

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

MINUTES OF THE 36TH MEETING

**Lima (Peru)
8 June 2004**

Presider: Lic. Luis Fueyo Macdonald (Mexico)

AGENDA

	Documents
1. Opening of the meeting	
2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of minutes of the 35 th meeting	
5. Review of Dolphin Mortality Limits (DMLs) for 2004	IRP-36-05
6. Review of AIDCP List of Qualified Captains	IRP-36-06
7. Review of observer data	
8. Transit and other waivers	IRP-36-08
9. Denial of DML for vessel employing banned captain	
10. Modification of <i>Procedures for maintaining the AIDCP List of Qualified Captains</i> regarding night sets	
11. Vessels with DMLs without required equipment	IRP-36-11
12. Analysis of unloadings of small vessels	IRP-36-12
13. Review of actions by Parties on possible infractions reported by the IRP:	IRP-36-13
a. Actions taken since report at 34 th IRP meeting	
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14. Report of the Permanent Working Group on Tuna Tracking	
15. Report of Working Group to promote and publicize the AIDCP dolphin safe label	
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19. Adjournment	

APPENDICES

1. List of attendees
2. Recommendations to the Meeting of the Parties
3. Chair's report, 16th Meeting of the Permanent Working Group on Tuna Tracking
4. Declaration in support of the AIDCP

The 36th Meeting of the International Review Panel (IRP) was held in Lima, Peru, on 8 June 2004. The attendees are listed in Appendix 1.

1. Opening of the meeting

The meeting was opened by Dr. Robin Allen, Director of the IATTC, which serves as the Secretariat for the AIDCP.

2. Election of the President

Lic. Luis Fueyo, of Mexico, was elected President of the meeting.

3. Adoption of the agenda

It was agreed that a new item 15, *Report of the working group to promote and publicize the AIDCP dolphin safe label*, would be added to the provisional agenda, which was otherwise approved as presented.

4. Approval of minutes of the 35th meeting

The minutes of the 35th meeting of the IRP, prepared by the Secretariat, were approved with the inclusion of a modification to the text of the Statement of Mexico in support of the AIDCP, and also a modification to the statement in Appendix 2 to reflect the fact that Costa Rica did not support the statement.

5. Review of Dolphin Mortality Limits (DMLs) for 2004

The Secretariat reviewed the status of the assignments, reallocations, and utilization of DMLs in 2004, summarized in Document IRP-36-05.

6. Review of AIDCP List of Qualified Captains

The Secretariat presented an update of the situation regarding the List of Qualified Captains, summarized in Document IRP-36-06.

The Panel discussed a proposal by the United States for modifying the procedures for adding captains to the List of Qualified Captains to take into account pending violations, and eventually agreed on a text to recommend to the Meeting of the Parties for approval (Appendix 2.8)

7. 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. Each case was discussed, and the Panel decided to forward those that indicated possible infractions of the AIDCP to the responsible government for investigation and possible sanction.

The Panel asked the Secretariat to review the data on ortza releases collected and present a report at the next meeting, when the Panel would decide whether to recommend releasing the ortza as an acceptable alternative to backdown for releasing dolphins.

8. Transit and other waivers

Dr. Allen presented Document IRP-36-08 and explained the background of this matter. The issue is that, on occasion, governments have exempted vessels from complying with certain requirements of the AIDCP in specific circumstances, generally because the vessels are transiting in the EPO, but not fishing, and it was considered that an agreed policy needs to be developed for such cases.

Dr. Allen explained that the Secretariat has received copies of the waivers issued by two Parties. Of the three types of waivers, two, issued by one Party, exempted vessels from carrying observers while making transits through, or within, the Agreement Area and between specific ports, and the third, issued by another Party, exempted a vessel with a DML from the requirement of having a dolphin safety panel in its

net during a specific time period when it fished exclusively for bluefin tuna. The Secretariat was referring this matter to the IRP for comment, both on the waivers themselves and on the Secretariat's responses to them.

In the ensuing discussion, several delegations expressed concerns over the granting of such waivers, because there is nothing in the Agreement permitting this. Dr. Allen made the point that the Agreement requires an observer aboard each fishing trip, but does not define a fishing trip, and a vessel without a net, for example, could be considered not to be on a fishing trip.

In the end, it was decided that vessels could be allowed to transit without an observer, provided measures were taken to ensure that the vessel did not fish during the transit (Appendix 2.3), until guidelines governing such procedures were established by the Parties. It was decided that the Secretariat, in consultation with interested governments, should prepare draft guidelines for consideration at the next meeting of the Panel.

9. Denial of DML for vessel employing banned captain

The Panel decided that this matter should be referred to the Meeting of the Parties (Appendix 2.4).

10. Modification of Procedures for maintaining the AIDCP List of Qualified Captains regarding night sets

Dr. Allen reviewed Document IRP-36-10, which addresses this item. The 35th meeting of the IRP had proposed that captains with two or more night set infractions be required to attend an instruction and training course, and the table in the document listed all the captains who have had two or more such infractions since the AIDCP came into force.

After discussion, the Panel agreed to recommend a resolution to the Meeting of the Parties requiring any captain who has committed two or more night sets infractions to attend an instructional seminar prior to his next trip as a fishing captain (Appendix 2.6). It was agreed that this requirement would not affect the captain's status on the AIDCP List of Qualified Captains. It was also understood by the meeting that the Secretariat and the national programs would offer a sufficient number of seminars to implement this requirement effectively.

11. Vessels with DMLs without required equipment

Dr. Allen reviewed Document IRP-36-11, recalling that, at its 35th meeting, the IRP requested that the Secretariat propose possible measures to reduce the incidence of infractions by vessels with DMLs for not having all the dolphin safety gear and equipment required by Annex VIII.2 (a-e) of the AIDCP. The paper spells out the number of trips by vessels with DMLs and the number of possible and confirmed gear infractions during 2000-2003, and suggests that, to ensure that all vessels with DMLs have all the required dolphin safety gear aboard during the entire year, each Party could carry out at least two inspections each year of the gear on each of its vessels with a DML.

The Panel agreed with this proposal in the form of a draft resolution (Appendix 2.7) for transmittal to the Meeting of the Parties for its consideration.

During the discussion of required safety gear and equipment, Dr. Allen also raised the matter of the floodlight requirement, suggesting that consideration be given to amending the current specific requirement that a floodlight have a minimum output of 140,000 lumens, to a more general requirement.

Another equipment issue was raised by El Salvador, who noted that many vessels now use jet skis instead of rafts as the preferred platform for assisting in the rescue of dolphins in the net, and suggested that Annex VIII of the Agreement be amended to permit jet skis as an alternative to rafts.

Both of these possible amendments received support from several delegations, and the Panel agreed that the Secretariat should draft amendments for each of them for presentation at the next meeting.

12. Analysis of unloadings of small vessels

Dr. Allen presented Document IRP-36-12 regarding the sampling of unloadings of small purse-seine vessels, defined as those not covered by the AIDCP and therefore not required to carry observers. At its 34th meeting, the IRP asked the Secretariat to present an analysis of how sampling the unloadings of such vessels could be pursued to check for evidence suggesting that they may have been setting on yellowfin tuna associated with dolphins. The basis for any such evidence is that there is a distinctive difference in both the species composition of the catches in sets on tunas associated with dolphins, floating objects and unassociated schools, and in the size composition of the yellowfin tuna caught in each type of set.

The Secretariat's analysis included the costs involved, and options regarding the size composition in the landings that would trigger the placement of observers on future trips by such vessels.

Dr. Allen noted that the total costs of sampling every trip in 2005 by all small vessels would be approximately US\$60,000-70,000. Regarding a trigger for the placement of observers, Dr. Allen noted that a statistical decision rule which considered both the species composition of the unloading samples and the size of the yellowfin they contained could be used to determine whether a small vessel would be required to carry an observer. If the IRP decided to proceed with such a scheme, the Secretariat could calculate alternative trigger levels that would lead to the requirement for a vessel to carry an observer, and give advice about the likelihood of detecting trips by small vessels during which tunas associated with dolphins were caught.

Dr. Allen also noted that, evidently, the IRP would also need to decide how the costs of placing observers on such vessels would be met.

After some discussion, it was decided that, before considering whether to proceed on this matter further, it would be useful for the Secretariat to provide additional information on two questions. First, the cost of sampling if, instead of all small vessels, only those in IATTC capacity class 5 were included, or only those in classes 4 and 5. Second, a statistical analysis, using several trigger levels which might be reasonable, to help determine if the project would be worthwhile, *i.e.* would wide-scale sampling of small vessels be likely to reveal any possible compliance problems.

The Panel asked the Secretariat to provide the additional information requested for the first IRP meeting to be held in 2005.

13. Review of actions by Parties on possible infraction reported by the IRP

a. Actions taken since report at 35th meeting

The Secretariat presented Document IRP-36-13, detailing the responses received from the Parties in cases of six categories of possible infractions identified by the previous three meetings of the IRP.

b. Status review of special cases

The Secretariat presented Document IRP-36-13b, which reviews the status of the various cases classified by the Panel as special cases.

It was reported that, with respect to the cases of vessels 'B' and 'D', the responsible Party responded to the Secretariat that there were not sufficient elements to allow a sanction to be applied, and that these cases should therefore be considered closed.

With respect to vessel 'C', the relevant Party reported to the Secretariat that it was willing to allow the observer from its national program to be interviewed, in order to allow the flag Party to obtain additional information, so this case continues.

Regarding vessel 'F', the relevant Party informed the Secretariat that the cases involving the vessel were still under investigation and that it would have more information by the next meeting.

The Panel agreed that the cases of vessels 'G' and 'H' and fishing captain 'A' were all related, and should be addressed by the Meeting of the Parties (Appendix 2.4 and 2.5).

14. Report of the Permanent Working Group on Tuna Tracking

The Chair of this working group presented her report of its 16th meeting (Appendix 3), which was accepted by the Panel, including the recommendation that the Peruvian Tuna Tracking and Verification System is consistent with the AIDCP *System for tracking and verifying tuna* (Appendix 2.1) and the proposal to add procedures for invalid dolphin safe certificates to the *AIDCP Dolphin-Safe Certification System* (Appendix 2.2).

15. Report of the Working Group to Promote and Publicize the AIDCP Dolphin Safe Tuna Certification System

Lic. Ricardo Belmontes, of Mexico, who served as chair of the 2nd meeting of this working group, reported to the Panel on the results of the meeting.

16. Recommendations for the Meeting of the Parties

The recommendations for the 11th Meeting of the Parties are set out in Appendix 2.

17. Other business

A declaration in support of the AIDCP (Appendix 4) was issued by Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, the European Union, Guatemala, Mexico, Nicaragua, Panama, Peru, Vanuatu and Venezuela.

18. Place and date of next meeting

The next meeting of the IRP will be held in October 2004 in La Jolla, California.

19. Adjournment

The meeting was adjourned on 8 June 2004.

Appendix 1.

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

**INTERNATIONAL REVIEW PANEL
PANEL INTERNACIONAL DE REVISION**

36th MEETING - 36^a REUNION

**June 8, 2004– 8 de junio de 2004
Lima, Peru**

ATTENDEES – ASISTENTES

BOLIVIA

**HANS BELLOTA
ANTONIO APALA**
Dirección General de Intereses Marítimos

COLOMBIA

**ARTURO VEGA
CARLOS MOSQUERA
INCODER**

**ARMANDO HERNÁNDEZ
DIEGO CANELOS**

COSTA RICA

**ASDRÚBAL VÁSQUEZ
INCOPECA**

ECUADOR

LUIS TORRES
Ministerio de Comercio Exterior, Industrialización,
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**LIGIA SOLIS
JORGE BANCHÓN
PROBECUADOR**

EL SALVADOR

SONIA SALAVERRÍA
Ministerio de Agricultura y Ganadería

MANUEL CALVO

EUROPEAN UNION - UNION EUROPEA

**ROBERTO CESARI
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JORGE VERTIZ
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UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

DAVID HOGAN
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PAT DONLEY
STEVE REILLY
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MICHELLE ZETWO
National Marine Fisheries Service

RANDI THOMAS
U.S. Tuna Foundation

VENEZUELA

ALVIN DELGADO
Programa Nacional de Observadores de Venezuela

NON GOVERNMENTAL ORGANIZATIONS - ORGANIZACIONES NO GUBERNAMENTALES

KITTY BLOCK
Humane Society
MOISÉS MUG
WWF Central América

NINA YOUNG
The Ocean Conservancy

TUNA INDUSTRY – INDUSTRIA ATUNERA

ERNESTO ESCOBAR
RAMÓN MONTAÑO

JULIO MORÓN

STAFF - PERSONAL

ROBIN ALLEN, Director
ERNESTO ALTAMIRANO
DAVID BRATTEN
ERICK LARGACHA
ALEJANDRA FERREIRA

BRIAN HALLMAN
MARTÍN HALL
BERTA JUÁREZ
NICHOLAS WEBB

Appendix 2.

RECOMMENDATIONS FOR THE 11TH MEETING OF THE PARTIES

The 36th meeting of the International Review Panel recommends that the 11th Meeting of the Parties to the AIDCP:

1. note that the Peruvian Tuna Tracking and Verification System is consistent with the AIDCP *System for tracking and verifying tuna*;
2. amend the *AIDCP Dolphin-Safe Certification System* in accordance with Annex A of these recommendations;
3. agree that, pending the adoption of guidelines, no Party shall grant a waiver to exempt a vessel from carrying an observer while making a transit through, or within, the Agreement Area and between specific ports, unless the relevant Party, in consultation with the Secretariat, takes measures to ensure that no fishing activities will occur, including such actions as documenting the departure and arrival times of the vessel in transit, and/or other measures the Party and Secretariat deem appropriate;
4. decide, in the light of the decision of the 34th Meeting of the IRP, whether Vessel G has a valid DML for 2004, and also note the vessel's record (Annex B);
5. review the cases of Vessels G and H and Captain A (Annex C), and the relationships among them, and decide on an appropriate course of action;
6. adopt the draft resolution on training courses for fishing captains with two or more night set infractions (Annex D);
7. adopt the draft resolution requiring two inspections each year of dolphin safety gear aboard vessels with DMLs (Annex E);
8. adopt the draft resolution to determine how captains with pending violations are to be treated with regard to the List of Qualified Captains (Annex F).

Annex A.

PROCEDURES FOR INVALID DOLPHIN SAFE CERTIFICATES

It is recommended that the *AIDCP Dolphin-Safe Certification System* be amended by adding the following new Section 3, *Procedures for invalid dolphin safe certificates*:

1. If a Party:
 - a. is notified by the Secretariat that a certificate it has issued is invalid, it will notify the entity to which the certificate was issued and ensure, pursuant to applicable national legislation, that the original certificate is returned to the Party's issuing authority.
 - b. invalidates a certificate it has issued, it will, pursuant to applicable national legislation, notify the entity to which the certificate was issued and ensure that the original certificate is returned to the Party's issuing authority, and also notify the Secretariat of the invalidated certificate.

In all cases, the Secretariat will notify all other Parties of the invalidation of the certificate as soon as possible.

2. The Party will then send the original certificate to the Secretariat.
3. The Secretariat will maintain a record of the invalid certificates, including the dates on which the relevant Party was notified of the invalidation of the certificate and the date on which the original certificate was returned to the Secretariat.
4. The Secretariat will provide this information to the Parties on a regular basis in order for the Parties to analyze how the overall Dolphin Safe Certification Program is working.

The subsequent sections 3 through 6 shall be renumbered accordingly.

Annex B.

Vessel G: Record of infractions

Departure year	Trip No.	Infraction	Possible infractions	No. confirmed
2000	1	Night set	1	1
		Explosive use	19	19
		No floodlight	1	1
	2	Fishing without a DML	1	N/A ¹
		Night set	1	N/A
	3	Fishing without a DML	1	N/A
2001	1	Fishing without a DML	1	0
	2	Fishing without a DML	1	0
		Unqualified captain	1	0
2002	1	Unqualified captain	1	0
		No floodlight	1	0
	2	No floodlight	1	0
	3	Sets before notification	1	- ²
2003	1	Unqualified captain	1	-
	2	Unqualified captain	1	-
	3	Unqualified captain	1	0
	4	Fishing without a DML	1	-
		Unqualified captain	1	1
		Observer interference	1	1
		Night set	1	1
	Explosive use	1	1	
2004	1	Fishing without a DML	1	-
		Night set	1	-
		Explosive use	5	-

¹ N/A: possible infraction occurred on a vessel of a non-party

² -: No response

Annex C.

VESSEL 'G'

At the 10th Meeting of the Parties in October 2003, it was decided that this vessel, which had a DML during 2003, was not eligible for a 2004 DML because it had repeatedly employed fishing captains not on the AIDCP *List of Qualified Captains* while it had a DML. However, the flag Party assigned the vessel a 2004 DML from its national DML allocation. In February 2004, the 35th meeting of the IRP reviewed trip no. 2003-789 by the vessel, which included fishing activity in both 2003 and 2004. The Panel identified six possible infractions for this trip: 1) one night set; 2-3) two sets with explosives use; 4) observer interference; 5) unqualified fishing captain (during 2003); and 6) fishing on dolphins without a DML (20 sets during 2004). These findings were forwarded to the Party by the Secretariat in a letter dated March 24, 2004. At its 35th meeting in February 2004, the IRP agreed that the question of whether the vessel had a valid 2004 DML would be discussed at this meeting.

On May 12, 2004, the Party notified the Secretariat of its recent communications with vessel management regarding these possible infractions. On April 2, 2004, the Party notified management that a response to these possible infractions, except no. 6, was required by April 15. The Party sent a second notification on April 19, requiring a response to those five possible infractions by April 23. Apparently, no response was provided by that date, and on April 27 the Party notified management that a sanction of US\$41,771 had been applied to all five infractions. The Party required payment of the fine by May 7, 2004, and advised management that non-compliance with that requirement would result in the application of other mechanisms to ensure compliance.

During the review period for this IRP meeting, this vessel completed a trip during which the observer reported 39 intentional sets on tunas associated with dolphins, five of which had explosive use and one that was a night set. All of those possible infractions will be forwarded to the flag Party.

VESSEL 'H'

The 35th meeting of the IRP in February 2004 reviewed trip no. 2003-700 by this DML vessel and identified a possible infraction of an unqualified captain. The person listed as the fishing captain on the vessel's official crew list was recorded as such by the observer on his IRP form, though it was his opinion that the person recorded on the crew list as the fish spotter (Captain 'A', see Special Case no. 7) was actually in charge of the fishing operations. The Panel forwarded this case to the 11th Meeting of the Parties to determine if this vessel should be eligible to receive a DML in 2005, due to its employing the banned captain.

The case was reported to the Party by the Secretariat in a March 24, 2004, letter that included the Panel's request that the Party take necessary measures to ensure that Captain 'A' is not put in charge of fishing operations aboard a vessel in its fleet with a DML. As of June 1 there has been no response to this case.

FISHING CAPTAIN 'A'

This captain was permanently removed from the *List of Qualified Captains* in October 2001. Prior to the 31st IRP meeting in October 2002, the Secretariat notified the Party informally that it had information indicating that this captain had recently made two fishing trips on a DML vessel. The Party replied in a letter dated October 8, 2002, that vessel management had been notified that this was a possible infraction with a monetary sanction, and that the case was under appeal. The IRP identified these two possible infractions at its 31st meeting (trip nos. 2002-373 and 2002-486), and the Party was formally notified. To date there has been no further response to these cases.

The 32nd meeting of the IRP in February 2003 reviewed another trip by this captain on the same vessel (trip no. 2002-735) during which intentional sets on dolphins were made, and it was reported to the Party in March 2003 as a possible infraction. To date there has been no response to this case.

The 33rd meeting of the IRP in June 2003 reviewed two more trips by this captain on the same vessel,

both trips with intentional dolphin sets, and they were reported to the Party as possible infractions (trip nos. 2003-028 and 2003-194). The Party replied on October 3, 2003 that those two possible infractions are under investigation, and there has been no subsequent response.

The 34th meeting of the IRP in October 2003 identified as a possible infraction, and forwarded to the Party, another trip by this captain with intentional dolphin sets on the same vessel (trip no. 2003-341). To date there has been no response to this case.

The 35th meeting of the IRP in February 2004 reviewed a trip by a vessel of a different Party involving this captain (trip no. 2003-700) described above (Vessel 'H').

During the reporting period for the 36th meeting of the IRP, this captain made another trip on Vessel 'H', and was reported by the AIDCP observer to be the fishing captain.

Annex D.

DRAFT RESOLUTION REGARDING CAPTAINS WITH TWO OR MORE NIGHT SET INFRACTIONS

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve that:

Any fishing captain on a vessel operating under the AIDCP who has committed two or more night set infractions shall be required to attend an instructional seminar, as described in Section 3.1 of the *Procedures for maintaining the AIDCP List of Qualified Captains*, prior to his next trip as a fishing captain.

Annex E.

DRAFT RESOLUTION REGARDING DOLPHIN SAFETY GEAR INSPECTIONS

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve that:

Each Party shall inspect each of its vessels that has been assigned a DML, to ensure that the dolphin safety gear and equipment requirements in Section 2 of Annex VIII of the AIDCP have been met.

The first such inspection shall be carried out before the vessel's request for a DML is submitted (October 1 for full-year DMLs, April 1 for second-semester DMLs), and the second before the notification of any reallocation of DMLs (May 20) for vessels with full-year DMLs, and during the last quarter of the year for vessels with second-semester DMLs.

Annex F.

**DRAFT RESOLUTION REGARDING MODIFICATION OF THE
PROCEDURES FOR MAINTAINING THE AIDCP LIST OF QUALIFIED
CAPTAINS**

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve to modify the Procedures for maintaining the AIDCP List of Qualified Captains, as follows:

1. Add the following new subparagraph 3 to section 3, *Requirements for new captains*:
“3. not have any pending infractions, as detailed in section 4.1, that have not been resolved by the relevant Party.”
2. Modify the chapeau to section 5, *Reinstatement of disqualified captains*, by changing “after” to “provided that”, and add the following new subparagraph 4:
“4. He does not have any pending infractions, as detailed in section 4.1, that have not been resolved by the relevant Party.”

Appendix 3.

PERMANENT WORKING GROUP ON TUNA TRACKING 16TH MEETING CHAIR'S REPORT

The 16th Meeting of the Permanent Working Group on Tuna Tracking was held in Lima, Peru, on June 7, 2004.

1. Opening of the meeting

The meeting was opened by the Chair, Ms. Pat Donley of the United States, the Chair of the Working Group. Present were representatives of Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, European Union, Mexico, Peru, United States, Venezuela, Ocean Conservancy, World Wildlife Fund, OLDEPESCA, and the tuna industry.

Sr. Alfonso Miranda, the Vice-Minister of Fisheries of Peru, welcomed the delegates.

2. Adoption of the agenda

A presentation of Peru's tuna tracking system was added to the agenda at item 4, and the remainder of the agenda was adopted as presented.

3. Approval of the minutes of the 15th Meeting of the Working Group

The minutes of the 15th Meeting of the Working Group were approved as presented.

4. Peruvian Presentation

Sr. Raúl Ponce delivered an interesting and informative presentation of Peru's fishery management system and its tuna tracking system. Several delegates had questions regarding Peru's use of a VMS system for tracking its fishing vessels.

Following the presentation, Dr. Robin Allen reported that at a previous meeting the Secretariat had found that the Peruvian tuna tracking system was missing an audit requirement and was thus not fully consistent with the International Tuna Tracking system. Dr. Allen presented a letter from Peru which adds the missing piece. He recommended that the Peruvian tuna tracking system be forwarded to the IRP for approval. The delegates agreed.

5. Review of the implementation of the dolphin safe certification system (TT-16-04)

Dr. Allen delivered a report on the dolphin safe certification system and provided a document (TT-16-04) which summarizes the program. In answer to a question, Dr. Allen stated that no invalid certificates have been identified in 2004, to date.

The representative of the Ocean Conservancy asked if the 10-percent trigger level should be changed. After some discussion, it was decided to revisit that point at the next meeting after a number of the new certification forms were analyzed. The Costa Rican delegate volunteered to provide a report to recommend how much processed tuna compared to the amount of round, dolphin safe tuna unloaded from a fishing vessel could be certified as dolphin safe.

6. System of follow up of invalid certificates (TT-16-05)

The United States presented its suggested procedures to be used when a dolphin safe certificate has been found to be invalid. The representative of Mexico pointed out that it would be necessary for each country to follow its own internal legal procedures. In addition, the EU suggested that the Secretariat notify all other Parties as soon as possible when a certificate is invalidated. Following the discussion, the United States agreed to re-draft the proposal to add the items addressed by Mexico and the EU. The working

group agreed to forward the re-drafted procedures to the IRP for recommendation to the Meeting of the Parties.

7. Revisions to the certification system to improve tracking (TT-16-06)

The representative of El Salvador presented a revised copy of the Certification system which contained several changes to the system. The changes would make the system mandatory and provides additional certification for non-dolphin safe tuna. The representative of El Salvador also suggested publishing of the names of vessels that have DMLs, and preparing a declaration which would refute the accusations of EII and list the accomplishments of the AIDCP program. After some discussion, it was decided that the working group needs some time to consider this proposal. The proposal will be reconsidered at the next meeting of the working group. In the meantime, it was decided that a declaration could be developed and presented to the IRP under *Other business*. A drafting group composed of El Salvador, Mexico, Peru, European Union and the Ocean Conservancy was established to work on the declaration.

8. Procedures to insure that dolphin safe certificates are not issued to vessels not complying with IATTC conservation measures (TT-16-07)

Dr. Allen presented a paper which explains two Secretariat concerns regarding the meaning of some of the terminology in paragraph 2.g. of the *AIDCP Dolphin Safe Certification System*. First, what is meant by “conservation and management measures”, and second, the term “positively identified by the IATTC” needs to be clarified. After some discussion, the working group agreed on the following:

1. “IATTC tuna conservation and management measures” means time and area closures for yellowfin or bigeye tuna, or other specific measures identified by the Parties in the future for this purpose.
2. “Tuna positively identified by the IATTC” means any tuna caught during a fishing trip in which a violation of any measure covered by paragraph 1 above was reported by the observer aboard the vessel.

The working group also decided to follow the recommendation of the Secretariat to incorporate these definitions in the minutes of the meeting.

9. Recommendations to the IRP

The working group requests that the IRP recommend that the Meeting of the Parties:

1. finds that the tuna tracking and verification plan of Peru, with the addition of the letter from the Vice Minister of Fisheries dated May 31, 2004, is consistent with the AIDCP tuna tracking and verification system, and
2. adopts the system for follow up of invalid dolphin safe certificates presented in document TT-16-05 as modified.

10. Other business

None

11. Time and place of next meeting.

Immediately preceding the IRP meeting scheduled for October 18, 2004 in La Jolla, California

12. Adjournment

The working group Chair thanked the members for their continued work, the host country, Peru, and the interpreters and closed the meeting.

Appendix 4.

DECLARATION IN SUPPORT OF THE AIDCP

**Lima, Peru
8 June 2004**

Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, the European Union, Guatemala, Mexico, Nicaragua, Panama, Peru, Vanuatu and Venezuela, Parties to the Agreement for the International Dolphin Conservation Program (AIDCP), reaffirm their commitment to the AIDCP and express their concerns regarding certain misrepresentations propagated within the public domain by some interest groups which misinform the public and undermine the success of the AIDCP and the singular role of all the Parties to the AIDCP and their industries in ensuring that success. Specifically, the Parties assert the following:

1. We reject the groundless accusations propagated by certain private interest groups against the AIDCP, against the tuna certification policy and programs established under the Agreement, and beneficial use of the AIDCP certification by most Parties;
2. We acknowledge that the AIDCP is a multilateral agreement applied by 14 countries and a REIO based on a rigorous scientific system and, notably, that the Parties to this Agreement are solely responsible for the success in diminishing the effects of the fishery on both dolphin populations and other important living marine species of the Eastern Pacific Ocean (EPO) ecosystem. Uniquely, the AIDCP and its predecessor agreements are singularly responsible for having reduced dolphin mortalities by over 99% from historical levels in the short period of the operation of the Agreement;
3. We recognize the fact that the existence and perpetuation of the AIDCP has:
 - Produced the best available scientific information applied to the conservation of the EPO resources and the protection of the species to be harvested;
 - Imposed a comprehensive dolphin protection and fishery management regulatory regime monitored through means such as the presence of observers on 100% of fishing trips by large purse seine vessels, and transparently enforced through such mechanisms as the International Review Panel and national enforcement; and
 - Established a high standard for environmental protection which, in conjunction with the IATTC, represents what is widely regarded as among the most successful fisheries management programs, endorsed by such important and experienced international conservation organizations as World Wildlife Fund and Greenpeace International.
4. We assert that the AIDCP program is supported by transparent, multilaterally adopted and binding programs for the tracking and verification of tuna carrying the AIDCP certificate, and the assurance that the programs of the AIDCP offers high protection for the sustainability of the EPO marine ecosystem and its resident species. Through this program, the AIDCP Dolphin Safe Certification accurately indicates to consumers that the tuna bearing the AIDCP seal was captured in a manner without mortality or serious injury to dolphins; and
5. We insist that other so-called “dolphin safe” certifications present in the global market are not supported on a scientific or regulatory basis, are not transparently applied, and are not supported by a comparable tracking and verification system

Therefore, the Parties subscribed hereto declare their full support of the AIDCP. In addition those Parties also reject any claims and assertions of private interest groups seeking to falsely discredit the AIDCP program or Certification for economic reasons.