**TERMS OF REFERENCE FOR THE WORKING GROUP OF SOUTHWEST INDIAN OCEAN COASTAL STATES NATIONAL OBSERVER PROGRAMME MANAGERS**

**PREAMBLE**

RECALLING that a Working Group of South West Indian Ocean Coastal States National Observer Programme Managers (WG-SWIO-NOPm) has been established, with meetings provisionally funded by the Indian Ocean Commission under the Regional Fisheries Surveillance Plan (PRSP);

ACKNOWLEDGING that the WG-SWIO-NOPm has determined to identify a regional organization under which it can be formalized and long-term funding can be sourced;

MINDFUL that there are currently five initiatives on regional observer activities in the Eastern Africa – Southern Africa – Indian Ocean region, funded by the European Union, World Bank, coastal States and other donors, under projects and mechanisms implemented by the Indian Ocean Tuna Commission (IOTC), the South Africa Development Community (SADC), the Southwest Indian Ocean Fisheries Commission (SWIOFC), the Southern Indian Ocean Fisheries Agreement (SIOFA) and the Indian Ocean Commission (IOC);

NOTING the long-term benefits and effectiveness in establishing terms of reference that may be considered by the WG-SWIO-NOPm and the potential regional organization;

THE MEMBERS OF THE WG-SWIO-NOPm have agreed on the following terms of reference:

1. **ESTABLISHMENT**
2. The Working Group of Southwest Indian Ocean coastal States National Observer Programme Managers (WG-SWIO-NOPm) shall be formalised in an agreement between participating SWIO coastal States and such regional organization in the SWIO region as may be agreed by its members.

1. The WG-SWIO-NOPm shallbe comprised of at least:
   1. one representative of the Regional Organization under which the WG has been formalized (ideally the appointed Regional Observer Coordinator); and
   2. two representatives of participating member States’ NOP management team (ideally the Coordinator and the Database Manager).
2. The WG-SWIO-NOPm shall adopt its own procedures.
3. Observers from the SWIO region may attend meetings of the WG-SWIO-NOPm, including those representing relevant regional fisheries management organizations, regional organizations and regional agreements.
4. The Chair and Vice-Chair of the WG-SWIO-NOPm shall be elected for a maximum period of one (1) year and shall not be eligible for re-election for a consecutive year.
5. The Regional Observer Coordinator shall support the Chair and Vice-Chair of the WG-SWIO-NOPm.
6. A secretary shall be appointed by the members of the WG-SWIO-NOPm to record the minutes and assist the Chair with the meeting preparation and follow-up.
7. A quorum shall be determined by a simple majority of Commission members.
8. Decisions shall be made by consensus or a simple majority of members who are present and voting.
9. **TERM**
10. The term of this WG-SWIO-NOPm shall be five (5) years.
11. Any member who intends to resign from the WG-SWIO-NOPm shall notify the Chair in writing through their respective national competent authority at least one month in advance of the effective date of resignation.
12. The Regional Organization under which the WG has been formalized may determine the extension of the term or mandate of the WG as necessary with the approval of the WG-SWIO-NOPm.
13. A participating State shall appoint a new member to replace a resigned member from such State.
14. **OBJECTIVES**

The objectives of the WG-SWIO-NOPm are to establish a regional observer programme and to develop and implement collaborative observer activities under a sub-regional framework, and thereby improve the catch and effort data collection and compliance with the relevant conservation and management measures of relevant regional fisheries management organizations.

1. **FUNCTIONS**

The WG-SWIO-NOPm shall exercise the functions described in [Appendix A](#_Appendix_A).

1. **MEETING OBJECTIVES**
2. The WG-SWIO-NOPm shall meet twice a year on a rotating basis or, if agreed by a majority of the members, meet virtually between sessions for specific work.
3. The first annual meeting of the WG-SWIO-NOPm shall be held in the first half and the second meeting shall be held in the second half of each calendar year (ideally, in February and in September respectively).
4. The duration of the meeting shall not exceed two days.
5. The Chairman may meet more frequently with the Regional Organization under which the WG-SWIO-NOPm has been formalized in order to manage the agenda, receive reports, determine the priorities to discuss at WG meetings and attend to such other administrative duties as may be necessary.
6. The objectives of the first meeting in each year shall include:
7. presenting a yearly report on national and sub-regional Observer activities;
8. scrutinising the list of candidates proposed by NOPs to undergo the sub-regional certification process;
9. coordinating annual sub-regional observer deployments;
10. reviewing regional fisheries management organizations recommendations and conservation and management measures of relevance to observers;
11. ensuring that data procedures for the sharing of observation data collected during cooperative observation missions are being followed and that data tools are fully operational;
12. ensuring that procedures for the live coordination of observer deployments are being followed and that coordination tools are fully operational;
13. reviewing applications for the recognition of national training organizations;
14. reporting on the final observer deployment plan for the year.
15. The objective of the second meeting in each year shall include:
16. scrutinising the list of candidates proposed by the NOPs to undergo the sub-regional certification process;
17. planning a yearly joint refresher training of candidates selected to undergo sub-regional certification;
18. presenting the preliminary planning of observer deployment for the following year;
19. evaluating sub-regional certified observer performance based on the evidence of current competency provided by the NOP Coordinator;
20. renewing individual sub-regional observers’ certification (per gear type) based on evidence of observer current competency; and
21. deciding on the decertification or recertification of individual sub-regional certified observers (per gear type) based on evidence of their current competency.
22. **MEETING PROCEDURES and SECRETARIAT SERVICES**
23. Procedures for the agenda shall include the following:
24. The Chair of the WG, in consultation with the WG members, is responsible for finalizing the agenda.
25. Input on the agenda items may include items tabled by the WG members and the Regional Organization under which the WG has been formalized.
26. The agenda and meeting materials should be made available at least five (5) business days in advance of each meeting.
27. The Minutes of each meeting shall be circulated to the Members within fourteen working days of the meeting of the WG-SWIO-NOPm for validation before being forwarded to the Regional Organization under which the WG is formalized.
28. Secretariat services shall be provided by the Regional Organizations under which the WG-SWIO-NOPm is formalized.
29. **ADMINISTRATIVE RESPONSIBILITIES OF THE WG-SWIO-NOPm**

**Administrative responsibilities of the WG-SWIO-NOPm shall include:**

1. provision of a report of the WG’s action plan and results to the Regional Organization under which the WG has been formalized;
2. pre-validation and/or peer review of any technical assistance work whose outputs affects the work of the WG;
3. active participation in the selection process of a Regional Observer Coordinator to be appointed by the Regional Organization under which the WG is formalized, including:
   1. drafting the terms of reference for the appointment of the Regional Observer Coordinator; and
   2. evaluating and shortlisting candidates based on their technical proposals.
4. **FINANCIAL RESOURCES**

The WG-SWIO-NOPm shall actively seek long-term funding to, *inter alia*, support meetings and related activities of the WG-SWIO-NOPm, recruit a Regional Observer Coordinator, support coastal States in the development and standardization of their NOPs, and to implement collaborative regional observer activities.

**APPENDIX A**

**MATTERS TO BE ADDRESSED BY THE WG-SWIO-NOPm**

The matters to be addressed by the WG-SWIO-NOPm shall include but not be limited to the:

1. scope of cooperative sub-regional observer activities;
2. recognition of the role of observers and the WG;
3. source(s) of Observers (state observers, independent observers, etc.);
4. minimum information and data to be collected;
5. level of coverage for different gear types or fisheries;
6. management of cooperative sub-regional observer activities;
7. identification of ways to fund cooperative sub-regional observer activities;
8. development/approval of standards for cooperative sub-regional observer activities, including the:
9. development of minimum standards for observers’ qualification, training, certification, and debriefing;
10. development of minimum standards for Debriefers’ qualification, training, and certification;
11. development of minimum standards for Trainers’ qualification, training, and certification;
12. development of minimum standards for Coordinators’/Managers’ qualification, training, and certification;
13. development of minimum standards for Training Institutions’/Providers’ qualification, training, and certification;
14. Development of formal certification and effective quality assurance processes in regards to the cooperative sub-regional observer activities of the:
15. certification of observers;
16. certification of debriefers;
17. certification of trainers;
18. certification of observer coordinators/managers;
19. certification of training institutions/providers;
20. development of (or guidelines for) the Code of Conduct of observer behaviour;
21. data sharing, transmission and access;
22. coordination with other regional, sub-regional and national Observer Programmes/Schemes;
23. development of minimum standards for supplies and equipment that should be provided to observers;
24. development of minimum standards for placement and health and safety, including the ability to independently communicate with the appropriate entities;
25. development/review of Observer manuals, training materials, other support material and species identification guides;
26. conditions for observers deployed on board vessels operating in the cooperation zone (SWIO), including accommodation, safety, access to and use of relevant facilities and equipment;
27. structure for the annual report on the implementation of national and cooperative sub-regional observer activities to be presented by the SWIO coastal States NOPm and by the Regional Observer Coordinator;
28. details on the confidentiality of the information and data;
29. coordination of observer deployments at a sub-regional level;
30. development of a SWIO Sub-regional Observer Programme (SROP);
31. modify, if and where needed, the above items and identify priority issues for inclusion to these terms of reference.