

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

17TH MEETING OF THE PARTIES

CANCUN, MEXICO
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REVIEW OF THE IMPLEMENTATION OF ANNEX IV.I.9 REGARDING FRIVOLOUS REQUEST FOR DMLs

The 10th Meeting of the Parties in October 2003 adopted a provision, Annex IV.I.9 of the AIDCP, defining a frivolous request for a DML and establishing procedures aimed at deterring such requests. The procedures are to be reviewed annually and modified if deemed advisable.

Annex IV.I.9 reads as follows:

“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.”

In 2006, 103 vessels had full-year DMLs, there were no vessels with second-semester DMLs, and 2 vessels had DMLs from the Reserve DML Allocation (RDA). Of these 105 vessels, 11 do not meet the requirements of Annex IV.I.9 for receiving a DML in 2008:

- (a) two vessels made more than 5% of their sets on dolphins, but the average catch of yellowfin in each vessel's sets was less than three metric tons;
- (b) three vessels' average catch of yellowfin was over three metric tons per set on dolphins, but they made less than 5% of their sets on dolphins;
- (c) five vessels did not make at least 5% of their sets on dolphins, nor was the average catch of yellowfin in each of those vessels' sets at least three metric tons; and
- (d) one vessel did not fish at all during the year.

The 15th Meeting of the Parties recognized that vessels affected by the application of Annex IV.I.9 would not be able to receive DMLs unless their failure to meet the requirements of the Annex was due to reasons of *force majeure*, and that there are no procedures in the Agreement covering *force majeure* requests for this provision of the Annex. However, *force majeure* requests presented by Parties for vessels affected by this provision of the Agreement have been considered by the Parties in previous years, and in a number of cases it has been decided that such vessels were eligible for DMLs.