AGREEMENT THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

MINUTES OF THE 7TH MEETING OF THE PARTIES (REVISED)

Manzanillo (Mexico)
24 June 2002

AGENDA

1. Opening of meeting
2. Election of Chairman
3. Adoption of agenda
4. Secretariat's report on the IDCP
5. Report of the International Review Panel
6. Report of the Joint Working Group on Fishing by Non-Parties
7. Proposed modifications to the Annexes of the AIDCP
   i. Annex IV, Section III, paragraph 4: Concurrence of the Parties with possible infractions and adjustment of DMLs
   ii. Annex IV, Section II, paragraph 1: Decisions on *force majeure* exemptions
8. Per-stock per-year dolphin mortality caps
9. Resolutions
10. Other business
11. Place and date of next meeting
12. Adjournment

APPENDICES

1. List of attendees
2. Report of the Presider of the 30th Meeting of the IRP
3. Procedures for maintaining the AIDCP List of Qualified Captains
4. Legal requirements for IATTC observers
5. Technical guidelines to prevent high mortality during sets on large dolphin herds
6. Procedures for dealing with special problem sets
7. Procedures for implementing Stock Mortality Limits (SMLs)
8. Modification of the System for Tracking and Verifying Tuna
9. Amendment of the *Resolution to establish procedures for AIDCP Dolphin Safe Tuna Certification*
10. Report of the Joint Working Group on Fishing by Non-Parties
11. Proposed modification of Annex II of the AIDCP

DOCUMENTS

MOP-7-04 Report on the International Dolphin Conservation Program
MOP-7-07 Amendments to Annex IV of the AIDCP
MOP-7-08 Allocation of per-stock, per-year dolphin mortality caps

1. Opening of the meeting

The meeting was opened on 24 June 2002 by Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission (IATTC), which serves as the Secretariat to the Agreement on the International Dolphin Conservation Program (AIDCP). The attendees are listed in Appendix 1.

2. Election of Chairman

Dr. Jerónimo Ramos, of Mexico, was elected Chairman of the meeting.

3. Adoption of the agenda

The European Union noted that it would address the matter of the introduction of an EU on-board observer program under item 10, *Other Business*. The United States asked to make a presentation under the same agenda item on the process involved in the upcoming decision by the US Secretary of Commerce with respect to the dolphin-safe label. Finally, the United States noted that it would be asking for a decision under item 7 for an additional amendment of the AIDCP.

4. Secretariat's report on the IDCP

Dr. Allen presented the *Report on the International Dolphin Conservation Program* (Document MOP-7-04). This included information that previously had been presented at meetings of the IATTC, but which was now combined with information specific to the AIDCP in this report.

Dr. Allen presented detailed information on the nature of the fishery on dolphins, the area of the fishery, the On-Board Observer Program, and the level and causes of dolphin mortality. He noted that the main cause of mortality was sets with malfunctions, and that over 91% of the sets on dolphins in 2001 resulted in no mortality. He noted that two recent sets resulted in over 800 dolphin mortalities, but that no similar high-mortality sets had occurred during the previous 7 years.

5. Report of the International Review Panel

The Presider of the 30th meeting of the International Review Panel (IRP) presented a report on that meeting, held on 19-20 June 2002 (Appendix 2).

The Parties accepted six recommendations from the IRP (Appendices 3-8):

1. Procedures for maintaining the AIDCP List of Qualified Captains.
2. Legal requirements for IATTC observers
3. Technical guidelines to prevent high mortality during sets on large dolphin herds
4. Procedures for dealing with special problem sets
5. Procedures for implementing Stock Mortality Limits (SMLs)
6. Modification of the System for Tracking and Verifying Tuna.

The Parties discussed the EU proposal on procedures to deter frivolous requests for DMLs; some suggestions were made for modifying the proposal, and the Secretariat was asked to produce a new draft for consideration at the next IRP meeting.

The Parties also approved an IRP recommendation from its 29th meeting in January 2002 regarding an amendment to Part 3 (Verification) of the *Resolution to establish procedures for AIDCP Dolphin Safe Tuna Certification* (Appendix 9).

6. Report of the Joint Working Group on Fishing by Non-Parties

The Chairman of the Joint Working Group on Fishing by Non-Parties presented his report to the Meeting

of the Parties (Appendix 10).

The Parties decided to withdraw the list of non-cooperating vessels presented to the Joint Working Group by the Secretariat until guidelines for preparing such a list were agreed.

7. Proposed amendments to the Annexes of the AIDCP

The Parties agreed to four amendments to Annex IV of the AIDCP, as presented in Document MOP-7-07 (attached). The amendments are to Section I, paragraph 8, the time frame for occurrence of infractions to affect DML adjustments; Section II, paragraph 1, decisions on *force majeure* exemptions and a discrepancy between English and Spanish texts; and Section III, paragraph 4, time frame for occurrence of infractions to affect DML adjustments. With this decision by the Meeting of the Parties, the Agreement is considered amended as proposed as of 24 June 2002.

The United States proposed an amendment to Annex II, a new paragraph regarding observer data (Appendix 11). This amendment was acceptable to all governments at the meeting, but the delegation of Colombia asked that formal approval be postponed until the next Meeting of the Parties to allow time for internal consultations.

8. Per-stock per-year dolphin mortality caps

The Secretariat presented Document MOP-7-08, addressing the allocation of stock mortality limits (SMLs). The document offers three options for dealing with this issue: (1) the current system of global allocations of SMLs, in which the SMLs are not assigned to countries or vessels but are available to all; (2) the allocation to each country of an SML for each stock in the same proportion as the country's DML; and (3) the allocation to each country of SMLs which takes account of the number of sets made on a particular stock by a country's fleet during the previous year and its DMLs in the following year. The document was discussed and the Parties agreed to continue applying the current (global) system, recognizing that this issue could be re-visited again in future.

9. Resolutions

The meeting approved the six recommendations of the IRP identified under section 5 of these minutes, but did not adopt any resolutions as such.

10. Other business

The European Union informed the Parties that it would establish its own on-board observer program, if possible by the end of 2002, and that the program would assign observers to 50% of the trips made by EU vessels that are now fishing under the AIDCP.

The United States made a presentation on the process involved in the decision with respect to the dolphin-safe label, which the Secretary of Commerce is required by US law to make by the end of 2002.

Venezuela asked that one of its vessels be granted a *force majeure* exemption and allowed to fish with a DML in 2002 even though the deadline for requesting such an exemption was not met, due to special circumstances. The Parties agreed to grant the vessel, from the Director's reserve established by the AIDCP, a DML equivalent to a second semester DML, *i.e.*, one-third of the ADML, or 17 dolphins. It was emphasized by the meeting that this action should not be considered a precedent.

11. Place and date of next meeting

It was agreed to hold the next Meeting of the Parties on 10 October 2002 in La Jolla, California.

12. Adjournment

The meeting was adjourned on 24 June 2002.

Appendix 1.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
ACUERDO SOBRE EL PROGRAMA INTERNACIONAL PARA LA CONSERVACIÓN DE LOS DELFINES

7th MEETING OF THE PARTIES -- 7ª REUNION DE LAS PARTES

24 JUN 2002
Manzanillo, México

ATTENDEES - ASISTENTES

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Ministerio de Comercio Exterior

ARMANDO HERNÁNDEZ
Cámara de la Industria Pesquera

COSTA RICA

GEORGE HEIGOLD
ASDRÚBAL VÁSQUEZ
INCOPESCA

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RAFAEL TRUJILLO BEJARANO
LUIS TORRES NAVARRETE
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EL SALVADOR

JOSE EMILIO SAUDI
SONIA SALAVERRIA
Ministerio de Agricultura y Ganadería

EUROPEAN UNION – UNION EUROPEA

ROBERTO CESARI
ALAN GRAY
European Union
SAMUEL JUÁREZ
Embajada de España en Washington
FERNANDO CURCIO
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GABRIEL SARRO
JOAQUIN GOMEZ
JULIO MORON
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JERONIMO RAMOS
RUBEN OCAÑA SOLER
RICARDO BELMONTES
DAMIAN HERNANDEZ
MARTHA ESTRADA
MARIO AGUILAR
LUIS FLEISCHER
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ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS

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GUILLERMO ALVAREZ
The Billfish Foundation
KITTY BLOCK
REBECCA CRANE
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SECRETARIA – SECRETARIAT

ROBIN ALLEN, Director
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Appendix 2.

REPORT OF THE PRESIDER OF THE 30TH MEETING OF THE IRP

The 30th meeting of the International Review Panel was held in Manzanillo, Colima (Mexico) on June 19-21, 2002.

1. Opening of the meeting

Dr. Robin Allen, Director of the Inter-American Tropical Tuna Commission (IATTC), which provides the Secretariat for the AIDCP, declared the meeting open.

2. Election of the Presider

Mr. Luis Fueyo MacDonald, of Mexico, was elected Presider of the meeting.

3. Adoption of the agenda

The provisional agenda was approved with the addition of two items under other business, proposed by Mexico: (1) Review of the method for evaluating the performance of the fleet and (2) Evaluation of night sets.

4. Approval of the minutes of 29th meeting

The minutes were approved with the request by Ocean Conservancy of including in the tables of responses by governments to three types of possible infractions identified (observer interference, use of explosives, and night sets) information from previous years.

5. Review of IRP Annual Report for 2001

Dr. Allen presented the IRP's annual report for 2001. The Panel confirmed the necessity of continuing to produce this report, and no changes were made to it.

6. Analysis of budget for AIDCP

The various proposals by the Secretariat for resolving the problem of financing for the IDCP were extensively discussed. No definitive agreement was reached on this matter. It was proposed that for the next meeting of the Panel a new proposed budget should be prepared, to include an analysis of the costs of the program to resolve the fundamental problem of financing, incorporating, among others, the elements of charging for the services of net alignments and trial sets, training fishing captains, and issuing *dolphin safe* certificates, support from the governments for the field offices of the IATTC, support from canneries, and potentially charging for the use of the *AIDCP dolphin safe* label, without undermining the effectiveness and efficiency of the IDCP. It was noted that payment for vessel assessments must be sent to the Secretariat with the request for a DML, and also when a vessel that does not fish on dolphins asks for an observer.

The Panel also confirmed its previous decision to hold all its meetings in La Jolla.

7. Review of Dolphin Mortality Limits (DMLs) for 2002

The Secretariat reported that, as of 11 June, 73 of the 90 DML assigned for 2002 had been utilized. The average DML was 53.85, and the average mortality per vessel was 7.84 dolphins.

7a. Consideration of the late *force majeure* request

The Panel confirmed the decision taken at its previous meeting that the dates established in the Agreement for requesting DMLs be adhered to.

8. Review of List of Qualified Captains

Five captains were added to the List, and one was reinstated. The Panel reiterated that the three criteria for adding captains to the List should continue to be strictly observed.

9. Revision of system for training and identification of fishing captains qualified to fish on vessels under the AIDCP

The Panel recommends that the Meeting of the Parties approve the procedures for maintaining the AIDCP List of Qualified Captains (Appendix 1).

10. Determination of a pattern of violations (Annex IV (I) 7)

The Panel did not reach agreement on this matter, but committed to reaching a definitive conclusion at the meeting in October.

11. System to measure DML utilization to deter frivolous requests (Annex IV (II) 2)

The Panel reviewed the proposal presented by the European Union (Appendix 2), which was studied but no consensus was reached on the text presented.

12. Legal requirements for observer data

The Panel approved the attached text (Appendix 3) as a point of agreement to be considered at the Meeting of the Parties.

13. Comparison of quality control for data from the On-Board Observer Program

The Secretariat presented an update on the consultations with the PNAAPD. A new comparison of the results of the various programs will be presented at the next meeting of the Panel.

14. Implementation of technical guidelines to prevent high mortality in sets on large dolphin herds

The Panel recommends that the Meeting of the Parties adopt technical guidelines to prevent high mortality during sets on large dolphin herds (Appendix 4).

15. Procedures for dealing with special problem sets

The Panel adopted the attached text as procedures for dealing with special problem sets (Appendix 5).

16. Classification of vessels

The Panel decided that vessels should be classified by well volume, in cubic meters, for the purposes of the Agreement. To this end, the Secretariat shall receive from the Parties information on the well volume of each vessel before October 2002. The information will be reviewed, with the collaboration of Ecuador and the industry, and the next meeting of the Panel will formulate a proposal to amend the Agreement to replace the current criterion of 363 metric tons of capacity with a criterion based on well volume. To facilitate this decision, the Secretariat will present scenarios for classifying the vessels using different cutoff points, taking into consideration small vessels capable of fishing on dolphins. An independent procedure for validating the information on well volume will be developed and implemented.

The delegation of Ecuador asked for a decision by the Panel regarding a vessel of less than 363 metric tons which is being required to carry an observer. In this regard, the Panel decided that the if Secretariat found a discrepancy between the capacity of a vessel reported by a Party and the apparent capacity based on unloading records that affected the vessel's participation in the IDCP, it should notify the relevant Party of the case.

17. Method of calculating vessel assessments

The Panel decided to form a working group to consider this matter, and that the group would meet during the next meeting in October.

18. Process for implementing Stock Mortality Limits (SMLs)

The Panel recommends that the Meeting of the Parties adopt the procedures for implementing Stock Mortality Limits (Appendix 6).

18a. Review of the identification of the use of explosives in sets on dolphins

The consideration of this matter was postponed until the next meeting of the Panel. The Mexican delegation requested that the minutes reflect the discussion that developed, including the comments made by the Secretariat.

19. Review of observer data

The observer data were reviewed and the corresponding possible infractions were identified. The delegation of Ecuador presented a report on the illegal activities of the vessel *El Dorado*. In accordance with the Agreement, the Panel informed the flag State of the possible infractions committed by the vessel, and will receive from that Party information on the actions taken.

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

The Secretariat presented its report on this matter, and the responses received from the Parties on the cases detected by the Panel as possible infractions. The Parties were urged to continue improving the level of compliance with the Agreement through the investigation and sanction, as appropriate, of the possible infractions detected by the Panel.

20. ii. Status review of special cases

The Panel shall consider at its future meetings the activities of vessels of less than 363 mt that fish on dolphins.

21. Report of the Permanent Working Group on Tuna Tracking

The Chair of the Permanent Working Group on Tuna Tracking presented her report (Appendix 7), and the Panel agreed to forward to the Meeting of the Parties for consideration the proposal for modifying Section 3 of the Tuna Tracking and Verification System (Appendix 8).

22. Recommendations for the Meeting of the Parties

The Panel recommends that the Meeting of the Parties approve the following recommendations:

Appendix	
1	Procedures for maintaining the AIDCP List of Qualified Captains
2	Draft procedures to deter frivolous requests for DMLs
3	Legal requirements for IATTC observers
4	Technical guidelines to prevent high mortality during sets on large dolphin herds
5	Procedures for dealing with special problem sets
6	Procedures for implementing Stock Mortality Limits
7	Report of the Permanent Working Group on Tuna Tracking
8	Modification of the Tuna Tracking and Verification System

23. Other business

The Mexican delegation asked that the method established for measuring the performance of vessels that governs the reassignment of DMLs be analyzed. The Mexican delegation will present a document with technical criteria for the evaluation of the vessel performance for consideration by the Panel.

The Mexican delegation requested that a study of night sets be carried out. The Panel considered that such a study was not justified and confirmed the criteria agreed for dealing with night sets. The Mexican delegation indicated that it would carry out a study of the question, using observer data from the various programs, including the IATTC program, and at the appropriate time may request that it be discussed by the Panel.

24. Place and date of next meeting

The Panel discussed possible dates and venues for its next meeting. It was noted that Nicaragua had

proposed, and Panama and Vanuatu had supported, that the next meeting of the Working Group on the IATTC Convention be held in Nicaragua and that having the IRP meet there as well could facilitate coordination. However, after consideration of the budget situation, the Panel agreed that it would meet on October 8 and 9 in La Jolla.

Appendix 3.

PROCEDURES FOR MAINTAINING THE AIDCP LIST OF QUALIFIED CAPTAINS

1. Introduction

This document describes procedures for maintaining the List of Qualified Captains entitled to fish for tuna associated with dolphins pursuant to the AIDCP ("the List"), and for monitoring their performance in reducing the mortality of dolphins during fishing operations.

For the purposes of this document, the fishing captain (or simply "captain") is the person aboard the vessel who is responsible for fishing operations. That individual shall be so identified by the national authority under whose flag the vessel operates, or by the owner of the vessel on which he serves.

2. List of Qualified Captains

The Secretariat shall be responsible for preparing and maintaining a database of all captains who are or have been active in the Agreement Area. The Secretariat shall also maintain a List of Qualified Captains who may act as fishing captains on board vessels with a Dolphin Mortality Limit (DML), based upon the requirements established in this document. Additions to and deletions from the List shall be made by the Secretariat in accordance with the procedures set forth in this document, based on information available to the Secretariat or supplied by the Parties. The List shall be circulated to the Parties whenever it is changed, and in any case at least once each year. The Secretariat shall also inform the IRP of any changes to the List and of the reasons for any such changes. The Secretariat shall report to the IRP any captain who is not on the List but acted as fishing captain on a vessel that fished on dolphins.

3. Requirements for new captains

In order to be added to the List, any captain appointed for the first time to act as fishing captain on a purse-seine vessel with a DML in the Agreement Area must:

1. attend an instructional seminar organized by the IATTC staff, or by a national program in coordination with the IATTC staff. The seminar shall include detailed information on the international agreements and regulations currently in force, as well as other pertinent information.
2. have practical experience relevant to making sets on tunas associated with dolphins. This requirement will be met if a Party so advises the Secretariat or if the Secretariat has independent knowledge of such experience, and if the request to add the captain to the List is accompanied by a letter of reference from a captain currently on the List, the owner or manager of a vessel with a DML, or a pertinent industry association.

4. Removal of captains from the list

A captain shall be removed from the List if:

4.1. The relevant Party agrees, pursuant to the AIDCP, that he:

a. Made an intentional set on dolphins on a vessel that had reached its DML or other limit imposed under the AIDCP;

b. Made an intentional set on dolphins on a vessel without a DML;

c. Served as fishing captain on a vessel required by the AIDCP to carry an observer without an observer aboard;

d. Committed one of the following infractions: obstructing, intimidating, interfering with, influencing, bribing, or attempting to bribe an observer in the course of his duties;

e. Committed an infraction, pursuant to Annex IV (III) 4.g of the AIDCP, relating to the use of explosives.

f. Committed infractions which are determined by the IRP to form a pattern and are accepted as such by the Meeting of the Parties.

4.2. He served as fishing captain on a vessel of a non-Party state that was not complying with the management measures of the AIDCP, as determined by the Meeting of the Parties or the Joint Working Group on Fishing by Non-Parties.

In addition to the above, a captain may be removed from the List, either temporarily or permanently, if the Meeting of the Parties decides, taking into account any recommendations from the IRP, that his actions have undermined the objectives of the AIDCP. The reasons for such removal may include, *inter alia*, having committed a large number of infractions other than those listed above, having a consistently poor performance, determined from the record of dolphin mortality per set, and having in two or more consecutive years been responsible for a vessel utilizing, and exceeding, its entire DML for the year.

For a captain at sea on the date on which such removal from the List would otherwise occur, the action taken shall not take effect until the date that the vessel reaches port.

5. Reinstatement of disqualified captains

A disqualified captain shall be reinstated on the List after:

1. He has complied with any sanctions imposed on him by the relevant Party;
2. His reinstatement is requested by a Party; and
3. He has attended an instructional seminar contemplated in Section 3.1 above.

A captain removed from the List pursuant to Section 4.1.5 above may not be reinstated for a period of three months.

A captain may not be reinstated to the List more than twice, unless the Meeting of the Parties, taking into consideration the recommendations of the IRP, determines otherwise.

6. Monitoring the performance of active captains

The Secretariat shall collect the information necessary for monitoring the performance of active captains, as follows:

1. Performance in reducing dolphin mortalities;
2. Attendance at instructional seminars contemplated in Section 3.1 above;
3. Record of possible and confirmed infractions and sanctions; and
4. Removals from and reinstatements to the List.

Each year the three captains with the best performances shall be recognized. Rankings will be based on standardized performance measures approved by the Meeting of the Parties, proportion of sets with zero mortality, and compliance with the AIDCP. Only captains who made a number of sets on dolphins equivalent to at least 90% of the average number of sets on dolphins made in that year by all vessels that fished with full-year DMLs will be considered.

Appendix 4.

LEGAL REQUIREMENTS FOR OBSERVERS

In accordance with Article XVI, paragraphs 2 and 5, of the AIDCP, and to assist the Parties in complying with the measures established by the Agreement, or adopted pursuant to it, IATTC observers assigned to the vessels of a Party shall use, subject to approval by IRP, such forms and procedures as the national legislation of that Party may require.

Appendix 5.

TECHNICAL GUIDELINES TO PREVENT HIGH MORTALITY DURING SETS ON LARGE DOLPHIN HERDS

The following are guidelines for sets on large herds of dolphins:

a. Sets on herds of more than 2,000 dolphins should be avoided. Also, even with smaller herds, if there are other risk factors present, such as spinner or common dolphins in the herd, or difficult environmental conditions, the additional problems that might result should be carefully considered before the set is made.

   a. **Before setting the net**

      i. As with any set on tunas associated with dolphins, the set should be made when the wind is on the vessel's port bow.

      ii. The captain, using visual observations and any electronic equipment that is available on board the vessel, should determine if a strong current is present in the vicinity. If so, it should be borne in mind that this could cause problems with the net and result in high mortality of dolphins, and the captain should consider not making the set.

      iii. During the chase and encirclement, the size of the portion of the herd associated with the tuna should be reduced as much as possible in order to minimize the number of dolphins encircled.

b. In the event a large number of dolphins are encircled, captains should be particularly diligent in following these guidelines for avoiding potential dolphin mortality.

   a. **After encirclement**

      i. If not done prior to the set, the captain, using visual observations and any electronic equipment that is available on board the vessel, should determine if a strong current is present in the vicinity immediately after the herd is encircled. If a strong current is evident, the captain should consider aborting the set by releasing the bow ortza (see (e) below).

      ii. The captain should monitor the remainder of the set from where he considers to be the best vantage point.

   b. **During pursing and/or net roll**

      i. Throughout pursing at least one manned speedboat, equipped for net towing and with a 2-way radio, should be stationed in the water outside the net.

      ii. Throughout pursing and net roll, the skiff and the bow thruster should be used to maintain the wind on the vessel's port side in order to keep the net open.

      iii. Any gear malfunctions that delay pursing or net roll should be repaired with urgency.

      iv. Throughout net roll, at least two manned speedboats, each equipped for net towing and with a 2-way radio, should be stationed in the water outside the net. If the vessel carries a jet-type watercraft[1] (*Waverunner* or similar), this should be manned and in the water during net roll.

      v. If captured dolphins swim within close proximity to the net, one or more speedboats should circle outside the net to herd the dolphins towards the center of the net.

      vi. Net roll should be carried out as quickly as possible in order to reach the tie-down point for backdown as soon as possible.

[1] Although such craft are not required under the AIDCP, fishing captains that have used them during dolphin release procedures consider them a very efficient tool for herding and releasing dolphins.

c. **Prior to backdown**

i. Two manned speedboats should attach their towlines to the corkline, one on the stern side and the other on the bow side of the backdown channel. Also, a third manned speedboat, similarly equipped, should be stationed outside the net in the general area of the backdown channel apex.

ii. Rescuers, with at least one manned inflatable raft, should be deployed into the net. If the vessel is equipped with two inflatable rafts, both should be deployed with occupants.

d. **During backdown**

iii. The two speedboats should tow on the stern and bow sides of the backdown channel in order to keep it open. The third speedboat should monitor the release of the dolphins from the vicinity of the channel apex. If the vessel is equipped with a jet-type watercraft, it should also be deployed to assist in herding and rescue.

e. **Aborting sets**

If at any point during the set circumstances such as a net collapse or canopy threaten to entangle or trap large numbers of dolphins, all available speedboats equipped for towing the net should be deployed, and the captain should consider all of his options to avoid mortality, including aborting the set by releasing the bow ortza. When aborting the set, the bow ortza should be towed as far away from the vessel as possible and a sufficient number of purse rings should be detached from the purse cable to provide a wide and deep opening for the dolphins to escape. One or more speedboats (and the jet craft, if present) should circle on the stern side of the net to herd the dolphins towards the opening. An additional rescuer in the raft should be deployed near the bow ortza in the event that dolphins become entangled in the large mesh in that part of the net.

(Note: If the ortza is released at any time during the set with the intention of releasing live dolphins, it is strongly recommended that the captain explain his reasons for aborting the set in this manner on the observer's data forms.)

Appendix 6.

PROCEDURES FOR DEALING WITH SPECIAL PROBLEM SETS

1. DEFINITION

A special problem set is a set in which:

a. the dolphin mortality exceeds 50% of the ADML for the year of the event and causes the vessel to exceed its DML;

b. the fishing captain was on the AIDCP List of Qualified Captains when the set occurred;

c. the dolphin mortality is not caused by or contributed to by:

i. an infraction of the AIDCP, or

ii. a gear failure or malfunction resulting from a lack of proper maintenance of the vessel and its gear;

d. taking account of all the circumstances, the fishing captain acted with the degree of skill and care that would be expected of a qualified fishing captain, and did not take unreasonable risks; and

e. every reasonable effort was made, in the course of the set, to reduce or eliminate the mortality.

2. DETERMINATION

a. In the course of its regular review of sets, the IRP shall be solely responsible for determining whether any set qualifies as a special problem set and making the appropriate recommendations to the Meeting of the Parties.

b. The IRP may, as appropriate, obtain and hear expert evidence, to be given by qualified fishing captains, gear technicians, and such other qualified persons as deemed necessary. A captains' panel, which shall be subject to the IRP Rules of Confidentiality, may be convened for this purpose.

c. The flag Party or the Party responsible for the vessel's fishing operations shall be given an opportunity to carry out its own investigation and to make, either directly or through the Secretariat, such representations to the IRP as it wishes.

d. For the purposes of making its determination, the IRP shall consider the past performance of the fishing captain.

e. Notwithstanding (d) above, the IRP may take into account sets made during the same trip for the purpose of determining whether the fishing captain continued fishing after having experienced similar environmental conditions or gear malfunctions which should have made him aware of the risks.

f. A determination of whether a set qualifies as a special problem set shall normally be made at a meeting of the IRP. However, such a determination may also be made through correspondence, pursuant to Annex VII, paragraph 11, of the AIDCP.

3. ACTION TO BE TAKEN

a. When a set is determined to be a special problem set, Annex IV (III) 6 of the AIDCP will apply to the future DMLs of the vessel involved, in accordance with the following schedule:

The vessel's next DML after the event will be the ADML for that year reduced by the lesser of (a) 40% of that ADML or (b) the difference between the total mortality caused by the vessel and its DML in the year of the event. If that difference is not fully covered in that year, the vessel's subsequent DML will be the lesser of (a) 80% of the ADML for the subsequent year or (b) the remaining difference. As an incentive, if the total dolphin mortality of the vessel in the year of its first DML after the event is 50% or less of the ADML for that year, the vessel will be exempted from any further reductions in its next DML.

b. A vessel involved in a special problem set will not be eligible for a reallocated DML until it has met the requirements of paragraph 3(a).

c. If the total DML distributed to any Party is reached or exceeded due to a special problem set, the IRP shall decide whether adjustments may be made to the DML assigned to that Party.

Appendix 7.

PROCEDURES FOR IMPLEMENTING STOCK MORTALITY LIMITS (SMLS)

1. The Secretariat shall monitor the mortalities of the following seven stocks of dolphins for the purpose of ensuring that the respective SMLs are not exceeded:

	Stock		
Offshore spotted dolphin:	northeastern	western-southern	
Spinner dolphin:	eastern	whitebelly	
Common dolphin:	northern	central	southern

2. The basis for monitoring shall be weekly reports of dolphin mortalities by stock, transmitted by all observers from the AIDCP On-Board Observer Program directly to the Secretariat by fax, e-mail, or radio from vessels at sea.

3. The Secretariat shall, on the basis of these reports, estimate the projected total annual mortality of each stock. These estimates shall be provided weekly to the participating governments, which shall provide them to vessel owners and operators. Such information shall also be provided to the NGO members of the IRP by the Secretariat.

4. If the estimated total mortality for any of the seven stocks reaches 75% of the SML for that stock, the Secretariat shall so advise the participating governments, and observers will be notified that the at-sea reports must be transmitted twice weekly.

5. If the estimated total mortality for any of the seven stocks reaches a level at which the Secretariat estimates that the SML for that stock will be reached in 30 days, the Secretariat shall advise the participating governments that restrictions on the fishery are imminent, and recommend that the governments so notify the owners and operators of vessels under their jurisdiction.

6. If the estimated total mortality for any of the seven stocks reaches a level at which the Secretariat estimates that the SML for that stock will be reached in 15 days or less, the Secretariat shall advise the participating governments that, pursuant to the AIDCP, all sets on that stock and on any mixed herds containing members of that stock should cease effective from the day on which that SML is expected to be reached.

7. All participating governments shall take the necessary measures, in accordance with their national laws, to ensure that the restrictions in paragraph 6 are implemented and enforced, and shall provide the Secretariat with appropriate information regarding such implementation and enforcement.

Appendix 8.

MODIFICATION OF THE SYSTEM FOR TRACKING AND VERIFYING TUNA

TUNA CAUGHT OUTSIDE THE AGREEMENT AREA

The following is added to Section 3 of the AIDCP System for Tracking and Verifying Tuna:

> "If a Party determines that tuna caught outside the Agreement Area by vessels under its jurisdiction which fish both inside and outside the Agreement Area during a trip should be recorded on a TTF by the observer on board the vessel, and so notifies the Secretariat in a timely manner, such tuna shall be recorded on the TTFs for the vessels of that Party until such time as the Secretariat is otherwise notified. If the Secretariat is not notified that all catches shall be recorded on the TTFs, observers shall not record on the TTFs any tuna caught outside the Agreement Area.
>
> Unless all the tuna caught by a vessel which fishes both inside and outside the Agreement Area during a single trip is recorded on the TTFs, the TTFs for that trip shall not reflect that the tuna in any of the vessel's wells is *dolphin safe*, except when wells containing tuna caught outside the Agreement Area are sealed. In such cases, the observer shall note on the TTFs which wells have been sealed, and only that tuna caught in the Agreement Area and recorded on the TTF may be classified pursuant to the AIDCP *dolphin safe* requirements."

Appendix 9.

TUNA TRACKING PLANS AND *AIDCP DOLPHIN SAFE* CERTIFICATION

As of 24 June 2002, Section 3 (Verification) of the *Resolution to establish procedures for AIDCP Dolphin Safe Tuna Certification* of June 2001 (Resolution A-01-02) is amended by the addition of the following:

> "Parties that do not submit their Tuna Tracking and Verification Plans to the IRP shall not be eligible to use the *AIDCP Dolphin Safe* Tuna Certification."

Appendix 10.

REPORT OF THE CHAIR OF THE JOINT WORKING GROUP ON FISHING BY NON-PARTIES

The Group received at the beginning of its meeting a presentation and discussed the draft terms of reference prepared by the IATTC staff (Document JWG-1-04), which were presented in general terms. A new draft (attached) emerged from the discussion and the observations made, and will be distributed for comment by the Group. It was noted by some delegations that the discussion of this item was hampered by the late distribution of the document.

On another matter, the Director presented information on the responsibilities of regional fisheries management organizations in implementing the FAO International Plan of Action on Illegal, Unreported and Unregulated Fishing.

New draft terms of reference will be discussed at the next meeting of the Working Group.

Appendix 11.

PROPOSAL BY THE UNITED STATES

OBJECTIONS TO DETERMINATIONS BASED ON OBSERVER DATA

Amend Annex II (On-Board Observer Program) of the AIDCP by adding a new paragraph 12, as follows:

12. Observer Data
    a. Observer data shall be the basis to determine if:
        i. a vessel has met or exceeded its DML;
        ii. a Party has met or exceeded its national DML; or
        iii. the fleet has met or exceeded a per-stock, per year dolphin mortality cap.
    b. Any Party wishing to object to the observer data must provide to the IRP the reasons for and the evidence to support such objection;
    c. The IRP will review the evidence provided by the Party and provide a recommendation to the Meeting of the Parties for their consideration;
    d. The Parties will review the evidence and the recommendation of the IRP and make a decision as to the merits of the objection and whether the observer data should be modified.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
ACUERDO SOBRE EL PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES

7TH MEETING OF THE PARTIES

MANZANILLO (MEXICO)
JUNE 24, 2002

DOCUMENT MOP-7-04

REPORT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

1. INTRODUCTION

In the eastern Pacific Ocean (EPO), schools of yellowfin tuna frequently associate with marine mammals, especially spotted, spinner, and common dolphins. When the purse-seine fishery for tunas in the EPO began around 1960, the fishermen found that their catches of yellowfin in the EPO could be maximized by setting these nets around the herd of dolphins and the associated school of tunas. However, releasing the dolphins caught without losing the tuna proved more difficult, and in the early years of the fishery many dolphins became entangled in the nets and died during this process. As techniques and equipment to solve this problem were developed, this mortality fell, gradually at first and dramatically in the 1990s, thanks to the combined efforts of the fishing industry, governments, the IATTC, environmental organizations, and other interested parties.

The 1992 La Jolla Agreement provided a framework for the international efforts to reduce this mortality, and introduced such novel and effective measures as Dolphin Mortality Limits (DMLs) for individual vessels, an observer program for vessels fishing tunas associated with dolphins, and the International Review Panel to monitor the performance and compliance of the fishing fleet. The Agreement on the International Dolphin Conservation Program (AIDCP), which built on and formalized the provisions of

the La Jolla Agreement, was signed in May 1998 and entered into force in February 1999. The Parties to this agreement committed to "ensure the sustainability of tuna stocks in the eastern Pacific Ocean and to progressively reduce the incidental dolphin mortalities in the tuna fishery of the eastern Pacific Ocean to levels approaching zero; to avoid, reduce and minimize the incidental catch and the discard of juvenile tuna and the incidental catch of non-target species, taking into consideration the interrelationship among species in the ecosystem."

The IATTC provides the Secretariat for the IDCP and its various bodies and coordinates the On-Board Observer Program and the Tuna Tracking and Verification System.

2. THE ON-BOARD OBSERVER PROGRAM

The IATTC's international observer program and the national observer programs of Ecuador (Programa Nacional de Observadores Pesqueros de Ecuador; PROBECUADOR), Mexico (Programa Nacional de Aprovechamiento del Atún y Protección de Delfines; PNAAPD) and Venezuela (Programa Nacional de Observadores de Venezuela; PNOV) constitute the AIDCP On-Board Observer Program.

2.1. Observer coverage

The AIDCP mandates 100% coverage by observers of fishing trips by purse seiners of carrying capacity greater than 363 metric tons (IATTC Class 6) in the Agreement Area. PROBECUADOR began the year sampling approximately 25% of trips by its fleet and increased its sampling later in the year toward a goal of 34% coverage. The PNAAPD and PNOV each had a goal of sampling approximately half of the trips by their respective fleets during the year. The IATTC program covered the remainder of the trips by the fleets of those three countries, plus all trips by vessels of other fleets, except as noted below.

During 2001, observers from the On-Board Observer Program departed on 698 fishing trips (Table 1). In addition, 54 vessels whose last trip of 2000 carried over into 2001 had observers aboard, bringing the total to 752 trips observed in 2001 by the Program. The Program covered vessels operating under the jurisdictions of Belize, Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Spain, the United States, Vanuatu, and Venezuela, and in one case a vessel of unknown registry. Nineteen of these trips were made by vessels which at the time of departure were flying the flag of a non-Party to the AIDCP.

During 2001 the Program sampled 98.2% of trips vessels covered by the AIDCP, and the IATTC program sampled over 69% of all trips. Of the 14 trips not sampled, 10 were made by five Bolivian-flag vessels during the period when the Parties decided to withhold observers from Bolivian vessels pending clarification regarding Bolivia's participation in the IDCP. After Bolivia began its participation in August, one of its vessels made a trip without an observer because its management refused to accept the assigned observer. Observers were not aboard on three other trips, two by a vessel of unknown registry and one by a Vanuatu-flag vessel (which was in the process of changing its flag to Bolivia), because the managers of those vessels did not request a observers.

2.2. Observer training

In November 2001 a training course for observers was held in Manta, Ecuador. It was attended by 18 trainees for the IATTC program and 5 trainees from the Ecuadorian national observer program.

3. DOLPHIN MORTALITY in 2001

3.1. Dolphin Mortality Limits (DMLs

The overall dolphin mortality limit (DML) established for the international fleet in 2001 was 5,000 animals, and the unreserved portion of 4,900 was allocated to 82 vessels that requested and were qualified to receive DMLs. The average individual-vessel DML (ADML) was 59.75 dolphins. Of the 18 vessels

that did not utilize their DMLs prior to April 1, 4 forfeited their DMLs, and the other 14 were allowed to keep them for the remainder of the year under the *force majeure* exemption allowed by the AIDCP. A total of 68 vessels utilized their DMLs during the year. Three vessels were allocated second-semester DMLs of 14 animals each, but none of these were utilized. The distribution of the mortality caused in 2001 by vessels with full-year DMLs is shown in Figure 1.

3.2. Preliminary estimates of the mortality of dolphins in 2001 due to fishing

The preliminary estimate of the incidental mortality of dolphins in the fishery in 2001 is 2,129 animals (Table 2), a 30% increase over the 1,636 mortalities recorded in 2000. The mortalities for 1979-2001, by species and stock, are shown in Table 3, and the standard errors of these estimates are shown in Table 4. The mortalities of the principal dolphin species affected by the fishery show declines in the last decade (Figure 2) similar to that for the mortalities of all dolphins combined (Figure 3). Estimates of the abundances of the various stocks of dolphins for 1986-1990 and the relative mortalities (mortality/abundance) are also shown in Table 2. The stocks with the highest levels of relative mortality were northeastern spotted dolphins and eastern spinner dolphins (0.08%).

The number of sets on dolphin-associated schools of tuna made by Class-6 vessels increased by 4%, from 9,235 in 2000 to 9,577 in 2001, and this type of set accounted for 52.6% of the total number of sets made in 2001, compared to 49.6% in 2000. The average mortality per set increased from 0.17 dolphins in 2000 to 0.22 dolphins in 2001. The estimated spatial distribution of the average mortalities per set during 2001 is shown in Figure 4. Typically, patches of relatively high mortalities per set were found throughout the fishing area, but in 2001 the higher-mortality areas were concentrated more inshore. The trends in the numbers of sets on dolphin-associated fish, mortality per set, and total mortality in recent years are shown in Figure 3.

The catches reported by observers of dolphin-associated yellowfin increased by 50% in 2001 as compared to 2000. The percentage of the catch of yellowfin taken in sets on dolphins increased from 61.8% of the total catch by Class-6 vessels in 2000 to 67.7% of that catch in 2001, and the average catch of yellowfin per set on dolphins increased from 17.2 to 24.8 metric tons. The mortality of dolphins per metric ton of yellowfin caught decreased from 0.010 in 2000 to 0.009 in 2001.

The above figures are based on data from trips covered by observers from all the components of the On-Board Observer Program.

3.3. Reports of dolphin mortality by observers at sea

The AIDCP requires the Parties to establish a system, based on real-time observer reporting, to ensure effective implementation and compliance with per-stock, per-year dolphin these mortality caps. This requirement was complied with by requiring all observers aboard tuna purse seiners with a DML to report dolphin mortality by stock weekly via e-mail, fax, or radio. Late in 2001, as some SMLs were approached, the required reporting frequency was increased to twice a week. However, for various reasons the Secretariat received only about 50% of the required reports. Lacking complete real-time data, projections of mortality were made based on the data available, and these extrapolations indicated that restrictions on the fishery were necessary to ensure that no SMLs would be exceeded. Accordingly, the Secretariat recommended to governments that the fishery for tuna associated with the central stock of common dolphins be closed on December 10 for the remainder of 2001, and likewise for northeastern offshore spotted dolphins on December 21.

As of May 7, 2002, estimates of dolphin mortality in 2001 (Table 2) are still preliminary, but it appears that the SMLs for neither central common dolphins (207) nor northeastern spotted dolphins (648) were exceeded by the estimated mortalities (203 and 588, respectively). It should be noted that estimation can be inaccurate, and would be unnecessary if all vessels carried observers and complied with the weekly reporting requirement.

Since January 1, 2001, the Secretariat has been reporting weekly to the Parties the cumulative mortality for the seven stocks of dolphins most frequently associated with the fishery. The most recent reported mortalities for 2002 are shown in Table 5.

4. INTERNATIONAL REVIEW PANEL

The International Review Panel (IRP) follows a general procedure for reporting the compliance by vessels with measures established by the AIDCP for minimizing the mortalities of dolphins during fishing operations to the governments concerned. After each fishing trip the observer prepares a summary of information pertinent to dolphin mortalities, and this is sent to the government with jurisdiction over the vessel by the Secretariat. Certain possible infractions are automatically reported to the government with jurisdiction over the vessel in question; the IRP reviews the observer data for other cases at its meetings, and any cases identified as possible infractions are likewise reported to the relevant government. The governments report back to the IRP on actions taken regarding these possible infractions.

The IRP held the following meetings during 2001:

Meeting	Venue	Dates
26	La Jolla, California	January 29-30
27	San Salvador, El Salvador	June 27
28	Cartagena, Colombia	October 25-26

The minutes of these meetings are available on the IATTC's website (www.iattc.org). The IRP also publishes an annual report, presented to the Meeting of the Parties, which summarizes the activities, actions and decisions of the Panel and lists the possible infractions identified for the various national fleets.

5. SYSTEM FOR TRACKING AND VERIFYING TUNA

Article V.1.f of the AIDCP calls for the establishment of a system for the tracking and verification of tuna caught with and without mortality or serious injury of dolphins. The Parties developed a tracking and verification system and a standard Tuna Tracking Form (TTF) to be completed at sea by observers. There are two versions of the TTF, which, except for the headings, are identical; Form 'A' documents tuna caught in sets without mortality or serious injury of dolphins ("dolphin safe"), and Form 'B' documents tuna caught in sets with mortality or serious injury of dolphins ("non-dolphin safe"). Within this framework each Party establishes its own tracking and verification program, implemented and operated by a designated national authority, which includes periodic audits and spot checks for caught, landed, and processed tuna products, mechanisms for communication and cooperation between and among national authorities, and timely access to relevant data. Each Party is required to provide the Secretariat with a report detailing its tracking and verification program.

TTFs were completed for all but two observed trips by Party vessels that departed during 2001 and for which there was catch of tuna. For the two trips for which TTFs were not completed, the Secretariat did not issue TTFs to the observer because it could not confirm that the vessels were under the jurisdiction of a Party at the time of departure.

6. OTHER FUNCTIONS PERFORMED BY THE SECRETARIAT

6.1. Dolphin safety panel alignments

During 2001, the IATTC staff conducted alignments of dolphin-safety panels (DSPs) and inspections of dolphin rescue gear aboard 24 vessels, 23 registered in Mexico, and 1 in Venezuela. A trial set, during which an IATTC technician observes the performance of the net from an inflatable raft during backdown, is made to check the alignment of the DSP. The technician transmits his observations, comments, and suggestions to the captain of the vessel, and attempts are made to resolve any problems that may arise.

Afterward a report is prepared for the vessel owner or manager. This report contains a summary of the technician's observations and, if necessary, suggestions for improving the vessel's dolphin-safety gear and/or procedures.

6.2. Training and certification of fishing captains

The IATTC has conducted dolphin mortality reduction seminars for tuna fishermen since 1980. Article V of the AIDCP calls for the establishment, within the framework of the IATTC, of a system of technical training and certification of fishing captains. Under the system, the IATTC staff is responsible for maintaining a list of all captains qualified to fish for tunas associated with dolphins in the EPO. The names of the captains who meet the requirements are to be supplied to the IRP for approval and circulation to the Parties to the AIDCP.

The requirements for new captains include (1) attending a training seminar organized by the IATTC staff or by the pertinent national program in coordination with the IATTC staff, (2) participation in a trial set that includes direct observations of the backdown channel, and (3) a practical training component, consisting of a trip during which it is intended to fish for tuna associated with dolphins aboard a vessel with a DML, accompanied by either a qualified captain or an approved technical advisor. These workshops are intended not only for captains, who are directly in charge of fishing operations, but also for other crew members and for administrative personnel responsible for vessel equipment and maintenance. The fishermen and others who attend the workshops are presented with certificates of attendance.

The IATTC staff conducted four seminars during 2001, two in La Jolla and two in Mazatlan, Mexico, the latter in conjunction with Mexico's national program. A total of 65 fishermen attended the four seminars.

6.3. Statements of Participation

Statements of Participation are issued by the IATTC staff on request to vessels that carry observers from the On-Board Observer Program. There are two types: the first, issued to vessels of Parties to the AIDCP only, certifies that the vessel has been participating in the IDCP, and that all its trips have been covered by observers; the second, issued to vessels of non-Parties, certifies only that all the vessel's trips have been covered by observers. During 2001 statements of the first type were issued for 124 fishing trips by vessels of Colombia, El Salvador, Guatemala, Honduras, Mexico, Panama, the United States, Vanuatu, and Venezuela, and of the second type for 7 fishing trips by vessels of Belize and Guatemala.

6.4. Other services

The IATTC also offers other services to help governments and fleet managers and operators of individual vessels to reduce dolphin mortality. Publications and videotapes on the subject are available at IATTC field offices. *Trip Analyses*, detailed reports of observed fishing trips, are prepared upon request and, after the required authorizations are obtained, provided to allow performance assessments of vessels and captains.

7. RESEARCH

7.1. Distribution of fishing effort

Figures 5-7 compare the spatial distributions of the fishing effort by vessels carrying observers, in numbers of sets, on floating objects, unassociated schools, and dolphins in 2000 and 2001.

a. Sets on floating objects: In both 2000 and 2001 the effort was distributed in a very diffuse way over the whole southern and southwestern sectors, with a general southward shift in 2001.

b. Sets on unassociated schools: The southern axis between 5ºN and 5ºS apparent in 2000 became more diffuse in 2001.

c. Sets on dolphins: The traditional dolphin fishing areas have had a clear east-west axis, centered on 10°N, with two areas of high density, one closer inshore and the other around 120°W to 140°W. In recent years the axis has moved south, and the fishery is operating less in the offshore areas than before. This tendency to operate closer inshore was accentuated in 2000 and 2001.

7.2. A preliminary analysis of recent causes of dolphin mortality

Traditionally, the performance of fishers in reducing dolphin mortality has been measured with variables such as the average mortality per set (MPS), success in releasing all dolphins encircled (sets with zero mortality, number of dolphins left in the net after the backdown maneuver), and reduction of factors that cause high mortality (*e.g.*, major malfunctions, net canopies, net collapses). Data on these variables for 1986-2001 (IATTC data bases only) are shown in Figure 8 and Table 6. Determining the factors that contribute to the occurrence of incidental dolphin mortality in the purse-seine fishery is an important aspect of the efforts to reduce that mortality. Previous studies have indicated that mortality of dolphins varied with the catch of tunas, the size of the dolphin herd encircled, the time of the set (day sets *versus* night sets), the duration of the set, the presence of strong currents, gear malfunctions, and the presence of net canopies and collapses. Efforts to reduce dolphin mortalities intensified following the introduction of individual-vessel dolphin mortality limits (DMLs) in 1993, and the mortality per set continues to decrease relative to pre-1993 levels (Figure 9). Nonetheless, some incidental mortalities still occur. The IATTC staff is studying dolphin mortality data to determine which factors lead to these mortalities. This preliminary analysis focuses on the 1993-2000 period.

Because presently so few dolphin sets result in mortalities (Table 6), the focus of this analysis is to determine those factors that increase the probability of at least one dolphin mortality occurring in a given set. In addition, it seeks to identify aspects of typical fishing operations that may contribute to an increased likelihood of dolphin mortality. Therefore, sets during which extreme conditions occurred, such as an unusually long backdown or the encirclement of an extremely large herd of dolphins, were not considered in the analysis. The factors studied included: (1) indicators of environmental variability (visibility, weather, presence of strong current, season), (2) area of fishing operations (approximating historical presence of the fishery), (3) operational problems (gear malfunctions, net collapses, net canopies, coverage of the backdown channel by the dolphin safety panel), (5) temporal aspects of the fishing operations (start time of the set, and duration of approach, chase, encirclement, net roll, and backdown), (6) the use of dolphin rescue equipment and personnel during backdown (speedboats, rafts, swimmers, divers), (7) characteristics of the biomass of tunas and dolphins associated with the set (species and number of dolphins encircled, number of dolphins in the whole herd, tons of tuna caught). The existence of relationships between the probability of at least one dolphin mortality in a given set and these variables were explored using logistic regression techniques. The data for each of the eight years was analyzed separately.

Preliminary results suggest that the likelihood of the occurrence of at least one dolphin mortality per set increased predictably across years for only five of the factors considered. As in previous studies, it was found that the likelihood of dolphin mortality increased significantly with the presence of a net canopy and, to a lesser extent, a net collapse. It also increased with the duration of backdown and the tonnage of tuna caught, and when either spinner dolphins or common dolphins were present in the captured herd. In some years the probability of mortality decreased when the dolphin safety panel covered the backdown channel adequately, and sometimes increased in the presence of a strong current. In addition, in certain years, the duration of the approach and chase significantly affected the probability of mortality. However, the direction of the effects was not consistent from year to year, suggesting that they may be spurious.

Of the five variables found to consistently increase the likelihood of at least one dolphin mortality per set, the presence of a net canopy may be the most important. It was greater than the effect of a net collapse, of spinner dolphins in the net, and of the tuna catch, and often greater than that of duration of backdown. Also, in general, extended backdowns contributed more to the likelihood of mortality than did large

catches of tunas, net collapses, or the presence of spinner dolphins.

Selecting one specific factor as the most important is complicated by the presence of interactions and the non-linear relationship between some of these factors. For example, the duration of backdown tends to increase non-linearly with biomass in the net for all indicators of biomass associated with the set, although the rate of increase of the probability of mortality with increasing biomass is greatest at smaller biomasses (*i.e.*, small herds of dolphins, small catches of tunas). The fact that this involves all indicators of biomass is not surprising, since tuna catch, dolphin herd size, and the number of dolphins encircled are all positively correlated. In addition, the presence of a net canopy was found to increase non-linearly with the duration of backdown, although both factors contribute significantly to the probability of mortality. However, the presence of a net collapse showed little relation to the duration of backdown, probably because the use of speedboats to maintain the backdown channel shape is generally effective in preventing net collapses during backdown. On the other hand, extended backdowns tend to cause the floor of the net to rise toward the surface, which can result in canopies along the sides of the backdown channel. Thus, extended backdowns may contribute to an increased probability of dolphin mortality by (1) keeping animals in close contact with the net for extended periods of time and (2) contributing to the formation of net canopies. Another factor consistently contributing to the formation of net canopies is the presence of a strong current, which can also lead to net collapses.

Future analyses will further explore non-linear dependencies between factors, and also revisiting spatial and temporal effects and two-variable interactions. Analyses of factors affecting the magnitude of dolphin mortality in a set will also be conducted. The results of these analyses will be compared to results obtained for the pre-1993 period.

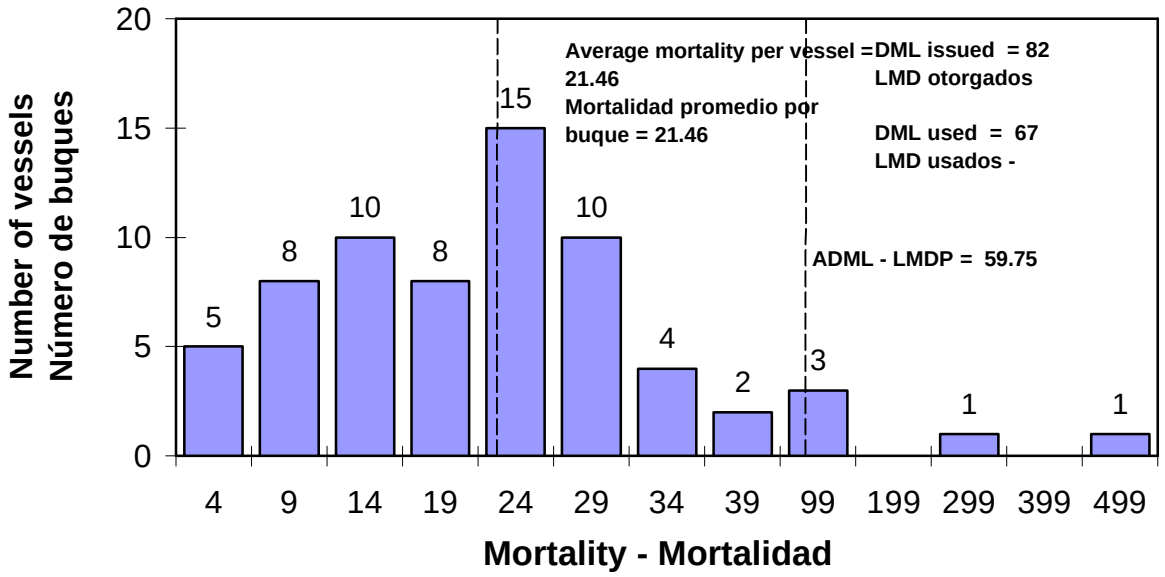

FIGURE 1. Distribution of dolphin mortality caused by vessels with full-year DMLs during 2001.
FIGURA 1. Distribución de la mortalidad de delfines causada por buques con LMD de año completo durante 2001.

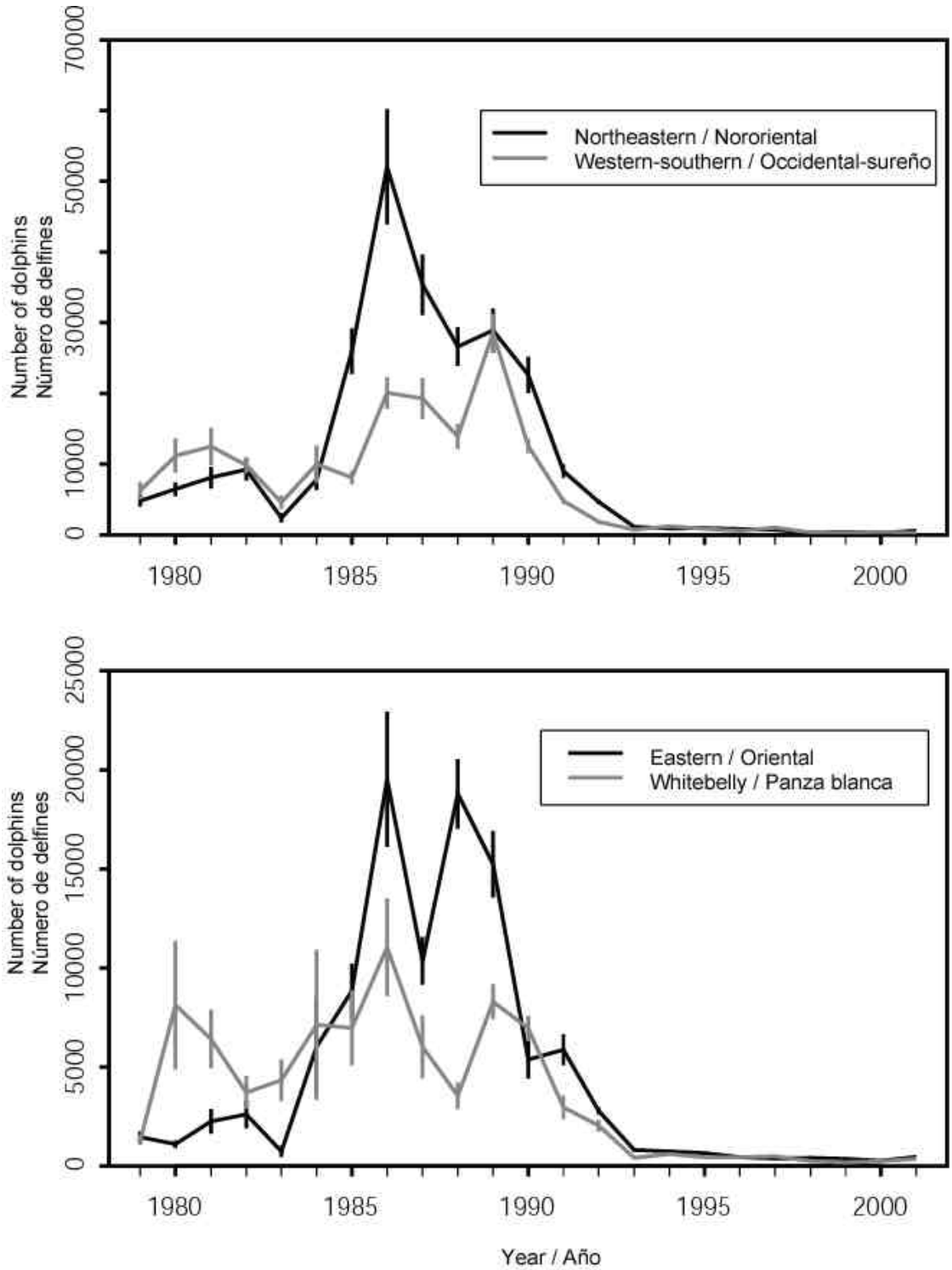

FIGURE 2. Estimated mortalities for the stocks of spotted (upper panel) and spinner (lower panel) dolphins in the eastern Pacific Ocean, 1979-2001. Each vertical line represents one positive and one negative standard error.

FIGURA 2. Mortalidad estimada de los stocks de delfines manchados (panel superior) y tornillo (panel inferior) en el Océano Pacífico oriental, 1979-2001. Cada línea vertical representa un error estándar positivo y un error estándar negativo.

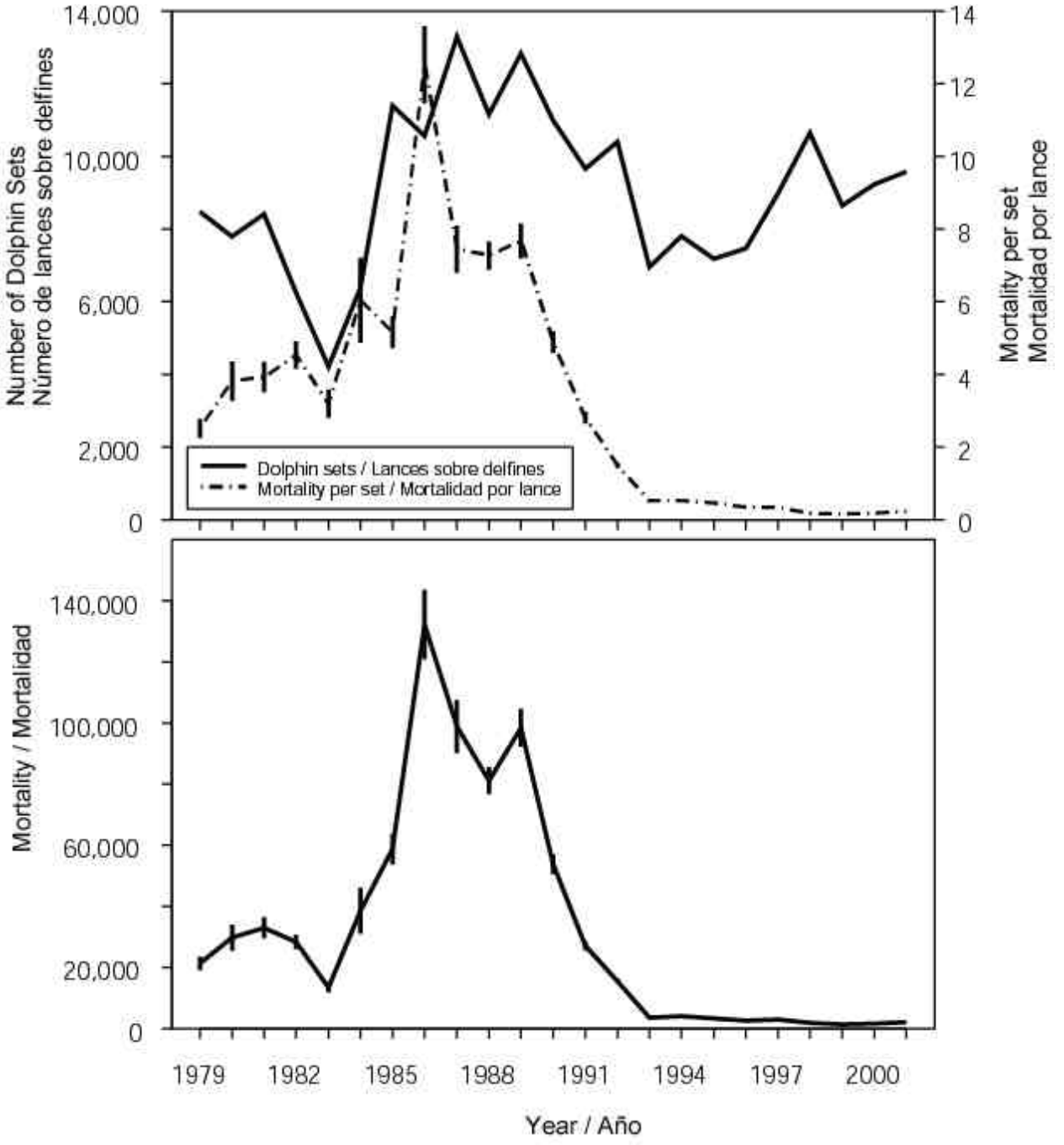

FIGURE 3. Total number of dolphin sets and average mortality per set (upper panel) and estimated total mortality (lower panel) for all dolphins in the EPO, 1979-2001. Each vertical line represents one positive and one negative standard error.

FIGURA 3.: Número total de lances sobre delfines y mortalidad media por lance (panel superior) y mortalidad total estimada (panel inferior) para todas especies de delfines en el OPO, 1979-2001. Cada línea vertical representa un error estándar positivo y un error estándar negativo.

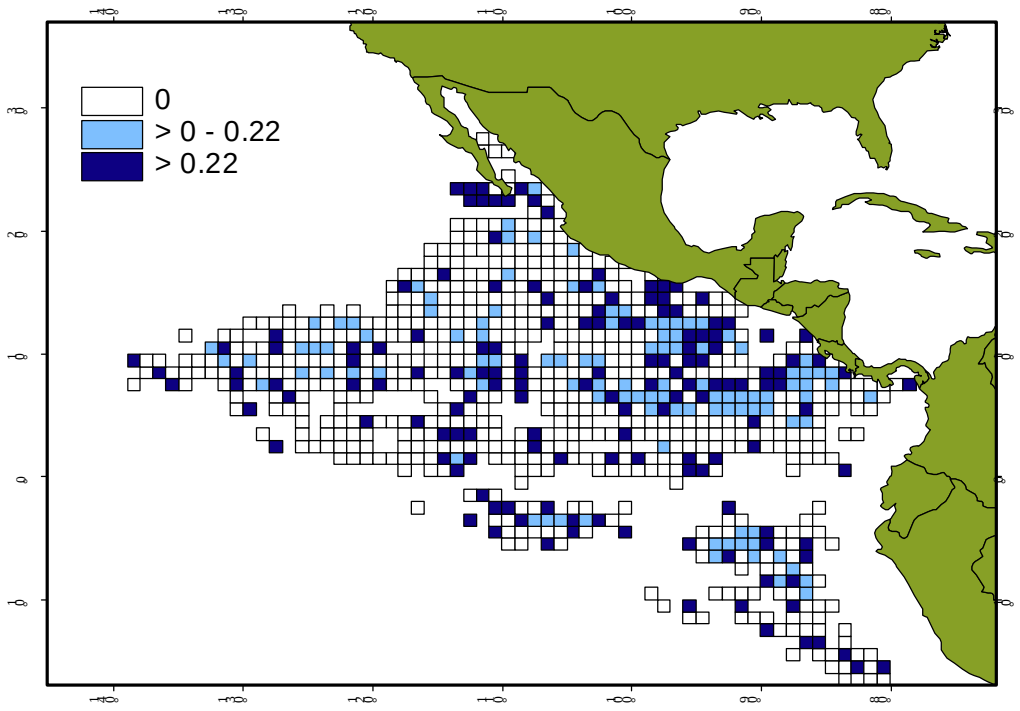

FIGURE 4. Spatial distribution of the average mortality of dolphins per set for all stocks combined, 2001.
FIGURA 4. Distribución de la mortalidad media de delfines por lance para todos los stocks combinados, 2001.

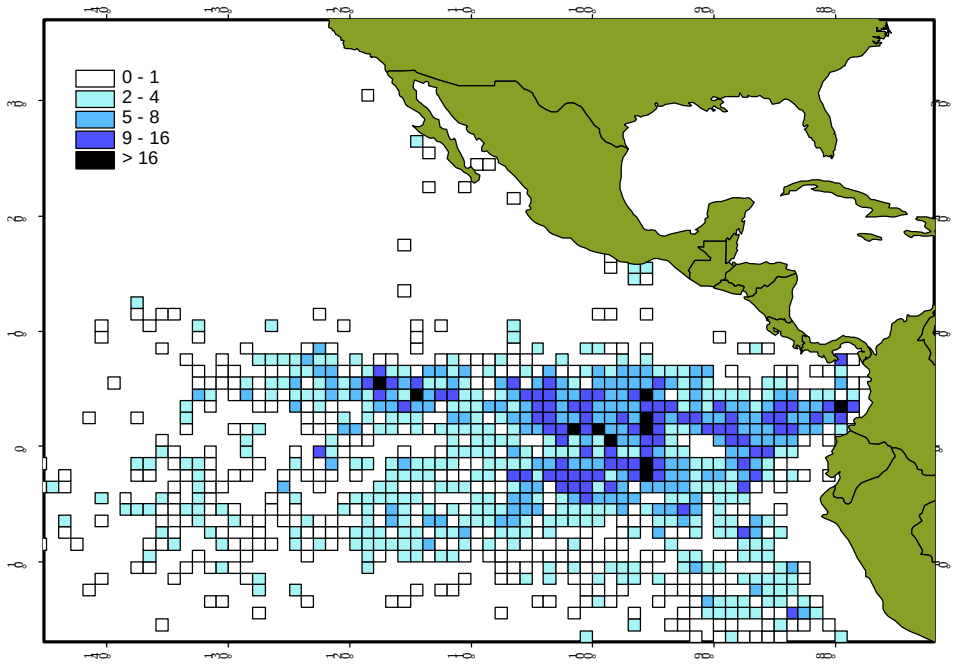

FIGURE 5a. Spatial distribution of sets on floating objects, 2000.
FIGURA 5a. Distribución espacial de los lances sobre objetos flotantes, 2000.

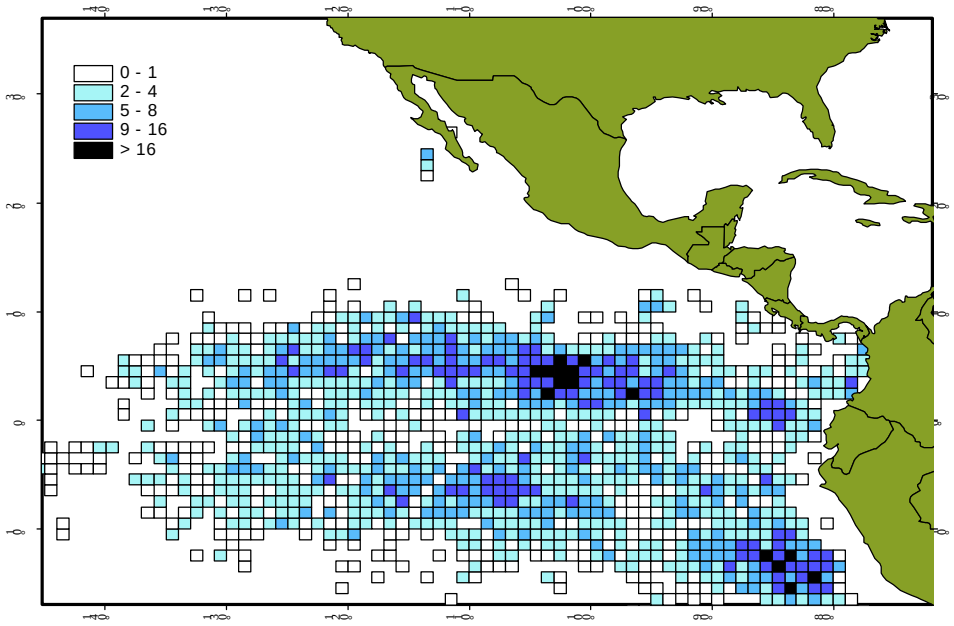

FIGURE 5b. Spatial distribution of sets on floating objects, 2001.
FIGURA 5b. Distribución espacial de los lances sobre objetos flotantes, 2001.

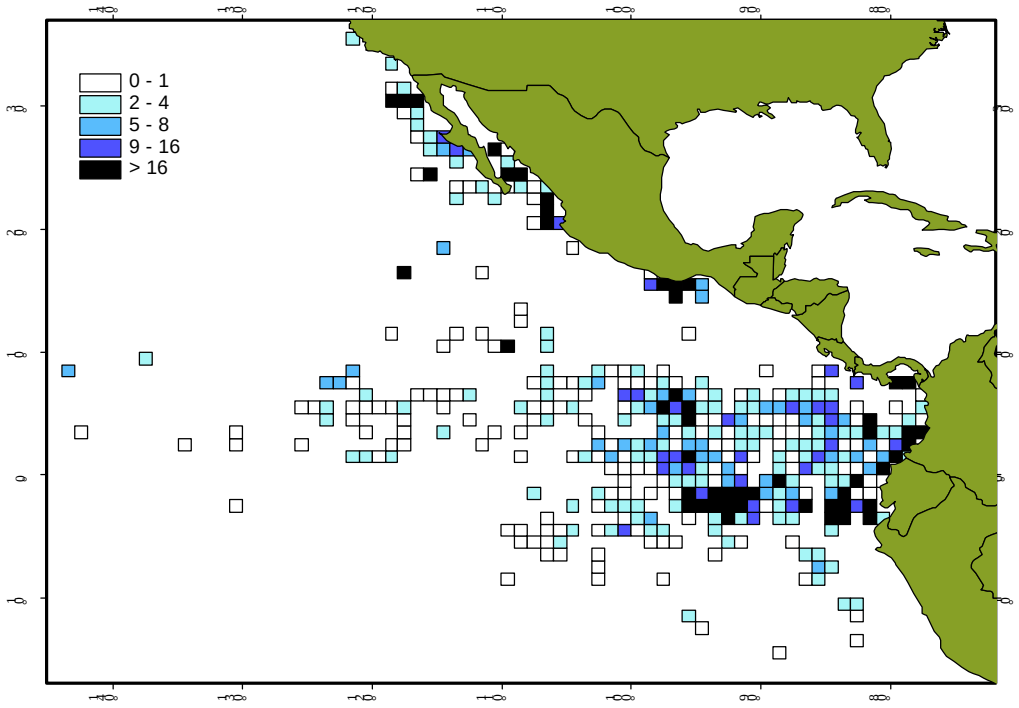

FIGURE 6a. Spatial distribution of sets on unassociated schools, 2000.
FIGURA 6a. Distribución espacial de los lances sobre cardúmenes no asociados, 2000.

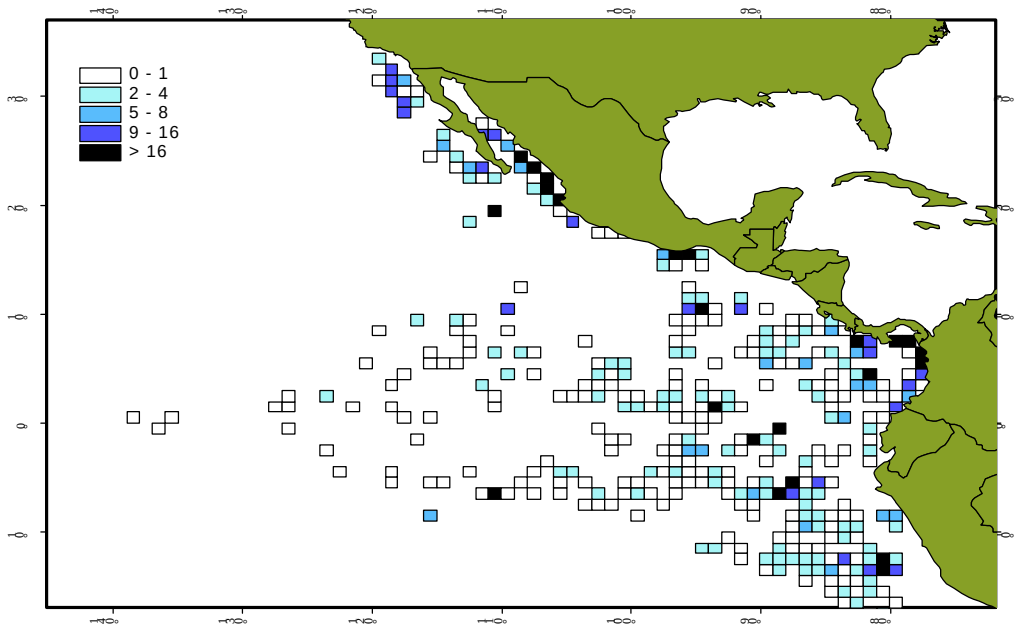

FIGURE 6b. Spatial distribution of sets on unassociated schools, 2001.
FIGURA 6b. Distribución espacial de los lances sobre cardúmenes no asociados, 2001.

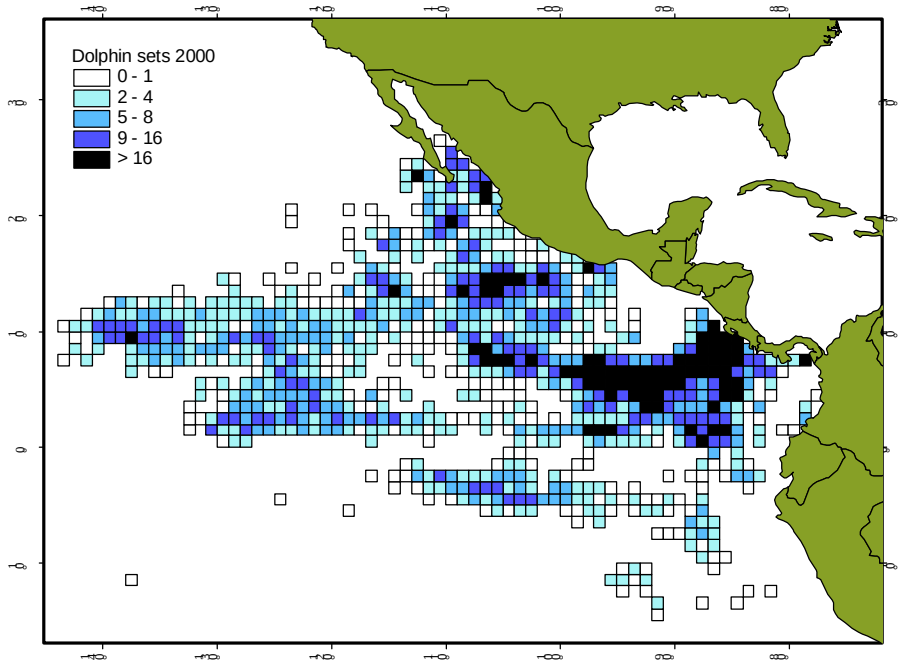

FIGURE 7a. Spatial distribution of sets on dolphins, 2000.
FIGURA 7a. Distribución espacial de los lances sobre delfines, 2000.

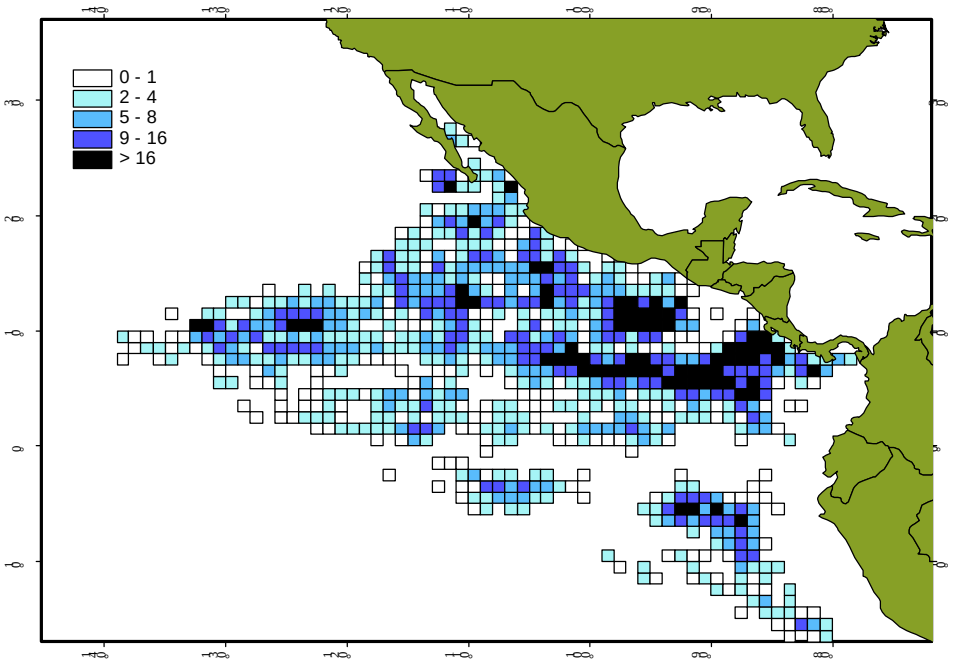

FIGURE 7b. Spatial distribution of sets on dolphins, 2001.
FIGURA 7b. Distribución espacial de los lances sobre delfines, 2001.

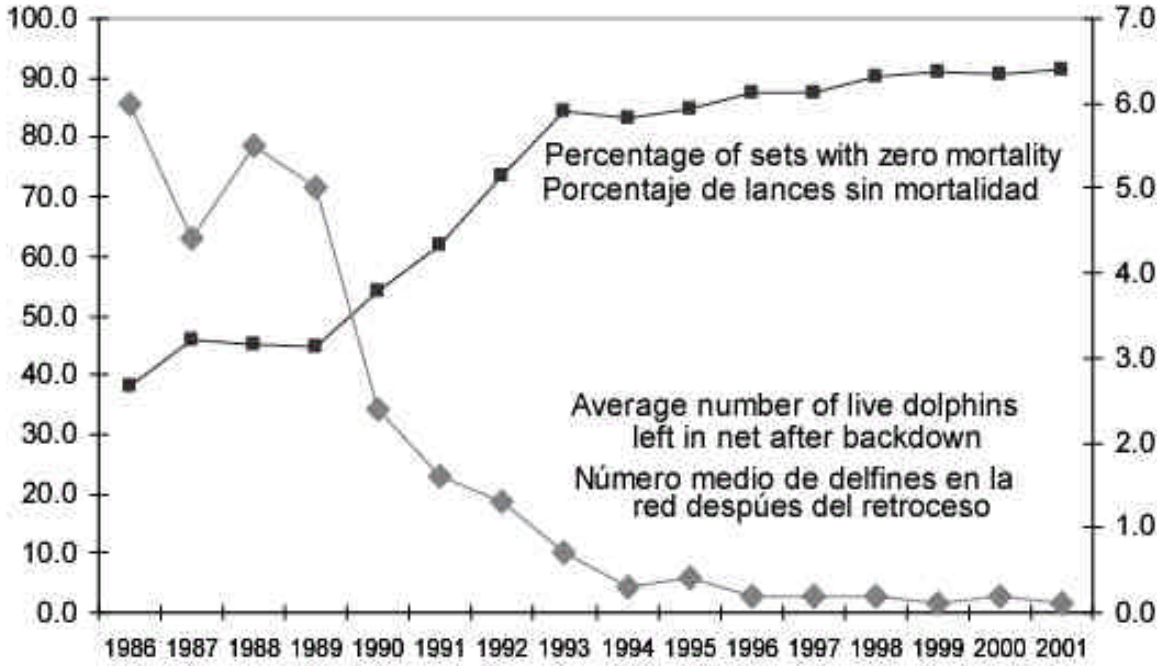

FIGURE 8. Trends in indicators of performance in releasing dolphins alive, 1986-2001.
FIGURA 8. Tendencias en los indicadores de desempeño en la liberación de delfines vivos, 1986-2001.

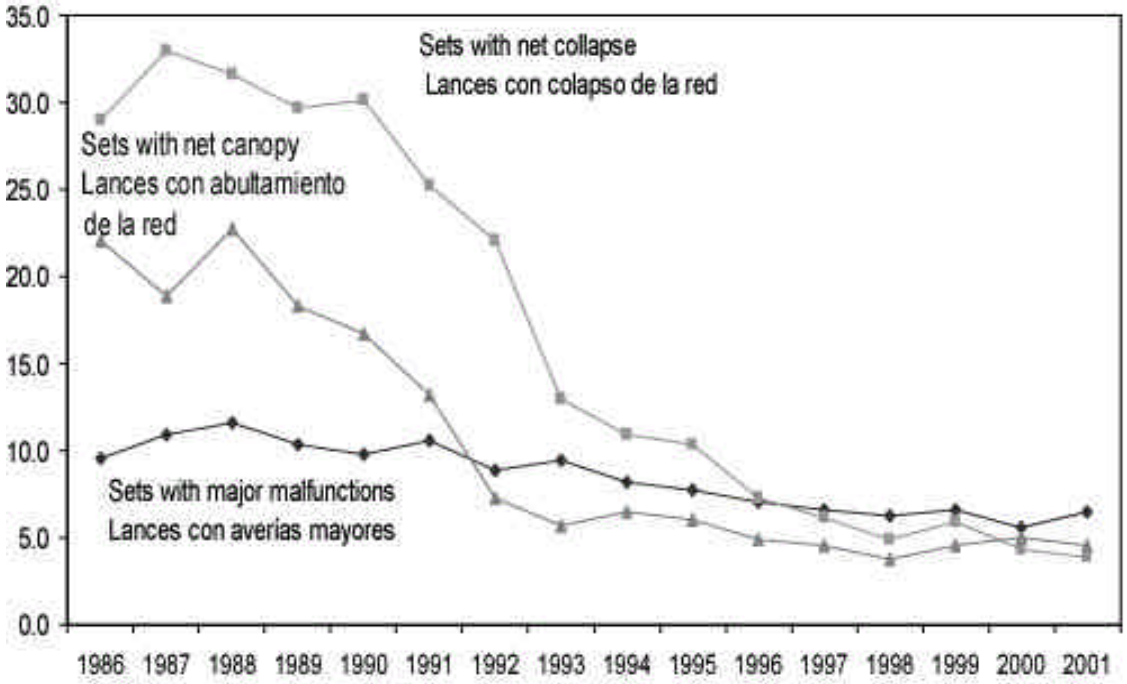

FIGURE 9. Trends in net malfunctions that can cause dolphin mortalities, 1986-2001.
FIGURA 9. Tendencias en averías de la red que pueden causar mortalidad de delfines, 1986-2001.

TABLE 1. Sampling coverage of the IATTC and national programs during 2001 of trips by Class-6 vessels (capacity >400 short tons (>363 metric tons)).

TABLA 1. Cobertura de muestreo del los programas de la CIAT y nacionales en 2001 de viajes de barcos de la clase 6 (capacidad >400 toneladas cortas (<363 toneladas métricas)).

National fleet		Number of trips	Trips sampled by program			Percent sampled
			IATTC	National	Total	
Flota nacional		Número de viajes	Viajes muestreados por programa			Porcentaje muestreado
			CIAT	Nacional	Total	
Belize–Belice	BLZ	5	5	-	5	100.0
Bolivia	BOL	25	12[1]	2[2]	14	56.0
Colombia	COL	25	25	-	25	100.0
Ecuador	ECU	236	176	60	236	100.0
España–Spain	ESP	34	34	-	34	100.0
Guatemala	GTM	27	27	-	27	100.0
Honduras	HND	12	12	-	12	100.0
México	MEX	169	82	87	169	100.0
Nicaragua	NIC	5	5	-	5	100.0
Panamá	PAN	22	22	-	22	100.0
El Salvador	SAL	10	10	-	10	100.0
USA–EE.UU.	USA	18	18	-	18	100.0
Venezuela	VEN	145	72	73	145	100.0
Vanuatu	VUT	30	29	-	29	96.7
Desconocido–Unknown		3	1	-	1	33.3
Total		766[3]	530[4]	222	752[3]	98.2

[1] Does not include a partially sampled trip -- No incluye un viaje parcialmente muestreado

[2] Sampled by the Ecuadorian national observer program (PROBECUADOR) – Muestrado por el programa nacional de observadores de Ecaudor (PROBECUADOR)

[3] Includes 54 trips which began in late 2000 and ended in 2001 -- Incluye 54 viajes iniciados a fines de 2000 y terminados en 2001

[4] Includes 1 research trip – Incluye 1 viaje de investigación

TABLE 2. Preliminary estimates of mortalities of dolphins in 2001, estimates of population abundance pooled for 1986-1990 (from Report of the International Whaling Commission, 43: 477-493), and estimates of relative mortality (with approximate 95-percent confidence intervals), by stock. All the data for 2001 are preliminary.

TABLA 2. Mortalidades incidentales de delfines en 2001, estimaciones de abundancia de poblaciones agrupadas para 1986-1990 (del Informe de la Comisión Ballenera Internacional, 43: 477-493), y estimaciones de abundancia relativa (con intervalos de confianza de 95% aproximados), por stock. Todos los datos de 2001 son preliminares.

Stock	Incidental mortality	Population abundance	Relative mortality (%)
	Mortalidad incidental	Abundancia de la población	Mortalidad relativa (%)
Offshore spotted—Manchado de altamar			
Northeastern—Nororiental	588	730,900	0.08 (0.061, 0.101)
Western/southern—Occidental y sureño	311	1,298,400	0.024 (0.019, 0.033)
Spinner dolphin—Tornillo			
Eastern—Oriental	469	631,800	0.08 (0.046, 0.112)
Whitebelly—Panza blanca	372	1,019,300	0.04 (0.023, 0.048)
Common dolphin—Común			
Northern—Norteño	94	476,300	0.02 (0.011, 0.042)
Central	203	406,100	0.05 (0.026, 0.098)
Southern—Sureño	46	2,210,900	<0.01 (0.001, 0.003)
Other dolphins—Otros delfines[1]	46	2,802,300	<0.01 (0.001, 0.002)
Total	2,129	9,576,000	0.02 (0.019, 0.025)

[1] "Other dolphins" includes the following species and stocks, whose observed mortalities were as follows: striped dolphins (*Stenella coeruleoalba*), 3; bottlenose dolphins (*Tursiops truncatus*), 1; and unidentified dolphins, 40.

[1] "Otros delfines" incluye las siguientes especies y stocks, con las mortalidades observadas correspondientes: delfín listado (*Stenella coeruleoalba*), 3; tonina (*Tursiops truncatus*), 1; y delfines no identificados, 40.

TABLE 3. Annual estimates of dolphin mortality, by species and stock. All the data for 2001 are preliminary. The estimates for 1979-1992 are based on a mortality-per-set ratio. The estimates for 1993-1994 are based on the sums of the IATTC species and stock tallies and the PNAAPD total dolphin mortalities, prorated to species and stock. The mortalities for 1995-2001 represent the sums of the observed species and stock tallies recorded by the IATTC, PNAAPD, PNOV and PROBECUADOR programs. The standard errors for 1979-1994 are shown in Table 4. The sums of the estimated mortalities for the northeastern and western-southern stocks of offshore spotted dolphins do not necessarily equal those for the previous stocks of northern and southern offshore spotted dolphins because the estimates for the two stock groups are based on different areal strata, and the mortalities per set and the total numbers of sets vary spatially.

TABLA 3. Estimaciones anuales de la mortalidad de delfines, por especie y stock. Todos los datos para 2001 son preliminares. Las estimaciones para 1979-1992 se basan en una razón de mortalidad por lance. Las estimaciones para 1993-1994 se basan en las sumas de las mortalidades por especie y stock registradas por la CIAT y las mortalidades totales registradas por el PNAAPD, prorrateadas a especies y stocks. Las mortalidades para 1995-2001 son las sumas de las mortalidades por especie y stock registradas por las programas de la CIAT, PNAAPD, PNOV y PROBECUADOR. En la Tabla 4 se detallan los errores estándar para 1979-1994. Las sumas de las mortalidades estimadas para los stocks nororiental y occidental y sureño del delfín manchado de altamar no equivalen necesariamente a las sumas de aquéllas para los antiguos stocks de delfín manchado de altamar norteño y sureño porque las estimaciones para los dos grupos de stocks se basan en estratos espaciales diferentes, y las mortalidades por lance y el número total de lances varían espacialmente.

	Offshore spotted[1]		Spinner		Common			Others	Total
	North-eastern	Western-southern	Eastern	White belly	Northern	Central	Southern		
	Manchado de altamar		Tornillo		Común			Otros	Total
	Nor-oriental	Occidental y sureño	Oriental	Panza blanca	Norteño	Central	Sureño		
1979	4,828	6,254	1,460	1,312	4,161	2,342	94	880	21,331
1980	6,468	11,200	1,108	8,132	1,060	963	188	633	29,752
1981	8,096	12,512	2,261	6,412	2,629	372	348	367	32,997
1982	9,254	9,869	2,606	3,716	989	487	28	1,347	28,296
1983	2,430	4,587	745	4,337	845	191	0	353	13,488
1984	7,836	10,018	6,033	7,132	0	7,403	6	156	38,584
1985	25,975	8,089	8,853	6,979	0	6,839	304	1,777	58,816
1986	52,035	20,074	19,526	11,042	13,289	10,884	134	5,185	132,169
1987	35,366	19,298	10,358	6,026	8,216	9,659	6,759	3,200	98,882
1988	26,625	13,916	18,793	3,545	4,829	7,128	4,219	2,074	81,129
1989	28,898	28,530	15,245	8,302	1,066	12,711	576	3,123	98,451
1990	22,616	12,578	5,378	6,952	704	4,053	272	1,321	53,874
1991	9,005	4,821	5,879	2,974	161	3,182	115	990	27,127
1992	4,657	1,874	2,794	2,044	1,773	1,815	64	518	15,539
1993	1,139	757	821	412	81	230	0	161	3,601
1994	935	1,226	743	619	101	151	0	321	4,096
1995	952	859	654	445	9	192	0	163	3,274
1996	818	545	450	447	77	51	30	129	2,547
1997	721	1,044	391	498	9	114	58	170	3,005
1998	298	341	422	249	261	172	33	101	1,877
1999	358	253	363	192	85	34	1	62	1,348
2000	303	428	272	262	56	222	9	84	1,636
2001	588	311	469	372	94	203	46	46	2,129

[1] Estimates for offshore spotted dolphins include mortalities of coastal spotted dolphins.

[1] Las estimaciones de delfines manchados de altamar incluyen mortalidades de delfines manchados costeros.

TABLE 4. Standard errors of annual estimates of dolphin species and stock mortality for 1979-1994. There are no standard errors for 1995-2000 because the coverage was at or nearly at 100% during those years (Table 1). Standard errors for 2001 will be calculated after the logbooks for the unobserved trips become available.

TABLA 4. Errores estándar de las estimaciones anuales de la mortalidad de delfines por especie y stock para 1979-1994. No hay errores estándar para 1995-2000 porque la cobertura fue de 100%, o casi, en esos años (Tabla 1). Los errores estándar para 2001 serán calculados una vez se disponga de las bitácoras de los viajes sin observador.

	Offshore spotted		Spinner		Common			Other
	North-eastern	Western-southern	Eastern	Whitebelly	Northern	Central	Southern	
	Manchado de altamar		Tornillo		Común			Otros
	Nor-oriental	Occidental y sureño	Oriental	Panza blanca	Norteño	Central	Sureño	
1979	817	1,229	276	255	1,432	560	115	204
1980	962	2,430	187	3,239	438	567	140	217
1981	1,508	2,629	616	1,477	645	167	230	76
1982	1,529	1,146	692	831	495	168	16	512
1983	659	928	284	1,043	349	87	-	171
1984	1,493	2,614	2,421	3,773	-	5,093	3	72
1985	3,210	951	1,362	1,882	-	2,776	247	570
1986	8,134	2,187	3,404	2,454	5,107	3,062	111	1,722
1987	4,272	2,899	1,199	1,589	4,954	2,507	3,323	1,140
1988	2,744	1,741	1,749	668	1,020	1,224	1,354	399
1989	3,108	2,675	1,674	883	325	4,168	295	430
1990	2,575	1,015	949	640	192	1,223	95	405
1991	956	454	771	598	57	442	30	182
1992	321	288	168	297	329	157	8	95
1993	89	52	98	33	27	-	-	29
1994	69	55	84	41	35	8	-	20

TABLE 5. Preliminary reports of the mortalities of dolphins in 2002, to April 28.
TABLA 5. Informes preliminares de las mortalidades de delfines en 2002, hasta el 28 de abril.

Stock	Total mortality Mortalidad total	Limit Límite	Used (%) Usado (%)
Offshore spotted – Manchado de altamar			
Northeastern--Nororiental	97	648	15.0
Western-southern--Occidental-sureño	38	1,145	3.3
Spinner--Tornillo			
Eastern--Oriental	69	518	13.3
Whitebelly--Panza blanca	68	871	7.6
Common--Común			
Northern--Norteño	30	562	5.3
Central	15	207	7.2
Southern--Sureño	3	1,845	0.2
Others and unidentified--Otros y no identificados	102		
Total	**420**	**5,000**	**8.4**

TABLE 6. Percentages of sets with no dolphin mortalities, with major gear malfunctions, with net collapses, with net canopies, average times of backdown (in minutes), and average number of live dolphins left in the net at the end of backdown.
TABLA 6. Porcentajes de lances sin mortalidad de delfines, con averías mayores, con colapso de la red, con abultamiento de la red, duración media del retroceso (en minutos), y número medio de delfines en la red después del retroceso.

	Sets with zero mortality (%) Lances sin mortalidad (%)	Sets with major malfunctions (%) Lances con averías mayores (%)	Sets with net collapse (%) Lances con colapso de la red (%)	Sets with net canopy (%) Lances con abultamiento de la red (%)	Average duration of backdown (minutes) Duración media del retroceso (minutos)	Average number of live dolphins left in net after backdown Número medio de delfines en la red después del retroceso
1986	38.1	9.5	29.0	22.2	15.3	6.0
1987	46.1	10.9	32.9	18.9	14.6	4.4
1988	45.1	11.6	31.6	22.7	14.3	5.5
1989	44.9	10.3	29.7	18.3	15.1	5.0
1990	54.2	9.8	30.1	16.7	14.3	2.4
1991	61.9	10.6	25.2	13.2	14.2	1.6
1992	73.4	8.9	22.0	7.3	13.0	1.3
1993	84.3	9.4	12.9	5.7	13.2	0.7
1994	83.4	8.2	10.9	6.5	15.1	0.3
1995	85.0	7.7	10.3	6.0	14.0	0.4
1996	87.6	7.1	7.3	4.9	13.6	0.2
1997	87.7	6.6	6.1	4.6	14.3	0.2
1998	90.3	6.3	4.9	3.7	13.2	0.2
1999	91.0	6.6	5.9	4.6	14.0	0.1
2000	90.8	5.6	4.3	5.0	14.9	0.2
2001	91.6	6.5	3.9	4.6	15.6	0.1

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
ACUERDO SOBRE EL PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES

7TH MEETING OF THE PARTIES

MANZANILLO (MEXICO)
JUNE 24, 2002

DOCUMENT MOP-7-07

AMENDMENTS TO ANNEX IV OF THE AIDCP

The question of several possible amendments to the AIDCP regarding the allocation of DMLs arose during the 5th Meeting of the Parties to the AIDCP, held in El Salvador in June 2001. In response to the discussion at that meeting, the Secretariat prepared several draft proposals for consideration by the 6th Meeting of the Parties, held in Colombia in October 2001. The Parties agreed to one proposal regarding changes in dates, and decided that the others, while agreeable in principle, would be formally addressed at the next Meeting of the Parties. Also, there is a technical amendment (a language discrepancy), which the Secretariat indicated in its memorandum of 20 May 2002 could be considered at the Meeting of the Parties if so desired by the Parties. The proposed amendments to the AIDCP are as follows:

1. ANNEX IV (III) 4: CONCURRENCE OF PARTIES WITH POSSIBLE INFRACTIONS

During the discussion of the interpretation of Annex IV (III) (4) of the AIDCP regarding when a Party will be "deemed to have provided concurrence" with a possible violation, one delegation stated that a written statement by a Party that a case is under investigation should be considered an "objection" for the purposes of that section of the Agreement. No delegation disagreed with this interpretation; however, it was noted that an amendment to the AIDCP might be appropriate in order to avoid any possible ambiguity. Accordingly, the Secretariat has drafted the following amendment to Annex IV:

An additional sentence would be added to the end of Annex IV (III) 4, so that the end of that paragraph would now read as follows:

> "For infractions described in (a), (b), (c), (d), (f), and (g), a Party will be deemed to have provided such concurrence if it does not object to the IRP within six months of a referral of a possible violation from the IRP. For the infraction described in (e), a Party will be deemed to have provided such concurrence if it does not object to the IRP within 12 months of such referral.
>
> **A notification by a Party that the possible infraction is being investigated shall be considered to be an objection for the purposes of this paragraph, provided that the notification is received by the Secretariat prior to the expiration of the relevant 6 or 12 month period."**

2. ANNEX IV (III) 4, AND ANNEX IV (I) 8: TIME FRAME FOR OCCURRENCE OF INFRACTIONS TO AFFECT DML ADJUSTMENTS

Some Parties have expressed an interest in considering another amendment to the beginning of the same paragraph. The first sentence currently says that a vessel's DML cannot be adjusted upward if certain infractions occurred "during that year or the previous year"; the suggestion is that it be amended to read "during that year or the previous **two years**". This suggestion is based on the fact that the current language has the effect, in practice, of rendering the entire paragraph meaningless because of the time required for the Secretariat to identify possible infractions, the IRP to review them, the Secretariat to send

notices to the governments, and the governments to investigate and concur that an infraction has occurred. Experience shows that in most cases this process takes at least two years, thus negating the intent of the entire paragraph as currently drafted.

The proposal would thus be to modify the first sentence of Annex IV (III) 4 to read as follows:

> 4. "No vessel may have its initial DML adjusted upward by any Party if the IRP had determined, and the Party with jurisdiction over the vessel concurs, that during that year **or the previous two years**:"

It was noted at the 6th Meeting of the Parties that the same problem was present in the last sentence of Annex IV (I) 8, and to correct the problem this sentence could be changed to read:

> "No initial assignment of DMLs may result in any vessel receiving a DML in excess of the ADML if, during the previous **two years**, it has committed any of the infractions identified in Section III, paragraph 4 of this Annex, subject to the conditions established pursuant to that paragraph."

4. ANNEX IV (II) 1: DECISIONS ON *FORCE MAJEURE* EXEMPTIONS

Several delegations have expressed the view that, with the adoption of the general guidelines for allowing the exemption of *force majeure* or extraordinary circumstances (attached), the Agreement should also be amended to reflect in a clear way how decisions are made by the IRP on such requests. When this was discussed at the 6th Meeting of the Parties, several delegations suggested modifications to the Secretariat's proposal, and the Secretariat was asked to re-draft the proposal.

Accordingly, the Secretariat proposes amending Annex IV by adding two new sentences to Section II, paragraph 1. The amended text of this new paragraph would read as follows:

> 1. "Any vessel which is assigned a full-year DML and does not set on dolphins prior to April 1 of that year, or which is assigned a second-semester DML and does not set on dolphins by December 31 of that year, or which is assigned a per-trip DML from the RDA and does not set on dolphins during that trip, unless as a result of *force majeure* or extraordinary circumstances, as agreed by the IRP, shall lose its DML and may not set on dolphins for the remainder of that year. **Notwithstanding the provision in Annex VII, paragraph 9, regarding decision making by the IRP, a request by a Party, on behalf of any of its vessels, for an exemption due to *force majeure* or extraordinary circumstances, shall be considered to be agreed by the IRP unless a majority of the government members of the IRP supports any objection, made formally and with cause by any other Party, to any such request**. **All requests for exemption must be sent to the Secretariat by April 1, and any formal objections must be sent to the Secretariat by April 20**. Any vessel that loses its DML on two consecutive occasions shall not be eligible to receive a DML for the following year."

5. ANNEX IV (II) 1: DISCREPANCY BETWEEN ENGLISH AND SPANISH TEXTS

Regarding the discrepancy noted at the beginning of this document, the Secretariat has discovered that the meaning of Annex IV (II) 1 is not the same in English as in Spanish, due to an apparently misplaced phrase. This paragraph reads as follows in English:

> 1. Any vessel which is assigned a full-year DML and does not set on dolphins prior to April 1 of that year, or which is assigned a second-semester DML and does not set on dolphins by December 31 of that year, or which is assigned a per-trip DML from the RDA and does not set on dolphins during that trip, unless as a result of force majeure or extraordinary circumstances, **as agreed by the IRP,** shall lose its DML and may not set on dolphins for the remainder of that year. Any such vessel that loses its DML on two consecutive occasions shall not be eligible to receive a DML for the following

year.

However, the Spanish reads:

1. Cualquier buque al que se le asigne un LMD de año completo y no realice un lance sobre delfines antes del 1º de abril de ese año, o al que se le asigne un LMD de segundo semestre y no realice un lance sobre delfines antes del 31 de diciembre de ese año, o al que se le asigne un LMD de la RAD para un viaje y no realice un lance sobre delfines durante ese viaje**, de conformidad con lo acordado por el PIR,** perderá su LMD y no podrá hacer lances sobre delfines durante el resto de ese año, a menos que existan causas de fuerza mayor o circunstancias extraordinarias. Cualquier buque que pierda su LMD en dos ocasiones consecutivas no será elegible para recibir un LMD para el próximo año.

The Secretariat's understanding is that the English text is correct. If this is so, the Parties may wish to consider amending the Spanish text so that this paragraph would have the same meaning in both languages. The amended Spanish text would read:

1. Cualquier buque al que se le asigne un LMD de año completo y no realice un lance sobre delfines antes del 1º de abril de ese año, o al que se le asigne un LMD de segundo semestre y no realice un lance sobre delfines antes del 31 de diciembre de ese año, o al que se le asigne un LMD de la RAD para un viaje y no realice un lance sobre delfines durante ese viaje, perderá su LMD y no podrá hacer lances sobre delfines durante el resto de ese año, a menos que existan causas de fuerza mayor o circunstancias extraordinarias, **de conformidad con lo acordado por el PIR**. Cualquier buque que pierda su LMD en dos ocasiones consecutivas no será elegible para recibir un LMD para el próximo año.

Appendix.

GENERAL GUIDELINES FOR ALLOWING THE EXEMPTION OF FORCE MAJEURE OR EXTRAORDINARY CIRCUMSTANCES

June 2001

1. All requests for exemption contemplated under Section II of Annex IV of the AIDCP shall be sent to the Secretariat by April 1.
2. The Parties shall send the evidence necessary to demonstrate that the facts on which the request for exemption is based are unforeseeable or beyond the vessel owner's control.
3. The Secretariat shall immediately send the request to the other Parties for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.
4. The request shall be considered accepted, unless a Party objects to it formally and with cause, in which case the Secretariat shall notify all Parties of the objection. The objection shall be considered accepted if it is supported by a majority of the government members of the International Review Panel.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
ACUERDO SOBRE EL PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES

7TH MEETING OF THE PARTIES

MANZANILLO (MEXICO)
JUNE 24, 2002

DOCUMENT MOP-7-08

ALLOCATION OF PER-STOCK, PER-YEAR DOLPHIN MORTALITY CAPS

During the 1st Meeting of the Parties, held in July 1999, two proposals for the allocation of stock mortality limits (SMLs) were presented, one for a global allocation for the year 2000, and the other for national limits based on past fishing on the various stocks. It was agreed to adopt a global allocation method for the year 2000. During the 3rd Meeting of the Parties, held in June 2000, it was agreed that "until a new system for addressing the per-stock, per-year mortality caps is established, the global system in effect for 2000 would continue to be used" and that the matter would be discussed in future meetings of the Working Group on Per-stock, Per-year Dolphin Mortality Caps and the Parties.

During the 6th Meeting of the Parties, held in October 2001, three options were presented for the consideration of the Parties for allocation of stock mortality. The Parties agreed to study these options and discuss them at the next meeting.

The first option is the current system of global allocation of SMLs, in which the SMLs are not assigned to countries or vessels but are available to all (Table 1).

A second option is to allocate to each country an SML for each stock in the same proportion as the country's DMLs. Thus, if a country's fleet had applied for 15 DMLs out of a total of 100 DMLs requested for the international fleet, then that country would be allocated 15% of the SMLs for each of the seven major stocks. Table 2 shows the number of SMLs that would be allocated to each country based on the number of DMLs that were assigned for 2002 at the October 2001 meetings. Second-semester DMLs are considered as one-half of a full-year DML. As with DMLs, SMLs not utilized by 1 May would be redistributed amongst the international fleet. Flag changes by vessels would result in a redistribution of the SMLs in accord with the changed distribution of DMLs.

The third option takes account of the number of sets made on a particular stock by a country's fleet during the previous year and its DMLs in the following year. The allocation is weighted by a) the proportion of of the overall DML for the following year issued to that country's fleet; b) the proportion of of the total number of sets on dolphins made by that country's fleet on that particular stock in the previous year; and c) a specified proportion assigned to the national and global portions. The equations for calculating the SMLs for a given country and a given stock are:

$$R_c = (DML_C + \tfrac{1}{2}\, DML_{C2})/(DML_T + \tfrac{1}{2}\, DML_{T2})$$

where:

R_c is the ratio of DMLs for that country compared to all DMLs,

DML_C is the number of vessels of country C with full-year DMLs,

DML_{C2} is the number of vessels of country C with second-semester DMLs ,

DML_T is the total number of vessels in the international fleet with full-year DMLs ,

DML_{T2} is the total number of vessels in the international fleet with second-semester DMLs,

and

$$P_{CS} = S_{CS}/S_{TS}$$

where:

P_{CS} is the proportion of sets made by vessels of country C on stock S,

S_{CS} is the number of sets made by vessels of country C on stock S during the previous year,

S_{TS} is the total number of sets on stock S made by the international fleet during the previous year.

With a weighting of 75% national and 25% global, the SML for each country is allocated in proportion to R_c x ((0.75 x P_{CS}) + 0.25). Other weights could be used: the closer the national weighting is to 1, the more weight is given to the number of sets on that stock during the previous year. Again, SMLs not utilized by 1 April would be redistributed amongst the international fleet. Flag changes by vessels would result in a redistribution of the SMLs in accord with the changed distribution of DMLs.

The DMLs assigned for 2002 and the number of sets made in 2001 by each fleet requesting a DML are shown in Table 3. The proportion of sets made by the fleets of each country on each stock are shown in Table 4. The proposed SMLs for each country based on this scheme are presented in Table 5. The proportion of sets on each stock is based on 2001 data. For countries whose vessels made less than 30 sets on dolphins in 2001, the international fleet averages of the proportions of sets by stock were used. In practice, if this system were being used in October of any year to assign SMLs in the next year, the weighting for sets on a particular stock would have to be calculated from the last 12 months for which data were available.

During the scientific meeting held in May 2002, it was recommended that alternatives using one-, two-, and three-year histories of set proportions (P_{CS}) be compared. Figures 1-3 show examples for two countries and the international fleet average for three dolphin stocks (northeastern spotted, eastern spinner, and central common dolphins). Figure 1 illustrates an example of stability in set proportions for the three stocks, while Figure 2 illustrates an example of a sudden change in set proportions for central common dolphins. In general, increasing the length of the fishing history in calculating set proportions dampens the year-to-year variability.

Tables 6 and 7 show the 2002 SMLs calculated for each country in using the two- and three-year calculation of P_{CS}, respectively.

Discussion

The main advantages of the current system of global allocation of SMLs are that it is relatively simple to implement and that it avoids partitioning relatively small SMLs among countries. However, it exposes all countries to the risk that a high mortality within one fleet may restrict the activity of the others, a problem which the more complex systems of national allocations avoid.

The second option provides a larger allocation to those countries with larger fleets of vessels with DMLs. By allocating SMLs solely on the current capacity to fish on dolphins (based on the number of DMLs issued), it allows flexibility to change fishing areas, and for new fleets to enter the fishery. However, it would not be efficient in the sense that countries which habitually fished on particular stocks might be assigned SMLs which are too small in some cases and too large in others.

The third option provides a larger allocation to those countries that have made a greater number of sets on a given stock in the recent past and have a greater number of vessels with DMLs. This may produce a more-efficient utilization of the SMLs by allocating a larger proportion of a particular stock to fleets that have a history of setting on that stock. At the same time, it would allow countries the opportunity to enter the fishery, allow vessels to change fishing areas, and allow countries to increase their allocation over time as the numbers of DMLs and sets on a given stock increase.

TABLE 1. Option 1: Current SMLs for 2002 for the seven major stocks and incidental dolphin mortality in 2001. Abundance estimates (*N*) and coefficients of variation (CV) from Wade and Gerrodette (1993; unpub. data for northern and central common dolphins). Minimum abundance estimates (N_{min}) based on Potential Biological Removal guidelines described in Wade and Angliss (1997).

Option 1	Current SMLs for 2002					
Stock		*N* (x 1000)	CV	N_{min} (x 1000)	0.1% N_{min}	2001 mortality
Northeastern spotted	NES	730.9	0.142	648.9	649	588
Western/southern spotted	WSS	1,298.4	0.150	1,145.1	1,145	311
Eastern spinner	ESD	631.8	0.238	518.5	518	469
Whitebelly spinner	WBS	1,019.3	0.187	871.9	872	372
Northern common	NCD	713.7	0.367	562.7	563	94
Central common	CCD	239.4	0.383	207.3	207	203
Southern common	SCD	2,210.9	0.217	1,845.6	1,846	46

TABLE 2. Option 2: Numbers of DMLs allocated to national fleets as of January 2002 and number of SMLs allocated to each country requesting DMLs for 2002. Second-semester (SS) DMLs are considered as one-half of a full-year (FY) DML. The DMLs do not reflect changes in the fleets occurring after October 2001.

Option 2		National SMLs in proportion to 2002 DMLs								
		2002 DMLs		SMLs						
				Spotted		Spinner		Common		
		FY	SS	NES	WSS	ESD	WBS	NCD	CCD	SCD
Bolivia	BOL	5		34	61	27	46	30	11	98
Colombia	COL	5		34	61	27	46	30	11	98
Ecuador	ECU	6		41	73	33	55	36	13	118
Mexico	MEX	42	1	294	520	235	396	255	94	838
Nicaragua	NIC	1		6	12	5	9	6	2	19
Panama	PAN	3		20	36	16	27	18	6	59
Peru	PER	1		6	12	5	9	6	2	19
Venezuela	VEN	25		173	306	138	233	150	55	493
Vanuatu	VUT	2		13	24	11	18	12	4	39
RDA		3		27	40	21	33	19	9	64
Total		**93**	**1**	**648**	**1,145**	**518**	**872**	**562**	**207**	**1,845**

TABLE 3. Numbers of DMLs allocated to national fleets as of January 2002 and the numbers of sets made in 2001 on each of the seven major dolphin stocks by each country requesting DMLs for 2002. Second-semester (SS) DMLs are considered as one-half of a full-year (FY) DML. The DMLs do not reflect changes in the fleets occurring after October 2001.

Number of sets on each stock in 2001											
		2002 DMLs		Spotted		Spinner		Common			**Total**
		FY	SS	NES	WSS	ESD	WBS	NCD	CCD	SCD	
Bolivia	BOL	5		166	52	30	48	0	9	0	**305**
Colombia	COL	5		329	294	103	139	0	26	0	**891**
Ecuador	ECU	6		0	0	0	0	0	0	0	**0**
Mexico	MEX	42	1	2,726	1,238	1.221	900	135	0	8	**6,228**
Nicaragua	NIC	1		62	51	5	25	0	0	8	**151**
Panama	PAN	3		96	76	22	46	0	11	0	**251**
Peru	PER	1		0	0	0	0	0	0	0	**0**
Venezuela	VEN	25		1,460	963	647	544	0	908	49	**4,571**
Vanuatu	VUT	2		107	91	52	52	0	39	1	**342**
RDA		3									
Total		**93**	**1**	**4,946**	**2,765**	**2,080**	**1,754**	**135**	**993**	**66**	**12,739**

TABLE 4. Proportions of the total number of sets on the seven major dolphin stocks made by each national fleet. For countries with national observer programs for which set data by stock were not available, the totals were extrapolated from data from trips by vessels of that country covered by the IATTC program. For countries whose vessels made less than 30 sets on dolphins in 2001, the international fleet averages of the set proportions (P_{CS}) were used.

Proportion of sets on each stock									
		Spotted		Spinner		Common			**Total**
		NES	WSS	ESD	WBS	NCD	CCD	SCD	
Bolivia	BOL	0.544	0.170	0.098	0.157	0.000	0.030	0.000	1.00
Colombia	COL	0.388	0.330	0.116	0.156	0.000	0.295	0.000	1.00
Ecuador	ECU	-	-	-	-	-	-	-	-
Mexico	MEX	0.438	0.199	0.196	0.144	0.022	0.000	0.001	1.00
Nicaragua	NIC	0.411	0.338	0.033	0.166	0.000	0.000	0.053	1.00
Panama	PAN	0.382	0.303	0.088	0.183	0.000	0.044	0.000	1.00
Peru	PER	-	-	-	-	-	-	-	-
Venezuela	VEN	0.319	0.211	0.142	0.119	0.000	0.199	0.011	1.00
Vanuatu	VUT	0.313	0.266	0.152	0.152	0.000	0.114	0.003	1.00
Average		0.388	0.217	0.163	0.138	0.106	0.078	0.005	1.00

TABLE 5. Option 3: National SMLs for the seven major dolphin stocks using the proportion of sets on each stock from 2001 (rounded down to the nearest whole number).

Option 3		National SMLs for 2002						
		Spotted		Spinner		Common		
		NES	WSS	ESD	WBS	NCD	CCD	SCD
Bolivia	BOL	41	56	24	48	29	9	97
Colombia	COL	33	73	25	48	29	9	97
Ecuador	ECU	41	73	33	55	36	13	118
Mexico	MEX	310	504	251	400	263	78	830
Nicaragua	NIC	7	14	4	9	5	1	22
Panama	PAN	20	42	14	30	17	6	58
Peru	PER	6	12	5	9	6	2	19
Venezuela	VEN	154	303	132	222	145	73	502
Vanuatu	VUT	12	26	10	19	11	4	39
RDA		24	42	20	32	21	12	63
Total		**648**	**1,145**	**518**	**872**	**562**	**207**	**1,845**

TABLE 6. Option 3: National SMLs for the seven major dolphin stocks using the proportion of sets on each stock from 2000 and 2001 (rounded down to the nearest whole number).

Option 3		National SMLs for 2002						
		Spotted		Spinner		Common		
		NES	WSS	ESD	WBS	NCD	CCD	SCD
Bolivia	BOL	35	68	23	49	29	9	97
Colombia	COL	31	75	24	52	29	9	97
Ecuador	ECU	38	84	31	57	35	12	120
Mexico	MEX	322	475	256	396	261	78	832
Nicaragua	NIC	7	12	4	9	5	2	21
Panama	PAN	21	45	13	26	17	5	58
Peru	PER	6	12	5	9	5	2	19
Venezuela	VEN	150	304	130	225	146	75	498
Vanuatu	VUT	12	28	10	18	11	4	39
RDA		26	42	22	31	24	11	64
Total		**648**	**1,145**	**518**	**872**	**562**	**207**	**1,845**

TABLE 7. Option 3: National SMLs for the seven major dolphin stocks using the proportion of sets on each stock from 1999 to 2001 (rounded down to the nearest whole number).

Option 3		National SMLs for 2002						
		Spotted		Spinner		Common		
		NES	WSS	ESD	WBS	NCD	CCD	SCD
Bolivia	BOL	35	66	25	48	29	10	98
Colombia	COL	31	73	24	52	29	9	98
Ecuador	ECU	36	88	32	56	35	12	119
Mexico	MEX	316	470	256	394	261	82	834
Nicaragua	NIC	7	12	4	9	5	2	20
Panama	PAN	22	42	14	25	17	6	58
Peru	PER	6	12	5	9	5	2	19
Venezuela	VEN	157	313	128	230	146	69	496
Vanuatu	VUT	12	28	10	18	11	4	39
RDA		26	41	20	31	24	11	64
Total		**648**	**1,145**	**518**	**872**	**562**	**207**	**1,845**

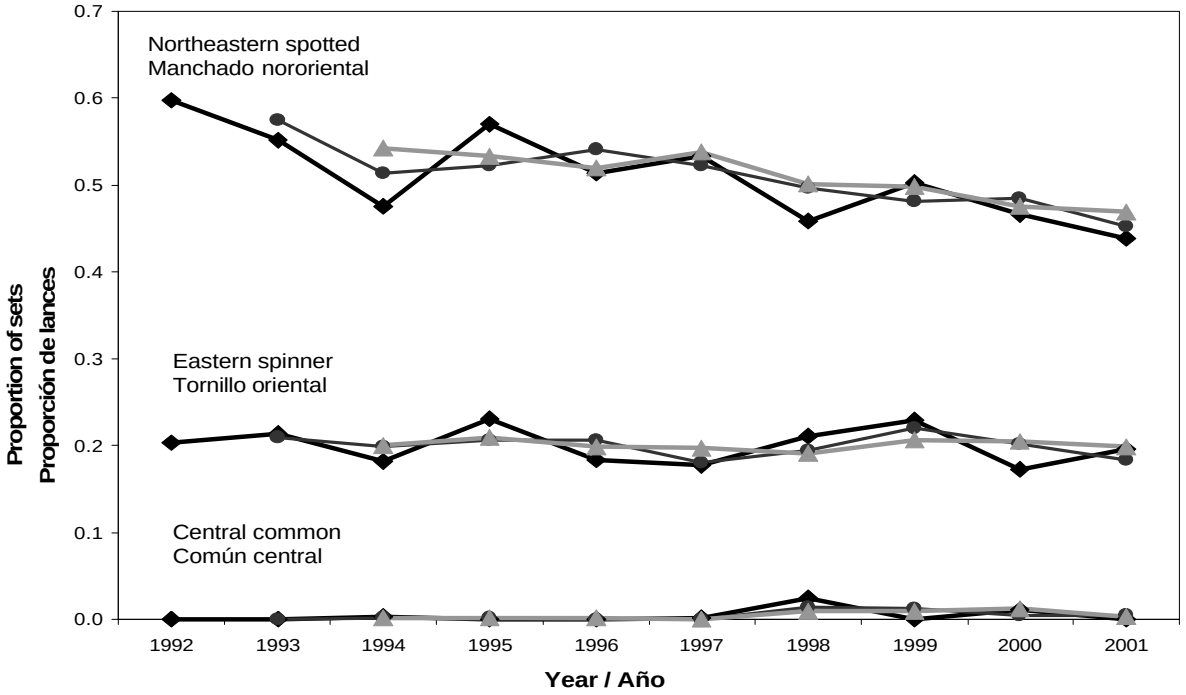

FIGURE 1. Proportions of sets made on three stocks of dolphins by the Mexican fleet, 1992-2001. For each stock, the set proportions are plotted for each year (bold lines with squares), and as running averages of two years (thin line with dots) and three years (thick grey line with triangles).

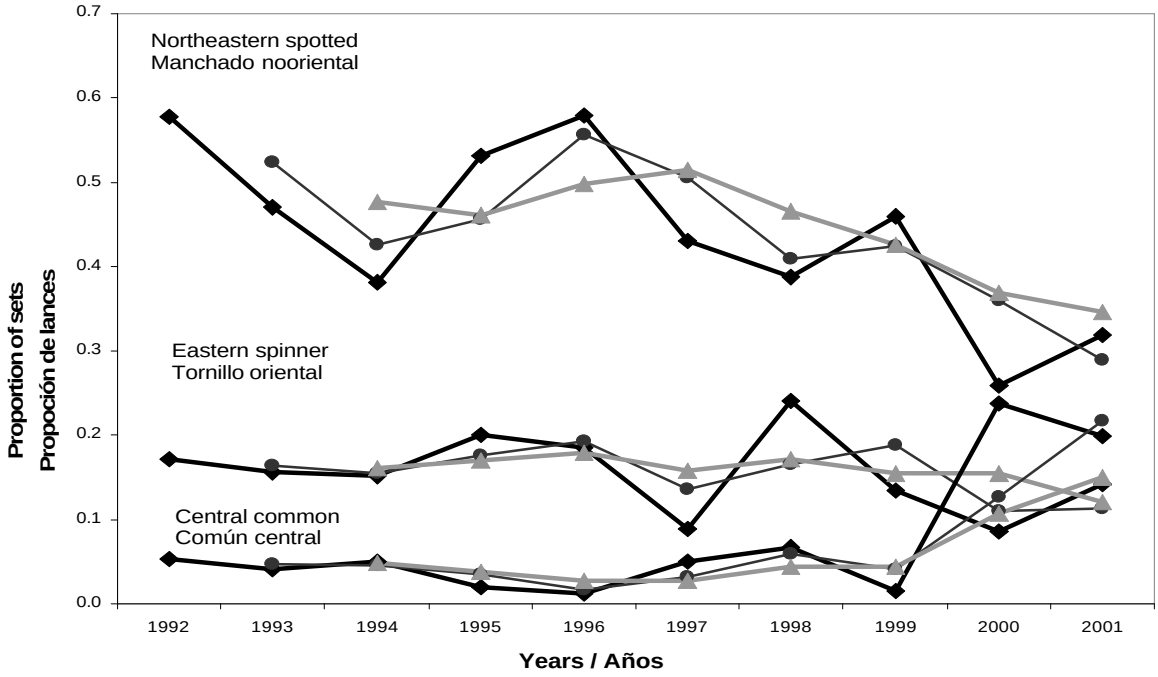

FIGURE 2. Proportions of sets made on three stocks of dolphins by the Venezuelan fleet, 1992-2001. For each stock, the set proportions are plotted for each year (bold lines with squares), and as running averages of two years (thin line with dots) and three years (thick grey line with triangles).

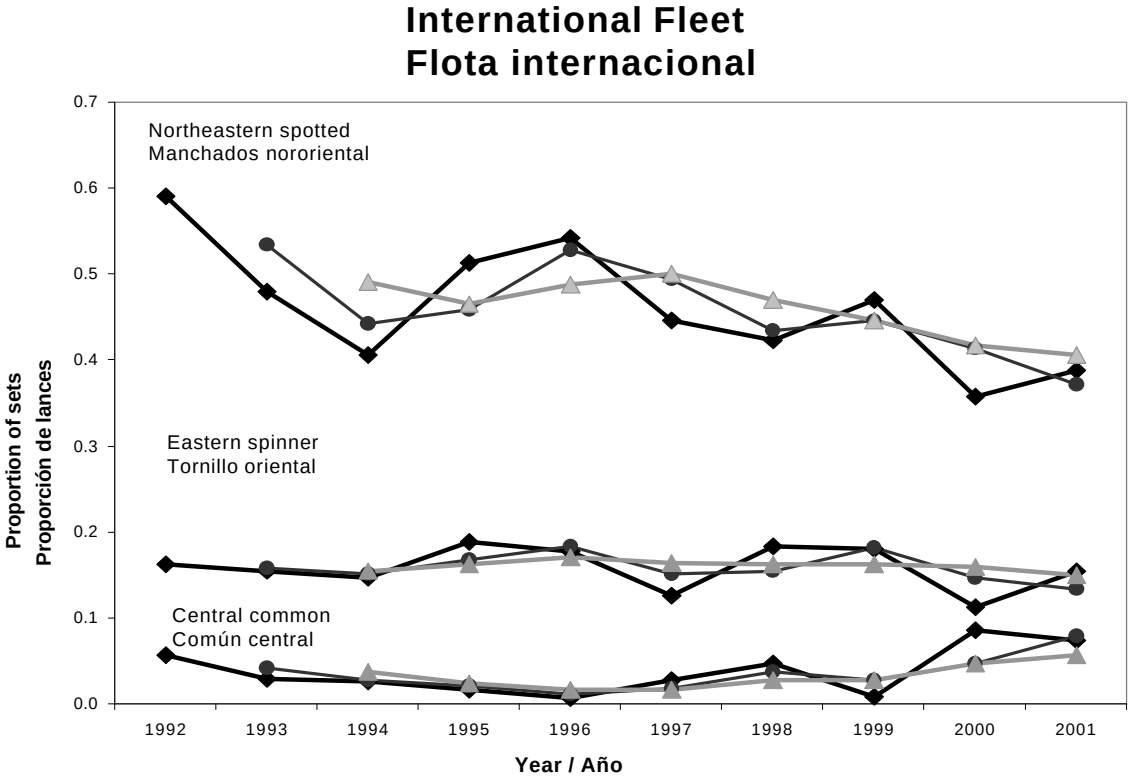

FIGURE 3. Proportions of sets made on three stocks of dolphins by the international fleet, 1992-2001. For each stock, the set proportions are plotted for each year (bold lines with squares), and as running averages of two years (thin line with dots) and three years (thick grey line with triangles).