

**MINUTES OF THE 30TH INTERGOVERNMENTAL MEETING
ON THE CONSERVATION OF TUNAS AND DOLPHINS
IN THE EASTERN PACIFIC OCEAN**

Panama City, Panama
October 3-4, 1995

Chairman: Vice-Minister José A. Troyano

Agenda Item 1 - Opening of the meeting

The meeting was called to order by Dr. Joseph, Director of the IATTC, at 2:45 p.m. on October 3, 1995. Representatives of the governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Japan, Mexico, Spain, the United States of America, Vanuatu, and Venezuela were present, as were observers from OLDEPESCA, the World Wildlife Fund, Humane Society International, Whale and Dolphin Conservation Society, Greenpeace International, Environmental Defense Fund, Center for Marine Conservation, and the Asociación Empresarial Pesquera de América Latina. The attendees are listed in Appendix 1.

Agenda Item 2 - Election of the Chairman

Dr. Joseph asked for nominations for Chairman, and Vice-Minister José A. Troyano of Panama was elected.

The representatives of France, Honduras, Japan, and Spain said they were attending as observers.

The Chairman asked for comments on the provisional agenda, which was accepted as presented (Appendix 2).

Agenda Item 3 - Review of the International Dolphin Conservation Program through September 1995

Dr. Joseph reviewed the deliberations of the meetings of the International Review Panel (IRP) and the IATTC held in the previous two days. The President of the IRP meeting reported on the Panel's work: he said that the Panel had considered technical issues, and in the course of its work had formulated a series of recommendations for consideration by this Intergovernmental Meeting.

The Chairman called for comments on the recommendations, which were approved with minor amendments (Appendix 3).

Referring to the resolution concerning accommodations for observers aboard vessels, Dr. Joseph stated that he intended to give vessel owners reasonable notice of the need to provide suitable accommodations before declining to place observers. The meeting agreed, but asked that a progress report be made at the next meeting of the IRP.

The meeting then addressed the matter of whether bycatch issues should be addressed by the Scientific Advisory Board or an *ad hoc* working group, and decided on the former.

Agenda Item 4 - Considerations for 1996 and beyond

There was no discussion under this item.

Agenda Item 5 - Other business

At the request of Mexico, the meeting was recessed to allow consultation among governments.

The meeting resumed at 2:20 p.m. on October 4. Two declarations were approved: the Panama Declaration (Appendix 4), signed by the representatives of Belize, Colombia, Costa Rica, Ecuador, France,

Honduras, Mexico, Panama, Spain (with one reservation), the United States, Vanuatu and Venezuela, and the Declaration on Strengthening the Objectives and Operation of the Convention establishing the IATTC (Appendix 5). Spain and France's support of the Panama Declaration was subject to reservation because of the European Union's fisheries legislation.

The representative of France said that he had been instructed to announce that France favored Ecuador's admission to the IATTC. The representative of Ecuador thanked France, noting that Costa Rica, Japan, and the United States were also in favor of this, and asked the governments of Nicaragua, Vanuatu, and Venezuela to indicate their approval of Ecuador's membership.

Agenda Item 6 - Adjournment

The attendees thanked the Government of Panama for its hospitality, the Chairman for guiding the meeting, and Dr. Joseph and the IATTC staff and all others involved for making the meeting a success.

The representative of Mexico said that this meeting had been very important, because of the two major declarations which had been approved. The declaration regarding the IATTC Convention meant that soon the development would start of a new and binding instrument, which would take into account the current framework of fisheries management, including the United Nations Convention on the Law of the Sea and its provisions relating to the conservation and management of straddling and highly migratory fish stocks.

The United States and Mexico made closing statements, attached as Appendices 6 and 7. The joint statement made by the Center for Marine Conservation, the Environmental Defense Fund, Greenpeace International, the National Wildlife Federation, and the World Wildlife Fund is attached as Appendix 8, and the Whale and Dolphin Conservation Society's statement as Appendix 9; the Humane Society International made an oral statement expressing opposition to the Panama Declaration. Finally, Panama's Minister of Commerce expressed her pleasure at the successful and historic outcome of the meeting; she thanked all concerned and wished everyone a safe journey home.

The Chairman adjourned the meeting at 3:30 p.m.

**30th Inter-Governmental Meeting
on the Conservation of Tunas and Dolphins in the eastern Pacific Ocean--
30ª Reunión Intergubernamental
sobre la Conservación de Atunes y Delfines en el Océano Pacífico oriental**

Panama City, Panama -- Ciudad de Panamá, Panamá
October 3-4, 1995 -- 3 y 4 de octubre de 1995

ATTENDEES -- ASISTENTES

BELIZE-BELICE

ROBERT S. GOLDSON
Consul General
Ministerio de Relaciones Exteriores

COLOMBIA

CLIFFORD BONILLA SMITH
Viceministro
Desarrollo Agrícola y Pesquero
Ministerio de Agricultura

ALFONSO ARAUJO COTES
Embajador Extraordinario y
Plenipotenciario
Embajada de Colombia

MARTA LIGIA GONZÁLEZ LEÓN
Consejero
Embajada de Colombia

FERNANDO PEREIRA VELÁSQUEZ
Ministerio de Agricultura

CLARA GAVIRIA
Ministerio de Comercio Exterior

ALEJANDRO LONDOÑO GARCÍA

JOSÉ ADOLFO RINCÓN
Instituto Nacional de Pesca y Acuicultura

ARMANDO HERNÁNDEZ RODRÍGUEZ
Cámara de la Industria Pesquera

ALVARO BUSTAMANTE STEER
LUIS EDUARDO BLANCO CAMACHO
Atunes y Enlatados del Caribe, S.A.

HUGO DOMINGO MARINO VILLA
GUILLERMO DAW ALVAREZ
FRIGOGAN, S.A.

LUIS LÓPEZ MARRUGO
Frigopesca, S.A.

JAIRO EDUARDO RAMÍREZ
PROPESCOL, S.A.

JOHNNY ORDOSGOITIA
ASERTUNES

COSTA RICA

ALVARO MORENO GÓMEZ
INCOPECA

HERBERT NANNE
Asesor, Industria Atunera

ODIN THAANUM
SARDIMAR, S.A.

HERMES NAVARRO VARGAS
JERRY TEN BRINK
Borda Azul, S.A.

ECUADOR

GUSTAVO GONZALEZ CABAL
Subsecretario
LUIS TORRES NAVARRETE
Min. de Industrias, Comercio, Integración y Pesca

HAROLD MULLER-GELINEK YCAZA
Director Ejecutivo
GUILLERMO MORAN VELÁZQUEZ
Instituto Nacional de Pesca
Min. de Industrias, Comercio, Integración y Pesca

JOSÉ M. GÓMEZ DE LA TORRE
Encargado de Negocios del Ecuador

CESAR ROHON HERVAS
Cámara Nacional de Pesquería

AGUSTIN JIMÉNEZ SANTISTEVAN
PESPACA

CARLOS CALERO CALDERON
Conservas Isabel Ecuatoriana, S.A.

ESPAÑA-SPAIN

JESÚS MIRANDA DE LARRA Y ONÍS
Min. de Agricultura, Pesca y Alimentación

JOSÉ MANUEL SÁNCHEZ MORA
ASCONSER

FRANCE-FRANCIA

ANDRÉ STELL
Consejero Comercial
Embajada de Francia

HONDURAS

YOLANDA RODRIGUEZ DE CWU
Viceministra
Secretaría de Recursos Naturales

MARCO POLO MICHELETTI
Director General de Pesca y Acuicultura
Secretaría de Recursos Naturales

JAPAN-JAPON

TAKA AKI SAKAMOTO
International Affairs Division
Oceanic Fisheries Department
Fisheries Agency of Japan

SALLY J. CAMPEN
Federation of Japan Tuna Fisheries Cooperative
Associations

MÉXICO

DAMASO LUNA CORONA
Director General, Coordinación Gral. del Medio
Ambiente y Recursos Naturales
Secretaría de Relaciones Exteriores

ENRIQUE HERNANDEZ CASTAÑEDA
Embajada de México

CARLOS CAMACHO GAOS
Subsecretario de Pesca
MARA MURILLO CORREA
JERONIMO RAMOS SAENZ PARDO
PABLO ARENAS FUENTES
GUILLERMO COMPEÁN JIMÉNEZ
MARIO GILBERTO AGUILAR S.
Sec. de Medio Ambiente, Recursos Naturales y Pesca

MARK ROBERTSON
Gold & Liebengood

FELIPE CHARAT
ALFONSO ROSIÑOL
CANAINPES

JOSÉ VELÁZQUEZ CÁRDENAS
CANAINPES
Supremos del Golfo y del Pacífico, S.A. de C.V.

SERGIO GÓMEZ LORA
Sec. de Comercio y Fomento Industrial

JOSE E. CARRANZA BELTRAN
Pesca Azteca, S.A. de C.V.

ARMANDO GONZÁLEZ BACA
Atunera del Pacífico, S.A

PANAMA

NTZIA R. de VILLARREAL
Ministra
Ministerio de Comercio e Industrias

JOSE A. TROYANO
Viceministro
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RICARDO MARTÁNS GARCÍA
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ARMANDO MARTINEZ VALDES
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RICARDO ENRIQUE ICAZA
APIA

DALVA AROSEMENA
NORAD

ANTONIO DA COSTA
MARIO GONZÁLEZ RECINOS
PRADEPESCA

HISASHI HIRATSUKA
JICA-JAPAN

CHEN CHEN-HUI
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ARNULFO LUIS FRANCO R.
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HÉCTOR DONADÍO CARRILLO
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CESAREO MORAL C.
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AUBREY OLIVER DAWKINS
ODIKA Financial Corp.

JOSE A. ISAZA R.
Palangre Fishing Co., S.A.

JAIME DE LA FLOR B.
EDUARDO LOMBANA A.
INTERTUNA, S.A.; COINASA, S.A.;
ALBACORA CARIBE, S.A.

MILAN PRIKA
INTERTUNA, S.A.

FOTIS LYMBEROPULOS
PROVASA

JOSE D. FIGUEROA
PANAFRIO

JOEL RODRÍGUEZ DA LUZ
JOSE DOS GONÇALVES DE BRITO
Atún Mar

JULIO ANZOLA M.
KEN MACLEAN
Casamar

ROBERTO MIGUEL CARRILLO GRANDE
StarKist Panamá

UNITED STATES-ESTADOS UNIDOS

MICHAEL TILLMAN
National Marine Fisheries Service

BRIAN HALLMAN
DAVID BALTON
Department of State

MARTIN HOCHMAN
National Oceanic and Atmospheric Administration

PAUL NIEMEIER
DANA WILKES
National Marine Fisheries Service

ED STOCKWELL
StarKist Foods Inc.

VANUATU

ANTHONY N. TILLET
Vanuatu Maritime Commission

VENEZUELA

MIRIAM R. de DE VENANZI
Instituto de Comercio Exterior

JOSÉ MARÍA BENGOA
Inversiones Berloli, S.A.

CARMELA GENTILE
PANPACIFIC

JUAN M. HUARTE VILLANUEVA
Corp. CAMFLOR, C.A.

INTERNATIONAL ORGANIZATIONS -- ORGANIZACIONES INTERNACIONALES

CARLOS MAZAL
OLDEPESCA

NON-GOVERNMENTAL ORGANIZATIONS -- ORGANIZACIONES NO GUBERNAMENTALES

KATHLEEN O'CONNELL
Whale & Dolphin Conservation Society

ROBERT UKEILEY
ALVARO POSADA-SALAZAR
Humane Society International

TRACI ROMINE
Greenpeace International

WILLIAM SCOTT BURNS
World Wildlife Fund

NINA YOUNG
Center for Marine Conservation

FRANCISCO HERRERA TERÁN
Asociación Empresarial Pesquera de América Latina

ANNIE PETSONK
Environmental Defense Fund

IATTC -- CIAT

JAMES JOSEPH, Director
ROBIN ALLEN
MARTIN HALL
DAVE BRATTEN
ERNESTO ALTAMIRANO
ENRIQUE UREÑA
BERTA JUAREZ

República de Panamá



Appendix 2

Ministerio de Comercio e Industrias

**30th Inter-Governmental Meeting
on the Conservation of Tunas and Dolphins in the eastern Pacific Ocean**

October 3-4, 1995

Panamá City, Panamá

AGENDA

1. Opening of the meeting
2. Election of Chairman
3. A review of the International Dolphin Conservation Program through September 1995
4. Considerations for 1996 and beyond
5. Other business
6. Adjournment



REPORT OF THE INTERNATIONAL REVIEW PANEL (IRP)

The IRP agreed to make the following recommendations to the Intergovernmental Meeting:

1. That the Intergovernmental Meeting instruct either the Scientific Advisory Board, or a new group, to examine bycatch issues.
2. That Governments:
 - a) note that the Director will adopt a policy on observer accommodation similar to that contained in the Law of Mexico, which requires that observer accommodation be of no less a standard than that of crew members,
 - b) which do not already have similar requirements in their law or regulations adopt them, and
 - c) direct the Director not to place observers on vessels which do not provide suitable accommodation.
3. That Governments increase their efforts to fund research into methods to reduce dolphin mortality.
4. That the Intergovernmental Meeting:
 - a) agrees to the amendments contained in Attachment I to the "Procedures for dealing with special problems sets in 1995 and 1996", and
 - b) notes that the IRP will review the procedures again at its first meeting in 1996.
5. That the Intergovernmental Meeting agrees to amend the IRP Rules of Procedure as described in Attachment II.
6. That the Intergovernmental Meeting:
 - a) note that the number of Governments represented at the IRP has increased from the original five to eight, while the number of environmental non-governmental organization and industry panel members remain at two each, effectively reducing participation by non-governmental members, and
 - b) analyze this situation from the point of view of number and geographic distribution.
7. That the Intergovernmental Meeting:
 - a) agree that the deadline for applications for 1996 Dolphin Mortality Limits (DMLs) be extended until December 1, 1995, and
 - b) note that the request reflects the goodwill amongst the representatives on the IRP.

INTERNATIONAL REVIEW PANEL

WORKING GROUP ON SPECIAL PROBLEM SETS

La Jolla, California, June 9, 1995

PROCEDURES FOR DEALING WITH SPECIAL PROBLEM SETS IN 1995 AND 1996

1. DEFINITION

A special problem set is a set in which:

- a) the mortality exceeds 50% of the individual-vessel DML for the year of the event and affects that vessel's DML for the following year;
- 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 maintenance 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 and making the appropriate recommendations 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, it must immediately cease fishing on dolphins for the remainder of that year.
- b) When a vessel exceeds its DML due to a special problem set, its DML for the following year will be reduced by 40% or by the difference between the actual mortality and the DML in the year of the event, whichever is less. If that difference is not fully covered in the year after the event,

then the DML for the following year will be reduced by 20% or by the remaining difference, whichever is less. As an incentive, if the vessel achieves a reduction of 50% or more from the DML for the year after the event (before any reduction due to the special problem set), it will be exempted from any further DML reductions in the following year.

- c) If the total mortality caused by the fleet exceeds the overall DML for the year of the event, the excess imputable to the special problem sets will be deducted from the DMLs for the year after the event 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 the year of the event not been exceeded. If this deduction exceeds an individual vessel's DML, that vessel shall not be permitted to fish on dolphins in the year after the event.
- d) The treatment of the DMLs for any vessel making a special problem set in the years 1997 onwards shall be decided by further resolution of the IRP and the Intergovernmental Meeting.

4. RECOMMENDATIONS

- a) We recommend to the IRP that the analysis and opinions of a captain's panel, to be constituted by the IATTC, be requested in all cases with special problem sets.
- b) The conclusions 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.
- c) The captains' panel shall be bound by the same rules as the IRP, including that of absolute confidentiality.

IRP Report, Attachment II

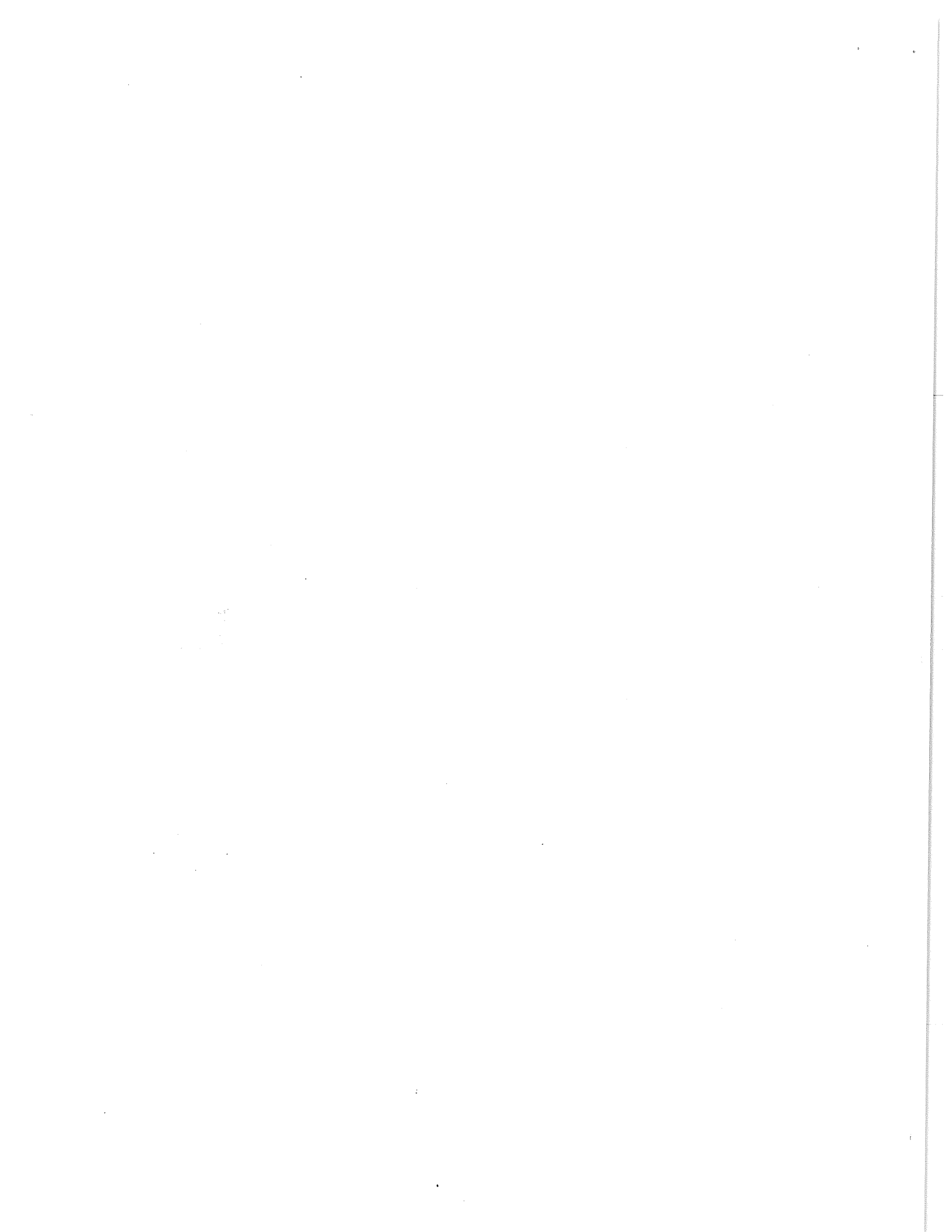
AMENDMENT TO RULES OF PROCEDURE

RULE IX: Add "and observers" following the words "Members of the Panel."

NEW RULE X. ATTENDANCE AT MEETINGS:

- a) There shall be no restrictions on the number of persons a member government can include in its delegation to an IRP meeting.
- b) Any IATTC member country or country signatory to the Agreement that is not a member of the IRP may be represented by an observer.
- c) Any country not a member of the IATTC or not signatory to the Agreement may be represented by an observer with the approval of two-thirds of the members of the Panel.
- d) The Secretariat may invite representatives of intergovernmental organizations as observers, with prior notification of IRP members.
- e) Observers are limited to two delegates, but may bring more with the approval of two-thirds of the members of the Panel.

Former Rules X and XI to be renumbered as XI and XII.



DECLARATION OF PANAMA

The Governments of Belize, Colombia, Costa Rica, Ecuador, France¹, Honduras, Mexico, Panama, Spain¹, United States of America, Vanuatu and Venezuela, meeting in Panama City, Republic of Panama on October 4, 1995, hereby reaffirm the commitments and objectives of the La Jolla Agreement of (1) progressively reducing dolphin mortality in the eastern Pacific Ocean (EPO) fishery to levels approaching zero through the setting of annual limits and (2) with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins.

Recognizing the strong commitments of nations participating in the La Jolla Agreement and the substantial successes realized through multilateral cooperation and supporting national action under that Agreement, the Governments meeting in Panama, including those which are, or have announced their intention to become, members of the Inter-American Tropical Tuna Commission (IATTC), announce their intention to formalize by January 31, 1996, the La Jolla Agreement as a binding legal instrument which shall be open to all nations with coastlines bordering the EPO or with vessels fishing for tuna in this region. This shall be accomplished by adoption of a binding resolution of the IATTC or other legally binding instrument. The adoption of the IATTC resolution or other legally binding instrument, that utilizes to the maximum extent possible the existing structure of the IATTC, is contingent upon the enactment of changes in United States law as envisioned in Annex I to this Declaration. The binding legal instrument shall build upon the strengths and achievements of the La Jolla Agreement, the working groups established under it, and the actions of the Governments participating in that Agreement. This binding legal instrument shall consist of the La Jolla Agreement, its appendices, and the decisions of the governments under that Agreement as modified to achieve the objectives and commitments contained herein.

The Governments meeting in Panama agree that in concluding, adopting, and implementing this binding legal instrument, they will:

Commit to the conservation of ecosystems and the sustainable use of living marine resources related to the tuna fishery within the EPO. Adopt conservation and management measures that ensure the long-term sustainability of tuna stocks and other stocks of living marine resources in the EPO. Such measures shall be based on the best scientific evidence, including that based on a precautionary methodology, and shall be designed to maintain or restore the biomass of harvested stocks at or above levels capable of producing maximum sustainable yield, and with the goal to maintain or restore the biomass of associated stocks at or above levels capable of producing maximum sustainable yield. These measures and methodology should take into consideration, and account for, natural variation, recruitment rate, natural mortality rate, population growth rate, individual growth rate, population parameters K and r, and scientific uncertainty.

¹ Spain and France support the commitments of this Declaration under reservation because of the legislation related to fisheries of the European Union.

Commit, according to their capacities and in coordination with the IATTC, to the assessment of the catch and bycatch of juvenile yellowfin tuna and other stocks of living marine resources related to the tuna fishery in the EPO and the establishment of measures to, inter alia, avoid, reduce and minimize the bycatch of juvenile yellowfin tuna and bycatch of non-target species, in order to ensure the long-term sustainability of all these species, taking into consideration the interrelationships among species in the ecosystem.

Commit in the exercise of their national sovereignty to enact and enforce this instrument through domestic legislation and/or regulation, as appropriate.

Adopt cooperative measures to ensure compliance with this instrument, building upon decision IGM 6/93, Appendix IV, "Guiding Principles Respecting Relationships between States Both Party and Non-Party to the Agreement," taken by the nations participating in the La Jolla Agreement Working Group in Vanuatu in June 1993, and advance the work of the Working Group on Compliance, building upon decision IGM 6/93, Appendix V, "Options for Action Against Nations Not Complying With the Agreement." (Annex II)

Enhance the practice of reviewing and reporting on compliance with this instrument, building upon past practices under the La Jolla Agreement.

Establish a per-stock per-year cap of between 0.2% of the Minimum Estimated Abundance (Nmin) (as calculated by the U.S. National Marine Fisheries Service or equivalent calculation standard) and 0.1% of Nmin, but in no event shall the total annual mortality exceed 5000 consistent with the commitments and objectives stated in the preamble above. In the year 2001, the per-stock, per-year cap shall be 0.1% of Nmin.

Conduct in 1998 a scientific review and assessment of progress toward the year 2001 objective, and consider recommendations as appropriate. Up to the year 2001, in the event that annual mortality of 0.2% of Nmin is exceeded for any stock, all sets on that stock and on any mixed schools containing members of that stock shall cease for that fishing year. Beginning in the year 2001, in the event that annual mortality of 0.1% of Nmin for any stock is exceeded, all sets on that stock and on any mixed schools containing members of that stock shall cease for that fishing year. In the event that annual mortality of 0.1% of Nmin is exceeded for either Eastern Spinner or Northeastern Spotted dolphin stocks, the governments commit to conduct a scientific review and assessment and consider further recommendations.

Establish a per-vessel maximum annual DML consistent with the established per-year mortality caps.

Establish a system that provides incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality in the EPO.

Establish or strengthen National Scientific Advisory Committees (NATSAC), or the equivalent, of qualified experts, operating in their individual capacities, which shall advise

their respective governments on mechanisms to facilitate research, and on the formulation of recommendations for achieving the objectives and commitments contained herein, or strengthen existing structures in order to conform with the requirements delineated herein. Membership to NATSACs shall include, *inter alia*, qualified scientists from the public and private sector and NGOs. The NATSACs shall:

1. Receive and review data, including data provided to national authorities by the IATTC;
2. Advise and recommend to their governments measures and actions that should be undertaken to conserve and manage the stocks of living marine resources of the EPO;
3. Make recommendations to their governments regarding research needs, including ecosystems; fishing practices; and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear; and the coordination and facilitation of such research;
4. Conduct scientific reviews and assessments by the year 1998 regarding progress toward the year 2001 objective stated above, and make appropriate recommendations to their governments concerning these reviews and assessments; as well as additional assessments in the year 2001 as provided above;
5. Consult other experts as needed;
6. Assure the regular and timely full exchange of data among the parties and the NATSACs on catch of tuna and associated species and bycatch, including dolphin mortality data, for the purposes of developing conservation and management recommendations to their governments as well as recommendations for enforcement and scientific research while not violating the confidentiality of business-confidential data;
7. Establish procedures to, *inter alia*, hold public meetings and maintain the confidentiality of business-confidential data.

Reports of the NATSACs, including of their cooperative meetings, shall be available to the parties and the public.

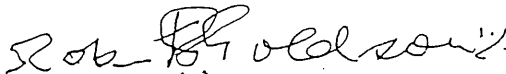
The NATSACs shall cooperate, through regular and timely meetings, including at a minimum in conjunction with the meetings of the IATTC, in the review of data and the status of stocks, and in the development of advice for achieving the objectives and commitments contained herein.

Promote transparency in their implementation of this Declaration, including through public participation as appropriate.

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As soon as possible, the nations of the Intergovernmental Group convened under the auspices of the IATTC will initiate discussions related to formulation of a new, permanent, binding instrument.


FOR THE GOVERNMENT OF BELIZE


FOR THE GOVERNMENT OF COLOMBIA


FOR THE GOVERNMENT OF COSTA RICA


FOR THE GOVERNMENT OF ECUADOR

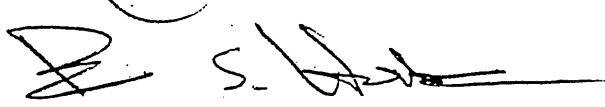
FOR THE GOVERNMENT OF FRANCE


FOR THE GOVERNMENT OF HONDURAS


FOR THE GOVERNMENT OF MEXICO

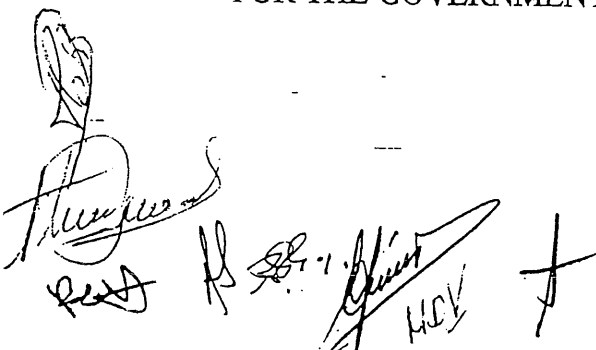

FOR THE GOVERNMENT OF PANAMA


FOR THE GOVERNMENT OF SPAIN


FOR THE GOVERNMENT OF THE UNITED STATES


FOR THE GOVERNMENT OF VANUATU


FOR THE GOVERNMENT OF VENEZUELA



ANNEX I

Envisioned changes in United States law:

1. Primary and Secondary Embargoes. Effectively lifted for tuna caught in compliance with the La Jolla Agreement as formalized and modified through the processes set forth in the Panama Declaration.
2. Market Access². Effectively opened to tuna caught in compliance with the La Jolla Agreement as formalized and modified through the processes set forth in the Panama Declaration with respect to States to include: IATTC Member States and other States that have initiated steps, in accordance with Article 5.3 of the IATTC Convention, to become members of that organization.
3. Labeling. The term "dolphin safe" may not be used for any tuna caught in the EPO by a purse seine vessel in a set in which a dolphin mortality occurred as documented by observers by weight calculation and well location.

² Spain maintains a reservation on point number two of the Annex "Market Access," pending further review.

Appendix IV.

Guiding Principles respecting relationships between States both Party and Non-Party to the Agreement

The Parties to the Agreement incorporate into the Agreement a guiding principle that no Party shall act in a manner that assists non-parties to avoid compliance with the objectives of the Agreement.

When a coastal state that is a Party issues a license to engage in fishing in its Exclusive Economic Zone portion of the eastern Pacific Ocean (EPO), either directly or through a licensing agreement, to a vessel of a non-party, the license should be subject to the provisions of the Agreement.

The Parties should consider prohibiting persons under their jurisdiction from assisting in any way vessels of non-complying Parties or non-parties operating in the fishery.

Any state whose vessels are conducting purse-seine tuna-fishing operations in the EPO should be invited to join the Agreement. The Parties should draw the attention of any state that is not a party to the Agreement to any activity undertaken by its nationals or vessels which, in the opinion of the Parties, affects the implementation of the objectives of the Agreement.

NOV

A. Options for Action With Respect to Nations Party to the Agreement

Diplomatic actions:

- * Collective representation to the non-complying nation. This would constitute a communication emanating from plenary meeting of the participating nations after consultation with the non-complying nation.
- * Diplomatic communication. Each participating nation, acting individually or in concert with other nations, would undertake a diplomatic demarche to the non-complying nation.

Public opinion actions:

- * Dissemination of information regarding the non-compliance of the nation to the public through appropriate media, e.g., a press conference.

Operational restrictions:

- * Denial of access to the Exclusive Economic Zones of nations party to the agreement for fishing operations by tuna fishing vessels of the non-complying nation. The scope of this action would have to be determined by the International Review Panel (IRP) by defining what constitutes a tuna-fishing vessel, i.e., vessels covered by the Agreement, or other tuna-fishing vessels as well. This action should not restrict freedom of navigation or other rights of vessels under international law.
- * Restriction of access to ports and port servicing facilities for tuna fishing vessels of the non-complying nation. This would not apply to vessels in distress.
- * Refusal of logistical support and/or supplies to tuna-fishing vessels of the non-complying nation.
- * Reduction of Dolphin Mortality Limits (DMLs) to all vessels of the non-complying Party by specified percentages. DMLs would be restored immediately upon a determination that the nation is in compliance.

Economic sanctions:

- * Trade measures. The Working Group discussed at length trade measures against non-complying nations. These might include embargoes or other restrictions on the imports of, for example, tuna, other fish products, other marine products, or other products.
- * The consideration of such measures was recognized to be an extremely delicate and evolving policy issue for which few guidelines exist in international law. The Working Group noted ongoing discussions concerning this issue in other international fora. In light of these considerations, the Working Group agreed that trade measures should receive further review by the Parties prior to making any recommendation in this respect.
- * Fines (monetary penalties). The Working Group considered that the IRP should identify procedures for imposing fines, including defining the value of the fines (this could be based on a percentage of the amount of the commercial value of the catch), and the destination of the fines (e.g., an international trust fund) as issues that the Parties should discuss. The Working Group noted that there apparently is no precedent for such fines.

B. Options for Action With Respect to Nations Not Party to the Agreement

Diplomatic actions:

- * Collective representation to the non-party. This would constitute a communication emanating from a plenary meeting of the participating nations after consultations with the non-party.
- * Diplomatic communication. Each participating nation, acting individually or in concert with other nations, would undertake a diplomatic demarche to the non-party.

Public opinion actions:

- * Dissemination of information regarding the non-compliance of the non-party to the public through appropriate media, e.g., a press conference.

Operational restrictions:

- * Restriction of access to ports and port servicing facilities for tuna-fishing vessels of the non-party. The scope of this action would have to be determined by the IRP by defining what constitutes a tuna-fishing vessel, i.e., solely vessels covered by the Agreement, or other tuna-fishing vessels as well. This action should not restrict freedom of navigation and other rights of vessels under international law, and particularly would not apply to vessels in distress.
- * Refusal of logistical support and/or supplies to tuna fishing vessels of the non-party nation.
- * Prohibiting nationals from assisting in any way vessels of the non-party operating in the fishery.

Economic sanctions:

- * The Working Group noted that economic sanctions with respect to non-parties call into consideration all the issues raised above with respect to the imposition of such sanctions on Parties, and noted that the imposition of such sanctions with respect to non-parties involves additional complex legal considerations. The Working Group recommends that the Parties consider whether such sanctions against non-parties are an appropriate means of promoting compliance with the objectives of the Agreement and whether they are consistent with international law.

**DECLARATION ON STRENGTHENING THE OBJECTIVES AND
OPERATION OF THE CONVENTION ESTABLISHING THE INTER-
AMERICAN TROPICAL TUNA COMMISSION**

The Governments of Belize, Colombia, Costa Rica, Ecuador, United States of America, Honduras, Mexico, Panama, Vanuatu and Venezuela, meeting in the Panama City, Republic of Panama on October 4, 1995 express the need to initiate, as soon as possible, under the auspices of the IATTC, in light of the commitments and objectives of the "Panama Declaration", negotiations for the formulation of a new binding instrument under the following principles, inter alia:

- a) Incorporation of the principles of the Law of the Sea as reflected in the United Nations Convention on the Law of the Sea, 1982, in particular, the rights and obligations related to the conservation and management of living marine resources as recognized in that Convention;
- b) Interpretation and application in a manner consistent with the relevant provisions of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;
- c) Operation of the tuna fishery of the EPO shall be managed consistent with the concepts of sustainable development and the ecosystem approach; in particular, to adopt measures based on the best scientific evidence available, for the conservation and sustainable use of the tuna species;
- d) Incorporation of measures to ensure the long-term protection of dolphins;
- e) Incorporation of democratic decision-making processes in order to ensure the conservation and sustainable use of the regulated species;
- f) Adoption of a new equitable system of allocating financial contributions;
- g) Development the mechanisms for enhanced public participation and transparency, according to procedures to be adopted for such purpose; and
- h) Promotion of international cooperation in order to foster the development of national research capabilities on ecosystems, fishing practices, and gear technology.

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DECLARATION OF THE UNITED STATES

The U.S. Administration supports this initiative, which is an important step on the road to a permanent, binding instrument for a long-term, ecosystem-oriented solution for sustainable fisheries management and dolphin protection.

The initiative which has been developed here is contingent upon changes in U.S. legislation which have had long-standing support. The U.S. Administration needs to work with our Congress on this in order to achieve the intended result. We do not want to mislead anyone here as to what the final outcome of that process might be. We cannot predict it.

If we do achieve the intended result of reaching a strengthened agreement on the protection of dolphins, we need to point out that this would not be the end of the road. We have committed ourselves through the Panama Declaration and the Declaration on Strengthening the Objectives and Operation of the Convention Establishing the Inter-American Tropical Tuna Commission to initiate discussions related to formulation of a new, permanent, binding instrument. One of the important features of that negotiation will be the incorporation of measures to ensure the long-term protection of dolphins.

We need cooperative international solutions, both interim and long-term, to these issues of ecosystem-oriented sustainable fisheries management and dolphin protection. We have always pursued that approach - it is the only approach that works in the long run - and we are re-affirming our commitment to it here.

Appendix 7

DECLARATION OF MEXICO

Thank you very much, Mr. Chairman.

Like the delegate of the United States, I would like the statement I am about to make to be included in the minutes of this meeting.

I think that for Mexico, and for all nations represented here, this is a historic day because we have taken one more step, I think it is an example of the new way of conducting international regional affairs openly, with wide cooperation and with a real spirit of compromise.

I believe that the Panama Declaration can be added to the efforts which have already been made in the Code of Conduct on Responsible Fishing, in the United Nations Convention on Straddling and Highly Migratory Stocks, and that this new group of internationally-generated elements will lay down guidelines for the behavior of a very important source of food, in particular, very important group of natural resources for all mankind.

I think we are setting an example for what must be done for the future, cooperation, understanding, patience, a willingness to listen and understand what others want, this is something that is vital if we want our world to become a better world.

What we want now is a regional organization which will resolve the problems peculiar to the fishery, while we continue to commit our efforts, our way of working, and even our domestic juridical processes.

We truly hope that the Congress of the United States will appreciate and understand the value of these efforts we have made, the commitment and the political will manifested in the Panama Declaration.

I think that I am without a doubt not wrong that this is a rare effort in the international history of fisheries. We have worked in good faith, and we hope that the Congress of the United States will grant free access to

that nation's markets, to the products of the tuna fishery which all we nations fish, that it will do away with the embargoes, and that the "dolphin-safe" label, as defined in the declaration, apply to all tuna caught in sets in which there is no incidental mortality of dolphins.

I think that this, in particular, is an advance very significant in the very philosophy of the working of not only this fishery but also of the relationship among natural resources, the environment, the ecosystem, and the protection of biodiversity.

On a personal note, I would like to express my gratitude for the confidence placed in Mexico and would like to congratulate the Chairman of the meeting for the splendid direction of this momentous, important, and sometimes difficult meeting. I think that his direction was masterly; I wish to thank all the delegations for their effort and their work; to the drafting committee headed by Alejandro, and Marco, who helped us with many of the little problems of translation and drafting and I would like to make special mention of the non-governmental groups or organizations which have taken an active part, not only in this meeting, but for a long time: I add myself to the recognition given to Traci Romine, but I believe that also Nina Young, Annie, Scott, Prudencio, Kate O'Connell, people who have not been here at this meeting in Panama, like Leen Greenwalt, Steward Hudson, David Schorr, and many others who have participated throughout this year in a very important work, have really contributed to the search for a definitive and permanent solution which will allow us to look to the future in the same way as we have done in the Panama Declaration, we have the Declaration on the future of the very organization, I think it is very important to recognize that we need to review the framework within which we are working and in which the Inter-American Tropical Tuna Commission works, with the goal of having a strong organization, a modern organization, and which will incorporate within its own statutes what has been happening in recent years.

Finally, and please excuse my egoism, I want to thank all my team very much for all the work they have done.

Finally, it is a pleasure to have come and to have been with you in Panama.

Thank you very much.

Statement of
 the Center for Marine Conservation, the Environmental Defense Fund,
 Greenpeace, the National Wildlife Federation, and the World Wildlife Fund
 to the
 Intergovernmental Meeting of Nations Participating in the
 1992 La Jolla Agreement to Reduce Dolphin Mortality in the
 Eastern Pacific Tropical Tuna Fishery,
 meeting in Panama City, Panama, 4 October 1995

The following statement is made behalf of the Center for Marine Conservation, the Environmental Defense Fund, Greenpeace, the National Wildlife Federation, and the World Wildlife Fund. These organizations comprise 10 million members around the world, with offices and affiliate organizations in most if not all of the countries represented here today as well as worldwide.

1. The organizations wish to thank the Intergovernmental Meeting for providing this open and transparent forum where non-governmental organizations have been invited to participate. The organizations appreciate very much the willingness of the nations meeting here to recognize that non-governmental organizations have expertise that can be useful to governments that seek to enhance sustainable management and conservation in the Eastern Tropical Pacific Tuna Fishery.
2. This is an issue that has called the attention of the world. Many of our organizations have worked on this issue for more than a decade. Since 1992 our organizations have worked hard to ensure the La Jolla Agreement achieves strict conservation in a multilateral model of cooperation.
3. Our organizations commend the governments for their commitment to the La Jolla Agreement. We wish to recognize that the achievements accomplished in the La Jolla Agreement are largely due to the dedicated efforts of the fishermen and vessel owners. Further, the efforts of the conservation community, worldwide, the fishermen, crews, captains, vessel owners, observers, and national and international scientists have resulted in rapid and significant reductions in dolphin mortality.
4. The system established in the La Jolla Agreement has shown it can be successful in moving toward our goal of eliminating dolphin mortality in the Eastern Tropical Pacific tuna fishery. Since 1992, dolphin mortality has declined, under the La Jolla Agreement, by 75%.
5. To further this goal and undertake actions to conserve the ecosystem and marine life in the Eastern Tropical Pacific, governments have taken major steps this week that we welcome. Our organizations regard it as very significant that the governments here in Panama are declaring their intention to strengthen and improve the international regime for dolphin and ecosystem protection in the Eastern Tropical Pacific tuna fishery. The Panama Declaration will achieve the following:
 - continued progress toward the goal of eliminating dolphin mortality through measures that protect individual species/stocks of dolphins;
 - the establishment of an objective to assess, avoid, reduce, and minimize bycatches of other marine species such as endangered sea turtles and sharks;
 - a precautionary methodology to conserve tuna stocks and other marine life associated with the tuna fishery;
 - strengthened conservation and enforcement, through both international and national mechanisms to ensure compliance.

This latter point is especially important. The world will be expecting that compliance with this agreement means enforcing current dolphin protection measures such as prohibitions on night sets and on use of explosives, and requirements to back-down, carry safety gear, and undertake other measures to effectuate the dolphin protection goals of the agreement. Also important in this context is the key role that observers play in providing data to the International Review Panel, and the role that the Panel plays in identifying infractions and following up on actions taken to enforce infractions at the national level.

6. We believe that the Panama Declaration, and the commitments contained in it to adopt a binding legal instrument, will provide the basis for further reductions in dolphin mortality, protection of the Eastern Tropical Pacific ocean ecosystem, and conservation and management of the tuna fishery. Therefore, we will support changes in U.S. law that will:

- lift the embargoes;
- provide market access for tuna caught in compliance with the new accord; and
- strengthen the current dolphin-safe labelling regime to provide incentives to achieve further reductions in mortality.

7. Specifically, our organizations will support amendments to U.S. law that effectively lift the embargoes and provide market access for tuna caught in compliance with the La Jolla Agreement as formalized and modified through the processes set forth in the Panama Declaration. So for all nations that adopt an IATTC binding resolution or other legally binding instrument and implement the provisions of the Panama Declaration, we would support changes in U.S. law that would lift the embargoes and provide for market access. In that same context, our organizations will also support amendments to U.S. law that provide that the term "dolphin-safe" may not be used to label any tuna caught in the Eastern Pacific Ocean by a purse seine vessel in a set in which dolphin mortality occurred as documented and verified by observers.

8. We believe these changes in U.S. law are very important from the perspective of providing further incentives to fishermen to make progress toward the goal of eliminating dolphin mortality in the fishery. The number of dolphins encircled in this fishery has not significantly declined since the "dolphin-safe" label came into being. What has declined, and this is due to the hard work of all the nations and industries involved in this fishery, is the number of dolphins that die. The changes that we will support in U.S. law will, if enacted, strengthen both incentives to protect dolphins and consumer confidence in the dolphin-safe label.

9. We are therefore heartened by the promise of the Panama Declaration. This Declaration creates a strong conservation standard for all the fleets in the fishery - stronger than current legislative proposals, and stronger than the current international regime. We pledge to work with all the nations here, at both national and international levels, to make these promises reality.

10. Our organizations face a significant challenge to obtain enactment of changes to U.S. legislation in the time frame envisioned in the Panama Declaration. We pledge to work with you and with the U.S. Congress, in an environment of openness, trust, and mutual respect, to ensure that the nations, institutes, industries, organizations, and people we represent, will be justified in placing their trust in the commitments that all of us are making today.

STATEMENT OF THE WHALE AND DOLPHIN CONSERVATION SOCIETY

The Whale and Dolphin Conservation Society wishes to take this opportunity to clarify its position regarding the Panama Declaration, and the proposed changes to the La Jolla Agreement.

We welcome the commitment expressed by the governments signatory to the Declaration to conclude and adopt a binding legal instrument that will build on the strengths and achievements of the La Jolla Agreement, and the reaffirmation of these governments to "eliminate dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins."

We would urge the nations signatory to the Declaration to arrange for a timely and comprehensive process to ensure recognition of the La Jolla Agreement principles in their respective national laws.

WDCS notes the commitment of the nations signatory to the Declaration to undertake research on, and prepare recommendations for, the development and implementation of selective and ecologically safe fishing gear. We urge both the nations and industries partaking in this fishery to ensure a financial commitment to the development of gear and technologies that (1) reduce mortality of dolphins in current gear practices and (2) seek the alternative means of capturing large yellowfin tuna not in association with dolphins.

It has been WDCS's consistent stance that every dolphin that can be saved in the EPO fishery must be saved, and to this end we commit ourselves to helping in any way possible to procure research monies that will ensure the attainment of the goals of the La Jolla Agreement in eliminating dolphin mortality.

In our statement to the 55th meeting of the IATTC in June of this year, WDCS called upon the governments participating in the meeting to strengthen the Scientific Advisory Board. We are pleased to note the agreement of the governments in the Panama Declaration to the strengthening the scientific review process, and the intention to establish procedures to hold public meetings to address the issues involved in guaranteeing compliance with the stated goals of the La Jolla Agreement, and as further reaffirmed in the Panama Declaration. As we stated in our intervention to the last intergovernmental meeting, we feel that the role of the Scientific Advisory Board needs further delineation and commitment.

In addition, while the Panama Declaration does make reference to reduction in the dolphin mortality cap of 5,000, we believe that the declaration as currently stated fails to provide enough of a timeline for the realization of the goals of La Jolla.

Given the current rates of mortality in the fishery (at no time in the past three years has the mortality rate risen above the proposed cap), we feel that the governments could and should be willing to define in a more concrete manner how further reductions in the mortality cap can be achieved.

To this end, we urge the International Review Panel to consider adoption of a reduction scheme, with a goal of eliminating dolphin mortality in the fishery. It is WDCS' contention that, contingent upon further successful developments and improvements in fishing technologies and practices, dolphin mortality in the EPO fishery can be eliminated in less than 5 years.

While you may believe that WDCS is asking too much, we urge you to consider that, in view of the tremendous achievements in mortality reduction that all of you, fishermen, industry, government, and the Commission, have attained in the past five years, the fleet today is achieving rates of mortality that were considered impossible by the U.S. fleet a scant few years ago.

Perhaps you feel that no more should be asked of you than is currently being asked by U.S. law of its own fishermen in fisheries other than the EPO tuna fishery, through the PBR standard. WDCS does not accept this logic, and opposes the use of a PBR standard for the eastern Pacific Ocean for many reasons; the one key reason is that you have already proven that this fishery can go well below PBR rates, as is recognized in the Panama Declaration.

Given additional investment in terms of money, time and technology, we are confident in your abilities to go beyond what has ever been thought possible for this fishery: the elimination of dolphin mortality while at the same time maintaining a healthy and viable fisheries management system. We are willing to ask more of you simply because you have proven, time and time again, that more is possible.

The Whale and Dolphin Conservation Society commits itself to continue to work in good faith with the nation signatory to the Panama declaration in order to achieve the goals enshrined in the La Jolla Agreement and further reaffirmed here at this meeting. In assuring the adoption of a legally binding instrument, the fishing nation of the Eastern Pacific Ocean have taken a positive step that WDCS feels should be recognized and implemented by fisheries in all oceans of the world.