

**AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**  
**44<sup>th</sup> MEETING OF THE PARTIES**

Phoenix, Arizona, USA  
26 July 2022

**MINUTES OF THE MEETING**

**AGENDA**

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3. Adoption of the agenda	
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5. AIDCP Budget	<a href="#">AIDCP-44-01</a>
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**APPENDICES**

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The 44<sup>th</sup> Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) was held in Phoenix, Arizona, USA, on 26 July 2022 in a hybrid format (presential and virtual) as a consequence of the persistence of limitations derived from the COVID-19 pandemic.

**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 technical Secretariat for the AIDCP.

**2. Election of Chairman**

Mr. Alvin Delgado, of Venezuela, was reelected Chairman of the meeting. He expressed his wish for the meeting to be productive and thanked the delegates for the confidence placed in him to chair the meeting. It was recalled that, at the end of the meeting, the Chair for the next meeting would be elected or re-elected.

The Chairman gave the floor to the delegations of the Parties and noted that there was a quorum to hold the meeting, with the participation of 11 of the 16 Parties to the AIDCP. Costa Rica, El Salvador, Ecuador, the United States, Colombia, Nicaragua and the United States participated in person in the meeting. Venezuela, Mexico, Panama, Bolivia and Guatemala participated virtually.

**3. Adoption of the agenda**

The agenda was approved as presented, with the elimination of the item on "Secretariat's preliminary report

on the IDCP" with the clarification that this item would be considered at the next Meeting of the Parties in October 2022.

Also, it was indicated that, under the item "Other business", an update on the status of the cow-calf research project in the dolphin-associated tuna fishery in the eastern Pacific Ocean (EPO) would be provided at Mexico's request. The Chairman also noted that under this same agenda item his revised proposal for AIDCP rules of procedure would also be considered.

#### **4. Approval of the minutes of the 43<sup>rd</sup> Meeting of the Parties**

The minutes of the 43<sup>rd</sup> Meeting of the Parties were approved without changes.

#### **5. AIDCP Budget**

Ms. Nora Roa, of the Secretariat, presented document [AIDCP-44-01](#) on the AIDCP budget, which provides information on the results of the financial activity for 2021, the projected budget for 2022 and the recommended budget for 2023. She mentioned that as of 31 December 2021 there was a surplus of US\$ 2,430,492. However, as of 30 June 2022, there are outstanding vessel debts to the IDCP totaling US\$ 671,548, involving vessels from Ecuador, Panama, and Venezuela. Finally, it was noted that the recommended budget for 2023 is US\$ 3,266,800.

She emphasized that the Secretariat continues to recommend that the compensation for IATTC observers be increased from US\$ 48 to 55 and 65 in 2023 and 2024, respectively, for observers with 0 to 200 days at sea; and for observers with more than 200 days of experience, from US\$ 55 to 65 and 75 in 2023 and 2024, respectively. These increases would imply an increase in the fee per vessel from US\$ 14.95 to US\$ 15.95, i.e., an increase of US\$ 1 per cubic meter of vessel well volume.

Colombia, supported by El Salvador, wondered if the surplus could not be used to cover this increase without an increase in vessel assessments, and that at least it be used for the year 2023 while considering where to obtain the necessary resources to maintain the agreed increases.

Mexico, as on previous occasions, expressed its disagreement with using the surplus to cover recurring expenses, in this case the increase in the payment to observers. It took this opportunity to recall that it had previously requested the use of this surplus for the dolphin mother-calf research project.

The Director *ad interim* recalled that this issue of increasing the payment to observers had been under discussion for several years, and that a decision on this matter had been postponed, which was becoming more and more urgent and necessary, particularly in view of the difficulties related to the recruitment of new observers. He recognized, however, that it would be dangerous to approve such an increase in principle without having clearly identified the source of the resources needed to finance it. As for an eventual increase in contributions, accepting it would necessarily imply the need to amend Resolution [A-18-01](#) on vessel assessments and financing.

The Meeting of the Parties was unsuccessful in reaching an agreement on the budget and the increase in observer payments and decided to postpone consideration of this issue to take it up again in October 2022.

#### **6. Report of the 34<sup>th</sup> meeting of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System**

The report of the Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System was presented by its Chair, Mr. Bernal Chavarría. He noted that the Group had agreed to recommend:

- a) To thank the Secretariat for the timely review of the video and to agree to modify the length of the video for a better assimilation by the target audience;
- b) That the Secretariat, after introducing into the written material its proposals for updates, including the mortality table, send this material to the Parties for consultation in order to receive additional proposals for updates to be considered in a timely manner by the Meeting of the Parties.

Finally, he highlighted the initiative of one Party to identify resources not included in the budget or surplus, for the purpose of reviewing the format, content, and distribution channels of the video, so that it would be

oriented towards the general public who would potentially make use of it, which includes preparing, in a workshop, a proposal for a plan for updating the materials.

The Meeting of the Parties to the AIDCP took note of these recommendations and approved them.

## **7. Report of the 69<sup>th</sup> meeting of the International Review Panel (IRP)**

Mr. Enrique de la Vega, in his capacity as the Presider of the IRP, reported that the Panel issued the following recommendations, which were approved by the Meeting of the Parties:

- a) Refer to the corresponding Parties 4 cases for investigation of fishing trips by vessels with DMLs that departed without a qualified captain: Cases 2021936, 2022097, 2022118, and 2022432.
- b) Refer to the corresponding Party case 2022369 for investigation of a fishing trip by a vessel with a DML that carried out fishing operations without an observer aboard or an exemption to fish without an observer due to the COVID-19 pandemic.
- c) To request the Secretariat that for future meetings of the IRP a column be included in the table of DML assignments by country that also shows the DMLs utilized by country.
- d) Strengthen the training system for captains and crews of vessels that are part of the AIDCP. Consider the implementation of virtual, face-to-face and hybrid seminars, as well as pre-recorded videos that can serve as easily accessible training tools for captains and crews.
- e) Request the Secretariat to send a note to urge maintaining the requirement that vessels without a qualified captain cannot leave port, which would include the AIDCP observer placement procedure.
- f) Ask the Secretariat to prepare a proposal to modify the procedure for including and maintaining captains on the list of qualified captains, including, among other things, the requirements regarding courses and updates, mainly by defining a period of validity of the training courses for captains to be considered qualified. Also, include a proposal regarding crew training. Present this proposal for discussion and possible approval at the next IRP meeting.

## **8. Other business**

### **a) Progress made in the mother-calf separation research study**

The Dr. Alexandre Aires-da-Silva, IATTC Scientific Research Coordinator, gave an update on the current status of the project, which is supported by funds provided by the sectorial organization Pacific Alliance for Sustainable Tuna.

Regarding the human team that would be in charge of carrying out the project, he pointed out that Dr. Michael Scott had recently retired but had committed to continue providing advice on the matter; this meant, however, that it was necessary to identify other specialists and experts to make up for his retirement, even though it was another member of the IATTC scientific staff, recently appointed, Dr. Melanie Hutchinson, who would replace him as project coordinator.

Regarding more substantive aspects, Dr. Aires-da-Silva reported that a workshop would be held soon with the participation of experts on marine mammals, as well as on the collection of research data through drones.

Dr. Aires-da-Silva recalled that the success of the project and its effective implementation was ultimately subject to reaching an agreement with the University of St. Andrews, which would be in charge of carrying it out, in particular with Dr. Cornelia S. Oedekoven.

Mexico welcomed the presentation of this updated information. It stressed the importance of the workshop in the process of designing and programming the research, particularly taking into account the complexity of the

observation and analysis of eventual mother-calf separation during dolphin-associated fishing operations. He requested that other AIDCP Parties join the project and provide resources.

In its capacity as observer, the Pacific Alliance expressed that the delays could be understood as a consequence of the complexity of the process as a whole and ratified the industry's commitment to carry out the project in the best possible way, which was welcomed by the Chair and the Director *ad interim*.

The United States joined in the expression of appreciation and expressed its readiness for its scientific personnel to participate in the project.

#### **b) AIDCP Rules of Procedure**

The Chair referred to document [AIDCP-44 INF-A](#) REV Draft AIDCP Rules of Procedure (see Annex 2), which contains the text that he had proposed and circulated with the modifications suggested by some of the Parties. He noted that in his opinion there should be no difficulty in adopting it at this meeting.

However, the United States stated that it was not in a position to approve this text at present since it had a number of suggestions to make regarding the text, which it would present as soon as possible. It stated that it was convinced that these rules of procedure could be adopted at the 45<sup>th</sup> Meeting of the Parties in October.

Colombia, which had been at the origin of the initial proposal, as well as of most of the modifications introduced in the revised version of the Chair's text, expressed its appreciation for the work carried out by the Chair and stressed the convenience of adopting the document as soon as possible.

#### **c) Venezuela's proposal to facilitate the embarkation and disembarkation of AIDCP observers**

Venezuela referred to the difficulties in embarking and disembarking AIDCP observers in the territory of port States of which they are not nationals, as a result of the application of the immigration laws and regulations in force in those countries. He noted that this disproportionately affected some Parties to the AIDCP and their nationals, Venezuela in particular. This situation had been further aggravated by the additional restrictions resulting from the COVID-19 pandemic. He therefore reiterated his proposal that consideration be given to a mechanism that would facilitate the entry of AIDCP observers into the national territory of all the port States concerned. There were no comments from the participants in the meeting

### **9. Place and date of next meeting**

The next meeting will be held in October 2022 at a place and on a date to be determined.

### **10. Adjournment**

The meeting was adjourned on 26 July 2022 at 4:30 PM.

## Appendix 1. List of attendees

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**Appendix 2.**

**AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

**44<sup>th</sup> MEETING OF THE PARTIES**

**Phoenix, Arizona  
26 July 2022**

**DOCUMENT AIDCP-44-01 INF-A**

**CHAIR'S TEXT**

**DRAFT AIDCP RULES OF PROCEDURE**

As we are all aware, COVID 19 pandemic has hindered considerably the way we normally function, including the implementation of our programmed activities. One of these was the task that was to be accomplished by a virtual working group to discuss rules of procedure for the AIDCP, since there are currently none except the detailed provisions contained in the Agreement concerning the International Revision Panel (IRP).

The proposal that Colombia had tabled at the 40th Meeting of the Parties in October 2019, the last pre-sessional meeting that was held before the current one, constituted the starting basis for the work that had to be done. We must be grateful to Colombia for its initiative, which will not only allow to fill a gap but also to eliminate inconsistencies between the de facto practice within AIDCP and the implementation of the rules of procedure of the IATTC.

As Colombia, I am convinced that the best way to address this issue, is to apply mutatis mutandis to the AIDCP the same rules of procedures than those of the IATTC, without prejudice of course to those rules that, as indicated above, have been already established formally in the case of the IRP.

Consequently, I carefully reviewed the Colombian proposal, and I followed the same logic, only introducing some complementary adjustments to the text when I found these to be necessary.

The Chair's Text below is the result of this exercise. You will note that all the wording that differs from the IATTC rules of procedure is highlighted in yellow, in order to facilitate its identification.

I hope and I propose that, for the sake of efficiency, we endeavor to adopt at least on a provisional basis these rules of procedure and the current Meeting of the Parties, in the understanding that further adaptation might be carried out and the text amended at the first opportunity, if it is considered necessary.

Thank you for your collaboration and support.



Alvin Delgado

Chair of the AIDCP Meeting of the Parties

## **AIDCP RULES OF PROCEDURE**

### **DRAFT – CHAIR’S TEXT**

#### **I. SCOPE OF APPLICATION**

1. Except as otherwise provided in the **Agreement** or decided by the **Meeting of the Parties**, these Rules of Procedure shall apply, *mutatis mutandis*, to all subsidiary bodies established within the framework of the **Agreement** and its implementation, including the International Review Panel, the Permanent Working Group on Tuna Tracking and the Working Group to promote and publicize the AIDCP Dolphin Safe Certification System.

#### **II. REPRESENTATION**

2. Before any meeting of the **Meeting of the Parties**, each **Party** shall communicate to the Director the names of the delegates, experts and advisers that it has appointed to participate in that meeting.

#### **III. MEETINGS OF THE PARTIES**

3. Pursuant to Article VIII.2 of the **Agreement**, the ordinary Meeting of the Parties shall be held at least once per calendar year, preferably on the occasion of a meeting of the Inter-American Tropical Tuna Commission (IATTC).
4. The announcement of an ordinary meeting shall be communicated by the Director to all the **Parties**, as well as, with the status of observers to that meeting, to the non-Parties whose participation may promote implementation of the **Agreement** as well as to the intergovernmental organizations whose work is relevant to the implementation of this **Agreement** and non-governmental organizations (NGOs) with recognized experience in matters pertaining to the **Agreement**, pursuant to Article XVII, paragraph 2, and Annex X of the **Agreement**, normally at least ninety (90) days in advance of the date fixed for the meeting. This announcement shall also be posted on the **IATTC** website as soon as possible.
5. Pursuant to Article VIII, paragraph 3 of the **Agreement**, an extraordinary meeting may be convened at any time. The date and place of an extraordinary meeting shall be those that the **Parties** determine.
6. The announcement of an extraordinary meeting shall be communicated by the Director to all the **Parties**, as well as, with the status of observers to that meeting, to the non-Parties whose participation may promote implementation of the **Agreement** as well as to the intergovernmental organizations whose work is relevant to the implementation of this **Agreement** and non-governmental organizations (NGOs) with recognized experience in matters pertaining to the **Agreement**, pursuant to Article XVII, paragraph 2, and Annex X of the **Agreement**, normally at least forty-five (45) days in advance of the date fixed for the meeting. This announcement shall also be posted on the **IATTC** website as soon as possible.
7. The Director, in consultation with the Chair of the **AIDCP Meeting of the Parties**, shall draw up an agenda for ordinary or extraordinary meetings, and shall circulate it to the **Parties** together with a communication of the announcement of the **Meeting of the Parties** and subsidiary bodies. The agenda should normally be circulated at least sixty (60) days in advance of the date fixed for the ordinary meeting and thirty (30) days in advance of the date fixed for the extraordinary meeting.
8. Any **Party** may, at least forty-five (45) days before the date fixed for the opening of the ordinary meeting, or twenty-five (25) days in the case of an extraordinary meeting, request the inclusion of supplementary items in the provisional agenda. A request of supplementary items in the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item. Such

items shall be communicated to all Parties at least thirty (30) days before the opening of the ordinary meeting, and twenty (20) days before the opening of the extraordinary meeting.

9. The Meeting of the Parties shall appoint a rapporteur from one of the Parties at the beginning of each meeting, in order to assist the Chair in the production of a meeting report.
10. The Meeting of the Parties shall be held at the headquarters of the IATTC unless it decides otherwise.

#### **IV. POSTING AND CIRCULATION OF DOCUMENTS AND SUBMISSION OF PROPOSALS**

11. For the submission of proposals, Parties shall use the agreed templates which shall be posted on the IATTC website.
12. If a draft proposal is either an amendment to an existing resolution or recommendation, or an amendment to a previous proposal by the same proponent, it shall be submitted and circulated in both a clean version and a track change version.
13. All background documents to be prepared by the Director for the next ordinary meeting shall, to the extent possible and subject to applicable rules of confidentiality, be posted on the IATTC website and circulated among all Parties and observers at least forty-five (45) days in advance of the meeting, unless otherwise decided by the Meeting of the Parties.
14. Any proposal or other relevant document to be discussed at a meeting shall be submitted to the Director not less than twenty-one (21) days before the opening of the meeting. These shall be posted on the IATTC website immediately in their original language. The Director shall translate and circulate proposals to all Parties at the latest ten (10) days before the beginning of the meeting.

#### **V. OBSERVERS**

15. Participation of observers is governed by the provisions of Annex X of the Agreement. Unless otherwise decided by the Meeting of the Parties, observers cannot attend meetings held in executive session and the meetings of Heads of Delegations.

#### **VI. CHAIR AND VICE-CHAIR**

16. At the end of each of its meetings, the Meeting of the Parties shall elect individuals to serve as Chair and Vice-Chair. These individuals shall be from different Parties, unless the Meeting of the Parties decides otherwise. The Chair and Vice-Chair shall remain in office for a period of one year. The Chair and Vice-Chair may be re-elected unless they are no longer able to carry out their respective functions or their successors are elected. If the Meeting of the Parties is not able to elect a Chair and/or a Vice-Chair, the host Party (the Party that will host the annual meeting in that year) shall provide the Chair, and the previous host Party the Vice-Chair.
17. The duties of the Chair are to be exercised both during the meeting and during the intersessional period. These are:
  - a. Declare the opening and the closing of the meeting;
  - b. Preside over the Meeting of the Parties;
  - c. Decide on all questions of order that may arise at the Meeting of the Parties. However, delegates may request that any decision by the Chair be submitted to the Meeting of the Parties for approval or rejection.
  - d. Encourage and facilitate consensus on matters under consideration at the Meeting of the Parties.
  - e. Act in representation of the Meeting of the Parties, in accordance with the tasks that the Meeting of the Parties may assign.
  - f. In general, carry out such functions as the Meeting of the Parties may assign.
18. If the Chair is unable to carry out its functions at any time, the Vice Chair shall act as Chair until such time

as the Chair is able to resume carrying out its functions or a new Chair is elected. If neither the Chair nor the Vice-Chair are able to carry out their functions, the host Party shall provide a Chair and the previous host Party a Vice-Chair.

## VII. DECISION-MAKING

19. a. In accordance with Article IX of the Agreement, all decisions made by the Parties at meetings convened pursuant to Article VIII of the Agreement and Section III of these Rules of Procedure shall be by consensus.
- b. Unless otherwise provided in the Agreement or at the time they are adopted, such decisions shall enter into force forty-five (45) days from the date on which they are notified by means of publication on the IATTC website.

## VIII. INTERSESSIONAL DECISION-MAKING

20. Without prejudice to the provisions of Article IX of the Agreement, where a decision cannot be deferred until the next Meeting of the Parties, a matter may be decided during the period between meetings electronically (*e.g.* email, secure website).
21. Matters to be decided under this section shall not include:
  - a. decisions on adoption of amendments to this Convention and its annexes;
  - b. invitations to accede to the Convention pursuant to Article XXII, paragraph 1, of the Agreement.
  - c. the adoption and amendment of the AIDCP budget, and those that determine the form and proportion of the contributions of the members;
  - d. the establishment of dolphin mortality limits (DMLs); and
  - e. such others as the Parties may decide.
22. The Chair, on its initiative, or the IATTC Director, at the request of at least three (3) Parties that have made a proposal, may move for adoption without delay of such proposal by intersessional decision. In doing so, the Chair, in consultation with the Vice-Chair, shall determine the necessity of considering the proposal intersessionally.
23. Where the Chair determines that it is not necessary to consider the proposal intersessionally, the Chair shall promptly notify the Parties referred to in paragraph 22 of such determination and the reasons. Within ten (10) days of the notification, these Parties may request an intersessional decision on the Chair's determination.
24. Where the Chair determines that it is necessary to consider the proposal intersessionally, the Chair shall promptly transmit to all Parties:
  - a. The proposal, including any explanatory note;
  - b. The determination made by the Chair under this paragraph; and
  - c. A request for an intersessional decision.
25. Parties shall promptly acknowledge receipt of the transmittal under paragraph 22. If no acknowledgment is received within seven (7) days of the date of transmittal, the Director shall retransmit the transmittal, using all additional means available to ensure that the transmittal has been received. Confirmation by the Director that the transmittal has been received shall be deemed conclusive regarding the participation of the Party in the decision-making process.
26. Parties shall respond within thirty (30) days of the date of the initial transmittal if they do not agree with the proposal, or if they require additional time to consider the matter. If a Party requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one fifteen (15) day extension will be permitted. In the event of such an extension, the Director shall inform all Parties of the final date by which responses

must be received.

27. If no reply from a Party is received within thirty (30) days of transmittal, or by the extended deadline specified by the Director in the event of a fifteen (15) day extension to consider the proposal, that Party shall be deemed to have joined the consensus, as long as the Director has confirmed receipt of the transmittal by that Party pursuant to paragraph 25.
28. The result of a decision taken intersessionally shall be ascertained by the Director at the end of the decision-making period and promptly notified to all Parties. If any explanations of positions are received, these shall also be transmitted to all Parties.
29. Proposals adopted intersessionally shall become effective for all Parties pursuant to paragraph 19 a. ii. of those Rules of Procedure.
30. Proposals transmitted for intersessional decision-making shall not be subject to amendment during the decision-making period.
31. A proposal that has been rejected by intersessional decision for any reason shall not be reconsidered until the following meeting of the Meeting of the Parties.

#### **IX. INTERNATIONAL REVIEW PANEL**

32. Without prejudice to these Rules of Procedure, meetings of the International Review Panel ("IRP") shall be conducted in accordance with the rules established by Annex VII, paragraphs 5-14, of the Agreement.

#### **X. OTHER SUBSIDIARY BODIES**

33. Subsidiary bodies shall hold their meetings with the frequency and at the date and place that the Meeting of the Parties may determine.
34. In the case of a request or recommendation for an intersessional meeting, the Director will consult the Parties pursuant to section VIII of these rules of procedure.
35. Each subsidiary body shall elect its own Chair.

#### **XI. REPORTS AND MINUTES**

36. The Director shall prepare an annual report of the activities of the AIDCP during the previous year, and circulate it among Parties at least forty-five (45) days before the ordinary meeting.
37. The draft Minutes of the Meeting of the Parties shall include all decisions adopted by the Meeting of the Parties.
38. The draft Minutes of the Meeting of the Parties and the draft reports of the International Review Panel and other subsidiary bodies, shall be transmitted as soon as possible after the end of the meeting by the Director, in coordination with the Chair of the Meeting of the Parties, the Presider of the International Review Panel and chairs of the other subsidiary bodies, to all Parties for their comments and drafting suggestions.
39. Any comments or drafting suggestions shall be submitted no later than 30 days from the reception of the draft report. The Director, in coordination with the Chair of the meeting, shall make every effort to reflect these comments and send the revised version of the report within fourteen (14) days for final endorsement. If there are still any outstanding issues, the Director will consult with the concerned Parties to resolve the issue and prepare a revised Minutes or report which will be the final draft.
40. The final draft Minutes or reports shall be submitted for approval to the Parties through intersessional decision-making.
41. The final Minutes of the Meeting of the Parties, and the final reports of the International Review Panel and other subsidiary bodies shall be sent electronically to all Parties and published on the IATTC website.

#### **XII. DOCUMENTS**

42. Upon request, the Meeting of the Parties shall provide to any Party copies of any documents pertaining to the Meeting of the Parties. The Director shall consider electronic means of distributing documents to save cost and paper.
43. Reports and statistics of individual fisheries production and details of the operations that companies individually provide to the Meeting of the Parties or the Secretariat's staff shall be considered as confidential and treated in a manner consistent with the rules of confidentiality established in the Antigua Convention and those adopted by the IATTC or in accordance with those that may be adopted by the Meeting of the Parties.

### **XIII. AMENDMENTS**

44. These Rules of Procedure may be amended as deemed necessary by the Meeting of the Parties, and in accordance with Article IX of the Agreement and/or Section VII of these Rules of Procedure.
45. The Meeting of the Parties shall review these rules as appropriate and when deemed necessary for the effective and efficient operation of the Meeting of the Parties, of the International Review Panel and other subsidiary bodies.

### **XIV. LANGUAGES**

46. English or Spanish may be used during meetings of the Meeting of the Parties, of the International Review Panel another subsidiary bodies, and simultaneous interpretation and translation into the other language will be provided. The reports, minutes, official documents, and official publications of the Meeting of the Parties, of the International Review Panel another subsidiary bodies shall be in both languages. Official correspondence of the Meeting of the Parties, communications, or documents formulated by the Parties and the Secretariat should be circulated in both languages to the extent practicable and taking into account budgetary constraints.