

## **CPC: CURAÇAO**

### **Emergency Action Plan to protect the health and safety of Observers within the framework of the National Observer Program of the ICCAT Regional Observer Program**

This Emergency Action Plan (EAP) intends to provide a list of immediate actions and measures to be taken and procedures to be followed by Curaçao-flagged ships carrying ICCAT Regional Observers (ROP) and/or National (CPC) Observers 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, safety, or welfare, or has been assaulted, intimidated, threatened or harassed during his/her stay on board.

#### **OBSERVER PROVIDER RESPONSIBILITY**

1. The observer provider shall provide or ensure observers have received safety training before they are deployed on a vessel for the first time and at appropriate intervals thereafter. Such training program must, at a minimum, meet the national maritime legislation of the observer domicile safety training standards. The observer must present certificates of above qualifications to the Master on his/her arrival board.
2. Before deploying an observer on a vessel for a trip, the observer provider shall ensure the observer is issued the following safety equipment:
  - a) An independent two-way satellite communication device suitable for use at sea and a waterproof personal life-saving beacon, which may consist of a single device such as a Satellite Emergency Notification Device, or a combination of an independent two-way satellite-based device, and a personal locator beacon.
  - b) Other safety equipment, such as personal flotation device (PFDs), life jacket or an immersion suit, appropriate to the specific fishing operations and activities, including ocean area and distance from shore.
  - c) In order to ensure that an observer's stay is safe on board, a satellite communicator equipped with an alarm system must be added to the work kit, this communicator must be linked directly to the observer's provider and to the relevant authorities in the country in question.
  - d) The observer before boarding must be properly insured with all risk coverage and that this coverage covers all cases in which a ship may be involved regardless of what happens, the observer must be fully covered.
  - e) Before boarding, the observer must have all his belongings insured, as well as his work kit, all this must be declared in a document that will be signed by the observer's provider and the head of the mission and said document will be sent by mail to the shipowner and the Captain of the ship.
3. The observer provider shall have a designated contact point for deployed observers to use in cases of emergency. Details of such a contact point must be advised to the Master at the moment of appointing an observer.
4. The observer provider must have an established procedure for contacting and being contacted by the observer and the vessel, and, if necessary, for contacting the competent authority of the flag CPC or non-CPC. Details of such procedure should be provided to the Master at the moment of appointing an observer.

#### **1. Action in case ROP observer dies, is missing or presumed fallen overboard**

- a) Immediately ceases all fishing operations;
- b) Immediately notifies the appropriate Maritime Rescue Coordination Center (MRCC), the Curaçao flag Member state, and the observer provider;
- c) Immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the Curaçao flag Member state to continue searching;
- d) Immediately alert other vessels in the vicinity by using all available means of communication;
- e) Cooperates fully in any search and rescue operation;

- f) Whether or not the search is successful, promptly returns to the nearest port for further investigation, as agreed by the Curaçao flag Member state and the observer provider;
  - g) Promptly provides a report on the incident to the observer provider and appropriate flag State authorities; and
  - h) Cooperates fully in all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
2. In addition, in the event that a ROP observer dies while deployed, the Curaçao flag Member state shall require that the fishing vessel ensure that the body is well-preserved for the purposes of an autopsy and investigation
  3. In the event that an ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the Curaçao Member state to which the fishing vessel is flagged shall take necessary measures to require that the fishing vessel:
    - a) Immediately ceases fishing operations;
    - b) Immediately notifies the Curaçao flag Member state, observer provider, and relevant MRCC to advise if a medical evacuation is warranted;
    - c) Takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;
    - d) Where necessary and appropriate, including as directed by the observer provider, if not already directed by the Curaçao flag Member state, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
    - e) Cooperates fully in any and all official investigations into the cause of the illness or injury.
  4. For the purposes of paragraphs 1 through 3, Curaçao flag Member state shall ensure that the appropriate MRCC, observer provider, and the Secretariat are immediately notified of the incident, actions taken or underway to address the situation, and any assistance that may be required.
  5. In the event that there are reasonable grounds to believe an ROP observer has assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the Curaçao that they wish for the observer to be removed from the fishing vessel, the Curaçao flag Member state shall take necessary measures to require that the fishing vessel:
    - a) Immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
    - b) Notifies the Curaçao flag Member state and the observer provider of the situation, including the status and location of the observer, as soon as possible;
    - c) Facilitates the safe disembarkation of the observer in a manner and place, as agreed by the Curaçao flag Member state and the observer provider, that facilitates access to any needed medical treatment; and
    - d) Cooperates fully in any and all official investigations into the incident.
  6. In the event that there are reasonable grounds to believe that an ROP observer has been assaulted, intimidated, or harassed but neither the observer or the observer provider wishes that the observer be removed from the fishing vessel, Curaçao flag Member state shall take necessary measures to require that the fishing vessel:
    - a) Takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
    - b) Notifies the Curaçao flag Member state and the observer provider of the situation as soon as possible; and
    - c) Cooperates fully in all official investigations into the incident.
  7. If any of the events in paragraphs 1 through 5 occur, in port of Curaçao flag Member states CPCs or non-CPCs shall facilitate entry of the fishing vessel to allow disembarkation of the ROP observer and, to the extent possible, assist in any investigation if so requested by the Curaçao flag member State.

8. In the event that, after disembarkation from a fishing vessel of an ROP observer, an observer provider identifies, such as during the course of debriefing the observer, a possible situation involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the Curaçao and the Secretariat.
9. If notified, under paragraph 5b, 6b, or 8, that an observer has been assaulted or harassed, the Curaçao flag Member state shall:
  - a) Investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
  - b) Cooperate fully in any investigation conducted by the observer provider, including providing the report to the observer provider and appropriate authorities of the incident; and
  - c) Promptly notify the observer provider and the Secretariat of the results of its investigation and any actions taken.
10. Curaçao flag Member states shall also encourage vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving an ROP observer.
11. Where requested, relevant observer providers, the Curaçao Commission and the Curaçao flag Member states shall cooperate in each other's investigations, including providing their incident reports for any incidents indicated in paragraphs 1 through 6 to facilitate any investigations as appropriate.