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

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

MADRID, SPAIN

1997

INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Contracting Parties (as of January 1, 1997)

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

Chairman of Commission

Mr. R. CONDE DE SARO, Spain
(from November 17, 1995)

First Vice-Chairman of Commission

Mr. S. GALANTE LIATTI, Uruguay
(from November 29, 1996)

Second Vice-Chairman of Commission

Dr. L. KOFFI, Côte d'Ivoire
(from November 17, 1995)

Panel Membership (as of January 1, 1997)

Panel	Contracting Parties	Chairman
1	Angola, Brazil, Canada, Cape Verde, Côte d'Ivoire, France, Gabon, Ghana, Japan, Republic of Korea, Libya, Morocco, Portugal, Russia, Sao Tomé & Príncipe, Spain, United Kingdom, United States, Venezuela.	Côte d'Ivoire
2	Canada, France, Japan, Republic of Korea, Libya, Morocco, Portugal, Spain, United Kingdom, United States.	Morocco
3	Japan, Republic of Korea, South Africa, Spain, United States.	United States
4	Angola, Brazil, Canada, France, Japan, Republic of Korea, Portugal, Spain, United Kingdom, United States, Venezuela.	Japan

Council

No election was conducted for the 1996-97 biennial period.

Standing Committees

Standing Committees:

Committee on Finance and Administration (STACFAD)

Committee on Research and Statistics (SCRS)

Conservation and Management Measures Compliance Committee

Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)

Chairman

Mr. C. DOMÍNGUEZ, Spain
(from November 29, 1996)

Dr. Z. SUZUKI, Japan
(from November 29, 1996)

Mr. G. TAYLOR, United Kingdom
(from November 29, 1996)

Mr. B. S. HALLMAN, USA
(from November 12, 1993)

Secretariat

Address: Corazón de María, 8, Madrid 28002 (Spain)

Executive Secretary: Dr. ANTONIO FERNÁNDEZ (up to February 28, 1997)/ Dr. ADOLFO RIBEIRO LIMA (from March 3, 1997)

Assistant Executive Secretary: Dr. PETER M. MIYAKE

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 I (1996)*", which describes the activities of the Commission during the first half of said biennial period.

This issue of the Biennial Report contains the reports of the Tenth Special Meeting of the Commission, held in San Sebastian, Spain, in November, 1996, 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 reports is too great for them to be included in one volume, the Report for 1996 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

TABLE OF CONTENTS

SECRETARIAT REPORTS

1996 Administration Report	5
1996 Financial Report	15
Report on Statistics & Coordination of Research in 1996	31

RECORD OF COMMISSION PROCEEDINGS

Proceedings of the 10th Special Meeting of the Commission	37
ANNEX 1 Commission Agenda	53
ANNEX 2 List of Commission Participants	54
ANNEX 3 List of Commission Documents	70
ANNEX 4 Opening and Closing Addresses	72
ANNEX 5 RESOLUTIONS & RECOMMENDATIONS ADOPTED BY THE COMMISSION	
ANNEX 5-1 Recommendation by ICCAT on Bigeye and Yellowfin Tunas	79
ANNEX 5-2 Supplemental Recommendation by ICCAT on East Atlantic Bluefin Tuna Concerning the Mediterranean Closed Season	80
ANNEX 5-3 Recommendation by ICCAT Concerning Age 0 Bluefin Tuna	81
ANNEX 5-4 Recommendation by ICCAT to Establish a Scientific Monitoring Quota for Bluefin Tuna in the Western Atlantic for 1997-1998	82
ANNEX 5-5 Resolution for SCRS to Evaluate the Appropriateness of the Current Boundary Between East and West Atlantic Bluefin Tuna	84
ANNEX 5-6 Recommendation by ICCAT on Limitation of Southern Albacore Catches	85
ANNEX 5-7 Recommendation by ICCAT Regarding North Atlantic Swordfish Catch Quotas for 1997, 1998, and 1999	86
ANNEX 5-8 Recommendation by ICCAT for an Extension of the South Atlantic Swordfish Management Measures	87
ANNEX 5-9 Resolution by ICCAT Regarding the Release of Live Billfish Caught by Longline	88
ANNEX 5-10 Recommendation by ICCAT on the Validation of Bluefin Statistical Documents Between ICCAT Contracting Parties Which are Members of the European Community	89
ANNEX 5-11 Recommendation by ICCAT Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution	90
ANNEX 5-12 Recommendation by ICCAT Regarding Panama Pursuant to the 1994 ICCAT Bluefin Tuna Action Plan Resolution	92
ANNEX 5-13 Resolution by ICCAT Concerning Efforts to Improve the Completeness of Task I Reported Statistics	94
ANNEX 5-14 Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries	95
ANNEX 5-15 Resolution By ICCAT on Large-Scale Pelagic Driftnets	96

ANNEX 6 STATEMENTS PRESENTED TO THE PLENARY SESSIONS

ANNEX 6-1	Statement by the Observer from Denmark (in respect of the Faroe Islands)	99
ANNEX 6-2	Statement by the Observer from the CARICOM Fisheries Resource Assessment and Management Program (CFRAMP)	100
ANNEX 6-3	Statement by the People's Republic of China	101
ANNEX 6-4	Statement by the Observer from Taiwan	102
ANNEX 6-5	Statement by Spain on Driftnets	103

ANNEX 7 REPORTS OF SUBSIDIARY BODIES

ANNEX 7-1	Report of the Meeting of Panel 1	107
	Report of the Meeting of Panel 2	111
	Report of the Meeting of Panel 3	120
	Report of the Meeting of Panel 4	124
	Panel Appendices 1 to 10	133
ANNEX 7-2	Report of the Meeting of the Standing Committee on Finance and Administration (STACFAD)	141
	Table 1 - 1997 Commission Budget	154
	Table 2 - 1997 Member Country Contributions	155
ANNEX 7-3	Report of the Fifth Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)	156
	PWG Appendices 1 to 8	171
ANNEX 7-4	Report of the Meeting of the Compliance Committee	145
	Compliance Committee Appendices 1 to 4	179

SECRETARIAT REPORTS

1996 ADMINISTRATIVE REPORT (COM/96/9) *

1. Contracting Parties of the Commission

On November 6, 1996, the Secretariat was informed by the FAO Legal Department that the People's Republic of China had deposited an instrument of adherence to the ICCAT Convention, dated October 24, 1996. Consequently, as of December 31, 1996, the Commission is comprised of 24 Contracting Parties: Angola, Brazil, Cape Verde, Canada, People's Republic of China, Côte d'Ivoire, Equatorial Guinea, France, Gabon, Ghana, Republic of Guinea, Japan, Republic of Korea, Libya, Morocco, Portugal, Russia, Sao Tomé & Príncipe, Spain, South Africa, United Kingdom, United States, Uruguay, and Venezuela.

2. Bodies of the Commission

From November 17, 1995, the officers of the Commission were as follows:

<i>Chairman:</i>	Mr. R. Conde de Saro (Spain)
<i>First Vice-Chairman:</i>	Mr. J. Haché (Canada)
<i>Second Vice-Chairman:</i>	Dr. L. Koffi (Côte d'Ivoire)

On November 29, 1996, the Commission elected Mr. Sergio Galante Liatti (Uruguay) as First Vice-Chairman, upon Mr. Haché's communication that he had retired from Canadian Government service in July, 1996.

Panel membership, as of December 31, 1996, is as follows:

<i>Panel</i>	<i>Contracting Parties</i>	<i>Chairman</i>
1	Angola, Brazil, Canada, Cape Verde, France, Ghana, Gabon, Côte d'Ivoire, Japan, Republic of Korea, Libya, Morocco, Portugal, Russia, Sao Tomé & Príncipe, Spain, United Kingdom, United States, Venezuela	Côte d'Ivoire
2	Canada, France, Japan, Republic of Korea, Libya, Morocco, Portugal, Spain, United Kingdom, United States	Morocco
3	Republic of Korea, Japan, South Africa, Spain, United States	United States
4	Angola, Brazil, Canada, France, Japan, Republic of Korea, Portugal, Spain, United Kingdom, United States, Venezuela	Japan

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

Other bodies of the Commission are as follows:

- a) Standing Committee on Finance and Administration (STACFAD)
Chairman: Mr. C. Dominguez (Spain) (since November 29, 1996)
- b) Standing Committee on Research and Statistics (SCRS)
Chairman: Dr. Z. Suzuki (Japan)
 - b.1 Sub-Committee on Statistics - Convener: Dr. S. Turner (United States)
 - b.2 Sub-Committee on Environment - Convener: Dr. J. Pereira (Portugal)
 - b.3 Sub-Committee on By-Catch - Convener: Dr. G. Scott (United States)
- c) Conservation & Management Measures Compliance Committee - Chairman: Mr. G. Taylor (United Kingdom) (since November 29, 1996)
- d) Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)
- Chairman: Mr. B. S. Hallman (United States)

3. Ratification or acceptance of the Paris Protocol to the ICCAT Convention

In accordance with its Article III, the Protocol signed in Paris in July, 1984, shall enter into force upon deposit with the Director-General of FAO instruments of approval, ratification or acceptance of all the Contracting Parties to the Convention. The date of entry into force will be thirtieth day following the deposit of the last instrument.

At its Fourteenth Regular Meeting (Madrid, November 1995), the Commission adopted a Resolution requesting the Chairman to urgently carry out a personal demarche to the competent authorities of the countries that have not yet deposited an instrument of ratification or acceptance, to permit the accession of the European Community to participate, as a full member, at this Commission meeting.

On April 19, 1996, the Commission Chairman wrote to the Ambassadors of Gabon and Morocco in Spain, reminding them of the Commission's interest that these countries proceed to deposit the aforementioned instruments. Likewise, on April 26, 1996, the Chairman wrote a letter in this same sense to the Ministry of Foreign Affairs of Libya, a new member country.

On December 13, 1996, the FAO Legal Department informed the Secretariat that the United Kingdom had deposited, on December 9, 1996, an instrument of acceptance of the Paris Protocol.

4. Ratification or acceptance of the Madrid Protocol to the ICCAT Convention

On June 5, 1993, upon completion of one year since the adoption of the Protocol to amend Article X, paragraph 2, of the Convention, the Chairman of ICCAT wrote to the Head Delegates of the Contracting Parties and expressed his concern that up to that date, none of the Contracting Parties classified as developed countries with a market economy (i.e., Group A: Canada, France, Japan, Portugal, South Africa, Spain, and the United States of America) had deposited with the Director General of FAO an instrument of ratification, approval, or acceptance. On the other hand, and on a positive note, the Commission Chairman informed that none of the remaining Contracting Parties had requested, during the six-month period established, (which ended on January 8, 1993) suspension of the entry into force of said Protocol.

In November, 1993, the Commission adopted a Resolution recommending that the Contracting Parties which have not yet accepted or ratified the Madrid Protocol do so as soon as possible so that the Protocol would enter into force in the near future. On February 1, 1995, the ICCAT Chairman reiterated in his letter to the authorities of the Contracting Parties the urgency of proceeding with the deposit of the necessary diplomatic instruments.

On December 13, 1996, the FAO Legal Department informed the Secretariat that the Kingdom of Morocco had deposited an instrument of ratification of the Madrid Protocol, on December 9, 1996.

As of December 31, 1996, the following countries have officially ratified or accepted the Protocol:

Republic of Korea	Acceptance on June 11, 1993
Canada	Ratification on September 22, 1993
Republic of South Africa	Acceptance on October 4, 1993
Spain	Ratification on February 14, 1994
United States of America	Ratification on August 30, 1994
Russian Federation	Acceptance on September 14, 1994
Republic of Guinea	Acceptance, April 13, 1995
Portugal	Ratification, November 29, 1995
Morocco	Ratification, December 9, 1996

The Madrid Protocol will entry into force 90 days after diplomatic deposits have been made by three-fourths of the Contracting Parties, including all the Contracting Parties classified as having developed market economies.

5. ICCAT Regulations

On December 21, 1995, the Secretariat transmitted, to the Contracting Parties, non-Contracting Parties that have an Atlantic coast or that fish tunas in the Convention Area, and intergovernmental organizations concerned with fishery matters, the texts of the following Recommendations and Resolutions that were adopted at the Fourteenth Regular Meeting of the Commission in Madrid, November, 1995:

A. Recommendations

- Recommendation by ICCAT on Supplemental Management Measures for Eastern Atlantic Bluefin Tuna
- Recommendation by ICCAT for Quota Exemption for Small-scale Domestic Bluefin Tuna Fisheries in the Western Atlantic
- Recommendation by ICCAT to Establish Percentage Shares of Total Allowable Catch (TAC) and Overage and Underage Provisions for Nations Fishing for North Atlantic Swordfish
- Recommendation by ICCAT Regarding the Implementation of an Alternative Option for the Conservation of Undersized Atlantic Swordfish and the Reduction of Fishing Mortality

Since no objections were received from the Contracting Parties, these Recommendations entered into force on June 22, 1996, and notification was duly transmitted to all the countries and organizations indicated above on June 24, 1996.

B. Resolutions

- Resolution by ICCAT on Vessel Monitoring
- Resolution by ICCAT on Cooperation with FAO Regarding Study on the Status of Stocks and By-catch of Shark Species
- Resolution by ICCAT on Atlantic Yellowfin Tuna
- Resolution by ICCAT on Bigeye Tuna
- Resolution by ICCAT on Atlantic Bluefin Tuna Recovery Programs
- Resolution by ICCAT on North Atlantic Swordfish Recovery Program
- Resolution by ICCAT on an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish
- Resolution by ICCAT on the Enhancement of Research Programs for Billfishes (Blue Marlin, White Marlin, Sailfish and Spearfish)

As an indication of the importance of all these Resolutions, particular reference was made to paragraph (f) of the "Resolution by ICCAT Concerning an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish" according to which the Commission will recommend *"the Contracting Parties to take non-discriminatory trade restrictive measures, consistent with their international obligations with respect to Atlantic swordfish products in any form..."* from those non-Contracting Parties whose vessels fish Atlantic swordfish in a manner that diminishes the effectiveness of the ICCAT conservation programs.

In acknowledging receipt of the aforementioned Resolutions on May 29, 1996, the Taiwanese authorities sent the Secretariat a note on their observations relative to the monitoring of vessels, bigeye and swordfish. The text of this response was transmitted to the ICCAT Head Delegates and members of the PWG, and is included in an Annex to Document COM/96/28.

In Document COM/96/26, the Secretariat presented updated information on the regulation schemes in effect for the species that are regulated by ICCAT (bluefin tuna, yellowfin tuna, bigeye tuna, swordfish, albacore, and billfishes), with an indication of the historical development of their entry into force. Also included in the aforementioned document were a series of associated Resolutions adopted by the Commission in 1993-1994 and 1995, taking into account the importance of the application of those Recommendations.

6. Monitoring and inspection activities

In Document COM/96/27, the Secretariat presented updated information on the ICCAT Port Inspection Scheme, adopted by the Commission at its First Special Meeting (Madrid, 1978), and which has been in force since 1983, including the list of duly authorized Inspectors and Correspondents.

The Contracting Parties that have accepted this Scheme are as follows: Brazil, Côte d'Ivoire, France, Gabon, Portugal, Sao Tome & Principe, South Africa, Spain, United States, and Venezuela.

As decided by the Commission in November, 1995, the new format for the National Reports includes a section under which the aforementioned countries can inform on the application of this Scheme, summarizing the results obtained.

On May 10, 1996, the Secretariat circulated a note to the Head Delegates from the Chairman of the Compliance Committee, requesting the comments from the Contracting Parties on the preparatory work to develop a Monitoring Scheme applicable to the ICCAT Convention area (see Document COM/96/29).

7. Meetings organized by ICCAT

A. Inter-sessional meetings

In accordance with Commission decisions, the Secretariat organized the following meetings of a scientific-technical nature in 1996; details on these meetings are provided in the Report on Statistics and Coordination of Research.

- Shark Working Group (Miami, Florida, U.S.A. - February 26-28)
- Bluefin Tuna Methodology Session (Madrid, Spain - April 16-19)
- Bluefin Year Program (BYP) Larval Survey (Fano, Italy - April 23-25)
- ICCAT Tuna Symposium (Ponta Delgada, Azores Islands, Portugal - June 10-18)
- Third Billfish Workshop (Miami, Florida, U.S.A. - July 11-20)
- Albacore Stock Assessment Session (Taipei, Taiwan - August 5-10)
- Ad Hoc GFCM/ICCAT Joint Working Group on Large Pelagic Stocks in the Mediterranean. Atlantic Bluefin Tuna Stock Assessment Session (Genoa, Italy - September 9-20)
- Swordfish Stock Assessment Session (Halifax, Nova Scotia, Canada - October 2-9)

B. Meetings of the SCRS Species Groups and SCRS Plenary Sessions

At its Fourteenth Regular Meeting held in Madrid in November, 1995, the Commission decided to hold the 1996 SCRS Plenary Sessions one month prior to its Tenth Special Meeting, in order to have sufficient time to evaluate the recommendations and proposals of the scientific committee.

The Species Groups met from October 21 to 26 at the ICCAT Secretariat in Madrid.

The SCRS Plenary Sessions were held from October 28 through November 1, and the corresponding report was presented for the consideration of the Commission as Document COM/96/25.

8. Meetings at which ICCAT was represented

At its Fourteenth Regular Meeting, the Commission decided to limit the funds for Secretariat trips in order to exclusively finance participation at the scientific meetings proposed by the SCRS. Consequently, in 1996, the Executive Secretary did not attend any meeting outside the ICCAT headquarters.

- CITES Animals Committee (Pruhonice, Czech Republic - September 23-27, 1996)

Dr. G. Scott (U.S.A.), Convener of the ICCAT Sub-Committee on By-Catch, participated in the meeting in representation of the Commission, and he presented his corresponding report to the SCRS (COM-SCRS/96/23).

- 8th Technical Consultation on the Assessment of Resources of the Western Mediterranean (GFCM) (Casablanca, Morocco - October 14-17, 1996)

Dr. J. A. Camiñas (Spain), Director of the Oceanographic Laboratory of Fuengirola (IEO), received instructions to represent ICCAT at this meeting and to report on its conclusions.

- Third Meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) (Canberra, Australia - September 24-28, 1996)

Mr. J. Morishita, a member of the Delegation of Japan, attended this meeting in representation of ICCAT (see Document COM-SCRS/96/17).

- 57th Meeting of the Inter-American Tropical Tuna Commission (IATTC) (La Jolla, California - October 21-23, 1996)

Mr. H. Alsina Lagos, Director of International Fisheries Affairs of the Autonomous Fisheries and Aquiculture Services (SARPA) of Venezuela, represented ICCAT and presented a report on the meeting and its conclusions (see Document COM/96/34).

9. Coordination of research and statistics

The Secretariat's Report summarizes, included in this publication, the activities during 1996 concerning coordination of research and biostatistical activities, relative to tunas and tuna-like species in the Convention Area.

In order to comply with an SCRS proposal that was adopted by the Commission in 1995, Dr. Constantine Stamatopoulos, of the FAO Fishery and Statistical Service, worked at the Secretariat from April 10 to 15 in order to offer technical assistance creating a program for the ICCAT data base using software similar to the FAO FISHSTAT program. The Commission assumed the travel and per diem expenses for Dr. Stamatopoulos. The aforementioned program is now available at the Secretariat, and was distributed to all the ICCAT Statistical Correspondents in the various countries.

At its Fourteenth Regular Meeting (Madrid, November 1995), the Commission established, within the framework of SCRS, a Sub-Committee on By-Catch and a Working Group on Sharks. The Commission also adopted a Resolution to the effect that FAO be the focal point for the collection of shark data, and solicited the collaboration of the ICCAT Contracting Parties to cooperate with FAO in this respect. The Secretariat has maintained correspondence with FAO and CITES concerning this matter and circulated a reporting form, on April 17, 1996, for statistics on shark by-catches in the tuna fisheries (see Document COM/96/28).

10. ICCAT rewards for tag recoveries

The annual ICCAT lottery to award prizes to participants in the Commission's International Cooperative Tagging Program of Tunas and Tuna-like Species was held at the end of October, 1996, coinciding with the SCRS Sessions.

A total of 270 tags were entered in this year's lottery, and three US\$ 500 prizes were awarded for the drawing, corresponding to the following three groups:

- Tropical tunas (119 tags were entered in the drawing)
- Temperate tunas (89 tags were entered)
- Billfishes (62 tags were entered)

The three prizes corresponded to tags recovered by fishermen from the United States, on a yellowfin tuna, a bluefin tuna, and a sailfish, respectively.

II. Cooperation with other countries and organizations

Taking into account the increasing concern expressed by the Commission about the activities carried out by vessels of non-Contracting Parties that undermine the effectiveness of the conservation and management measures adopted by ICCAT, the Secretariat has maintained frequent contacts, mainly through correspondence, with non-member countries involved in the fisheries for tunas and tuna-like species, and has requested the submission of information and statistical data on their catches and fishing effort, and has information transmitted to them on the conservation measures adopted by ICCAT, sent invitations to participate in meetings organized by ICCAT, as has transmitted to them diverse information on the Commission's activities and operation. Among the non-Contracting Parties that have been collaborating, at least partially, in the objectives of ICCAT, the following are noteworthy: Algeria, Argentina, Barbados, Croatia, Cuba, Cyprus, Greece, Italy, Malta, Mexico, Namibia, Senegal, St. Helena, St. Lucia, Taiwan, and Tunisia.

In 1996, there was continuing interest from some non-Contracting Parties, i.e. Colombia, People's Republic of China, Croatia, Denmark (Faroe Islands), Honduras, Malta, Trinidad & Tobago, Tunisia, and Turkey, for detailed information on ICCAT's activities, with a view to possible future membership as Contracting Parties of the Commission.

The exchange of information and the cooperation with the fishing authorities of Taiwan continues to be very positive. In 1996, the Secretariat utilized US\$ 5,000 of the funds donated by the Taiwan Deep Sea Boatowners & Export Association, towards bluefin tuna research, as had been indicated at the time the funds were donated in October, 1995, by the Taiwan Deep Sea Tuna Boatowners and Exporters Association.

In accordance with Commission decisions, the ICCAT Chairman transmitted, on January 26, 1996, the special letter drafted by the Permanent Working for the Improvement of ICCAT Statistics and Conservation Measures (PWG), to the authorities of Belize, Honduras and Panama, exhorting that the fishing vessels of these countries comply with the ICCAT conservation measures, and cautioning them that such activities would be reviewed again in November, 1996.

Responses were received from Honduras and Panama, which are annexed to Document COM/96/28, as well as the response from the ICCAT Chairman to Panama's request for more detailed information.

On January 30, 1996, the ICCAT Chairman also transmitted a special letter drafted by the PWG to the authorities of Croatia, Italy, Greece, Malta, and Taiwan, calling their attention to the substantial increase detected in their catches of bluefin tuna in the Mediterranean Sea, and requesting their voluntary acceptance of a 25% reduction in such catches.

Replies were received from Malta, Taiwan and Croatia, and these are also included in the above-mentioned document.

In response to the authorities of Taiwan, who have repeatedly indicated an interest in becoming a Cooperating Party to ICCAT, the Chairman, on January 30, 1996, duly transmitted the third letter drafted by the PWG, specifying the management measures that should be complied with by fishing vessels of Cooperating Parties which fish in the ICCAT Convention area.

Further to the aforementioned correspondence, the Secretariat sent a series of letters to non-Contracting Parties in 1996, summarized as follows:

- February 7: To Italy, to inform the pertinent authorities that their proposed validation of the ICCAT Bluefin Tuna Statistical Document by Italian Chambers of Commerce was not acceptable.
- February 8: To New Zealand, to notify that no waiver of the ICCAT Bluefin Tuna Statistical Document has been granted.
- February 29: To Honduras, to transmit information requested on becoming a Contracting Party to ICCAT, as well as hypothetical calculations of their 1996 financial contribution.
- March 6: To Cuba, which had notified its interest to resume sending Cuban statistics to ICCAT and to comply with the Commission's conservation measures currently in effect.
- March 6: To Namibia, with specific information on the requirements to transmit tuna statistics.
- March 12: To Turkey, to provide the same information as above regarding Commission membership.
- March 25: To Trinidad & Tobago, to provide the same information as above on becoming a Contracting Party to ICCAT.
- March 28 and April 2: To Croatia, to provide information on Commission membership.
- August 1: To Denmark (Faroe Islands), to provide information on Commission membership.
- September 2: To the People's Republic of China, to clarify matters relative to the procedure and eventual payment of its contribution to ICCAT.
- September 30: To Tunisia, to provide information on Commission membership.

In addition to the information indicated in Section 5 of this Report, information on the following fishery-related matters was transmitted to the governments of non-Contracting Parties that have an Atlantic coast or which fish in the ICCAT Convention area, and to intergovernmental fisheries organizations:

- On the need to transmit statistics on tuna catch and effort (Task I and Task II).
- Invitations to participate, as observers, in the scientific meetings organized by ICCAT in 1996.
- On participation in the ICCAT International Cooperative Tagging Program of Tunas and Tuna-like Species.
- On by-catches in the tuna fisheries, with special reference to shark catches.
- On reinforcement of the ICCAT Bluefin Year Program (BYP).
- On Resolution 50/25 (1995) of the United Nations concerning large-scale driftnet fishing.

Working relations were also reinforced with diverse intergovernmental organizations (FAO, United Nations, CITES, European Community, GFCM, IATTC, CARICOM, ICES, CCSBT, etc.) as well as contacts and information with other non-governmental organizations and entities.

Document COM/96/28 presented more details on the above-mentioned activities.

12. Publications

From January 1 to December 31, 1996, the following publications were distributed by the Secretariat:

<i>Publication</i>	<i>No. of Pages</i>	<i>No. of copies</i>
-- Statistical Bulletin, Vol. 25	248	475
-- Data Record, Vol. 37	345	360
-- Collective Volume of Scientific Papers, Vol. XLIII (Special edition on the Albacore Research Program)	403	500

-- Collective Volume of Scientific Papers, Vol. XLV (1)	163	400
-- Collective Volume of Scientific Papers, Vol. XLV (2)	399	400
-- Collective Volume of Scientific Papers, Vol. XLV (3)388		400
-- Report for Biennial Period, 1994-95, Part II (Vol. 1) - English	208	450
-- Report for Biennial Period, 1994-95, Part II (Vol. 1) - French	226	200
-- Report for Biennial Period, 1994-95, Part II (Vol. 1) - Spanish	235	250
-- Report for Biennial Period, 1994-95, Part II (Vol. 2) - English	235	450
-- Report for Biennial Period, 1994-95, Part II (Vol. 2) - French	25	200
-- Report for Biennial Period, 1994-95, Part II (Vol. 2) - Spanish	250	250

In order to reduce costs, all the above publications were prepared, edited, and photocopied at the Secretariat, except for the covers and the binding.

For reasons of economy, the distribution of publications is usually done by surface mail at reduced rates. When urgent reception of these publications is required, they are sent by air mail, which costs approximately 10 times more.

13. Improvement of Secretariat computer equipment

In accordance with Commission decisions in November, 1995, the following computer acquisitions were made in 1996 for the Secretariat:

- 2 external hard disks (each with 1 GB memory), for the Assistant Executive Secretary and the Systems Analysts' computers
- 1 CD ROM to access the data base on the environment
- a PCMCIA card and cables for the connection of these external disks and the CD ROM to the computers
- COREL DRAW graphics software
- 2 COMPAQ desk top PCs, with the following characteristics: 14" color monitors, 75 Mhz processors, 16 MB RAM, 632 MB hard disk, PCI, integrated graphics controller, Windows 3.1 and MS DOS 6.2 pre-installed software
- 1 HEWLETT PACKARD 850C (inkjet) color printer
- a Navigator program to access the INTERNET, and all the data bases on the WWW; for the first time, the Report of the 1996 SCRS Meeting in three languages, including tables and figures, was available on an FTP server.

14. Election of the new Executive Secretary

On March 26, 1996, the Executive Secretary informed the Commission Chairman, with copies to all the Head of Delegates, of his wish to be relieved of his duties at the end of 1996.

The Commission Chairman, after consulting with the Vice-Chairmen and the Chairman of STACFAD, transmitted a note to the Head Delegates on April 30, 1996, announcing the post vacancy and inviting interested persons to request an application form. The Post Vacancy Announcement was basically the same as that adopted by the Commission in 1991 for the election of the present Executive Secretary, duly updated to reflect the current Commission membership, and most recent schemes for salary and remunerations. A July 31 deadline date was established for the receipt of applications.

In view of the practical impossibility of holding pre-selection meetings, the Chairman decided that the Secretariat should transmit to the Head Delegates, during the first half of September, all the applications received within the established deadline.

Following the announcement of the post vacancy, a total of 23 requests were received for an application form and for additional information on details of the position from Angola (2), Canada (1), France (11), Morocco (1), Portugal (1), Spain (5), United States (1), and Venezuela (1).

Of all the requests received, 16 applications were formally submitted: France (8), Spain (4), Morocco (1), Portugal (1), United States (1), and Venezuela (1). These were forwarded to the Head Delegates on September 2, 1996, with a letter from the Commission Chairman requesting each Delegation to study these candidatures, with a view to making an initial selection of candidates. On October 15, 1996, one of the persons interested in the position (United States) withdrew his candidature. On November 14, 1996, one of the French candidates also withdrew his candidature.

During the Tenth Special Meeting of the Commission, two closed sessions of Head Delegates were held to select those candidatures who had received the most support and to decide on the procedure to elect the new Executive Secretary. Mr. Adolfo Ribeiro Lima (Portugal) was selected and he will assume his duties on March 1, 1997.

15. Secretariat staff

Since the contracting of a multi-lingual secretary for the English Department was not considered absolutely necessary (as had been authorized by the Commission in November, 1995, for a maximum of 7 months in 1996), the hiring of a permanent staff member was postponed.

In 1996, one of the multi-lingual secretaries was on three-months' maternity leave, which necessitated the temporary contracting of outside translation services in order to maintain the necessary rhythm of work in the French Department.

Thus, as of December 31, 1996, the Secretariat is comprised as follows: Executive Secretary (D-1), Assistant Executive Secretary (P-5); Systems Analyst (P-2), five multi-lingual secretaries (two GS-7, two GS-6, and one GS-4), a statistical secretary (GS-4), four clerical staff (one GS-2 and three GS-1), and a locally-contracted data entry clerk.

1996 FINANCIAL REPORT (COM/96/10) *

1. AUDITOR'S REPORT - FISCAL YEAR 1995

The Auditor examined the books and accounts of the Commission to the end of Fiscal Year 1995. In accordance with Regulations 9-3 and 12-7 of the Financial Regulations, and following a recommendation of the Council at its Second Regular Meeting, the Executive Secretary transmitted a copy of the Auditor's Report to the governments of all the Contracting Parties in April, 1996. The General Balance at the close of Fiscal Year 1995 (see attached **Statement 1**), showed a balance in Cash and Bank of 24,717,758 pesetas, corresponding to the available in the Working Capital Fund (18,148,848 pesetas), available in the Albacore Research Program Funds (1,482,518 pesetas), and the advances on future contributions, at the close of Fiscal Year 1995, (5,086,392 pesetas).

At the close of Fiscal Year 1995 there were accumulated pending contributions (corresponding to 1995 and previous years) that amounted to 158,983,988 pesetas, equivalent to 107.9% of the 1995 total budget (147,281,000 pesetas).

Since the Commission changed the base currency of the budget in 1992 from United States dollars to convertible pesetas, to avoid the effect of the fluctuations in the currency exchange rates, which were uncontrollable and difficult to foresee, the accounting records for Fiscal Year 1995 were maintained in pesetas. The differences in exchange rates resulting from those accounts which originated in U.S. dollars were adjusted at the close of the Fiscal Year based on the official U.N. exchange rate of 123 pesetas/1 US\$, as of December, 1995.

In accordance with the recommendation made by the Working Group on Financial and Administration at its meeting held in Madrid on November 29-30 and December 1, 1971: "*It was considered that the Working Capital Fund ... should be maintained at a level of approximately 15% of the total annual budget*". This recommendation was adopted by the Commission. At the close of Fiscal Year 1995, the balance was 18,148,848 pesetas, or 12.3% of the annual budget.

2. FINANCIAL STATUS OF THE FIRST HALF OF THE BIENNIAL BUDGET - FISCAL YEAR 1996

Continuing with the accounting practices established since 1992, the financial operations of the Commission corresponding to Fiscal Year 1996 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 Regular Budget for 1996 (154,716,000 pesetas) was approved by the Commission at its Fourteenth Regular Meeting (Madrid, November, 1995). The General Balance Sheet (attached as **Statement 2**), reflects the assets and liabilities at the close of Fiscal Year 1996, which are shown in detail in **Tables 1 to 7**.

Table 1 shows the status of the contributions of each of the Contracting Parties at the close of Fiscal Year 1996.

The Republic of Libya had not been included in the Table of the Contributions to the 1996 Budget approved by the Commission, since Libya's adherence to ICCAT did not take place until after the meeting, on November 27, 1995. The Secretariat thus notified the Libyan authorities that, in view of the aforementioned circumstances, its 1996 contribution would be extra-budgetary and would amount to 2,334,940 Pesetas, based on updated 1993 catch and canning data and membership in one Panel.

Of the total budget approved for 1996, income received towards 1996 contributions amounted to 122,569,917 pesetas. Only 13 of the 24 Contracting Parties have paid their total contributions corresponding to 1996 (Brazil,

* The Financial Report presented at the 1996 Commission Meeting was updated to the close of Fiscal Year 1996.

Canada, Côte d'Ivoire, France, Japan, Republic of Korea, Morocco, Portugal, Russia, South Africa, Spain, United Kingdom, and the United States).

Consequently, at the close of Fiscal Year 1996, 10 Contracting Parties: Angola, Cape Verde, Equatorial Guinea, Gabon, Ghana, Republic of Guinea, Libya (extra-budgetary contribution), Sao Tomé & Príncipe, Uruguay and Venezuela, had not paid any amount towards their 1996 contributions; 8 countries have balances pending payment from 1995 or before (Cape Verde, Equatorial Guinea, Gabon, Ghana, Republic of Guinea, Sao Tome & Principe, Uruguay and Venezuela). There is also a 1996 extra-budgetary contribution of 465,980 pesetas pending payment from the People's Republic of China, which became a member of the Commission on October 24, 1996.

The contributions to the 1996 regular budget pending payment by the Contracting Parties at the close of Fiscal Year 1996, amounted to 32,146,083 pesetas, which represents 20.8% of the total regular budget.

The total accumulated debt from budgetary and extra-budgetary contributions owed to the Commission amounted to 165,557,303 pesetas, including that owed from Benin, Cuba, and Senegal, which are no longer Contracting Parties to ICCAT. This figure is indicative of the difficulties which the Contracting Parties have in honoring their financial obligations to the Commission.

Table 2 shows the budgetary expenditures to the close of Fiscal Year 1996, broken down by budget chapters. For almost all chapters, the total expenses were equal to or less than the amount budgeted. The budgetary savings amounted to 12,213,034 pesetas (7.9% of the 1996 Commission Budget).

Following herewith are some general comments by budget chapter:

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

The total amount budgeted for Chapter 1 amounts to 85,805,000 pesetas, whereas expenses amounted to 81,231,398 pesetas, with a notable savings due to not having contracted a multi-lingual secretary because of the lack of cash flow. This amount included the updating of the remuneration schemes to those currently in effect for staff classified in the United Nations categories, including step raises, and the monthly adjustments for the successive variations in the US\$/peseta exchange rate in 1996, whose average (126 pesetas=1 US\$) was below the 128 Pts/US\$ exchange rate that was applied to budgetary proposals made in September, 1995 (see document COM/95/11), and the updating (retroactive to November 1, 1995) of the pensionable remuneration base for staff in the Professional and Higher U.N. categories.

Chapter 2 - Travel: As was announced at 1995 STACFAD Meeting, the Executive Secretary did not make any trips in 1996 that were charged to the ICCAT Budget. Expenditures amounting to 1,673,421 pesetas charged to this Budget chapter corresponded to the Assistant Executive Secretary's trip expenses and per diem for the Secretariat's participation in the following ICCAT inter-sessional meetings:

- Third Billfish Workshop (Miami, Florida - July 11 to 20, 1996)
- Ad Hoc GFCM/ICCAT Joint Working Group on Large Pelagic Stocks in the Mediterranean. Atlantic Bluefin Tuna Stock Assessment Session (Genoa, Italy - September 9 to 20, 1996)
- Swordfish Stock Assessment Session (Halifax, Nova Scotia, Canada - October 2 to 9, 1996)

Chapter 3 - Commission Meeting: Since the Tenth Special Meeting of the Commission was held in San Sebastian, expenditures for this budgetary chapter increased to 12,738,301 pesetas. In accordance with that agreed, the difference (4,545,301 pesetas) with respect to the 8,193,000 pesetas budgeted, was reimbursed to the Commission by the Autonomous Basque Government.

Chapter 4 - Publications: The costs for the Commission publications listed in the Administrative Report (COM/96/9) were charged to this budget chapter. All the work on these publications, except for the covers and binding, was done by the Secretariat staff.

Chapter 5 - Office Equipment: Expenses charged to the close of Fiscal Year 1996 to this chapter included the annual cost for a XEROX photocopier (this is the last of a four-year rental contract, with option to buy).

Chapter 6 - Operating Expenses: This chapter shows the expenses incurred, to the end of Fiscal Year 1996, including some costs for a photocopier, in the normal functioning of the Secretariat. Expenses remained within the amount budgeted, although the costs for mailing increased considerably (+40%) as compared to the previous year, due to the increase in the documentation transmitted to the Contracting Parties, and the use of air mail instead of surface mail to send some correspondence. For the major part of its working documents, the Secretariat has continued to use recycled paper, whose price was 15% less than regular white paper.

Chapter 7 - Miscellaneous: This chapter includes various expenses of a minor nature.

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 1996 for U.N. classified staff also apply to this sub-chapter.

It is noted that this sub-chapter also includes the salary and Spanish Social Security expenses and income taxes of one staff member who, although authorized by the Commission for classification in the U.N. salary scheme as GS-2, opted to remain as locally-contracted staff in order to continue under the Spanish Social Security regime.

The amount budgeted for Chapter 8A (18,548,000 pesetas), was somewhat insufficient to cover the expenses of this chapter to the end of the Fiscal Year, due to an increase in costs for the locally-contracted staff person.

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

- Shark Working Group (Miami, Florida, U.S.A. - February 26 to 28, 1996)
- Bluefin Year Program (BYP) Larval Survey (Fano, Italy - April 23 to 25, 1996)
- Ad Hoc GFCM/ICCAT Joint Working Group on Large Pelagic Stocks in the Mediterranean. Atlantic Bluefin Tuna Stock Assessment Session (Genoa, Italy - September 9 to 20, 1996)

c) Port Sampling: No expenses were charged to this sub-chapter, since this activity was assigned low priority, due to the lack of cash flow.

d) Biostatistical Work: Expenses charged to this sub-chapter, to the end of the Fiscal Year, amounted to 247,964 pesetas, including the per diem expenses for Mr. Stamatopoulos of FAO, who was invited to the ICCAT Secretariat to provide technical assistance for the TUNASTAT statistical software, as recommended by the SCRS and approved by the Commission.

e) Computer Equipment: In accordance with the decisions adopted by the Commission, the Secretariat purchased the following computer equipment in 1996: two desk top PCs, a CD ROM reader, two external disks, graphics software, and an inkjet color printer. Technical details on the above purchases are included in the Administrative Report (COM/96/9).

f) Data Processing: Expenses charged include the annual leasing costs and maintenance contract for the mainframe computer. Also charged to this sub-chapter are the expenses incurred for electronic mail for the transmission of administrative, scientific and statistical correspondence, as well as those for the access and utilization of the INTERNET data bases.

g) Scientific Meetings at the Headquarters: This sub-chapter includes expenditures for the SCRS plenary sessions, as well as those for the species group meetings; expenses remained within the amount budgeted for this purpose.

h) Miscellaneous: Expenses charged to this sub-chapter included those for French translation work on some ICCAT inter-sessional meeting reports done outside the Secretariat.

Table 3 shows budgetary and extra-budgetary income and advances received by the Commission during Fiscal Year 1996, which amounted to 160,551,710 pesetas, from member country contributions paid in 1996 towards the 1996 budget, from contributions paid in 1996 towards previous budgets, other income (extra-budgetary) received in 1996, and from advances on future contributions. The extra-budgetary income received in 1996 includes: contributions from new member countries that joined the Commission in the second half of 1995, the voluntary contribution from the Autonomous Basque Government towards expenses of the 1996 Commission Meeting, other voluntary contributions and observer fees, bank interest, the refund of Value Added Tax, reimbursement for publications, from the Billfish Research Program Budget towards the Secretariat's operating expenses concerning this Program, and the positive difference from the US dollar/pesetas currency exchange rate in Fiscal Year 1996. An advance on future contributions was received from Morocco.

Table 4 presents the composition and balance of the Working Capital Fund to the close of Fiscal Year 1996. The Fund showed a positive balance of 39,153,861 pesetas. Consequently, the accounting balance of the Fund corresponds to 25.3% of the 1996 Budget.

Table 5 shows a summary of the contributions pending payment (165,557,303 pesetas), as well as their origin by year, at the close of Fiscal Year 1996, including extra-budgetary contributions pending payment from the People's Republic of China and Libya, as new Commission members.

Table 6 shows cash flow during Fiscal Year 1996 as regards generated income and expenses.

Table 7 presents the status of Cash and Bank at the close of Fiscal Year 1996, with a balance of 41,283,984 pesetas which corresponds to the available in the Working Capital Fund, as well as advances on future contributions.

3. ICCAT TUNA SYMPOSIUM

The ICCAT Tuna Symposium was held in Ponta Delgada, Azores, from June 10 to 18, 1996, at the invitation of the Regional Autonomous Government of Azores, and was partially financed by the Commission of the European Communities (FAIR PROGRAM). ICCAT's contribution to this important event consisted mainly of staff time regarding the organizational and preparatory work of the Symposium, cash advances to cover various Symposium activities and mailing costs until the EU funds were received, the translation of document summaries, and full Secretariat staff participation at the Symposium itself. ICCAT also contributed to the Symposium in terms of materials, paper, and working hours (photocopying, telephone, faxes, e-mails, etc.), which were accounted for within the framework of the Secretariat's general operating expenses.

In accordance with Rule 14 of the Rules of Procedure, on January 17, 1996, the Executive Secretary authorized Dr. P. M. Miyake, who is serving as Symposium Secretary, to solicit financial aid to the Commission from the European Communities and to carry out the necessary transactions for optimum organization and development of this Symposium. A special bank account was opened at the Banco Exterior de España (Account No. 030 012 6445), to maintain an additional account, and separate accounting of these funds of the Commission, with Dr. Miyake as the responsible person for the administration of funds from this trust-fund. Details on the Symposium account during Fiscal Year 1996 are as follows:

	Pesetas
DEPOSITS:	
Balance at start of Fiscal Year 1996	0
EU Grant (70%: 72,100 ECUs)	11,500,238
EU Grant (30%: 30,129 ECUs)	4,864,779
Refund from Creative Tours	85,025
Bank interest (on Checking Account & Time Deposit)	62,225
<i>Total deposits</i>	<u>16,512,267</u>
EXPENDITURES:	
Symposium expenditures	10,230,293
Bank charges	58,187
<i>Total expenditures</i>	<u>10,288,480</u>
BALANCE AT CLOSE OF FISCAL YEAR 1996:	6,223,787

4. ALBACORE RESEARCH PROGRAM

At the 1990 Commission meeting, it was decided that the balance in sub-chapter 8-i (Albacore Research Program), which amounted to US\$ 15,052.51, would be applied exclusively to this Program. The 1996 balance (1,482,518 pesetas) was fully applied to the publication in 1996, in enhanced form, of the Report of the Final Meeting of the Program.

5. 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 generally made in U.S. dollars. The status of these funds, in U.S. dollars, at the close of Fiscal Year 1996, was as follows:

	U.S. dollars
Balance at start of Fiscal Year 1996	\$ 16,137.47
Deposits made in 1996	34,500.00
<i>Sub-total</i>	<u>\$ 50,637.47</u>
Expenditures (including bank charges)	<u>31,335.79</u>
BALANCE AT CLOSE OF FISCAL YEAR 1996	<u>\$ 19,301.68</u>

6. BLUEFIN YEAR PROGRAM (BYP)

This Program was approved by the Commission in 1991 and started in 1992. In 1995, the Commission approved a new extended program. Notwithstanding, no funds were budgeted for the Program in 1996, nor was a special fund established, as was done for the Billfish Program.

7. OTHER COMMENTS

All the member country contributions to the 1996 Budget were received in convertible pesetas. Remunerations (salary and pension) for staff in the Director and Professional categories are established in U.S. dollars in accordance with the current scheme of the United Nations. The pensions of staff in the General Services are also paid in U.S. dollars. Therefore, United States dollars had to be purchased on the local market, at various rates of exchange, and accounted for according to the official US\$/peseta exchange rate established by the United Nations on the first day of each month.

The information provided in this report shows that the financial situation of the Commission has improved considerably, with respect to the previous Fiscal Year. This can be attributed to the reduction in certain budgetary expenses due to the lack of cash flow, and to the receipt of some past-due contributions. Nevertheless, it has been difficult to comply with all the instructions given by the Contracting Parties, as indicated in the budget, when the majority of these Parties do not comply in a timely and responsible manner with their financial obligations to the Commission. The unforeseen and irregular receipt of the contributions of the Contracting Parties considerably hampers the efficient administration of the Commission's financial resources. As regards priorities, it must be recognized that, for some time now, the full and responsible participation in ICCAT does not seem to be a matter of high priority for a number of the current Contracting Parties. For example, Article X, paragraph 4 of the Convention stipulates that all the contributions should be paid early in the year. Still, up to mid-October only 12 of the Contracting Parties had paid their contributions to the 1996 Budget, which signifies that by that date budgetary income was reduced to 75% of the approved budget.

Under such circumstances, little flexibility could be applied in budgetary management, taking into account that since this is a service organization, the fixed expenses of the Secretariat absorb approximately 90% of the annual budget, and these fixed expenses have to be paid throughout the entire year. Shortly before closing Fiscal Year 1996, contributions were received from Morocco and Brazil as well as considerable past due amounts from Venezuela, which replenished the available in the Working Capital Fund. Notwithstanding, if these and other contributions had been

received on time, it would have permitted achieving other objectives and more flexibility in the budgetary management through the fiscal period.

Consequently, in spite of the budgetary savings made in some chapters, in order to maintain the Commission's activities at a reasonable minimum, it has been necessary to use the available in the Working Capital Fund, including extra-budgetary income, as a bridging mechanism. Thus, at the close of Fiscal Year 1996, the Working Capital Fund shows a balance of 39.1 million pesetas, which corresponds to 25.3% of the budget, and which permits meeting the expenses of the first quarter of 1997 with relative tranquility, and to meet eventual unbudgeted liabilities.

Since only eight of the minimum required 18 Contracting Parties, including all those classified as developed countries with a market economy, have proceeded to accept or ratify the Madrid Protocol adopted in June, 1992, this possible road to a solution to finance the budget did not come about in 1996.

During 1996, a line of credit was not opened, according to the terms of the authorization given by the Commission at its Eighth Special Meeting (Madrid, November 1992), and further extended at its Thirteenth Regular Meeting (Madrid, November 1993), since due to restrictions of budgetary expenses and to the receipt of some extra-budgetary contributions, it was not considered absolutely necessary to resort to a bank loan. Moreover, there would have been some difficulties as regards the provision for the guarantee of such a loan.

STATEMENT 1. GENERAL BALANCE (AT CLOSE OF FISCAL YEAR 1995) (PESETAS)

<i>ASSETS</i>		<i>LIABILITIES</i>	
Available:			Pts.
			Pts.
-- Banco Exterior de Espana:		Acquired holdings (net)	7,377,345
Acct. 030-17672.60-A (Pts.)	1,116,250	Guaranty deposit	61,564
Acct. 030-17329.75-F (Conv. Pts.)	19,215,486	Available in the Working Capital Fund	18,148,848
Acct. 030-31279.43-E (US\$)	\$26,316.73 3,236,958	Available in Albacore Research Program Funds	1,482,518
-- Barclays		Available in Billfish Trust Fund	1,984,909
Acct. 21001466 (Pts.)	351,028	Advances on future contributions	5,086,392
Acct. 41002088 (US\$)	\$6,074.15 747,120	Accumulated pending contributions	158,983,988
Cash on hand (Pts.)	<u>50,916</u>		
Total Available (Pts.)	\$32,390.88 24,717,758		
(Exchange rate: 1US\$ = 123 Pts.)			
Available in Billfish Trust Fund:			
Acct. 030-31555.90-B (US\$)	\$16,137.47 1,984,909		
Receivables:			
Overdue contributions	158,983,988		
Fixed Assets:			
Acquired before 1995	15,362,087		
Acquired during 1995	3,139,622		
Retired during 1995	<u>0</u>		
Total Fixed Assets, in use	18,501,709		
Accumulated depreciation	<u>(11,124,364)</u>		
Fixed Assets (net)	7,377,345		
Guaranty deposit	61,564		
TOTAL ASSETS	193,125,564	TOTAL LIABILITIES	193,125,564

STATEMENT 2. GENERAL BALANCE (AT CLOSE OF FISCAL YEAR 1996) (PESETAS)

<i>ASSETS</i>			<i>LIABILITIES</i>	
Available:		Pts.		Pts.
-- Banco Exterior de Espana:			Acquired holdings (net)	6,699,871
Acct. 030-17672.60-A (Pts.)		1,191,693	Guaranty deposit	61,564
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	Available in Billfish Trust Fund	2,489,917
-- Barclays			Available in Symposium Trust Fund	6,223,787
Acct. 21001466 (Pts.)		8,317,082	Advances on future contributions	2,130,123
Acct. 41002088 (US\$)	\$15,607.86	2,013,414	Accumulated pending contributions	165,557,303
Time Deposit (US\$)	\$100,000.00	12,900,000		
Cash on hand (Pts.)		50,916		
Total Available (Pts.)	\$171,594.84	41,283,984		
(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	0			
Total Fixed Assets, in use	19,201,445			
Accumulated depreciation	(12,501,574)			
Fixed Assets (net)		6,699,871		
Guaranty deposit		61,564		
TOTAL ASSETS		222,316,426	TOTAL LIABILITIES	222,316,426

TABLE 1. STATUS OF MEMBER COUNTRY CONTRIBUTIONS (PESETAS) (at the close of Fiscal Year 1996)

<i>Country</i>	<i>Past due at start of Fiscal Year 1996</i>	<i>1996 member country contributions</i>	<i>Contributions paid in 1996 or applied to the 1996 Budget</i>	<i>Contributions paid in 1996 towards other budgets</i>	<i>Balance due at the close of Fiscal Year 1996</i>
A) Regular Commission Budget:				0	0
Angola	5,528,103	2,765,280	0	5,528,103	2,765,280
Brasil	0	7,663,510	7,663,510	0	0 1/
Canada	0	3,986,658	3,986,658	0	0
Cap Vert	14,262,402	2,245,616	0	0	16,508,018
Cote d'Ivoire	0	2,007,999	2,007,999	0	0 2/
Espana	0	34,334,171	34,334,171	0	0
France	0	22,157,463	22,157,463	0	0
Gabon	4,624,758	1,784,906	0	2,205,900	4,203,764
Ghana	57,484,644	7,798,822	0	0	65,283,466
Guinea Ecuatorial	5,852,623	947,790	0	0	6,800,413
Guinea (Rep. of)	3,363,169	891,146	0	0	4,254,315
Japan	0	12,205,731	12,205,731	0	0
Korea	0	3,678,599	3,678,599	0	0
Maroc	3,358,176	3,085,491	3,085,491	3,358,176	0 3/
Portugal	0	8,294,845	8,294,845	0	0
Russia	0	2,264,159	2,264,159	0	0
Sao Tome & Principe	1,896,640	1,831,384	0	0	3,728,024
South Africa	0	2,831,672	2,831,672	0	0
United Kingdom	0	3,642,869	3,642,869	0	0
United States	0	16,416,750	16,416,750	0	0
Uruguay	1,942,105	942,997	0	0	2,885,102
Venezuela	31,348,777	12,938,142	0	14,983,267	29,303,652
Sub-total (A)	129,661,397	154,716,000	122,569,917	26,075,446	135,732,034
B) New member countries:					
China (People's Rep)	0	465,980			465,980 4/
Libya	474,348	2,334,940		474,348	2,334,940 5/
United Kingdom (1995)	1,823,894			1,823,894	0
Sub-total (B)	2,298,242	2,800,920	0	2,298,242	2,800,920
C) Withdrawals of member countries:					
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
Sub-total (C)	27,024,349	0	0	0	27,024,349
TOTAL (A+B+C):	158,983,988	157,516,920	122,569,917	28,373,688	165,557,303

1/ The advance from Brazil (1,548,270 Pts.) received in 1995 was applied as partial payment towards the 1996 contribution.

2/ Of the advance from Cote d'Ivoire (3,538,122 Pts.) received in 1995, 2,007,999 Pts. have been applied towards the 1996 contribution; there is a balance of 1,530,123 Pts. to be applied towards future contributions.

3/ The advance from Morocco in 1996 (600,000 Pts.) will be applied towards future contributions.

4/ Extra-budgetary contribution from the People's Republic of China, as a new Commission member during the second half of 1996.

5/ Extra-budgetary contribution from Libya for 1996 (2,334,940 Pts.) for its membership in the 2nd half of 1996, after the adoption of the 196 budget.

TABLE 2. LIQUIDATION OF BUDGETARY EXPENDITURES (PESETAS) (at the close of Fiscal Year 1996)

<i>Chapters</i>	<i>1996 Budget</i>	<i>Expenditures at the close of Fiscal Year 1996</i>
1. Amount budgeted & budgetary expenditures:		
Chapter 1. Salaries	85,805,000	81,231,398
Chapter 2. Travel	4,316,000	1,673,421
Chapter 3. Commission Meeting	8,193,000	12,738,301 (1)
Chapter 4. Publications	3,829,000	2,543,953
Chapter 5. Office Equipment	893,000	664,271
Chapter 6. Operating Expenses	12,192,000	12,189,803
Chapter 7. Miscellaneous	1,465,000	770,333
Sub-total Chapters 1-7	116,693,000	111,811,480
Chapter 8. Statistics and Research:		
8A Salaries	18,548,000	18,814,938
8B Travel to improve statistics	1,301,000	1,005,641
8C Port Sampling	1,914,000	0
8D Biostatistical Work	2,634,000	247,964
8E Computer Equipment	1,914,000	737,316
8F Data Processing	2,600,000	2,525,575
8G Scientific Meetings (including SCRS)	7,413,000	7,006,028
8H Miscellaneous	699,000	354,024
Sub-total Chapter 8	37,023,000	30,691,486
Chapter 9. Contingencies	1,000,000	0
TOTAL BUDGET AND EXPENDITURES	154,716,000	142,502,966

(1) The Autonomous Basque Government contributed 4,545,301 Pts. to cover the difference in the expenses of the 1996 Commission Meeting.

TABLE 3. BUDGETARY & EXTRA-BUDGETARY INCOME RECEIVED (PESETAS) (at the close of Fiscal Year 1996)

1.1 Contributions received in 1996 towards the 1996 Budget:			
Brasil	(10 Dec 1996)	6,115,240	
Canada	(08 Apr 1996)	3,986,658	
Espana	(27 May 1996)	34,334,171	
France	(08 Mar 1996)	22,157,463	
Japan	(25 Jan 1996)	12,205,731	
Korea	(04 Jul 1996)	3,678,599	
Maroc	(15 Oct 1996)	3,085,491	
Portugal	(24 Sep 1996)	8,294,845	
Russia	(06 May 1996)	2,264,159	
South Africa	(26 Apr 1996)	2,831,672	
United Kingdom	(13 Sep 1996)	3,642,869	
United States	(12 Jan 1996)	16,416,750	119,013,648
1.2 Contributions received in 1996 towards previous budgets:			
Angola	(25 Apr 1996)	5,528,103	
Gabon	(13 Mar 1996)	2,205,900	
Maroc	(15 Oct 1996)	3,358,176	
Venezuela	(23 Sep 1996)	14,983,267	26,075,446
1.3 Other income (extra-budgetary) received in 1996 from:			
Contributions of new member countries:			
-- Libya (in 2nd half of 1995)		474,348	
-- United Kingdom (in 2nd half of 1995)		1,823,894	2,298,242
Voluntary contributions:			
-- Observers at ICCAT Meetings (CARICOM, EC, Ireland, Taiwan, Faroe Is., Iceland, Mexico, Libya)		3,874,753	
From Autonomous Basque Government		4,545,301	8,420,054
Bank interest			1,178,735
Refund from VAT			2,107,682
Reimbursement for publications			123,863
From Billfish Program towards Secretariat operating expenses			320,000
Difference in exchange rate			414,040
			14,862,616
1.4 Advances on future contributions (received in 1996):			
Morocco	(17 Oct 1996)		600,000
TOTAL INCOME RECEIVED IN 1996			160,551,710

TABLE 4. COMPOSITION & BALANCE OF THE WORKING CAPITAL FUND (PESETAS) (Fiscal Year 1996)

Available in the Working Capital Fund (at start of Fiscal Year 1996)		18,148,848
Deposits:		
Contributions paid in 1996 towards previous budgets	26,075,446	
Other income (extra-budgetary) received in 1996	<u>14,862,616</u>	<u>40,938,062</u>
Sub-total		59,086,910
Contributions paid in 1996 and/or in advance for application to the 1996 budget	122,569,917	
Less:		
Budgetary expenditures (Chapters 1-9) of Fiscal Year 1996	<u>(142,502,966)</u>	<u>(19,933,049)</u>
BALANCE AVAILABLE IN THE WORKING CAPITAL FUND (at close of Fiscal Year 1996)		39,153,861

TABLE 5. SUMMARY OF PENDING CONTRIBUTIONS & THEIR ORIGIN, BY YEAR, AT THE CLOSE OF FISCAL YEAR 1996 (PESETAS)

<i>PENDING CONTRIBUTIONS</i>		<i>ORIGIN OF THE DEBT</i>	
Angola	2,765,280	a) from 1989 and previous years	36,892,485
Cape Verde	16,508,018	b) from 1990	9,768,100
China (People's Rep.)	465,980 (1)	c) from 1991	12,818,000
Gabon	4,203,764	d) from 1992	12,394,220
Ghana	65,283,466	e) from 1993	13,056,465
Guinea Ecuatorial	6,800,413	f) from 1994	20,923,846
Guinea (Rep. of)	4,254,315	g) from 1995	24,757,184
Libya	2,334,940 (1)	h) from 1996	34,947,003
Sao Tome & Principe	3,728,024		
Uruguay	2,885,102		
Venezuela	29,303,652		
Benin	8,403,961 (2)		
Cuba	11,034,300 (2)		
Senegal	7,586,088 (2)		
TOTAL PENDING CONTRIBUTIONS	165,557,303	TOTAL PENDING DEBT	165,557,303

(1) Extra-budgetary contributions from the People's Republic of China and Libya, as new Commission members.

(2) Debts corresponding to Benin, Cuba and Senegal when they withdrew from the Commission effective Dec. 31, 1994, 1991 and 1988, respectively.

TABLE 6. CASH FLOW (DURING FISCAL YEAR 1996) (PESETAS)

<i>INCOME & ORIGIN</i>		<i>EXPENSES & APPLICATION</i>	
Balance in Cash and Bank (at the start of Fiscal Year 1996)	24,717,758	Expenditures in Fiscal Year 1996:	
Income in Fiscal Year 1996:		-- Budgetary expenditures (Chapters 1 - 9)	142,502,966
Contributions paid in 1996 towards the 1996 Budget	119,013,648	-- Albacore Year Program Expenses	<u>1,482,518</u>
Contributions, paid in 1996, towards previous budgets	28,775,988	Available in the Working Capital Fund	39,153,861
Other income (extra-b in 1996)	12,162,074		
Advances on future contributions, received in 1996 (Morocco) *	<u>600,000</u> 160,551,710	Total advances received for their application to future contributions & accumulated at the close of Fiscal Year 1996 (Cote d'Ivoire, Morocco)	2,130,123
TOTAL INCOME & ORIGIN	185,269,468	TOTAL EXPENSES & APPLICATION	185,269,468

TABLE 7. STATUS OF CASH & BANK (at the close of Fiscal Year 1996) (PESETAS)

<i>SUMMARY</i>		<i>BREAKDOWN</i>	
Balance in Cash and Bank	41,283,984	Available in the Working Capital Fund	39,153,861
		Advances on future contributions (Cote d'Ivoire, Morocco)	2,130,123
TOTAL CASH IN CASH & BANK	41,283,984	TOTAL AVAILABLE & ADVANCES	41,283,984

**REPORT ON STATISTICS
AND COORDINATION OF RESEARCH IN 1996
(COM-SCRS/96/12) ***

1. INTRODUCTION

The year 1996 was a very special one for ICCAT. The Commission held nine inter-sessional, scientific meetings during this period (see Section 3). Each meeting required a considerable amount of preparation which, together with the finalization and translation of reports, was carried out by the Secretariat.

As it was necessary to give priority to the work related to these inter-sessional meetings, there has been some inevitable delays in the progress of some of the other tasks assigned to the Secretariat. However, thanks to the extraordinary effort of the Secretariat staff members, these delays have been kept to a minimum.

2. REVIEW OF NATIONAL STATISTICS

2.1 Data collection

Tables showing the progress made by the Secretariat in the collection of 1995 statistics of Task I and Task II data and biological data, as submitted by the national offices, were presented at the meeting. It was also noted that the table format has again been changed this year to separate Task II from size and catch at size data.

As noted below, once again the data were not presented to the Secretariat in a timely manner. Given the number of inter-sessional meetings, the work of the Secretariat has been unjustifiably increased by having to request those countries which did not submit the data for each of the meetings to do so. However, great efforts were made by some of the national scientists of the major fishing nations, and most of the data were finally submitted just before each assessment session. The deadlines for submitting data in 1996 were as follows: Task I (April 30); Task II-catch and effort, size, catch-at-size and fishing power (July 31; June 30 for albacore). Very few countries abided by these deadlines.

Although it was decided at the 1994 SCRS meeting that any changes to past statistical data must be justified and well documented, many national offices continued to submit undocumented changes to historic data during 1996. Many national scientists also continue to submit data, particularly Task I data, in an unacceptable format, without specifying area or gear.

a) Task I data (total nominal catches)

At the time of writing this report (October 15, 1996), the following member countries had still not submitted 1995 Task I data: Cote d'Ivoire, Equatorial Guinea, Guinea Republic, Libya, Portugal (Azores), Sao Tomé & Principe, and Venezuela (except swordfish). Data were also missing from many of the non-member countries which normally submit catch statistics to ICCAT, including Greece, Italy (except partial bluefin data) Malta, Senegal (except FIS), Tunisia, Turkey and Ukraine.

b) Task II catch and effort data

Data for 1995 are still not available (as of October 15, 1996) from the following member countries: Cape Verde, Cote d'Ivoire, Equatorial Guinea, Gabon, Guinea Republic, Morocco, Portugal (Azores-except swordfish), Russia, Sao Tomé and Principe, Uruguay, Venezuela; as well as from the following fisheries: Greece (except swordfish), Ireland, Italy (except swordfish), Senegal, Tunisia, Turkey and Taiwan.

* The Report presented at the 1996 Commission Meeting was edited.

c) Task II size data

Data for 1995 were not submitted (as of October 15, 1996) by the following member countries: Angola, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea Republic, Japan (except catch at size for albacore, bluefin and swordfish), Korea, Morocco, Portugal (Azores and mainland), Sao Tome & Principe, Uruguay and Venezuela (except swordfish). The only size data received from non-member countries has been data for swordfish from Greece, partial bluefin data from Italy and Tunisia, and albacore from Namibia.

3. SECRETARIAT'S STATISTICAL WORK IN 1996

3.1 Routine work

Routine work included entering, verifying and processing all the catch, catch and effort and biological data, updating the data catalogue and tagging file for recent years, and preparing and providing data files for scientists who requested specific data. The data processing for all ICCAT statistical publications was also carried out.

The Secretariat also provided technical, statistical, and secretarial support during all the meetings related to the SCRS (in the inter-sessional period and during the SCRS meeting) which included the following:

- preparing catch tables
- preparing data catalogues
- writing various reports on the status of statistics, data base, etc.
- preparing catch, catch and effort and size data bases and updating them during the sessions
- updating the catch-at-size bases (in 1996, for albacore, bluefin (east and west) and swordfish (except Mediterranean) (SCRS/96/25, 27 and 70).
- preparing catch-at-age data
- providing computer support during the meetings
- preparing catch and effort indices
- preparing graphics and tables for the meeting reports
- checking the results of analyses after the sessions, editing and translating the reports and preparing and enhancing tables and figures.

As mentioned in the introduction, supporting nine inter-sessional meetings substantially increased the workload of the Secretariat in 1996.

3.2 Special tasks achieved by the Secretariat during 1996

a) Creation of catch at size by sex for north Atlantic swordfish

Following the decision of the SCRS, the Swordfish Stock Assessment group tried to analyze sex-specific VPA. The Secretariat gathered all the information on sex-specific catch at size. Based on the files provided by Canada, Japan, Spain and the United States, the tentative file of catch-at-size by sex for north Atlantic swordfish was created and used by the assessment group. (See 1996 SCRS Report, swordfish section, and SCRS/96/30).

b) Development of Task I data base with user-friendly software

ICCAT invited Mr. C. Stamatopoulos of FAO to assist the Secretariat in modifying the catch data base software developed by FAO (FishStat-PC) to the ICCAT data base. The ICCAT Systems Analyst collaborated with him and developed new software called TUNASTAT. This menu-driven data retrieval system extracts Task I data by species, gear, country and area and reports the annual catch series for 1950-1995. The first diskette copy was distributed during the 1996 ICCAT Tuna Symposium (Azores, June 1996) and later to all the member country statistical correspondents. The data base can be used by anyone (including administrators) who owns a modern PC.

The policy for disseminating this data base should be established by the SCRS.

c) Development of Task II catch base with user-friendly software

Following the request by FAO and the decision by the Commission, the Secretariat successfully developed a data base which contains Task I catch allotted to 5x5 area and by quarter (digital map), for all the major species. The data are also categorized by longline, baitboat, purse seine and other surface gears. To create this data base, Task II catch figures are basically raised to Task I. Details of the work are described in COM-SCRS/96/20.

The data base covers the period of 1950 to 1994. It requires constant updating and this will require a considerable number of man-hours. In the future, the procedure should be more automated. However, this is the first time that the distribution of the total Atlantic catches has been demonstrated. (A similar data base was prepared for other oceans, but only for industrial fisheries, for which detailed data are available and were not raised to total catches.) These files were provided to FAO for them to create their Atlas of Atlantic tuna catches and to separate EEZ catches and high seas catches. These data were also used by the Secretariat to provide each species group with a figure showing the geographical distribution of catches by species, gear, quarter and decade.

3.3 ICCAT Tuna Symposium

The ICCAT Tuna Symposium was held in June, 1996, in Ponta Delgada, St. Miguel Island (Azores, Portugal) at the invitation of the Regional Autonomous Government of the Azores. ICCAT invited several experts and a scientist from each of the member developing countries to this event. The preparation and coordination required for the Symposium took up much of the time of the Symposium Secretary (P.M. Miyake), who was in continuous contact with the members of the Steering Committee, and of the Secretarial staff during the first half of the year. An application for partial funding of the Symposium expenses was submitted to the EU and accepted. This fund was primarily used to cover the expenses of invited scientists. Cash-flow problems arose as the grant money was not available until after the meeting, and the Symposium Secretary had to prepare the Symposium without cash. An advance was kindly made by the Azorian Fisheries Association in order to meet immediate expenses. Without this loan, and the delayed payment arrangements made with the hotels and travel agents, it would not have been possible to organize the Symposium.

An Editorial Committee was established (comprised of the Moderators and Steering Committee members), whose responsibility is to supervise the selection of contribution papers for peer review prior to publication in the special Symposium volume. Using part of the 1996 EU funding, plans are underway to contract an outside scientist as General Editor. Potential candidates were invited to bid for this contract, and as a result of these bids, Dr. J. Beckett was selected. The formal contract will be made as soon as the fund becomes available from EU.

3.4 Unreported statistics of non-Contracting Parties

Some improvements have been observed, mainly due to the ICCAT Bluefin Tuna Statistical Document Program. Many countries (including Contracting Parties) have started to include bluefin tuna catches in their Task I reports. The biannual report of the results of the Bluefin Tuna Statistical Document Program submitted by Japan was used to estimate the minimum unreported catches of bluefin tuna.

The Secretariat staff has been very busy responding to many inquiries from fishermen, exporters, importers, government officials and fish brokers, concerning the ICCAT Bluefin Tuna Statistical Document Program. A manual is expected to be developed in response to these queries, but this has not yet been possible given the unusual work load in 1996.

The Secretariat also tried, in collaboration with the Japanese Government and Spanish scientists, to arrange sampling of bluefin tuna belly meat, in order to obtain scientifically reasonable conversion factors to convert to round weight. However, authorization for sampling was not granted by the factories, fish processors or traders, and the estimated conversion factor of 10:1 is therefore currently being used.

3.5 Collection of information on by-catches

According to the recommendations made by the Working Group on Sharks (Miami, February 1996), which were approved by the Commission through correspondence, the Secretariat sent out the request for shark by-catch statistics

in a newly developed format that is very similar to the Task I reporting format. At the time of writing this report, Canada, Cape Verde, Côte d'Ivoire, the United Kingdom, Uruguay, the United States, Grenada, Mexico, Santa Lucia, and Taiwan fisheries have reported by-catch statistics. Brazil has reported statistics for previous years (1992 and 1993), together with total nominal shark by-catch (unspecified) data for 1995. Total nominal shark catch information was also submitted by Gabon for 1995, total nominal shark catch data for Barbados and St. Vincent for 1995 were reported by CARICOM, and Belize and Norway both replied to the circular stating that it was inapplicable as they had no tuna fishery in the ICCAT Convention area. A summary of the statistics is presented in SCRS/96/7.

The Secretariat also maintained communication with the Secretariat of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) office, concerning shark by-catches. All reports relative to by-catches were sent to CITES and its Animals Committee. The Convener of the Sub-Committee on By-Catches (Dr. G. Scott) attended the CITES Animals Committee, held in Prahonice, Czech Republic, September 23-27, 1996, as an observer from ICCAT. His report was submitted as COM-SCRS/96/23.

3.6 Improvement of computer facilities and software

Following the recommendations made by the Sub Committee on Statistics in 1995, the Secretariat purchased the following hardware in 1996: two PCs with color monitors and keyboards, two external hard disks, a CD ROM Reader and a color printer. These purchases were well within the budget. The Secretariat also purchased a Corel graphics software package. It is hoped that those items still pending can be purchased in 1997.

3.7 Bibliographic data base

Following the recommendation made by the SCRS in 1995, the Secretariat investigated the possibility of purchasing a bibliographic data base. The cost of the Aquatic Sciences and Fisheries Abstracts (ASFA) on CD ROM, including software edited by SilverPlatter, is 505,000 pesetas (for years from 1978 onwards or 382,000 for years from 1988 onwards). However, this purchase price does not include yearly updates, and therefore would suppose a similar expenditure each year to maintain the base up-to-date, if such updating is considered necessary by the SCRS. Given the high cost of this base, the Secretariat did not make the purchase, as it was considered that such an expenditure should previously be approved by the Commission.

3.8 ICCAT tagging base

The Secretariat has continued to update the tagging base, but has been informed that there are some errors in the existing release information of some countries. However, as no details of these errors have yet been received, it has not been possible to correct the base.

4. MEETINGS

The 1996 inter-sessional meetings relative to SCRS activities included:

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

This meeting was held at the invitation of the Southeast Fisheries Science Center in Miami and convened by Dr. G. Scott. The Report (COM-SCRS/96/13) was circulated to the Commissioners and approved through correspondence, since it required some immediate action by the Commission.

4.2 Bluefin Methodology Meeting

This meeting was held at the Commission Headquarters in Madrid, April 16 to 19 and was convened by Dr. D. Butterworth. The Group's report was presented in SCRS/96/14. The Group discussed the methodologies to be used in the 1996 stock assessment sessions of bluefin tuna and various research items were assigned to the scientists.

4.3 Bluefin Year Program Larval Survey Meeting

This meeting was held in Fano, Italy, on April 23 to 25, 1996, at the invitation of University of Bologna. It was co-convened by Drs. C. Piccinetti and S. Tsuji. The Group initiated calibration of the results of larval surveys jointly undertaken by Japan-U.S. and Japan-EU. The report of this meeting was presented as SCRS/96/15.

4.4 ICCAT Tuna Symposium

The ICCAT Tuna Symposium was held in the Azores, Portugal, June 10-18 (see Section 3.3 of this Report for details). The Symposium was very successful with 108 participants from 29 countries and nine international organizations. The Report was presented in COM-SCRS/96/16.

4.5 Third Billfish Workshop

This Workshop was held in Miami at the invitation of NMFS Southeast Fisheries Science Center, from July 11 to 20. The meeting was convened by Dr. E. Prince, and some scientists' trips were financed by the NMFS to attend this meeting. Prior to the Workshop itself, a data preparatory session was held to review the longline statistics. Stock assessments were conducted at the Workshop for the first time since 1992 for white and blue marlins. The results of the Workshop reported in COM-SCRS/96/19.

4.6 Albacore Stock Assessment Session

This Session was held at the Oceanographic Institute in Taipei at the invitation the Council of Agriculture, from August 5 to 10, 1996. Dr. J. Santiago convened the meeting. The Group assessed the north and south Atlantic albacore stocks. The report was presented in SCRS/96/29.

4.7 Ad-Hoc GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea

Thanks to a generous offer from Dr. A. Di Natale to host this meeting in Genoa, the Joint Working Group met for a three-day period from September 9 to 11, 1996 at the Aquarium of Genoa. Some of the meeting expenses and travelling expenses of several invited experts and two ICCAT Secretariat staff members were covered by EU funds.

The Group reviewed all the Mediterranean catch, catch and effort and size data and finalized working files for the bluefin stock assessments. The results are included in SCRS/96/28.

4.8 Bluefin Stock Assessment Sessions

Immediately following the GFCM/ICCAT Joint Working Group, the ICCAT Bluefin Stock Assessment Session also met in Genoa, from September 12 to 20, under the supervision of the SCRS Chairman, with various rapporteurs convening each section. The Group conducted assessments both for the eastern and western bluefin stocks and carried out a preliminary analysis of a model with the two mixing stocks. Projections of stock abundance were made to respond to the questions asked by the Commissioners, concerning the recovery program of bluefin stocks in the short and medium-terms. The report and the Executive Summary for bluefin were finalized at the October, 1996, meeting of the SCRS.

4.9 Swordfish Stock Assessment Session

This Group met in Halifax, Canada, from October 2 to 9, at the invitation of the Government of Canada. The meeting was convened by Dr. J. Porter. The Group assessed north Atlantic, south Atlantic and total Atlantic stocks. Apart from the base case assessments on the unsexed catch, a preliminary analysis was made on the catch-specific VPA, using the catch-at-size by sex and sex-specific CPUE series.

The Report by the Group was presented as SCRS/96/30.

4.10 Other meetings at which ICCAT was represented in an observer capacity

ICCAT was represented in an observer capacity at several international meetings. These are reported in the Administrative Report (COM/96/9).

5. PUBLICATIONS

Details of the ICCAT scientific publications issued in 1996 are reported in the Administrative Report.

RECORDS OF MEETINGS

TENTH SPECIAL MEETING OF THE COMMISSION *San Sebastian, November 22-29, 1996*

FIRST PLENARY SESSION November 22, 1996

1. Opening of the meeting

1.1 The Tenth Special Meeting of the Commission was held in San Sebastian, Spain, at the Hotel Maria Cristina, from November 22 to 29, 1996. Mr. Rafael Conde de Saro (Spain), Chairman of the Commission, presided over the meeting.

1.2 Mr. Conde de Saro welcomed all the participants and observers attending the session, and extended a special welcome to Mr. Jose Antonio Ardanza, President of the Autonomous Basque Community, and Mr. Nicolás López de Coca, the Spanish Under-Secretary of Agriculture, Fisheries and Food.

1.3 Mr. López de Coca addressed the Commission, and referred to ICCAT as a pioneer model of international cooperation as regards management and conservation of fishery resources. He noted that the Commission had adapted to the changing circumstances which have come about in the sphere of world fisheries, and stressed the significance of the Commission's work to Spain, given the social and economic importance of the tuna fisheries. He was pleased that strong links had been forged between Spain and the other members of the Commission, and hoped that this cooperation could be extended to other oceans and other resources. Mr López de Coca made reference to the variety of challenges facing the Commission, many of which implied socio-economic sacrifices, but also implied increasing responsibilities for the fishery authorities, but he expressed his belief in the Commission's ability to face such challenges. Mr. López de Coca's address is attached as Annex 4-1.

1.4 The President of the Autonomous Basque Community, Mr. Jose Antonio Ardanza welcomed all the participants to the Basque Country and particularly to San Sebastian, and spoke of the strong association of the Basque Country with sea fisheries. The importance of sea fisheries to the Basque Country was reflected in the activities of the Oceanographic Institute of AZTI, which is extremely committed to the work of the SCRS. He continued by emphasizing the importance of maintaining sustainable tuna fisheries and the role played by environmental conservation. While realizing that mistakes had been made in the past, he was confident that ICCAT could now face the many problems posed by the current trends in tuna fishing. Mr. Ardanza's address is attached as Annex 4-2.

1.5 The Commission Chairman thanked the President of the Autonomous Basque Community and the Under-Secretary for highlighting the many issues which the Commission had to consider, and problems to be solved. He mentioned that one of these issues was the election of the new Executive Secretary, and considered that it would be difficult to replace Dr. Antonio Fernández, given the high standard of professionalism which he had set.

2. Adoption of Agenda, arrangements for the meeting and appointment of subsidiary bodies

2.1 The Executive Secretary, Dr. Antonio Fernández, welcomed Libya and the People's Republic of China as new members of the Commission. He briefly reviewed the Tentative Agenda, and pointed out the new items on this year's Agenda. He made particular reference to Item 21, and drew the Commission's attention to document COM/96/32. He thanked the delegates for their cooperation during his term as Executive Secretary and expressed his

confidence in the Commission's ability to choose the most appropriate candidate to succeed him, during the first quarter of 1997. Dr. Fernández also briefly reviewed the list of documents, which is attached as Annex 3.

2.2 Mr. Conde considered it unnecessary to appoint any subsidiary bodies. He noted, however, that there would be one change in the meeting arrangements. Since Mr. J. Haché (Canada) had resigned as First Vice-Chairman of the Commission, an election would be necessary to fill this office. The Agenda was adopted and is attached as Annex 1.

3. Introduction of Contracting Party Delegations

3.1 Before asking the delegations to introduce themselves, Mr. Conde warmly welcomed Libya and the People's Republic of China as new members of the Commission. He considered that their joining ICCAT was an indication of the importance of the work of the Commission, and noted the importance to ICCAT of having all the countries which fish tuna in the ICCAT Convention area as Contracting Parties. The Head Delegate of each Contracting Party present at the Tenth Special Meeting introduced his respective delegation. The delegates expressed their unanimous regret at the resignation of the Executive Secretary, and thanked Dr. Fernández for his work with the Commission. All members of the delegations are included in the List of Participants, attached as Annex 2.

4. Admission of Observers

4.1 The observers present at the 1996 meeting, all of whom had been duly invited by the Commission, introduced themselves and were admitted in accordance with the current criteria which had been adopted by the Commission. The list of observers is included in the List of Commission Participants, attached as Annex 2.

4.2 While introducing his delegation, the Observer from the European Community expressed his hope that this would be the last year that the EU would attend the Commission as an observer and that Gabon and Morocco would ratify the Paris Protocol very soon, to enable the EU to become fully participating members. He pointed out, however, that whatever the official status of the EU, it would continue to collaborate actively with ICCAT and that many of the ICCAT Regulations had already been implemented.

4.3 The Observer from Denmark distributed a statement expressing that the Faroe Islands, a self-governing community of the Kingdom of Denmark, would consider membership of ICCAT in accordance with the provisions set forth in the United Nations Convention on the Law of the Sea relative to the conservation and management of straddling fish stocks and highly migratory fish stocks. The Observer from Denmark briefly outlined the importance of the fishing industry to the Faroe Islands, but pointed out that, as yet, the Faroe Islands had no tuna fishery. He stated that Denmark, which is already a member of NAFO, NEAFC and NASCO, would be following the proceedings of the Commission meeting with interest. The Statement by the Observer from Denmark is attached as Annex 6-1.

4.4 The Observer from the Caribbean Community (CARICOM) also delivered a statement expressing the support of CARICOM's Fisheries Resource Assessment And Management Program (CFRAMP) in the ICCAT's initiatives relative to the improvement of statistics and compliance with its management recommendations. The statement by the Observer from CARICOM is attached as Annex 6-2 to the Commission Proceedings.

5. Review of Commission membership

5.1 The Executive Secretary informed the Commission that, since the Fourteenth Regular Meeting of the Commission (Madrid, November 1995), the Secretariat had been officially informed by FAO (Depositary of the ICCAT Convention) that Libya and the People's Republic of China had deposited the instruments of acceptance, and he welcomed the representatives of these two new Contracting Parties.

5.2 The Delegate of Korea requested that Korea be admitted to rejoin Panel 3, from which it had previously withdrawn. The Delegate of Japan requested clarification regarding the budgetary implications of this. The Executive Secretary answered that there would be budgetary implications, and that, while not foreseeing any difficulties, Korea should apply for readmittance at the meeting of Panel 3. The Delegate of Korea replied that his government was prepared to meet the financial obligations associated with rejoining Panel 3.

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

6.1 Dr. Z. Suzuki, Chairman of the SCRS, presented the 1996 Report of the Standing Committee on Research and Statistics to the Commission and summarized the scientific findings. He noted that there were 180 scientific documents presented to the SCRS in 1996, and that nine inter-sessional meetings had been held. Therefore, he noted that 1996 had been an extremely busy year and that a considerable amount of work had been achieved.

6.2 The SCRS Chairman made special reference to the ICCAT Tuna Symposium, which was held in June, 1996, at St. Miguel, Azores, Portugal. The Symposium greatly attracted the attention of the scientific community and the future of tuna research activities had been discussed freely.

6.3 He also made reference to the various external scientific meetings at which ICCAT had been represented during 1996, particularly the meeting of the CITES Animals Committee, and the meeting of the International Union for the Conservation of Nature (IUCN), since the actions taken by these organizations have considerable impact on ICCAT activities.

6.4 Dr. Suzuki reported on the results of the research carried out by the Committee on the stocks of yellowfin, bigeye, skipjack, albacore, southern bluefin and bluefin tunas, billfishes, swordfish, and small tunas (Item 12 of the 1996 SCRS Report).

6.5 Dr. Suzuki pointed out that the recommendations of particular importance for research activities were also included in SCRS Item 19. The management recommendations are given at the end of each species Executive Summary Report.

6.6 The SCRS Chairman called the attention of Panel 1 and the Compliance Committee to the recommendation not to increase fishing mortality of Atlantic yellowfin tuna, and to find effective ways to reduce fishing mortality on small sized yellowfin tuna.

6.7 He called the attention of Panel 2 and the Compliance Committee to the management recommendations made concerning albacore in the north Atlantic i.e. no increase in fishing mortality above the recent level. He also asked Panel 2 to give serious consideration to the management recommendations for bluefin tuna. The SCRS Chairman reported that a constant annual catch of 2,500 MT would most likely lead to a slight increase in stock size for western bluefin tuna. The SCRS had expressed particular concern about the historically high catch of east Atlantic bluefin tuna (including Mediterranean) in 1995, and the continued taking of small fish. The scientific Committee reiterated its 1994 recommendation to reduce the level of fishing mortality. He indicated that this measure was not being observed, particularly in the Mediterranean Sea. A reduction of catches by 35% of the 1994-95 level would be necessary to maintain the stock size at the present level and, if the Commission wishes to increase the stock size, a further reduction of catches would be necessary.

6.8 The SCRS Chairman referred Panel 3 to the reiteration by the Committee of its 1995 recommendation that the catch of southern albacore be limited to not more than 90% of the average catches from 1989 to 1993, for countries which actively fish this species.

6.9 He called the attention of Panel 4 to the scientific Committee's recommendation to reduce bigeye catches to a level below MSY, accompanied by a reduction in catches of small bigeye tuna. He cautioned that continuous fishing at present levels, particularly of small bigeye, would have a detrimental effect on the stock, and stressed that the recommendations which were made in 1995 should not be ignored.

6.10 The SCRS Chairman pointed out that Panel 4 should also consider the recommendations made by the SCRS concerning billfishes. He noted that Atlantic blue marlin, white marlin and west Atlantic sailfin stocks have probably been over-exploited and one approach to reducing mortality would be to release these species caught live by longline.

6.11 Dr. Suzuki further indicated that Panel 4 should refer to the SCRS findings on swordfish stocks. In order to arrest the declining trend of the north Atlantic stock, the analyses generally suggest that catches should not exceed about 10,000 MT. A preliminary sex-specific VPA indicated that a catch of about 12,000 MT might allow an increase to MSY levels. For the south Atlantic stock, the 1996 catches are the highest on record, and at the level of peak catches previously observed in the North. The results of the analyses indicate that current levels of harvest are not sustainable. If the Commission intends to keep the stock in a healthy condition, it should not delay in taking action, and harvest levels must be reduced, otherwise even more restrictive measures will be needed in the future. Preliminary

analyses indicate that fishing at F_{MSY} would quickly restore the stock to MSY levels, and that this would require substantial reductions in catches to about 13,000 MT or less in 1997 and thereafter.

6.12 Dr. Suzuki requested that the Standing Committee on Finance and Administration (STACFAD) give due consideration to those recommendations made by the scientific Committee which required funding, in particular, the recommendations in the Report under Agenda Item 19, concerning a few inter-sessional meetings, the Bigeye Year Program which requested funding by the Commission over a four-year period (Appendix 9 to the 1996 SCRS Report), additional scientific/statistical staff for the Secretariat, the BYP funding request, funding for Billfish long-term tag-release and recovery program and new funding for archival tagging proposed by Tagging Working Group, and contracts with outside scientists to monitor CITES activities.

6.13 The SCRS Chairman noted that the Sub-Committee on Statistics had also met during the SCRS Meeting, with Dr. S. Turner (U.S.A.) as Convener. He also asked the Commission to carefully consider those recommendations in the report of the Sub-Committee on Statistics (Appendix 7 to the SCRS Report).

6.14 The SCRS Chairman further informed the Commission that the Sub-Committee on Environment had met during the 1996 SCRS Meeting, with Dr. J. Pereira (Portugal) as Convener, and that its report and recommendations are included as Appendix 6 to the SCRS Report.

6.15 The SCRS Chairman further informed the Commission that the Sub-Committee on By-Catch had met during the 1996 SCRS Meeting, with Dr. G. Scott (U.S.A.) as Convener, and that its report and recommendations are included as Appendix 8 to the SCRS Report.

6.16 The Delegate of the United States of America congratulated the SCRS and the Chairman for the work achieved during the 1996, as well as very clear presentation of the results. The U.S. Delegate expressed, however, his grave concern that many of the tuna stocks had been over-fished and continued to show declining trends. He considered that the major problems in the fisheries under ICCAT's purview included: (1) the increase in fishing effort being exerted on many species, particularly by some non-contracting parties that are fishing in a manner which undermines the effectiveness of the regulatory measure which the Commission has adopted; and (2) those Contracting Parties that do not abide by the regulatory measures. He considered that this latter problem should be pursued through the Compliance Committee. He cited recent actions taken regarding the western Atlantic bluefin tuna stock as an example of where management efforts have had a noticeable effect. He noted that the declining trend of this stock has been halted by the severe regulations in force and by compliance by the Contracting Parties. On the other hand, eastern bluefin, swordfish, billfishes etc. are still facing serious problems of over-fishing due to the problems he mentioned. The U.S. Delegate also expressed his concern over the high percentage of undersized bluefin tuna and tropical tunas being caught, which has negatively affected the sustainable yield and yield per recruit of these species.

6.17 The Delegate of Spain commended all the scientists for their hard work and the high quality of the work achieved during 1996. He also noted that the new SCRS reporting system adopted since 1995 has reduced much of the work-load of the scientists and the Secretariat during the SCRS Plenary Sessions, as well as during the Commission Plenaries. However, the Spanish Delegate considered that there should be more flexibility exercised in the reporting guidelines to facilitate more complete and detailed discussions and that the content of these discussions should not be limited during the SCRS Plenary sessions.

*SECOND PLENARY SESSION**November 27, 1996***7. Ratification or acceptance of the Protocol of amendment to the Convention (adopted in Paris in 1984)**

7.1 The Executive Secretary welcomed Dr. D. Fadda of the FAO Legal Department and thanked him for taking the time to attend the Tenth Special Meeting. He then referred to Item 3 of the Administrative Report (COM/96/9), concerning the status of the Protocol signed in Paris in 1984 to permit the accession of the European Union (EU) to ICCAT. He informed the Commission that there had been no change in the situation since the previous year, as the Secretariat had not been notified by FAO that any further instruments of ratification or acceptance had been deposited. Dr. Fadda confirmed that this was the case.

7.2 The Delegate of Morocco informed the Commission that Morocco had ratified the Protocol on October 2, 1996, and that procedures were underway to deposit the instrument of ratification with the FAO.

8. Ratification or acceptance of the Protocol of amendment to the Convention (adopted in Madrid in 1992)

8.1 The Executive Secretary referred to Item 4 of the Administrative Report (COM/96/9), concerning the Madrid Protocol to amend the scheme of calculating the member country contributions. As this Protocol required that 75 % of the members ratify or accept the Protocol, with this 75 % to include all the developed countries, the Protocol could still not enter into force.

8.2 The Chairman expressed his surprise that not only had some developed countries not yet ratified or accepted the Protocol, but that many developing countries, which would benefit by the entry into force of the Protocol, had also not yet ratified or accepted this Protocol. He regretted that such an important and equitable Protocol, which had involved considerable work to negotiate, had not yet entered into force, particularly given that it was such an innovative concept, unique among international organizations. He therefore urged all those countries that had not yet ratified or accepted the Protocol to do so without delay.

8.3 The Delegate of Spain expressed his support for the Chairman's words. He recognized that ICCAT had budgetary problems at present, but considered that the more equitable system of contributions implied in the Protocol would help to solve these.

8.4 The Delegate of the United States supported this, and raised the issue as to whether new Contracting Parties to the ICCAT Convention were automatically bound to the Paris and Madrid Protocols. He considered that the wording of the last sentence of Paragraph 1 of Article XIII of the Convention rendered it unnecessary for new member states to take any action in this regard, and that they would be considered to have acceded or ratified these Protocols on depositing their instruments of ratification, approval or adherence to the Convention.

8.5 At the request of the Chairman, Dr. Fadda, legal expert of the FAO, gave his opinion on the issue. He considered that the interpretation outlined by the Delegate of the United States was legally correct, as both Protocols specifically refer to the last sentence of Article XIII, paragraph 1, of the Convention, but he noted that, based on the fact that Protocols had not been adopted by the Commission but by two Plenipotentiary Conferences and had their own existence outside the Convention, there had, until now, been a tacit, restrictive interpretation which had led some of the five countries which had become Contracting Parties since the adoption of the Paris Protocol to formally accept one or the two Protocols. He then considered that it would be cautious to ensure that none of these countries be penalized. The question arose, therefore as to whether the Commission could now change the interpretation which had become practically established.

8.6 The Chairman thanked Dr. Fadda for his clarification, but considered that as organizations were evolving entities, that the question of formal interpretation could be a matter for the Commission. He considered that the amendment contained in the Protocol had been made for a purpose, and it was therefore important that it be implemented.

8.7 The Executive Secretary wished to record that the interpretation which had been applied by the Secretariat was the tacit, restrictive interpretation referred to by the FAO legal expert, assuming that this interpretation was valid.

He therefore requested guidance from the Commission as to the interpretation of Article XIII to be applied in the future.

8.8 The Delegate of Canada considered that, in the case of conflicting opinions on the interpretation of Article XIII, it was possible for the Commission to hold its own opinion as to which should be used. He supported the legal interpretation presented by the United States as this would provide a means to make progress.

8.9 The Chairman agreed that this would be the sensible approach, but the Delegate of the People's Republic of China, while having no personal objection to the proposal put forward by the United States, considered that the matter involved legal issues and it would be more fair to allow new Contracting Parties to study the implications of the proposal.

8.10 The Chairman agreed that this would be appropriate, and suggested that the Executive Secretary write to all Contracting Parties outlining the results of the discussions indicating that consensus had been reached by the delegates as to the interpretation of the Article in question, allowing time for any dissenting parties to express their objections, in the case of their being dissatisfied with the proposed interpretation. Notwithstanding, the matter shall be raised and decided at the next Commission meeting.

9. Collaboration of non-Contracting Parties in the objectives of ICCAT

9.1 The Executive Secretary presented and summarized document COM/96/28, which provided information on correspondence maintained with non-Contracting Parties. He pointed out that there had been a growing number of requests from non-Contracting Parties for information relating to possible membership in the Commission, which reflected the increasing importance of ICCAT, as a consequence, *inter alia*, of the Bluefin Statistical Document Program, and the Action Plans adopted for bluefin tunas and swordfish. He briefly reviewed the various contacts maintained with non-Contracting Parties and particularly with other organizations, including CITES, GFCM, FAO, ICES, CARICOM, IATTC and CCSBT and the United Nations. He made special mention of the EU which had provided considerable funding for two inter-sessional ICCAT meetings during 1996.

9.2 The Chairman commended the work undertaken by the Secretariat which was increasing every year. He was pleased that communications with non-Contracting Parties had resulted in one of these, the People's Republic of China, in becoming a Contracting Party, and saw this as evidence of the growing importance of the work of the Commission.

9.3 The Delegate of Japan expressed his concern about the IUCN workshop, as this body had declined the request by ICCAT to send an expert, as an observer, to the meeting. A Japanese scientist had been invited to attend the meeting, and Japan presented a report of the results.

9.4 The Observer from ICES reported that his organization had been maintaining close contacts with ICCAT and that ICCAT had been formally invited to attend the Study Group on Sharks.

9.5 The Observer from Mexico made a statement in relation to Mexican participation and activities in the International Dolphins Conservation Program (IDCP). This Program has been very successful in its aim at protecting dolphin species and also has shown that fishing tuna in association with dolphins had proved to both economically and ecologically viable with a by-catch of statistical zero incidental dolphin mortality. The Observer from Mexico distributed two additional statements that precise its position on the issue of the tuna embargo.

9.6 The Observer from Iceland referred to the statement which he had made at the meeting of Panel 2 and reminded the delegates that when requesting the cooperation of non-Contracting Parties, the Commission should bear in mind its duty to respect the rights and interests of coastal non-Contracting Parties adjacent to the Convention Area.

9.7 The Delegate of the People's Republic of China drew the attention of the Commission to the fact that document COM/96/28, and other Commission documents, made mention of Taiwan as a country. He expressed the view of his Government that there was only one China in the world and that Taiwan was a province of that China. This had been acknowledged by the majority of the countries of the United Nations, FAO and by most of the ICCAT Contracting Parties. He considered that under Rule 5 of the Rules of Procedure of the ICCAT Convention, Taiwan should not have been invited as an observer. He also requested that the Secretariat amend the wording of its

documents to delete the word Taiwan. The statement by the Delegate of the People's Republic of China is attached as Annex 6-3.

9.8 The observer from Taiwan expressed his hope that Taiwan and the People's Republic of China would be able to work together in friendly cooperation. He noted that this was the first time that a political issue of this nature had been raised at ICCAT. While the official name of his country is the name the "Republic of China", it has always accepted, as a compromise with ICCAT, the name of "Taiwan". The Republic of China has been in existence since 1912, thirty-eight years before the People's Republic of China, and that this latter has unilaterally claimed the territory of Taiwan. The statement by the Observer from Taiwan is attached as Annex 6-4.

9.9 The Delegate of the United States, noting the concern of the People's Republic of China, regarded this issue as very sensitive. As this was the first time the issue had been raised, and noting that most of the Delegates had not received instructions from their governments on this issue, he proposed that the comments of the People's Republic of China be recorded and that the issue be discussed and decided at the next Commission meeting, after delegations have had an opportunity to raise the issue with their home governments.

9.10 The Delegate of the United Kingdom supported this proposal by the United States, as did the delegation of Venezuela. The Delegate of Spain also supported the United States proposal and hoped that a solution could be achieved which would allow for cooperation. This was also supported by the Delegate of Canada, who considered that no further action could be taken without time for reflection.

9.11 The Chairman explained that the Commission had felt the need to cooperate with Taiwan, as it had existed as a "fishing reality" for many years. It was agreed that the delegates of the Contracting Parties would take note of the objections raised by the People's Republic of China, and that the issue would be addressed at the next meeting of the Commission.

10. Large-scale driftnet fishing and its effects on tuna stocks

10.1 The Executive Secretary introduced document COM/96/18, which provided information on the correspondence between the Secretariat and the Office of Legal Affairs of the United Nations.

10.2 The Delegate of Spain reiterated the support of Spain for the United Nations Resolution on large-scale driftnet fishing. He expressed his concern about the increasing use of this gear, particularly in the Mediterranean Sea. He noted that there were now 700 vessels using this gear in the Mediterranean, and even if they respected the 2.5 km limit, this implied some 2,000 km of nets in a small area. Spain objected to the use of this gear for several reasons: it was unselective and therefore dangerous to cetaceans and turtles; it was incompatible with other gears, having major implications with regard to gear interaction; as it was not selective, the fish caught had a lower market value; the nets presented a danger to shipping; and this gear caused unnecessary prolonged suffering of the fish, which spend hours in agony before dying. Despite the efforts of the SCRS, it had not been possible to collect information on the ICCAT species caught by driftnets. He pointed out that Spain had made every effort to avoid the use of this gear on albacore, and that drastic measures had been taken which had proven costly both to the fisheries and the administration. Although the EU had banned the use of driftnets of over 2.5 km, this measure was not sufficient to ensure the stability of the fishery resources in the future. He presented a proposal for a Resolution by ICCAT on Large-Scale Pelagic Driftnets.

10.3 The Delegate of France stated that his country was complying with the U.N. moratorium on large pelagic driftnets over 2.5 km in length. He considered the banning of all driftnets to be inappropriate, and considered compliance with the existing restrictions to be sufficient.

(Note: Discussions of Agenda Item 10 continued at a later session. See Proceedings of the Final Plenary Session.)

11. By-catches, with special reference to sharks

11.1 The Executive Secretary referred to document COM-SCRS/96/13, the Report of the First Meeting of the Shark Working Group of the ICCAT Sub-Committee on By-Catch, the Working Group which had been established by the Commission in response to its increasing concern over the by-catches of sharks in the ICCAT Convention Area. This Working Group had developed a new statistical reporting form for the collection of data on sharks. He added

that the Convener of the Working Group had also attended the Meeting of the CITES Animals Committee, and that information on this was included in document COM/96/23.

11.2 The Delegate of Japan recalled the Resolution adopted at the 1995 Commission meeting requesting FAO to act as the focal point for the collection of biological and trade data on sharks. He pointed out that other international organizations were also paying more attention to shark catches. CITES had already adopted a resolution and set forth a procedure to deal with sharks. The Japanese Government had reflected their concern by hosting the International Conference on the Sustainable Contribution of Fisheries to Food Security in Kyoto, December 4-9, 1995, and reference was made to the Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security (COM/96/14). As a follow-up to this, Japan had established a trust fund over a period of three years of US\$ 330,000 to assist the FAO to implement the Resolution taken by ICCAT in 1995. Japan was willing to host the Second Working Group on Sharks of the SCRS, in the event that the Commission accepted the invitation. The Delegate of Japan reiterated his belief that ICCAT should act responsibly on sharks rather than CITES.

11.3 The Delegate of Japan continued by noting that every CITES Contracting Party had the opportunity to propose species to be included in Appendix 1 or Appendix 2 of the CITES lists of endangered species. He believed that one of the ICCAT Contracting Parties was in the process of deciding whether to propose the listing of sharks species but considered that there was at present no scientific evidence to show that such inclusion was warranted, and that statistical information on shark species should be collected without delay.

11.4 The Delegate of Spain supported the views expressed by the Delegate of Japan and added that Spain had been collaborating with ICCAT and FAO by providing information and data in order to obtain biological information on sharks.

11.5 Dr. Suzuki, the Chairman of the SCRS, stressed the need for the Commission to pay more attention to this issue. He noted that the response to the request for shark statistics from Contracting Parties had been disappointingly poor. He considered that it was vital to monitor these species in relation to CITES and the IUCN, as the same arguments which were being used to add shark species to endangered species lists could later be applied to tuna species. It was therefore in the interest of ICCAT to collect adequate scientific information on shark species. He concluded by urging the Commission to be aware of the issue.

THIRD PLENARY SESSION
November 29, 1996

22. Election of new Executive Secretary

22.1 The Executive Secretary referred the Commission to document COM/96/32 concerning this matter. He indicated that on March 26, 1996, he had informed the Commission Chairman, with copies to all the Head Delegates, of his wish to be relieved of his duties at the end of 1996.

22.2 Dr. Fernandez informed that the Commission Chairman, after consulting with the Vice-Chairmen and the Chairman of STACFAD, transmitted a note to the Head Delegates on April 30, 1996, announcing the post vacancy and inviting interested persons to request an application. The Post Vacancy Announcement was basically the same as that adopted by the Commission in 1991 for the election of the present Executive Secretary, duly updated to reflect the current Commission membership, and most recent schemes for salary and remunerations. A July 31, 1996, deadline date was established for the receipt of applications.

22.3 Dr. Fernandez explained that in view of the practical impossibility of holding pre-selection meetings, the Commission Chairman decided that the Secretariat should transmit to the Head Delegates, during the first half of September, all the applications received within the established deadline.

22.4 He further explained that a total of 23 requests were received for an application form and for information on details of the position from Angola (2), Canada (1), France (11), Morocco (1), Portugal (1), Spain (5), United States (1), and Venezuela (1).

22.5 Dr. Fernandez informed that of the requests received, 16 applications were formally submitted: France (8), Spain (4), Morocco (1), Portugal (1), United States (1), and Venezuela (1). These were forwarded to the Head Delegates on September 2, 1996, with a cover letter from the Commission Chairman requesting each Delegation to review the candidatures in order to determine, at the time of the closed meeting of Head Delegates on Friday afternoon, November 22, those candidates who have received the most support and to select a maximum number of these applicants for the final voting process, scheduled to take place later during the meeting.

22.6 Dr. Fernandez further informed that on October 15, one of the candidates (United States) withdrew his candidature and on November 14, one of the French candidates also withdrew his application.

22.7 Dr. Fernandez explained that during this Tenth Special Meeting, two closed sessions were held for the Head Delegates of the Contracting Parties.

22.8 He reported that the first of these sessions, attended by 18 Head Delegates, was held on Friday, November 22, 1996. The ICCAT Chairman, referring to the correspondence and information transmitted during the year in relation to this issue, established, with the unanimous agreement of the Head Delegates, the most appropriate procedure to follow for the selection of a maximum number of candidates out of the 14 who had maintained their candidatures.

22.9 Five candidates were selected by secret vote, and were called for a personal interview, which was considered absolutely necessary in order to participate in the second session.

22.10 Dr. Fernandez further reported that the second closed session was held on Wednesday, November 27, and was attended by 21 Head Delegates. Before interviewing the candidates it was unanimously decided that the new Executive Secretary would have a five-year term, with a probationary period of one year, which could be extended by mutual agreement of both parties for another five-years, for a maximum term of 10 years in the post. It was further decided that the Agenda of the Commission meeting held during the fourth year of the new Executive Secretary's term would include an item relative to the possible re-election of the Executive Secretary for a second term of office. Four of the five candidates initially called were then interviewed, as the Commission was informed (in writing) that one of candidates (Venezuela) could not maintain his candidature due to recent extenuating family circumstances. Each

candidate was allocated fifteen minutes to present himself and express his qualifications for the post and to respond to questions put forth by the Head Delegates. Following the interviews there was a secret vote to elect the Executive Secretary.

22.11 Dr. Fernandez announced that Mr. Adolfo R. Lima (Portugal) was elected as new Executive Secretary of ICCAT.

22.12 The Chairman considered that the Executive Secretary's report on the election procedure was adequate. He pointed out that it had been a difficult process, given the high quality of the candidatures presented. He then introduced Mr. Samuel Juarez, the new Secretary General of Maritime Fishing of Spain.

22.13 The Secretary General of Maritime Fishing of Spain intervened to emphasize the increasing importance which ICCAT has gained in recent years, adopting a series of important decisions for the conservation of the species under its mandate. He thanked Dr. Fernandez for the excellent work carried out, and announced the intention of the Spanish Government to bestow an award on him, upon completion of his term. He congratulated Dr. Ribeiro Lima for his election as new Executive Secretary, and wished him every success.

22.14 The Delegate of Morocco congratulated Dr. Fernandez for his report and announced that he had two reproaches to make concerning the procedure followed for the election of the new Executive Secretary. The first reproach concerned the fact that the change in the voting procedure of the new Executive Secretary had not been submitted to the review of the Commission in advance of its second closed session on Tuesday 6, November 27, 1996, the session devoted to the voting process. The second reproach concerned the fact that the procedure adopted to carry out the intermediate voting was different from that which had been followed for the election of the current Executive Secretary. In order to illustrate these reproaches, the Delegate began to cite the figures which would correspond to the results of the intermediate voting.

22.15 The Chairman of the Commission called Mr. Lahlou to order, pointing out to him that if he had taken the floor as the Delegate of Morocco, he had to abide by the rules established by the Commission, and reminded him that was not allowed to publicly disclose the results of the deliberations and secret voting of the closed sessions of the Heads of Delegations that had preceded the election. Since the Delegate of Morocco, having taken the floor again, insisted on citing these results, the Commission Chairman decided to convene a third closed session of these Delegates, so that the Delegate of Morocco could explain his position, utilizing all the information he had available.

22.16 Upon resumption of the open Plenary Session of the Commission, the Chairman reported that the Commission noted the objections lodged by Morocco that the voting procedure was decided at a very late stage. He further noted that the Commission agreed that the selection and voting procedure, agreed to by all Commissioners in advance, was procedurally correct. In addition, the Commission considered that it should examine and eventually agree on a procedure for future elections well in advance.

22.17 The Delegate of South Africa thanked Dr. Fernandez for the notable work he had carried out, wisely combining leadership, confidentiality, honesty and diligence. He wished Dr. Ribeiro Lima success in continuing the activities of his predecessor.

22.18 Dr. Ribeiro Lima thanked all the Delegations for the confidence they had deposited in him and promised to work intensely to correspond to that confidence and to contribute to attaining the objectives of the Commission.

FINAL PLENARY SESSION
November 29, 1996

12. Report of the 1996 ICCAT Tuna Symposium

12.1 Dr. P. M. Miyake, who served as Symposium Secretary, referred the Commission to the Symposium Report (Document COM-SCRS/96/16), and reported that the Symposium was very successful in the sense that ICCAT's past research activities were evaluated and future research activities were considered. He reiterated appreciation to Symposium host, the Autonomous Government of Azores for the excellent facilities and support, and the Commission of the European Union for providing partial funding for this historic ICCAT event. He informed the Commission that the Report of the Symposium, including the contribution papers, will be published by ICCAT in an enhanced, hard cover edition.

12.2 Dr. Suzuki, the SCRS Chairman, added that the Symposium had decided to dedicate this volume to Dr. Miyake, as an expression of appreciation for his dedication and contribution to improving ICCAT tuna research for more than a quarter of a century.

12.3 The Commission Chairman expressed collective thanks to the SCRS Chairman, the Symposium Secretary, and all the scientists, and noted the dedication of the Symposium publication to Dr. Miyake was quite appropriate.

13. Reports of Panels 1 to 4

13.1 The Report of Panel 1 was presented to the Commission by the Panel Chairman, Dr. L. Koffi (Côte d'Ivoire). The Report was reviewed and adopted by the Commission and is attached as Annex 7-1.

13.2 The Commission also studied and adopted the "*Recommendation on Bigeye and Yellowfin Tunas*", which was proposed jointly by Panels 1 and 4. While this Recommendation concerns both yellowfin and bigeye tunas, it was clarified that Panel 1's proposal was relative to yellowfin tuna, which is under its mandate. The Recommendation was later further reviewed by Panel 4 in relation to bigeye tuna, which is under the mandate of Panel 4. The Recommendation adopted by the Commission is attached herewith as Annex 5-1 to the Commission Proceedings.

13.3 The Report of Panel 2 was presented by the Panel Rapporteur, in the absence of Chairman Lahlou, and was reviewed and adopted by the Commission. The Report is included in Annex 7-1 to the Proceedings.

13.4 The following management recommendations and resolution concerning Atlantic bluefin tuna were proposed by Panel 2 and were also reviewed and adopted by the Commission: The "*Supplemental Recommendation on East Atlantic Bluefin Tuna Concerning the Mediterranean Closed Season*" [Doc. 73] (attached as Annex 5-2), the "*Recommendation Concerning Age 0 Bluefin Tuna*" [Doc. 74-A] (attached as Annex 5-3), and the "*Recommendation to Establish a Scientific Monitoring Quota for Bluefin Tuna in the Western Atlantic for 1997-1998*" [Doc. 27-A] (attached as Annex 5-4), and the "*Resolution for SCRS to Evaluate the Appropriateness of the Current Boundary Between East and West Atlantic Bluefin Tuna*" (attached as Annex 5-5) to the Proceedings.

13.5 The Report of Panel 3 was presented by the Panel Chairman, Dr. R. Lent (U.S.A.) and was reviewed and adopted by the Commission, and is included in Annex 7-1 to the Commission Proceedings.

13.6 Dr. Lent called the Commission's attention to the "*Recommendation on Limitation of Southern Albacore Catches*", which was proposed and adopted by Panel 3 [Doc. 36-A]. The Commission reviewed the albacore Recommendation and adopted it (attached as Annex 5-6 to the Commission Proceedings).

13.7 The Report of Panel 4 was presented by the Panel Chairman, Mr. I. Nomura (Japan) and was adopted by the Commission after review. The Report is included in Annex 7-1 to the Commission Proceedings.

13.8 The following management recommendations proposed by Panel 4 concerning Atlantic swordfish were also adopted by the Commission: " *Recommendation Regarding North Atlantic Swordfish Catch Quotas for 1997, 1998, and 1999* (attached as Annex 5-7), and the " *Recommendation for an Extension of the South Atlantic Swordfish Management Measures* (attached as Annex 5-8).

13.9 The Chairman of Panel 4 also reported that Panel 4 had reviewed and adopted the " *Recommendation on Bigeye and Yellowfin Tunas*". The Commission reiterated its adoption of the joint Recommendation, which is attached as Annex 5-1 to the Commission Proceedings.

13.10 Mr. Nomura further reported that Panel 4 had proposed and adopted a " *Resolution for Billfish*". After reviewing the proposed Resolution it was adopted by the Commission (attached as Annex 5-9 to the Commission Proceedings).

13.11 At the time of presentation of the Panel 4 Report, Mr. Nomura proposed that bigeye tuna be removed from the mandate of Panel 4 and added to that of Panel 1. Since Panel 4 has many controversial species, the work load is becoming quite unbalanced, and time constraints preclude a thorough review of all the species under its mandate. He also noted that bigeye tuna is a tropical species that is caught together with yellowfin and skipjack tunas. Hence, he believed it would be more logical to discuss the management of these three species together in Panel 1, since the management of one of these species affects the other two. The Chairman of Panel 1 also supported this idea.

13.12 The Executive Secretary clarified that the terms of reference of the Panels are decided by the Commission (as indicated in Rule 12 of the Commission's " *Rules of Procedure* ") and therefore any changes also have to be decided by the Commission. Following that clarification, the Commission decided that Panel 1 will now include bigeye tuna in its mandate, in addition to yellowfin and skipjack tunas, whereas the mandate of Panel 4 will now include Atlantic bonito, swordfish, billfishes, and other species (small tunas).

13.13 The Commission expressed appreciation to the Panel Chairmen and the Rapporteurs. The Reports of Panels 1 to 4, duly adopted by the Commission, are included in Annex 7-1 to the Commission Proceedings.

14. Recommendations concerning research and statistics

14.1 The Commission took due note of the numerous recommendations concerning research and statistics as presented by the SCRS Chairman, Dr. Z. Suzuki, on behalf of the scientific committee, during his presentation of the SCRS Report. The Commission also noted that the Recommendations concerning stock management had been studied in depth within the Panels and that STACFAD had thoroughly reviewed those SCRS recommendations which have financial implications.

14.2 The Commission Chairman appreciated the advice of the SCRS relative to management measures. He hoped that the Committee would continue to provide such concise advice to the Commission.

14.3 The 1996 SCRS Report was adopted by the Commission, although it was recognized that while the Commission accepted the recommendations by the Committee, the funding of some of these were postponed for the time being, due to budgetary constraints. The SCRS Report is published in Volume 2 of the Biennial Report, 1996-97 (Part I)

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

15.1 The Reports of the First, Second and Third Sessions of STACFAD, together with the 1997 Revised Budget amounting to 165,398,000 pesetas, and the corresponding member country contributions, which were adopted by STACFAD, were presented to the Commission by Mr. Ribeiro Lima. The Commission reviewed and adopted the reports of the first three sessions, as well as the 1997 Budget and contributions. It was understood that the report of the final session of STACFAD, which had not been adopted by the Committee due to the lack of time on the last day of the meeting, will be adopted by correspondence. The 1996 Report of STACFAD is attached as Annex 7-2 to the Proceedings.

15.2 The Commission Chairman expressed appreciation to the outgoing STACFAD Chairman for his excellent work, and to the Rapporteur.

16. Adoption of the 1997 budget and member country contributions

16.1 As noted above in Agenda item 15, the Report of STACFAD in its entirety was not adopted at the time of the Commission meeting. Notwithstanding, after thorough review, the Commission decided to approve the 1997 Commission Budget and member country contributions attached to the STACFAD Report, as proposed and adopted by the financial and administrative committee. The 1997 Commission Budget and corresponding member country contributions are attached as **Tables 1 and 2** to the STACFAD Report. {Sec.}

17. Report of the Permanent Working Group for the Improvement of ICCAT Statistics & Conservation Measures (PWG)

17.1 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 three Recommendations and one Resolution which were proposed by the Permanent Working Group.

17.2 The Commission reviewed and adopted the *"Recommendation on the Validation of Bluefin Tuna Statistical Documents Between ICCAT Contracting Parties Which are Members of the European Community"*. This Recommendation is attached as **Annex 5-10** to the Proceedings.

17.3 The Commission reviewed and adopted the *"Recommendation Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution"* (attached as **Annex 5-11**), the *"Recommendation Regarding Panama Pursuant to the 1994 ICCAT Bluefin Tuna Action Plan Resolution"* (attached as **Annex 5-12**) and the *"Resolution Concerning Efforts to Improve the Completeness of Task I Reported Statistics"* (attached as **Annex 5-13**).

17.4 The PWG Chairman reported to the Commission that model letters from the Commission Chairman had been drafted by the PWG to some non-Contracting Parties, specifically Belize, Honduras and Panama, regarding non-compliance with ICCAT conservation measures, and these were adopted by the Commission (attached as **Appendix 3 to Annex 7-3**). He also presented the letters drafted by the Permanent Working Group to Trinidad & Tobago concerning swordfish catches (attached as **Appendix 4 to Annex 7-3**), Algeria and Tunisia (attached as **Appendix 7 to Annex 7-3**) and Croatia (attached as **Appendix 8 to Annex 7-3**) regarding bluefin tuna catches in the Mediterranean Sea, which were also adopted by the Commission.

17.5 Letters were also drafted from the ICCAT Chairman to the European Union (attached as **Appendix 5 to Annex 7-3**) and to the GFCM (attached as **Appendix 6 to Annex 7-3**), urging their cooperation with ICCAT, particularly as regards the Commission's conservation and management measures, and these were also adopted by the Commission.

17.6 The Report of the Permanent Working Group was adopted by the Commission and is attached as **Annex 7-3** to the Commission Proceedings. The Commission expressed its appreciation to the PWG Chairman and Rapporteur.

18. Report of the Compliance Committee

18.1 The Commission Chairman, on behalf of Mr. P. Perrone (France), Chairman of the Compliance Committee, presented the Report to the Commission. The Commission reviewed the report and adopted it, together with all the recommendations contained therein (attached as **Annex 7-4** to the Commission Proceedings).

18.2 The Delegate of France recalled the declaration made by the representative from the Commission of the European Communities that in virtue of Article 113 of the Treaty which instituted the European Community, the European Community has exclusive competence in matters of trade policy. He added that any possible restrictive trade measures should be adopted by the Council of the European Union, at the proposal of the Commission of the European Communities. This view was reiterated by the Delegates of Spain and Portugal.

18.3 The Chairman drew the Commission's attention out the "Recommendation Regarding Compliance in the Bluefin tuna and North Atlantic Swordfish Fisheries", attached as Annex 5-14 to the Commission Proceedings.

18.4 The Commission thanked Mr. Perrone, the outgoing Chairman of the Compliance Committee and the Rapporteur, and welcomed Mr. G. Taylor (UK) as the newly elected Chairman of this Committee.

18.5 The Commission noted that an inter-sessional meeting, to be held preferably sometime during the first half in 1997, on monitoring and inspection had been proposed jointly by the Compliance Committee and the Permanent Working Group. It was also noted that the U.S. intended to host this meeting in the United States. A proposed agenda for this meeting was distributed to the Commission for its consideration. The Commission considered this meeting very opportune and decided to approve it. The Secretariat was requested to announce this meeting as soon as the date and venue are finalized.

19. U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and FAO Code of Conduct for Responsible Fishing

19.1 The Executive Secretary pointed out the importance of this subject, because of its implications on various activities of regional agencies. He recalled a document (COM/95/17) prepared for last year's meeting which included details on this matter. He considered that the U.N. Agreement affects the future of world fisheries management schemes and proposed to maintain this item on the 1997 Commission Meeting Agenda.

19.2 The Delegate of U.S., in agreeing that this subject should be maintained on next year's Agenda, noted that was one of the major items proposed to be dealt with at the inter-sessional meeting on monitoring and inspection to be held in the U.S. in 1997. He further noted that there was reference to the U.N. Agreement in various meetings of Commission subsidiary bodies this year, such as the Panels, the PWG, and the Compliance Committee. He considered that such issues as the observer fee, compliance and monitoring, inspection, and transparency were all related to the U.N. Agreement.

20. Relations with other fora (Kyoto Declaration and Action Plan; IUCN)

20.1 The Executive Secretary then introduced the Document COM/96/14 which was prepared by the Secretariat in response to the proposal by Japan to discuss the follow-up of the Kyoto Declaration and Action Plan. Dr. Fernandez also referred to IUCN (COM/96/14), "red listing" issues which, as he understood, had already been addressed by various Commission bodies.

20.2 The Delegate of Japan explained that the Kyoto Declaration was adopted by 95 States and contained many items of direct relevance to ICCAT. The Conference had requested Japan to transmit this Declaration to other fishery organizations, asking for their endorsement. He further reported that NAFO and IATTC have already endorsed the Kyoto Declaration and requested that ICCAT do the same.

20.3 The Chairman also considered that ICCAT should recognize the Declaration as one of major events that have taken place in forming a new fishing order. Spain seconded the Japanese proposal for Commission endorsement, and the Chairman further noted that there was consensus that ICCAT endorse the Kyoto Declaration.

21. Reports of subsidiary bodies appointed by the Commission for the meeting

21.1 No subsidiary bodies had been appointed at the 1996 Commission Meeting.

22. Election of new Executive Secretary (Continued)

22.19 Details on the election of the new Executive Secretary are included in the Proceedings of the Third Plenary Session of the Commission. It was agreed that his appointment and incorporation to the position would take place during the first quarter of 1997.

23. Date and place of the next regular meeting of the Commission

23.1 The Commission decided to hold the next Regular Meeting of the Commission from Friday, November 14, to Friday, November 23, 1997, in Madrid, Spain.

10. Large-Scale driftnet fishing and its effects on tuna stocks (Continued from the First Plenary Session)

10.4 The *"Resolution by ICCAT on Large-Scale Pelagic Driftnets"*, presented by the Delegate of Spain at an earlier session, was reviewed by the Commission. The Delegate of Japan proposed some minor modifications to the last paragraph, which were agreed upon by the Commission. With the introduction of these modifications, the Resolution was adopted by the Commission and is attached as Annex 5-15 to the Proceedings.

10.5 The Delegate of Spain thanked all the delegates for their support of this Resolution, which had been proposed by Spain. He indicated that this subject is of considerable concern to his country. He noted that a large-scale driftnet fishery is developing further, and expressed concern that countries are reluctant to apply the U.N. Resolutions. Mr. Dominguez believed that the large-scale, pelagic driftnet fisheries have a negative impact on the environment, that they harm protected species, and are a danger to the navigation of ships. He requested that those countries practicing responsible fishing must take measures to discontinue use of this fishing gear. The statement by Spain on drift nets is included in Appendix 6-5 to the Proceedings.

24. Other matters

24.1 The Executive Secretary referred the Commission to Document COM/96/24 and requested the Commission to reach a decision concerning the applications by the South Pacific Commission (SPC) and the International Whaling Commission (IWC) for membership in the Coordinating Working Party on Fishery Statistics (CWP). He referred to the 1996 SCRS Report and commented that the SCRS had recommended the approval of the CWP membership applications of both organizations.

24.2 The Delegate of Japan stated that his country has no difficulty in approving IWC membership, but had some reservation as concerns SPC membership in the CWP. He stated that the South Pacific Commission is not an open organization and that Japan cannot be a member of it. Nonetheless, he stated that Japan provides data to SPC on a cooperative basis, but that their data can only be provided to outsiders by compliance of Government of Japan. The Japanese Delegate noted that a more global organization for that area is now in process of establishment and he considered that organization, once created, would be a more suitable member of CWP. He added that Japan will go along with the consensus of the Commission, with this reservation.

24.3 The Assistant Executive Secretary explained that the CWP is a technical organization, whose statutes permit membership comprised of regional agencies that collect fishery statistics. The major objective of the CWP is mutual cooperation and to maintain consistency in the collection of various fishery and biological data from national sources and, except for comparison purposes, no data exchanges are required.

24.4 The Commission approved the membership in CWP of both organizations, noting the reservation expressed by Japan. The Executive Secretary will respond to the CWP Secretary in this sense.

24.5 The Observer from Commission for Conservation of Southern Bluefin Tuna (CCSBT) expressed organizations's wish to become a member of CWP, as he considers that such participation will be beneficial to the CCSBT's work. He asked for assistance and support of ICCAT in this respect. The Executive Secretary responded that procedure to apply for membership in CWP should be addressed to the CWP Secretary, who would then transmit the request to the CWP member organizations for their approval.

24.6 The Delegate of Korea, referred to the maritime area between his country and Japan, and asked that the Commission take due note that this sea has historically been called by various names, "East Sea", "Sea of Korea", "Sea of Japan", etc. The Korean Delegate further stated that due to Japanese expansionism, which has influenced the international scene since the 19th Century, the Sea of Japan has been more widely used in recent years. The Government of Korea, after its independence decided to refer to the sea area in question as the "East Sea" and has opposed the use of "Sea of Japan". He further noted that the United Nations Conference on the Standardization of Geographical Names (August, 1992) had recommended that countries involved in a dispute over the name of a shared

geographical area should endeavor to seek agreement through consultation and that the names applied by each country be used simultaneously in the absence of agreement (best expressed in U.N. Resolution III/20 of the aforementioned Conference). The Korean Delegate requested that, pending the search for a mutually acceptable solution through consultation among the parties concerned, both names "East Sea" and "Sea of Japan" be used simultaneously whenever reference to this sea is made.

24.7 The Delegate of Japan regretted that Korea had brought up a bilateral and political issue which is not relevant to the Commission's business. The Japanese position is that the name "Sea of Japan" is widely used, including in many world atlases and that it is not a product of Japanese expansionism. He considered that the name should not be changed, that simultaneous names should not be adopted, and that this problem should not be discussed at an ICCAT meeting.

24.8 The Chairman pointed out the difficulties with continuing to discuss matters of terminology, and considered that it was not appropriate to discuss such issues at this meeting, without having sufficient background information.

24.9 The Delegate of Uruguay considered that the limited time available to the Commission should be used for specific issues in which the Commission is involved. She considered that there were too many informal meetings without interpretation which limited participation and understanding.

24.10 The Delegate of China commented that his delegation attended this meeting for the first time with the spirit of cooperation. He regretted that the Commission had invited Taiwan of China to the Meeting and had even included Taiwan of China on lists as a "non-member country" in some of its documents. He further stated that even though the Delegation of the People's Republic of China had urged the rectification of this situation in an earlier Plenary Session, the Commission had ignored this legitimate request and even refused to consider the issue. He expressed his great disappointment and informed the Commission that Chinese Government will reserve its right to take further actions and that the Commission must bear all responsibilities for the consequences.

24.11 The Chairman responded that the Commission had not ignored or refused to discuss this matter raised by the Chinese Delegate, and that it has been fully discussed under Agenda Item 4. He stated that a decision was reached, with full support by the members, that the Commission take due note of the precisions expressed by the Delegation of the People's Republic of China, and the Commission requested that a written statement be presented on the matter, to be attached to the Proceedings. This statement will be carefully studied and the matter will be pursued further and decide upon at the next Commission meeting. The Commission noted that the statement by the Delegation of the People's Republic of China is attached as Annex 6-3 to the Proceedings.

24.12 Due to his retirement from government service, Mr. J. Hache (Canada) had also resigned as First Vice-Chairman of the Commission. Hence, an election was held to choose a new First Vice-Chairman.

23.13 The Delegate of Canada nominated Mr. S. Galante Liatti (Uruguay) as the First Vice-Chairman. This nomination was seconded by the Delegates of Spain and Venezuela. Mr. Galante was unanimously elected.

24.14 The Chairman of the Commission thanked Mr. Hache, the outgoing First Vice-Chairman for his past contributions to the Commission's work and congratulated the newly elected First Vice-Chairman.

25. Adoption of Report

25.1 The Proceedings of First and Second Plenary Sessions were reviewed and adopted.

25.2 Since the Third and Final Plenary Sessions were held on the last day of the Commission Meeting, the Commission agreed to adopt these through correspondence.

26. Adjournment

26.1 At the time of adjournment, the out-going Executive Secretary, Dr. A. Fernandez addressed the Commission. He appreciated the support received from the Contracting Parties during the period of his term of office. He pointed out that the past five years has been a particularly active period for the Commission and its subsidiary bodies, and important results had been obtained. Dr. Fernandez expressed appreciation for the efficient collaboration

he had received from all the Secretariat staff and assured the newly elected Executive Secretary, whom he wished every success, his full support and availability in assuring smooth and uninterrupted transition, in completing the Administrative and Financial Reports corresponding to 1996. The closing address by Dr. Fernandez is attached as Annex 4-3 to the Commission Proceedings.

26.2 The Commission Chairman gave a brief summary of the results of this meeting, pointing out the results achieved. He thanked the authorities of Spain and the Basque Country for their generous reception in San Sebastian, and all the members of the delegations and the Secretariat for their efficiency and continuous collaboration. He recognized the excellent work carried out by the Chairman and Rapporteurs of all the subsidiary bodies of the Commission. He recalled the high quality of the candidates for the position of Executive Secretary and reiterated his welcome to Mr. Adolfo Ribeiro Lima, in the assurance that he will carry out his work in a satisfactory manner. He concluded by emphasizing the qualities of dedication and expertise exemplified by Mr. Antonio Fernandez in his work, and expressed his appreciation and that of ICCAT to Mr. Fernandez.

26.3 The Tenth Special Meeting of the Commission was adjourned on Friday, November 29, 1996.

ANNEX I

1996 COMMISSION AGENDA

1. Opening of the meeting
2. Adoption of Agenda, arrangements for the meeting and appointment of subsidiary bodies
3. Introduction of Contracting Party Delegations
4. Admission of observers (non-member countries, intergovernmental organizations, and non-governmental organizations)
5. Review of Commission membership
6. Report of the Standing Committee on Research and Statistics (SCRS)
7. Ratification or acceptance of the Protocol of amendment to the Convention (adopted in Paris in 1984)
8. Ratification or acceptance of the Protocol of amendment to the Convention (adopted in Madrid in 1992)
9. Collaboration of non-Contracting Parties in the objectives of ICCAT
10. Large-scale driftnet fishing and its effects on tuna stocks
11. By-catches, with special reference to sharks
12. Report of the 1996 ICCAT Tuna Symposium
13. Reports of Panels 1 to 4
14. Recommendations concerning research and statistics
15. Report of the Standing Committee on Finance and Administration (STACFAD)
16. Adoption of the 1997 budget and member country contributions
17. Report of the Permanent Working Group for the Improvement of ICCAT Statistics & Conservation Measures (PWG)
18. Report of the Compliance Committee
19. U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and FAO Code of Conduct for Responsible Fishing
20. Relations with other fora
 - Kyoto Declaration and Action Plan
 - IUCN
21. Reports of subsidiary bodies appointed by the Commission for the meeting
22. Election of new Executive Secretary
23. Date and place of the next regular meeting of the Commission
24. Other matters
25. Adoption of Report
26. Adjournment

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1996 COMMISSION DOCUMENTS

COM/96/1	Tentative Commission Agenda
COM/96/2	Annotated Tentative Agenda
COM/96/3	(SCRS/96/1) Agenda of the Standing Committee on Research & Statistics (SCRS) (see Appendix 1 to the 1996 SCRS Report)
COM/96/4	Tentative Agenda of the Standing Committee on Finance & Administration (STACFAD)
COM/96/5	Tentative Agenda for Panels 1-4
COM/96/6	Tentative Agenda of the Compliance Committee
COM/96/7	Tentative Agenda of the Permanent Working Group for the Improvement of ICCAT statistics and Conservation Measures (PWG)
COM/96/8	Panel Mandate and Membership
COM/96/9	1996 Administrative Report
COM/96/10	1996 Financial Report
COM/96/11	Estimated Revised Budget and Member Country Contributions for 1997 Annex 1: Revised Budget for 1997
COM/96/12	(SCRS/96/12) Report on Statistics and Coordination of research in 1996
COM/96/13	(SCRS/96/13) Report of the First Meeting of the Shark Working Group of the ICCAT Sub-Committee on by-Catch (Miami, Florida, U.S.A. - February 26-28, 1996)
COM/96/14	Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security
COM/96/15	Updated Summary of Validation of the ICCAT Bluefin Tuna Statistical Document (BTSD): Contracting Parties and Non-Contracting Parties
COM/96/16	(SCRS/96/16) Report of the ICCAT Tuna Symposium (Ponta Delgada, Azores, Portugal - June 10-18, 1996)
COM/96/17	(SCRS/96/17) Report of the Third Meeting of the Commission for the Conservation of Southern Bluefin tuna (CCSBT)
COM/96/18	(SCRS/96/18) Information Relative to the U.N. Resolutions on Straddling Fish Stocks and Highly Migratory Fish Stocks, and Large-scale Driftnet Fishing on the High Seas
COM/96/19	(SCRS/96/19) Report of the Third ICCAT Billfish Workshop (Miami, Florida, U.S.A - July 11-20, 1996)
COM/96/20	(SCRS/96/20) Development of User-friendly Software for Task I

- COM/96/21-A (SCRS/96/21-A) Report of the Contributions/Expenditures of the ICCAT Enhanced Billfish Research Program in 1996 (see Appendix 4 to the 1996 SCRS Report)
- COM/96/21-B (SCRS/96/21-B) 1997 Program Plan for the ICCAT Enhanced Research Program for Billfish (including the proposed long-term plan for billfish tagging) (see Appendix 5 to the 1996 SCRS Report)
- COM/96/22 (SCRS/96/22) Report of the Third Meeting of the GFCM/ICCAT *Ad Hoc* Working Group on Large Pelagic Fish Stocks in the Mediterranean Sea (Genoa Italy - September 9-11, 1996)
- COM/96/23 (SCRS/96/23) Report on the CITES Animals Committee Meeting (Prouhonice, Czech Republic - September 23-27, 1996)
- COM/96/24 (SCRS/96/24) Coordinating Working Party on Fishery Statistics (CWP)
- COM/96/25 1996 Meeting of the Standing Committee on Research & Statistics (SCRS) (Madrid, Spain October 23-November 1, 1996) (1996 SCRS Report)
- COM/96/26 Management Recommendations and Related Resolutions Adopted by ICCAT for the Conservation of Atlantic Tunas and Tuna-like Species
- COM/96/27 ICCAT Port Inspection
- COM/96/28 Collaboration of Non-Contracting Parties in the Objectives of ICCAT
- COM/96/29 Development of a Monitoring Scheme in the ICCAT Convention Area
- COM/96/30 ICCAT Staff Regulations and Rules
- COM/96/31 (SCRS/96/28-Rev) Estimates of Unreported Atlantic Bluefin Tuna Catches
- COM/96/32 Election of New Executive Secretary
- COM/96/34 Resultados de la 57ª Reunion Anual de la Comisión Interamericana del Atún Tropical (IATTC) (La Jolla, California, U.S.A. - October 21-23, 1996)
- COM/96/35 ICCAT Observer Report on the Third Annual Meeting of CCSBT (Canberra, Australia - September 24-28, 1996) - J. Morishita

OPENING AND CLOSING ADDRESSES

OPENING ADDRESS BY MR. NICOLAS LOPEZ DE COCA, UNDER-SECRETARY FOR AGRICULTURE, FISHERIES & FOOD OF SPAIN

Mr. President of the Autonomous Basque Government, Mr. Chairman of ICCAT, Distinguished Delegates, Ladies and Gentlemen;

It is an honor for me to address you on the occasion of the opening of the Tenth Special Meeting of this Commission, which works extensively on a wide variety of fisheries under its mandate, and such a variety of geographic regions here represented.

The International Commission for the Conservation for Atlantic Tunas, whose 25th anniversary was celebrated in 1995, is a model to follow as regards what can be achieved by cooperation in matters of management and conservation of fishery resources, within an international juridical framework and by congenial relations between states. This model, which is pioneer among regional fishery organizations, has been developing throughout the history of the Commission, and has adapted to the changing circumstances of world-wide fishing, without losing the spirit of cooperation with which it was established.

Spain considers the work of this Commission to be very important, as tuna fishery resources represent a considerable part of our catches, both in tonnage (around 270,000 MT in the Atlantic and Indian Oceans) and in value. At the same time, our country wished to demonstrate its commitment to the Commission by providing the Headquarters and participating actively in its scientific and management work. As a result, we have, without a doubt, thus forged strong ties which unite us in fisheries matters with the other members of the Commission, which has at the same time extended this circle of cooperation to other seas and other resources, always with the same ideal of collaboration.

Various, challenging issues face the Commission today, which require solutions. I should like to mention just a few of those which Spain considers most important. In the area of management of the resources, the member countries of the Commission have, over the last few years, made an effort to adapt their fishing capacity and catches to levels of exploitation which allow over the long-term a maximum, but sustainable, yield of the regulated species.

This effort has implied considerable sacrifices from the socio-economic point of view, as well as more demands on the administrations, in terms of human and technical means, which, at times goes beyond what is humanly possible, from those who work in this sector, both at sea and in the public sector. The success of the measures adopted and the discussions which will take place depends on this effort and on a willingness to cooperate, as already mentioned.

But these efforts will be in vain if do not apply to all the fleets which operate together with those of our countries, sometimes off our own coasts, and which fly flags of states that do not cooperate with us, within the framework of the Commission or in abiding by our conservation measures. This problem is further aggravated if we take into account that the products of these fleets compete with ours on the same markets, in obvious conditions of unfair competition. This Commission has at its disposal adequate means to meet this challenge and should not hesitate to recur to them when circumstances so require, within the same multilateral framework of management of the resources.

We are fully confident that the results of this meeting of the Commission will respond to this and other pending challenges, to assure that the aforementioned goal of rational, maximum, and sustainable exploitation of the stocks is attained, while respecting the traditional fishing techniques, which reflect the wisdom of our fishermen as regards dealing with the marine ecosystems.

I should like to end by thanking the Government of the Autonomous Basque Community for hosting this meeting of the Commission. Their kind invitation and welcome deserves your having some free time to appreciate the wonders of this city, Donostia-San Sebastian, which is prime example of the beauty of the Spanish coast and the excellence of Spanish agricultural, livestock and fish products.

Thank you very much.

*OPENING ADDRESS BY THE HONORABLE JOSE ANTONIO ARDANZA,
PRESIDENT OF THE AUTONOMOUS BASQUE COMMUNITY OF SPAIN*

Mr. Chairman of the International Commission for the Conservation of Atlantic Tuna, Mr. Under-Secretary of Agriculture, Fisheries and Food, Mr. Executive Secretary of the Commission, Ladies and Gentlemen;

It is a great pleasure for me to welcome you to the Basque Country, and particularly to this city of Donostia-San Sebastian, which is honored to host the Tenth Special Meeting of the International Commission for the Conservation of Atlantic Tunas.

I should like to add, at the risk of sounding boastful, that your choice of this Country as venue for your meeting has been a good one. Our close relations with the sea and with fishing, both past and present, makes us ideal hosts for organizations such as this.

We need not know much of the history of the Basque Country to know that Basques and sailors or Basques and fishermen have always been, if not exactly synonymous, at least closely related. It would be difficult to write a history of fishing in the north Atlantic without giving a prominent place to the Basque whalers off the coasts of Newfoundland or, in more recent times, to our cod fishermen. Navigators such as Juan Sebastian Elcano, *qui primus circumdedisti me* have places of honor in the history of world navigation.

This maritime and fishing past has left iconographic marks along all our coasts, that have lasted up to the present day. To contemplate just one of these, perhaps the most important, you have only to visit our coastal towns, whose identifying coats-of-arms show, in many cases, maritime or fishing motifs, which tell the tale of their past.

The sea and fishing, however, are not exclusive to our past. Even nowadays, at this end of the Century and the millennium, fishing, particularly tuna fishing which we are concerned with here, is one of the most important activities of our coastal population and represents one of the basic resources of our extractive sector.

Thus, close by, based at the port of Hondarribia, we have 15 vessels that specialize in bluefin tuna fishing. All along our coastline we have more than 200 vessels that fish for albacore by trawl and baitboat, and a modern fleet of about 30 purse seiners that fish in the tropical areas of different oceans.

As you all well know, however, our concern, for some time now, particularly since our self-governing institutions were established, has not been limited to removing the maximum resources from the sea. We are aware of the limitations of marine fauna and the danger of extinction of some species. We know that those who depend on the sea for a living have the responsibility to know its limitations as well as its possibilities; and to develop techniques that allow for a rational exploitation of its resources, which take into account the needs of generations to come.

Some years ago, therefore, we established the Oceanographic Institute of AZTI. There is no need for me to go into the details of the excellent work of this organization as it is well known to all of you thanks to the close collaboration it maintains with your Standing Committee on Research and Statistics.

It is not surprising that in this small country we know how to value the work of this Commission, with the aim of developing responsible policy for the exploitation of tunas and tuna-like species in the Atlantic, in a manner which guarantees the equilibrium necessary to maintain and conserve their stocks.

Your work is important, as is your responsibility, particularly in today's context, characterized by the deficient state of many of the world's fishery resources. Some tuna species have not been spared from the problems of over-exploitation, making it crucial that all sectors involved in fishing activities are aware of the importance of the work carried out by organizations such as the International Commission for the Conservation of Atlantic Tunas.

Among these tasks, I should like to highlight one which is, in my opinion, has particular relevance. That is, the work carried out by the Standing Committee on Research and Statistics, which constitutes the basis for the regulations emanating from this Commission. Well aware of its importance, the Basque Government has been contributing directly to the work of this Committee for many years through the attendance and participation of our scientists.

I should like to assure you all that we will continue this support in the future, as we are firmly convinced that, besides social and economic considerations, scientific advice on management must be the guide for the future framework of fishing activities.

The world fishing scenario facing us now shows that mistakes have been made in the past, and new, perhaps more imaginative measures are needed in order to correct the general trend of deterioration which, unfortunately, is affecting fisheries world-wide. I am sure that it is within the framework of organizations such as the International Commission for the Conservation of Atlantic Tunas where such measures can and should come.

For all these reasons, Mr. Chairman and delegates, I should like to thank you for your work throughout this week which begins today. We trust that this meeting will be successful in achieving its proposed objectives. Likewise I should be pleased if, in addition to a successful conclusion of this meeting, you all have happy memories of pleasant stay with us.

I should like to declare open the Tenth Special Meeting of the International Commission for the Conservation of Atlantic Tunas.

Thank you very much.

*CLOSING ADDRESS BY DR. ANTONIO FERNANDEZ,
ICCAT EXECUTIVE SECRETARY*

Mr. Chairman, Ladies and Gentlemen:

Before the Commission concludes its final session, I wish to say a few words in anticipation of my departure, as I may not have the opportunity of meeting personally with many of you again. I would also like the text of this speech to be attached as an Appendix to the Report of our Meeting.

Firstly, I should like to congratulate the Executive Secretary elect, Mr. Ribeiro Lima. Without wishing to show a lack of appreciation for the other candidates, I believe that the Commission has chosen well, appointing a person with extraordinary human qualities and proven professional ability, which will ensure a smooth transition without having any adverse effects on the efficiency necessarily demanded of the Secretariat.

Secondly, I ought to say that I hope that my actions during the five years of my mandate have corresponded to the trust which the members of the Commission placed in me. Mr. Chairman, I am especially pleased to have had the opportunity to appreciate, during this first year of your mandate and the last of mine, your excellent and efficient way of orientating our work. We are assisting the birth of new legislative norms, or at least new practices in international cooperation, in the sphere of ecological management of the oceans as well as the use of new technologies. We have operated under criteria of honesty and frankness, advancing joint deliberations in the short to medium term to identify the problems and analyze the situation of the resources for which ICCAT is responsible, with the aim of reducing or eliminating areas of tension and possible discrepancy.

In early 1992, I took over the controls of the train at the Secretariat from my distinguished predecessor, Dr. Olegario Rodriguez. During these years, this train has passed through phases of operativeness and stability, continuing its course relatively normally, and overcoming the difficulties and obstacles which inevitably arose during the long journey. I am now willing to leave this train, which I think can be classified as "high speed", having contributed to the Commission as much as I could within my capabilities and experience. At the Secretariat I have tried, above all, to do a serious and solid job, making every effort to strengthen consensus while remaining neutral, without trying to apply utopian formulas. Why do I feel the need to resign? Let us say that my vital biorhythm is not in step with my professional biorhythm. In the heavy seas of life, one should not try to swim against the tide; we are carried along, and it is wiser to accept this reality. Based on my long experience in the international arena, I have learned how to win and how to lose; I believe it best to finish the race with dignity, passing the baton in good time without stumbling.

As has been recalled here, this quinquennium has been a particularly active period for the Commission and its auxiliary bodies, and this has translated into important results. I do not intend to list all these activities, which are already reflected in the annual publications, but I should like to associate each one of these last five years with an event which, in my opinion, characterizes it:

- 1992: Convening of a Conference of Plenipotentiaries of the Contracting Parties and the Adoption of the Madrid Protocol.
- 1993: Establishment of a Statistical Document Program for bluefin tuna transactions.
- 1994: Transfer of the Secretariat and the Commission to a more spacious, modern and functional headquarters.
- 1995: Celebration of 25th Anniversary of ICCAT.
- 1996: Organization of the ICCAT Tuna Symposium in the Azores, and the incorporation of three new Contracting Parties (United Kingdom, Libya and the People's Republic of China).

Among these great milestones, other important decisions taken by the Commission should be included, for example, the creation of new auxiliary bodies such as the Compliance Committee, the Sub-Committee on By-Catches and the Permanent Working Group. Also, the adoption of the Resolutions on the trade of bluefin tuna and swordfish products, and the entering into force of the new Staff Regulations and Rules and the new Criteria for the Admission of Observers should not be forgotten.

Naturally, none of this work would have been possible without the participation of those representing the ICCAT Contracting Parties, but I am sure you will all also understand if I take this opportunity to publicly thank the members of the Secretariat for the collaboration which they have constantly and efficiently given me, each according to the responsibilities of his post, including our insuperable and loyal team of interpreters. Therefore, I think I can assure the new Executive Secretary whom you have just elected that he can count on a team of permanent staff at the Secretariat which is well aware of its duties. For my part, I am pleased to reiterate that he has my full support and willingness to collaborate in ensuring an orderly and smooth transition, remaining at my post long enough to finalize the Proceedings of this meeting and present the required Administrative Report, and the Financial Report, duly audited, corresponding to 1996.

If you bear in mind the limited human resources of the Secretariat, you will understand that we have had to work almost continually during these last years as if we were working in a "crisis cell", like those established by governments in justifiable cases. A coordinating structure like ours can only coordinate that which it controls thanks to the necessary resources. Perhaps the Contracting Parties would like to take the opportunity presented by this change in the Direction of the Secretariat to bring the fulfillment of their commitments to the Commission up to date, as the administrative arrangements and methods of executing the decisions adopted each year by the Commission often give rise to problems, the resolving of which can affect, one way or another, the effectiveness and the credibility of the whole Organization.

Before I finish, I should like once again to thank the Autonomous Basque Government for the splendid arrangements which they have made for our meeting, and also the *Secretario General de Pesca Marítima* of Spain who has honored us by his presence at this session.

I also wish to reiterate to all the Delegations that it has been a great honor for me to have had the responsibility of serving, defending and forwarding the interests of ICCAT during the years of my mandate, fostering mutual understanding and trust. I should like to thank the Representatives of the Contracting Parties for the respect and appreciation which they have shown me, to assure them that this respect and appreciation is reciprocated, and will be glad to be of assistance to you in my future activities.

Thank you.

ANNEX 5

RECOMMENDATIONS & RESOLUTIONS ADOPTED BY THE COMMISSION

- ANNEX 5-1 Recommendation by ICCAT on Bigeye and Yellowfin Tunas
- ANNEX 5-2 Supplemental Recommendation by ICCAT on East Atlantic Bluefin Tuna Concerning the Mediterranean Closed Season
- ANNEX 5-3 Recommendation by ICCAT Concerning Age 0 Bluefin Tuna
- ANNEX 5-4 Recommendation by ICCAT to Establish a Scientific Monitoring Quota for Bluefin Tuna in the Western Atlantic for 1997-1998
- ANNEX 5-5 Resolution for SCRS to Evaluate the Appropriateness of the Current Boundary Between East and West Atlantic Bluefin Tuna
- ANNEX 5-6 Recommendation by ICCAT on Limitation of Southern Albacore Catches
- ANNEX 5-7 Recommendation by ICCAT Regarding North Atlantic Swordfish Catch Quotas for 1997, 1998, and 1999
- ANNEX 5-8 Recommendation by ICCAT for an Extension of the South Atlantic Swordfish Management Measures
- ANNEX 5-9 Resolution by ICCAT Regarding the Release of Live Billfish Caught by Longline
- ANNEX 5-10 Recommendation by ICCAT on the Validation of Bluefin Statistical Documents Between ICCAT Contracting Parties Which are Members of the European Community
- ANNEX 5-11 Recommendation by ICCAT Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution
- ANNEX 5-12 Recommendation by ICCAT Regarding Panama Pursuant to the 1994 ICCAT Bluefin Tuna Action Plan Resolution
- ANNEX 5-13 Resolution by ICCAT Concerning Efforts to Improve the Completeness of Task I Reported Statistics
- ANNEX 5-14 Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries
- ANNEX 5-15 Resolution By ICCAT on Large-Scale Pelagic Driftnets

ANNEX 5-1

**RECOMMENDATION BY ICCAT
ON BIGEYE AND YELLOWFIN TUNAS**

NOTING the management recommendations and the associated resolutions adopted by ICCAT for the conservation of tunas and related species in the Atlantic;

NOTING the 1996 report of the Standing Committee on Research and Statistics (SCRS) of ICCAT;

NOTING the management and research recommendations proposed to the Commission by the SCRS, particularly those relating to bigeye and yellowfin tunas.

DEPLORING the inadequacy of scientific knowledge relative to bigeye tuna and to the effects of the fishing techniques with fish aggregating devices (FADs) on the multi-species fisheries of tropical tunas;

CONVINCED of the urgent need to improve knowledge and the scientific basis for these subjects,

AWARE of the danger that the large increase in bigeye tuna catches and juvenile catches observed, could present to the stock of Atlantic bigeye tuna.

DETERMINED to do everything possible to improve, as quickly as possible, this scientific basis, indispensable for better knowledge and good management of this stock which is of the greatest economic importance, particularly for longline fleets as concerns bigeye tuna,

EQUALLY DETERMINED to adopt adequate, viable and efficient management measures which will be proposed by the SCRS on the basis of improved scientific information.

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

FIRST: That in order to contribute to the rapid acquisition of information, a national observer program for longliners, purse seiners and baitboats be established according to the provisions to be decided by an ad hoc working group of the SCRS:

- a) on 25% of vessels fishing with fish aggregating devices (FADs), mainly in order to determine in which time/area strata juvenile tunas could be most associated with FADs.
- b) on 5% of vessels fishing using other methods in order to obtain data on the composition of the catches, particularly those of spawners, relative to the fishing areas and seasons.

SECOND: To supplement the study carried out by the observer program with a survey of the vessels that use FADs.

THIRD: Based on the results of these investigations and in order to assure the taking of precautionary measures:

- a) to present, during the Commission Meeting in November, 1997, the results of studies undertaken in accordance with the FIRST paragraph and on this basis, consider during that meeting, the necessary measures to assure maintaining the stock of tropical tunas, mainly as concerns the regulation of the use of FADs;
- b) to respect the SCRS recommendations relative, on the one hand, to the bigeye tuna catches in reference to MSY and to the catches of juveniles, and on the other hand, with the yellowfin catches, in reference to fishing mortality.

**SUPPLEMENTAL RECOMMENDATION BY ICCAT
ON EAST ATLANTIC BLUEFIN TUNA CONCERNING THE
MEDITERRANEAN CLOSED SEASON**

CONSIDERING the efforts made by Contracting Parties to reduce the catches of bluefin tuna, in accordance with the Recommendations adopted by the Commission in 1994 and 1995.

CONSIDERING the necessity to take measures regarding the gears used during periods when their impact is most notable on juveniles and spawners;

RECALLING the Recommendation adopted by the Commission in 1993 prohibiting the fishing of bluefin tuna by large longliners, in order to protect the spawners during the spawning period in June and July;

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

- FIRST:** prohibiting purse seine fishing in the Mediterranean Sea during the period from August 1 to 31.
- SECOND:** prohibiting of the use of aeroplanes or helicopters supporting fishing operations in the Mediterranean Sea in the month of June.

This Recommendation is supplemental to the regulatory measures currently in effect for Atlantic bluefin tuna in the Mediterranean Sea.

ANNEX 5-3

RECOMMENDATION BY ICCAT CONCERNING AGE 0 BLUEFIN TUNA

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

IN ORDER to facilitate commercial transactions without jeopardizing the quality of information on catches and trade of bluefin tuna;

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

- FIRST:** the prohibition of retaining on board, landing and sale of age 0 fish (< 1.8 kg) by fishing vessels of Contracting Parties and non-Contracting Parties.
- SECOND:** that adequate measures be taken by the Commission in November 1997 to guarantee greater transparency and more reliability of statistics, with the aim of identifying the origin of catches.

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

**RECOMMENDATION BY ICCAT
TO ESTABLISH A SCIENTIFIC MONITORING QUOTA
FOR BLUEFIN TUNA IN THE WESTERN ATLANTIC FOR 1997-1998**

CONSIDERING that the SCRS has indicated that a catch level of 2,500 MT of bluefin tuna in the western Atlantic is sustainable and that the spawning stock biomass will have a 50% chance of showing a net increase over a period of about 20 years to twice the size in 1995;

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

- 1a) The Contracting Parties whose vessels have been actively fishing for bluefin in the western Atlantic will institute a scientific monitoring quota for 1997 and 1998 of 2,354 MT each year, which is divided annually into the following country quota shares:

Canada	552.6 MT
Japan	453.0 MT
United States	1,344.4 MT
United Kingdom	
Dependent Territory of Bermuda	4.0 MT

- 1b) These quota shares will apply only for 1997-1998. Unused quota or overage in 1997 may be added or subtracted, as appropriate, from the 1998 quota.

- 1c) All Contracting and non-Contracting Parties will monitor and report their discards, and minimize them, to the extent practicable. The United States of America will adopt national measures designed to reduce discards during 1997-1998.

- 2a) For 1999 and thereafter, the annual quota for the United Kingdom Dependent Territory of Bermuda shall be determined by the Commission. Quotas for Canada, Japan, and the United States shall be calculated after the United Kingdom Dependent Territory of Bermuda's share is deducted from the overall scientific monitoring quota, and according to the following:

- 2b) If a scientific monitoring quota between 2,350 MT and 2,660 MT is established for Canada, Japan, and the United States for 1999 and thereafter, the ratio of sharing among the three countries shall be as follows unless agreed otherwise:

Canada:	24.3%
Japan:	16.0%
United States:	59.6%

- 2c) If a scientific monitoring quota of 2,660 MT or above is established for Canada, Japan, and the United States for 1999 or thereafter, the sharing of annual quota among them shall return to the following traditional shares:

Canada:	21.54%
Japan:	26.32%
United States:	52.14%

- 2d) However, if a scientific monitoring quota between 2,350 MT and 2,660 MT is established for these countries for 1999 and thereafter, the quotas for Canada and the United States will not exceed the traditional quotas

that have been applied to the scientific monitoring quota of 2,660 MT (573 MT for Canada, 1,387 MT for the United States). Any amounts in excess of these countries' traditional quotas shall be added to Japan's quota.

- 3a) Canada, Japan, United States, and United Kingdom Dependent Territory of Bermuda will prohibit the taking and landing of bluefin tuna weighing less than 30 kg, or in the alternative having a fork length of less than 115 cm.
- 3b) Notwithstanding the above measures, the Contracting Parties may grant tolerances to capture bluefin tuna either weighing less than 30 kg, or in the alternative having a fork length less than 115 cm, to limit the take of these fish to no more than 8% by weight of the total bluefin catch on a national basis and to institute measures to deny economic gain to the fishermen from such fish.
- 4) Canada, Japan, United States, and United Kingdom Dependent Territory of Bermuda will encourage their commercial and recreational fishermen to tag and release all fish less than 30 kg or in the alternative having a fork length less than 115 cm.
- 5) That the adoption of the above measures concerning the western Atlantic must not imply any modification of the ICCAT Recommendation adopted in 1974 concerning a minimum weight of 6.4 kg adopted for the entire Atlantic and fishing mortality limited to recent levels in the eastern Atlantic; this latter measure having been extended until a new decision is made at ICCAT.
- 6) In order to avoid increasing fishing mortality of bluefin tuna in the eastern Atlantic, the Contracting Parties will continue to take measures to prohibit any transfer of fishing effort from the western Atlantic to the eastern Atlantic.
- 7) The developing bluefin tuna fishery in the western Atlantic of Brazil shall not be subject to the limitation addressed herein.
- 8) There be no directed fishery on the bluefin tuna spawning stocks in the western Atlantic in spawning areas such as the Gulf of Mexico.
- 9) Notwithstanding the provisions of Article VIII, paragraph 2, of the Convention, with respect to paragraphs 1(a) and (b) above, the Contracting Parties whose vessels have been actively fishing for bluefin tuna in the western Atlantic shall implement this recommendation as soon as possible in accordance with the regulatory procedures of each country.
- 10) The next assessment and determination of quota for western Atlantic bluefin tuna shall be made at the 1998 meeting of the ICCAT Commissioners.

This Recommendation supersedes those adopted by the Commission in 1994 and 1995 concerning the scientific monitoring quota for west Atlantic bluefin tuna.

**RESOLUTION FOR SCRS TO EVALUATE
THE APPROPRIATENESS OF THE CURRENT BOUNDARY
BETWEEN EAST AND WEST ATLANTIC BLUEFIN TUNA**

RECALLING that in order to control development of the fishery for bluefin tuna in the central Atlantic, the U.S. proposed in 1993 the establishment of a "cautionary fishing area" in the vicinity of the 45° West longitude boundary between the west and east Atlantic bluefin tuna management units;

RECALLING that the Commission adopted a Recommendation to (a) establish on an interim basis (until the end of 1995) a limit on the catch from the central Atlantic, and (b) conduct a thorough scientific review of the impact of harvesting in the central Atlantic on the west Atlantic bluefin tuna stock;

NOTING that the 1993 SCRS Report concluded that if bluefin tuna caught in the central Atlantic are from the west Atlantic stock, there will be important effects on the stock assessments, and consequently on the effectiveness of conservation measures;

NOTING that the 1996 SCRS Report indicates that there is a continuous fishery from the east coast of North America eastward beyond the current 45° West longitude boundary between the management units;

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

- 1) to request the SCRS to re-examine the boundary placed at 45° West longitude to determine if it should be changed in order to improve the accuracy of stock assessments and effectiveness of conservation measures.

**RECOMMENDATION BY ICCAT
ON LIMITATION OF SOUTHERN ALBACORE CATCHES**

RECALLING that, in response to continued indications of over-exploitation, ICCAT has implemented a measure to limit annual catches of southern albacore by countries fishing actively for this stock to not more than 90% of average annual catches taken between 1989 and 1993;

CONCERNED that improvements in historic catch data have resulted in estimates of average catches from 1989 to 1993 exceeding the current sustainable yield of the southern albacore resource, thereby negating the effectiveness of the current catch limitation;

NOTING that updated stock projections indicate that southern albacore biomass will continue to decline by the year 2005 at current catch levels of approximately 26,000 MT per year;

DESIRING to implement 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;

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

1. The existing catch limit on southern albacore be replaced with an annual catch limit of 22,000 MT for countries fishing actively for albacore in the Atlantic Ocean south of 5° North, with effect from January 1, 1998.
2. Those countries participating actively in the fishery for southern albacore initiate immediate bi-lateral or multi-lateral negotiations in order to achieve agreement on the division of this catch limit into national quotas before the implementation date of 1 January 1998.
3. This southern albacore catch limit be reviewed annually by the SCRS from 1997 onwards in order to revise it upwards or downwards, as necessary, to achieve the desired re-building of southern albacore biomass to MSY levels by the year 2005.

**RECOMMENDATION BY ICCAT
REGARDING NORTH ATLANTIC SWORDFISH CATCH QUOTAS
FOR 1997, 1998, AND 1999**

IN VIEW OF the results of the 1996 stock assessment on north Atlantic swordfish,

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

1. That the total allowable catch for north Atlantic swordfish be established at 11,300 MT in 1997, 11,000 MT in 1998, and 10,700 MT in 1999.
2. That country quotas be determined according to the Recommendation on establishment of percentage shares of north Atlantic swordfish adopted by the Commission in 1995, as follows:

<i>Country</i>	<i>Quota (MT) 1997</i>	<i>Quota (MT) 1998</i>	<i>Quota (MT) 1999</i>
Canada	1,130.0	1,100.0	1,070.0
Japan	706.25	687.50	668.75
Portugal	847.50	825.0	802.50
Spain	4,661.25	4,537.50	4,413.75
United States	3,277.0	3,190.0	3,103.0
Others	678.0	660.0	642.0
TOTAL	11,300.0	11,000.0	10,700.0

Annual under-harvests for each country may be added to the subsequent year's quota.

3. That, notwithstanding the over-harvest provisions in the 1995 sharing agreement, provisions of the "Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries", adopted at the 1996 Commission Meeting, shall be applied to the implementation of the country quotas in paragraph (2) above, for all countries except Japan. Each year is considered a separate management period, as that term is used in the Recommendation Regarding Compliance.
4. That, notwithstanding the over-harvest provisions in the 1995 sharing agreement, if Japan's landings exceed its quota in any year, the overage shall be deducted in subsequent years such that total landings for Japan shall not exceed its total quota for the five-year period commencing in 1997. When annual landings by Japan are less than its quota, the underage may be added to the subsequent years' quota, such that total landings for Japan do not exceed its total for the same five-year period. At the Commission meeting in the year 2000, the Commission shall conduct a comprehensive review of Japan's landings.
5. All countries catching swordfish in the north Atlantic should make all efforts to report catch, catch at size (by sex when possible) and effort statistics annually, even when no analytical stock assessment is scheduled. The SCRS should review these data annually.

This Recommendation is supplemental to the current regulations on the size limit of Atlantic swordfish.

**RECOMMENDATION BY ICCAT FOR AN EXTENSION OF
THE SOUTH ATLANTIC SWORDFISH MANAGEMENT MEASURES**

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

THAT Contracting Parties whose catches in the south Atlantic are greater than 250 MT shall not increase their catches during 1997 beyond their 1993 or 1994 level, whichever is the higher. Contracting Parties whose catches in the south Atlantic are less than 250 MT shall not increase their catch in 1997 beyond 250 MT.

NOTWITHSTANDING Article VIII, paragraph 2, of the Convention, the Executive Secretary shall bring to the attention of non-Contracting Parties, whose vessels fish for swordfish in the Atlantic Ocean, the measures being taken by the Contracting Parties and seek their cooperation in taking similar conservation measures consistent with the Recommendations of the Commission.

This Recommendation is supplemental to the current regulations on the size limit of Atlantic swordfish.

**RESOLUTION BY ICCAT REGARDING THE RELEASE OF
LIVE BILLFISH CAUGHT BY LONGLINE**

RECOGNIZING that the objective of ICCAT is to maintain populations of tuna and tuna-like fishes in the Atlantic at levels that will produce maximum sustainable yield;

CONSIDERING that the SCRS has determined that Atlantic blue marlin and white marlin are over-fished (total Atlantic - blue marlin stock abundance is at 24% of MSY, white marlin stock abundance is at 21% of MSY);

RECOGNIZING that the SCRS has indicated that one approach to reducing billfish mortality would be to release or tag and release live marlins caught recreationally or commercially;

RECOGNIZING that catch statistics are important to evaluate and plan the rebuilding of Atlantic marlin stocks;

NOTING that the United States has implemented sound conservation measures for recreational and commercial fishing that would facilitate the rebuilding of Atlantic marlin, and that some other countries have begun implementing the voluntary scientific tag and release program; and

RECOGNIZING that additional sound conservation assistance is necessary to facilitate rebuilding of the stocks of these important species;

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

- FIRST:** as recommended by the Third ICCAT Billfish Workshop (1996), Contracting Parties should promote the use of monofilament leaders (on hook gangions) to avoid hindering the live release of billfishes;
- SECOND:** the Contracting Parties concerned should report, at the 1997 Commission meeting, the costs and benefits of the use of monofilament leaders (on hook gangions);
- THIRD:** the SCRS improve catch statistics and information about post-release mortality of fish released live from commercial as well as recreational fisheries, in order to develop a recovery program for billfish;

ANNEX 5-10

**RECOMMENDATION BY ICCAT ON THE VALIDATION OF BLUEFIN
STATISTICAL DOCUMENTS BETWEEN ICCAT CONTRACTING PARTIES
WHICH ARE MEMBERS OF THE EUROPEAN COMMUNITY**

RECALLING the Recommendations and Resolutions in relation to the ICCAT Bluefin Tuna Statistical Document Program;

TAKING INTO ACCOUNT the structure of commercial transactions and landings of bluefin tuna in the Mediterranean, particularly between Member States of the European Community;

TAKING INTO ACCOUNT that the European Community constitutes a single market and that the commercial transactions between its Member States do not suppose imports in the sense implied in the Resolutions and Recommendations relative to the ICCAT Bluefin Tuna Statistical Document Program;

RECALLING the need to improve transparency of information in relation to the origin of catches and trade of bluefin tuna in the Mediterranean, until measures with this aim are adopted;

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

- FIRST:** That a Contracting Party which is also a Member State of the European Community can validate Bluefin Statistical Documents for bluefin caught by vessels which fly the flag of another Contracting Party which is a Member State of the European Community, when the aforementioned bluefin tuna are exported outside the European Community from the former Contracting Party, if these States submit Task I data.
- SECOND:** That the Contracting Parties which validate Statistical Documents in accordance with the First paragraph notify the Secretariat, which in turn will notify the other ICCAT Contracting Parties. The validation system established in this Recommendation will enter into force two months after the receipt by all Contracting Parties of such notification from the Secretariat.
- THIRD:** That ICCAT Contracting Parties which import bluefin tuna accept the Statistical Documents validated in accordance with the procedure described in the First paragraph.
- FOURTH:** That the ICCAT Contracting Party that validates the Statistical Documents in accordance with the procedure set out in the First paragraph will require from the bluefin tuna dealer which introduces it into his territory, the necessary documents validated by the parties involved in the contract of the transaction, which indicate the quantity of bluefin tuna acquired and the vessel which caught it.
- FIFTH:** That the Contracting Party which validates the Bluefin Tuna Statistical Document in accordance with the procedure in the first paragraph periodically send to the corresponding flag State a summary of the information contained in the validated Statistical Documents.

**RECOMMENDATION BY ICCAT
REGARDING BELIZE AND HONDURAS PURSUANT
TO THE 1994 BLUEFIN TUNA ACTION PLAN RESOLUTION**

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

RECOGNIZING the authority and responsibility of ICCAT to manage populations of bluefin tuna in the Atlantic Ocean and its adjacent seas, at the international level;

NOTING the need for all non-Contracting Parties fishing for bluefin tuna in the Atlantic Ocean and its adjacent seas to join ICCAT or cooperate with ICCAT's conservation and management measures;

RECALLING the Commission's past actions over many years to encourage Belize and Honduras to cooperate with ICCAT conservation and management measures for Atlantic bluefin tuna;

CONSIDERING the sighting of vessels of Belize and Honduras in the Mediterranean Sea during the closed season when the bluefin tuna are spawning;

TAKING INTO ACCOUNT the import data compiled from the ICCAT Bluefin Tuna Statistical Documents that must accompany bluefin tuna imports, and further taking into account that such data reveal significant exports of Atlantic bluefin tuna by Belize and Honduras;

EXPRESSING CONCERN with regard to the over-fished status of bluefin tuna in the Atlantic Ocean;

RECALLING the Commission's Action Plan, adopted in 1994, to ensure the effectiveness of the conservation measures for Atlantic bluefin tuna;

RECOGNIZING that effective management of bluefin tuna stocks cannot be achieved by Contracting Parties of ICCAT whose fishermen are forced to reduce their catches of Atlantic bluefin tuna unless all non-Contracting Parties cooperate with ICCAT in connection with its conservation and management measures;

CALLING ATTENTION to the 1995 decision by the Commission identifying Belize and Honduras as countries whose vessels have been fishing for Atlantic bluefin tuna in a manner which diminishes the effectiveness of the ICCAT bluefin tuna conservation measures, and recognizing that the decision was based on catch, trade and vessel sightings data;

CAREFULLY REVIEWING information regarding the efforts by the Commission to get the collaboration of Belize and Honduras over the past year, including recognition of the fact that there has been no response from Belize to the ICCAT requests, and limited response, but no action, from Honduras; and

NOTING that this Recommendation does not prejudice the rights and obligations of Contracting Parties based on other international agreements;

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

- a. Contracting Parties take appropriate measures, consistent with provisions of the "Resolution by ICCAT Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna", to the effect that the import of Atlantic bluefin tuna and its products in any form from Belize and Honduras be prohibited, effective from the time this Recommendation enters into force.

- b. The Commission again request that Belize and Honduras cooperate with ICCAT by fishing in a manner and extent consistent with ICCAT conservation and management measures and by providing catch statistics to ICCAT in accordance with ICCAT procedures.
- c. The Commission continue to encourage participation by Belize and Honduras in all ICCAT meetings.
- d. Contracting Parties lift the import prohibition on either of the two countries referred to in paragraph (a) above, upon the decision of the Commission and receipt of notification from the ICCAT Executive Secretary that fishing practices of that country have been brought into consistency with ICCAT measures.

**RECOMMENDATION BY ICCAT
REGARDING PANAMA PURSUANT TO THE 1994
ICCAT BLUEFIN TUNA ACTION PLAN RESOLUTION**

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

RECOGNIZING the authority and responsibility of ICCAT to manage populations of bluefin tuna in the Atlantic Ocean and its adjacent seas, at the international level;

NOTING the need for all non-Contracting Parties fishing for bluefin tuna in the Atlantic Ocean and its adjacent seas to join ICCAT or cooperate with ICCAT's conservation and management measures;

RECALLING the Commission's past actions over many years to encourage Panama to cooperate with ICCAT conservation and management measures for Atlantic bluefin tuna;

TAKING INTO ACCOUNT the import data compiled from the ICCAT Bluefin Tuna Statistical Documents that must accompany bluefin tuna imports, and further taking into account that such data reveal significant exports of Atlantic bluefin tuna by Panama over several years;

EXPRESSING CONCERN with regard to the over-fished status of bluefin tuna in the Atlantic Ocean;

RECALLING the Commission's Action Plan, adopted in 1994, to ensure the effectiveness of the conservation measures for Atlantic bluefin tuna;

RECOGNIZING that effective management of bluefin tuna stocks cannot be achieved by Contracting Parties of ICCAT who are forced to reduce their catches of Atlantic bluefin tuna unless all non-Contracting Parties cooperate with ICCAT in connection with its conservation and management measures;

CALLING ATTENTION to the 1995 decision by the Commission identifying Panama as a country whose vessels have been fishing for Atlantic bluefin tuna in a manner which diminishes the effectiveness of the ICCAT bluefin tuna conservation measures, and recognizing that the decision was based on catch, trade and vessel sightings data;

CAREFULLY REVIEWING information regarding the efforts by the Commission to get the collaboration of Panama over the past year, including recognition of the fact that there have been several responses from Panama to the ICCAT requests and exchanges in which Panama informed the Commission that Panama adopted a resolution designed to rectify fishing by its vessels inconsistent with ICCAT bluefin tuna conservation and management measures; and

NOTING information from the Bluefin Tuna Statistical Documents through October, 1996, that shows continuing exports of bluefin tuna at significant levels from Panama to Japan;

NOTING that this recommendation does not prejudice the rights and obligations of Contracting Parties based on other international agreements;

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

- a. Contracting Parties take appropriate measures, consistent with provisions of the "Resolution by ICCAT Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna", to the effect that the import of Atlantic bluefin tuna and its products in any form from Panama be prohibited,

effective from 1 January 1998, unless the Commission decides, on the basis of documentary evidence, at its 1997 meeting or before, that Panama has brought its fishing practices for Atlantic bluefin tuna into consistency with ICCAT conservation and management measures.

- b. The Commission again request and work with Panama to implement effectively its expressions of intent to cooperate with ICCAT by fishing in a manner and extent consistent with ICCAT conservation and management measures and by providing catch statistics to ICCAT in accordance with ICCAT procedures.
- c. The Commission continue to encourage participation by Panama in all ICCAT meetings.
- d. Contracting Parties lift the import prohibition on Panama referred to in paragraph (a) above, upon the decision of the Commission and receipt of notification from the ICCAT Executive Secretary that fishing practices of Panama have been brought into consistency with ICCAT measures.

**RESOLUTION BY ICCAT CONCERNING EFFORTS
TO IMPROVE THE COMPLETENESS OF TASK I STATISTICS**

CONSIDERING that the SCRS has expressed concern about the completeness of Task I reported statistics when vessels land their catches at foreign ports, including ICCAT Contracting and cooperative non-Contracting Parties;

RECOGNIZING that the ICCAT Port Inspection Scheme explicitly refers to inspection of transshipment or landings operations without discrimination between a Party's own vessels and those of other Contracting Parties;

RECOGNIZING the value of inspecting transshipment or landings from all vessels catching species that are under ICCAT mandate, including vessels of non-Contracting Parties;

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

1. That ICCAT Contracting Parties and cooperating non-Contracting Parties establish necessary internal measures to monitor foreign vessels that transship or unload at their ports to the extent practicable in order to provide appropriate documentation, as necessary and appropriate, on the species composition and weight of such landed species, the date of each transshipment or landing, and the geographical area where the vessel fished.
2. That ICCAT Contracting Parties and cooperating non-Contracting Parties transmit the information collected under paragraph 1 to the ICCAT Secretariat, which should then immediately transmit the information to the Party whose flag the landing vessel flies and who, as principle, requested such information, so that such Party can verify the completeness of its reported landings.

ANNEX 5-14

**RECOMMENDATION BY ICCAT REGARDING COMPLIANCE
IN THE BLUEFIN TUNA AND NORTH ATLANTIC SWORDFISH FISHERIES**

CONSIDERING that the 1996 SCRS has identified Atlantic bluefin tuna and north Atlantic swordfish stocks as over-exploited;

GIVEN that statistics indicate that some Contracting Parties have exceeded their catch limits; and,

RECOGNIZING that compliance with catch limits is essential to conservation of Atlantic bluefin tuna and north Atlantic swordfish.

THEREFORE, with respect to the harvest of bluefin tuna in the western Atlantic, the eastern Atlantic, and the Mediterranean Sea, and swordfish in the north Atlantic,

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

1. At the 1997 Commission Meeting, and each year thereafter, each Contracting Party whose landings, as provided in the Task I data, exceeded its catch limit for that species in the previous fishing year will explain to the Compliance Committee how the over-harvest occurred, and the actions already taken, or to be taken to prevent further over-harvest;
2. If, in the applicable management period, beginning in 1997, and each subsequent management period, any Contracting Party exceeds its catch limit, its catch limit will be reduced in the next subsequent management period by 100% of the amount in excess of such catch limit; and ICCAT may authorize other appropriate actions; and
3. Notwithstanding paragraph (2), if any Contracting Party exceeds its catch limit during any two consecutive management periods, the Commission will recommend appropriate measures, which may include, but are not limited to, reduction in the catch limit equal to a minimum of 125% of the excess harvest, and, if necessary, trade restrictive measures. Any trade measures under this paragraph will be import restrictions on the subject species and consistent with each Party's international obligations. The trade measures will be of such duration and under such conditions as the Commission may determine.

Treatment of Contracting Party under-harvest may be addressed as part of the Recommendation regarding total catch limits in the following management period.

**RESOLUTION BY ICCAT CONCERNING
LARGE-SCALE PELAGIC DRIFTNETS**

CONSIDERING that in November, 1993, and November, 1994, ICCAT adopted Resolutions in support of the Resolutions of the United Nations General Assembly, 44/225, 45/197 and 46/215, concerning large-scale, high seas, pelagic driftnets and their impact on the living marine resources of the world's oceans and seas, requesting its Contracting Parties to support these Resolutions;

CONSIDERING that it was brought to the attention of the Contracting Parties of the Commission that in 1995 such large-scale, high seas, pelagic driftnet fishing continued in the areas of ICCAT competence and that this activity in some fisheries was increasing;

CONSIDERING that the Commission continues to express its concern about the possibility that certain stocks under ICCAT mandate, as well as other marine resources, are being adversely affected by such fishing; and

CONSIDERING that the Commission has reaffirmed its commitment as regards the concept of responsible fishing, such as established within the framework of the FAO Code of Conduct,

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

REAFFIRMS the importance it gives to compliance with the Resolutions of the United Nations 44/225, 45/197 and 46/215,

EXPRESSES its appreciation for the individual and collective efforts made by some of its members to apply and support the objective of these Resolutions.

REITERATES its serious concern about the potential negative impacts that large-scale pelagic driftnet fishing can have on the marine resources of the Atlantic Ocean and Mediterranean Sea, and its intention to carefully monitor the repercussions of this fishing on these stocks.

APPEALS to all its Contracting Parties to apply these Resolutions in their entirety and inform the Commission and the Secretary General of the United Nations on the regulatory measures adopted with a view towards assuring their application, in accordance with the Decisions of the United Nations 47/443 and 48/445.

APPEALS to all its Contracting Parties to commit themselves immediately as concerns their application, assuring that their nationals and their fishing vessels comply with Resolution 46/215, to provide all the necessary data relative to these fisheries in order that the scientists can study the effects of the utilization of these gears, and imposing adequate sanctions on their nationals and on their fishing vessels that act contrary to the terms of Resolution 46/215.

CHARGES the Compliance Committee and the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) to monitor compliance with the U.N. Resolutions within the ICCAT Convention Area with a view to adopting adequate measures.

ANNEX 6

STATEMENTS PRESENTED TO THE PLENARY SESSIONS

- ANNEX 6-1 Statement by the Observer from Denmark (in respect of the Faroe Islands)
- ANNEX 6-2 Statement by the Observer from the CARICOM Fisheries Resource Assessment and Management Program (CFRAMP)
- ANNEX 6-3 Statement by the People's Republic of China
- ANNEX 6-4 Statement by the Observer from Taiwan
- ANNEX 6-5 Statement by Spain on Driftnets

ANNEX 6-1

**STATEMENT BY THE OBSERVER FROM DENMARK
(IN RESPECT OF THE FAROE ISLANDS)**

First of all I would like to thank the ICCAT Commission for the invitation to Denmark (in respect of the Faroe Islands) to participate in this meeting as an observer.

Due to the new distribution pattern of tunas in the north Atlantic, the Faroe Islands will consider membership in ICCAT in accordance with the provisions laid down in the United Nations Convention on the Law of the Sea relating to the conservation of the management of straddling fish stocks and highly migratory fish stocks.

The Faroe Islands is a self-governing community within the Kingdom of Denmark, with its own Government and Parliament, and consists of 18 islands situated in the middle of the north Atlantic Ocean, with a total area of 1,399 square km and a population of 45,000. The history of the Faroes can be traced as far back as the first Norse settlement of the Islands in the ninth century. The Faorese Parliament of *logting* dates back more than one thousand years. After the Home Rule came into force in 1948, the parliamentary work of the *logting* changed. Today, Foroya Landsstyri, the Faroese Home Government, administers those areas over which it has executive powers according to the Home Rule Act.

Fishing is the main industry and the fishermen have a long fishing tradition in Faroese and distant waters. In 1977, the Faroese Fisheries Zone (FFZ) was established and the area of the Faroese Fisheries Zone was dramatically extended, 167,000 square km., which is about half the size of the North Sea. The major stocks fished in the FFZ are cod, haddock, saithe. The fishery may be considered as a multi-fleet and multi-species fishery, the longliners fish mainly for cod and haddock, in addition some fish for ling, tusk, and Greenland halibut in deep waters. Most of the trawlers are pair trawlers fishing cod, haddock and saithe, and the deep sea trawlers fish red fish, blue ling, black scabbard, grenadier, and Greenland halibut. The jiggers fish mainly cod and saithe, and some vessels target monkfish and Greenland halibut by gill nets. No tunas have been caught in Faroese waters yet.

Denmark (in respect of Faroe Islands and Greenland) is a member of NAFO, NEAFCO and NASCO.

We will with great interest be following the proceedings and discussions during this meeting.

**STATEMENT BY THE OBSERVER FROM CARICOM FISHERIES
RESOURCE ASSESSMENT AND MANAGEMENT PROGRAM (CFRAMP)**

The CARICOM Fisheries Resource Assessment and Management Program (CFRAMP) wishes to express its support for the initiatives being taken by ICCAT, in particular, those relating to improving the quality of reporting of catch, effort and biological data, and compliance with emerging international standards for flag-state obligations. It notes with concern the status of large pelagic stocks in the Atlantic Ocean, and the relative stock lack of information and on-going research on smaller pelagic species which are of importance to a number of countries, and many fishing communities, e.g., wahoo (*Acanthocybium solandri*), king mackerel (*Scomberomorus cavalla*), serra Spanish mackerel (*S. brasiliensis*), blackfin tuna (*T. atlanticus*) and dolphinfish (*C. hippurus*). Whilst realizing and appreciating the tight financial and organizational constraints under which ICCAT operates, CFRAMP would like to suggest that greater attention should be given to such species. (It should be noted that in the fisheries for these species not insignificant numbers of tunas may also be caught.)

CFRAMP views the impact of ICCAT in the management of Atlantic tuna and tuna-like species to increase in the future and wishes to cooperate with ICCAT member nations, and non-contracting parties, to ensure the sustainable harvesting of those resources. A number of Caribbean countries view these resources as critical to their fisheries sectors, and particularly coastal and artisanal communities. The Standing Committee of Ministers of Agriculture (SCMA) of the Caribbean Community (CARICOM) has recently identified CFRAMP as the "lead agency for regional fisheries development" in its Regional Transformation Program. In this new regional lead role CFRAMP is especially pleased to work with the ICCAT Secretariat, ICCAT member nations and non-contracting parties to develop Caribbean fisheries in a sustainable manner, and to share information and experiences resulting from our Program.

CFRAMP has participated in ICCAT meetings since 1991 and has attempted to implement its activities, as informed by developments and information gained from this participation. Currently, CFRAMP's initiatives in areas of possible interest to ICCAT include:

- 1) Database development for catch, nominal effort, biological data, vessel and fisherman registrations and related data collection;
- 2) Sub-regional tagging program for *A. solandri*, *S. cavalla*, *T. atlanticus*, *C. hippurus*;
- 3) Initiation of Sub-Projects for small coastal pelagic species (Carangids, Clupeoids, etc.) and flyingfish (*H. affinis*);
- 4) Introduction of logbook and related observer programs;
- 5) Further development of fisheries management plans for participating countries.

The new lead regional role being assumed by CFRAMP, including coordination of the (European Union funded) CARIFORUM Fisheries Program for the Bahamas, Dominican Republic, Haiti, and Suriname, to be initiated in 1997, may also result in other activities of interest to ICCAT.

CFRAMP looks forward to increased cooperation with the ICCAT Secretariat member countries, and non-contracting parties, to ensure the ecological sustainability of pelagic fisheries, and the equitable allocation of these resources.

STATEMENT BY THE PEOPLE'S REPUBLIC OF CHINA

The Chinese Delegation was pleased to come to the city of San Sebastian to attend the Tenth Special Meeting of the International Commission for the Conservation of Atlantic Tunas. We were prepared and actually have already showed our willingness to cooperate with other delegations during the proceedings of the meeting. But to our extreme regret, the Commission has invited Taiwan of China as an observer to the meeting and even mistakenly placed Taiwan of China in the list of non-member countries in some of its documents. The Chinese Delegation strongly requests the Commission once again to correct the mistakes by circulating a document and wants to solemnly reiterate as follows:

The Chinese Delegation is of the view that the Commission is an inter-governmental organization, which is comprised of member countries of the United Nations or any of its specialized agencies. According to paragraph 3 of Article XI of the Convention and Rule 5 of the Rules of Procedure, only international organizations and a government which is a member of the United Nations or any specialized agency of the United Nations and which is not a member of the Commission may be invited to send observers to the meeting of the Commission. Therefore, the invitation to and admission of Taiwan of China as an observer do not conform to the Convention and Rules of Procedure, and are also in violation of the Resolution 2758 (XXVI) of the United Nations General Assembly, and should be rectified immediately. The Chinese Delegation wants to inform hereby the Commission that the Chinese Government will reserve the right to take further actions on this issue.

STATEMENT BY THE OBSERVER FROM TAIWAN

As the statement by the Delegation of the People's Republic of China mentioned the Resolution 2758 (XXVI) of the United Nations, we should like to point out that the Resolution in question is a product of a cold-war era ideological conflict. It deprives the 21 million people of the Republic of China of their fundamental rights to participate in United Nations activities. It is a great loss of the international society without the Republic of China's participation in the United Nations. For example, in 1994, the United Nations denied our donation of two million U.S. dollars for Ruanda refugees because the Republic of China is not a member state of the U.N. That is why, since 1993, thirty member states of the U.N. have urged the U.N. General Assembly to create an ad hoc committee to re-examine the obsolete Resolution 2758. On 19 September 1995, the General Assembly President Diego Freitas do Amaral clarified his position in his opening statement. Efforts must be made to ensure that all states which are not yet members should seek to be admitted in the near future.

Under these circumstances, may we suggest that the political issue between the two sides of the Taiwan Strait be discussed and settled by the U.N. General Assembly rather than in this Commission.

Furthermore, for the reference of this Commission, we should like to provide one example of the re-examination of earlier resolutions of the U.N. In 1945, the U.N. General Assembly passed Resolution 39 (1) prohibiting the Franco Government of Spain from participating in meetings and activities under the U.N. umbrella. This Resolution was revoked in 1950 by Resolution 386 (V) on the grounds that most U.N. special agencies had no political functions and were of a technical nature and dedicated to the welfare of the people of all nations. It resolved that each specialized agency should, with its own best interest in mind, decide for itself whether Spain should be allowed to participate in the agency's activities.

Finally, the observers from Taiwan should like to reiterate its strong will to cooperate closely with the ICCAT. Nevertheless, with the political intervention from the delegation of the People's Republic of China, we sincerely hope that the ICCAT maintain its firm position to deny political pressure from a new Contracting Party and safeguard its traditional honour and dignity.

ANNEX 6-5

STATEMENT BY SPAIN ON DRIFTNETS

In view of the continuance and development of fishing activities using driftnet gears, Spain once again expresses its serious concern about the reticent attitude of certain countries in applying the United Nations Resolutions on these gears, which have been supported by ICCAT Resolutions in recent years.

The undesirable effects of large catches, the negative impact on the environment and in particular on species subjected to international protection, as well as other additional problems, among them, the risk involved for navigation, should be sufficient reasons so that each and every one of the countries that want to exercise responsible fishing take all the necessary actions to eradicate these gears as soon as possible.

For this reason, Spain makes an appeal so that through the all our efforts we can attain this objective.

ANNEX 7

REPORTS OF SUBSIDIARY BODIES

- ANNEX 7-1 Reports of the Meetings of Panel 1 to 4
 Appendices 1 to 10
- ANNEX 7-2 Report of the Meeting of the Standing Committee on
 Finance and Administration (STACFAD)
 Table 1 - 1997 Commission Budget
 Table 2 - 1997 Member Country Contributions
- ANNEX 7-3 Report of the Fifth Meeting of the Permanent Working Group
 for the Improvement of ICCAT Statistics and Conservation
 Measures (PWG)
 Appendices 1 to 8
- ANNEX 7-4 Report of the Meeting of the Compliance Committee
 Appendices 1 to 4

REPORTS OF THE MEETINGS OF PANELS 1 TO 4

Report of the Meeting of Panel 1

1. Opening

1.1 Dr. L. Koffi (Côte d'Ivoire), Chairman of Panel 1, opened the meeting.

2. Adoption of Agenda

2.1 The Agenda was adopted without changes (Appendix 1 to Annex 7-1).

3. Nomination of Rapporteur

3.1 Dr. D. Gaertner (France) was designated Rapporteur of this Panel.

4. Review of Panel membership

4.1 The Executive Secretary pointed out that Libya has expressed a wish to join this Panel. Libya was welcomed as a new member of Panel 1.

4.2 Panel 1 is currently comprised of 19 members: Angola, Brazil, Canada, Cape Verde, Côte d'Ivoire, France, Gabon, Ghana, Japan, Korea, Libya, Morocco, Portugal, Russia, Sao Tomé and Príncipe, Spain, United Kingdom, United States and Venezuela. Of these member countries, Cape Verde and Gabon were absent from the 1996 Panel 1 Meeting.

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

5.a Yellowfin

5.a.1 Dr Suzuki (Japan), the SCRS Chairman, reviewed the main points of the Report of the SCRS (Item 6 on the Agenda of the Commission). With regard to yellowfin, he noted that current catches are slightly lower than MSY (estimated to be around 150,000 MT). This stock is therefore close to the full exploitation level.

5.a.2 In answer to the question raised by the United States on the actions which the Contracting Parties were to have initiated in 1995 to reduce mortality on juveniles, the SCRS Chairman replied that nothing had been done and that the SCRS maintained this recommendation.

5.b Skipjack

5.b.1 Dr. Suzuki explained that skipjack is considered to be a species with high potential for exploitation, due to its particular biological characteristics. Although this stock is at present in a healthy state, the increase in the catches, linked to the use of fish aggregating devices (FADs), should be closely monitored.

6. Measures for the conservation of stocks

6.a. Yellowfin

6.a.1 At the request of the Panel Chairman, Dr. Suzuki reminded the Panel that the 15% tolerance limits (in number of fish) for catches of juvenile yellowfin of less than 3.2 kg had not been respected (juvenile catches were about 50% of the total yellowfin catches in 1995).

6.a.2 The Delegate of United States regretted that the "Resolution on Atlantic Yellowfin Tuna" proposed by his country in 1995 and adopted by the Commission, as regards the reduction of juvenile catches, had not been observed. The United States had implemented a domestic measure with the aim of limiting fishing effort (not authorizing certain gears which seem to be destructive, obliging commercial and recreational fleets to supply statistics, etc.) and had established a minimum size clearly larger than that adopted by ICCAT. The United States proposed a Recommendation on the mortality of juvenile yellowfin tuna.

6.a.3 Recognizing the economic importance of this resource to his country, the Delegate of France pointed out that the measures aimed at reducing the mortality of juveniles should not be limited to yellowfin. In order to increase the effectiveness of the application and control of these regulations, the Delegate of France proposed that in depth scientific research should be carried out to identify time-area strata in which the use of FADs could have an important effect on juvenile mortality; and that technological research on fishing gears be undertaken (selectivity, detection of fish size, etc.), and to establish dissuasive commercial measures with the aim of involving the dealers in the management regulations of the Commission.

6.a.4 Spain supported the principle that all regulations should be based on scientific analysis, and raised the possibility of funding by the European Union to finance studies on multi-species tuna fisheries. The Delegate of Spain informed the Panel that the scientists of his country had conducted a study of size frequencies during 1996, and that the results of these analyses would be available in 1997.

6.a.5 Japan noted that the yellowfin stock was not over-fished, but the real problem was the high level of catches of juveniles using FADs. It was therefore unnecessary to acquire new data in order to take measures directed towards the reduction of mortality of yellowfin of less than 3.2 kg. As a result, he proposed that those countries whose fleets used FADs should be given a period of three years to reduce their catches of juveniles to the tolerance limits of 15%, through the regulations on the use of FADs and time-area closure.

6.a.6 The Delegate of Portugal noted that before considering the implementation of regulation in the form of quotas, a state of over-exploitation should be avoided, and therefore supported the proposal made by Japan.

6.a.7 The United States noted that there was little difference in the opinions of the various members of the Panel, and proposed the creation of a small group to re-draft wording of the Recommendation.

6.a.8 After the Delegates of France and Spain had reiterated their concerns about the efficiency and applicability of measures taken in the absence of better scientific knowledge, Dr. Koffi requested the SCRS Chairman to summarize the scientific advice on the subject.

6.a.9 Dr. Suzuki confirmed the multi-species characteristics of the fishery, and added that the SCRS had tried to obtain information on the time-area distribution of juveniles. He recalled that the concept of a size limit of 3.2 kg was originally a measure taken by the purse seiners of the United States in the east Pacific, for reasons related to the canning industry. The SCRS Chairman pointed to the conflicting problem of the need to obtain more accurate data without infinitely delaying the taking of a decision.

6.a.10 The Panel Chairman summarized the different opinions expressed. The United States and Spain considered that the multi-species nature of the tropical fisheries required that the issue of a reduction in juvenile mortality also be referred to Panel 4 for discussion, since it also involved bigeye juveniles, which is part of the mandate of Panel 4.

6.a.11 Given that Canada had expressed concern that to delay taking a decision would be contrary to the precautionary approach, Dr. Koffi decided to wait for Panel 4 to express an opinion about the mortality of bigeye juveniles.

6.12 Mr. I. Nomura, as Chairman of Panel 4, convened a small group comprised of France, Japan and Spain, who are members of both Panels, to draft the Recommendation concerning tropical tunas (including yellowfin and bigeye tunas).

6.13 Although he recognized the difference in competence between Panels 1 and 4, France justified the choice by citing the multi-species nature of the fisheries.

6.14 The ICCAT Executive Secretary pointed out that Article VIII, paragraph 1.b.iii, of the Convention permits the Commission to make the same recommendation at the proposal of two distinct Panels.

6.15 The Assistant Executive Secretary wondered whether skipjack should be included in the concept of "tropical tunas", so that the Recommendation would also apply to that species.

6.16 France and Japan specified that the Recommendation referred only to yellowfin and bigeye, and the case of skipjack had not been considered.

6.17 The Chairman of the Panel requested that the general term "tropical tunas" be changed so that the names of the two species being retained appear in the title of the Recommendation.

6.18 At the request of Dr. Koffi, the Delegate of France read the Recommendation. He mentioned the need to collect supplementary statistical information before putting the regulatory measures into effect. The procedure of collecting data rested on a program of scientific observers on board purse seiners which used FADs, as well as on board other fishing vessels, and on interview to be conducted with fishermen using FADs. On the basis of the results obtained from the stock assessment sessions of the SCRS in 1997, the Commission should establish measures which would guarantee the maintenance of stocks and the rational use of FADs.

6.a.19 A discussion took place between the United States and France on the clarification of the logic of the methodology put forward in the Recommendation.

6.a.20 Spain and Japan reaffirmed their support for this Recommendation. Japan noted, however, without prejudicing the results, that it would be necessary to discuss the regulations on FADS in 1997.

6.21 Following the new explanations by France in relation to the logic involved in the process, the Delegate of the United States proposed some semantic modifications, and expressed his satisfaction with the response which he had received, and as a result supported the Recommendation.

6.22 After reviewing the revised text, and following the adoption of the same revised text by Panel 4, the "Recommendation by ICCAT on Bigeye and Yellowfin Tunas" was adopted by Panel 1 and forwarded to the Commission for final approval. It is attached as Annex 5-1 to the 1996 Commission Proceedings.

6.b Skipjack

6.b.1 The Panel did not make any comments regarding conservation measures for this species.

7. Research needed to be carried out

7.1 The SCRS Chairman informed the Panel about the ambitious program for bigeye research, proposed by the 1996 SCRS. This program would supply useful information about the time-area distribution of juvenile yellowfin, skipjack and bigeye tunas.

8. Date and place of next meeting

8.1 The Panel decided to hold its next meeting at the same time and place as the next Commission meeting.

9. Other matters

9.1 The Delegate of Spain asked whether, given the multi-species nature of tropical fisheries, bigeye tuna (at present included under Panel 4) should be studied instead under Panel 1. This same question was raised by Portugal (who noted that the SCRS studies bigeye under tropical tunas, together with yellowfin and skipjack tunas.), and by France.

9.2 The Executive Secretary responded that a decision by the Commission would be sufficient so that bigeye tuna can be studied under Panel 1, instead of Panel 4.

10. Adoption of Report

10.1 The Report of Panel 1 was adopted.

11. Adjournment

11.1 The 1996 Meeting of Panel was adjourned.

Report of the Meeting of Panel 2

1. Opening

1.1 The meeting was opened by the Panel Chairman, Mr. L. Lahliou (Morocco).

2. Adoption of Agenda

2.1 The Agenda was adopted and is attached as Appendix 1 to Annex 7-1.

3. Nomination of Rapporteur

3.1 Dr. L. Kell (United Kingdom) served as rapporteur for the meeting.

4. Review of Panel Membership

4.1 The Chairman noted the current Panel membership (Canada, France, Japan, Republic of Korea, Libya, Morocco, Portugal, Spain, United Kingdom, and United States). Libya was welcomed as a new member to Panel 2. All the Panel members were present.

5. Report of Standing Committee on Research and Statistics (SCRS)

5.a North Atlantic albacore

5.a.1 The Chairman of SCRS explained that north Atlantic albacore is assessed using virtual population analysis (VPA) and that catches have fallen from a peak of 60,000 MT in the 1960s to 40,000 MT in 1995 mostly due to a reduction in the fishing effort of longliners and trollers. At the beginning of the 1980s new methods using driftnets and mid-water trawlers were developed and catches have now stabilized, as evidenced by the good catches of large sized albacore were taken by Spain and Portugal around the Azores in 1995.

5.a.2 The VPA results show that population trends and fishing mortality is relatively stable and yield per recruit analyses show that the stock is fully exploited and slightly below MSY. However, when the uncertainty in the assessment is taken into account the stock is considered to be fully exploited. Management recommendations are therefore that fishing mortality should not increase above current levels.

5.a.3 There were no questions to the Chairman of SCRS.

5.b West Atlantic bluefin tuna

5.b.1 The Chairman of the SCRS stated that north Atlantic bluefin tuna is managed as separate eastern and western stocks although there is some mixing and even minor mixing could, in principle, have a marked effect on stock assessments based on the assumption of two distinct stocks, due to the difference in population size between the two stocks (stock size in the east Atlantic and Mediterranean stock is greater than in the west). However, the assumption of no mixing should be reasonably robust, if adequate management approaches are applied to both the eastern and western Atlantic management units.

5.b.2 Virtual population analyses (VPA), and an age-specific production model (ASPM) were used to respond to Commission questions about stock recovery in a specified time frame. The spawning biomass in 1975 was taken to be representative of the MSY level and several projections with a variety of constant catch scenarios were

performed. The SCRS Executive Summary Report showed that 3,000 MT could not be sustained, whilst 2,500 MT can be sustained, and cause spawning stock to gradually increase. To ensure recovery, a catch of 2,000 MT could be set as there was a 50% probability of recovery with a catch of 2,500 MT and a 90% probability with a catch of 2,000 MT. However, if the Commission wished to return the stock to the MSY level within 20 years the current catch must be reduced to 500 MT.

5.b.3 The highest uncertainty in the assessment is in the stock recruitment relationship as during the past 20 years there has been a significant decline in the spawning stock. Recruitment appears to have stabilized although the spawning stock remains very low. If there is an increase in the recruitment level the projections might not be reliable.

5.b.4 The Delegate of Canada requested clarification from the SCRS Chairman as to whether the current level of spawning stock biomass (SSB) is 13% of that required to support the MSY level, and whether a catch of 2,500 MT was both sustainable and allowed SSB to increase over twenty years to twice the 1995 level. He asked first whether this would mean that in 20 years the SSB would be 26% of the level required to support MSY, and second, what level of harvesting would allow the SSB to recover to half the MSY level in twenty years. The SCRS Chairman confirmed the first assumption, and replied that whilst he did not have the exact figure to hand he believed that catches would have to be decreased by 50% of the 1995 level.

5.c East Atlantic and Mediterranean bluefin tuna

5.c.1 Management recommendations based on the stock assessment reflect the depressed state of the stock, and according to the projections a constant catch of 30,000 MT is not sustainable. A catch of 25,000 MT, however, would result in an increase in the spawning stock biomass. If, as requested, the Commission wished to restore the stock to the MSY level in 20 years, the catch should be decreased to 20,000 MT. As explained for western bluefin tuna the stock recruitment relationship appears to have undergone a change in the mean level of recruitment. Recent recruitment is much increased compared to the previous decade. If recruitment is expected to remain high, a constant catch of 20,000 MT appears sustainable. However, if the Commission wants to be reasonably sure about recovery to the MSY level the catch should be reduced to 15,000 MT.

5.c.2 The U.S. Delegate asked the SCRS Chairman whether the recommendation of a 30% reduction in catch to 25,000 MT was to be implemented immediately or by 1998. The Chairman of the SCRS responded that the catch should be reduced immediately. The U.S. Delegate stated that he would raise this issue under the Item on management.

5.d Mixing of east and west bluefin tuna

5.d.1 The U.S. delegation noted that the SCRS was working to resolve the issue of mixing between the eastern and western stocks and asked how long it would take to resolve and what authority the SCRS needed to proceed.

5.d.2 The SCRS Chairman replied that with funding of scientific research, especially archival tagging, that at least five years might be required. To solve the mixing problem, extensive tagging, including archival tagging, was essential. He also added that "pop up" archival tags where data are recovered via satellite and do not require capture of the tagged fish would be of great help.

5.d.3 The United States delegation then asked about the arbitrary dividing line between the east and western management areas of bluefin tuna. According to the SCRS Executive Summary Report, the aggregation of catches follow a pattern parallel to the Gulf Stream and flows from west to east. He asked for clarification of the reasons to believe that this line should be adjusted and whether there was any additional scientific evidence that could show that the western stock flows over the current dividing line.

5.d.4 The Chairman of the SCRS agreed with the U.S. delegation that the dividing line was artificial and that there was some correlation between the fishery and the Gulf Stream. Tagging experiments in the 1950s and 1960s showed that of the fish released in the Miami/Bahamian straits area 10 were recovered near Norway. Tagging experiments also showed that four fish tagged in Norway were captured near the straits of Gibraltar, apparently en route to the Mediterranean. A higher number of tag recoveries (about 60) have also been recorded between the east coast of the U.S. and the Bay of Biscay and of fish released from the east coast of the U.S., several were recaptured in the Mediterranean.

5.d.5 As to whether it is appropriate to move the east/west dividing line, the Chairman of the SCRS thought that this was not wise unless more information was available on mixing rates for all segments of the populations.

5.d.6 The Delegate of Canada quoted from the SCRS Report in regard to mixing models "It should also be noted that the grave condition of the east Atlantic stock and fishery could adversely affect recovery in the west Atlantic. Mixing models indicate that even a relatively low rate of mixing could be important, although these models are not yet reliable enough to quantify the effect" (section BFTE-6, paragraph 4) and asked the Chairman of the SCRS to comment on these conclusions. Dr. Suzuki expressed the opinion that as the catches of juveniles in the eastern Atlantic and Mediterranean were very substantial, and as the eastern stock was bigger than the western stock, there could be a significant impact on the western stock, even with minor mixing.

6. Measures for the conservation of stocks

6.a *North albacore*

6.a.1 The Chairman stated that there were no conservation measures in effect but it was recommended that fishing effort should not increase.

6.a.2 The Delegate of France recognized that the stock was fully exploited and revealed plans by France of a licensing system to limit the number of vessels in the albacore fishery. The fleet consisted of 69 drifters using nets limited to 2.5 km in length, 38 pelagic pair trawlers and 20 baitboats and not all the licenses have currently been taken up. This is an attempt at systematic management and control of fishing activity and landings using a sophisticated monitoring system limiting fishing effort rather than catches. The Delegate stated that this was the best form of management for this stock and this approach could be applied to other stocks.

6.b *West Atlantic bluefin tuna*

6.b.1 The Chairman of the SCRS referred to the Executive Summary Report, noting that if the Commission wanted to rebuild the stock rapidly to the MSY level within 20 years, a total catch of 500 MT should be set. A catch of 2,500 MT could be sustained if the Commission were satisfied with a 50% probability of having slowly increasing spawning stock size over 20 years, but if the Commission wished to be reasonably sure (i.e., have 90% probability) of at least maintaining the status quo, the catch should be reduced to approximately 2,000 MT.

6.b.2 The Delegate of Japan noted that this fishery had been regulated since 1982, with drastic reductions in catches in that year by all fishermen (from Canada, Japan and the United States). He added that since then the fishery had been closely monitored and the allowable catch revised many times, and that the record of compliance was excellent.

6.b.3 He considered that the quality and robustness of scientific analysis is sound, if not perfect, and that on the basis of the SCRS report it would be possible to increase the scientific monitoring quota from 2,200 to 2,500 MT, even though this would not be sufficient to recover to a level which would support MSY in the short term, it would still give an opportunity, with some level of safety, for the stock to increase. Those countries that rigorously complied should benefit and he strongly proposed that the new scientific monitoring quota should increase to a level as close as possible to 2,500 MT. He added that it would be necessary to allow for unreported catches, minor fishing nations or discards.

6.b.4 The Delegate of Japan then referred to the issue of the allocation between the major fishing nations, the United States, Canada and Japan. The Commission was well aware of the sacrifice made by Japanese fishermen in 1994 to help to conserve the stock and that their fishermen suffered the most. While he did not regret the actions taken, he wished to stress that some fisheries by necessity had to discard fish and that these discards as well as the catch should be considered when new quota were being allocated. While he congratulated the proper reporting of discards to the SCRS and the Commission, the issue of allocation between major players in this fishery needs to be addressed from a socio-economic perspective rather than from a scientific perspective.

6.b.5 The Delegate requested an increase in Japan's allocation given that Japan had complied with the quota agreed in 1994. He hoped that a reasonable agreement could be reached, based on the goodwill of the other major fishing nations.

6.b.6 The Chairman suggested that the quota allocations should be a matter for informal discussions among the countries involved.

6.b.7 The U.S. Delegate was pleased to note that progress had been made in relation to western bluefin as the decline had been arrested and the fishery was now at a sustainable level. He also recognized that Japan had made a sacrifice in setting the scientific monitoring quota and if the current fishery allowed, he would agree to some increase in the Japanese quota. He stated that the United States would be pleased to work with Japan, Canada and the U.K. to develop a total scientific monitoring quota for western Atlantic bluefin to set fishing mortality (when factored with discards and non-Contracting Parties catches) at the 2,500 MT level with a total scientific monitoring quota of 2,354 MT. The United States, Japan, Canada and the United Kingdom would discuss the issue informally and report to the Panel.

6.b.8 The Delegate of Canada stated that they were prepared to work with Japan, the United States and the United Kingdom. He expressed his concern, however, regarding total F. The scientific advice stating that total F should not exceed 2,500 MT catch level should be followed for two or three years, as the next stock assessment would not be held until 1999 and this should be taken into account.

6.b.9 The United Kingdom stated that they would be pleased to join the informal discussions with Japan, Canada and the United States.

6.b.10 The Chairman deferred discussions until the quota allocation had been determined by the four countries involved. At the same time, the Panel would draft a resolution to address the issue of the stock boundary.

6.b.11 At a later session, the Chairman stated that there were two proposals to consider on this species; the setting of a scientific monitoring quota and its allocation between the United States, Canada, Japan and the United Kingdom (Bermuda) and the recommendations by the United States concerning management measures.

6.b.12 The United States Delegate then informed the Panel that following lengthy consultations between delegations, management measures were proposed for western Atlantic bluefin tuna. The SCRS estimated that a scientific monitoring quota of 2500 MT was sustainable and that there was a 50% probability that the spawning stock would slowly rebuild to about twice its 1995 size over a period of 20 years. Therefore, whilst the spawning stock biomass would not attain the MSY level within a 20-year time frame, the decline would be halted.

6.b.13 The catch in 1995 was greater than the scientific monitoring quota so the quotas for 1997 and 1998 would have to be less than 2,500 MT. The scientific monitoring quota is therefore set at 2,354 MT and the allocations for Canada, Japan, the United States and the United Kingdom (Bermuda) are detailed in the document. The United States delegate stressed the need to minimize discards so that the scientific monitoring quota is not exceeded.

6.b.14 The Japanese delegate thanked the United States for their recommendation and stated that this resulted from the goodwill and sincere discussions held between the various parties. It included all the things that Japan had appealed for. He then thanked Canada, the United States and the United Kingdom and proposed that the recommendation be adopted.

6.b.15 The Delegate of Canada confirmed support for the recommendation and supported its adoption.

6.b.16 The United Kingdom delegate spoke in support of the recommendation and stated that Bermuda had enacted domestic legislation to prohibit the taking and landing of bluefin under 30 kg and would like to be included in the relevant sections of the recommendations.

6.b.17 The *"Recommendation to Establish a Scientific Monitoring Quota for Bluefin Tuna in the Western Atlantic for 1997-1998"* was adopted by the Panel and forwarded to the Commission for its consideration (see Annex 5-4 to the Commission Proceedings).

6.c East Atlantic and Mediterranean bluefin tuna stocks

6.c.1 The Chairman of the SCRS stated that the management recommendations were not being observed and that this was a matter of great concern.

6.c.2 The Japanese Delegate distributed a summary of catches and stated that there were two issues to be raised in regard to the eastern stock. The first was the overall catch limitation and the Delegate expressed his concern about increased catches in recent years by Contracting and non-Contracting Parties. In 1994, when a schedule to reduce catches was adopted, it was assumed that the 1995 catch was no more than 40,000 MT. SCRS reported that 30,000 MT is not sustainable and the required catch is 25,000 MT. The SCRS Chairman considered it should be imposed immediately. On the other hand, a management schedule has already been agreed and other factors including socio-economic ones could not be ignored. Last year France had indicated a willingness to use a figure less than the average of the 1993 and 1994 catch levels to set a threshold of about 7,000 MT. Furthermore, some non-Contracting Parties which had increased catches had been identified. The Chairman of the Commission was asked to write to these non-Contracting Parties (Italy, Taiwan, Greece, Malta and Croatia). It was decided that this year additional countries needed to be reminded of the concern by the Commission (Algeria and Tunisia) and must be requested to reduce catches.

6.c.3 From the distributed figure it was seen that France was keeping to its commitment, while other countries were expected to live up to the requests by the Commission. The distributed figures show that if these steps are taken to rectify the situation, the goal of 25,000 MT would be met, suggested by SCRS. It was unacceptable that those countries which have been observing the recommendations should have to suffer. Japan saw no need to change current measures until 1998.

6.c.4 The Japanese Delegate also raised a point in regard to the spawning season in the Mediterranean, which had been discussed in recent years and had also been discussed by GFCM. It was then stated that fishing methods other than longlines should also be prohibited in the spawning season during June and July.

6.c.5 The Delegate of Spain first congratulated Japan for the document that they presented and agreed with Japan on the importance of the role of non-Contracting Parties in the regulation of the fishery. Spain was concerned about the number of fleets in the Mediterranean using very different gears, given that Spain had an very important fleet in the Mediterranean and the socio-economic implications were great. He noted that fishing with longlines and driftnets throughout the Mediterranean interferes with other fishing activities. He added that whilst tuna species, including bluefin, and resource conservation were very important, the implementation of a moratorium would cause suffering in the fishery sector, and insisted on the need to control non-Contracting Parties. While convinced of the need to respect the law and comply with GATT, he stressed the need to prevent landings from countries which did not comply with the management measures. In the case of the Mediterranean, Spain expressed its commitment to comply with current ICCAT measures. Non-Contracting Parties must apply the same rules as Contracting Parties, or stocks would be depleted within five years. He stated that Spain was enacting management measures not only for bluefin but for other species as well.

6.c.6 The Spanish Delegate then discussed closed areas for purse seiners for either June or July and expressed a preference that he would prefer to restrict fishing in only one of these months. There were economic implications as the greater part of the catch was exported to Japan and the fishery operated in May and June.

6.c.7 The Spanish delegate then considered the problems of controlling fishing effort. Helicopters are used to locate schools and this has had resulted in an exponential increase in tuna catches. The prohibition of aerial spotting methods would help to restrain effort. There was also a need to improve statistics of all kinds. The European free market had made it difficult to determine the origin of landings, and this issue needed to be addressed. He echoed the concern of Japan about new countries entering the fishery, and the lack of statistical information from these.

6.c.8 The Delegate of France stated that it was necessary to limit catches to reduce fishing mortality, and detailed a plan to introduce a license system to control effort. This plan involved identifying that part of the French fleet which targets mainly bluefin, and then reduce that fleet. Such an approach need not be limited to bluefin but could be applied to other species as well. There was also a need to protect the spawning stock and juveniles.

6.c.9 The French Delegate then gave a detailed description of spawning as related to fishing activities in the Mediterranean during June and July and stated that if adults are protected, then juveniles should also be protected during August.

6.c.10 He referred to a third statistical problem in relation to established methods based on log books and the Bluefin Statistical Document. He agreed that France transhipped to Spain and transferred catches to Japanese freezer ships in French ports, after transport by road. This was normal practice it was not possible to interfere with economic

realities. There was a need to cross reference documents in order to ascertain the origin of fish. This was not always possible as there were local outlets, but as most was exported, the Bluefin Statistical Documents could be used.

6.c.11 The French Delegate then stated that non-Contracting Parties which did not comply with ICCAT regulations needed to be punished, as otherwise it would be difficult to achieve compliance of our own fishermen.

6.c.12 The Delegate of Canada recalled that according to the SCRS, spawning stock biomass is 19% of that required to achieve MSY, the numbers of fish greater than 8 years old is decreasing and fishing mortality has greatly increased between 1970 and 1995. Advice states that F on young fish is too high and that a catch of 25,000 MT is required to maintain the status quo. The SCRS expressed grave concern on catch statistics from the Mediterranean and stressed the need for improved log books and size sampling. The delegate stated that he was concerned about catches of both Contracting and non-Contracting Parties and urged all to consider the SCRS plan to address these concerns, as this was important for those who depended on these stocks. He added that the eastern stock could have an influence on the western stock.

6.c.13 The U.S. delegate agreed with Canada and stated that the problems of the eastern and Mediterranean stocks is the greatest emergency facing ICCAT, and was a tragedy in the making. He recalled that two years ago the U.S. proposed that countries fishing in the region take management measures to reduce the population decline and cap catches. Since that time catches have increased dramatically from 20,000 MT in 1992 to 40,000 MT in 1995, and believed that the fishery would soon collapse if this level of fishing continued. As no action has been taken, catches continue to increase. The migration of the stocks between the east and west implied that United States and Canada had an interest in both stocks, as according to the SCRS a collapse in the east would gravely affect the west. He suggested that countries fishing eastern stocks implement an action plan.

6.c.14 The United States Delegate then observed that catches by Panama had increased from 0 in 1992 to at least 1,300 MT in 1995, the same level as the U.S. catches. Contracting Parties found it very difficult to regulate their fishermen when the fishing of non-Contracting Parties is not regulated, and therefore future action is needed to address the urgent issue of eastern bluefin.

6.c.15 The Delegate of Spain stated that a ban on landings was a very effective measure to control the fisheries of non-Contracting Parties and also suggested a ban on aerial sighting of tuna schools.

6.c.16 The Delegate of Japan stated that Japan managed its quotas by fishing year rather than by calendar year. He also stated that the SCRS had data that would describe the surface fishery operating in the Mediterranean during June and July which targeted the spawning stock, and that this would allow the Commission to make a reasonable decision.

6.c.17 The Chairman of the SCRS stated that data were available for June and July and might allow management measures for adult fish to be proposed. The Secretariat added that purse seiners catch large fish in June and July and catch smaller fish later in the year, but that the issue was complicated as the data on time and area are not adequate.

6.c.18 The Delegate of Korea stated that the catch by non-Contracting Parties was 40% of the total and so future effective management is needed. The delegate then discussed the differences in catches between purse seine and longline fleets in the Mediterranean and stated that whilst longlines target the larger fish purse seiners exploit both large and small bluefin tuna. This is a particular problem in the second half of the year when a great amount of small and undersized fish are taken.

6.c.19 The Delegate of Canada referred to the NEI (nowhere else included) catches and asked the Secretariat to elaborate. The Assistant Executive Secretary referred to the detailed bluefin report and the GFCM report (COM/96/22). All the NEI catches should not be assigned to non-Contracting Parties as most were due to differences between reported landings by Contracting Parties and estimated exports from the Bluefin Statistical Documents.

6.c.20 The Delegate of France referred to the problem of statistics and said that there were problems due to transshipment. The delegate stated that the fishery on spawning fish in the Balearic Islands targets older fish which have reproduced in that period and are not caught elsewhere within the Mediterranean. He considered it most appropriate to protect small fish so that they could grow and renew the stock.

6.c.21 The Portuguese Delegate stated that there were two major issues, the protection of juveniles and spawning stock biomass and conservation measures to regulate Contracting and non-Contracting Parties, in order to avoid over-

exploitation of the resource. Whilst closed areas were not suitable conservation measures for tunas, he considered that the use of FADs should be controlled. The delegate did not react positively to sanctions but would support the banning of illegal catches.

6.c.22 The United States Delegate agreed that the proposal by Spain to ban landings would help to halt the decline of the eastern stock. A trade import ban was being considered in the Permanent Working Group, other options included time and area closures and gear restrictions, but a complete policy was needed to bring catches down to 25,000 MT immediately.

6.c.23 The Delegate of Japan referred to the letter sent to Italy by the Commission Chairman last year and then stated that regulations covering the protection of the spawning stock should be applicable to all gears. The delegate then stated that a landing ban attempting to identify specific catch categories might be difficult to implement.

6.c.24 The SCRS Chairman briefly outlined the spawning behavior of tuna and stated that bluefin had a much reduced spawning range compared to other species and that the western stock spawned over four to six 5 x 5 degree squares and the eastern stock spawned over an area about twice this size near the Balearic Islands, although the total area was still small. He also considered the protection of juveniles the most important issue.

6.c.25 The Chairman then summarized the discussion. The delegates were all in agreement that it was important to be very strict in implementing the 1994 and 1995 Recommendations and to consider the ICCAT Bluefin Tuna Action Plan. Action was also to be taken on those non-Contracting Parties which were not complying with the regulations. There was a major need to protect juveniles and the spawning stock and there was a proposal by Japan to ban all gears during the spawning season. This proposal had been seconded by Spain and Korea. Statistics needed to be improved so that the origin of catches can be distinguished.

6.c.26 The Delegate of Spain responded that the control of fishing effort by banning aerial surveys should also be considered.

6.c.27 The Chairman stated that the major issues could be pursued in an informal group before the Panel met again. Spain, France and the United States expressed their agreement.

6.c.28 The observer from Iceland stated that a research fishery had been conducted in the Icelandic EEZ and that Iceland intended to continue such efforts next year. The observer stressed that the members of ICCAT do have certain obligations towards Iceland and other coastal states. The Statement by the Observer from Iceland is attached as Appendix 2 to Annex 7-1.

6.c.29 The United States suggested elements of an Action Plan which would include restrictions on catches of under sized fish less than 1.8 kg since there is a flourishing market in these fish and a large number are landed. The banning of possession and sale of such fish and the introduction of the relevant national legislation should be considered as should the restriction on the use of FADs and fishing during the spawning season. Other issues to be addressed were the landings of non Contracting Parties and a prohibition of transshipment at sea.

6.c.30 The Delegate of Canada expressed support for the measures outlined by the U.S. but wished to highlight the problem of the provision of accurate statistics, as in the absence of accurate statistics it was not possible to regulate the fishery and there was a need to ensure that conservation objectives were being met.

6.c.31 The Japanese Delegate requested that his delegation be consulted on the issue of prohibition of landings and of restrictions on the taking of small fish.

6.c.32 At a later session, the Chairman stated that a small informal group had drafted two recommendations (circulated to the Panel as Documents 73 and 74). The first proposed the prohibition of the purse seine fishery during August 1 to 31, and aerial sighting during June. The second concerned the protection of fish less than 1.8 kg in the eastern Atlantic and Mediterranean, and the guarantee of greater transparency and more reliability of statistics with the aim of identifying the origin of catches.

6.c.33 The Spanish Delegate wished to clarify that flag states of vessels which receive transshipment of bluefin tuna from fishing vessels should also adopt measures to ensure compliance with this recommendation.

6.c.34 The Japanese Delegate expressed a concern about the double issuing of bluefin statistical documents by both flag and exporting countries. Also the bluefin statistical documents were intended to provide information on catches, so there could be some confusion. However, it would be sufficient for Contracting Parties that provide good data and so he did not foresee any problem with France or Spain.

6.c.35 The Spanish Delegate presented document 70 on the validation of bluefin statistical documents. There was an objection from the United States Delegation who stated that this document was better dealt with in the Permanent Working Group. The Chairman and Japan agreed that the document was best dealt with in the Permanent Working Group.

6.c.36 The Spanish Delegate apologized and withdrew the document but stated that he had wished to make the link between this document and the management of eastern Atlantic bluefin. France agreed with Spain about the importance of this link.

6.c.37 The French Delegate spoke about the need to protect juveniles and spawners as well as to improve knowledge of the origin of catches and discussed problems with the transshipment and the correct identification of catches and stated that this was the intention of the draft recommendations. Both had been written after achieving consensus at the informal discussions.

6.c.38 The Japanese Delegate suggested modifications since document 74 as originally drafted did not reflect the concern of the panel members as there was no limit to the area or distinction between contracting and non contracting parties.

6.c.39 There was a discussion involving Canada, the United States and France since France wanted the regulations protecting bluefin less than 1.8 Kg to cover the entire north Atlantic. However, both Canada and the United States, stated that in the west regulations were already in force protecting fish less than 30 kg and so there was no need to extend the regulation to the west. In the interest of simplicity it was decided to word the recommendation so that it covered the entire north Atlantic.

6.c.40 Both recommendations: The "*Supplemental Recommendation on East Atlantic Bluefin Tuna and the Mediterranean Closed Season*" and the "*Recommendation Concerning Age 0 Bluefin Tuna*" were then adopted by the Panel and forwarded to the Commission for consideration (attached as Annex 5-2 and Annex 5-3, respectively, to the Commission Proceedings).

6.d *Mixing of east and west stocks*

6.d.1 The United States proposed a "*Resolution for SCRS to Evaluate the Appropriateness of the Current Boundary Between East and West Atlantic Bluefin Tuna*" which was adopted by Panel 2 and forwarded to the Commission for consideration (attached as Annex 5-5 to the Commission Proceedings).

6.d.2 The Delegate of Japan, referring to Japanese fishermen's dissatisfaction that only longline fishing is prohibited during the spawning season in the Mediterranean, whereas there is no restriction on purse seiners. He requested that consideration be given to a partial opening of this closed season, inasmuch as it has not adverse effects on the stocks. The Statement by Japan is attached as Appendix 3 to Annex 7-1.

6.d.3 The U.S. Delegate expressed satisfaction with the recommendations for further measures on Age 0 bluefin tuna and ask all the Contracting Parties and non-Contracting Parties to implement these effectively. His statement is attached as Appendix 4 to Annex 7-1.

7. Research

7.a *North albacore*

7.a.1 The Chairman of the SCRS considered that the effect of global environmental change on the albacore stock needed to be studied. In the north Pacific it had been observed that the environment appeared to have influenced the albacore stock independently of the fishery. Catch trends showed a decline from 60,000 MT in the early period to

40,000 MT in recent years, and he felt intuitively that there were factors other than fishing affecting the dynamics of albacore.

7.a.2 The Chairman stated that he understood that the proposal was that studies should be conducted on the effect of the environment on north Atlantic albacore.

7.b West Atlantic bluefin tuna

7.b.1 The Chairman of the SCRS explained that research on tagging and ageing of larger fish, especially those 10 years and older, was required. Research on southern bluefin tuna had provided methods to age older fish using otolith and this was an important area of research. He noted that there were two proposals concerning tagging and the ageing of fish of 10 years and older.

7.b.2 The U.S. Delegate stated that tagging was very important because of the controversial issue of mixing which prevented scientific agreement. The level of mixing needed to be resolved before SCRS recommendations could be fully accepted, and he referred to a review by the National Academy of Science in the U.S. which noted that a mixing level of 2% to 3% from east to west would have a significant impact on stocks in the west. Studies on the spawning stock in the Gulf of Mexico by the U.S. were under way but would take several years.

7.b.3 The dividing line between the east and west was of great concern to U.S. fishermen and there was a need for a scientific basis to redraw the line. He pointed out that this was not a management but a scientific issue, and added that the U.S. would be circulating a paper.

7.b.4 The Chairman noted that the Panel reiterated the two proposals for research by the SCRS Chairman.

8. Date and place of next Panel meeting

8.1 The Panel agreed to meet at the same time and place as the next Commission meeting.

9. Other matters

9.1 The Delegate of Spain noted that the catch tables attached to the SCRS Executive Summary Reports do not have a breakdown by gears, as do the SCRS Detailed Reports and he requested that this be included, particularly for albacore.

10. Adoption of Report

10.1 The Report of Panel 2 was adopted.

11. Adjournment

11.1 The 1996 Meeting of Panel 2 was adjourned.

Report of the Meeting of Panel 3

1. Opening of the Meeting

1.1 The Meeting of Panel 3 was opened by Dr. R. Lent (USA), who welcomed all the Delegates and Observers.

2. Adoption of the Agenda

2.1 The Agenda was adopted with no changes (attached as **Appendix 1 to Annex 7-1**).

3. Nomination of Rapporteur

3.1 Dr. J.L. Cort (Spain) was asked to serve as Rapporteur.

4. Review of Panel Membership

4.1 Korea was welcomed as a new member of the Panel.

4.2 It was noted that the current members of this Panel are Japan, South Africa, Spain, U.S.A. and Korea.

4.3 The People's Republic of China, representatives of the Caribbean Community (CARICOM), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Denmark (Faroe Islands), and Taiwan attended the Panel meeting 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 SCRS presented the Report of the Standing Committee on Research and Statistics, concerning southern bluefin tuna.

5.a.2 Dr. Suzuki noted that the Second Scientific Committee of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) was held in Hobart, Australia, from August 26 through September 5, 1996, to examine the current stock status of southern bluefin tuna.

5.a.3 The CPUE for the parental stock continued to decline through to recent years and then stayed at about the same level. The CPUE for juveniles exhibits a decline through the 1970s to the mid- to late 1980s, depending on age classes, followed by an increase after that. The sequential increases in the global CPUE by age for fish born in the late 1980s can be followed from 3 year-olds in 1990 to 8 year-olds in 1995.

5.a.4 Virtual Population Analysis (VPA) was conducted to examine the sensitivity to different data inputs and assumptions on stock dynamics. The parental biomass continued to decline through 1994 and showed a slight increase in 1995-1996 in most cases. Sequential rebuilding of especially young age classes was clearly noted, but the extent of recovery varied among VPAs. A significant discrepancy in estimates of recent recruitment trends (1988-1991) was noted according to the VPAs conducted.

5.a.5 In summary, the current parental biomass of southern bluefin tuna remains at a historical low level and is estimated to be 25-39% of the 1980 level, which is used as the reference level for stock rebuilding.

5.a.6 Future projections were performed to examine the medium- to long-term consequences of current global catch on the parental biomass as well as the probability to recover to the 1980 level before the year 2020, based on various VPAs incorporating the agreed range of uncertainties. The mean probability of recovery was calculated separately for the weight given to the options within each type of uncertainty by each group of scientists. Results showed a range of the mean probability of recovery from 15% to 79%, reflecting different interpretations of plausibility of each uncertainty. The discrepancy in interpretations could not be solved and no single view of the outlook of the stock could be proposed.

5.a.7 Southern bluefin tuna have been managed by quota among Australia, Japan and New Zealand since 1985. The global quota was reduced several times, from 38,650 MT in the 1984-1985 season and the current quota has been maintained at 11,750 MT since the 1989-1990 season.

5.a.8 The sequential rebuilding observed in young age classes is considered to be the combined result of benefit of substantial reduction of fishing mortality particularly for small fish since 1988 and relatively good recruitment in the latter half of the 1980s. This sequential rebuilding could reach to age 9 in 1994 and start contributing to recovery of the parental biomass.

5.a.9 The catch quota and the high catch rate realized in recent years caused a substantial contraction of the fishing season and area of the Japanese longline operation. This results in an increase in the uncertainties in relation to CPUE interpretations.

5.b *Albacore (South)*

5.b.1 The Chairman of the SCRS presented the Report of the Standing Committee on Research and Statistics relative to southern albacore.

5.b.2 An Age-Specific Production Model (ASPM) was used to produce base-case assessments of albacore abundance, using catch per unit of effort (CPUE) indices for the main fleets exploiting this stock. Sensitivity analyses were conducted to investigate the effect of production model selection, standardization and choice of abundance indices and several input parameters (eg. growth model, mortality estimates and stock-recruit function).

5.b.3 Qualitatively, the results of the various analyses are very similar. The base-case ASPM indicates that MSY is 26,600 MT and the current (1995) replacement yield is 26,500 MT. The estimate of the ratio of current biomass to that at which MSY is achieved is 0.82. The 1995 fishing mortality rate is 119% of that needed to achieve MSY. The results of the ASPM assessment are consistent with those presented to the Committee in earlier years although the estimate of MSY is somewhat more optimistic.

5.b.4 Projections under various levels of catch from 1997 onwards were conducted in order to evaluate the effect of alternative future management options; constant catches of 22,000, 24,000 and 26,000 MT and a replacement yield option. The 1996 catch in all the projections was set to 26,000 MT (i.e. the 1995 catch).

5.b.5 The biomass trajectory under a constant annual catch of 26,000 MT declines continuously throughout the projection period. In contrast, the replacement yield and 24,000 MT constant catch options lead to relatively stable population size trajectories. The 22,000 MT constant catch option leads to recovery beyond B_{MSY} , by 2005.

5.b.6 During the 1994 meeting, in response to continued indications of over-exploitation, ICCAT accepted a Recommendation that catches of southern albacore by nations targeting this species be limited to not more than 90% of the average catches from 1989 to 1993. This Recommendation became effective in October, 1995.

5.b.7 Taiwan has implemented management regulations reducing the albacore directed fishing effort in response to the 1994 ICCAT Recommendation. The implementation by South Africa of ICCAT recommended regulatory measures for southern albacore has been hampered by poor reporting of past catches by her fleet. As a first step towards implementing the recommended catch limit, South Africa has restricted the off-loading of albacore to certain ports, has increased the inspection of these off-loadings and has improved logbook reporting systems for albacore landed by the South African baitboat fleet.

6. Measures for the Conservation of Stocks

6.a *Southern bluefin tuna*

6.a.1 The SCRS noted that the ICCAT statistical system will continue to be important for monitoring the fishery for this species in the Atlantic Ocean. While the CCSBT, established in May, 1994, has competence on the management of this species as a whole in the three oceans, ICCAT is responsible for the management of southern bluefin tuna in the Atlantic Ocean. Therefore, close collaboration should be maintained between the two organizations as regards stock assessments and management measures.

6.a.2 No management recommendations were made for southern bluefin tuna.

6.a.3 The Chair briefly summarized the report of the annual meeting of the CCSBT which was held in Canberra (Australia), September 24-28, 1996, and gave the floor to the Delegate of Japan who referred to document COM/96/35 which was presented by Mr. Morishita who attended the meeting as an ICCAT observer.

6.a.4 The observer from CCSBT, Mr. C. McGregor, informed the Panel about the agreement reached at the meeting in Canberra.

6.a.5 The Chair referred to the need for ICCAT to be represented at future CCSBT meetings.

6.a.6 The ICCAT Executive Secretary informed the Panel that, due to lack of funds, ICCAT had not been able to send a member of the Secretariat to the CCSBT meetings, but had asked Japan, which is a party to the CCSBT to act as an observer for ICCAT.

6.a.7 The Delegate of Korea requested information on management issues between ICCAT and CCSBT. The Executive Secretary responded that excellent relations had been maintained between the two Commissions and information had been exchanged.

6.b *Albacore (South)*

6.b.1 The Chairman of the SCRS presented the Report of the Standing Committee on Research and Statistics in relation conservation measures on southern albacore.

6.b.2 The Chair recalled the 1994 ICCAT recommendation that catches of southern albacore should be limited during 1995 to not more than 90% of the respective average annual catches over the period 1989 to 1993. The Chair further noted that The current studies indicated that 90% of the average catch over the 1989-1993 period is higher than the sustainable yield estimated by the 1996 SCRS. Recognizing that there are many uncertainties in the data base for the south Atlantic albacore and that various recommendations have been made to rectify these problems, it was recommended that the SCRS conduct a stock assessment for the south stock, using the rectified data base in 1997. Meanwhile, it is reiterated that those countries involved in the southern albacore fishery make a concerted effort to continue their management efforts.

6.b.3 The Delegate of South Africa expressed concern for the state of the stock of southern albacore and submitted a proposal to limit the catches of albacore in a manner that would achieve MSY by the year 2005. He asked the Panel to consider the proposal.

6.b.4 The Delegate of Japan stated that his country had no commercial interest in southern albacore catches but he had some reservations about a setting a Total Allowable Catch (TAC) of 22,000 MT and requested the opinion of the other delegations.

6.b.5 The Delegate of Spain also expressed his reservations regarding the proposal.

6.b.6 The SCRS Chairman noted that the proposal was correct, as 22,000 MT would likely bring the stock to MSY by the year 2005, according to the SCRS Report. Nevertheless, in 1996, the SCRS had not made any recommendation to reduce catches given that the catch and effort statistics from Taiwan (which makes the most important catches of this species) are being revised with the aim of increasing the coverage rate, which is at present very low at around 20-25%.

6.b.7 The observer from Taiwan stated that a revision of the statistics was foreseen for 1997 and that, as a result, a full stock assessment could be carried out during 1997. He therefore considered it inappropriate to change the present situation by implementing new quotas as this could be subject to change depending on the results of the 1997 stock assessment.

6.b.8 The Delegate of South Africa stated his desire that the South African proposal be maintained, as the catch limit of 90% of the 1989/1993 levels at the time the proposal was made are not at present being applied at present. As a result, the base catches change year after year. South Africa therefore preferred a fixed value.

6.b.9 The Delegate of Japan stated that the catches of southern albacore by Japan were taken as by-catch, and for this reason they had a problem with the introduction of TACs in this fishery.

6.b.10 The Delegate of the United States accepted, in general, the proposal of South Africa, as it was in accord with the SCRS Report. He proposed, however, minor modifications which were accepted by the Panel.

6.b.11 The Delegate of South Africa proposed some slight modifications to the text; for example, substituting catch limit for TAC. Furthermore, he proposed that the text of the recommendation be made more specific, and that those countries active in the fishery should be indicated. The Delegate of South Africa stated that he would report the results of the informal bilateral consultations between South Africa and Taiwan in the near future.

6.b.12 Following these interventions, the delegations expressed their satisfaction with the drafting of the new proposed text, which was adopted and forwarded to the Commission for its approval. The "*Recommendation by ICCAT on Limitation of Southern Albacore Catches*" is attached as Annex 5-6 to the Commission Proceedings.

7. Research

7.1 The Chairman of the SCRS presented the recommendations of the Standing Committee on Research and Statistics which refer to the improvement of the Taiwanese catch and effort statistics of albacore. This would involve the Assistant Executive Secretary's visiting Taiwan to assist the Taiwanese scientists. Once the revision of the statistics had been completed, the SCRS should attempt to assess the stocks of southern Atlantic albacore, applying age-specific VPA.

8. Date and place of next Panel meeting

8.1 The next meeting of the Panel will take place at the same time and place as the next meeting of the Commission

9. Other matters

9.1 There were no other matters.

10. Adoption of the Report

10.1 The Report of Panel 3 was adopted.

11. Adjournment

11.1 The 1996 Meeting 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 the Panel.

2. Adoption of the Agenda

2.1 The Panel reviewed and adopted the Agenda, which is attached as Appendix 1 to Annex 7-1.

3. Election of Rapporteur

3.1 Mr. P. Moran (United States) was designated Rapporteur.

4. Review of Panel Membership

4.1 Panel 4 is currently comprised of 11 members: Angola, Brazil, Canada, France, Japan, Portugal, Republic of Korea, Spain, United Kingdom, United States, and Venezuela. All the Panel members were present at the meeting.

4.2 No new applications for membership were received.

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

5.a *Bigeye tuna*

5.a.1 The Chairman announced that since Dr. Z. Suzuki had already presented the Report of the SCRS to the Commission in Plenary, only a brief synopsis should be provided.

5.a.2 Dr. Z. Suzuki reported that the Atlantic bigeye tuna assessment had concluded that MSY is between 60,000-70,000 MT and noted the current catch level of 100,000 MT (COM/96/25) is not sustainable.

5.a.3 There were no questions or comments regarding the Report of the SCRS relating to bigeye tuna.

5.b *Swordfish*

5.b.1 The Chair stated that Dr. Suzuki would address both north and south Atlantic swordfish at the same time.

5.b.2 Dr. Suzuki pointed out that the swordfish stock assessment this year was done based on all three different stock assumptions with the emphasis on the north Atlantic. He noted that a preliminary analysis on south Atlantic and total Atlantic base scenario were also derived. Dr. Suzuki pointed out that the total Atlantic view was unlikely to be more optimistic than the separate north and south assessments.

5.b.3 Dr. Suzuki stated that base case projections for the north Atlantic swordfish assessment indicated that catch level must not exceed 10,000 MT in order to arrest stock decline. Although the preliminary sex-specific assessment indicates that a 12,000 MT catch might be acceptable, the reliability of this assessment is yet undetermined. He stated MSY for the north Atlantic stock has been set at 13,000 MT and noted that the current level of catch cannot be sustained and reductions would be necessary.

5.b.4 Dr. Suzuki stated that in the south Atlantic, the preliminary assessment shows that a reduction in catch to 13,000 MT in and after 1997 is necessary to reach MSY.

5.b.5 In response to a question by the Delegate of Canada regarding the use of the 12,000 MT sex-specific assessment, the SCRS Chair restated that based on base case projections, only a catch at or below 10,000 MT can arrest the stock decline and that any higher number is not sustainable.

5.b.6 In response to a question from the Delegate of Spain, Dr. Suzuki clarified that the sex-specific VPA, more biologically realistic but still preliminary, shows a less steep decline relating to total mortality and hence shows a lighter exploitation than the sex-combined analyses. This explains the difference in the projections.

5.b.7 The Spanish Delegate stated that the preliminary nature of the sex-specific VPA does not change the possibility that there may have been serious errors in past years' assessments.

5.b.8 Dr. Suzuki agreed and pointed out the similar results with the sex-specific VPA was obtained from the analysis of the generalized production model.

5.b.9 After further requests for clarification by the United States concerning the 10,000 MT figure, the SCRS Chair stated he had been mistaken and that 11,360 MT was the correct amount necessary to arrest the stock decline, while 10,000 MT was the figure needed to initiate a rebuilding of the stock.

5.c Billfishes

5.c.1 Dr. Suzuki noted that the current total Atlantic catch of blue marlin is around 4,000 MT with the current 1996 replacement yield at half that level.

5.c.2 The SCRS Chair stated that the stock assumption, although not conclusive, supports a single Atlantic stock and that no conclusions had been reached regarding stock structure. The assessment of status was based on production model analysis updated this year using data up to 1995 and concluded that the stock is likely to be overexploited. He noted that CPUE and statistics are not as precise as for some other species. Dr. Suzuki further noted that a north Atlantic stock assumption still indicated a level well below MSY, although it gave a replacement yield that was slightly higher than catch level leading to a possible increase in population size in the future.

5.c.3 For white marlin, Dr. Suzuki stated that a production model analysis for both the north Atlantic and total Atlantic assumptions show that current yield that is higher than replacement yield and that the stock is well below MSY, hence decline is likely at current levels.

5.c.4 The SCRS Chair stated that sailfish and spearfish group stock assessments were made using an eastern Atlantic and a western Atlantic stock assumption. He noted that for the west the stock was likely to be overexploited, with a current yield of 760 MT and a current replacement yield of 600 MT. The east stock status is largely unknown due to insufficient statistics from the mostly local and artisanal fisheries. The present catch is around 2,000 MT, but he noted that CPUE and catch statistics must be improved.

5.c.5 The Delegate of the United States, referring to the Third Billfish Workshop Recommendation regarding the use of steel leaders, asked the SCRS Chairman if there were benefits to the use of monofilament leaders to increase the survival rates of shark and billfish. He also noted that sharks would be discussed by CITES in the coming years.

5.c.6 Dr. Suzuki stated that there was some indication that the use of monofilament leaders probably increases the survival rate of hooked fish over that of steel leaders when released. He noted that this applies as well to tagged fish and that monofilament usage was likely to decrease pressure on these species.

5.c.7 The Delegate of the United States asked Dr. Suzuki how difficult it would be, in response to the U.S. proposed recommendation, for the SCRS next year to determine the levels of mortality necessary to return billfish to MSY in ten and in fifteen years.

5.c.8 In response to the question of the U.S. Delegate, Dr. Suzuki stated that a simple projection to answer this question could be made, but pointed out that the reliability of such numbers would be questionable and that more information was needed.

5.c.9 The Delegate of the United States asked what factors regarding reliability would need to be examined. Dr. Suzuki responded that the assessment is still quite primitive. He stated that exact catch (including catch and release)

statistics are needed. He pointed out that the CPUE index series is uncertain and needs improvement due to the fact that billfish are the non-targeted species for the longline fishery and the coastal nature of the recreational billfish fishery. He also noted that age-specific or sex-specific information might be valuable, but has not yet been incorporated into the study.

5.d Atlantic bonito / Other species

5.d.1 Dr. Suzuki stated that there was a general lack of information for the ten species in this category and noted that five species make up approximately 85% of the small tuna catch. He cited a relatively stable catch of around 138,000 MT from 1989 to 1991, stating that some of the declining trend may be due to problems with coverage of reporting. He further stated that a stock status assessment was impossible, but noted that most species have a fairly restricted migration and/or distribution compared to other tuna and that therefore measures could be taken at the regional level (such as has been done in the Gulf of Mexico).

6. Measures for the Conservation of Stocks

6.a Bigeye tuna

6.a.1 Dr. Z. Suzuki cited the production model analysis and the virtual population analysis and strongly recommended a reduction in catch level to MSY. He also stressed the yield-per-recruit analysis and spawning stock analysis which demonstrate that adherence to the 3.2 kilogram minimum size limit is essential for stock management.

6.a.2 The Delegate of Japan expressed grave concern over continued increases in catches of juvenile fish and their adverse effects on stocks, and stressed the urgent need for regulating the use of Fish Aggregating Devices (FAD) which caused increased juvenile catch. He also expressed regret over the revision of the catch statistics from Taiwan reported in the SCRS Report, noting large increases in the figures for 1991 (more than a fifteen fold increase) and 1992 (more than doubled). He distributed and outlined a Draft Resolution on catch levels and minimum size limitations for both bigeye and yellowfin tunas (Appendix 5 to Annex 7-1).

6.a.3 The Chair noted that since Japan had specifically identified Taiwan, they would be given the opportunity to respond, despite their observer status.

6.a.4 The Delegate of France called for the implementation of SCRS Recommendations from previous years and stated that a fishing cap might be considered to address immediate issues in the bigeye fishery. He stated that ICCAT should not take measures that are not based on a minimum scientific knowledge and outlined a number of medium and long term steps (including the proposed SCRS Bigeye Year Program) to achieve this goal. A French Draft Recommendation on Bigeye was distributed (Appendix 6 to Annex 7-1).

6.a.5 The Delegate of Venezuela supported the statements of France and pointed out that scientific information on the effects of time and area closures and FADs for tropical surface fishing is incomplete. He stated that ICCAT should adopt measures that are not limited to surface fishing and that Japan's Draft Recommendation could discriminate against the surface fishing operations, while the impact of longline fisheries on the spawning population remains unknown.

6.a.6 The Delegate of Spain supported the statements of France and Venezuela regarding scientific uncertainty and expressed a preference for the Draft Recommendation of France. He indicated that Spain had reduced fishing consistent with the 1995 Recommendations and that some other longline nations may not have implemented the second part of the Recommendation. Spain supports the application of the recommendations of the 1995 SCRS and carrying out additional research.

6.a.7 In response to the statements of Japan, the Observer from Taiwan stated that fish caught in the early 1990s by Taiwanese longliners was frozen and shipped directly to Japan. Those longline catches were not reported to the Taiwan Fisheries Authority regularly because catch reports were made by trade agencies, not by the vessels themselves. He noted that the Taiwan Fisheries Authority was checking the logbooks and Fishery Radio Station Reports, and found these catch discrepancies. The Taiwan Fisheries Authority urged these vessels to resubmit their catch, and updated these catch data of 1991 and 1992. The 1990 catch was also checked, possibly because the Taiwanese longline fishery started from 1990 in the Atlantic.

6.a.8 The Delegate of Portugal supported the Draft Resolution of Japan and the necessity for strong measures, but stated that the implications of the production model were not clear regarding the over-exploitation level. He also expressed concern over the fact that previous landings have not stopped the increasing trend in landings.

6.a.9 The Delegate of the United States asked Dr. Z. Suzuki to report on the result of last year's Resolution that the SCRS develop specific proposals regarding the use of FADs. Dr. Suzuki outlined three of the options discussed (including time/area closures, banning artificial FADs and penalties for exceeding the minimum size limit), but stated that none were adopted due to a lack of understanding of FAD operations.

6.a.10 In response to a request by the United States for clarification on paragraph 4 of their proposal, the Delegate from Japan stated that it referred to the number of operations using FADs which cause a problem with minimum size limitations.

6.a.11 The Delegate of Canada expressed support for the concept expressed in the Draft Resolution proposed by Japan, but questioned the viability of paragraph 4. Japan responded that the SCRS Report indicates that approximately 30% of the purse seiners use FADs and therefore the total number can be estimated.

6.a.12 The observer from Mexico advised the Panel of a similar situation in the eastern Pacific with the use of FADs. He stated that ICCAT should be particularly aware of the problem of discards and that, in the Pacific Ocean, until now FADs have been ineffective for aggregating adult fish. Therefore FAD numbers should be limited in ICCAT.

6.a.13 The Delegate of France noted that informal consultations between Japan, Spain and France regarding their draft Resolutions had resulted in a new document which had been distributed. He stated that France recognized the need for scientific research on bigeye and yellowfin tunas. He noted that they had proposed a scientific observer program, covering 25% of purse seiners and 5% of other vessels. He stated that purse seiners would have an increased percentage of observers and interviews with captains. He further noted that this proposal would be implemented for 1997 with reporting at the 1997 ICCAT meeting so that recommendations (particularly regarding FADs) can be made based on the results.

6.a.14 The Delegate of Japan stated that the new proposal was unacceptable because it addressed all gear types equally. He stated that it should specifically address restrictions on the use of FADs.

6.a.15 The Delegate of France stated that France was attempting to collect as much information as possible from all gears and this is why it was not viable to address only purse seiners. He noted that the problem was not limited to juveniles and that ICCAT must collect all the available information for all types of fisheries.

6.a.16 The Chair stated that he thought that Japan was not denying the value of collecting information from all gears, but that they wanted more emphasis on purse seiners.

6.a.17 The Delegate of Spain suggested that further consultations take place to determine the viability of the new proposal. He stated that Spain does not agree with the Japanese statement regarding a priority on any single gear type. The most information possible should be collected on all the aspects of the fishery, in accordance with the SCRS Report.

6.a.18 As a result of these consultations, a second revision to the Recommendation relative to bigeye and yellowfin tunas was made. The Chair noted that this Recommendation had been adopted by Panel 1 and recommended that it be adopted by Panel 4.

6.a.19 The "*Recommendation on Bigeye and Yellowfin Tunas*" was adopted by Panel 4 and forwarded to the Commission for its consideration (attached as Annex 5-1 to the Commission Proceedings).

6.b Swordfish

6.b.1 The Delegate of Canada presented a statement (Appendix 7 to Annex 7-1) and also circulated a Draft Recommendation for Management of Atlantic Swordfish (Appendix 8 to Annex 7-1) for north and south Atlantic swordfish. He expressed disappointment over ICCAT's history on this stock and urged action on this and the southern stock.

6.b.2 The Delegate of Spain agreed that immediate action was necessary and further cited the actions of Contracting and non-Contracting Parties in contributing to the problem. He stated that a two year TAC should be set considering the predictions of the sex-specific VPA and that the Compliance Committee and the Permanent Working Group should work to resolve issues of non-compliance by Contracting and non-Contracting Parties. He also stated that the figure proposed by Spain was 24,000 MT for the two year period.

6.b.3 The Delegate of the United States suggested that the first step to arrest the decline in stock abundance by introducing a TAC of 11,360 MT for each of the next two years. He stated that overages and underages would be subtracted or added from the second year allocation based on shares as set last year.

6.b.4 The Delegate of Japan expressed concern that the large reduction suggested by the SCRS could adversely affect Japanese bigeye operations as all swordfish caught by Japan is by-catch. He stated that given the special situation of Japan in this fishery, they wished to carry over unused quota from 1994 and 1995 to any 1997 and 1998 TAC.

6.b.5 The Delegate of the United Kingdom supported the Canadian proposal, stating that the U.S. figure was unacceptable as it did not apply the precautionary approach. However, the Delegate of Spain (in support of their own proposal) stated that the Canadian figure was unacceptable as age/sex issues have not been adequately dealt with.

6.b.6 The Chair pointed out that since the proposed figures for TAC differed and since it was not clear whether the Japanese proposal was acceptable, no progress had been made on the issue of north Atlantic swordfish. He then opened the discussion on south Atlantic swordfish.

6.b.7 Brazil and Uruguay (an observer to the Panel) distributed and read a statement regarding swordfish in the south Atlantic (Appendix 9 to Annex 7-1).

6.b.8 The Delegate of Spain stated that the information for the south was less complete than for the north and supported the implementation of the recommendations of the Commission in this respect and establishing a TAC in 1997, with distribution of the TAC to be set this year; Spain also supported the current regulations remaining in place. He also emphasized the need to collect catch and trade data of non-Contracting Parties.

6.b.9 The Delegate of Canada pointed out that the change of the north/south boundary has an impact on stock assessment and management and that mixing issues are similar to the case of bluefin tuna of the east and west Atlantic. He stated that measures implementing the precautionary approach should be taken immediately with a 13,000 MT TAC distributed on a country share basis for the south Atlantic.

6.b.10 The Delegate of Japan supported the distribution and TAC proposal suggested by Spain. He called on Spain and Uruguay to reduce catches given their high increases in recent years.

6.b.11 In response to the statement of Japan, the Delegate from Uruguay observed that the increases of both countries were not comparable, and pointed out that her country had a small fleet which operated in its EEZ, and that notwithstanding, Uruguay had taken legal measures to impose a catch limit on this species.

6.b.12 Expressing support for the statement of Uruguay, the Delegate of Spain noted that it has taken the appropriate measures to deal with its high catch from last year.

6.b.13 As a result of further consultations, a new Draft Recommendation for northern swordfish was distributed (Doc 39-A). The Chair noted that this draft reflected consensus among the contact group and asked for comments.

6.b.14 Dr. P. Miyake inquired about the status of the old size limit Recommendation, in case the proposed Recommendation is adopted. He suggested that the following wording be added to Doc 39-A: "This new Recommendation will not have any effect on the current regulations on the size limit of swordfish." He further pointed out that the current regulation referred to swordfish in both the north and south Atlantic.

6.b.15 This proposed "Recommendation Regarding North Atlantic Swordfish Catch Quotas for 1997, 1998 and 1999" was adopted with the suggested amendment of Dr. Miyake, and forwarded to the Commission for its consideration (attached as Annex 5-7 to the Proceedings).

6.b.16 The Chair stated that despite further consultations regarding southern swordfish, no compromise was reached due to disagreement on whether or not the percentage quota shares should be agreed upon this year. Emphasizing that absence of any conservation measure would be unacceptable, he proposed that an inter-sessional meeting be convened next year, which should be announced by the Secretariat, after consultation with all the Contracting Parties fishing swordfish in the South Atlantic, and that the current regulations (which expire at the end of 1996) be continued for 1997.

6.b.17 Dr. Miyake pointed out that any recommendation would have to wait for at least six months after transmittal to Contracting Parties for it to become binding, according to Article VIII of the Convention. Therefore, it might be wise to incorporate a provision, as in the case of the bluefin Recommendation, which would encourage the Contracting Parties to implement the regulation without waiting until the end of the grace period.

6.b.18 The Chair noted that, if it was acceptable to the Panel, perhaps a clause could be inserted so that no grace period would be required.

6.b.19 The Panel observer from Uruguay noted that her country (as stated last year) could not agree with this proposal of extension of the 1996 regulatory measure, as a 260 MT catch limit, which would be required of her country under the current regulation, was unduly restrictive.

6.b.20 The Chair stated that something must be done to address the stock and made a personal plea that a responsible approach be taken by all Contracting Parties.

6.b.21 The observer from Uruguay agreed that a responsible approach was necessary and noted that domestic steps had been taken to halt future increases, but she stated that Uruguay should be exempted from this regulation.

6.b.22 The Chair asked why an exception was necessary if Uruguay would not be increasing its catch.

6.b.23 The observer from Uruguay responded that Uruguay was slightly over the 260 MT limit last year and expected to be over again this year. She repeated that this limit was unduly restrictive and observed that the year in which this recommendation was drafted, Uruguay had expressed its disagreement, at the meeting, and later in correspondence. She also noted that Uruguay had already issued its fishing licenses when this was adopted last year.

6.b.24 The Delegates of the United States and Canada both expressed strong support for the Chair's proposal and the removal of the six-month "safety net" clause.

6.b.25 In response to the statement of the observer from Uruguay that the measures were ineffective last year, the Chair noted that Uruguay had the legal right under the Convention to object to a recommendation by the Commission. He noted, however, that such an objection by Uruguay could lead to other Contracting Parties seeking the same treatment and stated that the Panel and ICCAT were relying on Uruguay's good will in this matter.

6.b.26 The Delegate of the United States urged Uruguay to accept the consensus in support of the Recommendation and to not lodge an objection under the Convention. He stated that this would set a bad precedent and create a dangerous situation for ICCAT.

6.b.27 The observer from Uruguay asked if the decision of ICCAT could be observed by all the Contracting Parties, noting that Uruguay's catches are at half the historic levels. She further pointed out that the joint statement by Uruguay and Brazil reflected and emphasized their concern over shifting effort from the north Atlantic.

6.b.28 The Chair noted that the joint statement by Brazil and the observer of Uruguay would be attached to the Report of this Panel (Appendix 9 to Annex 7-1).

6.b.29 The Delegate of Brazil noted the difficulty of the negotiations on this stock and then read a statement regarding the allocation of catch for south Atlantic swordfish (attached as Appendix 10 to Annex 7-1).

6.b.30 The Chair noted the frustration and forward-looking attitude of Brazil and the observer from Uruguay. Regarding the proposed inter-sessional meeting, the Chair stated that it could be set up informally or formally, and strongly suggested that the proposed Recommendation be adopted for the meantime.

6.b.31 The observer from Iceland supported the statement by Brazil, noting that it was in line with Article 116

of the U.N. Law of the Sea and the U.N. Agreement on Straddling Fish Stock and Highly Migratory Fish Stocks. He stated that the Northeast Atlantic Fisheries Commission (NEAFC) has made Recommendations similar to those suggested by Brazil.

6.b.32 The Chair then summarized his proposal that an inter-sessional meeting be held on this issue, and that the current regulations on catch level and minimum size be continued for 1997, with appropriate date changes. This proposal was adopted and forwarded to the Commission for its consideration. (The "*Recommendation by ICCAT for an Extension of the South Atlantic Swordfish Management Measures*" is attached as Annex 5-8 to the Commission Proceedings.

6.c Billfishes

6.c.1 Dr. Suzuki stated that the SCRS Recommendation was the same for blue marlin, white marlin, sailfish and spearfish. As for last year, no special management measures were recommended, but Contracting Parties were asked to strongly encourage their fishers to release any live non-targeted billfishes.

6.c.2 The Delegate of the United States noted that the U.S. proposed Resolution (see para. 5.c.7) recommended the phasing in of monofilament leaders and the phasing out of steel leaders.

6.c.3 The Delegate of Japan noted that they had implemented a tag and release program, expanding and strengthening it starting this season with 76 fish tagged thus far, and distributed an information paper on the results of the program. He expressed concern over the proposed Resolution of the United States and stated that further discussion of this would be necessary.

6.c.4 The Korean Delegate stated that they have a few longliners operating in this area with some incidental billfish catch. He expressed concern that, although some of their fishermen still use steel leaders due to financial considerations, it would be difficult to force a change to monofilament.

6.c.5 The Delegate of Brazil stated that he had difficulty with the U.S. proposal because information on the rate of survival is uncertain and the impacts on fishing operations are not yet understood. He noted that last year a Resolution for voluntary release in the longline fishery was adopted and that perhaps they could accept the U.S. proposal if it were voluntary.

6.c.6 The Delegate of the United Kingdom stated that Bermuda was involved in this fishery and expressed support for the U.S. proposed Resolution.

6.c.7 The Delegate of Spain supported the statement of Brazil and stated that the U.S. proposal was premature. He noted that Spain had recommended release (and some tagging) to its Atlantic longline fleet in 1996 and stated that voluntary tag and release efforts should be intensified to improve information.

6.c.8 The Delegate of the U.S. stated that immediate action was warranted and pointed out that the U.S. proposal is a Resolution and not a binding Recommendation.

6.c.9 The Chair noted that as there were no strong objections to the intent of the U.S. proposal, the United States and other interested parties should consult regarding acceptable wording.

6.c.10 As a result of these consultations, a new draft of the U.S. proposal (Doc 35-A) was circulated.

6.c.11 Since the proposed SCRS assessment was also objected to by certain delegates, the Delegate of the United States noted that item 4 in the old draft (which requested the SCRS to assess the billfish stocks and establish a billfish recovery plan) had been deleted from the proposal and item 3 had been slightly amended. He expressed disappointment over the removal of SCRS assessment provisions, stating that the stock is in bad shape and that action is necessary.

6.c.12 The Chair received no dissenting comments on the U.S. proposal as amended, and thus the "*Resolution for Billfish*" was then adopted by the Panel and forwarded to the Commission for its consideration (attached as Annex 5-9 to the Proceedings.

6.d Atlantic bonito / Other species

6.d.1 Dr. Suzuki noted that no management measures had been recommended for small tuna stocks

7. Research

7.a Bigeye tuna

7.a.1 Dr. Suzuki noted that if the proposal of France and Japan were adopted, a number of issues would have to be addressed. Given the immediate need for the research, detailed methodology and a sampling scheme would have to be established immediately. He expressed concern regarding the difficulty of such a task, stating that perhaps it could be done through correspondence or a small workshop. He further pointed out that a large level of cooperation would be necessary from fishermen and captains due to the level of desired detail. He asked that Contracting Parties assist in these efforts if they become necessary.

7.a.2 Regarding research, Dr. Suzuki briefly outlined the proposed Bigeye Year Program. He stated that although the Program would cost approximately \$2.2 million, the importance of the species regarding catch size and the percentage of product going to the sashimi market warrants the expense.

7.a.3 In response to a question from the Delegate of Japan regarding research needs that should be specifically addressed by the SCRS, Dr. Suzuki pointed out that restricting juvenile fish catch is of primary importance due to its high impact on the spawning stock.

7.a.4 Although there was general support for its goals, many of the members of Panel 4 expressed grave concern regarding the proposed budget of the Bigeye Year Program. It was generally agreed that the cost would have to be scaled down and that the Program would have to be considered in context, given the many other priorities of ICCAT.

7.a.5 The Delegate of France stated that scientific progress was necessary for management. The Delegates of France and Spain also pointed out the need to evaluate all fisheries with respect to size selectivity and stock productivity. The Delegate of Spain pointed out that no matter which method is adopted, scientific information must be gathered.

7.b Swordfish

7.b.1 The SCRS Chair noted the need to continue improvement particularly in sex-specific research, stating that the growth curve for this is still under development. He also emphasized the need for reanalysis of stock structure issues and the CPUE index and called for increased data from the south.

7.b.2 No comments were offered on the statement of Dr. Suzuki.

7.c Billfishes

7.c.1 Dr. Suzuki stated that research regarding survival rate at release was the priority research issue for billfish. He also noted that information was needed on age and growth by sex for the stocks in question.

7.d Atlantic bonito / Other species

7.d.1 Dr. Suzuki asked that Contracting Parties involved in this fishery assist in attempts to improve basic information on small tuna stocks (particularly regarding catch, effort and size) and that they fill out the basic questionnaire which had been circulated.

8. Date and place of next Panel Meeting

8.1 The Chair noted that the next meeting of Panel 4 would be held at the same time and place as the next Commission meeting.

9. Other matters

9.1. No other matters were raised.

10. Adoption of Report

10.1 The Report of Panel 4 was adopted.

11. Adjournment

11.1 The 1996 meeting of Panel was adjourned.

*Appendix 1 to Annex 7-1***AGENDA FOR PANELS 1 - 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. Nomination 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

Panel 2

- a) Bluefin (North)
- b) Albacore (North)

Panel 3

- a) Southern bluefin
- b) Albacore (South)

Panel 4

- a) Bigeye
- b) Atlantic bonito
- c) Swordfish
- d) Billfishes
- e) Other species

7. Research
8. Date and place of next Panel meeting
9. Other matters
10. Adoption of Report
11. Adjournment

Appendix 2 to Annex 7-1

STATEMENT BY ICELAND ON EASTERN BLUEFIN TUNA
 (attached to Report of Panel 2)

The reason I ask for the floor is twofold: Firstly to inform the meeting of a research fishery for bluefin tuna that took place within Icelandic EEZ this autumn and secondly to remind the Members of the Commission of their duty towards Iceland as a coastal state and a state whose economy is overwhelmingly dependant on the exploitation of living marine resources.

First, I would like to inform the meeting that this autumn a research fishery for bluefin took place within the Icelandic EEZ. This was done in accordance with a research plan of the Marine Research Institute of Iceland (MRI) that permitted two Japanese vessels to fish in the waters from 1 August until 15 October under the guidance of the Institute. The two vessels were fishing from Japanese quota and were subject to Japanese law in respect of management, including regulations on reporting of catches, but subject to Icelandic legislation as to the conduct of the fishery within the Icelandic EEZ. The final report of this research will be made available to ICCAT when finally prepared by the MRI. It will show us that mature fish were caught in some quantities inside the Icelandic EEZ, with an average length well above 2 metres.

Secondly, I would like to remind the Commission that Iceland as a coastal state in respect of the east Atlantic bluefin stock and a state whose economy is overwhelmingly dependant on the exploitation of the living marine resources has certain interests in this stock, as well as rights, in accordance with international law.

Therefore, the Commission should, in its work, fully take into account that the rights of those who have been fishing for the stock on the high seas and elsewhere are subject to these rights and interests of Iceland, as well as of the rights and interests of other coastal states, of course. This should be done in respect of the immediate future, i.e. 1997 management, as well as in respect of long term management.

Regarding the next year's management of the TAC decided by the Commission for this stock shall not be stretched so much to its limits that together with a national quota of Iceland for few vessels conducting a research fishery in June and July next year will have harmful effect on the stock.

Regarding the long term management, the Commission should take into account that those states now fishing for the stock have no rights to continue the over harvesting of the stock and thus to deprive the Coastal States of the future economic benefit of harvesting this resource.

Appendix 3 to Annex 7-1

**STATEMENT BY JAPAN IN RELATION TO RECOMMENDATIONS
ADOPTED FOR BLUEFIN TUNA IN THE MEDITERRANEAN**
(attached to Report of Panel 2)

Japan appreciates the will of the purse seining Contracting Parties to prohibit this fishery during the period of 1 to 31 August and to prohibit the use of aeroplanes and helicopters in support of fishing operations in the month of June. Japan understands these measures are aimed at the reduction of the catch of juveniles. While Japan hoped for a longer period of prohibition, we understand that social and economic factors must be taken into account.

With regards to the spawning stocks, a prohibition of longline operations in the Mediterranean through June and July has been in place for some years, while purse seiners continue to target these spawning stocks. It is increasingly more difficult for the Government of Japan to explain convincingly explain to its fishermen the reason they must comply with this prohibition on longline operations, while purse seiners continue to catch and export these giant bluefin tunas to Japan.

The sincere wish of the Japanese Delegation is to allow Japanese longliners access, to an extent permissible from a conservation point of view, to spawning stocks during a limited time in June during the spawning season now totally open to purse seiners. Although we were not able to gain the understanding of other delegations at this meeting, we continue to believe that this is an issue that needs to be addressed, and would like to pursue the possibility for that fishing opportunity at the next ICCAT Meeting.

Appendix 4 to Annex 7-1

**STATEMENT BY THE UNITED STATES CONCERNING CATCHES
OF UNDER-SIZED BLUEFIN TUNA**
(attached to Report of Panel 2)

The United States continues to express serious concern about the high levels of catch of small juvenile bluefin in the eastern Atlantic and Mediterranean Sea. The U.S. notes that the SCRS has found "that catches of age 0 fish are still very high and considerably under-estimated". Moreover, the SCRS has concluded that there is no adherence to the regulation prohibiting the landing of fish under 1.8 kg.

The U.S. is pleased with the newly developed recommendation to prohibit the landing and sale of bluefin under 1.8 kg. But these measures are not sufficient to solve the problem. The U.S. urges that the Contracting Parties fishing in the eastern Atlantic and Mediterranean take all necessary steps to implement domestic measures to effectuate these recommendations, as soon as is practicable.

The U.S. urges the ICCAT Secretariat to notify non-Contracting Parties fishing in the eastern Atlantic and Mediterranean regarding the new recommendations to eliminate the landing and sale of these under-sized fish.

Appendix 5 to Annex 7-1

**DRAFT RESOLUTION PROPOSED BY JAPAN
ON BIGEYE TUNA AND YELLOWFIN TUNA**
(attached to Report of Panel 4)

NOTING that the increase in the catch of small fish, which was brought about by the equatorial baitboat fleet and by the intensive operations on small fish associated with fish aggregating devices (FADs) by the purse seine fisheries, will lead to a reduction in yield per recruit;

EXPRESSING CONCERN that despite the minimum size regulation of 3.2 kg in effect since 1979 for bigeye tuna and since 1973 for yellowfin tuna, it has been clear that the equatorial surface fleets (baitboat and purse seine) continue to land a large quantity of juvenile bigeye tuna and yellowfin tuna less than 3.2 kg, and that about 70% of the total number of bigeye tuna and 50% of yellowfin tuna caught in 1995 was below the minimum size;

RECOGNIZING that for bigeye tuna the SCRS strongly recommended reducing the catch to levels below MSY and that this overall reduction in catch must be accompanied by a reduction in the catch of small fish;

THE ICCAT RESOLVES THAT

1. Each Contracting Party shall take appropriate measures including restrictions on the use of FADs to observe the catch limit for small bigeye and yellowfin tunas by 1999.
2. The Commission will consider, at its regular meeting in 1997, the introduction of time-area closure for tropical surface fisheries to facilitate the undertaking described in paragraph 1 above.
3. If measures described in paragraph 1 above are not accomplished by any of the Contracting Parties by 1999 for any of the species mentioned in paragraph 1 above, the catch of those species in 2001 by such Contracting Parties shall be reduced by 50% from that of 1995. In case a catch limit has been established by the Commission by 2001, the reduction of the catch shall be undertaken from the catch limit instead of the catch of 1995.
4. In any case, the number of operations using FADs shall not be increased from the level of 1995.

Appendix 6 to Annex 7-1

**DRAFT RECOMMENDATION PROPOSED BY FRANCE
ON BIGEYE PROPOSED BY FRANCE**
(attached to Report of Panel 4)

NOTING the management recommendations and associated resolutions adopted by ICCAT for the conservation of tunas and related species in the Atlantic (COM/96/26);

NOTING the report of the Standing Committee on Research and Statistics (SCRS) of ICCAT (COM/96/25);

NOTING the management and research recommendations proposed to the Commission by the SCRS, particularly those relating to bigeye;

NOTING TO NEED TO IMPROVE the scientific information on bigeye tuna and on the effects of the use of FADs as a fishing technique;

CONVINCED of the urgent need to improve knowledge and obtain a scientific basis for these subjects;

AWARE of the danger that the high increase in catches of bigeye tuna observed since 1990 by longliners, purse seiners and baitboats, could present to the stock of Atlantic bigeye tuna;

DETERMINED to do everything possible to acquire, as quickly as possible, this scientific basis, indispensable to the knowledge and good management of this stock which is of the greatest economic importance, particularly for longline fleets;

EQUALLY DETERMINED to adopt adequate, applicable and efficient management measures which will be proposed by the SCRS on the basis of this fundamental and indispensable scientific information;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS RECOMMENDS:

1. that the Bigeye Year Program (BETYP), attached as Appendix 9 to the above-mentioned Report of the SCRS be adopted;
2. that everything possible be done to establish a program of scientific research to be effectively carried out as soon as possible;
3. that, with the aim of rapidly acquiring initial information:
 - a) before 30 June 1997, by means of interviews with Captains of vessels which use FADs, the time-area strata(s) with which juvenile bigeye tunas may be associated, can be determined, particularly those associated with FADs;
 - b) that information of a biological nature be gathered in relation to the catches of longliners and baitboats targeting bigeye;
4. that the organization and financial coordination of the BETYP be delegated to the STACFAD of ICCAT;
5. that STACFAD be convened to this effect during the month of January 1997;
6. that the ICCAT Executive Secretary direct and coordinate the preparations, implementation and monitoring of the BETYP and to periodically account to the Commission for the execution of this mandate and the development of operations.
7. Meanwhile, as a precautionary measure and conservation measure:
 - a) that the total annual catches of bigeye in the Atlantic be reduced to 70,000 MT during the duration of the BETYP;
 - b) that member States concerned be requested to take adequate measures with regard to the fishery carried out by their vessels using FADs in the areas so determined;
8. that previous recommendations banning the catch and landing of bigeye tuna of less than 3.2 kg, subject to a tolerance level of 15% in number of fish landed, be recalled and confirmed.

Appendix 7 to Annex 7-1

STATEMENT BY CANADA ON SWORDFISH
(attached to Report of Panel 4)

Mr. Chairman:

Canada has circulated a recommendation with respect to management measures for swordfish. Last year Canada made a similar proposal to implement effective management measures designed to reduce overall swordfish catches in the north Atlantic to the replacement yield level. At that time, the level was estimated to be about 10,000 MT in

1996. We also proposed that effective management measures be adopted for the south Atlantic so that catches not be increased beyond the 1992 level of 12,210 MT as recommended by the SCRS. Our objective was to reverse the evident decline in stocks so that we could begin to rebuild.

As you may recall, that proposal was not endorsed. Our record of performance in heeding the advice of our scientists on these stocks is difficult to justify.

In 1990, SCRS noted its concern about the general increasing trends in fishing mortality. At that time, they said that the present yield could not be maintained over the long-term without either a decrease in fishing mortality or a continued increase in recruitment, which was unlikely. While some basic measures were introduced, they were inadequate to halt the decline of the stock.

More measures were recommended in 1992. The stock continued to decline. In 1994, the SCRS advised us that the replacement yield in 1995 for the north Atlantic stock would be about 12,000 MT. We adopted measures for 1995 intended to bring catches down to the 15,000 MT range. However, catches were well over 16,000 MT. For 1996, we adopted measures that are supposed to bring these catches down further to the 14,000 MT range.

The SCRS has again this year given us very specific advice for both the north and south Atlantic stocks. We understand that of all the assessments the SCRS conducts, the north Atlantic swordfish assessment is one they feel most confident about.

Canada cannot understand why this Commission has been unable to heed the advice of our scientists and take the necessary decisions in the past to halt the decline of these stocks.

This year the SCRS is advising that north Atlantic catches should be less than 10,000 MT. They also state, quite clearly, that in order to allow for increase in stock biomass, the level of harvest needs to be immediately reduced below the level of replacement yield. By delaying adequate actions, even more restrictive measures will be required in the future - assuming our delays do not first result in stock collapse.

The SCRS has also expressed concern about the stock status in the south Atlantic. The 1996 catches to date are the highest on record. Current levels of harvest are not sustainable. They clearly state that if the Commission intends to keep the stock in a healthy condition, harvest levels must be reduced. If we delay, more restrictive measures will be needed in the future. We have a chance here not to repeat the mistakes made in the north - we can quickly return to levels that support MSY if we act now.

Preliminary analyses indicate 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.

You may recall that at the final Plenary Session last year and during the Compliance Committee this year, the Chairman of the SCRS expressed concern that the management recommendations of the SCRS for several stocks, had repeatedly been ignored by the Commission. He expressed grave concern that failure to adopt, in a timely manner, its management recommendations would result in painful sacrifices in the near future. He ended his statement by urging the Commission to place more emphasis on the conservation of the stocks as recommended by the SCRS.

It is clear to Canada, Mr. Chairman, that for both these stocks we cannot continue to ignore our scientific advice. We cannot continue to selectively adopt the extreme range of scientific advice that favor continued harvesting, while ignoring the overwhelming weight of opinion that points to the need for restrictions. We all know that by reducing available catch levels our fishermen will have less fish to catch in the short-term. However, failure to act will result in even more severe impacts, when stocks collapse entirely.

It is clear that we are chasing the catch levels down to zero. Our measures are always too modest, or too late to reverse declines and begin rebuilding. The consequences of this lack of resolve to take the bold step that is required is very clear - stock collapse, and disruption to all who depend upon this resource.

I urge your favorable support for Canada's recommendation to seize the opportunity to prevent that outcome by acting now.

**DRAFT RECOMMENDATION BY CANADA
FOR MANAGEMENT OF ATLANTIC SWORDFISH**
(attached to Report of Panel 4)

WHEREAS the objective of ICCAT is to cooperate in maintaining the populations of tuna and tuna-like species at levels which will permit the maximum sustainable catch;

TAKING INTO ACCOUNT that the SCRS projections for the assumed north Atlantic stock indicate that the 1995 catch and anticipated 1996 catch levels are not sustainable and there is a 90% probability of radical reduction by the year 2000 if catches are not reduced;

BEING AWARE that fishing at quota levels agreed to at the 1995 Commission meeting for the assumed north Atlantic stock is projected to result in further stock declines since these levels are considerably above projected replacement yields;

RECOGNIZING that the failure to achieve sufficient overall reductions in fishing mortality since 1991 has resulted in the need for more severe reductions now and in the future to achieve recovery of the assumed north Atlantic stock;

NOTING the SCRS states that in order to arrest the declining trend in the north Atlantic stock, the analyses generally suggest that catches should not exceed about 10,000 MT;

AND NOTING that the SCRS is also seriously concerned about the stock status in the south Atlantic, and when boundaries are uncertain, as they are in the case of swordfish, it is important to implement complementary action on both sides of the assumed boundary;

GIVEN that the results of the preliminary analysis of the assumed south Atlantic stock indicate that current levels of harvest are not sustainable and that fishing at F_{MSY} would quickly restore the stock to MSY levels and that this would require substantial reductions in catch in 1997 and thereafter (to around 13,000 MT);

THE COMMISSION RECOMMENDS:

- a) the overall catch of the assumed north Atlantic stock be set at 10,000 MT for 1997 1998 and 1999 to be divided up as agreed during the 1995 Commission meeting;
- b) the overall catch of the assumed south Atlantic stock be set at 13,000 MT for 1997, 1998 and 1999;
- c) existing recommendations, adopted at the 1990 and 1995 Commission meetings, regarding minimum fish size and tolerances remain in effect.

Appendix 9 to Annex 7-1

**STATEMENT BY BRAZIL AND URUGUAY
ON SWORDFISH IN THE SOUTH ATLANTIC**
(attached to Report of Panel 4)

In recent years, the SCRS has expressed concern about the continuous increase in swordfish catches in the south Atlantic and the declining trends in the abundance indices. In 1994, it recommended the adoption of specific measures to halt future increases in catches, by correctly adopting a precautionary approach for the conservation and management of the fisheries for this species in the south Atlantic.

While the majority of the countries have complied with this recommendation, maintaining their catches at reasonable levels, some countries with important fisheries continued increasing their catches. As a result, reported

catches in 1995 were almost 15% more than those of 1994, and there are indications that the estimates for 1996 will be higher than those of 1995.

It is important to point out that historically the south swordfish stock was exploited at moderate levels by the coastal countries and by oceanic fleets that caught this species incidentally in fisheries directed at other species. The high levels of current catches, which have led to a situation of deterioration of the stock, are the result of the continuous shift in fishing effort directed at swordfish from the north Atlantic towards the south Atlantic.

We would also like to express our concern about swordfish catches, by member and non-member countries, that are not reported to the Commission.

Considering furthermore the need to incorporate the principles expressed in the United Nations Agreement on Straddling Fish Stock and Highly Migratory Fish Stocks in the application of conservation and management measures, particularly with reference to the recognition of the needs of developing countries noted in Article 24 of that Agreement, which indicates the need to assure that such measures do not result in a direct or indirect transfer of disproportionate responsibility for conservation actions on the developing countries, the Commission is requested that:

1. when recommending management measures, the interest and needs of the coastal developing countries to participate actively in the exploitation of the fisheries resources that arrive at their EEZs should be duly taken into account;
2. the Commission do everything it possibly can to obtain information on the catches of this species in the south Atlantic by the members as well as the non-ICCAT members, which up to now are unreported.
3. measures be taken to halt the shift in effort directed at this species, from the north to the south Atlantic.
4. to collaborate in the control and monitoring of the fisheries of flag of convenience vessels at south Atlantic ports.

Appendix 10 to Annex 7-1

**STATEMENT BY BRAZIL ON
ALLOCATION OF CATCH FOR SOUTH ATLANTIC SWORDFISH**
(attached to Report of Panel 4)

First of all, our delegation would like to reiterate its strong commitment to the conservation of the south Atlantic swordfish stock. In this context, we have been acting in a responsible way by complying with all recommendations adopted by ICCAT.

Conceptually, we are not against the use of catch quotas to manage a fishery, provided that the basic premises that will allow their effective implementation are met. It is perhaps the only measure possible in a situation where the total catch has to be shared among various participants. In the case of the swordfish fishery in the south Atlantic there are two basic difficulties for the acceptance of catch quota by our country. First, there are uncertainties on the estimates of the total quota, due to the very preliminary nature of the stock assessment analysis. Secondly is the issue of allocation of the overall quota, which is perhaps the most difficult of these two problems, causing us to question the need of feasibility of implementing the system of a quota for the management of the south Atlantic swordfish fishery.

ICCAT experience in the allocation of overall quotas has been limited to sharing of the total catch of bluefin and swordfish among participants which are either coastal states or distant water fishing states, with already developed fisheries.

The characteristics of the exploitation of the south Atlantic swordfish stock is quite different from the north. In the south Atlantic, coastal states with developing fisheries have been, historically, the main participants in the fishery, together with distant water fishing states, which catch swordfish in fisheries targeting other species. In the last group, a number of non-Contracting Parties are included.

The traditional system of quota allocation, based solely on historical catch records is neither adequate nor acceptable for sharing the catch quota of swordfish in the south Atlantic. We have to develop a new scheme appropriate to the specific characteristics of the south swordfish fishery. This new scheme should contemplate the following factors: historical catch records, geographical position of coastal states and also, special consideration should be given for new entrants, developing state fisheries and to non-Contracting Parties. The adoption of a scheme which places the greatest emphasis on historical catches and less emphasis on these new elements is unacceptable to our country.

Our delegation recognizes how sensitive the issue of catch quota allocation is and deeply regrets the fact that it was just at the last minute that an informal meeting was called to decide on a magic number which could satisfy all the interested participant states. This took place despite ICCAT's previous experience in dealing with the issue of catch allocation, which has shown to be a very complicated and sensitive matter that requires a lot of time in long and hard discussions among the interested participants to reach an agreement. This has been demonstrated by last year's discussions on the allocation of the north swordfish catch quota. As a result, our delegation, even with its best goodwill and spirit of cooperation found it impossible to reach agreement on percentage numbers for the allocation of the catch quota, which could be appropriate, equitable and acceptable to meet the specific characteristics of the south Atlantic swordfish fisheries.

Our delegation requests ICCAT to give due consideration to the issue of quota allocation and would like to propose the inclusion of this important matter as an item on the agenda of next year's ICCAT meeting, in order to develop an appropriate scheme of allocation of catch quota for south Atlantic swordfish.

We also propose that, during the inter-sessional period, the interested delegations conduct informal consultations to exchange points of view to contribute to a substantial and conclusive debate of our next Commission meeting.

**REPORT OF THE
STANDING COMMITTEE ON FINANCE & ADMINISTRATION
(STACFAD)**

First Session - November 22, 1996

1. Opening of the meeting

1.1 The first session of Standing Committee on Finance and Administration (STACFAD) was opened on Friday, November 22, 1996, in San Sebastian, Spain. Dr. A. Lima (Portugal), Chairman of STACFAD, opened the meeting and welcomed the participants.

2. Adoption of Agenda

2.1 The Agenda, circulated in advance of the meeting, was adopted and is attached as **Appendix 1 to Annex 7-2**.

3. Nomination of Rapporteur

3.1 Dr. J. Pereira (Portugal) was nominated to serve as Rapporteur.

4. Administrative Report (1996 activities)

4.1 Dr. A. Fernandez, ICCAT Executive Secretary, presented the 1996 Administrative Report (COM/96/9), which presents details on the Commission's activities (up to Oct. 20, 1996). He reviewed current Commission membership, and noted that since the last meeting of the Committee, Libya and the People's Republic of China had become Contracting Parties to ICCAT. He also noted that the United Kingdom had become a member immediately prior to last year's meeting.

4.2 The Executive Secretary informed the Committee that Mr. J. Hache, formerly the Head Delegate of Canada to ICCAT and First Vice-Chairman of the Commission, had retired from government service this year. Thus, he has officially resigned as First Vice-Chairman of the Commission. Dr. Fernandez also notified the Committee of the recent retirement of Mr. K. Shima, Head Delegate of Japan to ICCAT. At the same time he referred to notifications received designating Mr. P. Chamut and Mr. I. Nomura, as new Head Delegates of Canada and Japan, respectively.

4.3 The Committee took due note of the Executive Secretary's information that Libya requested to join Panels 1 and 2, and Korea's request to re-join Panel 3.

4.4 In his presentation of the Administrative Report, the Executive Secretary reviewed the current status of ratification/acceptance process regarding the Paris and Madrid Protocols to the Convention. For the Paris Protocol, he indicated that as of today's date, no communication had been received from FAO regarding the Contracting Parties whose deposit of an instrument of ratification or acceptance is still pending. As regards the Madrid Protocol, there have been no new developments as well.

4.5 The Executive Secretary emphasized that even countries that would diminish considerably their financial contribution from entry into force of the Madrid Protocol have not yet accepted or ratified this Protocol.

4.6 The Committee was referred to the section of the Administrative Report on ICCAT Recommendations, which entered into force on June 22, 1996, and the Resolutions adopted at the 1995 Commission Meeting, which were transmitted to Contracting and non-Contracting Parties, as well as to international fisheries organizations.

4.7 The Executive Secretary also called attention to the meetings organized by ICCAT in 1996, and pointed out all the preparatory and post meeting work involved. He expressed appreciation to Dr. P. M. Miyake's participation and efforts at these meetings. Details on all these meetings are found in the various meeting reports and in the report summaries contained in the 1996 SCRS Report. He also referred to Document COM-SCRS/96/12 which provides details on the Secretariat's coordination of research and statistics in 1996.

4.8 Dr. Fernandez also informed STACFAD of the results of the recent ICCAT Tagging Lottery, in which three \$500 prizes were awarded for recovered tags by U.S. fishermen, as part of the Commission's International Cooperative Tagging Program of Tunas and Tuna-like Species.

4.9 Special attention was called to section 11 of the Administrative Report which summarizes ICCAT's collaboration with other countries and organizations. Dr. Fernandez indicated that this matter is dealt with in depth in Document COM/96/28, and that further discussions will take place within the Permanent Working Group and the Commission.

4.10 The Executive Secretary also reviewed the ICCAT publications issued since the last meeting, as well as improvements made on the Secretariat's computer equipment.

4.11 Dr. Fernandez noted as regards the election of the new Executive Secretary that there were 14 candidates for the position, since just prior to the Commission meeting, one candidate had withdrawn.

4.12 As regards the make-up of the current staff at the Secretariat, Dr. Fernandez informed the Standing Committee that there had not been any changes in staff since the last meeting. He also noted that hiring of a multi-lingual secretary for the English Department, although authorized by the Commission, was not deemed absolutely necessary, taking into account the shortage of cash flow.

4.13 Several delegations congratulated the Executive Secretary for his informative report to the Committee and at the same time expressed their regrets that he has decided to leave the Commission.

4.14 The U.S. Delegate, in commenting about the ratification of the Protocols, expressed surprise that countries who would benefit directly from the entry into force of these Protocols had not yet ratified or accepted. He was also concerned about Libya's not depositing its instruments when it became a Contracting Party and the ramifications this might have. The U.S. had studied this matter with its legal experts whose interpretation is that new Contracting Parties are legally bound by the Protocols of amendment to the Convention once opened for acceptance.

4.15 Another point raised by the U.S. Delegate concerned the Madrid Protocol, which is vital for financing of the Commission's budget, and the fact that there are still two countries with developed market economies (France and Japan) that have not yet ratified.

4.16 The Executive Secretary indicated that he had done his best to promote the entry into force of these Protocols, but to no avail. He noted that FAO, as depository of the ICCAT Convention and the Protocols, has to inform the Commission of the entry into force of any amendment to the Convention. He informed the Committee that Dr. Fadda, of the FAO Legal Department, was due to arrive at the meeting next week, and that he would present his views to the Commission. He pointed out that when the United Kingdom joined the Commission in late 1995, it deposited one instrument for adherence to the Commission and another instrument for acceptance of the Paris Protocol. The U.K. did not, at that time, deposit a third instrument for the Madrid Protocol. The FAO Legal Department also informed the Secretariat that it would be appropriate for the Libyan authorities to accept the two Protocols as soon as possible. The ICCAT Chairman has addressed a letter to Libya in this respect. If the deposits of the said instruments by new Contracting Parties are not necessary, it would make things easier, but confirmation of this information is needed from FAO. The Executive Secretary indicated that the date of entry into force will be 30th day after the deposit of the last instrument required.

4.17 The Delegate of Morocco thanked the Executive Secretary for his clear statement. In referring to the Paris Protocol, he announced that on October 2, 1996, the authorities of Morocco ratified this Protocol and the procedure of deposit to FAO is therefore underway.

4.18 The Delegate of Uruguay informed that his country had ratified the Madrid Protocol on October 18, 1995, and was perplexed that FAO had not yet notified ICCAT.

4.19 The Secretariat confirmed that up leaving for San Sebastian no notifications had been received from FAO.

4.20 The Delegate of Venezuela joined the other delegations in congratulating Dr. Fernandez on his excellent Administrative Report. He indicated that as regards the Paris Protocol, his country had ratified it in 1988 and that Venezuela was currently in the process of ratifying the Madrid Protocol. He indicated that such procedure has to go through legislative house. He also noted that a Resolution has just been put into force whereby it is mandatory to carry out port inspections.

4.21 The Delegate of Japan noted with interest the comments made by the various delegations regarding the Paris Protocol. He indicated that Japan's view was similar to that of the U.S., in that new Contracting Parties are not obliged to ratify the two Protocols. Otherwise, he noted, the entry into force could be delayed indefinitely. Thus, Japan feels that this is a matter of interpretation of the text of the Protocol. He expressed interest in hearing the explanations of the FAO Legal Expert. He also added that the Commission might also consider preparing an interpretative statement regarding this matter.

4.22 The Delegate of Japan also recognized that for the Madrid Protocol to enter into force, ratification by Japan was essential. He regretted that he could not provide STACFAD with definitive information as to the date when Japan will complete its internal procedures to deposit its instrument. He added he would do all in his power to expedite that process.

4.23 The Chairman supported the Japanese proposal about preparing an interpretative text which could clarify this issue. He noted that this matter would be discussed further once the FAO Legal Expert arrived. The Chairman stated that the entry into force of the Madrid Protocol would change the structure of contributions to Commission's budget and could solve once and for all the Commission's financial difficulties.

4.24 The Delegate of France informed the meeting that he would do all he could to expedite the procedural problems of his country for ratifying the Madrid Protocol.

4.25 The Delegate of Canada noted that the entry into force of the Madrid Protocol is a high priority item for the Commission. He indicated that, as regards the Paris Protocol, Canada agrees with the opinions expressed by the U.S. and Japan. He said that it is important that the Commission take advice from FAO, but there may some "gray areas" involving this matter. Hence, perhaps the Commission by preparing an interpretative statement, can instruct FAO as to the interpretation it wishes to apply to this procedure.

4.26 The Delegate of the People's Republic of China expressed appreciation for the presentation of the Reports by the Executive Secretary, which helped his delegation considerably, as a new member of ICCAT. He further explained that China only deposited its instrument of adherence to the Convention and that it would require another legal procedure for China to accept the Protocols to the Convention.

4.27 The Delegate of the People's Republic of China also commented on the use of the name of "Taiwan" throughout the reports presented to the Committee. He made particular reference to the first paragraph of section 11 of the Administrative Report, which lists the countries that have collaborated with ICCAT, and includes Taiwan. He availed himself of this opportunity to reiterate that according to the basic position of the People's Republic of China, there is only one China in the world. Taiwan is a province and inalienable part of China. The Government of the People's Republic of China is the sole legitimate government representing the people of China as a whole. Thus, he requested the Secretariat to change the relevant working in the report "Among the countries that have been collaborating..." to "Among the non-Contracting Parties that have been collaborating..." by circulating a document.

4.28 The Executive Secretary responded to the above intervention by the People's Republic of China. He pointed out that this is an important issue, which has political implications. He indicated that it is evident that the ICCAT Secretariat has no competence for solving problems of international politics. ICCAT has a technical and administrative Secretariat, concerned with carrying out the Commission's objective of the conservation of tuna and tuna-like resources in the Atlantic Ocean and its adjacent seas. The Secretariat follows the established practices of accepting the names that the non-Contracting Parties decide to use, without this necessarily implying acknowledgement of international rights or obligations of the States. He pointed out that this issue could be more properly discussed in the Commission Plenary Session, rather than by the Finance and Administration Committee.

4.29 Dr. Fernandez indicated that the Secretariat will go along with any decision that the Commission eventually takes on this point, given the need to designate this political entity with some name in the documents and in the correspondence issued by ICCAT.

4.30 The Delegate of the People's Republic of China stated that he has strong reservations about the aforementioned wording, and reiterated his request that his intervention be included in the record.

4.31 The Chairman assured the Delegation of the People's Republic of China that the record would so reflect his comments. He reiterated that this issue is not within the purview of this Standing Committee of Finance and Administration, and that it could be raised at the Commission Plenary Sessions.

5. Auditor's Report - 1995

5.1 The Executive Secretary referred the Committee to Document COM/96/10, the 1996 Financial Report, and specifically to the section on the Auditor's Report corresponding to Fiscal Year 1995. He noted that this Report had been transmitted to the Contracting Parties in April, 1996, and that no comments had been received. At the end of the Fiscal Year there was a balance in the Working Capital Fund of 18.1 million pesetas, 12.3% of the total annual budget. He noted the Commission's request that the balance should be about 15% of the budget.

6. Financial status of the 1st half of the biennial budget - 1996

6.1 Dr. Fernandez again referred to the 1996 Financial Report (COM/96/10) and pointed out that the information contained therein reflected the Commission accounts up to October 20, and will be updated and completed to the end of Fiscal Year 1996.

6.2 He noted that in 1992 the Commission adopted Spanish Pesetas as the budget base currency for accounting purposes, and any amounts that were received or calculated in other currencies, mainly United States Dollars, were converted to pesetas using the official monthly exchange rates provided by the U.N.

6.3 The Committee was referred to Statement 2 of the Financial Report, and the Executive Secretary noted that Libya's 1996 contribution was included on this statement as an extra-budgetary contribution, since their adherence to ICCAT was effective on November 27, 1995, which was after the 1996 Budget and contributions had been adopted by the Commission. He noted that Libya as well as the People's Republic of China will be included in the member country regular contribution scheme for 1997.

6.4 The Executive Secretary reported that income received in contributions to the 1996 budget, up to October 20, amounted to about 116.4 million pesetas, and only 12 Contracting Parties, or about 50% of the Commission membership has paid its contribution. Thus, 25% (or about 38 million pesetas) of the 1996 Budget could not be financed. The Executive Secretary called STACFAD's attention to the current accumulated outstanding debt owed to the Commission, which amounted to 171.2 million pesetas as of October 20. He asked the Contracting Parties to make every effort to meet their financial obligations to the Commission.

6.5 Statement 3 of the Financial Report shows a breakdown by budget chapter, the actual expenditures up to October 20, and expenses estimated to the end of the Fiscal Year. The Executive Secretary noted that total annual expenditures would amount to about 138.9 million pesetas. He also stated that expenditures for all the budget chapters are expected to remain within the amount budgeted, and in some cases they may be below the amount budgeted, since full financing of budget has not been received. He pointed out for certain budget chapters (e.g. those corresponding to salaries) there are fixed expenses, which precludes savings. Notwithstanding, some savings were possible this year by not having contracted an English secretary, as it was not considered essential, as well as in several chapters. Total savings estimated would amount to almost 16 million pesetas, equivalent to 10% of the 1996 budget.

6.6 The Executive Secretary noted that to cover the gap of 25% in the financing of the budget, expenses were reduced by about 10%, and the remaining 15% of the budget would be financed with availabilities in the Working Capital Fund.

6.7 The Executive Secretary reminded the Committee that he had not made any trips charged to the 1996 Budget, to assure that as much money as possible would be available for one Secretariat member to attend all this year's inter-essional meetings. He also pointed out that all the extra expenses for holding the 1996 Commission Meeting outside

Madrid will be paid by the Autonomous Basque Government. One area where a considerable increase in expenditures (+40%) was experienced was in the mailing of publications, since the Commission had agreed to air mail a limited number of these to the delegates.

7. Contributions pending payment from the Contracting Parties

7.1 Statement 4 of the Financial Report which shows that during the present year 112.8 million pesetas were received in 1996 contributions and 28.8 million pesetas in past due contributions. The Executive Secretary thanked Angola, Gabon, Libya, United Kingdom and Venezuela for their efforts in paying, at least partially in some cases, their back contributions.

7.2 The Executive Secretary also noted the extra-budgetary income received by the Commission in observer fees, bank interest, publications, return of value added tax, etc. which was added to the availabilities of the Working Capital Fund. He announced to have received recently a new voluntary contribution of \$15,000 from the authorities of Taiwan (\$5,000 of which will be specifically earmarked for bluefin tuna research). He recalled that in 1995, another \$15,000 had also been received, of which the Secretariat had destined \$5,000 to finance some unbudgeted and extraordinary expenditures derived from the participation of Secretariat staff at the inter-sessional meetings relative to bluefin tuna research.

8. Status of the Working Capital Fund

8.1 Statement 5 shows the composition of the Working Capital Fund, showing a balance (as of October 20) of 73.3 million pesetas. Notwithstanding, estimated expenses amounting to 45.7 million pesetas to the end of Fiscal Year 1996 will have to be deducted, and thus this Fund would show a balance 27.6 million pesetas, if no other funds were incorporated.

8.2 Dr. Fernandez pointed out that while the Commission's financial situation has improved since last year, there were problems of cash flow due to the receipt late in the year of the majority of the member country contributions. Thus, to assure that Commission activities can be carried out as planned, he encouraged the Contracting Parties to pay their contributions as early in the year as possible.

8.3 The Chairman thanked the Executive Secretary for his summary of the Commission's finances during the first half of the biennial budget. He urged the Contracting Parties to adopt the Protocols to assure the financial health of the Commission. He expressed his surprise that several countries that would benefit from the entry into force of the Madrid Protocol had not yet ratified.

9. Financial status of the Albacore Research Program

9.1 The Executive Secretary explained that the balance of the funds for this Program had been applied in its entirety to the publication of the Report of the Final Meeting of the Program in an enhanced, hard cover edition.

10. Financial Status of the Program of Enhanced Research for Billfish

10.1 The Committee was referred to section 5 of the Financial Report which provides a summary of the status of billfish program income and expenditures in Fiscal Year 1996 (up to October 20).

11. Budgetary implications of 1997 Commission activities:

11.1 In order to give the Delegations more time to study the budgetary proposals for 1997, the Executive Secretary presented the Revised Budget and Contributions for 1997 (COM/96/11 and its Annex 1). He noted that although the basic budget provisionally adopted for 1997 included a 5% increase for inflation, all budgetary chapters could be reduced by 1%, since the estimated inflation rate in the country of the Headquarters is expected to be 4% in 1997. He also noted that the budget proposed also included 4.6 million pesetas for the contracting of a multi-lingual secretary.

11.2 Dr. Fernandez made particular reference to the 1996 SCRS recommendations which have budgetary implications, which require Commission approval, as shown in Annex 1 to COM/96/11, for such activities as the BYP, the billfish tagging program, the Bigeye Year Program, travel for representation at international meetings, the

outside contracting of an expert in CITES matters, contracting of a permanent statistical scientific expert and the purchase of a bibliographic data base, as well as additional computer equipment.

11.3 Dr. Fernandez pointed out that the amount budgeted for the chapter on Contingencies had been included for the expenses estimated for the hiring of the new Executive Secretary.

Second Session - November 27, 1996

12. Proposed budget for 1997

12.1 The Executive Secretary referred again to COM/96/11 and its Annex 1 which had been introduced at the first session of STACFAD. He referred to three important research programs which require funding by Commission:

- i) The Bluefin Year Program (BYP), that was presented in 1995, and approved by the Commission, but no financing was provided. The budget requested for such activities is 9.6 million pesetas (US\$ 75,000).
- ii) The Billfish Tagging Program proposed by the SCRS in 1996, and for which funding requirements of 13.4 million pesetas (US\$ 105,000) were identified for the first year of activities. The Executive Secretary recalled the importance of tagging programs in ICCAT research work.
- iii) The Bigeye Year Program, an ambitious research program proposed by the SCRS, requiring a budget of 189.8 million pesetas (US\$ 1.5 million) in the first year, and a total budget of US\$ 2.2 million for the 3 years of Program activities.

12.2 Referring to Table 1 of annex to COM/96/11, the Executive Secretary made some estimates of the financial repercussions that these proposals could have on the budget, such as travel by the Assistant Executive Secretary to attend the meeting of the shark by-catch group in Japan, the CWP meeting in Australia, travel to Taiwan for two weeks to assist in data management, and travel to attend a meeting on tropical tunas, mainly bigeye, in San Diego. The funds estimated for participation in the aforementioned activities distributed in Chapters 2 and 8-A is approximately 3.5 million pesetas. He noted that this amount is within that his initial budgetary proposal, circulated to the Commissioners prior to the SCRS Meeting by the Commission. Hence, there is no need to increase the allocation to those budget chapters.

12.3 Dr. Fernandez also referred to the proposal for contracting an expert for CITES related matters, which includes travel and honorariums. This had not been included in the initial budgetary proposal.

12.4 The Executive Secretary also referred to the proposal for contracting of a permanent scientific expert (biostatistician) on the Secretariat staff, for which an estimated 12 million pesetas would be needed. Recalling the importance of having this scientific expert on the Secretariat staff, he commented that this proposal has been presented several times to the Committee, but funding has not been allocated.

12.5 He pointed out that items 5 and 6 of this annex table to COM/96/11 would require additional allocations from the budget, and that items 7 and 8 did not require additional allocations, since they could be included in the original proposed budget.

12.6 Dr. Suzuki informed the Committee that the meeting on bigeye had just recently been held in San Diego, at the IATTC Headquarters. The participation of a representative from the ICCAT Secretariat was not realized because of that meeting's proximity to the ICCAT SCRS and Commission meetings.

12.7 To expedite the discussions, the Chairman suggested that the Committee consider separately Document COM/96/11 (the 1997 budgetary proposal presented by the Executive Secretary) and the proposals presented in the Annex to COM/96/11), bearing in mind that the adoption of some of these research programs had not yet been discussed and adopted by the Commission Plenary.

12.8 In various interventions by the member country delegations, preferences and/or priorities for specific research activities were expressed. Japan strongly supported the research activities related to bluefin tuna research.

12.9 The Delegate of Canada advocated approval of a budget that focused on the Commission's scientific objectives. Spain inquired that while maintaining the Working Capital Fund at a level of 15% of the budget, if savings made in this year's budget could be carried over to the 1997 budget applicable to the research activities being proposed. Several delegations expressed their views, both for and against, the need to contract a permanent scientific expert on the Secretariat staff, as well as the need for an outside expert on CITES matters.

12.10 The Executive Secretary reminded the Committee of the fact that the 10% reduction in expenses did not mean that this money was available, since part of the 1996 contributions (or 25% of the budget) were not received.

12.11 In response to the inquiry from the Delegate of Côte d'Ivoire on tax exemptions for the Executive Secretary (point B of COM/96/11), Dr. Fernandez indicated that he had included this item in the estimated budget, in response to a request by the U.S. in 1995 regarding the impact of potential, unbudgeted responsibility of the Commission. He noted the possibility, recently brought up, of the ICCAT Executive Secretary having to pay Spanish taxes, due to being of Spanish nationality. He made reference to the exchange of correspondence between the Commission Chairman in April, 1995, and the Spanish authorities. He recalled that the interpretation of ICCAT and the Fao Legal Department of Article 16 of the Seat Agreement between ICCAT and the Spanish State, had been since more than 25 years ago, that the Executive Secretary enjoyed exemption from Spanish taxes, even if being of Spanish nationality, asserting that the former Executive Secretary, also of Spanish nationality, enjoyed the privileges, immunities and facilities accorded to diplomatic envoys, without ICCAT's having to pay any type of taxes or his remunerations.

12.12 The Delegate of Spain pointed out that the fact that there has been no response to the ICCAT Chairman's letter meant silent agreement from the Spanish authorities with the ICCAT position in this matter. He announced further that the Spanish authorities would communicate this decision to ICCAT in writing.

12.13 The Executive Secretary stressed the necessity to maintain the level of the Working Capital Fund at 15% of the total budget, since this Fund is used as a sort of buffer to meet the Commission's activities expenses in the early part of the year, until the first member country contributions are received.

12.14 Dr. Fernandez also noted that the estimated expenses for the installation of the new Executive Secretary, under "Contingencies", was calculated at the maximum. He indicated that savings could be made in this budget chapter, depending on the nationality of the selected candidate.

12.15 The Chairman thanked the Delegate of Spain for his clarifications concerning the matter of taxes of the Executive Secretary's remunerations.]

12.16 As regards meetings outside the Headquarters in 1996, the Delegate of Japan referred to proposed meeting of the Shark Working Group, and announced to the Committee that Japan officially offers to host this meeting, preferably in February or March, in Japan, as such a meeting should be held before the CITES meeting. Confirmation of this invitation would be forthcoming from the pertinent Japanese authorities.

12.17 The Delegate of Japan, supported by other delegations, expressed that funding for the Bluefin Year Program (BYP) was overdue, particularly since the Commission approved this Program in 1995.

12.18 The Delegate of Canada supported a budget which would cover all of the funding identified as needed to ensure the availability of high quality scientific work, including funding for the approved Bluefin Year Program, and for high quality statistics for stock assessment purposes. Canada also noted the need to cover staff related unfunded liabilities, as identified by the Secretariat, and the need to consult with the auditors in accounting for this provision.

12.19 The Executive Secretary, while understanding the reservations expressed by various delegations as to increases in the budget, pointed out that the fixed expenses represented a significant part (about 90%) of the budget, and therefore, flexibility could be applied only to a reduced part of the total budget.

12.20 The observer from Taiwan pointed out the close working relationship it has maintained with ICCAT for more than 20 years, and that Taiwan is well aware of the importance of adequate statistics. In view of the gap in Taiwanese catch statistics, the Assistant Executive Secretary has been invited to visit to Taiwan to assist in improving the catch statistics and the catch reporting system. He noted that Taiwan would assume the per diem expenses for such travel.

12.21 The SCRS Chairman referred to the new contribution of US\$ 5,000 from Taiwan towards bluefin tuna research in 1997, and suggested using these funds for the Bluefin Year Program (BYP) and partially for the Billfish Tagging Program in the Mediterranean area.

12.22 The Executive Secretary thanked the authorities of Taiwan for their continuous scientific and financial cooperation, recalling that the first \$5,000 received from the industry had been deposited to the Working Capital Fund corresponding to Fiscal Year 1995 and had been utilized in 1996 in accordance with the instructions received from the Taiwanese authorities.

12.23 The Observer from Taiwan announced that it was the intention of his tuna fishing industries to continue with the annual contribution of \$5,000 for the Secretariat's expenses relative to bluefin tuna research, and he considered that the Secretariat had completed this objective with the utilization of the funds received in 1995.

12.24 An inquiry was made as to use and allocation of extra-budgetary income, such as that from observer fees, voluntary contributions, interest, etc., to which the Executive Secretary budget responded that all such income was automatically deposited to the Working Capital Fund.

12.25 In response to the Delegate of Spain, Dr. Fernandez recalled that all extra expenses involved in holding the Commission meetings outside the city of the ICCAT headquarters are assumed by the host. Thus, all the extra expenses for this meeting, including the travel and per diem of the ICCAT staff, are to be paid by the Autonomous Basque Government.

12.26 The Executive Secretary referred to the table of contributions distributed to the Committee which reflected the new Panel membership, based on the original budgetary proposal submitted prior to the Commission meeting. Hence, there were minor changes in the member country contributions. He noted that this could still change, since the final budget figure for 1997 had not yet been decided upon.

12.27 The Delegate of Angola, as a member country of ICCAT, requested assistance to improve its statistical data collection system. He noted he had repeatedly brought his country's difficulties in this aspect to the attention of the Commission over the years. Such data deficiencies have also been pointed out in Angola's national reports submitted to the Commission.

12.28 The Chairman assured Angola that the Committee would seriously consider Angola's request, with a view towards providing such assistance, provided that funding is available.

12.29 In view of all the comments and discussions at this second session of STACFAD, the Secretariat was asked to prepare new budget and contribution tables for consideration by the Committee at its next session. Before adjourning the session, the Executive Secretary pointed out that the inclusion of most of the research activities proposed in the budget would represent an overall increase of about 25% over the 1996 budget.

Third Session - November 28, 1996

12. Proposed budget for 1997 (Continued)

12.30 In response to an inquiry from the Delegate of the United Kingdom, the Executive Secretary explained that in the new budget tables prepared by the Secretariat (ref: Doc. #49, Table A) the chapter on "Miscellaneous" showing an allocation of 25.3 million pesetas included 12 million pesetas for the contracting of a permanent scientific expert at the Secretariat, 3 million pesetas for the outside contracting of a CITES expert, and 9.6 million pesetas for the BYP, as well as the 0.7 million pesetas as was contained in the original budget proposed. He added that the proposed Billfish Tagging program was not included in this budget. He further explained that Doc. No.50, Table B, included all the aforementioned activities, as well as billfish tagging amounting to 13.4 million pesetas (in chapter 8-D), as well as the 2.7 million pesetas corresponding to the provisional budget adopted for 1997.

12.31 In response to the Chairman's request for comments on budget tables A and B just distributed, the Delegate of Spain stated that his country will have difficulty in accepting such proposals, since they represent at least a 25.5% increase over the 1996 budget, and that he couldn't explain this increase to his government authorities. He also commented that Spain understands the needs of a biostatistician at the Secretariat and the importance of hiring a

CITES expert, but due to budgetary restrictions, ICCAT should look to alternative solutions. He further stated that Spain could only accept an increase of 5% in its contribution.

12.32 The Delegate of South Africa agreed with Spain, since he too could not accept an increase of over 25%, and declared his preference to a previous proposal which shows an increase of about 10%. Recognizing the value of the research work proposed, he encouraged the countries directly interested in these research activities to search for alternative ways to finance some research activities, such as voluntary contributions and other financing scenarios.

12.33 The Delegate from Uruguay also expressed her difficulties to justify before her government authorities the financing of the Billfish program, and the contracting of a CITES expert.

12.34 The Delegate of Venezuela supported the position of South Africa, and while understanding the needs for scientific research, he could not support a budget with the proposed 25% increase, due to budgetary restrictions. He also stated that ICCAT should look for other sources of financing some of its research activities other than by country contributions.

12.35 The Delegate from the U.S. shared the concerns expressed by other delegations regarding the increase in the budget, but stated that the U.S. had some degree of flexibility and thus could accept increase from 10 to 15%. Considering that some savings can be made in several items (such as installation expenses of the new Executive Secretary, the contracting of a permanent scientific expert, etc.) he proposed that the two programs (BYP and billfish tagging) could be combined in the first year, to save some funds, and asked the view of the SCRS Chairman on this possibility.

12.36 The SCRS Chairman responded that since there is some overlapping in these two tagging programs, they could possibly be combined, but he was not sure at this point on how to achieve this.

12.37 The Delegate of Canada supported the Budget as reflected in Table A.

12.38 The Delegate of Angola also indicated he could not accept a budgetary increase of 25.5%.

12.39 The Delegate of France noted that extra-budgetary resources could possibly be used by certain Contracting Parties next year to carry out an observer program for the tropical tuna fisheries. He also inquired about the possibility of reviewing the contribution of the sport fishery to the ICCAT budget because of its extremely profitable nature relative to the volume of the catches. As concerns expenses, France declared its favor for, as first priority, recruitment of an expert in view of the CITES meeting in 1997, and recruitment of a biostatistician, as its second priority.

12.40 The Delegate of Russia stated he could not justify this large increase in the budget to his authorities.

12.41 The Delegate of Korea, while understanding the need for an increase in the budget, could not accept the proposal, particularly in view of their recent membership in Panel 3 which had resulted in a 20% increase in Korea's contribution. Thus, a 25% increase in the budget would actually mean an almost 50% increase in Korea's total contribution to ICCAT in 1997.

12.42 The Delegate of Japan noted its first priority was the BYP, followed by the contracting of a CITES expert. He also mentioned that Japan was making an extra contribution to FAO for CITES related activities.

12.43 The Delegate of the UK supported the revised budget in general terms, with not hiring a biostatistician, and the merging of the BYP and billfish tagging activities.

12.44 The U.S. also agreed with combining the two programs as regards the tagging activities. He hoped that such a decision would not result in a dilution of either of these programs.

12.45 The SCRS Chairman understood the U.S. concern. He was also concerned whether there would be funds available for a steering committee to properly coordinate these merged activities. He stressed the importance of contracting a CITES expert. He also pointed out that there were less inter-sessional meetings planned for 1997, hence the contracting of a biostatistician was not of immediate priority. He believed that the outside contract for the tropical sampling strategy had been discontinued, and asked the Executive Secretary to clarify the allocation noted in this budget chapter (8-D)

12.46 Dr. Fernandez confirmed that the outside contract had been discontinued and hence some savings could be realized in this budget chapter. He added that the outside contracting of an expert in CITES matters would also not be necessary, since the Secretariat could continue in charge of coordinating these activities.

12.47 The Assistant Executive Secretary pointed out that if the Committee decides not to accept the proposal for a CITES expert, it should at least consider funding of a Secretariat staff member to attend the CITES meeting in Zimbabwe to defend the position of ICCAT.

12.48 The Delegate of Spain indicated that ICCAT could effectively be represented at CITES by the member countries that will be attending, as CITES members. Spain also indicated that it could not accept a budget increase over 6 to 7%, which would imply an increase of over 5% in its contribution.

12.49 The Chairman noted a general consensus that the member country delegations could accept a budget increase somewhere in the range from 5 to 10% and he asked the countries to express their views at this point regarding this percentage so that the Secretariat could prepare a revised budget and contributions for later review by the Committee.

12.50 The Delegate of Portugal indicated that her country could accept a 6 or 7% increase. The Delegate of the United Kingdom could not accept an increase of more than 10%, but pointed out that the country contributions have been reduced with the incorporation of new members and new panel members. The Delegates of South Africa and the U.S. could accept a 10% increase, whereas the Delegate of Canada indicated that it could accept a 16% increase. The Delegate of Canada also indicated that it could accept the 16% increase necessary to fund scientific and statistical priorities.

12.51 The Delegate of Spain reiterated that it could not accept more than a 5% increase in its contribution. He pointed out that Spain was interested in knowing the absolute value of its total contribution for 1997.

12.52 The Delegate of Brazil indicated it could not accept an increase of more than 7%. The Delegate of France noted that 7% was the maximum it could accept, especially since they would be financing a research program on bigeye. Russia indicated it had strict instructions not to accept any increase over 7%.

12.53 The Chairman noted the Committee was close to a consensus of a 7% increase in the budget and asked if Spain could also support this percentage increase. The Spanish Delegate asked to know its country's 1997 contribution before expressing an opinion, so that he could see the real monetary increase for Spain.

12.54 The Executive Secretary pointed out that the budget proposal transmitted to the Contracting Parties over two months ago was carefully prepared. Nevertheless, he will do his best to present a new proposal based on the results of the discussions, redistributing funds were possible among the budget chapters and sub-chapters.

Final Session - Friday, November 29, 1996

12. Proposed budget for 1997 (Continued)

12.55 The Executive Secretary introduced Budget Table 2-C, which showed a revised total budget figure of 165,398,000 Pesetas for 1997, as well as Table 4-C showing the corresponding member country contributions for 1997. He explained that in preparing this revised budget the Secretariat had tried to accommodate the proposals, preferences and priorities presented by the members of the Committee, and the consensus reached for an overall budget increase of 7% over the 1996 total budget. He further explained that because of the fixed nature of expenditures (e.g. salaries, travel for home leave, operating expenses, maintenance contracts, data processing), no reductions could be introduced to some budget chapters.

12.56 Dr. Fernandez pointed out that reductions had been introduced in the port sampling (reduced to zero for 1997), electronic equipment, data processing, and scientific meetings, and contingencies (since installation expenses for the newly elected Executive Secretary will be less than estimated for this expense).

12.57 Dr. Fernandez reminded the Committee that in order to accommodate certain proposals made by the SCRS and supported by the Committee, including partial funding of the Bluefin Year Program, the major increase over the Secretariat's original budgetary proposal is shown in Chapters 8-B "Travel to improve statistics" and 8-H

"Miscellaneous". He pointed out that with the aforementioned adjustments, the overall increase in the 1997 budget represented a 6.9% over that of 1996, and a 1.8% variation with respect to the budget figure that the Commission adopted provisionally last year.

12.58 The Delegate of Spain thanked the Executive Secretary for the explicit tables just presented, and asked for further clarification as regards Chapter 8-B, Travel. In addition, in referring to the port sampling program, he indicated Spain's disposition to collaborate with the Secretariat regarding this activity, particularly in relation to activities discussed during the meeting proposed by the U.S. on monitoring and inspection. He was pleased that the Commission's had decided to fund, at least partially, the Bluefin Year Program. He also encouraged the member countries to pay their contributions early in the year, to assure cash flow for all the Commission's activities.

12.59 Dr. Fernandez clarified that this chapter included two types of trips, i.e. provision to attend the scientific meetings proposed by the SCRS, as well as that for trips proposed by the Commission (e.g. to attend CITES and the inter-sessional monitoring and inspection meeting). Hence, the amount budgeted for this chapter was increased accordingly. He also agreed that port sampling is an important Commission activity, and that while in the last few years no expenses have been charged to it, he was confident this activity would be resumed in the near future.

12.60 The Executive Secretary also commented that in addition to the 2 million pesetas proposed in the budget for the partial funding of the BYP, the \$5,000 (approx. 600,000 pesetas) of the recent voluntary contribution from Taiwan would also be available for these activities. He believed that this year's funding of the BYP was a accumulable reserve for future contributions and hoped it would attract new contributions for bluefin tuna research. He indicated his willingness to write to the delegations and other entities to explain the importance of this Program and to solicit additional contributions.

12.61 The Delegate of the United States appreciated the efforts of the Secretariat in preparing a budget with a moderate increase that could be accepted by most of the delegations present. He indicated the U.S. was prepared to approve the revised Budget, conditional on the inclusion of activities relative to billfish tagging in the BYP as requested by the SCRS, inasmuch as the SCRS determines that this would not detract from the implementation of the BYP; he asked that this be so noted in the record.

12.62 The Delegate of Portugal manifested support for the revised budget presented by the Executive Secretary.

12.63 The Delegate of Uruguay commented as regards to the budget that there were various problems affecting the south Atlantic, such as the lack of information on bigeye tuna, swordfish, etc. as well the increase in the number of flag of convenience vessels, for which her country wanted to implement sampling at Uruguayan ports. She regretted that Uruguay would continue with this lack of information. On the other hand, Uruguay insisted on the contracting of a biostatistician. She believed that this was also the wish of all the members of the SCRS for the last several years, and she requested that the Committee take this priority into account.

12.64 The Delegate of Japan thanked the Executive Secretary for the clear presentation of the revised budget and contribution tables. While Japan supported the revised budget, he reiterated his country first priority was for Commission funding of the BYP and its second priority was for work related to CITES issues. He regretted that the new budget proposal did not include allocation for CITES work, as proposed by the SCRS. He was pleased that Secretariat participation at CITES was included and expressed the hope that other CITES related activities could also be conducted within this budget framework.

12.65 The Executive Secretary took due note of the comments by the Delegate of Uruguay regarding port sampling and the contracting of the biostatistician. He regretted that the consensus reached by the Committee did not include budgetary allocation for port sampling in 1997. As regards the biostatistician, he pointed out that throughout his tenure as Executive Secretary, he had constantly requested financial support for the contracting of this specialist as a permanent staff at the Secretariat, which had also been a regular proposal made by the SCRS.

12.66 Dr. Fernandez, in response to the Delegate of Japan, emphasized that the Secretariat was very active as regards CITES matters, as is clearly shown in all the correspondence and Secretariat reports. He reminded the Committee of the Secretariat's work and expenses in preparing pamphlets and other materials which were shipped to and distributed at the 1992 CITES Conference in Kyoto and in subsequent years. He noted the Commission's funding of all travel expenses and registration fee for Mr. D. Silvestre (France) to represent the ICCAT Chairman at the Kyoto meeting, as well as payment of the CITES registration fee for Mr. J. Beckett, a member of the Canadian delegation, to assist in diffusing at the CITES Conference information on ICCAT's bluefin tuna research activities. He pointed

out the two Resolutions adopted by the Commission, which are still valid. He also recalled ICCAT's collection and compilation of by-catch data, particularly that of shark catches in the tuna fisheries, as well as the Commission's collaboration with the ICES Shark Committee and CITES Animals Committee.

12.67 The Delegate of Spain expressed full agreement with that just expressed by the ICCAT Executive Secretary, as well as Spain's hope to reactivate port sampling in the future. Having said this, the Delegate of Spain indicated his country's support of the revised budget and contributions.

12.68 The Delegate of Canada also expressed Canada's acceptance of the revised budget and contributions for 1997.

12.69 The Chairman of STACFAD, taking due note of the consensus reached on the revised budget proposal, announced that the 1997 budget amounting to 165,398,000 pesetas was considered adopted, and is attached as Table 1. The Bigeye Year Program was considered adopted, although without budgetary financing this year, while an important contribution was expected from the EU towards this Program, as well as from other possible funding sources.

13. Contributions of the Contracting Parties to the 1997 budget

13.1 The Executive Secretary called the Committee's attention to Table 4-C, which shows the contributions corresponding to the revised Budget just presented and which amounts to 165,398,000 pesetas, distributed among the 24 member countries, taking into account the recent membership to the Panels.

13.2 The STACFAD Chairman, in view of the adoption of the revised 1997 budget, announced that a consensus was also reached on the adoption of the corresponding member country contributions (attached as Table 2).

14. Observer fees

14.1 The Delegate of the U.S. noted that this matter had been discussed in brief at the end of the 1995 meeting and regretted that because of time constraints this issue was again presented at the end of the meeting. He believed that the matter now involved more than the amount of the observer fees, but the observer procedures in general. He noted that since this issue was directly related to transparency, it concerned not only to the participation of NGOs, but also the broader question of other government observers. The U.S. Delegate proposed that sufficient time be set aside at next year's meeting for in-depth discussions of this matter. He also noted that if the Committee agreed, the U.S. would be willing to prepare and circulate, in the interim, a comprehensive proposal for study by the member countries. He further proposed, an interim and simple measure, that the observer fee be reduced immediately to US\$ 500.

14.2 The Delegation of Canada noted it had given careful consideration to this issue and was prepared to fully support both parts of the U.S. proposal.

14.3 The Delegation of Spain expressed support for the first part of the U.S. proposal, and offered its assistance in preparing the comprehensive proposal. He also suggested that this matter be included on the 1997 Agenda and be discussed prior to consideration of the 1998 budget. He was in favor of further discussion of the observer fee and was interested in an exchange of views among the member countries in the inter-sessional period.

14.4 The Delegate of Brazil expressed support for the full U.S. proposal.

14.5 The Delegates of Japan, Portugal and the United Kingdom supported the Spanish suggestion.

14.6 The Chairman of STACFAD synthesized that in view of the statements and opinions just expressed, this item would be included on next year's STACFAD Agenda, to be discussed prior to the budget. He also noted that the consensus for an in-depth study of this matter, to be based on a first document prepared by the U.S. Delegation and circulated by the Secretariat.

14.7 The Observer from Mexico indicated that his country, as active observers at ICCAT, would like to see this proposal circulated among the observers, for reasons of transparency.

15. Other financial and administrative matters

15.1 Dr. Ribeiro Lima, the current STACFAD Chairman, and newly elected ICCAT Executive Secretary, expressed his appreciation to the Committee for its continued support and assistance during his term as Chairman.

15.2 The Delegate of Spain emphasized Dr. Lima's excellent chairmanship of STACFAD, and this was reiterated by several member country delegations.

15.3 The Delegate of Portugal thanked Dr. Ribeiro Lima for his excellent chairmanship and was pleased to nominate Mr. Carlos Dominguez (Spain) for the next Chairman of STACFAD, and this was seconded by the Delegates of the U.S. and Venezuela. Mr. Dominguez was elected by acclamation.

15.4 The newly elected STACFAD Chairman thanked the Committee for the confidence placed in him and hoped he could meet the high standards demonstrated by Dr. Lima.

16. Date and place of the next meeting of STACFAD

16.1 The Committee agreed to meet at the same time and place as the next Commission meeting.

17. Adoption of Report

17.1 In order to expedite matters, the Chairman asked the delegations to present their corrections and/or modifications, which were not of a substantive nature, directly to the Rapporteur. He asked that any substantive changes be presented on the floor at this time. After reviewing the Reports of the First, Second and Third Sessions of STACFAD, these were considered as adopted. The Report of the Final Session will be adopted by correspondence and the full STACFAD Report will be circulated, as usual, to all the participants.

18. Adjournment

18.1 The Chairman expressed his appreciation to all the delegations for their constructive comments and for their cooperation during this meeting.

18.2 The 1996 meeting of the Standing Committee on Finance and Administration (STACFAD) was adjourned on Friday, November 29.

Appendix 1 to Annex 7-2

1996 STACFAD AGENDA

1. Opening of the meeting
2. Adoption of Agenda
3. Nomination of Rapporteur
4. Administrative Report (1996 activities)
5. Auditor's Report - 1995
6. Financial status of the 1st half of the biennial budget - 1996
7. Contributions pending payment from the Contracting Parties
8. Status of the Working Capital Fund
9. Financial status of the Albacore Research Program
10. Financial status of the Program of Enhanced Research for Billfish
11. Budgetary implications of 1997 Commission activities:
 - Research and statistics
 - Inter-sessional meetings
 - Publications
 - Next meeting of the Commission
 - Others
12. Proposed budget for 1997
13. Contributions of the Contracting Parties to the 1997 budget
14. Observer fees
15. Other financial and administrative matters
16. Date and place of the next meeting of STACFAD
17. Adoption of Report
18. Adjournment

Table 1. Revised Budget Adopted for 1997 (in 1000 PTS.)

<i>NAME</i>		<i>Budget adopted for 1996 (A)</i>	<i>Provisional Budget adopted for 1997 (B)</i>	<i>REVISED</i>	<i>% Variation (C/A)</i>	<i>% Variation (C/B)</i>
				<i>BASIC BUDGET ADOPTED FOR 1997 (C)</i>		
Chap 1.	Salaries	85,805	90,095	90,516	5.5%	0.5%
Chap 2.	Travel	4,316	4,532	4,488	4%	-1%
Chap 3.	Commission Meeting	8,193	8,603	8,521	4%	-1%
Chap 4.	Publications	3,829	4,020	5,020	31%	25%
Chap 5.	Office Equipment	893	938	1,730	94%	84.5%
Chap 6.	Operating Expenses	12,192	12,802	12,680	4%	-1%
Chap 7.	Miscellaneous	1,465	1,538	1,524	4%	-1%
<i>Sub-total: Chapters 1-7</i>		116,693	122,528	124,479	6.7%	1.6%
Chap 8.	Coordination of Research					
	A) Salaries	18,548	19,475	19,475	5%	0%
	B) Trvel to Improve Statistics	1,301	1,366	4,000	207%	193%
	C) Port Sampling	1,914	2,010	0	-100%	-100%
	D) Biostatistical Work	2,634	2,766	1,000	-62%	-64%
	E) Electronic Equipment	1,914	2,010	990	-48%	-51%
	F) Data Processing	2,600	2,730	2,704	4%	-1%
	G) Scientific Meetings (incl. SCRS)	7,413	7,784	7,710	4%	-1%
	H) Miscellaneous *	699	734	2,000	186%	172%
<i>Sub-total: Chapter 8</i>		37,023	38,874	37,879	2.3%	-2.6%
Chap 9.	Contingencies	1,000	1,050	3,040	204%	190%
TOTAL		154,716	162,452	165,398	6.9%	1.8%

* For Bluefin Year Program (BYP).

Table 2. Member country contributions to the 1997 Commission Budget

Based on 1993 figures

Country	Panels # (A)	Panel % (B)	Catch MT (C)	Total Budget (Convertible Pesetas) = 165,398,000			Fee Conv. Pts (G)	Panel Conv. Pts (H)	Panel Conv. Pts (I)	C+C Conv. Pts (J)	Total Conv. Pts (K)
				Canning MT (D)	C+C MT (E)	C+C % (F)					
Angola	2	4.348	452	180	632	0.093	128,000	256,000	2,269,072	97,545	2,750,617
Brasil	2	4.348	31,981	2,376	34,357	5.078	128,000	256,000	2,269,072	5,299,868	7,952,940
Canada	3	5.797	2,906	0	2,906	0.429	128,000	384,000	3,025,430	448,278	3,985,708
Cap Vert	1	2.899	3,190	0	3,190	0.471	128,000	128,000	1,512,715	492,088	2,260,803
China, Peoples Rep. of	0	1.449	281	0	281	0.042	128,000	0	756,357	43,347	927,704
Cote d'Ivoire	1	2.899	154	1,400	1,554	0.230	128,000	128,000	1,512,715	239,719	2,008,434
Espana	4	7.246	164,414	41,300	205,714	30.403	128,000	512,000	3,781,787	31,733,363	36,155,151
France	3	5.797	100,028	27,985	128,013	18.919	128,000	384,000	3,025,430	19,747,168	23,284,598
Gabon	1	2.899	18	0	18	0.003	128,000	128,000	1,512,715	2,777	1,771,492
Ghana	1	2.899	41,296	128	41,424	6.122	128,000	128,000	1,512,715	6,390,050	8,158,765
Guinea Ecuatorial	0	1.449	390	0	390	0.058	128,000	0	756,357	60,161	944,519
Guinee, Rep. de	0	1.449	0	0	0	0.000	128,000	0	756,357	0	884,357
Japan	4	7.246	53,359	0	53,359	7.886	128,000	512,000	3,781,787	8,231,139	12,652,927
Korea	4	7.246	785	0	785	0.116	128,000	512,000	3,781,787	121,094	4,542,881
Lybia	2	4.348	1,741	2,064	3,805	0.562	128,000	256,000	2,269,072	586,958	3,240,030
Maroc	2	4.348	2,837	0	2,837	0.419	128,000	256,000	2,269,072	437,635	3,090,707
Portugal	3	5.797	19,936	12,632	32,568	4.813	128,000	384,000	3,025,430	5,023,927	8,561,357
Russia	1	2.899	3,299	19	3,318	0.490	128,000	128,000	1,512,715	511,782	2,280,497
S.Tome & Principe	1	2.899	338	0	338	0.050	128,000	128,000	1,512,715	52,140	1,820,855
South Africa	1	2.899	7,194	31	7,225	1.068	128,000	128,000	1,512,715	1,114,528	2,883,243
U. K.	3	5.797	539	0	539	0.080	128,000	384,000	3,025,430	83,146	3,620,576
U.S.A.	4	7.246	27,283	55,069	82,352	12.171	128,000	512,000	3,781,787	12,703,588	17,125,376
Uruguay	0	1.449	357	0	357	0.053	128,000	0	756,357	55,071	939,428
Venezuela	2	4.348	44,172	26,501	70,673	10.445	128,000	256,000	2,269,072	10,901,960	13,555,033
Total	45	100	506,950	169,684	676,634	100	3,072,000	5,760,000	52,188,667	104,377,333	165,398,000

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)

**REPORT OF THE FIFTH MEETING OF THE
PERMANENT WORKING GROUP FOR THE IMPROVEMENT
OF ICCAT STATISTICS AND CONSERVATION MEASURES (PWG)**

First session - November 23, 1996

1. Opening of the Session

1.1 The Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) met at Hotel Maria Cristina, San Sebastian, Spain, at the time of the Tenth Special Meeting of the Commission. The meeting was opened by the Group's Chairman, Mr. B. Haliman (U.S.A.). The Chairman noted the participation of the following ICCAT Contracting Parties: Brazil, Canada, China (People's Republic), France, Japan, Korea, Morocco, Portugal, Sao Tomé & Principe, Spain, United Kingdom, United States, Uruguay, and Venezuela. There were also observers from: Faroe Islands, Taiwan, Croatia, Mexico, Iceland, CARICOM, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), and the European Union.

2. Appointment of Rapporteur

2.1 Dr. P. M. Miyake, Assistant Executive Secretary of ICCAT, was nominated to serve as Rapporteur.

3. Adoption of Agenda

3.1 The Agenda, circulated earlier, was reviewed and adopted without change (attached as Appendix 1 to Annex 7-3).

4. Review of the implementation of the ICCAT Bluefin Tuna Statistical Document (BTSD) Program

a) Secretariat actions

4.a.1 The Secretariat presented three documents to the Permanent Working Group: COM/96/15, which updates the actions taken by the Secretariat in 1996; COM/96/28, concerning the correspondence maintained with the non-Contracting Parties that fished in a manner that is not in compliance with ICCAT conservation measures; and COM/96/31, prepared for the 1996 Bluefin Tuna Stock Assessment Session, which presents an estimate of unreported catches of bluefin tuna.

4.a.2 The National Reports of various countries were also referred to, as some of these contain information pertinent to the discussions of this subject.

4.a.3 The Secretariat referred the Group to Tables 1 and 2 attached to COM/96/15, which summarize the validation procedures for the ICCAT Bluefin Tuna Statistical Document, adopted by the Contracting and non-Contracting Parties, respectively. It was clarified that the criteria established regarding exemption from government validation is different for Contracting Parties and non-Contracting Parties, and that even the Contracting Parties cannot be exempted unless these Parties regularly report all the required statistics to the Commission in the last 36 months. The Secretariat commented that since most of the responses to the questionnaire for information on validation (including signatures, official seals, etc.) were sent to the Secretariat by fax, the quality is rather poor. Hence, it requested that all the countries transmit an original form to the Secretariat so that the customs authorities of the importing countries have no difficulties in identifying the authentic forms.

4.a.4 The Secretariat also asked that all the Contracting Parties that have established a Statistical Document form for the import of bluefin tuna to send a good copy of their form to the Secretariat, to facilitate the commercial sector when they request such information from the Secretariat as to the forms to be used.

4.a.5 Document COM/96/15 also included the biannual reports of import statistics from Japan and U.S. for the latter half of 1995 and from Japan, Korea and the U.S. for the first half of 1996.

4.a.6 The Secretariat reported that it had received many inquiries about procedures for export and concerning validation. The Secretariat pointed out the matter is rather complex, particularly in cases where the catches are unloaded at foreign ports and/or when they are re-exported through transit ports, particularly if only a part of the load is re-exported or further processing is done on the product at transshipment. The Assistant Executive Secretary was concerned about which weight should be recorded for bluefin tuna that is exported after having been cultured, since the fish gain weight during cultivation. He also pointed out the possibility of double reporting as catch and at export.

4.a.7 The Secretariat reported that vessel sighting reports had been received from Spain (in the Mediterranean Sea) and Uruguay at the ports of Montevideo and La Paloma.

4.a.8 The U.S. requested that the date of the catch be included in the documents, to identify catches made during the spawning season from other catches. As regards catches that are landed in another country, it was noted that it is very important to assure that the information is accurately reflected as to country that made the catch as opposed to country where catch is landed.

4.a.9 The Secretariat pointed out that required information on the Statistical Documents included the flag country of vessels catching the tuna and the area where the catches were made, but not the date of the catch. Hence, the U.S. request would require a decision by the Commission as well as a change in the form currently utilized by the importing country.

4.a.10 The Delegate of Japan concurred with the Secretariat view on the record of capture, and that the present form does not include an item for the date of the catch. However, his country would be open to any suggestion.

4.a.11 The Secretariat commented that the fresh bluefin tuna products can be easily identified as to the period of capture from the date of validation of the document, even if the date of capture itself is not entered. On the other hand, recording the dates accurately for frozen bluefin tuna products from longline is much more difficult, even if it should be required.

4.a.12 The Delegate of Spain noted that the cost/benefit factor must be considered, taking into account the large number of vessels in this area, and that such a requirement might be burdensome from an administrative point of view. This is especially true for frozen products and products that are farmed at sea.

4.a.13 The Delegate of France indicated his concern about the lack of a direct link between this document program and the skippers logbook, particularly when products are unloaded at another flag country. He considered that it would be easier to trace the catches if the buyers affixed their seal on the skippers logbooks when the fish are landed.

4.a.14 The Secretariat noted that the establishment of a logbook system and the collection of these logs, regardless of where the product is unloaded, is the obligation and responsibility of the government of the flag country. The ICCAT Contracting Parties are all bound by such requirements by the Commission on this matter and on this is based the conditions for any exemption of government validation of the Statistical Documents.

4.a.15 The Delegate of France insisted that collection of logbooks from the skippers is very difficult when fish are landed at foreign ports and more so when they are transhipped on the high seas.

b) Contracting Party actions

4.b.1 The Delegate of Spain reported that during 1996, Spain had validated about 951 statistical documents, of which 912 corresponded to Mediterranean catches. Reference was made to the document COM/96/31, which assumed that Spain exported some of the bluefin caught by French purse seiners and unloaded in Spain. Therefore, Spain's exports exceeded its reported catches. The Spanish Delegate further noted that, in principle, the flag country is

responsible to validate these catches, even if they are unloaded at foreign ports, while in reality since there are no customs between EU countries, unloading at foreign ports is not considered as an import. Therefore, there is some confusion in reporting catches and validating the Statistical Documents between flag states and states where the fish are unloaded. The Spanish Delegate proposed some practical solution for a type of validation system in which EU countries can jointly validate the documents regardless of the flag country. He offered that a draft of such a scheme could be developed by his country in consultation with other countries concerned, for presentation at the PWG in the later session.

4.b.2 The Secretariat considered that a practical system, if put into force, will solve much of the confusion and problems of discrepancies between catch and export statistics. However, if such a system is envisaged, he considered it very important to have a clear distinction between Contracting and non-Contracting Parties, even if both Parties are member of the EU. He further noted that even if validation by the country where the catches are unloaded were to be accepted, the flag country of the vessel which caught the fish should be accurately reflected in the documents.

4.b.3 The Delegate of Japan noted the problem is serious, since due to the discrepancies between the country which validates the document and the flag country of the vessel which catches the fish, as occurred on several occasions, the Japanese customs have had to suspend the import of some of the products. Thus, the Japanese Delegate supported the development of such a scheme. However, he considered that the following conditions would be essential to successfully introduce such a system.

- 1) Since the new proposed system is a type of exemption of validation from current statistical document requirements, the system should be approved by the Commission;
- 2) Since it would be an exemption from the general rule of the Statistical Document Program, the application of such a system to any organization or countries should be strictly limited, such as to the members of the EU.
- 3) Those countries who can enjoy exemption must be ICCAT Contracting Parties who are responsible for providing catch statistics to the Commission.
- 4) Information as to which members of the EU request such application should be provided well in advance to the ICCAT Secretariat which, in turn, will transmit the information to the importing countries immediately. Then, a certain grace period would be required after such notification is made, before the importing countries can implement it.
- 5) It is important to introduce certain measures by which to avoid double validation of the same cargo by both the flag state and by exporting state, where the fish were landed.

4.b.4 The Delegate of France, while agreeing with the Spanish proposal, reiterated his previous concern of establishing a direct link between logbook data with exporters' statistical documents.

4.b.5 The Chairman asked Spain to take all these matters into the consideration when developing its proposal for a new validation system, with respect to landings by EU vessels.

4.b.6 The Delegate of Japan presented a summarized report of his country's implementation of the Bluefin Tuna Statistical Document programs, and referred to Appendix 2 to COM/96/15. In 1995, Japan collected 6,137 statistical documents of which 2,817 documents or 46% were validated by non-Contracting Parties. In the first half of 1996 Japan collected 4,622 documents, of which 3,763, or 81% of the total, were validated by non-Contracting Parties. The total imports in 1995 amounted to 11,417 MT (39% from non-Contracting Parties). Up to June, 1996, there were 2,139 MT were imported (61% from non-Contracting Parties). Based on the discussions in 1995 about the conversion factors, the amounts imported were converted using the conversion factors only for non-Contracting Parties. For Contracting Parties, only the product weight is given in the report. The Delegate of Japan asked the coastal states to cooperate in obtaining better estimates of the conversion ratio for belly meat. Japan's summary report is attached as Appendix 2 to Annex 7-3.

4.b.7 The Delegate of Spain commented that his government was prepared to work jointly with Japanese scientists to clarify the factors to convert belly meat to round weight. However, he regretted that this problem was not solved

before this meeting. He noted that hence belly meat should not be converted to round weight until such a time that a conversion factor is established. He asked the Secretariat about the conversion factors used in estimating the total round weight of products in COM/96/31.

4.b.8 The Secretariat explained that efforts to establish biological sampling of belly meat were unsuccessful in 1996 and that the 1996 SCRS Meeting recommended using a conversion factor of 10 for belly meat until a better factor is obtained. Therefore, in the tentative estimates, that factor was used. It was further explained that the table attached to COM/31 also shows the weight of products of belly meat in () to identify the magnitude of such estimates.

4.b.9 The Delegate of Japan explained his country's new legislative action referred to Appendix 7 in COM/96/15, and emphasized to the PWG that the law was not one on trade sanctions, but one meant to strengthen the management of tuna stocks. The law was prompted by the existing Bluefin Tuna Action Plan adopted by the Commission in 1994. The different articles of the law show the process the Government of Japan will take in pursuing an objective that is similar to the process stipulated in the ICCAT Bluefin Tuna Action Plan. It was also pointed out that measures taken by Japan are in accordance with an agreement of the international organization concerned, i.e., that it is ICCAT which decides the measures relating to trade, in conformity with other international obligations which Japan is subjected to, including WTO, and that the decision should be a multilateral process. He noted that soon after the law became effective, the Japanese Government informed the general outline and background of the law to as many countries concerned as possible, including all ICCAT Contracting Parties as well as many non-Contracting Parties.

c) Applications for waiver of BTSD requirements

4.c.1 The Chairman noted that no requests for waiver of the Bluefin Tuna Statistical Document requirements had been received in 1996 from any non-Contracting Party.

5. Fishing by non-Contracting Parties

a) Review of information

5.a.1 The Secretariat referred the PWG to COM/96/31, in which non-Contracting Parties that exported tuna but reported little or no catches are listed. It was pointed out that the Report of the *Ad Hoc* GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea indicated that more than 100 longline fishing vessels were sighted in the Mediterranean Sea during the closed season by various Mediterranean coastal government patrol boats and fishermen. Those vessels bore no identifications, names, registration numbers or flags. One vessel was captured and brought into a port of Italy and it was discovered that the vessel carried no documentation whatsoever.

5.a.2 The Delegate of Spain reported some sighting information of foreign vessels in the Mediterranean Sea in 1996 and noted the presence of these vessels during the closed season. Of these, vessels of Panama, Belize and Honduras were noted. In addition, recently Russian flag vessels have also been sighted in the Mediterranean Sea. He further considered that some action should be taken regarding those boats that have no identification and are fishing in a manner which undermines the effectiveness of ICCAT conservation measures.

5.a.3 The Delegate of Japan reported that two Japanese patrol vessels dispatched to the Mediterranean in 1996 sighted, during the closed fishing season, five large longliners, three of which were cruising, one was drifting, and one was fishing. The patrol boats could not get detailed information on these five boats because they did not display any vessel name or flag, and it was impossible to identify the nationality of these boats.

5.a.4 The Delegate of Uruguay reported the sighting of foreign vessels that target swordfish, in Montevideo and La Paloma. Many of these vessels carry non-Contracting Party flags, such as Taiwan and Panama. She informed the Permanent Working Group that Uruguay is implementing legal measures, controls at ports, and aerial surveys of these.

5.a.5 The Chairman noted that the mandate of the PWG is not limited to bluefin tuna, but encompasses all the species under ICCAT mandate.

6. Measures to promote compliance of the ICCAT conservation measures

-- Entry into force of the Action Plan concerning Atlantic bluefin tuna

a) Review of the current situation concerning the countries identified at the 1995 meeting as fishing contrary to ICCAT conservation measures

6.a.1 The Secretariat presented COM/96/28, which includes the responses the Commission received to the special letters transmitted to Panama, Belize and Honduras (as of the time of the first session of the PWG), to the effect that unless they rectified their fishing which is not in compliance with ICCAT conservation measures, ICCAT might consider trade measures. Several letters of response were received from Panama, one letter was received from Honduras, but no correspondence was received from Belize. On the other hand, Honduras had indicated in 1993 correspondence that that country would not validate any bluefin statistical documents.

6.a.2 The Delegate of the U.S. stressed that the credibility of this organization as a management body is now at stake. Requests have been made over the years to those countries fishing bluefin tuna to cooperate with ICCAT, and yet such collaboration has not come about and they have continued fishing. He noted the dangers of this situation are that such activities undermine the effectiveness of ICCAT's conservation measures, and they put in place an uncontrolled structure outside the ICCAT under which catches can be increased to a point of diminishing stocks.

6.a.3 The U.S. Delegate considered that action must be taken with these non-Contracting Parties which continue to fish in the manner which undermines the effectiveness of ICCAT. He noted that the Commission has been extremely patient and has followed the most careful procedures under international law to observe the appropriate steps to be taken in connection with countries that do not abide by ICCAT regulations. The Commission has corresponded with these countries and has asked them to join ICCAT or at least to cooperate. The only response has been silence and inaction. Besides, these countries do not have any form of infra-structures to manage their fisheries, since they are re-flagging countries. Further, these countries continue to increase their catches. Information available from Bluefin Tuna Statistical Documents show imports from Belize and Honduras, and increasing imports from Panama. To take trade measures is a very powerful last resort to force cooperation of those flag vessels with the regulations. The Commission has carefully developed its Bluefin Tuna Action Plan. Based on that Plan, the Commission has communicated with these countries and asked them to rectify the situation. Honduras and Belize have either ignored the warnings or have responded only very superficially. Therefore, the U.S. proposes a Recommendation imposing multilateral trade measures on these two countries, following the procedure for ICCAT regulations, and which would go into effect six months after notification of the Recommendation to the Contracting Parties.

6.a.4 The U.S. further noted that, while Panama has responded to the Commission's communications several times, the lack of cooperation by their vessels with the ICCAT regulations has not changed. Under the circumstances, the U.S. proposed that the trade measure action not take effect for Panama until January 1, 1998, unless the 1997 ICCAT Meeting decides otherwise. This provides another opportunity for them to rectify their actions. If this is not realized, then the trade measures will take effect. On the other hand, if those countries subject to trade measures take actions with their fishermen in a binding way and their vessels are actually observing ICCAT rules, such as no fishing in the Mediterranean during the spawning season, catch restrictions, observance of small fish restrictions, etc., then such import prohibitions must be lifted.

6.a.5 The U.S. developed draft "Recommendations regarding Belize and Honduras pursuant to the 1994 Bluefin Tuna Action Plan Resolution" and draft "Recommendations regarding Panama pursuant to the 1994 Bluefin Tuna Action Plan Resolution".

6.a.6 The Delegates of Spain, Canada, Korea, Portugal, and France all supported the U.S. proposal. They all considered that the Commission has taken every possible step to try to communicate and assure that those countries join the ICCAT in its conservation efforts on bluefin tuna stocks. Yet, these three countries have not responded to the requests in the way to rectify the non-compliance of their vessels with ICCAT regulations. The only instrument left for the Commission to use are trade measures to insure effective management of tuna stocks.

6.a.7 The Delegate of Japan commented that his country cannot take this issue lightly as the importer of 90% of the bluefin tuna on the world market. Therefore, whatever action taken by the Commission affects Japan considerably. The Commission started this process several years ago and has proceeded on track. In 1995, the Commission identified three countries that did not comply with ICCAT regulations. Now the PWG has verified that

none of these three countries has rectified its activities. Japan supported the U.S. proposal, conditional on the following:

- 1) Since this is a collective action affecting the responsibility of Contracting Parties, the measure should be specific and very clearly stated, not in general terms, so that the Contracting Parties would not lose coherence and uniformity. It should also be a multilateral action. For this reason, Japan considers that the trade measure should be the prohibition of imports from these three countries.
- 2) As the Action Plan rightfully mentions, the measures should be recommendations under Article VIII of the ICCAT Convention, and that effect would be binding on all Contracting Parties, unless the country presents an objection.
- 3) The action should not be optional for the Contracting Parties, otherwise, bluefin tuna may enter Japan only through any Contracting Party which did not choose the option of taking the measures. Japan hopes that a consensus can be reached on this issue and requested to keep it in the record that the Commission's decision is based on sound evidence. The Recommendation should also stipulate that action is to be taken in accordance with the Bluefin Tuna Action Plan as a least and minimum necessary resort, and in conformity with other international obligations to which Contracting parties are also subject.
- 4) The Commission has to make it clear that the trade measures should be lifted immediately upon a decision by ICCAT that non-compliance activities have been rectified.

6.a.8 The observer from Mexico expressed his concern about procedural matters. He considered that these Recommendations segregate the non-Contracting Parties from Contracting Parties. In addition, he felt that there are no clear cut criteria on how to apply these measures to these limited countries. The application of trade measures can have considerable economic effects and a move to impose such actions has to be well studied and criteria have to be shown before actually being applied.

6.a.9 The Delegate of Spain pointed out that the Action Plan Resolution adopted in 1994 specifies very carefully the criteria and procedures for taking such actions. These are drastic measures, but they may prove to be very necessary.

6.a.10 The Delegate of Venezuela expressed his concern on the measures proposed by the U.S. He believed this matter is under the purview of the World Trade Organization (WTO), as it is a trade sanction. He also believed that the first step to be taken should be to assure that such actions are indeed for the sake of conservation and not trade restriction. He suggested that the Commission engage in inter-institutional consultations with the WTO, in respect of the legitimacy of such action.

6.a.11 The Delegate of Brazil wished to clarify the basis for distinction between Belize and Honduras vs Panama, regarding the time of application of the import ban on bluefin tuna. Brazil also concurred with Venezuela in that prior consultation with the WTO would be the appropriate procedure.

6.a.12 The Chairman clarified Panama that had responded seriously through several letters to the warning given in 1995, although the non-compliance with ICCAT regulations by Panamanian flag vessels has not yet been rectified. On the other hand, Honduras and Belize to date have not replied or only superficially and no actions have been taken.

6.a.13 Most of the participating countries agreed that careful steps have been prepared over the past several years, solely for purposes of conservation and management, and the Commission has established clear procedures to follow. The trade measures for conservation of tunas are a last resort. The Action Plan Resolution clearly stipulates that any trade measures adopted by the Commission must be consistent with other international obligations.

6.a.14 It was also pointed out that consistency of this action with the WTO was studied carefully by various experts over the past few years. The Commission finally concluded when it adopted the Action Plan Resolution that since this is a multilateral action, every effort had been made to give those non-complying countries a chance to rectify their actions, and that since this final step is a part of ICCAT conservation measures, that WTO matters were fully covered.

6.a.15 The Delegate of Venezuela then proposed that the recommendations should reflect that these measures are in line with the WTO framework.

6.a.16 The Delegate of the People's Republic of China wanted to make it clear that as a general rule and principle, his country was not in favor of imposing trade sanction against a sovereign state. However, he was of the opinion that the Commission has to take the necessary measures to achieve its objectives, namely the effective management, conservation and sustainable use of the tuna and tuna-like resources. He also considered that the Commission had already taken many measures and steps to urge those non-Contracting Parties to comply with the conservation measures adopted by the Commission. Hence, Chinese Delegation will have no objection to the content in general if the Commission can reach a consensus on this issue and thinks it necessary to adopt such measures.

6.a.17 The Chairman reminded the PWG that the Commission has been working on this matter for over five years in a very transparent way, and that the proposal under consideration might appear drastic for those participants who have not attended previous PWG Sessions. Such non-complying countries were repeatedly asked to join the Commission's conservation efforts, but they have just continued fishing for regulated, over-fished species. Therefore, there seems no other option for the Commission to take.

6.a.18 The wording of the two draft Recommendations proposed by the U.S. was modified slightly. The Permanent Working Group recommended that the Commission adopt the "*Recommendation Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution*" and the "*Recommendation Regarding Panama Pursuant to the 1994 ICCAT Bluefin Tuna Action Plan Resolution*" (attached as Annexes 5-11 and 5-12, respectively, and to take the action immediately in accordance with Article 8 of the Convention.

b) Identification of countries fishing contrary to ICCAT conservation measures

6.b.1 The Secretariat presented Document COM/96/28 and provided some background on the special letters which were drafted at the 1995 Commission meeting and duly transmitted in January, 1996, to those non-Contracting Parties and entities whose bluefin catches in the Mediterranean Sea have increased in recent years (i.e., Croatia, Italy, Greece, Malta and Taiwan), calling their attention to the substantial increase in bluefin catches. Responses to these letters from Croatia, Malta and Taiwan, which were annexed to the aforementioned document were presented and reviewed by the PWG.

6.b.2 Concern was expressed by the Delegate of Canada regarding the fishing activities of various non-Contracting Parties, which seem to be inconsistent with ICCAT conservation measures. He made particular mention of Greece, Italy and Croatia. He proposed that, based on information the Commission has, consideration should be given to sending a letter from ICCAT to urge these three countries to cooperate in implementing collaboration with ICCAT conservation efforts and, after careful analysis, the Commission should decide, at its next meeting, as to whether it should take further action.

6.b.3 The U.S. Delegate was in favor of taking action under the Action Plan Resolution. He also expressed some concern that Italy, which is one of the largest bluefin fishing countries, has not joined the Commission. In the spirit of fairness, the Commission should consider applying the same criteria for these countries as applied to Panama, Honduras and Belize.

6.b.4 The Chairman concluded that there appeared to be a consensus that a somewhat strong letter should be sent to these three countries, considering that a letter of concern was sent by the Commission last year, to warn them of the possible consequences for not rectifying fishing activities that are in contravention to ICCAT conservation and management.

6.b.5 The Delegate of Spain proposed that Algeria and Tunisia also be added to the list of countries to which the Commission should send a letter. These countries have failed to report their bluefin tuna catches in the past few years and there does not seem to be much response to requests to join ICCAT's conservation efforts. The Commission has a real need for more statistical and fisheries information from all the bluefin tuna fishing nations in the Mediterranean area.

6.b.6 There was a general consensus to adopt this procedure of warning for these countries mentioned above.

6.b.7 The Secretariat pointed out that such letters should be carefully phrased, particularly since the first letter of warning was sent out only at the end of January, 1996. He noted that the 1996 fishing season is not yet finalized and hence we cannot yet know if these countries have indeed reduced their catches. The PWG was further reminded that even though these countries are not ICCAT members, they are members of GFCM, which has adopted the same

regulatory measures as ICCAT, concerning bluefin tuna. Thus, they are bound by these measures. It was noted that the case of Panama, Belize, and Honduras is slightly different.

6.b.8 The Delegate of Spain concurred that the legal implications would be different for these countries. In addition, there are European Community regulations concerning bluefin tuna, in accordance with ICCAT regulations, by which the EU countries must abide. The Spanish Delegate offered his assistance in drafting such letters, in consultation with the Representatives of the EU, and with the assistance of the Secretariat.

6.b.9 The Observer from Croatia, in referring to his country's national report, indicated there has been an increase in his country's fishing fleet from 1994 to 1995. He noted that Croatia is taking the necessary action to improve its statistics and that his country is fulfilling the bluefin statistical document validation requirement. He requested special consideration of Croatian reported bluefin catches for 1993 and 1994, as the base for reducing the catches, since these data are still unreliable. In other words, the reduction of bluefin catches from the 1993-1994 levels is not acceptable to Croatia, due to the unreliability of its basic data. Instead, his country wishes to propose a regional quota for the Adriatic Sea, where Italy and Croatia are fishing for bluefin tuna. On the other hand, Croatia has accepted the other regulatory measures concerning the minimum size of bluefin tuna.

6.b.10 The Chairman considered that Croatia's statement showed a willingness to cooperate with ICCAT. On the other hand, not accepting the catch reduction from 1993-1994 levels has an impact on ICCAT's stock management plan, and this should be carefully evaluated. He indicated that Croatia might require a different kind of letter from that for the rest of the Mediterranean countries.

6.b.11 The Delegate of Spain strongly believed that fragmentation of bluefin tuna management in the Mediterranean or anywhere else is not the correct focus for the Commission. He believed that the success of conservation measures on any species rests on the right focus, i.e. the whole area or range of the species.

6.b.12 The Delegate of Japan also reminded the Croatians of the situation of eastern Atlantic bluefin tuna. According to the data, and in light of the status of that stock, it is obvious that if higher figures of 1993 or 1994 catches are taken as the basic level, and even if the regulations are being fully carried out, there is still a great risk of further decline of the eastern stock. He recalled that France, at 1995 meeting, chose not to take either of the higher figures of these two years, but agreed to use a much lower quantity as the base. Consequently, the Delegate of Japan stated that he cannot accept the proposal by Croatia. He also concurred with the concern expressed by Spain with regard to the partition of conservation areas for highly migratory species such as bluefin tuna.

6.b.13 The Delegate of Spain commented on the unidentified longline vessels sighted fishing in the Mediterranean Sea during the closed fishing season. He was concerned that the fleet seems to be considerable in size and some of these vessels might call at Spanish ports. He asked if any action can be taken, since these are serious offenses which undermine the effectiveness of ICCAT's management efforts.

6.b.14 The Secretariat clarified that these vessels display no names, base ports, registration numbers or flags. He noted that identifying marks are all painted over. He believed that such vessels must be illegal according to international maritime law and hence some legal action could probably be taken against them.

6.b.15 The Chairman suggested that the Mediterranean coastal countries study some legal actions that might be taken when such vessels enter their ports.

6.b.16 The Delegate of the U.S. confirmed that under the Law of the Sea as well as under the U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, vessels without names, registration numbers or flags are considered illegal. He also believed they may even be subject to boarding and inspection by any patrol vessels. The U.S. Delegate considered that ICCAT may be able to prohibit such vessels' access to the ports for landing.

6.b.17 The Chairman proposed that the PWG Report reflect the serious concern expressed about these unidentifiable fishing fleets, as well as the possibility of prohibiting their access to Contracting Party ports.

6.b.18 The Delegate of Spain pointed out that these vessels do not have to land their catches at ports, as they also easily transship their catches at sea. He suggested that joint efforts to refuse the products of such vessels might be required by the reefer vessels to which such products are transshipped and countries where these products are exported.

6.b.19 The observer from Mexico clarified its special concerns on the subject of trade sanctions. He commented that Mexico has an aggressive policy on management and took an active part in developing the Code of Conduct as well as the U.N. Agreement. He agreed to taking steps for trade measures in multilateral applications. He reiterated that Mexico complies with all the measures taken by the ICCAT, including Statistical Document validation procedures and in keeping the SCRS informed of its activities. His country believes that trade matters are issues to be dealt with in respect of the Code of Conduct, which has specific articles for such issues.

- Entry into force of the Action Plan concerning Atlantic swordfish

c) Identification of countries fishing contrary to ICCAT conservation measures

6.c.1 The Delegate of the U.S. noted the significant increase in swordfish imports from Trinidad and Tobago into the United States. He further noted that such imports are in excess of the reported catches by that country. He, therefore, requested that the Secretariat, on behalf of the Commission, notify Trinidad & Tobago of ICCAT's concern about this increase, and clarify the cause, including information as to which flag vessels are catching these fish and to remind Trinidad & Tobago of the swordfish catch restrictions in the Atlantic.

6.c.2 The U.S. Delegate referred to her country's National Report containing trade data on swordfish. The Secretariat offered to cross-check the trade data against the reported catches of swordfish, not only for Trinidad & Tobago, but for other countries, and the estimates of unreported catches, if any, will be reported at the next Commission meeting.

6.c.3 The Delegate of Uruguay expressed her concern about the omissions in the reported catches of some member countries that have fleets in the southwest Atlantic. The Delegate pointed out that there are also swordfish landed in Uruguay by Contracting Parties, i.e., Spain and the U.S, whereas such information is not included on the corresponding Task I tables.

6.c.4 It was clarified that some vessels of these countries are fishing under charter agreements with Uruguay or Brazil in the southwest Atlantic. However, there are also some boats which are not under such contracts but which are unloading swordfish catches at Uruguayan ports. The U.S. requested Uruguay to report the names of the vessels as well as their activities inasmuch as possible, if such boats are observed. Uruguay agreed to this request.

6.c.5 The Delegate of Brazil clarified that there is only one American flagged vessel chartered by a Brazilian company, but all its catches are considered Brazilian and are reported to the Secretariat.

6.c.6 The Delegate of Portugal clarified that all the Portuguese vessels in the south Atlantic are not reflagged ones. The Portuguese government has made every effort to obtain better statistics from these vessels for submission to ICCAT. Portugal respects the agreement of not exceeding the allowable catches.

Second session - November 26, 1996

6.b) Identification of countries fishing contrary to ICCAT conservation measures (Continued)

6.b.20 The Observer from Panama apologized that he arrived too late for the first session of the Permanent Working Group meeting, to have been able to express his country's concern about the decision being adopted by ICCAT with respect to Panama. He noted that Panama's two fundamental concerns were: (1) the eminent decline in fish populations on a world level; and (2) the trade sanctions that could be imposed by the ICCAT member countries. He indicated that Panama is very interested in collaborating with ICCAT and other similar organizations for the protection and conservation of marine species. He pointed out that in addition to actions taken by Panama as reflected in COM/96/28, his country had also decided not to authorize the registration of any vessels fishing tuna in the ICCAT area until Panama can develop a system to adequately monitor their fishing activities. Panama has also decided to cancel the registration of those vessels, which in view of documented evidence, are not complying in the ICCAT recommendations. He noted that the Panamanian Government had signed the Convention on the Law of the Sea in 1982 and that it was studying other agreements such as the U.N. Agreement on Straddling Fish Stock and Highly Migratory Fish Stocks and the Code of Conduct for Responsible Fishing, in order to comply with international measures of protection of the fishing resources.

6.b.21 The Chairman welcomed the observer from Panama and hoped that the situation will be improved in the very near future, which the PWG could review at its next meeting in 1997.

6.b.22 The Secretariat introduced a letter received after the first session of the PWG (on November 25, 1996) from the Minister of Agriculture of Belize, which indicated Belize's willingness to collaborate with ICCAT and that this matter has been brought up at the highest level of the Government in order to rectify the situation. The PWG reviewed the letter and hoped that the situation would improve in the very near future.

6.b.23 With regard to Belize, the Observer from CARICOM added that according to his communication with the Government of that country, it was his understanding that the situation has been discussed at the Council of Ministers. He added that the Government of Belize considered that transparency and direct relevance are important and that Belize would like to have information on the degree of compliance with conservation measures by the ICCAT Contracting Parties, as well as other non-Contracting Parties. Belize is also interested in information on the actions taking place in this fishery so as to maintain transparency. The observer from CARICOM further stated that he was also concerned about the issue of flag-less vessels and he believed that this important subject was not receiving adequate attention by the Commission and may be effectively becoming an incentive for illegal action. He further suggested that ICCAT approach The International Maritime Organization to address this matter and he assured that the CARICOM fishing program will cooperate fully with ICCAT and support its conservation and management measures.

6.b.24 The Chairman appreciated the positive and responsible statements just heard regarding Belize and Panama. He reiterated that the Commission has proceeded very carefully over the years to do all possible to encourage non-Contracting Parties to collaborate with the Commission in conservation.

6.b.25 The Permanent Working Group reviewed the wording of the draft Recommendations which had been distributed earlier to the Group and adopted these, for submission to the Commission for final approval (attached as Annexes 5-11 and 5-12 to the Commission Proceedings). At the time of adopting these recommendations, the Chairman reiterated that ICCAT had decided to re-identify Panama, Belize and Honduras and to recommend trade measures against these countries based on the following criteria:

- 1) According to the SCRS Report, the largest sustainable annual bluefin yield projected by the VPA base case was about 2,500 MT for the west Atlantic and 25,000 for the east Atlantic (including the Mediterranean Sea).
- 2) An annual catch of these levels can only be achieved by compliance with ICCAT conservation and management measures by both the Contracting and the non-Contracting Parties.
- 3) Thus, the cooperation of non-Contracting Parties in respecting ICCAT conservation and management measures is indispensable for the appropriate conservation of the over-fished Atlantic bluefin tuna resources.
- 4) ICCAT has continuously requested the cooperation of all non-Contracting Parties known to be catching Atlantic bluefin tuna including Panama, Belize and Honduras since 1988. ICCAT has implemented the Bluefin Statistical Document Program in order to collect as much evidence of unreported catches as possible on its own. In addition, it has formulated the Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna, which provides a specific procedure aimed at securing compliance by Contracting and non-Contracting Parties with ICCAT's conservation program for Atlantic bluefin tuna, and has further requested these countries mentioned above to cooperate in accordance with the procedure set forth in this Action Plan.
- 5) Despite all of the above, the countries mentioned in paragraph 4) have not taken effective actions to respect ICCAT conservation and management measures, nor have they provided the Commission with even catch statistics. Thus, all possible actions have been taken by the Commission and there are no means left for ICCAT but to re-identify these countries and to recommend trade measures against these countries in accordance with the procedure set forth in the Action Plan, in order to secure the conservation of Atlantic bluefin tuna resources.

6.b.26 The PWG also reviewed the draft letters prepared for Panama, Belize and Honduras. After some modifications, these drafts were adopted for consideration by the Commission (Appendix 3 to Annex 7-3).

6.b.27 The Observer from the European Community wished to recall that in virtue of Article 113 of the Treaty which instituted the European Community, the European Community has exclusive competence in matters of trade policy. Any possible restrictive trade measure should be adopted by the Council of the European Union, as a proposal of the Commission of the European Communities.

c) Identification of countries fishing contrary to ICCAT conservation measures (Continued)

6.c.7 The U.S. Delegate reported that her country had examined the gaps found between swordfish catches reported by Trinidad & Tobago and the amount of swordfish imported from that country to the U.S. She introduced a draft model letter which could be sent to Trinidad & Tobago to request clarification of this matter.

6.c.8 The Delegate of Spain requested the United States to present these data to the SCRS, so that the scientists can review such discrepancies and investigate the matter further as to whether they represented unreported catches. He considered that this would be the most proper procedure for the PWG to handle the matter, so that the Committee's information would be backed by scientific advice. He hoped that other Contracting Parties provide their trade data to SCRS, so that the import statistics can also be cross-checked against reported catch data.

6.c.9 The Chairman reminded the PWG that the collection of trade data was not within the mandate set forth by the Commission, but that such information should be provided to the SCRS. The Secretariat noted that the SCRS has, for the last three years, strongly recommended that the national offices provide swordfish import data to the Committee and that a specific request was sent to the U.S. in early 1996. At any rate, the Secretariat indicated that similar procedures will be applied to the swordfish data as are applied to bluefin data (COM/96/31), once such data are received at the Secretariat.

6.c.10 The U.S. Delegate commented that the swordfish data for this year were submitted as an Annex to the U.S. National Report, which was available for the PWG's review. The U.S. assured that the such data would be submitted as early as possible to assist scientists in finalizing their catch data information.

6.c.11 The Delegate from the United Kingdom asked if the U.S. has additional background information on whether those imports are actually caught by the flag vessels of Trinidad and Tobago or if they were possibly caught by other flag vessels but transhipped through Trinidad Tobago to the United States.

6.c.12 The U.S. Delegate responded that the situation is not known, which is why they supported writing such a letter to request clarification, but pointed it that it was not a legal warning for non-compliance.

6.c.13 After introducing minor editorial modifications, the draft letter to Trinidad Tobago, regarding the swordfish catch and export data was approved by the PWG and forwarded to the Commission for final approval (attached as Appendix 4 to Annex 7-3).

6.c.14 The Delegate of U.S. further commented that similar letters could be drafted for many other countries for which swordfish imports exceed the catch reported by these countries.

6.c.15 The Secretariat commented that when discrepancies in data are detected, the Secretariat routinely writes to these countries and requests clarifications and improvements in the catch data. Hence, it is not necessary for this Working Group to prepare specific letters, particularly in view of the limited time available to the Group. He pointed out that the Secretariat will present, at the Group's 1997 meeting, the results of its cross-checking of data as well as any clarifications received, but that in order to do so, it reiterated the request that countries provide the import data to the Secretariat. This proposal was accepted by the Permanent Working Group.

d) Other matters

6.d.1 The Delegate of Japan referred to Taiwan's bigeye catch data and was concerned that the historical data submitted to the SCRS by Taiwan had been substantially changed at the 1996 SCRS Meeting. While not wanting to pinpoint any one example, but he believed that such adjustments to data can have considerable effects on the SCRS' stock assessment and can seriously damage the credibility of ICCAT's scientific work. He hoped that all countries report as accurate data as possible. He recalled the Commission Chairman's letter to Taiwan to request that Taiwan's bigeye catch not exceed 12,000 MT. He recalled that at the 1995 Commission meeting, the observer from Taiwan

noted their difficulty to accept such a request. The Japanese Delegate reaffirmed that the Commission's request for this entity's limit on bigeye catches remains unchanged. The Japanese Delegate thanked Taiwan for its continuing participation in the ICCAT meetings and for providing important fishing data to the Commission.

6.d.2 The observer from Taiwan thanked the Japanese Delegation and explained that due to the improvement of its statistical system, Taiwan's reported bigeye catch has been modified. Taiwan is working further to improve its statistics and to try to report as accurately as possible. For this reason, they had invited a Secretariat staff member to visit Taiwan to provide advice on this matter and to assist in finalizing Taiwanese statistics. In referring to the bigeye catch limit, the observer of Taiwan pointed out that at the 1995 meeting, a reservation was expressed concerning the difficulties of complying with this limit. At any rate, Taiwan took the measures to reduce its catches as much as possible in 1996 and the actual bigeye catch should have been very close to 12,000 MT this year.

6.d.3 The PWG Chairman thanked Taiwan for its efforts in reducing the catch of bigeye tuna.

7. Measures to improve ICCAT required fishery statistics

7.1 There was some discussion concerning the need to keep this item on the PWG Agenda, and also some clarifications as to the conditions for waiver of governmental validation of bluefin statistical documents.

7.2 The Delegate of Spain confirmed that this Agenda was meant to discuss the Contracting Parties' data retrieval systems, as requested by the PWG at its 1995 meeting.

7.3 In view of time constraints, it was decided not to pursue discussions of this item further.

Third session - November 28, 1996

4.b) Contracting Party actions (Continued)

4.b.10 Referring to his offer made earlier to search for a special solution regarding validation for bluefin tuna that are unloaded by one EU Contracting Party at another EU Contracting Party (see 4.b.1.), the Delegate of Spain reported that a proposed recommendation concerning the validation of bluefin statistical documents between ICCAT member countries that are also members of the EU was drafted by Spain and France. This matter, which is rather complex, is closely related to the Action Plan for Bluefin Tuna in the Mediterranean. The draft was presented for the consideration of the Permanent Working Group.

4.b.11 After reviewing the proposal, the "*Recommendation on the Validation of Bluefin Statistical Documents Between ICCAT Contracting Parties Which are Members of the European Community*" was adopted by the Permanent Working Group and forwarded to the Commission for consideration (Annex 5-10 to the Commission Proceedings).

4.b.12 At the time of adoption of the Recommendation, the Delegates of Spain and France made the following declaration:

"The Delegations of Spain and France wish, on occasion of the adoption of this Recommendation, to notify the Secretariat so that it in turn formally notifies the other Contracting Parties, that they intend to apply the validation scheme contained in this Recommendation from the moment of its entry into force. France and Spain will adopt the necessary measures to avoid the risk of duplication of statistical documents validated in accordance with this Recommendation. At the same time, they take this opportunity to express appreciation for cooperation in the application of this scheme, from the Contracting Parties that import bluefin tuna."

6.b) Identification of countries fishing contrary to ICCAT conservation measures (Continued)

6.b.28 The letters drafted by the Delegate of Canada to those Mediterranean countries that have increased their catches in recent years (see 6.b.2) were drafted by Canada and presented to the Permanent Working Group for review.

These letters were prepared to deal with EU and GFCM Member States that are not Parties to ICCAT. The PWG appreciated the drafting suggestions received from the EU members and observers.

6.b.29 After introducing some minor modifications, draft letters to Algeria and Tunisia, Croatia, the European Union, and GFCM were approved and recommended to the Commission for adoption. These draft letters are attached as **Appendices 5 to 8**, respectively, to Annex 7-3.

6.b.30 The Secretariat reported that during the course of these PWG meetings, a second letter was received from the Minister of Agriculture and Fisheries of Belize (distributed to the meeting as Doc. 63), in which Belize asked for assistance from ICCAT to develop a comprehensive plan, including a monitoring system, to regulate Belizian fishing vessel operations.

6.b.31 The PWG agreed that while ICCAT is encouraged to assist any non-Contracting Parties that are trying to establish monitoring schemes to implement ICCAT regulations, providing professional advice and information on ICCAT regulations, such assistance should be provided to Belize through correspondence or by telephone, etc. However, it confirmed that the establishment and implementation of such a system, as well as the control of the fishing vessels flying its flag, are the sole responsibility of the flag state. The PWG requested the Executive Secretary to write to the Government of Belize to that effect.

7. Measures to improve ICCAT-required fishery statistics (Continued)

7.4 The United States Delegate presented a draft "Resolution Concerning Efforts to Improve the Completeness of Task I Reported Statistics".

7.5 The Delegate of Japan, noting his Government's responsibility in implementing all the Recommendations and Resolutions, once agreed upon, was somewhat concerned with the wide scope of areas the Resolution purported to tackle. He explained that while the Fisheries Agency of Japan can control the fishing activities of Japan's vessels, it has no mandate on controlling the activities of normal cargos that are within the definition of fishing vessels under Japan's regulatory system, since another Government agency handles that responsibility and the present Japanese Delegation could not respond on their activities. Notwithstanding, Japan has no intention to block the adoption of this Resolution.

7.6 The PWG understood the Japanese concerns, and indicated that at the same time the wording of the Resolution (e.g. "to the extent practicable") would provide enough flexibility in its application.

7.7 The Delegate of Spain had some difficulties with the original draft presented, in the sense that the obligation to transmit all the information collected, under paragraph 1, to the ICCAT Secretariat as well as to the flag states may pose a heavy administrative burden. On the other hand, the Delegate of France considered this to be a matter of principle and that information should be sent to the flag states without delay and directly from the port states.

7.8 After considerable discussion, the Delegate of Canada proposed that such information be sent to the Secretariat, which would then, as a matter of principle, transmit it to those flag states that wished to receive it. This wording was accepted by both Spain and France. Thus, the "*Resolution Concerning Efforts to Improve the Completeness of Task I Reported Statistics*" was modified to that effect and was approved and forwarded to the Commission for adoption (attached as **Annex 5-13** to the Commission Proceedings).

8. Review of the entry into force of the U.N. Agreement on the Straddling Fish Stocks and Stocks of Large Pelagic Fishes within the framework of ICCAT activities

8.1 The Delegate of U.S. reviewed the status of the UN Agreement and pointed out that the Commission continue to make progress in area of transparency, which is also on the STACFAD Agenda in relation to the observer fees.

8.2 The Delegate of Spain and the PWG Chairman both clarified that even though the U.N. Agreement has not yet been ratified by many of the ICCAT Contracting Parties, the Commission needs to review the Agreement in respect to its implications for the Commission, assuming that the Agreement enters into force, and if the members are Parties to the Agreement. Transparency is one of the items of the Agreement. Nevertheless, since many of the items carry over into various ICCAT bodies, discussions can take place in the Commission Plenary Sessions as well

as by other ICCAT subsidiary bodies, in respect to their own terms of references. Hence, the PWG agreed to keep this item on the 1997 Agenda.

9. Manners of presenting bluefin tuna products envisaged by the ICCAT Bluefin Tuna Statistical Document Program approved by the Commission

and

10. SCRS conclusions on the conversion factor applicable to specific bluefin tuna products

10.1 These two Agenda items were discussed together. The PWG noted that the SCRS could not complete this task in 1996, due to the lack of cooperation from industry to conduct biological sampling. The SCRS, at its 1996 Meetings, recommended using, in the interim, a factor of 10 to convert belly meat to whole weight, until a more biologically acceptable factor can be decided. The Working Group also requested the pertinent governments to ensure the cooperation of their countries' factories and traders of bluefin products. The Delegate of Spain assured the Group that such collaboration will be rendered by the Spanish Government.

10.2 The Delegate of Spain proposed that until such a factor is established, belly meat should be reported separately, as product weight, and that no conversion should be applied for belly meat, to estimate the round weight for Contracting Parties bluefin tuna exports, when using the data from the BFTSD. He requested that Document COM/96/31 be revised according to this criterion. The Delegate of Spain also requested that the export quantities be estimated (in terms of round weight) only for non-Contracting Parties and that no such estimations need to be made for Contracting Parties, which report catch statistics.

10.3 The Delegate of Spain asked about the discrepancies between the conversion factors listed in the COM/96/31 and those included in the "Field Manual". The Secretariat explained that the "Field Manual" serves as a reference for the scientists working on statistics and when the latest issue was published, there were no products such as dressed bluefin tuna (gilled and gutted with head removed), or belly meat products. Hence there was no use for conversion factors. Later, when those products come on the market, these conversion factors, biologically acceptable, were developed, except for belly meat, a product which only started appear on the market in the last few years.

10.4 The Delegate of Spain requested that a revision of the ICCAT "Field Manual" should be prepared for publication as soon as possible, and should include the factors revised correctly. In the meantime, only the factors included in the "Field Manual" should be used in the conversion of products to live weight, since otherwise the results might be biased.

Item 11. Other matters

11.1 No other matters were discussed.

Item 12. Future work and meetings of the Permanent Working Group

12.1 The Delegate of Spain proposed that if the Commission approved the inter-sessional meeting proposed by the Compliance Committee, the PWG should take advantage of the opportunity to hold a meeting at the same time and place. Since there are a number of matters that cannot be discussed at this time, the Delegate of Spain believed that such a meeting will prove very helpful and necessary, and suggested the following points for discussion:

– *Relative to the flow of trade within the European Community:*

The validation by Spain of the Bluefin Tuna Statistical Document (BFTSD) corresponding to products arriving by highway from another European country (particularly France and Italy);

Ways of assuring the consistency of the catch figures and export figures when the exporting State and the flag State of the fishing vessel are different.

-- *Re-exports:*

Products imported into a State, part of which is re-exported to another final destination;

Shipments entirely re-exported, but in successive partial cargos.

-- *Live tunas:*

The difference in weight between tunas caught and those exported after fattening;

Identification of the fishing vessel to which a particular fish fattened in captivity corresponds; and

Way of completing the Bluefin Tuna Statistical Documents when live tunas are exported for fattening.

-- *Format of the Bluefin Tuna Statistical Documents:*

Product types not foreseen

-- *Conversion factors:*

Strict application of the factors included in the "Field Manual";

No application of conversion factors to product types not expressly included in the BFTSD, except those factors indicated in the "Field Manual"; and

Study of the updating of conversion factors and, if appropriate, the application of new factors obtained.

12.2 The Delegate of Spain considered that such details have surpassed the objectives of the BFTSD in its original concept. Taking into account transparency and yet not unnecessarily block any commercial activities, he considered it urgent to resolve these problems.

12.3 The Delegate of Japan noted that his country, as the major importer of bluefin tuna, welcomed to resolve such problems referred to by the Delegate of Spain, and to increase transparency.

12.4 The PWG further discussed as to whether the inter-sessional meeting, if accepted by the Commission, should be held jointly with the Compliance Committee, separately but simultaneously, or consecutively. Recognizing that the Compliance Committee wanted to concentrate on monitoring and inspection at its meeting, and recognizing there are wide areas of overlap in the mandate of these two groups, it was suggested that the inter-sessional meeting not be called either "PWG" or "Compliance Committee", but that a unique Agenda be adopted that includes the areas of concern of both subsidiary bodies, in consultation with the Contracting Parties.

12.5 A Tentative Agenda was proposed and accepted by the PWG. The Group requested the Commission to review this Agenda and, if approved, that it be circulated at the time the formal announcement of the meeting is circulated, i.e., once the dates and venue have been finalized.

13. Adoption of Report

13.1 At the time of adoption of the PWG Report, and in order to expedite this process, the Delegates were requested to present any substantive changes on the floor, whereas non-substantive modifications were to be submitted to the Rapporteur.

13.2 Following this procedure, the Report of the Fifth Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures was adopted.

14. Adjournment

14.1 At the time of adjournment, the PWG Chairman pointed out the extensive and effective work carried out by the Permanent Working Group. He thanked all the Delegations for their cooperation during the sessions. He also expressed his appreciation to the Rapporteur for presenting a concise, thorough report to the Group. Mr. Hallman also thanked the Secretariat for its work during the year.

14.2 The Fifth Meeting of the PWG was adjourned.

Appendix 1 to Annex 7-3

1996 AGENDA OF THE PWG

1. Opening of the Session
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of the implementation of the ICCAT Bluefin Tuna Statistical Document (BTSD) Program
 - a) Secretariat actions
 - b) Contracting Party actions
 - c) Applications for waiver of BTSD requirements
5. Fishing by non-Contracting Parties
 - a) Review of information
6. Measures to promote compliance of the ICCAT conservation measures
 - *Entry into force of the Action Plan concerning Atlantic bluefin tuna*
 - a) Review of the current situation concerning the countries identified at the 1995 meeting as fishing contrary to ICCAT conservation measures
 - b) Identification of countries fishing contrary to ICCAT conservation measures
 - *Entry into force of the Action Plan concerning Atlantic swordfish*
 - c) Identification of countries fishing contrary to ICCAT conservation measures
 - d) Other matters
7. Measures to improve ICCAT-required fishery statistics
 - a) Review of Contracting Party logbook and information retrieval systems
8. Review of the entry into force of the U.N. Agreement on the Straddling Fish Stocks and Stocks of Large Pelagic Fishes within the framework of ICCAT activities
9. Manners of presenting bluefin tuna products envisaged by the ICCAT Bluefin Tuna Statistical Document Program approved by the Commission
10. SCRS conclusions on the conversion factor applicable to specific bluefin tuna products
11. Other matters
12. Future work and meetings of the Permanent Working Group
13. Adoption of Report
14. Adjournment

**SUMMARY REPORT BY JAPAN
ON THE IMPLEMENTATION OF THE ICCAT BLUEFIN TUNA
STATISTICAL DOCUMENT PROGRAM (BTSDP)
November, 1996**

Japan has been implementing the BTSDP since September 1, 1993, for frozen products and since June 1, 1994, for fresh/chilled products. The following is a summary of the implementation from September 1, 1993, to June 30, 1996. However, with regard to Belize, Honduras, and Panama, this summary includes the frozen products data up to October 31, 1996, to facilitate the discussions of the PWG. These data are distributed as a supplement to Appendix 2 of Document COM/96/15.

1. In 1995, Japanese customs collected 6,137 Bluefin Tuna Statistical Documents (BTSDs). Of these, 2,817 Documents, 46% of the total, were validated by non-Contracting Parties. In 1996, there were 4,622 BTSDs collected from January 1 to June 30 and of these, 3,763 Documents, 81% of the total, were validated by non-Contracting Parties.

Japan imported 11,417 MT of Atlantic bluefin tuna products in 1995 and 2,139 MT from January 1 to June 30, 1996. Out of these, 4,401 MT, 39% of the 1995 total was imported from non-Contracting Parties, and 1,300 MT (61%) from January 1 to June 30, 1996.

2. Following are our observations based on the data obtained from the BTSDP which has been already circulated to all Contracting Parties through the ICCAT Secretariat. The converted live weight is used only for non-Contracting Parties and product weight is used for Contracting Parties based on the discussions at last year's Commission Meeting.

A) Non-Contracting Parties

Belize: In 1995, a total of 399 MT were imported from Belize. These were caught by four longline vessels in the Mediterranean and was equal to 27% of the amounts imported from Belize in 1994.

From January 1 to October 31, 1996, there were no bluefin tuna imports from Belize. However, please note that Japan imported bluefin tuna from Belize in November, 1994, and September and November, 1995. Therefore, there is a possibility of importing bluefin tuna from Belize after November of this year.

Honduras: In 1993, a total of 104 MT were imported from Honduras. However, a high-level honduran official indicated to us during a bilateral contact in 1993 that Honduras would not validate any BTSDs for the bluefin products caught by vessels flying Honduran flags of convenience. Therefore, Japan has not imported any bluefin tuna products validated by Honduras since 1994.

Panama: In 1995, a total of 1,293 MT of bluefin tuna caught by 12 longline fishing vessels in the eastern Atlantic and the Mediterranean were imported through Las Palmas, Spain.

From January 1 to October 31, 1996, Japan imported 648 MT of bluefin tuna caught by 10 longline fishing vessels in the eastern Atlantic and Mediterranean. All of these were imported through Las Palmas.

Taiwan: Japan imported 709 MT of bluefin tuna from Taiwan, caught by 13 longline vessels in the Mediterranean in 1994. The products of 12 vessels were exported through Las Palmas, and the rest were exported through Sao Vicente, Cape Verde. In 1995, a total of 502 MT of bluefin tuna caught by 15 longline fishing vessels in the eastern Atlantic and the Mediterranean was imported through Las Palmas.

B) Contracting Parties

Canada: In 1995, a total of 452 MT of bluefin tuna products were imported from Canada, which was equal to 78% of the Canadian reported catch (576 MT) in the western Atlantic.

Equatorial Guinea: In July, 1995, a total of 90 MT of bluefin tuna products were imported for the first time from Equatorial Guinea. All of these were caught in the Mediterranean and exported through Las Palmas. The BTSDs collected shows that six longline vessels operated in the Mediterranean and one of these operated in both the eastern Atlantic and the Mediterranean. In 1995, ten BTSDs were collected and a total of 370 MT of bluefin tuna products caught by seven longline vessels in the eastern Atlantic and the Mediterranean was imported.

Portugal: In 1995, a total of 284 MT of bluefin tuna product was imported from Portugal. Of this amount, 283 MT were caught by three longline fishing vessels in the eastern Atlantic.

Spain: A total of 4,324 MT of bluefin tuna products were imported from Spain in 1995. Of this amount, 3,607 MT were caught in the Mediterranean, equal to 85% of the reported Spanish catch (4,400 MT) in the Mediterranean.

C) General observations

In order to collect information on non-Contracting Parties' fishing activities, it is essential to properly implement the BTSDP and to collect sighting information. In particular, sighting information is very important for the purpose of identifying any non-Contracting Party whose activities diminish the effectiveness of relevant ICCAT conservation, according to the Resolution Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna. Coastal states of the Mediterranean are highly expected to collect this type of sighting information.

Furthermore, the conversion factor for belly meat is not fixed by ICCAT and there was some discussion at the last ICCAT meeting. We requested a Japanese exporter to allow our scientists to weight the belly meat and the round weight or to provide us with such information. However, our importer did not have the relevant data and could not allow sampling, since it could not get the permission of its counterpart, an overseas local company. We are planning to request other importers in Japan to allow our scientists to weight belly meat next year. It would be helpful if coastal countries would also request our importers' counterparts, exporters, to collaborate in this work.

Appendix 3 to Annex 7-3

MODEL LETTER FROM THE ICCAT CHAIRMAN TO BELIZE, HONDURAS, AND PANAMA REGARDING NON-COMPLIANCE WITH ICCAT CONSERVATION MEASURES

Dear Excellency:

At its 1995 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a Resolution relating to implementation of the 1994 Resolution Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna. The Action Plan sets forth a process designed to seek the cooperation of nations not members to ICCAT's conservation program for Atlantic bluefin tuna. The process calls for the Commission to first identify Non Contracting Parties with vessels fishing for Atlantic bluefin tuna in a manner which diminishes the effectiveness of the relevant Conservation Measures of the Commission, and to request any Party so identified, to rectify its fishing activities within one year. As a last resort, this process can result in recommendations of the Commission for Contracting Parties to take measures with the effect of prohibiting trade from an identified party in Atlantic bluefin tuna, consistent with the provisions of the Action Plan Resolution.

During the 1995 and 1996 annual meetings, the Commission received evidence that flag vessels of (Belize) (Honduras) (Panama) have been fishing in the eastern Atlantic and Mediterranean for Atlantic bluefin tuna in a manner inconsistent with ICCAT regulatory measures. In 1995, consistent with the 1994 Bluefin Action Plan Resolution, the Commission identified (Belize) (Honduras) (Panama) as a nation with vessels fishing for Atlantic bluefin tuna in a manner which diminishes the effectiveness of the ICCAT bluefin tuna conservation program. The Commission informed the Government of (Belize) (Honduras) (Panama), of its identification under the ICCAT Bluefin Action Plan Resolution and requested (Belize) (Honduras) (Panama) to rectify the activities of its flag vessels so as not to continue to diminish the effectiveness of the ICCAT bluefin tuna conservation program. As in many past years, the Commission also provided (Belize) (Honduras) (Panama) with the specific ICCAT conservation measures for Atlantic bluefin tuna.

The Commission also requested that it be informed of rectifying actions taken in order to make this information available for review at the 1996 annual meeting of the Commission. Reports of catch data have also been requested by the Commission and (Belize) (Honduras) (Panama) have been invited to participate in ICCAT meetings.

At its 1996 annual meeting, the Commission adopted the enclosed recommendation that will have the effect of requiring action by Contracting Parties that will result in prohibition of trade in Atlantic bluefin tuna and its products thereof from (Belize/Honduras upon entry into force of the recommendation (date))(Panama on January 1, 1998 unless the Commission decides, on the basis of documentary evidence, at its 1997 annual meeting or before, that Panama has brought its fishing practices into consistency with ICCAT conservation and management measures for Atlantic bluefin tuna.)

In specific, the Commission desires to collaborate with (Belize)(Honduras) (Panama) as with other Non Contracting Parties, to ensure

- establishment of binding requirements on (Belizian) (Honduran) (Panamanian) fishing vessels
- a) to fish consistently with the ICCAT bluefin tuna catch limitations, area closures, and size limits in the eastern Atlantic, including the Mediterranean.
- b) to undertake no fishing for bluefin tuna in the western Atlantic, and
- c) to collect all catches of Atlantic bluefin tuna, and
- reporting to ICCAT of all catches of Atlantic bluefin tuna by fishing vessels under its flag.

Information received by ICCAT from (Belize) (Honduras) (Panama) will be communicated to all Contracting Parties for a decision, on the basis of documentary evidence, as quickly as possible that the activities of (Belizian) (Honduran) (Panamanian) fishing vessels meet the points in the paragraph above and thus no longer diminish the effectiveness of the ICCAT bluefin tuna conservation program. Such decision will be communicated to the Contracting Parties by the ICCAT Executive Secretariat with a request that actions with the effect of prohibiting trade in bluefin tuna be lifted immediately.

For your information, I am enclosing herewith copies of ICCAT conservation and management measures for bluefin tuna, of the ICCAT Bluefin Tuna Action Plan Resolution and other resolutions relative to the activities of fishing vessels of Non-Contracting Parties.

Chairman of the Commission

Appendix 4 to Annex 7-3

MODEL LETTER FROM THE ICCAT CHAIRMAN TO TRINIDAD & TOBAGO

Dear Excellency:

Subsequent to its 1995 meeting, ICCAT announced that it had adopted an action plan to ensure the 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 nations not members of ICCAT with the conservation program for Atlantic swordfish. The process requires the Commission to review information available on catch and trade in order to identify Non-Contracting Parties 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 nation 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 from an identified party in Atlantic swordfish consistent with the provisions of the action plan resolution.

During the 1996 annual meeting, the Commission reviewed all relevant information and determined that it had some concerns regarding the possible fishing activities of vessels of Trinidad and Tobago. Trinidad and Tobago has

not responded effectively to repeated requests of ICCAT to provide catch statistics. Imports of swordfish from Trinidad and Tobago into one Contracting Party in 1995 (419 MT) and 1996 (233 MT through July) indicate that Trinidad and Tobago may have increased significantly its harvest of Atlantic swordfish. Although this information is cause for major concern in light of a reported catch of 125 MT in 1993 (which would be the limit currently recommended by ICCAT cap), the Commission decided to write this letter rather than officially identify Trinidad and Tobago under the provisions of the 1995 action plan. The Commission considered that insufficient information was available.

At the 1997 annual meeting, the Commission will review again the situation and consider any actions which have been taken by Trinidad and Tobago to ensure that its flag vessels' fishing activities and catch reporting are consistent with ICCAT recommendations. In specific, Trinidad and Tobago (1) should establish measures that bind its fishing vessels to catch swordfish in the north Atlantic in consistency with ICCAT recommendations (the current catch limit is 125 MT); (2) should submit catch data to the ICCAT; and (3) should submit the flag of vessels which have supplied product for export. The 1997 review will take into account information received on these two points.

If it is determined that the above two points have not been met and that fishing by Trinidad and Tobago vessels has been diminishing the effectiveness of ICCAT's conservation program for Atlantic swordfish, the Commission may in accord with the ICCAT Swordfish Action Plan Resolution, identify Trinidad in 1997. Should such identification occur, the same ICCAT Resolution provides another step which could result in actions with the effect of Contracting Parties prohibiting trade in swordfish products from Trinidad and Tobago.

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.

Chairman of the Commission

Appendix 5 to Annex 7-3

MODEL LETTER FROM THE ICCAT CHAIRMAN TO ALGERIA AND TUNISIA

Excellency:

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is gravely concerned about the status of bluefin tuna stocks. As you know from previous correspondence and discussion at meetings of the General Fisheries Council for the Mediterranean (GFCM), ICCAT has adopted particular conservation and management measures for bluefin tuna in the eastern Atlantic and the Mediterranean to ensure long term sustainability of this important fishery.

As you also know from previous correspondence, ICCAT's concern for the conservation of bluefin tuna throughout the Convention area is reflected in its 1994 Resolution "Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna". The Action Plan sets forth a process designed to seek the cooperation of nations not members of ICCAT with the Commission's conservation program for Atlantic bluefin tuna.

At its November 1996 meeting, in accordance with the processes prescribed in the Bluefin Action Plan, the Commission agreed on recommendations for action in respect of Belize, Honduras and Panama. Those recommendations are enclosed.

During the next twelve months, there will be continuing careful analysis of all countries' cooperation in support of ICCAT conservation objectives to determine whether further decisions for action should be taken at the Commission's 1997 meeting.

The Commission remains gravely concerned over the status of the bluefin tuna stock in the Mediterranean and urges close cooperation by (Algeria/Tunisia) with ICCAT to effectively implement its conservation and management measures. At present only very incomplete catch effort and biological data on bluefin tuna are available by your

country. Data are not even provided to the GFCM/ICCAT Joint Working Group meetings. In view of the situation in the Mediterranean, the increase in the effort in the bluefin tuna fishery by your country would be detrimental to the stock. We urge you to prevent this development.

Members of ICCAT, which are also members of the GFCM, have indicated that the GFCM has adopted the management measures established by ICCAT. They have suggested that special attention to cooperative action within the GFCM could be a productive approach to achieving more effective implementation of these measures.

Therefore, I have written to the GFCM requesting that there be a special priority during this coming year on facilitating cooperative action amongst its member states to improve the effective application of ICCAT measures by GFCM members which are not ICCAT members. My letter to the GFCM is also enclosed.

The Commission would be grateful if (Algeria/Tunisia) would support and participate in this cooperative action.

Please accept the assurances of my highest consideration.

Chairman of the Commission

Appendix 6 to Annex 7-3

MODEL LETTER FROM THE ICCAT CHAIRMAN TO CROATIA

Excellency:

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is encouraged by the response of Croatia to my letter of January 30, 1996 regarding the concern of the Commission for the status of the eastern Atlantic and Mediterranean bluefin tuna and the measures which ICCAT, as the responsible international conservation and management body, has adopted to ensure long term sustainability of this important fishery.

The Commission, at its November 1996 meeting, was pleased to hear the report of Croatia's observer on the decisions Croatia has taken to cooperate with ICCAT and to adopt certain of its management measures.

The Commission is concerned, however, with Croatia's announced non-acceptance of the 1993 or 1994 basic catch levels for Croatia to reduce its catches by 25% by the end of 1998. Commission members appreciate the difficulties which confront Croatia, but the accomplishment of this reduction is critical to conserving the bluefin tuna stock throughout the eastern Atlantic and Mediterranean. It is therefore essential that all parties fishing this stock in the distribution area implement the ICCAT measures in full. I must inform you that Croatia's refusal of the base figures for 1993 or 1994 is not acceptable. The Commission earnestly requests that Croatia reconsider its position.

Please accept the assurances of my highest consideration.

Chairman of the Commission

Appendix 7 to Annex 7-3

MODEL LETTER FROM THE ICCAT CHAIRMAN TO THE EUROPEAN UNION

Excellency:

As you may know from the European Union (EU) observers at meetings of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Commission is gravely concerned about the status of bluefin tuna stocks throughout the Convention area.

One reflection of the Commission's concern is its 1994 Resolution "Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna". The Action Plan sets forth a process designed to seek the cooperation of nations not members of ICCAT with the Commission's conservation program for Atlantic bluefin tuna.

At its November 1996 meeting, in accordance with the processes prescribed in the Bluefin Action Plan, the Commission agreed on recommendations for action in respect of Belize, Honduras and Panama. Those recommendations are attached.

During the next twelve months, there will be continuing careful analysis of all countries' cooperation in support of ICCAT conservation objectives to determine whether further decisions for action should be taken at the Commission's 1997 meeting.

In January, 1996, I wrote to several countries which are not members of ICCAT, including EU members Greece and Italy, about growing concern for the status of eastern Atlantic and Mediterranean bluefin tuna and the measures which ICCAT has adopted to ensure long term sustainability of this important fishery.

The Commission remains gravely concerned over the status of the bluefin tuna stock in the Mediterranean and I would request that you employ the best offices of the European Commission and Presidency to urge Greece and Italy to enter into close cooperation with ICCAT and effectively implement its conservation and management measures.

The Commission appreciates that, at the time of its meeting, the 1996 bluefin tuna fisheries of Greece and Italy were still in progress. However, the Commission must note its concern that catch data for 1995 indicate that Greece caught 612 MT. This is 250 MT or 69% in excess of the ICCAT cap (higher of 1993 or 1994 catch) of 362 MT. Also, the Commission must note its concern that in 1995, 43% of the bluefin tuna caught by Italy were under the ICCAT minimum size requirement of 6.4 kilograms. The percentage was even higher in 1994 - 65%. The ICCAT measures allow for up to a 15% tolerance per boat per landing. The Commission voiced further concern that the Italian catch data are incomplete and partial, particularly for the Adriatic Sea.

Therefore, the Commission would be grateful if the EU would put a special priority during this coming year on facilitating cooperative action amongst its member states to improve the effective application of ICCAT measures by EU members which are not ICCAT members.

Please accept the assurances of my highest consideration.

Chairman of the Commission

Appendix 8 to Annex 7-3

MODEL LETTER FROM THE ICCAT CHAIRMAN TO GFCM

Excellency:

As you know from previous correspondence and discussion at meetings of the General Fisheries Council for the Mediterranean (GFCM), the International Commission for the Conservation of Atlantic Tunas (ICCAT) is gravely concerned about the status of bluefin tuna stocks.

One reflection of the Commission's concern is its 1994 Resolution "Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna". The Action Plan sets forth a process designed to seek the cooperation of nations not members of ICCAT with the Commission's conservation program for Atlantic bluefin tuna.

At its November 1996 meeting, in accordance with the processes prescribed in the Bluefin Action Plan, the Commission agreed on recommendations for action in respect of Belize, Honduras and Panama. Those recommendations are enclosed.

During the next twelve months, there will be continuing careful analysis of all countries' cooperation in support of ICCAT conservation objectives to determine whether further decisions for action should be taken at the Commission's 1997 meeting.

In January, 1996, I wrote to several countries which are not members of ICCAT, including GFCM members Croatia, Greece, Italy and Malta, about growing concern for the status of eastern Atlantic and Mediterranean bluefin tuna and the measures which ICCAT has adopted to ensure long term sustainability of this important fishery.

The Commission remains gravely concerned over the status of the bluefin tuna stock in the Mediterranean and I would request that you employ the best offices of GFCM to urge Greece and Italy to enter into close cooperation with ICCAT and effectively implement its conservation and management measures.

The Commission appreciates that, at the time of its meeting, the 1996 bluefin tuna fisheries of Greece and Italy were still in progress. However, the Commission must note its concern that catch data for 1995 indicate that Greece caught 612 MT. This is 250 MT or 69% in excess of the ICCAT cap (higher of 1993 or 1994 catch) of 362 MT. Also, the Commission must note its concern that in 1995, 43% of the bluefin tuna caught by Italy were under the ICCAT minimum size requirement of 6.4 kilograms. The percentage was even higher in 1994 - 65%. The ICCAT measures allow for up to a 15% tolerance per boat per landing. The Commission voiced further concern that the Italian catch data are incomplete and partial, particularly for the Adriatic Sea.

I have also written to GFCM members Algeria and Tunisia which have significant bluefin tuna fisheries, but which are not members of ICCAT. At present only very incomplete catch, effort and biological data on bluefin tuna are available from these countries. Data are not even provided to the GFCM/ICCAT Joint Working Group meetings. In view of the situation in the Mediterranean, the increase in the effort in the bluefin tuna fishery of these countries would be detrimental to the stock.

Members of ICCAT, which are also members of the GFCM, have indicated that the GFCM has adopted management measures established by ICCAT. They have suggested that a productive approach would be close cooperation and attention within the GFCM to effective implementation of these measures.

Therefore, the Commission would be grateful if the GFCM would put a special priority during this coming year on facilitating cooperative action amongst its member states to improve the effective application of ICCAT measures by GFCM members which are not ICCAT members.

Please accept the assurances of my highest consideration.

Chairman of the Commission

cc: GFCM Secretary

REPORT OF THE MEETING OF THE COMPLIANCE COMMITTEE

1. Opening of the Meeting

1.1 The meeting was opened by the Chairman of the Committee, Mr. P. Peronne (France), who presented an introductory statement welcoming the participation of the People's Republic of China and the Libyan Arab Jamahiriya, as new members, in the work of the Compliance Committee.

2. Adoption of the Agenda

2.1 The Agenda was adopted as prepared and is attached as Appendix 1 to Annex 7-4.

3. Election of Rapporteur

3.1 Dr. J.P. Plé of the United States was nominated to serve as rapporteur of the meeting.

4. Review of the terms of reference of the Committee

4.1 The terms of reference of the Committee, as specified at the 1995 meeting of the Infractions Committee, were accepted.

5. Status of the application of the regulations recommended by the Commission on yellowfin, bigeye, bluefin and swordfish

5.1 The Chairman opened discussion on this item by referring to the 1996 SCRS Report and document COM/96/26, which provided a compendium of the Recommendations and Resolutions adopted by the Commission on the conservation and management of the stocks.

5.2 After some comments by the Executive Secretary on the difficulty of producing a complete summary table on the entry into force of national conservation measures, the Chairman asked that in the future, the table be produced by the Secretariat with as few blanks as possible, and that governments complete the remainder.

5.3 Dr. Suzuki, Chairman of the SCRS, presented a summary of the SCRS Report on the status of compliance with regards to the recommendations and resolutions previously adopted by the Commission. Dr. Suzuki cited extensive non-compliance with the minimum size, catch limits and closed area recommendations, as appropriate, in many of the fisheries.

5.4 The Delegates of Canada, the United States, France, Korea, Portugal, Venezuela and Uruguay provided information in response to the examples of non-compliance noted by Dr. Suzuki. The Delegate of Japan described in detail the system of managing the quota applicable to it, in particular, emphasizing its fishing year basis for the purpose of quota control and compliance with ICCAT. Spain reported on corrective measures adopted during 1996 to prevent non-compliance with ICCAT recommendations. Many delegations noted that their countries were each responsible for some amount of non-compliance. Many also expressed disappointment with the continued non-compliance by other members and that it was time for all members to comply with ICCAT measures, just as the organization had begun to deal with non-compliance by non-Contracting Parties, and that the future credibility of ICCAT was at stake if no action was taken in this regard by Contracting Parties. The statements by South Africa and Canada are attached as Appendices 2 and 3 to Annex 7-4.

5.5 The Delegate of the United States noted that the members of ICCAT must have the political will to take measures to enforce ICCAT Recommendations and the need for international cooperation of both Contracting and non-Contracting Parties. The Delegate further noted the need to have nations which have not complied with ICCAT conservation measures explain how such non-compliance occurred, and how those nations intend to deal with the non-compliance activities. The U.S. Delegate noted that if such non-compliance continued, penalties should be imposed against future quotas, and that if this is not enough to ensure compliance, then ICCAT should consider the possibility of imposing trade restrictive measures to encourage compliance. The U.S. Delegate also noted that the United States had prepared a general approach which could be considered within each of the respective Panels. Spain, France, Portugal, Canada and Venezuela expressed support for the general concept expressed by the United States.

5.6 The Chairman summarized the comments made by the members on how to proceed, and reflected that the measures must be specific, practical and feasible. Based on these discussions, it was agreed to establish an informal group to continue work in this area. Spain, Japan, France, Canada, Portugal, Ghana and Venezuela indicated that they wished to participate in the informal group. With regard to minimum size, the Delegate of Japan noted that it wished to participate, but questioned which body was best suited to discuss this issue and reserved the right to come back to address this topic within the Compliance Committee.

5.7 The Delegate of the United States was asked by the Chairman to report on the work of the informal working group established to review compliance by Contracting Parties. The U.S. Delegate reported at a later session that this informal group held interesting discussions on compliance by Contracting Parties. In particular, through the development of a proposed recommendation, the participants demonstrated the willingness to take the initial steps towards improving compliance for eastern and western Atlantic bluefin tuna stocks and north Atlantic swordfish stocks. He further stated that the proposed recommendation could serve as a model to be used in other situations, at a later time, in order to ensure compliance within ICCAT.

5.8 The U.S. Delegate then provided the Committee with an explanation of the proposed recommendation. The "*Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries*", was adopted by the Compliance Committee and forwarded to the Commission for its consideration. (see Annex 5-14 to the Commission Proceedings.

5.9 According to paragraph (1), at the 1997 Commission meeting, and each year thereafter, each Contracting Party whose landings exceeded its catch limit for Atlantic bluefin tuna or north Atlantic swordfish in the previous fishing year will be required to explain to the Compliance Committee how the over-harvest occurred, and the actions already taken, or to be taken, to prevent further over-harvest.

5.10 According to paragraph (2), if, in the applicable management period, beginning in 1997, and each subsequent management period, any Contracting Party exceeds its catch limit, its catch limit will be reduced in the next subsequent management period by 100 percent of the amount in excess of such catch limit; and ICCAT may authorize other appropriate actions.

5.11 According to paragraph (3), notwithstanding paragraph (2), if any Contracting Party exceeds its catch limit during any two consecutive management periods, the Commission will recommend appropriate measures, which may include but are not limited to, reduction in the catch limit equal to a minimum of 125 percent of the excess harvest, and, if necessary, trade restrictive measures. Any trade measures under this paragraph will be import restrictions on the subject species and consistent with each Party's international obligations. The trade measures will be of such duration and under such conditions as the Commission may determine.

5.12 The U.S. Delegate stated that it was important that the proposal be parallel with the system designed to address non-compliance by non-Contracting Parties. Furthermore, as in the case of non-Contracting Parties, trade restrictive measures should be viewed as measures of last resort. In response to a question posed by the Chairman, the U.S. Delegate also noted that the phrase in paragraph (3), "consistent with each Party's international obligations", is intended to include international obligations under the WTO, and noted further that this language is identical to the language in the recommendations dealing with non-Contracting Party compliance.

5.13 The Delegate of Japan offered a comment on paragraph (3) calling attention that the use of trade restrictive measures should only be considered as a last resort. He noted that in the case of Atlantic bluefin tuna, ICCAT has adopted an Action Plan, which is supported by a process which produces data upon which to base decisions. However, in the case of swordfish, the situation is different because the trade patterns are different and more diverse than in the case of bluefin tuna. Moreover, the phrase, "if necessary" in paragraph (3), should not be taken lightly and trade

restrictive measures should not be seen as automatic. With this mind, Japan interprets the use of trade restrictive measures to require good data.

5.14 The Delegates of several Parties and the Executive Secretary then discussed the legal, political and moral distinction of treating the proposed measure as a "recommendation" or as a "resolution". After an exchange of opinions, the Chairman expressed the view that there was consensus among the Parties to forward the proposed measure to the Commission as a recommendation.

6. Port inspection

a) Acceptance of the Scheme by Contracting Parties

6.a.1 The Executive Secretary began this item by providing information on the Port Inspection Scheme adopted in 1978 and which came into force in 1983. The following countries have officially accepted the scheme: Brazil, Côte d'Ivoire, France, Gabon, Portugal, Sao Tomé and Príncipe, South Africa, Spain, United States and Venezuela. The Executive Secretary noted that it had received no new reports since the last meeting and would review the national reports to see if there were any new data.

6.a.2 Portugal noted that it had adopted a new law requiring all foreign, non-European Community, fishing vessels that intend to land fish in Portuguese ports to be inspected. The United States noted that all Contracting Parties should make a new commitment to a port inspection scheme, and asked that Parties report on all non-Contracting Parties entering their ports and noted that it would like to see the scheme broadened to include all ICCAT species. Japan noted that it had not accepted the scheme as a formal obligation, but has instructed its fishermen to cooperate with inspectors from Contracting Parties, provided the obligation of inspectors to comply with paragraph 3 of the scheme was followed. Spain appealed to all Contracting Parties to accept the Port Inspection Scheme.

b) Review of the reports of inspections carried out

6.b.1 The Chairman stated that reports of inspections carried out should be part of the national reports and that delegates may wish to submit any reports at this time. Spain and France provided additional details on some of their recent inspection activities.

c) Updating of the list of authorized inspectors

6.c.1 With the concurrence of all Parties, it was agreed that it was not necessary to fully review this agenda item and any new data should be provided directly to the Secretariat.

d) Updating of the list of national correspondents

6.d.1 With the concurrence of all Parties, it was agreed that it was not necessary to fully review this agenda item and any new data should be provided directly to the Secretariat.

7. Discussion on an international monitoring scheme applicable in the ICCAT Convention Area

7.1 Referring to COM/96/29, the Executive Secretary noted that ICCAT adopted a scheme for at-sea monitoring in 1975, but that it had yet to enter into force. He further noted that Appendix 3 of COM/96/29 contained a proposal for such a scheme from Canada, and that Appendix 5 of that Document contained the scheme adopted by the International Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

7.2 The Chairman stated that although he had pledged last year to conduct, via correspondence, an effort to develop a scheme, he was not able to complete such work given that he had but three documents to work from, and sought suggestions from other Parties on how best to proceed.

7.3 The Delegates of Canada, South Africa, the United States and France spoke in support of the need for an effective inspection scheme. The representative from Spain spoke in support of a general inspection scheme and further remarked that if ICCAT opted for an at-sea scheme, it should use the ICCAT International Inspection Scheme. The Parties acknowledged that the ICCAT scheme of 1975 had required time to mature, and that the time to move forward had come. South Africa noted that although there were only three documents to work from, all such documents put forward similar points, and that the CCAMLR scheme was the product of much debate and contained practical elements. South Africa then suggested that perhaps Canada and a small drafting committee should attempt to put together a proposal from which others could begin to work from.

7.4 Several Delegates spoke in support of the proposal to establish an open and informal group to work on this matter and to report back to the Committee. Comments in support of this idea reflected the need to keep in mind the United Nations Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), the costs of such a scheme, relationship to other schemes in other international organizations, and the need to be sensitive to the particular circumstances involved with highly migratory species.

7.5 The Chairman summarized the discussion on this matter and noted that the opting-out clause in the U.N. Fish Stocks Agreement, which envisioned development of alternative schemes, provided the flexibility to develop a scheme suited to Atlantic highly migratory species.

7.6 The Delegate of Canada was asked by the Chairman to report on the work of the informal group established to review issues relating to at-sea inspection schemes. The Canadian Delegate stated that a small group consisting of delegates from Spain, France, Brazil, Portugal, Japan, the United States and Canada had met to discuss such issues. He stated that a consensus emerged from these discussions that there is not a need, at this time, to develop or implement an at-sea inspection scheme within ICCAT. However, it was agreed that ICCAT should be looking at a broad-based enforcement scheme that might include elements such as inspections at sea, observers, vessel monitoring system (VMS), port inspections and vessel sighting reports. In addition, some viewed that at-sea enforcement was not the most practical monitoring system for all areas within the ICCAT Convention Area. There was some support for a more piecemeal approach to monitoring and enforcement, with the view of establishing differing schemes according to the different areas and fisheries. The group did not prepare a recommendation for the Committee to consider. He noted that the group agreed that discussion on this issue should continue at later meetings. The report of this informal group is attached as Appendix 4 to Annex 7-4.

7.7 The Delegate of South Africa noted that although the informal group made no recommendations, the Committee should continue to investigate the need for a broad inspection and monitoring scheme within ICCAT, including possible at-sea inspections and use of observers, with a view to making specific recommendations at the 1997 meeting.

7.8 To show that there is some experience in implementing an international monitoring scheme, the Delegate of Venezuela cited the experience in the use of observers in the eastern Pacific tuna fishery. The Delegate of Japan noted that this scheme was effective because in IATTC, vessel specific quotas were allocated, and that the situation was different in ICCAT.

7.9 The Delegate of the United States then offered to host an inter-sessional meeting of the Compliance Committee, at a time and place to be determined later, to consider the entire range of possible means for developing cooperative monitoring and inspection schemes in the ICCAT Convention Area, recognizing that differing approaches may be appropriate for specific areas and fisheries.

7.10 In response, several Parties expressed concern on various topics including the difficulty of conducting at-sea inspections, the need to identify the objectives for the inter-sessional meeting, monitoring and inspection developments in other areas, cost and scheduling of the meeting, concern about the mixing of terms (i.e. a monitoring and inspection scheme does not automatically imply the use of observers on board fishing vessels), and concern that certain elements of monitoring and inspection should not be given greater weight than others. The Delegate of the United States replied that these concerns illustrated the need for additional discussion at an inter-sessional meeting.

7.11 The Delegate of South Africa commented that representatives from the Legal Affairs Office of the FAO would conduct a regional workshop on Fisheries Control, Monitoring and Surveillance (CMS) Systems, in a meeting in December, 1996, and that ICCAT should obtain a copy of the report of this workshop.

7.12 The observer from Mexico noted that the observer program in the eastern Pacific tuna fishery has shown itself to be very effective. He further noted that observers on-board the tuna fishing vessels operating in this area were there for scientific purposes, but that the data collected could result in sanctions imposed on individual vessels by the government of the flag of the vessel in question.

7.13 The Delegate of Spain commented that the proposed inter-sessional meeting could perhaps serve other purposes. Moreover, he suggested that the meeting should be a joint meeting of the Compliance Committee and of the Permanent Working Group since there is much overlap in the issues relevant to these two committees.

7.14 The United States expressed support of this proposal. The Delegate of Brazil commented that all ICCAT Contracting Parties should attend such a meeting. However, given the financial limitations of some members, Brazil stated that financial assistance should be made available for such members.

7.15 The Chairman noted that given the proposal to hold a joint inter-sessional meeting of the Compliance Committee and the Permanent Working Group, the Commission should be asked to develop the framework of this joint meeting.

8. Date and place of the next meeting of the Compliance Committee

8.1 The Compliance Committee will hold its next meeting in conjunction with the joint inter-sessional meeting of the Compliance Committee and the Permanent Working Group, to be hosted by the Government of the United States, at a time and place to be determined later.

9. Other matters

9.1 In the absence of Mr. Peronne at the Committee's last session, Mr. R. Conde, Chairman of ICCAT, assumed duties as temporary Chairman of the Compliance Committee. Mr. Conde noted that he was requested by Mr. Peronne that Committee's report reflect that Mr. Peronne would not be able to attend next year's ICCAT meeting and that a substitute was needed to serve as Chairman of the Compliance Committee. Mr. Conde asked that the report reflect the appreciation of the Committee for the efficient manner in which Mr. Peronne performed his duties while Chairman.

9.2 The Delegate from France expressed thanks on behalf of Mr. Peronne, who will now work in another sector, but still related to sea life. The French Delegate suggested that as a possible replacement, the Committee should look to a new Contracting Party of ICCAT to provide the next chairman, namely Mr. G. Taylor, Head of the Delegation of the United Kingdom. The Delegate of South Africa second the nomination of Mr. Taylor. With the consensus of the Parties, Mr. Taylor was elected as Chairman of the Compliance Committee.

10. Adoption of Report

10.1 The report of the Compliance Committee was adopted.

11. Adjournment

11.1 The 1996 Meeting of the Compliance Committee was adjourned.

AGENDA OF THE COMPLIANCE COMMITTEE

1. Opening
2. Adoption of Agenda
3. Appointment of Rapporteur
4. Review of the terms of reference of the Committee
5. Status of the application of the regulations recommended by the Commission on yellowfin, bigeye, bluefin, and swordfish. Questions resulting from the SCRS Report
6. Port inspection:
 - a) Acceptance of the Scheme by the Contracting Parties
 - b) Review of the reports of inspections carried out
 - c) Updating of the list of authorized inspectors
 - d) Updating of the list of national correspondents
7. Discussion on an international monitoring scheme applicable in the ICCAT Convention area
8. Date and place of the next meeting of the Compliance Committee
9. Other matters
10. Adoption of Report
11. Adjournment

*Appendix 2 to Annex 7-4***STATEMENT BY SOUTH AFRICA TO THE COMPLIANCE COMMITTEE**

As has been noted in statements from other delegations, much of the work of ICCAT over the past few years has been focussed on problems resulting from fishing for tunas and tuna-like species in the Atlantic Ocean by non-ICCAT Contracting Parties. These problems have dominated the work of the Permanent Working Group for the Improvement in ICCAT Statistics and Conservation Measures, and the ICCAT Secretariat has put much work into communicating with such non-Contracting Parties in an effort to solve these problems. Recently, the Chairman of the Compliance Committee has also drawn our attention to the need to review the U.N. Agreement on responsible fishing, and to determine what implications this may have for the work of ICCAT.

These efforts have been rewarded, to the extent that ICCAT has recently received positive undertakings from a number of non-Contracting Parties regarding the implementation of ICCAT management measures. In contrast, South Africa is disappointed to note the continued exceeding of catch quotas, recommended effort levels and minimum size limits by member countries, as reported in this year's SCRS Report. ICCAT seems to spend much time criticizing others, yet we recall how, some years ago, ICCAT reacted with shock and indignation when others criticized ICCAT. It would now seem clear that many of the fishing fleets represented by the member delegations to ICCAT are themselves not complying with ICCAT management measures, and are therefore not fishing responsibly.

South Africa acknowledges the difficulties associated with implementing some of these ICCAT management measures, and notes the call by the delegation from Japan for a "realistic approach" in attempting to resolve these difficulties. South Africa supports that view, but would note that we mean something different when we speak of being "realistic". The reality is that many of the fishing fleets represented by ICCAT member countries continue to depress the spawning stocks of our Atlantic tuna resources with excess fishing effort and catch, while simultaneously destroying future options by increasing catches of juvenile fish. In an apparent effort to protect their fishing fleets, these actions are destroying the very tuna stocks upon which they depend.

South Africa considers this to be an irresponsible and unacceptable state of affairs, which must now be rectified by an honest re-evaluation of the impact on these tuna stocks by our member country fleets, and the immediate implementation of effective measures to reduce this impact to sustainable levels. If this is not done, we fear that the future of ICCAT and, more importantly, of Atlantic tuna resources, looks bleak. We therefore support the statements by the USA, Canada and Japan, and we urge all ICCAT members to work towards the development of specific measures, along the lines proposed by the USA, to improve the implementation of ICCAT management measures.

STATEMENT BY CANADA TO THE COMPLIANCE COMMITTEE

During the discussion last year which led to the adoption of new terms of reference it was noted that if ICCAT was intent upon becoming more effective as an international conservation and management body, compliance by Contracting Parties and meaningful action by this new Committee will be important. That observation is even more pertinent today.

In 1994 and then in 1995, the Commission invested considerable time developing and adopting Action Plans to Ensure Effectiveness of the Conservation Programs for Atlantic bluefin tuna and for swordfish.

These two plans are aimed at ensuring non-Contracting Parties comply with ICCAT measures. Earlier in this meeting we spent considerable time during the Permanent Working Group meeting discussing problems associated with a number of non-Contracting Parties whose actions were diminishing the effectiveness of ICCAT measures. We have taken a major step forward to address this serious concern.

The Compliance Committee is tasked with carrying out a similar mandate with respect to assessing the performance of Contracting Parties. Much concern was expressed at the PWG meeting by a number of delegations regarding the actions of non-Contracting Parties. It is now time to focus on the actions of Contracting Parties to ensure that the standards we have set for others are matched by all of us here.

Over the years the Commission has recommended a number of measures for Contracting Parties, primarily relating to catch levels and minimum size limits. All these measures have been based on the scientific advice available and were adopted to protect stocks from over-exploitation and to ensure their sustainability. Unfortunately, many of these measures have not been complied with.

Effects of non-compliance on the fishery resources are clear. Moreover, continued non-compliance calls into question the commitment of the organization to manage the resources under its authority and has led some to question the credibility of ICCAT.

Many of you will recall the threat of a CITES listing for bluefin tuna a few years ago. As an organization, ICCAT and its member countries opposed such a step. ICCAT has the mandate to manage bluefin as a fisheries management organization and our mandate should not be assumed by another multilateral organization.

Since that time we have continued to be scrutinized by many international organizations who have challenged the degree of our commitment to conservation and rational management.

It will be difficult to point fingers at non-Contracting Parties for diminishing the effectiveness of our management regime when we ourselves are not prepared to adhere to our own management measures. It is also becoming more difficult for Canadian fishermen to accept that they should comply with certain ICCAT measures when others do not.

It is not my wish at this time to single out any particular member for non-compliance. Many of us have been guilty of non-compliance and many of us have undertaken various measures to ensure that our actions are rectified. As an example, in 1995 a number of countries, including Canada, over-fished their swordfish quotas in the north Atlantic. I do not know what the reasons were for overfishing by other countries, but I do know why it happened in Canada and I know that we have instituted significant domestic measures to ensure that it would not happen again.

But, by the same token, it is clear from the SCRS report that some other members have not rectified their actions.

There are a number of problems associated with the harvest of bluefin tuna in the east Atlantic. You will recall that the 1994 recommendation was for countries to cap their annual catch at either their 1993 or 1994 level, whichever was highest, and then to reduce their catch from this level by 25% by the end of 1998. It is clear from the 1995 catch statistics provided by SCRS that not all member countries have complied with this measure.

Excessive catches of undersize bluefin in the east Atlantic is another major concern to Canada. A minimum size of 6.4 kg has been in place since 1974, with countries allowed to retain up to 15% in numbers of fish under this size. However, data supplied by the SCRS clearly indicates that many countries have never complied with this measure.

South Atlantic swordfish is another stock of concern. Countries with catches over 250 MT were not to increase catch levels in 1995 and 1996 beyond their 1993 or 1994 level, whichever was higher. Countries with catches under 250 MT were not to increase over 250 MT. There has been non-compliance with both of these limitations in 1995.

Non-compliance with ICCAT measures in many fisheries are a real concern for Canada for two reasons. First as I stated above, these actions call into question the very credibility of this organization. Second, it is clear that there is some mixing of the east and west Atlantic bluefin stocks, and of the north and south Atlantic swordfish stocks. While it is not known exactly what effects non-compliance in one area could have on the status of the stock in the other, it is clear that non-compliance will diminish the investments made in conservation by other Parties in other areas.

Mr. Chairman, these are the two main issues that I believe we should focus our attention on at this meeting - overfishing of quotas and non-compliance with minimum fish sizes. We need to adopt measures that will provide realistic incentives to ensure that full compliance will be achieved.

Appendix 4 to Annex 7-4

REPORT OF THE INFORMAL GROUP ON MONITORING AND INSPECTION

Representatives from Canada, Spain, France, Brazil, Japan, and the United States met on November 25, 1996, to discuss issues relating to monitoring and inspection in the ICCAT Regulatory Area. The following concepts were discussed at the meeting:

Any ICCAT monitoring and inspection program should not be limited to a particular scheme, but should address all viable options in the form of a package of compatible elements to achieve the specific goals of ICCAT. The possible value of a system blending port inspections, observers and VMS was raised.

It was generally agreed that there is not presently enough of a necessity in ICCAT to justify an at-sea inspection program (such as that proposed by Canada and found in NAFO).

It was agreed that a minimum step should be the definition of what is to be monitored and inspected and what role enforcement should have in this process.

It was also put forth that perhaps incremental steps towards an ultimately comprehensive monitoring and inspection package might be more realistic in the beginning. The stepwise approach was supported by some members of the meeting.

Some support was expressed for a piecemeal approach to monitoring and enforcement in ICCAT with the idea of differing schemes according to the different areas and fisheries within ICCAT's jurisdiction.

It was discussed that at-sea enforcement vessels might be given the role of recording sightings information (such as vessel type, name, flag and activity) until such a time as at-sea boarding and inspection was deemed necessary and acceptable to ICCAT.

The value of the existing (mostly unimplemented) port inspection scheme was cited by a number of the participants. A number of advantages over at-sea inspections were identified. It was generally agreed that any package for monitoring and inspection should include port inspections.

It was stated that a cost/benefit analysis should be done to determine the proper course of action for ICCAT in regard to monitoring and inspection.

It was generally agreed that one goal of any monitoring and inspection scheme should be an improvement in the knowledge of the fishery. Such knowledge (especially in the case of multi-species fisheries), is invaluable in determining how the fishery is conducted and would help to identify specific enforcement needs.

Strong support was expressed regarding continuing dialogue to address the issue of monitoring and inspection in ICCAT. It was agreed that more discussion on this topic would be necessary.