

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

40TH MEETING

LA JOLLA, CALIFORNIA (USA)
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AMENDMENTS TO GUIDELINES FOR TRANSIT WAIVERS

During its 39th meeting, the Panel reviewed the guidelines for transit waivers which had been agreed in October 2004 at the 12th meeting of the Parties to the AIDCP. The matter was included in the agenda because of problems encountered in meeting all of the conditions of the guidelines. Several delegations noted that the requirement to inspect vessels presented serious practical and logistical problems, and suggested that it be deleted from the guidelines

Other provisions of the guidelines were discussed as well, and in the end the Secretariat was asked to modify the guidelines based on the discussion, and draft an amended text for consideration at the next meeting of the Panel.

The following draft modifications reflect both the discussions during the meeting and other implementation issues which have been encountered since the adoption of the guidelines in October 2004.

The Parties may wish to consider inviting the Inter-American Tropical Tuna Commission to also adopt guidelines for transit waivers, since transit procedures are particularly relevant to effective implementation of the Commission's conservation and management program.

GUIDELINES FOR TRANSIT WAIVERS

1. DEFINITIONS

For the purposes of these guidelines:

- a. "fishing" means:
 - i. the actual or attempted searching for, catching, or harvesting of the fish stocks covered by this Convention;
 - ii. engaging in any activity which can reasonably be expected to result in the locating, catching, harvesting of these stocks;
 - iii. placing, searching for or recovering any fish-aggregating device or associated equipment, including radio beacons;
 - iv. any operation at sea in support of, or in preparation for, any activity described in items (i), (ii) and (iii) above, except for any operation in emergencies involving the health and safety of crew members or the safety of a vessel;
 - v. the use of any other vehicle, air- or sea-borne, in relation to any activity described in this definition except for emergencies involving the health or safety of crew members or the safety of a vessel;
- b. a "transit" is a single journey by a vessel between two ports, made entirely or partially in the Agreement Area, during which no fishing takes place;
- c. a "waiver" is a document, issued by a vessel's flag government, exempting a vessel otherwise required to carry an observer from the AIDCP On-Board Observer Program from complying with

this requirement during a specific transit.

2. CONDITIONS

A vessel must meet **at least one** of the following ~~three~~four conditions before it can be issued a waiver, ~~and these conditions must be verified by an inspection by a official of the flag state, upon departure and upon arrival, or by the competent maritime or fisheries authority, as appropriate, of the port state of departure and of arrival, to ensure that no fishing occurred during the transit.;~~

- a. The vessel must not have a purse-seine net aboard during the transit;
- b. The number of crew aboard must be reduced during the transit, to a level which satisfies the government that fishing will not be feasible, in accordance with relevant national requirements;
- c. The vessel's fish wells must be kept sealed during the transit;
- d. The vessel's fish wells are completely full during the transit.

The vessel's government shall take the necessary measures to ensure that the conditions of the waiver are complied with, including, if necessary, the inspection of the vessel upon departure and/or arrival.

3. PROCEDURES:

1. The waiver should:
 - a. specify the vessel's name;
 - b. refer to a single transit, specifying the ports of departure and arrival and dates of departure and arrival that provide sufficient time for a direct transit only;
 - c. state the reason for the transit (to unload catch, for repairs, for fuel, *etc.*);
 - d. specify the reason why the vessel is exempt from carrying an observer during the specified transit.
2. The vessel granted the waiver shall notify its flag government of both its departure and its arrival within 24 hours.
3. The government issuing the waiver shall ~~provide a copy to advise~~ the Secretariat prior to the vessel's departure, and shall notify all port states involved of the conditions of the waiver.
4. ~~Each government shall provide to the Secretariat information about which official institution shall be responsible for implementing the requirements specified in Section 2 of these guidelines.~~

4. NON-PARTIES

Non-Parties to both the AIDCP and the Convention establishing the Inter-American Tropical Tuna Commission shall be invited to follow these guidelines with respect to any of their flag vessels transiting the Agreement Area without an observer.