



**FOURTH MEETING  
INTERSESSIONAL WORKING GROUP  
REGIONAL OBSERVER PROGRAMME (IWG-ROP4)  
Novotel Hotel, Nadi, FIJI  
July 6 - 8, 2015**

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**CMM 2007-01 Paragraph 9**

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**WCPFC 2015- IWGROP4 -10  
26 June 2015**

1. WCPFC11 agreed that the following matters identified by TCC10 paragraph 64 (vi) should be forwarded to the IWG-ROP: (@ para. 489):*iv. The matter of interpretation of CMM 2007 -01 paragraph 9 to the IWG-ROP (para 64(vi)).* CMM 2007-01 Paragraph 9 is found under the heading “**Obligations of CCMs of the Commission**”

9. *CCMs shall source observers for their vessels as determined by the Commission.*

2. The source of an observer has been already determined by the IWG-ROP process and the CMM 2007-01 that the observer for ROP coverage must come from an authorised Commission ROP programme/provider. The obligation for individual CCM’s is to ensure that their authorised ROP programmes maintains the standards expected by the Commission; to ensure this occurs each programme is routinely checked through an Audit process by the Secretariat and is scheduled by the Commission.

3. The problem that comes with the obligation in CMM 2007-01 is which programme/provider may supply observers for different fisheries. The WCPFC Convention Article 28 paragraph 3 states:

*The regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission. The programme should be coordinated, to the maximum extent possible, with other regional, sub regional and national observer programmes.*

4. It was realized it would be difficult for each observer to be separately authorised by the Secretariat so the Commission agreed to allow the Secretariat to authorise providers which then would certify observers in their respective programmes (note that CMM 2007-01 paragraph 12 (b) “*authorize observer providers to the ROP*” ). It was agreed this process the Secretariat would fully authorize the ROP programmes that had attained minimum standards that the Commission had developed through the IWG-ROP process. These standards are updated or added to by other determinations by the Commission at its various meetings.

5. The independence and impartiality of an observer is the important portion of paragraph 3 of article 28, as the ROP, given the observer’s powers and functions are prescribed by the Convention and the CMM. The independence of observers in a ROP programme relies on the procedures of appointment, training of the observer, experience, source of compensation and the determination of the (rights, roles,

powers and functions) of the observer. All of which are taken into account via Commission Secretariat-based audit process. Therefore criterion used to evaluate and determine impartiality and independence of the observer programmes and their observers are in place through the approved Commissions audit schedule of ROPs and their observers. A more expansive definition on the observer's independence and impartiality is described in the paper of definitions (see WCPFC-2015-IWGROP4-12).

6. With the WCPFC Convention Article 28, and the Commission audit process, the source of observers is clear, for ROP duties the observers must be sourced from authorised ROP observer programmes, however the source of an observer for each fishery is explained more comprehensively in the paper on the Hybrid Model WCPFC 2015-IWGROP4-11 (*para 14-28.*)