

MINUTES OF THE 37TH INTERGOVERNMENTAL MEETING

La Jolla, California, USA

October 17, 1998

The 37th Intergovernmental Meeting (IGM) was held in La Jolla, California, USA, on October 17, 1998.

1. Opening of the meeting

The meeting was called to order by Biol. Harold Müller-Gelinek, Chairman of the Inter-American Tropical Tuna Commission (IATTC), on October 17, 1998, at 11:10 a.m. The attendees are listed in Appendix 1.

2. Election of a Chairman

Mr. Müller suggested that Dr. Michael F. Tillman of the United States serve as Chairman of the meeting. All agreed, so Dr. Tillman assumed the chairmanship.

3. Approval of the Agenda

After a brief discussion, the provisional agenda which had been distributed to the attendees was approved. This is reproduced as Appendix 2.

4. Status of effort to ratify the Agreement on the International Dolphin Conservation Program

The Chairman said that the Agreement on the International Dolphin Conservation Program had been signed by representatives of ten countries, and had been ratified by one. Four ratifications are necessary for it to enter into force. Representatives of most of the nations present reported that those nations would ratify the Agreement before the end of 1998. In addition, the representative of the European Union said that it would ratify the Agreement at the same time as it acceded to the IATTC Convention.

5. Report of the International Review Panel

The Chairman turned the floor over to Ms. Wanda Cain of the United States, Presider of the 19th meeting of the International Review Panel (IRP), which took place on October 13-14, 1998, who summarized the results of that meeting. Full-year dolphin mortality limits (DMLs) for 1998 had been issued to 98 vessels. The average mortality per vessel, to date, was 18.7 dolphins, and no vessel had exceeded its DML. DMLs had been requested for 126 vessels for 1999. The Panel decided that the individual-vessel DML would be 39.68 animals, and that the government of each nation would sum the values of 0.68 for all its vessels and allocate that amount among its vessels in accordance with Paragraph 3 of the La Jolla Agreement. The Panel agreed to recommend an increase in vessel assessments for funding the International Dolphin Conservation Program to the equivalent of \$15.05 per short ton of carrying capacity to cover increased costs. It was further agreed to recommend that the basis for the assessments for 1999 be the volume of the vessels' wells, in cubic meters. The Panel agreed to recommend to the IGM that it

accept the proposals of the working group on qualification of fishing captains. It also agreed on recommendations concerning the use of divers to rescue dolphins and special-problem sets. Finally, the Panel discussed the data on possible infractions reported by onboard observers since the previous IRP meeting.

The representative of Ecuador pointed out that if measurement of vessel capacity were changed the assessments would have to change accordingly. Dr. Robin L. Allen, Assistant Director of the IATTC, said that the assessment of \$15.05 per short ton converts to \$14.18 per cubic meter. The Chairman said that the matter of dolphin mortality limits (DMLs) should be considered, and Dr. James Joseph, Director of the IATTC, said that the IRP needed to meet briefly to approve an overall DML for 1999. The representative of Mexico asked whether all vessels which have requested DMLs actually existed, and Dr. Joseph said that they did.

6. Report of the working group on establishing per-stock, per-year dolphin mortality limits

The Chairman called attention to two documents, Report of the Chairperson, Econ. Nancy Cely Icaza, of the IATTC Working Group on Per-stock, Per-year Dolphin Mortality Limits and Review of Dolphin Stocks in the Eastern Pacific and Allocation of Per-stock, Per-year Limits under the Agreement on the International Dolphin Conservation Program, prepared by the IATTC staff. Dr. Martín A. Hall of the IATTC staff summarized the contents of the second document. He explained the formula for calculating N_{min} , discussed the five options on page 5 of that document, explained the difference between "incidental" and "accidental" mortality, and discussed the problem of mixed herds of dolphins. He pointed out that the annual mortality due to fishing exceeded 0.1 percent of N_{min} for only two stocks of dolphins, northeastern spotted dolphins and coastal spotted dolphins, in 1997, and that in each case 0.1 percent of N_{min} was only slightly exceeded. The Chairman called for comments and questions on Dr. Hall's presentation. In the ensuing discussion most of the representatives agreed that limits should be set on the mortalities of the seven stocks of dolphins (northeastern offshore and western-southern offshore spotted dolphins, eastern and whitebelly spinner dolphins, and northern, central, and southern common dolphins) which associate most often with yellowfin, rather than for all the stocks of marine mammals which have been encircled during purse-seining operations. It was agreed that accidental mortalities of dolphins should be disregarded. It was further agreed that the working group would meet in conjunction with the 20th IRP meeting in January 1999.

7. Report of the working group on establishing tuna tracking and verification system

The Chairman called upon Ms. Cain to introduce this subject. She said that the working group had prepared a document describing the proposed tracking system (Appendix 3). The Chairman then called upon the representative of Mexico, who summarized the document. The representative of the United States asked about the brackets and italics in the document, and the representative of Mexico replied that the paper contained alternative proposals for segregating or not segregating yellowfin caught in dolphin-safe and other sets. The representative of the United States observed that (1) the proposal that individual vessels report only the weights of dolphin-safe and non-dolphin safe fish may not meet the goal of making it possible to market yellowfin tuna freely, (2) the document should be more specific in regard to periodic checks, and (3) landing of fish in ports not contiguous to the eastern Pacific Ocean might cause problems. After a brief discussion, it was agreed that a meeting of the working group on tuna tracking would be

held in Mazatlan, Mexico, during the first week of December 1998, and that invitations to attend this meeting would be sent out by the staff of the IATTC.

8. Other business

There was no other business to discuss.

9. Adjournment of the meeting

The meeting was adjourned on October 17, 1998, at 1:45 p.m.

APPENDIX 1

37 TH INTERGOVERNMENTAL MEETING - 37ª REUNION INTERGUBERNAMENTAL

**October 17, 1998 - 17 de octubre de 1998
La Jolla, California (USA)**

ATTENDEES - ASISTENTES

COLOMBIA

SANTIAGO SALCEDO
Ministerio de Relaciones Exteriores

COSTA RICA

GEORGE HEIGOLD
Cia. Enlatadora Nacional, S.A.

ECUADOR

HAROLD MULLER-GELINEK
LUIS TORRES NAVARRETE
Ministerio de Comercio, Industria y Pesca

EL SALVADOR

VILMA HERNANDEZ DE CALDERON
Viceministra de Agricultura y Ganadería

ELIZABETH VILLALTA
Ministerio de Relaciones Exteriores

RENE SALGADO
CENDEPESCA

RICARDO HERNANDEZ
MARIO ROLANDO SAENZ MARIN
Cámara Salvadoreña de la Pesca y la Acuicultura

ESPAÑA - SPAIN

IGNACIO YBAÑEZ RUBIO
CARLOS LARRAÑAGA CES
Secretaría General de Pesca Marítima

LUIS ESTERUELAS
VICTOR ECHEVARRIA
Embajada de España

EUROPEAN COMMUNITY - COMUNIDAD EUROPEA

MARGARIDA CARDOSO
XAVIER VAZQUEZ
JORN SACK
European Commission

FRANCE - FRANCIA

PAUL A. MENNECIER
Embassy of France

ROSITA HOFFMAN-SHONHOLTZ
Ministère de la Mer et de l'Artisanat, French Polynesia

JAPAN - JAPON

JUN-ICHIRO OKAMOTO
Commissioner

NAOKO HAMAGUCHI
SHINGO OTA
Ministry of Foreign Affairs

KENGO TANAKA
Fisheries Agency of Japan

EIKO OZAKI
SALLY CAMPEN
Fed. of Japan Tuna Fisheries Cooperative Associations

MEXICO

CARLOS CAMACHO GAOS
ANTONIO DIAZ DE LEON CORRAL
MARA MURILLO CORREA
JERONIMO RAMOS PARDO
GUILLERMO COMPEAN JIMENEZ
RICARDO BELMONTES ACOSTA
MARIO AGUILAR
SANTIAGO GOMEZ AGUILAR
Secretaría de Recursos Naturales y Medio Ambiente

MARIA TERESA BANDALA MEDINA
Secretaría de Relaciones Exteriores

GUILLERMO PEREDO RIVERA
SECOFI

MARK ROBERTSON

ALFONSO ROSIÑOL LLITERAS
JOSÉ VELÁZQUEZ CARDENAS
CANAINPES

JUAN VELÁZQUEZ MACOSHAY
Supremos del Golfo y del Pacífico, S.A. de C.V.

JOSE CARRANZA BELTRAN
FRANK FERA
Pesca Azteca, S.A. de C.V.

NICARAGUA

LESTER MEJIA SOLIS
Ministerio de Relaciones Exteriores

MIGUEL ANGEL MARENCO URCUYO
Centro de Investigaciones Pesqueras y Acuícolas (CIPA)

ARMANDO SEGURA
Administración de la Pesca (ADPESCA)

PANAMA

ARNULFO FRANCO
Comisionado

PERU

JUAN ARRUS ROKOVICH
JORGE VERTIZ CALDERON
Ministerio de Pesquería

MATE BARAKA
Pesquera Hayduk, S.A.

TAIWAN (REPUBLIC OF CHINA)

PAUL WEN-LIANG CHANG
KENNY HU
Ministry of Foreign Affairs

CHUNG-HAI KWOH
Fisheries Administration, Council of Agriculture

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

MICHAEL TILLMAN
Commissioner

BRIAN HALLMAN
WILLIAM GIBBONS-FLY
VIOLANDA BOTET
U.S. Department of State

SVEIN FOUGNER
WANDA CAIN
GARY SAKAGAWA
National Marine Fisheries Service
PETER FLOURNOY
PFMC-HMS Advisory Subpanel

VANUATU

ANTHONY TILLET
Commissioner

ED WEISSMAN
M/V Pamela Ann

VENEZUELA

JEAN-FRANÇOIS PULVENIS
Comisionado

HUGO ALSINA LAGOS
Comisionado

FRANCISCO ORTISI
Comisionado

SANTOS VALERO
Ministerio de Relaciones Exteriores

JON CELAYA
AVATUN

INTERNATIONAL ORGANIZATIONS - ORGANIZACIONES INTERNACIONALES

BRIAN HALLMAN
International Commission for the Conservation of Atlantic
Tunas

MICHAEL TILLMAN
International Whaling Commission

NON-GOVERNMENTAL ORGANIZATIONS - ORGANIZACIONES NO GUBERNAMENTALES

NINA YOUNG
Center for Marine Conservation

KITTY BLOCK
Humane Society of the United States

HÉCTOR LÓPEZ
Fundación para la Defensa de la Naturaleza (FUDENA)

IATTC - CIAT

JAMES JOSEPH, Director
ROBIN ALLEN, Assistant Director

MARTIN HALL

APPENDIX 2

**37TH INTERGOVERNMENTAL MEETING ON THE CONSERVATION OF TUNAS
AND DOLPHINS IN THE EASTERN PACIFIC OCEAN**

**October 17, 1998
La Jolla, California (USA)**

AGENDA

1. Opening of the meeting
2. Election of a Chairman
3. Approval of the Agenda
4. Status of effort to ratify the Agreement on the International Dolphin Conservation Program
5. Report of the International Review Panel
6. Report of the working group on establishing per-stock, per-year dolphin mortality limits
7. Report of the working group on establishing a tuna tracking and verification system
8. Other business
9. Adjournment of the meeting

APPENDIX 3

INTERNATIONAL REVIEW PANEL

WORKING GROUP ON TUNA TRACKING AND VERIFICATION

This document describes a system for tracking tuna caught in the eastern Pacific Ocean (EPO) by vessels fishing under the Agreement on the International Dolphin Conservation Program (IDCP). The sole purpose of this system is to enable "dolphin safe" tuna, defined as tuna captured in sets in which there was no mortality or serious injury of dolphins, to be distinguished from "non-dolphin safe" tuna, defined as tuna captured in sets in which such mortality or serious injury occurred, from the time it is caught to the time it is ready for retail sale. To this end the system shall be based on Tuna Tracking Forms (TTF), a uniform document to be developed for use by all Parties to the IDCP Agreement.

The IATTC shall be responsible for issuing these forms, which shall be in both English and Spanish, to the national authority designated by each Party as responsible for implementation of the tracking program, in sufficient quantity to be used throughout the EPO among the Parties. Each TTF will have a unique serial number (the "control number"), which will correspond to a single trip by a vessel.

The IATTC shall maintain records of the control numbers of the TTFs issued to each national authority, but it shall be the responsibility of the national authority to establish and maintain the systems, databases, and regulations necessary to implement the system within its own borders.

Within one year following entry into force of the IDCP Agreement, each Party shall provide to the Secretariat a report detailing the tracking program established by that Party under its national laws and regulations.

TUNA TRACKING FORMS (TTFs)

1. A TTF shall be identified by the control number and the number of the trip to which it corresponds, and shall have provision for recording and endorsing the information described below and any other information which would enable the contents of any the vessel's wells to be identified as dolphin safe or non-dolphin safe.
2. At least two TTFs shall be issued to the vessel captain at the beginning of each trip by the competent national authority. All dolphin safe tuna caught during that trip shall be recorded on one TTF, and all non-dolphin safe tuna on the other.
3. After a trip, the original TTFs, with total confirmed quantities of tuna unloaded or transshipped from that trip, shall be retained by the competent national authority. Each Party shall maintain the information from the TTFs on a central database.

LOADING TUNA AT SEA

1. [At sack up during each set, and prior to brailing or loading of fish aboard the vessel and into wells, the observer determines whether or not dolphin mortality or serious injury has occurred in the set and notifies the captain immediately of his determination.
2. On the basis of the observer determination, the tuna is designated either dolphin safe or non-dolphin safe, and is brailed and loaded into a prepared well or wells which already contain either dolphin safe tuna or non-dolphin safe tuna, as applicable, or into a prepared but empty well or wells which shall then be designated dolphin safe or non-dolphin safe, as applicable.
3. In the event that dolphin mortality or serious injury is identified subsequent to the observer determination referenced in paragraph 1, the well or wells into which the tuna from that set was loaded shall be designated a non-dolphin safe well or wells for the rest of the trip. However, any dolphin safe tuna already in that well or

wells will still be considered dolphin safe, and will be unloaded as such after estimated quantities of non-dolphin safe tuna are unloaded from on top of it.

4. At the completion of brailing, when there is no further question as to whether the tuna is dolphin safe or not, the vessel captain and the observer shall both record and initial on the corresponding TTF their estimates of the quantity of tuna loaded into each well in that set.
5. Within a reasonable period after the completion of loading of non-dolphin safe tuna, the observer may confirm, the number(s) of the well(s) receiving the tuna by noting the subsequent change in temperature in the well(s).]
2. *[At the completion of brailing and loading of the catch into wells, when there is no further question as to whether the tuna is dolphin safe or not, the vessel captain and the observer shall both record and initial on the corresponding TTF their estimates of the quantity of tuna loaded in that set.]*

TRANSSHIPMENTS AT SEA

1. A vessel transshipping tuna to another vessel at sea in the course of a trip shall provide the receiving vessel with a document specifying the corresponding control number, and the quantity and dolphin safe status of the fish being transshipped. The transshipping document shall be endorsed by the captain and observer of both the transferring and receiving vessels.
2. If both dolphin safe and non-dolphin safe tuna are transshipped, the two shall be kept physically separate aboard the receiving vessel.

PARTIAL UNLOADINGS

1. A vessel that interrupts a fishing trip to enter port will be considered to have completed the trip if it remains in port for 21 days or if it unloads two-thirds or more of its catch. Otherwise, the same trip will recommence when the vessel leaves port after unloading part of its catch, and the vessel captain shall retain the TTFs for use during the remainder of the trip.
2. The unloading of a portion of a trip's catch in port shall be completed and documented in accordance with the unloading procedures defined in this document, except that the vessel captain shall provide the purchaser and the national authority with a completed and signed transshipping document and copies of the corresponding TTFs.

UNLOADING

1. Prior to unloading, the vessel captain shall provide sufficient notice of the vessel's intended place and schedule of unloading to the national authorities responsible for monitoring the unloading of that tuna under the laws and regulations of the Party under whose jurisdiction the vessel operates.
2. The national authority referred to in paragraph 1 shall be responsible for documenting the unloading of the tuna and recording the total confirmed scale weight on each TTF, and shall take possession of the original TTFs for entry of the information into a database and for continued tracking of that tuna.
3. [Dolphin safe and non-dolphin safe tuna shall be loaded into separate bins. Each bin shall be identified with the corresponding control number, the name of the vessel, trip number, and confirmed scale weight.]
3. *[Once the total scale weight of tuna unloaded is confirmed, it is compared with the average of the estimated weights recorded on the TTF by the vessel captain and the observer at sea. If the confirmed scale weight is greater than the estimated weight, the difference between these quantities shall be prorated as dolphin safe and non-dolphin safe tuna in the same proportions as the rest of the tuna unloaded from that trip.]*

4. *Dolphin safe and non-dolphin safe tuna shall be loaded into separate bins. Each bin shall be identified with the corresponding control number, the name of the vessel, trip number, and confirmed scale weight.*
4. [5.] The national authority shall provide a number of certified copies of each of the two TTFs to the representative of the vessel. Each sale of a portion of the catch must be accompanied by a certified copy of the corresponding TTF, which will accompany the fish through every step of processing. Any transfer of ownership shall be recorded on the TTF, and the transferring party shall be responsible for reporting the transfer to the competent national authority, specifying the TTF control number, the quantity (scale weight) of tuna being transferred and the recipient.
5. [6.] The competent national authorities of the Parties shall determine means by which to document, within this system, tuna unloaded by purse-seine vessels operating in the EPO but not covered by the Agreement. Tracking shall include confirmation of unloaded weight and, at the discretion of each Party, review of the vessel logbook.

STORAGE, PROCESSING, AND MARKETING

1. Any change in ownership of any unprocessed tuna covered by a control number shall be accompanied by a certified copy of the TTF and shall be reported to the competent national authority.
2. During processing, dolphin safe and non-dolphin safe tuna shall not be processed on the same lines at the same time.
3. Processors shall retain the certified copies of TTFs corresponding to tuna they process, and shall maintain records complete enough to allow the lot numbers of processed tuna to be traced back to the corresponding TTF control number or numbers.
4. Processed dolphin safe tuna destined for export shall be accompanied by appropriate certification of such status issued by the competent national authority, including reference to the corresponding TTF control number or numbers.

PERIODIC AUDITS AND SPOT CHECKS

Pursuant to Article V, paragraph 1(f) and Annex IX, paragraph 1(f) of the IDCP Agreement, the Parties shall establish a program to track and verify tuna harvested by vessels in the Agreement Area that includes periodic audits and spot checks for caught, landed and processed tuna products, and that provides timely access to relevant data.