

Cover sheet to accompany new proposals
(proposal submitted by United States)

Title of the Proposed Draft Recommendation/Resolution: *Draft Recommendation by ICCAT on protecting the health and safety of observers in national observer programs*

Title of currently in force recommendation(s) or resolution(s) addressing the same or related issues:

1. Does it create new **reporting obligation(s)** for CPCs?

Yes No

Brief Description of new reporting obligation(s):

This proposal would require that CPCs submit descriptions of their observer safety emergency protocols, described in paragraph 7, as a part of their Annual Reports. This proposal also would require, subject to national laws on confidentiality and privacy, that CPCs submit to the Executive Secretary, any reports on observer incidents involving serious injury, death, or in the event of an observer that is missing or presumed fallen overboard, including any corrective action taken by the flag CPC.

2. Does it require additional input or **work by the SCRS**?

Yes No

Is this work already included in the current SCRS workplan?

Yes No

Brief description of new scientific work required (i.e. stock assessment, analysis, external consultant):

None.

3. Does it involve the creation of a **new working group or intersessional process**?

Yes No

4. Does it require a new **programme or additional activities to be managed by the Secretariat**?

Yes No

Brief description of new Secretariat work required:

This proposal would require that the Secretariat transmit any reports received from CPCs under paragraph 8 to the Commission for its review at each annual meeting.

5. What is the proposed timeframe for implementation, and are there different specific timeframes for certain CPCs, fisheries, regions, etc.:

The measure would enter into force 6 months from notification to CPCs, consistent with the ICCAT Convention.

6. Is there any other relevant information regarding the resource and workload implications of the proposal:

None.

Explanatory note on Draft Recommendation by ICCAT on protecting the health and safety of observers in national observer programs
(proposal submitted by the United States)

(initially submitted to the IMM Working Group as IMM_08A/i2024)

The United States is deeply concerned to learn of several reports of serious injury and death of fisheries observers in recent years. Observers collect data that are essential to the functions of the Commission, and the health, safety, and welfare of observers is critical to their ability to perform their duties. It is also important to recall that, as a part of CPCs' obligations under *Recommendation by ICCAT to establish minimum standards for fishing vessel scientific observer programs* (Rec. 16-14), CPCs have a duty to oversee the safety of its national observers.

ICCAT has already taken important steps to strengthen rules that ensure the health and safety of observers in ICCAT's Regional Observer Programs (ROP) with the adoption of *Recommendation by ICCAT on protecting the health and safety of observers in ICCAT's regional observer programs* (Rec. 19-10). Noting the importance, likewise, of national observers to our core science and management functions as a Commission, the United States is introducing a new proposal that lays out health and safety standards for observers in national programs carrying out CPCs' ICCAT obligations. This proposal represents a first attempt to consider how ICCAT might address this important issue, in particular, by drawing from our experience with Rec. 19-10.

The United States introduced this proposal (IMM-08/i2024) at the 17th Meeting of the Working Group on Integrated Monitoring Measures (IMM) (12-14 June 2024, hybrid/Porto, Portugal), and is grateful for the helpful feedback from CPCs at that meeting. As a result, a revised version A of the proposal (IMM-08A/i2024), was developed at that meeting, though it ultimately was not endorsed by IMM. The revised draft Recommendation (IMM-08A/i2024) was appended to the 2024 Report of the IMM Working Group. With the exception of one small grammatical edit made in operative paragraph 1, this proposal is unchanged from document IMM-08A/i2024. The United States looks forward to continued constructive dialogue with CPCs around the room at the 24th Special Meeting of the Commission, and welcomes suggestions and ideas from delegations on how best to move ahead with this important work.

**Draft Recommendation by ICCAT on protecting the health and safety of
observers in national observer programs**
(proposal submitted by the United States)

(initially submitted to the IMM Working Group as IMM_08A/i2024)

UNDERSCORING that safety of life at sea is a longstanding objective of international maritime governance, that observers collect data that are essential to the functions of the Commission, and that the health, safety, and welfare of observers is critical to their ability to perform their duties;

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

NOTING the commitments in international law, including the provisions of the International Convention on Maritime Search and Rescue, with regard to the development of an international maritime search and rescue plan for the rescue of persons in distress at sea;

FURTHER NOTING the obligations of CPCs to oversee the safety of its observers, as provided for in the *Recommendation by ICCAT to Establish Minimum Standards for Fishing Vessel Scientific Observer Programs* (Rec. 16-14);

ALSO RECALLING the *Recommendation by ICCAT on Protecting the Health and Safety of Observers in ICCAT Regional Observer Programs* (Rec. 19-10) and the *Resolution by ICCAT on Harmonisation and Improved Observer Safety* (Res. 19-16);

RECOGNIZING that the adoption of measures that promote the health and safety of observers in national programs, particularly those related to vessel safety, could also support the objectives reflected in the *Resolution by ICCAT on Core Principles on Labour Standards in ICCAT Fisheries* (Res. 23-20);

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

The following shall apply to ensure the health, safety, and welfare of observers deployed pursuant to the *Recommendation by ICCAT to Establish Minimum Standards for Fishing Vessel Scientific Observer Programs* (Rec. 16-14) or any other national observer deployed on a flag CPC's vessel operating in ICCAT fisheries in furtherance of fulfillment of the CPC's obligations under ICCAT observer requirements:

1. CPCs shall prohibit its vessels' operators and crew from threatening, intimidating, or harming fisheries observers.
2. CPCs shall ensure that observers have received training in basic vessel safety before they are deployed on a vessel for the first time and at appropriate intervals thereafter.
3. Before deploying an observer on a vessel for a trip, CPCs shall ensure the observer has independent and unrestricted access to a two-way communication device suitable for use at sea and appropriate safety equipment, including a personal flotation device (PFDs) and/or immersion suits, appropriate to the specific fishing operations and activities, including ocean area and distance from shore.
4. Flag CPCs shall ensure their vessels that carry observers covered by this Recommendation are outfitted with appropriate safety equipment for the entirety of each voyage, including the following:
 - a) A life raft of sufficient capacity for all persons onboard and with a certificate of inspection that is valid throughout the observer's deployment;
 - b) Fire extinguishing equipment;

- c) Life jackets or survival suits of sufficient number for all persons onboard, and compliant with relevant international standards, such as, where applicable, the Cape Town Agreement; and
- d) A properly registered Emergency Position Indicating Radio Beacon (EPIRB) or a Search and Rescue Transponder (SART) that will not expire until after the observer deployment ends.

CPCs may choose to exempt their vessels less than 12 m in length overall (LOA) and operating within 5 nm of the baseline from the requirements set out in 4a and 4d above if a Personal Locator Beacon is issued to the observer.

- 5. The CPC shall ensure that an observer is not deployed on a vessel unless and until the observer is allowed to inspect the vessel's major spaces to ensure that no obviously hazardous conditions exist, and safety equipment and document and report its status to the observer provider or relevant CPC national authorities as necessary.
- 6. CPCs shall ensure there is an established procedure for contacting and being contacted by the observer and the vessel and that this procedure provides for regularly scheduled contact with observers to confirm their health, safety, and welfare status. CPCs shall ensure there is a designated contact point for deployed observers to use in cases of emergency.
- 7. CPCs shall develop and implement an emergency protocol that clearly describes what actions 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 puts his or her health or safety at risk, has been assaulted, intimidated, threatened or harassed while on board a vessel, or if the observer requests to be removed from the vessel prior to the conclusion of the trip. CPCs shall include descriptions of their emergency protocol in their Annual Reports.
- 8. Flag CPCs with vessels carrying observers covered by this Recommendation shall, subject to national laws on confidentiality and privacy, submit to the Executive Secretary reports on observer incidents involving serious injury, death, or in the event of an observer that is missing or presumed fallen overboard, including any corrective action taken by the flag CPC. The Executive Secretary shall transmit such reports to the Commission, consistent with applicable confidentiality rules, for its review at each annual meeting or, where warranted, more frequently.
- 9. Flag CPCs shall cooperate to the maximum extent possible with and provide for the participation of, as appropriate and consistent with domestic law, other relevant CPCs and/or non-CPCs in search and rescue operations and investigations of cases where the 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.
- 10. Nothing in this Recommendation shall prejudice the exercise of discretion by the relevant CPCs' authorities not to deploy an observer on a vessel because of concerns about risk to the observer's health, safety, or welfare.
- 11. Nothing in this measure shall prejudice the rights of relevant CPCs to enforce their laws with respect to the safety of observers consistent with international law.
- 12. This Recommendation shall be reviewed three years after its adoption, taking into account any guidance from FAO on standards related to fisheries observer safety as requested by the Joint FAO/IMO/ILO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters.