



**Intersessional Working Group
Regional Observer Programme**

Nadi Fiji

7th – 10th July

CODE OF CONDUCT FOR OBSERVERS

WCPFC/IWG-ROP2/2008-09

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The following is a copy of the Code of Conduct document first presented at IWG-ROP 1 as part of the appendices (Appendix I) to the “Draft Strategic Plan for the Development of the Regional Observer Programme”

Introduction

1. ROP Observers are obligated to carry out their tasks to ROP requirements and to not engage in any activity that is likely to bring the ROP into disrepute. Observers are guided in this endeavor by a Code of Conduct. The aim of the Code of Conduct is to provide a set of guiding principles relating to accepted behavior and standards of conduct while serving as an ROP Observer – from the time of engagement until all ROP responsibilities associated with a ROP trip are discharged.
2. Procedures for monitoring observers’ compliance with the Code of Conduct
 - Code of Conduct will be monitored by the observer provider that supplies the observer for ROP duties.
 - Alleged breaches reported by a vessel captain, or master, of the Code of Conduct by an ROP observer will be documented and reported to the observer provider for action.
 - A written copy of the allegation will be forwarded to the Commission Secretariat by the vessel captain, owner or the flag State.
 - The observer provider will investigate the allegations, and according to the results of their investigation, they will make recommendations on any action to be taken.
 - The recommended action by the observer provider will be reported to the vessel flag State and to the Secretariat of the Commission who will include the findings in their annual ROP report to the TCC and Commission.
 - The observer, observer provider or flag State of the vessel may ask for assistance on the Code of Conduct from the ROP or the Commission Secretariat.
 - After considering the investigation carried out by the Observer Provider, the Commission ROP will have the right to decide whether the observer involved will be restricted or is permitted to perform any further duties for the ROP.

CODE OF CONDUCT FOR REGIONAL OBSERVER PROGRAMME OBSERVERS

The Code of Conduct shall only apply to observers selected for duties for the WCPFC Regional Observer Programme

1. Preceding a vessel boarding

- a) The Observer Code of Conduct will apply as soon as an observer is notified that they will be required to board a vessel for the ROP.
- b) Observers shall always ensure that they arrive to board the vessel in a healthy condition, and are not in any way under the influence of any illegal, legal substances or alcohol.
- c) Observers who are under the influence of any alcohol, illegal or legal drugs immediately before their boarding of a vessel may be prevented from making the boarding. (If an observer fails to meet his obligation by turning up to the vessel in an intoxicated state they can be refused boarding by the vessel master.)
- d) Observers shall where practical arrive no later than 4 hours before the schedule departure time advised by the vessel of their agents.
- e) Observers shall not carry alcohol, betel nut or any other illegal substances onto the vessel.

2. On boarding a vessel

- a) Observers shall, as soon as possible on boarding a vessel, present themselves with identification to the captain/master of the vessel
- b) Observers shall ensure they complete any formalities needed for joining the vessel.
- c) The observer will stow all observer equipment neatly in a safe and secure manner in the area that has been allocated by the vessel captain.

3. Conduct on board a vessel

- a) Observers shall develop a diligent and professional working routine as soon as possible after boarding the vessel.
- b) Observers must maintain their independence at all times and must report any attempt to compromise or harass them.
- c) Observers shall not accept inducement with money or gifts of any kind, for them to neglect their duty or in any other way act unfavorable to their proper duties.
- d) Observers shall ensure that they do not unduly hinder or interfere with the proper functioning of the vessel for fishing operations or navigation purposes.
- e) Observers shall respect the safety and sanitary rules of the ship.
- f) Observers will attempt at all times to have a professional and courteous relationship with the captain/master and crew and shall respect their private property and living space.
- g) Observers will be clean and dress in an appropriate manner for the conditions of the working and or living space. Observers will not enter into cabins or other areas of the vessel designated as clean areas in work clothes that are impregnated with fish remnants, blood and or other fish parts.
- h) Observer's personal hygiene shall be maintained. Observer's shall bathe regularly and will wash their clothes frequently.

- i) ROP Observers are not law enforcement officers and shall have no enforcement powers; therefore they will not give any directions or notices outside their observer responsibilities and authority to the captain/master or to any member of the crew.
- j) Observers will at all times while on board a vessel refrain from using bad language, exhibit bad behaviour and shall respect cultural customs of the crew and the flag of the vessel.
- k) Observers shall not have any personal or intimate relationships whilst on board the vessel.
- l) Observers should walk away from arguments or confrontations and be able to remain calm in all situations.
- m) Unless authorised by the Captain for special occasions, Observers shall not drink alcohol, chew betel nut on board the vessel or smoke in areas where this is forbidden, and where or when requested not to smoke.
- n) Observers shall not use any vessel communication system for private or business use without permission by the captain/master/radio-operator of the vessel. (All Observer communications costs will be paid by the observer or provider by arrangement with the captain/master.)
- o) Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.

4. Respect for property and confidentiality of Information

- a) The observers shall respect all vessel property, private property and any other equipment on board the vessel, including documents, charts, logs and plans of the vessel.
- b) Observers shall not discuss fishing information, ship's position or vessel details over the radio unless specifically requested by an authorised fisheries inspector or other authorised observer coordinator/manager or officers.
- c) Observers shall ensure that all data and information collected whilst on board are kept secure and confidential at all times on board and on shore.
- d) The observer collected data will not be discussed or made available to any one on board, including the fishing master, captain or crew while on board, and will only be discussed with the captain/master at an official de-briefing of the observer.

5 Arrival in a port

- a) Observers shall stay on board until the captain or a port authority, immigration, customs or quarantine officers gives them clearance to disembark;
- b) Observers must respect any instructions from the captain, port authority, immigration, customs or quarantine officer when arriving in port.
- c) Observers will disembark the vessel when given a clearance to do so, with all their equipment and any Samples taken as part of their duties as a ROP observer, as soon as practical on arriving in port.
- d) The captain or master may give permission for the Observer to remain on board until the observer's flights or transport is scheduled. If this occurs the Code of Conduct will continue until the observer disembarks the vessel.

6. Actions if Code of Conduct is breached

- a) Observers traveling to a vessel and reported to be drunk, under the influence of drugs, or who have failed to pay hotel costs or other charges, or have damaged accommodation or are responsible for any other matter that brings disrepute to the sub-regional, national programme or the ROP, will have their contract terminated and may be asked to reimburse all costs for damages, and could be asked to return all costs and airfares involved in their travel.
- b) If the observer is reported by the vessel captain to the observer provider to be under the influence of drugs or alcohol prior to boarding and this is confirmed by the observer provider, national or regional observer coordinator or approved agents in writing, the observer will be withdrawn from the vessel. The observer provider will investigate the incident and take the appropriate action and will inform the ROP on the outcomes of the investigation. If the observer is found to be accountable for their actions, they may be liable for all costs associated with their travel and or any advance payments. The observer provider if required will make arrangements with the observer for the reimbursement for costs associated with their travel and or any advance payments.
- c) If the observer is reported by the vessel captain to the observer provider; that the observer has breached the Code of Conduct, misbehaved, caused unwarranted disruption or failed to maintain sanitary requirements, or is under the influence of alcohol or illegal drugs during the trip period they are on board the vessel; the observer provider of the observer will investigate the claims made by the vessel captain. The observer provider will make a determination on the outcomes of the investigation; observers may be suspended or terminated if it is deemed warranted. An observer may also be responsible for the costs of damages that can be proven were caused by them whilst on the vessel.
- d) Observers on a return journey to their home port after a trip, misbehaving, drunk, or who have failed to pay hotel costs or other charges, or have damaged accommodation or are responsible for any other matter that brings disrepute to the national, sub-regional or the ROP, will have their contract terminated and may be asked to reimburse all costs for damages and unpaid accounts and may also be asked to pay for their return fare home.
- e) Depending on the circumstances, and after a thorough investigation, the observer if found to be the cause of the problem as reported; the observer may be suspended from ROP duties for a minimum of 6 months for the first offence. If the observer is given another chance after the minimum period of disqualification is served and the Code of Conduct is breached a second time an automatic life disqualification from the ROP will occur, national and or regional observer programmes are also urged to apply similar penalties within the WCPFC area.

Appeals

- a) The observer and flag States involved have the right of appeal against the decision of the Observer Provider of the observer allegedly to have committed any offence under the Code of Conduct, the appeal will be in accordance with the rules of procedures to be developed by Commission on these matters