

AGREEMENT THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

MINUTES OF THE 8TH MEETING OF THE PARTIES

La Jolla, California (USA)
10 October 2002

AGENDA

1. Opening of meeting
2. Election of Chairman
3. Adoption of agenda
4. Approval of minutes of the 7th Meeting of the Parties
5. Report of the International Review Panel
6. Creation of a working group for the promotion of the *dolphin safe* label
7. Proposed amendments to the Annexes of the AIDCP
 - a. Annex II: new paragraph regarding observer data
 - b. Annex IV (II) 1: deadline for utilization of second-semester DMLs
8. Resolutions
9. Dolphin abundance study required by the US International Dolphin Conservation Program Act which will allow modification of the dolphin safe concept
10. Other business
11. Place and date of next meeting
12. Adjournment

APPENDICES

1. List of attendees
2. Resolution on vessels of less than 363 mt capacity
3. Resolution on measurement of vessel capacity
4. Resolution on definition of a pattern of infractions
5. Resolution on financing the IDCP
6. Resolution on a Working Group to promote and publicize the *AIDCP dolphin safe* Tuna Certification system

DOCUMENTS

MOP-8-05 Proposed amendments to the Annexes of the AIDCP

1. Opening of the meeting

The meeting was opened on 10 October 2002 by Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission (IATTC), which serves as the Secretariat to the Agreement on the International Dolphin Conservation Program (AIDCP). The attendees are listed in Appendix 1.

2. Election of Chairman

Dr. Rebecca Lent of the United States was elected to chair the meeting.

3. Adoption of the agenda

Before adopting the agenda, the Chair announced a presentation for Commissioners and government delegates on the results of a three-year US Congress-mandated study of the tuna-dolphin question carried out by the National Marine Fisheries Service.

The United States suggested adding an item for the approval of the minutes of the 7th Meeting of the Parties; this was accepted and added as item 4.

Costa Rica requested the addition of an item to discuss the creation of a Working Group to promote and publicize the dolphin safe label, as contemplated in the *Procedures for AIDCP Dolphin Safe Tuna Certification*. It was agreed to discuss this subject as item 6.

With these changes the agenda was adopted.

4. Approval of the minutes of the 7th Meeting of the Parties

The European Union requested that the minutes be modified to clarify that EU observers would cover 50 percent of the trips made by EU vessels fishing in the eastern Pacific. With this modification the minutes were adopted.

5. Report of the International Review Panel

Mr. James Lecky, chairman of the 31st IRP meeting, presented an oral report to the meeting, describing the recommendations from the Panel as well as those matters which were discussed but not resolved. The IRP had four recommendations: on financing the IDCP, defining a pattern of infractions, measuring vessel capacity, and requiring observers on certain vessels of less than 363 metric tons of carrying capacity.

Mr. Lecky reported the following:

1. The Panel forwarded to the Meeting of the Parties a list of 96 vessels which the Panel had determined are qualified to receive DMLs for 2003, with the stipulation that all vessels would have until November 1, 2002, to pay their fees and to qualify to receive DMLs in accordance with the AIDCP.
2. The Panel had engaged in a long and difficult discussion regarding whether, in the future, vessels which do not submit the required fees by October 1 should be eligible to receive DMLs; no agreement had been reached on this matter, and it was decided that this question should be addressed in future by the Meeting of the Parties.
3. With respect to the classification of vessels, the Panel discussed the issue of smaller vessels setting on dolphins, and what could be done to avoid this problem from occurring in the future, including amending the AIDCP to require observers to be placed on such vessels. There was broad support during the discussion for the proposal to require size class 5 vessels (272-363 mt carrying capacity) to carry observers, and it was agreed that the issue should be on the agenda of the next IRP. It was noted that the results of the governments' confirmation of the well volume of all purse-seine vessels should be complete by then. However, the Panel did recommend that, in light of the evident ability or practice of some vessels not currently covered by the AIDCP of setting on dolphins, and the threat

that this represents to both the objectives of the Agreement and the credibility and effectiveness of the IDCP, the Parties should immediately require those purse-seine vessels of less than 363 metric tons carrying capacity that have been identified by the IRP to have possibly committed an infraction by intentionally setting on dolphins, to carry observers.

4. With regard to the proposal prepared by the Secretariat for amending the Annexes to the AIDCP if the definition of vessel capacity in the Agreement were expressed in well volume in cubic meters instead of carrying capacity in metric tons, the Panel agreed to these technical amendments in principle, but left aside the question of the specific well volume that should be spelled out in the various places in the Agreement elaborated in Document IRP-31-13b. The Panel agreed that the issue of the number would be further discussed, and hopefully agreed, at its next meeting.
5. Finally, a long discussion took place on the matter of the AIDCP budget deficit and how to adequately fund the program for the long term. A resolution on financing the IDCP was being recommended by the Panel to the Parties.

6. Creation of a working group for the promotion of the *dolphin safe* label

Costa Rica proposed the creation of this working group, noting the importance of this aspect of the program. In order to fully implement the AIDCP and to realize the commercial benefits of the program, it is necessary to find a way to ensure that the IDCP is understood around the world and that *AIDCP dolphin safe* tuna can be marketed. The working group should concentrate on promoting the scientific and technical aspects of the program.

The proposal was supported by Colombia, El Salvador, Mexico, Panama and Venezuela. The European Union and the United States expressed concerns, mainly due to budgetary reasons. The EU considered that these matters could be discussed within the Permanent Working Group on Tuna Tracking, and that a special working group was not necessary. The European Union also asked that the minutes reflect that it was undertaking a legal review of the procedures for *AIDCP dolphin safe* tuna certification, and only after this was done would the question of the dolphin safe label be considered.

After considerable discussion, the Parties agreed to create a Working Group to promote and publicize the *dolphin safe* tuna certification system. At its first meeting, to be held in conjunction with the next meeting of the IRP, the group would determine how it was to cover its costs.

7. Proposed amendments to the Annexes of the AIDCP:

Dr. Allen presented Document MOP-8-05.

a. Annex II: new paragraph regarding observer data

Dr. Allen explained this amendment, and reminded the delegates that it had been agreed in principle at the previous meeting of the Parties, but that Colombia had asked that formal approval be postponed until this meeting to allow time for internal consultations.

b. Annex IV (II) 1: deadline for utilization of second-semester DMLs

This amendment would change the deadline for utilization of second-semester DMLs from December 31 to October 1, making it comparable with the utilization requirements for full-year DMLs.

Both of these amendments were adopted by the Parties, and with this decision by the Meeting of the Parties, the Agreement is considered amended as proposed as of 10 October 2002.

8. Resolutions

After discussion and, in some cases, modifications to the recommendations from the IRP, the Parties adopted the following resolutions on 10 October:

		Appendix
A-02-01	Vessels of less than 363 mt capacity	2
A-02-02	Measurement of vessel capacity	3
A-02-03	Definition of a pattern of infractions	4
A-02-04	Financing the IDCP	5
A-02-05	Working Group to promote and publicize the <i>AIDCP dolphin safe</i> Tuna Certification system	6

Regarding the resolution on the definition of a pattern of infractions, The Ocean Conservancy suggested that, as the IRP undertakes its required annual review of the effectiveness of the resolution, if the incidence of observer harassment does not decline significantly, the Parties consider adding that infraction to the list in paragraph 1b of the resolution.

With regard to this same resolution, the meeting discussed whether the consequences, as established in the Agreement, of a determination that a vessel has engaged in a pattern of infractions – that no DML shall be assigned to that vessel - would apply indefinitely or for only one year. The Parties agreed that this sanction would affect a DML for the year after the determination only. It was recognized that the AIDCP might need to be amended to clarify this point.

With regard to the resolution on the measurement of vessel capacity, the European Union stressed the importance of providing the required information to the Secretariat so that the three-step vessel measurement exercise agreed by the 7th Meeting of the Parties could be completed in a timely manner.

9. Dolphin abundance study required by the US International Dolphin Conservation Program Act which will allow modification of the dolphin safe concept

Dr. Allen described the process for the IATTC to provide comments to the US Secretary of Commerce on this matter, and noted that the staff would prepare a draft and circulate it to the Parties for comment. Since the comments needed to go to the Secretary soon, Dr. Allen urged the governments to give the draft a high priority and provide any comments or suggestions as soon as possible. Dr. Allen also noted that three independent scientists review the Commission's comments and he would incorporate their views into the final report.

10. Other business

No other business was considered.

11. Place and date of next meeting

The next Meeting of the Parties will take place in conjunction with the annual meeting of the IATTC in Antigua, Guatemala, during the period of June 16-28, 2003.

12. Adjournment

The meeting was adjourned at 5 p.m. on October 10, 2002.

Appendix 1.

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PROGRAMA INTERNACIONAL PARA LA CONSERVACIÓN DE LOS DELFINES**

9th MEETING OF THE PARTIES – 9^a REUNION DE LAS PARTES

10 OCT 2002

La Jolla, California (USA)

ATTENDEES - ASISTENTES

BOLIVIA

YERKO GARAFULIC
Ministerio de Agricultura

COLOMBIA

JAIME JIMENEZ
ARMANDO HERNÁNDEZ
Ministerio de Comercio Exterior

COSTA RICA

GEORGE HEIGOLD
ASDRÚBAL VÁSQUEZ
INCOPECA

ECUADOR

RAFAEL TRUJILLO BEJARANO
LUIS TORRES NAVARRETE
Ministerio de Comercio Exterior, Industrialización y Pesca

EL SALVADOR

SONIA SALAVERRIA
Ministerio de Agricultura y Ganadería

EUROPEAN UNION – UNION EUROPEA

ROBERTO CESARI
European Community
JAVIER ARÍZ TELLERIA
Instituto Español de Oceanografía

IGNACIO ESCOBAR
JUAN I. ARRIBAS
Secretaría General de Pesca

MEXICO

RICARDO BELMONTES
MARIO AGUILAR
PEDRO ULLOA
LUIS FLEISCHER
SAGARPA
GUILLERMO COMPEAN
Instituto Nacional de la Pesca
MICHEL DREYFUS
HUMBERTO ROBLES
PNAAPD

LUIS FUEYO MACDONALD
SEMARNAT/PROFEPA
RAUL VALDES RAMIREZ
Secretaría de Economía
ERNESTO ESCOBAR
MARK ROBERTSON

NICARAGUA

MIGUEL A. MARENCO
ADPESCA

PANAMA

ARNULFO FRANCO
Autoridad Marítima

PERU

LEONCIO ALVAREZ
ALBERTO HART
PATRICIA DURAN
ADRIANA GIUDICE
Ministerio de Relaciones Exteriores

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

DAVID HOGAN
Department of State

JAMES LECKY
REBECCA LENT
PAT DONLEY
ALLISON ROUTT
NICOLE LEBOEUF
BRETT SCHNEIDER
DEBORAH BEN-DAVID
MICHELLE ZETWO
National Marine Fisheries Service
RANDI THOMAS

VANUATU

EDWARD WEISSMAN
HUGO ALSINA LAGOS
Office of Deputy Commissioner of Maritime Affairs

VENEZUELA

DANIEL NOVOA
FRANCISCO ORTISI, JR.
INAPESCA

ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG
The Ocean Conservancy
HECTOR LOPEZ
FUNDATUN

KITTY BLOCK
The Humane Society

INDUSTRIA ATUNERA -TUNA INDUSTRY

GABRIEL SARRÓ
OPAGAC

SECRETARIA – SECRETARIAT

ROBIN ALLEN, Director
ERNESTO ALTAMIRANO
DAVID BRATTEN
ALEJANDRA FERREIRA
JOSHUE GROSS
MARTIN HALL
BRIAN HALLMAN

BERTA JUÁREZ
NORA ROA-WADE
MICHAEL SCOTT
ENRIQUE UREÑAN
NICK VOGEL
NICHOLAS WEBB

Appendix 2.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

RESOLUTION ON VESSELS OF LESS THAN 363 MT CAPACITY

10 October 2002

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

In light of the concern of the Parties regarding the ability or practice of some vessels of less than 363 metric tons carrying capacity of setting purse-seine nets on dolphins, in contravention of the AIDCP, and notwithstanding the exercise the Parties are undertaking to modify the requirements for carrying observers based on vessel size;

Hereby agree:

1. To immediately require those purse-seine vessels of less than 363 metric tons carrying capacity flying their flags that have been identified by the IRP to have committed a possible infraction by intentionally setting on dolphins since the entry into force of this resolution to carry observers;
2. Such vessels shall be subject to the relevant provisions of the AIDCP concerning observers, including the provisions of Annex II;
3. This resolution shall enter into force upon its adoption, and shall be implemented by the respective Parties at the start of the next fishing trip by the subject vessels following their identification per paragraph 1.
4. The Parties, through the IRP, shall review any request by a Party to consider that a change in circumstances, such as a change of ownership or flag or the result of legal processes arising from a possible infraction, of a vessel identified per paragraph 1 warrants a decision that the vessel should no longer be required to carry an observer, without prejudice to any future decisions of the IRP regarding the vessel.

Appendix 3.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

RESOLUTION ON THE MEASUREMENT OF VESSEL CAPACITY

10 October 2002

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

Recalling the commitment at the 7th Meeting of the Parties for each Party to provide to the Secretariat information on the well volume of each vessel before 1 October 2002;

Aware that all the relevant information has not yet been received by the Secretariat;

Therefore:

Urge those Parties that have not yet fulfilled this obligation to do so as soon as possible, and no later than 31 October 2002.

Appendix 4.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

RESOLUTION ON THE DEFINITION OF A PATTERN OF INFRACTIONS

10 October 2002

1. Without prejudice to other determinations made by the Parties pursuant to the provisions of Annex IV, Part I, paragraph 7, a “pattern of infractions” by a vessel shall be defined as one of the following:
 - a. Any three major infractions committed within two consecutive years during more than one trip, as confirmed by a Party.
 - b. Any two of the following major infractions committed within two consecutive years during more than one trip, as confirmed by a Party:
 - i. Fishing without an observer;
 - ii. Fishing on dolphins without a DML;
 - iii. Fishing on dolphins after the vessel reaches its DML.;
 - iv. Observer harassment.
2. When notifying the Party concerned of the IRP’s identification of a possible infraction, the Secretariat should make every effort to also notify the owner of the vessel concerned of the potential for the determination of a pattern of infractions per the schedule above.
3. The Parties shall, every six months, notify owners of vessels under their jurisdiction of any record of infractions which could lead to a determination of a pattern of infractions per the schedule above.
4. This resolution is system shall enter into force on the day following its approval adoption by the Parties, and shall apply only to trips that begin, and infractions that occur, after the date of its adoption.
5. The provisions of this resolution shall be applied in accordance with the national laws and regulations of each Party.
6. The IRP shall review annually the effectiveness of this schedule in enhancing compliance with the Agreement.

Appendix 5.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

RESOLUTION ON FINANCING THE IDCP

10 October 2002

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

Recalling the commitment expressed in Article XV of the AIDCP that the Parties shall contribute to the expenses necessary to achieve the objectives of the Agreement, through the establishment and collection of vessel fees;

Noting the deficit in the funding for the International Dolphin Conservation Program in 2002;

Anticipating a further deficit in 2003 and successive years;

Noting the commitment of the Parties to provide to the Secretariat information on the well volume of each vessel as the basis for calculating these fees; and

Recalling the agreement by the 7th Meeting of the Parties to verify, by independent measurement, the information on the well volume of each vessel provided to the Secretariat;

Agree:

1. To use the vessel assessments paid for 2003 to finance the deficit in 2002.
2. At the meeting of the Working Group on Vessel Assessments and Financing in January 2003, to:
 - a. review and determine the services and associated costs necessary to achieve the objectives of the Agreement;
 - b. determine the actions, including adjusting the level of vessel assessments, necessary to eliminate the deficit in 2002 and 2003 and fund the program adequately in future years.
3. That, in accordance with Annex II, paragraph 2, of the AIDCP, the On-Board Observer Program shall cease assigning observers to vessels in 2003 and subsequent years once the funds available for the year are exhausted. Should the funds available for a year prove insufficient due to reasons unforeseen at the time the level of funding for that year was agreed, other options may be considered.
4. To recommend, on the basis of a draft budget prepared by the Secretariat for the meeting of the IRP in January, a budget for the IDCP to the Meeting of the Parties in June of each year.
5. That the Parties and the Secretariat shall continue seeking funding alternatives, and consider, as necessary, cuts in the AIDCP budget, in the short, medium and long term, to address the financial problems affecting the IDCP.

Appendix 6.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

RESOLUTION ON THE CREATION OF A WORKING GROUP TO PROMOTE AND PUBLICIZE THE *AIDCP DOLPHIN SAFE LABEL*, WITHIN THE FRAMEWORK OF THE AIDCP

10 October 2002

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

Considering the Resolution to establish procedures for AIDCP dolphin safe tuna certification of 20 June 2001, including point 5, paragraphs a, b and c, which refers to the obligation to publicize, disseminate and support the worldwide promulgation of the AIDCP dolphin safe label, and

Recognizing the importance of coordinating among the Parties the efforts to promote and disseminate the AIDCP dolphin safe certificate, and

Noting the importance of information in the strategy for publicizing the AIDCP dolphin safe label, and of ensuring the support of the program that sustains it,

Agree:

1. To create a Working Group to promote and publicize the *AIDCP dolphin safe* Tuna Certification system.
2. Establish a schedule of meetings to coincide with the meetings of the Tuna Tracking Working Group.
3. The items for the agenda for the first meeting of this working group, to be held in January 2003, shall be defined by the Secretariat, after consultations with the Parties.
4. Ask the Secretariat to prepare an estimated budget for the first meeting of this working group.
5. The funding for the logistical costs of the meetings of this working group, as well as the future costs of the dissemination of information by the Secretariat and related to the results of the IDCP, shall be defined at the meeting of the working group in January 2003, once all the costs and income of the IDCP have been thoroughly analyzed, and the participating Parties shall explore the financial possibilities of covering the logistic and publicity costs of the proposed working group through direct funding.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

8TH MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)
10 OCTOBER 2002

DOCUMENT MOP-8-05 (REVISED)

AMENDMENTS TO ANNEXES II AND IV OF THE AIDCP

1. ANNEX II: NEW PARAGRAPH REGARDING OBSERVER DATA

This amendment was acceptable to all governments at the 7th Meeting of the Parties, but one delegation asked that formal approval be postponed until the next meeting of the Parties to allow time for internal consultations. The amendment, a new paragraph 12 to Annex II, would read as follows:

“12. Observer Data

- a. Observer data shall be the basis to determine if:
 - i. a vessel has met or exceeded its DML;
 - ii. a Party has met or exceeded its national DML; or
 - iii. the fleet has met or exceeded a per-stock, per year dolphin mortality cap.
- b. Any Party wishing to object to the observer data must provide to the IRP the reasons for and the evidence to support such objection;
- c. The IRP will review the evidence provided by the Party and provide a recommendation to the Meeting of the Parties for their consideration;
- d. The Parties will review the evidence and the recommendation of the IRP and make a decision as to the merits of the objection and whether the observer data should be modified.”

2. ANNEX IV (II) 1: DEADLINE FOR UTILIZATION OF SECOND-SEMESTER DMLS

It was proposed that the deadline for utilization of second-semester DMLs be changed from December 31 to October 1. The first sentence of the paragraph would read as follows:

“Any vessel which is assigned a full-year DML and does not set on dolphins prior to April 1 of that year, or which is assigned a second-semester DML and does not set on dolphins by **October 1** of that year,”