

MINUTES OF THE 29TH INTERGOVERNMENTAL MEETING ON THE CONSERVATION OF
TUNAS AND DOLPHINS IN THE EASTERN PACIFIC OCEAN

La Jolla, California, USA
June 14-15, 1995

Agenda Item 1 - Opening of the meeting

The 29th Intergovernmental Meeting on the Conservation of Tunas and Dolphins was held at the Radisson Hotel, La Jolla, California, on June 14-15, 1995. The meeting was called to order by Dr. James Joseph, Director of the IATTC and Chairman *pro tem*, on June 14, 1995, at 3:55 p.m. Representatives of the governments of Colombia, Costa Rica, Ecuador, France, Japan, Mexico, Panama, the Seychelles, Spain, Taiwan, the United States, and Venezuela were there, as were representatives of the International Commission for the Conservation of Atlantic Tunas, the International Whaling Commission, the Organización Latinoamericana de Desarrollo Pesquero (OLDEPESCA), the Asociación Empresarial Pesquera de América Latina (ALEP), the Center for Marine Conservation, the Earth Island Institute, the Fishermen's Coalition, the Fundación para la Defensa de la Naturaleza (FUDENA), Greenpeace International, the Humane Society International, the Red Mexicana de Acción frente al Libre Comercio, the Whale and Dolphin Conservation Society, and the World Wildlife Fund. These are listed in Appendix 1 of these minutes.

Agenda Item 2 - Election of Chairman

Dr. Joseph asked for nominations for Chairman of the meeting. The representative of Colombia nominated Lic. Carlos Camacho Gaos of Mexico for this position, and this nomination was approved unanimously.

The representatives of France, Japan, and Spain announced that they wished to be observers, rather than participants, at the meeting.

Agenda Item 3 - Adoption of Agenda

The Chairman asked for comments on the agenda (Appendix 2). The representative of Mexico stated that it was too early in the year to discuss Dolphin Mortality Limits for 1996 (Agenda Item 4c). After a brief discussion, it was agreed that this matter would be postponed until the intergovernmental meeting which will be held in October 1995.

Agenda Item 4 - Activities of the International Review Panel

The Chairman announced that Mr. Martin Hochman of the United States would read the covering letter (Appendix 3) accompanying the Annual Report of the IRP for 1994. Before yielding the floor to Mr. Hochman, however, he expressed his thanks to the members of the IRP and the staff of the IATTC for their hard work, and noted that it is gratifying to see that their efforts have been so successful. After Mr. Hochman read the letter, the Chairman called for comments on the report. There were none, so it was approved.

The Chairman asked if there were any other matters to discuss under this agenda item. There were none, so the meeting proceeded to the next agenda item.

Agenda Item 5 - Review of the Dolphin Mortality Limits (DMLs) Program

The Chairman called on Dr. Guillermo Compeán of Mexico, who read a recommendation of the eighth meeting of the IRP that the following sentence be added to the end of Paragraph 5 of the Agreement for the Conservation of Dolphins: "The Director of the IATTC, after consultation with and agreement by the voting members of the Review Panel, may also use information on the fleet's projected annual dolphin mortality to provide second half DMLs if this use is reasonably expected not to cause the overall fleet quota for that year to be exceeded." The recommendation was adopted.

Mr. Hochman asked that the situation in regard to unutilized DMLs be explained. The Chairman asked Dr. Joseph to do this. Dr. Joseph said that a vessel would lose its DML for the year if it had not begun to use it by June 1. Of the 81 vessels with DMLs for 1995, 22 had not begun to use them by June 1. Thirteen vessels have applied for second-semester DMLs of 57 animals each. Mr. Hochman said that when there are 22 such vessels it is difficult to decide how to allocate second-semester DMLs to the vessels applying for them. He then read a proposal, prepared at the ninth meeting of the IRP, for handling this situation (Appendix 4). After a brief discussion, during which it was explained that the proposal would apply only to 1995, it was adopted.

Agenda Item 6 - Other Business

The Chairman called on Dra. Silvia Forero of Colombia, who read a statement (Appendix 5), signed by the representatives of Colombia, Costa Rica, Ecuador, Mexico, and Venezuela, regarding the embargo imposed by the United States on tunas caught by vessels of nations which have vessels which fish for tunas associated with dolphins and for which the mortality rates are greater than those of U.S. vessels. Dr. Michael Tillman of the United States stated that his government has been reviewing recent and current information on the situation, and the administration now supports revision of the U.S. laws. Hearings will take place before a committee of the U.S. House of Representatives on June 22, 1995, and it is likely that legislation will be passed before the end of 1995. The representatives of Colombia, Costa Rica, Japan, Mexico, Spain, and Venezuela expressed their gratification at hearing this news, and Mr. Francisco Herrera Terán of ALEP read a statement (Appendix 6). Mr. Felipe Charat, also of ALEP, stated that it was gratifying to hear that the embargo might be lifted, but that the consumers of the United States had been persuaded that they should buy only tuna which is "dolphin-safe," and the problem will not be solved until the U.S. government changes its definition of dolphin-safe. He pointed out that the dolphin-safe concept applies only to the purse-seine fishery for tunas in the eastern Pacific Ocean, but that there is no logical reason for treating this fishery differently from other fisheries which also are the cause of mortalities of marine mammals.

The Chairman adjourned the meeting at 5:25 p.m.

The meeting was reconvened by the Chairman on June 15, 1995, at 10:55 a.m. Dr. Tillman was given the floor to clarify his remarks of the previous day. He said that the U.S. could do any of the following: (1) change the definition of "dolphin-safe"; (2) eliminate that concept from its laws and regulations; (3) eliminate dolphin-safe as a consideration for importation of tuna; (4) leave the laws and regulations as they are now.

Statements were read by the following attendees: Ms. Traci Romine on behalf of Greenpeace International; Dr. Hector López on behalf of the Center for Marine Conservation, the Earth Island Institute, FUDENA, Greenpeace International, the Humane Society International, the Humane Society of the United States, the Red Mexicana de Acción frente al Libre Comercio, the Whale and Dolphin Conservation Society, and World Wildlife Fund, U.S. (Appendix 7); Mr. Christopher Strend on behalf of the Whale and Dolphin Conservation Society (Appendix 8); Mr. Alvaro Posada-Salazar on behalf of the Humane Society International; Dr. Alejandro Villamar on behalf of the Red Mexicana de Acción frente al Libre Comercio (Appendix 9); Mr. Jorge Antonio Catalán Sosa on behalf of the Cámara de Diputados de México (Appendix 10). (Ms. Romine said that much had been accomplished because representatives of all viewpoints had exchanged views and worked cooperatively to solve the problem of mortality of dolphins in the purse-seine fishery for tunas. She urged everyone involved to continue to cooperate with the International Dolphin Conservation Program. Mr. Posada-Salazar's statement was taken from Proposed Modifications to the International Convention for the Regulation of Whaling, submitted to the 47th Annual Meeting of the International Whaling Commission by the Humane Society International. This document praises the international observer program, the IRP, and the system of DMLs for individual vessels which penalizes those which exceed their DMLs.)

Mr. Charat said that he was dismayed and appalled by the statements prepared by the various environmental groups. They said that the members of these groups are concerned about bycatches of fish and turtles, and yet they support laws and regulations which would increase these bycatches, decrease the catches of yellowfin tuna, and cause hardship to people who depend on fishing for a living. The nation most responsible for these laws and regulations is the United States, a country which is not even contiguous to the resource.

The representative of Ecuador suggested that an intergovernmental meeting be held in Guayaquil, Ecuador, in July 1995 to discuss the decisions made as a result of the hearings of June 22. The other attendees endorsed this suggestion. Dr. Tillman, however, said that such a meeting might be premature, as the U.S. government moves slowly, and it might not have accomplished enough by July to justify such a meeting. He said that October 1995 might be a better time for the meeting. It was decided that the date of the meeting would be set by Dr. Joseph, after consultation with the various nations involved.

Several people made statements praising the accomplishments of the International Dolphin Conservation Program and expressing concern about the effects of fishing for small tunas in free-swimming schools or schools associated with floating objects.

Agenda Item 7 - Adjournment

The Chairman adjourned the meeting at 1:20 p.m.

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APPENDIX 1

29TH INTERGOVERNMENTAL MEETING ON THE CONSERVATION OF TUNAS AND DOLPHINS IN THE EASTERN PACIFIC OCEAN

La Jolla, California

June 14-15, 1995

PARTICIPANTS

COLOMBIA

SILVIA FORERO DE GUERRERO
Ministerio de Agricultura

CLARA GAVIRIA
Ministerio de Comercio Exterior

ALEJANDRO LONDOÑO GARCÍA
Instituto Nacional de Pesca y Acuicultura

ARMANDO HERNÁNDEZ RODRÍGUEZ
Cámara de la Industria Pesquera

ALVARO BUSTAMANTE STEER
AMERICO RODRIGUEZ CHRISTENSEN
Atunes y Enlatados del Caribe, S.A.

COSTA RICA

ALVARO MORENO GÓMEZ
Comisionado

JAIME BASADRE OREAMUNO
Comisionado

JAIME BASADRE
Comisionado

HERBERT NANNE ECHANDI
Colegio de Biólogos de Costa Rica

ECUADOR

GUSTAVO GONZALEZ CABAL
LUIS TORRES NAVARRETE
Ministerio de Industrias, Comercio, Integración y Pesca

MEXICO

CARLOS CAMACHO GAOS
ANTONIO DÍAZ DE LEÓN
PABLO ARENAS FUENTES
RICARDO BELMONTES ACOSTA
GUILLERMO COMPEÁN JIMÉNEZ
Secretaría de Medio Ambiente, Recursos Naturales y Pesca

SERGIO GÓMEZ LORA
Secretaría de Comercio y Finanzas

A. AVILÉS ROCHA
MANUEL CHABLÉ GUTIÉRREZ
JORGE ANTONIO CATALÁN SOSA
JOSÉ LUIS LEYSON CASTRO
SERGIO MEZA LÓPEZ
Cámara de Diputados
Comisión de Pesca

RICARDO RAMÍREZ LEAL
Consulado General de México

GUILLERMO GOMEZ
Consultant
Gomez-Hall Associates

FELIPE CHARAT
ALFONSO ROSIÑOL
CARLOS DE ALBA PÉREZ
CANAINPES

JOSE CARRANZA
ERNESTO ESCOBAR
JESUS IBARRA
JOHN AZEVEDO
VITO CASTAGNOLA
Pesca Azteca, S.A. de C.V.

GERARDO LOJERO WHEATLEY
Compañía Mexicana de Tunidos, S.A. de C.V.

JOSÉ JUAN VELÁZQUEZ
Supremos del Golfo

PANAMA

RICARDO MARTÁNS G.
Comisionado
Ministerio de Comercio e Industrias

UNITED STATES OF AMERICA

BARBARA BRITTEN
Commissioner

M. AUSTIN FORMAN
Commissioner

JAMES T. McCARTHY
Commissioner

MICHAEL TILLMAN
Commissioner

HILDA DIAZ-SOLTERO

ROBERT BROWNELL

AL COAN

NORM BARTOO

PAUL NIEMEIER

CHUCK OLIVER

DANA WILKES

National Marine Fisheries Service

BRIAN HALLMAN
Department of State

MARTIN HOCHMAN
TED BEUTTNER
National Oceanic and Atmospheric Administration

DAVID BURNEY
U.S. Tuna Foundation

PETE DILEVA
Caribbean Fishing, Inc.

MICHAEL DUNN
Mitsubishi Foods (MC) Inc.

TED DUNN
Lopreste-Dunn Sportfishing

AUGUST FELANDO
Consultant

PETER H. FLUORNOY
International Law Offices

WILLIAM GILLIS
American Tuna Sales Association

PAUL KRAMPE
Van Camp Seafood Company

MARK McAULIFFE

MICHAEL McGOWAN
Cabason, Inc.

OTTO OBRIST
Ocean Ventures, Inc.

GEORGE SOUSA
GS Fisheries

CHARLES PECKHAM
LMR Fisheries Research

MARK ROBERTSON
JESSICA BERK
Gold & Liebengood

DOUGLAS SATO
White Fuji, Inc.

ED STOCKWELL
Star-Kist Foods, Inc.

ED VAN OS
Van Os Oceanic International, Inc.

ED WEISMAN

VENEZUELA

MIRIAM R. de DE VENANZI
Instituto de Comercio Exterior

HUGO ALSINA LAGOS
SARPA, Ministerio de Agricultura y Cría

OBSERVERS

FRANCE

ALAIN FONTENEAU
ORSTOM

JAPAN

MINORU MORIMOTO
Commissioner

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Marine Resources Division
Research Department
Fisheries Agency of Japan

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YUICHIRO HARADA
Federation of Japan Tuna Fisheries Cooperative
Association

SALLY J. CAMPEN
Federation of Japan Tuna Fisheries Cooperative
Associations

SEYCHELLES

J. NAGEON DE LESTANG
Seychelles Fishing Authority

SPAIN

JESÚS MIRANDA
Ministerio de Agricultura, Pesca y Alimentación

GABRIEL SARRÓ IPARRAGUIRRE
O.P.A.G.A.C.

TAIWAN

JAMES SHA
Council of Agriculture of the Executive Yuan
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INTERNATIONAL ORGANIZATIONS

ALAIN FONTENEAU
International Commission for the Conservation of
Atlantic Tunas

MICHAEL TILLMAN
International Whaling Commission

CARLOS MAZAL
OLDEPESCA

NON-GOVERNMENTAL ORGANIZATIONS

HECTOR LOPEZ ROJAS
Fundación para la Defensa de la Naturaleza

MARCI GLAZER
Center for Marine Conservation

KATHLEEN O'CONNELL
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Whale & Dolphin Conservation Society

ALEJANDRO VILLAMAR
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Humane Society International

TERESA PLATT
HAROLD MEDINA
STEVE MEDINA
The Fishermen's Coalition

DAVID SCHORR
World Wildlife Fund

TRACI ROMINE
Greenpeace International

FRANCISCO HERRERA TERÁN
Asociación Empresarial Pesquera de América Latina

IATTC

JAMES JOSEPH, Director

APPENDIX 2

29TH INTERGOVERNMENTAL MEETING ON THE CONSERVATION OF TUNAS AND DOLPHINS IN THE EASTERN PACIFIC OCEAN

LA JOLLA, CALIFORNIA
JUNE 14-15, 1995

AGENDA

1. Opening of the Meeting
2. Election of Chairman
3. Adoption of Agenda
4. Activities of the International Review Panel
 - (a) 1994 Annual Report to Governments
 - (b) Other Matters
5. Review of the Dolphin Mortality Limits (DMLs) Program
 - (a) Second Semester Limits for 1995
 - (b) Non-utilization of DMLs due to Force Majeure
 - (c) 1996 DMLs
6. Other Business
7. Adjournment

APPENDIX 3

June 14, 1995

To: Governments participating in the 29th Intergovernmental Meeting

From: International Review Panel

Re: 1994 Annual Report

The 1992 Agreement for the Conservation of Dolphins calls on the International Review Panel to prepare an Annual Report of its activities, to include a summary of all identified infractions committed by fishing vessels fishing for tunas in the eastern Pacific Ocean and of the sanctions applied by the respective governments.

Attached is the Annual Report for 1994. Your attention is drawn to Appendix XI, which lists all infractions, by trip identification number and vessel flag, identified by the IRP between June 1994 and January 1995. These same infractions are summarized by major and minor categories, for each of the IRP meetings at which observer records were reviewed. Summaries are contained in Appendices XII, XIII, and XIV.

Of the 7,377 sets presented for review, 50 possible major infractions were identified. Of this total, 33 were a result of a recommendation by the IRP to include a requirement that all vessels capable of fishing on dolphins be equipped with dolphin safety panels, regardless of whether the boat had indicated that it would fish on dolphins or not. The IRP wishes to note that, excepting these infractions, the number of possible major infractions declined from 24 in 6,075 sets in 1993 to 17 in 7,377 sets in 1994. The number of possible minor infractions also declined. This is an indication that fishermen continue to cooperate in the program.

The IRP wishes to draw the Plenary's attention to the fact that only three of eight governments, six of which are party to the Agreement, and all of which have been informed of the possible infractions identified and requested to report back to the IRP, have done so. The three governments which did report on possible infractions were Colombia, Mexico, and Panama. In summary, there has been either no action or no indication of actions taken by governments on more than two-thirds of the possible infractions identified by the IRP. In addition, some responses were not received by the deadline, and many reports indicate that actions on possible infractions are either less than recommended in the list of approved sanctions or are not yet completed.

The IRP points out that this general concern was called to your attention in a cover letter attached to the IRP's Annual Report for 1993, which indicates that certain governments are not adequately supporting the compliance aspects of the program. The IRP stresses again that the success of the program depends upon the behavior and cooperation of individual governments.

The IRP urges the governments party to the Agreement to:

1. Take action to ensure that the appropriate sanctions are applied for infractions when the government has determined that an infraction has occurred, and that governments report their actions to the IRP within the required two-month period, so that the IRP can review these actions at its next meeting.
2. Ensure that when such governments do not comply with this requirement, that they inform the IRP of their failure to comply at the next meeting of the IRP.
3. Expand the enforcement and compliance mechanisms adopted by parties and non-parties to the Agreement, in accordance with international law.

The IDCP is an innovative and precedent-setting program. It is setting a standard for the conservation and management of living marine resources into the next century, and has attracted a great deal of attention and interest in a number of international fora dealing with management and conservation issues. The program's success is a result of the dedicated efforts of all parties involved in its implementation. To ensure continued success of the program, and enhance its effectiveness, the IRP invites all governments party to the Agreement to accept the above recommendations.

APPENDIX 4

INTERNATIONAL REVIEW PANEL

PROPOSED MECHANISM FOR ISSUING DOLPHIN MORTALITY LIMITS FOR THE SECOND SEMESTER OF 1995

The following agreement shall be applied to vessels which were issued a Dolphin Mortality Limit (DML) for 1995 and which did not utilize their DMLs by June 1 of that year:

1. These vessels shall lose all their original DML issued at the beginning of 1995.
2. If they wish to fish on dolphins in the second semester of 1995, they should request this in writing to the respective government, with copy to the IATTC, before June 14, 1995.
3. These vessels shall be assigned 50% of the original DML for 1995.
4. All boats which are issued a DML for the second semester of 1995 and which do not utilize it by December 1 of that year shall not be entitled to request a full-year DML for 1996, regardless of circumstances, but may request a DML for the second semester of 1996.

Vessels which were not issued a full-year DML for 1995 may request a DML for the second semester of 1995, subject to the following conditions, as established in the La Jolla Agreement and subsequent decisions:

- a. Request in writing before April 1.
- b. Payment of US\$ 12 per ton of carrying capacity.

Provided there are DMLs available, these vessels shall be issued DMLs for the second semester of 1995 which shall not exceed 50% of the original DML for 1995.

In the working group established by the IRP, the examination of bonds and other financial instruments to ensure that DMLs are requested responsibly is a high priority.

APPENDIX 5

JOINT STATEMENT

The governments of Colombia, Costa Rica, Ecuador, Mexico, Panama, and Venezuela, meeting in La Jolla, California, on June 14, 1995:

Considering:

- The commitment by the nations signatory to this statement to the conservation of ecosystems and the sustainable use of living marine resources;
- That scientific evidence shows that the technique used in the tuna fishery of setting on dolphins is the most effective method for the protection of the biodiversity and the marine ecosystems and for the rational exploitation of the tuna resources;
- That the use of the fishing technique of setting on dolphins, in accordance with the rules and procedures established within the framework of the La Jolla Agreement, reduces to the lowest possible level the incidental catch of marine mammals;
- That the eastern Pacific Ocean tuna-fishing fleet of these nations operate under a strict system of national and international vigilance;
- That both the scientific evidence and the IATTC's studies indicate that an escalation of the "dolphin-safe" fishing practice would harm the biodiversity and endanger the ecosystem in that it involves catching and discarding juvenile tunas and the large incidental capture of other species, leading to the grave risk of the tuna population declining between 30 and 60 percent in less than two years;
- That as a result of the efforts of the tuna fleet operating in the eastern Pacific Ocean to implement the La Jolla Agreement, the limit set for the incidental mortality of dolphins for 1999 was achieved in 1993;

Reiterate that multilateral mechanisms such as those established in the La Jolla Agreement are appropriate for the conservation of living marine resources, such as the tuna resources in the eastern Pacific, and the sustainable exploitation of these resources and the conservation of the ecosystems;

Note that the imposition by the government of the United States of an embargo on the importation of tuna caught in the eastern Pacific Ocean in association with dolphins which is not declared "dolphin-safe" is contrary to international law, lacks a scientific basis and is counterproductive for the conservation of the ecosystems, biodiversity, and the rational and sustainable exploitation of the tuna resources. Likewise, it is in contradiction to and incompatible with the signing of the La Jolla Agreement by the government of the United States and its participation in the implementation of this Agreement.

Call attention to the serious adverse effects which the above-mentioned trade restrictions have had for the last four years on the fishing industries of other nations, in terms of employment, generation of foreign currency, and loss of capital;

Express their concern that, if the current situation continues, the viability of the La Jolla Agreement would be endangered, to the detriment of the progress achieved in multilateral management and the conservation of the marine ecosystems and the sustainability of the living marine resources involved.

Therefore urge the government of the United States to lift the primary and secondary embargoes imposed on the importation of dolphin-associated tuna caught with purse-seine nets in the eastern Pacific Ocean, and also to redefine the concept of "dolphin-safe" to include all the tuna products of fishing carried out in accordance with the regulatory measures adopted within the framework of the La Jolla Agreement.

APPENDIX 6

OLDEPESCA-ALEP JOINT STATEMENT

The Latin American countries that fish for tunas in the eastern tropical Pacific, members of the Latin American Fishing Development Organization (OLDEPESCA) and the Latin American Fishing Business Association (ALEP)

Considering

That the U.S. Marine Mammal Protection Act calls for the imposition of embargoes on yellowfin tuna and its by-products from nations whose tuna vessels do not comply with the unilateral requirements that this Act imposed for tuna caught in the eastern Pacific Ocean.

That the Pelly Amendment permits the eventual application of a general embargo to seafood products, constituting another unilateral and arbitrary measure which seriously affects the development of fishing activity in Latin America.

That the United States of America has maintained, since 1991, a primary embargo on tuna exports from several Latin American countries, despite the success of the programs and agreements designed to eliminate the incidental mortality of dolphins in the eastern tropical Pacific.

That the Latin American nations that fish for tuna in the eastern Pacific, within the framework of their policies for the protection of the environment in general and of the marine habitat in particular, have demonstrated their firm resolve to participate actively in programs for the administration, conservation, and "optimum, rational, responsible and sustainable" exploitation of marine resources, through national and international procedures established on the basis of the best scientific evidence and technological advances.

That the imposition of unilateral sanctions of any nature on the Latin American states limits the exercise of their sovereign rights, pursuant to the new Convention of the Sea, and also leads nations to adopt legislation based on criteria contrary to the concept of "responsible fishing," under threat of trade sanctions on exports of tuna, shrimp, and other species, which violate current international agreements, contributing to the creation of a climate of insecurity and distrust in regional and world trade.

That the contradictions within U.S. legislation for the protection of marine mammals within and without its territory are evident, as in the case of the "Permissible Biological Removal" (PBR), which is very similar to the "Net Reproduction Rate" (NRR), and indicates that when the mortality of marine mammals associated with any fishery within the United States is equal to or less than 10% of the PBR, it is considered statistically equal to zero (0); which indicates that the incidental catch of dolphins by Latin American nations associated with the tuna fishery in the eastern Pacific ocean is statistically equal to zero, but the sanctions have remained in place.

That the Latin American Nations and the trade chambers, associations and fishing companies of Latin America that fish for tuna in the eastern Pacific have combined their efforts to accelerate the research and application of new technological developments to reduce the incidental mortality of dolphins and, at the same time, ensure the protection, conservation and proper exploitation of the tuna resource; it is therefore pertinent to adjust the requirements of the protection programs, establishing reasonable time limits and numbers, in accordance with their real implications.

That the damage caused by "dolphin-safe" fishing techniques to the tuna resource is undeniable, since they induce fleets to fish in an irresponsible and predatory fashion, capturing juvenile tunas that have not reached reproductive size, as well as sea turtles, billfish, sharks and other species, which damages marine biodiversity.

That real success in reducing dolphin mortality has been achieved through the cooperation of the countries party to the La Jolla Agreement, widely known among the world scientific community and important

environmentalist groups, with the invaluable knowledge provided by the Inter-American Tropical Tuna Commission (IATTC).

That the current willingness of the U.S. Congress to amend the Marine Mammal Protection Act in favor of the La Jolla Agreement, but without modifying the "dolphin-safe" concept as defined in the Dolphin Protection Consumer Information Act, could be counterproductive to this legislative initiative, inasmuch as the lifting of the embargoes would not guarantee access to the U.S. market for Latin American tuna, since it could not carry the "dolphin-safe" seal.

That in this context, the discussions among the governments of Colombia, Mexico, and the United States of America, aimed at finding an equitable solution to the problem of the tuna embargoes, are encouraging.

Declare

FIRST: To express their profound concern about the application of unilateral measures which are contrary to current international legal instruments governing trade, and which disturb the normal course of the exportation of Latin American fisheries products.

SECOND: To reaffirm the principles of regional solidarity, as well as their firm determination and decision to continue making all necessary efforts to protect and preserve the living resources in their jurisdictional waters and on the high seas.

THIRD: To reiterate their readiness for dialogue, as a fundamental mechanism for harmonizing positions, and to request the United States of America to modify those aspects of the Marine Mammal Protection Act and the Dolphin Protection Consumer Information Act that allow for commercial embargoes or the blockade of its domestic market, since measures of this type, far from improving the socioeconomic situation of Latin American countries, contribute to delays in the application of new technological developments and programs to reduce the incidental mortality of marine mammals and other species.

FOURTH: To urge the U.S. Congress, at the hearing of the Committee on Resources scheduled for June 22nd, to acknowledge the achievements and success of the La Jolla Agreement, and thus begin a new era of multilateral cooperation in fisheries which would provide a basis for future agreements and improved commercial and environmental relations.

For the Latin American Organization for Fisheries Development (OLDEPESCA)
(signed)
CARLOS MAZAL
Executive Director

For the Latin American Fishing Business Association (ALEP)
(signed)
FRANCISCO HERRERA TERAN
Executive Director

APPENDIX 7

We were very pleased to receive the commitment expressed to public participation, as evidenced by the statements made by the member governments during this week's meetings. We will continue to use every opportunity to further the open discussion of all the subjects dealt with by the Commission and we will attempt to increase public representation in this process and promote a greater participation of NGOs in this dialog.

We were pleased to hear that the Commission and the governments have brought up the important matter of "discards". We think that this is an important step towards the development of an environmental approach to the management of this fishery. We call on governments to emphasize the IATTC's research program on all aspects of the fishery, with a view to the development of a wider-reaching mechanism for treating the complex problem presented by "discards".

We are concerned by the fact that regional agreements and the IATTC lack the mechanisms or legal mandates strong enough to effectively address all the conservation problems which have resented themselves, and we recommend that immediate measures be taken to rectify this situation.

We recognize that significant measures have been taken to "progressively reduce the mortality of dolphins in the fishery of the EPO" and we encourage a greater commitment to the spirit of the "La Jolla Agreement," in order to ensure the continued reduction of dolphin mortality to "levels approaching zero."

We recognize that this is a continuous process and we fear that the lack of clarity by any of the participants can endanger future progress. We think that the high hopes which may have been engendered by the United States' delegation's statement on possible changes in that nation's legislation are premature and unrealistic.

Center for Marine Conservation

Humane Society International

Earth Island Institute

Humane Society US

Fundación para la Defensa de la Naturaleza
(Fudena)

Red Mexicana de Acción Frente al Libre
Comercio

Greenpeace International

Whale and Dolphin Conservation Society US

World Wildlife Fund

APPENDIX 8

The Whale and Dolphin Conservation Society (WDCS) would like to take this opportunity to urge the nations signatory to the La Jolla Agreement to promote a more active role for the Scientific Advisory Group that was created under the terms of reference of the International Dolphin Conservation Programme. Given the highly complex issues of bycatch facing the fishery, we believe that increased research and development must be undertaken. The Scientific Advisory Group can and should provide a useful framework for discussion of these issues, as well as helping to promote alternative strategies to decrease mortality within the EPO fishery.

To this end, the WDCS wished to state its commitment for helping the IATTC to secure funds to help develop the research goals of the Commission as stated in the proposed budget, and will continue to encourage a more active and more broadly defined role for the Scientific Advisory Group within the La Jolla Agreement.

We also wish to express our belief that more research needs to be carried out on the potential for deliberate dolphin encirclement by vessels of under 400 tons carrying capacity, and we would urge that observer coverage for such vessels be considered as an integral part of the International Dolphin Conservation Program, in order to gain more thorough knowledge of the bycatch impacts of this component of the EPO tuna fishery.

APPENDIX 9

Statement of the Red Mexicana de Acción frente al Libre Comercio (RMALC) at the closing of the intergovernmental meeting of the La Jolla Agreement, June 15, 1995

The RMALC, a non-governmental organization made up of 105 organizations which include environmental, labor, and commercial groups, as well as researchers, farmers, and consumers, and which has been participating in this forum since the beginning of the La Jolla Agreement, applauds the progress of the program noted during this meeting.

This progress is the best proof of how productive a multilateral agreement can be, one in which the will of the industry and the will of society have come together to achieve the goals and objectives of the sustainable management of fisheries.

We would like to emphasize two aspects of this success:

- The outstanding role played by the fishermen; recognizing this is never out of place, nor is the establishment of incentives which will improve their quality of life, as an inseparable part of the concept of sustainable development.
- The successes of the La Jolla Agreement are one of the clearest demonstrations of the current international obsolescence of the unilateral attempts by any nation to impose local cultural values or protectionist trade measures, which we hope will be abandoned or replaced in the shortest possible time.

In this regard, we must express our concern that, in view of the lack of clarity in the original statement made by the U.S. delegation, expectations will be raised which, if eventually and unfortunately dashed, might give rise to desperate measures which might go against the progress in sustainable management made under the rules of the La Jolla Agreement.

The RMALC thinks it pertinent to call to mind the fact that Mexico, during the negotiations for the ratification of the Free Trade Agreement, learned not to settle for alluring expectations, but to implement international law and demand compliance with commitments entered into voluntarily.

It is because of all this that we very respectfully urge the representatives of governments, industry, and the environmental groups to consolidate the progress of the La Jolla Agreement, to carry on, frankly and with good will, negotiations towards more just relationships and solutions among our nations, and to remember, in the face of all the storms, that the citizens of our countries have put their confidence in your will.

APPENDIX 10

Thank you, Mr. Chairman.

On behalf of the Fisheries Commission of the Chamber of Deputies of Mexico, represented on this occasion by three deputies, I would like to congratulate the member delegations of the Inter-American Tropical Tuna Commission and the La Jolla Agreement for their hard work to date, for their unity and shared interests, and for their honesty, responsibility, and professionalism.

As a commission, we are interested in all events connected with fisheries, but above all we have followed closely, as representatives of the people, the tuna embargo, which greatly affects certain social groups, lowering their families' quality of life, as in the case of my city, Ensenada, which has suffered the negative effects of this tuna embargo.

We listened attentively to the joint statement by the Latin American nations and the support of observer nations and non-governmental organizations, pointing out scientific facts, mentioning reason and justice. We are pleased that the delegation of the United States of America has answered with some confidence that the proposed amendments to the Marine Mammal protection Act and the Dolphin Protection Consumer Information Act may be accepted after the meeting on June 22 of the Committee on Resources of the U.S. Congress.

We respectfully ask the delegate of the United States of America to make known to his nation's legislators their Mexican counterparts' concern and their desire to find a quick and just solution to this problem, which goes against the GATT, the OMC\ (beats me), the Free Trade Agreement, and being a good neighbor. We know that the U.S. Congress will decide this matter, but we think that with complete information and above all with political will, it will respond to the expectations of the Latin American nations and will rise above the private or sectarian interests which brought about the tuna embargo.

We are not celebrating prematurely, but the statement does encourage us to believe that the U.S. executive will apply its best efforts and Congress will act justly.

Finally, we are also concerned about the treatment of the "*dolphin-safe*" concept; we consider that it should be redefined and even broadened to come in line with the La Jolla Agreement.

Looking to the future, it is a fact that within the new framework of globalization we need each other: dialogue and cooperation on an equal footing are the key words. Let us make history anew.

Thank you very much.

(signed)

Deputy Jorge Antonio Catalán Sosa

Deputy Manuel Chable Gutiérrez

Deputy Sergio Meza López

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