



**FOURTH MEETING OF INTERSESSIONAL WORKING GROUP OF REGIONAL
OBSERVER PROGRAMME (IWG-ROP4)
Novotel Hotel, Nadi, FIJI
July 6 - 8, 2015**

BACKGROUND ON REGIONAL OBSERVER PROGRAMME AND IWG-ROP

**WCPFC-2015-IWGROP4-03
18 June 2015**

1. You will recall that at the WCPFC10 meeting the Commission agreed to reconstitute the IWG-ROP, based on a TCC9 recommendation that the IWG-ROP be tasked to address issues that have arisen with respect to the implementation of the Regional Observer Programme. This meeting will be the fourth meeting of the Inter-sessional Working Group of the Regional Observer Programme (IWG-ROP4).

Origins of the WCPFC Regional Observer Programme

2. The Regional Observer Programme (ROP) was established pursuant to Article 28 of the Convention and has the stated function “to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.”
3. The Technical and Compliance Committee and the Scientific Committee, have a joint responsibility to recommend to the Commission the priorities and objectives of the regional observer programme, and to assess the results of that programme (Convention Articles 12 (2f) and 14(2c)).
4. In 2006, the Commission agreed to CMM 2006-07 *Conservation and Management Measure for the Regional Observer Programme*, which among others set out the procedure to develop the WCPFC Regional Observer Programme, and established an inter-sessional working group to develop the regional observer programme (IWG-ROP) and its terms of reference.
5. There have been three meetings of the IWG-ROP held prior to this meeting and all were chaired by Dr Charles Karnella:
 - IWG-ROP1: 24 – 26 September 2007, Pohnpei, FSM;
 - IWG-ROP2: 7 – 10 July 2008, Nadi Fiji; and
 - IWG-ROP3: 17 – 20 March 2009, Guam, USA.
6. In 2007, the Commission agreed to CMM 2007-01 *Conservation and Management Measure for the Regional Observer Programme* that established the regional observer

programme, and provided the objectives, scope, general principles, roles and responsibilities of CCMs and the Secretariat, guidelines for rights and responsibilities of observers and vessel captains and crew, and an implementation plan for the ROP.

7. Since 2007, the Regional Observer Programme has been implemented by CCMs, supported by the Secretariat. Some highlights over the period include:
 - i. There are presently 24 national and subregional observer programmes that are authorised to provide observers to the Regional Observer Programme;
 - ii. In 2006, the Commission agreed to the establishment of the position of Regional Observer Programme Coordinator. Mr Karl Staisch was appointed in 2007.
 - iii. In 2008, the Commission agreed to CMM 2008-01 *Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean*, which included the requirement that from January 1 2010, there would be 100% ROP observer coverage on purse seine vessels operating within 20N – 20S. Prior to this the average level of observer coverage was around 20%.
 - iv. In 2009, the Commission agreed to the establishment of the position of Data Quality Officer. Mr Donald David was appointed in 2010.
 - v. In 2010, CMM 2009-06 *Conservation and Management Measure on Regulation of Transshipment* brought into effect the requirement for 100% ROP coverage, on the receiving vessel, to monitor authorised high seas transshipments of WCPFC catches.
 - vi. In July 2012, the requirement for 5 % coverage on longline vessels commenced, and in 2014 a reporting procedure was agreed by the Commission to support members' implementation of the 5% observer coverage requirement.
 - vii. In 2014, the Secretariat with support from the Commission Data service provider (SPC-OFP), was able to draw on available Regional Observer Programme reported data, in the preparation of draft Compliance Monitoring Reports in the areas related to checking of compliance with the 2013 FAD Closure and obstruction of observer duties.
 - viii. In 2015, the Secretariat has commenced the second round of Regional Observer Programme audits to confirm that national and subregional observer programmes are duly meeting agreed ROP standards.

8. Since 2007, the achievement of many of the above-mentioned milestones has brought with them some issues of implementation for the Regional Observer Programme. These have commonly been discussed in the context of the Scientific Committee and Technical and Compliance Committee annual meetings. In 2012, there was some inter-sessional work which was undertaken through the Regional Observer Programme- Technical Advisory Group (ROP-TAG), which operated as a subsidiary body of TCC to address operational and technical issues of the Regional Observer Programme (ROP). The work of this body was chaired by Philip Lens (PNG). Through the ROP-TAG some progress was made on some operational and technical issues, and in fact some of the matters that are to be further discussed at the IWG-ROP4 meeting were supported by initial discussions and recommendations of the ROP-TAG. It was a recommendation of the ROP-TAG that the IWG-ROP be reconstituted to address issues that have arisen with

respect to the implementation of the Regional Observer Programme. This recommendation was accepted by the Commission in December 2013, but the absence of a Chair until Dec 2014, meant that work by the IWG-ROP commenced in 2015.

WCPFC11 outcomes

9. The WCPFC11 discussions and decisions provide an important context to this meeting of the IWG-ROP4. The following lists the relevant WCPFC11 outcomes, the paragraph and attachments as recorded in the WCPFC11 Summary Report:

Guidelines for ROP Identification Cards:

482. WCPFC11 adopted as guidelines the following list of information for ROP Identification Cards (para 119):

Suggested minimum required information on the front of each card:

- 1) Name of the observer**
- 2) Name of the observer provider**
- 3) Nationality of the observer**
- 4) Unique identifying number for the observer**
- 5) Passport style photo of the observer**

Information that could be placed on either the front or back of the card:

- 6) Issue date and Expiry date**
- 7) WCPFC logo to indicate observer is ROP observer**
- 8) Logo of Programme and or Country Flag**

Optional information that could be included on the back of the card:

- 9) Signature of Observer;**
- 10) Status of observer Qualifications.**

Measuring and Monitoring ROP longline coverage:

483. WCPFC11 approved the guidelines for ROP longline coverage by fleet/fishery described in Attachment L Table 1, noting that it should be open to review and adjustments at future TCC meetings.

484. WCPFC11 agreed that CCMs shall:
- a. Decide on the observer coverage metric and then compile the observer coverage using this metric for their fleet activity in 2013 (as required in Attachment L Tables 2 and 3) and submit this information to the WCPFC Secretariat before 28 February 2015. A sample report format is provided as guidance to assist CCMs with reporting (Attachment L Table 4)
 - b. (for subsequent years) Compile and include this information in their respective Annual Report Part 1 to be submitted from 2015 onwards, noting that revisions can be provided at the annual TCC meeting.
485. WCPFC11 tasked the WCPFC Science/Data service provider with compiling estimates of total activity of each fleet for the nominated metric (outlined by the SC10 ISG7) to be included in the template (Attachment L Table 3)
- a. For 2013 activities, this information should be combined in the template (Attachment L Table 3) with the observer coverage provided by the CCMs (deadline 28th February 2015) and made available by 30th March 2015.
 - b. For subsequent years, this information should be combined in the template (Attachment L Table 3) with the observer coverage provided by the CCMs (in their Part 1 reports) and made available for SC and TCC
486. WCPFC11 tasked the WCPFC Secretariat (with assistance from the Science/Data service provider) with compiling the information reported by CCMs on longline observer coverage and reporting the information included in Attachment L Tables 2 and 3 in papers tabled for future SC and TCC meetings.

Guideline timeframes to submit ROP data for high seas transshipment monitoring:

487. WCPFC11 agreed that ROP providers which place observers on fish carrier vessels that transship on the high seas are strongly encouraged to send the completed data forms, workbooks, reports and journals of the observer to the Commission Secretariat where possible within 120 days of the disembarkation of the observer from the carrier (para 156).

Matters to be forwarded to IWG-ROP:

489. WCPFC11 agreed that the following matters identified by TCC10 should be forwarded to the IWG-ROP:
- i. Discuss the suggested mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers (para 149) (Attachment M).
 - ii. Further discuss and provide direction on the following proposed transshipment notification rules for all fish carriers (para 157):
 - a) 24 hrs prior to entry of the vessel into the WCPFC Convention area must inform the Commission Secretariat on their intentions to either transship at sea, transship in a designated port, or transship both in port and on the high seas;

- b) 24 hrs prior to departing a port in the WCPFC Convention area must inform the Commission Secretariat on their intentions to tranship at sea or tranship in a designated port or tranship both in port and on the high seas;**
- c) on completion of their transshipping activities at sea or in port in the WCPFC Convention Area must inform the WCPFC Secretariat within 24hrs of their destination port; and**
- d) intending to tranship at sea on entry into the Convention area, or departing from a port in the Convention area, will notify to the Commission Secretariat the name of the ROP certified observer onboard.**

Note that the above proposed transshipment notification reporting to the Commission Secretariat is not intended to negate any current zone or port entry or exit procedures.

iii. Discuss and provide guidance to WCPFC12 on the definition of the responsibilities of the flag states in respect of obligation CMM 2007-01 Attachment K Annex C paragraph 4 (para 64(ii)).

iv. The matter of interpretation of CMM 2007-01 paragraph 9 to the IWG-ROP (para 64(vi)).

490. TCC10 had recommended that the IWG-ROP should “encourage discussion to develop processes to facilitate the provision of data, including observer reports, from the observer providers and placement information from Flag States to the Commission (para 64(i)).”

491. In relation to this TCC10 recommendation, FFA members noted that they have submitted a proposal to deal with the provision of data, including observer reports, from the observer providers and placement information from Flag States to the Commission in a definitive manner and referred delegates to WCPFC11-2014-DP07.

492. The Chair suspended discussion on this TCC10 recommendation pending the results of the consideration of the proposed amendment to CMM 2007-01 under agenda 10.7. The Chair noted in the event that the proposed CMM is not adopted, the TCC10 recommendation (para 64(i)) could also be forwarded to the IWG-ROP for discussion.

493. Noting that WCPFC11-2014-DP07 was not agreed, WCPFC11 agreed that the IWG-ROP should also encourage discussion to develop processes to facilitate the provision of data, including observer reports, from the observer providers and placement information from Flag States to the Commission (para 64(i)).

WCPFC11 Summary Report: Attachment L

LONGLINE OBSERVER COVERAGE TABLES

Table 1. Observer coverage targets for Longline fleets active in the WCPFC Area

CCM Fleet	Fishery	ROP Longline coverage required	See Note(s)
AUSTRALIA	Domestic	5%	1, 3
BELIZE	Distant-water	5%	2, 5
CANADA	Distant-water	5%	2, 5
CHINA	Ice/Fresh	5%	1, 4
	Frozen	5%	2, 5, 6
COOK ISLANDS	Pacific Islands	5%	1, 3, 4
EUROPEAN UNION	Distant-water	5%	2, 5, 6
FEDERATED STATES OF MICRONESIA	Pacific Islands	5%	1, 3, 4
FIJI	Pacific Islands	5%	1, 3, 4
FRENCH POLYNESIA	Pacific Islands	5%	1, 3
INDONESIA	Domestic	5%	1, 3
	Distant-water	5%	2, 5, 7
JAPAN	Ice/Fresh, short-trip	5%	2, 4, 6
	Frozen, long-trip	5%	2, 5, 6, 7
KIRIBATI	Pacific Islands	5%	1, 3
MARSHALL ISLANDS	Pacific Islands	5%	1, 3, 8
NAURU	Pacific Islands	5%	1, 3
NEW CALEDONIA	Pacific Islands	5%	1, 3
NEW ZEALAND	Domestic	5%	1, 3
NIUE	Pacific Islands	5%	1, 3, 8
PALAU	Pacific Islands	5%	1, 3, 8
PAPUA NEW GUINEA	Pacific Islands	5%	1, 3
PHILIPPINES	Distant-water	5%	2, 5, 7
REPUBLIC OF KOREA	Distant-water	5%	2, 5, 6, 7
SAMOA	Pacific Islands	5%	1, 3, 8
SOLOMON ISLANDS	Pacific Islands	5%	1, 3
TONGA	Pacific Islands	5%	1, 3
TUVALU	Pacific Islands	5%	1, 3, 4
CHINESE TAIPEI	Small longline fishery- STLL	5%	1, 3, 4, 6, 7
	Distant-water – DWLL	5%	2, 6, 7
USA	HAWAII and California-based	5%	1, 3
	AMERICAN SAMOA	5%	1, 3
VANUATU	Pacific Island-based, short trip	5%	1, 3, 4
	Distant-water	5%	2, 5, 6, 7
WALLIS AND FUTUNA	Pacific Islands	5%	1, 3, 8

Notes

1. Most (if not all) vessel trips (and therefore most days-at-sea) would be non-ROP trips since mostly restricted to waters of national jurisdiction. For the Pacific Island countries, the ROP trips that are conducted outside the waters of national jurisdiction will normally be covered by Observer providers from the coastal state (i.e. PIC Observer providers other than the flag state)
2. All vessel trips (and therefore days-at-sea) would be defined as ROP trips.
3. The DOMESTIC Observer provider would normally cover a component of this fleet.
4. Pacific Islands Observer provider(s) would normally cover this fleet.
5. The Observer provider(s) covering these trips are not known.
6. The FLAG-STATE Observer provider(s) may be covering these trips
7. "Distant-water" vessels have very long trips and since some fleets tranship at sea, there has been no obligation to define a trip in this context, and this type of information is mostly unavailable nonetheless. The unit of coverage should therefore be "days-at-sea" for these situations.
8. Currently this CCM does not have flagged longline vessels on the Record of Fishing Vessels

WCPFC11 Summary Report: Attachment L

Table 2. The metric used to calculate the percentage of 2013 longline observer coverage, as provided by CCMs in their Annual Report Part 2 (as at 8 September 2014)

Flag CCM	Advice on metric used to calculate the percentage of longline
Australia	% of total hooks deployed in the fishery which were monitored by observers
Belize	
Cook Islands	Vessel sea days compared to observer sea days
China	Number of fishing vessels as the basis to arrange observer ¹
European Union	
Federated States of Micronesia	Number of observed trips compared to total trips by fleet
French Polynesia ¹	The ratio of total hooks reported in observers' reports and the total number of hooks raised for the entire fleet.
Fiji	Number of observed trips against the total trips by national fleet
Indonesia	
Japan	Total observed fishing days / total fishing days
Kiribati	
Korea	Vessel sea days compared to observer sea days
Republic of Marshall Islands ²	
New Caledonia ¹	Number of observed sets , compared to the number of sets for the fleet
New Zealand	Vessel sea days compared to observed sea days
Papua New Guinea ¹	
Philippines	
Solomon Islands ¹	
Chinese Taipei	Days-at-sea of observers to days-at sea of vessels (DWLL)
Tuvalu	
United States of America	Number of trips to calculate the percentage of longline observer
Vanuatu	

¹ This metric is yet to be considered and will be reviewed by SC11

² CCM confirmed that all longline trips by this fleet in 2013 were domestic trips (within their EEZ).

WCPFC11 Summary Report: Attachment L

Table 3. Proposed template for future reporting of Longline observer coverage by CCM

CCM Fleet	Fishery	No. of Hooks			Days Fished			Days at Sea			No. of Trips			See NOTES
		Total estimated	Observer	%										
AUSTRALIA	Domestic													
BELIZE	Distant-water													
CANADA														
CHINA	Ice/Fresh													
	Frozen													
COOK ISLANDS	Pacific Islands													
EUROPEAN UNION	Distant-water													
FEDERATED STATES OF MICRONESIA	Pacific Islands													
FIJI	Pacific Islands													
FRENCH POLYNESIA	Pacific Islands													
INDONESIA	Domestic													
	Distant-water													
JAPAN	Ice/Fresh, short-trip													
	Frozen, long-trip													
KIRIBATI	Pacific Islands													
MARSHALL ISLANDS	Pacific Islands													
NAURU	Pacific Islands													
NEW CALEDONIA	Pacific Islands													
NEW ZEALAND	Domestic													
NIUE	Pacific Islands													
PALAU	Pacific Islands													
PAPUA NEW GUINEA	Pacific Islands													
PHILIPPINES	Distant-water													
REPUBLIC OF KOREA	Distant-water													

CCM Fleet	Fishery	No. of Hooks			Days Fished			Days at Sea			No. of Trips			See NOTES
		Total estimated	Observer	%										
SAMOA	Pacific Islands													
SOLOMON ISLANDS	Pacific Islands													
TONGA	Pacific Islands													
TUVALU	Pacific Islands													
CHINESE TAIPEI	Small longline fishery-STLL													
	Distant-water – DWLL													
USA	HAWAII and California-based													
	AMERICAN SAMOA													
VANUATU	Pacific Island-based, short trip													
	Distant-water													
WALLIS AND FUTUNA	Pacific Islands													

Table 4. Example for future reporting of Longline observer coverage by CCM

CCM Fleet	Fishery	No. of Hooks			Days Fished			Days at Sea			No. of Trips			See NOTES
		Total estimated	Observer	%	Total estimated	Observer	%	Total estimated	Observer	%	Total estimated	Observer	%	
REPUBLIC OF KOREA	Distant-water							23,632	1,575	6.6%				

WCPFC11 Summary Report: Attachment M

Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers – for further discussion at IWG-ROP4

#	Suggested Mechanism	Possible result
Training		
1	Continually and forcefully emphasize observer professionalism and pride early and often during training, clearly indicating that an observer is “on the clock” for the entirety of their observer contract and assignment.	This sets the frame for future observer behavior and could help self-select for observers less likely to engage in misconduct.
2	Clearly and explicitly explain the rules, regulations, and Code of Conduct for observers related to misconduct, especially the consequences for violations, at several stages in training.	This should help improve the awareness of potential consequences and help deter some observers from engaging in misconduct.
3	Clearly and explicitly explain the rules and procedures for documenting potential misconduct violations. There should be a requirement of proof of misconduct which should place the burden on the vessel or vessel agent to provide an affidavit documenting the specifics of the observer misconduct, an opportunity for the observer to provide a response, and a written report summarizing the findings as well as an opportunity for both parties to comment in writing on the report.	This would ensure that the observer understands their rights and what steps they would take should they be accused of misconduct. Providing this information offers an additional incentive to behave while also informing the observer of their right to an unbiased investigation of the accusation.
4	Clearly and explicitly explain the penalties schedule for violations, e.g. Arrest for alcohol related assault results in termination. The penalties schedule should include all scenarios, such as, if an observer is found guilty of misconduct that does not rise to the level of termination, the observer provider should provide a progressive performance evaluation that allows an observer to improve, with clear expectations in writing, including, where available, options for counseling and alcohol treatment and recovery programs.	This gives observers a clear understanding of what is at stake if they engage in misconduct and provides an additional deterrent effect, while also indicating to the observer their options for seeking treatment for alcoholism.
5	3 strikes and you’re out rule - Clearly and explicitly explain the penalties schedule for violations. If an observer is found guilty of misconduct that does not rise to the level of termination, then the observer should be informed and warned that they are on a “3 strike and you are out rule”. This allows an observer to improve, knowing that if they fail to do so; they will face termination from their observer role.	This gives observers a clear understanding of what is at stake if they engage in continual misconduct and provides an additional deterrent effect.
Assignment		
6	Intervention at the point of assignment where the observer must read aloud the Code of Conduct before the observer provider and initial or otherwise acknowledge provisions specific to alcohol related misconduct.	This will work if the observer commits themselves to not drink to much alcohol during his/her stay in the port.

#	Suggested Mechanism	Possible result
7	Intervention at the point of disembarking where someone explains the rules and consequences on what will happen if an observer drinks too much.	This will work if the observer commits themselves to not drink to much alcohol during his/her stay in the port.
8	Prohibition on the consumption of alcohol by observers during the term of their trip and return to home country.	Observer will not be permitted to drink any alcohol during their trip and return home subject to sanction. Dismissal as the penalty, regardless of how much is consumed will most likely deter some observers.
9	Requirement to remain on board the assigned vessel when in port and only disembark that vessel when the first flight out of the country to the observers homeport after completion of first trip comes available.	Cost implications as there would be no second trips, unless observers were not permitted to leave the vessel after the first trip and could only leave when departure for home country is organised.
10	All accommodation etc is organised with meals No alcohol permitted) and paid for by provider if observer lands in foreign port	Observer's accommodation and food (no alcohol permitted) is paid by provider to a set limit, - Small allowance to cover costs if observer has to travel or is going back for 2 nd trip.

Source: **WCPFC-TCC10-2014-14A Table 1**

Excerpt from Convention, Article 28: Regional observer programme

1. The Commission shall develop a regional observer programme to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

2. The observer programme shall be coordinated by the Secretariat of the Commission, and shall be organized in a flexible manner which takes into account the nature of the fishery and other relevant factors. In this regard, the Commission may enter into contracts for the provision of the regional observer programme.

3. The regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission. The programme should be coordinated, to the maximum extent possible, with other regional, subregional and national observer programmes.

4. Each member of the Commission shall ensure that fishing vessels flying its flag in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the regional observer programme, if required by the Commission.

5. The provisions of paragraph 4 shall apply to vessels fishing exclusively on the high seas in the Convention Area, vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States, and vessels fishing in waters under the jurisdiction of two or more coastal States. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the regional observer programme shall not undertake any of the activities specified in paragraph 6 (e) when the vessel is in waters under the national jurisdiction of its flag State, unless the flag State of the vessel agrees otherwise.

6. The regional observer programme shall operate in accordance with the following guidelines and under the conditions set out in article 3 of Annex III of this Convention:

- (a) the programme shall provide a sufficient level of coverage to ensure that the Commission receives appropriate data and information on catch levels and related matters within the Convention Area, taking into account the characteristics of the fisheries;
- (b) each member of the Commission shall be entitled to have its nationals included in the programme as observers;
- (c) observers shall be trained and certified in accordance with uniform procedures to be approved by the Commission;
- (d) observers shall not unduly interfere with the lawful operations of the vessel and, in carrying out their functions, they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master for this purpose;
- (e) the activities of observers shall include collecting catch data and other scientific data, monitoring the implementation of conservation and management measures adopted by the Commission and reporting of their findings in accordance with procedures to be developed by the Commission;
- (f) the programme shall be cost effective, shall avoid duplication with existing regional, subregional and national observer programmes, and shall, to the extent practicable, seek to minimize disruption to the operations of vessels fishing in the Convention Area;
- (g) a reasonable period of notice of the placement of an observer shall be given.

7. The Commission shall develop further procedures and guidelines for the operation of the regional observer programme, including:

- (a) to ensure the security of non-aggregated data and other information which the Commission deems to be of a confidential nature;
- (b) for the dissemination of data and information collected by observers to the members of the Commission;
- (c) for boarding of observers which clearly define the rights and responsibilities of the captain or master of the vessel and the crew when an observer is on board a vessel, as well as the rights and responsibilities of observers in the performance of their duties.

8. The Commission shall determine the manner in which the costs of the observer programme would be defrayed.



THIRD REGULAR SESSION
Apia, Samoa
11-15 December 2006

**CONSERVATION AND MANAGEMENT MEASURE FOR THE REGIONAL
OBSERVER PROGRAMME**

Conservation and Management Measure 2006-07

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

In accordance with Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific:

Recalling the decision of the Commission at its Second Regular Session to proceed with the hybrid option recommended by Working Group III of the Preparatory Conference for the Establishment of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific and identified in WCPFCTCC1-2005/14;

Committed to the implementation of Article 30 relating to recognition of the special requirements of developing states

Noting that the Commission shall develop a regional observer programme to collect verified data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission;

Further noting that the regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission and that the programme should be coordinated, to the maximum extent possible with other regional, subregional and national observer programmes.

Adopts in accordance with Article 10 of the WCPFC Convention the following provisions relating to the development of the WCPFC Observer Programme.

1. The Commission hereby establishes the procedures to develop the WCPFC Regional Observer Programme.
2. The ROP will be adopted at the 4th regular session of the Commission in 2007.
3. The Commission hereby establishes an intersessional working group to develop the regional observer programme (IWG –ROP). The TOR for the IWG-ROP shall be those adopted by the Second Regular Session of the Technical and Compliance Committee and are attached as Attachment 1.

4. The Commission notes the proposal from the members of the Pacific Island Forum Fishing Agency, “Conservation and Management Measure for the Regional Observer Programme WCPFC3-2006-DP05”. This proposal shall be forwarded to the IWG – ROP for consideration in the development of a ROP

**The Commission for the Conservation and Management of Highly Migratory Fish
Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee
Second Regular Session**

**28 September - 03 October 2006
Brisbane, Australia**

**INTERSESSIONAL WORKING GROUP ON A REGIONAL OBSERVER
PROGRAMME**

1. The Technical and Compliance Committee (TCC):
 - Recalling Article 28 of the Convention that requires a Regional Observer Programme (ROP) for the Convention Area that has the following characteristics:
 - i. Organized in a flexible manner;
 - ii. Be cost effective and coordinated with existing regional, sub-regional and national observer programmes to avoid duplication;
 - iii. Consists of independent and impartial observers authorized by the Secretariat; and iv. Training and certification of observers will occur in accordance with uniform procedures.
 - further recalling the Commission agreed to proceed with the “hybrid” option for the ROP; and
 - recognizing the need for further works to expedite the implementation of the ROP;
 - recommended that the Commission establish an Intersessional Working Group for the Regional Observer Programme (IWF-ROP) for this purpose, and the TCC developed the draft Terms of Reference set out in paragraphs 2 and 3 as a guide for the Commission.

DRAFT Terms of reference

2. The TCC further recommended that the IWG-ROP should *inter alia*:
 - i. comment on the adequacy of near and long term objectives for the design of the ROP;
 - ii. consider the institutional and financial arrangements necessary to support the ROP and its implementation
 - iii. consider science, technical, compliance-related, practical and economic elements of the programme and their feasibility
 - iv. develop a detailed strategic plan, including a practical time table, for the development

- and phased implementation of the ROP, taking into account the characteristics of each fishery;
- v. develop procedures for deployment observers under the ROP
 - vi. consider a list of tasks for ROP observers for each fishery;
 - vii. consider standard and harmonized procedures for observers, including data and reporting formats and debriefing procedures;
 - viii. consider ROP observer coverage taking into account other observer programmes and other means of collecting data required by the Commission.
 - ix. consider operational procedures and guidelines for security of observer data;
 - x. develop, in cooperation with main existing observer programmes in the Convention Area, a draft observer provider certification standard and procedure, to include *inter alia*:
 - a. Recruitment, selection, qualifications and training of individuals;
 - b. Capability to implement the technical and operational protocols for the observer role and tasks, including data management issues, as required by the Commission;
 - c. Day to day management of observers, including all personnel and financial matters, and the co-ordination of all logistical components;
 - d. Capacity to handle efficiently, effectively and safely the deployment and recovery of observers;
 - e. Capacity to arrange for debriefing of observers and primary checking and validation of data collected and reports prepared;
 - f. Safety policies and procedures; and
 - g. Maintenance of good communications links with client States, companies and vessels receiving observers.
 - xi. prepare guidelines for the rights, duties and responsibilities of observers;
 - xii. develop a procedure for facilitating the development of national observer programmes to achieve Commission certification;
 - xiii. consider data management needs for the ROP;
 - xiv. prepare standards for safety at sea course for observers;
 - xv. consider a code of conduct for observers and procedures for monitoring observer's compliance with the code;
 - xvi. provide recommendations to the Commission regarding safety standards to be met for carrying observers.
3. The TCC recommended that the IWG-ROP should review the first draft of a Programme Document contained in WCPFC-TCC2-2006-11, in light of discussion at TCC2 reported in paragraphs 52 to 69 of the TCC2 report and prepare a revised draft.
 4. Acknowledging the need to include scientific data issues in the development of the ROP, the TCC recommended that the Commission consult with the Chair of the SC regarding the final Terms of Reference of the IWG-ROP. The TCC also suggested the Chair of the SC facilitate input from the SC inter-sessionally to the TOR in collaboration with the

Secretariat and the Secretariat distribute the ToR to SC and TCC participants of CCMs to assist CCMs in preparing for subsequent discussion at the Commission.

5. In order to address the Terms of Reference in Paragraphs 2 and 3, the TCC recommended that the IWC-ROP should work inter-sessionally and to the maximum extent possible, conduct its work by electronic means.
6. The TCC further recommended that the revised draft of the Regional Observer Programme Document and other documents prepared by the IWG-ROP as necessary should be submitted to the SC and TCC [2 months] in advance of the SC3 meeting for consideration by SC3 and TCC3 and the preparation of recommendations for the Commission. A revised version of the Programme Document **and other documents**, addressing comments from the SC3 and TCC3 should be prepared by the Secretariat and submitted to the Commission at least 40 days in advance of its 4th meeting



**Fourth Regular Session
Tumon, Guam, USA
2–7 December 2007**

**CONSERVATION AND MANAGEMENT MEASURE FOR THE
REGIONAL OBSERVER PROGRAMME**

Conservation and Management Measure 2007-01

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

Recalling Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

Further recalling Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

Cognizant of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

Establishment of the Commission ROP

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.
3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

Objectives of the Commission ROP

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

Scope of the Commission ROP

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01:

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

Functions of observers

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

Obligations of CCMs of the Commission

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

Role of the Commission and its subsidiary bodies

11. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities

and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

Role of the Secretariat

12. Consistent with Article 15(4), the role of the Secretariat will be to:

- a) coordinate ROP activities, including, *inter alia*:
 - i) maintaining the ROP Manual and the ROP Observer Workbook;
 - ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
 - iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
 - iv) coordinating ROP activities with other RFMOs as directed and appropriate;
 - v) facilitating the use of authorized observers in the ROP;
 - vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
 - vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
 - viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
 - ix) managing and administering observers for special situations as directed by the Commission; and
 - x) support staff necessary to effectively administer the ROP.
- b) authorize observer providers to the ROP.

Role of coastal States

13. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP.

Guiding principles for operation of the Commission ROP

14. The Commission ROP shall operate in accordance with the following principles:

- i) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;

ii) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;¹

iii) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;

iv) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub-regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.

v) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;

vi) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in Annex A — Guidelines for the Rights and Responsibilities of Observers.

vii) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.

viii) The Commission ROP shall ensure the security and confidentiality of non-aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.

¹ See TCC2 Summary Report, para 54ii: "the need to integrate existing national and regional observer programmes into the Commission programme and "to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas."

Attachment K, Annex A

Guidelines on the Rights and Responsibilities of Observers

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

1. The rights of observers shall include:

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

2. The responsibilities of observers shall include:

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.

- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the ROP Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

Rights and responsibilities of vessel operators and captains

1. The rights of vessel operators and captains shall include:

- a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
- b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
- c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
- d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
- e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

2. The responsibilities of vessel operators and captains shall include:

- a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
- b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
- c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- e) Allow and assist the ROP observer to carry out all duties safely.
- f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
- g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel; insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties.

Rights and responsibilities of vessel crew

3. The rights of vessel crew shall include:

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

4. The responsibilities of the vessel crew shall include:

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

Implementation programme for the Regional Observer Programme

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
4. No later than 31 December 2008:
 - Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
 - Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.
5. During the period 1 January 2009–31 December 2010:
 - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

Special circumstances

9. Fishing vessels used exclusively to fish for fresh fish² in the area north of 20 degrees north shall be accorded the following considerations:
 - i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.
 - ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.
 - iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.
10. The implementation schedule for the following vessels shall be deferred:
 - i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.
 - ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

² For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.