

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

25TH MEETING OF THE PARTIES

**La Jolla, California (USA)
19 June 2012**

MINUTES OF THE MEETING

AGENDA

	Documents
1. Opening of meeting	
2. Election of Chairman	
3. Adoption of agenda	
4. Approval of the minutes of the 24 th Meeting of the Parties	
5. Secretariat's report on the IDCP	MOP-25-05
6. AIDCP budget	MOP-25-06
7. Report of the International Review Panel	
8. Other business	
9. Place and date of next meeting	
10. Adjournment	

APPENDICES

1. List of attendees
2. Report of the Presider the 51st Meeting of the International Review Panel

The 25th Meeting of the Parties to the AIDCP was held in La Jolla, California, (USA) on 19 June 2012. The list of participants is attached as Appendix 1.

1. Opening of the meeting

The meeting was opened by Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC).

2. Election of Chairman

Mr. Alvin Delgado, of Venezuela, was elected chair of the meeting.

3. Adoption of the agenda

The provisional agenda was adopted, with the inclusion under *Other business* of a review of the allocation of a Dolphin Mortality Limit (DML) to the Panamanian vessel *Tunapesca*.

4. Approval of the minutes of the 24th Meeting of the Parties

The minutes of the 24th Meeting of the Parties were approved without changes.

5. Secretariat's report on the IDCP

Dr. Martín Hall, of the Secretariat, presented Document MOP-25-05. . He noted that in 2011 observers of the IATTC and national programs sampled 746 trips by vessels covered by the AIDCP (carrying capacity greater than 363 metric tons), and that during the year they recorded a total mortality of 986 dolphins in between 10 and 11 thousand sets on marine mammals, which represents a downward trend compared to previous years.

Mexico indicated that the high level of performance of the AIDCP observers must be maintained, and that the performance of observers from the Forum Fisheries Agency (FFA) should be reviewed. The Secretariat commented that it is working with the Western and Central Pacific Fisheries Commission (WCPFC) to review the cross-endorsement agreement with FFA, with a view to transitioning to a more general agreement with the WCPFC. He indicated that the number of trips to the Eastern Pacific Ocean (EPO) by vessels from the Western Pacific is minimal.

Nicaragua indicated that this high level needs to be maintained, and ways of doing so must be found. Vessels that come to the EPO from the Western Pacific to fish should carry AIDCP observers. Dr. Compeán noted that a joint IATTC-WCPFC observer training workshop is planned for August, and that the program that is developed in such courses will be published on the Commission website. It was noted that a review of the criteria and requirements for observers aboard longline vessels should be initiated.

6. AIDCP budget

Ms. Nora Roa-Wade, of the Secretariat, presented Document MOP-25-06, stressing the need to increase the vessel assessments for the observer program, as had been requested since 2008, in order to deal with the budget deficit and increases in costs. The last increase was in 2006, and the assessments have remained at US\$ 14.95 per cubic meter (m³) of vessel well volume since then. She noted that a rate of US\$ 18/m³ would balance the budget, and a rate of US\$ 19.15/m³ would soon eliminate the deficit.

Venezuela commented that countries that do not participate in the AIDCP but benefit from its work should contribute to the program. Panama stated that it agreed with the proposed increase to US\$ 19.15/m³

Mexico noted that increasing the assessments is not the only way of resolving the budget problem; observer coverage could be reduced, or the amount paid by the IATTC for the observer program could be increased, perhaps from 30% to 40%. He asked what the effect of such an increase would be.

Dr. Compeán noted that, given the lack of resources, there were two options: suspend observer coverage when funds ran out, or suspend the service for those countries that have not paid their contributions to the IATTC budget.

The Secretariat presented an exercise of the effect on the AIDCP deficit of increasing the IATTC contribution from 30% of the budget to 35 and 40%. Both would result in a surplus, of US\$ 65,377 and US\$ 179,964, respectively. Ecuador, Nicaragua, Peru, and the European Union requested a more detailed exercise in order to take a decision.

Mexico, supported by Venezuela, indicated that this solution is very viable, but there are at least six alternatives: 1) increase the assessments based on well volume; 2) levy charges for late payment; 3) increase the contribution of the IATTC to the AIDCP; 4) levy charges for unutilized capacity; 5) reduce observer coverage; 6) combine an increase in vessel assessments with an increase in the IATTC's contribution.

No agreement was reached on this item.

7. Report of the International Review Panel

Mr. William Jacobson, Presider of the 51st meeting of the IRP, presented his report (Appendix 2), indicating that the Panel had the following recommendations for the Meeting of the Parties:

1. Review the standards of other observer programs, to ensure that AIDCP standards are maintained in the EPO, and if appropriate, consider reviewing any agreements on mutual recognition of observers with other entities.
2. That information on the actions taken by Parties regarding cases of forged Tuna Tracking Forms (TTFs) be reviewed by the IRP.

He reported that the meeting of the Working Group to promote and publicize the AIDCP Dolphin-safe certification system was pending, and that it would take place during the week and would report its results to the Meeting of the Parties.

8. Other business

1. **Informational statement on the findings regarding the AIDCP in the report of the WTO Special Group.** This item was not addressed.
2. **DML for the vessel *Tunapesca*.** Panama explained that it requested the transfer of the DML of the vessel *Julie L* to the *Tunapesca*, which lost its DML for not having made a set on dolphins before April 1. The Secretariat had stated that the DML could not be transferred because the AIDCP establishes that a vessel that loses its DML for that reason cannot fish on dolphins for the rest of the year.

The United States pointed out that this constitutes a frivolous request, and that requested that this type of situation continue to be reviewed in the Meeting of the Parties in order to analyse them casuistically, and that this not be considered a reason for accepting similar cases in the future.

It was agreed to allocate to the vessel *Tunapesca* a second-semester DML taken from the DML allocated to the vessel *Julie L* for use in 2012.

9. Date and place of the next meeting

The next Meeting of the Parties will be held on 23 October 2012.

10. Adjournment

The meeting was not adjourned, for two reasons: the Working Group to promote and publicize the AIDCP dolphin-safe certification system had not met, and the discussion of the budget had not been concluded.

Appendix 1.

**AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION
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ATTENDEES – ASISTENTES

BOLIVIA

ALFREDO FLORES
Ministerio de Defensa
pescamar@mindef.gob.bo

COLOMBIA

GUSTAVO LARA
Ministerio de Ambiente y Desarrollo Sostenible
Gustavolara7@gmail.com

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

ECUADOR

JIMMY MARTÍNEZ
Subsecretaría de Recursos Pesqueros
Jimmy.martinez@pesca.gob.ec

LUIGI BENINCASA
ATUNECA
luigibenincasa@gmail.com

RAMON MONTAÑO
Subsecretaría de Recursos Pesqueros
rmontano@pesca.gob.ec

ALEJANDRA ANDRADE
Villavicencio & Asociados
aandrade@villavicencioyassociados.ec

LUÍS TORRES
Subsecretaría de Recursos Pesqueros
luis.torres@pesca.gob.ec

JIMMY VILLAVICENCIO
Villavicencio & Asociados
jvillavicencio@villavicencioyassociados.ec

RAFAEL TRUJILLO
Cámara Nacional de Pesquería
direjec@camaradepesqueria.com

ESTADOS UNIDOS DE AMÉRICA - UNITED STATES OF AMERICA

DAVID HOGAN
U.S. Department of State
hogandf@state.gov

BRADLEY WILEY
NOAA/National Marine Fisheries Service
brad.wiley@noaa.gov

ADAM BLOOMQUIST
U.S. Department of State
bloomquista@state.gov

ED STOCKWELL
U.S. Commissioner
edstockwell@insightbb.com

WILLIAM JACOBSON
U.S. Department of State
Bill.jacobson@noaa.gov

WILLIAM FOX
U.S. Commissioner
Bill.fox@wwfus.org

MICHAEL HENDRICK
NOAA/Fisheries Southwest Regional
Michael.hendrick@noaa.gov

GUILLERMO GOMEZ
Gomez-Hall Associates
gomezhall@gmail.com

JEREMY RUSIN
NOAA/National Marine Fisheries Service
jeremy.rusin@noaa.gov

MARTINA SAGAPOLU
NOAA/National Marine Fisheries Service
Martina.sagapolu@noaa.gov

GUATEMALA

HUGO ALSINA
Ministerio de Agricultura, Ganadería y Alimentación

hugo@alsina-et-al.org

MARIO AGUILAR
CONAPESCA
mariogaguilars@aol.com

LUIS FLEISCHER
Instituto Nacional de la Pesca
Lfleischer21@hotmail.com

JULIO GUEVARA
INATUN
juliocgp@gmail.com

RAÚL DELGADO
ARAP/Autoridad de los Recursos Acuáticos de Panamá
rdelgado@arap.gob.pa

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

MARCO D'AMBROSIO
European Commission
marco.dambrosio@ec.europa.eu

ALVIN DELGADO
PNOV/FUNDATUN
adelgadopnov@cantv.net

ORGANIZACIONES NO GUBERNAMENTALES - NON-GOVERNMENTAL ORGANIZATIONS

CRISTOBEL BLOCK
The Humane Society of the U.S.
kblock@hsus.org

GUILLERMO COMPEÁN, Director
gcompean@iattc.org
ERNESTO ALTAMIRANO
ealtamirano@iattc.org
RICARDO BELMONTES
rblemontes@iattc.org
LAURA BOWLING
lbowling@iattc.org
DAVID BRATTEN
dbratten@iattc.org
ZAHIR DINUBLIA
zdinublia@iattc.org
PAOLA GAETA
pgaeta@iattc.org
MÓNICA GALVÁN
mgalvan@iattc.org

MÉXICO

MICHEL DREYFUS
Instituto Nacional de la Pesca
dreyfus@cicese.mx

NICARAGUA

PANAMÁ

PERÚ

UNIÓN EUROPEA - EUROPEAN UNION

JAVIER ARÍZ
Instituto Español de Oceanografía
Javier.ariz@ca.ieo.es

VENEZUELA

LILLO MANISCALCHI
Avatun
lilomaniscalchi@yahoo.com

SECRETARÍA - SECRETARIAT

MARTIN HALL
mhall@iattc.org
MILTON LOPEZ
mlopez@iattc.org
JEFF MORGAN
jmorgan@iattc.org
TERESA MUSANO
tmusano@iattc.org
JEAN-FRANCOIS PULVENIS
jpulvenis@iattc.org
ENRIQUE UREÑA
eurena@iattc.org
NORA WADE
nwade@iattc.org
NICHOLAS WEBB
nwebb@iattc.org

Appendix 2.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

51ST MEETING

LA JOLLA, CALIFORNIA (USA)
18 JUNE 2012

PRESIDER'S REPORT (REVISED)

The 51st meeting of the International Review Panel was held in La Jolla, California (USA) on 18 June 2012.

1. Election of the Presider

Mr. William Jacobson, of the United States, was elected to chair the meeting.

2. Adoption de la agenda

The agenda was adopted without changes, except for the postponement of item 10 (report of the working group on dolphin-safe promotion), to be addressed later once the group had met.

3. Approval of the minutes of the 50th meeting

The minutes of the 50th meeting of the Panel were approved without changes.

4. a. Review of Dolphin Mortality Limits for 2011 and 2012

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2011, described in Document IRP-51-05. He pointed out that no vessel had exceeded its allocated DML for 2011; likewise, as of 21 May 2012, no vessel had exceeded its DML for 2012.

5. Review of AIDCP List of Qualified Captains

The Secretariat presented Document IRP-51-07, *Changes to the AIDCP List of Qualified Captains*, which updates the changes that occurred between 14 September 2011 and 21 May 2012. During that period, 13 captains were added, and none reinstated or removed.

6. 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 were not automatically referred to the pertinent Parties, and forwarded those that indicated possible infractions of the AIDCP to the responsible government for investigation and possible sanction.

The following cases, identified by the corresponding trip number, were discussed:

2011-485. Interference with the observer's work. The observer was denied access to drinking water and he complained about the hygienic conditions on the vessel. The vessel in question usually operates in the Western Pacific. The observer did not report it as a possible infraction, but the flag State is already investigating the case.

The Panel agreed to refer this case to the relevant Party for investigation.

2011-609. Interference with the observer's work. The observer was offered US\$ 5,000 to not report

fishing by the vessel in the high seas closure area. Moreover, he reported multiple instances of verbal abuse by the fishing captain.

The Panel agreed to refer this case to the relevant Party for investigation.

2011-734 and 2011-774. In both cases, the vessels involved began to fish on dolphins before their respective flag States had granted them a DML. These cases will be referred to the Parties as possible infractions by their vessels, and to remind the governments of the importance of advising their fleets promptly of their DML allocations.

2012-510. This case does not involve the national or IATTC observer programs. No AIDCP-related information was received from the program responsible for assigning the observer to this trip.

The Panel agreed that the case should be reported to the relevant government for investigation, and that it should be monitored as a special case.

The United States said that, in order to maintain the high standards and integrity of the AIDCP, this case should be closely monitored. Should the vessel be one of its flag vessels, the United States would investigate the case and inform the Secretariat as soon as the investigation was complete. Mexico stated that the differences between the IATTC and other relevant programs should be documented and, if it was concluded that the other programs did not meet the standards of the AIDCP, it might be necessary to review the memorandum of understanding on the cross endorsement of observers with the entity involved.

2012-106. The vessel did not have dolphin protection equipment, despite the fact that it had been allocated a DML. In spite of that, it made a set on dolphins with the sole purpose of being able to retain its DML, as was acknowledged by the captain in his written comments.

Venezuela pointed out that governments may request DMLs only for vessels that have all the dolphin protection equipment required by the AIDCP. The Panel agreed to refer this case to the relevant Party for investigation.

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

a. Actions taken since report at the 50th meeting

The Secretariat presented Document IRP-51-08a, *Responses to six types of possible infractions identified during the 50th meeting*. He reported that there were two cases of observer harassment, in one of which the government determined that there was no infraction, and in the other no response was received. Also, there were two cases of night sets, which are still under investigation. Colombia stated that it was investigating the case of observer harassment, and would inform the Secretariat of the results.

b. Status review of special cases

The Secretariat presented Document IRP-51-08b, *Summary of pending special cases monitored by the IRP*, which presents case 2012-106, described under item 6 above.

The Panel decided that this case should be classified as a special case and monitored accordingly.

8. Report of the Permanent Working Group on Tuna Tracking

Dr. Luis Fleischer, who chaired the working group, presented his report. The group recommended to the Panel that it review the information sent by governments on actions taken regarding cases of forged Tuna Tracking Forms (TTFs). However, the group agreed that such cases should be treated as exceptional, in view of their low frequency, and that it was therefore not necessary to draw up guidelines for addressing them.

Mexico clarified that, even if no guidelines were required for such cases, this did not mean that they should not be addressed.

9. Report of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System

The report will be presented after the group meets on Wednesday, 20 June.

10. Other business

There was no other business.

11. Recommendations for the Meeting of the Parties

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

3. Review the standards of other observer programs, to ensure that AIDCP standards are maintained in the EPO, and if appropriate, consider reviewing any agreements on mutual recognition of observers with other entities.
4. That information on the actions taken by Parties regarding cases of forged TTFs be reviewed by the IRP.

12. Place and date of next meeting

The next meeting of the Panel will be held in October 2012, during the meetings of the AIDCP.