

MINUTES OF THE 27th INTERGOVERNMENTAL MEETING ON THE
CONSERVATION OF TUNAS AND DOLPHINS IN THE EASTERN PACIFIC OCEAN

Cumaná, Venezuela

June 8, 1994

Agenda Item 1 - Opening of the meeting

The 27th Intergovernmental Meeting on the Conservation of Tunas and Dolphins in the Eastern Pacific Ocean was called to order by Dr. James Joseph, Director of the Inter-American Tropical Tuna Commission (IATTC), at 10:30 a.m. on Wednesday, June 8, 1994, at the Hotel Los Bordones in Cumaná, Venezuela. In attendance were representatives of ten nations, three international organizations, and three non-governmental organizations (NGOs). The attendees are listed in Appendix I.

Agenda Item 2 - Election of the Chairman

Ambassador Pulvenis of Venezuela was unanimously elected to the post of Chairman.

The Chairman, after thanking the delegations for the honor, announced the sad news of the recent death in an accident of Marlène Kanas, of the Association Robin des Bois. He recalled her active interest and participation in the conservation of marine resources, and noted that the accident had occurred while Ms. Kanas was travelling to attend the current meeting.

Agenda Item 3 - Adoption of the Agenda

The Chairman noted that a modified draft agenda had replaced the one distributed some weeks earlier, which had included an item concerning the Rules of Procedure. The new agenda, from which this item had been deleted, was unanimously approved (Appendix II).

Agenda Item 4 - Report of the International Review Panel (IRP) on its work during the last year

The Chairman reviewed the Annual Report for 1993 on the activities of the International Review Panel (IRP) (Appendix III). He noted that it contained summaries of the five regular meetings and one *ad hoc* meeting of the IRP held up to the January 1994, and commented on the amendment to the IRP's Rules of Procedure to allow an expanded membership. He called for special attention to Appendices VI through IX of the report, which deal with infractions of the 1992 Agreement for the Conservation of Dolphins committed by vessels fishing for tunas in the eastern Pacific. He noted that the low number of major infractions identified, 24 in 6,075 sets of the nets, reflected the fleet's high degree of compliance with the objectives of the Agreement, but pointed out that the governments had in most cases not reported actions taken respecting sanctions applied to these infractions. He concluded his review of the report by calling attention to the IRP's three recommendations to governments set out in the covering letter accompanying the report.

After some discussion, the report was accepted by the Plenary without modification.

There followed a general discussion concerning the infractions and corresponding sanctions previously approved by the Plenary and listed in Appendix III of the IRP's Annual Report for 1993. It was

pointed out by some delegates that, since these infractions and sanctions had been drawn up before the International Dolphin Conservation Program (IDCP) established by the Agreement came into operation, and since the IDCP had achieved much better-than-expected results in its 18 months of operation, the infractions and sanctions, and particularly the latter, should therefore perhaps be re-examined to ensure that they were consistent with the current situation. This was considered to be especially true for many of the minor infractions.

It was generally agreed that this matter should be considered by the IRP, and that the IRP's Working Group on Compliance might be an appropriate forum.

The Chairman then turned to the report (Appendix IV) of the Working Group on Compliance, which had met on June 6, 1994. The report outlines the Working Group's terms of reference, and notes that the excellent results of the IDCP to date reduced the urgency for establishing mechanisms and procedures to ensure compliance. It emphasizes that any action taken by participating states against other states should be multilateral rather than unilateral, and concludes with four recommendations to governments, one of which was to reconvene the Working Group in New York in August 1994 or in La Jolla in October.

The report was accepted unanimously by the Plenary.

The Chairman next said that, in keeping with its obligations under the Agreement, the IRP had drafted a certification system for fishing captains (Appendix V). The Chairman reviewed this proposal, noting that it would ensure that all nations involved in the fishery would be informed of the suspension by any participating nation of a fishing captain's right to act in that capacity on vessels under its jurisdiction. The recommended system was adopted after some discussion, and the IATTC staff was instructed to maintain a list of suspended captains and disclose this information to interested nations and boatowners.

The Chairman next introduced the question of the membership of NGOs in the IRP, and the length of their terms of service, currently two years. After some discussion, it was unanimously agreed that because of the technical nature of the IRP's work, the time required to become familiar with the technical aspects of fishing, and the outstanding work of the current members, the terms of the current NGO members should be extended for another two years. The IRP was instructed to reflect this change in its Rules of Procedure.

There followed a discussion on the consequences of a vessel with a Dolphin Mortality Limit (DML) sinking before fully utilizing its DML, and specifically whether the vessel's remaining DML was transferable to a vessel replacing it within that same calendar year, and whether a bond was required if the replacement vessel did not enter the fishery until the following year or later. The Chairman referred these two questions to the IRP for consideration.

Agenda Item 5 - Review of the Dolphin Mortality Limits (DMLs) program, 1995-1999

The Chairman noted that it had been agreed at the intergovernmental meeting held in La Jolla in October 1993 that the matter of adjusting the overall DML for 1995 established in the Agreement should be considered. He pointed out that the original DML for 1994 had been 15,500 dolphins, but that the Plenary had reduced this by 40 percent, to 9,300, in order to make it more consistent with the actual levels of mortality (3,609 in 1993).

After a lengthy discussion, in which it was noted that the mortality in 1994 to date was currently similar to that of 1993, but that this situation could change and the mortality increase, it was agreed that the

matter should be considered later in the year and that the DML established for 1995 should be lower than that for 1994. A meeting will be held in La Jolla in early October to address the matter, and Dr. Joseph was instructed to consult with other governments to fix a suitable date for the meeting.

The Chairman next discussed a draft resolution (Appendix VI) dealing with the forfeiture of DMLs by vessels which did not utilize their DMLs during the first five months of the year. The resolution, which calls for exemption from such forfeiture for reasons of *force majeure* or due to extraordinary circumstances, was passed unanimously.

Agenda Item 6 - Other business

A resolution of condolence addressed to the family and friends of Marlène Kanas was unanimously approved (Appendix VII).

The issue of Rules of Procedure to govern the activities of the Plenary was raised again. It was agreed that Dr. Joseph should prepare draft rules for consideration by the Plenary in October.

Glenda Medina of FUDENA asked to address the meeting on behalf of the non-governmental environmental organizations present. The text of her statement is attached as Appendix VIII.

Agenda Item 7 - Adjournment

All delegations joined in congratulating the Chairman for his excellent direction of the meeting and in thanking the Government of Venezuela and the people of Cumaná for their warm hospitality.

The meeting was adjourned at 3:30 p.m. on Wednesday, June 8, 1994.

Appendix I.

27th INTERGOVERNMENTAL MEETING FOR THE
CONSERVATION OF TUNAS AND DOLPHINS

Cumaná, Venezuela
June 8, 1994

ATTENDEES

COLOMBIA

ALEJANDRO LONDOÑO GARCÍA
ALBERTO VILLANEDA JIMÉNEZ
ADOLFO RINCON PRIETO

COSTA RICA

LUIS PARIS CHAVERRI
HERBERT NANNE ECHANDI

ESPAÑA

JESUS MIRANDA DE LARRA

FRANCE

DANIEL GAERTNER

JAPAN

KATSUMA HANAFUSA
KIYOSHI KATSUYAMA

MEXICO

DAMASO LUNA CORONA
RICARDO BELMONTES ACOSTA
GUILLERMO COMPEAN JIMENEZ
DANIEL AVILA ARANDA
RAMIRO ROJO LOPEZ
RICARDO LOPEZ GOMEZ
MIGUEL SOTELO BURGOS

PANAMA

JUAN DE OBARRIO

REPUBLIC OF CHINA

ANDREW WU

RUSSIAN FEDERATION

VALERY TSOUKALOV
SERGEI LEONTIEV

UNITED STATES

HENRY BEASLEY
MARY L. WALKER
BRIAN HALLMAN
PAUL NIEMEYER
MICHAEL TILLMAN
MARTIN HOCHMAN

VENEZUELA

CARLOS GIMÉNEZ
JEAN-FRANCOIS PULVENIS
SANTOS VALERO
ALFREDO ZULOAGA
ROBERTO ORTISI
HUGO ALSINA
WILLIAM MIJARES
CARLOS ATILANO
ORLANDO FLORES
LUIS MARCANO BARRIOS

INTERNATIONAL ORGANIZATIONS

DANIEL GAERTNER
ICCAT

JACEK MAJKOWSKI
FAO

NON-GOVERNMENTAL ORGANIZATIONS

GLENDIA MEDINA
HECTOR LOPEZ ROJAS
Fudena

JUAN CARLOS CARDENAS
Greenpeace Latin America

TRACI ROMINE
Greenpeace International

ALEJANDRO VILLAMAR
Red Mexicana de Acción Frente al Libre Comercio

Appendix II.

27th INTERGOVERNMENTAL MEETING ON THE CONSERVATION OF
TUNAS AND DOLPHINS IN THE EASTERN PACIFIC OCEAN

Cumana, Venezuela

June 8, 1994

AGENDA

1. Opening of the meeting
2. Election of the Chairman
3. Adoption of the Agenda
4. Report of the International Review Panel (IRP) on its work during the last year:
 - 1993 Annual Report to governments
 - Options to promote compliance with the Agreement for the Conservation of Dolphins
 - Membership of the IRP
5. Review of the Dolphin Mortality Limits (DMLs) program, 1995-1999
6. Other business
7. Adjournment

June 8, 1994

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Appendix III.

INTERNATIONAL REVIEW PANEL

ANNUAL REPORT 1993



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

INTER-AMERICAN TROPICAL TUNA COMMISSION COMISION INTERAMERICANA DEL ATUN TROPICAL

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

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla, CA 92037-1508, U.S.A.
Tel: (619) 546 7100 - Fax: (619) 546 7133 - Telex: 697115 - Director: James Joseph, Ph. D.
FTS Tel: (700) 893 6100 - FTS Fax: (700) 893 6133

June 5, 1994

To: Governments attending the 27th Intergovernmental Meeting
From: International Review Panel
Subject: Annual Report for 1993

The 1992 Agreement for the Conservation of Dolphins calls on the International Review Panel to prepare an Annual Report of its activities, to include a summary of all identified infractions committed by vessels fishing for tunas in the eastern Pacific Ocean and of the sanctions applied by the respective governments.

Attached is the IRP's Annual Report for 1993. Your attention is drawn to Appendix VI, which lists all infractions, by trip identification number and vessel flag, which were identified by the IRP between May 1993 and January 1994. These same infractions are summarized, by major and minor categories, for each of the IRP meetings in which observer records were reviewed. These summaries are contained in Appendices VII, VIII, and IX. In 6,075 sets reviewed, only 24 major infractions were identified.

Within two weeks of the identification by the IRP of the infractions listed in the respective summaries, a detailed report was sent to each government, listing the infractions committed by each vessel under its flag and requesting the government to report back to the IRP on action taken with respect to sanctions for such infractions. Appendix VI includes a summary of all such actions.

The IRP wishes to draw the Plenary's attention to the fact that some of the governments party to the Agreement have not yet supplied the required information, and the reports of other governments show that actions on infractions are either less than recommended in the list of approved sanctions or are not yet completed. Some of these infractions were reported to the governments over a year ago.

In view of the above, and stressing that the program's success depends on the individual behavior and commitment of governments, the IRP recommends the following to the governments party to the Agreement:

1. That they take action to ensure that the appropriate sanctions are applied for infractions committed, and that reports of such actions are transmitted to the IRP in a timely fashion, and in the format presented in Appendix VI of the attached Annual Report.
2. That the Secretariat, when notifying governments of infractions committed by their vessels, set a deadline of two months for responses and, failing a response by the deadline, follow up the case by mail, fax, and/or telephone, as appropriate. A government which does not comply with this requirement shall explain the reasons for its failure to comply at the next meeting of the IRP.
3. That mechanisms be sought to encourage compliance with the provisions of the Agreement in accordance with international law.

The IDCP is an innovative and precedent-setting program. It is helping to set a standard for the conservation and management of living marine resources into the next century, and has attracted a great deal of attention and interest in a number of international fora dealing with management and conservation issues. The program's success is a result of the dedicated efforts of the governments, the fishermen, and the observers involved in its implementation. To ensure continued success of the program, and enhance its effectiveness, the IRP invites all governments party to the Agreement to accept the above recommendations.

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International Dolphin Conservation Program

International Review Panel

ANNUAL REPORT

1993

The International Dolphin Conservation Program (IDCP) and the International Review Panel (IRP) were established by a resolution passed at a special meeting of the Inter-American Tropical Tuna Commission (IATTC) held in April 1992. This resolution was reaffirmed at the IATTC's 50th meeting in June 1992. In addition, a similar resolution, the Agreement for the Conservation of Dolphins, was passed by ten nations (Colombia, Costa Rica, Ecuador, Mexico, Nicaragua, Panama, Spain, the United States of America, Vanuatu, and Venezuela) at an intergovernmental meeting held in conjunction with the IATTC meeting. (The separate intergovernmental meeting was necessary because some of these nations were not members of the IATTC.) The Agreement is specific to the tuna purse-seine fishery in the eastern Pacific Ocean (EPO), and its principal objectives are (1) to progressively reduce 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, seek ecologically sound means of capturing large yellowfin tunas not in association with dolphins, while maintaining the populations of yellowfin tuna in the EPO at a level which will permit maximum sustained catches year after year. The IRP's main objective is to review and report on the compliance of the international tuna purse-seine fleet with the dolphin mortality limits set forth in the Agreement, and to make recommendations, as appropriate, to the nations party to the Agreement. The functions and responsibilities of the IRP are described in the Agreement.

There are currently three dolphin research programs which collect data pertaining to dolphin mortality in the fishery. Mexico and the United States have national programs which cover their respective fishing fleets, and the IATTC has an international program which covers all fleets operating in the EPO, including those of Mexico and the United States. Data for all three programs are collected by trained observers, using standardized forms and data collection procedures. The IRP reviews the operations of these programs and the data they collect.

The Agreement, as originally written, called for the IRP to be composed of nine members, five representatives of participating governments with fleets operating in the fishery, two representatives of environmental organizations, and two representatives from the tuna-fishing industry. Only government members would have voting rights, and the IATTC was to provide a non-voting Secretariat for the Panel. The Plenary, composed of all participating governments, initially appointed Colombia, Mexico, the United States, Vanuatu, and Venezuela to the IRP. The tuna-fishing industry and the environmental community submitted candidates for membership. Prior to the first IRP meeting, the five government members appointed representatives from the Fundación para la Defensa de la Naturaleza (FUDENA), Greenpeace International, the American Tunaboat Association of the United States, and the Cámara Nacional de la Industria Pesquera of Mexico.

During the year, the Agreement was amended to allow additional governments to become members. As a result, Panama became the sixth government member of the IRP.

This annual report reviews the first year of operation of the IDCP, and summarizes all infractions of agreements concerning dolphin mortality that were identified by the IRP and the actions it took during an *ad hoc* meeting convened to discuss the functions and responsibilities of the IRP and during its five meetings to date. Actions and resolutions of the Plenary during two meetings held in 1993 and which affect the operation of the IRP and the IDCP are also summarized. Minutes of all IRP and Plenary meetings are recorded by the IRP Secretariat or the IATTC staff and distributed to the attendees. Documents referred to in this report are included in those minutes.

MEETINGS

IRP MEETINGS

Ad hoc Meeting; June 19, 1992 - La Jolla, California, USA

Present at this meeting were representatives of Mexico, the United States, Vanuatu, Venezuela, Greenpeace International, the Red Mexicana de Acción Frente al Libre Comercio (RMALC) (alternate), and the IATTC.

Frequency of Meetings

It was agreed that the IRP should meet three times a year, in June, October, and January, in 1993 and 1994.

Rules of Procedure

An outline of the Rules of Procedure was drafted.

Dolphin Mortality Limits

It was agreed that the Secretariat would prepare a document discussing measures that would be necessary to ensure compliance with the overall and individual DMLs.

Infractions and Sanctions

It was agreed that the document discussing compliance with the DMLs would also include a list of possible infractions and sanctions for such infractions. It was also agreed that the Secretariat would request of all governments with vessels fishing for tunas associated with dolphins in the EPO copies of their laws for the protection of dolphins, along with sanctions applied for infractions of these laws.

Membership

The Secretariat was requested to invite non-governmental organizations to submit names for consideration as non-voting members of the IRP.

First Meeting; October 15-16, 1992 - La Jolla, California, USA

Present at this meeting were representatives from Colombia, Mexico, the United States, Vanuatu, Venezuela, FUDENA, Greenpeace International, the American Tunaboat Association, the Cámara Nacional de la Industria Pesquera, and the IATTC. Richard Carpenter of Vanuatu was elected Chairperson and Traci Romine of Greenpeace International President.

Rules of Procedure

The IRP adopted Rules of Procedure, attached as Appendix I. A working group was established to draft language on confidentiality to be considered at a subsequent meeting and eventually included in the Rules. (Amendments to the Rules, ratified later in the year and described in a memorandum from the Secretariat to participating governments and IRP members, are attached as Appendix II.)

Assignment of Dolphin Mortality Limits (DMLs)

DMLs of 183 animals per vessel were assigned to 106 vessels for 1993. The distribution of vessels was as follows: Colombia (2), Mexico (50), Panama (3), United States (14), Vanuatu (10), and Venezuela (27) (After the meeting Mexico and Venezuela informed the Secretariat that they were exercising the option

provided for in the Agreement of modifying the DMLs of vessels in their fleets within the limits allowed.) The IRP agreed to develop standard criteria to qualify vessels for future DMLs.

Infractions and Sanctions

The IRP agreed on a standardized list of major and minor infractions. Major infractions are those that specifically affect compliance with the Agreement, while minor infractions are violations of operational procedures, most of which are currently enforced by countries with vessels fishing in the EPO. A standard set of sanctions was recommended for the infractions. The IRP agreed to distribute these recommendations to the participating governments at the appropriate time. The IRP also recommended that these governments should develop legislation, regulations, and policy statements as soon as possible that describe the infractions and set as goals the establishment of the recommended sanctions. The list of infractions and sanctions is attached as Appendix III.

The IRP decided that the list of infractions and sanctions applies only to commercial fishing, not "research fishing," and recommended that the Scientific Advisory Board of the IATTC address the matter of ensuring that research fishing comply with the IDCP and of setting and monitoring of quotas for captures made for scientific purposes.

Means to Monitor Compliance with the IDCP

The IRP adopted data summary forms proposed by the IATTC, which would be completed at sea by observers of the various programs and would identify any infractions that might occur during a fishing trip. These forms, along with the standardized field data forms, will be reviewed by the IRP at each meeting. It was agreed that a working group would meet prior to the next meeting to develop multilateral mechanisms to ensure compliance by participating and non-participating governments.

The IRP agreed that it is the responsibility of the participating governments to take actions to prevent vessels from reflagging in order to avoid compliance with the Agreement. It was also agreed that information about the Agreement should be circulated to non-participating governments in order to encourage their participation.

Second Meeting: January 27-29, 1993 - La Jolla, California, USA

Present at the meeting were representatives from Colombia, Mexico, the United States, Vanuatu, Venezuela, FUDENA, Greenpeace International, RMAC (alternate), the American Tunaboat Association, the Cámara Nacional de la Industria Pesquera, and the IATTC. Hector López of FUDENA was elected President.

DMLs

The IRP agreed to make public the names of the vessels which had been assigned a DML, but not the DML itself. It was also agreed that observers should be issued a new form on which to record sightings of other vessels at sea. In order to standardize the criteria for issuing DMLs in the future, a working group of experts was instructed by the IRP to meet prior to the next IRP meeting and report its findings on alternative criteria. It was agreed that a vessel reflagging during the year would take its DML with it to the new flag, so that neither the original flag nation nor the new one would have to reallocate the overall DML for its fleet.

Infractions and Sanctions

The Secretariat was instructed to circulate the standardized list of infractions and sanctions to the participating governments and to the other member governments of the IATTC before the next Plenary meeting in June 1993. The IRP reviewed the report of the working group of experts on international sanctions for non-compliance to the Agreement for participating and non-participating governments. It was agreed that the report, which proposed various options for action, would be distributed to the participating governments, along with recommendations from the IRP.

Means to Monitor Compliance with the IDCP

The IRP decided on the type of observer data that the Secretariat would provide for review at subsequent meetings, and it agreed on a procedure to report identified infractions to governments and to request information on the actions taken by the governments on these infractions.

The IRP instructed the Secretariat to draft a document defining non-compliance and matters of confidentiality for the next IRP meeting.

It was agreed that the summary minutes of each meeting would be made public but the proceedings of the meeting would not, and that confidential information would not be included in the minutes. All IRP members would be required to sign a confidentiality statement.

The IRP reviewed a draft report on confidentiality prepared by the group appointed in the previous meeting. It was agreed that 1) the names of vessels assigned DMLs are not confidential, but the assigned DMLs are, 2) observer reports and observer logbooks are confidential, 3) infractions by individuals and vessels are confidential. The rest of the document was left to be reviewed by legal experts from IRP member countries, and the Secretariat was to consult with them.

Third Meeting; May 31-June 2, 1993 - La Jolla, California, USA

Present at this meeting were representatives from Colombia, Mexico, the United States, Venezuela, FUDENA, Greenpeace International, the RMAC (alternate), the Cámara Nacional de la Industria Pesquera, and the IATTC. Francisco Herrera Terán of Venezuela was elected President.

DMLs

Eight vessels, seven of Ecuadorian and one of Mexican registry, were assigned DMLs of 91 animals each for the second semester of 1993. This DML was one-half of the full-year DML of 183 animals.

The Secretariat reviewed progress to date in reducing dolphin mortality, stating that mortality per set was approximately one-third of the 1992 rate, and that unless the current trend was reversed, total dolphin mortality for 1993 could be one-third of the total limit for the year (19,500). Due to this progress, the IRP discussed the advantages and disadvantages of adjusting the schedule of total dolphin mortality limits specified in the Agreement. A brief summary of the discussion was prepared for consideration by the Plenary at its next meeting.

The IRP reviewed a draft report on criteria options for issuing future DMLs prepared by a group of experts assigned to the task at the previous IRP meeting. Various revisions to the draft were made, and it was agreed to submit it to the Plenary at its next meeting.

Review of the IDCP

IATTC staff members presented for review observer data from fishing trips completed to date in 1993 and sampled by the international and national programs. During the review, it became apparent that there were differences in certain data definitions and methods of data analysis among the programs, so the IRP instructed the staffs of each program to meet at a later date to resolve them. It was agreed that in the report to the governments informing them of infractions, the Secretariat should also include explanations of any mitigating circumstances to help the countries with their judgments.

The IRP agreed that the IATTC and the Mexican national programs should exchange copies of observer data logs from Mexican fleet trips. It was also agreed that a procedure of cooperation should be established in the future to allow a government investigating a possible infraction to obtain information from a citizen of another country who is directly involved with the possible infraction but has returned to that country.

Fourth Meeting: October 28-29, 1993 - La Jolla, California, USA

Present at this meeting were representatives from Colombia, Mexico, Panama, the United States, Vanuatu, Venezuela, FUDENA, the Cámara Nacional de la Industria Pesquera, the U.S. Tuna Foundation (alternate), and the IATTC. Francisco Herrera Terán of Venezuela was elected President.

DMLs

The IRP assigned "provisional" DMLs for 1994 of 106 dolphins to each of 87 vessels, based on the revised total dolphin mortality limit of 9,300 animals (see PLENARY MEETINGS, Intergovernmental Meeting of October 26-27, 1993). The DMLs would be provisional until December 1, 1993, after which they would become final. This would allow the Secretariat and governments to ensure that all vessels met the criteria established for issuing DMLs for 1994.

Review of Compliance with the IDCP

IATTC staff members presented for review observer data from trips completed during the period since the last IRP meeting. The Secretariat was instructed to gather data and report back to the IRP at its next meeting on 1) the incidence and effectiveness of lowering the bow end of the net, or "ortza," as an alternative dolphin release method, and 2) the incidence of accidental capture of small whales and the effectiveness of the backdown maneuver for releasing them. The IRP also instructed the Secretariat to draft guidelines regarding which equipment observers need to have access to in order to perform their duties.

Infractions and Sanctions

The IRP agreed that another working group be formed to continue work on developing mechanisms to ensure compliance by participating and non-participating governments, and that details of the group's meeting be discussed at the next IRP meeting.

Rules of Procedure

The IRP noted that the Plenary had approved amendments to the Rules of Procedure and instructed the Secretariat to draw up new rules to be circulated to governments for comments and approval.

Fifth Meeting: January 26-27, 1994 - Ensenada, B.C., Mexico

Present at this meeting were representatives from Colombia, Mexico, Panama, the United States, Vanuatu, Venezuela, FUDENA, the Cámara Nacional de la Industria Pesquera, and the IATTC. Carlos Camacho Gaos of Mexico was elected Presider, and organizational support was provided by the staff of Mexico's national program, the Programa Nacional para el Aprovechamiento del Atún y Protección de los Delfines (PNAAPD).

DMLs

The Secretariat summarized the use of the DMLs during 1993. Preliminary data indicated that the mortality estimate for 1993 would be between 3,000 and 4,000 animals, and the mortality per set approximately 0.5 animals.

At the previous IRP meeting it was reported that 87 vessels had been allocated provisional DMLs of 106 dolphins each. However, since the previous meeting 14 vessels had canceled their requests for DMLs. The individual DMLs for 1994 had been adjusted to 127 dolphins for each of the 73 remaining vessels that had originally requested DMLs (overall DML of 9,300 + 73 vessels). Governments were advised of this, but none chose to modify the DMLs for their vessels as allowed for in the Agreement.

Mexico requested that an additional vessel from its fleet be given a DML allocation and Venezuela requested that the DMLs of two vessels in its fleet be canceled. The IRP decided to allow these changes without altering the DML of 127 dolphins per vessel, as the fishing year had already started, but emphasized that this was a one-time decision that would not set a precedent. The DML of 127 had been calculated using 73 vessels, but the addition of one vessel and deletion of two others resulted in 72 vessels having DMLs. The distribution of the 72 vessels by flag was as follows: Colombia (2), Mexico (37), Panama (1), United States (3), Vanuatu (9), and Venezuela (20).

The Secretariat mentioned the difficulties that the IATTC had in collecting the fees assessed each vessel to help offset the costs of the observer program. The IRP instructed the Secretariat not to place IATTC observers on vessels without DMLs that had not paid the fee for 1994.

Review of Compliance with the IDCP

The IRP agreed that vessels without DMLs should be required to have the same dolphin safety and rescue gear as required for vessels with DMLs. It was also agreed that the names of fishing captains suspended by any country be provided to the other participating governments.

A list of vessel equipment and areas that observers should have access to in order to facilitate their data collection duties, drafted by the staff of the international and national programs, was distributed. The IRP had requested the draft at its previous meeting. Minor changes to the list were agreed, and the Secretariat was instructed to include it in the minutes of this meeting as an IRP recommendation.

As requested by the IRP at its previous meeting, the IATTC staff provided information on 1) the method of lowering the bow ortza as a dolphin-release alternative to the backdown maneuver, and 2) methods of releasing captured small whales. The number of sets in which the ortza was lowered is small, but in the majority of cases this technique resulted in no mortality. The number of sets in which small whales were captured is also small, and no conclusion can be drawn concerning the most efficient method of release. It was agreed that sets involving captured small whales would be reviewed by the IRP on a case-by-case basis, and that this information should be made available to interested nations.

IATTC staff members presented for review observer data from trips completed during the period since the last IRP meeting. After the review, it was agreed that:

- a) The list of infractions reported to the governments should be annotated to include comments on questionable fishing practices.
- b) The Secretariat would develop options on 1) improving performance by fishermen, and 2) the definition of a fishing trip, to be presented to the IRP prior to its meeting of June 1994. It was further agreed that these subjects would be included in the agenda for that meeting.
- c) The Secretariat would include in the reports to the governments summaries of infractions reviewed at this and all previous IRP meetings.

Infractions and Sanctions

An expert meeting on this subject was scheduled for April 4, 1994. Subsequently, it was rescheduled for June 6, 1994.

Rules of Procedure

The IRP approved a draft prepared by the Secretariat of amendments to the IRP Rules of Procedure regarding membership and voting, requested by the IRP at its previous meeting (Appendix II).

PLENARY MEETINGS

Intergovernmental Meeting: June 9-10, 1993 - Port Vila, Vanuatu

The Plenary passed a resolution on issues associated with the IRP, including the following:

Rules of Procedure

The Plenary agreed to accept and ratify the IRP Rules of Procedure, as amended (Appendix I).

Confidentiality

The Plenary requested that the IATTC and national programs not assign an observer to a vessel unless the fishing captain and owner of the vessel have signed a form authorizing the release of data to 1) the IATTC's dolphin program, 2) the national dolphin program, if applicable, and 3) the government that has jurisdiction over the vessel.

Rescheduling of DMLs

The Plenary agreed that the schedule of dolphin mortality limits would be revised downward and that the revision would be determined at an intergovernmental meeting to be held prior to December 15, 1993.

Infractions and Sanctions

The Plenary agreed to accept the recommendations of the IRP with respect to infractions and sanctions and to recommend to participating governments that they develop legislation, regulations, and policy statements as soon as possible that include the infractions proposed and to set as goals the establishment of the recommended sanctions.

Criteria for Issuing DMLs

The Plenary agreed to accept the criteria for issuing DMLs for 1994, attached as Appendix IV.

Intergovernmental Meeting; October 26-27, 1993 - La Jolla, California, USA

Rescheduling of DMLs

The Plenary passed a resolution on dolphin mortality limits for 1994 in which it agreed to (1) reduce the permissible dolphin mortality limit for 1994 from 15,500 to 9,300 animals, and (2) in each successive year covered by the mortality schedule in the Agreement, review the schedule for future years, with the objective of determining whether reduction in that schedule can be achieved.

Rules of Procedure

The Plenary also agreed that the Agreement and the IRP Rules of Procedure be amended to allow membership to any participating government that has at least one vessel of carrying capacity greater than 400 short tons fishing under its flag in the EPO.

OUTSTANDING BUSINESS

The IRP has not yet fulfilled items 5, 6, and 9 of its functions and responsibilities as established by the Agreement. It did not develop a workable system for receiving reports from governments regarding actions taken in response to identified infractions, nor a standardized system for certification and monitoring of fishing captains. It has drafted options for ensuring compliance by all nations with the terms of the Agreement, but has not made recommendations regarding which of these options should be pursued.

DOLPHIN MORTALITY

The total dolphin mortality in the fishery in 1993 was 3,609 animals, far below the overall limit of 19,500. The average mortality per set was 0.53 dolphins. Of the 106 vessels allocated a DML, 66 utilized their DMLs by making at least one intentional set on tunas associated with dolphins. None of these 66 vessels exceeded its allotted individual DML. Details of the mortalities by vessel are attached as Appendix V.

INFRACTIONS

Possible Infractions Identified by the IRP and Actions Taken by Governments

Appendix VI lists all possible infractions identified by the IRP during its last three meetings, and the actions taken by the governments under whose jurisdiction the pertinent vessels operate and reported to the Secretariat as of May 31, 1994.

The list details the infractions committed and the corresponding actions taken by the flag government in response to the IRP's report. It identifies, by country, the vessel and the trip during which the infraction took place. A nation's vessels are listed at random, and are identified only as 1, 2, etc. It also includes the IRP record number for the trip in question, and the year and month the data were reviewed. Only vessels which committed possible infractions are included, once for each trip during which a possible infraction occurred.

Appendices VII, VIII, and IX summarize possible infractions identified by the IRP during the Third, Fourth, and Fifth meetings respectively.

INTERNATIONAL REVIEW PANEL

RULES OF PROCEDURE

Representation

- Rule I.
- a) The Review Panel ("the Panel") shall be composed of nine members, five of whom shall be representatives of governments party to the Agreement approved in La Jolla on 18 June 1992 which have vessels participating in the fishery ("government members"). The remaining members of the Panel ("non-government members") shall be two representatives of environmental organizations and two representatives of the tuna-fishing industry, to be appointed by the government members in accordance with these rules.
 - b) In the performance of its duties and functions, the Panel may request the technical and scientific services of, and confirmation from, official agencies of the participating governments and any international, public, or private institution or organization, or any private individual.

Non-government members

- Rule II.
- a) The first non-government members appointed to the Panel shall serve until the commencement of the first regular meeting of the Panel held in 1994.
 - b) Non-government members appointed to the Panel subsequently shall serve from the commencement of the first regular meeting of the Panel¹ held in the year of their appointment until the commencement of the first regular meeting of the Panel held two years later.
 - c) In any year in which the non-government members' term of service is due to expire, the government members shall, on or before 30 March of that year, appoint new non-government members. Serving non-government members shall be eligible for re-appointment for a further term.
 - d) Should a non-government member's position fall vacant, the government members shall appoint a replacement as soon as practicable. Any such replacement non-government member shall serve on the Panel until the date when the original non-government member's appointment would have expired.
 - e) With sufficient reason, the government members may terminate the appointment of a non-government member prior to the expiry of his/her term. The holding or expressing of opinions shall not be sufficient grounds for such termination. In the event of such termination, the non-government member affected shall be entitled to be informed of the grounds for the termination.

Alternates

- Rule III.
- a) Each non-government member shall, within a reasonable time of being appointed, submit to the Director of the IATTC his/her nomination for an alternate. The nomination may be confirmed or rejected by the government members. If the nomination is rejected, the non-government member shall submit a new nomination to the Director of the IATTC.

1. The regular meeting of the panel is held at the time of the annual meeting of IATTC

- b) The appointment of an alternate shall terminate upon the termination of the appointment of the non-government member for whom he/she acts.
- c) Each alternate may attend the meetings of the Panel, but shall have no speaking rights if the non-government member for whom he/she acts is present.

Voting

Rule IV. Only government members shall have voting rights. Each government member shall have one vote, and that vote may be cast by any authorized delegate of that government.

- Rule V.
- a) The Panel shall strive to reach a consensus on all matters, but in the event that this is not possible, all decisions, resolutions, recommendations, and other official actions of the Panel shall be taken by a majority of 4 of the 5 voting members. Voting at meetings of the Panel shall be by show of hands, or by roll call, as in the opinion of the Presider (see Rule X.c) appears more suitable.
 - b) The Panel may in all matters act by circulating notice in writing of a proposed resolution or action by the government members, provided that such notice and all relevant documentation is sent to all members of the Panel, including the non-government members, at least 14 days prior to the effective date of the resolution.
 - c) In matters of urgency, the agreement of the government members may be communicated orally and the decision, resolution, recommendation or other action of the Panel shall be valid notwithstanding that the time limit set out in (b) above is not complied with and that despite best efforts being made it is not possible to circulate the relevant documentation to the non-government members.

Chairperson and Secretariat

- Rule VI.
- a) The Chairperson of the Panel shall be elected each year at the regular meeting of the Panel, to be held in accordance with Rule X, and shall serve from the date of his/her appointment until the appointment of another Chairperson. The Panel shall have the power to appoint a new Chairperson at any time if the post falls vacant. The Secretariat shall be provided by the Director of the IATTC.
 - b) The term "Chairperson" shall, when referred to in these rules, mean the Chairperson of the Panel elected in accordance with this rule.

- Rule VII. The duties of the Chairperson shall be to:
- a) Subject to the direction of the Panel, set the time and place of all regular meetings of the Panel (see Rule X.a)
 - b) With the concurrence of two other members of the Panel, convene special meetings of the Panel, as deemed necessary.
 - c) Present to the regular meetings of the Intergovernmental Forum which established this Panel the reports, recommendations, and communications of the Panel.
 - d) Carry out such other duties as may be necessary to achieve the objectives of the Panel.
 - e) Prepare an agenda for each meeting of the Panel.

Rule VIII. The duties of the Secretariat shall be to:

- a) Provide all information required by the Panel to carry out its functions and responsibilities, including, *inter alia*, review forms listing vessel activities and dolphin mortality by set, and information on the presence, condition, and use of dolphin safety gear.
- b) Prepare minutes of all meetings and draft special reports and documents dealing with the activities of the Panel.
- c) Perform any other tasks requested by the Panel necessary to achieve its objectives.

Confidentiality

Rule IX. Members of the Panel shall treat as confidential all records of the activities of individual vessels and/or companies.

Meetings

- Rule X.
- a) The Panel shall meet at least once each year at the time of the regular Annual Meeting of the IATTC ("regular meeting"), and shall strive to meet at least two additional times, once in September or October and once in January, and at such other times as the Chairperson and two additional members of the Panel deem a special meeting is necessary.
 - b) Each meeting of the Panel shall be presided over by a member of the Panel, to be elected by the government members at that meeting.
 - c) The member of the Panel elected to chair a meeting is referred to in these rules as "the Presider".
 - d) The duties of the Presider shall be to:
 1. Decide all questions of order raised at the meetings of the Panel, subject to the right of any member to request that any ruling by the Chairperson be submitted to the Panel for decision by vote.
 2. Call for votes, and announce the result of the vote to the Panel.
 3. Approve the official minutes of all meetings of the Panel.

Language

Rule XI. The official languages of the Panel shall be English and Spanish, and members of the Panel may use either language during meetings.

Contacts

Rule XII. The address of the Panel shall be that of the IATTC.

Amendments

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

Appendix II.

January 27, 1994

TO: All Governments Party to the Agreement and members of the IRP

FROM: Director

SUBJECT: Amendments

It was unanimously agreed to by all participating governments at the Intergovernmental Meeting held in conjunction with the 52nd Meeting of the Inter-American Tropical Tuna Commission on October 26-27, 1993, in La Jolla, California, to amend Appendix II, Section III, of the Agreement for the Conservation of Dolphins to read:

"The Review Panel shall be composed of five or more representatives of governments and four representatives of non-governmental organizations. Of the latter, two shall be representatives of environmental organizations and two shall be representatives of the tuna-fishing industry. Any government that is party to the 1992 Agreement for the Conservation of Dolphins and that has at least one vessel of carrying capacity greater than 400 short tons fishing under its flag in the eastern Pacific Ocean may become a member of the Panel. The government representatives shall be voting members, and the non-governmental representatives shall be non-voting members. The IATTC will provide a non-voting Secretariat for the Panel."

At the meeting of the International Review Panel (IRP) held in La Jolla, California, on October 28-29, 1993, it was agreed that Rule La) of the Rules of Procedure of the Panel shall be amended to read:

"The Review Panel ("the Panel") shall be composed of representatives of governments party to the Agreement approved in La Jolla on 18 June 1992 which have at least one vessel of carrying capacity greater than 400 short tons participating in the fishery under their flag ("government members"). There shall be four additional members of the Panel ("non-government members"): two representatives of environmental organizations and two representatives of the tuna-fishing industry, to be appointed by the government members in accordance with these rules."

and Rule V.a) of the Rules of Procedure shall be amended to read:

"The Panel shall strive to reach a consensus on all matters. In the event that this is not possible, all decisions, resolutions, recommendations, and other official actions of the Panel shall be taken by a majority of at least two thirds of the voting members. Voting at meetings of the Panel shall be by show of hands, or by roll call, as in the opinion of the Presider (see Rule X.c) appears more suitable."

The Agreement and Rules of Procedure are considered to be amended as indicated effective the dates of the Intergovernmental and IRP meetings noted above.

Appendix III.

INFRACTIONS AND SANCTIONS

MAJOR INFRACTIONS FOR INDIVIDUAL OPERATORS, OWNERS AND OBSERVERS

	Fine (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 vessel capacity): (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 boatowner	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 who has been suspended, for a vessel with a DML: (boatowner)	100,000		
additional suspension (captain)		2 years	
8) Departing or fishing on dolphins without a dolphin safety panel: captain	100,000	2 years	
boatowner	100,000		2 years
9) No backdown (each occasion):	100,000		
10) Intentional sack up or brailing of live dolphins:	50,000		
OTHER INFRACTIONS¹:			
1) Night set (e.o.):	20,000		
2) Use of explosives for dolphin sets (e.o):	20,000		
3) Minor interference with observer duties (e.o):	5,000		
4) Non-deployment of 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; (5) is also owner's responsibility

Appendix IV.

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.

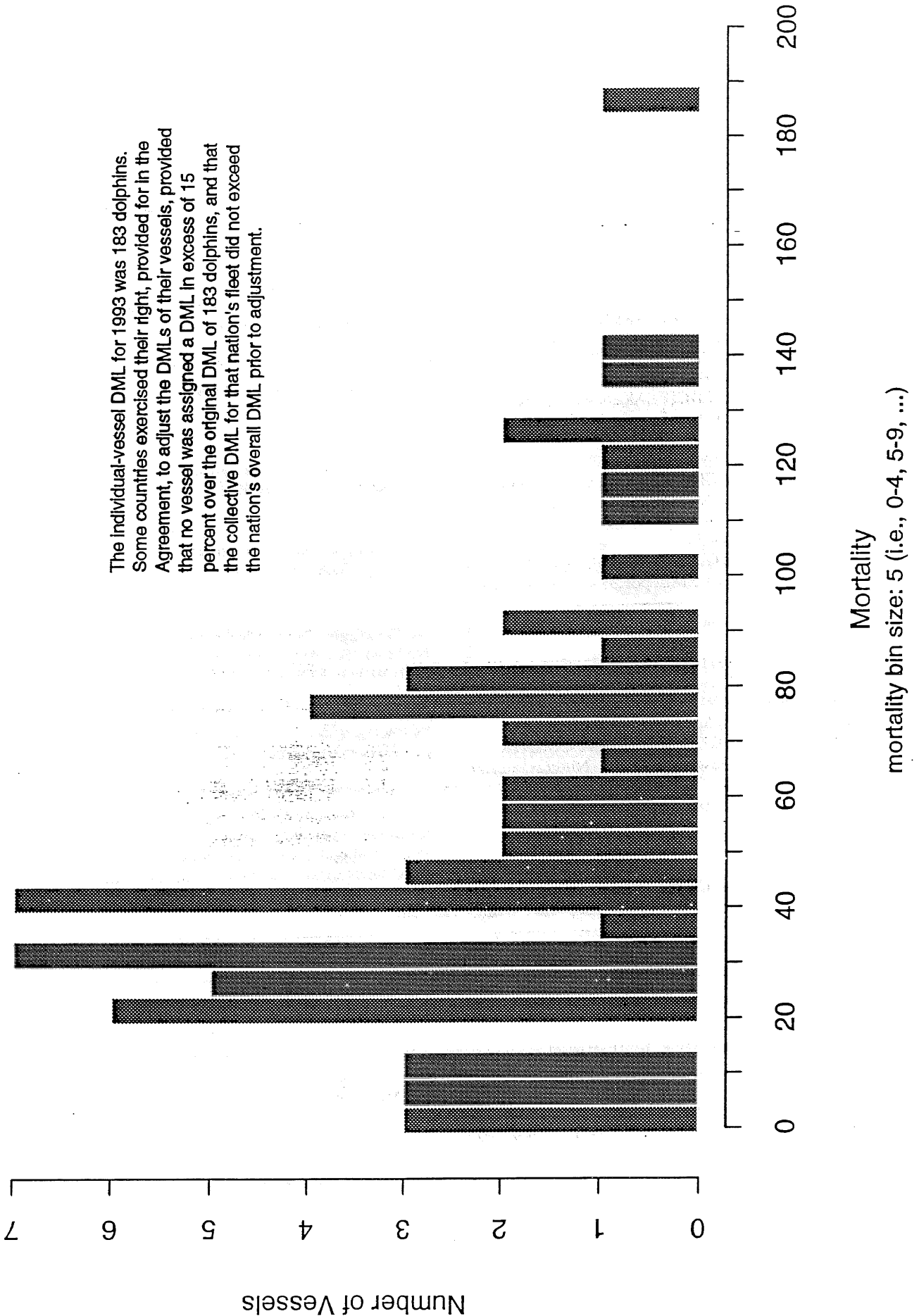
In addition to the criteria listed above, the IGM recognizes that additional criteria may be necessary to address the issue of DMLs requested by vessels fishing in the EPO using exclusively dolphin-safe fishing methods. The IGM agreed that addressing this situation should be given a high priority in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

MORTALITY BY DML VESSELS - 1993

(number of intentional dolphin sets ≥ 1)

The individual-vessel DML for 1993 was 183 dolphins. Some countries exercised their right, provided for in the Agreement, to adjust the DMLs of their vessels, provided that no vessel was assigned a DML in excess of 15 percent over the original DML of 183 dolphins, and that the collective DML for that nation's fleet did not exceed the nation's overall DML prior to adjustment.



Appendix VI. Possible infractions identified by the IRP

COLOMBIA

 COL 1 93-144 93/05 1) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) None Reported - Ningún Informe

93-198 93/10 1) 1 No Raft - No hay Balsa
 2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) & 2) None Reported - Ningún Informe

93-250 93/10 1) 1 No Raft - No hay Balsa
 2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) & 2) None Reported - Ningún Informe

 COL 2 93-003 93/05 1) 1 No Floodlight - No hay Reflector
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) None Reported - Ningún Informe

93-048 93/05 1) 1 No Floodlight - No hay Reflector
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) None Reported - Ningún Informe

93-251 93/10 1) 1 No Floodlight - No hay Reflector
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) None Reported - Ningún Informe

93-400 94/01 1) 1 No Floodlight - No hay Reflector
 2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) & 2) None Reported - Ningún Informe

 COL 3 93-337 94/01 1) 3 Explosives Use - Uso de explosivos
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) None Reported - Ningún Informe

 COL 4 93-340 94/01 1) 1 Obs. Interference - Interferencia al Obs.
 2) 1 Night Set - Lance Nocturno
 3) 1 No Floodlight - No hay Reflector
 4) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2), 3) & 4) None Reported - Ningún Informe

ECUADOR

 ECU 1 93-253 93/10 1) 1 No Floodlight - No hay Reflector
 2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) & 2) None Reported - Ningún Informe

93-408 94/01 1) 1 No Raft - No hay Balsa
 2) 1 No Floodlight - No hay Reflector
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

ECU 2 93-260 93/10 1) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) None Reported - Ningún Informe

93-319 94/01 1) 1 Fishing Without a DSP - Pescando Sin PPD
 2) 1 No Raft - No hay Balsa
 3) 1 No Floodlight - No hay Reflector
 4) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2), 3) & 4) None Reported - Ningún Informe

93-383 94/01 1) 1 Fishing Without a DSP - Pescando Sin PPD
 2) 1 No Floodlight - No hay Reflector
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

ECU 3 93-238 93/10 1) 1 Obs. Interference - Interferencia al Obs.
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) None Reported - Ningún Informe

ECU 4 93-264 93/10 1) 1 No Floodlight - No hay Reflector
 2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1) & 2) None Reported - Ningún Informe

ECU 5 93-265 93/10 1) 1 No Raft - No hay Balsa
 2) 1 No Floodlight - No hay Reflector
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

ECU 6 93-261 93/10 1) 1 No Raft - No hay Balsa
 2) 1 No Floodlight - No hay Reflector
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

ECU 7 93-037 93/05 1) 1 Fishing Without a DSP - Pescando Sin PPD
 2) 1 No Raft - No hay Balsa
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

93-089 93/05 1) 1 Fishing Without a DSP - Pescando Sin PPD
 2) 1 No Raft - No hay Balsa
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

93-142 93/05 1) 1 Fishing Without a DSP - Pescando Sin PPD
 2) 1 No Floodlight - No hay Reflector
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

93-207 93/10 1) 1 Fishing Without a DSP - Pescando Sin PPD
 2) 1 No Floodlight - No hay Reflector
 3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
 ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
 1), 2) & 3) None Reported - Ningún Informe

93-262 93/10 1) 1 Fishing Without a DSP - Pescando Sin PPD
2) 1 No Floodlight - No hay Reflector
3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1), 2) & 3) None Reported - Ningún Informe

93-380 94/01 1) 1 Fishing Without a DSP - Pescando Sin PPD
2) 1 No Raft - No hay Balsa
3) 1 No Floodlight - No hay Reflector
4) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1), 2), 3) & 4) None Reported - Ningún Informe

MEXICO

MEX 1 93-231 93/10 1) 1 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B

MEX 2 93-082 93/10 1) 1 Obs. Interference - Interferencia al Obs.
2) 1 Explosives Use - Uso de explosivos
3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX C - Leer MEX C
3) Read MEX A - Leer MEX A

MEX 3 93-047 93/05 1) 1 No Floodlight - No hay Reflector
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX A - Leer MEX A

93-114 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-268 93/10 1) 1 Night Set - Lance Nocturno
2) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B
2) Read MEX A - Leer MEX A

93-378 94/01 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-412 94/01 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 4 93-228 93/10 1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 5 93-021 94/01 1) 1 No Floodlight - No hay Reflector
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX A - Leer MEX A

93-066 94/01 1) 1 No Floodlight - No hay Reflector
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX A - Leer MEX A

93-098 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-147 93/10 1) 3 No Backdown - Sin Retroceso
2) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B
2) Read MEX A - Leer MEX A

93-385 94/01 1) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 6 93-061 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-233 94/01 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 7 93-020 93/05 1) 1 No Backdown - Sin Retroceso
2) 1 No Rescue - Sin Rescate
3) 1 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1), 2) & 3) Read MEX B - Leer MEX B

93-099 93/05 1) 1 No Floodlight - No hay Reflector
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX A - Leer MEX A

93-163 93/10 1) 1 No Backdown - Sin Retroceso
2) 1 No Rescue - Sin Rescate
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX B - Leer MEX B

93-236 93/10 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 8 93-416 94/01 1) 17 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX C - Leer MEX C

MEX 9 93-248 93/10 1) 1 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B

93-315 94/01 1) 1 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX C - Leer MEX C

MEX 10 93-314 94/01 1) 1 No Mask/Snorkel - No hay Visor/Esnórquel
2) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX A - Leer MEX A

MEX 11 93-379 94/01 1) 2 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX C - Leer MEX C

MEX 12 93-036 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-115 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-326 93/10 1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-390 94/01 1) 1 No Mask/Snorkel - No hay Visor/Esnórquel
2) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX A - Leer MEX A

MEX 13 93-149 93/10 1) 2 Night Set - Lance Nocturno
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B
2) Read MEX A - Leer MEX A

MEX 14 93-157 93/10 1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 15 93-197 93/10 1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 16 93-300 93/10 1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 17 93-097 93/05 1) 1 No Raft - No hay Balsa
2) 1 No Floodlight - No hay Reflector
3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1), 2) & 3) Read MEX A - Leer MEX A

93-225 93/10 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-286 94/01 1) 1 No Raft - No hay Balsa
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

93-355 94/01 1) 1 No Raft - No hay Balsa
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A

MEX 18 93-060 93/05 1) 2 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B

93-159 93/10 1) 1 Sackup/Brail - Salabardeo/Embolsamiento
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B

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*****
MEX 19      93-070      93/10      1) 1 No Backdown - Sin Retroceso
                2) 1 Sackup/Brail - Salabardeo/Embolsamiento
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read MEX B - Leer MEX B
*****
MEX 20      93-174      94/01      1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A
*****
MEX 21      93-132      93/05      1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A
-----
93-226      93/10      1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A
-----
93-312      93/10      1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A
*****
MEX 22      93-155      94/01      1) 1 No Raft - No hay Balsa
                2) 1 No Floodlight - No hay Reflector
                3) 1 No Mask/Snorkel - No hay Visor/Esnórquel
                4) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1), 2), 3) & 4) Read MEX A - Leer MEX A
-----
93-298      94/01      1) 1 No Backdown - Sin Retroceso
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX B - Leer MEX B
*****
MEX 23      93-117      93/05      1) 1 Obs. Interference - Interferencia al Obs.
                2) 1 Explosives Use - Uso de explosivos
                3) 1 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX C - Leer MEX C
2) The government stated that its data indicated that no infraction occurred. - El gobierno señaló que sus
datos indicaban que no ocurrió ninguna infracción.
3) Read MEX B - Leer MEX B
*****
MEX 24      93-092      93/05      1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX A - Leer MEX A
*****
MEX 25      93-022      93/05      1) 1 Obs. Interference - Interferencia al Obs.
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read MEX C - Leer MEX C
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**Actions taken by the Mexican government to the infractions identified by the IRP
Acciones tomadas por el gobierno mexicano acerca de las infracciones identificadas por el PIR.**

MEX A:

For these infractions (no raft, no floodlight, no mask-snorkel, speedboats without bridles), *First Order Sanctions* will be given. For the next trip, no fishing license will be issued until the problem is corrected. An inspection by the proper authorities will be conducted before each fishing trip.

Para estas infracciones (falta balsa, falta reflector, faltan mascarar/esnorkeles, faltan bridas), se aplicarán *Sanciones de Primer Orden*. Para el siguiente viaje, no se otorgará licencia de pesca hasta que el problema sea corregido. Antes de cada viaje subsecuente, las autoridades correspondientes realizaran una inspección.

MEX B:

For these infractions (no backdown, night set, no additional rescue, sack-up/brail), *Second Order Sanctions* will be given. They will be submitted to the Mexican Committee of Experts, created by the Mexican law. This group will analyze the available data and, if necessary, will initiate the administrative procedure to apply a sanction within the Mexican law.

Para estas infracciones (sin retroceso, lances nocturnos, sin rescate adicional, embolsados/salabardeados), se aplicarán *Sanciones de Segundo Orden*. Estos casos serán analizados por el Comité Mexicano de Expertos creado por las leyes mexicanas, quienes analizarán los datos disponibles para, en caso necesario, instaurar el procedimiento administrativo requerido para dictar sanciones dentro del marco de las leyes mexicanas.

MEX C:

For these infractions (observer interference, explosives), *Third Order Sanctions* will be given. These infractions are addressed by the Mexican law and it will be necessary for a member of the IRP or the IATTC to participate in the necessary administrative procedures and to have available all signed logbooks and reports from the observer.

Para estas infracciones (interferencia con el observador, uso de explosivos), se aplicarán *Sanciones de Tercer Orden*. Estas sanciones están contempladas dentro de la Ley de Pesca y se requiere que un miembro del PIR o de la CIAT participe en las diligencias administrativas necesarias, además de disponer de bitácoras e informes firmados por los observadores.

PANAMA

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*****
PAN 1      93-285      93/10      1) 1 No Floodlight - No hay Reflector
          ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
          1) None Reported - Ningún Informe
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SPAIN - ESPAÑA

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*****
SPN 1      93-057      93/05      1) 1 No Floodlight - No hay Reflector
          2) 1 No Speedboat Bridles - Lanchas sin Bridas
          ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
          1) & 2) Read SPN A - Leer SPN A

          93-119      93/05      1) 1 No Floodlight - No hay Reflector
          2) 1 No Speedboat Bridles - Lanchas sin Bridas
          ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
          1) & 2) Read SPN A - Leer SPN A

          93-153      93/05      1) 1 No Floodlight - No hay Reflector
          ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
          1) Read SPN A - Leer SPN A
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93-224 93/10 1) 1 No Raft - No hay Balsa
2) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read SPN A - Leer SPN A

SPN 2 93-049 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read SPN A - Leer SPN A

93-104 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read SPN A - Leer SPN A

93-154 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read SPN A - Leer SPN A

Actions taken by the Spanish government to the infractions identified by the IRP
Acciones tomadas por el gobierno español acerca de las infracciones identificadas por el PIR.

SPN A:

As the infraction only applies to vessels with DMLs, the government stated that since it had not requested a DML for this vessel there was no infraction.

Dado que estas infracciones solo son aplicables a barcos con LMD, el gobierno indicó que debido a que nunca requirió un LMD para sus barcos, no existía la infracción.

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UNITED STATES - ESTADOS UNIDOS.

USA 1 93-038 93/05 1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Observer field data contradicted IRP forms; no action taken by government since the infraction was questionable and the vessel did not fish on dolphins. - Los datos de campo contradicen los registros del PIR. El gobierno no tomó acción dado que la infracción era cuestionable y el buque no pescó sobre delfines.

=====

VANUATU

VAN 1 93-053 93/05 1) 1 Sackup/Brail - Salabardeo/Embolsamiento
2) 4 Explosives Use - Uso de explosivos
3) 1 Night Set - Lance Nocturno
4) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1), 2), 3) & 4) None Reported - Ningún Informe

93-259 93/10 1) 3 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

93-311 94/01 1) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

93-353 94/01 1) 1 Explosives Use - Uso de explosivos
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) None Reported - Ningún Informe

VAN 2 93-014 93/05 1) 4 Explosives Use - Uso de explosivos
2) 1 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) None Reported - Ningún Informe

93-217 93/10 1) 1 Explosives Use - Uso de explosivos
2) 1 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) None Reported - Ningún Informe

93-283 93/10 1) 36 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

93-343 94/01 1) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

VAN 3 93-200 93/10 1) 1 No Floodlight - No hay Reflector
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) None Reported - Ningún Informe

VAN 4 93-185 93/10 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

93-247 93/10 1) 1 Night Set - Lance Nocturno
2) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) None Reported - Ningún Informe

VAN 5 93-276 93/10 1) 1 Obs. Interference - Interferencia al Obs.
2) 4 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) The government suspended the fishing captain from the Vanuatu fleet for a period of one year. -
El gobierno suspendió al capitán de pesca de la flota de Vanuatu por un año.

VAN 6 93-051 93/05 1) 6 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

93-127 93/05 1) 1 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

VAN 7 93-063 93/05 1) 23 Explosives Use - Uso de explosivos
2) 4 Night Set - Lance Nocturno
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) None Reported - Ningún Informe

93-192 93/10 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) None Reported - Ningún Informe

VEN 5 93-105 93/05 1) 33 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN A and VEN B - Leer VEN A y VEN B

93-165 93/10 1) 27 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN B - Leer VEN B

VEN 6 93-008 93/05 1) 8 Explosives Use - Uso de explosivos
2) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read VEN A and VEN B - Leer VEN A y VEN B

93-129 93/05 1) 1 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN A and VEN B - Leer VEN A y VEN B

93-241 93/10 1) 20 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN B - Leer VEN B

93-349 94/01 1) 23 Explosives Use - Uso de explosivos
2) 3 Night Set - Lance Nocturno
3) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1), 2) & 3) Read VEN B - Leer VEN B

VEN 7 93-328 94/01 1) 2 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN B - Leer VEN B

VEN 8 93-330 94/01 1) 3 Explosives Use - Uso de explosivos
2) 1 No Mask/Snorkel - No hay Visor/Esnórquel
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) & 2) Read VEN B - Leer VEN B

VEN 9 93-050 93/05 1) 1 No Speedboat Bridles - Lanchas sin Bidas
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN A and VEN B - Leer VEN A y VEN B

93-191 93/10 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN B - Leer VEN B

VEN 10 93-160 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN A and VEN B - Leer VEN A y VEN B

93-320 94/01 1) 2 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN B - Leer VEN B

93-381 94/01 1) 22 Explosives Use - Uso de explosivos
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN B - Leer VEN B

VEN 11 93-028 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN A and VEN B - Leer VEN A y VEN B

VEN 12 93-041 93/05 1) 1 No Floodlight - No hay Reflector
ACTION TAKEN BY COUNTRY - ACCION TOMADA POR EL PAIS:
1) Read VEN A and VEN B - Leer VEN A y VEN B

Appendix VII.

**SUMMARY OF POSSIBLE INFRACTIONS
IDENTIFIED BY THE INTERNATIONAL REVIEW PANEL**

Meeting Date: May 31 - June 2, 1993

Location: La Jolla, Calif., USA

MAJOR INFRACTIONS:

Number of trips without an observer	0
Number of trips with dolphin sets but no DML assigned	0
Number of trips with an unlicensed or suspended fishing captain	0
Number of trips without a dolphin safety panel	3
Number of trips with observer interference	2
Number of intentional sets made after reaching the DML	0
Number of sets on banned stocks or school types	0
Number of sets without a required backdown (Occurred in 1 trip)	1
Number of sets with dolphin sack-up or brail (Occurred in 1 trip)	1

MINOR INFRACTIONS:

Number of trips without a required raft	3
Number of trips with speedboats lacking towing bridles	7
Number of trips without a required high intensity floodlight	21
Number of trips without required diving masks and snorkels	11
Number of night sets (Occurred in 7 trips)	11
Number of sets with use of explosives (Occurred in 11 trips)	90
Number of sets without required rescue (Occurred in 1 trip)	1
Number of trips reviewed in this meeting	132
Number of dolphin sets reviewed in this meeting	1600
Number of accidental sets reviewed in this meeting	1

Appendix VIII.

SUMMARY OF POSSIBLE INFRACTIONS
IDENTIFIED BY THE INTERNATIONAL REVIEW PANEL

Meeting Date: October 28 - 29, 1993

Location: La Jolla, Ca. USA

MAJOR INFRACTIONS:

Number of trips without an observer	0
Number of trips with dolphin sets but no DML assigned	0
Number of trips with an unlicensed or suspended fishing captain	0
Number of trips without a dolphin safety panel	2
Number of trips with observer interference	3
Number of intentional sets made after reaching the DML	0
Number of sets on banned stocks or school types	0
Number of sets without a required backdown (Occurred in 4 trips)	6
Number of sets with dolphin sack-up or brail (Occurred in 2 trips)	2

MINOR INFRACTIONS:

Number of trips without a required raft	5
Number of trips with speedboats lacking towing bridles	7
Number of trips without a required high intensity floodlight	21
Number of trips without required diving masks and snorkels	13
Number of night sets (Occurred in 9 trips)	10
Number of sets with use of explosives (Occurred in 8 trips)	123
Number of sets without required rescue (Occurred in 1 trip)	1
Number of trips reviewed in this meeting	151
Number of dolphin sets reviewed in this meeting	2957
Number of accidental sets reviewed in this meeting	4

Appendix IX.

**SUMMARY OF POSSIBLE INFRACTIONS
IDENTIFIED BY THE INTERNATIONAL REVIEW PANEL**

Meeting Date: January 26 - 27, 1994

Location: Ensenada B.C., México

MAJOR INFRACTIONS:

Number of trips without an observer	0
Number of trips with dolphin sets but no DML assigned	0
Number of trips with an unlicensed or suspended fishing captain	0
Number of trips without a dolphin safety panel	3
Number of trips with observer interference	1
Number of intentional sets made after reaching the DML	0
Number of sets on banned stocks or school types	0
Number of sets without a required backdown	0
Number of sets with dolphin sack-up or brail	0

MINOR INFRACTIONS:

Number of trips without a required raft	6
Number of trips with speedboats lacking towing bridles	6
Number of trips without a required high intensity floodlight	13
Number of trips without required diving masks and snorkels	16
Number of night sets (Occurred in 3 trips)	5
Number of sets with use of explosives (Occurred in 10 trips)	76
Number of sets without required rescue	0
Number of trips reviewed in this meeting	103
Number of dolphin sets reviewed in this meeting	1518
Number of accidental sets reviewed in this meeting	3

Appendix IV.

INTERNATIONAL REVIEW PANEL

REPORT OF THE WORKING GROUP ON COMPLIANCE

The following is the report of the working group on compliance of the International Review Panel, which met in Cumaná, Venezuela, on June 6, 1994. It contains recommendations for consideration by the 27th Intergovernmental Meeting.

The working group agreed upon the following terms of reference:

- To review the four categories of options previously outlined (diplomatic options, public opinion options, operational restrictions, and economic sanctions) with a view toward providing, consistent with the relevant provisions of international law, recommendations to the Review Panel regarding:
 - (1) the extent to which each category is an appropriate means of promoting compliance with the provisions of the Agreement; and
 - (2) when the application of each category of sanctions should be considered against parties and non-parties.

The working group agreed that, due to the excellent results of the program, there seems to be no urgency to establish mechanisms and procedures for ensuring compliance. However, some participants expressed their concern in this respect and insisted on the need to move forward in a substantive manner toward achieving multilateral enforcement and compliance mechanisms in order to ensure the success of the program. All participants recognize the importance of the matter, the more so when it is considered actively in other fora.

The working group decided that priority should be given to actions aimed at encouraging parties and non-parties to comply with the program (and to join it in the case of non-parties) rather than sanctioning them.

In so doing, attention should be paid to the fact that the present success of the program is largely due to the goodwill and commitment of the fishermen themselves.

In general terms, the working group insisted that any actions should be undertaken multilaterally rather than unilaterally.

The working group undertook to review, without intending to reach definitive conclusions at this stage, the set of options contained in Appendix V of the minutes of the 1993 Intergovernmental Meeting held in Port Vila, Vanuatu, in June 1993.

There was a consensus among the participants as to the advisability of recommending to the Plenary the options related to diplomatic actions and public opinion actions regarding both nations party and non-party to the Agreement. As to the public opinion actions, the working group agreed that, first, emphasis should be put on the overall performance of the vessels rather than on non-compliance only, so as to give the full picture of the results of the program; and second, that the information should be founded

exclusively on a factual and scientific basis, for instance, on the reports of the IRP and the data gathered by IATTC and national programs.

As to the options related to "operational restrictions," the following comments were made:

The tuna fishing vessels referred to in that option should include all vessels operating in the EPO, on the understanding that the objectives of the program include maintaining populations of yellowfin tuna in the EPO as well as those of dolphins.

There was a general exchange of views on the options related to denial of access to EEZs and restriction of access to ports, but no final conclusion was reached.

The working group agreed to delete the reference to reduction of DMLs, as it felt that such a option would unduly penalize the vessels which are in compliance with the program.

As to "economic sanctions," the working group's exchange of views highlighted the importance of the issue and the need for further discussion.

A preliminary conclusion was that, whatever the sanctions might be, they must be related to the internationally-agreed conservation measures only, and they should be defined through the international body of the program.

The working group also considered that it might be useful to explore the possibility of establishing a mechanism to certify tuna was caught in accordance with the program. It was noted, however, that such a mechanism would not necessarily guarantee that all requirements under present national legislations would be satisfied.

Finally, the working group decided to recommend to the Plenary the following:

- Parties should be invited to adhere as soon as possible to the Agreement to Promote Compliance with International Conservation and Management Measures on the High Seas adopted by the general conference of FAO in November 1993.
- A mechanism for the identification of all tuna-fishing vessels operating in the EPO should be established.
- Guidelines should be developed for the port states to inform the flag states of any possible infractions of the Agreement by vessels flying their flag.
- The working group should be convened in New York in August 1994 and/or in La Jolla in October 1994 for furthering its consideration of these issues, in accordance with its terms of reference.

Appendix V.

Recommended certification system for fishing captains

The 1992 Agreement for the Conservation of Dolphins specifies that one of the responsibilities of the International Review Panel is to recommend to all participating governments a standardized certification system for fishing captains and to maintain a list of those who have received adequate training and who are abiding by the goals of the Agreement. The IRP proposes the following system:

In order to be able to fish for tunas in the eastern Pacific Ocean on a vessel covered by the Agreement, a fishing captain¹ must be in possession of appropriate authorization documents issued by a nation party to the Agreement and have attended, within the previous 3 years, a dolphin mortality reduction workshop recognized by the Plenary.

A fishing captain who commits any of the major infractions, numbers 1 through 5 and 8, detailed in Appendix III of the minutes of the Intergovernmental Meeting held in Vanuatu in June 1993, shall be recommended by the IRP to the respective government for suspension of the right to act as fishing captain aboard a vessel covered by the Agreement.

A government which acts to suspend a fishing captain shall report this to the IATTC, which will maintain a list of all suspended fishing captains. The IATTC will periodically communicate this list to nations and boatowners.

A boatowner wishing to hire a fishing captain shall be encouraged to verify that the fishing captain is not under suspension.

Nations party to the Agreement should refer to the list of fishing captains under suspension maintained by the IATTC, and consider not allowing a suspended fishing captain from functioning in this capacity on their flag vessels², during the period of suspension.

¹ Person on board the vessel responsible for the fishing operations during the trip

² "Flag vessel" in this context also means a vessel of another nation's flag for which a nation party to the Agreement has accepted responsibility for purposes of the Agreement

Appendix VI.

RESOLUTION

The 27th Intergovernmental Meeting on the Conservation of Tunas and Dolphins in the eastern Pacific Ocean, held on June 8, 1994, in Cumana, Venezuela;

Recalling paragraph 4 of the 1992 Agreement for the Conservation of Dolphins, by which a vessel not utilizing its assigned Dolphin Mortality Limit (DML) for 1993 by June 1, 1993, would forfeit its DML for that year, and

*Noting that an exemption to this provision was made, for 1993 only, for vessels unable to comply for reasons of *force majeure* or due to extraordinary circumstances, and*

Recalling further that certain nations party to the Agreement reserved the right to use this precedent at some future date,

*Agrees that, for 1994 only, any vessel which was assigned a DML for 1994 but which, due to *force majeure* or extraordinary circumstances, did not utilize that DML by June 1, 1994, shall not lose its DML for 1994.*

Appendix VII.

RESOLUTION

The members of the Inter-American Tropical Tuna Commission and the Intergovernmental Meeting for the Conservation of Tunas and Dolphins in the Eastern Pacific Ocean, meeting in Cumana, Venezuela, learning of the recent tragic death of Marlène Kanas, who represented the Association Robin des Bois at past meetings of these bodies, wish to express to her family and friends their sadness and condolences on their loss. Her presence and her contributions to our deliberations will be much missed.

Appendix VIII.

Joint statement of FUDENA, Greenpeace, and the RMAC to the 27th Intergovernmental Meeting

The combined efforts of governments, boatowners, industry, scientists, environmental and development organizations, and particularly of the fishermen and observers have had great success, not only in maintaining a fisheries resource but also in reducing substantially the capture of dolphins and addressing the problem of other associated species.

Even though some did not have much to say in this meeting, we consider that this is precisely the moment to discuss the basic principles which will allow us to elucidate the changes that are taking place worldwide, which in turn express society's demands for a more responsible and participatory management of the planet's resources.

As representatives of people concerned about the environment and development, we have supported this program, despite opposition, and have attempted to promote it, since we consider that its elements are sufficient to strengthen the principles of sustainable development agreed to by nations at the Earth Summit in Río de Janeiro.

The serious condition of the world's fisheries further highlights the value of this program, which attempts to not only manage a resource responsibly, but also seeks to conserve ecosystems and the biological wealth they contain.

The program created to control these catches must now take on new challenges. The IATTC must therefore adapt its structure and functions to this new reality, for which the nations' commitment is vital.

Within this framework, nations must make greater efforts in reporting actions and providing information about sanctions in order to maintain the program's openness. Failing to fulfil this commitment weakens the program, and could erode its foundations, as well as create conflicts which would put its success at risk. By not consolidating these commitments, the governments will appear to be simply reacting to external pressures, not the commitment to sustainable development agreed in Río.

Furthermore, we call on other governments to recognize the efforts and achievements of this program.

Finally, we would like to recognize particularly and publicly the fishermen, who in many cases have made heroic efforts to fulfil their commitments.