

# AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

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

ANTIGUA (GUATEMALA)  
23 JUNE 2003

### DOCUMENT MOP-9-08

#### AMENDMENTS TO THE AIDCP

The Secretariat was asked to prepare two amendments to Annex IV of the AIDCP, one of which has been agreed by the IRP and one which needs further discussion.

1. A proposal on procedures to deter frivolous requests for DMLs was agreed at the 32<sup>nd</sup> meeting of the IRP in February 2003 (attached). The Secretariat was asked to format the proposal as a modification of Annex IV of the AIDCP and to present it to the next Meeting of the Parties for formal approval.

The proposed amendment is to add the following new paragraph 8 to Section I of Annex IV, renumbering the subsequent paragraphs accordingly:

“8. No DML shall be assigned to a vessel unless, in the year prior to the year in which it is applying for a DML, at least 5 percent of the total number of the sets made by the vessel were on dolphins, and the average catch of yellowfin in its sets on dolphins was at least three metric tons per set. Otherwise, the vessel cannot receive a DML, unless there are reasons of *force majeure*, as agreed pursuant to Annex IV of the AIDCP, that prevented it from complying with these requirements.”

The Secretariat believes that the minutes of this 9<sup>th</sup> Meeting of the Parties should reflect the following two agreed points:

- a. This procedure shall apply beginning with DML requests made in 2004, only for vessels that had a DML in 2003, and the first DMLs that shall be issued pursuant to this proposal shall be those for 2005.
- b. These procedures to deter frivolous requests for DMLs shall be reviewed annually, and modified if deemed advisable.

In the view of the Secretariat, it is more appropriate to include these points in the minutes rather than in the Agreement itself.

2. At the 32<sup>nd</sup> meeting of the IRP, in February 2003, Vanuatu proposed amending Annex IV of the AIDCP regarding second-semester DMLs in order to allow more flexibility in the administration of the DML system. Currently, the AIDCP requires that second-semester DMLs be requested by October 1 of the previous year, at the same time as the full-year DML requests are due. Vanuatu proposed that the deadline for requesting second-semester DMLs be changed to March 31 of the year for which they are requested. Vanuatu expressed its view that, in addition to making the system more flexible, such a procedure would reduce frivolous requests since vessels would be better able to determine if they really needed to fish on dolphins during the second half of the year.

In accordance with the Panel's instructions, the Secretariat prepared the following proposal for amending paragraphs 1 and 2 of Section I of Annex IV of the AIDCP so they would read as follows:

#### **I. Assignment of DMLs**

1. a. Each Party shall provide to the other Parties, through the Director, prior to October 1 of each year, a list of vessels under its jurisdiction of carrying capacity greater than 363 metric tons (400 short tons) that have requested a full-year DML for the following year, indicating those other vessels that are likely to be operating in the Agreement Area in the following year.

- b. Each Party shall provide to the other Parties, through the Director, prior to April 1 of each year, a list of vessels under its jurisdiction of carrying capacity greater than 363 metric tons (400 short tons) that have requested a second-semester DML for that same year.
2. The IRP shall, by November 1 of each year, or later if agreed by the IRP, provide to the Parties a list of qualified applicant vessels eligible to receive a full-year DML for the following year. For second-semester DMLs, the IRP shall, by May 1 of each year, or later if agreed by the IRP, provide to the Parties a list of qualified applicant vessels eligible to receive a second-semester DML for that same year.
3. For purposes of this Agreement, a vessel shall be considered qualified if:
  - a. it has been certified by the relevant national authorities to be in possession of all of the dolphin safety gear and equipment required in Annex VIII;
  - b. its captain and crew have received approved training in dolphin release and rescue techniques comparable to a standard established by the Meeting of the Parties;
  - c. it is over 363 metric tons (400 short tons) carrying capacity in size;
  - d. it has a captain considered qualified due to his or her prior record of performance; and
  - e. the vessel is not deemed to be disqualified under Section II of this Annex.

If this amendment is accepted in this format, the remainder of the paragraphs in Section I would be re-numbered accordingly.