

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

16TH MEETING OF THE PARTIES

DEL MAR, CALIFORNIA (USA)
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TECHNICAL CORRECTION TO ANNEX IV.I.8 OF THE AIDCP

The Secretariat has discovered an incorrect reference in the AIDCP that needs to be corrected. Currently, Annex IV.I.8 reads as follows:

“8. The remaining two percent, or such other portion as the Parties might determine, of the overall DML for the fishery shall be maintained as a separate Reserve DML Allocation (RDA), to be managed at the discretion of the Director. Any Party may request that the Director assign DMLs from such RDA to vessels fishing under its jurisdiction which do not normally fish for tuna in the Agreement Area but which may, from time to time, desire to participate in the fishery in the Agreement Area on a limited basis, or to vessels which are not eligible to receive a DML at the time of the deadline for requests for full-year DMLs, but become eligible subsequently and desire to participate in the fishery during the year for which the DML from the RDA is requested. **DMLs from the RDA may be assigned only if the operational and training requirements set forth in Annex VIII of this Agreement, and the requirements set forth in paragraphs 3 and 4, of this Section are met.** Any accidental mortalities caused by vessels operating in the Agreement Area under the jurisdiction of any of the Parties that have not requested DMLs for their fleet shall also be deducted from this RDA. No vessel which has been assigned a DML for any given year from the RDA may also receive a full-year or second-semester DML for that same year, and no vessel which has received a full-year or second-semester DML for any given year may also receive a DML from the RDA for that same year.”

The problem is that the reference to Annex VIII in the sentence in boldface is incorrect, because Annex VIII does not address training. This problem can be corrected by simply deleting the words “*the operational and training requirements set forth in Annex VIII of this Agreement, and*” in the above paragraph. This reference is superfluous in any case, because these requirements are covered by the reference following immediately in the same sentence to “*the requirements set forth in paragraphs 3 and 4 of this Section*”. Paragraph 3 reads as follows:

“3. For purposes of this Agreement, a vessel shall be considered qualified if:

- a. it has been certified by the relevant national authorities to be in possession of all of the dolphin safety gear and equipment required in Annex VIII;
- b. its captain and crew have received approved training in dolphin release and rescue techniques comparable to a standard established by the Meeting of the Parties;
- c. it is over 363 metric tons (400 short tons) carrying capacity in size;
- d. it has a captain considered qualified due to his or her prior record of performance; and
- e. the vessel is not deemed to be disqualified under Section II of this Annex.”

Thus, the requirements of paragraph 3 make it unnecessary to include the words in paragraph 8 which are suggested for deletion. The sentence in paragraph 8 would then read:

“DMLs from the RDA may be assigned only if the the requirements set forth in paragraphs 3 and 4 of this Section are met.”