

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

MINUTES OF THE 26TH MEETING (revised)

La Jolla, California (USA)

January 29-30, 2001

Presider: Jim Lecky (United States)

AGENDA

1. Opening of the meeting
2. Election of the Presider
3. Adoption of the agenda
4. Review of list of qualified captains
5. Review of Dolphin Mortality Limits (DMLs) for 2000
6. Review of initial assignments to Parties of DMLs for 2001
7. Measuring performance in reducing dolphin mortalities (Annex IV(I)8 and (III)3)
8. Determination of a pattern of violations (Annex IV(1)7)
9. System to measure DML utilization to deter frivolous requests (Annex IV(2)2)
10. Status of real-time reporting system
11. Application of guidelines for determining sack-up infraction
12. Avoiding injury or killing of dolphins: infraction classification
13. Review of observer data
14. Review of actions by Parties on possible infractions reported by the IRP
15. Problems regarding the marketing of tuna
16. Other business
17. Place and date of next meeting
18. Adjournment

APPENDICES

1. List of attendees
2. Utilization of DMLs in 2000
3. DMLs for 2001
4. Measuring performance in reducing dolphin mortalities (Secretariat document 0087-440)
5. Determination of a pattern of violations (Secretariat document 0088-440)
6. System to measure DML utilization to deter frivolous requests (Secretariat document 0089-440)
7. At-sea reports and dolphin mortality, 2001
8. Report of the Working Group on ortza release

The 26th Meeting of the International Review Panel (IRP) was held in La Jolla, California, on January 29-30, 2001. Mr. Jim Lecky, of the United States, was elected President, and the provisional agenda was adopted as presented. The attendees are listed in Appendix 1.

The Secretariat reported that Bolivia had asked to attend the meeting as an observer; the Parties had been notified and, since there were no objections, Bolivia had been invited, but in the end had been unable to attend. The Panel agreed that Bolivia should be invited to the next IRP meeting.

The Panel made some modifications to Appendix 2 of the minutes of its 25th meeting (*Proposed mechanism for adding captains to the list of qualified captains*) to reflect more accurately the provisions of the system for training and identification of fishing captains under the AIDCP.

4. Review of list of qualified captains

The Secretariat noted that the list remained unchanged since late 1999, but that there are nine captains who should be deleted from the list since they no longer meet the criteria for remaining on the list as qualified captains. Mexico requested the addition of 10 captains to the list. The Panel agreed that the Secretariat would provide to each IRP meeting an updated list of qualified captains, and also inform it of those captains to be deleted from the list and the reasons for their removal.

5. Review of Dolphin Mortality Limits (DMLs) for 2000

The Secretariat reviewed the 2000 DMLs (Appendix 2). Preliminary data indicate that as of January 19, 2001, 89 of the 109 full-year DMLs assigned for 2000 had been utilized, and that the average mortality per vessel was 17.7 dolphins. None of the 7 second-semester DMLs issued had been utilized. Three vessels exceeded their DMLs; one of these continued to set on dolphins after exceeding its DML. Another vessel that lost its DML by not using it before April 1 also made subsequent sets on dolphins. Two vessels were not observed for all or part of a fishing trip; the observed mortality for these vessels is included in Appendix 2.

6. Review of initial assignments to Parties of DMLs for 2001

The Secretariat reported that 82 vessels had requested full-year DMLs for 2001 and 4 vessels had requested second-semester DMLs. The average DML (ADML) for 2001 is thus 59.75 (Appendix 3).

The question arose as to how to deduct the excess, including the penalty of 50 percent, for the vessel which exceeded its 2000 DML by 10. It was clear that 15 dolphins needed to be deducted from the 2001 DML allocation for the vessel, but the manner in which the deduction should occur over subsequent years is to be prescribed by the IRP. The IRP decided that in this case the full deduction of 15 dolphins should take place now, during the initial DML assignments for 2001. The IRP agreed that the application of this provision of the AIDCP should be handled on a case-by-case basis in future, and that any DML deducted from vessels as a result of their exceeding their DMLs should not be redistributed among the rest of the fleet of the relevant Party.

Mexico noted that one of its vessels which had been allocated a DML for 2001 had sunk before the end of 2000, and requested that it be allowed to transfer the DML to a substitute vessel. The Panel agreed to this request.

7. Measuring performance in reducing dolphin mortalities (Annex IV (I) 8 and (III) 3 of the AIDCP)

The Secretariat presented a method for measuring performance (Appendix 4), but it was not discussed extensively. The Secretariat was asked to present more information for discussion of the subject at the next meeting of the IRP.

8. Determination of a pattern of violations (Annex IV (1) 7)

The Secretariat presented a paper on this subject (Appendix 5), noting that it was incumbent upon the IRP

to develop a definition of what is meant by a “pattern of violations which diminish the effectiveness of the IDCPC”. The Secretariat developed a proposal based on a modification of the list of “major” and “other” infractions agreed in 1993 under the La Jolla Agreement but never formally endorsed by the Parties to the AIDCP.

The Secretariat’s paper and proposal were discussed extensively, and it was agreed that the list would be decided at the next Meeting of the Parties. At the request of some of the Panel members it was decided that the Secretariat should do additional analysis on this matter for the next Meeting of the Parties .

The Panel agreed that the participating governments would review their laws and sanctions to see how they compare with the infractions being proposed as “major” and “other”, and would provide this information to the Secretariat.

The Secretariat brought to the attention of the IRP the provision in Annex IV(III)4 of the AIDCP that states that Parties will be deemed to have provided concurrence regarding an IRP determination of a possible violation listed in that section, unless the Party objects to the IRP within six months, or 12 months if so specified. The Panel did not object to the Secretariat proceeding to implement the AIDCP on the understanding that this provision applies to all aspects of the Agreement, not simply those relating to DML adjustments.

9. System to measure DML utilization to deter frivolous request (Annex IV (2) 2)

The Secretariat presented a paper (Appendix 6) on this agenda item. Several members believed that the provisions of the AIDCP to address the potential problem of frivolous requests for DMLs was working, as evidenced by the data presented in the Secretariat’s paper, and that no additional measures were necessary. Other members thought that additional work to analyze the matter more closely might be useful. After extensive discussion, it was agreed that the issue would be addressed again at the June IRP meeting, and that the Secretariat would revise and circulate before that meeting a revision of the tables presented in its paper to include total dolphin mortality and mortality per set for each vessel with a DML.

10. Status of real-time reporting system

The Secretariat reported that the overall reporting level in 2000 had been only about 30%, but had risen to about 40% in recent weeks (Appendix 7), and pointed out that it was in the fleet’s own interests to ensure that these reports were transmitted, since incomplete data could result in decisions to curtail or close the fishery prematurely. It was hoped that the use of e-mail to transmit the reports would improve the reporting rate. The Panel asked the Secretariat to send a letter to the governments explaining the importance and the functioning of the real-time reporting system and the vessel’s responsibilities, so that the governments could then take the steps necessary to ensure that their fleets complied with the program.

11. Application of guidelines for determining sack-up infraction

The Secretariat reported that it had been unable to apply the criteria because there had been no cases of this infraction since the previous meeting of the IRP.

12. Avoiding injury or killing dolphins: infraction classification

This subject was covered in the discussion of Item 8.

13. Review of observer data

The Secretariat presented the data reported by observers of the On-Board Observer Program relating to possible infractions that had occurred since the Panel’s previous meeting. Each case was discussed, and the Panel decided to forward those that indicated possible infractions of the AIDCP to the responsible government for investigation and possible sanction.

14. Review of actions by Parties on possible infractions reported by the IRP

The United States expressed an interest in establishing a system whereby certain kinds of cases would trigger a faster response from governments, for example immediate suspensions for certain infractions, and offered to draft a paper on this matter for discussion at the June IRP meeting. Other IRP members expressed interest in this, but noted the importance of proceeding carefully so as to ensure adequate legal representation and due process.

15. Problems regarding marketing of tuna

Under this item, Colombia expressed its concerns regarding problems in the trade and marketing of tuna caught in accordance with the AIDCP, and suggested that action needed to be taken to address these problems. After a long and wide-ranging debate, it was recognized that tuna from the EPO is the only one with a system of observation, tracking, and verification, and is nonetheless faced with problems of access to the various markets. The delegations, recognizing the existence of a commercial problem, indicated that some immediate actions should be taken. The United States suggested that Colombia prepare a paper on the problem and possible solutions for it and circulate it before the next meeting of the Permanent Working Group on Tuna Tracking. The Parties supported this proposal, and Colombia accepted this responsibility. It was agreed that a special meeting of the Working Group would take place on April 23-24 in San Jose, Costa Rica, to discuss this issue in more detail and to explore possible steps to be taken to improve the trade and marketing situation.

16. Other business

The Secretariat noted that the election of the environmental NGO and industry IRP members needed to be held before the June 2001 IRP meeting, and indicated that the Secretariat would take the steps necessary to ensure that the election takes place in a timely manner.

The Secretariat reported that it had made no further progress on preparing a sanctions database because there were no additional reports from governments regarding sanctions in their legislation for infractions of the AIDCP. An environmental NGO member expressed concern over this situation and urged governments to submit the relevant information to the Secretariat as soon as possible. The Panel agreed that the Parties would inform the Secretariat by May 1 of the sanctions contemplated in their respective laws and regulations for infractions of the AIDCP.

The Ortza Working Group presented its report (Appendix 8).

17. Place and date of next meeting

The Panel agreed that its 27th meeting would be held in association with the IATTC and AIDCP meetings in El Salvador in June, on a date to be decided later.

18. Adjournment

The meeting was adjourned.

Appendix 1.

PANEL INTERNACIONAL DE REVISION INTERNATIONAL REVIEW PANEL

26^a REUNION – 26th MEETING

La Jolla, California

29–30 de enero de 2001– January 29-30, 2001

ASISTENTES – ATTENDEES

COLOMBIA

JORGE A. RODRIGUEZ

IVAN DAVIO ESCOBAR

Instituto Nacional de Pesca y Acuicultura

CLARA GAVIRIA

Ministerio de Comercio Exterior

ARMANDO HERNANDEZ

COSTA RICA

GEORGE HEIGOLD

Instituto Costarricense de Pesca y Acuicultura

ECUADOR

RAFAEL TRUJILLO BEJARANO

LUIS TORRES NAVARRETE

Ministerio de Comercio, Industria y Pesca

EL SALVADOR

MARGARITA S. DE JURADO

Ministerio de Agricultura y Ganadería

EUROPEAN COMMUNITY

ALAN GRAY

JUAN IGNACIO ARRIBAS

JAVIER ARIZ

MEXICO

MIGUEL ANGEL CISNEROS

Instituto Nacional de Pesca

RICARDO BELMONTES ACOSTA

MICHEL DREYFUS

HUMBERTO ROBLES

Secretaría de Agricultura, Ganadería, Desarrollo Rural,
Pesca y Alimentación

ANTONIO FUENTES MONTALVO

LUIS FUEYO MACDONALD

Procuraduría Federal de Protección al Ambiente

ERNESTO ESCOBAR

NICARAGUA

MIGUEL ANGEL MARENCO

ADPESCA/MEDEPESCA

PERU

GLADYS CARDENAS

JORGE VERTIZ

Ministerio de Pesquería

UNITED STATES OF AMERICA

DAVID HOGAN

State Department

REBECCA LENT

JAMES LECKY

ALLISON ROUTT

PATRICIA DONLEY

NICOLE LEBOEUF

BRETT SCHNEIDER

National Marine Fisheries Service

VANUATU

ANTHONY TILLET

EDWARD WEISSMAN

MARK MCAULIFFE

VENEZUELA

ALVIN DELGADO

Programa Nacional de Observadores

JON CELAYA

GOVERNMENT OBSERVERS-OBSERVADORES GUBERNAMENTALES

GUATEMALA

RICARDO SANTA CRUZ

FRATERO DIAZ

Ministerio de Agricultura, Ganadería y Alimentación

MARIA OLGA MENENDEZ

AGEXPRONT

ORGANIZACIONES NO GUBERNAMENTALES-NON-GOVERNMENTAL ORGANIZATIONS

KATHLEEN O'CONNELL

Whale and Dolphin Conservation Society

ALEJANDRO ROBLES

Conservation International-Mexico

CRISTOBEL BLOCK

Humane Society of the United States

NINA YOUNG

Center for Marine Conservation

INDUSTRIA ATUNERA-TUNA INDUSTRY

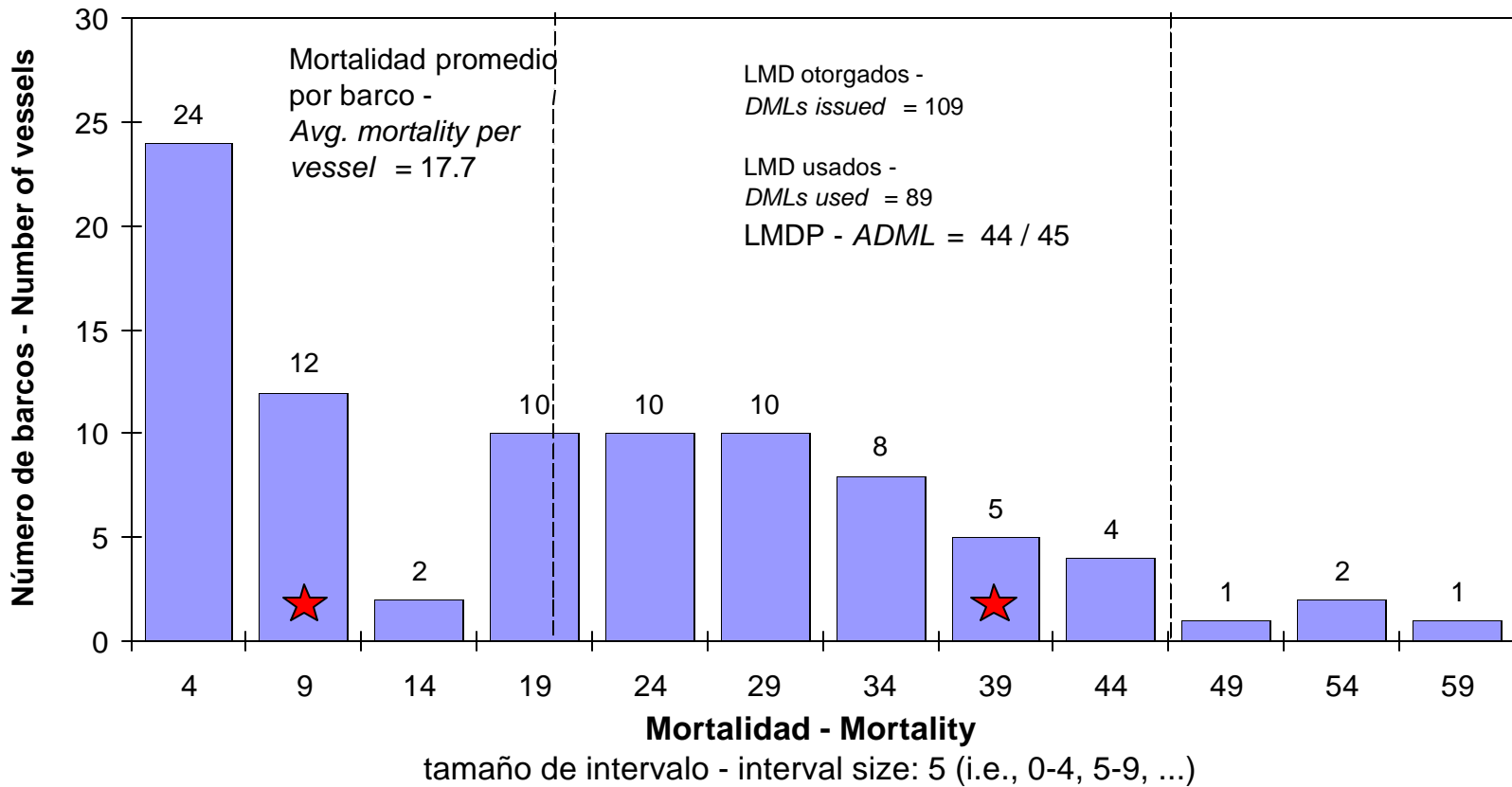
ALVARO BUSTAMANTE

JOSE JUAN VELAZQUEZ MACOSHAY

Appendix 2.

MORTALIDAD CAUSADA POR BARCOS CON LMD - 2000
MORTALITY CAUSED BY DML VESSELS - 2000

(Uso de LMD = 1 o más lances intencionales sobre delfines; mortalidad en lances experimentales excluída
DML use = 1 or more intentional sets on dolphins; experimental set mortality excluded)



★ Un barco pescó sin observador -
One vessel fished without an observer

Datos preliminares (19 enero, 2001) - *Preliminary data (1/19/2001)*

Appendix 3.

LMD para 2001 - 2001 DMLs				
Solicitudes – Requests:				
Año completo – Full year:			82	
Segundo semestre. – Second semester:			4	
LMDP – ADML:			59.75	
Partes que no han notificado al Director de la asignación inicial de LMD				
Parties that have not notified Director of initial DML allocation				
El Salvador			Panamá	
LMD en 2001 de barcos que excedieron su LMD en 2000				
2001 DMLs of vessels that exceeded their 2000 DML				
Buque – Vessel	Exceso – Excess	LMD asignado – DML assigned	Reducción - Reduction	
			Requerida ¹ – Required ¹	Real – Actual
1	3	54	4.5	5 - 6
2	7	49	10.5	10 - 11
3	10	49	15	10 - 11

¹ 50% adicional al exceso, en los años subsiguientes, de conformidad con la decisión que adopte el PIR (Anexo IV, APICD).

¹ An additional 50% percent of the excess over subsequent years, unless the IRP recommends otherwise (Annex IV, AIDCP).

Appendix 4.

COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA
Tel: (858) 546-7100 – Fax: (858) 546-7133 – www.iattc.org – Director: Robin L. Allen

23 January 2001

Ref.: 0087-440

To: IRP members

From: Robin Allen, Director

Re: 26th Meeting of the IRP, Agenda Item 7: Measuring performance in reducing dolphin mortalities

Annex IV(I) 8 and (III) 3 of the AIDCP provides that the initial assignment and subsequent adjustment of DMLs should take account of a vessel's performance in reducing dolphin mortalities as measured by the IRP. The IRP therefore needs to agree on a way of measuring success in reducing dolphin mortality for those purposes.

The Secretariat proposes using standardized mortality per set (SMPS) on dolphins as a measurement. Because the MPS can be affected by the average size of dolphin herds in a region, or by differences in dolphin behavior by species or region, it is not completely fair to simply compare the MPS of vessels that operate in different areas without some form of standardization.

The proposed measurement stratifies the data on dolphin sets into two species categories (common dolphins and other species) and into three regions with historically different average MPS values. For each vessel, a normalized performance measure is computed within each cell (species x region), using all the data available for that cell, and the measures from each cell are combined into one overall performance measure using a weighting system based on the number of sets in each cell. The details of the calculation are given in the appendix.

If the IRP agrees to use this measure, a vessel could receive a DML in excess of the ADML if its SMPS is less than the average over the previous two years (Annex IV(I) 8), and could have its DML adjusted upwards in excess of 50% of its initial DML only if its SMPS is in the lower 40% of that of the previous year (Annex IV(III) (3)). The former provision would operate for the first time for 2002 DMLs, while the latter could take effect this year, using data for 2000. Each Party will be provided with a list of its vessels that would qualify for this adjustment under the proposed system of measurement by 1 April.

Appendix. Calculation of standardized mortality per set (SMPS)

It is anticipated that this measure will be computed annually; data availability is likely to preclude assessment of performance over shorter time intervals. Data for the performance measure will be limited to vessels making at least 10 dolphin sets in a year to ensure a minimum sample size. Sets involving major malfunctions are excluded from the comparison.

Data are assigned to one of six cells (2 species groupings x 3 areas) based on the following criteria:

1. Sets are classified into 'sets on common dolphins' and 'sets on other dolphins.' A set on common dolphins is defined as a set in which (a) there was mortality and more than 50% of the dolphins killed were common dolphins, or (b) there was no mortality, but dolphins were captured and more than 50% of the dolphins captured were common dolphins.
2. Sets are assigned to one of three areas: (1) north of 5°N between 86°-117°W; (2) between 6°-14°N and 123°-150°W; and (3) all other parts of the Agreement Area.

Within each species x region cell, the mortality per set is computed for each vessel, and each vessel is assigned a standardized rank based on its mortality per set. The standardized rank is obtained by ranking the individual mortality per set values and then dividing each rank by the maximum rank. Each vessel's standardized ranks from the six cells are combined into one overall score by computing a weighted average of the standardized ranks, with weights equal to the number of dolphin sets in each cell.

Appendix 5.

COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA
Tel: (858) 546-7100 – Fax: (858) 546-7133 – www.iattc.org – Director: Robin L. Allen

23 January 2001

Ref.: 0088-440

To: IRP members

From: Robin Allen, Director

Re: 26th Meeting of the IRP, Agenda Item 8: Determination of a pattern of violations

Annex IV(I) 7 of the AIDCP states that “no DML shall be assigned to a vessel which has been determined by the Parties to have engaged in a pattern of violations, as confirmed through enforcement actions taken against such vessel by the Party under whose jurisdiction it operates, which diminish the effectiveness of the International Dolphin Conservation Program.” Thus, it is incumbent upon the IRP to develop a definition of what is meant by “a pattern of violations which diminish the effectiveness of the IDCP.”

The Secretariat has developed a proposal based on a modification of the list of “major” and “other” infractions agreed in 1993 under the La Jolla Agreement but never formally endorsed by the Parties to the AIDCP.

The modifications to the list from the La Jolla Agreement are that the sacking-up or brailing of live dolphins is considered an “other” rather than a “major” violation, reflecting comments from IRP members to that effect, and the second is the addition of three infractions contemplated in the AIDCP but not in the La Jolla Agreement: (1) having a captain who is not on the list of qualified captains on a vessel with a DML, (2) intentionally injuring or killing dolphins captured in the course of fishing operations, and (3) not performing a periodic net alignment. The Secretariat recommends that the first two be considered major violations.

The Secretariat’s proposal is as follows:

1. That the IRP endorse this table of infractions;
2. That a vessel shall be considered to have engaged in a pattern of violations which diminish the effectiveness of the IDCP if it commits two major violations within any two-year period, or has four trips with any violations within any two-year period;
3. That any determination made by the Parties with respect to a pattern of violations should not be applied retroactively but should begin in 2001

Finally, the Secretariat would like to bring to the attention of the IRP the provision in Annex IV(III)4 of the AIDCP that states that Parties will be deemed to have provided concurrence

regarding an IRP determination of a possible violation listed in that section, unless the Party objects to the IRP within six months, or 12 months if so specified. The Secretariat is proceeding to implement the AIDCP on the understanding that this provision applies to all aspects of the Agreement, not simply those relating to DML adjustments.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

26TH MEETING

La Jolla, California (USA)

January 2001

INFRACTIONS OF THE AIDCP

Major:	
1.	Fishing without an observer
2.	Fishing on dolphins without a DML
3.	Fishing on banned stocks of dolphins
4.	Intentionally injuring or killing dolphins captured in the course of fishing operations
5.	Harassing an observer, or interfering with his duties
6.	Not conducting the required dolphin release procedure (backdown) after dolphins are captured
7.	The fishing captain assigned to a DML vessel is not on the AIDCP list of qualified fishing captains
8.	Fishing on dolphins after reaching the DML
9.	Fishing without a dolphin safety panel in the net
Other:	
1.	Not completing backdown within 30 minutes after sundown (night set)
2.	Use of explosives when fishing on dolphins
3.	Sacking-up or brailing live dolphins
4.	Not deploying rescuers during backdown
5.	Not performing a periodic net alignment
6.	No raft for the observation and rescue of dolphins
7.	Not having at least three operable speedboats with operable towing bridles or posts, and tow lines
8.	Not having a high-intensity floodlight
9.	Not having at least two diving facemasks

Appendix 6.

COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION

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Tel: (858) 546-7100 – Fax: (858) 546-7133 – www.iattc.org – Director: Robin L. Allen

23 January 2001

Ref.: 0089-440

To: IRP members

From: Robin Allen, Director

Re: 26th Meeting of the IRP, Agenda Item 9: System to measure DML utilization to deter frivolous requests

Annex IV(II) 2 of the AIDCP states that within six months following the entry into force of the Agreement, the IRP shall develop and recommend to the Meeting of the Parties a system by which to measure DML utilization in order to deter frivolous requests for DMLs. That requirement was met at the First Meeting of the Parties, held in June and July 1999: the minutes of that meeting note that DML utilization was measured by the tables showing the numbers of sets made and the tonnage of tuna caught on dolphins by each vessel, but that further work on deterring frivolous requests may be required.

During the 25th meeting of the IRP, held in October 2000, some members expressed an interest in revisiting this matter because frivolous requests for DMLs may still be a problem. This question deserves some analysis. Attached is an update of the document agreed in July 1999 as a measure of DML utilization, with 2000 data approximately 70% complete. In 1999 there were 43 vessels with DMLs which fished and made less than 10% of their sets on dolphins; in 2000 there were 29 such vessels. It is also interesting to note that for 2000 there were 110 DML requests, resulting in an average DML of 44.55; for 2001 there were 82 DML requests, for an average DML of 59.75. Thus, in 2001, the operational restrictions created by the DMLs will be less than in 2000, when only 3 vessels exceeded their DMLs. None of those vessels exceeded the 2001 average DML.

It should be kept in mind that the AIDCP addresses the potential problem of frivolous requests for DMLs. Most obvious is the provision that any vessel which does not set on dolphins prior to April 1 loses its DML and may not set on dolphins for the remainder of that year, and that the DMLs of such vessels be then reallocated among the rest of the fleet. While this provision does not itself discourage frivolous requests, it does mitigate any hardship to the fleet that would otherwise result from not utilizing these DMLs. Perhaps more important is the provision that any vessel that loses its DML on two consecutive occasions shall not be eligible to receive a DML for the following year. Neither of these provisions, however, addresses the problem of vessels making just one set on dolphins prior to April 1 simply in order to retain its DML. Also, a vessel may invoke the exemption of *force majeure* or extraordinary circumstances to avoid losing its DML, and this exemption could be abused.

The IRP should first decide whether frivolous requests for DMLs are a serious enough problem to merit additional attention. The Secretariat prepared a paper on guidelines for deciding when a request for a *force majeure* or extraordinary circumstance exemption can be legitimately invoked, the Panel discussed the issue, and it will be addressed again at the Meeting of the Parties in June 2001. It may be that tightening that potential loophole, along with the effect of the relevant provisions of the AIDCP (keeping in mind that the Agreement has only been operational since 2000), will be enough to resolve any problems with frivolous requests. If not, other solutions could be explored, such as defining DML utilization in a way that will exclude vessels from the DML system unless they participate more fully in the dolphin fishery. For example, in order to keep its DML or to request one for the following year, a vessel could be required to make at least 10 sets on dolphins, and with the intention of catching fish, *i.e.* the vessel must catch a certain tonnage of tuna in dolphin sets within a defined time. It is likely that any such provision would require an amendment to the AIDCP.

Another option to consider to discourage frivolous requests would be to require all or some vessels participating in the dolphin fishery to post a bond at the time of requesting a DML. The bond would be forfeited if the vessel did not utilize its DML, except for reasons of *force majeure* or extraordinary circumstances as approved by the IRP. Such a system was discussed under the La Jolla Agreement but never implemented. It is not clear to what extent a bonding system would be unduly burdensome to vessel owners.

Attachment

Measurement of DML utilization

Proportions of sets and catches made on dolphins by individual vessels, 1999 – 2000

Data from IATTC permanent database only. 2000 data is approximately 70% complete. Only vessels with full year DML's are included

Year	Vessel code	Dolphin sets	Total sets	% dolphin sets	Catch on dolphins	Total catch	% catch on dolphins
Año	Código buque	Lances sobre delfines	Lances totales	% lances sobre delfines	Captura sobre delfines	Captura total	% captura sobre delfines
1999	188	0	0	0.0	0	0	0.0
1999	291	0	0	0.0	0	0	0.0
1999	330	0	0	0.0	0	0	0.0
1999	333	0	0	0.0	0	0	0.0
1999	390	0	0	0.0	0	0	0.0
1999	392	0	0	0.0	0	0	0.0
1999	1448	0	0	0.0	0	0	0.0
1999	1459	0	0	0.0	0	0	0.0
1999	1444	0	8	0.0	0	205	0.0
1999	1439	0	38	0.0	0	1602	0.0
1999	1496	0	61	0.0	0	2455	0.0
1999	1453	0	65	0.0	0	4187	0.0
1999	361	0	74	0.0	0	2073	0.0
1999	1527	0	75	0.0	0	2579	0.0
1999	323	0	77	0.0	0	5029	0.0
1999	1487	0	80	0.0	0	3047	0.0

1999	1501	0	90	0.0	0	4381	0.0
1999	1381	0	91	0.0	0	3826	0.0
1999	334	0	93	0.0	0	4133	0.0
1999	206	0	95	0.0	0	3664	0.0
1999	276	0	95	0.0	0	2209	0.0
1999	186	0	96	0.0	0	3768	0.0
1999	210	0	96	0.0	0	3948	0.0
1999	1393	0	96	0.0	0	851	0.0
1999	170	0	98	0.0	0	2333	0.0
1999	1454	0	106	0.0	0	9798	0.0
1999	1518	0	110	0.0	0	6106	0.0
1999	499	0	111	0.0	0	3559	0.0
1999	1404	0	113	0.0	0	5142	0.0
1999	1520	0	113	0.0	0	10035	0.0
1999	1455	0	114	0.0	0	4071	0.0
1999	310	0	176	0.0	0	6797	0.0
1999	1531	0	187	0.0	0	15708	0.0
1999	1524	0	193	0.0	0	16640	0.0
1999	207	0	248	0.0	0	7339	0.0
1999	1467	1	197	0.5	0	9779	0.0
1999	456	1	172	0.6	0	9261	0.0
1999	1530	1	156	0.6	0	11011	0.0
1999	1523	1	157	0.6	0	9937	0.0
1999	1508	1	132	0.8	0	5981	0.0
1999	1495	1	112	0.9	0	6818	0.0
1999	216	1	109	0.9	0	5665	0.0
1999	465	1	99	1.0	5	5631	0.1
1999	350	1	94	1.1	0	5473	0.0
1999	471	1	90	1.1	1	6016	0.0
1999	1494	2	138	1.5	0	4717	0.0
1999	1385	1	56	1.8	0	2170	0.0
1999	240	3	57	5.3	13	399	3.3
1999	349	3	56	5.4	14	735	1.9
1999	1387	8	136	5.9	31	1091	2.8
1999	431	14	186	7.5	50	2194	2.3
1999	380	15	115	13.0	13	611	2.1
1999	440	4	29	13.8	36	331	10.9
1999	203	8	57	14.0	73	1376	5.3
1999	243	10	65	15.4	33	447	7.4
1999	1394	11	62	17.7	45	564	8.0
1999	1528	35	168	20.8	452	5670	8.0
1999	1398	45	152	29.6	757	1472	51.4
1999	1383	9	30	30.0	58	909	6.4
1999	424	37	115	32.2	288	1540	18.7
1999	1533	40	122	32.8	712	4184	17.0
1999	292	6	18	33.3	243	825	29.5
1999	308	63	186	33.9	555	4069	13.6
1999	466	27	65	41.5	73	347	21.0
1999	336	24	56	42.9	716	1687	42.4
1999	299	56	127	44.1	763	2912	26.2
1999	1378	62	137	45.3	508	1745	29.1
1999	1443	51	107	47.7	1298	1987	65.3
1999	305	88	178	49.4	1241	4156	29.9
1999	1538	87	161	54.0	1826	4491	40.7
1999	326	81	149	54.4	1421	4384	32.4

1999	298	76	138	55.1	1332	3023	44.1
1999	365	66	119	55.5	1684	3894	43.3
1999	348	53	95	55.8	689	2536	27.2
1999	353	97	168	57.7	1724	4023	42.9
1999	337	82	137	59.9	1497	2819	53.1
1999	1360	64	105	61.0	759	1135	66.9
1999	1174	66	108	61.1	935	1736	53.9
1999	444	93	146	63.7	1188	2175	54.6
1999	234	45	70	64.3	784	1641	47.8
1999	484	140	217	64.5	2273	4276	53.2
1999	476	18	27	66.7	88	389	22.6
1999	309	56	84	66.7	979	2536	38.6
1999	260	77	115	67.0	1068	1893	56.4
1999	446	70	104	67.3	774	1334	58.0
1999	296	93	138	67.4	1849	3853	48.0
1999	437	142	207	68.6	3237	4879	66.4
1999	1451	88	128	68.8	1696	2247	75.5
1999	451	104	151	68.9	2068	3557	58.1
1999	1361	87	126	69.1	1751	2404	72.8
1999	359	110	159	69.2	2159	4569	47.3
1999	481	78	112	69.6	1326	1687	78.6
1999	498	116	164	70.7	2117	4026	52.6
1999	235	112	157	71.3	1477	2227	66.3
1999	454	96	133	72.2	1865	2712	68.8
1999	211	110	150	73.3	2498	3902	64.0
1999	325	176	239	73.6	2051	3394	60.4
1999	248	79	107	73.8	983	2109	46.6
1999	370	153	206	74.3	3209	4853	66.1
1999	1488	68	91	74.7	777	1220	63.7
1999	1346	89	118	75.4	1900	2101	90.4
1999	1396	74	96	77.1	1398	2169	64.5
1999	1392	38	49	77.6	585	1162	50.3
1999	311	60	77	77.9	688	1611	42.7
1999	285	114	146	78.1	1750	2424	72.2
1999	1449	126	161	78.3	2670	3852	69.3
1999	300	142	179	79.3	3428	4072	84.2
1999	272	85	106	80.2	2222	2807	79.2
1999	1400	120	146	82.2	1286	1846	69.7
1999	1471	71	86	82.6	1229	1520	80.9
1999	318	151	180	83.9	3842	5093	75.4
1999	470	204	239	85.4	4162	5705	73.0
1999	489	133	152	87.5	2248	2683	83.8
1999	467	193	218	88.5	3443	4240	81.2
1999	438	185	208	88.9	2424	3440	70.5
1999	497	60	67	89.6	1101	1259	87.5
1999	493	36	40	90.0	683	724	94.3
1999	480	98	108	90.7	1447	1703	85.0
1999	315	178	195	91.3	3164	3681	86.0
1999	1395	87	95	91.6	1704	1823	93.5
1999	462	84	91	92.3	1153	1246	92.5
1999	403	216	232	93.1	3354	3943	85.1
1999	1405	148	153	96.7	2107	2250	93.6
1999	253	444	458	96.9	9880	10522	93.9
1999	453	215	220	97.7	2823	3011	93.8

2000	211	0	0	0.0	0	0	0.0
2000	240	0	0	0.0	0	0	0.0
2000	260	0	0	0.0	0	0	0.0
2000	298	0	0	0.0	0	0	0.0
2000	305	0	0	0.0	0	0	0.0
2000	333	0	0	0.0	0	0	0.0
2000	353	0	0	0.0	0	0	0.0
2000	380	0	0	0.0	0	0	0.0
2000	451	0	0	0.0	0	0	0.0
2000	1488	0	0	0.0	0	0	0.0
2000	3026	0	0	0.0	0	0	0.0
2000	1382	0	21	0.0	0	0	0.0
2000	175	0	72	0.0	0	3906	0.0
2000	334	0	76	0.0	0	4486	0.0
2000	1523	0	78	0.0	0	3638	0.0
2000	1381	0	80	0.0	0	3554	0.0
2000	460	0	82	0.0	0	4795	0.0
2000	431	0	88	0.0	0	1908	0.0
2000	206	0	92	0.0	0	5230	0.0
2000	210	0	97	0.0	0	5271	0.0
2000	212	0	119	0.0	0	3355	0.0
2000	310	0	131	0.0	0	6319	0.0
2000	170	0	140	0.0	0	1923	0.0
2000	1467	1	118	0.9	0	5872	0.0
2000	1531	1	106	0.9	0	10950	0.0
2000	350	1	104	1.0	0	5146	0.0
2000	1543	1	84	1.2	0	9547	0.0
2000	456	1	81	1.2	0	6565	0.0
2000	1385	1	76	1.3	0	5454	0.0
2000	1508	1	75	1.3	0	4417	0.0
2000	1495	1	68	1.5	0	4003	0.0
2000	216	1	64	1.6	0	4042	0.0
2000	471	1	64	1.6	0	4854	0.0
2000	1530	1	63	1.6	0	6945	0.0
2000	465	1	57	1.8	10	4025	0.3
2000	1518	1	57	1.8	0	3387	0.0
2000	1501	1	52	1.9	0	2842	0.0
2000	1494	2	97	2.1	0	2485	0.0
2000	1393	1	44	2.3	0	274	0.0
2000	1387	4	74	5.4	5	468	1.1
2000	243	7	43	16.3	8	70	11.4
2000	349	6	30	20.0	79	759	10.4
2000	424	12	56	21.4	166	533	31.1
2000	1533	30	122	24.6	349	5105	6.8
2000	272	59	188	31.4	568	3298	17.2
2000	1528	33	96	34.4	315	3449	9.1
2000	1360	4	11	36.4	53	135	39.3
2000	1383	20	52	38.5	228	811	28.1
2000	476	19	49	38.8	90	433	20.8
2000	1398	25	62	40.3	223	718	31.1
2000	330	16	37	43.2	227	815	27.9
2000	446	51	110	46.4	562	1242	45.3
2000	1378	17	34	50.0	185	427	43.3
2000	1443	36	70	51.4	592	1193	49.6
2000	309	40	72	55.6	980	1861	52.7

2000	308	90	162	55.6	1626	3775	43.1
2000	203	58	103	56.3	882	1472	59.9
2000	454	75	132	56.8	1224	1834	66.7
2000	370	54	95	56.8	1047	1932	54.2
2000	493	20	35	57.1	374	855	43.7
2000	440	14	24	58.3	73	145	50.3
2000	1451	33	55	60.0	405	707	57.3
2000	365	104	164	63.4	2248	4162	54.0
2000	299	77	121	63.6	1647	2798	58.9
2000	359	74	113	65.5	1874	2887	64.9
2000	1174	40	61	65.6	1048	1942	54.0
2000	291	119	177	67.2	2200	3877	56.7
2000	326	87	126	69.1	1698	2545	66.7
2000	1395	67	97	69.1	1266	1835	69.0
2000	1392	52	75	69.3	1290	1634	79.0
2000	480	55	79	69.6	631	1160	54.4
2000	235	99	138	71.7	1040	1669	62.3
2000	1405	83	115	72.2	1381	1955	70.6
2000	1471	48	66	72.7	567	890	63.7
2000	444	54	74	73.0	929	1242	74.8
2000	248	38	52	73.1	461	790	58.4
2000	392	60	82	73.2	1414	2221	63.7
2000	498	148	202	73.3	2608	4586	56.9
2000	467	129	170	75.9	2729	3598	75.9
2000	489	42	55	76.4	685	1065	64.3
2000	466	40	52	76.9	340	397	85.6
2000	497	41	53	77.4	574	826	69.5
2000	1449	78	100	78.0	1261	1756	71.8
2000	438	36	45	80.0	727	1231	59.1
2000	1346	69	86	80.2	1396	1849	75.5
2000	337	35	43	81.4	734	821	89.4
2000	325	53	65	81.5	1424	1739	81.9
2000	1400	40	49	81.6	429	522	82.2
2000	348	90	108	83.3	1686	2238	75.3
2000	1538	182	218	83.5	3918	4708	83.2
2000	296	49	57	86.0	1454	1990	73.1
2000	453	99	114	86.8	1584	1784	88.8
2000	1394	21	24	87.5	109	109	100.0
2000	470	61	69	88.4	1589	1903	83.5
2000	292	218	242	90.1	4539	5145	88.2
2000	437	76	83	91.6	1648	1862	88.5
2000	285	33	36	91.7	771	853	90.4
2000	318	106	115	92.2	2293	2937	78.1
2000	234	38	41	92.7	771	819	94.1
2000	300	90	96	93.8	1809	2052	88.2
2000	462	31	33	93.9	448	448	100.0
2000	403	90	95	94.7	1509	1517	99.5
2000	1361	37	39	94.9	868	935	92.8
2000	315	42	44	95.5	826	941	87.8
2000	253	366	378	96.8	8248	8990	91.8
2000	336	82	84	97.6	1563	1914	81.7
2000	484	129	131	98.5	1832	1887	97.1
2000	481	31	31	100.0	729	729	100.0
2000	1396	31	31	100.0	801	801	100.0
2000	311	70	70	100.0	1669	1669	100.0

Appendix 7.

Reports from vessels at sea, 2001

Report date	Trips at sea	Vessels reporting	% reporting
14 January	76	31	40.8
21 January	78	35	44.9

Reported dolphin mortality by stock, 2001 (to January 21)

Stock	Mortality	Stock Mortality Limit
Northeastern offshore spotted	7	649
Western-southern spotted	9	1145
Eastern spinner	9	518
Central common	9	207
Northern common	4	563
Total:	38	3082

Appendix 8.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

26TH MEETING

REPORT OF THE TECHNICAL WORKING GROUP ON ORTZA RELEASE

La Jolla, California, 29 January 2001

The meeting was attended by representatives from Mexico, Spain, United States, Vanuatu, Venezuela, CMC, and WDCS, as well as by IATTC staff. The working group met pursuant to the decision of the International Review Panel at its 25th meeting in October 2000 to convene a Technical Working Group to address the issue of ortza release, with a view to developing criteria for determining if and when releasing the ortza could be considered an acceptable alternative to the backdown maneuver as a means of releasing captured dolphins from the net.

The IATTC staff offered an historical overview of the use of ortza release, mentioning that development of a statistically significant database is still some time away, given the low numbers of incidents involving ortza release. While ortza release had at one time been more common, in the mid-1970s the backdown procedure had overtaken ortza release as the preferred method of dolphin release. The group concurred that backdown is still considered to be the optimum procedure, but agreed that there could be times when ortza release might be a viable means of ensuring successful dolphin release.

There was extensive discussion as to whether ortza release might be acceptable as an alternative to backdown, and under what conditions. The Group agreed to recommend to the IRP that a questionnaire be developed for both captains and observers. The questionnaire would be designed to gather as much information as possible regarding both the conditions that led to the ortza release as well as the execution of the procedure. Such questions could include, *inter alia*, information on environmental conditions; dolphin species and herd size; use of additional rescue measures, if any; and the actions of the vessel.

There was also discussion of the need to design the questionnaire so that it would be possible to stratify the responses, so as to improve the statistical analyses. The group agreed that it would be best to have the questionnaire made available to the captain so that the report of an incident of ortza release is completed as soon as possible after executing the procedure, so as to ensure that the information provided is as reliable as possible. It was suggested that a series of yes and no questions, or multiple choice, could provide more readily quantifiable data, although the group also recognized the utility of allowing for responses in greater detail. The group agreed, subject to IRP approval, to develop the questionnaire by correspondence with a view to producing a draft by May 1st. This would allow sufficient time for the questionnaire to be reviewed by the Parties in advance of the Meeting of the Parties in June 2001.

Extensive discussion also took place regarding the fact that the IRP currently considers ortza release a possible infraction. The group agreed that cases of involuntary ortza release (*i.e.* backdown was impossible due to equipment failure or other reasons) should not be considered as possible infractions. Cases when backdown was not performed but could have been would be analyzed by the group with the aim of compiling data on such cases.

The group recommends that an experimental program on releasing the ortza be undertaken. This program would entail (1) a retroactive analysis by the staff of the IATTC and the national observer programs of incidents of ortza release over a period of two years (or for as long as the national program has been operating); and (2) a three-year program of analysis based upon responses to the questionnaires.

Cases of ortza release would not be forwarded to the Panel for consideration as a possible infraction, nor would they be a possible infraction, as long as the captain complied with the requirement of completing the questionnaire and providing the information required. In addition, the staff of the IATTC and the national observer programs will ensure that observers also comply with the obligation of completing the questionnaire that will be developed.

The group will review each case of ortza release based on the information provided in the questionnaire, and will review the issue on an annual basis; if it became apparent that the use of this method was causing a demonstrable increase in dolphin mortality, cases of ortza release would, as at present, be referred to the Panel for consideration as a possible infraction.