

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

MEMORANDUM

30 September 2022

Ref.: 0412-420

To: AIDCP Parties
IATTC Commissioners and Heads of Delegation

c.c. Bolivia, Chile, Honduras, Indonesia, Liberia

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 –
Provisional implementation and proposed extension until 31 December 2022.

As you know, the Exemption Procedure that had been extended in the absence of contrary opinions, as we had proposed in our memorandum Ref. 0269-420 dated 21 June 2022, expires today.

In spite of the fact that the current circumstances and their evolution have proven in practice that the obstacles and limits which gave rise to this Procedure have been almost completely overcome, it is our opinion that for essentially precautionary considerations it would be advisable that the Parties to the AIDCP and the Members of the IATTC continue to have at their disposal this instrument, the usefulness of which has been amply demonstrated

For this reason, we propose once again its extension, until December 31, 2022, a proposal which, like the previous ones, shall be considered as approved by all the Parties to the AIDCP and the Members of the IATTC, unless an opinion to the contrary is received from a Party or a Member, within a period of one week from the date of this memorandum.

In order to avoid a counterproductive void and without prejudging the final decision of the Parties and Members, we have requested the Director to maintain the Procedure as provisionally activated until this deadline has been met.

For your convenience and easy reference, a duly corrected text of the whole Procedure is attached to this memorandum

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 31 December 2022 (for instance: observers must be assigned for trips that start after 12:01 a.m. on 1 January 2023). At least two weeks in advance of 31 December 2022, 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 31 December.
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.