

**MINUTES OF THE 14TH MEETING OF THE INTERNATIONAL REVIEW
PANEL**

Santa Marta, Colombia

February 19-20, 1997

The 14th meeting of the International Review Panel (IRP) was held at the Hotel Howard Johnson and Convention Center, Santa Marta, Colombia, on February 19 and 20, 1997. The attendees are listed in Appendix 1.

Agenda Items 1 and 2. Opening of the meeting and election of Presider

The meeting was called to order by Dr. James Joseph, Director of the Inter-American Tropical Tuna Commission (IATTC), at 10:10 a.m. on February 19. He asked for nominations for Presider of the meeting, and Dr. Osvaldo Pérez Molina of Colombia was elected.

Agenda Item 3. Approval of Agenda

The IRP approved the provisional agenda (Appendix 2).

Agenda Item 4. Approval of the minutes of the 13th meeting

The minutes were approved without alteration.

Agenda Item 5. Dolphin Mortality Limits (DMLs)

a. Review of 1996 DMLs

The Secretariat said that, of the 94 vessels which were allocated DMLs for 1996, 60 had used them by June 1. Second-semester DMLs were allocated to 24 vessels, and 7 of those had used them. Data on mortality per vessel in 1996 are attached as Appendix 3. The average mortality for vessels with full-year DMLs was 41, and 5.4 for vessels with second-semester DMLs. Two vessels exceeded their DMLs, and one vessel exactly equaled its DML of 96. During the year Mexico had suspended its active participation in the program, and thus its vessels were not bound by DMLs.

b. DMLs for 1997

The Secretariat explained the rationale for the setting of 1997 DMLs at 94. The number of vessels for which DMLs were originally requested was 41, to which was added the 38 Mexican vessels which might have requested DMLs if Mexico were participating. The total DML for the year (7,500), divided by this nominal number of vessels (41 + 38), gave a DML of 94 for each vessel. Subsequently it was determined that one vessel's DML was to be reduced by 38, the amount by which it had exceeded its 1996 DML, and the IRP allocated a DML to a Panamanian vessel which had been omitted in error from the original application. With those revisions the total of the individual DMLs, together with an allowance for Mexican vessels, was 7,482.

In response to a question, the Secretariat reported that the projected mortality for 1996 was $2,700 \pm 10\%$.

The Secretariat presented a table showing the distribution among the national fleets of the DMLs allotted for 1997 (Appendix 4). Dr. Joseph said it was the Secretariat's understanding that the two vessels currently flying the Belize flag which were expected to change to Vanuatu's flag could not use their provisional DMLs until the flag change was completed. The representative of Venezuela proposed that the DML surrendered by that country be reserved for a vessel which might come into its fleet.

There was a discussion about the procedure that should be followed in these cases, and in particular whether the second-semester DMLs might not be sufficient to resolve them. After considering a case reported in the minutes of the Panel's January 1994 meeting, it was agreed that Venezuela could assign the unused DML to a vessel entering the fleet before June 1, but this should not be used as a precedent for any future case. The Secretariat's understanding concerning the two vessels for which DMLs had been assigned pending a flag change from Belize was confirmed. Finally, the representative of Vanuatu told the IRP that one vessel which had been assigned a DML had sunk before using its DML. It was noted that a previous decision concerning this circumstance was that the owner could transfer the DML to a replacement vessel during the year.

Agenda Item 6. Review of observer data

The Secretariat presented and commented on observer data concerning possible infractions. Most of these were night sets, but there were others concerning failure to back down and sacking up when live dolphins were present. There were four cases in which the IRP agreed that interference with the observer had possibly occurred; two of these, involving vessels of a single owner, were considered to be particularly pernicious. The IRP agreed that in respect of this owner, the government involved should investigate previous trips, in particular those reported as "dolphin-safe," as well as the trip being reported, and should be advised to notify the company that such behavior threatened the entire fleet.

A persistent pattern of failing to complete backdown by half an hour after sunset by some vessels, even though they appear to complete the process relatively quickly, was noted. The Presider asked the Secretariat to report at the next meeting on the distribution of elapsed time from the beginning of a set until completion of backdown for individual captains.

Agenda Item 7. Gear requirements for vessels without DMLs

Dr. Joseph introduced the discussion by recalling the provisions of the Agreement for the Conservation of Dolphins and the decision made at the 5th meeting of the IRP, which require that vessels with capacities greater than 400 short tons have the necessary dolphin rescue and protection equipment. He noted that this requirement has been questioned frequently, but that the arguments in its support were that vessels fishing "dolphin-safe" occasionally encircle dolphins and need the gear to extricate them safely, or that not requiring dolphin safety gear encourages ecologically-unsafe fishing practices. Further, the majority of potential gear infractions reviewed are from "dolphin-safe" trips. The Secretariat was not seeking a decision immediately, but expected that the issue would arise if and when the bill in the U.S. Congress was passed.

The Secretariat presented data (Appendix 5) showing the numbers of infractions of different types, and noted that 37% of all identified infractions, and 82% of all identified gear infractions, were from "dolphin-safe" trips. The delegate from the United States noted that there were only 33 sets in which dolphins were accidentally encircled, and asked whether these involved small numbers of animals. The Secretariat replied that the numbers were generally small.

The Secretariat was asked to present a discussion paper at the next meeting containing data which would assist the IRP to evaluate the rules concerning gear requirements for "dolphin-safe" vessels.

Agenda Item 8. Possible inclusion in the IDCP of vessels of less than 400 short tons capacity

Dr. Joseph introduced the discussion by saying the Agreement for the Conservation of Dolphins applied only to vessels with capacities greater than 400 short tons. A review of historical logbook data showed that during 1968-1972, 60% of the sets made by vessels of between 101 and 400 short tons were on dolphins. The percentage recorded dropped from then until 1980, and since then has fluctuated between 0 and 18%. The current numbers of vessels in that size range is 3 (101-200 tons), 19 (201-300 tons), and 11 (301-400 tons). The subsequent discussion canvassed a range of issues concerning the desirability of, and technical issues related to, including small vessels within the scope of the Agreement. The Secretariat was asked to report to the next meeting on areas and species fished, numbers of vessels by flag, and frequency and duration of trips.

Agenda Item 9. Observer identification cards

The Secretariat explained that identification cards for observers were being proposed to ease problems of access to vessels in some ports. They would identify the observer, explain the program, and indicate the governments which were party to the Agreement. A proposed format was discussed, and several suggestions were adopted.

Agenda Item 10. Procedures for dealing with special problem sets

Dr. Joseph reminded the IRP that the procedure for dealing with special-problem sets had been the subject of a resolution in each of the last two years, and that the Panel should make a decision on this matter prior to issuing DMLs for 1998. The matter was deferred until a later meeting.

Agenda Item 11. Updating information on mortality rates in sets with few dolphins and no backdown

The Secretariat showed a table showing mortality in sets in which small numbers of dolphins were encircled. For each year the mortality rate was less in sets with backdown than in sets without (Appendix 6). The IRP agreed that the data do not justify not requiring backdown in these circumstances.

Agenda Item 12. Membership of non-governmental organizations in the IRP

Dr. Joseph noted that the Rules of Procedure stipulated a two-year term for non-governmental representatives, and noted that, given the uncertainty of the implementation of the Declaration of Panama, the IRP had agreed to extend the terms of the existing representatives. He said that the Panel should decide whether to extend the term again, and if so, until when, or to make new appointments. There was also the issue discussed at the 10th meeting of the IRP concerning the numbers of non-governmental representatives. He also said the IRP might wish to consider the question of observers. He had received requests from Earth Island Institute and the Humane Society of the United States to attend this meeting and the intergovernmental meeting (IGM) as observers. He had replied that the IRP does not allow non-governmental observers at its meetings, and suggested that they contact the convener, the Government of Colombia, concerning the IGM. Subsequently, Earth Island wrote to the U.S. Secretary of State, criticizing the IATTC for holding secret meetings in Colombia and for lobbying the U.S. Congress to change its laws, and the U.S. Government for paying most of the IATTC's budget.

Dr. Joseph described the process used to appoint non-governmental members, and said that he would solicit nominations from all industry entities and environmental groups who have attended IATTC meetings in the past. The candidates nominated would then be voted on by the government members.

In the discussion the method of appointing alternates was canvassed, and the Presider appointed a group from Costa Rica, the United States, and Venezuela to review the relevant Rules of Procedure. In the meantime, it was decided to extend the terms of the current non-governmental members up to and including the next meeting, to instruct the Secretariat to obtain nominations for the new appointments to be made at the next meeting, and to recommend to the IGM that the number of non-governmental members be increased to three from the fishing industry and three from environmental groups.

Dr. Joseph advised the Panel that during a revision of the Agreement for the Conservation of Dolphins a clause, which said that non-government members were to be appointed to the IRP by government members, was inadvertently omitted. The Panel agreed that the IGM should be asked to restore the missing phrase.

Agenda Item 13. Confidentiality

a. Names of vessels with DMLs

Dr. Joseph said that he had received a request from an environmental group seeking the names of vessels which had been assigned DMLs in 1997. He recalled a similar request at the second meeting of the IRP which had

been ruled upon by the IRP, and once again asked for a decision on the matter. The U.S. delegation said that its approach to providing information was to first check whether there was a legal impediment to providing the information and, if not, whether there would be specific harm in doing so. In view of the absence of delegates from Ecuador and Panama, whose vessels would be affected by a release, it was decided that the Secretariat should seek their views on this request before a decision was taken.

b. Data release to coastal nations

It was agreed that the request to provide data on the activities of fishing vessels to coastal states would also be forwarded to Ecuador and Panama for their opinion before a decision was taken.

Agenda Item 14. Co-operation of nations not party to the Agreement with vessels in the EPO

Dr. Joseph reported that the Secretariat had explained the program to the governments of Belize and Honduras, and recalled that member governments were to make approaches to those governments through diplomatic channels. The only such contacts that delegates were able to report on were that the Minister of Fisheries from Vanuatu had raised the matter during a visit to Belize and that the United States had advised Belize that it had imposed an embargo on tuna imports from Belize.

The representative of Costa Rica asked for an update on the applications to join the IATTC by Ecuador and El Salvador. Dr. Joseph advised that all member countries except Costa Rica had approved the entry of Ecuador, and that his only knowledge of the situation for El Salvador was that its application had been approved by Vanuatu.

Agenda Item 15. DMLs and flag changes

The items to be discussed under this Agenda Item had been earlier discussed in Agenda Item 5.

Agenda Item 16. Place and date of next meeting

The Panel agreed to hold its next meeting in Puntarenas, Costa Rica, during the first week of June, in conjunction with the 58th meeting of the IATTC.

Agenda Item 17. Other business

(a) Status of Costa Rica on the IRP. The representative of Costa Rica advised the Panel that the vessel which had fished under the Costa Rican flag had changed to another flag. The Rules of Procedure require that members of the Panel are states which have purse seiners fishing under their flag in the eastern Pacific Ocean. Dr. Joseph said that at the time the rules were last changed the Panel had considered that membership should be open to all members of the IATTC, but that this was not incorporated in the rules because at that time all IATTC members had vessels fishing under their flags. It was agreed that at its next meeting the Panel would consider the requirements for membership and, if appropriate, recommend changes for consideration by the IGM, and that Costa Rica should, as a special case, remain a member in the meantime.

(b) Proposed new technique for mortality reduction. Captain Manuel Elduayen of Venezuela described a procedure which he said would reduce mortality of dolphins in night sets. This involved shining a floodlight on the water near the vessel to attract the tuna in the net toward the boat, while the dolphins remained near the apex of the net, where they could be backed out without fear of losing the fish. The Venezuelan boat owners were prepared to offer a vessel to try the technique, using their own DMLs, with participation of IATTC scientific staff. The Panel asked the Secretariat to consider the proposal.

(c) Accidental death of a fisherman. The delegate of Costa Rica said he understood that another fisherman had been killed while trying to rescue dolphins, and requested that the Secretariat write a letter of condolence to his relatives. Dr. Joseph said that in the previous case he had, after receiving legal advice that such

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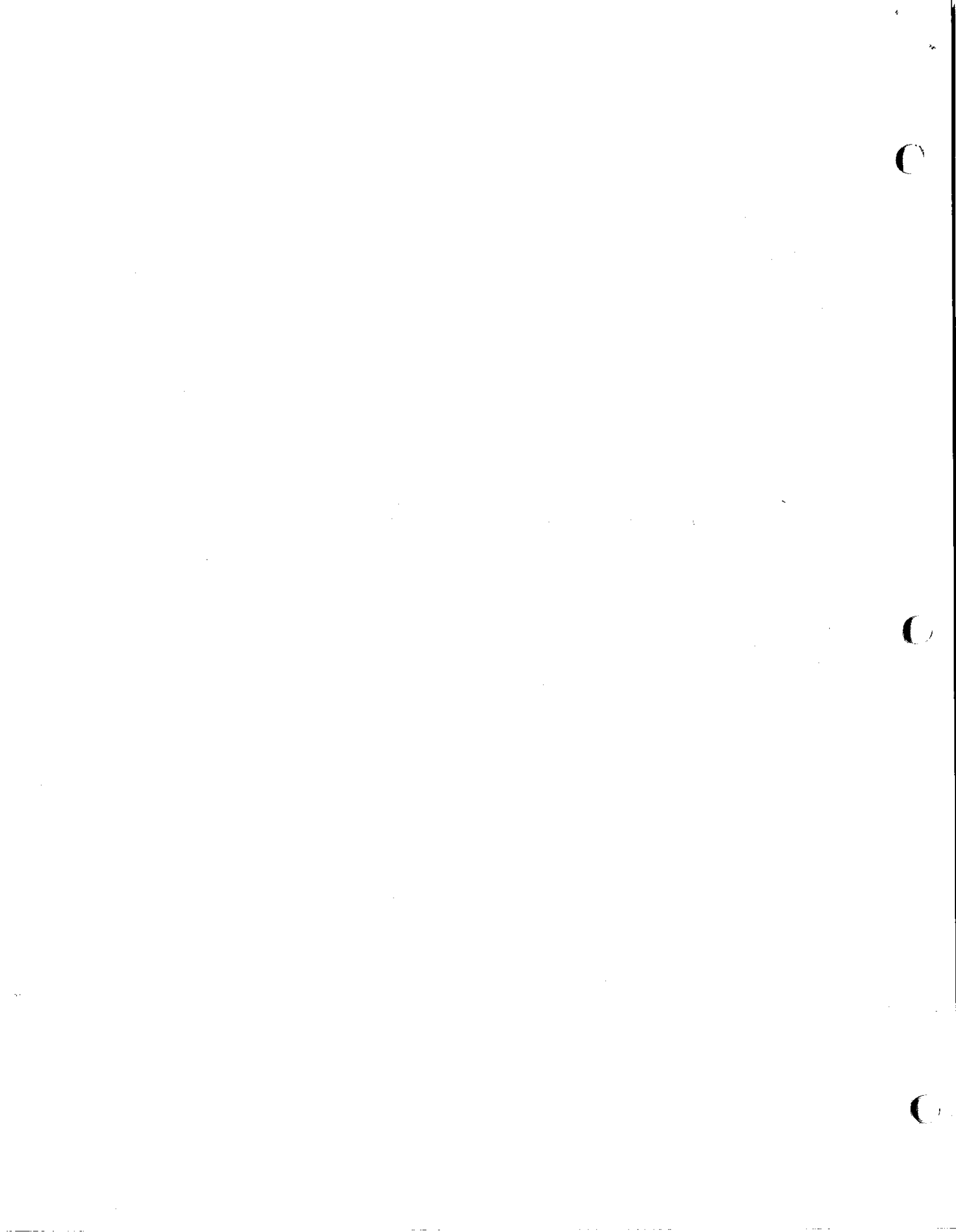
a letter might prejudice considerations of the estate, not sent a letter. He would examine the circumstances and, if it was appropriate, send a letter of condolence.

(d) Certificates of participation for Mexican vessels. Dr. Joseph raised a question concerning the issuing of these certificates, which confirm that a vessel has been participating in the IDCP. Points made in the discussion were that, as Mexico had withdrawn its active participation in the IDCP, data from Mexican vessels which carried observers of its national program were no longer being reviewed by the IRP [which meant a significant loss of transparency] and further that any Mexican vessels setting on dolphins were not fishing with DMLs. Mexican vessels are still taking IATTC observers on 50% of their trips, although that is scheduled to be reduced to 33%, and are still having gear inspections. It was agreed that certificates of participation should no longer be issued by IATTC staff.

Agenda Item 18. Adjournment

The delegates thanked the Presider for the efficient manner in which he had conducted the meeting. The Presider closed the meeting at 1:00 p.m. on February 20, 1997.

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Appendix 1.

PANEL INTERNACIONAL DE REVISIÓN
INTERNATIONAL REVIEW PANEL

14ª REUNION - 14TH MEETING

Santa Marta, Colombia

19 y 20 de febrero de 1997 - February 19-20, 1997

ASISTENTES - ATTENDEES

COLOMBIA

JOSÉ ANGEL ALDANA
Ministerio de Relaciones Exteriores

OSVALDO PÉREZ MOLINA
ORLANDO MORA LARA
FERNANDO REY NAVARRO
CARLOS MOSQUERA ARANGO
JUAN VALVERDE PRETEL
MANUEL BARRIOS DOMÍNGUEZ
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Cámara Industria Pesquera - Andi

COSTA RICA

JAIME BASADRE OREAMUNO
Instituto Costarricense de Pesca y Acuicultura

JAIME BASADRE ANDRACA

ESTADOS UNIDOS DE AMERICA

DAVID HOGAN
Department of State
Office of Marine Conservation

MARTIN HOCHMAN
National Oceanic and Atmospheric Administration

WANDA L. CAIN
National Marine Fisheries Service

VANUATU

ANTHONY TILLET
Special Agent for the Ministry of Maritime Affairs

VENEZUELA

JEAN-FRANÇOIS PULVENIS
SANTOS VALERO
Ministerio de Relaciones Exteriores

HUGO ALSINA LAGOS
Servicio Autónomo de los Recursos Pesqueros y
Acuícolas - SARPA

MANUEL ELDUAYEN

LORENZO J. RAVAGO CARREÑO

RAUL ROMERO

JON CELAYA L.

TUNA INDUSTRY - INDUSTRIA ATUNERA

ALFONSO ROSIÑOL LLITERAS

IATTC - CIAT

JAMES JOSEPH
ROBIN ALLEN
DAVID BRATTEN
ERNESTO ALTAMIRANO
BERTA JUAREZ

Appendix 2.

INTERNATIONAL REVIEW PANEL

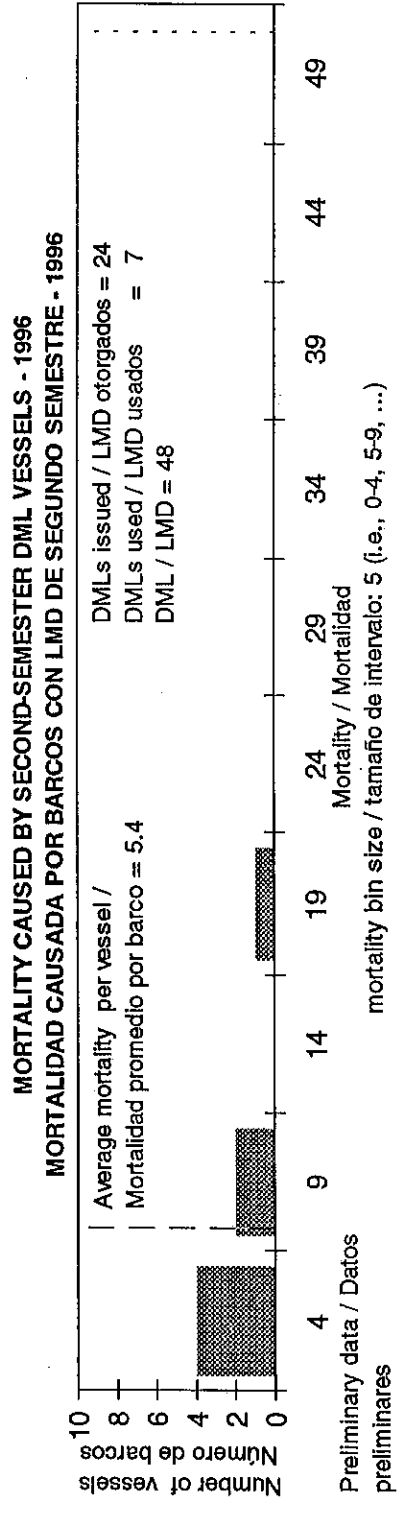
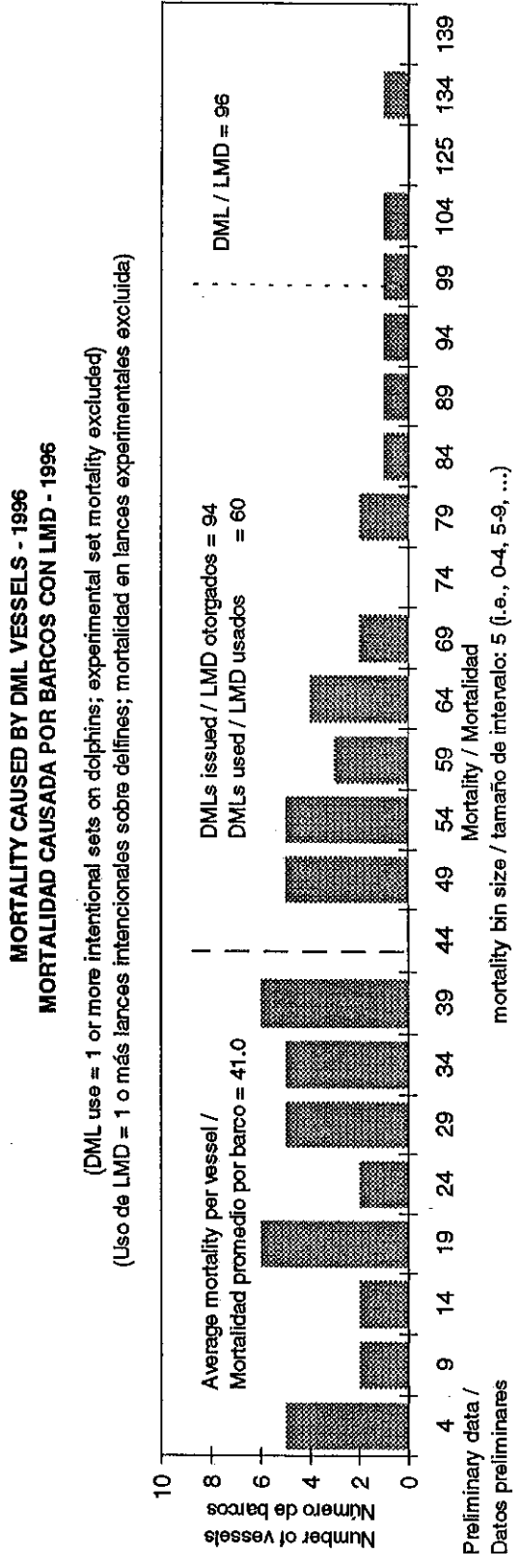
14TH MEETING

Santa Marta, Colombia
February 19-20, 1997

AGENDA

1. Opening of meeting
2. Election of Presider
3. Approval of agenda
4. Approval of minutes of the 13th Meeting of the IRP
5. Dolphin Mortality Limits (DMLs):
 - a. Review of 1996 DMLs
 - b. DMLs for 1997
6. Review of observer data
7. Gear requirements for vessels without DMLs
8. Possible inclusion in IDCP of vessels of less than 400 short tons capacity
9. Observer identification cards
10. Procedures for dealing with special problem sets
11. Updating information on mortality rates in sets with few dolphins captured and no backdown
12. Membership of non-governmental organizations in the IRP
13. Confidentiality:
 - a. Names of vessels with DMLs
 - b. Data release to coastal nations
14. Cooperation of nations not party to the Agreement with vessels in the EPO
15. DMLs and flag changes
16. Place and date of next meeting
17. Other business
18. Adjournment

Appendix 3.



Appendix 4.

DOLPHIN MORTALITY LIMITS (DMLS) ISSUED, BY FLAG - 1997
(DML = 94)

COLOMBIA:	6	(includes 1 Class-5 vessel)
ECUADOR:	1	(Class 5)
PANAMA:	2	
U.S.A:	1	
VANUATU:	13	(1 vessel sank without utilizing its DML; 2 vessels still have Belize flag)
VENEZUELA:	19	(1 vessel forfeited its DML voluntarily)
TOTAL:	42	(1 forfeited, 2 pending flag change)

Appendix 5.

INTERNATIONAL REVIEW PANEL

SUMMARY OF IDENTIFIED INFRACTIONS THROUGH AUGUST 1996 AND GOVERNMENT RESPONSES RECEIVED AS OF 27 JANUARY 1997

TRIP INFRACTIONS	No. of trips w/infractions	% of trips w/infractions	No. of govt. responses	% response
Major				
Fishing without an observer:	0 ^a	0	N/A	N/A
Fishing without a DML assigned:	0	0	N/A	N/A
Trips with an unlicensed skipper:	0	0	N/A	N/A
Departing without a dolphin safety panel:	161 ^b	9.3	13	8.1
Other				
Trips without a raft on board:	226 ^b	13.1	44	19.5
Trips with speedboats not equipped with towing bridles:	78 ^b	4.5	49	62.8
Trips without an operable floodlight:	359 ^b	20.8	148	41.2
Trips without 2 masks and 2 snorkels:	275 ^b	15.9	72	26.2
Cases of observer harassment/interference ^c :	28 ^d	1.6	21	75.0

Number of trips reviewed: 1726

SET INFRACTIONS	No. of sets w/infractions	% of sets w/infractions	No. of govt. responses	% response
Major				
Sets on banned stocks or herds:	0	0	N/A	N/A
Sets without required backdown:	22	0.1	13	59.1
Sets with dolphin sack-up or brail:	15	0.1	12	80.0
Sets made after reaching the yearly DML:	21	0.1	18	85.7
Other				
Night sets:	102	0.4	69	67.6
Sets using explosives:	1113	4.3	746	67.0
Sets without additional rescue:	10	0.1	9	90.0

Number of sets on dolphins reviewed (includes 33 accidental capture sets): 25,615

^a Two trips did not have an observer aboard during a portion of the trip. One trip departed without an observer but was called back to port by the government after 11 days to obtain an observer. On the other trip the observer was aboard for the first 33 days, then he became ill and was transferred to another vessel. The vessel was then called back to port by the government, being unobserved for the last 5 days of the trip.

^b The numbers given include 161 "dolphin-safe" (DS) trips made by vessels lacking a dolphin safety panel (DSP), 214 DS trips lacking a raft, 43 DS trips lacking speedboat towing bridles, 257 DS trips lacking a floodlight, and 227 DS trips lacking 2 masks with snorkels. There has been much discussion as to whether vessels fishing "dolphin-safe" need to be equipped with dolphin safety gear.

^c Observer interference can range from less serious situations, such as being denied access to vessel position data and verbal harassment, to more serious cases, such as physical threats and bribery attempts.

^{dd} During one trip there were 2 cases of harassment/interference, thus there were 27 trips with such cases.

Appendix 6.

Mortality in intentional dolphin sets with capture of 1 - 5 animals
Mortalidad en lances intencionales sobre delfines con captura de 1 a 5 animales

Sets with backdown / Lances con retroceso

Year / Año	No. sets / No. lances	Mort.	MPS / MPL
93	67	7	0.10
94	47	1	0.02
95	35	3	0.09
96*	22	0	0.00
Total	171	11	0.06

Sets without backdown / Lances sin retroceso

Year / Año	No. sets / No. lances	Mort.	MPS / MPL
93	11	5	0.45
94	3	0	0.00
95	4	1	0.25
96*	5	6	1.20
Total	23	12	0.52

Mortality in intentional and accidental dolphin sets with capture of 1 - 5 animals
Mortalidad en lances intencionales y accidentales con captura de 1 a 5 animales

Sets with backdown / Lances con retroceso

Year / Año	No. sets / No. lances	Mort.	MPS / MPL
93	68	7	0.10
94	52	2	0.04
95	35	3	0.09
96*	22	0	0.00
Total	177	12	0.07

Sets without backdown / Lances sin retroceso

Year / Año	No. sets / No. lances	Mort.	MPS / MPL
93	12	5	0.42
94	10	6	0.60
95	7	7	1.00
96*	6	6	1.00
Total	29	18	0.62

* Data through 31 October 1996 / Datos hasta el 31 de octubre de 1996