

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

41st MEETING OF THE PARTIES

(by videoconference)

30 November 2020

MINUTES OF THE MEETING

AGENDA

	Documents
1. Opening of the meeting	AIDCP-40 Minutes
2. Election of Chairman	AIDCP-41-01
3. Adoption of the agenda	AIDCP-41-04
4. Approval of the minutes of the 40 th Meeting of the Parties	AIDCP-41-05
5. AIDCP budget	AIDCP-41-03
6. a. Review of Dolphin Mortality Limits for 2020	
b. Dolphin Mortality Limits for 2021	
7. Review and assessment of the COVID 19 Pandemic Exemption Procedure for the Operation of On-Board Observers and its implementation	
8. Other business	
9. Place and date of next meeting	
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| 2. Statement by Colombia |
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The 41st Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) was held by videoconference on 30 November 2020.

1. Opening of the meeting

The meeting was opened by Amb. Jean-François Pulvenis, Director (*ad interim*) of the Inter-American Tropical Tuna Commission (IATTC), which provides the Secretariat for the AIDCP.

2. Election of Chairman

Mr. Alvin Delgado, from Venezuela, elected Chairman of the meeting, expressed his wish for a fruitful meeting in spite of the very special situation resulting from the pandemic.

The Chairman gave the floor to the delegations of the Parties and made sure there was a quorum to carry it out with 11 Parties: Bolivia, Colombia, Costa Rica, Ecuador, the European Union, Honduras, Mexico, Nicaragua, Panama, Peru, and the United States.

3. Adoption of the agenda

The provisional agenda was approved without changes. However, Colombia recalled, that in accordance with the Agreement on the International Dolphin Conservation Program (AIDCP), two meetings per year of the International Review Panel (IRP) must be held, so it must be noted that this could not happen in 2020

as a result of the COVID-19 pandemic. The Director recalled that the other subsidiary bodies of the AIDCP are facing a similar situation.

The United States mentioned that a mechanism must be found to facilitate the holding of the two IRP meetings in 2021. In the event the pandemic continues, virtual meetings could be held taking into account the current confidentiality rules and using a password to access them. The call should take place soon in 2021.

4. Approval of the minutes of the 40th Meeting of the Parties

The minutes of the 40th Meeting of the Parties was approved without changes.

5. AIDCP budget

Ms. Nora Roa, from the Secretariat's staff, presented Document [AIDCP-41-01 AIDCP Budget](#). She noted that a budget of US\$ 3,199,200 was requested for 2021. The minimum increase over 2020 results from the costs of on-board observers, mainly due to the need to increase their salaries since the last increase took place in 2014. Other factors include providing security equipment and training new observers. The current conditions of their salaries imply that there are not enough observers in view of the lack of interest in this job as compared to other better-paid jobs on land for biologists holding bachelor's degrees. Likewise, she reported that as of 31 December 2019 there was a surplus of US\$ 2,144.07.

She mentioned that as of 30 June 2020, there were seven vessels currently in the Regional Vessel Register with pending payments for 2012-2020 totaling US\$ 438,528, of which US\$ 254,859 correspond to the IATTC observer program, and the rest (US\$ 183,669) to the two national programs (US\$ 18,215 (ECU) and US\$ 165,454 (VEN)).

Colombia said it had estimated a larger surplus in 2020 due to savings from the pandemic resulting from fewer trips with observers and no payment for the Director since August 2020, as well as the lack of a face-to-face meeting. Likewise, it pointed out that when talking about increasing observer payments, the fact that the pandemic has impacted everyone must be taken into account, which has implied, for example, freezing public sector salaries in several countries. Finally, Colombia said it cannot accept the proposed budget increases.

Nicaragua emphasized that salary raises are labor benefits supported by its delegation, but that resources should not be taken from the current surplus; rather, they should come from recurring resources to be sustainable. Any raise to observers' salaries must be a decision of the Parties and not just of the Secretariat. The Director clarified that the decision to increase the budget has not yet been made and that the salary raise is a proposal to be considered, as always, by the Parties. However, it is essential to consider at least the increase in the cost of living to decide on observers' salaries.

The United States recalled that observer salaries have been discussed for several years before the pandemic. They support the increase in salaries, so the Secretariat's proposal must be carefully reviewed to grant it, since the Parties are responsible for continuously providing sufficient funding to the program. Also, the fact that observers provide valuable information to the work of the Commission and that adequate salaries are required to maintain quality staff should be kept in mind. If the increase cannot be supported this time, at the next meeting it should be considered with all the flexibility required to implement it.

The European Union supported the United States position and added that a long-term solution must be sought at the next meeting. In addition, it requested that a document with different options be prepared, as done for previous meetings. Mexico stated that the surplus should be assigned to priority matters such as the dolphin abundance survey and supported what the delegations of the United States and the European Union said.

The Chairman commented that, due to the limited duration of the meeting, he saw no possibilities to reach a consensus agreement on the budget increase, so he proposed to approve it with the same amount as in 2020, that is, US\$ 3,199,200. This budget was approved by consensus.

6a. Review of Dolphin Mortality Limits for 2020

Mr. Enrique Ureña, from the Secretariat's staff, presented Document [AIDCP-41-04 Review of Dolphin Mortality Limits DML for 2020](#). He reported that for 2020 108 DMLs were allocated. Of these, 85 were used before 1 April, 3 were renounced, 1 second-semester DML was allocated, and 2 from the Reserve DML Allocation (RDA). Likewise, the Parties granted the maintenance of 20 DMLs due to *force majeure*, of which 18 have not been used as of 19 November 2020. The average DML for 2020 is 45.37.

As of 19 November 2020, 9,072 sets on dolphins were made. The dolphin mortality figure recorded is 646, accounting for a 0.07 mortality per set. No vessel has exceeded its individual DML.

6b. Dolphin Mortality Limits for 2021

Mr. Enrique Ureña, from the Secretariat's staff, presented Document [AIDCP-41-05 DML Requests 2021](#). He reported that for 2021, 109 DMLs were requested, and the same number was granted as they were deemed to meet all qualification conditions.

No comments were made regarding items 6a and 6b.

7. Review and assessment of the COVID-19 Pandemic Exemption Procedure for the Operation of On-Board Observers and its implementation

Mr. Ernesto Altamirano, from the Secretariat's staff, presented Document [AIDCP-41-03 Report on the exemption procedure and its implementation](#). According to his report, following the outbreak of the coronavirus (COVID-19) pandemic, the chairs of the Meeting of the Parties to the AIDCP and the IATTC, after consulting with several Parties, made a number of recommendations to exempt from their obligations all vessels unable to carry observers in compliance with applicable IATTC and AIDCP regulations. These recommendations were formalized in the document "*COVID-19 Pandemic Exemption Procedure for the Operation of On-Board Observers*" and they have been applied to date.

He also reported that in 2020 there have been 752 departures of Class-6 vessels, and 436 from 16 April to 12 November. Forty-four certifications of trips without observers were issued. Of these, 33 were used, accounting for 4% of the 752 departures in 2020 as of 12 November.

The Chairman mentioned that 4% of trips without observers accounts for a very low percentage and cannot negatively affect dolphin populations. He asked countries restricting landing from crews in their ports due to COVID-19 to consider removing them. In case that is not possible, he asked them to give observers special treatment. He thanked observers who have had to stay on board away from home for a long time due to pandemic-related measures.

The delegation of Colombia submitted a statement (Appendix 2) expressing its disagreement with the requirements that are requested to be met in order for observers to be assigned, as well as the fact that observers are not assigned to vessels sailing from the territory of Parties where there is no IATTC field office, as is the case of Colombia. The Chairman expressed his interest in reviewing all the points in that statement in order to find a solution to each one of them, the more so when he himself had participated actively in formulating the procedure for the exemption of the obligation for the vessel to carry an observer on board. He reiterated that one of the main purposes behind these requirements has been the protection of the health and well-being of the observers.

Nicaragua express its concern regarding the non-assignation to vessels of observers in view of the difficulty of their repatriation; therefore, providing optimal conditions to ensure a safe return home to observers must be prioritized.

The United States delegation said a joint decision was made to have an exemption procedure, which is unprecedented and the effort has been commendable. Certainly, operational difficulties for the fishing industry have risen, but the Secretariat has agreed to take the duty to ensure observers' safety and health and has tried to achieve a balance between this factor and the optimal operating conditions of the industry. In the case of the United States, the exemption program has been fully in line with U.S. regulations. On the

other hand, in the case of the United States, the exemption procedure must be framed within its own regulatory framework with its own deadlines, which may become a problem if the validity of the procedure has to be extended beyond March 2021.

The Director highlighted the Secretariat's interest in improving coordination with national authorities and all best efforts will be made to correct any shortcomings that may have been observed. The Chairman found interesting what the United States said about the difficulty to extend the exemption procedure in its legislation beyond March 2021, so it was necessary to know as soon as possible what could be done in this regard in the event of the persistence of the pandemic and the need to extend the validity of these measures.

Colombia showed an interest in having its vessels carry observers. It said that the issue of observer coverage during the pandemic will possibly bring changes in coverage proportion. In the event that the next report once again would show differences in coverage of the vessels of the various Parties, consideration should be given to the question of adjusting the proportions of the financial contributions to the program.

8. Other business

The Chairman stressed that observers should be given all the support they need to allow them to disembark at the end of a fishing trip and emphasized the need for the effective cooperation of port States to this end.

On the other hand, he pointed out that the idea of establishing an *ad hoc* working group on the AIDCP rules of procedure had already been discussed, so once the IATTC meeting is over he would convene a virtual meeting on rules of procedure. Nicaragua thanked the Chairman for his work on the procedure of exemption of the obligation to carry an observer on board and expressed its desire that he continue to lead this initiative.

9. Place and date of next meeting

The next meeting of the Parties will be held at the best opportunity in view of the situation resulting from the pandemic, hoping that it will take place during the IATTC 2021 meetings.

10. Adjournment

The meeting was adjourned on 30 November 2020 at 12:30.

Appendix 1. List of attendees

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Appendix 2. Statement by Colombia.

Statement made by the delegation of Colombia (41st Meeting of the Parties to the AIDCP, 30/11/2020)

Dear Mr. Chairman,

I am pleased to greet the honorable members of the delegations of the Parties to the Agreement on the International Dolphin Conservation Program, the Secretariat, and the distinguished attendees of this meeting.

First, I must emphasize that the Government of Colombia appreciates the efforts of the Parties and the Secretariat to implement and support the International Dolphin Conservation Program in the midst of the exceptional circumstances resulting from the current COVID-19 pandemic.

This task requires a firm commitment from all involved to ensure that fishing operations are carried out in line with the highest standards. In this regard, we feel that exemption measures must especially avoid setting negative precedents and, above all, always promote compliance with established regulations and good practices.

However, in its national capacity, the Government of Colombia once again expresses its concern over the way the procedure to assign IATTC observers to purse-seine vessels, as well as the COVID-19 pandemic exemption procedure for the operation of on-board observers, has been applied. In this regard, as stated in writing both to the Secretariat and to the other contracting Parties through various communications, it is a matter of concern to the Government of Colombia that the IATTC is demanding from Colombian shipowners meeting a number of requirements to assign observers, which have not been discussed with the members of the AIDCP and are not included in AIDCP's procedure to assign on-board observers nor in Resolution C-09-04.

Some of the arguments on which the assignment of observers to Colombian vessels has been denied include:

- Observers will only be assigned in ports with an IATTC regional office.
- The staff considers that using public transportation to repatriate an observer is an unacceptable risk to their health.

Shipowners are required to organize all logistics and to cover costs associated with land transportation from the observer's place of residence to the port. It should be recalled that these expenses have always been borne by the Observer Program and are included in the AIDCP budget.

In addition, shipowners are required to undertake to repatriate observers at the end of the trip. It must be recalled that these costs and logistical arrangements have always been borne by observer programs, whether from IATTC or from the countries. In most cases, shipowners do not have the logistical capacity to repatriate observers, unlike the IATTC, which has the resources needed and the experience of many years mobilizing observers across countries.

Traditionally, the IATTC, as the Secretariat responsible for other activities of the Agreement, has acted following the principle of equality between the Parties. However, these additional requirements being de-

manded from Colombian vessels have never been formally approved by the AIDCP or the IATTC. Therefore, they could be seen as a discriminatory measure against Colombia since Colombia does not have an IATTC regional office.

On the other hand, these non-agreed upon measures are not in line with the spirit of the Members' agreement to establish the COVID-19 pandemic exception procedure to grant the exception of carrying observers to vessels that, due to operational and logistical restrictions, could not be assigned one.

As properly mentioned by the Director in letter No. 0499-410, dated 12 November 2020, any support in addition to what has been agreed is always voluntary and freely consented to. Consequently, it should not be seen as a requirement; especially when the Government of Colombia and the governments in the region have strengthened their protocols in order to ensure greater safety for life, fishing trips, and movement between countries. Member States have been strictly applying the exception procedure and greater support from the IATTC in this task is expected.

Mr. Chairman,

Colombia thinks it essential to ensure adequate coverage of observers onboard its vessels. For this reason, attempts have been made to place observers from the National Program in the trips requiring IATTC observers. As a result, the percentage of trip coverage by the National Program exceeds the 50% level established in Resolution C-09-04. Likewise, these additional trips covered by the National Program have entailed operating cost overruns.

If this coverage imbalance between the National Program and the IATTC Program is to continue, Colombia will request a redistribution of vessel assessments between programs in accordance with trip coverage percentage.

We hope that during this meeting both Members and the Secretariat will evaluate the appropriateness and justification of these new requirements to assign observers. In this way, we will be able to find a solution ensuring the fleet's operability and an adequate level of coverage on fishing trips.