

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

35TH MEETING OF THE PARTIES

México City, México
July 18, 2017

MINUTES OF THE MEETING

AGENDA

| | Documents |
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| 1. Opening of the meeting | |
| 2. Election of Chairman | |
| 3. Adoption of the agenda | |
| 4. Approval of the minutes of the 34 th Meeting of the Parties | |
| 5. Secretariat's preliminary report on the IDCP | |
| 6. AIDCP budget | MOP-35-06 |
| 7. Report of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System | |
| 8. Report of the International Review Panel | |
| 9. Other business | |
| 10. Place and date of next meeting | |
| 11. Adjournment | |

APPENDICES

1. List of attendees
2. Report of the Chairman of the Working Group for promoting and publicizing the AIDCP *dolphin safe certification system*
3. Report of the Coordinator of the 61th Meeting of the IRP

The 35th Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) was held in La Jolla, California (USA), on 18 July 2017. The list of attendees is attached as Appendix 1.

1. Opening of the meeting

The meeting was opened by Dr. Guillermo Compeán, Director of the IATTC, which provides the Secretariat for the AIDCP.

2. Election of Chairman

Mr. Alvin Delgado, of Venezuela, was elected Chairman of the meeting.

3. Adoption of the agenda

The provisional agenda was adopted pointing out that under item 9 "*Other matters*" a request from Panama, concerning the *La Peña* vessel that lost its DML would be considered, as well as two proposals made by United States: a proposal for a resolution on the safety of observers at sea and a proposal amendment to Annex II of the AIDCP, paragraph 9.

4. Approval of the minutes of the 34th Meeting of the Parties

The minutes of the 34th Meeting of the Parties were approved with only one modification in the wording of the paragraph referring to dolphin mortality in 2016 under the AIDCP, in which, instead of characterizing it as close to zero, it was agreed that this year was referred as the lowest since the Agreement entered into force, as proposed by the President in reaction to a comment made by the United States.

5. Secretariat's report on the IDCP

Mr. Ernesto Altamirano, from the Secretariat, presented a preliminary report on the operation of the Program in 2016. In that year, 11,219 sets on dolphins were registered with an average mortality of 0.06 per set, which is lower than the rate registered in 2015. 100% of the trips made by large purse-seine vessels has been sampled in accordance with AIDCP requirements. Dolphin Mortality Limits (DMLs) of 50 dolphins were allocated to 98 vessels with an average mortality of 7.4 per vessel.

The Chairman highlighted the achievements of the AIDCP and asked that all the participants in the program be congratulated: governments, fishers, industry and environmental NGOs.

6. AIDCP budget

Mrs. Nora Roa, from the Secretariat, presented Document MOP-35-06 on the AIDCP budget. She pointed out that the program had a surplus of \$1,438,312 USD by December 31, 2016. This surplus should be regarded with caution because vessel assessments have not been increased in more than a decade and the AIDCP has operated with deficit during several consecutive years. For 2018, the Secretariat recommended a budget of \$3,319,906 USD, which includes the contribution of 30% by the IATTC and the contributions per vessel established in Resolution A-13-01.

An intense debate arose when Venezuela suggested that the current surplus should be used to increase the observers' salaries. It was recalled that there is a shortage of observers because they tend to migrate to other jobs onshore with higher and fixed salaries. It was emphasized that, furthermore, the observers' duties have increased since they are requested to perform additional tasks that are not remunerated (for example, gathering data on infractions of the IATTC regulations, among others).

There was an agreement on the need of the increase, but not on its terms. Some countries said the surplus should also be used to increase the salary of observers from national programs, not only of AIDCP observers. They were told that the surplus only corresponds to the AIDCP budget and its observer program. Several coordinators of national programs attending the meeting expressed their concern over the impact of only increasing the AIDCP observers' salaries including the potential migration of observers from national programs to the AIDCP program.

The United States recalled that a proposal on observer safety at sea was still pending and mentioned that part of the surplus could be used to buy safety equipment for the observers, which, as noted by the Secretariat, would cost approximately \$450,000 USD, but only considering AIDCP observers, which generated another discussion on whether to use these resources for national observers as well.

Since it was not possible to reach an agreement on this matter, it was agreed that the discussion on the use of the surplus would be addressed once again during the 36th meeting of the Parties in October, based on specific proposals, including in terms of specific amounts and figures.

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

Ing. Carlos Marín, of Guatemala, who chaired the meeting of the Working Group, presented his report (Appendix 2), noting that the working group discussed the proposal presented by Mexico in order to create a strategic plan for the AIDCP promotion which includes a voluntary fund to support the actions to publicize the AIDCP and its label. He mentioned that the Group decided to endorse the plan which should therefore have already been sent to the Meeting of the Parties (MOP) as a recommendation of the Group. It was also

agreed that it should be embodied in an agreement adopted through a resolution of the MOP.

The United States reiterated its position that participation in the fund and contributions to it should be voluntary, as confirmed by Mexico.

The Parties took note of the report and agreed that the work will continue as recommended by the Working Group.

8. Report of the International Review Panel

Mr. Julio Guevara, Coordinator of the 61th meeting of the IRP, presented his report (Appendix 3), indicating that the Panel had decided to make the following recommendations:

- 1) That the Secretariat draft and present a text proposal to amend paragraph 5 of Section III from Annex IV of the AIDCP in order to ensure that the established limitations in terms of dolphin reallocation are applied to all of those that have exceeded their DMLs, regardless of the date on which this happened.
- 2) Consider as possible infraction, and duly notify it to the corresponding Party, releasing the bow ortza instead of conducting the backdown maneuver, even if all the dolphins are released as a result.
- 3) Consider as closed cases TTF-32 and TTF-34 in view of the actions already taken in their respect since they have already been addressed; and keep cases TTF-30, TTF-31a, TTF31b, and TTF-33 open while the involved Parties conclude the corresponding administrative proceedings.

Regarding the first recommendation, the United States noted that this was an issue that should be reviewed very carefully since it involves an amendment to one of the AIDCP annexes. The Parties agreed that such an amendment would strengthen the AIDCP and that the requested proposal would be presented at the meeting of the Parties in October.

With these comments, the Parties approved the recommendations made by the International Review Panel.

a) Improvement of safety of observers at sea.

Mr. David Hogan, from the United States, presented the following document: MOP-35 PROP A-1 Corr. USA Observer security at sea. He recalled the loss of an observer in the IATTC transshipment program in September 2015 and another one in 2016 of an observer aboard a purse-seine vessel in the Western Pacific.

He pointed out that the proposal mainly entails that the AIDCP On-Board Observer Program and the Parties' national observer programs provide the following equipment to their observers: (1) an independent two-way satellite communication device, such as a satellite phone, and (2) a life jacket with a waterproof personal life-saving beacon.

Mr. Hogan recalled the concern expressed by some Parties had expressed during the last meeting regarding the cost of the equipment and the operation of the communication system, which were estimated by the Secretariat at US\$ 300 and US\$600, respectively, for each observer (for a total of 260 observers presently, both from the AIDCP and the national programs). He noted that the contribution by each Party should be proportionate to the utilization by vessels of its fleet of observers from the AIDCP and the different national programs.

Several Parties stressed that the additional cost deriving from on the need of hiring personnel to monitor the signals sent by the observers, should duly be taken into account.

On the other hand, Mexico stressed that the adoption of measures to improve safety on board should not only be focused on the observers, but on the entire crew.

It was suggested that 10% to 15% of the surplus of the AIDCP budget be used to start acquiring the

necessary equipment. It was also suggested to start working initially in a pilot program that will allow to make final decisions based on real experiences, in addition to the experience gathered in the transshipment program in which the aforementioned equipment is already used.

The meeting agreed with the Chairman's recommendation of preparing new information on costs and how to fund them in order to analyze it during the meeting in October.

b) United States proposal on the amendment of Annex II of the AIDCP.

Mr. David Hogan, from the USA Delegation, presented Document MOP-35 PROP B-1 USA Amendment Annex II AIDCP, in which it is suggested to modify paragraph 9 of Annex II of the AIDCP by including an additional sentence, which reads as follows: **“In addition, a vessel subject to the jurisdiction of a Party that fishes in the Agreement Area without setting on dolphins may use a trained cross-endorsed observer in accordance with the Memorandum of Cooperation between the WCPFC and the IATTC, or any other observer program approved by the Parties.**

Following a preliminary discussion, including on procedural issues related to the adoption of amendments to the AIDCP annexes, the United States pointed out that it would again present the proposal in October.

c) Case of Panama's La Peña vessel.

The Panamanian vessel La Peña lost its full-year DML, for not having used it before April 1. Panama submitted a request for an exemption due to *force majeure*, but extemporaneously, after May 1, when, pursuant to paragraph 2 of Section III from Appendix IV of the AIDCP, the full-year DML from vessels that had lost it had already been reallocated among the Parties. Moreover, it would not be possible for the vessel to receive a DML from the Reserve DML Allocation (RDA) since it had been originally assigned a full-year DML.

In response to the request by Panama that special consideration be given to the case, and based upon the precedent of a similar case concerning a Venezuelan vessel, the Chairman suggested as a solution that Panama assign to the La Peña vessel a DML from the DMLs that have already been allocated to the other vessels of its purse-seine fleet. No Party expressed objections or reservations with respect to the solution thus proposed.

9. Date and place of next meeting

The next meeting of the Parties will be held in October 2017 with specific dates to be defined.

10. Adjournment

The meeting was adjourned at 14:45 on 18 July 2017.