

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

48th MEETING

LA JOLLA, CALIFORNIA (USA)
29 OCTOBER 2009

DOCUMENT IRP 48-12

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

Paragraph 6 of [Resolution A-02-03](#) on the definition of a pattern of infractions states that the IRP shall review annually its effectiveness in enhancing compliance with the Agreement. Enhanced compliance with the AIDCP would be reflected by a reduction in the frequency of major infractions (Appendix) after the entry into force of the resolution on 11 October 2002.

The table below shows, for trips that started before and after that date, the frequencies of possible major infractions identified by the IRP and of major infractions confirmed by Parties. The infractions (see appendix) are grouped into three categories: 1) explosive use (no. 8), a set infraction; 2) other set infractions (nos. 4, 5, 9 and 10); and 3) trip infractions (nos. 1, 2, 6, 7 and 11). All explosive-use infractions were included in the analysis, although it was categorized as an “other” infraction before July 20, 2001.

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

		No. sets	Sets with explosive use		Sets with other major infractions		No. trips	Trips with major infractions	
			No.	%	No.	%		No.	%
01 Jan 00 – 10 Oct 02	Possible	28.932	400	1.4	140	0.5	1.980	189	9.5
	Confirmed		233	0.8	33	0.1		91	4.6
11 Oct 02 – 01 Oct 09	Possible	69.439	61	<0.1	56	<0.1	5.030	128	2.5
	Confirmed		9	<0.1	9	<0.1		29	0.6

1. Possible infractions identified by the IRP

16 IRP meetings have reviewed possible infractions from trips affected by the resolution. At the first three and latest two, the Panel did not identify any explosive-use infractions among the 19,628 sets reviewed, and at the other 11 meetings, it identified 61 such possible infractions; this represents less than 0.1% of the sets reviewed since the effective date of the resolution, as compared to 1.4% prior to that date.

The frequency of other possible major set infractions has decreased by 80% from 0.5% to less than 0.1% of sets, and the frequency of trips with possible major trip infractions has decreased by 74%, from 9.5% to 2.5% of trips. Of the possible major trip infractions that have occurred since the resolution came into force, 50% occurred on trips by vessels with DMLs with an unqualified fishing captain, and the majority of those occurred prior to the Parties' decision on October 11, 2003, to not place observers on such vessels.

The magnitude of the reduction in possible major infractions since the entry into force of the resolution suggests that it has been effective.

2. Responses by Parties

The responses to date to the 257 possible major infractions identified by the Panel at its last 16 meetings are as follows:

	No.	%
Confirmed	49	19
No infraction	98	38
Under investigation	89	35
No response	21	8

3. Vessels at risk of developing a pattern of infractions

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

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

The 7 vessels in the table below currently have two or more major possible infractions pending under paragraphs 1.a and/or 1.b of the Resolution. These vessels have been notified of their risk of developing a pattern of infractions.

Vessel	Infractions specified in Resolution A-02-03			
	1.a Ident.	1.b Ident.	1.a Conf.	1.b Conf.
A	2	0	0	-
B	3	0	0	-
C	4	0	0	-
D	2	0	2	-
E	6	0	0	-
F	3	0	0	-
G	3	1	0	0

Anexo – Appendix.

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

INFRACCIONES – INFRACTIONS¹

JUN 2003

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

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

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