

# AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

## 10<sup>TH</sup> MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)  
11 OCTOBER 2003

### DOCUMENT MOP-10-05

#### AMENDMENT TO THE AIDCP REGARDING FRIVOLOUS REQUESTS FOR DMLs

A proposal on procedures to deter frivolous requests for DMLs was agreed at the 32<sup>nd</sup> meeting of the IRP in February 2003, and the Secretariat was asked to format the proposal as a modification of Annex IV of the AIDCP. The Secretariat's proposal was presented to the 9<sup>th</sup> Meeting of the Parties in June 2003.

During the discussion of the proposed amendment Ecuador expressed its concern that, as drafted, the amendment could be interpreted to mean that only vessels with DMLs in the year prior to the year in which they were applying for a DML would be eligible to receive a DML. The meeting acknowledged that this was not the intent of the proposal, and asked the Secretariat to look into the matter and, if necessary, bring a revised proposal to the next Meeting of the Parties.

The Secretariat believes that the following revised proposal addresses the concern expressed by Ecuador.

The proposed amendment is to add the following new paragraph 8 to Section I of Annex IV, re-numbering the subsequent paragraphs accordingly:

“8. 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, unless there are reasons of *force majeure*, as agreed pursuant to Annex IV of the AIDCP, 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.”

The Secretariat believes that the minutes of this 10<sup>th</sup> Meeting of the Parties should reflect the following three agreed points:

- a. This procedure shall apply beginning with DML requests made in 2004 and the first DMLs that shall be subject to this proposal shall be those for 2005.
- b. Only vessels with DMLs in 2004 and thereafter shall be subject to this procedure.
- c. These procedures to deter frivolous requests for DMLs shall be reviewed annually, and modified if deemed advisable.

In the view of the Secretariat, it is more appropriate to include these points in the minutes rather than in the Agreement itself.