

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

49th MEETING MINUTES

Antigua, Guatemala
23 September 2010

AGENDA

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3. Adoption of the agenda	
4. Approval of the minutes of the 48 th meeting	
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b. Status review of special cases	IRP-49-08b
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The 49th Meeting of the International Review Panel was held in Antigua, Guatemala, on 23 September 2010. The attendees are listed in Appendix 1.

1. Opening of the meeting

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), opened the meeting and requested nominations for Presider of the meeting.

2. Election of the Presider

Mr. Jeremy Rusin, of the United States, was elected to preside the meeting.

3. Adoption of the agenda

The agenda was adopted without changes.

4. Approval of the minutes of the 48th meeting

The minutes of the 48th meeting of the Panel were approved without changes.

5. a. Review of Dolphin Mortality Limits for 2009 and 2010

The Secretariat summarized the situation with respect to the allocation, reallocation, and utilization of Dolphin

Mortality Limits (DMLs) in 2009, contained in Document IRP-49-05a. It was noted that no vessel had exceeded its DML in 2009. Regarding the DMLs assigned for 2010, it was likewise noted that as of September no vessel had exceeded its DML, and only one was close to reaching it.

b. Dolphin Mortality Limits for 2011

Mr. Brian Hallman, Deputy Director of the IATTC, stated that the requests for DMLs have to be made before 1 October, so it was not possible to evaluate at this meeting whether vessels were qualified for DMLs for 2011. The Secretariat considers that this matter can be handled by correspondence, unless there were some special situation that required further consultation. This proposal was referred to the Meeting of the Parties to the AIDCP.

The United States expressed its concern that the entire IRP would not review this issue, since the consultation would be only with the Parties and not with the non-governmental members. He recommended that in future the meetings be scheduled to allow these matters to be reviewed at meetings of the IRP with all its members present.

6. Review of AIDCP *List of Qualified Captains*

The Secretariat presented Document [IRP-49-06](#), *Changes to the AIDCP List of Qualified Captains*, which updates the changes that have taken place between 15 October 2009 and 27 August 2010. During that period ten captains were added, one reinstated, and none removed.

The need to notify the Parties promptly about captains that have received training and can be added to the list of qualified captains was mentioned. The Secretariat explained that it follows a procedure approved by the IRP, and can promptly inform vessel owners, upon request, of a captain's history.

Colombia stated that it is necessary to review the procedures for training captains, since delays can occur that cause difficulties for companies that cannot permit captains to fish until a regional training course has been held. He proposed that the national programs carry out training and resolve last-minute problems and training requirements. The United States noted that any changes to procedures must be carefully reviewed, and suggested that the national programs meet to carry out this review.

The industry representative requested that captains be informed when they are included in the list of qualified captains, and also that captains be allowed one more trip once it is decided to remove him from the list, so as not to hinder the company's operations. The Secretariat indicated that captains are informed of their inclusion in the list, and the NGO representatives and the United States expressed their concern over a captain being allowed to continue fishing after he has been determined to not be qualified..

In the end it was agreed to hold a meeting of experts from the IATTC and national observer programs to review procedures for training and how the national programs can carry it out.

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 were not automatically referred to the pertinent Parties, and forwarded those that indicated possible infractions of the AIDCP to the responsible government for investigation and possible sanction.

The following cases were discussed:

1. **Trip 140902.** Interference with the observer's work due to verbal harrassment. Classified as a possible infraction and added to the list of special cases.
2. **Trip 141239.** Interference with the observer's work due to possible bribe attempt. The report made by the observer after reaching port indicates that he was offered USD 3,000 for not recording discards of small tunas. The case was forwarded to the corresponding Party for investigation.
3. **Trip 140907.** Night set in which 1,000 dolphins were captured with no mortality recorded and with a malfunction that lasted 11 minutes. The case was forwarded to the corresponding Party for investigation.

4. **Trip 140999.** Set with accidental capture and mortality of a false killer whale. No apparent rescue effort was made, so the case was forwarded to the corresponding Party for investigation.
5. **Trip 141343.** Set on a floating object with dolphins involved by a vessel without a DML. Classified as not a possible infraction.
6. **(PRONAOP # 212).** Sighting of a class-6 vessel that had forfeited its DML for not utilizing it apparently setting on dolphins. The case was forwarded to the corresponding Party for investigation.
7. **Sightings of Class-5 vessels.** Three class-5 vessels were sighted by observers on other vessels setting on marine mammals. All three cases were forwarded to the corresponding Party for investigation.
8. **Sets on dolphins by a Class-5 vessel.** The data were taken from the vessel's fishing logbook. The case was forwarded 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 48th meeting

The Secretariat presented Document [IRP-49-08a](#), *Responses to six types of possible infractions identified during the 47th and 48th meetings*, together with the record of responses since the beginning of the program. It was noted that during that period there were three cases of observer harassment, in one of which the Party reported that there was no infraction, and in the other two there was no response. In two cases of use of explosives, the Party involved reported that the process was still open in these cases.

b. Status review of special cases

The Secretariat presented Document IRP-49-08b, *Summary of pending special cases monitored by the IRP*, in which the status of the cases classified as special is updated. After reviewing the cases, the Panel decided as follows:

1. **Case 38-01.** The Party reported that it had been decided not to apply a sanction to the vessel but to apply one to the captain, who was dismissed. The Panel decided to remove this case from the list of special cases.
2. **Case 43-02.** The Party reported that, in accordance with its laws, it had been determined that there was no infraction. The Panel decided to remove this case from the list of special cases.
3. **Case 45-02.** It was reported that the concerned Party determined that there was no infraction in the case of attempted bribery and that, as a consequence, it should not remain on the list of special cases.

9. Resolving a vessel's possible infractions before a change of flag

The United States presented Document [IRP-47-07](#), and indicated that it would ask to continue making progress in this matter once the FAO Technical Consultation on Flag State Performance had met and made recommendations in this regard. The Parties decided that in future it would not be an agenda item, and the United States would request its inclusion when it had more information available.

10. Report of the Permanent Working Group on Tuna Tracking

The chair of this working group, Ing. Arnulfo Franco, presented his report of its 28th meeting of the IRP. It had two recommendations: 1) remind the national observer programs of the importance of observers leaving a copy of the Tuna Tracking Form (TTF) with the fishing captain if the national authority is not present to collect it; 2) urge the Parties to ensure that the TTFs be delivered in the agreed manner and to the agreed schedule.

Ecuador reported a TTF received by its national authority, which did not match that of the authority of the vessel's flag government, and suggested that this be investigated by the competent authority of that government. The Secretariat will contact the respective government to seek more information on this matter.

11. Report of the Working Group to promote and publicize the *AIDCP Dolphin Safe Tuna Certification System*

Lic. Bernal Chavarría, Chair of the working group, presented his report. The working group had two recommendations for the IRP:

1. That the Secretariat accelerate the initiatives for finding sources of financing for the development of promotional materials.
2. That relevant non-governmental organizations be included in the promotion of the label.

12. Other business

No other business was presented.

13. Recommendations for the Meeting of the Parties

The Panel approved four recommendations for the Meeting of the Parties:

1. Remind the national observer programs of the importance of observers leaving a copy of the Tuna Tracking Form (TTF) with the fishing captain if the national authority is not present to collect it.
2. Governments should ensure that TTFs are delivered in the agreed manner and to the agreed schedule.
3. Agree the list of vessels qualified to receive DMLs in 2011 by correspondence.
4. That the Secretariat convene a meeting of experts from the IATTC and national observer programs to review procedures for training fishing captains.

14. Place and date of next meeting

The next meeting of the Panel will be held on the occasion of the next meetings of the AIDCP.

15. Adjournment

The meeting was adjourned at 5:55 p.m. on September 23.

Appendix 1

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