

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

22nd MEETING OF THE PARTIES

The Jolla, California (USA)
30 October 2009

MINUTES OF THE MEETING

AGENDA

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2. Election of Chairman	
3. Adoption of agenda	
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6. 'Ecosystem friendly' certification system	MOP-22-06
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APPENDICES

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2. Comments by the United States on the *Ecosystem friendly* proposal
3. Amendment of Appendix II.12 of the AIDCP
4. Resolution A-09-01 on vessel fees and financing
5. Guidelines on rafts for the observation and rescue of dolphins
6. Resolution A-09-02 on reporting by parties on possible infractions of the AIDCP
7. Requirements for trial sets for vessels with DMLs
8. Report by the Scientific Advisory Board

The 22nd Meeting of the Parties to the AIDCP was held in La Jolla, California (USA) on 30 October 2009. The attendees are listed in Appendix 1.

1. Opening of the meeting

The meeting was opened by Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), who requested nominations for chairman of the meeting.

2. Election of Chairman

Mr. Bradley Wiley, of the United States, was elected Chair of the meeting.

3. Adoption of agenda

The provisional agenda was adopted as presented.

4. Approval of the minutes of the 20th Meeting of the Parties

The minutes of the 21st Meeting of the Parties were approved as presented.

5. AIDCP budget

The Secretariat presented Document [MOP-22-05](#) on the AIDCP budget, which again recommends a small increase in vessel fees to maintain a balanced budget, cover increases in costs for observer travel due to inflation, and continue to reduce the accumulated deficit. An increase of USD 1.55/m³ was recommended, and it was noted that, if no increase in these fees were agreed, it is probable that it will be necessary to consider reducing or eliminating in the future services provided by the program.

El Salvador asked whether the cost reduction previously proposed had been evaluated, given that the industry would find it difficult to pay increases. The Secretariat stated that reductions have been made by avoiding salary increases for the staff and observers, and that also the costs of courses had been reduced, or else had been paid by the national programs. El Salvador noted that it could accept an increase in late fees to 20 percent.

El Salvador mentioned the possibility of reducing the 100% observer coverage, which was supported by Mexico and the European Union (EU). The EU expressed difficulties in accepting increases in the contributions, and noted that the IATTC is almost alone in having 100% coverage; other organizations have alternative compliance schemes that could reduce the costs. Mexico added that it would not accept any increase in fees at this time. Colombia proposed reviewing the budget both within the IATTC and the AIDCP, which was supported by the EU.

It was suggested that an analysis of the effect of reducing observer coverage should be done. However, the United States expressed disagreement with reducing the current level of coverage, commenting that the 100 percent coverage is considered in various international fora to be one of the strongest elements of the AIDCP and IATTC agreements, particularly in comparison with other agreements, and is widely praised.

El Salvador pointed out that we would not be in this situation if the industry saw a real benefit in the markets as a result of the work carried out in the AIDCP.

Panama added that the proposed reduction in the number of meetings would hinder the time for considering possible infractions and have a negative effect on the overall response time associated with investigations. Dr. Compeán stated that the Secretariat would work towards reducing the budget as much as possible without jeopardizing the effectiveness of the AIDCP.

6. ‘Ecosystem-friendly’ certification system

Mr. Brian Hallman, Deputy Director of the IATTC, presented Document [MOP-22-06](#). He noted that the matter has been discussed at several meetings, and that at the last meeting of the Parties a suggestion was made by one of the Parties that this task be carried out in stages, and that the first stage be very simple in form.

Mr. Hallman suggested that if this approach were pursued, it could be considered that the first stage would be limited to certifying, if certain criteria are met, that the catches in the purse-seine fishery on tunas associated with dolphins be designated ‘ecosystem friendly’, and would be handled strictly within the AIDCP. The second stage would involve more complicated considerations associated with IATTC conservation and management measures.

In the first stage, only those tuna fisheries involving vessels with Dolphin Mortality Limits (DMLs) would be eligible to receive the ‘ecosystem friendly’ certification. As noted in section 2 of Document MOP-21-08, the following elements would be requirements for certification:

1. No tuna would be certified unless the IATTC has a resolution in force, based upon a scientific recommendation, for the conservation and management of yellowfin and bigeye tuna.

2. Only tuna tracked by the current AIDCP system for tracking and verifying tuna would be eligible for certification.
3. Only tuna caught by vessels with an observer on board would be eligible for certification.
4. Tuna would be certified only if meets the criteria that was not caught in contravention of any AIDCP measures or any IATTC measures on conservation of yellowfin and bigeye tuna.
5. The fishing captain aboard the vessel is on the AIDCP list of qualified captains.

For the first stage, the above elements would be the requirements for certification for vessels with DMLs. If the Parties decide to pursue this approach, a draft resolution could be prepared incorporating these elements as the basis for an 'ecosystem friendly' certification.

Mexico congratulated the Secretariat for elaborating a possible phased approach, which it supported, for the development of an ecosystem friendly certification system.

Ecuador noted that the certifications should be handled from a comprehensive viewpoint, and should consider not only vessels with DMLs or that fish in association with dolphins, but instead cover all vessels in consideration of the entire ecosystem.

The EU questioned the benefits of an ecosystem friendly certification system, commenting that, if the goal were market access, tuna imports into the EU market would still need to meet EU regulations, and the EU had its own import requirements.

Peru commented that the certification should be for all purse seine fishing and longline fishing as well, and asked whether in the end there would be two types of certification or whether the new system would replace the current *dolphin safe*.

The United States made extensive comments, noting that some fundamental questions would need to be answered before proceeding, and that considerable work would need to be done before this matter could be progressed.

Mexico requested that the comments by the United States be included in the report of the meeting (Appendix 2).

7. Report of the International Review Panel

Mr. Alvin Delgado, Presider of the 48th meeting of the Panel, presented his report. The Parties reviewed the recommendations by that group and agreed to the following:

1. Granted DMLs to 90 vessels, with a deadline of 15 December to pay the vessel fees. Vessel for which fees have not been paid by that date shall not be allocated DMLs.
2. Approved an [amendment](#) to Annex II.12 of the [AIDCP](#) (Appendix 3) regarding the payment of vessel fees
3. Approved a resolution ([A-09-01](#)) on vessel fees and financing (Appendix 4).
4. Approved [guidelines](#) on for the use of rafts for the observation and rescue of dolphins (Appendix 5), along with an amendment to the [AIDCP](#) referencing these guidelines.
5. Approve a resolution ([A-09-02](#)) on reporting by Parties on possible infractions of the AIDCP (Appendix 6).
6. Approved [requirements](#) regarding trial sets for vessels with DMLs (Appendix 7).
7. Endorsed Document [DSP-14-04](#), *Actions to promote AIDCP dolphin safe tuna*, taking into account the reservations and comments described in the minutes of the working group.
8. Agreed that the annual review of Resolution A-02-03, regarding a pattern of infractions, be sus-

pending for the next several years.

The Parties agreed that for 2009, vessel fee payments, for vessels both with and without DMLs, would not be considered late if paid by December 15.

Regarding the IRP recommendation that the EU consider the use of TTFs for meeting the import documentation requirements of EU regulations promulgated to combat IUU fishing, the EU delegation commented that this possibility would need further analysis.

8. Recommendations from the Scientific Advisory Board

Dr. Compeán presented the report of the Scientific Advisory Board to the Meeting of the Parties (Appendix 8). He noted that the IATTC staff had done an analysis, at the recommendation of the SAB, to update estimates of abundance (N) and minimum abundance (N_{min}), and to calculate revised Stock Mortality Limits (SMLs). The estimates were updated for northeastern and western/southern spotted dolphins and eastern and whitebelly spinner dolphins; common dolphins will be examined at a later date. The SAB recommended to the Meeting of the Parties that the revised SMLs be adopted; the Parties adopted the revised SMLs.

9. Other business

The EU reported on its new ban on importing fish caught in contravention of its regulations on IUU fishing.

10. Place and date of next meeting

The next meeting of the Parties will be held in September 2010 in Guatemala.

11. Adjournment

The meeting was adjourned at 4:30 p.m. on 30 October 2009.

Appendix 1.

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Appendix 2.

Preliminary U.S. concerns regarding the proposed “ecosystem friendly” certification (not in priority order)

1. RFMOs may not be the appropriate fora to establish such certifications. Ecolabeling is viewed by many as intended to be a market-based approach to improve the sustainability of a fishery and/or fishing practices that involves the consumer rewarding those members of the fishing community practicing responsible fishing practices. In this case, the “ecosystem-friendly” certification that was initially described to include all types of sets, would reward the status quo in the fishery and may not improve the sustainability of the fishing practices used, particularly in regards to bycatch. Any such initiative should be used as an opportunity to encourage more sustainable fishing practices in the purse seine fishery.
2. It is premature to seek agreement to put this such a system in place unless and until the AIDCP and the IATTC agree within their respective contexts to specific, ecosystem-level objectives, decide their relative priorities, and enact specific "measures" to put these objectives into practice. At this time the United States sees very little in place that could realistically receive an "ecosystem-friendly" designation, under any reasonable definition of that term.
3. The scientific basis for the system described in 2 above will depend primarily on criteria for certification listed in Document MOP-21-8 under item 2. These criteria are not given specifically but instead refer generally to AIDCP and IATTC measures on conservation of YFT and BET, bycatch, and sharks or seabirds. As these measures change regularly, it is reasonable that they be cited this way, but as of now the measures in place would not ensure any ecosystem-level characteristics of the catch.
4. The United States notes that the resolutions agreed upon by the IATTC dealing with bycatch species predominantly focus on mitigation, and not prevention, of impacts.
5. Terminology such as “IATTC and AIDCP Compliant” for the certification system rather than “Ecosystem Friendly” might be more appropriate. Rationale:
 - The yellowfin and bigeye tuna conservation and management measures adopted by the IATTC in resolution C-09-01 are to be reevaluated in 2011 and it is unclear what effects on ecosystems or stocks these measure will have.
 - RFMO-specific terminology would prevent potential conflicts with fisheries managed by other RFMOs.
 - RFMO-specific terminology may provide more clarity for consumers who are already inundated by multiple product labels (MSC certified, Dolphin Safe, Seafood Watch listed, etc.).
6. Should some version of “Ecosystem Friendly” (or alternatively-worded) certification be adopted, long-term implementation could be problematic. Rationale:
 - Criteria for the certification system, once established, would take time to change.
 - Each time the IATTC or AIDCP adopts new measures that affect the initial criteria, tuna that should no longer meet certification standards would continue to be marketed as “Ecosystem Friendly” until the standards can be changed. This would lead to consumers becoming wary of the certification process and the label, and defeat the purpose of the certification scheme.
7. Not all parties may be able to participate in such a certification, thus it would need to be voluntary. Such a certification program would also need to be supported by an outside budget, separate from that of the AIDCP.

8. The international verification system will of course be an essential component, if this system is approved, and it too needs to be laid out specifically and in advance, with all participating parties in agreement on the process and to support it fully.
9. It is not clear, and it needs to be, that this system, if approved, will apply to all purse-seine caught tunas, rather than just fish caught on dolphins under the auspices of AIDCP. This should be made explicit in the terms, throughout, so there is no ambiguity.
10. If approved, this system should also be available to the longline fishery.
11. No definition of “ecosystem”, “friendly”, or “sustainable” has been proposed in these documents. Clear definitions would have to be developed to address a multitude of issues, including the following: a) Does “ecosystem” include tuna of all sizes and habitats; b) How would “ecosystem” incorporate non-target species such as sharks, turtles, and seabirds; c) How would this certification apply to the purse seine fishery when bigeye tuna is currently subject to overfishing and overfished according to the IATTC, and to the current IATTC tuna conservation and management measures which are less rigorous than those proposed by IATTC scientists; d) How would certification and compliance accountability be achieved; and e) How would concerns of juvenile and FAD fisheries be met.
12. If adopted, the ecosystem friendly label should be used in parallel with the dolphin-safe label, and not as a substitute or replacement. Association with the dolphin-safe label should be limited as much as possible.
13. Generating consumer preference in the market place with such labels is not always guaranteed. For example, it is not clear whether such a label would achieve the desired objective in the U.S. marketplace.

Appendix 3.

AMENDMENT OF APPENDIX II.12 OF THE AIDCP

12. Fees

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- b. Each Party shall submit to the Director, by December 1 of the year in which it submits the list of vessels pursuant to Annex IV, payment, in U.S. dollars, for the fees established under paragraph 12 (a) of this Annex, specifying which vessels the payment covers.
- c. No observer shall be assigned to a vessel for which the required fees have not been paid.
- d. No DML shall be assigned to a vessel otherwise qualified to receive a DML if the required fees have not been paid by the date specified in paragraph 12(b).

Appendix 4.

RESOLUTION A-09-01 VESSEL FEES AND FINANCING

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

Agree to implement Annex II.12 of the AIDCP as follows:

1. The assessments for those vessels whose well volume has been provided to the Secretariat by 1 August of any given year shall be based on the vessel’s verified well volume.
2. The assessments for those vessels whose well volume has not been provided to the Secretariat by 1 August of any given year shall be based on the vessel’s well volume as calculated by multiplying its

carrying capacity, in metric tons, on the Register by a factor of 1.4.

3. All payments for vessels required by the AIDCP to carry observers shall be based on assessments of US\$ 14.95 per cubic meter of well volume, in accordance with paragraphs 1 and 2 of this Resolution.
4. Payments for vessels with a carrying capacity greater than 363 metric tons on the *Inactive and Sunk Purse-Seine Capacity List* of the Register shall be based on an assessment of US\$1.00 per cubic meter of well volume, in accordance with paragraphs 1 and 2 of this Resolution.
5. Payments for all vessels contemplated in paragraphs 3 and 4, regardless of whether they request a DML for a given year, shall be made by December 1 of the preceding year, pursuant to paragraph 12(b) of Annex II of the AIDCP.
6. Payments for any of the vessels contemplated in paragraph 12 of IATTC *Resolution C-02-03 on the capacity of the tuna fleet operating in the eastern Pacific Ocean of June 2002* that may fish in the EPO shall be made on the basis of the rate established for vessels covered in paragraph 3 of this resolution before entering the EPO to fish.
7. Any required payment for a vessel that is not made by the date specified in paragraph 5 shall be increased by a surcharge of 10% of the assessment, additional to any sanction contemplated in Annex IV of the AIDCP.
8. 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.

Appendix 5.

GUIDELINES ON RAFTS FOR THE OBSERVATION AND RESCUE OF DOLPHINS (APPENDIX VIII.2.C.)

1. Material: The raft should be made of durable commercial-grade material which can be rigidly inflated, is puncture-resistant, and is capable of withstanding deck and net abrasions.
2. Dimensions and capacity: minimum overall length 2.5m, minimum overall beam 1.30m, payload capacity 300 kg or 3 persons.
3. Vessels should carry the equipment necessary for repairing the raft.

Appendix 6.

RESOLUTION A-09-02 REPORTING BY PARTIES ON POSSIBLE INFRACTIONS OF THE AIDCP

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

1. When reporting to the International Review Panel (IRP) on actions taken with regard to cases of possible infractions of the AIDCP referred by the IRP, the investigating Party shall indicate the status of the case (*e.g.*, pending, under appeal, still under investigation) and shall describe in specific terms any penalties imposed, if any (*i.e.* level of fines, value of forfeited catch, nature of written warning, withdrawal of license, *etc.*);
2. With regard to cases involving interference with, or harassment of, observers, Parties are encouraged to contact or interview the observer involved in the case.

Appendix 7.

REQUIREMENTS FOR TRIAL SETS FOR VESSELS WITH DMLS

1. Conditions for trial sets

Vessels with DMLs shall conduct a trial set if any of the following conditions apply:

1. The vessel is new.
2. The vessel is not new, but has been allocated a DML for the first time.
3. The vessel did not have a DML during the previous calendar year.
4. The vessel's net is new.
5. The vessel's net has undergone alteration or repair that could require the safety panel to be re-aligned.
6. The safety panel has been completely replaced.
7. IDCP observers reported on two or more consecutive trips that there were frequent net canopies and/or excess corkline in the backdown area.
8. The vessel has never conducted a trial set with the participation of qualified technicians from the IATTC or the national program.

2. Costs and scheduling of trial sets

The cost of travel and lodging for trial set technicians shall be paid by the vessel owner, either directly, or by reimbursing the corresponding program (IATTC or national) for any such costs.

In order to minimize the expenses of conducting trial sets incurred by the IATTC and national programs, trial sets for several vessels should be scheduled simultaneously over a period of one or more days during a closure of the purse-seine fishery.

Appendix 8.

REPORT BY THE SCIENTIFIC ADVISORY BOARD

The SAB recommends to the Meeting of the Parties that the Stock Mortality Limits (SMLs) for four dolphin stocks be updated as provided by [AIDCP Annex III](#). Data are now available that are more numerous, more recent, and less biased (see SAB-07-05 for historical background, rationale, and analyses) and the current and revised SMLs are in the table below.

Species and stock	Current SML	Revised SML	Difference
Spotted dolphin (<i>Stenella attenuata</i>)			
Northeastern	648	793	+145
Western/Southern	1,145	881	-264
Spinner dolphin (<i>Stenella longirostris</i>)			
Eastern	518	655	+137
Whitebelly	871	666	-205

A comparison of mortalities from 1998-2008 with both the current and revised SMLs shows that the current SMLs have not been exceeded, nor would they have been exceeded with the revised SMLs.