

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

14TH MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)
20 OCTOBER 2005

DOCUMENT MOP-14-09a

AMENDMENT TO ANNEX IV OF THE AIDCP: RENUNCIATION OF DMLs

During the 13th Meeting of the Parties to the AIDCP, in the discussion of the implementation of Annex IV.I.8 regarding frivolous requests for DMLs, the Secretariat raised the matter of a Party renouncing DMLs, *i.e.*, deciding that it does not intend to use a DML that has been assigned to one or more of its vessels. Following is an excerpt from Document MOP-13-09, which addressed this issue:

“On several occasions vessels have “renounced” a DML, *i.e.* decided that they do not intend to use a DML that they have been assigned. The Agreement does not have any explicit provisions for renouncing a DML, so the question is whether such a vessel should be considered to have lost its DML pursuant to Annex IV.II.1 of the AIDCP, which reads as follows:

1. ‘Any vessel which is assigned a full-year DML and does not set on dolphins prior to April 1 of that year, or which is assigned a second-semester DML and does not set on dolphins by October 1 of that year, or which is assigned a per-trip DML from the RDA and does not set on dolphins during that trip, unless as a result of *force majeure* or extraordinary circumstances, as agreed by the IRP, shall lose its DML and may not set on dolphins for the remainder of that year. Notwithstanding the provision in Annex VII, paragraph 9, regarding decision making by the IRP, a request by a Party, on behalf of any of its vessels, for an exemption due to *force majeure* or extraordinary circumstances, shall be considered to be agreed by the IRP unless a majority of the government members of the IRP supports any objection, made formally and with cause by any other Party, to any such request. All requests for exemption must be sent to the Secretariat by April 1, and any formal objections must be sent to the Secretariat by April 20. **Any such vessel that loses its DML on two consecutive occasions shall not be eligible to receive a DML for the following year.**’

The view of the Secretariat is that the final sentence in this paragraph applies to a vessel renouncing a DML. If the Parties agree, this decision could be recorded in the minutes of this meeting, or a proposed amendment to the AIDCP could be considered at the next meeting of the IRP.”

One delegation expressed its view that a Party could renounce a DML, but that any such renunciation should not affect the vessel’s eligibility for a future DML. It was suggested that the AIDCP should be amended to clarify this matter. This could be accomplished by amending Annex IV, Section II, by adding a new paragraph 2 as follows:

2. A Party may, by so advising the Director in writing, renounce by April 1 of any year a full-year DML assigned to any of its vessels, or renounce by October 1 of any year a second-semester DML assigned to any of its vessels. Any vessel which is the subject of such a renunciation may not set on dolphins for the remainder of that year, but shall not be considered to have lost a DML for the purposes of paragraph 1 of this section.