

INTERNATIONAL REVIEW PANEL  
MINUTES OF THE 8TH MEETING

January 23-24, 1995  
Ensenada, B.C., Mexico

Presider: Lic. Carlos Camacho Gaos

The eighth meeting of the International Review Panel (IRP) was held at the Hotel San Nicolas, Ensenada, B.C., Mexico, on January 23 and 24, 1995. The attendees are listed in Appendix I.

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

The meeting was called to order at 10:30 a.m. by the Secretariat. Lic. Carlos Camacho Gaos was elected Presider of the meeting.

Agenda Item 3. Approval of the Agenda

Several modifications were made to the provisional Agenda, and the final version is attached as Appendix II.

Agenda Item 4. Approval of minutes of 7th Meeting of IRP

The Panel approved the minutes of its 7th Meeting, held in La Jolla, CA., USA, in October 1994, without modifications.

Agenda Item 5. Review of DML assignments for 1995

a) Annual DMLs

The Secretariat gave a short review of dolphin mortality in 1994, utilizing preliminary data. A graph of mortality caused by vessels that utilized their dolphin mortality limits (DMLs) in 1994 was presented, and is attached as Appendix III. Four vessels met or exceeded their DMLs. At the request of the Panel, the Secretariat prepared and presented a comparative table of mortality and effort statistics for 1992-1994, which is attached as Appendix IV. The mortality statistics for 1994 reflected the effect of a special-problem set (high-mortality). The average mortality per vessel was 60 animals, and the mortality per set was 0.5 animals. The number of dolphin sets increased from approximately 6,950 in 1993 to 8,100 in 1994. The percentage of sets with zero mortality remained about the same.

CANAINPES requested an estimate of discards of juvenile tuna resulting from dolphin-safe fishing. The Secretariat replied that information on that subject could possibly be made available at the next IRP meeting.

Mexico noted that continued reduction of dolphin mortality had become asymptotic. Consideration should be given to the fact that special-problem sets are likely, and that significant further

reduction of mortality will not be possible without advances in technology. Mexico also wanted to recognize the efforts of the observers.

For 1995, 81 vessels were assigned DMLs of 114 animals each. The IRP was reminded of the action taken at the previous meeting, in which a vessel that experienced a special-problem set had its 1995 DML reduced by 40%. That vessel was assigned a 1995 DML of 68 animals.

Mexico requested an update on the payments of 1995 assessment fees. The Secretariat stated that the IATTC continues to follow the policy of not placing observers on vessels that have not paid their assessment fees. However, special consideration has been given to Venezuelan vessels due to restrictions on monetary exchanges within that country. The Venezuelan government has stated its commitment to resolve the matter. The Secretariat reminded the Panel that the IATTC does not monitor bond payments by vessels required to make such payments, as that is the responsibility of the governments.

#### b) 2nd semester DMLs

The Secretariat commented that Ecuador had requested second-semester DMLs for four of its vessels. A discussion followed as to whether information on the international fleet's projected annual dolphin mortality should be considered in the allocation of second-semester DMLs, in addition to the criteria stated in paragraph 5 of the Agreement for the Conservation of Dolphins. It was decided to recommend to the Plenary that such information could be used in the allocation procedure. The recommendation is attached as Appendix V.

#### Agenda Item 6. Proposed procedures for dealing with special-problem sets

The Secretariat stated that, as requested by the Plenary, the IATTC solicited the opinions of a panel of fishing captains regarding the special-problem set that occurred in 1994. A report of the panel's review is attached as Appendix VI.

Mexico proposed that the IRP send a letter to fishermen of the international fleet congratulating them on their dramatic success in reducing dolphin mortality, but also pointing out areas where improvements could still be made.

A discussion followed on the need for research on improved gear technology. The Secretariat summarized the first meeting of the Scientific Advisory Board (SAB), held in April 1993. The SAB identified a number of feasible options, most of which involve the modification of current technology for fishing for tunas associated with dolphins. The Secretariat pointed out that research funds were approved by the governments, but have not been received. Funds are also lacking for additional meetings of the SAB. Approximately \$30,000 US is needed for a second meeting. The United States asked the Secretariat to prepare for the next IRP meeting a summary of the first SAB meeting, including a list of identified feasible options and their estimated costs, and stated that it would look into the possibility of the United States becoming re-involved in the research of improved gear technology in the tuna-dolphin fishery. Current US regulations allow only research that does not involve the encirclement of dolphins.

Several options were raised by the Panel as to the policy to be applied to the problem-set vessel beyond 1995. After a lengthy discussion, no agreement could be reached. It was decided to convene a working group prior to the next IRP meeting that will make recommendations on this subject to the Panel, and Mexico offered to host that meeting.

#### Agenda Item 7. Definition of a fishing captain

The Secretariat explained the difficulties encountered by IATTC observers in identifying vessel fishing captains. This is a result of US regulations prohibiting US citizens from participating in tuna-fishing operations involving dolphins and of some sanctions in the International Dolphin Conservation Program (IDCP). The Panel agreed that this does not pose a problem in the functioning of the IDCP, and that individual nations must determine who is responsible for infractions. The Secretariat stated that IATTC observers will continue to identify fishing captains, using criteria established by the IATTC.

#### Agenda Item 8. Research fishing and dolphin mortality

The Secretariat stated that research can be conducted with either a dedicated research vessel or a fishing vessel that has been allocated a DML. Recent research fishing approved by the Secretariat has been carried out by DML vessels. The resulting dolphin mortality has been included in the overall fleet mortality limit, but has not been applied to the vessel's individual DML. The Panel agreed this policy should continue. The United States stated that the Panel should discuss ways to raise research funds.

#### Agenda Item 9. Rules for attendance of observers

The Panel agreed that the Secretariat would draft a revision to the Rules of Procedure regarding the attendance of observers at IRP meetings. The revision would include the following:

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

It was agreed that all observers would be required to sign confidentiality statements.

## Agenda Item 10. Review of compliance with IDCP

### a) Governments' responses to reported infractions

The Secretariat reviewed responses by the governments to possible infractions reported to them that were identified prior to and during the June 1994 meeting of the IRP. Of 36 reported possible major infractions, 17 responses have been received from the governments. Of 529 reported possible minor infractions, 345 responses have been received from the governments. The governments have not had sufficient time to respond to possible infractions identified at the October 1994 meeting.

FUDENA stated that the governments should be more responsive to possible infractions reported to them, but recognized that some countries are unable to apply certain sanctions since they lack the proper legislative instruments. Venezuela reminded the Panel that it would need a formal international treaty, in order to adopt the sanctions recommended by the Plenary, and that currently it is operating under an old administrative law that allows only limited sanctions. The Venezuelan Congress is currently reviewing the Agreement as it pertains to an international treaty, and is also working on a new fisheries law. Colombia stated that its new legislation gives jurisdiction to its fisheries department to adopt the infractions and sanctions recommended by the Plenary.

### b) Other matters related to compliance

At the 7th meeting of the IRP in October 1994, the Panel decided to seek suggestions from the tuna industry on a system of recognizing exceptional performance by individual fishermen. The Secretariat distributed to the Panel a draft questionnaire for the industry, attached as Appendix VII. It was agreed that the Panel would provide comments on the draft to the Secretariat by May 1, 1995.

The Secretariat presented updated statistics of the release of the bow *ortza* (end of the net) as an alternative dolphin-rescue method, as requested by the Panel at its previous meeting. FUDENA stated that it did not yet seem proper for the Panel to recommend this as alternative rescue method. It was agreed that there are not enough data available to determine if this is an acceptable alternative.

## Agenda item 11. Review of observer data

The Panel reviewed possible infractions of the Agreement for the Conservation of Dolphins by vessels as identified from observer logs that had become available since the previous meeting's review in October 1994.

The Panel instructed the Secretariat to provide information at the next meeting on time intervals between the setting of the net and the end of the backdown procedure, which may help facilitate decisions during the review of trips with possible night-set infractions.

It was agreed that in the future the observer data review would be scheduled earlier in the agenda.

Agenda item 12. Place and date of next meeting

It was agreed that the next IRP meeting will be held in La Jolla, CA., USA, on June 11-12, 1995.

Agenda item 13. Other business

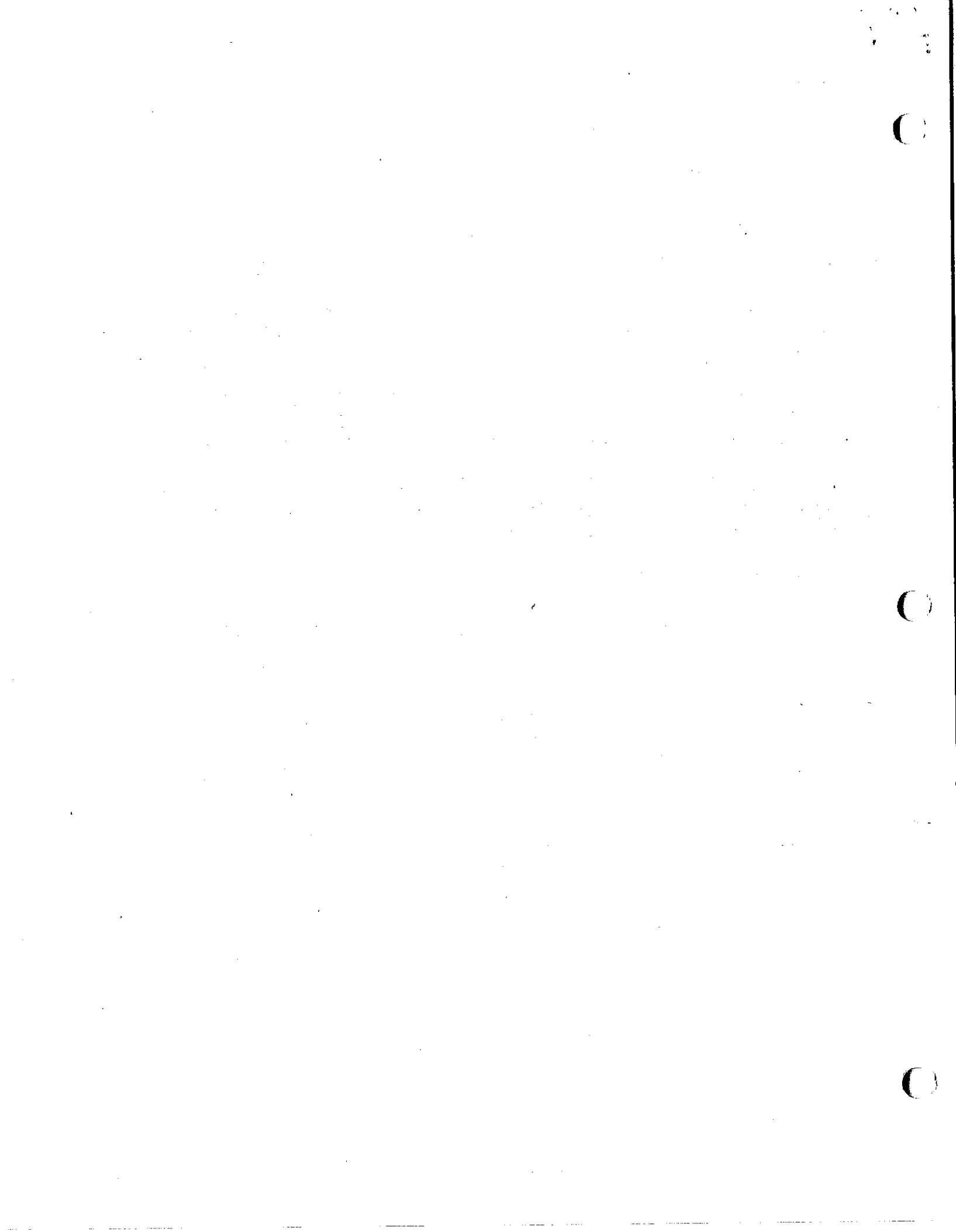
The Secretariat explained that numerous vessels in the international fleet do not provide observers with accommodations equivalent to those provided to fishermen. Inadequate accommodations could affect observer performance. It was agreed that, in order for the Panel to make a recommendation, the Secretariat should: a) communicate with the governments and the industry seeking their help in resolving this matter; b) ask the governments to provide information on any legislation on the subject, and; c) report on any space limitations on those vessels that do not provide adequate accommodations for observers.

Venezuela had requested that a discussion on the possibility of individual fishing captains causing mortality as a result of conflicts with boat owners, governments, etc., be included in this agenda item, but due to the lack of time its delegation requested that it be included in the agenda of the next meeting.

A presentation by the Secretariat on ongoing experimental gear research and a gear idea suggested by a fishing captain was also scheduled to be in this agenda item, but this was also postponed until the next meeting due to time constraints.

Agenda item 14. Adjournment

The Presider adjourned the meeting at 10:00 p.m. on January 24, 1995.



Appendix I.

INTERNATIONAL REVIEW PANEL  
PANEL INTERNACIONAL DE REVISION

8th MEETING - 8° REUNION  
Ensenada, México  
January 23-24, 1995 — 23-24 de enero de 1995

ATTENDEES — ASISTENTES

COLOMBIA

SILVIA FORERO DE GUERRERO  
Viceministra  
Ministerio de Agricultura

ADOLFO RINCON PRIETO  
Instituto Nacional de Pesca y Acuicultura

DARIO JARAMILLO MORENO  
Ministerio de Comercio Exterior

MEXICO

CARLOS CAMACHO GAOS  
JERONIMO RAMOS SAENZ-PARDO  
RICARDO BELMONTES ACOSTA  
GUILLERMO A. COMPEAN JIMENEZ  
FERNANDO CASTRO TRENTI  
JOSE LUIS AGUILAR RODRIGUEZ  
Secretaría de Medio Ambiente, Recursos  
Naturales y Pesca

UNITED STATES OF AMERICA

BRIAN HALLMAN  
Department of State

HILDA DIAZ-SOLTERO  
PAUL NIEMEIER  
DANA WILKES  
National Marine Fisheries Service

MARTIN HOCHMAN  
TED BEUTTLER  
National Oceanic and Atmospheric  
Administration

VENEZUELA

HUGO ALSINA  
SARPA, Ministerio de Agricultura y Cría

JON CELAYA  
SARPA, Ministerio de Agricultura y Cría

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TUNA INDUSTRY--INDUSTRIA ATUNERA

ALFONSO ROSIÑOL LLITERAS  
FELIPE CHARAT  
CANAINPES

ENVIRONMENTAL ORGANIZATIONS--ORGANIZACIONES AMBIENTALISTAS

HECTOR LOPEZ ROJAS  
FUDENA

Appendix II.

International Review Panel  
8th Meeting  
January 23-24, 1995  
Ensenada, Baja California, Mexico

AGENDA

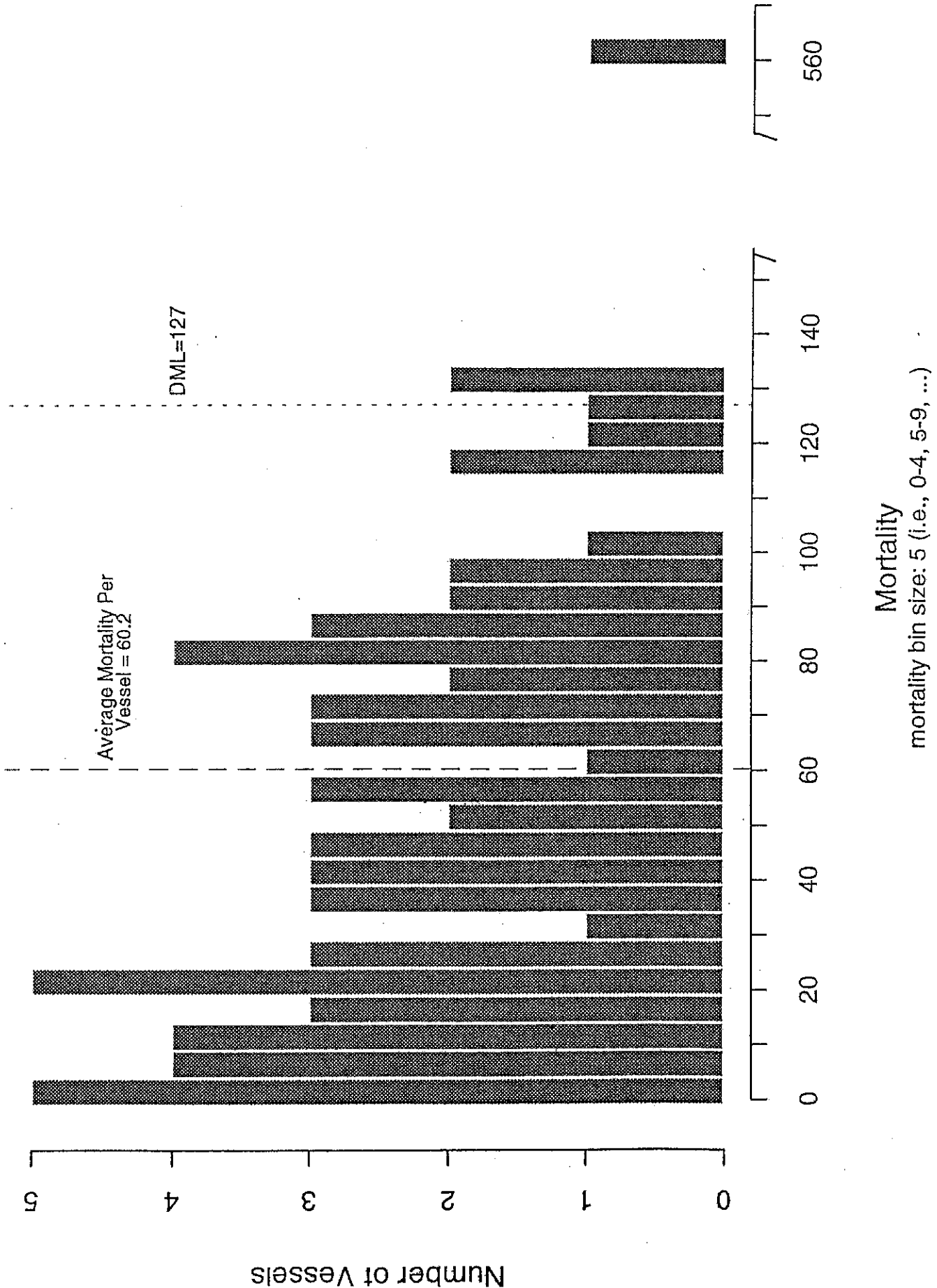
1. Opening of Meeting
2. Election of Presider
3. Approval of Agenda
4. Approval of minutes of 7th Meeting of IRP
5. Review of DML assignments for 1995
  - a) Annual DMLs
  - b) 2nd semester DMLs
6. Proposed procedures for dealing with special problem sets
7. Definition of a fishing captain
8. Research fishing and dolphin mortality
9. Rules for attendance of observers
10. Review of compliance with IDCP
  - a) Governments responses to reported infractions
  - b) Other matters related to compliance
11. Review of observer data
12. Place and date of next meeting
13. Other business
14. Adjournment



# MORTALITY CAUSED BY DML VESSELS - 1994\*

(number of intentional dolphin sets  $\geq 1$ ; experimental set mortality excluded)  
 (\* preliminary - 20.01.95)

Appendix III.



Appendix IV.

Mortality and Effort, 1992-1994

	1992 <sup>a</sup>	1993 <sup>a</sup>	1994 <sup>a,b</sup>
Total mortality	15,539	3,601 <sup>d</sup>	~ 4,000 <sup>c,d</sup>
Mortality per set	1.50	0.52 <sup>d</sup>	~0.50 <sup>c,d</sup>
Dolphin sets	10,326	6,953 <sup>d</sup>	~8,150
Log sets	2,022	2,381	~2,800
School sets	3,852	5,611	~5,400
Average mortality by vessel		54.5 <sup>e</sup>	60.2 <sup>e</sup>
Median mortality by vessel		43.5 <sup>e</sup>	49.0 <sup>e</sup>
Percentage of sets with zero mortality	77% <sup>f</sup>	86% <sup>f</sup>	84% <sup>f</sup>

All flags, 1994, without one high-mortality set:

Average mortality by vessel:	52.5 <sup>b,e</sup>
Median mortality by vessel:	49.0 <sup>b,e</sup>
Overall mortality per set:	~0.42 <sup>b,c,d</sup>

<sup>a</sup> All flags

<sup>b</sup> Preliminary estimates

<sup>c</sup> Excludes mortality from research fishing

<sup>d</sup> Data from IATTC, Mexican, and U.S. programs

<sup>e</sup> IRP data

<sup>f</sup> Data from IATTC and U.S. programs

Appendix V.

RECOMMENDATION

The IRP recommends that the International Dolphin Conservation Program Agreement be revised with the addition of the following sentence to the end of paragraph number 5:

The Director of the IATTC, after consultation with and agreement by the voting members of the Review Panel, may also use information on the fleet's projected annual dolphin mortality to provide second half DMLs if this use is reasonably expected not to cause the overall fleet quota for that year to be exceeded.

## Appendix VI.

### International Review Panel

#### Report on the Expert Review of a Special Problem Set

##### Background

At the request of the Intergovernmental Meeting held in La Jolla, California, U.S.A., on October 20-21, 1994, the IATTC solicited the opinions of four experienced fishing captains regarding a set made on dolphin-associated tunas which resulted in a high mortality of dolphins (IRP trip no. 94-294, set no. 4). The International Review Panel (IRP) had reviewed the set during its meeting of October 17-19, 1994, also in La Jolla, and determined that the set met the criteria for definition as a Special Problem Set (see Appendix V, Minutes of the 7th Meeting of the IRP).

IATTC staff held two separate meetings, one in La Jolla on December 2, 1994, with Greg Chase, of the Vanuatu fleet, and Harold Medina, formerly of the U.S. fleet, and the other in Ensenada, Mexico, on December 7, 1994, with Jorge Tucker and Patricio Ocegüera, both of the Mexican fleet. The captains all agreed to be bound by the IRP's rules on confidentiality.

##### Conclusions

All four captains agreed that no infraction had been committed during the set, and that the strong subsurface current and several malfunctions, which led to delays in the set, were the main causes of the high dolphin mortality. There was some disagreement as to whether the vessel's captain should have released the bow ortza during the set to allow dolphins to escape. All four captains agreed that releasing the bow ortza when dolphins were endangered by net canopies after "rings up" was not a viable rescue method, as it could have exacerbated the existing problems. Two of the captains believed that releasing the ortza after backdown, when a number of live dolphins were still in the net, was an option, but they were not sure that it would have resulted in the successful release of the remaining dolphins. The other two captains believed that releasing the ortza at that time would probably have created more problems.

All four captains agreed that the fishing captain took adequate precautions to ensure dolphin safety when the set was made, and when environmental and mechanical factors led to net formations that endangered the dolphins, he used every reasonable dolphin rescue method in an attempt to avoid unnecessary mortality.

January 12, 1995

Dear Vessel Owner, Manager, or Fishing Captain,

At the 7th Meeting of the International Review Panel (IRP) held during October 17-19, 1994 in La Jolla, California, the IRP agreed that fishermen deserve some sort of individual recognition for exceptional performance in reducing dolphin mortality. The IRP decided to seek suggestions from the tuna industry on a system of recognition. Attached is a short questionnaire that we ask you to complete and return to an IATTC representative in order to help the IRP and the governments involved create an equitable system. Please include additional comments or suggestions if you so desire.

Thank you for your participation in this matter.

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**International Review Panel  
Questionnaire  
System for Performance Recognition**

1) Do you think that a system that recognizes individual fishermen for exceptional performance in reducing dolphin mortality will act as an incentive to further improve the overall performance of all fishermen?  
(check one)

- a) Yes
- b) No
- c) Don't know

2) Should only the best performing individuals of the entire international fleet receive recognition, or should the best individuals of each national fleet receive recognition?  
(check one)

- a) International fleet
  - b) National fleets
  - c) Other (Explain) \_\_\_\_\_
- 

3) Who should receive recognition for exceptional performance?  
(check one)

- a) The fishing captain only
- b) The fishing captain and crewmen

4) What would the recognition consist of?  
(check one or more)

- a) A letter or certificate of performance
  - b) Monetary award
  - c) Public recognition (local newspapers, radio, T.V., etc.)
  - d) Other (Explain) \_\_\_\_\_
- 

5) Do you think that a system that recognizes individual vessels with low mortality rates will act as an incentive to further improve the overall performance of all vessels of the international fleet?  
(check one)

- a) Yes
- b) No
- c) Don't know

If you answered "Yes" to question (5), please continue

6) Should only the best performing vessels of the entire international fleet receive recognition, or should the best vessels of each national fleet receive recognition?  
(check one)

- a) International fleet
  - b) National fleet
  - c) Other (Explain) \_\_\_\_\_
- 

7) What should the recognition consist of?  
(Check one)

- a) A letter or certificate of performance
  - b) Public recognition (local newspapers, radio, T.V., etc.)
  - c) Other (Explain) \_\_\_\_\_
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Additional comments: \_\_\_\_\_

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