

**AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION
PROGRAM**

26TH MEETING OF THE PARTIES

**La Jolla, California (USA)
23 October 2012**

MINUTES OF THE MEETING

AGENDA

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1. Opening of meeting	
2. Election of Chairman	
3. Adoption of agenda	
4. Approval of the minutes of the 25 th Meeting of the Parties	
5. Secretariat's report on the IDCP	MOP-26-05
6. AIDCP budget	MOP-26-06
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 52 nd Meeting of the International Review Panel
3. Draft resolution: "Ecosystem friendly" label

1. Opening of the meeting

The meeting was called to order by Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), at 9:30 a.m. on 23 October 2012. The list of attendees is attached as Appendix 1.

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 without changes. It was agreed that a report by the Secretariat, on the implementation of the memorandum of cooperation on mutual recognition of observers approved by the Western and Central Pacific Fisheries Commission (WCPFC) and the IATTC, would be considered under item 8 of the agenda, *Other business*.

4. Approval of the minutes of the 25th Meeting of the Parties

The minutes of the 25th Meeting of the Parties were approved without changes.

5. Secretariat's report on the IDCP

Dr. Martín Hall, of the IATTC staff, presented Document MOP-26-05. He noted that this was a report that complemented information already presented at the Meeting of the Parties in June 2012. In 2011 ob-

servers 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.

It was noted that mortalities of the various species of dolphins affected by the fishery had fallen to levels that range from less than 0.01% to 0.06% of the estimated population sizes, *i.e.* far below the risk threshold beyond which these populations might be affected; for example, the mortality of northeastern spotted dolphins would be sustainable even if it were almost 50 times greater than it currently is.

During the discussion, it was stressed that only in the eastern Pacific Ocean had this kind of measures for protecting dolphin populations been taken, with a reduction in mortality that is not seen in any other fishery in the world in which incidental mortality has been observed. Mexico requested that these notable results in reducing dolphin mortality be made known in other fora.

The United States noted that it did not question the merit of these results, but that it should be recognized that there are unobserved mortalities of dolphins in the fishery, which should be considered and studied. Mexico said that there is no scientific proof that such mortalities occur, but that, if they did, they should be analyzed in the framework of the AIDCP.

6. AIDCP budget

The Secretariat noted that the funds available from the 2012 budget are almost exhausted, and the contributions received for 2013 would have to be used to continue operating the observer program for the rest of this year. The cumulative deficit since 2002 has reached a total of over US\$ 700,000.

Mexico noted that the practice of financing this year's spending with the following year's contributions is unsound. He reiterated that the IATTC should make a greater contribution to the AIDCP budget.

After extensive discussions, it was agreed that all vessels, active and inactive, would make an exceptional contribution, for 2013 only, of US\$ 1.00 per cubic meter (m³) of well volume, with the commitment by the Parties that at their meeting in 2013 the budget would be reengineered with the objective of limiting costs to the funds available.

Colombia said it would not oppose the consensus on this decision, but that it approved it *ad referendum*.

The one-time contribution of US\$ 1/m³ must be paid by 1 December 2012 at the latest, together with the regular assessment for 2013.

7. Report of the International Review Panel

Mr. William Jacobson, Presider of the 52nd meeting of the IRP, presented his report (Appendix 2), indicating that the Panel had the following recommendations for the Meeting of the Parties:

1. Approve the allocation of the DMLs to the 90 vessels that requested them for 2013.
2. Maintain the current three special cases until the next meeting of the Panel in order to determine what progress had been made. Case 51-02 would be maintained in order to allow time for the missing forms to be found, even though it had already been determined that neither the vessel owner nor the vessel captain were responsible for the forms being mislaid.
3. Consider the recommendation by the Working Group on Tuna Tracking and Verification that the IRP review as special cases the actions taken by Parties regarding cases of presumably falsified Tuna Tracking Forms.
4. Review the cases in which a vessel left port without an observer because no observer was assigned promptly.
5. Consider the following recommendations by the Working Group on Promoting and Publicizing the

AIDCP Dolphin safe label:

- a) Ask FAO to include on its website a link to information about the AIDCP, and that the Secretariat prepare a report on the AIDCP and its dolphin safe label for review by the Parties and for distribution, as appropriate, at the FAO Committee on Fisheries (COFI).
- b) Develop a strategy for publicizing the AIDCP at the principal international fisheries fairs.
- c) Call on the Parties, the industry, and environmental NGOs to make contributions to facilitate publicizing the AIDCP.

8. Other business

1. **Progress in the implementation of the WCPFC-IATTC memorandum of cooperation on mutual recognition of observers approved by both Commissions.** Dr. Compeán introduced Document MOP-26-08a, and reported that an observer training course had been held in Kiribati in August 2012, to train WCPFC observers to work aboard vessels operating in both the IATTC and WCPFC areas of competence. To date three vessels have used observers under this cooperation scheme.
2. **Proposal for resolution on “ecosystem-friendly” certification.** Mexico introduced a draft resolution on an “ecosystem-friendly” certification system (Appendix 3). He noted that it had been announced at the meeting of the Working Group on Promoting and Publicizing the AIDCP Dolphin safe label; comments had been requested, but so far there had been none.

The European Union welcomed the proposal, but said he was not in a position to approve it, since he would need to consult trade experts in Brussels, after which he would submit specific comments. United States noted that it had several concerns about the proposal, which had to be clarified before introducing such a system. For example, how would the IATTC and AIDCP jointly determine the objectives for this process, the scientific basis on which it would be developed, the precise definition of the term “ecosystem-friendly”, and the budget for implementing the system, among others.

Ecuador expressed concern about the possible limitations that this proposal could represent for trade, and stated that it would submit specific comments. Colombia highlighted elements that were of concern, such as the application of the ecosystem approach in the proposal, which addresses more than the protection of dolphins, the management of other fishing gears, the financing of the scheme, and how vessels that did not carry observers would be dealt with.

Venezuela supported the proposal, stating that it is one more tool for supporting the marketing of product that is caught sustainably.

Mexico requested comments in writing from the delegations, in order to advance with changes to the proposal that would enable its adoption at the next Meeting of the Parties. He asked the Secretariat to calculate the costs of the system.

9. Date and place of the next meeting

It was agreed that the next Meeting of the Parties will be held in June 2013.

10. Adjournment

The meeting was adjourned at 6:50 p.m. on 23 October 2012.

Appendix 1.

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Appendix 2.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

52ND MEETING

LA JOLLA, CALIFORNIA (USA)
22 OCTOBER 2012

PRESIDER'S REPORT

The 52nd meeting of the International Review Panel was held in La Jolla, California (USA), on 22 October 2012.

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 the President

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

3. Adoption of the agenda

The provisional agenda was adopted, with items 7 and 8 transposed.

4. Approval of the minutes of the 51st meeting

The minutes of the 51st meeting of the Panel were approved without changes.

5. a. Review of Dolphin Mortality Limits (DMLs) for 2012

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2012, described in Document IRP-52-05a. It was pointed out that, as of 3 October 2012, no vessel had exceeded its allocated DML for 2012, and the 7,650 sets on dolphins had resulted in a mortality of 739 dolphins.

b. DMLs for 2013

The Secretariat presented Document IRP-52-05b on the DMLs requested for 2013. All 90 vessels that requested DMLs were qualified to receive one. The European Union stated it was not appropriate for a vessel on the IATTC List of vessels involved in illegal, unregulated, and unreported (IUU) fishing to be granted a DML.

6. Review of AIDCP List of Qualified Captains

The Secretariat presented Document IRP-52-06, *Changes to the AIDCP List of Qualified Captains*, which updates the changes that occurred between 22 May and 4 October 2012. During that period, three captains were added, and none reinstated or removed.

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

a. Actions taken since the report at the 51st meeting

The Secretariat presented Document IRP-52-08a, *Responses to six types of possible infractions identified during the 51st meeting*. There were two cases of observer harassment, both of which the respective gov-

ernments reported was under investigation.

b. Status review of special cases

The Secretariat presented Document IRP-52-08b, *Summary of pending special cases monitored by the IRP*, in which three cases were reported.

CASE 51-01. The vessel, which had a DML, made a set on tunas associated with dolphins even though it did not have a dolphin safety panel in its net. The Secretariat reported this case to the respective Party on 21 August 2012; as of 17 October, no response had been received.

Panama stated that it sent a letter to the Secretariat on 21 October and that this case is under investigation.

CASE 51-02. The observer, from an observer program recognized by the AIDCP, did not send all the data required by the Agreement. The Party sent a letter to the Secretariat on 26 June 2012, in which it indicated that the failure to send the forms was not the fault of the vessel owner or operator, and offered to send the documentation of the trip that might be useful to the IATTC. The Party sent another letter on 12 October stating that it did not identify an infraction by the vessel owner or the vessel captain.

The Panel agreed that this case would be maintained as a special case until the Party in question determined whether the missing forms could be found. It decided that there was no infraction by the vessel owner or the vessel captain. The United States clarified that it had finished its investigation.

CASE 51-03.

The observer reported an attempt to bribe him in order to falsify data during the closure of the high-seas area in the eastern Pacific Ocean established by IATTC Resolution C-12-01. The Party was informed of this case on 21 August 2012; as of 17 October no response had been received.

Colombia indicated that it would send a response regarding this case, which is under investigation.

The Secretariat asked what action should be taken regarding special cases that had been under investigation for two years. The European Union urged the Parties to respond to such cases.

8. 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:

2012491 and 2012497. Fishing without an observer. Both vessels left port to fish without an observer aboard. In both cases, the observers were transported out to these vessels the following day. The Panel decided to forward each case to the Party in question for investigation.

2012351. Interference with the observer's work. The observer was prevented from accessing the bridge to carry out his work. The captain commented that the observer was asked not to be on the bridge all day, but that he was allowed access. The Panel decided to forward the case to the Party in question for investigation.

2012435. Interference with the observer's work. The observer reported physical and verbal aggression, and that he was pushed by the captain during a set. It was noted that the observer's comment should be made on the appropriate form in order to give the fishing captain a chance to respond. The Panel decided to forward the case to the Party in question for investigation.

9. Report of the Permanent Working Group on Tuna Tracking

Mr. Luis Torres, of Ecuador, who chaired the meeting of the working group, presented his report. The working group recommended to the Panel that it monitor cases of presumably falsified Tuna Tracking Forms (TTFs).

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

The report was presented by Mr. Bernal Chavarría, of Costa Rica, chairman of the group. He indicated that Mexico made a financial contribution and supported the activities of the group, and the Parties, the industry, and non-governmental organizations (NGOs) were encouraged to make contributions as well. Mexico presented a pamphlet for promoting the AIDCP for comments by the group. It was proposed that activities for publicizing the AIDCP should be carried out within the framework of the FAO and that a participation strategy should be developed. Mexico also presented a draft resolution on an “ecosystem-friendly” certification system. It was decided that this topic would be reviewed at the Meeting of the Parties.

11. Other business

There was no other business.

12. Recommendations for the Meeting of the Parties

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

1. Approve the allocation of the DMLs to the 90 vessels that requested them for 2013.
2. Maintain the current three special cases until the next meeting of the Panel in order to determine what progress had been made. Case 51-02 would be maintained in order to allow time for the missing forms to be found, even though it had already been determined that neither the vessel owner nor the vessel captain were responsible for the forms being mislaid.
3. Consider the recommendation of the working group on tuna tracking and verification that the IRP review as special cases the actions taken by Parties regarding cases of presumably falsified TTFs.
4. Review the cases in which a vessel left port without an observer because no observer was assigned promptly.
5. Consider the following recommendations of the working group on promoting and publicizing the AIDCP Dolphin safe label:
 - a) Ask FAO to include on its website a link to information about the AIDCP, and that the Secretariat prepare a report on the AIDCP and its dolphin safe label for review by the Parties and for distribution, as appropriate, at the FAO Committee on Fisheries (COFI).
 - b) Develop a strategy for publicizing the AIDCP at the principal international fisheries fairs.
 - c) Call on the Parties, the industry, and environmental NGOs to make contributions to facilitate publicizing the AIDCP.

13. Place and date of next meeting

The next meeting of the Panel will be held in June 2013, on the occasion of the meetings of the AIDCP.

14. Adjournment

The meeting was adjourned at 5:20 pm on 22 October 2012.

Appendix 3.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
26TH MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)
22 OCTOBER 2012

DRAFT RESOLUTION

**RESOLUTION ON THE “ECOSYSTEM-FRIENDLY” CERTIFICATION
SYSTEM**

The Parties to the Agreement on the International Dolphin Conservation Program:

Reiterating their commitment to promoting the goals and objectives of the AIDCP, through the effective application of the Agreement;

Convinced that there are other elements for protecting the ecosystem that develop in the purse-seine tuna fishery beyond the protection of dolphins;

Interested in publicizing and informing the public and consumers about those elements for protecting the ecosystem;

Considering that it is necessary that other elements for conserving tunas be taken into account for a certification system, such as the proper application of the tuna closures in the eastern Pacific Ocean (EPO);

Agree:

1. To develop a certification system denominated "ecosystem friendly" in a first stage, in which only those tuna fisheries in which vessels with Dolphin Mortality Limits (DMLs) shall be eligible to receive certification.
2. The certification system would be developed working jointly with the IATTC.
3. The following elements shall be requirements for certification:
 - a) Tuna would not be certified unless the IATTC has a resolution in force, based on a scientific recommendation, for the conservation and management of yellowfin and bigeye tunas.
 - b) Only tuna tracked by the current AIDCP tracking and verification certification system would be eligible for certification.
 - c) Only tuna caught by vessels with an observer on board would be eligible for certification.
 - d) Tuna would be certified only if it complied with the criterion that it was not captured in contravention of an IATTC resolution on the conservation of yellowfin and bigeye tunas.
 - e) The fishing captain aboard the vessel is included in the AIDCP list of qualified captains.
4. The certification and tracking system would be applied and administered in a manner similar to the current AIDCP dolphin safe and tracking and verification systems, but would be operated independently of those systems.
5. The IATTC Secretariat would be responsible for verifying the validity of the certificates.
6. The Parties shall ask the Secretariat to develop a logo that identifies this certification system and will review it during the 26th Meeting of the Parties.

7. The Secretariat shall develop a certificate format and once approved by the Parties, shall print it with numbered forms and distribute them to the Parties that request them.
8. The Parties shall designate the national authorities that may sign that certification.
9. The system would enter into force after the 24th Meeting of the Parties, once they have decided on matters of a practical nature related to this system.
10. In the future a second stage of this certification system would be developed which would involve more complicated considerations associated with IATTC conservation and management measures. The second stage shall be subject to the results arising from this first stage with regard to the operativity of the system.