

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**MINUTES OF THE 66<sup>TH</sup> MEETING**

**San Jose, Costa Rica  
June 12, 14 & 15, 2000**

**Chairman: Mr. Svein Fougner (USA)**

**AGENDA**

1. Opening of the meeting
2. Adoption of the agenda
3. The 1999 fishing year
4. Status of tuna and billfish stocks:
  - a) Bigeye
  - b) Yellowfin
  - c) Others
5. Review of current tuna research
6. Review of tuna-dolphin research and extension programs
7. Consultation on U.S. International Dolphin Conservation Program Act finding
8. Report of the working group on the review of the IATTC Convention
9. Report of the working group on compliance
10. Report of the working group on fleet capacity
11. Report of the working group on bycatch
12. Report of the scientific working group
13. Recommended research program and budget for FY 2001-2002
14. Report of the working group on finance
15. Participation fees for observers at IATTC meetings
16. Recommendations and resolutions for 2000
17. Place and date of next meeting
18. Election of officers
19. Other business
20. Adjournment

## DOCUMENTS

- A1 The surface fishery for tunas in the eastern Pacific Ocean in 1999
- A2 Status of yellowfin tuna in the eastern Pacific Ocean
- A3 Status of skipjack tuna in the eastern Pacific Ocean
- A4 Status of bigeye tuna in the eastern Pacific Ocean
- A5 Status of bluefin tuna in the Pacific Ocean
- A6 Status of albacore tuna in the Pacific Ocean
- A12 Status of blue marlin in the Pacific Ocean
- A21 Sampling the catch simultaneously for species composition and length frequencies in the multi-species surface fishery for tunas of the eastern Pacific Ocean
- A22 Production model analysis of yellowfin tuna in the eastern Pacific Ocean
- A23 Procedures for collection and handling of tuna fishery data by field station personnel
- B1 Tuna-Dolphin Program
- C1 Program and budget for fiscal year 2002 (October 1, 2001-September 30, 2002)
  - A-SCALA: an age-structured statistical catch-at-length analysis for assessing tuna stocks in the eastern Pacific Ocean
  - Effect of sample size on bycatch estimation
  - Impacts of closing Area 1 (north of 7°N), estimated from current statistics by area

## APPENDICES

1. List of attendees
2. Resolution on bigeye tuna
3. Resolution on yellowfin tuna
4. Statement by Colombia
5. Letter to Dr. Michael Tillman, US NMFS, 27 April 2000
6. Statement by Mexico
7. Statement by the United States
8. Resolution on dolphin abundance studies in the eastern Pacific Ocean
9. Chairman's report, 4<sup>th</sup> Meeting of the Working Group on the IATTC Convention, May 2000
10. Letter to the Chairman of the Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific
11. Resolution on compliance
12. Resolution on a Regional Vessel Register
13. Resolution on fishing by vessels of non-Parties
14. Statement by El Salvador, Guatemala, Nicaragua and Panama
15. Statement by Colombia
16. Statement by Peru
17. Resolution on bycatch
18. Report of the Scientific Working Group, April 2000
19. Chairman's report, 2<sup>nd</sup> Meeting of the Working Group on Finance, February 2000
20. Resolution on financing the Inter-American Tropical Tuna Commission

The 66<sup>th</sup> Meeting of the Inter-American Tropical Tuna Commission (IATTC) was held in San Jose, Costa Rica, on June 12 and 14-15, 2000. Mr. Svein Fougner of the United States served as Chairman. Representatives of the member governments of Costa Rica, Ecuador, El Salvador, France, Japan, Mexico, Nicaragua, Panama, the United States, Vanuatu, and Venezuela attended, as did observers from Colombia, the European Union, Guatemala, Peru, Spain, Taiwan, the Commission for the Conservation of Antarctic Marine Living Resources, the Commission for the Conservation of Southern Bluefin Tuna, the Food and Agriculture Organization of the United Nations, the Indian Ocean Tuna Commission, the International Commission for the Conservation of Atlantic Tunas, the International Seabed Authority, the Center for Marine Conservation, the Conservation International-Mexico, Ecoclad Associates, the Humane Society of the United States, the Whale and Dolphin Conservation Society, and the World Wildlife Fund. The attendees are listed in Appendix 1.

### **1. Opening of the meeting**

Mr. Herbert Nanne, of Costa Rica, welcomed the delegates to his country, noting that it was especially appropriate that the meeting be held there since 2000 marked the IATTC's 50<sup>th</sup> anniversary and Costa Rica was one of the two founding members of the IATTC.

Dr. Milton López, Commissioner for Costa Rica from 1965 to 1977, and Dr. Juan de Obarrio, Commissioner for Panama from 1958 to 1980, both made brief remarks on the history of the Commission and expressed their confidence that it would continue its important work in the future.

Mexico noted that any resolution, once adopted by the Parties present and voting at the meeting, could not afterwards be invalidated by the objection of a Party not present.

### **2. Adoption of agenda**

The provisional agenda was adopted with a change in the order of two items.

### **3. The 1999 fishing year**

Dr. Robin Allen, Director of the Commission, presented information on the fishery during 1999. He noted that there were record catches of yellowfin and skipjack from the eastern Pacific Ocean (EPO) in 1999.

The Chairman asked for questions on Dr. Allen's presentation. Costa Rica asked whether discards were taken into account in the stock assessments, and why small catches of yellowfin and skipjack were listed for Costa Rica, which has no purse-seine fleet. Dr. Allen explained how discards were incorporated in the stock assessments, and that the catches listed for Costa Rica included all tunas caught in for the surface fishery, not just the purse-seine fishery.

The European Union asked, with respect to the table showing the catches by species, why in the last month of the year there is a reduction in the catch even with the closure, and why these estimates of total catch do not coincide with the estimates of the observers.

Dr. Allen explained that the catch is related to the fishing effort and the size of the population, and that the skipjack population exploited by the fishery is relatively large. The longline catch and effort and the total amount of fishing effort have declined. The yellowfin catch rate towards the end of the year may change from week to week, which may reflect a change in the data source. Dr. Allen noted that the staff has always used unloadings data as definitive.

#### **4. Status of tuna and billfish stocks**

##### **a) Bigeeye**

Dr. Allen presented the stock assessment of bigeye. He noted that the staff had used a new assessment model which they had recently developed. As in previous years the assessment was based on an assumed eastern Pacific stock, but the staff was examining this assumption by participating in a joint Pacific-wide bigeye assessment. The most important feature of bigeye catches in 1999 was the increasing size of the fish. That had continued into 2000, and the abundance of these large fish indicated that above-average recruitment occurred during 1997 and 1998 and that the stock was currently, and temporarily, above the level that could support the maximum sustained yield.

The European Union asked about the longline data used in the analyses. Dr. Allen explained that almost all the longline data was from the Japanese fleet, and that, since data on the 1999 catches were not yet available, 1998 data had been used in the evaluations, and the projections assumed that the 1999 catch was the same as for 1998.

Japan pointed out that the purse-seine catch of bigeye had increased greatly since 1990, whereas the longline catch had decreased, and that the Japanese fleet had reduced its effort by 20% last year.

Japan also noted that the bigeye spawned in 1997 should now be entering the longline fishery, but the recruitment of young fish to that fishery appeared to be very low. He asked whether the recent changes in the fishery for bigeye were due to changes in the purse-seine gear or other operational changes. Dr. Allen answered that the purse-seine gear has been evolving gradually and that fishing techniques have also improved, but recent changes in the surface temperature of the ocean may have made bigeye more vulnerable to the surface fishery.

Mexico stated that this did not appear to explain the absence of 1- to 3-year-old bigeye in the fishery, and asked what would happen to the stock of bigeye if the recruitment is very low or non-existent. Dr. Allen answered that catches would decrease. The staff forecast at this stage was that the availability of bigeye to the purse-seine fleet would be good for the next year, but would decrease subsequently. However, he agreed that there appeared to be few juveniles in the fishery after those spawned in 1998, and that this was a matter for concern.

Mexico asked about the causes of the large decrease in the average weight of the bigeye in the catch during the 1990s, and how much of this might be attributable to changes in the fishery. A combination of factors might be responsible. Even if the size selectivity of the fishing gear has changed, the areas exploited by the fishery are the same. Dr. Allen replied that it was primarily due to the increased catches by purse-seine vessels.

The European Union asked whether the recruits might be in other areas, and whether comparing data on the average size of the bigeye in the offshore catch in the EPO with data from fisheries closer to the coast and from other areas of the Pacific Ocean might give some indication of this. He also asked whether changes in the environment would have a greater impact on the resource than the fishery.

Dr. Allen said that the staff monitored the composition of the catch by size and area closely, and that the information available from scientists in the western Pacific and Japan did not appear to support the hypothesis that the fish had gone to other areas. The effects of the environment on recruitment are difficult to quantify, but presumably changes in the environment result in changes in the recruitment. Spawning takes place whenever the water is warm enough, and the effects of sea-surface temperatures on recruitment would merit study.

In answer to a question from the United States, Dr. Allen said that he estimated that the 40,000 mt catch limit would be reached around the beginning of August.

Vanuatu proposed continuing the current catch limit of 40,000 mt, but with an increment of 10,000 mt

and two subsequent increments of 5,000 mt each, to be added at the Director's discretion. The United States and the European Union supported this proposal. France did not think that extending the limit was justified, but could agree to do so provided the limit could be increased if the conditions in the fishery allowed it.

Mexico said that there were many uncertainties in the analysis, the relationship between areas and size of the fish and the situation with recruitment, for instance. The data for 2000 are very different than those for previous years, which added to the uncertainty. If the fishing gear were size-selective it could be possible that there were small fish present but only the large fish were being caught, but with a purse-seine fishery this was not the case. All these uncertainties made it advisable to adopt the precautionary approach and maintain the quota at 40,000 mt.

Japan agreed with Mexico, adding that the data showing an increase in the size of the fish in the catch covered only the first two months of the year, and it was not certain that this trend was continuing. The staff's analysis was not optimistic, and so the existing regulatory measures should be maintained.

Ecuador suggested increasing the quota by 15,000 mt, arguing that the scientific evidence did not support a continuation of the 1999 limit. It had been agreed that the limit was provisional and would be adjusted according to circumstances, and that these did not justify paralyzing fleets with large catches of bigeye for reasons that had more to do with economics and politics than with science.

The heads of delegations held a meeting, during which it was agreed that a ban on fishing on fish-aggregating devices (FADs) similar to that imposed in 1999 would be imposed from September 15 through December 15, 2000. A resolution to that effect (Appendix 2) was drafted and approved.

#### **b) Yellowfin**

Dr. Allen presented the staff's stock assessment of yellowfin, which used the same model as that previously described for bigeye.

Mexico asked whether the areas in which yellowfin were caught, and the sizes of the fish caught in the different areas, had changed. Dr. Allen answered that some movements had occurred within the general area, but the overall pattern was the same, and small fish were still being caught in those areas.

Mexico proposed that the yellowfin quota for 2000 should be the same as in 1999, and that the restricted areas should be controlled separately from the total quota, also as in 1999. Venezuela and Costa Rica supported this proposal, as did the United States, pending the Director's comments. France agreed, providing the measures were exactly the same as in 1999.

Dr. Allen commented that the circumstances in 2000 appeared similar to last year, so similar management measures would be appropriate.

A draft resolution was reviewed, and after some changes in order to include the timeframe recommended by the Working Group on Compliance, the resolution was adopted (Appendix 3).

Peru expressed a reservation regarding any restricted areas in its EEZ. Colombia made a statement (Appendix 4) expressing a similar reservation.

#### **c) Others (skipjack)**

Mexico commented that the extraordinarily large catches of skipjack should be cause for concern, since there was little information available about the species, and therefore great uncertainty about the future. Dr. Allen confirmed that any such change in the fishery called for caution, and that there was a need to keep on top of the situation, and that the staff would present a complete assessment next year.

The Chairman proposed that the Parties review the issue in the interim before the next meeting and decide if additional measures are necessary.

## **5. Review of current tuna research**

Dr. Richard Deriso, Chief Scientist of the Tuna-Billfish Program, described the research into tuna and billfish being carried out by the staff, including results from the recent pilot bigeye tagging project, ecosystem modeling research, a study of the energetic consequences of migration for bluefin tuna, and the research into the early life history of yellowfin tuna being carried out at the Achotines Laboratory.

## **6. Review of tuna-dolphin research and extension programs**

Dr. Martin Hall, Chief Scientist of the Tuna-Dolphin Program, presented information on the tuna-dolphin research and extension program, including numbers of sets on dolphins, trends in mortality, causes of mortality, and an investigation on the influence of various oceanographic factors on estimates of relative and absolute abundance.

## **7. Consultation on the US International Dolphin Conservation Program Act finding**

Dr. Allen explained that, under the US International Dolphin Conservation Program Act (IDCPA), the Secretary of Commerce of the United States was mandated to carry out consultations with the IATTC regarding scientific research on dolphin abundance in the EPO. The IATTC staff had met with scientists of the US National Marine Fisheries Service (NMFS) on 27-28 April and expressed its opinion in a letter addressed to Dr. Michael Tillman, Director of the NMFS Southwest Fisheries Science Center (Appendix 5), but the Commission had not yet considered the matter. The Commission could endorse the staff's comments, hold separate consultations, or decide on some other course of action.

Dr. Tillman made a presentation explaining the NMFS research program, which included a study of stress in dolphins, the necropsy sampling program being carried out in collaboration with Mexico, and analyses of the abundance of the dolphin populations. He noted that the Commission staff had expressed concerns about the indices used by NMFS, and this was being addressed. An analysis framework was used to interpret the results of the research program. The aim of this was to eliminate subjective interpretation of the data, and to this end the rules are agreed before the data are analyzed, and scientific issues are separated from policy issues. There are two scientific issues in the "significant adverse impact" stipulated in the IDCPA: are the depleted dolphin populations recovering, and, if not, can the causes be determined? Dr. Tillman presented the preliminary NMFS estimates of abundance for dolphin populations in the EPO in 1998 and 1999, which indicated sharp declines between the two years, although he noted that there could be a high degree of variability in the results. Regarding the necropsy study, the objective is to sample 400 dolphins, and the cooperation of all national fleets would be much appreciated.

Ecuador expressed concern over these estimates, and noted that, although the Ecuadorian fleet fishes mainly on FADs, a few vessels have started to fish on dolphins and could help in these studies. He undertook to contact the owners of these vessels, and asked about the legal consequences of not completing the required studies. The United States responded that this would put them in a vulnerable position.

Several other delegations expressed concern over the preliminary data presented by Dr. Tillman. Venezuela stated that it trusted the IATTC staff and therefore endorsed its comments, and that it would look into the possibility of Venezuelan vessels participating in the NMFS program.

In answer to a question about the potential effects of the preliminary information presented on the appeal process currently under way regarding the "dolphin safe" label, the United States said that it should not affect the results of the appeal.

Dr. Tillman added that the results did need to be reevaluated in the light of environmental variables, but that this had not yet been done. During the consultations held to date the data used and the model design had been discussed, but the question of determining causes would be left for future consultations with the IATTC.

Mexico made a statement (Appendix 6) refuting the evidence presented by the United States. Dr. Tillman said that his previous comments had been misinterpreted: the preliminary information had been presented in the interests of transparency, despite known problems with the analytical framework. Specifically, he noted that points 1-5 in the statement were feasible, but 6 was not, since any information presented at an IATTC meeting is public.

Colombia, Japan, Peru and Venezuela supported the statement by Mexico, and the United States said it would present a written answer to some of the points it raised (Appendix 7).

A draft resolution on dolphin studies presented by Mexico was discussed and approved with some modifications (Appendix 8). Japan abstained from supporting the resolution since it is not a Party to the Agreement on the International Dolphin Conservation Program (AIDCP).

## **8. Report of the working group on the review of the IATTC Convention**

The Chairman of the Working Group on the IATTC Convention, Ambassador Jean-François Pulvenis, of Venezuela, reported on the 4<sup>th</sup> meeting of the Working Group, held in May 2000 (Appendix 9). He noted that the time scheduled for the meeting was insufficient for the proposed agenda, despite the best efforts of the participants, which included representatives of member and non-member governments, as well as intergovernmental and non-governmental organizations. Much progress had been made, but there were still a number of important issues pending. The Working Group did not have any deadlines for its work, but wanted to complete its task as rapidly as possible, and to this end a 6-day meeting was scheduled for September.

Ambassador Pulvenis noted one matter of interest to the Commission that had arisen at the meeting of the Working Group regarding the issue of cooperation with other organizations. At the Multilateral High Level Conference (MHLC) on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, Canada had proposed that the organization created by the MHLC be responsible for the management of northern albacore tuna throughout its range, which would create a large area of overlap with the IATTC's area of competence. The Commission agreed that this was a situation best avoided, and approved the draft of a letter to be sent to the Chairman of the MHLC (Appendix 10) expressing its views.

Mexico noted that the question of the structure of the Commission was important, and requested that its proposals on that issue be presented at the next meeting of the Working Group to allow an analysis of how the Commission would function with the different options.

The European Union proposed that a target date be established for a plenipotentiary meeting to approve the new Convention. France supported this proposal, and Ambassador Pulvenis suggested that the delegations consult about a tentative date for such a meeting and present a recommendation to the Commission.

## **9. Report of the working group on compliance**

The Chair of the Working Group on Compliance, Lic. Mara Murillo, of Mexico, presented the report of the group's first meeting, held immediately before the present IATTC meeting. The Working Group made various recommendations, which the Commission adopted as a resolution on compliance (Appendix 11); it also adopted the proposed resolutions drafted by the Working Group on the establishment of a regional register of fishing vessels (Appendix 12) and on fishing by vessels of non-Parties (Appendix 13).

The European Union requested that it be made clear that the provisions of the resolution on fishing by vessels of non-Parties did not imply that vessels of non-contracting Parties that are cooperating with the Commission would be treated any differently from vessel of Parties.

## **10. Report of the working group on fleet capacity**

The Chairman of the Working Group on Fleet Capacity, Mr. Arnulfo Franco, of Panama, presented the report of the meeting of the group held in January 2000 and the resolution based on the recommendations of that meeting. He noted that the list of vessels referred to in paragraph 5 of the resolution had not yet been distributed to the Parties.

Costa Rica repeated its request for a passive capacity allocation of 8,000 mt, arguing that Costa Rica, as a coastal state, had a right to a fleet, but would not use the allocation as long as its processing industry was adequately supplied.

The United States agreed to continue with the capacity limit assigned by the 1998 resolution, noting that these had not been respected, and the consequences of over-capacity were now apparent.

A representative of the World Wildlife Fund (WWF) expressed her organization's serious concern about the excess fleet capacity in all fisheries, including the tuna fishery in the EPO. WWF had prepared a paper describing alternatives for managing fleet capacity, and hoped that agreement could be reached on reduction of capacity to appropriate levels, to ensure the survival of both the industry and the resource.

Colombia, noting that it had agreed to a closure in its EEZ in order to protect juvenile tuna, maintained its request for 12,000 mt of capacity.

Nicaragua requested an increase in its allotted fleet capacity to 4,500 mt, citing its internationally-recognized right to develop its fisheries. However, sovereign rights notwithstanding, he noted that Nicaragua's participation in the meeting showed a willingness to accept a capacity limit.

El Salvador, Guatemala and Panama agreed with the concerns expressed by other delegations, reiterating their rights as coastal states. El Salvador requested that the other delegations agree to its requested carrying capacity. Panama noted that it had reduced its fleet from the 11 vessels listed in January 2000 to 5.

Peru also cited its rights as a coastal state and repeated its request for 12,000 mt of capacity, although at the moment it did not have a tuna fleet.

The heads of delegations met in closed session; some progress was made regarding the text of a possible resolution, but no agreement was reached on capacity limits.

El Salvador asked what the consequences would be if no agreement was reached during the meeting, and Dr. Allen responded that, since the 1998 resolution would no longer be in force, each Party would have to commit to control its capacity voluntarily.

Mexico expressed concern over the lack of time to discuss the issue, and supported a United States proposal of holding a meeting of the Working Group on Fleet Capacity as soon as possible, perhaps in July.

El Salvador, Guatemala, Nicaragua and Panama made a joint statement (Appendix 14) noting that they had all reduced their original capacity requests. Colombia and Peru made statements (Appendices 15 and 16) reiterating their requests for 12,000 mt of capacity.

Costa Rica proposed that until the next meeting of the Working Group on Capacity, the 1998 resolution should continue to apply. Ecuador, France, Mexico and the United States supported this proposal.

El Salvador and Nicaragua, noting that they are the two states with an immediate need to develop their tuna industries and that it could take some considerable time to reach an agreement on capacity, said that they could agree with the proposal by Costa Rica only if they were allowed their requested increases (1,800 mt and 2,000 mt, respectively), which would be used only if the planned investment in facilities on land actually occurred.

All Parties agreed that the Working Group on Capacity should meet at the end of July, and that until then



they would all continue to abide by the 1998 resolution on fleet capacity.

#### **11. Report of the working group on bycatch**

Dr. Hall presented information showing the distribution in time and space of sets on floating objects, and the catches and bigeye, yellowfin, and skipjack and bycatches of tuna, rays, sharks, other large fishes, and sea turtles.

The European Union asked whether it was possible to evaluate the impact of the bycatches on the populations of species such as sea turtles, for which no estimates of abundance were available. Dr. Hall answered that the impact is probably very low, since bycatches are also low and continue to decrease, but they can be reduced further. He noted that there were also no estimates of abundance for other species, such as sharks and rays.

Japan offered its assistance in the planned shark study by the Commission staff and scientists from Mexico.

The Chairman of the Bycatch Working Group, Mr. William Gibbons-Fly, of the United States, reported on the progress made by the group. He noted that the Working Group was given 3 mandates: it had addressed the first two at its first meeting in July 1998, and the third at its second meeting, held in April 2000. He presented the recommendations agreed at that last meeting.

Mexico pointed out that the Working Group had also discussed a one-year study by the staff so that the catches of juvenile tuna do not become a profitable fishery.

Japan proposed that the recommended program to obtain data on bycatches by longline vessels should be carried out in coordination with governments, so that the governments would know what data are required. The United States, noting that the data need to start being collected, offered to consult with the Japanese delegation to establish the best method for collecting them, but thought that the best way was through an IATTC observer program.

Panama supported Japan's proposal: its fleet includes several small vessels, and placing observers on board would be difficult.

Ecuador expressed concern that the recommendation might be interpreted as establishing a new observer program for small vessels: if that was the case, the Commission, not the industry, should cover the cost of the program.

Peru noted that it has an program of observers on purse seiners and longliners, and would try to standardize the data obtained with the IATTC program. It had also developed a study of pelagic fish in cooperation with Japan, and all the information obtained from that study will be made available to the IATTC.

The recommendations of the Working Group were modified to reflect the concerns expressed, and the resulting resolution was adopted (Appendix 17).

#### **12. Report of the scientific working group**

The report of the Scientific Working Group was presented (Appendix 18 ).

#### **13. Recommended research program and budget for FY 2001 – 2002**

Dr. Allen presented the proposed program and budget for fiscal year 2002 (October 1, 2001- September 30, 2002).

#### **14. Report of the Working Group on Finance**

Mr. Fougner, Chairman of the Working Group on Finance, presented his report (Appendix 19).

The United States said that it would be reducing its contribution to the IATTC budget in the future, and that agreement on financing the Commission was essential to its future. In consultation with other delegations it had prepared a proposal for the FY 2001–2002 budget.

Ecuador noted that the formulas presented for calculating contributions did not reflect the reality of Ecuador's political, economic and social situation, and that the maximum contribution it could commit to for FY 2001 was US\$250,000, and for FY 2002 US\$270,000.

Venezuela concurred with Ecuador's comments, and stated that it could commit to a contribution of US\$270,000 for FY 2001 and US\$300,000 for FY 2002.

Vanuatu stated that the proposed contribution for FY 2001 would involve amending national legislation, impossible in the time available, and that its maximum contribution for FY 2001 would be US\$15,000. However, the proposed contribution for FY 2002 would be acceptable.

France stated that a contribution for FY 2001 of between US\$29,000 and 30,000 was acceptable, but pointed out that France did not catch tunas in the EPO, thus the calculations should be based on the gross domestic product (GDP) of French Polynesia, not of metropolitan France. The European Union confirmed that it represented metropolitan France, and that in the Commission France represented only its overseas territories.

Mexico noted that the Working Group had agreed that the fixed base contribution would be more than 5% of the Commission's budget. Furthermore, it could accept the proposed contributions for FY 2001 on the understanding that they did not establish a precedent for future contributions: contributions for FY 2002 would be adjusted on the basis of catches during 1999. It proposed that any Party which owed the equivalent of two years' contributions should lose its right to vote at the Commission until it had paid its arrears.

Ecuador suggested that the composition of national catches by species should also be considered, since the price paid varied among species.

Panama said it could accept the proposed contribution for 2001, and noted that there were still several issues that needed to be resolved, and these should be discussed at the next meeting of the Working Group on Finance. It was agreed that the Working Group should meet again soon.

The United States agreed that the proposed contributions for FY 2001 should be modified, but suggested that those proposed for FY 2002 be left unchanged, since they were provisional and the resolution recognized that they would change.

Nicaragua noted that certain states that had been assigned a fleet carrying capacity were not included in the tables of contributions, and that this discrepancy should be dealt with.

A new draft resolution, which took into account the concerns expressed by the delegations, was presented and approved (Appendix 20).

Mexico asked about the difference of approximately US\$780,000 between the agreed contributions for FY 2001 and the actual budget. Dr. Allen responded that part of this deficit would be covered by the contributions of new members joining the Commission, and that the only project that would be suspended would be the study of the sorting grids.

## **15. Participation fees for observers at IATTC meetings**

Mexico explained its proposal, presented at a meeting of the Working Group on Finance, regarding participation fees for observers at IATTC meetings. The Commission agreed to ask the Director to collect information on how other international organizations regulate the attendance of observers at meetings and present the results to the next meeting of the IATTC for a decision.

## **16. Recommendations and resolutions for 2000**

The meeting adopted the following resolutions:

	Appendix
Resolution on bigeye tuna	2
Resolution on yellowfin tuna	3
Resolution on dolphin abundance studies in the eastern Pacific Ocean	7
Resolution on compliance	11
Resolution on a Regional Vessel Register	12
Resolution on fishing by vessels of non-Parties	13
Resolution on bycatch	17
Resolution on financing the Inter-American Tropical Tuna Commission	20

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

It was agreed that the next regular meeting of the IATTC would take place in El Salvador in June 2001, with Ambassador Pulvenis of Venezuela as Chairman.

## **18. Election of officers**

The following appointments were made:

<u>Meeting</u>	<u>Chairman/Vice-Chairman</u>
67 <sup>th</sup> Meeting of the IATTC	Jean-François Pulvenis
Working Group on Fleet Capacity	Arnulfo Franco
Working Group on Finance	Svein Fougner
Working Group on the IATTC Convention	Jean-François Pulvenis
Permanent Working Group on Compliance	Mara Murillo / William Gibbons-Fly

## **19. and 20. Other business and Adjournment**

There being no other business, the meeting was adjourned.

**Appendix 1.**

**COMISION INTERAMERICANA DEL ATUN TROPICAL  
INTER-AMERICAN TROPICAL TUNA COMMISSION**

**66ª REUNION – 66<sup>TH</sup> MEETING**

**12-14-15 de junio de 2000– June 12-14-15, 2000**

**San José, Costa Rica**

**ASISTENTES - ATTENDEES**

**PAISES MIEMBROS--MEMBER COUNTRIES**

**COSTA RICA**

**HERBERT NANNE ECHANDI**  
Comisionado  
**GEORGE HEIGOLD STARK**  
Comisionado  
**OSCAR MONGE CASTRO**  
Ministerio de Relaciones Exteriores  
**ASDRUBAL VASQUEZ NUÑEZ**  
Sardimar, S.A.  
**JUAN MORA VARELA**  
H. Mora & Co. Ltd.

**JAIME BASADRE ANDRACA**  
**JAIME BASADRE OREAMUNO**  
Marítima Pesquera, S.A.  
**ODIN THAANUM**  
Acuática S.A.  
**EDUARDO E. VARGAS**  
Chocomar  
**MILTON H. LOPEZ**

**ECUADOR**

**RAFAEL TRUJILLO BEJARANO**  
Comisionado  
**LUIS TORRES NAVARRETE**  
Comisionado  
**CESAR ROHON HERVAS**  
Cámara Nacional de Pesquería  
**LUIS E. GOMEZ BEJARANO**  
**LUIS E. GARCIA PLAZA**  
Legalsa Asesoría Legal, S.A.

**JOSE LUIS FLORES SANTANA**  
SEAFMAN, C.A.  
**BERNARDO BUEHS NOBOA**  
**ABEL PALADINES BASURTO**  
Atunec  
**HECTOR VILLEGAS**  
**MARIA L. MASPONS**  
TUNLO, S.A.

**EL SALVADOR**

**ROBERTO INTERIANO**  
**MARGARITA SALAZAR DE JURADO**  
Ministerio de Agricultura y Ganadería  
**NELSON AMAYA LARROMANA**  
Ministerio de Relaciones Exteriores

**MILTON JOSE COLINDRES**  
Embajada de El Salvador en Costa Rica  
**ABDON ENRIQUE AGUILLON**  
Ministerio de Economía

**FRANCE - FRANCIA**

**BERNARD MONOT**  
**LUDIVINE PHILIPPON**  
Embajada de Francia en Costa Rica

**MICHEL DION**  
ORTHONGEL  
**VANESSA SOULERES**  
Collecte Localisation Satellites (CLS)

**JAPAN - JAPON**

**DAISHIRO NAGAHATA**  
Commissioner  
**YUKA NISHIDE**  
Ministry of Foreign Affairs  
**KENGO TANAKA**  
**MASAHIRO MINO**  
Fisheries Agency of Japan

**ZIRO SUZUKI**  
National Research Institute of Far Seas Fisheries  
**TSUTOMU WATANABE**  
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Federation of Japan Tuna Fisheries Cooperative  
Associations

**CARLOS CAMACHO GAOS**  
Secretaría de Medio Ambiente Recursos Naturales y Pesca  
**DAMASO LUNA CORONA**  
Comisionado  
**ANTONIO J. DIAZ DE LEON CORRAL**  
Comisionado  
**MARA MURILLO CORREA**  
Comisionada  
**GUILLERMO COMPEAN JIMENEZ**  
Comisionado  
**JERONIMO RAMOS SAENZ PARDO**  
**MARIO AGUILAR SANCHEZ**  
**RICARDO BELMONTES ACOSTA**  
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**SERGIO MARTINEZ CASCO**  
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**WILLIAM GIBBONS-FLY**  
**BRENT STEWART**  
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**MICHAEL TILLMAN**  
**JAMES LECKY**  
**SVEIN FOUGNER**  
**GARY SAKAGAWA**  
**ALLISON ROUTT**  
**PATRICIA DONLEY**  
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**DAVID BURNEY**  
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**CHARLES R. HART**  
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**JOHN WILKIE**  
Valley Detroit Diesel Allison  
**RENE AVENDAÑO**  
**PETER TRUTANICH**  
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**ELISEO VILLAR LOUREIRO**  
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**MIGUEL A. CISNEROS MATA**  
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**MARK ROBERTSON**  
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**ALFONSO ROSIÑOL LLITERAS**  
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**JOSE VELAZQUEZ CARDENAS**  
CANAINPESCA, Sección Atún  
**JOSE JUAN VELÁZQUEZ MACOSHAY**  
CANAINPESCA  
**FELIPE CHARAT**  
Maricultura del Norte, S. de R.L. de C.V.  
**GERARDO LOJERO**  
COMEXTUN S.A. de C.V.  
**JOSE CARRANZA BELTRAN**  
**ERNESTO ESCOBAR A.**  
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#### NICARAGUA

**ARMANDO SEGURA**  
Asesor

#### PANAMA

**IGNACIO GOMEZ GISBERT**  
Caribbean Fishing Trading, S.A.  
**RICH MONTGOMERY**  
Pesqueros, S.A.  
**JUAN DE OBARRIO**

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

**KEVIN MCCLAIN**  
**CARY GANN**  
Chicken of the Sea  
**OTTO OBRIST**  
Ocean Ventures, Inc.  
**CHARLES HART**  
Marco Marine Seattle  
**ED STOCKWELL**  
**JOSEPH TRAINI**  
**MICHAEL FINETE**  
**BILL MCLOUGHLIN**  
StarKist  
**MICHAEL MCGOWAN**  
Bumble Bee Seafoods, Inc.  
**PAUL KRAMPE**  
United Tuna Cooperative

#### VANUATU

**CIRIACO GAMECHO**  
ATUNBI, S.A.

#### VENEZUELA

**NOEL GARCIA GOMEZ**  
**LISLA PICO BERBESI**  
Embajada de Venezuela de Costa Rica

**JEAN-FRANÇOIS PULVENIS**

Comisionado

**RICARDO MOLINET**

Comisionado

**CAROLINA BELTRAN**

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**SANTOS VALERO**

Ministerio de Relaciones Exteriores

**LUIS MARRERO LARA**

Ministerio de la Produccion y el Comercio

**FREDDY DE CORDOVA**

Empresas Cannavo

**JOSE MARIA BENGUA**

AVATUN

**LILLO MANISCALCHI**

Inversiones Atuneras, C.A.

**RAFAEL CASTRO**

CAVENPESCA

**FERNANDO CALVO LEMA**

Calvo Pesca, Grupo Calvo, España

**JOSE MARIA MORENO**

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## PAISES NO MIEMBROS--NON-MEMBER COUNTRIES

### COLOMBIA

**JULIO ANIBAL RIAÑO VELANDIA**

**MYRIM CONSUELO RAMIREZ VARGAS**

Embajador de Colombia en Costa Rica

**IVAN DARIO ESCOBAR MARTINEZ**

Ministerio de Agricultura y Desarrollo Rural

**CLARA GAVIRIA AGUDELO**

Ministerio de Comercio Exterior

**ARMANDO HERNANDEZ RODRIGUEZ**

ANDI

**ALVARO BUSTAMANTE STEER**

**ALVARO NAVARRO COLEY**

ATUNEC, S.A.

**ALFONSO PAZ TENORIO**

CIMAR S.A.

**HUGO MARINO VILLA**

GRALCO, S.A.

**GUILLERMO DAW**

FRIGOGAN

### ESPAÑA - SPAIN

**MIGUEL ANGEL DE ANDRES NUNEZ**

Embajada de España en Costa Rica

**IGNACIO YBAÑEZ RUBIO**

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**JAVIER ARIZ TELLERIA**

Instituto Español de Oceanografía

**GABRIEL SARRO IPARRAGUIRRE**

**JULIO MORON**

OPAGAC

**IGNACIO LACHAGA BENGOCHEA**

**JOAQUIN GOMEZ VILLEGAS**

ALBACORA, S.A.

**ESTANISLAO GARAVILLA**

Conservas Garavilla

**MIGUEL ANGEL PEÑALVA**

CALVOPESCA

**JESUS ALONSO FERNANDEZ**

**M. ODILO ROMERO MORALES**

JEALSA RIANXEIRA S.A.

**IGNACIO URIBE EGUSKIZAGA**

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### EUROPEAN UNION – UNION EUROPEA

**ERNESTO PENAS LADO**

**NEISSE JURGEN**

Administrator

**RONAN LONG**

Assistant Administrator

**ALAIN FONTENEAU**

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**JULIO HERNANDEZ**

**MAURICIO MEJIA ESCALANTE**

**FRED BATLLE RIO**

**LUIS ROBERTO ARAGON**

Ministerio de Agricultura, Ganadería y Alimentación

**MARIELLA VELEZ DE GARCIA**

**NERY HUMBERTO BOJORQUEZ GARCIA**

Ministerio de Relaciones Exteriores

**R. OSWALDO MENDEZ**

**KARINA POSADAS RODRIGUEZ**

Ministerio de Economía

**MARIA OLGA MENENDEZ**

AGEXPRONT

### PERU

**JORGE VERTIZ CALDERON**

**JORGE ZUZUÑAGA ZUZUÑAGA**

Ministerio de Pesquería

**EDUARDO PASTOR RODRIGUEZ**

**GLADYS CARDENAS QUINTANA**

Instituto del Mar del Perú

**CESAR VILLARAN**  
Collecte Localisation Satellites (CLS)

**TAIWAN**

**GEORGE T.C. HUANG**  
Embajada de Taiwan en Costa Rica

**ORGANIZACIONES INTERNACIONALES--INTERNATIONAL ORGANIZATIONS**

**ADOLFO RIBEIRO LIMA**  
International Commission for the Conservation of  
Atlantic Tunas (ICCAT)

**ALEJANDRO ANGANUZZI**  
Indian Ocean Tuna Commission (IOTC)

**MICHAEL LODGE**  
International Seabed Authority (ISA)

**JACEK MAJKOWSKI**  
Food and Agriculture Organization of the U.N. (FAO)

**CAMPBELL MCGREGOR**  
Commission for the Conservation of Southern Bluefin  
Tuna (CCSBT)

**WILLIAM GIBBONS-FLY**  
Commission for the Conservation of Antarctic Marine  
Living Resources (CCAMLR)

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

**NINA YOUNG**  
Center for Marine Conservation

**ALEJANDRO ROBLES G.A**  
Conservation International

**ANDREA OLIVER**

**SANDRA ANDRAKA GALAN**  
World Wildlife Fund

**KITTY BLOCK**  
Humane Society of the United States

**KATHLEEN O'CONNELL**  
Whale and Dolphin Conservation Society

**JOHN CADDY**  
Ecoclad Associates

**CIAT—IATTC**

**ROBIN ALLEN**  
**ERNESTO ALTAMIRANO**  
**PABLO ARENAS**  
**DAVID BRATTEN**  
**MARCELA CAMPA**  
**RICHARD DERISO**

**MONICA GALVAN**  
**MARTIN HALL**  
**BRIAT HALLMAN**  
**BERTA JUAREZ**  
**NICHOLAS WEBB**

## Appendix 2.

### Inter-American Tropical Tuna Commission

#### RESOLUTION ON BIGEYE TUNA

16 June 2000

*The Inter-American Tropical Tuna Commission (IATTC), having responsibility for the scientific study of the tunas and tuna-like fishes of the eastern Pacific Ocean (EPO), which for the purpose of this resolution is the area bounded by the coastline of the Americas, the 40°N parallel, the 150°W meridian, and the 40°S parallel, and for the formulation of recommendations to the High Contracting Parties with regard to these resources, and having maintained since 1950 a continuing scientific program directed toward the study of those resources:*

*Recalling* the provisions of its Resolutions on the conservation and management of bigeye tuna in the EPO approved at the 61<sup>st</sup> and 64<sup>th</sup> meetings of the IATTC, including the establishment of a limit of 40,000 metric tons on the catch of bigeye tuna in the surface fishery in 1999 and the resolution approved at the 65<sup>th</sup> meeting of the IATTC, which established a provisional limit of 40,000 metric tons and a process to review the status of bigeye tuna during its Annual Meeting in 2000, and

*Considering* the information presented by the IATTC staff on the need to take measures to ensure that catches of juvenile bigeye by the surface fishery do not threaten the sustainable yield of bigeye tuna in the EPO, and

*Concerned* about the reduction in the average size of bigeye tuna caught by the purse-seine fishery in the EPO during 1994-1998, and in the uncertainty with respect to the catches during 1999 and the first quarter of 2000, and

*Aware* that there was an increase in the average size of the bigeye tuna in the catch of the surface fishery in 1999 and the first quarter of 2000, and

*Recognizing* the uncertainties about the life history parameters of the bigeye stock, and

*Observing* that catches of bigeye tuna in the first quarter of 2000 may have increased at a faster rate than expected, resulting in considerable uncertainty and management difficulties for the surface fishing fleets of the EPO and for the IATTC, and

*Noting* that it is necessary to limit the catch of bigeye tuna by the surface fishery in the EPO in the year 2000:

*Therefore recommends to the High Contracting Parties and non-parties under whose jurisdiction vessels operate in the EPO that they agree that:*

1. The fishery on all types of floating objects shall be closed from September 15 through December 15, 2000.
2. Notwithstanding paragraph 1 above, the fishery shall be closed earlier if the Director determines, based on the best scientific and fishery data available, that the catch of bigeye tuna less than 60 centimeters has reached the level achieved in 1999, in which case he shall advise all Parties that the fishery on floating objects shall close two weeks after such determination.
3. To make this determination, the Director shall review the information in paragraph 2 above in order to decide on the question of a closure by August 1 and, if necessary, August 15.
4. Each Party shall send to the Director information on the legal and administrative provisions for implementing the closure, at the latest 10 days after its entry into force.
5. With the cooperation and assistance of the Parties, all landings by vessels of Classes 4 and 5 shall be



monitored by the Director, and landings by smaller vessels shall be sampled to the extent possible.

6. The Director, in cooperation with the Parties, shall prepare a comprehensive draft plan for regional management of fishing capacity in accordance with the FAO International Plan of Action for the Management of Fishing Capacity, including consideration of the measurement of fishing capacity, by the Meeting of the IATTC in June 2001. This plan should include, *inter alia*:
  - A regional register of tuna-fishing vessels;
  - The determination of the level of capacity of the fleet that will ensure that levels of fishing effort are commensurate with the sustainable use of tuna resources.
7. The Scientific Working Group shall meet in October 2000 to review the status of the bigeye stock and recommend management measures for 2001. The Group should consider, *inter alia*:
  - the patterns of catches of bigeye tuna;
  - any data available on size composition of the bigeye catches;
  - previous evaluations of the impact of catches by longline and small purse-seine vessels and of interactions between the longline and purse-seine fisheries;
  - alternative methods for reducing the catch of juvenile bigeye tuna; and
  - other relevant information provided for consideration by the IATTC.
8. The Parties shall, taking into consideration the recommendations of the Scientific Working Group, adopt management measures for 2001 before the end of the year 2000.
9. At the Meeting of the IATTC in June 2001, they shall review the status of the bigeye tuna stock and the fisheries and, if appropriate, modify the management measures.
10. They shall take all the necessary measures to ensure that no tender vessels operate in the EPO, in accordance with the resolution on fish-aggregating devices of the 64th Meeting of the IATTC.
11. Non-parties shall be requested and encouraged to comply with the requirements and commitments of this resolution.

### Appendix 3.

## Inter-American Tropical Tuna Commission

### RESOLUTION ON YELLOWFIN TUNA

June 2000

*The Inter-American Tropical Tuna Commission*, having responsibility for the scientific study of the tunas and tuna-like fishes of the eastern Pacific Ocean (EPO), which for the purpose of this Resolution is the area bounded by the coastline of the Americas, the 40°N parallel, the 150°W meridian, and the 40°S parallel, and for the formulation of recommendations to the High Contracting Parties with regard to these resources, and having maintained since 1950 a continuing scientific program directed toward the study of those resources,

*Notes* that the yellowfin tuna resource of the eastern Pacific supports one of the most important surface fisheries for tunas in the world, and

*Recognizes* that, based on past experience in the fishery, the potential production from the resource can be reduced by excessive fishing effort, and

*Recalls* that from 1966 through 1979 the implementation of a successful conservation program maintained the yellowfin stock at high levels of abundance, and

*Notes* that from 1980 through 1999, excepting 1987, conservation measures were recommended to the Commissioners by the scientific staff, and that in turn such measures were approved by the Commissioners for recommendation to their respective governments, and

*Observes* that, although the stock of yellowfin is currently near a level of optimum abundance, nevertheless it can be over-exploited, and

*Believing* that it is important to follow a precautionary approach when addressing conservation and management measures for yellowfin tuna, and

*Understanding* that most yellowfin tuna caught in the area west of the Commission's Yellowfin Regulatory Area (CYRA) (as defined in the resolution adopted by the Commission on May 17, 1962) and east of 150°W are of such a size that limiting the catches in that area is currently not necessary, and

*Observing* that currently the fishery for yellowfin tuna in the eastern Pacific Ocean includes a variety of fishing gears and methods of operation which require the implementation of differentiated management systems adapted to this complexity, and

*Noting* the recommendation to limit the catch of bigeye tuna taken in the purse-seine fishery in the EPO by prohibiting sets on all types of floating objects,

*The IATTC therefore recommends to the High Contracting Parties* that a limitation on the catches of yellowfin in the CYRA is necessary before the end of 2000, and will take effect on the date on which the total catch of yellowfin tuna from the CYRA in 2000 reaches 240,000 metric tons. (This date will henceforth be referred to as the "closure date," and the period beginning on the closure date and ending at midnight, December 31, 2000, will henceforth be referred to as the "restricted period.") Further, on the basis of the analysis of information presented by the Director, the limitation may be implemented on a differential basis. The limitation would be implemented as follows:

1. Purse-seine vessels and baitboats must refrain from fishing for yellowfin tuna in the following areas of the CYRA (the "restricted areas") during the restricted period:
  - a. The area between the coast of Mexico and longitude 125°W north of latitude 23°N, and
  - b. The area between the coast of South America and longitude 85°W from latitude 5°N to latitude 5°S.

2. As of December 1, 2000, or the date on which a catch of 265,000 metric tons of yellowfin tuna is reached in the CYRA, purse-seine vessels with an observer aboard from the On-Board Observer Program established under the Agreement on the International Dolphin Conservation Program must refrain from fishing for yellowfin in the CYRA.
3. The landings of fish caught in the restricted areas during the restricted period or in the entire CYRA after the date established in section 2 above by any individual purse seiner with an observer aboard may include a maximum of 15 percent yellowfin (relative to its total catch of all species of fish during those periods) caught while fishing for other species of tunas.
4. Vessels with an observer aboard which are at sea on December 31, 2000, will not be subject to the 15-percent maximum after that date during the remainder of that trip.
5. Purse-seine vessels and baitboats without an observer aboard which are at sea on the closure date may continue to fish for yellowfin without restriction until they return to port for unloading.
6. Purse-seine vessels and baitboats without an observer aboard which are not at sea on the closure date, but which depart from port to fish for tunas during the restricted period, must refrain from fishing for yellowfin. The landings of vessels in this category, regardless of the date the trip is completed, may include a maximum of 15 percent yellowfin caught while fishing for other species of tunas.

The IATTC staff shall evaluate landings of small tuna during the period when this area closure is in effect in order to determine whether the actual reduction in catches of small yellowfin tuna is consistent with the expected reduction, and shall report on the results of that evaluation at the Meeting of the IATTC in June 2001.

*Finally recommends* that all member states and other interested states work diligently to achieve the implementation of such a yellowfin conservation program for 2000.

#### **Appendix 4.**

##### **REQUEST OF THE COLOMBIAN DELEGATION**

The Delegation of Colombia expresses its reservation with regard to paragraph 1, subsection 2, of the Resolution on yellowfin tuna, since the area indicated includes waters under Colombian sovereignty and jurisdiction, and this is contrary to national and international law, and therefore requests that the following be added to this subsection:

“In the case of Colombia, in its Exclusive Economic Zone the National Government shall adopt the measures which it considers pertinent for reasons of national sovereignty.”

Appendix 5.

# COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMMISSION

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA  
Tel: (858) 546-7100 – Fax: (858) 546-7133 - Director: Robin L. Allen, Ph.D.

April 27, 2000

Ref.: 0260-812

Dr. Michael Tillman  
Director, Southwest Fisheries Science Center  
8604 La Jolla Shores Dr.  
La Jolla, CA 92038

Dear Dr. Tillman:

### IATTC Staff Comments for Meeting April 27-28,2000

The IATTC staff welcomes this opportunity to continue the consultation on research required by the Act. However, we do need to clarify that while the staff will report any proposals to the Commission we cannot, without time to give it an opportunity to consider the issues raised at the meeting, give the Commission's views on any matter.

At the outset of this meeting we want to repeat two points which we made previously but which were not given any prominence in the advice from the Southwest Fisheries Center to the Secretary of Commerce for the initial decision. The first concerns the nature of the Decision Framework itself, and the second the treatment of the TVOD estimates of relative abundance and the survey abundance estimates.

Our concern about the Decision Framework is that it includes a Decision Rule that makes policy decisions, which should be made by the Secretary of Commerce (or the person to whom he has delegated authority), within what could be taken to be a scientific analysis. There are two critical elements of judgment to be exercised by the Secretary. One is what constitutes a significant adverse impact, and the other the level of certainty he should have in deciding whether the evidence presented to him is sufficiently compelling to decide that there has or has not been an significant adverse impact. Neither what should be considered a "significant adverse impact" nor what probability level the Secretary ought to use in weighing the evidence can be determined by the research mandated by Congress. The decision framework reported in the paper attached to the invitation gives the impression that a scientific process has resolved these questions and invites the Secretary to relinquish his discretion in those issues. In particular, the three criteria both interpret "significant adverse impact" and assign probability levels for evaluation.

We believe the appropriate way to present the scientific results would be by reporting them with confidence intervals or in a probability statement which would then allow the Secretary to decide whether there was a significant adverse impact.

During the earlier consultations we repeatedly warned that the TVOD data should not be used to make comparisons among years and particularly between early and late years in the series. That is because the biases, that are always present when opportunistically collected data are used, appear to have been changing over time. That alone makes those estimates unsuited to the purpose they were used for by NMFS.

Further, it is clear that the TVOD estimates suffer from a process error in addition to sample variation, as demonstrated by large inter-annual variations among the estimates, which was not accounted for when NMFS analyses used them alongside the research surveys. The analysis carried out by NMFS which used both the TVOD indices and the Survey estimates weighted each by the inverse of the estimated sample variances. The sample variances of the TVOD indices are very small because of the large number of observer sightings, and this caused them to have much more effect on the population growth estimates than the survey estimates. That weighting does not take account of other errors in both series and is clearly inappropriate.

We are engaged in a project to investigate these matters further and may have additional results early next year.

While those points have been made in letters during the last consultation, we believe we need to reiterate them because they were not given much weight in the consideration of a Decision Framework. We find it hard to see the previous process as an effective consultation when our views on indices which we developed, and for which we have the greatest expertise in, have apparently been given no effective weight.

We also submit for consideration the analysis of all the survey results from 1979-1998. Fitting an exponential model to those indicates that there has been a significant increase in the population of both eastern spinner and northeast offshore spotted stocks dolphins during that period, and than no conclusion could be drawn about differences in growth rates before and after 1991.

During the course of the meeting the staff may wish to comment on other points, and as noted at the outset, we will report the results of the meeting to the Commission so we can provide to NMFS, at a later time, any comments the Commission may have.

Sincerely,

Robin Allen  
Director

Enclosure  
As above

CC: Commissioners

## **Appendix 6.**

### **STATEMENT OF THE MEXICAN DELEGATION**

**San José, Costa Rica, 15 June 2000**

We declare our position in relation to the presentation made by Dr. Michael Tillman, Director of the SWFSC/NMFS of the US Department of Commerce, during this 66th Meeting of the IATTC on the most recent estimate of the abundance of dolphins in the eastern Pacific Ocean (EPO), based on the cruises made during 1999.

Since 1993, the Governments and the industries that fish for tunas in association with dolphins in the eastern Pacific Ocean have made a great effort, and invested time and resources for the protection of dolphins. No fishery in the world has a program so closely observed, regulated, and with mechanisms which ensure transparency in its various procedures and in the full implementation of all the agreed measures.

Subsequently, in 1995, we agreed to strengthen and formalize these efforts making the then voluntary La Jolla Agreement binding in what we now refer to as the Panama Declaration. In 1997 the US Congress recognized the available scientific evidence and the merit of the Declaration in modifying the Marine Mammal Protection Act and the Dolphin Protection Consumer Information Act. We also reached consensus on a text that is now the binding Agreement on the International Dolphin Conservation Program (AIDCP), which has become a heavy economic burden on fishermen, in order to ensure the long-term conservation of dolphins.

The information presented during this meeting by the National Marine Fisheries Service regarding the latest dolphin stock abundance estimates for the EPO jeopardizes all of these efforts. This is reflected in the disappointment felt among Governments, industry and environmental organizations, as this provides incentives for the utilization of fishing techniques that result in the significant by catch of juvenile tunas and other important non-target marine species including, among others, sharks and sea turtles.

The joint efforts of the IATTC and its staff have not been considered when carrying out the studies. Although the US law clearly specifies the requirement to consult the Commission. Despite this being done occasionally, its scientific viewpoints have not been taken into account and, when reference is made to the Commission's scientific opinion, this has been misrepresented to a point far from reality, to say the least.

The statement made yesterday morning by Dr. Tillman regarding lack of scientific capacity of the Commissioners is, of course, unacceptable. It shows extreme self-assurance, frivolity and disdain for the other Contracting Parties.

On the other hand, Mexico, in the spirit of responsible and serious cooperation, has allowed and promoted the undertaking of research cruises in its Exclusive Economic Zone, as well as scientific activities on tuna vessels under its jurisdiction. Additionally, all necessary arrangements have been made with the different Government institutions to facilitate such research. Moreover, on two occasions, we have had to intercede before other Mexican authorities, when attempts were made to introduce into the country necropsy equipment in violation of the national customs regulations, which hindered and delayed the process. This delay, not attributable to our country, was finally settled thanks to our high degree of interest, concern and intercession.

To this effect, it is worth mentioning that the necropsy samples collected by Mexican vessels are still in Mexico today. On May 8, Mexico formally submitted the appropriate CITES export permits to the US authorities and to the IATTC.

The information presented by NMFS, which is incomplete, does not contain supporting documentation or thorough data analyses. A first review leads to the following comments, which are rather serious concerns, given the implications this information has on the fishery of tuna in association with dolphins;

on the reputation and future of the Inter-American Tropical Tuna Commission (IATTC) and on the Agreement for the International Dolphin Conservation Program (AIDCP) that entered into full force on January 1, 2000.

We believe that the content of Dr. Tillman's presentation has two serious problems, among others, that certainly invalidate, any conclusion drawn from it. The first problem relates to the quality of the dolphin estimates and the second with the logic and the soundness of the process that resulted in these estimates.

The difference between the specific dolphin abundance estimates from one year to the next is so large, and their variability is so great, that it is not possible to issue a judgment on abundance trends with a minimum degree of reasonable certainty. We believe it is imperative to carry out an analysis striving to find the factors affecting such estimates.

The oceanographic conditions that have prevailed in the EPO during the two years of the estimates have been extremely abnormal and variable. As we know, the strongest El Nino event of the Century occurred in 1998, followed by a La Nina in 1999, which surely altered dolphin distribution and abundance, just as they affected other marine and fisheries resources. The 1999 abundance estimates presented for 1999 are contrary to the hypothesis that environment could have an effect on the distribution of these marine mammals. Thus the soundness of experiment design and sampling which sought to estimate abundance is questionable.

In his presentation, Dr. Tillman noted that there was clearly a problem with the data, but that he had only just received them and had neither the opportunity to review the algorithms nor the other problems in the processing of the data. That such politically sensitive data should have been presented publicly in light of the court cases in California and New York is not, to say the least, scientifically ethical, and leads us, in the context of this sad saga, to seriously question the motives of SWFSC.

This comment on scientific ethics is very important, especially given that it is preferable to receive the best scientific evidence and information tomorrow than preliminary and highly speculative data today.

We are left with the impression that the research program alluded to has been designed to conclude with the acceptance of the existence of a significant adverse impact in 1999 to ensure that the final result in the year 2002 shall be of the same nature. This perception has been created by the history of the relationship and the details of the decision criteria used for the first finding at the beginning of 1999. The information supplied here last Tuesday and the manner in which it was presented reinforced this perception.

In February 1999 we indirectly received a copy of the decision criteria proposed by Goodman-Tillman and noted that this went beyond science and sought to address commercial policy issues. Specifically, the decision criteria were designed to reverse the burden of proof for the finding of the US Secretary of Commerce, in addition to requiring a confidence interval of 99%. On the one hand, this is totally inappropriate and on the other, it makes it almost impossible given the information and the body of technical knowledge available. This is in absolute contradiction to the directive set forth in the corresponding US law.

It concerns us that unvalidated preliminary results are presented, particularly when as Dr. Tillman said, neither the reasons for such differences nor their high variability are yet understood by NMFS staff. Our argument appeals to transparency and the rigor that normally accepted scientific processes should have, and the consequences that frivolity like this could cause for the future of dolphin protection, the tuna fishery in the EPO and its rational management.

IATTC members, this is not the first time this has happened. In March of last year, when the information was presented to the Secretary of Commerce for him to take his decision- that there was no significant adverse impact- it became necessary for Mexican scientists with the help of Dr. Ana Parma, recognized expert in population dynamics from the University of Washington, as well as Dr. Steve Buckland from Edinburgh University, one of the creators of line transect theory for the estimation of populations, gave

their opinion with the objective of ensuring that interpretations clearly predirected towards a negative decision would not be presented.

It is important to understand from the beginning that the finding of the US Secretary of Commerce is clearly addressing a problem of a commercial nature given that it is directed exclusively to labeling, and has nothing to do with either management of the tuna fishery in the EPO, or with the protection of dolphins.

Seen in another way, in the absence of a negative decision on the existence of a significant adverse impact, what would happen? As we have seen in the last ten years, neither the fishing techniques nor fishing effort would change; but clearly, all that would happen is that there would be a change in the labeling definition.

The protection of dolphins and the management of dolphin populations are contemplated in other provisions of the US legislation implemented through international agreements, specifically the Panama Declaration.

The decision framework, created by Dr. Tillman and Dr. Goodman – a NMFS consultant – does not reflect the reality of this distinction. Instead, a different criterion has been created which could almost be said to support a predetermined result.

The presentation made last Tuesday shows that his is more political science than fisheries science.

The most serious aspect of this situation concerns the obvious problems with the logical scheme under which this process has been conducted. The US Act clearly establishes that changes in the definition of the dolphin-safe label do not occur if, and only if, scientific research definitely shows that tuna fishing activities in association with dolphins are having a significant adverse impact on dolphin populations.

However, it is evident that the current process is clearly biased since after stating, with the serious questions mentioned above, that the Northeastern Spotted and Eastern Spinner dolphin stocks have declined to dramatically and improbably low levels, it is effectively concluded that fishing activities are the cause. This is a priori judgment without any solid basis as is reflected in the very title of the table of data presented to this meeting of the IATTC. We are certain that a truly scientific analysis would lead us to alternative hypotheses, which could explain the alleged annual variation in the dolphin populations as well as the appropriate scheme to test these hypotheses.

In this regard, if there is no confidence in the design and final results of the three years of research on these populations, filtered through the Goodman-Tillman decision criteria, and combined with the inverted burden of proof, it is not possible that the final decision can be one which indicates that there is not a significant adverse impact. Under this logic, if there is a lack of information, there is an automatic presumption that the populations are not recovering and the subsequent assumption that a tuna fleet is the cause of this alleged lack of recovery.

In view of the arguments expressed above, and the probability that this information be used in an inappropriate fashion, we propose the following as the only reasonable measures given the current circumstances, and on which an IATTC resolution can be based:

1. That the signatory countries ask the United States to fulfill completely the commitments contracted as a signatory country of the Panama Declaration, that is to say, that in taking scientific decisions –among others- they should consult with the IATTC, that is to say, with the High Contracting Parties.
2. That conclusions on methodology, as well as on the results follow the most rigorous scientific analysis and not preconceived judgments that can be related to other interests.
3. That an independent panel of experts, coordinated by the Director of the IATTC, meet to analyze the methodology used to estimate the size of the dolphin stocks and the results of these estimates.



To this end, and with sufficient notice, the raw data collected on the research vessels, the scientific logbooks, their validity, their processing, their methodology, associated research procedures on which the estimates of the dolphin stocks in 1998 and 1999 were based, the environmental context and the complete results should be made available to the IATTC and the National Scientific Groups which the member nations determine, through the national Scientific Advisory Committees.

4. That after this meeting of scientific peers and once the results have been validated through the highest scientific rigor, that they only then be considered to be valid and are then published.
5. In order to guarantee greater transparency, requested that in the following cruises, scientific observers of IATTC member countries take part.
6. That the information presented by Dr. Tillman, given its preliminary nature and the lack of validation that would convert it into scientific evidence, be suppressed from any document in the public domain.

In presentations in these and other similar meetings, the positive results that the governments, industry and environmental NGOs have made to reduce to statistical zero the incidental mortality of dolphins in tuna fishing activities has been made absolutely clear.

With the same conviction with which we have assumed this responsibility, we respectfully invite the IATTC to jointly seek the truth in the case of the estimates of the size of the dolphin stocks, and that we analyze scientifically and not in any other fashion the factors that estimate their abundance.

## **Appendix 7.**

### **STATEMENT OF THE U.S. DELEGATION**

**San Jose, Costa Rica, 16 June 2000**

At the 66<sup>th</sup> Meeting of the Inter-American Tropical Tuna Commission (IATTC), held June 12, 14-16, in San Jose, Costa Rica, the U.S. Delegation presented the preliminary results from the 1999 surveys to estimate the abundance of certain dolphin stocks in the eastern Pacific Ocean, as well as information regarding the April 2000 consultation on the Analysis Decision Framework. The information presented was greeted with considerable concern from certain delegations including a written statement from the Mexican Delegation which that delegation requested be included in the record of the meeting. The United States Delegation provides this written statement in response and likewise requests that it be included in the written record of the meeting. The purpose of this statement is not to open a debate on the specific points contained in the Mexican statement, although we take issue with many of those points, but instead to clarify the position of the United States with respect to certain key issues.

Before doing so, the United States would like to express its concern about the personal nature of the criticisms contained in the Mexican statement, in particular, the passages that directly question the personal and professional integrity of individuals employed by the Government of the United States. The IATTC has often been the forum for debate and disagreement on a wide range of sensitive and contentious issues, and we do not believe that directing comments in such a personal manner is appropriate or helpful.

With respect to the 1999 estimates of dolphin abundance, the presentation of the preliminary results of the 1999 survey was in response to a request from the IATTC staff to the National Marine Fisheries Service (NMFS) prior to the meeting. The U.S. delegation was responding to this request and presented the preliminary information, making clear during the discussions that further analyses were required to interpret the estimates appropriately. It was noted, for example, that the oceanographic data collected during the cruises needed to be analyzed in order to determine the possible influence of environmental variability.

The U.S. presentation particularly noted the order of magnitude difference between the 1998 and 1999 estimates for eastern spinner Dolphins. The U.S. stated that its scientists would focus on ascertaining, if possible, the cause for this difference and, if necessary, would convene appropriate review groups to assist in the process. It was further noted that, although the 1999 estimates for stocks of spotted dolphins were also less than those for 1998, these differences were not statistically significant and were well within the statistical variability normally expected from the line-transect methodology used.

The presentation of the preliminary results was a good-faith effort to be responsive to a request for information from the IATTC. Concern might have been as great, if not greater, had the U.S. said that it was not able to present the preliminary results. Given this situation, the U.S. presented the information it had available, with caveats associated with the preliminary estimates. As stated at the time, the United States does not view these preliminary results as the basis for making any statements about the status of dolphins stocks at this time.

A number of questions arose during the discussion regarding the methods used to produce the estimates of dolphin abundance. U.S. scientists have used the same methods since 1985. The results have been published in peer-reviewed journals, and the methods have been thoroughly and successfully reviewed in many workshops; the most recent in 1999, included the participation of a Mexican scientist.

With regard to the possible environmental effects on the distribution of these animals, the U.S. agrees that the dolphin stocks could have been affected by a major environmental shift. However, scientists do not know for certain how or in what direction such environmental variability could or would affect them. It is possible that the environmental perturbations observed in the EPO during 1999 could have caused the lower estimates obtained. It is premature to have any view since the available environmental data have yet to be analyzed. The U.S. has indicated that this is an important factor that needs further examination.

With respect to the decision by the Secretary of Commerce, the IDCPA specifically requires the U.S. government to ascertain “whether the intentional deployment on or encirclement of dolphins with purse-seine nets is having a significant adverse impact on any depleted dolphin stock in the Eastern Tropical Pacific (ETP) Ocean”. Such a determination must rely upon a scientific assessment of the status and trends of the affected dolphin stocks, based on the best scientific information available. The law requires the undertaking of Congressionally-mandated studies to evaluate whether fishery-related stress in ETP dolphins is hampering reproduction or survival to such an extent as to prevent recovery of these stocks. The scientific studies contributing to the final finding by the Secretary of Commerce in 2002 about a possible adverse impact of chase and encirclement will not be affected by the initial finding. In fact, the U.S. will reconsider all relevant information and data obtained during the three-year period of the Congressionally-mandated studies. This will include a reconsideration of the proposed Analysis Decision Framework that was the subject of the April consultation discussed during the 66th Meeting of the IATTC.

The U.S. delegation also reviewed the status of consultations on the Analysis Decision Framework being proposed by U.S. scientists as the basis for a determination by the Secretary of Commerce. Several delegations expressed concerns about this approach. The U.S. stated that progress had been made in dealing with concerns expressed regarding various aspects of the decision framework. Moreover, the U.S. noted that consultations on this matter had not been completed and that further meetings would be held regarding, among other issues, how to apply the historical, environmental and ecological results, as well as the results of the stress studies, to the analysis.

Some delegations expressed concerns about the criterion to be used as a basis for determining whether current fishing practices are having a significant adverse impact on depleted dolphin stocks. The U.S. stated that the decision would not be based on whether such stocks had recovered to the estimated levels of abundance in the 1950s. Rather, the focus would be on the trends in the abundance of dolphin stocks in the period after 1991 because, from 1992 onward, the incidental mortality in the fishery had decreased due to the voluntary efforts of the purse-seine fishery. Under MSY theory, it would be reasonable to

expect an increase in the populations of the depleted stocks, unless some other previously unobserved or unmeasured mortality had been occurring.

The Mexican Statement concluded with a list of 6 proposed measures to which the United States provides the following response:

1. The United States remains committed to the provisions of the Panama Declaration and is continuing to work to fulfill its obligations in this regard. We continue to seek a satisfactory resolution of domestic lawsuits and other pending issues related to U.S. commitments under the Panama Declaration and the implementation of the 1997 International Dolphin Conservation Program Act.
2. The United States agrees that conclusions should be based upon rigorous scientific analysis.
3. The United States agrees that an independent peer review of the 1999 estimates would be useful and is prepared to cooperate in such a review, providing the information required by that process to ensure a successful outcome.
4. The United States agrees that, as a prerequisite to publication, this scientific peer review should be undertaken to ensure the validity of results.
5. The United States provides space for observers from IATTC member countries when U.S. research vessels operate within the waters of those countries. This invitation is routinely offered as part of the permitting process.
6. Information that has been presented to a public forum such as a meeting of the IATTC is already considered to be in the public domain. Nonetheless, the United States will continue to ensure that any use of this information by the United States Government is accompanied by the appropriate caveats until more thorough analyses and reviews are completed.

## Appendix 8.

### Inter-American Tropical Tuna Commission

#### RESOLUTION ON DOLPHIN ABUNDANCE STUDIES IN THE EASTERN PACIFIC OCEAN

June 2000

*Recalling* that the Declaration of Panama and the Agreement on the International Dolphin Conservation Program requires that decisions affecting the living marine resources of the eastern Pacific Ocean be based upon the best available science;

*Considering* that the scientific credibility is based upon the quality and the pertinence of the information; in analysis, robustness, and validation; as well as in the transparency of the methodology;

*Acknowledging* the magnitude of the economic and social costs assumed by the industries and citizens of the Parties, as well as the commitment demonstrated by responsible non-governmental organizations actively supporting the IATTC through their participation in the programs that constitute the agreement;

*The IATTC therefore requests:*

1. That the signatory parties complete their commitments contracted in the Panama Declaration including, among others, their obligation to consult with the IATTC, that is to say, with the High Contracting Parties.
2. That conclusions on methodology, as well as on the results follow the most rigorous scientific analysis.
3. That the United States be invited to participate in an independent review, coordinated by the director of the IATTC of the methodology used to estimate the size of dolphin stocks and the results of these estimates.
4. That the United States make available to the IATTC for this review the raw data collected on the research vessels, the scientific logbooks, their validity, their processing, their methodology, associated research procedures on which the estimates of the dolphin stocks in 1998 and 1999 were based, the environmental context and the complete results.
5. That the United States not consider the results valid and publishable until after this meeting of scientific peers.
6. In order to guarantee greater transparency, that in the following cruises, scientific observers of IATTC member countries take part.
7. That the information presented by SWFSC/NMFS be accompanied by an appropriate disclaimer stating that the information is preliminary and the analysis is incomplete. Any further use of the information presented and now in the possession of the participants shall be constrained until it is deemed to provide a sound basis for an objective scientific judgment.

**Appendix 9.**

**INTER-AMERICAN TROPICAL TUNA COMMISSION  
WORKING GROUP ON THE IATTC CONVENTION**

**FOURTH MEETING**

**La Jolla, California (USA)  
May 22-25, 2000**

**CHAIRMAN'S REPORT**

**A.** The Working Group on the IATTC Convention met in La Jolla on May 22-25, 2000. Regarding this meeting and its results, I think it important to make the following comments.

- a)** As agreed, the Working Group was able to meet for a longer period than on previous occasions and also apart from other meetings within the framework of the Commission. This allowed the participants to concentrate their attention on the negotiation. However, it became clear that four days were insufficient to move the negotiations forward significantly. This experience should be taken into account when taking a decision on the duration of the Group's next meeting.
- b)** As expected, the meeting was well attended, not only by the Parties but also by countries and observers. Also in attendance, in accordance with our practice of transparency, were representatives of non-governmental organizations. This not only enriched the debate but also guaranteed that those countries and governmental and non-governmental entities which are interested and would participate in the implementation of the new Agreement are associated with the process of negotiation, without any adverse impact on the pace and efficiency of the negotiation.
- c)** It should be noted that, although it was the Group's fourth meeting, it was only the second time that it worked on a text, each of whose elements was reviewed in order, article by article and paragraph by paragraph. That text was the "Revised Chairman's Text" of April 2000, which consisted, as its name indicates, of a revision of the Chairman's text that was discussed point by point at the third meeting in October 1999. This text is appended to this report, as is the covering letter of April 18, 2000, that was distributed to all the participants and in which I explained the method I had followed to carry out this review process, taking into account as exhaustively as possible all the comments and proposals formulated by the participants.
- d)** Despite the large attendance I referred to earlier, and the participants' best efforts, which I wish to acknowledge very particularly, it proved impossible to finish the analysis of the "Revised Chairman's Text" as planned. Left pending, apart from the final clauses (Articles XXVI-XXXIV) and the annexes, were some substantive articles: Articles XXI-XXV on, respectively, cooperation and assistance, cooperation with other organizations or arrangements, settlement of disputes, rights of states and non-Parties. This does mean, however, that the most important elements of the Convention were widely and systematically discussed.

Regarding Article XXII, relating to cooperation with other organizations or arrangements, which has not yet been discussed, I would like to stress that this issue has been considered indirectly as a result of the presentation made to the Working Group on May 23 by representatives of Canada on the problem of northern albacore in the context of the future relations between the IATTC and the commission to be established as a result of the negotiations in progress within the framework of the Multilateral High Level Conference in the central and western Pacific.

- e) It is worth noting, in general terms, what the outcome of this discussion was:
  - a. The previous consensus was ratified or a new consensus was reached on various provisions or their modification.
  - b. In general, differing or opposed positions were maintained or new ones arose. Various issues or proposals were identified for consideration in greater depth during the next meeting.

Given this situation, it occurred to me during the meeting that, to ease the work of the participants and thereby the progress of the negotiation, it was important that everyone should have a document which would identify the areas of agreement and those on which all were agreed, as well as differing or opposed proposals and various pending points or issues for which there was no concrete proposal and/or which need to be studied in more detail. With the support of the Secretariat I prepared three such working documents, which were distributed during the actual meeting. There is an additional fourth document corresponding to the work done on May 25. These four documents are attached to this report.

**B.** The situation resulting from the failure to complete the discussion of the “Revised Chairman’s Text” during the third meeting and from reading the above-mentioned working documents could be seen as a lack of progress or even as a disheartening step backwards. Such an interpretation would be mistaken, because it would not take into account the real lack of time available for negotiating as well as the importance and sensitivity of the issues and questions considered. Nevertheless, this must be duly considered when taking a decision on the course of action to be followed and on the effort which we must all make to reach a consensus on each of these issues and questions still pending.

**C.** At the beginning of the meeting of the Working Group, I noted an important fact that distinguishes these negotiations from those that have taken place or that are still in progress in other regions, in particular in the central and western Pacific. Unlike those situations, in which the establishment of a new legal and institutional régime is being negotiated where there was previously none, here our purpose and mandate is to strengthen the existing regional conservation and management body through the revision of its constitutive convention. The considerable time elapsed since the adoption of that first instrument and the no less considerable evolution of circumstances and approaches during the half-century forces us to go further than a mere process of amendment of the 1949 Convention and to negotiate a new text. However, this unique situation should not be interpreted in detriment of our efforts to negotiate as efficiently as possible. It is urgent that we advance the process of negotiation we have undertaken to achieve a consensus on a new Convention text as soon as possible.

**D.** Bearing these considerations in mind, I would like to conclude by making some comments on the course of action to be followed.

1. First, contrary to what was said in the document distributed to you as an annotated agenda, it is not my intention to prepare and distribute a new single text, firstly because we have not even finished the examination of the “Revised Chairman’s Text” and, also, because there are too many points on which there are still important differences. However, it seems advisable to prepare, for the next meeting of the Group, a document based on the four working documents mentioned above, with the objective of showing, as clearly as possible, the points pending and the options presented by the participants, in order to facilitate the consideration of these options and a decision on them.
2. Second, with regard to the format of the meeting and bearing in mind the comments already made by the participants in the working group, it is imperative that the next meeting last at least six working days, that it be held separately from any other Commission meeting and that it take place at Commission headquarters. Preliminary conversations indicate that the most suitable period would be the second week of September.

Appendix 10.

# COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMMISSION

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA  
Tel: (858) 546-7100 – Fax: (858) 546-7133 - Director: Robin L. Allen, Ph.D.

San Jose, Costa Rica  
15 June 2000

Ambassador Satya Nandan  
Chairman, Multilateral High Level Conference on  
the Conservation and Management of Highly  
Migratory Fish Stocks in the Western and  
Central Pacific (MHLC).

Dear Ambassador Nandan,

I am writing to you in your capacity as Chairman of the Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (MHLC).

We understand that at the conclusion of the sixth session of the MHLC it was decided to seek the views of the member governments of the Inter-American Tropical Tuna Commission (IATTC) on the issue of the conservation and management of northern albacore tuna, and specifically on the question of the area of application of the IATTC and the emerging western Pacific commission. In this connection, we understand that at least one participant in the MHLC negotiations would like to extend the eastern boundary in the north to cover all or part of the migratory range of northern albacore tuna, which range throughout all northern hemisphere waters south of 50°N latitude. This would create a substantial area of overlap in the eastern Pacific, with either the current IATTC Convention or the proposed new convention, both of which include northern albacore among the species subject to scientific research and possible conservation and management measures.

Canada and the United States, two countries involved in the MHLC and particularly interested in northern albacore tuna, engaged in a detailed consultation with the IATTC countries involved in the fourth meeting of the Working Group to review and re-negotiate the IATTC Convention, which took place during May 2000 in La Jolla, California. The matter was discussed further during the annual meeting of the Commission in June 2000 in San Jose, Costa Rica. As a result of these discussions, I have been asked by the Commission to convey to you the following views of the IATTC.

First, the IATTC believes that areas of overlap between the two Commissions should be avoided if at all possible, so as to preclude potential conflicting measures applying to the same fishermen operating in the same areas. The Commission recognizes that there is already one potential

overlap area further south, but would be concerned should another overlap area be created, particularly one that extended so far east as to reach the coast of the Americas. The IATTC countries have tried to avoid creating potential overlap areas in the re-negotiation of the IATTC Convention by not projecting a Convention Area west of 150°W longitude, although it is clear that several important highly migratory species in the Pacific do travel substantial distances both east and west of the 150° line.

Second, the IATTC members are interested in doing everything possible to enhance cooperation between the IATTC and any new western Pacific tuna commission that may emerge. The members believe it would be absolutely essential that the two commissions do all they can to support meaningful consultation and collaboration to ensure that conservation and management measures are compatible and complimentary. The IATTC would like to maximize the conservation efforts of the two commissions and to minimize the possibility of a conflicting or confusing situation occurring for fishermen fishing for highly migratory species that occur in both the eastern and western Pacific Ocean. This is the case not only for albacore, but other highly migratory species as well, such as bigeye, bluefin, skipjack, swordfish, and other species. The strong interest of the IATTC countries in Pacific-wide cooperation on tuna conservation and management is reflected in the draft negotiating text for a new IATTC Convention, and as the negotiations proceed, it is likely that serious consideration will be given to whether the text could be strengthened in this area.

The IATTC looks forward to continued consultation with the MHLC on this matter and to close cooperation in the future on issues relating to the conservation and management of highly migratory fish stocks of mutual interest.

Sincerely,

Robin Allen  
Director



## Appendix 11.

### Inter-American Tropical Tuna Commission

#### RESOLUTION ON COMPLIANCE

16 June 2000

*The Inter-American Tropical Tuna Commission (IATTC)*, considering the recommendations of the Permanent Working Group on Compliance, recommends to the High Contracting Parties that they:

- Approve the Rules of Procedure of the Permanent Working Group on Compliance.
- Reiterate to the Parties the obligation that each Party has to monitor and take the actions necessary to ensure strict compliance with the conservation and management measures agreed by the Commission regarding the fleet operating in the eastern Pacific Ocean (EPO) under its jurisdiction. Also, encourage non-Parties under whose jurisdiction fishing vessels operate in the EPO, to fulfill their obligations, in accordance with international law, to cooperate in the implementation of the agreed regional conservation and management measures and monitor and take the actions necessary to ensure strict compliance with those measures.
- On the basis of the information collected by the IATTC staff, the Director shall send immediately to the pertinent Party information on possible cases of non-compliance detected for the fleet operating under its jurisdiction. The Director shall report on the progress of the legal procedures in cases of non-compliance during the meeting of the Permanent Working Group on Compliance, on the basis of the information supplied by each Party.
- In relation to monitoring compliance with the resolutions adopted by the Commission on bigeye tuna and fish-aggregating devices (64<sup>th</sup> Meeting of the IATTC, July 1999) and on yellowfin tuna (65<sup>th</sup> Meeting of the IATTC, October 1999), as well as any other measure agreed by the Commission, each Party, as well as non-Parties whose fleets operate in the EPO, shall:
  - Send to the Director, before August 30, 2000, information on the pertinent provisions of its legal framework which allows the timely implementation of the conservation and management measures agreed by the Commission.
  - Send to the Director information on the legal and administrative provisions for implementing the conservation and management measures, as well as other measures directed at the tuna fleet operating in the EPO, at the latest 10 days after their entry into force.
  - Send to the Director reports of developments in the investigations in progress regarding possible non-compliance by vessels under its jurisdiction, at the latest 60 days after the date on which the information was received by the competent authority, and send every 60 days a report on the progress, results and, if applicable, sanctions applied in relation to such non-compliance until a final resolution of pending cases has been achieved. This information shall include cases of possible non-compliance identified by the competent national authority of the flag state and regarding which action has been taken. Each Party shall strive to accelerate, within the framework of its national legislation, the processes which allow the resolution of cases of non-compliance.
- In order that the conservation and management measures agreed regarding catch limits for bigeye tuna and yellowfin tuna may be implemented in a timely fashion, the Director shall inform all Governments whose fleets operate in the EPO of the estimated dates of closure under the following mechanism:
  - 45 days before the estimated date on which the catch limit will be reached, a first notice shall be sent;

- 15 days before the measures associated with the reaching of the catch limit enter into force, a final notice confirming the closure date shall be sent.
- Instruct the Director to define, on the basis of the scientific and technical information at his disposal, a set on a floating object. Once this is defined, present the definition to the Commission and send it to Directors of the national observer programs, as well as to the Governments, so that there is a common understanding of what is meant by the term.
- Adopt the proposed resolution for the establishment of a regional register of fishing vessels.
- Adopt the proposed resolution on fishing by non-Parties.
- Ask the Director that the Commission staff study the potential of the Parties having vessel monitoring systems, and present its analysis to the Commission for consideration.

## Appendix 12.

### Inter-American Tropical Tuna Commission

#### RESOLUTION ON A REGIONAL VESSEL REGISTER

June 2000

*The Inter-American Tropical Tuna Commission (IATTC):*

*Affirming* the importance of ensuring that all vessels fishing in the Convention Area comply with the conservation and management measures agreed by its member governments;

*Inspired* by the principles of the Code of Conduct for Responsible Fisheries and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;

*Aware* of the need to have pertinent information relative to the operations of vessels fishing in the eastern Pacific Ocean (EPO);

*Therefore recommends to the High Contracting Parties that:*

1. They request the Director to establish and maintain a record of vessels that have been authorized to fish in the Convention Area for species under the purview of the Commission, on the basis of the information detailed in paragraph 2 below.
2. Each Party supply the Director the following information with respect to each vessel under its jurisdiction to be included in the record established pursuant to paragraph 1:
  - a. name of vessel, registration number, previous names (if known), and port of registry;
  - b. a photograph of the vessel showing its registration number;
  - c. previous flag (if known and if any);
  - d. International Radio Call Sign (if any);
  - e. name and address of registered owner or owners;
  - f. where and when built;
  - g. length, beam, and moulded depth;
  - h. fish hold capacity in cubic meters, and carrying capacity in metric tons;
  - i. name and address of operator (manager) or operators (if any);
  - j. type of fishing method or methods;
  - k. gross tonnage;
  - l. power of main engine or engines.
3. Each Party promptly notify the staff of any modifications to the information listed in paragraph 2.
4. Each Party also promptly notify the staff of any additions to or deletions from the record of vessels authorized to fish.
5. Each Party promptly notify the staff of any fishing vessel that is no longer entitled to fly its flag.
6. They request non-member governments with vessels fishing in the EPO under their jurisdiction to provide to the Director the information detailed in paragraph 2 and to otherwise follow the terms of this Resolution.

**Appendix 13.**

**Inter-American Tropical Tuna Commission**

**RESOLUTION ON FISHING BY VESSELS OF NON-PARTIES**

**June 2000**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Reaffirming* the principles of the Code of Conduct for Responsible Fishing and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas approved by the FAO Conference on 24 November 1993;

*Affirming* the importance of ensuring that all vessels fishing in the Convention Area comply with the measures agreed by its member governments;

*Believing* that it is important to address the matter of fishing for species under the purview of the IATTC by vessels under the jurisdiction of non-Parties;

*Concerned* that fishing by vessels of states or fishing entities not members of the IATTC could undermine the conservation and management measures agreed by the IATTC;

*Therefore recommends to the High Contracting Parties that:*

1. They gather information, either directly or through the Director, with respect to fishing vessels of states or fishing entities not members of the IATTC which undermine the conservation and management measures agreed by the IATTC.
2. They exchange information among themselves, either directly or through the Director, with respect to the activities of such vessels;
3. They request the Director to communicate with the governments whose fishing vessels are referred to in paragraph 1 for the purpose of urging them to comply with the measures agreed by the IATTC member governments and to remind them of their obligation, in accordance with international law, to cooperate in the implementation of agreed regional conservation and management measures, as well as to monitor compliance with such measures and to take the actions necessary to ensure such compliance;
4. They request the Director to report the results of his communications pursuant to paragraph 3 to the member governments of the IATTC, in order that they may, in accordance with international law, take measures necessary to ensure that fishing vessels under the jurisdiction of non-Parties do not engage in activities that undermine the effectiveness of the conservation and management measures established by the Commission.

**Appendix 14.**

**STATEMENT ON CARRYING CAPACITY BY EL SALVADOR, GUATEMALA, NICARAGUA AND PANAMA**

**16 June 2000**

*Considering*

That the States and REIOs that are High Contracting Parties of the IATTC or which cooperate with its management measures had consented to limit the capacity of their tuna fleets in accordance with the Resolution of the 62nd Meeting of the IATTC, held in La Jolla, California, in October 1998;

That that schedule of limits, initially intended to remain in force during 1999, has exceeded its original term considerably, having been extended to June 2000, due to, among other reasons, the difficulty in establishing a mechanism for growth which takes into account the needs of the developing coastal states;

That we subscribe to the principles of responsible fishing, which advise, *inter alia*, maintaining the maximum sustainable yield from the tuna fishery of the EPO;

That certain Central American states have expressed, on many occasions, their immediate needs to develop their fleets and have a greater participation in the fishery adjoining their coasts;

That such increases, by their contribution to the total carrying capacity, do not pose a threat to the tuna resource of the EPO;

*Declare*

1. In a responsible fashion, exercising their sovereign rights and acting in a manner consistent with their rights under international law, have jointly resolved to increase their respective national carrying capacities during 2000, to reach the capacities set out in the following table:

Basic Carrying Capacity	
	Carrying capacity (metric tons)
El Salvador	3,500
Nicaragua	4,000
Panama	5,600

2. Increase their fleets, principally, through the mobility of the vessels included in the IATTC Regional register of Fishing Vessels operating in the EPO, among the States and REIOs that are High Contracting Parties of the IATTC or that cooperate with its management measures.
3. Acknowledge that the carrying capacity of the Guatemalan fleet is 5,050 metric tons, achieved in the exercise of its rights under international law and in accordance with the provisions of the Resolution adopted at the 62nd Meeting of the IATTC on carrying capacity in the EPO.
4. Finally, reiterate their decision to comply with the measures established by the Commission for the sustainable management of tunas in the EPO.

San José, Costa Rica, 16 June 2000.

**Appendix 15.**

**STATEMENT BY THE DELEGATION OF COLOMBIA**

The Delegation of Colombia ratifies its position on the carrying capacity of the fleet, expressed in the working groups, at plenary meetings and in written statements at the various meetings of the IATTC since October 1998 and reiterates its request for an allotment of 12,000 tons for the year 2000

It declares that the sovereign rights of Colombia in tuna-fishing matters, as a coastal country, are not negotiable and cannot be renounced.

The Colombian tuna industry has significant plants with a high level of processing capacity on land, currently under-utilized, generates more than 16,500 direct and indirect jobs and its fleet is growing, in a country that has constant solidarity and support of the international community in the process which encourages the Colombian government and people in pursuit of national concord, which contributes to the social and economic development required to overcome its transitory circumstances.

We request that this statement be included in the minutes of the 66<sup>th</sup> Meeting of the IATTC and that it be noted in any draft resolution on this matter which may be presented.

Given at San José, Costa Rica, 15 June 2000.

## **Appendix 16.**

### **STATEMENT BY PERU**

The Government of Peru expresses its gratitude to the Secretariat and to the contracting parties to the IATTC for inviting us to participate in this meeting, and declare that it is the Government of Peru's decision to adhere to the Convention, the ratification of which is under consideration by the Congress of the Republic in accordance with our internal legislation and because we consider that the IATTC represents the best interests of the development of tuna in the eastern Pacific Ocean (EPO).

Peru has a long history in fishing the tuna resource and of processing these products since 1939, with important tuna companies in Peru from the 1940s to the 1970s and having authorized fishing by foreign flag vessels since those decades, through a system of fishing permits.

We currently have processing capacity on shore for canned and frozen tuna for about 30,000 annual tons of raw material, and the legal mechanisms exist for allowing the purse-seine fishing fleet targeting yellowtail and mackerel and that have RSW refrigeration systems to widen the scope of their permits to fish for tunas, complying with the requirements of the Tuna Management Plan, in questions of nets, fishing operations, protection of marine mammals, among others.

There is also a provisional régime which allows Peruvian fishing companies intended for canned and frozen production to contract vessels of foreign flags.

It should also be noted that in Peru a satellite monitoring system has been implemented which covers the whole industrial large-scale fishing fleet, including the tuna-fishing fleet.

Because of these considerations and taking into account the rich potential of tunas along our coast, we consider it pertinent to reserve our right to a fleet of 12,000 metric tons of carrying capacity, taking into consideration what is established in our tuna legislation, and with this in mind ask the IATTC to include our position.

The position is based on our rights we have as a coastal country in our jurisdictional sea in accordance with the Political Constitution of Peru, international treaties on the matter and the existence of important tuna-fishing grounds in Peru's maritime domain, and with the policy of responsible fishing which is the rule in our country.

In all of the above it is understood that it is a concern shared by our country, and we consider prudent measures for limiting the well capacity at the level of the EPO, but respecting the sovereign rights of the coastal countries in their maritime domain, for the development of their tuna industries.

## Appendix 17.

### Inter-American Tropical Tuna Commission

#### RESOLUTION ON BYCATCH

June 2000

*The Inter-American Tropical Tuna Commission (IATTC), meeting in San Jose, Costa Rica, on the occasion of its 66<sup>th</sup> Meeting:*

*Understanding* the importance of minimizing bycatches of juvenile tunas and non-target species in the purse-seine fishery for tunas in the eastern Pacific Ocean (EPO) to ensure sustainable catches of target tuna species and to maintain healthy marine ecosystems overall;

*Aware* that measures to reduce such bycatches may require modified or new procedures, technologies, or management measures;

*Noting* with appreciation the work to date of the Bycatch Working Group established at the 58<sup>th</sup> Meeting of the IATTC to examine the question of bycatches of all species taken in the tuna purse-seine fishery in the EPO;

*Further noting* that the Working Group has made good progress with respect to its terms of reference, and that at its meeting in April 2000 it focused largely on the third term of reference, to “formulate and evaluate management schemes for reducing bycatch”;

*Has agreed as follows:*

1. To implement, as of 1 January 2001, a one-year pilot program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size, in order to provide a disincentive to the capture of these small fish. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set. The program shall include an effort to analyze the effect in market terms, especially with respect to any undesirable possible increase in the demand for small fish. The Commission shall evaluate the results of the program at the end of the pilot period. The objective of that review should be to determine whether the program should be continued or whether other management measures should be considered.
2. The Commission staff should develop appropriate terms of reference for the development and implementation of the pilot program described in paragraph 1 above. These terms of reference shall include, inter alia, a definition of the exact time during a set at which full retention will then be required, and a definition of fish unfit for human consumption pursuant to paragraph 1.
3. To require fishermen on purse-seine vessels to promptly release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, mahi-mahi and other non-target species.
4. To encourage fishermen to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.
5. To require specific measures for application to encircled or entangled sea turtles as follows:
  - Whenever a sea turtle is sighted in the net, a speedboat should be stationed close to the point where the net is lifted out of the water.
  - If a turtle is entangled in the net, net roll should stop as soon as the turtle comes out of the water and should not start again until the turtle has been disentangled and released.
  - If a turtle is brought aboard the vessel, it should, if necessary, be resuscitated before being returned to the water.

6. To instruct the Director to develop a research program to further evaluate the use of sorting grids as a means of releasing juvenile tunas from purse-seine nets, and facilitate other research to avoid bycatch, including technological innovations such as acoustic instruments, as well as means to implement the requirements of Section 2 above. The Commission approves the program of work presented at its meeting in June 2000 costing up to US\$320,000 required to carry out both phases of the sorting grid program. The industry should also be encouraged to participate in this research program and to continue its efforts to reduce bycatches of all species to the lowest level possible. Funding must be available before starting the program.
7. To instruct the Director to further evaluate the effectiveness of other measures to reduce bycatch such as: (a) time and area closures in the eastern Pacific Ocean; (b) limits on fishing effort, such as a limit on the number of sets on floating objects and unassociated schools; (c) limits on catches of juvenile tunas; (d) reducing the number of panels of net depth; and (e) limiting the number of FADs utilized by each vessel. The Director shall report the results of this evaluation, including analysis of practical ways to implement such measures, for example, quotas such as those used for reducing dolphin mortality, to the Commission by the end of 2000.
8. To develop for consideration of the Parties before the end of 2000, a program to obtain data on bycatches by purse-seine vessels not covered by the current observer program and by longline vessels and other tuna-fishing vessels. This program should include consideration of the placement of observers or any alternative data collection system, as appropriate and should specify the proposed funding mechanisms.
9. In the case of purse-seine vessels mentioned in paragraph 8, the objectives shall be to: (a) determine the catch and effort of these vessels by fishing strategy including natural and artificial floating objects and unassociated fish; and (b) evaluate the effects of the on-board retention of all bycatches of tunas.
10. To consider the development and implementation of additional measures, as appropriate, based on an evaluation of the research conducted pursuant to paragraphs 6, 7 and 9 above. The goal of any such measure should be to reduce to the maximum extent practicable the bycatch of juvenile tunas and other non-target species. The result of this should be reported by 1 January 2003.



**Appendix 18.**

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**SCIENTIFIC WORKING GROUP**

**10-13 April 2000**

**La Jolla, California, USA**

**CHAIRMAN'S REPORT**

**AGENDA**

1. Welcome, introductions, consideration of agenda
2. Introduction
  - a. Objectives of the review of stock assessments
  - b. Terms of reference for the working group:
    - i. Resolutions of the 64<sup>th</sup> Meeting on bigeye tuna and FADs, July 1999
    - ii. Resolutions of the 65<sup>th</sup> Meeting on bigeye and bycatch, October 1999
3. Review of stock assessments
  - a. Methods
  - b. Results
    - i. Yellowfin
    - ii. Bigeye
    - iii. Blue marlin
    - iv. Others (skipjack, bluefin, albacore)
4. Review of topics in resolutions
  - a. Relationships between catches of tuna and FAD characteristics
    - i. Depth
    - ii. Bait
  - b. Estimates of the natural mortality of the various populations of tunas
  - c. Determination of a maximum number of sets on floating objects which the tuna fishery in the EPO can support
  - d. Examination of the catches of tunas and associated and dependent species in the fishery on floating objects between 130°W and 150°W
  - e. Impact of permanent or temporary closure of areas to the use of FADs, especially in combination with other regulatory measures being considered by the IATTC
  - f. The observer program and the coverage needed to obtain reliable scientific information on purse-seine vessels of less than 363 metric tons carrying capacity
  - g. Assessment of the impact on the stock of bigeye tuna of catches by purse-seine vessels of less than 363 metric tons and longline vessels
  - h. Methods for the collection of data on FADs and improved statistics to determine and project bigeye catch and landings
  - i. Estimation of quantity and species of discards by tuna vessels fishing in the EPO for which such information is not available
5. Recommendations
6. Other business
7. Adjournment

## DOCUMENTS

1. Status of yellowfin tuna in the eastern Pacific Ocean
2. Status of skipjack tuna in the eastern Pacific Ocean
3. Status of bigeye tuna in the eastern Pacific Ocean
4. Status of bluefin tuna in the Pacific Ocean
5. Status of albacore tuna in the Pacific Ocean
6. Status of blue marlin in the Pacific Ocean
7. Sampling the catch simultaneously for species composition and length frequencies in the multi-species surface fishery for tunas of the eastern Pacific Ocean
8. Production model analysis of yellowfin tuna in the eastern Pacific Ocean and outlook for 2000
9. Procedures for collection and handling of tuna fishery data by field station personnel
10. A-SCALA: an age-structured statistical catch-at-length analysis for assessing tuna stocks in the eastern Pacific Ocean
11. Effect of sample size on bycatch estimation

## APPENDICES

1. List of attendees
2. Review of topics in resolutions

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The IATTC Scientific Working Group met in La Jolla, California, on 10-13 April 2000. Dr. Robin Allen, Director of the IATTC, chaired the meeting. The provisional agenda was approved without comments. A list of participants is attached as Appendix 1.

Dr. Allen explained the objectives of the meeting. The first was to present and discuss the stock assessments carried out by the IATTC staff, and the second was to examine relevant research to address topics specified in the IATTC resolutions on FADs (July 1999) and on bigeye tuna (July and October 1999).

In the course of the presentation and discussion suggestions were made to improve the assessments. Some of these will be incorporated into the assessments presented at the 66<sup>th</sup> IATTC meeting, while others will require further work.

The Chairman's report on the review of topics in resolutions is attached as Appendix 2. In the course of the discussion on the resolutions several points were made which, while not directly addressing the resolutions, were thought to be worth further investigation.

It is suggested that, in addition to investigating the species which associate with FADs, it would be worth investigating whether tunas of different sizes are associated with particular features of FADs.

It was noted that the Vessel Monitoring System (VMS) system used in Peru could be used for real-time catch reporting.

Sampling of tuna aboard vessels would be a much more effective way of estimating species composition and size because samples can be taken before any sorting occurs. Observers are currently fully occupied and it would be difficult for them to sample catches without affecting their existing duties.

**Appendix 19.**

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**WORKING GROUP ON FINANCE**

**2<sup>ND</sup> MEETING**

**Mexico City, Mexico  
February 9-10, 2000**

**CHAIRMAN'S REPORT**

**AGENDA**

1. Opening of the meeting
2. Adoption of the agenda
3. Review of the first meeting of the Financial Working Group (October 7-10, 1999)
4. Consideration of the IATTC budget for FY 2001
5. Development of a possible system of contributions for subsequent years
6. Review of budget contributions for FY 2001
7. Other business
8. Adjournment

**APPENDICES**

1. List of attendees
2. Report of the 1<sup>st</sup> Meeting of the Finance Working Group, October 1999
3. Resolution on financing the Inter-American Tropical Tuna Commission, adopted at the 65<sup>th</sup> Meeting of the IATTC, October 1999
4. Example budget allocation 1
5. Example budget allocation 2

The 2<sup>nd</sup> Meeting of the IATTC Working Group on Finance was held in Mexico City, Mexico, on February 9-10, 2000. The attendees are listed in Appendix 1.

Lic. Carlos Camacho, Undersecretary of Fisheries of Mexico, welcomed the Working Group, noting the importance of the issue and encouraging all to make an effort to develop a fair and equitable system to provide the IATTC with sufficient funds for its activities. He suggested that there be a base fee as well as a variable payment based on appropriate criteria, including catches and level of development. He also suggested that consideration be given to determining if some contribution should be made by non-governmental organizations, given their active involvement in all aspects of IATTC at this time and the openness of the decision process, and that this principle has been adopted in other international organizations.

In the absence of the Chairman of the Working Group, Svein Fougner, of the United States was elected to chair the meeting.

The provisional agenda was approved with a change in the order of two items.

The meeting began with a review by the Director of the report of the previous meeting of the Working Group (Appendix 2) and the resolution of the 65<sup>th</sup> Meeting of the IATTC in October 1999 (Appendix 3). It was agreed that the charge to the group was to (a) develop a system for determining the obligations of Parties for financing the IATTC in the future and (b) determine the contributions of Parties for the 2001 financial year (FY). It was noted that several alternative funding arrangements had been discussed in October 1999, including a proposal by Panama that included base fee and variable payment components.

It was agreed that the approved budget for FY 2001 would provide the basic target level of revenue for the comparison of funding systems. In this regard, there was some discussion of the relationship between the IATTC's Tuna-Dolphin Program, which was included in the regular budget, and the International Dolphin Conservation Program (IDCP), which is administered separately and funded by assessments on vessels. It was emphasized that the Tuna-Dolphin Program had been in existence for over 20 years, and included extensive research on the dolphin populations of the eastern Pacific Ocean (EPO) as well as an observer program designed to cover 30% of the trips made by large purse-seiners in the EPO. Also, the observers collected a great deal of valuable information on the fishery generally, not just on dolphin abundance and mortality. In previous discussions the IATTC had agreed that this separation of the Tuna-Dolphin Program and the IDCP was appropriate. The Working Group agreed that, for purposes of comparing the ability of different approaches to meet the full approved budget, the Tuna-Dolphin Program would be included in the target revenue level.

It was noted that this issue is very important given the changes in the fisheries over the past several years and the indication that the United States will not be able to cover the same share of total costs that it has in the past. It was agreed that a system based on a formula is necessary so that each individual Party's Commissioners will be able to explain to their legislatures and budget officials the system and rationale by which the Parties' contributions were determined. The questions to be answered were:

1. What should that formula encompass?
2. How would the system be applied in FY 2001 and in future years?

The next matter discussed was the criteria to consider in developing a formula system. One delegation suggested that, as in the Panama proposal, the formula should have two fundamental components: a base fee for each Party to cover some portion of the overall IATTC budget (suggestions ranged from 5% to 20%) and a variable payment based on such factors as participation in the fisheries, level of national development, and programs of special interests to different Parties. It was noted that the Panama proposal included a base fee, although it was nominal for many Parties even if they had large catches. Some Working Group members argued for low base fees for Parties which did not yet have significant participation in the fisheries and therefore did not gain a significant benefit from the resources of the

EPO. Others suggested that the base fee should cover 10-20% of the total budget, and it was noted that the Indian Ocean Tuna Commission covers 10% of its budget through base fees. Some also suggested that the base fee should be indexed to national development level, while others spoke against that adjustment. However, none argued against the concept of a base fee.

With respect to participation in the fisheries, it was noted that the IATTC Convention required that the concept of “utilization” be used in determining national contributions to the IATTC budget. There was considerable discussion of the meaning of this term. The Director reported that, for the purposes of calculating budget contributions, a Party’s “utilization” was considered to be the amount of tuna from the EPO consumed or substantially processed in the territory of that Party, generally two years before the financial year for which the budget contributions were being calculated. Utilization figures are calculated on the basis of information obtained from vessel logbooks, port unloading records, and other sources, including export data from individual commercial companies. It was concluded that a Party’s “utilization” was the sum of tuna from the EPO landed in that Party’s territory, less exports of unprocessed or lightly processed tuna, plus imports of unprocessed or lightly processed tuna. However, this definition does not include tuna caught in the EPO but landed outside the region, and it was agreed that this is a shortcoming of the current system; catches by a nation’s vessels are as important as, or perhaps more important than, that nation’s “utilization”, and should be included in the formula. It was noted that such figures should be readily available for use in the system.

There was considerable discussion about the concept of weighting contributions in relation to the level of national development. That is, Parties with strong, developed economies would have a greater ability to provide funding for the IATTC’s activities. It was noted that this concept has been agreed to in many international arrangements, including other international fishery conventions, and all agreed that it should be applied in the IATTC as well. Further, some Parties may have a special interest in addition to participation in the fisheries, such as conservation of dolphins, although it was noted that there were other special interests as well. This concept was strongly supported by some, including the United States, although it was recognized that developing criteria to quantify the possible range of such interests and provide a basis for setting the contribution is difficult. France noted that its “national development” factor should be scaled to the level of development of French Polynesia, at least after the European Community joined the IATTC, since France represented French Polynesia in IATTC fisheries matters. However, it was understood that until then the development factor should be scaled to the level of development of metropolitan France.

Another matter discussed was the general principles that should be reflected in the ultimate, long-term financing system. These included:

1. The system should be transparent; that is, it should be clear and easy to understand;
2. All Parties have an interest in the IATTC’s work, and so each Party should pay some share of the costs;
3. The system should be stable and predictable, such that a Party should be able to estimate with reasonable confidence what its future obligations will be, at least in the near term;
4. All catches of fish managed by the IATTC should be considered in determining participation in the fisheries;
5. The system should have some flexibility, recognizing that it may take some time for individual Parties to adjust to the new system and that provision is needed to accommodate new entrants.

While there was agreement on the principles and criteria, there was considerable discussion about the weight to assign to different criteria and principles. For example, as noted earlier, some delegations thought that the base fee should cover 5% of the total budget; others thought that 10% or even 20% should be covered by the base fee. Mexico argued for a higher base fee, pointing out that the IATTC was

unique among international fisheries organizations in having its own permanent scientific staff; this was a great advantage for the Parties, since it gave them access to data and expertise, but it was expensive, and the cost should be borne by all the Parties since they all benefited. Some suggested that a high base fee would not adequately recognize that some nations have little participation in the fisheries at this time, and that increases in base fees should be linked to development of their fisheries. Similarly, some thought that national level of development should be factored only into the variable payment, others thought that it should be factored into both the base fee and variable payment.

It was agreed that the discussions would make better progress if the Working Group could see numbers derived from some of the alternatives discussed, based on the budget of US\$4.785 million approved for FY 2001. The staff was asked to develop tables that would show national contributions if 5%, 10%, and 20% of the budget were covered by base fees (equal for all Parties), and the remainder by variable payments based on catch and utilization (as historically defined), with the weighting of these payments based on World Bank development categories. This would provide the Working Group with a more solid basis for comparing the alternatives and making judgments about whether they were feasible, long-term and short-term, and reasonable. The staff was asked to consider and incorporate other factors in developing the tables, and explain these subsequently if necessary.

The Director presented the table in Appendix 4<sup>1</sup>. Substantial discussion followed about the merits of the alternatives. It was noted that the weighting by development level might be adjusted to give more weight to the more developed nations, and could possibly incorporate the “special interest” component in some manner. Some participants suggested that the portion of the FY 2001 budget allocated to the Tuna-Dolphin Program be separated or combined with the IDCP budget, but this was not agreed to. However, the Director indicated that tables incorporating an estimate of the portion of the Tuna-Dolphin Program concerned exclusively with dolphins could be developed for the IATTC meeting in June. It was then requested that the staff rework the tables by giving more weight to level of development and special interests.

This resulted in the tables in Appendix 5<sup>2</sup>, which show the contributions that would result from a combination of fixed and indexed base fees and indexed variable payments with 5 categories of level of development. The discussions focused on these numbers. It was acknowledged that, for some Parties, it would not be possible to achieve even the 5% base unindexed level by 2001 because budgets for that period were already set or because there was not enough time to development plans geared to generating that level of revenue at the national level. This led to the concept that FY 2001 would be a transition year in which national contributions would be guided by the formula but not fixed by it. For example, the United States has already committed to a contribution of US\$2.4 million, which might allow some other Parties’ contributions to be reduced in this transition year. If the formula were to incorporate a “three-year average” concept for determining the participation in the fishery, this also could provide a basis for lower contributions in initial years. However, it was noted that it is important that Parties commit to abide by the formula in future years, including upward adjustments in contributions if necessary. These commitments will be necessary at the IATTC meeting in June 2000, when final contribution levels are established for FY 2001.

In summary, there was support for presenting to the IATTC Plenary, for discussion and decision, the tables in Appendix 5. These tables show contribution levels derived from a system that meets the fundamental principles and criteria agreed by the Working Group for a fair and equitable system of long-term financing of the IATTC.

This system

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<sup>1</sup> Note: The tables in Appendices 4 and 5 are based on complete and accurate 1998 catch data, and supersede the tables presented at the meeting.

<sup>2</sup> See previous footnote

- would include all the Parties;
- is transparent;
- recognizes the different levels of development of the Parties;
- is stable and predictable;
- can accommodate new members as they join;
- is based on data that are readily captured and available in a timely manner.

The system comprises a base fee and a variable payment.

The variable payment would be based on catch and utilization (equally weighted) and indexed to account for national level of development and such other factors as the Parties may agree on.

Consideration would be given to phasing in the increased base fees over a period of two or three years.

The system allows contributions to be recalculated at any time that a new Party joins the IATTC, much as the current system does.

There was no agreement on specific contribution levels to be recommended for FY 2001, but there was a sense that there should be an attempt to link the FY 2001 contribution levels to the formula ultimately adopted for FY 2002 and beyond. In this context, it is noted that, while the contribution levels of some Parties are already set for FY 2001 and cannot be significantly altered in that year, the United States has agreed to provide US\$2.4 million, which exceeds any of the levels indicated in Appendix 5. The meeting also noted that the Director advised that the Commission is currently in a very sound financial condition. These factors suggest that some flexibility is available to move substantially toward the new system in 2001 without harm to the effective functioning of the Commission.

The Working Group urges the Commission to make decisions on implementing the new, long-term financing system as quickly as practicable, while recognizing the special circumstances of some members in establishing contribution levels for FY 2001. The Working Group recommends that the Commission consider the following in its deliberations:

1. Target level of revenue from base fee (5%, 10%, 20%)
2. Base fee fixed or weighted (by level of participation in the fishery)
3. Weighting of national level of development
4. Incorporation of "special interest" items
5. Time frame for phasing in higher contributions
6. Separation of Tuna-Dolphin Program from regular budget

## Appendix 4.

### Comisión Interamericana del Atún Tropical--Inter-American Tropical Tuna Commission Grupo de Trabajo sobre el Financiamiento – Finance Working Group

#### 2ª Reunión – 2<sup>nd</sup> Meeting

México, 9 y 10 de febrero de 2000 – Mexico City, February 9-10, 2000

#### Ejemplos de distribución de presupuesto 1 – Example budget allocations 1\*

Presupuesto total AF 2001 – Total budget FY 2001 = US\$ 4,785,849

Todo en US\$. Ejemplos incluyen cuota básica + cuota de participación en la pesquería, en tres proporciones.

Participación = captura 1998 + utilización 1996; Utilización = descargas – exportaciones + importaciones<sup>3</sup>.

Participación indexada en todos los casos, por cuatro categorías del Banco Mundial<sup>4</sup>.

All in US\$. Examples include base payment + payment for participation in the fishery, in three proportions.

Participation = 1998 catch + 1996 utilization; Utilization = unloadings – exports + imports<sup>3</sup>.

Participation indexed in all cases, by four World Bank categories<sup>4</sup>.

#### ESTADOS MIEMBROS – MEMBER STATES

	Cat	Cuota básica fija – Fixed base payment			Cuota básica indexada – Indexed base payment		
		5%:95%	10%:90%	20%:80%	5%:95%	10%:90%	20%:80%
Costa Rica	2	85,581	103,975	140,764	80,330	93,473	119,761
Ecuador	2	816,602	796,522	756,361	811,351	786,020	735,358
El Salvador	2	29,282	50,639	93,355	24,031	40,137	72,351
France	4	41,286	62,012	103,463	52,538	84,516	148,471
Japan	4	625,756	615,721	595,649	637,008	638,225	640,657
México	3	1,559,501	1,500,320	1,381,960	1,562,501	1,506,322	1,393,962
Nicaragua	1	21,754	43,508	87,015	8,251	16,503	33,006
Panamá	2	53,772	73,841	113,978	48,521	63,339	92,975
USA	4	872,209	849,202	803,188	883,461	871,706	848,196
Vanuatu	2	170,512	184,436	212,285	165,261	173,934	191,282
Venezuela	3	509,595	505,673	497,829	512,596	511,674	509,831

#### ESTADOS PARTICIPANTES – PARTICIPATING STATES

Colombia	2	214,248	220,963	234,395	210,090	212,648	217,764
Costa Rica	2	70,660	84,933	113,479	66,503	76,618	96,849
Ecuador	2	684,184	666,166	630,131	680,026	657,851	613,500
El Salvador	2	23,410	40,170	73,689	19,252	31,855	57,059
España	4	550,709	539,716	517,730	559,486	557,270	552,839
France	4	33,485	49,714	82,173	42,262	67,269	117,282
Guatemala	2	17,092	34,185	68,369	12,935	25,869	51,739
Japan	4	524,013	514,425	495,250	532,790	531,979	530,358
México	3	1,307,676	1,256,843	1,155,176	1,309,986	1,261,462	1,164,415
Nicaragua	1	17,092	34,185	68,369	6,467	12,935	25,869
Panamá	2	43,964	59,642	90,998	39,807	51,327	74,368
USA	4	730,853	710,379	669,431	739,630	727,933	704,539
Vanuatu	2	141,940	152,462	173,504	137,783	144,146	156,874
Venezuela	3	426,523	422,066	413,153	428,832	426,685	422,392

\* Estas tablas se basan en datos de capturas completos y exactos para 1998, y reemplazan las tablas presentadas en la reunión - These tables are based on complete and accurate 1998 catch data, and supersede the tables presented at the meeting

<sup>3</sup> Exportaciones e importaciones de producto no procesado o ligeramente procesado solamente – Exports and imports of unprocessed or slightly processed product only

<sup>4</sup> Ponderación--Weighting: Cat 1: 1; Cat 2: 2; Cat 3: 3; Cat 4: 4.



## Appendix 5.

### Comisión Interamericana del Atún Tropical--Inter-American Tropical Tuna Commission Grupo de Trabajo sobre el Financiamiento – Finance Working Group

#### 2ª Reunión – 2<sup>nd</sup> Meeting

México, 9 y 10 de febrero de 2000 – Mexico City, February 9-10, 2000

#### Ejemplos de distribución de presupuesto 2 – Example budget allocations 2\*

Presupuesto total AF 2001 – Total budget FY 2001 = US\$ 4,785,849

Todo en US\$. Ejemplos incluyen cuota básica + cuota de participación en la pesquería, en tres proporciones. Participación = captura 1998 + utilización 1996; Utilización = descargas – exportaciones + importaciones<sup>5</sup>. Participación indizada en todos los casos, por cuatro categorías del Banco Mundial, más Categoría 5 (países de Categoría 4 Partes del Acuerdo sobre el Programa Internacional para la Conservación de los Delfines)<sup>6</sup>.

All in US\$. Examples include base payment + payment for participation in the fishery, in three proportions.

Participation = 1998 catch + 1996 utilization; Utilization = unloadings – exports + imports<sup>5</sup>.

Participation indexed in all cases, by four World Bank categories, plus category 5 (Category 4 countries Parties to the Agreement on the International Dolphin Conservation Program)<sup>6</sup>.

#### ESTADOS MIEMBROS – MEMBER STATES

	Cat	Cuota básica fija – Fixed base payment			Cuota básica indizada – Indexed base payment		
		5%:95%	10%:90%	20%:80%	5%:95%	10%:90%	20%:80%
Costa Rica	2	53,923	73,984	114,106	41,937	50,011	66,158
Ecuador	2	422,368	423,037	424,375	410,382	399,064	376,428
El Salvador	2	25,548	47,102	90,210	13,561	23,128	42,263
France	4	34,059	55,165	97,378	36,723	60,493	108,033
Japan	4	402,286	404,012	407,463	404,949	409,339	418,118
México	3	1,055,148	1,022,513	957,242	1,052,928	1,018,073	948,363
Nicaragua	1	21,754	43,508	87,015	4,884	9,767	19,534
Panamá	2	37,892	58,796	100,605	25,905	34,822	52,658
USA	5	2,164,959	2,073,913	1,891,820	2,240,875	2,225,746	2,195,486
Vanuatu	2	96,730	114,538	150,153	84,743	90,564	102,206
Venezuela	3	471,182	469,282	465,481	468,962	464,842	456,602

#### ESTADOS PARTICIPANTES – PARTICIPATING STATES

Colombia	2	123,362	134,861	157,859	114,521	117,179	122,496
Costa Rica	2	45,966	61,539	92,684	37,125	43,857	57,321
Ecuador	2	376,663	374,831	371,166	367,822	357,149	335,802
El Salvador	2	20,498	37,411	71,237	11,657	19,729	35,874
España	4	376,625	374,794	371,134	380,161	381,867	385,279
France	4	28,137	44,648	77,670	31,673	51,721	91,815
Guatemala	2	17,092	34,185	68,369	8,251	16,503	33,006
Japan	4	358,638	357,754	355,987	362,174	364,827	370,132
México	3	944,613	912,889	849,440	944,024	911,710	847,082
Nicaragua	1	17,092	34,185	68,369	4,126	8,251	16,503
Panamá	2	31,577	47,907	80,567	22,736	30,225	45,203
USA	5	1,940,723	1,856,571	1,688,269	2,006,145	1,987,416	1,949,958
Vanuatu	2	84,387	97,937	125,038	75,546	80,256	89,675
Venezuela	3	420,476	416,338	408,061	419,887	415,159	405,703

\* Estas tablas se basan en datos de capturas completos y exactos para 1998, y reemplazan las tablas presentadas en la reunión - These tables are based on complete and accurate catch data, and supersede the tables presented at the meeting

<sup>5</sup> Exportaciones e importaciones de producto no procesado o ligeramente procesado solamente – Exports and imports of unprocessed or slightly processed product only

<sup>6</sup> Ponderación--Weighting: Cat 1: 1; Cat 2: 2; Cat 3: 4; Cat 4: 5; Cat 5: 20.

## Appendix 20.

### RESOLUTION ON FINANCING THE INTER-AMERICAN TROPICAL TUNA COMMISSION

16 June 2000

*The Parties to the Inter-American Tropical Tuna Commission (IATTC):*

*Understanding* the importance of ensuring sufficient funding for the IATTC so that it may continue to effectively implement the agreed conservation and management program for the living marine resources of the eastern Pacific Ocean;

*Aware* that the allocation of the costs of supporting the IATTC among Parties should be transparent, fair and equitable, stable and predictable, and yet flexible to allow for redistribution as new Parties join;

*Giving due consideration* to the requirement in the Convention establishing the IATTC that the proportion of the expenses paid by each Party should be related to the proportion of the total catch utilized by that Party and the consensus of the Parties that other factors should be considered in determining their proportional contributions;

*Taking into account* the allocation schedule options proposed by the IATTC Working Group on Finance at its 2<sup>nd</sup> Meeting in February 2000 and the urgent need to implement a long-term financing system;

*Have agreed as follows:*

1. To contribute to the budget of the IATTC for the financial year (FY) 2001 in accordance with the following schedule of payments, and without prejudice to future consultations of the IATTC Working Group on Finance:

	(US\$)
Costa Rica	29,891
Ecuador	250,000
El Salvador	13,561
France	29,950
Japan	340,000
México	1,000,000
Nicaragua	4,884
Panama	25,905
United States	2,400,000
Vanuatu	15,000
Venezuela	270,000
<b>Total</b>	<b>4,379,191</b>

2. Should the following States, whose membership in the Commission is now pending, join the Commission before the end of FY 2001, their expected contributions would be as shown below, based on the same criteria as applied to current members:

Colombia	114,553
Guatemala	8,251
Spain	380,271

3. To contribute to the budget of the IATTC for FY 2002 according to the following provisional schedule of payments, as conditioned by modifications that may be made per paragraph 3 below:

	(US\$)
Costa Rica	29,891
Ecuador	422,504
El Salvador	24,006
France	34,063
Japan	391,000
México	1,000,000
Nicaragua	21,754
Panamá	37,897
USA	2,100,000
Vanuatu	96,755
Venezuela	471,335
<hr/>	
Colombia	123,362
Guatemala	17,092
Spain	376,625

4. The actual contribution by each Party for FY 2002 shall be decided at the meeting of the IATTC in June 2001, related to utilization of the total catch for 1999. These contributions will be composed of two components, a fixed base component and a variable indexed component. The Working Group on Finance will consider what proportion of the total contribution will be the fixed base component (*i.e.*, 5%, 10%, or 20%) at its next meeting. Further, the scheme for calculating the indexed variable component will be analyzed by the Working Group, considering, *inter alia*, updated catch and utilization data and other developments such as the entry of new Parties. This information will be presented to the IATTC in June 2001. Once the criteria and system for establishing the contributions for each Party in a clear and transparent manner are agreed by the Parties, and the corresponding contribution for FY 2002 is identified, each Party shall undertake the necessary internal procedures to ensure said contribution.
5. Each Party commits to making its annual contribution in a timely manner to ensure that the program of work that the Commission has adopted may be met. In case of non-compliance with this, the Commission should consider measures to be adopted consistent with the Convention.
6. To encourage all Parties, and other states that have applied to join the IATTC or have expressed their intention to move forward to become parties, to participate fully in the meetings of the Working Group.
7. To encourage non-Parties that either participate in or are interested in the work of the IATTC to make voluntary contributions to the budget of the IATTC during FY 2001 and 2002.