

## Appendix 3

### INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

### INTERNATIONAL REVIEW PANEL

### 65<sup>TH</sup> MEETING

Bilbao, Spain

15 July 2019

## REPORT OF THE MEETING

### AGENDA

	Documents
1. Opening of the meeting	
2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of the report of the 64 <sup>th</sup> meeting	
5. Review of Dolphin Mortality Limits for 2018 and 2019	IRP-65-01
6. Review of AIDCP <i>List of Qualified Captains</i>	IRP-65-02
7. Review of observer data	
8. Review of actions by Parties on possible infractions reported by the IRP:	
a. Actions taken since report at the 64 <sup>th</sup> meeting	IRP-65-03
b. Status review of special cases	IRP-65-04
9. Report of the Permanent Working Group on Tuna Tracking	
10. Other business	
11. Recommendations for the Meeting of the Parties	
12. Place and date of next meeting	
13. Adjournment	

### APPENDIX

1. List of attendees

The 65<sup>th</sup> meeting of the International Review Panel was held in Bilbao, Spain, on 15 July 2019.

#### 11. Opening of the meeting

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), which provides the Secretariat for the Agreement on the International Dolphin Conservation Program (AIDCP), opened the meeting.

#### 12. Election of the Presider

Mr. Julio Guevara, of Nicaragua, was elected as the Presider of the meeting.

#### 13. Adoption of the agenda

The agenda was adopted without changes.

#### **14. Approval of the report of the 64<sup>th</sup> meeting**

**The report of the 64<sup>th</sup> meeting of the Panel was approved on the condition that the change proposed by Panama to paragraph 8 on page 3 of the report would be reviewed. The new paragraph would read as follows:**

*Panama gave an extensive presentation on the review of the case and mentioned that the Government had already sent its response. In the explanation, they concluded that there were no elements to determine that there was an infraction. The Delegate of Colombia mentioned that this event occurred in Colombian waters and that they will conduct an investigation to determine whether or not there are grounds for sanction. The Delegate of Colombia asked Panama if the details of its investigation and of the vessel would be provided, to which Panama said yes.*

#### **15. Review of Dolphin Mortality Limits for 2018 and 2019**

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2018 and 2019, described in [Document IRP-65-01, “Review of Dolphin Mortality Limits for 2018 and 2019”](#), noting that 103 full-year DMLs were allocated in 2018, with an average of 47 dolphins. Ninety-five DMLs were utilized before 1 April; one Party informed the Secretariat that it had renounced one DML. Two vessels were granted an exemption to keep their DML due to *force majeure*, although none used it by the end of the year. Two DMLs, of 15 dolphins each, were allocated from the Reserve DML Allocation (RDA), and five DMLs were forfeited due to non-utilization.

In 2018, dolphin mortality was 819, and mortality per set was 0.08 from a total of 9,774 sets on tunas associated with dolphins. Thirty vessels did not cause any mortality and the average mortality per vessel was 8.19.

For 2019, 107 full-year DMLs were allocated; only 92 of them were utilized before 1 April and one Party renounced a DML for one of its vessels. Twelve were exempted due to *force majeure*, from which, as of 29 May, ten had not been utilized, and two were forfeited due to non-utilization. The average allocated DML was 45 dolphins. In addition, a second-semester DML was allocated to a vessel, subject to gear verification, while two vessels received a DML from the RDA of 15 dolphins each.

Dolphin mortality as of 29 May was 355 dolphins; as of that date, 4,954 sets had been made on dolphins, resulting in a mortality per set of 0.07.

Ecuador noted that it requested a second-semester DML for the vessel Cap. Berny B, which forfeited it due to *force majeure*. The Secretariat clarified that the vessel forfeited its DML because it did not make sets before 1 April and because the exemption request was late; therefore, the only way for the vessel to have a DML would be to reallocate a DML from its fleet, as has been done in the past in other cases. The Panel agreed to present the case to the meeting of the Parties.

Venezuela stated that the achievements of the Agreement should be recognized and that, although there are still issues to be resolved, the performance is of high quality.

#### **16. Review of AIDCP *List of Qualified Captains***

The Secretariat presented Document [IRP-65-02, “Review of AIDCP \*List of Qualified Captains\*”](#), which updates the changes that occurred between 11 October 2018 and 29 May 2019; during this time, 12 captains were added to the list, one was removed and one was reinstated.

#### **17. Review of observer data**

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions received and processed by the Secretariat since the Panel’s previous meeting. The Panel discussed those cases that are not automatically sent to the relevant Parties to determine which of them should be notified to the responsible Government as possible infractions.

Trips 2018-621 and 2018-855, on which the vessels made sets before the Government reported the allocation of DMLs, were reviewed. In both cases, it was decided to send a letter to the Government reiterating their obligation to report—stipulated in Annex IV.I.12 of the AIDCP: “*No vessel may begin fishing for tunas associated with dolphins until the Director receives such notification*”—and to notify DML allocations in a timely manner.

It was determined to send the following four cases to the corresponding Government as a possible infraction.

**Trip 2018-889.** Trip without an observer. The vessel carried an observer from the Western Pacific Commission, but he was not approved in accordance with the Memorandum of Understanding signed with the WCPFC, which violates the rules of the AIDCP that state that all Class-6 vessels must carry an observer on board in the Agreement area.

**Trip 2019-212.** The case of a trip with a captain that was not included in the List of Qualified Captains. It was clarified that this captain has never been on said list.

**Trip 2019-303.** The case of a trip with a captain that was not included in the List of Qualified Captains. He has never been on the list and, one week after the trip began, he was replaced by another captain, who had been identified by the vessel’s administration as the one who would start the trip. No sets on dolphins were made throughout the trip.

**Trip 2019-372.** Interference with the observer’s duties. The observer did not have access to all the necessary equipment.

**Trip 2019-448.** This is a trip that has not ended. Information was received on several occasions that the observer was being harassed to the extent of receiving death threats. The flag State of the vessel cooperated to return the observer to port and replace him with another observer.

Several IRP representatives expressed that the safety of observers must be ensured and that their work should be facilitated. This guarantees good data. Venezuela proposed that this case be treated as a special case. The Panel agreed to review it at the next meeting.

## **18. Review of actions by Parties on possible infractions reported by the IRP:**

### **a. Actions taken since report at the 64<sup>th</sup> meeting**

The Secretariat presented [Document IRP-65-03, “Actions taken since the report at the 64<sup>th</sup> meeting of the IRP”](#), in which the Panel was informed that, during said meeting, an infraction by a Colombian vessel was identified for alleged observer harassment, for which there was still no response from the relevant authority.

Colombia noted that, after conducting the corresponding investigations, it was determined that there were no grounds for carrying out an administrative procedure.

Additionally, cases of possible infractions that have been under investigation for two or more years were presented on the document. The report indicates that there was a case of a Mexican vessel that made night sets and was identified in June 2015; two cases of fishing without an observer by United States vessels, identified in October 2016; and another one from Colombia for fishing without a DML, identified in June 2015.

Colombia noted that the relevant authority decided to apply a sanction, but during the appeal process it was finally concluded that there was no infraction.

Mexico reported that it is about to conclude the case of the alleged night set and that it will report it shortly. The United States noted that the two cases of its vessels have already been sanctioned and should be closed.

### **b. Status review of special cases**

The Secretariat presented Document IRP-65-04, “Summary of Pending Special Cases Monitored by the

IRP.” The first case was case 63-01, which involves trips 2017-916, 2018-140 and 2018-228, in which the same vessel made three consecutive trips without a qualified captain.

No further information on these cases was received; however, the Panel agreed that a letter be sent to the corresponding Government for it to report the conclusion of these cases.

With regard to case 63-02 for attempted bribery, corresponding to trip 2018-354, Venezuela expressed that it was one of its vessels and that it had already sent a letter to the Secretariat. Venezuela pointed out that the investigations found several irregularities that led to the conclusion that there was no possible infraction.

### **19. Report of the Permanent Working Group on Tuna Tracking**

Mr. David Hogan, who chaired the Working Group, presented his report. He expressed that there were no specific recommendations for the IRP; however, an issue was discussed concerning the reduction of TTF submissions, which should be improved by maintaining the standards that have already been achieved.

### **20. Other business**

No other business was discussed.

### **21. Recommendations for the Meeting of the Parties**

The Panel agreed on the following recommendations for the Meeting of the Parties:

- 1) Address the allocation of one DML to the vessel Cap. Berny B taken from the DMLs of the Ecuadorian fleet.
- 2) Approve the handling of cases with possible infractions as presented in section 7 of the President’s report, as well as to consider as settled and concluded the cases pending since the 64<sup>th</sup> meeting presented in item 8a of the report except for Mexico’s case, for which the corresponding update is pending. The U.S. cases were also closed as a result written necessary communication was delivered. The special case of Venezuela would also be closed when it is determined that there was no infraction after the investigations conducted by the Government.

### **22. Place and date of next meeting**

The next meeting of the Panel will be held in conjunction with the next meetings of the AIDCP in October 2019.

### **23. Adjournment**

The meeting was adjourned at 16:00 on 15 July 2019.