

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

35TH MEETING

LA JOLLA, CALIFORNIA (USA)
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DMLs FROM THE RESERVE DML ALLOCATION

This document was prepared following a request by one of the parties to the AIDCP for an explanation of the use of the Reserve DML Allocation (RDA) in assigning DMLs to vessels pursuant to the Agreement.

Paragraph 7 of Annex IV of the AIDCP establishes that a portion of “the overall DML for the fishery shall be maintained as a separate Reserve DML Allocation (RDA), to be managed at the discretion of the Director”. DMLs from this reserve may be requested by Parties for vessels that “do not normally fish for tuna in the Agreement Area but which may, from time to time, desire to participate in the fishery in the Agreement Area on a limited basis, provided that such vessels and their captains and crews meet the operational and training requirements set forth in Annex VIII ... and that the requirements set forth in [Annex IV, paragraphs 3 and 4] are met.”

Peru and Panama requested, and were granted, DMLs for 2003 from the RDA for vessels that were not able to apply for a DML within the time frame established in the AIDCP. The [minutes of the 32nd meeting of the IRP](#) make it clear that several delegations thought at the time that these cases did not really fit with the concept of the RDA, but they were sympathetic to trying to help the vessels needing DMLs. During the course of the discussion, the Director agreed that there was not really a good fit, and observed that the Annex IV (I) 6 could be amended to give more flexibility to the use of the RDA. Some delegations stated their reluctance to amend Annex IV for this purpose, and said that there was sufficient flexibility to allow the Director to consider the two cases at hand.

For 2004 two DMLs from the RDA were assigned, one for a Nicaraguan vessel that would fish in the Agreement Area for the first time in 2004, and the other for a Peruvian vessel that was unable to request a DML before October 1 for reasons of *force majeure*. In both cases the governments concerned confirmed that the vessels were qualified. The Secretariat considered that these two cases were similar to the situations in 2003 that were determined to warrant DML assignments from the RDA.