

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

50TH MEETING

Del Mar, California (USA)

20 October 2011

MINUTES OF THE MEETING

AGENDA

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2. Election of the Presider	
3. Adoption of the agenda	
4. NGO representatives on the IRP	
5. Approval of the minutes of the 49 th meeting	
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b. Dolphin Mortality Limits for 2012	IRP-50-06b
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9. Review of actions by Parties on possible infractions reported by the IRP:	
a. Actions taken since report at 49 th meeting	IRP-50-09a
b. Status review of special cases	IRP-50-09b
10. Review of the time period established for considering a set as a night set	IRP-50-10
11. Report of the Permanent Working Group on Tuna Tracking	
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The 50th Meeting of the International Review Panel was held in Del Mar, California (USA), on 20 October 2011. 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. William Jacobson, of the United States, was elected to chair the meeting.

3. Adoption of the agenda

The agenda was adopted without changes.

4. NGO representatives on the IRP

La Secretariat reported that the non-governmental members of the Panel elected for the next two years, representing the industry and environmental non-governmental organizations (NGOs), are as follows:

	Name	Affiliation
Industry	Rafael Trujillo	Cámara Nacional de Pesquería de Ecuador
	Carlos Sánchez	Grupo Calvo S.A. of C.V., El Salvador
	Lillo Maniscalchi	Asociación Venezolana de Armadores Atuneros (Avatun)
Environmental NGOs	Cristobel Block	Humane Society of the U.S.
	Rebecca Regnery	Humane Society International

5. Approval of the minutes of the 49th meeting

The minutes of the 49th meeting of the Panel were approved without changes.

6. a. Review of Dolphin Mortality Limits for 2010 and 2011

The Secretariat summarized the situation with respect to the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2010, contained in Document [IRP-50-06a](#). It was noted that no vessel had exceeded its DML in 2010, and also that, as of 14 September, the same was true of DMLs assigned for 2011.

b. Dolphin Mortality Limits for 2012

La Secretariat presented Document [IRP-50-06b](#) on the DMLs requested for 2012. All of the 84 requests were qualified to receive DMLs.

The United States asked whether all the requests for DMLs and payments for the observer program had been received, given that the deadline for payment had been extended from 1 October to 1 December. The Secretariat reported that it had received payment from very few vessels. Venezuela recalled that, when the date for payment was changed, it was agreed that, if a vessel did not pay its assessment by 1 December, it would lose its DML automatically. The Parties confirmed this previous agreement.

The European Union (EU) asked whether any of the vessels that requested DMLs for 2012 are on the IATTC IUU list¹ or are not on the IATTC Regional Vessel Register. The Secretariat confirmed that there are vessels that request DMLs but are not on the Register, and the EU and the United States stated that DMLs should not be assigned to vessels that do not comply with measures adopted by the IATTC, including being on the Regional Register.

Panama noted that it had requested ten DMLs for 2012, but only nine were reflected in the table presented by the Secretariat. It was explained that one vessel changed flag, and the new flag State, which had also requested a DML for that vessel, was allocated the DML and the responsibility for paying that vessel's assessment.

7. Review of AIDCP List of Qualified Captains

The Secretariat presented Document [IRP-50-07](#), *Changes to the AIDCP List of Qualified Captains*, which updates the changes that have taken place between 27 August 2010 and 13 September 2011. During that period 13 captains were added, and none reinstated or removed.

8. 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

¹ The list established by the IATTC of vessels involved in illegal, unreported and unregulated (IUU) fishing activities.

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

The following cases, identified by the corresponding trip number, were discussed:

1. **2010-253.** Interference with the observer's work. This was identified as a possible infraction.
2. **2010-398.** Interference with the observer's work. This was identified as a possible infraction, and it was recommended to the Party in question that it investigate the behavior of the observer in using disrespectful language to the crew. The heads of the observer programs, both national and IATTC, indicated that observers who are not capable of handling an irregular situation aboard the vessel during a trip are not hired again.
3. **2010-496.** Fishing trip with a captain not on the list of qualified captains. The captain was added to the list after the beginning of the trip. The guidelines in force do not cover cases of this type, and it was decided not to classify it as a possible infraction. The Panel instructed the Secretariat to send a letter to the corresponding Party, urging it to follow the rules for the inclusion of captains in the list properly and in a timely fashion.
4. **2010-590.** Fishing trip with a captain not on the list of qualified captains. The captain was added to the list six months after the trip finished. This was identified as a possible infraction.
5. **2011-480.** Fishing trip with a captain not on the list of qualified captains. The captain is still not on the list, despite having attended a seminar before the trip in question began, but no request was received from any Party to add him to the list. This was identified as a possible infraction.
6. **2010-537, 2010-589, 2010-667.** Sets on dolphins before the notification of the DML. Annex IV.I.12 of the AIDCP indicates that the Party must notify the Secretariat of the distribution of DMLs to its fleet before they are utilized. In three cases, when the corresponding Party notified the allocation of the DMLs, the vessels in question had already made sets on dolphins. It was noted that the responsibility of informing the Secretariat was the Party's, not the vessel owner's, and that the viability and need for this requirement should be reviewed. It was decided not to identify these cases as possible infractions, and the Secretariat was asked to send a note to the Parties reminding them of the deadlines and dates established in the AIDCP.
7. **2011-492.** Interference with the observer's work. This was not identified as a possible infraction.

Nicaragua requested that, in cases in which the observer indicates that the vessel does not have a floodlight aboard, the observer check carefully, since it is unlikely that this equipment would be removed between one trip and the next if the vessel carried it on previous trips.

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

a. Actions taken since report at 49th meeting

The Secretariat presented Document [IRP-50-09a](#), *Responses to six types of possible infractions identified during the 49th meeting*. In the two cases of observer harassment, the Party in question responded that there was no infraction; in both cases of use of explosives, the Party reported that the corresponding administrative process was ongoing; of the four cases of night sets, three are under investigation and one continues without a response from the corresponding Party; and of the three cases of fishing without a DML, in two the Party determined that there was no infraction, and in the third the corresponding government, Bolivia, applied a sanction. Bolivia also reported that it had applied various sanctions to the vessel that committed this infraction.

b. Status review of special cases

The Secretariat presented Document IRP-50-09b, *Summary of pending special cases monitored by the IRP*, in which the status of the five cases classified as special is updated.

The Panel took note of the information presented in that document without further comment.

10. Review of the time period established for considering a set as a night set

La Secretariat presented Document [IRP-50-10](#), *Possible effects of modifying the requirements of the AIDCP regarding night sets*. The analysis was carried out using data on sets from a period when this type of set accounted for 4% of the total number of sets, whereas in recent years no considerable numbers of night sets have been recorded. From this analysis it is apparent that the mortality of dolphins would be greater in night sets than in day-time sets.

Mexico thanked the Secretariat for presenting the document, prepared at its request, which supported its position that extending the period allowed for night sets, from 30 to 60 minutes after sunset, did not mean a significant increase in fishing effort or dolphin mortality; on the contrary, it might be beneficial by being a fishery targeting adult tunas. He explained that the reason for the proposal is to allow the fishermen greater flexibility in planning and finishing their fishing operations.

The United States recalled that the restriction of night sets had contributed to the success of the AIDCP, since the risks increase with time during this type of set. It is of great value for the protection of dolphins, and modifying it would be a change in the wrong direction and at odds with the spirit of the AIDCP: the risk that it would increase the mortality of dolphins, however minimally, could not be taken. The EU also stated that it could not support this proposal, which it considered to be contrary to both the objective of the AIDCP and the precautionary approach, besides its effects on the fishing effort and with regard to fleet capacity.

Guatemala suggested establishing a pilot plan, with gradual increases in the time allowed to finish night sets, whose results would allow a decision to be made regarding the proposed extension. Nicaragua noted that, in his experience as an on-board observer, the visibility 30 minutes or an hour after sunset is still sufficient for observing what is happening, and suggested that the proposed pilot plan run for two years. Venezuela and México supported the idea.

Mexico stressed that the proposal, which was supported by most delegations and which it would present to the Meeting of the Parties in writing, was not contrary to the objective of the AIDCP of reducing the mortality of dolphins to levels approaching zero, which would not be affected, and the increase in fishing effort would be negligible.

11. Report of the Permanent Working Group on Tuna Tracking

The chair of this working group, Ing. Arnulfo Franco, presented his report of its 29th meeting. The group recommended to the IRP that it review the cases of vessels that had received DMLs and that had not complied with IATTC measures, and that the IATTC Review Committee do the same.

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

Mr. Alvin Delgado, who chaired the meeting of the Working Group, presented his report, indicating that it had no recommendations for the IRP. He reported that Mexico would make a voluntary contribution for the preparation of a promotional video about the AIDCP and its label, and that Colombia would evaluate the possibility of making a contribution.

13. Other business

No other business was presented.

14. Recommendations for the Meeting of the Parties

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

1. Consider the recommendation of the Permanent Working Group on Tuna Tracking that the Panel review the cases of vessels that received AIDCP *dolphin safe* certificates for fish caught during a closure of the purse-seine fishery, and that the IATTC Review Committee also review them.
2. Reiterate the need for the Parties to notify the Secretariat promptly of changes in the list of qualified captains.

3. Review the need to harmonize de procedures of the IATTC and the AIDCP, in order to ensure that they are consistent, compatible, and complementary.
4. Consider the adoption of a proposal, to be presented by Guatemala, on the need for each Party to notify the Secretariat promptly of the allocation of its DML distributed among its fleet, in accordance with Annex IV.I.12 of the AIDCP.
5. Take note of the possible infractions identified by the Panel.

15. Place and date of next meeting

The next meeting of the Panel will be held on the dates that are agreed for the meetings of the AIDCP in 2012.

16. Adjournment

The meeting was adjourned at 4:30 p.m. on 20 October 2011.

Appendix 1.

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