

Valparaíso, 29 January 2012

Mr.  
William Mansfield  
Chair of the Preparatory Conference  
for the Commission of the SPRFMO

Dear Mr. Mansfield,

By your means, I wish to address the Heads of Delegation of the States participating in the process for the establishment of the SPRFMO, in order to express our concern about the reported cases of non-compliance with the current Interim Measures, agreed at the Second Preparatory Meeting held in Cali 2011.

Given the current condition of the Chilean jack mackerel stock, the effects of non-compliance with the Interim Measures will eventually lead to the collapse of the fishery.

Chile has fully and thoroughly abided by the agreed measures, reducing its catches to the agreed limits, thus bearing the consequential social and economic costs entailed by the high dependency of several regions of Chile on the jack mackerel fishery. Therefore, it is difficult for the Chilean fisheries authorities to explain our nationals -who have constrained their catches according to the Interim Measures- that other fishing vessels continue to operate and catch Jack Mackerel far beyond the advice of the SWG, in total disregard of the agreed measures.

The Chilean delegation would like to point out these cases of non-compliance that in our view are unacceptable, and should be addressed in the forthcoming discussion on the new interim measures.

### ***1. Situation of the vessel Lafayette***

The Russian Federation reported 41,315 tons of Jack Mackerel allegedly caught by the vessel Lafayette during 2010. However, on January 2010, this vessel was inspected by French authorities during its port call to Papeete. The report set forth that the vessel had not undertaken any fishing activities, as there was neither fishing gear nor fishing equipment on board. More recently, the European Union advised of a new inspection to the same vessel, carried out in Las Palmas (Spain), which produced similar conclusions.

The Interim Secretariat has addressed the Russian Federation, but no satisfactory reply has yet been offered. Considering the evidence made available by the Secretariat –and repeatedly raised by several delegations–, the vessel Lafayette should be removed from the SPRFMO list of vessels authorized to operate in the Convention area, and reported tons should not be considered.

Regarding this issue, it is important to point out that, according to the information that Peru submitted to the Interim Secretariat, four out of the six Peruvian vessels operating in the Convention area carried out transshipments that reached 31,275 tons to the vessel Lafayette. It must, therefore, be concluded that the catches informed by the Russian Federation for the vessel Lafayette include the catches submitted by Peru. This is a clear case of duplication of information.

## ***2. Increased catches of Peru within its EEZ***

According to the information presented at the SWG meeting held in Vanuatu, Peru recorded an inordinate increase of catches within its EEZ.

As accepted by the Convention, Peru did not authorize the Interim Measures to be implemented in its EEZ. However this does not imply that Peru should not adopt, within its ZEE, measures that are compatible with those adopted for the adjacent area, according to provisions of paragraph 23 of the Interim Measure.

In fact, paragraph 23 sets forth that coastal States are to cooperate in ensuring compatibility of measures adopted for areas under national jurisdiction and those established for the high seas. According to article 4 of the Convention, and with the purpose of ensuring conservation and management of straddling fishery resources in their entirety, compatibility involves that measures adopted by relevant coastal States shall not undermine the effectiveness of existing measures, i.e. the current Interim Measures.

In our opinion, the fact that Peru increased its catches within its EEZ is not consistent with the provisions of paragraph 23 of the 2011 Interim Measure and undermines the effectiveness of the agreed catch reduction. In fact, all the catch saved through the reduction made by other participants was by far exceeded by the catches of the Peruvian fleet within its EEZ.

On the other hand, the information provided by Peru to the SWG for the purposes of stock assessment is not consistent with the information officially submitted to the SPRFMO Interim Secretariat.

### ***3. Increased catches of Ecuador within its EEZ***

The information provided in number 2 applies to the catches reported by Ecuador to the SWG in 2011.

### ***4. The situation of Cuba***

It was agreed Cali, there was consensus that allowing the entry of new participants to the fishery was not appropriate. Nonetheless, Cuba brought new vessels to the fishery, and fished in spite of the scientific advice.

### ***5. The situation of Korea***

Korea's non-agreement with the 2011 Interim Measure and its catches exceeding the levels of 2010 constitute a contradiction to the aim of rebuilding the jack mackerel stock. Moreover, it is not consistent with the objective and purpose of the SPRFMO Convention.

### ***6. The issue of vessels GERMCS and JOSE MARTI***

The Chilean maritime authority reported two Belize-flagged vessels operating in the SPRFMO area, which were not included in the SPRFMO list of vessels authorized for 2011. Their catches were not reported.

Chile reported this situation to the Interim Secretariat. Belize replied informing the existence of bareboat contracts with Peru and Cuba. Therefore, these two countries are responsible for registering and providing information in accordance with the Interim Measure. To confirm this information, Belize submitted said contracts.

The Interim Secretariat consulted the concerned States with this regard, but no answer has been offered.

### ***7. Non-submission of information***

The Eight Report Reminder Notice circulated by the Interim Secretariat sets forth that only the European Union and Chile fully comply with the provision of information, according to the 2011 Interim Measures and the Data Standard approved by the participants.



In effect, the Eight Reminder Report and the Report on Interim Management Measures show that several participants have failed to submit required data:

- i. Peru did not inform their October to December 2011 preliminary monthly catch data;
- ii. Belize, Faroe Islands, Peru and the Russian Federation have not informed their authorized fishing vessels for 2012;
- iii. Peru and the Russian Federation have not submitted their fishing activity information for 2010;
- iv. Belize, China, Faroe Islands, Korea, Peru, Russian Federation and Vanuatu have not submitted their observer information for 2010;
- v. Peru, the Russian Federation and Vanuatu have not submitted their National Report on compliance to the 2011 Interim Measure.

I would appreciate should the Interim Secretariat make this letter available to the SPRFMO Heads of Delegation.

Yours sincerely,



**PABLO GALILEA CARRILLO**  
Undersecretary of Fisheries