



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.03.1999
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Recommendation for a

COUNCIL DECISION

"Recommendation for a Council Decision authorising the Commission to participate on behalf of the European Community in the negotiation of a revised Convention establishing the Inter-American Tropical Tuna Commission (IATTC)"

(presented by the Commission)

A. Explanatory Memorandum

The Inter-American Tropical Tuna Commission (IATTC) operates under the authority and direction of a Convention originally entered into by the governments of Costa Rica and the United States. The Convention entered into force in 1950, is open to the adherence by other governments whose nationals participate in the fisheries in the Eastern Pacific Ocean (EPO) covered by the Convention. The member nations of the IATTC now are Costa Rica, Ecuador, El Salvador, France, Japan, Nicaragua, Panama, USA, Vanuatu, Venezuela.

The Inter-American Tropical Tuna Commission (IATTC) was created in 1950 to study the biology of tropical tunas and related species in the Eastern Pacific Ocean (EPO) with a view to determining the effects that fishing and natural factors have on their abundance and to recommend appropriate conservation measures so that the stocks can be maintained at levels which will afford maximum sustainable catches. The Commission's duties were broadened in 1976 to include work on the problems arising from the tuna-dolphin relationship in the EPO.

On October 4, 1995, at the Intergovernmental Meeting on the Conservation of Tunas and Dolphins in the EPO (held in conjunction with the 56th Special Meeting of the IATTC in Panama), two resolutions were signed by representatives of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States, Vanuatu and Venezuela:

- (1) The Panama declaration: The Panama declaration reaffirmed the commitments and objectives of the International Dolphin Conservation Programme and announced the intention of governments participating in the IDCP to strengthen and formalise it as a binding legal instrument, to be open to all coastal states bordering the EPO or states with vessels fishing for tuna in the region.
- (2) Declaration on Strengthening the Objectives and Operation of the Convention Establishing the IATTC/ This declaration signals the intention of the above governments to begin negotiations under the auspices of the IATTC for a new binding instrument which would take into account the commitments and objectives of the Panama Declaration and the concepts of sustainable development and ecosystem management, and incorporate the principles and provisions of the United Nations (UN) Convention on the Law of the Sea and the UN Agreement on the Conservation and management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The new instrument would also adopt a new system of allocating financial contributions, develop mechanism for enhanced participation and transparency, and incorporate measures to ensure the long-term protection of dolphins in the region.

At its 61st meeting of IATTC held in June 1998, IATTC agreed to establish a working group of its member governments to review the functions of the IATTC and its Convention and, if necessary, formulate possible amendments to the Convention. The working group is open to other governments of coastal states and other states and regional integration

economic organisations whose vessels are operating in the tuna fishery in the Eastern Pacific Ocean (EPO), and which have the intention of adhering to the Convention. The first meeting of the working group was held in La Jolla, USA on October 19, 1998. The Commission was invited as an observer.

The Community has fishing interests in the eastern Pacific and is therefore obliged, as a Party to the UN Convention on the Law of the Sea, to co-operate with other interested parties in the management and conservation of the region's resources. The IATTC is the framework for such cooperation.

The EC's interest in IATTC stems primarily from the fact that the Community vessels are active in the EPO. It is, therefore, recommended that the European Community participates in the works related to the review of the IATTC Convention in order to:

- Strengthen its global tuna policy, in addition to its accession to the Indian Ocean Tuna Commission (IOTC) and International Commission for the Conservation of Atlantic Tuna (ICCAT);
- Contribute to the strengthening of IATTC, in accordance with the Community declarations on the role of the fisheries management organisations and the international obligations born under the New York Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Code of Conduct for Responsible Fisheries;
- Allow the EC to follow closely the fisheries and commercial developments in the greater Pacific Area, a promising area of great interest to the Community;
- Avoid the creation of undesirable precedents established by this organisation with consequent pressures for implementation in other areas.

B. "RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO PARTICIPATE ON BEHALF OF THE EUROPEAN COMMUNITY IN THE NEGOTIATION OF A REVISED CONVENTION ESTABLISHING THE INTER-AMERICAN TROPICAL TUNA COMMISSION."

For the reasons given under A it is necessary for the European Community to participate in the works of reviewing IATTC.

Therefore the Commission recommends to the Council to authorise the Commission:

- To participate in the negotiation, within the Inter-American Tropical Tuna Commission on the "Review of the IATTC Convention";
- To conduct the negotiations, in consultation with a special Committee designated by the Council to assist it in this task and within the framework of the negotiating directives annexed hereto.

NEGOTIATING DIRECTIVES

1. The Commission will make every effort to ensure that any outcome of the negotiations, within the Inter-American Tropical Tuna Commission (IATTC), on the "Review of the Convention":

- is fully consistent with the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982;
- is in line with the principles set out in the United Nations Agreement for the implementation of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Stocks and Highly Migratory Fish Stocks of 4 August 1995; and
- takes full account of the FAO Code of Conduct for Responsible Fisheries of 31 October 1995.

2. The Commission will support the most effective, rational and responsible solutions from the point of view of conservation of the stocks falling within the purview of the IATTC through their entire range of distribution both within areas under national jurisdiction of the Contracting Parties and in High seas areas. In this context, it will see to it that IATTC be confirmed as the suitable regional fisheries management organisation for the fisheries of tuna and related species in the Eastern Pacific Ocean which is open to all States, regional economic integration organisations and fishing entities having a real interest in the resources concerned, which can bring about effective conservation and sustainable utilisation of these resources, based on the best scientific advice available, and which can promote successfully contemporary ideas for enhanced co-operation through regional fisheries management organisations.