

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM  
INTERNATIONAL REVIEW PANEL (IRP)  
63<sup>rd</sup> MEETING**

**San Diego, California, USA  
August 16<sup>th</sup>, 2018**

**REPORT OF THE MEETING**

**AGENDA**

	Documents
1. Opening of the meeting	
2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of the report of the 62 <sup>nd</sup> meeting	
5. Review of Dolphin Mortality Limits for 2017 and 2018	IRP-63-01
6. Review of AIDCP <i>List of Qualified Captains</i>	IRP-63-02
7. Review of observer data	
8. Review of actions by Parties on possible infractions reported by the IRP:	
a. Actions taken since the report at the 62 <sup>nd</sup> meeting	IRP-63-03
b. Status review of special cases	IRP-63-04
9. Report of the Permanent Working Group on Tuna Tracking	
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11. Recommendations for the Meeting of the Parties	
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**APPENDIX**

1. List of attendees

The 63<sup>rd</sup> meeting of the International Review Panel was held in San Diego, California, USA on August 16<sup>th</sup>, 2018.

**1. Opening of the meeting**

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), which provides the Secretariat for the Agreement on the International Dolphin Conservation Program (AIDCP), opened the meeting.

**2. Election of the Presider**

Mr. Julio Guevara, from Nicaragua, was elected as the Presider of the meeting.

**3. Adoption of the agenda**

The agenda was adopted with the request from Venezuela to include, under the “Other business” item, a DML request for one of its vessels.

**4. Approval of the report of the 62<sup>nd</sup> meeting**

The report of the 62<sup>nd</sup> meeting of the Panel was approved without changes.

## 5. Review of Dolphin Mortality Limits for 2017 and 2018

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2017 and 2018, described in Document IRP-63-01, noting that in 2017 one vessel exceeded its DML, but the Party granted it 18 dolphins from its additional DML for reallocation. One hundred full-year DMLs were allocated in 2017—with an average of 49 dolphins—as well as two DMLs from the Reserve DML Allocation (RDA). Eighty-nine DMLs were utilized before April 1<sup>st</sup> and five were exempted due to *force majeure*, from which three were not utilized. Six DMLs were forfeited.

In 2017, mortality per set was 0.08 from a total of 8,863 sets on tunas associated with dolphins and 24 vessels did not cause any mortality. The average mortality per vessel was 7.32.

In 2018, 103 full-year DMLs were allocated and, as of the day of the meeting, no DML from the RDA was allocated. Ninety-five DMLs were utilized before April 1<sup>st</sup>, five were forfeited and two were exempted due to *force majeure*. One vessel renounced its DML. The average allocated DML was 47.57 dolphins. Mortality per set as of July 6<sup>th</sup>, 2018 is 0.08 dolphins in 5,777 sets on tunas associated with dolphins.

There were no comments regarding this item of the agenda.

## 6. Review of AIDCP List of Qualified Captains

The Secretariat presented Document IRP-63-02, “Changes to the AIDCP List of Qualified Captains”, which updates the changes that occurred between October 4<sup>th</sup>, 2017 and July 6<sup>th</sup>, 2018.

During this time, 12 captains were added to the list, none were removed and one was reinstated.

Colombia requested that training seminars be held for captains about the new IATTC management measures, including Class-6 and smaller vessels. Venezuela mentioned that the director of their national program is authorized and qualified to teach courses, so the country’s training opportunities were put at the disposal of the other members. It was emphasized that there is a need for courses on the new resolutions that include provision of data on FADs.

The Secretariat reported that it had participated in a course organized by the ISSF—which did not comply with AIDCP requirements but included matters of compliance with resolutions—during the week of August 14<sup>th</sup> in Manta, Ecuador.

## 7. Review of observer data

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions received and processed by the Secretariat since the Panel’s previous meeting. The Panel discussed those cases that were not automatically referred to the relevant Parties to determine which of them should be forwarded to the responsible government as possible infractions.

- a) Three trips of the same vessel were reviewed. The vessel conducted fishing activities with a captain that was not included in the List of Qualified Captains. The trips were **2017-916** and **2018-228**, monitored by an IATTC observer, and **2018-140**, monitored by an observer from the national program. On trip 2018-228, the observer request procedure was made with the name of a captain included in the List of Qualified Captains, but the trip was conducted by another captain who was not included in the list.

Several commented that the reiteration of the infraction cannot be accepted. It was recommended that the case be referred to the corresponding Party as a possible infraction, noting the reoccurrence and the fact that an observer request was issued with false information. Furthermore, this case was written down on the list of special cases in order to keep track of it.

- b) Trip **2018-016** was reviewed, also under the alleged infraction of conducting fishing activities with

a captain that was not included in the List of Qualified Captains. In this case, during the trip a qualified captain was replaced by an unqualified captain, who is not currently on the list.

The Panel decided to refer it as a possible infraction and pointed out that there are several training courses/seminars to prevent the industry from facing the problem of not having available captains from the List of Qualified Captains.

- c) A case from trip **2018-055** was reviewed, in which explosives were allegedly used in sets 14 and 19. The observer describes having heard a loud explosion and seen smoke in both sets.

The Panel recommended that the case be forwarded to the corresponding Party for investigation.

- d) Six cases were reviewed in which vessels made sets associated with dolphins and the relevant government did not notify the initial DML allocation. Five of these cases are from one flag, and the sixth one is from a different flag.

The Panel reiterated the obligation of the flag's national authority to notify the allocation or reallocation of DMLs to the Secretariat, in accordance with the provisions of the AIDCP and within the period established in the agreement. The Panel recommended that both cases be sent to the corresponding Parties.

- e) Trip **2018-354** was reviewed, where there was an alleged interference with the observer's duties. It was reported that the observer was not given the necessary information to carry out his work, including an attempt to hide the identification of satellite buoys. Furthermore, the observer described that he received bribe offers in exchange of not recording dolphin mortality.

Some members of the Panel highlighted the importance of training the observers, warning that they should describe situations objectively and avoid making subjective interpretations. Other members emphasized the importance of granting the necessary support to the observer for him to carry out his duties. However, the Secretariat staff indicated that they had not identified any subjective element in the observer's notes—he was only describing the events—and that, during training, this is already stressed.

The Panel recommended that the case be sent to the corresponding Party for investigation and be classified as a special case.

- f) One case was reviewed in which two observers in two vessels from different flags and observer programs reported different versions of a same set. One version mentions that a set was made to clean the net and the other one that there was a set made on dolphins.

The Panel stressed that this case calls for an investigation conducted by the flag State, which should then present the information to the IRP in order to clarify the events. In such case, it was recommended that a letter be sent to the national authority of the vessel that allegedly made a set on dolphins for investigation.

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

### **a. Actions taken since the report at the 62<sup>nd</sup> meeting**

The Secretariat presented the document "Actions taken since the report at the 62<sup>nd</sup> meeting of the IRP." It was mentioned that there were no infractions at the 62<sup>nd</sup> meeting that should be reported. Nevertheless, cases of possible infractions that have been under investigation for two or more years were presented: two observer harassment cases from Ecuador, one night set case from Mexico and two cases of fishing without an observer from Ecuador.

Mexico reported that they are about to conclude the case of the alleged night set and that they will share the results shortly. Ecuador reported that, in terms of the cases of fishing without an observer, in one of them there were not enough elements recorded to determine if there was indeed an infraction, and the other one was sent to the public prosecutor's office as a criminal case so, in terms of fishing, it was filed. Nonetheless,

Ecuador will inform the IRP when the prosecutor reaches a decision.

**b. Status review of special cases**

The Secretariat presented Document IRP-63-04, “Summary of Pending Special Cases Monitored by the IRP.” It was recalled that there are two cases in which an observer was apparently substituted by an unknown person during trips 2014-004 and 2014-145. These cases were originally addressed by the Panel at its 55<sup>th</sup> meeting in June 2014 and at each subsequent meeting.

With regard to these two cases, during previous meetings the Panel had already highlighted the need of fully taking into account the responsibility of the shipowner and the vessel’s captain, particularly due to the violation of their obligations regarding their crew role endorsed by the relevant maritime authorities, without prejudice to the observer’s responsibility over the violation of his work obligations.

Ecuador reiterated that it was determined that there were insufficient elements to process one of the cases, and the other one was sent to the public prosecutor’s office to address it as a criminal case.

**9. Report of the Permanent Working Group on Tuna Tracking**

Mr. David Hogan, who chaired the Working Group, presented his report. He expressed that there were no specific recommendations for the IRP; however, while reviewing special cases of apparent TTF forgery, it was recommended that these issues be no longer addressed in the tracking group since it was reported that no further progress could be made on their review. However, in future similar cases, pertinent authorities are encouraged to cooperate in the investigations for a prompt solution and report them to the working group.

**10. Other business**

Venezuela informed that it had ask the Secretariat to circulate a request to be granted a DML from the ones that it was reallocated in order to grant a DML to a vessel that forfeited it for not having made a set on dolphins before April 1<sup>st</sup> and that was unable to fish due to major breakdowns. The request was not circulated due to the proximity of the date of the Meeting of the Parties and the convenience of addressing the issue during the meeting.

It was recalled that there was already a precedent where the Parties accepted the reallocation of a DML from the ones reallocated to a Party in a previous meeting. In such case, it was agreed that it would be recommended to the Parties that the request be accepted, but the request letter from Venezuela must be circulated. Likewise, it was stressed that the country must ensure that the vessel meets the necessary requirements for the allocation of a DML.

**11. Recommendations for the Meeting of the Parties**

The Panel agreed on the following recommendations for the Meeting of the Parties:

- 1) Grant an internal reallocation of DMLs for a Venezuelan vessel that forfeited its DML. The allocation would be proportional to the remaining of the fishing year.
- 2) Approve the handling of cases with possible infractions as presented in section 7 of the Presider’s report.

**12. Place and date of next meeting**

The next meeting of the Panel will be held in conjunction with the next meetings of the AIDCP.

**13. Adjournment**

The meeting was adjourned at 14:30 p.m. on August 16<sup>th</sup>, 2018.