

DGAK

**MINUTES OF THE 31ST INTERGOVERNMENTAL MEETING ON
THE MANAGEMENT OF TUNAS AND THE CONSERVATION
OF DOLPHINS IN THE EASTERN PACIFIC OCEAN**

La Jolla, California, USA

October 21-22, 1996

Agenda Item 1 - Opening of the Meeting

The meeting was called to order on October 21, 1996, at 10:20 a.m., by Mr. Brian Hallman of the United States. Representatives of the governments of Canada, Colombia, Costa Rica, Ecuador, El Salvador, France, Japan, Mexico, Panama, the Republic of China, the Russian Federation, Spain, the United States, Vanuatu, and Venezuela were present, as were observers from the European Community, the Great Lakes Fishery Commission, the International Commission for the Conservation of Atlantic Tunas, the International Whaling Commission, the Organización Latinoamericana de Desarrollo Pesquero (OLDEPESCA), the American Cetacean Society, the Center for Marine Conservation, the Earth Island Institute, the Fishermen's Coalition, the Fundación para la Defensa de la Naturaleza, Greenpeace International, the Humane Society International, the Red Mexicana de Acción Frente al Libre Comercio, and the Whale and Dolphin Conservation Society. The attendees are listed in Appendix 1. The representative from Japan announced that that nation would be an observer, rather than a participant, in the meeting.

Agenda Item 2 - Election of Chairman

Mr. Hallman opened the floor for suggestions for Chairman. The representative from Vanuatu nominated Mr. Hallman, and the rest of the nations agreed, so Mr. Hallman assumed that position.

Agenda Item 3 - Adoption of Agenda

After a brief discussion, the provisional agenda was adopted without change (Appendix 2).

Agenda Item 4 - Technical Review of the International Dolphin Conservation Program

Mr. Hallman turned the floor over to Dr. James Joseph, Director of the Inter-American Tropical Tuna Commission (IATTC), to review this subject. Dr. Joseph said that most of the baitboats which fished for tunas in the eastern Pacific Ocean (EPO) were converted to purse seiners in 1959, 1960, and 1961. In many cases the purse seiners caught tunas by surrounding aggregations of dolphins and tunas with their nets, and then releasing the dolphins and retaining the fish. Unfortunately, in spite of considerable effort by the fishermen to release the dolphins unharmed, many of them died in the nets, especially during the 1960s and 1970s. The Commissioners of the IATTC agreed in 1976 that it should become involved in research of dolphins and efforts to reduce their mortality, but money was not appropriated for that purpose until 1979. It was 1986 before all nations with vessels fishing for tunas in the EPO with purse seines become involved in the IATTC dolphin program. Beginning in that year, the IATTC program put observers on 30 percent of all trips by purse seiners with capacities greater than 400 short tons. Also, the IATTC started its extension program, by which fishermen were encouraged to adopt the best dolphin-saving gear and techniques. In 1992 the nations involved in the surface fishery for tunas in the EPO adopted the Agreement for the Conservation of Dolphins, which established the International Dolphin Conservation Program (IDCP). The features of the IDCP include overall and individual-vessel Dolphin Mortality Limits (DMLs), 100-percent coverage by observers of trips of vessels with capacities of more than 400 short tons of tunas, the International Review Panel (IRP), composed of representatives of governments, environmental organizations, and the tuna industry, which reviews the activities of vessels with regard to dolphin conservation, and the Scientific Advisory Board, which reviews suggestions concerning fishing gear which might eliminate or minimize the mortalities of dolphins.

Dr. Joseph pointed out that the dramatic decreases in dolphin mortality which have taken place since 1986 are due almost entirely to reduction of the mortalities per set in sets made on dolphin-associated fish, rather than to reduction in the numbers of such sets.

In 1995 the Declaration of Panama was adopted by 12 nations which participate in the surface fishery for tunas in the EPO. This document calls for a "binding legal instrument" which would include commitment to the concept of ecosystem management, minimization of bycatches, establishment and enforcement of national laws to achieve these ends, enhancement of the review of the performances of individual fishing vessels, limits for mortalities of individual stocks of dolphins, based on the Minimum Estimated Abundances similar to those calculated by the U.S. National Marine Fisheries Service (NMFS), overall and individual-vessel DMLs, and incentives for vessel captains and crews to minimize the mortalities of dolphins. Information on the program would be available to the public, but information on individual business enterprises would not. Establishment of the concepts of the Declaration of Panama would require that the United States lift its embargoes on the nations participating in the international program, so that they can export tunas to the United States, and a change in the definition of "dolphin-safe" to mean any tuna caught in a set in which no dolphins were killed.

Dr. Joseph then introduced Dr. Martín A. Hall, head of the IATTC's Tuna-Dolphin Program.

Dr. Hall said that coverage of tuna vessels of more than 400 short tons capacity had been 100 percent in 1995 (including observers from the Programa Nacional para el Aprovechamiento del Atún y Protección de los Delfines of Mexico and the U.S. NMFS). He showed slides listing the estimated populations, the mortalities, and the "Zero Mortality Rate Goals" (ZMRGs) for each of the eight stocks of dolphins most affected by the fishery for tunas in the EPO. The mortalities ranged from zero for southern common dolphins to 0.15 percent for northeastern spotted dolphins. As the net reproduction rate is estimated to be 2 to 6 percent, none of these is biologically significant. The mortalities exceeded the ZMRGs for only two of the eight stocks, northeastern spotted and eastern spinner dolphins. He displayed slides showing the proportions of sets and the proportions of the catches of tunas coming from sets on free-swimming schools of tunas, sets on tunas associated with floating objects, and sets on tunas associated with dolphins. Finally, he compared data on the fishery for 1995 and 1996 (projected through December 31). The number of sets on dolphin-associated fish will have decreased by about 11 percent, the tons of tunas caught in such sets will have decreased by about 9 percent, the mortality of dolphins per set will have decreased by about 32 percent, from 0.49 to about 0.33 animals per set, and the total mortality of dolphins in 1996 will be about 2,600 to 3,000 animals. He cautioned that these estimates are based on projections for the rest of 1996, so the mortalities might be greater or less than the projections.

The representative of Mexico thanked Drs. Joseph and Hall for their presentations, and congratulated the IATTC staff for its excellent work. He then read a statement, which is reproduced in Appendix 3.

Mr. Hallman then adjourned the meeting at 11:10 a.m.

The meeting was reconvened at 2:30 p.m. The Mexican delegation did not rejoin the meeting.

Agenda Item 5 - Activities of the International Review Panel

Mr. Hallman called upon Mr. Martín Hochman of the U.S. National Oceanic and Atmospheric Administration. Mr. Hochman read a statement concerning the submission of the Annual Report of the International Review Panel (IRP) for 1995 and a summary of the activities of the 13th meeting of the IRP, which had taken place on October 19, 1996. The statement and summary are attached as Appendices 4 and 5 of these minutes. The Annual Report of the IRP for 1995 was distributed to attendees of the meeting. There was a brief discussion of the recommendation regarding the establishment of a working group on issues of access to the fishery, and it was decided to leave this in abeyance, and take action at a future time.

Agenda Item 6 - Review of the Dolphin Mortality Limits Program

Mr. Hallman said that, according to the schedule established by the Agreement for the Conservation of Dolphins, the overall DML for 1997 would be 7,500 animals. He stated that, since it is not known how many vessels will apply for individual DMLs, the number of dolphins which will constitute an individual DML is unknown. There was a brief discussion about the overall DML, and it was decided to use the figure of 7,500 animals established by the Agreement for 1997. Mr. Hallman noted that individual DMLs for 1997 could not be calculated until the numbers of vessels which will apply for DMLs is ascertained, at which time they can be assigned through diplomatic channels or through the IATTC.

The meeting was adjourned at 2:55 p.m.

The meeting was reconvened on October 22, 1996, at 9:30 a.m.

Agenda Item 7 - Implementation of the Panama Declaration

Mr. Hallman asked if any representatives of governments would like to make comments on the Declaration of Panama.

The representative of Colombia read a joint statement on behalf of the governments of Colombia, Costa Rica, Ecuador, Panama, Vanuatu, and Venezuela. This statement appears as Appendix 6 of these minutes.

The representative of the United States said that he welcomed the reports of Drs. Joseph and Hall, and stated that everyone should take pride in the great success of the IDCP. The United States recognizes the contributions and sacrifices of the governments, the fishing industry, and the consumers of tuna, and sincerely regrets the lack of progress in passing domestic legislation to implement the Declaration of Panama. He said that he understands the frustration of the various nations, but urges them to remain with the IDCP. He greatly appreciates the restraint they have shown so far, and especially appreciates Mexico's continuing to accept IATTC observers on its vessels. Everyone wants the multilateral approach to succeed, and he urged everyone not to take precipitous actions which would jeopardize the IDCP.

Mr. Hallman asked if any organizations would like to make statements. Statements were read by representatives of OLDEPESCA, the European Community, Greenpeace International, the Humane Society, the Fishermen's Coalition, and the Earth Island Institute. These statements appear as Appendices 7-12 of these minutes.

Agenda Item 8 - Other Business

Mr. Hallman asked if there was any other business to discuss. There was none, so he adjourned the meeting at 10:10 a.m.

APPENDIX 1
ATTENDEES-ASISTENTES

CANADA

A.W. ARGUE
Department of Fisheries and Oceans

COLOMBIA

JAIRO HERNANDO ARIAS PUERTA
Viceministro
Ministerio de Agricultura y Desarrollo Rural

FOCION ESCORCIA SIERRA
Instituto Nacional de Pesca y Acuicultura

CLARA GAVIRIA AGUDELO
Ministerio de Comercio Exterior

ARMANDO HERNÁNDEZ RODRÍGUEZ
Cámara de la Industria Pesquera

OSVALDO PEREZ MOLINA
Instituto Nacional de Pesca y Acuicultura

COSTA RICA

JAIME BASADRE OREAMUNO
Comisionado de la CIAT

JAIME BASADRE ANDRACA
Asesor Industrial

TANIA LOPEZ LEE
Ministerio de Comercio Exterior

HERBERT NANNE ECHANDI
Colegio de Biólogos de Costa Rica

ECUADOR

LUIS TORRES NAVARRETE
Mín. de Industrias, Comercio, Integración y Pesca

JORGE VELEZ MENDEZ
Instituto Nacional de Pesca

EL SALVADOR

JOSE E. M'SARAVIA
MARLENE INTERIANO
Consulado General de El Salvador en Los Angeles

FRANCE

PHILIPPE COSTE
Consulate of France in Los Angeles

JAPAN

NAOKO HAMAGUCHI
Ministry of Foreign Affairs
Fishery Division

TAKAAKI SAKAMOTO
Fisheries Agency of Japan
International Affairs Division

EIKO OZAKI
Federation of Japan Tuna Fisheries Cooperative
Association

SALLY J. CAMPEN
Federation of Japan Tuna Fisheries Cooperative
Associations

SHINICHI SATO
Kaigata Suisan Co., Ltd.

MEXICO

CARLOS CAMACHO GAOS
JERONIMO RAMOS SAENZ PARDO
MARA MURILLO CORREA
GUILLERMO COMPEÁN JIMÉNEZ
SANTIAGO GOMEZ AGUILAR
Secretaría de Medio Ambiente, Recursos Naturales y
Pesca

SERGIO GOMEZ LORA
SECOFI

GUILLERMO GOMEZ SANCHEZ
International Trade Group, LLC

MARIA TERESA BANDALA
Secretaría de Relaciones Exteriores

FELIPE CHARAT
ALFONSO ROSIÑOL
CANAINPES

CLAUDIO COELLO HERRERA
Comisión de Pesca

IGNACIO GAVALDON
Grupo Nair

PANAMA

RICARDO MARTÁNS G.
Ministerio de Comercio e Industrias

LUIS DORATI
Asesor, Dirección de Recursos Marinos

FOTIS LYMBEROPOLUS
Julie L.

RUSSIAN FEDERATION

VLADIMIR FEDORENKO
Embassy of the Russian Federation

SPAIN

ANTONIO NOVAS
Ministerio de Agricultura, Pesca y Alimentación

PILAR PALLARES SOUBRIER
Instituto Español de Oceanografía

TAIWAN--REPUBLIC OF CHINA

HONG-YEN HUANG
Council of Agriculture of the Executive Yuan
Fisheries Department

UNITED STATES

BARBARA BRITTEN
IATTC Commissioner

M. AUSTIN FORMAN
IATTC Commissioner

JAMES T. McCARTHY
IATTC Commissioner

MICHAEL TILLMAN
IATTC Commissioner

WANDA CAIN
ELIZABETH EDWARDS
GARY SAKAGAWA
National Marine Fisheries Service

BRIAN HALLMAN
JOHN McGRUDER
Department of State

MARTIN HOCHMAN
National Oceanic and Atmospheric Administration

GORDON BROADHEAD
Consultant

DAVID BURNEY
U.S. Tuna Foundation

THOMAS CREHAN
Fishermen's Association of San Pedro

PETE DILEVA
Caribbean Fishing, Inc.

AUGUST FELANDO
Consultant

PETER H. FLUORNOY
International Law Offices

WILLIAM GILLIS
American Tuna Sales Association

JOHN D. HALL
Coastal and Offshore Pacific Corporation

WAYNE HEIKKILA
Western Fishboat Owners Association

TERRY HOINSKY
Fishermen's Union of America

ROBERT INSINGER
Consultant

MARK McAULIFFE
Jorge Fishing

KEVIN McCLAIN
Van Camp Seafood Company

ANTHONY V. NISETICH
Ocean Fish Company

OTTO OBRIST
Ocean Ventures, Inc.

CHARLES PECKHAM
LMR Fisheries Research, Inc.

MARK ROBERTSON
Janus Partners, L.L.C.

JOHN ROYAL
Fishermen and Allied Workers Union (ILWU)

MONTY SILVERMAN
Silversea International

ED STOCKWELL
Star-Kist Foods, Inc.

ED WEISMAN
P.S. Fishing

VANUATU

ANTHONY TILLET
Government of Vanuatu

VENEZUELA

HUGO ALSINA LAGOS
Comisionado
SARPA, Ministerio de Agricultura y Cría

SANTOS VALERO
Ministerio de Relaciones Exteriores

EDUARDO PORCARELLI OSTOS
Instituto de Comercio Exterior

LILO MANISCALCHI
Avatun

INTERNATIONAL ORGANIZATIONS--ORGANIZACIONES INTERNACIONALES

JOHN SPENCER
European Community

CHRIS GODDARD
Great Lakes Fishery Commission

HUGO ALSINA LAGOS
International Commission for the Conservation of Atlantic
Tunas

MICHAEL TILLMAN
International Whaling Commission

CARLOS MAZAL
OLDEPESCA

NON-GOVERNMENTAL ORGANIZATIONS--ORGANIZACIONES NO GUBERNAMENTALES

MARY MARKUS
American Cetacean Society

MEREDITH McLEAN
Center for Marine Conservation

MARK PALMER
Earth Island Institute

HECTOR LOPEZ ROJAS
Fundación para la Defensa de la Naturaleza

GERALD LEAPE
TRACI ROMINE
Greenpeace International

LEESTEFFFY JENKINS
ALVARO POSADA-SALAZAR
Humane Society International

ALEJANDRO VILLAMAR
Red Mexicana de Acción Frente al Libre Comercio

TERESA PLATT
The Fishermen's Coalition

KATHLEEN O'CONNELL
Whale and Dolphin Conservation Society

IATTC--CIAT

JAMES JOSEPH, Director

APPENDIX 2

AGENDA

1. Opening of the Meeting
2. Election of Chairman
3. Adoption of Agenda
4. Technical Review of the International Dolphin Conservation Program
5. Activities of the International Review Panel
6. Review of the Dolphin Mortality Limits Program
7. Implementation of the Panama Declaration
8. Other Business

APPENDIX 3

MEXICO'S STATEMENT TO THE INTERGOVERNMENTAL MEETING

The failure by the Congress of the United States to enact legislation implementing the historic Declaration of Panama in a manner consistent with the commitments received by all our countries from the U. S. Administration, after the bipartisan majorities of the U.S. Congress had spoken so very clearly in support of that goal, sends a distinct message that unilateralism continues to prevail over multilateral, science-based environmental policy.

Mexico comes to this meeting indignant at the result of the U.S. process. There have occurred years of multilateral dialogue; the consequent negotiation and successful implementation of the La Jolla Accord, representing the search for the collective good; culminating in the negotiation of the Declaration of Panama, an international fisheries agreement that is unprecedented in its scope; and, finally, the subsequent presentation and promotion of the Declaration by a comprehensive scientific, environmental, political, industrial, and diplomatic coalition. Despite all of this, the United States lost the opportunity, at a most opportune moment, to demonstrate its genuine commitment to the principles of international and multilateral cooperation, as it has so many times expressed in this forum.

Mexico, on the other hand, has been and remains fully committed to the principles of the La Jolla Agreement and the subsequent Declaration of Panama: to multilateralism, to the judicious use of renewable resources, to perpetuating the availability of a valuable source of protein and employment to our peoples, to the effective conservation of marine mammals and to the commitment to use sound science for the protection of a delicate and complex ecosystem.

However, the recognized effort from Mexico and the other member Countries of the La Jolla Agreement is being threatened by interests contrary to the conservation of the environment. These interests have favored their own economic concerns over a responsible policy for the protection and conservation of the marine ecosystem, closing their eyes to the scientific evidence which constitutes the foundation for the actions taken in this multilateral forum. These interests, which are promoted by certain narrow-interest non-governmental organizations claiming to be worried about one particular species. If these interests are not effectively countered, a dynamic and viable organism is seriously threatened, an organism whose future holds such promise for the effective management of marine ecosystems around the world.

Mexico recognizes the commitment to sound conservation principles and multilateralism, and the excellent work performed by the many industry and government representatives from within the other signatory nations to the Declaration of Panama, including the U.S. Administration; within the U.S. Congress; within FUDENA and the five responsible U.S. non-governmental organizations--Greenpeace, Center for Marine Conservation, World Wildlife Fund, Environmental Defense Fund and National Wildlife Federation--who fought so hard and firm for the implementation of this historic agreement. Their courage in promoting truth should be praised, particularly in light of the level of inaccurate, biased and inconsistent information that has been spread by a few others.

Mexico is hopeful that the Declaration of Panama will be implemented by the U. S. Congress early next year. However, guided by the findings of the responsible domestic and international scientific community, Mexico can no longer permit the unilateral policies of one of the parties to the La Jolla Accord to effectively undermine the marine ecosystem of Mexico and the eastern Tropical Pacific Ocean.

For all these reasons, it is the decision of the Mexican Government to immediately suspend its active participation in the La Jolla Agreement. Over many years, Mexico has developed a strong and viable, science-based national program to ensure the sustainability of the tuna fishery and guarantee the conservation of all living marine resources consistent with the principles of the La Jolla Accord, the Declaration of Panama, and, particularly, with the United Nations Code of Conduct for Responsible Fisheries. Furthermore, consistent with Mexico's international policy, it will initiate practical discussions at the beginning of next month, at the OLDEPESCA meeting, with our Latin American partners in this international fishery, with the objective of maintaining our policy of multilateral cooperation in the effective management of the living migratory marine resources within the eastern Tropical Pacific Ocean.

Therefore, Mexico also issues a call for action to its counterparts in this fishery to remain united in exploring alternative venues in which the living marine resources shall be managed and protected in a truly multilateral, truly cooperative and truly effective manner. We cannot and will not lose what we have already achieved.

Mexico's decision to merely suspend its participation in the La Jolla Agreement, rather than outright withdrawal, reflects its expectation of the fulfillment of President Clinton's personal commitment to President Zedillo, communicated in his letter of October the 7th, that the legislation to implement the Declaration of Panama will be considered in the earliest days of the 105th U.S. Congress. It is Mexico's expectation that President Clinton's commitments will result in the successful implementation of this historic agreement.

Furthermore, despite the fact that Mexico has a recognized regulatory and statutory program to manage the tuna fisheries and protect dolphins, Mexico will, for the time being, continue to permit IATTC observers on Mexican-flagged tuna vessels in order to maintain transparency consistent with globally accepted standards of statistical significance.

Should legislation fully consistent with the Declaration of Panama be enacted early next year, Mexico will reassess its present position. However, in the absence of such action, Mexico will act in a manner consistent with internationally accepted standards for environmental use that are based on the best available scientific evidence. At an appropriate point in time, Mexico will also consider all other options available through multilateral and world bodies.

Mexico has opted to travel to this meeting in order to make its announcement in person out of respect to our partners in the La Jolla Agreement who have, with Mexico, sacrificed so very much in order to create and sustain what is universally regarded as the most successful voluntary marine conservation and international fisheries management agreement in the world today.

It is the sincere expectation of Mexico that the Declaration of Panama will become reality. As it has been proven in the past, it shall be true in the future that the only way to effectively manage this international fishery is through multilateral cooperation and unity among those nations committed to the principles of science, conservation, and sustainable use of natural resources.

APPENDIX 4

To: Members of the International Dolphin Conservation Program

From: Martin B. Hochman, Southwest Regional Counsel, NOAA, USA on behalf of the Presider of the 13th Meeting of the International Review Panel, Hilda Diaz-Soltero, Regional Administrator Southwest Region, National Marine Fisheries Service, USA

Subject: 1995 Annual Report of the International Review Panel

On behalf of the members of the International Review Panel of the International Dolphin Conservation Program, I am pleased to present the 1995 Annual Report which reviews the third year of operation of the IDCP, summarizes all possible infractions concerning dolphin mortality identified by the IRP, and the actions it took during its ninth, tenth, and eleventh meetings. Actions and resolutions of the participating nations (Plenary) during two intergovernmental meetings held in 1995 which affect the operation of the IRP and the IDCP are also summarized, as are the dolphin mortality levels in the fishery during 1995 and business that was pending before the IRP at the end of this reporting period.

In addition, on behalf of all of the members of the Panel I want to commend the staff of the IATTC for its continuing outstanding work in support of the Panel's meetings and activities. The staff's efforts are the essential basis for the productive work of the Panel.

APPENDIX 5

To: Members of the International Dolphin Conservation Program

From: Martin B. Hochman, Southwest Regional Counsel, NOAA, USA on behalf of the Presider of the 13th Meeting of the International Review Panel, Hilda Diaz-Soltero, Regional Administrator Southwest Region, National Marine Fisheries Service, USA

Subject: Summary of Activities of the 13th Meeting of the International Review Panel (IRP), October 19, 1996, La Jolla, California

Participating members were present from Colombia, Costa Rica, Ecuador, the United States, Vanuatu, Venezuela, the tuna industry, and environmental organizations. Discussion and approval of the minutes of the previous meeting held in La Jolla in August were deferred to a continuation of the 13th meeting to be reconvened sometime during October 21-23, in order to provide members adequate time for review.

The Commission staff presented information on the number of vessels which had obtained DMLs for either the entire year or the second half, and the extent of their utilization. Through October 13, none of the vessels have exceeded their DML, and the average mortality per vessel was less than forty (the full DML for a vessel for 1996 is 96). The staff also reported on the number of notices sent to vessel owners alerting them that they have a vessel approaching the DML; the staff noted this process seems to be effective.

Observer data processed by the IATTC staff since the last IRP meeting in August was reviewed by the Panel, and referrals to participating nations were made as appropriate on possible violations. Some members also reported on the actions their nations had taken on possible violations previously referred to them. This information will appear in the annual report for 1996.

The Panel also affirmed that the overall DML for 1997 under the IDCP is 7,500. The Panel further acknowledged that it would be available to assist the Plenary if any unusual situations developed in the program which required

further examination of the DML allocation process by the Panel. Some members of the Panel expressed concern about the consequences of ever-decreasing DMLs for individual vessels resulting from the decreasing overall DML and being exacerbated by a possible increase in vessels applying for DMLs in future years. After discussion, the Panel decided to request the Plenary to establish a working group on access issues to develop options for consideration by the member nations. The Panel expressed its desire that this committee include representation from tuna industry and environmental organizations as well as from the member nations, and that suitable consultants and experts be funded and utilized to fully develop the issues and options for consideration by the working group and the Plenary.

The Panel deferred until after the December 1 deadline for national submissions for DMLs the consideration of any special procedures for the handling of special problem set situations in 1996.

The Panel also discussed the responsibilities of the member nations to work together to encourage through diplomatic channels certain nations which are not now members to join the IDCP because they have become the flag state of vessels participating in the ETP fishery. In the instance of one particular vessel changing flags, the Commission staff will be notifying the vessel and its new flag state that the vessel is no longer eligible for a DML and the DML the vessel previously had is no longer in effect.

Also at this meeting the Panel was presented with data from the Commission's staff on the dolphin mortality rates in sets involving very small numbers of dolphins captured where backdown was used in comparison to where backdown was not used. Based upon a complete but limited data set, the results show a many-fold improvement where backdown is used.

One member recommended that the Panel consider at a future meeting whether the requirement to have a dolphin safety panel in the nets of vessels fishing dolphin safe was necessary for the protection of dolphins. The Panel also briefly discussed the apparent continued use of explosives by some vessels in the fleet. One member suggested that the Panel consider the use of the observer certification to note if explosives were used or the dolphin safety panel was missing. These items were deferred for discussion at a future meeting of the Panel.

Commission staff reported that information obtained from interviews with experienced captains on the use of ortza release in lieu of backdown was inconclusive due to limited or dated experience. The staff informed the Panel that information would be solicited from fishermen during future dolphin mortality reduction workshops.

The Panel set its next regular meeting for January, 1997, with the location to be decided at the reconvened meeting.

Recommendation

That the Inter-Governmental meeting establish a working group on access issues to develop options for consideration by the member nations, the membership of which should include representation from tuna industry and environmental organizations as well as from the member nations, and that funding be provided to engage suitable consultants and experts to fully develop the issues and options for consideration by the working group and the Plenary.

APPENDIX 6

JOINT STATEMENT BY THE GOVERNMENTS OF COLOMBIA, COSTA RICA, ECUADOR, PANAMA, VANUATU AND VENEZUELA

The Governments of Colombia, Costa Rica, Ecuador, Panama, Vanuatu and Venezuela, present at the 31st Intergovernmental Meeting on the Conservation of Tunas and Dolphins in the Eastern Pacific Ocean, held on October 21, 1996, in the city of La Jolla, California, dissatisfied with the unjustified delay in incorporating into United States legislation the commitments made in the Panama Declaration,

CONSIDERING

That the application of the practices recommended by the Inter-American Tropical Tuna Commission has shown irrefutably that scientifically-based multilateral measures are the most effective measures for the common aim of reducing the incidental mortality of dolphins in the tuna fishery, in contrast to unilateral measures, which lead to unjustified restrictions of trade;

That the efforts and sacrifices made by the international tuna fleet fishing in the Eastern Pacific Ocean in complying with the International Dolphin Conservation Program have contributed decisively to the success of the Program;

That the tuna embargo imposed by the United States and the present definition of "dolphin-safe" labelling go against international instruments now in force, and promote irresponsible fishing practices;

DECLARE

We are supporters of dialogue and multilateral cooperation as appropriate mechanisms for the protection of the environment and its resources.

We reiterate our dissatisfaction at the failure to incorporate into the legislation of the United States the commitments made by that nation in the Panama Declaration.

We understand the reasons for, and respect, the Government of Mexico's decision to suspend its active participation in the La Jolla Agreement, but we express our concern that this might affect the continuity of the International Dolphin Conservation Program.

We recognize and continue to actively support the work of the Inter-American Tropical Tuna Commission, the achievements of the 1992 La Jolla Agreement, and the objectives of the 1995 Panama Declaration.

We ratify the decision to continue the multilateral efforts of the nations and the tuna fleets that fish in the Eastern Pacific Ocean, in view of the success enjoyed by the International Dolphin Conservation Program, and reiterate the need to fulfill the objectives of the Panama Declaration as soon as possible. This would be an example to the international community for the rational and sustainable exploitation and use of the natural resources of the ocean environment.

We reaffirm our decision to ensure that these intentions be carried out, to which end we will be evaluating, in subsequent intergovernmental meetings, actions taken to implement the objectives of the Panama Declaration.

APPENDIX 7

STATEMENT BY OLDEPESCA

Thank you, Mr. Chairman.

Thank you for the opportunity to address this meeting briefly, and I would of course like to pay my respects to Dr. Joseph and his team. The work you do with such professionalism and dedication is a source of admiration and respect for OLDEPESCA.

Mr. Chairman:

We would have liked this to be an opportunity to celebrate together the triumph of the multilateral approach of moderation and science over politicking and pseudo-environmentalism, but it was not to be. We wanted, and still want, the successful experience with the La Jolla Agreement to serve as a model, as an example of what governments, international organizations, respected NGOs, and a modern and responsible private sector can do together for responsible fishing, as was done recently with the approval of the inter-American convention for the protection and conservation of sea turtles, but some U.S. senators, for whatever reasons, prefer to send the imprudent and irresponsible message that the defense of marine ecosystems, and not just of dolphins, is a matter of total indifference to them, and that those who act responsibly are to be punished. They are making a mistake of historic proportions.

We now find ourselves forced into fruitless and exhausting argument and confrontation about how to find a definitive solution to this thankless matter, when we could be building, today and together, a better tomorrow for other fisheries. Being patient is not a virtue exclusive to those who are born and work in and for Latin America, it is also a requirement for those of us who hold public office, but I believe that it should be made clear that the political responsibility for the potential failure of this multilateral effort is carried now and, until a definitive solution is found, exclusively on the shoulders of those who with their attitude promote and encourage irresponsible fishing, with incalculable consequences for the marine ecosystem.

Mr. Chairman, OLDEPESCA reaffirms its readiness to carry on fighting until a satisfactory solution to this matter is found. The only satisfactory solution was, is, and will be to allow U.S. consumers to choose in their supermarkets a can of tuna caught in a sustainable fishery, of excellent quality and fair price, like that produced by our fleet, no more but also no less.

Thank you.

APPENDIX 8

STATEMENT OF THE EUROPEAN COMMUNITY

Thank you, Mr. Chairman.

You will note that I do not have a piece of paper in front of me, but I will be happy to remit to the Secretariat a brief record of what I wish to say. First of all, the European Community has followed very closely the work of the IATTC over the last years, and shared the satisfaction of all members of this group to the Panama Resolution of last October. We came to this meeting, therefore, with renewed interest in this organization, and I can inform you that the Community, at the ministerial level, is actively considering the possibility of accession to the IATTC, an accession we consider to be all the more necessary following the New York Agreement and the essential role of regional fisheries organizations in fisheries management. We came to this meeting in an optimistic frame of mind, and therefore we, like others around the table, were disappointed. We understand the frustration that has been felt by certain parties. We also understand that democracy, being as it is, sometimes it takes longer to get legislation through the appropriate fora. It happens in our institution as well, I can assure you, but we would urge all parties, and of course, in particular, the U.S., who we know will do its utmost to pass the necessary legislation in this, such a vital area, for the general ecosystem in the eastern central Pacific. We do not feel that at this stage that exaggerated measures should be taken. We should rest calm and sure in the knowledge that the only way forward on international fisheries questions now is the multilateral approach. There is no other alternative, and certainly the question of unilateral action is one which is not acceptable to the European Community and its member states. So, against the background of multilateral cooperation, multilateral understanding, we are sure that this organization can go on from strength to strength.

Thank you, Mr. Chairman.

APPENDIX 9

STATEMENT BY GREENPEACE, THE CENTER FOR MARINE CONSERVATION, WORLD WILDLIFE FUND, FUDENA, AND RMALC

Thank you Mr. Chairman, members and observers of this Intergovernmental Meeting. My name is Gerald Leape of Greenpeace, and I am presenting this statement on behalf of Greenpeace, the Center for Marine Conservation, World Wildlife Fund, Fundación para la Defensa de la Naturaleza (FUDENA), and Red Mexicana de Acción Frente al Libre Comercio (RMALC).

As many of you may know, many of our organizations have been involved in working for the implementation of the Panama Declaration by the United States Congress. In addition, all of our organizations in the U.S., Mexico and Venezuela have consistently worked to achieve a strong, multilateral and binding program for the protection of dolphins, tuna and other marine species in the eastern tropical Pacific Ocean.

It is unfortunate that in this election year, the U.S. Congress did not pass legislation to implement the commitments made in the Declaration of Panama. Equally regrettable is Mexico's decision to temporarily "suspend its active participation" in the La Jolla Agreement.

Although we will not be able to gauge the chances of passing the Panama Declaration in 1997 until after the U.S. elections in November, we are committed to continuing to work to achieve a strong and binding agreement as envisioned in the Declaration of Panama, one that will achieve strict dolphin mortality limits and reductions in bycatch of other marine species, while recognizing the need to address trade embargoes. We take seriously the statement of Mexico that it "remains fully committed to the principles of the La Jolla Agreement and the

subsequent Declaration of Panama,” and hope that Mexico will continue to work towards fulfilling its commitments to dolphin conservation and protection of the marine ecosystem. Along that line, we fully expect that Mexico, by stating its willingness to “continue to allow IATTC observers on its boats” means that it will keep IATTC observer coverage at existing levels.

Progress to protect dolphins and other marine species should not be held hostage by one country’s actions or failure to act. Because of the La Jolla Agreement and the continuing efforts of fishers, observers, scientists and conservation-minded organizations, dolphin mortality continues to decline and could be the lowest it has ever been for 1996, with estimates between 2,600 and 3,000 animals. In light of the substantial gains that have been made through the La Jolla Agreement, we are encouraged by the participating nations that have chosen to remain engaged and actively participate in the La Jolla program. After all, our purpose here, collectively, is not to politically paralyze the process towards achieving clear conservation programs. On the contrary, the spirit and objectives of the our work here are to protect all life in the fishery. As we move rapidly toward the 21st century, no nation can afford to retreat from its responsibility nationally or internationally to protect and conserve marine life and fragile ecosystems. Rather than look back to establish blame for what happened, we must look ahead and decide how to achieve an international program as envisioned by the Panama Declaration.

In the immediate term, this can be best accomplished by:

- maintaining observer coverage at 100%, which since 1993 has been the only internationally acceptable standard in this fishery;
- continuing to reduce dolphin mortality limits per vessel, at minimum, and to levels below those established in 1996, in a manner that does not accommodate for non-participating nations;
- encourage continued timely reporting of fishing trips by member countries;
- encourage greater enforcement action by member countries against their own fleets;

And in the medium term, by

- complying with commitments made by all nations signatory to the Declaration of Panama;
- strengthening the compliance and enforcement mechanisms in the program;
- adopting mechanisms to assess and reduce bycatches of juvenile tunas, billfishes, and other marine species in the fishery;
- making the development and implementation of more selective fishing gears and methods a priority;
- agreeing to adopt structural changes to the underlying treaty that created the IATTC in 1949. These changes should reflect incorporation of the relevant principles from UNCLOS and the UN Agreement on Straddling and Highly Migratory Fish Stocks.

It is imperative that we seize this opportunity to continue to construct this model of conservation for fisheries around the world, one that includes strict conservation measures and transparency.

APPENDIX 10

STATEMENT OF THE HUMANE SOCIETY OF THE UNITED STATES/HUMANE SOCIETY INTERNATIONAL

The Humane Society of the United States/Humane Society International (HSUS/HSI) with its more than 3 million members and constituents will continue to work with the coalition of over 80 environmental, animal protection, consumer health and safety, religious, labor and other civic organizations and with congressional and governmental leaders who support changes in US law to allow for the importation and sale within the United States of all dolphin-safe tuna, as currently defined, and the reduction and eventual elimination of non-target bycatch.

While HSUS/HSI is pleased to note that some governments have begun to report actions taken with respect to IRP reported infractions, we remain concerned that the reported infractions have increased substantially. It would appear that the IATTC needs to develop an effective adjudication and enforcement regime to ensure that reported infractions decrease. At the Intergovernmental Plenary in June 1995, HSUS/HSI presented a report laying out possible ways to create such a regime.

A cursory examination of the 1995 IRP Annual Report and the Fines Schedule that was adopted at the June 1993 meeting in Vanuatu suggests that if member governments were to collect the recommended fines for the noted infractions, this would create an income base of more than \$11,800,000, nearly 260% more income than the IATTC's FY 1998 budget, and 365% more income than the IATTC's FY 1995 actual government contributions.

Clearly one way of making up the consistent shortfall between the Secretariat's requested budget and actual governmental contributions is to implement a fine sharing schedule between member governments and the IATTC. If fines were actually collected, considerable income would be generated or alternatively, infractions would cease.

Developing an effective adjudication and enforcement regime would go a long way toward convincing governmental leaders and NGOs like HSUS/HSI, that the IATTC's International Dolphin Conservation Program, and indeed the entire IATTC, is being operated in a manner that is not only efficient, but consistent with the goals set forth in the La Jolla Agreement.

APPENDIX 11

STATEMENT BY THE FISHERMEN'S COALITION

Mr. Chairman, Commissioners and Others Who Care About the Eastern Pacific:

On behalf of the members of the Fishermen's Coalition, the families, boat owners and workers involved in fishing for tuna on both sides of the Pacific, I want to convey a strong message of support to our fishing brothers who are fighting the good fight.

The Fishermen's Coalition works to educate the public about responsible fishing practices, the importance of fishing in providing food to the global village, and to celebrate and secure seafaring communities.

We were hard-pressed to meet these goals during the last session of the U.S. Congress as we were assaulted by a barrage of lies which included:

- An accusation made by the "Pure Food Campaign" that Mexico's tuna was "toxic," containing mercury levels poisonous to pregnant women and their unborn children. Contradicting this lie were lab results provided by the

same group which showed naturally-occurring mercury present at levels far below FDA's standards and on par with U.S.-produced tuna.

- An accusation that the eastern Pacific purse seine fleet was running cocaine into the United States under the noses of the observers. The tenuous link for this lie was the U.S. Coast Guard arrest of a drug running vessel, an oil tender disguised as a longliner.
- An accusation that the bill would sacrifice dolphins. Misnaming it the "Dolphin Death Act," the opposition took money from children and worried the public. They ignored the IATTC's success at reducing dolphin mortality to a fraction of what is allowed as biologically insignificant in U.S. domestic fisheries under the present Marine Mammal Protection Act.

These accusations were made, coordinated and campaigned by the Humane Society of the United States, Earth Island Institute and Monitor Consortium, which were joined by some of the most militant animal rights groups in the country.

To add insult to injury, we discovered that a "Flipper Foundation" was receiving "licensing fees" from canneries for a "dolphin safe" certification program to confirm what governments already regulate. According to Earthtrust of Hawaii, companies paying licensing fees to their "Flipper Foundation" include StarKist, J. Wattie's, Miramonte, Tree of Life Tongol Tuna and others. On the board of the Flipper Foundation are David Phillips of Earth Island Institute, Don White of Earthtrust and Craig van Note of Monitor Consortium, an umbrella organization "supporting non-consumptive use of the world's resources." Monitor members, who meet weekly to plan strategies and share information, include Humane Society, Sierra Club, Fund for Animals, and many other animal rights and preservationist groups.

In spite of these attempts to discredit the bill, the truth came through. The press, all the way through the process, was fair, eager to learn, open and receptive to hearing about this fishery. The American public overwhelmingly supported the bill as evidenced in the strong 3 to 1 vote in the House of Representatives and the bill had the votes to pass the Senate given the opportunity.

So I want to encourage my tired and bloodied friends in this fight: this is not a battle over a can of tunafish versus Flipper. This is a battle to establish the ground rules on how we solve environmental issues globally. It is a battle to communicate with and educate a public dependent on, but isolated from, the resource producers of the world. It is a battle to curb irresponsible talk as much as irresponsible fishing.

We thank the five environmental groups who worked with us this time instead of against us. We also issue a heartfelt thank you to the scientists of the Inter-American Tropical Tuna Commission and the representatives of the involved nations for their efforts in forging this binding agreement and the multilateral, science-based conservation regime which the fishermen have desired for many, many years.

The Fishermen's Coalition will continue to educate the public about the need to lift the trade barriers while redefining "dolphin safe" to an ecologically sound definition. We know our efforts will help solidify the progress made in this fishery and result in strong fishing communities operating within a healthy ocean. That is the goal which spurs us on and keeps us going.

We wish you all good fishing,

APPENDIX 12

STATEMENT OF EARTH ISLAND INSTITUTE

Mr. Chairman, members of the Commission:

I am Mark J. Palmer. I am Program Associate for Earth Island Institute, and I confess that I do not have a written statement, but would like to make a few comments. I would hope that the Commission would not be misled by some of the comments that have been made here this morning about the chances for this legislation in the United States Congress. As I think you received an indication from my colleagues in Greenpeace, the politics in the United States are likely to change substantially in November in favor of blocking the legislation again this year. The Panama Declaration, in my opinion, is dead in Congress, is going to remain dead, and is not going to be passed, and I am sorry that that information does not appear to be conveyed to you in a manner which I think you need to know. I would hope that you would speak with those members of the United States delegation on a private matter on what they think the chances of this passage is. I don't think they can speak what I've just stated publicly; I don't think they can agree with me one hundred percent privately, but I think they can agree that the chances for the Panama Declaration passing in Congress, the implementing legislation, is quite unlikely. In any event, I would hope that we would take a different tack than was taken last year when Congress was presented with the Panama Declaration--take it or leave it. Congress was not involved in a dialogue, Congress was not involved in multilateral decision making, Congress was told unilaterally take the Panama Declaration or leave it, and Congress left it. I would hope that, instead, we would move forward with some kind of dialogue, indeed, to reach agreement because the environmental group, as is noted by the Humane Society, over 85 organizations have opposed the Panama Declaration, are in favor of lifting the embargoes on dolphin-safe tuna from those countries that are currently embargoed. We are in favor of addressing bycatch issues of sea turtles, other non-target species of fish. We are in favor of reaching agreement that can benefit the tuna industry of all nations, the tuna-fishing fleets, the dolphins, and the other species in the marine ecosystem, and I think we can reach that agreement, and I would hope it would look for ways to achieve that.

Thank you very much, Mr. Chairman.