



**COMMISSION  
SEVENTEENTH REGULAR SESSION**  
Electronic Meeting  
8 – 15 December 2020

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**INFORMATION STATEMENT ON CMM 2013-06 ADDRESSING POTENTIAL BURDENS  
AND/OR REQUIREMENTS IMPOSED ON SMALL ISLAND DEVELOPING STATES (SIDS)  
AS A RESULT OF THE PROPOSED HRAS MODEL WCPFC CMM FOR FISHERIES  
OBSERVERS**

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**WCPFC17-2020-OP17  
7 December 2020**

**Submitted by Human Rights at Sea**



# HUMAN RIGHTS AT SEA

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## **Information Statement on CMM 2013-06 addressing potential burdens and/or requirements imposed on Small Island Developing States (SIDS) as a result of the proposed HRAS Model WCPFC CMM for Fisheries Observers.**

### **Introduction**

Human Rights at Sea (HRAS) would like to thank the Western and Central Pacific Fisheries Commission (WCPFC) for the opportunity to attend the 17th Regular Session as an Observer to address the specific topic of the safety, security and well-being of fisheries observers.

On 19 November 2020, HRAS submitted a proposal for a Model WCPFC CMM (Model CMM) addressing ongoing concerns about fisheries observers' working conditions when operating in the Convention Area. The proposal reflects the existing work being undertaken by the Commission and Members on this matter-in-issue.

HRAS would like to update the Commission and Members by addressing the questions required by CMM 2013-06 as to the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area. This takes into account the 'Summary Report of the Implementation of CMM 2013-06 and Disproportionate Burden Workshop' dated 27 November 2014.

### **CMM 2013-06 Questions and HRAS Responses**

#### **Who is required to implement the proposal?**

*If the proposed HRAS Model CMM text was to be agreed in part, or in whole, we would encourage and counsel every Member to adopt the proposal following due consideration, amendments and agreement of the final reconciled text, subject to national caveats. Adoption should be proposed for WCPFC 18 in 2021, with implementation to commence in 2022.*

#### **Which CCMs would this proposal impact and in what way(s) and what proportion?**

*The proposal would impact CMM 2017-03: CMM on Protection of WCPFC ROP Observers, Resolution 2018-01: Resolution on Labour standards for Crew on Fishing Vessels, and CMM 2018-05: CMM for the Regional Observer Programme, reflecting and improving upon existing scope and language. It would be for Members to determine acceptance, or otherwise, of the proposed Model CMM for fisheries observers with reconciliation and*

*alignment of drafting across existing CMMs and Resolution 2018-01, including reconciling CCMs by interpreting their collective overarching conservation objectives.*

**Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?**

*There is direct linkage with the Indonesian Delegation's proposal: ['Proposed CMM on the Labour Standards for Crew on the Fishing Vessels'](#) dated 20 November 2020 submitted by Director Trian Yunanda, Director of Fish Resources Management, noting mirrored drafting context, scope and language. This notes that the Indonesian Delegation's proposal was, as we understand, informed by shared HRAS drafting proposals.*

**Does the proposal affect development opportunities for SIDS?**

*It is counselled that any eventual adoption of a comprehensive CMM specifically addressing safety, security and well-being of fisheries observers would be a positive enhancement for all Members in advancing respective fisheries policies, enabling regional development and investment opportunities, and enabling strategic impact reporting for constructive sectoral change.*

**Does the proposal affect SIDS domestic access to resources and development aspirations?**

*There are no known issues concerning the proposal affecting domestic access to resources as the Model CMM requirements would be addressed through existing State structures, governance and legislative architectures. Further, development aspirations would be positively supported by the adoption of the CMM in demonstrating a clear and public commitment to fisheries observer protection(s). This would reflect pertinent Sustainable Development Goals (SDGs), reflect State's duty to protect human rights under the 1948 Universal Declaration on Human Rights, the 2011 UN Guiding Principles on Business and Human Rights, and uphold the core principles of the UN, by way of example.*

**What resources, including financial and human capacity, are needed by SIDS to implement the proposal?**

*It is assessed that no additional financial or human capacity would be needed as the Model CMM is a refinement of existing CMM's that are already functioning having been implemented by Members. This would be subject to individual Member assessments which may change if determined that additional resources would be explicitly required for specific and/or new post(s) deemed necessary for overseeing development and/or implementation.*

**What mitigation measures are included in the proposal?**

*There are no specific SIDS measures included in the proposal as the text concerning human rights protections and standards is internationally applicable to all States. Points relating to insurance coverage and increased support for dependents, for example, should be equally applicable by all Members, as agreed.*

**What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?**

*Subject to Member support for the Model CMM, HRAS, in collaboration with other supporting Observer organisations is willing to directly support Members on request and within the bounds of available resources.*

Thank you for your due consideration.

Yours sincerely,

A handwritten signature in black ink that reads "David Hammond". The signature is written in a cursive style with a large initial 'D'.

David Hammond Esq.  
CEO  
Human Rights at Sea  
6 December 2020