

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
38TH MEETING OF THE PARTIES

La Jolla, California, USA
23 October 2018

MINUTES OF THE MEETING

AGENDA

<ol style="list-style-type: none">1. Opening of the meeting2. Election of Chairman3. Adoption of the agenda4. Approval of the minutes of the 37th Meeting of the Parties5. Secretariat's report on the IDCP6. Observer safety (USA proposals)7. Proposal to review the budget of the dolphin survey8. AIDCP budget9. Report of the Working Group to Promote and Publicize the AIDCP Dolphin-Safe Tuna Certification System10. Report of the International Review Panel11. Other business12. Place and date of next meeting13. Adjournment	MOP-38-01
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APPENDICES

1. List of attendees
2. Resolution A-18-01. Vessel assessment and financing
3. Resolution A-18-02. Observer safety at sea (equipment)
4. Resolution A-18-03. Observer safety at sea (action plan)
5. Report of the Chair of the 29th meeting of the Working Group to Promote and Publicize the AIDCP Dolphin-Safe Tuna Certification System
6. Report of the Presider of the 64th meeting of the International Review Panel

The 38th Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) was held in La Jolla, California, USA, on 23 October 2018.

1. Opening of the meeting

The meeting was opened by Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (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 approved with the addition of the following items:

- As item 6, proposals from the United States on observer safety at sea.
- As item 7, a proposal submitted by Mexico to review the budget of the dolphin abundance survey.

4. Approval of the minutes of the 37th Meeting of the Parties

The minutes of the 37th Meeting of the Parties were approved without changes.

5. Secretariat's report on the IDCP

Dr. Martin Hall, from the Secretariat, presented [Document MOP-38-01 Report on the International Dolphin Conservation Program](#) on the Program's operation in 2017. The number of sets on dolphins made by Class-6 vessels was 8,863. The average mortality per set was 0.077 dolphins in 2017, compared to 0.063 dolphins in 2016. Dolphin mortality was 683 animals (2017), compared to 702 mortalities recorded in 2016. In accordance with the requirements of the AIDCP, 100% of the trips made by large purse-seine vessels were sampled. Dolphin Mortality Limits (DMLs) of 49 dolphins were allocated to 100 vessels.

There were no comments on this report.

6. USA proposals on observer safety at sea

The United States presented its proposals [MOP-38 PROP A-1](#) and [MOP-38 PROP A-2](#) on observer safety at sea. The first one involves providing observers with an independent communication device to allow direct contact between the observer and his corresponding program, and a personal beacon that would transmit a signal if the observer fell into the water. The second proposal is an action plan to be followed by the vessels and authorities of the Parties in case of an emergency involving an observer at sea.

The Parties agreed that observer safety should be improved and acknowledged that the work done by observers is fundamental for the operation and success of the dolphin conservation program and the collection of data on tuna resources, as well as the verification of the implementation of the IATTC conservation and management measures. Therefore, the aforementioned proposals were approved as Resolutions A-18-02 and A-18-03 (Appendices 3 and 4).

7. Proposal to review the budget of the dolphin abundance survey

Mexico recalled that, during the discussions that took place at the previous Meeting of the Parties, several delegations expressed that promoting this project is of particular interest, hoping to use its outcomes as a basis for the adoption of conservation and management measures based on the best biological information and scientific evidence on both tuna and dolphin stocks. Mexico stressed that this project belongs to every Party to the AIDCP, as has been established in previous meetings. The delegation presented a proposal to reduce costs through the financial support from the government and its industry, which amount to contributions of around 7 to 8 million dollars.

The United States thanked Mexico's financial contribution for the dolphin stock survey, as well as the in-kind contributions offered at this meeting, and expressed that conducting this work is very important for them. The delegation also expressed that, at this stage, the survey should be approved in concept and put in motion and, at a later meeting, when some progress has been achieved, define it formally and specify how to defray the pending costs.

Venezuela mentioned that the survey is crucial and that, despite its financial difficulties, it will consult its shipowners if they are able to support it.

At the request of the Chairman, and after noting that there was consensus for the implementation of the project, the Secretariat presented a table that showed the budget with different scenarios of the project's execution. This table can be found in slide 5 of the project presentation made by Dr. Cornelia S. Oedekoven

from the University of St. Andrews in August 2018, which is published on the IATTC website: [IATTC-93 Design of an eastern tropical Pacific \(ETP\) dolphin survey](#).

Colombia mentioned that a formal document should have been sent further in advance. In addition, the delegation pointed out that the presented budget indicated that 9 million dollars were still missing in order to carry out the project, instead of the 4 million dollars mentioned in Mexico's letter.

Mexico mentioned that a portion of the AIDCP surplus could be used, and that if drones are not used in the survey, costs would be reduced by 5 million dollars. In such a case, the trial intended for the project is an important step for deciding what can and cannot be used in the development of the project. If the project is launched, it will be easier to receive other contributions.

At the request of Nicaragua, the Secretariat reported that the AIDCP has a US\$ 1,754,153 surplus as of 31 December 2018. Furthermore, Nicaragua pointed out that conducting the project is very important, but decisions should not be taken lightly. There are other ideas for the use of the surplus and some money should be kept for contingencies. The delegation stressed that it should be recorded in the minutes that the project has full support and that part of the money needed for carrying it out could be taken from the AIDCP surplus. Mexico also requested that the consensus on the implementation of the project be recorded in the minutes, as well as the letter where they offer their financial support.

After analyzing different proposals for using part of the surplus, at Ecuador's refusal to use at least a part of the surplus for said project, it was approved; however, it is still pending until other possible funding sources are defined to enable its execution.

The Director recalled that, at previous meetings, the Secretariat was asked to prepare research projects within the framework of the AIDCP to use the surplus, and therefore prepared the dolphin survey. He recalled that personnel from the University of St. Andrews were hired to design the project. They were asked to postpone its execution, so it should be considered that they will not be available indefinitely. Furthermore, the vessels that could be used for the project program their schedules one or two years in advance, so all work could be lost if no progress is made.

8. AIDCP budget

The Secretariat's staff presented [Document MOP-37-01 AIDCP Budget Addendum](#), on which three budget scenarios are presented for 2019. The first one proposes to increase vessel assessments to US\$ 16.58/m³ and, with that, cover all anticipated expenditures, including increases in observer compensation and benefits. The second one keeps the vessel assessments at US\$ 14.95/m³ with the aforementioned raise for observers, anticipating a US\$ 239,937 deficit by the end of the year. The third scenario also maintains the assessments, but no raise is given to observers, which would result in a deficit of a US\$ 45,154 by the end of the year.

Several delegations noted that it is essential to consider the current economic and social situation of observers, so it is necessary to increase their salaries and thus vessel assessments, but also considering that national programs would benefit from these increases. However, other delegations (Ecuador and Colombia) noted that they had difficulties accepting an increase in the assessment rate and, as long as there is surplus, they cannot support this increase.

The Director clarified that it is hard to know the amount of the anticipated income because the number of vessels that will operate and the number of trips that will be made are unknown; therefore, the costs calculations are based on average costs. In that case, the observer service will be provided with the approved resources to the extent possible. The United States, for its part, emphasized that if assessments are never increased, it will create deficit in the future.

Finally, the Parties agreed to approve the third scenario, which implies a possible deficit of US\$ 45,154. Mexico proposed to use the surplus to cover the possible deficit that appears in the budget and in the third scenario; this proposal was accepted.

9. Report of the Working Group to Promote and Publicize the AIDCP Dolphin-Safe Tuna Certification System

Mr. Carlos Marín, Chair of the Working Group, presented his report (Appendix 4), noting that the group emphasized that the label is not being used enough. Therefore, an interesting discussion arose on how to improve its use, during which it was mentioned that clients no longer request it and that there are no incentives in the markets that encourage its use. The delegations were urged to increase its use.

Mr. Marín reported that the Working Group issued the following recommendations:

1. Prepare, for the next meeting of the Parties, a plan of action to prevent, and react to, the calling into question of the AIDCP and its Parties.
2. Temporarily, until the adoption of a plan of action, the Secretariat, after consulting with the Parties, shall pronounce itself against the calling into question of the AIDCP and its Parties. These pronouncements will include relevant AIDCP information such as statistics and achievements.
3. Invite the Parties to encourage the industry to use the AIDCP Dolphin-Safe label.
4. Propose concrete actions for the promotion of the Dolphin-Safe certification through new platforms such as social networks to have a greater impact on the consumers.

The Parties approved these recommendations.

10. Report of the International Review Panel

Mr. Julio Guevara, Presider of the 64th meeting of the Panel, presented his report (Appendix 5), noting that the Panel issued the following recommendations:

- 1) Approve the 107 DMLs requested for 2019.
- 2) That the two cases of observer impersonation in Ecuadorian vessels be closed.

The Meeting of the Parties approved these recommendations.

Ecuador mentioned that other cases of interference with the observer's duties should be taken into consideration, for which they sent a letter, and they should also be closed. The Presider of the IRP informed that this matter should be reviewed by the Secretariat since the letter was sent after the meeting of the Panel. The Secretariat recalled the protocol followed for the creation of IRP documents.

Colombia asked the Secretariat to reply, in writing, to its letter regarding a case on which a vessel allegedly did not have a raft for rescuing dolphins, and where there were possible irregularities on its handling by the Secretariat. The Secretariat recognized that the report edited by the observer was not sent to the corresponding government.

11. Other business

Mexico presented a proposal to organize in better way the current resolution A-13-01 on vessel assessment and financing. Accordingly, the resolution A-18-01 was approved. (Appendix 2).

12. Place and date of next meeting

The next Meeting of the Parties will be held in July 2019 with specific dates to be defined.

13. Adjournment

The meeting was adjourned at 16:30 p.m. on 23 October 2018.

APPENDIX I

ASISTENTES - ATTENDEES

MIEMBROS - MEMBERS

BOLIVIA

HUGO ALSINA*
The Compamarino Group
halsina@campomarino.ws

COLOMBIA

ALEJANDRO JARAMILLO*
Ministerio de Relaciones Exteriores
alejandro.jaramillo@cancilleria.gov.co

ENRIQUE DE LA VEGA
Programa Nacional de Observadores
edelavega@pescalimpia.org

ECUADOR

ISIDRO ANDRADE*
Ministerio de Acuicultura y Pesca
isidro.andrade@acuaculturaypesca.gob.ec

LUIGI BENINCASA AZUA
ATUNEC/Asociación de Atuneros de Ecuador
info@atunec.com.ec

ESTADOS UNIDOS DE AMÉRICA – UNITED STATES OF AMERICA

DAVID HOGAN*
U.S. Department of State
hogandf@state.gov
LISA BALLANCE
NOAA/National Marine Fisheries Service
lisa.ballance@noaa.gov
CHRISTOPHER FANNING
NOAA/National Marine Fisheries Service
Chris.Fanning@noaa.gov
JESSICA REDFERN
NOAA/National Marine Fisheries Service
jessica.redfern@noaa.gov

WILLIAM STAHNKE
NOAA/National Marine Fisheries Service
william.stahnke@noaa.gov
DANIEL STUDDT
NOAA/National Marine Fisheries Service
daniel.studdt@noaa.gov
RACHAEL WADSWORTH
NOAA/National Marine Fisheries Service
rachael.wadsworth@noaa.gov
MICHELLE ZETWO
NOAA/National Marine Fisheries Service
michelle.zetwo@noaa.gov

GUATEMALA

CARLOS MARÍN*
Ministerio de Agricultura, Ganadería y Alimentación
cfmarin1058@gmail.com

VASCO FRANCO
Pesquera Reina de la Paz S.A.
vascofrancoduram@yahoo.com

MÉXICO – MEXICO

MICHEL DREYFUS*
Instituto Nacional de Pesca
dreyfus@cicese.mx
MARTHA ESTRADA
CONAPESCA/Comisión Nacional de Acuicultura y Pesca
mestradaj@conapesca.gob.mx
ARMANDO DÍAZ
PNAAPD – FIDEMAR
adiaz@cicese.mx
ALFONSO ROSIÑOL
CANAINPESCA
canainpescabc@gmail.com

ERNESTO ESCOBAR
Pesca Azteca
pbarron@pezcaazteca.com
MARIANA RAMOS
Alianza del Pacífico por el Atún Sustentable
mariana@pacifictunaalliance.org
MANUEL VÁZQUEZ
Pesca Azteca
mvazquez@pinsa.com
EVARISTO VILLA
Herdez
evm@herdez.com

NICARAGUA

JULIO GUEVARA*
Industrial Atunera de Nicaragua
juliocgp@hotmail.com

MIGUEL MARENCO
NICATUN S.A.
lobodemar59@gmail.com

PANAMÁ-PANAMA

ARNULFO FRANCO*
FIPESCA
arnulfofranco@fipesca.com

MA. PATRICIA DÍAZ
FIPESCA
mpdiaz@fipesca.com

PERÚ - PERU

GLADYS CÁRDENAS*
Instituto del Mar del Perú
gcardenas@imarpe.gob.pe

VENEZUELA

ALVIN DELGADO*
FUNDATUN
fundatunpnov@gmail.com

LILLO MANISCALCHI
AVATUN/Asociación Venezolana de Armadores Atunero
lillomaniscalchi@yahoo.com

SECRETARÍA – SECRETARIAT

GUILLERMO COMPEÁN, Director
gcompean@iattc.org
MARISOL AGUILAR
maguilar@iattc.org
ERNESTO ALTAMIRANO
ealtamirano@iattc.org
RICARDO BELMONTES
rbelmontes@iattc.org
ALEXANDRE DA SILVA
adasilva@iattc.org
MONICA GALVÁN
mgalvan@iattc.org
MARTIN HALL
mhall@iattc.org
CLERIDY LENNERT
clennert@iattc.org
MARK MAUNDER
mmaunder@iattc.org
JEFF MORGAN
jmorgan@iattc.org

TERESA MUSANO
tmusano@iattc.org
JORGE PARRAGA
jparraga@iattc.org
JEAN-FRANCOIS PULVENIS
jpulvenis@iattc.org
NORA ROA
nroa@iattc.org
MARLON ROMAN
mroman@iattc.org
ANDRES ROMERO
aromero@iattc.org
ROBERT SARAZEN
rsarazen@iattc.org
MICHAEL SCOTT
mscott@iattc.org
ENRIQUE UREÑA
eurena@iattc.org
BRAD WILEY
bwiley@iattc.org

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

37th MEETING OF THE PARTIES

San Diego, California (USA)

RESOLUTION A-18-01

RESOLUTION ON VESSEL ASSESSMENTS AND FINANCING

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP):

Agree to implement Annex II.12 of the AIDCP as follows:

1. The assessments shall be based on the vessel's well volume as recorded on the IATTC Regional Vessel Register and posted on the website of the Commission, taking into account that, in accordance with Resolution [C-15-02](#) "*as of 1 January 2017 the well volume reflected on the Regional Vessel Register will be considered confirmed for vessels currently included in the Register. In the case of new vessels, the well volume notified at the time the vessel is added to the Register will be considered confirmed*".
2. All assessments for vessels required to carry observers under the provisions of the AIDCP shall be calculated at a rate of US\$ 14.95 per cubic meter of well volume.
3. Assessments for IATTC Capacity Class 6 vessels that have sealed wells under Resolution C-12-08 shall be calculated on the basis of their total well volume, i.e. including sealed and non-sealed wells.
4. Assessments for vessels smaller than Class 6 that are required to carry an observer on board, either because they have sealed wells (Resolution C-12-08) or because they have been identified by the IRP to have committed a possible infraction by intentionally setting on dolphins (Resolution A-02-01), shall be the equivalent of the quota of a Class 6 vessel with the minimum capacity corresponding to its class (508 m³).
5. Assessments for Class 6 vessels on the *Inactive and Sunk Purse-Seine Capacity List* of the Regional Register shall be calculated at a rate of US\$ 1.00 per cubic meter of well volume.
6. Assessments for any vessel fishing in the Agreement Area pursuant to paragraph 12 of IATTC *Resolution C-02-03 on the capacity of the tuna fleet operating in the eastern Pacific Ocean* shall be calculated on the basis of the rate established in paragraph 2 of this resolution.
7. Assessments shall be paid by December 1 of the preceding year, pursuant to paragraph 12(b) of Annex II of the AIDCP and regardless of whether the vessel has requested a DML for the following year, except in the case of vessels to which Resolution A-02-01 or Resolution C-02-03, paragraph 12, applies, for which assessments shall be paid before undertaking fishing activities in the EPO.
8. Any vessel assessment that has not been paid by the date specified in the previous paragraph shall be increased by an annual surcharge of 10% of the assessment, in addition to any sanction contemplated in Annex IV of the AIDCP.
9. This Resolution replaces Resolution A-13-01.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

38th MEETING OF THE PARTIES

La Jolla, California, USA

RESOLUTION A-18-02

ON IMPROVING OBSERVER SAFETY AT SEA: SAFETY EQUIPMENT

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP):

Taking into account that observers play a critical role in supporting effective management outcomes and; therefore, it is critical that measures are in place to ensure their safety while undertaking their duties;

Concerned that observers participating in the AIDCP On-Board Observer Program, which includes IATTC observers and the Parties' respective national observer programs, are not provided critical life-saving equipment;

Recognizing that consistent safety requirements should apply to all observers operating within the legal and institutional framework of the AIDCP; and

Considering the Secretariat has conducted a cost analysis of providing an independent two-way satellite communication device and (2) a personal life-saving beacon to observers in the AIDCP On-Board Observer Program (see examples in [MOP-36 INF-A](#)).

Resolve as follows:

1. Pending confirmation of available funds, the Director with respect the IATTC observer program and the flag State with respect to their respective national observer program shall ensure that, when observers embark on a vessel for a trip, they are provided with, and allowed to maintain possession while onboard (1) an independent two-way satellite communication device, and (2) a waterproof personal life-saving beacon. The devices shall be included on a list of approved devices maintained by the AIDCP observer program to ensure the reliability of the devices.
2. Parties with national observer programs that would like the AIDCP to cover the cost of equipment and the associated operating costs under this paragraph shall submit to the Director an estimate of the number of devices required for their observers by 1 January 2019.
3. The Director with respect the IATTC observer program and the flag State with respect to their respective national observer program shall have a designated person or persons whom observers can contact in cases of emergency.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

38th MEETING OF THE PARTIES

San Diego, California, USA

RESOLUTION A-18-03

ON IMPROVING OBSERVER SAFETY AT SEA: EMERGENCY ACTION PLAN

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP):

Recognizing that observers play a critical role in supporting effective management outcomes and; therefore, it is critical that measures are in place to ensure their safety while undertaking their duties;

Committing to the implementation of paragraph 6 (f) in Annex II of the AIDCP, which specifies that the responsibilities of Parties shall be to ensure that captains, crew, and vessel owners do not obstruct, intimidate, interfere with, influence, bribe, or attempt to bribe an observer in the performance of his or her duties;

Concerned that the AIDCP needs a plan to respond to emergency situations to ensure the safety of observers operating within the legal and institutional framework of the AIDCP; and

Noting the commitments in international law, including the provisions of the International Convention on Maritime Search and Rescue, with regard to the development of an international maritime search and rescue plan for the rescue of persons in distress at sea;

Resolve as follows:

1. These measures apply to observers in the On-Board Observer Program, which includes IATTC observers and the Parties' respective national observer programs.
2. Nothing in this Resolution shall prejudice the rights of Parties to enforce their laws or implement additional measures with respect to the safety of observers or crew members consistent with international law.
3. In the event that an observer dies, is missing or presumed fallen overboard, the Party to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - i. immediately ceases all fishing operations;
 - ii. immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the flag Party to continue searching;¹
 - iii. immediately notifies the flag Party and the observer provider;
 - iv. immediately alerts other vessels in the vicinity by using all available means of communication;
 - v. cooperates fully in any search and rescue operation whether or not the search is successful and after such search and rescue operation has been terminated, orders the vessel to the nearest port for further investigation, as agreed by the flag Party and the observer provider;

¹ In the event of force majeure, flag Parties may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

- vi. provides the report to the observer provider and appropriate authorities on the incident; and
 - vii. cooperates fully in any and all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
4. In the event that an observer dies, the flag Party shall require that the fishing vessel ensure that, to the extent practicable, the body is well-preserved for the purposes of an autopsy and investigation.
 5. In the event that an observer suffers from a serious illness or injury that threatens his or her life and/or long-term health or safety, the Party to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - i. immediately ceases fishing operations;
 - ii. immediately notifies the flag Party and the observer provider;
 - iii. takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel; and where appropriate seek external medical advice;
 - iv. where directed by the observer provider, if not already directed by the flag Party, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
 - v. cooperates fully in any and all official investigations into the cause of the illness or injury.
 6. For the purposes of paragraphs 3 through 5, the flag Party shall ensure that the appropriate Maritime Rescue Coordination Centre (<http://sarcontacts.info>), observer provider, and Director are immediately notified and provided a report on actions undertaken.
 7. In the event that there are reasonable grounds to believe an observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the Party to which the fishing vessel is flagged that they wish for the observer to be removed from the fishing vessel, the Party to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - i. immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
 - ii. notifies the flag Party and the observer provider of the situation, including the status and location of the observer, as soon as possible;
 - iii. facilitates the safe disembarkation of the observer in a manner and place, as agreed by the flag Party and the observer provider, that facilitates access to any needed medical treatment; and
 - iv. cooperates fully in any and all official investigations into the incident.
 8. In the event that there are reasonable grounds to believe that an observer has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider requests that the observer be removed from the fishing vessel, the Party to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - i. takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
 - ii. notifies the flag Party and the observer provider of the situation as soon as possible; and
 - iii. cooperates fully in all official investigations into the incident.
 9. If any of the events in paragraphs 3 – 7 occur, port Parties shall facilitate entry of the fishing vessel to allow disembarkation of the observer and, to the extent possible, assist in any investigations if so requested by the flag Party.
 10. In the event that, after an observer disembarks from a fishing vessel, an observer provider identifies -

for example, during an interview with the observer - a possible violation identified in paragraph (6)(f) of Annex II of the AIDCP regarding obstruction, intimidation, interference with, influencing, bribing, or attempting to bribe an observer while on board the fishing vessel, the observer provider shall notify the Director as soon as possible and in writing so that the case is presented as a priority at the next meeting of the International Review Panel following the procedures established in the AIDCP and particularly paragraph 1 of Annex VII. The flag Party shall cooperate fully in any investigation conducted by the observer provider.

11. The Director, with respect to IATTC observers, and the national observer providers, with respect to their observers, shall:
 - i. immediately notify the flag Party in the event that an observer dies, is missing or presumed fallen overboard in the course of observer duties;
 - ii. cooperate fully in any search and rescue operation;
 - iii. cooperate fully in any and all official investigations into any incident involving an observer;
 - iv. facilitate the disembarkation and replacement of an observer in a situation involving the serious illness or injury of that observer as soon as possible;
 - v. facilitate the disembarkation of an observer in any situation involving the assault, intimidation, threats to, or harassment of that observer to such an extent that the observer wishes to be removed from the vessel, as soon as possible; and
 - vi. provide the flag Party with a copy of the observer report on alleged violations involving that provider's observer upon request.

12. Where requested, relevant observer providers and Parties shall cooperate in each other's investigations, including providing their incident reports for any incidents indicated in paragraphs 3 through 8 to facilitate any investigations as appropriate.

13. This Resolution shall enter into force on 1 January 2020.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
WORKING GROUP TO PROMOTE AND PUBLICIZE THE AIDCP DOLPHIN-SAFE TUNA CERTIFICATION SYSTEM
29TH MEETING
23 October 2018
La Jolla, California, USA

REPORT OF THE MEETING

AGENDA

	Documents
1. Opening of the meeting	
2. Adoption of the agenda	
3. Approval of the minutes of the 28 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	

The 29th meeting of the Working Group to Promote and Publicize the AIDCP Dolphin-Safe Tuna Certification System was held in La Jolla, California (USA), on 23 October 2018. The list of attendees can be found in Appendix 1.

1. Opening of the meeting

The meeting was opened by Mr. Carlos Marín, of Guatemala, in his capacity as Chair of the Working Group. He started the meeting by greeting the Parties.

2. Adoption of the agenda

The provisional agenda was adopted without changes.

3. Approval of the minutes of the 28th meeting

The minutes of the 28th meeting of the Working Group were approved without changes.

4. Actions to promote AIDCP dolphin-safe tuna

During this item of the agenda, an interesting discussion arose on the need of improving the use of the certification by the Parties to the AIDCP, even though that, for 2018, its use has increased from 4% to 9.6%.

Mexico asked the Parties to share comments on the reason why the AIDCP Dolphin Safe certificate is not sufficiently used. Colombia expressed that it is because clients no longer request it. Nicaragua mentioned that it is due to a purely administrative matter and to the costs of issuing the certification, in addition to not having incentives in the markets that encourage its use. Venezuela mentioned that its use is crucial; unfortunately, it is not required in Venezuela due to low landing and because the country does not currently export the product.

The Chair of the Working Group urged the Parties to use the certificate in order to take advantage of its possible competitiveness. Mr. Arnulfo Franco, representative of the Panamanian tuna industry, mentioned

that the AIDCP and its label are sometimes attacked or questioned by pseudo-environmentalist groups, so tuna companies prefer not to use the certification. In that case, it is essential to take actions in defense of its lawfulness, merits and benefits in order to neutralize the negative criticism. It is a fact that not all information generated in the agreement is used and that proving its value before consumers would be beneficial.

Mexico expressed that, since dolphin mortality has decreased considerably in the tuna fishery, this matter is no longer attracting the attention of environmentalist organizations, which is why companies are not requiring it. Colombia noted that determined actions should be taken to counteract the negative information that has arisen with regard to the agreement and its certification.

The United States expressed that it is necessary to have specific cases of the aforementioned questionings in order to take actions, which could essentially be through documenting and disseminating the outcomes of the dolphin conservation program so that consumers are duly informed.

Several delegations pointed out the importance of promoting the certification using tools such as Facebook and other social media platforms, in addition to the importance of keeping the IATTC website updated in terms of AIDCP developments and achievements.

5. Recommendations to the Meeting of the Parties

The Group issued the following recommendations to the Meeting of the Parties:

- Prepare, for the next meeting of the Parties, a plan of action to prevent, and react to, the calling into question of the AIDCP and its Parties.
- Temporarily, until the adoption of a plan of action, the Secretariat, after consulting with the Parties, shall pronounce itself against the calling into question of the AIDCP and its Parties. These pronouncements will include relevant AIDCP information such as statistics and achievements.
- Invite the Parties to encourage the industry to use the AIDCP Dolphin-Safe label.
- Propose concrete actions for the promotion of the Dolphin-Safe certification through new platforms such as social networks to have a greater impact on the consumers.

6. Other business

No other business was presented.

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 in July 2019.

8. Adjournment

The meeting was adjourned at 10:30 a.m. on 23 October 2018.

APPENDIX 6

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL (IRP)

64TH MEETING

La Jolla, California, USA

22 October 2018

REPORT OF THE MEETING

AGENDA

	Documents
1. Opening of the meeting	
2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of the minutes of the 63 rd meeting	
5. a. Review of Dolphin Mortality Limits for 2018	IRP-64-01
b. Dolphin Mortality Limits for 2019	IRP-64-02
6. Review of the AIDCP <i>List of Qualified Captains</i>	IRP-64-03
7. Review of observer data	
8. Review of actions by Parties on possible infractions reported by the IRP:	
a. Actions taken since report at the 63 rd meeting	IRP-64-04
b. Status review of special cases	
9. Report of the Permanent Working Group on Tuna Tracking	
10. Other business	
11. Recommendations for the Meeting of the Parties	
12. Place and date of next meeting	
13. Adjournment	

APPENDIX

1. List of attendees
2. Report of the chairman of the 43rd meeting of the working group of tuna tracking system

The 64th meeting of the International Review Panel was held in La Jolla, California, USA, on 22 October 2018.

1. Opening of the meeting

Dr. Guillermo Compeán, 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.

2. Election of the President

Mr. Julio Guevara, of Nicaragua, was elected as the President of the meeting.

3. Adoption of the agenda

The agenda was adopted with the addition of two topics suggested by Colombia in the “Other business” item: the interpretation of paragraph 2 from Article XVIII of the AIDCP on confidentiality and IRP procedures that need improvement.

4. Approval of the report of the 63rd meeting

The report of the 63rd meeting of the Panel was approved without changes after having clarified that an item requested by Colombia in section 7 f) had been included.

5. a) Review of Dolphin Mortality Limits (DMLs) for 2018

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of DMLs described in [Document IRP-64-01 Review of Dolphin Mortality Limits \(DMLs\) for 2018](#), noting that 103 full-year DMLs were allocated—with an average of 47.57 dolphins—as well as two DMLs from the Reserve DML Allocation (RDA), which had begun operations shortly before the start of the meeting and there were no initial data available. Ninety-five DMLs were utilized before 1 April and two were exempted due to *force majeure*, which have not been utilized. Five DMLs were forfeited. No vessel has exceeded its DML in 2018. Mortality per set is 0.08 dolphins as of 10 October 2018, date on which the working document was drafted.

Mexico pointed out that the dolphin mortality rate has been 0.08 dolphins per set for several years, which indicates that the highest level of efficiency has been reached and that further reductions in mortality will only be achieved if technologies are improved; however, this level is already insignificant.

The President of the Panel recalled that, last year, one vessel had a mortality that exceeded the DML, but it was an exceptional case and it should not devalue the good performance of the Agreement.

b) Dolphin Mortality Limits for 2019

The Secretariat presented [Document IRP-64-02 DMLs requested for 2019](#). It was reported that 107 DMLs were requested for 2019, for which the relevant authorities submitted the qualification requirements. It was pointed out that two Venezuelan vessels that requested full-year DMLs are not included yet in the IATTC Regional Vessel Register.

Venezuela reported that they are in the process of including said vessels in the register and will soon conclude the corresponding paperwork.

6. Review of the AIDCP List of Qualified Captains

The Secretariat presented [Document IRP-64-03 Changes to the AIDCP List of Qualified Captains](#), which updates the changes that occurred between 7 July and 10 October 2018.

During this time, two captains were added to the list. Six cases are still pending since the requesting Party has not provided all the documents needed for their inclusion. During this period, no captain was removed or reinstated to the list.

Dr. Martin Hall, from the Secretariat, recalled that the workshops on bycatch reduction organized by the International Seafood Sustainability Foundation (ISSF) are not equivalent to the AIDCP instructional seminars, which is one of the requirements to include a captain in the IATTC List of Qualified Captains, in addition to other requirements such as the formal inclusion request by a relevant authority to the Secretariat, accompanied by letters of reference by other captains or qualified individuals.

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 are not automatically referred to the relevant Parties to determine which should be forwarded to the responsible government as possible infractions.

Only one case of alleged observer harassment was presented, on which the observer describes that he was verbally harassed. Furthermore, the Secretariat presented a letter from the captain explaining that the offensive remarks were not directed at the observer but at the events that took place during the set.

The Panel recommended that this case be sent to the corresponding Party for investigation.

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

a. Actions taken since report at the 63rd meeting

The Secretariat presented [Document IRP-64-04 Responses for Six Types of Possible Infractions Identified at the 63rd Meeting of the IRP](#), which included two unanswered cases of observer harassment, one from Panama and another one from Venezuela, as well as two other unanswered cases of use of explosives from Venezuela.

Venezuela reported that the observer harassment case of a vessel flying its flag is still under investigation and, as for the two cases of use of explosives, one is still in process and the other one has already been sanctioned.

Panama gave a comprehensive presentation on the review of the case, mentioning that there had already been a response from the government. On their explanation, they concluded that there were not enough elements to determine if there was an infraction. The Panel requested that the national authority give a clear written explanation on this case and recommended that they draw on the information provided by the Colombian national program in terms of the elements of this case.

Likewise, the Secretariat provided information on the cases that have been under investigation for two or more years, as established in Annex IV.III.4 of the AIDCP. Among these cases, three observer harassment cases were identified corresponding to Ecuadorian vessels; one case of night sets from Mexico; and four cases of fishing without an observer, two from Ecuador and two from the United States.

Mexico pointed out that, regarding the night set case, the investigation is underway and about to conclude. Mexico requested that the corresponding table be updated since it states that the last response was from July 2017, but they had provided information about it in August 2018. It was clarified that it had been an oral report and that, in order to record it in the database, it needs to be submitted in writing.

Ecuador reported that, regarding the cases of fishing without an observer in vessels flying its flag, formal communications had already been sent so that they be closed, since there were not significant elements that could be contributed to the case. In terms of the cases of interference with the observer's duties, Ecuador mentioned that they would send a formal letter providing information on them.

The United States informed that they would send a short formal letter to the Secretariat to update the cases of fishing without an observer aboard.

b. Status review of special cases

The Secretariat presented Document IRP-64-04b, Summary of Pending Special Cases Monitored by the IRP. It was recalled that there are two cases in which an observer was apparently substituted by an unknown person during **trips 2014-004 and 2014-145**. These cases were originally addressed by the Panel at its 55th meeting in June 2014 and at each subsequent meeting

The Panel decided to recommend that these cases be closed since it is impossible to move much more

forward, but mainly because the Ecuadorian government stated in writing that it was impossible to determine if there was indeed an infraction with the existing elements.

- **Case 63-01: Trips 2017-916, 2018-140 and 2018-228**

The Secretariat recalled that these cases were identified at the 63rd meeting of the IRP in August 2018 as possible infractions for fishing without a qualified captain on a vessel with a DML. Furthermore, it was mentioned that the IRP asked that the national authority be informed of the concern over the fact that the vessel repeatedly conducted fishing operations with a captain who has not been qualified by the AIDCP—in contravention of the agreement's requirements—even after being notified. In addition, the vessel's company provided incorrect information regarding the identity of the captain on the third trip in question, which the IRP considered that aggravated the cases.

Ecuador expressed that the corresponding inquiries are being conducted in view of the information presented by the Secretariat, and that they are training captains on the requirements for qualified captains in order to avoid these situations in the future.

Venezuela specified that a formal request must be submitted to the Secretariat in order to add a captain to the List of Qualified Captains, in addition to complying with other requirements. The Secretariat recalled that, if the Party confirms the cases, the vessel will automatically fall into a pattern of infractions and will not be eligible to have DMLs allocated in the future.

- **Case 63-02: Trip 2018-354.**

This case was identified at the 63rd meeting of the IRP in August 2018 as a possible infraction for interference with the observer's duties and it is classified as harassment, interference and attempted bribery. In this case, the observer was not provided with the buoy's identification codes, he did not receive the same conditions as the rest of the crew, and he received bribe offers in exchange of forging the dolphin mortality of the sets.

The Presider of the Panel recalled that the Agreement clearly states that observers must be provided with the same conditions as the rest of the crew.

9. Report of the Permanent Working Group on Tuna Tracking

Mr. David Hogan, in his capacity as Chair of the Working Group, presented his report noting that the Working Group recommended the IRP to close the pending special cases of apparent TTF forgery included in the group's report, as well as to update Table 1 of the working document regarding TTFs received by Parties, particularly in terms of the clarification presented by Mexico.

There were no comments on the report.

10. Other business

Colombia requested a discussion on the following two topics:

1. Clarification of the interpretation of paragraph 2 from Article XVIII of the AIDCP on confidentiality; this work should be carried out within the framework of the Meeting of the Parties to the AIDCP.
2. IRP procedures that need improvement.

Colombia mentioned the case of a possible infraction due to the lack of a raft for rescuing dolphins and pointed out that it had already sent a letter to the Secretariat on this regard, but no response had been received; therefore, it requested a reply in the same format. The delegation mentioned that the case was not discussed by the IRP and that the Secretariat sent information in two communications: the first did not mention the existence of said possible infraction, and the second one—sent just a month ago—did mention it, which implies that the observer report was modified. Colombia mentioned that it presented the case to

the IRP for discussion in order to avoid the same situation in the future.

The Secretariat clarified that, at the end of every trip, a report is sent to the relevant Parties through the regional offices. Likewise, lack of equipment is reported directly to the fisheries authority in accordance with IRP practices, without there being any need to present it at the group's meeting.

The Secretariat also clarified that the observer report was not modified but complemented, since the observer effectively identified the infraction during the trip; the document received by the authority was displayed on the screen. The mistake was to ask the observer to include comments on the nature of the possible infraction since he did not do it as required, and the authorities were not notified of said addition until after the meeting of the Panel.

Colombia stressed that, when there are cases of mistakes or omissions in the observer report, it should be clearly and duly notified to the corresponding Party since they never received the modification made in this case. In addition, observers should avoid making comments as if they came from the fishing captain.

Some delegations mentioned that this type of situation had not been presented in previous meetings, so this issue should not be subject to recommendations; the Secretariat should only take note in order to notify, in a timely manner, when there are editions or changes to the first observer report.

11. Recommendations for the Meeting of the Parties

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

- 1) Approve the 107 DMLs requested for 2019.
- 2) That the two cases of observer impersonation in Ecuadorian vessels be closed.

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.

13. Adjournment

The meeting was adjourned at 14:36 p.m. on 22 October 2018.

Appendix 2

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PERMANENT WORKING GROUP ON TUNA TRACKING
42ND MEETING
La Jolla, California, USA
22 October 2018**

REPORT OF THE MEETING

AGENDA

	Documents
1 Opening of the meeting	
2 Adoption of the agenda	
3 Approval of the report of the 41 st meeting	
4 Review of the implementation of the Dolphin Safe Certification System	TT-42-01
5 Other business	
6 Recommendations for the International Review Panel	
7 Place and date of next meeting	
8 Adjournment	

APPENDIX

1. List of attendees

The 42nd meeting of the Permanent Working Group on Tuna Tracking was held in La Jolla, California, on 22 October 2018.

Opening of the meeting

The meeting was opened by Mr. David Hogan, Chair of the Working Group.

Adoption of the agenda

The agenda was adopted without changes.

Approval of the report of the 41st meeting

The report of the 41st meeting, previously circulated by the Secretariat, was approved without changes.

Review of the implementation of the [Dolphin Safe Certification System](#)

The Secretariat presented Document TT-42-01, “[Review of the Implementation of the Dolphin Safe Certification System](#)”. It was reported that the Secretariat has received 206 original TTFs from the 227 trips made between 1 June 2018 and 31 August 2018; this represents 97% of compliance.

Additionally, between 4 July 2018 and 3 October 2018, the Secretariat received 255 copies of dolphin-safe certificates. All certificates, corresponding to 62 TTFs completed during 62 fishing trips, were considered valid. The certified tonnage (12,776 t) represents 9.6% of the total of 133,233 t recorded as dolphin safe on

the TTFs of the 227 trips completed in the reporting period.

It was recalled that the Working Group has been discussing the following cases of apparent TTF forgery:

Case	Date of trip	Issue	Countries
TTF-30	December 2011	The TTFs received differed in that one included non-dolphin safe fish and the other did not.	VEN and CRI
TTF-31a	July 2011		VEN and CRI
TTF-33	2016	Two vessels shared the catch from a set, but this was not documented in either observer's records or on a TTF.	PAN and ECU

The participants pointed out that, when presenting the document, the Secretariat staff indicated that additional original TTFs had been received since the drafting of the document, and therefore requested that the report be updated, particularly Table 1, to show that the implementation level has improved.

With regard to the special cases that the Working Group has monitored, it was reiterated that during the 41st meeting—and as established in the corresponding IRP report—it was decided to no longer follow up these cases since they have remained open for many years. In addition, the implementation issues of these cases have not been repeated and are not considered chronic problems. Furthermore, the relevant national authorities have reported that there have not been any changes in the investigations or some have even been closed.

Ecuador pointed out that it had moved forward on a case that had been subject to an administrative action and recommended that it be included in the closed cases. The Chair invited the delegation to check with the Secretariat if a formal communication of the investigation's outcome had been submitted.

Other business

No other business was discussed.

Recommendations for the International Review Panel

In addition to the reiteration of the recommendation of not continuing with the monitoring of special cases TTF 30, TTF 31a and TTF 33, no formal recommendations were made for the IRP.

Place and date of next meeting

The next meeting of the Working Group will be held on the dates agreed for the meetings of the AIDCP in 2019.

Adjournment

The meeting was adjourned at 9:55 a.m. on 22 October 2018.