

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

60TH MEETING

La Jolla, California (USA)

10 October 2016

REPORT OF THE MEETING

AGENDA

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1. Opening of the meeting	
2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of the minutes of the 59 th meeting	
5. a) Review of Dolphin Mortality Limits for 2016	IRP-60-05a
b) Dolphin Mortality Limits for 2017	IRP-60-05b
6. Review of AIDCP <i>List of Qualified Captains</i>	IRP-60-06
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 59 th meeting	IRP-60-08a
b. Status review of special cases	IRP-60-08b
9. Report of the Permanent Working Group on Tuna Tracking	
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APPENDIX

1. List of attendees

The 60th meeting of the International Review Panel was held in La Jolla, California (USA) on 10 October 2016.

1. 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.

2. Election of the Presider

Mr. William Jacobson, of the United States, was elected to chair the meeting.

3. Adoption of the agenda

The provisional agenda was adopted without changes.

4. Approval of the minutes of the 59th meeting

The minutes of the 59th meeting of the Panel were approved without changes.

5. a) Review of Dolphin Mortality Limits for 2016

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2016, described in Document IRP-60-05, noting that no vessel had exceeded its allocated DML for that year. The total mortality through 16 September, 2016 was 521 dolphins and occurred in 8,624 sets on dolphins, resulting in an average mortality per set of 0.06 dolphins.

b) DMLs for 2017

The Secretariat presented Document IRP-60-05b on DMLs requested for 2017. One hundred DMLs were requested for 2016, 2 of them subject to further verification.

It was stressed that one of the requests for DML corresponds to a vessel that, after recently confirming its capacity, changed from class 5 to class 6. This vessel has been carrying an observer on board because, when still considered as a class 5 vessel, it had been sighted when setting on dolphins. Emphasis was made on the absence of provisions in the AIDCP that would allow for a decision to be made on whether or not allocating a DML to a vessel currently under investigation for an infraction to the Agreement.

Regarding another request, Mexico asked the United States to provide general background information regarding the one United States request for a 2017 DML, noting that United States vessels have not utilized any DMLs in the past. In response, the United States stated that the vessel owner requested the DML, the vessel is qualified to receive it, subject to verification that all required dolphin safety-related equipment is present onboard the vessel, and there is nothing in the United States domestic law nor in the AIDCP that would prohibit such a DML allocation.

6. Review of the AIDCP List of Qualified Captains

The Secretariat presented Document IRP-60-06, *Changes to the AIDCP List of Qualified Captains*, which updates the changes that occurred between 17 May 2016 and 15 September 2016, during which time three captains were added, and two removed.

7. 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 were not automatically referred to the pertinent Parties, in order to determine which of them should be considered possible infractions and forwarded to the responsible government for investigation. The IRP discussed seven such cases and agreed to carry out actions to all of them.

The Panel discussed the following cases:

Trip 2016-139 and trip 2016-247. Interference with the observer's duties. Two vessels flying different flags and with observers on board shared the catch made in one set. This operation was not recorded on the Tuna Tracking Form (TTF), but the set and harvest was recorded in the logbook of one of the vessels. Allegedly, an officer of the vessel that made the set requested the observer that the transfer of the catch be not recorded. The Panel decided that the case should be referred to the Party as a possible infraction.

Trip 2016-357. Interference with the observer's duties. Two vessels flying the same flag shared the catch made in one set but this operation was not recorded in the TTF. The vessel which caught the fish is under class 6 and consequently does not carry an AIDCP observer on board. The observer on board the receiving vessel did not register the transfer on the TTF. The Panel decided that the case should be referred to the

Party as a possible infraction.

It was noted that the Secretariat should explore the use of electronic monitoring systems as a test project in order to increase the effectiveness of onboard monitoring, but this should be done taking into account the budget implications. Mexico noted that an electronic monitoring system should not be used to corroborate or review the work done by the observers, but to reach the objectives of the AIDCP and that such a system should be used mainly in vessels under class 6.

Trip 2016-518. Sacking-up marine mammals. This was an accidental set during which two pilot whales were caught but released by tying a rope around each animal's tail and pulling them out of the net. No mortality was observed. However, the orca could have been released in order to avoid their sacking-up. The Panel decided that the case should be referred to the Party so that the owner be informed that the fishing captain should be trained in dolphin release techniques.

Trip 2016-750 and 2016-751. Two cases of fishing without observer. In the first case, a vessel that is not authorized to fish in the IATTC convention area was sighted by two observers in two separate occasions when fishing in the IATTC-WCPFC overlap area without an observer on-board. This vessel is listed exclusively in the WCPFC register. While in the IATTC framework and under Recommendation C-12-11 it is established that such vessel shall apply the conservation and management measures of the WCPFC when fishing in the overlap area, there is no similar provision in the framework of the AIDCP for exempting such vessel, when flying the flag of a AIDCP Party, to comply with the Agreement and with the measures adopted by the Parties. It was commented that an agreement between the AIDCP and the Western and Central Pacific Fisheries Commission (WCPFC), similar to that established in Recommendation C-12-11, would provide policy guidance in cases such as this. Appropriate contact and coordination with the WCPFC will be necessary.

The Panel decided that, without prejudice to that solution, the case should be referred to the Party for investigation.

Trip 2016-767. Fishing without observer. A vessel that should have been in port was sighted while navigating, as reported by an observer on board another vessel. The Panel decided that the case should be referred to the Party as a possible infraction and for further investigation of the case. It was recalled that in such a situation the use of the vessel monitoring system (VMS), which is mandatory, would be a useful tool in that investigation.

8. Review of actions by the Parties on possible infractions reported by the IRP:

a. Actions taken since the report at the 58th meeting

The Secretariat presented Document IRP-60-08a, *Responses for Six Types of Possible Infractions Identified During the 59th Meeting of the IRP*. Eleven cases involving the use of explosives by Venezuelan vessels were all concluded with sanctions applied. Mexico reported the pending case of explosive use and included in document IRP-60-08a was concluded and a sanction was applied. In addition, there were two cases for fishing without observer which have been under investigation for two years or more.

b. Status review of special cases

The Secretariat presented Document IRP-60-08b, *Summary of Pending Special Cases Monitored by the IRP*. There were two related cases (Trips 2014-004 and 2014-145), originally addressed by the Panel at its 55th meeting in July 2014, and at each subsequent meeting, involving an observer who apparently was substituted by an unknown person during the two trips.

The 59th Panel meeting agreed that additional measures or guidelines should be adopted to avoid a re-occurrence of this type of situation, and the Secretariat was asked again to circulate a communication with

draft measures for consideration and adoption. This was done through circulation to the Parties of a proposed procedure on 15 September 2016. No comments to that proposal had been received yet. It is important to remind that several of the processes and actions described in the document are already in force and carried out within the IATTC observer program. The Panel agreed on a deadline for the submission of comments on this document, which should be sent by November 30, with the understanding that the Secretariat would circulate once again the document in the WORD format in order to facilitate the process. In addition, the Panel agreed also that the Secretariat would post on the AIDCP, with a password control access, a list of qualified and active observers with their respective photograph in order to ensure that they can be easily identified.

9. Report of the Permanent Working Group on Tuna Tracking

Dr. Luis Fleischer, of Mexico, Chair of this Working Group, presented his report (Appendix 2). The group made the following recommendations:

- 1) That the Secretariat contact Parties involved in special cases that are still pending in order to obtain more information on the progress made towards their conclusion.
- 2) That the two pending cases on tuna catches transferred between vessels and not recorded in the corresponding TTFs be submitted to the IRP for their review.
- 3) That the possibility of utilizing electronic monitoring systems be explored.

10. Other business

No other business was discussed.

11. Recommendations for the Meeting of the Parties

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

1. The list of DML requests for 2017 should be approved, taking into consideration that for two of these requests completion of the established requisites is still pending.
2. The proposed procedures to place observers onboard that were circulated by the Secretariat should be reviewed and adopted, in the understanding that comments must be sent by November 30, 2016.
3. A list of active observers with their respective photograph should be posted on the IATTC website with password control access.
4. The Secretariat should contact Parties with special cases still pending within the framework of the Working Group on Tuna Tracking and Verification System in order to obtain more information on the progress made towards their conclusion.
5. The Secretariat should explore the possibility of utilizing electronic monitoring systems taking into consideration the budget implications and including vessels under class 6.
6. Regarding fishing in the IATTC-WCPFC overlap area, a mechanism to regulate these activities in the area in the legal framework of the AIDCP, similar to the one in force within IATTC, should be developed.

12. Date and place of next meeting

The 61st meeting of the Panel will be held in conjunction with the next meetings of the AIDCP in 2017.

13. Adjournment

The meeting was adjourned at 3:40 PM on 10 October 2016.

Appendix 1.

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