

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**92<sup>ND</sup> MEETING**

**Mexico City, Mexico**

**24-28 July 2017**

**PROPOSAL IATTC-92 H-1**

**SUBMITTED BY THE UNITED STATES**

**RESOLUTION ON IMPROVING OBSERVER SAFETY AT  
SEA**

**EXPLANATORY MEMORANDUM**

**Rationale:** Observer programs collect data essential to the functions of the Commission and the safety of observers is critical to their ability to perform their duties. There are no established requirements for safety equipment for IATTC observer programs, and these requirements vary among the national observer programs. The Western and Central Pacific Fisheries Commission adopted minimum standards to improve observer safety at sea at its meeting in December 2015, as well as Conservation and Management Measure 2016-03 at its meeting in December 2016, which details specific procedures to enhance observer safety.

*The Inter-American Tropical Tuna Commission (IATTC), gathered in Mexico City, Mexico, on the occasion of its 92nd Meeting:*

*Taking into account* that observers collect data that is essential to the functions of the Commission and that the safety of observers is critical to their ability to perform their duties;

*Recognizing* that certain IATTC resolutions require longline, purse-seine, and transshipment carrier vessels to carry observers;

*Concerned* about the lack of requirements protecting the health and safety of observers for IATTC observer programs and by the variability in these requirements among the national observer programs;

*Considering* that consistent safety requirements should apply to all observers operating within the legal and institutional framework of the IATTC;

*Further recognizing* the commitments in Article 98 of the United Nations Convention on the Law of the Sea (UNCLOS), to render assistance and protect human life, and the International Convention on Maritime Search and Rescue, as amended and overseen by the International Maritime Organization, which outlines the responsibilities of governments related to search procedures including the organization and coordination of actions, cooperation between States, and operating procedures for vessel operators and crew; and

*Further noting* the commitment in Article 94(7) of UNCLOS, regarding the duty of a State to cause an inquiry to be held into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State;

*Agrees that:*

1. This Resolution applies to all IATTC observer programs, including the Regional Observer Program for transshipment, the national observer programs for longline vessels, and any future observer program established by the IATTC.
2. All IATTC observer programs shall ensure that, when observers embark on a vessel for a trip, they are provided with (1) an independent two-way satellite communication device, and (2) a waterproof personal life-saving beacon. This may consist of a single device, such as a "Satellite Emergency Notification Device," or a combination of an independent two-way satellite-based device, such as a

satellite telephone, and a portable lifesaving beacon (e.g., Personal Locator Beacon or Emergency Position Indicating Radio Beacon (EPIRB)). The devices provided by the observer programs must be included on a list of approved devices maintained by the IATTC and based on the input from the Agreement on International Dolphin Conservation Program (AIDCP) observer program staff, to ensure the reliability of the devices.

3. All IATTC observer programs must have a designated person or persons responsible for monitoring the signal from the observers' satellite communication devices at all times.
4. All IATTC observer programs must have an established procedure for communications and actions for a designated person or persons per paragraph 3 above to contact the observer, the vessel, and, if necessary, the competent authority of the Member or Cooperating Non-Member (CPC) with jurisdiction over the vessel. This procedure must provide for regular contact with observers to confirm their health and safety status and clearly describe the steps that must be taken in the event of various emergencies, including situations where an observer dies, is missing or presumed fallen overboard, suffers from a serious illness or injury that threatens his or her health or safety, or has been assaulted, intimidated, threatened or harassed while on board a vessel, and/or if the observer requests to be removed from the vessel prior to the conclusion of the fishing trip.
5. CPCs shall ensure that in the event an observer dies, is missing or presumed fallen overboard, suffers from a serious illness or injury that threatens his or her health or safety, or has been assaulted, intimidated, threatened or harassed, a detailed action plan is in place that includes at a minimum the following:
  - a. The responsibilities of the fishing vessel regarding ceasing fishing, search and rescue operations, notifications, cooperation in any investigations, necessary medical care, facilitation of any necessary disembarkation, and reporting requirements;
  - b. The responsibilities of IATTC observer programs regarding any investigations, search and rescue operations, notifications, reporting requirements, and cooperation in any necessary procedures to facilitate the disembarkation of any observer;
  - c. The responsibilities if they are involved as a port CPC; and
  - d. The responsibilities if they are involved as a flag CPC.CPCs shall submit their action plans to the Secretariat by June 1, 2018 for review and discussion by the Commission at its 2018 annual meeting.
6. All IATTC observer programs must provide safety training for observers, which must at a minimum meet the International Maritime Organization (IMO) safety training standards.
7. All IATTC observer programs must ensure that observers are only deployed on vessels that are outfitted with appropriate safety equipment, including the following: (1) A life raft of sufficient capacity for all personnel onboard and that has been inspected by relevant authorities; (2) Life jackets of sufficient number for all personnel onboard and be compliant with International Convention for the Safety of Life at Sea (SOLAS) standards; and (3) a properly registered EPIRB or a Search and Rescue Transponder (SART) that will not expire until after the observer deployment ends. All IATTC observer programs shall not deploy an observer on a vessel unless and until the observer is allowed to inspect all vessel safety equipment and document its status. Observers shall not be deployed on vessels with outstanding safety deficiencies.
8. Vessel owners, captains, and crew members shall be prohibited from obstructing, harassing, intimidating, interfering with, influencing, bribing, or attempting to bribe an observer in the performance of his or her duties.
9. CPCs and the Director shall compile any reports from observers of vessel owners, captains, or crew members obstructing, harassing, intimidating, interfering with, influencing, bribing, or attempting to bribe an observer in the performance of his or her duties, including any corrective action taken by the flag CPC or non-CPC. CPCs shall provide such reports to the Director three months prior to each annual Meeting of the Committee for the Review of Implementation of Measures Adopted by the Commission

(Review Committee). The Director shall transmit these reports to the Commission two months prior to each annual Meeting of the Review Committee, consistent with applicable confidentiality rules. These reports shall be reviewed at each meeting of the Review Committee.

10. Observers shall not be deployed on vessels where the CPC or non-CPC with jurisdiction over the vessel has previously failed to investigate any reported instance of observer interference, harassment, intimidation, assault, bribery, or unsafe working conditions or, where warranted, to take appropriate corrective action, consistent with their domestic law.
11. This Resolution shall enter into force on 1 January 2019.