

INTERNATIONAL REVIEW PANEL  
MINUTES OF THE 15<sup>TH</sup> MEETING

June 1-3, 1997  
Puntarenas, Costa Rica

The 15<sup>th</sup> meeting of the International Review Panel was held in Puntarenas and continued in San José, Costa Rica, on June 1-3, 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 10 a.m. on June 1. Mr. Jaime Basadre Oreamuno, of Costa Rica, was elected Presider.

**3. Approval of agenda**

The provisional agenda was modified to incorporate two additional items, "Procedures for incorporation of government members to the Panel" and "Working group for the study of rules and procedures for entry of new fleets to the EPO." The final agenda is attached as Appendix 2.

**4. Approval of minutes of the 14th Meeting of the IRP and 1996 IRP Annual Report**

The minutes of the 14<sup>th</sup> meeting of the IRP and the Panel's Annual Report for 1996, prepared by the Secretariat, were approved with minor changes.

**5. Observer identification cards**

The Secretariat presented the observer identification cards prepared in accordance with the suggestions made by the Panel at its 14<sup>th</sup> meeting. The format was approved, with two modifications: first, that the cards be numbered to allow for better monitoring of their issue and use, and second, that a specific reference to the International Dolphin Conservation Program, under whose aegis they would be issued, be added. The Panel agreed that issuing the cards was a matter of urgency, and that each nation would be responsible for ensuring that they would be honored within its national boundaries.

**6. Gear requirements for vessels without DMLs**

The Panel agreed to maintain the existing gear requirements established in the La Jolla Agreement for vessels without DMLs until more information became available.

**7. Time elapsed from start of set to end of backdown**

The Secretariat presented data on the duration of the backdown maneuver and dolphin rescue procedures. After discussing the matter, the Panel decided to endorse its previous recommendation that sets should commence no less than 75 minutes before sunset, in order to reduce the risk of incidental mortality of dolphins.

**8. Dolphin Mortality Limits (DMLs):**

**a) Review of 1997 DMLs**

DMLs of 94 animals were issued to 42 vessels. Of these, 32 utilized their DMLs during the first semester, 3 forfeited them by making no intentional sets on dolphins, 6 had reported no sets on dolphins to date but were still

at sea fishing, and 1 renounced its DML voluntarily; with the IRP's approval, it was transferred to another vessel of the same flag. The Secretariat reported that it had sent letters to three vessels at the end of the first quarter, notifying them of the risk of exceeding their assigned limit if their mortality levels continued to accumulate at the same rate, and that as of June 1 only two vessels ran that risk.

**b) DMLs for the second semester of 1997**

The Panel agreed to recommend to the intergovernmental plenary that second-semester DMLs, of 47 dolphins each, be issued to 4 Venezuelan vessels and 1 Vanuatu vessel.

**9. 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. The Panel decided that governments should be informed of the actions of those vessels which were taking apparently unjustified risks when setting on dolphins close to sunset, even when this resulted in no mortality of dolphins and no infraction was identified. Letters should also be sent to the vessel owners or captains warning them of these risks. The Panel also agreed that observers should be made aware of the possibility of harassment and should be trained to deal with such situations.

**10. Procedures for dealing with special problem sets**

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

**11. Confidentiality of information**

With reference to requests for information made to the Secretariat about DMLs for individual vessels, at its previous meeting the Panel had decided that no decision could be taken about releasing this type of confidential information without the approval of all the member nations of the Panel. Since not all the member governments were present at that meeting, and Vanuatu was absent at this one, a decision on this matter was postponed until such a time as all interested parties were present.

**12. Cooperation of nations not party to the Agreement with vessels in the EPO**

During its previous meeting the Panel agreed that the member nations of the Panel would approach other nations with vessels fishing in the eastern Pacific, to find out their intentions regarding joining the Agreement and to encourage them to do so. The members were asked about any action taken. Costa Rica reported that it had established informal contacts with Belize and Honduras, but had not yet received any formal response.

The Panel discussed a request by Costa Rica to consider the possibility of issuing DMLs to vessels of flags of nations not participating in the La Jolla Agreement but operating under charter, or similar arrangements, in nations signatory to the Agreement. The Panel instructed the Secretariat to prepare a report on this subject, to be presented at the next meeting of the Panel.

**13. Possible inclusion in IDCP of vessels of less than 400 short tons capacity**

The Panel discussed a report, prepared by the Secretariat in accordance with the Panel's instructions at its last meeting, describing the operations of vessels which are not covered by the La Jolla Agreement because they are of less than 400 tons carrying capacity. The report, based on data taken from vessel logbooks, includes data on ports of departure and arrival, fishing areas, duration of trips, sets by type, and catches. The Panel agreed to discuss the subject in more detail, on the basis of the report, at a future meeting.

**14. Procedures for incorporation of government members to the Panel**

The Panel agreed to recommend to the Intergovernmental Plenary a change in the text of the La Jolla Agreement and in the IRP's Rules of Procedure, to allow all nations which are members of the IATTC and party to the Agreement for the Conservation of Dolphins to be entitled to membership in the Panel. The amendments are shown in Appendix 3.

**15. Appointment of non-governmental members**

The Secretariat reported that, following the procedure agreed at the Intergovernmental Meeting held in Santa Marta for the election of non-governmental members to the Panel, Mrs. Rosa María P. de Armas and Messrs. Alfonso Rosiñol Lliteras and Jaime Basadre Andraca had been elected as industry representatives, with Mr. Carlos A. Arbelaez as alternate. Ms. Holly Payne (World Wildlife Fund), Ms. Nina Young (Center for Marine Conservation), and Mr. Héctor López (Fundación para la Defensa de la Naturaleza) had been elected to represent environmental organizations, with Ms. Kate O'Connell (Whale and Dolphin Conservation Society) as alternate.

Further amendments of the IRP's Rules of Procedure covering the election and service of non-governmental members were discussed and drafted for consideration by the intergovernmental meeting (Appendix 4).

**16. Working group for the study of rules and procedures for entry of new fleets to the EPO**

The Panel decided this issue should be addressed by a working group, which would study the matter, with the help of the Secretariat, and present a report at the next meeting of the IRP as a basis for further discussion. The group should also address the concerns discussed under agenda item 12. However, it was agreed that the matters lay within the competence of the intergovernmental meeting, and no action was taken.

**17. Place and date of next meeting**

The Panel agreed to hold its next meeting in La Jolla (USA) in October, on a date to be decided later.

**18. Other business**

No other business was discussed.

**19. Adjournment**

The meeting was adjourned at 7:30 p.m. on June 3, and the participants thanked the Presider for his effective direction of the meeting.

Appendix 1.

PANEL INTERNACIONAL DE REVISION  
INTERNATIONAL REVIEW PANEL

15ª REUNION - 15<sup>TH</sup> MEETING

Puntarenas, Costa Rica  
1 y 2 de junio de 1997 - June 1-2, 1997

ASISTENTES - ATTENDEES

COLOMBIA

JAIRO H. ARIAS PUERTA  
Ministerio de Agricultura y Desarrollo Rural

OSVALDO PÉREZ M.  
FOCION ESCORCIA  
Instituto Nacional de Pesca y Acuicultura

ARMANDO HERNÁNDEZ  
Cámara de la Industria Pesquera - ANDI

COSTA RICA

JAIME BASADRE OREAMUNO  
JORGE CAMPOS MOSQUERA  
VICTORIA DOMINGO MORA  
FERNANDO VÍQUEZ ALFARO  
INCOPECA

TANIA LÓPEZ LEE  
ANGELA RAUFF CIESLAK  
Ministerio de Comercio Exterior

JORGE A. RODRÍGUEZ  
Universidad Nacional

ECUADOR

NANCY CELY ICAZA  
LUIS TORRES NAVARRETE  
GUSTAVO GONZÁLEZ CABAL  
Ministerio de Comercio, Industria, y Pesca  
JOFFRE CAMPAÑA MORA

MEXICO

CARLOS CAMACHO G.  
MARA MURILLO  
PABLO ARENAS  
GUILLERMO COMPEAN  
SEMARNAP

MARK ROBERTSON

PANAMA

RICARDO MARTÁNS G.  
Ministerio de Comercio e Industrias

UNITED STATES

WILLIAM HOGARTH  
WANDA CAIN  
National Marine Fisheries Service

JUDSON FEDER  
National Oceanic and Atmospheric Administration

VENEZUELA

JEAN-FRANÇOIS PULVENIS  
Ministerio de Relaciones Exteriores

HUGO ALSINA LAGOS  
SARPA

LUISA BERNAL  
Ministerio de Industria y Comercio

RAÚL ROMERO  
LORENZO RAVAGOS

ORGANIZACIONES NO GUBERNAMENTALES-NON-GOVERNMENTAL ORGANIZATIONS

HÉCTOR LÓPEZ  
Fudena

GERALD LEAPE  
Greenpeace International

KATHLEEN O'CONNELL  
Whale & Dolphin Conservation Society

HOLLY PAYNE  
World Wildlife Fund

INDUSTRIA ATUNERA-TUNA INDUSTRY

CARLOS ARBELAEZ  
Seatrading International

JAIME BASADRE A.  
Sardimar S.A.

ALFONSO ROSIÑOL L.  
CANAINPES

**DRAFT**

**Appendix 2.**

**INTERNATIONAL REVIEW PANEL**

**15<sup>TH</sup> MEETING**

June 1 and 2, 1997

Puntarenas, Costa Rica

**AGENDA**

1. Opening of meeting
2. Election of Presider
3. Approval of agenda
4. Approval of minutes of the 14th Meeting of the IRP and 1996 IRP Annual Report
5. Observer identification cards
6. Gear requirements for vessels without DMLs
7. Time elapsed from start of set to end of backdown
8. Dolphin Mortality Limits (DMLs):
  - a) Review of 1997 DMLs
  - b) DMLs for the second semester of 1997
9. Review of observer data
10. Procedures for dealing with special problem sets
11. Confidentiality of information
12. Cooperation of nations not party to the Agreement with vessels in the EPO
13. Possible inclusion in IDCP of vessels of less than 400 short tons capacity
14. Procedures for incorporation of government members to the Panel
15. Appointment of non-governmental members
16. Working group for the study of rules and procedures for entry of new fleets to the EPO
17. Place and date of next meeting
18. Other business
19. Adjournment

Appendix 3.

The Panel recommends that the Intergovernmental Meeting amend Appendix II (The Review Panel), Section III (Composition of the Panel), of the 1992 Agreement for the Conservation of Dolphins by replacing the words

“The Review Panel shall be composed of five or more representatives of governments and six representatives of non-governmental organizations. Of the latter, three shall be representatives of environmental organizations and three 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.”

with the words:

“The Review Panel shall be composed of five or more representatives of governments and six representatives of non-governmental organizations. Of the latter, three shall be representatives of environmental organizations and three shall be representatives of the tuna-fishing industry. Any government that is party to the 1992 Agreement for the Conservation of Dolphins, and that either has at least one vessel of carrying capacity greater than 400 short tons fishing under its flag in the eastern Pacific Ocean or is a member of the Inter-American Tropical Tuna Commission, may become a member of the Panel.”

The IRP's Rules of Procedure shall be similarly amended, as follows:

“Rule I. a) 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 or which are members of the Inter-American Tropical Tuna Commission ("government members"). There shall be six additional members of the Panel ("non-government members"): three representatives of environmental organizations and three representatives of the tuna-fishing industry, to be appointed by the government members in accordance with these rules.”

Appendix 4.

INTERNATIONAL REVIEW PANEL  
RULES OF PROCEDURE

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 1997.
- b) Non-government members elected to the Panel subsequently shall serve from the commencement of the first regular meeting of the Panel<sup>1</sup> held in the year of their election 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' period of participation is due to expire, the Director of the IATTC, in coordination with the member governments, shall seek to ensure that environmental organizations and the tuna industries of all nations party to the Agreement put forward their candidates. These candidatures shall be sent to the Director of the IATTC by February 28 of that year. Nominations shall be accompanied by the proposed non-governmental member's résumé. Serving non-government members shall be eligible for re-election for a further term.
- d) Once the candidatures are received, the Director of the IATTC shall consult the government members in writing, by March 10 of that year, in order to obtain their votes to elect the new non-governmental members who shall participate in the Panel. The government members shall send their votes to the Director of the IATTC by March 30 of that year. In that election four candidates from each non-governmental sector shall be elected. The three candidates from each sector who win the most votes shall be designated members, while the fourth shall be designated the alternate. In the event of a tie, the Director of the IATTC shall seek the vote of the governmental members to elect the member and the alternate.
- e) Should a non-governmental member's position fall permanently<sup>2</sup> vacant, he/she shall be replaced by the alternate, and the government members shall be consulted regarding the election of a new alternate, in accordance with the provisions of paragraphs (c) and (d). If additional vacancies occur, the government members shall be consulted within twenty days of the non-governmental member's departure, in order to seek new candidatures and carry out the voting process. 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.
- f) With sufficient reason, the government members may terminate the appointment of a non-government member prior to the expiration 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.
- g) Non-governmental members shall give the Director of the IATTC thirty days' notice if they are unable to attend a meeting, in order to allow time to notify the alternate.

Alternates

- Rule III. Each alternate may attend the meetings of the Panel, but shall have no speaking rights if all the non-governmental members of his/her respective sector are present.

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<sup>1</sup> The regular meeting of the Panel is held at the time of the annual meeting of the IATTC.

<sup>2</sup> A vacancy shall be considered permanent in the following cases: resignation, physical incapacity, or failure to participate in three consecutive meetings of the Panel.

