

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

24TH MEETING OF THE PARTIES

DEL MAR, CALIFORNIA (USA)
21 OCTOBER 2011

DOCUMENT MOP-24-07

'ECOSYSTEM-FRIENDLY' CERTIFICATION SYSTEM

This document is similar to the one presented at the 23rd Meeting of the Parties to the AIDCP, held in June 2010. The Secretariat considers that, if the Parties so agree, the document can form the basis for the first stage in the implementation of an '*Ecosystem friendly*' certification system.

The only difference from the previous document is the inclusion, as Appendix 2, of the questions raised by the delegation of the United States and put to the delegations that proposed the certification system.

The 21st meeting of the Parties to the AIDCP in June 2009 discussed the issue of an 'ecosystem-friendly' certification system, elaborated in Document [MOP-21-08](#), *Elements for consideration in a tuna certification system*, prepared by the Secretariat for that meeting (Appendix 1). It was suggested that such a system might be implemented in two stages. The first stage would be limited to certifying, if certain criteria are met, that the catches in the purse-seine fishery on tunas associated with dolphins be designated 'ecosystem friendly', and would be handled strictly within the AIDCP. The second stage would involve more complicated considerations associated with IATTC conservation and management measures.

This document, prepared by the Secretariat at the request of the Parties, elaborates the first-stage idea, as a concrete basis for further discussion.

In the first stage, only those tuna fisheries involving vessels with Dolphin Mortality Limits (DMLs) would be eligible to receive the 'ecosystem friendly' certification. As noted in section 2 of Document MOP-21-08, the following elements would be requirements for certification:

1. No tuna would be certified unless the IATTC has a resolution in force, based upon a scientific recommendation, for the conservation and management of yellowfin and bigeye tuna.
2. Only tuna tracked by the current AIDCP system for tracking and verifying tuna would be eligible for certification.
3. Only tuna caught by vessels with an observer on board would be eligible for certification.
4. Tuna would be certified only if meets the criteria that was not caught in contravention of any AIDCP measures or any IATTC measures on conservation of yellowfin and bigeye tuna.
5. The fishing captain aboard the vessel is on the AIDCP list of qualified captains.

For the first stage, the above elements would be the requirements for certification for vessels with DMLs. If the Parties decide to pursue this approach, a draft resolution could be prepared incorporating these elements as the basis for an 'ecosystem friendly' certification.

The Secretariat considers that its proposals in Document MOP-21-08 could also be the basis for the second stage in the implementation of the system.

Appendix 1

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

21ST MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)

5 JUNE 2009

DOCUMENT MOP-21-08

ELEMENTS FOR CONSIDERATION IN A TUNA CERTIFICATION SYSTEM

This issue has been discussed during the past few meetings of the Working Group to Promote and Publicize the AIDCP Dolphin Safe Tuna Certification System. Several Parties have expressed interest in developing a system, under the auspices of the AIDCP and the IATTC, to allow vessels that have caught tuna in accordance with the rules of the two agreements to certify and label this tuna in an appropriately positive manner.

The 12th meeting of the working group acknowledged that considerable work needed to be done before this issue could be advanced, and agreed that the IATTC needed to be closely involved in this initiative. In this regard, the working group considered that it might be useful to create a joint AIDCP-IATTC working group to study the idea in more detail. It also decided that the issue should be considered further in the next meeting of the Parties to the AIDCP, and asked the Secretariat to prepare a document to facilitate that discussion.

1. GENERAL

The certification and tracking system would be developed jointly by the AIDCP and IATTC, since it relates to measures established in both instruments.

Certification would require compliance with relevant measures agreed in the framework of the AIDCP and the IATTC. Other factors might also be considered in the certification.

Certification would be awarded by vessel trip, at the conclusion of each trip, and would be subject to the conditions in section 2 of this document. Data recorded by on-board observers would form the basis for this system.

Tracking of the certified tuna would commence once it is landed, to ensure the integrity of the certified catches.

A joint IATTC-AIDCP working group should be established, to develop and follow up on the certification system.

The use of the certification by Parties would be voluntary.

Consideration needs to be given to what the system would be called. The name should reflect the sustainability of the fishery, or its lack of harmful effects on the ecosystem.

Consideration should be given to which species and fisheries are to be certified. The system could be limited to certifying catches of yellowfin, bigeye, and skipjack tunas only, or extended to other species which are the subject of IATTC management measures, such as albacore. It could apply to catches by all gears, or to the purse-seine fishery only, or to all vessels or only to those over a certain capacity or size.

2. REQUIREMENTS FOR CERTIFICATION

The requirements below are based only on the certification of yellowfin, bigeye, and skipjack tunas caught by purse-seine vessels.

No tuna would be certified unless the IATTC has a resolution in force, based upon a scientific recommendation, for the conservation and management of yellowfin and bigeye tuna.

Only tuna tracked by the current AIDCP system for tracking and verifying tuna would be eligible for certification.

Only tuna caught by vessels with an observer on board would be eligible for certification.

Only tuna caught by vessels on the IATTC Regional Vessel Register would be eligible for certification.

Tuna would be certified only if meets all the following criteria:

- i. It was caught in the eastern Pacific Ocean by a vessel on the IATTC Regional Vessel Register;
- ii. It was not caught in contravention of any AIDCP measures or any IATTC measures on:
 - a. conservation of yellowfin and bigeye tuna;
 - b. bycatch;
 - c. sharks or seabirds; and
- iii. If caught during fishing in association with dolphins, the fishing captain aboard the vessel is on the AIDCP list of qualified captains.

Upon the adoption of a new IATTC or AIDCP measure, this list would be reviewed and, if necessary, amended.

3. CERTIFICATION AND TRACKING SYSTEMS

The certification and tracking systems would be implemented and administered in a manner similar to the current AIDCP dolphin-safe certification system and system for tracking and verifying tuna, but would be operated independently of those systems.

Each competent national authority would be responsible for implementing the system within its territory. The national programs adopted to fulfill these responsibilities should include periodic audits and spot checks. Also, the Parties should develop an international verification program. .

The certification system would be reviewed periodically by an *ad hoc* joint IATTC-AIDCP working group, in order to evaluate the effectiveness of the system and its procedures, and make recommendations to the Parties as necessary.

The IATTC Secretariat would be responsible for verifying the validity of the certificates.

4. PROCESSING AND MARKETING

Tuna processors should maintain records complete enough to allow the processed tuna to be traced back to its point of origin.

Parties should utilize the certification program to promote the capture and commercialization of tuna caught in accordance to the relevant rules of the IATTC and AIDCP.

5. PUBLICITY

- a. The certification system and its benefits would be publicized by providing information to interested governmental and non-governmental entities, companies involved in catching, trading, processing, and marketing tuna and tuna products, fishermen's organizations, and non-governmental organizations.

Appendix 2.

Preliminary U.S. concerns regarding the proposed “ecosystem friendly” certification (not in priority order)

1. RFMOs may not be the appropriate fora to establish such certifications. Ecolabeling is viewed by many as intended to be a market-based approach to improve the sustainability of a fishery and/or fishing practices that involves the consumer rewarding those members of the fishing community practicing responsible fishing practices. In this case, the “ecosystem-friendly” certification that was initially described to include all types of sets, would reward the status quo in the fishery and may not improve the sustainability of the fishing practices used, particularly in regards to bycatch. Any such initiative should be used as an opportunity to encourage more sustainable fishing practices in the purse seine fishery.
2. It is premature to seek agreement to put this such a system in place unless and until the AIDCP and the IATTC agree within their respective contexts to specific, ecosystem-level objectives, decide their relative priorities, and enact specific "measures" to put these objectives into practice. At this time the United States sees very little in place that could realistically receive an "ecosystem-friendly" designation, under any reasonable definition of that term.
3. The scientific basis for the system described in 2 above will depend primarily on criteria for certification listed in Document MOP-21-8 under item 2. These criteria are not given specifically but instead refer generally to AIDCP and IATTC measures on conservation of YFT and BET, bycatch, and sharks or seabirds. As these measures change regularly, it is reasonable that they be cited this way, but as of now the measures in place would not ensure any ecosystem-level characteristics of the catch.
4. The United States notes that the resolutions agreed upon by the IATTC dealing with bycatch species predominantly focus on mitigation, and not prevention, of impacts.
5. Terminology such as “IATTC and AIDCP Compliant” for the certification system rather than “Ecosystem Friendly” might be more appropriate. Rationale:
 - The yellowfin and bigeye tuna conservation and management measures adopted by the IATTC in resolution C-09-01 are to be reevaluated in 2011 and it is unclear what effects on ecosystems or stocks these measure will have.
 - RFMO-specific terminology would prevent potential conflicts with fisheries managed by other RFMOs.
 - RFMO-specific terminology may provide more clarity for consumers who are already inundated by multiple product labels (MSC certified, Dolphin Safe, Seafood Watch listed, etc.).
6. Should some version of “Ecosystem Friendly” (or alternatively-worded) certification be adopted, long-term implementation could be problematic. Rationale:
 - Criteria for the certification system, once established, would take time to change.
 - Each time the IATTC or AIDCP adopts new measures that affect the initial criteria, tuna that should no longer meet certification standards would continue to be marketed as “Ecosystem Friendly” until the standards can be changed. This would lead to consumers becoming wary of the certification process and the label, and defeat the purpose of the certification scheme.
7. Not all parties may be able to participate in such a certification, thus it would need to be voluntary. Such a certification program would also need to be supported by an outside budget, separate from that of the AIDCP.

8. The international verification system will of course be an essential component, if this system is approved, and it too needs to be laid out specifically and in advance, with all participating parties in agreement on the process and to support it fully.
9. It is not clear, and it needs to be, that this system, if approved, will apply to all purse-seine caught tunas, rather than just fish caught on dolphins under the auspices of AIDCP. This should be made explicit in the terms, throughout, so there is no ambiguity.
10. If approved, this system should also be available to the longline fishery.
11. No definition of “ecosystem”, “friendly”, or “sustainable” has been proposed in these documents. Clear definitions would have to be developed to address a multitude of issues, including the following: a) Does “ecosystem” include tuna of all sizes and habitats; b) How would “ecosystem” incorporate non-target species such as sharks, turtles, and seabirds; c) How would this certification apply to the purse seine fishery when bigeye tuna is currently subject to overfishing and overfished according to the IATTC, and to the current IATTC tuna conservation and management measures which are less rigorous than those proposed by IATTC scientists; d) How would certification and compliance accountability be achieved; and e) How would concerns of juvenile and FAD fisheries be met.
12. If adopted, the ecosystem friendly label should be used in parallel with the dolphin-safe label, and not as a substitute or replacement. Association with the dolphin-safe label should be limited as much as possible.

Generating consumer preference in the market place with such labels is not always guaranteed. For example, it is not clear whether such a label would achieve the desired objective in the U.S. marketplace.