

Background on the Tuna/Dolphin Issue

In the 1950s, fishermen discovered that yellowfin tuna in the ETP aggregated beneath schools of dolphin stocks. Since that discovery, the predominant tuna fishing method in the ETP has been to encircle schools of dolphins with a fishing net to capture the tuna concentrated below. Hundreds of thousands of dolphins died in the early years of this fishery. U.S. participation in the ETP tuna fishery has greatly decreased over the years, coming to a virtual standstill by the early 1980s. However, foreign participation in the ETP fishery has continued to increase. In recent decades, the MMPA, improved fishing techniques, and international cooperation have resulted in greatly reduced dolphin mortality in the tuna purse seine fishery in the ETP. Annual dolphin mortality is down from over 133,000 in 1986 to approximately 2,000 dolphins since 1998, greater than a 99% reduction in dolphin mortality.

In the fall of 1992, the nations participating in the ETP tuna fishery signed the La Jolla Agreement, which placed voluntary limits on the maximum number of dolphins that could be incidentally killed annually in the fishery, lowering the maximum each year over seven years, with a goal of eliminating dolphin mortality in the fishery. The United States and nine other nations fishing in the ETP, came together again in 1995 and negotiated the Panama Declaration. The Panama Declaration went further to establish conservative species/stock specific annual dolphin mortality limits and represented an important step toward reducing bycatch in commercial fisheries with sound ecosystem management. It contained provisions for additional protection for individual stocks of dolphins and for other living marine resources, to achieve an ecosystem approach to management of the fishery. Due to the efforts of the nations that negotiated the Panama Declaration and the IATTC, the yellowfin tuna fishery in the ETP has had 100% observer coverage since 1995, which is unprecedented in any other fishery in the world. The signatory nations envisioned that, as a result of their actions in reducing dolphin mortality, the United States would amend its laws so their participation in the IDCP would satisfy comparability requirements of the MMPA and result in the lifting of embargoes on yellowfin tuna and yellowfin tuna products.

In recognition of this success, Congress amended the MMPA in 1997 to: 1) allow for lifting the embargoes for countries fishing in compliance with the IDCP; 2) lift the ban on the sale of tuna that is not dolphin-safe; and 3) change the definition of dolphin-safe to include tuna caught in accordance with the IDCP. In 1997, Congress amended the MMPA with the IDCOPA to implement the IDCP and in response to the Panama Declaration.

With the MMPA amendments in place and hope for a change in the definition of dolphin-safe, the nations participating in the tuna purse seine fishery in the ETP came together in February 1998 and successfully negotiated the Agreement on the IDCP, a legally-binding instrument for dolphin conservation and ecosystem management in the ETP. The U.S. law was intended to give force domestically to the Agreement, which was designed to strengthen dolphin protection measures already in place and afford nations harvesting tuna in the ETP in compliance with those measures access to the lucrative U.S. market for their tuna. With that same understanding, these nations then entered into a binding international agreement for the continued protection of dolphin and the entire ETP ecosystem. To date, the Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Peru, United States, and Venezuela have ratified the Agreement.