

# AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

## 15<sup>TH</sup> MEETING OF THE PARTIES

Busan (Korea)  
21 June 2006

### MINUTES OF THE MEETING

#### AGENDA

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1. List of attendees
2. Amendment of Annex IV.I.8 of the AIDCP regarding DMLs from the RDA
3. Resolution A-06-01 on financing the AIDCP

## **1. Opening of meeting**

The meeting was opened on 21 June 2006 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. Arnulfo Franco of Panama was elected to chair the meeting.

## **3. Adoption of Agenda**

The provisional agenda was approved, with several delegations noting matters that they wished to raise under item 15, *Other business*.

## **4. Approval of minutes of 14<sup>th</sup> Meeting of the Parties**

The minutes of the 14<sup>th</sup> meeting were approved.

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

Dr. Allen presented the salient information contained in Document [MOP-15-05](#), the annual report on the International Dolphin Conservation Program.

Mexico noted that the estimates of abundance of various dolphin species, shown in table 2 of this document, were preliminary values which have not been accepted by the Parties.

Mexico also noted that the significant decrease in dolphin mortality, which the report attributes to actions by the fishermen, is also due to the success of the AIDCP itself.

The European Union commented that the weekly reporting rate from vessels at sea, noted in section 3.3 of the report as 89%, should be improved.

The EU also suggested that a handbook containing all relevant AIDCP rules might be a useful document. The U.S. delegation observed that such a handbook would be quickly out of date and that the website was a better way to keep current with all relevant AIDCP matters.

## **6. Linkage between eligibility for DMLs and IATTC conservation measures**

Dr. Allen presented Document [MOP-15-06](#), a proposed amendment to Annex IV.I.3 of the AIDCP, which would link the issuance of a DML to compliance with key IATTC conservation measures. This proposal was a modification of a proposal presented by the EU in previous meetings. The delegation of Colombia stated that it expects to resolve the internal issues that keep it in observer status soon, in which case, once it obtains the status of Party to the IATTC, the item under discussion will be consulted with national legal agencies so that the proposal may be made viable in domestic legislation.

The European Union and the United States spoke in favor of the proposal, and Mexico noted that Colombia had always been able to participate in IATTC decisions and urged Colombia to join the Commission. The Chairman emphasized the importance of Colombia joining the IATTC, and stated that the proposal would remain open.

## **7. Rationale for RDA DMLs**

Dr. Allen presented Document [MOP-15-07](#), a proposal to amend Annex IV.I.8 of the AIDCP and broaden the definition of the uses of the DML from the RDA to reflect the principal rationale for the use of the RDA in practice, namely, assigning DMLs to vessels that legitimately enter the fishery during the course of the year, but too late to be assigned a DML in accordance with the usual procedures.

After a brief discussion, the amendment proposed in the document (Appendix 2) was accepted by the meeting.

## **8. AIDCP budget**

Dr. Allen presented Document [MOP-15-08](#), which addresses the financing necessary to support all costs related to the AIDCP. The document details the actual costs of the AIDCP for 2005, the expected budget for 2006, and a proposed budget for 2007.

The 2007 budget was approved by the Parties, and considerable discussion was then devoted to the financing of the budget. In the end, Resolution [A-06-01](#) on vessel assessments and financing was adopted (Appendix 3); it establishes a payment rate of US\$ 14.95 per cubic meter of well volume, and does not include the previous requirement that smaller vessels must pay into the program.

## **9. Closure of vessel re-measurement exercise and its effects on AIDCP financing**

Dr. Allen introduced this agenda item, explaining that it arose from concerns over the re-measurement of vessels, and from questions as to whether, at some point in time, the results of a vessel measurement must be considered final. Dr. Allen also elaborated on the effect of new measurements on the financing of the AIDCP, since a vessel determined to be smaller as a result of a re-measurement would obviously pay a smaller vessel assessment, which in turn would have a negative impact on the anticipated financing of the budget. If a significant number of vessels are re-measured as smaller, the program would not be properly financed, and there would be pressure to increase the vessel assessment rate.

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

Dr. Allen presented Document [MOP-15-10](#), which explains that the 10<sup>th</sup> Meeting of the Parties, in October 2003, adopted a provision, Annex IV.I.9 of the AIDCP, defining a frivolous request for a DML and establishing procedures aimed at deterring such requests. Dr. Allen noted that this is the second year for the application of this provision.

Dr. Allen explained that, in 2005, 95 vessels had full-year DMLs, 3 vessels had second-semester DMLs, and 4 vessels had DMLs from the Reserve DML Allocation (RDA), including one that was also assigned a second-semester DML.

Of these 101 vessels, four do not meet the requirements of Annex IV.I.9 for receiving a DML in 2007: two vessels made more than 5% of their sets on dolphins, but the average catch of yellowfin in each vessel's sets was less than 3 metric tons; one vessel's average catch of yellowfin was over 3 metric tons per set on dolphins, but it made less than 5% of its sets on dolphins; one vessel made only one set, which was not on dolphins. In addition, two vessels did not fish at all during the year.

It was recognized by the Parties that the vessels affected by the application of Annex IV.I.9 would not be able to receive a DML for 2007, unless they did not meet the requirements of the Annex due to reasons of *force majeure*. It was observed that there are no procedures set forth in the Agreement for *force majeure* requests for this provision of the Annex.

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

The Presider of the 40<sup>th</sup> meeting of the IRP presented his report, noting that four requests for *force majeure* exemptions pursuant to Annex IV.II.1, all received after the April 1 deadline had passed, were presented. He noted that, pursuant to Annex IV.IV.2, the IRP can recommend that such exemptions be granted, and the Panel agreed to recommend that the Meeting of the Parties consider these four requests favorably.

The Parties agreed to the IRP recommendation that the four vessels be able to continue fishing during 2006 with DMLs, but stipulated that, since the DMLs initially assigned to the vessels had already been lost and re-distributed, they would have to be assigned new DMLs from within the totals available to the respective flag governments for their fleets. Several delegations stated that any new DMLs assigned to these vessels should be less than a full-year DML, perhaps along the lines of a second-semester DML.

The European Union expressed its view that the granting of these DMLs was exceptional and should not

be repeated in the future. Mexico disagreed, stating that future cases should be reviewed and decided on their individual merits.

## **12. Review of effect of reduction in frequency of meetings**

Dr. Allen reminded the meeting of the decision made by the Parties in June 2005 to cancel, on a trial basis, the February 2006 meetings of the AIDCP and to review the impact of that decision in June 2006 and, if no significant problems are identified, eliminate the AIDCP meetings in February 2007.

Dr. Allen noted that, from the Secretariat's point of view, the effect of not having the February meetings was a slight reduction in costs and some delays in the reporting of possible infractions to governments and in the subsequent actions taken by governments.

The European Union expressed its view that, on balance, the impact of eliminating the February meetings has been positive, and suggested that the February 2007 meetings also be eliminated, and that Parties then proceed, as previously agreed, to 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.

## **13. Report from the Joint Working Group on Fishing by Non-Parties**

There were no recommendations for the Parties from the Joint Working Group on Fishing by Non-Parties.

## **14. Recommendation from the Scientific Advisory Board**

Dr. Allen, who served as chair of the 4<sup>th</sup> meeting of the Scientific Advisory Board (SAB), held on 22 June, reported on the results of the meeting. He reported that the Board discussed the matter of the calculation standard for  $N_{min}$ , considering a recommendation from the Technical Workshop on a calculation using the most recent population estimates for the abundance of dolphin stocks. The SAB agreed that the population model used by the Technical Workshop was appropriate, but that it was premature to recommend the adoption of the calculation proposed by the workshop as the calculation standard for  $N_{min}$ .

There was a discussion on the status of the research cruises planned by the U.S. National Marine Fisheries Service, and Mexico remarked that it would like to have IATTC participation in the cruises. The U.S. delegation agreed that this would be a good approach.

Dr. Allen reported that the SAB discussed the status of each of the 11 items on its work plan, and agreed to continue moving ahead with the plan as appropriate. The Board will meet again in June 2007.

## **15. Other business**

There were four matters raised under this agenda item.

First, El Salvador again raised its proposal, considered during the 14<sup>th</sup> Meeting of the Parties in October 2005, to modify the AIDCP rules of confidentiality to the effect that the names and flags of vessels receiving DMLs would no longer be treated as confidential.

A number of delegations supported this proposal, but Costa Rica reiterated its concerns that such a change could assist those organizations opposed to the AIDCP DML program by providing them information for campaigns against vessels and governments which receive DMLs.

Second, Mexico raised the matter of the request by the Secretariat on behalf of the AIDCP Parties, sent to FAO following the last meeting of the Parties, asking that FAO undertake a study of the various ecolabels for tuna. Mexico explained that the FAO Secretariat advised that its Sub-Committee on Fisheries Trade would need to decide whether to undertake such a study, that Mexico had raised the matter in that sub-committee meeting, and that the idea received considerable support during discussion.

Third, Bolivia made a statement regarding its rights to purse-seine capacity. Colombia responded by observing that this matter is a bilateral issue and should be handled through bilateral diplomacy.

Fourth, the European Union suggested that the Parties consider electing a Chairman for a two year term, renewable for another two years, noting that the same reasons why such an approach was considered a good one for the IATTC would also apply for the AIDCP. Several delegations expressed support for this idea, but others wanted to consider it further, so no action was taken.

**16. Place and date of next meeting**

It was decided that the next meeting of the Parties would be held on October 26, 2006 in Del Mar, California.

**17. Adjournment**

The meeting was adjourned on 21 June 2006.

## Appendix 1.

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**Appendix 2.**

**AMENDMENT TO ANNEX IV OF THE AIDCP: PURPOSES FOR THE  
USE OF DMLs FROM THE RDA**

8. The remaining two percent, or such other portion as the Parties might determine, of the overall DML for the fishery shall be maintained as a separate Reserve DML Allocation (RDA<sup>1</sup>), to be managed at the discretion of the Director. Any Party may request that the Director assign DMLs from such RDA to vessels fishing under its jurisdiction which do not normally fish for tuna in the Agreement Area but which may, from time to time, desire to participate in the fishery in the Agreement Area on a limited basis **or to vessels which are not eligible to receive a DML at the time of the deadline for requests for full-year DMLs, but become eligible subsequently and desire to participate in the fishery during the year for which the DML from the RDA is requested. DMLs from the RDA may be assigned only if** the operational and training requirements set forth in Annex VIII of this Agreement, and the requirements set forth in paragraphs 3 and 4 of this Section, are met. Any accidental mortalities caused by vessels operating in the Agreement Area under the jurisdiction of any of the Parties that have not requested DMLs for their fleet shall also be deducted from this RDA. No vessel which has been assigned a DML for any given year from the RDA may also receive a full-year or second-semester DML for that same year, and no vessel which has received a full-year or second-semester DML for any given year may also receive a DML from the RDA for that same year.

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<sup>1</sup> In the Spanish text of the AIDCP, this abbreviation is incorrectly given as “RAD” instead of “RAL”; it is proposed that the opportunity be taken to correct this, in this paragraph and in paragraph 1 of section II of this same Annex



### Appendix 3.

## RESOLUTION A-06-01 VESSEL ASSESSMENTS AND FINANCING

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

Notwithstanding the relevant provisions of *Resolution A-02-03 on financing the IDCP* of 10 October 2002;

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 17 June 2006 and included in the IATTC Regional Vessel Register, shall be based on the vessel's verified well volume.<sup>2</sup>
2. The assessments for those vessels whose well volume has not been provided to the Secretariat by 17 June 2006 and included in the IATTC Regional Vessel Register, shall be based on the vessel's well volume as calculated by multiplying its carrying capacity, in metric tons, on the Register by a factor of 1.4.
3. All payments for vessels required by the AIDCP to carry observers shall be based on assessments of US\$ 14.95 per cubic meter of well volume, in accordance with paragraphs 1 and 2 of this Resolution.
4. Payments for vessels with a carrying capacity greater than 363 metric tons on the *Inactive and Sunk Purse-Seine Capacity List* of the Register shall be based on an assessment of US\$1.00 per cubic meter of well volume, in accordance with paragraphs 1 and 2 of this Resolution.
5. Payments for all vessels contemplated in paragraph 3 that request a DML for a given year shall be made by October 1 of the preceding year, pursuant to the AIDCP.
6. Payments for all vessels contemplated in paragraph 3 that do not request a DML for a given year shall be made by December 1 of the preceding year.
7. Payments for any of the vessels contemplated in paragraph 12 of IATTC *Resolution C-02-03 on the capacity of the tuna fleet operating in the eastern Pacific Ocean of June 2002* that may fish in the EPO shall be made on the basis of the rate established for vessels covered in paragraph 3 of this resolution before entering the EPO to fish.
8. Payments for any vessel contemplated in paragraph 4 shall be made by December 1 of the preceding year.
9. Any required payment for a vessel that is not made by the corresponding date shall be increased by a surcharge of 10% of the assessment, additional to any sanction contemplated in Annex IV of the AIDCP.
10. Unless the Parties decide otherwise, the annual increase in the fixed costs of the IDCP shall not increase by more than the rate of inflation in the United States of America in the previous year.

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<sup>2</sup> Until the case of the vessel *Marta Lucía R* is resolved regarding its relationship to the IATTC Regional Vessel Register, its well volume will be that documented with the Secretariat in accordance with the procedures of the *ad hoc* well volume review group. This arrangement will be reviewed at the Meeting of the Parties in June 2007.