

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

MINUTES OF THE 24TH MEETING

**San José, Costa Rica
June 7-8, 2000**

AGENDA

1. Opening of the meeting
2. Election of the Presider
3. Adoption of the agenda
4. Review of IRP Membership
5. Approval of minutes of the 23rd Meeting of the IRP
6. Review of list of qualified captains
7. Review of Dolphin Mortality Limits (DMLs):
 - a) 1999
 - b) 2000
8. Criteria for granting vessels the exemption of *force majeure* or extraordinary circumstances (Section III, Annex IV of the AIDCP)
9. Review of observer data
10. Review of actions by Parties on possible infractions reported by the IRP
11. System for Tracking and Verifying Tuna
12. Comparison of national and IATTC observer programs
13. Other business
14. Place and date of next meeting
15. Adjournment

APPENDICES

1. List of attendees
2. DMLs issued for 2000
3. Possible infractions identified by the Panel during its 21st, 22nd, and 23rd meetings
4. Recommendations of the Working Group on Tuna Tracking

The 24th Meeting of the International Review Panel (IRP) was held in San José, Costa Rica, on June 7-8, 2000. The attendees are listed in Appendix 1.

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

Mr. Herbert Nanne, of Costa Rica, welcomed the delegations. Dr. Hector López, of Venezuela, was elected Presider.

3. Adoption of the agenda

The Parties agreed to discuss agenda item 10, *Review of actions by Parties on possible infractions reported by the IRP*, in general terms and refer the issue to the Meeting of the Parties for further consideration.

Regarding agenda item 11, *System for Tracking and Verifying Tuna*, the Parties agreed that the Working Group on Tuna Tracking should meet before the IRP discussed the matter.

4. Review of IRP Membership

Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission (IATTC), informed the meeting that Peru had acceded to the Agreement on the International Dolphin Conservation Program (AIDCP) on March 10, 2000. He announced that Mr. Alejandro Robles, from Conservation International, had been elected as alternate for the non-governmental members of the environmental sector, and that Guatemala was attending as an observer.

5. Approval of the minutes of the 23rd Meeting of the IRP

The United States pointed out that the minutes should reflect that the Working Group on Tuna Tracking is permanent, and that the documentation for each Party's national system should be available in both English and Spanish. With these changes and some minor corrections, the minutes were adopted.

6. Review of list of qualified captains

The Secretariat presented information about fishing captains who are not on the current list of captains qualified to fish under the AIDCP but who were working on vessels with DMLs. Dr. Allen asked whether it would be considered a possible infraction if a captain who had not fished on tunas associated with dolphins since before 1993, when the La Jolla Agreement came into force, were to be in charge of fishing operations on a vessel covered by the AIDCP.

An environmental non-governmental organization (NGO) member stated that captains must be on the list of qualified captains, and that if a captain not on the list fished in the Agreement Area, this should be considered to be in violation of the AIDCP. Such cases should be reviewed by the IRP and forwarded to the respective governments for the appropriate action.

Mexico supported this proposal, but commented that there should be a way to add qualified captains to the list between IRP meetings, and that some system for identifying captains positively and unmistakably, including those not on the list, was also required.

The Panel asked the Secretariat to submit to the Parties for consideration a proposal for a mechanism for adding captains in the list between meetings of the IRP. The United States asked that the list of qualified captains be presented to the IRP at every meeting.

7. Review of Dolphin Mortality Limits (DMLs):

a) 1999

The Secretariat reviewed the 1999 DMLs. The final data indicate that, of the 125 full-year DMLs of 40 dolphins each assigned for 1999, 91 had been utilized. The average mortality per vessel was 14.5 dolphins, compared with 22.6 in 1998. None of the ten second-semester DMLs had been utilized.

b) 2000

The Secretariat reviewed the 2000 DMLs for the first semester, and presented a summary of the DML allocations for 2000 (Appendix 2). Preliminary data indicate that, of the 109 full-year DMLs of between 44 and 45 dolphins each assigned for 2000, 85 had been utilized by the April 1 deadline; the rest had either been forfeited or retained under the *force majeure* exemption in the AIDCP. The average mortality per vessel was 6.1 dolphins.

Dr. Allen, noting that the AIDCP established that governments were to inform the Director of any proposed DML adjustments before May 1, said that three governments had not met this deadline, and that the Secretariat understood that those adjustments would not be allowed. Several delegations stressed the importance of abiding by the timetables established in the AIDCP, but Vanuatu, which had not met the deadline, requested that, since the AIDCP was in its first year of implementation, the Parties allow an exemption for 2000 in this respect, arguing that otherwise those DMLs would be wasted.

The Panel agreed to forward the matter, including Vanuatu's request, to the Meeting of the Parties for a decision.

8. Criteria for granting vessels the exemption of *force majeure* or extraordinary circumstances (Section II, Annex IV of the AIDCP)

The Secretariat presented a summary of the *force majeure* requests made in 2000. Dr. Allen explained that these requests had been received up to the April 1 deadline, which caused a practical problem with calculating the DMLs available for reallocation within the time limit set in Section III(2) of Annex IV of the AIDCP for the Director to redistribute unutilized DMLs to the Parties.

Panama commented that the letters from governments requesting *force majeure* exemptions contained little or no evidence supporting the requests, and proposed that clear supporting evidence should accompany any requests submitted.

Several delegations endorsed the idea that the rules for granting *force majeure* exemptions should be clearly defined. It was agreed that the Secretariat would list examples of *force majeure* exemptions to promote the discussion of the matter by the Parties. Venezuela noted that the criteria should not be too limiting, and should allow for anything beyond the control of the vessel owner.

9. Review of observer data

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions which had occurred since the Panel's previous meeting.

The IRP reviewed a set made by a vessel using experimental gear whose DML was taken from the RDA, and agreed that this case should be presented for discussion at the Meeting of the Parties.

The IRP asked the Secretariat to prepare guidelines for determining when "sacking-up" dolphins should be considered a possible infraction.

The IRP also agreed to recommend to the Directors of the national and IATTC observer programs that information on fishing operations collected by observers should be provided to the Panel in greater detail, since this would help the Panel in taking decisions on possible infractions.

Dr. Allen reported that the real-time reporting system for dolphin mortalities required by the AIDCP had been established, but that to date the reporting rate by vessels was only about 30%. The Panel, recognizing that this system is a very important element of the AIDCP, agreed that representatives of the national and IATTC observer programs should meet with representatives of the tuna industry to discuss the issue, which should then be forwarded to the Meeting of the Parties for further discussion.

10. Review of actions by Parties on possible infractions reported by the IRP

The Secretariat presented a table of responses by governments to possible infractions identified by the Panel during its 21st, 22nd, and 23rd meetings (Appendix 3). It was noted that the table did not include all the responses to the possible infractions identified at the 23rd meeting due to the short period between the time when the Secretariat sent the letters informing the governments of the Panel's decisions and the current meeting.

11. System for Tracking and Verifying Tuna

The Permanent Working Group on Tuna Tracking proposed some minor changes to the System for Tracking and Verifying Tuna, and also recommended that the provision in the system for mixed wells be eliminated. The IRP agreed to pass these recommendations to the Meeting of the Parties for consideration.

Some Parties that were still in the process of setting up their tuna-tracking systems requested copies of the documentation for systems that were already established. It was agreed that the Secretariat could provide this information with the permission of the Party concerned.

It was agreed that the next meeting of the Working Group should be held in conjunction with the next meeting of the IRP.

12. Comparison of national and IATTC observer programs

Dr. Allen commented that the document prepared for this agenda item contained a table comparing the average annual mortality per set reported for the various national fleets. Since the information in the table is considered confidential and thus cannot be disclosed, the Director asked the Parties for their authorization to present the information.

Mexico stated that this information was being made public for this occasion only, and noted that the rules of confidentiality for the AIDCP need to be prepared as soon as possible.

Mexico stressed that it considered it very important to make its program homogeneous with the IATTC observer program, and that currently practically all the information collected is exchanged. Venezuela said that its observer program had always maintained close contact with both the IATTC and the Mexican programs.

An environmental NGO member suggested that the various observer programs continue to be evaluated on an annual basis, and asked the Secretariat that future comparisons include statistical evaluation of the various indices.

13. Other business

The Secretariat presented the draft IRP Annual Report.

An environmental NGO member noted that there were some positive changes from the reports of previous years, but expressed concern over the lack of progress on certain issues, for instance the use of explosives and the number of night sets, which had increased from previous years. The performance of captains who repeatedly fail to comply with the AIDCP should be given more attention, and actions should be taken accordingly: captains who exhibit this type of behavior repeatedly should receive stronger sanctions, not just warnings. An industry member stated that many of the goals of the program have been

reached thanks to the fishermen, who had been given very little in return; despite promises of opening the US market, it remained closed.

The IRP agreed that the Secretariat should provide information to the Parties on the historical performance of captains of vessels under their respective jurisdictions, in order for them to take appropriate action. The United States undertook to present a proposal to the IRP for a system of reviewing the performance of captains within the framework of the IRP.

The IRP discussed a request by the environmental NGOs to review the schedule of sanctions and penalties previously adopted pursuant to the La Jolla Agreement at the Intergovernmental Meeting held in Vanuatu in June 1993. The IRP agreed to forward the issue to the Meeting of the Parties for consideration.

The Secretariat noted that some of the data in the draft IRP Annual Report on responses to possible infractions reported to governments would be updated to reflect information received since the draft was prepared. With this provision the IRP approved the report.

14. Place and date of next meeting

It was agreed that the next meeting would take place in La Jolla during the fourth week of October.

15. Adjournment

The meeting was adjourned on June 8, 2000.

Appendix 1.

PANEL INTERNACIONAL DE REVISION - INTERNATIONAL REVIEW PANEL

24^a REUNION – 24th MEETING

San José, Costa Rica

7-8 de junio de 2000 – June 7-8, 2000

ASISTENTES – ATTENDEES

COSTA RICA

HERBERT NANNE ECHANDI

GEORGE HEIGOLD

Instituto Costarricense de Pesca y Acuicultura

ECUADOR

LUIS TORRES NAVARRETE

Ministerio de Comercio Exterior, Industrialización y Pesca

EL SALVADOR

MARGARITA SALAZAR DE JURADO

Ministerio de Agricultura y Ganadería

ABDON ENRIQUE AGUILLON

Ministerio de Economía

EUROPEAN UNION-UNION EUROPEA

RONAN LONG

JUAN IGNACIO ARRIBAS

JAVIER ARIZ

GABRIEL SARRO

JOAQUIN GOMEZ

GUATEMALA

FRED BATLLE RIO

MAURICIO MEJIA ESCALANTE

Ministerio de Agricultura, Ganadería y Alimentación

MEXICO

MARA MURILLO CORREA

RICARDO BELMONTES ACOSTA

GUILLERMO COMPEAN

PEDRO ULLOA RAMIREZ

HUMBERTO ROBLES

RAFAEL SOLANA

Secretaría de Recursos Naturales y Medio Ambiente

LUIS FUEYO MACDONALD

Procuraduría Federal de Protección al Ambiente

ORGANIZACIONES NO GUBERNAMENTALES-NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG

Center for Marine Conservation

KATHLEEN O'CONNELL

Whale and Dolphin Conservation Society

PANAMA

ARNULFO FRANCO

Autoridad Marítima de Panamá

HUGO ALSINA

PERU

JORGE VERTIZ

JORGE ZUZUÑAGA

Ministerio de Pesquería

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UNITED STATES OF AMERICA

WILLIAM GIBBONS-FLY

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PATRICIA DONLEY

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National Marine Fisheries Service

VANUATU

EDWARD WEISSMAN

Special Agent

VENEZUELA

JEAN-FRANÇOIS PULVENIS

SANTOS VALERO

Ministerio de Relaciones Exteriores

MARBEL CAROLINA BELTRAN

Ministerio de la Producción y el Comercio

HECTOR LOPEZ

Programa Nacional de Observadores

INDUSTRIA ATUNERA-TUNA INDUSTRY

ALVARO BUSTAMANTE

ROBERTO AGUIRRE

JOSE MARIA BENGOA

JOSE JUAN VELAZQUEZ MACOSHAY

IATTC - CIAT

ROBIN ALLEN

ERNESTO ALTAMIRANO

DAVE BRATTEN

MARCELA CAMPA

MONICA GALVAN

MARTIN HALL

BRIAN HALLMAN

BERTA JUAREZ

Appendix 2.

RESUMEN DE ASIGNACIONES DE LMD PARA 2000 SUMMARY OF DML ALLOCATIONS FOR 2000					
Bandera Flag	Asignación inicial Initial allocation	LMD no utilizados Unutilized DMLs	Fuerza mayor <i>Force majeure</i>	LMD perdidos DMLs forfeited	LMD de 2 ^{do} semestre 2 nd semester DMLs
Colombia	5	0	0	0	0
Ecuador	19	8	2	6	1
España - Spain	2 ^a	1	1	0	0
EEUU - USA	2	2	1	1	0
México	41	3	2	1	3
Nicaragua	0	0	0	0	1
Panamá	3	1	0	1	0
El Salvador	1	1	1	0	0
Vanuatu	12 ^b	3	1	2	2 ^c
Venezuela	24	5	5	0	0
Total	109	24	13	11	7

Gobiernos que reasignaron LMD al 1 de mayo Governments that reallocated DMLs by May 1:	2
Gobiernos que reasignaron LMD posteriormente Governments that subsequently reallocated DMLs:	3
Asignación total de LMD no reservado de la flota después de la reasignación Total allocation from unreserved fleet DML after reallocation:	
Con dos gobiernos / With two governments	4,729
Con cinco gobiernos / With five governments	4,781
Asignación total del RAL / Total allocation from RDA:	45
Asignación total / Total allocation:	
Con dos reasignaciones / With two reallocations:	4,774
Con cinco reasignaciones / With five reallocations:	4,826

^a No incluye un LMD de la RAL / Does not include a DML from the RDA

^b Un buque cambió a bandera de Nicaragua / One vessel has changed flag to Nicaragua

^c Un LMD de 2^{do} semestre perdido / One 2nd semester DML forfeited

Appendix 3.

SUMMARY OF POSSIBLE INFRACTIONS IDENTIFIED BY THE INTERNATIONAL REVIEW PANEL

During the 21st, 22nd, and 23rd meetings

MAJOR INFRACTIONS:

Trips without an observer	1
Trips with dolphin sets but no DML assigned	0
Trips with an unlicensed or suspended fishing captain	0
Trips without a dolphin safety panel	82
Intentional sets made after reaching the DML	0
Sets on banned stocks or school types	0
Sets without a required backdown (occurred in 10 trips)	12
Sets with dolphin sack-up or brail (occurred in 5 trips).....	5
Total.....	100

OTHER INFRACTIONS:

Trips without a required raft	94
Trips with speedboats lacking towing bridles	29
Trips without a required high intensity floodlight	137
Trips without required facemasks	75
Night sets (occurred in 45 trips)	73
Sets with use of explosives (occurred in 56 trips)	224
Sets without required rescue (occurred in 3 trips)	3
Total.....	635

Cases of observer interference

12

Trips reviewed in these meetings

696

Dolphin sets reviewed in these meetings

8352

Accidental sets reviewed in these meetings

9

Appendix 4.

RECOMMENDATIONS OF THE PERMANENT WORKING GROUP ON TRACKING AND VERIFYING TUNA

San Jose, Costa Rica
June 2000

The Permanent Working Group on Tracking and Verifying Tuna recommends that the provision for mixed wells in the System for Tracking and Verifying Tuna be eliminated. The Working Group also makes the following recommendations:

1. that non-Parties should receive no documentation from trips by their vessels accompanied by observers from the On-board Observer Program;
2. draw the attention of non-Parties to the fact that they are eligible to join the AIDCP, noting in particular Article XXIX, which provides for provisional application, and
3. to amend section 3, paragraph 5 of the document on the System for Tracking and Verifying Tuna as follows: "Within ten days of receipt of a TTF, the competent national authority shall transmit a copy of the document to the secretariat."