

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

11TH MEETING OF THE PARTIES

LIMA (PERU)
9 JUNE 2004

MINUTES OF THE MEETING (REVISED)

AGENDA

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1. Opening of meeting	
2. Election of Chairman	
3. Adoption of agenda	
4. Approval of minutes of 10 th Meeting of the Parties	
5. Secretariat's report on the IDCP	MOP-11-04
6. Report of the International Review Panel	
7. Cooperation among the Parties to facilitate compliance	
8. AIDCP budget for 2004	MOP-11-06
9. Monitoring of dolphin stock mortality limits	MOP-11-07
10. Resolutions	
11. Report of the Joint Working Group on Fishing by Non-Parties	
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APPENDICES

1. List of attendees
2. Presider's report, 36th meeting of the IRP
3. Recommendations of the 36th meeting of the IRP
4. Procedures for invalid dolphin safe certificates
5. Resolution regarding captains with two or more night set infractions
6. Resolution regarding dolphin safety gear inspections
7. Resolution regarding modification of the *Procedures for Maintaining the AIDCP List of Qualified Captains*
8. Chairman's report, 3rd meeting of the Joint Working Group on Fishing by Non-Parties

1. Opening of meeting

The meeting was opened on 9 June 2004 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

Dr. Jorge Vertiz Calderón, of Peru, was elected chair of the meeting.

3. Adoption of Agenda

Dr. Allen noted that the 36th meeting of the IRP had referred an item on its agenda, *Denial of DML for vessel employing banned captain*, to this meeting for consideration, and that it would be addressed during the report of the IRP. Also, an item to receive the report of the Joint Working Group on Fishing by Non-Parties should be added, as well as an item to approve the minutes of the last Meeting of the Parties to the AIDCP.

4. Approval of minutes of 10th Meeting of the Parties

The minutes of the 10th Meeting of the Parties to the AIDCP, drafted by the Secretariat, were approved as presented.

5. Secretariat's report on the AIDCP

Dr. Allen presented document MOP-11-04, *Report on the International Dolphin Conservation Program*, highlighting some of the most important aspects of the report.

6. Report of the International Review Panel

Lic. Luis Fueyo McDonald, Presider of the 36th meeting of the IRP, presented a report to the Parties describing the work of the Panel, highlighting those matters which were discussed but not resolved (Appendix 2).

Five of the eight recommendations referred to the meeting by the IRP (Appendix 3; items 1, 2, 3, 6, and 7) were adopted by the Parties as presented; recommendation 8 was adopted with an amendment. Considerable discussion took place, however, on recommendations 4 and 5.

Recommendation 4 of the IRP is for the Parties to “decide, in the light of the decision of the 34th meeting of the IRP, whether vessel G has a valid DML for 2004” The Parties recalled the decision made at the 10th Meeting of the Parties that the vessel should not receive a DML during 2004, and the DML that it had been assigned was therefore invalid. Colombia expressed its disagreement with the decision of the 10th Meeting of the Parties.

During the discussion, it became evident that there was a dispute about the vessel's flag. Colombia asserted that the vessel had changed flag from Bolivia and was now Colombian; Bolivia, however, stated that the vessel was still Bolivian flag, that it would not be allowed to change flag until it had complied with sanctions imposed by Bolivia for infractions of the AIDCP, and that it had obtained the Colombian flag by using false documents showing that it had been dropped from the Bolivian registry. Several delegations and the chairman noted that this matter lay outside the competence of the AIDCP, and that the two countries needed to resolve it bilaterally.

Recommendation 5 of the IRP is for the Parties to “review the cases of Vessels G and H and Captain A, and the relationships among them, and decide on an appropriate course of action.” The main issue addressed by the Parties was whether vessel H, of Colombian flag, should receive a DML for 2005, because of the continued employment by the vessel owner of Captain A, who has been permanently banned from the AIDCP List of Qualified Captains.

The European Union and the United States stated their view that this vessel should not receive a DML for

2005, citing paragraph 2 of Section IV of Annex IV, which states:

“In cases involving unusual or extraordinary circumstances not foreseen in this Annex, the Parties, as recommended by the IRP, may take such measures as are necessary, consistent with the provisions of this Annex, in order to implement the DML system.”

Colombia advised the meeting that this case was still under investigation, and that an update would be presented at the Meeting of the Parties in October. Colombia stated that none of its flag vessels would ever employ Captain A again, but that it believed that vessel H should be eligible to receive a DML for 2005.

The meeting asked the Secretariat to circulate the name of Captain A to all the Parties.

The Parties decided to review this matter again at their meeting in October, following the update by Colombia.

7. Cooperation among the Parties to facilitate compliance

Dr. Allen introduced this item, reminding the delegations that the Secretariat had circulated to the IATTC Commissioners and AIDCP Parties, on 21 May and 4 June, letters from the Government of Bolivia requesting assistance in the implementation of sanctions against several of its flag vessels for violations of measures of either the IATTC or AIDCP. Specifically, Bolivia had requested the detention of three of its flag vessels, the *Amanda S.*, the *Sea Gem*, and the *Gold Coast*. Bolivia also noted in its letters that it had advised the management of the vessels that the vessels would not be removed from the Bolivian registry until they had complied with the sanctions imposed upon them. Several delegations stated that their governments were prepared to assist Bolivia.

Colombia objected to this action by Bolivia on the grounds that the vessels concerned were now Colombian flag. The Chair repeated his earlier intervention that this matter needed to be resolved bilaterally by the two governments involved, and Colombia and Bolivia pledged that they would work together in an effort to resolve the flag problem with respect to these three vessels.

8. AIDCP budget for 2004

Dr. Allen presented Document MOP-11-06, which describes the actual costs for 2003 related to the AIDCP, and proposed budgets for 2004 and 2005 to support all costs related to the AIDCP for those years.

In June 2003, the 9th Meeting of the Parties recognized the urgency of taking immediate measures to balance the budget. The 2003 [Resolution on financing the AIDCP](#) (A-03-01) introduced several measures to increase revenue: estimates of vessel well volume, using a multiple of carrying capacity, until the well volumes of all vessels are measured, and assessments for small and inactive purse-seine vessels included on the IATTC Regional Vessel Register. The resolution also established payment deadlines for all vessels; if these are not met, a surcharge of 10% of the outstanding assessment is applied.

Dr. Allen also noted that Paragraph 11 of the resolution calls for a review of vessel assessments in 2005, with the aim of balancing the budget, and that the Secretariat recommends that the Working Group on Vessel Assessments and Financing carry out that review before the Meeting of the Parties in June 2005.

Following the presentation, the European Union expressed concern over the fact that many of the smaller vessels have not paid the required fees, and emphasized the importance of all vessels paying their fees and of applying the 10% surcharge to those vessels that do not pay on time.

Mexico stated that its view that Resolution A-03-01 does not apply to 2005, and that it should be reviewed at the current meeting to balance the budget for 2005, as indicated in the resolution itself, and that vessels that are not operating cannot be made to pay fees for that year. It expressed its concern that, because fees cannot be collected from vessels that are not operating, the program will be in deficit if the budget takes that income into account, and endorsed the proposal that the Working Group on Vessel

Assessments and Financing be convened early in 2005 to discuss the AIDCP budget, and also reserved its rights on this matter since some countries did not agree that the resolution should be reviewed.

The European Union and the United States expressed their view that the resolution does apply to 2005, and that in fact it remains in effect until it is amended or revoked.

Several delegations noted the importance of using the 1.4 conversion factor established in the resolution to convert the capacity of vessels in metric tons to well volume in cubic meters for purposes of the assessment of the required fees.

9. Monitoring of dolphin stock mortality limits

This item was placed on the agenda at the request of the United States, which also had prepared a written proposal on the subject. The proposal was prepared for the 10th Meeting of the Parties in October 2003 (Proposal MOP-10-13 A1), but was not discussed due to lack of time. If agreed, the proposal would replace the current [Procedures for implementing Stock Mortality Limits](#), approved in June 2002.

The meeting agreed that the Scientific Advisory Board should analyze this proposal before it is considered further by the Parties.

10. Resolutions

The 11th Meeting of the Parties adopted the following four resolutions .

Resolution		Appendix
A-04-01	Procedures for invalid dolphin safe certificates	4
A-04-02	Resolution regarding captains with two or more night set infractions	5
A-04-03	Resolution regarding dolphin safety gear inspections	6
A-04-04	Resolution regarding modification of the <i>Procedures for Maintaining the AIDCP List of Qualified Captains</i>	7

The Meeting also agreed that, pending the adoption of guidelines, no Party shall grant a waiver to exempt a vessel from carrying an observer while making a transit through, or within, the Agreement Area and between specific ports, unless the relevant Party, in consultation with the Secretariat, takes measures to ensure that no fishing activities will occur, including such actions as documenting the departure and arrival times of the vessel in transit, and/or other measures the Party and Secretariat deem appropriate.

The Parties recalled the decision made at the 10th Meeting of the Parties that Vessel G should not receive a DML during 2004, and the DML that it had been assigned was therefore invalid.

11. Report of the Joint Working Group on Fishing by Non-Parties

Mr. Roberto Cesari, of the European Union, chairman of the Joint Working Group on Fishing by Non-Parties, presented his report on the third meeting of the working group (Appendix 8), which was accepted by the Parties.

12. Other business

Dr. Allen advised the meeting that it had come to the attention of the Secretariat that, when Annex IV (I) of the Agreement was amended in June 2003, the numbering of the paragraphs in that section of the Annex changed (paragraphs 1 and 2 became paragraphs 1a, 1b, 2 and 3), but the references to those paragraphs within the Annex were not, resulting in incorrect references. He reminded the meeting that this matter had been raised in a memorandum of 10 May 2004 to the AIDCP participating governments, where it was noted that the references are:

Paragraph	Reference	
	Current	Correct
(I) 4	2	3
(I) 5	5	6

(I) 6	4	5
(I) 7	2 and 3	3 and 4
(III) 2, chapeau	5	6
(III) 2c	5 (twice)	6 (twice)
(III) 3	2	3

Dr. Allen proposed that, since these are evidently technical errors, the corrections be approved formally by this Meeting of the Parties.

Dr. Allen also noted that the deadline for DML reallocation described in the AIDCP was different in the English (“no later than May 20”) and Spanish (“antes del 20 de mayo”) texts, and suggested changing the Spanish to conform with the English.

The meeting agreed to both of these proposals for amending the AIDCP.

13. 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, 2004.

14. Adjournment

The meeting was adjourned on 10 June 2004.

Appendix 1.

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PROGRAMA INTERNACIONAL PARA LA CONSERVACIÓN DE LOS DELFINES**

**11th MEETING OF THE PARTIES
11ª REUNION DE LAS PARTES**

**9 Jun 2004
Lima, Perú**

ATTENDEES - ASISTENTES

BOLIVIA

**HANS BELLOTA
ANTONIO APALA**
Dirección General de Intereses Marítimos

COLOMBIA

**ARTURO VEGA
CARLOS MOSQUERA**
INCODER

**ARMANDO HERNÁNDEZ
DIEGO CANELOS**

COSTA RICA

ASDRÚBAL VÁSQUEZ
INCOPECA

ECUADOR

LUIS TORRES
Ministerio de Comercio Exterior, Industrialización,
Pesca y Competitividad

**LIGIA SOLIS
JORGE BANCHÓN**
PROBECUADOR

EL SALVADOR

SONIA SALAVERRÍA
Ministerio de Agricultura y Ganadería

EUROPEAN UNION - UNION EUROPEA

**ROBERTO CESARI
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AVIER ARÍZ TELLERÍA
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Embajada de España en Washington

HONDURAS

JUAN CARLOS RIVERA
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MEXICO

**RICARDO BELMONTES
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**GUILLERMO COMPEAN
MICHEL DREYFUS
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LUIS FUEYO
SEMARNAT/PROFEPA
MARK ROBERTSON

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JORGE VERTIZ
JORGE ZUZUNAGA
CHRISTINE BRODIE
GLADYS CÁRDENAS
VÍCTOR LOYOLA
LUIS VALDERRAMA
JOSÉ PELLÓN
PEDRO SAAVEDRA
ANTONIETA PALIZA
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TANIA SANCHEZ
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JOSE CARLOS MARQUEZ
Ministerio de la Producción

JORGE PONCE
ANA TERESA LECAROS
Ministerio de Relaciones Exteriores
LUIS ABAD
Dirección General de Capitanías y Guardacostas

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

DAVID HOGAN
JAMES STORY
Department of State
PAT DONLEY
RODNEY MC INNIS
STEVE REILLY
JEREMY RUSIN
BRETT SCHNEIDER
MICHELLE ZETWO
National Marine Fisheries Service

RANDI THOMAS
U.S. Tuna Foundation

VENEZUELA

ALVIN DELGADO
Programa Nacional de Observadores de Venezuela

INTERNATIONAL ORGANIZATIONS – ORGANIZACIONES INTERNACIONALES

CARLOS ARCA
OLDEPESCA

NON GOVERNMENTAL ORGANIZATIONS - ORGANIZACIONES NO GUBERNAMENTALES

KITTY BLOCK
Humane Society
MOISÉS MUG
MARGARITA S. DE JURADO
WWF Central América

NINA YOUNG
The Ocean Conservancy

TUNA INDUSTRY – INDUSTRIA ATUNERA

RAMÓN MONTAÑO
JULIO MORÓN

ALFONSO PAZ

SECRETARIAT -- SECRETARÍA

ROBIN ALLEN, Director
ERNESTO ALTAMIRANO
DAVID BRATTEN
ERICK LARGACHA
ALEJANDRA FERREIRA

BRIAN HALLMAN
MARTÍN HALL
BERTA JUÁREZ
NICHOLAS WEBB

Appendix 2.

INTERNATIONAL REVIEW PANEL 36TH MEETING

LIMA (PERU)
8 JUN 2004

PRESIDER'S REPORT

1. At 9:30 a.m. on 8 June the 36th meeting of the International Review Panel was declared open.
2. Mr. Luis Fueyo MacDonald, of Mexico, was elected Presider of the meeting.
3. The agenda was adopted, with the inclusion of the proposal formulated by the Secretariat as item 14 bis on the report of the working group on the promotion of the label. Also, it was agreed that under other business the draft Public Statement in support of the AIDCP, formulated by various delegations, would be reviewed.
4. The minutes of the 35th meeting of the IRP were presented for approval, and were approved with the inclusion of a modification to the text of the Statement of Mexico in support of the AIDCP.
5. The Secretariat presented information on the utilization of the 2004 Dolphin Mortality Limits, noting that no vessel had exceeded its DML and that during the first semester the Average DML had remained low.
6. The Secretariat presented information on the changes in the List of Qualified Captains. It was noted that, after captain 632 was added to the list, the Party confirmed infractions involving that captain. The inclusion of captains in the list would be subject to the established guidelines. The delegation of the United States would prepare a proposal for modifying the guidelines for adding captains to the List of Qualified Captains for consideration at the Meeting of the Parties.
7. The Secretariat presented Document IRP-36-08, which details the requests by various vessels to not carry observers aboard because these are transit trips, with no fishing, or because they do not have a dolphin safety panel, because the target would be catches of bluefin tuna. The delegations agreed on the need to comply with the terms of the Agreement and ensure that there were no violations during the activities set out in the exemption requests. It was agreed that there would be no exemptions until specific guidelines were established to resolve this type of request, unless the relevant Party, in consultation with the Secretariat, took measures to ensure that no fishing activities would occur. The European Union noted that the measures could include leaving the net in port, reducing the crew, sealing wells, use of VMS, informing the Secretariat of the dates and ports of departure and arrival of the vessel. The delegations of Colombia, Venezuela, Mexico and Peru offered to prepare a new proposal for guidelines for review at the 37th meeting of the Panel in October.
8. The Secretariat presented information from the observer data on possible infractions detected during fishing trips. The Panel decided that trip 2004-019 was not an infraction, and trips 2004-45 and 2004-55 would be referred to the Party State as possible infractions, and that a possible infraction occurred in trip 2004-120.

The delegation of Bolivia explained that the allocation of a DML to one of its flag vessels that did not fulfil the requirements of the Agreement was due to an administrative error. It was made clear that that did not exempt the vessel from assuming its obligations under the Agreement. The Panel, at its 34th meeting, considered that the vessel was not eligible for a DML for 2004, the case will be reviewed by the Meeting of the Parties for appropriate action.

9. The Panel reviewed the Secretariat's proposal for modifying the procedures for maintaining the List of Qualified Captains. It was recommended that those captains who commit two or more night set infractions should attend a training and updating course. To this end the IATTC and the national programs will increase the number of courses offered.
10. The Secretariat presented Document IRP-36-11, with its analysis of the incidence of vessels with infractions associated with the lack of the equipment required on board for fishing for tunas associated with dolphins. It was recommended that two inspections per year be carried out on vessels that have a DML. Also, El Salvador proposed that the technical specifications of the equipment required on board be spelled out, particularly jet skis should be included as equipment that can be used as an alternative to rafts, and measurable technical specifications equivalent to the intensity of 140,000 lumens for floodlights. The Secretariat will formulate a proposal on this.
11. The Panel reviewed Document IRP-36-12, on the analysis of the unloadings of small vessels with the information available. The Secretariat will prepare, for the meeting of the Panel in February 2005, a document with a statistical analysis of the possibility of identifying small vessels that carry out activities in contravention of the Agreement.
12. The Panel reviewed the Secretariat's report on the actions of the Parties to enforce the Agreement, also the reports of specific actions that the Parties took regarding five infractions of those vessels that were reported at the 33rd, 34th and 35th meetings of the IRP. Also, the special cases were reviewed. Vessels G and H and the case of captain A were turned over to the Meeting of the Parties for the adoption of pertinent actions.
13. The Chair of the Working Group on Tuna Tracking presented her report, which was approved with the corrections requested by the delegations. The IRP approved the proposals of the working group regarding the establishment of Procedures for invalid dolphin safe certificates, and noted that the Tuna Tracking System of Peru is consistent with the Agreement.
14. The Chair of the Working Group on Promotion of the label presented his report, highlighting the program of activities to be carried out in Europe after 28 June in Rome, Italy, to promote the AIDCP and specifically the label, an activity to be carried out with the support of WWF Italy and WWF Mediterranean.
15. The recommendations of the IRP to the Meeting of the Parties were reviewed.
16. The Public Statement in support of the AIDCP was presented, and will be issued by the delegations that drafted it and those that expressed their support for the text.
17. The date and venue of the 37th meeting of the IRP were set as 19 October, at the Embassy Suites Hotel in La Jolla, California.
18. The meeting was adjourned.

Appendix 3.

**INTERNATIONAL REVIEW PANEL
36TH MEETING**

LIMA (PERU)
8 JUN 2004

RECOMMENDATIONS FOR THE 11TH MEETING OF THE PARTIES

The 36th meeting of the International Review Panel recommends that the 11th Meeting of the Parties to the AIDCP:

1. note that the Peruvian Tuna Tracking and Verification System is consistent with the AIDCP *System for tracking and verifying tuna*;
2. amend the *AIDCP Dolphin-Safe Certification System* in accordance with Annex A of these recommendations;
3. agree that, pending the adoption of guidelines, no Party shall grant a waiver to exempt a vessel from carrying an observer while making a transit through, or within, the Agreement Area and between specific ports, unless the relevant Party, in consultation with the Secretariat, takes measures to ensure that no fishing activities will occur, including such actions as documenting the departure and arrival times of the vessel in transit, and/or other measures the Party and Secretariat deem appropriate;
4. decide, in the light of the decision of the 34th Meeting of the IRP, whether Vessel G has a valid DML for 2004, and also note the vessel's record (Annex B);
5. review the cases of Vessels G and H and Captain A (Annex C), and the relationships among them, and decide on an appropriate course of action;
6. adopt the draft resolution on training courses for fishing captains with two or more night set infractions (Annex D);
7. adopt the draft resolution requiring two inspections each year of dolphin safety gear aboard vessels with DMLs (Annex E);
8. adopt the draft resolution to determine how captains with pending violations are to be treated with regard to the List of Qualified Captains (Annex F).

Annex A.

PROCEDURES FOR INVALID DOLPHIN SAFE CERTIFICATES

It is recommended that the *AIDCP Dolphin-Safe Certification System* be amended by adding the following new Section 3, *Procedures for invalid dolphin safe certificates*:

1. If a Party:
 - a. is notified by the Secretariat that a certificate it has issued is invalid, it will notify the entity to which the certificate was issued and ensure, pursuant to applicable national legislation, that the original certificate is returned to the Party's issuing authority.
 - b. invalidates a certificate it has issued, it will, pursuant to applicable national legislation, notify the entity to which the certificate was issued and ensure that the original certificate is returned to the Party's issuing authority, and also notify the Secretariat of the invalidated certificate.

In all cases, the Secretariat will notify all other Parties of the invalidation of the certificate as soon as possible.

2. The Party will then send the original certificate to the Secretariat.
3. The Secretariat will maintain a record of the invalid certificates, including the dates on which the relevant Party was notified of the invalidation of the certificate and the date on which the original certificate was returned to the Secretariat.
4. The Secretariat will provide this information to the Parties on a regular basis in order for the Parties to analyze how the overall Dolphin Safe Certification Program is working.

The subsequent sections 3 through 6 shall be renumbered accordingly.

Annex B.

Vessel G: Record of infractions

Departure year	Trip No.	Infraction	Possible infractions	No. confirmed
2000	1	Night set	1	1
		Explosive use	19	19
		No floodlight	1	1
2000	2	Fishing without a DML	1	N/A ¹
		Night set	1	N/A
	3	Fishing without a DML	1	N/A
2001	1	Fishing without a DML	1	0
	2	Fishing without a DML	1	0
		Unqualified captain	1	0
2002	1	Unqualified captain	1	0
		No floodlight	1	0
	2	No floodlight	1	0
	3	Sets before notification	1	- ²
2003	1	Unqualified captain	1	-
	2	Unqualified captain	1	-
	3	Unqualified captain	1	0
	4	Fishing without a DML	1	-
		Unqualified captain	1	1
		Observer interference	1	1
		Night set	1	1
	Explosive use	1	1	
2004	1	Fishing without a DML	1	-
		Night set	1	-
		Explosive use	5	-

¹ N/A: possible infraction occurred on a vessel of a non-party

² -: No response

Annex C.

VESSEL 'G'

At the 10th Meeting of the Parties in October 2003, it was decided that this vessel, which had a DML during 2003, was not eligible for a 2004 DML because it had repeatedly employed fishing captains not on the AIDCP *List of Qualified Captains* while it had a DML. However, the flag Party assigned the vessel a 2004 DML from its national DML allocation. In February 2004, the 35th meeting of the IRP reviewed trip no. 2003-789 by the vessel, which included fishing activity in both 2003 and 2004. The Panel identified six possible infractions for this trip: 1) one night set; 2-3) two sets with explosives use; 4) observer interference; 5) unqualified fishing captain (during 2003); and 6) fishing on dolphins without a DML (20 sets during 2004). These findings were forwarded to the Party by the Secretariat in a letter dated March 24, 2004. At its 35th meeting in February 2004, the IRP agreed that the question of whether the vessel had a valid 2004 DML would be discussed at this meeting.

On May 12, 2004, the Party notified the Secretariat of its recent communications with vessel management regarding these possible infractions. On April 2, 2004, the Party notified management that a response to these possible infractions, except no. 6, was required by April 15. The Party sent a second notification on April 19, requiring a response to those five possible infractions by April 23. Apparently, no response was provided by that date, and on April 27 the Party notified management that a sanction of US\$41,771 had been applied to all five infractions. The Party required payment of the fine by May 7, 2004, and advised management that non-compliance with that requirement would result in the application of other mechanisms to ensure compliance.

During the review period for this IRP meeting, this vessel completed a trip during which the observer reported 39 intentional sets on tunas associated with dolphins, five of which had explosive use and one that was a night set. All of those possible infractions will be forwarded to the flag Party.

VESSEL 'H'

The 35th meeting of the IRP in February 2004 reviewed trip no. 2003-700 by this DML vessel and identified a possible infraction of an unqualified captain. The person listed as the fishing captain on the vessel's official crew list was recorded as such by the observer on his IRP form, though it was his opinion that the person recorded on the crew list as the fish spotter (Captain 'A', see Special Case no. 7) was actually in charge of the fishing operations. The Panel forwarded this case to the 11th Meeting of the Parties to determine if this vessel should be eligible to receive a DML in 2005, due to its employing the banned captain.

The case was reported to the Party by the Secretariat in a March 24, 2004, letter that included the Panel's request that the Party take necessary measures to ensure that Captain 'A' is not put in charge of fishing operations aboard a vessel in its fleet with a DML. As of June 1 there has been no response to this case.

FISHING CAPTAIN 'A'

This captain was permanently removed from the *List of Qualified Captains* in October 2001. Prior to the 31st IRP meeting in October 2002, the Secretariat notified the Party informally that it had information indicating that this captain had recently made two fishing trips on a DML vessel. The Party replied in a letter dated October 8, 2002, that vessel management had been notified that this was a possible infraction with a monetary sanction, and that the case was under appeal. The IRP identified these two possible infractions at its 31st meeting (trip nos. 2002-373 and 2002-486), and the Party was formally notified. To date there has been no further response to these cases.

The 32nd meeting of the IRP in February 2003 reviewed another trip by this captain on the same vessel (trip no. 2002-735) during which intentional sets on dolphins were made, and it was reported to the Party in March 2003 as a possible infraction. To date there has been no response to this case.

The 33rd meeting of the IRP in June 2003 reviewed two more trips by this captain on the same vessel,

both trips with intentional dolphin sets, and they were reported to the Party as possible infractions (trip nos. 2003-028 and 2003-194). The Party replied on October 3, 2003 that those two possible infractions are under investigation, and there has been no subsequent response.

The 34th meeting of the IRP in October 2003 identified as a possible infraction, and forwarded to the Party, another trip by this captain with intentional dolphin sets on the same vessel (trip no. 2003-341). To date there has been no response to this case.

The 35th meeting of the IRP in February 2004 reviewed a trip by a vessel of a different Party involving this captain (trip no. 2003-700) described above (Vessel 'H').

During the reporting period for the 36th meeting of the IRP, this captain made another trip on Vessel 'H', and was reported by the AIDCP observer to be the fishing captain.

Annex D.

DRAFT RESOLUTION REGARDING CAPTAINS WITH TWO OR MORE NIGHT SET INFRACTIONS

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve that:

Any fishing captain on a vessel operating under the AIDCP who has committed two or more night set infractions shall be required to attend an instructional seminar, as described in Section 3.1 of the *Procedures for maintaining the AIDCP List of Qualified Captains*, prior to his next trip as a fishing captain.

Annex E.

DRAFT RESOLUTION REGARDING DOLPHIN SAFETY GEAR INSPECTIONS

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve that:

Each Party shall inspect each of its vessels that has been assigned a DML, to ensure that the dolphin safety gear and equipment requirements in Section 2 of Annex VIII of the AIDCP have been met.

The first such inspection shall be carried out before the vessel's request for a DML is submitted (October 1 for full-year DMLs, April 1 for second-semester DMLs), and the second before the notification of any reallocation of DMLs (May 20) for vessels with full-year DMLs, and during the last quarter of the year for vessels with second-semester DMLs.

Annex F.

**DRAFT RESOLUTION REGARDING MODIFICATION OF THE
PROCEDURES FOR MAINTAINING THE AIDCP LIST OF QUALIFIED
CAPTAINS**

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve to modify the Procedures for maintaining the AIDCP List of Qualified Captains, as follows:

1. Add the following new subparagraph 3 to section 3, *Requirements for new captains*:

“3. not have any pending infractions, as detailed in section 4.1, that have not been resolved by the relevant Party.”

2. Modify the chapeau to section 5, *Reinstatement of disqualified captains*, by changing “after” to “provided that”, and add the following new subparagraph 4:

“4. He does not have any pending infractions, as detailed in section 4.1, that have not been resolved by the relevant Party.”

Appendix 4.

RESOLUTION A-04-01

PROCEDURES FOR INVALID DOLPHIN SAFE CERTIFICATES

The following new Section 3, *Procedures for invalid dolphin safe certificates*, is added to the *AIDCP Dolphin-Safe Certification System*:

5. If a Party:
 - a. is notified by the Secretariat that a certificate it has issued is invalid, it will notify the entity to which the certificate was issued and ensure, pursuant to applicable national legislation, that the original certificate is returned to the Party's issuing authority.
 - b. invalidates a certificate it has issued, it will notify the entity to which the certificate was issued and ensure, pursuant to applicable national legislation, that the original certificate is returned to the Party's issuing authority, and also notify the Secretariat of the invalidated certificate.

In all cases, the Secretariat will notify all other Parties of the invalidation of the certificate as soon as possible.

6. The Party will then send the original certificate to the Secretariat.
7. The Secretariat will maintain a record of the invalid certificates, including the dates on which the relevant Party was notified of the invalidation of the certificate and the date on which the original certificate was returned to the Secretariat.
8. The Secretariat will provide this information to the Parties on a regular basis in order for the Parties to analyze how the overall Dolphin Safe Certification Program is working.

The subsequent sections, currently numbered 3 through 6, are renumbered accordingly.

Appendix 5.

RESOLUTION A-04-02

RESOLUTION REGARDING CAPTAINS WITH TWO OR MORE NIGHT SET INFRACTIONS

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve that:

Any fishing captain on a vessel operating under the AIDCP who has committed two or more night set infractions shall be required to attend an instructional seminar, as described in Section 3.1 of the *Procedures for maintaining the AIDCP List of Qualified Captains*, prior to his next trip as a fishing captain, unless no seminar is available before that trip, in which case he shall be required to attend an instructional seminar as soon as possible thereafter. This procedure shall not affect the captain's status on the List of Qualified Captains.

Appendix 6.

RESOLUTION A-04-03

RESOLUTION REGARDING DOLPHIN SAFETY GEAR INSPECTIONS

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve that:

Each Party shall ensure that each of its vessels that has been assigned a DML is inspected twice a year, to ensure that the dolphin safety gear and equipment requirements in Section 2 of Annex VIII of the AIDCP have been met.

The first such inspection shall be carried out before the vessel's request for a DML is submitted (October 1 for full-year DMLs, April 1 for second-semester DMLs), and the second before the notification of any reallocation of DMLs (May 20) for vessels with full-year DMLs, and during the last quarter of the year for vessels with second-semester DMLs.

Appendix 7.

RESOLUTION A-04-04

RESOLUTION REGARDING MODIFICATION OF THE *PROCEDURES FOR MAINTAINING THE AIDCP LIST OF QUALIFIED CAPTAINS*

*The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), seeking to strengthen compliance with the provisions of the Agreement, resolve to modify the *Procedures for maintaining the AIDCP List of Qualified Captains*, as follows:*

1. Add the following new subparagraph 3 to section 3, *Requirements for new captains*:
“3. not have any pending infractions, as detailed in section 4.1, regarding which the relevant Party has not taken action.”
2. Modify the chapeau to section 5, *Reinstatement of disqualified captains*, by changing “after” to “provided that”, and add the following new subparagraph 4:
“4. He does not have any pending infractions, as detailed in section 4.1, regarding which the relevant Party has not taken action.”

Appendix 8.

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

3RD MEETING

LIMA (PERU)
10 JUNE 2004

CHAIR'S REPORT

The Joint Working Group on Fishing by Non-Parties was chaired by Roberto Cesari, of the European Union.

1. Adoption of the agenda

The EU presented two proposals: one on the adoption of a list of vessels identified as engaged in IUU fishing (E1), and the other concerning an amendment to the Working Group terms of reference (B1), for fishing activities of non-parties to IATTC/AIDCP in other oceans to be taken into account when considering their status as cooperating non-parties. One was presented under point 7 of the agenda and the other under point 8.b.

The provisional agenda was adopted with these additions.

2. Identification of non-parties with vessels fishing in the EPO and of individual vessels of non-parties fishing in the EPO

A list of vessels of non-parties fishing in the Eastern Pacific Ocean (EPO) presented by the Secretariat (Document JWG-3-04) will be updated with the characteristics of the vessels. The Working Group noted that many Chinese Taipei vessels in that document were not included in the IATTC LSTLFV List. It was decided that the Secretariat will send letters to the governments of the vessels asking them not to undermine IATTC conservation and management measures.

The Secretariat will write to Parties requesting detailed vessel information that is missing in the list.

It was decided that a letter will be sent by the Secretariat to Chile asking for the missing information on their vessels fishing in the EPO.

Japan pointed out the worrying situation of the 28 new super purse-seine vessels owned and operated by citizens of Chinese Taipei which may fish around the 150°W boundary between the EPO and the Western Pacific Ocean. The Parties agreed that the Secretariat will send a second letter to the Western and Central Pacific Fisheries Commission (WCPFC), whose Convention enters into force very soon, to express the concerns of the IATTC Parties, before the meeting of the WCPFC in July in Sapporo, Japan. It was also agreed that letters of concern will be sent by the Secretariat to the flag states concerned and Chinese Taipei.

3. Compliance by non-parties

As there are no non-parties with purse-seine vessels in the EPO, there was no identification of cooperating or non-cooperating non-parties for the AIDCP.

Pursuant to IATTC Resolution C-03-11, adopted in 2003, defining the criteria to be used in the consideration of the status of Co-operating Non-Party, the IATTC Parties reviewed compliance by IATTC non-parties with measures adopted by the Commission for 2003 and 2004 (Document JWG-3-05). This review revealed that vessels of Bolivia and Colombia had not complied fully with the most important conservation measures in force, Resolutions C-02-03 on fleet capacity and C-03-12 on tuna conservation. However, the Working Group noted that Bolivia had since taken appropriate action to

resolve the situation.

The following non-parties with longline vessels had not complied with Resolution C-03-05 on data provision: Belize, Georgia, Indonesia, and St. Vincent and the Grenadines.

The Secretariat was instructed to send a letter to all governments of vessels that were not complying with IATTC conservation and management measures, asking them to rectify the situation,

4. Cooperating non-parties or fishing entities

The following non-parties have been identified as Co-operating Non-Parties or Fishing Entities (CPCs): Bolivia, Canada, China, the European Union, Honduras, Korea and Chinese Taipei.

These decisions of the Working Group will be forwarded to the IATTC Plenary.

A draft *Resolution on criteria for attaining the status of cooperating non-party or fishing entity in IATTC* (F1) was agreed, and will be forwarded to the IATTC Plenary for consideration. This resolution replaces Resolution C-03-11, adding formal procedures for requesting and attaining such status.

5. List of vessels identified as engaged in IUU fishing (Document JWG-3-07)

A European Union proposal on the creation of an IUU vessel list was extensively discussed, and obtained general support, with some requests for minor modifications by Japan, Mexico, and the United States, and will be forwarded to the IATTC Plenary for consideration (Proposal E2).

It was also decided that this proposal will be adapted for the AIDCP, and will be submitted to the next Meeting of the Parties in October 2004.

6. System of notification of sightings and identification of non-party vessels operating in the region

A draft *Resolution on a system of notification of sighting and identification of vessels operating in the Convention Area* (G1) was agreed, and will be forwarded to the IATTC Plenary for consideration.

7. Recommendations for the IATTC

The Working Group recommends that the Commission consider the following:

1. *Resolution to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean* (E2)
2. *Resolution on a system of notification of sighting and identification of vessels operating in the Convention Area* (G1)
3. *Resolution on criteria for attaining the status of cooperating non-party or fishing entity in IATTC* (F1)
4. *Amendment to the Terms of Reference of the Joint Working Group on fishing by Non-Parties* (B1)

The Working Group informs the Commission that vessels of Bolivia and Colombia did not comply fully with the most important conservation measures in force in 2003 and 2004, Resolutions C-02-03 on fleet capacity and C-03-12 on tuna conservation. The Working Group also informs the Commission that the following non-parties with longline vessels did not comply with Resolution C-03-05 on data provision: Belize, Georgia, Indonesia, and St. Vincent and the Grenadines. The non-parties mentioned in this paragraph therefore do not fulfil the criteria of Resolution C-03-11 for identification as a Cooperating Non-Party, but the Working Group reminds the Commission that Bolivia has already taken appropriate measures to address the situation of non-compliance.

The Working Group recommends that the Commission endorse the identification of Bolivia, Canada, China, the European Union, Honduras, Korea and Chinese Taipei as Co-operating Non Parties or Fishing Entities (CPCs).