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

**R E P O R T
for biennial period, 1998-99
PART I (1998) - Vol. 1
English version**

MADRID, SPAIN

1999

**INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS**

CONTRACTING PARTIES
(at time of 1998 Commission Meeting)

Angola, Brazil, Canada, Cape Verde, China, Côte d'Ivoire, Croatia, Equatorial Guinea, European Community, France (St. Pierre & Miquelon), Gabon, Ghana, Guinea Conakry, Japan, Korea (Rep.), Libya, Morocco, Russia, Sao Tomé & Príncipe, South Africa, Spain, Tunisia, United Kingdom (Overseas Territories), United States, Uruguay, Venezuela.

COMMISSION OFFICERS

<i>Commission Chairman</i>	<i>First Vice-Chairman</i>	<i>Second Vice-Chairman</i>
R. CONDE DE SARO, Spain (since 17 November 1995)	V. ARARIPE MACEDO, Brazil (since 21 November 1997)	E. A KWEI, Ghana (since 21 November 1997)

<i>No</i>	<i>PANEL MEMBERSHIP</i>	<i>Chairman</i>
1	Angola, Brazil, Canada, Cape Verde, China, Cote d'Ivoire, European Community, Gabon, Ghana, Japan, Korea (Rep.), Libya, Morocco, Russia, Sao Tome & Principe, United Kingdom (Overseas Territories), United States, Venezuela	EC (H. da Silva)
2	Canada, Croatia, European Community, France (St. Pierre & Miquelon), Japan, Korea (Rep.), Libya, Morocco, United Kingdom (Overseas Territories), United States	UK (J. A. Barnes)
3	European Community, Japan, Korea (Rep.), South Africa, United States	USA (R. Lent)
4	Angola, Brazil, Canada, European Community, Japan, Korea (Rep.), South Africa, United Kingdom (Overseas Territories), Uruguay, United States, Venezuela	Japan (I. Nomura)

SUBSIDIARY BODIES OF THE COMMISSION

	<i>Chairman</i>
STANDING COMMITTEE ON FINANCE & ADMINISTRATION (STACFAD)	J. Jones, Canada (since 21 November 1997)
STANDING COMMITTEE ON RESEARCH & STATISTICS (SCRS) Sub-Committee on Statistics: S. Turner (United States), Coordinator Sub-Committee on Environment: A. Fonteneau (EC), Coordinator Sub-Committee on By-catches: H. Nakano (Japan), Coordinator	J. E. Powers, United States (since 24 October 1997)
CONSERVATION & MANAGEMENT COMPLIANCE COMMITTEE	C. Dominguez (EC) (since 21 November 1997)
PERMANENT WORKING GROUP FOR THE IMPROVEMENT OF ICCAT STATISTICS AND CONSERVATION MEASURES (PWG)	J. F. Pulvenis (Venezuela) (since 21 November 1997)

ICCAT SECRETARIAT

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

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, 1998-99, Part I (1998)*", 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 Eleventh Special Meeting of the Commission, held in Santiago de Compostela, Spain, in November, 1998, 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, the Report for 1998 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

1998 Administrative Report	5
1998 Financial Report	10
Report on Statistics & Coordination of Research in 1998	22

RECORD OF COMMISSION MEETINGS

Proceedings of the 11 th Special Meeting of the Commission	27
ANNEX 1 Commission Agenda	38
ANNEX 2 List of Commission Participants	39
ANNEX 3 List of Commission Documents	56
ANNEX 4 Opening Address by Mr. M. Fraga de Iribarne	57

ANNEX 5 RECOMMENDATIONS & RESOLUTIONS ADOPTED BY THE COMMISSION

ANNEX 5-1 Recommendation by ICCAT Concerning the Establishment of a Closed Area/Season for the Use of Fish Aggregation Devices (FADs)	61
ANNEX 5-2 Recommendation by ICCAT Concerning Registration and Exchange of Information of Bigeye Tuna Fishing Vessels	62
ANNEX 5-3 Recommendation by ICCAT on the Bigeye Tuna Conservation Measures for Fishing Vessels Larger than 24 m Length Overall (LOA)	63
ANNEX 5-4 Recommendation by ICCAT Amending the "Recommendation on Bluefin Catch Limits in the Eastern Atlantic Ocean and Mediterranean Sea" and the "Recommendation on Supplemental Management Measures Concerning Age 0 Bluefin Tuna"	64
ANNEX 5-5 Recommendation by ICCAT on the Limitation of Catches of Bluefin Tuna in the Eastern Atlantic and Mediterranean	65
ANNEX 5-6 Recommendation by ICCAT Concerning the Changes of Closed Season for the Purse Seine Fishery Fishing for Bluefin Tuna in the Mediterranean Sea	66
ANNEX 5-7 Recommendation by ICCAT to Establish a Rebuilding Program for Western Atlantic Bluefin Tuna	67
ANNEX 5-8 Recommendation by ICCAT Concerning the Limitation of Fishing Capacity on Northern Albacore	70
ANNEX 5-9 Recommendation by ICCAT on Revision, Implementation and Sharing of the Southern Albacore Catch Limit	71
ANNEX 5-10 Recommendation by ICCAT Regarding Atlantic Billfishes	73
ANNEX 5-11 Recommendation by ICCAT Concerning the Ban on Landings and Transshipments of Vessels From Non-Contracting Parties Identified as Having Committed a Serious Infringement	74
ANNEX 5-12 Recommendation by ICCAT on Validation of the Bluefin Tuna Statistical Document by the European Community	75
ANNEX 5-13 Supplemental Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and Atlantic Swordfish Fisheries	76
ANNEX 5-14 Recommendation by ICCAT on Application of Three Compliance Recommendations ..	77
ANNEX 5-15 Resolution by ICCAT to Establish a Working Group on Allocation Criteria	80

ANNEX 5-16	Resolution by ICCAT for the Development of Rebuilding Plans for Atlantic Bigeye Tuna	81
ANNEX 5-17	Resolution by ICCAT for the Development of Recovery Scenarios for North and South Atlantic Swordfish	82
ANNEX 5-18	Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large Scale Longline Vessels in the Convention Area	83

ANNEX 6 STATEMENTS PRESENTED TO THE PLENARY SESSIONS

6-A	Statement by the United States on International Cooperation	85
6-B	Statement by the Brazil on the Concerns of Coastal States and Developing Nations ..	86
6-C	Statement by the European Community on the Management Regime for Bluefin Tuna	87
6-D	Statement by France (St. Pierre & Miquelon) Relative to its Membership in ICCAT	88
6-E	Statement by the Observer from Iceland on the Status of the Bluefin Tuna Stock ..	89
6-F	Statement by the Observer from Denmark (in respect of the Faroe Islands) on the Faroese Fisheries	90
6-G	Statement by the Observer from Mexico on its Collaboration with ICCAT	91
6-H	Statement by the Observer from Namibia on the Conservation and Sustainable Use of Marine Living Resources	91
6-I	Joint Proposal by Several Delegations on the Establishment of a Working Group on Fishing Capacity and Basic Criteria for Management	92
6-J	Statement by Canada Relative to the Establishment of a Working Group on Allocation Criteria	92

ANNEX 7	Guidelines and Criteria for Granting Observer Status at ICCAT Meetings	94
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REPORTS OF SUBSIDIARY BODIES:

ANNEX 8	Report of the Seventh Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)	99
	PWG Appendices	112
ANNEX 9	Report of the Meeting of the Compliance Committee	122
	Compliance Committee Appendices	129

ANNEX 10 REPORTS OF THE MEETINGS OF PANELS

	Report of the Meeting of Panel 1	135
	Report of the Meeting of Panel 2	142
	Report of the Meeting of Panel 3	153
	Report of the Meeting of Panel 4	156
	Panel Appendices	163

ANNEX 11	Report of the Meeting of the Standing Committee on Finance & Administration (STACFAD)	192
	STACFAD Appendices	196
	Table 1 - 1999 Revised Commission Budget	197
	Table 2 - 1999 Contracting Party Contributions	198

SECRETARIAT REPORTS

1998 ADMINISTRATIVE REPORT (COM/98/6-Revised)*

1. Contracting Parties to the Convention

In January, 1998, the Department of Legal Services of the Food and Agriculture Organization of the United Nations (FAO) informed the Secretariat that France and the United Kingdom had notified the Director General of FAO that they would remain Parties to ICCAT in virtue of their overseas territories that are not included in the common fishing policy implemented by the Treaty of Rome.

The Department of Legal Services of FAO also informed the Secretariat that on December 28, 1998, the Government of the Republic of Panama had deposited an instrument of adherence to the ICCAT Convention. In accordance with Article XIV, paragraph 3, of the Convention, the Republic of Panama had become a full member of the Commission.

Consequently, as of December 31, 1998, the Commission was comprised of 26 Contracting Parties.

In the course of the year, Uruguay and South Africa became members of Panel 4, in accordance with Rule 12, paragraph 5, of the Rules of Procedure. The People's Republic of China became a member of Panel 1, in virtue of the same Article.

2. Acceptance or ratification of Madrid and Paris Protocols to the ICCAT Convention

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

The entry into force of the Madrid Protocol requires the ratification of France, as one of the countries having a developed market economy. It also requires ratification by three of the countries which did not pertain to this category at the time of the signing of the Protocol and that still have not ratified or accepted the Protocol (Angola, Cape Verde, Côte d'Ivoire, Equatorial Guinea, Gabon, Ghana, and Sao Tome & Principe). The Delegate of France (St. Pierre & Miquelon) informed the Commission that the procedure for ratification of the Madrid Protocol by France was in process.

As of December 31, 1998, the following Contracting Parties have officially ratified or accepted the Protocol (some of these automatically accepted upon becoming Contracting Parties to the Convention):

Republic of Korea	Acceptance on June 11, 1993
Canada	Ratification on September 22, 1993
South Africa	Acceptance on September 30, 1993
United States of America	Ratification on August 24, 1994
Russian Federation	Acceptance on September 14, 1994
Republic of Guinea	Acceptance on April 13, 1995
United Kingdom	Acceptance on November 10, 1995
People's Republic of China	Acceptance on October 24, 1996
Morocco	Ratification on December 9, 1996

* The Administrative Report presented at the 1998 Commission meeting has been updated to December 31, 1998.

Brazil	Ratification on January 15, 1997
Uruguay	Acceptance on July 24, 1997
Croatia	Acceptance on October 20, 1997
European Community	Acceptance on November 14, 1997
Tunisia	Acceptance on December 16, 1997
Libya	Acceptance on January 14, 1998
Venezuela	Acceptance on May 5, 1998
Japan	Acceptance on May 27, 1998
Panama	Acceptance on December 28, 1998

3. ICCAT Regulations and Resolutions

- Adopted in 1997

During the six-months grace period following transmittal of the Recommendations adopted by the Commission at its 1997 Meeting, the Government of Brazil presented a formal objection and later a formal ratification of that objection to the "Recommendation Regarding Compliance in the South Atlantic Swordfish Fishery". In accordance with Article VIII, paragraph 3(a), of the Convention, the entry into force was delayed by an additional 60 days. During the extension, two other Parties (Uruguay and South Africa) also presented formal objections and subsequent confirmations to the same Recommendation. Hence, in accordance with Article VIII(b), the entry into force of the aforementioned Recommendation was delayed by another 45 days. Consequently, the Recommendation entered into force on September 24, 1998, for all the Contracting Parties, except for those that had presented an objection to it. The Contracting Parties and Non-contracting Parties, Entities and Fishing Entities that fish tunas in the Convention Area were duly notified of the objections and the delayed entry into force.

Since no objections were presented to any other Recommendation adopted by the Commission at its 1997 Meeting, these entered into force on June 13, 1998, which was duly notified by the Secretariat on June 15.

- Adopted in 1998

On December 22, 1998, the Secretariat transmitted to the Contracting Parties and non-contracting Parties that have an Atlantic coastline or that fish tunas in the Convention Area, as well as to intergovernmental fisheries organizations and fishing entities, the texts of the Recommendations and Resolutions adopted by the Commission at its 11th Special Meeting (Santiago de Compostela, November 1998). Provided that no objections are presented, these 1998 Recommendations will enter into force on June 21 1999. The text of these Recommendations and Resolutions are included in Annex 5 to the Proceedings of the 1998 Commission Meeting (contained in this volume).

4. Monitoring and inspection

As of December, 1998, the Contracting Parties that have accepted the ICCAT Scheme of Port Inspection, which was adopted by the Commission at its First Special Meeting (Madrid, 1978) and in effect since 1983, are as follows: Brazil, Côte d'Ivoire, Spain, United States, France, Gabon, Sao Tome & Principe, South Africa, and Venezuela.

At its 15th Regular Meeting (Madrid, November 1997), the Commission adopted a "Recommendation for a Revised ICCAT Port Inspection Scheme" (see Annex 5-10 to the "Report for Biennial Period, 1996-97, Part II, Vol. 1). The revised Scheme, which entered into force on June 13, 1998, modifies the previous ICCAT Port Inspection Scheme.

At its 11th Special Meeting (Santiago de Compostela, Spain, November 1998), the Delegate from the European Community indicated that the Community had accepted the new Port Inspection Scheme. This had been incorporated in the its internal law once the Council of Ministers adopted the change to the EU's general monitoring regime, which is currently in process.

5. ICCAT inter-sessional meetings and Working Groups

In accordance with the Commission's decisions, the following meetings of a scientific-technical nature were held in 1998. Details on these meetings are provided in the Report on Statistics and Coordination in 1998 (COM-SCRS/98/9).

- ICCAT Meeting for the Development of Standardized Methods for Estimating Swordfish Catch at Age by Sex (January 21-27, 1998 - Hamilton, Bermuda).
- Preparatory Meeting for the ICCAT Bluefin Year Program (BETYP) (March 24-25, 1998 - Madrid, Spain) (During the course of this meeting, it was recommended that the Executive Secretary initiate actions to procure funds for the Program. In accordance with this recommendation, Dr. Ribeiro Lima visited Azores, Madeira, Canary Islands, the European Community, Chinese Taipei and Japan. His report is presented in SCRS/98/21.)
- Multi-lateral Consultation to Determine a Sharing Arrangement for the Allowable Catch for South Atlantic Albacore Catch (April 23-24, 1998 - Cape Town, South Africa).
- Meeting of the ICCAT Workshop on Tropical Tuna Abundance Indices (May 11-15, 1998 - Miami, Florida, USA).
- Working Group on the Precautionary Approach (May 13-14, 1998 - Miami, Florida, USA).
- Informal Preparatory Meeting of the GFCM/ICCAT Joint Working Group (July 10, 1998 - Rome, Italy).
- Fourth GFCM/ICCAT *Ad Hoc* Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea (September 7-12, 1998 - Genoa, Italy).
- ICCAT SCRS Bluefin Tuna Stock Assessment Session (September 14-23, 1998 - Genoa, Italy).

6. Meetings at which ICCAT was represented

- ICES Study Group on the Workshop on the Precautionary Approach to Fisheries Management (February 3-6, 1998 - Copenhagen, Denmark). Dr. J. Powers, SCRS Chairman, represented ICCAT.
- Fourth Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) (February 19-22, 1998 - Canberra, Australia). ICCAT was represented by Mr. J. Morishita (Japan).
- CWP Inter-Agency Meeting (February 25-27, 1998 - Rome, Italy). ICCAT was represented by Dr. P. M. Miyake, Assistant Executive Secretary.
- GFCM Consultation on Fisheries Economics and Statistics (March 2-5, 1998 - Rome, Italy). ICCAT was represented by Dr. P. M. Miyake.
- Technical Working Group on Reduction of Incidental Catch of Seabirds in Longline Fisheries (March 25-27, 1998 - Tokyo, Japan). Dr. Y. Uozumi (Japan) represented ICCAT.
- Technical Working Group on Fishing Capacity (April 15-18, 1998 - La Jolla, California, USA).
- FAO Technical Working Group on Sharks (April 17-21, 1998 - Tokyo, Japan). Dr. P. M. Miyake represented ICCAT.
- Scientific Meeting on Bluefin Tuna and Swordfish Fishing in the Western Mediterranean (May 4-6, 1998 - Tunis, Tunisia), organized by COPEMED (Cooperation in Western Mediterranean Fisheries). Mr. P. Kebe, ICCAT Systems Analyst, attended this meeting from the Secretariat.
- Expert Consultation and Regional Meeting on Guidelines for the Routine Collection of Capture Fishery Data (May 9-29, 1998 - Bangkok, Thailand).
- 14th Meeting of the CITES Animals Committee (May 25-29, 1998 - Caracas, Venezuela). Dr. H. Matsunaga (Japan) represented ICCAT at this meeting.

- Workshop on Precautionary Limit Reference Points for Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, organized by the Secretariat of the Pacific Community (May 28-29, 1998 - Honolulu, Hawaii, USA). Dr. J. Powers represented ICCAT.
- 61st Meeting of the Inter-American Tropical Tuna Commission (IATTC) (June 10-12, 1998 - La Jolla, California, USA). Mr. J. Ariz (EC-Spain) represented ICCAT.
- 23rd Session of GFCM (July 7-10, 1998 - Rome Italy). Dr. P. M. Miyake represented the Commission.
- Preparatory Meeting for Consultation on Plans of Action on Management of Fishing Capacity, Sharks and Seabirds (July 22-24, 1998 - Rome, Italy). ICCAT was represented by Dr. P. M. Miyake.
- World Trade Organization (WTO) Committee on Trade and Environment (July 23-24, 1998 - Geneva, Switzerland). Dr. A. Ribeiro Lima, Executive Secretary, represented ICCAT at this meeting.
- Meeting on the Role of ACP Operators in the Tuna Industry (July 20-23, 1998 - Lisbon, Portugal). Dr. Ribeiro Lima attended this meeting.
- Indian Ocean Tuna Commission (IOTC) Expert Consultation on Tunas (July 20-25, 1998 - Mahe, Seychelles) Dr. P. Pallares Soubrier (EC-Spain) represented ICCAT.
- FAO Consultation on Management of Fishing Capacity in the Shark Fishery and on By-catches of sea birds in all Fisheries (July 22-24, Rome, Italy). Dr. P. M. Miyake represented ICCAT.
- 62nd Meeting of the Inter-American Tropical Tuna Commission (October 15-16, 1998 - La Jolla, California, USA). Mr. B. Hallman (USA) attended in representation of ICCAT.
- FAO Consultation on the Code of Conduct (October 25-31, 1998 - Rome, Italy). Dr. P. M. Miyake represented ICCAT.
- 7th Expert Consultation on Tunas in the Indian Ocean-Indian Ocean tuna Commission (November 9-14, 1998 - Mahe, Seychelles). ICCAT was represented by Dr. P. Pallares Soubrier (EC-Spain).
- Third Session of the Indian Ocean Commission (December 7-8, 1998 - Mahe, Seychelles). Mr. I. Ibañez Rubio (EC-Spain) represented ICCAT.

7. Coordination of research and statistics

The Report on Statistics and Coordination of Research, included in this volume, summarizes 1998 activities relative to the coordination of research and statistical works on tuna and tuna-like species in the Convention area.

8. Tagging lottery

The annual lottery for participants in the ICCAT International Cooperative Tagging Program for Tuna and Tuna-like Species was held on October 19, 1998, at the time of the SCRS meeting, where three US\$ 500 prizes were awarded, corresponding to three categories, as follows:

- Tropical tunas (636 tags entered in the lottery); Winner: Tag# EM4072, placed on a bigeye tuna by Senegal on December 5, 1997, and recovered by France on December 10, 1997.
- Temperate tunas (227 tags): Winner: Tag# BF122417, placed on a bluefin tuna by the United States on February 23, 1996, and recovered by the United States on July 27, 1997.
- Billfishes (213 tags): Winner: Tag# BF116974, placed on a blue marlin by the United States on May 3, 1997, and recovered by Venezuela on October 18, 1997.

9. Relations with other countries, organizations, and entities

Document COM/98/18 provides details on the Secretariat's activities in this area, of which the following are noteworthy:

On January 15, 1998, the Republic of Panama transmitted to the Secretariat a list of 368 vessels which for which fishing licenses had been canceled due to non-compliance with the provisions of its "Pateate de Navegacion" in matters of fishing.

On January 23, 1998, letters signed by the Commission Chairman were sent to:

- Belize and Honduras, relative to their lack of compliance with ICCAT conservation measures.
- Panama, Honduras and Belize, concerning swordfish.
- Trinidad & Tobago, regarding the ICCAT Action Plan for Swordfish.
- Chinese Taipei, concerning the ICCAT Recommendations on Swordfish
- Barbados, Chile, Costa Rica and Ecuador, relative to actions aimed at reducing the lack of compliance with ICCAT Recommendations on swordfish.
- CARICOM, concerning joint actions and the collection of data

In 1998, the Governments of the Bahamas, the Islamic Republic of Mauritania and the Republic of Trinidad and Tobago sent letters indicating their interest in becoming Contracting Parties to ICCAT.

10. Publications

From January to December, 1998, the Secretariat published and distributed the following publications:

- Statistical Bulletin, Vol. 27
- Data Record, Vol. 39
- Collective Volume of Scientific Papers, Vol. XLVII (enhanced edition)
- Collective Volume of Scientific Papers, Vol. XLVIII (Nos. 1, 2 and 3)
- Report for Biennial Period, 1996-97, Part II (Vols. 1 and 2) - English, French and Spanish versions

The Report of the ICCAT Tuna Symposium (Azores, 1996) will be ready for distribution in early 1999.

11. Secretariat staff

As of December, 1998, the Secretariat was comprised of the following: Executive Secretary (D-1), Assistant Executive Secretary (P-5), Systems Analyst (P-2), 5 multi-lingual secretaries (three in GS-7, one in GS-6, one in GS-4), a multi-lingual statistical secretary (GS-4), four clerical staff (one in GS-2, three in GS-1), and one local contract in.

In accordance with Article 33 of the current "ICCAT Staff Regulations and Rules", and taking into account the interests of the Commission and in virtue of the authority which said Article grants to the Executive Secretary, he decided to extend the age limit for retirement in the case of Dr. Peter Makoto Miyake, the Assistant Executive Secretary.

In the same way, and in virtue of the same authority, he also extends this limit in the case of Mrs. Maria Ana Fernandez de Bobadilla, a multi-lingual secretary.

1998 FINANCIAL REPORT COM/98/7 Revised*

1. AUDITOR'S REPORT - FISCAL YEAR 1997

In May, 1998, the Executive Secretary sent a copy of the Auditor's Report to the governments of all the Contracting Parties. The General Balance at the close of Fiscal Year 1997 (see attached **Statement 1**), showed a balance in Cash and Bank of 47,116,664 Pesetas, corresponding to the available in the Working Capital Fund (44,191,447 Pesetas), to advances on future contributions accumulated to the close of Fiscal Year 1997 (25,217 Pesetas), and to the available in funds for other programs (2,900,000 Pesetas).

The accumulated pending contributions at the close of Fiscal Year 1997 (corresponding to 1997 and to previous years) amounted to 170,215,650 Pesetas.

2. FINANCIAL STATUS OF THE 1ST HALF OF THE BIENNIAL BUDGET - FISCAL YEAR 1998

All the financial operations of the Commission corresponding to Fiscal Year 1998 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 1998 Regular Budget (175,797,000 Pesetas) was approved by the Commission at its 15th Regular Meeting (Madrid, November, 1997). The General Balance (attached as **Statement 2**) reflects the Assets and Liabilities at the close of Fiscal Year 1998, which is shown in detail in **Tables 1 to 6**.

Table 1 shows the status of the contributions of each Contracting Party to the close of Fiscal Year 1998.

Of the total budget approved, income received towards 1998 contributions amounted to 150,413,590 Pesetas at the close of the fiscal year. Only thirteen (13) of the 22 Contracting Parties included in this Budget have paid their total contributions: Brazil, Canada, China, Côte d'Ivoire, Croatia, European Community, Japan, Korea (Republic), Libya, Morocco, Russia, South Africa, and the United States. Venezuela paid part of its 1998 contribution (6,925,966 Pesetas). Advances totaling 2,482,358 Pesetas were received from Libya (2,365,387 Pesetas) and China (116,971 Pesetas) and will be applied towards payment of their future contributions.

The contributions to the 1998 Regular Budget pending payment from the Contracting Parties at the close of Fiscal Year 1998 amounted to 25,383,410 Pesetas.

The total accumulated debt from budgetary and extra-budgetary contributions, at the close of the fiscal year, amounted to 176,581,853 Pesetas, which includes, among others, extra-budgetary contributions due from newly-incorporated Contracting Parties: France (St. Pierre & Miquelon), Panama, Tunisia, and UK (Overseas Territories), and the debts pending from Benin, Cuba, and Senegal, which are no longer Contracting Parties to ICCAT.

Table 2 shows the budgetary liquidation of expenses to the close of Fiscal Year 1998, broken down by budget chapters.

Following herewith are some general comments by chapters:

Chapter 1 - Salaries: The salaries and remuneration for 11 members of the ICCAT Secretariat staff were charged to this chapter. The total expenditures for Chapter 1 include the updating of the remuneration schemes to those currently in effect for staff classified in the United Nations categories, including step (tenure) raises.

Chapter 2 - Travel: The expenses charged to this Budget chapter correspond to travel and per diem for the Secretariat participation in the following inter-sessional meetings:

* The Financial Report presented at the 1998 Commission Meeting was revised and updated to the end of Fiscal Year 1998.

- ICCAT/FAO Meeting (May 25, Rome, Italy)
- ICCAT/European Community Meeting (June 25, Brussels, Belgium)
- WTO Committee on Trade and Environment (July 23-24, Geneva, Switzerland)
- FAO Consultation on Plans of Actions on Management of Fishing Capacity, Sharks and Seabirds (July 22-24, Rome, Italy)
- Meeting on the Role of ACP Operators in the Tuna Industry (July 20-23, Lisbon, Portugal)

Chapter 3 - Commission Meeting: The *Xunta de Galicia* contributed 4,966,710 Pesetas towards the difference in expenditures involved in holding the annual Commission meeting in Santiago de Compostela. The expenses charged to this chapter slightly surpassed the amount budgeted due to unforeseen expenses in translation work.

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

Chapter 5 - Office Equipment: Expenses charged to this chapter to the close of the fiscal year include the monthly rental for a sorter (leased with an option to buy), as well as the purchase of some office furniture for the Secretariat.

Chapter 6 - Operating Expenses: This chapter reflects expenses incurred in the operation of the Secretariat, to the close of Fiscal Year 1998. The increase in expenditures is due to the increase in postal rates, and phone/fax expenses.

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

Chapter 8 - Coordination of Statistics and Research

a) Salaries: Salaries and remuneration for three Secretariat staff members are charged to this sub-chapter. The observations made under Chapter 1 as regards the salary schemes currently in force in 1998 for U.N. classified staff also apply to this sub-chapter. This sub-chapter also includes the salary and Spanish Social Security expenses of one staff member who chose to continue in this special regime.

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

- ICCAT Meeting for the Development of Standardized Methods for Estimating Swordfish Catch at Age by Sex (January 21-27, Hamilton, Bermuda)
- CWP Inter-Agency Meeting (February 25-27, Rome, Italy)
- GFCM Consultation on Fisheries Economics and Statistics (March 2-5, Rome, Italy)
- FAO Technical Working Group on Sharks (April 23-27, Tokyo, Japan)
- Meeting of the ICCAT Working Group on Tropical Tuna Abundance Indices (May 11-15, Miami, Florida, USA)
- 23rd Session of GFCM (July 7-10, Rome, Italy)
- Fourth Meeting of the *Ad Hoc* Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea (September 7-12, Genoa, Italy)
- ICCAT Bluefin Tuna Stock Assessment Session (September 14-23, Genoa, Italy)

c) Statistics/Biology: The following expenses were charged to this sub-chapter: e-mail, purchase of software for the Secretariat (Paintshop, Visual Fortran, Wordperfect 8.0, Windows 95 course, antivirus, etc.), per diem for four Secretariat staff members to participate in the GFCM/ICCAT Joint Working Group Meeting and the Bluefin Tuna Stock Assessment Session in Genoa, as well as Secretariat participation in the FAO Consultation on the Code of Conduct held in Rome.

d) Computer-related items: The following computer equipment purchases were charged to this sub-chapter to the end of Fiscal Year 1998: 2 scanners, 1 portable color printer, 1 portable PC, 6 desktop PCs, 4 laser printers, 2 color monitors, 2 modems, 1 communications card and 2 memory extensions.

e) Scientific meetings (including the SCRS): Expenditures for the SCRS Plenary Sessions and the Species Groups, charged to this sub-chapter, remained within the amount budgeted.

f) Bluefin Year Program (BYP): The Contracting Parties allocated 2,000,000 Pesetas as an ICCAT budgetary contribution to this Program. The breakdown of program income and expenditures is provided in the table in Section 4 of this Report.

g) Bigeye Year Program (BETYP): The Contracting Parties allocated 1,450,000 Pesetas as a budgetary contribution to this Program. The breakdown of program income and expenditures is provided in the table under Section 5 of this Report.

h) Billfish Research Program: The Contracting Parties allocated 1,450,000 Pesetas as a budgetary contribution to this Program. The breakdown of program income and expenses is shown in the table under Section 6 of this Report.

h) Miscellaneous: The purchase of some office material and extraordinary translation work were charged to this sub-chapter.

Chapter 9 - Contingencies: Expenses incurred in this chapter to the end of the fiscal year correspond to part of the payment of Secretariat staff retroactive salaries.

Table 3 shows budgetary and extra-budgetary income received by the Commission in Fiscal Year 1998. Budgetary income totaled 150,413,590 Pesetas, from Contracting Party contributions paid in 1998 towards the 1998 budget, contributions corresponding to past budgets from Angola (5,285,690 Pesetas), Venezuela (8,560,341 Pesetas), Ghana (3,631,820 Pesetas), Côte d'Ivoire (478,311 Pesetas), Uruguay (1,942,105 Pesetas), and Libya (3,240,030 Pesetas), and other income (extra-budgetary) received in 1998. This extra-budgetary income includes contributions from Libya (adherence in 1996), Italy (adherence prior to the entry of the EC), UK (adherence for its Overseas Territories, after the entry of the EC), observer fees (from Namibia, Mexico and CARICOM), a voluntary contribution from Chinese Taipei, bank interest, the refund of Value Added Tax, and reimbursement for publications.

Table 4 shows the composition and balance of the Working Capital Fund to the close of Fiscal Year 1998. The Fund shows a positive accounting balance of 51,344,483 Pesetas, which represents 29.2% of the 1998 Budget.

Table 5 shows cash flow during Fiscal Year 1998, as regards income received and expenses incurred.

Table 6 shows the status of Cash and Bank to the close of Fiscal Year 1998, with a balance of 65,450,186 Pesetas, which corresponds to the total available in the Working Capital Fund, as well as that available in funds for other programs and advances on future contributions.

3. ICCAT TUNA SYMPOSIUM

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

The activity of this trust fund during Fiscal Year 1998, for which the accounting is kept separate from that of the Commission, and under the responsibility of Dr. P. M. Miyake, the Symposium Secretary, was as follows:

SYMPOSIUM FUNDS (in Pesetas)

Balance at start of Fiscal Year 1998		4,150,433
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DEPOSITS:

Voluntary contribution from Chinese Taipei (US\$ 5,000)	770,590	
Financing by EC (ECUs 8,400)	1,414,711	
From ICCAT to compensate expenses	1,000	
Bank interest (checking and time deposit accounts)	<u>86,222</u>	
<i>Total deposits</i>		2,272,523

EXPENDITURES:

Symposium expenses	188,885	
Bank charges	<u>19,669</u>	
<i>Total expenditures</i>		<u>-208,554</u>

BALANCE AT CLOSE OF FY 1998		6,214,402
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4. BLUEFIN YEAR PROGRAM (BYP) (in Pesetas)

DEPOSITS:

Carry-over of funds budgeted in Fiscal Year 1997 and not used	1,225,464	
Allocation by ICCAT in Fiscal Year 1998	2,000,000	
Voluntary contribution from Chinese Taipei	<u>725,000</u>	

<i>Total deposits</i>		3,950,464
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EXPENDITURES:

Program expenses (including bank charges)	367,815	
<i>Total expenditures</i>		<u>-367,815</u>

BALANCE AT CLOSE OF FY 1998		3,582,649
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5. BIGEYE YEAR PROGRAM (BETYP) (in Pesetas)**DEPOSITS:**

Allocation by ICCAT	1,450,000	
Voluntary contribution from EC	2,900,000	
Voluntary contribution from Japan	2,900,000	
Voluntary contribution from the United States	725,000	
Voluntary contribution from Chinese Taipei	<u>725,000</u>	
<i>Total deposits</i>		8,700,000

EXPENDITURES:

Program expenses (including bank charges)	2,490,566	
<i>Total expenditures</i>		<u>-2,490,566</u>

BALANCE AT CLOSE OF FY 1998		6,209,434
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6. ENHANCED BILLFISH RESEARCH PROGRAM (in Pesetas)

Balance at start of Fiscal Year 1998 (US\$ 11,032.87)		1,643,898
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DEPOSITS:

Allocation by ICCAT	1,450,000	
Voluntary contribution from Chinese Taipei	725,000	
Voluntary contribution from The Billfish Foundation (\$25,000)	3,800,000	
Positive difference in currency exchange	<u>64,109</u>	
<i>Total deposits</i>		6,039,109

EXPENDITURES:

Program expenses	5,820,491	
Bank charges	<u>31,254</u>	
<i>Total expenditures</i>		<u>- 5,851,745</u>

BALANCE AT CLOSE OF FY 1998		1,831,262
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STATEMENT 1. GENERAL BALANCE (at the close of Fiscal Year 1997) (Pesetas)

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

STATEMENT 2. GENERAL BALANCE (at the close of Fiscal Year 1998) (Pesetas)

<i>ASSETS</i>		<i>LIABILITIES</i>	
Available:	Pts.	Acquired holdings (net)	Pts.
			9,227,404
-- Banco Exterior de Espana:			
Acct. 030-17672.60-A (Pts.)	2,002,922		
Acct. 030-17329.75-F (Conv. Pts.)	20,563,219	Guaranty deposit	61,564
Acct. 030-31279.43-E (US\$)	\$90,684.46 13,149,247		
-- Barclays			
Acct. 21001466 (Pts.)	5,339,210	Available in the Working Capital Fund	51,344,483
Acct. 41002088 (US\$)	\$23,803.83 3,451,555		
-- Luso Espanol			
Acct. 91-50255223 (Conv. Pts.)	893,117	Available in Symposium Trust Fund	6,214,402
Time deposit (Pts.)	20,000,000		
Cash on hand (Pts.)	<u>50,916</u>	Available in funds for other programs	
Total Available (Pts.)	<u>65,450,186</u>	-- Bluefin Year Program (BYP)	3,582,649
(Exchange rate: 1US\$ = 145 Pts.)		-- Bigeye Year Program (BETYP)	6,209,434
		-- Billfish Research Program	<u>1,831,262</u> 11,623,345
Available in Symposium Trust Fund:		Advances on future contributions	2,482,358
Acct. 030-0126445 (Pts.)	6,214,402		
Receivables:		Accumulated pending contributions	176,581,853
Overdue contributions	176,581,853		
Fixed Assets:			
Acquired before 1998	22,268,241		
Acquired during 1998	2,969,900		
Retired during 1998	<u>0</u>		
Total Fixed Assets, in use	25,238,141		
Accumulated depreciation	<u>(16,010,737)</u>		
Fixed Assets (net)	9,227,404		
Guaranty deposit	<u>61,564</u>		
TOTAL ASSETS	257,535,409	TOTAL LIABILITIES	257,535,409

TABLE 1. STATUS OF CONTRACTING PARTY CONTRIBUTIONS (Pesetas) (to the close of Fiscal Year 1998)

<i>Contracting Party</i>	<i>Past due at start of Fiscal Year 1998</i>	<i>1998 Contracting Party contributions</i>	<i>Contributions paid in 1998 or applied to the 1998 Budget</i>	<i>Contributions paid in 1998 towards other budgets</i>	<i>Balance due at the close of Fiscal Year 1998</i>
A) Regular Commission Budget:					
Angola	5,515,897	2,630,098	0	5,285,690	2,860,305
Brasil	0	8,030,651	8,030,651	0	0
Canada	0	3,817,296	3,817,296	0	0
Cap Vert	18,768,821	2,370,351	0	0	21,139,172
China (People's Rep.) 1/	0	2,691,950	2,691,950	0	0
Cote d'Ivoire	478,311	1,972,102	1,972,102	478,311	0
Croatia	0	1,770,870	1,770,870	0	0
European Community	0	80,426,514	80,426,514	0	0
Gabon	5,975,256	1,762,780	0	0	7,738,036
Ghana	73,442,231	12,135,639	0	3,631,820	81,946,050
Guinea Ecuatorial	7,744,932	866,643	0	0	8,611,575
Guinea (Rep. of)	5,138,672	920,238	0	0	6,058,910
Japan	0	13,110,717	13,110,717	0	0
Korea	0	4,528,718	4,528,718	0	0
Libya 2/	3,240,030	3,266,488	3,266,488	3,240,030	0
Maroc	0	3,708,220	3,708,220	0	0
Russia	0	2,528,100	2,528,100	0	0
Sao Tome & Principe	5,548,879	1,752,837	0	0	7,301,716
South Africa	0	3,270,702	3,270,702	0	0
United States	0	14,365,296	14,365,296	0	0
Uruguay	3,824,530	1,811,150	0	1,942,105	3,693,575
Venezuela	8,560,341	8,059,640	6,925,966	8,560,341	1,133,674
<i>Sub-total (A)</i>	<i>138,237,900</i>	<i>175,797,000</i>	<i>150,413,590</i>	<i>23,138,297</i>	<i>140,483,013</i>
B) New Contracting Parties:					
Italy (1997)	2,618,461	0	0	2,618,461	0
Libya (1996)	2,334,940	0	0	2,334,940	0
Tunisia (1997) 3/	0	2,650,278	0	0	2,650,278
UK-Overseas Terr. (1998) 4/	0	2,571,223	2,566,152	0	5,071
France-St.Pierre & Miquelon (1998) 5/	0	1,695,872	0	0	1,695,872
Panama (1998) 6/	0	4,723,270	0	0	4,723,270
<i>Sub-total (B)</i>	<i>4,953,401</i>	<i>11,640,643</i>	<i>2,566,152</i>	<i>4,953,401</i>	<i>9,074,491</i>
C) Withdrawals of Contracting Parties:					
Benin (Eff: 31-Dec-94)	8,403,961	0	0	0	8,403,961
Cuba (Eff: 31-Dec-91)	11,034,300	0	0	0	11,034,300
Senegal (Eff: 31-Dec-88)	7,586,088	0	0	0	7,586,088
<i>Sub-total (C)</i>	<i>27,024,349</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>27,024,349</i>
TOTAL (A+B+C):	170,215,650	187,437,643	152,979,742	28,091,698	176,581,853

1/ An advance from the People's Republic of China (116,971 Pts) received in 1998 will be applied towards the payment of future contributions.

2/ An advance from Libya (2,365,387 Pts) received in 1998 will be applied towards the payment of future contributions.

3/ Extra-budgetary contribution due from Tunisia (2,650,278 Pts) as a new member of the Commission during the 2nd half of 1997.

4/ Extra-budgetary contribution due from the UK-Overseas Territories (2,571,223 Pts), for maintaining membership after adherence of EC to ICCAT.

5/ Extra-budgetary contribution due from the France-St. Pierre & Miquelon (1,695,872 Pts), for maintaining membership after adherence of EC to ICCAT.

6/ Extra-budgetary contribution from Panama (4,723,270 Pts) as a new member of the Commission during the 2nd half of 1998.

TABLE 2. LIQUIDATION OF BUDGETARY & EXTRA-BUDGETARY EXPENDITURES (Pesetas) (to the close of Fiscal Year 1998)

<i>Chapters</i>	<i>1998 Budget</i>	<i>Expenditures to the close of Fiscal Year 1998</i>
1. Budget & budgetary expenditures:		
Chapter 1. Salaries	89,673,000	89,788,947
Chapter 2. Travel	5,000,000	4,797,964
Chapter 3. Commission Meetings (annual & inter-sessional)	10,521,000	10,893,623 1/
Chapter 4. Publications	4,500,000	4,488,766
Chapter 5. Office Equipment	1,000,000	863,936
Chapter 6. Operating Expenses	11,600,000	13,076,479
Chapter 7. Miscellaneous	1,000,000	941,783
<i>Sub-total Chapters 1-7</i>	<i>123,294,000</i>	<i>124,851,498</i>
Chapter 8. Statistics and Research:		
8A Salaries	20,903,000	20,828,103
8B Travel to improve statistics	5,500,000	5,211,780
8C Statistics/Biology	6,000,000	4,770,077
8D Computer-related items	4,000,000	3,924,161
8E Scientific meetings (including SCRS)	9,200,000	9,200,000
8F Bluefin Year Program (BYP)	2,000,000	2,000,000 2/
8G Bigeye Year Program (BETYP)	1,450,000	1,450,000 2/
8H Billfish Research Program	1,450,000	1,450,000 2/
8I Miscellaneous	1,000,000	1,000,000
<i>Sub-total Chapter 8</i>	<i>51,503,000</i>	<i>49,834,121</i>
Chapter 9. Contingencies	1,000,000	1,000,000
TOTAL BUDGETARY EXPENDITURES (Chapters 1 to 9)	175,797,000	175,685,619
2. Other expenses: Extra-budgetary		
Negative difference in exchange rate		961,508
TOTAL EXPENSES INCURRED IN 1998		176,647,127

1/ The Xunta de Galicia (Council of Galicia) paid 4,966,710 Pts. towards the difference in 1998 Commission Meeting expenses.

2/ ICCAT contributions to these Programs.

TABLE 3. BUDGETARY & EXTRA-BUDGETARY INCOME RECEIVED (Pesetas) (to the close of Fiscal Year 1998)

1.1 Contributions received or applied in 1998 to the 1998 Budget:			
United States	(13 Jan 1998)	14,365,296	
Venezuela	(12 Feb 1998)	6,925,966	
Japan	(16 Feb 1998)	13,110,717	
European Community	(02 Mar 1998)	80,426,514	
Canada	(09 Mar 1998)	3,817,296	
Croatia	(12 Mar 1998)	1,770,870	
South Africa	(27 Mar 1998)	3,270,702	
Cote d'Ivoire	(21 Apr 1998)	1,972,102	
China	(06 Jul 1998)	2,691,950	
Brazil	(20 Jul 1998)	8,030,651	
Morocco	(20 Jul 1998)	3,708,220	
Korea	(13 Aug 1998)	4,528,718	
Russia	(27 Aug 1998)	2,528,100	
Libya	(28 Oct 1998)	3,266,488	150,413,590
1.2 Contributions received in 1998 towards previous budgets:			
Angola	(19 Jan 1998)	5,285,690	
Venezuela	(12 Feb 1998)	8,560,341	
Ghana	(24 Feb, 28 Aug, 18 Nov 1998)	3,631,820	
Cote d'Ivoire	(21 Apr 1998)	478,311	
Uruguay	(15 Jun 1998)	1,942,105	
Libya	(28 Oct 1998)	3,240,030	23,138,297
1.3 Extra-budgetary contributions from new Contracting Parties received in 1998:			
Libya	(28 Oct 1998)	2,334,940	
Italy	(21 Dec 1998)	2,618,461	
UK (Overseas Territories)	(21 Dec 1998)	2,566,152	7,519,553
1.4 Other extra-budgetary income:			
Observer fees at OCCAT Meeting (Mexico, Namibia, CARICOM)		1,424,000	
Voluntary contribution from Chinese Taipei		725,000	
Bank interest		960,276	
Refund from VAT		751,845	
Reimbursement for publications		93,066	3,954,187
TOTAL INCOME RECEIVED IN 1998			185,025,627

TABLE 4. COMPOSITION & BALANCE IN THE WORKING CAPITAL FUND (Pesetas) (to the close of Fiscal Year 1998)

Available in the Working Capital Fund (at start of Fiscal Year 1998)		44,191,447
a) Liquidation of budgetary income and expenses of Fiscal Year 1998		
<i>Deposits:</i>		
-- Contributions paid in 1998 and/or advanced for application to the 1998 Budget	150,413,590	
<i>Deductions:</i>		
-- Budgetary expenses (Chapters 1 to 9) of Fiscal Year 1998	<u>(175,685,619)</u>	(25,272,029)
b) Other income and expenses no included in the Budget of Fiscal Year 1998		
<i>Deposits:</i>		
-- Contributions paid in 1998 towards previous budgets	23,138,297	
-- Extra-budgetary contributions from new Contracting Parties	7,519,553	
-- Other extra-budgetary income	3,954,187	
<i>Deductions:</i>		
-- Extra-budgetary expenses	(961,508)	
-- Charge in 1998 to the Working Capital Fund of expenses budgeted and not used in Fiscal Year 1997, which will be applied to the Bluefin Year Program (BYP) as agreed by the Commission	<u>(1,225,464)</u>	<u>32,425,065</u>
BALANCE AVAILABLE (at the close of Fiscal Year 1998)		51,344,483

TABLE 5. CASH FLOW (Pesetas) (during Fiscal Year 1998)

<i>INCOME & ORIGIN</i>		<i>EXPENSES & APPLICATION</i>	
Balance in Cash and Bank (at the start of Fiscal Year 1998)	47,116,664	Available in Program funds at the close of Fiscal Year 1997 and applied to Fiscal Year 1998	2,900,000
Income:			
Contributions paid in 1998 and/or advanced for application to the 1998 Budget	150,413,590	Advances on contributions at the close of Fiscal Year 1997 and applied to Fiscal Year 1998	25,217
Contributions pending from previous budgets and paid in 1998	23,138,297	Charge in 1998 to the Working Capital Fund of expenditures budgeted and not used in Fiscal Year 1997, which will be applied to the Bluefin Year Program (BYP) as agreed by the Commission	1,225,464
Extra-budgetary contributions from new Contracting Parties and received in 1998	7,519,553	Extra-budgetary expenses (Chapters 1 to 9) of FY 1998	175,685,619
Other extra-budgetary income received in 1998	3,954,187	Other extra-budgetary expenses incurred in FY 1998	961,508
Advances on future contributions received in 1998	<u>2,482,358</u>	Available at the close of Fiscal Year 1998	
	187,507,985	-- In the Working Capital Fund	51,344,483
		-- Advances received pending application to future contributions at the close of FY 1998 (China and Libya)	2,482,358
Balance (at close of Fiscal Year 1998) for the Programs:		Available for Programs:	
-- Bluefin Year Program (BYP)	3,582,649	-- Bluefin Year Program (BYP)	3,582,649
-- Bigeye Year Program (BETYP)	6,209,434	-- Bigeye Year Program (BETYP)	6,209,434
-- Billfish Research Program	<u>1,831,262</u>	-- Billfish Research Program	<u>1,831,262</u>
	11,623,345		65,450,186
TOTAL INCOME & ORIGIN	246,247,994	TOTAL EXPENSES & APPLICATION	246,247,994

TABLE 6. STATUS OF CASH & BANK (Pesetas) (at the close of Fiscal Year 1998)

<i>SUMMARY</i>		<i>BREAKDOWN</i>	
Balance in Cash and Bank	65,450,186	Available in the Working Capital Fund	51,344,483
		Total advances received	2,482,358
		Available in Funds for Programs:	
		-- Bluefin Year Program (BYP)	3,582,649
		-- Bigeye Year Program (BETYP)	6,209,434
		-- Billfish Research Program	1,831,262
			11,623,345
TOTAL CASH IN CASH & BANK	65,450,186	TOTAL AVAILABLE & ADVANCES	65,450,186

**REPORT ON STATISTICS
AND COORDINATION OF RESEARCH IN 1998**
(COM-SCRS/98/9)*

1. INTRODUCTION

Three major ICCAT inter-sessional meetings were held in 1998. This year has seen an extraordinarily increased number of requests for revisions to historical data. These requests had to be thoroughly studied, and once accepted by the SCRS, all the data bases, including the catch-at-size bases, had to be updated.

2. DATA COLLECTION

2.1 Data submission to the Secretariat

A table showing the progress made by the Secretariat in the collection of 1997 Task I, Task II and biological data submitted by the national offices, was presented at the meeting. As in previous years, few data were submitted by the deadlines, and a considerable amount of data were received only a few days before the SCRS species groups.

In the past, many Task I updates were brought to the SCRS meeting by the participants. As the Secretariat cannot update catch at size until the new data are submitted and processed, these last minute submissions delayed our work and accordingly, the basic data could not be made available to scientists working on stock assessments until late in the session. In 1998, stock assessments were scheduled for north and south albacore and yellowfin, and, in addition, catch-at-size was requested by the bigeye and swordfish species groups for their studies on the effectiveness of the minimum size regulations.

Following discussions with various SCRS officers, the Secretariat established a new and final deadline for data submission for yellowfin, bigeye and albacore, after which date no submissions would be accepted. That deadline was the last day in which the Secretariat could realistically complete the preparatory work for the SCRS Species groups. As a result, the catch-at-size tables were delivered to albacore scientists for aging by MULTIFAN, one week before the meeting started and to the tropical group on the first day of their meeting.

2.2 Modification of historical data

As mentioned above, a considerable number of countries requested changes to their catch figures in the historical data base. The SCRS established a policy in the past whereby any significant changes to historical data must be accompanied by justification and documented evidence. The Secretariat, therefore, cannot make the decision to accept or reject such changes. In some ways, this slows down the process of data compilation, as in theory the data base cannot be updated until these data are reviewed by the SCRS. Such was the case for bluefin tuna data, for which the review and revision of data took a substantial amount of time, which in turn resulted in considerable delay in the preparation of the catch-at-size base for bluefin tuna.

For other species, the Secretariat created the catch at size on the assumption that most of these changes would be accepted by the SCRS, as there would be insufficient time for the SCRS groups to complete their work if these data were not entered until after the formal review.

The significant changes to data which had been proposed at the time of writing this report are as follows:

-- Italian Mediterranean bluefin data for 1991-1996. The data were reviewed and accepted at the Fourth *Ad Hoc* GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea, which was held in Genoa, Italy, in September, 1998.

-- Croatian bluefin data for 1991-1996. The proposal was made in 1997, at which time the SCRS requested further documentation to justify the changes. The data were reviewed and accepted at the Fourth *Ad Hoc* GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea.

-- Moroccan bluefin and swordfish data for 1991-1996. These changes were proposed during the above-mentioned GFCM/ICCAT Joint Working Group. These changes were accepted, pending possible further review on the geographical allocation of the swordfish catches.

* The Report presented at the 1998 Meeting was edited.

-- Tunisian bluefin data for 1993-1996. These proposed changes were also accepted at the GFCM/ICCAT Joint Working Group.

-- At the 1998 GFCM/ICCAT Joint Working Group, Greece proposed changes to their data, first for 1994, and later for 1991-1996. These proposed changes were not accepted by the Group, which requested that Greece submit fully documented justification for the changes.

-- South Africa submitted substantial changes in south albacore catches for 1993 to 1996. Catch at size was also provided. These changes are pending review by the SCRS, but have been included in the catch-at-size table which the Secretariat created for the 1998 SCRS.

-- France submitted substantial changes to tropical tuna catches for 1991 to 1996. Task II catch and effort distributions and catch at size were also provided. These changes are pending review by the SCRS, but have been included in the catch-at-size table which the Secretariat created for the 1998 SCRS.

-- France also proposed changes to Mediterranean bluefin tuna catches for 1992, 1993, 1995 and 1996. Catch at size were also revised accordingly. These changes were reviewed and accepted by the GFCM/ICCAT Joint Working Group.

-- Spain submitted substantial changes to tropical tuna Task II (catch and effort) distributions and catch at size, but not to Task I catch data. These changes are pending review by the SCRS, but the new data have been included in the catch-at-size table which the Secretariat created for the 1998 SCRS.

-- France submitted substantial changes in tropical tuna catches of NEI (FIS-Spanish group but which fly other flags) for 1991 to 1996. Task II catch and effort distributions and catch at size were also provided. These change are pending review by the SCRS, but they have been included in the catch-at-size table which the Secretariat created for the 1998 SCRS.

-- Ghanaian logbook records became available for 1991 through 1996 and as well as size data for 1991 through 1997, for the Ghanaian baitboat fisheries.

3. OTHER SECRETARIAT ACTIVITIES

In addition to the routine work on statistics and research coordination, the following work was carried out by the Secretariat during this period.

3.1 Creation of catch at size

-- Swordfish catch at size data by sex up to 1996 were prepared for the Swordfish Species Group Inter-Sessional meeting on the Development of Standardized Methods for Estimating Swordfish Catch at age by Sex, which was held in Bermuda, in January, 1998. Swordfish catch-at-size data up to 1997 was tentatively updated for the 1998 SCRS (SCRS/98/7).

-- East and west bluefin catch-at-size data were prepared during the GFCM/ICCAT Joint Working Group and the ICCAT SCRS Bluefin Tuna Stock Assessment Session in Genoa, in September, 1998. The base was updated to 1997, incorporating all the changes which had been proposed and accepted. The Italian data were completely revised for 1991 through 1996 (SCRS/98/8).

-- North and south albacore catch-at-size data were updated to 1997 for the 1998 SCRS (SCRS/98/17).

-- Yellowfin catch-at-size data were updated to 1997 for the 1998 SCRS session. This work included a critical review of the historical base and the incorporation of many proposed changes (SCRS/98/16).

-- Bigeye catch-at-size data were tentatively updated up to 1997 (SCRS/98/16).

3.2 Revision of historical data base for various countries

According to the decision taken by the SCRS in 1997, Dr. P. M. Miyake visited Croatia, at the invitation of the Croatian Government, to review the proposed changes to Croatian bluefin tuna catch statistics. The Government scientists and Dr. Miyake jointly undertook a comprehensive review of the data and presented their findings in document SCRS/98/45.

Following the recommendation made by the SCRS in 1997, Mr. P. Kebe visited Ghana in 1998. The Government scientists and Mr. Kebe reviewed the accumulated data at the laboratory and these were finally made available to the Commission (SCRS/98/24).

At the request of the Greek Government, Dr. P. M. Miyake made a brief visit to Greece to review the Greek historical bluefin data. Greek scientists and Dr. Miyake reviewed the data and a report was prepared by the Greek scientists (SCRS/98/90).

3.3 Bluefin Year Program

The Secretariat informed all parties concerned that requests for funds allocated in accordance with the budget should be made as soon as possible. At the time of writing only one such request has been received, from Dr. Oray of Turkey, and funds have been advanced from the BYP budget.

3.4 Bigeye Year Program (BETYP)

See documents COM-SCRS/98/10 and SCRS/98/21.

3.5 Unreported catches of non-contracting parties

Further improvements have been observed in this area, mainly due to the ICCAT Bluefin Tuna Statistical Document Program and efforts by the national scientists. Document SCRS/98/8 provides estimates of unreported catches. Furthermore, it should be noted that the NEI catches have been substantially reduced due to the efforts made by national scientists, particularly those of the Contracting Parties, in revising their data.

3.6 Improvement of computer facilities and software

The Secretariat purchased the following items recommended in 1997 and in previous years: 6 Desktop computers, a portable computer, expanded memory for a portable computer, a modem, 2 Scanners, five laser printers, a portable inkjet printer, a PCMCIA, seven licensed copies of Corel Suite (ver.8) for Windows95, two licensed copies of Microsoft Office (ver. 6), six language modules, and a licensed translation program.

3.7 Bibliographic data base

The part of the ASFA data base relative to ICCAT publication has recently been provided by FAO. Efforts by the FAO Fisheries Department in extracting this and making it available to the Secretariat are very much appreciated. The file is currently being reformatted for ease of use.

4. MEETINGS

4.1 Inter-sessional meetings relative to SCRS activities in 1998 included:

- Swordfish Species Group Inter-sessional Meeting on the Development of Standardized Methods for Estimating Swordfish Catch-at-age by Sex (January 21-27, 1998 - Hamilton, Bermuda)

This meeting was held at the invitation of the Bermuda Government. The Secretariat was represented by Messrs. Miyake and Kebe. The report has been edited and translated by the Secretariat and was presented as document SCRS/98/18. The work which the Group requested that the Secretariat carry out was completed and was presented in Document SCRS/98/7.

- Preparatory Meeting for the ICCAT Bigeye Year Program (March 24-25, 1998 - Madrid, Spain)

A small group met at the Secretariat in March, 1998, and discussed activities to be funded by the "seed money" provided by the Commission at its 1997 meeting, and developed a program plan for 1998. The group's report was presented as SCRS/98/10.

- ICCAT Workshop on Abundance Indices from Tropical Tuna Surface Fisheries (May 11-15, 1998 - Miami, Florida, USA)

The Workshop was held in Miami at the invitation of the Southeast Fisheries Science Center of NOAA. The Secretariat was represented by Messrs. Miyake and Kebe. The report was edited and translated by the Secretariat and was presented as document SCRS/98/19.

- The Working Group on the Precautionary Approach (May 13-14, 1998 - Miami, Florida, USA)

The report of this group was presented as document SCRS/98/6.

- Fourth Ad-Hoc GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea (September 7-12, 1998 - Genoa, Italy)

This meeting was held in Genoa, Italy, at the invitation of Italian Government and was sponsored by the Aquarium of Genoa. The Secretariat supported this meeting by sending four members of the Secretariat staff (P.M. Miyake, P. Kebe, P. M. Seidita and J. Cheatle).

- ICCAT SCRS Bluefin Tuna Stock Assessment Session (September 14-23, 1998 - Genoa, Italy)

This meeting was held immediately after the GFCM/ICCAT Joint Working Group. The bluefin tuna Detailed Report was adopted (document SCRS/98/22) and the Executive Summary was drafted. These texts were sent to all participants by e-mail.

4.2 FAO scientific meetings at which ICCAT was represented

In order to provide Plans of Action under the Code of Conduct, FAO organized a series of meetings in 1998. ICCAT has been directly involved in this work as follows:

- Technical Working Group on Reduction of Incidental Catch of Seabirds in Longline Fisheries (March 25-27, 1998 - Tokyo, Japan)

Dr. Y. Uozumi (Japan) attended this meeting in representation of ICCAT. His report was submitted as document SCRS/98/13.

- Technical Working Group on Management of Fishing Capacity (April 14-18, 1998 - La Jolla, California, USA)

Dr. P. M. Miyake was invited to participate in this group and his report was presented as SCRS/98/14. Dr. Miyake's trip expenses were covered by FAO.

- Technical Working Group on Sharks (April 17-21, 1998 - Tokyo, Japan)

Dr. P. M. Miyake participated in this meeting as ICCAT representative. His report was presented as SCRS/98/12.

While all these Technical Working Groups attempted to draft Plans of Action, they were only able to provide FAO with various technical points to be included in the Plans.

- Preparatory Meeting for Consultation on Plans of Action on Management of Fishing Capacity, Sharks and Seabirds (July 22-24, 1998 - Rome, Italy)

Dr. P. M. Miyake attended the meeting in representation of ICCAT. The report was presented as document SCRS/98/15. A Consultation was also held from October 26 to 30 at FAO headquarters in Rome, to finalize the draft Plans of Action.

- Expert Consultation and Regional Meeting on Guidelines for the Routine Collection of Capture Fishery Data (May 9-29, 1998 - Bangkok, Thailand)

Dr. P. M. Miyake was invited as an expert, and all his trip expenses were covered by FAO. Dr. Miyake's report was presented as document SCRS/98/25.

- GFCM Consultation on Statistics and Economics; GFCM Commission Meeting (July and October, 1998, respectively)

ICCAT was also represented by Dr. P. M. Miyake at the above two GFCM meetings in 1998, both held at the FAO headquarters, Rome. Dr. Miyake's report on these meetings was presented as document SCRS/98/11.

4.3 Other meetings in which ICCAT was represented

- World Trade Organization (WTO) Committee on Trade and Environment (July 23-24, 1998 - Geneva, Switzerland)

The WTO requested that a representative of ICCAT participate in the Committee on Trade and Environment in Geneva, Switzerland, to explain the recent trade measures taken by ICCAT. The Secretariat presented a report to the WTO explaining the background to actions taken in relation to this matter. Dr. A. Lima represented the Commission at this meeting and his report was presented as COM/98/21.

- COPEMED Scientific Meeting on Bluefin Tuna and Swordfish Fishing in the Western Mediterranean (May 4-6, 1998 - Tunis, Tunisia)

Mr. P. Kebe, at the request of COPEMED (Cooperation of Western Mediterranean Fisheries), represented ICCAT at the meeting held in Tunisia on bluefin tuna and swordfish fisheries in the western Mediterranean. Mr. Kebe's expenses borne by COPEMED. His report was presented as document SCRS/98/23.

- Meetings on the Precautionary Approach

Dr. J. Powers, SCRS Chairman, represented ICCAT at three meetings related to the Precautionary Approach (ICES, SPC and the FAO Steering Committee on Consultation on Precautionary Approach). His reports were presented as documents SCRS/98/26, 27 and 20.

- 62nd Meeting of the Inter-American Tropical Tuna Commission (IATTC) (La Jolla, California, USA - October 15-16, 1998)

Mr. X. Ariz (EC-Spain) attended the IATTC annual meeting in representation of ICCAT. His report was presented as SCRS/98/28.

- CITES Animals Committee (May 25-29, 1998 - Caracas, Venezuela)

Mr. H. Matsunaga (Japan) represented ICCAT at the CITES Animals Committee. His report was presented as SCRS/98/29.

5. PUBLICATIONS

Details of the ICCAT scientific publications issued in 1998 can be found in the Administrative Report (COM/98/6) included in this volume.

As had been reported, Dr. J. Beckett was contracted as Editor of the 1996 ICCAT Tuna Symposium Report. Almost all the papers have been page set and were sent to the printer in July. However, there have been some problems, particularly relating to the quality of original figures provided (or not provided) by some authors, and many of these have to be reset. The expected date of publication is early 1999. The Editor presented an information report on the progress of the publication.

RECORDS OF MEETINGS

ELEVENTH SPECIAL MEETING OF THE COMMISSION *Santiago de Compostela, Spain - November 16 to 23, 1998*

FIRST PLENARY SESSION

1. Opening of the meeting

1.1 The 11th Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) was held at the *Palacio de Congresos y Exposiciones de Galicia*, in Santiago de Compostela, Spain, from November 16 to 23, 1998. The meeting was chaired by Mr. Rafael Conde de Saro (EC).

1.2 The Chairman of the Commission, Mr. Conde, thanked the *Xunta de Galicia* (Council of Galicia) for its hospitality and generosity in hosting the meeting, and welcomed Mr. Manuel Fraga Iribarne, the President of the Council of Galicia. Mr. Fraga welcomed the participants to Galicia, a particularly suitable venue for the Commission meeting, since it is a Spanish Province with a history of dependence on marine resources, and one of the most important fishing regions in Europe.

1.3 Mr. Fraga referred to the concept of the Global Village which required increasing international cooperation in all spheres relating to fishing activities, the FAO Code of Conduct for Responsible Fishing and the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and the Agreement to Promote Compliance with Conservation and Management measures, as examples of such international cooperation.

1.4 He commended the Standing Committee on Research and Statistics for its work, from which it was evident that new conservation measures were required. He added, however, that such measures would not be effective unless the problem of non-compliance by non-contracting parties, particularly those whose flags were used for convenience, was addressed.

1.5 Mr. Fraga made special mention of the Voluntary Protection Plan which had been put into effect by French and Spanish purse seiners in the Gulf of Guinea, the benefits of which had been recognized by the SCRS, and encouraged others to follow this example. Mr. Fraga concluded by wishing all the participants a pleasant stay in Santiago de Compostela, a World Heritage city, and hoped that they would be able to enjoy the nature, art and culture of Galicia. Mr. Fraga's address is attached as **ANNEX 4**.

1.6 Upon resuming the Plenary, the Commission Chairman underlined that there were many challenges facing the Commission which needed to be addressed on an international level. He pointed out that while certain actions were understandable and legitimate at a national level, effective and efficient management of highly migratory stocks required partial sacrificing of national interests to international interests. He also stressed the need for reliable scientific and statistical information as the basis for management measures, and deplored the need to effect substantive revisions of data, as this implied a significant failure in monitoring compliance and, in general, a reduction in the credibility of the organization's conservation and management measures.

2. Adoption of Agenda and arrangements

2.1 The Tentative Agenda was adopted without change, and is attached as **ANNEX 1**. The List of Commission Documents is attached as **ANNEX 3**.

3. Introduction of Contracting Party Delegates

3.1 The following Contracting Parties were present at the 11th Special Meeting of the Commission; Angola, Brazil, Canada, Cape Verde, People's Republic of China, Côte d'Ivoire, Croatia, Equatorial Guinea, European Community, France (St. Pierre and Miquelon), Ghana, Japan, Korea, Libya, Morocco, Russian Federation, Sao Tome, South Africa, Tunisia, United Kingdom (Overseas Territories), United States, Uruguay, and Venezuela. The List of Participants is attached as **ANNEX 2**.

3.2 Dr. Denis Fadda, of the Legal Services Department of the Food and Agriculture Organization of the United Nations (FAO), which is the depository body of the ICCAT Convention, participated in the meeting.

3.3 The Delegate of the United States made an opening statement in which he highlighted the three major issues of greatest concern to the U.S., all of which were relative to international cooperation. The issues were the rebuilding of the bluefin tuna stock, that of compliance with regulatory measures, and the legitimate concerns of coastal states. The U.S. statement on international cooperation is attached as **ANNEX 6-A**.

3.4 The Delegate of Brazil also expressed the issues of concern to his country, stressing the need to take into account the economic complexity of the developmental imbalances involved in tuna management. He considered that some of the former ideas should be reconsidered to take into account the concerns of coastal states and developing countries. The statement by Brazil on the concerns of coastal states and developing nations is attached as **ANNEX 6-B**.

3.5 The Delegate of the European Community considered that the most important issues to be addressed by the Commission were the adoption of a suitable management regime for bluefin tuna which could then be applied to other tuna species, and the issue of fleets using flags of convenience. The EC Delegate stressed that the only way to ensure effective cooperation was to achieve consensus, and that measures should be taken to encourage those states which allowed their flag to be used for convenience to become Contracting Parties to ICCAT or to at least respect the measures in force. He also mentioned the voluntary measures taken by the French and Spanish purse seine fleets in the Gulf of Guinea, and encouraged other parties/entities/fishing entities to follow this example. The statement by the EC on the management regime for bluefin tuna is attached as **ANNEX 6-C**.

3.6 The Delegate of France (St. Pierre & Miquelon), stated that France had two reasons for remaining an ICCAT Contracting Party on behalf of this territory which was not included in the fisheries policy of the European Community. The first reason was institutional, as France intended to participate actively in the work of fishery organizations, especially that of ICCAT. The second reason was economic/cultural, which particularly concerned St. Pierre & Miquelon which had a long fishing tradition, and whose economy was largely dependent on this activity. The statement by the Delegate of France (St. Pierre & Miquelon) relative to its membership in ICCAT is attached as **ANNEX 6-D**.

4. Introduction and Admission of observers

4.1 The following observers were admitted in accordance with the current criteria: Faroe Islands (Denmark), Iceland, Mexico, Namibia, Norway, Panama, Turkey, Chinese Taipei, the Caribbean Community (CARICOM), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the International Council for the Exploration of the Sea (ICES), and the International Whaling Commission (IWC). The list of observers is included in **ANNEX 2**.

4.2 The Observer from CARICOM informed the Commission that the Caribbean Fisheries Resource Management Project (CFRAMP) was in the process of becoming an intergovernmental fisheries management body. He shared the concerns which had been expressed by the other delegations, particularly those of Brazil, in regard to the rights of coastal and developing states. He expected that Caribbean countries would work more closely with ICCAT in the future.

4.3 The Observer from Iceland shared the concerns of the Commission over the state of the bluefin tuna stock, and pointed out that Iceland had contributed to the conservation of the stock by prohibiting landings of bluefin tuna in Icelandic ports by vessels engaged in uncontrolled fisheries. She stressed the need for ICCAT to fully respect Iceland's rights and interests regarding bluefin tuna. The statement by the Observer from Iceland on the status of the bluefin tuna stock is attached as **ANNEX 6-E**.

4.4 The Observer from the Faroe Islands (Denmark) also made a statement, in which he informed the Commission that the Faroe Islands may consider becoming a Contracting Party to ICCAT, which would commit them to comply with all ICCAT regulations, with the rights and responsibilities of a coastal state. The statement by the Observer from the Faroe Islands on the Faroese fisheries is attached as **ANNEX 6-F**.

4.5 The Observer from Mexico informed the Commission that Mexico had adjusted the development of its fisheries

in line with the FAO Code of Conduct for Responsible Fishing and was seriously studying the possibility of becoming a Contracting Party to ICCAT. With regard to the conservation of tuna stocks, he hoped that a sense of responsibility would prevail over purely short term commercial interests. The statement by the Observer from Mexico on its collaboration with ICCAT is attached as **ANNEX 6-G**.

4.6 The Observer from Namibia informed the Commission that Namibia was taking steps to become a Contracting Party. He assured the Commission that Namibia was committed to the conservation of tuna resources and praised the Commission for the flexible and constructive attitudes shown in the past. The statement by the Observer from Namibia on the conservation and sustainable use of marine living resources is attached as **ANNEX 6-H**.

4.7 The Observer from Norway stated that Norwegian tuna fisheries had developed in the 1950s and 1960s but had ceased in 1986 when the seasonal migration patterns of the stock failed. As the stock was now present in the waters of neighboring States, the possibility of the old migration routes being re-established was being studied. Norway was aware of its obligations to cooperate with regional organizations in the management of tuna stocks.

4.8 The Observer from Panama informed the Commission of the establishment of the Panamanian Maritime Authority which was now responsible for all aspects of the fisheries. This new Authority wished to ensure that Panamanian vessels complied with ICCAT regulations and had already revoked the licenses of 90% of the vessels fishing for bluefin tuna under the Panamanian flag. He also informed the Commission that Panama had taken steps towards becoming a Contracting Party to ICCAT, and hoped that these procedures would be completed in the near future.

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

5.1 Dr. Joseph Powers (USA), Chairman of the SCRS, presented the 1998 Report on behalf of the Standing Committee on Research and Statistics.

5.2 Dr. Powers informed the Commission that stock assessments had been carried out for east and west bluefin tuna, north and south albacore, yellowfin and skipjack, but that details of these assessments would be presented at the Panel meetings.

5.3 After briefly describing the catch trends of the major species, Dr. Powers informed the Commission of the preliminary results of the Voluntary Protection Plan which had been carried out under an agreement between French and Spanish purse seine vessels fishing on floating objects in the Gulf of Guinea from November 1997 to January 1998, and was again in operation from November 1998 to January 1999. While results of the Plan were still provisional for 1998, it could be clearly seen from the 1997 data that this voluntary action has had beneficial results on the stocks of yellowfin, bigeye and skipjack, with a reduction in the catch of all three species, particularly the small fish catches. He stressed, however, the need for such measures to continue in force if the benefits of this were to be felt in the long term, pointing out that the cooperation of other fleets fishing in the area would obviously increase the beneficial effects of this measure.

5.4 The SCRS Chairman also informed the Commission that an Ad Hoc Working Group had been established to define scientifically the implications of the Precautionary Approach of the United Nations Agreement of Straddling Fish Stocks and Highly Migratory Fish Stocks. He pointed out an intersessional meeting would be held in 1999 and that the discussions were strictly scientific at this stage and that the terms of reference of the Working Group were to develop a discussion document on the Precautionary Approach using scientific criteria, and to develop a work schedule. Information was being collated using the SCRS structure. This document will be presented to the 1999 Commission Meeting. Given the international interest in the subject, the FAO plans to hold an Expert Consultation on the Precautionary Approach, which is expected to take place at the end of 1999. ICCAT is co-sponsoring this Expert Consultation and ICCAT scientists will participate. A report on developments will be made to the Commission at the next annual meeting.

5.5 Dr. Powers also informed the Commission of the results of the Ad Hoc Working Group on SCRS Organization, which had been established to improve the scientific capabilities of the Committee. This Working Group had suggested the establishment of an Advisory Committee which would aim to standardize the scientific reports of the SCRS in terms of approach, assumptions, and the formulation of scientific advice to the Commission. An external peer review of assessments and management advice may also be considered and coordinated by the Advisory Committee. This Committee would comprise a panel of SCRS officers and should include a population dynamics expert to be hired at the Secretariat.

5.6 The Ad Hoc Working Group on SCRS Organization also recommended the establishment of a Working Group on Assessment Methods to standardize the methodology used in the stock assessments of the various species. This Group will be convened by the above mentioned population dynamics expert.

5.7 In order to improve the statistical capabilities of the SCRS and to meet the ever increasing demands of the Species Groups for catch- at-size and catch-at-age data, the Working Group had also reiterated the former SCRS recommendation

that a biostatistician be hired at the Secretariat in order to meet these needs and ensure quality control.

5.8 Dr. Powers briefly outlined the progress made in three scientific programs being carried out by the SCRS. With reference to the Bigeye Year Program (BETYP), he reported that 1998 had largely been dedicated to seeking funds and planning future activities, particularly tagging surveys. He informed the Commission that the BETYP could now be put into operation as soon as funding became available. This program will be managed by the Secretariat, and overseen by the SCRS.

5.9 As regards the ICCAT Enhanced Research Program for Billfish, at sea-sampling for longline fisheries had been extended to the south Atlantic countries, both east and west. Shore-based sampling in the west Atlantic was also continuing, and the level of funding remained comparable to previous years.

5.10 The Bluefin Year Program (BYP) continued its coordinating activities in the sphere of statistics, tagging and genetics, and considerable progress was being made. It was planned to continue to establish coordination centers, which is especially important for the collection of samples and to ensure that advanced technology tags are extracted with care. He drew the Commission's attention to the concerns of the SCRS regarding the ICCAT Bluefin Tuna Statistical Document Program (BFTSD) and the exportation of bluefin tissue for genetic sampling, and hoped that procedures would be established to ensure that such samples would be exempt from the BFTSD.

5.11 The Chairman thanked Dr. Powers for his presentation, and opened the floor to discussion of the Report.

5.12 The Delegate of Canada thanked the SCRS Chairman for his presentation and the SCRS for its work. He stressed the need to base management measures on these scientific findings. He requested that the Commission seriously study the proposal to hire additional scientific staff at the Secretariat, as this would lend credibility and continuity to the Commission's work.

5.13 The Delegate of Japan asked for clarification on the revision of Mediterranean catches of bluefin tuna which had been made at the SCRS. Dr. Powers explained that many changes had been made to previous data during the meeting of the ICCAT/GFCM Ad Hoc Joint Working Group on Stocks of Large Pelagic Fisheries in the Mediterranean, but none of these changes had been made to data prior to 1990. The failure to take historic data series into account in analyses may have implications for stock recovery in the long term.

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

6.1 The Executive Secretary regretted that there had not been any progress on this matter, and that the ratification/acceptance of France, as a country with a developed market economy, as well as that of three countries not classified as developed market economies at the time the Protocol was signed, were still required for the Protocol to come into force. He urged those countries which had not yet ratified or accepted the Protocol, i.e. Angola, Cape Verde, Côte d'Ivoire, Equatorial Guinea, France, Gabon, Ghana and Sao Tome & Principe, to do so as soon as possible.

6.2 The Chairman also urged the ratification/acceptance of the Madrid Protocol, pointing out that the SCRS recommendations for additional Secretariat staff would have financial implications which would call for new budgetary mechanisms, and that the growth of the Commission was being curtailed by this Protocol not being in force.

6.3 The Delegate of France (St. Pierre & Miquelon) informed the Commission that the procedure of ratification of the Madrid Protocol by France was already under way.

SECOND PLENARY SESSION

7. ICCAT responsibilities in relation to international fishery arrangements

- U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks

7.1 The Delegate of Brazil, on behalf of Brazil, Uruguay, South Africa, Venezuela, Morocco, Libya, Sao Tome and Principe, Angola, Côte d'Ivoire, Mexico, Namibia, Panama and Guatemala reiterated concerns of the developing coastal states that some of the criteria on which the conservation and management measures adopted in ICCAT, and particularly the criteria on which quota allocations were based, as they were outdated and unfair. He was concerned that recent measures for south Atlantic swordfish penalize coastal developing countries for a depletion of a stock which was not caused by these states. In his view, current criteria reward, with increased quotas, those countries responsible for over-fishing. He was also concerned that these criteria did not conform to the applicable rules of International Law in relation to the rights of developing coastal states, such as the U.N. Agreement of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Code of Conduct for Responsible Fishing, and recent FAO Consultations on Fishing Capacity. The Delegate of Brazil, while reconfirming his commitment to ICCAT regulatory measures, pointed out that many of the those making the highest catches were not developing coastal states, and those developing coastal states which did not have a long history of these fisheries were being denied access to the resources in their waters. With a view to redressing this imbalance he introduced a joint proposal for the establishment of a Working Group where Parties could discuss alternative ideas on fishing capacity and basic criteria for management and conservation, including quota allocation criteria and compliance measures. The joint proposal by Brazil, Uruguay, South Africa, Venezuela, Morocco, Libya, Sao Tome & Principe, Angola, Côte d'Ivoire, and the observers of Mexico, Namibia, Panama, and Guatemala on the establishment of a working group on fishing capacity and basic criteria for management is attached as **ANNEX 6-I**.

7.2 The Delegate of Venezuela, as co-sponsors of the Resolution, shared the views expressed by the Delegate of Brazil, but stressed that the proposal did not refer to any fishery or any country in particular but was aimed at a more general issue. He felt that it was in the best interests of the Commission to support the Resolution in order to strengthen its capacity to act, and hoped that consensus could be reached.

7.3 The People's Republic of China agreed with the views expressed by the Delegates of Brazil and Venezuela, and supported the establishment of a Working Group.

7.4 The Delegate of the United States of America stated that he understood and respected the views of the developing coastal states, and was not, in principle, against the establishment of the Working Group. He stressed that agreement on resource allocation could only be reached through international fora, and noted that it was clear that the Commission needed to address this issue. He informed the delegates that he had some modifications to present on the wording of the draft Resolution.

7.5 The Observer from Mexico subscribed to the views expressed by Brazil and those by Venezuela. He hoped that criteria could be reviewed in order to ensure an equitable allocation for all those involved in the fisheries, not just for the coastal states but for all ICCAT Contracting and cooperating parties, entities and fishing entities. He pointed out that the Inter-American Tropical Tuna Commission (IATTC) had set an example by ensuring a balance between conservation and the legitimate interests of the participants. Mexico, as a developing coastal state, was in favor of conservation measures, but also wished to develop its fisheries and be included in allocation agreements, and therefore supported the proposal to establish a Working Group.

7.6 The Delegate of Canada agreed that this was an important issue, and had already been dealt with extensively in the Panel meetings. While he appreciated the orientation taken by the developing coastal states on the issue, he felt that the proposal should be examined in the appropriate international framework, bearing in mind that tuna species were classified as a highly migratory stock, which were distinct from straddling or trans-boundary stocks under the U.N. Law of the Sea. He referred to the considerations described in the U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, which should be equally applicable to all members. While seeing some merit in the establishment of the Working Group, he felt that the terms of reference were too broad. He added that any new allocation criteria must respect historical fishing patterns as well as developing country interests, and that the basic conservation of the tuna stocks must be ensured and the rebuilding process initiated. The statement by Canada relative to the establishment of a working group on allocation criteria is attached as **ANNEX 6-J**.

7.7 The Delegate of Japan stated that while Japan was not against the basic tenets of the Resolution, they wished to suggest some modifications to the text.

7.8 The Delegate of the EC, while not wishing to object to the creation of the Working Group, was anxious that such a Group take the special requirements of all concerned into account, and that it express a notion of balance. He also expressed his concerns over the logistics and terms of reference of such a group, as it was felt that the broad remit provided for in the text of the draft Resolution would overlap with many of the functions of the Committees and Panels already in existence.

7.9 The Delegate of France (St. Pierre & Miquelon) recognized the importance of this question and considered that it would be appropriate to examine it in the light of the provisions of the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. He questioned the appropriateness of redefining principles and criteria which were already established in an instrument of international law.

7.10 The Delegate of Croatia expressed his basic support for the idea encompassed in the Resolution, but also feared that the proposed Working Group may be duplicating efforts of existing ICCAT bodies. He realized it was necessary to give consideration to fishing capacity and quota allocations, but felt that the functions of the existing Committees must be considered first.

7.11 The Delegate of South Africa fully supported the establishment of the Working Group, as existing criteria used for establishing quota allocations were unsatisfactory. He considered that there was a need to develop the terms of reference for the proposed Working Group, which he hoped would be able to provide solutions to some of the problems currently being encountered.

7.12 The Chairman noted that, in general, there was some consensus on the establishment of the Working Group, but that the proposed text should be modified. He considered that the wording should be changed in order to specify a more precise mandate for the Working Group. As he understood from the debates, the basic problems which needed to be dealt with were quota allocation criteria and compliance measures, as addressing other issues would lead to a duplication of efforts. He was also concerned that the proposal being put forward reflected a lack of balance, and asked that delegations consult in order to redress this. He also felt that an additional clause should be included to ensure that current management measures would be respected, and that the Resolution would not supply an excuse for non-compliance with regulatory measures, as the Working Group would be addressing the issue of future allocations. He thanked those involved in the drafting of the proposal for their initiative, as this was one of the major challenges currently facing ICCAT and other fishery organizations.

- FAO Code of Conduct for Responsible Fishing (including 1998 FAO Consultations relative to this subject)

7.13 The Assistant Executive Secretary, Dr. Miyake, informed the Commission that the FAO had taken long and laborious steps to draft Plans of Action for the FAO Code of Conduct in the Management of Fishing Capacity, Shark Fisheries and the Incidental Catch of Seabirds in Longline Fisheries. He had been involved in the process of drafting both the guidelines and the Plans of Action, and referred delegates to documents COM/98/12, 13, 14 15, and 25. The findings of the Technical Working Groups were used as the basis for the draft Plans of Action of the FAO Consultation which would be presented at the next Committee on Fisheries of the FAO.

7.14 The Delegate of Brazil informed the Commission that he had also participated in the Consultation, and had found them very interesting and responsive to the needs of all concerned. He added that this was the type of fora which the Resolution proposing the establishment of a Working Group was trying to establish.

- Precautionary Approach

7.15 The Assistant Executive Secretary informed the Commission that FAO had started to organize an Expert Consultation on Implications of the Precautionary Approach: Tuna Biological and Technical Research, and that ICCAT, as a regional fisheries organization, would be co-sponsoring this. A Steering Committee had been created comprising members of the sponsoring organizations, and it was anticipated that the Consultation would be held in Bangkok in early 2000. It was expected that many ICCAT scientists would be involved, and that the findings of SCRS studies on the Precautionary Approach would be presented to the Consultation.

7.16 The SCRS Chairman, Dr. J. Powers, explained that the scope of the SCRS Working Group on the Precautionary Approach was one of collating information to examine the implications of the Precautionary Approach in a scientific context, i.e. what characterizes uncertainty, what were the benchmarks, and how best to inform the Commission of these implications. It was also to be used as a mechanism in order to have inputs to the FAO Consultation.

7.17 The Delegate of the EC wished to remind the Commission that the Working Group on the Precautionary Approach should take into account the preamble to the ICCAT Convention, which clearly states that the mandate of ICCAT

is to conserve the tuna species under its jurisdiction at MSY levels.

- Relations with other fora

7.18 The Assistant Executive Secretary drew the attention of the Commission to the forthcoming meeting of the IUCN, one of the organizations entrusted by CITES with identifying endangered species, which was scheduled for 1999. Dr. Miyake informed the Commission that ICCAT had requested to be allowed to participate as an observer in previous IUCN meetings, but this had been denied, and again for the 1999 meeting, on the basis that such meetings are only open to experts. He was concerned about the criteria used for drawing up the IUCN "Red List" (list of proposed endangered species), as many of the tuna species under the Commission's mandate had been included on this list.

7.19 The Delegate of Japan echoed these concerns, as he considered the criteria used for including marine species on the IUCN lists to be scientifically and biologically inappropriate, as they were not evaluated by scientists familiar with tuna biology. He felt that this matter should be seriously considered by the Commission, and that the Commission Chairman should write to the IUCN requesting ICCAT involvement in the process, if the IUCN list were to have credibility as a neutral, scientifically based list.

7.20 The Delegate of France (of St. Pierre & Miquelon) supported the views of Japan, and pointed out that Agenda 21 Article 17-57 adopted at the Earth Summit in Rio de Janeiro, within the framework of the UNCED, indicated clearly and explicitly that the fishery organizations should evaluate fishery resources. He considered it appropriate to remind the IUCN of this mandate directly, through the Commission of Sustainable Development.

7.21 The Delegate of Venezuela also expressed his concern about ICCAT's being refused admission to the IUCN meetings, and supported the views of Japan and France.

7.22 The Commission Chairman, agreeing that this was a matter for serious concern, took note of the suggestions put forward, and proposed that ICCAT continue to insist on admission to the IUCN.

7.23 The Observer from Namibia informed the Commission of the progress made on the drafting of the Convention text of the Southeast Atlantic Fisheries Organization (SEAFO). Three meetings had been held so far with Angola, South Africa, the United Kingdom, Namibia the European Community and Japan. The boundaries of the Convention Area were broadly based on FAO statistical area 47. The Observer assured the Commission that the new Organization would not have jurisdiction for Highly Migratory Stocks.

7.24 The Delegate of the United Kingdom (Overseas Territories) thanked the Namibian delegate for his report. As the UK was involved on behalf of Sta Helena, they welcomed the initiative and looked forward to developments.

7.25 The Delegate of the EC also welcomed the progress made in the establishment of SEAFO, in which the EC had been involved. He also wished to refer delegates to the General Fisheries Commission for the Mediterranean (GFCM), which had recently changed its status, and encourage close cooperation between ICCAT and the GFCM.

7.26 The ICCAT Executive Secretary informed delegates about the Berne Convention, which would be meeting in France in December, 1998. While this Convention was originally agreed for freshwater fish, it was now proposed to include bluefin and swordfish among the species of the Convention.

7.27 Dr. Lima also reported on his attendance, as an observer, at the meeting of the Committee on Trade and Environment (CTE) of the World Trade Organization. Dr. Miyake had prepared a document for presentation at this meeting, which had clarified ICCAT's position to the WTO. He considered these meetings to be of major importance, and suggested that ICCAT be represented, in an observer capacity, at future CTE meetings. The Chairman agreed that this would be constructive.

7.28 The Assistant Executive Secretary added that there had previously been some concern over the ICCAT trade measures, as they could be considered discriminatory against non-contracting parties, entities or fishing entities. However, measures defined in the Recommendation on Compliance with regard to Contracting Parties imply that such measures would not be discriminatory.

FINAL PLENARY SESSION

7. ICCAT responsibilities in relation to international fishery arrangements -- (Continued)

- U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks

7.29 The Delegate of Brazil informed the Commission that, after fruitful discussions with several delegations, some modifications had been made to the proposed draft Resolution to establish a Working Group on Allocation Criteria. He thanked the delegations involved for their valuable contributions and constructive approach. The final draft had reduced the mandate of the proposed Working Group to the discussion of allocation criteria, in order to avoid jurisdictional clashes with the Compliance Committee or other Commission bodies.

7.30 The Chairman thanked Brazil and the other co-sponsors of the Resolution for raising what was clearly a vital question, and considered that this Working Group would be a useful instrument for the work of the Commission. He indicated it was clear there was consensus on the need to address this issue, and on the establishment of the Working Group. "*The Resolution by ICCAT to Establish a Working Group on Allocation Criteria*" was adopted and is attached as **ANNEX 5-1**. It was agreed that the Secretariat would inform all delegations of the date and venue of the first meeting of the Working Group on Allocation Criteria as soon as possible, following consultation with pertinent delegations.

8. Report of the Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) and consideration of any proposed Recommendations therein

8.1 The Chairman of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), Mr. J. Pulvenis (Venezuela) presented the Report of the PWG. He drew the Commission's attention to the following Recommendations and one Resolution proposed by the PWG:

- *Recommendation by ICCAT Concerning the Ban on Landings and Transshipments of Vessels from Non-contracting Parties Identified as Having Committed a Serious Infringement;*
- *Recommendation by ICCAT on Validation of the Bluefin Tuna Statistical Document by the European Community;*
and
- *Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels in the Convention Area*

8.2 These were reviewed and adopted by the Commission, and are attached as **ANNEX 5-11, ANNEX 5-12 and ANNEX 5-18**, respectively.

8.3 The PWG Chairman reported that model letters had been drafted by the PWG to various non-contracting parties, entities or fishing entities, specifically to: (1) Guinea Bissau to provide information, implement conservation measures and become a member or a cooperating party, entity or fishing entity to ICCAT; (2) to Mexico and Chinese Taipei regarding Cooperating Status; (3) to Belize/Honduras/Panama regarding non-compliance with ICCAT swordfish conservation measures; (4) to Sierra Leone regarding bluefin and swordfish fishing; (5) to Trinidad and Tobago encouraging continued collaboration with ICCAT; and (6) to Singapore/Vanuatu/Kenya seeking clarification of fishing practices. All these letters were approved by the Commission and are appended to the 1998 Report of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG).

8.4 The Report of the PWG, together with the proposed Resolutions, Recommendations and model letters contained therein, was adopted by the Commission, pending translation of the final page, which had been submitted, following the final session of PWG, only a few minutes before the Plenary. The PWG Report is attached as **ANNEX 8**.

8.5 The Commission thanked the PWG Chairman and Rapporteur for their hard work and efficiency.

9. Report of the Meeting of the Compliance Committee & consideration of any proposed Recommendations therein

9.1 The Chairman of the Compliance Committee, Mr. C. Dominguez (EC), presented the Report of the Compliance Committee, and drew the Commission's attention to the following Recommendations proposed by the Committee:

- Supplemental Recommendation Regarding Compliance in the Bluefin Tuna and Atlantic Swordfish Fisheries;*
and
- Recommendation by ICCAT on Application of Three Compliance Recommendations*

9.2 He also called attention to model letter drafted to Contracting Parties regarding flags of convenience in the east

Atlantic bluefin tuna fishery

9.3 The Recommendations were approved by the Compliance Committee (attached as **ANNEX 5-13** and **ANNEX 5-14**, respectively; the draft letter to Contracting Parties was also approved by the Committee.

9.4 These Recommendations were reviewed and adopted by the Commission and are attached as **ANNEX 5-5** and **ANNEX 5-6**, respectively; the model letter to Contracting Parties was also approved. The Report of the Compliance Committee was adopted and is attached as **ANNEX 9**.

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

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

10.1 The Reports of Panels 1 to 4 were presented to the Commission by the respective Panel Chairs. At that time, the EC presented a statement on bluefin tuna (attached as **ANNEX 6-11**). The Commission reviewed the Reports and regulatory measures contained therein, and adopted the following Recommendations and Resolutions:

Panel 1:

- *Recommendation by ICCAT Concerning the Establishment of a Closed Area/Season for the Use of Fish Aggregating Devices (FADs);*
- *Recommendation by ICCAT Concerning Registration and Exchange of Information of Bigeye Tuna Fishing Vessels;*
- *Recommendation by ICCAT on the Bigeye Tuna Conservation Measures for Fishing Vessels Larger than 24 meters Length Overall; and the*
- *Resolution by ICCAT for the Development of Rebuilding Plans for Atlantic Bigeye Tuna (attached as **ANNEX 5-1**, **ANNEX 5-2**, **ANNEX 5-3**, and **ANNEX 5-16**, respectively).*

Panel 2:

- *Recommendation by ICCAT Amending the "Recommendation on Bluefin Catch Limits in the Eastern Atlantic Ocean and Mediterranean Sea" and the "Recommendation on Supplemental Management Measures Concerning Age 0 Bluefin Tuna";*
- *Recommendation by ICCAT on the Limitation of Catches of Bluefin Tuna in the Eastern Atlantic and Mediterranean;*
- *Recommendation by ICCAT Concerning the Changes of Closed Season for the Purse Seine Fishery Fishing for Bluefin Tuna in the Mediterranean Sea;*
- *Recommendation by ICCAT to Establish a Rebuilding Program for Western Atlantic Bluefin Tuna; and*
- *Recommendation by ICCAT Concerning the Limitation of Fishing Capacity on Northern Albacore (attached as **ANNEX 5-4**, **ANNEX 5-5**, **ANNEX 5-6**, **ANNEX 5-7**, and **ANNEX 5-8**, respectively).*

Panel 3:

- *Recommendation by ICCAT on Revision, Implementation and Sharing of the Southern Albacore Catch Limit (attached as **ANNEX 5-9**).*

Panel 4:

- *Recommendation by ICCAT Regarding Atlantic Billfishes; and*
- *Resolution by ICCAT for the Development of Recovery Scenarios for North and South Atlantic Swordfish (attached*

as **ANNEX 5-10** and **ANNEX 5-17**, respectively).

10.2 The Reports of Panel 1 to 4 were adopted by the Commission at the time of the meeting, except for the report of the last session of Panel 1 and Panel 2 in its entirety, which were adopted later by correspondence. The Reports of Panels 1 to 4 are attached as **ANNEX 10**.

10.3 The Delegate of Russia reminded the Commission of Russia's reservations concerning the Recommendation on the closed area/season for FADs. The Russian Delegation believed it reasonable to express its support for the arrangement among tuna fishery shipowners to abstain from fishing for tuna under floating objects during three months in specific areas, but since the cost-efficiency of operations of Russian vessels on the high seas in the Atlantic Ocean was fully dependent on the use of Fish Aggregating Devices, Russia would probably not be prepared to abandon this fishing technique in 1999. Nevertheless, understanding the correct and timely nature of the initiative adopted, Russia would seek to find ways to resolve this complicated problem.

10.4 The *"Recommendation by ICCAT Amending the "Recommendation on Bluefin Catch Limits in the Eastern Atlantic Ocean and Mediterranean Sea" and the "Recommendation on Supplemental Management Measures Concerning Age 0 Bluefin Tuna"* (attached as **ANNEX 5-4**), forwarded to the Commission by Panel 2, was adopted after the addition of two footnotes. The first footnote made provision for the possible revision of the catch quotas for the year 2000, and the second granted a catch allocation to Chinese Taipei, in recognition of its cooperating status.

10.5 The Delegate of Morocco expressed his strong concern over the wording of the first footnote to the *"Recommendation on the Limitation of Catches of Bluefin Tuna in the Eastern Atlantic and Mediterranean"* (attached as **ANNEX 5-5**), considering that it was of the utmost importance that the quota allocations be revised, following the findings of the meeting of the Working Group on Allocation Criteria. However, in a spirit of cooperation and only to reach a consensus, Morocco accepted the text, while realizing that it will have very negative consequences on Moroccan bluefin tuna fisheries. He stressed that Morocco would make every effort to reduce its current catches of its fisheries, which are mostly artisanal. He also pointed out to the Commission that it will be very difficult to attain the quota allocation of 850 MT, since the fishery produces an average of 1500 to 2000 MT, but considered it of major importance that the quota for 2000 be revised. Morocco attached great importance to the conservation of the bluefin tuna stock and hoped that extensive consultations would take place in future, in order to reach consensus on management measures acceptable to all.

10.6 The Observer from Mexico drew attention to the statement which Mexico had presented to Panel 2, and asked the Commission to take note of the request made by Mexico, as a cooperating party, for a bluefin tuna quota allocation.

11. Report of the Meeting of the Standing Committee on Finance and Administration (STACFAD). Adoption of the budget and contributions for the second half of the 1998-1999 biennial period (1999)

11.1 The Report of the Standing Committee on Finance and Administration (STACFAD), was presented to the Commission, together with the revised 1999 Budget and Contracting Party contributions. The total 1999 Budget adopted by the Commission amounts to 198,700,000 Pesetas. The STACFAD Report is attached as **ANNEX 11** to the Proceedings, including the 1999 Revised Commission Budget (**Table 1**) and the corresponding Contracting Party contributions for 1999 (**Table 2**).

11.2 The Commission also reviewed and adopted new *"Guidelines and Criteria for Granting Observer Status at ICCAT Meetings"*, which were forwarded by the STACFAD. These are attached as **ANNEX 7**.

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

12. Date and place of the next Commission meeting

12.1 The Delegate of Brazil informed the Commission that the Government of Brazil would be honored to extend an invitation to hold the 16th Regular Meeting of the Commission in Brazil, although the exact venue was still to be determined. The Commission was pleased to accept this invitation, and it was agreed that the next Commission meeting should be held from November 15 to 22, 1999, in order to allow three weeks between the Commission Meeting and the meeting of the Standing Committee on Research and Statistics, which was tentatively scheduled to be held from October 18 to 22, 1999. It was agreed that these dates would be confirmed by the Secretariat in due course.

13. Other matters

13.1 The Delegate of the EC informed the Commission that, following the discussions on the Bigeye Year Program which had taken place in Panel 1, contact would be made with the other delegations involved, and until special funding is secured, the decision on holding the inter-sessional coordination meeting of the BETYP was left in abeyance.

14. Adoption of the Report

14.1 The Report of the Eleventh Special Meeting of the Commission was adopted, pending the adoption by correspondence of Panel 2, the final session of Panel 1, the final Plenary session, and the confirmation of the last session of PWG, which had been adopted in English only.

15. Adjournment

15.1 The Chairman extended his thanks, on behalf of the Commission, to the Xunta de Galicia for its hospitality and generosity. The Commission also extended its thanks to the Chairman, the Executive Secretary, the Chairs of the Panels and Committees, the SCRS Chairman, the interpreters, and the Secretariat staff.

15.2 The 11th Special Meeting of the Commission was adjourned.

1998 COMMISSION AGENDA

1. Opening of the meeting
2. Adoption of Agenda and arrangements
3. Introduction of Contracting Party Delegations
4. Introduction and admission of observers
5. Report of the Meeting of the Standing Committee on Research and Statistics (SCRS)
6. Status of the ratification/acceptance of the Protocol of amendment to the Convention (adopted in Madrid: 1992) and repercussions
 - review of input parameters
 - classification of countries
 - change in Financial Regulations
7. ICCAT responsibilities in relation to international fishery agreements
 - U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks
 - FAO Code of Conduct for Responsible Fishing (including 1998 FAO Consultations relative to this subject
 - Precautionary Approach
 - Relations with other fora
8. Report of the Meeting of the Permanent Working for the Improvement of ICCAT Statistics and Conservation Measures (PWG) and consideration of any proposed recommendations therein
9. Report of the Meeting of the Compliance Committee and consideration of any proposed recommendations therein
10. Reports of the Meetings of Panels 1 to 4 and consideration of possible regulatory measures proposed
11. Report of the Meeting of the Standing Committee on Finance and Administration (STACFAD)
 - Adoption of the budget and contributions for the second half of the 1998-1998 biennial period (1999)
12. Date and place of the next meeting of the Commission
13. Other matters
14. Adoption of Report
15. Adjournment

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International Whaling Commission (IWC)

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ANNEX 3

LIST OF COMMISSION DOCUMENTS

COM/98/1	Tentative Commission Agenda
COM/98/2	Tentative Agenda of the Standing Committee on Finance and Administration (STACFAD)
COM/98/3	Tentative Agenda for Panels 1-4
COM/98/4	Tentative Agenda of the Compliance Committee
COM/98/5	Tentative Agenda of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)
COM/98/6	1998 Administrative Report
COM/98/7	1998 Financial Report
COM/98/8	Revised 1999 Budget
COM/98/9	(SCRS/98/9) Report on Statistics and Coordination of Research in 1998 - ICCAT Secretariat
COM/98/10	(SCRS/98/10) Report of the Preparatory Meeting for the ICCAT Bigeye Year Program (BETYP)
COM/98/11	(SCRS/98/11) Meetings of General Fisheries Commission of the Mediterranean Sea - P. M. Miyake
COM/98/11bis	(SCRS/98/11bis) Report of the Fourth <i>Ad Hoc</i> GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes in the Mediterranean Sea
COM/98/12	(SCRS/98/12) Report of the Technical Working Group on Sharks - P. M. Miyake
COM/98/13	(SCRS/98/13) Report of FAO Technical Working Group Meeting on Reduction of Incidental Catch of Seabirds in Longline Fisheries - Y. Uozumi
COM/98/14	(SCRS/98/14) Report on attendance at the Technical Working Group on Fishing Capacity -P. M. Miyake
COM/98/15	(SCRS/98/15) Preparatory Meeting for the Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries - P. M. Miyake

COM/98/16	1998 Report of the Standing Committee on Research and Statistics (SCRS)
COM/98/17	Compendium of Recommendations and Resolutions Adopted by ICCAT for the Conservation of Tuna and Tuna-like Species in the Atlantic
COM/98/18	Executive Secretary's Note on the Responses Received to the ICCAT Chairman's Letters Drafted at the 1997 Commission Meeting
COM/98/19	Report of the Informal Multi-lateral Consultation to Divide the 1998 Quota Allocated to Nations Actively Fishing in the South Atlantic
COM/98/20	Register of Bigeye Tuna Fishing Vessels
COM/98/21	Meeting of the Committee on Trade and Environment of the World Trade Organization (WTO)
COM/98/22	Report on Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds
COM/98/23	The Role of ACP Operators in the Tuna Sector. Report on the ACP-EU Seminar
COM/98/24	Executive Secretary's Note on the Responses Received to the ICCAT Resolution on Becoming a Cooperating Party, Entity or Fishing Entity
COM/98/25	Executive Secretary's Note Concerning Sighting Information

ANNEX 4

**OPENING ADDRESS BY MR. MANUEL FRAGA IRRIBARNE,
PRESIDENT OF THE COUNCIL OF GALICIA**

Distinguished authorities, ladies and gentlemen:

It is a great honor and satisfaction for Galicia, a Community which knows well what it is to be dependent on marine resources and what is needed for their correct exploitation, to welcome this Eleventh Special Meeting of the International Commission for the Conservation of Atlantic Tunas, being inaugurated here today.

On behalf of the Galician people, of the Autonomous Government which I am honored to preside, and I myself would like to welcome you most cordially to our Community and hope that your stay among us is a rewarding and happy one.

As you know, of all the Member States of the European Community, Spain has the most important fishing industry. Most of the Spanish fishing activity is concentrated in Galicia, which makes it the most important fishing area in Europe, as well as being the area most dependent on fisheries, due to the high multiplier effect of this productive activity.

For these reasons, perhaps we in Galicia are more aware than others that the fishing industry and the economic activities deriving from it are only possible because of the existence of marine resources which can be exploited. As a result, we have no doubt that any fisheries policy must be based on the preservation of these resources. I believe, therefore, that this meeting could not take place in a more suitable place.

I am aware of the challenges facing this International Commission for the Conservation of Atlantic Tunas and of the problems which need to be resolved to successfully meet these challenges. I am sure that this Eleventh Special Meeting will, as usual, bring to light imaginative and practical ideas, which will be translated into appropriate recommendations, in order to bring about improvements which will contribute to optimizing activities involving Atlantic tuna stocks; the balanced exploitation of resources which by definition are limited, conservation and monitoring measures; respect of the fishing and trading norms threatened by the so-called flags of convenience, etc.

As we all know, it is almost trite to mention increasing globalization -the now accepted concept of the Global Village- which necessarily obliges us to reexamine international relations in all spheres of human affairs and, as a result, perhaps more importantly, those which affect fishing activities.

In this regard we have, to give only a few examples, the Code of Conduct for Responsible Fishing, the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and the Agreement to promote compliance with management and conservation measures.

What I wish to highlight, in this sense, is quite simple: international cooperation, the open and honest collaboration not only between States but also among all those involved in fisheries - Administrations, the private sector, producer organizations, etc.- should be given the leading role which it deserves. In this context, the role which ICCAT must play in its sphere of influence and competence is of the greatest significance, as is the case with all organizations of a supranational nature. This is one of the reasons why this meeting is so important.

This year we are faced with a great challenge which we will have to meet if we wish to strengthen the credibility of ICCAT, and for this Commission to continue to be a model for other fisheries organizations to emulate.

The Scientific Committee, which we should thank for their excellent work, has shown in its report that it is necessary to establish new measures for the conservation of some species and to develop those measures which have already been adopted at previous meetings, with the aim of ensuring a sustainable fishery.

All these measures for the conservation and management of the resources are, however, insufficient if we do not at the same time face the growing problem of non-member vessels which do not comply with the conservation measures established by this Organization, and if we do not put effective controls into practice to ensure the compliance of each Flag State with these measures.

Vessels belonging to States which are not members of ICCAT and which do not comply with the conservation measures, as well as the so-called flags of convenience, not only contribute to a decline in the stocks of tunas and other large migratory species, but also constitute unfair competition with respect to those vessels which do comply. To combat this, the Commission, anticipating other regional fishery organizations, has already adopted measures aimed at making it difficult to trade the products of such vessels. There remains, however, much to be done, and this organization needs to examine new methods to favor the exchange of information on the activities of these fleets, and strive for their eradication. Great efforts have already been made in this regard at the international level; the most notable perhaps being what is known as the FAO Compliance Agreement, which should be ratified as soon as possible by the greatest possible number of countries, and which could serve this Organization as a useful working tool.

I should like to remind those Member States which cooperate to attain a common objective, but which have difficulties in exercising effective control over the activities of their fleets, that the sustainability of highly migratory species, and thus of sustainable fishing activities in relation to these species, is only possible through international cooperation with the application of conservation and management measures.

I know how difficult it can be to adopt measures at a political level which limit the activity of a sector such as the fishing industry, which has suffered limitations for many years, but I assure you that it is even more difficult to explain these measures when the sacrifices of some are offset by the systematic non-compliance of others.

Therefore, ladies and gentlemen, I hope that your work will help towards a greater cooperation in the application of conservation and management measures and, at the same time, ensure the individual responsibility of each State toward the commitment which they have undertaken.

I should like to take this opportunity to acknowledge the efforts voluntarily made by the French and Spanish purse seine tuna fleets with the adoption of a time/area closure, the benefits of which have been recognized by the Scientific Committee, and I encourage all States to follow this example.

I should like to conclude by repeating my welcome to you all, and hope with all my heart that you have a pleasant stay in Galicia, particularly in Santiago de Compostela, World Heritage City, which the Jacobean Route has converted into a focal point for the collection and dissemination of ideas and knowledge from all over Europe.

I sincerely hope that, in spite of your heavy agenda which is full of meetings and debates of the utmost importance, that your work will not stop you from being able to enjoy our nature, art and culture.

Thank you.

ANNEX 5

RECOMMENDATIONS & RESOLUTIONS ADOPTED BY THE COMMISSION

- ANNEX 5-1 Recommendation by ICCAT Concerning the Establishment of a Closed Area/Season for the Use of Fish Aggregation Devices (FADs)
- ANNEX 5-2 Recommendation by ICCAT Concerning Registration and Exchange of Information of Bigeye Tuna Fishing Vessels
- ANNEX 5-3 Recommendation by ICCAT on the Bigeye Tuna Conservation Measures for Fishing Vessels Larger than 24 m Length Overall (LOA)
- ANNEX 5-4 Recommendation by ICCAT Amending the "Recommendation on Bluefin Catch Limits in the Eastern Atlantic Ocean and Mediterranean Sea" and the "Recommendation on Supplemental Management Measures Concerning Age 0 Bluefin Tuna"
- ANNEX 5-5 Recommendation by ICCAT on the Limitation of Catches of Bluefin Tuna in the Eastern Atlantic and Mediterranean
- ANNEX 5-6 Recommendation by ICCAT Concerning the Changes of Closed Season for the Purse Seine Fishery Fishing for Bluefin Tuna in the Mediterranean Sea
- ANNEX 5-7 Recommendation by ICCAT to Establish a Rebuilding Program for Western Atlantic Bluefin Tuna
- ANNEX 5-8 Recommendation by ICCAT Concerning the Limitation of Fishing Capacity on Northern Albacore
- ANNEX 5-9 Recommendation by ICCAT on Revision, Implementation and Sharing of the Southern Albacore Catch Limit
- ANNEX 5-10 Recommendation by ICCAT Regarding Atlantic Billfishes
- ANNEX 5-11 Recommendation by ICCAT Concerning the Ban on Landings and Transshipments of Vessels From Non-Contracting Parties Identified as Having Committed a Serious Infringement
- ANNEX 5-12 Recommendation by ICCAT on Validation of the Bluefin Tuna Statistical Document by the European Community
- ANNEX 5-13 Supplemental Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and Atlantic Swordfish Fisheries
- ANNEX 5-14 Recommendation by ICCAT on the Application of Three Compliance Recommendations
- ANNEX 5-15 Resolution by ICCAT to Establish a Working Group on Allocation Criteria
- ANNEX 5-16 Resolution by ICCAT for the Development of Rebuilding Plans for Atlantic Bigeye Tuna
- ANNEX 5-17 Resolution by ICCAT for the Development of Recovery Scenarios for North and South Atlantic Swordfish
- ANNEX 5-18 Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large Scale Longline Vessels in the Convention Area

**RECOMMENDATION BY ICCAT CONCERNING
THE ESTABLISHMENT OF A CLOSED AREA/SEASON FOR THE
USE OF FISH AGGREGATION DEVICES (FADs)**

NOTING that the Commission's Standing Committee on Research and Statistics (SCRS) has considered the time/area closures applied voluntarily by vessel owners of the European Community is a very promising approach to reduce catches of juveniles;

RECALLING that SCRS has considered that, for this type of measure to be most effective, it should be applied by all purse seiners fishing over floating objects;

RECALLING that the strict application of the minimum weight of 3.2 kg for bigeye and yellowfin tunas would entail the loss of very important catches of adult skipjack;

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

- 1 Fishing by purse seiners flying the flag of Contracting Parties and cooperating non-contracting parties, entities and fishing entities over floating objects, shall be prohibited during the period and the area specified in paragraphs 2 and 3 below:
- 2 The area referred to in paragraph 1 is the following:
 - Southern limit: parallel 4° South latitude
 - Northern limit: parallel 5° North latitude
 - Western limit: meridian 20° West longitude
 - Eastern limit: the African coast
- 3 The period covered by the prohibition of paragraph 1 will be from 1 November 1999 to 31 January 2000.
- 4 The prohibition referred to in paragraph 1 includes:
 - Prohibition to launch all floating objects;
 - Prohibition to fish over artificial objects;
 - Prohibition to fish over natural objects;
 - Prohibition to fish with auxiliary vessels;
- 5 In 2000, SCRS shall analyze the impact of the measure on the stock as well as the area and the dates of this measure and will recommend any change that may be deemed necessary to improve its effectiveness.
- 6 Contracting Parties shall ensure that all purse seiners concerned by this measure have an observer on board, during the whole duration of the period, who shall observe the respect of the prohibition referred to in paragraphs 1 to 4.
- 7 The observers should possess the following skills in order to discharge their duties:
 - sufficient experience to identify species and gear
 - navigational skills
 - a satisfactory knowledge of the ICCAT conservation measures
 - the ability to carry out elementary scientific tasks e.g collecting samples, as requested and observe and record accurately,
 - a satisfactory knowledge of the language of the flag of the vessel observed.

**RECOMMENDATION BY ICCAT CONCERNING REGISTRATION
AND EXCHANGE OF INFORMATION OF BIGEYE TUNA FISHING VESSELS**

NOTING paragraph 2. in the "Recommendation by ICCAT Concerning Juvenile Bigeye Tuna and Fishing Fleet Size", adopted by the Commission in 1997;

RECOGNIZING the need to maintain registration of bigeye tuna fishing vessels and to develop measures to prevent the fishing operations by unregistered vessels;

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

- 1 All contracting Parties and Cooperating non-contracting parties, entities or fishing entities fishing for bigeye tuna in the Convention Area shall submit the ICCAT Executive Secretary, by August 31st each year, the list of their respective vessels larger than 24 meters length overall (LOA) with the exclusion of recreational fishing boats, that fish for bigeye tuna in the Convention Area. This list of vessels shall include the following information:
 - name of vessels, register number
 - previous flag (if any)
 - international radio call sign (if any)
 - type of vessel, length and gross registered tonnage (GRT)
 - name and address of owner (s)
- 2 The ICCAT Executive Secretary shall circulate the lists annually or upon request of a Contracting Party or Parties.
- 3 The Contracting Parties and Cooperating non-contracting parties, entities or fishing entities shall notify the ICCAT Executive Secretary of any information concerning fishing vessels which are not listed according to paragraph 1, but believed to be fishing for bigeye tuna in the Convention Area.
- 4
 - a If the vessel(s) mentioned in paragraph 3 is flying a flag of a Contracting Party or a non-contracting party, entity or fishing entity, the Executive Secretary shall inform the Contracting Party or non-contracting party, entity or fishing entity to take necessary measures to prevent the vessels(s) from fishing for bigeye tuna in the Convention Area.
 - b If the flag state of the vessel(s) mentioned in paragraph 3 is non identified, the Executive Secretary shall compile such information for future consideration by the Commission.

ANNEX 5-3

**RECOMMENDATION BY ICCAT ON THE
BIGEYE TUNA CONSERVATION MEASURES FOR FISHING VESSELS
LARGER THAN 24 METERS LENGTH OVERALL (LOA)**

RECALLING that in 1997 the Commission urged parties to reduce catches of bigeye tuna to levels below MSY;

RECOGNIZING that the Commission has requested that the Standing Committee on Research and Statistics (SCRS) study and present at its 1999 meeting a range of possible stock recovery scenarios;

CONSIDERING the importance of establishing interim measures pending the development in 1999 by the Commission of a stock recovery plan;

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

- 1 Each Contracting Party or Cooperating non-Contracting Party, entity or fishing entity shall, in 1999 and thereafter, limit the number of their fishing vessels larger than 24 meters length overall (LOA), with the exclusion of recreational vessels, which will fish for bigeye tuna in the Convention area to the average number of its fishing vessels actually having fished for bigeye tuna in the Convention area for two years of 1991 and 1992. Such limitation of the vessel numbers shall be associated with a limitation of Gross Registered Tonnage (GRT) so as not to increase the total fishing capacity.
- 2 By August 31, 1999, each Contracting Party or Cooperating non-contracting party, entity or fishing entity shall report to the Commission the limit on the fishing vessel number established pursuant to paragraph 1 above and the basis for calculation. The Commission shall review the appropriateness of such limit and its calculation basis at the 1999 meeting.
- 3 That paragraphs 1 and 2 above do not apply to Contracting Parties or Cooperating non-contracting parties, entities or fishing entities that catch annually less than 2,000 MT of bigeye tuna on an average of the recent five years. When the annual catch of any of those Parties / entities or fishing entities exceeds 2000 MT before 2001, the Commission should consider and recommend, if appropriate, new conservation measures for bigeye tuna, applicable to them.
- 4 The Commission will consider in 1999 options of conservation measures to manage by-catch of bigeye tuna by other fisheries targeting tunas and tuna-like fishes.
- 5 That the Commission shall review, at the 2001 meeting, the effectiveness of this effort control in conjunction with the stock recovery plan.
- 6 Notwithstanding paragraph 1 above, the Commission shall request Chinese Taipei to limit in 1999 and thereafter catches of Atlantic bigeye tuna to 16,500 MT and the number of their fishing vessels fishing for Atlantic bigeye tuna to 125. Such limitation of the vessel number shall be associated with a limitation of Gross Registered Tonnage (GRT) so as not to increase the total fishing capacity.
- 7 Without prejudice to the full implementation of this Recommendation, parties should bear in mind the interest of all countries, entities and fishing entities concerned, in accordance with their rights and obligations under international law, particularly those of developing coastal countries in developing their own fisheries. In this regard, the parties recognize that further action may be required, consistent with the need to ensure the sustainability of the fishery resources.

**RECOMMENDATION BY ICCAT AMENDING THE "RECOMMENDATION
ON BLUEFIN CATCH LIMITS IN THE EASTERN ATLANTIC OCEAN AND MEDITERRANEAN
SEA" AND THE "RECOMMENDATION ON SUPPLEMENTAL MANAGEMENT MEASURES
CONCERNING AGE 0 BLUEFIN TUNA"**

CONSIDERING the necessity to take further measures to reduce the catches of juvenile bluefin tuna in the eastern Atlantic and Mediterranean Sea,

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

- 1 The phrase "of age 0 fish (less than 1.8 kg)" in the "*Recommendation by ICCAT on Bluefin Catch Limits in the Eastern Atlantic Ocean and Mediterranean Sea*" be replaced by the following phrase: "fish less than 3.2 kg".
- 2 The phrase "of age 0 fish (<1.8 kg)" in the "*Recommendation by ICCAT on Supplemental Management Measures Concerning Age 0 Bluefin Tuna*" be replaced by the following phrase "fish of less than 3.2 kg".

**RECOMMENDATION BY ICCAT ON THE LIMITATION
OF CATCHES OF BLUEFIN TUNA IN THE
EASTERN ATLANTIC AND MEDITERRANEAN**

IN VIEW OF the 1998 stock assessment on bluefin tuna in the eastern Atlantic and the Mediterranean by the Commission's Standing Committee on Research and Statistics (SCRS), indicating that an annual catch level equal or higher than 33,000 MT would not be sustainable,

RECOGNIZING the need to reconcile the necessary conservation of the stock with the needs of coastal fishing communities which are dependent mainly on fishing for this stock,

RECALLING that Croatia was undergoing a state of war during the early 1990s,

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

- 1 That a Total Allowable Catch (TAC) of 32,000 MT for 1999 and of 29,500 MT for 2000 be established.
- 2 That in order to establish an allocation of fishing possibilities, the catches of years 1993 and 1994 (whichever is higher), as laid down by SCRS before 1998, be used as reference, except in the case of Croatia, for which a specific quota is set for 1999.
- 3 That according to paragraph 2 above, the following allocation scheme be established*

	1999	2000
China (People's Republic)	82 MT	76 MT
Croatia	950 MT	876 MT
European Community (EC) **	20,165 MT	18,590 MT
Japan	3,199 MT	2,949 MT
Korea	672 MT	619 MT
Libya	1,300 MT	1,199 MT
Morocco	820 MT	756 MT
Tunisia	2,326 MT	2,144 MT

- 4 Quantities to be deducted from the 1999 catch quota under the terms of paragraph 2 of the "*Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries*", shall be calculated for all Contracting Parties, with respect to the catch data referred to in paragraph 2 above, as revised by SCRS in 1998.
- 5 These provisions replace the 1995 "*Recommendation by ICCAT on Supplemental Management Measures for Eastern Atlantic Bluefin Tuna*".
- 6 For those non-contracting parties, entities or fishing entities with catches of bluefin tuna in the east Atlantic and Mediterranean Sea from 1993 onwards, the catch limit for 1999 and 2000 will be calculated according to paragraph 2.

	1999	2000
	2,486***	2,291***

- * Quota allocations for the year 2000 may be reviewed in light of agreements deriving from discussions of the Working Group on Allocation Criteria that will meet in 1999.
- ** This share is calculated by adding the relative shares of each Member State of the European Community, in accordance with the terms of paragraph 2.
- *** This total includes a special allocation to Chinese Taipei of 714 MT in 1999 and 658 MT in the year 2000, as Chinese Taipei has cooperating status.

**RECOMMENDATION BY ICCAT CONCERNING
THE CHANGES OF CLOSED SEASON FOR THE PURSE SEINE FISHERY
FISHING FOR BLUEFIN TUNA IN THE MEDITERRANEAN SEA**

CONSIDERING the need to take measures regarding the gears used during periods when their impact is most notable on juveniles as well as on spawning stock;

CONSIDERING the insufficient efforts made by Contracting Parties to reduce their own catches of the bluefin tuna in accordance with different Recommendation adopted by the Commission:

CONSIDERING the highly-migratory characteristics of bluefin tunas, including juveniles, as well as the appearance of these juveniles at different times in different areas of the Mediterranean Sea:

CONSIDERING and *RECALLING* the conclusions of the Commission's Standing Committee on Research and Statistics (SCRS) that the existing closed season is not established on scientific data, as well as the obligation of each Contracting Party to provide data about catch composition throughout the fishing season for the Mediterranean Sea and which was provided for the Adriatic Sea;

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

- 1 prohibiting purse seine fishing in the Adriatic Sea during the period from 1 - 31 May, in order to protect juveniles;
- 2 prohibiting purse seine fishing in the other areas of the Mediterranean Sea during the period from 16 July - 15 August in order to protect juveniles;
- 3 The border line between Adriatic and other parts of the Mediterranean will be the line which connects the Albanian - Greek border line and Cape Santa Maria- Leuca
- 4 that each Contracting Party, Cooperating non-contracting Party, entity or fishing entity which has a purse seine bluefin tuna fishery in areas of the Mediterranean Sea prohibit any transfer of its fleets to either of the two areas during the above respective closed seasons referred to in paragraphs 1 and 2 above;
- 5 that this recommendation replace the regulatory measure currently in effect on a closed season for the Mediterranean bluefin tuna purse seine fishing.

**RECOMMENDATION BY ICCAT TO ESTABLISH
A REBUILDING PROGRAM FOR WESTERN ATLANTIC BLUEFIN TUNA**

RECOGNIZING that the Commission's Standing Committee on Research and Statistics (SCRS) has indicated in the 1998 stock assessment that bluefin tuna stocks in the west Atlantic are over-exploited ($B < B_{msy}$, $F > F_{msy}$; i.e. current biomass is less than biomass at MSY and current fishing mortality is higher than that of the MSY level);

NOTING that the objective of the Convention is to maintain populations at levels that will support maximum sustainable catch (usually referred to as MSY);

RECALLING that in 1997, the Commission adopted a resolution for the development of additional recovery scenarios by the SCRS for bluefin tuna to provide the Commission with the information needed to consider, develop, and improve long term stock rebuilding plans in 1998;

CONSIDERING the rebuilding scenarios developed by SCRS based on the 1998 stock assessment; and

DESIRING to achieve a stock level consistent with the objectives of the Convention within twenty years;

GIVEN THAT the SCRS notes that MSY is dynamic, and therefore there are alternative results in terms of what the rebuilding target might be;

GIVEN THAT SCRS has provided two models, one based on the recent pattern of recruitment and the other based on recruitment that occurred in the 1970s, recognizing that SCRS also indicated there is no reason to select one recruitment model over another, it is necessary to implement a monitoring program to ensure that the stock is achieving the rebuilding objective in future years; and

RECALLING that in 1996, the Commission's recommendation for a scientific monitoring quota for 1997 and 1998 was based on SCRS's advice regarding a total annual catch of 2500 MT from which an allowance of 146 MT was deducted to account for estimated dead discards;

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

- 1 The Contracting Parties whose vessels have been actively fishing for bluefin tuna in the western Atlantic will initiate a 20-year rebuilding program beginning in 1999 and continuing through 2018, with a total allowable catch (TAC), inclusive of dead discards, of 2500 MT annually, until such time as the TAC is changed based on advice from SCRS, in accordance with paragraphs 2, 3, or 5.
- 2 The annual TAC, maximum sustainable yield (MSY) target, and 20-year rebuilding period may be adjusted based upon subsequent SCRS advice. However, no adjustments to the annual TAC or the 20-year rebuilding period shall be considered unless: (1) the SCRS advice indicates that a TAC greater than 2700 MT will allow the MSY target to be achieved within the 20-year rebuilding period with a 50 percent or greater probability, or (2) if the SCRS advice indicates that a TAC less than 2300 MT is necessary to achieve the MSY target within the 20-year rebuilding period with a 50 percent or greater probability.
- 3 At such time as the SCRS determines the stock size has achieved the level that would produce MSY, TAC levels up to the level of MSY will be considered.
- 4 The allocation of the annual TAC, inclusive of dead discards, will be as indicated below :
 - a An amount equal to 79 MT or 2.82% of the TAC, whichever is greater, will be deducted from the TAC as an allowance for dead discards. The TAC, minus the allowance for dead discards, is the amount of catch that can be retained;
 - b The United Kingdom, (in respect of Bermuda) and France (in respect of St Pierre et Miquelon) will each receive a quota (for catch that can be retained) of 4 MT;

- c If the remainder of the TAC, after subtracting the allowance for dead discards and the quotas for the United Kingdom (in respect of Bermuda) and France (in respect of St Pierre et Miquelon), is less than 2413 MT, the remainder will be allocated (as catch that can be retained) as follows:

USA	57.48 %
Canada	23.75 %
Japan	18.77 %

- d If the remainder of the annual TAC, after subtracting the allowance for dead discards and the quotas for the United Kingdom (in respect of Bermuda) and France (in respect of St Pierre et Miquelon), equals 2413 MT, the remainder will be allocated (as catch that can be retained) as follows:

USA	1387 MT
Canada	573 MT
Japan	453 MT

These are the quotas (of catch that can be retained) for a TAC of 2500 MT annually.

- e If the remainder of the TAC, after subtracting the allowance for dead discards and the quotas for the United Kingdom (in respect of Bermuda) and France (in respect of St Pierre et Miquelon), is between 2413 MT and 2660 MT, the amount in excess of 2413 MT will be allocated (as catch that can be retained) to Japan;

- f If the remainder of the TAC, after subtracting the allowance for dead discards and the quotas for the United Kingdom (in respect of Bermuda) and France (in respect of St Pierre et Miquelon), is greater than 2660 MT, the remainder will be allocated (as catch that can be retained) as follows:

USA	52.14 %
Canada	21.54 %
Japan	26.32 %

- g The distribution of the allowance of dead discards will be 85.72 % for the USA and 7.14% each for Canada and Japan. If a Contracting Party's fishing activity results in an amount of dead discards in excess of the Contracting Party's allowance, it must deduct the amount in excess of the allowance, from its allocation of catch that can be retained. If a Contracting Party's fishing activity results in less dead discards than its allowance, it may add one half of the difference between the amount of dead discards and the allowance, to its allocation of catch that can be retained.

- 5 If scientific evidence results in an SCRS recommendation to alter the definition of management units, or to take explicit account of mixing between management units, then the rebuilding program shall be re-evaluated.
- 6 Starting in the year 1999, unused quota or overage from the previous year, shall be added or subtracted, as appropriate, to the current year's catch that can be retained.
- 7 In the year 2000, and thereafter every two years, SCRS will conduct a stock assessment and provide advice relative to paragraphs 2,3,and 5.
- 8 Contracting Parties, non-contracting parties, entities and fishing entities will prohibit the taking and landing of western Atlantic bluefin tuna weighing less than 30 kg, or in the alternative having a fork length of less than 115 cm.
- 9 Notwithstanding the above measures, Contracting Parties, non-contracting parties, entities and fishing entities may grant tolerances to capture western Atlantic bluefin tuna either weighing less than 30 kg, or in the alternative having a fork length less than 115 cm; provided they limit the take of these fish so that the average over each four-consecutive-year quota balancing period is no more than 8% by weight of the total bluefin quota on a national basis, and institute measures to deny economic gain to the fishermen from such fish.
- 10 The adoption of the above measures must not imply any modification of the ICCAT Recommendation adopted in 1974 concerning a minimum weight of 6.4 kg adopted for all Atlantic bluefin tuna.

- 11 Contracting Parties, non-contracting parties, entities and fishing entities 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.
- 12 All Contracting Parties, non-contracting parties, entities and fishing entities shall monitor and report on all sources of fishing mortality, including dead discards, and shall minimize dead discards to the extent practicable.
- 13 All Contracting Parties, non-contracting parties, entities and fishing entities shall provide the best available data for the assessment of the stock by SCRS, including information on the catches of the broadest range of age classes possible, consistent with minimum size restrictions.
- 14 The provisions of the Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries, adopted at the 1996 Commission meeting, shall apply.
- 15 In order to avoid increasing fishing mortality of bluefin tuna in the eastern or western Atlantic, Contracting Parties, non-contracting parties, entities and fishing entities will continue to take measures to prohibit any transfer of fishing effort from the western Atlantic to the eastern Atlantic and from the eastern to the western Atlantic.
- 16 There shall be no directed fishery on the bluefin tuna spawning stocks in the western Atlantic in spawning areas such as the Gulf of Mexico.
- 17 Notwithstanding the provisions of Article VIII, paragraph 2, of the Convention, with respect to the annual country quotas established 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.

**RECOMMENDATION BY ICCAT CONCERNING
THE LIMITATION OF FISHING CAPACITY ON NORTHERN ALBACORE**

RECOGNIZING that the stock of northern albacore is considered by the Commission's Standing Committee on Research and Statistics (SCRS) to be close to full exploitation;

RECALLING that SCRS has recommended over the last years that fishing mortality on this stock should not be increased with regard to the current level;

CONSIDERING that, in order to prevent a further increase in fishing mortality it is necessary to limit the fishing capacity at the level of recent years;

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

- 1 Contracting Parties, non-contracting parties, entities or fishing entities fishing for northern albacore shall limit the fishing capacity of their vessels, exclusive of recreational vessels, for this stock from 1999 onwards, through a limitation of the number vessels to the average number in the period 1993-1995.
- 2 In order to control the compliance with this recommendation, Contracting Parties, and non-contracting parties, entities or fishing entities shall submit, by 1 June 1999, a list of the vessels, exclusive of recreational vessels, participating in a directed fishery for northern albacore in the years referred to in paragraph 1 and, by 1 June and every year thereafter, the list of vessels which will participate in a directed fishery for this stock.
- 3 The provisions of paragraphs 1 and 2 will not apply to Contracting Parties, non-contracting parties, entities or fishing entities whose average catches are less than 200 MT.
- 4 Contracting Parties, non-contracting parties, entities and fishing entities referred to in paragraph 3 above shall limit their annual catches to 200 MT.
- 5 Contracting Parties, non-contracting parties, entities or fishing entities which have already met or will meet by the end of 1999 the requirements of paragraph 1 are not subject to the requirements of paragraphs 3 and 4 and are subject to the reporting requirements of paragraph 2.
- 6 Japan endeavor to limit its total catches of northern albacore to no more than 4% by weight of its total longline bigeye tuna catch in the Atlantic Ocean.
- 7 The Commission requests SCRS to carry out an evaluation of the fishing capacity of the different fleets / gears that participate in this fishery with a view to establish fishing effort correspondence.

**RECOMMENDATION BY ICCAT
ON REVISION, IMPLEMENTATION AND SHARING
OF THE SOUTHERN ALBACORE CATCH LIMIT**

NOTING that updated stock assessment conducted during 1998 indicates that the replacement yield of the southern albacore stock is estimated to be 28,200 MT, and that current catch levels appear to be sustainable;

RECOGNIZING the needs of developing coastal states who wish to further develop fisheries within their EEZs;

ALSO RECOGNIZING the needs of distant water fishing countries, entities and fishing entities that wish to maintain tuna fisheries in the Atlantic Ocean;

NOTING, however, that initiatives are underway to discuss quota allocation criteria for Atlantic tuna resources, and not wishing to pre-empt the outcome of those initiatives;

RECOGNIZING existing co-operative arrangements between countries exploiting southern albacore, and wishing to promote closer management co-operation between countries, entities or fishing entities actively fishing for albacore in the southern Atlantic Ocean;

DESIRING to implement effective measures to limit catches of southern albacore to sustainable levels;

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

- 1 The total catch limit for albacore caught in the Atlantic Ocean South of 5°N be set at 28,200 MT for 1999, that being the current estimated replacement yield of that stock.
- 2 The catch limit for southern albacore caught by countries, entities or fishing entities fishing actively for southern albacore, other than the European Community, as defined in the 1997 southern albacore catch limit recommendation, be set at 27,200 MT for 1999, with effect from 1 January 1999.
- 3 Those countries, entities or fishing entities referred to in paragraph 2 above implement effective monitoring systems for southern albacore catches by their fishing fleets, capable of determining total southern albacore catches by their fleets within two months of those catches having been made;
- 4 Those countries, entities or fishing entities referred to in paragraph 2 above report total cumulative southern albacore catches to a designated Contracting Party actively fishing for southern albacore within two months of those catches having been made.
- 5 The designated Contracting Party maintain records of those cumulative catches and notify actively fishing countries, entities or fishing entities, as well as the ICCAT Secretariat, of the cumulative southern albacore catch levels each two months.
- 6 The designated Contracting Party notify all those countries, entities or fishing entities referred to in paragraph 2 above when a total cumulative southern albacore catch level of 21,760 MT by those countries is reached, this being 20 % below the catch limit of 27,200 MT.
- 7 Those countries, entities or fishing entities referred to in paragraph 2 above immediately initiate multi-lateral discussions when the 21,760 MT warning catch level is reached, in order to decide on steps to be taken to prevent total catches by those countries, entities or fishing entities from exceeding the catch limit of 27,200 MT.

- 8 Those countries, entities or fishing entities referred to in paragraph 2 above immediately implement measures to stop fishing for southern albacore when the established catch limit of 27,200 MT is reached, so as to ensure that that limit is not exceeded.
- 9 Countries, entities or fishing entities, not fishing actively for southern albacore but not including Japan, as defined in the 1997 southern albacore catch limit recommendation, be subject to an annual catch limit of no more than 110% of their average 1992-1996 catch of albacore in the Atlantic Ocean south of 5°N. This provision shall also apply to the European Community.
- 10 Japan endeavor to limit its total catch of southern albacore to no more than 4 % by weight of its total longline bigeye tuna catch in the Atlantic Ocean south of 5°N.
- 11 The southern albacore catch limit and other management measures be reviewed, and revised as necessary, at the 1999 ICCAT Commission meeting.

ANNEX 5-10

RECOMMENDATION BY ICCAT REGARDING ATLANTIC BILLFISHES

EXPRESSING CONCERN that the Commission's Standing Committee on Research and Statistics (SCRS) estimated in 1996 the biomass of Atlantic blue marlin to be 24% of that necessary to produce MSY and the biomass of Atlantic white marlin to be 23% of that necessary to produce MSY;

BEING AWARE that the 1996 stock assessments were derived in part from problematic data as noted in the SCRS Report;

RECOGNIZING that all Contracting Parties, non-contracting parties, entities or fishing entities will reduce landings of Atlantic blue marlin and Atlantic white marlin by at least 25% for each species from 1996 landings by the end of 1999;

NOTING that such reductions may not be evident in data reported to the SCRS until the year 2000 or thereafter;

RECALLING that the SCRS last conducted an assessment of western Atlantic sailfish in 1993 and eastern Atlantic sailfish in 1997;

ALSO NOTING that the Commission will need information to develop long term rebuilding plans for any stocks that are identified as over-exploited by the SCRS; and

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

- 1 The landings of blue marlin and white marlin by each Contracting Party, non-contracting party, entity, and fishing entity in the year 2000 must be no more than the levels of landings of blue marlin and white marlin required to be achieved by the end of 1999.
- 2 The SCRS postpone the assessments of Atlantic blue marlin and Atlantic white marlin scheduled to be conducted in 1999 until the year 2000. In 2001, the SCRS shall conduct assessments of western Atlantic sailfish and eastern Atlantic sailfish. If any stocks are identified as over-exploited based on the new assessments, the SCRS will develop different stock recovery scenarios to levels that support MSY if the SCRS considers the data sufficient to do so. Contracting Parties, non-contracting parties, entities, and fishing entities shall undertake to provide the best available Task I and Task II data that will enable the SCRS to accomplish these analyses. All Contracting Parties, non-contracting parties, entities and fishing entities shall report sailfish and spearfish data separately and if feasible provide historical data for those species as well.

NB: Paragraph 2 of this document supercedes paragraph 4 of the 1997 *"Recommendation by ICCAT Regarding Atlantic Blue Marlin and Atlantic White Marlin"* adopted by the Commission at its Fifteenth Regular Meeting and which entered into force on June 13, 1998.

**RECOMMENDATION BY ICCAT CONCERNING
THE BAN ON LANDINGS AND TRANSHIPMENTS OF VESSELS
FROM NON CONTRACTING PARTIES IDENTIFIED AS HAVING COMMITTED
A SERIOUS INFRINGEMENT**

RECOGNIZING the importance of ensuring compliance of vessels from non-contracting parties, entities or fishing entities with ICCAT rules;

CONSIDERING that ICCAT adopted in November 1997 a Recommendation concerning the transshipments and vessel sightings and that, therefore, Contracting Parties of ICCAT have an obligation to report immediately the sightings of vessels from non-contracting parties, entities or fishing entities fishing in contravention to ICCAT rules;

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

- 1 A vessel flying the flag of a non-contracting party, entity or fishing entity, which has been sighted in the ICCAT Convention Area, in conformity with the conditions of paragraph 4 of the "*Recommendation by ICCAT on Transshipment and Vessel Sightings*", adopted in November 1997, is presumed to be undermining ICCAT conservation measures.
- 2 When a vessel of a non-contracting party, entity or fishing entity referred to in paragraph 1 enters voluntarily a port of any Contracting Party, it shall be inspected by authorized Contracting Party officials knowledgeable of ICCAT measures and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, logbooks, fishing gear, catch on board and any other matter relating to the vessel's activities in the Convention Area.
- 3 Landings and transshipments of all fish from vessels of a non-contracting party, entity or fishing entity which have been inspected pursuant to paragraph 2, shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has onboard species subject to ICCAT conservation measures, unless the vessel establishes that the fish were caught outside the Convention Area or in compliance with the relevant ICCAT conservation measures and requirements under the Convention.
- 4 Information on the results of all inspections of vessels of non-contracting parties, entities or fishing entities, conducted in the ports of Contracting Parties, and any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information to all Contracting Parties and to the relevant flag State(s).

ANNEX 5-12

**RECOMMENDATION BY ICCAT ON VALIDATION
OF THE BLUEFIN TUNA STATISTICAL DOCUMENT
BY THE EUROPEAN COMMUNITY**

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

NOTING that the European Community is a Contracting Party to ICCAT and that it is necessary to replace the "Recommendation By ICCAT on Validation of the Bluefin Tuna Statistical Documents Between ICCAT Contracting Parties Which are Members of the European Community";

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 the catches and trade of bluefin tuna in the Mediterranean;

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

- FIRST:* Statistical documents for bluefin tuna caught by fishing vessels flying the flag of a Member State of the Community may be validated by the competent authorities of the Member State whose flag the vessel flies or by those of a different Member State where the products are landed, provided the corresponding quantities of bluefin tuna are exported outside the Community from the territory of the Member State of landing.
- SECOND:* The European Community will transmit the information on the authorities of the Member States authorized to validate the bluefin tuna statistical documents including sample impressions of stamp or seal to the Secretariat, which in turn will transmit it to the other 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 procedures described in the First paragraph.
- FOURTH:* That the competent authorities of the Member States of the European Community that validate the statistical documents in accordance with the procedure described 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.

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

RECALLING the "Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries", adopted at the 1996 Commission meeting, and the "Recommendation by ICCAT Regarding Compliance in the South Atlantic Swordfish Fishery", adopted at the 1997 Commission meeting;

BEING AWARE that all Contracting Parties may not have the necessary data available when establishing catch limits for a management period immediately subsequent to a management period in which an over-harvest occurred, and thus would be unable to comply with the compliance provisions embodied in paragraph 2 of the 1996 Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries and also applicable to the South Atlantic swordfish fishery;

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

Notwithstanding paragraph 2 of the 1996 "Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries", which also applies to the South Atlantic swordfish fishery, any quota/catch limit underages (if specified in the relevant management recommendation) and overages in the quota year are to be subtracted or added, as appropriate, to the respective quota/catch limit in or before the adjustment year, as set forth below:

	HARVESTING YEAR	ADJUSTMENT YEAR
Swordfish-North Atlantic	1997	1999
	1998	2000
	1999	2001
Bluefin Tuna-East Atlantic /Medit.	1997	1999
	1998	2000

ANNEX 5-14

**RECOMMENDATION BY ICCAT ON APPLICATION OF
THREE COMPLIANCE RECOMMENDATIONS**

RECALLING the "Recommendation on Application of the Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish" fisheries adopted at the 1996 Commission Meeting, the "Recommendation by ICCAT Regarding Compliance in the South Atlantic Swordfish Fishery", adopted at the 1997 Commission meeting, and the "Recommendation by ICCAT to Improve Compliance with Minimum Size Regulations" adopted at the 1997 Commission Meeting;

RECOGNIZING the need to establish procedures regarding the implementation of the three compliance recommendations;

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

- 1 Each Contracting Party shall include in its National Report a completed "ICCAT Reporting Table" (A model table for reporting 1997 catches is attached) for each of its applicable fisheries. The Tables shall be completed each year with the catch statistics submitted to the SCRS for the current reporting year and any revisions for previous years' data.
- 2 Consistent with paragraph 1 of the 1996 and 1997 Recommendations regarding compliance, and any other recommendations concerning compliance (so that it would apply to all future compliance recommendations) at each annual meeting of the Compliance Committee, each Contracting Party shall report the information presented in its ICCAT Reporting Tables, including a detailed explanation of any over-harvest of total catch and/or minimum size tolerance levels, the actions already taken, or to be taken, to prevent further over-harvest, and the dates by which such actions will be taken.
- 3 Annually after all Contracting Parties have reported, consistent with paragraph 2, the Committee, with the assistance of the ICCAT Secretariat, shall prepare and distribute to the Contracting Parties a "Compliance Annex" that includes: (1) all catch limits and minimum sizes/tolerances to which each Contracting Party is subject; (2) each Party's catch statistics submitted to the SCRS for the current reporting year, and any revisions to previous years' data; (3) any overages and underages; (4) all catch limit reductions that each Party must take pursuant to paragraph 2; and (5) the dates by when such reductions shall be taken. The Compliance Annex will be attached to the Compliance Committee Report.

Model ICCAT Reporting Table

Provide catch statistics submitted to the SCRS for the current reporting year and any revisions for previous years= data.
Calendar year, unless otherwise indicated

Panel 1 - bigeye, yellowfin and skipjack tunas:

Species/Region	Catch Limit	Catches	Estimated catch over/ under catch limit	Estimated Catch over 15% tolerance of fish below 3.2kg
Bigeye				
Yellowfin				
Skipjack				

In case of over-harvest, explain how the over-harvest occurred and the actions taken, or to be taken, to prevent further over-harvest:

In case of harvest in excess of specified minimum size, explain domestic measures implemented to avoid further overharvest, the monitoring of compliance with domestic measures, and any other actions to be taken to prevent over-harvest.

Other comments:

Panel 2 - North Atlantic bluefin tuna and albacore:

Species/Region	Catch limit	Catch	Estimated Catch over/ under catch limit	Catch of Age 0	Estimated catch over 15% tolerance of fish below 6.4kg	Estimated catch over 8% tolerance of fish below 30kg or 115cm
Western BFT						
Eastern BFT						
N. Albacore						

In case of over-harvest, explain how the over-harvest occurred and the actions taken, or to be taken, to prevent further over-harvest:

In case of harvest in excess of specified minimum size, explain domestic measures implemented to avoid further over-harvest, the monitoring of compliance with domestic measures, and any other actions to be taken to prevent over-harvest.

Other comments:

Panel 3 - South Atlantic albacore

Species/Region	Catch limit	Catches	Estimated catch over/ under catch limit
S. Albacore			

In case of over-harvest, explain how the over-harvest occurred and the actions taken, or to be taken, to prevent further over-harvest.

In case of harvest in excess of specified minimum size, explain domestic measures implemented to avoid further over-harvest, the monitoring of compliance with domestic measures, and any other actions to be taken to prevent over-harvest.

Other comments:

Panel 4 - swordfish and billfish:

Species/Region	Catch limit (SWO); Landings (BIL)	Catches (SWO); Landings (BIL) Estimated SWO catch over / under catch limit	Estimated SWO catch less than 119 cm OR catch over 15% tolerance of fish less than 125 cm
North Atlantic Swordfish				
South Atlantic Swordfish				
Atlantic white marlin				
Atlantic blue marlin				

In case of over-harvest, explain how the over-harvest occurred and the actions taken, or to be taken, to prevent further over-harvest:

In case of harvest in excess of specified minimum size, explain domestic measures implemented to avoid further over-harvest, the monitoring of compliance with domestic measures, and any other actions to be taken to prevent over-harvest.

Other comments:

**RESOLUTION BY ICCAT
TO ESTABLISH A WORKING GROUP ON ALLOCATION CRITERIA**

CONSIDERING the need to strengthen ICCAT as a regional fisheries management body;

TAKING into account the applicable rules of International Law and the principles of the relevant international agreements and instruments referring to conservation and management measures;

RECALLING the responsibilities of ICCAT in relation to the implementation of the provisions of the FAO Code of Conduct for Responsible Fishing and other relevant international instruments;

REAFFIRMING the commitment of the Parties to give full implementation to the current regulatory measures;

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

- 1 To establish an open-ended Working Group on Allocation Criteria, whose Terms of Reference shall be:
 - a To analyze and consider recommending criteria for quota allocation, including allocation matters affecting current Contracting Parties, new Contracting Parties and non-contracting parties, entities or fishing entities, to be adopted by ICCAT; and
 - b To analyze and consider other relevant matters related to this objective.
 - 2 In carrying out its assignment, the Working Group shall:
 - c Report its progress on paragraphs 1(a) and 1(b) above to the Secretariat of ICCAT in a defined time frame;
 - d Be assisted by the ICCAT Secretariat;
 - e Make every effort to hold at least one meeting before the next regular meeting of the Commission.
- And
- 3 To invite observers at ICCAT meetings, FAO, and other regional fisheries organizations to participate in the meetings of the Working Group.

**RESOLUTION BY ICCAT FOR THE DEVELOPMENT OF
REBUILDING PLANS FOR ATLANTIC BIGEYE TUNA**

RECOGNIZING that the Standing Committee on Research and Statistics (SCRS) in 1997 estimated the biomass of Atlantic bigeye tuna to be 60 to 80% of B_{MSY} (biomass at MSY) and fishing mortality in 1996 (F_{1996}) to be 1.5 to 2.2 times F_{MSY} and that later some voluntary regulations, in order to reduce the catches of juvenile catches were adopted for some fleets;

NOTING that the goal of ICCAT is to maintain populations of tuna and tuna-like fishes in the Atlantic at levels that will permit harvesting maximum sustainable catch;

CONSIDERING the need for action to ensure the effectiveness of ICCAT objectives to conserve and manage bigeye tuna.

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

- 1 Using the most recent stock assessment, and if the stock is below a level that would produce MSY, the SCRS will develop stock rebuilding scenarios to levels that support MSY, if the SCRS considers the data sufficient to do so.
- 2 The SCRS explicitly state how they incorporate assumptions regarding size composition of catch in their assessment as well as in their projections.
- 3 All Contracting Parties, non-contracting parties, entities, and fishing entities undertake to provide SCRS with the best available Task I, Task II, and CPUE data, including size composition of their catch and dead discards to support this assessment.

**RESOLUTION BY ICCAT FOR THE DEVELOPMENT OF
RECOVERY SCENARIOS FOR NORTH AND SOUTH ATLANTIC SWORDFISH**

RECOGNIZING that the Standing Committee on Research and Statistics (SCRS) estimated the 1996 biomass of North Atlantic Swordfish to be 58 % of that needed for maximum sustainable yield (MSY) with a relative fishing mortality (F_{1996}/F_{MSY}) of 2.05, and identified the North Atlantic stock as over-exploited;

NOTING that the SCRS estimated the 1996 biomass of South Atlantic swordfish to be 99 % of that needed for MSY, and a relative fishing mortality of 1.24, with preliminary analyses indicating that current levels of harvest are not sustainable;

FURTHER RECOGNIZING that the goal of ICCAT is to maintain populations of tuna and tuna-like fishes in the Atlantic at levels that will support maximum sustainable catch;

CONSIDERING the need for action to ensure the effectiveness of ICCAT objectives to conserve and manage North and South Atlantic Swordfish;

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

- 1 If the results of the 1999 stock assessments of North Atlantic and South Atlantic swordfish indicate that biomass of either stock is below levels that would produce MSY, the SCRS develop at its 1999 assessment meeting rebuilding options for North and South Atlantic swordfish.
- 2 Based on stock projections the SCRS shall estimate a series of annual total allowable catches (TACs), including dead discards, that are necessary to rebuild to biomass levels that would support MSY with a probability of greater than 50 %, within time periods of 5, 10, and 15 years and/or other appropriate times. The rebuilding plans shall include scheduled assessments of the progress being made toward accomplishing the rebuilding goals.
- 3 The SCRS shall explicitly describe the method by which discards were estimated and included in its assessment and projections.
- 4 The SCRS evaluate the effectiveness of the current swordfish regulations for achieving the ICCAT swordfish conservation measures especially the minimum size, and evaluate alternative methods for reducing small fish mortality.
- 5 All Contracting Parties, non-contracting parties, entities, and fishing entities undertake to provide SCRS with the best available Task I, Task II, catch at size, (including discard mortality) and CPUE data to support this assessment.
- 6 In addition, studies should be carried out to clarify the criteria to follow in assigning to the North Atlantic or Mediterranean stocks, catches taken by those fleets that fish in the areas close to the Strait of Gibraltar.

**RESOLUTION BY ICCAT
CONCERNING THE UNREPORTED AND UNREGULATED
CATCHES OF TUNAS BY LARGE SCALE LONGLINE
VESSELS IN THE CONVENTION AREA**

RECOGNIZING that a large number of large scale longline vessels are catching Atlantic bluefin tuna, bigeye tuna, swordfish and other tunas and tuna like species in the Convention Area without reporting their catches to the Commission or respecting the ICCAT conservation measures,

BEING AWARE that a considerable number of those longline vessels have transferred their flags from Belize, Honduras and Panama to Contracting Parties, non contracting parties, entities or fishing entities, so as to avoid the trade restrictive measures,

TAKING INTO ACCOUNT the serious threat that those longline vessels are posing to the ICCAT resource conservation measures for Atlantic bluefin tuna as well as other tunas and tuna like species,

NOTING that this situation must be addressed in the light of the Code of Conduct of Responsible Fisheries and other relevant international instruments such as the 1993 Compliance Agreement and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement.

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

- 1 The Commission shall request the Contracting Parties, Cooperating non-contracting parties, entities or fishing entities which import frozen tunas and tuna-like fish products or in which those products are landed to collect and examine as much import or landing data and associated information as possible and submit the following information to the Commission each year:
 - a Names of the longline vessels which caught and produced such frozen tuna products,
 - b Flag states of those vessels,
 - c Species of tuna and tuna like species of the products,
 - d Areas of catch (Atlantic Ocean, Mediterranean Sea, or other area),
 - e Product weight by product type,
 - f Points of export,
 - g Names and addresses of owners of the vessels,
 - h Registration

- 2 The Compliance Committee and the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) shall review annually the information submitted to the Commission pursuant to paragraph 1 above and identify those Contracting Parties and non-contracting parties/entities or fishing entities whose large-scale longline vessels have been fishing tuna and tuna-like species in a manner which diminishes the effectiveness of the ICCAT conservation and management measures, based upon the above information, the information obtained through national statistics and the Bluefin Tuna Statistical Document Program, as well as other relevant information obtained in ports and at the fishing grounds.

- 3 The Commission shall request those Contracting and non-contracting parties/entities or fishing entities identified in paragraph 2 above to take all necessary measures so as not to diminish the effectiveness of the ICCAT conservation and management measures including, if appropriate, the revocation of vessel registration or fishing licenses of the large-scale longline vessels concerned.

- 4 The Compliance Committee and the PWG shall review annually the actions taken by those Contracting Parties and non-contracting parties/entities or fishing entities referred to in paragraphs 2 and 3 above in order to identify those Contracting Parties and non-contracting parties/entities or fishing entities which have not taken appropriate actions as requested.
- 5 The Commission will recommend effective measures, if necessary including non-discriminatory trade restrictive measures on the subject species, consistent with their international obligations, to prevent those longline vessels of those Contracting Parties and non-contracting parties/entities or fishing entities identified in paragraph 4 above from continuing the fishing operations for tunas and tuna-like species in a manner which diminishes the effectiveness of the ICCAT conservation measures.

STATEMENTS PRESENTED TO THE PLENARY SESSIONS**ANNEX 6-A****STATEMENT BY THE UNITED STATES
ON INTERNATIONAL COOPERATION**

Mr. Chairman, distinguished delegates, ladies and gentlemen:

I am honored to be addressing you on behalf of the United States. I am here before you as the personal representative of the U.S. Secretary of Commerce. He requested me to come before this distinguished body to speak to those issues of primary importance to the United States as this Eleventh Special Meeting of ICCAT begins.

The United States strongly believes that a multilateral approach to the management of highly migratory species is the only approach that can succeed. In this regard I would like to reaffirm the U.S. commitment to ICCAT.

Although there are many issues with which the United States has concerns, there are three major issues all of which are grounded in multilateral cooperation.

Among the most significant issues for the United States that requires multilateral cooperation is ICCAT's commitment to pursue its conservation objectives for rebuilding all highly migratory species in the areas of its jurisdiction. This will require management and monitoring that account for *all* sources of fishing mortality.

This year the United States sets as its priority the requirement to rebuild bluefin tuna in both the east and west Atlantic. To underscore this need, it is increasingly clear that Atlantic bluefin tuna do not respect the east/west boundary established by ICCAT. And, while science has some distance to cover before any definitive answers will emerge, it is clear to the United States that we, among other nations, must play an active role in the development of measures to conserve and rebuild Atlantic bluefin tuna in the east.

Our next priority issue is compliance. The evidence of an individual nation's commitment to multilateral cooperation is compliance. This must be more than just policy, it must be the *practice* of ICCAT nations. The United States takes its international obligations very seriously. Our fishermen have accepted severe restrictions over the years. And, rightfully, they expect no less from the fishermen of other nations that harvest the same resources. The President of the United States recently reaffirmed the U.S. commitment to the conservation of living marine resources and the need to create sustainable fisheries.

ICCAT was the first, and remains the best opportunity to develop a comprehensive compliance program. Indeed, ICCAT has gone much further than any other regional fisheries management body. While other bodies study the model that we have created here, we must continue to move forward. The United States places a high priority on the continued implementation of ICCAT's compliance program at the meeting.

Over the past few years, ICCAT has made tremendous strides in adopting binding measures calling for both members and non-member countries and entities to account for their fishing activities, and to rectify activities that are not in conformance with ICCAT. For ICCAT members, these measures call for countries to explain compliance problems each year. Further, for consecutive catch limit over-harvests, nations must compensate by reducing fishing mortality, sometimes by more than the amount of the over-harvest. And, in cases of repeated over-harvests, there are provisions for even more serious consequences.

The United States is encouraged that these measures are in place. We see this as a test year for ICCAT, and we intend to press for the application of these measures at this meeting. These compliance measures give ICCAT a means to ensure the integrity of its conservation decisions and the fishery resources they protect. They also ensure that parties that do abide by the rules do not shoulder an unfair portion of the conservation burden. These initiatives will make ICCAT a stronger and more effective organization.

We must not forget that the world watched ICCAT approve these historic measures, and the world will now watch to see whether or not they have meaning for ICCAT members. We have taken steps to address non-cooperation by ICCAT

non-members in the case of bluefin tuna, but the true test of this organization, a matter upon which its credibility will be judged, and upon which its viability ultimately may depend, is whether or not ICCAT members will be called upon to account for their own compliance.

Finally, certain legitimate concerns have been raised by coastal states that must be addressed by ICCAT and other international bodies. However, real and lasting solutions to those concerns can only be found through the multilateral forum offered by ICCAT. Failure to follow this principle will inevitably undermine the effectiveness of ICCAT and the conservation of these species. Accordingly, we must avoid the temptation to seek unilateral solutions to what are truly multilateral problems.

I wish you a successful week at this extremely important ICCAT meeting and pledge the support of the U.S. delegation in this regard.

ANNEX 6-B

**STATEMENT BY BRAZIL
ON THE CONCERNS OF COASTAL STATES & DEVELOPING NATIONS**

Mr. Chairman,

On behalf of the Brazilian Delegation, which I will introduce shortly. I wish to congratulate you, the Secretariat of ICCAT and authorities of the region of Galicia for all the efforts in making possible the meeting in Santiago de Compostela, a most pleasant and beautiful, historic city.

I hope this inspiring environment, Mr. Chairman, as you have anticipated, will foster necessary reflections on how our ICCAT should move into the next century and millennium. It is time to ask ourselves whether ICCAT is adequately prepared to deal with the environmental and economic complexity that seem to challenge the global future with all the developmental imbalances that characterize many of its members. Is it in tune or in harmony with the multiplicity of principles of International Law, like equity, most favored nation, rights of coastal States, and others that already permeate most international organizations and multilateral agreements? Are present criteria satisfying developing countries as well as developed countries and all members in general in the same way?

My Delegation and representatives of other countries from the Southern Atlantic bloc have doubts. We share the view that there are some old ideas and issues that must be regarded under a new light and must be upgraded and improved in order to further boost the credibility of ICCAT as a conservation organization.

One such issue is the criterion of quotas based on historical catches, which is presently rewarding solely the countries responsible of endangering certain species. What the historical criterion reflects, if not only, is "quantitative responsibility". That is, a 40% quota signifies, under the present criterion, a 40% responsibility. My Delegation believes that we should review the logic that has guided the ICCAT for so many years and deeply reflect upon what really flaws the unity and credibility of an international organization?

Mr. Chairman, I am sure that this year's meeting will be challenging as you have pointed out. We have challenges which are not insurmountable but are inevitable. The Brazilian Delegation is determined to overcome the challenge with the cooperation of all representatives in a true democratic performance where the interests and socio-economic conditions of all members are taken into account. We are also certain that we will overcome these challenges under your wise guidance, Mr. Chairman. Thank you.

**STATEMENT BY EUROPEAN COMMUNITY
TO THE OPENING PLENARY SESSION**

Mr. Chairman, Ladies and Gentlemen,

The adherence of the European Community was completed last November, and following the necessary transitory adjustments, we are now fully incorporated into the dynamic of ICCAT meetings, and we certainly have the intention to maintain, if not increase, the level of commitment and active participation which our Member States shown in the past.

We have some very important challenges before us. The problems of fishery resource management in general, and of tuna fisheries in particular, have become more complex, with the number of countries participating ever increasing, which means that there is more at stake.

The agendas of the meetings are becoming increasingly heavier, and it is essential that priorities be established and that we concentrate on the most important issues and find solutions to these. Without doubt, the priority of this session should be the adoption of an acceptable management regime for bluefin tuna, while continuing the efforts which have been made in relation to other species, i.e. swordfish and tropical tunas.

It should be remembered that for tunas, more than any other fishery resource, multilateral actions by consensus are the only way to find solutions to these problems. ICCAT has a long tradition of achieving consensus. Apart from the legal aspects, it is clear that the best way to promote respect for the measures adopted is to make sure that these measures are adopted on the basis of consensus, which means that all elements relating to the management of the resource must be taken into account.

We know that resource management measures always result in sacrifices by the fishermen. If these sacrifices are sometimes necessary, they must also be reasonable: to try to impose measures which are too strict on the fishermen will only have effects which are contrary to the objectives.

The management of tunas requires a reasonable balance between conservation of the resource and the consideration of legitimate interests of fishermen. The best management regime is not necessarily the one which imposes the most restrictions, but that which gains the highest level of consensus among the various interests involved and its efficiency in terms of execution.

As always, the monitoring of existing management measures is a key element in fishery management, both as regards members and non-members of the organization. In this sense, the Community wishes to contribute actively to the enforcement of ICCAT's monitoring and control program. To this end, we will be making some proposals aimed at reinforcing the monitoring of conservation measures. These measures will mainly be based on the responsibility of the flag state. The Community insists on the need to regulate the problems linked to the activities of vessels flying flags of convenience. The Community would like to repeat its invitation to these countries to either become members of ICCAT or to respect the conservation measures.

Finally, it is also appropriate to recall that, apart from the application of the conservation measures adopted by ICCAT, the good management of resources can also be achieved through voluntary measures, as in the case of the Community tropical tuna purse seine fishery. This type of measure should, in our opinion, be examined and developed further.

**STATEMENT BY FRANCE (ST. PIERRE & MIQUELON)
RELATIVE TO ITS MEMBERSHIP IN ICCAT**

Mr. Chairman, Ladies and Gentlemen,

Following the adherence of the European Community to the International Convention for the Conservation of Atlantic Tunas, France decided to remain a member of this organization on behalf of the French archipelago of Saint Pierre and Miquelon, which is located near the Canadian coast of Newfoundland.

Saint Pierre and Miquelon is not included in the fisheries policy of the European Community.

FAO, the depository of the Convention, was notified on 24 December 24, 1997, and the adherence of France, on behalf of Saint Pierre and Miquelon, came into effect on the December 30, of that year.

This is the first time, therefore, that we have the honor to attend the meetings of this organization.

This is not a new situation. Certain members of the European Community have already remained Parties to ICCAT on behalf of their territories.

Furthermore, France on behalf of Saint Pierre and Miquelon has already had some experience in fishery organizations, as a member of the Northwest Atlantic Fisheries Organization since 1996.

There are two reasons for this representation of France on behalf of Saint Pierre and Miquelon in fisheries organizations, and specifically ICCAT :

- One reason could be described as institutional, as France, a coastal state on behalf of Saint Pierre and Miquelon, participates in the work of international fishery organizations, as stipulated in Article 64 of the Convention on the Law of the Sea, Article 8 of the U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and the FAO Code of Conduct for Responsible Fishing.
- There is also a socio-cultural reason, as the Archipelago of Saint Pierre and Miquelon is a small country whose life and history have always been dictated by the sea and fishing, for the last five centuries.

There is therefore a double motivation, that of participating fully in the constructive work of the organization with the aim of managing resources in order to ensure sustainable resources, and to take into account economic needs, perhaps modest but no less real, which justifies our presence here among you.

Finally, the Archipelago of St. Pierre and Miquelon, whose only productive activity was cod fishing and processing, has seen its economy dramatically undermined by the decline of the cod stocks and the moratoria established in 1993 on the cod fishery.

This situation has led us to diversify our fishing activities. It is clear that given presence of bluefin tuna along our coasts, a population largely dependent on fishing activities cannot remain indifferent.

We should like to thank you for your welcome in this splendid city of Santiago de Compostela, and we undertake to work in a constructive manner both within the general framework of the plenary session and also in the Panels and Working Groups, particularly Panel 2 which deals with bluefin tuna and albacore, and on which we have requested membership.

Thank you.

**STATEMENT BY THE OBSERVER FROM ICELAND
ON THE STATUS OF THE BLUEFIN TUNA STOCK**

Thank you Mr. Chairman:

Iceland is pleased to be able to participate in this meeting of ICCAT as an observer, for the fourth time. The steady migration of considerable quantities of bluefin tuna into the Icelandic EEZ, where Japanese vessels caught more than 200 MT of bluefin this year, is the main foundation for our continued hopes that this stock can contribute to the economy of Iceland in the future. The probabilities for our hopes to materialize are, to a great extent, dependent on the capabilities of ICCAT to handle the difficult circumstances regarding the conservation of this stock.

Iceland shares the concerns of the Scientific Committee of ICCAT (SCRS) regarding the stock. Despite ICCAT's own recommendations in 1994 to decrease the catches to 75% to the levels of 1993 and 1994 catches, and despite the repeated alarm signals of the SCRS that catches need to be reduced further we have seen new record catches in the last two years. As a coastal state whose economy is overwhelmingly dependent on the utilization of the living marine resources Iceland reiterates its call for full respect by ICCAT for Iceland's rights and interests regarding the stock.

Iceland is aware that her rights and interests are accompanied by duties to contribute to the conservation of the stock and to cooperate to that end with other States with real interest in the stock. As a move in that direction, Iceland this year allowed five Japanese vessels to fish from Japan's quota within the Icelandic EEZ. Observers onboard collected biological samples from the catch, including age and stomach samples, and tissue samples for genetic research from all fish taken. This could form an important basis for genetic stock identify analysis.

Iceland has also contributed to the conservation of the stock by prohibiting landings of bluefin tuna in Icelandic ports by vessels engaged in an uncontrolled fishery for this stock. This is a matter of great concern for Iceland and here Iceland hopes for meaningful actions by ICCAT. A paper explaining these actions has been submitted to the Chairman of the PWG for information and discussion. This action is indeed designed to support a proper management regime for this stock.

These are two steps already taken by Iceland towards cooperation with ICCAT.

Our way to cooperate might be different from what ICCAT is requiring of those who wish to fall into the category of so-called "Cooperating Party". It is, however, a means of cooperation Iceland is able to offer and I hope that this will be welcomed by the organization. It seems pointless for Iceland to apply for the status of Cooperating Party if that would mean that Iceland would have to fish in conformity with the conservation decisions of ICCAT. In the case of bluefin tuna that is to fish nothing at all. Such a position would not in any way recognize the rights of Iceland to utilize this important resource that occurs within our EEZ in significant quantities.

Although no decision has been taken regarding Icelandic membership or the possibility of Iceland to become a cooperative State or even a member to ICCAT, Iceland is willing to enter into meaningful discussion how her rights could be accommodated in these instances.

Thank you, Mr. Chairman.

**STATEMENT BY THE OBSERVER DENMARK (FAROE ISLANDS)
ON THE FAROESE FISHERIES**

First of all I would like to thank ICCAT for the invitation to Denmark (in respect of the Faroe Islands) to participate in this 1998 meeting as an observer. This is our third meeting in ICCAT and due to the distribution pattern of tunas in the north Atlantic, Denmark (in respect of the Faroe Islands) has become a coastal State to the Atlantic bluefin tuna stock which is now distributed in Faroese waters in the north Atlantic, and fishable in recent years.

However, Denmark (in respect of the Faroe Islands) may consider membership of ICCAT in accordance with the provisions laid down in the United Nations Convention on the Law of the Sea and related to the U.N. Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. When considering membership, this also consequently commits the Faroe Islands to comply with all ICCAT regulations and with the rights and responsibilities of a Coastal State.

The Faroe Islands is a self-governing community within the Kingdom of Denmark and 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 was dramatically extended to 167,000 square kilometers, which is about half the size of the North Sea.

The major stocks fished in the Faroese Fisheries Zone are cod, haddock and saithe. The fishery may be considered as a multi-fleet and multi-species fishery. Longliners fish mainly for cod and haddock, and 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 fish monkfish and Greenland halibut by gill nets. All Faroese fisheries are under the management of effort limitation or individual quota management.

The pelagic fishery in the Faroese waters plays a major role in the whole fishery and in the industry. This means the fishery and catches of Atlanto Scandian Herring, blue whiting and mackerel have increased significantly in recent years. All these species are distributed in the Faroese Fishery Zone.

An exploratory fishery has been carried out for tunas within the Faroese Fishery Zone by granting access to three Japanese fishing vessels in 1997 and 1998; an additional two Faroese fishing vessels were granted licences to carry out exploratory fishery in 1998 under conditions laid down by the Faroese Fishery Research Institute. The licences were given with the aim of examining the distribution of tunas within the Faroese Fishery Zone and clarifying the extent to which there is a basis for a commercial tuna fishery, and for the collection of biological information. The Faroese vessels were only given permission to undertake exploratory fishery for tunas within the Faroese Fishery Zone.

The total catches of bluefin tuna taken by longliners within the Faroese Fishery Zone in 1997 was 230 MT and in 1998 the total preliminary catches were 237 MT. All catches have been reported to the ICCAT Secretariat and the licenced vessels had to comply with ICCAT regulations applicable, with local observers on board.

It is our intention to continue the investigation on tunas in the north Atlantic, and we will be following the proceedings and discussions during this meeting with great interest.

ANNEX 6-G**STATEMENT BY THE OBSERVER FROM MEXICO
ON ITS COLLABORATION WITH ICCAT**

Mexico has participated in this forum as an observer ever since the creation of ICCAT, and has always responded to requests for information and data, and has taken the conservation and management measures recommended by this organization into account.

On this occasion, I have the opportunity to attend personally for the first time; it is certainly a pleasure to be in Spain and to meet once again the many friends which I have made over the years in various international fora.

As you know, Mr. Chairman, Mexico has been very active in the multilateral sphere, particularly since the formulation of the Code of Conduct for Responsible Fishing, initiated in Cancún in 1992, aimed at sustainability in the development of the various fisheries and the development of fair economic trade.

For this reason, this Atlantic Fishery Forum is of the greatest importance to Mexico, and the reason for my being here is to make an in-depth evaluation for our eventual full membership of this solid organization, which we hope will be in the near future, given our status as a coastal state and the importance of our tuna fishery in the Atlantic which has been in operation for more than 20 years.

Today the Mexican Delegation comprises two members; Dr. Guillermo Compeán, General Director of the Tuna Program, and myself, Carlos Camacho Gaos, Under-Secretary of Fisheries. I hope that in the future we will have a more numerous and active delegation in this multilateral forum, in which the cooperation, compromise and responsibility of the members prevail over economic or other sanctions.

Mr Chairman, our presence here affirms the interest of Mexico in the sustainable development of fisheries, based on the individual responsibility of nations to comply with the agreements adopted multilaterally, in a spirit of effective and imaginative cooperation.

ANNEX 6-H**STATEMENT BY THE OBSERVER FROM NAMIBIA
ON THE CONSERVATION AND SUSTAINABLE USE
OF MARINE LIVING RESOURCES**

It is an honor for my delegation to be here, representing Namibia for the second time. From the onset, let me inform you of the latest development on our preparations to join this Commission. On 10 November 1998, the Cabinet of the Government of Namibia approved the motion for Namibia to become a full member of ICCAT. We are in the process of arranging to sign the ICCAT Convention and the ratification is expected by early 1999.

Mr. Chairman, allow me to reiterate the position of Namibia in respect to conservation and sustainable use of marine living resources. Namibia is committed to conservation and management measures as embodied in our national fishery laws and in line with international practice. We are at an advanced stage in amending our laws to be in conformity with the United Nations Fish Stocks Agreement and the FAO Compliance Agreement to which we have recently become a Party.

Mr. Chairman, we extend our appreciation to the Commission for according us observer status and inviting us to participate in the Commission meetings and especially in the sharing agreement of Panel 3 in Cape Town in April, 1998. We appreciated the flexible and constructive attitudes shown by all participants in the meeting on a sharing agreement, and the hard work of our Chairperson, Dr. Rebecca Lent, and we are very much looking forward to making further progress on sharing arrangements for southern albacore. Namibia is fully prepared to be a constructive participant as a full member in all aspects of the Commission in the near future.

Thank you.

ANNEX 6-I

**JOINT PROPOSAL
BY BRAZIL, URUGUAY, SOUTH AFRICA, VENEZUELA, MOROCCO,
LIBYA, SAO TOME AND PRINCIPE, ANGOLA, CÔTE D'IVOIRE, AND
THE OBSERVERS OF MEXICO, NAMIBIA, PANAMA AND GUATEMALA
ON THE ESTABLISHMENT OF A WORKING GROUP
ON FISHING CAPACITY AND BASIC CRITERIA FOR MANAGEMENT**

REAFFIRMING their commitment to ICCAT conservation and management measures;

CONSIDERING the need to strengthen ICCAT as a regional fisheries management body;

DEEMING IT NECESSARY to ensure that conservation and management measures adopted by ICCAT are in conformity with applicable rules of international law, and consistent with the provisions of relevant international agreements and instruments;

REAFFIRMING the need to ensure that the special requirements of developing countries, particularly developing coastal states, are duly taken into account;

The above mentioned Delegations propose the establishment of a Working Group on fishing capacity and basic criteria for management and conservation, including quota allocation criteria and compliance measures.

ANNEX 6-J

**STATEMENT BY CANADA
RELATIVE TO THE ESTABLISHMENT OF A
WORKING GROUP ON ALLOCATION CRITERIA**

This proposal represents the collective view of nine member parties, supported by four observer parties, who have brought forward a proposal for ICCAT to establish a Working Group to examine requests, by coastal developing states, for either new or increased access to various species regulated by the ICCAT Convention. But it is clear that this issue is much larger. We have also heard interest expressed by non-members (Iceland, Norway, Mexico, Faroe Islands) for new or increased access. I am certain that, over the next several years, there will be many other additional requests.

Mr. Chairman, to some extent this Commission may be reluctant to enter a debate as proposed, but the reality is that we are already entertaining this debate, in Panels 1 to 4. I think we will continue to have similar debates in future years: except rather than in a consolidated fashion we will do so case by case by case.

Before deciding upon the request, it is useful to examine it within the proper international framework.

Canada fully appreciates the orientation taken by the developing states on this issue. In particular, we understand their desire to develop a fishery within their own 200-mile zone. We also need to recognize that the ICCAT species are highly migratory species, they are associated with a different international legal status than trans-boundary or straddling stocks. It is important that the two differing legal regimes for these different categories of stocks not be confused. I think that these distinctions are set out in the U.N. Law of the Sea Convention, Articles 63 (2) and 64.

In addition, Article 11 of the U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks describes a number of considerations that states which are members of a regional fisheries management organization shall examine when determining the nature and extent of participatory rights for new members. These considerations could be equally applicable to existing members.

These considerations include:

- 1 looking at the status of the subject fish stocks;
- 2 examining the respective interests and fishing patterns of new and existing members
- 3 taking into consideration the respective contribution of new and existing members to conservation, management,

- collection and provision of accurate data and the conduct of research;
- 4 consider the needs of coastal communities dependent mainly on fishing;
- 5 the needs of coastal states whose economies may depend on fishing;
- 6 the interest of developing states in whose areas of national jurisdiction the stocks also occur.

Mr. Chairman, if we are to study or examine the requests, we must be guided by the established and appropriate context which is set out in Article 11 of UNFA. One of the basic considerations described within Article 11 is the status of the subject fish stocks. Within the ICCAT Convention, the SCRS provides advice on 11 different groupings of species; many with several stock components. The way I look at the current report of the SCRS, which provides insight on the status of these species or stocks, in most cases the terms "fully exploited", "over exploited", and "the need to reduce fishing mortality" are often used to describe the status of many of the stocks. To meet the challenge of these new demands within the current stock status will be difficult for both new and existing members. We believe the best hope lies in the ability of ICCAT to adopt forceful and effective rebuilding strategies for many of the stocks. But we know that rebuilding will take short-term sacrifices and time. It cannot and will not happen overnight. ICCAT will need to adopt a precautionary approach and set prudent management measures. Members of ICCAT and non-members will need to comply with all the measures if we are to begin the rebuilding process.

Mr. Chairman, we do see merit in adopting elements of this proposal for a Working Group on quota allocation sharing, to develop criteria for allocations to both existing and new members that would conform to the UN Fishing Agreement. However, we are concerned that while we support the broad context, some of the issues listed - such as fishing capacity, criteria for management and conservation and compliance measures - are often misunderstood. In listening to the Delegates, I understood their fundamental concerns related to allocation access. In proceeding with this Working Group, Canada's primary concern is that any new discussion on allocation criteria need to respect both historical fishing patterns as well as developing country interests in a manner which does not harm ICCAT conservation decisions for particular stocks. We also need to consider whether the adoption of any working group and subsequent review of its recommendations should be synchronized with the state of recovery of specific stocks. The developing states, which brought forward this proposal, have particular socio-economic desires; these desires are not unlike those of other ICCAT members. We believe these desires can best be fulfilled if we ensure the basic conservation of our fish stocks and allow the rebuilding process to begin.

**GUIDELINES AND CRITERIA
FOR GRANTING OBSERVER STATUS AT ICCAT MEETINGS**

- 1 In exercising the responsibilities in respect to invitation to observers to ICCAT Meetings as provided for in Article XI of the Convention and in Article 2 of the FAO/ICCAT Agreement, the Executive Secretary, acting on behalf of the Commission, shall invite:
 - FAO.
 - Intergovernmental economic integration organisations constituted by States that have transferred to it competence over the matters governed by the ICCAT Convention, including the competence to enter into treaties in respect of those matters.
 - Intergovernmental organisations that have regular contacts with ICCAT as regards fisheries matters or whose work is of interest to ICCAT or vice versa.
 - Non-Contracting countries with coastlines bordering the Convention Area as defined in Article I of the Convention, or those non-contracting parties, entities or fishing entities identified as harvesting tunas or tuna-like species in the Convention Area.
- 2 All non-governmental organizations (NGOs) which support the objectives of ICCAT and with a demonstrated interest in the species under the purview of ICCAT should be eligible to participate as an observer in all meetings of the organisation and its subsidiary bodies, except extraordinary meetings held in executive sessions or meetings of Heads of Delegations.
- 3 Any NGO desiring to participate as an observer in a meeting of the organisation or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 50 days in advance of the meeting. This application must include:
 - Name, address, telephone and fax number of the organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organisation and an indication as to how they relate to the objectives of ICCAT;
 - A brief history of the organisation and a description of its activities;
 - Any papers produced by or for the organisation on the conservation, management or science of tunas or tuna-like species;
 - A history of ICCAT observer status granted/revoked;
 - Information or input that the organisation proposes to present at the meeting in question;
- 4 The Executive Secretary shall review applications received within the prescribed time, and, at least 45 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs determined to meet the criteria for participation stipulated in paragraph 2 above. Such applications will then be considered as accepted unless one-third of Contracting Parties object in writing at least 30 days prior to the meeting.

- 5 Any eligible NGO admitted to a meeting may:
 - Attend meetings, as set forth above, but may not vote;
 - Make oral statements during the meeting upon the invitation of the presiding officer;
 - Distribute documents at meetings through the secretariat; and
 - Engage in other activities, as appropriate and as approved by the presiding officer;
- 6 Observers will be required to pay a fee for their participation at the meetings of the Organization, which will contribute to the additional expenses generated by their participation, as determined annually by the Executive Secretary.
- 7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
- 8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by the Parties.
- 9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that ICCAT may adopt for the conduct of observers will result in withdrawal of accreditation by the Chairman of the Commission.

ANNEX 8

REPORTS OF SUBSIDIARY BODIES

- ANNEX 8** **Report of the Seventh Meeting of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)**
- ANNEX 9** **Report of the Meeting of the Compliance Committee**
- ANNEX 10** **REPORTS OF THE MEETINGS OF PANELS**
- Report of the Meeting of Panel 1**
 Report of the Meeting of Panel 2
 Report of the Meeting of Panel 3
 Report of the Meeting of Panel 4
- ANNEX 11** **Report of the Meeting of the Standing Committee on Finance and Administration (STACFAD)**

**REPORT OF THE 7th MEETING OF THE PERMANENT WORKING GROUP
FOR THE IMPROVEMENT OF ICCAT STATISTICS
AND CONSERVATION MEASURES (PWG)**

1. Opening of the meeting

1.1 The Permanent Working Group (PWG) for the Improvement of ICCAT Statistics and Conservation Measures met at the Congress Palace in Santiago de Compostela, Spain, during the Eleventh Special Meeting of the Commission. The meeting was opened by the PWG Chairman, Mr. J. Pulvenis (Venezuela).

2. Adoption of Agenda and appointment of Rapporteur

2.1 Mr. J. Field (United States) was nominated to serve as Rapporteur.

2.2 The Delegate of the United States proposed adding an item "Measures to improve ICCAT required fisheries statistics". The Agenda, circulated earlier, was adopted with this additional item and is attached as **Appendix 1 to ANNEX 8**.

3. Status of implementation of ICCAT Recommendations adopted by the Commission relative to the Bluefin Tuna Statistical Document (BTSD)

3.a) Review of biannual reporting of the BTSD

3.a.1 The ICCAT Assistant Executive Secretary, Dr. P.M. Miyake, provided an overview of biannual reporting of the BTSD for the first half of 1998. Only Japan and the U.S. have presented these reports.

3.a.2 The delegate of Japan gave a summary of the BTSD program in Japan. Japanese customs collected 10,016 BTSD documents in 1997 and 6136 BTSDs in the first half of 1998 (however these figures include some Pacific catches). Included are 16,070 MT in 1997, and 4839 MT in the first half of 1998. Of these, the number from non-contracting parties in 1997 represented 15% and in the first half of 1998 were 25%.

3.a.3 Since 1996, Japan has received no imports from Belize (past imports included 145 MT in 1994 and 399 MT in 1995). Japan has received no imports from Honduras since 1994. However, Honduras indicated to Japan that it had not validated BTSDs in 1993, but Japan imported 104 MT that year. Imports to Japan from Panama included 883 MT in 1996 and 704 MT in 1997, but since January 1, 1998, Japan had prohibited the import of Atlantic bluefin tuna from Panama. In 1997, a total of 1637 MT were imported from Chinese Taipei, with a total of 947 MT imported between 1 January and 30 June, 1998. From Equatorial Guinea there were no bluefin imports in 1996, however 746 MT of bluefin tuna were imported in 1997, and 88 MT were imported in the first half of 1998. The delegate noted that a BTSD validated by Equatorial Guinea has the same name of a vessel of Panama and he noted concern that vessels flying the Panamanian flag may have reflagged to Equatorial Guinea, an ICCAT Contracting Party. From the Republic of Guinea, Japan imported 244 MT of bluefin tuna in 1994, 370 MT in 1995, 192 MT in 1996, 275 MT in 1997, and 101 MT in the first half of 1998.

3.a.4 The delegate of the United States commented that the United States has fully complied with the ICCAT Bluefin Tuna Statistical Document Program (BTSD), including documentation of all imports and exports. Also, the concerns with Equatorial Guinea and Guinea could be beyond the scope of the PWG and should be referred to the Compliance Committee, although the matter of Guinea Bissau, a non-contracting party, could be addressed by this Working Group.

3.a.5 The Chair noted that the PWG should proceed according to the U.S. suggestion and the Compliance Committee to consider this matter.

3.b) *On the validation of BTSDs between ICCAT Contracting Parties that are members of the EC*

3.b.1 The delegate of EC noted that discussion was ongoing regarding draft regulations to amend document 858/94 on mutual validation of bluefin re-exports, based on the November 1997 Recommendation, and that this would likely be adopted in 1999.

3.b.2 Dr. Miyake noted that at present there is agreement between France and Spain, and that there is currently one recorded case (considered re-exports) of Italian harvests that were unloaded in Spain and exported to Japan with a re-export document, and which was stopped by Japanese customs. Mutual validation among EC states needs to be resolved in order to reduce this confusion.

3.b.3 The delegate of Japan raised the issue of mutual validations between EC countries, recalling that because the situation has changed as a result of the EC membership in 1997, mutual validations are currently not allowed as EC members may not be treated in a discriminating manner. Thus, there should be some adjustments in how ICCAT recognizes any mutual validation system. Japan noted that any adjustments to the mutual validation system should be made through the ICCAT process.

3.b.4 After consultation with the delegation of Japan, the delegate of the EC introduced a draft recommendation, which clarifies the procedure by which the EC will exercise internal compliance to replace the Recommendation on Validation of BTSD between ICCAT Contracting Parties which are Members of the European Community.

3.b.5 The Chair observed that all parties appeared to be satisfied with the proposal by the EC and there was consensus to approve the recommendation. Thus, the "*Recommendation on Validation of the Bluefin Statistical Document by the European Community*" was forwarded to the Commission for final approval (attached as Annex 5-12 to the Commission Proceedings).

3.c) *On BTSDs for the re-export of Bluefin tuna*

3.c.1 The delegate of Japan reported that his government is taking steps to accept re-export documents in the near future, although the process is not yet completed.

3.d) *On BTSDs for farmed or raised tuna*

3.d.1 Dr. Miyake informed the PWG that the Secretariat had received inquiries and had responded regarding the new format for farmed or raised tuna, and that some of these forms have already been used to export to Japan.

3.d.2 The delegate of Japan confirmed that as of December, 1997, Japan had implemented this system, however Japan has not yet imported a large amount of farmed or raised tunas as this occurs later in the season. It was noted that 168 mt. had been imported from January through June, 1998, from Spain, Croatia, and Mexico.

3.e) *Updating of validation signatures and seals (e.g. for new Contracting Parties)*

3.e.1 Dr. Miyake noted that all bluefin tuna exporting countries should register their validation seals and signatures with ICCAT, so that the Secretariat can forward these as soon as possible to potential importing countries.

3.e.2 The delegate of the EC noted that a new trade practice has been emerging, and the BTSD may need to include a new category of products for dry bluefin tuna meat and roe products, *mojama*, now being exported.

3.e.3 The delegate of Japan noted that there is currently a column (labeled "Other") in the BTSD to address new products.

3.e.4 Dr. Miyake noted that this new product, *mojama*, is a product of Spain and other Mediterranean countries, and that markets for this product could expand rapidly. Dr. Miyake noted that this could be an extremely important issue in estimating bluefin tuna catches as currently after belly meat is taken the fish is sold to local markets. However if these are processed into *mojama* and subsequently exported to Japan the same fish could possibly be exported in two different forms.

3.e.5 The Chair concurred that this was a recurrent problem and similar problems could be expected next year. The Chair also noted that ICCAT should be careful about how parties account for the amount of tuna exported.

3.f) Others (e.g. BTSDs that are not numbered)

3.f.1 Dr. Miyake informed the PWG that there have been a number of instances in which BTSDs have had no document numbers listed, and such documents could potentially be used two or three times on new products. He noted that it might be advisable to insist that documents have the proper numbers.

3.f.2 The delegate of Japan noted that this issue has been raised between Japan and some exporting countries on how to provide reliable serial numbers, and that as it is nearly impossible to address this issue on the importing side, this is an issue for the exporting countries.

4. Review of responses to the Commission Chairman's letters concerning compliance

4.1 The Executive Secretary referred to document COM/98/18, which contained copies of the letters which had been drafted last year and subsequently transmitted to Panama, Belize, Honduras, Trinidad and Tobago, Chinese Taipei, Barbados, Chile, Costa Rica, Ecuador, and CARICOM. The Executive Secretary noted that few responses were received, but that there was a detailed response from Panama and a few others. There was no response from Honduras, Trinidad and Tobago, Chinese Taipei, Ecuador, Chile, and CARICOM.

4.2 The observer from Chinese Taipei noted that after receiving the letter dated January 23, 1998, an immediate response was sent on March 3, 1998. The ICCAT recommendation on Swordfish Catch Quotas was adopted by the Commission in 1994 and entered into force October 2, 1995. Chinese Taipei accepted the letter dated January 30, 1996 referring to the concerned practices, which should be adopted. One of those practices is that the incidental catches for North Atlantic swordfish should not exceed 8% of the total weight of the catch. According to catch records, the ratios of North Atlantic swordfish catch (489 and 524 MT) vs total catch (9,859 and 11,476 MT) in 1995 and 1996, respectively, was 5.0% and 4.6%. These ratios fall within the limit set in the 1996 letter from ICCAT and Chinese Taipei noted that it cautiously observes the conservation measures. In addition, Chinese Taipei has requested the tuna fisheries industry to reduce further its North Atlantic swordfish catch by 45% of the 1996 catch amount in the years 1998 and 1999, per the ICCAT recommendation.

4.3 Dr. Miyake noted that the Secretariat had received this letter from Chinese Taipei and that there had been further correspondence on this matter

4.4 The observer of Panama stated that Panama had made efforts to comply with the reporting of vessels under the Panamanian flag. It was also noted that some vessels listed under Belize are actually Panamanian vessels, and this information would be provided to the Commission. In addition, it was noted that the Chancellor of Panama had sent a letter to ICCAT expressing a desire to become a Contracting Party, that this issue is now being discussed in Congress, but until the Convention can be ratified, there is a desire by Panama to become a Cooperating Party.

4.5 The observer of Panama noted that their legislation requires ratification of the ICCAT Convention to be put before their Congress, and that currently the ratification process is in the second of three steps. Panama noted it was increasing control of its fishery by canceling some fishing licenses and registrations. Finally, it was noted that Panama was developing a system to monitor vessels by satellite. The statement presented by Panama to the PWG is attached as Appendix 2 to ANNEX 8.

4.6 The Delegate of Uruguay expressed satisfaction with the information given by the observer of Panama, noting that this demonstrated the positive commitment of Panama and had led to improvements in the collection of statistical data.

4.7 The Delegate of the United States agreed that Panama had made a positive response, but noted that although Panama had requested Cooperating Party status in the Compliance Committee, the PWG is the body with such jurisdiction.

5. Review of the applications for Cooperating Party/Entity/Fishing Entity Status

5.1 In the second session the Chair noted the importance of making a rapid decision on this issue, and referred to COM/98/24, which consists of two formal requests by Mexico and Chinese Taipei to be given Cooperating Party/Entity/Fishing Entity status. The Chair suggested that consensus exists to recommend to the Commission that

ICCAT recognize that status for these two delegations. The Chair also noted that Trinidad and Tobago had requested in 1997 to be considered a Cooperating Party, which was not acted upon, and subsequently that delegation did not attend this year's meeting. The general consensus was that the PWG should not recommend this status for Trinidad and Tobago in this session and that the Executive Secretary should inform Trinidad and Tobago of that decision and further inquire about their interest in the matter. The draft letter to Trinidad and Tobago encouraging continued collaboration with ICCAT is attached as Appendix 3 to ANNEX 8. With regard to Panama, the Chair noted that the observer of Panama had expressed a desire to be considered a Cooperating Party, but had not made a formal request expressing this desire.

5.2 The observer of Panama again expressed interest in becoming a Contracting Party, and perhaps in the interim becoming a Cooperating Party, and reiterated that the problem continued to be pushing the issue through the Panamanian Parliament.

5.3 The Chair suggested that the PWG recommend to the Commission that Cooperating Party status be extended to Panama if and when the Secretary receives a formal request from Panama, rather than waiting until next year's meeting. However the Chair acknowledged that some delegations had expressed a desire for a more formal exchange regarding requests on status.

5.4 The delegate of the United States commented that because this meeting could be the first time that the status of Cooperating Party/Entity/Fishing Entity is granted, it is important to require a more formalized process for setting precedent. Specifically, the best way to accomplish this would be with letters exchanged between applicants and the Commission in which the latter could highlight the importance of conservation measures and reporting requirements. The delegate circled draft letters which would implement this process in granting Cooperating Party status for Chinese Taipei and Mexico. The delegate expressed some concern with the proposal by the Chair regarding Panama, noting that while the United States recognized the efforts of Panama to improve control of its fleet, there was still some concern whether Panama was able to sufficiently control its fleet so as to be granted the status of a Cooperating Party/Entity/Fishing Entity.

5.5 The Chair commented that the exchange of letters as described by the United States was important, but with regard to Panama the Chair expressed the opinion that the designation of Cooperating Party/Entity/Fishing Entity status did not necessarily reflect a set of rights as much as it reflected increased obligations by that party. Thus, such a designation should not have any negative impacts. In addition, it should be recalled that under the resolution of 1997, a yearly review of the actions of Cooperating Parties/Entities/Fishing Entities is required and may act as a safeguard.

5.6 The delegate of Canada expressed support for the proposal to improve upon communications and formalize the status of Cooperating Parties/Entities/Fishing Entities. With regard to Panama, it was noted that it could be premature to arrive upon a decision on that point.

5.7 The delegate of France (St. Pierre & Miquelon) commented that the issue of a Cooperating Party/Entity/Fishing Entity is important since it establishes a special situation, that is the result of the agreement on straddling stocks. Therefore, it is important for the PWG to define the conditions whereby a Party, Entity or Fishing Entity can be considered as a cooperator, as well as the conditions to revoke this status. The delegate also noted that the PWG should first of all encourage States to become parties to the Convention. A default, States and Entities should be encouraged to become Cooperating Parties/Entities or Fishing Entities in order to induce them to comply with the management measures. Finally, the delegate referred to the 1994 Resolution on Cooperating Parties/Entities/Fishing Entities and noted that the term "fishing" in this resolution should be replaced by the term "respecting all the ICCAT recommendations".

5.8 The Chair addressed the issue of exchanging notes by suggesting that consensus should be attainable, but further action would await evaluating the language to be proposed by the United States. With regard to the issue of amending the word "fishing", the Chair expressed hope that consensus could be reached on the spirit of the 1994 resolution such that the PWG could return with a set of texts which could be easily approved.

5.9 The delegate of Japan expressed surprise concerning the issue of status for Panama, as there have continued to be observed various problematic practices with Panamanian vessels. In particular, the delegate noted that the PWG has not evaluated in depth how Panama intends to monitor those vessels remaining under the Panamanian flag. Finally it was questioned whether consensus had been reached in this group regarding status, whereas the Chair's proposal would automatically grant Cooperating Party/Entity/Fishing status in the near future.

5.10 The Chair agreed that there was not consensus on the issue of Panama, yet there was consensus on the issue of Mexico and Chinese Taipei. Thus, as the previous proposal was obsolete, there would later be a proposal submitted by the United States regarding a more formal exchange of notes, that the Chair urged the group to accept.

5.11 The PWG was referred to the draft letters to Chinese Taipei and Mexico and the Chair stressed that these letters had been carefully drafted and that it appeared a consensus had been reached on the issue (attached as **Appendices 4 and 5 to ANNEX 8**, respectively. Dr. Miyake also asked that the Secretariat be allowed to introduce minor technical changes, if necessary, to these letters inasmuch as such changes do not change the spirit nor the substance of the letters. The letters were therefore accepted.

6. Review of unreported catches estimated and vessel sighting reports concerning fishing activities of non-contracting parties, entities, and fishing entities

6.a) Bluefin tuna

6.a.1 Dr. Miyake reported that estimates of unreported catches were mostly of Bluefin this year, and are included in the SCRS/98/8. These are also reported in the Report of the GFCM/ICCAT Joint Meeting (COM-SCRS/98/11-bis). Little has been done with regard to swordfish and other species due to the complexity of these fisheries, but these have been reviewed in various National Reports. CARICOM, Trinidad and Tobago, and Barbados include detailed accounts. Vessel sighting reports received from Japan show that some vessels were clearly sighted in the Mediterranean during the closed season. These countries and fishing entities have been contacted, but have not provided an official response. Vessel sightings are also indicated in various national reports.

6.a.2 The Assistant Executive Secretary noted that the SCRS had been requested to explain the term NEI ("not elsewhere included"). NEI is used to indicate catches that cannot be appropriated to a particular country, such as when more imports are reported by the importing entity than reported by the exporting country.

6.a.3 The delegate of Japan offered additional information to the PWG regarding the possible transfer of flags on longliners. Japan held a series of hearings last year and researched import data to obtain information on these fleets, and made a list of 190 vessels which are not abiding by the ICCAT recommendations. These vessels are fishing tuna in the Atlantic Ocean, Mediterranean Sea, Indian Ocean, and a few in the Pacific Ocean, and are primarily exporting to Japan. At least 89 vessels are operating in the ICCAT Convention area without reporting to ICCAT. In many cases, the owners of such vessels are from Chinese Taipei. After trade measures were taken against Belize, Honduras, and Panama, many of these owners transferred their flags to both other non-contracting parties and Contracting Parties. Specifically, these hearings found a former Panamanian vessel which had transferred to Equatorial Guinea. The delegate remarked that unregulated fishing should not be allowed to continue, and that an effective mechanism for informing home governments of these activities is necessary. If the concerned governments fail to act on such information, it will be necessary to consider future steps. The statement by Japan on unregulated and unreported fishing in the Convention area is attached as **Appendix 6 to ANNEX 8**. The Japanese delegation expressed its intention to propose a resolution addressing this issue.

6.a.4 The observer from Chinese Taipei expressed that he shared the concerns of the Japanese delegation, and pointed out that in situations where vessels are owned by one party but registered elsewhere there can be considerable confusion which may undermine the effectiveness of conservation measures. He also presented a statement to the PWG on unreported and unregulated fishing in the Convention area, which is attached as **Appendix 7 to ANNEX 8**.

6.a.5 The delegate of Canada endorsed the statement of Japan and commented that the actions described by Chinese Taipei are obviously important as without compliance all of the ongoing conservation efforts by ICCAT will be undermined. ICCAT must deal with those parties/entities/fishing entities attempting to avoid ICCAT measures by reflagging.

6.a.6 The delegate of the United States expressed concern and surprise over the extent of the problem and urged that action be taken to address the problem aggressively.

6.a.7 The delegate of the Peoples Republic of China affirmed that close attention is paid to ICCAT recommendations, but noted that three vessels from China were on the aforementioned list. The delegate inquired what evidence existed to indicate non-compliance by these three vessels.

6.a.8 The delegate of the EC noted that they will analyze these data and compare it with EC information on the same subject.

6.a.9 The delegate of Tunisia noted that Tunisia's fleet does not include any longliners and expressed confusion that the table submitted by Japan indicated otherwise.

6.a.10 The delegate of Japan replied that the list resulted from import records, and noted that it could be relatively simple to obtain vessel registration in other ports without the knowledge of the home government. The intent of the list was to illustrate possible problems and encourage other governments to check the names of licensed vessels to ensure the names of their governments are not used to avoid ICCAT regulations. The delegate suggested that a vessels registry should be revoked if that vessel is not authorized to fish.

6.a.11 The observer of Panama noted that this could serve to highlight efforts of that country to address flag of convenience problems. Panama noted that many of the vessels credited as Panamanian on the list presented by Japan have had their fishing licenses revoked or had received warnings that such actions could be taken.

6.a.12 Dr Miyake noted that this information is difficult to clarify, and that many of these vessels may have already changed flags.

6.a.13 In the second session of the PWG, the delegate of Japan distributed a draft resolution on procedures to efficiently report to flag states on the activities of their vessels. The delegate made three points regarding this resolution, the first being the need to take immediate steps to rectify this problem of unregulated fishing by large scale longline vessels. Japan has made efforts to collect information on a voluntary basis, but recognizes a need for an endorsement from ICCAT to collect information from the buyers of frozen products, and would welcome any additional efforts to collect similar data. The second part of the resolution concerned efforts to rectify unregulated fishing in the Convention area by vessels abusing the names of flag states, and suggests revocation of vessel registration as the simplest solution to this problem. The delegate expressed a need to implement effective measures to prevent these vessels from continuing fishing operations. The final part of the resolution is described as introducing additional measures, such as trade restriction mechanisms similar to the compliance recommendation of 1996, if the unregulated fishing is not rectified.

6.a.14 The delegate of Canada agreed that these activities posed a very serious threat to the ability of ICCAT to meet conservation responsibilities, and thus the proposal offered by Japan is very important to consider and adopt as it is essential to have the capability of deterring this type of activity.

6.a.15 The delegate of the Peoples Republic of China expressed both support for the proposal and the desire to offer a minor amendment. However he also expressed concern over the automatic use of trade restriction measures which could be carried out if this resolution were to be adopted. The delegate suggested that the use of trade restrictions should not necessarily be deleted but perhaps used in another resolution at some future point.

6.a.16 The delegate of France (St. Pierre & Miquelon) expressed support for the proposal. However he suggested that the revocation of vessel registrations could lead to enforcement problems in some states. The delegate suggested that the wording could be improved to refer to licenses, and in addition that the resolution consider referring to the Straddling Stocks Agreement, the Compliance Agreement of 1996, and the GATT Agreement.

6.a.17 The Chair commented that the FAO Compliance Agreement of 1993 did make a clear distinction between a vessel registration and the question of issuing licenses to fish on the high seas and establishing a system for recording the issuance of such licenses. The Chair noted, however, that Panama had deleted some names from their vessel registry in addition to revoking fishing licenses.

6.a.18 The delegate of the European Community noted that while the objectives of the proposal were important, there could be potential difficulties with regards to the use of trade measures, which should not be applied automatically but rather only be used after careful consideration. In regard to the information required on paragraph one of the proposal, the delegate noted that some countries could import tuna from cargo vessels in which the importer may not know the source of the catch. Finally, the delegate noted that this resolution refers to all species, and that this could lead to some administrative difficulties. While the BTSD has proven to be useful, it could be an administrative burden to perform similar documentation for all species.

6.a.19 The delegate of the United States expressed support for the proposal. However he noted that the proposal could be improved by re-drafting and offered to work with Japan to clarify the intent. The delegate agreed that as written this proposal would cover all species, and suggested that rather than develop a statistical document similar to the BTSD for all species, perhaps each party could develop their own system, as this could be less burdensome on the Secretariat. The delegate also noted that ICCAT participants should be willing to take on additional responsibilities to address this problem. It was also suggested that the word "tuna" in paragraph one should be replaced with "tuna and tuna like species". In regard to comments from the Peoples Republic of China and the EC concerning the need to clarify the procedures over trade sanctions the delegate suggested that the PWG should consider a mechanism similar to the existing procedure on sanctions for bluefin and swordfish.

6.a.20 The Chair noted that there appeared to be clear consensus on the spirit of the draft, but that the text submitted did not appear to be acceptable to all parties; therefore, all interested delegations were urged to work out the final wording of the text so that a resolution could be agreed to in the next meeting.

6.a.21 Dr Miyake noted one additional technical difficulty to the resolution in identifying which parties/entities/fishing entities are reporting or not reporting until several years later.

6.a.22 The delegate of the EC suggested that discussion take place regarding the oral proposal offered by the EC in the Compliance Committee regarding landings of vessels from non-contracting parties in the ports of contracting parties. The delegate referred to the *"Recommendation Concerning the Ban on Landings and Transshipments of Vessels from Non-contracting Parties Identified as Having Committed a Serious Infringement"* (attached as Annex 5-11 to the Commission Proceedings). This was described not as an alternative to the proposal most recently discussed, but rather as an additional recommendation.

6.a.23 In the fourth session the Chair noted that a new draft of the resolution by Japan regarding unregulated and unreported catches of tunas in the Convention area and stressed that although it represented a great deal of discussion, it reflected an emerging consensus. It was suggested that the group should consider the resolution paragraph by paragraph.

6.a.24 On the second paragraph the delegate of the Peoples Republic of China requested a minor change to the first line, which was accepted.

6.a.25 On the fourth paragraph, the delegate of Japan remarked that the delegate of the United States had recommended removing the word "principles" from the second sentence.

6.a.26 The Chair noted that although this language originated from the FAO Code of Conduct for Sustainable Fisheries, the change would not alter the intent and could be agreed to.

6.a.27 Regarding the first operative paragraph of the resolution, the delegate of the EC noted that he appreciated the efforts by Japan to account for their comments and had no objections to the principles behind the resolution. However it was noted that as the compulsory nature of sending data on all imports and all species had been removed, there could instead be added specific language regarding swordfish.

6.a.28 The Chair commented that this issue had been considered during the informal consultation, but that some objections had been mentioned as to the issuance of such a reference. The Chair asked the EC if they could agree to the text as written, which the EC did.

6.a.29 Regarding the same operative paragraph the delegate of France (St. Pierre & Miquelon) questioned whether it would be appropriate to refer to the reference number of vessels, as owners often found it possible to change the names and addresses of owners of these vessels, as this could be a more effective means of identification.

6.a.30 With regard to operative paragraph 2, the delegate of the EC noted that while they agreed that the identification procedure described in the operative paragraph 2 was being enacted for countries not respecting conservation measures, there could be some overlap with existing procedures for bluefin and swordfish. This overlap could lead to procedural debates concerning the implementation of a parallel system and could lead to confusion with the Plan of Action for swordfish and bluefin. After having inquired of the chair whether it was possible to ensure that the PWG would not be introducing duplication which could lead to such procedural problems, the EC removed its objection in the understanding that the concern would be clearly reflected in the report and fully taken into account when the resolution would be implemented.

6.a.31 The delegate of the United States expressed general agreement with the resolution, but noted that he had consulted with U.S. trade experts and concern had been expressed about the words "as a last resort". He requested this phrase be excluded from that paragraph. The deletion of these words does not change the clear implication of the resolution that trade restrictive measures would be a last resort. The reason for the removal of these words is rather to account for the possibility that if a challenge to future actions was made to the World Trade Organization a party could make the argument that such action did not represent a "last resort".

6.a.32 The Chair referred to operative paragraph 5, which at the time read "The Commission will recommend effective measures, if necessary including as a last resort, non-discriminatory landing or trade restrictive measures on the subject species, consistent with their international obligations, to prevent those longline vessels of those Contracting Parties and

non-contracting parties/entities or fishing entities identified in paragraph 4 above from continuing the fishing operations for tunas and tuna like species in a manner which diminishes the effectiveness of the ICCAT conservation measures”.

6.a.33 The delegate of the EC expressed concern with the second line of that paragraph, in which two potential measures could be perceived as being quite different in nature. Particularly, these measures include both a ban on landings of vessels not complying with the provisions of ICCAT as well as trade restrictive measures that the EC believes should be a last resort. The EC expressed the belief that the language of “as a last resort” should remain in the text, but the word “landings” should be removed as this issue could be dealt with in a separate resolution.

6.a.34 The Chair noted that in referring to landings parties may consider taking immediate action against certain vessels. The Chair asked whether there was support for the changes proposed by the EC.

6.a.35 The delegate of France (St. Pierre & Miquelon) expressed support for the changes and noted that while the EU proposal concerning landings refers only to non-contracting parties, the measures contained in the resolution relative to trade measures also refer to Contracting Parties.

6.a.36 The Chair acknowledged that this comment was pertinent, and noted that there was a clear difference between the two categories of measures. Therefore it might be considered beneficial to leave the reference to landings in the text.

6.a.37 The delegate of the EC noted that if such language remained in the text it could create overlapping provisions which could lead to additional confusion. As there have been procedural problems in the past, introducing more measures with regard to landings could make it easier for those who do not apply ICCAT recommendations to hide behind the duplication and lack of clarity. In addition, the delegate noted that if the word landings was removed ICCAT could still take into account Contracting Parties when evaluating the effectiveness of the recommendation.

6.a.38 The delegate of the Peoples Republic of China noted that they could support deleting the phrase “as a last resort” and also agreed with the proposal to remove the word “landings”. A small typographical error was also noted.

6.a.39 The delegate of the United States expressed support for the view of the delegate of France, and expressed the idea that while this term could create confusion the view of the United States was that this was preferable to weakening the resolution. To remove the word “landings” would in fact weaken the resolution significantly. Regarding the discussion over the other EC suggestion, it was suggested that such a change was possible if it could be clearly expressed that trade restrictive measures could include landings.

6.a.40 The delegate from Japan agreed with the view of the EC that additional confusion would not be beneficial, especially as the other proposal referred to by the EC was a very strong recommendation and would cover the issue. In addition, he noted that the term effective measures could include landing measures.

6.a.41 The delegate of the EC reminded the Working Group that if trade restrictions were adopted, concerned vessels would be unable to make landings. Thus, a ban on landings could refer to either individual vessels or flag countries and trade measures do refer to landings.

6.a.42 The delegate of the United States agreed that the word “landings” could be removed as it had been made clear that trade restriction measures included landings.

6.a.43 The Chair noted that this had indeed been clarified and this addressed the concerns of the EC. He noted that a consensus had been reached on deleting the words “as a last resort” and “landings” in the draft resolution, and turned the consideration of the Working Group to the draft recommendation submitted by the EC concerning the ban on landings and transshipments of vessels from non-contracting parties identified as having committed a serious infringement.

6.a.44 The delegate of the EC introduced the revised recommendation and pointed out that last year ICCAT had identified these vessels and therefore this year ICCAT could propose banning landings of such vessels.

6.a.45 The Chair asked if there were any objections to the EC proposal, and hearing none the PWG agreed to forward the “Resolution Concerning the Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels in the Convention Area”, with these changes, to the Commission (attached as Annex 5-18 to the Commission Proceedings).

6.b) Swordfish

6.b.1 The Delegate of the EC, referring to the National Reports, stated that the flag of convenience vessels continue unloading unregulated catches of swordfish at the ports of EC Member States.

6.c) *Other species*

6.c.1 At a later session, the Chair referred to the draft letters regarding the fishing of other species to Guinea Bissau and to Singapore, Vanuatu, and Kenya, (attached as **Appendices 8 and 9 to ANNEX 8**, respectively), and stressed that these were letters of warning rather than letters of identification. By consensus, the PWG adopted these letters and forwarded them to the Commission for final approval.

6.c.2 The Chair, noting that there had been no reply to the previous letter, then referred to the draft letter to Sierra Leone, described as a final warning to this country.

6.c.3 The Executive Secretary responded that one problem is that there is uncertainty as to whether Sierra Leone has actually received these letters, as some of these letters have been returned to ICCAT. Taking into account this observation, the draft letter of final warning to Sierra Leone was adopted and forwarded to the Commission for final approval (attached as **Appendix 10 to ANNEX 8**).

6.c.4 The Chair noted that with regard to the draft letter to Trinidad and Tobago, there appeared to be consensus and therefore the letter was approved.

6.c.5 The observer of CARICOM questioned what decision had been made in regard to future work with Barbados and Costa Rica.

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

7.a) *Regarding trade measures on Belize, Honduras, and Panama*

7.a.1 The Chair noted that in 1997 and 1998 trade measures had been taken against Belize, Honduras, and Panama as derived by the 1996 resolutions, and asked Dr. Miyake to provide an update of the topic.

7.a.2 Dr. Miyake reminded the delegates that Document COM/98/18, includes the original letters from the Secretariat to the nations of Belize, Honduras, and Panama as well as responses from Belize and Panama. There was no response from Honduras. The response from Belize contained no concrete data or information. As described earlier in this report, there had been recent contacts with Panama regarding these issues.

7.a.3 The Chair inquired if there was consensus that no new evidence existed regarding these measures, and if there was any reason to consider changing the position of the Commission. Hearing no intervention, it was decided that the position of the Commission remain constant.

7.a.4 The delegate of the EC reminded the PWG that in an earlier meeting the EC had expressed increased concern over vessels flying flags of convenience in EC ports. The delegate referred to the EC draft proposed "Recommendation Regarding Honduras, Belize and Panama Pursuant to the 1995 Swordfish Action Plan Resolution", attached as **Appendix 11 to ANNEX 8**, and which called attention to the need for consistency between measures taken to protect bluefin tuna and measures taken to protect swordfish resources. It was noted that imports of swordfish in the EC had increased dramatically last year (including for Spain alone 218 (?) MT, imported from Belize in 1997, 338 MT imported from Honduras in 1997, and 228 MT through July of 1998, 218 MT in 1997 from Panama and 239 MT through July 1998, 119 MT imported from Chinese Taipei in 1997 and an additional 140 MT through July 1998, 192 MT imported from Chile in 1997 and an additional 190 MT through July 1998). There had also been noted Mauritanian flagged vessels landing swordfish in EC ports. Therefore the EC expressed a desire to implement measures against Honduras, Belize, and Panama similar to those taken with regard to bluefin in 1997. The delegate noted that while these data provided sufficient evidence to justify such an action, it was requested other Contracting Parties provide any available additional data on these activities.

7.a.5 The Chair agreed that there was a need to assess the activities of these countries, and expressed that it would be important to distinguish the efforts of Panama to control such activities from the less substantial efforts of Belize and Honduras. The Chair suggested returning to the proposal at a later point.

7.a.6 The delegate of Canada, referred to the proposal introduced earlier by the delegate of the EC about applying trade measures on swordfish for Panama, Belize, and Honduras. He remarked that last year the Commission advised Panama, Belize, and Honduras of this concern, but since that time had received very little information from these countries. This made it difficult to judge what had been happening in these countries. However significant trade in swordfish in 1997 and

1998 had been noted, implying that no effective response to such letters had been taken. This could be considered sufficient evidence for taking further action, and therefore discussion of trade sanctions could be appropriate.

7.a.7 The delegate of the United States expressed general support for the Canadian intervention, but remarked that while the Working Group should be aggressive with the use of trade sanctions it should also be careful. It was also important to ensure that we proceeded in a matter that was consistent and non-discriminatory. However, as the action of last year was not the issuance of letters of identification but rather a letter of warnings, the appropriate action for this year should be to issue letters of identification such that action on trade sanctions could be taken by the Commission if necessary in 1999. One problem is that we do not have a good system within the U.S. to distinguish Atlantic vs Pacific swordfish and transshipments. Others may have such information now, and the U.S. is moving towards establishing a system that will improve the collection of this information in the future.

7.a.8 The delegate of Japan expressed agreement that these countries should be formally identified this year and the issue should be revisited in 1999.

7.a.9 The Chair noted that it appeared clear that the United States and Japan had made persuasive arguments, but postponed further action to allow delegations time to discuss the issue.

7.a.10 The delegate of the EC stated again that he did not share this interpretation, but that if the problem were simply procedural then significant opposition has still not been expressed. The recommendation as drafted was flexible enough that it could be amended to include a period of 3 to 4 months for formal notification, after which ICCAT could then take the appropriate measures.

7.a.11 The delegate of Japan inquired of the EC whether this remark referred to the writing of a letter which would have an automatic trigger. With such a trigger, unless ICCAT heard a positive response in the allotted time from the identified countries, trade measures would be established. It was expressed that such an action would not be consistent with Commission policy, and that during the first and second identification there should be an equivalent period of time, such as the one year given in the case of bluefin. In addition, the measures in question take time for Japan and other relevant importing countries to implement.

7.a.12 The delegate from the United States noted that the view of the United States had not changed from previous sessions, despite being very sympathetic to the need to address the problem. However clearly the inability to agree with the position of the EC was due to procedural problems, and the importance of following the plans that ICCAT has implemented. It was agreed that the problem must be addressed as strongly as possible within the established procedure.

7.a.13 The delegate of the EC acknowledged that it is legitimate to have differing legal interpretations and reiterated that the view of the EC is not the same as that of the United States. It was expressed that the proposal was consistent with what had happened with bluefin tuna, and that there was a precedent for an automatic clause.

7.a.14 The delegate of the EC reminded the group that there had been some discussion of the EC proposal and appeared to be no substantive objections, although three delegations had agreed that not all of the elements necessary to proceed in this matter had been met. The delegate of the EC referred to the observer from the Legal Department of FAO and inquired of his opinion regarding whether the EC proposal complied with the existing action plan for swordfish.

7.a.15 Upon inquiry from the Chair, the delegate from the EC also indicated that informal discussion of this issue with the other interested parties had not produced clear consensus.

7.a.16 The observer from the Department of Legal Services of FAO noted that he did not have the draft of the EC proposal to refer to directly, but recalled answering in the affirmative to the EC.

7.a.17 The delegate of Japan stated that he could not agree with the opinion of the observer from the FAO, and noted that in the view of Japan, if sanctions were to be pursued, the Action Plan states that the countries to be sanctioned should have been formally identified at the 1997 meeting. In the opinion of Japan the letters sent in 1997 did not constitute formal identification.

7.a.18 The delegate of Canada commented that when the issue was first discussed, Canada had expressed sympathy with the EC recommendation as evidence did exist that the parties in question were not fishing in accordance with ICCAT recommendations. However it was necessary for the process of a response to also be consistent with the action plan. In the view of Canada, ICCAT had expressed concern with the fishing practices of the countries referred to in the proposal, however those countries had not yet been formally identified, and the next appropriate step should be to formally identify these countries.

7.a.19 The delegate of the United States noted that with regards to procedure, care should be taken not to repeat any possible mistakes which may have occurred in 1997. The group should ensure that it does not conclude without recommending formal identification of these countries. Without such a recommendation, the discussion in 1999 could be very similar to that which had occurred here.

7.a.20 The delegate of the EC concurred with that opinion and agreed that if a final conclusion was not reached on the EC proposal, the U.S. proposal could be accepted.

7.a.21 Dr. Miyake noted that in Appendix 8 to Annex 8 of the 1997 PWG Report, the PWG notified Barbados, Chile, Costa Rica, and Ecuador that at the 1998 session, trade restrictive measures might be considered. Thus, if the PWG fails to follow up on those notifications with identifications there will be no possibility of taking action next year should it be demonstrated necessary to do so. In addition, in notifying these countries only a single letter would have to be approved.

7.a.22 The delegate of Japan expressed a desire to move forward with the identification process for the countries referred to in the draft EC recommendation, and noted that currently to sanction imports from these countries if they were to be formally identified would be a large burden on Japan. It was also noted that if sanctions were to follow before the 1999 Commission meeting there would have to be an inter-sessional meeting of the PWG.

7.a.23 The Chair concluded that consensus on this issue had not been achieved, and discussions should be suspended as several delegations had expressed firm objections to the proposed text. The Chair took note that there was a need to pursue consultations on this issue, particularly on the draft letters to be sent in accordance with the U.S. proposal.

7.a.24 The Chair again referred to the draft letter to Guinea Bissau (see **Appendix 8 to ANNEX 8**), the text of which was adopted by consensus..

7.a.25 At a later session, the Chair announced that informal discussions regarding the issuance of swordfish trade sanctions against Belize, Honduras, and Panama had resulted in some consensus in the text of a draft letter to these nations, and drew attention to the identification letters to Belize, Honduras and Panama (attached as **Appendix 12 to ANNEX 8**). The Chair noted that consideration of these letters would effectively delay trade restrictive measures until the 1999 meeting, pending a response by these countries to the issues raised in these letters.

7.a.26 The delegate of the EC commented that while the EC was not opposed to the consensus which had been reached, there was some disappointment regarding the failure to arrive at consensus regarding the proposal submitted earlier by the EC (see **Appendix 11**). He remarked that the Legal Advisor present from the FAO had concurred with the views expressed by the EC regarding this proposal as reflected earlier in this report. The delegate of the EC expressed his satisfaction for the adoption of the recommendation on the ban on landings, and assured the PWG that the EC has the will to apply this recommendation. With regard to the problem of flag of convenience vessels fishing swordfish, the delegate suggested that ICCAT consider establishing a certificate of origin for swordfish to assist in addressing this problem. Such a certificate would neither replace nor delay the current Plan of Action for swordfish.

7.a.27 The delegate of Japan expressed support for the concept of a certificate of origin for swordfish, noting that such a program would be appropriate if and when sanctions were to be implemented.

7.a.28 The Chair commented that this idea would be reflected in the report, and remarked that as there appeared to be consensus on the draft letter to Belize, Honduras, and Panama that the PWG would forward the draft letter to the Commission for final adoption (see **Appendix 12 to ANNEX 8**).

7.a.29 The Chair then reiterated the draft letter to Guinea Bissau (see **Appendix 8**) and remarked that as a result of consultations with the interested parties there appeared to be consensus on the issue pending a minor correction.

7.a.30 The delegate of Japan asked for clarification regarding the fact that this letter was not an identification letter. This point was affirmed by the Chair.

7.a.31 The delegate of the EC suggested that future letters could be clarified if in such letters the particular point in the Action Plan to which the letter referred was expressed. In doing so it would be clear to both the drafters and the recipients of the letter as to which paragraph of the Action Plan process the letter was referencing.

7.a.32 The delegate of Canada commented that the suggestion by the EC was constructive and would be valuable both to the Commission as well as to the receiving party.

7.a.33 The delegate of the United States remarked that while he had no objection in principle to the suggestion by the EC, the Action Plan construction was such that only two letters were actually relevant; the first of these being a letter of identification and the second advising that sanctions were to be implemented against that country. Other types of letters were not necessarily reflected in the Action Plan, such as letters of warning or letters requesting information. However, the delegate noted that the United States would be in favor of clarifying the stage of the Action Plan process in future letters.

7.a.34 The Chair acknowledged that the suggestion of the EC was useful and recognized that there appeared to be consensus on the issue. The Chair then noted that there was consensus on the letter to Guinea Bissau and that the PWG would forward the draft letter to the Commission for adoption.

7.b) Transshipment

7.b.1 Dr. Miyake noted that no formal report had been received regarding the 1997 recommendation regarding transshipment had been received and inquired whether any evidence for transshipments existed in national reports. It was also noted that the Secretariat had received inquiries from the Faroe Islands, Norway, and Iceland regarding attempts by flag of convenience vessels to transship to a member country cargo vessel at the ports of those countries. The Secretariat had notified those countries of the ICCAT recommendation on prohibition of transshipments.

7.b.2 The observer of Panama noted that Panama had undertaken efforts to regulate vessels under the Panamanian flag which had conducted fishing on Atlantic swordfish. The observer noted that it might not be just to judge the nations of Belize, Honduras, and Panama in the same manner as there was a great range of efforts by those three parties to meet ICCAT requests and Panama has made great efforts to address the situation.

7.c) Identification of Parties, entities, fishing entities fishing contrary to ICCAT conservation measures

7.c.1 Dr. Miyake noted that there were two countries fishing contrary to ICCAT recommendations which were Contracting Parties and thus not the subject of this Working Group. It was also noted that many vessels formerly flagged by the nations of Panama, Honduras, and Belize have since reflagged to other non-contracting parties/entities/fishing entities (e.g. Singapore, Vanuatu, and the Philippines). A letter had been sent by the Secretary to the Philippines regarding a vessel observed in the Mediterranean fishing contrary to ICCAT regulatory measures, however no response had yet been received.

7.c.2 The Chair stated that this issue had significant overlap between the PWG and the Compliance Committee, due to the fact that the list of Japanese sightings referred to both Contracting and non-contracting parties/entities/fishing entities. The Chair also stressed the need to exercise caution in the drafting of these letters, as there was evidence that some vessels listed in the document were not legally flying the flags of the countries referred to. For example, this was described to be the case with Trinidad and Tobago and Venezuela where evidence had been received that the vessels listed in the document had never been registered in those countries, nor had received fishing licenses from the relevant authorities in those countries.

7.c.3 The delegate of the United States stated that the United States had studied the available information and concluded that several nations not yet formally identified could be candidates for letters of concern, such as the Philippines. In addition, information presented at an earlier session implied that several other non-contracting parties which are not currently in receipt of letters of concern included Singapore, Kenya, Vanuatu, and Sierra Leone. Such letters could serve a useful purpose in the event these governments are not aware of the situation.

7.c.4 Dr. Miyake noted that Document COM/98/25 contains letters to Chinese Taipei and the Philippines regarding vessels cited by Japanese authorities as being in the Mediterranean during the closed season. As regards such sightings, the observer from Chinese Taipei presented a statement relevant to the alleged operation of one of its vessels in the Mediterranean, which is attached as **Appendix 13 to ANNEX 8**.

7.c.5 The observer of CARICOM noted that the intent of the list of vessels provided earlier was for informative purposes only and not for proceedings, and questioned why the United States had chosen only three of the 18 entities referenced in that document to which to write.

7.c.6 The delegate of the United States noted that there were reasons for identifying these nations, as in considering who to write to it was decided not to reference Contracting Parties, nor to write to countries fishing only in the Pacific

Ocean, nor to write to countries which had already received letters of notification and were subsequently under sanction. By applying these criteria, the remaining countries were Singapore, Kenya, Vanuatu, and Sierra Leone.

7.c.7 Dr. Miyake agreed that this classification was proper, however noted that of the countries listed by the United States several had already received past communications, including Sierra Leone. It was recommended that those with expertise in the issue decide together which parties had the potential to be undermining conservation efforts and might therefore be deserving of letters.

7.c.8 The delegate of Japan expressed agreement with the concerns of the United States, however noted that care must be taken when using the term "identification", as letters used for identification for the purpose of implementing action plans for bluefin tuna and swordfish should be considered distinct from those meant only to inform entities of a potential situation.

7.c.9 The Chair confirmed that the described letters would not be "identification" letters and shared that these letters would not contain any reference to the list of vessels document, as it had been provided for information purposes only.

7.c.10 The observer from Chinese Taipei noted that regulations had been issued in order to eliminate the licenses of some vessels of Chinese Taipei as a result of operators of such vessels failing to fully disclose their activities. With regard to the vessel allegedly sighted in the Mediterranean Sea there will be an effort by the Fisheries Authority to refrain the vessel from transferring the ownership of the vessel and further measures will be taken according to relevant municipal laws and regulations. In future cases the desire to take immediate action was expressed, and in addition efforts were ongoing to require vessel monitoring systems on fishing vessels of Chinese Taipei.

8. Repercussions of various international agreements (U.N. Compliance Agreements, FAO Code of Conduct, etc.) relative to PWG work

8.1 The Chair noted without objection that there was no new information regarding these issues and to avoid replication the issue would be discussed later in the Plenary Session.

9. Measures to Improve ICCAT-required fisheries statistics

9.1 The Chair noted that the United States had requested the addition of this issue in the agenda and asked for comments on the item.

9.2 The delegate of the United States commented that some statistics, in particular statistics related to eastern Atlantic and Mediterranean fisheries for bluefin tuna between 1990 and 1996, had been revised by the SCRS for a number of countries. However no subsequent attempts had been made to correct similar statistical information prior to 1990. It would be beneficial to improve such statistical information for all prior time periods rather than only improving the information for quota setting years, and all future catch data should be compiled carefully to avoid duplicating these efforts. It was also noted that only Morocco had submitted revisions for species other than bluefin, and other Contracting Parties should ensure that care is taken to report accurately for all species.

10. Future work and meetings of the Permanent Working Group

10.1 The Chair noted that in 1997 the Commission had considered rewriting the mandates of both the Compliance Committee and the PWG. He commented that there did not currently appear to be a need nor a desire to take such action, and that instead both organs should continue with their work as reflected in their agenda for the 1998 ICCAT meeting.

11. Other matters

11.1 Dr. Powers recalled that in the SCRS Report and overview it had been recommended that the Commission provide exemptions to the distribution of scientific materials regarding BTSD in order to facilitate the transfer of biological materials and ensure that neither customs nor ICCAT mandates are subsequently violated.

12. Adoption of Report

12.1 The Report of the Permanent Working Group was adopted, with the understanding that the changes/modifications presented at the time of adopted would be introduced by the Secretariat, who may also make minor editorial changes, particularly relative to the numbering of the appendices, annexes, etc.

12.2 The Chair commended the PWG for the progress achieved during this session. He also thanked the rapporteur and the Secretariat staff for their work.

13. Adjournment

13.1 The 1998 meeting of the Permanent Working for the Improvement of ICCAT Statistics and Conservation Measures (PWG) was adjourned on November 23, 1998.

Appendix 1 to ANNEX 8

PWG AGENDA

- 1 Opening of the meeting
- 2 Adoption of Agenda and appointment of rapporteur
- 3 Status of implementation of ICCAT Recommendations adopted by the Commission relative to the Bluefin Tuna Statistical Document Program:
 - a Review of biannual reporting of the BTSD
 - b On the validation of BTSDs between ICCAT Contracting Parties that are members of the EU
 - c On BTSDs for the re-export of bluefin tuna
 - d On BTSDs for farmed or raised tuna
 - e Updating of validation signatures and seals (e.g. for new Contracting Parties)
 - f Others (e.g. BTSDs that are not numbered)
- 4 Review of responses to the Commission Chairman's letters concerning compliance
- 5 Review of the applications for Cooperating Party/Entity/Fishing Entity status
- 6 Review of unreported catches estimated and vessel sighting reports concerning fishing activities of non-contracting parties, entities and fishing entities
 - a Bluefin tuna
 - b Swordfish
 - c Other species
- 7 Review of compliance by non-contracting parties, entities or fishing entities
 - a Regarding trade measures on Belize, Honduras, and Panama
 - b Transshipment
 - c Identification of parties, entities, fishing entities fishing contrary to ICCAT conservation measures
- 8 Repercussions of various international agreements (U.N. Compliance Agreements, FAO Code of Conduct, etc.) relative to PWG work
- 9 Measures to improve ICCAT-required fisheries statistic
- 10 Future work and meetings of the Permanent Working Group
- 11 Other matters
- 12 Adoption of Report
- 13 Adjournment

Appendix 2 to ANNEX 8

**STATEMENT BY OBSERVER FROM
THE MARITIME AUTHORITY OF PANAMA TO THE PWG**

Panama is a nation which has coasts on the world's two major oceans. Her maritime territory exceeds her land territory, from which it can be clearly understood that the use of marine and coastal resources are totally natural for our nation and for this reason we value our right to the rational and sustainable exploitation of these resources.

The geographical characteristics of our country are unique, and these characteristics condition the natural possibilities of our cultural, social and economic development. Only our locality made possible the construction of the Panama Canal and the creation of our Financial Centre and our Free Port, the second largest in the world.

Currently, our economic growth has been based on port development, fishery and commercial exchange, economic services being more than 70% of the Gross Domestic Product. As our country is developing, we need to continually revise and adjust the models of economic growth, and thus avoid outmoded models. Our geographical conditions as well as our access to the oceans means that the maritime sector is without doubt one of the most important, and on which we depend totally.

Our Government has established the Maritime Authority of Panama (*Autoridad Marítima de Panamá - AMP*) with the aim of totally unifying this sector, in order that it become dynamic and able to respond immediately as to how to implement international conventions relating to maritime issues. The structural organization of the AMP combines the Directorate of Marine and Coastal Resources (*Dirección de Recursos Marinos y Costeros*) with the Directorate of the Merchant Marine (*Dirección de Marina Mercante*), the Directorate of Seamen (*Dirección de Gente de Mar*) and the Directorate of Ports and Auxiliary Maritime Industries (*Dirección de Puertos e Industrias Marítimas Auxiliares*). In order to ensure that the newly created AMP (February 1998) is free from possible political instability, the first Administrator has a term of office which continues until 31 August 2004. In this way it will achieve the continuity necessary at the consolidation stage of this entity.

The only way in which Panama can face the problem of Atlantic bluefin tuna is by being totally responsible. To show this, we have in the last two years reduced the number of fishing boats on the Panamanian register as these did not respond to the new requirements which authorizes them to fish internationally. The rest will be reduced, as far as we can estimate, by at least 60% more. Furthermore, the ratification of the International Convention for the Conservation of Atlantic Tunas is now with our Legislative Assembly and has been approved at the first reading.

The right to fish has always been defended by Panama and our plans are aimed at processing and trading the products of the sea in our country. The survival of the Atlantic bluefin tuna species is very important to us. Panama wishes to join ICCAT as a Contracting Party, as having the longest register in the world, we consider it our responsibility to cooperate directly and effectively in the implementation of the measures which in general have the objective of responsible and sustainable fisheries.

Panama does not offer any refuge in its flag to those vessels which do not comply with international conventions and has made its commercial interests secondary to sustainable fishing. The Panamanian register grew by four million gross registered tons in the last quarter of this year, in spite (or perhaps because of) the strict new entry controls in force. This year satellite control will become operative for fishing vessels with both national and international licences, as well as an effective system of catch inspection. There is only one path to follow, that of seriousness and responsibility, and Panama is already on that path.

**LETTER TO TRINIDAD & TOBAGO
ENCOURAGING CONTINUED COLLABORATION WITH ICCAT**

Dear :

As customary, the International Commission for the Conservation of Atlantic Tunas (ICCAT) reviewed information concerning the fishing activities of various non-contracting parties, entities, and fishing entities, including Trinidad and Tobago, at its 1998 annual meeting. We commend your country's continued efforts to provide relevant data and information to ICCAT concerning your own vessels and those that fish in and around Trinidad and Tobago. Further, although we were disappointed that representatives of your government did not attend the 1998 ICCAT meeting, we are pleased that Trinidad and Tobago is finalizing efforts to join the Commission, and look forward to your being a Contracting Party at the earliest opportunity.

We would particularly like to emphasize the importance of comprehensive data collection (catch, effort, biological, economic) plays in developing a complete picture of ICCAT fisheries. Given the quantity and varied origins of catches landed in Trinidad and Tobago, we realize the complexity of your situation and appreciate that you are taking your responsibilities as both a flag state and a port state seriously. We did note, however, that the data provided in your 1997 national report were not as complete as those presented in your 1996 report, specifically, there seems to be only a partial listing of transshipment data.

Complete transshipment data reporting are critical for proper accounting and attribution of catch taken in the ICCAT Convention Area. Any additional information you can provide regarding transshipment through your ports would be greatly appreciated.

We also note a potential confusion regarding catch reporting. Although your domestic policies appear to attribute catch to vessels owned and registered in Trinidad and Tobago, ICCAT practice is to attribute catches by flag and not to consider ownership. It would be useful to receive clarification of your reporting policies relative to this question, as well as to understand better the registration policies of Trinidad and Tobago.

Thank you for your attention to these matters, and we look forward to continued close cooperation.

Appendix 4 to ANNEX 8

**LETTER TO CHINESE TAIPEI
REGARDING COOPERATING STATUS**

Dear:

The International Commission for the Conservation of Atlantic Tunas (ICCAT) welcomes your interest in promoting close cooperation in the work of the Commission according to the terms of the 1997 *Resolution by ICCAT on Becoming a Cooperating Party, Entity or Fishing Entity*. It has been decided to consider favorably your request to be granted the status afforded by this resolution. You should note that such status requires fishing in conformity with the conservation, management, and compliance decisions of ICCAT, including the current measures which have been agreed to as well as all future resolutions and recommendations adopted by the Commission. Attached is the complete compilation of the Commission's current management Recommendations and Resolutions which have been adopted by ICCAT and that Chinese Taipei will be expected to follow. Included in these recommendations are several conservation measures which are of particular concern in 1999, namely:

- North Atlantic swordfish: a catch limit of 287 MT, which is a 45% reduction from Chinese Taipei's 1996 catch level;

- South Atlantic swordfish: catch to be counted against the 1169.6 MT allotted to the category "Others" in the "Recommendation by ICCAT Concerning the Establishment of Percentage Shares of Total Allowable Catch (TAC) and 1998-2000 Catch Quotas for South Atlantic Swordfish";
- Atlantic blue marlin and Atlantic white marlin: reduce landings by at least 25 % from 1996 levels by the end of 1999 and promote the voluntary release of blue marlin and white marlin;
- Bluefin tuna: no directed fishery allowed in the west Atlantic and no fishing by longline vessels in the Mediterranean from June 1 through July 31;
- Bigeye tuna: a limit on catches of 16,500 MT.

In addition, you will be expected to provide thorough annual reports of ICCAT-required statistics regarding your fishing and research activities in the Convention Area.

We are pleased with your interest in closer cooperation with the Commission and would appreciate confirmation that you share the understandings expressed in this letter as to your obligation under the status afforded by the 1997 Resolution.

Appendix 5 to ANNEX 8

**LETTER TO MEXICO
REGARDING COOPERATING STATUS**

Dear:

The International Commission for the Conservation of Atlantic Tunas (ICCAT) welcomes your interest in promoting close cooperation in the work of the Commission according to the terms of the 1997 "Resolution by ICCAT on Becoming a Cooperating Party, Entity or Fishing Entity". The Commission has decided to consider favorably your request to be granted the status afforded by this resolution. You should note that such status requires fishing in conformity with the conservation, management, and compliance decisions of ICCAT, including the current measures which have been agreed to as well as all future resolutions and recommendations adopted by the Commission. Attached is the complete compilation of the Commission's current management Recommendations and Resolutions which have been adopted by ICCAT and that Mexico will be expected to follow. Included in these Recommendations are several conservation measures applying to areas where Mexican vessels are fishing at levels that are currently consistent with ICCAT conservation measures.

Please note that you will now also be expected to provide thorough annual reports of ICCAT-required statistics regarding your fishing and research activities in the Convention Area.

We are pleased with your interest in closer cooperation with the Commission and would appreciate confirmation that you share the understandings expressed in this letter as to your obligations under the status afforded by the 1997 Resolution.

Appendix 6 to ANNEX 8

**STATEMENT BY JAPAN TO THE PWG
REGARDING UNREPORTED AND UNREGULATED CATCHES
BY LARGE-SCALE TUNA LONGLINE VESSELS IN THE CONVENTION AREA**

At last year's meeting of this Permanent Working Group, we pointed out the possible transfer of flags of large-scale longline vessels operating but not reporting catches in the Convention Area. The Fisheries Agency of Japan (FAJ) held a series of hearings from Japanese importers and buyers of frozen tuna products and conducted research on the various import data to obtain information on the fishing activities of those longline fleets. As a result, a list of 190 longline vessels was worked out. We would like to present the list to the PWG.

The listed longline vessels are fishing tunas in the Atlantic Ocean including the Mediterranean Sea and the Indian Ocean and exporting most of their catches to Japan. We estimated their main fishing grounds from the ports of transshipment of the catches (see the far right column in the list). Eighty-nine longliners are estimated to be operating in the Convention Area without respecting the ICCAT resource conservation measures.

Further problematic aspect of this issue is slippery behavior of the owners controlling the fishing operations. After the trade restrictive measures were taken against Belize, Honduras and Panama, many of those owners transferred the flags from the three countries to others including not only non-contracting parties but also Contracting Parties of the Commission. As a matter of fact, the Japanese patrol boat sighted a large tuna longline vessel of Philippine flag this year in the Mediterranean Sea; unreported catches of Atlantic bluefin and bigeye tunas have been imported to Japan under the names of products of Equatorial Guinea. The FAJ communicated with Chinese Taipei and their tuna fishing industry through industry channels for several times this year and confirmed such transfer of the flags. Most of those longliners were financed by Taiwanese business entities.

We are not opposed to sound development of the longline fishery by Contracting or non-Contracting Parties in a manner consistent with the ICCAT conservation programs. But unregulated and unreported longline fishing should not be allowed to continue under the names of those Parties having no control over such fishing activities. Those large-scale longline vessels have been enjoying unregulated and irresponsible fishing just by changing flags from one nation to another. Their owners are taking advantage of the easiness in obtaining vessel registration from those Parties so as to avoid the ICCAT conservation measures. They can easily obtain new vessel registration at the foreign offices, for example a consulate general in Singapore or Cape Town outside the knowledge of fishery management authorities of the home governments. Therefore, we need an effective mechanism for notifying the home governments of such vessel registration and urging them to revoke the registration. If those Parties does not provide the Commission with explanation on the registration in question after notified through such mechanism, we must consider an appropriate next step to stop the unregulated longline fishing. The Japanese delegation would like to propose a draft resolution to tackle this issue for consideration of this PWG and the Compliance Committee. In this resolution, we would also like to have some encouragement or endorsement by the Commission for the Japanese effort to collect import data and associated information on this issue.

After consultation with Japan, Chinese Taipei decided to take the necessary measures to deal with this issue. For example, Chinese Taipei started the persuasion process to their industry to call back a part of those tuna longline vessels to Chinese Taipei's registration. Japan is willing to assist their effort to rectify this problematic situation and at the same would like to urge the Commission to extend utmost assistance to those Parties or fishing entities which will cooperate, including Chinese Taipei.

Appendix 7 to ANNEX 8

STATEMENT BY THE OBSERVER FROM CHINESE TAIPEI CONCERNING THE UNREPORTED AND UNREGULATED FISHING VESSELS IN THE CONVENTION AREA

- 1 After listening to the statement made by the Japanese delegation concerning the unreported and unregulated fishing vessels and fishing activities in the Convention Area, we would like to echo the findings and suggestions submitted by the Japanese delegation.
- 2 As a government having long experience in managing a huge distant-water fishing fleet, we do share the same feeling as Japan. Fishing vessels owned by the nationals of one party but registering and operating under the flag of another party do create an unpleasant and sometimes confusing situation, as well as possibly undermine the regional conservation and management efforts of the fisheries resources.
- 3 According to the spirit and letter of the 1982 United Nations Convention on the Law of the Sea, a flag State shall not only enjoy exclusive jurisdiction over the vessels flying its flag but also be responsible for the conduct of these vessels. In so far as the letter of the 1982 UN Convention on the Law of the Sea is strictly construed, the party whose nationals own the vessels which fly another party's flag shall not bear the responsibility for the conduct of these vessels.
- 4 However, we understand that to make sure the effectiveness of the conservation and management measures on the tuna and tuna-like stocks in the Convention Area is a common obligation and duties for all the parties fishing in this

region. With this understanding and within our jurisdictional rights, we have taken the necessary moves in tackling this issue. First of all, moral suasion has been taken and imposed on the owners of these vessels. At the same time, our Government has started to figure out a proper legal framework and administrative mechanism domestically to cope with these vessels, either to have them return to the adequate flag or to impose some sorts of restrictive measures along with trading parties and ICCAT as a whole so as to make their conducts difficult and commercially unviable.

- 5 In these regards, other than the unilateral actions and efforts taken by my Government, we need cooperation from other parties, including both the trading and flag-granting parties, as well as the regional fisheries bodies, such as ICCAT.

Appendix 8 to ANNEX 8

WARNING LETTER TO GUINEA BISSAU CONCERNING BLUEFIN TUNA FISHING

Dear:

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is the multilateral international body charged with coordinating research and management of tuna and tuna-like species in the Atlantic Ocean and adjacent seas.

At its 1998 Annual Meeting, ICCAT reviewed information under the ICCAT "*Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Bluefin Tuna*" in order to identify vessels that may be engaged in fishing activities that diminish the effectiveness of ICCAT bluefin tuna conservation measures. The Bluefin Tuna Action Plan sets forth a process designed to seek the cooperation of parties, entities and fishing entities not members of ICCAT, with the conservation program for Atlantic bluefin tuna. This process provides for, as a last resort, the use of trade restrictive measures against non-members whose vessels diminish the effectiveness of ICCAT conservation and management measures for bluefin tuna. Copies of the Bluefin Action Plan and current bluefin tuna conservation measures are attached.

As part of its conservation and management efforts, ICCAT tracks bluefin trade information via Bluefin Tuna Statistical Documents (BTSDs). A review of this year's BTSDs shows that Guinea Bissau-flagged fishing vessels in the eastern Atlantic exported 66 MT of bluefin tuna to Japan through October, 1998.

The Commission therefore requests Guinea Bissau to advise what actions it will take to provide catch data to ICCAT, and to ensure that your vessels do not catch Atlantic bluefin tuna. At its 1999 annual meeting, the Commission will review such data and information and decide whether or not to take further steps as authorized in the Action Plan.

The Commission wishes to encourage Guinea Bissau to provide information, implement conservation measures, and become a member of or a Cooperating Party, Entity, or Fishing Entity to ICCAT, if your vessels continue to fish for tuna in the ICCAT Convention Area. The Commission is ready to answer any questions or provide further information.

Thank you for your attention to this matter.

Appendix 9 to ANNEX 8

LETTER TO SINGAPORE, VANUATU AND KENYA SEEKING CLARIFICATION OF FISHING PRACTICES

Dear:

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is the multilateral international body charged with coordinating research and management of tuna and tuna-like species in the Atlantic Ocean and its adjacent seas.

At its 1998 Annual Meeting, ICCAT reviewed trade and sighting information in order to identify vessels that may be engaged in fishing activities that diminish the effectiveness of ICCAT conservation measures. ICCAT has developed Action Plans for Atlantic bluefin tuna and Atlantic swordfish that set forth a process designed to seek the cooperation of parties, entities or fishing entities not members of ICCAT with the conservation program for these species.

This process provides for, as a last resort, the use of trade restrictive measures against non-members whose vessels diminish the effectiveness of ICCAT conservation and management measures.

As part of its 1998 annual review, ICCAT was presented with information that the longline vessel(s) [Sheng Fang 6, Shun Kuo and Yu Hsiang, all] [Obance 2] [Hsiang Chang 606] flying the flag of [Singapore] [Vanuatu] [Kenya], appear to be fishing in the Atlantic Ocean for species under ICCAT's purview.

We are concerned by this information, and welcome any clarification you can provide the Commission regarding the status and activities of these vessels. If you intend to pursue highly-migratory fisheries in the Atlantic or Mediterranean, we encourage you to develop policies which follow ICCAT's conservation and management measures.

Thank you for your attention to this matter, and we look forward to your response.

Appendix 10 to ANNEX 8

**FINAL WARNING LETTER TO SIERRA LEONE
REGARDING BLUEFIN AND SWORDFISH FISHING**

Dear:

At its 1998 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) reviewed information in order to identify vessels that may be engaged in fishing activities that diminish the effectiveness of ICCAT conservation measures. ICCAT has developed Action Plans for Atlantic bluefin tuna and Atlantic swordfish that set forth a process designed to seek the cooperation of parties, entities, and fishing entities not members of ICCAT, with the conservation program for these species. This process provides for, as a last resort, the use of trade restrictive measures against non-members whose vessels diminish the effectiveness of ICCAT conservation and management measures. Copies of the Action Plans that elaborate this process are enclosed.

As part of its review of trade and sighting information, ICCAT learned that vessels flying the flag of Sierra Leone appear to be fishing for ICCAT species in 1998 without regard to ICCAT conservation and management measures. We note this is not the first year the Commission has received such information. We are concerned that Sierra Leone has failed to respond to our earlier requests for information and has taken no action to address the concerns of the Commission.

The Commission therefore requests Sierra Leone to advise what actions it will take to provide catch data to ICCAT and to implement the conservation and management measures of the Commission. At its 1999 annual meeting, ICCAT will review the situation and determine how to proceed, including the possibility of implementing the aforementioned Action Plan. For your information, we also enclose a compilation of all current ICCAT conservation and management measures.

We would be pleased to provide further information should you desire it.

Thank you for your prompt attention to this matter.

Appendix 11 to ANNEX 8

**PROPOSAL BY THE EC
REGARDING HONDURAS, BELIZE AND PANAMA
PURSUANT TO THE 1995 SWORDFISH ACTION PLAN RESOLUTION
(not adopted)**

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

NOTING the need for all non-Contracting Parties, entities or fishing entities fishing for swordfish 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 Honduras, Belize and Panama to cooperate with ICCAT conservation and management measures for Atlantic swordfish;

CONSIDERING the sighting of vessels of Honduras, Belize and Panama fishing swordfish in the Atlantic Ocean;

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

RECALLING the Commission's *Action Plan to ensure the effectiveness of the conservation measures for Atlantic Swordfish*, adopted in 1995;

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

CALLING ATTENTION to the 1997 decision by the Commission to send letters to Honduras, Belize and Panama specifying that vessels of those nations had been fishing for Atlantic swordfish in a manner which diminishes the effectiveness of the ICCAT swordfish conservation measures, and recognizing that the decision was based on catch, trade and vessel sightings data;

CAREFULLY REVIEWING information received in response to the Commission's requests to Honduras, Belize, and Panama that they ensure that the Atlantic swordfish fishing activities and catch reporting by their flag vessels are consistent with ICCAT's recommendations;

FINDING that there has been no response from Honduras, that the response from Belize provided no information, and that the responses from Panama show good progress but no indication that fishing by Panamanian flag vessels has been brought into consistency with ICCAT conservation measures;

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:**

- 1 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 Swordfish*, to the effect that the import of Atlantic swordfish and its products in any form from Honduras, Belize and Panama be prohibited from January 1, 2000.
- 2 The Commission again request that Honduras, Belize and Panama 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.

- 3 The Commission continues to encourage Honduras, Belize and Panama to become Contracting Parties or Cooperating Parties and welcomes participation by Honduras, Belize and Panama at all ICCAT meetings.
- 4 The Secretariat send letters to Honduras, Belize and Panama providing copies of this recommendation and copies of all relevant ICCAT conservation measures and actions relating to Atlantic swordfish.
- 5 Contracting Parties again review, in accordance with the *Action Plan to ensure effectiveness of the Conservation Program for Atlantic Swordfish*, information received from Honduras, Belize and Panama as well as catch, trade and sighting information regarding fishing activities of these three countries at the 1999 annual meeting of the Commission to assess whether any change in the actions called for in paragraph A above is warranted.
- 6 Contracting Parties lift the import prohibition on any of the three countries referred to in paragraph (A) above, upon the decision of the Commission and receipt of notification from ICCAT Executive Secretary that fishing practices of that country have been brought into consistency with ICCAT conservation measures for swordfish.

Appendix 12 to ANNEX 8

**IDENTIFICATION LETTERS TO BELIZE, HONDURAS, AND PANAMA
REGARDING NON-COMPLIANCE WITH ICCAT
SWORDFISH CONSERVATION MEASURES**

Dear:

Subsequent to its 1995 meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) announced that it had adopted a "*Resolution Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Swordfish*". The Action Plan sets forth a process to seek the cooperation of non-contracting parties, entities or fishing entities with the Commission's conservation program for Atlantic swordfish. This process requires the Commission to identify non-contracting parties, entities or fishing entities with vessels fishing for Atlantic swordfish in a manner which diminishes the effectiveness of the relevant conservation measures of the Commission, and to request any party, entity or fishing entity so identified to rectify its fishing activities. As a last resort, this process can result in recommendations for Contracting Parties to take non-discriminatory trade restrictive measures, consistent with their international obligations, on Atlantic swordfish products from the non-member countries whose flag vessels continue to fish for Atlantic swordfish in a manner which diminishes the effectiveness of the Commission's conservation measures for this species.

During the 1997 and 1998 annual meetings, the Commission received evidence that fishing vessels with flags of [Belize/Honduras/Panama] have been fishing for Atlantic swordfish in a manner inconsistent with ICCAT recommendations. A letter was sent to you on ___ just after the 1997 Commission meeting indicating the concerns of the Commission. (No response indicating efforts to rectify the situation has been received. Belize/Honduras) (We are encouraged by your response to this letter and by your attendance at the 1998 annual meeting. The evidence of continued fishing by vessels with Panamanian flags continues however. Panama) Consequently, at its 1998 meeting, the Commission identified [Belize/Honduras/Panama] pursuant to paragraphs *c* and *d* of the aforementioned Action Plan as a non-contracting party with vessels fishing for Atlantic swordfish in a manner which diminishes the effectiveness of the ICCAT swordfish conservation program. The Commission is hereby requesting the Government of [Belize/Honduras/Panama] to rectify the fishing activities of its flag vessels so as not to diminish the effectiveness of the ICCAT swordfish conservation program, and to advise the Commission of actions taken in that regard.

During the 1999 annual meeting, ICCAT will review the situation and consider any actions which may have been taken by [Belize/Honduras/Panama] to rectify the fishing activities of its flag vessels, and if it is determined that these activities have not been rectified, the Commission will, in accordance with the Action Plan referred to above, recommend that Contracting Parties take non-discriminatory trade restrictive measures, consistent with their international obligations, on Atlantic swordfish products in any form from [Belize/Honduras/Panama].

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, entities or fishing entities, which have been adopted by the Commission.

The Commission would be pleased to provide any further information or clarification on this issue, which your authorities may require.

Appendix 13 to ANNEX 8

**STATEMENT BY THE OBSERVER FROM CHINESE TAIPEI
TO THE PWG REGARDING THE ALLEGED OPERATION
OF "TE SHENG No. 12" IN THE MEDITERRANEAN**

Mr. Chairman:

ICCAT adopted a resolution concerning a closed season for bluefin tuna fishing in the eastern Atlantic at its 13th Regular Meeting in 1993. In order to have this resolution implemented domestically, our fisheries authority has issued executive regulations, which suspend the licenses of those vessels that violate the said resolutions.

According to the sighting information provided by the Japanese Government, we have identified one vessel with Taiwanese registration, named "*Te Cheng No. 12*" reported by ICCAT that this vessel was allegedly operating in the Mediterranean on 24 June 1998. We learned this case with indignation. If such behavior proved to be true, it obviously violated our regulations as well as the ICCAT resolution. Upon receiving the message from ICCAT, our Fisheries Authority, as a first step, prohibited the alleged vessel from transfer of ownership so as to prevent the vessel owner from further disciplinary penalties. The vessel owner and master might even face criminal penalties later on. Upon receipt of the letter from the Executive Secretary of ICCAT, we have taken immediate action to investigate the case. We will keep ICCAT informed with regard to the latest process of this case. We would like to suggest that in case of such an incident should occur in the future, a prompt notification to our Fisheries Authority will be helpful in identifying the vessel registration and immediate action could be taken.

In order to fulfill the state responsibility to our fishing vessels operating on the high seas, we have encouraged all the ocean-going fishing vessels to install a Vessel Monitoring System (VMS) starting last year.

REPORT OF THE COMPLIANCE COMMITTEE

1. Opening of the meeting

1.1 The Compliance Committee was opened by the Chairman of the Committee, Mr. C. Dominguez (EC-Spain).

2. Adoption of the Agenda

2.1 The Agenda proposed by the Chairman was adopted (Appendix 1 to ANNEX 9).

3. Nomination of Rapporteur

3.1 Dr. F. Gauthiez (EC-France) was nominated and accepted to serve as rapporteur for the Compliance Committee.

4. Status of the compliance of the Contracting Parties as concerns statistics

4.1 The Assistant Executive Secretary reiterated the importance of the statistics to the stock assessment work and for decisions relative to conservation measures. Dr. Miyake, aware that the estimates provided by the scientists are not always complete, nevertheless considered that these are the best available, as they are thoroughly reviewed by the SCRS. He noted that this year the SCRS accepted various data revisions, particularly for 1993 and 1994 data. He said he regretted that the size data are often very incomplete, in particular as concerns the west Atlantic tropical fisheries.

4.2 The Committee also regretted the lack of or delay in transmitting data, and urged the Contracting Parties to comply more rigorously with their obligations in terms of data transmission.

4.3 The observer from Namibia noted that the ICCAT statistics reflect catches made by flag. Namibia's preference is that statistics should reflect jurisdiction instead of flag, but he can accept a double reporting, indicating flag and jurisdiction.

5. National rules for the application of the ICCAT measures and the collection of catch data

5.1 The Delegates of Japan, the European Community, the United States, Brazil, China, and Canada outlined the principal measures described in their respective national reports.

5.2 The delegate of Japan reminded the delegates that Japan has managed its fisheries by fishing year, which runs from August to July, for the purposes of proper quota management. The Japanese delegate also explained that Japan has already conducted a vessel monitoring system in accordance with the recommendation adopted at the 1997 meeting.

6. Current ICCAT Port Inspection Scheme

6.1 The Chairman noted that the 1997 Compliance Committee adopted a revision of the port inspection scheme (attached as Annex 5-10 to the 1997 Commission Proceedings). Since no objections had been presented, it seemed that the revised inspection scheme, was approved by all the Contracting Parties.

6.2 The Delegates of the United States and Canada insisted on the importance of collaboration among Contracting Parties to find collective solutions and to improve the inspection schemes. It is up to the Parties to develop bilateral arrangements relative to the exchange of inspectors.

6.3 The Delegate of the European Community noted that the Community has accepted the new port inspection scheme. He also noted that this new scheme is not yet formally incorporated in its internal rules. In effect, the European Union is currently changing its general monitoring regime. When the reinforced scheme will be adopted by the Council of Ministers of the EU, it will incorporate an *ad hoc* clause to include specific procedures relevant to the new ICCAT port inspection scheme (notably from the point of view of identification of the inspectors and the transmission of inspection reports).

6.4 The Chairman called the Contracting Parties' attention to point 5 of the 1997 Recommendation on the new port inspection scheme, whereby a Contracting Party should inform ICCAT of the sanctions imposed on its vessels.

7. Review of the application and compliance of the ICCAT conservation and management measures

7.1 The Chairman proposed that the Delegates present their general comments before reviewing, in more detail, the application and compliance of the current recommendations, species by species.

7.2 The Delegate of Canada referred to the opening remarks by the President of Galicia who had noted that non-compliance with ICCAT recommendations by non-contracting parties is a serious problem, contributing to a decline in the stocks and representing unfair competition for those who do respect the recommendations. However, he stated that non-compliance by some Contracting Parties is also a serious problem, and noted that it is difficult to expect non-contracting parties to comply if members of ICCAT fail to set a good example. Canada has taken strict measures to comply with its obligations with regard to ICCAT, and he indicated that Canadian fishermen cannot accept that other Contracting Parties are not similarly complying with the recommendations. He expressed particular concern as regards bluefin tuna and swordfish, as it indicates in the SCRS Report that the recommendations, in terms of the volume of catches and minimum size, are not being adhered to. He indicated that Canada is very concerned about the application of the conservation measures on bluefin tuna in the eastern Atlantic and in the Mediterranean, since it has been demonstrated that there is mixing with the western Atlantic stock. He observed that if ICCAT fails to take responsible action to rebuild the bluefin stocks, then other organizations, such as CITES, may intervene more directly in the management of this stock. The Delegate of Canada also expressed concern about the level of the catches of bigeye and yellowfin, which are above estimates of maximum sustainable yield, and include large catches of small fish. The full text of the Canadian statement on compliance is attached as Appendix 2 to ANNEX 9.

7.3 The Delegate of the United States stated that he shared the concern expressed by Canada, indicating that he believed the time has arrived to monitor very closely the application of the recommendations. He pointed out that he was concerned about compliance of the measures on bluefin tuna in the east Atlantic and Mediterranean. From a general point of view, he pointed out that the United States was prepared to explain some excesses in the quotas as well as the measures taken in this regard and he was confident that other countries in the same case could offer the same type of explanation.

7.4 The Delegate from the EC added to that expressed by other delegations in that the Community considers the matter of monitoring to be fundamental, and that it has reinforced its mechanisms in this respect in recent years. The Community considers it essential that the conservation measures be applied and accepted by all the parties, and that the requirements for monitoring be reconciled with some socio-economic aspects.

7.5 The Delegate of Japan indicated his full agreement with the delegations of Canada and the United States. He further added that the matter of the relevance of the recommendations should be discussed. For example, if a recommendation is not implemented by any Contracting Party for reasons of practicality, then we should consider whether or not it should be continued. The Delegate of Japan recalled, however, that Contracting Parties should explain the implementation of the ICCAT recommendations within the framework of the Compliance Committee and, if these are not implemented, the reasons for not doing so should be given.

7.6 The observer from Chinese Taipei spoke of the major measures implemented, which are described in the report presented to the Commission. He pointed out that Chinese Taipei is willing to apply all the recommendations adopted by ICCAT.

7.7 After these statements, the Chairman proposed a detailed review of compliance of the ICCAT recommendations, by groups of species, and in the following order: tropical tunas, swordfish, bluefin tuna, albacore and billfishes.

Tropical tunas

7.8 The Delegate of the EC stated that in his opinion and from a general standpoint, the regulation on minimum size of bigeye tuna and yellowfin is not pertinent, since it is impossible to apply. He pointed out the major reason is that purse seine, like many other gears, is not very size selective. He recalled that the tropical tunas tend to group by size, independently of the species. Therefore, they form concentrations comprised of adult skipjack and juvenile bigeye tuna weighing less than 3.2 kg. Taking into account that skipjack fishing cannot be prohibited, he considered it convenient to study alternative measures. Thus, the issues of application of the measures and alternative measures should be discussed together. He cited as an example the voluntary measure adopted by Community boat owners which prohibits purse seine fishing under floating objects in the Gulf of Guinea from November 1, 1998, to January 31, 1999. He pointed out the excellent results of this voluntary measure and stated that he hoped others would follow this example, with a view towards increasing efficiency and eliminating its discriminatory nature.

7.9 The Delegate of Canada noted that he wanted to discuss the matter of the excess catches of small fish, and that the Contracting Parties involved should provide explanations in this regard. He regretted that SCRS size data on tropical tuna catches are combined, and details by country are unavailable. Dr. Powers, SCRS Chairman, stated that while it was possible to break these catches down, this had to be done very carefully since many substitutions are used in the estimates. The SCRS Chairman pointed out that in effect it was impossible to review compliance with the conservation measures if the data are not broken down by country and he recommended improving the presentation of such data. Dr. Miyake confirmed what Dr. Powers had said, as regards to the data substitutions and added that he feared a possible deterioration in the scientific data if these data are used for monitoring purposes.

7.10 The Delegate of Ghana spoke on the closure of the Gulf of Guinea and the excess catches of juvenile fish in the tropical tuna fisheries. He had pointed out that the FADs (fish aggregating devices) created large concentrations of juveniles, affect migration behavior and the formation of schools, which consequently affects their growth. He was pleased with the measure taken by the EC fleets, especially since these were voluntary and unilateral. However, he doubted the validity of the models applied by the scientists since they did not take discards into account. In addition, in his opinion, the voluntary closure adopted by the Community fleets was insufficient. Its duration should be between one to three years in order to attain definitive, total abolition of FADs in the Atlantic. Besides, he pointed out that the fish landed should first and foremost constitute a source of food for the coastal populations and the small markets should not be deprived of the possibility of selling small fish. He concluded by asking the European Community that it maintain its proposals for responsible fishing. The statement by Ghana on the moratorium in the Gulf of Guinea is attached as **Appendix 3 to ANNEX 9**.

7.11 The Delegate of the EC said proof should be provided on the existence of discards not accounted for by the SCRS. He recalled that the Community had urged the other Contracting Parties to join in the voluntary measure adopted by the Community purse seiners, but he had not received any positive responses. He said that the hypothesis on the influence of FADs on the growth of fish was not appropriate, since it was not supported by any SCRS document. The Delegate of the EC further recalled that the percentage of juveniles in the baitboat catches was very high in the Gulf of Guinea and the gear type makes little difference when you are dealing with the protection of juveniles.

Swordfish

7.12 The Delegate of the EC indicated that the quotas established in the north Atlantic had given way to excesses by Spain and Portugal. These two Member States took appropriate measures when they learned of these excess catches. The Spanish Government has deducted from its 1998 quota the excess of 475,75 MT reported for 1997. This measure resulted in an average catch limit of about 120 MT in August and September, as compared to the approximately 400 MT taken from May to July. However, if these measures are insufficient, the Spanish Government will prohibit fishing before the end of the year. Portugal, which has surpassed its quota by 55.5 MT in 1997, has reduced its quota by the same amount in 1998. The Portuguese Government has also taken measures to halt fishing when the quota is reached.

7.13 The Delegate of Canada pointed out that his country had established a 119 cm minimum size for swordfish with no tolerance for small size fish (according to the option that ICCAT gives to the Contracting Parties to choose between this regulation and another which establishes a minimum size of 125 cm with a 15% tolerance). He indicated that 1.7% of the swordfish landings in Canada were below the 119 cm minimum size. Canada has taken measures so that these infractions are not repeated in 1998, specifically, by monitoring the landings in real time and augmenting observer coverage and enforcement. As an illustration of the rigor of these two measures, an example was cited of charges laid against a fisherman in 1998 for landing a 117 cm swordfish, two centimeters below the minimum size.

7.14 The Delegate of the United States noted that their regulation was similar to that imposed by Canada. There were 366 swordfish landed in 1997 below the 119 cm minimum, or 0.6% of the landings. The Delegate of the United States pointed out that his country was applying measures to avoid these problems (monitoring at sea, in port, observers). He also indicated that the U.S. has proposed area closures in areas where there are large quantities of juveniles. The United States has also taken steps to prohibit the import of swordfish less than 119 cm in order to improve enforcement capabilities.

7.15 The Delegate of Japan stated that in his country a five-year quota is being applied, from 1997 to 2001, with 706.25 MT, 687.5 MT and 668.75 MT for 1997, 1998 and 1999, respectively. The Japanese catch of swordfish in the 1997 fishing season (from August 1, 1997, to July 31, 1998) is estimated at 983 MT, although this figure is provisional. The catch for calendar year 1997 has been 1,437 MT. The excess of the quota in the 1997 fishing season will be deducted from the quotas for the remaining years of the five-year period. The Delegate of Japan said that swordfish are taken as by-catch in the bluefin and bigeye fisheries in the north Atlantic. These increased catches of swordfish in the Atlantic are mainly due to the fact that in these last three years, the bigeye fishing areas for the Japanese longliners was close to the limit between the north Atlantic and the south Atlantic (5°N latitude), especially to the north of this limit. The location of the fishing grounds could change notably from year to year: a movement towards the south of these areas of the fishing grounds would lead to a significant decline in the catches of swordfish in the north Atlantic.

7.16 The Delegate of Brazil recognized that swordfish catches of his country in the south Atlantic in 1997 exceeded the quota assigned to Brazil by 130% for that year. He pointed out that Brazil is a coastal State, which is developing its tuna fishing with a view towards exploiting the resources of its Economic Zone. He regretted that this development is taking place at a time that ICCAT adopted severe restrictive measures. The Delegates of Brazil and Uruguay presented a joint statement and united to criticize the principle of the trade sanctions and pointed out the need to take more into account the situation of the coastal States and that of developing countries when drafting the ICCAT recommendations. The Delegate of Brazil indicated that these elements explained the objection presented by his country to the 1997 Recommendation (Annex 5-8 of the Commission's 1997 Biennial Report). He also considered that the allocation of swordfish quotas in the south Atlantic was not equitable, since it is established exclusively on a historical base and does not take into account the status of the coastal States. He said he would propose the establishment of a working group to review the key issues on the catch quota distribution and nature of the sanctions. The joint statement presented by Brazil and Uruguay in relation to the ICCAT Recommendation on Compliance in the South Atlantic Swordfish Fishery is attached as Appendix 4 to ANNEX 9.

7.17 The Delegate of South Africa recalled that his country had presented an objection to the 1997 Compliance recommendation on south Atlantic swordfish (Annex 5-8 to the 1997 Commission Report). He further noted that South Africa had maintained reduced commercial fishing activity for years, and that after the democratization of the country in 1994, it adopted a law to reform the fishing sector. He indicated that in objecting, South Africa did not intend to go against the ICCAT conservation measures. He believed that equitable measures could be more efficient than punitive sanctions. He reaffirmed South Africa's commitment in favor of good management of the resources, but stated that the current allocation of swordfish catch in the south Atlantic was considered to be inequitable.

7.18 The Delegate of Japan expressed satisfaction for the reaffirmation made by Brazil and South Africa as regards their commitment for good management of the stocks. However, he did not share the opinion that trade sanctions would be discriminatory. He considered that similar rules should prevail in the south as those in effect in the north Atlantic, and that the nature of the sanctions could not be based on the type of trade carried out by a given country. As regards the issue of allocation, he considered that it was a matter not only for Panel 4 but for the Commission as a whole.

7.19 In response to a point made by Brazil, the Delegate of Canada considered that it would be discriminatory if trade sanctions were applied to some countries and not to others. He noted that Canada, like many developing countries, exported virtually all of its catch (mainly to the USA) and was prepared to accept trade sanctions if warranted by non-compliance with ICCAT restrictions.

7.20 The Delegate of the EC explained his agreement with his colleague from Japan as regards the fact that the same measures which assure compliance with the management recommendations should prevail in the south Atlantic and in the North Atlantic. Besides, it did not seem justified to him from the point of view of International Law to distinguish between the status of a coastal State or a fishing State in the allocation of the resources. Finally, he expressed that the trade sanctions constitute a last resort, not automatic, and consistent with GATT. He pointed out that the EC has adopted an action plan with respect to swordfish, since the EC exported swordfish.

7.21 The Delegate of Canada, in observing that the United States, Canada, Spain, Japan and Chinese Taipei had transmitted size data on their swordfish catches, regretted that other Contracting Parties had not provided such

information. He requested explanations regarding the excessive number of Spanish catches below regulatory size. The Delegate of the EC indicated that an increase in recruitment could explain these catches of immature fish. He also indicated that the regulation concerning minimum size was strictly monitored, and sanctions were imposed if necessary. He recalled the recent adoption by the Council of Ministers of the European Union of a package of measures on the monitoring of fisheries, aimed at contributing to an improvement in the monitoring of swordfish and other species under ICCAT mandate, specifically the prior authorization to fish, that all catches be accompanied by the necessary to indicate the origin of all the catches and satellite monitoring. The Delegate of Canada expressed that it was better to consider measures aimed at decreasing fishing mortality on juveniles (closed areas, seasons, and others).

7.22 With respect to Portugal having exceeded its 1997 swordfish quota in the South Atlantic, the Delegate of the EC indicated that it is a very complex matter. The current recommendation does not assign a quota to Portugal. It is noted, therefore, that the penalties for exceeding the quota should not be applied to South Atlantic swordfish for 1997.

7.23 In concluding, the Chairman indicated that the Committee had taken due note of Brazil's intention to propose the establishment of a working group whose mandate it would be to review the criteria on allocation and the nature of the sanctions.

Bluefin tuna

7.24 The United States noted that the 1997 Compliance Recommendation requires each party to explain any excess of the catches of undersized fish above the minimum tolerance level and describe measures taken to address the problem. The Delegate of the United States explained a 1.2% overage above the 8% tolerance of undersized fish by the recreational fishery. Measures were taken whereby the corresponding amount (13 MT) was deducted from the 1998 small fish quota. Besides, a pilot program is on going to tag fish caught by the recreational fishery. In total, 1331 MT of bluefin tuna were landed, which is below the quota of 1340 MT.

7.25 The Delegate of Canada reiterated his concerns on the management of bluefin tuna in the east Atlantic and the Mediterranean, particularly his concern vis a vis the exceeding of the quotas in this area, as well as the excessive catches of under-sized fish. He was particularly interested in hearing the explanations provided by the Contracting Parties concerned. He pointed out that those countries that had over-fished their quotas are required to deduct these excess amounts from their next season's catch level.

7.26 The Delegate of the EC expressed concern that if we penalize those who report their small fish catch, it may discourage honest reporting in the future. He also pointed out the entry into force of a package of monitoring measures: fishing licenses, logbooks, monitoring at sea, on-land and aerial inspections. However, he recognized the continuing problem of the excessive catches of under-sized fish. With the objective to limit such catches, the new system foresees controls at all levels, from catches to sales. The measures foreseen are as follows: First, at present, fishing is prohibited for bluefin tuna weighing less than 1.8 kg, with no tolerance. The European Community proposes that this limit be established at 3.2 kg. Second, the Community foresees a limit of the number of its vessels, which will be carried out by the obligatory presentation of an individual authorization to fish bluefin tuna, by all the Member States of the Community. Thirdly, the monitoring of the origin of the fish after landing will be put into effect whereby fish have to be accompanied by a sales slip. As a result, the catch process will be closely followed and will improve the entire monitoring process. He also noted the ensemble of measures introduced in the Community's new monitoring regime, specifically a continuous localization of Community vessels by satellite, fishing logbooks, prior authorization to transship in Community waters, as well as a reinforcement of controls of the landings, sales and transport. The EC proposal on the 3.2 kg size limit with zero tolerance was supported by the Delegates of Croatia and Turkey.

7.27 The Delegate of Morocco pointed out a decree limits catches of small-sized fish, in accordance with the ICCAT measures. He indicated that in spite of the halt in granting fishing licenses, Morocco is experiencing problems in limiting its catches, due to the artisanal nature of the fisheries and the dispersion of the landing points. Morocco has implemented a framework and development plan for the artisanal fishery and an information campaign directed at the participants in these fisheries, aimed at seeking their cooperation. The Delegate of Morocco emphasized the efforts made in the area of research.

7.28 The observer from Chinese Taipei informed the Committee of the implementation of various measures aimed at application of the recommendations, for example, the strict monitoring of the vessels. He indicated that Chinese Taipei was doing everything possible aimed at the achieving the conservation objectives and had implemented severe measures to comply with the 25% reduction in catches for 1998. The statement by the Observer from Chinese Taipei to the on the

application and compliance of the ICCAT conservation and management measures is attached as **Appendix 5 to ANNEX 9**.

7.29 The Delegate of Japan recognized that his country has exceeded the bluefin tuna catch limit in the eastern Atlantic and Mediterranean by 7 MT in the 1996 fishing season.

7.30 Discussion ensued on problems concerning the interpretation of various recommendations on the conservation of eastern Atlantic and Mediterranean bluefin tuna, and some questions with respect to the consequences of the revision of the data in terms of reference figures. The Chairman put forth the following three questions:

(1) *Starting in which year should sanctions be imposed for having exceeded the catch limit or the quota?* In this respect, the Chairman noted that, by the end of 1998, the Contracting Parties are obliged not only to reduce their catches by 25% from the 1993 or 1994 level (whichever is higher), but also that this was also the catch limit for each of the years (1995, 1996 and 1997). He also recalled that in addition to this provision of a general nature, there was also a specific provision for one Contracting Party.

(2) *Should the revision in catches carried out in 1998 be taken into account in the evaluation of possible quota excesses?*

(3) *How will the new figures affect the future management of bluefin tuna?* However, he recognized that this matter is more directly related to the mandate of Panel 2.

7.31 As regards the first point, the Delegates of the United States, Canada, the EC and Croatia indicated that their interpretation was that the penalties should be applied to those who surpass the quota and catch limits, from 1997 onwards. As there were no other points of view, the Panel agreed to accept this interpretation.

7.32 On the second point, the Delegates of EC, Croatia, Turkey and Morocco recalled that the process of east Atlantic and Mediterranean bluefin tuna data revision of certain Contracting Parties had been subject to close examination by the Joint GFCM/ICCAT Working Group which met in September 1998 in Genoa. He considered that the revisions accepted by the Working Group and validated by the SCRS meant that the figures now available were close to reality as regards catches, which in their eyes was considerable progress. It could, therefore, be logically deduced that the application of ICCAT Recommendations should be examined in the light of this revised data. For his part, the Delegate of Japan considered that there were some risks involved in the revision process, and that the procedure of using the revised data to examine the application of conservation measures could be unfair to those Contracting Parties which had not revised their data and had respected the measures. The Delegate of Croatia drew the attention of the Panel to the fact that Croatia had been in a state of war until recently. The Panel concluded by deciding that revised data should serve as a base to estimate the possible excesses of quotas noted in 1997: for each Contracting Party, the catch ceiling for 1997 is defined as that which does not exceed the catches taken in 1993 or 1994, whichever is higher (revised figures). In the case of the European Community, this rule would apply to each of its Member States. The excess catches thus reported for 1997 are 4,029 MT for the EC and 791 MT for Morocco. After lengthy discussion, the Committee agreed that the excessive catch over the quota for 1997 be based on the sum of the overages of the EC Member States, according to the revised data (as the EC became a member of ICCAT) and that the special quota established for France would not be taken into account in this calculation.

Albacore, billfish

7.33 No Contracting Party wished to comment on these species.

8. Review of the application and compliance of the ICCAT conservation and management measures

8.1 The Delegate of the EC informed the Committee that the European Community had recently adopted a regulation prohibiting the fishing of tunas with drift nets, from 2002 onward.

9. Other matters

9.1 The Delegate of the United States proposed two draft recommendations aimed at facilitating the work of the Compliance Committee. The Delegate of Canada strongly supported these proposals, as they would be of considerable

assistance to the work of the Compliance Committee. The Delegate of EC also considered that these proposals would facilitate the work of the Committee.

9.2 Several technical difficulties were raised in relation to the first proposal. The Delegate of the EC observed that the Community regulation foresaw that the penalties should be applied to the quota of the year following that in which the quota was exceeded. Questions were also raised as to the nature of the data to that should be included in the proposed tables, as a distinction could be made between the official Task I data and the SCRS data. The Delegate of Japan noted that difficulties could arise in the cases where the management period was longer than a year; for example, in the case of south Atlantic swordfish, the quotas had been allocated for a management period of three years. The Delegate of the EC confirmed that it seemed to him that the proposal could not be applied to the south Atlantic. Furthermore, the Delegates of the EC and Japan, without wishing to return to the subject of the right to object, that the fact that certain Contracting Parties have presented an objection to the Recommendation on consecutive penalties applied to quota overages in the south Atlantic swordfish fishery was, by its nature, a way of introducing imbalance. The Chairman noted that the ICCAT Convention foresees the co-existence of different legal regimes for the various Contracting Parties.

9.3 On the second proposal, Dr. Miyake indicated that it would be necessary to work on the content of the proposed tables, including discrepancies which may be introduced between this table and scientific data. The Delegate of the EC expressed his concern over the eventual penalization of Contracting Parties that make an effort to transmit details of the sizes of fish in their catches, these data generally being the result of various conversions and raising. Dr. Miyake shared the concerns expressed. The Delegate of the United States pointed out that the aim of the proposal was not to point a finger at any particular Contracting Party, but to clarify the conditions of data transmission, that apply to all Contracting Parties, without distinction.

9.4 The Committee reviewed the revised drafts of the two U.S. proposals relative to compliance. The Delegate of the EC reiterated his earlier concern that the scientists might have to work under the pressure, if their scientific data have to be used for the compliance, and no country should be penalized by sanction for doing more scientific research. He also suggested that the Commission inquire about the SCRS' opinion on these reporting forms, before the Commission adopts them.

9.5 The U.S. Delegate commented that the forms are to provide a mechanism in future reporting. The Delegate of Canada considered that these resolutions can be adopted and that the SCRS be asked to be responsible for providing good statistics to the Commission. The EC Delegate, agreeing on the adoption, pointed out that the nature of the data which would be reported by such formats might differ from country to country, due to the methodology used and this should be kept in mind in considering the sanctions. The U.S. proposals for a "*Supplemental Recommendation Regarding Compliance in the Bluefin Tuna and Atlantic Swordfish Fisheries*" and the "*Recommendation on Application of Three Compliance Recommendations*" were adopted (attached as Annex 5-13 and Annex 5-14, respectively), with the condition that the tables can be subject to some minor editorial and practical changes.

9.6 The Delegate of Japan noted that the Committee has to reach some decision on the draft letter to certain Contracting Parties relative to compliance, which were submitted at an earlier session. The draft was reviewed and the Committee agreed to send letters to Equatorial Guinea and Guinea (Conakry) on compliance. The letter is attached as Appendix 6 to ANNEX 9.

10. Date and place of the next meeting of the Compliance Committee

10.1 It was agreed that the next meeting of the Compliance Committee should be held at the same time and venue as the next Commission meeting.

11. Adoption of report

11.1 The report was adopted.

12. Adjournment

12.1 The meeting of the Compliance Committee was adjourned.

Appendix 1 to ANNEX 9

AGENDA OF THE COMPLIANCE COMMITTEE

1. Opening of the meeting
2. Adoption of the Agenda
3. Nomination of Rapporteur
4. Status of the compliance of the Contracting Parties as concerns statistics
5. National rules for the application of the ICCAT measures and the collection of catch data
6. Current ICCAT Port Inspection Scheme:
 - Status of acceptance of the Scheme by the Contracting Parties
 - Progress attained in the inspections carried out under this Scheme
7. Review of the application and compliance of the ICCAT conservation and management measures
8. Review of the compliance of the United Nations Resolutions on large-scale pelagic driftnets within the ICCAT Convention area
9. Date and place of the next Compliance Committee meeting
10. Other matters
11. Adoption of the Report
12. Adjournment

Appendix 2 to ANNEX 9

STATEMENT BY CANADA ON COMPLIANCE

Mr. Chairman,

I would like to reinforce the high priority Canada attaches to the work of this committee, as compliance is a prerequisite for effective conservation.

Conservation depends on the compliance of both Contracting and non-Contracting Parties with the various regulatory measures of the Commission. As the President of the Government of Galicia stated yesterday, non-Contracting Parties who do not abide by conservation measures of ICCAT contribute to the decline in stocks and represent unfair competition. Canada supports his observations for the need of non-Contracting Parties to comply but how can we expect others to comply when we, the Contracting Parties, do not set the example. The regulatory measures recommended by the Commission are binding on its Contracting Parties. Membership in ICCAT should not be seen as an opportunity to be free to ignore these measures.

Each member must honor its commitments. This may be difficult, but everyone must be prepared to make sacrifices if we are to have sustainable fisheries.

During the past few years, Canada has repeatedly expressed concern about the lack of compliance by members of the Commission to some of the measures adopted over the years. In particular, Canada has made strong statements to the Compliance Committee during the past two years, emphasizing the high degree of non-compliance by many Contracting Parties and the adverse effect this lack of performance has on the credibility of the Commission.

Once again this year, the SCRS report provides us with examples where some members continue to undermine the effectiveness of the Commission's conservation efforts by not complying with its management measures. These failures to comply with ICCAT restrictions have jeopardized our conservation efforts and called into question the effectiveness of the Commission as a whole. In Canada, we have accepted our responsibilities. We have restricted the number of participants in our fishery. All fish harvested are monitored at dockside by independent observers. Each individual bluefin tuna is tagged. We enforce strict adherence to quotas and size limits. Penalties for violation of our fishing regulations are severe and may include loss of fishing privilege.

In the short term there has doubtless been some economic loss, but adherence to such management measures will, in the long term, provide for a more sustainable and healthy resource. What is unacceptable to Canadian fishermen, however, is that not all Contracting Parties accept the same level of responsibility. Such non-compliance can have a direct negative effect on Canadian fishermen and the sustainability of their fisheries.

While we are concerned about the well being of all species managed by ICCAT, there are two species that Canada is especially concerned with bluefin tuna and swordfish

For bluefin tuna, ICCAT adopted a minimum size of 6.4 kg with a 15% tolerance in 1974. In the east Atlantic and Mediterranean many members have consistently ignored this size limit; in the last decade the small fish percentages have averaged 44% in the east Atlantic and 30% in the Mediterranean. I am, however, pleased to observe that there appears to be a positive effect of recent area closures in the Mediterranean, as evidenced by the 1996 and 1997 small fish percentages being within the 15% tolerance.

In 1994 the Commission adopted a recommendation that countries fishing in these same areas reduce their catches by 25% from the 1993 or 1994 levels (whichever is higher) starting in 1996 and to be completed by the end of 1998. While this measure cannot be fully evaluated until next year, there is no indication at this time to indicate that there has been any effort to achieve a gradual reduction in catches. In fact, the reverse is true. Overall, the 1996 and 1997 catches are 8.4% and 2.9% higher than 1993 levels. Further, taking into account the exceptional catches taken by French fishermen in 1994, supplemental quotas were applied to France for 1996-1998. Unfortunately, French catches in 1996 and 1997 have been about 50% higher than these quotas.

I want to emphasize that Canada's interest in what is done in the eastern Atlantic and Mediterranean fisheries is very direct. Recent evidence from bluefin tuna tagging studies indicate that the location of the boundary between east and west stocks is uncertain. Stock mixing occurs. The SCRS tells us that "the condition of the east Atlantic stock and fishing could adversely effect recovery in the west Atlantic because of mixing between two stocks". It is very important to have adequate management controls both in the stocks we fish, and adjacent stocks. We have a direct economic stake in the effectiveness of application of conservation measures in the east Atlantic. We are concerned and frustrated by the failure to comply in that area.

For swordfish, in the north Atlantic ICCAT adopted a three-year decreasing TAC and quota shares at the 1996 meeting. Although catches have been reduced, they are still 11% higher than the TAC. Some members are still catching more than their quota. Further, in the south Atlantic, several countries have also exceeded catch limits agreed to in 1994. At the 1990 meeting, ICCAT adopted an Atlantic-wide minimum size for swordfish of 125 cm, with a 15% tolerance allowed on the number of fish per boat per trip. There are still some members with excessive catches of undersized swordfish, and some members who provide no size data to evaluate compliance to minimum size regulations.

We are also concerned about the high by-catches of bigeye and yellowfin and note that they too are being fished at or beyond MSY. Further, the catches of small fish --70% for bigeye and 60% for yellowfin-- are unacceptable, and reinforce the perception that ICCAT rules can be ignored with impunity.

Canada would like to remind members of a number of specific recommendations adopted in recent years to assist us in rectifying such instances of non-compliance.

In 1996 we adopted a requirement that any country exceeding its catch limit for a particular species must explain to the Compliance Committee how the over-harvest occurred and the remedial actions taken, or to be taken to prevent further over-harvest. Last year, we adopted a similar recommendation in regards to over-harvest of the specified minimum size tolerances.

Mr. Chairman, Canada expects those members that have not been complying with either catch limits or minimum size limits will fulfill their obligations to report to this Committee on why they are not complying and what domestic measures they have taken, or plan to take, to ensure that such transgressions do not re-occur.

It is not acceptable that fishermen from some Parties be expected to adhere to restrictive management measures when fishermen from other Contracting Parties are not similarly subject to those measures that are applicable to them. Many of the stocks managed by ICCAT are in various levels of distress. While I can appreciate that some members may not want to impose restrictions on their fishermen, because of socio-economic reasons, nevertheless the sustainability of these stocks must take precedence and all members of this Commission must have the will, and the capacity to meet existing obligations.

I would conclude by noting that the actions taken by ICCAT are very much under scrutiny. A recent press release from the World Wildlife Fund has cited the poor record of compliance by ICCAT members, and called for an effective plan to rebuild bluefin tuna. This group has observed that if ICCAT fails to act, other international bodies, such as the Convention on Trade in Endangered Species may have to step in to save these fisheries. I do not support such a measure, but we must be mindful of the need to improve our collective performance.

Thank you.

Appendix 3 to ANNEX 9

**STATEMENT BY GHANA
ON THE "MORATORIUM" IN THE GULF OF GUINEA**

Mr. Chairman,

I thank you for the opportunity to express Ghana's views as far as the area closure or voluntary moratorium is concerned.

Fourteen years ago, there was a lively discussion and arguments in this forum on the topic of the admixture of the juveniles namely, skipjack, bigeye and yellowfin in the fishing grounds. There was also the argument that since the purse seiners and the baitboats fish in the same grounds, and the same species, there is the greater likelihood of the purse seiners scooping up more of the juvenile fish than the baitboats that pick their fish one after another with their hooks.

Mr. Chairman, in the year 1992, the Fish Aggregating Devices - FADS or *PAYOLS* were introduced into the fishery by the industrial purse seine vessels of the North. In 1995 the Ghana delegation called the attention of the Commission to the already devastating effects the FADS had begun to have on the stocks.

The effects of the FADS are fourfold:

- 1 FADS aggregate more juvenile tuna, a fact that has been established through scientific investigation.
- 2 FADS disrupt the migratory pattern of the juvenile tunas, in fact, they attract and retain them.
- 3 FADS distort the natural schooling of the juvenile tuna, and this cannot be disputed.
- 4 FADS affect the normal growth pattern of the juvenile fish; for the juvenile tuna under natural conditions feed as they move along, and this has been prevented, as the FADS attract and keep the fish in one place.

Mr. Chairman, we of the Ghana delegation admire the European Union for being the first to introduce FADS into the fishery of the Atlantic, and presently possessing between 40 to 50 purse seiners, as against five small operative vessels by Ghana.

Assuming that each purse seine vessel carries between 10 to 15 FADS, your arithmetic calculation of the number of FADS in the Atlantic will be as good as mine. Therefore if after a serious soul searching the European vessel Owners, in November, 1997, have decided to bring a practical measure to reduce the capture of the juvenile tuna, their effort should be applauded. We congratulate them for the bold step!

We of the Ghana delegation look upon the agreement that sets up this step as in the spirit of the recommendation on conservation adopted by ICCAT. However, my delegation views with tremendous misgiving the lack of consultation between the promoters of this idea with the Government and the fleet of the coastal states of whose coasts the delimitation of the "BOX" was created; and to the present movement the absence of a formal contact.

Information has been given in this forum, however preliminary, suggesting that results show a reduction of the catch of juvenile tuna. This would naturally be expected when the pressure on the catch of the juvenile tuna has been temporarily removed, by the temporary removal of the FADS. It has been variously observed that tremendous quantities of small tunas are dumped back into the sea when caught by the purse seiners fishing with the aid of FADS.

It must be stated here that in view of the inability of the juvenile fish to execute their full migratory pattern, and therefore unable to return to the fishery as fully "recruited", their inability to form normal schools making searching time for the fish a thing of the past; discard of a disproportionate quantities of the catch, the basis for the use of mathematical models which our scientists have painstakingly developed as tools for the assessment of the population, have now been left in our hands as toys.

Mr. Chairman, we fully support the practical step that is being suggested to attack the problem. We believe that three (3) months is too short a time to expect any meaningful and lasting impact on the shattered tuna stock. In pledging our full cooperation for the programme, we would humbly propose that the money that would be spent to keep "observers" aboard the vessels during the three month moratorium be used as a partial contribution to the cost of a full scientific campaign during the next few years.

Ghana would work, through its Fisheries Research Unit, with others to study and document the fishery with a goal to arrest its decline, but it will not do it in a piece-meal fashion. It will only do it as part of a team of countries which are Contracting Parties of ICCAT over a meaningful period of three (3) years, not three months.

Ghana proposes that during these thirty-six (36) months of fully funded study, which would start on January 1st 1999 so as to give time for staffing and funding to be fully in place that:

- 1 Vessels will continue only to make sets on free-swimming schools of fish and catch and land all of the fish caught. No fish aggregation devices will be utilized in the proscribed "BOX" or elsewhere in the Atlantic. Only in this way are Technicians going to be able to see and tabulate the improvement in catches and sizes of each species caught.
- 2 If the local canneries don't want to buy small fish because of the economics of processing and canning it, let them say so. Nobody needs force them to buy small fish. Is this not better than asking them to make undertakings whereby they forbid themselves from buying the fish? If they do buy it, they will not be branded as "criminals". The choice seems clear to us: if the canneries don't buy it then it will be discarded at sea, as by-catch, not measured or quantified. By being dumped at seas, no one sees it; and no statistical catch data is established for ICCAT scientific use. Which is most useful?
- 3 The local African fish markets which have always depended on this fish for feeding the local population will buy the fish. Why not, it is their entitlement!
- 4 However, the fishing boat crews should not be paid any salary or bonus on catching the small fish, so as it does not become a target catch if there is the choice of larger fish available with a little extra effort.

Ghana therefore asks all members of the Commission and particularly the members for the European Community representing the Spanish and French seiners in the fishery, to support this move towards real responsible fishing.

In conclusion, it must be stated that our interest goes beyond just catching the fish. We have a moral obligation to protect and advance the health of the stocks. This latter obligation should bind us together not divide us.

Annex 4 to ANNEX 9

**JOINT STATEMENT BY BRAZIL AND URUGUAY
IN RELATION TO THE RECOMMENDATION BY ICCAT REGARDING
COMPLIANCE IN THE SOUTH ATLANTIC SWORDFISH FISHERY**

We would like to take this opportunity to reiterate our commitment regarding compliance with ICCAT recommendations, as the effectiveness of any conservation and management measure depends on compliance. In this way, we have considered and introduced in our domestic fishery legislation all the recommendations adopted by the Commission, in order to fulfill our obligations as member countries of ICCAT.

However, in relation to the 1997 *Recommendation by ICCAT Concerning Compliance in the South Atlantic Fishery*, which includes a provision on the application of trade sanctions to countries not complying with the conservation measures approved by ICCAT, we would like to stress the main reasons why the Governments of Brazil and Uruguay, in accordance with the provisions of Article VIII, paragraph 3(c), of the Convention, presented a formal objection to this recommendation.

First of all, we would like to reaffirm our disagreement with the use of trade sanctions as a means of encouraging countries to comply with their obligations under ICCAT. Although recognizing that international conservation and management organizations like ICCAT lack enforcement mechanisms for ensuring compliance with its approved recommendations (thus relying on each country's efforts), it is doubtful if the recourse to trade sanctions is the best approach to provide incentive for full compliance.

We question this for the very sensitive nature of trade restrictive measures which, in some cases, have not proven to be effective and could even be used for protecting markets, thus creating non-tariff barriers which violate rules of

international trade. It is for this reason that the use of trade measures to achieve resource conservation objectives has been the subject of serious debate within the international community.

In the case of the above-mentioned recommendation adopted by ICCAT, the process under which it was approved is questionable, because the proposal for this recommendation was not presented in a clear way and was not extensively discussed. If this had been done, it is quite certain that it would not have been approved because of its discriminatory nature.

One special characteristic of the south Atlantic swordfish fishery is the fact that there are both developed and developing countries exploiting the fishery. While the former countries utilize all of their catches to supply their domestic market, the latter export almost all of their catches to developed countries, which are the main consumers of swordfish products. As a result, only coastal developing countries will be affected by trade sanctions, as they are the only countries exporting swordfish catches. For this reason, we can not accept to be bound by this recommendation.

It is our firm belief that the most effective means to achieve compliance with any conservation and management measures is to have such measures recognized as fair and equitable before their implementation.

Finally, we would like to call attention, as it is related to the credibility of ICCAT as the international organization responsible for the conservation and management of Atlantic tunas, to the need for adherence to the provisions laid down in Article 64 of the United Nations Convention on the Law of the Sea, which are essential for the achievement of conservation and optimum utilization of Atlantic tuna resources. In this regard, a balance needs to be met between the two basic principles contained in this Article: international cooperation and the sovereign rights of coastal states over the fishing resources in their Exclusive Economic Zones. It will only be through the harmonization of these basic elements that a system which encourages cooperation between states for effective implementation of conservation and management measures could be set up. In this regard, we urge ICCAT to work towards adherence to these principles as well as to other relevant provisions of UNCLOS.

Appendix 5 to ANNEX 9

STATEMENT BY THE OBSERVER FROM CHINESE TAIPEI ON THE APPLICATION AND COMPLIANCE OF THE ICCAT CONSERVATION AND MANAGEMENT MEASURES

As a non-contracting party, we have the highest sincerity to respect and observe the conservation and management measures adopted by ICCAT to the fullest extent so to ensure sustainable utilization of the tuna resources in this region.

To comply with the recommendations and resolutions of ICCAT and to have them implemented effectively domestically, my Government has issued from time to time executive orders and regulations. These orders and regulations include, to name a few, a ban on bluefin tuna fishing in the Mediterranean Sea from June 1 to July 31, and regulations concerning catch and size limits according to ICCAT recommendations.

Other than these executive orders and regulations, a project for the development of a vessel monitoring system, incorporating functions of vessel position monitoring as well as catch and fishing effort reporting, through a user-friendly and real-time transmission computer hardware and software was embarked in 1994 by the fisheries authority. The development of this system had completed its experimental phase and more than 60 vessels operating on the high seas already installed this system by now. Last year, my Government began to encourage and subsidize the owners of all ocean-going fishing vessels to install this vessel monitoring system (VMS).

**LETTER TO EQUATORIAL GUINEA AND GUINEA (CONAKRY)
ON COMPLIANCE**

Dear:

At its 1998 annual meeting, the International Commission for the Conservation of Atlantic Tunas reviewed trade information available on Atlantic bluefin tuna and other tuna and tuna-like species. This review indicated imports of Atlantic bluefin and other tunas from Equatorial Guinea/Guinea. It also indicated that a number of large-scale longline vessels are fishing for tunas in the Atlantic under a flag of your country but not reporting catches nor respecting ICCAT conservation measures. In light of the status of the stocks and the ICCAT recommendations containing catch limits for north Atlantic bluefin tuna and other tunas, in particular the fact that [Equatorial Guinea/Guinea] does not have an ICCAT catch quota for Atlantic bluefin tuna, the Commission requests that you take the necessary action to ensure that your flag vessels do not fish for Atlantic bluefin tuna. It is also requested that you investigate your vessel registry and fishing licenses for the longline vessels to rectify the situation. Trade statistics available from Bluefin Statistical Documents show exports in 1997 of 746 metric tons [Equatorial Guinea] 275 metric tons [Guinea] and for January through June, 1998, 88 MT/101 MT. Most of the exports occurred in the second half of the year in 1997. Enclosed for your information are relevant recommendations on Atlantic bluefin tuna conservation measures and the *Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries*, adopted in 1996. This recommendation provides, as a last resort, for trade restrictive measures. Any trade measures would be import restrictions on Atlantic bluefin tuna and would be consistent with each Party's international obligations.

REPORTS OF THE MEETINGS OF PANELS 1 TO 4

REPORT OF THE MEETING OF PANEL 1

1. Opening of the meeting

1.1 The meeting of Panel 1 was opened by the Panel Chairman, Dr. H. da Silva (EC-Portugal).

2. Adoption of the Agenda

2.1 The Agenda was adopted without change and is attached as **Appendix 1 to ANNEX 10**.

3. Appointment of Rapporteur

3.1 Ms. Carmen Paz Martí (EC-Spain) was nominated to serve as Rapporteur for Panel 1.

4. Review of Panel membership

4.1 Panel 1 currently comprises 18 members: Angola, Brazil, Canada, Cape Verde, China, Côte d'Ivoire, European Community, Gabon, Ghana, Japan, Korea, Libya, Morocco, Russia, São Tomé & Príncipe, United Kingdom (Overseas Territories), United States, and Venezuela. All the Panel members were present except Gabon.

4.2 The Delegate of the People's Republic of China applied to become a member of this Panel.

4.3 Observers from Croatia, Iceland, Namibia, Panama, Uruguay, Chinese Taipei and CARICOM were admitted.

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

5.a) *Yellowfin*

5.a.1 Dr. J. Powers (USA), Chairman of the SCRS, informed the Panel that a complete stock assessment had been carried out on yellowfin this year, in which both production and analytic models had been used. In 1997, the catch by all fleets combined was around 130,000 MT, while the catches of the early 1990s had been above 150,000 MT. He pointed out that catches were concentrated in two areas: in the east, the Gulf of Guinea was the most important area, and in the west, the Caribbean Sea was the most important area. The results of both VPA analyses and production models showed the same trend. The VPA analyses showed that recruitment had fluctuated without trend, while the spawning stock biomass fluctuated according to the fishing mortality rate. It declined in the early and mid-1980s, and recovered in 1990, coinciding with an improvement in recruitment, later declining again to levels similar to those of the early 1980s. The production models show the catches are somewhat below MSY levels. However, it is difficult to quantify CPUE in the Gulf of Guinea due to the practice of fishing with FADs. The SCRS recommended the adoption of immediate measures to reduce total effort, or at least freeze effort at current levels. The estimate of sustainable catch for next year is between 135,000 MT and 156,000 MT. It was the opinion of the SCRS that the best option would be 135,000 MT. As regards the regulation on minimum size of 3.2 kg., Dr. Powers indicated that catches were over the tolerance limit. Small yellowfin associate with skipjack, and therefore the fishing of skipjack inevitably led to catches of juvenile yellowfin. He concluded by referring to the voluntary moratorium on fishing on floating objects, confirming that this measure was independent of the minimum size regulation, and indicating that the SCRS had recommended that the advantages and disadvantages of the minimum size regulation be analyzed.

5.b) Skipjack

5.b.1 Dr. Powers informed the Panel that the distribution of this species indicated that it require two separate management regimes, one for the east and one for the west, and that there could be other smaller populations which were not yet defined. He reminded delegates that the most important fishing grounds were found in the Gulf of Guinea. In the east Atlantic, catches are variable, which is characteristic of a species of rapid growth such as skipjack. In 1997, a reduction in catches was registered, partly due to the voluntary closure, even though the application of this measure was not the only explanation. Current catches are in the order of 100,000 MT, but in the early 1990s they were above 150,000 MT. The western fishing grounds are of lesser importance. There is no information on effective fishing effort on skipjack, and carrying capacity is considered as a measure of nominal effort. This effort has increased quite rapidly in recent years, which is confirmed by a reduction in the average size of fish caught. No progress had been made in determining MSY. Once preliminary data analyses have been carried out, it would be appropriate to make an assessment of the skipjack stocks, and an inter-sessional meeting is planned for 1999 for this purpose. The SCRS estimated that the stock was over-exploited in certain areas, and it would be more appropriate to distribute effort over a wider area. Dr. Powers concluded by mentioning that the application of the voluntary closed season had an impact on skipjack in the area where it is in operation.

5.c) Bigeye

5.c.1 The Chairman of the SCRS informed the Panel that the SCRS considered that there was only one stock in the Atlantic, although most catches are concentrated in the Gulf of Guinea. Catch levels peaked in 1994-1995, reaching a level of 115,000 MT. Catch levels have declined in the last two years, partly due to the voluntary time-area closure, although this measure does not fully justify the decrease. MSY is between 70,000 and 90,000 MT. The spawning stock biomass shows a decreasing trend. Fishing mortality rates have increased rapidly, especially since 1991. The percentage of fish harvested below the minimum size of 3.2 kg is now around 60-65%. If there were compliance with the minimum size regulation, yield could be increased by up to 25%. The SCRS recommended that total catches be reduced to the 1992 level of 85,000 MT, accompanied by a reduction in catches of juveniles which would improve yield per recruit, and that effective management measures be adopted.

5.d) Questions from the delegates to the SCRS Chairman

5.d.1 The Delegate of Russia asked about the behaviour and composition of the species in relation to FADs. Dr. Powers answered that it has been shown that objects attract small fish, bigeye and skipjack more than yellowfin. He also indicated that it was difficult to quantify CPUE, and that this would be discussed at the forthcoming inter-sessional meeting, in order to clarify the efficacy attributed to objects. The Delegate of Russia stated his position on the issue, concluding that if FADs were so harmful, it was inevitable that the solution be to regulate their number. The statement by Russia on the agreement of the EC boat owners regarding tropical tunas is attached as **Appendix 2 to ANNEX 10**.

5.d.2 The Delegate of the EC asked about alternative methods of reducing the catches of juveniles, which were easier to apply than minimum size regulations. He also asked about the scientific results of the voluntary moratorium in the Gulf of Guinea with respect to the reduction in juvenile mortality of bigeye and the reduction in the catches of skipjack. He concluded by alluding to possible knowledge about bigeye spawning areas and the measures which could be implemented to protect spawners.

5.d.3 Dr. Powers informed the delegates that the voluntary closure could result in an increase in yield per recruit of about 13%. The reduction in catches resulting from the closure had mainly been reductions in skipjack catches, rather than bigeye or yellowfin catches. Given the multi-species nature of the fishery, and that the minimum size regulations were difficult to apply in practice, a closure was an interesting alternative. He stressed, however, that isolated measures alone were not sufficient, and that they should be incorporated into a strategy to reduce catches. Dr. Powers also explained that the spawning areas were wide-ranging, and studies to define them required time, about 3 or 4 years, as well as considerable scientific effort.

5.d.4 The Delegate of Ghana expressed his concern over the impact of FADs on juveniles and the current fishing practices which do not permit selective fishing in order to avoid catching individuals weighing less than 3.2 kg. He distinguished between the effects of the closure on the catches and its effects on recruitment, and was doubtful about the effects of a closure which permitted the use of FADs during nine months of the year.

5.d.5 The SCRS Chairman stated there was a need to define a fishing strategy which would resolve these problems. He commented that the closure, as a short term strategy, can only have positive effects if it guarantees continuity over the years. As regards the possible alternative of increasing the period of the closure or reducing the number of objects, he pointed out that the use of such methods depended on the fishery on which it was intended they have effect. As regards CPUE associated with FADs, he explained that in conventional fishery assumptions, effort was related to the number of fishing days. However, in the case of FAD fisheries, the strategy was different given that the factor to consider was not the number of fishing days but the frequency of the sets. Dr. Powers clarified that objects accumulated fish over a period of time, and that CPUE could not be calculated from information currently available.

5.d.6 The Delegate of the United States asked about the relationship between MSY of yellowfin and that of bigeye with the excessive small fish catch. The Chairman of the SCRS affirmed that in spite of the uncertainties involved in the estimates, it was certain that a change in the size composition of the catch could have repercussions on the MSY levels. An increase in yield per recruit due to shifts in the catch composition could increase MSY. The Delegate of the United States asked about the effects on the MSY of yellowfin, and Dr. Powers replied that if juvenile catches were eliminated, the MSY would increase by 10%.

5.d.7 The Delegate of the EC requested information on the areas in which skipjack was over-exploited, and whether any area coincided with the area in which the moratorium was in effect. Dr. Powers stated that caution should be used when speaking of overexploitation, as the question involved the issue of stock identification, which would require years of work to clarify.

6. Measures for the conservation of stocks

6.a) Yellowfin

6.a.1 The existing management measures were not reviewed, neither that referring to minimum size nor that relating to the limitation of effort.

6.b) Skipjack

6.b.1 No management measures were considered for this stock.

6.c) Bigeye

6.c.1 The Chairman pointed out the multi-species nature of the fishery.

6.c.2 The Delegate of Japan recalled there were two issues which had been agreed upon at the 1997 meeting in relation to the fishery, one concerning the list of vessels over 80 MT GRT fishing for bigeye tuna and the other on the limit of the number of vessels. He noted his intention to incorporate those concepts in two draft recommendations. One would involve an updating of the recommendation adopted last year concerning the list of vessels, and the objective of the other would be to limit the number of vessels, both longliners and purse seiners. The objective is that Contracting Parties are aware of the list of vessels, so that they can improve monitoring and control activities, and inform the flag states to which those vessels pertain which are not included on the list, and request their cooperation to rectify the situation.

6.c.3 The Delegate of the EC responded to the proposals of the Delegate of Japan and hoped that the draft recommendation would be sufficiently ambitious, and would include all the fleets that catch tropical tunas. He emphasized that it was appropriate to introduce the concept of total capacity, which is the concept closest to that of fishing effort. The EC Delegate, on presenting a draft Recommendation on this issue, praised the moratoria on the use of FADs which the Community has applied voluntarily in the Gulf of Guinea. He pointed out that this was an unprecedented procedure, which was proof of the sense of responsibility of the Community boat owners. He recalled that the SCRS had noted the impact of this measure in the reduction of the catches of juveniles as well as the reduction of the total catches, including adult fish. The SCRS also indicated in its report that it would be efficient to extend this measure on closure to all the fleets that fish under objects. He announced that the EC would submit a draft recommendation on extending the closure to all the fleets. Finally, in regard to the recommendation in the SCRS report to reduce the catch of juveniles and of adults, he hoped that measures would be adopted to reduce longline catches.

6.c.4 The Delegate of Japan, from a point of view of responsibility and in a spirit of cooperation, demonstrated his willingness to exert more control on longline activities. However, taking into account that the catch of juveniles has a greater impact on the stock than that of spawners, he considered that the vessels that fish under FADs should assume greater responsibility for the current situation facing this stock.

6.c.5 The Delegate of the United States announced that as a stock assessment would be conducted at the next meeting of the SCRS, he would submit a draft resolution relative to some plans of action for the rebuilding of the stock. He supported the proposals suggested by the Delegate of Japan but noted vessel limitation alone might not go far enough toward stock conservation. The Delegate of the United States agreed to analyze the effects of a voluntary moratorium on the use of FADs.

6.c.6 The observer from Chinese Taipei expressed his disagreement with establishing a dual limitation on the fishing operations of Chinese Taipei, as a catch limit of 16,500 MT had been set for Chinese Taipei last year. He informed the Panel of the internal actions taken to apply this catch limit and indicated that the application of a catch limit would be more efficient and more effective in terms of administrative control than the limitation on the number of vessels, to which he was opposed. The statement by the Observer from Chinese Taipei concerning the conservation and management of Atlantic bigeye tuna stocks is attached as **Appendix 3 to ANNEX 10**.

6.c.7 The Chairman recapitulated and centered the discussions on the three draft recommendations related to these matters, i.e. two by Japan and one by the EC. He also informed the Panel of other documents to be reviewed, a draft resolution presented by the United States, another draft recommendation by the EC and a statement by Ghana. The statement by Ghana (see **Appendix 3 to ANNEX 9**). The respective delegations were asked by the Chair to present their proposals.

6.c.8 With respect to the draft Recommendation presented by the EC on the moratorium, the Delegate of Japan congratulated the EC for their intention to convert a voluntary measure into an obligatory one, and stated his agreement with the basic idea, but had some doubts in relation to the treatment of on-board observers in the draft of the Recommendation. In this draft, it can be deduced that the qualifications of the observers should be verified by ICCAT which constituted a new process which had not been defined by the Commission. He asked the Delegate of the EC how he proposed to concede on board observer status.

6.c.9 The Chairman confirmed that in effect ICCAT had no instruments to guarantee observer status. The Delegate of the EC asked for clarification from the Secretariat, in response to which Dr. Miyake confirmed that ICCAT had neither instruments nor resources to assume the functions referred to in the draft Recommendation.

6.c.10 The Delegate of the EC clarified that the approach to the question of observers charged with supervising the moratorium was the result of an agreement reached with a Contracting Party.

6.c.11 Dr. Miyake indicated that no consideration had been given to non-contracting parties, entities or fishing entities, and that it may be appropriate to add a paragraph in respect of cooperating parties, entities or fishing entities. This suggestion was accepted by the Delegate of the EC.

6.c.12 The Chairman concluded the debate on the draft Recommendation, inviting Parties to resolve their differences bilaterally.

6.c.13 The Delegate of Ghana expressed his concern that a major fishing power take upon itself, without problems, fishing with FADs during nine months of the year. He insisted that the point in the draft Recommendation in relation to the qualification of observers was an essential point to guarantee the transparency of the application of the said measure. He suggested that ICCAT specify the tasks of the observers. He was surprised that the measure was to include the baitboat fishery, as in Ghana, fishermen catching juveniles were sanctioned by suspending their salary. He considered that the measure should be confined to purse seiners.

6.c.14 The Observer from Mexico made a statement on the question of FADs, which were of concern to the countries of the east Pacific. He questioned the effectiveness of a moratorium of only three months duration. He explained the strategy agreed upon in IATTC to reduce fishing with FADs, based on fixing the number of objects per boat, and the prohibition of the use of auxiliary vessels. He informed the Commission of the existence of a structured observer program, which ICCAT did not have. On the other hand, he noted that the agreed multilateral measures were not complied with by the Contracting Parties. He predicted that if FADs were not eliminated, the fisheries would soon face serious problems. This statement by the observer from Mexico on fish aggregating devices (FADs) is attached as **Appendix 4 to ANNEX 10**.

6.c.15 The Chairman informed the Delegate of Mexico that the SCRS had demonstrated, based on preliminary results, that the moratorium led to a reduction in fishing mortality.

6.c.16 The Delegate of the EC asked the Delegate of Mexico to review the results of the SCRS, and reminded him that the issue under debate related to Atlantic fisheries, not those of the Pacific.

6.c.17 The Chairman asked the Delegate of the EC to present a second draft Recommendation, which dealt with the establishment of a limit of fleet capacity, applicable to all tropical tuna fisheries.

6.c.18 The Delegate of the EC presented the proposal, indicating that it had a wider scope than the Recommendation adopted in 1997 which referred only to the creation of a list of vessels fishing bigeye. The new proposal referred to all those vessels which vary their effort on all tropical tuna species, making the scope wider. Furthermore, a new element which was not in the existing Recommendation, that of capacity, had been introduced as a means of limiting effort, being a concept closer to effort than that of the number of vessels.

6.c.19 The Delegate of the United Kingdom (Overseas Territories) asked for clarification on the exclusion of the application of the proposal to those vessels which catch less than 500 MT annually. It was not specified whether those 500 MT referred to the catches of each species or whether it referred to the total catch. The Delegate of Ghana pointed out that in the Gulf of Guinea, catches of bigeye are less than 10%, and that the Parties to which the said limitation was to be applied must be defined.

6.c.20 The Delegate of the EC clarified that the 500 MT referred to the total catch, and recalled that last year it had been fixed at 200 MT for bigeye.

6.c.21 The Delegate of the People's Republic of China stated that the priority should be compliance with last year's Recommendation, calling on Parties to submit their data. He felt that the level of 500 MT was too low, and informed the Commission that China had six boats fishing for bigeye, and proposed that the level be fixed at 1000 MT.

6.c.22 The Chairman requested that this issue be clarified in the text.

6.c.23 The Delegate of Brazil considered that the introduction of fishing capacity could raise problems and prevent coastal states from developing their high seas fishery in the future, and was therefore unacceptable. He also enquired why the years 1991 and 1992 were chosen. He cited international agreements in force on this issue, i.e. the FAO Code of Conduct for Responsible Fishing, in which the rights of coastal states to develop their fleets was clearly recognized, and that this concept had been accepted by IATTC. He also mentioned the Consultations on Fishing Capacity recently concluded in Rome, in which the principles of fishing capacity management at international level had been laid down. He proposed the creation of a Working Group to address the relative issues relating to fishing capacity, allocation shares, and monitoring systems.

6.c.24 The Chairman agreed with the clarification of these issues in the context of a Working Group. Regarding the reference to the years 1991 and 1992, he stated that this period was the same as that chosen last year, in order to be compatible with MSY.

6.c.25 The Delegate of Canada highlighted the possibility of unifying the three proposals which dealt with this matter. He recalled that in 1997 it was agreed that the list of vessels would be drawn up as a first step towards controlling effort. He felt that the definition of the very low level of vessel exclusion be analyzed.

6.c.26 The Delegate of the United States supported the Recommendation proposed by the EC, considering that limiting the number of boats constituted a first step, and it was better to start with one species at a time.

6.c.27 The Delegate of Japan shared the views expressed by the Delegate of the United States that bigeye should be the main focus, as this species was subject to overexploitation. He presented a draft Recommendation on the measures to be applied to fishing vessels of more than 24 meters Length Overall (LOA) with the aim of controlling effort given the considerable increase in catches since 1992. He justified the use of this parameter rather than that of vessel tonnage, as it could be better applied to both longliners and purse seiners.

6.c.28 The Delegate of the EC highlighted the incongruence in using the two different units to select vessels, given that the two recommendations applied to different groups of vessels. He also requested that the text of the proposal include a paragraph in which it was indicated that in 1999, extensive measures would be adopted with regard to fleets which catch other tropical tuna species.

6.c.29 The Delegate of Brazil rejected the basic tenet of the proposal, considering that this was contrary to the internationally recognized rights of coastal states, to develop their fisheries. The Delegate of Japan clarified that the proposal was not intended to arrest the efforts of coastal states to develop their small scale fishing fleets, but was aimed at ending the problems created by the fleets currently operating.

6.c.30 The Delegate of the People's Republic of China commented that the development of the fleets of coastal states should be associated with conservation measures, to which the Delegate of Brazil agreed.

6.c.31 The Delegate of Venezuela agreed with the views expressed by Brazil and asked that the text of the Recommendation on conservation measures, as a matter of principle, expressly recognize the rights of coastal states to develop their fleets, respecting the conservation measure.

6.c.32 The Chairman invited the Delegate of the United States to introduce his draft Resolution for the development of rebuilding plans for Atlantic bigeye tuna. The Delegate explained that this Resolution aimed at responding to the recommendation of the SCRS that efficient management measures be taken on bigeye fisheries, given that biomass was below MSY levels.

6.c.33 The Delegate of the EC questioned the appropriateness of this type of action at a moment when, on the one hand the Bigeye Year Program (BETYP) was about to be initiated, and on the other hand measures were going to be adopted to control the fishery. Neither did he accept the adoption of complementary actions with reference to FADs, given that a Recommendation on this issue was to be adopted. The Delegate of Japan did not understand the need for this type of complementary action either.

6.c.34 The Chairman encouraged the delegations to seek formulas for consensus bilaterally. At the next session, there was some discussion on the texts proposed for approval.

6.c.35 On the Recommendation on the moratorium on fishing under FADs, the Delegate of Ghana, supported by the Delegate of the EC, asked for financial support to be able to assume the cost of observers. The Delegate of France (St. Pierre & Miquelon) asked the Chairman of the SCRS to clarify whether all vessels involved were included in the Recommendation aimed at protecting juveniles. On the basis of the report, certain fisheries had a larger impact than the purse seiners on juveniles. The Delegate of the EC stated that in a spirit of compromise, Ghanaian baitboats which caught juveniles had been excluded from compliance with the Recommendation. Both the Delegate of the United States and the Delegate of Canada expressed their full support for the closure, given its potential positive effect on the protection of juveniles.

6.c.36 The Delegate of Russia recalled his statement on the prohibition of fishing with FADs, and explained the difficulties in putting this moratorium into effect immediately. The Chairman pointed out that the Recommendation would not come into effect immediately, but on 1 November 1999, during which period the Russian fishery would have time to adapt to the Recommendation. The Delegate of Russia accepted the clarification of the Chairman.

6.c.37 It was agreed, in order to approve the Recommendation by ICCAT concerning Registration and Exchange of Information of Bigeye Tuna Fishing Vessels, at the request of the United States, that recreational fishing vessels be excluded, and that the scope of the Recommendation be reduced to include only commercial fishing vessels. The Delegate of Japan stated that the compromise solution on this specific issue should not be interpreted to mean that recreational fishing vessels should be excluded, in general, from conservation measures. The Delegate of the United States presented a statement justifying his position which is attached as **Appendix 5 to ANNEX 10**.

6.c.38 Regarding the recommendation on the conservation measures for bigeye tuna, a compromise was reached on the position of Brazil, who questioned the appropriateness of undertaking in 1999 to extend the recommendation to species such as yellowfin and skipjack, as according to the SCRS report these stocks were not subject to the same problems, and the position of the EC, who considered that, given the multi-species nature of the fisheries, the measures which were now being adopted for bigeye, should also be adopted next year for yellowfin and skipjack.

6.c.39 Once the discussions had been concluded, Panel 1, by unanimity, forwarded the following Recommendations for adoption by the Commission:

- a) *Recommendation by ICCAT Concerning the Establishment of a Closed Area/Season for the Use of Fish Aggregating Devices (FADs)* (attached as **Annex 5-1** to the Commission Proceedings).
- b) *Recommendation by ICCAT Concerning Registration and Exchange of Information of Bigeye Tuna Fishing Vessels*, (attached as **Annex 5-2** to the Commission Proceedings).
- c) *Recommendation by ICCAT on the Bigeye Tuna Conservation Measures for Fishing Vessels Larger Than 24 meters Length Overall (LOA)*, (attached as **Annex 5-3** to the Commission Proceedings).
- d) *Resolution by ICCAT for the Development of Rebuilding Plans for Atlantic Bigeye Tuna*, (attached as **Annex 5-16** to the Commission Proceedings).

7. Research

7.1 Dr. Powers informed the Commission of the objectives of the Bigeye Year Program (BETYP) to improve knowledge on the basic biology, stock structure, migrations and dynamics of this species in general, with the aim of evaluating the risks of overfishing on recruitment which currently threatens the conservation of this stock in the long term. For this reason, an intensive tagging campaign should be undertaken on bigeye, in order to study growth, stock structure and size, and fish size in all the main fishing areas.

8. Date and place of next meeting

8.1 It was agreed that the next meeting of Panel 1 would be held at the same time and place as the next Commission meeting.

9. Other matters

9.1 The Executive Secretary referred to the question of financing for the Bigeye Year Program (BETYP), insisting on the need to find ways of funding this program, in order to make it feasible.

9.2 The Delegate of the EC affirmed the commitment of the European Community to contribute the funds necessary for the co-financing of the program, through a substantial contribution. This contribution would be made on the condition that other Parties would make a financial contribution.

9.3 The Delegate of Japan felt that although it would be more appropriate to discuss this issue in STACFAD, he informed the Commission that, as a Party involved in the fishery, Japan was going to contribute to the Program. Japanese contributions are not conditioned on other parties making a financial contribution. They consist of two types. The first, or direct monetary contribution of about US\$276,000 for the Japanese 1999 Fiscal Year, is now being negotiated with the Finance Ministry. At this time, the Delegate of Japan could not confirm that these negotiations would be successful. The second, or "in kind" contribution, is more promising and Japan would send a recently constructed research vessel in 1999 or 2000 to participate actively in the implementation of this Program. This contribution "in kind" would, in monetary terms, be equivalent to several million dollars. Scientists from other parties would be welcome on-board the vessel for cooperative research activities.

9.4 The Observer from Chinese Taipei stated that, as one of the parties entities or fishing entities interested in this fishery, Chinese Taipei also felt obliged to contribute to the Program, but that this contribution would be limited to about US \$10,000.

10. Adoption of Report

10.1 The Report of Panel 1 was adopted at the time of the meeting, except for the last session, which was adopted later by correspondence.

11. Adjournment

11.1 The 1998 Meeting of Panel 1 was adjourned.

REPORT OF THE MEETING OF PANEL 2

1. Opening

1.1 The meeting was opened by the chairman of Panel 2, Mr. John Barnes (United Kingdom-Overseas Territories).

2. Adoption of Agenda

2.1 The Agenda was adopted without any modification and is attached as **Appendix 1 to ANNEX 10**.

3. Appointment of Rapporteur

3.1 The Delegate of Japan nominated Dr. N. Miyabe (Japan) to serve as Rapporteur of this Panel.

4. Review of Panel membership

4.1 Panel 2 is currently comprised of the following members: Canada, China, Croatia, European Community, France (St. Pierre & Miquelon), Japan, Korea, Libya, Morocco, Russia, Sao Tomé & Príncipe, United Kingdom-Overseas Territories, United States, and Venezuela. All the members attended the Panel meeting. Observers from Angola, Ghana, and Guinea also attended this Panel meeting. Other observers attending the Panel meeting from non-contracting parties, entities or fishing entities were Chinese Taipei, the Faroe Islands, Iceland, Mexico Namibia, Norway, Turkey, Panama, and CARICOM.

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

5.a) Bluefin (North)

5.a.1 Dr. Joseph Powers, the Chairman of the SCRS, presented a brief report on the stock status of bluefin tuna.

5.a.2 The SCRS Chairman stated that mixing does occur between the east and west stocks perhaps due to migration, feeding behavior or reproduction, but that the available data do not give a measure of the extent of this mixing.

5.a.3 The results of an assessment based on the model assuming a separate stock on each side of the Atlantic would be reasonably robust (insensitive) if adequate management approaches are applied to both sides.

5.a.4 The current catch was high (41,000 MT) for the eastern Atlantic stock (East Atlantic and Mediterranean Sea) while it was low (between 2000 to 2700 MT) due to regulations in place for the west Atlantic stock. The largest catch for the east Atlantic stock was recorded in 1996.

- West Atlantic stock

5.a.5 A number of analyses were conducted this year reflecting the different views of the weighting scheme of CPUE, natural mortality rates and stock-recruitment relationship. In order to review the productivity of the stock, data which date back to the 1950s were used in addition to data starting in 1970.

5.a.6 The overall stock trends obtained this year were similar to those of the previous assessment. The adult stock size declined since the early 1970s with leveling-off during the 1990s, and is currently between 14 and 17% of the 1975 level. Recruitment continued to decline from the high level during the early 1970s, thereafter indicating some stability in more recent years. Fishing mortality rates (F) for adult fish showed a generally increasing trend with a sudden drop in 1982, reflecting the introduction of management measures. The trend in more recent years is uncertain since variability around the estimates is larger.

5.a.7 The stock-recruitment relationship is important when examining the long-term outlook of the stock. Two different competing relationships were hypothesized due to the lack of fit in the observed stock-recruitment relationship, i.e. Beverton-Holt (BH) and 2-line models. The 2-line model predicts future recruitment similar to the past level except that of the early 1970s, and does not go beyond that level, whereas the BH model gives higher recruitment at a higher stock level. These two models give a different view of long-term productivity, since MSY, which is the target of ICCAT,

as estimated by these models, indicated quite different outcomes (about 7,000 MT and 2,800 MT for the BH and 2-line models, respectively).

5.a.8 Constant annual catch scenarios between 0 and 3,000 MT were considered. Under the BH model, the adult stock is sustainable at 2,000 MT of catch but starts declining with 2,500 MT. The 2-line model, on the other hand, indicated a slight increase of the adult stock with a catch of 2,500 MT. Both models indicated that the adult stock size will not show any measurable change in the short-term if the future catch remains at the level of the recent past.

5.a.9 The SCRS Chairman stressed that the condition of the east Atlantic stock and fishery could adversely affect recovery in the west Atlantic stock because of mixing between the two stocks.

- East Atlantic stock

5.a.10 Compared to the west Atlantic stock, there is an order of magnitude difference in the total catch for the east Atlantic stock, which is currently at about 41,000 MT. Significant catch revisions for the period 1991-1995 were made between the previous and this year's assessment. The SCRS Chairman further stressed that, in contrast to the west Atlantic stock, the availability of indices of abundance, which can be used for calibration, is rather limited.

5.a.11 The assessment indicates a strong decline of the spawning stock since 1993. This corresponds to an increase in fishing mortality rates. On the other hand, estimated recruitment was higher in recent years than in the 1970s and showed no clear trend, but some variability.

5.a.12 Future stock projection posed some difficulty due to the loss of possible stock-recruitment relationships. Another difficulty is the prediction of the future level of recruitment under the low spawning stock size which was not observed in the past. Therefore, the projection did not go beyond more than 10 years.

5.a.13 Projections were made under catch scenarios of 43,000 MT, 33,000 MT and 25,000 MT (as recommended in 1996). It was indicated that the current catch level is not sustainable and the adult stock will not decrease further only in the case of 25,000 MT. Given the large increase in catches and the decline of the stock in recent years, a 35% reduction of catch from the 1993 to 1994 average catch level would be necessary to prevent further decline of adult stock.

5.a.14 The Committee is also concerned about the high catches of small-sized fish and recommends that every effort be made to reduce these catches.

5.a.15 The SCRS Chairman noted that the condition of the east Atlantic stock and fishery could adversely affect recovery in the west Atlantic stock because of mixing between the two stocks.

- Questions raised by Panel members

5.a.16 The Delegate of the EC questioned (1) the effect of the possible shift in dates of the closure of purse seine fishing in the Mediterranean Sea; and (2) the level of uncertainty associated with the assessment.

5.a.17 The Chairman of the SCRS answered that he could not address the first question directly but any action that curtails the fishing mortality could contribute to the rebuilding of the stock. He also stated that it is clear that there is considerable uncertainty associated with the assessment results. The current status of the stock, particularly in terms of the absolute level, is unknown, reflecting the shortage of available information, such as index of abundance and catch-at-size data. Essentially, the current conclusion on stock projection was drawn mostly from the context of yield-per-recruit analysis.

5.a.18 After thanking Dr. Powers for his excellent work at the SCRS, the Delegate of Japan requested some explanation of the west Atlantic bluefin assessment. First of all, he questioned the reason why the SCRS presented all the results of future projection under several different assumptions. He also asked why the SCRS did not continue to use only the 2-line model for the stock-recruitment relationship that was the only assumption used in the 1994 and 1996 assessments.

5.a.19 The Chairman of the SCRS clarified that the other stock-recruitment relationship was used in the age-structured production model in the previous assessment, and there was no clear-cut preference for this relationship by the scientists this year. He further noted that the application of the Beverton-Holt model stemmed from the desire to estimate longer-term productivity of this stock.

5.a.20 Another clarification requested by the Japanese Delegate was with regard to the weighting of the index of abundance in the calibration. He referred to three different methods (input weighting, iterative re-weighting and equal weighting) and asked for a brief explanation of them. The Delegate of Japan also raised a question on the applicability

and suitability of an index of abundance obtained from very small areas, such as the Canadian index, (the so-called Hell Hole fishery) located in the northern fringe area of the geographic distribution of this species. He further noted that, since the area is small, there could be much less variability, and if so, this series could get higher weighting than other indices.

5.a.21 The Chairman of the SCRS explained that input-weighting incorporates the variability inherent to each index, namely, it gives higher weight for those indices which have smaller variability; that iterative re-weighting is to give more weight to indices which coincide with the trend of stock implied in the catch-at-age data; and that equal weighting is to weight all indices equally. He admitted that there was considerable discussion at the SCRS on what the best weighting scheme might be, but there was no clear-cut conclusion. Regarding the Canadian index, he understood that a large proportion of the catch comes from a relatively small area but which represented substantial catch, and he believed that index could be usable.

5.a.22 The Delegate of Japan stated that, regarding future projection, if all cases were looked at, even 3,000 MT of catch could be sustainable when the 2-line model and iterative re-weighting was used, and similarly 2,500 MT could be as well when the 2-line model and equal weighting were specified. He stressed that, under these circumstances, the SCRS did not indicate the most plausible model and one could also use other information obtained from the fishery. For example, the fact that about 2,500 MT of catch continued for about 15 years and the fishing season from most of the existing fisheries became shorter and shorter might indicate that the stock is still abundant. He asked whether or not it is totally wrong to have a quota between 2,500 and 3,000 MT.

5.a.23 Dr. Powers replied that relatively strong year-classes at ages 6 to 7 are being recruited to the spawning stock and will last for a few years. Because of this, he advised that the monitoring quota could be set at any level between 0 and 3,000 MT depending on the time frame the Commission sets out for a recovery plan.

5.a.24 Regarding the east Atlantic stock, the Delegate of Japan asked Dr. Powers whether the Japanese longliners' CPUEs were mainly used for the stock assessment.

5.a.25 Dr. Powers replied that the Japanese CPUEs were important for the stock assessment because of their long-term, wide-coverage and by-age-class data set.

5.a.26 The Delegate of Japan asked Dr. Powers if he knew about an anecdotal rumor of fish being stolen from the longline gear, including from Japanese longline. He further inquired whether or not it was one of the causes of the decline of the Japanese longline CPUE.

5.a.27 The Chairman of the SCRS said that this is apparently happening but the degree cannot yet be quantified.

5.a.28 The Delegate of Canada complemented Dr. Powers for providing useful information. Regarding the point the Delegate of Japan raised on the Canadian index, he explained that the index included information from a broad area of southwestern Nova Scotia including the Hell Hole and the Bay of Fundy. He indicated that the trend is similar to that of the harpoon fishery in the Gulf of Maine in the USA, therefore it was not considered to exhibit only local abundance.

5.a.29 The Delegate of Canada noted the differences between the results of this year's assessment and the previous assessment such as the wide range of estimated MSY as well as the assumptions on future recruitment. Given that in recent assessments the 1975 levels were used as a proxy for MSY, he requested further elaboration on the recovery scenarios in relation to the 1975 target level in spawning stock size.

5.a.30 The Chairman of the SCRS responded that the recovery scenarios, whose aim is to return to MSY or its surrogate (1975) level within 20 years, really depend on future recruitment. If the target is the 1975 level, the future catch should be reduced to around 1,500 MT under the BH model and should be reduced to around 1,000 MT under the 2-line model.

5.b) *Albacore (North)*

5.b.1 The Chairman of the SCRS gave a brief summary of the stock status of north Atlantic albacore as shown below.

5.b.2 This species is generally distributed through almost all areas of the north Atlantic but the most significant catches are made on the eastern side of the ocean. During the 1960s and 1970s, the longline fishery accounted for a large proportion of the catch. In more recent years, the major catches are taken by the surface fishery, such as baitboat and troll. The total catch declined gradually since the 1970s, due to a decrease in fishing effort.

5.b.3 This year, a complete assessment was conducted with the application of two VPA models that utilize CPUE and catch by age. Generally speaking, the results from the two models were comparable. Recruitment indicated some fluctuation but without any trend. The population of older age-classes declined quite a bit, this in turn caused an increase in fishing mortality rates for those age-classes. An increase of fishing mortality rates for younger ages (2 to 4 years old) was also observed.

5.b.4 The results of yield-per-recruit analysis showed that the current fishing mortality rate was between $F_{0.1}$ and F_{max} , suggesting the stock was not growth-over-fished. Conversely, if the situation was looked at in the context of MSY, a considerable amount of uncertainty was observed. The current catch was 27,000 MT while the estimated MSY range was 30,000-33,000 MT. The current fishing mortality rate was 39% higher than F_{MSY} but remained uncertain.

5.b.5 The stock was considered to be fully exploited but the possibility of over-exploitation should not be dismissed. Therefore, the SCRS recommended not to increase fishing mortality above its current level.

6. Measures for the conservation of stocks

6.a) Bluefin (North)

- west Atlantic stock

6.a.1 The Delegate of Japan expressed his wish to increase the monitoring quota to close to 3,000 MT. He felt that this is scientifically justifiable from what was written in the SCRS report and what other fishery information indicated. He stressed the importance of paying back fishermen in the west Atlantic who had contributed very much to the collection of fishery data for scientific study and who had strictly abided by the management measures put forward.

6.a.2 The Delegate of Canada made a statement on bluefin tuna, which is attached as **Appendix 6 to ANNEX 10**.

6.a.3 The Delegate of the United States began his statement by commending Dr. Powers for his work with the SCRS. He expressed pleasure with the increased participation of scientists in the stock assessment process, including preparing advice on long-term recovery plans. He pointed out that there is increased evidence of east-west movements of bluefin tuna, although it is still premature to determine precisely the effect of the east Atlantic fishery on the west Atlantic stock, and vice versa.

6.a.4 The Delegate of the UK (Overseas Territories) expressed that the current quota should not be increased.

6.a.5 The Delegate of France (St. Pierre & Miquelon) requested the Commission to allocate a modest quota to this French overseas territory, as a coastal state and a Party to the Convention, France expressed its willingness to join the stock conservation process.

6.a.6 The Observer from Mexico expressed his willingness to take part in the negotiation of a monitoring quota for the west Atlantic stock, since Mexico is a coastal nation and a cooperating party. He stressed that his country has a longline fishery in the Gulf of Mexico and catches bluefin and reports its catches to ICCAT regularly. The statement by the observer from Mexico requesting a quota on bluefin tuna is attached as **Appendix 8 to ANNEX 10**.

6.a.7 The Assistant Executive Secretary asked the Observer from Mexico for clarification on the bluefin catch, referring to the recorded catch in the SCRS Report.

6.a.8 The Observer from Mexico responded that the level of reporting was variable depending on the period, since bluefin tuna had not been clearly separated from other species before 1991. More accurate data have been collected in recent years through the observer program and the coverage of this program was increased in later years. The catch varied from 2 - 4 MT to over 40 MT, which might include exports to Japan.

6.a.9 The Delegate of Canada asked the Assistant Executive Secretary if ICCAT received any data, such as species composition and landing data, from Mexico. The Assistant Executive Secretary replied that the reported catch was 4 MT in 1994 and 2 MT in 1997.

6.a.10 The Observer from Mexico further explained that there was confusion of species separation in the longline catch and bluefin could have been reported as "tuna" before 1991. As the yellowfin catch has increased in recent years, bluefin catches might have gone up accordingly.

6.a.11 The Delegate of Canada emphasized the importance of obtaining accurate information on bluefin taken incidentally in the Mexican longline fishery.

6.a.12 The Observer from Iceland presented a statement on the catch limitation and quota allocation of bluefin tuna, which is attached as **Appendix 8 to ANNEX 10**.

6.a.13 The Delegate of France (St. Pierre & Miquelon) reiterated his request for a quota allocation of 4 MT, which is the amount allocated to the United Kingdom (in respect of its overseas territories). He explained that the people of St. Pierre & Miquelon are a coastal community, and rely heavily on fisheries. This community is not currently authorized by France to fish for bluefin in its EEZ as they have no ICCAT quota allocation.

6.a.14 The Delegates of the UK (Overseas Territories) and the EC supported the position of the Delegate of France.

6.a.15 At a later session, the Delegate of the United States presented a new draft recommendation on management of west Atlantic bluefin. He explained the new provisions of this proposal, such as a TAC around 2,500 MT, a 20-year rebuilding plan, etc in his written statement. The U.S. statement on rebuilding plans for west Atlantic bluefin tuna is attached as **Appendix 9 to ANNEX 10**.

6.a.16 The Delegate of Canada supported this proposal noting that this is an important step in achieving the objective, such as a flexible rebuilding plan in 20 years, dealing with discards, avoidance of catching small fish, etc.

6.a.17 The "*Recommendation to Establish a Rebuilding Program for Western Atlantic Bluefin Tuna*" was unanimously approved by the Panel members and forwarded to the Commission, after a minor change in operative paragraph 7 was made by the Delegate of the United States (see **Annex 5-7**).

6.a.18 The Delegate of the United States commented that the provision in the recommendation specifying that "measures should be instituted to deny economic gain to fishermen from..." fish weighing less than 30 kg had been intended by ICCAT to preclude the sale of such fish only and that this interpretation was and would continue to be the U.S. view of the provision. The Delegate of Canada confirmed the recollection of the U.S. Delegate concerning the intent of the provision.

6.a.19 The Delegate of Mexico expressed his serious concern that there was no mention of the requested quota allocation for Mexico in the approved recommendation. He asked the Chairman what kind of treatment can be granted to Mexico, while he advocated his country's legitimate interest in bluefin fishery.

6.a.20 The Chairman expected Mexico's continued compliance with the ICCAT management measures, and suggested a possibility to receive some consideration in a Working Group that the ICCAT is going to establish. Its mandate is to discuss allocation criteria which takes into consideration the various natures of the Parties, such as new entrants to the fishery, contracting or non-contracting parties, entities/fishing entities, developing and/or coastal countries.

6.a.21 The Delegate of Mexico requested confirmation that his statement made earlier, in which his country formally requested an allocation of bluefin quota, is going to be included in the Report of Panel 2. The Chairman advised that that was the case.

- East Atlantic stock

6.a.22 The Delegate of the People's Republic of China stated that he carefully reviewed the recommendations put forward by the SCRS. He stressed that his country could go along with a 35% reduction, but since his country was a newcomer to ICCAT, catch was only recorded in 1995, amounting to 120 MT. Therefore, he proposed an exemption for countries whose catch was less than 200 MT.

6.a.23 The Delegate of United States expressed his concern over the high level of catch in 1997, noting that many countries exceeded their specified catch limit (A fishery cap based on the higher of 1993 or 1994 catch levels), as well as the high catches of fish below minimum size. Emphasizing the interdependent nature of eastern and western Atlantic bluefin tuna, he stated that a system similar to that used in the west Atlantic, i.e., country-specific quotas and a fixed TAC, might be necessary in order to improve the management of the east Atlantic stock. He also strongly stressed that any new management measure should include reductions consistent with the 1996 ICCAT Compliance Recommendation.

6.a.24 The Delegate of Canada emphasized, in relation to the west Atlantic stock, the need to reduce catch and to adhere more strictly to the management measures of the east Atlantic stock. He reiterated the conclusion of the stock assessment conducted for the east Atlantic stock, and further explained that this conclusion could be optimistic since future recruitment used in the analysis may not be as high as assumed. Careful consideration might be required of the catches made around the boundary area in view of the possible interactions between the east and west Atlantic.

6.a.25 The Delegate of the EC requested clarification as to whether or not the existing recommendation made in 1975 for east Atlantic and Mediterranean Sea is applicable to two areas. He also expressed that, in order to accept any measure, it should be sufficiently reasonable and practical, otherwise compliance becomes very difficult.

6.a.26 The Chairman of Panel 2 confirmed that the 1975 recommendation is applicable to both areas.

6.a.27 The Delegate of United States presented a statement concerning the rebuilding plans for east Atlantic bluefin tuna, which is attached as **Appendix 10 to ANNEX 10**.

6.a.28 The Delegate of Canada shared the frustration expressed by the United States and highlighted the priority that Canada placed on adopting a rebuilding strategy. He further noted that in Canada's opening statement to the Compliance Committee, Canada emphasized that compliance is a prerequisite for conservation stressing that all Parties must honor their commitments to comply with the measures that we collectively develop and adopt, to guide our management. He also

emphasized that differential compliance, where some Parties honor their obligations and others do not, is not only unfair, but has a direct and adverse impact on the fishermen who have made sacrifices for conservation. This is especially true for bluefin tuna, where the boundaries between stocks are imprecise and stock mixing occurs. Stock rebuilding in the west Atlantic depends not only upon prudent management in the west Atlantic fisheries. It also depends upon responsible management and adherence to ICCAT measures in the eastern Atlantic and Mediterranean. Catches in the east Atlantic are at historically high levels; we know these current catches are not sustainable. The SCRS advises that a catch of 25,000 MT is required to halt the decline of SSB in the medium-term but this only gives us a sustainable fishery, not a rebuilt one. It is Canada's expectation that the catches in the east Atlantic and Mediterranean in 1998 will comply with the recommendation to reduce catches by 25% from 1994 levels. Canada expects that catches in 1999 and 2000 will be consistent with the scientific advice. The objective must be to have catches not exceed 25,000 MT in 2000, along with effective measures to control the harvest of small fish.

6.a.29 The Delegate of the EC stated that sustainable stock conservation should be always defended, and for that purpose multilateral action could be the best way to achieve it. He hoped that the ICCAT would guarantee both the conservation of stocks and the legitimate interest of fishermen. He believed that fundamental socio-economic factors should be taken into consideration as well as the levels of uncertainty that were shown in the SCRS Report. A TAC of 33,000 MT in 1999 could be a good balance. The management measures for the conservation of stock must be practical, and as a responsible manager, ICCAT must take the necessary steps in order to maintain fishing communities. He hoped other members would cooperate in seeking equitable and realistic solutions. The EC statement on bluefin tuna is attached as Appendix 11 to ANNEX 10.

6.a.30 The Delegate of Croatia stated that it was essential to reduce the bluefin catch, but it would not be easy to do so for many countries particularly this year, and hence he supported the EC's basic idea. He also indicated that administrators in his country have put forth their best efforts under very difficult circumstances. He acknowledged the compliance with conservation measures by countries participating in fisheries for the west Atlantic, and felt that some measures to stop catch increases in the east Atlantic and Mediterranean Sea were necessary. However, there seemed to be considerable uncertainties both in the catch and in the results of the assessment. These uncertainties have already caused misunderstanding and management failure. It is completely justifiable to reduce catches based on the revised and approved statistical data because they are absolutely correct. There are more than 1000 islands along the Croatian coast which have been depopulated over the last 30 years because of the disappearance of bluefin in those regions.

6.a.31 The Delegate of the United States commented on two points with regard to intervention made by the Delegate of the EC. He fully endorsed use of the multilateral approach in resolving the issue, and he further noted that the multilateral approach was used in 1994 when ICCAT agreed to place a 25,000 MT cap on the eastern Atlantic bluefin tuna fishery, beginning in 1995. He noted that 25,000 MT was considered sustainable at that time, and he pointed out that the 1994 agreement had not been adhered to, although the United States had fully expected that it would be. Finally, he noted that a catch of 33,000 MT would not be sustainable according to the results of the recent meeting of the SCRS.

6.a.32 Referring to the SCRS Report, the Delegate of Canada similarly responded to what the Delegate of the EC had expressed. He elaborated that a catch of 33,000 MT or more is not sustainable and will reduce spawning biomass further. With a catch of 25,000 MT, the stock will be sustainable but will not recover to the 1997 level until the year 2008 or later. He stressed the necessity to work together for west and east Atlantic fishermen and to comply with what was agreed in 1995 in order to avoid the sort of serious decline which had taken place in some other stocks in Canada.

6.a.33 The Delegate of Morocco stated that the establishment of a TAC comes from the results of the assessment which, as indicated in the SCRS Report, contained large uncertainty. Therefore, the management of the east Atlantic stock should be reconsidered taking socio-economic factors into consideration, since the fishermen have to rely on those catches for their subsistence. He also emphasized that the time frame required for catch reduction should be three years or more so as to give a better chance of application.

6.a.34 The Delegate of Tunisia expressed that his country has just joined ICCAT in order to participate in ICCAT's efforts for the conservation of the stocks, and that Tunisian fishermen had agreed to comply with ICCAT recommendations. Tremendous financial sacrifice would be required for the implementation of new measures. He suggested a need to find reasonable and practicable solutions.

6.a.35 The Delegate of the EC reaffirmed the previous statement that the best possible way could be to consider not only the scientific advice but also socio-economic factors.

6.a.36 The Observer from Turkey joined and fully supported what the Delegate of the EC had expressed.

6.a.37 The Delegate of China also supported the views expressed by the Delegate of the EC.

6.a.38 The Delegate of Japan stated that these issues were also discussed in the Compliance Committee, where future management and recovery of stock should be inter-linked. He admitted a need to consider a well-balanced approach, as the importance of both conservation of stock and consideration of socio-economic factors were repeatedly expressed. He re-emphasized what he had said before about the unfairness of benefitting at the expense of others who strictly abided by the conservation measures.

6.a.39 The Chairman advised members that this Panel should focus on the management of the stocks.

6.a.40 The Delegate of Morocco presented a statement concerning historical rights, which is attached as **Appendix 12 to ANNEX 10**.

6.a.41 The Delegate of the EC proposed a draft Recommendation on changing the dates of the closed season for the purse seine fishery in the Mediterranean Sea. He stated that although a considerable decline in juvenile fish was observed, the aggregation of juveniles was subjected to large variation. For the sake of flexibility, and as the slight change of this measure would not affect its effectiveness, it was proposed to move the closed season forward by 15 days (16 July – 15 August).

6.a.42 The Delegate of Croatia requested that, in relation to the EC proposal, his proposal be considered by the Panel at the same time. He proposed changing the closed season of purse seine fleets in the Adriatic Sea to May instead of August. A prohibition of transfer of the fleets to other area was also included. He stressed that this proposal was more appropriate and effective for the protection of juvenile fish judging from the data which was presented at the SCRS meetings in 1997 and 1998.

6.a.43 The Delegate of the EC expressed sympathy with the proposal made by the Delegate of Croatia.

6.a.44 The Observer from Turkey also supported these two proposals, introducing his country's regulation on the purse seine fishery which complies with the ICCAT measures.

6.a.45 The Delegate of Japan stated that he recalled the discussions which took place in 1997 on this matter. He raised two points regarding these two competing proposals: the availability of scientific information on which the proposal can be based, and the effects on enforcement caused by the different closed seasons. He felt that the proposal made by the Delegate of Croatia did appear to take care of these points. He further asked for advice from the SCRS Chairman on these points, and stated that he reserved his comments until later in the session.

6.a.46 The Chairman of the SCRS responded that he understood that the original time/area closure Recommendation was motivated by the Commission, and that the SCRS could not determine the distinction of 15 days difference. He also pointed out that although it may imply some potential improvement, it would be very difficult to get sufficient data, as the former SCRS Chairman had stated on an earlier occasion.

6.a.47 The EC Delegate circulated another proposal on a bluefin minimum size regulation in the eastern Atlantic and Mediterranean Sea. He explained that this was drafted in order to improve the situation and comply perfectly with the previous measure on minimum size.

6.a.48 The Delegates of Croatia and Canada strongly supported and endorsed this proposal.

6.a.49 The Delegate of the United States also expressed his support and suggested that additional changes might be required to the existing recommendation concerning age 0 bluefin.

6.a.50 The Delegate of the EC stated that the new EC regulation regarding the minimum size was formulated and this information would be distributed to everyone.

6.a.51 The Panel 2 approved the "*Recommendation by ICCAT Amending the 'Recommendation on Bluefin Catch Limits in the Eastern Atlantic Ocean and Mediterranean Sea' and the 'Recommendation on Supplemental Management Measures Concerning Age 0 Bluefin Tuna'*" and forwarded it to the Commission for final adoption (see **Annex 5-4**).

6.a.52 The Delegate of Croatia proposed a new joint recommendation which combined the previously presented proposals made by Croatia and the EC. This proposed a change in the dates of the closed season for the purse seine fishery in the Mediterranean Sea and a prohibition of the shift of fishing effort during the closed season.

6.a.53 The Delegate of the EC expressed full support for the joint Recommendation, with a minor change in the wording.

6.a.54 This proposal was approved by Panel 2 as the "*Recommendation by ICCAT Concerning the Changes of Closed Season for the Purse Seine Fishery Fishing for Bluefin Tuna in the Mediterranean Sea*", and forwarded to the Commission for adoption (see **Annex 5-6**).

6.a.55 The Chairman of Panel 2 reconvened the Panel meeting in a joint meeting with the Compliance Committee, having indicated that there were certain issues related to the conservation and management measures that were inextricably linked with compliance issues. The Chairman of the Compliance Committee then introduced a proposed recommendation that would address the conservation and management of bluefin tuna in the eastern Atlantic and Mediterranean.

6.a.56 The Delegate of the EC put forth a new recommendation [Doc 76] on the limitation of bluefin catches in the east Atlantic and Mediterranean Sea. He explained that exhaustive efforts on determining quota shares were made by all parties that participated in the negotiation in order to take into account the balance of stock conservation and economic interests by fishermen. The process of setting quota shares took the following process.

- (1) The TAC in 1999 was set at 32,000 MT.
- (2) A specific quota is allocated to Croatia since that country went through a war during the early 1990s, the years from which the catch data were taken for the calculation of quota.
- (3) The percentages for all other Contracting Parties and non-contracting parties, entities and fishing entities are calculated using the un-revised catches given by the SCRS before 1998, which are the figures prior to the major revision of catch, and are multiplied to the rest of the TAC to get each quota in 1999. It should be emphasized that there was no discrimination in determining quota shares among all Parties, except Croatia.
- (4) The TAC in the year 2000 was set at 29,500 MT and each Party's share was kept fixed.

6.a.57 The EC Delegate further stated that the level of TAC is quite compatible with the scientific advice.

6.a.58 The Delegate of Morocco expressed surprise that the recommendation under discussion did not take account the figures revised by the SCRS in 1998 and that the problem of historical rights of vessels fishing in the EEZ's of third Parties has not yet been resolved. This last point is explained in detail in the statement presented by Morocco concerning historical rights (see **Appendix 12 to ANNEX 10**). The Delegate of Morocco also pointed out that the rules of international trade as regards the origin of the fish cannot be the base of allocation of historical rights.

6.a.59 The Delegate of the United States indicated his support for the proposal, noting that it eliminated ambiguity by establishing member-specific quotas, incorporated reductions relative to the provisions of the 1996 Compliance Recommendation, and moved the eastern Atlantic fishery toward the 25,000 MT goal of sustainability identified by the SCRS. The Delegate cautioned that the recommendation should not be interpreted to mean that the year 2000 quota levels were exempted from the terms of the 1996 Compliance Recommendation, however. The Delegate of the United States then requested clarification with regard to the actual amounts by which the 1999 quotas would be reduced. The Chairman noted that the EC would absorb a reduction exceeding 4,000 MT and that the total reduction for the eastern Atlantic and Mediterranean would be approximately 5,000 MT.

6.a.60 The Delegate of Morocco introduced a joint statement by Morocco, Libya and Turkey concerning quota allocation, which is attached as **Appendix 13 to ANNEX 10**. He noted that these three countries give great importance to the full implementation of the ICCAT regulatory measures and agree with the introduction of TAC on this stock. The statement proposes, since the bluefin fishing season general starts in the month of May, that an inter-sessional meeting be held in early 1999 in order to consider allocation criteria, leaving the quota shares in the paragraph 3 of the recommendation open, and deleting paragraph 6.

6.a.61 The Delegate of the EC questioned the reason why the EC proposal could not be accepted by the Moroccan Delegate.

6.a.62 The Delegate of Morocco replied that he could not accept the quota shares proposed since the delegations involved in the aforementioned statement (Turkey, Libya and Morocco) were not informed of the criteria for the sharing of TAC when the individual TACs were developed, and he could not understand why different figures were used in the calculation of quota shares and the penalties for quota overage. He noted that there was no justification to use the unrevised figures since his country put forth great effort on the improvement of statistics.

6.a.63 The Delegate of the EC repeated that the agreement was reached through cooperation by almost all the Parties concerned and was in conformity with ICCAT rules.

6.a.64 In supporting this proposal, the Delegate of Croatia expressed his appreciation for the special consideration given to his country. However, even for his country, this is a very painful compromise which requires a 40 % reduction in the catch. He added that an agreement must be reached now because the fishing season will start soon in Croatia.

6.a.65 The Delegate of Libya fully supported the views expressed by Morocco. He pointed out that Libya was not a member of the ICCAT in 1994 and insisted on the necessity to hold an inter-sessional meeting on quota shares.

6.a.66 The Delegate of Japan stated that meaningful discussion was made both in terms of compliance and future allocation scheme and that the mechanism developed here is fair and equitable for the majority of the participants. Japan can go along with this proposal for these reasons.

6.a.67 The Delegate of China stated that a 500 MT quota was requested for China. However, his country can go along with the proposed figure under this extremely difficult situation.

6.a.68 The Observer from Turkey noted his support for the joint proposal made with Morocco and Libya and Turkey. While he agreed to set quotas, the relative shares should be considered further among all concerned parties.

6.a.69 The observer from Chinese Taipei pointed out as a major player among non-contracting parties, that a difficulty exists in how quotas can be shared and enforced under the proposal which gives only the total amount of quota for all non-contracting parties, entities/fishing entities.

6.a.70 The Delegate of the EC explained that Algeria, Chinese Taipei, Cyprus, Malta and Turkey are included as non-contracting parties, entities/fishing entities.

6.a.71 The Observer from Chinese Taipei expressed his wish to go back to individual quota sharing for non-contracting parties, entities/fishing entities, which was once discussed in the previous version of the proposal. However, the Chairman replied that ICCAT cannot set a quota for non-contracting parties, entities/fishing entities.

6.a.72 The Delegate of Morocco proposed a compromise which adds a footnote in paragraph 3 that states "Quota allocations for the year 2000 will be reviewed in 1999 in light of the results of the Working Group on Allocation Criteria".

6.a.73 The Delegation of the EC stated that he was not against this proposal, but he did not want to take a preemptive position in line with a footnote, and stressed the difficulty to change shares since once the discussion was opened up again it would be very difficult to come to an agreement by consensus. He suggested a modification of this footnote relative to the formulation of a Working Group on Allocation raised at the Commission Plenary Session.

6.a.74 After further discussion, it was decided to add the following footnote: "Quota allocations for the year 2000 may be reviewed in 1999 in light of agreements deriving from discussions of the Working Group on Allocation Criteria that will meet in 1999" (see Annex 5-5).

6.a.75 The Delegate of Morocco reiterated that the criteria for quota allocation should include not only the historical catch but also other various aspects. The Chairman interrupted that what is to be discussed in the Working Group is beyond the scope of this Panel and should be addressed in the right place, i.e., at the Commission Plenary since the establishment of the Working Group is handled at the Plenary.

6.a.76 The Delegate of Canada supported the Chairman's suggestion and stated that the proposal made by the Chairman seems sensible in avoiding the undue prejudice on the outcome of the Working Group on Allocation Criteria.

6.a.77 The Chairman suspended the discussion and suggested that the approval and adoption of this recommendation should be deferred to the Plenary.

6.b) Albacore (North)

6.b.1 The Delegate of the EC stated that the recommendation from the SCRS, i.e. that of not increasing fishing mortality rates, had been repeated for some years, and hence reduction of fishing capacity might be necessary. He submitted a draft recommendation on this matter that would limit the fishing capacity harvesting north Atlantic albacore.

6.b.2 The Delegate of Canada expressed his general acceptance but noted that Canada does not have a major fishery for this stock. He also stated that the proposal might be improved by the incorporation of an upper limit of catch in addition to limiting of fishing capacity, and that in this way the proposal becomes more consistent with other ICCAT measures.

6.b.3 The Delegate of the United States also supported the concept of the EC proposal, but solicited the possibility of having an exemption for parties catching small quantities.

6.b.4 The EC Delegate introduced a modified draft Recommendation. The major change was in the first operative paragraph where "recent years" was specified as "1993 to 1995". This corresponds to the period in which the SCRS started to express the need for the current management recommendation.

6.b.5 The Delegate of Japan expressed his general view on this recommendation. He did not see any urgency since this is the first year this has been put forth as a concrete proposal. He pointed out some imbalance in the text that, while parties which have a directed fishery are asked to limit fishing effort, parties who do not have a directed fishery are asked to impose more severe restrictions, namely, a strict cap on their catch. He felt that the relevant paragraphs should be modified to remove this inconsistency.

6.b.6 The Delegate of Canada stated that this proposal introduced a new element for the Contracting Parties and could not be accepted with the wording presented. In order to reduce the burden for those parties that have small catches, some amendment to the text would be necessary.

6.b.7 The Delegate of the EC reiterated the management recommendation made by the SCRS, and justified his proposal by referring to the Recommendations on the south Atlantic albacore stock, for which a TAC was already set in 1997.

6.b.8 The Delegate of the United States supported the opinions expressed by the Delegates of Canada and Japan. He also believed that further clarification was required on the definition of "vessels" in the first operative paragraph.

6.b.9 The Delegate of the People's Republic of China supported the views expressed by the Delegate of Canada.

6.b.10 With regard to what the U.S. Delegate had stated, the Delegate of Japan emphasized that the same management measures should be applied to all fisheries, i.e., both commercial and sports fisheries.

6.b.11 The Delegate of the EC introduced a further modified draft recommendation that incorporated several concerns expressed by the Panel members.

6.b.12 The Delegate of Japan regretfully stated that his concerns were not fully taken care of as there is still an imbalance on measures between a directed fishery and the other fisheries.

6.b.13 The Delegate of the UK (Overseas Territories) raised some practical problems in enforcing this recommendation for parties whose catch was very small, such as a few metric tons. He thought that for those parties this Recommendation should provide an exemption.

6.b.14 The Delegate of the United States asked for clarification on the years on which the average catch is calculated. He suggested that language similar to that which was developed for the Panel I Recommendation be used.

6.b.15 At the later session, the Delegate of the EC presented another revised draft recommendation regarding the limitation of fishing capacity on northern albacore. He explained this is the result of a compromise after taking all opinions into consideration made by the various delegations and which can be agreed upon by consensus.

6.b.16 The Delegate of the United States expressed his appreciation to the Delegate of the EC for his great efforts to come to this proposal, and supported it with satisfaction.

6.b.17 The Delegate of Japan seconded the U.S. Delegate.

6.b.18 As there was no more comment, the "*Recommendation by ICCAT Concerning the Limitation of Fishing Capacity on Northern Albacore*" was approved and submitted to the Commission for final adoption (see Annex 5-8).

7. Research

7.a) Bluefin (North)

7.a.1 The SCRS Chairman introduced general recommendations developed by the SCRS, pointing out that the goals of various research activities are specified in the report of Bluefin Year Program. Among them, the degree of mixing, spawning site fidelity and migration paths received high research priorities. He stressed a need for research coordination and an establishment of a center for archiving data and samples.

7.b) Albacore (North)

7.b.1 The SCRS Chairman outlined the necessary research. The focus will be on a better evaluation of age and growth, which will allow improved catch-at-age, and a measure of environmental impacts on long-term variability in recruitment. Regarding the latter point, he explained that the SCRS would like to extend the catch-at-age at least to 1970.

8. Date and place of next Panel meeting

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

9. Other matters

9.1 There were no other matters discussed.

10. Adoption of Report

10.1 The Report of Panel 2 was distributed, but adoption was deferred, to be carried out by correspondence. Notwithstanding, all the Recommendations agreed upon during the Panel meeting were forwarded to the Final Plenary Session of the Commission for final approval.

11. Adjournment

11.1 The 1998 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 the Panel Chair, Dr. R. Lent (United States), who welcomed all the Delegates and Observers.

2. Adoption of the Agenda

2.1 The Agenda was adopted with no changes and is attached as **Appendix 1 to ANNEX 10**.

3. Appointment of the Rapporteur

3.1 Ms. S. McKenna (United States) was asked to serve as Rapporteur.

4. Review of Panel membership

4.1 Panel 3 currently comprises the following members: European Community, Japan, Korea, South Africa, and the United States. Brazil, China, the Russian Federation and Namibia requested to participate as observers and were granted permission by the Chair. The Delegate of the People's Republic of China asked if each observer around the table needed to identify himself. The Chair stated it was not necessary.

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

5.a) *Southern bluefin tuna*

5.a.1 The SCRS Report on southern bluefin tuna was presented by Dr. Joseph Powers, SCRS Chairman. ICCAT has management responsibility for Atlantic and Mediterranean stocks of tuna and tuna like species, and ICCAT collects statistical data on southern bluefin tuna in the Atlantic Ocean. However, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) has primary research responsibility for southern bluefin tuna as a stock distributed throughout the Pacific, Indian and Atlantic Oceans. The CCSBT reported that current spawning stock levels are 25% to 53% of the 1980 level. The Atlantic catches of this species (about 1,400 MT in 1996) is rather small in comparison to the world-wide catch (about 16,000 MT in 1996).

5.b) *South Atlantic albacore*

5.b.1 On presenting his report on southern albacore, Dr. Powers informed the Panel that catches of south Atlantic albacore peaked in the mid-1980s at about 40,000 MT. Catches since that time have fluctuated from about 27,000 MT to about 36,000 MT. There was a comprehensive assessment of south Atlantic albacore conducted by the SCRS in 1998. For recruits, there were no obvious trends. For spawning stock biomass, there has been a downward trend from 1985 levels. There continues to be uncertainty in the assessment results. However, the SCRS reports a more optimistic assessment of the stock than previously reported. Management measures in effect (which were adopted in 1994 and became effective in 1995) require that not more than 90% of 1989 through 1993 levels be harvested by nations, entities and fishing entities actively participating in the fishery. In 1996, ICCAT agreed to further limit southern albacore catches to 22,000 MT. The SCRS recommended in 1998, as it had in 1996, limiting catches of southern albacore to not more than 90% of the average catches (i.e. about 27,000 MT) of 1989-1993.

5.b.2 Dr. Powers noted that the present regulation limiting catch to 22,000 MT is conservative in light of a fair amount of uncertainty. There were no questions for Dr. Powers at the conclusion of his presentation.

6. Measures for the conservation of stocks

6.a) *Southern bluefin tuna*

6.a.1 The Chair asked whether there were any issues to be raised relative to the management measures for Southern Bluefin Tuna. The Observer from the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) called attention to the report that he had presented to ICCAT, for reference purposes, on behalf of the CCSBT.

6.b) *South Atlantic albacore*

6.b.1 The Chair began the discussion of southern albacore. In 1997, a Recommendation was adopted to further clarify and strengthen the Recommendation of the previous year. There are two outstanding issues: The first is an allocation of 22,000 MT among four nations, entities and fishing entities actively participating in the fishery. The second is the allowance of a by-catch of albacore equivalent to 4% of the weight of the bigeye catch of Japanese longliners, bigeye being the target species. At the informal meeting in Cape Town, no final agreement was reached, but progress was made amongst the four nations, entities and fishing entities, and the European Community (EC).

6.b.2 The Chair brought forward the formal adoption of the report of the Cape Town meeting, which had incorporated the changes added by Brazil and the E.C. Brazil thanked the Chair for her efforts. No objections were raised and the "Report of the Informal Multi-lateral Consultation to Divide the 1998 Quota Allocated to Nations Actively Fishing in the South Atlantic" was formally adopted, and is attached as **Appendix 14 to ANNEX 10**.

6.b.3 The Delegate of the EC noted that at the meeting in South Africa, no final agreement regarding distribution of a Total Allowable Catch (TAC) of 22,000 MT. At the end of the meeting, the four nations, entities and fishing entities declared the catch levels that they would implement in 1998. The EC asked for an update on what had been done at the national level, particularly regarding the actual catch. The Chair asked the four active participants to provide an update on the 1998 fishing year management and results.

6.b.4 The Delegate of South Africa informed the Panel that their recent Marine Living Resources Act, promulgated on September 1, 1998, had resulted in the suspension of all past fishing rights. In reviewing and reissuing fishing rights, South Africa will only issue tuna permits to a limited number of active participants. The Observer from Namibia pointed out that Namibia has introduced a TAC and has not increased effort. The Observer from Chinese Taipei indicated that Chinese Taipei regulates the total catch. When the total catch reaches 80% of the catch limit stated in the "Gentlemen's Agreement", the catch is carefully monitored. As of September, the catch was approximately 12,000 MT. The Delegate of Brazil reported that Brazil expected to remain within the catch limits agreed upon, as they had fished with the same number of vessels. The EC thanked the four nations, entities, and fishing entities for their efforts and asked what the total catch for 1998 would be.

6.b.5 The Chair estimated the sum of 28,670 MT for the Gentlemen's Agreement in the Report of the Multi-lateral Consultation held in Cape Town. Preliminary numbers establish catch near that amount; two of the participants are over the agreed upon limit and two are below it. This is due, in part, to the transitional nature of the fishery; some participants are expanding their fishing and thus their catch, and there are also natural fluctuations. South Africa presented a statement on South Atlantic albacore (attached as **Appendix 15 to ANNEX 10**) regarding the improvements in the stock according to the SCRS Report, the Cape Town inter-sessional meeting and its progress towards division of the TAC.

6.b.6 The Observer from Namibia indicated Namibia's interest in joining ICCAT, and their hope that provisions and specific articles of the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks would be implemented by ICCAT. Such provisions might allow expansion of the fisheries in developing countries and a corresponding reduction of high seas catch.

6.b.7 The Delegate of Japan commented on the allocation of the catch and appreciated the developing coastal states' desire to develop their fisheries. While Japan is willing to consider other options, it is a matter of principle not to take unilateral action in the management of highly migratory species. Japan has made the utmost effort for over 30 years and has made tremendous contributions in scientific research in the Convention Area. In the U.N. Agreement, other conservation factors are clearly stated, not just the interests of coastal states, and the agreement stresses that balance between the developing coastal states and historical fishing nations is the essential factor in the Convention Area. Due respect should be given to Japan and other participant's fishing on the high seas.

6.b.8 The Chair thanked the Panel members for their consideration of conservation measures, and reminded them that allocation in a generic sense would be more appropriately addressed under Agenda item 7 (ICCAT responsibilities in relation to international fishery arrangements) at the Commission Plenary session.

6.b.9 The Delegate of the EC expressed a general reservation regarding all the allocation criteria discussed during the meeting and pointed out that an agreement reached among four countries, only two of which are Contracting Parties to ICCAT, cannot, in any case, set a precedent for all ICCAT allocations. Japan concurred with the EC statement. The Observer from Chinese-Taipei echoed the point raised by Japan with regard to the balance between high-seas fishing nations and coastal states.

6.b.10 The Delegate of the United States appreciated the efforts of the participants in attempting to establish a TAC and allocation of southern albacore. The United States was pleased to provide the Chair of Panel 3 and encouraged continued efforts. The United States hoped to see an agreement on TAC and a division of that TAC as soon as possible, and noted the uncertainty about the stock status. If the stock stays healthy, every participant will be able to avoid what

could be an undesirable situation. Although the United States is a minor player in this fishery, it would like to remain a major player in helping to achieve these goals.

6.b.11 The Chair urged the nations, entities and fishing entities to work together and move towards an agreement, and Brazil and South Africa agreed.

6.b.12. The Chair noted that Panel 3 had been meeting informally during the session and, due to an inability to agree on hard numbers, a new approach was taken to establish an overall target number and a bimonthly reporting requirement to assure that countries would work together in remaining within the catch limit. A draft recommendation was proposed on this issue, and a number of issues were raised as, in the text, Namibia was requested to collect bi-monthly catch information of other parties, entities or fishing entities which are actively fishing. Concerns were expressed by Japan and the EC regarding the legality of having a non-contracting Party, entity or fishing entity as a collector of data for Contracting Parties; rotational annual data collection was discussed, and it was agreed that South Africa would collect data for the first year, but that the recommendation would indicate "designated Contracting Party actively fishing". A separate concern raised by the EC was whether voluntary reporting would work.

6.b.13 In response, the Delegate of South Africa stated that the successful implementation of this management measure would require integrity, responsibility and cooperation by the active participants. South Africa felt that criticism of this interim measure was not justified, and noted that a number of real problems had prevented a consensus on actual division of the southern albacore catch limit into country quotas. South Africa expressed the hope that these problems could be resolved during 1999. The EC reiterated its concern about control of catch.

6.b.14 Informal meetings amongst active participants (Brazil, Chinese Taipei, South Africa and Namibia, and the EC and Japan) yielded a new recommendation with changes suggested by and agreed to by all of these parties. South Africa presented a statement in support of the 1998 recommendation on South Atlantic albacore, which is attached as **Appendix 16 to ANNEX 10**, and moved for the approval of the recommendation. The *"Recommendation by ICCAT on Revision, Implementation and Sharing of the Southern Albacore Catch Limit"* was forwarded to the Commission for adoption (attached as **Annex 5-9**). The Delegate of the United States regretted that no individual catch limits had been specified, but appreciated the efforts made by active participants to implement the Recommendation.

7. Research

7.1 Dr. Powers, Chairman of SCRS, recommended further research needed to validate the growth rate of South Atlantic albacore to provide an improved basis for estimating age structure of this stock.

7.2 The Delegate of South Africa supported the SCRS recommendations and added two recommendations (1) active fishing participants should increase efforts to improve catch data and (2) the SCRS should closely investigate sources of uncertainty in the southern albacore stock assessments and explore alternative assessment scenarios and sensitivity tests with a view to improving the reliability of point estimates of factors such as maximum sustainable yield and replacement yield.

8. Date and place of the next Panel meeting

8.1 It was agreed that the next meeting of Panel 3 would be held at the same time and place as the next Commission meeting.

9. Other matters

9.1 There were no other matters discussed.

10. Adoption of the Report

10.1 The Report of Panel 3 was adopted.

11. Adjournment

11.1 The 1998 Meeting of Panel 3 was adjourned.

REPORT OF THE MEETING OF PANEL 4

1. Opening

1.1 The Meeting of Panel 4 was opened by Mr. I. Nomura (Japan), Chairman of Panel 4.

2. Adoption of the Report

2.1 The Panel reviewed and adopted the Agenda, which is attached as **Appendix 1 to ANNEX 10**.

3. Appointment of Rapporteur

3.1 Mr. B. Rashotte (Canada) was nominated to serve as Rapporteur for Panel 4.

4. Review of Panel Membership

4.1 Panel 4 is currently comprised of the following 11 members: Angola, Brazil, Canada, European Community, Japan, Republic of Korea, South Africa, United Kingdom (Overseas Territories), United States, Uruguay, and Venezuela, all of which were present. The People's Republic of China, Ghana, Sao Tome and Principe, Chinese Taipei, CARICOM, Turkey, Mexico and Namibia attended the Panel meeting as observers.

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

5.a) *Swordfish*

5.a.1 Dr. J. Powers, Chairman of the SCRS, presented a report on the north Atlantic, south Atlantic and Mediterranean swordfish stocks. No new Atlantic stock assessment was conducted in 1997 or 1998. A full assessment will take place next year (1999) with a sex-specific growth curves and ageing for the north Atlantic stock. Dr. Powers summarized previous assessment results.

5.a.2 Reported Atlantic landings for 1997 were on the order of 30,000 MT (12,510 MT north and 17,544 MT south). The most recent assessment suggests that rebuilding is needed and to do this a reduction in catches would be required.

5.a.3 The north Atlantic swordfish resource has continued to decline despite reductions in total reported landings from peak values in 1987. Recent landings have reduced surplus production and the estimate of maximum sustainable yield is 13,000 MT. Increases in catches of small fish in the longline fishery could be a reflection of increases in recruitment.

5.a.4 The Commission has imposed country specific quotas and a minimum fish size of 125 cm LJFL, with a 15% tolerance or, alternatively, 119 cm LJFL with no tolerance.

5.a.5 An assessment of the south Atlantic swordfish resource was carried out in 1996. The assessment results quantify the reason for concern. The surplus production for 1996 was estimated to be about 14,600 MT. Reported landings have exceeded this level (17,544 MT in 1997); thus it is likely that the stock will decline further. The Committee expressed concern about the uncertainty of the stock structure of the Atlantic swordfish.

5.a.6 The SCRS indicated serious concern with the stock status of southern Atlantic swordfish due to the rapid increase in catches over a short period of time and recommended a decrease in catches.

5.a.7 The status of the Mediterranean swordfish stock had been addressed in September, 1998, at the Joint ICCAT/GFCM Working Group on Stocks of Large Pelagic Fishes in the Mediterranean. The Mediterranean stock forms a unique stock which is reproductively isolated from the Atlantic stock.

5.a.8 The Mediterranean swordfish fishery has had average annual catches of about 15,000 MT in recent years. The Committee is concerned about the high catches of juvenile swordfish but notes that the size distribution of the Mediterranean stock is much different from the north Atlantic, the fish in general being smaller. The Committee strongly recommends reducing the fishing pressure on juvenile fish in order to improve yield per recruit and spawning biomass per recruit. Dr. Powers suggested that given the size distribution of the catches, a minimum size regulation may not be the most practical way of doing this.

5.a.9 The Delegate of Canada asked if, given the uncertainty as to the biological origin of fish taken in the Straits of Gibraltar, the Chairman of the SCRS could elaborate on the magnitude of the problem and possible implications for swordfish management in the North Atlantic.

5.a.10 Dr. Powers noted that several thousand tons were reported as being caught in the narrow straits area and it would be important for management purposes to identify the biological origin of these catches reported at or near the boundary.

5.a.11 The Delegate of Canada asked for SCRS advice on how this issue could be resolved. If these catches are from the north Atlantic stock, Canada would be concerned with the sustainability of the north Atlantic stock.

5.a.12 Dr. Powers suggested this issue requires a longer discussion but that the first step would be to resolve the statistical question of determining actual location of catch and how to assign to one side or the other. In the long term, using biological markers and genetics, one could classify catches and then assign a specific proportions of the catch to Atlantic and Mediterranean.

5.a.13 The Delegate of Canada noted the strong 1996 year-class in the north Atlantic, as reflected in the new age 1 Spanish CPUE in 1997, and in the high catches of small fish by Spain in 1997. It was also noted that EC-Spain had supplied data to evaluate the catch of small fish. However, given the benefits of allowing this year class to grow to spawning size, Canada asked the Chairman of the SCRS to describe the implication of small fish catches, which were in the order of 40% by Spain in 1997.

5.a.14 Dr. Powers stated that the benefits of reducing the harvest of small fish would be an increase in yield per recruit as well as rebuilding the spawning stock biomass. Allowing this year class to grow would speed up recovery, whereas high catches would delay recovery.

5.b) *Billfish*

5.b.1 The Chair of the SCRS stated that this category includes blue marlin, white marlin and sailfish. Assessments have been carried out in the past, but no assessment was made this year. Blue marlin has been assessed under two hypotheses; a total Atlantic stock and separate north Atlantic and south Atlantic stocks. Although catches are relatively small in comparison to other species, there is concern with respect to the number of countries which have not reported landings for 1997. In general, for blue marlin fishing mortality is higher than it should be. A Recommendation had been adopted in 1997 to reduce the landings by 25% of 1996 levels. A stock assessment is planned in 1999, in order to evaluate the effects of the 25% reduction measure. With respect to white marlin the same problems of non-reporting of catches and high mortality rates exist.

5.b.2 The Delegate of Japan expressed discomfort with the quality of current fishing records and the outcome of the last stock assessment for the two species of marlin. Catches have been stable for a number of years, but the outlook of the SCRS was pessimistic. Japan would like to see an improvement in data collection in both commercial and recreational fisheries. Improvements should be made over the next two years.

5.b.3 The Delegate of the United States expressed disappointment that many countries fail to report statistics, and announced their intention to introduce a draft Recommendation.

5.c) *Sailfish*

5.c.1 The Chairman of the SCRS noted that absolute catches were low and MSY was 700 MT for the western stock, and 1,400 MT for the eastern stock.

5.d) Atlantic bonito and other species

5.d.1 Dr. Powers explained that this category encompasses more than ten species, the aggregated catches of which peaked at 140,000 MT and is presently at 100,000 MT. Most of these species are found in coastal areas and are managed locally. The role of the SCRS is to encourage the reporting of statistics and to collect data for use in the management of these species at national level. The SCRS has not carried out any assessments on these stocks.

5.d.2 The Observer from Turkey informed the Panel that intensive investigation on these species, particularly bonito, was underway in his country, and that a large amount of information would be presented at the next SCRS meeting.

6. Measures for the conservation of stocks*6.a) Atlantic swordfish*

6.a.1 The Delegate of the European Community stated that the EC passed regulations last year for both north and south stocks in accordance with ICCAT Recommendations. The EC has accepted catch limits and a penalty system, and the present measures restrict the amount of swordfish EC fleets can catch. The EC Delegate stated that there was no need to change the existing rules, but noted that these rules were very hard to accept as long as flags of convenience are being used to fish the resource. The EC Delegate suggested that ICCAT should apply rules for swordfish that are similar to those put in place for bluefin for consistency, and that they would be putting forward a Recommendation at the PWG meeting. The Chairman agreed that the PWG would be the appropriate forum to discuss the EC suggestion.

6.a.2 The Delegate of Canada stated that when stock boundaries are uncertain, non-compliance in one stock area can affect the recovery and sustainability of both stocks. The Delegate stated that recent high catches in the Strait of Gibraltar of unknown biological origin and the apparent disregard for the management measures adopted in the south are of concern because such harvest could directly affect Canadian fishing interests. While understanding the positions of coastal states, Canada strongly urged all Parties to abide by existing ICCAT measures pending further discussions, and the resolution of more fundamental issues which underpin this particular disagreement.

6.a.3 The Delegate of the United States introduced two draft resolutions; one relating to swordfish, and the other to billfish, and stated that ICCAT must recognize the interest and public concern on the conservation of swordfish. The Resolution concerning swordfish asked the SCRS to review the existing rules, particularly size limits, as to their effectiveness and to examine alternative measures to develop rebuilding options.

6.a.4 The Delegate of South Africa praised the members for their work to date on swordfish management, while expressing his concern for these stocks. Given the rapid localized depletion and over-exploitation in the south Atlantic, he recognized the need to decrease catches to sustainable levels and supported effective compliance. He regretted that South Africa was forced to lodge an objection to the 1997 Recommendations on Compliance. There has been a long history of fishing in South African waters, primarily conducted by Asian longline fleets. South Africa is concerned with increased catches and vessels illegally fishing in South African waters. It is the South African position that the fishery in those waters should be carried out by South African fishermen. There are at present thirty pelagic longliners which target bigeye, yellowfin and swordfish. South Africa believes the swordfish harvested off South Africa may not be part of the south Atlantic stock, but part of the south Indian Ocean stock. Studies are being carried out on this issue. South Africa has set a precautionary limit of 1,000 MT for 1998 in its EEZ, with comprehensive monitoring. The Delegate expressed his concern about those countries which overrun their quotas and which are not adjacent to resources having the lion's share of the allocation, and desired a more equitable distribution. The Delegate asked for a 1,000 MT quota in the EEZ of South Africa, and hoped that the meeting of the Panel would successfully redress the allocation imbalance. The statement by South Africa on swordfish is attached as Appendix 17 to ANNEX 10.

6.a.5 The Delegate of the EC noted that at the 1997 Panel 4 meeting, it was stated that there may be a possibility of changing the quotas in the future. There should be no changes made at present unless science suggests that such a change is warranted. In the event that changes are made, the shares should remain the same for the next three years.

6.a.6 The Delegate of Brazil stated that Brazil had a commitment to ICCAT management measures and that up to 1996 their catches were within the limits. Subsequently, the small scale boats increased their efforts and the catch limit has been exceeded. Brazil has taken steps to reduce catches. They have introduced a species licence, frozen the number of longline boats fishing swordfish, and improved their monitoring system. Although committed to the ICCAT measures, Brazil strongly disagrees with the allocations. Parties must conform to international law and take into consideration the special requirements of developing coastal states. He stated that Brazil would put forward, along with other Parties, a resolution concerning the establishment of a Working Group on Fishing Capacity and Catch Quota Allocation, under Item 7 of the Commission Agenda.

6.a.7 The Chair considered the issue to be a simple one, reminding delegates that the 1997 Recommendations were in place and were binding on Contracting Parties. Quota shares were set up for a three year period and the TAC may be revised in 1999, but changes to shares could not be made without being renegotiated. He noted the disagreement by certain countries, but stressed that the Recommendations were in force.

6.a.8 The Delegate of Canada noted the commitment of Brazil to ICCAT conservation measures, and the management measures they had introduced. Canada asked the Brazilian delegation about Brazil's intention with respect to catch levels in 1998.

6.a.9 The Delegate of Brazil replied that the number of vessels would not increase in 1998. In addition, it is planned to shift effort from big vessels to small vessels to redistribute effort. 1997 was the first year that Brazil had a quota and exceeded it, while other countries with a longer history of quotas are still exceeding their quota limits. Brazil hopes to reduce the total catch next year.

6.a.10 The Delegate of Uruguay clarified their joint statement with Brazil, stressing that both countries wish to comply with ICCAT recommendations. Uruguay has not issued any new licenses to fish for swordfish in the last two years. (See Appendix 4 to ANNEX 9.)

6.a.11 The Delegate of South Africa recognized that allocations have been established for the next few years. However, he noted that they did not participate in past discussions, and wished to present a proposal to Panel 4 with respect to an allowance.

6.a.12 The Delegate of the EC agreed with the Chair's view that allocations have been established, and asked Brazil what they wanted the proposed Working Group to discuss.

6.a.13 The Delegate of Brazil stated that the quota share allocated to Brazil was unfair. The Working Group would re-evaluate the criteria used. He considered these criteria to be out of date and not in accordance with international law.

6.a.14 The Chair stated that this was a much broader issue and may have to be referred to the Plenary session.

6.a.15 The Chair asked for comments on management issues for Mediterranean swordfish. No management measures were proposed.

6.a.16 The Delegate of South Africa presented and explained the draft Recommendation on the revision of the percentage shares of the Total Allowable Catch and the 1999 catch quotas for south Atlantic swordfish. He stated that it was not his intention to disrupt the 1997 decision, and was only proposing minor changes. The objective was to begin to address the requirements of developing coastal states and the opportunity for further change.

6.a.17 In response to a question by the Delegate of Japan, it was confirmed that the difference between the existing arrangement and the revision proposed by South Africa were changes to the respective allocations to the "Other Contracting Parties" and "others" categories.

6.a.18 The Delegate of South Africa, in response to a question by the Delegate of Canada, also confirmed that the 1,000 MT South African quota within the EEZ was included in the revised numbers.

6.a.19 The Chairman indicated the percentages for the two categories, "Other Contracting Parties" and "Others" are now proposed to change from 5.5% to 10% and from 8% to 3.5% respectively. He understood that the proposal called for a renegotiation of TAC and sharing arrangement one year earlier than the existing agreement.

6.a.20 The Delegate of South Africa explained that the proposed change was an attempt to introduce flexibility by allowing for review, and provided the option of renegotiating, if appropriate.

6.a.21 The Delegate of the EC thanked South Africa for its submission and stated that it was clear in the 1997 Report of Panel 4 that the 1999 TAC could be changed, but not the sharing agreement. He also noted that there was no mention of inter-annual discount of overages in the proposed draft. He asked how shares could be increased if existing catch levels had to be respected.

6.a.22 The Delegate of South Africa clarified that the paragraph on inter-annual discounts could be reinstated. With respect to catch levels, the proposal would allow other Contracting Parties to increase levels within quota level.

6.a.23 The Delegate of Canada expressed concern with paragraph 4 of the proposal, stating that it should be examined closely, as it could result in a significant overrun.

6.a.24 The Chairman, following the indication that there was no desire by the Panel members to renegotiate the agreement, closed the discussion.

6.a.25 The Observer from Chinese Taipei asked what allocation had been granted to Chinese Taipei, and whether this allocation was valid until the year 2000.

6.a.26 The Chairman answered that the allocation for non-contracting parties, entities and fishing entities was 1,169.6 MT, which Chinese Taipei would share with others conducting swordfish fisheries in the "others" category, and would apply until 2000, unless there is agreement to change the negotiated allocations.

6.a.27 The Delegate of South Africa expressed concern that their proposal had not been adopted and informed the Panel that South Africa intended to continue exploratory fishing in 1999. South Africa would undertake to monitor closely and continue research with respect to stock boundaries, and would report on these activities next year.

6.a.28 The Delegate of the United States introduced a revised version of the draft Resolution for the development of recovery scenarios for north and south Atlantic swordfish.

6.a.29 The Delegate of Japan suggested modifications to the wording of three of the paragraphs in the Resolution, including the exclusion of the proposal to ask the SCRS to evaluate foregone yield resulting from non-compliance with the ICCAT minimum size and quota recommendations since their adoption in 1991. He stated that the evaluation of past mistakes is not cost effective in the face of tremendous workload assigned to the SCRS. (originally paragraph 5)

6.a.30 The Delegate of Canada supported the resolution focused on recovery scenarios and suggested that many aspects of the work are already done by SCRS. This is not to indicate that work is not well done at present. Canada also supports measures to decrease small fish mortality and noted that catches in some areas are unacceptably high. The establishment of a minimum size is not the solution, it is the first step. All Parties must implement management measure which restrict this harvest (e.g. closures of area, closed times, gear modifications). Canada supported the Japanese Delegation's suggested amendments to Paragraph 4, but believed other proposed modifications would imply an excessive amount of work. While one cannot change the past, one can learn from it, and he considered that the consequences of harvesting small fish should be demonstrated.

6.a.31 The Delegate of the EC agreed with the overall tone of the proposal and supported it but shared the views of the Delegate of Japan.

6.a.32 The Chair of the SCRS clarified that the evaluation of forgone yield was relatively easy if looking at large categories, but it was for the Panel to decide when this should be done.

6.a.33 The Delegate of the United States indicated its willingness to work with Panel members and resubmit the Resolution for adoption.

6.a.34 The Chairman summarized the agreed amendments which would be incorporated into the text.

6.a.35 The Delegate of the United States agreed with the Delegate of Japan that there has been non-compliance with swordfish management measures in the past but nonetheless there is something to be learned from determining the price of non-compliance. One has to look at mistakes to avoid them in the future.

6.a.36 The Delegate of the EC replied that looking back on past sins is the role of the Compliance Committee and considered that the wording of paragraph 5 would only be punishing countries who are sending Task I and Task II data.

6.a.37 The Delegate of Uruguay felt that paragraph 5 was the role of the Compliance Committee and that time frames in paragraph 2 were inappropriate preferring the suggested alternative wording suggested by the Japanese Delegate.

6.a.38 The Delegate of Canada stated that it would be useful to tie down the time period in paragraph 2, the same as had been done for bluefin tuna (e.g. 20 yrs.). The Delegate's preference was the 5, 10, 15 year periods given the life cycle of swordfish. Also, a rebuilding plan based on a short period could be onerous on the industry as more drastic measures may be required over the short term to reach targets.

6.a.39 The Delegate of the EC stated his understanding of the position and suggested there may be some intermediate wording, or other periods which the SCRS might consider more appropriate.

6.a.40 Both the Delegates of the United States and Japan indicated a compromise may be possible and asked for time to discuss possible wording. This was granted by the Chair.

6.a.41 Following the above discussion, the revised draft Resolution was presented and the Panel agreed to forward the "*Resolution by ICCAT for the Development of Recovery Scenarios for North and South Atlantic Swordfish*" it to the Commission for adoption. This Resolution is attached to the Commission Proceedings as Annex 5-17.

6.b) Billfish

6.b.1 The Chairman requested comments on the draft recommendation on Atlantic billfish, proposed by the United States.

6.b.2 The Delegate of UK (Overseas Territories) supported the proposal with a minor modification in the wording.

6.b.3 The Delegate of the EC was concerned that given the effects of the 25% reduction measure were unknown, and the degree of uncertainty with respect to the assessment, it may be too early to ask the SCRS to identify recovery scenarios. It was felt that statistics should be improved first. He suggested a modification to the wording of the draft to reflect this.

6.b.4 The Delegate of Canada underlined his belief that the assessment would conclude that stocks were below MSY and rebuilding advice would be required. He stressed the value of maintaining the original wording, and asked the SCRS Chairman for clarification as to whether it would be advisable to develop scenarios.

6.b.5. The Chair of the SCRS stated that he did not want to prejudge the outcome of the assessment, but it was the responsibility of the SCRS to provide that type of advice, and was prepared to do so.

6.b.6 The Delegate of the United States recognized that data was problematic and encouraged countries to supply the data.

6.b.7 These clarifications did not solve the specific problems of the Delegate of the EC who felt that the Recommendation could lead to measures which were scientifically groundless. The EC was not objecting to the proposal but suggested that the language be refined.

6.b.8 The Chair suspended discussion pending further compromise on the language being reached.

6.b.9 At a later session, the revised draft of the "*Recommendation by ICCAT Regarding Atlantic Billfishes*" was presented. This text was approved by the Panel and it was agreed to forward this Recommendation to the Commission for adoption (attached to the Commission Proceedings as Annex 5-10).

6.b.10 The Delegate of the United States thanked the Chair and the Panel members and informed members of those measures taken to date to meet the Commission's 1997 recommendation to reduce landings by 25% of 1996 levels. The United States has increased the minimum size to about 250 cm for blue marlin and 168 cm for white marlin and has introduced mandatory reporting on recreational fish tournaments. Additional measures will be introduced. The U.S. commercial fleet is required to release both live and dead marlin. The sale of Atlantic marlin is prohibited in the United States.

6.b.11 The Delegate of Japan stated its intentions of taking measures with respect to billfish and reducing its landings by 25% of the 1996 levels.

7. Research

7.1 The Chairman of the SCRS advised the Panel that the SCRS Report outlined the relevant activities for the coming year.

7.2 With respect to swordfish two inter-sessional meetings will be held; one in the spring to get CPUE etc. for south Atlantic swordfish, and one in the fall before the SCRS meeting to do assessment. Work could also be done on clarifying

criteria for defining catches in the Strait of Gibraltar so as to be able to assign to either north Atlantic or Mediterranean stocks.

7.3 The blue marlin assessment will be delayed for a year and the issue of non-reporting of data will be addressed. Alternative assessment methodologies will be examined.

8. Date and place of next Panel meeting

8.1 It was agreed 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 There were no other matters discussed

10. Adoption of the Report

10.1 The Report of Panel 4 was adopted.

11. Adjournment

11.1 The 1998 Meeting of Panel 4 was adjourned.

Appendix 1 to ANNEX 10**AGENDA FOR PANELS 1 TO 4**

Panel 1 (Tropical Tunas)
Panel 2 (Temperate Tunas-North)
Panel 3 (Temperate Tunas-South)
Panel 4 (Other Species)

1. Opening
2. Adoption of Agenda
3. Appointment of Rapporteur
4. Review of Panel membership
5. Report of the Standing Committee on Research and Statistics (SCRS)
6. Measures for the conservation of stocks:

<u>Panel 1</u>	<u>Panel 2</u>	<u>Panel 3</u>	<u>Panel 4</u>
a) Yellowfin b) Skipjack c) Bigeye	a) Bluefin (North) b) Albacore (North)	a) Southern bluefin b) Albacore (South)	a) Atlantic bonito b) Swordfish c) Billfishes d) 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 10

STATEMENT BY RUSSIA
ON THE AGREEMENT OF EC BOAT OWNERS
REGARDING TROPICAL TUNAS
(Attached to Report of Panel 1)

In view of the rather complicated situation regarding the status of stocks of bigeye and yellowfin tunas in the Atlantic Ocean caused by a significant harvesting of juveniles in purse seine fisheries where various fish aggregating devices (FADs) are used, and taking into account the ICCAT Resolution to reduce catches of bigeye tuna in the Atlantic adopted at its Fifteenth Regular Meeting, the Russian delegation believes it reasonable to express their support of the arrangement among EC tuna fishery shipowners to abstain from fishing for tuna under drifting objects during three months in specific areas.

On the other hand, Russian purse seine tuna fishing vessels remain among those which continue to conduct this kind of fishing since the FAD method remains virtually the only type of fishery available to them on the high seas in the Atlantic. At present the Russian purse seine tuna fleet consists of seven standard vessels of 55 meters in length having cold storage capacity of 360 m³. These vessels are equipped with some inefficient devices for searching for aggregations of tunas (by concentrations of birds); the slow speed of these vessels reduces most drastically their ability to fish for free-swimming schools of yellowfin and skipjack on the high seas. That is why refusal to employ the FAD method even for a short period of time would entail losses so heavy for the Russian shipowners that would question the very feasibility of tuna fishing in general.

Since the cost-efficiency of operations of the Russian vessels on the high seas in the Atlantic Ocean fully depends on the use of FADs at present, Russian operators are unable to abandon this technique of fishing.

Nevertheless, understanding the correct and timely nature of the initiatives, as adopted, we shall seek to find ways to resolve this complicated problem..

Appendix 3 to ANNEX 10

**STATEMENT BY THE OBSERVER FROM CHINESE TAIPEI
CONCERNING THE CONSERVATION AND MANAGEMENT
MEASURES ON ATLANTIC BIGEYE TUNA STOCKS**
(Attached to Report of Panel 1)

Mr. Chairman,

As far as the Atlantic bigeye tuna resources is concerned, a general feeling on the floor seems that certain kinds of management measures shall be adopted in order to sustain this resources, and one way to do this is to limit the number of vessels targeting on bigeye tuna in this region.

In view of the ever-increasing fishing capacity targeting on bigeye tuna in this region, it is reasonable to consider a limitation on the number of fishing vessels.

On these grounds, we favor this conservation and management measure.

Mr. Chairman, having said that, I would like to remind you that a resolution adopted at the 1997 Commission Meeting already established a catch limit on us, only applied to us, at 16,500 MT for 1998. Although we did not have the full opportunity to participate in the decision-making process last year while this particular resolution was deliberated and adopted, my Fisheries Authority already issued an executive order to request our fishing sector concerned to comply with this resolution.

Mr. Chairman, under these circumstances, I would like to remind you, once again, that we don't think a dual limitation imposed on us is fair, if a limitation on the number of vessels is to be adopted while the catch limit is still valid and applied to us. Accordingly, we like to suggest that only catch limit be applied to us since we think that this type of conservation and management measure is efficient in this nature in terms of fisheries operation and pragmatic and effective in terms of administrative control.

Furthermore, I would like to elaborate and share with you on the regulatory measures imposed in 1998 on our bigeye tuna fishery to comply with the ICCAT resolution made at the 1997 Commission Meeting:

- A catch limit of 16,500 MT for bigeye tuna in 1998 was announced by my Fisheries Authority based on the ICCAT resolution. A total number of 125 longliners was granted with fishing permits to conduct this fishery in the Atlantic with a quota of 120 MT per vessel and a floating quota of 1,500 MT for other fishing vessels as by-catch. Vessels with fishing permits were allowed to adjust their quota allocation among themselves.
- In order to monitor and control the total catch limit and to avoid possible over-catch, boat owners of those vessels fishing for bigeye tuna in the Atlantic were required to provide catch reports on a monthly basis before 80% of total catch limit was reached. Afterwards, all vessels were required to report their catch volume every 10 days through fax. When 90% of the total catch limit was reached, daily reporting was required until the total catch limit was reached.
- When the total catch limit was reached, vessels would be ordered to refrain from fishing on this species.

Thank you, Mr. Chairman, for your attention to this situation for us as well as our efforts in complying with ICCAT recommendation.

Appendix 4 to ANNEX 10

**STATEMENT BY THE OBSERVER FROM MEXICO
ON FISH AGGREGATING DEVICES (FADs)**
(Attached to Report of Panel 1)

Considering our current status as Collaborating Party at the XI Special Meeting of the Commission;

Bearing in mind the information generated and presented in this and other international fora;

Recognizing that the precautionary approach is a necessary tool which should always be used in cases of doubt;

Recalling that ICCAT has recently taken the initial steps;

Appreciating the conservation efforts which have been voluntarily taken by some Commission Contracting Parties, Mexico would like to make the following statement to the ICCAT members:

The result of the tropical tuna fishery (yellowfin and bigeye) with Fish Aggregating Devices (FADs) contravenes ICCAT measures on minimum size and the maximum proportion of juvenile catches permitted. However, there does not appear to have been sufficient effective action taken by ICCAT Contracting Parties, independent of the level of compliance with the agreed measures.

Unfortunately, the effects of the three month moratorium, established by the fleets of the European Union in 1997-1998 on the use of FADs in the Atlantic Ocean are unknown, and on the other hand, it is recognized that there are significant catches of tropical tunas being taken which do not comply with the agreed prohibition.

For this reason, Mexico respectfully recommends that ICCAT members urgently adopt measures which move towards the prohibition of fishing with FADs.

Appendix 5 to ANNEX 6

**STATEMENT BY THE UNITED STATES
TO PANEL 1**
(Attached to Report of Panel 1)

Mr. Chairman,

At a meeting of Panel 2, our colleagues from Japan objected to our suggestion to differentiate between commercial and recreational vessels fishing for northern albacore. We philosophically agree with their position that all fishing sectors should be treated fairly. Fishing mortality results from both commercial and recreational fisheries, and prudent management of a stock requires knowledge of all fishing mortality. But let us be clear, while we differentiate, we do not discriminate. In the United States we use one set of management tools to manage our commercial fisheries, and a second set of tools to manage our recreational fisheries.

In the United States we undertake great effort and expense to estimate our recreational catches of Atlantic tunas and tuna-like fishes. We report to the SCRS these recreational catches, and they are combined with our commercial landings to produce the total U.S. landings. We are dismayed that few other Contracting Parties and recreational fisheries report their recreational catches. We understand the logistical and financial challenges associated with estimating recreational catches, but failure to report recreational catches disadvantages those parties who do. We strongly encourage all Contracting Parties to report their recreational catch statistics to the SCRS.

We currently issue approximately 10,000 permits to recreational vessels that fish for Atlantic tunas. The primary species available to these anglers are yellowfin and bluefin tuna, although bigeye tuna, albacore, and other tunas and tuna-like species are represented in the catches. The numerous vessels comprising the recreational fleet range in size from small outboard skiffs less than 6 meters in length, to head and charter boats greater than 40 m LOA on which individual passengers who do not own a vessel pay for the daily opportunity to fish for Atlantic tunas.

In the United States we manage the recreational fisheries of tunas and tuna-like fishes by using licenses, bag limits, time-area closures, closed seasons and no-sale provisions. Given the above management measures, introducing a limited access system for this fishery is neither necessary nor acceptable.

We currently have a limited access system for our purse seine fleet and have proposed a limited entry system for our commercial longline fleet. The effect of this system, when implemented, will be a reduction from greater than 1,000 permitted vessels to under 300.

In light of the difficulties presented above and the conservation measures already in place, we believe a catch of 2,000 MT threshold is a more appropriate threshold for the Recommendation by the Commission on the bigeye tuna conservation measure for fishing vessels larger than 24 meters LOA. We also feel it is appropriate to identify the types of vessels – longline, purse seine, and baitboat – to which the registration system would apply.

Thank you.

Appendix 6 to ANNEX 10

STATEMENT BY CANADA ON BLUEFIN TUNA (Attached to Report of Panel 2)

Mr. Chairman,

First, Canada would like to thank the SCRS for the work that they have done this year in assessing the bluefin stocks. We understand that the deliberations of the stock assessment group were long and difficult, but our scientists were able to successfully complete and adopt their report. It is noteworthy that this was a consensus report that involved 46 scientists from 10 countries representing industry, environmental groups and governments. In light of this consensus, I believe that we must avoid substituting our judgement about the basic assumptions of the report and its conclusions. Second-guessing the SCRS report and offering alternate, or selective interpretations, is inappropriate.

During the bluefin assessments there was much discussion on application of the models and the data to be used. The report clearly states that there is uncertainty associated with both the input data and the assumptions in the analyses. It is the job of our scientists to give their best estimate of the stock status, and to make it very clear to us, as managers, what the uncertainties are. It is then up to us, as managers, to decide how much risk we are willing to take, or how “precautionary” we wish to be.

In the western Atlantic, stock rebuilding must be a priority for the Commission and member Parties. We have fished under reduced quotas for almost 15 years and there has not been an improvement in the spawning stock biomass. At the current historically low level of biomass, estimated at 14-17% of 1995 levels, the stock is very vulnerable and any change in environmental conditions could have a serious effect on the stock.

Last year, the Commission requested the SCRS to develop recovery options aimed at providing the Commission with information needed to “consider, develop, and improve long-term stock rebuilding plans in 1998”. In its report, the SCRS provided a wide range in the estimates of MSY and made important assumptions about future recruitment, which have far-reaching implications. One model assumes that recruitment increases with spawning stock biomass and estimates an MSY level of 7,700 MT. This model projects that this high level of MSY is likely difficult for the stock to achieve over 20 years, even in the absence of catch. An alternative model assumes that recruitment does not increase with spawning stock biomass, and MSY is estimated to be only 2,800 MT, a level of production that is only marginally above the current harvest levels. This model projects that catches need not be reduced, if the goal is to reach this lower level of production over 20 years. As we review this seemingly contradictory advice, we should focus on what we need to do if we are to achieve the 1975 level of spawning stock biomass which has been used as a proxy for MSY in past assessments. To achieve this objective, catches would need to be reduced substantially for both projection scenarios.

The bottom line of the recent assessment, taking into account all the uncertainty and the debate over which model to use, is that the SCRS cannot be positive that current (1997) catches are or are not sustainable in the long-term. The SCRS advises that “if existing levels of catch are maintained, it is unlikely that the status of the stock will change measurably in the short term.” If the Commission is satisfied with production at the current level, then it would be adequate to accept the status quo level of catch.

On the other hand, if we are serious about rebuilding, we must do two things: first, catches in the west must be reduced, and second, we must also fish more responsibly in the east Atlantic. This latter is a prerequisite for those of us who fish in the west Atlantic given the information from past studies and compelling new information from recent high-tech tagging studies. It is important to note that some of these tags popped up in the “central” Atlantic area on the east side of the 45 degree line, raising questions about the location of this boundary. We therefore continue to be concerned that harvests in the east Atlantic may negate the effectiveness of stock rebuilding plans in the west Atlantic.

In the east Atlantic, the assessment indicates there has been a significant decline since 1993 in number and biomass of older fish (i.e spawning stock). This corresponds with an increase in fishing mortality rates. Fishing mortality rates for all ages are estimated to have increased during the 1970-1997 period, particularly in the most recent years for the older ages. The SCRS expressed concern about the status of the east Atlantic stock in light of the assessment results and the historically high catches (in excess of 40,000 MT) taken in 1996 and 1997. The projections indicate that future catch levels of 33,000 MT, or more, are not sustainable. Catches of 25,000 MT or less would halt the decline of biomass. It should be noted that even these results may be optimistic since they assume that future recruitment continues at the average level observed since 1981.

We must also remember that in 1996 we adopted the resolution that included a commitment for those countries fishing the eastern stock to consider and develop a long-term rebuilding plan for this stock in 1998.

Given the large increase in catches, combined with the results of the present analyses, the SCRS considers that a 35% reduction in catches from the 1993 or 1994 levels (i.e. to about 25,000 MT) would be necessary to prevent further decline of the stock. Canada endorses this conclusion and supports the need for the difficult, but necessary reduction in catch.

In conclusion, Mr. Chairman, I wish to emphasize that if we want to rebuild the west Atlantic stock, and have a reasonable probability of being successful, then we must reduce our catches. It is Canada’s view that the scientific advice directs us to adopt a quota for the west Atlantic of 2,000 MT or less. Moreover, we are mindful of the SCRS advice that, “the condition of the east Atlantic stock and fishery could adversely affect recovery in the west Atlantic because of mixing between the two stocks”. Accordingly, in the east Atlantic and Mediterranean, the catch level must be reduced to around the 25,000 MT level.

Appendix 7 to ANNEX 10

STATEMENT BY THE OBSERVER FROM MEXICO REQUESTING A QUOTA FOR BLUEFIN TUNA

(Attached to Report of Panel 2)

In the Gulf of Mexico there is a Mexican fishery that catches bluefin tuna by longline. This fishery is directed at yellowfin, but catches bluefin tuna incidentally. This fishery is totally regulated as Mexico as clearly expressed by Mexico in its statement presented at the 1997 ICCAT meeting, where the following regulations are pointed out:

- limit on the number of vessels
- limit on vessel capacity
- limit on fishing effort in number of hooks
- 100% observer coverage on the fishing trips

Mexico has reported its catches of all tuna species in the Gulf of Mexico that are regulated by ICCAT, since its creation. The reported data on bluefin tuna should that the highest catches reported in the 1980s were attained in 1985, with more than 1,600 MT landed. These catches declined later such as is shown in the ICCAT reports. Since 1995, the fishery has recovered to similar catch levels with more than 1,500 MT caught.

On the other hand, it should be noted that as regards the composition of the catches, information from sampling of the landings reported by Mexican scientists in 1985 SCRS documents show that the Mexican catch is comprised of 90% yellowfin, with bluefin tuna being the second species in importance.

Bluefin by-catches vary depending on the total catch, the corresponding year, the fishing season, the area of bluefin concentration and the state of the yellowfin and bluefin tuna stocks.

Mr. Chairman, this fishery is very different to that which existed in the Gulf of Mexico area from 1956 to 1980, which was directed at bluefin tuna. This longline fishery caught more than 90,000 yellowfin tuna in 1964 and the average weight was 40 kg, and bluefin, billfishes and other species were also caught. In 1975 and 1976, the bluefin tuna catches reached more than 40,000 fish, with an average weight of 250 kg. These data, Mr. Chairman, are found in various SCRS documents, particularly those presented to the 1979 SCRS and which were published in the "Collective Volume of Scientific Papers".

As you will realize, Mr. Chairman, the current Mexican fishery is based on a policy that is consistent with the conservation and rebuilding plans for the Atlantic tuna stocks.

This gives us the structure, Mr. Chairman, as a Cooperating Party to request a bluefin quota of 120 MT for the Mexican fleet. We recognize that the status of bluefin is far from its level of sustainability, however, we consider to fair that a country that has been responsibly monitoring this fishery since 1991, that has the pertinent regulatory provisions in place according to those adopted by the Commission, and that within its jurisdictional waters there is an important spawning ground of this species that has been protected, deserves approval by this Commission.

It is our opinion that ICCAT should work under the broadest principle of international cooperation and that the agreement to allow the legitimate participation of a coastal State, whose request is rational and consistent with its history, would encourage the contracting parties to accept this request.

Appendix 8 to ANNEX 10

**STATEMENT BY THE OBSERVER FROM ICELAND
ON BLUEFIN TUNA
(Attached to Report of Panel 2)**

Iceland takes note of the intention of Contracting Parties of ICCAT to limit the bluefin tuna catch of the member states and certain non-contracting parties to 32,000 MT and to allocate the quota between them according to an allocation key.

In this context I would like to refer to Iceland's opening statement where Iceland expressed its willingness to cooperate with ICCAT.

This Recommendation we are discussing is not comprehensive as it does not cover the situation of coastal states that do have bluefin tuna in significant quantities inside their Exclusive Economic Zone.

The Recommendation will of course not be binding on Iceland. However, Iceland is still willing to discuss any possibility of cooperation with ICCAT, including participation as a member or cooperating party where Iceland's rights are duly taken into account.

Appendix 9 to ANNEX 10

**STATEMENT BY THE UNITED STATES
ON THE RECOMMENDATION CONCERNING THE REBUILDING
PROGRAM FOR WESTERN ATLANTIC BLUEFIN TUNA**
(Attached to Report of Panel 2)

The three countries actively fishing for bluefin tuna in the Western Atlantic have worked together this past week to develop a rebuilding plan for western Atlantic bluefin tuna. We are pleased to announce that after challenging discussions, we reached an agreement that moves us toward the goal of the Convention. This is a significant action. It is the first comprehensive long term rebuilding plan for bluefin tuna ever developed at ICCAT, and reflects ICCAT's goal of maintaining populations at levels that would produce maximum sustainable catch. This 20year rebuilding plan was developed in response to the latest stock assessment for western Atlantic bluefin tuna, and includes milestones to measure the progress over the rebuilding period. A significant aspect of this plan is that it allows flexibility based on future scientific advice from SCRS, so that the rebuilding plan may be modified to reflect updates in stock status.

Western Atlantic bluefin tuna are over-fished. The current spawning stock biomass is about 15% of the biomass observed, in 1970. ICCAT has recognized the need to rebuild this stock to the level that would support the maximum sustainable catch and has sought scientific information from SCRS to assist in this endeavor. While the scientific assessment is uncertain, it is the best information available and it provides a basis on which to manage the fishing mortality on this stock. It is time to initiate a rebuilding program.

This recommendation:

- Establishes a 20-year rebuilding program beginning in 1999;
- Sets an annual total allowable catch including all dead discards of 2500 MT;
- Establishes interim milestones to determine the success of the rebuilding program based on biannual stock assessments;
- Honors the, historical sharing arrangement for distribution of the TAC among the United States, Canada, Japan, U.K. Dependent Territory of Bermuda, and now provides a share for Saint Pierre et Miquelon.
- Starting in 1999, it allows unused quota or overage from the previous year to be added or subtracted, as appropriate, to the current year's catch that can be retained.
- Requires monitoring and reporting of all sources of fishing mortality, including dead discards;
- Provides incentives to minimize dead discards;
- Require reevaluation of the rebuilding program if scientific evidence results in a change in stock structure or mixing conclusions;
- Maintains minimum size limit restrictions, prohibition on transfer of fishing effort between the western and eastern Atlantic, and adherence to the 1996 Compliance recommendations.

I would like to make a few statements about specific elements in the recommendation. First, paragraph (13) provides that all Contracting Parties, non-contracting parties, entities and fishing entities shall provide the best available data for the assessment of the stock by SCRS, including information on the catches over the broadest range of age classes possible, consistent with minimum size restrictions. This provision in the recommendation emphasizes that providing data for the assessment of the stock is very important. For example, we have good long-term abundance indices for large fish that include, among others, the Canadian tended line fishery, US large fish rod and reel fishery, larval survey data from the Gulf of Mexico; an index from the Japanese longline fishery that represents a broader range of sizes; and the only significant source of scientific monitoring information (CPUE and biological samples) on the smaller age classes of bluefin tuna, notably the U.S. Angling category fishery.

Next, I would like to make a few comments about the existing 8% tolerance that may be granted to capture western Atlantic bluefin tuna either weighing less than 30 kg, or in the alternative having a fork length less than 115 cm. You will note that paragraph 13 modifies the existing recommendation to allow for balancing the 8% limit over each four-consecutive-year period. This will allow the United States to balance the 8% in the recreational fishery in a similar manner to the overall carry-over provisions. This increases management flexibility and should allow for a fixed recreational season with low bag limits. Since this allocation is very small, slightly over 100 MT, flexibility to reduce or increase catch over a several year period allows for stability in the fishery without adversely impacting long-term monitoring of CPUE for newly recruited fish. The United States implemented the 1991 ICCAT recommendation establishing the 8% tolerance in 1992 and limited the, catch of bluefin less than 30 kg by specifying an allocation for bluefin between 6.4 kg and 30 kg

(the US allows no catch of fish less than 6.4 kg). To monitor the catch, the United States also implemented an improved data collection system to allow for within-season monitoring of catches by this sector. Subsequently, the United States further reduced bag limits from four fish per angler to two fish per angler in 1992 and even further in following years. In fact, the per angler limit was changed to one bluefin of ibis size for part of the 1996 season and then was changed to vessel limits, to as low as 1 fish per vessel, for the rest of 1996 and in 1997 and 1998, in a continuous effort to stay within the allocation. In addition, the fishery season for this size bluefin has been closed to anglers every year as data indicated the quota was being reached. The United States has reduced bag limits in-season in an attempt to extend the season and to provide a basis for collecting very important CPUE data on these fish over as wide a geographic area and time period as possible for the small fish index applied in the SCRS assessment.

The same paragraph that contains the current limitation on the 8% tolerance also continues to specify that there be no "economic gain to the fishermen from" fish weighing less than 30 kg. At this Commission meeting, during informal discussions of the management of western Atlantic bluefin tuna, we have received several questions about the meaning of this phrase. To clarify, this limitation was adopted in 1991 with the 8% provision discussed above. The Recommendation states that " Contracting Parties ... institute measures to deny economic gain to the fishermen from such fish." The key phrase in that provision is "to the fishermen." When the agreement was made, the concern was over individual recreational fishermen in the United States selling their catch and therefore increasing the incentive to catch more bluefin and possibly bypass the reporting process. There was recognition of the extensive charter and head boat fishing industry in the United States and understanding that the 1991 Recommendation would allow that fishery to continue consistent with the bag limits, quotas, and no-sale provision. Again the "economic gain" provision applies to sale of fish by fishermen and was, as we understood this, not intended to impact the charter or head boat industry, which takes recreational fishermen out on a for-hire basis. The bluefin caught in this fishery are not allowed to be sold = there is no economic gain to fishermen, even though the owners and operators benefit economically from providing recreational opportunities

I would like to address one final point. The United States is considering shifting from a calendar year to a fishing year for bluefin tuna, similar to arrangements in Japan. Our fishing year would be June through May. Consistent with paragraph 6, 'we intend to carryover approximately 20 MT of unused 1998 quota for the "transition period" from a calendar year to a fishing year. The only landings we would have January through May would be incidental longline harvest plus the North Carolina winter recreational fishery. Our new 1999 fishing year would begin June 1.

In sum, the United States firmly believes that a definitive rebuilding program that achieves ICCAT's objectives for maximum sustainable catch is absolutely essential to the effective management of bluefin tuna. This recommendation is intended to accomplish that while allowing for adjustments to the program as new scientific information becomes available.

Thank you, Mr. Chairman.

Appendix 10 to ANNEX 10

**STATEMENT BY THE UNITED STATES
CONCERNING THE REBUILDING PLANS FOR
EASTERN ATLANTIC BLUEFIN TUNA
(Attached to Report of Panel 2)**

Mr. Chairman and Fellow Delegates:

I have delayed my departure for the express purpose of addressing this most important issue. Following this morning's session, I must return to Washington to report on our progress. I regret to say that it is impossible to hide the United States' frustration over the lack of demonstrable progress on this issue. We have yet to receive a response to our question asking if we can expect to receive a rebuilding plan, as required by ICCAT, for eastern Atlantic bluefin tuna. I must also comment on compliance, because compliance and rebuilding are inextricably linked. The facts are well known, Mr. Chairman.

- 1 Under the 1994 ICCAT recommendation, landings by Contracting Parties in 1995, 1996, and 1997 should not exceed the cap, which is set at the higher of the 1993 or 1994 level of reported catch.
- 2 The 1998 SCRS Report shows that several Contracting parties exceeded this cap in 1997:

Italy -	39%	(2,666 MT)
France -	45% over their specific quota	(2,630 MT)
Spain -	13%	(951 MT)

Greece - 49% (176 MT)
 Portugal - 12% (81 MT)
 The total EC overage in 1997 was 6,506 MT.
 Morocco exceeded the cap by 44% (791 MT).

I also note that there were significant overages in 1995 and 1996 as well. You can only imagine how frustrating this is for our fishermen, when these overages total nearly three times the entire TAC for the western Atlantic. But this is particularly egregious when viewed in light of tagging studies that show that these fisheries are interdependent. In fact, the SCRS has noted that management practices in the East could adversely affect the recovery of the western Atlantic stock.

- 3 Further, in 1996, ICCAT agreed to the Compliance Recommendation, which requires that overages for 1996 be reported and explained, and than any overages in 1997 be deducted from the 1998 quota.
- 4 Therefore, the position of the U.S. and others should be clear:
 - All harvests in 1997 exceeding the 1995 cap are over-harvests.
 - 1998 catches should have been reduced to account for 100% of these over-harvests. Therefore, we expect full reduction to occur by 1999.
- 5 Also, the 1994 Recommendation calls for a reduction in harvests of bluefin tuna by 25% from the 1995 levels by the end of 1998. However, this year's SCRS Report indicates that this reduction, given recent revisions to the base year data, will not be sufficient to ensure a 25,000 MT total catch.
- 6 As I said in my opening statement, the United States takes it international obligations seriously. Our fishermen have accepted severe restrictions over the years and, rightfully, they expect no less from the fishermen of other nations that harvest their shared resources. The issue of compliance, including the requirement for a rebuilding plan, continues to be the true test of this organization. Its credibility and viability hang in the balance. Contracting Parties, Entities and Fishing Entities must be accountable for their actions. Therefore, the United States expects a rebuilding plan for eastern Atlantic bluefin tuna that will reduce catches to 25,000 NIT by 1999, including catches by all harvesting countries/entities/fishing entities.

Appendix 11 to ANNEX 10

STATEMENT BY THE EUROPEAN COMMUNITY REGARDING BLUEFIN TUNA (Attached to Report of Panel 2)

The Community has always defended the stable management of tuna resources. We wish this objective to be shared by all. In this regard, multilateral actions based on consensus are the best means of attaining this objective.

ICCAT has always followed this path. The decisions taken by ICCAT should guarantee a reasonable balance between the conservation of resources and the legitimate interests of fishermen.

On the basis of these principles, fixing a TAC for bluefin tuna should take the following factors into account:

- 1 scientific recommendations should be regarded in terms of their degree of uncertainty;
- 2 the acceptability to fishermen of limitation measures, which is fundamental to achieve control;
- 3 the socio-economic importance of fishing activities to certain communities which are highly dependent on their fisheries.

On the basis of these points, the European Community considers that a TAC of 33,000 MT for 1999 represents a good balance between regard for conservation and socio-economic imperatives.

The concerns of the Contracting Parties vary according to species and area.

It can also be frustrating when there is refusal to taken the position of Contracting Parties which have a direct and real interest in this fishery into account, while others have an interest in this fishery which is far from demonstrable.

Nobody has a monopoly on stringency. In this regard the responsible attitude of the European Union in matters relating to management of the resource has been amply demonstrated. Furthermore, no solution can be found on this issue without taking the legitimate concerns of the European Community into account.

It is up to us, as being responsible for the fishery sector, to find a just balance between resource conservation -to which we are all committed- and keeping our fishing industry economically viable.

Let us not take extreme positions.

This is why we will deal with all the other items on the Agenda of this ICCAT meeting in the light of responses to our concerns over bluefin tuna

The Community hopes that the spirit of cooperation and consensus will prevail and allow us to arrive at equitable and realistic solutions.

Appendix 12 to ANNEX 10

STATEMENT BY MOROCCO CONCERNING HISTORICAL RIGHTS (Attached to Report of Panel 2)

Morocco, among other developing coastal states, has concluded cooperative fishing agreements with third countries.

Within the framework of these agreements, some vessels flying foreign flags have been exceptionally authorized to operate in the Moroccan EEZ, through the granting of fishing licenses that are renewed periodically.

I refer to the National Report of Morocco, submitted this year to the SCRS, to indicate that, among the vessels cited above, those authorized by the Moroccan Administration to fish tunas in the Moroccan EEZ and caught there, in 1997, 807 MT of bluefin tuna, 1,143 MT of swordfish and other tuna species.

Currently our fisheries have attained a certain degree of maturity and organization. The Moroccan policy in matters of cooperation in the area of fisheries has been totally renewed. The granting of fishing licenses is no longer a corollary of cooperation agreements for Morocco..

In general, and this is applied to sedentary resources as well as migratory resources, the granting of fishing permits to other countries offers Morocco, a coastal country, the opportunity to develop the basis for a durable development of its fisheries, so that this activity contributes to reaching the socio-economic objectives of the country.

To this effect, Morocco requests that the methods of calculating the keys for allocating the fishing rights based on historical catches be reviewed in light of this situation. And, in particular:

- 1) That the allocations of quotas after the current cooperation agreements take into account the total catches made with Moroccan licenses in the Moroccan EEZ;
- 2) That the concept of national fishing capacity for Morocco be defined again based on the total number of licenses granted by the Moroccan Administration independently of the flag of the vessels.

Appendix 13 to ANNEX 10

JOINT STATEMENT BY MOROCCO, LIBYA, AND TURKEY CONCERNING QUOTA ALLOCATION (Attached to Report of Panel 2)

REAFFIRMING their commitment to give full implementation to the current ICCAT regulatory measures;

BEING extremely preoccupied by the current state of the eastern Atlantic bluefin tuna stock;

RECALLING the need to take the appropriate measures for the establishment of the Atlantic bluefin tuna stock;

SUPPORTING the principle of setting a Total Allowable Catch, as presented in paragraph 1 of the above document;

DEEMING IT NECESSARY that broad consultations be made to reach an agreement on the quota allocation scheme;

In order to reach agreement on their relative shares in the 32,000 MT, TAC of 1999, and the 29,500 MT, TAC of 2000, the above Contracting Parties and non-contracting party propose that an inter-sessional meeting involving Contracting Parties and non-contracting parties, entities or fishing entities with a direct interest in the fishery of eastern Atlantic bluefin tuna, to be held at the beginning of 1999.

Appendix 14 to ANNEX 10

REPORT OF THE INFORMAL MULTI-LATERAL CONSULTATION ON SOUTHERN ALBACORE

(Cape Town, South Africa - April 23-24, 1998)

EXECUTIVE SUMMARY

The 1997 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) called for the countries, entities, or fishing entities “actively fishing” (catches greater than 1,000 MT) for albacore in the South Atlantic to negotiate a sharing arrangement for 22,000 mt of the catch. The informal consultation was held April 23-24 in Cape Town, South Africa. Participating countries, entities and fishing entities included Brazil, Chinese-Taipei, Namibia and South Africa. The European Community also participated, as the sum of catches of South Atlantic albacore of the individual EC countries exceeds 1,000 MT. However, the EC did not request a share of the 22,000 mt allocation but rather indicated that the limit of 110% would apply to these EC countries.

The meeting was chaired by Dr. Rebecca Lent, chair of ICCAT’s Panel 3. Each country/entity/fishing entity had provided a report on their southern albacore fishery, which was circulated in advance of the meeting. Following the opening of the meeting and presentation of the individual reports, the first day’s discussion included a very frank and useful discussion of criteria to be used in determining a sharing arrangement for southern albacore, which was deemed by the participants to be a very important starting point for the negotiations. These criteria included adherence to conservation, historical catch, needs of developing countries and/or developing fishery sectors, sovereign rights of coastal states, share of resource range relative to EEZ, and dependence on southern albacore vis-a-vis other fishery resources. There was an initial attempt to quantify these figures, and these served as a background for discussion.

The negotiations were conducted both in plenary and in smaller sessions with just the chair and the heads of delegations. As the negotiations became more difficult, it was decided that the focus would be on 1998 rather than a long-term sharing arrangement. Despite encouraging developments and a near-agreement between three participants, no final sharing agreement was reached. There was a closing discussion on what quotas would be used for 1998; these quotas are reported in the proceedings of the meetings. There was great concern for the resource, as the total of these catches exceeds replacement yield. The Chair asked that all countries/entities/fishing entities provide her with a copy of their regulations for 1998 that would implement these catch caps, and indicated that the negotiation of a sharing arrangement would continue at the November 1998 ICCAT meeting.

1. Opening of the meeting

1.1 Official opening

The meeting was opened by Dr Johan van Zyl of Sea Fisheries, South Africa. He welcomed the delegates to Cape Town and expressed the hope that they would enjoy their stay. Dr van Zyl reminded the delegates that the purpose of this consultation is to divide the 22 000mt quota for albacore in the South Atlantic, among those nations deemed to be actively fishing for this resource.

1.2 Opening address by the Chair

Dr. Rebecca Lent (USA), chair of the meeting, thanked the hosts of the meeting, notably the government of South Africa, particularly Dr van Zyl and Dr Coleen Moloney for organising the meeting. She indicated that the type of framework agreed upon at this meeting for dividing this quota might be used in future at other ICCAT meetings. Dr Lent indicated that the recommendations of this meeting would be formally discussed and adopted at the ICCAT Panel 3 meeting in November, 1998, but encouraged participating states not to wait before implementing these regulations, per the spirit of the 1997 recommendation

1.3 Adoption of Agenda

The Chair invited comments on the draft agenda. The delegate of South Africa suggested that the discussion be structured as follows: agreement on criteria to be used; agreement on weighting of criteria; and sharing arrangements among countries.

The delegate of Namibia noted that this assumed that a quantitative method would be used to calculate each country's share of the 22 000mt and that this may not be necessary or even possible.

This was noted and the agenda was adopted (included as Annex 1).

1.4 Introduction of delegates

The Chair invited the heads of delegations to introduce their members. In response to a request from the delegate of Namibia she requested that they also indicate their status within ICCAT when introducing themselves. A full list of participants is attached as Annex 2. Namibia and Chinese-Taipei are not members of ICCAT although Namibia hopes to become a member during 1998. South Africa and Brazil are full member countries. The European Community has acceded to ICCAT and the membership of its individual countries have been withdrawn.

2. Presentation of Reports from Delegates

The delegate of Namibia presented his country's report (appended as Annex 3) and then responded to questions. All catches made in Namibian waters are noted in the report, with distinction between Namibian catches and those made by foreign flagged vessels. The Namibian fishery is still in a developmental phase and may later make use of purse-seine and longlining gear for targeting various species.

The delegate of the European Community did not present a report but explained that his presence at the meeting is due to the fact that the sum of the catches of South Atlantic albacore of the individual EC countries exceeded 1000mt, thus qualifying the EC as an actively fishing country/entity/fishing entity under the criterion adopted at the 1997 ICCAT meeting. Nevertheless, the EC is not requesting a share of the 22 000mt allocation for 1998. He indicated that paragraph 5 of the 1997 recommendation on southern albacore (the limit of 110% of the average catches for the period 1992-1996) would apply to the European Community. The Chair indicated that the record of the 1997 meeting clearly showed that there was no intention of treating the members from the EC jointly as a country actively fishing for southern albacore. The delegate of the European Community also pointed out that the 22 000mt were to be divided amongst the four countries/entities/fishing entities identified at the 1997 meeting as actively fishing and do not include catches by other contracting parties.

The delegate of Chinese-Taipei presented their report (appended as Annex 4). ICCAT conservation measures are enforced by monthly reporting of catches by vessels until 80% of the quota is caught, at which point reporting is done every ten days. Once 90% of the quota is reached, reporting is done daily. The fishery is closed once their quota has been reached.

The delegate of Brazil presented his country's report (appended as Annex 5). All catches made in the Brazilian EEZ are included in the report as Brazilian catches. This includes those catches made by foreign flagged vessels leased by Brazilian companies (subject to Brazilian regulation) which are landed in Brazilian ports.

The delegate of South Africa presented her country's report (appended as Annex 6). Catches taken under license to South Africa by Japanese and Chinese-Taipei vessels are excluded from this report. Thirty new longline permits for albacore have been allocated, but not all have been activated.

3. Discussion of allocation options

3.1 Agreement on criteria

The Chair went round the table and asked each delegation in turn to nominate a criterion that they thought should be considered in the allocation procedure. The process was continued until no further criteria were suggested by any delegation. In this manner a list of 10 potential criteria was proposed.

The Chair suggested that each potential criterion be introduced for discussion by the delegation that proposed the criterion.

The delegate of the European Community said that they did not want to be an obstacle to the agreement on the allocation of the 22 000mt. However the discussion on allocation criteria touched upon certain questions of principle on which the EC could not take a formal position at this stage. Therefore the EC reserved its position on all the discussion concerning allocation criteria. The Delegate of the EC further indicated that the sharing criteria used in this meeting, given its informal nature and very limited composition, could not become a precedent for other sharing arrangements in ICCAT.

3.1.1 Adherence to historical conservation measures

The delegate of Namibia introduced the criterion by reminding delegates that ICCAT recommended conservation measures because there was concern about the state of the southern albacore resource. He further stated that as signatories to the United Nations Convention on the Law of the Sea (UNCLOS), all the delegations present have agreed to comply with responsible fisheries practices both, within their EEZ and on the high seas.

The Chair observed that the only conservation measure for southern albacore implemented by ICCAT, which could be evaluated in terms of individual adherence, was that countries/entities/fishing entities should limit their landings in 1995 to 90% of their average catch for 1989-1993.

The delegate of the European Community reminded the meeting that matters of compliance with ICCAT measures are dealt with by the Permanent Working Group (PWG) and the Compliance Committee.

It was agreed that Namibia be excluded from compliance with the “90% limit” as they do not have an historical catch record.

It was noted that Brazil, Chinese-Taipei and South Africa all complied with the “90% limit” in 1995 and that there was only minor overage on the part of Chinese-Taipei in 1996. Therefore this criterion would not have any effect and could be dropped.

The delegate of South Africa observed that, although this criterion has little effect at this stage, it should be retained and considered in future discussions.

It was agreed that this criterion be **retained**, even though it has no effect.

3.1.2 Historical catch record

The delegate of Chinese-Taipei was not required to introduce this criterion as no clarification was needed.

There was extensive discussion on how catches by foreign-flag vessels within one country/entity/fishing entity’s EEZ were to be treated. It was recognised that the situation with respect to catches by foreign flagged vessels was not the same for all coastal states. The catches in Brazil’s EEZ by foreign flagged vessels leased to Brazilian companies are Brazilian catches and as such are accredited to Brazil by the SCRS. In contrast, catches made by foreign flagged vessels in the EEZs of South Africa and Namibia are not treated as catches of the host countries and are not accredited to the host countries by the SCRS. The meeting agreed to use the catch statistics as published by the SCRS. Namibia, however expressed reservations regarding the use of historic catch record and the treatment of catches made by foreign-flag vessels within their EEZ.

The delegate of Namibia objected to any use of historic catch records as they are a new participant without a historic record.

It was suggested that the average catch for 1992-1996, 1994-96, and 1987-96 could be used as a measure of historic performance.

The delegate of the European Community reminded participants that ICCAT statistics are worked out by the SCRS and that any modification of data should be agreed first in the SCRS. Therefore changing the statistical data base was outside the ambit of this group.

The criterion was **retained**

3.1.3 Dependence on the fishing area

This criterion was proposed by the delegate of Brazil, and is covered under section 5.3 of Annex 5.

It was proposed that, for each country/entity/fishing entity, the ratio of the catch of albacore in the south Atlantic to the catch of albacore in the whole ICCAT area be used as a measure of dependence on fishing area (Table 3 in Annex 5).

After limited discussion it was agreed to retain this criterion.

Further discussion on this topic occurred under item 3.1.8, and it was decided to **absorb 3.1.3 into 3.1.8**

3.1.4 Needs of developing fisheries

Introduced by the delegate of South Africa. This criterion refers to the specific needs of countries/entities/fishing entities to develop fisheries on resources within their EEZ. The South African tuna fishery is heavily dependent on southern albacore and needs continued access to the resource to enhance future development and diversification.

The delegate of Namibia noted that the distinction must be drawn between socio-economic development (see 3.1.9) and fisheries development. In addition, one must distinguish between expansion of an existing fishery and the development of a new fishery.

There was some discussion on the differences between 3.1.4 and 3.1.9 and on whether the two items could be combined. The Chair clarified the difference by pointing out that retaining both items recognises that a developed country/entity/fishing entity may have a developing fishery.

The delegate of Chinese-Taipei noted their dependence on marine products, but have a very small EEZ, hence the need to develop and maintain an expensive high seas fleet.

This criterion was **retained**.

3.1.5 Sovereign rights of coastal states [and rights of other countries in terms of the UN Convention on the Law of the Sea (UNCLOS) and the UN Agreement on Straddling Stocks and Highly Migratory Species].

The delegate of Namibia introduced this item with reference to articles 51, 61, 62, 64, 87.12 and 119 of UNCLOS (see Annex 7). He finally noted that UNCLOS calls on coastal states to co-operate with International bodies within their EEZ, but does not over-rule the sovereign rights of coastal states.

The delegate of Chinese-Taipei noted that southern albacore occur both within the EEZ of coastal states and in the high seas.

The delegate of Chinese-Taipei further noted that UNCLOS stipulates that fair treatment should be maintained among states. In this regard he questioned why the rights of coastal states only were being stressed and not the rights of other states. There was some discussion on this matter and it was pointed out that it is not intended to deny the rights of non-coastal states; the rights of all states must be borne in mind.

It was proposed that this criterion be expanded to include rights of countries to exploit highly migratory species in terms of the UN Agreement on Straddling Stocks and Highly Migratory Species.

The delegate of the European Community noted that while UNCLOS entered into force in 1994, the UN agreement on Straddling Stocks has not yet been ratified by the required 30 countries and is therefore not in force yet. Therefore, distinction should be drawn between those two texts as a legal basis for this discussion.

The **reworded criterion** (i.e. including the wording in square parentheses) was **retained**.

3.1.6 Impact on the current fishing industry

Introduced by the delegate of Chinese-Taipei, noting that this point is covered in their own report (Annex 5). He added that Chinese-Taipei has been involved in the tuna fishery for almost 30 years and has invested heavily in the fishery.

The other countries/entities/fishing entities objected to this criterion citing the following reasons: South Africa and Namibia have restricted the access of their fishing communities to the resource; over-investment (over capitalisation) is an impediment to effective management; a high historic investment could have contributed most to the resource decline and; that the historic catch record (3.1.2) serves as a record of historic investment in the fishery.

After discussion it was agreed to **drop** this criterion.

3.1.7 Distribution of stock biomass in relation to countries' EEZ. [Share of EEZ of each country/entity/fishing entity in the southern Atlantic]

Introduced by the delegate of Brazil who referred to Fig 1 of Annex 5 which shows the distribution of South Atlantic albacore. It was proposed that the area of a country's EEZ which falls within the distribution of South Atlantic albacore be divided by the total distributional area of South Atlantic albacore and that this ratio be used as a criterion, as it reflects the amount of responsibility and therefore the likely expenditure in protecting the resource, of each country.

Considerable discussion ensued on the origin and validity of the data used to construct Fig 1 until it was realised that the shaded areas on this figure were not used in the calculation shown in Table 2 of Annex 5. Estimated density of biomass in different areas was also not considered. This calculation simply considered the amount of a country's EEZ which falls within the area bounded by the latitudes 5°N and 50°S.

The delegates of South Africa and the EC noted that the area of an EEZ does not necessarily give an indication of the biomass of the resource residing in those waters. Seasonality in distribution is not reflected in this calculation.

It was noted in the discussion that the spirit of this criterion was included in 3.1.5 which notes the responsibilities of coastal states.

The delegate of Namibia noted that states should not be penalised simply because they have relatively short coastlines and that there is no precedent in UNCLOS for such a consideration.

Although initially rejected due to the many reservations delegations expressed regarding this criterion, it was later **included** for purposes of discussion when it was realised that the data used to construct Fig 1 of Annex 5 were not used in Brazil's calculation.

3.1.8 Dependence on southern albacore

Introduced by the delegate of South Africa. He stated that the South African tuna industry is highly dependent on southern albacore. He also pointed out that vessel size and fishing gear accessible to South African fishers were restricted in terms of South African regulations. These self-imposed restrictions have limited South Africa's access to the southern albacore resource. They also prevented access to other tuna species thereby increasing South Africa's reliance on southern albacore. The delegate of South Africa proposed that the percentage of southern albacore in the total catch of large pelagic species be used as a measure of dependence on southern albacore.

The Chair asked the South African delegation to provide the ratios (Table 3.1.8).

The delegates of Brazil and Chinese-Taipei pointed out that this algorithm to measure dependence was very similar to that proposed under item 3.1.3. After discussion it was agreed that both algorithms should be used and that they be considered under 3.1.8

It was agreed that criteria 3.1.3 and 3.1.8 be **retained** as 3.1.8a and 3.1.8b respectively.

3.1.9 Special needs of developing countries

Introduced by the delegate of Namibia who read Article 119 of UNCLOS and Articles 11 and 24 of the UN agreement on highly migratory species and straddling fish stocks which state that fishery regulations should aim to maintain stocks at their MSY level but should also take the special requirements of developing nations into account.

The delegate of Chinese-Taipei objected to the inclusion of this criterion as it is seen as discriminatory towards Chinese-Taipei, in terms of UNCLOS which also states that no fishing nation should be discriminated against. Concern was also noted regarding the definition and identity of developing nations, in terms of UNCLOS. The delegate of Chinese-Taipei indicated that countries/entities/fishing entities which do not have the capacity to catch the full quota available in their waters should allow other nations to take these catches. Chinese-Taipei fishing vessels travel long distances in order to catch albacore because they too have socio-economic need of these catches.

Discussion ensued in which other participants noted that the UN identifies Namibia, Brazil and South Africa as developing nations and that in stating that the needs of developing countries/entities/fishing entities should be taken into account, the UN indicated that this was not a discriminatory act.

The delegate of Chinese-Taipei suggested that 3.1.9 be amended to include "traditional fishing rights". The delegate of Namibia objected to this and following discussion this amendment was not adopted.

The view was expressed that all country/entity/fishing entity represented at the meeting had need of albacore catches.

The Chair noted the delegate of Chinese-Taipei's objections to criterion 3.1.9 but stated that it would be **retained**.

3.1.10 Contribution of adult fish to the catches

Introduced by the delegate of Brazil in order to discourage large catches of juvenile fish.

It was noted in the discussion that, contrary to the usual strategy, ICCAT has not considered the imposition of a minimum size limit for albacore. It was agreed that the full Panel 3 should address this issue, with possible request to the SCRS for further guidance.

In the absence of modelling studies on the likely impact of catches on juvenile fish, this criterion could not be supported.

The delegate of South Africa noted that countries should not be discriminated against because juvenile fish were found in high concentrations in their waters.

This criterion was **rejected**, but delegates, with the exception of the delegate of the European Community, agreed that Panel 3 should be asked to recommend further investigation of the effects on the resource of the size composition of the catch.

3.2 Agreement of weighting factors

During the discussion on the weighting of the factors it was suggested that delegates consider that the allocation scheme be implemented for three years, notably 1998, 1999 and 2000. This reflected the planned biennial stock assessments as most sharing arrangements for ICCAT are timed based on stock assessment intervals.

Delegations were asked to propose weighting factors for each of the agreed criteria. The delegate of South Africa presented a range of weights for each criterion and was asked to amend these to single values. The proposed weights are shown in Table 3.2.

Table 3.2 Weighting factors proposed by delegations

Criterion	Brazil	Chinese-Taipei	Namibia	South Africa	Average (Range)
1	5	5	0	0	(0,5) 2.5
2	5	90	2	37	(2,90) 33.5
4	23	0	22	3	(0,23) 12
5	25	0	22	21	(0,25) 17
7	23	0	11	0	(0,23) 8.5
8	15 and 2	5	22	18	(5,22) 15.5
9	2	0	22	21	(0,22) 11.25

The delegate of Chinese-Taipei indicated that he had zero weighted criteria that he did not feel were quantifiable and that he had stressed the importance of historical catches as published by the SCRS as this is the only criterion which is normally used by ICCAT. For this reason he allocated a low weight to criterion 8 even though this criterion favored Chinese-Taipei.

3.3 First requested catches

Delegations were asked to give the size of the catch that they thought should be allocated to them. These are shown in Table 3.3.

Table 3.3. Catches requested by each country, percentages that these represent of the total amount requested, these percentages applied to a total catch of 22 000mt, and the percentage of 22 000mt that each requested figure represents.

Country	Catch Requested	Percentage of total (41 771)	Percentage of total * 22 000 MT	Percentage of 22 000 MT
Brazil	8 771	21%	4 600	40%
Chinese-Taipei	18 000	43%	9 400	82%
Namibia	7 500	18%	4 000	39%
South Africa	7 500	18%	4 000	39%
Total	41 771	100%	22 000	200%

The delegate of Namibia stated that they would be willing to take a lower catch than that suggested in Table 3.3, subject to a gradual increase in catches, up to this level, over a three year period. Their fleet could not catch 7 500mt in 1998 but their fishery is developing and must be allowed scope for growth. He suggested that Brazil and South Africa might do the same.

South Africa stated that they had not inflated their requested catch but had asked for the amount that they needed to support their existing fishery as well as the new longline licence holders.

It was recognized that the 22 000mt quota was allocated as part of a scheme to rebuild the albacore stock to MSY and could therefore increase in future. MSY is thought to be in the region of 26 400mt.

The delegate of Chinese-Taipei pointed out that Chinese-Taipei were striving to help coastal states develop their fishing capacity but that this took time and that these countries are not yet capable of taking the large catches that they hope to take in future. He noted that Chinese-Taipei has a large fishing industry which cannot be drastically reduced over a short period, and the 18 000mt requested is 800mt below current catches, and therefore in line with ICCAT's policy on reducing catches.

3.4 Sharing arrangements

Overnight a draft document applying the weighting factors (Annex 8) was prepared by the Chair. This was distributed to all delegations before the start of the second day's proceedings.

The Chair opened the second day's proceedings and introduced her document by explaining how she had incorporated the weights for the different criteria.

After explanation of the draft report, the meeting adjourned for delegations to discuss the draft among themselves. A meeting of delegation heads followed.

3.4.1 Calculation of the scores for countries/entities/fishing entities

The Chair noted that it was difficult to quantify the individual countries/entities/fishing entities' scores. In some cases (e.g. Items 1 and 4) the score was a simple binomial. In others, actual values were proposed during discussions on the individual items.

It was difficult to obtain the catch per country/entity/fishing entity for "ICCAT species", other than albacore for the south Atlantic only.

In her document, the Chair assumed that the total catch of "ICCAT species" by countries/entities/fishing entities in the south Atlantic was 50% of the catch of albacore in the whole ICCAT area. Data for 1996 only were used.

Table 3.3.1. Percentage contribution of southern albacore to the south Atlantic catches of large pelagic species by country

country/entity/fishing entity	Total catch of "ICCAT species" in south Atlantic	Percent southern albacore
Brazil	5370	16
Chinese-Taipei	49492	38
Namibia	953.5	95.9
South Africa	2213	98.4

3.4.2 Calculation of the share of the resource for each country/entity/fishing entity

The countries/entities/fishing entity score was converted into a proportion per item.

The product of the proportion and weighting factor then yielded the fractional contribution of that item to the countries/entities/fishing entities overall share of the resource.

The countries' proportional share of the resource was then calculated by summing the fractional shares over all items.

4 Summary of proceedings to date

Following lengthy discussions outside of plenary, the Chair reconvened the meeting and summarized the day's negotiations. No agreement had been reached despite sacrifices from some delegations and encouraging goodwill amongst participants. She noted that this meeting, while not reaching an agreement, did break new ground in the development of a new method for allocating quotas among parties. She felt that it was encouraging that all parties were still at the negotiating table. She hoped that later negotiations, at the next ICCAT meeting in November, would have a more successful conclusion.

Only catches to be made in 1998 were discussed. The delegate of South Africa advanced a proposal, shown in Table 4.1, which was supported, with slight reservations, by Brazil. This proposal was somewhat similar to the proposal advanced by the delegate of Chinese-Taipei (see Table 4.1). Namibia supported the catch limits that were calculated by the Chair, using the criteria and average weightings discussed previously ("straw man" in Table 4.1).

Table 4.1 Proposed catch limit divisions presented by certain delegations and figures suggested by calculation performed by the Chair using criteria and weightings discussed previously (“straw man”), together with 3-year average fishing histories which are included for comparative purposes. The percentage that each of these figures represent of the total catch for 1998 is shown in parentheses.

	Brazil	Chinese-Taipei	Namibia	South Africa
3-year average	1 003 (4%)	19 904 (78%)	949 (3%)	3 860 (15%)
South African proposal	2 006 (9.1%)	13 282 (60.4%)	1 898 (8.6%)	4 814 (21.9%)
Chinese-Taipei proposal	1 534 (6.5%)	14 700 (66.8%)	1 426 (6.5%)	4 340 (19.7%)
Namibian Proposal (“Straw man 1”)	4 840 (22%)	7 920 (36%)	4 400 (20%)	5 060 (23%)

As moderator, the Chair, noting the similarity of the South African and Chinese-Taipei proposals, encouraged consideration of these figures. However, the delegation of Namibia had been instructed not to accept any quota lower than 4000mt and were therefore unwilling to accept any level of catch below this limit. The other three delegations proposed lowering their catch limits below the levels that they had originally presented as the lowest that they were willing to accept, even though some considered these levels below those required to support their developing fishing industries.

Application of the 90% of historic catches rules (recommended by ICCAT in 1994) was considered and the figures calculated are shown in Table 4.2. The sum of these catches, when added to the 4000mt that Namibia intend catching, exceed the replacement yield level of 26500mt as calculated by ICCAT. Catches above the replacement yield level would lead to stock depletion.

Table 4.2 Catch levels calculated by applying the 90% rule recommended at the 1994 ICCAT meeting are shown together with catch levels at which delegates proposed closing their fisheries, in the absence of an agreement from this meeting. The figures presented at the close of negotiations (that occurred outside of plenary) are shown, together with final figures presented during plenary at the end of the meeting. The figures in parentheses indicate the percentage of the total annual catch.

	Brazil	Chinese-Taipei	Namibia	South Africa	Total catch
Catches under 90% rule	1 510 (6.0%)	18 378 (73.4%)	0 (-)	5 163 (20.6%)	25 051
Catch if no agreement	4000 (13.9%)	16 140 (56.3%)	4 000 (13.9%)	4 534 (15.8%)	28 674

The Chair noted that the catches proposed in Table 4.2 would be recorded in the report of this meeting and that they represented a gentlemen’s agreement to limit fishing to these levels.

5. Presentation of closing statements

The Chair opened the meeting to discussion and delegates took the opportunity to state their positions. Delegates were asked to state their final positions on the level at which they would close their fisheries in 1998 (these are shown in Table 4.2).

5.1 Statement by the delegate of Brazil

The delegate of Brazil expressed regret that the meeting had come to a standstill. He noted that the need for change within ICCAT has been in sight since the beginning of ICCAT. He reminded delegates that ICCAT stands for the International Commission for the Conservation of Atlantic Tuna, and that the Commission was formed to respond to the signs of stock depletion in tuna fisheries. He suggested that those responsible for the depletion of the stocks were those parties who always raise “historical reasons” as justification for maintaining the *status quo* in terms of the distribution of quotas.

The delegate of Brazil then praised the Chair for allowing this meeting to explore new criteria that could be considered when apportioning the TAC, criteria that would preserve the stock while also benefitting those countries that have not had

the opportunity to develop their own fishing industries. He concluded, noting that the results of this meeting indicate the need for the adoption of a new set of procedures in the management of resources of large pelagic species in the Atlantic, including the need to respect the basic principles embodied in UNCLOS, and consideration of the rights of coastal states. Finally he stated that the obligation to co-operate in the search for proper management and utilization of the resource over its whole distribution must not be used as a means to deny the rights and interests of coastal states, thereby prejudicing or otherwise undermining coastal states' efforts to secure proper and sustainable utilization of the resources within its EEZ.

Brazil, like Namibia, intends limiting its fishery to 4000 MT in 1998. The Chair warned that catches of this magnitude would contribute to the depletion of the resource. The delegate of Brazil noted this concern.

The delegate of Brazil thanked the host country for their hospitality and for the smooth organization of the meeting. He also thanked the Chair for her leadership and her determination to reach an agreement.

5.2 Statement by the delegate of Namibia

The delegate of Namibia read an excerpt of the instructions given to his delegation by their government, which stated that a TAC for 1998 of no lower than 4000mt could be accepted and furthermore that a catch of no lower than 5000mt could be accepted for 1999. In addition the government of Namibia would reserve the right to adjust these catches upwards in future.

The delegation of Namibia entered into the discussions at this meeting on the criteria to be used to allocate the 22000mt and the weightings to be used for these criteria. The results of these discussions indicated a catch of 4400mt for Namibia. They were willing to lower their catch limit below this level, to 4000mt. Namibia is concerned about the status of the southern albacore stock and this is reflected by the stringent regulations which they adopted at the beginning of their fishery. They considered all available information, including past catches in their EEZ, and based on their findings they consider that the 30 permits issued by them for vessels of less than 23m in length, can be employed to the full in their EEZ without negative consequences for the albacore stock. They recognize that the stock is currently below its optimal level but feel that those who were responsible for past over-exploitation should now make the necessary sacrifices to allow the stock to be rebuilt. They feel that Namibia should not be penalized for their lack of participation in this past over-exploitation, or for the stringent regulations which have kept their catches at a low level. As a developing, coastal country with a new fishery, Namibians feel that they have the right to develop a fishery for southern albacore in their EEZ. They intend to catch 4000mt of southern albacore during 1998 and will develop the appropriate legal instruments for enforcing this limit.

The delegation of Namibia noted that their proposed catch necessitates a drastic reduction in the catches of other countries/entities/fishing entities but feel that this is in line with the current world-wide trend which is to increase the regulation of high seas fisheries. It is not their intention to ignore ICCAT conservation measures, on the contrary Namibia has a good record of responsible fishing, it is simply their contention that it is the countries that contributed to the depletion of the resource, that should now make sacrifices.

The delegate of Namibia once again made reference to the rights of the coastal states as detailed in UNCLOS (see Annex 8) and the UN agreement on straddling stocks and highly migratory species.

Finally, the delegate of Namibia thanked the Chair for her efforts in attempting to reach an agreement and stated that it was through no fault of hers that such an agreement was not achieved. He also thanked the other delegations for their good co-operation during this process.

5.3 Statement by the delegate of South Africa

The delegate of South Africa noted that South Africa has an historic record and history of investment in the southern albacore fishery, and is prepared to implement measures that would lead to stock rebuilding. However, South Africa has an urgent need to develop the fishery to accommodate the aspirations of the South African people in accordance with their new fisheries policy and status as a coastal state and a developing nation. He requests that ICCAT seriously consider forming a working group to consider and set criteria for quota allocation for all ICCAT species. He thanked the Chair for a difficult job well done and all delegates for visiting South Africa and for the good spirit in which negotiations were conducted.

5.4 Statement by the delegate of Chinese-Taipei

The delegate of Chinese-Taipei honored the excellent leadership of the Chair and thanked the delegate of South Africa for hosting the meeting and for providing lunches. They regret, despite their best endeavors, the failure of this meeting to reach an agreement on the allocation of the 22000mt. They intend to comply with the ICCAT recommendation that catches remain at 90% of the previous average. Therefore they intend limiting their catches during 1998 to 16140mt. The delegate of Chinese-Taipei expressed the hope that God would look over the southern albacore in 1998.

5.5 Statement by the delegate of the European Community

The delegate of the European Community expressed his regret at the failure of this meeting to reach agreement, in spite of very capable chairing. He hoped that discussions at the November ICCAT meeting would prove more fruitful.

6. Adoption of the report and closure

The delegate of Brazil proposed that the report be adopted subject to the discussed changes, this was seconded by the delegate of South Africa and the report was duly adopted.

The Chair cautioned delegations that the catches made by their countries/entities/fishing entities during 1998 would be closely scrutinized by herself and by ICCAT. She warned that 1998 should not be regarded as a year during which an historic catch record would be accumulated for the purposes of future allocation of catches by ICCAT. She urged delegates to approach their legal advisers before implementing their catch limits in 1998. She requested that copies of any regulations pertaining to this meeting be forwarded to herself.

Finally, Dr Lent, the Chair of this meeting, thanked the participants for their goodwill shown during these negotiations and for continuing to take part in the discussions. She thanked the host delegation and the rapporteurs for their efforts and wished all participants a safe trip home.

AGENDA FOR THE MULTI-LATERAL CONSULTATION

1. Opening of the meeting
 - 1.1 Official opening
 - 1.2 Opening address by the Chair
 - 1.3 Adoption of Agenda
 - 1.4 Introduction of delegates
2. Presentation of reports from delegates
3. Discussion of allocation options
 - 3.1 Agreement on criteria
 - 3.1.1 Adherence to historical conservation measures
 - 3.1.2 Historical catch record
 - 3.1.3 Dependence on the fishing area
 - 3.1.4 Needs of developing fisheries
 - 3.1.5 Sovereign rights of coastal states [and rights of other countries in terms of the UN Convention on the Law of the sea (UNCLOS) and the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks]
 - 3.1.6 Impact on the current fishing industry
 - 3.1.7 Distribution of stock biomass in relation to countries EEZ [Share of EEZ of each country/entity/fishing entity in the southern Atlantic]
 - 3.1.8 Dependence on southern albacore
 - 3.1.9 Special needs of developing countries
 - 3.1.10 Contribution of adult fish to the catches
 - 3.2 Agreement of weighting factors
 - 3.3 First requested catches
 - 3.4 Sharing arrangements
 - 3.4.1 Calculation of scores for countries/entities/fishing entities
 - 3.4.2 Calculation of share of the resource for each country/entity/fishing entity
4. Summary of proceedings to date
5. Presentation of closing statements
 - 5.1 Statement by the delegation of Brazil
 - 5.2 Statement by the delegation of Namibia
 - 5.3 Statement by the delegation of South Africa
 - 5.4 Statement by the delegation of Chinese-Taipei
 - 5.5 Statement by the delegate of the European Community
6. Adoption of report and closure

Addendum 2 to Appendix 14 to ANNEX 10**PARTICIPANTS AT THE MULTI-LATERAL CONSULTATION****ICCAT**

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Addendum 3 to Appendix 14 to ANNEX 10

LIST OF DOCUMENTS PRESENTED TO THE MULTI-LATERAL CONSULTATION*

- Document 1: A Synopsis of the Tuna Fishery in the EEZ of the Republic of Namibia. (National Marine Information and Research Center, P. O. Box 912, Swakopmund, Namibia).
- Document 2: Report of Chinese Taipei on the Albacore Longline Fisheries in the South Atlantic.
- Document 3: Brazilian Proposal on Catch Quota Allocation for the Albacore Fishery in the South Atlantic Ocean. (Proposal prepared by a Working Group, created within the framework of the SEGESP, through Resolution No. 001/98. The Working Group was comprised of representatives of IBAMA, José Dias Neto (Coordinator) and José Heriberto Meseses de Lima, one representative of SEGESPE, CMG Flávio de Moraes Leme, one representative of the Instituto de Pesca, Alberto Ferreira de Amorim, one representative of MMA, Ana Paula Prates, and one representative of UFRPE, Fábio Hissa Vieira Hazin.
- Document 4: South African Albacore Fishery.
- Document 5: Extracts from "The Law of the Sea". [Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index. Final Act of the Third United Nations Conference on the Law of the Sea. United Nations, New York 1983.]

* Copies of the documents presented are available at the Secretariat on request.

SOUTHERN ALBACORE SHARING ARRANGEMENT

The purpose of this document is to provide an initial estimate of the actual numbers implied by the seven criteria as calculated using the average weights from the first day's discussion. The goal is to stimulate further discussion by examining at the actual numbers implied by the criteria and to consider a few variations on the sharing arrangements using this as a starting point.

Note that the following numbers were calculated rather quickly and need to be cross-checked. In addition, several assumptions were necessary in order to quantify and to obtain numbers that could be converted into a sharing arrangement.

		Country/Ent/F Ent	Brazil	Chi-T	Namibia	So. Af
Criterion	Wt					
1. Adher. to Conserv.	2.5	Yes=1/No=0 Share in Factor Product	1 .25 .625	1 .25 .625	1 .25 .625	1 .25 .625
2. Historical catch	33.5	Ave of 3 & 10-yr share Product	.04 1.34	.77 25.8	.02 .67	.17 5.7
4. Needs for developing fishery	12	Yes = 1/No = 0 Share in Factor Product	1 .33 3.99	0 0 0	1 .33 3.99	1 .53 3.99
5. Sover Rights Coastal States	17	Yes = 1/No = 0 Share in Factor Product	1 .33 5.66	0 0 0	1 .33 5.66	1 .33 5.66
7. Share in So Alb range	8.5	Per Braz proposal Product	.7799 6.612	0	.1258 1.069	0.0963 0.819
8. Dependence: So alb/tot alb So alb/total So Alb	7.75 7.75	Ratio 1 (per Braz prop) Share in Factor Product Ratio 2 Share in Factor Product	1 .26 2.018 15.98 .064 .496	0.84 .219 1.695 37.96 .153 1.185	1 .26 2.018 95.86 .386 2.992	1 .26 2.018 98.42 .397 3.073
9. Developing Countr.	11	Yes = 1/No = 0 Share in Factor Product	1 .33 3.666	0	1 .33 3.66	1 .33 3.66
TOTAL			24.41	29.31	20.69	25.55

These calculations result in a significant decline in the allocation to Chinese-Taipei, with a corresponding reallocation to the three other countries/entities/fishing entities, such that their share is considerably increased.

Three alternative proposals: starting from the percentage shares from the criterion calculation above:

Strawman 1: reduce Brazil, Namibia and South Africa by 10 % each, reallocate to Chinese-Taipei.

Strawman 2: reduce Brazil, Namibia and South Africa by 20 % each, reallocate to Chinese-Taipei.

Strawman 3: reduce Brazil, Namibia and South Africa by 30 % each, reallocate to Chinese-Taipei.

Results: Percentage shares by country

	Brazil	Chi-Tai	Namibia	South Africa
Strawman 1	22	36	20	23
Strawman 2	20	43	17	20
Strawman 3	17	50	15	18

Appendix 15 to ANNEX 10

**STATEMENT BY SOUTH AFRICA
ON SOUTH ATLANTIC ALBACORE**
(Attached to Report of Panel 3)

For the past five years, assessments produced by the Albacore Working Group have indicated the southern albacore resource to be over-exploited, and concluded that "current catches are not sustainable". Those assessment results have driven the work of Panel 3 over that time, and have led to recommendations for limitation of catches of southern albacore. The stated objective of those recommendations was to re-build the southern albacore stock to maximum sustainable levels by the year 2005. It is therefore with great pleasure that we note that this year's SCRS report on southern albacore notes that "results indicate a stock at biomass levels above those at MSY", that assessments "did not detect the negative perspective shown in previous assessments" and, most importantly, that "the current level of exploitation appears to be sustainable". Unexpectedly, and ahead of schedule, we appear to have achieved our objective.

When South Africa initiated proposals to limit catches of southern albacore, we noted that limitation of catches to sustainable levels, and subsequent re-building of the stock, could be achieved by a modest degree of restraint by those countries targeting this resource. This restraint has been shown, and South Africa wishes to thank our partners in this fishery for their responsibility in dealing with this management issue. We sincerely hope that we can continue in this spirit of co-operation, and we look forward to developing proposals at this year's meeting for future catch limits on southern albacore, and on the division of any such limits.

The division of the southern albacore catch limit is the main challenge facing this year's meeting of Panel 3. We have yet to complete the work started at the inter-sessional meeting held in April to discuss this issue. However, although agreement on division of the southern albacore catch was not reached, we would note that substantial progress was made at that meeting. In particular, much was achieved with the development and acceptance of criteria to be considered in developing formulae to divide catches between coastal states and high-seas fishing fleets. Based on those criteria, the participants at that meeting came close to achieving an agreement on the division of the southern albacore catch limit. South Africa proposes that we go back to that point at the inter-sessional meeting at which we came closest to reaching agreement, and then work to resolve the final hurdles delaying the development of an acceptable sharing arrangement.

South Africa has developed draft proposals on both the catch limit and sharing issues, and we look forward to working with the other Panel members to refine, and hopefully approve, these proposals.

**STATEMENT BY SOUTH AFRICA
IN SUPPORT OF THE 1998 RECOMMENDATION
ON SOUTH ATLANTIC ALBACORE**
(Attached to Report of Panel 3)

With no objection, South Africa suggests we adopt the Recommendation.

South Africa would like to thank all the contributors to this management recommendation for their cooperation under very difficult circumstances. We recognize that this is an imperfect compromise, and an interim measure. With that in mind, we undertake to do everything possible to ensure that this measure is successful in limiting southern albacore catches within sustainable levels during 1999. We ask for the continued cooperation of our partners in this fishery so that we can present next year's meeting with an example of successful management through regional cooperation.

South Africa thanks the Chair for her excellent guidance and leadership.

**STATEMENT BY SOUTH AFRICA
ON SWORDFISH**
(Attached to Report of Panel 4)

South Africa is attending Panel 4 as a member for the first time this year. As new members of this Panel, we have the greatest respect and appreciation for the work already done by the other Panel members in development of responsible management measures for Atlantic swordfish resources. We are also aware of the specific problems associated with the management of swordfish. In particular, we note that swordfish stocks have been found to have modest sustainable yields and low replacement rates. Swordfish stock structures also appear to be complex, with evidence of the existence of a number of sub-stocks of swordfish around the Atlantic Ocean. We recognize that, as a result, swordfish have been subject to rapid localized depletion in a number of areas, and general over-exploitation in the northern and southern Atlantic.

Although new members of Panel 4, South Africa has a long record of active participation in the development of responsible and effective management measures for tuna species within ICCAT Panel 3. We believe that our initiatives and contributions at Panel 3 demonstrate our commitment to effective management of Atlantic tuna stocks, within scientifically determined sustainable levels. We wish to re-affirm our commitment to these principles at Panel 4. In particular, we recognize the need to limit swordfish catches in order to rebuild stocks to, and maintain stocks at, long-term sustainable levels.

South Africa has also demonstrated her commitment to the implementation of effective compliance measures by ICCAT member countries, and has participated actively in initiatives in this regard within the ICCAT Compliance Committee. South Africa therefore regrets that we were forced to object to the ICCAT "Recommendation Regarding Compliance in the South Atlantic Swordfish Fishery", adopted at the 15th Regular ICCAT Meeting last year. However, as we have explained in our letter of objection, South Africa cannot accept a recommendation designed to implement punitive measures against countries who do not adhere to catch allocations which we consider to be inequitable, and therefore unacceptable.

There has been a long history of longlining in South African waters. South Africa first fished for tuna using longlines between 1960 and 1965, making significant catches of bluefin tuna, yellowfin tuna and albacore. Between 1965 and 1995, South Africa tuna fishing effort has focused on albacore caught using pole and line. However, longlining has continued and increased within South African waters over that period. South African fishermen have continued to operate a few longlines, but longlining has primarily been conducted by Asian high-seas longline fleets permitted to fish in our waters. In recent years, these vessels have caught increasing quantities of swordfish in our waters, to the concern of South Africa. Of more concern is the fact that longline vessels belonging to other high seas fleets operating in the southern Atlantic Ocean have recently been observed illegally exploiting swordfish in South African waters. It is our contention that these longline tuna and swordfish catches within South African waters should be made by South African fishermen.

As a result, South Africa recently recommenced her longline fishery for large pelagic species within her EEZ. Initial experimental fishing was conducted in 1995 and 30 pelagic longline permits were issued in late 1997. As we have reported at this year's SCRS meeting, these permits are primarily targeting bigeye tuna, yellowfin tuna and swordfish. High catch rates and large size of swordfish caught by these vessels indicate that swordfish caught off southern Africa may not form part of the apparently over-exploited swordfish stock fished in the eastern half of the southern Atlantic Ocean. Association of these fish with the Agulhas Current suggests that they may rather form part of a southern Indian Ocean stock. South Africa has already commenced a research program to investigate relationships between swordfish off southern Africa with those in the Atlantic and Indian Oceans. Pending assessment of the sustainability of these catches, a precautionary swordfish catch limit of 1000 MT was established for the South African EEZ for 1998, and we have implemented comprehensive catch reporting and observer programs on this fleet.

South Africa wishes to note that high seas fleets from developed countries whose coastlines do not border on the southern Atlantic Ocean, and whose rapidly increasing catches over the past five years have directly caused the over-exploitation of the southern Atlantic swordfish resource, have been allocated the bulk of the swordfish TAC based on excessive past performances. We consider this to be inequitable and unacceptable. South Africa hopes to participate actively at this meeting in efforts to ensure a more equitable distribution of access to swordfish stocks in the southern Atlantic Ocean. Specifically, South Africa intends to motivate for a 1000 MT allocation of swordfish, to be caught in the ICCAT Convention area, within our EEZ. In motivating for this allocation, South Africa notes that it is modest in comparison with allocations to other nations fishing swordfish in the southern Atlantic Ocean.

In conclusion, South Africa hopes that we can successfully address this imbalance at this year's meeting of Panel 4, and that we will then be in a position to accept the compliance measures designed to facilitate implementation of the southern Atlantic swordfish catch limits.

ANNEX 11

**REPORT OF THE MEETING OF THE STANDING COMMITTEE
ON FINANCE AND ADMINISTRATION (STACFAD)****1. Opening of the meeting**

1.1 The 1998 Meeting of the Standing Committee on Finance and Administration (STACFAD) was opened on Tuesday, November 17, 1998, by the Committee Chairman, Mr. J. Jones (Canada).

2. Adoption of Agenda

2.1 The Chairman proposed that the Committee focus on Agenda items 1 to 9 at the first session. No members objected to this proposal. The Agenda was then adopted without change and is attached as **Appendix 1 to ANNEX 11**.

3. Nomination of Rapporteur

3.1 Ms. K. Greene (United States) was nominated to serve as Rapporteur and this nomination was accepted by the Committee.

4. 1998 Administrative Report

4.1 The Executive Secretary referred the Committee to the 1998 Administrative Report (COM/98/6). This report includes details on the ICCAT Secretariat's work during 1998, including Commission membership updates, the Madrid Protocol ratification process or acceptance, ICCAT regulations and resolutions, monitoring and inspection activities, meetings organized by ICCAT, and meetings at which ICCAT was represented. The Administrative Report also provides information on the coordination of research and statistics, the ICCAT lottery for recovered tags, cooperation with other countries and organizations, ICCAT publications issued in 1998, and information related to the Secretariat's office and staff.

4.2 The Executive Secretary noted the importance of the document which provided details on the Secretariat's cooperation with other countries, organizations and entities. He also commented on the Secretariat's on-going program of updating its computer equipment, stating that the new system had been implemented and that few equipment purchases would be made next year.

5. 1998 Financial Report

5.1 The Chairman referred the Committee to the 1998 Financial Report (COM/98/7), which provides financial about the Commission's financial activities during Fiscal Year 1998 and he asked the Executive Secretary to briefly summarize the key elements of the report.

5.2 The Executive Secretary pointed out that the report covered the period up to October 31, 1998, that the amounts are expressed in pesetas and that it included the status of the receipt of the Contracting Party contributions. In addition, he reported that the Commission's finances were sound and that the Commission was functioning well within its prescribed budgetary limits.

5.3 The Executive Secretary reported that 1998 extra-budgetary income included a voluntary contribution of 20,000\$ from Chinese Taipei. In addition, he indicated that the Report of the ICCAT Tuna Symposium will be published soon.

5.4 The Delegate from Japan noting that 1998 was the first year the Billfish Research Program was funded through the regular Commission budget asked if those funds are earmarked for a particular project. The Executive Secretary responded that Billfish Program funds are now fully administered through the regular Commission budget, in accordance with a Commission decision. He further added that contributions received in the past from the private sector accumulate and are carried over from one year to another. In addition, such contributions are usually not for specific years. The billfish budget

is proposed by the Billfish Program Coordinator, in consultation with the SCRS. The Executive Secretary also mentioned that if funds are budgeted for a specific research program but not spent within that Fiscal Year, then those funds remain in the account for that program for use in subsequent years.

5.5 The Delegate from Japan asked about the allocation of funds within a particular program. He wanted to know if funds can be used at the discretion of the scientists. The Executive Secretary replied that funds allocated for a specific program must be used for activities relative to that program. For each program the activities are discussed and agreed upon within the scientific group.

6) Status and Implications of ICCAT programs

6.1 The Chairman, in agreement with the Executive Secretary, noted that items to be covered in this section, were discussed in detail in the 1998 Financial Report.

7. Budgetary implications of the Commission's general activities in 1999

7.1 The Chair referred the Delegates to the Proposed Revised Budget (COM/98/8) which outlines two budgetary options for the Commission. The budgetary options include a revision to the budget to reflect recent changes in the General Services salary schedule. The total budget figure remains unchanged from the provisional approval adopted in 1997. The second option is an increase in the total budget to reflect the request by the SCRS for the Commission to hire two additional scientific staff.

7.2 The Executive Secretary also noted that he had distributed, to Heads of Delegations, a proposal to review various administrative matters of the Commission's Secretariat. The proposal is not intended for discussion at the 1998 meeting, but is intended for review at the 1999 meeting of STACFAD.

7.3 The Delegate from Canada raised the question of the unused 1997 balance in sub-chapter 8-F, the Bluefin Year Program (BYP). He asked if the balance had been carried over to 1998. The Executive Secretary replied that for that sub-chapter, funds were not completely spent in 1998 and the balance will be applied to the 1999 Bluefin Year Program Budget. Ultimately, the Delegate of Canada requested an extra entry line to reflect the balance carried over. The Delegate of Canada also declared his support for the hiring of two additional scientific staff, as requested by the SCRS, and further recommended that a search and selection committee be established to facilitate the process.

7.4 The Executive Secretary stated that there were doubts about the accounting procedure to carry over funds for a specific budgetary item from one fiscal year to the next. The auditors recently confirmed the procedure to carry out this process. The Executive Secretary also pointed out that since the recruiting/hiring of scientific and technical staff could take two or three months, the amount included in the 1999 budget includes salary/remunerations for only a 10-month period.

7.5 The Chairman of the SCRS, Dr. J. Powers, commented on the Bluefin, Bigeye, and Billfish Programs. He said that Bluefin Year Program funding is used for the coordination of existing programs. Bigeye funding is used in hopes of raising additional external funding in support of the ICCAT BETYP.

7.6 The Executive Secretary commented that the Bigeye Year Program needs a high level of funding and will require special outside support which will be needed for the tagging program, which is the basis for the program.

7.7 Dr. Miyake commented that the scientists requested 1999 Bluefin Year Program funds to include the carryover from 1997 and 1998 funding, in addition to the funding from 1999, in order to establish an East Atlantic Sampling Center.

8. Status of the ratification/acceptance of the Protocol of amendment to the Convention and repercussions

8.1 The Chairman, in agreement with the Executive Secretary, stated that an update on the status of the Madrid Protocol was reviewed during the First Plenary Session of the Commission.

8.2 The intention of France to ratify was noted at this session. The Delegate from France commented that the procedure to ratify the Madrid Protocol was underway, but that the ratification must be then approved by Parliament.

8.3 It was noted that three members, in addition to France, still have to ratify the Protocol before it enters into effect.

8.4 There was some confusion on an interpretation of the Madrid Protocol, particularly concerning the six-month period in which a party could request a suspension. At a later session, the Legal Advisor of FAO confirmed that the period was relative only to the initial signature and had ended six months following the June, 1992, signing of the Protocol.

8.5 The Executive Secretary indicated that the Madrid Protocol would not enter into force until 90 days after the final ratification is received, as required to put the Protocol into effect. Therefore, the year 2000 is the soonest the Madrid Protocol can be implemented.

8.6 The Delegate from United States stated that the Protocol had already been adopted so the six-month objection period has already expired. The only remaining time frame is the 90 day delay following the final ratification.

8.7 The Executive Secretary again reminded delegates that there are still parties that need to ratify the Protocol. He advised that in anticipation of the ratification by France, and in order to give the Parties some idea of the effect of the Protocol on their contributions, the Secretariat would, in February 1999, provide Parties with the information and calculations showing the contributions based on the new contribution calculation scheme. It was also noted that should the Protocol enter into force in 1999, its full application for the calculation of Contracting Parties contributions will not take effect until the 2000-2001 biennial budget period.

9. Observer fees

9.1 The Delegate from the United States referred to the discussion on observer participation which took place at the 1997 ICCAT meeting, noting that some progress had been made in identifying the issues which needed to be resolved. He noted that the current ICCAT guidelines have the effect of excluding NGO observer participation, in particular the high participation fee, and that ICCAT needed to correct the problem.

9.2 The Chairman commented that at the 1997 ICCAT meeting, the Working Group identified points of discussion regarding observers. The Delegate from the European Community commented that the observer fees are a question of transparency. In addition, the EC Delegate indicated that he would circulate a proposal for additional transparency. The Chairman commented that at the 1997 ICCAT meeting, there was a discussion of the criteria for eligibility for non-governmental organizations, the admission process, and the level of fees.

9.3 The Delegate from Ghana commented on the budgetary considerations that must be made for the observers. For example, he indicated that certain countries had withdrawn from ICCAT and that has affected the health of the stocks because these Parties are still harvesting the stocks and not contributing any funding at all. The Chairman responded that this issue was related to the formula for membership fees and that the particular question would be reviewed with the delegate.

9.4 The Delegate from Japan raised a point of order as to whether the observer issue should be handled at the Working Group level or in the full Committee. The Chairman replied that the Delegate of the European Community would develop a resolution and present it for discussion.

9.5 The Delegate of the United States indicated that the United States had presented a proposal in 1997 and that it should be re-circulated later and compared with the proposal to be presented by the European Community. The United States delegate also offered to form a small, informal working group in the interim period before next year's ICCAT meeting in order to further refine the proposal. The Chairman indicated that STACFAD should develop the proposal at this meeting, circulate it, discuss it informally, and revisit the observer topic at the Committee's next Session.

9.6 The Delegate from Canada favors further work and discussion on the transparency issue as well as the participation by the non-governmental organizations.

9.7 At a later session of STACFAD, the Delegate of the European Community presented a proposal regarding revised guidelines and criteria for granting observer status at ICCAT meetings. The Delegate of the EC explained that this proposal provided (i) more flexible criteria for the admission of observers, (ii) a more flexible and shorter calendar for approval, (iii) a revision of the observer fee, and (iv) a revised approval process.

9.8 There was broad support for this initiative, although some delegates expressed concern on particular aspects of the proposal. Considerable discussion ensued on some aspects of the proposal, particularly relative to the admission process for NGOs and the amount of the observer fee. The Delegate of Japan suggested that observers fees should be absolute figures for transparency and also that the figure should take account of the total cost of ICCAT meetings, corresponding to the amount of each member's contribution to the cost of ICCAT meetings. The Committee agreed that the Executive Secretary would determine the fee, based on a thorough study of the additional costs of observers at ICCAT meetings. Finally, the

Committee adopted the revised observer guidelines, as proposed by the EC, with the changes and modifications adopted (**ANNEX 7**).

9.9 The Delegate from the United States noted that with regard to the amount of the observer fee, the view of the U.S. was that the fee should not be very high, but rather in the area of a few hundred dollars. It should be based on the true marginal or incremental costs, and not calculated by dividing the total meeting costs by the number of observers, which was too simplistic. Further, the practices of other international fisheries organizations, which generally require no observer fees, should be taken into account in determining ICCAT's fee. Unless the fee is a low one, the effect will be to exclude NGOs from the meeting and ICCAT would not have advanced on increasing transparency.

10. Revised budget and contributions for 1999

10.1 The Chairman resumed the discussion of the first session on the budgetary options presented to the delegates earlier: Options A (original proposal); and Option B (proposal including two additional scientific staff). The delegates expressed support of the SCRS request to hire two additional scientific staff. Some delegates expressed their reservations on an increased budget for 1999. The Delegate of the United States proposed a new option which included the hiring on just one additional professional staff in 1999. The Chairman of SCRS identified the hiring of a fisheries population dynamics expert as the priority. The Executive Secretary circulated a revised budget (Option C, with one additional professional staff) and the contribution table based on the U.S. proposal. At this time, the Delegates of Uruguay, Brazil and the UK, on behalf of its Dependent Territories, expressed full support for Option B. Following some discussion, the Committee adopted the revised budget (Option C, the hiring of one additional scientific staff) for 1999, amounting to **198,700,000 Pesetas** as well as the corresponding Contracting Party contributions (attached herewith as **Tables 1 and 2**, respectively).

10.2 The Delegate of Ghana posed a question regarding the payment for on-board observers during the closed season in the Gulf of Guinea from the budget. The Executive Secretary clarified that there is no funding arrangement to pay observers.

10.3 Another question was asked regarding paying for new hires from voluntary or special contributions. The Chairman advised that new hires or other budget items cannot be funded from voluntary, or extra-budgetary, contributions because of their variable nature.

10.4 The Delegate of Ghana raised concerns on the basis for calculating the contributions of the Contracting Parties, particularly the statistics on catches and canning. (The statement by Ghana to STACFAD on the calculation of budgetary contributions is attached as **Appendix 2 to ANNEX 11**). The Executive Secretary responded that Parties had had occasion to update their statistics when the Secretariat requested the Parties to submit their official catch and canning data for 1995 (the current base year for such data) prior to the preparation of the budget for the 1998-1999 Biennial Period. He also noted that the current contribution calculation scheme will remain into effect until the Madrid Protocol is ratified by the required number of Parties. The Assistant Executive Secretary clarified that revisions to base year data are not usually accepted after the Biennial Budget has been adopted, except in special cases, such as the case of the UK (on behalf of its dependent territories) this year to include St. Helena catches.

11. Date and place of the next meeting of STACFAD

11.1 The next meeting of the Standing Committee on Finance and Administration (STACFAD) will be held at the time and place of the next Commission Meeting.

12. Adoption of Report

12.1 The Report of the 1998 Meeting of STACFAD was adopted.

13. Adjournment

13.1 The 1998 Meeting of the Standing Committee on Finance and Administration (STACFAD) was adjourned.

1. Opening of the meeting
2. Adoption of Agenda
3. Nomination of Rapporteur
4. 1998 Administrative Report
5. 1998 Financial Report
 - 1997 Auditor's Report
 - Financial status of the first half of the Biennial Budget - 1998
6. Status and implications of ICCAT programs
 - Bluefin Year Program (BYP)
 - Program of Enhanced Research for Billfish
 - Bigeye Year Program (BETYP)
7. Budgetary implications of the Commission's general activities in 1999:
 - Research and statistics
 - Inter-sessional meetings
 - Publications
 - Next meeting of the Commission
8. Status of the ratification/acceptance of the Protocol of amendment to the Convention (adopted in Madrid: 1992) and repercussions
 - review of input parameters
 - classification of countries
 - change in Financial Regulations
9. Observer fees
10. Revised budget and contributions for 1999
11. Date and place of the next meeting of STACFAD
12. Adoption of Report
13. Adjournment

Appendix 2 to ANNEX 11

STATEMENT BY GHANA TO STACFAD ON THE CALCULATION OF BUDGETARY CONTRIBUTIONS

It is observed that the calculation of the contribution of the Contracting Parties to the budget is based on, among other things, the catch and canning figures supplied by the Parties.

A close look at the figures that are being displayed on the table accompanying the statement supplied by the ICCAT Secretariat renders them extremely doubtful.

It would be greatly appreciated if the Secretariat would, as a matter of fairness to all concerned, take the necessary steps to request an update of these figures.

Table 1. PROPOSALS PRESENTED AND BUDGET ADOPTED (OPTION C) FOR 1999 (Pesetas)

<i>Chapters</i>	PROPOSAL A		PROPOSAL B		PROPOSAL C: ADOPTED	
	<i>Budget adopted provisionally in 1997</i>	<i>REVISED 1999 BUDGET (Based on updated UN salary schemes) 1/</i>	<i>REVISED 1999 BUDGET (Based on hiring of TWO professional staff) 2/</i>	<i>REVISED 1999 BUDGET (Based on hiring of ONE professional staff) 3/</i>		
1. Salaries	93,708,000	95,829,000	95,829,000	95,829,000	95,829,000	95,829,000
2. Travel	5,225,000	7,229,000 *	7,229,000 *	7,229,000 *	7,229,000 *	7,229,000 *
3. Commission Meeting (Annual & Inter-sessionals)	10,994,000	10,521,000	10,521,000	10,521,000	10,521,000	10,521,000
4. Publications	4,703,000	4,703,000	4,703,000	4,703,000	4,703,000	4,703,000
5. Office Equipment	1,045,000	1,045,000	1,045,000	1,045,000	1,045,000	1,045,000
6. Operating Expenses	12,122,000	13,568,000	13,568,000	13,568,000	13,568,000	13,568,000
7. Miscellaneous	1,045,000	850,000	850,000	850,000	850,000	850,000
Sub-total Chapters 1 to 7	<u>128,842,000</u>	<u>133,745,000</u>	<u>133,745,000</u>	<u>133,745,000</u>	<u>133,745,000</u>	<u>133,745,000</u>
8. Coordination of Research:						
a) Salaries	21,844,000	22,100,000	42,918,000	42,918,000	35,092,000	35,092,000
b) Travel to improve statistics	5,748,000	5,248,000	5,248,000	5,248,000	5,248,000	5,248,000
c) Statistics/Biology	6,270,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
d) Computer-related items	4,180,000	1,500,000 **	1,500,000 **	1,500,000 **	1,500,000 **	1,500,000 **
e) Scientific meetings (including SCRS)	9,614,000	9,200,000	9,200,000	9,200,000	9,200,000	9,200,000
f) Bluefin Year Program (BYP)	2,090,000	2,090,000	2,090,000	2,090,000	2,090,000	2,090,000
g) Bigeye Year Program (BETYP)	1,515,000	1,515,000	1,515,000	1,515,000	1,515,000	1,515,000
h) Billfish Research Program	1,515,000	1,515,000	1,515,000	1,515,000	1,515,000	1,515,000
i) Miscellaneous	1,045,000	750,000	750,000	750,000	750,000	750,000
Sub-total Chapter 8	<u>53,821,000</u>	<u>48,918,000</u>	<u>69,736,000</u>	<u>69,736,000</u>	<u>61,910,000</u>	<u>61,910,000</u>
9. Contingencies	1,045,000	1,045,000	5,045,000	5,045,000	3,045,000	3,045,000
TOTAL BUDGET	183,708,000	183,708,000	208,526,000	208,526,000	198,700,000	198,700,000

* Includes "Home Leave" for three Professional/Higher staff and their families in 1999.

** As a major renewal of Secretariat hardware and software was carried out in 1998, this sub-chapter includes only minor software purchases in 1999.

Table 2. Contracting Party Contributions to the 1999 Commission Budget

Based on 1995 figures

Contracting Parties	Panels # (A)	Panel % (B)	Total Budget (Convertible Pesetas)				198,700,000		Panel Conv. Pts (H)	Panel Conv. Pts (I)	C+C Conv. Pts (J)	Total Conv. Pts (K)
			Catch MT (C)	Canning MT (D)	C+C MT (E)	C+C % (F)	Fee Conv. Pts (G)	Fee Conv. Pts (G)				
Angola	2	4.286	366	146	512	0.077	145,000	290,000	2,693,571	96,900	3,225,471	
Brasil	2	4.286	30,305	2,251	32,556	4.902	145,000	290,000	2,693,571	6,161,453	9,290,024	
Canada	3	5.714	2,525	0	2,525	0.380	145,000	435,000	3,591,429	477,874	4,649,303	
Cap Vert	1	2.857	3,656	346	4,002	0.603	145,000	145,000	1,795,714	757,407	2,843,121	
China, People's Rep.	2	4.286	879	0	879	0.132	145,000	290,000	2,693,571	166,357	3,294,928	
Cote d'Ivoire	1	2.857	239	1,400	1,639	0.247	145,000	145,000	1,795,714	310,192	2,395,907	
Croatia	1	2.857	445	0	445	0.067	145,000	145,000	1,795,714	84,219	2,169,934	
European Community	4	7.143	297,205	86,433	383,638	57.761	145,000	580,000	4,489,286	72,606,202	77,820,487	
France (St. Pierre/Miqu)	1	2.857	0	0	0	0.000	145,000	145,000	1,795,714	0	2,085,714	
Gabon	1	2.857	397	0	397	0.060	145,000	145,000	1,795,714	75,135	2,160,849	
Ghana	1	2.857	35,078	26,866	61,944	9.326	145,000	145,000	1,795,714	11,723,340	13,809,054	
Guinea Ecuatorial	0	1.429	111	0	111	0.017	145,000	0	897,857	21,008	1,063,865	
Guinea, Rep. de	0	1.429	429	0	429	0.065	145,000	0	897,857	81,191	1,124,048	
Japan	4	7.143	52,636	0	52,636	7.925	145,000	580,000	4,489,286	9,961,735	15,176,021	
Korea	4	7.143	1,715	0	1,715	0.258	145,000	580,000	4,489,286	324,576	5,538,862	
Libya	2	4.286	1,962	2,326	4,288	0.646	145,000	290,000	2,693,571	811,534	3,940,106	
Maroc	2	4.286	6,632	277	6,909	1.040	145,000	290,000	2,693,571	1,307,577	4,436,148	
Russia	1	2.857	4,938	0	4,938	0.743	145,000	145,000	1,795,714	934,551	3,020,266	
S.Tome & Principe	1	2.857	338	0	338	0.051	145,000	145,000	1,795,714	63,969	2,149,683	
South Africa	2	4.286	4,313	0	4,313	0.649	145,000	290,000	2,693,571	816,266	3,944,837	
Tunisie	0	1.429	3,513	2,380	5,893	0.887	145,000	0	897,857	1,115,292	2,158,149	
U.K.-Oversea Terr.	3	5.714	577	0	577	0.087	145,000	435,000	3,591,429	109,201	4,280,630	
U.S.A.	4	7.143	24,633	35,447	60,080	9.046	145,000	580,000	4,489,286	11,370,564	16,584,850	
Uruguay	1	2.857	684	0	684	0.103	145,000	145,000	1,795,714	129,452	2,215,166	
Venezuela	2	4.286	26,702	6,026	32,728	4.928	145,000	290,000	2,693,571	6,194,005	9,322,577	
Total	45	100	500,278	163,898	664,176	100	3,625,000	6,525,000	62,850,000	125,700,000	198,700,000	

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)