

COMISION INTERAMERICANA DEL ATUN TROPICAL (CIAT) INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC)

MEMORANDUM

21 December 2020

Ref: 0547-420

To: AIDCP Parties
Commissioners and Heads of Delegation

From: Alfonso Miranda E., IATTC Chair

Alvin Delgado, Chair of the AIDCP Meeting of Parties

Re: COVID 19 Pandemic Exemption Procedure for the Operation of On-Board Observers –
implementation of par.5 – Extension until 15 April 2021

Bearing in mind the priority issues that we have undertaken to address, following the adoption of the temporary and extraordinary measure that was adopted to facilitate the development of tuna activity through an alternative scheme, called the "COVID 19 Pandemic Exception Procedure for the Operation of On-Board Observers", in our individual capacity as Chairs of the IATTC and the Meeting of the AIDCP Parties, respectively, we have seen that the system has been of enormous utility, that the established procedures have been followed and we hope that the circumstance that gave rise to it will soon conclude in the interests of the IATTC, the AIDCP and the entire international community. For all these reasons, we wish once again to reiterate our appreciation for the adoption of this procedure and for its proper and prudent use.

Paragraph 5 provides the possibility of extending the validity of the procedure if the circumstances that gave rise to it remain. The "second wave" of the pandemic has progressed while science has not achieved a permanent solution to the cause of the COVID 19 pandemic, and while efforts are being made to promote normalcy by easing some measures regarding international transport and logistics, the standards needed to ensure that the observer program functions as it did before the pandemic have not been restored.

It is important to mention that so far in 2020 the number of trips has been around 857 and the percentage of trips without observers has been extremely low at around 4%, and in the past few weeks requests have decreased significantly, but the situation has tended to worsen during this month.

This is why we understand that it is our responsibility to submit, as we are doing here, with the agreed advance notice, the formal proposal to the AIDCP Parties and the IATTC Members for the extension of the procedure.

Thus, we formally proceed to submit for your consideration and immediate approval, the present proposal to extend the "COVID 19 Pandemic Exception Procedure for the Operation of On-Board Observers", until 24:00 hours on 15 April 2021. At least two weeks prior to 15 April 2021, the AIDCP and IATTC Chairs shall ask the consent of the AIDCP Parties and IATTC Members to

extend these procedures, if the circumstances arising from the COVID-19 pandemic appear to persist beyond the effective date of this extension.

While we hope for an early return to normalcy and the conclusion of the COVID-19 pandemic, we make a special appeal to all those involved in this procedure to continue to ensure its effective compliance, tailored specifically to address the effects of the pandemic and bearing in mind that we must maintain active the best efforts to ensure the best implementation of our fisheries conservation and management measures.

In view of the urgency of the situation and its exceptional nature, we propose that this extension proposal be considered as approved by all the Parties to the AIDCP and the members of the IATTC, with their consent within one week from the date of this memorandum. If no response is received from a Member within the established time frame, that Member will be deemed to have joined the consensus.

For your convenience and easy reference, we reproduce below once again the contents of the Procedure, as an annex to this memorandum, with its paragraph 5 correspondingly amended.

Annex: as indicated.

Annex

COVID 19 PANDEMIC EXEMPTION PROCEDURE FOR THE OPERATION OF ON-BOARD OBSERVERS

The *Inter-American Tropical Tuna Commission (IATTC)*, in consultation by correspondence, and the *Agreement on the International Dolphin Conservation Program (AIDCP)*, through consultation between the Parties:

Bearing in mind the obligations assumed by the IATTC CPCs under the provisions of the Antigua Convention and in particular Resolution C-09-04, as well as the obligations adopted by the Parties to the Agreement on the International Dolphin Conservation Program, in particular those set out in Paragraph 2 of Annex II thereto;

Convinced that regular and timely reporting of information on fishing by vessels at sea is important in the implementation of the conservation and management measures adopted by the Commission;

Recognizing that the World Health Organization declared on 11 March 2020 the pandemic from the virus known as COVID-19;

Recognizing that around the world, countries had to react by establishing restrictions on the internal and international movement of people in order to prevent the spread of the disease, which directly impacts the operations of placing observers on board vessels covered by the obligation to carry observers on board;

Aware of the importance of safeguarding individual and public health, and also of ensuring the conservation of the species covered by the IATTC and the AIDCP, without detriment to the food security and productivity of the countries;

Convinced of the need to adopt transitional and exceptional measures that will make it possible to ensure the continuity of fishing operations without detriment to the capture of data as a fundamental basis of fisheries management;

Determined to ensure that the exceptional measures to be adopted are proportionate and do not unnecessarily undermine existing measures or the broader management regime;

Agree:

1. These procedures apply only to the observer requirements established in Annex II of the AIDCP, paragraph 2, as endorsed in IATTC Resolution C-09-04.
2. Any vessel for which it is impossible to place an observer on board in compliance with the applicable IATTC and AIDCP rules due to operational and logistical constraints arising from the actions taken by governments or organizations to safeguard health shall be exempted of its corresponding observer obligations;
3. This temporary exemption shall not constitute a blanket suspension of the obligation of carrying an observer on board, but shall be granted case-by-case for each vessel and for each trip, according to the following procedure:

- i. Owners and operators of vessels shall continue requesting the placement of observers in accordance with the applicable AIDCP and IATTC rules and procedures;
 - ii. An exemption shall be considered as granted after a certification issued by the Director of the IATTC, or the head of the field office and the office of the national observer program office, indicating the unavailability of observers, in close coordination with the Flag State Authorities. Where appropriate, the certification shall be issued within six days prior to the departure date established in Section I of the **PROCEDURES FOR THE ALLOCATION OF AN OBSERVER ON BOARD ON AN AIDCP FISHING TRIP AND PURSUANT TO IATTC RESOLUTION C- 09-04**;
 - iii. The IATTC Field Office and the National Observer Program Office must notify the Director of each certification on the same day of its issuance and the reasons for issuing it;
 - iv. All parties involved should make every effort to avoid all unnecessary delays of the corresponding exemptions.
4. The Director shall notify all Parties to the AIDCP and CPCs of the waivers granted in accordance with this procedure, including the grounds for the certifications regarding the non-availability of observers, on a weekly basis;
5. These procedures for the exemption of carrying observers on board shall expire on 15 April 2021 (for instance: observers must be assigned for trips that start after 12:01 a.m. on 15 April 2021). At least two weeks in advance of 15 April 2021, the AIDCP and IATTC Chairs shall seek the approval of the AIDCP Parties and IATTC Members to extend these procedures, if the circumstances arising from the COVID-19 pandemic appear likely to persist beyond 15 April 2021.
6. In the case of vessels operating without an observer aboard, pursuant to a waiver granted in accordance with these procedures, AIDCP Parties and IATTC Members should request vessel captains to collect, record and report data and information for each trip, in simplified forms, exclusively data on tuna catches and bycatch of other species (including dolphin mortality), by gear, fishing area and type of set, in accordance with the forms used by the IATTC until such time as it is possible to resume normal deployment of on-board observers.

The information collected is to be delivered at the end of each trip to either the flag State government which should send it to the IATTC or the person in charge of the IATTC field office or to a government delegate, as the case may be, in the port where the catch is landed.

7. If there is an electronic observer on board the fishing vessel, it should continue to report periodically.
8. Fishing activities by a vessel without an observer pursuant to an exemption granted in accordance with these procedures shall not be considered as a case of non-compliance.