

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
45th MEETING OF THE PARTIES

La Jolla, California, USA
18-19 October 2022

MINUTES OF THE MEETING

AGENDA

	Documents
1. Opening of the meeting	
2. Adoption of the agenda	
3. Approval of the minutes of the 44 th Meeting of the Parties	
4. Secretariat's report on the IDCP	
5. AIDCP budget	
6. Review and approval of the AIDCP Rules of Procedure	
7. Report of the 35 th meeting of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System	
8. Report of the 70 th meeting of the International Review Panel (IRP)	
9. Other business	
10. Election of Chairman and Vice-Chairman	
11. Place and date of next meeting	
12. Adjournment	

APPENDICES

1. List of attendees
2. Resolution A-22-01-AIDCP Rules of Procedure
3. Report of the 35th meeting of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System
4. Report of the 70th meeting of the International Review Panel (IRP)
5. Guidelines on working conditions and procedures for on-board observers
6. Statement by the Chair of the AIDCP at the 45th Meeting of the Parties

The 45th Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) was held in La Jolla, California on 17-18 October 2022 in a hybrid format (presential and virtual).

1. Opening of the meeting

The meeting was opened by Dr. Arnulfo Franco, Director of the Inter-American Tropical Tuna Commission (IATTC), which provides the technical Secretariat for the AIDCP.

Ecuador, El Salvador, United States, Colombia, Nicaragua, Panama, Honduras, and Venezuela attended in person and Mexico did so virtually.

2. Adoption of the agenda

The agenda was approved as presented.

3. Approval of the minutes of the 44th Meeting of the Parties

The minutes of the 44th Meeting of the Parties were approved without changes.

4. Secretariat's report on the IDCP

The Secretariat's staff presented Document [AIDCP-45-01 – Report on the International Dolphin Conservation Program](#). It was reported that the recorded dolphin mortality in 2021 was 729, compared to 689 in 2020; this mortality was recorded in a total of 9,887 sets on marine mammals, so mortality per set was 0.074 dolphins. In terms of compliance with data provision for vessels exempted from carrying observers on board due to the COVID-19 pandemic, compliance was reported as 100% since all agreed data were provided for the 50 trips that did not carry an observer on board during the entire trip.

The Parties approved the Chair's proposal to extend for the last time, until 31 December 2022, the validity of the COVID-19 Exception Procedure for the operation of on-board observers.

5. AIDCP budget

Ms. Nora Roa, from the Secretariat, presented again the AIDCP budget proposal for 2023, which was not adopted by consensus at the previous Meeting of the Parties held in Phoenix, Arizona, in July 2022. She recommended a US\$ 3,386,800 budget and reiterated the Secretariat's recommendation to raise the compensation for IATTC observers by US\$ 10 for 2023 and 2024. This would entail increasing the vessel assessment from US\$ 14.95 to US\$ 15.95, that is, a US\$ 1 increase per cubic meter of well volume.

On the other hand, Ms. Roa recalled the existence, as of 31 December 2021, of an accumulated surplus of US\$ 2,430,492, as well as, as of 30 June 2022, of an accumulated amount of pending arrears of US\$ 671,548 for outstanding vessel assessments from Ecuador, Panama, and Venezuela.

This presentation led to the following comments from the participants:

- Regarding overdue assessment payments, Venezuela assured that it was taking action to pay in full the outstanding contributions of the nine vessels under its flag, understanding that the debt would remain even in the case of a change of flag. This AIDCP principle and practice should be formalized through a decision or resolution or the amendment of an instrument already in force.
- Regarding the surplus, the participants were generally interested in learning if it results from accumulated late payments of assessments in arrears or if it reflects savings in the implementation of the budget. It was clarified that essentially it is not a matter of savings but rather of the accumulation of overdue assessment payments.
- Regarding the recommendation of additional compensation to observers, several delegations, just as in the previous meeting, stated their difficulty in accepting any increase in quotas, particularly due to the economic crisis they are facing.

Some delegations reiterated their proposal for this increase to be taken from the surplus. This was once again opposed by Mexico, which reminded attendees about its position to not use the surplus to cover current expenses. Also, it recalled its proposal to use this surplus for a research project, such as the study of a potential cow-calf separation in dolphin populations.

On the other hand, Nicaragua requested that more information be prepared on scenarios on how to cover the expense resulting from the proposed compensation, without excluding the potential use of the surplus for this purpose, in order to be able to make a decision at the next Meeting of the Parties in 2023.

The Meeting of the Parties agreed to convene a videoconference in December to discuss this issue based on the information requested by Nicaragua, including the possibility of partially using the surplus and also doing so for research purposes.

Leaving aside the issues of surplus and additional compensation to observers for discussion at the

videoconference meeting in December, the Meeting of the Parties approved the budget presented for the amount indicated above.

6. AIDCP Rules of Procedure

The Meeting of the Parties reviewed the revised version of the draft Rules of Procedure presented during its 44th meeting in Phoenix, Arizona, taking into account the suggestions and comments submitted by the United States, as well as an addendum submitted by the Chair on the possibility of holding virtual meetings, either in whole or in part.

After this comprehensive review, the Meeting of the Parties approved the final text of the Rules of Procedures as Resolution A-22-01 (see **Appendix 2**).

7. Report of the 35th meeting of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System

The report of the Working Group to promote and publicize the Dolphin Safe Tuna Certification System (**Appendix 3**) was presented by its Chair, Mr. Bernal Chavarría. He noted that the Group agreed to recommend:

- a) That the Secretariat contact the American Museum of Natural History of New York City to offer information that may be useful in updating the contents of the tuna-dolphin relationship exhibited at that museum from the perspective of the AIDCP work and results. In the event this generates costs, the Secretariat shall inform the Parties.
- b) That current AIDCP information and outreach materials and their labeling be kept in open consultation with the Parties to continue updating and integrating them to consolidate a set of actions that can be implemented coordinately, consistently, and even progressively.
- c) To update the promotional video regarding the table of historical dolphin mortality up to 2021 and that the positions of those interviewed be updated, taking into account that in many cases they have changed.
- d) To make the best use of the current communication systems provided by the Internet (i.e., social media) to disseminate the information generated in the AIDCP. This with the understanding that social media are two-way; support for the work or extreme criticism of the program can be received. Therefore, there must be a clear definition of the logistics required with the permanence needed and a policy to ensure the informational character of the medium.
- e) Encourage the work already conducted by the Secretariat and which was mentioned by the Director of the IATTC to disseminate the contents of the AIDCP and its achievements through social media.
- f) To consider the potential use of a portion of the AIDCP surplus to carry out dissemination work.
- g) That the Secretariat investigate the status of the negotiation process of a new binding legal instrument on biodiversity conservation in maritime areas beyond national jurisdiction (BBNJ) to analyze the possibility of instructing the Secretariat to participate in this process and record the progress of the work of the AIDCP and the IATTC on conservation matters.

The Meeting of the Parties took note of these recommendations and approved them.

8. Report of the 70th meeting of the International Review Panel (IRP)

Mr. Enrique de la Vega, in his capacity as the Presider of the IRP, reported that the Panel issued the following recommendations:

- a) Approve allocating 114 DMLs requested for 2023. One of these would be subject to confirmation by El Salvador regarding compliance with operational requirements.

- b) Request the Secretariat to prepare an updated proposal to amend the procedures to maintain the list of qualified captains, including, among others, a definition of the period of validity of training courses captains must take to be included in this list. This proposal should be sent to the Parties for discussion and review between sessions for potential approval at the next IRP meeting.
- c) Refer to the corresponding Party case 2022345 of a vessel with a DML that fished without a dolphin-safety panel. Even though this case was going to be referred to the Party automatically, the IRP decided to expressly identify it, as it was a potential major infraction.
- d) Endorse the recommendation of the Working Group on Tuna Tracking regarding the request to send the Parties a reminder about the importance of submitting TTFs to the Secretariat within the established deadlines.

The Meeting of the Parties to the AIDCP took note of these recommendations and approved them.

9. Other business

a) Guidelines on working conditions and procedures for on-board observers

The Meeting of the Parties proceeded to a first reading of the proposed text of the guidelines prepared and presented by the Chair. It decided it should be included as an appendix to these minutes, pending a discussion on the form in which they should be adopted, for example, as a resolution, since it is clear that it is binding for vessel captains as well as on observers (see **Appendix 5**).

b) Proposal by Venezuela to facilitate the embarkation and disembarkation of AIDCP observers

In previous meetings, Venezuela had referred to the difficulties encountered in embarking and disembarking AIDCP observers, both Venezuelan and from other countries, in the territory of port States with restrictive immigration conditions for citizens of those nationalities. Venezuela informed the Meeting of the Parties that progress had been made in this matter.

c) Report on the meeting of those responsible for the AIDCP and national observer programs

On the margins of the Meeting of the Parties, an informal meeting of those responsible for the AIDCP and national observer programs was held, chaired by Mr. Enrique Espinosa, head of Panama's National Observer Program. Mr. Espinosa informed the Meeting of the Parties about the results of that meeting, and the possibility of formalizing these meetings in the future was considered.

10. Election of Chairman and Vice-Chairman

The Meeting of the Parties re-elected Mr. Alvin Delgado, of Venezuela, as its Chair for 2022-2024 and elected Mr. Julio Guevara, of Nicaragua, as Vice-Chair for the same period.

11. Place and date of next meeting

The next meeting will be held in 2023 in Canada, together with the IATTC annual meetings, at a place and date to be determined.

12. Adjournment

The meeting was adjourned on 19 October 2022 at 1:30 p.m.

Appendix 1. List of attendees

ASISTENTES - ATTENDEES	
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AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
45^a MEETING OF THE PARTIES

La Jolla California, USA.
18-19 October 2022

RESOLUTION A-22-01

AIDCP RULES OF PROCEDURE

I. SCOPE OF APPLICATION

1. Except as otherwise provided in the Agreement on the International Dolphin Conservation Program (“AIDCP” or “the Agreement”) or decided by the Meeting of the Parties to the Agreement (“Meeting of the Parties”), these Rules of Procedure shall apply, mutatis mutandis, to all subsidiary bodies established within the framework of the Agreement and its implementation, including the International Review Panel, the Permanent Working Group on Tuna Tracking and the Working Group to promote and publicize the AIDCP Dolphin Safe Certification System.

II. REPRESENTATION

2. Each Party shall communicate to the Secretariat (the “Director” of the IATTC) the contact points who shall have primary responsibility for correspondence with the Secretariat. Before any meeting of the Meeting of the Parties, each Party shall communicate to the Director the names of the delegates, experts and advisers that it has appointed to participate in that meeting.

III. MEETINGS OF THE PARTIES

3. Pursuant to Article VIII.2 of the Agreement, the ordinary Meeting of the Parties shall be held at least once per calendar year, preferably on the occasion of a meeting of the Inter-American Tropical Tuna Commission (IATTC).
4. The announcement of an ordinary meeting, along with its provisional agenda, shall be communicated by the Director to all the Parties, as well as to observers to that meeting normally at least ninety (90) days in advance of the date fixed for the meeting. “Observers” shall include, as appropriate, non-Parties whose participation may promote implementation of the Agreement, intergovernmental organizations whose work is relevant to the implementation of this Agreement and non-governmental organizations (NGOs) with recognized experience in matters pertaining to the Agreement, in accordance with Article XVII, paragraph 2, and Annex X of the Agreement. This announcement shall also be posted on the IATTC website as soon as possible.
5. An extraordinary meeting may be convened, at any time, pursuant to Article VIII, paragraph 3 of the Agreement. The date and place of an extraordinary meeting shall be those that the Parties determine.
6. The announcement of an extraordinary meeting, along with a provisional agenda, shall be communicated by the Director to all the Parties, as well as to observers to that meeting, normally at least forty-five (45) days in advance of the date fixed for the meeting. This announcement shall also be posted on the IATTC website as soon as possible.
7. The Director, in consultation with the Chair of the AIDCP Meeting of the Parties (“the Chair”), shall

draw up the provisional agenda.

8. Any Party may, at least forty-five (45) days before the date fixed for the opening of the ordinary meeting, or fifteen (15) days in the case of an extraordinary meeting, request the inclusion of supplementary items in the provisional agenda. A request of supplementary items in the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item. Such items shall be communicated to all Parties at least thirty (30) days before the opening of an ordinary meeting, and immediately in the case of an extraordinary meeting.
9. The Meeting of the Parties shall appoint a rapporteur from one of the Parties at the beginning of each meeting, in order to assist the Chair in the production of a meeting report.
10. The Meeting of the Parties shall be held at the headquarters of the IATTC unless the Meeting of the Parties decides otherwise, including that these meetings be held entirely or in part by videoconference.

IV. POSTING AND CIRCULATION OF DOCUMENTS AND SUBMISSION OF PROPOSALS

11. For the submission of proposals, Parties shall use the templates developed by the Director, which shall be posted on the IATTC website.
12. If a draft proposal is either an amendment to an existing resolution or recommendation, or an amendment to a previous proposal by the same proponent, it shall be submitted and circulated in both a clean version and a track change version.
13. To the extent possible and subject to the applicable rules of confidentiality, all documents to be prepared by the Director for ordinary meetings shall be posted on the IATTC website and circulated among all Parties and observers at least forty-five (45) days in advance of the meeting, without prejudice to the possibility of subsequent updates.
14. Any proposal or other relevant document to be discussed at a meeting shall be submitted to the Director not less than twenty-one (21) days before the opening of the meeting. These shall be posted on the IATTC website immediately in their original language. The Director shall translate and circulate proposals to all Parties at the latest ten (10) days before the beginning of the Meeting of the Parties.

V. OBSERVERS

15. Participation of observers is governed by the provisions of Annex X of the Agreement. Unless otherwise decided by the Meeting of the Parties, observers cannot attend meetings held in executive session and the meetings of Heads of Delegations.

VI. CHAIR AND VICE-CHAIR

16. At the end of the appropriate meeting, the Meeting of the Parties shall elect a Chair and a Vice-Chair who shall be from different Parties, unless the Meeting of the Parties decides otherwise. The Chair and Vice-Chair shall remain in office for a period of two years and may be re-elected for additional terms. If the Meeting of the Parties is not able to elect a Chair and/or a Vice-Chair, the host Party (the Party that will host the annual meeting in that year) shall provide the Chair, and the previous host Party the Vice-Chair.
17. The duties of the Chair are to be exercised both during the meeting and during the intersessional period. These are:
 - a. Declare the opening and the closing of the meeting;
 - b. Preside over the Meeting of the Parties;
 - c. Decide on all questions of order that may arise at the Meeting of the Parties. However, upon the request of a Party, such decision by the Chair shall be submitted to the Meeting of the Parties for its reconsideration and possible revocation;
 - d. Encourage and facilitate consensus on matters under consideration at the Meeting of the Parties.

- e. Act in representation of the Meeting of the Parties, in accordance with the tasks that the Meeting of the Parties may assign.
 - f. In general, carry out such functions as the Meeting of the Parties may assign.
18. If the Chair is unable to carry out its functions at any time, the Vice Chair shall act as Chair until such time as the Chair is able to resume carrying out its functions or a new Chair is elected. If neither the Chair nor the Vice-Chair are able to carry out their functions, the host Party shall provide a Chair and the previous host Party a Vice-Chair.

VII. DECISION-MAKING

19. a. In accordance with Article IX of the Agreement, all decisions made by the Parties at meetings shall be by consensus.
- b. Unless otherwise provided in the Agreement or at the time they are adopted, such decisions shall enter into force forty-five (45) days from the date on which they are notified by means of publication on the IATTC website.

VIII. INTERSESSIONAL DECISION-MAKING

20. Without prejudice to the provisions of Article IX of the Agreement, where a decision cannot be deferred until the next Meeting of the Parties, a matter may be decided during the period between meetings electronically (e.g., email, secure website).
21. Matters to be decided under this section shall not include:
- a. decisions on adoption of amendments to the Agreement and its annexes;
 - b. invitations to accede to the Agreement pursuant to Article XXII, paragraph 1, of the Agreement.
 - c. the adoption and amendment of the AIDCP budget, and those that determine the form and proportion of the contributions of the members;
 - d. the establishment of dolphin mortality limits (DMLs); and
 - e. such others as the Parties may decide.
22. The Chair, on its initiative, or the Director, at the request of at least three (3) Parties that have made a proposal, may move for adoption without delay of such proposal by intersessional decision. In doing so, the Chair, in consultation with the Vice-Chair, shall determine the necessity of considering the proposal intersessionally.
23. Where the Chair determines that it is not necessary to consider the proposal intersessionally, the Chair shall promptly notify the Parties referred to in paragraph 22 of these Rules of Procedure of such determination and the reasons. Within ten (10) days of the notification, these Parties may request reconsideration of the Chair's determination by an intersessional decision by consensus.
24. Where the Chair or the Parties determine that it is necessary to consider the proposal intersessionally, the Chair shall promptly transmit to all Parties:
- a. The proposal, including any explanatory note;
 - b. The determination made by the Chair under this paragraph; and
 - c. A request for an intersessional decision.
25. Parties shall promptly acknowledge receipt of the transmittal under paragraph 22. If no acknowledgment is received within seven (7) days of the date of transmittal, the Director shall retransmit the transmittal, using all additional means available to ensure that the transmittal has been received. Confirmation by the Director that the transmittal has been received shall be deemed

conclusive regarding the participation of the Party in the decision-making process.

26. Parties shall respond within thirty (30) days of the date of the initial transmittal if they do not agree with the proposal, or if they require additional time to consider the matter. If a Party requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one fifteen (15) day extension will be permitted. In the event of such an extension, the Director shall inform all Parties of the final date by which responses must be received.
27. If no reply from a Party is received within thirty (30) days of transmittal, or by the extended deadline specified by the Director in the event of a fifteen (15) day extension to consider the proposal, that Party shall be deemed to have joined the consensus, as long as the Director has confirmed receipt of the transmittal by that Party pursuant to paragraph 25.
28. The result of a decision taken intersessionally shall be ascertained by the Chair, in consultation with the Director, at the end of the decision-making period and promptly notified to all Parties, along with any explanations of positions that have been received.
29. Proposals adopted intersessionally shall become effective for all Parties pursuant to paragraph 19 b. of these Rules of Procedure.
30. Proposals transmitted for intersessional decision-making shall not be subject to amendment during the decision-making period.
31. A proposal that has been rejected by intersessional decision for any reason shall not be reconsidered until the following meeting of the Meeting of the Parties.

IX. INTERNATIONAL REVIEW PANEL

32. Without prejudice to these Rules of Procedure, meetings of the International Review Panel ("IRP") shall be conducted in accordance with the rules established by Annex VII, paragraphs 5-14, of the Agreement.

X. OTHER SUBSIDIARY BODIES

33. Subsidiary bodies shall hold their meetings with the frequency and at the date and place that the Meeting of the Parties may determine. Pursuant to Annex VII of the Agreement, the International Review Panel (IRP) shall hold at least two meetings a year, one of which will preferably be held on the occasion of the ordinary Meeting of the Parties
34. In the case of a request or recommendation to hold an intersessional meeting, the Chair, in coordination with Director, will consult the Parties pursuant to section VIII of these Rules of Procedure.
35. Each subsidiary body shall elect its own Chair.

XI. REPORTS AND MINUTES

36. The Director shall prepare an annual report of the activities of the AIDCP during the previous year and circulate it among Parties at least forty-five (45) days before the ordinary meeting.
37. The draft Minutes of the Meeting of the Parties shall include all decisions adopted by the Meeting of the Parties.
38. The draft Minutes of the Meeting of the Parties and the draft reports of the International Review Panel and other subsidiary bodies, shall be transmitted as soon as possible after the end of the meeting by the Director, in coordination with the Chair of the Meeting of the Parties, the Presider of the International Review Panel and chairs of the other subsidiary bodies, to all Parties for their comments and drafting suggestions.
39. Any comments or drafting suggestions shall be submitted no later than 30 days from the reception of the draft report. The Director, in coordination with the Chair of the meeting, shall make every effort to

reflect these comments and send the revised version of the report within fourteen (14) days for final endorsement. If there are still any outstanding issues, the Director will consult with the concerned Parties to resolve the issue and prepare a revised Minutes or report which will be the final draft.

40. The final draft Minutes or reports shall be submitted for approval to the Parties through intersessional decision-making.
41. The final Minutes of the Meeting of the Parties, and the final reports of the International Review Panel and other subsidiary bodies shall be sent electronically to all Parties and published on the IATTC website.

XII. DOCUMENTS

42. Upon request, the Meeting of the Parties shall provide to any Party copies of any documents pertaining to the Meeting of the Parties. The Director shall consider electronic means of distributing documents to save cost and paper.
43. Without prejudice to any other rules on confidentiality that may be adopted by the Meeting of the Parties, reports and statistics on the production of individual fisheries and details of operations which individual companies provide to the Meeting of the Parties or to the staff of the Secretariat shall be treated as confidential.

XIII. AMENDMENTS

44. These Rules of Procedure may be amended as deemed necessary by the Meeting of the Parties, and in accordance with Article IX of the Agreement and, as appropriate, Section VII of these Rules of Procedure.
45. The Meeting of the Parties shall review these rules as appropriate and when deemed necessary for the effective and efficient operation of the Meeting of the Parties, of the International Review Panel and other subsidiary bodies.

XIV. LANGUAGES

46. English or Spanish may be used during meetings of the Meeting of the Parties, of the International Review Panel and other subsidiary bodies, and simultaneous interpretation and translation into the other language will be provided. The reports, minutes, official documents, and official publications of the Meeting of the Parties, of the International Review Panel, official correspondence of the Meeting of the Parties, communications, or documents formulated by the Parties and the Director shall be in both languages.

Appendix 3. Report of the 35th meeting of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
WORKING GROUP TO PROMOTE AND PUBLICIZE THE AIDCP DOLPHIN-SAFE TUNA CERTIFICATION SYSTEM
35TH MEETING
17 October 2022
La Jolla, California

REPORT OF THE MEETING

AGENDA

	Documents
1. Opening of the meeting	
2. Adoption of the agenda	
3. Approval of the report of the 35 th meeting	
4. Actions to promote AIDCP dolphin-safe tuna	
5. Recommendations to the Meeting of the Parties	
6. Other business	
7. Date and place of next meeting	
8. Adjournment	

ANNEX

-
1. List of attendees.
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The 35th Meeting of the Working Group to Promote and Publicize the AIDCP Dolphin-Safe Tuna Certification System was held in La Jolla, California, on 17 October 2022. The list of attendees can be found in Appendix 1.

1. Opening of the meeting

The meeting was opened by the Chair of the Working Group, Mr. Bernal Chavarría.

2. Adoption of the agenda

The provisional agenda was adopted without changes.

3. Approval of the minutes of the 34th meeting

The report of the 34th Meeting of the Working Group were approved without changes.

4. Actions to promote AIDCP dolphin-safe tuna

The Chair recalled the recommendation adopted during the 34th Meeting, according to which the Secretariat, after drafting proposals for updating the written material, inter alia for the mortalities table, should send them to the Parties in order to receive additional suggestions that would be considered in due course by the

Meeting of the Parties. Also, there had been a call to strengthen the mechanisms for promoting and publicizing the work of the AIDCP.

The Secretariat reported on the actions undertaken in this regard and other important ones that it considered necessary to share with the Working Group:

- a. The Secretariat reported that it had sent the corresponding material to the Parties in a timely manner and within a given deadline it had not received any observations or proposals for adjustments, for which reason it proceeded to update the information on the web page.
- b. It reported on the project that is currently being executed in the IATTC framework, regarding the implementation of dissemination mechanisms based on social networking platforms, in which the work of the AIDCP is highlighted as appropriate.
- c. It related the experience of a staff member who found in the Museum of Natural History in New York, an exhibition space designed to show the association of fish species in the Tropical Pacific Ocean and in which the relationship between dolphins and tunas is highlighted, without currently displaying information that could be relevant, of an educational and informative nature, on the work carried out by the AIDCP, its purposes and achievements.

The Group discussed different mechanisms for strengthening the dissemination and promotion of the AIDCP and the need to broaden the spaces for consultation so that the Secretariat continues to receive contributions towards the consolidation of a package of actions that can be implemented in a coordinated and consistent manner, even in a gradual manner. Within this framework, the Group considered it necessary to identify resources to guarantee the existence and permanence of platforms and dissemination mechanisms in addition to the web page, taking advantage of conventional mechanisms as well as new technologies.

Regarding social networks, the importance of having the appropriate logistics in place to deal with their dynamics, in association with a clear policy for their management, in order to ensure the informative nature of these communication vehicles, was emphasized. With regard to the resources to achieve this, it was considered necessary to consider both the efforts that the AIDCP could undertake with its own resources, as well as the incorporation of other national, public or private activities, such as museums or educational exhibition centers, aimed at both the specialized audience and the general public, specialized magazines and recognized radio or television programs such as FUNDATUN's magazine and the AZUL SOSTENIBLE ("Sustainable Blue") program.

Regarding funding, one Party expressed that the existing surplus in the AIDCP could be useful for funding activities to disseminate the nature, scope and results of the work of the AIDCP, without involving the AIDCP Dolphin Safe certification system.

The Group also recognized that there were multiple initiatives developed at the global or multilateral level whose results are related to fisheries management, such as the process of formulating a legally binding international instrument within the framework of the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (BBNJ). It also recognized that these processes can benefit if scientific, educational and informative information is made available to them with a balanced precision about the work being carried out in fisheries management, especially as a result of multilateral efforts such as the AIDCP and the IATTC, but recognizing that the AIDCP, without a precise mandate derived from the agreement of the Parties, due to its intergovernmental status, should not assume positions that conflict with the freedom that the Parties have in the respective negotiating fora.

5. Recommendations to the Meeting of the Parties

After extensive discussion and evaluation of outreach and promotion mechanisms, the following recommendations were adopted:

- a) That the Secretariat contact the American Museum of Natural History of New York City to offer information that may be useful in updating the contents of the tuna-dolphin relationship exhibited

at that museum from the perspective of the AIDCP work and results. In the event this generates costs, the Secretariat shall inform the Parties.

- b) That current AIDCP information and outreach materials and their labeling be kept in open consultation with the Parties to continue updating and integrating them to consolidate a set of actions that can be implemented coordinately, consistently, and even progressively.
- c) To update the promotional video regarding the table of historical dolphin mortality up to 2021 and that the positions of those interviewed be updated, taking into account that in many cases they have changed.
- d) To make the best use of the current communication systems provided by the Internet (i.e., social media) to disseminate the information generated in the AIDCP. This with the understanding that social media are two-way; support for the work or extreme criticism of the program can be received. Therefore, there must be a clear definition of the logistics required with the permanence needed and a policy to ensure the informational character of the medium.
- e) Encourage the work already conducted by the Secretariat and which was mentioned by the Director of the IATTC to disseminate the contents of the AIDCP and its achievements through social media.
- f) To consider the potential use of a portion of the AIDCP surplus to carry out dissemination work.
- g) That the Secretariat investigate the status of the negotiation process of a new binding legal instrument on biodiversity conservation in maritime areas beyond national jurisdiction (BBNJ) to analyze the possibility of instructing the Secretariat to participate in this process and record the progress of the work of the AIDCP and the IATTC on conservation matters.

6. Other business

There were no other matters to consider.

7. Date and place of next meeting

The next meeting of the Working Group will be held on the dates that are agreed for the meetings of the AIDCP by mid-2023.

8. Adjournment

The meeting was adjourned at 11:40 on 17 October 2022.

Appendix 4. Report of the 70th meeting of the International Review Panel (IRP)

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

70TH MEETING

La Jolla, California, USA

17 and 18 October 2022

REPORT OF THE MEETING

AGENDA

	Documents
1. Opening of the meeting	
2. Adoption of the agenda	
3. Approval of the report of the 69 th meeting	IRP-69-RPT
4. a. Review of Dolphin Mortality Limits for 2022	IRP-70-01
b. Dolphin Mortality Limits for 2023	IRP-70-02
5. Review of List of Qualified Captains	IRP-70-03
6. Review of observer data	
7. Review of actions by Parties on possible infractions reported by the IRP:	IRP-70-04
a. Actions taken since report at the 69 th meeting	IRP-70-05
b. Status review of special cases	
8. Report of the Permanent Working Group on Tuna Tracking	
9. Other business	
10. Recommendations for the Meeting of the Parties	
11. Election of the Presider	
12. Place and date of next meeting	
13. Adjournment	

APPENDIX

1. List of attendees
2. Report of the 48th meeting of the Permanent Working Group on Tuna Tracking

The 70th meeting of the International Review Panel was held in a hybrid format (presential and virtual) in La Jolla, California, USA, on 17 and 18 October 2022. Attendees are listed in Annex 1.

1. Opening of the meeting

Dr. Arnulfo Franco, Director of the Inter-American Tropical Tuna Commission (IATTC), which provides the Secretariat for the Agreement on the International Dolphin Conservation Program (AIDCP), opened the meeting and gave the floor to Mr. Enrique de la Vega, of Colombia, as Presider of the meeting.

2. Adoption of the agenda

The proposed agenda was adopted without changes.

3. Approval of the report of the 69th meeting

The report of the 69th meeting of the Panel was approved without any changes.

4. a. Review of Dolphin Mortality Limits for 2022

The Secretariat summarized the situation regarding the allocation and utilization of Dolphin Mortality Limits (DMLs) in 2022 as of September 28, 2022, as described in document IRP-70-01.

The situation in 2022 as of September 28, 2022, was as follows: 110 vessels had been granted full-year DMLs. Of these, 98 were utilized by April 1, 2022; 11 were exempted due to force majeure and 1 was lost due to non-utilization. On the other hand, second-semester DMLs were granted to two vessels, and two DMLs were granted from the Director's reserve.

The Secretariat presented a list of the requests for DMLs by flag and their respective utilization that the IRP had requested to include at its 69th meeting. The totals on this list as of September 28, 2022, reflected 110 DMLs assigned and 103 utilized.

The average cumulative mortality per vessel for the year 2022 was 7.44 dolphins based on 8,549 sets on dolphins and a total mortality of 781 dolphins, resulting in a mortality per set of 0.09. The average DML assigned per vessel for the year 2022 was 44.54 and no vessel has met or exceeded that limit.

b. Dolphin Mortality Limits for 2020

The Secretariat presented document IRP-70-02 which contains the list of DMLs requested for the year 2023. The document lists 114 DMLs requested, of which 113 received qualifying statements. One DML requested for a vessel from El Salvador did not contain the qualification certificate, since the vessel was in the shipyard and its net was in another port, so it could not be inspected by the authorities. El Salvador reported that the certificate of qualification for this vessel would be sent to the Secretariat in the next few days.

The Panel agreed to recommend to the Parties the approval of the 114 DMLs requested, one of which would be subject to final approval once the certificate of qualification is received from the authorities of El Salvador.

5. Review of AIDCP List of Qualified Captains

The Secretariat presented document IRP 70-03 showing the changes to the list of qualified captains between 05 July 2022 and 28 September 2022 which include the addition of 5 captains. No captains were removed from or reinstated during this period.

Under this agenda item, the Secretariat presented a proposed amendment to the procedure for maintaining the list of qualified captains, as requested by the Panel at its 69th meeting. The document was reviewed, and the Parties requested that it be further developed and adjusted intersessionally for its possible formal approval at the 71st meeting of the IRP in 2023. The Secretariat was requested to update the proposal and send it to the Parties for review by correspondence prior to that meeting.

To conclude this agenda item, Mr. Enrique Ureña of the Secretariat presented the model certificate that the Secretariat has begun to issue to the captains, upon their inclusion in the list of captains.

6. Review of observer data

The Secretariat presented document IRP-70-04 which includes a summary of the data reported by observers of the On-Board Observer Program corresponding to possible infractions, received and processed by the

Secretariat since the previous IRP meeting. During this period, the Secretariat reviewed a total of 233 fishing trips and identified 2 cases of possible non-compliance regarding dolphin safety gear requirements for vessels with DMLs, which will be automatically transmitted to the Parties as previously instructed by the IRP. These 2 cases include a possible non-compliance for not having a high-intensity floodlight that complies with the requirements of the Agreement and one case for not having a dolphin safety panel. During this period, no cases of possible non-compliance were detected that required review by the IRP, in order to provide guidance to the Secretariat.

On the other hand, the Secretariat informed the Panel of a vessel that had a cumulative mortality of 33 dolphins. The Secretariat was consulted on the captain's record to assess whether this particular captain requires special follow-up by the IRP. The information provided by the Secretariat indicates that this captain has a mortality average slightly above the fleet average. However, the Secretariat was left with the task of analyzing this situation in more detail and reporting back to the Panel in the future.

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

a. Actions taken since report at the 69th meeting

The Secretariat presented document IRP-70-05, which follows up on the responses to certain possible infractions identified during the 69th meeting of the IRP. It was reported that during the previous meeting only one case was identified for fishing without an observer from a European Union vessel. In this regard, there were no comments from the European Union since it was not represented at the meeting.

b. Status review of special cases

The Secretariat reported that there were no special cases to present at the 70th meeting of the International Review Panel.

8. Report of the Permanent Working Group on Tuna Tracking

Mr. Julio Guevara, who had assumed the chairmanship of the Working Group in the absence of its Chair, Mr. David Hogan, presented his report (see Annex 2) and noted the recommendation adopted by the Group to remind the Parties that the TTFs should be submitted to the Secretariat no later than 10 days after the end of fishing operations.

9. Other business

No other business was raised.

10. Recommendations for the Meeting of the Parties

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

- a) Approve allocating 114 DMLs requested for 2023. One of these would be subject to confirmation by El Salvador regarding compliance with operational requirements.
- b) Request the Secretariat to prepare an updated proposal to amend the procedures to maintain the list of qualified captains, including, among others, a definition of the period of validity of training courses captains must take to be included in this list. This proposal should be sent to the Parties for discussion and review between sessions for potential approval at the next IRP meeting.
- c) Refer to the corresponding Party case 2022345 of a vessel with a DML that fished without a dolphin-safety panel. Even though this case was going to be referred to the Party automatically, the IRP decided to expressly identify it, as it was a potential major infraction.
- d) Endorse the recommendation of the Working Group on Tuna Tracking regarding the request to send the Parties a reminder about the importance of submitting TTFs to the Secretariat within the established deadlines.

11. Election of President

Mr. Enrique de la Vega of Colombia was re-elected as Presider for the 71st meeting of the IRP

12. Place and date of next meeting

The next meeting of the Panel will be held in conjunction with the next meetings of the AIDCP in 2023.

13. Adjournment

The meeting was adjourned at 11:00 on 18 October 2019.

DRAFT

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

45TH MEETING OF THE PARTIES

**La Jolla, California, USA
18-19 October 2022**

DOCUMENT AIDCP-45 INF-A

CHAIR'S TEXT

PROPOSED GUIDELINES ON WORKING CONDITIONS AND PROCEDURES FOR OBSERVERS ON BOARD PURSE-SEINE VESSELS WITHIN THE FRAMEWORK OF THE AIDCP

The purpose of these guidelines is to ensure the safety of observers on board tuna purse-seine vessels within the framework of the Agreement on the International Dolphin Conservation Program (AIDCP), as well as to provide vessel owners, fishing and vessel captains with the necessary information to facilitate compliance with these guidelines.

Any non-compliance shall be reported by the captain to the observer program and to the appropriate authority.

For observers:

It is prohibited to:

1. Participate in flights and any other activity in helicopters, as well as climb to the crow's nest of the purse-seine vessels.
2. Ride on speedboats during fishing maneuvers.
3. Enter the water to rescue dolphins during fishing maneuvers.
4. Remain on the stern deck or the fish processing area during the set except to remove and examine marine mammals, sea turtles or other specimens.
5. Enter the net hauling area during fishing maneuvers.
6. Participate in any type of guarding of the vessel.
7. Get off the vessel except by written authorization from the captain or, in the absence of the captain, from the person in charge of the vessel at the time or, at the end of the trip, with the authorization of the corresponding observer program.
8. Consume alcohol and psychotropic substances.

Final provision:

The use of speedboats and the *panga* shall only be allowed for embarking or disembarking observers when there is no other possibility, as well as in cases of emergency.

Appendix 6. Statement by the Chair of the AIDCP at the 45th Meeting of the Parties

STATEMENT BY THE CHAIR OF THE AIDCP AT THE 45TH MEETING OF THE PARTIES

Thirty years ago, on 21-23 April 1992, in the city of La Jolla, a special meeting of the Commission was held where the Agreement for the Conservation of Dolphins—the "**LA JOLLA AGREEMENT**"—was approved, which, as you all know, has significantly reduced incidental dolphin mortality. Many times during the annual presentation of the report on the AIDCP and at the meetings of the International Review Panel we congratulate the captains, crew members, vessel owners and governments for their achievements, but we forget to congratulate those who really accomplished these objectives with their work: **the observers**.

When in 1976 the Commission set among its objectives the study of dolphins and how to reduce their incidental mortality, it recognized the need to gather information on how the dolphin-associated fishery operated and proposed the creation of an observer program to gather information *in situ* on this fishery. With the data collected by the observers, scientists realized that there were some factors and situations that were directly related to incidental dolphin mortality that needed to be addressed. It was then decided to invite the captains with the best performance and lower mortality to learn how they handled these situations in order to identify what could be improved and what could be recommended to reduce incidental dolphin mortality (**Experience & Science Interaction**).

With the creation of the Agreement, it became an obligation to hold a seminar for fishing captains, if they wanted to fish for tuna associated with dolphins, explaining the factors and situations affecting dolphin mortality and how to address them. This, together with the regulations that were adopted, led to a gradual decrease in incidental dolphin mortality to levels that do not affect the dolphin stocks involved in this fishery; once again, the observers with their data attested that the efforts made led to the achievements proposed. With the entry into force of the AIDCP, observer coverage continues at 100% and their data are the fundamental basis for maintaining these achievements. It is important to highlight that these Agreements resulted in limitations to access certain markets because the tuna caught was considered non dolphin-safe tuna, but this did not cause a reduction in the effort to continue improving and reducing incidental dolphin mortality by the fleets involved, but rather it continued and increased.

Finally, as Chair of the AIDCP, I would like to congratulate and thank the observers and the scientific staff of the Commission, as well as all those who have contributed, especially **Dr. Martin Hall**, and of course the captains, crew members, vessel owners, governments, NGOs and industry for the achievements of this program, which is an example to the world of how to manage a responsible and sustainable fishery. I would also like to urge Members, Cooperating non-Members and all those involved to maintain and continue strengthening this Agreement and to efficiently disseminate the achievements accomplished.

ALVIN DELGADO M.

18 October 2022