

## APPENDIX 6

### INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

### INTERNATIONAL REVIEW PANEL (IRP)

### 64<sup>TH</sup> MEETING

La Jolla, California, USA

22 October 2018

## REPORT OF THE MEETING

### AGENDA

	Documents
1. Opening of the meeting	
2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of the minutes of the 63 <sup>rd</sup> meeting	
5. a. Review of Dolphin Mortality Limits for 2018	<a href="#">IRP-64-01</a>
b. Dolphin Mortality Limits for 2019	<a href="#">IRP-64-02</a>
6. Review of the AIDCP <i>List of Qualified Captains</i>	<a href="#">IRP-64-03</a>
7. Review of observer data	
8. Review of actions by Parties on possible infractions reported by the IRP:	
a. Actions taken since report at the 63 <sup>rd</sup> meeting	<a href="#">IRP-64-04</a>
b. Status review of special cases	
9. Report of the Permanent Working Group on Tuna Tracking	
10. Other business	
11. Recommendations for the Meeting of the Parties	
12. Place and date of next meeting	
13. Adjournment	

### APPENDIX

1. List of attendees
2. Report of the chairman of the 43<sup>rd</sup> meeting of the working group of tuna tracking system

The 64<sup>th</sup> meeting of the International Review Panel was held in La Jolla, California, USA, on 22 October 2018.

#### 1. Opening of the meeting

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), which provides the Secretariat for the Agreement on the International Dolphin Conservation Program (AIDCP),

opened the meeting.

## **2. Election of the Presider**

Mr. Julio Guevara, of Nicaragua, was elected as the Presider of the meeting.

## **3. Adoption of the agenda**

The agenda was adopted with the addition of two topics suggested by Colombia in the “Other business” item: the interpretation of paragraph 2 from Article XVIII of the AIDCP on confidentiality and IRP procedures that need improvement.

## **4. Approval of the report of the 63<sup>rd</sup> meeting**

The report of the 63<sup>rd</sup> meeting of the Panel was approved without changes after having clarified that an item requested by Colombia in section 7 f) had been included.

## **5. a) Review of Dolphin Mortality Limits (DMLs) for 2018**

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of DMLs described in [Document IRP-64-01 Review of Dolphin Mortality Limits \(DMLs\) for 2018](#), noting that 103 full-year DMLs were allocated—with an average of 47.57 dolphins—as well as two DMLs from the Reserve DML Allocation (RDA), which had begun operations shortly before the start of the meeting and there were no initial data available. Ninety-five DMLs were utilized before 1 April and two were exempted due to *force majeure*, which have not been utilized. Five DMLs were forfeited. No vessel has exceeded its DML in 2018. Mortality per set is 0.08 dolphins as of 10 October 2018, date on which the working document was drafted.

Mexico pointed out that the dolphin mortality rate has been 0.08 dolphins per set for several years, which indicates that the highest level of efficiency has been reached and that further reductions in mortality will only be achieved if technologies are improved; however, this level is already insignificant.

The Presider of the Panel recalled that, last year, one vessel had a mortality that exceeded the DML, but it was an exceptional case and it should not devalue the good performance of the Agreement.

## **b) Dolphin Mortality Limits for 2019**

The Secretariat presented [Document IRP-64-02 DMLs requested for 2019](#). It was reported that 107 DMLs were requested for 2019, for which the relevant authorities submitted the qualification requirements. It was pointed out that two Venezuelan vessels that requested full-year DMLs are not included yet in the IATTC Regional Vessel Register.

Venezuela reported that they are in the process of including said vessels in the register and will soon conclude the corresponding paperwork.

## **6. Review of the AIDCP *List of Qualified Captains***

The Secretariat presented [Document IRP-64-03 Changes to the AIDCP List of Qualified Captains](#), which updates the changes that occurred between 7 July and 10 October 2018.

During this time, two captains were added to the list. Six cases are still pending since the requesting Party has not provided all the documents needed for their inclusion. During this period, no captain was removed or reinstated to the list.

Dr. Martin Hall, from the Secretariat, recalled that the workshops on bycatch reduction organized by the International Seafood Sustainability Foundation (ISSF) are not equivalent to the AIDCP instructional seminars, which is one of the requirements to include a captain in the IATTC List of Qualified Captains, in addition to other requirements such as the formal inclusion request by a relevant authority to the Secretariat, accompanied by letters of reference by other captains or qualified individuals.

## **7. Review of observer data**

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions received and processed by the Secretariat since the Panel's previous meeting. The Panel discussed those cases that are not automatically referred to the relevant Parties to determine which should be forwarded to the responsible government as possible infractions.

Only one case of alleged observer harassment was presented, on which the observer describes that he was verbally harassed. Furthermore, the Secretariat presented a letter from the captain explaining that the offensive remarks were not directed at the observer but at the events that took place during the set.

The Panel recommended that this case be sent to the corresponding Party for investigation.

## **8. Review of actions by Parties on possible infractions reported by the IRP:**

### **a. Actions taken since report at the 63<sup>rd</sup> meeting**

The Secretariat presented [Document IRP-64-04 Responses for Six Types of Possible Infractions Identified at the 63<sup>rd</sup> Meeting of the IRP](#), which included two unanswered cases of observer harassment, one from Panama and another one from Venezuela, as well as two other unanswered cases of use of explosives from Venezuela.

Venezuela reported that the observer harassment case of a vessel flying its flag is still under investigation and, as for the two cases of use of explosives, one is still in process and the other one has already been sanctioned.

Panama gave a comprehensive presentation on the review of the case, mentioning that there had already been a response from the government. On their explanation, they concluded that there were not enough elements to determine if there was an infraction. The Panel requested that the national authority give a clear written explanation on this case and recommended that they draw on the information provided by the Colombian national program in terms of the elements of this case.

Likewise, the Secretariat provided information on the cases that have been under investigation for two or more years, as established in Annex IV.III.4 of the AIDCP. Among these cases, three observer harassment cases were identified corresponding to Ecuadorian vessels; one case of night sets from Mexico; and four cases of fishing without an observer, two from Ecuador and two from the United States.

Mexico pointed out that, regarding the night set case, the investigation is underway and about to conclude. Mexico requested that the corresponding table be updated since it states that the last response was from July 2017, but they had provided information about it in August 2018. It was clarified that it had been an oral report and that, in order to record it in the database, it needs to be submitted in writing.

Ecuador reported that, regarding the cases of fishing without an observer in vessels flying its flag, formal communications had already been sent so that they be closed, since there were not significant elements that could be contributed to the case. In terms of the cases of interference with the observer's duties, Ecuador mentioned that they would send a formal letter providing information on them.

The United States informed that they would send a short formal letter to the Secretariat to update the cases of fishing without an observer aboard.

### **b. Status review of special cases**

The Secretariat presented Document IRP-64-04b, Summary of Pending Special Cases Monitored by the IRP. It was recalled that there are two cases in which an observer was apparently substituted by an unknown person during **trips 2014-004 and 2014-145**. These cases were originally addressed by the Panel at its 55<sup>th</sup> meeting in June 2014 and at each subsequent meeting

The Panel decided to recommend that these cases be closed since it is impossible to move much more

forward, but mainly because the Ecuadorian government stated in writing that it was impossible to determine if there was indeed an infraction with the existing elements.

- **Case 63-01: Trips 2017-916, 2018-140 and 2018-228**

The Secretariat recalled that these cases were identified at the 63<sup>rd</sup> meeting of the IRP in August 2018 as possible infractions for fishing without a qualified captain on a vessel with a DML. Furthermore, it was mentioned that the IRP asked that the national authority be informed of the concern over the fact that the vessel repeatedly conducted fishing operations with a captain who has not been qualified by the AIDCP—in contravention of the agreement's requirements—even after being notified. In addition, the vessel's company provided incorrect information regarding the identity of the captain on the third trip in question, which the IRP considered that aggravated the cases.

Ecuador expressed that the corresponding inquiries are being conducted in view of the information presented by the Secretariat, and that they are training captains on the requirements for qualified captains in order to avoid these situations in the future.

Venezuela specified that a formal request must be submitted to the Secretariat in order to add a captain to the List of Qualified Captains, in addition to complying with other requirements. The Secretariat recalled that, if the Party confirms the cases, the vessel will automatically fall into a pattern of infractions and will not be eligible to have DMLs allocated in the future.

- **Case 63-02: Trip 2018-354.**

This case was identified at the 63<sup>rd</sup> meeting of the IRP in August 2018 as a possible infraction for interference with the observer's duties and it is classified as harassment, interference and attempted bribery. In this case, the observer was not provided with the buoy's identification codes, he did not receive the same conditions as the rest of the crew, and he received bribe offers in exchange of forging the dolphin mortality of the sets.

The Presider of the Panel recalled that the Agreement clearly states that observers must be provided with the same conditions as the rest of the crew.

## **9. Report of the Permanent Working Group on Tuna Tracking**

Mr. David Hogan, in his capacity as Chair of the Working Group, presented his report noting that the Working Group recommended the IRP to close the pending special cases of apparent TTF forgery included in the group's report, as well as to update Table 1 of the working document regarding TTFs received by Parties, particularly in terms of the clarification presented by Mexico.

There were no comments on the report.

## **10. Other business**

Colombia requested a discussion on the following two topics:

1. Clarification of the interpretation of paragraph 2 from Article XVIII of the AIDCP on confidentiality; this work should be carried out within the framework of the Meeting of the Parties to the AIDCP.
2. IRP procedures that need improvement.

Colombia mentioned the case of a possible infraction due to the lack of a raft for rescuing dolphins and pointed out that it had already sent a letter to the Secretariat on this regard, but no response had been received; therefore, it requested a reply in the same format. The delegation mentioned that the case was not discussed by the IRP and that the Secretariat sent information in two communications: the first did not mention the existence of said possible infraction, and the second one—sent just a month ago—did mention it, which implies that the observer report was modified. Colombia mentioned that it presented the case to

the IRP for discussion in order to avoid the same situation in the future.

The Secretariat clarified that, at the end of every trip, a report is sent to the relevant Parties through the regional offices. Likewise, lack of equipment is reported directly to the fisheries authority in accordance with IRP practices, without there being any need to present it at the group's meeting.

The Secretariat also clarified that the observer report was not modified but complemented, since the observer effectively identified the infraction during the trip; the document received by the authority was displayed on the screen. The mistake was to ask the observer to include comments on the nature of the possible infraction since he did not do it as required, and the authorities were not notified of said addition until after the meeting of the Panel.

Colombia stressed that, when there are cases of mistakes or omissions in the observer report, it should be clearly and duly notified to the corresponding Party since they never received the modification made in this case. In addition, observers should avoid making comments as if they came from the fishing captain.

Some delegations mentioned that this type of situation had not been presented in previous meetings, so this issue should not be subject to recommendations; the Secretariat should only take note in order to notify, in a timely manner, when there are editions or changes to the first observer report.

#### **11. Recommendations for the Meeting of the Parties**

The Panel agreed on the following recommendations for the Meeting of the Parties

- 1) Approve the 107 DMLs requested for 2019.
- 2) That the two cases of observer impersonation in Ecuadorian vessels be closed.

#### **12. Place and date of next meeting**

The next meeting of the Panel will be held in conjunction with the next meetings of the AIDCP.

#### **13. Adjournment**

The meeting was adjourned at 14:36 p.m. on 22 October 2018.