

# INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

## INTERNATIONAL REVIEW PANEL

### 37<sup>TH</sup> MEETING

LA JOLLA, CALIFORNIA (USA)

19 OCTOBER 2004

#### DOCUMENT IRP-37-14

### 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 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 infractions |      | No. trips | Trips with infractions |     |
|-----------------------|-----------|----------|-------------------------|------|-----------------------------|------|-----------|------------------------|-----|
|                       |           |          | No.                     | %    | No.                         | %    |           | No.                    | %   |
| 01 Jan 00 – 10 Oct 02 | Possible  | 28932    | 400                     | 1.4  | 139                         | 0.5  | 1980      | 189                    | 9.5 |
|                       | Confirmed |          | 215                     | 0.7  | 27                          | 0.1  |           | 84                     | 4.2 |
| 11 Oct 02 – 16 Sep 04 | Possible  | 19492    | 10                      | 0.1  | 11                          | 0.1  | 1214      | 63                     | 5.2 |
|                       | Confirmed |          | 2                       | <0.1 | 6                           | <0.1 |           | 16                     | 1.3 |

#### 1. Possible infractions identified by the IRP

Five IRP meetings have reviewed possible infractions from trips affected by the resolution. It was reported in Document IRP-34-14 that no explosive-use infraction had been identified among the 6,739 sets reviewed by the Panel during the first two meetings after the effective date of the resolution. In its three subsequent meetings, the Panel identified 10 possible explosive-use infractions; this represents only 0.1% of the sets reviewed since the effective date of the resolution, as compared to 1.4% prior to that date. As stated in Document IRP-34-14, the reduction of reported explosive use during the two periods is likely the result of the resolution and the penalty of mandatory suspension of a fishing captain from the AIDCP List of Qualified Captains for a confirmed explosive-use infraction.

The frequency of other possible major set infractions has decreased by 80%, from 0.5% to 0.1% of sets, and the frequency of possible major trip infractions has decreased by 45%, from 9.5% to 5.2% of trips. Of the possible major trip infractions that have occurred since the resolution came into force, 67% occurred on trips by vessels with DMLs whose fishing captains were not on the AIDCP List, 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. Infractions confirmed by Parties

Of the 84 possible major infractions identified by the Panel at its last five meetings, 24 have thus far been

confirmed and 7 have been determined to be no infraction.

### 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 23 vessels in the table below currently have two or more major possible infractions and infractions pending under paragraphs 1.a and/or 1.b of the Resolution. Vessel A has had 4 infractions confirmed by a Party and Vessel W has had 5 infractions confirmed by a Party. However, in each case all these infractions occurred in a single trip, so neither vessel is considered to have a pattern of infractions.

| Vessel | Possible major infractions as defined in the resolution |            |                |           |
|--------|---------------------------------------------------------|------------|----------------|-----------|
|        | 1.a Ident.                                              | 1.b Ident. | 1.a Conf.      | 1.b Conf. |
| A      | 11                                                      | 2          | 4 <sup>1</sup> | 0         |
| B      | 2                                                       | 0          | 0              | -         |
| C      | 0                                                       | 3          | -              | 0         |
| D      | 4                                                       | 1          | 0              | 1         |
| E      | 2                                                       | 0          | 0              | -         |
| F      | 2                                                       | 0          | 0              | -         |
| G      | 2                                                       | 0          | 2              | -         |
| H      | 4                                                       | 0          | 0              | -         |
| I      | 6                                                       | 0          | 0              | -         |
| J      | 2                                                       | 1          | 0              | 0         |
| K      | 3                                                       | 0          | 0              | -         |
| L      | 1                                                       | 1          | 0              | 1         |
| M      | 3                                                       | 0          | 0              | -         |
| N      | 0                                                       | 3          | -              | 1         |
| O      | 2                                                       | 0          | 2              | -         |
| P      | 2                                                       | 0          | 2              | -         |
| Q      | 2                                                       | 0          | 2              | -         |
| R      | 2                                                       | 0          | 0              | -         |
| S      | 2                                                       | 0          | 2              | -         |
| T      | 2                                                       | 0          | 0              | -         |
| U      | 2                                                       | 0          | 2              | -         |
| V      | 3                                                       | 0          | 1              | -         |
| W      | 5                                                       | 0          | 5 <sup>1</sup> | -         |

<sup>1</sup> Does not meet the definition of a pattern of infraction because the infractions occurred during one trip

**PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES -- INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**  
**INFRACCIONES – INFRACTIONS<sup>2</sup>**

**JUN 2003**

|     | Código              | <b>MAYORES</b>                                                                                      | <b>MAJOR</b>                                                                                       |
|-----|---------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 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 <sup>3</sup> | Acosar al observador o interferir con sus deberes                                                   | Harassing an observer, or interfering with his duties                                              |
|     |                     | <b>OTRAS</b>                                                                                        | <b>OTHER</b>                                                                                       |
| 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 un 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                                         |

<sup>2</sup> Aprobado por la 9ª Reunión de las Partes – Approved by the 9<sup>th</sup> Meeting of the Parties

<sup>3</sup> Puede ser mayor, según el caso - Could be major depending on the case