

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

17TH MEETING OF THE PARTIES

Cancun (Mexico)
20 and 22 June 2007

MINUTES OF THE MEETING

AGENDA

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2. Election of Chairman	
3. Adoption of agenda	
4. Approval of the minutes of the 16 th Meeting of the Parties	
5. Secretariat's Report on the IDCP	MOP-17-05
6. AIDCP budget	MOP-17-06
7. Fees and observer coverage for vessels with sealed wells	VES-1 Minutes
8. Review of implementation of provision addressing frivolous requests for DMLs (Annex IV.I.9)	MOP-17-08
9. Report of the International Review Panel	
10. Review of effect of reduction in frequency of meetings	
11. Report from the Joint Working Group on Fishing by Non-Parties	
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1. Opening of meeting

The meeting was opened on 20 June 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 Program (AIDCP). The attendees are listed in Appendix 1.

2. Election of Chairman

Lic. Marcela Aguiñaga, of Ecuador, was elected chair of the meeting.

3. Adoption of Agenda

The agenda was adopted as presented.

4. Approval of the minutes of the 16th Meeting of the Parties

The minutes of the 16th meeting were approved.

5. Secretariat's report on the IDCP

Dr. Allen presented this report (Document MOP-17-05). He noted that dolphin mortality during 2006

was only 886 animals, a 23% decrease from the 1151 figure of 2005. He attributed this, in large measure, to the lower number of sets on dolphins during 2006.

6. AIDCP budget

Dr. Allen presented Document MOP 17-06, which shows the actual costs for 2006, the expected budget for 2007 and proposed budget for 2008 to support all costs related to the AIDCP.

7. Fees and observer coverage for vessels with sealed wells

The meeting discussed whether vessels with sealed wells should pay assessments on the basis of the original volume of the vessel or its volume with wells sealed. The IATTC Working Group on Vessel Measurement had recommended in October 2006 that the assessments should be based on the volume of the vessel before any wells were sealed, but not all delegations were prepared to formally agree to this recommendation at this time. It was agreed that this topic should be discussed again by the Parties.

8. Review of implementation of provision addressing frivolous requests for DMLs (Annex IV.I.9)

Dr. Allen presented Document MOP-17-08, which reviews the vessels that did not fulfill the requirements of Annex IV.I.9. regarding the number of sets on dolphins and the amount of yellowfin tuna taken during such sets. Dr. Allen reminded the meeting that the reason for establishing this provision was to protect the Parties against the possibility that vessels would request DMLs with no real intention of utilizing them, which would have a negative impact upon the distribution of DMLs to vessels that actually set on dolphins. In practice there have not been any such 'frivolous' requests, but a number of vessels have, for various reasons, not fulfilled the requirements of Annex IV.I.9.

The document presented shows that, of the 105 vessels that received DMLs in 2006, 11 did not meet the requirements of Annex IV.I.9 for receiving a DML in 2008:

- (a) two vessels made more than 5% of their sets on dolphins, but the average catch of yellowfin in each vessel's sets was less than three metric tons;
- (b) three vessels' average catch of yellowfin was over three metric tons per set on dolphins, but they made less than 5% of their sets on dolphins;
- (c) five vessels did not make at least 5% of their sets on dolphins, nor was the average catch of yellowfin in each of those vessels' sets at least three metric tons; and
- (d) one vessel did not fish at all during the year.

It was noted that the vessels affected by the application of Annex IV.I.9 would not be able to receive DMLs unless their failure to meet the requirements of the Annex was due to reasons of *force majeure*, and that it appeared this would have to be addressed on a case-by-case basis during the meeting in October 2007. Panama proposed that all affected vessels be considered as *force majeure* cases and be allowed DMLs for 2008. No one spoke against this proposal, but it was not clear if the meeting agreed to it either.

9. Report of the International Review Panel

The Presider of the Panel presented his report. He noted that the Panel had the following recommendations for the Parties:

1. That the name of a vessel and the Party in which it is registered be released to the IRP. This was the case of a vessel of less than 363 t sighted by an observer fishing on dolphins that had been reviewed at the IRP meeting in October 2006. The flag government had been notified three times by the Secretariat that the vessel should carry an observer and pay the corresponding assessment to the AIDCP, but it had not responded to any of these communications. Furthermore, the vessel had made at least six trips since December 2006.
2. That another round of elections for non-governmental members of the Panel be conducted due to the

fact that not enough candidates were nominated to fill all of the available positions on the Panel. Only one nomination for tuna industry representation on the IRP and another for representation by non-governmental environmental organizations had been received, leaving vacant two additional members and an alternate for each group. The IRP recommended that 30 days be provided for the submission of nominations and 15 additional days for the election process. Thus, the deadline for receipt of nominations would be 19 July, and the election would be held between 20 July and 4 August.

3. Assign second-semester DMLs to a vessel, which, for reasons of *force majeure*, had not been able to make sets on dolphins before 1 April. The Panel agreed to grant the vessel a second-semester DML, to be obtained from an internal redistribution of the national DMLs of the flag government of the vessel in question.

The Parties agreed to these three recommendations from the IRP.

10. Review of effect of reduction in frequency of meetings

Dr. Allen reminded the meeting of the decision made by the Parties in June 2005 to cancel, on a trial basis, the February 2006 and February 2007 meetings of the AIDCP, and to review the impact of that decision in June 2006 and again in June 2007.

Dr. Allen noted that, from the Secretariat's point of view, the effect of not having the February meetings was a slight reduction in costs and some delays in the reporting of possible infractions to governments and in the subsequent actions taken by governments. Fortunately, the elimination of the February meetings the past two years had also coincided with a reduction in reported violations of the agreement, thereby minimizing the impact of delays in dealing with infractions.

The Parties agreed to continue in future without a February meeting, thus having only two sets of AIDCP meetings each year.

11. Report from the Joint Working Group on Fishing by Non-Parties

The Chair of this working group noted that her written report of the meeting was available, and also that there no recommendations for the AIDCP Parties had emerged from the meeting.

12. Recommendations from the Scientific Advisory Board

Dr. Allen reported that there were no recommendations for the Parties from the Scientific Advisory Board.

13. Other business

Mexico reported that seven countries had agreed on a joint statement on the AIDCP (Appendix 2) criticizing the United States for not fulfilling its commitment to grant effective access to its market for tuna caught in the eastern Pacific Ocean as required by the IDCP, through the 1995 Declaration of Panama, and exhorting the United States to fulfill all of its obligations and not to undermine the AIDCP.

The United States responded that it had made strenuous efforts to provide market access to AIDCP dolphin safe tuna, that it was meeting all of its legal obligations pursuant to the AIDCP, and that it wished to continue cooperating on dolphin conservation with all of the other Parties.

14. Place and date of next meeting

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

15. Adjournment

The meeting was adjourned on 22 June 2007.

Appendix 1.

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Appendix 2.

JOINT STATEMENT ON THE AIDCP BY BOLIVIA, EL SALVADOR, GUATEMALA, MEXICO, NICARAGUA, VANUATU AND VENEZUELA

Recognizing the commitments made by the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), the governments of Bolivia, El Salvador, Guatemala, Mexico, Nicaragua, Vanuatu and Venezuela, gathered at the 17th Meeting of the Parties to the AIDCP, in Cancun, Mexico, on 20 June 2007,

DECLARE:

1. Complete satisfaction with the successful results systematically obtained in the international agreement that is carried out in the Eastern Pacific Ocean (EPO) which guarantees the conservation of all the species associated with this fishery.
2. However, we state our deep concern at the fact that the United States of America to date is not fulfilling its commitment to grant effective access to its market for tuna caught in the EPO as required by the IDCP, through Annex I of the 1995 Declaration of Panama which expressly notes with regard to the United States of America: “Effective access for tuna caught in compliance with the La Jolla Agreement”, that has become the AIDCP. This by continuing to reject the AIDCP *dolphin safe* certification for those that decide to use it.
3. It is worth recalling and emphasizing that both the United States of America and all the signatories present, when they made the commitments in the Declaration of Panama, did so without any reservation nor limitation to the domestic legal system, without any State Party being exempt from compliance with the obligations acquired.
4. The above-described situation jeopardizes cooperation for conservation, required by the AIDCP, international law, the States and the fleets that operate sustainably in the framework of these agreements. In this regard we reiterate the importance of the United States of America demonstrating to the signatory countries concrete and effective actions, towards the effective conservation of dolphins and other important species of the marine ecosystem, complying with its commitments through *inter alia*, appeal to the Supreme Court and the application of its domestic laws and regulations that the Federal Trade Commission (FTC) has the responsibility to implement to eliminate the illegal barriers that impede effective access to the market, in this case for tuna caught in a manner consistent with AIDCP *dolphin safe*.
5. In view of all the above, we exhort the United States of America to fulfill, fully and completely, the obligations it has committed to and not undermine the AIDCP. All the High Contracting Parties, must demonstrate effective commitment to the fulfillment of the obligations in order to achieve the permanence of and in the AIDCP.

29 June 2007

Signed by the delegations of:

BOLIVIA, EL SALVADOR, GUATEMALA, MEXICO, NICARAGUA, VANUATU, VENEZUELA