

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

40TH MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)
22 OCTOBER 2019

DOCUMENT AIDCP-40-INF B

IATTC OBSERVERS: PAST, CURRENT AND FUTURE MANAGEMENT POLICY

1. INTRODUCTION

This document has been prepared in response to the request made by the AIDCP Parties at their 39th meeting in Bilbao, Spain, in July 2019. During the meeting, the Parties agreed: “2. *To request the Director, prior to the implementation of a new program management policy that may affect current observers, to present to the next Meeting of the Parties, for its consideration and other relevant purposes, the content of the new policy, including considerations on the relevant technical and legal aspects.*” (39 MOP, Minutes, Appendix 5).

2. BACKGROUND

During its 33rd meeting in Managua, Nicaragua, in 1976, the Inter-American Tropical Tuna Commission (IATTC), approved the implementation of a research program on the relationship between tunas and dolphins in the eastern Pacific Ocean, and its effect on the dolphin populations, which was called at the time the Tuna-Dolphin Program. Its objective was to “*strive to maintain a high level of tuna productions and also to maintain dolphin stocks above levels that assure their survival in perpetuity, with every reasonable effort being made to avoid needless or careless killing of dolphins*”.

This program included, among others, a subprogram to place observers onboard tuna purse seiners to assess mortality of dolphins and its causes and impact on populations. The placement on board of IATTC observers under that program started in early 1979. At the time, it was not mandatory and, through its scientific staff, the IATTC decided as a goal to place observers on 33% of the trips of the international fleet of class-6 purse seine vessels (i.e. vessels with a carrying capacity higher than 363 t and therefore with a potential to make sets on dolphins), as an appropriate sampling of the activity of this component of the fleet.

As it is a well-known, the Tuna-Dolphin Program allowed for a progressive reduction of dolphin mortality in the fishery, thanks not only to the data collected by observers and the work done by the IATTC staff in coordination with gear experts, but more importantly, the cooperation and effort of the owners and operators of the vessels including managers, captains and crew members.

These efforts were broadened and systematized with the adoption in 1992, the La Jolla Agreement, which provided a framework for coordinated international efforts to further reduce this mortality, including the introduction of a novel and effective scheme, the allocation of Dolphin Mortality Limits (DMLs) to individual vessels. The Agreement also required that observers would be placed on board for all trips of Class-6 purse seine vessels in the Eastern Pacific Ocean (EPO), with IATTC observers for at least half of these trips. The 1992 La Jolla Agreement was the first step towards the adoption a few years later of the [Agreement on the International Dolphin Conservation Program \(AIDCP\)](#), a legally-binding multilateral treaty which was signed in May 1998 and entered into force in February 1999. Under this new Agreement and as spelled out in its Annex II, all Parties are bound to require that their class 6 purse seine vessels carry on board observers during each fishing trip in the Agreement Area. The Agreement also states that at least 50% of these observers must be IATTC observers, as previously under the La Jolla agreement. Annex II of the

Agreement also regulates precisely the duties of the observers and those of the Parties and their captains.

Over the years, the interest and utility of the data collected by observers for purposes other than those of the AIDCP and beyond its framework have become increasingly manifest. These data have become an essential component of the information processed and used by the IATTC scientific staff to assess and propose conservation and management measures under the 2003 Antigua Convention.

3. PROCEDURES FOR THE SELECTION, TRAINING AND CONTRACTING OF IATTC OBSERVERS

In view of the requirements, needs and expectations deriving from the above, only professionals from the various natural science fields with emphasis in biological sciences are recruited as potential observers, usually in universities. Applicants must first complete a three-weeks long course that includes information on the fishing gear and procedures, identification of marine species, and instructions on data collecting procedures, as identified in the field manual prepared, and constantly updated, by the staff.

Once they have successfully completed this training, observers are offered a contract for one trip. These contracts are signed at the locations of the IATTC field offices, currently: Mazatlán and Manzanillo in Mexico, Panama City, Panama, Cumana, Venezuela, and Manta and Gral. Villamil (Playas) in Ecuador.

The contracts are all similar in contents and generally contain the following elements:

- The contracts are limited to one trip under the modality of providers of professional services.
- The reporting procedures are specified in the above-mentioned field manual and the observer acknowledges being familiar with the procedures it contains; the observer must carry with him a copy of the manual during the trip.
- The observer must have all the necessary certification for safety at sea and shall not perform other duties onboard that would compromise his/her data gathering or safety.
- The observer must compile the data in the most accurate way and any deviation from truthful information is grounds for the termination of the contract.
- There is no commitment from either party to enter into a contract for another trip and the offer by the IATTC of another contract is determined by an evaluation of the data and the observer performance, made by the staff, of which the observer receives a copy.

This means in summary that, whatever be the performance of the observers and the length of their service, they are not members of the staff of the Commission and do not enjoy the status of a permanent employee of an international organization, endowed with special rights, privileges and immunities. Observers should always remain aware of the fact that they have been contracted for a limited period to provide a specific set of services under the provisions of their contract. This is important to avoid any misunderstanding of false expectations from the part of the observers themselves or any other interested party.

4. IATTC ON-BOARD OBSERVERS: 1979 – 2019 AND BEYOND

Since 1979, the IATTC has placed over 800 different observers on board more than 14,500 trips in the EPO. Each trip lasts an average of approximately 45 days.

Observers who have made at least one trip in the last six months are considered “active”. The observers who were not placed on board for more than six months are considered as non-active and, previous to be offered another contract, are required to do a brief retraining to ensure that they are knowledgeable about any possible changes in procedures, particularly regarding data collecting, as well as in applicable conservation and management measures including data requirements. Experience shows that most non-active observers do not seek to be contracted again.

During the period from 1979 to 2019, the average number of trips per observer in their tenure has been high

(17.5 trips), yet most observers (58%) have made 5 trips or less. This is due to the fact that at the other end of the spectrum, 13% of all observers have made 50+ trips, as shown in Table 1 and Figure 1. Currently, among the active observers, the average of the number of trips that they have made since their initial contracting is 49. Practically half of them (48%) have made more than 50 trips, as shown in table 2 and figure 2.

The historical average duration of the observer's participation in the IATTC program is only 2.5 years but several observers have been successively contracted during a much longer period. In fact, the current average for active observers is 13 years. There are also some variations in this respect according to countries of nationality, as shown in in table 3 and figures 3 and 4.

Figure 1. Distribution of trips by IATTC observers 1979-2019.

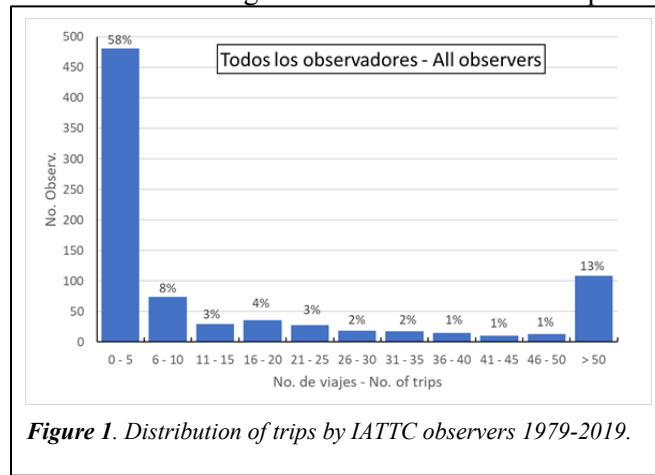


Table 1. Distribution of trips by IATTC observers 1979-2019.

No. viajes-trips	No. obs.	%
0 - 5	481	58
6 - 10	74	8
11 - 15	29	3
16 - 20	36	4
21 - 25	27	3
26 - 30	18	2
31 - 35	17	2
36 - 40	15	1
41 - 45	10	1
46 - 50	13	1
> 50	108	13
Total	828	

and, of those, 4 over 60. Table 4 and figures 5 and 6 show the distribution of active observers by age category and nationality.

It is important to recall that the work of the observers is physically demanding. They are expected to be constantly moving between decks to determine wells being used to store fish, to identify and assess the catch by species, sampling fish, taking length measurements and sometimes disposing of these, after sampling. In addition, as illustrated in the cases of harassment and bribery attempts reported occasionally to the AIDCP International Review Panel (IRP), observers can be exposed to these difficult and taxing situations and must have therefore the appropriate and specific set of skills needed to deal with them, including an excellent management of human and professional relationships as well as the capacity of always maintaining always the highest ethical standards.

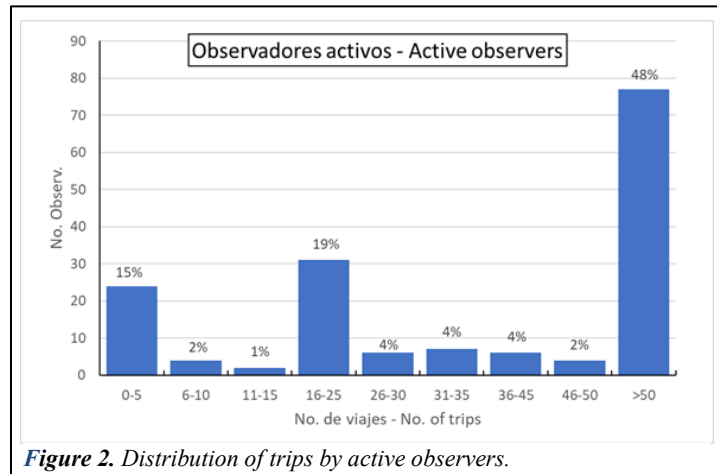


Figure 2. Distribution of trips by active observers.

Table 2. Distribution of trips by active observers.

No. (viajes -trips)	No. Obs.	%
0-5	24	15
6-10	4	2
11-15	2	1
16-25	31	19
26-30	6	4
31-35	7	4
36-45	6	4
46-50	4	2
>50	77	48
Total	161	

Consideration of all these elements and the fact that the age of a significant number of currently active observers has been increasing, has been leading to a growing concern that observers might be faced not only with difficulties in fulfilling the obligations of their contract, but also with the possibility that their health be impacted negatively because ailments and other medical chronic conditions can be exacerbated by the conditions of life and work on board fishing vessels, with important risks to their safety at sea, particularly when the vessels are operating days away from any medical facility.

For that reason, the Secretariat has decided that all current observers (those contracted already in 2019 and before) should undergo the necessary medical checkups to control their health and to identify any chronic issue that would put their safety and even the life at risk when at sea for a long period of time and far away from any medical facility. In addition, it was considered appropriate to start encouraging the oldest of them to contemplate the possibility of retirement when reaching an age consistent with the regulations and normal practice in this matter in their respective country.

Table 3. Years of participation by active observers, in the program. All and by nationality.

Serv. (años-years)	Colombia	Ecuador	Mexico	Panama	Venezuela	Todos - All	%
0 - 1	0	9	12	0	0	21	13
2 - 5	0	20	10	7	0	37	23
6 - 10	0	15	0	1	0	16	10
11 - 15	1	13	0	6	1	21	13
16 - 20	0	6	5	2	3	16	10
20 - 25	1	14	2	5	1	23	14
26 - 30	1	5	12	2	1	21	13
30 - 35	0	0	4	0	1	5	3
> 35	0	0	0	1	0	1	1
Total	3	82	45	24	7	161	

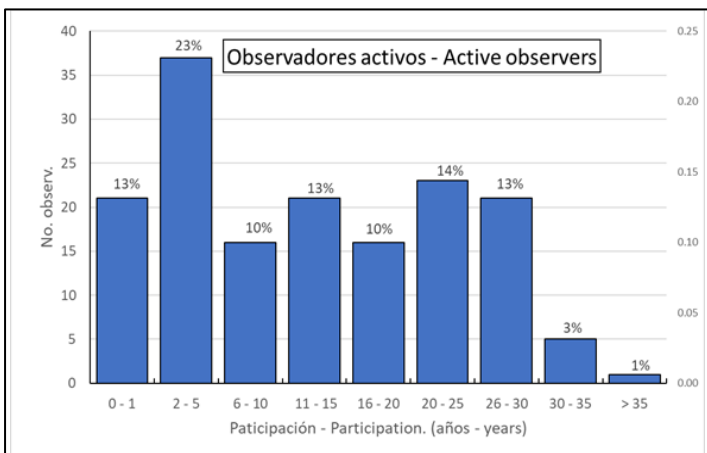


Figure 4. Years of participation in the program by active observers.

Regarding the new observers, those that have never been contracted yet but will be so in the future, in addition to ensure that they have all the conditions physical and otherwise to be able to carry out their duties without putting at risk their safety at sea, it will be made clear to them that they should not expect to be contracted after five years. It should be noted however that the establishment of a maximum period during which a professional they be contracted as observer on board does not pre-judge the possibility for exceptions to be considered and some be selected to be employed in a more stable working relationship, either as observers on board or for a

specific work on land, subject to the of ability of the available resources and if compatible with the policy, rules and procedures for the management of the human resources of the Commission. All this without prejudice, finally, of some observers being able to apply successfully to vacant posts in the IATTC staff, as it happened in the past.

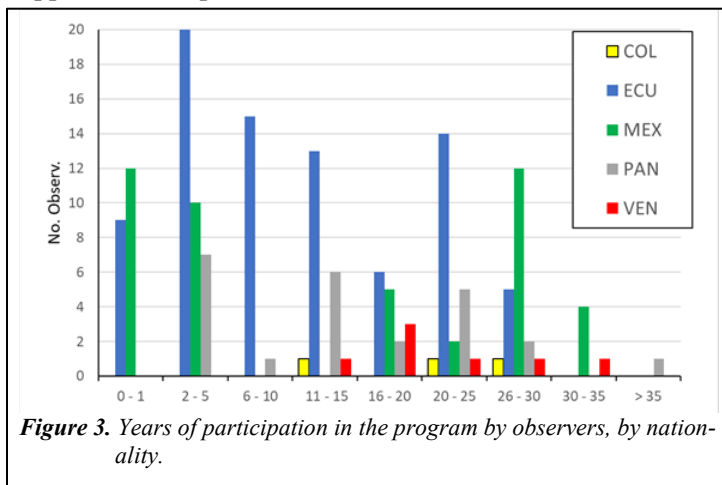


Figure 3. Years of participation in the program by observers, by nationality.

Table 4. Age category of active observers. All and by nationality.

Edad - Age	Colombia	Ecuador	Mexico	Panama	Venezuela	Todos - All	%
20 - 25	0	2	3	0	0	5	3
26 - 30	0	22	12	7	0	41	25
31 - 35	0	15	6	0	0	21	13
36 - 40	0	13	2	4	1	20	12
41 - 45	1	7	4	4	1	17	11
46 - 50	0	11	5	3	3	22	14
51 - 55	1	10	7	4	0	22	14
56 - 60	1	2	5	0	1	9	6
> 60	0	0	1	2	1	4	2
Total	3	82	45	24	7	161	

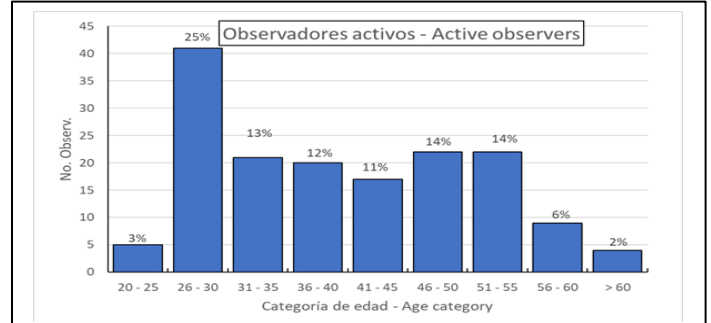


Figure 5. Age category of active observers.

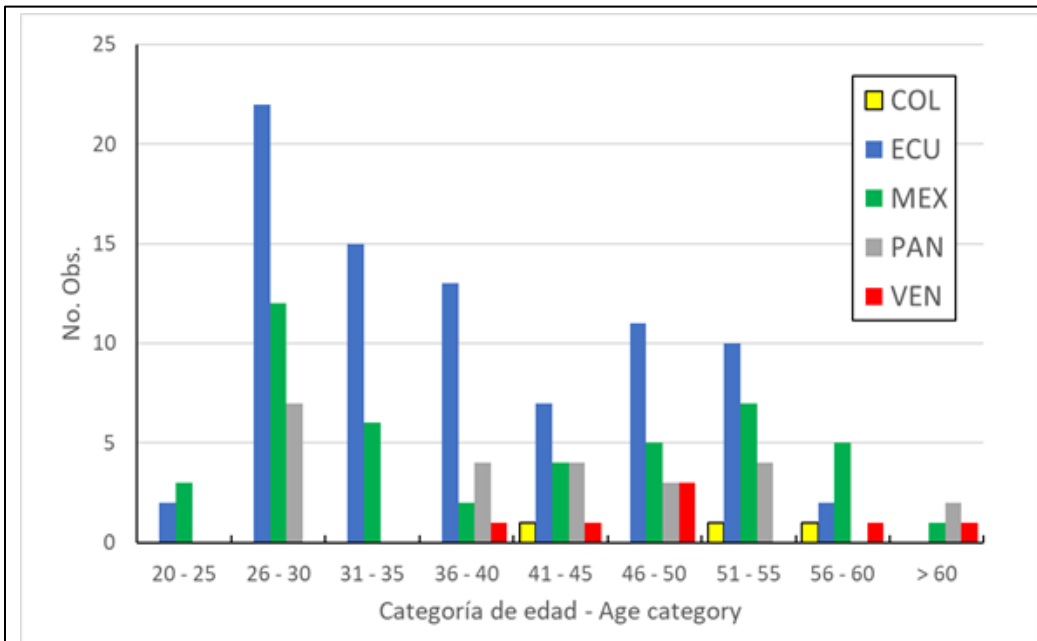


Figure 6. Age category of active observers by nationality.