

## U.S. Delegation Summary Report

### 2019 ICCAT Annual Meeting

**Note:** Working documents are available at <https://www.iccat.int/com2019>.

**Summary:** The 26th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) took place in Palma de Mallorca, Spain, from November 18-25, 2019. Almost 700 delegates participated from 47 Contracting Parties and two cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs), plus observers from six non-Contracting Parties, six intergovernmental organisations, and 22 non-governmental organizations. The annual meeting was preceded by a two-day special intersessional session of Panel 1 to restart face-to-face negotiations on conservation and management measures for tropical tunas. The U.S. Delegation was led by Federal Government Commissioner Andrew Lawler. Private sector Commissioners Raymond Bogan (recreational interests) and Eugenio Pineiro (commercial interests) also represented the United States at ICCAT. The U.S. Delegation included 35 persons from NOAA, the U.S. Department of State, the Office of the U.S. Trade Representative, and representatives of commercial, recreational, and environmental interests. The United States was largely successful in advancing its priorities and protecting its interests at the meeting. Key achievements included adoption of the Convention Amendment protocol, a rebuilding program for blue and white marlins, interim management measures for tropical tunas that expand protections for juvenile tunas and protect the U.S. share of the resource, protections for the health and safety of observers in ICCAT regional observer programs, and a revised management strategy evaluation roadmap, among others. In 2020, ICCAT will hold intersessional meetings of Panels 1, 2, and 4 and working group meetings on port inspection capacity building, online reporting, integrated monitoring measures (IMM), bluefin tuna control and traceability, and eBCD (technical working group).

**Convention Amendment:** Following many years of effort, ICCAT adopted comprehensive amendments to its 50-year-old Convention to bring it into line with modern fisheries management standards and principles, clarify ICCAT's mandate to manage certain shark and ray species, ensure that all key fleets targeting ICCAT species are bound by its rules, in particular by ensuring the full participation of Taiwan, and modernizing and streamlining decision making processes and procedures (see [Rec. 19-01](#); [Res. 19-13](#)). Parties that had secured their necessary signatory authority, which included the United States, signed the Convention Protocol during a special session. The final signed protocol will be sent to the Convention depositary, the U.N. Food and Agriculture Organization (FAO), who will then transmit it to Contracting Parties for their approval, ratification, or acceptance.

**International Cooperation:** ICCAT adopted non-binding Memoranda of Understanding (MOUs) with three other organizations to strengthen regional collaboration: the General Fisheries Commission for the Mediterranean, the South East Atlantic Fisheries Organization, and the Western Central Atlantic Fisheries Commission.

**Standing Committee on Finance and Administration (STACFAD):** The ICCAT budget was approved for 2020-21, as presented in STF-203A, which reflected a 5% increase over the

previous year, in line with the Commission's earlier agreement to gradually incorporate core function under the regular budget. The higher total includes funding for the electronic Bluefin Catch Documentation scheme, development of the Online Reporting System (IOMS), and priority science activities proposed by the Standing Committee on Research and Statistics (SCRS). Additional research activities will be supported through voluntary contributions. Other outcomes from the STACFAD meeting included: streamlining of a number of ICCAT measures, recommending a template for future proposed recommendations to include information about their potential financial and workload implications, advancing work to develop an overarching capacity building strategy for ICCAT, and approving a project to analyze and provide recommendations regarding the workload, staffing pattern, and structure of the Secretariat.

The STACFAD Chair, who also chairs the Virtual Working Group on Sustainable Financing, put forward a document (STF-212) outlining the key priority points for STACFAD to consider, stemming from initial discussions in 2018 and the recommendations of ICCAT's second performance review. These included how to address the significant level of accumulated arrears from some CPCs, ideas to optimize the use of the Meeting Participation Fund (MPF) and increase its available funds under the regular budget, whether to address the current heavy budgetary burden of annual Commission meetings by limiting delegation sizes or setting a new level for observer fees, matters relating to the operational effectiveness of the Secretariat, (i.e., workload assessment of the Secretariat through an external HR consultancy, prospects for future financing of IOMS within the Commission's regular budget, and ways to better take into account the financial implications of proposed management and conservation measures). While STACFAD was able to advance a few of these issues, as indicated above, there was no time for substantial discussions for most. These conversations will continue intersessionally through the Virtual Working Group.

**Management Procedures:** The United States led the process of revising the ICCAT Roadmap for the Development of Management Strategy Evaluation (MSE), which was last updated in 2016. It is intended to create a common understanding of the timeline and steps needed to have management procedures in place for the species ICCAT has identified as priorities for MSE development (northern albacore, bluefin tuna, northern swordfish, and tropical tunas). A related resolution for North Atlantic swordfish was adopted that provides a basis for development of initial operational management objectives for this stock, with the goal of their adoption in 2022 ([Res 19-14](#)).

**Panel 1 (Tropical Tunas):** Following an intersessional meeting November 15-16 and extensive negotiations, Panel 1 adopted a new conservation and management measure for tropical tunas ([Rec. 19-02](#)). The 2018 Atlantic bigeye assessment showed that the stock is overfished with overfishing occurring, and catches in recent years have significantly exceeded the Total Allowable Catch (TAC) of 65,000 t. Although a 2019 assessment indicated that yellowfin tuna is not overfished and overfishing is not occurring, there is concern about the future status of the stock given non-adherence to the established TAC and increasing yellowfin tuna catches, particularly of juveniles. The Panel 1 Chair offered a proposal, taking into account earlier input from the parties, and three other proposals to amend the Chair's proposal were introduced. The measure submitted by Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and Mexico proposed to maintain the bigeye TAC at 65,000 t, allocate catch for longline and other

gear, but manage purse seine catch through closures alone. The EU measure included a TAC of 62,500 t and a requirement that 20% of transshipments take place in port, among other provisions. Côte D'Ivoire, Gabon, Ghana, Guinea-Bissau, Nigeria and Senegal proposed a TAC of 57,500-60,000 t to be allocated on two tables -- one setting aside 50% of the TAC for developing coastal CPCs and one allocating the remaining 50% to other CPCs. Throughout the meeting, the United States advocated for a TAC of 50,000 t to end overfishing within two years and allow rebuilding within ten years. The United States also stressed that it would be essential to decrease catches of juvenile bigeye and yellowfin tunas, which would provide future benefits to maximum sustainable yield.

Informal small group negotiations focused on the nature and extent of a time/area closure, FAD deployment limits, observer provisions, and allocation, including the treatment of small harvesters, developing States, and small-scale, artisanal fishermen. Agreement was reached on an Atlantic-wide FAD closure for two months in 2020 (Jan-Feb) and three months in 2021 (Jan-March), as well as FAD deployment limits of 350 FADs per vessel in 2020 and 300 FADs in 2021. The bigeye TAC was set at 62,500 t for 2020 and 61,500 for 2021. Rather than specific allocations, the measure establishes an interim catch limit scheme for 2020 that requires CPCs with bigeye tuna catch limits greater than 10,000 t under Rec. 16-01 to reduce their catches by 21%. Other CPCs must reduce by a certain percentage depending on their recent average catches: 17% for those with recent catches greater than 3500 t and 10% for those with recent catches greater than 1,000 t. CPCs with recent catches less than 1,000 t are not required to reduce, instead they are encouraged to keep their catch and effort at recent levels. The United States requested a strong statement in the record that this provision would not affect small harvesters' interests in future negotiations, noting ICCAT's current small harvester limit was 1,575t. The measure requires 100% observer coverage on purse seine vessels. It also raised observer coverage to 10% on longline vessels > 20m, to be implemented by 2022 using human observers or electronic monitoring systems. The proposal includes a provision to develop electronic monitoring protocols by 2021. A Panel 1 intersessional in April 2020 will be convened to develop a longer term allocation scheme as well as to address provisions related to FAD data availability and supply vessel limits and controls, among other issues.

**Panel 2 (Northern Temperate Tunas):** On bluefin tuna, Panel 2 agreed that the SCRS should provide TAC advice for 2021 and 2022 next year based on a stock assessment "update," given the delay in SCRS work on MSE. The hope is that the MSE will be ready by the time of the 2021 ICCAT annual meeting but if not, TAC advice for 2022 will be available to bridge any additional gap between the current interim measure and MSE adoption. Panel 2 adopted some changes to the eastern Atlantic and Mediterranean bluefin tuna (EBFT) management recommendation to clarify ambiguous language or incorrect text ([Rec. 19-04](#)). Norway tabled, but later withdrew, a proposal to create a research section of the EBFT management plan. Panel 2 adopted [Res. 19-15](#) establishing an ICCAT Working Group on Bluefin Tuna Control and Traceability Measures; its first meeting will take place in March 2020, just before the Panel 2 intersessional meeting where EBFT fishing plans are reviewed and endorsed. The new Working Group will identify any weaknesses and loopholes that may reduce the effectiveness of the ICCAT control and traceability measures in force for the bluefin tuna fishery, with a focus on live EBFT catch, farming, and post-harvest trade activities. It will seek to identify ways to strengthen relevant measures to prevent any IUU fishing activities, including trade in illegally harvested bluefin

tuna. Japan introduced a paper expressing concern that there is as yet no reliable way to estimate growth rates in farmed bluefin tuna and that data from stereoscopic cameras to estimate the weight of catches may not be reliable. Japan suggested several next steps to begin to address these issues. These matters will be considered further intersessionally.

Regarding northern albacore, a harvest control rule is already in place with a three-year constant annual TAC set through 2020. The Commission, however, needs to define exceptional circumstances for this stock to determine when such circumstances will be deemed to have occurred and what the management response should be. The Panel 2 Chair agreed to develop a proposal on this matter using examples from two other RFMOs (NAFO and CCSBT). Responses will cover a range of options depending on the case, including continuing to apply the management procedure as adopted, applying adjustments based on scientific input, or not applying the management procedure and taking an alternative approach as recommended by science. A Chair's proposal on this will be considered at the Panel 2 intersessional meeting in March 2020.

**Panel 4 (Swordfish, Billfish, Sharks, Bycatch, and other Species):** In Panel 4, ICCAT adopted the first-ever rebuilding programs for blue marlin and white marlin stocks ([Rec. 19-05](#)). The measure, a compromise text co-sponsored by Brazil, EU, Panama and the United States, reduces the annual limit for blue marlin from 2,000 t to 1,670 t, a level that will stop overfishing immediately, and has a greater than 50% probability of rebuilding the stock by 2028. The annual limit for white marlin/roundscale spearfish is set at 355 t. Consistent with scientific advice, these limits take into account the mortality associated with reported dead discards. The U.S. landings limit of 250 combined blue and white marlin per year was maintained. The measure maintains a live release provision for purse seine and longline vessels, as well as a minimum size and other measures for recreational fisheries. It is designed to strengthen data collection and reporting. The SCRS is directed to study the effect of hook type and hook size and explore potential technical changes to the terminal gear as well as fishing practices that could reduce bycatch and bycatch mortality (at-vessel and post-release).

The United States presented a proposal on the bycatch of sea turtles, with cosponsors Brazil, Curaçao, Guatemala, Nicaragua, Panama, Senegal, Belize, Mexico, Canada, Gabon and El Salvador. It was designed to streamline existing ICCAT sea turtle bycatch requirements in Rec. 10-09 and 13-11. Consistent with SCRS advice and recent measures adopted by the Inter-American Tropical Tuna Commission (IATTC) and the Western and Central Pacific Fisheries Commission (WCPFC), this proposal included a menu of options to further reduce bycatch and increase post-release survival of turtles, namely: (1) use of large circle hooks; (2) use of finfish bait; or (3) other measures considered effective by the SCRS. Japan, the EU, Uruguay, China, and Chinese Taipei expressed concerns and requested changes to the proposal. The United States revised the measure, taking into account the comments from other CPCs. However, additional concerns were raised in the last session by the EU and consensus could not be reached.

A new measure for blue sharks establishes a TAC of 39,100 t for the North Atlantic with specific allocations for EU, Japan, and Morocco, and 870 t set aside for "other" CPCs, including the United States ([Rec. 19-07](#)). A TAC was also established for South Atlantic blue sharks ([Rec. 19-08](#)).

A U.S.-originated proposal tabled for numerous years to require that sharks be landed with fins naturally attached was introduced by Mexico and gained 32 other co-sponsors, the highest number to-date, with additional members supporting informally. Adoption of this measure was blocked by Japan and China.

The United States presented a proposal, cosponsored by Curaçao, that was designed to end overfishing of North Atlantic shortfin mako immediately and rebuild the stock by 2070 with a greater than 50% probability. The proposal would have accounted for mortality that would occur even under a no retention proposal by establishing a TAC, including dead discards, of 700 t to end overfishing in 2020 with a step-down to 500 t by 2022. It also proposed requiring gear modifications to assist in reducing at-vessel and post-release mortality, namely circle hooks and nylon monofilament leaders. Individual CPCs would be required to reduce their catches by 80% in 2020 and by 85% by 2022 from the average of 2013-2015 catches in order to end overfishing and begin rebuilding. All retention would be prohibited until a CPC achieves its required reductions; even then retention would be permitted only under limited conditions, including 100% observers or electronic monitoring; minimum size requirements; or a landings obligation with no commercial profit. This proposal would have required CPCs to report their total dead discards and live releases of mako, estimated based on the total fishing effort of their relevant fleets.

In a separate proposal, Senegal along with nine co-sponsors sought to prohibit the retention and sale of North Atlantic shortfin mako. The proposal included an exemption for CPCs whose domestic law requires that any dead fish be landed, that fishermen cannot draw any commercial profit from such fish, and that includes a prohibition against shortfin mako fisheries. The proposal included a TAC of 2,001 t for South Atlantic shortfin mako starting in 2020. The EU presented a proposal to require release of all North Atlantic shortfin mako alive at haulback, with a TAC of 500 t, allocation table and new reporting requirements for in-season monitoring and reporting. CPCs could land shortfin makos that are dead at haulback if the vessel has an observer or electronic monitoring on board; live release would be required for recreational fisheries.

During floor debate, Senegal's proposal had the most support. Several CPCs expressed concern that the U.S. proposal would allow some retention of live makos, contrary to SCRS advice that ICCAT adopt a non-retention policy without exception. A non-retention policy alone, however, was not sufficient to meet obligations to end overfishing and rebuild the stock, and the United States could not support a proposal that did not take adequate steps in that regard. The United States, Senegal, Canada, EU, and Morocco met several times to discuss the three shortfin mako proposals, but were unable to reach agreement on the elements of a combined measure. In a proposal presented by the Chair and adopted ([Rec. 19-06](#)), it was agreed to extend the existing provisions in Rec. 17-08 for one year and hold an intersessional meeting of Panel 4 in 2020 to continue discussions. This meeting is slated for July 2020.

**Compliance Committee (COC):** The United States chairs the COC, and we also led the bulk of discussions during its meeting this year. The Secretariat worked with CPCs to improve the completeness and accuracy of catch balances in the compliance tables. Despite these efforts,

some discrepancies between reported blue and white marlin Task I data and compliance tables remained. All compliance tables were endorsed with the exception of blue marlin and white marlin. The Chair of the Online Reporting Working Group, also from the United States, provided an update on the group's progress to develop an integrated online reporting system. ICCAT adopted [Rec. 19-12](#) to continue the development of the system. The working group will meet intersessionally in May 2020.

The COC conducted a preliminary review of information in the new billfish checksheets in preparation for the planned 2020 in-depth review. Many CPCs mistakenly reported that certain provisions did not apply to them, including landings limits and bycatch mitigation requirements. Nearly half of CPCs did not submit Task I data for one or more billfish species and only nine CPCs reported any dead discards. Many of the CPCs not reporting billfish catch or discard data had confirmed the existence of artisanal or recreational fisheries for billfish in their check sheets, and only the United States reported catches with recreational gear. The COC also reviewed updated shark checksheets with information on implementation of shortfin mako shark conservation and management requirements, per Rec. 18-06. Continuing its leadership on review of the shark checksheets, Japan noted some frequently observed problems with data submission and implementation of the measures.

The COC reviewed a summary of scientific observer program information reported by CPCs. More than half of CPCs appear to not be implementing the required minimum standards (Rec. 16-14) and have never submitted the required forms to describe their programs. The United States recommended that the COC should consider more serious action, including potential identification under the trade measures, for continued failure to take steps towards implementing this longstanding requirement. Several CPCs will receive compliance letters on this issue. The United States also requested, and the COC agreed, to refer the issue to both PWG and STACFAD for consideration of ways to provide assistance for CPCs to develop scientific observer programs and to start filling critical bycatch data gaps.

Based on the COC annual review of fishery related activities of members and non-members, ICCAT maintained identification of Dominica and identified seven CPCs under its trade measures recommendation (Rec. 06-13) for undermining the effectiveness of ICCAT, including El Salvador, Grenada, Guinea Bissau, Guinea Republic, Namibia, Costa Rica, and Guyana. Identified CPCs and non-CPCs are notified after the annual meeting of issues that led to their identification. Failure to rectify the problematic activity before the next ICCAT annual meeting could result in more severe action, including the imposition of non-discriminatory trade restrictive measures. Letters describing other, less serious compliance issues that still need to be rectified will be sent to 37 CPCs. In addition, the COC will send letters to non-CPCs Gibraltar, Santa Lucia, and St. Kitts & Nevis encouraging greater cooperation with ICCAT in light of past information on interactions with certain ICCAT species, and a letter to Tanzania requesting more information on fishing for ICCAT species under an access agreement in Colombia's waters. The United States intends to follow up bilaterally in 2020 with parties receiving a letter from ICCAT to highlight concerns and urge them to take action.

The COC endorsed a process for the application, on January 1, 2020, of a prohibition on retention of ICCAT species, pursuant to Rec. 11-15, for CPCs that have neither submitted Task 1

data nor confirmed zero catch for the species. These prohibitions apply at the individual species/fishery level. The COC also agreed to a number of future actions to help improve compliance through capacity building and technical assistance.

ICCAT renewed the cooperating status of Bolivia, Chinese Taipei, Costa Rica, Guyana, and Suriname. The United States noted concern with Guyana's continued harvest of northern swordfish without a quota and its reporting deficiencies. ICCAT approved Colombia's request for cooperating status, though the United States and Japan requested additional information from Colombia on its aspirations in tropical tuna fisheries. Georgia's request for cooperating status was not approved due to the insufficiency of its application.

The COC adopted a Strategic Plan for Review of Compliance Priorities, which outlines suggestions to streamline the issues the COC addresses at each annual meeting. The COC Chair will work with CPCs and the Secretariat intersessionally to identify priority areas for review in 2020. The COC will hold a special two-day session just prior to the annual meeting in November 2020 to conduct a CPC-by-CPC review.

**Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG):** The PWG covered issues related to strengthening the monitoring, control and surveillance of ICCAT fisheries and trade in ICCAT species. PWG noted the smooth operation of the electronic Bluefin Catch Documentation (eBCD) system throughout 2019, encouraged the e-BCD Technical Working Group (TWG) to continue its work in 2020, and endorsed the TWG's proposed way forward on a number of technical issues. Some matters remain unresolved, such as how to provide access by inspectors operating in the EBFT joint inspection scheme to the eBCD, and will continue to be discussed by the TWG or, possibly, in the context of ICCAT's new Working Group on BFT Control and Traceability. The PWG also discussed potentially expanding the scope of ICCAT statistical programs for swordfish and frozen bigeye tuna to catch documentation programs. Discussions will continue intersessionally, including on which species will be covered, costs, burden to members and the ICCAT Secretariat, avoidance of dual systems, experiences learned through development of the eBCD, and the capacity of developing countries and associated training needs.

ICCAT adopted [Rec. 19-10](#) on protecting the health and safety of observers in ICCAT's regional observer programs, which was referred from the Working Group on Integrated Monitoring Measures (IMM) (initially a U.S. proposal), and a complementary resolution introduced by Norway on harmonization with global initiatives to address observer safety and stakeholder engagement ([Res. 19-16](#)).

A U.S. draft recommendation on transshipment was not discussed because of an objection to its late submission, and the United States noted that it would raise the issue at the May 2020 meeting of IMM. ICCAT adopted an amendment to Resolution 18-11 on a Pilot Programme for the Voluntary Exchange of Inspectors expanding the scope of the program to include bluefin tuna farms and traps ([Res. 19-17](#)), and a Recommendation on Vessel Sightings (originally a U.S. proposal), which includes provisions encouraging CPCs to board and inspect vessels without nationality operating in the Convention area as well as non-CPC vessels operating in contravention of ICCAT conservation measures ([Rec. 19-09](#)). Taken together, adoption of these

two proposals represents incremental progress towards the establishment of a high seas boarding and inspection scheme for ICCAT fisheries beyond eastern bluefin tuna and Mediterranean swordfish.

PWG agreed to continue support for the ongoing work of the Expert Group for Capacity Building and Assistance in conducting onsite country assessments and implementation of an ICCAT-specific port inspection training program, including a meeting of the group in 2020. There was no consensus on moving towards a centralized vessel monitoring system (VMS) at this time, however there was an agreement to continue discussions at the next IMM meeting in May 2020 without prejudice to development of a regional VMS for specific fisheries or management measures if the Commission so decides. IMM will also consider issues related to the development of electronic monitoring systems. Norway introduced a proposal to prevent lost and abandoned fishing gear, which includes new reporting requirements. After robust discussion in the PWG, it was adopted by the Commission ([Rec. 19-11](#)). Finally, ICCAT's 2019 IUU vessel list was adopted with minor changes.

**Next Meeting:** Turkey offered to host the 22nd Special meeting of ICCAT in Antalya from November 23-30, 2020, to be preceded by a special session of the Compliance Committee on November 21-22. These dates are subject to confirmation based on a request to hold the meeting earlier in light of the timing of the annual meeting of the WCPFC.