INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISION INTERAMERICANA DEL ATUN TROPICAL

COSTA RICA - FRANCE - JAPAN - NICARAGUA - PANAMA - UNITED STATES OF AMERICA - VANUATU - VENEZUELA

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FROM: Dr. James Joseph, Director JJ/bl

TO: Commissioners and Participants

SUBJECT: Minutes of the IATTC 51st Meeting and the Intergovernmental Meeting

Attached are the minutes from the 51st Meeting of this Commission, and the Intergovernmental Meeting celebrated June 8 to 10, 1993, in Port Vila, Vanuatu.

Enclosure: Minutes

MINUTES OF THE 51st MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Port Vila, Vanuatu
June 8-10, 1993

Agenda Item 1 - Opening of the Meeting

The 51st Meeting of the Inter-American Tropical Tuna Commission (IATTC) was called to order by the Chairman, Commissioner Richard Carpenter of Vanuatu, at 10:15 a.m. on Tuesday, June 8, 1993, at the Le Lagon Hotel in Port Vila, Vanuatu. In attendance were all member governments of the IATTC, with the exception of Nicaragua, and observers from six nations, four international organizations, and four non-governmental organizations (NGOs). The attendees are listed in Appendix I.

A keynote address was given by the Minister of Finance of Vanuatu, Mr. Willie Jimmy. The text of his speech is attached as Appendix II.

Agenda Item 2 - Adoption of Agenda

The Chairman called for modifications to the Agenda (Appendix III). None were proposed, and it was adopted unanimously as presented.

The Chairman suggested a work schedule for the meeting of 8 a.m. to 5:30 p.m., with a lunch break from 12 to 1:30 p.m. This was agreed to by all members.

The Vanuatu delegation announced that the Minister of Finance would host a cocktail party the next day, Wednesday, June 9, from 6:30 to 8:30 p.m.

Agenda Item 3 - Review of Current Tuna Research

The Chairman asked Dr. James Joseph, Director of the IATTC, to make this presentation.

Dr. Joseph explained that this agenda item is customarily presented to the Commissioners in order to keep them apprised of the research being undertaken by the IATTC staff and to seek their advice and comments. He explained that, due to the heavy work load scheduled for the meeting and the limited time available, only a brief review of some of the topics would be given.

In 1992 the IATTC research program was in its 42nd year. The studies necessary to provide scientific advice to the governments concerning the conservation and management of the tuna and tuna-like species of the eastern Pacific Ocean require a broad range of research and expertise in a wide variety of disciplines. To this end the scientific staff of the Commission is recruited internationally, and currently about 10 nations are represented.

The Commission maintains offices and laboratories in Ecuador, Mexico, Panama, Puerto Rico, the United States, and Venezuela, where basic data on the biology of the tunas and tuna-like fishes and the effects of exploiting them are collected and analyzed.

In 1976 the Commission's responsibilities were expanded to include the scientific study and management of the dolphin stocks taken incidentally in the fishery for tunas.

Dr. Joseph described briefly some of the research on billfishes in which staff members have been involved, and in particular a cooperative study with Japanese colleagues from the National Research Institute of Far Seas Fisheries (NRIFSF). This study, in which a Pacific-wide analysis of the ecology of marlins, sailfish and spearfish will be carried out, is in the early stages of development, and effort is being concentrated in organizing the fishery and oceanographic data bases. He also discussed a second billfish study, in which striped marlin were sampled from four sites within the Pacific Ocean and the distribution of mitochondrial DNA (mtDNA) genotypes was examined. Preliminary results indicated differences in the genotypes among the four sample sites, particularly between those in the eastern and western Pacific.

Turning to tuna research, Dr. Joseph discussed research aimed at describing the relationship between spawning biomass and recruits and understanding the underlying mechanisms that control it, and presented the results to date of a long-term study to understand the size-specific reproductive characteristics of the yellowfin population in the eastern Pacific. These results show that reproductively-active yellowfin are found during all months of the year between 20°N and the equator, and that spawning is seasonal north and south of these limits. It was also shown that most yellowfin less than about 20 pounds in weight are sexually immature, and that by the time they grow to 50 pounds half of them are mature. Once complete, this information will be used to estimate the spawning biomass and, together with estimates of recruitment, to look for relationships between the two variables.

Dr. Joseph next reviewed studies being conducted at the IATTC's Achotines Laboratory in Panama to understand the mechanisms controlling the growth and survival of post-larval tunas. He also mentioned that the Commission staff has been collaborating with scientists from the Japan Sea Farming Association and the Japanese Overseas Fisheries Cooperation Foundation on early life history studies of tunas both in Japan and at Achotines.

Dr. Joseph said that Dr. Martín Hall, Chief Scientist of the IATTC Tuna-Dolphin Program, would be presenting an extensive review of dolphin research under Agenda Item 6, but briefly mentioned two projects which might prove useful in finding alternative ways of catching large yellowfin tuna without encircling dolphins. These were a study of the food habits of tunas and dolphins, and a study of the oceanographic features associated with the capture of large yellowfin tuna not associated with either dolphins or floating objects. The former study investigates a possible reason for the bond that exists between the tunas and the dolphins: if the nature of the bond can be identified, then it may be possible to use this information to separate the tunas from the dolphins before they are captured. The latter study has the objective of locating schools of large yellowfin tuna that are not associated with dolphins by identifying certain oceanographic features that may be associated with such schools.

Dr. Joseph concluded his presentation by apologizing for the brevity of the review, but recalled once again the time constraints.

The Chairman called for questions or remarks from the governments.

Dr. Suda of Japan asked if Commission scientists had included blue marlin in their mtDNA studies. Dr. Joseph replied that studies of blue marlin had been conducted in which samples from both the

Atlantic and the Pacific Oceans were examined. The results showed no differences between samples of blue marlin from within the Pacific Ocean but a high degree of difference between samples from the two oceans, which suggests limited gene flow between the two oceans.

Commissioner Saito of Japan, referring to the figure which showed that 50 percent of yellowfin tuna were sexually mature at a length of 103 cm, wanted to know the weight and age of the 103-cm fish. Dr. Joseph replied about 25 kg, or 50 pounds, and 2.5 to 3 years of age.

Agenda Items 4 and 5 - The 1992 Fishing Year and Status of Tuna Stocks

The Chairman, noting the similarity of the two agenda items, asked Dr. Joseph to present them together.

Dr. Joseph began his presentation by noting that Background Papers 1 and 2, distributed to the attendees at the meeting, dealt with these subjects in detail, and that he would therefore only touch on some of the principal points presented in these documents.

During 1992 and so far in 1993 the total capacity of the international fleet operating in the eastern Pacific Ocean had changed very little: it stood at about 110 thousand short tons, of which about 65 thousand tons, on average, was at sea at any given time. Current information indicated that the 1992 catch of 261 thousand tons of yellowfin and 94 thousand tons of skipjack would probably be approximately the same in 1993. In both years Mexico was the leading producer of both yellowfin and skipjack, accounting for about 40 percent of the total catch, followed by Venezuela, Vanuatu, Ecuador, and the U.S.A., in that order.

In both 1992 and 1993, about 65 percent of the total catch of yellowfin was taken in association with dolphins; the remainder was caught in schools associated with floating objects or in unassociated schools.

Dr. Joseph next discussed the status of the yellowfin stock, recalling that from 1966 through 1979 annual limits on the total harvest of yellowfin were implemented. These limits were conservative, due to the constant seaward expansion of the fishery, and were precautionary in the sense that they were usually set at a level lower than the stock could probably support, since the expanding fishery was harvesting an ever-larger portion of the stock. Provisions were made to allow the staff a degree of discretion in adjusting the limits in response to current events in the fishery.

In the late 1970s, due to changing political circumstances, the nations of the region could no longer agree on implementing the recommended catch limits, and the resulting unrestricted fishing led to a sharp decline in the abundance and catches of yellowfin. As a result vessels began to leave the fishery, and a strong El Niño event in 1982 and 1983, which made the already reduced stock of yellowfin less available to the fishery, resulted in many more vessels either leaving to fish in other areas or being idled. From 1981 through 1985 fishing effort was very low, allowing the stock to recover. In 1983, as the El Niño subsided and the stock grew, the Commission staff predicted that yellowfin fishing would improve, which it duly did. By 1986 many vessels had returned to the fishery, and the fishing was even better than expected: annual catches of yellowfin exceeded 300 thousand tons.

The staff's analyses offer two explanations for this better-than-expected fishing. The first was that the fishery concentrated on larger yellowfin. During the period of overfishing in the late 1970s the

average size of the fish in the catch fell from about 25 pounds to about 11 pounds, but with the greater abundance of large fish in 1984-1985 it rose again to about 30 pounds. This increased the yield per recruit by about 30 percent, thus resulting in a 30 percent higher yield from the same number of fish. The larger yellowfin were mostly caught in association with dolphins, since they are seldom found associated with floating objects or in unassociated schools.

The second reason for the increased yield was a substantial increase in the recruitment of young fish into the fishable population. Although the reason for this increase is not clearly understood, it accounted for an additional 25 to 30 percent increase in the catch.

Analyses of both production models and age-structured models indicate that if recruitment stays constant at current levels and the average size of the fish in the catch does not change, the population of yellowfin in the eastern Pacific Ocean can on the average sustain maximum catches of about 315 to 325 thousand tons. At present the fleet in the eastern Pacific is capable of taking about 250 to 300 thousand tons of yellowfin.

If the average size of the fish in the catch decreases or recruitment is reduced, the potential catch will also fall. Recruitment appears to be independent of the fishery, and is currently impossible to predict, but the average size of the fish in the catch can be altered by changing the focus of the fishery. Large fish associate with dolphins, small fish do not. As long as the proportion of fish caught in association with dolphins (currently 60-70%) does not change, yield per recruit will stay high. If this mode of fishing is curtailed and effort is switched to unassociated schools or fish associated with floating objects, the average size of the fish will decrease to about 10 pounds and yield per recruit will fall substantially. This will result in a 30- to 60-percent decrease in the total yield of yellowfin.

Because of the uncertainties, the staff recommended a conservative catch limit of 250 thousand short tons, but with the possibility of increasing this limit by 100 thousand tons in four increments of 25 thousand tons each.

Upon completion of Dr. Joseph's presentation on yellowfin, Commissioner Nanne of Costa Rica referred to recent reports that the modes of fishing in the eastern Pacific which did not involve dolphins resulted in a large bycatch of small tunas and other species of fish, amounting in some cases to as much as 50 percent of the total catch, and that this bycatch was returned to the sea dead. He wanted to know if this was true and, if so, what the ecological consequences would be.

Dr. Joseph replied that Dr. Hall would be covering the matter in detail, but that he would provide a brief reply. He said that IATTC scientists have estimated that in sets on tunas associated with floating objects the bycatch of tuna species amounts to between about 18 and 30 percent of the total catch. If fishing for tunas associated with dolphins were prohibited and the fleet turned to fishing on floating objects, the total catch of yellowfin might be as much as 100 to 200 thousand tons, which would generate a tuna bycatch of about 20 to 50 thousand tons. If half of this amount were small yellowfin, each weighing approximately 1 to 3 pounds, this would represent some 20 to 50 million small fish that would not be recruited to the population. Since total recruitment is estimated to be about 90 million fish, this could have a serious effect on the yellowfin population. Dr. Joseph further mentioned that this bycatch would include many other species in the ecosystem, but he could not predict what effect this would have on either the yellowfin or the dolphins.

Dr. Joseph then explained that normally a review of the other species of tunas taken in the eastern Pacific, skipjack, bigeye, and bluefin, would be presented, but that because of time constraints he would make only a few brief comments on skipjack and bluefin. He referred the attendees to Background Papers 4 and 5, which covered these species in detail and which had been distributed at the meeting.

Dr. Joseph noted that the 1990 world catch of skipjack, 1.6 million tons, accounted for about 50 percent of the catch of all species of tunas. The Pacific Ocean produces 1.1 million tons of skipjack, most of it from western Pacific; less than 10 percent of that amount is caught in the eastern Pacific. It is likely that catches of this species can be increased, but how much is uncertain.

The stock of skipjack which supports the fishery in the eastern Pacific is not resident in the area. Very little spawning of skipjack occurs in the eastern Pacific; most of the fish migrate from the west and spend only a few months in the region. Scientific evidence suggests that the stock is not fully exploited and that, on the average, catches in the eastern Pacific can be increased.

Turning to bluefin tuna, Dr. Joseph explained that the stock fished in the eastern Pacific is part of the same stock fished in the western Pacific. He noted that during the last decade catches had decreased substantially in both areas, particularly the former. He mentioned three important points: (1) the low catches in the eastern Pacific were due in a large part to reduced effort; (2) recruitment of young fish to the Japanese fishery did not appear to be decreasing; and (3) catches of small fish were high and fishing mortality of fish of the smaller sizes was perhaps increasing.

He mentioned that scientists from the IATTC and the NRIFSF in Japan had convened three working groups over the past several years to study the fishery for bluefin tuna and were planning a fourth meeting in 1994. Preliminary analyses of the results of these meetings indicate that if small bluefin could be protected, the yield of this species Pacific-wide would be more than doubled. The staff would probably have recommendations to make concerning this matter at the 1994 meeting of the Commission.

Agenda Item 6 - Review of International Dolphin Program and Extension Programs

Dr. Joseph introduced this subject by outlining the background to the IATTC's dolphin program. He noted that during the 1960s and early 1970s most of the vessels which fished in the eastern Pacific Ocean for tunas associated with dolphins flew the U.S. flag, but that during the mid-1970s more nations became involved in the fishery, and the problem of dolphin mortality in the fishery, and the solution to it, thus became international. In 1976 the Commission decided to undertake a program to study the problem and to seek to reduce the mortality. This program, which involved placing observers on tuna vessels to gather data and identifying, developing and transferring to the international fleet equipment and techniques effective in reducing dolphin mortality, did not begin until 1980, and did not include all national fleets involved in the fishery until 1986.

He then introduced Dr. Martin Hall, Chief Scientist of the IATTC Tuna-Dolphin Program, to review the program.

Dr. Hall began by describing the activities of the Commission's tuna-dolphin program. These include the international observer program, estimating the incidental mortality of dolphins in the fishery, analyses of the causes of mortality, extension work with the international fleet on procedures to reduce

mortality, the study of trends in dolphin abundance, and other research on the biology and ecology of dolphins.

In 1992 IATTC observers covered approximately 70 percent of all trips by purse-seine vessels capable of fishing for tunas associated with dolphins in the eastern Pacific Ocean, and the U.S. and Mexican national programs covered the remainder. Coverage was very close to 100 percent; the exceptions were two trips which started early in 1992 and which were not accompanied by observers.

Dr. Hall pointed out that the incidental mortality of dolphins in the fishery in 1992 was about 45 percent lower than in 1991. The estimated mortality (15,470 dolphins using mortality per set, and 15,922 using mortality per ton) was almost 90 percent lower than the level of 133,000 dolphins estimated for 1986, the first year of the full IATTC program. In both 1986 and 1992 the number of sets on dolphins was around 10,000, so the reduction was the result of improvements in the performance of the fishermen.

Dr. Hall said that it appeared that another substantial reduction could be expected in 1993, judging by the first five months of the year; the average mortality per set in 1993 was about one-third of the 1992 level, and apparently effort was not increasing. He said it was too early to make a reliable forecast, but mortality could be as low as 4,000 to 8,000 dolphins.

Turning to the factors affecting dolphin mortality, Dr. Hall said that the program's analyses focused on the problems that bring about sets with high mortality, which include strong currents, equipment malfunctions, and net malformations. The fishermen are overcoming these problems by reducing their incidence (for example, net canopies occurred in 24.9 percent of sets in 1986, 9.7 percent in 1992, and in only 8.3 percent of the sets observed to date in 1993) and/or by improving their response to them when they occurred (major malfunctions occurred in 9.5 percent of sets in 1986 and 9.6 percent in 1993, but the mortality per set in those sets has fallen from 24.7 dolphins to 1.0). They are also abiding by new regulations which contribute to reducing mortality; for example, mortality due to sacking-up of dolphins had practically disappeared in recent years.

In summary, Dr. Hall noted that the level of motivation of the fishermen continued at a high level, and their performance had improved steadily in 1992 and to date in 1993. The individual vessel limits set by the International Dolphin Conservation Program (IDCP) had had a considerable impact, and had reinforced the trend towards increasing awareness of and responsiveness to the problem. The U.S. and Mexican national programs and the industry programs of Mexico, the United States, and Venezuela had all contributed towards the achievement of the common goals.

With regard to trends in dolphin abundance, Dr. Hall said that the data for 1992 showed either stability or hints of increasing trends compared to 1991. The only stock that had shown a decline in recent years was the northern stock of the common dolphin. This was perplexing in view of very low mortality levels for the stock in recent years, but could probably be explained by an increase in migration by the dolphins towards areas north of their normal habitat, an increase that had also been detected for the same period in studies conducted by the U.S. National Marine Fisheries Service (NMFS) for the California area. The stocks that receive the greatest portion of the fishing effort, northeastern spotted and eastern spinner dolphins, showed very little change.

Dr. Hall stated that, in order to evaluate the impact of the incidental mortality in the fishery, it was necessary to relate this mortality to the abundance of the dolphin populations. Using the estimates of

total abundance produced by the NMFS for 1986-1990 and the most recent estimates of mortality, the stock with the highest level of incidental mortality was the northeastern spotted dolphin, with 0.63 percent. The levels for the other stocks ranged from 0.003 percent to 0.44 percent. As a conservative estimate of the net recruitment rate for dolphins is about 2 percent, it was clear from these figures that the reductions in incidental mortality should lead to increases or faster rates of increase for all stocks.

Dr. Hall went on to talk about the development of research projects aimed at improving the efficiency of the purse-seining operation or finding alternative ways of fishing that would catch large yellowfin tuna without involving dolphins. Many projects along these two lines were discussed at a recent meeting of gear experts, fishing captains, and dolphin and tuna biologists, held in preparation for the organization of the Scientific Advisory Board of the IDCP. Dr. Hall explained that these projects were being evaluated or developed in conjunction with the NMFS, with whom the IATTC staff were cooperating very closely, and that the Mexican national dolphin program would be joining in the development of some projects later in the year. Fishing captains from all the national fleets were also contributing their knowledge and experience to the assessment of these projects, and in fact many of the research initiatives had been suggested by them. Dr. Hall said that this cooperation should help accelerate the research process, and briefly described several proposals for gear modifications, detection systems capable of locating tunas not associated with dolphins, and fish-aggregating devices.

Dr. Hall discussed the results of a recent research cruise, organized jointly by the NMFS and the IATTC and with the participation of the University of Hawaii, in which attempts were made to follow simultaneously individual tunas and dolphins marked with acoustic or radio tags. Even though the main objective was not achieved, the project helped solve many methodological problems and also provided valuable information on several aspects of dolphin behavior, which could contribute to the understanding of the basis for the association of tunas and dolphins and perhaps to the development of new ways of fishing. Of particular interest were the dolphins' dive patterns, which showed that dolphins spend a significant amount of time swimming just above the thermocline, that they dive deeply at night, perhaps to feed on prey associated with the deep scattering layer, and that they remain within one or two fathoms of the surface while being chased prior to a set. Dr. Hall said that further analyses were under way, and a second attempt at the experiment was being planned.

Finally, Dr. Hall discussed some ecological aspects of the different methods for fishing tunas currently used. He said that of those methods which produce large volumes of catch, gillnets were likely to have bycatch problems and trawls had never been used in the eastern Pacific. He compared the three main modes of fishing with purse-seines in use today (on dolphins, on floating objects, and on unassociated schools of tunas) from the point of view of the rational utilization of the target resource, in this case yellowfin tuna, and of the impact on other components of the ecosystem. With regard to the first point, Dr. Hall stated that fishing on dolphins catches yellowfin at sizes close to the optimum from the point of view of the yield per recruit obtainable from the fishery, and at sizes usually larger than the average length at sexual maturity. Because the fish tend to be large, only 1 percent of the catch is discarded, compared to between 18 and 30 percent for sets on floating objects, and 6 to 9 percent for sets on unassociated schools. Fishing on dolphins was therefore clearly the best way of utilizing the yellowfin resource. With regard to the second point, Dr. Hall pointed out that fishing on dolphins caused a bycatch of dolphins, but that fishing on floating objects usually resulted in high bycatches of other species such as mahi-mahi, sharks, rays, wahoos, and other fish. If the fishery were to switch from fishing on dolphins to fishing on floating objects, the easiest alternative available, the bycatch of dolphins would be almost eliminated, but at the expense of a significant rise in the incidental mortality of all these other species. Dr.

Hall showed a table illustrating the comparative costs of replacing sets on dolphins with sets on floating objects, and explained that the values were obtained by computing the average mortality per set for the different species and subtracting one from the other. The values for sets on floating objects were based on more than 750 observed sets, whereas those for sets on dolphins were derived from a much smaller database, which Dr. Hall said would be expanded considerably in the near future. He noted that the table simply highlighted the choices that would have to be made and the difficulties in trying to arrive at an ecologically sound solution.

In conclusion, Dr. Hall stressed that the complexity of the problem required a much better understanding of the functioning of the ecosystem before the consequences of policy changes could be reliably evaluated. There were clearly two problems to be addressed, and the solution to one should not be at the expense of the other.

At the conclusion of Dr. Hall's presentation the Chairman opened the floor to questions.

Commissioner Herrera of Venezuela asked if there were any data available on the mortality of dolphins in other fisheries. In reply, Dr. Hall quoted recent reports of mortalities of one dolphin per 2.2 tons of tuna captured in the purse-seine fishery for tunas near the Philippines, about 1 dolphin per 2.8 tons of tuna captured in the gillnet fishery near the Bay of Biscay, and about one dolphin per 4.4 tons of tunas and other fishes of various types captured in the Sri Lanka area, and compared these figures to the mortality of one dolphin per 50 tons of yellowfin tuna captured in the eastern Pacific.

Commissioner Nanne of Costa Rica asked if this information on incidental mortality could be distributed to the Commissioners. Mr. Damaso Luna of Mexico asked if there was information available on dolphin mortality in any of the major high-seas purse-seine fisheries for tunas in other areas such as the western Pacific, eastern Atlantic, or western Indian Ocean. Dr. Hall replied that there was some, but that the data were limited because there is very little observer coverage of these fisheries, and added that some reports reviewing this information were available.

Mr. Luna also asked about the situation concerning harbor porpoise in the Gulf of Maine in the United States. Dr. Hall replied that he did not have the exact numbers to hand, but he was certain that the mortality as a proportion of population size was much higher than that of the dolphins in the tuna fishery in the eastern Pacific.

In response to a suggestion that dolphins may be taken by purse-seine vessels in the Atlantic Ocean, Ms. Isabel Revenga of Spain noted that EEC vessels are prohibited from setting their nets around schools of tuna associated with dolphins.

Agenda Item 7 - Review of International Dolphin Conservation Program

At the end of Dr. Hall's presentation the Chairman asked Dr. Joseph to review the progress of the International Dolphin Conservation Program (IDCP) established by the resolution of the 50th IATTC Meeting, held in June 1992 in La Jolla, California, and by the Agreement of the Intergovernmental Meeting (IGM) held at the same time.

Dr. Joseph pointed out that the International Review Panel (IRP), established by the Agreement to develop means of implementing the IDCP and monitor compliance, operated under the authority of that

Agreement, but since he served as technical secretary to the Panel he would make its report to the IATTC rather than the IGM. Dr. Joseph noted that the IRP had met four times: an *ad hoc* meeting on June 19, 1992, chaired by Richard Carpenter of Vanuatu; on October 15 and 16, 1992, chaired by Traci Romine, Greenpeace International; on January 27-29, 1993, chaired by Dr. Hector López, FUDENA; and from May 31 to June 2, 1993, chaired by Dr. Francisco Herrera of Venezuela. He also noted that the Scientific Advisory Board had held its first meeting in April, 1993.

Dr. Joseph explained that the schedule of dolphin mortality limits (DMLs) set up by the Agreement was now in operation, and that so far the vessels fishing under those limits had kept mortalities to low levels and were doing much better than expected in that respect. In fact, total mortality in the fishery in 1992, 15,470 dolphins, had been lower than the overall DML of 19,500 allowed for 1993 by the schedule.

At the October 1992 meeting of the IRP the overall DML of 19,500 for 1993 was divided among 106 qualified vessels, each of which received an individual DML of 183. At the June 1993 IRP meeting these limits were reviewed, and it was reported by the Secretariat that 58 vessels had fished in the eastern Pacific for tunas in association with dolphins during the first five months of 1993. Of the remaining 48 vessels assigned DMLs, 20 were inactive, 17 had fished but not on dolphins, and 11 which were fishing in the western Pacific when they were assigned DMLs in 1992 had not entered the eastern Pacific during 1993. The IRP granted DMLs of 91 dolphins each to 8 Ecuadorean vessels and 1 Mexican vessel that had requested them for the remainder of the year, and developed criteria for assigning DMLs for 1994.

Dr. Joseph reported that the IRP had also developed a set of infractions and sanctions (Appendix IV), intended to standardize and harmonize efforts to ensure compliance with the objectives of the Agreement, which they recommended to governments for consideration.

He next described the efforts of the IRP to develop multinational measures to ensure compliance with the Agreement by all nations involved in the fishery, whether party to the Agreement or not. Possible measures included diplomatic actions, public opinion actions, operational restrictions, and economic sanctions. He also mentioned that the IRP urged nations to take action to prevent vessels from changing flags in order to avoid the restrictions imposed by the Agreement.

Dr. Joseph explained that a major share of the IRP's work had consisted of reviewing the activities of individual vessels in order to monitor their compliance with the Agreement. This involved examining reports on the vessels' activities prepared by the IATTC and the Mexican national program from the data collected by observers aboard the vessels. Any potential infraction is reported to the flag nation, along with supplemental explanatory information, and the flag nation is invited to comment to the Panel on what action they might take or have taken. This procedure touches on the matter of confidentiality of data, and Dr. Joseph pointed out that the IATTC cannot provide data on the activities of individual vessels on a particular fishing trip to anyone, including the IRP, without the written consent of the owner and captain of the vessel. Currently, such consent has been obtained for nearly all trips.

Next, Dr. Joseph reported that the IRP discussed the fact that total dolphin mortality in 1992 was lower than the 1993 DML, and that information to date indicated that the mortality in 1993 would be substantially lower than that of 1992. Some members of the IRP believed that the annual DMLs for 1994-1999 should be adjusted to reflect the better-than-expected performance of the fleet, but no agreement was reached on this issue and it was referred to the present meetings for consideration and appropriate

action. Also referred to the IGM was the proposal to alter the IRP's Rules of Procedure to allow alternate representatives of NGOs and industry on the Panel.

Dr. Joseph noted there was general agreement among the members of the IRP on the desirability of a supplemental instrument on compliance, to add greater credibility and force to the Agreement. The Plenary was requested by the IRP to pursue this possibility, and an early date should be set to treat this matter.

Finally, Dr. Joseph mentioned two further points discussed by the IRP, that the Agreement and the progress of the IDCP should be given wide publicity by the governments, and that some environmental organizations had been spreading false information about the IDCP's achievements, and in particular casting doubt on the reliability of information provided by the IATTC staff concerning the program.

Commissioner Herrera of Venezuela mentioned that one of these groups had been encouraged to attend IATTC meetings to evaluate the program for themselves, but that no reply had been received.

At the conclusion of these discussions the Chairman suggested recessing the IATTC meeting and convening an intergovernmental meeting, to start the following day, in order to discuss the various issues raised by Dr. Joseph concerning the IDCP and the matters resulting from the work of the IRP. After some discussion it was agreed to continue the IATTC meeting the next day.

The meeting was recessed at 6:15 p.m.

The meeting reconvened at 8:30 a.m. on Wednesday, June 9. The Chairman indicated that one of the delegations wished to discuss Agenda Item 9 before going into an intergovernmental meeting, a request which was unanimously approved.

Agenda Item 9 - Recommended Research Program and Budget for FY 1994-1995

The Chairman asked Dr. Joseph to present the budget for FY 1994-1995.

Dr. Joseph started by noting that there were two parts to the budget, the regular IATTC budget and the supplemental budget for an expanded dolphin research program. He explained that the supplemental budget had been approved at the 1992 IATTC meeting in the amount of US$ 4,520,000, but that virtually none of these funds had been received, and that he was attaching a copy of this budget to the regular budget as a reminder.

Turning to the regular budget, he noted that it was the same as the budget approved the previous year but with an increase of US$ 122,250 (2.5%) to allow for inflation. He called attention to the fact that in recent years the approved budget had never been completely funded by the governments, and that only about 78 percent of what was approved was received. This was illustrated by the following table:

FY	Approved	Received	Percentage of approved budget received
1988-89	3,525,000	2,846,000	80
1989-90	3,525,000	3,049,000	86
1990-91	3,706,020	3,204,882	86
1991-92	4,403,307	3,243,263	74
1992-93	4,423,824	3,016,731	68
1993-94	4,743,000		
1994-95	4,865,250		

Dr. Joseph expressed concern over the fact that the amount of money the IATTC was receiving through the budget was decreasing while its responsibilities, particularly with respect to dolphins, were increasing. He noted that it might very soon be impossible for the staff to carry out all of their assigned tasks.

The Chairman asked for comments.

Commissioner Beasley of the United States moved to approve the budget as presented, but said that Mr. Brian Hallman, of the U.S. Department of State, wished to comment on this matter.

Mr. Hallman noted that his government had regularly paid 80 to 90 percent of the Commission's budget, and had been happy to do so as it ensured the viability of the tuna stocks, which were of great importance to the United States. He pointed out, however, that the IATTC Convention defines the formula for calculating contributions, and that these are proportional to the member's utilization of the tuna from the eastern Pacific. Since the U.S. market for tuna is *de facto* "dolphin-safe," U.S. utilization, as defined by the IATTC, is eroding, and therefore the U.S. contribution to the budget will necessarily likewise diminish, in accordance with the Convention. So far this had not been a crisis, as the statistics on utilization usually lag several years behind the budget year, but U.S. legal obligations had nonetheless changed. The United States might want to continue as in the past, but the legal framework was no longer there. Mr. Hallman stated that a way must be found to maintain the IATTC program, as it is extremely important, and that those nations that fish in the eastern Pacific and enjoy the benefits of the Commission's work should join the IATTC and contribute financially to its work, or if they chose not to join they should consider contributing financially. He added that this matter should be dealt with as a separate item on the agenda of a future Commission meeting, and noted further that his statement did not represent a shift in U.S. policy regarding support for the IATTC and its programs, but was rather the result of technical and legal matters concerning the Convention.

As there were no other comments, the Chairman called for approval of the budget, which was unanimously approved.

The Chairman then asked for any further comments on Agenda Item 7, which remained open.

Agenda Item 7 - Review of International Dolphin Conservation Program

Commissioner Saito of Japan referred to the recommendations from the IRP discussed by Dr. Joseph, noting that certain elements in the IDCP caused his government great concern. He recalled that the Japanese representatives at the meeting in La Jolla the previous year had expressed their concern over the initiative within the Commission to expand the dolphin program, particularly since Japan had no purse-seine fleet fishing in the area. They had requested then that this issue be kept separate from the IATTC and be dealt with in the IGM, but in the spirit of cooperation had agreed to approve the IATTC resolution establishing the IDCP.

Looking now at the work of the IRP and its recommendations, it was easy to understand why Japan had difficulty in approving the IATTC resolution. Many elements exceed the objectives of the IATTC as defined in the Convention, and indeed some elements in the IDCP go beyond the functions of the IATTC, notably the matter of infractions and sanctions and the proposed measures against nations which failed to comply with the IDCP.

Commissioner Saito pointed out that the purpose of the Convention was clearly stated in the preamble: it deals with yellowfin and skipjack tuna and other species of fish taken in the eastern Pacific. Matters such as penalties, infractions, and sanctions go beyond the Convention, and should be dealt with by sovereign states in their national legislation. These issues are quite foreign to international fisheries conventions, and therefore Japan could not accept these recommendations.

Commissioner Saito suggested that perhaps the appropriate approach might be to establish another legal instrument outside the IATTC that requires legislative ratification. He went on to comment on a part of Dr. Hall's presentation from which the ecological cost of saving one dolphin could be deduced, and asked that the table be distributed (Appendix V).

Commissioner Beasley of the United States called attention to the fact that in 1976 the Commission agreed to broaden its responsibilities to include dolphins, and in June of 1992 approved a resolution putting into effect the IDCP, establishing DMLs, the IRP, and a Scientific Advisory Board. In the view of the U.S. government, the Panel is carrying out the duties assigned to it by the Resolution of the IATTC and the Agreement of the IGM.

After some discussion of whether to recess the IATTC meeting, it was agreed to do so and to convene an intergovernmental meeting.

At this point Dr. Joseph asked the Chairman if he could discuss the matter of confidentiality and present a draft resolution to the Commissioners on this subject. He went on to explain that the IATTC Convention requires that the Commission maintain data on individual vessels confidential. The Commission's policy has always been to make such confidential data available to governments and institutions if authorized to do so in writing by both the owner of the vessel and the captain during the fishing trip in question. Under the IDCP data on the fishing activity of vessels carrying an observer are required by governments in order to monitor compliance with the program. In nearly all cases releases are obtained from owners and captains, thereby allowing the data to be supplied to governments and the IRP so they can carry out their responsibilities; however, it is occasionally difficult to obtain a release, usually because a captain is either at sea or unavailable. In order to facilitate obtaining the releases, it had been suggested that, since under the IDCP no vessel of capacity greater than 400 tons can sail without an

observer, an observer should not be assigned to a vessel until all necessary releases were obtained, thus solving any logistical problems. Dr. Joseph distributed a draft resolution on the subject, which was unanimously approved (Appendix VI).

The meeting was recessed at 10:30 a.m. It was reconvened the following day, Thursday, June 10, at 4:00 p.m.

Agenda Item 8 - Recommendations for 1993

The Chairman introduced this item, noting the need for action on the Director's recommendation for a yellowfin catch limit of 250,000 tons for 1993, with four increments of 25 thousand tons each. After a short discussion, a resolution on this matter was approved (Appendix VII).

Mr. Hallman of the United States indicated that he wished to make a recommendation concerning the IATTC budget before leaving this agenda item. He noted that the question of the future budget of the IATTC was a very serious matter that would have to be dealt with soon. He stated that a working group should be convened, perhaps at the same time as a meeting to deliberate some of the other matters that had arisen, to deal with the issue of the budget, whose seriousness he again stressed.

Mr. Luna of Mexico responded that his government would be willing to participate as an observer in the consultations on the IATTC budget and to work with other governments to find a solution to the problem. He noted that Mexico might wish to deal with other matters at the same time, particularly the issue of marine mammals.

Dr. Guerly Avila of Colombia also expressed the willingness of her government to work on this matter.

Commissioner Saito requested clarification on the timing of such a meeting; the U.S. delegation responded that it had no clear idea yet, but emphasized the importance of holding it soon.

Agenda Item 10 - Place and Date of Next Meeting

Commissioner Herrera of Venezuela expressed the willingness of his government to host the next meeting of the IATTC, and his offer was unanimously accepted. Agreement was reached on June 7-9, 1994, as the dates for the meeting; the exact location would be communicated at a later date to the Director, who would in turn notify the member governments.

Agenda Item 11 - Election of Officers

Ms. Doresthy Kenneth of Vanuatu proposed Commissioner Herrera as Chairman of the IATTC, and this was unanimously approved.

Commissioner Herrera thanked the other Commissioners for this honor, indicating that he would use all the resources available to him to assist the IATTC in achieving its objectives.

Commissioner Juan Varela of Panama was proposed as Secretary by Commissioner Saito of Japan, and this proposal was approved unanimously.

Agenda Item 12 - Other Business

After the Chairman opened this agenda item for discussion, Commissioner Saito asked for the floor, indicating that he would like to bring an important issue concerning fisheries management to the attention of the Commissioners. He noted that at the present time the Standing Committee of the Convention on International Trade in Endangered Species is studying modifications to the criteria for the listing of marine species in Appendix I and II of that Convention. He noted that the criteria being discussed could potentially have a great impact on the IATTC, as well as on fisheries organizations and administrations in general, since they might result in the closure of every fishery in which an endangered or threatened species is caught or could be caught, or in which one of the components in the ecosystem from which a species is being exploited is endangered. He asked that the Director distribute information on this matter to the members of the IATTC as well as to the observer governments.

The Chairman then offered the NGOs and other observers present the opportunity to address the meeting. Statements were made by Congressman Miguel Sotelo Burgos of Mexico (Appendix VIII), Traci Romine of Greenpeace International (Appendix IX), Dr. Hector López of FUDENA (Appendix X), Alejandro Villamar of Red Mexicana de Acción frente al Libre Comercio (Appendix XI), and Marlène Kanas of Robin des Bois (Appendix XII).

Commissioner Nanne of Costa Rica took the floor to say that he had not known what to expect on this, his first trip to Vanuatu, but that he had met nothing but warm hospitality and friendliness from the people of Vanuatu. He said that on behalf of all the Commissioners and attendees at the meeting he wished to express most heartfelt appreciation and thanks to the government and people of Vanuatu, whose graciousness and hospitality had far exceeded anyone's expectations. He also expressed everyone's appreciation to the Chairman, Richard Carpenter, and his staff for leading them through a difficult but successful meeting. All present showed their agreement with loud applause.

Agenda Item 13 - Adjournment

The Chairman adjourned the 51st Meeting of the IATTC at 6:30 p.m.

Appendix I.

LIST OF ATTENDEES

Member Governments

COSTA RICA
Herbert Nanne Echandi - Commissioner

FRANCE
Patrice Corler

JAPAN
Tatsuo Saito - Commissioner (Acting)
Akima Umezawa
Shingo Ota
Akira Suda

PANAMA
Juan Antonio Varela - Commissioner

UNITED STATES OF AMERICA
Henry Beasley - Commissioner
George Boehlert
Brian Hallman
Robert C. Macdonald - Commissioner
Paul E. Niemeier
Ed Stockwell
Mary Walker - Commissioner
Julius Zolezzi

VANUATU
Antoine Pikeoune
Richard Carpenter - Commissioner
Wycliff Bakeo
Paul Sami
Doresthy Kenneth
Moses Amos
Wesley Obed

VENEZUELA
Francisco Herrera Terán - Commissioner

Observer Governments

COLOMBIA
Guerly Avila de Tabares

MEXICO
Dámaso Luna Corona
Martha Lara Fernández
Miguel Sotelo Burgos
Horacio Vega Soto
Guillermo Compeán Jiménez
Alfonso Rosinol Lliteras

REPUBLIC OF CHINA
Chung-Hai Kwoh

RUSSIAN FEDERATION
Viktor Albrandt
Irina Shestakova

SEYCHELLES
Rose-Marie Jacques
Georges Maniuri

SPAIN
Isabel Revenga Arangüena
Javier Ariz Tellería
Luis Benavides

International Organizations

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Jacek Majkowski

FORUM FISHERIES AGENCY
Andrew Wright

INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS
Javier Ariz

SOUTH PACIFIC COMMISSION
Antony D. Lewis

Non-governmental Organizations

GREENPEACE INTERNATIONAL
Traci Romine
Juan Carlos Cárdenas
Marta Banuelos

RED MEXICANA DE ACCION FRENTE AL LIBRE COMERCIO
Alejandro Villamar

FUDENA
Héctor López Rojas

ASSOCIATION ROBIN DES BOIS
Marlène Kanas

IATTC Staff
James Joseph
Martín Hall
Berta Juarez

Interpreters
Carlos Diez
Cynthia Diez
Alvaro Sanabria

Appendix II.

Address by the Rt. Hon. WILLIE JIMMY, Minister of Finance

The Director of the Inter-American Tropical Tuna Commission, Dr. James Joseph, Commissioners, distinguished delegates of member countries and of observer countries, representatives of international organizations and of non-governmental organizations, representatives of the tuna fishing industry, ladies and gentlemen:

It gives me great pleasure to welcome you all to Vanuatu and especially to our capital city, Port Vila, for the 51st Annual Meeting of the Inter-American Tropical Tuna Commission. We are honoured to be hosting what we believe will be an extremely important meeting, and we are grateful to you for having, in many cases, suffered long and tiring journeys to be here.

I know that some of you arrived in Vila a few days ago, and I hope that you have had the chance to leave this hotel and to discover for yourselves some of what Port Vila and Vanuatu has to offer. We believe that our country really is paradise, and I hope that after your stay here you will agree.

Although Vanuatu is a relatively recent member of the Commission, we are well aware of the valuable work that it has undertaken over many years in studying the stock of yellowfin tuna and, through its recommendations, in ensuring its conservation as a sustainable fishery resource.

The Commission has more recently become involved in the conservation of other species, notably dolphin. Vanuatu shares the world's concern over the dolphin mortality incidental to tuna purse-seining in the eastern Pacific Ocean and fully supports the international efforts to reduce incidental dolphin mortality to insignificant levels.

Before we commence the meeting, it is worth reflecting on the progress that has been made.

In 1986, when Vanuatu first became involved, the tuna fishery in the eastern Pacific killed 133,000 dolphins, which was an average mortality of 13 dolphins per set. By 1992 this had been reduced to 15,470 animals, an average of 1.5 dolphins per set. To achieve a reduction in mortality of nearly 90% in just 6 years is a major achievement, and we look forward to hearing the results for 1993, which we confidently expect will be even better.

We are pleased that Vanuatu has been at the forefront of these reductions and that the dolphin mortality occasioned by the Vanuatu fleet is one of the lowest in the international fleet. But no country can by itself lay claim to the credit for the outstanding successes to date. These successes have been brought about by cooperation between the countries fishing in the region and by international goodwill.

The agreements reached in Costa Rica in September 1990 and in La Jolla in January 1991 to develop an international program to reduce the incidental mortality of dolphins have been given practical meaning and effect by the detailed international agreements made in La Jolla in April and July of last year, and it is these agreements and not the actions of any one country or organization that have contributed so directly to the dramatic reductions in dolphin mortality.

We must not, however, be complacent. Dolphins are still being killed, and there remains much work to be done. Just as no country or organization can claim credit for the past, neither should any country or organization think that it alone holds the key to the future. Let us build upon the successes to date. We should all realize that without continued international cooperation there will be no program, and that without an international program dolphin mortality will not be kept at its present levels, let alone be reduced further.

Finally, I would like to record the appreciation of the Vanuatu Government to the work that that has been done through the Commission and reiterate our support of the Commission. Although the international effort has extended beyond the Commission, the international agreement has recognized the important role of the Commission in coordinating research and in providing the secretariat for the International Review Panel. Let us not allow our

support for the Commission to waver at this crucial point. To do so would risk losing not only a wealth of expertise and experience in the tuna-dolphin issue but also the one body through which all countries have been able to work effectively, whether members or not.

This is a vital meeting. It is up to all of us to find a solution. I am sorry that due to the present session of Parliament I will not be able to be with you, but I give you all my best wishes in your deliberations and urge you not to leave Port Vila until you are confident that a sustainable framework is in place for the further international reduction of incidental dolphin mortality.

I hereby declare the 51st Annual Meeting of the Inter-American Tropical Tuna Commission open.

Appendix III.

AGENDA

51st MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

June 8-10, 1993

Port Vila, Vanuatu

1. Opening of the meeting
2. Adoption of agenda
3. Review of current tuna research
4. The 1992 fishing year
5. Status of tuna stocks
6. Review of tuna-dolphin research and extension programs
7. Review of International Dolphin Conservation Program
8. Recommendations for 1993
9. Recommended research program and budget for FY 1994-1995
10. Place and date of next meeting
11. Election of officers
12. Other business
13. Adjournment

Appendix IV.

INFRACTIONS AND SANCTIONS

MAJOR INFRACTIONS FOR INDIVIDUAL OPERATORS, OWNERS, AND OBSERVERS

		Fines in US$	Suspension of license	Loss of DML
1)	Fishing without an observer:			
	captain responsible	100,000	3 years	
	owner responsible	100,000		3 years
2)	Fishing on dolphins without a DML assigned (regardless of boat capacity, *e.g.* Class 5):			
	(captain)	250,000	5 years	
3)	Making intentional sets after reaching DML			
	1st set (captain)	50,000	2 years	
	each additional set (captain)	30,000	6 months	
4)	Making intentional sets on banned stock or school types prohibited under Agreement or current regulations:			
	(captain)	50,000	2 years	
5)	Serious interference with observer duties (bribe offers, threats):			
	by captain	50,000	2 years	
	by owner	50,000		2 years
6)	False reporting by observer: additional sanctions by nations (felony, misdemeanor)	no pay	dismissal	
7)	Hiring a captain without a national license, or whose license has been suspended, for a vessel with a DML:			
	(fine for owner)	100,000		
	captain additional suspension		2 years	
8)	Departing or fishing on dolphins without a dolphin safety panel:			
	captain	100,000	2 years	
	owner	100,000		2 years
9)	No backdown (each occurrence):	100,000		
10)	Intentional sack up or brailing of live dolphins:	50,000		

OTHER INFRACTIONS[1] :

1)	Night set (each occurrence):	20,000
2)	Use of explosives for dolphin sets (e.o):	20,000
3)	Minor interference with observer duties (e.o):	5,000
4)	Failure to deploy crew as hand rescuers (e.o):	10,000
5)	Departing or fishing without the required equipment (DML vessels):	
	Raft in operable condition	10,000
	All speedboats with towing bridles	10,000
	Floodlight in operable condition	10,000
	Two diving masks and snorkels	20,000

1. Captain's responsibility in all cases; number 5) is also owner's responsibility.

If we replace dolphin sets with sets on logs, the incidental mortality of dolphins is almost eliminated, but at the expense of other species, as shown in the following equality:

1 dolphin	=	8756.0 tunas
	+	60.0 mahi mahi
	+	18.8 sharks
	+	12.6 wahoo
	+	8.4 yellowtail
	+	5.4 rainbow runner
	+	1.2 billfishes
	+	0.014 sea turtles

Appendix VI.

RESOLUTION

The Inter-American Tropical Tuna Commission, at its 51st Meeting, held in Port Vila, Vanuatu, on June 8-10, 1993:

Recognizing that data concerning the individual activities of a fishing vessel collected by observers of national and international programs aboard purse-seine vessels of greater than 400 short tons carrying capacity operating in the eastern Pacific Ocean must be available to governments and national and international programs in order to achieve the objectives of the International Dolphin Conservation Program, and

Noting that such data cannot be released without the written consent of the owner and captain of the vessel in question,

Therefore recommends that observers not be placed aboard the vessels mentioned above without first receiving a signed release from the owner and fishing captain of said vessels.

Appendix VII.

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 recommendations to the High Contracting Parties with regard to these resources, and having maintained since 1950 a continuing scientific program directed toward the study of those resources,

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

Recognizes, 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 1992, excepting 1987, although no conservation programs were implemented, conservation measures were 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, although the stock of yellowfin is currently at a level of abundance greater than the optimum, nevertheless it can be over-exploited,

Concludes that, if conditions warrant, a limitation on the catch of yellowfin tuna should be implemented during 1993.

The Inter-American Tropical Tuna Commission therefore recommends to the High Contracting Parties that a quota of 250,000 short tons be established for the 1993 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 25,000 short tons each if he concludes from examination of available data that such increases will pose 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 1993.

Appendix VIII.

Statement of Congressman MIGUEL SOTELO BURGOS, Mexico

Thank you, Mr. Chairman, for allowing me the opportunity to speak. I bring you warm greetings and best wishes from the Congress of Mexico and especially from the Congressional Commission on Mexican Fisheries. We in the Commission and in Congress generally wish to express our utmost concern about the mortality of dolphins taking place in the eastern Pacific Ocean, and we recognize the great efforts by the governments and fishing sectors of all countries to reduce this mortality to the lowest possible levels. This problem is of special interest to me, since I have been involved in matters related to the sea, particularly fishing, from a very young age, and therefore know how matters such as these affect not only the animals of the sea but also the fishermen who depend on the sea for their sustenance and livelihood. All of us in the Mexican legislature share these concerns, and that is why, in the case of the dolphins in the eastern Pacific, we have passed legislation for their protection.

It is our belief in the Mexican Congress that because of the international nature of the resources, the industry, and the markets, a real solution to this problem lies in a multinational approach and not through unilateral action, which can ultimately never achieve all of our objectives concerning the conservation of dolphins and tunas. We urge the IATTC to continue their efforts in this direction. It is only in this way that we human creatures can continue in the future to enjoy the goodness that the sea offers us.

We support the efforts of the IATTC, and when the issue of the IATTC budget comes up in the Mexican Congress, we will support it.

Finally, Mr. Chairman, we would like to express to you, the delegation of Vanuatu, and all of the citizens of this beautiful country our most sincere and warm thanks for the gracious hospitality shown us during the course of our deliberations.

Appendix IX.

CONTRIBUTIONS AND CREDIBILITY --
TWO MAJOR CHALLENGES OF THE GLOBAL TUNA FISHERIES MANAGEMENT

Before the Inter-American Tropical Tuna Commission and Inter-Governmental Meeting; Vanuatu, 10 June 1993

Presented by Greenpeace International, Greenpeace Latin America, and Greenpeace Mexico

Thank you, Mr. Chairman and distinguished delegates. My name is Traci Romine, and I represent Greenpeace International, one of the major environmental groups, with 30 offices around the world and five million citizen supporters. Our international and multicultural organization is privileged to have the opportunity for the first time to visit Vanuatu and learn about the social and environmental characteristics of this region. We look forward to future opportunities to build bridges with the diverse communities here.

In 1992 and 1993, I have served with my colleague from FUDENA as a member of the International Review Panel of the Inter-American Tropical Tuna Commission. In this capacity, I thank you for the opportunity to present our perspectives. Through our diligent and enthusiastic work in the Review Panel and our active presence in these meetings, Greenpeace indicates its clear support for a multilateral solution to the fisheries issue.

Greenpeace was in the forefront in calling for a multilateral solution, and we have worked consistently in this direction for many years. Clearly, this work is paying off. This systematic and inclusive approach is not only saving dolphins but also discouraging the introduction of other destructive commercial fishing practices that result in diverse bycatch and discards.

The activities of the fishing captains and crews and the long history of independent scientific work have played a major role in providing consistent credibility and in proving an international approach can work as a model for solving international high seas fisheries problems. The active participation and commitment of the fishermen have resulted in significant trends toward eliminating dolphin mortality, which may well be 8,000 dolphins this year. We have come a long way since the years when mortality was 100,000 marine mammals in the eastern Pacific Ocean alone. Because of the fishermen at sea and environmentalists working on coherent international solutions, 92,000 dolphins may live in the eastern Pacific ecosystems this year.

However, there are many threats and challenges to the success and credibility of this multilateral and multisectorial effort, not the least of which is governmental irresponsibility. This program and its progress must not be killed by financial inaction or paralyzing political calculations. Real steps are needed from governments to solve the lack of political and legal definition of this program and to ensure its financial security.

In addition, Greenpeace calls on all parties to reinforce the role of the International Review Panel. In a short time, this Panel has proved its effectiveness and capacity to contribute concrete and positive proposals that enhance the program and its international credibility.

Very clear and immediate action is required to bring the dolphin mortality reduction schedule into reality. This is necessary to reflect the goals of this Agreement, which are "progressively reducing" and "eliminating mortality in this fishery" (IATTC, Inter-Governmental Agreement, 1992). Anything less than an immediate reduction in the overall schedule will undermine the credibility of our goals.

Compliance and enforcement mechanisms are of urgent necessity to ensure the long-term viability and credibility of this program. Finally, more action is needed to establish international research efforts for new technologies. This effort must be international in character to assure all nations have access to technological advances. We should guard against becoming mired in political and commercial battles between nations.

In summary, Greenpeace as a multicultural environmental organization is working very hard to draw attention to and solve the problems plaguing highly-migratory species. We are participating with many other environmental,

citizen, and fishworkers organizations in the United Nations Conference on Highly Migratory and Straddling Stocks, where the need for global coordination of tuna fisheries management is a key concern for future environmental and social security.

Appendix X.

Statement of HECTOR LOPEZ ROJAS, Fundación para la Defensa de la Naturaleza, Venezuela

The Fundación para la Defensa de la Naturaleza (FUDENA) is a national organization which constitutes one of the ways in which Venezuelan society participates in the various aspects of national and international affairs.

Like most organizations of this type, generally but perhaps erroneously called ecological, FUDENA is rooted in the need to find answers to the problems of the world immediately about us (social, environmental, etc.) through the organization and coordination of various initiatives, with the ultimate aim of benefitting the community and its environment.

One of FUDENA's objectives is to establish strategies for communication between the members of the national and international community and the various associations they represent.

It is in this role of mouthpiece for society that FUDENA has been working in the IRP since its creation, because we consider that any approach to environmental problems must be (1) multilateral and (2) interdisciplinary, and be based on a sound scientific foundation.

We think that the expectations which led us to participate in the IRP have been to a great extent fulfilled, thanks to the determination of the members of the Panel, the Commission, and the fishermen involved.

We hope that the efforts of all those involved will be further intensified, so that the dolphin mortality reduction program may achieve a greater success and in a shorter time than originally established.

We sincerely hope to be able to tell the interested community that, thanks to the efforts of the parties involved, we are on the way to solving the problem of incidental mortality of dolphins in a very short time.

Thank you.

Appendix XI.

Statement of ALEJANDRO VILLAMAR, Red Mexicana de Acción frente al Libre Comercio

I am Alejandro Villamar, and I represent the Red Mexicana de Acción frente al Libre Comercio (RMALC). We have attended this meeting with the same positive attitude we have shown since the inception of the intergovernmental agreement, and we congratulate the participants for the agreements reached.

The RMALC is made up of trade unions and environmental and social groups in Mexico, and we maintain links with our counterparts in the United States and Canada. We wish to reiterate and stress that for us the existence of the Agreement and especially the successes achieved in the reduction of dolphin mortality are key elements for showing the world that it really is possible to find or to create modern control mechanisms for fisheries in which governments, industry, and society can play a part.

The Red Mexicana, together with other environmental organizations and organizations of fishermen from the Mexican tuna fleet, submitted to the members of the intergovernmental agreement three proposals, which were in some form or other adopted by both the International Review Panel and this meeting, and we accept that progress has been made, but we feel bound to point out that this progress is really very small and falls far short of what the citizens of our countries want. This demonstrates the need for greater efforts by each and every one of the participants in the agreement.

During the discussions at the meeting reference was made to the need for a greater recognition of the efforts made by vessel crews to reduce the levels of dolphin mortality, and an agreement on implementing a program of public education has already been reached. In this regard we wish to urge governments and industry to remember and to practice the essential element of cooperation with environmental organizations. Such an open cooperation, far from the rhetoric of bureaucracy, is, we think, one of the cornerstones of the credibility of this agreement, and one of the fundamental steps in that cooperation is the availability of information on the performance of the national fleets and the concrete actions of the various national programs. There has been in the past a marked difference in the attitude of the IATTC and of certain governments, including that of Mexico, towards supplying information. We wish to express our appreciation to Dr. J. Joseph and Dr. M. Hall for their attitude, but we repeat our exhortation to the governments that they put into practice their undertaking to furnish timely information. This would be the first step towards the public education that would be carried out jointly by environmental organizations, governments, and industry, an action which costs us little but which implies changing ancient inertias of underdevelopment.

Another point which we would like to comment on briefly is that of commitments to investment in the development of alternative technologies. We feel that this should be given greater attention by both governments and industry. We know, because they tell us so, that some countries are making real efforts, but we also know that others are caught in a contradiction: on the one hand they are committed to making this investment as parties to the intergovernmental agreement, but on the other hand their domestic legislation prohibits them from doing it. A positive solution to this contradiction would be desirable.

Finally, we would reiterate our readiness to continue cooperating in a positive fashion in the work of the Intergovernmental Agreement.

Thank you.

Appendix XII.

Statement of MARLENE KANAS, Association Robin des Bois, France

Robin de Bois, which with 20,000 members is one of the smallest and most generalist groups, wants to protect dolphins and fishermen. We think that oceans without fishermen would be helpless to face industrial pollution, and we think that fishing harbours are more useful to humanity than leisure and sports-fishing harbours.

We are of course aware of the diminution of dolphin mortality in the purse-seine tuna fishery in the eastern tropical Pacific.

We would like this mortality reduced further, and even eliminated as fast as possible, as was said during the 1990 intergovernmental meeting in San Jose, Costa Rica. This means that there should not be any pause in this progression, and that the IATTC should not refuse to be more efficient than was planned, as in practice good will at sea is doing better than theoretical promises in air-conditioned rooms.

Robin de Bois therefore asks for the limit of 5,000 dolphins in 1999 be reduced, as well as the limits for 1998, 1997, 1996, and 1995. This would show optimism and good will, and would reduce the distance between intermediate ecologists and ecologists refusing every compromise.

The dolphin-safe campaign not only reduces useless losses of marine mammals but also brings diversity in methods and areas for fishing tuna. Robin des Bois is happy about that because purse seining, assisted by helicopters, has never produced a lot of employment for fishermen and seamen, except of course for Campbell Industries in San Diego.

To conclude, we would like to suggest that financial participation from Vanuatu, Venezuela, Costa Rica, Mexico, Panama and Ecuador to the IATTC should be proportional to the economical and political interests of each of these countries in the tuna.

MINUTES OF THE INTERGOVERNMENTAL MEETING ON THE CONSERVATION OF TUNA AND DOLPHINS IN THE EASTERN PACIFIC OCEAN

Port Vila, Vanuatu
June 9 and 10, 1993

An Intergovernmental Meeting (IGM) on the conservation of tunas and of the dolphins involved in the purse-seine fishery for tunas in the eastern Pacific Ocean was convened at the Le Lagon Hotel in Port Vila, Vanuatu, at 10:30 a.m. on Wednesday, June 9, 1993. The following governments attended the meeting as participants with authority to vote on substantive issues: Colombia, Costa Rica (subject to subsequent government ratification of action), Mexico, Panama (likewise subject to ratification), the United States of America, Vanuatu, and Venezuela. The governments of France, Japan, the Republic of China, Russia, Seychelles, and Spain attended as observers. Also present as observers were four international organizations, the Food and Agriculture Organization of the United Nations, the Forum Fisheries Agency, the International Commission for the Conservation of Atlantic Tunas, and the South Pacific Commission, and four non-governmental international organizations (NGOs), Association Robin des Bois, the Fundación para la Defensa de la Naturaleza (FUDENA), Greenpeace International, and Red Mexicana de Acción frente al Libre Comercio. A list of attendees is attached as Appendix I.

Richard Carpenter of Vanuatu was elected Chairman. He opened the meeting by referring to the review of the International Dolphin Conservation Program (IDCP) presented by Dr. Joseph, Director of the Inter-American Tropical Tuna Commission (IATTC), at that organization's meeting the previous day. He proceeded to deal with the seven issues which the International Review Panel (IRP) had referred to the plenary intergovernmental meeting for action.

1. Modification to Rules of Procedure regarding alternate members for NGO and industry representatives serving on the IRP

The Chairman explained that the reason for the suggested change was that there was currently no provision for the NGO or industry members of the IRP to be represented by alternates if they could not attend Panel meetings themselves, and called for approval of the measure.

The proposed changes were approved unanimously.

Panama requested that the number of government members allowed to serve on the IRP, currently five, be increased, to allow Panama and perhaps other interested governments to participate. Because the IRP is at the heart of many of the decisions being made concerning the IDCP, all governments with fleets operating in the fishery would like to become more involved in its work. If it were not possible to increase the membership of the Panel, then perhaps these governments could be allowed to participate as observers.

2. Confidentiality and Releases

The Chairman explained that in order to implement the objectives of the Agreement the IRP must have access to individual vessel records collected by observers. IATTC guidelines on confidentiality make it impossible for the Commission to release such records without the written consent of the owner

of the vessel and the captain on the fishing trip in question. These releases (Appendix II) are normally given, but occasionally logistical difficulties may lead to their not being available. It was therefore proposed that the IATTC and the national programs not place an observer on a vessel, a prerequisite for all vessels capable of fishing for tunas associated with dolphins, until the release is obtained.

The measure was approved unanimously.

3. Rescheduling of DMLs

The Chairman explained that during 1992 dolphin mortality in the fishery was 15,470 animals, less than the DML of 19,500 set for 1993, and that so far in 1993 it appeared that the mortality would be substantially lower than that of the previous year. It had been suggested that, in order to maintain a high degree of credibility in the program and to highlight its outstanding success to date, the original DMLs for 1993 through 1999 should be rescheduled to reflect the current situation.

Most representatives felt that the issue of rescheduling should be addressed but, because the program was only 6 months old, the fishery is variable, and the data for 1993 were incomplete, the matter should not be dealt with precipitately. It was generally felt that rescheduling should take place only at the end of the year, and that consideration should be given to the principle that a DML assigned to a vessel in one year should always be lower than that of the previous year.

Representatives from the tuna industry called attention to the great progress achieved in reducing mortality and argued that they should not be penalized for having done so well. They asked that any rescheduling be based on scientific evidence.

It was agreed that the DMLs would be revised downward, that a working group would be convened for this purpose, and that the precise reductions would be determined at an IGM to be convened before December 15, 1993.

4. Standardization of Infractions and Sanctions

The Chairman introduced this subject by recalling that a list of infractions and recommended sanctions (Appendix III) was prepared by the IRP in an attempt to standardize and harmonize mechanisms to ensure compliance with the Agreement. These were circulated to all governments party to the Agreement, calling on them to consider these recommendations in their national programs. He also recalled that the IRP requested that all governments party to the Agreement be prepared to report to the Plenary on what actions they are taking with respect to the harmonization and standardization of infractions.

Panama reported that a decree was issued by his government placing into law all the recommendations of the IRP regarding infractions and sanctions. However, the maximum penalty that could be imposed by his government was US$ 100,000 for a single infraction.

Costa Rica explained that his government had so far been unable to put the recommendations into law due to a case in the Supreme Court in which a citizen was contesting Costa Rica's membership of the IATTC. Until the case was resolved no laws respecting these matters could be enacted.

Japan noted that his government was not in a position to accept these recommendations and that if they were presented to the legislature they would certainly be rejected.

The United States stated that their situation was similar to that of Panama, in that laws had been passed to put into effect the great majority, if not all, of the recommended infractions. Civil penalties were authorized up to and including suspension of license and seizure of cargo, which were equivalent to the sanctions proposed by the IRP.

Spain remarked that in these matters her government was dependent on legislation from the Parliament of the European Economic Community (EEC), and that they were waiting for EEC action in reference to these recommended infractions and sanctions. She added that EEC legislation prohibits setting on tuna in association with dolphins.

Mexico stated that the recommended infractions were contemplated in national legislation, but that final harmonization of their efforts with those of other nations would require some time, since the matter must be treated by the Congress. However, in the meantime some actions have already been taken: training of technical personnel aboard purse-seine vessels was being accelerated, some economic sanctions had been applied, and some actions concerning suspension of fishing permits had been taken.

Colombia pointed out that there was currently a bill in the legislature to allow the recommended infractions and sanctions to be put into effect, and that it was anticipated that this would be done by the fall.

Vanuatu stated that they found no problem in incorporating all of the infractions into their legislation, and expected this to be done very soon. As regards sanctions, they would wait until they saw what action was taken by the present meeting.

5. Working group report on multinational measures to ensure compliance

After a lengthy discussion of this issue, a general agreement was reached on the acceptance of certain guiding principles (Appendix IV) recommended by the IRP relating to the relationship between states party to the Agreement, particularly with respect to achieving the objectives of the Agreement. There was also agreement that the matters of diplomatic action, public opinion action, operational restrictions, and economic sanctions (Appendix V) referred by the IRP to the Plenary for review, but not as recommendations for action, should be referred back to the IRP for further action. It was also agreed that five of the ten "other issues" (Appendix VI) recommended by the working group to the IRP were outside the scope and authority of the Panel and should not be considered further by them. The Plenary would deal with these issues, particularly in the context of a supplemental instrument. The remaining "other issues" should be treated by the IRP.

6. Criteria for Issuing DMLs

The Chairman referred to a document on this subject presented to the Plenary by the IRP. He noted that the reason for setting criteria was to discourage nations from applying for DMLs for vessels which would probably not utilize them. He called attention to the fact that nearly one-half of the DMLs assigned for 1993 were not being utilized, and that 11 vessels that were fishing in the western Pacific in 1992 and were granted DMLs had not returned to the eastern Pacific to utilize them.

A lengthy debate on two major issues followed. One was the proposal that some vessels post a bond before they could be assigned a DML, and the discussion centered on the amount of the bond. Suggestions ranged from US$ 750,000 to US$ 100,000, and agreement was reached on a bond of US$ 250,000. The other important issue was the question of vessels paying a fee to the IATTC to cover part of the cost of placing an observer aboard. This fee, US$ 10 per short ton of carrying capacity, would be paid to the IATTC by each vessel requesting a DML prior to the beginning of the year for which the DML was to be issued. If the fee was not paid, the DML would not be issued.

These extensive debates led to agreement on a series of criteria for issuing DMLs, including the two mentioned above (Appendix VII).

7. Supplemental Instrument

The Chairman opened this item by noting that Venezuela had distributed a document dealing with this matter, and called on the Venezuelan delegate to review the document.

The Venezuelan delegate noted that there was concern about the limitations of the laws in many Latin American states which establish mechanisms directed towards achieving the objectives of the Agreement. In an attempt to harmonize these efforts, and taking into consideration the recommendations of the IRP working group regarding a legal instrument to embody compliance mechanisms, the Venezuelan delegation, in conjunction with their legal counsel, had prepared a draft document as a starting point for the IRP and the Plenary. He noted that it would be timely to discuss the draft document now in general terms but premature to enter into an analysis of each article.

After a lengthy discussion on this issue, Mexico expressed the view that there did not appear to be a general consensus that such a document was urgently needed, but that there did appear to be a general opinion in favor of having an instrument dealing with these issues.

The Chairman and the other delegates concurred with Mexico's opinion, and agreed to consider further the creation of such a supplemental document.

At the conclusion of the discussion of these seven issues it was agreed that a working group would be established to draft a resolution embodying the recommendations of the Plenary regarding these issues. The working group was instructed to report back to the Plenary the following morning with a draft resolution.

The meeting was adjourned at 6:00 p.m., and reconvened the following day, Thursday, June 9, at 11:55 a.m.

The government of Vanuatu circulated a draft resolution permitting a vessel to retain its DML for the last 7 months of the 1993 calendar year if the reason for not utilizing it during the first 5 months was that the vessel was laid up for repair or maintenance work. The resolution (Appendix VIII) was unanimously approved.

Mexico noted that the resolution set a precedent for the modification of the Agreement, and that they would therefore reserve the right to use this same precedent at some future date.

Panama asked for the floor to discuss once again the matter of participation in the IRP. After a lengthy discussion it was agreed that the Director of the IATTC would prepare a draft modification to allow expansion of the membership of the IRP and circulate it to governments for a vote by mail.

The Chairman then asked for comments on the draft resolution proposed by the working group and incorporating the seven issues discussed earlier. After a brief discussion the resolution was approved (Appendix IX).

Referring back to Item 6, Criteria for Issuing DMLs, Costa Rica introduced a modification to paragraph (d) of the document dealing with these criteria (Appendix VII). The modification would allow nations meeting certain criteria respecting membership in the IATTC, being party to the Agreement, and currently lacking a fleet, to be exempted from posting a bond.

All participants approved Costa Rica's amendment, and the document was modified accordingly. Mexico noted that their approval was contingent upon the fact it would in no way open the door to non-compliance by a nation.

It was also agreed that those countries which had approved the 1992 La Jolla Agreement but not the actions taken at this meeting be given the opportunity to do so, and the Director of the IATTC was requested to circulate the proceedings of this meeting to these governments seeking their agreement.

The meeting was recessed from 4:00 to 4:35 p.m.

When the meeting resumed, Venezuela introduced a declaration urging the U.S. government to advise the appropriate authorities in their country, particularly the U.S. Congress, of the success of the IDCP under the IATTC, and on the basis of this success remove the trade embargoes applied under the U.S. Marine Mammal Protection Act for those countries participating in the IDCP.

The delegations of Colombia, Costa Rica, Mexico, Panama, and Vanuatu joined in their support of the declaration, attached as Appendix X. The U.S. representative stated that his delegation did not support of the declaration.

Finally, Panama, noting the accomplishments of the IATTC in the conservation of both tunas and dolphins, called attention to the benefits that the governments of Colombia and Mexico derived from the Commission and urged them to become members.

The delegate of Colombia said that her government was in the process of adhering to the IATTC Convention, and that a bill had already been introduced in Congress to approve Colombia's adherence. The bill was expected to be approved in August of this year, thereby clearing the way for Colombia's entry to the Commission.

The delegate of Mexico noted that his government was considering the necessary steps to request reincorporation in the IATTC, and had the budgetary requirements under review. They expected to have the necessary information in hand by the last third of this year.

There being no further business, the meeting was adjourned at 5:00 p.m. on Thursday, June 10, 1993.

Appendix I.

LIST OF ATTENDEES

COLOMBIA
Guerly Avila de Tabares

COSTA RICA
Herbert Nanne Echandi

FRANCE
Patrice Corler

JAPAN
Tatsuo Saito
Akima Umezawa
Shingo Ota
Akira Suda

MEXICO
Dámaso Luna Corona
Martha Lara Fernández
Miguel Sotelo Burgos
Horacio Vega Soto
Guillermo Compeán Jiménez
Alfonso Rosinol Lliteras

PANAMA
Juan Antonio Varela

REPUBLIC OF CHINA
Chung-Hai Kwoh

RUSSIAN FEDERATION
Viktor Albrandt
Irina Shestakova

SEYCHELLES
Rose-Marie Jacques
Georges Maniuri

SPAIN
Isabel Revenga Arangüena
Javier Ariz Tellería
Luis Benavídes

UNITED STATES OF AMERICA
Henry Beasley
George Boehlert
Brian Hallman
Robert C. Macdonald
Paul E. Niemeier
Ed Stockwell
Mary Walker
Julius Zolezzi

VANUATU
Antoine Pikeoune
Richard Carpenter
Wycliff Bakeo
Paul Sami
Doresthy Kenneth
Moses Amos
Wesley Obed

VENEZUELA
Francisco Herrera Terán

International Organizations

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Jacek Majkowski

FORUM FISHERIES AGENCY
Andrew Wright

INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS
Javier Ariz

SOUTH PACIFIC COMMISSION
Antony D. Lewis

Non-governmental Organizations

ASSOCIATION ROBIN DES BOIS
Marlène Kanas

FUNDACION PARA LA DEFENSA DE LA NATURALEZA
Héctor López Rojas

GREENPEACE INTERNATIONAL
Traci Romine
Juan Carlos Cárdenas
Marta Banuelos

RED MEXICANA DE ACCION FRENTE AL LIBRE COMERCIO
Alejandro Villamar

IATTC Staff
James Joseph
Martín Hall
Berta Juarez

Appendix II.

Form of Release of Vessel Captain

The undersigned fishing captain hereby authorizes the release of information on the fishing activities of any purse seiner of the international tuna fleet under his command that is collected by observers from either the Inter-American Tropical Tuna Commission's (IATTC) international dolphin program, or a national dolphin program. The data can be released to any of the following:

1) The IATTC's dolphin program.
2) The national dolphin program, if applicable.
3) The government that has jurisdiction over the vessel(s).

The IATTC may provide information to the International Review Panel for verification of compliance with the mortality limits set forth by the multilateral program adopted in 1992, and with national regulations for the protection of marine mammals.

This authorization will remain in effect until revoked in writing to the IATTC.

Fishing Captain signature: _____

Print full name: _____

Date: _____

Form of Release of Vessel Owner/Manager

The undersigned vessel manager hereby authorizes the release of information on the fishing activities of the vessel(s) named below that is collected by observers from either the Inter-American Tropical Tuna Commission's (IATTC) international dolphin program, or a national dolphin program. The data can be released to any of the following:

1) The IATTC's dolphin program.
2) The national dolphin program, if applicable.
3) The government that has jurisdiction over the vessel(s).

The IATTC may provide information to the International Review Panel for verification of compliance with the mortality limits set forth by the multilateral program adopted in 1992, and with national regulations for the protection of marine mammals.

This authorization will remain in effect until revoked in writing to the IATTC, or until the ownership of the vessel(s) changes.

Name(s) of vessel(s): _____

Vessel manager signature: _____

Print full name: _____

Date: _____

Appendix III.

INFRACTIONS AND SANCTIONS

MAJOR INFRACTIONS FOR INDIVIDUAL OPERATORS, OWNERS AND OBSERVERS

		Fines in US$	Suspension of license	Loss of DML
1)	Fishing without an observer:			
	captain responsible	100,000	3 years	
	owner responsible	100,000		3 years
2)	Fishing on dolphins without a DML assigned (regardless of boat capacity, *e.g.* Class 5):			
	(captain)	250,000	5 years	
3)	Making intentional sets after reaching DML			
	1st set (captain)	50,000	2 years	
	each additional set (captain)	30,000	6 months	
4)	Making intentional sets on banned stock or school types prohibited under Agreement or current regulations:			
	(captain)	50,000	2 years	
5)	Serious interference with observer duties (bribe offers, threats):			
	by captain	50,000	2 years	
	by owner	50,000		2 years
6)	False reporting by observer: additional sanctions by nations (felony, misdemeanor)	no pay	dismissal	
7)	Hiring a captain without a national license, or whose license has been suspended, for a vessel with a DML:			
	(fine for owner)	100,000		
	captain additional suspension		2 years	
8)	Departing or fishing on dolphins without a dolphin safety panel:			
	captain	100,000	2 years	
	owner	100,000		2 years
9)	No backdown (each occurrence):	100,000		
10)	Intentional sack up or brailing of live dolphins:	50,000		

OTHER INFRACTIONS[1] :

1)	Night set (each occurrence):	20,000
2)	Use of explosives for dolphin sets (e.o):	20,000
3)	Minor interference with observer duties (e.o):	5,000
4)	Failure to deploy crew as hand rescuers (e.o):	10,000
5)	Departing or fishing without the required equipment (DML vessels):	
	Raft in operable condition	10,000
	All speedboats with towing bridles	10,000
	Floodlight in operable condition	10,000
	Two diving masks and snorkels	20,000

1 Captain's responsibility in all cases as well as owner's responsibility for (5).

Appendix IV.

Guiding Principles respecting relationships between States both Party and Non-Party to the Agreement

The Parties to the Agreement incorporate into the Agreement a guiding principle that no Party shall act in a manner that assists non-parties to avoid compliance with the objectives of the Agreement.

When a coastal state that is a Party issues a license to engage in fishing in its Exclusive Economic Zone portion of the eastern Pacific Ocean (EPO), either directly or through a licensing agreement, to a vessel of a non-party, the license should be subject to the provisions of the Agreement.

The Parties should consider prohibiting persons under their jurisdiction from assisting in any way vessels of non-complying Parties or non-parties operating in the fishery.

Any state whose vessels are conducting purse-seine tuna-fishing operations in the EPO should be invited to join the Agreement. The Parties should draw the attention of any state that is not a party to the Agreement to any activity undertaken by its nationals or vessels which, in the opinion of the Parties, affects the implementation of the objectives of the Agreement.

Appendix V.

A. Options for Action With Respect to Nations Party to the Agreement

Diplomatic actions:

* Collective representation to the non-complying nation. This would constitute a communication emanating from plenary meeting of the participating nations after consultation with the non-complying nation.
* Diplomatic communication. Each participating nation, acting individually or in concert with other nations, would undertake a diplomatic demarche to the non-complying nation.

Public opinion actions:

* Dissemination of information regarding the non-compliance of the nation to the public through appropriate media, *e.g.*, a press conference.

Operational restrictions:

* Denial of access to the Exclusive Economic Zones of nations party to the agreement for fishing operations by tuna fishing vessels of the non-complying nation. The scope of this action would have to be determined by the International Review Panel (IRP) by defining what constitutes a tuna-fishing vessel, i.e., vessels covered by the Agreement, or other tuna-fishing vessels as well. This action should not restrict freedom of navigation or other rights of vessels under international law.
* Restriction of access to ports and port servicing facilities for tuna fishing vessels of the non-complying nation. This would not apply to vessels in distress.
* Refusal of logistical support and/or supplies to tuna-fishing vessels of the non-complying nation.
* Reduction of Dolphin Mortality Limits (DMLs) to all vessels of the non-complying Party by specified percentages. DMLs would be restored immediately upon a determination that the nation is in compliance.

Economic sanctions:

* Trade measures. The Working Group discussed at length trade measures against non-complying nations. These might include embargoes or other restrictions on the imports of, for example, tuna, other fish products, other marine products, or other products.
* The consideration of such measures was recognized to be an extremely delicate and evolving policy issue for which few guidelines exist in international law. The Working Group noted ongoing discussions concerning this issue in other international fora. In light of these considerations, the Working Group agreed that trade measures should receive further review by the Parties prior to making any recommendation in this respect.
* Fines (monetary penalties). The Working Group considered that the IRP should identify procedures for imposing fines, including defining the value of the fines (this could be based on a percentage of the amount of the commercial value of the catch), and the destination of the fines (*e.g.*, an international trust fund) as issues that the Parties should discuss. The Working Group noted that there apparently is no precedent for such fines.

B. Options for Action With Respect to Nations Not Party to the Agreement

Diplomatic actions:

* Collective representation to the non-party. This would constitute a communication emanating from a plenary meeting of the participating nations after consultations with the non-party.
* Diplomatic communication. Each participating nation, acting individually or in concert with other nations, would undertake a diplomatic demarche to the non-party.

Public opinion actions:

* Dissemination of information regarding the non-compliance of the non-party to the public through appropriate media, *e.g.*, a press conference.

Operational restrictions:

* Restriction of access to ports and port servicing facilities for tuna-fishing vessels of the non-party. The scope of this action would have to be determined by the IRP by defining what constitutes a tuna-fishing vessel, *i.e.*, solely vessels covered by the Agreement, or other tuna-fishing vessels as well. This action should not restrict freedom of navigation and other rights of vessels under international law, and particularly would not apply to vessels in distress.
* Refusal of logistical support and/or supplies to tuna fishing vessels of the non-party nation.
* Prohibiting nationals from assisting in any way vessels of the non-party operating in the fishery.

Economic sanctions:

* The Working Group noted that economic sanctions with respect to non-parties call into consideration all the issues raised above with respect to the imposition of such sanctions on Parties, and noted that the imposition of such sanctions with respect to non-parties involves additional complex legal considerations. The Working Group recommends that the Parties consider whether such sanctions against non-parties are an appropriate means of promoting compliance with the objectives of the Agreement and whether they are consistent with international law.

Appendix VI.

Actions Outside the Scope of the Authority of the International Review Panel

1. The nature of the legal instrument that will embody the compliance mechanisms discussed herein;

2. Identification of the composition and functions of the bodies to be established under the Agreement;

3. The development of a mechanism fo resolving disputes, to include consultants, expert missions, *etc.*;

4. Establishment of a financial mechanism, such as an international trust fund;

5. Procedures for the accession of non-parties to the Agreement.

Appendix VII.

Criteria for issuing Dolphin Mortality Limits for 1994

The Intergovernmental Meeting recommends that the following be adopted as criteria for determining which vessels will be considered qualified to receive a Dolphin Mortality Limit (DML) for 1994. The intent of the Meeting in making these recommendations is to discourage, to the extent possible, the issuance of DMLs to vessels that will not fish for tuna in the eastern Pacific Ocean (EPO), using the practice of setting on dolphins. The criteria recommended by the International Review Panel are:

a) DMLs will be assigned only to vessels flying the flag of nations that are party to the Agreement or members of the IATTC.

b) A DML will be assigned only in those cases where the flag state has certified that the vessel requesting a DML is in possession of the proper gear and equipment for fishing on dolphins called for under the Agreement and that the fishing captain and crew have received the appropriate training in dolphin-rescue techniques.

c) Each vessel requesting a DML shall submit to its government a statement expressing its intent to fish in the EPO, using the practice of setting on dolphins on at least one trip.

d) Any vessel that had no DML for the previous year or that had a DML but did not fish in the EPO during the previous year will be required to post a "Commitment Bond" in the amount of US$250,000.[1] The bond will be forfeited if the vessel does not fish in the EPO during the fishing year for which the bond was posted. The proceeds of forfeited bonds will be used to support research under a funding mechanism to be agreed. Any vessel operating under the flag of a nation that is a member of the Inter-American Tropical Tuna Commission (IATTC) and is a party to both the La Jolla Agreement of June 1992 and the Vanuatu Resolution of June 1993, and at the time of the Vanuatu resolution had no tuna purse-seine vessels fishing in the EPO and which fishes for the first time under the flag of that nation, shall be exempt from the provisions requiring the posting of a bond. This provision shall remain in force only until June 30, 1995.

e) Each Party is encouraged not to submit a request for a DML for any vessel that such Party has determined is not complying with the terms and spirit of the Agreement.

f) Each vessel requesting a DML shall pay in advance to the IATTC the amount of US$10.00 per short ton of capacity to cover observer costs.

In addition to the criteria listed above, the IGM recognizes that additional criteria may be necessary to address the issue of DMLs requested by vessels fishing in the EPO using exclusively dolphin-safe fishing methods. The IGM agreed that addressing this situation should be given a high priority in future deliberations.

1. The figure of US$250,000 shall be the initial amount for the bond and may be revised by future intergovernmental agreement taking into account further study on the practical aspects of obtaining such a bond.

Appendix VIII.

RESOLUTION

The Intergovernmental Meeting on the Conservation of Tunas and Dolphins in the eastern Pacific Ocean, held on June 9 and 10, 1993, in Port Vila, Vanuatu,

Recalling paragraph 4 of the 1992 La Jolla Agreement, by which a vessel not using its assigned 1993 Dolphin Mortality Limit (DML) by June 1, 1993, would forfeit the DML for the remainder of the year, and

Noting that, in some cases, the reason for not using the DML may be *force majeure,*

Agrees that, in the first year of the Agreement only, where the International Review Panel is satisfied that a vessel has at any time during 1992 set on dolphins and that it has not utilized its DML during the first 5 months of 1993 due to its being laid up for repair or maintenance, the vessel shall be deemed not to have lost its DML in accordance with paragraph 4 of the Agreement.

Appendix IX.

INTERGOVERNMENTAL RESOLUTION
ON ISSUES ASSOCIATED WITH THE INTERNATIONAL REVIEW PANEL

Recalling the Intergovernmental Agreement for the Conservation of Dolphins in the eastern Pacific Ocean (EPO), which has 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 population of yellowfin tuna in the EPO at a level which will permit maximum sustained catches year after year, and to limit and, if possible, eliminate the mortality of dolphins in the fishery of the EPO;

Being aware that the program during its first year of implementation is proving even more successful in reducing dolphin mortality than expected, and

Noting that adjustments to the program may be called for in order to take advantage of the better-than-expected progress,

The Governments of Colombia, Costa Rica, Mexico, Panama, the United States of America, Vanuatu, and Venezuela agree as follows:

1. To accept and ratify the Rules of Procedure adopted by the International Review Panel (IRP), including Rule III, which calls for the appointment of alternate members for non-governmental representatives.

2. To request the Inter-American Tropical Tuna Commission (IATTC) and the national programs not to assign an observer to any vessel unless the captain and owner of said vessel have signed the data release form appended hereto as Appendix II.

3. To revise the schedule of global annual dolphin mortality limits (DMLs) downward. For this purpose, a working group shall be convened in order to consider technical issues associated with the revision of the schedule. The precise extent of the downward revision will be determined at an intergovernmental meeting to be held at a place and at a time to be determined after consultation with the Director of the IATTC, provided that the meeting shall be held before 15 December 1993.

4. To consider at the meeting referred to above measures to limit dolphin mortality, including a provision prohibiting a DML for an individual vessel for any year from exceeding the DML assigned to that vessel in the previous year.

5. To accept the recommendations of the IRP with respect to the standardization of infractions and sanctions and to recommend to Governments party to the La Jolla Agreement that they develop legislation, regulations, and policy statements as soon as possible that include the infractions listed in Appendix III and to set as goals the establishment of the sanctions set out in such Appendix.

6. To accept the recommendations of the IRP with respect to the four options for action with respect to nations not party to the Agreement, as set out in Appendix IV.

7. To acknowledge the importance of the proposals of the IRP, set out in Appendix V, regarding actions which might be pursued in the event that any Party or non-party does not take corrective action, and to instruct the IRP to continue its deliberations on these issues.

8. To consider further a supplemental instrument to enhance the compliance aspects of the La Jolla Agreement, including the provision of a mechanism for resolving disputes.

9. To delegate to the IRP authority to consider the following matters:

   (a) the development of public education programs;

   (b) the development of a certificate of origin regime for yellowfin tuna.

10. To accept that all other matters raised by the IRP, listed in Appendix VI, are outside the scope of its authority.

11. To accept the criteria for issuing DMLs set out in Appendix VII.

Appendix X.

Joint Declaration

The Governments of Colombia, Costa Rica, Mexico, Panama, Vanuatu, and Venezuela urge the Government of the United States of America to inform the corresponding authorities, including the United States Congress, about the agreements reached in these meetings and previous meetings, and in that sense, we exhort the Government of the United States to take into consideration these achievements, and the success achieved by the International Agreement for the Conservation of Dolphins, created under the framework of the Inter-American Tropical Tuna Commission, to obtain the lifting of the commercial embargoes imposed on tuna under the framework of the Marine Mammal Protection Act.