

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, Ph. D.

FTS Tel: (700) 893 6100 - FTS Fax: (700) 893 6133

Minutes of the Meeting

International Review Panel

January 26-27, 1994

Ensenada, B.C., Mexico

Presider: Lic. Carlos Camacho Gaos

The fifth meeting of the International Review Panel (IRP) was held at the Hotel San Nicolás in Ensenada, Baja California, Mexico, on January 26 and 27, 1994. The attendees are listed in Appendix 1.

Agenda Items 1 and 2: Opening and Election of Presider

The meeting was called to order by Dr. Francisco Herrera Terán of Venezuela at 10:30 a.m. on January 26, 1994. Lic. Carlos Camacho Gaos of Mexico was elected Presider.

Agenda Item 3: Approval of Agenda

Venezuela asked if the agenda could include a video presentation. It was decided not to modify the agenda, but to allow some time after the first day's meeting for the Venezuelan video presentation. The agenda was unanimously approved, and is attached as Appendix 2.

Agenda Item 4: Approval of minutes of October 1993 meeting

The minutes of the fourth meeting of the IRP, held in La Jolla, California, U.S.A., on October 28-29, 1993, were approved without changes.

Agenda Item 5: Dolphin Mortality Limits (DMLs)

a) Allocation of 1994 individual-vessel DMLs

The Secretariat summarized the use of the DMLs during 1993. Data on the distribution of mortalities caused by the vessels that made sets on dolphins, total dolphin mortalities, number of sets on dolphins, and mortality per set for 1986-93 were shown. These data are attached as Appendices 3 and 4. He stated that the mortality estimate for 1993 will be between 3,500 and 4,000 animals, far below the fleet limit of 19,500 and below the limit of 5,000 originally set for 1999. The mortality per set for 1993 will be about 0.5 animals.

The Secretariat stated that the total fleet mortality limit for 1994 had been lowered by the governments to 9,300 dolphins. Eighty-seven vessels originally applied for DMLs, which resulted in an allocation of 106 dolphins per vessel. However, some vessels canceled their applications, leaving 73 vessels, which would result in individual DMLs of 127 dolphins. Governments were advised of this, but none chose to modify it for their vessels.

A discussion followed concerning Mexico's request to include an additional vessel and Venezuela's request to delete two vessels for DML allocation. The IRP decided to allow these changes without altering the DML of 127 dolphins per vessel. The IRP agreed that this would be a one-time special case that would not set a precedent.

Mexico asked about the status of the Belize-flag vessel that was discussed at the IRP meeting of October 1993. The Secretariat replied that the vessel had changed its registration to Vanuatu in late 1993, and was included in Vanuatu's list of DML vessels for 1994.

Mexico also asked why there was such a large decrease in the number of vessels requesting DMLs, as compared to 1993. The Secretariat responded that in 1993 many vessels requested DMLs so as to have the option of fishing on dolphins in the eastern Pacific Ocean, but many of them did not actually fish in the area and others that did fish in the area did not utilize their DMLs.

b) Criteria for issuing DMLs

The Secretariat reviewed the criteria to qualify for DMLs that were agreed upon at the 52nd IATTC's meeting in Vanuatu. He mentioned the difficulties that the IATTC has had in collecting the observer program assessment fees. He suggested that these monies be included in the IATTC annual budget, leaving the governments to collect the fees from their fleets. Mexico asked for information on the observer program budget, and the Secretariat responded that the program's expenditure in 1993 was about US \$1.8 million. Venezuela proposed that the governments be responsible for collecting the fees from the vessels and paying the IATTC, but some of the countries said that monies collected would go to a general fund which would make it difficult to disperse it to the IATTC. Several options were discussed, such as the creation of a foundation, but there was no consensus. It was agreed that the IATTC would not place observers on vessels without DMLs that had not paid the observer program fees.

Agenda Item 6: Review of compliance with the International Dolphin Conservation Program (IDCP)

a) Reports to governments

The first topic of discussion was the IRP annual report, called for in the Agreement for the Conservation of Dolphins. It was agreed that this report would be a compilation of the three reports prepared by the Secretariat for the governments of the infractions identified during the fishing year and a summary of the actions taken by the governments in response to these infractions. The report should be completed prior to the IATTC meeting of June, 1994 so that it can be available to the plenary. This requires countries to provide by May 1, 1994, their responses to the Secretariat's report covering the last quarter of 1993. The IRP also decided that vessels without DMLs should have the necessary dolphin protection and rescue equipment, and that lacking such equipment be a possible infraction. The Secretariat stated that this decision would be included in the report to the governments from this meeting.

The nations then summarized actions that they had taken in response to possible infractions reviewed in the previous IRP meeting and reported to them by the Secretariat. Mexico briefly explained how its National Panel of Experts reviews performance by its fleet and invited IRP members to attend any of that Panel's future meetings. It was proposed and agreed upon that the names of captains suspended by any country be provided to the other countries.

The Secretariat brought up the subject of verification of observer integrity in their data collection duties. Various methods of verification were discussed, including polygraph (lie detector) testing, psychological profiling, video recording of vessel activities, secondary observers from non-governmental organizations or the industry, and using staff members from the different dolphin programs as observers on various trips. Several members expressed concern regarding the use of polygraphs, but the Secretariat pointed out that such testing would not be the only criterion for evaluating an observer.

The Secretariat distributed a list of vessel equipment and areas that observers should have access to in order to facilitate their data collection duties, drafted by the staffs of the national and international programs. Minor changes to the list were agreed upon, and it is attached as Appendix 5.

b) Review of observer data

As requested by the IRP at its October 1993 meeting, two reports were given by the IATTC's staff regarding 1) the use of a method known as 'releasing the *ortza*' as an alternative to backdown, and 2) methods of releasing captured small whales. The number of sets in which the *ortza* was released is small, but in the majority this technique resulted in no mortality. The number of sets in which small whales were captured is also small, and no conclusions can be drawn concerning the most efficient method of release. It was decided that sets with captured small whales would be reviewed on a case-by-case basis, and that the information in these two reports should be made available to the interested nations.

The IATTC's staff presented observer data reporting possible infractions. During the review of the data, it was agreed that:

- a) The list of infractions reported to the governments should be annotated to include comments on questionable fishing practices.
- b) The Secretariat would develop options on 1) improving performance by fishermen, and 2) the definition of a fishing trip, to be presented to the IRP prior to its meeting of June 1994. It was further agreed that these subjects would be included in the agenda for that meeting.
- c) The Secretariat would include in the reports to the governments summaries of infractions reviewed at this and all previous IRP meetings.

Agenda Item 7: Infractions and sanctions

The United States proposed that a meeting of experts concerning options on actions against nations not in compliance with the Agreement for the Conservation of Dolphins be held in Washington, D.C., during the week of April 4-8, 1994. Mexico, the United States, and Venezuela volunteered as members of the working group responsible for drafting the terms of reference for this meeting.

Agenda Item 8: Rules of procedure

The Secretariat distributed a draft of amendments to the Agreement for the Conservation of Dolphins and to the Rules of Procedure of the IRP (Appendix 6), which was unanimously approved. The IRP members requested that the Secretariat provide them with definitive versions of all documents approved by the IRP at the next meeting.

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January 27, 1994

TO: All Governments Party to the Agreement and members of the IRP
FROM: Director
SUBJECT: Amendments

It was unanimously agreed to by all participating governments at the Intergovernmental Meeting held in conjunction with the 52nd Meeting of the Inter-American Tropical Tuna Commission on October 26-27, 1993, in La Jolla, California, to amend Appendix II, Section III, of the Agreement for the Conservation of Dolphins 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."

At the meeting of the International Review Panel (IRP) held in La Jolla, California, on October 28-29, 1993, it was agreed that Rule I.a) of the Rules of Procedure of the Panel shall 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."

and Rule V.a) of the Rules of Procedure shall 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."

The Agreement and Rules of Procedure are considered to be amended as indicated effective the dates of the Intergovernmental and IRP meetings noted above.

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April 5, 1994

Ref: 0226-430

TO: Members of the International Review Panel

FROM: Dr. James Joseph, Director 

SUBJECT: Minutes of January 26-27, 1994 Meeting

Attached are the draft minutes to the January Meeting of the International Review Panel. They will need to be approved at the next meeting which will be held on June 4 and 5, 1994, in Venezuela.

Enclosure: IRP Minutes

