

DRAFT

INTERNATIONAL REVIEW PANEL

MINUTES OF THE 16TH MEETING

October 27, 1997

La Jolla, California, U.S.A.

The 16th meeting of the International Review Panel was held in La Jolla, California, U.S.A., on October 27, 1997. The participants are listed in Appendix 1.

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

The meeting was called to order at 9:30 a.m. Ms. Wanda Cain of the United States was elected Presider.

3. Approval of agenda

The provisional agenda (Appendix 2) was approved as presented.

4. Approval of minutes of the 15th Meeting of the IRP

Approval of the minutes of the 15th meeting of the IRP was postponed until all the participants had had a chance to study them.

5. Dolphin Mortality Limits (DMLs):

a) Review of 1997 DMLs

Full-year DMLs of 94 animals had been issued to 42 vessels. Of these, 8 had not been utilized by June 1, and second-semester DMLs of 47 dolphins were issued to 8 vessels. In 1997, as of October 12, the vessels participating in the Program had caused an average mortality of 28 animals, and one vessel had exceeded its DML (Appendix 3).

In 1996 94 DMLs of 96 dolphins each had been issued, of which 61 were utilized. The average mortality per vessel was 41 dolphins, and 2 vessels had exceeded their DMLs (Appendix 4). One of these was issued a DML for 1997, reduced by the excess mortality caused by that vessel in 1996.

b) DMLs for 1998

The calculation of DMLs for 1998 was complicated by the fact that the governments were in the process of considering a new program, and it was not clear whether the overall DML for that year would be the 6,500 dolphins established under the La Jolla Agreement or the 5,000 which would probably be the limit under the new agreement. Requests for 101 DMLs had been received for 1998, two of which were for Class-5 vessels, one for an as yet unnamed vessel, and one for a vessel which would enter the fishery later in 1998 to replace a vessel assigned a DML for 1997, but which had sunk without utilizing it. Also, Costa Rica requested DMLs for two vessels registered in a non-party nation operating under Costa Rican jurisdiction. After discussion of the question of limiting access to the fishery, especially in view of the possibility of vessels transferring from the Atlantic Ocean, where the tuna fishery was in a much less healthy state than in eastern Pacific, the Panel decided that DMLs would not be issued to the two Class-5 vessels nor to the future replacement vessel, but would be issued to the other 98 vessels requesting them. With an overall DML of 6,500, each of these vessels would be allotted a DML of 66.

6. Review of observer data

The Secretariat presented the data reported by IATTC observers relating to possible infractions which had taken place since the Panel's previous meeting, and the Panel decided which of these infractions would be reported to the respective governments. The Panel also decided that if a vessel fished on dolphins during the interval between being assigned a second-semester DML and that DML becoming effective, each set made would be treated as a possible infraction, and any dolphins killed would count against the DML.

7. Procedures for dealing with special problem sets

The discussion of this agenda item was postponed until the next meeting of the Panel.

8. Confidentiality of information

The discussion of this agenda item was postponed until the next meeting of the Panel.

9. Confirmation of vessel flag prior to participation in the IDCP

The discussion of this agenda item was postponed until the next meeting of the Panel.

10. Place and date of next meeting

A decision on this item was postponed until the date of the next Intergovernmental Meeting was decided.

11. Other business

One of the industry representatives read a statement (Appendix 5) drafted at a meeting of the Latin American tuna industry held the previous weekend. Other industry representatives proposed that the idea of requiring vessels to post a US\$250,000 bond when requesting a DML, contemplated in the La Jolla Agreement but never put in practice, be applied in order to limit frivolous applications for DMLs, and to control access to the fishery, thus decreasing the likelihood that it would be overexploited, and stressed that DMLs should be issued only to those vessels not prohibited from fishing on dolphins by their national legislation.

12. Adjournment

The meeting was adjourned at 5:40 p.m.

Appendix 1.

**PANEL INTERNACIONAL DE REVISION
INTERNATIONAL REVIEW PANEL**

16ª REUNION - 16TH MEETING

La Jolla, California

27 de octubre de 1997 - October 27, 1997

ASISTENTES - ATTENDEES

COLOMBIA

FERNANDO PEREIRA VELAZQUEZ
Ministerio de Agricultura y Desarrollo Rural

OSVALDO PÉREZ M.
Instituto Nacional de Pesca y Acuicultura

ARMANDO HERNÁNDEZ
Cámara de la Industria Pesquera - ANDI

COSTA RICA

JAIME BASADRE OREAMUNO
JORGE CAMPOS MOSQUERA
HEINER MENDEZ
INCOPECA

ADOLFO SOLANO
Ministerio de Comercio Exterior

ECUADOR

LUIS TORRES NAVARRETE
Ministerio de Comercio, Industria, y Pesca

JOFFRE CAMPAÑA MORA

MEXICO

CARLOS CAMACHO G.
MARA MURILLO
PEDRO ULLOA RAMIREZ
GUILLERMO COMPEAN
SEMARNAP

DANIEL WALSH

PANAMA

CAROLINA T. DE MOURITZEN
Ministerio de Relaciones Exteriores y
Min. de Comercio e Industrias

UNITED STATES

WILLIAM HOGARTH
J. ALLISON ROUTH
WANDA CAIN
National Marine Fisheries Service

MARTIN HOCHMAN
Consultant to NMFS

JUDSON FEDER
National Oceanic and Atmospheric Administration

VANUATU

ANTHONY TILLET

VENEZUELA

JEAN-FRANÇOIS PULVENIS
SANTOS VALERO
Ministerio de Relaciones Exteriores

HUGO ALSINA LAGOS
Ministerio de Agricultura y Cría

ZAYMAR C. VARGAS ABRAHAM
Ministerio de Industria y Comercio

ORGANIZACIONES NO GUBERNAMENTALES-NON-GOVERNMENTAL ORGANIZATIONS

HÉCTOR LÓPEZ
Fundación para la Defensa de la Naturaleza (FUDENA)

KATHLEEN O'CONNELL
Whale and Dolphin Conservation Society

HOLLY PAYNE
World Wildlife Fund

INDUSTRIA ATUNERA-TUNA INDUSTRY

CARLOS ARBELAEZ
Seatrading International

ALFONSO ROSIÑOL.
CANAINPES

MARIA P. DE ARMAS
CAVENPESCA

Appendix 2.

INTERNATIONAL REVIEW PANEL

16TH MEETING

October 27, 1997

La Jolla, California, USA

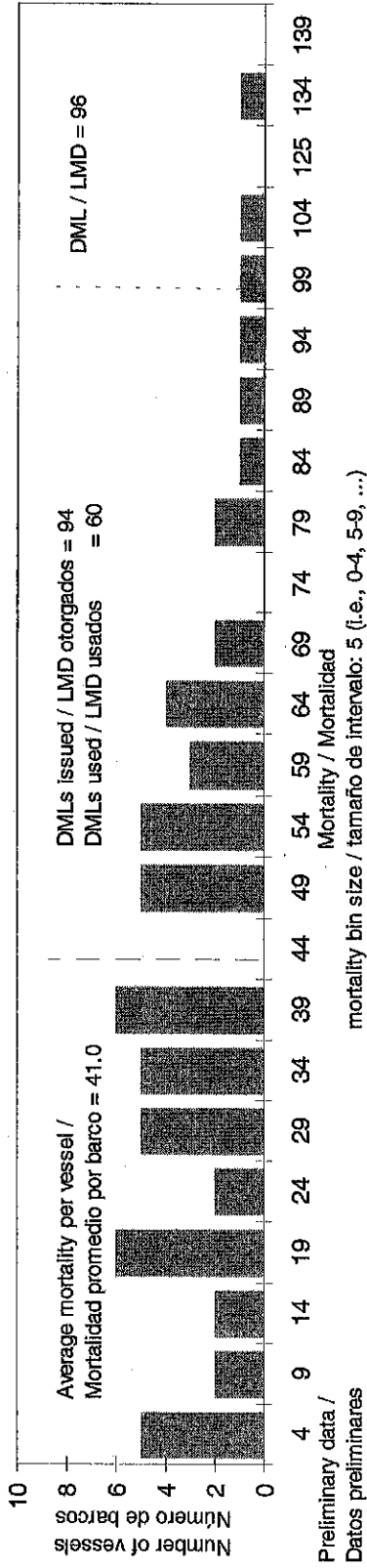
AGENDA

1. Opening of meeting
2. Election of Presider
3. Approval of agenda
4. Approval of minutes of the 15th Meeting of the IRP
5. Dolphin Mortality Limits (DMLs):
 - a) Review of 1997 DMLs
 - b) DMLs for 1998
6. Review of observer data
7. Procedures for dealing with special problem sets
8. Confidentiality of information
 - a) Vessels and DMLs
 - b) IRP tuna vessel sighting form
9. Confirmation of vessel flag prior to participation in the IDCP
10. Place and date of next meeting
11. Other business
12. Adjournment

Appendix 3.

MORTALITY CAUSED BY DML VESSELS - 1996
MORTALIDAD CAUSADA POR BARCOS CON LMD - 1996

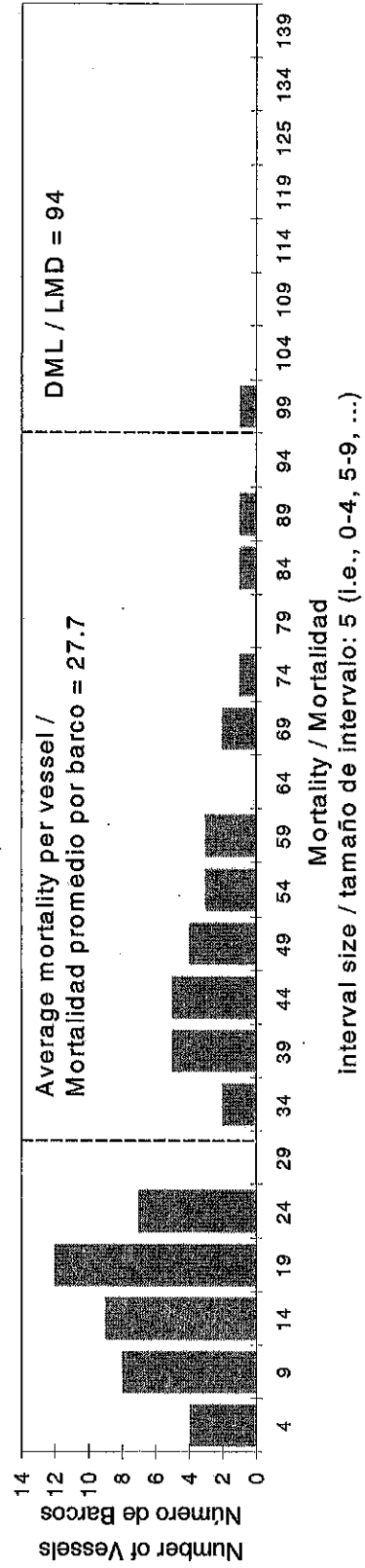
(DML use = 1 or more intentional sets on dolphins; experimental set mortality excluded)
 (Uso de LMD = 1 o más lances intencionales sobre delfines; mortalidad en lances experimentales excluida)



Appendix 4.

MORTALITY CAUSED BY DML VESSELS - 1997 (AS OF OCTOBER 12)
MORTALIDAD CAUSADA POR BARCOS CON LMD - 1997 (AL 12 DE OCTUBRE)

(DML use = 1 or more intentional sets on dolphins; experimental set mortality excluded)
 (Uso de LMD = 1 o más lances intencionales sobre delfines; mortalidad en lances experimentales excluida)



Appendix 5.

STATEMENT OF THE 2ND LATIN AMERICAN MEETING OF TUNA VESSEL OWNERS
La Jolla, California (USA) October 25-26, 1997

The most important fishing industry groups and vessel owners of the region, meeting in La Jolla, California, on October 25-26, 1997, on the occasion of the Intergovernmental Meeting of the La Jolla Agreement, and convened by the *Asociación Empresarial Pesquera de América Latina* ("ALEP"), express the following considerations and recommendations:

Recognizing that the Congress of the United States of America recently passed the International Dolphin Conservation Program Act, to implement the Declaration of Panama, signed in Panama City, Republic of Panama, on October 4, 1995, on the occasion of the Intergovernmental Meeting held in conjunction with the 59th Meeting of the Inter-American Tropical Tuna Commission ("IATTC");

Reiterating our commitment to the principles and objectives of the Declaration of Panama for the adoption of a series of measures to strengthen the International Dolphin Conservation Program, as well as mechanisms to ensure the optimum utilization of the tuna resource in the Eastern Pacific Ocean ("EPO"), thus ensuring the long-term sustainability of this resource, and the conservation of a healthy ecosystem;

Recognizing that the precautionary ecological approach, included in the Declaration of Panama, is the most appropriate approach for the conservation and management of the tuna resource and other marine resources of the EPO, since it protects the ecosystem by taking into account the impact of the high levels of catch of juvenile yellowfin tuna which result from certain fishing methods, while at the same time establishing more conservative limits on dolphin mortality;

Recognizing also, that both the Declaration of Panama and imminent changes in the fisheries policy of the United States of America will no longer promote fishing methods which result in the overexploitation of juvenile yellowfin tuna and the consequent reduction in catches, or which contribute to aggravating the problems associated with the bycatch of other components of the ecosystem;

Recalling that the fishery for yellowfin was taken almost to the brink of collapse in the late 1970s and the early 1980s, with the coincidence of a very high index of fishing effort (35,000 days per year) and an emphasis on fishing on "logs" and "schools" (unassociated schools), which led to overfishing, and to the reduction of catches and average size, to their lowest levels in the history of the fishery;

Emphasizing that this excessive fishing effort was the result of a large increase in vessels fishing in the EPO area, and that the emphasis on fishing on "logs" and "schools" was the result of the entry into force of the U.S. Marine Mammal Protection Act of 1972;

Considering, furthermore, that it was the collapse in the above-mentioned years, the experience gained from it, the scientific information obtained from the recruitment of high volumes of sexually-immature fish, as well as the uncertainty generated by the increase in catching effort within the EPO, as a result of the reduction of the catches of tunas in other areas of the world; as well as concerns over the ecological cost of not fishing on dolphins, which led the Nations involved in this fishery to formulate, through the Declaration of Panama, a management system which would avoid these problems in future;

Recognizing that catching yellowfin tuna associated with dolphins involves specimens which are almost exclusively large and sexually mature, with an average weight of 23 kg, and that this method of fishing results in low levels of bycatch and insignificant discards of bycatch species;

Considering that the yellowfin caught by the method of fishing on "logs" consist of small and sexually immature fish, weighing less than 5 kg, and that since 1993, according the IATTC's annual estimates, approximately seven million juvenile yellowfin tuna, not of marketable size and of no commercial value, were discarded dead to the sea in fishing operations using that method, representing a loss of 35 million juveniles

which represent 9% of the total recruitment in this fishery, equivalent to 400,000 tons of tuna in the following three years;

Recognizing also, that fishing on logs also results in a significant level of bycatch made up of large volumes of species such as billfish, sharks, dorados and certain sea turtles, which are discarded at sea, most of them dead;

Noting, with concern, that the level of fishing on logs increased again by 25% in 1996 and that, as a result, the average size of the tuna caught in 1996 fell, and that in that year the discards of all types of tunas amounted to approximately 45,000 tons, which represents a 50% increase over the figure for 1995, and double the levels of 1993 and 1994;

Considering, that the fleet in the EPO has been growing and that this trend continued in 1997 with the incorporation of various vessels which fish exclusively on "logs";

Considering furthermore, that the effort directed towards fishing with logs and Fish-Aggregating Devices (FADs), in the tuna fishery in the Eastern Atlantic Ocean, has resulted in a significant reduction in the catch rates and the size of the fish caught, which has led to, for the first time, the closure of that fishery for three months, and means greater pressure—now and in the future—on the tuna fishery in the EPO, due to the transfer of idled large purse-seiners from the eastern Atlantic which come to fish on logs and FADs;

Convinced that the scientific evidence and our experience have shown that the technique of fishing for tuna in association with dolphins, in accordance with the regulations and the procedures established under the La Jolla Agreement and the Declaration of Panama, is the most effective method for the protection and rational use of the tuna resource and the management of the ecosystem in the area of the EPO;

Recommend:

That in the course of the negotiations which will take place to implement the Binding Agreement contemplated in the Declaration of Panama, the signatory Nations incorporate in the IATTC's mandate, an International Program which will guarantee the conservation and sustainable use of the tuna resource, with a view to, *inter alia*:

Adopting the measures necessary to maintain the tuna populations, in the EPO, at levels which will allow the greatest sustainable catch year after year.

Adopting measures which will guarantee the utilization of responsible fishing practices which contribute to the optimum utilization of the tuna resource and avoid the use of fishing methods which have a negative impact on yield and recruit levels.

Evaluating whether the volume of catch—in association with dolphins or not—suggests an exploitation close to levels which have a negative impact on the sustainability of each of the species of tuna susceptible to capture in the area of the EPO.

Adopting a transparent management system for the Dolphin Mortality Limits ("DMLs"), to avoid their being granted to temporary fleets or fleets of convenience which attempt to enter in the EPO area, and which does not promote or allow the use of fishing methods which are damaging to the marine ecosystem in that area.

Based on the above, and if this were to occur, deciding whether the effort within the fishery has reached saturation point, and deciding whether entry to the fishery should be allowed for vessels of nations not signatory to the Agreement and/or manage the concentration of this fishing effort among the various methods used to fish for tunas in the EPO.

For the Asociación Empresarial Pesquera de América Latina (ALEP)

FRANCISCO HERRERA TERAN
Executive Director

From Colombia

CARLOS J. ARBELAEZ
President, Seatrading International, Inc.

ARMANDO HERNANDEZ
Cámara de Pesca de Colombia (adscrita a la ANDI)

From México

ALFONSO ROSIÑOL LLITERAS
Presidente de la Sección Atunera
Cámara Nacional de la Industria Pesquera de México (CANAINPES)

JOSE EDUVIGILDO CARRANZA BELTRAN
Presidente, Pescados Industrializados, S.A. de C.V. (PINSa)

JOSE J. VELAZQUEZ
Presidente, Supremos del Golfo y del Pacífico, S.A. de C.V.
Armadores Atuneros Asociados, S.A. de C.V.

ERNESTO ESCOBAR A.
Gerente General, Pesca Azteca, S.A. de C.V.

LUIS A. CALVILLO
Director General, Tunipac, S.A. de C.V.

IGNACIO GAVALDON
Presidente, Grupo Nair

JOSE RODRIGUEZ CRUZ
Vicepresidente, Maratún, S.A. de C.V.
Martuna, S.A. de C.V.

From Venezuela

LORENZO RAVAGO
Presidente de la Federación Nacional de Asociaciones Pesqueras (FENAPESCA)

ROSA MARIA PIETRANGELI DE ARMAS
Presidenta, Cámara Nacional de Enlatadores de la Pesca (CANPESCA)

FRANCISCO J. ORTISI
Director, Asociación Venezolana de Armadores Atuneros (AVATUN)
Presidente de la Asociación Venezolana de la Industria Pesquera (AVIPA)

FREDDY DE CORDOVA
Director General, Grupo Cannavo

RAUL ROMERO
Director, FEDECAMARAS