

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

MINUTES OF THE 9th MEETING OF THE PARTIES

Antigua (Guatemala)
June 23, 2003

AGENDA

1. Opening of meeting
2. Election of Chairman
3. Adoption of agenda
4. Adoption of the minutes of the 8th Meeting of the Parties
5. Secretariat's report on the IDCP
6. Promotion of the dolphin safe certification system
7. Report of the International Review Panel
8. Report on information requested and certificates issued
9. AIDCP budget for 2004
10. Proposed amendments to the Annexes of the AIDCP:
 - a. Frivolous requests
 - b. Second-semester DMLs
11. Estimates of abundance of dolphin stocks
12. Resolutions
 - a. Draft resolution on vessel assessments and financing
13. Terms of Reference for the Joint Working Group on Fishing by Non-Parties
14. Other business
15. Place and date of next meeting
16. Adjournment

APPENDICES

1. List of attendees
2. Plan of Action to Enhance the Success of the AIDCP
3. Revised dolphin safe certificate
4. [Resolution on vessel assessments and financing](#)
5. [Resolution on at-sea reporting](#)
6. Terms of Reference for the Joint Working Group on Fishing by Non-Parties
7. Letter to Dr. William Hogarth, NMFS

DOCUMENTS

- | | |
|--------------------------|--|
| MOP-9-04 | Report on the International Dolphin Conservation Program |
| MOP-9-06 | Certificates provided by the Secretariat |
| MOP-9-07 | AIDCP budget |
| MOP-9-08 | Amendments to the AIDCP |

1. Opening of meeting

The meeting was opened on 23 June 2003 by Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission (IATTC), which serves as the Secretariat to the Agreement on the International Dolphin Conservation Program (AIDCP). The attendees are listed in Appendix 1.

2. Election of Chairman

Mr. Arnulfo Franco of Panama was elected to chair the meeting.

3. Adoption of agenda

The European Union suggested adding an item for the approval of the minutes of the 8th Meeting of the Parties; this was accepted and added as item 4. As suggested by the IRP, an item for discussion about the promotion of the dolphin safe certification system was also added to the agenda, after the Secretariat's report on the IDCP. It was also agreed to discuss the terms of reference of the Joint Working Group on Fishing by Non-Parties as a separate agenda item.

With these changes the agenda was adopted.

4. Adoption of the minutes of the 8th Meeting of the Parties

The minutes were adopted without modifications.

5. Secretariat's report on the IDCP

Dr. Allen presented [Document MOP-9-04](#), and highlighted some of its most important aspects. Some delegations expressed concern regarding the poor rate of compliance by certain fleets with the weekly reporting requirement. It was noted that a vessel monitoring system (VMS) could solve some of the shortcomings of compliance with this requirement. Other delegations expressed concerns over what seems to be the poor rate of reporting from trips by vessels covered by observers from the Forum Fisheries Agency (FFA).

6. Promotion of the Dolphin Safe Tuna Certification System

Dr. Allen reported on activities to promote the certification system since February 2003 which had involved the Secretariat. Several delegations expressed their satisfaction at what appeared to be positive developments regarding the acceptance of the AIDCP dolphin safe label in Europe, and their appreciation of the Secretariat's efforts to present pertinent information on the fishery and the IDCP.

The European Union (EU), however, expressed its most serious concern over the way in which these promotion activities had been handled, noting that, in the future, there should be closer coordination with the EU, that similar promotional action should also be taken in other jurisdictional areas, and that no scientific or technical information should be presented showing the results of different fishing methods. The EU noted that it had submitted a written statement expressing its concerns to be included in the minutes of the 33rd meeting of the IRP.

7. Report of the International Review Panel

Mr. Luis Fueyo McDonald, Presider of the 33rd meeting of the IRP, presented a report to the Parties describing the work of the Panel as well as those matters which were discussed but not resolved. The meeting recorded its appreciation of the work of the Presider.

The IRP forwarded a *Plan of Action to Enhance the Success of the AIDCP* for consideration by the Meeting of the Parties. The IRP had discussed this Plan in depth and had agreed on a number of modifications and additions to the initial draft proposed by the United States. The Meeting of the Parties discussed and adopted an amended version of the IRP's proposal (Appendix 2).

During the discussion Ecuador asked whether vessels not covered by the AIDCP would be eligible to

receive dolphin-safe certificates now that they will be paying assessments. Mexico agreed that such vessels should be eligible for certificates, but only if the trip in question had been accompanied by an observer. It was proposed that this issue be discussed at a future meeting of the Permanent Working Group on Tuna Tracking, and that Ecuador prepare a proposal.

The Parties addressed two cases which had been referred to it by the IRP:

With respect to the case of the captain who was permanently removed from the List of Qualified Captains but continues to act as fishing captain aboard vessels with DMLs, it was agreed that the Director would send a letter to the flag government of the vessel on which this captain is currently fishing, expressing the concern of the Parties at the situation, and requesting that he no longer be permitted to serve aboard any of that Party's flag vessels.

With regard to case 2003-101, the Parties decided likewise that the Director should write to the flag state regarding the actions of this vessel.

The Parties agreed to the recommendations from the Permanent Working Group on Tuna Tracking, including the revised dolphin safe certificate and instructions (Appendix 3).

8. Report on information requested and certificates issued

Dr. Allen presented Document MOP-9-06, noting that sometimes the Secretariat receives requests about such matters as whether a vessel has a DML, has used its DML, has set on dolphins, or has a dolphin safety panel in the net. The purpose of this agenda item is to inform the Parties of these requests for information and to seek their views about whether any of them should be answered.

Dr. Allen noted that the current policy is not to provide such information, but the Secretariat does provide, upon request, *Statements of Participation*, indicating that a vessel participated in the IDCP, as indicated by observer reports.

None of the Parties disagreed with this policy, and the meeting agreed that none of the additional information noted in Document MOP-9-06 should be provided by the Secretariat. However, it was agreed that the Secretariat, if requested, should provide information about a trip to the Party under whose flag the vessel operated.

9. IDCP budget for 2004

Dr. Allen presented Document MOP-9-07, and explained the background of the problems associated with the AIDCP budget and the current situation and forecast regarding the funding of the program.

Dr. Allen explained that the Secretariat has expressed its concern regarding the future funding of the Program since the 27th meeting of the IRP in June 2001. The 2002 [*Resolution on financing the IDCP*](#) called for a budget for the IDCP to be presented to the Meeting of the Parties in June 2003. The budget presented in Document MOP-9-07 is based on information presented to the Working Group on Vessel Assessments and Financing in February 2003, using revenue estimates based on the draft resolution prepared at that meeting. The 32nd meeting of the IRP in February endorsed the draft resolution and agreed to submit it for consideration by the Meeting of the Parties.

Dr. Allen emphasized that, in the absence of new funding, the Secretariat would not be able to continue placing observers one month before the existing funds ran out, which is estimated to occur by August 15, 2003. Thus, without additional funding, observers could not be placed after July 15, 2003.

With this background, the Parties recognized the urgency of resolving the budget problem, and intensive discussions ensued on the draft resolution endorsed by the IRP in February 2003. Eventually, a resolution on vessel assessments and financing intended to resolve the budget problem was agreed by consensus (Appendix 4). This resolution, *inter alia*, provides that, as a temporary measure until the measurement of well volume agreed by the IRP at its 30th meeting is completed, fees will be calculated using a factor of 1.4 for converting vessel capacity from metric tons to cubic meters; all vessels, including inactive vessels,

and regardless of size, shall pay fees; specifies dates when payments are due, with the application of a surcharge for late payments; and, for 2003 only, early payments or supplementary assessments in order to fund the program during 2003.

It was noted by the meeting that the 1.4 conversion factor was for the purpose of vessel assessments only, and would not affect the information on vessel capacity in the IATTC Regional Vessel Register.

10. Proposed amendments to the Annexes of the AIDCP

Dr. Allen presented Document [MOP-9-08](#), explaining that it contained the Secretariat's drafts of two amendments to Annex IV of the AIDCP requested by the IRP.

A proposal on procedures to deter frivolous requests for DMLs was agreed at the 32nd meeting of the IRP, in February 2003, and the Secretariat was asked to format the proposal as a modification of Annex IV of the AIDCP and to present it to this Meeting of the Parties for formal approval.

In the ensuing discussion Ecuador expressed its concern that, as drafted, the amendment could be interpreted to mean that only vessels with DMLs in the year prior to the year in which they were applying for a DML would be eligible to receive a DML. The meeting acknowledged that this was not the intent of the proposal, and asked the Secretariat to look into the matter and, if necessary, bring a revised proposal to the next Meeting of the Parties.

Regarding the second proposal, Dr. Allen explained that, at the 32nd meeting of the IRP, Vanuatu had proposed amending Annex IV of the AIDCP regarding second-semester DMLs in order to allow more flexibility in the administration of the DML system. Currently, the AIDCP requires that second-semester DMLs be requested by October 1 of the previous year, at the same time as the full-year DML requests are due, and Vanuatu proposed that the deadline for requesting second-semester DMLs be changed to March 31 of the year for which they are requested. In accordance with the Panel's instructions, the Secretariat had drafted the amendment presented in Document MOP-9-08,

This amendment was adopted by the Parties, and with this decision by the Meeting of the Parties, the Agreement is considered amended as proposed as of 23 June 2003.

11. Estimates of abundance of dolphin stocks

This item was placed on the agenda at the request of the United States, which explained that it wished to have a discussion with the Parties on the possibility of revising the per-stock per-year mortality limits provided by Annex III of the AIDCP on the basis of recent population surveys. Dr. Allen noted that it was the responsibility of the Scientific Advisory Board to recommend a calculation method for these limits. It was agreed that the Board should do this.

12. Resolutions

Dr. Allen presented a draft *Resolution on at-sea reporting* to the meeting, noting that it was a parallel resolution to one being considered by the IATTC, and was intended to improve the weekly reporting rate by vessels at sea, and this was approved by the Parties (Appendix 5). The Parties also approved the *Resolution on vessel assessments and financing* discussed under Item 9 (Appendix 4).

13. Terms of Reference for the Joint Working Group on Fishing by Non-Parties

The Parties approved the Terms of Reference for the Working Group, as developed and recommended by that group (Appendix 6).

14. Other business

Dr. Allen raised the matter of the appropriate degree of access by member governments to the Commission's technical database, and what procedures might be followed if such access were to be allowed. He noted that he had corresponded on this subject with Dr. William Hogarth, Administrator of the U.S. National Marine Fisheries Service (NMFS) (Appendix 7). Dr. Reilly of NMFS addressed the

meeting and elaborated on the interest of NMFS in having access to certain IATTC data regarding tuna/dolphin for research purposes, and explained how procedures could be developed to ensure appropriate handling of the data.

The issue was briefly discussed by the Parties and, while there was no objection in principle, it was thought that this issue should be linked to more general scientific cooperation.

15. Place and date of next meeting

The next Meeting of the Parties will be held during the week of October 6, 2003, in La Jolla, California.

16. Adjournment

The meeting was adjourned on June 26 at 5:40 p.m.

Appendix 1.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM PROGRAMA INTERNACIONAL PARA LA CONSERVACIÓN DE LOS DELFINES 9TH MEETING OF THE PARTIES - 9^a REUNION DE LAS PARTES

June 23, 2003 – 23 de junio de 2003
Antigua, Guatemala

ASISTENTES - ATTENDEES

COSTA RICA

LIGIA CASTRO
ASDRÚBAL VÁSQUEZ
INCOPECA

ECUADOR

LUCÍA FERNÁNDEZ de DE GENNA
LUIS TORRES NAVARRETE
Ministerio de Comercio Exterior,
Industrialización, Pesca y Competitividad
LUIGI BENINCASA
RAMÓN MONTAÑO
ATUNEC
MARIA EUGENIA DE GENNA
ITALO DE GENNA
MEGAINVEST S.A.

MARIO DE GENNA
Manareco
ABEL PALADINES
P.H. Industria, Pesca, Construcciones
ALFREDO SALVADOR
Cámara Ecuatoriana de Industriales & Procesadores
Atuneros
RAFAEL TRUJILLO
Peña, Larrea, Torres & Paredes, Abogados

EL SALVADOR

MARIO GONZÁLEZ
MARGARITA S. DE JURADO
SONIA SALAVERRIA
Ministerio de Agricultura y Ganadería

MANUEL CALVO
MIGUEL A. PEÑALVA
Calvopesca

EUROPEAN UNION - UNION EUROPEA

JOHN SPENCER
ROBERTO CESARI
ALAN GRAY
Directorate General of Fisheries
CARLOS DOMINGUEZ
JUAN IGNACIO ARRIBAS
Secretaría General de Pesca Marítima
AMOR SOLA MENEDEZ
Embajada de España en Washington

JAVIER ARÍZ TELLERIA
Instituto Español de Oceanografía
IGNACIO LACHAGA
GABRIEL SARRO
JULIO MORON
OPAGAC
IGNACIO URIBE
Pesquera Jealsa

GUATEMALA

XIOMARA GOMEZ
RODOLFO FUENTES
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ALEJANDRO ARRIVILLAGA
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FAUSTINO AREVALO
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Ministerio de Agricultura, Ganadería y Alimentación

MEXICO

JERONIMO RAMOS
RICARDO BELMONTES
MARIO AGUILAR
CONAPESCA
GUILLERMO COMPEAN
LUIS FLEISCHER
Instituto Nacional de la Pesca
MICHEL DREYFUS
FIDEMAR

MAXIMO CARVAJAL
LUI FUEYO
SEMARNAT/PROFEPA
RAUL VALDES RAMIREZ
Secretaría de Economía
JOSÉ RODRÍGUEZ
Grupomar S. A.
ERNESTO ESCOBAR
Pesca Azteca S.A. de C.V.

NICARAGUA

SANTIAGO ALVIRA
Ministerio de Relaciones Exteriores

PANAMA

ARNULFO FRANCO
Autoridad Marítima de Panamá

PERU

JORGE VERTIZ
Ministerio de la Producción

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

DAVID BALTON
WILLIAM GIBBONS-FLY
DAVID HOGAN
ASHLEY ROACH
Department of State
RODNEY MCINNIS
SVEIN FOUGNER
PAT DONLEY
BRETT SCHNEIDER
JUDSON FEDER
PAUL ORTIZ
STEVE REILLY
GARY SAKAGAWA
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National Marine Fisheries Service

MARCELA CAMPA
Bumble Bee Seafoods
ROBERT C. FLETCHER
Sportfishing Association of California
PETER FLOURNOY
Western Fishboat Owners Association
U.S. Tuna Foundation
KELLY MALSH
Defenders of Wildlife
D.G. WEBSTER

VANUATU

HUGO ALSINA LAGOS
Office of Deputy Commissioner of Maritime Affairs

VENEZUELA

DANIEL NOVOA - Comisionado
Instituto Nacional de la Pesca y Acuicultura

RICARDO MOLINET
AVATUN

OBSERVADORES – OBSERVERS

CANADA

DAVID EHINGER
Department of Foreign Affairs and International Trade

RUPA BHAWAL-MONTMORENCY
Department of Fisheries and Oceans

FRANCIA - FRANCE

XAVIER VANT
Ministry of Agriculture and Fishery

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MASANORI MIYAHARA
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HIDEKI NAKANO
Fisheries Agency of Japan

HISAO MASUKO
REIKO OHASHI
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CHINESE TAIPEI - TAIPEI CHINO

CHUNG-HAI KWOH
DING-RONG LIN
Fisheries Agency

PETER S.C. HO
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KOREA - COREA

OH SEUNG KWON
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YOUNG SOO AHN
SAJO Industries Co., Ltd.

INTERNATIONAL ORGANIZATIONS – ORGANIZACIONES INTERNACIONALES

JOEL OPNAI
TEROROKO TAKABU
DANNY WASE
Forum Fisheries Agency

JEAN-FRANCOIS PULVENIS
FAO

ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS

REBECCA CRANE
Humane Society
NINA YOUNG
The Ocean Conservancy

MOISÉS MUG
World Wildlife Fund

SECRETARIA-SECRETARIAT

ROBIN ALLEN, Director
ERNESTO ALTAMIRANO
DAVID BRATTEN
ALEJANDRA FERREIRA

BRIAN HALLMAN
BERTA JUÁREZ
NICHOLAS WEBB

Appendix 2.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

9TH MEETING OF THE PARTIES

ANTIGUA (GUATEMALA)

23 JUNE 2003

PLAN OF ACTION TO ENHANCE THE SUCCESS OF THE AIDCP

The Parties to the AIDCP:

Conscious of the importance of continuing to improve and enhance the instruments that guide the Agreement toward reaching its objectives and goals;

Recognizing the important achievements reached on the fundamental objective of reducing the incidental mortality of dolphins in the purse-seine fishery for tunas in the Agreement Area;

Considering the importance of the Code of Conduct for Responsible Fishing in providing guidelines for formulating and applying international agreements and other legal instruments, both binding and voluntary;

Emphasizing that States should ensure that trade measures adopted in support of fisheries management and conservation regimes are transparent, based, when applicable, on scientific evidence, and adopted by the relevant international fisheries organization;

Noting that the AIDCP has adopted important instruments to ensure that the tuna caught under the Agreement complies with the objectives and requisites of responsible fishing, particularly the Tuna Tracking and Verification System and the *AIDCP dolphin safe* tuna certification program;

Recognizing that in the application of the Agreement it has been possible to identify areas of opportunity for adjusting and improving the instruments for tracking and verification that allow any doubts regarding the responsibility with which tuna is fished under the Agreement to be dispelled;

Recalling the need for the Parties to make the dolphin safe label known, to disseminate factual information and to promote an accurate understanding of the AIDCP and its achievements among consumers, vessel owners, importers and the tuna industry in general;

Adopt the

PLAN OF ACTION TO ENHANCE THE SUCCESS OF THE AIDCP

1. SCIENTIFIC ADVISORY BOARD

In accordance with the procedures established in Annex V, paragraph 3, a Scientific Advisory Board (SAB) shall be established soon. The Director, in consultation with the Parties, non-governmental organizations and industry, shall propose members for the SAB, on the basis of their technical expertise, for approval by the Parties by consensus. The SAB shall work within the terms of reference already established in paragraphs 1 and 2 of Annex V of the AIDCP and the La Jolla Agreement plus those decided by the Parties and build its reports and recommendations upon IATTC studies and other relevant scientific studies as may be available to the Secretariat or any of the Parties.

The Parties shall explore options for financing the research projects necessary to enhance the success of the Agreement in the context of other budget priorities and cost-benefit analysis. The expenses of the SAB members shall be covered by the Party that nominated them to participate on the Board..

2. CLASS 4 & 5 VESSELS

The Secretariat shall prepare a detailed report concerning the extent of possible non-compliance with prohibitions against intentional sets on dolphins by other than class 6 vessels, including a review of common equipment and other factors/indicators in identified cases. The Parties will explore all methods for ensuring and monitoring compliance by these two class sizes, including observers, restrictions on equipment (*e.g.* limit of one speedboat), VMS, and any other relevant and applicable technology. The Parties will continue to evaluate the effectiveness of the resolution requiring that observers be placed on Class 4 and 5 vessels that have been alleged to set on dolphins.

3. OBSERVER PROGRAMS

The Secretariat shall continue to review and evaluate statistical significance and cause for differences, currently and historically, between various parameters (number of dolphin sets, dolphin mortality, observer interference/harassment) between IATTC and National observer programs. The Parties will determine appropriate steps for reducing significant differences between observer program reporting rates.

4. RESPONSES TO ALLEGED INFRACTIONS AND REAL-TIME REPORTING

The Parties will continue to review and evaluate the level of responses to alleged infractions as well as compliance with real-time reporting, and consider any measures, consistent with international law, that are designed to ensure that more timely responses are provided to possible infractions identified by the IRP and advance the commitments undertaken in the *Resolution to promote compliance with the AIDCP* of June 2001.

5. LIMITS ON HERD SIZE

The Secretariat shall continue to evaluate the effectiveness of the guidelines regarding caps on herd sizes on which sets are made, taking into consideration the demonstrated capabilities of captains to safely perform such sets without undue risk to dolphins. The Secretariat shall evaluate the relationship between herd size and dolphin mortality levels. If the guidelines are effective, they should continue; if not, the Parties will explore options for such measures under the Agreement as may be necessary to reduce the risks associated with encircling large herds.

6. IMPROVEMENTS TO THE FUNCTIONING OF THE ORGANIZATION

In order to assure the better preparation and functioning of the meetings of the AIDCP:

- 6.1.** Meeting documents shall be circulated to the Parties, where possible, two weeks before the meeting.
- 6.2.** Reports of AIDCP meetings shall be drawn up and circulated to the Parties within a period of two months following the meetings.
- 6.3.** The Director shall evaluate and report to the Meeting of the Parties on the implications from a cost-effective perspective, and with due regard to the effective operation of the organization to attain its objectives, of aligning the number of meetings of the subsidiary bodies (Annex VII, paragraph 5 of the Agreement) with the current number of Meetings of the Parties held annually.

7. TRANSPARENCY

The Director is mandated to:

- 7.1.** draw up annually a short Executive Report outlining the functioning of the Agreement in terms of the results attained in relation to its objectives. This report should be circulated to the general and specialised press, as well as to other Regional Fisheries Organisations.
- 7.2.** publicise after each Meeting of the Parties the main results of the meeting through the distribution of a press release approved by the Parties.

7.3. review the current Rules of Confidentiality with a view to making proposals designed to strengthen transparency in the operation of the Programme.

8. SUSTAINABILITY OF THE LIVE MARINE RESOURCES

Pursuant to Article VI of the AIDCP, courses of action shall be established to comply with the requirements established in that Article.

9. PROMOTION OF THE *DOLPHIN SAFE LABEL*

The Parties reaffirm their commitment to Section 5 of the *Procedures for AIDCP dolphin safe tuna certification* for the promotion and wide scientific and educational dissemination of the AIDCP.

Pursuant to the resolution that established the Working Group to promote and publicize the *AIDCP dolphin safe* label, that Working Group will develop actions to strengthen these objectives. This Working Group will consider the practical arrangements in relation to promotional visits.

10. DOLPHIN SAFE CERTIFICATION SYSTEM

The International Review Panel, through the Permanent Working Group on Tuna Tracking, shall take specific actions to continue to protect and enhance the integrity and credibility of the Dolphin Safe Certification System. Such actions shall include the development and adoption, as necessary, of:

- 10.1. methods to improve the timely submission of original TTFs to the Secretariat and to continue to safeguard the accuracy and veracity of the information contained on TTFs;
- 10.2. standards and conversion factors for making comparisons between the weights of whole fish and of processed tuna products shown on certificates and TTFs;
- 10.3. procedures for preventing the possibility of the issuance of certificates for tuna not caught in compliance with the conservation and management requirements of the AIDCP and, as necessary, consider the potential implications for the AIDCP Dolphin Safe Certification System of certification of tuna not caught in compliance with the requirements of the IATTC;
- 10.4. procedures for invalidating certificates that are proven to contain incorrect information or to have been issued not in accordance with the Procedures for Dolphin Safe Certification;
- 10.5. procedures that may be used to address the situation where a Party may be found to be undermining the certification program.

11. CONSUMER INFORMATION

All the foregoing is done with the aim of improving the marketing of tuna on the basis of increasing consumer confidence.



AIDCP Dolphin Safe Tuna Certificate

This document certifies that the tuna or tuna products associated with it, and with the Tuna Tracking Forms (TTFs) indicated herein, were harvested by a vessel of a Party to the Agreement on the International Dolphin Conservation Program (AIDCP), meet the *dolphin safe* standards established pursuant to the AIDCP, and may bear the *AIDCP Dolphin Safe* Certification Mark. For verification of this certification, or for information on the AIDCP, contact the AIDCP Secretariat, c/o Inter-American Tropical Tuna Commission, 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA; Tel: 858 546 7100; Fax: 858 546 7133; www.iattc.org; or by e-mail to dsafemaster@iattc.org

See instructions on reverse

A.	Whole frozen weight:				MT
	TTF number				
1.					MT
2.					MT
3.					MT
4.					MT
5.					MT
6.					MT
7.					MT
8.					MT
9.					MT
10.					MT
Total:					MT

B. Primary processing and total weight of the tuna associated with this certificate:	
Primary processing type	Weight:
	MT
	MT
Lot number:	

C. Certification by AIDCP Competent National Authority:	
The competent national authority authorizes the bearer of this Certificate to utilize the <i>AIDCP Dolphin Safe</i> Certification Mark on the packaging of any product containing tuna specifically associated with this Certificate.	
Signature:	SEAL or STAMP
Name:	
Agency:	
Date (day-month-year):	

Appendix 3

INSTRUCTIONS FOR COMPLETING THE AIDCP *DOLPHIN SAFE* CERTIFICATE

Certificate No. (shaded areas): **Do not write in these spaces**

IMPORTANT: In Section A cross out with an “X” any boxes in which you do not enter information. Any certificate with blank boxes will be invalid.

A. TTF NUMBER and WHOLE FROZEN WEIGHT of the tuna associated with this certificate

On lines 1 to 10, for each *Tuna Tracking Form* (TTF) associated with this certificate, enter the number of the TTF, and the total confirmed scale weight (**before processing**), in metric tons.

B. PRIMARY PROCESSING AND TOTAL WEIGHT OF THE TUNA ASSOCIATED WITH THIS CERTIFICATE

If the fish associated with this certificate has been processed, enter the type of primary processing (loins, canned, *etc.*) and the weight, in metric tons, of the finished product.

C. CERTIFICATION BY AIDCP COMPETENT NATIONAL AUTHORITY

SIGNATURE, NAME, AGENCY, DATE AND OFFICIAL SEAL

The certificate is invalid without the official stamp of the competent national authority and the name and signature of a representative of that authority whose name and signature are registered with the Secretariat.

Appendix 4.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

9TH MEETING OF THE PARTIES

ANTIGUA (GUATEMALA)

23 JUNE 2003

RESOLUTION A-03-01

RESOLUTION ON VESSEL ASSESSMENTS AND FINANCING

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

Notwithstanding the relevant provisions of the *Resolution on Financing the IDCP* of 10 October 2002;

Agree:

1. In congruence with the decision to modify the reference system for vessel measurement from metric tons to cubic meters for the purposes of the payment of the vessel assessments for the observer program temporarily, and until the measurement of well volume agreed by the IRP at its 30th meeting in June 2002 is completed, a factor of 1.4 will be applied to convert the carrying capacity, in metric tons, of all purse-seine vessels on the IATTC Regional Vessel Register (the Register) to well volume, in cubic meters.
2. All vessels required by the AIDCP to carry observers shall be assessed US\$12.552 per cubic meter of calculated well volume.
3. All vessels not required by the AIDCP to carry observers but included in the *Active Purse-Seine Capacity List* of the Register shall be assessed as follows.

	IATTC size class				
	1	2	3	4	5
Per m ³ (US\$)	1.00	2.00	3.00	4.00	5.00

4. Vessels on the *Inactive and Sunk Purse-Seine Capacity List* of the Register, excepting sunk vessels, shall be assessed US\$1.00 per cubic meter of calculated well volume.
5. All vessels contemplated in paragraph 2 that request a DML for a given year shall pay the required assessment by October 1 of the preceding year, pursuant to the AIDCP.
6. All vessels contemplated in paragraph 2 that do not request a DML for a given year shall pay the required assessment by December 1 of the preceding year.
7. Any of the vessels contemplated in paragraph 12 of the IATTC *Resolution on the capacity of the tuna fleet operating in the eastern Pacific Ocean* of June 2002 that may fish in the EPO shall pay the rate established for vessels covered in paragraph 2 of this resolution before entering the EPO to fish.
8. Any vessel covered by this resolution but not contemplated in paragraph 2 shall pay the required assessment by December 1 of the preceding year.
9. Any vessel that does not pay the required assessment by the corresponding date shall be required to pay a surcharge of 10% of the assessment, additional to any sanction contemplated in Annex IV of the AIDCP.
10. Unless the Parties decide otherwise, the annual increase in the fixed costs of the IDCP shall not increase by more than the rate of inflation in the United States of America in the previous year.

11. All assessments will be reviewed in 2005 with the aim of balancing the budget in that year.
12. Notwithstanding paragraphs 5 and 6 of this resolution, in 2003 only, each Party shall elect one of the following two alternatives for payment of the vessel assessments for its fleet:
 - a. All vessels contemplated in paragraph 2 that:
 - i. request a DML for 2004 shall pay the required assessment by August 15, 2003.
 - ii. do not request a DML for 2004 shall pay the required assessment by September 15, 2003.
 - or
 - b. All Class 6 vessels shall pay, by August 15, 2003, a supplementary assessment of US\$1.74 per cubic meter of well volume. The amount of any such supplementary assessment for 2003 paid by a vessel shall be deducted from the assessment due from that vessel for 2004 under paragraph 2 of this resolution.

Appendix 5.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

9TH MEETING OF THE PARTIES

ANTIGUA (GUATEMALA)
23 JUNE 2003

RESOLUTION A-03-02

RESOLUTION ON AT-SEA REPORTING

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), meeting in Antigua, Guatemala, on the occasion of their 9th Meeting:

Believing that regular and timely reporting of information on dolphin mortality from vessels at sea is important in the implementation of the AIDCP;

Aware that the Inter-American Tropical Tuna Commission is already committed to providing agreed information on catches of tuna on a weekly basis;

Has agreed as follows:

1. To require all purse-seine vessels which carry an on-board observer to transmit to the Secretariat a weekly report by the observer, by fax, e-mail, or radio, as appropriate;
2. The report transmitted pursuant to paragraph 1 shall be prepared by the observer, using a format provided by the Director, and shall include the estimated catch of tuna, by species and set type, and the mortalities of dolphins by stock;
3. To encourage fishing companies to cooperate by providing to the Secretariat this same information with respect to purse-seine vessels which do not carry on-board observers;
4. All information must be handled pursuant to the AIDCP Rules of Confidentiality.

Appendix 6.

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ANTIGUA (GUATEMALA)

23 JUNE 2003

TERMS OF REFERENCE FOR THE JOINT WORKING GROUP ON FISHING BY NON-PARTIES

The overall purpose of the Joint IATTC-AIDCP Working Group on Fishing by Non-Parties (“the Working Group”) is to address, in a cooperative manner, the matter of fishing in the region by vessels under the jurisdiction of non-Parties to either the AIDCP or the IATTC Convention.

12. DEFINITIONS

For the purposes of this Working Group:

- a. “Party” means a member of the IATTC or a Party to the AIDCP;
- b. “IATTC non-party” means a state, entity, or regional economic integration organization that is not a member of the IATTC;
- c. “AIDCP non-party” means a state, entity, or regional economic integration organization that is not a Party to the AIDCP;
- d. “Cooperating IATTC non-party” means any IATTC non-party that cooperates, as determined by the IATTC Parties, with the IATTC;
- e. “Cooperating AIDCP non-party” means any AIDCP non-party that cooperates, as determined by the AIDCP Parties, with the AIDCP;
- f. “Non-cooperating IATTC non-party” means any IATTC non-party, with vessels under its jurisdiction fishing in the region, that does not cooperate, as determined by the IATTC Parties, with the IATTC;
- g. “Non-cooperating AIDCP non-party” means any AIDCP non-party, with vessels under its jurisdiction fishing in the region, that does not cooperate, as determined by the AIDCP Parties, with the AIDCP.

13. FUNCTIONS

The functions of the Working Group shall be to:

- a. identify non-parties with vessels fishing in the region, and to identify the individual vessels of non-parties;
- b. review and monitor compliance by non-parties with the conservation and management measures of both the IATTC and the AIDCP;
- c. propose the requirements for non-parties to obtain the status of cooperating non-party, entity or fishing entity;
- d. examine any information provided by the Parties and the reports of the Secretariat of the AIDCP and the administration of the IATTC on vessels of non-Parties, entities or fishing entities fishing in the region;
- e. analyze the mechanism by which the status of cooperating non-party, entity or fishing entity shall be requested and granted;
- f. propose the procedures for evaluating the status of cooperating non-party, entity or fishing entity and define the reasons for revoking such a status;

- g. recommend to the IATTC and the Meeting of the Parties to the AIDCP, such actions as may be required to obtain, request, grant and maintain the status of cooperating non-party, entity or fishing entity, as well as those that are considered necessary to promote and improve compliance with the conservation and management measures of the IATTC and/or the AIDCP;
- h. develop and recommend measures to be adopted by the IATTC and the Meeting of the Parties to the AIDCP to eliminate IUU fishing activities in the region in line with the FAO Plan of Action;
- i. develop a system of notification of sighting and identification of non-Party vessels operating in the region;
- j. propose criteria for and develop a list of vessels identified as being engaged in IUU fishing activities in the region to complement the list of vessels authorized to fish in the region as identified in the IATTC Regional Vessel Register.

14. ORGANIZATION

- a. The Working Group shall be composed of representatives of each of the Parties.
- b. The following may participate as observers: any governments, individuals or organizations accredited as observers to either the IATTC or the AIDCP.
- c. All participants in the Working Group shall have speaking rights, but only the Parties shall participate in decisions.
- d. The Working Group shall hold at least one meeting every year.
- e. The Working Group may propose its own rules of procedure and of confidentiality if necessary for the performance of its duties, subject to the approval of the IATTC and the Meeting of the Parties to the AIDCP.
- f. The Chair of the Working Group shall be elected for a term of two years, and may be reelected to the position for one additional term. At the end of the last meeting of the two-year period, the Working Group shall elect or reelect a Chair for the next two-year term.

15. RECOMMENDATIONS AND REPORTS

- a. All recommendations and reports of the Working Group shall be directed to the IATTC and the Meeting of the Parties to the AIDCP, as appropriate. The Working Group shall strive to adopt its recommendations and reports by consensus. In the event a consensus is not possible, the Parties to the IATTC Convention may, by consensus among themselves, direct recommendations to the IATTC on matters within its purview, and the Parties to the AIDCP may, by consensus among themselves, direct recommendations to the Meeting of the Parties to the AIDCP on matters within its purview.
- b. The Working Group may adopt its recommendations and reports by correspondence, pursuant to a procedure organized by the Director of the IATTC and approved by the Parties.
- c. All recommendations and reports emanating from the Working Group shall take into consideration the fact that the provisions and objectives of the IATTC Convention and the AIDCP are not the same.

16. ADMINISTRATION

The staff of the IATTC shall:

- a. collect and maintain the information necessary for the work of the Working Group;
- b. provide to the Working Group such analyses as the Working Group deems necessary for carrying out its functions;
- c. prepare the reports of the Working Group;
- d. distribute all pertinent information to the members of the Working Group in a timely manner.

Appendix 7.

COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION

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May 28, 2003
Ref.: 0402-816

Dr. William Hogarth
National Marine Fisheries Service
Acting Assistant Administrator
1315 East-West Highway
Silver Spring, MD 20910-3282

Fax: (301) 713-1940

Dear Bill,

Thank you for your letter of May 2, 2003 concerning access to data. I, too, hope we can make progress on this issue to facilitate scientific cooperation and the best possible science.

Some of these issues you raised were dealt with in my letter of April 7, 2003 to Dr. Tillman (Ref. 0256-812) and I have attached a copy of that for your information.

I think it may help to clarify the different situations with respect to data collected for the IATTC and AIDCP.

The former are collected by the staff from vessels and fish processors with the understanding that the individual data will be kept confidential, or in the case of distant water and US flag longliners, provided by the governments in an aggregated form with some restrictions on further distribution. Data provided by fishermen and companies directly to the staff are provided with the understanding that they may be disclosed to the flag government and to others in an aggregated form, which will not reveal details of individual operations.

The policy we follow in respect to provision of data to external scientists is to provide catch data at a resolution of 5-degree square upon request, and more detailed data may be provided for the duration of particular research projects under certain conditions. We are working to make those data available on our web site in the Fishstat format, but this project is proceeding slowly.

The AIDCP observer data we collect, and the data provided to us by the National observer programs that operate under the AIDCP, are held under different arrangements, which have not been extensively tested. I think your letter refers more to these than to the IATTC data. The only circumstance, that I am aware of, in which access was provided to these data to external scientists, was to the US for its scientific studies leading to the recent finding by the Secretary of Commerce. Part of the plan to which we agreed was that the database would be erased from all non-IATTC computers at the end of the studies required for the Secretary's decision.

At the meeting in March we agreed it would be desirable from a scientific point of view to provide routine access to parts of the observer data to scientists from AIDCP members. However, I noted that this would require consideration from the governments from whose vessels the data are collected. We discussed the two options mentioned in your letter, and I said both seemed workable, but I was not sure how the second could be implemented, nor that we would have the ability to establish anything like that in the near future. However, I look forward to hearing more details about the systems that we discussed at the meeting.

I think the best way forward for the question of general access is to proceed with the first option described in your letter. We could prepare a description of a database that would not, in our view, disclose confidential information, and seek agreement of the members at next month's meeting to establishing that. We would be willing to develop that in conjunction with staff from the SWFSC.

In my letter of April 7, 2003, I suggested that a joint study of the issue of mother and calf separation would be useful. Our involvement in that, of course, depends on decisions to be taken by the Parties to the AIDCP in June. However, assuming that decision is made, we hope to discuss how we might proceed with such a study with your scientists.

You also noted that research on dolphin herd size was mandated by the U.S. Congress. This is another area in which the IATTC staff has a long history of published and unpublished studies. Herd size and its relation with mortality is an ongoing and important research topic for the IATTC staff, and if NMFS is to conduct similar research using the AIDCP database I think it would be better to do it via collaborative work.

In the meantime, as I said in my letter of April 7, 2003, I am prepared to provide the data requested by Dr. Archer under the same conditions that we previously provided data for the research required for the Secretary's decision. I do not think I can go beyond that without the approval of the AIDCP Parties.

I still expect to receive a response to the requests in my letter of April 7, 2003. That is updated requests for the data for Drs. Archer and Goodman's work, and drafts of any reports from Dr. Goodman or his students.

Finally, as I said at the beginning, I do look forward to establishing an easier mechanism for sharing these data, and I look forward to a productive discussion in Antigua.

Yours sincerely,

Robin Allen
Director

cc Dr. Tillman