

**AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

**13<sup>th</sup> MEETING OF THE PARTIES**

**Lanzarote, Spain  
15 and 24 June 2005**

**MINUTES OF THE MEETING (REVISED)**

**AGENDA**

	<u>Documents</u>
1. Opening of meeting	
2. Election of Chairman	
3. Adoption of agenda	
4. Approval of the minutes of the 12 <sup>th</sup> Meeting of the Parties	
5. a. Secretariat's Report on the IDCP	<a href="#">MOP-13-05a</a>
b. Proposal by Mexico on financing the AIDCP	
c. AIDCP budget	<a href="#">MOP-13-05b</a>
6. Report of the International Review Panel	
7. Establishment of a linkage between the granting of DMLs and compliance with IATTC measures (EU proposal)	
8. Reduction in the frequency of AIDCP meetings (EU proposal)	
9. Review of implementation of provision addressing frivolous requests for DMLs (Annex IV.I.8)	<a href="#">MOP-13-09</a>
10. Correction of references in Annex II of the AIDCP	<a href="#">MOP-13-10</a>
11. Other business	
12. Place and date of next meeting	
13. Adjournment	

**APPENDICES**

1. List of attendees
2. Budget alternatives
3. Resolution A-05-01 on financing the AIDCP
4. Extract of the discussion at the 12<sup>th</sup> Meeting of the Parties, October 2004
5. Proposal by the European Union relating to the linkage between IATTC compliance and the issuance of DMLs
6. Proposal by the European Union to reduce the number of intersessional meetings of the AIDCP

## **1. Opening of meeting**

The meeting was opened on June 15 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 Conservation Program (AIDCP). The attendees are listed in Appendix 1.

## **2. Election of Chairman**

Mr. Carlos Aldereguía of the European Union delegation was elected to chair the meeting.

## **3. Adoption of Agenda**

Mexico requested a new item under agenda item 5 to present a proposal on financing the IDCP. The United States asked that the frequency of meetings of the Scientific Advisory Board (SAB) also be discussed under agenda item 8.

With these additions, the agenda was approved.

## **4. Approval of minutes of 12th Meeting of the Parties**

Colombia indicated that it did not agree with the statement in paragraph 2 of point 5 of the minutes regarding the denial of a DML for vessel "G" for 2005. The United States and the European Union (EU) stated that the minutes accurately reflected what happened at the meeting. The Parties approved the minutes of the 12<sup>th</sup> Meeting of the Parties as presented, but Colombia insisted that the record of this meeting be clear that the Colombian delegation at the 12<sup>th</sup> meeting had understood that five vessels would be eligible to receive a DML in 2005.

### **5.a. Secretariat's Report on the IDCP**

Dr. Allen introduced Document MOP-13-05a, the annual report on the International Dolphin Conservation Program.

The EU inquired about the apparent increase in the mortality of common dolphins during the period covered in the report. Dr. Allen indicated that this was a species not frequently associated with the purse-seine fishery for tunas in the EPO, and that its mortality fluctuates from year to year. The EU also commented on the poor rate of reporting for the weekly At-Sea Reports by the fleets of some of nations.

### **5.b. Proposal by Mexico on financing the AIDCP**

Mexico introduced a proposal for financing the IDCP that included eliminating the contributions by vessels of less than 363 t carrying capacity and inactive vessels. Ecuador supported the proposal. The European Union suggested that before considering this proposal further, it would be useful to have a presentation of the AIDCP budget by the Secretariat.

### **5.c. AIDCP budget**

Dr. Allen introduced Document MOP-13-05b, which presents the actual costs of the AIDCP for 2004 and proposed budgets for 2005 and 2006.

Following this presentation, a very lengthy discussion ensued on the AIDCP budget and how it should be financed. Several delegations expressed an interest in reducing the costs of the AIDCP, and some ideas on how to accomplish this were put forward. One such idea, a reduction in the number of meetings of AIDCP subsidiary bodies, was later agreed by the Parties. The meeting agreed that the issue of cost reduction should be discussed further in October 2005, along with a plan to eliminate the accumulated deficit. At the same time, the meeting recognized that an increase in the assessment rate for vessels required to carry observers was necessary to ensure that the program was adequately funded, because of the overall reduction in well volumes of vessels that had been measured, rather than determined using the previously agreed 1.4 conversion rate, in accordance with the recommendations of the April 2005 *ad hoc* well volume review group.

The meeting was adjourned to allow for informal consultations and further consideration of the issues. Several options were considered, illustrated in Appendix 2. When it reconvened, after more debate, a resolution ([A-05-01](#), Appendix 3) was adopted which, *inter alia*, raises the assessment rate to US\$ 14.184 per cubic meter of well volume. The resolution includes a footnote reflecting that Mexico does not share the view that all the provisions of Resolution A-03-01, which are reaffirmed in Resolution A-05-01, are applicable, especially as regards assessments for small and inactive vessels, because, in Mexico's view, the resolution that was approved in Antigua and that included these payments, was done to cover a deficit and was applicable for one year only.

## **6. Report of the International Review Panel**

Lic. Luis Fueyo McDonald, Presider of the 39<sup>th</sup> meeting of the IRP, presented a report to the Parties describing the work of the Panel.

The Panel had three recommendations for the Meeting of the Parties:

- a. that the Parties review the case of vessel "G",
- b. that the Parties endorse the procedure agreed by the Panel for identifying the flags of vessel that are special cases and include this endorsement in its minutes, and
- c. that the Parties address the issue of publicizing the numbers of TTFs associated with vessels fishing contrary to the IATTC conservation and management program, which could not be agreed in the Permanent Working Group on Tuna Tracking.

Regarding recommendation (a), the Parties once again discussed the issue of this vessel being denied a DML, and Colombia advanced some proposals on how to deal with this problem constructively; these were welcomed by the other Parties. The Secretariat was asked to review the responses to possible infractions by vessel "G" reported by the IRP for 2003 and Colombia committed to review its allocation of a DML to the vessel with a view to suspending the DML for the remainder of the year, beginning on 1 August. The Parties did endorse the understanding reached in the 39<sup>th</sup> meeting of the IRP that Colombia could investigate possible infractions that occurred during the period of a flag dispute, and report the results of the investigations to the IRP, without prejudice to the issue of the date of the change of flag for the vessel.

Colombia insisted with vehemence on demanding recognition of Colombian jurisdiction over the vessels flagged from the Bolivian flag since the month of March 2004. In this regard, Colombia requested that a transcription of part of the discussion of the issue at the 12<sup>th</sup> Meeting of the Parties in October 2004 be appended to the minutes of the present meeting (Appendix 4).

Regarding recommendation (b), the Parties, noting rule 4 of the AIDCP Rules of Confidentiality, which allows for the release of confidential information at meetings when the Parties so decide, with a confidentiality agreement, agreed that the flag of any vessel identified as a "special case" shall be revealed if the case is still unresolved two years from the date of the identification of that vessel as a special case.

Due to lack of time, the Parties did not discuss recommendation (c).

## **7. Establishment of a linkage between the granting of DMLs and compliance with IATTC measures**

The EU presented a proposal (Appendix 5) to amend Annex IV of the AIDCP to make the assignment by the IRP of DMLs to a government on behalf of any of its flag vessels dependent on the vessel's compliance with IATTC conservation and management measures. Several delegations supported this initiative, and made some suggestions with the aim of improving the proposal. However, Colombia indicated that it could not support the proposal unless it would not be applicable to non-members of the IATTC. This was not acceptable to other Parties, and the EU said it would present the proposal at the

next Meeting of the Parties.

#### **8. Reduction in the frequency of AIDCP meetings**

The EU introduced this issue, noting that one way to reduce costs would be to reduce the number of subsidiary AIDCP meetings, such as the IRP and the Tuna Tracking Working Group, from three to two per year (Appendix 6). After considerable discussion, the Parties agreed to:

1. amend Annex VII to provide flexibility in scheduling meetings of the IRP;
2. eliminate the meetings of the IRP and subsidiary bodies in February 2006;
3. review the impacts of this change at the Meeting of the Parties in June 2006 and, if no significant problems are identified, eliminate the meetings of the IRP and subsidiary bodies in February 2007;
4. review the impacts of this change at the Meeting of the Parties in June 2007 in order to adopt a long-term schedule of meetings for the AIDCP.

The Secretariat was asked to draft an amendment to Annex VII of the AIDCP to provide flexibility in scheduling meetings of the IRP, for consideration of the Parties at their next meeting.

The United States then introduced the matter of the frequency of meetings of the SAB, expressing its concern that, with the amount of work for which the Board is responsible, more frequent meetings will likely be necessary. The European Union recognized the workload, but due to budgetary concerns, indicated that one meeting a year would probably be sufficient and that the meetings of the SAB should be held prior to a meeting of the MOP.

The Parties agreed that the SAB should indicate its view on the frequency of meetings required.

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

Dr. Allen introduced Document MOP-13-09, which analyzes the implementation of the procedures in Annex IV.I.8 of the AIDCP, approved in October 2003, aimed at deterring frivolous requests for DMLs.

The meeting had no comments on the four issues noted in the document other than to express the view that, if a government renounces a DML for one of its vessels, such a vessel should not be considered to have lost its DML pursuant to Annex IV.II.1 of the AIDCP. It was recognized that, since the AIDCP does not have any explicit provision for renouncing a DML, it would need to be amended to clarify this matter. The Secretariat was asked to draft an amendment for the next Meeting of the Parties.

#### **10. Correction of references in Annex II of the AIDCP**

Dr. Allen reminded the Parties that in a previous communication they were advised of a technical error relating to the references of two paragraphs in Annex II of the AIDCP. He formally presented the proposed correction, elaborated in Document MOP-13-10, and this was quickly approved by the Parties.

#### **11. Other business**

No other business was discussed.

#### **12. Place and date of next meeting**

It was decided that the next Meeting of the Parties to the AIDCP would take place in La Jolla, California, on October 20, 2005.

#### **13. Adjournment**

The meeting was adjourned on June 24, 2005.

**Appendix 1.**

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM  
PROGRAMA INTERNACIONAL PARA LA CONSERVACIÓN DE LOS DELFINES  
13<sup>th</sup> MEETING OF THE PARTIES - 13<sup>a</sup> REUNIÓN DE LAS PARTES**

**15 and 24 JUN 2005  
Lanzarote (España)**

**ATTENDEES - ASISTENTES**

**COLOMBIA**

**ALEJANDRO LONDOÑO**  
Ministerio de Agricultura y Desarrollo Rural  
**YESID CASTRO**  
Ministerio de Relaciones Exteriores  
**HAROLD EDER**  
Embajada de Colombia en Washington

**ARMANDO HERNÁNDEZ**  
Programa Nacional de Observadores  
**DIEGO CANELOS**  
**LUIS PAREDES**  
Seatech International, Inc.

**COSTA RICA**

**ASDRÚBAL VÁSQUEZ**  
INCOPECA

**ECUADOR**

**LUIS TORRES**  
Ministerio de Comercio Exterior, Industrialización,  
Pesca y Competitividad  
**RAFAEL TRUJILLO**  
Cámara Nacional de Pesquería

**RAMÓN MONTAÑO**  
ATUNEC

**EL SALVADOR**

**SONIA SALAVERRÍA**  
Ministerio de Agricultura y Ganadería

**MANUEL CALVO**  
Grupo Calvo

**EUROPEAN UNION - UNION EUROPEA**

**ROBERTO CESARI**  
**ALAN GRAY**  
European Commission  
**CARLOS ALDEREGUÍA**  
Secretaría General de Pesca de España

**JAVIER ARÍZ TELLERÍA**  
Instituto Español de Oceanografía  
**JULIO MORÓN**  
OPAGAC  
**JUAN MONTEAGUDO**  
ANABAC

**MEXICO**

**MARIO AGUILAR**  
**RICARDO BELMONTES**  
CONAPESCA  
**GUILLERMO COMPEÁN**  
Instituto Nacional de la Pesca

**LUIS FUEYO**  
SEMARNAT/PROFEPA  
**JOSÉ VELÁZQUEZ**  
Atunera Mexico S.A.

**NICARAGUA**

**MIGUEL A. MARENCO**  
ADPESCA

**PANAMA**

**ARNULFO FRANCO**  
Asociación de Atuneros Panameños

**UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA**

**DAVID HOGAN**

**JAMES STORY**

Department of State

**PAT DONLEY**

**JESSICA KONDEL**

**JEREMY RUSIN**

**STEVE REILLY**

**MICHELLE ZETWO**

National Marine Fisheries Service

**PAUL KRAMPE**

American Tunaboat Association

**VENEZUELA**

**OSWALDO VARGAS**

INAPESCA

**ALVIN DELGADO**

Programa Nacional de Observadores de Venezuela

**FRANCISCO ORTISI**

Grupo Carirubana

**NON GOVERNMENTAL ORGANIZATIONS - ORGANIZACIONES NO GUBERNAMENTALES**

**NINA YOUNG**

The Ocean Conservancy

**KELLY MALSCH**

Defenders of Wildlife

**SECRETARIAT - SECRETARÍA**

**ROBIN ALLEN, Director**

**ERNESTO ALTAMIRANO**

**DAVID BRATTEN**

**ALEJANDRA FERREIRA**

**MÓNICA GALVÁN**

**BRIAN HALLMAN**

**NORA ROA-WADE**

**NICHOLAS WEBB**

Appendix 2.

BUDGET ALTERNATIVES—ALTERNATIVAS PARA EL PRESUPUESTO  
REVISED-MODIFICADO

**With amendments to vessels from Colombia and Panama  
Con cambios correspondientes a buques de Colombia y Panamá**

**Projected cost of the program in 2006 and accumulated deficit at the end of 2005 (US\$)  
Costo proyectado del programa en 2006 más el déficit acumulado al fin de 2005 (US\$)**

2006 budget	+ accumulated deficit	+ accumulated deficit paid over 2 years	+ accumulated deficit paid over 3 years
Presupuesto de 2006	+ déficit acumulado	+ déficit acumulado pagado en 2 años	+ déficit acumulado pagado en 3 años
<b>2,286,792</b>	<b>3,025,479</b>	<b>2,656,135</b>	<b>2,533,021</b>

**Vessel assessments—Cuotas de buques (US\$/m<sup>3</sup>)**

All scenarios are based on vessels required to carry observers only, without surcharges  
Todos los escenarios se basan en buques que llevan observador solamente, sin recargos

Using well volumes estimated by multiplying carrying capacity in tons by 1.4			
Usando volumen de bodega estimado multiplicando la capacidad de acarreo en toneladas por 1,4			
<b>Fleet capacity—Capacidad de la flota: 148,548 m<sup>3</sup></b>			
<b>15.39</b>	<b>20.37</b>	<b>17.88</b>	<b>17.05</b>

Using confirmed well volumes for vessels in list A, and well volume estimated by multiplying carrying capacity in tons by 1.4 for vessels in list B			
Usando volumen de bodega confirmado para los buques en la lista A, y estimado multiplicando la capacidad de acarreo en toneladas por 1,4 para los buques en la lista B			
<b>Fleet capacity—Capacidad de la flota: 139,800 m<sup>3</sup></b>			
<b>16.36</b>	<b>21.64</b>	<b>19.00</b>	<b>18.12</b>

Using confirmed well volumes for vessels in list A, and estimated confirmed well volumes for vessels in list B			
Usando volumen de bodega confirmado para los buques en la lista A, y volumen de bodega confirmado estimado para los buques en la lista B			
<b>Fleet capacity—Capacidad de la flota: 132,707 m<sup>3</sup></b>			
<b>17.23</b>	<b>22.80</b>	<b>20.02</b>	<b>19.09</b>

**Revenue—Ingresos: US\$ 14.184 x 139,800 = US\$ 1,982,923**

### Appendix 3.

## RESOLUTION A-05-01

### RESOLUTION ON VESSEL ASSESSMENTS AND FINANCING

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

*In accordance with the decision to modify the reference system for vessel measurement from metric tons to cubic meters for the purposes of determining vessel assessments;*

*Reaffirming the provisions of Resolution A-03-01<sup>1</sup> on financing the AIDCP;*

*Agree as follows:*

1. To increase the assessment rate for vessels required by the AIDCP to carry an observer for 2006 to US\$ 14.184 per cubic meter of well volume.
2. The assessments of those vessels whose well volume has been verified, in accordance with the procedure approved by the 38<sup>th</sup> meeting of the International Review Panel (IRP) in February 2005, by 17 June 2005 shall be based on their verified well volume.
3. Other vessels will have their well volume determined in accordance with paragraph 1 of Resolution A-03-01.
4. The Meeting of the Parties in October 2005 shall discuss the reduction of the costs of the AIDCP and a plan to eliminate the accumulated deficit.

### Appendix 4.

#### Extract of the discussion at the 12<sup>th</sup> Meeting of the Parties, October 2004

**Chair:** What I think is the final item is I just want to inquire of Colombia if there is any further discussion of the DMLs for 2005 in regard to the five vessels and the DMLs that would be kept in reserve. Colombia.

**Colombia (translation):** Thank you Madam Chair. I think that to seek consensus and convinced that we will reach an agreement with our brother Bolivia, our delegation reverts to the literal sense of the proposal that our Bolivia has accepted. Then in those terms we present once again for the consideration of the Parties the DMLs for 2005. We accept the terms as Bolivia accepts them. Only that.

**Chair:** Thank you Colombia. To reiterate: What we are hearing is that the sentences: "In addition, the equivalent of five individual-vessel DMLs will be kept in reserve for the five vessels." ..... You've got a newer version? Excuse me please. Pending resolution of the dispute. Oh, I'm sorry. The only real change is that instead of saying "...five individual-vessel DMLs" it should say "...five full-year DMLs for four of the five vessels whose flag is disputed by Bolivia and Colombia pending resolution of the dispute. Any DML kept in reserve for a vessel whose flag is still in dispute after 9 December 2004 will be re-distributed pursuant to Annex four section 3 of the AIDCP." And this is the version that everyone had originally agreed to forward to the Meeting of the Parties. I now see that we have a consensus on this item.

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<sup>1</sup> Mexico does not share the view that all the provisions of Resolution A-03-01 are applicable



## Appendix 5.

### PROPOSAL BY THE EUROPEAN UNION

#### RELATING TO THE LINKAGE BETWEEN IATTC COMPLIANCE AND THE ISSUANCE OF DMLs

In order to strengthen the application of the IATTC Conservation Measures and the application of the AIDCP through the issuance to vessels of annual or semi-annual Dolphin Mortality Limits (DMLs), the Parties to the AIDCP agree to the following amendment to Annex IV of the AIDCP relating to DMLs.

A new subparagraph f. shall be added to Annex IV, Section I, paragraph 3, as follows:

- f. it has not been identified within the IATTC as having fished in the Agreement Area in contravention of IATTC conservation and management measures.*

## Appendix 6.

### PROPOSAL BY THE EUROPEAN UNION

#### TO REDUCE THE NUMBER OF INTERSESSIONAL MEETINGS OF THE AIDCP

1. Currently, the AIDCP regularly holds two groups of intersessional meetings. These enable the Tuna Tracking Working Group (TTWG), the Working Group to Promote the AIDCP Certification Scheme (WGP), the International Review Panel (IRP) and the Meeting of the Parties (MOP) to undertake their respective tasks. Other working Groups are arranged, as required, around these meetings, but not on a regular basis.
2. These intersessional meetings are normally held in the October and February each year, with the AIDCP Annual Meeting held in conjunction with the IATTC Annual Meeting, normally in June of each year.
3. Of the subsidiary bodies of the AIDCP, it is only the IRP that is required by the Agreement, Annex VII.5, to hold at least three meetings per year, one of which shall be preferably held on the occasion of the ordinary Meeting of the Parties. Article VII of the Agreement dictates the frequency of the Meetings of the Parties with the ordinary Meeting of the MOP, preferably in conjunction with the IATTC Meeting. The frequency of other meetings of the MOP is limited to "...meet periodically..." Article VIII.1.
4. The timing of the IRP meetings are governed by the terms of Annex IV of the AIDCP relating to the Assignment of DMLs. It is clear that there is a need for the initial allocation of DMLs to be carried out and approved by the IRP for proposal to the MOP before 1 November of each year. Likewise there are provisions for the assignment of Second-semester DMLs before 1 May by the IRP.
5. Therefore, there does not appear to be an institutional reason for holding a third meeting of the IRP during the year. Indeed, at the last meeting of the IRP in February 2005, it was seen that there is not sufficient time for Parties to respond to correspondence that has been sent by the AIDCP Secretariat. Given this, it would seem that the operation of the AIDCP would not appear to be adversely affected if there were only two meetings of the IRP per year.

6. Article VIII.2 of the AIDCP states that “ordinary Meeting of the Parties shall take place at least once a year, preferably in conjunction with the IATTC Meeting.” This is fully supported for ease of organisation and logistics and in the need for effective financial management and organisation of both bodies. These meetings have been held, in the recent past, during the month of June. There does not appear to be any particular rationale behind the timing of the IATTC Annual Meeting, or for that matter, that of the AIDCP. Therefore, it would appear to be in perfect order for both organisations Annual Meetings to be advanced to take place prior to 1 May, to respect the deadline for the assignment of second-semester DMLs under the AIDCP. To this end, it would seem appropriate that the Annual Meetings could be programmed to take place in the month of April of each year.
7. This change in timing could also be accommodated in consideration of the Annual Meetings of the other RFOs which tend to have their Annual Meetings towards the end of each year. The EC, like other Contracting Parties participates actively in these other RFOs so it is necessary to avoid any clash on dates, where possible.
8. Moreover, given the current poor financial situation of the organisation, significant savings in the Annual Budget can be attained by the streamlining of the operation of the organisation, notably through the reduction of the number of intersessional meetings and the subsequent saving on meeting costs.
9. Accordingly, the EC would propose that Annex VII.5 be amended to call for only two meetings of the IRP to be held, one prior to the allocation of the annual DMLs at the MOP prior to 1 November of each year, and that the second IRP meeting be held in conjunction with the Annual Meeting of the Parties, which should relate to the assignment of second-semester DMLs. For this to be carried out effectively, it would therefore be appropriate for the Annual MOP to be held prior to 1 May of each year. This would also provide a half-yearly period between the meetings of the IRP which should provide both to the Secretariat and the Parties concerned the adequate time to address correspondence in the respective manner.
10. This proposal follows directly the objective laid out in Part 6.3 of the Plan of Action to Enhance the Success of the AIDCP adopted by the Meeting of the Parties in June 2003 in Antigua, Guatemala.
11. At the same time the IATTC, at the 2005 Annual Meeting, should also consider a parallel change in timing for the holding of the Annual Meetings of the IATTC in order to coincide with that of the revised AIDCP Meetings schedule.