

INTER-AMERICAN TROPICAL TUNA COMMISSION  
Scripps Institution of Oceanography  
La Jolla, California, U.S.A.

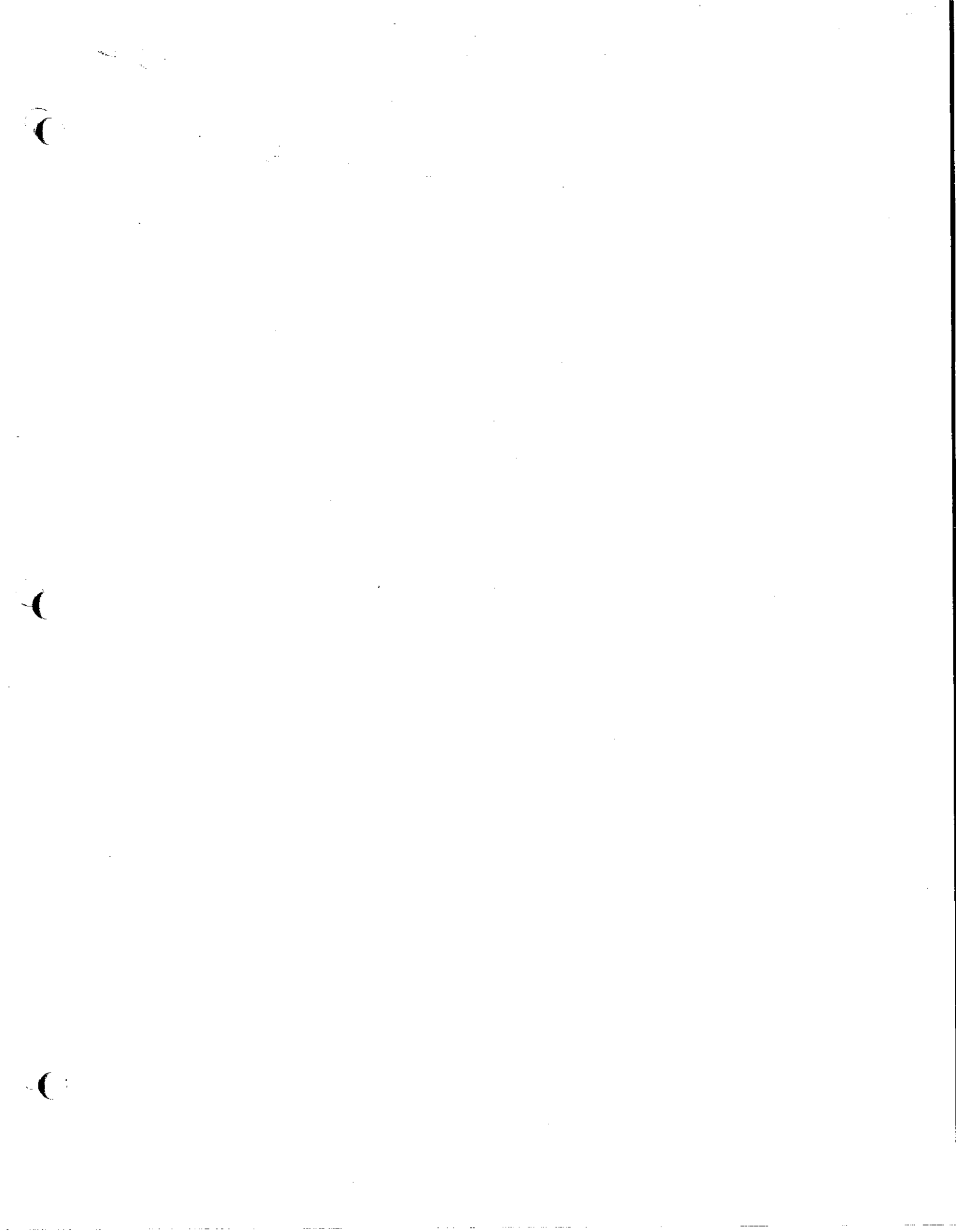
**SUMMARY MINUTES OF THE 47TH MEETING**

June 26-28, 1990

Washington, D.C.

Chairman: Henry R. Beasley

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## 1. OPENING OF MEETING

The 47th meeting of the IATTC was called to order by the Chairman, Mr. Henry Beasley, Commissioner from the United States of America, at 9:30 am on Tuesday, June 26, 1990, in the Loy Henderson Room in the Department of State building in Washington, D.C. The Chairman introduced Dr. John A. Knauss, Under-Secretary of the National Oceanic and Atmospheric Administration, who gave the inaugural address, attached as Appendix 1.

Chairman Beasley then welcomed all the attendees, and called upon the heads of the delegations of the member and observer countries and of the various international and other organizations to introduce themselves and their delegations. The attendees are listed in Appendix 2 of these minutes.

## 2. ADOPTION OF AGENDA

Chairman Beasley called for comments on the provisional agenda, which had been distributed previously to all attendees. Mr. Murakami of Japan proposed that Agenda Item 9 should include only an informal exchange of ideas. Chairman Beasley explained that this was the usual practice at IATTC meetings, and the agenda was approved by all delegations.

## 3. REVIEW OF CURRENT TUNA RESEARCH

Chairman Beasley called upon Dr. Joseph, Director, to review the research carried out by the Commission staff.

Dr. Joseph presented a brief review of the objectives of the IATTC and of the concepts underlying the approach to attaining these objectives. He explained that the most important and fundamental data required by the Commission staff to evaluate the effect of fishing on the stocks of tunas are information on catches, fishing effort, and the size composition of the fish caught, and that the Commission maintains field stations in all the major ports where tunas caught in the eastern Pacific are landed, for the purpose of collecting these data. He briefly reviewed the world catches of tunas, and pointed out that about 20 percent of the 2.5 million metric tons of tunas taken world-wide came from the eastern Pacific Ocean.

After his presentation, Dr. Joseph introduced Dr. Richard B. Deriso, Chief Scientist of the Commission's Tuna-Billfish Program, who summarized the research activities at the IATTC staff during the past year. He described the studies of very young tunas, particularly larvae and juveniles, which were being conducted at the IATTC's laboratory at Achotines, Panama, and expressed the Commission's gratitude to the Panamanian government for its assistance and support. He then reviewed the research on adult tunas, including work on the stock structure and spatial and temporal dynamics of Pacific populations of yellowfin, the age and size of onset of sexual maturity of yellowfin, and the stock structure of skipjack. He also outlined the current research on billfishes, which includes a study of the stock structure of the striped marlin of the Pacific Ocean and work on the longline fishery of the eastern Pacific Ocean, carried out in collaboration with a visiting Japanese scientist. He drew attention to the continued leading role of the IATTC in world tuna research and, as an example, briefly discussed the World Meeting on Bluefin Tunas, hosted by the IATTC in May 1990, and sponsored jointly by the Commission and the Australian Fisheries Service. Leading scientists from many countries, including Australia, Canada, France, Japan, New Zealand, Portugal, Spain, and the United States, met to identify the strengths and weaknesses of current assessments of the stocks of bluefin tunas.

Dr. Deriso concluded his talk by describing the continued close international collaboration between IATTC researchers and other scientists. There are currently two visiting scientists in residence, one from France and one from Japan, and there were plans to invite two more in the coming year, one from France and the other Venezuela, to conduct research at the Achotines Laboratory.

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At 12:30 pm the Commission went into executive session to discuss the matter of the participation of observers at IATTC meetings. The Chairman asked Dr. Joseph to comment on past policy of the Commission in this respect, with particular reference to non-governmental organizations (NGOs). Dr. Joseph explained that in the past all observers, whether governmental or not, had been allowed to attend and address the meetings of the IATTC, and that this privilege had never been abused. He thought that a similar policy should be followed in the future.

After considerable discussion on the issue, the Chairman asked for a working group to convene at 8:30 am the following day to discuss the matter further, as well as that of the admittance of the press to IATTC meetings.

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4 and 5. THE 1989 FISHING YEAR and STATUS OF TUNA STOCKS

As is customary, Dr. Joseph presented these agenda items together. He began by noting that the 1989 surface catch of all tunas combined from the eastern Pacific, about 440 thousand short tons, was the greatest annual total ever recorded in the fishery, and that if the catch from the longline fishery were added in, the total would be close to 500 thousand tons. The surface catch of yellowfin from the eastern Pacific was about 316 thousand tons, and from the Commission's Yellowfin Regulatory Area (CYRA) 267 thousand tons, totals exceeded only by the 1988 catches of 319 and 296 thousand tons, respectively. The size of the fleet and the patterns of fishing in 1989 remained much the same as in 1988.

Dr. Joseph pointed out that from 1966 through 1978 the Commission implemented a conservation program to limit the harvest of yellowfin from the CYRA, and that the program succeeded in maintaining the stock at high levels of abundance capable of producing high yields. Political differences among the nations of the region led to the abandonment of the program in 1979; the stock was soon overfished, and the catches began to decline. Vessels moved to other oceans to fish, and the low vulnerability of the fish to capture in 1982 and 1983 led to many more vessels leaving the area or staying in port. Studies made by the Commission's staff indicated in 1983 that the stock was growing rapidly during this period of low fishing effort, and that by 1985 it would be at a high level of abundance. During late 1984 and early 1985 some vessels began returning to the area, and by 1986 the fleet had reached its current level. The fishing was even better than the staff had predicted, and this was attributed to a better-than-average recruitment since 1983 and a favorable age-specific fishing mortality. In the mid- to late 1970s the average size of yellowfin from the CYRA was about 12 pounds, but in recent years it had been closer to 30 pounds; this had resulted in an increase of about 35 percent in the yield per recruit, and the increased recruitment accounted for a further 35 percent increase in yield in recent years. The result was an average catch from the CYRA of nearly 300 thousand tons in recent years, compared to the 1970s average of about 175 thousand tons. Dr. Joseph said that, provided the recruitment stayed high, the age-specific fishing mortality did not change, and the fishing effort remained at about the same level, the fishing should remain good, and that on these assumptions the best estimates of conditions in the fishery indicated that the 1990 catch from the CYRA should be about 260 to 280 thousand tons, and the catch from the eastern Pacific Ocean east of 150°W about 310 to 320 thousand tons.

Dr. Joseph cautioned, however, that there was a good possibility that the situation would change. About 70 percent of the yellowfin from the eastern Pacific was caught in association with dolphins, and the deaths of 75-100 thousand dolphins annually in the fishery had led to strong public pressure to curtail this form of fishing. Several processors had announced recently that they would no longer purchase tunas caught in association with dolphins, and this policy would affect the catch of yellowfin tuna. If fishing for tunas in association with dolphins were abandoned, the average size of the fish in the catch would fall to about 8 pounds, and the corresponding yield per recruit would drop by nearly 40 percent. Because there would be no fishing in the offshore regions, the effective recruitment would also drop. Dr. Joseph said that if fishing for tunas associated with dolphins is discontinued, the yield of yellowfin from the eastern Pacific would fall to about 160 thousand tons after about two years, instead of the 310-320 thousand tons currently estimated.

Dr. Joseph said that if no fishing for tunas associated with dolphins took place after July 1, 1990, the catch of yellowfin by the end of the year would reach about 200 to 220 thousand tons. If this form of fishing were curtailed but not halted, the likely total catch would be between 200 and 280 thousand tons. Based on these analyses, he was recommending a quota for yellowfin from the CYRA of 200 thousand tons, with the option of increasing this amount by up to 5 increments of 20 thousand tons each. The decision to exercise this option would be based on current estimates of the average size of fish in the catch and indices of the abundance of yellowfin.

Dr. Joseph next went on to present information on the status of the stocks of skipjack, bluefin, and bigeye, described in Background Papers 4 and 5. He noted that skipjack tuna migrated into the eastern Pacific from the central and western Pacific; they spent only a few months of their life in the region, and were generally caught at small sizes. Catches fluctuated between about 35 and 180 thousand tons, and there did not appear to be any relationship between the catches in successive years. Dr. Joseph said that, given the high natural mortality rate of skipjack, their high rate of emigration from the area, and the fact that they are available mostly at relatively small sizes, the best fishing strategy is to harvest them at any size at which they are available, since they often leave the area and do not return, and are not caught in substantial numbers elsewhere.

Dr. Joseph next discussed the bluefin fishery of the eastern Pacific, explaining that the stock was part of the same population which occurred in the western Pacific. Catches had declined considerably in recent years in the eastern Pacific, and this decline is cause for concern. After reviewing various possibilities that could be accounting for this decline, Dr. Joseph noted that the most likely explanation was a natural variability in the proportion of the population which migrated to the eastern Pacific, and that further research to confirm this hypothesis was being contemplated.

Dr. Joseph noted that bigeye tuna in the eastern Pacific are taken mostly in the longline fishery at a relatively large size, and that lesser quantities of small fish are taken in the surface fishery. The catches had fluctuated a great deal over the last several decades, but seem to be related to the level of fishing effort in the longline fishery. Based on yield-per-recruit analyses, the average size of fish in the longline catch was near the optimum size over the observed levels of effort.

## 6. REVIEW OF TUNA-DOLPHIN PROGRAM

After a break, the Chairman commented that Agenda Item 6 would be presented in two parts. The first would be a review of the current tuna-dolphin program, and the second would deal with future programs of the Commission and with Dr. Joseph's memorandum of May 17, 1990.

The Chairman called on Dr. Joseph to introduce the first part of Agenda Item 6. After a brief introduction, Dr. Joseph introduced Dr. Martín Hall, Chief Scientist of the IATTC Tuna-Dolphin Program.

Dr. Hall commenced by outlining the various topics he would be covering, namely the estimation of the incidental mortality of dolphins, the IATTC's mortality reduction program, the status of the dolphin populations, and studies of the association between tunas and floating objects and tunas and dolphins.

Dr. Hall said that in 1989 and in 1990 to date the international program had continued to achieve its objective of at least 33% coverage of the international fleet. The U.S. fleet was covered at 100%, in accordance with national regulations, but budgetary and other constraints had made it impossible to comply with the requests of some countries to increase the coverage of their fleets to 100% to augment their mortality reduction programs. The total mortality for 1989 was between 19 and 23% (depending on the method used) greater than in 1988, due almost entirely to the greater number of sets on fish associated with dolphins and to the greater amount of yellowfin caught in dolphin sets.

With regard to the mortality reduction program, Dr. Hall described 1989 as the busiest year since the tuna-dolphin program was set up in 1979. The Tuna-Dolphin Workshop held in Costa Rica in March of 1989 led to a number of initiatives which were put into effect in the second half of the year. Among these were the workshops for captains, managing owners, and crew members of tuna vessels, the first of which was held in April, 1989; by the end of the year 11 workshops had been held, with a total of 157 participants, 67 of them captains. So far in 1990 3 workshops had been held, attended by 19 participants. Among the subjects dealt with at these workshops are the factors which contribute to high dolphin mortality in purse-seine sets and how to avoid or overcome them, current gear and procedures for reducing mortality and innovations and developments being explored, the responsibilities of the captains and boat owners, and the performance of individual captains. A great number of safety panel alignments and inspections have also been carried out during trial sets.

Dr. Hall described some of the equipment that is being looked into or developed for reducing the mortality of dolphins in purse-seine nets. Current profilers and jet-propelled speedboats showed great promise, and long-term projects included modifications to the net to help keep it open and possibly to eliminate the problem of canopies and collapses. He also outlined the actions being taken in conjunction with governments and industry to monitor the performance of individual vessel captains, by means of detailed analyses of each observed fishing trip.

Dr. Hall went on to say that the results of all these activities have become apparent in the first four months of 1990, and that the mortality-per-set ratios for the international fleet (and those of the U.S. and non-U.S. fleets separately) had declined by at least 40% from the peak of 1986. The rates of reduction are similar for the U.S. and non-U.S. fleets, although the absolute mortality-per-set ratios were lower for the former.

Dr. Novoa of Venezuela had a question regarding the 33% coverage level; he wanted to know what the justification was for recommending 100% coverage. Dr. Hall answered that the 33% coverage level had been established as the result of a statistical study, but that there were now many new factors involved. If the presence of an observer were required for certification of "dolphin-safe" tuna, it would create a number of statistical problems. For example, if the proportion of sets on fish associated with dolphins were biased downward on trips with observers aboard, there would be less data on which to base the estimation of the mortality rates. He also remarked that since 1989 some countries had requested 100% coverage in order to increase the monitoring of the performance of the captains of their national fleets and for purposes of enforcement of their laws. He noted that 100% coverage would eliminate the problem caused by operational differences.

Mr. Arias of Costa Rica wanted to know the total abundance of the dolphin population, and what percentage of it was killed in the fishery each year. Dr. Hall answered that he would cover that topic in his presentation the next day.

Mr. Silvestre of France asked whether there would be a document available showing a decrease in dolphin mortality, and also wanted to know what the dolphin mortality would be if 100% coverage were approved. Dr. Hall said that the trends in dolphin mortality rates were covered in IATTC Annual Reports, Background Document 2 from the Costa Rica workshop held in 1989, and papers included in annual reports of the International Whaling Commission. He said that it was impossible to predict what the dolphin mortality would be with any level of coverage.

There being no further questions, the Chairman adjourned the meeting until the following day.

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At the meeting of the working group, which convened at 8:30 am on Wednesday, June 27, with representatives present of all member countries, the discussion of procedures for the admittance of observers to IATTC meetings, initiated the day before, was continued. The discussion concerned the participation of observers at the present meeting, as well as the development of a set of procedures for the admittance and participation of observers at future meetings of the IATTC.

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In response to a question, the Director explained that Commission policy has been to send invitations only to non-member governments of states that have some interest in the fishery for tunas in the eastern Pacific Ocean, and international organizations with similar interests. Information on the details of the meeting, together with a copy of the agenda, are sent on request to other interested individuals or non-governmental organizations; although these latter groups are not sent invitations, many attend the meetings, and have always been permitted to do so.

No conclusions were reached on this matter, and it was deferred for later consideration.

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The plenary meeting was reconvened at 10:00 am, and Dr. Hall continued his presentation with a review of the trends in abundance for the various stocks of dolphins involved in the fishery. He pointed out that the relative abundance of the stocks under scrutiny showed no statistically significant changes in the 5-year period ending in 1989. The stocks on which the greatest fishing effort was made, the northern spotted dolphin and the northern whitebelly and eastern spinner dolphins, appeared to show increases in relative abundance, but the evidence was not statistically conclusive; however, figures based on data taken during U.S. National Marine Fisheries Service (NMFS) research cruises showed a similar tendency. The relative abundance of the northern common dolphin appeared to have declined, and Dr. Hall remarked that this stock would be closely monitored. The incidental mortality of this stock fell by 80% in 1989, in contrast to the central stock of common dolphins, which experienced an increase of around 80% in mortality due to an concentration of fishing effort in its area of greatest density. Dr. Hall pointed out that a revision of the boundary for the southern stock of spotted dolphins was necessary, since in several years it had been observed outside the limits used in these studies.

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Dr. Hall next presented details of the IATTC research program on the associations between tunas and floating objects and tunas and dolphins. A data base on floating objects, designed to define the communities associated with these objects and the ecological conditions in which the associations are observed, has been created. Also, an analysis of the rainfall patterns in the coastal zone and the points of

entry into the ocean of the floating objects had been initiated. So far it had been discovered that one of the important characteristics of the floating objects for attracting tunas appeared to be the length of time the object had been in the water, although the estimates of these times are not precise.

A computer program which simulated the drift patterns of floating objects has been written; Dr. Hall explained that this will allow these patterns to be predicted, and their effect on the yellowfin associated with the floating objects to be assessed. The program, which computed the trajectory of an object over time from a given point of origin, would provide a better understanding of the association between tunas and floating objects and of the movements of tunas, and could also be useful for deciding where to position rafts designed to attract tunas.

Dr. Hall pointed out that one of the objectives of the program was to find alternative methods of catching large yellowfin, and that for this reason the size distributions of the fish caught in sets on floating objects were being studied. Despite small sample sizes, Dr. Hall believed that the proportions of larger fish in two particular ocean areas lent support to his personal theory that there was a point where these larger fish, having followed a floating object out to sea, turned back toward the coast, and could be caught there before they associated themselves with dolphins.

Finally, Dr. Hall described the results of research into the daily patterns in the association between tunas and dolphins. This research indicated that the ratio of tunas to dolphins remained more or less constant during the day, but increased considerably toward sunset, indicating perhaps that some of the dolphins separated themselves from the tunas in order to forage for food. Advantage could be taken of this separation if the difficulties of detecting schools of tunas at night could be overcome.

Dr. Hall invited questions on his presentation. Mr. Silvestre of France referred to a slide which showed the decline in the mortality rates for the U.S. and non-U.S. fleet, and wanted to know if this meant that the performance of the two fleets was now the same. Dr. Hall answered that this was not the case, and that although the scales used in the graph were the same for both fleets, the values for 1986 had been standardized to a common reference point (100%), and that the subsequent values were expressed as fractions of that original value.

The Chairman called on Dr. Joseph to present the second part of Agenda Item 6.

Dr. Joseph began his presentation by recalling the objectives of the Commission respecting tunas and respecting dolphins. For the former, the goal was to maintain the stocks of tunas at levels which could sustain maximum yields, while for the latter the objective was to maintain the populations of dolphins at levels that would ensure their survival in perpetuity and to undertake measures to prevent all careless and unnecessary mortality. Dr. Joseph emphasized that at present these objectives were being met, but noted that the recent decision by some tuna-processing companies to not purchase tunas taken in association with dolphins could have a major impact on the current situation.

Dr. Joseph outlined two possible situations which might develop. In one case, all other tuna processors would follow the example of the U.S. canners, and no dolphins would be killed in the fishery. In this situation the Commission's objective of maximum sustainable yield could not be achieved, and the catches would decline by one-third to one-half of the current levels. However, an observer would have to accompany every vessel over 400 tons fishing for tunas in the eastern Pacific in order to verify that no dolphins were captured and/or killed and, if the Commission were to be responsible for this, its observer program would have to be substantially expanded. The observers would be able to collect data on tuna fishing and other activities, which would enhance the Commission's research.



In the second case, the other processors would not follow the U.S. canners' example, and fishing for dolphin-associated tunas would continue. In this instance the Commission's program would not only need to continue, but would need to be expanded to accommodate all vessels that did not fish for tunas associated with dolphins as well as a sample of those that did.

Dr. Joseph commented that the fishery in the eastern Pacific was apparently approaching a critical stage. He believed that unilateral action by some processors and nations would most likely not be successful in eliminating the mortality of dolphins in the fishery, as was evidenced by the fact that nearly all the major markets apart from the United States were buying tunas caught in association with dolphins. This might, in fact, bring about the collapse of the the current dolphin program in the eastern Pacific, leading to a situation in which dolphin mortality increased, but there was no means of estimating that mortality.

Dr. Joseph stressed that because the fleets of many nations fish for tunas in association with dolphins, and because more than twice as many dolphins are caught beyond the 200-mile limit as inside it, the problem was international, and could best be solved through international cooperation. The nations of the region needed to continue to cooperate in the search for a solution to the problem. The problem of protecting dolphins, while still maximizing the harvest of tunas, could be resolved, but would require even greater cooperation among nations. He pointed out that the IATTC had provided a focal point for such cooperation in the past, and could continue to do so in the future.

Dr. Joseph emphasized the need to bring harmony to the region, through a program that optimized the objectives of all participants. Consideration should be given to the establishment of such a program, which would include a limit on dolphin mortality that would be decreased annually until levels of mortality approaching zero were reached. Achieving this would require a parallel program to modify the purse-seine fishing net so that it operated more efficiently in terms of reducing dolphin mortality, and this would require the application of considerable engineering talent. In addition, 100-percent observer coverage would be needed to collect essential information on the fishing operation and gear performance, as well as to monitor the mortality.

Dr. Joseph expressed his opinion that the Commission needed to re-evaluate its responsibilities respecting dolphin mortality and determine whether it wished to undertake an aggressive program of dolphin management and conservation such as that he had outlined. There was not enough time to accomplish the task at the present meeting, and he therefore recommended that the Commission consider holding a special meeting in the near future to evaluate the various options open to it.

The Chairman expressed his support for this proposal, noting that the Commission stood at a serious juncture in its history.

Mr. Nanne of Costa Rica stated that the survival of the industry and conservation of dolphins were both important. There appeared to be no clear mechanism for discussing the issue, and so he agreed to holding the special meeting, and proposed that it be held in Costa Rica.

Mr. Arbelaez of Vanuatu had a number of questions. Addressing those countries who objected to the IATTC handling the dolphin program, he asked them what their objections were, and what it would take to enable the IATTC to become the organization that could handle the situation. He wanted to know whether the environmental community would support a reasonable program if one were established, and he asked the industry whether it would review its "dolphin-safe" policy. He pointed out that the problem was especially serious for Latin America.

Mr. Silvestre of France said that he had read the published objectives of the Commission, and noted that the objective of achieving maximum sustainable yield (MSY) of yellowfin would be impossible if there were no fishing for fish associated with dolphins. He said France was cognizant of the dolphin issue, but was not involved in the fishery for dolphin-associated tunas, and so he did not see why France should pay for the dolphin program.

The Chairman asked the Director to comment on these remarks. Dr. Joseph said that if nobody fished for fish associated with dolphins, then there would be no problem, but that the situation at present, with fishing for dolphin-associated tunas continuing, did pose a problem. If such fishing were abandoned in the future, then there would then be no need for a dolphin program, although there would still be a need for the observer program. He said that the problem needed to be addressed because he believed that fishing for dolphin-associated fish would continue.

Mr. Silvestre pointed out that the Commission would be paying for scientific research unrelated to fisheries, and that this constituted a change of direction for the IATTC; half of the budget would go to conservation measures that had nothing to do with fisheries.

The delegate from the United States noted that the program would help maintain a high level of tuna production.

Dr. Joseph pointed out that already one-third of the budget was spent on dolphin research, and that if there were no fishing for dolphin-associated fish, the production of tuna would decline, and the IATTC would not fulfill its mandate. If a way of catching such fish without harming the dolphins or a means of attracting large tunas could be developed, the objective of reducing dolphin mortality faster would be fulfilled. However, if unilateral measures prevailed, some nations might leave the IATTC program, and there would be no transfer of gear technology, etc. Without fishing for fish associated with dolphins, a high production of tuna could not be maintained; however, the program should include studies of alternative ways of catching large tunas. In answer to Mr. Silvestre's question, Dr. Joseph explained that the objectives of the dolphin program were not in the Convention but in a Resolution, and that they could be changed.

The delegate from Costa Rica remarked that there were some points that were not being considered. The tuna-dolphin program showed that the survival of dolphins was assured. In the light of the results of the IATTC's excellent work, the Commission must ensure that the tuna-dolphin program follows its course. He said Costa Rica was a conservation-minded country, and wanted to continue the program, and to encourage gear engineers to develop better technology. He said that eliminating fishing for dolphin-associated fish would mean an increase in fishing on juvenile tunas, which are vital for Costa Rica as a developing country. Costa Rica, and particularly the Province of Puntarenas, which depended on tuna, wanted a yellowfin fishery which would provide employment and a better future. He said a frame of reference was needed for improving the tuna-dolphin program.

Lic. Arosemena of Panama expressed concern over the possible termination of the tuna-dolphin program, and said that governments and industry must both make special efforts. The IATTC's experience meant that it was best suited for taking a leading role, but that other regional organizations were also interested in joining these efforts. She said that she was in favor of a meeting to be held very soon to discuss a program, and supported Costa Rica's invitation, since Panama was very interested in improving the performance of the fleet.

Mr. Silvestre of France said that the tuna-dolphin program appeared to be effective, judging from the data, and that the only question was whether it would continue to be effective in the future. He said that it would be a pity if the program were not continued. He mentioned the possibility that vessels might leave the

eastern Pacific for other fishing grounds. The markets were open, which made the issue relevant. He remarked that French canneries had decided not to buy tuna caught in association with dolphins.

Dr. Novoa of Venezuela requested that the IATTC clarify to the observer countries how they saw the future of the IATTC's objectives. He said that its research results were not taken into account by the private sector or environmental groups when making their decisions. He further stated that if the objectives of the IATTC were changed, Venezuela might reconsider its application to join the IATTC.

Dr. Herrería of Ecuador said he believed that the recommendations made by Drs. Joseph and Hall were important, and that species that might be endangered had to be preserved. As a representative of his government, he agreed with the idea of a special meeting of the IATTC, and was ready to support it with technical expertise, goodwill, and legislation aimed at finding a definitive solution.

Mr. Murakami of Japan said that Japan supported the tuna-dolphin program at its current level, but added that he understood the position of both member and non-member countries whose fleets fished on dolphins. He said he did not agree to expanding the budget of the tuna-dolphin program, and suggested that the countries concerned should perhaps get together and find alternative ways of funding the program.

Mr. Icabalceta of Nicaragua expressed support for a meeting in Costa Rica. He said he believed that the question of the allocation of the budget should also be analyzed in depth, and the tuna-dolphin program redefined in the medium term.

Mr. Hallman of the United States expressed his support for a special meeting, and thanked Costa Rica for its offer to serve as host for it. He added that, in order to explore all the possibilities, he would suggest inviting not only IATTC member nations, but all the nations of the region.

Mr. Fernández of Guatemala said that although his country was not actively involved in the exploitation of tunas at this time, he believed that the IATTC program was important, and supported a special meeting.

Lic. Rosado of Mexico stated that it was necessary to review the objectives and results of the tuna-dolphin program, and know where it was going. She pointed out that the program required the cooperation of a large number of countries, among them coastal nations and non-coastal nations with tuna fleets which fished in the eastern Pacific Ocean. The problems were of interest not only to IATTC members, but also to other regional organizations that might be interested in cooperating; all parties concerned should join forces and act in concert on the issue. She asked for a clarification of the definition of the program, and reasons why Mexico should continue to participate in it.

Mr. Peñalosa of Colombia said that it was important for Colombia to join the IATTC, and that the Commission should take the lead not only in scientific and technological matters, but also politically. He believed that decisions taken by private parties whose interests were not ecological could affect the region adversely. The objective was to protect dolphins, and for this agreement among the international community was necessary. He said that the 500 million inhabitants of the region could consume the tuna caught in association with dolphins. The program had achieved a great deal, but was now affected by a unilateral private decision, and he believed that regional interests should prevail over private interests. He declared that there was a consensus in Colombia about the need for joining the IATTC, and he believed that the Commission should be more involved in the political and industrial aspects of the issue. Groups representing the industry, producers, and consumers should be invited in order to establish a rational dialogue about the protection of dolphins and the utilization of the resource.

Chairman Beasley summarized the discussion by saying that there was general agreement on a special meeting, and that it should be open to all countries concerned with the issues. Costa Rica's offer to serve as host for the meeting was accepted, and he requested that Dr. Joseph initiate the preparations for the meeting. He then adjourned the meeting for lunch.

#### 10. CONSIDERATION OF A PROTOCOL TO THE CONVENTION ESTABLISHING THE INTER-AMERICAN TROPICAL TUNA COMMISSION

When the meeting was reconvened, Chairman Beasley asked Dr. Joseph to introduce this agenda item.

Dr. Joseph reviewed Background Paper 7, which presented several options for facilitating the adherence of nations to the IATTC Convention. Presently any nation wishing to adhere to the Convention must obtain the written approval of the current High Contracting Parties. This process is long and cumbersome, and has thwarted the efforts of some nations to adhere. Most international fisheries organizations did not require such a procedure, membership being based on deposition of an instrument of adherence only. The Background Document included two possible protocols designed to streamline the IATTC procedure for admission, plus a draft protocol which would permit international organizations for regional economic integration to hold membership in the IATTC. Dr. Joseph recommended to the Commissioners that they take action to ease the procedure of adherence of new members, perhaps along the lines of one of the suggested draft protocols.

Chairman Beasley said that it was timely to address this issue since a number of countries were interested in joining the IATTC. Mr. Silvestre of France expressed a preference for the second version (non-objection option) outlined in Appendix 3 of Background Paper 7.

Mr. Murakami of Japan agreed that the membership requirements should be modified to speed up the process, but pointed out that modifying the Convention would take a long time, and that Japan required the approval of its parliament for such a change. He suggested it might be better to improve the implementation of the existing Convention. Countries could obtain the necessary approvals at the annual meeting rather than by mail, and approvals could be handled through the Secretariat office. Regarding organizations such as the European Economic Community (EEC), he remarked that the EEC had not expressed formal interest in becoming a member, and that it was too early to discuss this subject.

Mr. Silvestre said he understood that national procedures could be difficult, but this argued for an immediate initiation of the process of adopting the protocol. He commented that there was some interest on the part of the EEC in becoming a member of the Commission, in order for it to be ready to handle a potential situation in which some European country started to fish in the eastern Pacific Ocean.

Mr. Hallman thanked Dr. Joseph for preparing the document, and agreed that the delays in the adherence of new members were leading to frustration. He said the United States was also in favor of Option 2, although he wished to suggest some specific changes in the language of the proposed protocol, which could be dealt with by a working group. He believed that the legality of adding new members through a system of voting at annual meetings, as proposed by Japan, should be explored further, but that he was in favor of the admission of the EEC.

Mr. Murakami said that his country was in agreement with the idea of broad participation, but maintained the position that a modification of the Convention was unnecessary. He asked whether the EEC had showed a clear intent of joining the IATTC, and said that it should make its intentions clear.

Mr. Silvestre answered that although he did not represent the EEC, he would try to answer the question. The EEC had made no formal request to join the Commission, but its intention was to be a member of all fishing organizations for which it has competence, and that it was already a member of the North Atlantic Fisheries Organization (NAFO), for example, and would soon be a member of the International Commission for the Conservation of Atlantic Tunas (ICCAT). He pointed out that there would be a discrepancy with the Law of the Sea if the EEC were not allowed to join the IATTC.

Mr. Murakami remarked that, in his personal opinion, provided the EEC made its intent to join clear, and provided the Commission was involved in changing the Convention, then the position regarding the membership of both France and the EEC should be clarified. He asked how their contributions to the budget would be calculated, and repeated that it was too early to discuss the matter of the EEC.

At the Chairman's request, Dr. Joseph explained that at the previous Annual Meeting in Paris in 1989, the EEC had expressed an interest in seeing the Convention modified to allow the EEC to join the IATTC. As regards the calculation of contributions, he said that this was clearly spelled out in Convention: contributions were proportional to the level of utilization of tunas from the eastern Pacific Ocean and, since over 25% of this was consumed in the EEC, then it would contribute accordingly. As regards the membership of both France and the EEC, the latter's competence did not extend to overseas territories, and therefore France would remain a member by virtue of its possession of Clipperton Island, over which the EEC has no jurisdiction.

Chairman Beasley commented that there appeared to be a shared interest in simplifying the membership process, and suggested that a further informal exchange should be arranged, perhaps in another meeting of the working group the following morning.

Mr. Icabalceta of Nicaragua said that the adherence of the EEC, and also Latin American economic integration organizations, should be made easier.

Lic. Arosemena said that Panama had no objection to changing the Convention, and also favored Option 2; she also shared the Nicaraguan view regarding the EEC. She urged all member countries to expedite the ratification of the protocol to the Convention.

## 8. RECOMMENDED RESEARCH PROGRAM AND BUDGET FOR 1991-1992

The Chairman asked the Director to present this agenda item. Dr. Joseph mentioned that he had sent a letter to the Commissioners discussing problems with the budget. He emphasized that the Commission staff was doing more work than had been planned when the budget was approved, and that only about 80% of the amount of money approved had actually been received. He explained that the budgets approved by the Commissioners were not binding on the member governments, so there was no guarantee that the IATTC would get the funds. He further explained that at the previous meeting in Paris a large increase for the Tuna-Dolphin Program to increase observer coverage to 100% had not been approved. The budget now being proposed was some 15-18% greater than that of the previous year; 30% of this was to meet inflation and regularly scheduled salary increases.

Mr. Icabalceta asked whether the fact that the dolphin project was to be reviewed at the Costa Rica meeting meant that the budget would have to be changed at that meeting. Dr. Joseph explained that that would depend on what action the Commission decided to take at the Costa Rica meeting; if an augmented program were approved, an increased budget would be submitted.

Mr. Silvestre said he went along with the Nicaraguan remark, and commented that the the future course of the Tuna-Dolphin Program was not certain. The delegate from Costa Rica agreed that there was much uncertainty, and asked whether the decision on the budget could be delayed until the meeting in Costa Rica. Dr. Joseph responded that that would depend in part on each government's rules for internal fiscal management, and that the staff had no particular preference as to when the decision was made.

Mr. Silvestre pointed out that problems would arise in any case with decisions made at the present meeting, and expressed agreement with Costa Rica's remarks.

Mr. Murakami stated that Japan's position was very clear: the IATTC was a tuna management organization, and yet the portion of the budget dedicated to tunas was small compared to that earmarked for the Tuna-Dolphin Program. Japan believed that the Tuna-Dolphin Program was achieving its objectives, and its position was therefore that the current level budgeted for dolphin work should be maintained. He explained that the budget proposal would have to be made by summer in order to enter it into the process in Japan in time, and that if a new program were proposed at the Costa Rica meeting, Japan would not be able to allocate new money on time. Japan supported the proposed budget, except for the Tuna-Dolphin Program; it could not agree to more money for this program, other than cost-of-living increases.

Mr. Fullerton of the United States said the United States was in favor of recommending the increased budget, including the increases for the Tuna-Dolphin Program. He suggested that in light of Japan's remarks, perhaps the budget approval could be staggered by approving part of the budget now and delaying a decision on expanding the role of the Commission with regard to dolphins until the meeting in Costa Rica.

Dr. Joseph commented that there was a precedent for this, in that in some years two budgets had been submitted, a regular budget and an austerity budget. This would be one alternative; another would be to follow Japan's proposal, but leave the option of possible later increases for the Tuna-Dolphin Program open, in accordance with the suggestion by the United States.

Lic. Arosemena expressed support for the two-stage budget proposal, but asked Dr. Joseph if there were alternative ways of financing the Tuna-Dolphin Program. Dr. Joseph explained that the IATTC had in the past sought and obtained funds from outside sources, and that the precedent existed for the Commission to continue this practice.

Mr. Fullerton asked the Japanese delegate if he objected to the allocation of money for the billfish studies, to which Japan answered no. Mr. Fullerton then suggested that the discussion be adjourned so as to give Dr. Joseph a chance to come up with a revised budget proposal, which could be debated the following day in an executive session. The Chairman agreed to this course of action, as did the Costa Rican delegate.

The Chairman set a starting time of 9:00 am the following day for the executive meeting, and 10:30 for the plenary session.

## 7. RECOMMENDATIONS FOR 1990

The Chairman called for comments on the recommended yellowfin quota of 200,000 short tons and five increments of 20,000 tons each (Appendix 3). There were no comments, so the Chairman asked the Director to draft a resolution and adjourned the meeting until the following day.

EXECUTIVE

The Commission met in Executive Session at 9.00 am on Thursday, June 28, 1990. A revised budget of \$3,993,400 (Appendix 4) was approved by all delegations.

The Director was authorized to seek funds from sources outside regular budgetary channels to support the Tuna-Dolphin Program, as long as the use of such funds was consistent with Commission objectives and programs. Sources for this funding could include private institutions and foundations, industry, and both member and non-member governments.

The Commission's Rules of Procedure were amended to allow further amendments to be made between meetings of the Commission by a vote of the High Contracting Parties obtained by mail or other means of communication. The amended text of Rules V and XV of the of the Rules of Procedure are attached as Appendix 5.

It was agreed by all delegations that the procedure for the adherence of new members to the IATTC should be changed to make it easier for prospective members to join the Commission. The procedure of unanimous approval of all members, as laid down in Article V(3) of the Convention, had proved slow and cumbersome, and had thwarted the efforts of some nations wishing to adhere. Although many member nations supported the adoption of a protocol to resolve this problem, agreement was not unanimous, so it was decided to add this issue to the Agenda of the forthcoming special meeting in Costa Rica, and to encourage all members to adopt such a procedure, particularly the Government of Japan, which opposed the adoption of such a protocol. The matter of adherence to the IATTC Convention by international organizations for economic integration was also discussed, and added to the agenda for the Costa Rica meeting.

The issue of admitting non-governmental organizations and the press to the meetings of the Commission was discussed. No final conclusions were reached regarding rules governing this matter, but the Commission requested the Director to consult with the Chairman of the forthcoming special meeting in Costa Rica in the development of a specific policy to be discussed at that meeting, taking into consideration past practices of the Commission. The Commission further instructed the Director to undertake a study of policies followed by other international organizations respecting the attendance of observers and the press, and to report this to the Commission, together with a series of options for the Commission to review at the next meeting.

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9. AN UPDATE OF ACTIVITIES CONCERNING ARRANGEMENTS FOR TUNA MANAGEMENT IN THE EASTERN PACIFIC

PLENARY  
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The plenary meeting was reconvened at 1:00 pm. The Chairman called for comments on Agenda Item 9.

Mr. Hallman stated that five countries had signed a tuna management agreement for the eastern Pacific Ocean, but that ratification was still pending. He urged cooperation with the IATTC, as the only organization dealing with the management of tunas and dolphins in the eastern Pacific Ocean. He said the United States was pleased that Costa Rica had resumed its membership, and that Vanuatu and Venezuela had applied for membership.

#### 11. PLACE AND DATE OF NEXT MEETING

There being no other comments, the Chairman passed on to Agenda Item 11. Mr. Murakami graciously extended an invitation from his country to hold the meeting in Tokyo, on a date to be decided later. There was unanimous agreement to this, and the Chairman thanked the Japanese delegate.

#### 12. ELECTION OF OFFICERS

The Nicaraguan delegate nominated the head of the Costa Rican delegation for the office of Chairman of the special meeting to be held in Costa Rica, and the other delegations supported this nomination. The United States delegate nominated the head of the Japanese delegation to serve as Chairman of the next regular meeting; this nomination was likewise unanimously supported. Lic. Arosemena nominated Mr. Icabalceta as Secretary for both meetings; this nomination was supported by all.

#### 13. OTHER BUSINESS

Ms. Lesley Scheele of Greenpeace International expressed the concern felt by the environmental community about the mortality of dolphins in the tuna fishery of the eastern Pacific Ocean, which remains at around 100,000 animals per year. She thanked the IATTC for its labors, and urged all groups concerned (industry, governments, consumers, producers, and the environmental community) to work together to resolve this problem.

#### 14. ADJOURNMENT

The Chairman thanked the attendees and participants, and adjourned the meeting at 1:45 pm.



Remarks by  
John A. Knauss  
Under-Secretary of Commerce for Oceans and Atmosphere  
at the Opening of the 47th Meeting of the  
Inter-American Tropical Tuna Commission  
The Department of State  
Washington, D.C.  
June 26, 1990

Good morning, ladies and gentlemen. It is a great pleasure for me to welcome you to Washington. This is the first meeting of the Inter-American Tropical Tuna Commission in Washington in some 11 years, and I'm delighted, as Administrator of the National Oceanic and Atmospheric Administration, to open this meeting.

It is a special occasion for a number of reasons. This gathering is the 40th anniversary meeting of the Commission. The documents that established the Commission were signed here in Washington on May 31, 1949.

I have personally had a long association with the Commission; its first Director, Dr. Milner B. Schaefer, and I worked very closely together. After returning from an oceanographic cruise in late 1958 I learned of the death in an aircraft accident of two of my closest scientific colleagues, Bell Shimada and Townsend Cromwell, both well-known Commission scientists.

Throughout its 40-year history, the IATTC has been a point of stability within political, social, economic, and scientific change. Its work has always been characterized by a spirit of cooperation and broad participation. We are in this room today because so many delegates are on hand that the Department of State had to provide us with its largest meeting room. And in that connection, I am particularly pleased to note that our co-founding partner, Costa Rica, has rejoined the ranks of the IATTC membership.

This Commission has had, from its earliest days 40 years ago, the great responsibility to undertake "complicated investigations" regarding the status of yellowfin and skipjack tuna, among other associated species, that inhabit the eastern Pacific Ocean. The "investigations" were complex, ranging from understanding the natural factors that affect those populations to analyzing the effects of man's activities on our ability to achieve a maximum sustained yield.

At the Commission's second meeting, Chairman Cardona-Cooper of Costa Rica expressed the hope that the Commission's work would lead to the "discovery of the many secrets of the tuna's life, so that the ways and means of assuring the conservation of tuna populations [could] then be applied." He was a man of great foresight. This Commission has met the challenge of that mandate and today is an outstanding example of an international organization committed to scientific excellence. The pioneering work at IATTC staff in the area of assessment of stocks, population dynamics, and tuna life history biology is a model for other fisheries organizations.

Since 1951, when Chairman Cardona-Cooper expressed the goal of the IATTC, tuna fisheries have expanded across the Pacific and fishing methods have changed. The days of 1-, 2-, and 3-pole tuna fishing have been replaced by the power block. The Commission has become an authority on which we place great reliance. At the same time, the awareness has grown that on issues of conservation we have no room for complacency.

Our interest has also expanded. Since 1976 the Commission has led the way in examining the tuna-dolphin relationship and assessing dolphin populations. The IATTC's observer program has thrown light on tuna-dolphin interactions. You have been a catalyst for the reduction of risk and injury to dolphins, through your encouragement of improved fisheries technology.

New themes and focuses are now upon us. Changing world markets and the demand for "dolphin-safe" tuna pose tremendous challenges. The actions taken by the Commission and its member countries will have a major impact on the eastern Pacific tuna fisheries.

Stewardship, a word often invoked by President Bush in talking about environmental issues, is a key factor in the highly-migratory tuna resources in the eastern Pacific. It is an idea whose time has come. Yet agreement on international management strategies has been difficult to achieve up to now.

The productivity of the yellowfin tuna may have masked the hazard of unmanaged fisheries. Yet the Commission has consistently warned that we cannot take for granted the record catches recorded in recent years. The kind of vigor and cooperation the Commission has shown over the years is our best hope for coming up with an international management system that will assure the future of these resources.

Effective multilateral programs will be achieved, however, if individual nations recognize that we can conserve tuna and dolphin only if they act in concert, as the IATTC has done so well. The challenges are great, but I am confident that the Commission is more than equal to the task.

I am glad that I have had this chance to offer the Administration's best wishes for as productive and successful meeting. I am confident that you will continue to demonstrate the perseverance and creativity that has marked your discussions for 40 years. Thank you.

Inter-American Tropical Tuna Commission  
Comisión Interamericana del Atún Tropical

47th MEETING -- XLVII REUNION

Washington, D.C.

June 26-28, 1990

26 al 28 de junio de 1990

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RESOLUTION

*The Inter-American Tropical Tuna Commission*, having the responsibility for management of the tunas and tuna-like fishes of the eastern Pacific Ocean, 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*, based on past experience in the fishery, that 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 1986, and in 1988 and 1989, although no conservation programs were implemented, conservation measures were nevertheless recommended to the Commissioners by the scientific staff, and in turn such measures were approved by the Commissioners for recommendation to their respective governments, and

*Observes* that, at current levels of abundance and at current fleet capacity, the stock of yellowfin can be over-exploited, but

*Recognizes* that for 1990 there is a degree of uncertainty respecting a change in the size distribution of the fish to be taken in the catch. In one case, if during 1990 fishing for tunas in association with dolphins continues as it has during the previous few years, the stock will be able to sustain a catch of approximately 260 to 280 thousand short tons from the Commission's Yellowfin Regulatory Area (CYRA), as defined in the resolution adopted by the Commission on May 17, 1962. In another case, if there is no fishing on dolphin-associated fish during the remainder of 1990, the potential production from the stock will decrease to approximately 200 to 220 thousand short tons. If there is some fishing on dolphin-associated tunas during the remainder of 1990, but less than during the year to date, the potential production from the stock will probably fall somewhere between these two estimates, and

*Concludes* that a limitation on the catch of yellowfin tuna should be implemented during 1990.

*The Inter-American Tropical Tuna Commission therefore recommends to the High Contracting Parties* that an annual quota of 200,000 short tons should be established for the 1990 calendar year on the total catch of yellowfin tuna from the CYRA, and that the Director should be authorized to increase this limit by no more than five successive increments of 20,000 short tons each if he concludes from examination of available data that such increases will offer no substantial danger to the stocks, and

*Finally recommends* that all member states and other interested states work diligently to achieve the implementation of such a yellowfin conservation program for 1990.

TABLE 1. Comparative figures by project, fiscal years 1989 through 1992.  
 TABLA 1. Cifras comparativas por proyectos, años fiscales de 1989 hasta 1992.

Projects--Proyectos	Expenditure--Gastos			Change from FY 90-FY 91 Cambios del AF 90-AF 91
	FY-AF 1989 Actual Reales	FY-AF 1990 Estimated Estimados	FY-AF 1991 Recommended Recomendados	
A Administrative expenses Gastos administrativos	209,926	254,252	267,300	+16,481
C Compilation and analysis of catch statistics Compilación y análisis de las estadísticas de captura	528,997	571,770	601,130	+32,552
D Tuna biology Biología del atún	1,125,008	1,317,866	1,385,380	+157,046
E Tuna ecology and oceanography Ecología del atún y oceanografía	50,897	63,923	67,206	+3,639
F Tuna tagging Marcado de atún	147,129	140,322	147,520	+7,995
H Tuna-dolphin study Investigación atún-delfín	1,053,783	1,176,867	1,237,484	+69,667
Totals--Totales	\$ 3,115,763	\$ 3,525,000	\$ 3,706,020	+\$ 287,380

Appendix 5

**Previous text:**

Rule V

Between meetings of the Commission or in case of an emergency, a vote of the High Contracting Parties may be obtained by mail, or other means of communication.

Rule XV

These rules of procedure may be amended from time to time as deemed necessary by the Commission, and in accordance with the voting procedure noted in Rules III and IV above.

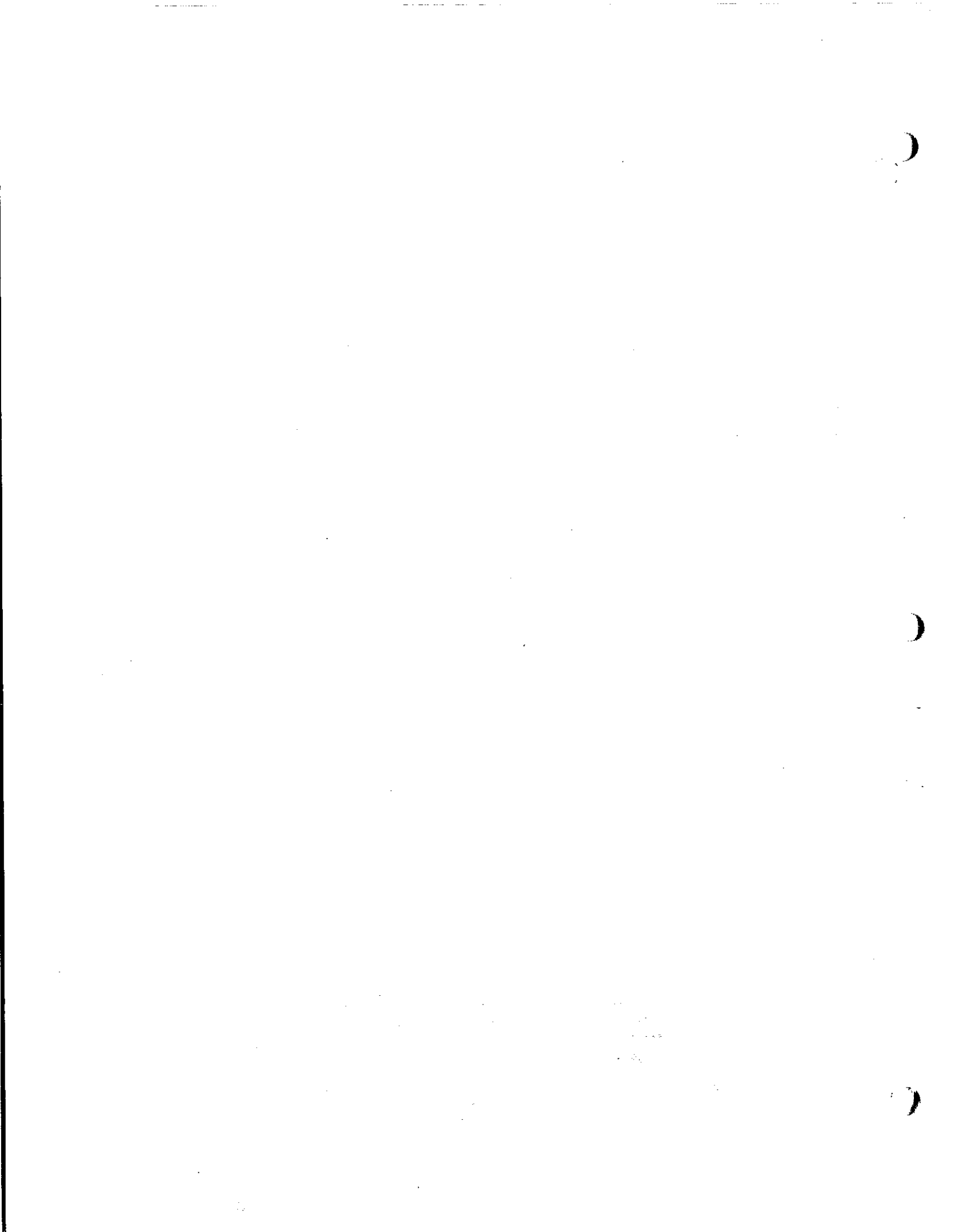
**Amended text:**

Rule V

Between meetings of the Commission, a vote of the High Contracting Parties may be obtained by mail, or other means of communication.

Rule XV

These rules of procedure may be amended from time to time as deemed necessary by the Commission, and in accordance with the voting procedure noted in Rules III, IV, and V above.



INTER-AMERICAN TROPICAL TUNA COMMISSION

SUMMARY MINUTES OF THE 48TH MEETING

San José, Costa Rica

September 17-20, 1990

Chairman: Herbert Nanne Echandi





## **AGENDA ITEM 1 - OPENING OF MEETING**

The 48th meeting of the IATTC was called to order by the Chairman, Mr. Herbert Nanne Echandi of Costa Rica, at 10:00 a.m. on September 17, 1990, at the Hotel Cariari, San José, Costa Rica. He noted that the purpose of the meeting was to deal with a matter of great importance, the issue of conservation and/or management of dolphins taken incidentally by the fishery for tropical tunas in the eastern Pacific Ocean.

The Chairman then introduced Ing. Juan Rafael Lizano Saenz, Minister of Agriculture and Fisheries of Costa Rica. Ing. Lizano welcomed all the attendees to the meeting, and called attention to the importance of the matters to be discussed. He pointed out the the interests of three groups, the governments of the coastal states, the fishermen who fish for tunas in the eastern Pacific Ocean, and the consumers of tuna, must be taken into account. He concluded his inaugural address by wishing the best of luck to all the participants in their deliberations during the course of the meeting. The text of his speech is attached as Appendix 1 of these minutes.

The Chairman then welcomed all the attendees, and called upon the heads of the delegations of the member and observer nations and of the various international and other organizations to introduce themselves and their delegations. The attendees are listed in Appendix 2 of these minutes.

## **AGENDA ITEM 2 - ADOPTION OF AGENDA**

Chairman Nanne called for comments on the provisional agenda which had been mailed to the attendees on July 20, 1990. After some discussion, it was decided that preliminary consideration would be given first to Agenda Items 6 and 7, followed by Agenda Items 3, 4, and 5. Then further consideration would be given to Agenda Items 6 and 7. These changes were necessary in order that working groups on the matters discussed in Agenda Items 6 and 7 could be formed. It was agreed that the hours during which the meeting would be held would be 9:00 a.m. to 12:00 noon and 2:00 p.m. to 6:00 p.m. The Chairman pointed out that participation by all attendees was encouraged. He said that priority regarding speaking would be granted in the following order: Commissioners and their advisors; representatives of observer governments; representatives of inter-governmental organizations; representatives of non-governmental organizations.

## **AGENDA ITEM 6 - RULES OF PROCEDURE GOVERNING THE ATTENDANCE AND/OR PARTICIPATION OF OBSERVERS AT IATTC MEETINGS**

Chairman Nanne called upon Dr. James Joseph, Director of the IATTC, to review what was said in this regard at the 47th meeting of the IATTC and to discuss Background Paper 2, prepared by the IATTC staff for the present meeting. Dr. Joseph did so, pointing out that no mention is made of observers at IATTC meetings in the IATTC's Convention or Rules of Procedure, but that the procedures which the Commission has followed seem to have worked satisfactorily in the past. He volunteered to assist the working group which would meet that evening in any way he could.

Mr. Goto of Japan called attention to a recommendation made by Japan at the 47th meeting of the IATTC that the matter of admission of observers to IATTC meetings be reviewed and that more formal rules of procedure be adopted, and expressed the wish that this matter be considered at the current meeting. The Chairman, noting the shortage of time, said he thought that it would be appropriate to consider that

matter in the meeting of the working group. A working group, consisting of representatives from each member nation, was formed to discuss the rules governing the attendance and/or participation of observers at IATTC meetings and to present its recommendations at the IATTC meeting the next day.

#### **AGENDA ITEM 7 - A PROTOCOL TO THE IATTC CONVENTION TO FACILITATE THE ADHERENCE OF NEW MEMBERS**

Chairman Nanne next called upon Dr. Joseph to discuss the matter of a protocol which would make it easier for new members to be admitted to the IATTC and which would make it possible for certain international organizations to become IATTC members. Dr. Joseph said that this matter was discussed at the 46th and 47th meetings of the IATTC, and that it was agreed that it would be discussed further at the IATTC's 48th meeting. He pointed out that Background Paper 7, prepared for the 47th IATTC meeting, discusses this matter, and that draft protocols are included as appendices to that paper. He also said that a draft resolution was sent to the member countries prior to the present meeting.

Mr. Goto of Japan said that the difficulties in admission of new members to the IATTC were the result of failure of some countries to respond to communications concerning this matter, rather than to poor procedures. He also noted that the Japanese delegation was not in a position to approve changes to the Convention at this time.

The Chairman asked that the working group which was to consider Agenda Item 6 also consider Agenda Item 7 and present its recommendations at the IATTC meeting the next day.

#### **AGENDA ITEM 3 - REVIEW OF THE TUNA FISHERY IN 1990**

Chairman Nanne announced that Dr. Joseph would briefly discuss the fishery of tunas during 1990. Dr. Joseph said that the catches to date of yellowfin during 1990 exceeded those for the same period of 1989, while the reverse is the case for skipjack. He also said that a large portion of the catch of yellowfin has been made on fish associated with dolphins. He spoke about the effect on the yield per recruitment of transferring the effort from large to small fish. Information on the fishery in 1990 is given in Appendix 3 of these minutes.

#### **AGENDA ITEM 4 - REVIEW OF THE CURRENT TUNA-DOLPHIN PROGRAM**

Dr. Joseph then reviewed the work of the IATTC's Tuna-Dolphin Program. First, he discussed the history of the IATTC's involvement in the conservation of dolphins. He said that coverage of fleet had been about 47 percent so far in 1990. There had been requests for greater coverage, but no funds had been allocated for that purpose. The mortality rates per set on dolphin-associated fish and per ton of yellowfin caught in association with dolphins have continued to decline since 1986.

Chairman Nanne then adjourned the meeting for lunch.

When the meeting was reconvened after lunch Chairman Nanne asked if there were any questions on Agenda Items 3 or 4. There were none, so he announced that he would proceed to the next item on the agenda.

## AGENDA ITEM 5 - POSSIBLE ALTERNATIVES FOR EXPANDING THE TUNA-DOLPHIN PROGRAM

Chairman Nanne called upon Dr. Joseph to review the discussions which took place regarding conservation and/or management of dolphins at the 47th meeting of the IATTC and to discuss Background Paper 1, prepared for the present meeting.

Dr. Joseph first reviewed some of what he had said at the 47th meeting. He began by recalling the objectives of the IATTC respecting tunas and respecting dolphins. For the former, the goal was to maintain the stocks of tunas at levels which could sustain maximum yields, while for the latter the objective was to maintain the populations of dolphins at levels that would ensure their survival in perpetuity and to undertake measures to prevent all careless and unnecessary mortality. He emphasized that at present these objectives are being met, but noted that the recent decision by some tuna-processing companies not to purchase tunas taken in association with dolphins could have a major impact on the current situation.

He outlined two possible situations which might develop. In one case, all other tuna processors would follow the example of the U.S. canners, and no dolphins would be killed in the fishery. In this situation the IATTC's objective of maximum sustainable yield could not be achieved, and the catches would decline by one-third to one-half of the current levels. However, a scientific technician would have to accompany every vessel over 400 tons fishing for tunas in the eastern Pacific in order to verify that no dolphins were captured and/or killed and, if the IATTC were to be responsible for this, its scientific technician program would have to be substantially expanded. The scientific technicians would be able to collect data on tuna fishing and other activities, which would enhance the IATTC's research.

In the second case, the other processors would not follow the U.S. canners' example, and fishing for dolphin-associated tunas would continue. In this instance the IATTC's program would not only need to continue, but would need to be expanded to accommodate all vessels capable of fishing for tunas associated with dolphins.

He commented that the fishery in the eastern Pacific Ocean was apparently approaching a critical stage. He stated that unilateral action by some processors and nations would, in his opinion, most likely not be successful in eliminating the mortality of dolphins in the fishery, as was evident from the fact that the catches of tunas in association with dolphins are still high, so far in 1990. This might, in fact, bring about the collapse of the current dolphin program in the eastern Pacific, leading to a situation in which dolphin mortality increased, but there was no means of estimating that mortality.

He stressed that because the fleets of many nations fish for tunas in association with dolphins, and because more than twice as many dolphins are caught beyond the 200-mile limit as inside it, the problem was international, and could best be solved through international cooperation. The nations of the region would need to continue to cooperate in the search for a solution to the problem. The problem of protecting dolphins, while still maximizing the harvest of tunas, could be resolved, but this would require even greater cooperation among nations. He pointed out that the IATTC had provided a focal point for such cooperation in the past, and could continue to do so in the future.

He emphasized the need to bring harmony to the region, through a program that optimized the objectives of all participants. Consideration should be given to the establishment of such a program, which would include a limit on dolphin mortality that would be decreased annually until levels of mortality

approaching zero were reached. Achieving this would require a parallel program to modify the purse-seine fishing net so that it operated more efficiently in terms of reducing dolphin mortality, and this would require the application of considerable engineering talent. In addition, 100-percent coverage by scientific technicians would be needed to collect essential information on the fishing operation and gear performance, as well as to monitor the mortality.

He expressed his opinion that the IATTC needed to re-evaluate its responsibilities respecting dolphin mortality and determine whether it wished to undertake an aggressive program of dolphin management and conservation such as that he had outlined. There was not enough time to accomplish the task at the 47th meeting, and he had therefore recommended that the IATTC consider holding a special meeting in the near future to evaluate the various options open to it. After considerable discussion, it was agreed that there would be such a meeting of the IATTC (the present meeting) to discuss a conservation and/or management program for dolphins.

Dr. Joseph then summarized Background Paper 1, prepared for the present IATTC meeting. This paper describes the problem of incidental mortality of dolphins due to tuna fishing and tells how the IATTC became involved in the matter. It then discusses the various options for reducing the mortality. Finally, it discusses the funding for such a program. One way to eliminate the mortality of dolphins in the tuna fishery would be to prohibit all fishing for tunas associated with dolphins. This would solve the problem of incidental dolphin mortality, but it would greatly reduce the harvest of tunas. Alternately, the fishery for tunas associated with dolphins could be permitted to continue, but concurrent steps would be taken to reduce the mortality of dolphins. These would include limits on the mortalities of dolphins caused by the fishery, research to find ways to reduce the mortalities occurring in purse-seine sets made on tunas associated with dolphins, and research to find methods to catch large tunas not associated with dolphins. If limits on the mortalities of dolphins were imposed, these could be limits on the numbers of mortalities during a specified time period, probably a year, or limits on the mortality per set on tunas associated with dolphins. If the mortalities of dolphins were to be limited, there could be an overall limit for all nations, a limit for each nation, or limits for individual vessels. Individual vessel limits (IVLs) would tend to reward the vessels with captains who were most skillful in avoiding dolphin mortalities and penalize those with captains who are least skillful. The adoption of any system of limits would require that a scientific technician accompany each trip of each vessel capable of fishing for tunas associated with dolphins. The scientific technician would, among other things, record the mortalities of dolphins in each set and send coded radio messages with this information at frequent intervals to the organization running the program, so that current records of the mortalities to date would be available at all times. Additional funds would be required if the current program is to be expanded. First, money would be required to increase the coverage of trips of non-U.S. vessels to 100 percent and to process the data collected on those trips. About 1.25 million dollars would be required for this purpose in 1991. Second, money would be needed for gear research. Such research would fall into two general categories: (1) modification of present purse-seine gear so that it will cause less mortality of dolphins; (2) development of gear which can catch large tunas without capturing dolphins. The amounts needed for the latter could range from several hundred thousand to several million dollars, or even tens of millions of dollars, depending on what would be done.

Dr. Joseph then called upon Dr. Martín A. Hall of the IATTC staff to amplify his remarks, as necessary. Dr. Hall gave a short talk on the details of implementation of the proposed program.

The Chairman then announced that the floor was open for discussion of the implementation of a conservation and/or management program for dolphins.

Mr. Silvestre of France stated that he didn't think that unilateral action would reduce dolphin mortality due to fishing. He pointed out that in 1990 the catches of yellowfin have increased despite the unilateral actions which have been taken. He stated that France would accept an expanded tuna-dolphin program, as this would be more efficient than unilateral actions by various nations and/or private enterprises. He asked about the possibility of obtaining funding for such a program. He said that he thought that a system of IVLs on mortalities of dolphins was a good idea. Dr. Joseph replied that funding might be obtained from the IATTC member governments, governments of non-member nations, independent funding agencies, and/or private industry.

Mr. López of Panama commented about the hardship caused by the U.S. embargoes, and asked about the chances of relief from these. He said that he favored IVLs, as this would reward the vessels with skillful captains and penalize the others. With such a system, the embargoes would not be necessary. He emphasized the importance of development of gear which would reduce or eliminate the mortalities of dolphins due to fishing.

Mr. Beasley of the United States said that he agreed with Panama in its opinion that a long-term program, such as that discussed in Background Paper 1, was the most reasonable solution to the problem. He asked Dr. Joseph to elaborate on the costs of the program. Dr. Joseph said that an additional 1.25 million dollars would be required for 100-percent coverage of the fleet by scientific technicians in 1991. It would not be possible, however, to have 100-percent coverage beginning on January 1, 1991. The costs for gear research would depend on the extent of such research. Dr. Hall elaborated briefly on Dr. Joseph's remarks. Feasibility studies and further development of dolphin rescue boats, the Acoustic Doppler Current Profiler, and/or a remotely-operated vehicle, all described in Background Paper 6 for the 47th meeting of the IATTC, would cost about 2 hundred thousand to 4 hundred thousand dollars.

Mr. Bravo of Costa Rica said that his country was also in favor of IVLs. He mentioned that the mortalities of dolphins had already been substantially reduced, but expressed concern regarding the possibility of substantial further reductions in a limited period of time. He emphasized that a program for further reduction of dolphin mortalities should be begun as quickly as possible.

Mr. Luna of Mexico expressed his country's agreement with the positions of France, Panama, the United States, and Costa Rica. He asked for further details concerning the impact of such a program on the harvest of yellowfin tuna. He also asked about the biological effects of such a program. Dr. Joseph said that this would depend on how rapidly the limits were reduced. During the first two or three years restrictions on fishing for tunas associated with dolphins might not have much effect on the catch of yellowfin, but after that, unless considerable advances in the development of fishing techniques which reduce the mortalities of dolphins were made, the catch of yellowfin would be reduced. Dr. Joseph added that directing more effort toward skipjack should increase the catches of that species, but noted that the abundance of skipjack in the eastern Pacific Ocean is highly variable. Dr. Hall elaborated briefly on Dr. Joseph's comments.

Mr. Bustamente of the Organización Latinoamericana de Desarrollo Pesquero (OLDEPESCA) stated that he was concerned with the organization of such of program. He said that he recognized that the IATTC

had been the leader in tuna-dolphin studies in the past, but there was a need to include all international organizations with an interest in the problem in whatever future program is undertaken. Dr. Joseph said that the objectives of OLDEPESCA and the IATTC are similar, and that he is confident that the two organizations can work together toward a solution to the problem.

The Chairman then adjourned the meeting until the following day.

Chairman Nanne reconvened the meeting at 9:45 a.m., September 18, 1990. He said Vanuatu had recently become a member of the IATTC, but that its delegation had just arrived, due to a delay which it had encountered *en route*. He welcomed the delegation, and then introduced Mr. Bakeo of Vanuatu, who gave a short statement in which he expressed his country's support for the IATTC and his agreement with the concept that the problem of mortality of dolphins caused by fishing for tunas should be dealt with by international cooperation, rather than by unilateral action by individual governments or corporations.

#### **AGENDA ITEM 5 - POSSIBLE ALTERNATIVES FOR EXPANDING THE TUNA-DOLPHIN PROGRAM**

Chairman Nanne asked Dr. Joseph to review his presentation of the previous day and describe in more detail how a system of IVLs would work. Dr. Joseph spoke on this subject, and then called upon Dr. Hall to elaborate on it further. The Chairman then announced that the floor was open to further discussion.

Mr. Silvestre of France raised the question of how it would be decided which vessels would have limits on dolphin mortalities allocated to them. He said that he thought that the limits should be allocated to fishing vessels, rather than to vessel captains. Drs. Joseph and Hall said that the IVLs would apply to all vessels with capacities greater than 400 short tons. Implementation and enforcement would be carried out by the governments of the individual nations. The problem of IVLs for new entrants to the fishery would have to be addressed.

Mr. Beasley of United States said he supported IVLs in principle. He commented that there were so many things which had to be considered that everyone probably needed more time to think about the various options. He pointed out that the individual countries would have to enforce whatever restrictions were to be implemented. He also commented about the problems of evaluating the accuracy of the data collected by the scientific technicians. Dr. Joseph briefly discussed the points that Mr. Beasley had made. He acknowledged that there would be pressure on the scientific technicians to under-report the dolphin mortalities, and said that ways to decrease this pressure would have to be sought.

Mr. Bravo of Costa Rica stated that he was pleased to observe that there was so much agreement among the member nations, and said that he would like to hear the opinions of representatives of observer nations and non-governmental organizations.

Mr. Cárdenas of Greenpeace said that he acknowledges the work that the IATTC has done on the tuna-dolphin relationship, and thanks it for seeking solutions to the problem of incidental mortality of dolphins caused by the fishery. He said that the ultimate goal of Greenpeace is zero mortality of dolphins, which cannot be achieved with a system of limits on dolphin mortalities. Therefore other ways of catching large tunas must be developed, and deliberate sets on dolphins must eventually be eliminated.

Ms. Kanas of Robin des Bois said that she was opposed to any method of fishing which caused the mortality of dolphins.

Mr. Bravo of Costa Rica said that he understood the views of the observers from Greenpeace and Robin des Bois, but that he was not in agreement with those views. He pointed out the hardship that would be caused by too-rapid elimination of fishing for tunas associated with dolphins, and restated his opinion that a system of IVLs was a reasonable solution to the problem.

Mr. Goto of Japan agreed with Mr. Bravo of Costa Rica, emphasizing the adverse effect that fishing for yellowfin not associated with dolphins would have on the total catch of yellowfin.

Mr. Bakeo of Vanuatu pointed out, once again, that international cooperation was necessary, but that each nation would have to be responsible for ensuring that the vessels of its fleet complied with whatever program was adopted.

Mr. López of Panama said that he was in agreement with the proposed system of IVLs.

Mr. Pulvenis of Venezuela stated that he was in agreement with what Dr. Joseph had just said. He said that Venezuela had applied for membership in the IATTC, and had hoped that it would have become a member by the time the next meetings were held.

Mr. Charat of Mexico, speaking on behalf of the Cámara Nacional de Industria Pesquera de México, said that in recent years the Mexican catch of tunas in the eastern Pacific Ocean had increased from 20 thousand to 140 thousand tons and the internal consumption from 20 thousand to 90 thousand tons. The tuna industry currently employs about 25 thousand Mexican citizens. Mexico intends to continue fishing for tunas, but will continue to do whatever is necessary to reduce the mortality of dolphins.

The Chairman announced that the meeting would be adjourned until after the intergovernmental meeting, which would begin that afternoon.

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The meeting was reconvened by Chairman Nanne at 12:00 a.m., September 20. He announced that attention would be given to Agenda Items 6 and 7.

#### **AGENDA ITEM 6 - RULES OF PROCEDURE GOVERNING THE ATTENDANCE AND/OR PARTICIPATION OF OBSERVERS AT IATTC MEETINGS**

The working group presented a draft resolution on this subject which it had prepared (Appendix 4). This was approved unanimously.

#### **AGENDA ITEM 7 - A PROTOCOL TO THE IATTC CONVENTION TO FACILITATE THE ADHERENCE OF NEW MEMBERS**

The working group reported that it had prepared a draft protocol (Appendix 5), and that it had been approved by all member countries except Japan. Mr. Goto of Japan said that he would discuss the matter

with officials of Japanese government, and Japan would vote on the matter by mail within 60 days. Once the protocol was approved by Japan, it would be open for signature by the member nations.

#### **AGENDA ITEM 8 - RECOMMENDATIONS**

Chairman Nanne called attention to a resolution regarding a dolphin conservation program adopted by the intergovernmental meeting (Appendix 6). He reviewed its objectives, and suggested that it be administered by the IATTC. He pointed out that it calls for a technical meeting to be held before February 1, 1991, at which the details of the program will be worked out. After considerable discussion, it was decided that the IATTC should administer the program, and a resolution (Appendix 7) to that effect was unanimously passed.

#### **AGENDA ITEM 9 - A REVISED BUDGET FOR 1991-1992**

Chairman Nanne called upon Dr. Joseph to discuss the subject. Dr. Joseph pointed out that since no agreement had been reached on the extent of the program, he could not submit a budget at that time. He stated, however, that he had been granted the authority, at the 47th meeting of the IATTC, to request supplementary funds or to seek funds from other sources, and that he would start to investigate these as soon as possible.

#### **AGENDA ITEM 10 - OTHER BUSINESS**

Chairman Nanne called for comments on other business.

Mr. Goto of Japan announced that it had been agreed that the 49th meeting of the IATTC would be held in Tokyo on June 18-20, 1991, and said that his country would do its utmost to ensure that that meeting was a successful one.

Mr. Cárdenas of Greenpeace gave a brief closing statement, which appears as Appendix 8 of these minutes. The head of delegation of Venezuela, speaking for his government, thanked the government of Costa Rica for its hospitality, which had created an atmosphere conducive to the spirit of cooperation which had contributed to the success of the meeting. He said that he hoped that Venezuela would participate in the next meeting of the IATTC as a member, rather than as an observer. He then introduced his colleague from Venezuela, who would speak on behalf of the vessel owners and canners of Venezuela. He said that some representatives of the tuna industry had decided to form a Pan-American consultative group, and he hoped that a representative of that group could function as a participant, rather than as an observer, at future IATTC meetings. Mr. Huertas of the World Society for the Protection of Animals stated that he was impressed with the progress made at the meeting, and that he would report on it favorably to the members of that organization. Mr. Bonnemaïne of Robin des Bois said that his organization approved of the resolution passed at the intergovernmental meeting, because it represented progress in the direction of realization of its goal, which is elimination of the mortality of dolphins due to fishing.

The Chairman thanked all the attendees for their hard work, and congratulated them on their accomplishments. He then declared the meeting to be adjourned at 1:30 p.m.



## APPENDIX 1

Remarks by

Ing. Juan Rafael Lizano Saenz  
Minister of Agriculture and Fisheries of Costa Rica  
at the Opening of the 48th Meeting of the IATTC  
September 17, 1990

Good morning, heads of delegations accredited to the Inter-American Tropical Tuna Commission, the Director of the Commission, Dr. James Joseph, representatives of governments, representatives of international organizations, delegates and observers, ladies and gentlemen, friends all. It is a great honor for me, as Minister of Agriculture and Fisheries of the Government of Costa Rica, to bid you a warm welcome on the occasion of this special meeting of the Inter-American Tropical Tuna Commission, at which the principal aim is to consider the problems arising from the incidental catches of dolphins in the tuna fishery. Historically, Costa Rica has been renowned as a conservationist nation, and we now confirm our interest in seeking alternatives which will reduce the mortality of marine mammals associated with the fishery for yellowfin tunas. This is no coincidence: my nation has been debating this issue since the 1940s, and because of this Costa Rican fisheries law includes a statute which reads, "Finding component parts of this mammal on a vessel constitutes sufficient grounds for punishing the perpetrators for a major offense." In the current year we have taken more stringent measures in order to ensure effective protection that goes beyond incidental captures. We have no doubt that this forum is the most important mechanism for a genuine regional conservation program; the aim here is to present, analyze, and disseminate a set of scientific reports which will stimulate the debate, enrich the analysis of the options, without preconceived dogmas, and thus consolidate regional efforts for the protection of the resource and help you in arriving at the decisions which you will reach as the deliberations proceed. My government considers that the IATTC has a great wealth of experience, based on scientific and technological information; you, the delegates, therefore have the duty and the obligation of sponsoring those policies which will work to protect the dolphins associated with the fishery for yellowfin tuna. In order to carry out the task with which you have been entrusted, I would point out that, to achieve the proposed goals, we must take into account three essential contributors, namely: the governments of the coastal states, the fishermen who operate in the eastern tropical Pacific, and the consumers of this valuable raw material. Each of these plays a specific role, but independently; we therefore need the agreement of these three great groups in order to reap the greatest and best benefits. In the last four decades, fisheries the world over have undergone profound technological changes; unloadings have reached a figure close to the 90-million-ton mark, and because of this the populations of fishes have reached, or are very close to, the level of maximum sustained yield. As you well know, tunas are not exempt from this norm, and therefore the pressure which has been exerted on marine mammals deserves our attention. Dr. Joseph, we will be grateful for any advice that you and your research team can offer us in the attainment of protection measures; I am sure, ladies and gentlemen, that you will approach these important matters with the traditional spirit of cooperation and pragmatism which characterizes the members of the IATTC, thinking always of the production of our countries. Finally, I would like to reiterate that my country is honored to have such distinguished visitors, and I am sure that during your stay you will enjoy the traditional hospitality and friendship of our people. You are at home. I declare the meeting officially inaugurated. Thank you very much.

APPENDIX 2

Inter-American Tropical Tuna Commission  
Comisión Interamericana del Atún Tropical

48th MEETING -- XLVIII REUNION

San José, Costa Rica

September 17-20, 1990

17 al 20 de septiembre de 1990

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### APPENDIX 3

Catches of tunas, in thousands of short tons, in the eastern Pacific Ocean during the January 1-September 10 period. The asterisks indicate data omitted to ensure their confidentiality.

Flag	1989			1990		
	Yellowfin	Skipjack	All species	Yellowfin	Skipjack	All species
Costa Rica	-	-	-	*	*	*
Ecuador	13.0	18.1	31.9	15.7	21.0	37.4
El Salvador	*	*	*	-	-	-
Korea	*	*	*	-	-	-
México	88.1	21.9	117.2	87.9	7.6	107.3
Panamá	8.0	3.3	11.4	*	*	*
Perú	-	-	-	*	*	*
Spain	*	*	*	*	*	*
U.S.A.	58.6	20.2	80.8	47.6	9.0	58.7
Vanuatu	*	*	*	*	*	*
Venezuela	31.7	13.4	45.6	42.4	10.6	53.5
Total of *	12.3	12.2	24.6	27.5	15.3	43.2
Grand total	211.7	89.1	311.5	221.1	63.5	300.1

## APPENDIX 4

### NEW RULE OF PROCEDURE XIII

#### OBSERVERS

Observers may attend all regular and special meetings of the Commission, in accordance with the following procedures:

1. Invitations will be sent to -
  - All non-member states with coastlines bordering the Convention area or whose nationals participate in the fisheries covered by this Convention.
  - Intergovernmental organizations which have regular contact with the IATTC, or whose work is of interest to the IATTC, and vice versa.
2. Any organization not mentioned above which has legitimate interest in the work of the Commission may send observers to the meetings, subject to prior approval by the member countries. Requests for invitations shall be sent to the Director of Investigations for submission to IATTC members for consideration at least 120 days prior to a subject meeting. The Director of Investigations shall issue such invitations 60 days prior to the meeting, provided no objection has been made by any IATTC member in writing, explaining the reason for such objection. Any such objection shall be discussed at an executive session of the Commission immediately prior to the meeting in question.

If the Commission holds a meeting with less than 120 days' notice, the Director of Investigations shall have greater flexibility concerning the timing of the sending of the invitations.
3. The observers may, with the authorization of the Chairman, and provided no member objects, take the floor at Commission meetings.
4. The overall number of observers referred to in Paragraph 2 shall not be so large as to hinder the work of the Commission.
5. The circulation of documents by observers is subject to prior approval of the Chairman.

## APPENDIX 5

*Noting* that Article V, Paragraph 3, of the Convention establishing the Inter-American Tropical Tuna Commission requires any government desiring to adhere to the Convention to receive first the unanimous consent of the High Contracting Parties;

*Recognizing* that such a procedure for adherence has thwarted the efforts of some nations wishing to adhere;

*Noting* that many international fishery organizations require no prior approval of the High Contracting Parties for adherence by eligible nations;

*The Inter-American Tropical Tuna Commission therefore resolves* to request the Depositary Government of the Convention to prepare an official copy of the herein contained Protocol to the Convention, and that such Protocol be held open for signature of the High Contracting Parties, by the Depositary Government.

### PROTOCOL AMENDING THE CONVENTION FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

The States Party to the Convention for the Establishment of an Inter-American Tropical Tuna Commission, desiring to amend the Convention to facilitate the adherence of new member states, have agreed as follows:

#### Article I

Article V, paragraph 3 of the Convention is amended to read as follows:

3. a) This Convention shall be open for adherence by coastal states of the eastern Pacific Ocean, states whose vessels participate under national flag in the fishery covered by this Convention, and any intergovernmental economic integration organization of states that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties with respect to those matters, provided that a member State of such organization is eligible to adhere to this Convention.
- b) A state or organization desiring to adhere to this Convention shall deposit with the Depositary Government an instrument of adherence. This Convention shall enter into force for such state or organization sixty days after the date of deposit of its instrument of adherence. The Depositary Government shall notify the Parties of the date of such adherence.
- c) Each adhering government or organization shall have all the rights and obligations under this Convention as if it had been an original signatory thereof.

Article II

1. The original of this Protocol shall be deposited with the Government of the United States of America, which is hereby designated the Depositary Government, and which shall communicate certified copies thereof to all Parties to the Convention.
2. This Protocol shall enter into force on the date upon which instruments of adherence have been deposited with the Depositary Government by all Parties to the Convention.
3. The Depositary Government shall inform all Parties to the Convention of the date of deposit of each instrument of adherence and the date of entry into force of this Protocol.
4. Following entry into force of this Protocol, any state or organization newly adhering to this Convention shall be deemed to adhere also to this Protocol.

Done at \_\_\_\_\_, this (date) day of (month), 1990, in the English and Spanish languages, both languages being equally authentic.

*The Inter-American Tropical Tuna Commission further recommends to the High Contracting Parties that they work diligently to ensure an expeditious signature and entry into force of the Protocol.*

## APPENDIX 6

The Governments participating in the intergovernmental meeting in San José, Costa Rica, on September 18 and 19, 1990, have agreed on the following:

- 1) To establish an international program for the reduction of incidental mortality of dolphins caught in association with tuna in the purse-seine fishery of the eastern tropical Pacific Ocean.
- 2) The objectives of the program will be:
  - a. In the short term, to achieve a significant reduction of this mortality.
  - b. Over the long term, to make every effort to reduce dolphin mortality to insignificant levels approaching zero.

It is the goal of the governments to achieve such a reduction while maintaining optimum utilization and conservation of the tuna resource.

- 3) The international program will include the following elements:
  - a. Limits on dolphin mortality;
  - b. 100% observer coverage;
  - c. Research programs to improve existing fishing gear and techniques, to assess the dynamics of the fishery, and to develop alternative fishing methods and study the tuna-dolphin association with the goal of further reducing and, if possible, eliminating dolphin mortality.
  - d. Training programs to achieve, among other things, the highest standards of performance throughout the international fleet and the development of national research and other capabilities.
- 4) The international program should be funded by all available sources, including, among others, industry, governments, international organizations, and non-governmental organizations.
- 5) Responsibility for the program will rest with the states with coastlines bordering the eastern Pacific Ocean and states whose vessels fish for tunas in the eastern tropical Pacific Ocean with purse seines. In carrying out the program, the governments shall seek support from other entities, including international organizations, non-governmental organizations, and others with relevant expertise. The Inter-American Tropical Tuna Commission has been identified as the entity most appropriate to coordinate the technical aspects of the program.
- 6) In defining and implementing the international program, the governments shall convene regular intergovernmental meetings through diplomatic channels.
- 7) To adopt, maintain, and improve national programs to reduce incidental dolphin mortality in the purse-seine tuna fishery.
- 8) To participate in a technical meeting to be convened by the Director of Investigations of the Inter-American Tropical Tuna Commission, to elaborate the technical and economic aspects of the international program, to be immediately followed by an intergovernmental meeting to develop the specific details of that program. These meetings shall be held no later than February 1991, and should be open to the participation, as observers, of experts and representatives of international organizations and other entities.

## APPENDIX 7

*The Inter-American Tropical Tuna Commission*, having responsibility for the scientific study of the tunas and tuna-like species of the eastern Pacific Ocean, 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 towards these matters, and having also since 1976 responsibility for the scientific study of the populations of dolphins associated with the tuna fishery in the eastern Pacific Ocean,

*Recognizes* the importance of the international program, as defined in the resolution adopted by the Intergovernmental Meeting held in San José, Costa Rica, on September 18-19, 1990,

*Accepts* its role, as identified by the Intergovernmental Meeting, as the most appropriate entity for coordinating the technical aspects of such an international program,

*Directs* the Director of Investigations to cooperate with the Intergovernmental Program, in accordance with paragraph 8 of the aforementioned resolution, and to convene a technical meeting, to elaborate the technical and economic aspects of the international program, such meeting to be convened no later than February 1991.

## APPENDIX 8

Thank you, Mr. Chairman.

Greenpeace has studied carefully the document approved yesterday by the intergovernmental meeting. We would have commented on it earlier, but we had only a few minutes to review it before it was approved. We would therefore like to take this opportunity to make some comments. We would also like to ask the Government of Costa Rica that our comments be included in the report of the meeting.

As an international, non-governmental organization, we support in principle all multilateral initiatives directed toward finding concerted solutions to problems. However, we would at this time like to express our great concern because we consider that the program in its current form will neither resolve the fundamental problem nor respond adequately to the reality which we must face up to. Specifically, we would draw attention to the following points.

First. That the program, as presented, could amount to less than the requirements already established by the legislation of various nations. This means that even if a significant reduction in mortality is achieved, many nations could still be threatened by unilateral measures stemming from legislation currently in force.

Second. The development of a market which demands tuna caught without deliberate setting on dolphins. Furthermore, that this market, the result of voluntary corporate policies, could soon be the subject of legislation which would codify it and make it mandatory. We refer specifically to the proposed legislation on labeling under consideration in the U.S. Congress.

Third. The existence of a growing world-wide public consciousness in reaction to the environmental crisis of our planet is generating a strong opposition to the use of destructive and non-selective fishing gear and techniques. This is the case with drift nets on the high seas, and also with the practice of deliberate setting on dolphins. It is for this reason that an international agreement whose goal is not specifically the elimination of this practice is unacceptable to the international community.

Fourth. That efforts to develop new technological alternatives seek to allow the environmentally rational exploitation of the yellowfin tuna resource without the associated mortality. These efforts should make it possible to eliminate once and for all the associated mortality of dolphins caused by deliberate setting on them.

Mr. Chairman, for the first time, and thanks to the initiative of the Government of Costa Rica, we find seated around the same table governments, intergovernmental organizations, boat owners, representatives of industry, and environmental organizations. These meetings are a rare opportunity to unify our resolves and find new paths toward solving the tuna-dolphin problem. Unfortunately, all that has been achieved in these negotiations is the lowest common denominator, following paths, already trodden, which in 20 years have failed to solve the problem. Even more serious is that failing to assume responsibility fully at this unique chance for resolving this problem positively and definitively could lead to serious economic and social consequences for the nations of the region. Must we wait until international pressure forces us to put the real problems on the table? Or is it possible that we, charged as we are with responsibility for the problem, can act to prevent this?

It is our organization's intention to continue to make every possible effort to eliminate the mortality arising from the practice of deliberate setting on dolphins. For this reason, and despite our concerns, we will be in close contact with the agency charged with implementing the program in order to find the means by which we can discharge our responsibilities and contribute to a definitive solution to this problem.



## COMMISSION MEETINGS

A technical meeting was convened in La Jolla, California, USA, on January 14-15, 1991, to elaborate the details of an international program for the conservation of the dolphin populations affected by the fishery for tunas in the eastern Pacific Ocean. Dr. James Joseph, Director of the IATTC, served as Chairman. Representatives of Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Nicaragua, Panama, Spain, the United States, Vanuatu, and Venezuela attended the meeting, as did observers from Italy, New Zealand, the Commission of the European Communities, the Food and Agriculture Organization of the United Nations, and the Organización Latinoamericana de Desarrollo Pesquero. Observers from 10 non-governmental organizations, the American Cetacean Society, Association Robin des Bois, the Center for Marine Conservation, the Committee for Humane Legislation, the Earth Island Institute, Friends of Animals, Greenpeace, the Porpoise Rescue Foundation, the Whale and Dolphin Conservation Society, and the Windstart Foundation also attended.

The following agenda was adopted:

1. Opening of the meeting
2. Election of officers
3. Adoption of agenda
4. A review of the 1990 tuna fishery in the eastern Pacific
  - a. Tunas
  - b. Dolphins
5. A review of action taken at the 48th meeting of the IATTC and the Intergovernmental Meeting held in San José, Costa Rica, in September 1990
6. Alternatives for limiting and reducing the incidental mortality of dolphins
7. A program to increase observer coverage to 100 percent
8. Programs to improve existing fishing gear and techniques with regard to reducing dolphin mortality and to develop alternate fishing methods with a view to eliminating dolphin mortality induced by fishing
9. Programs to achieve the highest standards of performance in preventing dolphin mortality by the international fleet operating in the eastern Pacific
10. Requirements for implementation of the program
  - a. Administrative
  - b. Fiscal
11. Recommendations
12. Other business
13. Adjournment

The IATTC staff presented a background paper, Technical Aspects of an International Program for the Conservation of the Dolphin Populations Affected by the Fishery for Tropical Tunas in the Eastern Pacific Ocean, which was discussed by the attendees.

The technical meeting was followed by an intergovernmental meeting on January 16-18, at which representatives of the various governments discussed the same subject. Staff members of the IATTC provided technical advice to the participants. A resolution (Appendix 2), calling for expansion of the international observer program and further research in methods of fishing for tunas which do not involve dolphins, was passed at the meeting.

The Commission held its 49th meeting in Tokyo, Japan, on June 18-20, 1991. Mr. Koji Imamura of Japan served as Chairman. Representatives of all seven member governments attended the meeting, as did observers from Chile, Colombia, Ecuador, Mexico, Peru, Senegal, Spain, Taiwan, the Union of Soviet Socialist Republics, Venezuela, the European Economic Community (EEC), the Forum Fisheries Agency, Greenpeace, and the International Whaling Commission.

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APPENDIX 2 - ANEXO 2  
INTERGOVERNMENTAL RESOLUTION

The Governments participating in the intergovernmental meeting in La Jolla, California on January 16-18, 1991:

RECALLING the resolution of the intergovernmental meeting held in San Jose, Costa Rica in September 1990;

FURTHER RECALLING the agreement at that meeting to develop a program which includes 100% observer coverage, the maximum reduction of the incidental mortality of dolphins, and the implementation of research programs;

NOTING the commitment of the United States representative to use best efforts to seek amendment of the embargo provisions of the Marine Mammal Protection Act;

EXPRESS THEIR WILLINGNESS to use best efforts to achieve the following objectives:

1. Each purse seine vessel greater than 400 short tons carrying capacity fishing for yellowfin tuna in the eastern tropical Pacific Ocean should have on board a qualified observer from an international organization.
2. Each country should contribute or ensure that each vessel in its fleet contributes the sum of \$10 per vessel ton carrying capacity per annum to the IATTC for the purpose of implementing the international observer program.
3. In order to implement enhanced research efforts to develop alternative fishing techniques and to improve existing techniques, the IATTC should invite the tuna processing and marketing industry, and governmental and nongovernmental entities including environmental organizations, to participate in the research program and the financing thereof. The IATTC will maintain contacts with international organizations conducting research in tuna fisheries in the eastern Pacific.
4. The observer program shall be fully funded by May 1 and fully implemented by July 1, 1991.
5. Each country should support research programs that identify, develop and transfer alternative techniques that do not involve intentional setting on dolphins, while fully utilizing the yellowfin tuna resources in the eastern tropical Pacific Ocean. To this end, they shall pursue national and international research programs including but not limited to the following investigations:
  - Attraction of large yellowfin tuna to floating objects and location of tuna schools by electronic and acoustical devices; and
  - Capture of large yellowfin tuna through an understanding of the association of tuna and dolphin in order to separate them or to capture the tuna when they are naturally disassociated from dolphin.
6. Each country should implement a program having the objective of reducing dolphin mortalities by its flag vessels in 1991 to a level approximately 50 percent below the 1989 level of dolphin mortality.
 

The countries shall pursue national and international programs including research and training to improve existing fishing technology to reduce dolphin mortality.
7. The governments will continue their consultations and negotiations to develop and implement a dolphin conservation program for 1992 and thereafter, including an equitable program to reduce dolphin mortality associated with purse seine fisheries to insignificant levels approaching zero.

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INTER-AMERICAN TROPICAL TUNA COMMISSION  
Scripps Institution of Oceanography  
La Jolla, California, U.S.A.

**SUMMARY MINUTES OF THE 49TH MEETING**

June 18-20, 1991

Tokyo, Japan

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Chairman: Mr. Koji Imamura

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## **1. Opening of the Meeting**

The 49th Meeting of the Inter-American Tropical Tuna Commission was called to order on June 18, 1991, at 10:30 a.m., at the Ministry of Foreign Affairs, Tokyo, Japan, by the Chairman, Commissioner Koji Imamura.

After welcoming all of the attendees, the Chairman introduced the keynote speaker, Mr. Kyoya, Director-General of the Fisheries Agency of Japan. Mr. Kyoya's speech is attached (Appendix I).

The meeting was attended by representatives of all member countries of the Commission, as well as by representatives of observer governments, international governmental organizations, and non-governmental organizations. The heads of the delegations were asked by the Chairman to introduce themselves and the members of their delegations. A list of the attendees is attached (Appendix II).

## **2. Adoption of Agenda**

After noting that the provisional agenda had been sent to the Commissioners before the meeting, the Chairman called for suggestions for modifications or for approval of the provisional agenda. There being no suggested changes, the agenda was approved as presented.

## **3. Review of Current Tuna Research**

Moving on to Agenda Item 3, the Chairman explained that it was the customary practice for the Commissioners to be briefed on the Commission's research program and progress during the preceding year. He called up on the Director, Dr. Joseph, to present this review for 1990.

The Director began his discussion by explaining that a review of the Commission's research program and accomplishments was important because it provided an opportunity for the Commissioners to ask questions and make suggestions concerning the staff's research. He next made a short statement describing the staff's obligations and duties, as mandated by the Convention establishing the IATTC. To put the eastern Pacific fishery into perspective, a number of figures showing trends in world tuna catches, by ocean and species, for the 1964-1989 period were displayed. The world catches of tunas increased fairly steadily at about 6 percent per year during the 1960s and 1970s. Since 1982 the catches have accelerated. The catch of tunas in the eastern Pacific Ocean comprises nearly 20 percent of the world total.

Dr. Joseph next gave a comprehensive review of the staff's work on the early life history of tunas being conducted at the Commission's Achotines Laboratory in Panama, followed by a description of the program to use meristic and morphometric characteristics to describe the stock structure of yellowfin tuna in the Pacific Ocean. He noted that there was not enough time to review all of the research projects underway at the Commission, but he mentioned that there were about 20 different projects dealing with adult tunas and 3 others dealing with billfishes.

After the completion of Dr. Joseph's review, the Chairman opened the discussion to questions from the floor.

Commissioner Silvestre of France commented that the figures depicting trends in world tuna production were most interesting and useful, and asked that copies of them be appended to the minutes of the meeting.

Dr. Joseph responded affirmatively to this request; the figures are attached as Appendix III. Following this discussion, the Chairman declared a recess for lunch at 12:35 p.m.

#### **4 and 5. The 1990 Fishing Year and Status of Tuna Stocks**

Upon reconvening the meeting at 2:35 p.m., the Chairman stated that the two next Agenda Items, 4 and 5, would be considered together. He called upon Dr. Joseph to give this review.

Dr. Joseph began by stating that the surface catch of all tunas combined in the eastern Pacific Ocean during 1990, about 403 thousand tons, was the fourth greatest in the history of the fishery. The catch of yellowfin, 302 thousand tons, was the third greatest catch in the history of the fishery. The size of the fleet operating in the eastern Pacific during 1991 to date has been about 10 to 15 percent less than that of 1990. Most of this decrease was due to a decrease in the size of the U.S. fleet.

Dr. Joseph pointed out that from 1966 through 1978 the nations participating in the fishery implemented a conservation program, recommended by the IATTC staff, to limit the harvest of yellowfin from the Commission's Yellowfin Regulatory Area (CYRA), and that the program succeeded in maintaining the stock at levels of abundance capable of producing maximum, or near-maximum yields. Political differences among the nations of the region led to the abandonment of the program in 1979; the stock was soon overfished, and the catches began to decline. Many vessels transferred their operations to other ocean areas, and then the low vulnerability of the fish to capture in 1982 and 1983, caused by El Niño conditions in those years, led to many more vessels leaving the eastern Pacific or staying in port. Studies made by the IATTC staff in 1983 indicated that the stock was growing rapidly during this period of low fishing effort, and that by 1985 it would be at a high level of abundance. During late 1984 and early 1985 some vessels began returning to the area, and by 1986 the size of the fleet was the same as it was in 1990. The fishing was even better than the staff had predicted; this was attributed to a better-than-average recruitment beginning in 1983, and a favorable age-specific fishing mortality. In the mid- to late 1970s the average size of yellowfin caught in the CYRA was about 12 pounds (5.4 kg), but in recent years it had been closer to 30 pounds (13.6 kg); this resulted in an increase of about 35 percent in the yield per recruit, and the increased recruitment has accounted for a further 35-percent increase in yield in recent years. The result has been an average catch from the CYRA of nearly 300 thousand short tons in recent years, compared to an average of about 175 thousand tons during the 1970s. Dr. Joseph said that the catches during the next few years could probably be maintained at about that level, provided the recruitment stayed high and the age-specific fishing mortality did not change. However, because the fishing effort had declined by 10 to 15 percent during 1991, the 1991 catch should be less than that of 1990. If the age-specific fishing mortality and recruitment do not change, the catch in the CYRA should be about 225 to 235 thousand tons and the catch in the eastern Pacific east of 150°W should be about 260 to 280 thousand tons.

Dr. Joseph indicated, however, that there is considerable uncertainty regarding these numbers, owing to the issue of "dolphin-safe" tuna. If fishing for tunas in association with dolphins is abandoned and no alternative methods are developed to capture large tuna, the catch of yellowfin in the eastern Pacific could be reduced by about 30 to 50 percent. This would be due to a reduction in the yield per recruitment

resulting from a decrease in the average size of the fish taken in the fishery. At present fish not taken in association with dolphins average about 9 to 10 pounds (4.1 to 4.5 kg). He noted further that if no fishing for tunas associated with dolphins took place after July 1, 1991, the catch of yellowfin from the CYRA by the end of the year would be about 205 to 215 thousand tons while that from east of 150°W would be about 215 to 225 thousand tons.

Dr. Joseph suggested a quota for the 1991 fishing year similar to that for 1990, with a high degree of flexibility owing to the uncertainty concerning the mode of fishing during the remainder of the year. Specifically, the quota for the CYRA would be 210 thousand short tons, with up to four increments of 20 thousand tons, each to be implemented on the basis of current conditions in the fishery.

Dr. Joseph next presented information on the status of the stocks of skipjack, bluefin, and bigeye, described in Background Papers 4 and 5.

He noted that skipjack tuna migrate into the eastern Pacific from the central and western Pacific; they spend only a few months of their lives in the region, and are generally caught at small sizes. The catches have fluctuated between about 35 and 180 thousand tons, and there does not appear to be any relationship between the catches in successive years. Dr. Joseph said that, given the high natural mortality rate of skipjack, their high rate of emigration from the area, and the fact that they are available mostly at relatively small sizes, the best fishing strategy is to harvest them at any size at which they are available, since they often leave the area and do not return, and are not caught in substantial numbers elsewhere.

Dr. Joseph next discussed the bluefin fishery of the eastern Pacific, explaining that fish inhabiting the eastern and western Pacific belong to a single stock. The catches in the eastern Pacific have declined considerably in recent years, and this decline is cause for concern. After reviewing various possibilities that could be accounting for this decline, Dr. Joseph stated that the most likely explanation was a natural variability in the proportion of the stock which migrates to the eastern Pacific, but that further research to test this hypothesis is needed.

Dr. Joseph noted that bigeye tuna in the eastern Pacific are taken mostly in the longline fishery at relatively large sizes, and that lesser quantities of smaller bigeye are taken in the surface fishery. The total catches have fluctuated a great deal over the last several decades, but seem to be related to the level of fishing effort in the longline fishery. Based on yield-per-recruit analyses, the average size of fish in the longline catch appears to be near the optimum size for the observed levels of effort.

When Dr. Joseph concluded his presentation the Chairman opened the discussion to questions from the floor.

Commissioner Silvestre of France asked Dr. Joseph to clarify the rationale for the lower limit of 210 thousand tons.

Dr. Joseph replied that there was some uncertainty as to whether the fleet would continue fishing in the same manner during the second semester of the year as it did during the first. If fishing for tunas associated with dolphins is discontinued during the second semester, and if the number of vessels fishing remains constant, the catch from the CYRA would probably not exceed 210 thousand tons by the end of 1991. However, if more boats enter the fishery, and fishing for tunas associated with dolphins is

discontinued, the average size of the fish in the catch and the yield per recruit would fall below a level at which catches of 210 thousand tons could be sustained, *i.e.* growth overfishing would accelerate. To protect against further growth overfishing the lower limit of 210 thousand tons was suggested.

Mr. Sarró of Spain referred to Dr. Joseph's earlier remarks that both yellowfin and skipjack production on a world scale had accelerated since the early 1980s, accounting for an increase of more than 300 thousand tons in 1989 over what would have been predicted from the rate of increase in the catches during the 1960s and 1970s. He commented that the suggestion of Dr. Joseph that these exceptionally high catches on a world scale had had an impact on the market for tuna was not accurate. Mr. Sarró stated that the declining price of tuna was a result of the "dolphin safe" policy of U.S. canners, which has resulted in unusually large quantities of tuna being marketed in Europe and elsewhere. He stated that as the prices decrease the catches per vessel must increase to maintain profitability, thereby further exacerbating the demand, supply, and price problems. He stated that if the present situation continues there should be deep concern on the part of governments over the future of the tuna industry. He asked what is going to happen to the tuna industry.

Commissioner Silvestre asked the U.S. delegation if anyone would comment on the sharp reduction in the U.S. fleet in the EPO between 1990 and 1991 indicated in the figures shown by Dr. Joseph.

Commissioner Beasley of the United States replied that a number of vessels in the U.S. fleet had moved to other ocean areas and others had been sold. Mr. Beasley asked Dr. Joseph that if an El Niño develops during 1991-1992, as the temperature data suggest, will it affect the tuna fishery in the eastern Pacific, and if so, how?

Dr. Joseph replied that, based on past experience, there is no reason to expect that every El Niño condition affects tuna distribution and abundance in the same way. For some El Niño episodes, such as that of 1982-1983, the catchability of the fish was decreased by a deepening of the upper mixed layer. In others, the distribution of both yellowfin and skipjack has expanded poleward as higher temperatures expand poleward. He noted that it is impossible to predict with accuracy the effect of the forthcoming El Niño if, indeed, it does develop.

Commissioner Silvestre, referring to Mr. Sarró's comments, called attention to the fact that landings of tunas from the eastern Pacific in Spain and Italy had increased sharply, and that this had probably caused the prices to fall. He next commented on Dr. Joseph's remarks concerning the status of bluefin tuna in the north Pacific. He noted that the bluefin population extends across the Pacific Ocean and that the IATTC's responsibility is confined to the eastern Pacific. This being the case, had any thought been given as to how management would be applied on a Pacific-wide basis if and when the need arises? He asked if there are other bodies which have jurisdiction in the western portion of the bluefin range. If so, what are they and how would they cooperate with the IATTC?

Dr. Joseph replied that the staff has given priority to the scientific study of bluefin and, since most of the catch of this species is taken by two Commission members, the United States and Japan, they have been able to cooperate in studying the biology of the fish and the dynamics of the fishery. If and when the scientists suggest to the High Contracting Parties that conservation measures should be taken to protect northern Pacific bluefin, the institutional problems will have to be dealt with.



The Chairman instructed Dr. Joseph to prepare a draft resolution on the recommended conservation quotas for yellowfin tuna and to distribute it to the delegations on the following day.

It being 5:40 p.m., and there being no further questions, the Chairman adjourned the meeting until the following day.

The meeting was reconvened at 10:15 a.m., June 19, 1991, by Chairman Imamura, who called upon Dr. Joseph to present Agenda Item 6.

## **6. Review of the Tuna-Dolphin Program**

Dr. Joseph said that the objectives of the IATTC's tuna-dolphin program, which was established in 1976, are maintenance of a high level of tuna production and maintenance of dolphin stocks at or above levels that assure their survival in perpetuity, with every reasonable effort being made to avoid needless or careless killing of dolphins. He noted that the program began in late 1979, but was not fully operational until 1986. The Director then introduced Dr. Martin Hall, Chief Scientist of the Tuna-Dolphin Program, to review the activities of the program during 1990.

Dr. Hall started his review by describing the IATTC's international observer program, which achieved a coverage level of 48.8 percent of all trips by purse seiners of over 400 tons in the eastern Pacific Ocean in 1990. A total number of trips made with observers aboard was 291. In 1991, following the agreement reached at the Intergovernmental Meeting in La Jolla in January of that year, the coverage for several countries has been increased to 100 percent.

Estimates of the incidental dolphin mortality inflicted by the international fleet in 1990, computed using the mortality-per-set and the mortality-per-ton-of-yellowfin-caught ratios, were 52,531 and 55,892, respectively. These represent a decline of 45 to 46 percent relative to the 1989 values. Eighty percent of this decline is due to improvements in performance by the fishermen, which has resulted in reductions from 1989 levels of 36 percent in the average mortality per set and 38 percent in the mortality per ton. The rest of the decline is due mainly to a reduction in the number of sets on dolphin-associated tunas made by U.S. vessels, many of which have left the eastern Pacific.

The data collected for 1991, up to June, show considerable further improvement in the mortality ratios; if these levels are maintained for the rest of the year, they could result in a total mortality for 1991 of about half the 1990 values, or approximately 25,000 animals. Dr. Hall showed figures illustrating the steady decline in mortality rates observed from 1986 to the present, and emphasized that the results had been achieved due to the cooperation of the governments of the various countries and to the vessel captains, fleet managers, and other personnel of the companies operating in the region. He emphasized that the fishermen were the main protagonists of the changes. He also mentioned the important role of the IATTC staff in La Jolla and at the various field stations, and described the various activities that they carry out to reduce dolphin mortality. These include: (1) seminars for captains and crew members; to date some 260 individuals have attended these, among them the vast majority of the captains who fish in the area; (2) net alignments and inspections of the dolphin-saving equipment aboard vessels; (3) detailed reports on individual trips; and (4) analyses of the performance of the captains. These actions, coordinated with the national mortality reduction programs of the nations involved, provide the scientific and technical support needed to turn motivation and good intentions into real achievements. At the La Jolla meeting of January

1991, two short-term goals were discussed: (1) reducing the international fleet's incidental mortality rate to the average level for the U.S. fleet at that time; and (2) bringing all captains up to the performance levels of the best five. The first goal is being achieved much more rapidly than anticipated; if the second goal is also achieved, the mortalities will be reduced to less than 10,000 animals per year. While these objectives are being pursued, a research program is needed to provide technological aids to improve the current fishing methods and to develop alternative methods of fishing.

Dr. Hall went on to describe the Fish-Aggregating Device (FAD) project that the IATTC staff is carrying out jointly with the U.S. National Marine Fisheries Service (NMFS), the Universidad Nacional Autónoma de México, and the Mexican Navy Research Division, with funding from Bumble Bee Seafoods, Inc. The basic information for the designs and locations of the FADs comes from studies initiated in 1987 by the Tuna-Dolphin Program on the nature of the association of tunas with floating objects and with dolphins. In a first phase of the project 30 FADs will be deployed in an offshore area where dolphin-associated tunas are caught (8°-12°N-120°-140°W) in the hope of attracting large yellowfin tuna which can then be caught without setting on dolphins. The vessels operating in the area are expected to cooperate in furnishing data on their catches near the FADs and their observations on the FADs' performance. He also announced that the IATTC is organizing an international workshop, to take place in La Jolla in February 1992, for the comparative study of the fisheries on floating objects in all oceans where they occur. The information obtained will be used to help design future FADs.

Finally, Dr. Hall presented the latest results on the studies of the trends in dolphin abundance. A new method, which has several advantages over the previous one, was developed to test for these trends. Adding the relative abundance data for 1990 confirms the previous conclusions: some stocks experienced statistically-significant declines during the late 1970s, but during the 1980s they seem to have stabilized, and there have not been any statistically-significant trends in recent years. The northern stock of common dolphins, which had appeared to be declining in recent years, now seems to be levelling off, since relative stock sizes have been similar for the last four years.

The Chairman then declared a recess for lunch at 12:30 p.m.

The meeting was reconvened by the Chairman at 2:40 p.m. He called upon Dr. Joseph to review events that had taken place concerning the tuna-dolphin situation since the 47th meeting of the IATTC, held in Washington, D.C., in June 1990. Dr. Joseph said that an Intergovernmental Meeting was held in San José, Costa Rica, in September 1990, and that all the participating governments approved a resolution recommending a dolphin conservation program which included the following objectives: (1) in the short term, a significant reduction in mortality of dolphins due to fishing; (2) over the long term, to make every effort to reduce these mortalities to insignificant levels approaching zero. The international program would include the following: (1) limits on dolphin mortality; (2) 100-percent coverage of the fleet by observers; (3) research to improve existing fishing gear and techniques and to develop alternative methods of catching tunas which did not involve setting on dolphins, with the goal of eliminating dolphin mortality due to fishing; and (4) training programs to achieve high standards of performance in avoiding dolphin mortalities. The IATTC was identified as the most appropriate organization to coordinate the technical aspects of the program. Immediately following the Intergovernmental Meeting, the member governments of the IATTC approved a resolution accepting the role suggested for them by the Intergovernmental Meeting. Dr. Joseph went on to explain that this resolution also called for a similar meeting to be held before February, 1991, and that this led to the meeting held in January 1991 in La Jolla, California, U.S.A. At this meeting, all the

participating governments but one adopted a new resolution, which recognized the initiative of the San José Resolution and called for a dolphin conservation program entailing the following objectives: (1) a 100-percent observer program, to be funded by governments and/or industry and administered by the IATTC; (2) research to improve existing technology and to develop alternatives to catching tunas associated with dolphins; (3) a 50-percent reduction between 1989 and 1991 in mortality due to fishing; and (4) a continuation of such programs beyond 1992.

At the conclusion of his review, Dr. Joseph distributed a draft resolution to the Commissioners for their consideration. The resolution dealt with the international dolphin conservation program, and the IATTC's duties and responsibilities respecting the program.

At the termination of the tuna-dolphin review the Chairman opened the meeting for questions from the floor.

Mr. Goto of Japan congratulated Dr. Hall on his comprehensive review of the IATTC program to evaluate the potential of using FADs to attract large tunas as an alternative to fishing for tunas associated with dolphins. He commented, though, that since tunas and dolphins swim together they must be feeding on the same food items. If this is true, then why would FADs be expected to attract tunas away from dolphins? Mr. Goto posed a second question concerning the usefulness of commercial fishing vessel data, rather than research vessel data, to estimate dolphin abundance. He stated that because commercial vessels do not follow pre-planned tracks, data collected on those vessels concerning dolphin abundance must be biased.

Dr. Hall, responding to the second question first, stated that dedicated research vessels are extremely costly and that the IATTC does not have adequate funds to undertake such research. He said, however, that the NMFS had conducted such research surveys between 1986 and 1990. Because the IATTC places observers on a large sample of commercial fishing vessels, about 40 to 50 times as much data is collected as on research vessels. Careful statistical analysis applied to the tuna vessel data eliminates much of the inherent bias, and the final results obtained from research vessel data and tuna vessel data are quite similar. Work is currently underway to investigate the possibility of improving overall results by combining data from both sources.

With respect to Mr. Goto's first question, Dr. Hall indicated that there were several lines of evidence that made him optimistic that the FAD experiments will prove successful. First, in some areas of the fishery during certain seasons, there is a tendency for larger tunas to associate with naturally occurring-drifting logs. Second, research indicates that tunas and dolphins exhibit different diurnal feeding behavior, suggesting the possibility that they may separate at night. Third, FADs are being deployed that extend well below the surface of the water. Around the Philippines and in other parts of the western Pacific larger tunas appear to be more frequently found at greater depths around the FADs.

Commissioner Nanne of Costa Rica wanted to know whether consideration had been given to using aircraft to survey dolphin populations, especially considering the fact that the IATTC staff had been involved earlier in this type of research.

Dr. Hall stated that the main shortcoming of aircraft was their limited range. He noted, however, that the IATTC staff had been holding discussions with an aircraft company over the possibility of using

unmanned "drone" aircraft. Although the technology for the aircraft is quite advanced, the system for detecting dolphin herds is not.

Commissioner Silvestre of France referred to the pie charts shown by Dr. Hall which showed that about 40 percent of the sets in the Indian Ocean were made on floating objects, and noted that the remaining 60 percent were not identified as to type. He wished to make it clear that that percentage did not include sets made on fish associated with dolphins, as tunas are not captured in association with dolphins in the Indian Ocean. He next commented that the IATTC's tuna-dolphin program was quite successful, in that over the short term the mortality of dolphins caused by fishing for tunas had been reduced significantly and, even though there are less vessels operating in the fishery, the productivity of individual vessels has increased and the mortalities of dolphins per set have decreased.

Dr. Hall commented that the IATTC staff was pleased with the progress the international fleet has made in reducing dolphin mortality, and that he was optimistic that it would continue to improve.

He made some further comments about the international workshop on fishing for tunas associated with floating objects. One of the purposes of the workshop will be to attempt to understand why there were such large differences in modes of fishing in different ocean areas. For example, why are only about 2 percent of the sets in the Caribbean Sea made on floating objects, while more than 40 percent of the sets in the Indian Ocean are of this type? And why are more than 70 percent of all sets in the eastern Pacific made on dolphins, while in the eastern Atlantic Ocean less than 2 percent of all sets are reported to be on dolphins? An understanding of these mechanisms may be useful in developing alternatives to fishing for yellowfin associated with dolphins.

Commissioner Beasley noted that the United States shared Mr. Silvestre's view that a voluntary reduction in dolphin mortality had been achieved, and that this was a great credit on everyone involved. He asked Dr. Hall whether his belief that dolphin mortality associated with the fishery for tunas in the eastern Pacific could be reduced to about 10 thousand animals per year depended on a research program to improve current fishing technology.

Dr. Hall replied that it did, noting that with adequate research, it was not unreasonable to expect that the mortality could be reduced to one animal per set.

Mr. Herrera of Venezuela, after being recognized by the Chairman, made a statement concerning the tuna-dolphin situation, which he asked to be appended; in its entirety, to this report (Appendix IV).

The representative of Colombia, remarking that his government had applied for membership to IATTC and would probably soon become a member, said that the situation regarding the tuna-dolphin issue was of critical importance. The fishing nations have, as demonstrated by the data presented by the IATTC staff, made significant reductions in dolphin mortality, but they are still being subjected to embargoes by the government of the United States. If this situation continues the result may be more harm than good to the dolphins. He said that those concerned must look very carefully at what can be accomplished within the framework of the IATTC to resolve this problem and must find a solution that continues to protect dolphins but permits large catches of tunas.

Commissioner Nanne indicated that there were two matters that he would like to comment on. First, he stated that Costa Rica, as a founding government of the Commission, was extremely concerned about the future of the IATTC. The Commission's scientific work, and its accomplishments concerning the conservation of the tuna resources, have been of great importance to the member governments. However, because of the tuna-dolphin issue and the situation with the embargoes, the viability of the tuna fishery is threatened. The IATTC has been a valuable asset to its members and to society in general, but if the current situation of embargoes and retaliations continues, the member nations are going to question the value of continuing their membership in the IATTC and the value of the organization for any purpose. This would be a catastrophe. The IATTC has proven effective as a scientific and conservation body, and it would be a tragedy if it were lost. Commissioner Nanne appealed to all nations to consider this grave situation and to take the necessary action to resolve this issue and ensure the survival of the IATTC, an organization with a proven record of success.

Second, Mr. Nanne called attention to the fact that it would probably be desirable if the IATTC staff, through its observer program, could provide certificates to vessel owners documenting the fact, when appropriate, that the vessels were participating in the IATTC's tuna-dolphin program and utilizing gear and procedures recommended by the IATTC staff to reduce dolphin mortality.

Dr. Joseph replied that the staff was already providing certificates to vessels fishing in a "dolphin-safe" mode, and he saw no problem in providing certificates such as those suggested by Commissioner Nanne. He indicated that the staff would draft such a certificate and he would circulate it to the Commissioners for their approval.

Commissioner Silvestre commented that the closing of the U.S. market for tunas from the eastern Pacific through the use of embargoes and the refusal of canneries to accept fish caught in association with dolphins had accelerated a decrease in price for tuna in the international market, which was causing a decrease in the profitability of fishing. As the price decreases, the catches must increase to maintain profitability. This has been the case in the eastern Pacific--fewer vessels and greater catches per vessel for those remaining in the fishery. This could result in problems in instituting conservation measures for tunas and have a deleterious effect on tuna conservation measures not only in the area covered by the IATTC, but in other areas as well. For example, the possible transfer of a number of tuna vessels from the EPO to the Atlantic Ocean, together with the need for the vessels of the current Atlantic fleet to increase their catches due to the low level of world yellowfin prices, may lead to the size limits for yellowfin, set within the framework of the International Commission for the Conservation of the Atlantic Tunas (ICCAT), not being respected. The tuna-dolphin issue is a serious one. Attempts at complete protection of one group of animals (dolphins), while ignoring the conservation of another (tunas), could destroy the IATTC and its programs for tuna and dolphin conservation, which are currently working so well. Furthermore, if that were to happen, it could adversely affect other international fishery commissions. France therefore expresses great concern over the way things are developing in the eastern Pacific concerning the tuna-dolphin situation.

Commissioner Kato of Japan called attention to the preamble of the Convention establishing the IATTC, where the Commission's role is clearly defined to be conservation of the tuna stocks, and stated that the nations must comply with the intent of that preamble. Japan, like the other nations is expressing its concern over the impact that the tuna-dolphin situation may have on the future of the IATTC. It is unfortunate that the issue of embargoes has occupied so much of the time of this meeting. It appears all

nations agree that they should be concerned with the conservation of both tunas and dolphins, but that the way to accomplish this is through scientific research and international cooperation such as outlined in the preamble of the Convention, rather than through unilateral action. Action must not be taken that will adversely affect other international bodies. International order must be maintained.

Commissioner Beasley, commenting that the tuna-dolphin issue is indeed a sensitive one, noted that since 1976 one of the IATTC's objectives has been elimination of the needless and careless killing of dolphins in the fishery. U.S. fishermen have been subject to rigorous regulations to protect dolphins for a number of years. The United States recognizes the concerns expressed by the other nations and the need for international cooperation. This approach is expressed in the Resolutions of San José and La Jolla--both subscribed to by the United States. Information on dolphin mortalities presented at this meeting is encouraging. The United States takes very seriously its commitment to seek amendment to the Marine Mammal Protection Act (MMPA), as indicated in the La Jolla meeting. Mr. Beasley then called on Mr. Brian Hallman of the U.S. Department of State to comment on progress concerning this "initiative."

Mr. Hallman commented that an agreed-to text for the proposed legislation is in the process of being presented to the U.S Congress by the Administration. The proposed bill reflects what was agreed to during the La Jolla Meeting, which is that nations participating in good faith in a meaningful effort to reduce dolphin mortality should not be subject to embargoes. Mr. Hallman went on to define the criteria that would be used by the United States to judge that a nation should not be subject to embargo, as follows:

1. Participation in an international dolphin conservation program in which the United States also participates.
2. Participation in research to find alternative ways of capturing large yellowfin tuna without setting on dolphins.
3. Participation in the 100-percent observer program of the IATTC or a comparable program in which the United States participates.
4. Achievement of a meaningful reduction in dolphin mortality, which for the purposes of the U.S. proposal would be defined as a 50-percent reduction in dolphin mortality between 1989 and 1991 and a 60-percent reduction between 1989 and 1992.

Mr. Hallman noted that these provisions could be considered as interim measures until the MMPA comes up for reauthorization in about two years. At that time there would likely be full-scale deliberation within Congress on this issue. He also noted that, even though this proposed bill represents Administration policy, it will be an uphill battle to get it passed through Congress, and even if it passes it is unclear as to what its practical effect will be, owing to the "dolphin-safe" policy of the U.S. canners.

Mr. Hallman concluded by noting that a unilateral approach is not the best way to solve this problem. The best way is to proceed through international cooperation. He noted that the U.S. shares Commissioner Nanne's concern about the fate of the Commission and, even though these are difficult times for the IATTC, all nations concerned should reaffirm their support for the international approach and for the work of the Commission.

Mr. Lara of Mexico, noting his nation's observer status, commented on the valuable contribution of the IATTC to the scientific understanding of the resources of the region and reaffirmed his nation's intention to continue its cooperation with IATTC on a technical level. He commented on the efforts made by his nation

to protect dolphins in the eastern Pacific by the establishment of regulations and through cooperation in the international programs of the IATTC. He expressed Mexico's agreement with the views expressed by Colombia and Venezuela, and noted that this problem could not be resolved through unilateral efforts, but must be approached by international good will and cooperation. He also noted that Mexico had proposed at previous intergovernmental meetings that the Food and Agriculture Organization of the United Nations and the Organización Latinoamericana de Desarrollo Pesquero should be involved in these efforts to resolve the problem.

Commissioner Carpenter of Vanuatu noted his nation's commitment to reducing dolphin mortality by passing national legislation to protect dolphins, 100-percent participation in the IATTC's observer program, participation in training courses and gear inspections, and the establishment of a monitoring mechanism to evaluate skipper performance. He noted that all costs for this program were borne by Vanuatu and that, even with all of these efforts, his nation's tuna products had been embargoed. He noted that the threat of an embargo is a greater deterrent than an actual embargo. The threat is gone, and the embargo is in place. Unless a solution is found, there will be no choice but to consider withdrawal from the IATTC and its program. The survival of the IATTC is at stake, and it is urgent that this message be carried back to the United States.

The Chairman summarized the comments and urged the U.S. Government to make every effort to solve this problem.

There being no further comments on Agenda Item 6, the Chairman indicated that Agenda Item 7 would be deferred until the next day, and Agenda Items 8 and 9 would be discussed during the time remaining.

#### **8. Recommended Research Program and Budget for FY 1992-1993**

The Chairman asked Dr. Joseph to present Agenda Item 8. Dr. Joseph reviewed the budget, which was for almost exactly the same amount as that of the previous year, and stated that it had been sent to the Commissioners two months previously. The Chairman called for comments and/or approval.

Commissioner Beasley of the United States proposed acceptance of the budget as presented. This was seconded by Commissioner Kato of Japan and unanimously approved.

#### **9. Status of Protocol to the Convention Establishing the Inter-American Tropical Tuna Commission**

Moving to the next agenda item, Chairman Imamura asked Dr. Joseph to review the status of a protocol to the Convention, presented at an earlier meeting of the Commission. Dr. Joseph began by noting that during the 46th Meeting of the Commission, held in May 1989, the subject of a protocol to streamline the adherence of new members to the IATTC was discussed. At that meeting a representative of the European Economic Community (EEC) expressed interest in having the protocol amended to allow membership by international organizations for regional economic integration. During the 47th Meeting of the Commission, held in June 1990, a background paper was distributed which presented several options for facilitating the adherence of nations to the IATTC Convention. At the 48th Meeting of the Commission, held in September 1990, a resolution including a draft protocol was presented. It was approved by all the

Commissioners except those of Japan, who indicated that they would respond to the resolution after consulting with their government.

After this brief review, Commissioner Kato of Japan said that his government understood that, for the IATTC to function properly, it should facilitate the adherence of new members, and in that sense Japan is now ready to join the work for the amendment of the Convention. He then stated that there were two points to be considered, one to do with the procedures and the other with the substance. With regard to the first point, the IATTC itself is not empowered or equipped to amend the Convention. Therefore, it may not be appropriate to agree upon a Protocol at the IATTC meeting. The proper procedure should be taken through diplomatic channels, and a diplomatic meeting among Contracting Governments should be held to adopt the Protocol. The second point concerns the matter of adherence by intergovernmental economic integration organizations such as the EEC. Commissioner Kato then distributed a draft resolution inviting the Depository Government (the United States) to take the necessary steps to initiate formal procedures to amend the Convention.

There then followed a lengthy discussion between the representatives of Japan and France concerning the adherence of the EEC. Commissioner Kato pointed out several questions concerning the relations and demarcations between the competence of the EEC and that of its member countries. He indicated that such questions should be clarified before adopting a Protocol.

Commissioner Silvestre was emphatic in stating that there is no doubt concerning France's continued adherence to the IATTC Convention. According to the Treaty of Rome, the EEC does not have competence respecting the overseas territories of member states. This means specifically that, should the EEC become a contracting party to the IATTC, France would remain a contracting party because of its overseas territories with coastlines bordering the Convention area (Clipperton Island). This situation is well known, and applies to other fisheries commissions, such as the North Atlantic Fisheries Organization (NAFO) and the North Atlantic Salmon Commission (NASCO). The EEC is a member of both these organizations. Denmark, an EEC member, is also a member of both NAFO and NASCO because its overseas territory, Greenland, is situated in the waters covered by the Conventions of both these organizations.

At 5:40 p.m. the Chairman adjourned the meeting until the following day.

The meeting was reconvened on June 20, 1991, at 10:35 a.m. The Chairman commented that drafts of three resolutions had been distributed to the participants the previous day. After a brief discussion of some aspects of the draft resolutions, the Chairman established a working group of all member governments, plus Colombia and Venezuela, to prepare draft resolutions that would be acceptable to all member governments.

The plenary session was recessed from 10:55 a.m. until 3:00 p.m. After reconvening, the Chairman continued with Agenda Item 9. The Japanese resolution, as modified by the working group, was presented and approved by all member governments, and is attached as Appendix V.

## **7. Recommendations**

The Chairman then opened Agenda Item 7, which had previously been postponed, to discussion.



The two resolutions dealing with the tuna-dolphin conservation program and the yellowfin quota, as modified by the working group, were presented and approved (Appendices VI and VII).

#### **10. Place and Date of Next Meeting**

The Chairman called on Dr. Joseph to discuss this matter. Dr. Joseph explained that the site of the meeting generally rotates among the member governments, but during the last few years it has been customary to hold a meeting periodically at the IATTC headquarters in La Jolla. This gives the Commissioners and their advisors an opportunity to visit the IATTC headquarters and more staff members a chance to participate in the meetings. Dr. Joseph therefore recommended that the next meeting be hosted by the IATTC staff and held in La Jolla. All delegations agreed. The exact dates of the meeting, which will be in late May or in June, would be fixed at a later date by the Director.

#### **11. Election of Officers**

The Chairman then called for nominations for the office of Chairman. Mr. Goto of Japan nominated Commissioner Herbert Nanne of Costa Rica. This was unanimously approved.

Mr. Nanne thanked Mr. Goto for the nomination and the other delegations for their support, indicating that it is a great honor for his country.

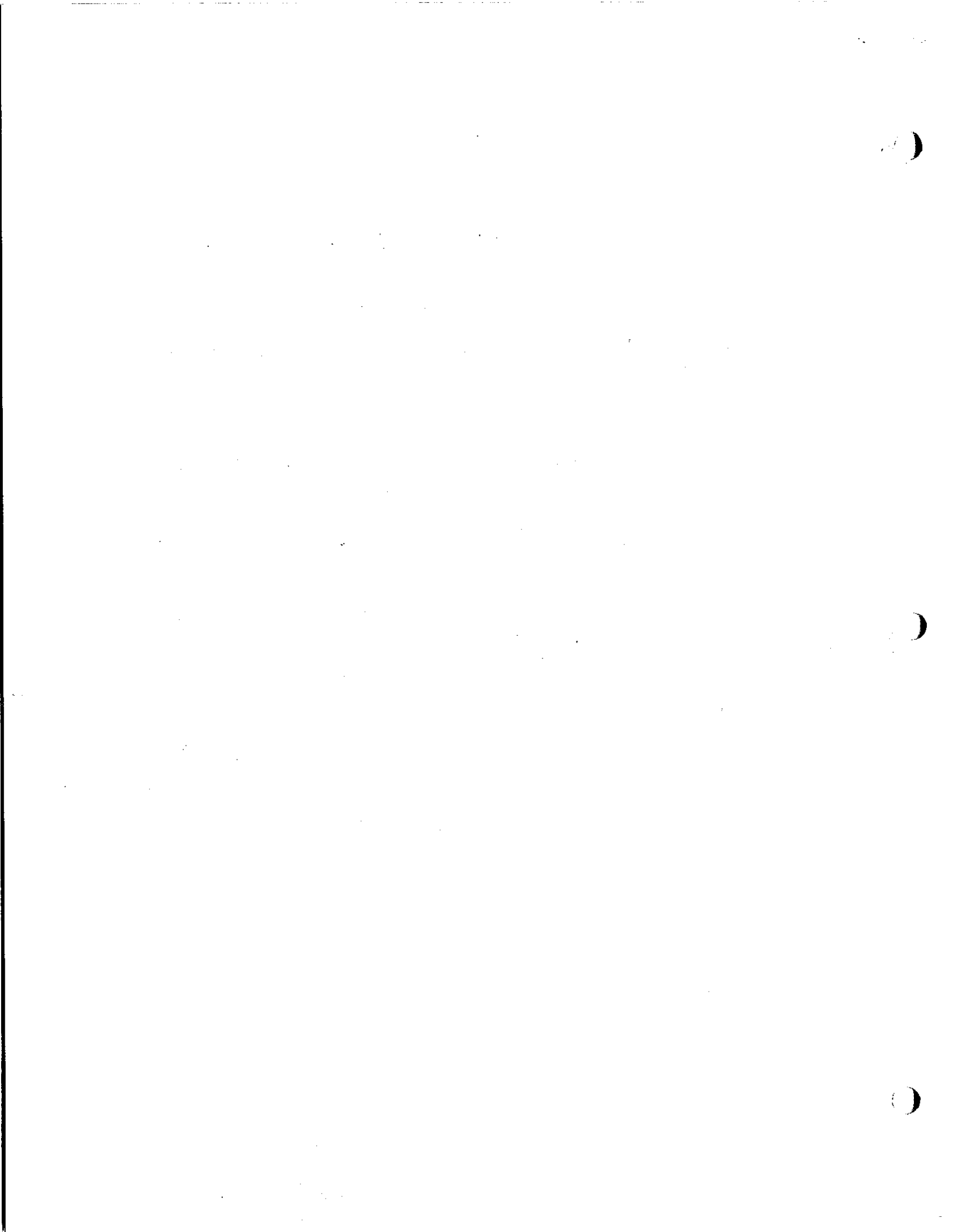
The Chairman suggested that the office of Secretary should remain with Nicaragua. Everyone agreed to this suggestion.

#### **12. Other Business**

All of the delegations joined the United States and Costa Rica in thanking Japan for the superb job it had done in hosting and chairing the meeting.

#### **13. Adjournment**

There being no further business, the Chairman adjourned the meeting at 3:40 p.m.



OPENING ADDRESS

by

**Mr. Kyoya**

Director-General  
Fisheries Agency of Japan

Mr. Chairman, Commissioners, Ladies and Gentlemen,

It is my great pleasure to welcome all of you to Japan on behalf of the Japanese Government on the occasion of the 49th Inter-American Tropical Tuna Commission Meeting.

This meeting is held in Tokyo for the first time in six years. I would like to extend my hearty welcome to delegates, observers and the secretariat who came from far away to Japan to attend this meeting.

This Commission celebrated its 40th anniversary last year and is one of the oldest Commission among international fisheries commissions. We note that this Commission is the sole international treaty organization to manage tuna in the Pacific Ocean, and has greatly contributed to research and management of tuna stock, particularly yellowfin and skipjack tuna stock, in the eastern Pacific Ocean.

The Secretariat of the Commission is a unique organization in the international fisheries community, which has a number of excellent scientists. We note that the research system of the Commission is well established. Last year was the 20th anniversary for Japan as a member of the Commission. Japan has been contributing to Commission's research activities by sending its scientists, and would like to continue to support Commission's activities in the future.

Currently the subject of "environmental conservation and sustainable development in fisheries" is discussed worldwide. We believe that the "Tuna-Dolphin Programme", which is designed to ensure the maximum sustained catch of yellowfin tuna while conserving dolphin stocks, is along with this concept.

Recently, extreme discussion has been made for protection of marine mammals by some countries and there has been a tendency to deny the continuation of fisheries which incidentally catch marine mammals inevitably. However, Japan has the view that, as long as proper conservation and management measures for animals incidentally caught be taken, the operations of such fisheries should be allowed.

Fishery utilizes marine living resources, which is renewable resources and is one of the most friendly industries to the global environment. I believe that human being has the wisdom to utilize these resources perpetually. I do hope that the IATTC will continue its activities along with its objectives in the future.

I hope that you will discuss thoroughly based on the tradition of cooperative spirit and that fruitful results will come out.

Finally, I wish that your stay in Japan would be a pleasant one.

Thank you.

Appendix II.

ATTENDEES

MEMBER COUNTRIES

**COSTA RICA**

Herbert Nanne Echandi  
Antonio Robles Oreamuno  
Ana Lucía Nassar Soto

Dirección General de Recursos Pesqueros y Acuicultura  
Ambassador of Costa Rica to Japan  
Ministro Consejero, Embassy of Costa Rica

**FRANCE**

Daniel Silvestre  
Michel Dion

Direction des Pêches, Secrétariat d'Etat à la Mer  
Syndicat National des Armateurs de Thoniers-Congelateurs

**JAPAN**

Koji Imamura  
Sigenobu Kato  
Yamato Ueda

Councillor, Oceanic Fisheries Department, Fisheries Agency  
Director, Fishery Division, Ministry of Foreign Affairs  
President, Federation of Japan Tuna Fisheries Co-operative  
Association

Yasuo Takase  
Yutaka Aoki  
Akima Umezawa  
Arata Fujii

Deputy Director, Fishery Division, Ministry of Foreign Affairs  
Fishery Division, Ministry of Foreign Affairs  
Fishery Division, Ministry of Foreign Affairs  
Assistant Director, International Convention Division, Ministry of  
Foreign Affairs

Satoru Goto  
Katsuma Hanafusa  
Takashi Mori  
Akinobu Komata  
Hiromi Isa  
Hidehiro Kato

Counsellor, Oceanic Fisheries Department, Fisheries Agency  
Assistant Director, International Affairs Division, Fisheries Agency  
International Affairs Division, Fisheries Agency  
International Affairs Division, Fisheries Agency  
Far Seas Fisheries Division, Fisheries Agency  
Large Cetacean Section, National Research Institute of Far Seas  
Fisheries

Hideki Nakano  
Tokio Ono

National Research Institute of Far Seas Fisheries  
Managing Director, Federation of Japan Tuna Fisheries Co-  
operative Association

Tsutomu Watanabe

Executive Director, Federation of Japan Tuna Fisheries Co-operative  
Association

Akira Suda

Technical Adviser, Federation of Japan Tuna Fisheries Co-operative  
Association

Asao Nagamine

Manager, International Division, Federation of Japan Tuna Fisheries  
Co-operative Association

Eiko Ozaki

Section Chief, International Division, Federation of Japan Tuna  
Fisheries Co-operative Association

**NICARAGUA**

Salvador E. Stadthagen

Charge d'Affaires, Embassy of Nicaragua

**PANAMA**

Marianela Díaz

Attaché, Embassy of Panamá

**UNITED STATES OF AMERICA**

Izadore Barrett  
Henry Beasley  
August Felando  
Charles Fullerton  
William J. Gillis, Jr.

National Marine Fisheries Service  
National Marine Fisheries Service  
American Tunaboat Association  
National Marine Fisheries Service  
American Tuna Sales Association

S. Hakoda	Van Camp Seafood Co., Inc.
Brian S. Hallman	Department of State
Robert C. Macdonald	Commissioner
Michael McGowan	Bumble Bee Seafoods, Inc.
Yoshio Nasaka	Economic (Fisheries) Specialist, U.S. Embassy
Carlos M. Sánchez	Starkist Seafood Company
R. Byron Sigel	Second Secretary, Economic Section, U.S. Embassy

**VANUATU**

Richard Carpenter	Commissioner of Maritime Affairs
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**NON-MEMBER COUNTRIES AND REGIONS**

**CHILE**

Jaime Alliende	Second Secretary, Embassy of Chile
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**COLOMBIA**

Carlos A. Morales L.	First Secretary, Embassy of Colombia
Antonio Correa Rincón	Vikingos de Colombia, S.A.; Indupesca, S.A.

**ECUADOR**

Cristian Espinosa C.	Third Secretary, Embassy of Ecuador
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**MEXICO**

José Luis Romero	Economic Counsellor, Embassy of México
Salvador de Lara Rangel	Secretaría de Pesca
Eugenio Gómez Roch	Compañía Mexicana de Túnidos
Francisco Santoyo	Compañía Mexicana de Túnidos

**PERU**

Rubén Espinoza Raymondi	Third Secretary, Embassy of Perú
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**SENEGAL**

Mamadou Diarra	Embassy of the Republic of Senegal
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**SPAIN**

Javier Ariz Tellería	Instituto Español de Oceanografía
Rafael Cavestany	Ministerio de Agricultura, Pesca y Alimentación
Gabriel Sarró Iparraguirre	Organización de Productores Asociados de Grandes Atuneros Congeladores (O.P.A.G.A.C.)

**U.R.S.S.**

Valery Tsukalov	Commercial Department, Ministry of Fisheries
Victor Solodovnik	Ministry of Fisheries
Sergei Leontiev	All-Union Research Institute of Marine Fisheries and Oceanography (VNIRO)
Guenriku Kaizer	Vladivostok Trawl and Refrigerator Fleet

**VENEZUELA**

Francisco Herrera Terán	Dirección Gral. Sectorial de Pesca y Acuicultura, Ministerio de Agricultura y Cría
Efraín Vivas	Embassy of Venezuela
Juan José Oropeza Garza	Avatun, C.A.; Alimentos Margarita, C.A.
Félix Gastón Alcalá	Alimentos Margarita, C.A.; Cámara Nacional de Enlatadores de la Pesca

**TAIWAN**

C.H. Chou  
Robert C. Lin

Taiwan Deep Sea Tuna Boatowner and Exporters Association  
Taiwan Deep Sea Tuna Boatowner and Exporters Association

**INTERNATIONAL ORGANIZATIONS**

Philipp Muller  
Albrecht Rothacher  
Yoko Sugiki  
Junko Shimizu  
Izadore Barrett

Forum Fisheries Agency  
European Economic Community  
European Economic Community  
European Economic Community  
International Whaling Commission

**NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS**

Traci Romine  
Juan Carlos Cárdenas

Greenpeace International  
Greenpeace Latin America

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**Inter-American Tropical Tuna Commission**

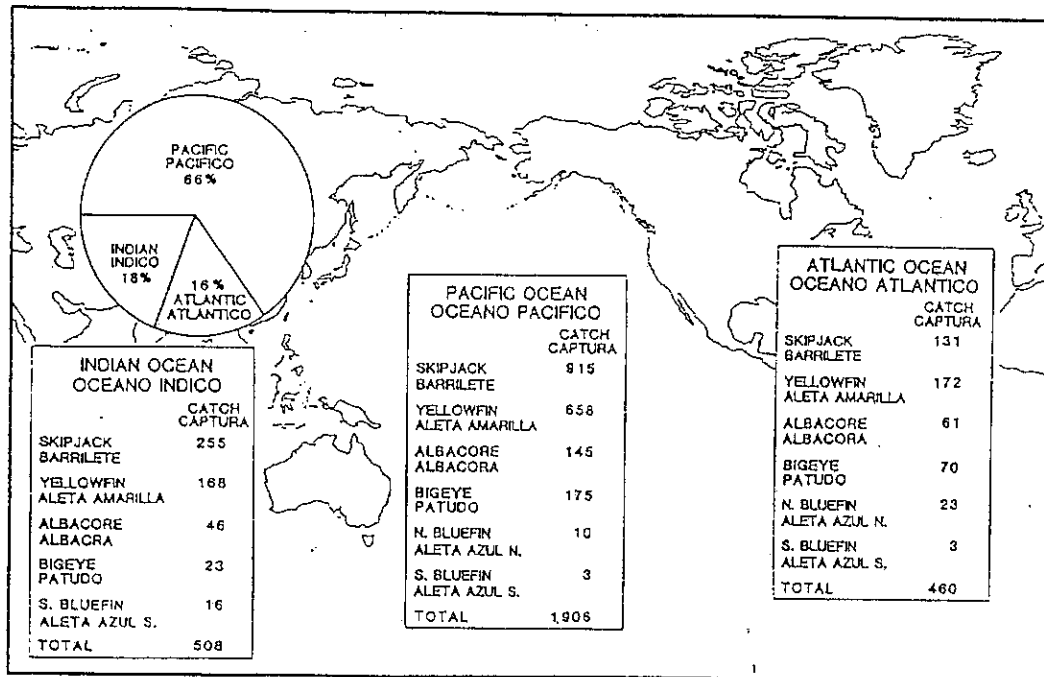
James Joseph  
Martin Hall  
Berta Juárez

\*\*\*\*\*

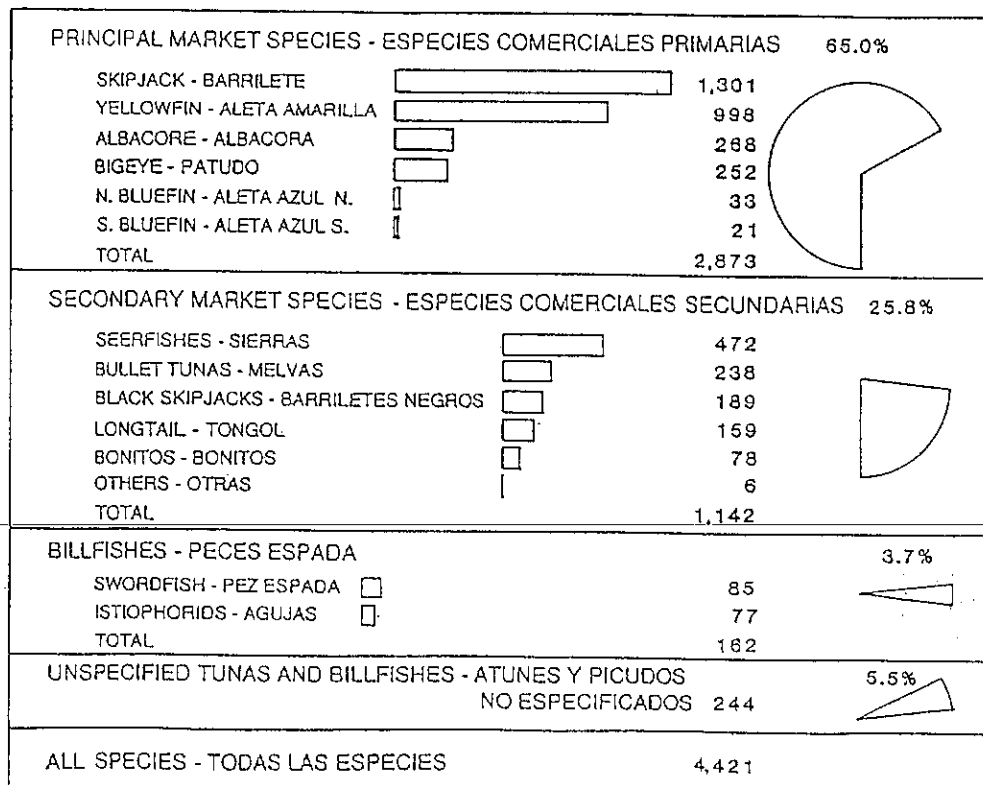
**Interpreters**

Carlos Díez  
Yoshiko Soeda  
Midori Ota  
Isako Yamazaki

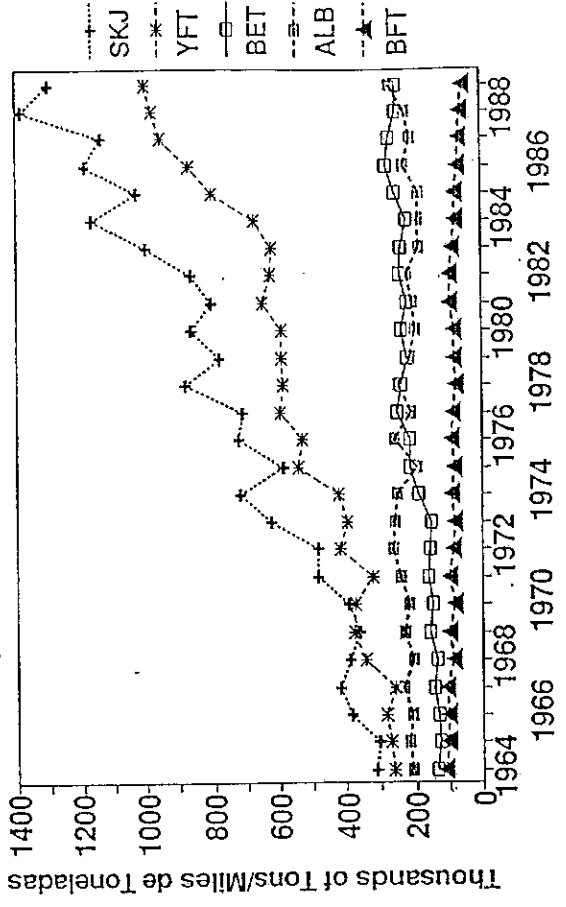
World catches of principal market species in 1989, in thousands of short tons, by ocean



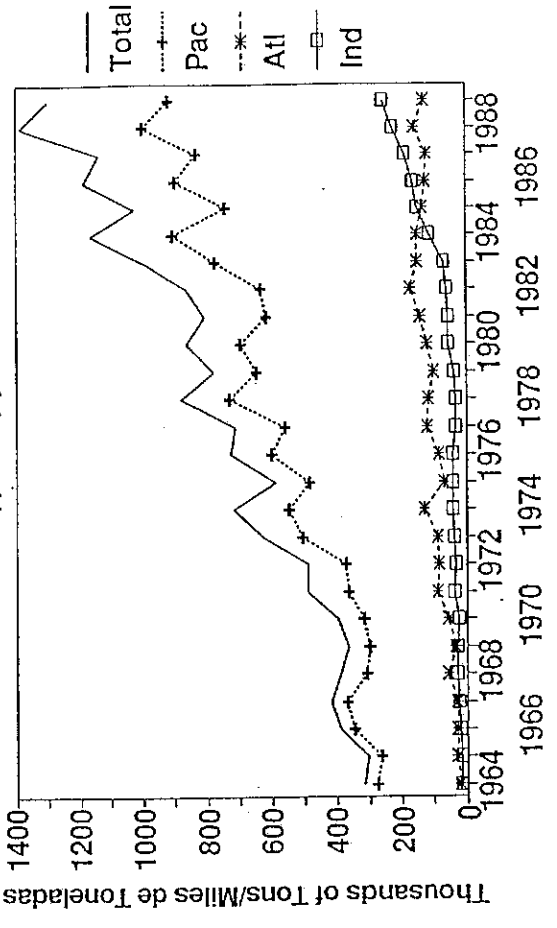
World catches of tunas and billfish in 1989, in thousands of short tons, by species



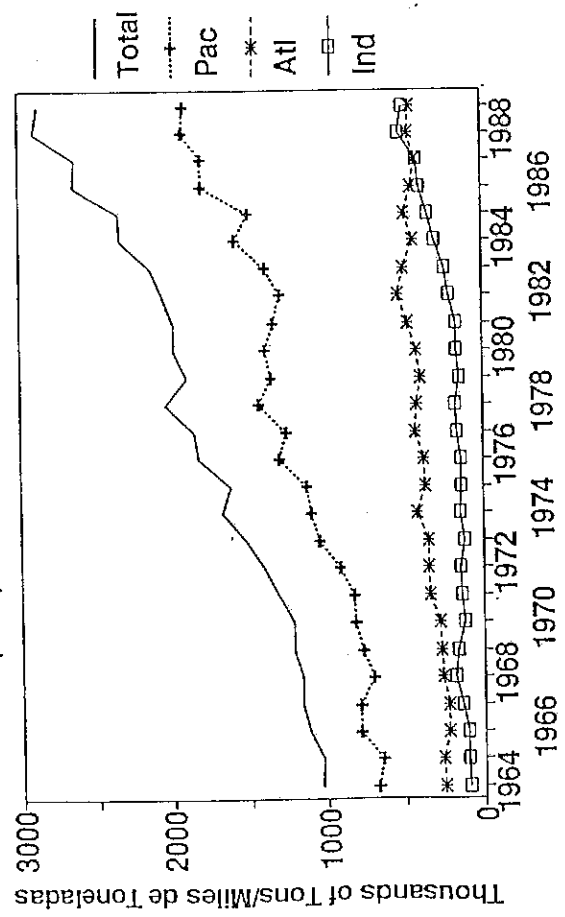
Catch of principal market species, by year and species



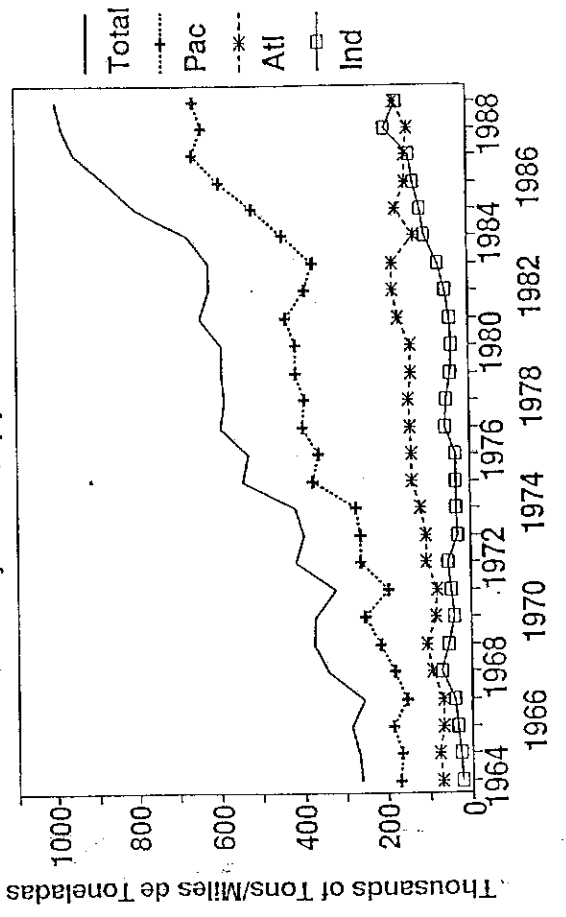
Catch of skipjack, by year and ocean



Catch of principal market species, by year and ocean

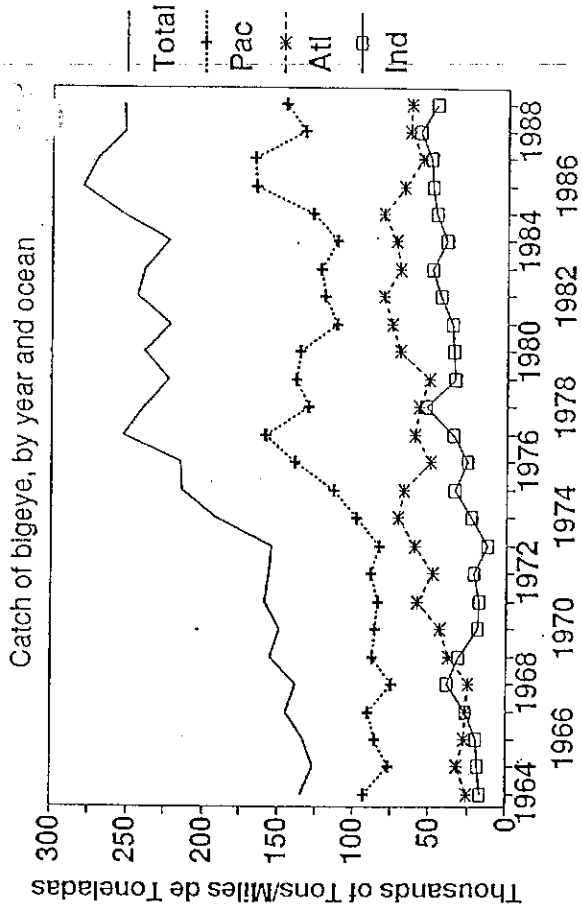


Catch of yellowfin, by year and ocean

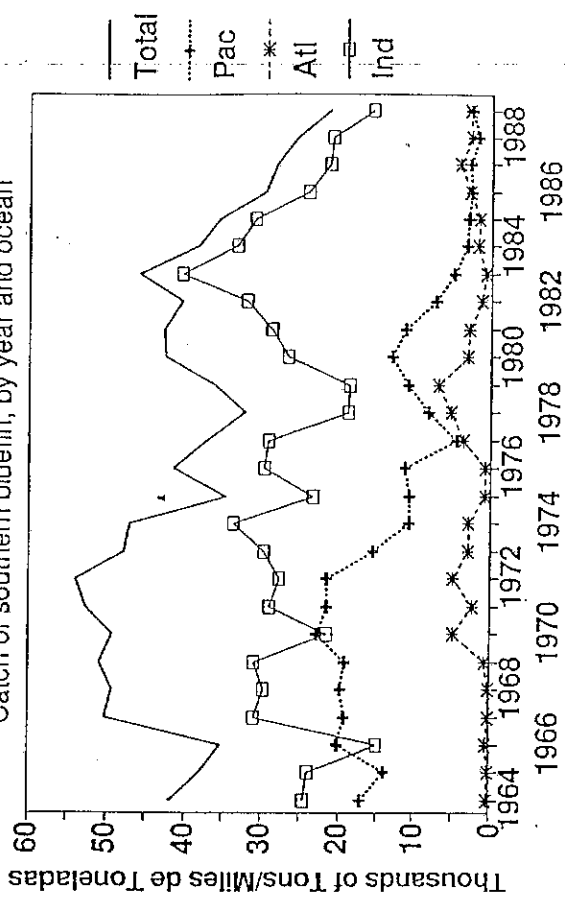




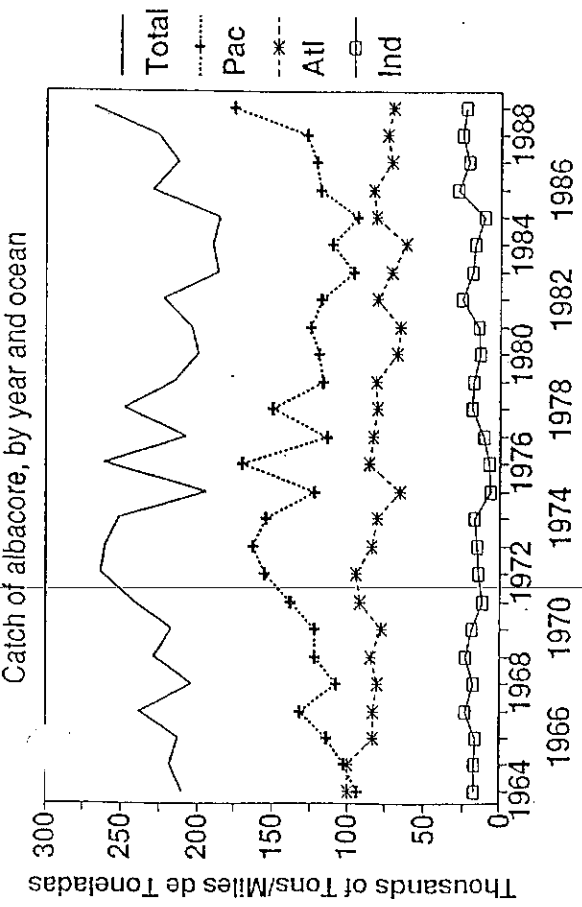
Catch of bigeye, by year and ocean



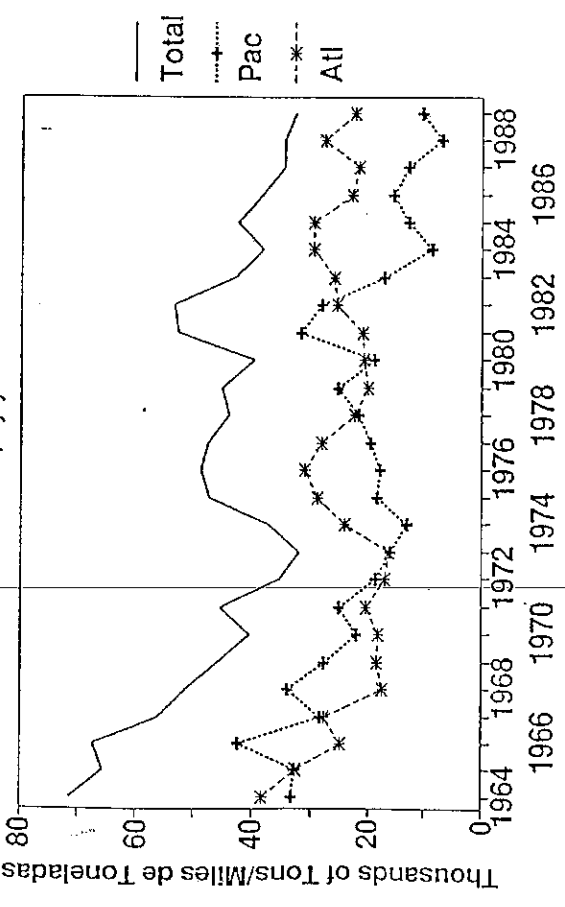
Catch of southern bluefin, by year and ocean



Catch of albacore, by year and ocean



Catch of northern bluefin, by year and ocean



#### Appendix IV.

Remarks by Lic. Francisco Herrera Terán  
Divisional Director-General of Fisheries and Agriculture  
Ministry of Agriculture  
Venezuela

First of all, I would like to make clear to this meeting the official position of my country's Ministry of Agriculture with regard to the subject under discussion, the incidental mortality of dolphins in the Pacific Ocean.

The government and people of Venezuela have always shown their sensitivity to environmental problems which are the subject of discussion and analysis on a world scale. Because of this, the tuna-dolphin problem has received more than mere attention. In fact, the Ministry of Agriculture firmly believes that, radical conservationist postures aside, the incidental mortality of dolphins should be reduced to zero. Our interest in reducing this mortality is made evident by our participation in the IATTC's program and in our efforts to find a solution to the problem through technology (this has been formally proposed in the 19th world meeting of the FAO Fisheries Committee, in Rome); furthermore, Venezuela has applied for membership in the Inter-American Tropical Tuna Commission, and this awaits only ratification by our Congress; Venezuela has two ministerial resolutions requiring the installation aboard tuna vessels of all the equipment and mechanisms necessary for saving dolphins; as I mentioned before, Venezuela forms part of the International Program for the Protection and Rescue of Dolphins of the Eastern Pacific, supervised - by intergovernmental mandate - by the IATTC; coverage of the Venezuelan tuna fleet by observers is currently at 36%, 3% above the U.S. government's initial requirements and the IATTC's recommendations, but an increase to 100% coverage has been agreed; furthermore, the Ministry of Agriculture, together with the Ministry of Foreign Affairs, has attended all fora, meetings, and seminars organized by the United States or by the IATTC. In short, Venezuela has, by its own efforts, been reducing the incidental mortality of dolphins with actions, not words. The United States is still responsible for the mortality of some 5,000 dolphins in the area under consideration, quite apart from an unknown number outside the "area" with a minimum number of observers, even with its internal quota of 20,500 dolphins. On the other hand, the "dolphin-safe" policy, created by U.S. industrial groups, seeks to confuse and deceive the consumer with "dolphin-safe" tuna, when in fact catching it could have involved a higher mortality than that of the U.S. fleet. When Venezuela suggested creating the category of "dolphin friendly" as an alternative for those nations which, like Venezuela, adhere to the standards of the IATTC's International Program for the Protection and Rescue of Dolphins, we were turned down. At present we are still, unjustly, lumped together with those countries that kill dolphins deliberately. The U.S. canners' "dolphin-safe" policy attempts to be "holier than the Pope," since **nothing in the U.S. Marine Mammal Protection Act prohibits fishing for tunas associated with dolphins.**

Why does U.S. law not expressly prohibit catching tunas associated with dolphins?

It is well known that adult tunas swim in the company of dolphins. This phenomenon makes dolphins a kind of "hunting dog" for the tuna vessels, since their presence indicates that there are tunas nearby. For this reason, it is absurd to think that a "hunter" will deliberately kill the "dog" which shows him where his quarry is. The IATTC and the U.S. Fisheries Service have evaluated the populations of dolphins in the area in question and have determined that these populations, which may, we acknowledge, have been affected at some point, have regained their normal levels, and in general - although there is evidence and scientific reports which indicate an increase - the international scientific community agrees that the populations in general have also returned to normal. From all these studies, it has also been established that fishing on other floating objects near the coast results only in the capture of juvenile tunas. This really caught the attention of serious scientists and ecologists, since, if avoiding a "minimal" mortality of dolphins means fishing for juvenile tunas, this could lead in the medium term to the exhaustion of the tuna in the area. Several scientific organizations with long and wide track records have said as much. If that were to happen, it would mean the collapse of a tuna industry which stretches from Mexico to Peru and which means food, foreign exchange, and jobs.

The Venezuelan tuna fleet, in spite of having initiated dolphin-monitoring and rescue programs voluntarily at the beginning of the 1980s and compulsorily in 1986, has in five years succeeded in reducing the incidental mortality to levels and percentages similar to those of the U.S. fleet, which has had a program for 20 years. From 1986 to 1990 the mortality caused by the Latin American fleet has declined by about 75%. The tuna embargo is happening because the current U.S. legislation is guilty of illegalities and technicalities when it says that the tuna fleets of other nations operating in the eastern Pacific, must have a mortality similar to that of the national fleet, during **the same calendar year**. How can Venezuela or any other country predict the U.S. mortality? It is a race in a dark room: nobody knows who won. Venezuela reduced its mortality by 52% between 1989 and 1990, but was embargoed nonetheless. This absurd legislation applies only to the eastern tropical Pacific (ETP), denying the possibility of or its competence with regard to the mortality of marine mammals in other oceans of the world. For this reason, the U.S. fleet chose to withdraw outside this "red zone." For this reason, there are no parameters which the Venezuelan fleet can use as yardsticks and, therefore, we are automatically in breach of the law - in spite of the measures taken - and subject to embargoes. This injustice and illegality is what has moved the National Executive, together with Mexico, to file a suit under GATT against the United States. On the other hand, U.S. conservationist groups have annual budgets of over 100 million dollars - the result of donations from U.S. industrial groups and the consuming public - but not a single dollar has been dedicated to research, to the search for new technologies, or to the International Program for Dolphin Rescue. These same groups have said, publicly and repeatedly, that they will not accept the so-called "minimum mortality." For them there is no "acceptable" mortality, nor do they recognize the efforts of governments and industries toward reducing that mortality. We are also concerned that the deception of the "dolphin-safe" labels has not been denounced to international public opinion, in light of the evidence of cetacean mortality in other oceans of the world.

The Venezuelan Ministry of Agriculture works closely with the IATTC and FAO, and thinks it unjust that the U.S. Government, which is still fishing on dolphins both in and outside the eastern Pacific, seeks to impose on Venezuela restrictions which it does not apply to its own fleet, but which do affect our regional economy and our national sovereignty. The Government of Venezuela recognizes the need to continue the search for viable solutions to this problem, and it is for that reason that it maintains a dialogue in multinational fora or organizations, such as the IATTC, ICCAT, FAO, and OLDEPESCA, but cannot accept that it should have unnecessary and damaging sanctions imposed upon it unilaterally. It is no longer dolphins that are endangered, but rather the thousands of Venezuelans who may end up on the street, however much like a cliché that may sound. Avoiding the unnecessary mortality of dolphins requires technology and research, not million-dollar press and television campaigns which do not relate to the current reality of the situation.

Finally, my country's delegation will take the liberty of alerting the U.S. Government, canneries, and conservationist groups to the following thought: If the U.S. Government insists on punishing with primary and secondary embargoes without stopping to consider the statistics herein presented; if the canneries cling to their "dolphin-safe" policy, creating a commercial boycott and changing the international tuna-pricing system; and the conservationist groups do not reconsider their position and allow their government and the canneries to be more flexible in their policies; inevitably they will see all the nations of the region withdraw from national and international programs for monitoring and rescuing dolphins, since these statistics are being used against us and, decidedly, the successes we have achieved have only served for punishment. What would the U.S. Government, canneries, or conservationist groups achieve if this massive withdrawal were to happen? Would we have achieved the objective of saving dolphins? My delegation, although currently still part of the IATTC's program, wishes merely to alert the delegates to an alarming and entirely possible situation.

If it has been proven that the reduction of the mortality has been achieved by everyone's efforts, involving technology and training, I think that the implementation of commercial embargoes or unilateral populist policies will not help at all toward finding a solution to the problem. Quite the opposite: they risk the success of the program and the economies of the region.

Appendix V.

RESOLUTION

*Noting* that the procedure for adherence to the Convention between the United States of America and the Republic of Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission (hereinafter referred to as the "Convention") set forth in Article V, paragraph 3 thereof has been giving rise to difficulties to the efforts of eligible governments desiring to adhere to the Convention;

*Noting* that Intergovernmental Economic Integration Organizations may have transferred to them by their member states competence over the matters governed by the Convention;

*Desiring* that Article V, paragraph 3 of the Convention be amended, in particular, to facilitate the adherence of eligible governments to the Convention and to enable such eligible organizations mentioned in paragraph 2 above to adhere to the Convention;

*The Inter-American Tropical Tuna Commission, therefore, resolves* to invite the Depositary Government of the Convention to take the necessary steps as appropriate to initiate formal procedures necessary to amend the relevant Articles of the Convention.

RESOLUTION

*The Inter-American Tropical Tuna Commission*, having responsibility for the scientific study of the tunas and tuna-like fishes of the eastern Pacific Ocean, and for the formulation of recommendation 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*, based on past experience in the fishery, that 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 1990, excepting 1987, although no conservation programs were implemented, conservation measures were nevertheless recommended to the Commissioners by the scientific staff, and in turn such measures were approved by the Commissioners for recommendation to their respective governments, and

*Observes* that, at current levels of abundance and at current fleet capacity, the stock of yellowfin can be over-exploited,

*Concludes* that a limitation on the catch of yellowfin tuna should be implemented during 1991.

*The Inter-American Tropical Tuna Commission therefore recommends to the High Contracting Parties* that an annual quota of 210,000 short tons should be established for the 1991 calendar year on the total catch of yellowfin tuna from the CYRA (as defined in the resolution adopted by the Commission on May 17, 1962), and that the Director should be authorized to increase this limit by no more than four successive increments of 20,000 short tons each if he concludes from examination of available data that such increases will offer no substantial danger to the stocks, and

*Finally recommends* that all member states and other interested states work diligently to achieve the implementation of such a yellowfin conservation program for 1991.

Appendix VII.

RESOLUTION

*The Inter-American Tropical Tuna Commission, at its 49th Meeting, held in Tokyo, Japan, on June 18-20, 1991.*

*Noting the resolution from the Intergovernmental Meeting held in San José, Costa Rica, in September 1990, calling for the establishment of an international program to reduce dolphin mortality caused by the tuna purse-seine fishery in the eastern Pacific Ocean to insignificant levels approaching zero, coupled with research to improve the efficiency of existing fishing gear and techniques in reducing dolphin mortality and develop alternative fishing methods which do not involve intentional setting on dolphins, and identifying the Inter-American Tropical Tuna Commission as the most appropriate entity to coordinate the technical aspects of the program;*

*Further noting the resolution from the Intergovernmental Meeting held in La Jolla, California, on January 16-18, 1991, expressing the willingness of governments to reduce dolphin mortality in 1991 to approximately 50 percent of that in 1989, to increase the coverage of the international fleet by observers to 100 percent, to support this increased coverage by contributing funds to the Inter-American Tropical Tuna Commission, to invite governments to support research programs to develop technology to reduce or eliminate dolphin mortality in the fishery, and to call on the Inter-American Tropical Tuna Commission to invite the tuna-processing and marketing industry and governmental and non-governmental entities, including environmental organizations, to participate in the funding and implementation of the research programs;*

*Further noting that some funds for the purposes of attaining the objectives of the La Jolla Resolution have already been received by the Inter-American Tropical Tuna Commission from the tuna-processing and marketing industry;*

*Further noting that the expansion of the international observer program to 100 percent, called for in the La Jolla Resolution, is being implemented, and funding is being provided by the tuna industry in support of this expansion;*

*Recognizing the importance of the international program, as defined in the resolution adopted by the Intergovernmental Meetings held in San José, Costa Rica, on September 18-19, 1990 and in La Jolla, California on January 16-18, 1991.*

*Invites the states with coastlines bordering the eastern Pacific Ocean and states whose vessels fish for tunas in the eastern tropical Pacific Ocean with purse seines, to initiate and/or expand national research programs to develop technology for reducing dolphin mortality in the fishery, and/or to support through financial and other means international research programs designed to improve the efficiency of current technology for reducing dolphin mortality induced by fishing and develop alternative methods of fishing for large yellowfin tuna that do not involve intentional setting on dolphins.*

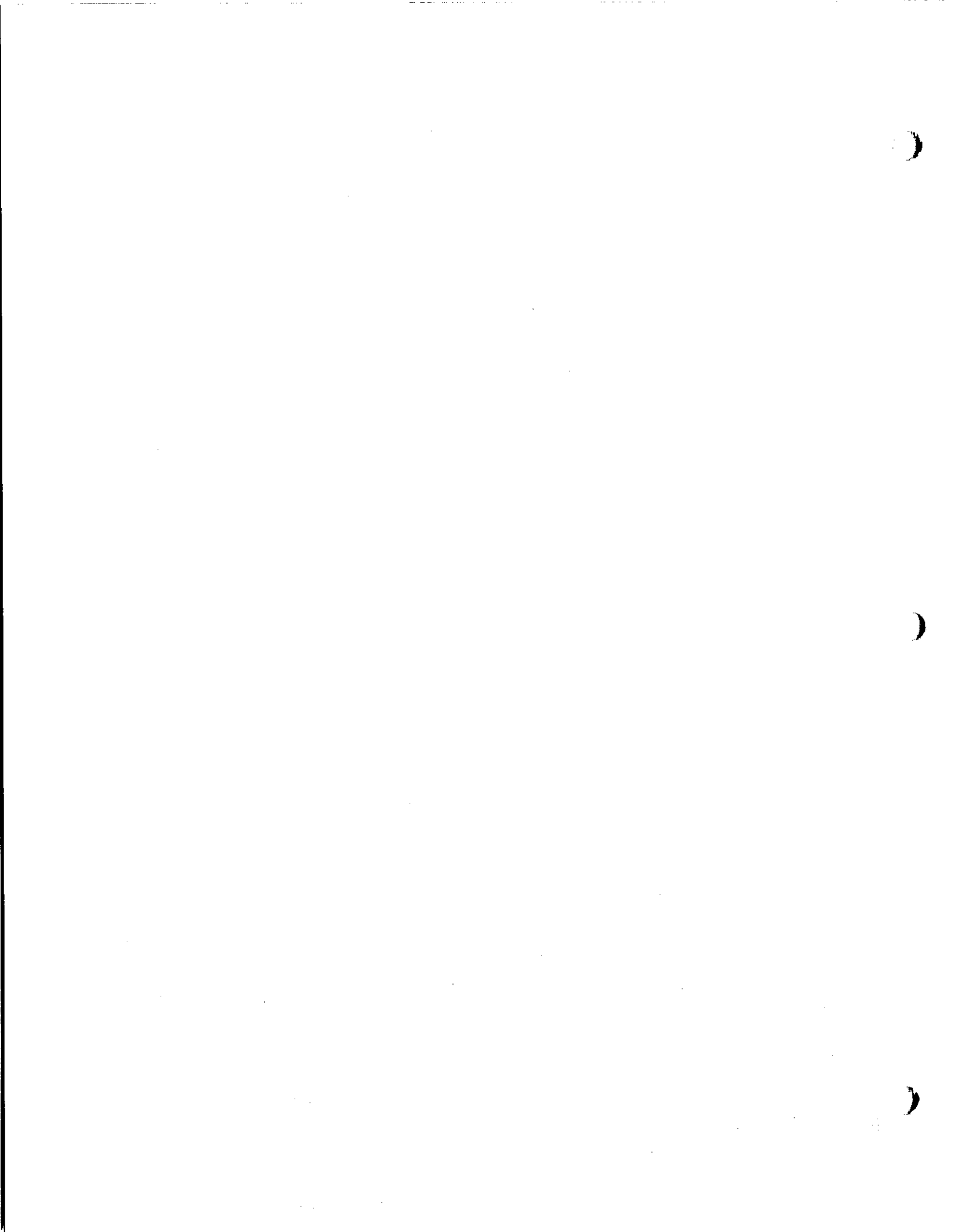
The representatives of Greenpeace at the IATTC's 49th Meeting in Tokyo asked to read the attached statement during the meeting. Logistical problems made it impossible for them to do so, and they therefore requested that it be circulated to the attendees with the minutes of the meeting.

The version in English is the original; it was translated into Spanish by the IATTC staff.

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Los representantes de Greenpeace en la XLIX Reunión de la CIAT en Tokio solicitaron presentar la declaración anexa durante la reunión. Por razones logísticas les fue imposible hacerlo, y pidieron por lo tanto que fuera circulada a los asistentes con las actas de la reunión.

La versión en inglés es original; fue traducida al español por el personal de la CIAT.





# GREENPEACE

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Tlx 89-2359 • Fax (202) 462-4507

## Greenpeace International Statement to the 49th Annual Meeting of the Inter-American Tropical Tuna Commission

Greenpeace appreciates the opportunity to express its concerns about the tuna/dolphin problem to the participants of the 49th Annual Meeting of the Inter-American Tropical Tuna Commission.

While Greenpeace recognizes the efforts made toward the reduction of estimated dolphin mortality, we continue to urge all nations, the fishing fleets and scientific bodies to work to end deliberate encirclement of dolphins and to research and implement alternative environmentally sound fishing technology.

The inability or unwillingness of nations to realize the urgency of this environmental problem and work together for final solutions has resulted in actions by governments and the industrial sector, which if not redressed have the potential in the long term toacerbate rather than solve the problem.

First, we reiterate our position regarding the blanket embargoes currently in force by the United States against several nations. In this case, sanctions are counter-productive and unacceptable for establishing real solutions. At best, they fail to distinguish between tuna caught with or without deliberate encirclement, thereby offering no incentive to those vessels that do not or would end the practice of deliberate encirclement.

Second, the dolphin safe policies are currently being carried out in a manner that fails to provide real incentives. Greenpeace initially encouraged the multinational tuna processors to develop dolphin safe initiatives because we viewed them as a means to promote premium prices for tuna harvested using environmentally sound methods. We were also encouraged by indications from industry that they would commit financial investment into research, development and implementation of alternative technologies that would replace deliberate encirclement of dolphins. Unfortunately, over the past year, processors, for the most part, have failed to do this. We maintain our position that industry must take responsibility for solving this problem and provide real incentives for real solutions. It is regrettable that only minimal contributions have been made in this direction.

====more====

Page Two of Two  
Greenpeace Statement to the  
49th Meeting of the IATTC

Finally, we are disturbed by the reluctance we have seen on the part of major fishing nations and fleets to commit to actively attempt to forge strong international regulation of the fishery and an end to deliberate encirclement.

The true solution lies first in the need for all governments, industries and scientific bodies to recognize that a serious environmental problem exists in this fishery. While many interpretations of the status of Eastern Tropical Pacific dolphin stocks have been undertaken, it is clear that uncertainty exists and interpretations vary. The recent findings of several international scientific bodies indicate that virtually every dolphin stock in the Eastern Tropical Pacific has suffered dramatic decline.

The only solution to this problem requires genuine cooperative efforts by all governments, industries and the non-governmental sector. Efforts must be made to establish a multilateral regime to regulate the fishery, require 100 percent observer coverage of the international fleet, end deliberate encirclement of dolphins and introduce environmentally sound alternatives that protect the oceanic ecosystems.

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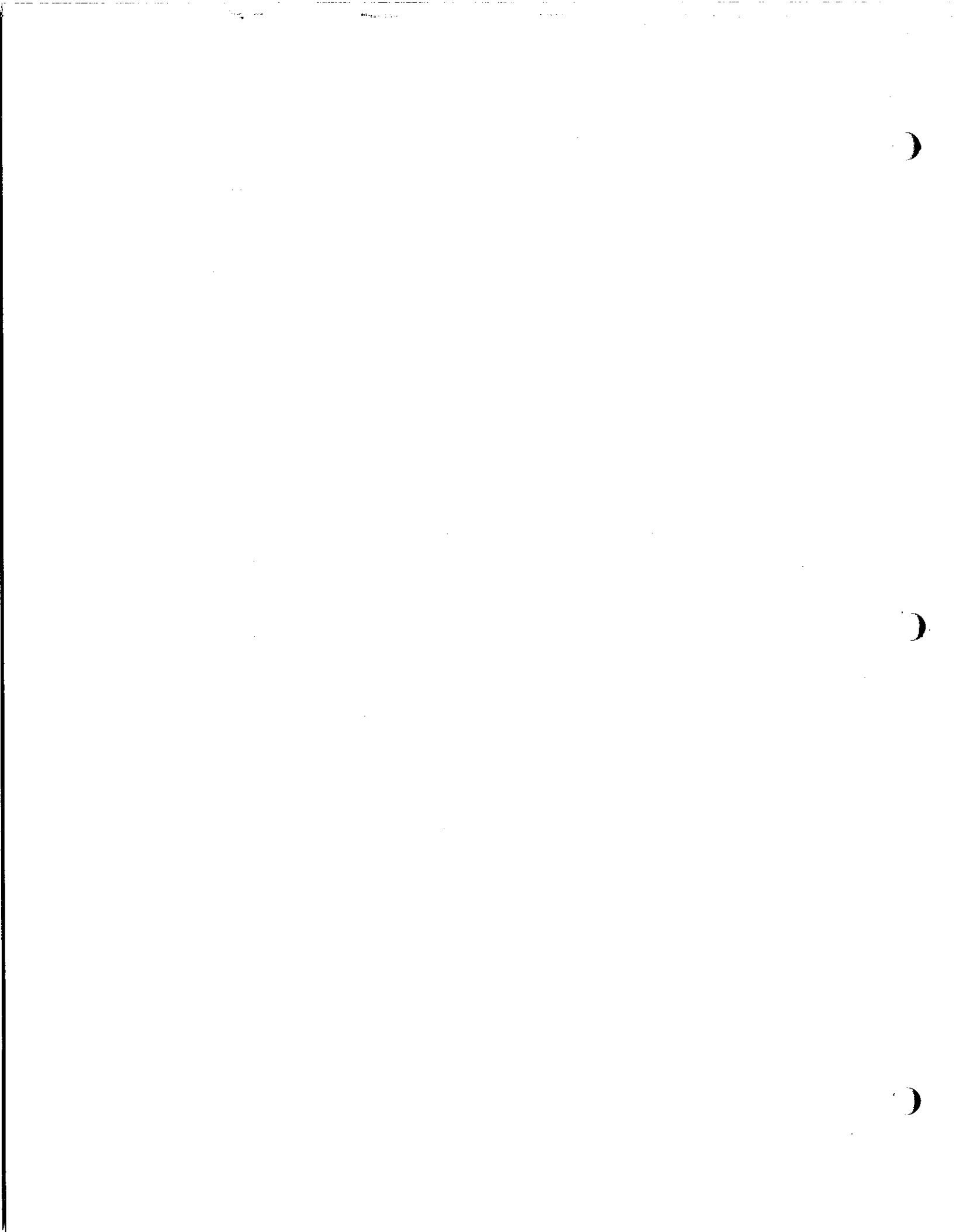
**SUMMARY MINUTES OF THE SPECIAL MEETING**

April 21-23, 1992

La Jolla, California, U.S.A.

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Chairman: Mr. Brian Hallman



## Agenda Item 1 - Opening of the Meeting

The Special Meeting was called to order at 1040 h on Tuesday, 21 April 1992, at the La Jolla Village Inn, in La Jolla, California, by Dr. James Joseph, Director of the IATTC and Chairman *pro tem*. The participating countries were Costa Rica, France, Japan, Mexico, Panama, Spain, the United States, Vanuatu, and Venezuela. The attendees are listed in Appendix I. Dr. Joseph welcomed the participants and stated that this Special Meeting was called by the staff of the IATTC to review the status of purse-seine fishing for tunas associated with dolphins and to discuss research and conservation programs for dolphins in the eastern Pacific Ocean (EPO).

After explaining that the designated Chairman for the regular annual meeting of the Commission was unable to serve as Chairman for this meeting, Dr. Joseph opened the floor for nominations for Chairman of the meeting. Dr. Juan Varela of Panama nominated the United States, and the other participants agreed. Mr. Brian Hallman was chosen to serve as Chairman of the meeting.

## Agenda Item 2 - Adoption of Agenda

The provisional agenda (Appendix II) was adopted without discussion.

## Agenda Item 3 - Review of the Tuna-Dolphin Fishery

Dr. Joseph reviewed the tuna fishery for 1991 and prior years. The fishery was good in 1991, with a total catch of 338.8 thousand tons of all tuna (259 thousand tons of yellowfin, 71.3 thousand tons of skipjack, and 8.5 thousand tons of other species). This was, however, about 100 thousand tons less than in the record year of 1989, and down 10 to 15% from 1990. Thus far in 1992, the catch of yellowfin had declined (65.9 thousand tons *versus* 77.8 thousand tons in a comparable period in 1991), but the catch of skipjack had doubled. The number of vessels at sea had declined, but the catch per vessel had increased. Dr. Joseph also reviewed the number of vessels and capacity of the national fleets, the catches by flag, and the history of the composition of the international fleet.

New information was presented on the amount of incidental catch discarded from different set types. The proportion of sets in which scombrids of all species were discarded (because they were too small or species of no commercial value) was highest for log sets (60%), followed by schoolfish sets (10%) and dolphin sets (virtually zero). The same pattern was seen for discards of yellowfin (30% *versus* 5% *versus* nearly zero) and skipjack (25% *versus* 5% *versus* nearly zero). In log sets and school sets the amount of yellowfin discarded was 5 to 6 tons per set, and for skipjack 10 tons. In total, over the last few years about 30,000 tons of scombrids have been discarded per year.

Dr. Joseph next reviewed the IATTC tuna-dolphin program. He noted that a policy of not setting on fish associated with dolphins, without an alternative method for capturing large yellowfin, was inconsistent with maintaining maximum catches of tunas, as mandated by the IATTC Convention.

The IATTC tuna-dolphin program conducts gear research, provides extension services to the fleet to reduce mortality, and maintains an observer program to collect data with which to estimate mortalities of dolphins due to the fishery and indices of dolphin abundance. The observer program was originally designed to provide 30 to 35% coverage of the fleet, but currently 100% of the fleet is covered by the IATTC program and the national programs of Mexico and the United States. Funding to increase the IATTC

coverage to 100% was provided by vessel owners and the Associazione Nazionale Conservieri Ittici e delle Tonnare (ANCIT), an association of Italian canneries.

Dr. Joseph reviewed the recent dolphin mortality estimates. He noted that the average mortality per set is currently about 3 dolphins. Some fleets are doing much better than this, and matching or bettering the performance of the best fleets should be the target for the entire fleet. He also reviewed trends in abundance indices estimated from the observer data and compared these estimates with those calculated by the U.S. National Marine Fisheries Service (NMFS) from data collected from research vessels.

The reduction in mortality between 1989 and 1991 is the result of improved performance and, to a lesser extent, decreased effort. The percentage of sets on dolphin-associated tuna has remained the same (66-68%) during this period. This is surprising, because the effect of the canneries' "dolphin-safe" policy should have resulted in much lower effort and a decreased percentage of dolphin sets.

Dr. Joseph described current research on Fish-Aggregating Devices (FADs), funded by Bumble Bee Seafoods, Inc. A two-phase feasibility study is being conducted: in the first phase, FADs of different designs are being deployed along 10°N; the second phase, in which they would be deployed south of the equator, has been postponed because of the current El Niño conditions. Preliminary data on the movements and catches of fishes associated with these FADs were summarized. A workshop on the association of fish with floating objects, also funded by Bumble Bee Seafoods, was organized by the IATTC staff and attended by scientists from 10 countries.

#### **Agenda Items 4 and 5 - Discussion of IATTC Objectives Concerning Dolphin Conservation and Research Requirements Necessary to Achieve These Objectives**

Dr. Joseph reviewed the IATTC's role in the reduction of dolphin mortality, a proposed new conservation program to reduce mortality further, and a program of research necessary to understand the tuna-dolphin association and to develop alternative methods for catching large tunas which do not involve capturing dolphins. These proposals are outlined in Background Paper 1. The basic goals of the programs are to reduce mortality significantly in the short term and to levels approaching zero in the longer term, with a view to its complete elimination in the long term.

Using current technology, these programs could be implemented by (1) setting progressively-reduced mortality levels which the fleet would be required to meet each year, and (2) conducting research which would allow the fleet to stay within these levels. Current purse-seining techniques could be improved in two phases. In the first phase, if all fleets performed at the level of the fleets with the best current performance, the total mortality would be reduced to 8 to 10,000 dolphins in a few years. In the second phase, with research into developing ways to prevent net collapse and canopies, the mortality would be reduced to less than 5,000 dolphins (Background Paper 1, page 5).

Three general approaches were described for a long-term reduction in mortality toward zero. One approach would allow encirclement of the dolphins if they could all be released unharmed; a second would only allow chasing of the dolphins so that the tuna could be separated from them and encircled without the dolphins; and a third would not allow either chasing or encirclement. To accomplish that, a new method for catching large yellowfin would have to be developed. Dr. Joseph concluded his review with a description of the specific programs suggested by the staff for research and for increased extension services, described in detail in Background Paper 1.

Chairman Hallman opened the floor for discussion concerning the course of action which should be taken.

Ing. Herbert Nanne of Costa Rica expressed deep concern about the current situation, even though Costa Rica does not have an active fleet in the EPO, and supported the proposals outlined by Dr. Joseph.

Dr. Francisco Herrera of Venezuela expressed support for a multilateral approach to the problem to ensure compliance with existing international agreements such as the General Agreement on Tariffs and Trade (GATT), rather than the unilateral embargoes mandated by the U.S. Marine Mammal Protection Act (MMPA) (Appendix III). Such a multilateral solution would serve as a worldwide model for other conservation problems. He stated that any moratorium on fishing on dolphin-associated tuna would be ill-advised in the short term, lest the tuna be sacrificed in order to save dolphins. Venezuela is prepared to take the issue of U.S. embargoes to the GATT if the embargoes are not lifted. He also supported the proposals of the IATTC staff.

Mr. Daniel Silvestre of France congratulated the IATTC and the contracting parties for their efforts to reach the objectives of the Commission. He noted that objective 1 of the IATTC, maintaining a high production of tuna, is also an objective listed in the Law of the Sea treaty. He supported the proposals of the IATTC staff, particularly those listed on pages 8-9 of the Background Paper 1 concerning research on FADs and on the tuna-dolphin association. He urged that research be conducted to find out why the tuna-dolphin association does not occur in other oceans.

Mr. Richard Carpenter of Vanuatu supported the multilateral approach. He noted that it was interesting that Vanuatu's catches had been embargoed by the United States in 1991, when its fleet had a lower mortality-per-set rate than that of the United States. He assured the United States that Vanuatu would not embargo U.S. catches for not meeting Vanuatu performance standards because of its commitment to a multilateral approach. He encouraged discussion along the lines of the IATTC proposal, and suggested that the schedule of limits be explored.

Mr. Henry Beasley of the United States commented that the proposal provided a useful basis for discussion. He recognized that the U.S. embargoes are a sensitive issue; the U.S. delegation had made efforts to ameliorate the embargoes, but the outcome remained uncertain. He stated that it would be very useful to explore international research efforts, and that the target schedule could be made even more challenging in light of the success of the fleet thus far.

Mr. Koji Imamura of Japan also expressed concern about the current situation, and noted the hardships imposed by excessive marine mammal protection (Appendix IV).

Dr. Jerónimo Ramos of Mexico supported a multilateral approach, and he reviewed the steps Mexico has taken for dolphin conservation: (1) creation of a national observer program to increase coverage to 100%, (2) research directed toward technical improvements to the purse-seine procedure, and (3) promotion of a multilateral framework to encourage both conservation and trade. He noted that Background Paper 1 needed greater depth. He also expressed concern over the U.S. embargoes.

Dr. Varela of Panama expressed agreement with the proposed program.

Chairman Hallman stated that there appeared to be a consensus that a multilateral approach is necessary and that the proposal was a good one. He expressed the need to study Background Paper 1 carefully this evening for tomorrow's discussions, and recessed for the day at 1645 h.

The meeting was reconvened at 1000 h on Wednesday, 22 April 1992, by Chairman Hallman. He reiterated that the enhanced program was a good idea, and that the specifics needed to be discussed. It is likely that these discussions will need to be in two phases, with the second phase to be completed at the 50th Meeting of the Commission in June, 1992.

Dr. Herrera announced that the Venezuelan Congress had just passed legislation to apply for admission to the IATTC, and it remains only for the President to sign the legislation. The Chairman expressed pleasure at Venezuela's participation in the work of the IATTC.

Mr. Beasley of the U.S. welcomed Venezuela to the IATTC. He then introduced Mr. David Colson of the U.S. delegation. Mr. Colson applauded the constructive attitude of the participants, particularly given the divisiveness of the issue of embargoes among countries and within the United States. He recalled that the U.S. delegation had promised in the Costa Rica Resolution that it would extend its best efforts to remove the embargoes imposed by the U.S. Congress. It had not been successful in influencing Congress, and had then attempted a different approach. A legislative initiative was proposed that would (1) remove the embargoes, (2) reduce mortality over a 2-year period, and (3) impose a 5-year moratorium on sets on dolphin-associated tuna, starting in 1994. This proposal failed to gain the support of the environmental community, and it was not at all certain that the agreement would be passed by the U.S. Congress. He stated that the environmental community wanted to see an end to dolphin encirclement; the proposal did not clearly offer this end, although it came close. Mr. Colson said that he could not see how a situation could be created that would result in a change in the MMPA. He stated that there has to be separation of the issue of unilateral embargoes and multilateral conservation measures to reduce dolphin mortality. He stressed that it is necessary to take the multilateral approach, not because it will get rid of the embargoes, but because it is the right thing to do. The embargoes should not stand in the way of a cooperative approach to dolphin conservation and dolphin management. He stated that failure to do so would only feed the extreme elements in the United States that believe that the non-U.S. fleet is not attempting to save dolphins. He supported the proposal to improve present technology and conduct research on alternative technologies. He encouraged the fishermen to take the lead in these conservation measures.

Chairman Hallman then opened the floor for comments by all attendees.

Mr. Juan Carlos Cárdenas of Greenpeace, Latin America, supported a multilateral approach to regulation of the international fleet with the long-term goal of eliminating intentional sets on dolphins at the global level (Appendix V). He also urged the importance of educating the public by providing it with complete information.

Ms. Nancy Daves of the Animal Protection Institute of America outlined a proposed alternative agreement to the one outlined by Mr. Colson that is being considered in Congress (Appendix VI).

Ms. Barbara Britten of the American Cetacean Society stated that the IATTC document is not a proposal, but a series of options (Appendix VII). She expressed the need for well-funded, systematic, and long-term research for alternatives, and noted that environmental organizations had been instrumental in influencing the U.S. Congress to apportion money to study the problem. She supported research into the



tuna-dolphin association, and the establishment of an Advisory Board that included members outside the IATTC.

Mr. Alejandro Villamar of the Red Mexicana de Acción Frente al Libre Comercio stated that the problem is not merely governmental but social (Appendix VIII). He noted that tuna is an important source of protein for the Mexican people, and that the Mexican government would not have popular support if the concerns of its people are ignored. He also supported a multilateral approach that takes into account international rights.

Mr. Thomas Crehan of the Fishermen's Cooperative Association of San Pedro urged the governments to adopt the proposal without reservation or qualification.

Mr. Felipe Charat of the Cámara Nacional de la Industria Pesquera stated, in response to Mr. Colson, that the fishermen have already taken the lead in reducing mortality and separated the question of embargoes from that of dolphin mortality reduction. The fishermen are the only ones who have reduced mortality in a concrete way, in spite of the embargoes and the "dolphin-safe hoax." He noted that the U.S. National Academy of Sciences concluded that dolphin populations totalled 8 million, with a net maximum growth rate of 2 to 6%, and that fishing on dolphin-associated tuna was necessary to maintain tuna resources. He was alarmed that, in a recent Federal Register notice, the Marine Mammal Commission (MMC) had stated that the tuna-dolphin problem was not a scientific but a moral and ethical question. He questioned whose morals and whose ethics were to be considered. He also noted a discrepancy between the MMC and President Bush's statement that conservation needs to be based on science. He welcomed the comments by Greenpeace. He believed that the industry has achieved both an expansion of the dolphin populations and the tuna resource. He expressed confidence in the scientific expertise of Dr. Joseph and the IATTC staff.

Mr. Franklin Alverson, a fisheries consultant, stated that the environment is not just dolphins, and that fishing on logs is more wasteful than fishing on dolphins because of large amount of discards, particularly of small yellowfin that have not grown large enough to reproduce. He noted that the current low mortality rate of dolphins should allow those populations to grow.

Mr. Carlos Arbelaez of Seatrading International thanked Dr. Joseph for presenting the only avenue to save the industry. He noted that the Vanuatu fleet had accepted the challenge of the Costa Rica Resolution and achieved the best record in the international fleet, despite the fact it was punished, rather than rewarded, by environmental groups. He said that the fishermen were double-crossed by the proposed 5-year moratorium because he did not believe the fishery could survive 5 years without setting on dolphins. He questioned the common decency and justice of having the futures of businessmen and fishermen being determined, without representation, by U.S. citizens and the U.S. Congress. He stated that the two-track approach of the United States was not realistic, and that the United States needs to commit itself to a multilateral solution. He thanked the environmental groups for their understanding.

Mr. John Royal of the Fishermen and Allied Workers Union said that it would be a mistake to reinvent the fishery, because the current system works well. He supported modification to the purse-seine procedure to reduce mortality. He thanked Mr. Colson for his honest appraisal, and the environmental groups for their understanding.

Mr. Robert Heztler of Star-Kist Foods gave his personal view that the world is demanding an end to the killing of dolphins, and that this needs to be accepted. He noted that purse seining is the best and most economical way to fish for tunas, and that some way is needed to modify current methods to bring dolphin mortality to zero. Otherwise, he believes that the world public opinion will impose a ban on encirclement of dolphins.

Dr. Herrera of Venezuela acknowledged the good will of many environmental groups. He noted that the U.S. National Academy of Sciences report called for a 5- to 7-year research program, and that a moratorium should not be considered until after such a program had been carried out. He asked Dr. Joseph how long it would take to observe an effect in the tuna population after such a moratorium was imposed. Dr. Joseph estimated that the effect should be observed after about 2 1/2 years. Dr. Herrera stated that the 5-year moratorium would destroy the tuna resource. Venezuela had been willing to accept a 5-year moratorium, but an indefinite moratorium was unacceptable.

Chairman Hallman then recessed the open session of the meeting at 1135 h, and a closed session was convened at 1200 h.

A discussion ensued about how a resolution should be drafted, what it should contain, and how the proposed program could be funded. There were questions about whether the IATTC could be involved in the enforcement aspect of the proposal and how non-member countries would be involved. It was emphasized that the IATTC could not impinge on the sovereignty of any nation in regard to enforcement.

Dr. Ramos of Mexico introduced Dr. Guillermo Compeán, who described the Mexican observer program and research projects (see Appendix II of the Resolution for a description of current and proposed research programs).

Dr. Joseph presented a summary of the proposal as an outline for discussion. He noted that there appears to be a consensus about requiring 100% observer coverage on vessels with carrying capacities greater than 400 tons, and about a schedule of mortality targets that are reduced significantly over time. He said that there are several ways to implement such a system, described in Background Paper 1. Compliance would be enforced by national regulations, and an Advisory Compliance Panel would be created to monitor and report infractions. The training of vessel captains and the gear inspection program would be enhanced by increasing the frequency of workshops and inspections. Research would be conducted on current technology and alternatives. Funding for this program would be in addition to the normal assessment for the IATTC.

In the goals of the initiative, it was agreed that a multilateral approach should be emphasized. The 100% observer coverage was agreed to, and it was agreed that at least half of the observers would be placed by the IATTC; the rest could be placed by national programs. A question arose as to whether IATTC observers could testify in Mexican courts. It was agreed that a protocol defining the duties and authority of IATTC observers be discussed at the meeting of the IATTC in June.

The question of the target mortalities was discussed. The U.S. proposed a more challenging schedule to maintain credibility, although it was argued that a schedule that was not attainable would lose credibility with the fishermen. Discussions touched on the relative advantages of individual vessel quotas, national quotas, and mortality-per-set (MPS) quotas (see Appendix V of Background Paper 1). The problems of changes in fleet size and new national fleets attempting to enter the fishery were also discussed. The ability

to make adjustments prior to and during Phase II of the program was suggested, due to the uncertainty as to whether the Phase-II targets were too conservative or not realistically achievable. The question as to whether the imposition of a management scheme would impinge upon the sovereignty in the Exclusive Economic Zones of coastal countries was raised. The authority of any compliance panel would need to be defined such that it did not infringe upon national sovereignty. It was decided to present the alternative plans for implementing the targets at the June meeting.

Dr. Joseph reviewed the proposed enhanced training and gear extension program and the Scientific Advisory Board. The funding of the Board would be dealt with at the June meeting.

At 1745 h, a separate working group, formed by Drs. Guillermo Compeán (Mexico), Douglas DeMaster (United States), Martín Hall (IATTC), and Santos Valero (Venezuela), met to list the research projects being conducted and planned by the IATTC and national programs. Dr. Hall described these projects, listed in Appendix II of the Resolution. Research suggested by Mr. Silvestre of France concerning the ecological impacts of different fishing methods was included. Mr. Beasley suggested that a coordinating body be formed to avoid duplicative research. Dr. Joseph replied that the recommended Scientific Advisory Board would serve that function.

Chairman Hallman expressed the need to get commitments from the governments to fund this research. Dr. Herrera announced officially that the government of Venezuela would be giving \$500,000 to the IATTC for dolphin research.

At the request of the Chairman, Dr. Joseph agreed to draft a resolution with the help of members of the various delegations.

At 1940 h the meeting was recessed.

#### **Agenda Item 6 - Recommendations**

The closed session of the meeting was reconvened at 1115 h on 23 April 1992 by Chairman Hallman. He began the meeting with a procedural question of whether this is an IATTC or an inter-governmental resolution. He suggested that the resolution be first considered as an inter-governmental resolution, and then modified to be considered as an IATTC resolution. The delegates from Costa Rica, France, and Japan stated that they did not have authority to represent their countries in an inter-governmental forum. Mr. Carpenter suggested that the only alternative was to regard the resolution as an IATTC document and that the non-member countries could refer to the resolution and voluntarily agree to abide by it. Dr. Herrera suggested that an inter-governmental meeting be scheduled at the time of the June IATTC meeting to discuss a similar resolution at that time. It was agreed that such a meeting should be planned. The draft resolution would need to be modified to be appropriate as an IATTC document.

At 1135 h, an open session was convened to report the progress of the meeting and to hear comments from interested parties that had not been heard from previously.

Mr. Silvio Lusena of ANCIT thanked Dr. Joseph and the IATTC, and introduced Dr. Adolfo Valsecchi, the Vice-president of ANCIT. Mr. Lusena described the involvement of the Italian canneries in attempting to alleviate the tuna-dolphin problem (Appendix IX). He noted that the association has contributed to the IATTC dolphin program in 1991 and will contribute \$400,000 to the IATTC for its dolphin program in 1992.

The canneries also are taking more care in selecting tuna from the EPO and are requiring greater effort from their suppliers. He supported a multilateral approach, with strong enforcement and involvement of the public, including non-governmental organizations. He also expressed support for the role of the IATTC Chairman Hallman thanked the association on behalf of the member countries.

Ms. Traci Romine of Greenpeace International stated that all of the parties involved have been part of the problem, and all need to be part of the solution (Appendix X). The position of Greenpeace for years has been that the solution to the problem will be reached only through a multilateral agreement and program. She urged the governments to continue their dialogue with non-governmental organizations, and recognized the fishermen's effort in reducing dolphin mortality.

The open session recessed at 1150 h and a closed session reconvened at 1225 h. The wording of the proposed resolution was discussed. It was proposed by Mr. Carpenter, and agreed to by the other representatives, that the following schedule of targets be used to reduce dolphin mortality:

Year	Mortality Limit
1993	19,500
1994	15,500
1995	12,000
1996	9,000
1997	7,500
1998	6,500
1999	<5,000

It was decided that the proposed function of the Scientific Advisory Board be defined and presented to the IATTC annual meeting in June. Dr. Ramos of Mexico asked who would be on such a panel, and Mr. Silvestre of France asked who would select the panel. Dr. Joseph replied that the best scientific expertise available would be sought, and that the selection could be made by the Director, by the Commissioners, or by the Director with approval of the Commissioners. The details of the funding and the selection scheme for this panel would also be decided at the June meeting.

Dr. Herrera noted that in the previous resolution the U.S. delegation had promised to attempt to influence the U.S. Congress to lift the embargoes, and requested that, in light of the multilateral cooperation expressed in this resolution, a similar commitment be included in this resolution. Mr. Colson reiterated the U.S. position that the embargoes are a separate issue, and could not commit to removing them in this resolution. Dr. Herrera requested that the United States record in the minutes an acknowledgement that a multilateral approach was required and that the United States bring its position in line with the GATT. Mr. Colson stated that the United States has a strong interest in a multilateral approach and that it would be better to work multilaterally rather than unilaterally. The administration will seek every means possible to find a political solution to the embargoes. Dr. Herrera stated that this was satisfactory, although they had really expected something more explicit, but they would have to accept that. Chairman Hallman requested that the Venezuelan request and the U.S. response be recorded in the minutes.

The final draft of the resolution (Appendix XI) was agreed to, and at 1935 h the session was reopened to the public.

Chairman Hallman welcomed the public and apologized for the long delay. He summarized the resolution and noted that several details of the proposal would be discussed at the June meeting of the IATTC. He opened the floor for comments.

Mr. Richard Atchison of the American Tunaboat Association applauded the efforts of the participating governments and the responsible attitudes of the environmental groups (Appendix XII). Mr. Charat supported Mr. Atchison's remarks.

Dr. Herrera repeated for the open session the announcement of the Venezuelan government's appropriation of \$500,000 to the IATTC for its tuna-dolphin research program. Chairman Hallman thanked the Venezuelan government for this important contribution.

Mr. Colson noted that United States plans to spend \$1.2 million on dolphin-safe research and that these projects are included in Appendix II of the Resolution. He also announced that the U.S. State Department would be allocating an additional \$250,000 to the IATTC for research on alternative fishing methods. Chairman Hallman stated that the U.S. contribution is most welcome.

Dr. Ramos of Mexico noted that his government plans to allocate \$1 million to the tuna-dolphin problem; the details of this allocation will be presented at the June meeting. He also noted the success of the governments to come together and reach agreement.

Chairman Hallman expressed appreciation for the hard work and high level of participation of the governments. He expressed thanks to Dr. Joseph, Dr. Hall, the rest of the IATTC staff, and the interpreters for their work.

#### Agenda Item 8 - Adjournment

The meeting was adjourned at 2000 h.

## LIST OF BACKGROUND PAPERS

Background Paper 1. Comments on an international program for the conservation of dolphins in the eastern Pacific Ocean. IATTC.

## LIST OF APPENDICES

Appendix I. List of attendees.

Appendix II. Agenda.

Appendix III. Statement of Dr. Francisco Herrera, Venezuela.

Appendix IV. Statement of Mr. Koji Imamura, Japan.

Appendix V. Statement of Mr. Juan Carlos Cárdenas, Greenpeace Latin America.

Appendix VI. Statement of Ms. Nancy Daves, Animal Protection Institute of America.

Appendix VII. Statement of Ms. Barbara Britten, American Cetacean Society.

Appendix VIII. Statement of Mr. Alejandro Villamar, Red Mexicana de Acción Frente al Libre Comercio.

Appendix IX. Statement of Mr. Silvio Lusena, Associazione Nazionale Conservieri Ittici e delle Tonnare.

Appendix X. Statement of Ms. Traci Romine, Greenpeace International.

Appendix XI. Resolution of the IATTC and participating observer governments.

Resolution Appendix I. List of observer governments participating in the Special Meeting.

Resolution Appendix II. Dolphin-safe research projects.

Appendix XII. Statement of Mr. Richard Atchison, American Tunaboat Association.

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**SPECIAL MEETING**

April 21-23, 1992

La Jolla, California

**PROVISIONAL AGENDA**

1. Opening of the meeting
2. Adoption of agenda
3. A review of the tuna-dolphin fishery
4. A discussion of IATTC objectives concerning dolphin conservation
5. Consideration of research requirements necessary to achieve objectives
6. Recommendations
7. Other business
8. Adjournment

La Jolla, California

March 1992

Appendix III.

STATEMENT OF DR. FRANCISCO HERRERA, VENEZUELA

Venezuela firmly believes that the issue of dolphin mortality in connection with tuna fishing in international waters, including but not limited to the eastern tropical Pacific ("ETP"), must be dealt with on a multilateral basis. Multilateral action is necessary both to ensure compliance with existing international agreements (in particular, the General Agreement on Tariffs and Trade ("GATT", signed by 108 countries), and to ensure effective implementation by all tuna fishing nations of measures to conserve both dolphin and tuna.

As you all know, both the U.S. primary and secondary embargoes have seriously disrupted trade in tuna throughout the world. As is widely known, in the spring of 1991, Mexico requested formation of a panel to review the legality of the U.S. embargo under the GATT. In the panel proceedings, Venezuela and ten other countries expressed support for Mexico's challenge. The GATT panel upheld Mexico's challenge, finding that, among other things, the MMPA embargo was not "necessary" to protect dolphin life or health, as the United States had claimed.

The fundamental message of the GATT panel ruling is that an international solution to the tuna-dolphin problem must be sought, and that the solution must reflect both the principles of free trade and the broadly shared goal of worldwide dolphin protection. Far from threatening the future of global environmental protection, the panel ruling provides an instructive basis for future action.

At our meeting here, there is potential for significant progress toward establishing a dolphin-safe research program. We could, for example, agree on the basic elements, timetable, and potential funding sources for such a program. Optimally, the program would involve experimenting with a number of different tuna-harvesting procedures, including setting on dolphin only to the extent necessary to determine how best to avoid dolphin while catching mature yellowfin tuna. We could identify research undertaken ' date that appears particularly promising, and make commitments to pursue further efforts along these lines. There is no reason not to begin this critical work now.

The solution to the dolphin mortality problem will not be found overnight, however. As James Joseph testified in March before the U.S. Congress, considerable time is needed to design, fund, and organize an effective dolphin protection research program. Indeed, according to the recent report of the National Academy of Sciences on Reducing Dolphin Mortality from Tuna Fishing, such research should continue for at least five years. In light of this recommendation and the IATTC's estimate that an absolute prohibition on sets on dolphin in the ETP prior to the development of tuna-dolphin disaggregating techniques would result in a significant reduction in yellowfin tuna stocks, recent proposals for adopting a near-term moratorium on sets on dolphin appear ill-advised. Although such a moratorium may be a laudable longer-term goal, we must first pursue a serious research effort so that we will not, out of haste to save the dolphin, sacrifice the tuna population.

Venezuela calls on all other interested nations to join in developing a strong multilateral dolphin-tuna protection regime, including a research program and strict standards for dolphin mortality reductions. While this regime might initially apply only to the ETP, it could serve as a model for agreements applicable worldwide. On the other hand, if the United States does not find a way to lift the embargoes soon, Venezuela is prepared to initiate its own challenge to the embargoes under the GATT.

Much more preferable and productive than engaging in international disputes would be to use our current opportunity to begin serious work on a multilateral dolphin-tuna protection agreement. Rather than wasting further time and resources on overheated emotional debate, let us direct our efforts toward negotiating a reasonable plan that will work to conserve both dolphin and tuna at levels widely acceptable to all concerned.

Therefore, Venezuela is very supportive of Dr. Joseph's proposals.

Appendix IV.

STATEMENT BY MR. KOJI IMAMURA, COMMISSIONER FOR JAPAN

Japanese purse-seiners do not operate in the eastern Pacific Ocean. However, as a member of the IATTC, Japan has strong concerns about the result of this meeting, for the following reasons:

1. Exports of Japanese tuna products are also to some extent influenced by the embargo by the U.S. Government. This controversial issue should be solved as soon as possible.
2. Discontinuation of fisheries may sometimes happen by the overprotection of marine mammals. Japan has undergone hardships in other fisheries in the north Pacific area in relation to marine mammals. Some level of incidental take should be permitted for any fishery.
3. Because of strict regulation in the eastern Pacific area, some purse-seiners are inclined to move to the western Pacific area, and as a result may have some detrimental impact on the condition of the yellowfin stock there.

Appendix V.

COMMENTS BY JUAN CARLOS CARDENAS, GREENPEACE LATIN AMERICA

Mr. Chairman:

First, Greenpeace would like to thank the Director of the IATTC, Dr. James Joseph, and also Dr. Martín Hall, for providing once again this most valuable opportunity for encounter and dialog among the various parties involved in the tuna-dolphin problem, in the search for a stable and agreed solution.

Greenpeace, as an international environmentalist organization with branches in 26 nations and the support of four million members, has for years been looking to establish a multilateral political solution to the complex political, economic, social, technological, and environmental problem posed by the interaction between the fisheries for tunas and marine mammals.

We believe that, in view of the current process of accelerated degradation of ecosystems and marine resources in all seas and oceans, it becomes more imperative every day that we reach new *rapprochements* in order to achieve fisheries which incorporate aspects of environmental responsibility and social equity in their productive process.

In this respect we advocate multilateral solutions to international environmental problems, since we consider that this is the only framework in which the asymmetries among states and among the various parties involved can be evened out.

We believe that, from a non-governmental perspective, a multilateral agreement for regulating the tuna fisheries should have as a final long-term goal the worldwide elimination of the technique of intentional setting on dolphins and its replacement with alternative fishing methods.

In this process, there should be a period of transition long enough to permit the creation of conditions of political, economic, social and environmental security. In this period of transition we believe that it is essential to continue to stimulate the current process of gradual reduction of the annual mortalities of dolphins.

A multilateral agreement must guarantee a definitive political solution to the problem of the continued application of unilateral embargo measures to fishing nations operating in the eastern tropical Pacific Ocean.

Establishing an adequate and unequivocal period of transition should allow the full development of a program to seek alternative fishing technologies, the setting up of broad research program, with the full participation of the scientific entities, and the consolidation of a system of public information and monitoring which will ensure its consistency and credibility.

Greenpeace believes that one of the central elements which will ensure wide-based support is full public information, and also the participation of a well-informed civil society. We believe that these aspects should be addressed explicitly in any multilateral agreement.

Greenpeace further believes that the free access of the participating countries to benefits deriving from the research program into alternative fishing technologies should be made explicit in a multilateral agreement.

We support the framework of the proposal for a multilateral solution and believe that the measures that spring from it should be codified in the national legislations of the participating nations.

Greenpeace reiterates its support for the consensus for a multilateral agreement expressed by the various parties and is prepared to assume an active role in this prospect.



Appendix VI.

STATEMENT OF MS. NANCY DAVES, ANIMAL PROTECTION INSTITUTE OF AMERICA, U.S.A.

We in the environmental community have been asked what it is that we want in the way of modifications to the tuna-dolphin fishery.

I will answer by describing a draft proposal that we are currently discussing with staff from the U.S. Congress which we believe offers a solution to this contentious problem.

1. The proposal directs the U.S. Government to seek a multilateral agreement for an indefinite global moratorium on the practice of harvesting tuna by encircling dolphins. The proposal calls for the moratorium to begin on March 1, 1994.
2. The proposal calls for a period of research through the IATTC or other regional bodies outside the eastern tropical Pacific. The goal of the research would be primarily to develop methods of fishing for large yellowfin tuna without setting on dolphins, with a secondary goal of determining methods of setting on dolphins with zero mortality or serious injury. An annual cap would be imposed on dolphin mortality caused by research sets.

This research program will continue for some period of time past the March 1, 1994, date. Reports monitoring the research will be submitted to the contracting governments for possibility of changing the terms of the moratorium.

3. The multilateral agreement would call for reductions in dolphin mortality on a percentage basis until March 1, 1994. The quota for mortalities caused by U.S. boats would be reduced on the same percentage basis. These mortalities would be verified by 100% observer coverage.
4. For the dolphin-safe tuna of nations which participate in this multilateral program, the embargo provisions of the MMPA would not be applied.

As Ambassador Colson mentioned earlier, this legislative proposal is still undergoing review and has not yet been introduced as a bill. We hope that through this proposal we will find a way to extricate ourselves from this contentious international problem in a way that is fair to both the fishermen and the dolphins.

All the work on this proposal should be viewed as occurring in a separate arena from this body. The activities of the IATTC and the work of the Congress are complimentary but not linked. We view the proposal of the IATTC staff for the reduction of dolphin mortalities as a step in the right direction, and we urge this body to surpass this goal.

Appendix VII.

STATEMENT OF MS. BARBARA BRITTEN, AMERICAN CETACEAN SOCIETY

My name is Barbara Britten and I am the Washington Representative of the American Cetacean Society.

Thank you for the opportunity for us to speak at this open session. It is a welcome innovation and provides an opportunity for all of you to hear first-hand what our views are, rather than their being filtered through other channels, or heard second-hand through others' ears and expressed in others' voices.

It is noteworthy how quickly Dr. Joseph's "Comments on an International Program" presented in his comprehensive Background Paper have become formalized by some people here and have rapidly become transformed into a unified new entity informally called "The Joseph Proposal." In reality, it is not one proposal, but a series of options, most of which deserve careful attention and, more importantly, a firm commitment to genuine support from those in this room within each group's scope of activities, its priorities and its resources.

In terms of priorities, and addressing the discussion devoted to research, for many years several of the environmental groups that are here and which are represented in Washington have been actively engaged in the tedious, frustrating, and time-consuming process of trying to cajole Congress into authorizing and appropriating more funds for fundamental long-term research on a whole host of marine environmental/ecological issues. We've even occasionally succeeded, as in the case of the five-year program funded for research on marine debris. We therefore welcome the ideas presented to promote well-funded, systematic long-term research on developing fishing methods that do not require encircling or setting on dolphins to secure large yellowfin tuna. It should be noted that many of the successful gear modifications and innovative fishing techniques now in use come about not through any funded or directed research, but from the imagination and skill of some of the skippers.

Concomitant with working on new technologies, like better FADs or LIDAR, is the need for well-funded and scientifically sound research protocols on the fundamental biological phenomena of tuna and dolphin behavior and their bonding conduct, both of which underlie the tuna-dolphin issue. We therefore welcome the creation of an Advisory Board comprising an international panel of scientists, administrators, environmentalists, and others. We strongly urge the IATTC to reach out in the international community beyond those nations currently members of the IATTC to create such a Board.

There are many imaginative, thoughtful and expert potential members of this Board located in other maritime nations with a long history of reliance on the ocean's resources who could be tapped to lend their expertise. I would also suggest that there could be a potential for the kind of funding necessary to undertake these major studies by reaching out to some U.S.-based and internationally-based foundations for which a couple of hundred thousand dollars is not the formidable obstacle that it is to many governments in these days of tight budgets. Furthermore, it is conceivable that one or two of the U.N.'s specialized agencies, such as the FAO or UNEP, could at least provide an aura of internationalism, even if no funds from them were available.

In any event, we welcome this chance to express our views and will lend our support to promoting fundamental long-term research in any way that can be useful.

Appendix VIII.

STATEMENT OF ALEJANDRO VILLAMAR, MEXICAN ACTION NETWORK ON FREE TRADE

First, I wish to thank Dr. James Joseph and the IATTC for giving us the opportunity of participating in this important meeting. Our presence here may perhaps surprise some, but we are not here by chance, but as a result of profound changes that are taking place in Mexican society.

I wish to emphasize that the tuna-dolphin issue and the embargos are not a problem just for governments, but rather a wider social problem, and therefore concerns all groups in all societies. In our view this issue falls within the agenda for the United Nations conference on the environment and development, but also goes beyond the Rio de Janeiro conference next June.

Because for us the tuna-dolphin issue is part of the concept of sustainable development, a concept on which the majority of non-governmental organizations (NGOs) are already agreed, as are a good number of the world's governments.

The problem is therefore not exclusively ecological but of wider scope: it is social. And we must not forget nor hide the fact that it also has to do with the battle for markets and with the fulfilment of social needs, but with a vision with long-term environmental, economic, and social support.

For us the tuna-dolphin problem is linked to the fulfilment of the needs of Mexican society. Nowadays canned tuna is the main source of animal protein of aquatic origin, the cheapest and one which can be found in the most remote rural areas. This should serve as an example to show that it is a social problem, which goes beyond governments, which you, as governmental delegates, should bear in mind.

For our part, we wish to point out that in the resolution of the embargo, the real answer is multilateral. We will support our government (as we have done in the past) if it mounts a solid defence of social interests, but I am sure that the Mexican government would not have the support of Mexican society if it were to yield to the interests of the multinationals.

Because for us it is not only a question of saving dolphins (as we have insisted be done) but also of our own development, of protecting the other threatened species: humanity, man.

We know that in this struggle for sustainable development, Mexican civil society will find allies among the principal NGOs in both the United States and Canada, as well as among companies with a legitimate interest, such as the European canners.

Without repeating myself, I wish to state that we agree with what has been said by other NGO representatives regarding seeking multilateral mechanisms and situations which will allow us to find negotiated solutions and bring about economic, social and political stability to this complex problem.

As regards the specific issue of the research proposals presented by Dr. James Joseph, naturally, we support these and ask the governments to seek mechanisms to implement them. This is a multilateral proposal and therefore worthy of support. We hope that, faced with this new task, a scientific organization as respectable as the IATTC will also find the means of introducing changes in accordance with the circumstances which will permit a greater participation by NGOs, and that there be a greater access to information.

Finally, I wish to point out that, as regards the embargo, the solution for us lies also in respect for international law, and that this is built on a foundation of respect for national sovereignty. Therefore unilateral actions do not solve but rather exacerbate conflicts. It is therefore necessary that multilateral commitments and agreements be reached, signed, and complied with.

Thank you very much, Mr. Chairman.

Appendix IX.

STATEMENT OF MR. SILVIO LUSENA, ANCIT

Good Morning.

My name is Silvio Lusena. I am president of the Italian tuna canners' association.

I thank the IATTC, and in particular its Director, Dr. James Joseph, for giving me the opportunity to express the Italian canners' point of view on the dolphin issue. But first let me introduce (although many of you already know him) Dr. Valsecchi, our Vice-president.

As you already know, Italian tuna canners annually process 120.000 metric tons of large yellowfin, nearly all of which is imported, as Italy has no oceanic tuna fleet.

Most of this tuna is imported from the Atlantic and Indian Oceans, but - when necessary - it may come from the western and eastern Pacific.

As considerable quantities of large yellowfin tuna are caught in the eastern Pacific, Italian tuna canners are closely involved in the dolphin issue and earnestly interested in its solution.

Already in 1991 Italian canners decided to cooperate with the IATTC by contributing to the financing of some of its programs for the protection of dolphins and by requiring from their suppliers an increasing effort for dolphin protection. This action by the Italian canners has been emphasized in 1992: during this year the sum of US\$ 400,000 has been or will be given to the IATTC to support its activities in favor of dolphin protection. At the same time procurements of tuna from the eastern Pacific are being selected with greater attention.

We are pleased to hear of the brilliant successes obtained by the fleets in the eastern Pacific in drastically reducing dolphin mortality. Unfortunately, notwithstanding the wonderful part played by the IATTC, the above represents a considerable improvement of the situation, but not a solution to the dolphin issue.

A solution must be aimed at the creation of a multilateral program seeking as a long-term goal the elimination of setting on dolphins. Such a program should include strong enforcement, and adequate information on results of the program should be public and of frequent release. A reasonable period for implementing this program should be considered. During that time, annual reduction of dolphin mortality should be fixed and achieved. Many of these ideas have already been presented in Dr. Joseph's proposal.

The above program should take into consideration the generality of non-governmental organizations.

We think the time has arrived for a combined final effort. We sincerely hope that no more unpleasant measures will be necessary, and that all interested parties will work with the IATTC and its extremely efficient Director, Dr. James Joseph, and Dr. Martin Hall, head of the tuna-dolphin program. Thank you.

Appendix X.

ADDITIONAL COMMENTS BY MS. TRACI ROMINE, GREENPEACE INTERNATIONAL

Thank you, Mr. Chairman and participants of this meeting. I am the international coordinator of the tuna/dolphin campaign for Greenpeace. In my role as international coordinator, I would like to reiterate the position of my organization. Greenpeace thinks that governments, fleets, canners, and NGOs have all been part of this problem, but we also must be part of the solution.

As we have said for years, the solution to this problem will only be reached through a multilateral agreement and program. Such an agreement and program must be consistent and credible. In the last couple of days, we have heard many positions about which we would like to comment.

First, the U.S. government has refused to cooperate in multilateral efforts. Instead they attempted to construct a series of bilateral agreements. This was not acceptable.

This position contrasts with the actions of the Vanuatu government. Vanuatu is a developing country that has realized a dramatic and successful effort for reducing dolphin mortality, obtaining a kill rate lower than the developed nation that has imposed embargoes against numerous countries. The attitude of the Vanuatu government has been to try for a real solution to this problem, therefore, instead of moving to embargo the U.S., Vanuatu continues to work toward a multilateral solution.

Secondly, the U.S. Congress allocated public funds for international research programs. To date, the U.S. agencies have failed to release this funding for international projects and have refused to respond to verbal and written requests regarding the status of this money.

Situations similar to these have occurred with other governments choosing to gamble on bilateral political solutions. This alternative can only induce new crises and instability with growing environmental and social impact.

Greenpeace emphasizes that all parties should strive for a politically stable situation and avoid paralytic polarization.

Yesterday, the only voice that remained silent was that of the canners. In addition, Star-Kist, one of the world's largest canners, a transnational corporation that has profited greatly from the eastern Pacific continues to avoid its responsibility by refusing to invest in alternatives and monitoring in the eastern tropical Pacific.

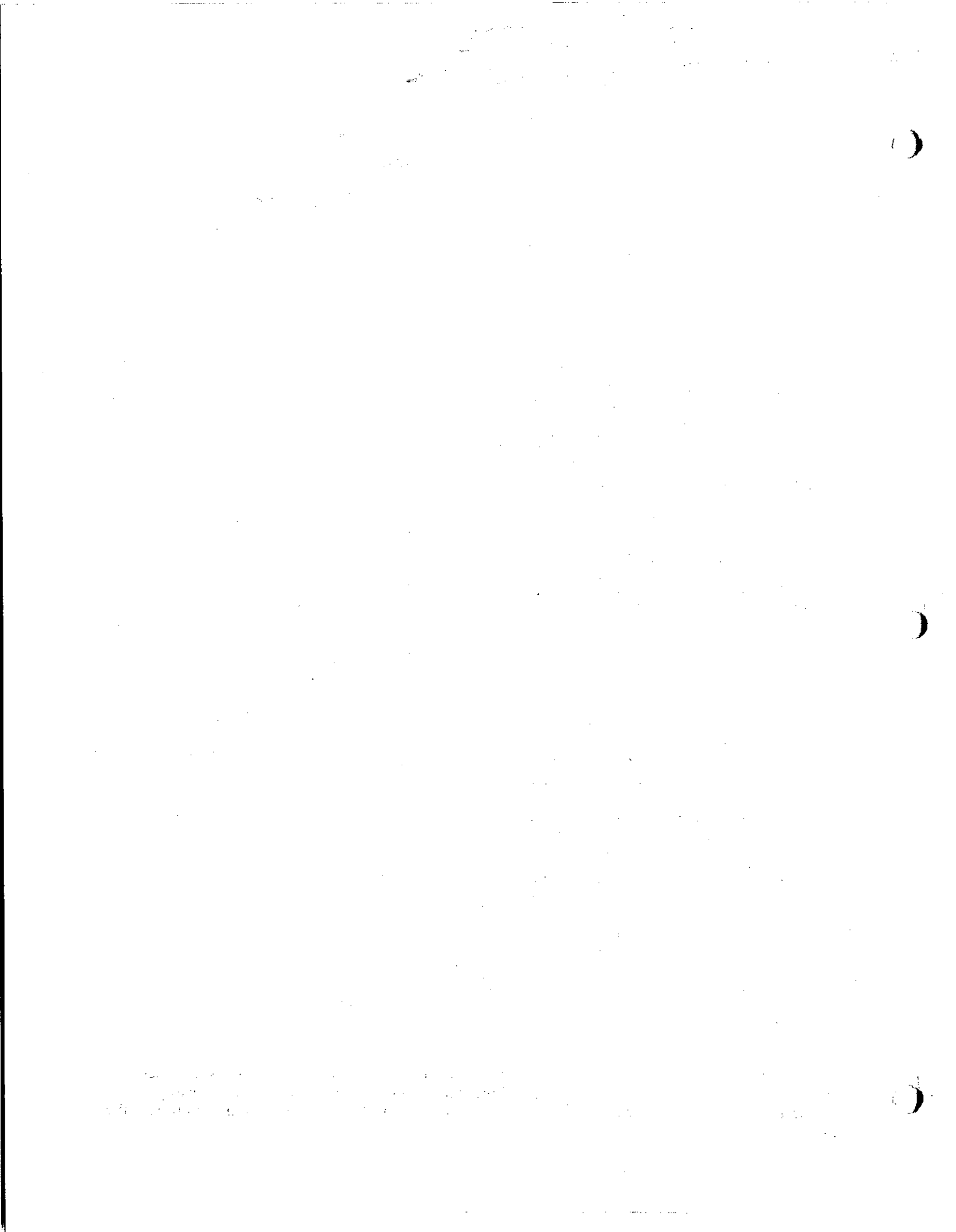
As part of this problem and the solution to this problem, we urge all environmental groups to embrace multilateral solutions rather than unilateral actions and to continue to work with our colleagues from non-governmental movements in all nations, especially those in the eastern Pacific region.

Greenpeace emphasizes that two elements must be present for a credible multilateral solution. One is the real, full, timely and public release of information. This is the responsibility of each government and the multilateral scientific organization. Greenpeace wants to help this occur.

Secondly, this multilateral program must include formal mechanisms that provide for continual evaluation and public oversight. The internal structure of the multilateral administering body should incorporate formal mechanisms that encourage this participation and release of information.

We encourage anyone working in this forum and interested in attaining these goals to join us in establishing an informal consultory group to stimulate this process.

Again, we would like to thank Dr. James Joseph and Dr. Martin Hall for their hard work in bringing us together to continue our work toward a solution. Greenpeace also recognizes the effort of the skippers and crews and their hard work to reduce dolphin mortality. We look forward to their continued effort in the future.



RESOLUTION  
LA JOLLA, CALIFORNIA, APRIL 1992

*The Inter-American Tropical Tuna Commission (IATTC) and the participating observer governments listed in Appendix I:*

*Recalling* the agreement of governments expressed in resolutions of the intergovernmental meetings held in San José, Costa Rica, in September 1990, and La Jolla, California, in January 1991, to establish an international program for the reduction of incidental mortality of dolphins caught in association with tuna in the purse-seine fishery in the eastern Pacific Ocean (EPO);

*Further recalling and affirming* the objectives of the international program, which include achieving, in the short term, a significant reduction in dolphin mortalities incidental to this fishery and, in the longer term, a reduction in such mortalities to insignificant levels approaching zero and, if possible, the complete elimination of such mortality;

*Noting* that, in accordance with the objectives of the above-mentioned resolutions, a significant reduction in dolphin mortality has already been achieved;

*Resolve* to:

- Adopt a multilateral program with the objectives of (1) progressively reducing dolphin mortality in the EPO fishery to levels approaching zero through the setting of annual limits and (2), with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins while maintaining the populations of yellowfin tuna in the EPO at a level which will permit maximum sustained catches year after year;

*Further resolve* to:

- Continue the current international program and, where appropriate, the individual national programs, of placing an observer on each trip made by purse-seine vessels of capacity greater than 400 tons operating in the EPO and, beginning in 1993, ensure that at least one-half of the observers deployed each year by each nation are IATTC observers;
- Set annual limits on total dolphin mortality in the EPO, as follows:

Year	Limit	Percentage of best estimate of current populations of spotted, spinner, and common dolphins
1993	19,500	0.30
1994	15,500	0.24
1995	12,000	0.19
1996	9,000	0.14
1997	7,500	0.11
1998	6,500	0.10
1999	<5,000	<0.08

- Ensure compliance with these limits by a mechanism to be agreed upon by July 1, 1992;
- Monitor trends in abundance of specific dolphin stocks and take protective measures for these stocks, as necessary;
- Establish a panel to review and report on the compliance of the international fleet with the mortality limits set forth above, and make recommendations as appropriate; the functions and responsibilities of the panel will be elaborated at the 50th meeting of the IATTC;
- Provide to the IATTC, in a timely manner, summary data collected through national observer programs; similarly, the IATTC will provide information, within their constraints of confidentiality, to governments;
- Expand current IATTC training and gear inspection programs to ensure the use of the best current fishing methods and gear technology available;
- In light of the research currently being undertaken, as set forth in Appendix II, initiate research to adapt current technology to ensure that reduction targets can be achieved, and seek alternative methods for capturing large yellowfin tunas in the EPO which do not involve encircling dolphins, with particular emphasis on the use of fish-aggregating devices (FADs) to attract large tunas, taking special note of such methods employed in other oceans, and study the impact on the ecosystem of achieving these reductions in the mortality of dolphins.
- Strive to attain funds for research at a level sufficient to achieve the objectives of this resolution, as presented in Appendix II;
- Establish within the IATTC an Advisory Board of technical specialists from the international communities of scientists, government agencies, environmental groups, and the fishing industry, to assist the Director of the IATTC in efforts to coordinate, facilitate, and guide research. The functions and responsibilities of the Advisory Board will be elaborated at the 50th Meeting of the IATTC.



## APPENDIX I.

Mexico, Spain, Venezuela.

## APPENDIX II.

### I. RESEARCH PROJECTS CURRENTLY BEING CONDUCTED

(In US\$)

#### Methods that would not entail chase nor encirclement of dolphins

Fish-Aggregating Device (FAD) feasibility study	212,000
Light detecting and ranging (LIDAR) device (Execution to June 1992)	80,000
Oceanography (Execution to September 1993)	135,000
Food habits study (Execution to January 1994)	200,000
Tuna-Dolphin association (Execution to November 1992)	175,000
(additional funding for boat charter)	600,000
<b>TOTAL</b>	<b>1,402,000</b>

### II. RESEARCH PROJECTS PROPOSED

#### A. Improvements in current purse-seining technology

	YEAR 1	YEAR 2
Current profiler	190,000	
Freitas panel	100,000	100,000
Net-lifting devices	100,000	100,000
Dolphin Rescue Boats	50,000	
	(Budgeted)	
Engineering workshop	100,000	
Purse-seine consultant from FAO	(Budgeted)	
Remotely-operated vehicle (ROV) system	75,000	
Modification of purse-seine net	(Budgeted)	
<b>TOTAL (both years)</b>		<b>865,000</b>

**B. Methods involving dolphins, but not encirclement**

Pair trawling	(Not planned)
Separation by acoustic methods	(Not planned)
Separation by other methods	(Not planned)
Food habit studies (see below)	

**C. Methods that would not entail chase nor encirclement of dolphins**

Expanded FAD program	4,070,000
Longliner and baitboat studies	(Budgeted)
1) Baitfishing studies	
2) Economic studies	

Several other projects concerning the association between tunas and logs that would be relevant to the FAD project are listed in the Report of the Workshop on the Ecology and Fisheries for Tunas Associated With Floating Objects (available upon request); however, plans and budgets have not yet been prepared.

**D. Other studies**

Establish Scientific Advisory Board of international specialists - US\$ 50,000 per annum (see above).

Appendix XII.

STATEMENT OF RICHARD ATCHISON, AMERICAN TUNABOAT ASSOCIATION

My name is Richard Atchison and I am the Executive Director of the American Tunaboat Association representing the interests of distant American flag tuna purse seiners. For us, this meeting and this resolution is a dream come true.

It has been very apparent to us for some time that the unilateral enforcement of the Marine Mammal Protection Act by the United States government and the resulting imposition of primary and secondary embargoes was interfering with the development of any permanent solution to the tuna-dolphin conservation problem.

At the conclusion of the U.S. House of Representatives' Fisheries Subcommittee hearings, Chairman Gerry Studds asked if there was anything said that day that might provide a basis for a tuna-dolphin management bill.

I answered saying that there was one common theme stated in virtually everyone's testimony, including the various U.S. government departments, the various environmental groups, and industry, and that theme was that there must be a multinational approach to solving this problem and that I wished that all of the parties would attend the April special IATTC meeting for the purpose of developing a tuna-dolphin management program.

For clearly, the conservation and survival of both species is certainly linked.

The ATA applauds the efforts of each of the nations here to develop this resolution and we also acknowledge the responsible attitude expressed by many of the environmental groups in attendance here.

Let us all look forward to the next meeting in June. We wish you a safe journey home and the highest praise possible for your work here this week.

