

Joint FAO/IMO Ad Hoc Working Group on
Illegal, Unreported and Unregulated Fishing
and Related Matters
3rd session
Agenda item 12

JWG 3/12
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ENGLISH ONLY

**IMO LEGAL FRAMEWORK RELATED TO SAFETY OF FISHING VESSELS AND FISHING
VESSEL PERSONNEL**

Ensuring observer safety

Submitted by the United States

SUMMARY

Executive summary: This document provided information regarding safety of observers, and propose that the FAO, IMO and RFMOs (Regional Fishery Management Organization) should develop measures within their respective organizations that establish or improve existing observer safety standards and practices, and, where appropriate, require their implementation while flag States should ensure their existing or future observer programs incorporate appropriate observer safety standards and practices

Strategic direction: 1.1

High-level action: 1.1.1

Planned output: 1.1.1.1

Action to be taken: Paragraph 5

Related documents: none

1 Independent monitoring of vessel activities is critical to obtaining accurate data that, among other uses, can help detect illegal, unreported, and unregulated (IUU) fishing activities. A common and important technique for collecting data on fishery-related activities is through the deployment of observers on vessels, including harvesting, transshipment and other support vessels. Observers should be afforded safe working conditions while deployed on vessels engaged in fishing activities.

2 Many RFMOs and individual flag States have developed observer programs that fulfil scientific, management, and compliance purposes. Observer programs document all aspects

of fishing operations, including recording area fished, gear used, species caught, amount and disposition of catch, and interactions with protected species. Observer data can also be used to detect infringements of RFMO conservation and management measures or domestic laws and regulations, to prosecute or take other action against violators, and to more efficiently and effectively deploy limited inspection resources.

3 To varying degrees, RFMO and individual flag State's observer programs incorporate measures that directly or indirectly address observer safety. However, considering that observers are an extra person aboard a vessel, operate on crowded decks, and collect data that could be used in a manner that could negatively affect future fishing operations, thereby potentially creating sources of conflict between the observer and vessel personnel, explicit consideration of measures to improve observer safety is needed. Creating a safe environment for observers to conduct their essential duties should be of the highest priority.

4 The United States, through its Presidential Task Force to Combating Illegal, Unreported, and Unregulated (IUU) Fishing and Seafood Fraud, has assembled a list of measures useful to detect and deter IUU operations, including measures employed in observer programs developed domestically and by RFMOs. Through that process, the United States is considering the following with respect to observer safety:

- .1 vessels to be observed should meet appropriate safety standards before deployment and meeting these standards should be fully documented;
- .2 observers should not be deployed on vessels that do not meet established minimum safety requirements for carrying an observer;
- .3 RFMOs or flag States, as appropriate, should specify a list of minimum equipment necessary to enable deployed observers to carry out their duties aboard fishing vessels, including safety equipment;
- .4 observers, as well as vessel owners and operators, should receive training in the duties and roles of fishery observers, effective communication techniques, conflict management, appropriate conduct while aboard, vessel operations, and safety protocols;
- .5 a secure, cost effective means of communication, preferably independent of vessels communications, should be established to allow observers to notify the appropriate authorities if they are in danger so that appropriate action can be taken;
- .6 RFMOs or flag States, as appropriate, should establish processes and procedures to assist observers as quickly and effectively as possible if notified of a safety concern;
- .7 to ensure the safety of the observer to the greatest extent possible, notification of possible non-compliance with applicable conservation and enforcement measures should be accomplished through the submission of a post-trip observer report;
- .8 the vessel master should provide the observer with food, sleeping accommodations, and medical facilities equivalent to that provided to the officers of the vessel;

- .9 regular communication should be accommodated and occur between the observer and appropriate observer program implementing authorities;
- .10 the master and crew should cooperate and assist the observers in the conduct of their duties, including, but not limited to, providing the observer with access to all vessel's major areas, including the bridge, vessel personnel, pertinent documentation, gear, the catch hauled aboard, and navigation and communication equipment as necessary to carry out their duties; and
- .11 anyone onboard should not tamper with, or destroy observer equipment, obstruct, interfere, or otherwise act in a manner that could unnecessarily prevent the observer from performing his/her duties. Further, anyone onboard should not intimidate, harass, or harm the observer in any way or bribe or attempt to bribe the observer.

Action requested of the Joint Ad Hoc Working Group

5 The Joint Ad Hoc Working Group is invited to consider these measures provided in paragraph 4, as well as other practices to ensure observer safety, and how we can advance improved working conditions for observers through the FAO, IMO and other relevant international organizations.
