

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

PROCEDURES FOR MAINTAINING THE AIDCP LIST OF QUALIFIED CAPTAINS (amended¹)

1. INTRODUCTION

This document describes procedures for maintaining the List of Qualified Captains entitled to fish for tuna associated with dolphins pursuant to the AIDCP (“the List”), and for monitoring their performance in reducing the mortality of dolphins during fishing operations.

For the purposes of this document, the fishing captain (or simply “captain”) is the person aboard the vessel who is responsible for fishing operations. That individual shall be so identified by the national authority under whose flag the vessel operates, or by the owner of the vessel on which he serves.

2. LIST OF QUALIFIED CAPTAINS

The Secretariat shall be responsible for preparing and maintaining a database of all captains who are or have been active in the Agreement Area. The Secretariat shall also maintain a List of Qualified Captains who may act as fishing captains on board vessels with a Dolphin Mortality Limit (DML), based upon the requirements established in this document. Additions to and deletions from the List shall be made by the Secretariat in accordance with the procedures set forth in this document, based on information available to the Secretariat or supplied by the Parties. The List shall be circulated to the Parties whenever it is changed, and in any case at least once each year. The Secretariat shall also inform the IRP of any changes to the List and of the reasons for any such changes. The Secretariat shall report to the IRP any captain who is not on the List but acted as fishing captain on a vessel that fished on dolphins.

3. REQUIREMENTS FOR NEW CAPTAINS

In order to be added to the List, any captain appointed for the first time to act as fishing captain on a purse-seine vessel with a DML in the Agreement Area must:

1. attend an instructional seminar organized by the IATTC staff, or by a national program in coordination with the IATTC staff. The seminar shall include detailed information on the international agreements and regulations currently in force, as well as other pertinent information.
2. have practical experience relevant to making sets on tunas associated with dolphins. This requirement will be met if a Party so advises the Secretariat or if the Secretariat has independent knowledge of such experience, and if the request to add the captain to the List is accompanied by a letter of reference from a captain currently on the List, the owner or manager of a vessel with a DML, or a pertinent industry association.
3. not have any pending infractions, as detailed in section 4.1, regarding which the relevant Party has not taken action.

4. REMOVAL OF CAPTAINS FROM THE LIST

A captain shall be removed from the List if:

- 4.1. The relevant Party agrees, pursuant to the AIDCP, that he:
 - a. Made an intentional set on dolphins on a vessel that had reached its DML or other limit imposed under the AIDCP;
 - b. Made an intentional set on dolphins on a vessel without a DML;

¹ 09 June 2004: Section 3, subparagraph 3 added; Section 5, chapeau modified, subparagraph 4 added (Resolution [A-04-04](#)); Section 6, new final paragraph added (Resolution [A-04-02](#)).

- c. Served as fishing captain on a vessel required by the AIDCP to carry an observer without an observer aboard;
 - d. Committed one of the following infractions: obstructing, intimidating, interfering with, influencing, bribing, or attempting to bribe an observer in the course of his duties;
 - e. Committed an infraction, pursuant to Annex IV (III) 4.g of the AIDCP, relating to the use of explosives.
 - f. Committed infractions which are determined by the IRP to form a pattern and are accepted as such by the Meeting of the Parties.
- 4.2. He served as fishing captain on a vessel of a non-Party state that was not complying with the management measures of the AIDCP, as determined by the Meeting of the Parties or the Joint Working Group on Fishing by Non-Parties.

In addition to the above, a captain may be removed from the List, either temporarily or permanently, if the Meeting of the Parties decides, taking into account any recommendations from the IRP, that his actions have undermined the objectives of the AIDCP. The reasons for such removal may include, *inter alia*, having committed a large number of infractions other than those listed above, having a consistently poor performance, determined from the record of dolphin mortality per set, and having in two or more consecutive years been responsible for a vessel utilizing, and exceeding, its entire DML for the year.

For a captain at sea on the date on which such removal from the List would otherwise occur, the action taken shall not take effect until the date that the vessel reaches port.

5. REINSTATEMENT OF DISQUALIFIED CAPTAINS

A disqualified captain shall be reinstated on the List provided that:

- 1. He has complied with any sanctions imposed on him by the relevant Party;
- 2. His reinstatement is requested by a Party;
- 3. He has attended an instructional seminar contemplated in Section 3.1 above; and
- 4. He does not have any pending infractions, as detailed in section 4.1, regarding which the relevant Party has not taken action.

A captain removed from the List pursuant to paragraph 4.1.e above may not be reinstated for a period of three months.

A captain may not be reinstated to the List more than twice, unless the Meeting of the Parties, taking into consideration the recommendations of the IRP, determines otherwise.

6. MONITORING THE PERFORMANCE OF ACTIVE CAPTAINS

The Secretariat shall collect the information necessary for monitoring the performance of active captains, as follows:

- 1. Performance in reducing dolphin mortalities;
- 2. Attendance at instructional seminars contemplated in Section 3.1 above;
- 3. Record of possible and confirmed infractions and sanctions; and
- 4. Removals from and reinstatements to the List.

Each year the three captains with the best performances shall be recognized. Rankings will be based on standardized performance measures approved by the Meeting of the Parties, proportion of sets with zero mortality, and compliance with the AIDCP. Only captains who made a number of sets on dolphins equivalent to at least 90% of the average number of sets on dolphins made in that year by all vessels that fished with full-year DMLs will be considered.

Any fishing captain on a vessel operating under the AIDCP who has committed two or more night set

infractions shall be required to attend an instructional seminar, as described in Section 3.1 above, prior to his next trip as a fishing captain, unless no seminar is available before that trip, in which case he shall be required to attend an instructional seminar as soon as possible thereafter. This procedure shall not affect the captain's status on the List.