

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

MINUTES OF THE 46th MEETING

La Jolla, California (USA)

3 November 2008

AGENDA

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2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of the minutes of the 45 th meeting	
5. Review of Dolphin Mortality Limits (DMLs) for 2008	IRP-46-06
6. Review of vessels qualified to receive DMLs for 2009	IRP-46-07
7. Resolving a vessel's possible infractions before a change of flag	
8. Review of AIDCP <i>List of Qualified Captains</i>	IRP-46-09
9. Review of observer data	
10. Review of actions by Parties on possible infractions reported by the IRP:	
a. Actions taken since report at 45 th meeting	IRP-46-11a
b. Status review of special cases	IRP-46-11b
11. Comparison of observer programs	IRP-46-12
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13. Report of the Working Group to promote and publicize the <i>AIDCP Dolphin Safe Tuna Certification System</i>	
14. Other business	
15. Recommendations for the Meeting of the Parties	
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17. Adjournment	

APPENDICES

1. List of attendees
2. Report of the 12th Meeting of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System

The 46th Meeting of the International Review Panel was held in La Jolla, California (USA) on 3 November 2008. The attendees are listed in Appendix 1.

1. Opening of the meeting

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

2. Election of the President

Alvin Delgado, of Venezuela, was elected to preside over the meeting.

3. Adoption of the agenda

The United States asked that item 7, *Resolving a vessel's possible infractions before a change of flag*, be postponed until the following meeting; however, the European Union requested that the matter be discussed. The provisional agenda was adopted as presented.

4. Approval of the minutes of the 45th meeting

The minutes of the 45th meeting of the Panel were approved with two minor changes in the list of attendees.

5. Review of Dolphin Mortality Limits (DMLs) for 2007 and 2008

The Secretariat summarized the situation with respect to the allocation, reallocation and utilization of DMLs in 2008 as of 7 October, summarized in Document IRP-46-06.

6. Review of vessels qualified to receive DMLs for 2009

The Secretariat summarized the situation with respect to the requests for DMLs, noting that 97 DML requests were received but that only 80 vessels paid their assessments on time. Some delegations explained the reasons for the delay and a discussion ensued regarding the deadline, especially since the AIDCP and Resolution A-08-01 addressing assessments may not be consistent. The meeting agreed that, for 2008 only, the deadline for the payment of vessel assessments would be 15 December, and assessments paid by that date would not be subject to the 10% surcharge established in the resolution. The meeting also agreed that vessels that did not pay on time for 2009 would not be eligible for DMLs for 2010.

7. Resolving a vessel's possible infractions before a change of flag

The United States explained that the relevant document was not ready for distribution. The European Union noted that, although this question is not currently a source of concern in the AIDCP, it is a problem in other regional fisheries management organizations (RFMOs). For that reason, it proposed that a procedure be developed to forestall this problem arising in the future. Some delegations recognized the importance of this matter and expressed their interest in discussing it at the next meeting.

8. Review of AIDCP List of Qualified Captains

The Secretariat presented Document IRP-46-09, *Changes to the AIDCP List of Qualified Captains*, which updates the changes that took place between 2 June and 7 October 2008. It was observed that three new captains were added, one was reinstated, and none were removed. The European Union requested that the List of Qualified Captains be posted at the Commission website.

9. 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 sustained reduction of the number of possible infractions was again noted, and some delegations stated that this is a demonstration of the commitment and efforts of the fishermen, the industry and fishing captains to reduce the incidental capture of dolphins, as well as of the success of the AIDCP. The industry representative asked the Secretariat to prepare a document comparing the historical number of infractions with the number of sets.

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

a. Actions taken since the report at the 45th meeting

The Secretariat presented Document IRP-46-11a, *Responses to six types of possible infractions identified during the 46th meeting*. Ecuador and Panama stated that their respective cases will be resolved before the next meeting of the Panel, and Venezuela noted that it was waiting for a procedure manual based on the new fisheries law in order to apply the respective sanctions.

b. Status review of special cases

The Secretariat presented Document IRP-46-11b, *Summary of pending special cases monitored by the IRP*, in which the status of the cases classified as special is updated. Ten pending cases were presented: one of them was in process, three under investigation, and there was no action by the Parties in the six other cases. The United States expressed concern about the lack of responses, and encouraged the relevant flag states to take prompt and appropriate action. Dr. Compeán explained that at least one vessel had changed flag, and some delegations asked that the document be updated for the next meeting, indicating any flag changes.

11. Comparison of observer programs

The Secretariat presented Document IRP-46-12, indicating that in general the comparison tests do not indicate significant differences among the programs. Many delegations noted that this shows that they are all doing their work adequately. Also, some delegations asked the Secretariat to prepare a document on the IATTC observer program, comparing its objectives, coverage, costs, actions and results with those of the observer programs of other RFMOs.

12. Effect of Resolution A-02-03 on a pattern of infractions

The Secretariat presented Document IRP-46-13, which compares the frequency of major infractions before and after the entry into force of Resolution A-02-03. Mexico indicated that the results are very satisfactory and demonstrate not only the reduction of infractions, but also the increase in the number of responses by the Parties.

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

The report of the meeting of this group is attached as Appendix 2.

14. Other business

There was no other business.

15. Recommendations for the Meeting of the Parties

The Panel made the following recommendation to the Meeting of the Parties.

1. Assign DMLs to 97 vessels and establish a deadline of 15 December for vessels to pay their assessments, with a 10% surcharge for those that do not meet this deadline;
2. Ask the Secretariat to post the List of Qualified Captains on the IATTC website;
3. Consider establishing a joint IATTC-AIDCP working group to develop an “ecosystem friendly” certification system.

16. Place and date of next meeting

The next meeting of the Panel will be held in June 2009, at a venue to be decided.

17. Adjournment

The meeting was adjourned at 1:45 p.m. on 3 November 2008.

Appendix 1.

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Appendix 2.

CHAIR'S REPORT OF THE 12TH MEETING OF THE WORKING GROUP TO PROMOTE AND PUBLICIZE THE AIDCP DOLPHIN SAFE TUNA CERTIFICATION SYSTEM

The Working Group to Promote and Publicize the AIDCP Dolphin Safe Tuna Certification System approved at its 9th Meeting held in October 2007 in La Jolla, sending to the Parties a questionnaire to be answered, whose aim is to allow the Presidency of this group to prepare a basis for discussion for the configuration of a Plan of Action that the parties may eventually adopt by consensus, towards achieving a greater depth and coverage of the promotion and publicizing of the International Dolphin Conservation Program.

During the 11th Meeting of the Working Group held in Panama City, the Chair reported that on 21 May 2008 the letter Ref: 0315-533 signed by the Director of the IATTC was received, in which the actions carried out by the Organization to promote and publicize the AIDCP are summarized, as well as its Dolphin Safe certification system, in the framework of the Working Group. It was also reported that with the exception of the letter dated 16 June 2008, sent by the National Commission for Aquaculture and Fisheries of Mexico, no response had been received to the questionnaire circulated. During the meeting, it was reported that the United States of America had sent a report related to two concrete publicizing actions through NOAA, carried out by the Department of State and the Department of Commerce, and that Party reported that in the interests of the AIDCP 3 concrete publicizing actions have been carried out, which are included in the respective minutes and Mexico made a verbal exposition of its response to the above-mentioned questionnaire. After that date, the Chair has received two additional contributions, one from Costa Rica dated 14 July 2008 and the other from the Bolivarian Government of Venezuela, dated 6 August 2008.

Considering that resolution A-02-05 by which this Working Group was created, visualized both the

"...strategy for publicizing the AIDCP dolphin safe label, and of ensuring the support of the program that sustains it",

the questionnaire in question sought to evaluate the legal and logistical viability of a new Promotion and Publicity Plan that would have to be adopted by consensus. Although we recognize the quality of the contributions received, the lack of response to the questionnaire by the majority of the member countries of the Agreement, has impeded this Presidency in the preparation of a proposal for a Promotion and Publicity Plan and the consequent proposition of a program of actions for the eventual implementation of that product.

To be fair to the effort of the Parties that have sent their contribution in response to the questionnaire, it is important to stress that support for the International Dolphin Conservation Program as a management

instrument is common in the responses, as well as acknowledgement of the effort by the Parties for its Development; however, the publicizing and promotion of the Dolphin Safe Certification System is passing through difficulties but not impediments, for guaranteeing its effectiveness, as an instrument that could facilitate access to consumer markets. The United States has expressly stated the difficulties of a legal nature that it has in its jurisdiction for the official recognition of the AIDCP Dolphin Safe label, a fact that in the transparency of circumstances, must be reckoned as a reality that is beyond the competences of this Working Group and is a matter to be dealt with in the Meeting of the Parties. However, that same State has stated its support for the International Dolphin Conservation Program and recognizes the authority that the other Parties have to carry out in their territory, Promotion and Publicity efforts for the various target groups.

As is known, the effectiveness of an ecolabel, depends both on the intrinsic solidity of the system, and on its recognition in the target market, which means the confluence of integrity and reputation. In reality, the AIDCP Dolphin Safe Certification system, has majority support for its integrity or its reputation but, aware of the limitation mentioned above, this Presidency considers that respecting Legality and until a Supreme Decision facilitates another course of action, we have to recognize in this Working Group that the formulation of a Promotion and Publicity Plan which aspires to a total coverage, it is viable for the purposes of the International Agreement for Dolphin Conservation, also, in the case of the AIDCP Dolphin Safe Certificate, is publicizing and promotion in The United States as one of the target markets, under the conditions of legality that have been explained at the various meetings, will not determine the access to that market, a matter that as has been stated must be evaluated by the Parties at their Plenary Meeting.

Meanwhile, in relation to the principle of Publicity contained in paragraph 5 of resolution A-01-02 no the Procedures for the Certification of AIDCP Dolphin Safe Tuna, which in its subparagraph “c” states:

“The Parties, through the Secretariat, may support the design and implementation of an international public education campaign to accomplish the objectives set forth within this section.”

in particular that which is mentioned in subparagraph “b”:

“...The Parties agree to disseminate objective information to, inter alia, importers, fishermen’s organizations, and non-governmental organizations, using their own capabilities within their national and international markets, to support an accurate public perception of the AIDCP, in order to increase the broad understanding of the AIDCP and its objectives.”

this Presidency considers that for reasons of competence, this Working Group has to continue working on obtaining the inputs necessary for defining the new program for promotion and publicity mentioned various times and in that regard it is proposed to the Working Group recommend sending a new and respectful petition to the Parties so that they may provide the information required in the questionnaire and any other that may be considered important.

Finally, I present to you a summary of the elements that the responses received recommend should be contained in a new Promotion and Publicity plan:

1. Preparation of educational Campaigns and information for the public in general on the importance, origin and objective of the use of the Dolphin safe label, as well as on the implementation of the AIDCP.
2. Carrying out of informational round tables at the level of the various state bodies involved in the matter of ecolabelling and the AIDCP.
3. Carrying out of cycles of conferences given by specialists in the subject.
4. Involve the industries in activities of promotion and publicizing of the AIDCP.
5. Preparation of educational and promotional materials on the AIDCP.
6. Diagnosis of actions undertaken internally and externally each party, in the Promotion and

7. Harmonizing joint strategies at the regional level among different parties.
8. Analysis of compatibility of the current ecolabels, in the light of the FAO guidelines on ecolabelling.
9. Alliances with similar environmental groups concerned about the conservation of the EPO for the recognition of the achievements of the AIDCP, as an input for publicity.
10. Publicizing and promotion efforts through diplomatic mechanisms.