

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

**INTERNATIONAL REVIEW PANEL (IRP)**

**68<sup>TH</sup> MEETING**

*(by videoconference)*

13 October 2021

**REPORT OF THE MEETING**

**AGENDA**

	Documents
1. Opening of the meeting*	
2. Election of the Presider	
3. Adoption of the agenda	
4. a. Review of Dolphin Mortality Limits for 2021	IRP-68-01
b. Mortality Limits for 2022	IRP-68-02
5. Review of the AIDCP <i>List of Qualified Captains</i>	IRP-68-03
6. Review of observer data	IRP-68-01
7. Report of the Permanent Working Group on Tuna Tracking	
8. Other business	
9. Recommendations for the Meeting of the Parties	
10. Place and date of next meeting	
11. Adjournment	

**APPENDIX**

1. List of attendees

The 68<sup>th</sup> meeting of the International Review Panel was held by videoconference on 13 October 2021.

**1. Opening of the meeting**

Amb. Jean-François Pulvenis, Director *ad interim* of the Inter-American Commission of Tropical Tuna (IATTC), which provides the Secretariat for the Agreement on the International Dolphin Conservation Program (AIDCP), opened the meeting and turned the floor over to Mr. Enrique de la Vega as Presider of the previous meeting. The *ad hoc* rules and arrangements for holding the 68<sup>th</sup> meeting of the Panel by videoconference were then adopted.

**2. Election of the Presider**

Mr. Enrique de la Vega, of Colombia, was reelected Presider of the meeting.

**3. Adoption of the agenda**

The proposed agenda was adopted without changes.

\* Including the adoption of *ad hoc* rules and arrangements for the 68<sup>th</sup> meeting only

#### **4. Review of Dolphin Mortality Limits for 2021 and 2022**

The Secretariat summarized the situation regarding the allocation and utilization of Dolphin Mortality Limits (DMLs) in 2021 described in Document [IRP-68-01 REV](#). The Secretariat informed that 109 vessels were granted DMLs in 2021. Of these, 86 were utilized by 1 April 2021; five were renounced, 17 were exempted due to *force majeure* and 2 were forfeited due to non-utilization. Likewise, second-semester DMLs were granted to two vessels and one from the Director's reserve.

The average cumulative mortality per vessel for 2021, as of 29 September 2021, was 6.24 dolphins, for a total mortality of 574 of the 4,900 distributed among the international fleet for the allocation of full-year limits. The mortality per set so far in 2021 is 0.07. The Secretariat also indicated that no vessel met or exceeded the corresponding proportion of its DML as of the third quarter.

The Secretariat presented Document [IRP-68-02 REV](#), which summarizes the list of DMLs requested for 2022. A total of 109 DMLs were requested among the various Parties, of which 108 statements of qualification had been received to date from the authorities. One statement of qualification was pending for a vessel from El Salvador and the Secretariat mentioned that the authorities of that country had informed that they would send the statement promptly.

The Panel agreed to approve the 109 DMLs requested. However, one of these would be provisionally approved until the statement of qualification is received from the flag State.

#### **5. Review of the AIDCP *List of Qualified Captains***

The Secretariat presented Document [IRP-68-03](#) showing the changes to the list of captains between 2 July and 29 September 2021, which include the addition of five captains. During this period, no captain was reinstated or removed from the list.

#### **6. Review of observer data**

The Secretariat presented the data reported by observers of the On-Board Observer Program concerning possible infractions received and processed by the Secretariat since the previous meeting of the Panel. During this period, the Secretariat reviewed a total of 133 fishing trips and did not identify a single case of possible non-compliance for these trips. The Secretariat reported that this is the first time that there have been no cases of possible non-compliance identified between Panel meetings.

In view of the above, some cases of possible non-compliance that could not be reviewed by the IRP during its 67<sup>th</sup> meeting and were left pending for discussion at this meeting were reviewed:

**Case 2020129: Possible observer harassment.** The Secretariat presented a case of possible observer harassment by the fishing captain. The Panel agreed to refer this case to the Party as a possible infraction for investigation.

On the other hand, when reviewing this case, it became evident that in some cases the crews are asking the observers to assist in fishing activities. This may not only affect the observer's independence, but also interfere with their duties as observers. For this reason, the Panel asked the Secretariat to prepare a communication to the Parties, regional offices and national programs reaffirming the responsibilities and limits of the duties of on-board observers.

**Case 2020828: Possible observer harassment.** The Secretariat presented a case of possible observer harassment and the Panel agreed to refer this case to the Party as a possible infraction for investigation.

During the discussion of this case, there were several interventions from various delegations expressing the importance of protecting observers and implementing a zero-tolerance policy for possible cases of harassment. Although there has been a significant reduction in cases of observer harassment in recent years, the Panel agreed to recommend to the Meeting of the Parties that it reiterate the importance of working with the Parties to avoid cases of harassment.

**Case 2019583: Set without backdown and with dolphin sack-up.** The Secretariat presented the case of a set in which the fishing captain decided not to perform the backdown maneuver because only 7 dolphins had been caught and sent swimmers to rescue them. At the end of the set, 5 dolphins were dead. Also, during this set, there was a live dolphin inside the sack of the net, which was later released by a swimmer.

The Panel agreed to send these two cases to the Party to investigate the possible infraction of not performing the backdown maneuver and of sacking up a live dolphin.

Also, the Panel asked the Secretariat to prepare an analysis of the impact of not performing the backdown maneuver in sets where there is a very small catch of dolphins and the captain decides to use alternative methods for their rescue and release.

**Case 2021266: Trip without an observer.** The Secretariat presented this case of an invalid extemporaneous request/notification of a cross-endorsed observer because it was submitted when the vessel was already in the EPO and therefore did not comply with the provisions of Annex II, paragraph 9, of the AIDCP. However, the Secretariat reported that this case had been presented for information purposes only, since it was not a failure of the vessel owner but an illustration of the need for the Secretariat to clarify more fully and precisely the procedures applicable to the deployment of IATTC-endorsed observers, in particular when this type of situation arises.

It was agreed that the Secretariat would prepare a communication to the Parties with concrete proposals regarding the appropriate procedure for responding to requests for the deployment of observers that have been previously endorsed by the IATTC.

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

Mr. David Hogan, Chair of the Working Group, presented his report. He stated that there were no specific recommendations for the IRP. His report was approved and no other issues were discussed.

## **8. Other business**

No other business was discussed.

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

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

- a) Approve DML requests for 108 vessels out of the 109 requested for 2022 and approve one on a provisional basis pending receipt of the vessel's statement of qualification from the flag State.

- b) Refer case 2020129 to the corresponding Party for investigation of a fishing trip with a possible case of observer interference and/or harassment.
- c) Request the Secretariat to prepare a communication to the Parties, IATTC field offices and national observer programs reaffirming the responsibilities and limits of the duties of on-board observers.
- d) Refer case 2020828 to the corresponding Party for investigation of a fishing trip with a possible case of observer interference and/or harassment.
- e) Reiterate the importance of working with the Parties and the different participants involved to avoid cases of observer harassment.
- f) Refer case 2019583 to the corresponding Party for investigation of a fishing trip with a set in which the backdown maneuver was not performed and a live dolphin was sacked up.
- g) Request the Secretariat to prepare an analysis of the impact of not performing the backdown maneuver in sets where there is a very small catch of dolphins and the captain decides to use alternative methods for their rescue and release.

#### **10. 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 2022.

#### **11. Adjournment**

The meeting was adjourned at 13:10, San Diego local time, on 13 October 2021.