

# INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

## INTERNATIONAL REVIEW PANEL

### 34<sup>TH</sup> MEETING

LA JOLLA, CALIFORNIA (USA)

9-10 OCTOBER 2003

#### DOCUMENT IRP-34-07

### VESSELS WITH DMLs WITH CAPTAINS NOT ON THE LIST OF QUALIFIED CAPTAINS

During its 33<sup>rd</sup> meeting, the Panel noted that many infractions correspond to trips by vessels whose captain is not on the AIDCP List of Qualified Captains. Several delegations expressed the view that vessels should not be allowed to depart under this circumstance, and it was decided that this matter should be considered further. It was agreed that the Secretariat should conduct a review of the existing requirements associated with the issue, including any requirements for qualified captains on trips by vessels with DMLs which do not set on dolphins, and the possibility that one criterion for issuing dolphin safe certificates for tuna taken by vessels with DMLs should be that the captain was on the List. The Secretariat also was asked to examine the logistical issues associated with establishing procedures to prevent vessels from departing without a qualified captain.

There is currently no prohibition against placing an observer on a vessel with a DML whose captain is not on the List. There is, however, a prohibition against issuing dolphin safe certificates for tuna caught by vessels with DMLs but without a qualified captain ([Procedures for AIDCP Dolphin Safe Tuna Certification](#), paragraph 2f). Also, tuna caught by a vessel with a DML whose captain was not on the List cannot be classified as dolphin safe.

It is clear that one of the major infractions of the Agreement is assigning a fishing captain who is not on the List to a vessel with a DML. However, the Secretariat has been unable to ascertain how it was decided that a vessel with a DML that did not set on dolphins during a particular trip needed to have a captain on the List. This is not an explicit requirement of the AIDCP nor of any of the subsidiary implementing documents that have been agreed, although it is included as a major infraction on the table of infractions agreed in June 2003. Vessels without DMLs are not required to have a captain on the List, and the Parties may wish to address whether this should be required of vessels with DMLs for trips during which no sets on dolphins will be made. Regardless of the eventual decision on this, it might be advisable for clarification purposes to modify the appropriate Agreement documents.

The [Procedures for maintaining the List of Qualified Captains](#) entitle those persons who are on the List to act as fishing captains on a vessel with a DML. Since 1999, the IRP has identified as possible infractions 163 trips made by vessels with DMLs without a qualified captain, and in 109 of those trips one or more intentional sets on dolphins were made. Evidently, not all Parties have mechanisms to prevent a vessel with a DML from departing on a fishing trip without a qualified captain.

Currently, the only requirement an eligible vessel must satisfy in order to be assigned an observer from the On-Board Observer Program is to pay its annual assessment. The practice in the IATTC observer program is that, prior to each trip, the observer meets with either the fishing captain or the vessel captain (and, if the trip departs from a port where there is an IATTC field office, an IATTC representative) to review his duties and responsibilities; in 2002, such meetings took place prior to 77% of the trips covered by the IATTC program. The current instructions for IATTC staff and observers do not require confirmation at the meeting that the fishing captain on a vessel with a DML is qualified.

The Secretariat has identified two approaches, to address this issue.

1. Allow vessels with DMLs to depart without a qualified captain provided they do not set on dolphins.

This would involve amendments to the annexes of the AIDCP and to the *Procedures for maintaining the List* to clarify that a vessel with a DML is not required to have a qualified captain aboard so long as it does not set on dolphins. If the Parties pursue this option, the Secretariat can draft the appropriate amendments for presentation at the next meeting of the Panel.

2. Ensure that vessels with DMLs are assigned an observer only if the captain is on the List. Since departing without an observer is a clear infraction of the AIDCP, this would provide a strong incentive to vessel management to ensure they use only qualified captains on vessels with DMLs. It would create an additional obligation for vessel operators and additional work for the national authorities and the observer programs. This would involve amending Annex II of the AIDCP, adding a new paragraph, either 10 or 13, as follows:

“No observer shall be assigned to a vessel with a DML unless the vessel’s fishing captain is on the list of qualified captains maintained in accordance with Annex VII (I) e.”

If option 2 were adopted, procedures would need to be developed to implement this on a practical basis. In essence, before an observer is assigned to a trip on a vessel with a DML, the vessel management needs to inform the corresponding national authority and observer program, in writing, of the full name of the fishing captain for the trip, and it needs to be confirmed that that person is on the List. A similar procedure would be required for option 1: a vessel with a DML that did not intend to set on dolphins during a trip would need to indicate its intention in writing, and then the captain would not need to be on the List in order for the vessel to be assigned an observer.

If this is the intention of the Parties, a simple adjustment to the proposed amendment would be needed, and it is likely that other amendments to the Annexes would be required, as noted above for option 1.