Kenya: Zone of Cooperation, not SWIO

Mauritius: Clarification, how does this fit into the two agreements we have reviewed. Names of States not present today.

Jude: Kenya: If everyone agreeds.

This WG was initiated in 2014 by Mada and C, then Mauritius and Seychelles, Smartfish. Then extended to other countries. If it is going to be under the umbrella of PRSP, members should have signed the administrative arrangement. Countries that have not signed the administrative arrangement should not be in it. And the Zone of Cooperation should be the same as the Admin Arrangement. It should remain only for countries in the Admin Arrgt.

Countries that formed part of the WG were worried about its sustainbility for remaining under IOC. WG should remain under IOC for some benefits, so the WG did not take a final decision where it would be placed pending determination of Admin. arrangements. So it can apply only to signatories of PRSP.

Mauritius: MOU. There will not be any mention of other countries, it will be deleted.

Kenya: Where the work of this working group fits into in the whole structure.

Jude: Similar to RCU at the same level.

**TERMS OF REFERENCE FOR THE WORKING GROUP OF NATIONAL OBSERVER PROGRAMME MANAGERS**

**PREAMBLE**

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

ACKNOWLEDGING that the WG-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-NOPmand the potential regional organization;

THE MEMBERS OF THE WG-NOPmhave agreed on the following terms of reference:

1. **ESTABLISHMENT (note...level of RCU)**
2. The WG-NOPm shall be formalised in an agreement between participating States and such regional organization in the region as may be agreed by its members.

1. The WG-NOPm shall be comprised of at least:
   1. b. one representative of the Regional Organization under which the WG has been formalized (ideally the appointed Regional Observer Coordinator); and b
   2. a. two representatives of participating member States’ NOP management team (ideally the Coordinator and the Database Manager). a
2. The WG-NOPm shall adopt its own procedures. by consensus
3. Observers from fisheries organizations or other bodies may be invited to attend meetings of the WG.
4. The Chair and Vice-Chair of the WG-NOPm shall be elected for a maximum period of one (1) year and shall not be eligible for re-election for a consecutive year. Casting vote not clear. Moz: Transpose this to another section on meeting procedures and secretariat services. Here we can state that the WG the meetings will be conducted by the Chair. Jude we will align it with the other ToRs.
5. IOC can be member, but if no secretariat services ... same for ERCU...Jude... the WG was not sure which organization it would fall under. If we want to convince this WG then IOC would have to be in. We can put IOC in, bracket it.
6. The Regional Observer Coordinator shall support the Chair and Vice-Chair of the WG-NOPm.
7. A secretary shall be appointed by the members of the WG-NOPm to record the minutes and assist the Chair with the meeting preparation and follow-up.
8. All members or at least two thirds A quorum shall be determined by members.
9. Decisions shall be made by consensus or at least two thirds. ).
10. **TERM**
11. The term of this WG-NOPm shall be five (5) years.
12. Any change as to the identity of a member from a participating state the WG shall be notified in writing by the Participating State to the Secretariat.
13. 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-NOPm.
14. A participating State shall appoint a new member to replace a resigned member from such State. Get language from another ToR.
15. **OBJECTIVES**

The objectives of the WG-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 fisheries information, including catch and effort data and compliance with the resolutions of relevant regional fisheries management organizations as agreed by the parties.

Reports include database, surveillance, to see if recommendations on fishing are respected.

Moz: highlight that putting the fisheries information is preferable, including catch, bycatch information Relevant fisheries information. Annex, can specify the minimum data the observer needs to focus on the information... e.g. if I want ot study protected species, we can have an observer bring information.

Mauritius. improve the cach and effort data, improve qualilty of such data, enhance compliance. Other rules, etc mentioned by Mozambique to be imported from Annex A.

M would not like WG to look into any marine scientific research.

Jude: Data etc is all in the Resolution. Mandate of the observers will be in the MOU.

Compliance is OK,

improve catch and effort data collection and quality and other information

The primary data in the Resolution is catch and effort

1. **FUNCTIONS**

The WG-NOPm shall exercise the functions described in [Appendix A](#_Appendix_A). Fall under the purview of the ERCU, subject to direction by RCU.

1. **MEETING OBJECTIVES**
2. **Put 1-4 in procedures below.**The WG-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-NOPmshall 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-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**

Mauritius: consultations, request of parties for agenda, etc transpose these throughout.

Kenya: Regional org to provide secretariat services, don’t make regional organization power under b.

1. Procedures for the agenda shall include the following:
2. The Chair of the WG-NOPm, in consultation with the WG members, is responsible for finalizing the agenda. (check language for discussion, agreement in other documents)
3. .
4. The provisional agenda and meeting materials should be made available at least five (5) business days in advance of each meeting.
5. The Minutes of each meeting shall be circulated to the Members within fourteen working days of the meeting of the WG-NOPm for validation before being forwarded to the Regional Organization under which the WG is formalized.
6. Secretariat services shall be provided by the Regional Organizations under which the WG-NOPm is formalized.

7 AND 8 INTO APPENDIX A

1. **ADMINISTRATIVE RESPONSIBILITIES OF THE WG-NOPm**

Administrative responsibilities of the WG-NOPm shall include:

1. provision of a report of the WG’s action plan and results to the ERCU and approval from ercu.
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 COMPETITIVE selection process of a Regional Observer Coordinator to be appointed by the ERCU , 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-NOPmshall 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-NOPm**

The matters to be addressed by the WG-NOPm shall comprise 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 development of minimum standards for:
9. observers’ qualification, training, certification, and debriefing;
10. debriefers’ qualification, training, and certification;
11. trainers’ qualification, training, and certification;
12. coordinators’/managers’ qualification, training, and certification;
13. 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 in line with agreed confidentiality parameters;
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 WG-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 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; and.
32. any activity ancillary to any of the above activities.