

# AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

## MINUTES OF THE SECOND MEETING OF THE PARTIES

(revised 27 March 2000)

La Jolla, California, USA  
October 11, 1999

### AGENDA

1. Opening of meeting
2. Election of Chairman
3. Approval of agenda
4. Update on Parties that have ratified or provisionally applied the Agreement
5. Establishment of per-stock, per-year dolphin mortality caps
6. Report of the International Review Panel
7. DMLs for 2000
8. Observers on vessels of non-Parties
9. Other business
10. Place and date of next meeting
11. Adjournment

### APPENDICES

1. List of attendees
  2. Report of the 22<sup>nd</sup> Meeting of the International Review Panel
  3. Preliminary estimates of DMLs for 2000
  4. Statement of Costa Rica regarding DMLs for vessels of non-Parties
  5. Resolution to support the on-board observer program and establish a working group to develop captain incentives
  6. Resolution on dolphin necropsy study and intergovernmental collaboration on the AIDCP
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#### **1. Opening of meeting**

The meeting was called to order by Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission (IATTC), on October 11, 1999, at 10:05 a.m. The attendees are listed in Appendix 1.

#### **2. Election of chairman**

Dr. Allen called for nominations for Chairman of the meeting. The representative of the European Community nominated the United States, and this was seconded by the representatives of Ecuador, El Salvador, and Panama and unanimously agreed upon. Mr. William Gibbons-Fly of the United States assumed the position of Chairman.

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

After a short discussion, it was agreed that another item, *Report of the 22<sup>nd</sup> Meeting of the International Review Panel*, would be added between Items 5 and 6 of the draft agenda.

### **4. Update on Parties that have ratified or provisionally applied the Agreement**

The Chairman stated that Ecuador, El Salvador, Mexico, Nicaragua, Panama, the United States, and Venezuela had ratified the Agreement on the International Dolphin Conservation Program (AIDCP), and that the European Community and Vanuatu had given formal notification that they are applying it provisionally. The representatives of Colombia and Peru stated that ratification of the AIDCP by their countries was imminent. The representative of Guatemala said that efforts were in progress in his country to get the congress to ratify the AIDCP, but that it was not likely to take place until the next session of congress was convened.

### **5. Establishment of per-stock, per-year dolphin mortality caps**

The Chairman called upon Dr. Allen to review Background Paper 1, *Options for Calculating Minimum Estimates of Abundance of Dolphins in the Eastern Pacific Ocean*, which had been prepared by the IATTC staff, using data collected and analyzed by the U.S. National Marine Service (NMFS). Dr. Allen said that the Stock Mortality Limits (SMLs) are based primarily on estimates of the minimum abundance ( $N_{min}$ ) of the various stocks of dolphins, and that the Background Paper included estimates of  $N_{min}$  for each stock. He explained that there are several estimates of abundance that could be used for each of the principal stocks of dolphins: 1986-1990 or 1998 estimates for northeastern spotted, western and southern spotted, eastern spinner, whitebelly spinner, and central common dolphins, 1993 or 1998 estimates for northern common dolphins, and 1992 or 1998 estimates for southern common dolphins. The estimates for 1986-1990 are more precise than the single-year estimates, but the 1998 estimates are more indicative of present conditions than are the earlier estimates. Dr. Allen called upon Dr. Michael D. Scott of the IATTC staff to speak about the classification of common dolphins. Dr. Scott explained that two species of common dolphins, *Delphinus delphis* and *D. capensis*, are now recognized in the eastern Pacific Ocean. The data for the Mexico and Ecuador-Peru stocks of *D. capensis* can be combined with the data for the northern and southern stocks, respectively, of *D. delphis* to make the more recent data compatible with the older data. The representative of Peru asked about the effects of the El Niño event of 1997-1998 on the estimates for 1998, and Dr. Stephen B. Reilly of the NMFS said that the El Niño event was nearly over at the time the surveys were conducted. He also said that the results of the 1999 surveys would become available in March 2000. After some discussion it was agreed that, until more data are available, the estimates for 1986-1990 would be used for the five stocks for which such data were available and the data for 1992 or 1993 for the other two, and that the SML for each stock would be 0.2 percent of  $N_{min}$ .

### **6. Report of the 22<sup>nd</sup> Meeting of the International Review Panel**

The meeting discussed the report of the Presider of the 22<sup>nd</sup> meeting of the International Review Panel (IRP), held in Ensenada, Mexico, on October 1, 1999, and accepted it with some minor changes in wording; it appears as Appendix 2 of these minutes.

### **7. DMLs for 2000**

Mr. David A. Bratten of the IATTC staff explained a table of preliminary estimates of the Dolphin Mortality Limits (DMLs) for 2000 (Appendix 3) which had been distributed to the attendees. Of the states and regional economic integration organizations in the table, three (Colombia, Costa Rica, and Guatemala) had not ratified the AIDCP nor given notice that they were applying it provisionally. It was agreed that the vessels which were not qualified should complete the steps necessary for qualification by November 30, 1999, as the DMLs would be set at that time. The owners of vessels which did not complete these steps in time could not apply for DMLs for the second semester of 2000 because the November 30 deadline applies to second-semester DMLs as well as full-year DMLs. The attendees discussed whether, when a vessel changed flag, the DML would remain with the vessel or with the country which applied for

the DML on the vessel's behalf. It was eventually agreed that the DMLs are transferable, provided that the second country has ratified the AIDCP, that the record of compliance of the vessel is transferred along with the vessel, and that the provisions of the AIDCP for allocating DMLs are applicable to the vessel. When the transfer takes place the second country would assume responsibility for enforcing compliance with the AIDCP.

There was considerable discussion of a new procedure for releasing dolphins from the net, different from the backdown maneuver described in the AIDCP, which is being developed by a Spanish fishing company. An IATTC staff member was aboard a vessel of that company when trial sets were carried out in April 1999, and the procedure looked promising, but it was agreed that further testing should be conducted before it is approved. Dr. Allen noted that the trials were being carried out in accordance with the terms of the report of the 21<sup>st</sup> meeting of the IRP, and that the first Meeting of the Parties to the AIDCP had reviewed, amended, and approved that report. The nets the company wishes to use do not comply with the requirements for qualified vessels in Annex VIII of the AIDCP. Mexico pointed out that, in both this case and similar ones that may arise in the future, before the experimental method could be used, the Scientific Advisory Board established in the Agreement should approve a research protocol for that project. Also, a DML assigned to a vessel using an approved experimental procedure should be taken from the Reserve DML Allocation (RDA) established in Annex IV of the AIDCP. Some other delegations were not certain that the RDA should be used for this purpose.

After more discussion, it was agreed that one vessel whose net did not meet the specifications\* of Annex VIII will be considered qualified to receive a DML and could continue to use the new procedure. It was agreed that for the year 2000, the DML assigned to that vessel would be taken from the RDA. It was also agreed that, in the future, a research protocol should be established prior to the assignment of a DML to any vessel wishing to use equipment, technology, or methods different than those contemplated in the AIDCP. Whether such a DML should be taken from the RDA will need to be decided on a case-by-case basis.

It was noted that a member of a vessel crew died during 1999 while trying to rescue dolphins in the net, and it was agreed that the dolphin mortalities which occurred on that set would not count as part of the vessel's DML, but would count toward the overall fleet DML.

## **8. Observers on vessels of non-Parties**

Pursuant to Annex II of the AIDCP, Dr. Allen provided a report on placement of observers during 1999 on vessels registered in nations which were not parties to the AIDCP. In response to a question, Dr. Allen said that the IATTC staff places observers on vessels registered in countries which have not ratified the AIDCP, provided the vessel owners pay the program assessment fees.

There was considerable discussion as to whether a DML should be assigned to a Honduran vessel which may fish under Costa Rican jurisdiction during 2000. The representative of Costa Rica read a statement on this, which is reproduced as Appendix 4 of these minutes. The representative of the European Community pointed out that Costa Rica was trying to ratify the AIDCP, and that there should be flexibility during the period of transition. The representatives of some countries agreed with this, but the representative of Mexico disagreed, stating that such action would set a dangerous precedent. The representative of Venezuela agreed with the representative of Mexico. The meeting was not sure whether the proposed arrangement (which was similar to that proposed by Vanuatu at the 19th meeting of the IRP) would mean that the vessel would be under the jurisdiction of Costa Rica when it was outside Costa Rica's Exclusive Economic Zone, and whether Costa Rica could assume responsibility for enforcement of all AIDCP requirements at all times for a vessel registered in a country not Party to the AIDCP. The representatives of the European Community and Venezuela expressed their reservations to the proposal until they could see the relevant legislation of Costa Rica. It was agreed that Costa Rica must demonstrate to the satisfaction

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\* The net would not have bow bunches pulled to bring the dolphin safety panel adjacent to the vessel

of the Parties, by November 30, 1999, that its laws will provide effective jurisdiction over the vessel for a DML to be considered.

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

The matter of real-time monitoring of catches of tunas and mortalities of dolphins was discussed. The IATTC staff had prepared forms to facilitate this, and it is anticipated that efficient procedures for transmitting the data from the vessels to the IATTC staff, by fax or e-mail, can be quickly established.

The problem of interference with observers on fishing vessels was briefly discussed. It was noted that obstruction of observers is a violation of the AIDCP, but because of the concerns of the Parties over this problem a resolution dealing with this (Appendix 5) was adopted.

The matter of dolphin necropsy studies was also discussed, and a resolution (Appendix 6) was adopted committing the Parties to participate fully in such studies.

The representative of the Center for Marine Conservation (CMC) said that statements expressing the condolences of the CMC and the Whale and Dolphin Conservation Society to the family and friends of the crewman who was killed while trying to rescue dolphins will be published in the magazines of those organizations.

#### **10. Place and date of next meeting**

This agenda item was not discussed.

#### **11. Adjournment**

The meeting was adjourned on October 11, 1999, at 5:45 p.m.

## Appendix 1.

### ACUERDO SOBRE EL PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES

### AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

### 2ª REUNION DE LAS PARTES – 2<sup>nd</sup> MEETING OF THE PARTIES

11 de octubre de 1999– October 11, 1999  
La Jolla, California, USA

### ASISTENTES - ATTENDEES

#### PARTES - PARTIES

##### ECUADOR

**LUIS TORRES NAVARRETE**  
**CARLOS CALERO**  
Ministerio de Comercio, Industria y Pesca

**BERNARDO BUEHS**  
Pesquera Buehs  
**JOSE LUIS FLORES**  
SEAFMAN

##### EL SALVADOR

**MARGARITA S. DE JURADO**  
Ministerio de Agricultura y Ganadería

**CARLOS MONTALVO**  
Atunera Monserrat

##### EUROPEAN COMMUNITY - COMUNIDAD EUROPEA

**ERNESTO PENAS**  
Commission of the European Community  
**HEIKKI LEHTINEN**  
Presidency of the European Union  
**VERONICA CODY**  
Council Secretariat of the European Union  
**IGNACIO YBAÑEZ RUBIO**  
Secretaría General de Pesca de España

**JAVIER ARIZ TELLERIA**  
Instituto Español de Oceanografía  
**GABRIEL SARRO IPARRAGUIRRE**  
**IGNACIO LACHAGA BENGOCHEA**  
**ESTANISLAO GARAVILLA**  
**MANUEL CALVO**  
OPAGAC

##### MEXICO

**CARLOS CAMACHO GAOS**  
**MARA MURILLO CORREA**  
**PABLO ARENAS FUENTES**  
**GUILLERMO COMPEAN JIMENEZ**  
**PEDRO ULLOA RAMIREZ**  
**RICARDO BELMONTES ACOSTA**  
**SANTIAGO GOMEZ**  
Secretaría de Medio Ambiente, Recursos Naturales y Pesca

**JOSE VELAZQUEZ CARDENAS**  
CANAINPES  
**JUAN JOSE VELAZQUEZ MACOSHAY**  
Supremos del Golfo y del Pacífico S.A. de C.V.  
**FELIPE CHARAT**  
Maricultura del Norte, S. de R.L. de C.V.

##### PANAMA

**ARNULFO FRANCO**  
Autoridad Marítima de Panamá

**HUGO ALSINA**  
Overseas Tuna Pacific, S.A.

##### UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

**WILLIAM GIBBONS-FLY**  
**BRENT STEWART**  
U.S. Department of State  
**WILLIAM HOGARTH**  
**STEVE REILLY**  
**JIM LECKY**  
**ALLISON ROUTH**  
National Marine Fisheries Service  
**BARBARA BRITTEN**  
**PETER FLOURNOY**  
American Fishermen's Research Foundation  
**MICHAEL MCGOWAN**  
Bumble Bee Seafoods

**PETER DILEVA**  
Caribbean Fishing, Inc.  
**PETER TRUTANICH**  
**JOSEPH GLIGO**  
Tri-Marine International  
**WILLIAM J. GILLIS**  
American Tuna Sales Association  
**OTTO OBRIST**  
Ocean Ventures, Inc.  
**EDWARD VAN OS**  
Astilleros Marco Chilena, Ltda.

**JOHN WILKIE**  
Valley Detroit Diesel Allison

**ZULIUS ZOLEZZI**  
Zolezzi Enterprises

**VANUATU**

**ANTHONY TILLET**  
Deputy Commissioner for Maritime Affairs

**ED WEISSMAN**  
Special Agent

**VENEZUELA**

**JEAN-FRANÇOIS PULVENIS**  
Ministerio de Relaciones Exteriores  
**RICARDO MOLINET**  
**CAROLINA BELTRAN**  
**DANIEL NOVOA**  
**ZAYMAR CAROL VARGAS A.**  
Ministerio de la Producción y el Comercio  
**FRANCISCO ORTISI**  
AVENCASA  
**HECTOR LOPEZ**  
FUNDATUN

**JOSE MARIA BENGOA**  
CODEATUN, S.A.  
**RAFAEL CASTRO**  
CAVENPESCA  
**DOMENICO PINTO**  
Pesquera Pezatun, C.A.  
**CARMELINA GENTILE**  
Inversiones Navieras Condesa de los Mares, C.A.  
**J. GINA STOUTE**  
Gianfranco Agency, S.A.

**NO PARTES - NON-PARTIES**

**COLOMBIA**

**GONZALO JIMENEZ**  
Ministerio de Relaciones Exteriores  
**GONZALO URZOLA**  
Ministerio de Agricultura y Desarrollo Rural

**RAFAEL BARBOSA**  
Ministerio de Comercio Exterior  
**ARMANDO HERNANDEZ RODRIGUEZ**  
ANDI

**COSTA RICA**

**GEORGE HEIGOLD**  
INCOPECA

**GUATEMALA**

**ERICK VILLAGRAN**  
Ministerio de Agricultura, Ganadería y Alimentación

**PERU**

**JORGE VERTIZ CALDERON**  
Ministerio de Pesquería

**RENATO GUEVARA CARRASCO**  
Instituto del Mar del Perú (IMARPE)

**TAIWAN**

**CHUNG-HAI KWOH**  
Fisheries Administration, Council of Agriculture

**KUAN-HSIUNG WANG**  
Chinese Culture University

**ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS**

**NINA YOUNG**  
Center for Marine Conservation  
**KITTY BLOCK**  
Humane Society of the United States

**ANDREA OLIVER**  
World Wildlife Fund

**IATTC STAFF-PERSONAL DE LA CIAT**

**ROBIN ALLEN**, Director  
**ERNESTO ALTAMIRANO**  
**WILLIAM BAYLIFF**  
**DAVID BRATTEN**  
**MARCELA CAMPA**  
**MARTIN HALL**

**BRIAN HALLMAN**  
**BERTA JUÁREZ**  
**JOYDELEE MARROW**  
**TERESA MUSANO**  
**MICHAEL SCOTT**  
**NICOLAS WEBB**

## Appendix 2.

### INTERNATIONAL REVIEW PANEL

### 22<sup>ND</sup> MEETING

Ensenada, Baja California (Mexico)  
October 1, 1999

### PRESIDER'S REPORT

The International Review Panel held its 22<sup>nd</sup> meeting in Ensenada, Baja California, to consider matters related to the performance of the tuna fleet in the eastern Pacific Ocean, in particular the application of the regulations of the International Dolphin Conservation Program.

In this regard, the agreements reached were:

1. Regarding the allocation of DMLs for the year 2000, the Panel, considering the decision of the 1<sup>st</sup> Meeting of the Parties that for the year 2000 DMLs would be assigned only to Parties to the AIDCP and to those States or economic integration organizations which have officially committed (in writing to the Depositary) to apply the AIDCP provisionally, recommends to the Meeting of the Parties that, for one time only, the cut-off date for submitting documentation confirming the qualification of the captains and crews of each vessel in techniques for the rescue and protection of dolphins, and compliance with all the equipment and operational requirements established in Annex VIII, be extended until November 30, 1999. Each Party shall send to the Secretariat of the Agreement the corroboratory information and the Meeting of the Parties shall decide on whether a meeting to assign DMLs is necessary or whether this procedure can be done by correspondence.
2. Regarding the requirements for training new fishing captains, the scientific staff of the Inter-American Tropical Tuna Commission, on the basis of information on the requirements of the various Parties to the Agreement, shall schedule courses to be completed before the end of November.
3. Regarding vessels which in the course of a fishing trip fish beyond 150°W, the Panel recommends that the Parties should allow the observer to collect all data on such fishing operations.
4. The Panel recommends that the Meeting of the Parties draw the attention of the tuna-fishing fleets to the need for fishing captains to avoid situations which could be interpreted as interference with the work of the observer.
5. Regarding the fishing trip in which a diver lost his life, the Panel recommends to the Meeting of the Parties that the incidental mortality of dolphins which occurred during the set in which that person died not be considered in the total mortality limit for that vessel.
6. The Panel expressed its pleasure with the significant progress in the responses by countries to possible infractions detected by the IRP and the need to have these responses constantly updated and reported to the Meeting of the Parties.
7. The Panel studied the case in which an observer aboard a vessel had to return to port due to illness, and the owner of the vessel considered that the Commission should cover the costs associated with this situation. The Panel agreed that these situations were contemplated in international law and, in particular, in the AIDCP, which requires that observers be treated in the same way as the crew, so the IATTC should not have to cover these costs.
8. Regarding the formats for applying the system for tracking and verifying tuna, the Secretariat of the Agreement will send these to the Governments of each of the Parties to the Agreement toward the end of November.

9. The Panel agreed to recommend to the Meeting of the Parties that the Working Group on Tuna Tracking and Verification meet again, in order to study the national regulations which the Parties to the Agreement have implemented to apply the system and evaluate whether they are consistent with it.
10. Finally, with respect to the possibility that in specific cases the fishing captain can decide not to carry out the backdown maneuver and abort the fishing operation by releasing the ortza, the Panel recommends to the Meeting of the Parties that the Parties interested in advancing this matter present the terms of reference of a study to the Scientific Advisory Board for review and, as appropriate, presentation to the Meeting of the Parties for approval.
11. The Panel expressed its pleasure at the establishment of the Venezuelan national observer program.

### Appendix 3.

## LMD PARA 2000 - DMLs FOR 2000

### PROVISIONAL – 11 OCT 1999

	LMD solicitados - DMLs requested	LMD segundo se- mestre - 2 <sup>nd</sup> semester DMLs	No. buques calificados - No. qualified vessels	LMD de flota - Fleet DML
Colombia	5	-	5	188
Com. Europea	5	-	2 <sup>a</sup>	188
Costa Rica	1	-	0 <sup>b</sup>	37
Ecuador	24	1	0 <sup>c</sup>	904
El Salvador	2	-	1 <sup>d</sup>	75
Guatemala	4	-	0 <sup>e</sup>	150
México	44	-	41 <sup>f</sup>	1658
Nicaragua	-	1	0 <sup>g</sup>	-
Panamá	3	-	3	113
USA	6	-	5 <sup>h</sup>	226
Vanuatu	12	1	5 <sup>i</sup>	452
Venezuela	24	-	0 <sup>j</sup>	904
<b>Total</b>	<b>130</b>	<b>3</b>	<b>65</b>	<b>4895</b>

<sup>a</sup> Tres buques usarán el sistema experimental de liberación de delfines, aprobado por el PIR, pero que no satisface todas las disposiciones del Anexo VIII.2.a(i) del APICD – Three vessels will be using the experimental dolphin release system, approved by the IRP, but which does not meet all the provisions of Annex VIII.2.a(i) of the AIDCP.

<sup>b</sup> Buque de bandera de Honduras que faenará bajo jurisdicción de Costa Rica – Honduran-flag vessel that will be operating under Costa Rica's jurisdiction.

<sup>c</sup> El gobierno certificará que los buques están calificados antes del 30 de noviembre de 1999 – The government will certify that the vessels are qualified by November 30, 1999.

<sup>d</sup> Se determinará la calificación de un buque antes de 30 de noviembre de 1999 – The qualifications of one vessel will be determined by November 30, 1999.

<sup>e</sup> El gobierno está gestionando la calificación de los cuatro buques -- The government is in the process of certifying that all vessels are qualified.

<sup>f</sup> Tres embarcaciones no han operado regularmente en virtud de que se encontraban atendiendo asuntos administrativos con otras Secretarías de Estado, pero regularmente han contado con los aparejos y equipos para el rescate de los delfines y con una tripulación y técnico de pesca capacitados. Asimismo, han manifestado que comenzarán a operar en 2000 – Three vessels have not operated regularly because administrative matters with other Government Departments were pending, but have regularly had the gear and equipment for dolphin rescue and trained crews and captains. They have also stated that they will begin operating in 2000.

<sup>g</sup> El buque está en construcción y el gobierno certificará que está calificado antes de que comience a faenar – The vessel is under construction and the government will certify that it is qualified before it begins operating.

<sup>h</sup> El gobierno certificará que el buque está calificado antes del 30 de noviembre de 1999 – The government will certify that the vessel is qualified by November 30, 1999.

<sup>i</sup> Un buque está en construcción y se está convirtiendo otro. El gobierno certificará que están calificados antes del 30 de noviembre de 1999 – One vessel is under construction and another is being converted. The government will certify that the vessels are qualified by November 30, 1999.

<sup>j</sup> El gobierno está avanzando en el proceso de inspección y certificación de los buques, el cual debe concluir antes del 30 de noviembre de 1999 – The government is in the process of inspecting and certifying the vessels, and should have completed it by November 30, 1999.

**DMLs FOR 2000 – PRELIMINARY CALCULATION**  
**PROVISIONAL – 11 OCT 1999**

LMD general / Overall DML	5,000
Asignación de LMD reservado / Reserve DML allocation	100 (2%)
LMD no reservado / Unreserved DML	4,900 (98%)
LMD promedio (LMDP) / Average DML (ADML)	4,900 / 130 = 37.69
LMD flota / Fleet DML	No. LMD -- No. DMLs x 37.69

- Director must be notified of the initial allocation of DMLs no later than February 1, 2000.
- No vessel may utilize its DML prior to notification of Director.

**Appendix 4.**

**STATEMENT OF COSTA RICA REGARDING DMLs FOR VESSELS OF NON-PARTIES**

We request that we be allowed to issue DMLs to vessels flagged in another State as long as the laws of the other State do not prohibit vessels under its jurisdiction from fishing for tuna in association with dolphin.

This request is clearly permitted under the Agreement on the International Dolphin Conservation Program. Please refer to Annex IV, Section I, paragraph 3. The last portion of this paragraph provides as follows:

“... nor shall DMLs be assigned to any Party in order to provide permits for fishing in the Agreement Area to vessels flying the flag of another State whose applicable laws and regulations prohibit vessels under its jurisdiction from fishing for tuna in association with dolphins.”

The clear meaning of this provision is that States may issue DMLs to fish in the entire Agreement Area to vessels flying the flag of another State as long as the laws of the flag state do not prohibit fishing in association with dolphin.

When this matter was discussed previously, there was concern that the rules and regulations of this Commission could not be enforced against a vessel of another State by the State issuing the DML. We believe that we have the means to enforce the Commission's rules. We would require by contract that the vessel would agree to Costa Rica's jurisdiction for purposes enforcing the Commission's rules and monetary penalties. We would require that the vessel have an agent for the purpose of receiving legal process in Costa Rica. It is normal in contracts between multi nationals that one party submit to the laws and jurisdiction of another party. In Costa Rica as well as in many other countries, these clauses are considered valid by the Courts. We could require monetary security for the vessel's promise. Aside from these provisions, we believe we have the most formidable way of enforcing the Commission's rules. If a vessel refused to submit to our jurisdiction, we would remove the vessel's DML, request that no observer be assigned to this vessel, and request the Commission not to issue a participation letter for this vessel. This would eliminate the vessel's ability to sell its catch.

When Costa Rica approved the Agreement on the International Dolphin Conservation Program we believed we had the right, based on the unambiguous language in this Agreement, to issue DMLs to vessels of another State. We have made known to this Commission the problems we have in flagging vessels.

**Appendix 5.**

**RESOLUTION TO SUPPORT THE ON-BOARD OBSERVER PROGRAM AND  
ESTABLISH A WORKING GROUP TO DEVELOP CAPTAIN INCENTIVES**

**11 October 1999**

The Parties to the Agreement on the International Dolphin Conservation Program:

*Recognizing* the importance of observers to the success of the International Dolphin Conservation Program;

*Recognizing* the excellent work by observers in both the IATTC and national observer programs;

*Concerned about* the number of cases reviewed by the International Review Panel pertaining to observer interference and harassment;

*Commending* the tuna industry, vessel captains and crew for their successful efforts to reduce the incidental mortality of dolphins in the purse-seine tuna fishery of the eastern Pacific Ocean.

*Commit to:*

- Take additional measures to inform vessel owners and captains that it is a violation of Annex II (6)(f) of the Agreement on the International Dolphin Conservation Program for any vessel owner, captain, or crew member to obstruct, intimidate, interfere with, influence, bribe, or attempt to bribe an observer in the performance of his or her duties;
- Expeditiously review all possible infractions pertaining to observer harassment and interference, take swift action, in accordance with national legislation, on such possible infractions in a manner effective in securing compliance with the Agreement on the International Dolphin Conservation Program and discouraging such violations from occurring, and promptly inform the International Review Panel of the actions taken;
- Establish a working group to develop a system of incentives for captains and crews of vessels with a record of outstanding performance and with no record of infractions, with a view to enhancing compliance with the Agreement on the International Dolphin Conservation Program; and
- In accordance with Annex II.4(d) of the Agreement on the International Dolphin Conservation Program, ensure that vessel captains are provided the opportunity to include in the observer's reports any information that they might deem to be relevant.

## Appendix 6.

### **RESOLUTION ON DOLPHIN NECROPSY STUDY AND INTERGOVERNMENTAL COLLABORATION ON THE AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

**11 October 1999**

*The Parties to the Agreement on the International Dolphin Conservation Program:*

*Recognizing* that the Agreement on the International Dolphin Conservation Program urges Parties to promote and support research to improve gear, equipment, and fishing techniques, including those used in the fishery for tunas associated with dolphins;

*Acknowledging* that the U.S. International Dolphin Conservation Program Act establishes a program of research on the dolphin stocks associated with the purse-seine fishery for tuna in the eastern Pacific Ocean to monitor their abundance and study possible stress-related effects that might be related to the chase and capture of dolphins associated with tuna;

*Noting* that the first year of the study of population abundance has been completed, and the second of the three years of surveys is now in progress;

*Noting further* that analyses of historical data are now in progress and that the technicians have been trained, but that the rest of the program, involving field activities related to necropsies of dolphins taken in the purse-seine fishery, and a related experiment to study effects of stress in live dolphins during repeated chase and recapture of the same animals, have yet to begin;

*Recognizing* that to date no field activities have been carried out, and therefore no samples nor information have been collected;

*Acknowledging* that this information is critical to increase understanding of the possible effects of tuna fishing on the dolphin stocks in the eastern Pacific Ocean,

*Commit to:*

- Participating fully in the needed necropsy studies;
- Assigning and placing, as soon as possible, technicians on tuna purse-seine vessels fishing in association with dolphins to collect samples from the maximum number of trips possible during 1999; and
- Continuing this necropsy sampling effort in 2000.