

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

27TH MEETING OF THE PARTIES

**Veracruz, Veracruz (Mexico)
4 June 2013**

MINUTES OF THE MEETING¹

AGENDA

	Documents
1. Opening of the meeting	MOP-27-06
2. Election of Chairman	
3. Adoption of the agenda	
4. Approval of the minutes of the 26 th Meeting of the Parties	
5. Secretariat's report on the IDCP	
6. AIDCP budget	
7. Report of the International Review Panel	
8. Other business	
9. Place and date of next meeting	
10. Adjournment	

APPENDICES

1. List of participants
2. Resolution C-13-01 on vessel assessments and financing
3. Report of the Presider of the 53rd meeting of the International Review Panel
4. Proposal MOP-27 A-1 by Mexico for a resolution on an "Ecosystem-friendly" certification system
5. Statement by Mexico regarding the proposal for a resolution on "Ecosystem-friendly" certification

1. Opening of the meeting

The meeting was opened by Lic. Mario Aguilar, National Commissioner for Fisheries and Aquaculture of Mexico who, as representative of the host country, welcomed the participants. The list of attendees is attached as Appendix 1.

2. Election of Chairman

Mr. Alvin Delgado, of Venezuela, was elected to chair the meeting.

¹ Subject to approval by the 28th Meeting of the Parties in October 2013

3. Adoption of the agenda

The provisional agenda was adopted unchanged.

4. Approval of the minutes of the 26th Meeting of the Parties

The minutes of the 26th Meeting of the Parties were approved unchanged.

5. Secretariat's report on the IDCP

Mr. Ernesto Altamirano, of the Secretariat, presented a preliminary report on developments regarding the IDCP, noting that in 2012 100% of the trips by large purse-seine vessels were sampled, in accordance with the requirements of the AIDCP. Dolphin mortality limits (DMLs) were allocated to the 84 vessels that requested them. No vessel exceeded its DML in 2012. The estimated total incidental mortality of dolphins in the fishery in 2012 is 870 animals in 9,220 sets on dolphins, a mortality rate per set of 0.09. There were no comments from the delegations.

6. AIDCP budget

Ms. Nora Roa-Wade, of the Secretariat, presented Document MOP-27-06, highlighting the need for an increase in vessel assessments of US\$ 2.66 per cubic meter (m³) of well volume, necessary to balance the AIDCP budget in 2014 while still providing the planned level of coverage. It was emphasized that the extraordinary additional assessment of US\$ 1.00/m³ agreed in 2012 to defray the accumulated deficit of the IATTC program did not achieve its aim because, at the request of the national programs, it was divided equally among the IATTC program and the national programs.

The Parties discussed the budget, the observer program and the projected deficit at length. The matters discussed included the following:

1. The European Union considered that the information provided was not sound enough to take a decision, and suggested that an audit of expenditures might be appropriate in order to dispel doubts regarding both the expenditures and the budget scenarios presented. The European Union was reminded that all expenditures are audited annually, and the corresponding report is delivered to the Parties. The EU clarified that it was not a financial audit of incurred expenses it was demanding, but an in-depth assessment of the efficiency of the organization, of costs and of possible savings.
2. Asked whether staff salaries had increased, the Secretariat responded that base salaries remained frozen, and that the only increases were a reflection of the increased cost of insurance.
3. Some Parties again proposed that the IATTC should contribute more than 30% of the AIDCP budget, since the work of the IATTC benefits in great measure from the services of the observer program. They pointed out that only about half the information collected by the observers is for AIDCP purposes, the rest is for IATTC research and management programs..
4. Some Parties stressed the importance of increasing observer salaries, since it is currently difficult to recruit observers in Ecuador and Panama due to the low level of the salaries. It was proposed that the national programs should hold a meeting to consider a possible standardization of salaries.
5. Some Parties proposed that the level of required observer coverage be reduced from 100% in order to reduce costs.
6. Some Parties also proposed that modern technology, such as video cameras, could also be used to do part of the observers' work and therefore save costs. The European Union asked the Secretariat to investigate this possibility.
7. Some Parties suggested uniting the AIDCP and IATTC budgets to avoid discussions about budget coverage from one to the other and seek greater efficiency in expenditures.
8. In answer to a question, the Secretariat clarified that the IATTC transshipment program is independ-

ent of the IATTC budget and is paid for by five Members who participate in it, and its functioning and operation use little Secretariat time.

Finally, the Parties agreed that all vessels, active and inactive on the IATTC Regional Vessel Register, would pay an extraordinary assessment for 2014 of US\$ 2.00/m³, payable at the same time as the regular assessment (1 December 2013), and would be aimed exclusively at resolving the deficit in the observer program administered by the IATTC staff. This was approved under the condition to carry-out an organizational assessment in conjunction with the IATTC one. This decision is reflected in Resolution C-13-01 (Appendix 2).

7. Report of the International Review Panel

Mr. William Jacobson, Presider of the 53rd meeting of the Panel, presented his report (Appendix 3). The Meeting of the Parties approved the following recommendations:

1. The information to be disseminated by the AIDCP promotion group should be reviewed by the Parties before publication.
2. The Parties should submit their suggestions for improving the promotional pamphlet.
3. Consider ways of implementing the following proposals by Mexico:
 - a. Hold a meeting with relevant entities to promote and disseminate the achievements of the AIDCP, such as academic institutions, the media, marine research institutions, etc.
 - b. Create a mechanism of institutional response to attacks on the AIDCP, so that it does not appear that only one Party is responding.
 - c. Make available information on the problems and successes of the AIDCP for inclusion in marine life and fisheries curricula at academic institutions.
 - d. Ask Parties to promote the AIDCP on pertinent web pages and in publications..
4. The Secretariat should follow up on two special cases, 51-01 and 51-03.
5. The Secretariat should modify the table on the submission of TTFs in order to reflect the total number received to date, while distinguishing those received by the required deadline.

8. Other business

Mexico presented proposal MOP-27 A-1 (Appendix 4) for a resolution on an “Ecosystem-friendly” certification system, indicating that it had been circulated at previous meetings, and that it was being presented again because some Parties had asked for time to review it.

The United States indicated that it still had the same concerns that it had expressed at previous meetings. For example, the proposal refers to the participation of the IATTC, but only within the framework of the Commission can a decision be taken on such participation; details are missing, such as defining the concepts of “sustainable”, “friendly”, “ecosystem”, among others; and it is not defined what the costs would be and who would pay them. He emphasized that an “ecosystem-friendly” certification should not be granted only because a vessel has a DML, since mortality of turtles or infractions related to sharks could occur. The United States offered to circulate its comments in writing.

There was no consensus on adopting the proposal, and Mexico made a statement on it and on the lack of support received (Appendix 5).

9. Place and date of next meeting

It was agreed that the next Meeting of the Parties would be held in October 2013 in La Jolla, California, USA.

10. Adjournment

The meeting was adjourned at 7 p.m. on 14 June 2013.

Appendix 1.

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Appendix 2.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

27TH MEETING OF THE PARTIES

VERACRUZ, VERACRUZ (MEXICO)

14 JUNE 2013

RESOLUTION A-13-01

RESOLUTION ON VESSEL ASSESSMENTS AND FINANCING

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

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 IATTC Regional Vessel Register by a factor of 1.4.
3. All assessments for vessels required to carry observers under the provisions of the AIDCP shall be calculated at a rate of US\$ 14.95 per cubic meter of well volume, including sealed wells, in accordance with paragraphs 1 and 2 of this Resolution.
4. Assessments for vessels with a carrying capacity greater than 363 metric tons (IATTC capacity class 6) on the *Inactive and Sunk Purse-Seine Capacity List* of the Regional Register shall be calculated at a rate of US\$ 1.00 per cubic meter of well volume, in accordance with paragraphs 1 and 2 of this Resolution.
5. For 2014 only, an extraordinary assessment of US\$ 2.00 per cubic meter of well volume shall be paid by all vessels of classes 1-6, both active and inactive. The income from this extraordinary assessment shall be retained by the Secretariat and used to reduce the current deficit of the AIDCP.
6. All vessel assessments contemplated in paragraphs 3, 4 and 5, shall be paid by December 1 of the preceding year, pursuant to paragraph 12(b) of Annex II of the AIDCP, regardless of whether the vessel has requested a DML for the following year.
7. Assessments for any vessel fishing in the Agreement Area pursuant to paragraph 12 of IATTC *Resolution C-02-03 on the capacity of the tuna fleet operating in the eastern Pacific Ocean* shall be calculated on the basis of the rate established in paragraph 3 of this resolution, and these assessments shall be paid before the vessel enters the Agreement Area to fish.
8. Any vessel assessment that has not been paid by the date specified in paragraph 6 shall be increased by a surcharge of 10% of the assessment, in addition to any sanction contemplated in Annex IV of the AIDCP.
9. As agreed at previous meetings, the assessment for any vessel smaller than class 6 that must carry an observer because the IRP identified a possible infraction of setting on dolphins, in accordance with Resolution A-02-01, shall be computed on the basis of a capacity of 363 metric tons and the rate established in paragraph 3.

Appendix 3.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

53RD MEETING

VERACRUZ (MEXICO)
3 JUNE 2013

PRESIDER'S REPORT

The 53rd meeting of the International Review Panel was held in Veracruz, Mexico, on 3 June 2013.

1. 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.

2. Election of the Presider

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

3. Adoption of the agenda

The agenda was adopted with a change in the order of items 7 and 8.

4. Approval of the minutes of the 52nd meeting

The minutes of the 52nd meeting of the Panel were approved without changes.

5. Review of Dolphin Mortality Limits for 2012 and 2013

The Secretariat summarized the situation regarding the allocation, reallocation, and utilization of Dolphin Mortality Limits (DMLs) in 2012, described in Document IRP-53-05. He pointed out that no vessel had exceeded its allocated DML for 2012; likewise, as of 25 April 2013, no vessel had exceeded its DML for 2013.

6. Review of the AIDCP List of Qualified Captains

The Secretariat presented Document IRP-53-06, *Changes to the AIDCP List of Qualified Captains*, which updates the changes that occurred between 5 October 2012 and 25 April 2013. During that period, 10 captains were added and none reinstated or removed.

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

The Secretariat presented Document IRP-53-08a, *Responses to six types of possible infractions identified during the 52nd meeting*. There were two cases of observer harassment (Ecuador and Panama) and two cases of fishing without an observer (Mexico). No responses had been received from the governments involved.

a. Actions taken since the report at the 52nd meeting

Ecuador reported that it had been difficult to arrange a meeting at which both the captain and the observer could be present, and that progress could be made in the case once the meeting is held.

Panama reported that its case had already been investigated, and that a letter describing the results of the investigation would be sent during the current meetings.

Mexico reported it had sent a letter to the Secretariat regarding this case, and explained that the two trips

reported as having been made without an observer aboard were trips targeting bluefin tuna: no sets on dolphins were made, the closure was not violated, and both vessels had satellite monitoring systems to verify their location. The vessels had left port at night without an observer, but the observers boarded the vessels the following morning. Nevertheless, Mexico acknowledged the infractions, which are being investigated.

The European Union indicated that Mexico should keep the Panel informed of progress on these cases.

b. Status review of special cases

The Secretariat presented Document IRP-53-08b, *Summary of pending special cases monitored by the IRP*, which presents the following three cases.

Case 51-01.

The trip occurred in 2012 and was presented to the 51st meeting as a possible infraction of making a set on dolphins without a dolphin safety panel. The case was referred to the Party in August 2012; to date no response has been received.

The Panel asked the Secretariat to follow up with an additional communication to the Party.

Case 51-02.

The trip occurred in 2012 and was presented to the 51st meeting as a possible infraction of not receiving all the required reports from the observer.

The Secretariat reported that the case was resolved: the missing data had subsequently been obtained directly from the observer. In order to prevent this type of situation from occurring in the future, the Secretariat has established a procedural mechanism for the timely recovery of data, which is in addition to the existing memorandum of understanding (MOU) with the WCPFC on the mutual recognition of observer programs. There have been no similar problems in the other 14 trips since the MOU was implemented.

Case 51-03.

The trip occurred in 2012 and was presented to the 51st meeting as an infraction of interfering with the observer's work by attempting to bribe the observer. The case was referred to the Party in August 2012; to date no response has been received.

The Panel asked the Secretariat to follow up with an additional communication to the Party.

8. Review of observer data

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions received and processed by the Secretariat since the Panel's previous meeting. The Panel discussed those cases that were not automatically referred to the pertinent Parties, and forwarded those that indicated possible infractions of the AIDCP to the responsible government for investigation and possible sanction.

The following cases, identified by the corresponding trip number, were discussed:

2012-635. Interference with the observer's work. The captain would not allow the observer's report to be sent to the WCPFC while the vessel was in the eastern Pacific.

The Panel agreed to refer this case to the pertinent Party for investigation.

2012-689. Fishing without a dolphin safety panel. The vessel had been allocated a DML for 2012, and the Party had confirmed that the vessel had all the required equipment on board at the time the DML was requested. However, the vessel made a single set on dolphins in order to keep the DML, but at that time did not have a dolphin safety panel in the net. The case has already been referred to the corresponding Party.

It was noted that, in order to maintain the credibility of the program, it is necessary that Parties verify that vessels applying for DMLs really do have all the required gear. The Secretariat stressed that it is the responsibility of the Parties, and not the Secretariat, to ensure that vessels with DMLs do in fact have all the gear and equipment required by the AIDCP at all times.

9. Report of the Permanent Working Group on Tuna Tracking

Ing. Luis Torres, of Ecuador, who chaired the working group, presented his report. The European Union and Nicaragua requested that, in order to avoid any confusion, the Secretariat modify the table summarizing the situation regarding the Tuna Tracking Forms (TTFs) in order to reflect the total number of TTFs received to date, while distinguishing those received by the required 15-day deadline.

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

Mr. Julio Guevara, of Nicaragua, who chaired the working group, presented his report. A video for promoting the AIDCP dolphin safe label was being prepared, as well as documents aimed at the general public describing the AIDCP and the label, which FAO and other international fisheries bodies would be asked to publish on their respective websites.

The working group had the following recommendations:

6. The information to be published should be reviewed by the Parties before publication.
7. The Parties should submit their suggestions for improving the promotional pamphlet.
8. Consider ways of implementing the following proposals by Mexico:
 - a. Hold a meeting with relevant entities to promote and disseminate the achievements of the AIDCP, such as academic institutions, the media, marine research institutions, etc.
 - b. Create a mechanism of institutional response to attacks on the AIDCP, so that it does not appear that only one Party is responding.
 - c. Make available information on the problems and successes of the AIDCP for inclusion in marine life and fisheries curricula at academic institutions.
 - d. Ask Parties to promote the AIDCP on pertinent web pages and in publications..

11. Other business

There was no other business.

12. Recommendations for the Meeting of the Parties

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

1. The Secretariat should follow up on two special cases, 51-01 and 51-03.
2. The Secretariat should modify the table on the submission of TTFs in order to reflect the total number received to date, while distinguishing those received by the required deadline.
3. Consider the recommendations of the Working Group on promoting the AIDCP dolphin safe label.

13. Place and date of next meeting

The next meeting of the Panel will be held in October 2013, on the occasion of the meetings of the AIDCP.

14. Adjournment

The meeting was adjourned at 3:35 PM on 3 June 2013.

Appendix 4.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

27TH MEETING OF THE PARTIES

Veracruz, Veracruz (Mexico)
4 June 2013

PROPOSAL MOP-24 A-1

SUBMITTED BY MEXICO

RESOLUTION ON THE "ECOSYSTEM FRIENDLY" CERTIFICATION SYSTEM

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

Reiterating their commitment to promoting the goals and objectives of the AIDCP, by means of its effective implementation;

Convinced that there are other elements of ecosystem protection that develop in the purse-seine fishery for tunas beyond the protection of dolphins;

Taking into account that the FAO indicates that the ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in a fair manner.

Interested in making the public and consumers aware of, and informing them about, these elements of ecosystem protection;

Considering that it is necessary that other elements of tuna conservation be taken into account for a certification system as in the case of the correct implementation of the tuna closures in the eastern Pacific Ocean (EPO);

Agree:

1. To develop a certification system called "ecosystem friendly" in a first stage, in which only those tuna fisheries in which vessels with Dolphin Mortality Limits (DMLs) operate shall be eligible to receive certification. This does not prevent vessels that operate without DML from using other types of certification.
2. The certification system would be developed in the framework of the IATTC.
3. The following elements shall be requirements for certification:
 - a) Tuna would not be certified unless the IATTC has a resolution in force, based on a scientific recommendation, for the conservation and management of yellowfin and bigeye tunas.
 - b) Only tuna documented by the current AIDCP tracking and verification system would be eligible for the certification.
 - c) Only tuna caught by vessels with an observer on board would be eligible for the certification.
 - d) Tuna would be certified only if it complied with the criterion that it was not caught in contravention of an IATTC resolution on the conservation of yellowfin and bigeye tunas.

- e) The fishing captain aboard the vessel must be included in the AIDCP list of qualified captains.
5. The certification and tracking system would be applied and administered in a manner similar to the current AIDCP systems for dolphin-safe certification and tracking and verification; but would be operated independently of those systems.
 6. The IATTC Secretariat would be responsible for verifying the validity of the certificates.
 7. The Parties shall ask the Secretariat to develop a logo that identifies this certification system and shall review it at the next meeting of the Parties.
 8. The Secretariat shall develop a certificate format and once approved by the Parties, shall have it printed with numbered formats and shall distribute them to the Parties that so request.
 9. The Parties shall designate the national authorities that may sign that certification.
 10. The system would enter into force after the XX?? Meeting of the parties, once issues of a practical nature related to this system have been decided.
 11. In the future a second stage of this certification system could be developed, which would involve more complicated considerations associated with IATTC conservation and management measures. The second stage will be subject to the results of this first stage regarding the operativity of the system.

Appendix 5.

STATEMENT BY MEXICO

The arguments of the United States for not requiring a “dolphin safe” certification that is verifiable and that proves that there were no injuries or mortality of dolphins in any fisheries outside the EPO, state that verification will be required only when the U.S. Secretary of Commerce declares that a fishery has a "regular and significant" mortality of dolphins. But strangely, "regular and significant" has never been defined, nor applied, even when thousands of dolphins die in those other fisheries which supply 95% of the tuna designated as “dolphin safe” to the U.S. market. It is therefore very interesting that the United States has been able to live for more than 15 years without a definition of a concept as crucial in its legislation (the International Dolphin Conservation Program Act of 1997) as "regular and significant" and nonetheless, is now extremely concerned about defining such basic and generally accepted terms as “sustainable ecosystem”.

Regarding the cost implications of the proposed certification mentioned by the United States, these additional costs simply do not exist. We and our fleets have, through our full implementation of the AIDCP, invested immense sums of money and have taken unprecedented measures in order to gain access to the “dolphin safe” label in the United States, which we continue to be denied, unilaterally and without reason. The proposed “ecosystem-friendly” label is based precisely on the same robust system of tracking and verification that we are already applying and for which we are already paying, so there would be no additional cost. With regard to the other components of the EPO fishery, a subject mentioned by the United States, if longliners and/or vessels that fish on FADs show that they have reduced and controlled bycatch sufficiently at some point in the future, or if small vessels wish to be subject to rules comparable in rigor to those applied to large vessels, then the “ecosystem-friendly” label could certainly be applied to them in stages. This would then be a certification program that would evolve and over time change according to circumstances, in the same way as the AIDCP has evolved and will continue to do so as

circumstances dictate. In any case, an *ad hoc* system could be designed in which the fleets that fish in accordance with the AIDCP and IATTC already have a significant advantage. But above all, it must not be forgotten, or the context lost, that vessels that do not fish in association with dolphins already have access to a label that is of benefit to them. It is therefore inappropriate to unilaterally oppose, without a real and defensible rationale, a program for the certification of fishing activities that have been proven to be sustainable.

On the subject mentioned by the United States of conservation measures and the status of the stocks, any conservation measure adopted by the Commission already takes into consideration the various fishing gears and methods and their respective impact on the status of the stocks. As long as there are agreed-upon conservation measures, and as long as those who participate in this certification program comply with the measures that apply to them specifically, then the issue mentioned by the United States is not an issue. It is noteworthy that the United States once again insists on the application of strict measures and demands that the slightest question or technical detail be exhaustively explained before it will consider any certification system, but does not require similar verification for its own “dolphin safe” label, which allows tuna to be imported from areas other than the EPO - mainly from fisheries which, as has been documented, kill tens of thousands of dolphins each year, not to mention millions of juvenile tunas, as well as other non-target species such as, sharks, whale sharks, and sea turtles.

The United States participated actively in the creation of the AIDCP and is a Party to it, so it should be defending and promoting the success of the agreement which we all worked hard to develop. The United States should honor the commitment that it took on in the Declaration of Panama and work to ensure that there is a level of commercial benefit for the fleets that have worked and made significant efforts to guarantee the internationally-recognized success of this Agreement. Instead, the United States is once again not scaling down the criticisms, driven by artificial and commercial interests against the Agreement, by raising concerns which are totally inconsistent with the ill-defined and ill-enforced “rules” that it applies to its own “dolphin safe” label. The question must then be asked: if the U.S. position is that, no matter how great the efforts of our fishermen to comply with the extraordinary requirements of the AIDCP, they are insufficient to give them effective access to the U.S. market for their products, then why should the industry continue complying with those requirements, making those sacrifices, and paying those costs? Perhaps the time has come to examine the value of maintaining those commitments that were demanded of us as a precondition for granting effective access to the relevant markets.

The United States has not presented an adequate justification in terms of fisheries management, nor a scientific basis for its position of opposition to the proposed certification. Instead, it insists on establishing criteria that serve only to perpetuate control of market access in a manner which the WTO has clearly determined is discriminatory and contrary to the interests of consumers. We believe that undermining a successful multilateral fisheries management and conservation regime in order to maintain what can only be seen as unfair control of access to its market is both unfortunate and inappropriate.

Therefore, we urge the United States to review its position and once again join us in working together on an agenda which ensures the sustainability of tunas, dolphins, and other marine species in the EPO.