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Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien



OBSERVER PROGRAM DEVELOPMENT and OBSERVER LOGISTICAL COORDINATION WORKSHOP



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National mandate for Observer Deployment & Observer Programme Objectives

IOTC ROS OLC TR1.01 & TR1.02

Category: Mandate for Observer Deployment

[IOTC ROS OLC TR1]



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National mandate for Observer Deployment

- The placement of observers requires a “legal mandate”.
- The legal mandate provides the legal obligation for national / foreign flagged vessel to accommodate an observer when requested and outlines observer deployments conditions.
- Appropriate legislation is essential for the establishment of an Observer Programme, as it provides the mandate and authority to place observers on a vessel as needed.



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National mandate for Observer Deployment

- The mandate for vessels to carry observers and the functions of the observer may be prescribed through a number of organisations involving both national and international fisheries:
 - Flag State and coastal State national fisheries legislation, licence conditions, etc., can incorporate Observer requirements;
 - Regional Fisheries Management Organisations (RFMOs) can request CPCs to make provision for their flagged vessels to carry observers on the high seas and in certain cases within the Exclusive Economic Zone (EEZ); and
 - Fisheries scientists may require observers to collect specific data (baseline biological information, biomass studies, etc.) for the management of the fishery.





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National mandate for Observer Deployment

At a national level the mandate for vessels to carry observers and the functions of the observer may be prescribed in the:

- Fisheries Act
- Fisheries Regulations
- Vessel Licence conditions
- Fishing Permit conditions
- Conditions pertaining to an Access Agreement
- Other legal instruments when the authority is provided for by any of the above (ex: MoUs).



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National mandate for Observer Deployment

The carrying of Observers requires the support of international legal instruments such as:

- UNCLOS
- UN Fish Stocks Agreement (1995)
- Recognised conventions and RFMO texts (e.g. IOTC)
- National Legislation
- Bilateral agreements; etc.



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National mandate for Observer Deployment

The mandate for vessels to carry observers should cover at least the following basic scenarios:

- ❖ National flagged vessels operating within the EEZ.
 - Expected to conform with fisheries legislation and licence conditions imposed by the flag state.

- ❖ National flagged vessels operating within the EEZ and on the high seas
 - Expected to conform with fisheries legislation and licence conditions imposed by the flag state, as well as the conditions of the RFMO for the area.

- ❖ Foreign flagged vessels with permits issued to them by a country, allowing them to operate within the coastal State EEZ and on the high seas
 - Expected to conform with fisheries legislation and licence conditions imposed by the coastal State including the accommodating of an observer for the period that they operate within the coastal State EEZ.





Programme Objectives

It is important to establish clear objectives before implementing an Observer Programme.

Inspection and control

Objective: enforce fishery governance and monitor fisheries from a legal aspect.

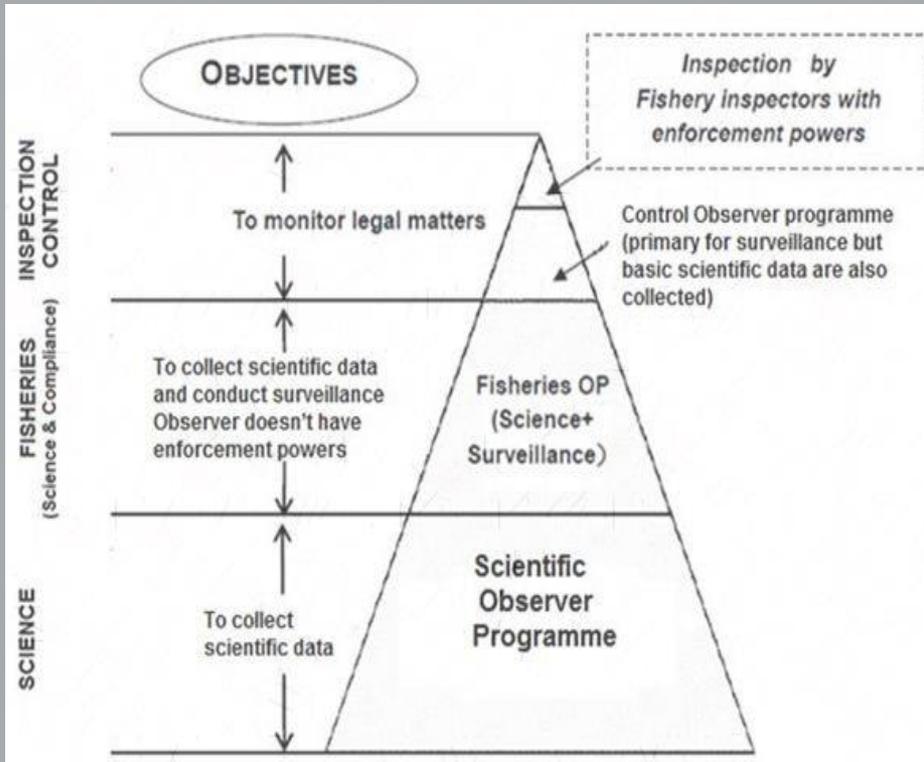
- Inspection programmes - restricted to the reporting on adherence to compliance measures stipulated in licence conditions.
- Control programmes - collect control data and fisheries data.

Science and compliance

Objective: collect fisheries information at sea (mainly catch and effort), can also collect info. on fishery impacts on other marine fauna.

Science

Objective: collect scientific data required for fisheries management (catch, bycatch, discards, effort information and biometrics).





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