

INTER-AMERICAN TROPICAL TUNA COMMISSION**93RD MEETING**

**San Diego, California (USA)
24, 27 – 30 August 2018**

PROPOSAL IATTC-93 N-1A**SUBMITTED BY THE UNITED STATES**

**RESOLUTION ON IMPROVING OBSERVER SAFETY AT SEA:
EMERGENCY ACTION PLAN**

The Inter-American Tropical Tuna Commission (IATTC) gathered in San Diego, California, on the occasion of its 93rd 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 carrier vessels to carry observers, and that consistent safety requirements should apply to all observers operating within the legal and institutional framework of the IATTC;

Concerned that the Commission needs a plan to respond to emergency situations to ensure the safety of observers operating within the legal and institutional framework of the IATTC; and

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;

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 that implement IATTC observer requirements, and any future observer program established by the IATTC.
2. [Nothing in this Resolution shall prejudice the rights of CPCs to enforce their laws or implement other measures with respect to the safety of observers or crew members consistent with international law.](#)
3. In the event that an observer dies, is missing or presumed fallen overboard, the CPCs to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - a. immediately ceases all fishing operations;
 - b. 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 flag CPC to continue searching;¹
 - c. immediately notifies the flag CPC and the observer provider;
 - d. immediately alerts other vessels in the vicinity by using all available means of communication;
 - e. cooperates fully in any search and rescue operation whether or not the search is successful and after such search and rescue operation has been terminated, orders the vessel to the nearest port for further investigation, as agreed by the flag CPC and the observer provider;
 - f. provides the report to the observer provider and appropriate authorities on the incident; and

¹ In the event of *force majeure*, flag CPCs may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

- 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. notify the observer provider and the Director of the results of its investigation and any actions taken.
11. CPCs shall ensure that their national observer providers:
- a. immediately notify the flag CPC in the event that an observer dies, is missing or presumed fallen overboard in the course of observer duties;
 - b. cooperate fully in any search and rescue operation;
 - c. cooperate fully in any and all official investigations into any incident involving an observer;
 - d. facilitate the disembarkation and replacement of an observer in a situation involving the serious illness or injury of that observer as soon as possible;
 - e. facilitate the disembarkation of an observer in any situation involving the assault, intimidation, threats to, or harassment of that observer to such an extent that the observer wishes to be removed from the vessel, as soon as possible; and
 - f. provide the flag CPC with a copy of the observer report on alleged violations involving that provider's observer upon request.
12. Where requested, relevant observer providers and CPCs shall cooperate in each other's investigations, including providing their incident reports for any incidents indicated in paragraphs [2-3](#) through [7-8](#) to facilitate any investigations as appropriate.
13. This Resolution shall enter into force on 1 January 2020.