

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

18TH MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)
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**AMENDMENT OF PROVISION ADDRESSING FRIVOLOUS REQUESTS
FOR DMLs (ANNEX IV.I.9)**

During their 17th Meeting, the Parties discussed whether there was any longer a need for the provision in the AIDCP, Annex IV.I.9, concerning frivolous requests. The reason for establishing this provision was to protect the Parties against the possibility that vessels would request DMLs with no real intention of utilizing them, which would have a negative impact upon the distribution of DMLs to vessels that actually set on dolphins. In practice there have not been any such 'frivolous' requests, but a number of vessels have, for various reasons, not fulfilled the requirements of Annex IV.I.9. Consequently, every year the Parties have had to discuss each individual case arising that year in order to decide whether a *force majeure* exemption should be granted, so that the vessel in question could be eligible for another DML. To date, the Parties have granted every request for exemption for vessels identified pursuant to Annex IV.I.9.

In light of this history, the 17th Meeting of the Parties considered the possibility of eliminating this provision from the Agreement, and asked the Secretariat to prepare a draft amendment and present it to the Parties for their consideration.

Annex IV.I.9 reads as follows:

“9. No DML shall be assigned to a vessel unless, in the last year that it had a DML prior to the year in which it is applying for a DML, at least 5 percent of the total number of the sets made by the vessel were on dolphins, and the average catch of yellowfin in its sets on dolphins was at least three metric tons per set. Otherwise, the vessel cannot receive a DML in the following year, unless there are reasons of *force majeure*, as agreed pursuant to Annex IV of this Agreement, that prevented it from complying with these requirements. A vessel applying for a DML for the first time shall not be subject to this provision.”

If the Parties believe that this provision of the Agreement is no longer needed, the best approach would be to simply delete this paragraph. The Secretariat could continue to report to the Parties on vessels that fail to meet the criteria elaborated in the paragraph, so that the situation could be monitored, but no action would be taken with respect to DMLs. Such a monitoring function could be recorded in the minutes of the Meeting of the Parties.