

INTER-AMERICAN TROPICAL TUNA COMMISSION

SUMMARY MINUTES OF THE 48TH MEETING

San José, Costa Rica

September 17-20, 1990

Chairman: Herbert Nanne Echandi

AGENDA ITEM 1 - OPENING OF MEETING

The 48th meeting of the IATTC was called to order by the Chairman, Mr. Herbert Nanne Echandi of Costa Rica, at 10:00 a.m. on September 17, 1990, at the Hotel Cariari, San José, Costa Rica. He noted that the purpose of the meeting was to deal with a matter of great importance, the issue of conservation and/or management of dolphins taken incidentally by the fishery for tropical tunas in the eastern Pacific Ocean.

The Chairman then introduced Ing. Juan Rafael Lizano Saenz, Minister of Agriculture and Fisheries of Costa Rica. Ing. Lizano welcomed all the attendees to the meeting, and called attention to the importance of the matters to be discussed. He pointed out the the interests of three groups, the governments of the coastal states, the fishermen who fish for tunas in the eastern Pacific Ocean, and the consumers of tuna, must be taken into account. He concluded his inaugural address by wishing the best of luck to all the participants in their deliberations during the course of the meeting. The text of his speech is attached as Appendix 1 of these minutes.

The Chairman then welcomed all the attendees, and called upon the heads of the delegations of the member and observer nations and of the various international and other organizations to introduce themselves and their delegations. The attendees are listed in Appendix 2 of these minutes.

AGENDA ITEM 2 - ADOPTION OF AGENDA

Chairman Nanne called for comments on the provisional agenda which had been mailed to the attendees on July 20, 1990. After some discussion, it was decided that preliminary consideration would be given first to Agenda Items 6 and 7, followed by Agenda Items 3, 4, and 5. Then further consideration would be given to Agenda Items 6 and 7. These changes were necessary in order that working groups on the matters discussed in Agenda Items 6 and 7 could be formed. It was agreed that the hours during which the meeting would be held would be 9:00 a.m. to 12:00 noon and 2:00 p.m. to 6:00 p.m. The Chairman pointed out that participation by all attendees was encouraged. He said that priority regarding speaking would be granted in the following order: Commissioners and their advisors; representatives of observer governments; representatives of inter-governmental organizations; representatives of non-governmental organizations.

AGENDA ITEM 6 - RULES OF PROCEDURE GOVERNING THE ATTENDANCE AND/OR PARTICIPATION OF OBSERVERS AT IATTC MEETINGS

Chairman Nanne called upon Dr. James Joseph, Director of the IATTC, to review what was said in this regard at the 47th meeting of the IATTC and to discuss Background Paper 2, prepared by the IATTC staff for the present meeting. Dr. Joseph did so, pointing out that no mention is made of observers at IATTC meetings in the IATTC's Convention or Rules of Procedure, but that the procedures which the Commission has followed seem to have worked satisfactorily in the past. He volunteered to assist the working group which would meet that evening in any way he could.

Mr. Goto of Japan called attention to a recommendation made by Japan at the 47th meeting of the IATTC that the matter of admission of observers to IATTC meetings be reviewed and that more formal rules of procedure be adopted, and expressed the wish that this matter be considered at the current meeting. The Chairman, noting the shortage of time, said he thought that it would be appropriate to consider that

AGENDA ITEM 5 - POSSIBLE ALTERNATIVES FOR EXPANDING THE TUNA-DOLPHIN PROGRAM

Chairman Nanne called upon Dr. Joseph to review the discussions which took place regarding conservation and/or management of dolphins at the 47th meeting of the IATTC and to discuss Background Paper 1, prepared for the present meeting.

Dr. Joseph first reviewed some of what he had said at the 47th meeting. He began by recalling the objectives of the IATTC respecting tunas and respecting dolphins. For the former, the goal was to maintain the stocks of tunas at levels which could sustain maximum yields, while for the latter the objective was to maintain the populations of dolphins at levels that would ensure their survival in perpetuity and to undertake measures to prevent all careless and unnecessary mortality. He emphasized that at present these objectives are being met, but noted that the recent decision by some tuna-processing companies not to purchase tunas taken in association with dolphins could have a major impact on the current situation.

He outlined two possible situations which might develop. In one case, all other tuna processors would follow the example of the U.S. canners, and no dolphins would be killed in the fishery. In this situation the IATTC's objective of maximum sustainable yield could not be achieved, and the catches would decline by one-third to one-half of the current levels. However, a scientific technician would have to accompany every vessel over 400 tons fishing for tunas in the eastern Pacific in order to verify that no dolphins were captured and/or killed and, if the IATTC were to be responsible for this, its scientific technician program would have to be substantially expanded. The scientific technicians would be able to collect data on tuna fishing and other activities, which would enhance the IATTC's research.

In the second case, the other processors would not follow the U.S. canners' example, and fishing for dolphin-associated tunas would continue. In this instance the IATTC's program would not only need to continue, but would need to be expanded to accommodate all vessels capable of fishing for tunas associated with dolphins.

He commented that the fishery in the eastern Pacific Ocean was apparently approaching a critical stage. He stated that unilateral action by some processors and nations would, in his opinion, most likely not be successful in eliminating the mortality of dolphins in the fishery, as was evident from the fact that the catches of tunas in association with dolphins are still high, so far in 1990. This might, in fact, bring about the collapse of the current dolphin program in the eastern Pacific, leading to a situation in which dolphin mortality increased, but there was no means of estimating that mortality.

He stressed that because the fleets of many nations fish for tunas in association with dolphins, and because more than twice as many dolphins are caught beyond the 200-mile limit as inside it, the problem was international, and could best be solved through international cooperation. The nations of the region would need to continue to cooperate in the search for a solution to the problem. The problem of protecting dolphins, while still maximizing the harvest of tunas, could be resolved, but this would require even greater cooperation among nations. He pointed out that the IATTC had provided a focal point for such cooperation in the past, and could continue to do so in the future.

He emphasized the need to bring harmony to the region, through a program that optimized the objectives of all participants. Consideration should be given to the establishment of such a program, which would include a limit on dolphin mortality that would be decreased annually until levels of mortality

The Chairman then announced that the floor was open for discussion of the implementation of a conservation and/or management program for dolphins.

Mr. Silvestre of France stated that he didn't think that unilateral action would reduce dolphin mortality due to fishing. He pointed out that in 1990 the catches of yellowfin have increased despite the unilateral actions which have been taken. He stated that France would accept an expanded tuna-dolphin program, as this would be more efficient than unilateral actions by various nations and/or private enterprises. He asked about the possibility of obtaining funding for such a program. He said that he thought that a system of IVLs on mortalities of dolphins was a good idea. Dr. Joseph replied that funding might be obtained from the IATTC member governments, governments of non-member nations, independent funding agencies, and/or private industry.

Mr. López of Panama commented about the hardship caused by the U.S. embargoes, and asked about the chances of relief from these. He said that he favored IVLs, as this would reward the vessels with skillful captains and penalize the others. With such a system, the embargoes would not be necessary. He emphasized the importance of development of gear which would reduce or eliminate the mortalities of dolphins due to fishing.

Mr. Beasley of the United States said that he agreed with Panama in its opinion that a long-term program, such as that discussed in Background Paper 1, was the most reasonable solution to the problem. He asked Dr. Joseph to elaborate on the costs of the program. Dr. Joseph said that an additional 1.25 million dollars would be required for 100-percent coverage of the fleet by scientific technicians in 1991. It would not be possible, however, to have 100-percent coverage beginning on January 1, 1991. The costs for gear research would depend on the extent of such research. Dr. Hall elaborated briefly on Dr. Joseph's remarks. Feasibility studies and further development of dolphin rescue boats, the Acoustic Doppler Current Profiler, and/or a remotely-operated vehicle, all described in Background Paper 6 for the 47th meeting of the IATTC, would cost about 2 hundred thousand to 4 hundred thousand dollars.

Mr. Bravo of Costa Rica said that his country was also in favor of IVLs. He mentioned that the mortalities of dolphins had already been substantially reduced, but expressed concern regarding the possibility of substantial further reductions in a limited period of time. He emphasized that a program for further reduction of dolphin mortalities should be begun as quickly as possible.

Mr. Luna of Mexico expressed his country's agreement with the positions of France, Panama, the United States, and Costa Rica. He asked for further details concerning the impact of such a program on the harvest of yellowfin tuna. He also asked about the biological effects of such a program. Dr. Joseph said that this would depend on how rapidly the limits were reduced. During the first two or three years restrictions on fishing for tunas associated with dolphins might not have much effect on the catch of yellowfin, but after that, unless considerable advances in the development of fishing techniques which reduce the mortalities of dolphins were made, the catch of yellowfin would be reduced. Dr. Joseph added that directing more effort toward skipjack should increase the catches of that species, but noted that the abundance of skipjack in the eastern Pacific Ocean is highly variable. Dr. Hall elaborated briefly on Dr. Joseph's comments.

Mr. Bustamente of the Organización Latinoamericana de Desarrollo Pesquero (OLDEPESCA) stated that he was concerned with the organization of such of program. He said that he recognized that the IATTC

Ms. Kanas of Robin des Bois said that she was opposed to any method of fishing which caused the mortality of dolphins.

Mr. Bravo of Costa Rica said that he understood the views of the observers from Greenpeace and Robin des Bois, but that he was not in agreement with those views. He pointed out the hardship that would be caused by too-rapid elimination of fishing for tunas associated with dolphins, and restated his opinion that a system of IVLs was a reasonable solution to the problem.

Mr. Goto of Japan agreed with Mr. Bravo of Costa Rica, emphasizing the adverse effect that fishing for yellowfin not associated with dolphins would have on the total catch of yellowfin.

Mr. Bakeo of Vanuatu pointed out, once again, that international cooperation was necessary, but that each nation would have to be responsible for ensuring that the vessels of its fleet complied with whatever program was adopted.

Mr. López of Panama said that he was in agreement with the proposed system of IVLs.

Mr. Pulvenis of Venezuela stated that he was in agreement with what Dr. Joseph had just said. He said that Venezuela had applied for membership in the IATTC, and had hoped that it would have become a member by the time the next meetings were held.

Mr. Charat of Mexico, speaking on behalf of the Cámara Nacional de Industria Pesquera de México, said that in recent years the Mexican catch of tunas in the eastern Pacific Ocean had increased from 20 thousand to 140 thousand tons and the internal consumption from 20 thousand to 90 thousand tons. The tuna industry currently employs about 25 thousand Mexican citizens. Mexico intends to continue fishing for tunas, but will continue to do whatever is necessary to reduce the mortality of dolphins.

The Chairman announced that the meeting would be adjourned until after the intergovernmental meeting, which would begin that afternoon.

The meeting was reconvened by Chairman Nanne at 12:00 a.m., September 20. He announced that attention would be given to Agenda Items 6 and 7.

AGENDA ITEM 6 - RULES OF PROCEDURE GOVERNING THE ATTENDANCE AND/OR PARTICIPATION OF OBSERVERS AT IATTC MEETINGS

The working group presented a draft resolution on this subject which it had prepared (Appendix 4). This was approved unanimously.

AGENDA ITEM 7 - A PROTOCOL TO THE IATTC CONVENTION TO FACILITATE THE ADHERENCE OF NEW MEMBERS

The working group reported that it had prepared a draft protocol (Appendix 5), and that it had been approved by all member countries except Japan. Mr. Goto of Japan said that he would discuss the matter

APPENDIX 1

Remarks by
Ing. Juan Rafael Lizano Saenz
Minister of Agriculture and Fisheries of Costa Rica
at the Opening of the 48th Meeting of the IATTC
September 17, 1990

Good morning, heads of delegations accredited to the Inter-American Tropical Tuna Commission, the Director of the Commission, Dr. James Joseph, representatives of governments, representatives of international organizations, delegates and observers, ladies and gentlemen, friends all. It is a great honor for me, as Minister of Agriculture and Fisheries of the Government of Costa Rica, to bid you a warm welcome on the occasion of this special meeting of the Inter-American Tropical Tuna Commission, at which the principal aim is to consider the problems arising from the incidental catches of dolphins in the tuna fishery. Historically, Costa Rica has been renowned as a conservationist nation, and we now confirm our interest in seeking alternatives which will reduce the mortality of marine mammals associated with the fishery for yellowfin tunas. This is no coincidence: my nation has been debating this issue since the 1940s, and because of this Costa Rican fisheries law includes a statute which reads, "Finding component parts of this mammal on a vessel constitutes sufficient grounds for punishing the perpetrators for a major offense." In the current year we have taken more stringent measures in order to ensure effective protection that goes beyond incidental captures. We have no doubt that this forum is the most important mechanism for a genuine regional conservation program; the aim here is to present, analyze, and disseminate a set of scientific reports which will stimulate the debate, enrich the analysis of the options, without preconceived dogmas, and thus consolidate regional efforts for the protection of the resource and help you in arriving at the decisions which you will reach as the deliberations proceed. My government considers that the IATTC has a great wealth of experience, based on scientific and technological information; you, the delegates, therefore have the duty and the obligation of sponsoring those policies which will work to protect the dolphins associated with the fishery for yellowfin tuna. In order to carry out the task with which you have been entrusted, I would point out that, to achieve the proposed goals, we must take into account three essential contributors, namely: the governments of the coastal states, the fishermen who operate in the eastern tropical Pacific, and the consumers of this valuable raw material. Each of these plays a specific role, but independently; we therefore need the agreement of these three great groups in order to reap the greatest and best benefits. In the last four decades, fisheries the world over have undergone profound technological changes; unloadings have reached a figure close to the 90-million-ton mark, and because of this the populations of fishes have reached, or are very close to, the level of maximum sustained yield. As you well know, tunas are not exempt from this norm, and therefore the pressure which has been exerted on marine mammals deserves our attention. Dr. Joseph, we will be grateful for any advice that you and your research team can offer us in the attainment of protection measures; I am sure, ladies and gentlemen, that you will approach these important matters with the traditional spirit of cooperation and pragmatism which characterizes the members of the IATTC, thinking always of the production of our countries. Finally, I would like to reiterate that my country is honored to have such distinguished visitors, and I am sure that during your stay you will enjoy the traditional hospitality and friendship of our people. You are at home. I declare the meeting officially inaugurated. Thank you very much.

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APPENDIX 4

NEW RULE OF PROCEDURE XIII

OBSERVERS

Observers may attend all regular and special meetings of the Commission, in accordance with the following procedures:

1. Invitations will be sent to -
 - All non-member states with coastlines bordering the Convention area or whose nationals participate in the fisheries covered by this Convention.
 - Intergovernmental organizations which have regular contact with the IATTC, or whose work is of interest to the IATTC, and vice versa.
2. Any organization not mentioned above which has legitimate interest in the work of the Commission may send observers to the meetings, subject to prior approval by the member countries. Requests for invitations shall be sent to the Director of Investigations for submission to IATTC members for consideration at least 120 days prior to a subject meeting. The Director of Investigations shall issue such invitations 60 days prior to the meeting, provided no objection has been made by any IATTC member in writing, explaining the reason for such objection. Any such objection shall be discussed at an executive session of the Commission immediately prior to the meeting in question.

If the Commission holds a meeting with less than 120 days' notice, the Director of Investigations shall have greater flexibility concerning the timing of the sending of the invitations.

3. The observers may, with the authorization of the Chairman, and provided no member objects, take the floor at Commission meetings.
4. The overall number of observers referred to in Paragraph 2 shall not be so large as to hinder the work of the Commission.
5. The circulation of documents by observers is subject to prior approval of the Chairman.

Article II

1. The original of this Protocol shall be deposited with the Government of the United States of America, which is hereby designated the Depositary Government, and which shall communicate certified copies thereof to all Parties to the Convention.
2. This Protocol shall enter into force on the date upon which instruments of adherence have been deposited with the Depositary Government by all Parties to the Convention.
3. The Depositary Government shall inform all Parties to the Convention of the date of deposit of each instrument of adherence and the date of entry into force of this Protocol.
4. Following entry into force of this Protocol, any state or organization newly adhering to this Convention shall be deemed to adhere also to this Protocol.

Done at _____, this (date) day of (month), 1990, in the English and Spanish languages, both languages being equally authentic.

The Inter-American Tropical Tuna Commission further recommends to the High Contracting Parties that they work diligently to ensure an expeditious signature and entry into force of the Protocol.

APPENDIX 7

The Inter-American Tropical Tuna Commission, having responsibility for the scientific study of the tunas and tuna-like species of the eastern Pacific Ocean, and for the formulation of recommendations to the High Contracting Parties with regard to these resources, and having maintained since 1950 a continuing scientific program directed towards these matters, and having also since 1976 responsibility for the scientific study of the populations of dolphins associated with the tuna fishery in the eastern Pacific Ocean,

Recognizes the importance of the international program, as defined in the resolution adopted by the Intergovernmental Meeting held in San José, Costa Rica, on September 18-19, 1990,

Accepts its role, as identified by the Intergovernmental Meeting, as the most appropriate entity for coordinating the technical aspects of such an international program,

Directs the Director of Investigations to cooperate with the Intergovernmental Program, in accordance with paragraph 8 of the aforementioned resolution, and to convene a technical meeting, to elaborate the technical and economic aspects of the international program, such meeting to be convened no later than February 1991.

