

Original: English

DRAFT RECOMMENDATION BY ICCAT ON PROTECTING THE HEALTH AND SAFETY OF OBSERVERS

Proposal submitted by the United States

UNDERSCORING that observers collect data that are essential to the functions of the Commission and that the health and safety of observers is critical to their ability to perform their duties;

RECOGNIZING that a number of ICCAT recommendations require the establishment of observer programs applicable to fishing and transshipment vessels but that they do not include adequate health and safety provisions;

ACKNOWLEDGING the need to include comprehensive and consistent requirements in relevant ICCAT recommendations to protect the health and safety of observers, in particular to supply necessary safety equipment and training and to establish emergency procedures with respect to all observer programs;

RECALLING that the International Convention on Standards of Training, Certification, and Watch keeping for Fishing Vessel Certification (STCW-F), adopted by the International Maritime Organization (IMO) in 1995, sets forth safety training standards for observers and other fishing vessel personnel;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF
ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

Contracting Parties and Cooperating Parties, Entities, and Fishing Entities (CPCs), or the ICCAT Secretariat in the case of centrally run regional observer programs, shall ensure the following with regard to observer programs under their authority in ICCAT fisheries:

1. Safety training that meets or exceeds relevant internationally accepted standards and best practices shall be provided to observers before they are deployed on a vessel for a trip.
2. Before deploying an observer on a vessel for a trip, the following safety equipment shall be provided:
 - a) an independent two-way satellite communication device and 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, (e.g., a satellite telephone) and a portable lifesaving beacon (e.g., a Personal Locator Beacon or Emergency Position Indicating Radio Beacon); and
 - b) other safety equipment pertinent to the fishing activity and distance from shore, such as personal flotation devices (PFDs) and immersion suits.
3. Necessary steps, including those specified in subparagraphs (a) to (c) below, shall be taken with respect to vessels to be observed to ensure safe working conditions and support the protection, security and welfare of observers in the performance of their duties, including providing observers with medical care, in adherence to all pertinent international maritime regulations:
 - a) Observers shall only be deployed on vessels that meet or exceed relevant internationally accepted safety standards.
 - b) Vessels shall provide access to observers to inspect all required safety equipment prior to an observer deploying on that vessel and observers shall inspect that equipment and document its status before deployment.

- c) An Emergency Action Plan (EAP) shall be developed and implemented to accommodate emergency situations that may arise during an observer’s deployment, including interference, harassment, intimidation, assault, or other personal safety or health issues. At a minimum, the EAP must include a communications protocol and appropriate emergency contact information and, in particular, shall specify the following:
 - i. *When to report.* At a minimum, observers shall be required to report any instance of interference, harassment, intimidation, or assault as soon as possible after it occurs. Observers shall also be required to report as soon as possible any health issue that arises while deployed that impacts their ability to perform their duties.
 - ii. *Who to report to.* At least one CPC official, or in the case of ICCAT’s regional observer programs, an official of the implementing organization, shall be designated to be responsible for maintaining a device capable of receiving a signal from the approved independent two-way satellite communication device issued to the observer. The designated official shall also be responsible for maintaining regular contact with observers to confirm their health and safety status.
 - iii. *Follow-up response.* Procedures shall be established for initiating contact with the observer, the vessel, and, where necessary and appropriate, the competent authority of the CPC with jurisdiction over the vessel. These procedures shall clearly describe the steps that must be taken in the event of emergencies, including situations where an observer is assaulted, intimidated, interfered with, or harassed while on board a vessel and/or the observer requests to be removed prior to the conclusion of the fishing trip.
 - iv. *Remedial actions.* Appropriate measures shall, if lacking, be established for addressing violations against observers and specified, including available legal actions, processes, and procedures.
- 4. Reports on observer incidents requiring the implementation of the EAP shall be compiled. In the case of regional observer programs, these reports shall be transmitted to the Commission, consistent with applicable confidentiality rules, for its review at each annual meeting or, where warranted, more frequently.