

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
INTERNATIONAL REVIEW PANEL
MINUTES OF THE 30TH MEETING (REVISED)

Manzanillo (Mexico)
19-20 June 2002

Presider: Luis Fueyo MacDonald (Mexico)

AGENDA

1. Opening of the meeting
2. Election of the Presider
3. Adoption of the agenda
4. Approval of the minutes of 29th Meeting
5. Review of IRP Annual Report for 2001
6. Analysis of budget for AIDCP
7. Review of Dolphin Mortality Limits (DMLs) for 2002
- 7a. Consideration of the late *force majeure* request
8. Review of list of qualified captains
9. Revision of system for training and identification of fishing captains qualified to fish on vessels under the AIDCP
10. Determination of a pattern of violations (Annex IV (I) 7)
11. System to measure DML utilization to deter frivolous requests (Annex IV (II) 2)
12. Legal requirements for observer data
13. Comparison of quality control for data from the On-Board Observer Program
14. Implementation of technical guidelines to prevent high mortality in sets on large dolphin herds
15. Procedures for dealing with special problem sets
16. Classification of vessels
17. Method of calculating vessel assessments
18. Process for implementing Stock Mortality Limits (SMLs)
- 18a. Review of the identification of the use of explosives in sets on dolphins
19. Review of observer data
20.
 - i. Review of actions by Parties on possible infractions reported by the IRP
 - ii. Status review of special cases
21. Report of the Permanent Working Group on Tuna Tracking
22. Recommendations for the Meeting of the Parties
23. Other business
24. Place and date of next meeting
25. Adjournment

APPENDICES

1. List of attendees
2. Procedures for maintaining the AIDCP List of Qualified Captains
3. Proposed system to measure DML utilization to deter frivolous requests
4. Legal requirements for IATTC observers
5. Technical guidelines to prevent high mortality in sets on large dolphin herds
6. Procedures for dealing with special problem sets
7. Procedures for implementing Stock Mortality Limits (SMLs)
8. Actions by Parties on possible infractions reported by the IRP
9. Modification of the System for Tracking and Verifying Tuna: Tuna caught outside the Agreement Area

DOCUMENTS

- IRP-30-06 Estimated budget deficit for 2002
- IRP-30-09 Procedures for maintaining the AIDCP list of qualified captains
- IRP-30-11 Analysis of proposals to determine utilization of DMLs
- IRP-30-14 Implementation of technical guidelines to prevent high mortality in sets on large dolphin herds
- IRP-30-15 Procedures for dealing with special problem sets
- IRP-30-16 Classification of vessels required by the AIDCP to carry observers
- IRP-30-17 Process for implementing Stock Mortality Limits (SMLs)

The 30th Meeting of the International Review Panel (IRP) was held in Manzanillo (Mexico) on June 19-20, 2002. The attendees are listed in Appendix 1.

1. Opening of the meeting

Dr. Robin Allen, Director of the IATTC, which functions as Secretariat for the AIDCP, declared the meeting open.

2. Election of the President

Mr. Luis Fueyo MacDonald of Mexico was elected President of the meeting.

3. Adoption of the agenda

At Mexico's request the Panel's agreed to add two matters to item 23, Other Business: *Review of the method for evaluating the performance of the fleet* and *Evaluation of night sets*.

The rest of the provisional agenda was approved as presented.

4. Approval of the minutes of 29th Meeting

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

5. Review of IRP Annual Report for 2001

Dr. Allen presented the annual report of the IRP for 2001. The need to continue preparing this report was confirmed.

6. Analysis of budget for AIDCP

Dr. Allen presented document IRP-30-06 analyzing the problem of the expected budget deficit for 2002. The Secretariat proposed three alternatives to deal with this problem: increase vessel assessments, direct funding by the AIDCP Parties, or discontinue observer placements upon depletion of funds. These proposals were extensively discussed, with no agreement reached.

The European Union asked that the record reflect its view that the EU's accession to the IATTC Convention would assist in the IATTC budget. The EU also put forward the idea of a separate budget for the AIDCP, funded by contributions from both governments and industry.

In the end, it was proposed that for the next meeting of the Panel a new budget paper should be prepared, to include an analysis of the costs of the program to resolve the fundamental problem regarding financing, and that this analysis should incorporate, among other elements, charges for the services of net alignment and trial sets, training fishing captains, issuing *dolphin safe* certificates, support from governments for the IATTC field offices, support provided by processing plants, and possible charges for the use of the *AIDCP dolphin safe* label. The analysis should bear in mind the importance of not undermining the effectiveness and efficiency of the IDCP.

It was noted that vessel fees must be paid to the Secretariat at the time a DML is requested or when a vessel without a DML requests an observer for the first departure of the year.

The Panel confirmed its previous decision that, for budgetary reasons, all its meetings would be held in La Jolla.

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

The Secretariat presented information on dolphin mortality limits (DMLs) for 2002, through June 11.

Ninety full-year DMLs were issued for 2002, of which a total of 73 have been utilized. The average DML assigned to each vessel was 53.8 dolphins, and the average mortality per vessel was 7.84 dolphins.

Twelve vessels received *force majeure* exemptions pursuant to the AIDCP.

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

The Secretariat explained that this item had been added to the agenda at the request of Venezuela, one of whose vessels did not present the request for a *force majeure* exemption within the time frame established in the Agreement, for reasons beyond its control. Venezuela was not present, and so no further details were available.

After discussing the case, the Panel agreed not to grant the *force majeure* exemption to the vessel in question, noting and confirming the decision taken at its previous meeting that the deadlines established in the Agreement be followed.

8. Review of list of qualified captains

The Secretariat presented information on the List of Qualified Captains showing that, during the 29th meeting of the IRP, one captain had been removed from the List and six had been added. Since that meeting three more captains had been added and none had been reinstated. Currently, one captain is eligible to be reinstated and five are eligible to be added.

The Panel agreed to add these five captains to the List and to reinstate the one eligible captain. It confirmed that the criteria used 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 Secretariat presented a proposal for extensive revisions to the document which is the subject of this agenda item, and after a thorough discussion and additional modification, the Panel agreed to recommend that the Meeting of the Parties approve the new document, entitled *Procedures for Maintaining the AIDCP List of Qualified Captains* (Appendix 2).

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

The United States reminded the Panel of its proposal for determining a pattern of violations presented during the 29th meeting of the IRP in February 2002, and this was analyzed by the Panel. No agreement could be reached on this proposal, and Mexico and the United States agreed to work together with a view to resolving this matter at the next meeting of the Panel.

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

This issue was once again discussed by the Panel, but no agreement was reached.

The European Union presented a proposal, which received considerable support, but was not fully agreed. The Panel decided to forward the proposal to the Meeting of the Parties for consideration (Appendix 3).

12. Legal requirements for observer data

Mexico presented again its proposal that included the forms that meet the essential requirements of Mexican legal procedures. The Panel approved a text to be presented as a point of agreement for consideration at the Meeting of the Parties (Appendix 4).

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

Dr. Allen explained the work that has been taking place among the data editors of the different components of the On-Board Observer Program. It was noted that a full analysis comparing the results of the various components of the Program is best done on an annual basis, and that the resulting comparison would be presented at the next meeting of the IRP.

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

The Secretariat presented Document IRP-30-14, in which technical guidelines for avoiding high mortality in sets on large herds of dolphins were proposed.

After analysing and assessing the proposals, the Panel recommended that the Meeting of the Parties adopt the guidelines as drafted (Appendix 5), and further recommended that the guidelines be incorporated as an element of captain training.

The Ocean Conservancy recommended that a study be undertaken to see if useful guidelines could be recommended for avoiding separating dolphin calves from their mothers during the fishing operation, and this was agreed by the Panel.

15. Procedures for dealing with special problem sets

Dr. Allen presented Document IRP-30-15, which proposes procedures for dealing with sets in which high mortality occurs, due to circumstances beyond the control of the fishing captain, but there is no infraction. The Panel approved the proposed procedures, with slight modifications, as its criteria for dealing with such sets (Appendix 6).

16. Classification of vessels

Dr. Allen explained Document IRP-30-16 on the classification of vessels required by the AIDCP to carry observers. After a long discussion 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, and this information will be reviewed with the collaboration of Ecuador and the fishing industry. It was agreed that, following this review, an independent procedure for validating the information on well volume will be developed and implemented.

The Secretariat was asked to prepare for consideration at the next meeting of the Panel, a draft amendment of the AIDCP 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 of vessel classification using different cutoff points, taking into consideration small vessels capable of fishing on dolphins.

Ecuador sought a decision from the Panel regarding a vessel which had previously been classified as of less than 363 metric tons carrying capacity, but which had recently unloaded more than 363 metric tons and was being required to carry an observer. The Panel decided that if the Secretariat discovered a discrepancy between the capacity of a vessel reported by a Party and the apparent capacity based on unloading records that affected the inclusion of the vessel in the IDCP, it should inform the Party concerned of the case.

17. Method of calculating vessel assessments

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

18. Process for implementing Stock Mortality Limits (SMLs)

Dr. Allen presented Document IRP-30-17, which proposes procedures for implementing Stock Mortality Limits (SMLs). After analyzing the document, the Panel approved it with one modification and forwarded it to the Meeting of the Parties for consideration (Appendix 7).

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

This subject was placed on the agenda at the request of Venezuela, which was not present for the discussion. The Secretariat explained its understanding of the issue, which is that observers may not be reporting correctly on the use of explosives, which are prohibited by the AIDCP, because of confusion with underwater flares, which are permitted. The Secretariat explained that the observers were well trained in detecting the different effects of explosives and flares. However, there are cases in which the observers are uncertain; in these cases, they are instructed not to report explosives.

The Panel agreed to postpone further consideration of this issue until the next meeting of the IRP in order to provide Venezuela with the opportunity to present a proposal in writing and to be present to discuss its concerns.

19. Review of observer data

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

Ecuador presented a report on the case of the Colombian flag vessel *El Dorado*, which was captured by Ecuadorean authorities while fishing illegally in waters around the Galapagos Islands. Among other illegal activities, the vessel, which of less than 363 metric tons carrying capacity, does not have a DML, and does not carry an observer, was found with dolphins in its net. The Panel asked Colombia to investigate the possible illegal activities of this vessel, to take legal action against it if appropriate, and to report back to the Panel at its next meeting on the status of the case. Colombia advised the Panel that it would undertake appropriate action, consistent with the AIDCP and international law.

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

The Secretariat presented tables (Appendix 8) detailing the responses received from the Parties in cases of possible infractions identified by the previous three meetings of the IRP of: observer interference, use of explosives, night sets, fishing on dolphins without a DML, fishing on dolphins after the DML has been reached, and fishing without an observer

The Ocean Conservancy requested, and the Panel agreed, that at future meetings of the Panel the Secretariat would present tables summarizing the responses to all major possible infractions identified by the Panel from the beginning of the implementation of the AIDCP, on January 1, 2000, until the present time. This report should include information on the nature of any sanctions imposed by governments, if known.

The Parties were encouraged to continue improving their levels of compliance with the Agreement through the investigation and sanction, if applicable, of the possible infractions identified by the Panel.

ii. Status review of special cases

It was agreed that the agendas of future meetings of the IRP will include those cases that merited the Panel's attention for subsequent analysis and to obtain further information regarding the results of their investigation.

The United States expressed its interest in receiving at the next meeting a report on the status of the case

of the *El Dorado*, and requested that the next Panel meeting should examine pending cases of smaller vessels setting on dolphins.

21. Report of the Permanent Working Group on Tuna Tracking

The Chair of the 10th meeting of the Permanent Working Group on Tuna Tracking presented her report on the meeting (Appendix 9), and the Panel agreed to forward to the Meeting of the Parties for consideration the proposal to modify Section 3 of the *System for Tracking and Verifying Tuna* (Appendix 10).

22. Recommendations for the Meeting of the Parties

The Panel agreed to recommend to the Meeting of the Parties approval of the following:

1. Procedures for maintaining the AIDCP List of Qualified Captains (Appendix 2)
2. Legal requirements for IATTC observers (Appendix 4)
3. Technical guidelines to prevent high mortality during sets on large dolphin herds (Appendix 5)
4. Procedures for dealing with special problem sets (Appendix 6)
5. Procedures for implementing Stock Mortality Limits (SMLs) (Appendix 7)
6. Modification of the System for Tracking and Verifying Tuna (Appendix 10).

23. Other business

Mexico informed the Panel of its intention of analyzing the method established for measuring the performance of vessels that governs the reallocation of DMLs, and to present for the Panel's consideration at its next meeting a document with technical criteria for evaluating the performance of vessels. It was noted that a method for measuring the performance of vessels had been presented to the IRP but had not been discussed in detail yet.

Also, Mexico asked that a study of night sets be carried out. The Panel considered that there are no reasons that justify such an analysis and confirmed the criteria agreed for dealing with night sets. Mexico indicated that it would carry out its own study on this matter, using the data collected by the observers of the various programs, including that of the IATTC, and at the appropriate time would present the results to the Panel.

24. Place and date of next meeting

The next meeting of the IRP will be held on 8-9 October 2002 in La Jolla, California (USA).

25. Adjournment

The meeting was adjourned on 21 June 2002.

Appendix 1.

**INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PROGRAMA INTERNACIONAL PARA LA CONSERVACIÓN DE LOS DELFINES**

**INTERNATIONAL REVIEW PANEL
PANEL INTERNACIONAL DE REVISION**

30th MEETING – 30^a REUNION

**June 19-20, 2002
Manzanillo, Mexico**

ATTENDEES - ASISTENTES

COLOMBIA

JAIME JIMENEZ
Ministerio de Comercio Exterior

ARMANDO HERNÁNDEZ
Cámara de la Industria Pesquera

COSTA RICA

**GEORGE HEIGOLD
ASDRÚBAL VÁSQUEZ**
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ECUADOR

**RAFAEL TRUJILLO BEJARANO
LUIS TORRES NAVARRETE**
Ministerio de Comercio Exterior, Industrialización y Pesca

EL SALVADOR

SONIA SALAVERRIA
Ministerio de Agricultura y Ganadería

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**ROBERTO CESARI
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MARTHA ESTRADA
MARIO AGUILAR
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CARLOS ABASCAL ANDRADE
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DAVID HOGAN
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ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG
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HECTOR LOPEZ
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INDUSTRIA ATUNERA -TUNA INDUSTRY

GABRIEL SARRÓ IPARRAGUIRRE

SECRETARIA – SECRETARIAT

ROBIN ALLEN, Director
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Appendix 2.

PROCEDURES FOR MAINTAINING THE AIDCP LIST OF QUALIFIED CAPTAINS

The IRP recommends that the Meeting of the Parties adopt the following 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.e 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 3.

PROCEDURES TO DETER FRIVOLOUS REQUESTS FOR DMLs

The IRP recommends that the Meeting of the Parties adopt the following procedures to deter frivolous requests for DML. This would require a modification of subparagraph 1 of Section II (Utilization of DMLs) of Annex IV (Dolphin Mortality Limits – DMLs -) of the AIDCP.

1. In order to have its DML renewed, each vessel will have to have made, in the year prior to the year in which the vessel is applying for a DML, at least 5% of its total sets on dolphins and have an average catch of at least three tons of yellowfin in these sets. Otherwise it will not receive a DML, unless there are reasons of *force majeure*, as agreed pursuant to Annex IV of the AIDCP, that prevented it from complying with the foregoing requirements.
2. Vessels that did not have a DML in a given year, may request one for the following year in accordance with the established criteria. Maintaining the DML, for subsequent years, shall be governed by the provisions of paragraph 1 above.
3. The effects of these procedures shall be reviewed annually with a view to modifying them if this is deemed advisable.
4. This resolution shall apply from the year 2004 and the first DMLs that shall be issued pursuant to this proposal shall be those for the year 2005.

Appendix 4.

RECOMMENDATION ON LEGAL REQUIREMENTS FOR OBSERVERS

The IRP recommends that the Meeting of the Parties adopt the following legal requirements for IATTC 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 IRP recommends that the Meeting of the Parties adopt the following 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.
 - i. **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.
 - i. **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.
 - ii. **During pursuing and/or net roll**
 - i. Throughout pursuing 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 pursuing 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 pursuing 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 watercraft¹ (Waverunner or similar), this should be manned and in the water during net roll.

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.

- 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.

iii. **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.

iv. **During backdown**

- i. 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.

v. **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)

The IRP recommends that the Meeting of the Parties adopt the following procedures for implementing Stock Mortality Limits:

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.

RESPUESTAS A SEIS TIPOS DE INFRACCIONES IDENTIFICADAS DURANTE LAS REUNIONES 27, 28 Y 29 DEL PIR
RESPONSES FOR SIX TYPES OF POSSIBLE INFRINGEMENTS IDENTIFIED AT THE 27TH, 28TH, AND 29TH MEETINGS OF THE IRP

	No. de casos	Sin respuesta	Respuestas										Total
			Bajo investigación		No hubo infracción		Infracción: sin sanción		Infracción: aviso		Infracción: sanción ¹		
	No. of cases	No response	Responses										Total
			Under investigation		No infraction		Infraction: no sanction		Infraction: warning		Infraction: sanction ¹		
OBSINT: HOSTIGAMIENTO AL OBSERVADOR – OBSERVER HARASSMENT													
BLZ ²	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BOL	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0
COL	3	3 (100%)	0	-	0	-	0	-	0	-	0	-	0
MEX	2	0	1 (50%)	1 (50%)	1 (50%)	0	-	0	-	0	-	0	2 (100%)
SLV	1	0	1 (100%)	0	-	0	-	0	-	0	-	0	1 (100%)
Total³	7	4 (57%)	2 (29%)	1 (14%)	1 (14%)	0	-	0	-	0	-	0	3 (43%)
EXPL: USO DE EXPLOSIVOS – USE OF EXPLOSIVES													
COL	2	2 (100%)	0	-	0	-	0	-	0	-	0	-	0
ECU	1	0	0	-	0	-	1 (100%)	0	-	0	-	0	1 (100%)
MEX	9	0	1 (100%)	0	-	0	-	0	-	0	-	0	9 (100%)
VEN	97	31 (32%)	51 (53%)	0	-	0	-	0	-	0	-	15 (15%)	66 (68%)
Total:	109	33 (30%)	60 (55%)	0	-	1 (1%)	0	-	0	-	15 (14%)	76 (70%)	
NIGHT: LANCES NOCTURNOS – NIGHT SETS													
COL	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0
MEX	15	5 (33%)	5 (33%)	0	-	0	-	0	-	0	-	0	10 (67%)
PAN	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0
VEN	48	26 (54%)	22 (46%)	0	-	0	-	0	-	0	-	0	22 (46%)
Total	65	33 (51%)	27 (42%)	5 (8%)	0	-	0	-	0	-	0	-	32 (49%)
NOOBS: PESCAR SIN OBSERVADOR – FISHING WITHOUT AN OBSERVER													
UNK ²	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
VUT	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BOL	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0
Total	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0
AFTERDML: LANCES SOBRE DELFINES DESPUES DE ALCANZAR EL LMD – SETS ON DOLPHINS AFTER REACHING DML													
COL	97	49 (51%)	0	-	40 (41%)	0	-	0	-	8 (8%)	48 (49%)	0	-
VEN	9	0	9 (100%)	0	-	0	-	0	-	0	-	0	9 (100%)
Total	106	49 (46%)	9 (8%)	40 (38%)	0	-	0	-	0	-	8 (8%)	57 (54%)	
NODML: PESCAR SOBRE DELFINES SIN LMD – FISHING ON DOLPHINS WITHOUT A DML													
BOL	6	6 (100%)	0	-	0	-	0	-	0	-	0	-	0
ECU	1	1 (100%)	0	-	0	-	0	-	0	-	0	-	0
VUT	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	7	7 (100%)	0	-	0	-	0	-	0	-	0	-	0

¹ Una sanción fue o será aplicada – Sanction was or will be applied

² Se notifica a las no Partes, pero no se solicita respuesta – Non-Parties are advised, but no response is requested

³ Los totales no incluyen casos de no Partes, si procede – Totals do not include cases involving non-Parties, if applicable

Appendix 9.

PERMANENT WORKING GROUP ON TUNA TRACKING

10TH MEETING

REPORT TO THE IRP

Section 4, paragraph 6 of the minutes of the 9th meeting of the Working Group were corrected to reflect that action proposals must be submitted to the IRP for approval before being forwarded to the Meeting of the Parties. The minutes were approved as corrected.

The Secretariat distributed a list of those countries who have and have not submitted tuna tracking plans to the Secretariat. Two new plans have been received, from Guatemala and Peru.

After extensive discussion and some re-drafting, a proposal to modify the System for Tuna Tracking and Verification regarding fishing outside the Agreement Area is herewith presented to the IRP for approval and forwarding to the Meeting of the Parties.

A report on the number and percentage by country of original TTFs received by the Secretariat was distributed. This report showed that several countries are having difficulty submitting original TTFs to the Secretariat. A second report showing the total number of TTFs received (both copies and originals) showed that the Secretariat is receiving TTFs for almost all fishing trips.

Dr. Allen reported on the Certification System and outlined some common mistakes that the Secretariat is seeing in comparing dolphin-safe certificates against TTFs. After discussion, it was decided that the Secretariat with the assistance of a representative of Ecuador, will prepare guidelines for Parties to use in preparing certificates.

It was also agreed that when the Secretariat determines that a specific certificate is invalid, the involved Party will be notified as soon as possible. If the problem is not solved the Secretariat shall notify the Parties that an invalid certificate may have been issued and report the matter to the Working Group for consideration at its next meeting.

There was a discussion of the prospects for a public relations trip to Europe in the near future. Some delegations wanted this trip to take place no later than September, while others felt that some careful planning and consideration should occur before any dates are set. A committee composed of Colombia, Costa Rica, Mexico, the U.S. met following the Working Group meeting to discuss the prospects for such a trip. The Secretariat agreed to prepare a short document summarizing the purposes, the travel plans, and the mechanisms for organizing the promotional trip. It was also agreed that the Secretariat of the AIDCP would provide support in the case that a country or countries decided to make a visit, individually or collectively.

Although the specific date was not set, the next meeting of the Working Group will take place one day before the next meeting of the IRP.

Appendix 10.

RECOMMENDATION ON THE SYSTEM FOR TRACKING AND VERIFYING TUNA TUNA CAUGHT OUTSIDE THE AGREEMENT AREA

The International Review Panel recommends adding the following 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.”

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

INTERNATIONAL REVIEW PANEL

30TH MEETING

MANZANILLO (MEXICO)
JUNE 19-20, 2002

DOCUMENT IRP-30-06

ESTIMATED BUDGET DEFICIT FOR 2002

At the 27th meeting of the IRP in June 2001, the Secretariat indicated that the current level of vessel assessments will not be enough to cover the costs related to the AIDCP for 2002, and proposed an increase in these assessments to US\$13.60 per cubic meter of well volume. The IRP did not support the proposed increase.

At its 5th meeting, held in August 2001, the IATTC Working Group on Finance addressed the shortfall in the IATTC general budget and was advised of the expected deficit related to the AIDCP program. The Working Group agreed that the IATTC should pay no more than 30% of the costs associated with the AIDCP On-Board Observer Program for vessels of member states. Accordingly, the assessments for vessels of non-member states would be correspondingly higher.

At the Meeting of the Parties to the AIDCP in October 2001, it was decided that some of the information relating to costs be broken down into finer detail for discussion at the next meeting of the IRP.

At the 29th meeting of the IRP the Secretariat presented Document IRP-29-13, outlining several options for reducing costs that would mitigate the shortfalls in the budget of the AIDCP. At this time it was noted that none of these options would cover the shortfall, and without additional income the only solution would be to stop placing observers on vessels at some point during the year. The Panel decided to consider this issue again at its next meeting.

Table 1 shows the estimated costs and revenue for the IDCP for the years 2001 to 2004. The estimates assume that inflation will increase general costs and salaries by 2% and exclude the IATTC's portion of the costs and funding.

Table 2 shows details of anticipated IDCP costs and funds received to date for the IDCP in 2002. The funds will run out in October (a 2.25 month shortfall). If all assessments currently owed but not yet paid are received before that date, the funds will run out in November (a 1.27 month shortfall).

Even if the outstanding balance is paid, there is still an expected deficit of \$257,963 for 2002. If all vessels over 363 mt capacity participated in the IDCP, as assumed in the budget, the deficit would be \$33,484.

The Secretariat proposes three alternatives:

- a) Increase vessel assessments to US\$13.60/m³ for vessels of IATTC member states and US\$19.43/m³ for vessels of other states; or
- b) Provide direct funding for the IDCP from the Parties to the Agreement; or
- c) Discontinue placement of observers and other services provided by the Secretariat in any year upon depletion of IDCP funds.

The Secretariat proposes that the Panel determine which of the above options would best meet the financial needs of the AIDCP, and recommend that option to the Meeting of the Parties.

TABLE 1. IDCP: Allocation of costs, 2001-2004.

TABLA 1. PICD: Distribución de costos, 2001-2004.

(US\$)	2001 (estimated— estimados)	2002	2003	2004
		(projected—proyectados)		
COSTS-COSTOS:				
Covered at 70% or -Cubiertos al 70%				
Gross costs-Costo bruto:				
Observers (wages, travel, equipment) Observadores (sueldos, viajes, equipo)	\$1,202,472	\$1,226,522	\$1,251,052	\$1,276,073
IATTC staff (part) Personal de la CIAT (porción)	548,459	632,395	650,420	697,151
IATTC field office staff and facilities (part) Personal e instalaciones de las oficinas regionales de la CIAT (porción)	174,012	177,492	181,042	151,642
Contract services for data entry Servicios por contrato para ingreso de datos	17,662	18,015	18,376	18,743
Training courses Cursos de entrenamiento	5,474	5,583	5,695	5,809
Subtotal	\$1,948,079	\$2,060,007	\$2,106,585	\$2,149,419
70% of/del subtotal	1,363,655	1,442,005	1,474,609	1,504,593
Covered at 100%-Cubiertos al 100%				
AIDCP Certification Costs	0	20,000	5,000	5,000
Trial Sets	10,319	10,525	10,736	10,951
IATTC administration (part) Administración CIAT (porción)	277,753	291,385	302,948	320,204
Meetings of Parties and IRP Reuniones de las Partes y del PIR	40,242	65,000	41,868	42,705
TOTAL	\$1,691,969	\$1,828,915	\$1,835,161	\$1,883,452
Total vessel assessments paid Total de cuotas de buques pagadas	1,316,640	1,795,431	1,600,655	1,600,655
Surplus (deficit) – Superávit (déficit)	(375,329)	(33,484)	(234,506)	(282,797)

TABLE 2. IDCP: Projected shortfall, 2002.

TABLA 2. PICD: Déficit proyectado, 2002.

(US\$)	2001 (actual— reales)	2002		
		(estimated— estimados)	(projected—proyectados)	
			with cash received— con dinero recibido	with amounts owed—con fondos debidos
EXPENDITURE-GASTOS:				
IATTC Observer Program—Programa observadores CIAT	584,424	618,002	618,002	618,002
AIDCP Observer Program—Programa observadores APICD	1,363,655	1,442,005	1,442,005	1,442,005
Other costs (meetings, etc.)—Otros gastos (reuniones, etc.)	328,314	386,910	386,910	386,910
TOTAL	2,276,393	2,446,917	2,446,917	2,446,917
Average monthly cost—Costo mensual medio			203,910	
INCOME-INGRESOS:				
Vessel assessments—Cuotas de buques	1,316,640	1,795,431	1,371,074	1,570,952
IATTC Observer Program contribution—Contribución CIAT al programa de observadores	584,424	618,002	618,002	618,002
TOTAL	1,901,064	2,413,433	1,989,076	2,188,954
Surplus (deficit) – Superávit (déficit)	(375,329)	(33,484)	(457,841)	(257,963)
Unfunded months—Meses sin fondos			(2.25)	(1.27)

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

INTERNATIONAL REVIEW PANEL

30TH MEETING

MANZANILLO (MEXICO)
JUNE 19-20, 2002

DOCUMENT IRP-30-09

**PROCEDURES FOR MAINTAINING THE AIDCP LIST OF QUALIFIED
CAPTAINS**

This document was prepared at the request of the 29th meeting of the IRP, which asked the Secretariat to revise and update the *System for training and identification of fishing captains qualified to fish on vessels under the AIDCP*, adopted by the Parties in October 1998 for discussion by the Panel and eventual approval by the Meeting of the Parties.

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. 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 in the fishery for tuna 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.

4. REMOVAL OF CAPTAINS FROM THE LIST

A captain shall be removed from the List if he:

1. Makes an intentional set on dolphins on a vessel that had reached its DML, as agreed by the relevant Party;
2. Makes an intentional set on dolphins on a vessel without a DML, as agreed by the relevant Party;

3. Serves as fishing captain on a vessel required by the AIDCP to carry an observer without an observer aboard, as agreed by the relevant Party;
4. Serves 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 Joint Working Group on Fishing by Non-Parties;
5. Commits one of the following infractions, with which the relevant Party concurs: obstructing, intimidating, interfering with, influencing, bribing, or attempting to bribe an observer in the course of his duties;
6. Commits infractions, with which the relevant Party concurs, which are determined by the IRP to form a pattern and are accepted as such by the Meeting of the Parties;
7. Commits an infraction, with which the relevant Party concurs, pursuant to Annex IV (III) 4.g of the AIDCP, relating to the use of explosives. 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 fishing trip ends.

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 to do so would further 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 more than one year been responsible for a vessel utilizing, and exceeding, its entire DML for the year.

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 4.7 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.

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

INTERNATIONAL REVIEW PANEL

30TH MEETING

MANZANILLO (MEXICO)
JUNE 19-20, 2002

DOCUMENT IRP-30-14

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

Encircling large herds of dolphins adds an additional risk factor to dolphin sets, and fishing captains must be aware that sets on large herds can result in disproportionately high dolphin mortality. Sets on herds of more than 3,000 dolphins comprise less than 0.2% of the total number of sets and catch of yellowfin tuna, but result in 16% of the mortalities, while sets on herds of more than 2,000 dolphins comprise less than 3% of the total number of sets and catch of yellowfin tuna, but result in over 20% of the mortalities (see Document IRP-29-14). This means that if captains avoided making sets on herds of 2,000 dolphins or more, and those sets were not replaced by sets on smaller herds, dolphin mortality would be reduced by 20%, while catches would be reduced by only 3%. If they were replaced by other sets, the reductions would not be as high. Setting on large herds should particularly be avoided when other risk factors are present, such as spinner or common dolphins in the herd and difficult environmental conditions (currents, wind, sea state) that can lead to a net collapse or gear malfunctions..

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

1. 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.
2. In the event a large number of dolphins are encircled, captains should be particularly diligent in following these guidelines for avoiding potential dolphin mortality.
 - b. 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.

c. 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 watercraft¹ (*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.

d. 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.

e. During backdown

- i. 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.

f. 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.)

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.

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

INTERNATIONAL REVIEW PANEL

30TH MEETING

MANZANILLO (MEXICO)
JUNE 19-20, 2002

DOCUMENT IRP-30-15

PROCEDURES FOR DEALING WITH SPECIAL PROBLEM SETS

At its 29th meeting, the IRP asked the Secretariat to draft procedures for recognizing and dealing with sets with high mortality of dolphins (special problem sets) under the AIDCP. The proposals in this document are based on the procedures adopted under the 1992 La Jolla Agreement.

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 such representations to the IRP as it wishes.
- d. For the purposes of making its determination, the IRP shall not 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.

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).

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30TH MEETING

MANZANILLO (MEXICO)
JUNE 19-20, 2002

DOCUMENT IRP-30-16 (REVISED¹)

**CLASSIFICATION OF VESSELS REQUIRED BY THE AIDCP TO CARRY
OBSERVERS**

At the 29th meeting of the IRP the Secretariat was asked to outline the issues concerning the classification of vessels in respect of the requirement of Annex II of the AIDCP that vessels with a carrying capacity of more than 363 mt should carry an observer. Vessel assessments are now based on well volume, in cubic meters (m³), but the requirement to carry an observer is still based on carrying capacity, in metric tons (mt).

The issue arose following the unloading of 390 mt of tuna by a vessel that previously had been classified as having a carrying capacity of less than 363 mt. The Secretariat proposed to the interested states that the vessel should be classified as having a carrying capacity of more than 363 mt. The vessel's wells were subsequently measured by a Party government and found to have a volume of 486 m³, and the vessel will now carry an observer.

In a similar case, another vessel with a well volume of 490 m³ had been classified by one Party as having a carrying capacity of more than 363 mt, but after changing flags to another Party was classified as less than 363 mt on the basis of a lower packing density for fish.

This situation is further illustrated by the discrepancies in well volume in m³ and current estimated carrying capacity in mt for the following sample list of purse-seine vessels from the IATTC Regional Vessel Register:

Vessel	m ³	mt	Vessel	m ³	mt	Vessel	m ³	mt
1	374	280	7	459	206	13	511	600
2	381	359	8	490	350	14	543	601
3	382	329	9	490	350	15	552	590
4	390	347	10	490	360	16	584	517
5	412	297	11	495	624	17	586	555
6	423	339	12	497	601	18	591	505

The relationship between the two values for these vessels is shown in Figure 1.

Under the AIDCP, DMLs are assigned only to vessels with a carrying capacity of more than 363 mt; smaller vessels are prohibited from setting on dolphins and are not required to carry an observer. The cutoff point of 363 mt was intended to separate vessels which were large enough to set on dolphins from those which are not, and was based on the IATTC staff's system of classifying vessels devised originally for categorizing catch statistics. A vessel's ability to fish on dolphins is not just a matter of its size but also of its equipment, in particular the number of speedboats and the type of net.

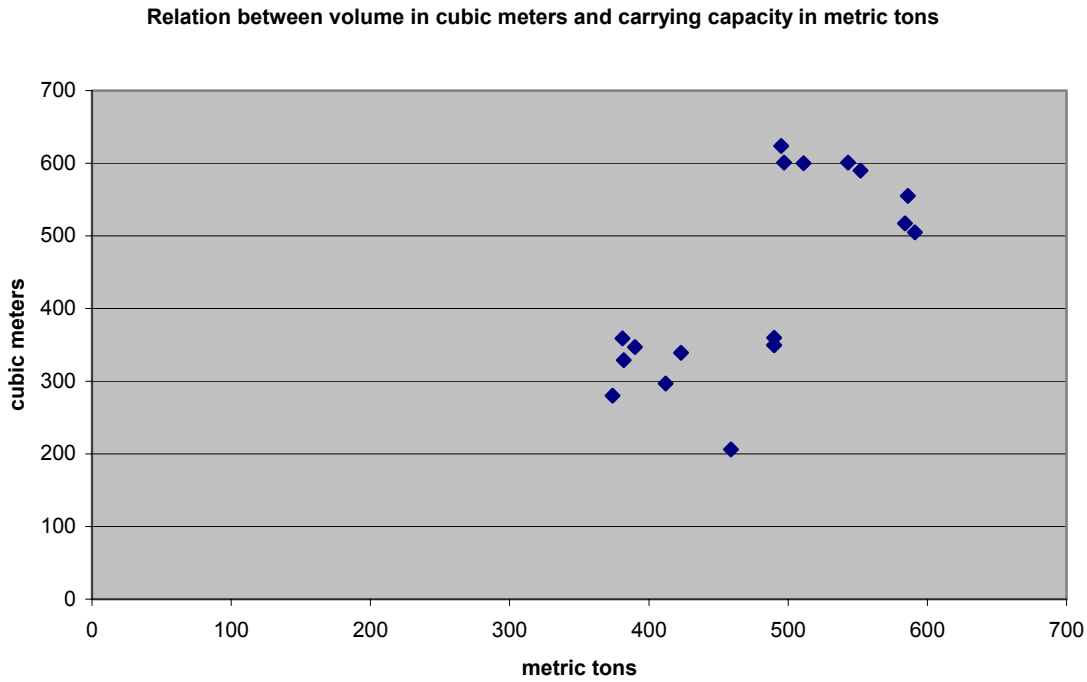
Well volume is an objective, unvarying and easily determined value, and thus a fairer criterion for requiring a vessel to carry an observer and be eligible for a DML than the subjective measure of carrying

¹ The legends on the axes of the figure were reversed in the document presented at the meeting

capacity, and would also have the merit of using the same measure as the basis for vessel assessments and for determining whether an observer need be carried.

If this proposal was to be implemented it would be necessary to choose an appropriate cutoff level of well volume, in m³, and to amend Annexes II, IV and VIII of the AIDCP.

Figure 1.



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JUNE 19-20, 2002

DOCUMENT IRP-30-17

**PROCEDURES FOR IMPLEMENTING STOCK MORTALITY LIMITS
(SMLs)**

Article V of the AIDCP requires the Parties to establish a per-stock, per-year dolphin mortality cap (called Stock Mortality Limit, SML) for each stock of dolphins covered by the Agreement. Annex 3 states that in 2001 and thereafter, the SML shall be 0.1% of the minimum estimated abundance (N_{min}) of each stock. Beginning in 2001, in the event that annual mortality of 0.1% of N_{min} is exceeded for any stock of dolphins, the AIDCP requires that all sets on that stock and on any mixed herds containing members of that stock shall cease for that year.

The AIDCP also requires the Parties to establish a system, based on real-time observer reporting, to ensure effective implementation and compliance with 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 reports from only about 50% of vessels. 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.

It should be noted that extrapolations can be inaccurate, and would be unnecessary if all vessels complied with the weekly reporting requirement. In any case, while a real-time reporting system has been established, no procedures have been established for implementing any restrictive measures necessary to ensure that the SMLs are not exceeded. The Secretariat therefore proposes the following procedures for consideration by the Parties:

PROCEDURES FOR IMPLEMENTING AND MONITORING STOCK MORTALITY LIMITS

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, and may be provided to vessel owners and operators upon request.

4. If the estimated total mortality for any of the seven stocks reaches 80% 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 LMS 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.
8. The Secretariat may provide, upon request, information to vessel owners and operators regarding estimated dolphin mortality levels for the pertinent national fleet and for the entire international fleet.