

26TH

MINUTES OF THE INTERGOVERNMENTAL MEETING HELD IN CONJUNCTION WITH THE 52ND MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

La Jolla, California, USA, October 26-27, 1993

The Intergovernmental Meeting held in conjunction with the 52nd meeting of the Inter-American Tropical Tuna Commission (IATTC) took place in La Jolla, California, USA, on October 26-27, 1993. Representatives from Colombia, Costa Rica, Mexico, Panama, the United States, Vanuatu, and Venezuela, and observers from Japan, Spain, the European Economic Community, the Fishermen's Coalition, and the Fundación para la Defensa de la Naturaleza (FUDENA) attended the meeting. The attendees are listed in Appendix 1.

Agenda Item 1 - Opening of the Meeting

The meeting was opened by Dr. James Joseph, Director of the IATTC, on October 26, 1993, at 2:20 p.m.

Agenda Item 2 - Election of Chairman and Rapporteur

Dr. Joseph called for nominations for Chairman of the meeting. Dr. Francisco Herrera Terán of Venezuela nominated the United States, and Dr. Alejandro Londoño García of Colombia seconded the nomination. As there were no other nominations, Mr. Henry R. Beasley accepted on behalf of the United States, and appointed Mr. Brian Hallman as Chairman of the meeting. Mr. Hallman asked Dr. Joseph if an IATTC staff member would record the minutes of the meeting, and Dr. Joseph replied affirmatively.

Agenda Item 3 - Adoption of Agenda

Mr. Hallman opened the floor for discussion of the draft agenda prepared by the staff of the IATTC. After some discussion, it was agreed that Agenda Item 5 would be discussion of labelling to identify products made from tuna caught in compliance with the International Dolphin Conservation Program (IDCP), and that Agenda Items 5 through 8 of the draft agenda would become Agenda Items 6 through 9.

Agenda Item 4 - Report of the Special Working Group on Technical Issues Associated with the Revision of Dolphin Mortality Limits (DMLs)

Mr. Hallman called upon Dr. Herrera, chairman of the working group, to report on its findings. The working group, which met on October 25, 1993, in La Jolla, California, USA, had discussed a variety of options, but could not reach a consensus regarding any of them. A copy of its report (Appendix 2) was distributed to the attendees of the meeting.

Agenda Item 5 - Labelling to Identify Products Made from Tuna Caught in Compliance with the International Dolphin Conservation Program

Mr. Hallman called upon Dr. Herrera, who spoke about a set of standards which had been drafted for labelling of products made from tuna caught in compliance with the IDCP. Dr. Herrera called the attendees' attention to a draft statement which had been distributed. Essentially, it encouraged parties to the Agreement for the Conservation of Dolphins adopted at the intergovernmental meeting of June 1992 to establish an international standard for the labelling of tunas caught in the eastern Pacific Ocean (EPO) in

compliance with the IDCP as "dolphin friendly." The representatives of Colombia, Costa Rica, Mexico, Panama, Vanuatu, and Venezuela were already in agreement with this standard. The representative from the United States pointed out that the United States already has a label, "dolphin-safe," which applies to tunas not caught in association with dolphins, and it is not likely that it would endorse a label, "dolphin friendly," which could be confused with "dolphin-safe." In addition, beginning in June 1994, it will be against U.S. law to sell in the United States any tuna that is not dolphin safe, so there would be no use for the label, "dolphin friendly," in the United States. After further discussion, it was agreed that a working group, consisting of representatives of Colombia, Mexico, and Venezuela, would draft a document on labelling to be circulated among the governments concerned, including that of the United States. Mr. Beasley said that the services of a representative from the United States would be available for consultation.

Agenda Item 6 - Revision of the Schedule of Global Annual DMLs

Mr. Hallman called for comments on this subject. A lengthy discussion followed. The United States favored reduction of the overall DML for 1994 (set at 15,500 animals in the Agreement for the Conservation of Dolphins adopted at the intergovernmental meeting of June 1992) to equal or less than the mortality due to fishing which occurred in 1993 (which is expected to be between 3,000 and 4,000 animals). The other countries favored a greater overall DML, arguing that a low overall DML would penalize the fishermen for performing unexpectedly well in 1993 and that circumstances might change in 1994, making it difficult for the fishermen to perform as well in 1994 as they had in 1993. They pointed out that the mortalities due to fishing by non-U.S. vessels were less than the mortality limits specified by the United States for its own vessels (20,500 animals per year from 1980 through 1992), and argued that the United States should make concessions regarding embargoes of fish caught by other nations to reciprocate for reductions in the overall DMLs. It was agreed that the working group on reduction of overall DMLs would meet that evening for further discussion.

The meeting was adjourned for the day at 5:35 p.m.

The meeting was reconvened on October 27, 1993, at 7:00 p.m. Mr. Hallman called upon Mr. Dámazo Luna of Mexico, chairman on the working group on reduction of the overall DML for 1994. Mr. Luna summarized the consensus of the working group, which called for reduction of the overall DML for 1994 from 15,500 to 9,300 animals. Mr. Héctor López Rojas of FUDENA was granted permission to speak; he spoke in favor of a lower overall DML, stating that this would ensure the support of moderate environmental groups. Mr. Felipe Charat of Mexico took the opposite position, emphasizing that results, not appearances, are important, and that the results of the IDCP during 1993 were better than expected. The resolution (Appendix 3) to reduce the overall DML for 1994 to 9,300 animals was approved by consensus.

A discussion took place concerning the status of the stocks of eastern spinner and coastal spotted dolphins and the special regulations of the United States to limit mortality and, in some cases, to prohibit sets on these stocks. The representative from Mexico asked if the IATTC staff could prepare a report on the condition of these stocks for distribution to the governments concerned, and Dr. Joseph replied affirmatively.

After receiving permission from Mr. Hallman, Dr. Herrera read a declaration (Appendix 4) which was agreed upon at a meeting involving

representatives from Colombia, Mexico, and Venezuela, which took place at Isla de Margarita, Venezuela, on October 15, 1993. This declaration deals with the embargo to be imposed by the United States in 1994 on tuna caught by vessels making sets on tunas associated with dolphins and on products from tuna caught by this method.

Agenda Item 5 - Labelling to Identify Products Made from Tuna Caught in Compliance with the International Dolphin Conservation Program

Mr. Hallman opened the floor for further discussion of the draft resolution on a standard of labelling for products made from tuna caught in compliance with the IDCP. After a brief discussion, a vote was taken. The resolution (Appendix 5) was passed unanimously, with the United States abstaining.

Agenda Item 8 - Other Business

Mr. Hallman said that a short draft resolution dealing with frequency of meetings of representatives of the nations party to the Agreement for the Conservation of Dolphins adopted at the intergovernmental meeting of June 1992 had been prepared. The resolution (Appendix 6) was adopted.

Agenda Item 7 - Possible Expansion of Membership of International Review Panel

Mr. Hallman called upon Dr. Joseph to speak on this subject. Dr. Joseph called attention to his memorandum of September 27, 1993 (Appendix 7), in which two possible changes to the rules concerning membership in the International Review Panel (IRP) are outlined. For the first possibility, "Membership of the IRP would be open to any government party to the Agreement for the Conservation of Dolphins that has at least one vessel of carrying capacity greater than 400 short tons fishing for tunas under its flag in the eastern Pacific Ocean." For the second possibility, "The number of voting members of the IRP would not change, but any government party to the 1992 Agreement for the Conservation of Dolphins that has at least one vessel of carrying capacity greater than 400 short tons fishing for tunas under its flag in the EPO and that is not currently a member of the IRP may send a representative to participate in the meetings of the IRP as a non-voting member." The representative of Costa Rica said he favored Possibility 1, as did the representatives of Panama, the United States, and Vanuatu. After considerable discussion concerning the technical nature of the IRP meetings, the confidentiality of the data, possible penalties for missing IRP meetings, etc., the representatives of Colombia, Mexico, and Venezuela agreed to support Possibility 1, and it was further agreed that the Rules of Procedure of the IRP would be amended as specified for the first possibility in Appendix 7.

Agenda Item 8 - Other Business

The representative from Costa Rica pointed out that there are no Rules of Procedure for the Intergovernmental Meetings, and suggested that such rules be discussed at the next Intergovernmental Meeting. Mr. Hallman said that this was an excellent idea.

The matter of granting individual DMLs to vessels flying the flag of one nation which are leased to companies registered in other nations was brought up. After some discussion, it was agreed by all parties that the ultimate responsibility for such a vessel lies with the nation represented by the flag flown by the vessel, rather than the nation in which the company is

registered. Accordingly, individual DMLs for such vessels should be requested by the nations represented by the flags flown by the vessels.

Dr. Carlos Camacho Gaos, Undersecretary of Fisheries Development of Mexico, announced that Mexico intended to rejoin the IATTC, and that a formal application for membership would be submitted in the near future. Representatives of all the member nations congratulated Mexico, and said that they would do whatever they could to expedite Mexico's re-admittance. Dr. Joseph said that he would do everything possible to facilitate Mexico's re-adherence.

Agenda Item 9 - Adjournment

There being no further new business, Mr. Hallman declared the meeting adjourned at 9:35 p.m.

APPENDIX 1

INTERGOVERNMENTAL MEETING--REUNION INTERGUBERNAMENTAL
October 26-27, 1993--26 y 27 de octubre de 1993
La Jolla, California

ATTENDEES--ASISTENTES

COLOMBIA

Alejandro Londoño
Guerly Avila de Tabarés

Instituto Nacional de Pesca y Acuicultura
Instituto Nacional de Pesca y Acuicultura

COSTA RICA

Herbert Nanne Echandi
Armando Rodríguez Gutiérrez

Ministerio de Agricultura
Cámara de Comercio, Puntarenas

JAPAN--JAPON

Shingo Ota
Sally Campen

Fisheries Agency of Japan
Japan Tuna Association

MEXICO

Dámaso Luna
Carlos Camacho Gaos
Jerónimo Ramos
Guillermo Compeán
Felipe Charat

Secretaría de Relaciones Exteriores
Secretaría de Pesca
Secretaría de Pesca
Programa Atún-Delfín
CANAINPES

PANAMA

Juan Antonio Varela

Ministerio de Comercio e Industria

SPAIN--ESPAÑA

Isabel Revenga Arangüena
Javier Ariz Tellería

Secretaría General de Pesca Marítima
Instituto Español de Oceanografía

UNITED STATES OF AMERICA--ESTADOS UNIDOS DE AMERICA

Brian Hallman
Henry Beasley
Robert Macdonald
Mary Walker
Robert C. Brownell, Jr.
Elizabeth Edwards
Martin Hochman
Paul Niemeier
Steve Thompson
Michael Tillman
David Burney
Kate O'Connell
Tony Trutanich
Julius Zolezzi

Department of State
Commissioner, IATTC
Commissioner, IATTC
Commissioner, IATTC
National Marine Fisheries Service
National Marine Fisheries Service
National Marine Fisheries Service
National Marine Fisheries Service
National Marine Fisheries Service
National Marine Fisheries Service
U.S. Tuna Foundation

VANUATU

Doresthy Kenneth

Ministry of Fisheries

VENEZUELA

Francisco Herrera Terán
Jean-François Pulvenis
Santos Valero
Whitney Debevoise
Nancy Perkins

Servicio Autónomo de los Recursos Pesqueros y Acuícolas
Ministerio de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Arnold & Porter
Arnold & Porter

EUROPEAN ECONOMIC COMMUNITY--COMUNIDAD ECONOMICA EUROPEA

Peter A. Curran

Directorate-General of Fisheries

OTHER ATTENDEES--OTROS ASISTENTES

Héctor López Rojas
Teresa Platt

FUDENA, Venezuela
The Fishermen's Coalition, U.S.A

APPENDIX 2

Special Working Group on Technical Issues Associated with the Revision of Dolphin Mortality Limits (DMLs)

October 25, 1993
La Jolla, California

The Special Working Group on Technical Issues Associated with the Revision of Dolphin Mortality Limits was called to order by Mr. Francisco Herrera Teran of Venezuela at 9:30 on Monday, October 25, 1993, at the IATTC Secretariat Headquarters in La Jolla, California. Mr. Herrera chaired the Meeting. In attendance were representatives of Colombia, Costa Rica, Japan, Mexico, Panama, Spain, the United States, Vanuatu, and Venezuela. The provisional agenda for the meeting was adopted and is provided in attachment 1.

Drs. James Joseph and Martin Hall presented a review of the schedule of dolphin mortality limits set by the 1992 Intergovernmental Agreement reached in June 1992 in La Jolla and data on the trends in dolphin mortality from 1986 to 1992, and to date for 1993. To illustrate this information, a matrix of average dolphin mortality per set values (attachment 2), and tables on the 1992 mortality per set (attachment 3), 1992 mortality per set, by operator (attachment 4), 1993 mortality per set (attachment 5), and 1993 mortality per set operator (attachment 6) were provided to the Working Group.

A wide number of technical options were discussed related to the data presented, but the Working Group could not reach consensus regarding any specific technical options to put forward to the plenary at the IATTC Special Meeting and Intergovernmental Meetings to be held on October 26, 1993.

ATTACHMENT 1

Special Working Group on Technical Issues Associated with the Revision of
Dolphin Mortality Limits (DMLs)

October 25, 1993
La Jolla, California

PROVISIONAL AGENDA

1. Opening of the meeting
2. Election of the Chairman and Rapporteur
3. Approval of the Agenda
4. Review of the DML program set by the La Jolla Agreement of 1992
5. Trends in the mortality of dolphins, 1986-1992 and 1993 to date
6. Options for increasing the rate of progress of the program during 1994-1999
7. Adjournment

Matrix of Average Mortality Per Set Values*

Sets

	12500	12000	11500	11000	10500	10000	9500	9000	8500	8000	7500	7000	6500	6000
15500	1.24	1.29	1.35	1.41	1.48	1.55	1.63	1.72	1.82	1.94	2.07	2.21	2.38	2.58
15000	1.20	1.25	1.30	1.36	1.43	1.50	1.58	1.67	1.76	1.88	2.00	2.14	2.31	2.50
14500	1.16	1.21	1.26	1.32	1.38	1.45	1.53	1.61	1.71	1.81	1.93	2.07	2.23	2.42
14000	1.12	1.17	1.22	1.27	1.33	1.40	1.47	1.56	1.65	1.75	1.87	2.00	2.15	2.33
13500	1.08	1.13	1.17	1.23	1.29	1.35	1.42	1.50	1.59	1.69	1.80	1.93	2.08	2.25
13000	1.04	1.08	1.13	1.18	1.24	1.30	1.37	1.44	1.53	1.63	1.73	1.86	2.00	2.17
12500	1.00	1.04	1.09	1.14	1.19	1.25	1.32	1.39	1.47	1.56	1.67	1.79	1.92	2.08
12000	0.96	1.00	1.04	1.09	1.14	1.20	1.26	1.33	1.41	1.50	1.60	1.71	1.85	2.00
11500	0.92	0.96	1.00	1.05	1.10	1.15	1.21	1.28	1.35	1.44	1.53	1.64	1.77	1.92
11000	0.88	0.92	0.96	1.00	1.05	1.10	1.16	1.22	1.29	1.38	1.47	1.57	1.69	1.83
10500	0.84	0.88	0.91	0.95	1.00	1.05	1.11	1.17	1.24	1.31	1.40	1.50	1.62	1.75
10000	0.80	0.83	0.87	0.91	0.95	1.00	1.05	1.11	1.18	1.25	1.33	1.43	1.54	1.67
9500	0.76	0.79	0.83	0.86	0.90	0.95	1.00	1.06	1.12	1.19	1.27	1.36	1.46	1.58
9000	0.72	0.75	0.78	0.82	0.86	0.90	0.95	1.00	1.06	1.13	1.20	1.29	1.38	1.50
8500	0.68	0.71	0.74	0.77	0.81	0.85	0.89	0.94	1.00	1.06	1.13	1.21	1.31	1.42
8000	0.64	0.67	0.70	0.73	0.76	0.80	0.84	0.89	0.94	1.00	1.07	1.14	1.23	1.33
7500	0.60	0.63	0.65	0.68	0.71	0.75	0.79	0.83	0.88	0.94	1.00	1.07	1.15	1.25
7000	0.56	0.58	0.61	0.64	0.67	0.70	0.74	0.78	0.82	0.88	0.93	1.00	1.08	1.17
6500	0.52	0.54	0.57	0.59	0.62	0.65	0.68	0.72	0.76	0.81	0.87	0.93	1.00	1.08
6000	0.48	0.50	0.52	0.55	0.57	0.60	0.63	0.67	0.71	0.75	0.80	0.86	0.92	1.00
5500	0.44	0.46	0.48	0.50	0.52	0.55	0.58	0.61	0.65	0.69	0.73	0.79	0.85	0.92
5000	0.40	0.42	0.43	0.45	0.48	0.50	0.53	0.56	0.59	0.63	0.67	0.71	0.77	0.83
4500	0.36	0.38	0.39	0.41	0.43	0.45	0.47	0.50	0.53	0.56	0.60	0.64	0.69	0.75
4000	0.32	0.33	0.35	0.36	0.38	0.40	0.42	0.44	0.47	0.50	0.53	0.57	0.62	0.67
3500	0.28	0.29	0.30	0.32	0.33	0.35	0.37	0.39	0.41	0.44	0.47	0.50	0.54	0.58
3000	0.24	0.25	0.26	0.27	0.29	0.30	0.32	0.33	0.35	0.38	0.40	0.43	0.46	0.50
2500	0.20	0.21	0.22	0.23	0.24	0.25	0.26	0.28	0.29	0.31	0.33	0.36	0.38	0.42
2000	0.16	0.17	0.17	0.18	0.19	0.20	0.21	0.22	0.24	0.25	0.27	0.29	0.31	0.33
1500	0.12	0.13	0.13	0.14	0.14	0.15	0.16	0.17	0.18	0.19	0.20	0.21	0.23	0.25
1000	0.08	0.08	0.09	0.09	0.10	0.10	0.11	0.11	0.12	0.13	0.13	0.14	0.15	0.17
500	0.04	0.04	0.04	0.05	0.05	0.05	0.05	0.06	0.06	0.06	0.07	0.07	0.08	0.08

* values rounded to the nearest 0.01

ATTACHMENT 3

1992 - MORTALITY PER SET
 (6725 sets)

Mortality Per Set	Percent*	Cumulative* Percent
0	76.4	76.4
1	8.4	84.8
2	4.0	88.8
3	2.7	91.5
4	1.7	93.1
5	1.0	94.2
6	0.8	94.9
7	0.6	95.5
8	0.5	96.0
9	0.5	96.5
10	0.4	96.9
11	0.2	97.1
12	0.3	97.4
13	0.2	97.6
14	0.2	97.8
15	0.2	98.0
16	0.1	98.1
17	0.1	98.3
18	0.0	98.3
19	0.1	98.4
20	0.1	98.5
21 - 258	1.8	100.0

* percentages rounded to nearest 0.1 percent

ATTACHMENT 4

1992 - MORTALITY PER SET, BY OPERATOR
(68 operators; min. 20 sets/operator)

Mortality Interval	Percent	Cumulative Percent
< 0.2	8.8	8.8
0.2 - 0.4	13.2	22.1
0.4 - 0.6	5.9	27.9
0.6 - 0.8	17.6	45.6
0.8 - 1.0	7.4	52.9
1.0 - 1.2	4.4	57.4
1.2 - 1.4	8.8	66.2
1.4 - 1.6	1.5	67.6
1.6 - 1.8	4.4	72.1
1.8 - 2.0	1.5	73.5
2.0 - 2.2	2.9	76.5
2.2 - 2.4	1.5	77.9
2.4 - 2.6	5.9	83.8
2.6 - 2.8	1.5	85.3
3.0 - 3.2	1.5	86.8
3.4 - 3.6	1.5	88.2
4.6 - 4.8	1.5	89.7
5.2 - 5.4	1.5	91.2
5.6 - 5.8	1.5	92.6
6.6 - 6.8	1.5	94.1
6.8 - 7.0	2.9	97.1
7.6 - 7.8	1.5	98.5
20.2 - 20.4	1.5	100.0

ATTACHMENT 5

1993 - MORTALITY PER SET*
(2943 sets)

Mortality Per Set	Percent**	Cumulative** Percent
0	86.7	86.7
1	5.6	92.3
2	2.8	95.1
3	1.5	96.6
4	0.8	97.4
5	0.7	98.1
6	0.3	98.4
7	0.2	98.6
8	0.3	99.0
9	0.2	99.2
10	0.1	99.3
11	0.1	99.4
12	0.0	99.5
13	0.1	99.6
14	0.0	99.6
15	0.0	99.6
16	0.1	99.7
17	0.0	99.8
18	0.0	99.8
20	0.1	99.9
21 - 61	0.1	100.0

* partial year

** percentages rounded to nearest 0.1

ATTACHMENT 6

1993 - MORTALITY PER SET, BY OPERATOR*
(50 operators)

Mortality Interval	Percent	Cumulative Percent
< 0.05	0	
0.05 - 0.10	8.0	8.0
0.10 - 0.15	6.0	14.0
0.15 - 0.20	10.0	24.0
0.20 - 0.25	4.0	28.0
0.25 - 0.30	12.0	40.0
0.30 - 0.35	2.0	42.0
0.35 - 0.40	12.0	54.0
0.40 - 0.45	6.0	60.0
0.45 - 0.50	4.0	64.0
0.50 - 0.55	2.0	66.0
0.55 - 0.60	6.0	72.0
0.60 - 0.65	2.0	74.0
0.65 - 0.70	4.0	78.0
0.75 - 0.80	2.0	80.0
0.80 - 0.85	2.0	82.0
0.85 - 0.90	2.0	84.0
0.90 - 0.95	2.0	86.0
0.95 - 1.00	2.0	88.0
1.00 - 1.05	2.0	90.0
1.10 - 1.15	2.0	92.0
1.30 - 1.35	2.0	94.0
1.35 - 1.40	4.0	98.0
1.40 - 1.45	2.0	100.0

* minimum 20 sets per operator; partial year

APPENDIX 3

RESOLUTION ON DOLPHIN MORTALITY LIMITS FOR 1994

Recognizing the significant progress achieved by the Parties to the 1992 La Jolla Agreement (the Agreement) in reducing dolphin mortalities in the eastern Pacific Ocean (EPO), and in accordance with the decision made by the Parties in Vanuatu in June 1993 to review the schedule for dolphin mortality reductions prescribed in the Agreement,

The Parties have agreed, while maintaining the schedule prescribed in the Agreement, to reduce the permissible limit beyond the commitment made in the schedule for the year 1994, by adopting a limit of 9,300 (nine thousand three hundred) for total dolphin mortalities in the EPO in 1994. This represents a reduction of 40 percent from the existing mortality limit of 15,500 (fifteen thousand five hundred). In accordance with this decision, the Parties direct the International Review Panel to assign Dolphin Mortality Limits (DMLs) for 1994 to individual vessels based on the total EPO limit of 9,300.

Further, the Parties have agreed that, in each successive year covered by the schedule in the Agreement, they will review the schedule for future years, with the objective of determining whether reductions in that schedule can be achieved.

APPENDIX 4

JOINT STATEMENT OF THE HIGH-LEVEL GROUP FOR FISHERIES AND AQUACULTURE OF THE GROUP OF THREE (G-3)

The governments of Colombia, Mexico, and Venezuela, within the framework of the **Group of Three (G-3)** and specifically the **High-Level Group for Fisheries and Aquaculture (GANPA)**, meeting officially in Porlamar, Margarita Island, State of New Sparta, Venezuela, on October 15, 1993, and

CONSIDERING

That their fisheries policies are based on an **"optimum, rational, responsible and sustainable"** exploitation of the fisheries resource, on the basis of the best scientific evidence, and are promoted by the governments of the G-3 in international fora on fisheries.

That they reiterate their support for the results and contents of the **Declaration of Cancún**, resulting from the **International Conference on Responsible Fishing** and of the Declaration issued by the **Inter-American Conference on Responsible Fishing** held in July 1993.

That the dolphin protection program established by the member nations of the G-3, defined in their domestic fisheries policies and taken to an **Intergovernmental Agreement for the Conservation of Tunas and Dolphins** under the aegis of the Inter-American Tropical Tuna Commission (IATTC), is showing very positive results in the significant reduction of the incidental mortality of dolphins and in the recovery of the various populations of the eastern Pacific Ocean (EPO) ensuring their conservation and sustainable development.

That it is desirable to establish jointly a suitable definition for the **labelling of products or subproducts derived from tuna** for their sale in all markets and which refers to the agreements reached in matters related to the protection and conservation of dolphins.

That the nations of the GANPA declare their **rejection of the proposed moratorium** established unilaterally under the U.S. International Dolphin Conservation Act of 1992 (HR-5419), on the grounds that it affects appreciably the tuna population of the EPO, as well as other marine species.

That the Intergovernmental Agreement of La Jolla for the Conservation of Tunas and Dolphins is a multilateral regime for the management and monitoring of the tuna-dolphin problem and of the activities of the international fleet operating in the EPO with 100% national and international observers, which maintains the limits of incidental mortality of dolphins far below the limits allowed by science and in which the ten nations which fish in the EPO participate. Furthermore, the scientific evidence enjoys the greatest credibility thanks to the contributions made by the U.S. National Academy of Sciences and Department of Commerce, and governmental and non-governmental international institutions, with the participation of inter-American labor and environmental organizations such as Greenpeace and FUDENA (an associate of the World Wildlife Fund in Venezuela) and the U.S. and Mexican associations of tuna-vessel owners.

That they support the efforts made by the tuna fleet operating in the EPO to reduce the mortality of dolphins incidental to tuna-fishing through the Intergovernmental Agreement of La Jolla, and in particular the further

reduction of the mortality limits agreed to during the June 1993 meeting of governments in Port Vila, Vanuatu, as a political sign of good faith in resolving the problem of the U.S. tuna embargo.

DECLARE

1.- Their manifest interest and recommendation that the United States of America lift the unjust tuna embargo weighing on Colombia, Mexico and Venezuela, since the Intergovernmental Agreement for the Conservation of Tunas and Dolphins signed in La Jolla, California, is a realistic and successful program for the protection of dolphins in the eastern Pacific Ocean, in which the signatory nations--among them the United States--have the best diplomatic, scientific and financial resources for eliminating in a short period the mortality of small cetaceans in this part of the world and establish the technical foundations for other similar programs which may be implemented in other oceans in which this association exists.

Urge the government of the United States to maintain a policy of public information about the achievements of the International Agreement of La Jolla and to support the decision of its President, **William Jefferson Clinton**, of maintaining the mortality of cetaceans within the limits recommended by the scientific evidence and under a multilateral management and monitoring regime, to include a strong element of credibility, as evidenced in his **Report to Congress** of October 4, 1993.

2.- Vigorously reject the letter sent by a U.S. ecological organization to President **Carlos Salinas de Gortari** in which it once again attempts to confuse international public opinion, promoting measures which go against the interests of the fisheries resources of the region, the workers, the industries, as well as the most basic tenets of International Law.

3.- Propose for consideration by the signatory nations of the La Jolla Agreement the adoption of the concept of "Dolphin Friendly" or "Amigo del Delfín" for those products derived from tuna captured in full compliance with the standards of nations and of the **Intergovernmental Agreement for the Conservation of Tunas and Dolphins**.

For the Government of Colombia:

Dr. ALEJANDRO LONDOÑO
Director-General of the National Institute of Fisheries and Aquaculture (INPA)

For the Government of Mexico:

Dr. CARLOS CAMACHO GAOS
Undersecretary to the Fisheries Secretariat (SEPESCA)

For the Government of Venezuela:

Dr. FRANCISCO HERRERA TERAN
Director-General of the Autonomous Service for Fisheries and Aquaculture Resources (SARPA)

APPENDIX 5

The governments of Colombia, Costa Rica, Mexico, Panama, Vanuatu, and Venezuela, have decided on the following:

"Encourage all Parties to the 1992 La Jolla Intergovernmental Agreement to establish an international standard for labelling tuna and tuna products caught in the eastern Pacific Ocean (EPO) with a label and/or certificate which states "Dolphin Friendly," to be reserved for tuna that is caught by a vessel that has complied with the conditions of the International Dolphin Conservation Program, as documented by an accompanying certificate issued by one of the observer programs recognized by the governments party to the abovementioned Agreement."

APPENDIX 6

The Parties to the 1992 La Jolla Intergovernmental Agreement express their willingness to hold such consultations and/or extraordinary meetings as may be necessary whenever the individual circumstances and/or positions of the Parties indicate that progress can be achieved in attaining the objectives of the Agreement.

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISION INTERAMERICANA DEL ATUN TROPICAL

COSTA RICA - FRANCE - JAPAN - NICARAGUA - PANAMA - UNITED STATES OF AMERICA - VANUATU - VENEZUELA

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla, CA 92037-1508, U.S.A.
Tel: (619) 546 7100 - Fax: (619) 546 7133 - Telex: 697115 - Director: James Joseph

September 27, 1993
Ref: 0716-430

TO: Governments party to the 1992 Agreement for the Conservation of Dolphins
FROM: Director
SUBJECT: Membership of the International Review Panel

During the Intergovernmental Meeting (IGM) held in Port Vila, Vanuatu, on June 9-10, 1993, the possibility of broadening participation in the activities of the International Review Panel (IRP) was discussed, and two proposals were put forward. The first called for expanding the number of government members, currently five, to include representatives of other governments with special interests in the IRP's activities. The second called for maintenance of the current number of government members, but provided for representatives of certain other governments to participate in all activities of the IRP except voting.

The Secretariat of the IRP was instructed by the IGM to prepare draft modifications to the 1992 Agreement for the Conservation of Dolphins and the Rules of Procedure of the IRP which would reflect the intentions of these two proposals. With this in mind, the following two possibilities are presented for your evaluation and for action at the IGM scheduled for October 26 and 27, 1993, in La Jolla.

Possibility 1

Membership of the IRP would be open to any government party to the Agreement for the Conservation of Dolphins that has at least one vessel of carrying capacity greater than 400 short tons fishing for tunas under its flag in the eastern Pacific Ocean.

Appendix II, Section III, of the Agreement for the Conservation of Dolphins would be amended to read:

"The Review Panel shall be composed of five or more representatives of governments and four representatives of non-governmental organizations. Of the latter, two shall be representatives of environmental organizations and two 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. The government representatives shall be voting members, and the non-governmental representatives shall be non-voting members. The IATTC will provide a non-voting Secretariat for the Panel."

Rule I. a) of the Rules of Procedure of the IRP would be amended to read:

"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

("government members"). There shall be four additional members of the Panel ("non-government members"), two representatives of environmental organizations and two representatives of the tuna-fishing industry, to be appointed by the government members in accordance with these rules."

Rule V. a) of the Rules of Procedure would be amended to read:

"The Panel shall strive to reach a consensus on all matters. In the event that this is not possible, all decisions, resolutions, recommendations, and other official actions of the Panel shall be taken by a majority of at least two thirds of the voting members. Voting at meetings of the Panel shall be by show of hands, or by roll call, as in the opinion of the Presider (see Rule X.c) appears more suitable."

Possibility 2

The number of voting members of the IRP would not change, but any government party to the 1992 Agreement for the Conservation of Dolphins that has at least one vessel of carrying capacity greater than 400 short tons fishing for tunas under its flag in the eastern Pacific Ocean and that is not currently a member of the IRP may send a representative to participate in the meetings of the IRP as a non-voting member.

Appendix II, Section III, of the Agreement for the Conservation of Dolphins would be amended to read as follows:

"The Review Panel will be composed of nine or more members, five of whom shall be representatives of resolving governments with vessels participating in the fishery. Two members of the Panel shall be representatives of environmental organizations and two shall be representatives of the tuna-fishing industry. These four members shall be selected by the government representatives on the Panel. The five government representatives shall be voting members; the four non-governmental representatives shall be non-voting members. The IATTC will provide a non-voting Secretariat for the Panel.

In addition, any government party to the Agreement for the Conservation of Dolphins that has at least one vessel of carrying capacity greater than 400 short tons fishing for tunas under its flag in the eastern Pacific Ocean and that does not have a representative on the Panel shall, upon expressing its interest in participating to the Secretariat of the Panel, be invited to attend the meetings of the Panel as a non-voting member."

In addition, numerous changes, most of them minor, would be required for the Rules of Procedure.

These two possibilities, along with others that may be introduced by government representatives, will be discussed at the forthcoming IGM in October.