

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES

PERMANENT WORKING GROUP ON TUNA TRACKING

16TH MEETING

LIMA (PERU)
7 JUNE 2004

DOCUMENT TT-16-07

**PROCEDURES TO ENSURE THAT VESSELS NOT IN COMPLIANCE
WITH IATTC CONSERVATION MEASURES DO NOT GET DOLPHIN
SAFE CERTIFICATES**

During the 15th meeting of the Permanent Working Group on Tuna Tracking, it was recognized that procedures need to be developed regarding the certification of tuna caught in contravention of IATTC measures. The origin of this matter is the decision of the 10th Meeting of the Parties in October 2003, in support of the IATTC's conservation efforts, to amend the [*AIDCP Dolphin-Safe Certification System*](#) by adding the following subparagraph 2.g to Section 2, *Certification of AIDCP dolphin safe tuna and tuna products*:

“g. Tuna positively identified by the IATTC as having been caught in contravention of IATTC tuna conservation and management measures is not eligible for an AIDCP Dolphin-Safe Certificate.”

In analyzing the question of procedures, the Secretariat believes that it is first necessary for the parties to agree on the meaning of some of the terminology in paragraph 2.g. Specifically, there are two points that need to be clear.

First, what is meant by “conservation and management measures” in terms of the implementation of this paragraph. Among the IATTC's measures are, for example, requirements to release sea turtles and to report catches weekly. Is it the intent of the paragraph that a dolphin safe certificate not be issued to a vessel which did not release a turtle or did not make a weekly report? The Secretariat recommends that the scope of the term “conservation and management measures” be limited, at this stage, to the major conservation proposals for yellowfin or bigeye tuna, which in recent years have involved an area closure, but need not be limited to a closure. If the Parties to the AIDCP decided to expand the scope of the term to include other measures, that could be done in the future.

Second, the meaning of the term “positively identified by the IATTC” needs to be clarified. Is it the intent of the language that the Commission itself, meaning the member governments, would have to identify the tuna? The Secretariat recommends that, for purposes of paragraph 2.g, the term be interpreted to mean the fish identified by the observer on board the vessel as being caught in the illegal sets, as confirmed by the Secretariat. Alternatively, it could mean all the fish caught during the trip in which the illegal activity occurs.

Whatever understandings are agreed among the parties regarding the meaning of the terminology in paragraph 2.g, there are two ways to proceed. The simpler way would be to record these understanding in the minutes of this meeting and the Meeting of the Parties. Alternatively, paragraph 2.g could be amended to make it more clear.

Once the meaning of the requirement is fully clarified, and especially if along the lines recommended by the Secretariat, the procedures to implement it need not be overly complicated. The Secretariat is usually able to learn about major violations such as a breach of the closure in a fairly timely manner. Upon learning of a violation, the Secretariat could immediately notify the flag state of the vessel in question of

the situation, so that no dolphin safe certificate would be issued for the tuna. Since the state in whose territory the tuna is landed may also issue certificates, the flag state could also be responsible for ascertaining the landing port of the vessel if it is still at sea, and then advising the port state not to issue a certificate for the catch in question. The Secretariat could also assist in communications with the port state as appropriate and necessary, particularly if it learns from the observer beforehand where the vessel is headed.

Whatever procedures are agreed could simply be recorded in the minutes of this meeting and endorsed by the Meeting of the Parties.