

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

34TH MEETING

LA JOLLA, CALIFORNIA (USA)

9-10 OCTOBER 2003

DOCUMENT IRP-34-14

EFFECT OF RESOLUTION A-02-03 – DEFINITION OF A PATTERN OF INFRACTIONS

Paragraph 6 of the 2002 [Resolution on the Definition of a Pattern of Infractions](#) states that the IRP shall review annually its effectiveness in enhancing compliance with the Agreement. Enhanced compliance with the AIDCP would be reflected by a reduction in the frequency of major infractions after the entry into force of the resolution on 11 October 2002. The tables below show, for trips that started before and after that date, the frequencies of possible major infractions identified by the IRP and of major infractions confirmed by Parties. The infractions (Appendix) are grouped into three categories: 1) explosive use (no. 8, a set infraction and the most frequent of the major infractions), 2) other set infractions (nos. 4, 5, 9 and 10), and 3) trip infractions (nos. 1, 2, 6, 7 and 11). All explosive-use infractions were included in the analysis, although it was categorized as an “other” infraction before July 20, 2001.

Frequencies of major infractions before and after the effective date of the resolution

		No. sets	Explosive use		Other set infractions		No. trips	Trip infractions	
			No.	%	No.	%		No.	%
01 Jan 00 – 10 Oct 02	Possible	28932	400	1.4	140	0.5	1980	202	10.2
	Confirmed		167	0.6	17	0.1		68	3.4
11 Oct 02 – 13 May 03	Possible	6739	0	0	12	0.2	395	44	11.1
	Confirmed		N/A		0	0		4	1

1. Possible infractions identified by the IRP

Only two IRP meetings, in February and June 2003, have reviewed possible infractions from trips affected by the resolution. The IRP did not identify any explosive-use infractions during those two meetings because none were reported by observers during the two relevant reporting periods. The absence of reported explosive use during those periods is likely the result of two factors: the Resolution and, of perhaps greater concern to a fishing captain, the fact that a confirmed explosive-use infraction automatically results in his removal from the List of Qualified Captains for a minimum of 3 months.

The frequency of other possible major set infractions fell by 60%, from 0.5 to 0.2%, whereas the frequency of major trip infractions increased by 9%, from 10.2 to 11.1%. Of the possible major trip infractions that occurred since the resolution came into force, 61% were from trips by vessels with DMLs whose captain was not on the List.

The reduction in possible major infractions since the entry into force of the resolution is very positive for the Agreement, but the comparisons reported here are for too short a period to allow definitive conclusions to be drawn.

2. Infractions confirmed by Parties

It has only been 6 and 2 months, respectively, since the possible major infractions identified by the 32nd and 33rd IRP meetings were forwarded to the Parties, so many of these have not yet been fully investigated. Of the 66 possible major infractions identified at those two meetings, only 4 have thus far

been confirmed.

3. Vessels at risk of developing a pattern of infractions

Paragraph 1 of the resolution provides two definitions of a pattern of infractions, specifically:

- a. Any three major infractions committed within two consecutive years during more than one trip, as confirmed by a Party.
- b. Any two of the following major infractions committed within two consecutive years during more than one trip, as confirmed by a Party:
 - i. Fishing without an observer;
 - ii. Fishing on dolphins without a DML;
 - iii. Fishing on dolphins after the vessel reaches its DML.

The 13 vessels in the table below currently have two or more major possible infractions and infractions pending under paragraphs 1.a and/or 1.b of the resolution. Vessels C, D, H, and J have each had one of the infractions listed confirmed by a Party.

Vessel	Possible major infractions by resolution definition	
	1.a	1.b
A	2	0
B	2	0
C	2	0
D	2	0
E	2	0
F	2	0
G	2	1
H	3	0
I	3	0
J	0	3
K	0	3
L	4	0
M	6	0

PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES -- INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INFRACCIONES – INFRACTIONS¹

JUN 2003

	Código	MAYORES	MAJOR
1.	NOOBS	Pescar sin observador	Fishing without an observer
2.	NODML	Pescar sobre delfines sin LMD	Fishing on dolphins without a DML
3.	BNST	Pescar sobre población de delfines prohibida	Fishing on banned stocks of dolphins
4.	HARM	No evitar dañar o matar delfines capturados en el curso de las operaciones de pesca	Failing to avoid injuring or killing dolphins captured in the course of fishing operations
5.	AFTDML	Pescar sobre delfines después de alcanzar el LMD	Fishing on dolphins after reaching the DML
6.	NODSP	Salir a pescar con LMD sin paño de protección de delfines en la red	Depart to fish with a DML without a dolphin safety panel in the net
7.	UNLIST	Capitán de pesca asignado a un buque con LMD no está en la Lista de Capitanes Calificados del APICD	Fishing captain assigned to a DML vessel not on AIDCP List of Qualified Captains
8.	EXPL	Usar explosivos al pescar sobre delfines	Use of explosives when fishing on dolphins
9.	NOBK	No realizar retroceso tras capturar delfines	Not conducting backdown after dolphins are captured
10.	SKBR	Embolsar o salabardear delfines vivos	Sacking up or brailing live dolphins
11.	OBSINT ²	Acosar al observador o interferir con sus deberes	Harassing an observer, or interfering with his duties
		OTRAS	OTHER
12.	NSETS	Lance nocturno (no terminar el retroceso 30 minutos después de la puesta del sol)	Night set (not completing backdown within 30 minutes after sundown)
13.	NORS	No usar rescatadores durante retroceso	Not deploying rescuers during backdown
14.	NORAF	Falta de balsa para observación y rescate de delfines	No raft for the observation and rescue of dolphins
15.	NOBR	No tener al menos tres lanchas utilizables, con bridas o postes y cabos de remolque utilizables	Not having at least three operable speedboats with operable towing bridles or posts, and tow lines
16.	NOFLOD	No tener un reflector de largo alcance utilizable	Not having an operable long-range floodlight
17.	NOMASK	No tener al menos dos visores de buceo	Not having at least two diving face masks
18.	CONTRS	No continuar esfuerzos de rescate después del retroceso con delfines vivos en el cerco	Not continuing rescue efforts after backdown with live dolphins in the net
19.	BEFDIR	Pescar sobre delfines antes de notificación de LMD al Director	Fishing on dolphins before notification of DML to Director

¹ Aprobado por la 9ª Reunión de las Partes – Approved by the 9th Meeting of the Parties

² Puede ser mayor, según el caso - Could be major depending on the case