

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
INTERNATIONAL REVIEW PANEL**

PERMANENT WORKING GROUP ON TUNA TRACKING

MINUTES OF THE 7TH MEETING

**San Salvador (El Salvador)
June 11-20, 2001**

Chair: Ms. Pat Donley (United States)

AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Technical modifications to the System for Tuna Tracking and Verification
4. Discussion of Secretariat's analysis requested by the 6th Meeting of the Permanent Working Group
5. Discussion of Colombia's Working Document on non-technical modifications to the System for Tuna Tracking and Verification
6. National Tuna Tracking Plans
7. Recommendations for the IRP and the Meeting of the Parties
8. Other business
9. Date and place of next meeting
10. Adjournment

DOCUMENTS

- TT-7-03 Technical modifications to the System for Tuna Tracking and Verification
TT-7-04 Issues related to the "dolphin-safe" certification of tuna from the eastern Pacific Ocean

APPENDICES

1. List of attendees
2. Modifications to Chair's Report of the 6th Meeting

The 7th Meeting of the Permanent Working Group on Tuna Tracking was held in San Salvador (El Salvador) on June 11-20, 2001. The attendees are listed in Appendix 1.

1. Opening of the meeting

The meeting was opened by the Minister of Agriculture of El Salvador, Dr. Salvador Urrutia Loucel, who welcomed the delegates and wished them success in their deliberations. The meeting was then called to order by the Chair, Ms. Pat Donley, of the United States.

2. Adoption of the agenda

Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission, which serves as the Secretariat to the Agreement on the International Dolphin Conservation Program, noted that background papers had been prepared for agenda items 3, 4 and 5.

Mexico noted that there was no provision in the agenda for approving the minutes of the 6th Meeting of the Permanent Working Group. The Chair explained that the deliberations and decisions of the Working Group were recorded not in minutes but in a Report of the Chair to the International Review Panel. Subsequently, Colombia, Costa Rica, Mexico and Venezuela presented a document proposing modifications to the Chair's Report of the 6th Meeting (Appendix 2). It was agreed that, beginning with the current meeting, the meetings of the Working Group would be recorded in minutes instead of in a Chair's Report.

3. Technical modifications to the System for Tuna Tracking and Verification

At its 5th and 6th meetings, the Permanent Working Group decided to propose several technical modifications to the AIDCP System for Tuna Tracking and Verification. The Secretariat presented four draft modifications (Document TT-7-03; attached). The Working Group approved the last three, relating to copies of Tuna Tracking Forms (TTFs) in the event of several partial unloadings, definition of a fishing trip, and distribution of TTFs. The modification regarding collection of data by observers outside the Agreement Area was discussed but not approved, and it was decided to pursue this matter further at the next meeting of the Working Group.

4. Discussion of Secretariat's analysis requested by the 6th Meeting of the Permanent Working Group

The Secretariat presented its analysis, as requested by the 6th Meeting of the Working Group, of issues related to the documentation and certification of "dolphin safe" tuna (Document TT-7-04; attached). The subsequent discussion merged with the discussion of agenda item 5, which was closely related.

5. Discussion of Colombia's Working Document on non-technical modifications to the system for Tuna Tracking and Verification

Colombia explained its proposals to modify the System for Tuna Tracking and Verification and to establish procedures for an AIDCP Dolphin Safe Certification. This led to considerable discussion and consultation among the delegations. The European Union, while expressing support for the proposals in principle, stressed the importance of proceeding carefully and of considering a number of questions before making any definitive modifications and introducing such a certification procedure. The United States, also expressing support for the proposals in principle, expressed its view that the governments should proceed in parallel to improve compliance with the AIDCP, especially with respect to the illegal use of explosives.

The Working Group recessed its meeting on June 12 to allow for informal consultations and negotiations among delegations. On June 15 it re-convened to review the resulting five draft resolutions (for

modifying the System for Tracking and Verifying Tuna, establishing procedures for AIDCP Dolphin Safe Tuna Certification, amending the rules for qualified captains, promoting compliance with the AIDCP, and amending the rules of confidentiality of the AIDCP) that had been agreed by all participating governments except the European Union, which still had concerns with regard to the matter of certification. The proposed modified System for Tracking and Verifying Tuna included the three technical modifications agreed under Agenda Item 3.

6. National Tuna Tracking Plans

The national plans submitted to the Secretariat and translated were distributed at the meeting. The governments with national plans are now Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Panama, United States, Vanuatu, and Venezuela. The Working Group postponed the review of these plans until its next meeting.

6. Recommendations for the IRP and the Meeting of the Parties

No recommendations were formally agreed by the Working Group, since the European Union still had concerns over the draft resolution on procedures for AIDCP Dolphin Safe Tuna Certification.

8. Other business

No other business was discussed.

9. Date and place of next meeting

This item was left for a decision by the IRP.

Appendix 1.

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PROGRAMA INTERNACIONAL PARA LA CONSERVACIÓN DE LOS DELFINES
PERMANENT WORKING GROUP ON TUNA TRACKING
GRUPO DE TRABAJO PERMANENTE SOBRE EL SEGUIMIENTO DEL ATUN
7TH MEETING – 7^A REUNION**

**11-20 de junio de 2001 – June 11-20, 2001
San Salvador (El Salvador)**

ASISTENTES - ATTENDEES

COLOMBIA

FABIO AVILA ARAUJO
IVAN DARIO ESCOBAR
Instituto Nacional de Pesca y Acuicultura
CLARA GAVIRIA
MARIA EUGENIA LLOREDA
Ministerio de Comercio Exterior

JORGE MICAN BAQUERO
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ARMANDO HERNANDEZ
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EL SALVADOR

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Ministerio de Agricultura y Ganadería
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MARGARITA SALAZAR DE JURADO
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MEXICO

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UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

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National Marine Fisheries Service
RANDI THOMAS

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ALVIN DELGADO
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FREDDY DE CORDOVA
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OBSERVADORES-OBSERVERS

BOLIVIA

YERKO GARAFULIC
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ORGANIZACIONES NO GUBERNAMENTALES --NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG
Center for Marine Conservation

KATHLEEN O'CONNELL
Whale & Dolphin Conservation Society

SECRETARIADO – SECRETARIAT

ROBIN ALLEN, Director
ERNESTO ALTAMIRANO
DAVID BRATTEN
MARTHA GOMEZ

JOSHUE GROSS
BRIAN HALLMAN
BERTA JUAREZ
NICHOLAS WEBB

Appendix 2.

JOINT PROPOSAL BY COLOMBIA, COSTA RICA, MEXICO AND VENEZUELA

MODIFICATIONS TO THE REPORT OF THE CHAIR OF THE 6TH MEETING OF THE PERMANENT WORKING GROUP ON TUNA TRACKING AND VERIFICATION

- Agenda Item 6, *Discussion of document prepared by Colombia*, modify the second paragraph as follows:

Colombia presented for discussion a document which addressed issues associated with the **classification, certification, access** and marketing of dolphin-safe tuna. After considerable discussion and **broad** consultation, Colombia distributed a revised document, **incorporating the comments of various delegations, containing the above-mentioned elements, thus constituting a proposal for the modification of the Tuna Tracking System.**

Colombia thus presented the document with which it was charged during the 26th Meeting of the International Review Panel.

All the delegations expressed their general acceptance of the text proposed by Colombia, making specific contributions to enrich the proposal.

A group was formed to draft a recommendation to the IRP and the Meeting of the Parties, **on the basis of a proposal presented by Venezuela**, and a request to the Secretariat for an assessment of the costs and the administrative, economic and legal implications of certain aspects of the Colombian proposals, including **commercial aspects, dolphin-safe certification and label**, public relations and outreach activities. After further discussion and amendments, the **Permanent Working Group on Tuna Tracking and Verification approved by consensus the recommendations contained in the document attached as Appendix 4. One delegation** expressed a reservation as to whether the IRP had, at its January 2001 meeting, formally recognized a "real commercial problem", **since the minutes of that meeting were not available to verify this question. The delegation asked for ten days to withdraw its reservation.**

The proposal by Colombia was the most important topic of the meeting, and was supported by all the countries, who stressed the urgency of having a certification system through the IATTC, as Secretariat of the Agreement.

Costa Rica suggested ...

**PERMANENT WORKING GROUP ON TUNA TRACKING
7TH MEETING**

SAN SALVADOR (EL SALVADOR)
JUNE 11-12, 2001

DOCUMENT TT-7-03

**TECHNICAL MODIFICATIONS TO THE SYSTEM FOR TUNA TRACKING
AND VERIFICATION**

At its 5th and 6th meetings, the Permanent Working Group on Tuna Tracking decided to propose several technical modifications to the AIDCP System for Tracking and Verifying Tuna. Following are the proposals prepared by the Secretariat for these technical modifications:

5th Meeting (October 2000)

1. COLLECTION OF DATA BY OBSERVERS OUTSIDE THE AGREEMENT AREA

The Secretariat was asked to draft a modification to the Tuna Tracking System to cover the collection of TTF data on trips by vessels that fish both inside and outside the Agreement Area. The Secretariat proposes that a new paragraph 4 *bis* be added to Section 3 (“Tuna Tracking Form (TTF)”), *viz*:

“All tuna caught during trips by vessels fishing under the AIDCP, both inside and outside the Agreement Area, should be recorded on a TTF. However, if a Party determines that tuna caught outside the Agreement Area by any of its flag vessels should not be recorded on a TTF and so notifies the Secretariat in a timely manner, such tuna will not be recorded on the TTF.”

2. COPIES OF TTFS IN THE EVENT OF SEVERAL PARTIAL UNLOADINGS

The Secretariat was also asked to prepare a modification to the Tuna Tracking System to delineate how copies of the TTFS may be made and provided to Parties in the event of several partial unloadings.

The Secretariat, after reviewing the Tuna Tracking System, believes that the matter of unloadings, partial or otherwise, in the territory of Parties is already covered by Section 5 of the system, which addresses partial and multiple unloadings. However, in the case of tuna unloaded in the territory of non-Parties, which is not addressed by the current system, one possible solution would be to add an additional sentence to Section 5 of the System along the following lines:

“For tuna unloaded in the territory of a non-Party by a vessel fishing under the AIDCP, the national authority of the government under whose jurisdiction the vessel operates shall be responsible for obtaining the TTFS.”

6th Meeting (April 2001)

3. DEFINITION OF A FISHING TRIP

The Working Group called for the Tuna Tracking System to be modified to include a definition of when a fishing trip is terminated. The Secretariat proposes adding the following to Section 1 (“Definitions”) of the System:

“(q) A fishing trip *terminates* when a vessel unloads two-thirds or more of its catch, during a single unloading or during a series of partial unloadings.”

4. DISTRIBUTION OF TTFs

The Working Group also called for the System to be modified to make the Secretariat responsible for the distribution of TTFs to all observers except those of the national observer programs. The Secretariat proposes the following modifications to Section 3 (“Tuna Tracking Form (TTF)”):

Introductory paragraph: delete last sentence.

Paragraph 3: modify to read as follows: “The Secretariat shall issue the TTFs to observers, except that the pertinent national authority shall issue the TTFs to observers of national observer programs. The cruise number shall be recorded on the TTF at the beginning of each trip, and all tuna caught during that trip shall be recorded on the relevant TTF.”

PERMANENT WORKING GROUP ON TUNA TRACKING
7TH MEETING

SAN SALVADOR (EL SALVADOR)
JUNE 11-12, 2001

DOCUMENT TT-7-04

**ISSUES RELATED TO THE “DOLPHIN-SAFE” CERTIFICATION OF
TUNA FROM THE EASTERN PACIFIC OCEAN**

The Sixth Meeting of the Permanent Working Group on Tuna Tracking, which took place in San Jose, Costa Rica, on April 23-24, 2001, adopted a recommendation calling upon the Secretariat to the AIDCP to identify the requirements for implementing a dolphin safe certification, with the aim of addressing the problems related to effective market access for tuna caught in the Agreement Area. This recommendation was subsequently approved by the Parties to the AIDCP through correspondence. Following is a preliminary analysis by the Secretariat of the elements specified in the recommendation.

1. REQUIREMENTS FOR IMPLEMENTING THE AIDCP CERTIFICATION

a) Issuing a dolphin safe certification for tuna consistent with the provisions of the AIDCP (AIDCP Dolphin safe)

There would not appear to be any serious obstacle to the development of a program to issue dolphin safe certificates for tuna consistent with the provisions of the AIDCP. This would mean that tuna which is caught without encircling dolphins and tuna caught in dolphin-associated sets in which no dolphins were killed or seriously injured would be labeled as dolphin safe.

There is already in place a system to track dolphin safe tuna caught in the area covered by the AIDCP, the purpose of which is to enable dolphin-safe tuna to be distinguished from non-dolphin safe tuna from the time it is caught to the time it is ready for retail sale. The system is based on the premise that dolphin safe tuna shall, from the time of capture, during unloading, storage, transfer, and processing, be kept separate from non-dolphin safe tuna.

The tracking system includes detailed procedures to ensure that dolphin safe tuna and non-dolphin safe tuna are stored on board vessels in separate wells. It also includes a procedure to record, on a Tuna Tracking Form (TTF), the wells in which dolphin safe tuna and non-dolphin safe tuna are stored. These two elements of the tracking system involve verification by the on-board observer. After the tuna is unloaded, the appropriate national authorities of the governments involved assume responsibility for verifying the dolphin safe status of the tuna.

It would appear that the necessary final step to implement a dolphin safe certification procedure would be to create a new certificate, different from the TTF, to accompany the dolphin safe tuna designated for export. The AIDCP Parties need to decide on the format of this document and the nature of the verification or certification which would be a part of the document. The Secretariat recommends that the certificate be a simple form which would indicate that the tuna accompanying it is “dolphin safe.” There could perhaps be a simple statement to the effect that the tuna was caught “without harm to dolphins pursuant to a legally binding international agreement.” Alternatively, the statement could use more precise language, such as tuna caught “in sets in which there was no mortality or serious injury of dolphins, pursuant to the Agreement on the International Dolphin Conservation Program.”

The certificate should also include a reference to the corresponding TTF. In fact, the system for tracking tuna which has been agreed to by the Parties states that “processed dolphin safe tuna destined for export shall be accompanied by appropriate certification of such status issued by the competent national authority, including reference to the corresponding TTF number, provided that such documentation shall not reference details of fishing operations, except as relates to identification of types of fishing gear.” In deciding how the certificate should be designed, Parties should keep in mind that its principal purpose is to assist in marketing the tuna; hence, an overly technical document may not be as useful for this purpose as a simpler one. One approach would be to have a two-part certificate, with a simple description designed more for marketing on one page, followed by a second page containing more technical or legalistic definitions. The first page could perhaps include a logo.

The Parties need to decide how the certificate is verified. It would appear that the best approach would be to have the certificate signed by an appropriate government official. For tuna which is processed, there is no alternative, since the governments are responsible for ensuring that the tuna designated as dolphin safe when it is unloaded is processed separately, and can be identified as dolphin safe after it is processed. For tuna which is not processed, the national authorities are responsible for the TTFs and for ensuring the dolphin safe status of the catch after it is unloaded, so the appropriate procedure would be for the governments to be responsible for verifying certificates associated with such tuna. The certificate itself, even though verified by officials of the different governments, would be a uniform one agreed by all of the Parties, so it would be an AIDCP certificate.

Alternatively, a procedure could be established to have the Secretariat verify the tuna as dolphin safe. In order for this to be possible, however, significant changes in the current tracking system would likely be required, regardless of whether the tuna were processed or exported in the round.

For processed tuna, under the current system, once the tuna is unloaded from the vessel and enters into a processing facility, only the national authority in whose area of jurisdiction the tuna is processed is responsible for verifying the status of dolphin safe tuna. The agreed system includes a commitment by the Parties to work cooperatively toward the development of an international program to facilitate general reviews and spot checks of national tracking and verification, but to date no such work has been done. If the Secretariat were to be responsible for verifying tuna as dolphin safe, it would need to be extensively involved in an international program that included access to processing facilities for the purpose of inspection. While it might not be necessary to have Secretariat inspectors in all processing facilities on a full-time basis, a considerable presence, more than simply an occasional spot check, would be required. The budgetary implications for such a program would likely be quite significant, perhaps up to several hundred thousand dollars annually, depending on the extent of the inspection requirements.

For tuna which is not processed, but unloaded into cold storage or aboard a carrier vessel for transport to a processing location, under the current system, the state under whose jurisdiction the fishing vessel operates is responsible for obtaining the TTF, retaining documentation of the unloading, including recording the total confirmed scale weight if the tuna is weighed at that time, and verifying that the dolphin safe tuna is kept separated from the non-dolphin safe tuna during the carrier loading and transporting process. For such unprocessed tuna, if the Secretariat were to be responsible for verifying tuna as dolphin safe, it would need to be extensively involved in an inspection program that included the above noted responsibilities which are currently the responsibility of the governments. While an inspection program involving unprocessed tuna may not be as expensive or complicated as one involving processed tuna, there would nonetheless be budgetary implications as additional personnel would need to be employed to carry out inspection duties.

b) Establishing a dolphin safe label that would be used in the certification

The question of a label, in the sense of a mark or logo which would appear on a can of tuna, is generally a matter to be decided by the individual company marketing the product. In many countries, labeling is regulated by legislation requiring certain information or regulating what statements can or cannot be

placed on the product label. In the United States, for example, the Secretariat's understanding is that the dolphin safe standard is mandated by law. Other countries may have similar legal or regulatory requirements which would have to be taken into account if the Parties wished to establish legally binding labeling requirements for all processed tuna caught in the area covered by the AIDCP. It may be beyond the scope of the AIDCP to establish such a requirement. We would not see any impediment, however, to having a dolphin safe logo on the certificate discussed above.

- c) **Taking responsibility for maintaining physical control of all completed TTFs, through the establishment of rules to which the national programs would subscribe for the handling of such forms by observers, in accordance with the established rules of confidentiality, and their handling once they are returned to the Secretariat by the national authority or observers, as appropriate**

The Secretariat does not see any reason why it could not take responsibility for maintaining physical control of all completed TTFs. The agreed tracking system already requires the competent national authorities to transmit a copy of the TTF to the Secretariat within ten days of receipt. However, in 2000 the Secretariat received only 24 % of TTFs from national authorities; so far in 2001 this figure is 40 %. Because the observers placed by the Secretariat are often able to make a copy of the TTF at the end of the trip, the total percentage of TTFs received by the Secretariat has been around 90 % for 2000 and 2001 to date. It might be preferable for the Secretariat to maintain the originals rather than copies, and the system could be easily modified to reflect this requirement.

The agreed system requires that the TTFs be treated as confidential official documents consistent with the confidentiality requirements of the AIDCP. The Secretariat does not foresee the need for the establishment of additional rules related to confidentiality at this time, although the Parties may wish to consider establishing procedures to enable official representatives of each government to examine TTFs at the headquarters of the Secretariat. Any such procedures would require that copies of TTFs would not be released.

The Parties may, in addition, wish to consider the establishment of a database to keep track of the status and ownership of tuna associated with each TTF. Under the current system, that could only be done by national authorities. If, as proposed in the Colombian paper presented in San Jose during the sixth meeting of the Permanent Working Group on Tuna Tracking, the Secretariat were to be advised of all such ownership changes, then the establishment of a database by the Secretariat would be appropriate. The Secretariat would probably need an additional staff member to establish and maintain such a database.

- d) **Carrying out an intensive public education campaign to make the public aware of the achievements of the AIDCP regarding the sustainability of the fishery and the protection of dolphins, and of its operational transparency through, among others, the observer coverage of 100% of fishing trips**

Several fundamental questions arise in the analysis of this matter of an "intensive public education campaign," such as how extensive such a campaign should be, should it be carried out by the Secretariat or contracted out, how much would it cost, and how would it be funded.

The Secretariat is of the view that a targeted campaign is better than a wide-ranging, broad public campaign. The latter approach could require the dissemination of information to wide segments of the public in many countries through extensive media efforts. While in some respects such an approach might be useful, it is likely that it would be very expensive, and it is not clear that it would result in immediate benefits with respect to improving the marketing situation for tuna caught in the eastern Pacific Ocean.

It would appear that a more targeted campaign, focused initially on Europe, and, in particular, tuna buyers in Italy and Spain, would be more productive. In addition to tuna buyers, some limited media

initiatives could be undertaken in selected European countries. Such initiatives would not be a blanket approach that would seek to target all potentially relevant press outlets, but rather a select number of journalists and publications whose previous coverage of similar issues has been fair and open-minded, with a view to conducting background briefings and, where appropriate, on-the-record interviews with them.

A more targeted campaign could also include establishing systematic contacts and information dissemination programs with selected environmental non-governmental organizations (NGOs) in Europe that are, or could be, supportive of the AIDCP program, and also with certain government officials, as appropriate. It could also be useful to monitor the activities of NGOs in Europe that were not supportive of the program in order to ascertain the best way to counteract their activities. Finally, a targeted campaign could include the posting of a web site specific to this issue, particularly in a European context, designed to provide essential background information on the AIDCP program and on any dolphin safe certification process which may be developed.

The Secretariat has contacted two prominent international public relations firms to ask for proposals for their services in organizing a targeted campaign along the lines discussed above. Their cost estimates for the work involved were similar – in the range of US\$200,000-250,000 for an initial campaign of approximately six months duration. The Secretariat is of the view that a campaign of this nature could be conducted only if it were contracted out to a public relations firm. It would not be possible for the staff of the Secretariat, as presently composed, to undertake this work, and, even if it were contracted out it likely would be necessary to hire additional staff members to monitor and follow-up on this effort. If the Parties wished to pursue a campaign that was scaled back further than that described above, one option would be to do so by expanding the Secretariat's responsibilities and activities. This could perhaps be done at a cost of less than half of the range specified above.

e) Supporting the Parties in their efforts to disseminate information regarding the achievements of the Program, and regarding the authenticity of this label

The Secretariat could support the Parties in various ways in their efforts to disseminate relevant information regarding the program, and the Parties could support each other in these endeavors as well. First, any information related to the program produced by either the Secretariat or a contracted public relations firm for presentation to tuna buyers and others should be made available to all of the Parties. The Parties should undertake a commitment to disseminate within their countries such information to appropriate trade associations, media outlets, and others. A "package" should be prepared of information describing the main elements and achievements of the AIDCP program, the negative effects on the ecosystem and the total catches of yellowfin if all fishing effort now associated with dolphins were to move to fishing on unassociated schools and floating objects, and other relevant information. This package could also include information on the successful fisheries conservation efforts of the IATTC. While not directly related to dolphin conservation, there is such considerable overlap in countries and vessels participating in the fisheries and their activities, that it would seem logical and appropriate to broadcast the achievements and success of the fisheries conservation and management efforts in the eastern Pacific Ocean.

However the Parties decide to proceed, the Secretariat will obviously be heavily involved in the preparation of informational material, and this will be shared with all governments. In addition, governments should be encouraged to produce their own informational material and to share such with all of the other governments involved.

f) Coordinating with other multilateral bodies (FAO, ICCAT, UNEP, UNDP, OECD, OLDEPESCA) and scientific institutions, to publicize the achievements of the Program

The Secretariat and the governments involved could and should make efforts to utilize other appropriate multilateral bodies and institutions to publicize the achievements of the program, although this may not

have a major impact on the principal objectives at hand. These efforts could be undertaken in several ways. First, any information developed could be sent by either the member governments or the Secretariat to the relevant organizations to maintain as part of their records on the activities of international fisheries conservation and management organizations. The Parties should consider whether it is appropriate to ask these organizations to distribute this information to their member governments, or to make it available at meetings. Second, the Secretariat, and more particularly the IATTC staff, receives requests on a regular basis to provide information on the achievements of the fishery conservation and management efforts or the organization. Mostly, these requests come from FAO or the United Nations as part of a systematic reporting cycle, and they could provide an opportunity to disseminate information on the achievements of the program. However, the information requests are usually targeted to specific issues which have been the focus of UN or FAO global conservation efforts, such as the management of fishing capacity or combating illegal fishing, so the opportunities to utilize these requests to disseminate information on the dolphin conservation program may be limited.

g) Developing a strategy for achieving recognition of the label that will be issued through the IATTC among the tuna industry and trade groups, organizations, and associations in the pertinent markets of the world

It would appear that the strategy for achieving recognition of the AIDCP certification program is an amalgamation of all of the approaches decided upon by the Parties with respect to the various elements analyzed above.

Depending on the path chosen by the governments, the strategy could perhaps be summarized as follows: (1) agreement that the Parties to the AIDCP should develop a dolphin safe certification and documentation system based on the standards and key elements of the existing dolphin conservation program; (2) agreement that the certification and documentation system should include a uniform, officially-certified document that would be helpful in the marketing of dolphin safe tuna; (3) agreement that tuna from the eastern Pacific Ocean could be sold as dolphin safe only if it meets the agreed documentation and certification standards; (4) agreement to organize a targeted educational and informational campaign designed to assist in the marketing of dolphin safe tuna, especially in Europe; (5) agreement to direct the Secretariat and encourage governments to disseminate information regarding the achievements of the AIDCP among appropriate national and international organizations; and (6) agreement to fund these certification and marketing efforts at a level sufficient to achieve the objectives of the Parties.

The Secretariat was asked to include in its assessment the costs and the administrative, economic, and legal implications of all of the identified elements. The administrative and legal implications have been noted where relevant in the analysis of each element.

With regard to funding, the Parties need to decide at this stage how they wish to move ahead in terms of scope and funding levels, and then to decide how they wish to fund the program. With regard to the latter, the Secretariat believes there are essentially four options available to fund the program: (1) contributions by governments, (2) contributions by processors with an interest in marketing dolphin safe tuna, (3) increased IDCP vessel assessments applied equally to all vessels, and (4) increased vessel assessments involving only those vessels whose owners have a special interest in marketing dolphin safe tuna.

Another alternative that should be considered is that any public relations intended to market tuna based on the certification be carried out by the tuna industry itself, with appropriate support from the Secretariat and governments concerning the certification.

3. PROVIDE INITIAL GUIDANCE ON HOW INCENTIVES MIGHT BE USED IN RELATION TO CERTIFICATIONS, CONSISTENT WITH THE OBJECTIVES OF THE AIDCP.

It would appear that incentives to ensure that best efforts are made to provide for dolphin conservation are

inherent in the establishment of a meaningful documentation and certification system. Specifically, tuna cannot be marketed as dolphin safe if any mortality or serious injury of dolphins occurred in the set.

The Parties may wish to consider whether the development of a new certification and documentation system could provide an opportunity for enhanced incentives to improve dolphin conservation even beyond encouraging no mortality or serious injury to dolphins during fishing operations. For example, the Parties could agree that only vessels or governments with satisfactory compliance records, as determined by the International Review Panel, would be eligible to have their tuna certified as dolphin safe. A participating government could be required to receive an annual finding of satisfactory compliance based on objective standards established by the Parties in order for its vessels to participate in the documentation system. In addition, or alternatively, if a particular vessel has an egregious compliance record, based on objective standards established by the Parties, it would not be eligible to have its tuna certified as dolphin safe pursuant to the documentation system being established.