishing area dependence, the Delegate of Spain noted that his country had attempted to maintain the overall catch in the Atlantic by separate management of north and south fleets, and that the south Atlantic fishery thus is the only means of livelihood for those excluded from the north. He also noted that market dependence could also be considered as part of socio-economic dependence, e.g. by including countries with highest level of consumption who need to guarantee supply to their market. He also noted the importance of the contribution of different countries to scientific research.
- 5) Finally, with regards to criteria of compliance with ICCAT Recommendations, the Delegate from Spain noted that there was only one year for judging compliance with the '94 Recommendation. Those Recommendations in 1991 regarding minimum size and freezing of effort in whole Atlantic area cover a much wider historical period. He indicated that Spain would be ready to consider these factors in such a wider framework.

5.8 The Delegate of Japan indicated that he had already explained Japan's position regarding criteria for catch allocation. Japan supported historical data as the most important factor and did not support a special quota right of swordfish for coastal States. Swordfish is a highly migratory species managed by regional fishing organization consisting of both coastal and traditional distant water fishing States. The Delegate of Japan reiterated opposition to criteria #2 and #4.

5.9 The Chair summarized that Brazil proposed five criteria, and then added them up in a weighted fashion. Under the Brazilian proposal, some coastal catch would be increased, even with less TAC than what is currently caught. So far, noted the Chair, only Japan stated opposition to the Brazilian proposal.

5.10 The Delegate of Brazil made a proposal to encourage discussion of the five criteria presented rather than to reject them outright. He noted that there could also be discussion of the weights attributed to each. Finally, he noted that additional criteria could be discussed and even added to the Brazilian proposal.

5.11 The Delegate of the United States also noted the length and substantial content of the document presented from Brazil, and that the rest of the meeting could be spent discussing criteria and relative weights. However, the U.S. Delegate thought that this would not be productive and that the discussion should move on to consideration of practical options for resolution of the issues. He also suggested that there be a break for more informal meeting of only the heads of delegations at which it would be decided how to proceed.

5.12 The Chair agreed with this suggestion, but still invited additional reactions to the Brazilian proposal within the larger, formal group.

5.13 The Delegate from Brazil indicated that the technical subject did not require any private meeting. Only the Heads of some delegations had responded to the proposal, so he requested that the discussions remain in the larger formal forum.

5.14 The Chair said that due to a lack of response to the Brazilian proposal, it would be more productive to meet in a small group. Therefore a smaller group of one or two delegates per Contracting Party met at the end of the first day of the Panel 4 inter-sessional meeting.

5.15 After intensive and lengthy discussions among the Heads of delegations, there was agreement that Panel 4 should, at the 1997 meeting, recommend the following percentage shares for a three-year period, for south Atlantic swordfish, beginning in 1998.

1) Agreed percentage shares:

Brazil	16.00 %
Japan	25.75 %
Spain	40.00 %
Uruguay	4.75 %
Other Contracting Parties	5.50 %
Non-contracting parties, entities of fishing entities	8.00 %

2) Other Contracting Parties as referred to (1) above should not increase their catches above the catch of recent years.

3) Discussions should continue within Panel 4 as soon as possible to review the appropriate criteria for the allocation of south Atlantic swordfish.

5.16 In agreeing to the above percentage shares, the participants considered that the TAC would be based upon the replacement yield which, the participants understood, was 14,620 MT.

5.17 In developing the percentage shares noted above, the participants considered several factors, including historical catches, recent fishing activities, and the state of economic development of the parties involved.

6. Other matters

6.1 There were no other matters discussed.

7. Adoption of Report

7.1 The Report was adopted on the evening of July 16, 1997.

8. Adjournment

8.1 The Chair expressed his appreciation for the cooperative attitudes and hard work of the delegations and the Rapporteur.

8.2 The delegates expressed their appreciation for the excellent work done by the Chair in bringing the meeting to a successful conclusion.

8.3 The delegations expressed their gratitude to the Brazilian government for hosting the informal inter-sessional meeting of Panel 4.

8.4 The meeting was adjourned.

Addendum 1 to Appendix 9 to ANNEX 10

AGENDA OF THE INFORMAL INTER-SESSIONAL MEETING OF PANEL 4
(Joao Pessoa, Brazil - July 15-16, 1997)

1. Opening of the meeting
2. Adoption of Agenda and arrangements for the meeting
3. General comments on the issue of quota allocation for the south Atlantic swordfish fishery
4. Review of relevant criteria for catch quota allocation
5. Proposals for the allocation of swordfish catch quota
6. Other matters
7. Adoption of Report
8. Adjournment

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(Joao Pessoa, Brazil - July 15-16, 1997)

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Addendum 3 to Appendix 9 to ANNEX 10

**STATEMENT BY BRAZIL AT THE INTER-SESSIONAL MEETING
IN RELATION TO THE ALLOCATION OF CATCH QUOTA
FOR SOUTH ATLANTIC SWORDFISH**

The United Nations Convention on the Law of the Sea of 10 December 1982 set a new framework for the multilateral debate on oceans issues and gave a new meaning to fundamental concepts, such as the conservation and the responsible and equitable access to marine resources. International cooperation, especially when concerned with the preservation of marine resources, is the underlying principle of the Convention's spirit of universal responsibility regarding the oceans as humankind's patrimony.

Agenda 21 and the Convention on Biological Diversity, adopted by the United Nations Conference on Environment and Development, are also based on international cooperation. In this context, we must also mention the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as the Code of Conduct for Responsible Fisheries.

Brazil signed all the aforementioned international documents and has a firm conviction that their effective implementation - leading ultimately to the sustainable use of straddling and highly migratory fish stocks - depends on the grant of preferential treatment to countries with developing fisheries and fleets operating mainly in their EEZs and adjacent areas. Therefore, the adoption of international mechanisms should consider both the specific situation of developing countries and the larger harvesting capacities of developed countries. This aspect is of particular importance, especially when new strategies for conservation of marine resources are being discussed. Brazil's extensive coast and EEZ undoubtedly represent one of its most valuable assets for its economic development as well as its strategic sources of food, which is of crucial importance to minimize the lack of protein in its population nourishment. For this reason, Brazil will hardly agree to renounce to a significant participation in the south Atlantic swordfish fishery.

The Brazilian delegation wishes to point out the differences in harvesting capacity between developing coastal States and developed countries. The former are still in an early stage of development of marine technology. They lack specific expertise in pelagic fishery and are forced to limit their fishing activities within the EEZ. In contrast,

The Brazilian delegation wishes to point out the differences in harvesting capacity between developing coastal States and developed countries. The former are still in an early stage of development of marine technology. They lack specific expertise in pelagic fishery and are forced to limit their fishing activities within the EEZ. In contrast, developed countries have far more advanced technological means, with fleets operating in distant waters, and frequently count on subsidies that reduce their operational costs. As a result, with less effort they are able to reach fish stocks in distant regions. These differences must be taken into account in the discussion of a mechanism to define percentage quota of sea catches.

Furthermore, it must be stated that one of the main interests of coastal south Atlantic States is reflected in their responsible attitude towards the conservation and management measures. The same is not true with respect to other countries, who increased fishing in 1995 in spite of 1994 ICCAT recommendation that limits the catches in the years 1995 and 1996 to the average catch of the 1993-94 period. Fortunately, due to some other countries who complied with the 1994 ICCAT recommendation or even unilaterally reduced fishing, the total increase of swordfish catches in 1995 were not higher than expected.

Brazil understands that the allocation of quotas, based solely on historical records, is unfair and harmful to coastal States with developing fisheries. In the light of this understanding, Brazil proposes the adoption of an equitable system of allocation of catch for south Atlantic swordfish, that would take into account all the relevant technical criteria, comprising historical, socio-economic and biological aspects, among which we should mention: the existence of spawning, nourishment and growth areas within the EEZs; the technological stage of development of a State's fishing activity; dependence of its population on fish as a source of protein intake; commitment to conservation and management measures. This new system should also consider new fishing activities of coastal States and significant catches of non-contracting parties, entities or fishing entities.

It should be highlighted that the present approach does not dismiss Brazil's position that the management of fishery by means of allocation of catch is ineffective, since this mechanism does not prevent over-exploitation of the majority of fish stocks. In the specific case of south Atlantic swordfish, the main difficulties to its implementation are: the uncertainties over the maximum sustainable yield on which the total average catch is based (the group in charge of swordfish stock assessment acknowledges these problems, which are caused by the inaccuracy of the abundance indices used); the difficulties to negotiate an agreement on the allocation of catch; and finally the lack of means to ensure the percentage quotas shares agreed upon are respected, a crucial point for the effective implementation of the conservation measures.

In view of these considerations, the Brazilian delegation states the urgent need of a thorough reflection over the convenience and the opportunity to manage the south Atlantic swordfish stock by means of the allocation of catch, given that other management recommendations, of a more technical nature, are not sufficiently implemented. That is the case, for example, of the regulations on the minimum size of the catch, that could contribute significantly to the conservation of stocks without being harmful to coastal States, who have specific rights concerning the exploitation and management of highly migratory fish stocks (such as the swordfish), when they are within the EEZ. The non-observance of management recommendations undermines the coastal States' efforts to develop national fisheries, which are based on a gradual development aimed at the attainment of a sustainable exploitation level, consistent with the new concepts in international legal instruments relating to the exploitation of living marine resources.

In this context, and attempting to contribute to the definition of criteria on the allocation of catch for south Atlantic swordfish, the Brazilian delegation presents the document "The allocation of catch for south Atlantic swordfish", which is the Brazilian approach and a contribution to the work of this meeting.

**TECHNICAL CONSIDERATIONS BY BRAZIL AT THE INTER-SESSIONAL MEETING
RELEVANT TO THE ALLOCATION OF CATCH QUOTA
FOR THE SOUTH ATLANTIC SWORDFISH STOCK¹**

1. Introduction

Total allowable catch (TAC) or quota is a fishery management measure which aims to limit the maximum catch which can be taken from a stock. A reference point mostly used in determining a TAC has been the fishing mortality corresponding to maximum sustainable yield (MSY), which is estimated under the assumption that the stock is in a condition of equilibrium. This has been one of the most vulnerable points for the successful implementation of fishery management regimes based on TAC, as in many fisheries managed by TAC, cases in which the fishery is exploited beyond the equilibrium level, assumed in stock assessment models, are common. Besides, it should also be noted that MSY figures are not always estimated with good statistical data, thus providing unreliable estimates.

For stocks fished above the MSY level the objective of setting a quota is to recover the stock biomass to the size corresponding to MSY, however, to accomplish this objective the overall quota has to be based on the best estimate of the maximum catch permitted for the next fishing season, which implies a considerable demand for best scientific information, increasing management costs.

In fisheries managed through quotas it is common that quality of data on catch will deteriorate with time, as a result of the fact that catches discarded at sea or catches which exceeded individual quotas are not reported, thus implying increasing costs for maintaining data quality.

The whole process of setting a catch quota involves a series of steps. First the total allowable catch possible to obtain from the stock in the next season has to be determined. This is made based on biological and statistical data derived from sampling and from monitoring of the fishery.

Once the overall quota has been estimated, which can either be an absolute value or a range of values, working groups and committees of scientists, fisheries managers and other groups interested in the fishery, will start negotiations in order to reach an agreement on the total catch quota which will be applied to the next season. At this time, political and economical considerations will play a more important role than biological factors in the establishment of the total quota (McGoodwin, 1994).

The next step will be the allocation of shares of the overall quota among users from the stock. In the case of fisheries involving various users this may be a very difficult problem, involving economic, social and political considerations in delicate and complex negotiations.

Up to now, negotiations of allocation of quotas from shared stocks have been based almost entirely on the distribution of each fleet's catch over a number of years. There has been some objections against putting too much emphasis on "historical rights" as it favors only the harvesters which are just established in the fishery. These are usually the distant water fishing fleets, which are predominantly developed countries, that utilize the most advanced fishing technology in its fishing operations, especially in the case where the exploited resources are highly migratory species.

¹ This paper has been prepared by a Working Group, created under within the framework of the SEGESP, through Resolution N^o 003/97, and was based on an unpublished paper by José Dias Neto and José Heriberto M. de Lima. The Working Group was comprised of three representatives of IBAMA: José Dias Neto (Coordinator), José Heriberto Meneses de Lima and Philip Charles Connolly; one representative of SEGESPE: Sebastião Saldanha Neto; one representative of the Instituto de Pesca: Carlos Albert Arfelli; one representative of MMA: Ana Paula L. Prates; and one representative of CONEPE/FAPESC: Gabriel Calzavara de Araújo

This situation works against the interests of coastal states, imposing constraints on their aspirations for developing fisheries targeting highly migratory stocks occurring within their jurisdictional waters and adjacent high seas areas, and thus limiting their participation in the utilization of these fishery resources.

The final step is the application of enforcement measures for compliance with the agreed quotas. Depending on the situation, it may become the most costly step in the whole process. The key point is related to control measures applied by each fleet for reporting catch statistics. There is a need for credible control measures to be applied by all fleets in a uniform way to assure the accuracy and timely reporting of catches, which will provide for the effectiveness of any TAC regime. In addition, where there is a regional fishery organization, with responsibilities for the conservation and management of the stock concerned, it is very common that not all the fleets exploiting the resource are parties of the organization and therefore do not abide by its regulations/recommendations and do not cooperate in reporting catch and effort statistics. Besides, as such organizations have no authority to enforce their recommendations, the effective implementation of a TAC regime depends only on the willingness of those harvesting the resource to comply with its established quotas.

The above mentioned facts have been largely debated in international fora on conservation and management of fishery resources. Additionally, some international conferences and other meetings have produced adaptations and/or improvements in the pertinent conceptual basis and international legislation related to conservation and management of living marine resources, which resulted in the development of some mechanisms which favor the correction of these problems. It is worth noting some of the main events that have most contributed to this end, such as: The United Nations Convention on the Law of the Sea (UNCLOS) (UN, 1983); the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 1982, Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN, 1995); The Code of Conduct for Responsible Fisheries (FAO, 1995), as well as the Convention on Biological Diversity (UN, 1992a) and Agenda 21 protection of the oceans chapter of the United Nations Conference on Environment and Development UNCED) (UN, 1992b).

Despite all these new developments related with the conservation and sustainable use of living marine resources, which resulted in a marked evolution in the conceptual and legal basis dealing with these problems, it was, perhaps, in function of the short time period elapsed since then that very little or no significant advance has occurred in connection with the establishment of criteria for the allocation of overall catch quotas among users sharing a common highly migratory fish stock, as will be discussed further in item 3 of this paper.

The available literature on the relevant technical criteria to be used as a basis for catch quota allocation, contemplating the above mentioned progress, is still scarce and almost all of the few papers that we could find discuss this question from a theoretical approach.

The proposal for quota allocation presented here contemplates innovative and advanced aspects for the regulation of an international fishery managed by catch quota. It considers the most relevant criteria appropriate for the specific characteristics of the south Atlantic swordfish fishery, which is more diversified and complex than any of the other fisheries managed by TAC within the framework of ICCAT.

The proposal aims to reach a sound basis for the allocation of quotas among users characterized by different stages of social and economic development, some with well or fairly developed fisheries and others still developing their fishery for the highly migratory tuna resources which are found both in their jurisdictional waters and in the adjacent high seas.

2. Description of the south Atlantic swordfish fishery

Up to the mid-1980s, the south Atlantic swordfish stock was exploited by longline fisheries targeting other species. The main fleets participating were distant water fleets, such as Japan, Korea and Chinese Taipei. From 1965 to 1987 swordfish catches taken by these amounted to 63 % of the total swordfish catch from the south Atlantic, and catches from Brazil, Uruguay and Argentina, the coastal states of the region, represented 21.4 %.

Until the early 1980s, the total catch taken from the south Atlantic swordfish stock was relatively low and generally did not exceed 5,000 MT. It was only after 1987 that catches started showing an increasing trend as a result

of fishing operations initiated by Spanish longliners targeting swordfish, in areas South of 5°N latitude. This reallocation of Spanish fishing effort from the north to the south Atlantic, was due to limits imposed on catches taken from the north Atlantic stock after an ICCAT management recommendation was approved setting catch quotas for north Atlantic fisheries. Since then, the increased and continuous shift of Spanish effort directed at swordfish from the North to the South has drastically changed the distribution of south Atlantic swordfish catches, with the result that, in 1995, Spanish catches were higher than catches of all other harvesters together, and represented 56.5% of the total catch in weight

The comparison between the catch distribution of swordfish in the period 1965-87 and in the period 1988-95, shows that the group of fleets which used to dominate the fishery decrease their catch percentage from 63% to 39.7%. The same decreasing trend was also observed for catches taken by the coastal states, whose percentage catches decreased from 39.7% to 13.5%. In the later period, Spanish catches represented 42.6% of the total swordfish catch.

It should be noted that in both periods the percentage of swordfish catches taken by Brazil remained practically at the same levels, 11.48% in 1965-87 and 10.23% in 1988-95.

Swordfish are taken throughout the Brazilian waters, all year round, by directed fisheries and as by-catch of tuna longline fisheries. Brazilian fisheries for swordfish are carried out by national longliners and by foreign flagged longliners, leased by Brazilian companies and licensed to operate in Brazilian waters.

Traditionally, swordfish were taken as by-catch in the tuna fisheries carried out by Brazilian longliners. Only sporadically these vessels used to conduct fishing operations targeting for swordfish, which were concentrated in certain seasons of the year. The first experiences of directed swordfish fisheries were carried out in the years 1980-81, with the vessels still using the traditional nylon multi-filament longline, which was set early in the night, and used squid as bait (Amorim & Arfelli, 1984).

More recently, starting in 1994, it has been observed that an increasing number of Brazilian longliners are being engaged into directed swordfish fisheries. This change in fishing strategy involved several adaptations in gear structure and operational pattern of fishing, including replacement of regular longline by the monofilament longline and use of squid as bait together with a one way light stick attached to each branch line. There was also a shortening of the buoy cords and a reduction in the number of branch lines attached to each section of the main line. As a result of all these changes, the operational depth of hooks is now closer to the sea surface and cover the night period, making the longline more efficient in catching swordfish, which are more vulnerable to fishing at night, when they are feeding in surface waters. According to Amorim (1996), in October 1995 a total of seven Santos-based longliners were operating in directed swordfish fisheries.

The changes which occurred in the Brazilian longline fishery were in part the result of more efficient use of the monofilament longline used by some of the leased longliners targeting swordfish. Some of these vessels were equipped with freezers and could remain longer at sea and they started to fish to the North of the traditional area fished by the Brazilian longliners. As a result there was an expansion of the fishing area which now cover the northeast region of Brazil, and a seasonal pattern in the distribution of fishing is now observed: from June to October fishing concentrates in the south and southeast regions and for the remaining months fishing is concentrated in the northeast.

Figures 1 and 2 show nominal fishing effort and catch rate distribution by 1° statistical square, from the tuna fishery carried out by leased longliners during 1996 and first semester of 1997.

3. The traditional system of allocation

Up to now, the traditional method used for allocating quotas of shared stocks has been based on historical rights generally calculated as the weighted average of catches over a past number of years. Although the process of allocation could eventually involve other factors, the historical rights have usually played a major role in the negotiations for reaching agreement on the percentage shares of the stock assigned to each fleet.

There are a few examples of allocation of shared stocks where other criteria have been used. Gulland (1980) and Burke and Christy (1990) state that the International Commission for the Northwest Atlantic (ICNAF) used a system for allocation of quotas where the shares of participating fleets were based mainly on historical performance,

with a small proportion of the total allowable catch being set aside to provide for new entrants, non-contracting parties, entities or fishing entities, Contracting Parties with a developing fishery and a preference for coastal states.

These allocation systems which gave the greatest emphasis on historical rights were largely used in the open-access, pre-Law of the Sea era and were greatly favorable to the interests of fleets with well established fisheries.

These principles were considered to be largely irrelevant by Gulland (1980), in face of the new regime of the sea that was in the final phase of development at that time. Nowadays, after the entry into force of the United Nations Law of the Sea, which took place in November 1994, Gulland's argument that a user could not agree with another user's entitlement to a larger proportion of catches from a shared stock simply because it happened to develop its fishery early or faster, is even more valid and relevant.

Another example of allocation which could be cited here was the negotiations of the yellowfin quota in the eastern tropical Pacific tuna fishery, made under the framework of the Inter-American Tropical Tuna Commission. In these negotiations, the latin American countries, under the leadership of Mexico and Costa Rica, claimed a larger proportion of the overall quota, based on their condition of adjacency to the resource. A system was adopted giving to coastal states adjacent to the resource a larger quota than they would be entitled to if the percentage shares were based solely on historical catches. Later, the fleets participating in the fishery tried to develop an allocation system based on the concept of concentration of resources within the 200-mile zone, but failed to reach an agreement due to unresolved differences among the interested parties on how to measure an index of concentration of the resource (Joseph).

In general, it can be concluded that although biological characteristics of the stock and other technical criteria can be taken into account in the allocation process of national quotas, past experiences have demonstrated that in the majority of cases the distribution of quotas is made through political negotiations in which the main criteria used has been the historical catch.

The unique characteristics of highly migratory stocks like tuna and tuna-like species which requires, for their proper conservation and management, international cooperation among all states with interests in the fisheries, makes it necessary to develop mechanisms for the distribution of quotas which contemplate the whole range of possible biological and socio-economic criteria which are relevant and mutually acceptable to all the interested parties.

The new regime for the sea which emerged from the entry into force of UNCLOS and also from the signature of the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks point towards the adoption of new principles and practices for dealing with the treatment of questions related to the conservation and management of highly migratory fish resources. In connection with this, the importance of the role of international fishery organizations was stressed and reinforced. However, practical results will arise only through the application of the guidelines and principles contained in these legal instruments.

It is important to mention that among these organizations, the Northeast Atlantic Fisheries Commission (NEAFC) has initiated discussions on the application of the pertinent dispositions of the United Nations Agreement on Straddling and Highly Migratory Fish Stocks in relation with the establishment of criteria for allocation of national quotas of shared stocks. To this end, a Working Group was established whose terms of reference were to consider all the relevant criteria for allocation of oceanic-type redfish and to elaborate proposals for allocation of this stock. In October, 1995, a meeting of this Working Group was convened, resulting in the indication of use of other criteria besides historical catch. However, no conclusions were reached on priority or weight to be given to each criteria. Nonetheless, the Working Group recognized the need to take account of the activities of new participants and non-contracting parties (Anonymous, 1995).

Taking into account the characteristics of the exploitation of the tuna resources, it is considered that the possibility of allowing new users to have access to the fishery and also of distributing the benefits of its exploitation to other countries not actively engaged in the fishery are both important considerations which should be contemplated when developing appropriate criteria for allocation of catch quotas.

In the case of the south Atlantic swordfish fishery, such considerations are pertinent and for this reason adequate mechanisms should developed to ensure coastal states of the region to exercise their legitimate rights to participate actively in the conservation, management and exploitation of this resource.

The possibility of contemplating these two points favors in principle Argentina, which in the past had a reasonable participation in the fishery but in recent years has had a limited participation with very low catches. It also creates favorable conditions for the development of fisheries by the African countries.

4. Technical basis for definition and establishment of a new allocation system

The United Nations Convention on the Law of the Sea recognizes that developing countries have special requirements and need special assistance to exercise their rights and fulfilling their obligations in relation with living marine resources. In this regard there are many provisions which provide that preferential treatment be given to coastal states in relation to the exploitation of fishery resources. For example, Article 116 states that high seas fisheries are subject to the rights and duties as well as the interests of coastal states. Besides, Article 119 (1) (a) provides that in determining the allowable catch and establishing other conservation measures for the living resources in the high seas, States shall consider the special requirements of developing states.

According to Burke and Christy (1990), Article 116 might be interpreted to provide a legal basis for a coastal state to protect its interests in tuna fishery within its EEZ, opening the possibility that conservation and allocation measures could be extended to fishing activities on the high seas which could have negative impacts on tuna resources also caught within its EEZ. Thus far, at least two countries (Argentina and Peru) have relied on Article 116 to protect their sovereign rights over fishery resources occurring both in their EEZs and adjacent high seas areas, by extending to high seas fishing the effects of conservation and management measures adopted within areas under their national jurisdiction.

Acknowledging the fact that conservation and management measures shall be adopted in the framework of the new concepts on the utilization of living marine resources which emerged from the United Nations Conference on the Law of the Sea and from the recently signed United Nations Agreement on Straddling and Highly Migratory Fish Stocks, the interpretation and application of the pertinent provisions of UNCLOS (Arts. 56, 61, 63 and 116) as well as Art. 25 of the U.N. Agreement provide a basis for coastal states to be in more favorable conditions to revindicate a larger participation in the allocation of catch quotas for highly migratory stocks which occur within their jurisdictional waters.

Mahon (1996) in considering the implications of the U.N. Agreement for fishery development and management in the WECAFC region, points out the fact that the emphasis given to conservation measures and to the application of the precautionary approach in relation to new and exploratory fisheries could be interpreted as contrary to the expansion of fisheries for large pelagics planned by many WECAFC members, once the majority of stocks are already fully exploited. However, he states that other dispositions relating to equity in the distribution of benefits from the exploitation are in favor of coastal states which show a participation in the fishery disproportionate to the relative size of their EEZ, and for this reason they could justify claims for a larger participation in the fishery.

This author points out for the need of reallocation of shared stocks on a sound basis among legitimate participants in the fishery and concludes that there is an urgent need for fishery management organizations to develop criteria for allocating and estimating and negotiating shares of common stocks if over-exploitation due to continued expansion of fisheries is to be avoided.

On the other hand, and in parallel with the new legal instruments which have arisen, there was a marked conceptual evolution on the issue of identification of other criteria for the allocation of national quotas, according with specialized bibliography.

In this context, Caddy (1982, 1996) makes an extensive but non-exhaustive list of the possible relevant criteria which could be utilized in a negotiation process for catch quota allocation, categorizing them into 3 types, as follows:

4.1 Historical criteria

a) Shares of the total quota are assigned to each fleet in proportion to its catches taken from the stock in a given period of years;

b) Sharing of the total quota to take into account the past history of responsible management measures and the existence of national legislation aimed at conserving the stocks.

4.2 Criteria of current socio-economic importance

a) Allocation of the total quota which takes into account the existing fleet size and current investment in fish plants and other infrastructure, that is, the current capital investment in the fishery;

b) In the allocation process, considerations is given to socio-economic effects, particularly the impacts on the level of employment in coastal communities, especially where there is a traditional dependence on the exploitation of the resources for meeting basic nutritional requirements;

c) Consideration could also be given to current investment in the application of measures for conservation and protection of the stocks, as well as if other economic opportunities are being foregone for being incompatible with the objectives of conservation and protection of the stocks;

4.3 Bio-oceanographic and long-term criteria

This group includes all criteria relative to the biology and migration of the species, such as:

a) Spawning areas located within the BEZ of a given country, as well as areas of high primary or secondary productivity, or of forage fish, which provides suitable conditions for nursery and feeding, could be used as justifying a larger share of a common resource which utilizes these areas.

b) The occurrence of suitable areas for fishing or migrating routes within one EEZ, which makes the fishery more profitable in one EEZ, by allowing catches at the appropriate size, age and condition for human consumption, and thus contributing for the sustainable use of the resource, could also allow for a greater share;

Although not included in the list of criteria proposed by Caddy (1982), the recognition of the special requirements of developing states, in relation with the conservation and full utilization of the living marine resources, provided for in UNCLOS and the legal instruments recently adopted, makes it valid to consider stage of economic and social development as a factor in the allocation process. In this way, developing countries facing constraints in their search for fishery development could have an opportunity to participate actively in the fishery for resources which occur within their jurisdictional waters.

Therefore, it can be concluded that the evolution of the conceptual and legal basis provides an extensive and unquestionable ground for coastal states with developing fisheries to negotiate under the new basis the allocation of quotas, especially with the distant-water fishing fleets with already developed fisheries.

5. Identification of the relevant technical criteria

Caddy (1996) in considering a list of possible criteria to be included in the negotiation of allocation of shared stocks states that, following UNCED and since the onset of the U.N. Agreement on Straddling and Highly Migratory Fish Stocks, there is an increasing perception that uncontrolled investment and over-exploitation are the main factors which have led to stock collapses in many parts of the world and are adversely affecting biodiversity. From these considerations, he concludes that countries which restrained fleet development and maintained a limited presence in the fishery could reasonably argue that they should be rewarded for not having contributed to stock collapse or at least should not be penalized.

This is a factor of great relevancy for the allocation of the south Atlantic swordfish stock, as it contributes to an equitable sharing of the resource, by favoring coastal states with minor participation in the fishery. As UNCLOS provides coastal states with sovereign rights over highly migratory species when they are within their EEZ, the obligation to cooperate with other states for the conservation and optimum utilization of these resources shall not be used as a reason to limit coastal states' rights to participate in the fishery for the highly migratory species within their EEZ. It is doubtful that a coastal state could accept to be bound by conservation measures excessively restrictive which could impose limitations on their right to develop their own fisheries within areas under their jurisdiction.

It is unquestionable that the current situation of deterioration of the south Atlantic stock is the result of the progressive levels of fishing effort applied by the Spanish longline fleet. As a result, an increasing trend in Spanish

catches was observed over the last years, starting with 4,393 MT in 1988 and reaching a record catch of 11,290 MT in 1995, which represented more than 50% of the total south Atlantic swordfish catch.

In this situation, any system for quota allocation which gives the greatest benefit to the fleet most responsible for the reduction of the stock would have a negative impact upon the conservation regime of ICCAT for this species. The credibility of ICCAT, as a fishery organization with the mandate for the conservation of tuna stocks in the Atlantic, will also be affected as it will be hard to expect that coastal states which refrained from developing their fisheries by their commitment to the conservation and management measures in place, and have limited their catches to the levels registered in 1993/94, in conformity to the regulatory recommendation, will face extreme difficulties to comply with more restrictive measures imposing additional limitations on their plans for development of fisheries.

With reference to the utilization of biological factors as a basis for quota allocation, the occurrence of spawning or feeding areas within the EEZ could be considered as one of the most relevant factors to justify a larger share of quota from a common stock.

According to Caddy (1982, 1996), the use of such criteria is justified taking into account that these areas are considered as critical habitats in the life cycle of fishery resources, and for this reason they need to be preserved to maintain the productivity of the stocks. He considers as legitimate the coastal states claims to a larger share of stocks having spawning or feeding areas within their EEZs, as the actions to be taken and expenses incurred for the protection of these habitats will fall entirely within the competence of coastal states. Additional onus will be also incurred to coastal states if they refrain from fishing the stocks when they are available at high concentrations and could be fished at low operational costs.

Taking into account these considerations and all the facts discussed in item 4, and also considering the provisions of Art. 24, of Part VII of the U.N. Agreement and the pertinent provisions of Chapter 17 of Agenda 21 (UN, 1992), from the list of available criteria for quota allocation, the following were considered to be most relevant for the allocation of the south Atlantic swordfish stock:

- Historic catch;
- Distribution of stock biomass;
- State of development of the countries;
- Dependency from the fishing area; and
- Compliance with conservation and management measures.

These criteria also showed the advantage of being quantifiable and were measured through the calculation of indices, which were later multiplied by weighting factors. After summing the values calculated for each country, its percentages in relation to the total sum of factors for all the fleets were estimated and used as a measure of the corresponding sharing of the resource.

5.1 Historic catch

As mentioned before, historical catches were until now the only criteria used as a basis to calculate the percentage quota to be assigned to each fleet participating in a fishery. In this case, for the south Atlantic swordfish fishery, one of the following catch series could be used, as shown in Table 1.

Included in this table are all fleets which showed for all the series considered average catches relatively close to 2% or higher, in relation to the total average annual catch.

- a) Last 26 years (1970-1995): Corresponds to ICCAT history period.

This historical series exclude data prior to 1970, which could be considered as questionable because there was still no formal structure to coordinate and compile fishery statistics. This series can still be considered as most reasonable for the fleets which traditionally fished in the area, yet keeping a place for those which for some reason have not fished in recent years and eliminating in part the advantages taken by non-coastal states which in recent years started intensive fishing in the area.

- b) Period 1970-1993: This series reflects the time period prior to the ICCAT recommendation for a limitation of catches or fishing effort. The year of 1994 was not considered, as ICCAT recommendation was approved before

the end of this year and catches for 1994 could be questioned as one could argue that a fleet could have been motivated to increase its catches in order to ensure a larger participation in the fishery in the future.

This historical series maintain the advantages presented before and attenuate some fleets' tendency of trying to extend their presence in the area in the last years, through the expansion of catches or even by starting new fisheries in the area.

The estimated values for each fishery were multiplied by weighting factors of 1 and 2 and the results are shown in Table 1.

5.2 Distribution of stock biomass

This criteria can be considered as a bio-oceanographic and long-term category type criteria from the classification proposed by Caddy (1982). It provides a basis for coastal states with developing fisheries for swordfish occurring in their jurisdictional waters, a situation common to all countries of the region, to have this fact recognized, as it implies a major responsibility or higher expenses in connection with the conservation of the resource. This can be either as a result of the need to maintain the exploitation at levels compatible with the sustainable use of the resource or in fulfilling their obligations to avoid adverse impacts on the environment.

In addition to questions concerning conceptual and legal aspects, and to the fact that swordfish occurs in Brazilian jurisdictional waters, it is convenient to point out that particular oceanographic conditions make waters off Brazil an area of extreme importance for the exploitation of this resource, such as:

a) **Distribution:** Taking into account the catch rates of the swordfish by-catch taken by the Japanese longline fishery in the Atlantic ocean, for the period 1957-83, Farber (1988) defined the total distribution area of swordfish as ranging from 40°N to 40°S and identified three areas of high concentration of the stock. Among them, the area with higher abundance indices was located in the south region of Brazil/Uruguay. In this area, swordfish occur all year round, with the biggest densities in the months from June to October.

The available information on fisheries carried out by foreign flagged longliners, leased by Brazilian companies, confirms the existence of this high concentration area in the south and southeast regions of Brazil, with the west limit of the southeast region extending up to 20°W. Data from these fisheries also show areas of high abundance indices in the northeast region, which are located closer to the coast (Figure 2).

b) **Feeding:** From the analysis of length frequency distribution of swordfish caught by Brazilian longliners off the southeastern coast of Brazil during the 1971-91 period, Arfelli (1996) shows the following monthly variation in the size distribution of fish caught. In general, catches taken during the intermediate months of the year show an increase in the frequency of medium sized fish (100 to 200 cm), especially from June to October, when there is also the occurrence of large fish (over 200 cm), while catches taken at the beginning and at the end of the year show the highest frequency of small fish (less than 110 cm).

Taking into account the available information on the oceanographic structure of the region, which indicates that during the winter period (June to August) waters off the southeastern coast of Brazil are cooled and enriched by the Falklands current, which flows to the North, bringing together high concentrations of squids, which are part of the food habits of swordfish, this author concludes that the increase in the frequency of medium sized fish is related to the trophic migration of swordfish.

c) **Spawning:** Rey (1988) presents an extensive bibliographic review of available information on the occurrence of mature males and females, location and abundance of eggs and larvae, and also of post-larvae and juveniles swordfish in the Atlantic ocean. Based on this information, he concluded that there are indications that swordfish spawning is restricted to areas with temperature in the range of 23 to 26°C. Spawning occurs in a continuous way throughout the year between 10°N and 10°S, while in higher latitudes spawning would be conditioned to the respective summers of each hemisphere.

The spawning areas of swordfish in Brazilian waters have been reported by many authors based on information on the occurrence of females with ripe gonads, in spawning condition or on the presence of larvae. Among them,

Lutken *apud* Gorbunova (1969) cite the occurrence of larvae in the area between 20°-30°S and 30°-40°W, from November to April. Ueyanagi et al (1970) found mature females in the first and fourth quarters (mainly in the first) between 20°-30°S and 40°-50°W, as well as larvae, from November to April, in the area between 0°-5°S and 34°-40°W, in waters with temperatures ranging between 24 to 26°C. Based on this information and taking into account additional information from samples collected from catches of Brazilian longliners, females with ovaries in an advanced stage of maturation and in post-spawning condition were observed. Amorim and Arfelli (1984) concluded that, for the southeastern coast of Brazil, spawning takes place from the middle of the fourth quarter to the end of the first quarter, with high intensity in the last, in an area between 20°-28°S and 39°-48°W.

A more recent study carried out by Mejuto and Garcia (1997) indicated that areas with high gonadal indices of adult swordfish (over 165 cm) were found between 15°-35°S and 20°-35°W, during the first and second quarters, which confirms the existence of areas of swordfish spawning in waters off Brazil.

These authors suggest that swordfish spawning may possibly be linked to the distribution of the isotherms beneath the surface layers and they present a map indicating an area, included within the isotherm of 25°C at a depth of 50 meters, where swordfish are most likely to spawn. This whole area extends from approximately 34°N to 28°S covering almost the entire Brazilian coast (Figure 3).

From these considerations, it follows that the adoption of an allocation scheme for south Atlantic swordfish stock which does not include biological criteria will have no sound basis and it is not expected to be accepted by the coastal states from the region. If this happens, we will be faced with a situation whereby the coastal states will be hindered from participating in the fishery and will have their waters transformed into a breeding ground of fish to be caught by distant water fishing fleets, on the high sea waters adjacent to their EEZ, with the additional burden of the actions for the conservation of the stocks falling on them, as established by international legal instruments.

This criteria was measured dividing the whole area of distribution of the stock within the EEZ of each country by the total area of distribution in the south Atlantic, which was considered as ranging from 5°N to 40°S. Values calculated for each country were then multiplied by weighting factors, according to Tables 2a and 2b.

5.3 State of development of the countries

We could consider this criteria as a "criteria of current socio-economic importance" from the classification proposed by Caddy (1982). It is a type of criteria which gives different parameter estimates for countries with different economic, social, and cultural/technological levels of development, and it is intended to correct or create conditions for the least developed countries, facing constraints in their quest for developing their own fisheries, to strengthen their capacity to overcome such problems.

A solid basis for using this criteria is provided for in Part VII of the U.N. Agreement - Requirements of Developing States. We tried to identify a criteria that could be easily estimated, contemplating in a consistent way the principles contained in this Agreement, and that could be used to attenuate unfavorable conditions of fleets that have been unable to participate actively in the fishery, ensuring the achievement of this objective.

It is relevant to recall that failure to achieve this objective may bring undesirable results. A coastal state having the right to participate in the fishery for a fish stock within its EEZ, could decide to develop its own fishery, not abiding by the conservation and management measures considered to be disproportionate in relation to other countries, thus making any conservation effort useless. This will also work against the credibility of the regional fishery organization, in regard to its capacity to coordinate/implement management measures.

To measure the condition of development of the concerned countries, the Human Development Index (HDI), presented in the 1996 Report of Human Development (UNDP, 1996) was used. However, to reach the intended objective, a parameter inversely proportional to this index was obtained (1/HDI). In this way it was thought that countries with low HDI could have the possibility of having access to or expand their fishery in the short/medium term, thus allowing for improvement in their "index of development".

Proposed in 1990, the HDI has been improved over the years, but its conceptual basis has remained unchanged. The idea of developing this index followed from the conclusion that although human development is a process which enhances man's opportunities, three essential conditions have to be fulfilled in order that all the remaining opportunities and alternatives could be realized: to enjoy long and healthy life; to acquire knowledge; and to have

access to the resources required for reaching a suitable standard of life. The HDI seeks to combine and articulate three components of human life - longevity, educational level and access to resources - in such a way that the first two components are incorporated as values and the last is a mean to achieve all the other objectives.

These three components of the HDI are expressed by the following variables:

a) life expectancy at birth;

b) the rate of literacy of adult individuals and the combined rate of attendance at elementary school, secondary school and university. These two rates were combined to give a unique index, through the calculation of weighted average, after being multiplied by weighted factors of 2 and 1, respectively; and

c) per capita income, as an indicator of access to resources.

In this way, this index can be considered as the most representative parameter to measure human development between countries. Weighting factors were applied to the corresponding parameters estimated for each fishery, and the results of the calculations are presented in Tables 3a and 3b.

5.4 Dependency from the fishing area

A basis for using this criteria is also provided for in UNCLOS and the U.N. Agreement, in relation to take into account the needs of coastal states, sharing a common resource that is being subject to a conservation and management regime. It is intended to allow that a coastal state with a developing fishery could have the necessary conditions to participate actively in the fishery, at the most convenient time in the future.

This is a criteria can be considered as included in Caddy's category of criteria of current socio economic importance.

In addition, it is important to point out that according to the catch statistics provided by ICCAT, there are countries with fleets operating in a number of ocean areas, besides their jurisdictional waters, while others fish exclusively in their jurisdictional waters and adjacent high sea areas. Therefore, any management measure limiting the expansion of fisheries to areas where there are countries fishing exclusively on them, should contemplate the relative dependency of each country .

This criteria was measured dividing each fleet's average catch of swordfish in the south Atlantic, estimated over the time period considered in item 5.1 (1970-93), by the respective average catch of each fleet in the entire Atlantic.

The calculated values for each fishery were multiplied by weighting factors, and the results are shown in Tables 4a and 4b.

5.5 Compliance with conservation and management measures

According to Caddy (1982), each country's historic past compliance with conservation and management measures could be taken into account in the negotiation of allocations from a shared stock. The use of this criteria is intended to discourage those which have systematically infringed upon ICCAT regulatory measures from continuing with this practice, and to avoid that other countries that comply with such regulatory measures could be penalized.

On the other hand, the incorporation of this criteria in the allocation scheme could become an instrument of significant importance for the strengthening of regional and sub-regional organizations, by giving them some power to enforce regulatory measures.

In the present case, it was considered that the most important regulatory measure for the south Atlantic swordfish stock is the recommendation setting a limit on swordfish catches for all Contracting Parties during 1995 and 1996, which should not exceed their 1993 or 1994 level, whichever is higher. This criteria was measured by taking the level of catch allowed for each fleet and dividing it by their reported catch in 1995, according to the

statistics published by ICCAT. The values estimated for each fleet were then multiplied by weighting factors and the results are shown in Tables 5a and 5b.

6. Proposal for the allocation of catch quota for the south atlantic swordfish stock.

In accordance with item 5, the selected criteria were measured and multiplied by weighting factors, and the results of these calculations were presented in Tables 1, 2a to 5a and Tables 2b to 5b. From these tables, it was possible to create a new set of Tables 6a to 6f, and Tables 7a and 7b, which are presented as alternatives for the allocation of swordfish catch among the interested users. It should be mentioned that the possibility of making new combinations was not entirely investigated being possible to create a number of similar tables.

It should be noted here that in Tables 2 to 5 (labeled "a"), all the fleets which have participated in the fishery with an average annual catch higher than 2% are listed, while in Tables 2 to 5 (labeled "b"), only ICCAT Contracting Parties are listed.

In spite of the fact that a reasonable approach to compose the allocation tables would be to include all those fleets that have had a regular presence in the fishery, determined on the basis of a minimum percentage value of the average annual catch, coastal states from the region should not be left out, as this would contribute to non compliance with the quota limit established, thereby undermining efforts for the conservation of the stock. Under these circumstances, we think it would be advisable that a decision on the fleets to be included in the tables should be taken by ICCAT, in the appropriate forum. Therefore, the two lists of countries presented, labeled as "a" and "b" tables, are shown only as possible alternatives.

It is of great importance to highlight the fact that values assigned to each criteria were measured with unquestionable parameters, which eliminates subjectivity in its estimation, and ensures more consistency of the final results. Although we recognize that there is still the need to reach an agreement among the interested harvesters on the weighting factors to be assigned to each criteria, we assume that the combinations presented in Tables 6a to 6f and in Tables 7a to 7f are alternatives considered as fairly acceptable to all the parties involved.

Another point to mention is that the overall quota considered was the catch limit of 13,000 MT, recommended by ICCAT at its 1996 annual meeting for the south Atlantic fishery.

After these initial considerations, from the analysis of the final tables which includes a larger number of fleets, the following variation is observed for the minimum and maximum values of catch quota estimated for each fleet:

	<i>MINIMUM (table)</i>		<i>MAXIMUM (table)</i>	
	<i>(in MT)</i>		<i>(in MT)</i>	
Argentina	1,025	7e	1,301	6b
Brazil	3,108	7e	3,682	6b
Chinese Taipei	781	6b	844	6b
Cuba	936	7e	1,079	6b
Spain	959	6b	1,501	7e
Japan	1,536	7b	2,238	6e
Korea	1,068	7e	1,165	6b
Uruguay	1,032	7e	1,182	6b
Others	--	--	1,300	--

In this case, a fraction of the total quota, corresponding to 10%, was set aside to provide for other users not listed here. There is still the possibility that this percentage could be used to accommodate any expansion of fishery by the other coastal countries of the region, considering that the historical series have shown that the group of users not listed above did not reach this percentage.

* Table 6b was not received; hence it is not included herewith. For further information, contact the Brazilian authorities.

As for the other tables, which list only ICCAT Contracting Parties, the results indicate the following variation between the minimum and maximum values of catch quota estimated for each fleet:

	MINIMUM (table)		MAXIMUM (table)	
	(in MT)		(in MT)	
Brazil	3,698	7f	4,318	6c
Spain	1,261	6c	1,755	7f
Japan	2,062	7c	2,681	6f
Korea	1,521	7f	1,710	6c
Uruguay	1,447	7f	1,683	6c
Others of SA	--	--	1,300	--
Others out of SA	--	--	650	--

In this case, it is proposed that 10% of the total quota be allocated to coastal states of the south Atlantic, taking into account that their fisheries are going to expand, and 5% for the harvesters outside the region.

For comparative purpose, the numerical values of catch quota obtained here were analyzed in relation with the average catches of the fleets participating in the fishery, during the period 1970-1993 (Table 4a), and the results show that:

a) Distant water fishing fleets

The resulting catch quota assigned to each fleet seems to be consistent with their average catches over the time period considered. For example, the historical average catch of Japan was 2,485 MT, while the catch quota values proposed here ranged from 1,536 to 2,681 MT. As for Spain, the average historical catch was 1,531, while the estimated catch quota ranged from 959 to 1,755 MT (Tables 6b* and 7f). Very similar results were obtained for the other fleets.

b) South Atlantic coastal states

In this case, the results show that estimated values for catch quota are higher than average catches estimated over the time period considered. However, this is consistent with the need to ensure that these users countries will have an opportunity to expand their fisheries in the future. For example, if average catches of Brazil were 799 MT, values estimated here show the possibility of expansion of catches in the range of 3,108 and 4,318 MT (Tables 7e and 6c). As for Uruguay, if the average catch was 325 MT, in the future catches could reach values between 1,032 and 1,683 MT.

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Table 1. Average annual catch of swordfish (expressed as %), estimated for the 1970-93 and 1970-95 periods
Factor 1. Multiplied by different weighting factors

Countries	Time period: 1970-93		Time period: 1970-95	
	Weight (=1)	Weight (=2)	Weight (=1)	Weight (=2)
Argentina	1.40	2.80	1.40	2.80
Brazil	11.40	22.80	11.10	22.20
Chinese Taipei	8.30	16.60	8.50	17.00
Cuba	5.40	10.80	4.40	8.80
Spain	21.90	43.80	25.10	50.20
Japan	35.50	71.00	34.50	69.00
Korea	6.80	13.60	6.40	12.80
Uruguay	4.70	9.40	4.50	9.00
Others	4.60	9.20	4.10	8.20
Total	100.00	200.00	100.00	200.00

Table 2a. Distribution of stock biomass. Factor 2. Multiplied by different weighting factors

Countries	Factor 2 ¹		Weight (=2)	Weight (=3)
	Absolute value	%		
Argentina	0.50	5.88	11.76	17.65
Brazil	7.60	89.41	178.82	268.24
Uruguay	0.40	4.71	9.41	14.12
Total	8.50	100.00	200.00	300.00

^{1/} Distribution area of swordfish within each country's EEZ was divided by swordfish total distribution area in the south Atlantic.

Table 2b. Distribution of stock biomass. Factor 2. Multiplied by different weighting factors;
ICCAT Contracting Parties only

Countries	Factor 2 ¹		Weight (=2)	Weight (=3)
	Absolute value	%		
Brazil	7.60	95.00	190.00	285.00
Uruguay	0.40	5.00	10.00	15.00
Total	8.00	100.00	200.00	300.00

^{1/} Distribution area of swordfish within each country's EEZ was divided by swordfish total distribution area in the south Atlantic.

Table 3a. State of development of countries. Factor 3. Multiplied by different weighting factors

Countries	HDI ¹		Weight (=2)	Weight (=3)
	Absolute value	%		
Argentina	1.13	13.83	27.66	41.49
Brazil	1.26	15.42	30.84	46.27
Chinese Taipei	—	—	—	—
Cuba	1.38	16.89	33.78	50.67
Spain	1.07	13.10	26.19	39.29
Japan	1.07	13.10	26.19	39.29
Korea	1.13	13.83	27.65	41.49
Uruguay	1.13	13.83	27.66	41.49
Total	8.17	100.00	200.00	300.00

1/ HDI = Human Development Index, 1995 (Source: Report of Human Development, 1996).

Table 3b. State of development of fleets (ICCAT Contracting Parties only). Factor 3. Multiplied by different weighting factors

Countries	HDI ¹		Weight (=2)	Weight (=3)
	Absolute value	%		
Brazil	1.26	22.26	44.52	66.78
Spain	1.07	18.90	37.81	56.71
Japan	1.07	18.90	37.81	56.71
Korea	1.13	19.96	39.93	59.89
Uruguay	1.13	19.96	39.93	59.89
Total	5.66	100.00	200.00	300.00

1/ HDI = Human Development Index, 1995 (Source: Report of Human Development of 1996).

Table 4a. Dependency on the fishing area. Factor 4. Multiplied by different weighting factors

Country	Swordfish catch ¹			Factor ²			
	AN	AS	Total	ABS	%	Weight (=2)	Weight (=3)
Argentina	—	101.00	101.00	1.00	16.66	33.32	49.98
Brazil	—	799.00	799.00	1.00	16.66	33.32	49.98
Chinese Taipei	178.00	576.00	754.00	0.76	12.73	25.45	38.18
Cuba	278.00	374.00	652.00	0.57	9.56	19.11	28.67
Spain	5,391.00	1,531.00	6,922.00	0.22	3.68	7.37	11.05
Japan	981.00	2,485.00	3,466.00	0.72	11.94	23.89	35.83
Korea	178.00	473.00	651.00	0.73	12.11	24.21	36.32
Uruguay	—	325.00	325.00	1.00	16.66	33.32	49.98
Total	7,006.00	6,664.00	13,670.00	6.00	100.00	200.00	300.00

1/ Average catch estimates for the 1970-93 period.

2/ Swordfish catch in the south Atlantic (AS), divided by the total swordfish catch in the entire Atlantic (AN + AS).

Table 4b. Dependency on the fishing area. Factor 4. Multiplied by different weighting factors. ICCAT Contracting Parties only

Country	Swordfish catch ¹			Factor ²			
	AN	AS	Total	ABS	%	Weight (=2)	Weight (=3)
Brazil	—	799.00	799.00	1.00	27.29	54.57	81.86
Spain	5,391.00	1,531.00	6,922.00	0.22	6.04	12.07	18.11
Japan	981.00	2,485.00	3,466.00	0.72	19.56	39.13	58.69
Korea	178.00	473.00	651.00	0.73	19.83	39.65	59.48
Uruguay	—	325.00	325.00	1.00	27.29	54.57	81.86
Total	6,550.00	5,613.00	12,163.00	3.66	100.00	200.00	300.00

1/ Average catch estimates for the 1970-93 period.

2/ Swordfish catch in the south Atlantic (AS), divided by the total swordfish catch in the entire Atlantic (AN + AS).

Table 5a. Compliance with ICCAT catch limit Recommendation. Factor 5. Multiplied by different weighting factors

Countries	Index ¹		Weight (=2)	Weight (=3)
	Absolute value	%		
Argentina	1.06	12.66	25.32	37.97
Brazil	1.06	13.42	26.84	40.25
Chinese Taipei	1.03	13.04	26.08	39.11
Cuba	1.00	12.66	25.32	37.97
Spain	0.70	8.86	17.72	26.58
Japan	1.29	16.33	32.66	48.99
Korea	1.21	15.32	30.63	45.95
Uruguay	0.61	7.72	15.44	23.16
Total	7.90	100.00	200.00	300.00

1/ The higher catch in 1993 or 1994, divided by the 1995 reported catch.

Table 5b. Compliance with ICCAT catch limit Recommendation. Factor 5. Multiplied by different weighting factors (ICCAT Contracting Parties only)

Countries	Index ¹		Weight (=2)	Weight (=3)
	Absolute value	%		
Brazil	1.06	21.77	43.53	65.30
Spain	0.70	14.37	28.75	43.12
Japan	1.29	26.49	52.98	79.47
Korea	1.21	24.85	49.69	74.54
Uruguay	0.61	12.53	25.05	37.58
Total	4.87	100.00	200.00	300.00

1/ The higher catch in 1993 or 1994, divided by the 1995 reported catch.

Table 6a. Total sum of points, percentage share, and estimated catch quota (MT)

Country	Product of value X weighting factor ¹				F5 Absol. value	Total		Quota ² (A)
	F1	F2	F3	F4		%		
Argentina	2.80	11.80	27.60	33.34	25.20	100.74	10.19	1,192
Brazil	22.80	178.80	30.80	33.34	26.80	292.54	29.59	3,462
Chinese Taipei	16.60	--	--	25.32	26.00	67.92	6.87	804
Cuba	10.80	--	34.00	19.00	24.00	87.80	8.88	1,039
Spain	43.80	--	26.20	7.34	17.80	95.14	9.62	1,126
Japan	71.00	--	26.20	24.00	32.60	153.80	15.56	1,820
Korea	13.60	--	27.60	24.16	30.40	95.76	9.69	1,133
Uruguay	9.40	9.40	27.60	33.34	15.20	94.94	9.60	1,124
Others	9.20	--	--	--	--	--	--	1,300 ³
Total	200.00	200.00	200.00	199.84	198.00	988.64	100.00	13,000

1/ 1970-93 period and weight (=2) for all factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

Table 6c. Total sum of points, percentage share, and estimated catch quota (MT)

Country	Product of value X weighting factor ¹				F5 Absol. value	Total		Quota ² (A)
	F1	F2	F3	F4		%		
Brazil	11.40	190.00	44.52	54.50	43.52	343.94	39.08	4,318
Spain	21.90	--	37.82	11.98	28.74	100.44	11.41	1,261
Japan	36.50	--	37.82	39.24	52.98	165.54	18.81	2,078
Korea	6.80	--	39.92	39.78	49.70	136.20	15.47	1,710
Uruguay	4.60	10.00	39.92	54.50	25.06	134.08	15.23	1,683
Others of AS	19.80	--	--	--	--	--	--	1,300 ³
Others out of AS	--	--	--	--	--	--	--	650 ⁴
Total	100.00	200.00	200.00	200.00	200.00	880.20	100.00	13,000

1/ 1970-93 period and weight (=1) for Factor 1 and weight (=2) for all other Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

4/ 5% of the total quota left for other distant water fishing countries.

**Table 6d. Total sum of points, percentage share, and estimated catch quota (MT)
(ICCAT Contracting Parties only)**

Country	Product of value X weighting factor ¹				Total		Quota ² (A)	
	F1	F2	F3	F4	F5 Absol. value	%		
Brazil	22.80	44.52	54.50	43.52	190.00	355.34	36.99	4,088
Spain	43.80	37.82	11.98	28.74	—	122.34	12.74	1,407
Japan	71.00	37.82	39.24	52.98	—	201.04	20.93	2,313
Korea	13.60	39.92	39.78	49.70	—	143.0	14.89	1,645
Uruguay	9.40	39.92	54.50	25.06	10.00	138.88	14.46	1,598
Others of AS	—	—	—	—	—	—	—	1,300 ³
Others out of AS	—	—	—	—	—	—	—	650 ⁴
Total	160.06	200.00	200.00	200.80	200.00	960.60	100.00	13,000

1/ 1984-93 period and weight (=2) for all Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

4/ 5% of the total quota left for other distant water fishing countries.

Table 6e. Total sum of points, percentage share, and estimated catch quota (MT)

Country	Product of value X weighting factor ¹				Total		Quota ² (A)	
	F1	F2	F3	F4	F5 Absol. value	%		
Argentina	2.80	5.90	13.80	16.67	12.60	51.77	8.77	1,026
Brazil	22.80	89.40	15.40	16.67	13.40	157.67	26.71	3,125
Chinese Taipei	16.60	—	—	12.66	13.00	42.26	7.16	838
Cuba	10.80	—	17.00	9.50	12.00	49.30	8.35	977
Spain	43.80	—	13.10	3.67	8.90	69.47	11.77	1,377
Japan	71.50	—	13.10	12.00	16.30	112.90	19.13	2,238
Korea	13.60	—	13.80	12.16	15.20	54.76	9.28	1,085
Uruguay	9.40	4.70	13.80	16.67	7.60	52.17	8.84	1,034
Others	—	—	—	—	—	—	—	1,300 ³
Total	200.00	100.00	100.00	100.00	99.00	590.30	100.	13,000

1/ 1970-93 period and weight (=2) for Factor 1 and weight (=1) for all other Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

Table 6f. Total sum of points, percentage share, and estimated catch quota (MT)(ICCAT Contracting Parties only)

Country	Product of value X weighting factor ¹				Total		Quota ² (A)	
	F1	F2	F3	F4	F5 Absol. value	%		
Brazil	22.80	95.00	22.26	27.25	21.76	189.07	33.73	3,727
Spain	43.80	—	18.91	5.99	14.37	83.07	14.82	1,637
Japan	71.00	—	18.91	19.62	26.49	136.02	24.26	2,681
Korea	13.60	—	19.96	19.89	24.85	78.30	13.97	1,543
Uruguay	9.40	5.00	19.96	27.25	12.53	74.14	13.23	1,461
Others of AS	—	—	—	—	—	—	—	1,300 ³
Others out of AS	—	—	—	—	—	—	—	650 ⁴
Total	160.60	100.00	100.00	100.00	100.00	560.60	100.00	13,000

1/ 1970-93 period and weight (=2) for Factor 1 and weight (=1) for all other Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

4/ 5% of the total quota left for other distant water fishing countries.

Table 7a. Total sum of points, percentage share, and estimated catch quota (MT)

Country	Product of value X weighting factor ¹				F5 Absol. value	Total	Quota ² (A)	
	F1	F2	F3	F4		%		
Argentina	2.80	11.80	27.60	33.34	25.20	100.74	10.18	1,191
Brazil	22.20	178.80	30.80	33.34	26.80	291.94	29.50	3,451
Chinese Taipei	17.00	—	—	25.32	26.00	68.32	6.90	808
Cuba	8.80	—	34.00	19.00	24.00	85.80	8.67	1,014
Spain	50.20	—	26.20	7.34	17.80	101.54	10.26	1,200
Japan	69.00	—	26.20	24.00	32.60	151.80	15.34	1,795
Korea	12.80	—	27.60	24.16	30.40	94.96	9.60	1,123
Uruguay	9.00	9.40	27.60	33.34	15.20	94.54	9.55	1,118
Others	8.20	—	—	—	—	—	—	1,300 ³
Total	200.00	200.00	200.00	199.84	198.00	989.64	100.00	13,000

1/ 1970-93 period and weight (=2) for all Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

Table 7b. Total sum of points, percentage share, and estimated catch quota (MT)

Country	Product of value X weighting factor ¹				F5 Absol. value	Total	Quota ² (A)	
	F1	F2	F3	F4		%		
Argentina	1.40	11.80	27.60	33.34	25.20	99.34	11.12	1,300
Brazil	11.10	178.80	30.80	33.34	26.80	280.84	21.42	3,676
Chinese Taipei	8.50	—	—	25.32	26.00	59.82	6.69	783
Cuba	4.40	—	34.00	19.00	24.00	81.40	9.11	1,066
Spain	25.10	—	26.20	7.34	17.80	76.44	8.55	1,001
Japan	34.50	—	26.20	24.00	32.60	117.30	13.12	1,536
Korea	6.40	—	27.60	24.16	30.40	88.56	9.91	1,159
Uruguay	4.50	9.40	27.60	33.34	15.20	90.04	10.07	1,179
Others	4.10	—	—	—	—	—	—	1,300 ³
Total	100.00	200.00	200.00	199.84	198.00	893.74	100.	13,000

1/ 1970-95 period and weight (=1) for Factor 1 and weight (=2) for all other Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

Table 7c. Total sum of points, percentage share, and estimated catch quota (MT)
(ICCAT Contracting Parties only)

Country	Product of value X weighting factor ¹				F5 Absol. value	Total	Quota ² (A)	
	F1	F2	F3	F4		%		
Brazil	11.10	190.00	44.52	54.50	43.52	343.64	38.98	4,307
Spain	25.10	—	37.82	11.98	28.74	103.64	11.76	1,209
Japan	34.50	—	37.82	39.24	52.98	164.54	18.66	2,062
Korea	6.40	—	39.92	39.78	49.70	135.80	15.40	1,702
Uruguay	4.50	10.00	39.92	54.50	25.06	133.98	15.20	1,679
Others of AS	—	—	—	—	—	—	—	1,300 ³
Others out of AS	—	—	—	—	—	—	—	650 ⁴
Total	81.60	200.00	200.00	200.00	200.00	881.60	100.00	13,000

1/ 1970-95 period and weight (=1) for Factor 1 and weight (=2) for all other Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

4/ 5% of the total quota left for other distant water fishing countries.

**Table 7d. Total sum of points, percentage share, and estimated catch quota (MT)
(ICCAT Contracting Parties only)**

Country	Product of value X weighting factor ¹					Total		Quota ² (A)
	F1	F2	F3	F4	F5 Absol. value	%		
Brazil	22.20	44.52	54.50	43.52	190.00	354.74	36.83	4,070
Spain	50.20	37.82	11.98	28.74	—	128.74	13.37	1,447
Japan	69.00	37.82	39.24	52.98	—	199.04	20.66	2,283
Korea	12.80	39.92	39.78	49.70	—	142.20	14.76	1,631
Uruguay	9.00	39.92	54.50	25.06	10.00	138.48	14.38	1,589
Others of AS	—	—	—	—	—	—	—	1,300 ³
Others out of AS	—	—	—	—	—	—	—	650 ⁴
Total	163.20	200.00	200.00	200.00	200.00	963.20	100.00	13,000

1/ 1970-95 period and weight (=2) for all Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

4/ 5% of the total quota left for other distant water fishing countries.

Table 7e. Total sum of points, percentage share, and estimated catch quota (MT)

Country	Product of value X weighting factor ¹					Total		Quota ² (A)
	F1	F2	F3	F4	F5 Absol. value	%		
Argentina	2.80	5.90	13.80	16.67	12.60	51.77	8.76	1,025
Brazil	22.20	89.40	15.40	16.67	13.40	157.07	26.57	3,108
Chinese Taipei	17.00	—	—	12.66	13.00	42.66	7.22	844
Cuba	8.80	—	17.00	9.50	12.00	47.30	8.00	936
Spain	50.20	—	13.10	3.67	8.90	75.87	12.83	1,501
Japan	69.00	—	13.10	12.00	16.30	110.40	18.67	2,185
Korea	12.80	—	13.80	12.16	15.20	53.96	9.13	1,068
Uruguay	9.40	4.70	13.80	16.67	7.60	52.17	8.82	1,032
Others	8.20	—	—	—	—	—	—	1,300 ³
Total	200.00	100.00	100.00	100.00	99.00	591.20	100.00	13,000

1/ 1970-95 period and weight (=2) for Factor 1 and weight (=1) for all other Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

**Table 7f. Total sum of points, percentage share, and estimated catch quota (MT)
(ICCAT Contracting Parties only)**

Country	Product of value X weighting factor ¹					Total		Quota ² (A)
	F1	F2	F3	F4	F5 Absol. value	%		
Brazil	22.20	95.00	22.25	27.25	21.76	188.47	33.46	3,698
Spain	50.20	—	18.91	5.99	14.37	89.47	15.89	1,755
Japan	69.00	—	18.91	19.62	26.49	134.02	23.80	2,629
Korea	12.80	—	19.96	19.89	24.85	77.50	13.76	1,521
Uruguay	9.00	5.00	19.96	27.25	12.53	73.74	13.09	1,447
Others of AS	—	—	—	—	—	—	—	1,300 ³
Others out of AS	—	—	—	—	—	—	—	650 ⁴
Total	163.20	100.00	100.00	100.00	100.00	563.20	100.00	13,000

1/ 1970-95 period and weight (=2) for Factor 1 and weight (=1) for all other Factors.

2/ Total quota of 13,000 MT.

3/ 10% of the total quota left for other countries.

4/ 5% of the total quota left for other distant water fishing countries.

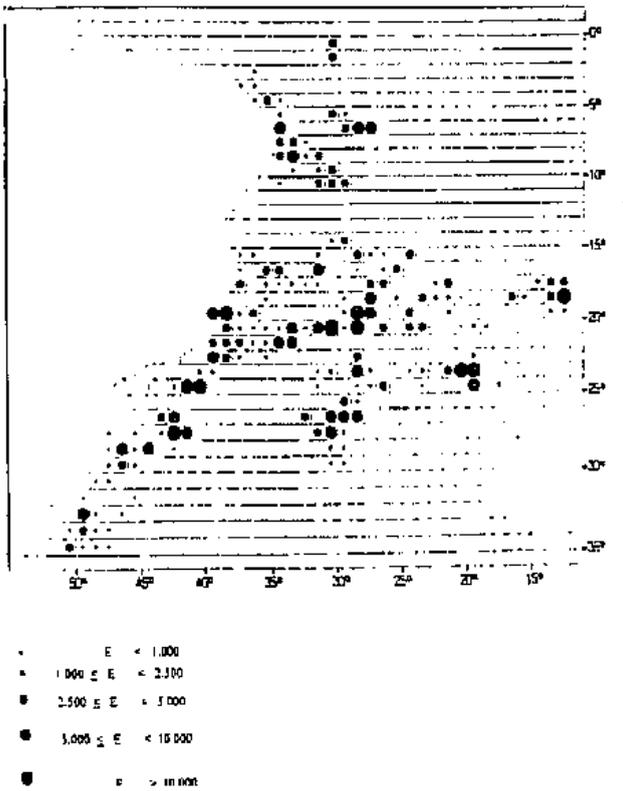


Fig. 1. Nominal fishing effort (E), in number of hooks, of the leased longliners operating in 1996-97, in swordfish directed fisheries.

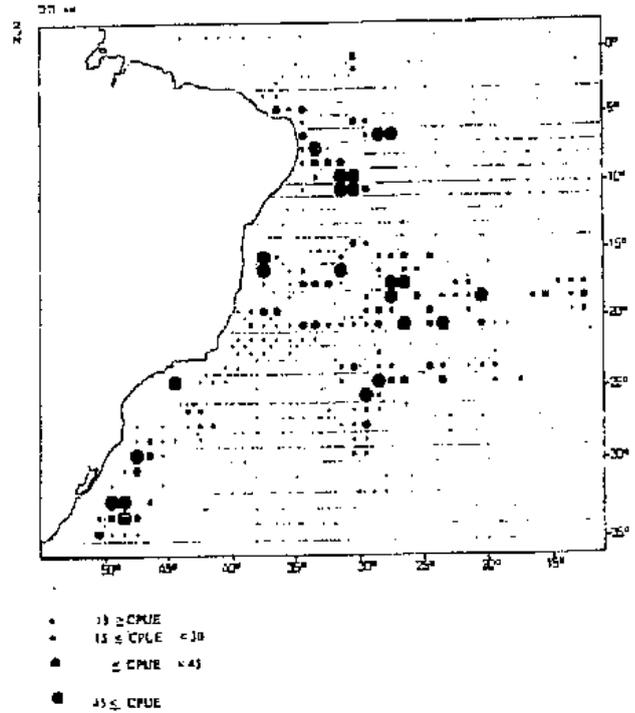


Fig. 2. Catch rates of swordfish, in number of fish per 1000 hooks, of the leased longliners, for the years 1996-97.

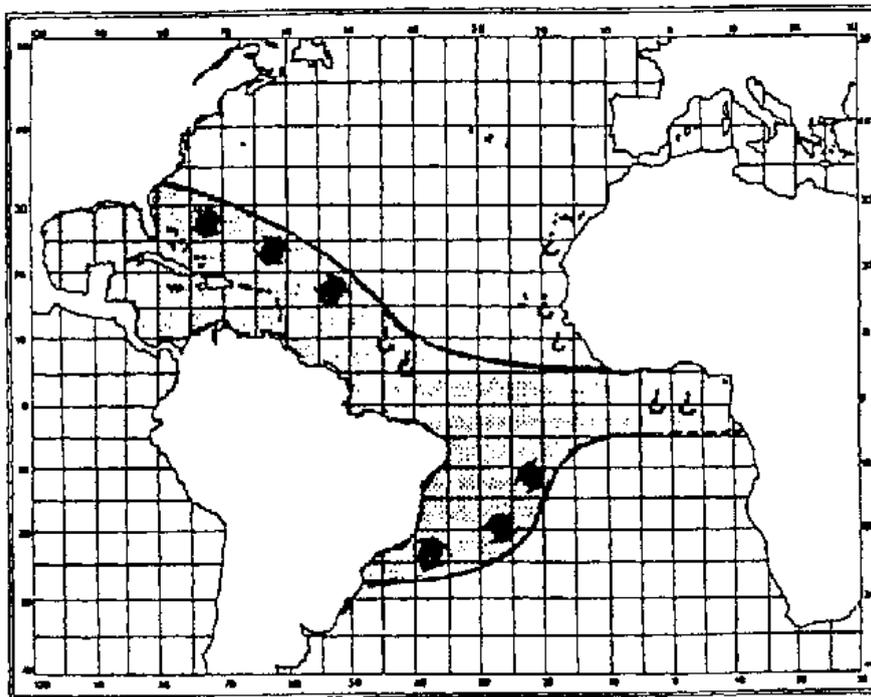


Fig. 3. Map of the entire area where swordfish spawning may possibly occur, with indication of the known spawning areas, according to several authors.

STATEMENT BY CANADA ON SOUTH ATLANTIC SWORDFISH
(attached to Report of Panel 4)

Canada is pleased that those countries fishing swordfish in the South Atlantic were able to reach an agreement on sharing during the Informal Inter-sessional Meeting of Panel 4.

We note that the sharing formula which was adopted represented much dedicated effort, and a willingness for all Parties to compromise in order to reach consensus. Canada recognizes the difficulty in achieving this agreement, and wishes to compliment all participants for this constructive outcome. The results mark a significant step forward for this Commission.

With this agreement, we now must proceed to the next step - the adoption of a total allowable catch for this fishery.

At the 1995 Commission meeting, Canada expressed concern about observed increases in catches of swordfish in the south Atlantic, and the consequences for achievement of the Commission's management objective of MSY. We proposed that effective management measures be adopted for the south Atlantic so that catches not increase beyond the 1992 level of 12,210 MT as recommended by the SCRS. At that time, our objective was to reverse an evident decline in stocks, and begin to rebuild.

Our proposal was not endorsed in 1995.

During the 1996 meeting, the SCRS advised that current levels of harvest are not sustainable and that if the Commission intends to keep the stock in a healthy condition, it should not delay action to reduce harvest levels. Concerns were expressed that failure to act in a timely fashion would result in the need for even more restrictive measures in the future.

The Informal Inter-sessional Meeting of Panel 4 indicated that the TAC in the south Atlantic should be set at the level of replacement yield. The SCRS calculated the replacement yield at the beginning of 1996 to be 14,620 MT. Given that we have fished both in 1996 and 1997, and that catches in these years have probably substantially exceeded this level, the SCRS Chairman has indicated that replacement yield in 1998 would be well below 14,620 MT.

The preliminary analysis provided by the SCRS in 1996 indicated that fishing at F_{msy} would quickly restore the assumed south Atlantic stock to MSY levels and that this would require substantial reductions to around 13,000 MT or less in 1997 and thereafter. Given that we expect the catch from the nearly completed 1997 fishery to be beyond 13,000 MT, it is reasonable to assume that total harvest should now be *below* 13,000 MT in 1998 in order to restore the stocks to the level that would support MSY, as referred to in the report of the 1996 assessment.

There are a number of reasons why Canada strongly believes in this position.

First of all, the scientific advice has been clear on the dangers of failing to reduce substantially the catch in this fishery. In this Commission, we have not always heeded the scientific advice for this stock. If we continue to do so, we risk the familiar scenario of fishing above a sustainable level, putting the stock at risk, and jeopardizing the benefits that this resource provides to those who depend upon it. A modest investment in conservation now will provide significant dividends in the future.

Moreover, we are uncertain as to where exactly the boundary should be between the southern and north Atlantic stocks. We have adopted substantial catch reductions in the north in order to halt the decline of the northern stock and hopefully to begin rebuilding. Accordingly it is imperative that similar conservation measures be adopted in the south. Failure to do so will likely have an adverse effect on the northern stock, and diminish the effectiveness of the conservation measures which have been adopted.

Canada believes strongly that the SCRS advice must be followed and that the TAC for the south Atlantic stock must be set below 13,000 MT for at least 1998 and 1999, after which time quota levels can be reviewed when new scientific advice will be available.

Appendix 11 to ANNEX 10

STATEMENT BY CHINESE TAIPEI TO PANEL 4
(attached to Report of Panel 4)

We would like to give a statement on the recommended quota allocation on the south Atlantic swordfish as proposed in the Informal Inter-Sessional Meeting of Panel 4 held in Joao Pessoa, Brazil, July 15-16, 1997.

Chinese Taipei has been participating as an observer to the Commission since the early 1970's, not only because we are one of the major fishing fleets in the Atlantic Ocean but also we do recognize the need of conservation of Atlantic tuna resources to meet the interests of all parties. Our Chinese Taipei authorities have been always doing the best to manage the fishing fleet in accordance with the ICCAT recommendations. Such due efforts that the Chinese Taipei Authority has been exerting to comply with the ICCAT recommendations can be easily seen in the historic records of ICCAT Commission Meeting Reports.

Distinguished Chairman, Ladies and Gentlemen, the Chinese Taipei delegation wants to strongly protest that Chinese Taipei was not invited to the Informal Inter-Sessional Panel 4 Meeting, which was held in Joao Pessoa, Brazil, in mid-July of this year, 1997, despite the fact that Chinese Taipei has been one of the most complying fishing fleets in the Atlantic Ocean in the past. Such clear discrimination, which is in fact contradictory to the spirit of ICCAT, may jeopardize the good faith of our satisfactory cooperation with the Commission.

According to the current catch limit as previously allocated (Table 4 of COM/97/16 Rev.), the catch limit for the Chinese Taipei longline fleet is about 13% of the total southern Atlantic swordfish catch. In the same reference, it shows that in 1995 and 1996, the variability of the south Atlantic swordfish catch by Chinese Taipei has been controlled within 2% of its recommended catch limit, which is 2,829 MT per year.

The allocation made in the informal Inter-Sessional Meeting of Panel 4 held in Brazil, July 15-16, 1997, only provides 8% to non-contracting parties, which we understand refers to Chinese Taipei. Distinguished Chairman, Ladies and Gentlemen, may I further notify you that swordfish is only a by-catch of our longline fleet. A sudden reduction of swordfish by-catch can be interpreted as either we have to improve our fishing technology in one year to avoid incidentally catching swordfish or reduce about half of our fishing fleet in one year to achieve such a goal. All in all, we would like to indicate that the process of allocation of catch limits on this species without inviting one of the major historic longline fishing fleet parties to express her views for consideration is inappropriate and unfair.

We therefore strongly request that our allocation of catch limits on south Atlantic swordfish remain unchanged, as indicated in Table 4 of COM/97/16 Rev.

Appendix 12 to ANNEX 10

**STATEMENT BY BRAZIL ON THE ALLOCATION OF QUOTA FOR
THE SOUTH ATLANTIC SWORDFISH FISHERY**
(attached to Report of Panel 4)

The Brazilian delegation would like to express its appreciation to the Commission and the Chairman of Panel 4 for having accepted our invitation to hold the Informal Inter-sessional Meeting of Panel 4 in Brazil, which resulted in an agreement on a proposal for catch quota allocation for the south Atlantic swordfish. We also would like to

commend the competent and efficient way the meeting was conducted, and the delegations which attended the meeting for their valuable contribution to the success of the meeting.

The objectives of the meeting were successfully met if we consider that an agreement was reached in despite of the very divergent and conflicting positions which seemed so difficult to reconcile. This gives a clear indication of the spirit of cooperation and willingness demonstrated by all delegations that attended the meeting.

However, we have to admit that the results of the inter-sessional meeting of Panel 4 were not satisfactory to us, in terms of the small percentage share of the total quota that we have been assigned, which imposes limits on the development of our fisheries, which operates mainly in our jurisdictional waters, as opposed to fisheries developed by distant water fishing nations. The results were also unsatisfactory in terms of not having produced any significant advance in the discussion of the most appropriate criteria to allocate the catch quota, despite the Brazilian contribution to the meeting reflected in a document which presented a proposal for allocation based on pertinent and appropriate criteria, which was not given due consideration.

From this point of view, the results were quite frustrating and, in accepting them, we have demonstrated a great degree of flexibility because we expect that the negotiated proposal of quota allocation will be revised very soon, based on a more appropriate allocation scheme which would contemplate new criteria, in line with the new regime of the sea which emerged from the entry into force of UNCLOS and other recent relative developments, such as the U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and the Code of Conduct for Responsible Fisheries.

Considering all these facts, it is our belief that the most efficient way to make progress on this issue of quota allocation for south Atlantic swordfish will be the establishment of an Ad Hoc Working Group, whose terms of reference will be to study the relevant technical criteria to be used in the catch quota allocation scheme for this fishery and to develop a specific proposal to this end.

We also would like to take this opportunity to express our concerns with non-compliance with the recommended management measures for this fisheries by some countries that have been continuously exceeding their catch limits.

In addition, we are also concerned about the fact that some countries, having no previous record of swordfish catches in the south Atlantic, have started to produce estimates of such catches just at a moment when having a catch record could bring some benefit to them, in terms of having the right to some share of the total quota. This gives more of an impression of opportunism than accuracy in reporting their catches. This is still more serious because these catch estimates were, furthermore, higher than their catch limit established by the ICCAT recommendation for the south Atlantic swordfish fishery, and deserves the most serious consideration.

Appendix 13 to ANNEX 10

**STATEMENT BY THE PEOPLE'S REPUBLIC OF CHINA
ON SOUTH ATLANTIC SWORDFISH**
(attached to Report of Panel 4)

China is pleased to see that the inter-sessional meeting of Panel 4 in Brazil has produced recommendations on the quota shares of swordfish in the South Atlantic. China believes that quota system is one of effective measures for fishery management, and would like to see that system be implemented in the South Atlantic over swordfish.

However, concerning the quota shares and recommendations proposed by Panel 4, China has some concerns which we hope will be considered by the Commission.

First, it seems that before setting the shares, the allocation criteria were not fully discussed, nor was a consensus reached among Contracting Parties;

Second, the quota shares have not fully considered interests, possible development and special requirements of developing countries with regard to their fishing on the high seas. These requirements have been recognized by the UNCLOS and U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks;

Third, the shares have not taken into account possible development opportunities of other Contracting Parties, which might have a negative impact on ICCAT.

Taking these into consideration, China would like to express a reservation on the second Recommendation which was proposed by Panel 4 during this meeting, and hopes that a more reasonable quota share can be developed in the near future.

**REPORT OF THE MEETING OF THE
STANDING COMMITTEE ON FINANCE & ADMINISTRATION (STACFAD)**

First Session - November 15, 1997

1. Opening of the Meeting

1.1 The 1997 Meeting of the Standing Committee on Finance and Administration (STACFAD) was opened on Saturday, November 15, 1997, by the Committee Chairman, Mr. C. Dominguez (EC).

2. Adoption of Agenda

2.1 The Chairman proposed that the Committee focus on Agenda items 4-7 at the first session. No members objected to this proposal. The Agenda was then adopted without change. The Agenda is attached as **Appendix 1 to Annex 11**.

3. Nomination of Rapporteur

3.1 Mr. C. LeBlanc (United States) was nominated to serve as Rapporteur, and this nomination was accepted by the Committee.

4. 1997 Administrative Report

4.1 The Executive Secretary referred the Committee to the 1997 Administrative Report (COM/97/6). This report includes details on the ICCAT Secretariat's work during the previous year, including Commission membership updates, the appointment of a new ICCAT Executive Secretary, the distribution of ICCAT Recommendations and Resolutions, monitoring and inspection activities, meetings organized by ICCAT, and meetings at which ICCAT was represented. The Administrative Report also provides information on the coordination of research and statistics, the ICCAT lottery for recovered tags, cooperation with other countries and organizations, ICCAT publications issued in 1997, and information related to the Secretariat's office and staff.

4.2 The Executive Secretary noted the importance of the document which provided details on the Secretariat's cooperation with other countries, organizations, and entities (COM/97/22). He also emphasized the Secretariat's ongoing program of updating its computer equipment, stating that the Commission could not work effectively and efficiently with the older system. He further stated that a fully modernized computer system is essential for the Commission to meet its needs and obligations. In addition, he informed the members that ICCAT had established an internet home page, and stressed its importance for today's communications.

4.3 In summarizing matters related to the Secretariat staff, the Executive Secretary informed the Committee that a secretary had left the staff but that a replacement had been hired.

4.4 The Executive Secretary noted that the Secretariat had moved its offices in May, and he invited all ICCAT delegates and representatives to a reception at the new Secretariat headquarters in the evening.

4.5 After the presentation of the Administrative Report, the Chairman inquired about the kind of information that was available on the ICCAT home page. Dr. Miyake replied that the home page provides general information

on the Commission, including its mandates and subsidiary bodies. It also contains all ICCAT statistical information, summaries of research findings, analyses of stock assessments, and ICCAT Recommendations and Resolutions, and it will eventually include the data requirements and reporting forms for member states so that they can download these forms when necessary. Dr. Miyake noted that some basic ICCAT databases are available on the home page. He also explained that the home page was available only in English at the present time, but that the Secretariat will be providing it in French and Spanish shortly.

5. 1997 Financial Report

5.1 The Chairman referred the Committee to the 1997 Financial Report (COM/97/7), which provided detailed financial information about the Commission's financial activities over the past year, and he asked the Executive Secretary to briefly summarize the key elements of the report.

5.2 The Executive Secretary reported that the Commission's finances were sound and that the Commission was functioning within its prescribed budgetary limits. He stated that Venezuela had paid part of its arrears to the Commission.

5.3 The Executive Secretary directed the attention of the Committee to the section of the report on the ICCAT Tuna Symposium held in the Azores in 1996. He stated that the Secretariat was currently trying to complete the report of the Symposium, which will consist of approximately 800 pages and will be published in two volumes. He said that the Commission had applied to the European Community for a grant to help fund the completion and publication of the report, and that Chinese Taipei had already provided a US\$ 5,000 voluntary contribution; but he also said that some funding from ICCAT might be necessary.

5.4 The Chairman asked the Executive Secretary about the required minimum level of the Working Capital Fund. The Executive Secretary replied that the percentage is a minimum of 15 percent of the total budget.

6. Status and implications of ICCAT programs

– *Bluefin Year Program (BYP)*

6.1 The Chairman asked the SCRS Chairman, Dr. Z. Suzuki, to report to the Committee on ICCAT's research programs which have any budgetary implications. Dr. Suzuki began with a discussion of the Bluefin Year Program (BYP). He noted that 1997 was the first year in which the Commission allocated funds to this Program, and that the Program budget had been formulated to focus on major items of research. He said that the Commission had agreed to allocate US\$ 20,000 for the BYP in 1997, although the total revised budget for the program proposed by the SCRS in 1995 was \$95,000. Dr. Suzuki noted the voluntary contributions from Chinese Taipei towards the BYP as well as other ICCAT programs. He stated that the BYP focused on tagging programs in 1997, especially the tag recovery network. He described the new tagging activities taking place on the East Coast of the United States, including the "pop-up" tags attached this year that are providing important information on water temperature, swimming depth, and other conditions in addition to the movements of the fish. Dr. Suzuki noted that the pop-up tagging program was still in the trial stage and that it was expensive, i.e. more than \$1000 per tag. He indicated that the SCRS has noted the increase in tagging programs and wants to ensure that the scientific committee maximizes its use of the information generated from these programs. In addition to tagging activities, Dr. Suzuki stated that the Commission had instructed the SCRS was to continue its basic studies under the BYP, including the stock structure study which is examining the mixing between bluefin of eastern and western Atlantic origins and the genetic study. He also indicated that there would be some funds remaining in the BYP account at the end of 1997, but that the existence of this funding should not be construed as an indication that the budget for research is sufficient. He also noted that the SCRS requested that the 1997 balance be carried over to 1998 for BYP activities.

6.2 Proposed activities funded by this seed money would include initial tagging and basic biological research on the species. He said that even if this budget is approved, the ICCAT Secretariat will still have to secure outside funding to ensure the full funding of the program in 1998. He suggested the European Community (EC) and the private sector as possible contributors to this effort.

-- Program of Enhanced Research for Billfish

6.3 Regarding the ICCAT Program of Enhanced Research for Billfish the SCRS Chairman noted that since 1987, this Program has been funded by contributions from the private sector. Dr. Suzuki stated that the SCRS would prefer that the Commission contribute to the financing of this program. Details on the balance in the special billfish account are included in the 1997 Financial Report.

-- Bigeye Year Program (BETYP)

6.4 With regard to the 1998 budget for the BETYP, Dr. Suzuki stated that the 1997 SCRS budgetary request is a total of US\$ 50,000 as "seed money" to activate the existing BETYP, for which the Commission did not approve funding for 1997. He described that the original BETYP requested a total of US\$ 2.2 million. He reiterated that the Commission should make every effort to at least provide core funding for the Program, which amounts to US\$ 50,000.

6.5 The Delegate from the United States and the Delegate from Canada requested clarifications from the Secretariat regarding a footnote to the Proposed Budget for 1998-1999 relative to the Bluefin Year Program (BYP) and the Bigeye Year Program (BETYP). The Delegates said that the footnote appeared to imply that a higher level of funding is being requested for these programs than the amount that appears in the main text of the budget request. Dr. Miyake responded that the footnote reflects the estimate of the total costs for full funding of these programs in 1998. He pointed out that the Secretariat's Proposed Budget includes some 1998 funding from the Commission for the BYP, since this Program was approved by the Commission. However, an item in the budget (seed money) for the BETYP was not included, since the Commission has not yet approved this Program. Dr. Miyake also stated that the amount requested for the BYP in 1998 includes some seed money for 1998 activities. He stressed that these were only proposed amounts and that the Commission would have to decide which funding levels to approve.

6.6 The Executive Secretary noted that Chinese Taipei had voluntarily contributed US\$ 25,000, divided in equal amounts for the BYP, the BETYP, the Billfish Program, the Symposium publication, and other SCRS activities.

7. Budgetary implications of the Commission's general activities in 1998

7.1 The Chairman asked Dr. Suzuki to summarize the general activities proposed in the 1998 budget. With regard to research and statistics, Mr. Suzuki began by stressing two points. First, he reiterated the point made earlier by the Executive Secretary regarding the necessity of upgrading the Secretariat's computer system. He said that SCRS scientists encountered some difficulty over the past year due to the inadequacy of the existing system. He further stated that while he was pleased that some new equipment, particularly new personal computers (PCs), had been purchased, additional investments in computer equipment and software would be necessary to provide the Commission with the tools necessary to do its work professionally and efficiently. Second, Dr. Suzuki stated that the ICCAT Tuna Symposium report was very important and that the Commission had a strong interest in the prompt completion and publication of the Symposium results. He said that even if the Commission receives all of the funding requested from the EC for this purpose, a shortfall would remain and the Commission should be prepared to budget a modest amount to make up for the shortfall.

7.2 Regarding inter-sessional meetings, Dr. Suzuki stated that four meetings were currently planned based on the recommendations of the SCRS, and that the proposed budget for 1998 includes funding requests for each of them. The Swordfish Working Group meeting to consider catch-at-age by sex will be held in Bermuda in January, 1998. Dr. Suzuki said that funding would be needed to send at least two ICCAT staff to this meeting. A meeting of the Working Group to Consider Abundance Indices for Tropical Surface Fisheries has been planned for the United States in May or June, and the attendance of at least two ICCAT staff at this meeting would be necessary. The GCFM/ICCAT Joint Working Group is planning to meet in September in a Mediterranean country, and the presence of three staff from the Secretariat would be needed. Dr. Suzuki also said that a preparatory meeting for the BETYP has been planned.

7.3 The Committee also reviewed the financial implications of the publications planned for 1998 and the next meeting of the Commission.

7.4 The Chairman called on the Executive Secretary to add any additional information that the Committee might find useful, and he asked the Executive Secretary to elaborate on the estimated shortfall in funding for the publication of the ICCAT Tuna Symposium report. The Executive Secretary stated that the proposed 1998 budget tries not to imply an automatic continuation of existing budget items and programs; as a result, it contains costs where possible and appropriate but also requests increased expenditures for important research programs. Overall, the proposed budget represents an overall 4.5% increase over the 1997 budget. Regarding inter-sessional meetings, the Executive Secretary stated that the proposed budget would ensure the Secretariat's presence at all of the proposed inter-sessional, scientific meetings. In response to the question of the Chairman, the Executive Secretary stated that if the Commission receives the funding expected from the EC, and with the US\$ 5,000 voluntary contribution from Chinese Taipei, he did not believe that the shortfall for publication of the ICCAT Tuna Symposium report would be very significant.

7.5 The Executive Secretary also clarified that since the Secretariat is responsible for administering the Commission budget and expenditures for research, the already-established criteria for such administration and coordination of research will be followed for the above-mentioned special research programs. He informed STACFAD that requests for funds to carry out research within the framework of these programs should be directed to the ICCAT Executive Secretary, with pertinent explanations from the individual researchers (parties or laboratories) on the work to be carried out, the funds required, etc. The Secretariat will then confirm that these requests are consistent with the proposed program and budgetary items, and will ascertain the availability of funds. The Secretariat will also consult with the SCRS Chairman and the pertinent Program Coordinator regarding the appropriateness of the expenditure, prior to actually sending the funds. The appropriate receipts and other documentation needed for accounting purposes will also be requested.

7.6 The Delegate from the EC clarified that the EC had not provided a definitive reply to ICCAT's application for funding to help pay for the publication of the ICCAT Tuna Symposium report in an enhanced, hard cover format. He acknowledged that verbal discussions had taken place about the possible response of the EC, but he stated that these discussions provided no guarantee of any particular level of funding. He added that the EC had already contributed significant funding for the Symposium and that this contribution demonstrates the EC's appreciation of the importance of the Symposium. The Chairman said that he would like to have a confirmation from the EC on its application by the next session of the STACFAD meeting because the response of the EC has implications for ICCAT's 1998 budget. Dr. Miyake, who served as Technical Secretary for the Symposium, stated that he appreciated the EC's previous contributions, and that additional funding by ICCAT, if any, to publish the Symposium results in soft cover format would be minor.

7.7 The Delegate from Canada noted that the SCRS had emphasized the importance of the precautionary approach, and stated that it might be useful if the Secretariat provided a summary of overall SCRS requirements, including this work, with advice and a listing of priorities. The Chairman responded that he agreed with this suggestion and would ask the Secretariat to follow up on it.

7.8 The Representative of the Food and Agriculture Organization (FAO) stated that if tuna bodies and international technical programs see a need for organizing a global Expert Consultation on Implications of the Precautionary Approach for Tuna Biological and Technological Research, FAO may facilitate such a Consultation. The Consultation might be co-sponsored by these bodies and programs. The likely cost to each of them would about US\$ 15,000. The Delegate from Japan expressed surprise upon hearing the FAO proposal and stated that this proposal had not yet been approved by the governing body of the FAO. The Chairman stated that the consultation was in a very preliminary stage at this time, and the Representative of the FAO concurred. The Chairman suggested that the Committee postpone further discussion of the proposed consultation until each of the potential cosponsors expresses an interest in exploring the proposal further.

7.9 The Chairman announced that at the next STACFAD session the Secretariat would formally present the proposed budget for the 1998-1999 biennial period. The Executive Secretary stated that the table containing catch and canning data, which is used as the basis for calculating the annual contributions to the Commission from each of the Contracting Parties, contained only preliminary data for the EC. The Chairman stated that the Committee should wait until the next session before discussing this issue further, but he urged each of the Contracting Parties to review the table and make any necessary corrections before that session because contributions would be calculated at that time.

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8. Observer fees

8.1 The Chairman noted that the issue of changing the existing guidelines relative to observers and observer fees had been raised during recent previous meetings, but that no agreement had been reached among the Committee members. He further noted that the Committee had decided last year to continue studying this issue and to hold inter-sessional contacts in preparation for a resumption of the discussion during the 1997 ICCAT Meeting.

8.2 The Delegate from the United States referred the Committee to document COM/97/26, a draft proposal offered by the United States on observers. The U.S. Delegate stated that the proposal applied generally to observers (not only to observer fees) and was intended to open ICCAT to non-governmental organization (NGO) observers in a more transparent way consistent with the United Nations rules under the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and with the rules for observers used by other similar organizations such as the Inter-American Tropical Tuna Commission (IATTC). The Recommendation would allow a qualified NGO to attend ICCAT meetings, without having to pay an exorbitant fee, unless a majority of the Contracting Parties objects.

8.3 The Chairman asked the Delegate from the United States to clarify whether the U.S. proposal was a complete substitute for the ICCAT's existing procedures for observers. The U.S. Delegate replied that it was a complete substitute that would simplify ICCAT's procedures.

8.4 The Delegate from Japan stated that ICCAT already has reasonable guidelines for observers and that there is no need to change these guidelines at this time. The Delegate from the EC stated that the EC supports the concept of transparency, but that the Contracting Parties should not have to incur additional expenses for such observers, and that the participation of observers should not disrupt normal ICCAT proceedings. The Delegate from Canada expressed support for the U.S. proposal, but also agreed with the EC Delegate's comments on possible financial impacts on Contracting Parties. The Delegate from Canada stated that observers should be required to pay a modest fee to the Commission to cover any expenses incurred by the Commission that relate to observers. The Delegate from Venezuela expressed support for the underlying philosophy of the U.S. proposal, but he also stated that the U.S. proposal needed more detail on expenses and fees related to observers.

8.5 Dr. Miyake said that the U.S. proposal could be interpreted to permit an NGO to send an unlimited number of representatives to an ICCAT meeting. The Chairman responded that this was more of a theoretical possibility, and he noted that current ICCAT rules explicitly allow the Secretariat to limit the number of representatives from non-NGO observers.

8.6 The Delegate from the United States agreed with other delegates that observers should be required to pay appropriate fees that cover the expenses of allowing observers to attend ICCAT meetings, and he expressed an interest in working with other members of the Committee on changes to the U.S. proposal that would address the concerns raised. Noting that most members of the Committee appeared to agree that some changes to the Commission's observer rules were in order but that the members were not yet in agreement on all of the specific details of the changes, the Chairman proposed that all interested members of the Committee work on mutually acceptable changes to the U.S. proposal and try to reach agreement prior to the adoption of the Committee's report.

8.7 The Executive Secretary noted that the Commission had agreed in general to amend its organizational classifications to include the terms "entities" and "fishing entities", and that the Secretariat should ensure that any changes related to observers conform to this new terminology.

8.8 The Delegate from the People's Republic of China stated that his country had intended to offer an amendment to the on the current *"Guidelines and Criteria for Granting Observer Status at ICCAT Meetings"* to ensure that the changes to the observer rules incorporate a new category. However, the Delegate from China stated that the offering of this amendment might not be necessary given the suggestion made by the Executive Secretary. The Chairman responded that the issue raised by the Delegates from the E.C. and China would be addressed by the Secretariat if the proposal of the U.S. is ultimately adopted. The Delegate from China agreed with the Chairman's recommended procedure. The Delegate from the U.S. stated that the U.S. would be amenable to changes to its proposal that limit the number of representatives of NGOs allowed to attend ICCAT meetings, and that the U.S. agreed with concerns raised by the E.C. and China, and would work on changes to address these concerns.

8.9 The Delegate from the United States noted that any changes to the ICCAT Guidelines on Observers should ensure that Chinese Taipei can continue to participate in ICCAT meetings because Chinese Taipei has a significant presence in the fisheries covered by ICCAT. The Delegate from Japan agreed with the U.S. on the continued participation of Chinese Taipei as an observer.

8.10 The Delegate of Japan noted that the existing rules for observers were established in 1994 after considerable negotiations involving the members of the Committee. He reiterated Japan's view that changes to these rules are not necessary, noting further that Japan believes that the existing ICCAT observer rules are consistent with the observer rules included in the United Nations agreement on Straddling Fish Stocks and Highly Fish Stocks. The Delegate from Japan stated, however, that if all of the other Contracting Parties wished to amend ICCAT's observer rules, Japan would not formally object.

8.11 The Chairman pointed out that several areas still needed to be addressed, and he again requested that the U.S. proposal be temporarily set aside and that the interested parties work to develop a consensus proposal before the last session of the STACFAD meeting. The delegates agreed to the Chairman's request.

8.12 An informal group had met to discuss the matter of amending ICCAT's Guidelines and Criteria for Granting Observer Status at ICCAT Meetings". The group identified four substantive points which needed resolution: (1) criteria for NGO eligibility to participate; (2) the time sequence for applications and approvals; (3) the amount of any fees required for participation; and (4) the number of Contracting Party objections required to deny participation. The informal group concluded that the best way to proceed was to continue discussions at next year's meeting, with a view towards reaching agreement, if possible, on revised rules for observer participation.

9. Budget proposal and contributions for the 1998-1999 biennial period

9.1 The Chairman referred the Committee's attention to the information provided by the Secretariat, i.e. the explanatory note and tables regarding the 1998 Contracting Party contributions with the inclusion of the EC and the table on the Proposed Budget for 1998-1999 Biennial Period). He called on the Executive Secretary to explain the differences between the latter table on the 1998-1999 budget and earlier draft budgets circulated by the Secretariat. The Executive Secretary stated that the revised budget table contains a second column which delineates the requests from the SCRS. He stated further that SCRS requests for basic items such as travel expenses, publications, meetings, statistical analysis, and other scientific work were included in the overall budget, but that the overall budget estimate did not include a request for ICCAT seed money for the BETYP.

9.2 The Chairman stated that the Committee must decide whether to include in the overall budget a request related to the BETYP. He noted that Panel 1 had endorsed this Program, in principle, and that the SCRS had submitted a proposed total budget for the BETYP of US\$ 50,000, or 7.25 million Pesetas, for 1998. The Executive Secretary stated that Chinese Taipei had already agreed to contribute US\$ 5,000 towards the BETYP in 1998. The Delegate from the EC stated that the EC could contribute up to US\$ 20,000 for the BETYP, but no more.

9.3 The U. S. Delegate said that the United States agreed, in principle, with the need for the BETYP. He noted that the SCRS had recommended at least some ICCAT funding for the Enhanced Billfish Research Program because it was concerned that complete private sector funding for this Program could either bias the Program or create the appearance of bias. The Delegate from the United States proposed that ICCAT contribute some funding for the Billfish Program. The Chairman agreed with the U.S. proposal for the Billfish Program. He said that he thought Dr. Suzuki had indicated that the total cost of this Program was US\$ 65,000, and he requested that the Secretariat convert this estimate into pesetas.

9.4 The Delegate from Japan stated that Japan would provide US\$ 20,000 for the BETYP. The Chairman thanked Japan for its contribution, and noted that with the commitments of Japan, the EC, and Chinese Taipei (US\$ 50,000 in total), the total costs for the BETYP were nearly covered. The Chairman asked the Committee whether it would be willing to contribute ICCAT funds to the Billfish Program through either special contributions or as a general obligation of all ICCAT Contracting Parties. Dr. Miyake confirmed that the SCRS had estimated the 1998 costs of the Billfish Program at US\$ 65,000, but he also pointed out that the SCRS had only requested seed money from the Commission, and that Chinese Taipei had already committed to contribute \$5,000 to this Program. Dr. Miyake suggested that the Committee consider adding a new line below the BETYP budget estimate in the "Extra-Budgetary" section of the revised 1998-1999 proposed budget. In response to this suggestion, the Chairman asked the

Committee whether it wanted to treat the Billfish Program as an extra-budgetary item or as a part of the regular budget.

9.5 The Delegate from Japan stated that Japan remains open to consideration of the proposal that ICCAT include funding for the Billfish Program in its budget. The Delegate from Japan also proposed that irrespective of whether the Commission approves funding for the Billfish Program, the Program should be fully coordinated by the Secretariat in consultation with member countries rather than the current arrangement in which it is coordinated by one member country. The Delegate from Japan stressed that ICCAT must avoid any bias or the appearance of bias in its research programs. He said that of the Preamble of the ICCAT Convention states that species populations should be maintained to permit harvests for food, yet the Billfish Program has been coordinated by a Contracting Party which prohibits the sale of billfish by commercial fishermen, and therefore for food use. In addition, the Delegate from Japan stated that funding for the Billfish Program appears to have come from organizations or individuals that oppose the use of billfish as a food resource. In order to avoid creating even an appearance of bias, the Secretariat should coordinate all aspects of the Billfish Program.

9.6 The Committee postponed a final decision on this topic and on the possible funding through the Commission budget of the BETYP and the Billfish Program until the Delegations had had the opportunity to consider their contributions for 1998-1999, taking into account the accession of the EC.

9.7 The Chairman explained that the accession of the EC to the Commission would entail an increase in the contributions of other members of ICCAT, since the fixed contribution corresponding to participation in panels will decrease. This created a problem for the adoption of the 1998 Budget, since Contracting Parties had not been previously notified in accordance with the 60-day rule of the Commission.

9.8 To solve this problem, the EC agreed, exceptionally for 1998, to pay a contribution equal to the sum of the contributions of the EC Member States which were also members of ICCAT up to the present time.

9.9 Returning to the issue of the funding of the BETYP and the Billfish Program, the Committee agreed that the Commission should make at least a symbolic contribution (e.g. US\$ 10,000) to each Program.

9.10 The Committee recommended to the Commission that it welcome additional voluntary contributions to these programs from Contracting Parties or other sources.

9.11 After some discussion, the Committee approved the proposed 1998-1999 biennial budget (Table 1) and the 1998 contributions (Table 2), with the understanding that the 1999 budget and contributions (Table 3) are provisional. The catch and canning figures used to calculate the Contracting Party contributions are shown in Table 4. Concerning the estimated budget for 1999, the Committee recommended that the Commission urge Contracting Parties to ratify the Madrid Protocol as soon as possible, in view of the likely increase in the contributions for at least some members in 1999 with the accession of the EC and the application of the current scheme for the calculation of the EC contribution.

10. Date and place of next meeting of STACFAD

10.1 It was agreed to hold the next STACFAD meeting at the same place and time as the next Commission meeting.

11. Election of STACFAD Chairman

11.1 The Delegate of Brazil nominated Mr. Jim Jones (Canada) for the next STACFAD Chairman and this nomination was seconded by several delegations. Mr. Jones was elected by acclamation. The Committee thanked Mr. Carlos Dominguez, the outgoing Chairman, for an excellent job.

12. Adoption of report

12.1 The draft STACFAD report was distributed and adopted on November 21, 1997.

13. Adjournment

13.1 The 1997 meeting of STACFAD was adjourned.

Table 1. BUDGET ADOPTED BY THE COMMISSION FOR 1998-1999 BIENNIAL PERIOD (1000 PTS.)

<i>Chapters</i>	<i>Budget Adopted for 1998 (Pts.)</i>	<i>Provisional Budget Adopted for 1999 + 4.5% (Pts.)</i>
1. Salaries	89,673	93,708
2. Travel	5,000	5,225
3. Commission Meeting (Annual & Inter-sessionals)	10,521	10,994
4. Publications	4,500	4,703
5. Office Equipment	1,000	1,045
6. Operating Expenses	11,600	12,122
7. Miscellaneous	1,000	1,045
<i>Sub-total Chapters 1 to 7</i>	<i>123,294</i>	<i>128,842</i>
8. Coordination of Research:		
a) Salaries	20,903	21,844
b) Travel to improve statistics	5,500	5,748
c) Statistics/Biology 1/	6,000	6,270
d) Computer-related items 2/	4,000	4,180
e) Scientific meetings (including SCRS)	9,200	9,614
f) Bluefin Year Program (BYP)	2,725 4/	2,090
g) Bigeye Year Program (BETYP) 3/	8,700 5/	1,515
h) Billfish Research Program	2,175 6/	1,515
i) Miscellaneous	1,000	1,045
<i>Sub-total Chapter 8</i>	<i>60,203</i>	<i>53,821</i>
9. Contingencies	1,000	1,045
TOTAL BUDGET	184,497	183,708
BUDGET FINANCED BY CONTRIBUTIONS:	175,797	183,708

1/ Consolidation of two sub-chapters in 1998 Budget: Port sampling & Biostatistical work.

2/ Consolidation of two sub-chapters in 1998 Budget: Electronic equipment & Data processing.

3/ New sub-chapter in 1998 Budget (was included under Miscellaneous in 1997 Budget).

4/ Includes 2,000,000 Pts. to be financed by ICCAT member contributions; and a US\$ 5,000 (725,000 Pts) voluntary contribution from Chinese Taipei.

5/ Includes US\$ 10,000 (1,450,000 Pts.) to be financed by ICCAT member contributions; and US\$ 50,000 (7,250,000 Pts.) from special commitments from ICCAT members and Chinese Taipei (US\$ 5,000).

6/ Includes US\$ 10,000 (1,450,000 Pts.) to be financed by ICCAT country contributions; and a US\$ 5,000 from voluntary contribution from Chinese Taipei.

Table 2. Contracting Party Contributions to the 1998 Commission Budget - Revised on November 19, 1997

Country	Panels # (A)	Panel % (B)	Catch MT (C)	Total Budget (Convertible Pesetas) = 175,797,000				Based on 1995 figures				
				Canning MT (D)	C+C MT (E)	C+C % (F)	Fee Conv. Pts (G)	Panel Conv. Pts (H)	Panel Conv. Pts (I)	C+C Conv. Pts (J)	Total Conv. Pts (K)	
Angola	2	3.846	366	146	512	0.079	145,000	290,000	2,108,808	86,290	2,630,098	
Brasil	2	3.846	30,305	2,251	32,556	5.004	145,000	290,000	2,108,808	5,486,844	8,030,651	
Canada	3	5.128	2,525	0	2,525	0.388	145,000	435,000	2,811,744	425,552	3,817,296	
Cap Vert	1	2.564	3,656	346	4,002	0.615	145,000	145,000	1,405,872	674,479	2,370,351	
China, People's Rep.	2	3.846	879	0	879	0.135	145,000	290,000	2,108,808	148,143	2,691,950	
Cote d'Ivoire	1	2.564	239	1,400	1,639	0.252	145,000	145,000	1,405,872	276,230	1,972,102	
Croatia	1	2.564	445	0	445	0.068	145,000	145,000	1,405,872	74,998	1,770,870	
European Community	4		297,205	86,433	383,638		145,000				80,426,514	
Gabon	1	2.564	397	0	397	0.061	145,000	145,000	1,405,872	66,909	1,762,780	
Ghana	1	2.564	35,078	26,866	61,944	9.520	145,000	145,000	1,405,872	10,439,767	12,135,639	
Guinea Ecuatorial	0	1.282	111	0	111	0.017	145,000	0	702,936	18,707	866,643	
Guinee, Rep. de	0	1.282	429	0	429	0.066	145,000	0	702,936	72,302	920,238	
Japan	4	6.410	52,636	0	52,636	8.090	145,000	580,000	3,514,679	8,871,038	13,110,717	
Korea	4	6.410	1,715	0	1,715	0.264	145,000	580,000	3,514,679	289,038	4,528,718	
Libya	2	3.846	1,962	2,326	4,288	0.659	145,000	290,000	2,108,808	722,680	3,266,488	
Maroc	2	3.846	6,632	277	6,909	1.062	145,000	290,000	2,108,808	1,164,412	3,708,220	
Russia	1	2.564	4,938	0	4,938	0.759	145,000	145,000	1,405,872	832,229	2,528,100	
S.Tome & Principe	1	2.564	338	0	338	0.052	145,000	145,000	1,405,872	56,965	1,752,837	
South Africa	2	3.846	4,313	0	4,313	0.663	145,000	290,000	2,108,808	726,894	3,270,702	
U.S.A.	4	6.410	24,633	35,447	60,080	9.234	145,000	580,000	3,514,679	10,125,617	14,365,296	
Uruguay	1	2.564	684	0	684	0.105	145,000	145,000	1,405,872	115,278	1,811,150	
Venezuela	2	3.846	26,702	6,026	32,728	5.030	145,000	290,000	2,108,808	5,515,832	8,059,640	
Total	41	100	489,386	161,266	650,652	100	3,770,000	7,540,000	54,829,000	109,658,000	175,797,000	

A: Panel membership.

B: % annual and panel membership (G+H).

C: Catch (live weight).

D: Canned production (net weight).

E: Total (C+D).

F: Percentage distribution of E.

G: Pesetas equivalent to \$1000 annual membership fee (at the time of calculation).

H: Pesetas equivalent to \$1000 for each panel membership (at the time of calculation).

I: 1/3 of (Total less G+H) distributed according to col. B %.

J: 2/3 of (Total less G+H) distributed according to col. F %.

K: Total (G+H+I+J)

Table 3. Contracting Party Contributions to the 1999 Commission Budget

											Based on 1995 figures
Contracting Parties	Panels #	Panel %	Total Budget (Convertible Pesetas) = 183,708,000				Fee Conv. Pts	Panel Conv. Pts	Panel Conv. Pts	C+C Conv. Pts	Total Conv. Pts
			Catch MT	Canning MT	C+C MT	C+C %					
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Angola	2	4.545	366	146	512	0.078	145,000	290,000	2,638,455	90,352	3,163,806
Brasil	2	4.545	30,305	2,251	32,556	4.949	145,000	290,000	2,638,455	5,745,112	8,818,567
Canada	3	6.061	2,525	0	2,525	0.384	145,000	435,000	3,517,939	445,583	4,543,523
Cap Vert	1	3.030	3,656	346	4,002	0.608	145,000	145,000	1,758,970	706,227	2,755,197
China, People's Rep.	2	4.545	879	0	879	0.134	145,000	290,000	2,638,455	155,116	3,228,570
Cote d'Ivoire	1	3.030	239	1,400	1,639	0.249	145,000	145,000	1,758,970	289,232	2,338,202
Croatia	1	3.030	445	0	445	0.068	145,000	145,000	1,758,970	78,529	2,127,498
European Community	4	7.576	297,205	86,433	383,638	58.316	145,000	580,000	4,397,424	67,700,069	72,822,493
Gabon	1	3.030	397	0	397	0.060	145,000	145,000	1,758,970	70,058	2,119,028
Ghana	1	3.030	35,078	26,866	61,944	9.416	145,000	145,000	1,758,970	10,931,172	12,980,142
Guinea Ecuatorial	0	1.515	111	0	111	0.017	145,000	0	879,485	19,588	1,044,073
Guinee, Rep. de	0	1.515	429	0	429	0.065	145,000	0	879,485	75,705	1,100,190
Japan	4	7.576	52,636	0	52,636	8.001	145,000	580,000	4,397,424	9,288,602	14,411,027
Korea	4	7.576	1,715	0	1,715	0.261	145,000	580,000	4,397,424	302,644	5,425,068
Libya	2	4.545	1,962	2,326	4,288	0.652	145,000	290,000	2,638,455	756,697	3,830,152
Maroc	2	4.545	6,632	277	6,909	1.050	145,000	290,000	2,638,455	1,219,222	4,292,676
Russia	1	3.030	4,938	0	4,938	0.751	145,000	145,000	1,758,970	871,402	2,920,372
S.Tome & Principe	1	3.030	338	0	338	0.051	145,000	145,000	1,758,970	59,646	2,108,616
South Africa	2	4.545	4,313	0	4,313	0.656	145,000	290,000	2,638,455	761,109	3,834,564
U.K.-Bermuda	2	4.545	156	0	156	0.024	145,000	290,000	2,638,455	27,529	3,100,984
U.S.A.	4	7.576	24,633	35,447	60,080	9.133	145,000	580,000	4,397,424	10,602,235	15,724,659
Uruguay	1	3.030	684	0	684	0.104	145,000	145,000	1,758,970	120,705	2,169,674
Venezuela	2	4.545	26,702	6,026	32,728	4.975	145,000	290,000	2,638,455	5,775,465	8,848,920
Total	43	100	496,344	161,518	657,862	100	3,335,000	6,235,000	58,046,000	116,092,000	183,708,000

A: Panel membership.

B: % annual and panel membership (G+H).

C: Catch (live weight).

D: Canned production (net weight).

E: Total (C+D).

F: Percentage distribution of E.

G: Pesetas equivalent to \$1000 annual membership fee (at the time of calculation).

H: Pesetas equivalent to \$1000 for each panel membership (at the time of calculation).

I: 1/3 of (Total less G+H) distributed according to col. B %.

J: 2/3 of (Total less G+H) distributed according to col. F %.

K: Total (G+H+I+J)

Table 4

Catch and canning figures (in MT) of Contracting Parties, with EC as a member.

Tableau 4

Chiffres de prise et de mise en conserve (TM) des Parties Contractantes, avec la CE en tant que membre.

Tabla 4

Cifras de capturas y conservas (TM) de las partes contractantes, incluyendo la CE como miembro.

Contracting Parties Parties Contract. Partes Contract.	1994			1995			1996		
	Catch Prise Captura	Canning Conserv Conserv	Total	Catch Prise Captura	Canning Conserv Conserv	Total	Catch Prise Captura	Canning Conserv Conserv	Total
Angola	291 *	0	291	366 *	146 **	512	396 p	0	396
Brasil	33441 *	0	33441	30305 *	2251 **	32556	36911 *p	0	36911
Canada	2265	0	2265	2525	0	2525	1660	0	1660
Cap Vert	3182	390	3572	3656	346	4002	3988	0	3988
China, People's Rep.	748	0	748	879	0	879	850	0	850
Cote d'Ivoire	237 *	0	237	239 *	1400 **	1639	0	0	0
Croatia	496	0	496	445	0	445	1410	0	1410
European Community	304169 ***	24130 **	328422	297205 ***	86433 **	383638	235838 ***	20805 **	256853
Gabon	326 *	0	326	397	0	397	1038	0	1038
Ghana	38116	0	38116	35078	26866	61944	38120	31515	69635
Guinea Ecuatorial	0	0	0	111 **	0 **	111	0	0	0
Guinee, Rep. de	330	0	330	429 *	0 **	429	0	0	0
Japan	55421	0	55421	52636	0	52636	50844 *	0	50844
Korea	1625	0	1625	1715	0 **	1715	2738	0	2738
Libya	1457 #	0	1457	1962 #	2326 **	4288	1240 #	0	1240
Maroc	4271 *	0	4271	6632 *	277 **	6909	6189 *	0	6189
Russia	3668 *	0	3668	4938	0	4938	3185	0	3185
S.Tome & Principe	338 **	0	338	338 **	0 **	338	207 ***	0	207
South Africa	5613	0	5613	4313	0	4313	2247 p	0	2247
U.K.-Bermuda	123	0	123	156	0	156	210 p	0	210
U.S.A.	29525 *	45477	75002	24633 *	35447	60080	30074 *p	46078	76152
Uruguay	283	0	283	684	0 **	684	1016 p	0	1016
Venezuela	46729	10454	57183	26702	6026 **	32728	20467	0	20467
Total	532654	80451	613105	496344	161518	657862	438628	98398	537026

* From Statistical Bulletin. / Extrait du Bulletin Statistique. / Del Boletin Estadístico.

** Secretariat estimates. / Estimation du secretariat. / Estimacion de la secretaria.

*** Only partial data are available. / Donnees partielles seules disponibles. / Solo se dispone de datos parciales.

p Preliminary data. / Donnees preliminaires. / Datos preliminares.

† Task I data / Donnees de Tache I / Datos de Tarea I

data for bluefin tuna only, other species not included

n do not coincide with Task I