

Original: English

UNITED STATES RESPONSE TO CIRCULAR 7497/17

ICCAT Entrada n° E17-12885 of 23.10.2017

From: Kimberly Blankenbeker - NOAA Federal [<mailto:kimberly.blankenbeker@noaa.gov>]
Sent: 21 October 2017 00:48
To: info <info@iccat.int>
Cc: John Henderschedt - NOAA Federal <john.henderschedt@noaa.gov>; Melanie King <melanie.king@noaa.gov>
Subject: Re: ICCAT IUU VESSEL LIST: BOLIVIA (ICCAT salida #7497/17) and CHINA (ICCAT salida #7665/17)

Dear ICCAT Secretariat,

I am writing on behalf of the United States in response to recent Circular 7497/17 transmitting Bolivia's request to delist three Bolivian-flagged vessels from ICCAT's IUU vessel list and Circular 7665/17 transmitting China's request to delist the vessel No 3 CHOYU.

With respect to these requests, which we understand were made pursuant to paragraphs 14 and 15 of Recommendation 11-18 on intersessional delisting, Contracting Parties are to have 30 days after notification by the Secretariat of such requests to examine them and arrive at a decision, with intersessional removal requiring a majority decision of ICCAT's members. In the case of Bolivia's request, the time provided to consider the request and express a view was 13 days. Regarding China's request, parties were requested to respond within 6 days. At this stage, there is not 30 days remaining before the issuance of the provisional IUU list or, indeed, the start of the 2017 annual meeting. As proper intersessional consideration of these requests is not possible at this late date, the vessels in question should not be removed from ICCAT's IUU list intersessionally. Instead, they should be included on the 2017 provisional IUU vessel list and the requests of Bolivia and China should be referred to the PWG for consideration in November.

In support of the 2017 PWG discussion, we would offer the following views regarding Bolivia's request to delist three vessels purported to be of Bolivian flag from ICCAT's IUU list; namely, the Kim Seng Deng 3, Yi Hong 106, and Yi Hong 116. We have carefully reviewed the information provided by Bolivia, and we appreciate the effort that has been undertaken to determine the status of these three vessels. We note that they are not of Bolivian flag and appear to be operating with fraudulent documentation. Under the circumstances, we do not believe these vessels qualify for delisting from ICCAT's IUU list as the requirements of paragraph 14 of Rec. 11-18 demonstrating that the vessels are no longer IUU have not been met. However, as Bolivia has clearly shown that the three vessels in question are not of Bolivian flag, we believe the correct course of action is to remove reference to Bolivia as the flag state of these vessels from ICCAT's IUU vessel list and to replace that information with an indication that their flag state is "unknown." From the U.S. perspective, this could be done before the issuance of the provisional vessel list later this month.

Regarding China's request to delist the vessel No.3 CHOYU, we do not yet have enough information on this situation to evaluate whether or not this vessel should be removed from the IUU vessel list. Specifically, it is not clear to us if the No 3 CHOYU is the same vessel as the SHUN CHANG No.3 or if this is a case of mistaken identify. If they are the same vessel, additional details on when the No 3 CHOYU changed ownership, who the previous owner was, and any other details that demonstrate the vessel is no longer engaged in or linked to IUU activities per paragraph 14 of Rec 11-18 would be appreciated. Further, we would ask the Secretariat to provide additional background information on the No 3 CHOYU, including when that vessel was first listed on the ICCAT IUU vessel list and what IUU activities it was involved in that resulted in its listing.

Thank you for your attention to this matter. Please translate and circulate this communication to ICCAT's CPCs and, if appropriate, to Bolivia.