

**INTERNATIONAL REVIEW PANEL**  
**MINUTES OF THE 22<sup>ND</sup> MEETING**

**Ensenada, B.C. (Mexico)**  
**October 1, 1999**

**AGENDA**

1. Opening of the meeting
2. Election of Presider
3. Approval of Agenda
4. Approval of minutes of the 21<sup>st</sup> Meeting of the IRP
5. Dolphin Mortality Limits (DMLs):
  - a. Review of 1999 DMLs
  - b. Consideration of vessels that have applied for DMLs
6. Review of observer data
7. Review of actions by Parties on possible infractions reported by the IRP
8. Place and date of next meeting
9. Other business
10. Adjournment

**APPENDICES**

1. List of attendees
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The 22<sup>nd</sup> meeting of the International Review Panel (IRP) was held in Ensenada, B.C., Mexico, on October 1<sup>st</sup>, 1999. The participants are listed in Appendix 1.

**1. and 2. Opening of meeting and election of Presider**

The meeting was called to order on October 1<sup>st</sup> at 9:40 a.m. Lic. Mara Murillo, of Mexico, was elected Presider.

Dr. Hector López, a non-governmental member of the IRP, announced his resignation. Dr. López said that he would now be working with the Venezuelan national observer program, and therefore would be part of the Venezuelan delegation. He went on to thank the IRP for its support and hard work. The Panel recognized Dr. López' excellent work and congratulated him on his new position. Dr. Robin L. Allen, Director of the IATTC, said that, pursuant to Annex VII, paragraph 4 (c) of the Agreement on the International Dolphin Conservation Program (AIDCP), Ms. Kathleen O'Connell, of the Whale and Dolphin Conservation Society, would fill Dr. López' vacant position, and Ms. Kitty Block, of the Humane Society of the United States, would become the environmental alternate to the IRP.

The delegation of the United States, the Depositary Government, announced that El Salvador and Venezuela had presented their instruments of ratification of the AIDCP, and that the European Community and Vanuatu have announced their intention to do the same, and in the meantime will apply the AIDCP provisionally.

### **3. Approval of agenda**

The provisional agenda was adopted as presented.

### **4. Approval of minutes of the 21<sup>st</sup> Meeting of the IRP**

The minutes of the 21<sup>st</sup> meeting of the IRP were approved as presented.

### **5. Dolphin Mortality Limits (DMLs):**

#### **a. Review of 1999 DMLs**

Of the 125 full-year DMLs of 40 dolphins each issued for 1999, 89 had been utilized as of September 24. The average mortality per DML vessel was 10.92 dolphins. As of September 24, none of the ten second-semester DMLs had been utilized.

#### **b. Consideration of vessels that have applied for DMLs**

The Secretariat presented a table summarizing DML requests for 2000. The Panel agreed that an updated table would be presented to the Meeting of the Parties because new requests for DMLs were still being received. The Presider stated that DMLs for 2000 would only be assigned to Parties of the AIDCP and to those states or economic integration organizations which have formally committed to apply the AIDCP provisionally.

The Panel agreed to recommend to the Meeting of the Parties that the deadline for certifying that vessels requesting DMLs are qualified under Annex IV.I.2 of the AIDCP should be extended to November 30, 1999. The IATTC staff stated that training courses for fishing captains and crews would be held before that date.

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

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions which had occurred since the Panel's previous meeting.

The Panel discussed a case in which the ortza had been released as an alternative to the backdown maneuver. Previously, when determining whether cases in which releasing the ortza instead of backing down constituted a possible infraction, the deciding factor had been whether the captain's intention had been to save the dolphins. If this was the case then there was no possible infraction. The Panel decided that the Secretariat should invite fishing captains and the industry to present, through their respective governments, research protocols or proposals on alternative rescue procedures in lieu of backdown. The Scientific Advisory Board will analyze the proposals and make recommendations to the Meeting of the Parties, which will consider a research program.

The Panel discussed a case in which a vessel fished west of 150°W and the observer was not allowed to collect data. The Panel recommended to the Meeting of the Parties that observers on board vessels that leave the Agreement Area should be allowed to gather data for the entirety of the fishing trip. Furthermore, the Panel agreed that vessel owners and captains should be notified specifically that, within the Agreement Area, all purse seiners over 363 metric tons carrying capacity must carry an observer on board for the entire fishing trip, in accordance with Annex II of the AIDCP. The Panel, seriously concerned about cases of observer interference, recommended to the Meeting of the Parties that governments should pay special attention to the issue, and that captains should be advised to avoid situations that might be misinterpreted as observer harassment and/or interference.

The Panel discussed a case in which a crewman, deployed in the net as a diver, lost his life during dolphin rescue procedures. Pursuant to Annex IV.III.6 of the AIDCP, the Panel agreed to recommend to the Parties that the dolphin mortality incurred by the vessel during that set would not be applied towards the ves-

sel's DML, but would be deducted from the overall DML. The Panel instructed the Director to send a letter of condolence to the family of the crewman, and also to make known that on occasion fishermen risked their lives to protect and save dolphins.

#### **7. Review of actions by Parties on possible infractions reported by the IRP**

The Secretariat presented a table of responses by the Parties to possible infractions identified during the IRP's 20<sup>th</sup> and 21<sup>st</sup> meetings. An improvement in the frequency of responses was noted with respect to a similar presentation at the last IRP meeting.

#### **8. Place and date of the next meeting**

The Panel agreed that its next meeting would take place on January 24-25, 2000, in San Jose, Costa Rica.

#### **9. Other business**

The delegate from Venezuela made a brief statement concerning the Venezuelan national observer program, noting that the process to establish the program is almost concluded. The members of the Panel and the Director expressed their full support. To ensure the compatibility of the national and IATTC observer programs, the Panel recommended that the Venezuelan program comply with the technical criteria in Annex II of the AIDCP, and that the Directors of the various programs meet to compare data collection systems. A report of that meeting should be presented to the IRP.

The Panel discussed a case of a vessel which had to return to port unexpectedly because the observer aboard became ill, and whose owner considered that the IATTC should cover the expenses incurred. It was agreed that the matter should be decided by the Meeting of the Parties, but the Panel recommended endorsing the IATTC's current policy of not paying such claims.

Dr. Allen presented an update of the system for monitoring the "dolphin safe" status of tuna caught in the eastern Pacific. The bilingual Tuna Tracking Forms (TTFs) were expected to be ready for distribution to the national authorities by the end of November, and after which the system could go into effect. He said that IATTC observers would be trained on use of the TTFs in the field offices. Concern was expressed over the possibility that vessels might have to mix dolphin safe and non-dolphin safe tuna in a well due to lack of space, and it was agreed that the IRP should consider preparing a report on this issue.

Dr. Martín Hall, of the IATTC staff, made a statement on behalf of several IATTC observers regarding the increasing requirements imposed on vessels and captains and how this put added pressure on observers and sometimes resulted in their being harassed. The observers would like more support from the IRP. A non-governmental member representing the industry expressed concern that the discussion created an unfair impression of the industry, which supports the AIDCP and attempts to comply with its requirements. The Panel recognized that the only means by which the AIDCP can be enforced is through the commitment and will of everyone involved, including governments, industry, observers, and IATTC staff. The Panel recommended to the Parties that a working group be established to create a system that rewards captains with excellent performance, in accordance with the system recommended by the IRP and approved for training fishing captains operating under the AIDCP and monitoring their performance.

#### **10. Adjournment**

The meeting was adjourned on October 1<sup>st</sup> at 6:30 p.m.

## Appendix 1.

### PANEL INTERNACIONAL DE REVISION - INTERNATIONAL REVIEW PANEL

#### 22<sup>a</sup> REUNION – 22<sup>nd</sup> MEETING

Ensenada, México

1 de octubre de 1999 – October 1, 1999

#### ASISTENTES – ATTENDEES

##### COLOMBIA

ARMANDO HERNANDEZ RODRIGUEZ  
ALVARO NAVARRO COLEY  
DIEGO CANELOS  
Ministerio de Agricultura y Desarrollo Rural

##### COSTA RICA

HERBERT NANNE  
GEORGE HEIGOLD  
ASDRUBAL VASQUEZ  
Instituto Costarricense de Pesca y Acuicultura

##### ECUADOR

LUIS TORRES  
Ministerio de Comercio, Industria y Pesca

##### ESPAÑA – SPAIN

IGNACIO YBAÑEZ  
JAVIER ARIZ  
Secretaría General de Pesca Marítima

##### EUROPEAN COMMUNITY

ERNESTO PENAS LADO  
Unión Europea - European Union

##### GUATEMALA

ERICK VILLAGRAN  
Ministerio de Agricultura, Ganadería y Alimentación

##### MEXICO

MARA MURILLO CORREA  
RICARDO BELMONTES ACOSTA  
PEDRO ULLOA  
GUILLERMO COMPEAN  
HUMBERTO ROBLES  
MICHEL DREYFUS  
Secretaría de Recursos Naturales y Medio Ambiente  
LUIS FUEYO MAC DONALD  
TOBIAS CONTRERAS TREJO  
JOSE ALFREDO GARCIA GONZALEZ  
Procuraduría Federal de Protección al Ambiente  
ROSALIO CASTRO

##### PANAMA

ARNULFO FRANCO  
HUGO ALSINA

##### UNITED STATES OF AMERICA

WILLIAM GIBBONS-FLY  
BRENT STEWART  
U.S. Department of State  
JIM LECKY  
ALLISON ROUTH  
National Marine Fisheries Service

##### VANUATU

ANTHONY TILLET  
Ministry of Maritime Affairs

##### VENEZUELA

CAROLINA BELTRAN  
DANIEL NOVOA  
HECTOR LOPEZ  
Ministerio de Agricultura y Cría  
RAFAEL CASTRO

#### ORGANIZACIONES NO GUBERNAMENTALES-NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG  
Center for Marine Conservation

#### INDUSTRIA ATUNERA–TUNA INDUSTRY

ROBERTO AGUIRRE  
ALVARO BUSTAMANTE

JOSE MARIA BENGOA  
JOSE JUAN VELAZQUEZ MACOSHAY

#### IATTC STAFF – PERSONAL DE LA CIAT

ROBIN ALLEN, Director  
MARTIN HALL  
DAVE BRATTEN  
ERNESTO ALTAMIRANO  
MARCELA CAMPA  
BERTA JUAREZ  
MANUEL LUTT  
ALBERTO MORALES  
ERIC PEDERSEN  
ENRIQUE UREÑA

OBSERVADORES  
ERNESTO BEYLISS CORTES  
ELFEGO LIMONES NUNEZ  
J. JESUS SALAS GARCIA