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**OBSERVER SAFETY AND RESPONSE TO KOREA'S PROPOSED CMM FOR  
OBSERVER CONDUCT**

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**WCPFC14-2017-DP08**  
**3 November 2017**

**Paper by FFA Member CCMs**



3 November 2017

Feleti P. Teo OBE  
Executive Director  
Western and Central Pacific Fisheries Commission  
PO Box 2356, Kolonia  
Federated States of Micronesia

Dear Feleti,

**Observer Safety and response to Korea's proposed CMM for Observer Conduct**

I write on behalf of the 17 members of the Forum Fisheries Agency in my capacity as the Chair of the Forum Fisheries Committee.

Improving observer safety and welfare continues to be a high priority for FFA Members. FFA Members viewed the adoption of the Conservation and Management Measure 2016-03 for the protection of Regional Observer Programme observers as a key achievement for the Commission.

However, it was only a starting point for us. The recent cases of missing observers, since the adoption of CMM 2016-03, underlines that further work is required to improve the safety of observers. This is our focus.

As advised at TCC13, a key area of work that FFA Members are progressing, in our continued effort to ensure the safety and wellbeing of our observers, is insurance coverage. The lack of clarity on the scope and application of insurance policies for observers remains an outstanding issue, and continues to put our observers and their families in an insecure situation. We will keep other Commission members apprised once this work is completed, with a view to improving this specific situation for all observers operating under the Regional Observer Programme.

On the proposed CMM on the Standards of Conduct for Observers from Korea, this is not supported by FFA Members for the following reasons:

- *Safety* – safety of the observer is of utmost importance and it is crucial not to lose sight of this.
- *13-06 SIDS impact assessment* – we thank Korea for the attempt to complete this assessment, however we do not think this takes into full account our views, especially given that our SIDS members have not been consulted on this proposal.
- *Principles* – as a matter of principle, it is important that (i) the rules that the observer is required to follow are not of a higher standard than the conduct of behaviour expected from others on the vessel, and (ii) their ability to comply with any code on the vessel is facilitated e.g. no alcohol on the vessel, treated with mutual respect and fairness by master and crew.
- *Duplication* – several aspects of the proposed CMM are already covered by the FFA Code of Conduct for Observers, which FFA observer providers have used as a basis to develop national codes. Some FFA Members have adopted and apply more stringent national codes. In addition, several of the observer's responsibilities are already covered in CMM 2007-01.

- *Matter for national level* – consideration of a ROP Code of Conduct was previously discussed at the ROP-IWG in July 2008 and it was agreed that a national code of conduct would be the responsibility of the CCM. In particular, it was noted that codes may need to vary to cater for cultural and religious sensitivities. The IWG-ROP outcomes were subsequently endorsed by WCPFC in December 2008.
- *Existing form for masters* – there is already a form provided to the master during observer placement, which can be used by the master to raise complaints on observer behaviour.
- *Appeals* – it is neither necessary nor appropriate for the Commission to include this into a binding measure as it undermines national processes, and what is essentially an internal matter between the observer and the provider. In addition, the procedures for the right of appeal is proposed to be developed by the Commission. This appears to be setting up a cumbersome process for a matter that is already dealt with at national level.
- *Compliance Monitoring* – this is not appropriate because there are already national disciplinary processes in place to raise issues about an observer to the observer provider who is best placed to deal with these matters.

FFA members look forward to meeting shortly in Manila. Any queries on this letter should be directed to the FFA Secretariat ([manu.tupou-roosen@ffa.int](mailto:manu.tupou-roosen@ffa.int) or [noan.pakop@ffa.int](mailto:noan.pakop@ffa.int)).

Yours sincerely



Jenny Baldwin

Chair  
Forum Fisheries Committee