# MINUTES OF THE 33rd INTERGOVERNMENTAL MEETING ON THE MANAGEMENT OF TUNAS AND THE CONSERVATION OF DOLPHINS IN THE EASTERN PACIFIC OCEAN

**June 4, 1997**

**San José, Costa Rica**

## 1. and 2. Opening of the Meeting and Election of the Chairman

The meeting was called to order on June 4, 1997, by Dr. Jorge Campos M., of Costa Rica. Present at the meeting were representatives of Colombia, Costa Rica, Ecuador, El Salvador, France, Japan, Mexico, Panama, the Republic of China, Spain, the United States, and Venezuela, as well as observers from the International Whaling Commission, the Commission for the Conservation of Southern Bluefin Tuna, the International Commission for the Conservation of Atlantic Tuna, the Fundación para la Defensa de la Naturaleza (FUDENA), Greenpeace International, and the Humane Society International (Appendix 1). Dr. José M. Salazar X., Minister of Foreign Trade of Costa Rica, was elected Chairman, and he welcomed the delegates to the meeting, reminding them that the next round of the World Trade Organization was called the "green" round; what had been achieved in the tuna fishery in the eastern Pacific was remarkable, and he encouraged those involved to continue the task. His address is attached as Appendix 2.

## 3. Approval of Agenda

The provisional agenda was approved as presented (Appendix 3).

## 4. Collaboration of other countries in the International Dolphin Conservation Program

The Mexican delegate read a statement (Appendix 4) in which he declared his nation's intention of cautiously moving to full participation in the IDCP, suspended in October 1996. The representative of Costa Rica welcomed Mexico's statement, saying it was an honor that this should happen in his country.

The United States delegate congratulated the IDCP on its achievements, and said that his nation was pledged to introduce legislation to implement the Declaration of Panama as soon as possible this year, and that the bill had been passed by the House of Representatives on May 29, with a large majority; the Senate Commerce Committee was expected to mark up the bill in the third week of June for a vote by the Senate later in the summer. The U.S. administration was fully committed to passage of the bill as rapidly as possible.

## 5. Technical Review of the International Dolphin Conservation Program

Dr. Joseph, Director of the Inter-American Tropical Tuna Commission (IATTC), summarized the comments made in the previous meetings. He said that the Program had achieved its objective of reducing dolphin mortality in the fishery to insignificant levels while maintaining tuna production at high levels.

## 6. Activities of the International Review Panel

Mr. Jaime Basadre Oreamuno, Presider of the IRP's 15th Meeting, held on June 1-3, 1997, in Puntarenas, Costa Rica, presented his report on the Panel's activities (Appendix 5). This included two recommendations: (1) that Dolphin Mortality Limits (DMLs) for the second semester of 1997 be issued to 5 vessels, four from Venezuela and one from Vanuatu, and (2) a change in the text of the La Jolla Agreement to allow any member nation of the IATTC which is a party to the Agreement for the Conservation of Dolphins to become a member of the Panel. Both recommendations were adopted by the meeting.

## 7. Review of the Dolphin Mortality Limits program

Dr. Joseph explained the procedure for issuing DMLs to vessels. Requests for second-semester DMLs had to be received by April 1, and were issued at the Panel's discretion. The overall DML for 1998 would be 6,500, and the DML for individual vessels would depend on how many requested them by October 1, the deadline for applications. He pointed out that if the Declaration of Panama were implemented the overall DML for 1998 would be 5,000.

## 8. Implementation of the Declaration of Panama

The United States repeated its previous statement about the passage of the enabling legislation through Congress and about the Administration's commitment to implementing the Declaration of Panama. The Mexican delegation welcomed these comments, but said that Mexico continued to campaign actively in support of the legislation. It was reported that the prospects for approval were good, although there would probably be some amendments, specifically about retaining the current definition of "dolphin-safe" or establishing a system of multiple labels. Mexico recognized the efforts of the U.S. administration, and reiterated that all nations should remain united and not deviate from the principles of the Panama Declaration.

In response to a question from Japan about the timetable for the law and the enabling regulations, the Mexican representative said that the United States would publish its regulations within 90 days of the bill becoming law, that other nations needed to effect changes in their own national legislation, and that participating nations which were not members of the IATTC should initiate the process of becoming members. A system for tracking tuna would also have to be established.

The representative of Japan asked whether the IATTC would hold a special meeting if and when the U.S. bill became law, and how soon that law would take effect. The U.S. representative confirmed that his nation would want to have a special meeting as soon as possible once the bill passed, and that the legislation would take effect once the Secretary of State had certified an international binding resolution to implement the Declaration of Panama, so the act would really come into effect when the parties agreed on the binding resolution. Mexico said that it also would like to meet as soon as possible.

## 9. Other business

Ecuador thanked Costa Rica for hosting the meeting, and said that its request to rejoin the IATTC had been approved by all the member nations, and that it now needed only to complete its internal processes. El Salvador also thanked Costa Rica, and said that it had requested approval of its membership from the member nations, and expressed his gratitude to those who had approved it to date.

The representative of Panama expressed his concern about the information presented during the IATTC meeting about bycatches in sets on floating objects and schoolfish, and said that he considered it important that this situation be closely monitored, particularly since it might be affecting other fisheries in his nation. He suggested forming a technical working group to study the problem, and requested the IATTC staff's help in setting up such a group.

The representative of Greenpeace read a statement (Appendix 6), to which the delegate from FUDENA added that he wished to reiterate his organization's support for the international conservation program.

The delegate from the Humane Society said that she did not share the general optimism regarding the passage of the U.S. legislation, that there was still a great deal of opposition to it, and that she recommended looking for a compromise in case the bill did not pass and coming back with open minds in October.

There being no other comments, the Chairman adjourned the meeting at 12:44 p.m.

Appendix 1.

**33ª Reunión Intergubernamental sobre la Conservación de Atunes y Delfines en el Océano Pacífico Oriental**

**33rd Intergovernmental Meeting on the Conservation of Tunas and Dolphins in the Eastern Pacific Ocean**

**San José, Costa Rica**

**4 de junio de 1997 - June 4, 1997**

## ASISTENTES--ATTENDEES

### COLOMBIA

**JAIRO H. ARIAS PUERTA**
Ministerio de Agricultura y Desarrollo Rural

**OSVALDO PÉREZ M.**
**FOCION ESCORCIA**
Instituto Nacional de Pesca y Acuicultura

**CARLOS ARBELÁEZ**
Seatrading International

**ALFONSO PAZ TENORIO**
CIMAR

**ALVARO BUSTAMANTE STEER**
**ALVARO NAVARRO COLEY**
**AMÉRICO RODRÍGUEZ**
ATUNEC

**CARLOS RODRÍGUEZ GONZÁLEZ**
Aserbuques, Ltda.

**ARMANDO HERNÁNDEZ**
Cámara de la Industria Pesquera - ANDI

### COSTA RICA

**RICARDO GARRÓN F.**
Ministro de Agricultura

**JOSÉ M. SALAZAR X.**
Ministro de Comercio Exterior
**TANIA LÓPEZ LEE**
**ANGELA RAUFF CIESLAK**
Ministerio de Comercio Exterior

**RODRIGO CARRERAS**
Vicecanciller
**MARIO DUARTE JIMÉNEZ**
**ROLANDO MADRIGAL G.**
**ERICK CAMPOS BOLAÑOS**
Ministerio de Relaciones Exteriores

**JAIME BASADRE OREAMUNO**
**JORGE CAMPOS MONTERO**
**VICTORIA DOMINGO MORA**
**ANTONIO PORRAS PORRAS**
**FERNANDO VÍQUEZ ALFARO**
**HEINER JORGE MÉNDEZ BARRIENTOS**
**LILIANA VILLALOBOS**
INCOPESCA

**TATIANA LÁSCARIS**
**ANGEL HERRERA**
**JORGE A. RODRÍGUEZ**
Universidad Nacional

**JAIME BASADRE ANDRACA**
**TOMÁS GILMORE**
**JORGE HERRERA I.**
Sardimar S.A.

**HERMES NAVARRO VARGAS**
**HERMES NAVARRO DEL VALLE**
**JOSHUA TEN BRINK**
**JERRY TEN BRINK**
**ROMAN ROBAYNA PERDOMO**
Borda Azul, S.A.

**JUAN BASTOS ESPINOZA**
SUPAP

**JOSÉ LUIS MENESES**
Coopemontecillos, R.L.

**ROBERT MILES**
Industrias Martec, S.A.

**JUAN MORA VARELA**
H. Mora & Co. Ltd.

**GEORGE HEIGOLD**
Exportadora Ensenada

**ODIN THAANUM**
Silversea International, Inc.

**HERNAN UMAÑA**
PERCOFIS

## ECUADOR

**NANCY CELY ICAZA**
**LUIS TORRES NAVARRETE**
**GUSTAVO GONZÁLEZ CABAL**
Ministerio de Comercio, Industria, y Pesca

**CÉSAR ROHÓN HERVAS**
**JOFFRE CAMPAÑA MORA**
Cámara Nacional de Pesquería

**CARLOS E. CEVALLOS GOMEZ**
Emproceánica, S.A.

**BRUNO LEONE PIGNATARO**
Compañía Anilisa, S.A.

**AGUSTÍN JIMÉNEZ SANTISTEVAN**
PESPACA

**MIGUEL MOLINA SANTOS**
Empresa Pesquera Ecuatoriana

## EL SALVADOR

**MILTON JOSE CALINDRES**
Embajada de El Salvador

**RICARDO HERNÁNDEZ RIVAS**
**REINA PACHECO**
CENDEPESCA

**NAHUM AGUILAR**
CORSAIN

**ANTONIO ZUAZU**
ECOMARINAS, S.A.

## FRANCE

**GOUJAND DISLIER**
Embajada de Francia

## JAPAN

**ICHIRO NOMURA**
**TAKAAKI SAKAMOTO**
Fisheries Agency of Japan

**JIRO SUZUKI**
National Research Institute of Far Seas Fisheries

**TSUTOMU WATANABE**
**EIKO OZAKI**
**SALLY J. CAMPEN**
Federation of Japan Tuna Fisheries Cooperative Associations

## MEXICO

**CARLOS CAMACHO GAOS**
**MARA MURILLO CORREA**
**PABLO ARENAS FUENTES**
**GUILLERMO COMPEAN J.**
SEMARNAP

**HERIBERTO LIZARRAGA Z**
**HUMBERTO ANDRADE Q.**
**JORGE ANTONIO CATALÁN**
**LEOBARDO AGUIRRE CORRAL**
**RODIMIRO AMAYA TELLEZ**
**SERGIO MEZA LÓPEZ**
Cámara de Diputados

**MARISELA BONILLA FREER**
Embajada de México

**MARK ROBERTSON**
Janus Partners

**ALFONSO ROSIÑOL LLITERAS**
CANAINPES

## PANAMA

**RICARDO MARTÁNS G.**
Ministerio de Comercio e Industrias

**LUIS DORATI**
Tri-Marine International, Inc.

**FRANCESCO FEOLI**
Autoridad Portuaria Nacional

**RAFAEL FEOLI**
Feimar, S.A.

**MARIA LOURDES GAMECHO**
**IBON GAMECHO**
Atunbi, S.A.

**FOTIS LYMBEROPULOS**
Provasa, S.A.

## SPAIN - ESPAÑA

**CARLOS LARRAÑAGA GES**
Secretaría General de Pesca

## TAIWAN—REPUBLIC OF CHINA

**SAMUEL LIN SHIH-TUNG**
Embassy of the Republic of China

## UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

**BRIAN HALLMAN**
Department of State

**JAMES MCCARTHY**

**WILLIAM HOGARTH**
**MICHAEL TILLMAN**
**WANDA CAIN**
National Marine Fisheries Service

**JUDSON FEDER**
National Oceanic and Atmospheric Administration

**MARILYN BRUNO**
**RAYMOND HOTZ**
United States Embassy

**ED STOCKWELL**
Starkist Foods, Inc.

**JOHN M. ZUANICH**
Ocean Ventures, Inc.

**EDWARD WEISSMAN**
Jorge Fishing, Inc.

**MAURICE SILVERMAN**
Silversea Intenational, Inc.

**MIKE SPENCER**
West Side Marine, Inc.

**PETER TRUTANICH**
Tri-Marine International, Inc.

**PETER DI LEVA**
Caribbean Fishing, Inc.

**VINCENT J. GUARRASI**
GTR, Inc.

## VENEZUELA

**JEAN-FRANÇOIS PULVENIS**
Ministerio de Relaciones Exteriores

**HUGO ALSINA**
Ministerio de Agricultura y Cría

**LUISA BERNAL**
Ministerio de Industria y Comercio

**JOSÉ Mª BENGOA**
Inversiones Berloli

**JON CELAYA LINAZA**
AVATUN

**FRANCISCO ORTISI, JR.**
AVENCAISA

**HANS PETER KLEIN**
TRUSTUNA

**RAÚL ROMERO**
AVIPA

**LORENZO RÁVAGO**
FENAPESCA

**DOMENICO PINTO**
PEZATUN

## ORGANIZACIONES INTERNACIONALES–INTERNATIONAL ORGANIZATIONS

**MICHAEL TILLMAN**
International Whaling Commission

**ICHIRO NOMURA**
Commission for the Conservation of Southern Bluefin Tuna

**JIRO SUZUKI**
International Commission for the Conservation of Atlantic Tuna

## ORGANIZACIONES NO GUBERNAMENTALES–NON-GOVERNMENTAL ORGANIZATIONS

**HÉCTOR LÓPEZ**
Fudena

**GERALD LEAPE**
Greenpeace International

**LEESTEFFY JENKINS**
**ALVARO POSADA SALAZAR**
Humane Society International

## CIAT–IATTC

**JAMES JOSEPH,** Director
**ROBIN ALLEN**
**MARTIN HALL**

**DAVID BRATTEN**
**BERTA JUÁREZ**
**NICOLAS WEBB**

**Appendix 2.**

**Address by Mr. José Manuel Salazar, Minister of Foreign Trade of Costa Rica**

It is a great pleasure for me to be able to take part with you in the work you have been doing, and I hope that your sessions these days are very productive. The interest aroused in our societies by environmental problems, and their relationship to trade, is remarkable, just as remarkable as the tendency - and the temptation - for some nations to tie solutions to environmental problems by means of commercial restrictions. In fact, it is expected that the next round of the Trade negotiations within the World Trade Organization will be called the Green Round, and there is already a working group on the aspects of trade and environment.

The work of the IATTC, the efforts made within the framework of the La Jolla Agreement, and of the member governments of these scientific bodies, have shown that through joint efforts by the international community, legitimate goals for the protection of the environment and ecological systems can be achieved.

The main challenge facing us is to do this in a fashion compatible with ever more free and vigorous trade, global and subregional.

The reduction in the mortality of dolphins in the last 40 years, as well as the development of techniques of sustainable fishing, are clear evidence of the progress achieved by all of you, representatives of the IATTC, of governments, and of an industry committed to this cause.

On behalf of the Government of Costa Rica and for myself, I urge you all to continue the work and to make it possible for all these efforts to allow the development of our nations through real opportunities in trade in our hemisphere and worldwide to be combined with a commitment to the conservation of a resource which belongs to mankind.

**Appendix 3.**

**33rd Intergovernmental Meeting**
**on the Conservation of Tunas and Dolphins**
**in the Eastern Pacific Ocean**

**San José, Costa Rica**

**June 4, 1997**

## AGENDA

1. Opening of the meeting
2. Election of Chairman
3. Adoption of agenda
4. Collaboration of other countries in the International Dolphin Conservation Program
5. Technical review of the International Dolphin Conservation Program
6. Activities of the International Review Panel
7. Review of the Dolphin Mortality Limits program
8. Implementation of the Panama Declaration
9. Other business

**Appendix 4.**

## STATEMENT OF MEXICO

On 21 October last year in La Jolla, California, in light of the failure by the U.S. Congress to enact legislation implementing the historic Declaration of Panama, Mexico announced to this body its decision to suspend active participation in the La Jolla Agreement. Nevertheless, in that statement, Mexico professed its full commitment to the principles of the La Jolla Agreement and the subsequent Declaration of Panama; to multilateralism; to the judicious use of renewable resources; to perpetuating the availability of a valuable source of protein and employment to our peoples; to the effective conservation of marine mammals; and to the commitment to the use of sound science for the protection of a delicate and complex ecosystem. Mexico cited the erosion of these principles, as demonstrated by the failure of the U.S. Congress to act, as the reason for suspending our participation in this multilateral body.

Regardless of that decision, Mexico has maintained its cooperation with the International Dolphin Conservation Program through the participation of observers from the IATTC observer program, and through free access for the IATTC to the fleet's activities and findings.

Clearly, all of the nations that are partners in the management of this fishery know how difficult this decision was for Mexico. I would add that through the intervening months, Mexico and its industry have remained true to our commitment to the principles of the La Jolla Agreement through the strict application of national laws and regulations under which Mexico's comprehensive national program operates, and that were established prior to the La Jolla Agreement.

It is with great pleasure and great optimism that, through our presence here, Mexico cautiously moves back towards full participation in this multilateral agreement. Behind this decision are five primary considerations, not the least of which is a direct request from the Foreign Relations Minister of Costa Rica to the Foreign Relations Secretary of Mexico for our presence and participation here.

Second is a petition from Mexico's fishing industry, represented here by Lic. Alfonso Rosiñol, vice-president of the industry chamber. This, I believe, is particularly noteworthy in that it illustrates the true partnership and co-responsibility which exists between the government and industry of Mexico in working towards the common goal of effective management of all of the living marine resources within this fishery.

Also noteworthy is the presence at this meeting of members of the Mexican legislature, concerned about reaching a solution to the tuna embargo.

Third, on 7 October of last year, President Clinton communicated in a letter to President Zedillo his personal commitment that new legislation to fully implement the Declaration of Panama would be reintroduced and considered in the early days of the 105th U.S. Congress. Similar commitments were made to Mexico by the sponsors of this important legislation, and by the leaders of the Senate and the House of Representatives.

Mexico's presence as a participant in this intergovernmental meeting and in the International Review Panel over the past several days is, in large part, a reflection of the fulfillment of those commitments by the United States. The legislation has again cleared the House of Representatives with strong bipartisan support, and is expected to go before the full Senate within the coming weeks.

Fourth, out of respect for our partners in the La Jolla Agreement who have, with Mexico, sacrificed so very much in order to create and sustain what is universally regarded as the most successful voluntary marine conservation and international fisheries management agreement in the world today. Finally, Mexico relishes the prospect of taking what is the best program in the world and making it even better through full implementation of the Declaration of Panama.

It is important for all of us, as we anticipate implementation of the Declaration of Panama, to keep in mind the statements and the tactics of those seeking to thwart enactment of the International Dolphin Conservation Program

Act by the U.S. Congress. Specifically, there will continue to be efforts by these detractors to kill the Declaration of Panama through amendments to the legislation that would undermine the viability of this multilateral program. The objective of these amendments is to maintain as sacrosanct the current definition of "dolphin safe" and to create multiple labels. Such changes are clearly inconsistent with the letter and the spirit of the Declaration of Panama in that they would maintain an effective market closure to tuna caught in association with dolphins through the creation of opportunities for groups with direct economic interests to promote consumer boycotts against industries and markets. The effect of this activity, as we have seen from the body of science and the presentations of Dr. Joseph, is to promote a concentration of fishing effort on so-called "dolphin-safe" fishing methods that are scientifically proven to be inefficient and damaging to the resources of the Eastern Tropical Pacific, the Atlantic, and the Indian Oceans, and everywhere in the world where legislation and policy induces production effort on the catch of juveniles.

In closing, Mexico's presence and participation should, at the first, be seen as a recognition of the tremendous progress made over the past several months by the U.S. Administration and Congress towards enactment of legislation to implement the Declaration of Panama. But, more importantly, it should be considered as an acknowledgement of the fact that full implementation of the Declaration of Panama, without deviation, can only be supported, promoted and accomplished through the demonstration of absolute unity among the nations committed to this program and this historic agreement.

Thank you very much.

**Appendix 5.**

## REPORT OF THE 15TH MEETING OF THE INTERNATIONAL REVIEW PANEL

The 15th meeting of the International Review Panel was held in Puntarenas (Costa Rica) on June 1-3, 1997, with the participation of representatives of Colombia, Costa Rica, Ecuador, Mexico, Panama, the United States of America, and Venezuela, the tuna industry, and environmental organizations, and was presided by Mr. Jaime Basadre Oreamuno, of Costa Rica.

The minutes of the Panel's 14th meeting, held in Santa Marta, Colombia, in February of this year, were reviewed and approved, as was the annual report of the Panel's work, for the consideration and approval of the intergovernmental plenary.

The Secretariat presented the format for the identification cards for observers, in accordance with the decision taken at the 14th meeting. It was approved with two modifications: the first consisted in numbering the cards, in order to allow better monitoring of their issue; the second consisted of introducing into the format a specific reference to the International Dolphin Conservation Program, within whose purview they would be issued.

The Panel agreed to maintain the gear requirements for vessels without DMLs and decided in favor of maintaining the *status quo* until more complete information was available.

The Secretariat presented a report on the duration of the backdown maneuver and of dolphin rescue activities; after studying the data, the Panel decided to uphold its recommendation that sets should begin no later than 75 minutes before sunset, in order to avoid risks with incidental mortality of dolphins.

The Panel next reviewed DMLs. During 1996, 96 DMLs were issued, of which only 61 were utilized; for 1997, 42 DMLs were issued, of which only 32 had been utilized during the first semester. Of the vessels issued DMLs, 3 had forfeited them by not making any intentional sets on dolphins, 6 had not completed their current trips, and one was transferred. To date the Secretariat had sent warning letters to only two vessels, informing them of the risk of surpassing their DML at their current rate of accumulated mortality of dolphins in fishing operations; the number of letters sent was smaller than in previous years, indicating an improvement in the fleet's performance in rescuing dolphins. As regards the unused DMLs, the Panel agreed to recommend that 4 DMLs be issued to Venezuela and one to Vanuatu for the second semester of 1997.

The Secretariat presented the observers' reports for the period since the Panel's last meeting in Santa Marta in February of this year. These reports were studied, and the governments will be informed of the possible infractions identified.

The Panel discussed the need to re-evaluate the classification of the possible infractions, in the light of updated criteria based on the experience gained by reviewing the infractions and the fleet's current performance. It was agreed that this matter would be discussed at the next meeting.

As regards special problem sets, it was decided to postpone consideration of the subject until the Panel's next meeting.

Regarding the requests for information received by the Secretariat about the performance of individual vessels, it had been agreed, at the Panel's previous meeting, that no decision could be taken regarding the publication or divulging of this type of information without the approval of all the member nations of the Panel, since it might affect the confidential nature of such information. Given Vanuatu's absence at the meeting, it was decided to postpone a decision on this matter until the Panel's next meeting.

At the last meeting, it was agreed that the nations signatory to the La Jolla Agreement represented on the Panel would approach other nations with vessels fishing in the eastern Pacific Ocean, with a view to encouraging

them to join the La Jolla Agreement. The delegates were asked about any actions taken. Costa Rica reported that it had established contact with some nations, but had not yet received a formal reply.

The Panel discussed a request by Costa Rica to consider the possibility of issuing DMLs to vessels flying the flags of nations which did not participate in the La Jolla Agreement but operating under charter arrangements, or similar, in countries which were parties to the Agreement. It was decided to instruct the Secretariat to prepare a report on the subject, to be presented at the Panel's next meeting.

With regard to the question of the possible inclusion in the Program of vessels of less than 400 short ton capacity, a document prepared by the Secretariat was discussed. The report, based on information taken from vessel logbooks, described the operations of these vessels, which do not participate in the observer program by virtue of their capacity.

In accordance with the recommendation made by the Panel to the Intergovernmental Meeting held in Colombia in February, the Panel adopted amendments to the rules which govern the membership of government members in the International Review Panel, both in the La Jolla Agreement and in the Panel's Rules of Procedure. These amendments will be presented for consideration by the Intergovernmental Meeting.

The Secretariat reported that, based on the decision taken at the Intergovernmental Meeting in Santa Marta regarding the procedure for the election of non-governmental members to the Panel, Mrs. Rosa María P. de Armas and Messrs. Alfonso Rosiñol Lliteras and Jaime Basadre Andraca were elected to represent the industry, with Mr. Carlos A. Arbelaez as alternate.

Ms. Holly Payne (WWF), Ms. Nina Young (Center for Marine Conservation), and Mr. Héctor López (FUDENA) were elected to represent the environmental organizations, with Ms. Kate O'Connell (Whale and Dolphin Conservation Society) as alternate.

Next, the amendment to the Panel's Rules of Procedure was drafted to cover the election and performance of non-governmental members; this will be submitted to the Intergovernmental Meeting for consideration.

The Panel agreed to hold its next meeting in La Jolla (USA) in October, on a date to be decided later.

RECOMMENDATIONS:

The Review Panel recommends that the Dolphin Mortality Limits requested by Venezuela and Vanuatu for the second semester of 1997 be granted.

In accordance with the recommendation of the Panel at its meeting held in Santa Marta in February 1997, and if the amendments recommended by the Panel for the inclusion of government members are approved, the permanent inclusion of Costa Rica in the Panel is recommended.

**Appendix 6.**

## STATEMENT BY GREENPEACE, FUNDACION PARA LA DEFENSA DE LA NATURALEZA (FUDENA), WHALE AND DOLPHIN CONSERVATION SOCIETY AND WORLD WILDLIFE FUND

Thank you Mr. Chairman, members and observers of this Intergovernmental Meeting. My name is Gerald Leape and I am presenting this statement on behalf of Greenpeace, Fundación para la Defensa de la Naturaleza (FUDENA), the Whale and Dolphin Conservation Society, and the World Wildlife Fund.

All of our organizations, in the U.S. and Venezuela, continue to work to achieve a strong multilateral and binding program for the protection of dolphins and the marine ecosystem in the Eastern Pacific Ocean. We want to express our appreciation for the return of Mexico to both the International Review Panel and the Intergovernmental Meeting. We are also appreciative of the continued active participation of other states party to the La Jolla Agreement. We want to take particular note of the final dolphin mortality level for 1996 of approximately 2,547, a new record low. We are encouraged by this continued progress, and urge all fishermen to continue and expand their current efforts to save dolphins and to make continued progress toward the elimination of dolphin mortality in the fishery. While we understand that a legally binding program will not be adopted at this meeting, we would urge the governments, beginning at the next meeting, to discuss initiatives that will set the stage for adoption of such a program, and take the necessary steps to allow it to achieve increasingly strict dolphin mortality limits and reductions in bycatch of other marine species, while recognizing the need to address trade embargoes.

It is important at this critical juncture in the history of the Commission that the governments which are parties to the International Dolphin Conservation Program continue to fulfill their commitments to dolphin conservation and protection of the marine ecosystems. We firmly believe that multilateral enforcement, conservation and management measures are the most effective way to achieve long-term protection of dolphins and conservation of the marine ecosystem. Consistent with the anticipated strengthening of the International Dolphin Conservation Program, we call on all governments which participate in the Program to:

- Maintain the current 100 % observer coverage on all boats greater than 400 tons;
- Support initiatives to expand observer coverage to boats smaller than 400 tons;
- Provide greater financial contributions to fund the research called for in the La Jolla Agreement;
- Restructure the industry funding for the observer program from one based on a flat fee per ton to a percentage of the value of the landed fish.

One of the greatest failings of the La Jolla Agreement has been the severe lack of funding available to support the research agenda of the Scientific Advisory Board; it is also the major reason that the Board has not met since its initial meeting almost four years ago. We also believe that the industry that benefits from catching the tuna should pay for the cost of managing the resource, *i.e.* the IATTC budget. The above action points would address these problems.

In addition, we would urge the nations participating in the International Dolphin Conservation Program to:

- Immediately reconvene the Scientific Advisory Board so it can begin work on the research agenda that it considered at its first meeting;
- Adopt, consistent with their commitments to a strengthened International Dolphin Conservation Program, management and conservation practices that are consistent with the UN Treaty on Highly Migratory Species and Straddling Fish Stocks;
- Encourage continued improvements in skipper performance through development of mechanisms to recognize good performance;
- Take greater enforcement action against boats in their fleets which have committed infractions;
- Consider multilateral enforcement mechanisms through establishment of penalties for non-compliance

by both party and non-party states, considering actions taken recently at ICCAT as a potential model;

- Adopt greater timeliness in reporting of fishing trips by their own fleets;
- Adopt mechanisms to assess and reduce bycatches of juvenile tunas, billfishes, and other marine species in the fishery.

As we move rapidly toward the 21st century, no nation can afford to retreat from its responsibility, nationally or internationally, to protect and conserve marine life and fragile ecosystems. Toward that goal, it is imperative that we seize this opportunity to continue to construct this model of conservation for fisheries around the world, one that includes strict conservation measures and transparency. In addition, we call on all governments involved in the International Dolphin Conservation Program to support, as a priority, establishment of comparable observer programs, NGO transparency provisions and bycatch reduction programs in all other regional fishing agreements or conventions in which they are participating members.

Speaking for Greenpeace, there have been many rumors circulating that Greenpeace no longer supports the Panama Declaration. Let me assure you we are as strongly supportive of the Declaration as we were when it was signed.

Thank you for the opportunity to address this meeting.