



**FOURTH MEETING
INTERSESSIONAL WORKING GROUP
REGIONAL OBSERVER PROGRAMME (IWG-ROP4)
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Hybrid Model - Regional Observer Programme

**WCPFC 2015 IWG-ROP4-11
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Introduction

1. At the second session of the WCPFC Preparatory Conference (PrepCon), Working Group I (WG. I) identified the need to have a guide for the operation of the Regional Observer Programme ('ROP') (WCPFC/PrepCon/WP.3). There were a variety of models considered from other regional fishery management organizations (RFMOs). These existing programmes, some of which were not specific to Highly Migratory Species provided various options to draw from. Several of these approaches were discussed with the ultimate decision to go forward with an arrangement that was made up of elements of the CCAMLR Scheme of International Scientific Observation and national and sub-regional observer programme (US Treaty Observer Programme)- ergo the name "hybrid" approach/model. This approach was later recommended by TCC1 after discussing the different option given in WCPFC/TCC1/14 and then approved for adoption by WCPFC2 in December 2005. *Refer attachment 1*

Background

2. The CCAMLR approach involves the following opening paragraph from the CCAMLR Scheme of International Scientific Observation Introduction;

"All vessels fishing in CCAMLR fisheries are required to carry an observer for some or all of their fishing operations. In fisheries for icefish and toothfish there is a requirement for 100% coverage by an international (i.e. not from the same flag state as the vessel) observer, while in the krill fishery there is target coverage of 50% using either international or national observers."

3. Other sub regional programmes already established in the Convention area at the time of the hybrid approach adoption were the US Multi-lateral Treaty (UST) and the Federated States Micronesia Arrangement (FSMA) programmes that involve purse seine fleets of the US, and FSMA countries. At the time both these sub regional programmes were considered acceptable to be part of the coverage of the ROP. The subregional programmes principles were considered sufficient to fulfil the requirements of the

Commission for the ROP. One of the principles of the FSMA was that the observers are to be independent; each vessel is to accept an observer of another member, unless such an observer is not available and then an observer from the same member may be used.

4. At TCC2 the issue of the hybrid model was further discussed and paragraph 54(ii) of its record states:

ii) 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;

5. Also paragraph 54 (iv) of the same record has some relevance to selection of observers for individual trips:

iv) the need to ensure that observers are independent and impartial, in accordance with Article 28, noting that this requirement did not exclude national observers from operating on vessels of their flag State;

6. The following suggestion is to create a document called Hybrid Model which could be attached as an annex to CMM 2007-01. The model being suggested has been expanded to try and make allowance for additional issues that have arisen since the adoption at WCPFC2 in 2005.

Proposed Hybrid Model

Observers

7. All ROP observers shall be trained to WCPFC standards and come from member national or sub- regional observer programmes that are authorised by WCPFC to supply observers to the WCPFC Regional Observer Programme.

8. **Flag State observers** are citizens, nationals, lawful permanent residents, non-immigrants admitted under the terms of “Compacts of Free Association” employed by the observer programme / provider from the country in which the vessel is flagged;

9. **National observers** are observers that are citizens, nationals, lawful permanent residents, non-immigrants admitted under the terms of “Compacts of Free Association” in a WCPFC member country that have qualified to WCPFC, national and regional standards for observers, and are employed or contracted by the national observer programme / provider of that country.

10. **Sub Regional observers** are persons that have qualified to WCPFC, national and regional standards, and are approved by a WCPFC member country national programme as a qualified observer for duties to a WCPFC authorised ROP sub regional observer programmes/ provider.

11. **Observers required for special purpose** by the Commission are persons that have qualified to WCPFC, national and regional standards, and are approved by a WCPFC member country national programme as a qualified observer for duties for the Commission for special projects or audit purposes.

Observer Coverage

12. Observer Coverage for all eligible vessels is based on the provisions described in the WCPFC Convention Article 28 paragraph 4 & 5, Coverage rates/percentages and mechanisms are determined and approved by the Commission.

13. For ROP determined trips, current coverage in 2015 is:

- a) Purse seine vessels - 100% observer coverage (based on trips).
- b) Long line vessels - 5% observer coverage based on trips, number of hooks set, days at sea, or days fished, no of sets as determined by the CCM.
- c) Fish carriers – 100% observer coverage on all at sea transshipment activities.

Vessel description for purposes of observer placement

14. **Coastal** - Vessels that commercially engages in the catching, taking, or harvesting of fish that operate in close inshore areas, and depart and return to the same port; These would be small vessels usually less than 10 metres that don't normally venture too much further than the territorial sea limits and usually are ice/ fresh trips.

15. **Offshore** – Vessels that commercially engage in the catching, taking, or harvesting of fish that normally depart and return to the same port in the vessels flag State and fish in the waters of the EEZ of their flag State, but may also fish on the high seas in areas outside the boundaries of their EEZ on the same trip. These are usually larger than the coastal vessels but typically are less than 24 meters – but some may include larger vessels, these vessels generally use ice for keeping catch chilled, however may use other forms of refrigeration methods.

16. **Distant Water Fishing Vessels (DWFV)** - Vessels that commercially engages in the catching, taking, or harvesting of fish and operate far beyond waters of their flag State usually on the high seas and or in the EEZ of other Nations. These are the larger vessels that can stay at sea for long periods and use freezers to store fish.

17. **Domestic Vessels** - Vessels that commercially engages in the catching, taking, or harvesting of fish and operate solely within the national jurisdiction of their flag State.

18. **Chartered Vessels** – Vessels that commercially engages in the catching, taking, or harvesting of fish and operate only in the waters of one state other than the flag state of the vessel and is deemed a vessel that has been chartered by following the procedures in the appropriate WCPFC CMM on Chartering Notification Schemes¹

19. **Locally-based foreign flagged vessels.** Vessels that commercially engage in the catching, taking, or harvesting of fish that are flagged to one country, but are based in a port within another countries water.

20. **Fish Carriers (receiving vessel)** – A refrigerated cargo vessel for the carriage of fish that is used to transfer fish from authorised unloading fishing vessels in a designated WCPFC port or at sea.

Source of observers for vessels

High Seas

21. DWFV Purse Seine, Long line and Pole and Line that fish exclusively on the high seas in the Convention Area; shall carry an authorised independent ROP observer;

High Seas + one or more Coastal states-

22. Purse Seine, Long line and Pole and Line vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal countries other than the flag state of the vessel shall carry an authorised ROP observer to which the source is determined by the coastal state in which the vessel will be operating.

Flag State waters + High Seas and/or one or more Coastal States

23. DWFV Purse Seine, Long line and Pole and Line vessels operating on the same fishing trip both in waters under the national jurisdiction of its flag state and in the high seas and/or another member countries waters, shall carry an authorised ROP observer as determined by the coastal state in which the vessel may be operating.

24. Observers placed under the ROP will not undertake observer duties when the vessel is in the waters under the national jurisdiction of the flag State of the vessel, unless the flag State of the vessel agrees otherwise.

Flag State waters (Domestic)

25. Purse Seine, Long line and Pole and Line vessels operating solely within the national jurisdiction of their flag State do not require observer coverage under the ROP;

Chartered Vessels

26. Purse Seine, Long line and Pole and Line vessels operating only in the waters of one state other than the flag state of the vessel and is deemed a vessel that has been chartered by following the procedures in the appropriate WCPFC CMM on ‘Chartering Notification Schemes¹’ and does not unload catch other than at the designated ports of the chartering State shall carry an authorised independent ROP observer determined by the chartering State.

Locally based foreign fleets

27. Vessels that commercially engage in the catching, taking, or harvesting of fish and are flagged to one country but are based in the port of another country, shall carry an independent ROP observer approved by the coastal State to which the vessel is based.

Coastal & offshore fishery vessels

28. Coastal & Offshore Purse seine, Long line and pole and line vessels that depart and return from the same port in the flag state of the vessel, and fish in their flag state waters and on the high seas in the same trip, may source observers from their independent flag State observer programme, however they must also allow the Commission to place an

observer from time to time for audit of the data and operational information collected on the high seas.

Fish Carrier Vessels

29. Fish Carriers shall carry an independent observer from the WCPFC Regional Observer Programme (ROP) to observe transshipments at seas in the Convention Area;

30. Special Arrangements.

31. Source of observers required for Commission approved research or Commission approved management arrangements for any fleet, will be determined by the Commission Secretariat.

32. The Commission Secretariat may make a placement of an authorised ROP observer for audit purposes from time to time.

Authorised Independent ROP observer

33. An authorised ROP observer is an observer that is certified for ROP duties through an approved training process designed to meet the needs of their State and the Commission.

34. The names of all authorised ROP observers must be notified to the Commission Secretariat by their provider.

35. Observers shall only be sourced from an authorised ROP programme.

36. An “Independent” ROP Observer is an observer that is employed by an approved ROP programme/provider that has no direct financial interest, ownership, and business links with vessel or processors involved in the catching, taking, harvesting or processing of fish.

37. Independent ROP observers should not accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan or anything of monetary value from anyone who has financial interest, ownership, and business links with the vessel, and includes processors involved in the catching, taking, harvesting or processing of fish.

38. Independent ROP observers may not solicit or accept employment as a crewmember or an employee of a vessel or processor while employed by an observer provider.

39. All programmes that authorise independent ROP observers shall allow audit processes by the Commission to take place to determine the independence of the observer programme and the observers in that programme.

Attachment 1

Excerpts from WCPFC/TCC1/14

WCPFC/TCC1/14 para graph 7 (d).

Hybrid approach

This approach would incorporate components of the "CCAMLR approach" and the use of existing sub-regional observer programs.

Under this approach Commission Members would be free to choose the source of observers from either the national observer programs of other Members or from the existing sub-regional programs. Regardless of the source of observers the program would be governed by a scheme similar to the approach adopted by CCAMLR. The vessels that currently carry sub-regional observers (South Pacific Tuna Treaty or under the FSM Arrangement) could continue to use these observers to fulfil Commission observer requirements. The existing sub-regional observer programs may offer expertise and observers to Commission Members other than those they have covered to date, thereby increasing the options for those seeking observer coverage.

This approach would incur few costs to the Commission with respect to Secretariat resources. The major of these will occur regardless of the options chosen, and is anticipated to be the preparation and printing of standardised materials.

Working Group I concluded that, on the basis of flexibility and minimization of cost to the Commission, the hybrid approach was the best option for providing for the Commission's need for an observer program

14. WCPFC/TCC1/14 paragraph 56

Option 2- *The hybrid approach, recommended by WGI:*

- Commission members are free to choose the source of observers from either the national observer programs of other members or from the existing sub-regional programs.*
- The Commission would be responsible for setting data collection standards, producing forms and manuals and for receiving and managing observer information.*
- Existing sub-regional observer programs may offer their expertise and observers to Commission members other than those they have covered to date, thereby increasing the options for those seeking observer coverage.*
- Vessels currently carrying sub-regional observers could continue to use these observers to fulfill Commission observer requirements.*
- The use of existing sub-regional and national programs would incur few costs to the Commission with respect to Secretariat resources; major costs would be with respect to data preparing and printing standardized materials.*