

**MINUTES OF THE 32nd INTERGOVERNMENTAL MEETING ON
THE MANAGEMENT OF TUNAS AND THE CONSERVATION
OF DOLPHINS IN THE EASTERN PACIFIC OCEAN**

Santa Marta, Colombia

February 21, 1997

The 32nd Intergovernmental Meeting was held at the Hotel Howard Johnson and Convention Center, Santa Marta, Colombia, on February 21, 1997. The attendees are listed in Appendix 1.

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

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 21. He asked for nominations for chairperson of the meeting, and Mr. Jairo Hernando Arias Puerta of Colombia was appointed.

Agenda Item 3 - Approval of the agenda

After a brief discussion, the provisional agenda (Appendix 2) was adopted without changes.

Agenda Item 4 - Review of the 1996 fishing year

The Chairman turned the floor over to Dr. Joseph to present this agenda item. Dr. Joseph reviewed the statistics of catches of the principal market species of tuna and the capacity of the surface fleet in recent years. So far in 1997 catches were about the same as those in the corresponding period last year. He noted that it would be good to keep the catching capacity near its current level to avoid the problems of some 15 years ago, when the capacity was much greater. During the last 10 years the fishery had experienced the greatest recorded apparent abundance of yellowfin tuna. Dr. Joseph also highlighted the recent growth of landings of surface-caught bigeye, the most valuable species in the eastern Pacific, and possible interactions between the purse-seine and longline fisheries. He said that this issue might have to be addressed in the near future.

Dr. Joseph then turned to the International Dolphin Conservation Program (IDCP). Features of the IDCP include overall and individual-vessel Dolphin Mortality Limits (DMLs), 100-percent coverage by observers of trips of vessels with capacities of more than 400 short tons, the International Review Panel (IRP), composed of representatives of governments, environmental organizations, and the tuna industry, which reviews the activities of vessels with regard to dolphin conservation, and the Scientific Advisory Board, which reviews suggestions concerning fishing gear which might eliminate or minimize the mortalities of dolphins. In 1993 the overall DML was 19,500 dolphins; in 1997 it is 7,500, and it is scheduled to be no more than 5,000 in 1999. The annual individual-vessel DMLs were 183, 127, 114, 96, and 94 during 1993-1997. Depending on the number of vessels involved in the fishery in future, the individual DMLs could become very low, and it may be necessary for that issue to be addressed.

Dr. Joseph pointed out that the dramatic decreases in dolphin mortality which have taken place since 1986 are due mostly to reduction of the mortalities per set in sets made on dolphin-associated tuna, rather than to reduction in the numbers of such sets.

The estimates of the abundance of dolphins during 1986-1990 are very large compared to the current mortality. The mortality rate is estimated to be 0.03% of the total population, and the greatest mortality rate for any one stock is 0.14% for northeastern spotted dolphins. Nevertheless, efforts to reduce the amount of fishing on dolphins are continuing. Dr. Joseph said that "dolphin-safe" fishing, as currently defined, had ecological and economic costs. Regarding the former, if there were no fishing on dolphins the average size of the yellowfin in the

catch would be reduced and the production from the stock might decrease between 30 and 60%. In addition, bycatches of other fish and of sea turtles would increase.

Agenda Item 5 - Report of the 14th meeting of the International Review Panel (IRP)

The chairman called upon the Presider of the IRP, Dr. Osvaldo Pérez. Dr. Pérez reported on the deliberations of the IRP, including two recommendations made by the Panel to the intergovernmental meeting (Appendix 3).

Agenda Item 6 - Approval of the recommendations of the IRP

The Chairman opened the IRP's recommendations for discussion, and both were approved.

The meeting also approved the report presented by the *ad hoc* subcommittee appointed during the IRP meeting, with a proposal for the appointment of non-governmental members to the IRP (Appendix 4).

Agenda Item 7. - Progress report on the implementation of the U.S. legislation

The U.S. delegate presented a report on progress of the bills HR408 and S39 in the U.S. Congress (Appendix 5).

Agenda Item 8. - Other business

a. The Santa Marta Consensus

The Colombian delegation introduced a declaration (Appendix 6), which was accepted unanimously.

b. The Resolution of Santa Marta

The Colombian delegation introduced a second declaration (Appendix 7), which was approved by the delegates of Colombia, Costa Rica, Vanuatu, and Venezuela.

c. Statements

The representative from OLDEPESCA was given the floor, and made a statement (Appendix 8).

Agenda Item 9 - Adjournment

The Chairman introduced the Minister of Agriculture, Sra. Cecilia López Montaña, who made a statement (Appendix 9) and closed the meeting at 1:30 p.m.

Appendix 1.

**32nd INTERGOVERNMENTAL MEETING ON
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**Santa Marta, Colombia
February 21, 1997**

ATTENDEES

COLOMBIA

CECILIA LOPEZ MONTAÑO
Ministra

JAIRO HERNANDO ARIAS PUERTA
Viceministro
Ministerio de Agricultura y Desarrollo Rural

JOSÉ ANGEL ALDANA
Ministerio de Relaciones Exteriores

OSVALDO PÉREZ MOLINA
ORLANDO MORA LARA
FERNANDO REY NAVARRO
CARLOS MOSQUERA ARANGO
GREGORIO GONZALEZ CARRASCAL
RAFAEL LACERA ACOSTA
MARIA VICTORIA ALFONSO H.
JUAN VALVERDE PRETEL
MANUEL BARRIOS DOMÍNGUEZ
MARIA CONSUELO CORCHUELO
JORGE INFANTE GRAVIER
JAVIER PLATA GONZALEZ
Instituto Nacional de Pesca y Acuicultura (INPA)

ALFREDO ACERO SÁNCHEZ
GUERLY AVILA DE TABARES
Programa de Pesca INPA-VECEP

ARMANDO HERNÁNDEZ
Cámara de la Industria Pesquera-Andi

Observers:

ALVARO BUSTAMANTE STEER
ALVARO BUSTAMANTE CRUMP
ALVARO NAVARRO COLEY
AMERICO RODRIGUEZ
Atunec S.A.

LUIS LOPEZ MARRUGO
Vikingos de Colombia S.A.

JOHNNY ORDOSGOTTIA
Asertunes Ltda.

ENRIQUE GERLEIN NAVAS
CARLOS RODRIGUEZ GONZALES-RUBIO
Aserbuques del Atlántico Ltda.

HUGO MARINO VILLA
GUILLERMO DAW A.
Frigogan S.A.

ALFONSO PAZ
C.I. Mar S.A.

COSTA RICA

JAIME BASADRE OREAMUNO
Instituto Costarricense de Pesca y Acuicultura

JAIME BASADRE ANDRACA

ECUADOR

Observer:

JOFFRE CAMPAÑA MORA
Cámara de Pesquería - Programa VECEP

UNITED STATES OF AMERICA

DAVID HOGAN
U.S. Department of State

MARTIN HOCHMAN
National Oceanic and Atmospheric Administration

WANDA L. CAIN
National Marine Fisheries Service

Observer:

PETER TRUTANICH
Tri-Marine International, Inc.

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

Observer:

LUIS CALVO PUMPIDO
Atunera de Oriente

INTERNATIONAL ORGANIZATIONS

CARLOS MAZAL
Organización Latinoamericana de Desarrollo de Pesca (OLDEPESCA)

Appendix 2.

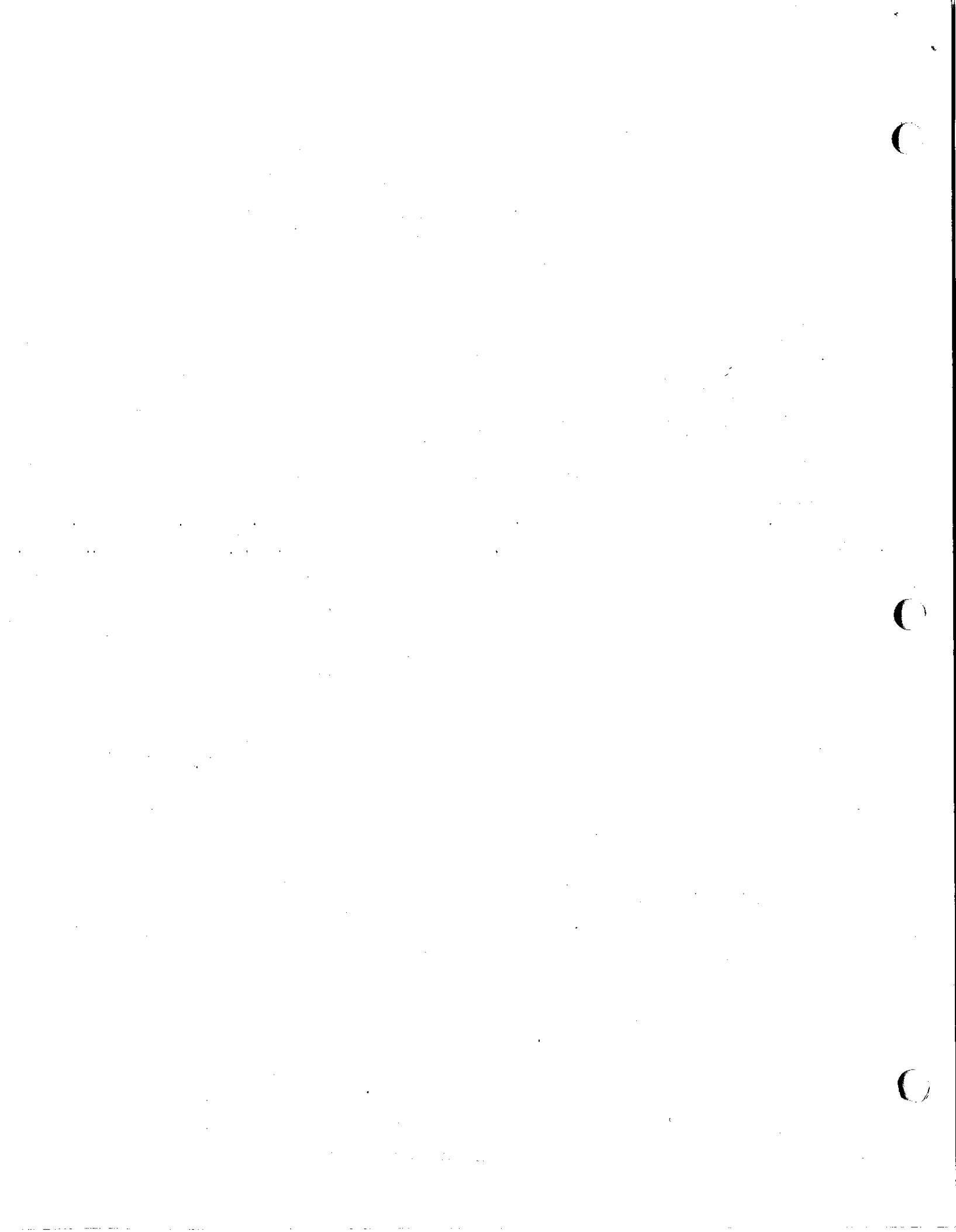
**32nd INTERGOVERNMENTAL MEETING ON
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Santa Marta, Colombia

February 21, 1997

AGENDA

1. Opening of the meeting
2. Election of Chairman
3. Approval of the agenda
4. Review of the 1996 fishing year
5. Review of the 14th meeting of the International Review Panel (IRP)
6. Approval of the recommendations of the IRP
7. Progress report on the implementation of the U.S. legislation
8. Other business
9. Adjournment



Appendix 3.

REPORT OF THE INTERNATIONAL REVIEW PANEL TO THE INTERGOVERNMENTAL PLENARY

On February 19 and 20, 1997, the 14th meeting of the International Review Panel was held in Santa Marta, Colombia, with representatives of the member nations Colombia, Costa Rica, the United States, Vanuatu, and Venezuela, and the representatives of the fleet and the Organización Latinoamericana de Desarrollo de Pesca (OLDEPESCA). Apologies for absence were received from Ecuador, Panama, the industry representative, Greenpeace and the Fundación para la Defensa de la Naturaleza (FUDENA).

The representative of the Government of Colombia, Dr. Osvaldo Pérez Molina, was elected Coordinator of this meeting. The agenda and the minutes of the Panel's 13th meeting were approved.

The Secretariat reported a preliminary figure of 2,700 dolphins for the incidental mortality in 1996, a significant reduction of 10% from the 3,200 reported during 1995. It should be mentioned that final data are not available, since there are some trips which started in 1996 and have not finished yet.

As regards the Dolphin Mortality Limits (DMLs) for 1997, the Secretariat reported that the overall limit of 7,500 which was approved had been divided among the fleet which requested these limits.

The Panel passed to the review of the observer data, identifying possible infractions, which are to be communicated to the pertinent governments by the Secretariat.

Another question discussed was the Secretariat's recommendation that all vessels fishing in the EPO should carry the minimum required dolphin-saving equipment, since a high percentage of the reported infractions by vessels fishing "dolphin-safe" arose from lack of the recommended equipment.

Information was presented that some vessels of less than 400 tons were making sets on dolphins, so the Secretariat was asked to study the advisability of placing observers on purse-seiners of less than 400 tons.

On another matter, the Secretariat raised the question of issuing identification cards for observers, because of difficulties arising in some ports from lack of recognition of the program's observers. The Panel approves this suggestion, with appropriate modifications.

On the following item, the Panel recommended that the procedure for special-problem sets should be addressed at the next meeting.

As a separate item, the Commission staff presented comparative data on the mortality caused by vessels which did not perform the backdown maneuver. It was determined that this maneuver should be carried out even in sets on small herds of dolphins, since it reduced the incidental mortality considerably.

The Panel also decided to extend the terms of office of the representatives of non-governmental organizations until the next meeting in June, but determined that, in order to increase the transparency of the program and in view of a request made by non-governmental organizations, the number of such representatives should be increased to six, three for environmental groups and three for the fishing industry or fleet. To this end the Secretariat was asked to send letters inviting interested parties to submit their nominations for approval by the Panel.

As regards the selection procedure, a committee was formed from among the member nations of the Panel to report with suitable recommendations for the approval and incorporation of the new members.

The Panel also discussed requests from organizations seeking certain information about the vessels and their mortality limits. It was determined that among the Agreement's provisions, one of the most important points was

confidentiality; it was also concluded that a decision on the release of information by the IATTC would require the approval of all the members of the Panel so, since at that time the positions of Ecuador and Panama were unknown, the discussion of this item was postponed until the following meeting.

When the Panel discussed the subject of cooperation by nations not party to the Agreement with vessels in the EPO, the Secretariat said it had already established contact with these nations, but urged the member nations to encourage these other nations to participate in the Program. A request was made that nations which had not responded to the applications by Ecuador and El Salvador to join the IATTC do so as soon as possible, in order to accelerate the process initiated by those nations.

The Panel also discussed the subject of vessels with DMLs which changed flag during the period for which the DML was assigned. It was decided that the DML would remain with the vessel provided the new flag was of a nation signatory to the program.

It was agreed that the next meeting would be held in Costa Rica in the first week of June, in conjunction with the IATTC and intergovernmental meetings. These meetings would be convened through the appropriate channels in the near future.

Under other business, the membership of Costa Rica in the Panel was discussed, since that nation currently has no fleet. The recommendation to the Intergovernmental Meeting is to approve the permanent participation of Costa Rica in the Panel. It was argued that the fact that this is a coastal nation, signatory of the La Jolla Agreement, which has long participated actively and constructively, makes it worthy of membership in this body. On this same subject it was recommended that this should be treated as a special case, and that during the next meeting in June a procedure would be discussed for opening participation in the Panel to other nations signatory to the La Jolla Agreement.

The Venezuelan delegation proposed testing a new technique for rescuing dolphins in night sets, using the ship's floodlight during the backdown maneuver, and also offered a vessel with which to test the procedure, using its own DML at its own risk, with IATTC scientists. The Secretariat took note and will study this proposal.

Finally, the Costa Rican delegation noted that it had been informed of the recent death of another fisherman during dolphin-rescue operations, on a Panamanian vessel.

RECOMMENDATIONS

1. The Panel recommends that the Intergovernmental Meeting agree to amend Part III of the Appendix to the La Jolla Agreement related to the International Review Panel, replacing the words "and four representatives ... of the tuna-fishing industry" with "six representatives of non-governmental organizations. Of these, three shall be representatives of environmental organizations and three of the tuna-fishing industry. The six representatives shall be appointed by the member governments."
2. Bearing in mind the present circumstances, the Panel recommends that the representative of the government of Costa Rica continue as a member of the Panel until the amendments to the Panel's composition are considered at the next meeting.

Appendix 4.

**PROCEDURE FOR THE ENTRY OF NON-GOVERNMENTAL ORGANIZATIONS TO THE
INTERNATIONAL REVIEW PANEL**

Following the mandate of the International Review Panel at its 14th meeting, held in Santa Marta, Colombia, on February 19-20, 1997, the *ad hoc* committee formed to propose modifications of the procedures for the entry of new non-governmental organizations (NGOs) to active participation in the Panel, recommends:

- I. The Secretariat shall invite as soon as possible nominations of candidates from organizations interested in participating in the Panel.
- II. In accordance with the Panel's recommendations, three seats will be available for NGO representatives from the environmental sector and three for representatives of the producing and processing sectors of the tuna industry.
- III. In order to ensure continuity of representation of NGOs, the nomination of an alternate member for each sector is recommended.
- IV. In their participation in the Panel, the NGO representatives will be entitled to speak but not to vote; alternates may exercise this right only when the main representative is not present and otherwise may remain in the meeting as observers.
- V. The following procedure will be observed for designating non-governmental members of the Panel:
 - A. A primary election will be held, in which four members from each sector will be selected.
 - B. These candidates will be voted on by the members of the Panel, and the three who win the most votes will be designated members, while the fourth shall be designated the alternate in each sector.
- VI. The term of office for the NGO members shall be two years; after this time, the procedure will be repeated.

Appendix 5.

U.S. STATEMENT

Legislation has been introduced now in both Houses of Congress to implement the Declaration of Panama. We have copies available here for you which are not actual copies of how the bills will look in their final form, but the text is correct.

The U.S. Administration continues to strongly support passage of this legislation to implement the Declaration of Panama. We commend the dedication of the members of the International Dolphin Conservation Program to the principles of the La Jolla Agreement and the Declaration of Panama which was demonstrated most recently by the low mortality of dolphins during the 1996 fishing year and our just-concluded productive meeting of the International Review Panel under the chairmanship of Dr. Pérez of Colombia.

Only two weeks ago, I, as well as other members of the Administration, including Brian Hallman of the Department of State, and the head of his office, Mary Beth West, and others, participated in briefing staff members of Congressmen on the International Dolphin Conservation Program and the Declaration of Panama and the reasons to pass the legislation. Also participating in the briefing were representatives of the environmental organizations supporting the legislation, and tuna industry and U.S. labor organization spokespersons.

These efforts are continuing. We cannot state exactly when our legislative process will result in passage of this legislation, because we do not know now. However, I can say that our efforts to obtain passage of this legislation are clearly already well underway and we are trying to do everything that can be done to obtain passage of the legislation as soon as possible.

All members of the International Dolphin Conservation Program have reason to be proud of their program and our commitment to this program remains strong.

Appendix 6.

CONSENSUS OF SANTA MARTA

The governments of Colombia, Costa Rica, Vanuatu, Venezuela and the United States of America, meeting in the city of Santa Marta, Colombia, on February 21, 1997:

CONSIDERING

- Their commitment to the conservation of ecosystems and the sustainable use of living marine resources;
- That scientific evidence demonstrates that the technique of setting on dolphins to capture tuna in the eastern Pacific Ocean (EPO) is the most effective method for the protection of the biodiversity and the marine ecosystems and for the rational exploitation of the tuna resources in that area;
- That the use of the fishing technique of setting on dolphins, in accordance with the rules and procedures established within the framework of the La Jolla Agreement and the Declaration of Panama, reduces to the lowest possible level the incidental mortality of marine mammals and by-catch;
- That the fleets participating in the IDCA operate under a system of national and international control unequalled in any fishery of the world;
- That scientific evidence, including the IATTC's studies, indicate that the widespread adoption of the "dolphin safe" fishing practice may harm the biodiversity and endanger the marine ecosystem through the capture and discard of high volumes of juvenile tuna and other marine species encountered through use of those methods and also will lead to a reduction in production of yellowfin tuna between thirty (30%) and sixty (60%) percent in less than two years;
- That the data presented at this intergovernmental meeting regarding marine mammal mortality demonstrate significant further reductions in 1996 achieving success beyond the schedule established in the La Jolla Agreement.

Emphasize that the La Jolla Agreement and the Declaration of Panama are the most appropriate multilateral instruments for the conservation of living marine resources in this international fishery, based on solid scientific data, as well as the basis for the use of a revised label signifying "dolphin safe" which in strict sense means that no dolphins died while catching the tuna.

Express concern that failure to enact the legislation pending before the U.S. Congress in a manner fully consistent with the letter and spirit of the Declaration of Panama to revise current U.S. labelling standards which promote fishing practices detrimental to the ecosystem, will jeopardize the multilateral cooperation and commitment that have made the management of the EPO tuna fishery a model for the world.

Appendix 7.

RESOLUTION OF SANTA MARTA

In recognition of the concerns expressed in the Consensus of Santa Marta, the governments of Colombia, Costa Rica, Vanuatu and Venezuela

Commend those working for the enactment, early in this Session of the 105th Congress of the United States, of legislation (Bills of Law HR408 and S39, dated January 7 and 21, 1997, respectively) to fully implement the letter and the spirit of the Declaration of Panama, in particular the President and Vice-President of the United States, the sponsors of the legislation in the House of Representatives and the Senate, as well as environmental, industry and labor organizations, among others.

Urge the Administration of the United States of America to carry out their commitments relative to the Declaration of Panama by the prompt enactment of the aforementioned Bills of Law.

Appendix 8.

STATEMENT OF OLDEPESCA

Mr. Chairman:

We at OLDEPESCA see with satisfaction the introduction of Bills 408 and 39 in the House of Representatives and Senate, respectively, of the United States.

However, we see with concern that the position of some senators and the pseudo-environmentalist groups with which they work in coordination, appears to remain inflexible. My opinion is that this inflexibility is now more than ever based on the political fear of giving the impression to voters and members that they may lose this battle. I say lose, and I stress battle, because they see it that way. For a long time now this matter has not been about protecting dolphins and the marine ecosystem but about votes, funds, and the continuity of a protected market. I don't think I'm wrong, and here there is an opportunity, in saying that for at least a few of the principal senators involved in the opposition to the Declaration of Panama there is a growing need to begin a process of "saving face" and come out of this difficult situation with little or no political damage. As a result, I think we need to have this factor in mind in our strategies, negotiations, conversations and lobbying efforts, since for us the important thing is to get the Declaration of Panama approved and not win domestic political battles in the United States.

Having said that, I would like to finish by reiterating OLDEPESCA's commitment to continue working together with you until the Declaration of Panama is implemented. On behalf of the organization I direct, I would also like to take the opportunity to ask the administration of the United States, respectfully but firmly, to redouble its efforts in order to fulfill as soon as possible the commitments it has made.

Appendix 9.

STATEMENT OF THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

It is a great pleasure for me to be here with you at the close of your deliberations after these three days of intensive work in the International Review Panel and the Extraordinary Intergovernmental Meeting.

On this occasion very important matters have again been addressed regarding the results of the Observer Program, whose efforts at sea are essential for obtaining sound information about what is happening about the commitment to protect the dolphin populations within the previously-agreed limits.

The results obtained in 1996 show the level of success of this multilateral effort to establish limits for incidental mortality of dolphins in the tuna fishery at levels which are now below the long-term limit within which the program must continue in future.

This encourages us and commits us more and more to the work of the Commission, whose achievements are today an example for all the world. Hence the importance of and need for maintaining close and complete regional cooperation for addressing our common affairs and to enable us to identify the best solutions aimed at operating a responsible fishery for highly-migratory species.

The program implemented by the La Jolla Agreement since 1992 has allowed the sustained exploitation of the tuna populations of the eastern Pacific Ocean, to the benefit of our industries. We can therefore assert that this is the healthiest fishery in the world.

One of the attendees at the meeting of the International Review Panel mentioned that the group has learned as it has gone along, and that this process has allowed necessary adjustments to be made in the continuing search for the common objective: the conservation of the dolphin populations with sustainable fishing of the tuna populations.

This demonstrates the responsibility with which the participating nations and their industries, including fishing authorities, boatowners and fishing crews, have taken on the task of adopting the best possible decisions.

I think it is a valid wish, common to all our governments and citizens, that this multilateral effort be recognized and be reflected in appropriate legislative measures which promote the development and prosperity of our economies. In this regard, the U.S. Marine Mammal Protection Act should be modified in accordance with the spirit of the Declaration of Panama, an intention confirmed by President Clinton in a letter to President Zedillo in October 1996.

I do not want to finish this short address without mentioning the commitment of the Colombian government of reinitiating the legislative process in 1997 for the incorporation of our nation into the Inter-American Tropical Tuna Commission.

I must also specially acknowledge the work of the scientists of the Commission, headed by Doctor James Joseph, have been doing for five decades on the tuna fisheries and its associated problems. I cannot imagine what would have happened with this fishery in the eastern Pacific Ocean, and more recently with the dolphin populations, if this important organization had not existed.

I think I express the intentions of all the delegations here present when I say that we lend our support and confirm our wish to continue this scientific research and the progress of the program of the La Jolla Agreement.

I hereby officially adjourn this Extraordinary Intergovernmental Meeting of the Inter-American Tropical Tuna Commission, held in the historic city of Santa Marta today. Thank you very much.