



(English translation of original letter)

June 13, 2014

Luis Felipe Aráuz, M.Sc.
Minister of Agriculture and Livestock
San José, Costa Rica

Dear Mr Minister,

The International Marine Mammal Program of Earth Island Institute, a non-governmental organization headquartered in California, United States of America, is the main organization charged by the civil society of the United States to oversee compliance of section 116(d)(1) of the Marine Mammal Protection Act that states “It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term ‘dolphin safe’ or any other term or symbol that falsely claims or suggests that the tuna contained in the product were harvested using a method of fishing that is not harmful to dolphins”. The registered trade mark “Dolphin Safe”© was created in order to have a similar impact in Europe.

Given that:

The EII noted with considerable favor the decree promoted by the Honorable 2010-2014 Government of Costa Rica, in that it:

- Protects a considerable expanse of sea exposed to the impact of tuna vessels
- Protects populations of Caño Island spinner dolphins
- Enables the operational sustainability of the company Alimentos ProSalud
- Guarantees employment in the town of Puntarenas
- Enables the operation of tuna vessels in a large part of the Costa Rican exclusive economic zone
- Widens the view of the tuna fishing problem, seeing it not just as a fisheries issue but as one of ocean conservation

The EII was surprised and bewildered by the new position of the Honorable 2010-2014 Government of Costa Rica to withhold signature of said decree (*decree is signed they are holding publication*) due to, among other things, legal assumptions that could perfectly well await to be approved with the entry into force of the decree itself, as well as the presentation of any objection on the grounds of unconstitutionality.



It is the opinion of the EII that the message being sent out to the world by the honorable 2014-2018 administration regarding ocean conservation may be misinterpreted and even give rise to considering dubious positions by Costa Rica in such critical international *forum* as the International Whaling Commission, FAO, or United Nations discussion groups on oceanic issues.

Given that:

The American Pacific includes magical areas: Galapagos Islands, Hawaiian Islands, the Sea of Cortés, Easter Island, the nucleus of the Costa Rican Thermal Dome, Cocos Island, and the habitat of the Costa Rican spinner dolphin west of Caño Island. Costa Rica thus has three exceptional sites in the almost infinite Pacific Ocean.

The EII has gathered and analyzed scientific information on populations of the Costa Rican spinner dolphin (*Stenella longirostris Central American sub-species*), that lives mainly to the east of Caño Island; despite the fact that the US Dolphin Safe standard has managed to reduce dolphin mortalities due to inappropriate fishing techniques by purse-seine tuna vessels around the world, the objective is to totally stop this type of inhumane and unsustainable fishing.

We consider:

Depending on the position taken by the Honorable Government of Costa Rica, the EII is studying measures to be taken, including the possibility of banning Dolphin Safe-certified companies in the region (Costa Rica, Guatemala, El Salvador, Ecuador, Colombia, Venezuela, Peru, Brazil, Panama, Uruguay, and Argentina) from receiving tuna caught in Costa Rican waters in the area between longitude 84°40' west and latitude 8° north. These types of measures have been successfully applied by EII in other parts of the world, such as in the Indian Ocean's Maldiv Islands and in the marine area of countries Parties to the Nauru Agreement (Micronesia, Papua New Guinea, etc.).

Grateful for the attention you might bring to the preceding,

Yours faithfully,

Dr. Angel Herrera Ulloa
Latin American Consultant
International Marine Mammal Program