

INTERNATIONAL REVIEW PANEL
MINUTES OF THE 18TH MEETING

June 8-9, 1998
La Jolla, California, USA

The 18th meeting of the International Review Panel (IRP) was held in La Jolla, California, USA, on June 8 and 9, 1998. The participants are listed in Appendix 1.

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

The meeting was called to order at 9:20 a.m. on June 8. Dr. William Hogarth, of the United States, was elected Presider.

3. Approval of agenda

The provisional agenda was modified to incorporate two additional items, the distribution of the per-stock, per year mortality caps and a system of certification and training for fishing captains, both contemplated in the 1998 Agreement on the International Dolphin Conservation Program (IDCP). The final agenda is attached as Appendix 2.

4. Approval of minutes of the 17th Meeting of the IRP

The minutes of the 17th meeting of the IRP were approved as presented.

5. Dolphin Mortality Limits (DMLs):

a) Review of 1998 DMLs

Full-year DMLs of 66 animals were issued to 98 vessels. Of the 26 vessels which did not utilize their DMLs during the first semester; 14 had fished, but not on dolphins, and the other 12 had been inactive. Thirteen vessels forfeited their DMLs for not utilizing them, but the Panel decided that the other 13 vessels (8 Mexican, 3 Venezuelan, 1 Vanuatu, and 1 Honduran vessel operating under Costa Rican jurisdiction), which had not utilized their DMLs during the first semester due to extraordinary circumstances, be allowed to keep them through the end of the year.

b) DMLs for the second semester of 1998

The Panel issued second-semester DMLs of 33 dolphins each to 3 Vanuatu and 2 Venezuelan vessels.

6. Funding of the IDCP

a) Proposed increases in vessel assessments

The Panel discussed a proposal to increase the current levy of US\$ 12 per short ton of carrying capacity to US\$ 14. The \$230,000 thus raised would pay for an increase in the wages paid to the observers to offset their increased responsibilities under the new IDCP Agreement (\$100,000), organizing and coordinating the meetings and working groups formed to address various issues, including hiring a person to take charge of this aspect of the IDCP (\$110,000), and simultaneous interpretation at IRP meetings (\$20,000). The Panel asked the Secretariat to form a working group to study and report on the questions of determining the capacity of vessels for the purpose of levying fees, and to prepare a document outlining the various possibilities for the next meeting of the Panel.

b) Reimbursement of travel costs associated with net alignments

The Panel discussed the question of reimbursing the IATTC for the travel costs associated with performing net alignments on vessels, and considered four proposals: (1) that the IATTC bill individual vessels for the costs incurred; (2) that the vessel capacity fee be increased to \$14.50 or \$15 per ton; (3) that the IATTC member governments increase their contributions to the general budget to offset these costs; and (4) that all governments participating in the program divide the cost among themselves and pay the IATTC directly. The Panel decided that the vessels should pay, but that the individual governments should be responsible for collecting the money from their flag vessels and sending it to the IATTC.

7. Tuna tracking

A report on the previous meetings of the permanent working group on this subject was presented, and the group met twice more during the week. Its report is attached as Appendix 3.

8. Annual Report for 1997

The Panel's Annual Report for 1997, prepared by the Secretariat, was approved with minor corrections.

9. Determination of a night set

The Panel approved a procedure to follow in determining whether a particular case should be presented to the Panel for review (Appendix 4), and agreed that it would maintain its existing criteria for defining a night set. It also decided that, in cases in which the observer's estimate of the time of sunset did not agree with the time calculated by a computer program from almanac data, the computer time should be regarded as correct.

10. Review of observer data

The Secretariat presented the data reported by IATTC observers relating to possible infractions which had occurred since the Panel's previous meeting. The Panel decided that governments should be informed automatically if a pattern of behavior was detected of a vessel or captain 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. The Panel also discussed the matter of infractions committed by vessels of nations not participating in the program, and agreed that the questions of using diplomatic channels to encourage these nations to join and of whether such fleets should be subject to the same rules of confidentiality as participating nations should be discussed in the intergovernmental plenary meeting.

Regarding a request made by a vessel captain to review a set in which dolphins had died, but the captain considered that the mortalities had resulted from the actions of a third party over which he had no control, the Panel decided that any such requests would be entertained only if they were presented by governments. Subsequently, after the government concerned requested that the matter be addressed, the set was reviewed.

The Panel discussed a proposed system for determining whether cases of sets with no backdown and/or no rescue attempts should be presented for review (Appendix 5), but postponed a decision on whether to adopt it until its next meeting.

11. Procedures for dealing with special-problem sets

The Secretariat was asked to prepare a document on this issue for the next meeting of the Panel, to serve as terms of reference for a working group which would attempt to find a long-term solution.

12. Confidentiality of information

With reference to requests for information made to the Secretariat about DMLs for individual vessels, the Panel decided that, until the rules governing the release of confidential information called for in the IDCP Agreement were drawn up, the existing policy of not releasing such information should be followed.

13. Use of divers in dolphin rescue

The Secretariat presented data showing that during 1994-1997 the incidence of use of divers in dolphin-rescue operations had risen from 50% of sets to 80%. The average number of dolphins left in the net after backdown had fallen and the number released from the net had risen, and the overall effect appeared to be beneficial. The Panel discussed the question of whether divers could be used to hide some mortalities from the observers, and decided to establish a working group to study the various aspects of the use of divers for dolphin rescue.

14. Distribution of per-stock, per-year mortality caps

The Mexican delegation presented data on the levels of incidental mortality of the various stocks of dolphins caused by each national fleet, and the Panel discussed possible systems for apportioning the limits among the fleets, as called for in Annex III of the IDCP Agreement. It was noted that such a system might prove unnecessary if the overall mortality remained low. The Panel agreed that the Secretariat should convene a working group to study the matter further and present recommendations.

technical.

15. Certification and training for fishing captains

The Panel approved a system for training and certifying fishing captains and crews on the use of gear and techniques for the rescue and safety of dolphins (Appendix 6). The Panel decided to ask the intergovernmental plenary meeting to establish a permanent working group to study the matter further and determine how this system could be put into effect.

16. Place and date of next meeting

The Panel agreed to hold its next meeting in La Jolla (USA) in the first two weeks of October.

17. Other business

No other business was discussed.

18. Adjournment

The meeting was adjourned at 2:00 p.m. on June 9.

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Appendix 1.

**PANEL INTERNACIONAL DE REVISION
INTERNATIONAL REVIEW PANEL**

18ª REUNION – 18th MEETING

La Jolla, California

8 al 9 de junio de 1998 - June 8-9, 1998

ASISTENTES - ATTENDEES

COLOMBIA

FERNANDO PEREIRA VELAZQUEZ
Ministerio de Agricultura y Desarrollo Rural

ORLANDO MORA
Instituto Nacional de Pesca y Acuicultura

ARMANDO HERNANDEZ

ECUADOR

LUIS TORRES
FERNANDO AGUILAR
Ministerio de Comercio, Industria y Pesca

CARLOS CALERO

ESPAÑA – SPAIN

CARLOS LARRAÑAGA GES
Secretaría General de Pesca

JAVIER ARIZ
Instituto Español de Oceanografía

MEXICO

MARA MURILLO C.
GUILLERMO COMPEAN
RICARDO BELMONTES
PEDRO ULLOA
HUMBERTO ROBLES RUIZ
MICHEL DREYFUS
SEMARNAP

UNITED STATES – ESTADOS UNIDOS

WILLIAM HOGARTH
J. ALLISON ROUTH
PATRICIA DONLEY
WANDA CAIN
SVEIN FOUIGNER
National Marine Fisheries Service

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

RAUL ROMERO

ORGANIZACIONES NO GUBERNAMENTALES-NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG
Center for Marine Conservation

KATHLEEN O'CONNELL
Whale and Dolphin Conservation Society

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

INDUSTRIA ATUNERA-TUNA INDUSTRY

ROSA Ma. P. DE ARMAS
CAVENPESCA

JUAN VELAZQUEZ
CANAINPES

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Appendix 2.

INTERNATIONAL REVIEW PANEL

18TH MEETING

June 8-9, 1998

La Jolla, California, USA

AGENDA

1. Opening of meeting
2. Election of Presider
3. Approval of agenda
4. Approval of minutes of the 17th meeting of the IRP
5. Dolphin Mortality Limits (DMLs):
 - a) Review of 1998 DMLs
 - b) DMLs for the second semester of 1998
6. Funding of the IDCP
 - a) Proposed increases in vessel assessments
 - b) Reimbursement of travel costs associated with net alignments
7. Tuna tracking
8. Annual Report for 1997
9. Determination of a night set
10. Review of observer data
11. Procedures for dealing with special-problem sets
12. Confidentiality of information
13. Use of divers in dolphin rescue
14. Distribution of per-stock, per-year mortality caps
15. Certification and training for fishing captains
16. Place and date of next meeting
17. Other business
18. Adjournment

Appendix 6.

CAPTAIN INCENTIVES, TRAINING AND CERTIFICATION

Existing Provisions of IDCP Agreement of 1998

- The Parties shall establish "... a system of technical training and certification for fishing captains and crews on the gear and its use, as well as the techniques for the rescue and safety of dolphins" [Art. V(1)(b)].
- In respect to violations, each Party shall apply sanctions "... to deprive offenders of the benefits accruing from their illegal activities. Such sanctions shall, for serious offenses, include refusal, suspension or withdrawal of the authorization to fish" [Art. XVI(2)].
- "The Parties shall establish incentives for the captains and crews of vessels, with the view to enhancing compliance with this Agreement and its objectives" [Art. XVI(3)].
- The IRP shall prepare a list of vessels qualified to receive a DML, including that "its captain and crew have received approved training in dolphin release and rescue techniques comparable to a standard established by the Meeting of the Parties ..." and that "... it has a captain considered qualified due to his prior record of performance ..." [Annex IV(2)]
- As a limitation on distribution by the Director of any Reserve DML Allocation (RDA), it is required that applicant "vessels and their captains meet the operational requirements set forth in Annex VIII and Section I, paragraphs 2 and 3 of [Annex IV]" [Annex IV(1)(6)].
- The IRP shall "... maintain a list of those fishing captains determined to be complying with established performance requirements, based on the information provided by each of the Parties" [Annex VII(1)(e)].
- The IRP shall recommend the adoption of "... appropriate incentives for captains and crews to meet the objectives of [the] Agreement." [Annex VII(1)(f)]

Definition of Fishing Captain

A Fishing Captain, Skipper, and/or Fishing Technician, titles that may be used interchangeably, shall be defined as the individual aboard a vessel who is responsible for fishing operations while at sea. Such individual shall be the principal authority for fishing operations aboard that vessel and all other persons involved in fishing operations aboard such vessel while at sea shall be under his authority and responsibility. Such individual shall be so identified by the national authority under whose flag the vessel operates or by the owner of the vessel on which he serves, in that order.

Establishment and Maintenance of Central Database on Fishing Captains

Consistent with Annex VII(1)(e) and Annex IV(2) of the IDCP Agreement of 1998 (the Agreement), with information and data provided to the IRP by each of the Parties to that Agreement, the Secretariat shall establish and maintain a central database on the professional background of fishing captains requesting national certification as a fishing captain aboard a vessel requesting a DML. Such professional background shall include information and data concerning:

- the individual's relevant fishing experience, particularly that experience and expertise related to commanding purse-seine fishing operations in association with dolphins in the eastern Pacific Ocean (EPO);
- the individual's record of attendance in training and/or retraining programs;
- relevant dolphin-fishing performance data, including average dolphin mortality data for sets made in association with dolphins; and
- any relevant sanction and compliance history related to fishing operations under the individual's command, including the nature and disposition of possible infractions reported to the appropriate national authority by the IRP.

Tracking Patterns of Adverse Behavior by Fishing Captains and/or Vessels

The central database on fishing captains shall, in addition to being used for purposes of certification of fishing captains as described below, be used, with a set of criteria developed by the IRP, to identify captains and/or vessels that have not established patterns of behavior that violate the spirit or undermine the effectiveness of the Agreement. The IRP and the Secretariat shall provide the Meeting of the Parties with regular, detailed reports, under the established criteria, concerning the patterns of actions and results of the fishing captains participating in the fishery. The Meeting of the Parties may direct that this information be communicated to the Party under whose jurisdiction the fishing captain and/or vessel operate.

Regardless, in the above-referenced reports and communications, the names of the vessels and the nations under whose jurisdiction they operate shall be subject to strict rules of confidentiality, consistent with the rules and practices of the IRP, provided that the names of the captains shall not be subject to such restrictions. Provided further that, in the case of a vessel which has a permit to fish in the Agreement Area and/or a DML, but which flies the flag of a nation not Party to the Agreement, such vessel and/or flag shall not be subject to the confidentiality protections afforded other vessels under this paragraph.

In addition to the above-referenced reports, the IRP and the Secretariat shall call to the special attention of the Meeting 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.

Technical Training Requirements for Fishing Captains

Consistent with Article V(1)(b) of the Agreement, the Parties shall, at the June 1998 meeting of the IATTC, establish a system of technical training for fishing captains and crews on the gear and its use, as well as the techniques for the rescue and safety of dolphins. Such system shall include the following requirements, but shall not diminish more stringent requirements which might be established by individual Parties for fishing captains and crews under their jurisdiction:

- the establishment of minimum experience requirements for fishing captains of vessels requesting a DML;
- the establishment of mandatory training requirements for new captains with no prior experience in the EPO commanding fishing operations for tuna in association with dolphins, including a requirement that the individual serve as Deck Boss for at least one full trip aboard a purse-seine vessel fishing for tuna in association with dolphins in the EPO, consistent with Article IV(2) of the Agreement; and
- the recommendation of retraining requirements for captains who demonstrate a substandard level of competence in commanding fishing operations for tuna in association with dolphins, as measured by performance data supplied to the IRP by the Parties for purposes of maintaining the central database of fishing captains described below.

Certification of Fishing Captains

Consistent with Article V(1)(b) of the Agreement, the Parties shall, during the IATTC Meeting in June 1998, establish a system of certification for fishing captains commanding fishing operations on vessels requesting a DML. The central database on fishing captains shall be available to the Parties for purposes of implementing such certification system, with particular emphasis on information on fishing captain training and experience, as well as relevant data on the individual captain's performance in fishing for tuna in association with dolphins.

