

## CONSERVATION MEASURES TAKEN BY THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT)

### Communication from the ICCAT Secretariat

This background paper is circulated to Members of the CTE in preparation for the MEA Information Session on 5 July 2000.

#### I. INTRODUCTION

1. In 2000, the ICCAT Secretariat contributed to the preparation of the WTO Secretariat's informal matrix on trade measures pursuant to selected MEAs. The ICCAT Secretariat also presented an information document on ICCAT membership, overall organization, objectives and conservation and management measures to the meeting of the Committee on Trade and Environment on 23-24 July 1998 (WT/CTE/W/87).

2. As mentioned in WT/CTE/W/87, the Commission has recommended numerous regulatory measures for various tuna species since 1972. In recent years, bluefin tuna (*Thunnus thynnus*) and swordfish (*Xiphias gladius*) have drawn considerable attention in international fisheries, and there has been increasing fishing efforts on these species. As a result, both bluefin tuna and swordfish stocks have been found to be below the level of maximum sustainable yield.

3. As more regulatory measures are adopted by the Commission, the problems of fishing by non-contracting parties, entities and fishing entities in contravention of such measures have become more obvious. The regulatory measures recommended by the Commission are binding on its Contracting Parties, but they are not binding on non-contracting parties, entities and fishing entities. Consequently, many of these continue or have started to fish for bluefin tuna, ignoring ICCAT regulations. Hence it has become necessary to take further measures in order to combat this problem.

#### II. MEASURES TAKEN BY THE COMMISSION CONCERNING CATCHES OF NON-CONTRACTING PARTIES, ENTITIES AND FISHING ENTITIES.

4. In an attempt to solve the problems of catches by non-contracting parties, entities and fishing entities, which have been undermining the effectiveness of ICCAT's stock management program, the Commission has adopted a number of measures in recent years, including the following:

- Requesting the collaboration of these non-contracting parties, entities and fishing entities. Unfortunately, most of our efforts in this regard have not produced any positive results.
- Bluefin Tuna Statistical Document Program (BTSDP). This programme applies equally to products from Contracting Parties and from non-contracting parties, entities or fishing entities.

- Action Plan and other related measures. After taking the above steps, it became evident that many countries fishing for bluefin tuna in the Atlantic, and particularly in the Mediterranean Sea, were not complying with ICCAT regulatory measures. Consequently, in 1994, the Commission adopted an "*Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Bluefin Tuna*". This Action Plan has a provision whereby the Commission may recommend that ICCAT Contracting Parties take non-discriminatory trade restrictive measures, consistent with their international obligations, on bluefin tuna products in any form from parties whose fishing activities have been identified as having fished for Atlantic bluefin tuna in a manner which diminishes the effectiveness of the ICCAT conservation measures.

5. At its meeting in 1999, the Commission adopted further regulatory measures, which became effective 15 June 2000. Of these, the following four measures are of particular interest to the CTE:

*Recommendation by ICCAT to Establish a Rebuilding Program for North Atlantic Swordfish*, which *inter alia* restricts the Total Allowable Catch of this species in the north Atlantic and provides that all Contracting Parties, non-contracting parties, entities and fishing entities shall take the necessary measures to prohibit the taking and landing of swordfish weighing less than 25kg (live weight). This measure applies to the entire Atlantic Ocean.

*Resolution by ICCAT Calling for Further Actions against Illegal, Unregulated and Unreported Fishing Activities by Large-Scale Longline Vessels in the Convention Area and Other Areas*. In accordance with this Resolution, Contracting Parties, cooperating non-contracting parties, entities or fishing entities shall ensure that large-scale tuna longline vessels under their registry do not carry out illegal, unregulated and unreported fishing activities in the Convention Area and other areas (e.g., by means of denying such vessels a licence to fish).

*Resolution by ICCAT Concerning the Need for New Approaches to Deter Activities that Diminish the Effectiveness of ICCAT Conservation and Management Measures*, urges all Contracting Parties to consider becoming party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

*Resolution by ICCAT Endorsing the International Plan of Action for the Management of Fishing Capacity* through which ICCAT endorses the International Plan of Action for the Management of Fishing Capacity, adopted in 1999 by the Food and Agriculture Organization of the United Nations (FAO).

### III. CONCLUSION

6. The adoption and implementation of these conservation measures has been, and continues to be, a long and difficult process. The regulatory measures are based on scientific analyses, taking into account the many delicate legal issues involved. ICCAT is attempting to encourage the voluntary cooperation of non-contracting parties, entities or fishing entities, and recourse to trade measures is only considered after all other possible means have been attempted. The Commission, however, will continue to combat the undermining of the effectiveness of its regulatory measures in order to ensure the continuous conservation of the stocks under its mandate.