

# **AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

## **INTERNATIONAL REVIEW PANEL**

### **MINUTES OF THE 23<sup>RD</sup> MEETING**

**San Jose, Costa Rica  
January 24-25, 2000**

#### **AGENDA**

1. Opening of the meeting
2. Election of the Presider
3. Adoption of the agenda
4. Approval of minutes of the 22<sup>nd</sup> Meeting of the IRP
5. Update on ratification of the Agreement on the International Dolphin Conservation Program
6. Approval of list of qualified captains
7. Review of 1999 Dolphin Mortality Limits (DMLs)
8. Review of initial assignments of DMLs for 2000
  - a) Assignments to Parties
  - b) Implications of performance and infractions for DML assignments under the AIDCP
  - c) Assignments to individual vessels
9. Review of observer data
10. Review of actions by Parties on possible infractions reported by the IRP
11. Comparison of national and IATTC observer programs
12. System for Tracking and Verifying Tuna
13. Alternative rescue procedures in lieu of backdown
14. Other business
15. Place and date of next meeting
16. Adjournment

#### **APPENDICES**

1. List of attendees
2. Table of initial DML assignments for 2000
3. Recommendation regarding obstruction of observers
4. Recommendation regarding amendment of the Tuna Tracking and Verification System
5. Responses by governments to possible infractions identified by the IRP

The 23<sup>rd</sup> Meeting of the International Review Panel (IRP) was held in San José, Costa Rica, on January 24-25, 2000. The attendees are listed in Appendix 1.

### **1. and 2. Opening of meeting and Election of Presider**

The Minister of Agriculture of Costa Rica, Mr. Esteban Brenes Castro, welcomed the delegates to his country. He noted that, thanks to the active participation of so many nations in the IATTC's programs, the tuna fishery in the eastern Pacific Ocean was one of the healthiest in the world, and contributed significantly to the economic development of the region. He stressed his country's commitment to ensuring that all vessels fishing in Costa Rican waters comply with all the IATTC's management and conservation measures, and noted that Costa Rica had banned fishing on floating objects in its Exclusive Economic Zone in 1999 because of the potential negative effects on the ecosystem. Finally, he wished the delegates success in their deliberations, and urged them to continue their efforts to achieve the rational utilization of the marine resources of the region.

Dr. Hector Lopez, of Venezuela, was elected Presider.

### **3. Adoption of the agenda**

The provisional agenda was approved as presented.

### **4. Approval of minutes of the 22<sup>nd</sup> Meeting of the IRP**

A non-governmental environmental member of the Panel noted that on page 2, under Item 6, a phrase should be added to the second sentence of the second paragraph, viz.: "Previously, when determining whether cases in which releasing the ortza instead of backing down constituted a possible infraction, the deciding factor had been whether the captain's intention had been to save the dolphins *and all the necessary steps to rescue the dolphins had been taken*". The Panel agreed that this reflected the discussion more accurately, and the minutes were approved with this amendment.

### **5. Update on ratification of the Agreement on the International Dolphin Conservation Program**

The United States, the Depositary Government of the Agreement on the International Dolphin Conservation Program (AIDCP), reported that Costa Rica and Honduras had both ratified the AIDCP since the last Meeting of the Parties in October 1999, and that Colombia had agreed to apply the AIDCP provisionally. Now, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, United States, and Venezuela have ratified the AIDCP. Colombia, the European Community and Vanuatu have agreed to apply the Agreement provisionally.

Guatemala stated that its legislation did not allow provisional application of the Agreement, but that it hoped that it would be able to ratify the Agreement by April 2000.

Mexico announced that, as part of its commitment to implement the AIDCP fully, it had published the relevant regulations on December 29, 1999, and requested information from other Parties on this issue.

Colombia stated that its decree for the provisional application of the AIDCP was published on December 23, 1999. All the necessary internal legislation had been passed, and the Agreement should be ratified in two months.

Ecuador stated that the AIDCP has been published in the federal register, and thus had the force of law. El Salvador stated that it expected to have regulations to implement the Agreement in force by the middle of the year.

The European Community stated that its provisional application implies the acceptance of all the terms of the Agreement, and that such application is equivalent to ratification with respect to the obligations of the fishermen.

Panama stated that the Agreement became part of Panamanian law when it was ratified. However, additional regulations regarding taxes and sanctions were being considered to implement certain parts of the Agreement.

The United States stated that its regulations had been published on January 3, 2000. Vanuatu hoped to ratify the Agreement this year, and Venezuela stated that its process for implementing the Agreement was under way.

## **6. Approval of list of qualified captains**

Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission (IATTC), outlined the system for certifying fishing captains approved by the governments in October 1998, and noted that under the AIDCP a captain's performance would be a factor in the allocation of Dolphin Mortality Limits (DMLs). The staff had asked governments to provide lists of captains they considered qualified, and the lists received had been distributed among the Parties. The Parties would be responsible for informing the IATTC staff of any additions or deletions to their lists, and the staff would then inform the IRP of these changes. It was agreed that the staff should inform the IRP if any captains currently fishing were not included in any of the lists supplied by the Parties, and were thus apparently unqualified.

In response to a question, Dr. Allen noted that there were some discrepancies between the lists supplied by the governments and IATTC records of captains with practical experience of fishing on dolphins, and that these discrepancies would need to be clarified with the corresponding governments.

The Panel discussed the question of the confidentiality of information about fishing captains and their performance, and agreed that any such information, including the names of the captains, and the name and flag of the vessel on which they worked, should be coded. The Parties would have access to the codes, and should inform the IATTC staff promptly of any new captains, or of any captains removed from or reinstated to their respective lists.

The Panel agreed that, for the purposes of evaluating the performance of captains under the AIDCP, activities prior to January 1, 2000, would not be taken into consideration. Captains entering the fishery for the first time must comply with the established system in order to be included in the list of qualified captains.

## **7. Review of 1999 Dolphin Mortality Limits (DMLs)**

The IATTC staff reviewed the 1999 DMLs. Preliminary data indicate that, of the 125 full-year DMLs of 40 dolphins each assigned for 1999, 91 had been utilized. The average mortality per vessel was 14.3 dolphins, compared with 22.6 in 1998. None of the ten second-semester DMLs had been utilized.

## **8. Review of initial assignments of DMLs for 2000**

### **a) Assignments to Parties**

Dr. Allen presented a table (Appendix 2) showing the initial DMLs assigned to Parties for 2000, and the dates on which the Parties notified the Director of their initial distributions of their DMLs among their fleets.

Mexico expressed concern about the assignment of a DML to the United States for 2000, arguing that this contravened Annex IV.I.3 of the AIDCP. Mexico stated that, although legislation allowing the US fleet to fish on dolphins had been passed on March 9, 1999, the regulations implementing the legislation had not been published at the time the DMLs were assigned, and the previous regulations prohibiting setting on dolphins had therefore still been in effect.

The United States stated that the new legislation invalidated any regulations based on earlier legislation, and that the US fleet was currently permitted to set on dolphins. Various delegations commented that this

was not an issue that the Panel could resolve, but should be considered by the Meeting of the Parties. Mexico expressed a reservation regarding the US DML.

The Panel discussed extensively the case of the DML assigned to a Spanish vessel which was planning to fish using an experimental technique for releasing dolphins not contemplated in the AIDCP. It was eventually decided that the DML for 2000 for this vessel would be assigned from the Reserve DML Allocation (RDA) administered by the Director.

Dr. Allen requested clarification of the purpose and use of the RDA, since it was not clear that it was intended to cover experimental fishing. The Panel decided that this question would have to be referred to the Meeting of the Parties.

**b) Implications of performance and infractions for DML assignments under the AIDCP**

Dr. Allen reviewed a memorandum sent out to participating Governments on January 19, 2000, regarding DML adjustments.

**c) Assignments to individual vessels**

Each Party agreed that for 2000 it would allocate the entire DML assigned to it to its fleet by February 1, 2000. However, the possibility of not allocating the entire national DML during the initial assignment, in order to establish a reserve, would be presented for the consideration of the Meeting of the Parties.

**9. Review of observer data**

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions which had occurred since the Panel's previous meeting.

The Panel discussed a case in which an observer encountered difficulties with the vessel crew while collecting statistical information on dolphin abundance not directly related to fishing activities. The Panel asked the Director to send a notice to the Parties requesting them to make clear to vessel captains and owners the importance of ensuring that the observers are not impeded in any way by anyone from performing their assigned duties, including the responsibilities with respect to obtaining statistical information on the populations of dolphins in the EPO. The Director was also asked to express to the flag government of the vessel the Panel's concern over the incident and urge it to make the captain and owner of the vessel aware of this concern (Appendix 3).

**10. Review of actions by Parties on possible infractions reported by the IRP**

The IATTC staff presented a table of responses by governments to possible infractions identified by the Panel during its 20<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> meetings (Appendix 5).

An environmental NGO member expressed concern about the number of responses by governments to cases of observer interference reported by the Panel, and also about the severity of the sanctions imposed on those responsible. She reminded the Panel that a resolution passed during a previous meeting called for strong sanctions to deter such activities, and also that under the AIDCP there were strict limits on the time allowed for responses from governments.

**11. Comparison of national and IATTC observer programs**

Dr. Allen explained that only one meeting of representatives of the programs comprising the On-Board Observer Program had been held, and no information was yet available, but work was being done and there was progress.

Venezuela stated that its observer program, the Programa Nacional de Observadores (PNO), had commenced operations on January 1, 2000. The first training course had been held in December, and seven

observers had qualified. The program had been established in close cooperation with the IATTC staff and The Mexican national observer program, the training course followed IATTC guidelines fully, and the program was in complete conformity with the IATTC observer program. At present the PNO was covering 25% of the trips made by the Venezuelan purse-seine fleet in the EPO. The program had also set up cooperative arrangements with the Central University of Venezuela, and expected to establish a similar agreement with the Institute of Oceanography of the University of Oriente.

Mexico offered its full support to the Venezuelan program, and added that, for the observer programs to be comparable, it was very important that they use identical systems for coding information and entering it into the databases.

El Salvador expressed an interest in the possibility of establishing its own observer program in the future, and asked for copies of documents with details of the various programs. Dr. Allen undertook to provide El Salvador with the relevant information.

At the Presider's suggestion, the heads of the three observer programs met during the week to discuss the harmonization of the programs, and agreed on a number of points which they considered important for ensuring comparability among the components of the On-Board Observer Program.

## **12. System for Tracking and Verifying Tuna**

Dr. Allen noted that the System for Tracking and Verifying Tuna had started operating at the beginning of the year. There had been some initial problems with issuing the Tuna Tracking Forms to vessels and meeting them on arrival in port. The IRP recommended to the Meeting of the Parties an amendment to the system (Appendix 4) to simplify the procedures with the forms on arrival in port.

The Panel agreed that the working group on tuna tracking should continue to monitor the development of the program, and should meet before the IATTC meeting in June. The European Community noted that an important issue to be addressed was how to track tuna unloaded in a state not Party to the AIDCP.

## **13. Alternative rescue procedures in lieu of backdown**

Dr. Allen stated that, as requested by the last IRP meeting, the Secretariat had written to several experienced fishing captains asking for their opinions on the viability of releasing the ortza as a alternative method to backdown for releasing captured dolphins from the net, but so far no responses had been received. The staff had discussed the question with some of the participants at a training course for captains, and some suggestions had been made.

The Panel agreed that a meeting of the Scientific Advisory Board should be called to discuss alternative dolphin rescue procedures that might be used in lieu of backdown. The Panel also confirmed that in the future any proposed experiments with equipment or technique not contemplated in the AIDCP would have to be considered and approved before it could be used in the fishery. Proposals should be sent to the Scientific Advisory Board for consideration; if the Board recommended the proposal, it would then have to be approved by the IRP and the Meeting of the Parties before proceeding. It was understood that, in the particular case of the Spanish vessel issued a DML for 2000 which was to use an experimental method of dolphin release, the European Community would send the Secretariat a research protocol for the experimental technique. The IATTC scientific staff would then evaluate the protocol and after approval distribute it to the Parties for their information.

## **14. Other business**

The United States informed the Panel that, thanks to a cooperative effort between Mexico, the United States and the IATTC, necropsy samples had been collected. Four samples had been taken by observers from the Mexican program during two trips; they were currently in Mexico and would be transported to the United States shortly.

Dr. Allen explained that Ms. Holly Payne, member for the environmental non-governmental sector, would be unable to continue her participation in the IRP due to a change in her job description. An election for a replacement was therefore required, and the process would be initiated shortly after the present meeting. The Panel decided that March 15 would be the deadline for nominations, and that the list of nominees would be sent to the Parties for a vote within 10 days of that date.

**15. Place and date of next meeting**

The Panel agreed that its next meeting would be held in San Jose, Costa Rica, in conjunction with the other meetings scheduled for June.

**16. Adjournment**

The meeting was adjourned at 8:30 p.m. on Tuesday, January 25.

## Appendix 1.

### PANEL INTERNACIONAL DE REVISION -- INTERNATIONAL REVIEW PANEL

#### 23<sup>a</sup> REUNION – 23<sup>rd</sup> MEETING

San José, Costa Rica

24-25 de enero de 2000 – January 24-25, 2000

#### ASISTENTES – ATTENDEES

##### COLOMBIA

**IVAN DARIO ESCOBAR MARTINEZ**  
Ministerio de Agricultura y Desarrollo Rural  
**CLARA GAVIRIA**  
Ministerio de Comercio Exterior  
**ARMANDO HERNANDEZ**  
**ALVARO NAVARRO COLEY**

##### COSTA RICA

**ESTEBAN BRENES CASTRO**  
Ministerio de Agricultura y Ganadería  
**EDUARDO TREJOS LELLI**  
Ministerio de Relaciones Exteriores  
**ALVARO MONGE**  
Ministerio de Comercio Exterior  
**HERBERT NANNE ECHANDI**  
**RICARDO GUTIERREZ VARGAS**  
**FERNANDO VIQUEZ ALFARO**  
Instituto Costarricense de Pesca y Acuicultura  
**GEORGE HEIGOLD**  
**ASDRUBAL VASQUEZ**

##### ECUADOR

**RAFAEL TRUJILLO BEJARANO**  
**LUIS TORRES NAVARRETE**  
**MARIA COELLO**  
Ministerio de Comercio, Industria y Pesca

##### EL SALVADOR

**MILTON COLINDRES**  
Embajada de El Salvador en Costa Rica  
**MARGARITA S. DE JURADO**  
Ministerio de Agricultura y Ganadería  
**ABDON ENRIQUE AGUILLON**  
Ministerio de Economía

##### EUROPEAN COMMUNITY

**ERNESTO PENAS LADO**  
**RONAN LONG**  
**JUAN IGNACIO ARRIBAS**  
**JAVIER ARIZ**

##### MEXICO

**MARA MURILLO CORREA**  
**JERONIMO RAMOS PARDO**  
**RICARDO BELMONTES ACOSTA**  
**GUILLERMO COMPEAN**  
**PEDRO ULLOA RAMIREZ**  
Secretaría de Recursos Naturales y Medio Ambiente  
**ANTONIO FUENTES MONTALVO**  
Procuraduría Federal de Protección al Ambiente  
**MARK ROBERTSON**

##### PANAMA

**ARNULFO FRANCO**  
Autoridad Marítima de Panamá  
**HUGO ALSINA**

##### UNITED STATES OF AMERICA

**JIM LECKY**  
**ALLISON ROUTH**  
**PATRICIA DONLEY**  
National Marine Fisheries Service  
**RANDI THOMAS**

##### VANUATU

**EDWARD WEISSMAN**  
Special Agent

##### VENEZUELA

**MABEL CAROLINA BELTRAN**  
**CARLOS GIMENEZ**  
**HECTOR LOPEZ**  
Fundatun - Programa de Observadores  
**FREDDY AROCHA**  
Ministerio de la Producción y el Comercio  
**RAFAEL CASTRO BUSTO**  
**FELIX GASTON ALCALA**  
**JON CELAYA**  
**LILLO MANISCALCHI**  
**FREDDY DE CORDOVA**

##### OBSERVERS

##### GUATEMALA

**ERICK VILLAGRAN**  
**MAURICIO L. MEJIA ESCALANTE**  
MINISTERIO DE AGRICULTURA, GANADERÍA Y ALIMENTACIÓN

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

**NINA YOUNG**

Center for Marine Conservation

**KATHLEEN O'CONNELL**

Whale and Dolphin Conservation Society

**KITTY BLOCK**

Humane Society of the United States

**INDUSTRIA ATUNERA-TUNA INDUSTRY**

**ALVARO BUSTAMANTE**

**JOSE MARIA BENGOA**

**JOSE JUAN VELAZQUEZ MACOSHAY**

**IATTC - CIAT**

**ROBIN ALLEN**

**MARTIN HALL**

**BRIAN HALLMAN**

**DAVE BRATTEN**

**BERTA JUAREZ**

**MARCELA CAMPA**



**Appendix 2.**

**ASIGNACIONES INICIALES DE LMD NOTIFICADAS AL DIRECTOR  
INITIAL DML ASSIGNMENTS NOTIFIED TO THE DIRECTOR**

	<b>Fecha Date</b>	<b>Buques asignados LMD Vessels assigned DMLs</b>	<b>LMD solicitados DMLs requested</b>
Colombia			5
E. C.	12 ENE 00	3	3
Ecuador	20 ENE 00		19
El Salvador			1
México	16 DIC 99	41	41
Panamá	07 ENE 00	3	3
USA	14 ENE 00	1	2
Vanuatu	13 ENE 00	11	
	20 ENE 00	1	12
Venezuela	30 DIC 99	23	
	21 ENE 00	1	24

**Appendix 3.**

**RECOMMENDATION TO THE PARTIES REGARDING OBSTRUCTION OF OBSERVERS**

The IRP recommends that the Director of the IATTC write to the governments participating in the IDCP to request that they emphasize to their vessel captains and owners the importance of ensuring that the observers are not impeded in any way by anyone from performing their assigned duties, including the responsibilities with respect to obtaining statistical information on the population of dolphins in the EPO.

The IRP further recommends that with regard to the incident aboard the vessel identified as 1999594, which was reviewed by the IRP as a possible infraction of the AIDCP, the Director of the IATTC express to the flag government of that vessel the Panel's concern over the incident and urge the government to make the captain and owner of the vessel aware of this concern.

**Appendix 4.**

**RECOMMENDATION TO THE PARTIES REGARDING AMENDMENT OF THE TUNA  
TRACKING AND VERIFICATION SYSTEM**

The IRP agrees to recommend to the Meeting of the Parties the following additions to Section 2, paragraph 2, of the System for Tracking and Verifying Tuna:

In case a representative of a vessel's national authority is not present to meet the vessel when it arrives in port, the observer may leave the completed original TTFs with the captain of the vessel and take a copy of the TTFs with him to be submitted to the Secretariat within 24 hours of leaving the vessel. This procedure shall in no way diminish the responsibility of Parties under normal circumstances to meet their vessels or to make alternate arrangements consistent with procedures set forth in this system.

The national authority of the state in which tuna is unloaded or transferred may assume responsibility for observing such unloadings or transfers at their ports if a representative of the national authority of the flag state is not present.

**Appendix 5.**

**RESPONSES FOR THREE TYPES OF POSSIBLE INFRACTIONS IDENTIFIED AT THE 20<sup>TH</sup>, 21<sup>ST</sup>, AND 22<sup>ND</sup> MEETINGS OF THE IRP**

**OBSERVER HARASSMENT / INTERFERENCE**

	No. of cases	No response	Responses										Total
			Under inves- tigation		No infraction		Infraction: no sanction		Infraction: warning		Infraction: sanction*		
Ecuador	2	1 (50%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (50%)	1 (50%)	1 (50%)	
Mexico	7	0 (0%)	1 (14%)	3 (43%)	0 (0%)	3 (43%)	0 (0%)	3 (43%)	0 (0%)	0 (0%)	7 (100%)	7 (100%)	
Vanuatu	1	0 (0%)	0 (0%)	1 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (100%)	1 (100%)	
Venezuela	2	1 (50%)	1 (50%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (50%)	1 (50%)	
<b>Total:</b>	<b>12</b>	<b>2 (17%)</b>	<b>2 (17%)</b>	<b>4 (33%)</b>	<b>0 (0%)</b>	<b>3 (25%)</b>	<b>0 (0%)</b>	<b>3 (25%)</b>	<b>1 (8%)</b>	<b>10 (83%)</b>	<b>10 (83%)</b>		

**EXPLOSIVES USE**

	No. of cases	No response	Responses										Total
			Under inves- tigation		No infraction		Infraction: no sanction		Infraction: warning		Infraction: sanction*		
Colombia	9	9 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	
Ecuador	1	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (100%)	1 (100%)	1 (100%)	1 (100%)	
Mexico	80	1 (1%)	0 (0%)	1 (1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	78 (98%)	79 (99%)	79 (99%)	79 (99%)	
Nicaragua	4	4 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	
Vanuatu	42	18 (43%)	0 (0%)	2 (5%)	0 (0%)	22 (52%)	0 (0%)	22 (52%)	0 (0%)	24 (57%)	24 (57%)	24 (57%)	
Venezuela	125	62 (50%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	63 (50%)	63 (50%)	63 (50%)	63 (50%)	
<b>Total:</b>	<b>261</b>	<b>94 (36%)</b>	<b>0 (0%)</b>	<b>3 (1%)</b>	<b>0 (0%)</b>	<b>22 (8%)</b>	<b>0 (0%)</b>	<b>22 (8%)</b>	<b>142 (54%)</b>	<b>167 (64%)</b>	<b>167 (64%)</b>		

**NIGHT SETS**

	No. of cases	No response	Responses										Total
			Under inves- tigation		No infraction		Infraction: no sanction		Infraction: warning		Infraction: sanction*		
Colombia	3	3 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	
Ecuador	1	1 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	
Mexico	11	0 (0%)	0 (0%)	1 (9%)	0 (0%)	2 (18%)	8 (73%)	11 (100%)	11 (100%)	11 (100%)	11 (100%)	11 (100%)	
Vanuatu	2	1 (50%)	0 (0%)	0 (0%)	0 (0%)	1 (50%)	0 (0%)	1 (50%)	0 (0%)	1 (50%)	1 (50%)	1 (50%)	
Venezuela	49	24 (49%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	25 (51%)	25 (51%)	25 (51%)	25 (51%)	25 (51%)	25 (51%)	
<b>Total:</b>	<b>66</b>	<b>29 (44%)</b>	<b>0 (0%)</b>	<b>1 (2%)</b>	<b>0 (0%)</b>	<b>3 (5%)</b>	<b>33 (50%)</b>	<b>37 (56%)</b>	<b>37 (56%)</b>	<b>37 (56%)</b>	<b>37 (56%)</b>		

\*Sanction was applied or will be applied