

**MINUTES OF THE 34TH INTERGOVERNMENTAL MEETING FOR CONSIDERATION OF A
LEGALLY-BINDING INSTRUMENT FOR THE INTERNATIONAL
DOLPHIN CONSERVATION PROGRAM**

La Jolla, California, USA

October 28-31, 1997

1. Opening of the meeting

The 34th intergovernmental meeting (IGM) was opened by Dr. Michael F. Tillman of the United States on October 28, 1997, at 2:25 p.m. The attendees are listed in Appendix 1.

2. Election of Chairman

Dr. Tillman was elected as Chairman for the meeting.

3. Adoption of agenda

The provisional agenda was approved without change. It is attached as Appendix 2.

4. Consideration of a legally binding instrument for the IDCP

The Chairman said that representatives of the United States and several Latin American nations had prepared a draft for consideration as a legally-binding agreement for the International Dolphin Conservation Program (IDCP). Representatives of three nations were invited to come to the front of the room to summarize the work that they had done. Mr. David Balton of the U.S. Department of State quickly reviewed the document they had prepared, which consisted of a preamble, 29 articles, and 13 annexes. In some cases the United States and the Latin American nations were in disagreement, and in such cases brackets were used indicate the two viewpoints.

After that the floor was opened for discussion, which continued for about 2 hours. Some delegates were under the impression that a new Convention for the IATTC, including a legally-binding agreement for the IDCP, was to be prepared, but it was explained that the legally-binding agreement was to be a "stand-alone" agreement which the IATTC would administer. During the discussion statements were read by representatives of the Asociación Empresarial Pesquera de América Latina (ALEP) and the Fundación para la Defensa de la Naturaleza (FUDENA) on behalf of the non-governmental organizations. These are attached as Appendices 3 and 4. It was decided that the work at hand could be best accomplished by adjourning the IGM and convening two *ad hoc* meetings, one of the heads of delegations, plus a few advisors, and the other of the drafting group.

The IGM was adjourned at 5:15 p.m.

The IGM reconvened on October 31 at 9:30 a.m. The Chairman reported that progress had been made at the meetings of both the heads of delegations and the drafting group.

Mr. Felipe Charat, an observer representing industry groups, read a statement (Appendix 5) containing proposals for the identification, to the parties to the Agreement for the Conservation of Dolphins, of captains and vessels which consistently violate the spirit of the accord.

The representative of the European Union referred to the late presentation of the document being considered by the meeting, and expressed concern that some delegations wished to complete a final text at the present meeting. He requested that sufficient time be provided to allow all delegations to achieve a full mandate from their governments so they could participate fully in the preparation of a final text.

The IGM was then temporarily adjourned at 10:30 a.m.

The IGM was reconvened at 4:20 p.m.

5. Other business

No other business was discussed at this meeting.

6. Adjournment

The meeting then adjourned at 4:30 p.m. so the IATTC meeting could be reconvened.

Appendix 1.

**34ª Reunión Intergubernamental
sobre la Conservación de Atunes y Delfines
en el Océano Pacífico Oriental**

**34th Intergovernmental Meeting
on the Conservation of Tunas and Dolphins
in the Eastern Pacific Ocean**

**La Jolla, California (USA)
28-31 de octubre de 1997 – October 28-31, 1997**

ASISTENTES--ATTENDEES

BELIZE

NOEL JACOBS
Ministry of Agriculture and Fisheries

COLOMBIA

FERNANDO PEREIRA VELASQUEZ
Ministerio de Agricultura y Desarrollo Rural

OSVALDO PÉREZ MOLINA
Instituto Nacional de Pesca y Acuicultura

CARLOS ACEVEDO
Ministerio de Comercio Exterior in Washington

CARLOS ARBELÁEZ
Seatrading International

ARMANDO HERNÁNDEZ
Cámara de la Industria Pesquera – ANDI

COSTA RICA

JAIME BASADRE OREAMUNO
Comisionado de la CIAT

JORGE CAMPOS MONTERO
Comisionado de la CIAT

HEINER JORGE MÉNDEZ BARRIENTOS
INCOPECA

ALFONSO SOLANO MURILLO
Ministerio de Comercio Exterior

ENRIQUE A. BEECHE
Beeche Puntarenas, S.A.

ECUADOR

LUIS TORRES NAVARRETE
FREDDY NARANJO ASSAN
Ministerio de Comercio, Industria, y Pesca

MARIO COBO CEDEÑO
Instituto Nacional de Pesca

JOFFRE CAMPAÑA MORA
Cámara Nacional de Pesquería

WOLF HARTEN
BCP-Ecuador S.A.

CESAR CORONEL JONES
Coronel & Pérez Abogados

CARLOS CEVALLOS GÓMEZ
Emproceánica S.A.

EL SALVADOR

SANDRA ELIZABETH PEÑA DE VILLARAN
Ministerio de Relaciones Exteriores

ESPAÑA - SPAIN

LUIS ESTERUELAS
Embajada de España

CARLOS LARRAÑAGA GES
Secretaría General de Pesca

IGNACIO LACHAGA BENGOCHEA
OPAGAC

ALFONSO BEITIA URIZAR
ALBACORA, S.A.

ESTANISLAO GARAVILLA
Conservas Garavilla, S.A.

FRANCIA - FRANCE

JEAN-MARIE LEBON
Consulate-General of France in Los Angeles

JAPON - JAPAN

SHINGO OTA
Ministry of Foreign Affairs

MASANORI MIYAHARA
SINYA UNO
Fisheries Agency of Japan

SALLY J. CAMPEN
Federation of Japan Tuna Fisheries Cooperative
Associations

MEXICO

MARIA TERESA BANDALA MEDINA
Ministerio de Relaciones Exteriores

CARLOS CAMACHO GAOS
MARA MURILLO CORREA
GUILLERMO COMPEAN J.
MIGUEL DREYFUS
SANTIAGO GOMEZ
MARK ROBERTSON
DANIEL WALSH
SEMARNAP

ANTONIO DÍAZ DE LEÓN CORRAL
PABLO ARENAS FUENTES
Instituto Nacional de Pesca/SEMARNAP

ARMANDO GONZALEZ
Atunera Del Pacífico S.A. de C.V.

FELIPE CHARAT
ALFONSO ROSIÑOL L.
CANAINPES

JOSÉ CARRANZA BELTRÁN
Pesca Azteca, S.A. de C.V.
Pinsa, S.A. de C.V.

JOSÉ VELÁZQUEZ C.
Supremos del Golfo y del Pacífico, S.A. de C.V.

ROBERTO TUCKER
Productos Pesqueros de la Paz, S.A. de C.V.
Pesquera Mar Atún, S.A.

BRUNO DUARTE JORDAN
Pesquera Buena Esperanza S.A. de C.V.

NETHERLANDS ANTILLES - ANTILLAS HOLANDEASAS

RICHARD BRITT
Ministry of Transport and Traffic

PANAMA

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

FOTIS LYMBEROPULOS
Provasa S.A.

TAIWAN - REPUBLIC OF CHINA

CHUNG-HAI KWOW
Council of Agriculture

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

BARBARA BRITTEN
IATTC Commissioner

M. AUSTIN FORMAN
IATTC Commissioner

JAMES MCCARTHY
IATTC Commissioner

MICHAEL TILLMAN
IATTC Commissioner

BRIAN HALLMAN
DAVID BALTON
WILLIAM GIBBONS-FLY
Department of State

KATE WING
U.S. Senate Commerce Committee

WILLIAM HOGARTH
J. ALLISON ROUNT
WANDA CAIN
ELIZABETH EDWARDS
TIM GERRODETTE
BARBARA CURRY
National Marine Fisheries Service

MARTIN HOCHMAN
Consultant to NMFS

JUDSON FEDER
National Oceanic and Atmospheric Administration

BENJAMIN WHITE

DAVID BURNEY
U.S. Tuna Foundation

PETER FLOURNOY
Law Offices International

GARRY DAY
OTTO OBRIST
Ocean Ventures Inc.

PETER DILEVA
Caribbean Fishing, Inc.

EDWARD WEISSMAN
Jorge Fishing, Inc.

EDMUND GANN
ARNOLD FREITAS
Caribbean Marine Service Co., Inc.

VINCE SCOTTI
Scotti International

RENATO CURTO
JOSEPH GLIGO
Tri-Marine International, Inc.

THOMAS GILMORE
Chicken of the Sea International

FRANCES NOVOTNY-MYERS
Spencer Franco Trading, Ltd.

RICHARD PARKER
Univ. of Connecticut, School of Law

MICHAEL SPENCER, Sr.
Westside Marine, Inc.

ANTHONY TRUTANICH
Tri-Union International, Inc.

AVELINO GONSALVES
Pacific Princess Partnership, Ltd.

ROBERT VIRISSIMO
Odette Therese, Inc.

STEVEN DAILY
Law Offices

AUGUST FELANDO

TOM CREHAN
California Seafood Council; Fishermen's Assoc. of San
Pedro; Fishermen's Union of America

VANUATU

ANTHONY TILLET
IATTC Commissioner

VENEZUELA

JEAN-FRANÇOIS PULVENIS
Comisionado de la CIAT

HUGO ALSINA LAGOS
Comisionado de la CIAT

SANTOS VALERO
Ministerio de Relaciones Exteriores

ZAYMAR C. VARGAS ABRAHAM
Ministerio de Industria y Comercio

ROSA MARIA P. DE ARMAS
CAVENPESCA

FREDDY DE CORDOVA
Cannavo, S.A.

FRANCESCO ORTISI, JR.
AVENCATUN

RAÚL ROMERO
AVIPA

LORENZO RÁVAGO
FENAPESCA

ORGANIZACIONES INTERNACIONALES--INTERNATIONAL ORGANIZATIONS

BRIAN HALLMAN
International Commission for the Conservation of Atlantic
Tunas

CARLOS MAZAL
Organización Latinoamericana de Desarrollo Pesquero
(OLDEPESCA)

MASANORI MIYAHARA
Commission for the Conservation of Southern Bluefin
Tuna

ERNESTO PENAS LADO
European Union

MICHAEL TILLMAN
International Whaling Commission

ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS

MARY MARCUS
American Cetacean Society

NINA YOUNG
Center for Marine Conservation

RINA RODRÍGUEZ
Defenders of Wildlife

MARK PALMER
Earth Island Institute

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

GERALD LEAPE
TRACI ROMINE
CLIFTON CURTIS
Greenpeace International

LEESTEFFFY JENKINS
ALVARO POSADA SALAZAR
Humane Society International

SCOTT BURNS
HOLLY PAYNE
World Wildlife Fund

KATHLEEN O'CONNELL
Whale and Dolphin Conservation Society

TERESA PLATT
The Fishermen's Coalition

FRANCISCO HERRERA TERÁN
Asociación Empresarial Pesquera de América Latina

CIAT--IATTC

JAMES JOSEPH, Director
ROBIN ALLEN
MARTIN HALL

DAVID BRATTEN
BERTA JUÁREZ
NICOLAS WEBB

Appendix 2.

**34th Intergovernmental Meeting
on the Conservation of Tunas and Dolphins
in the Eastern Pacific Ocean**

La Jolla, California (USA)

October 28-31, 1997

AGENDA

1. Opening of the meeting
2. Election of Chairman
3. Adoption of the agenda
4. Consideration of a legally binding instrument for the IDCP
5. Other business
6. Adjournment

Appendix 3.

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 to 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 (adsrita 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. (PINSIA)

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
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FREDDY DE CORDOVA
Director General, Grupo Cannavo

RAUL ROMERO
Director, FEDECAMARAS

**ADDENDUM TO THE STATEMENT OF THE
2ND LATIN AMERICAN MEETING OF TUNA VESSEL OWNERS**

La Jolla, California (USA), October 26, 1997

This complementary statement by tuna-vessel owners was drafted last night, with the participation of vessel owners from Venezuela and Mexico only, who represent 65% of the fleet which operates in the EPO.

Considering that many Latin American business had to shoulder the ecological cost of fishing in a manner in keeping with the Code of Conduct for Responsible Fishing, while others chose to continue fishing for juvenile tunas in their desire to conserve and gain access to the predominant market conditions;

Considering that if all the Latin American fleet had adhered to the "Dolphin-Safe" fishing method, the populations of yellowfin tuna would be seriously jeopardized, as Dr. James Joseph pointed out this morning;

Considering the ambivalent attitude assumed by some nations, whose domestic legislation expressly prohibits making sets on marine mammals but which are requesting the assignment of DMLs;

Considering that time, science, and experience have proved us right in thinking that the solution to this problem lay always in international cooperation, education, the individual responsibility of each operator in the tuna industry;

We respectfully request of our Governments:

- 1.- That DMLs not be granted to the above-mentioned countries since this would be tantamount to asking that we violate their own laws and regulations, nor to vessels of non-signatory nations, or signatory with reservations, since this would mean a greater catching effort on juvenile specimens while these nations modify their domestic legislation, which reduces the possibility for our nations to fish in a responsible manner and causes damage to the ecosystem of the EPO;
- 2.- That the granting of DMLs to fleets not familiar with, trained in, nor aware of the operations for encircling and liberating marine mammals could mean a rise in the mortality of dolphins, which would lead to discredit for the current scheme, and the perpetrators return calmly to their nations without having to answer to international public opinion, and would also incur what the La Jolla Agreement defines as "F frivolous Requests", which can only be granted on payment of a bond of \$250,000 for each instance, which was casuistically discarded in the past, but which must now be fully applied;
- 3.- That until the "Binding Agreement" is established the nations and other participants in this meeting:
 - a) Assign DMLs for 1998 in accordance with the new Agreement;
 - b) While the new Agreement is being developed, the industry is committed to doing what is right, not what is convenient, recognizing that the new Agreement will ensure the importance of our program in time;
 - c) That the system of administering the DMLs be flexible and not oblige any vessel not to fish on dolphins, nor to damage the resource, nor the ecosystem, as long as the annual limit agreed in the Declaration of Panama is not reached;
 - d) That, if a new Binding Agreement is not reached, the DMLs be maintained in their present form;
- 4.- We respectfully request of our Governments that an study be carried out, as a matter of urgency, of the effects of fishing for yellowfin, bigeye and skipjack tuna, caught in association with floating objects and with longlines, as well as the effects of these fishing methods on the unwanted bycatch species;
- 5.- Finally, with the unquestionable scientific support that is currently available, we request that a limit be established for the optimum sustainability of the tuna fisheries in the EPO, for each species separately, in order to manage them and decide on:

- a) Limiting access on the basis of historical participation in the fishery, providing it is decided that the available biomass allows the incorporation of new vessels, and
- b) In such cases, first assign the DMLs to the nations and, within nations, to those companies which were harmed by the unjustified embargoes y their effects in the market.

Por la Asociación Empresarial Pesquera de América Latina (ALEP)

FRANCISCO HERRERA TERAN
Director Ejecutivo

De México

ALFONSO ROSIÑOL LLITERAS
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JOSE J. VELAZQUEZ
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CARLOS HUSSONG.
Pesquera Santa Ursula, S.A. de C.V

De Venezuela

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

RAUL ROMERO
Director Ejecutivo, FENAPESCA

Appendix 4.

JOINT STATEMENT OF FUDENA, THE WHALE AND DOLPHIN CONSERVATION SOCIETY, GREENPEACE, THE CENTER FOR MARINE CONSERVATION AND WORLD WILDLIFE FUND

The following statement is offered on behalf of FUDENA, the Whale and Dolphin Conservation Society, Greenpeace, the Center for Marine Conservation and World Wildlife Fund. All of our organizations express our appreciation for your continued efforts to achieve a strong, multilateral and binding program to protect dolphins and other marine life in the eastern Pacific ocean. At the heart of this meeting is one central issue: we must ensure that all of the commitments made under the 1992 La Jolla Agreement and the 1995 Panama Declaration are carried forward in the new, legally binding agreement. This central issue is the litmus test for all of our organizations – we must move forward, and not backtrack, from our commitments under those two agreements.

We anticipate that governments this week will honor their commitments to agree a binding International Dolphin Conservation Program that meets this litmus test, including but not limited to: “(1) progressively reducing dolphin mortality in the Eastern Pacific Ocean (EPO) fishery to levels approaching zero through the setting of annual limits and (2) with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins.”

With that in mind, we would like to offer our comments on four specific issues that are of particular importance, recognizing that each of our organizations also has concerns about additional issues:

- 1) A cornerstone of the agreement will be its system for ensuring continued reduction of dolphin mortality in the fishery. Consistent with the La Jolla Agreement and the Panama Declaration, this must be achieved through the establishment of individual vessel dolphin mortality limits for each stock of dolphins impacted by the fishery. In addition, among other things, the Scientific Advisory Board must be provided with the resources and mandate to ensure continued progress in reducing dolphin deaths;
- 2) Second, assuring compliance and effective enforcement is a critical element of the new agreement. Accordingly, the new legally binding instrument must build upon the important obligations under the La Jolla Agreement aimed at addressing noncompliance;
- 3) Third, the new agreement must incorporate the obligation under the Panama Declaration to protect the ecosystem of the eastern Pacific. It is important to remember that under the Panama Declaration, the fishing nations of the eastern Pacific must avoid, reduce and minimize the bycatch of juvenile tuna and non-target species. In keeping with that obligation, the new agreement must provide a framework for an effective bycatch reduction program; and
- 4) Fourth, and last, we note that the practices that have evolved under the La Jolla Agreement with respect to NGO participation and openness have been a model that should be continued and strengthened under the new agreement. It goes without saying, of course, that this pattern of openness should be adhered to in this four-day meeting.

This important meeting is a continuation of a cooperative journey involving all of the parties interested in the fisheries and ecosystem of the eastern Pacific. While we come from different perspectives, we are all, in the end, in the same boat. If we are to succeed, we need to recognize this, and continue the constructive collaboration that has enabled us to get this far.

Appendix 5.

**PROPOSAL OF INDUSTRY
INCENTIVES FOR VESSEL/CAPTAIN COMPLIANCE WITH THE PRINCIPLES OF THE PROGRAM**

1. The Meeting of the Parties shall instruct the International Review Panel (IRP) and the Secretariat to formulate a set of criteria for the purpose of identifying captains and/or vessels which have established patterns of behavior that violates the spirit of the Agreement, particularly where the perpetuation of such a pattern of behavior would tend to undermine the effectiveness of the Agreement.
2. The IRP and the Secretariat shall provide a regular, detailed report to the Meeting of the Parties concerning the patterns of actions and results of the vessels and/or captains identified under paragraph 1.
3. The Parties may direct that this information be communicated to the Party under whose jurisdiction the vessel and/or captain is operating so that such party may take the appropriate actions pursuant to national laws and regulations.
4. The name of the vessel and/or nation under whose flag it operates shall be subject to the strict rules of confidentiality, consistent with the rules and practices of the IRP, provided that the name of the captain shall not be subject to such restrictions.
5. In the case of a vessel which has a permit and/or a DML to fish in the Agreement Area, but which flies the flag of a nation not Party to this Agreement, such vessel would not be subject to the confidentiality protections afforded other vessels under paragraph 4.
6. Pursuant to the confidentiality protections referenced in paragraph 4, the community at large, represented by the Parties to this Agreement, is entitled to know that such patterns of behavior exist, that it has been identified, and that it has been called to the attention of the relevant Party. The community at large is also entitled to know what actions notified parties may or may not have taken to arrest such patterns of behavior through timely reports to the Secretariat.
7. The IRP and the Secretariat shall call to the attention of the Parties patterns of exemplary behavior demonstrated by specific captains in ensuring the success of the programs and principles of the Agreement. The Meeting of the Parties should take appropriate actions to highlight and commend the activities of such captains.