

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

MINUTES OF THE 25TH MEETING

La Jolla, California (USA)

October 27, 2000

Presider: Jim Lecky (United States)

AGENDA

1. Opening of the meeting
2. Election of the Presider
3. Adoption of the agenda
4. Approval of minutes of the 24th Meeting of the IRP
5. Review of the proposed mechanism for adding captains to the list of qualified captains
6. Review of list of qualified captains
7. Review of Dolphin Mortality Limits (DMLs) for 2000
8. Review of vessels qualified to receive DMLs for 2001
9. Review of guidelines for determining possible infractions
10. Review of observer data
11. Review of actions by Parties on possible infractions reported by the IRP
12. Review of database of sanctions
13. Report of the Working Group on Tuna Tracking
14. Other business
15. Place and date of next meeting
16. Adjournment

APPENDICES

1. List of attendees
2. Mechanism for adding captains to the list of qualified captains
3. & 4. DMLs for 2000
5. DMLs requested for 2001
6. Guidelines for determining sackup infraction
7. Responses by governments to possible infractions identified by the Panel during its 23rd and 24th meetings
8. Report of the Working Group on Tuna Tracking

The 25th Meeting of the International Review Panel (IRP) was held in La Jolla, California, on October 27, 2000. Mr. Jim Lecky, of the United States, was elected Presider, and the provisional agenda was adopted as presented. The attendees are listed in Appendix 1.

4. Approval of minutes of the 24th Meeting of the IRP

Mexico pointed out that, under agenda item 8, it had been agreed that the Secretariat would include examples of *force majeure* in its guidelines, and that the minutes should reflect this. With this change and a minor correction in the Spanish text, the minutes were approved.

5. Review of the proposed mechanism for adding captains to the list of qualified captains

The Secretariat presented a proposal, as requested by the previous meeting of the IRP. The Panel approved the proposal with some modifications to the last paragraph (Appendix 2).

6. Review of list of qualified captains

The Secretariat presented information on 22 fishing captains who are not on the current list of qualified captains but were nonetheless assigned to vessels with DMLs during 2000. It was agreed that the Secretariat would inform the relevant Parties of this and, if necessary, the IRP could revise the list at its next meeting.

7. Review of Dolphin Mortality Limits (DMLs) for 2000

The Secretariat reviewed the 2000 DMLs (Appendices 3 and 4). Preliminary data indicate that as of October 26, 2000, 89 of the 109 full-year DMLs assigned for 2000 had been utilized, and that the average mortality per vessel was 13.0 dolphins. None of the 7 second-semester DMLs issued had been utilized. One vessel exceeded its DML, one vessel made a complete trip without an observer, and another made a partially unobserved trip due to its departing after a mid-trip port stop without the observer on board. The Secretariat also informed the IRP that three vessels, two with full-year DMLs and one with a second-semester DML, had asked to surrender their DMLs.

8. Review of vessels qualified to receive DMLs for 2001

The Secretariat presented a summary of the eligible vessels that had requested DMLs for 2001 (Appendix 5). The IRP agreed to forward the list to the Meeting of the Parties.

Peru requested a second-semester DML for one vessel, and the IRP agreed that, although the request did not meet the October 1 deadline specified in the AIDCP, it should be granted provided that Peru could confirm that the vessel met the criteria for obtaining a DML. Peru subsequently confirmed that the vessel did meet these criteria.

9. Review of guidelines for determining possible infractions

The IRP approved a proposal prepared by the Secretariat for determining when “sacking up” dolphins should be considered a possible infraction (Appendix 6). The Panel asked the Secretariat to analyze the application of these guidelines, and particularly the 15-minute time limit, and, if necessary, report back to the IRP at its next meeting.

Mexico suggested that Annex VIII(2)b of the AIDCP be amended to read “Have at least three operable speedboats equipped with operable towing bridles or posts, and tow lines”. The Panel agreed to recommend this amendment to the Meeting of the Parties.

10. Review of observer data

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

During the data review, the IRP agreed to form a technical working group to develop criteria for determining if and when releasing the ortza could be considered an acceptable alternative to the backdown maneuver as a means of releasing captured dolphins from the net.

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

The Secretariat presented a table of responses by governments to three types of possible infractions identified by the Panel during its 23rd and 24th meetings (Appendix 7).

12. Review of database of sanctions

The Secretariat noted that to date only Costa Rica, Mexico and the United States had provided the Secretariat with the necessary information on the sanctions applied to infractions of the AIDCP, and the Panel stressed the need for the Parties to provide this information to the Secretariat as soon as possible. It was agreed that, once the Secretariat had all the information, it should be circulated to the Parties.

13. Report of the Working Group on Tuna Tracking

The Presider of the Working Group presented her report (Appendix 8). The Working Group proposed that the System for Tracking and Verifying Tuna be amended in order to provide for the collection of tuna tracking information by observers if the vessel fishes both inside and outside the Agreement Area on a single trip. The Working Group also discussed the problem of vessels that make several partial unloadings during a single trip, and proposed that the System be amended in order to stipulate how copies of the TTFs may be made and provided to Parties in such cases. It was agreed that the Secretariat would present proposals for these two amendments to the first Meeting of the Parties in 2001.

The European Union asked that consideration be given to the question of how to deal, in terms of tuna tracking, with landings in ports of non-Parties.

The Working Group stressed the importance that Parties submit documentation of their national tuna tracking plans to the Secretariat before the end of 2000 for circulation to all Parties.

The Panel agreed to forward the Working Group's recommendations to the Meeting of the Parties for its consideration.

14. Other business

Ecuador announced that it had established a national observer program, PROBECUADOR (Programa Nacional de Observadores Pesqueros de Ecuador), which would start covering 25% of fishing trips by Ecuadorian vessels in late October 2000. Ecuador expressed its gratitude to the IATTC staff for its help and cooperation in establishing the program.

15. Place and date of next meeting

The Panel agreed that its 26th meeting would be held in La Jolla on January 29-30, 2001.

Appendix 1.

PANEL INTERNACIONAL DE REVISION - INTERNATIONAL REVIEW PANEL

25^a REUNION – 25th MEETING

La Jolla, California

27 de octubre de 2000 – October 27, 2000

ASISTENTES – ATTENDEES

MIEMBROS - MEMBERS

COLOMBIA

CLARA GAVIRIA

Ministerio de Comercio Exterior

ARMANDO HERNANDEZ

DIEGO CANELOS

LUIS RICARDO PAREDES

COSTA RICA

HERBERT NANNE ECHANDI

RICARDO GUTIERREZ VARGAS

Instituto Costarricense de Pesca y Acuicultura

GEORGE HEIGOLD

ASDRUBAL VASQUEZ

ECUADOR

RAFAEL TRUJILLO BEJARANO

LUIS TORRES NAVARRETE

Ministerio de Comercio, Industria y Pesca

EL SALVADOR

MARIO GONZALEZ RECINOS

MARGARITA S. DE JURADO

Ministerio de Agricultura y Ganadería

ABDON ENRIQUE AGUILLON

Ministerio de Economía

EUROPEAN UNION

ERNESTO PENAS LADO

ALAN GRAY

JUAN IGNACIO ARRIBAS

JAVIER ARIZ

GABRIEL SARRO

MEXICO

CARLOS CAMACHO

MARA MURILLO CORREA

JERONIMO RAMOS PARDO

RICARDO BELMONTES ACOSTA

GUILLERMO COMPEAN

RAFAEL SOLANA

HUMBERTO ROBLES

Secretaría de Recursos Naturales y Medio Ambiente

ANTONIO FUENTES MONTALVO

LUIS FUEYO MACDONALD

TOBIAS CONTRERAS

Procuraduría Federal de Protección al Ambiente

MARK ROBERTSON

NICARAGUA

MIGUEL ANGEL MARENCO

ADPESCA/MEDEPESCA

PANAMA

ARNULFO FRANCO

Autoridad Marítima de Panamá

HUGO ALSINA

PERU

GLADYS CARDENAS

Ministerio de Pesquería

UNITED STATES OF AMERICA

REBECCA LENT

JIM LECKY

ALLISON ROUTT

PATRICIA DONLEY

PAUL ORTIZ

CHRISTOPHER FANNING

WILLIAM JACOBSON

NICOLE LEBOEUF

STEVE REILLY

National Marine Fisheries Service

VANUATU

EDWARD WEISSMAN

VENEZUELA

LUIS MARRERO LARA

Ministerio de la Producción y el Comercio

FRANCISCO ORTISI

ALVIN DELGADO

RAFAEL CASTRO BUSTO

ORGANIZACIONES AMBIENTALISTAS-ENVIRONMENTAL ORGANIZATIONS

KATHLEEN O'CONNELL

Whale and Dolphin Conservation Society

ALEJANDRO ROBLES

Conservation International-Mexico

CRISTOBEL BLOCK

Humane Society of the United States

INDUSTRIA ATUNERA-TUNA INDUSTRY

JOSE JUAN VELAZQUEZ MACOSHAY
CANAINPESCA

OBSERVADORES - OBSERVERS

GUATEMALA

MAURICIO L. MEJIA ESCALANTE
LUIS ARAGON

Ministerio de Agricultura, Ganadería y Alimentación
MARIA OLGA MENENDEZ
AGEXPRONT

JAPAN

DAISHIRO NAGAHATA
TSUYOSHI IWATA

Ministry of Agriculture, Forestry and Fisheries

CIAT - IATTC

ROBIN ALLEN, Director
ERNESTO ALTAMIRANO
PABLO ARENAS
DAVID BRATTEN
MARCELA CAMPA
MONICA GALVAN
MARTIN HALL

BRIAN HALLMAN
BERTA JUAREZ
LESLY RODRIGUEZ
MARLON ROMAN
ENRIQUE UREÑA
NICHOLAS WEBB

Appendix 2.

25TH MEETING OF THE INTERNATIONAL REVIEW PANEL

PROPOSED MECHANISM FOR ADDING CAPTAINS TO THE LIST OF QUALIFIED CAPTAINS

(Provisional agenda September 29, 2000, item 5)

During the 24th Meeting of the International Review Panel (IRP) held in San Jose, Costa Rica, on June 7-8, 2000, the Secretariat was asked to submit to the Parties for consideration a proposal for a mechanism for adding captains to the List of Qualified Captains (List) between meetings of the IRP.

Such a mechanism should be relatively simple and straightforward. The Secretariat maintains the List, which includes the names of captains submitted by Parties and approved by the IRP. To be on the List, a captain must meet the requirements established in the document entitled *Training and Identification of Fishing Captains Qualified to Fish on Vessels under the Agreement on the International Dolphin Conservation Program*, agreed at the 19th meeting of the IRP in October 1998. This document spells out clearly the requirements for new captains, what is necessary in order to remain on the List, and that the IRP must approve additions to the List.

It should be noted that a captain whose dolphin mortality rate exceeds the average for the previous year must attend a seminar in order to remain on the List, and a captain will be removed from the List if he has committed any of the infractions specified in the document, or has worked as a fishing captain on a vessel of a non-cooperating non-Party state. If any of the requirements for remaining on the List are not met, it should be the responsibility of the relevant government to advise the Secretariat to remove the captain from the List. The Secretariat also should be authorized to do so after consultation with the relevant government.

Normally, decisions to add names to the List would be made at an IRP meeting. If a Party wants to add a captain to the List between meetings, it should notify the Secretariat of the name of the captain, along with confirmation that he meets the requirements and any other pertinent information. The Secretariat would then circulate all this information to the other IRP members. The IRP voting rules would apply and, if approved, the captain's name would be added to the List.

Appendix 3.

**UTILIZACIÓN DE LMD EN 2000 (al 26 de octubre)
2000 DML UTILIZATION (as of 26 October)**

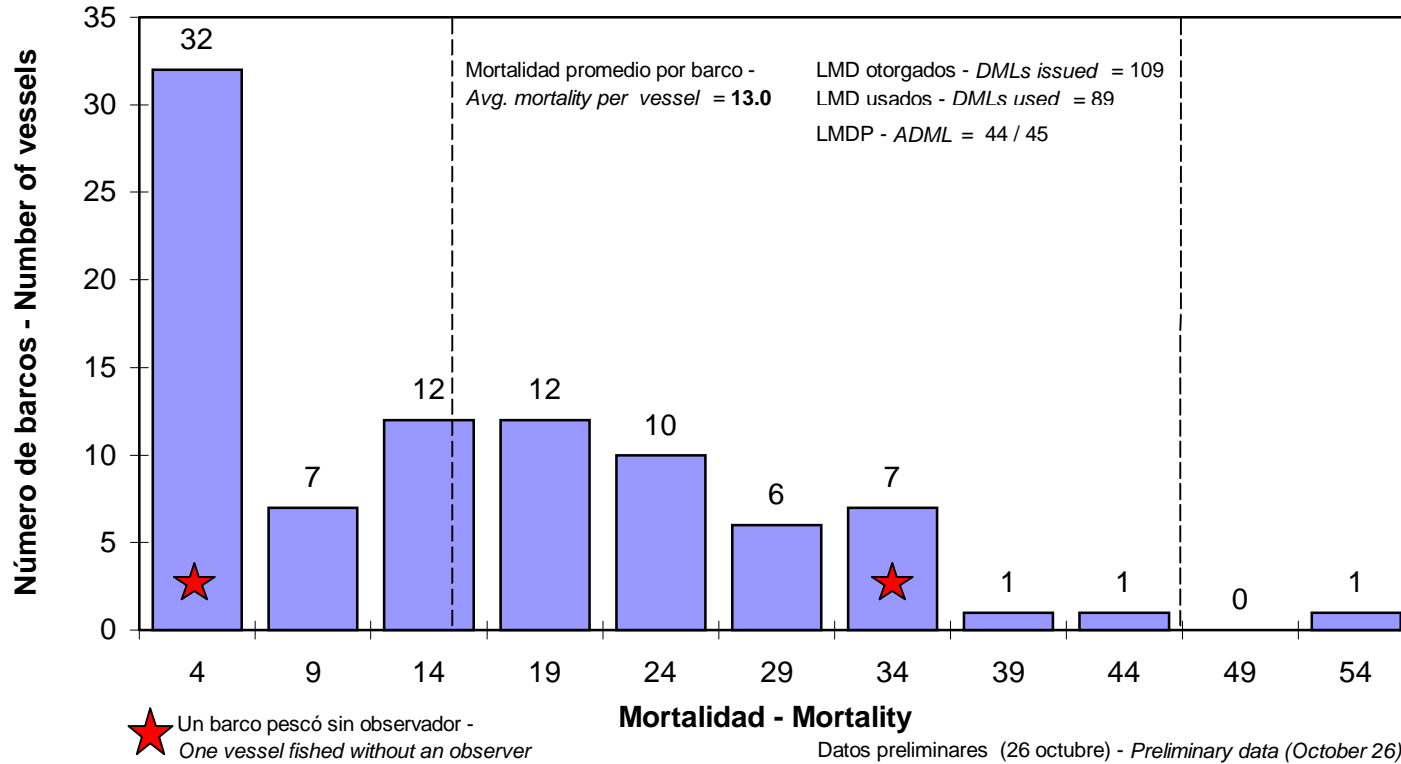
LMD de año completo Full-year DMLs		Exenciones por motivo de fuerza mayor <i>Force majeure</i> exemptions		LMD de segundo semestre 2nd semester DMLs	
Asignados Issued	Utilizados Utilized	Otorgadas Allowed	Utilizados Utilized	Asignados Issued	Utilizados Utilized
109 ¹	89	13	4	7	0
Solicitudes de renuncia Surrender requests				Solicitudes de renuncia Surrender requests	
2				1	

¹ No incluye un LMD de pesca experimental – Does not include one DML for experimental fishing

Appendix 4.

MORTALIDAD CAUSADA POR BARCOS CON LMD - 2000
MORTALITY CAUSED BY DML VESSELS - 2000

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



Appendix 5.

SOLICITUDES DE LMD PARA 2001 – 2001 DML REQUESTS

	LMD de año completo Full-year DMLs	LMD de segundo semestre Second-semester DMLs
Colombia	5	
El Salvador	1	
México	44	2
Panamá	2	
Perú		1
USA – EEUU	1	1
Vanuatu	5	
Venezuela	24	
Total	82	4

Appendix 6.

25TH MEETING OF THE INTERNATIONAL REVIEW PANEL

PROPOSED GUIDELINES FOR DETERMINING WHEN “SACKING UP” DOLPHINS SHOULD BE CONSIDERED A POSSIBLE INFRACTION

(Provisional agenda, September 29, 2000, item 9)

At the 3rd Meeting of the Parties to the AIDCP, held in San Jose, Costa Rica, on June 17, 2000, the issue of determining when “sacking-up” dolphins should be considered a possible infraction by the International Review Panel was extensively discussed. The Secretariat was asked to draft guidelines to this effect.

The Secretariat proposes the following definition:

A dolphin is considered to be “sacked up” if it remains alive in the net after:

1. the skiff comes alongside the net and the corkline is secured to it, or
2. the side of the net is raised to form the sack prior to brailing.

Having a live dolphin in the net after “sacking up” is a possible infraction.

The Secretariat also proposes that such cases not be referred by the IRP to the corresponding Government, nor reported to the IRP by the Secretariat, under the following circumstances:

Reasonable efforts are made to release the dolphins prior to sack up including the following actions:

1. Continuing backdown until 15 minutes have elapsed without any of the dolphins still in the net being released. Throughout this period there must be a raftman inside the net to assist in dolphin rescue and to herd the dolphins towards the apex of the backdown channel, and
2. Continued efforts by the raftman to rescue live dolphins and release them over the corkline after backdown has finished, but before sackup.

Appendix 7.

**RESPONSES FOR THREE TYPES OF POSSIBLE INFRACTIONS IDENTIFIED AT THE 23RD
AND 24TH MEETINGS OF THE IRP**

OBSERVER HARASSMENT / INTERFERENCE

	No. of cases	No response	Responses											
			Under investigation		No infraction		Infraction: no sanction		Infraction: warning		Infraction: sanction*		Total	
Ecuador	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0	-
Mexico	4	0	3 (75%)	1 (25%)	0	-	0	-	0	-	0	-	4 (100%)	
Panama	1	0	0	1 (100%)	0	-	0	-	0	-	0	-	1 (100%)	
EU	1	0	0	1 (100%)	0	-	0	-	0	-	0	-	1 (100%)	
USA	2	0	2 (100%)	0	-	0	-	0	-	0	-	0	2 (100%)	
Vanuatu	1	0	0	1 (100%)	0	-	0	-	0	-	0	-	1 (100%)	
Venezuela	1	0	1 (100%)	0	-	0	-	0	-	0	-	0	1 (100%)	
Total:	11	1 (9%)	6 (55%)	4 (36%)	0	-	0	-	0	-	0	-	10 (91%)	

EXPLOSIVES USE

	No. of cases	No response	Responses											
			Under investigation		No infraction		Infraction: no sanction		Infraction: warning		Infraction: sanction*		Total	
Colombia	3	3 (100%)	0	-	0	-	0	-	0	-	0	-	0	-
Mexico	56	0	56 (100%)	0	-	0	-	0	-	0	-	0	56 (100%)	
Vanuatu	23	0	0	0	-	0	-	0	-	0	-	23 (100%)	23 (100%)	
Venezuela	71	7 (10%)	0	-	0	-	0	-	0	-	64 (90%)	64 (90%)	64 (90%)	
Total:	153	10 (7%)	56 (37%)	0	-	0	-	0	-	0	-	87 (57%)	143 (93%)	

NIGHT SETS

	No. of cases	No response	Responses											
			Under investigation		No infraction		Infraction: no sanction		Infraction: warning		Infraction: sanction*		Total	
Colombia	2	2 (100%)	0	-	0	-	0	-	0	-	0	-	0	-
Ecuador	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0	-
Mexico	13	0	9 (69%)	0	-	0	-	4 (31%)	0	-	0	-	13 (100%)	
Vanuatu	2	0	0	0	-	0	-	2 (100%)	0	-	0	-	2 (100%)	
Venezuela	36	5 (14%)	0	-	1 (3%)	0	-	0	-	30 (83%)	30 (83%)	31 (86%)	31 (86%)	
Total:	54	8 (15%)	9 (17%)	1 (2%)	0	-	0	-	6 (11%)	30 (56%)	30 (56%)	46 (85%)	46 (85%)	

*Sanction was applied or will be applied

Appendix 8.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM MEETING OF THE PERMANENT WORKING GROUP ON TUNA TRACKING

**La Jolla, California, U.S.A.
October 27, 2000**

CHAIR'S REPORT TO THE INTERNATIONAL REVIEW PANEL

The meeting was attended by representatives of Colombia, Costa Rica, Ecuador, El Salvador, European Union, Japan, Mexico, Peru, United States of America, Vanuatu and Venezuela, Humane Society, Whale and Dolphin Conservation Society, and the tuna industry. The agenda is attached (Appendix A).

Ecuador reported a modification to its national plan that was adopted to deal with situations that arise when no representative of the national authority is available to meet a vessel. Under this procedure, the IATTC observer obtains the vessel captain's signature on the Tuna Tracking Forms (TTFs) and provides the captain with a copy of the forms. The observer does not sign the form at this time, but instead takes the original to the office of the national authority or, if that is not possible, to the IATTC office, where the form is signed by the observer and a copy is made for the IATTC. The original, signed copy is then forwarded to the national authority. Ecuador has provided this modification in writing to the Secretariat.

The Working Group discussed the issue of the difficulty of submitting TTFs to national authorities when the vessels are not met at the end of trips, particularly since the information on the forms is considered confidential. It was agreed that national tuna-tracking plans should contain the necessary mechanisms to protect the confidentiality of the TTFs while providing necessary dolphin safe documentation to those who require it.

The collection of data by observers of the On-Board Observer Program outside the Agreement Area was discussed. Some delegations considered that, if a vessel made a trip in which it operated both inside and outside the Agreement Area, the observer should collect information for the entire trip, and also include in the TTFs all applicable information on catches. Although there is no obligation to comply with the provisions of the Agreement in fishing operations which take place outside the Agreement Area, in order to ensure transparency, the collection of all information on such fishing trips should be permitted. Pending approval by the IRP, the Working Group asked the Secretariat to draft this modification to the Tuna Tracking System, to be submitted for approval to the first Meeting of the Parties in 2001.

The Working Group discussed the problem of vessels that make several unloadings during a single trip. Pending approval by the IRP, the Working Group asked the Secretariat to prepare a modification to the Tuna Tracking System to delineate how copies of the TTFs may be made and provided to Parties in the event of several partial unloadings. This modification will also be submitted for approval to the first Meeting of the Parties in 2001.

The Secretariat presented a progress report on the Tuna Tracking System (Appendix B), and several countries reported progress towards the preparation, adoption and/or implementation of national tuna tracking plans. The Working Group agreed that it would review these plans at its next meeting, and that to this end all Parties should forward their plans to the Secretariat before the end of 2000 for circulation to all Parties. At present the Secretariat has received the plans of Ecuador, Mexico, Panama, the United States, and Venezuela.

Noting that several Parties were not sending copies of the completed TTFs to the Secretariat, the Working Group stressed the importance of complying with the requirement of the Tuna Tracking System that these copies be sent to the Secretariat within ten days of receiving the forms. It was agreed that those Parties that had not provided these copies for past trips would do so as soon as possible.

The next meeting of the Working Group will be held in conjunction with the 26th meeting of the IRP in January 2001.