

AGREEMENT FOR THE CONSERVATION OF DOLPHINS

The governments listed in Appendix I recall and reaffirm the resolution adopted during a Special Meeting of the Inter-American Tropical Tuna Commission (IATTC) held in La Jolla, California, on April 21-23, 1992, to adopt a multilateral program with the objectives of (1) progressively reducing dolphin mortality in the eastern Pacific Ocean (EPO) fishery to levels approaching zero through the setting of annual limits and (2), with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins while maintaining the populations of yellowfin tuna in the EPO at a level which will permit maximum sustained catches year after year, and to limit and, if possible, eliminate the mortality of dolphins in the fishery of the EPO as follows:

Year	Limit	Percentage of best estimate of current populations of spotted, spinner, and common dolphins
1993	19,500	0.30
1994	15,500	0.24
1995	12,000	0.19
1996	9,000	0.14
1997	7,500	0.11
1998	6,500	0.10
1999	<5,000	<0.08

The IATTC further resolved to establish a Review Panel to review and report on the compliance of the international fleet with the mortality limits set forth above, and make recommendations as appropriate, and to establish within the IATTC an Advisory Board of technical specialists from the international communities of scientists, government agencies, environmental groups, and the fishing industry, to assist the Director of the IATTC in efforts to coordinate, facilitate, and guide research.

Therefore:

The governments listed in Appendix I agree that:

1. Each government that is a party to this Agreement ("the participating governments") shall, on or before October 1, 1992, provide to the Director of the IATTC a list of purse-seine vessels of carrying capacity greater than 400 short tons under its jurisdiction which such government has reasonable cause to believe will set on tunas associated with dolphins in the EPO in 1993 and for each of which the government wishes to have a Dolphin Mortality Limit (DML) assigned for that year.
2. The Review Panel to be established in accordance with the Resolution of April 1992, whose duties, functions, and responsibilities are defined in Appendix II, shall, by November 1, 1992, assign a DML to each vessel that it determines to be "qualified" for a DML in accordance with Paragraph 1 ("qualified vessels"). For 1993, each DML shall be equivalent to 19,500 divided by the total number of qualified vessels.
3. A participating government may thereafter adjust the DMLs of its qualified vessels either upward or downward, provided that no vessel is assigned an adjusted DML in excess of 15 percent above the original DML and that the collective DMLs for that nation's fleet do not exceed that nation's collective DMLs prior to adjustment. Any such adjustment shall be made prior to December 1, 1992. Each government shall notify the IATTC of any such adjustments on or before December 15, 1992. DMLs that are assigned as of December 1, 1992, shall be applied during 1993.
4. Any vessel assigned a DML for 1993 which does not utilize any of its DML by June 1, 1993, or which leaves the fishery, shall lose its right to utilize its DML for the remainder of the year. The IATTC shall maintain records of all such unutilized DMLs.

5. Each participating government shall, on or before April 1, 1993, provide to the Director of the IATTC the names of purse-seine vessels which were not assigned a DML under Paragraph 2 and to which it wishes to have a DML assigned for the last six months of 1993. All such vessels which are qualified shall be assigned DMLs by the Director of the IATTC, after consultation with the voting members of the Review Panel, as soon as possible after June 1, 1993. The DML shall be calculated by dividing the sum of the unutilized DMLs by the total number of such applications, provided that the DML for any such vessel shall not exceed one-half of the DML calculated in accordance with Paragraph 2. The Director of the IATTC, after consultation with and agreement by the voting members of the Review Panel, may also use information on the fleet's projected annual dolphin mortality to provide second half DMLs if this use is reasonably expected not to cause the overall fleet quota for that year to be exceeded.
6. For any vessel exceeding its DML during 1993, the amount of its excess shall be deducted from the DML assigned to that vessel during 1994 and, if the excess in 1993 exceeds the 1994 DML, then such excess shall be deducted from the DMLs subsequent to 1994, as appropriate.
7. Only vessels operating under the jurisdiction of participating governments or under the jurisdiction of the governments of IATTC member countries are eligible for DMLs.
8. Compliance with the total EPO dolphin mortality limits for the years 1994 through 1999 shall be ensured through the mechanisms set forth above for 1993, with any necessary modifications.
9. The participating governments shall review and assess the 1993 compliance mechanisms prior to July 1, 1993.
10. Measures shall be taken with respect to management of individual stocks of dolphins in accordance with Appendix III.
11. The Scientific Advisory Board of technical experts to coordinate, facilitate, and guide research in accordance with the Resolution of April 1992 shall be established and operate as outlined in Appendix IV.
12. The participating governments shall require purse-seine vessels of carrying capacity greater than 400 short tons under their jurisdiction which operate in the EPO to carry an observer during each fishing trip in 1993. At least 50 percent of the observers shall be from the observer program of the IATTC.
13. The participating governments shall permit observers to collect all pertinent information necessary to achieve the objectives of this Agreement.
14. The participating governments shall require observers to inform the fishing captain of the vessel upon which he is observing when the DML is reached and when fishing by that vessel for yellowfin tuna in association with dolphins should cease.
15. The participating governments shall require that a vessel shall cease fishing on dolphins in the EPO when its DML has been reached.

The participating governments recommend that all IATTC member countries and other states party to this Agreement work diligently to achieve the objectives of this Agreement and particularly strive to undertake measures to insure that states not currently party to this Agreement, but which have vessels capable of and intending to fish for tunas in association with dolphins in the eastern Pacific Ocean subscribe to the Agreement.

APPENDICES

Appendix I.

Colombia, Costa Rica, Ecuador, Mexico, Nicaragua, Panama, Spain, the United States of America, Vanuatu, Venezuela.

Appendix II.

THE REVIEW PANEL

I. OBJECTIVES

This Review Panel is established as recommended by the Resolution approved at the Special Meeting of the IATTC held on April 21-23, 1992, to review and report on the compliance of the international fleet with the mortality limits set forth and to make recommendations as appropriate.

II. FUNCTIONS AND RESPONSIBILITIES

The Review Panel shall:

1. Compile each year a list of vessels qualified for Dolphin Mortality Limits (DML) and assign DMLs for each year from 1993 through 1999.
2. Review all trips made in the eastern Pacific Ocean by purse-seine vessels of fish-carrying capacity greater than 400 short tons.
3. Identify all infractions of agreements concerning dolphin mortality, including this Agreement, and a Resolution passed at the 50th Meeting of the IATTC.
4. Inform the governments which are parties to such agreements or the Resolution of the 50th Meeting of infractions by vessels under their jurisdiction.
5. Receive from governments party to the Resolution of the 50th Meeting or this Agreement and whose vessels fish for tunas in association with dolphins in the eastern Pacific Ocean information concerning their actions in response to reported infractions for the purposes of monitoring compliance.
6. Recommend to all such governments a standardized certification system for fishing captains and maintain a list of those who have received adequate training and who are abiding by the goals of the Resolution of the 50th Meeting or this Agreement.
7. Recommend to all such governments a set of sanctions for individual fishing captains, vessel owners, and observers which are consistent with the goals of the Resolution of the 50th Meeting or this Agreement, appropriate for the infractions, and standardized among countries.
8. Recommend to all such governments minimum standards for fishing gear, update these following technological advances, and maintain a list of vessels which carry all the equipment needed to reduce dolphin mortality and which have performed the required procedures to maintain the vessel and the gear in good working condition.
9. Recommend to all such governments actions to be taken in order to ensure compliance with the Resolution of the 50th Meeting or this Agreement by any nation not a party to either that is conducting fishing operations in a manner inconsistent with the Resolution of the 50th Meeting or this Agreement.
10. Publish an Annual Report which would:
 - a) Review the operation of the program and recommend actions to the such governments for modifications and updates in enforcement consistent with the goals of the Resolution of the 50th Meeting or this Agreement.
 - b) Summarize all the identified infractions and the action taken.

III. COMPOSITION OF THE PANEL

The Review Panel will be composed of five or more representatives of governments and six representatives of non-governmental organizations. Of these, three shall be representatives of environmental organizations and three of the tuna-fishing industry. The six representatives shall be appointed by the member governments. Any

government that is party to the 1992 Agreement for the Conservation of Dolphins and that either has at least one vessel of carrying capacity greater than 400 short tons fishing under its flag in the eastern Pacific Ocean or is a member of the Inter-American Tropical Tuna Commission 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.

IV. OPERATION OF THE PANEL

The Panel shall adopt rules of procedure for its operations at its first meeting. After each meeting a report of infractions and related matters shall be made available to the public. The Panel will prepare an annual report on its activities. The proceedings of the Panel will not be public, and its members shall not divulge any information concerning individual vessels and operators derived from review forms or from the proceedings of the Panel. Information concerning compliance with the terms of the Agreement will be made public by means of the Panel's Reports.

Appendix III.

Protective measures for each individual stock of dolphins should be taken as follows:

- i) If the incidental mortality of any stock exceeds 2% of the most current estimate of absolute abundance (CEAA), but is less than 4% of the CEAA of that stock, a warning will be issued to all fleets;
- ii) If the incidental mortality of any stock exceeds 2% of the CEAA but is less than 4% in two consecutive years, all sets on that stock, whether in herds which contain only individuals of that stock or in mixed herds, would be banned for a year.
- iii) If the incidental mortality of any stock reaches or exceeds 4% of the CEAA in a given year, a complete ban on setting on that stock would be imposed for the following year.
- iv) If the incidental mortality of any stock exceeds 6% of the CEAA, the ban on sets would remain in force for three years; for 8%, four years; and for 10%, five years.

It is proposed that the CEAA for the dolphin stocks of the EPO presented by Wade and Gerrodette to the IWC in 1992, based on NMFS research vessel data for the period 1986-1990, be used for all these calculations until the signatory nations agree on an updated set of figures. Such updates could result from the analysis of data from future research cruises, from calibration of indices of relative abundance with estimates of absolute abundance, or from improvements in the analytical methodology applied to currently available data. The 2% value for maximum net annual recruitment should also be changed if better estimates become available.

BACKGROUND

In recent years, incidental mortality for all stocks of dolphins involved in the fishery has been decreasing, and as of 1991 the mortality rates of all stocks are less than 1% of the most recent estimates of their average absolute abundances for 1986-1990. The most conservative estimate of the maximum net annual recruitment rate for dolphins is 2%, so incidental mortality rates below this level should not jeopardize the recovery of the stocks.

The incidental mortalities of the various stocks of dolphins in the EPO in 1991 (based on mortality per set) were as follows:

Stock	Population abundance	Incidental mortality	Percent mortality
Northeastern spotted	738,100		
Western and/or southern spotted	1,299,300		
All spotted (except coastal)	2,037,400	13,991	0.69

Eastern spinner	632,700	5,879	0.93
Whitebelly spinner	1,020,100	2,974	0.29
Northern common	477,000	161	0.03
Central common	415,600	3,182	0.77
Southern common	2,211,500	115	0.01
Other dolphins	2,729,100	990	0.04
All	9,523,400	27,292	0.29

¹ Wade and Gerrodette (submitted to the International Whaling Commission, 1992)

Appendix IV.

THE SCIENTIFIC ADVISORY BOARD

The Inter-American Tropical Tuna Commission, at its Special Meeting held in La Jolla, California, on April 21-23, 1992, reached agreement on a multilateral program with the objectives of (1) progressively reducing dolphin mortality in the EPO fishery to levels approaching zero through the setting of annual limits and (2), with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins while maintaining the populations of yellowfin tuna in the EPO at a level which will permit maximum sustained catches year after year.

Based on a recommendation from the IATTC scientific staff, the participating governments approve the establishment of a Scientific Advisory Board of technical specialists to assist the Director in matters regarding research to (a) modify current purse-seine technology to make it less likely to cause dolphin mortality and (b) seek alternative means of capturing large yellowfin tuna.

The functions and responsibilities of the Board shall be to:

- 1) Meet at least once each year.
- 2) Review plans, proposals, and programs of the Commission to seek to meet objectives (1) and (2), as noted in paragraph 1 of this document.
- 3) Provide advice to the Director concerning the design, facilitation, and guidance of research to achieve objectives (1) and (2) noted in Paragraph 1 of this document.
- 4) Assist the Director in locating sources of funding to conduct such research.
- 5) Recommend to the Director any other measures and actions that could be taken to facilitate achieving the objectives of the dolphin conservation program defined in the Resolution of the Special Meeting of the IATTC held in La Jolla on April 21-23, 1992.

The Board will consist of no more than 10 members, selected from the international community of scientists, fishing gear experts, the fishing industry, and environmentalists. The members will be selected by the Director on the basis of their technical expertise, and subject to approval by the Commission and the participating governments.

The secretariat for the Board will be provided by the IATTC.