

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

MINUTES OF THE 45th MEETING

**Panama
17 June 2008**

AGENDA

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3. Adoption of the agenda	
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6. Review of AIDCP <i>List of Qualified Captains</i>	IRP-45-07
7. Review of observer data	
8. Review of actions by Parties on possible infractions reported by the IRP:	
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b. Status review of special cases	IRP-45-09b
9. Report of the Permanent Working Group on Tuna Tracking	
10. Report of the Working Group to promote and publicize the <i>AIDCP Dolphin Safe Tuna Certification System</i>	
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APPENDICES

1. List of attendees
2. Report of the 11th Meeting of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System

The 45th Meeting of the International Review Panel was held in Panama City (Panama) on 17 June 2008. 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.

2. Election of the President

Ing. Luís Torres, of Ecuador, was elected to preside over the meeting.

3. Adoption of the agenda

The United States asked that item 6, *Resolving a vessel's possible infractions before a change of flag*, be postponed until the following meeting, since the document was not yet ready.

The provisional agenda was adopted with the removal of item 6.

4. Approval of the minutes of the 44th meeting

The minutes of the 44th meeting of the Panel were approved without changes.

5. Review of Dolphin Mortality Limits (DMLs) for 2007 and 2008

The Secretariat summarized the situation with respect to the allocation, reallocation, and utilization of DMLs in 2007, summarized in Document [IRP-45-05](#), as well as current information on the 2008 DMLs.

6. Review of AIDCP List of Qualified Captains

The Secretariat presented Document [IRP-45-07](#), *Changes to the AIDCP List of Qualified Captains*, which updates the changes that have taken place since 5 October 2007. It was observed that 18 new captains were added, and that none were removed or reinstated.

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 Secretariat described a case in which a fishing captain had telephoned an observer program to complain about an observer who reported 'finning' of sharks despite having been paid US\$ 5,000 to not do so. This was presented to the Panel for information only, since the relevant Party had already been notified of the case.

The European Union delegation expressed concern over what appeared to be an increasing number of observer harassment cases. Several other delegations noted that, of the 505 trips reviewed during the period, only four involved observer harassment; this percentage was minimal, although the matter was very important. Dr. Compeán suggested a heads of delegation a meeting to discuss this matter further.

Finally, the Secretariat reported on the 106 transit trips made during 2007, of which only 30 were notified to the Secretariat and thus complied with the AIDCP guidelines on vessel transits.

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

a. Actions taken since the report at 44th meeting

The Secretariat presented Document [IRP-45-09a](#), *Responses to six types of possible infractions identified during the 43rd and 44th meetings*, together with the record of responses since the beginning of the program.

The United States asked for information on the six cases of a vessel fishing without an observer, and Ecuador stated that this was a Class-3 vessel operating under its flag that had been sighted fishing on dolphins and was thus required to carry an observer. It had made the trips without an observer due to a delay in the administrative process, but in 2007 and 2008 it had carried an observer..

b. Status review of special cases

The Secretariat presented Document [IRP-45-09b](#), *Summary of pending special cases monitored by the IRP*, in which the status of the cases classified as special is updated. Two cases, 41-04 and 43-01, had been found to be no infraction by the Parties concerned, and were removed from the list.

Regarding the other seven cases, the Secretariat was asked to contact the relevant Parties and request prompt and appropriate action.

9. Report of the Permanent Working Group on Tuna Tracking

The Chair of this Working Group presented a verbal report of the 24th meeting. She noted the 98% compliance with the requirement to submit original TTFs to the Secretariat, and also reported on the discussions regarding the future of the Working Group, in view of the reduction in the number of issues it had to consider. It was agreed that this issue should be considered at a future meeting, taking into account the options of merging this group with the group for promoting the AIDCP dolphin-safe certification system, keeping the two groups separate but completing their two meetings in one morning, reviewing the issues dealt with by this group as an item on the IRP agenda, and reducing the number of meetings to one per year.

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

The report of the meeting of this group is attached as Appendix 2.

11. Other business

Nicaragua presented the case of a vessel that for reasons of *force majeure* had been unable to meet the deadline for making sets on dolphins, but that was late in submitting a request to be allowed to keep a DML and be able to set on dolphins for the remainder of 2008. Mexico presented a similar case.

The Panel agreed to recommend to the Meeting of the Parties that the two vessels be granted new DMLs for the remainder 2008, but that these new DMLs be no greater than the amount of the second-semester DML, and that these new DMLs be taken from the total DMLs already distributed to the respective Parties.

Colombia expressed its concern about these cases, stating its view that exceptions to the rules should be minimal.

12. Recommendations for the Meeting of the Parties

The Panel made the recommendation elaborated under item 12 to the Meeting of the Parties.

13. Place and date of next meeting

The next meeting of the Panel will be held in La Jolla in October or November 2008.

14. Adjournment

The meeting was adjourned at 1:45 p.m.

Appendix 1.

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Appendix 2.

1. Opening of the meeting

At 14:30 the meeting was declared open.

2. Adoption of the agenda

The agenda was approved without changes.

3. Approval of the minutes of the 10th meeting

The minutes of the 10th meeting of the group were approved, with the introduction of the following modification:

Regarding the fifth item of the Agenda of the 10th Meeting, the USA asked that the record reflect the complete contents of the Chair's report presented to the IRP and the Meeting of the Parties, so this text will be introduced as an appendix, understanding that the consensus of the approval in the Working Group resulted after detailed review by the parties, of the text included in the Chair's report, and this drafting should be kept. That text is the following:

“The United States reiterated its support for the International Dolphin Conservation Program as well as its openness to working multilaterally with other delegations, on the publicizing and promotion of the AIDCP.

From these premises, the consensus of the parties went towards the conception of a global Plan, multilateral in character and not directed specifically to a market or country in particular, of information about the achievements of the AIDCP as a program, whose objective is greater depth and coverage in the pertinent information that is provided to either external and internal of each Party, in the prudent context that will allow all the parties a greater promotion and publicizing of the AIDCP.

After an extensive debate on the definition of the strategy for developing an eventual plan, a basic text about the beginning of actions to develop—in a concrete strategy – a new plan of greater depth and coverage about the AIDCP was submitted to the judgment of the parties. This proposal, follows the objective that the Chair in consultation with the parties, prepare the basis for discussion that will be considered in a next meeting of the Working Group, about the content of the plan and the way of carrying it out. The Chair said that, if the initiative were approved, he would submit to the delegations, a basic questionnaire that will enable the conceptualization of the alternatives and strategies that will make the Plan in question, a product that can be assimilated by the Working Group and later by the Meeting of the parties. He pointed out the need to direct opportunely to the parties, three basic questions, i.e. What is the current coverage that you possess in your country, information on the existence, importance and achievements of the AIDCP?, What legal, strategic, economic or other limitations, does your country possess for the development of a plan for promoting and publicizing the AIDCP? And what concrete elements do you think necessary to be contemplated in a plan for promoting and publicizing the AIDCP, with the objective of bringing greater clarity and guaranteeing ample coverage of the program?. Given the nature of the matters under treatment, the parties assumed the commitment of working towards creating by consensus the Plan of interest and attend the next meeting of the Working Group, provided that meeting is based on the evaluation of real chances of reaching a favorable level of consensus.

The debate having concluded, the Working Group recommended: Submitting to the Meeting of the Parties the recommendation of agreeing on the development of a plan, by consensus, by considering the terms of the possible draft, and its execution, tending to achieve greater depth and coverage of the promoting and publicizing of the International Dolphin Conservation Program. The Working Group, on the basis of a program which the Chair shall prepare in consultation with the parties, shall analyze at its next meeting all proposals of content. If a consensus is reached, the Working Group shall prepare a schedule of execution of the plan referred to for its later approval.

In consideration of the relevance of the matter herein referred to, and provided that consultations among the most interested parties, that they agree to undertake, demonstrate to the Chair that there is a real outlook for advancing towards the development of a plan, convene the Working Group for the Promotion and Publicizing of the de *AIDCP dolphin safe* Certification System to an extraordinary meeting to be held on the occasion of the next ordinary or extraordinary meeting of the Inter-American Tropical Tuna Commission.

Venezuela asked that its discomfort that the approved recommendation, does not respond in depth and in a conclusive manner to the problem of access of the Dolphin Safe Tuna of the AIDCP, to the market The United States of America, go on record, although it recognizes in the initiative an opportunity to continue working toward the said task

4. Actions to promote AIDCP dolphin safe tuna.

The Chair submitted to the Delegations, a verbal report in which he noted that with the exception of the letter dated 16 June inst., received minutes before the beginning of this session and sent by the National Commission of Aquaculture and Fisheries of Mexico, he has not received any response to the questionnaire circulated following the recommendation of this Group and adopted by the Parties, while the Secretariat sent a report in which the actions undertaken by the organization to date are detailed, highlighting two concrete tasks pending according to the minutes of this Group, to wit:

- Promotion event for the certification system in The United States of America, under the advice and leadership of that country; and
- Promotion event on the occasion of the signing of the FTA between the United States and Central America

Also it was stated that the Chair had received a note signed by Dr. David Hogan, Commissioner for The United States of America, where two publicity actions through NOAA, carried out by the Departments of State and Commerce, were reported, in which the achievements and success of the International Dolphin Conservation Program, as well as the commemoration in the current year, of the tenth anniversary of the signing of the AIDCP, were enunciated.

I noted the Chair the need to know whether the course of action ordered by the Group at its tenth Meeting is still of interest to the parties, in which case it will be necessary to receive the responses to the questionnaire, since sufficient information is not available to attend to the mandate of the Meeting of the parties, whether doing the draft plan for promotion and publicizing or ruling out its viability.

Regarding the commemoration of the tenth anniversary of the AIDCP, the Chair noted that although May of this year marked 10 years since the signing of the agreement, it is not until February of next year that the 10 anniversary of the entry into force of the Program will be celebrated, so the establishment of a Publicizing Plan that will focus on the mentioned anniversary, is not late at the present date. A copy of the report is incorporated as an annex to this report.

United States stressed that in the interests of the AIDCP, they have carried out 3 concrete actions of publicizing consisting of: 1) publication of two press communiqués related to the anniversary and successes of the AIDCP; 2) on the occasion of the publication of scientific studies based on a short series of data, which show positive signs that the Stock of Dolphins in the Eastern Pacific Ocean might find itself in a positive trajectory of recuperation, this circumstance has been capitalized on to issue interviews and press communiqués in which that situation is highlighted and it is recognized that at least in part this is due to the effort of the parties in the AIDCP. The content of the document "*New Estimates of Abundance for Eastern Tropical Pacific Dolphin Stocks*" will be presented to the Technical Committee and as pertinent to the Parties in the corresponding Meeting being made available to the parties for their

information; and 3) the construction of an educational module has been initiated, through which it is attempted to educate in relation to the management of the AIDCP, highlight the efforts of the international community to reach conservation and finally to educate the users regarding the interactions of the Dolphin associated with the tuna fisheries. The need to have audiovisual material to be incorporated in the modules, that is modern and of quality, which The United States does not have, is mentioned.

On the presentation of the publicizing Plan related by The United States, Mexico wishes to leave on record that it welcomes the initiative, but said that its effectiveness does not depend on what is said in this Group but rather on the degree of receptivity that this has by the marketers of the Product in The United States of America, who should be the main target of this Plan, this in harmony with the goals of Annex I of the Declaration of Panamá. Also he stressed that the future of the AIDCP depends on the compliance with that Annex, specifically the effective access to the market for Tuna caught in conformity with the AIDCP. Regarding the audiovisual material requested by The United States, The Secretariat and Mexico mentioned that they would attempt to provide it, while highlighting the positive side of the initiative that is presented. The Chair highlighted the value of education on a society-wide basis, and in the context of a Publicizing Plan, as an action that combines with others for the success of the strategy.

Costa Rica mentioned the still-existing opportunity of carrying out through the Embassies of the Central American countries and others who have interest, in The United States, an activity of publicizing on the occasion of the entry into force of the Free Trade Agreement between the United States and Central America, considering that in his country the process of approval of the agenda of implementation of the treaty has practically concluded. This proposal was seconded by El Salvador and Mexico.

The Chair emphasized that the initiatives that have been presented, are components of a Comprehensive Plan of Promotion which do not necessarily have to wait for the construction of that plan for their execution, so the parties were encouraged to coordinate among themselves to materialize and execute those initiatives as soon as possible, thus maintaining active the promotion and publicizing of the PICD.

Venezuela, Colombia and El Salvador, mentioned not having received the questionnaire circulated by the Secretariat at the request of this Chair, expressing their interest in responding to it and contributing to the generation of the Publicizing Plan herein related. The Secretariat undertook to send the questionnaire to all the parties again.

The Chair reiterated the advisability of having the responses as soon as possible, taking into account that that questionnaire is not limitative and the parties may add the information they think pertinent to the projected objective, which will allow the corresponding report on the draft Plan to be prepared, to be known at the next meeting to be held in October of this year, to which the countries assumed the commitment of prompt response.

5. Other business

- a. Time dedicated to holding the Meetings: By a proposal of the Chair, it was decided that from here on in, with the objective of achieving greater efficiency in the execution of the sessions, the meetings of the Working Group would be convened for the morning of the first day of meetings, so that the meeting of the Working Group on Tuna Tracking may be verified immediately, this without detriment to disposing of and utilizing the time of the afternoon that may be necessary to exhaust the matters to be addressed as circumstances demand.
- b. Mexico made a verbal presentation of its response to the questionnaire requested by the Chair and received on this same date. On the three approaches contained in the questionnaire of the Chair relating to What is the current coverage that you possess in your country, information on the existence, importance and achievements of the AIDCP?, What legal, strategic, economic or other limitations, does your country possess for the development of a plan for promoting and publicizing the AIDCP? And what concrete elements do you think necessary to be contemplated in a plan for promoting and

publicizing the AIDCP, with the objective of bringing greater clarity and guaranteeing ample coverage of the program?, Mexico explained that in that country the problem of tuna is one of the best known in various sectors of the population, since at the margin of its grave economic impact, the exports of this product to The United States has always been faced with commercial restrictions or obstacles and that historically the only thing that has changed is the standard utilized to impede such exports. So the first cause was the requirement for Fishing Licenses by Mexico to operate in its adjoining waters, for example, the cause was due to the establishment of its Exclusive Economic Zone and currently it is because the matter of the Dolphin. Therefore he indicated that there is skepticism regarding the will that is existent to resolve this problem by the population that knows about it. He said that unlike previous restrictions, various NGOs have said that the current ones have the additional problem that they encourage predation of the resources and ecosystems, undermining the balance that the sustainable fishing management systems establish. The Chair expressed gratitude for the presentation, noting that the benefit of having received it, is based on the knowledge of the characteristics of the Program in each country and the expectations of a Publicizing and Promotion Program.

A copy of the updated version of the response to the questionnaire presented by Mexico, will be incorporated as an annex to these minutes.

- c. Mexico indicated that it is considering presenting a resolution related to matters addressed by FAO. The United States expressed its interest in joining in the elaboration of the proposal that might be made in relation to the matters recently addressed by FAO, after an analysis of them and Mexico stated its vision and commitment to sharing these proposals with the United States and other interested countries.

6. Date and place of next meeting

The parties agreed to convene the Working Group, in the month of October 2008, in La Jolla, California, at the time and date that will be opportunely communicated.

7. Adjournment

It being seventeen hours of the starting day, the eleventh meeting of the Working Group for the promotion and publicizing of the AIDCP dolphin safe certification system was adjourned.