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MINUTES OF THE INTERGOVERNMENTAL MEETING HELD IN CONJUNCTION WITH THE
54TH MEETING OF THE INTER-AMERICAN TUNA COMMISSION

La Jolla, California, USA
October 20-21, 1994

Agenda Item 1 - Opening of the meeting

The intergovernmental meeting corresponding to the 54th meeting of the IATTC was held at the Radisson Hotel, La Jolla, California, on October 20-21, 1994. The meeting was called to order by Dr. James Joseph, Director of the IATTC and Chairman *pro tem*, on October 20, 1994, at 4:30 p.m. Representatives of all the member governments of the IATTC were in attendance, as were representatives of Colombia, Mexico, Spain, the Comisión Permanente del Pacifico Sur, the European Community, the International Whaling Commission, the American Cetacean Society, the Animal Welfare Institute, the Asociación Empresarial Pesquera de América Latina, the Center for Marine Conservation, the Defenders of Wildlife, the Earth Island Institute, the Fishermen's Coalition, the Fundación para la Defensa de la Naturaleza, Greenpeace International, and the Humane Society International. 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. Amb. Jean-François Pulvenis of Venezuela nominated Mr. Brian Hallman of the United States for this position, and this proposal was approved unanimously.

There was some discussion as to whether the representatives of the various nations wished to be participants or observers at the meeting. It was agreed that each representative would make a declaration of his status. The representatives of France, Japan, and Spain announced that they would be observers, and the rest declared that they would be participants.

Agenda Item 3 - Adoption of agenda

The Chairman noted that this item was not included in the provisional agenda (Appendix 2), but called for comments on this matter. There were none, so the provisional agenda was adopted, with an understanding that under Agenda Item 5, Other Business, recommendations from the International Review Panel (IRP) would be considered.

Agenda Item 4 - Consideration of Revision of the Dolphin Mortality Schedule

The Chairman called for comments on this subject. Mr. Henry Beasley of the United States said that there is considerable sentiment against dolphin mortality in the United States, and proposed that the dolphin mortality limit (DML) for 1995 be reduced to 4,000 animals. The representatives of some of the other nations noted that the original DML for 1995 was 12,000 animals, and stated that they favored retaining it at that level. Mr. Beasley pointed out that it had been agreed at the intergovernmental meeting of June 1994 that the DML for 1995 would be less than the DML of 9,300 for 1994. In the ensuing discussion it was pointed out that the number of vessels declaring their intention to fish for dolphin-associated tunas would be greater in 1995 than in 1994, so that even if the DML were set at the 1994 level of 9,300 animals the individual DMLs would be less in 1995 than in 1994. Mr. Richard Carpenter

of Vanuatu suggested that it would be best to attempt to reach agreement on a DML at an informal meeting of a small group of concerned representatives. Everyone agreed with this, and the meeting was recessed on October 20, 1994, at 6:05 p.m.

The meeting was called to order by the Chairman on October 21, 1994, at 11:55 a.m. He said that it had been agreed that the DML for 1995 should be reduced from the 12,000 limit which is in the schedule to 9,300 animals, the same as in 1994. This agreement appears as a resolution in Appendix 3 of these minutes. The Chairman, in announcing this agreement, noted that some delegates thought there should be a lower figure in light of the actual performance of the fleet and because in their view a lower number would highlight the success of the International Dolphin Conservation Program (IDCP) and would enhance its credibility with respect to the public perception of the program. These delegations accepted a 9,300 limit in part because of the fact that a failure to agree would result in a higher limit of 12,000 dolphins in 1995.

Other delegations favored maintaining the agreed schedule at 12,000 without reduction, noting that the most important factor was the actual performance of the fleets, which had been very good and which is expected to continue, and also noting the importance of maintaining the credibility of the IDCP from the point of view of the fishermen who are making strenuous efforts to comply.

The Chairman noted that the limit of 9,300 dolphins will result in a per-vessel DML of 114, which represents a 10-percent reduction from the 1994 level, because of the fact that more vessels are applying for DMLs in 1995 than was the case for 1994.

The Chairman further noted that, in reaching this agreement, it was important to note that it clearly reflects the fact that all of the governments agree that the IDCP is an excellent program and should be supported, and that it is important to continue to cooperate with that program despite the difficult and sensitive situation in which the governments find themselves, for reasons that have been previously expressed and are well known to all of the participants.

In making these remarks, he stated that it was his hope, as Chairman, that government delegations, particularly those which participated in the deliberations, would refrain from elaborating on their preferred positions and the reasons for those positions, at that time. Comments from non-government representatives would certainly be appropriate and he would be prepared to entertain such comments at that time.

Agenda Item 5 - Other Business

The Chairman called attention to three additional items which required resolution.

First, there was the matter of action to be taken when a "special-problem set" occurs which causes the the vessel in question to exceed its DML pursuant to a defined set of unique circumstances. It was agreed that in 1995 only the provisions outlined in Appendix 4 would apply.

The second issue to be dealt with was the disposition of DMLs for "lost" vessels, i.e. vessels which have sunk without possibility of salvage or been so badly damaged that they can never again function as purse seiners. The recommendations of the IRP (Appendix 5) were unanimously approved.

Finally, there was the matter of collection of fees for the IATTC's observer program. Again the recommendations of the IRP (Appendix 6) were unanimously approved.

The Chairman asked if there was any other business. Ms. Silvia Forero of Colombia read a statement (Appendix 7) informing the attendees that the United States had placed a primary embargo on Colombia for continuing to set on schools of tuna associated with northeastern offshore spotted dolphins. The statement went on to say that in light of the outstanding success of the IDCP and of the fact that a Dispute Settlement Panel convened by the General Agreement on Trade and Tariffs had ruled against the United States regarding its embargo on tuna caught by Mexican fishermen, the United States should remove the embargoes. The representatives of all the participating nations except the United States supported this declaration. The Chairman said that since there are no Rules of Procedure for the intergovernmental meetings, it has been customary to operate whenever possible on the basis of consensus. The meeting was recessed at 12:25 p.m. to discuss this matter.

The meeting was reconvened at 1:25 p.m. During the recess a document urging the U.S. Congress to remove its embargoes on tunas caught in association with dolphins was prepared. All participating governments except the United States supported this request. This document appears as Appendix 8 of these minutes.

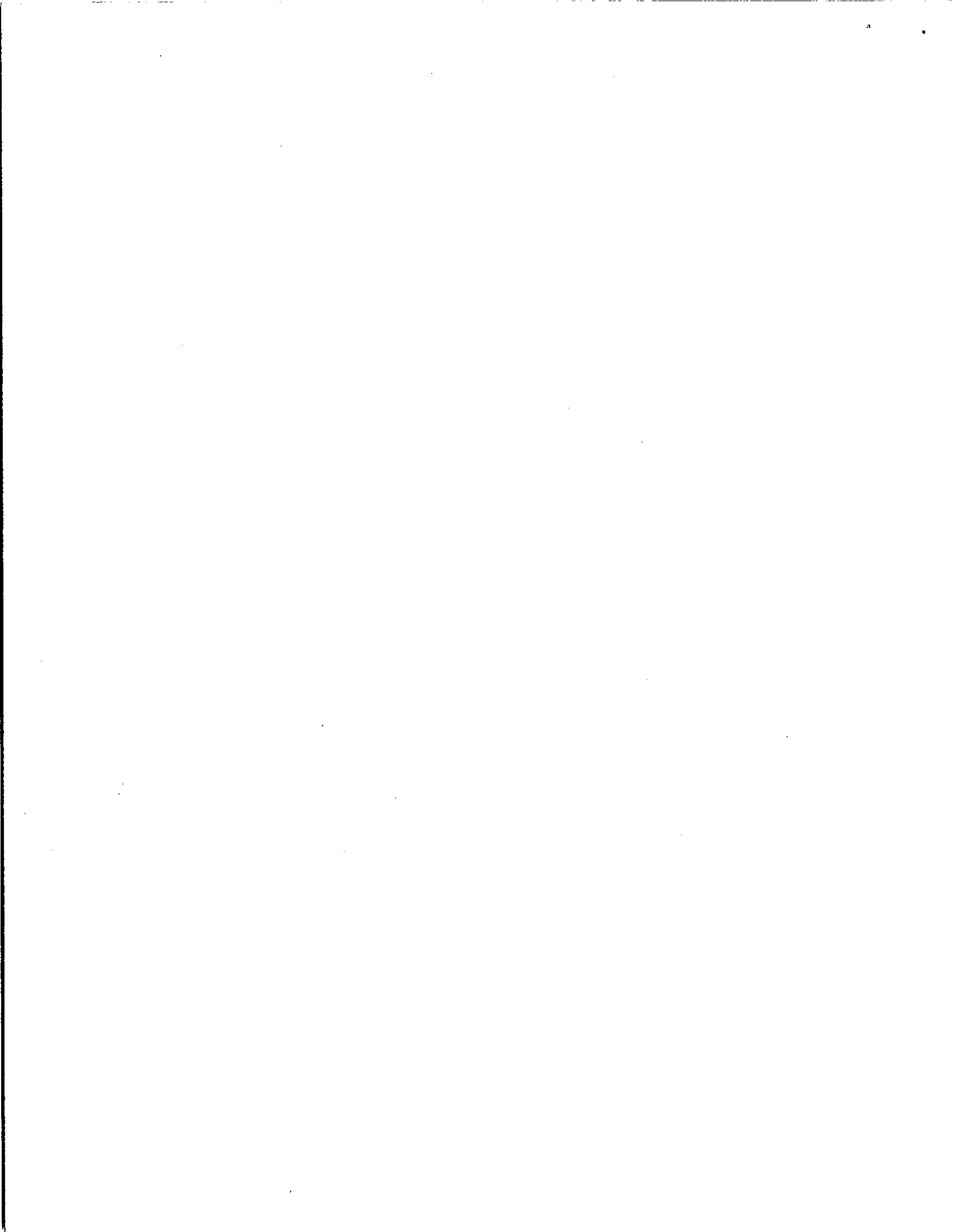
Dr. Francisco Herrera of the Asociación Empresarial Pesquera de América Latina read a declaration praising and supporting the IDCP and condemning the position of the United States regarding the capture of tunas associated with dolphins. This declaration appears as Appendix 9 of these minutes.

Dr. Carlos Camacho of Mexico asked about the location and date of the next meeting of the IRP. Dr. Joseph said that it would take place in January 1995 in La Jolla or Ensenada.

After a brief recess, Ms. Silvia Forero of Colombia read the letter which appears as Appendix 8 of these minutes.

Agenda Item 6 - Adjournment

There being no other business, the Chairman adjourned the meeting on October 21, 1994, at 2:30 p.m.



APPENDIX 1

LIST OF ATTENDEES

Participating governments

Colombia

Silvia Forero de Guerrero
Darío Jaramillo
Alejandro Londoño García
Adolfo Rincón Prieto

Alvaro Bustamente Steer
Guillermo Daw Alvarez
Augusto Mainero Román
Hugo Domingo Marino Villa
Alfonso Paz Tenorio
Américo Rodríguez
Jaime Seda

Costa Rica

Alvaro Moreno Gómez
Luis Paris Chaverri

México

Ma. Teresa Bandala Medina
Ricardo Belmontes Acosta
Carlos Camacho Gaos
Guillermo Compeán Jiménez

Carlos de Alba
Felipe Charat
Mario Montaña Benson
Raúl Paez Delgado
Alfonso Rosiñol

Nicaragua

Carlos Abaunza
Sergio Martínez Casco
Emilio Olivares Torres

Panamá

Ricardo Martans G.

United States of America

Henry Beasley
Elizabeth Edwards
William Gibbons-Fly
Brian Hallman
Martin Hochman
Robert Macdonald
Paul Niemeier
Michael Tillman

Carlos Arbelaez
Gordon Broadhead
David Burney
Tom Crehan
Pete DiLeva
Michael Dunn
August Felando
Peter H. Fluornoy
William Gillis
Guillermo Gómez
Terry Hoinsky
Joe Home
Robert Insinger
Paul Krampe
Michael McGowan
Anthony Nizetich
Otto Obrist
John Royal
Ed Stockwell
Anthony Vuoso
Ed Weissman
Robert B. Young

Vanuatu

Richard Carpenter

Anthony Tillett

Venezuela

Hugo Alsina Lagos
Jean-François Pulvenis

Observer governments

France

Alain Fonteneau

Japan

Katsuma Hanafusa

Sally J. Campen

Spain

Antonio Fernandez Aguirre

José Manuel Sanchez Mora

International organizations

Comisión Permanente del Pacífico Sur

Bernardo Uccelletti

European Community

Manuel Arnal Monreal

International Whaling Commission

Michael Tillman

Non-governmental organizations

American Cetacean Society

Barbara Britten

Animal Welfare Institute

Rick Spill

Asociación Empresarial Pesquera de América Latina

Francisco Herrera Terán

Center for Marine Conservation

Nina Young

Defenders of Wildlife

Christopher K. Croft

Earth Island Institute

David C. Phillips

The Fishermen's Coalition

George Platt

Theresa Platt

Fundación par la Defensa de la Naturaleza

Hector López Rojas

Greenpeace International

Traci Romine

Humane Society International

Kathleen O'Connell-Gutierrez

APPENDIX 2

Inter-Governmental Meeting Associated with the 54th Meeting of the Inter-American Tropical Tuna Commission

October 20, 1994

La Jolla, California

AGENDA

1. Opening of the meeting
2. Election of Chairman
3. Consideration of Revision of the Dolphin Mortality Schedule
4. Other Business
5. Adjournment

APPENDIX 3

RESOLUTION ON DOLPHIN MORTALITY LIMITS FOR 1995

Recognizing the significant progress achieved by the Parties to the 1992 La Jolla Agreement (the Agreement) in reducing dolphin mortalities in the eastern Pacific Ocean (EPO), and in accordance with the decision made by the Parties in Cumana, Venezuela, in June 1994 to review the schedule for dolphin mortality reductions prescribed in the Agreement,

The Parties have agreed, while maintaining the schedule prescribed in the Agreement, to reduce the permissible limit beyond the commitment made in the schedule for the year 1995, by adopting a limit of 9,300 (nine thousand three hundred) for total dolphin mortalities in the EPO for 1995. In accordance with this decision, the Parties direct the International Review Panel to assign Dolphin Mortality limits (DML) for 1995 to individual vessels based on the total EPO limit of 9,300.

Further, the Parties have agreed that, in each successive year covered by the schedule in the Agreement, they will review the schedule for future years, with the objective of determining whether reductions in that schedule can be achieved.

APPENDIX 4

PROCEDURES FOR DEALING WITH SPECIAL PROBLEM SETS IN 1994

1. DEFINITION

A special problem set is a set in which:

- a) the mortality exceeds 50% of the individual-vessel DML for 1994 and affects that vessel's DML for 1995;
- b) the mortality is not caused by or contributed to by:
 - i) an infraction committed by the fishing captain, or
 - ii) a gear failure or malfunction resulting from a lack of proper main-tenance of the vessel and its gear,
- c) taking account of all the circumstances, the fishing captain acted with the degree of skill and care that would be expected of a reasonably competent fishing captain, and did not take unreasonable risks, and
- d) Every reasonable effort and/or efforts beyond those normally required were made, in the course of the set, to reduce or eliminate the mortality.

2. DETERMINATION

- a) In the course of its regular review of sets, the IRP shall be solely responsible for determining whether any set qualifies as a special problem set in 1994 and making the appropriate recommendation to the Intergovernmental Meeting,
- b) The IRP should, as appropriate, obtain and hear expert evidence, to be given by fishing captains, gear technicians, and such other qualified persons as deemed necessary.
- c) The flag state or the state responsible for the vessel's fishing operations shall be given an opportunity to carry out its own investigation and to make such representations to the IRP as it wishes.
- d) For the purposes of making its determination, the IRP shall not consider the past performance of the fishing captain.
- e) Notwithstanding d) above, the IRP may take into account sets made during the same trip for the purpose of determining whether the fishing captain continued fishing after having experienced similar environmental conditions or gear malfunctions which should have put him on notice of the risks.

3. ACTION TO BE TAKEN

- a) If at any time after making a special problem set or as a consequence of such a set, the vessel exceeds its DML for 1994, it must immediately cease fishing on dolphins for the remainder of that year.
- b) At the end of the year, if the total mortality caused by the fleet is less than the overall DML for 1994, the DML for any vessel which exceeded its DML and had one or more special problem sets in 1994 shall be reduced by the number of dolphins by which it exceeded its DML, up to a maximum of 40% of the individual-vessel DML for 1995.
- c) If the total mortality caused by the fleet exceeds the overall DML for 1994, the excess imputable to the special problem sets will be deducted from the 1995 DMLs assigned to the vessels responsible in / proportion to the level of mortality caused in the respective special problem sets. Provided that the reduction shall in no case be less than the reduction that would have been made under paragraph (b) had the overall DML for 1994 not been exceeded.
- d) If this deduction exceeds an individual vessel's DML, that vessel shall not be permitted to fish on dolphins in 1995.
- e) The treatment of the DMLs for any vessel making a special problem set in 1994 for the years 1996 onwards shall be decided by further resolution of the IRP and the Intergovernmental Meeting.

4. RECOMMENDATION

- a) Subject to paragraph (b), that the Intergovernmental Meeting accepts the recommendation of the IRP that the following set, IRP trip no. 94-294, set no. 4, shall qualify as a special problem set for the year 1994.
- b) Due to the fact that this is the first set which has been analyzed by the IRP as a special problem set, and in accordance with paragraph 2(b) above, the Intergovernmental Meeting requests the analysis and opinion of a captain's panel, to be constituted by the IATTC, to confirm the acceptance of the IRP recommendation.
- c) The recommendations of the captains' panel shall be circulated to all members of the IRP which, in this case only, may by confirmation of all its members make a final determination as to whether the set qualifies as a special problem set without the necessity of calling another meeting.
- d) The captains' panel shall be bound by the same rules as the IRP, including that of absolute confidentiality.

APPENDIX 5

DISPOSITION OF DMLs FOR LOST VESSELS

The IRP discussed the question of vessels which had been issued DMLs but which were lost before the DMLs were fully utilized, and what should be done with the unused balance of the DMLs.

For the purposes of this recommendation, "lost" means that the IRP has determined that the vessel has sustained a calamity, such as sinking without being salvaged or destruction by fire, and can by reason thereof never again function as a tuna purse-seiner.

A vessel owner may apply to the IRP to have a vessel treated as a replacement vessel, and the IRP may determine that it be so treated if it is satisfied that the vessel was acquired or used, subsequent to the loss of the original vessel, as a replacement for that vessel, and is registered in the name of the same owner.

The Panel formulated the following recommendations:

- a) In the case of a vessel which is lost before its assigned DML for that year is fully utilized, the owner of the vessel shall only apply the unused portion of the DML to a replacement vessel entering the fishery prior to the end of the year for which the DML was issued.
- b) If the replacement vessel does not enter the fishery before the end of the same year in which the original vessel was lost, the unused portion of the DML will be forfeited; it cannot be carried over beyond the year for which it was assigned, nor can it be applied to another vessel.
- c) If the replacement vessel enters the fishery after the end of the year for which the lost vessel's DML was issued, but within 730 days of the date of the loss, the owner shall not be required to post a bond for that vessel.

APPENDIX 6

COLLECTION OF OBSERVER PROGRAM FEES

The 1992 Agreement for the Conservation of Dolphins, as modified, specifies that each purse-seine vessel of carrying capacity greater than 400 short tons fishing for tunas in the eastern Pacific Ocean must pay the IATTC a fee to help offset the costs of the international observer program. The fee is calculated on the basis of the vessel's carrying capacity.

It has been reported that in some cases the IATTC staff has had difficulty collecting these assessments from vessels, and the IRP was asked to develop a system that would eliminate the need for the IATTC staff to collect the fees directly from the vessels.

In keeping with this request, the IRP recommends to the governments party to the Agreement that payment of the fees assessed for each nation's vessels covered by the Agreement be made to the IATTC by one of the following methods:

- a) The government of a nation issues a single check, payable in U.S. dollars to the IATTC, for the total fees for all vessels operating under that nation's flag or responsibility.
- b) The government of a nation collects from each vessel operating under its jurisdiction a check, payable in U.S. dollars to the IATTC, and then forwards all these checks to the IATTC.

In both cases, the names of the vessels and the amount each one paid should be specified when the fees are forwarded to the IATTC.

Fees for vessels requesting DMLs shall be due 30 days prior to the commencement of the year in which the DML shall apply. Vessels not requesting DMLs or requesting a DML for the second half of the year shall be required to pay the full year's fee prior to their first departure in the year to which the fee applies. In no case shall an observer be assigned to a vessel which has not paid its fee.

Fees cannot be refunded, nor credited or carried over to future years.

Beginning in 1995, assessed fees shall be US \$12 per short ton of carrying capacity, based on shipyard estimates of the vessel's rated capacity.

APPENDIX 7

Statement by Colombia at the Intergovernmental Meeting of the International Dolphin Conservation Program

La Jolla, October 20-21, 1994

The Colombian delegation informs the representatives of the governments attending the IATTC meeting that the government of the United States has declared a primary embargo on Colombian exports of yellowfin tuna and tuna products to the United States because we have not included in our laws the ban on intentional setting on herds of offshore spotted dolphins in the area between latitude 40°N and 5°N and from longitude 120°W to the coast of Central and South America and which have been observed before setting the net.

The Colombian delegation would like to make the following statement:

That with this ban, the United States is regulating fishing for tunas associated with dolphins in the Colombian Exclusive Economic Zone and territorial waters, which goes against international law on the sovereignty of coastal states.

That Colombia, like the United States, signed the 1992 La Jolla Agreement to reduce the mortality of dolphins associated with the tuna fishery in the eastern Pacific Ocean.

That the U.S. Marine Mammal Protection Act (MMPA) and its amendments stipulate the reduction to insignificant levels of the incidental deaths or severe injuries of marine mammals and the 1992 La Jolla Agreement establishes procedures to reduce the incidental mortality of dolphins and that Colombia has complied satisfactorily.

That thanks to the La Jolla Agreement of 1992 and the efforts of the signatory nations and the IATTC, the mortality of dolphins has been reduced substantially. The IATTC has confirmed this in the meetings of the International Review Panel for Compliance with the La Jolla Agreement.

That the program which was designed to reduce the mortality to 19,500 animals in 1993 to less than 5,000 in 1999 has been achieved and bettered ahead of schedule, and the mortality in 1993 was only 3,609 dolphins. These figures by themselves demonstrate the success of the program.

That the IATTC recognizes the compliance with the Agreement by the signatory nations, and especially Colombia.

That the government of the United States also recognizes and extols Colombia's efforts, and has said so in writing.

That there is no agreement in force between Colombia and the United States for the protection of dolphins other than the 1992 La Jolla Agreement.

That the IATTC, thanks to the success of the international program for the conservation of the various populations of dolphins in the eastern Pacific, has guaranteed that their survival in perpetuity is assured.

That the application of the MMPA in an extreme fashion, like prohibiting fishing for tunas associated with dolphins, has had the consequence of exerting great pressure on juvenile tunas, putting in grave danger the survival of those species.

That all measures for protecting species should ensure the maintenance of the ecological balance, otherwise the consequences could be catastrophic. This is the danger of the "dolphin-safe" policy, which encourages fishing for juvenile tunas, since adult yellowfin tunas in the eastern Pacific are almost always found associated with dolphins.

That the U.S. Academy of Sciences concluded that fishing for tunas associated with dolphins, with the necessary protective measures, is the best way of conserving the populations of yellowfin tuna in the eastern Pacific.

That the decisions of the two GATT panels about the MMPA, on which the embargo of Colombia is based, have gone against the United States, since in both cases they concluded that the import bans, or the primary and secondary embargoes and the provisions of the MMPA on which they are based, are in conflict with the GATT.

That in both cases the GATT panels have recommended that the United States be asked to make these measures conform to the GATT.

Therefore,

On the basis of the above, and on the fact that the primary and secondary embargoes have also been imposed on other signatory nations of the La Jolla Agreement, the Colombian delegation proposes that during this meeting a declaration be adopted requesting the government of the United States to lift the embargo and the restrictions on free trade for tuna caught in the eastern Pacific for signatory nations which comply with the provisions established by the La Jolla Agreement, and that the declaration include the above arguments as support for the request that these controversial provisions be changed.

APPENDIX 8

La Jolla, California, October 21, 1994

The governments of Colombia, Costa Rica, Mexico, Nicaragua, Panama, Vanuatu, and Venezuela, participating in the Intergovernmental Meeting of the International Dolphin Conservation Program, held in La Jolla, California, on October 20-21, 1994, with the support of Japan and Spain as observers at that meeting, deplore the fact that currently most of the nations signatory to and participating in the 1992 La Jolla Agreement are subject to primary or secondary embargoes imposed unilaterally by the United States government. Consequently, the above governments urge upon the Congress of the United States and all other competent authorities that all necessary actions are taken to forthwith remove the unilateral embargoes and all other commercial sanctions.

APPENDIX 9

ADDRESS BY THE EXECUTIVE DIRECTOR OF THE ASOCIACION EMPRESARIAL PESQUERA DE AMERICA LATINA

Ladies and Gentlemen, Delegates and Observers:

The Asociación Empresarial Pesquera de América Latina is an international non-governmental organization formed by the leading members of the fisheries industries of nine nations of the region. In accordance with the instructions of the Management Council, I would like to express to those present the opinions of the tuna producers and processors of Colombia, Mexico, Panama and Venezuela on the subject which this meeting addresses.

The usual problems of management and exploitation of a fishery aside, the tuna resource of the eastern Pacific Ocean is being seriously affected by unusual external factors which threaten its survival. No clear policy has been adopted, by governmental and non-governmental groups, in relation to the conservation of juvenile tunas, although it is well-known that the ill-named "Dolphin-Safe" method leads to catching fish which have not reached reproductive age, which jeopardizes both the tuna resource and optimum recruitment, year after year.

Mexico, Venezuela and Colombia, the principal producers of tuna from the eastern Pacific, together with the IATTC, have found a solution to the problem of dolphin mortality which avoids the attrition of the tuna populations in the area. This was achieved by means of the La Jolla Agreement. For Latin Americans, the words "management" and "conservation" mean protecting and guaranteeing the conservation of all species in perpetuity. This includes dolphins as well as tunas.

Many studies by such renowned entities as the U.S. National Academy of Sciences and the IATTC have shown that adult yellowfin tunas tend to swim in the company of dolphins and, for this reason, at present, catching tunas not associated with dolphins threatens to deplete the populations of tunas which have not reached reproductive age. As an example of this, it is known for certain that fishermen fishing in the eastern Pacific for tunas not associated with dolphins throw back into the water almost 40% of their catch because it has no commercial value. That means that during a typical trip by one of these vessels 400 metric tons of juvenile tunas are discarded dead, a quantity equivalent to some 15 to 20 thousand tons of future spawners.

When we see that the yellowfin fishery in the eastern Pacific Ocean - which accounts for almost 25% of the world production of this species - runs the risk of settling at a level well below its optimum, because legal and commercial decisions encourage catching smaller fish, with a lower yield per recruit, we have to ask ourselves whether it is logical that mankind be deprived of a resource, or part of one, when it can be exploited optimally, since the fundamental management parameters of the resource are precisely known.

Non-governmental environmental organizations, concerned not about conservation but about the animal rights of certain marine mammals, have adopted a rigid position with regard to the question of the tuna-dolphin association. This fact, of worldwide significance, loses its relevance when it is seen that it is limited, inexplicably, to only one area of the tropical eastern Pacific Ocean, even though the association is amply proven in other oceans.

As a consequence of the above, no global approach to the problem has been agreed; on the contrary, unilateral, partial, and focussed positions have been adopted, which have been the cause of an illogical

distortion of the markets for tuna, and which in practice lead to discrimination by traders, depending on where the tuna originated.

The situation becomes even stranger since the tuna - object of discrimination by U.S. processors and traders and some European ones - is that which comes precisely from the fishing area which is the target of the most intensive international monitoring program of the last thirty years. Obviously this is a position brought about by factors and circumstances which go beyond the merely technical and objective, and a global examination of the situation is therefore necessary, which would lead inexorably to a global monitoring program, for the benefit of both the species which need to be conserved and a clarification of the tuna market, and of the order of priorities and bioecological balances which need to be taken into account.

In view of this situation, it is unacceptable that the United States should keep up its doubletalk in the face of national and international public opinion, by participating in the La Jolla Agreement but, at the same time, legislating unilaterally and illegally over foreign fleets, imposing its criteria over the recommendations of scientific organizations. The position of the U.S. Congress, which encourages the capture of juvenile tunas with other species, constitutes a flagrant violation of the letter and spirit of treaties, conventions, and international agreements designed to maintain the optimum *status quo* of the ecosystems of the region and of tuna fishing in particular, which should motivate various delegations to continue legal actions within GATT or initiate others before international law tribunals.

This explanation is necessary because international public opinion has been led to believe that, in the absence of regulatory organizations for fisheries in international waters, the United States of America has had to intervene in the fishery in order to save the dolphins from extinction, devaluing established intergovernmental entities and attempting to justify to the U.S. people the adoption of unilateral policies, while they lead us inexorably towards the collapse of the fishery.

Since the 1992 La Jolla Agreement was signed, the new achievements of the Latin American fleet can be clearly seen. However, we have also witnessed repeated unilateral modifications of the comparability rates, an attempt to exclude U.S. captains from the Latin American fleets, and an embargo of Colombia, an active participant in this Agreement. Until when, we ask ourselves, can we put up with these inequalities? Mexico and Venezuela are entering their fourth year of embargo, even though the mortality has fallen to less than 0.04% of the estimated population, and we continue to believe in Washington's promises that one day justice will be done.

We are neither surprised nor upset by the ridiculous and traditional accusations of radical environmental groups which are opposed to anything which might solve this problem; but we are troubled by the fact that other groups which have taken an active part in this conflict are not more amenable to informing the public of the successes achieved.

We do not want to issue an ultimatum about the solution to this problem; simply because we no longer look for justice in the actions of certain groups and governments, but rather seek to save the tuna resource from commercial extinction and, incidentally, our industry.

If the United States does not take advantage of this final opportunity for finding a viable and multilateral solution to a problem which is over 35 years old, it will be the only party responsible, in the eyes of the world, for whatever happens to the tuna resource, the dolphins, the fishermen, and the industry.