

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

31st MEETING OF THE PARTIES

Guayaquil, Ecuador
23 June 2015

AGENDA

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1. Opening of the meeting	
2. Election of Chairman	
3. Adoption of the agenda	
4. Approval of the minutes of the 30 th Meeting of the Parties	
5. Secretariat's preliminary report on the IDCP	
6. AIDCP budget	MOP-31-06
7. Report of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System	
8. Report of the International Review Panel	
9. Other business	
10. Place and date of next meeting	
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APPENDICES

1. List of attendees
2. Report of the Chairman of the Working Group for promoting and publicizing the AIDCP *dolphin safe certification system*
3. Report of the Coordinator of the 57th Meeting of the IRP
4. Amendment to the Tuna Tracking and Verification System

The 31st Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) was held in Guayaquil, Ecuador, on 23 June 2015. The list of attendees 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), which provides de Secretariat for the AIDCP.

2. Election of Chairman

Mr. Julio Guevara, of Nicaragua, was elected Chairman of the meeting.

3. Adoption of the agenda

The provisional agenda was adopted without any changes.

4. Approval of the minutes of the 30th Meeting of the Parties

The minutes of the 30th Meeting of the Parties were approved without any changes.

5. Secretariat's preliminary report on the IDCP

Mr. Ernesto Altamirano, of the Secretariat, presented information about the operation of the IDCP in 2014, noting that 11,382 sets on dolphins were recorded, with a total mortality of 975 dolphins, or an average of 0.08 dolphins per set. One hundred percent of the trips by large purse-seine vessels were sampled, in accordance with the requirements of the AIDCP. Dolphin Mortality Limits (DMLs) were granted to 83 vessels that requested them, with an average DML of 59.03 dolphins. No vessel exceeded its DML in 2014.

In response to a question by the European Union, it was agreed that in the future the reasons for the variations among vessels in their performance with regard to dolphin mortality would be investigated in greater depth.

6. AIDCP budget

Ms. Nora Roa Wade, of the Secretariat, presented Document MOP-31-06 on the AIDCP budget. She noted that the Secretariat was asking the Parties to approve an increase of the vessel assessment rate from US\$ 14.95 to US\$ 17.61/m³, which would cover the budget for 2016 and should prevent significant budget shortfalls for at least a few years, assuming relative stability in the purse-seine fleet. The document also asked Parties again to link the annual vessel assessment to the amount of the approved budget for a given year. The Secretariat had provided an example of how this system could be implemented at the 30th Meeting of the Parties, and many Parties had expressed support for such an approach as a way to improve the financial stability of the AIDCP and avoid the accumulation of large deficits.

Venezuela asked about the increase of more than 200% in the costs of training observers and about the vessels that had not paid, and stated that the amount corresponding to those payments in arrears should be presented as accounts receivable. The Secretariat answered that there are US\$ 351,181 outstanding in pending vessel assessments, and that unbudgeted observer training courses were held because there were not enough active observers to cover the needs of the program.

Various delegations indicated that pressure should be put on the vessels in arrears in order to get them to pay. The Secretariat noted that the AIDCP establishes that it is the Parties' obligation to collect the contributions from its vessels, and thus it should be the Parties themselves that should apply that pressure.

The European Union asked why, if the approved budget has been held at the same level for several years, without any increase, was there an annual variation in the amount of the 30% contribution from the IATTC budget. The Secretariat responded that the variation was a result of the fact that the amount of that 30% contribution was calculated at the end of the year on the basis of real costs, and not on the basis of the amount of the approved budget.

The European Union reiterated its inability to approve any budget increase until the review of the IATTC and AIDCP was carried out in accordance with Resolution C-14-09. They noted their commitment to contribute €100,000 for this exercise, and indicated that, unless other Parties could also consider special contributions for this effort, any costs for the review beyond that amount should be covered by the IATTC and AIDCP budgets.

Dr. Compeán stated that the virtual working group created to coordinate the performance review should be responsible for informing the Parties. He noted that he had sent a memorandum to the Members of the IATTC and the Parties to the AIDCP inviting their participation in virtual working group, but received replies from only five Members or Parties: the European Union, Japan, Chinese Taipei, Mexico, and Canada. He also reported that a notice seeking bids for conducting the review had been posted on the IATTC website, and notices had been sent to FAO and other relevant bodies as well. However, to date only one bid had been received. Finally, Dr. Compean noted that if it were agreed that the IATTC should

cover the remainder of the estimated costs, the corresponding amount should be added to the IATTC's annual budget.

Several days later, after the issue of the organizational evaluation and been addressed in the context of the IATTC, the Meeting of the Parties reconvened and the European Union withdrew its objection to increasing the AIDCP budget and vessel assessment rate. However, Ecuador stated that it could not accept any increase in the AIDCP budget.

In response to a question from the Chairman on how the program would operate if the requested increase were not approved, Dr. Compeán explained that, once the approved funds were exhausted, observers would no longer be placed during the rest of the year. This hypothetical result could be mitigated by the payment of the assessments in arrears. Mexico requested that, if the extreme situation of suspending the placement of observers became necessary, the requests of Parties that had paid their contributions should be given preference over requests from Parties in arrears.

Further discussion of this issue was deferred to the 32nd Meeting of the Parties, planned for October 2015.

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

Mr. Bernal Chavarría, Chairman of the Working Group, presented his report (Appendix 2), noting that the group recommended to the Meeting of the Parties that the materials approved for publicizing the AIDCP - a video, a pamphlet and an educational module – should be published on the public portion of the IATTC website. Also, the Working Group urged the Parties to use these materials in their own efforts to publicize the AIDCP on their official webpages, through outreach to schools, and at fisheries and trade events. Additionally, the Working Group recommended that Parties authorize the Director and the IATTC staff to attend fisheries and trade fairs in support of promotion efforts. The United States did not object, but stressed that the costs of any promotional trip by the Director or Secretariat staff should be covered by external funding and not by the AIDCP budget. The Parties approved this recommendation.

Mr. Chavarría reported that Mexico made a presentation on the current situation of the litigation between Mexico and the United States before the World Trade Organization (WTO), and that the WTO Panel had most recently ruled in favor of Mexico in April 2015. The Panel's decision is currently under appeal, with hearings expected in late July 2015 and subsequent decision of the WTO Appellate Body later this fall. The United States reiterated that the litigation is in an appeal process.

8. Report of the International Review Panel

Mr. William Jacobson, Coordinator of the 57th meeting of the IRP, presented his report (Appendix 3), indicating that the Panel had decided to make the following two recommendations:

1. That the Meeting of the Parties approve a proposed amendment to paragraph 3.6 the Tuna Tracking and Verification System (Appendix 4) that would extend the deadline for submitting Tuna Tracking Forms (TTFs), to be more in line with AIDCP procedures for certifying dolphin safe tuna and to reduce the cost of sending TTFs individually.
2. That the Meeting of the Parties consider the request by Panama to reinstate a captain who was removed from the List of Qualified Captains twice, and therefore needs the approval of the Meeting of the Parties to be reinstated.

The Parties approved both recommendations.

9. Other business

The European Union proposed reducing the frequency of the meetings of the AIDCP from two a year to one, for which Annex IV of the AIDCP would need to be amended.

Mexico indicated that a document should be prepared identifying the advantages and disadvantages of

holding only one set of annual meetings. Nicaragua asked that this document should present not only the possible savings that could be realized, but also the possible consequences for the effective functioning of the Agreement. It was concluded that the European Union would prepare a document, in consultation with the Secretariat, to be circulated to the Parties in advance of their 32nd Meeting.

10. Place and date of next meeting

The next meeting of the Parties will be held in October 2015 in La Jolla, California (USA).

11. Adjournment

The meeting was adjourned at 8:25 PM on 2 July 2015.

Appendix 1.

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Appendix 2.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
WORKING GROUP TO PROMOTE AND PUBLICIZE THE
AIDCP DOLPHIN-SAFE TUNA CERTIFICATION SYSTEM
22ND MEETING
Guayaquil, Ecuador
22 June 2015

REPORT OF THE MEETING

AGENDA

1. Opening of the meeting	
2. Adoption of the agenda	
3. Approval of the minutes of the 21 st meeting	
4. Actions to promote AIDCP dolphin safe tuna	DSP-22-04
5. Recommendations to the Meeting of the Parties	
6. Other business	
7. Date and place of next meeting	
8. Adjournment	

The 22nd Meeting of the Working Group to Promote and Publicize the AIDCP Dolphin-Safe Tuna Certification System was held in Guayaquil, Ecuador, on 22 June 2015. The attendees are listed in Appendix 1.

1. Opening of the meeting

The meeting was opened by the Chair of the Working Group, Dr. Bernal Chavarría, delegate of Guatemala.

2. Adoption of the agenda

The agenda was approved without changes, with the introduction, at Mexico's request, of an informational item under item 6, *Other Business*, about the state of the process initiated at the World Trade Organization (WTO) regarding the AIDCP dolphin-safe label.

3. Approval of the minutes of the 21st meeting

The minutes of the 21st Meeting of the Working Group were approved without changes.

4. Actions to promote AIDCP dolphin safe tuna

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission, presented Document DSP-22-04, which details the availability of the material approved for utilization by the Parties.

Mexico reported that as part of its promotion strategy it wouldn't by the Director to explain the scope of the AIDCP at a fisheries fair that will be held soon, and proposed that the public and unrestricted release of the approved promotion materials (video, pamphlet and educational module) be authorized as promotional material on the IATTC website, and also that the Parties be urged to use these materials in their publicity media such as official websites, trade and fisheries congresses and fairs, also in schools, in order to present the information to future consumers. Additionally that the Director and his staff be authorized to attend fisheries and trade fairs as a promotion action.

The proposal was agreed as a recommendation for the Meeting of the Parties.

5. Recommendations for the Meeting of the Parties

The general utilization on the websites of the IATTC and the Parties, as well as at fairs, conferences, and schools, of the three approved AIDCP publicity materials, as well as authorizing the participation of the Director and the staff at promotion events.

6. Other business

Mexico commented on the current situation of the litigation under way at the WTO between Mexico and the United States, which was resolved by the WTO Panel in April 2015 in Mexico's favor. It is currently under appeal, with a hearing scheduled for the end of July, and a resolution is expected in the fall of this year.

7. Place and date of next meeting

The next meeting of the Working Group will be held on the dates that are agreed for the meetings of the AIDCP in October

8. Adjournment

The meeting was adjourned at 10:45 a.m. on 22 June 2015.

Appendix 3.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
INTERNATIONAL REVIEW PANEL
57TH MEETING
Guayaquil, Ecuador
29 June 2015

AGENDA

	Documents
1. Opening of the meeting	
2. Election of the Presider	
3. Adoption of the agenda	
4. Approval of the minutes of the 56 th meeting	
5. Review of Dolphin Mortality Limits for 2014 and 2015	IRP-57-05
6. Review of AIDCP <i>List of Qualified Captains</i>	IRP-57-06
7. Review of observer data	
8. Review of actions by Parties on possible infractions reported by the IRP:	
a. Actions taken since report at the 56 th meeting	IRP-57-08a
b. Status review of special cases	IRP-57-08b
9. Report of the Permanent Working Group on Tuna Tracking	
10. Other business	
11. Recommendations for the Meeting of the Parties	
12. Place and date of next meeting	
13. Adjournment	

The 57th meeting of the International Review Panel was held in Guayaquil, Ecuador, on 22 June 2015.

9. Opening of the meeting

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), which provides the Secretariat for the Agreement on the International Dolphin Conservation Program (AIDCP), opened the meeting.

10. Election of the Presider

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

11. Adoption of the agenda

The provisional agenda was adopted without changes.

12. Approval of the minutes of the 56th meeting

The minutes of the 56th meeting of the Panel were approved without changes.

13. Review of Dolphin Mortality Limits for 2014 and 2015

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2014 and 2015, described in Document IRP-57-05, noting that no vessel had exceeded its allocated DML in 2014. In addition, since no vessels had forfeited their DMLs for 2014, four vessels were granted DMLs from the Reserve for the Allocation of DMLs, and all four were utilized. Furthermore, a vessel newly entering the fishery requested a DML, but none was available, so the flag

Party, after consulting the other Parties by correspondence and receiving no objections, transferred part of another vessel's DML to the new vessel.

To date in 2015, 28 vessels have not caused any mortality, and none have exceeded their DML. The average mortality per set is 0.07 dolphins, compared to 0.08 in 2014.

Concerning the two vessels that had significantly higher mortality than the rest of the fleet, the European Union asked whether additional training for the captains should be implemented even though they did not exceed their DMLs, and inquired whether these same vessels had high mortality in previous years.. The Secretariat said that it did not know whether these same vessels had high mortality in different years, but noted that sometimes higher mortality for a vessel is indicative of the number of dolphin sets they make overall. Not all vessels requesting a DML spend the same proportion of their effort fishing in association with dolphins, and in general, vessels that make more sets on dolphins may tend to have higher mortality at the end of the year. That being said, the Secretariat indicated that it would investigate and report back on these specific cases, while also noting that the performance of individual captains is examined regularly as part of the process for determining which of them may be eligible to receive a DML higher than the average DML in a given year.

14. Review of the AIDCP List of Qualified Captains

The Secretariat presented Document IRP-57-06, *Changes to the AIDCP List of Qualified Captains*, which updates the changes that occurred between 9 October 2014 and 29 April 2015. During that period, eight captains were added, and none were reinstated or removed.

15. 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, in order to determine which of them should be forwarded to the responsible government as possible infractions. The IRP discussed four such cases and agreed to forward two of them as possible infractions.

Trip 2015-052. Brailing dolphins. A set was made on a herd of about 900 dolphins, about 500 of which were captured. After backdown, eight dolphins were left in the net; seven were released, but the last remaining dolphin was sacked up with the catch and then eventually released through the brailing process, but with serious injuries. The Panel decided to identify this case as a possible infraction, since the AIDCP requires that backdown continue until all dolphins are out of the net.

Class-5 vessel setting on dolphins. Observers from two separate programs and aboard different vessels independently reported observing a class-5 vessel setting on dolphins. The IRP decided to forward the case as a possible infraction and that the vessel be required to carry an observer on subsequent trips while the flag Party investigates the case, consistent with the provisions of Resolution A-02-01.

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

a. Actions taken since the report at the 56th meeting

The Secretariat presented Document IRP-57-08a, *Responses to six types of possible infractions identified during the 56th meeting*. There were no cases to review.

b. Status review of special cases

The Secretariat presented Document IRP-57-08b, *Summary of pending special cases monitored by the IRP*. There were two related cases (Trips 2014-004 and 2014-145), originally addressed by the Panel at its 55th meeting in June 2014, and again at its 56th meeting in October 2014, involving an observer who apparently was substituted by another, unknown person during the two trips.

The Secretariat notified the Party of these cases on 7 April 2014, and again on 7 May 2014. On 14 May

2014, before the 55th meeting of the IRP, the Party responded that the cases were “*absolutely the observer’s responsibility*”, and requested that “*any applicable sanctions should be imposed on the observer without affecting the owner, the vessel, the crew or the respective catch*”. The Parties then offered a range of opinions on the respective responsibilities of the observers, the observer programs, vessel managers, and vessel captains for ensuring that a person purporting to be the assigned observer for a trip on a vessel is in fact a qualified observer who was assigned by an observer program. The Secretariat again reminded the Parties of the procedures followed in terms of observer placement. When possible, program staff conduct a meeting in advance of a vessel’s departure with both the observer and the captain present, thus making the observer’s identity known to the captain. Furthermore, each observer has a identification card, signed by the Director, and the staff provides the vessel manager with a photocopy of both this card and the observer’s passport, so it should be possible in all cases to confirm the observer’s identity prior to departure. Some Parties noted that the change of observer in one instance under discussion happened in the middle of a trip, on a beach a long way from port, and that in such a situation the captain of the vessel should be considered responsible for knowing whether the individual embarking is different from the person who disembarked, since the former claimed to be the same individual as the latter.

At its 55th Meeting the IRP agreed to classify these two cases as possible infractions of *fishing without an observer*, and also as special cases, and asked that the Party review the cases again.

The Secretariat wrote to the Party again about these cases on 1 October 2014, but received no reply; however, at the 56th meeting of the IRP in October 2014, during the review of observer data, the Party reported that these cases were being further investigated. The Secretariat has not received any further information about this second investigation.

After a lengthy discussion at the 57th meeting of the IRP, the Panel decided to ask the Party involved to report to the Secretariat the details of the second investigation prior to the next meeting of the IRP, so that the Panel could have an informed discussion of the cases. In addition, the Chair asked the Parties to develop concrete proposals for the next IRP meeting to help prevent such a situation from happening again.

17. Report of the Working Group on Tuna Tracking

Ing. Luis Torres, of Ecuador, chair of the Working Group, presented his report. The group recommended a change to the Tuna Tracking System that would extend the deadline for submitting original Tuna Tracking Forms (TTFs) to the Secretariat, bring it more in line with the provisions of the AIDCP dolphin-safe certification procedures and to reduce the cost of submitting TTFs individually. The proposal would amend paragraph 3.6 of the System to read as follows:

“Within ten (10) days of receipt of a TTF, the competent national authority shall transmit an electronic copy of the TTF to the Secretariat. The original TTFs shall be transmitted to the Secretariat by the competent national authority at the end of each month.”

18. Other business

The following items were discussed:

a) Document IRP-57-10

The Secretariat presented Document [IRP-57-10](#), *Consideration of additional guidelines to govern internal reassignments of DMLs by Parties*, on a mechanism for reallocating DMLs within a Party’s fleet. After a lengthy discussion, the IRP concluded that no new guidelines or procedures were necessary at this time to deal with such rare situations.

b) Panama: The reinstatement of a captain to the AIDCP List of Qualified Captains

Panama requested the reinstatement of captain who had been removed from the List twice, and thus

needed the approval of the Meeting of the Parties to be reinstated. Panama explained that he had been removed from the List over ten years ago, and had since completed all the requirements for reinstatement. The Panel recommended that the Meeting of the Parties reinstate this captain, but noted that his performance should be monitored.

c) European Union: frequency of meetings

The European Union stated that it would like to discuss, at the next meeting of the Panel, the possibility of reducing the frequency of the meetings of the AIDCP and its associated working groups to once per year. They noted that they may prepare a proposal for consideration and welcomed the input of other interested Parties in identifying the amendments to relevant annexes and guidelines that would need to be made in order to effect such a change.

19. Recommendations for the Meeting of the Parties

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

1. Approve the amendment to the Tuna Tracking System (item 9).
2. Approve the request by Panama to reinstate a captain to the List of Qualified Captains (item 10b).

20. Place and date of next meeting

The next meeting of the Panel will be held in conjunction with next meetings of the AIDCP.

21. Adjournment

The meeting was adjourned at 5:27 p.m. on 22 June 2015.

Appendix 4.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

31st MEETING OF THE PARTIES

GUAYAQUIL (ECUADOR)
23 JUNE 2015

RESOLUTION A-15-01

**RESOLUTION TO REVISE THE SYSTEM FOR TRACKING AND
VERIFYING TUNA**

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

Resolve to amend Paragraph 3.6 of the System for Tracking and Verifying Tuna as follows:

- 3.6. Within ten (10) days of receipt of a TTF, the competent national authority shall transmit an electronic copy of the TTF to the Secretariat. The original TTFs received during a calendar month shall be transmitted to the Secretariat by the competent national authority at the latest 15 days after the end of that month.