



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

Review of Definitions

**WCPFC-2015- IWGROP4 –12
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Background

1. Several key terms that are included in the CMM 2007-01 have not been precisely defined to date. They have been discussed at a number of meetings including WCPFC5 which placed priority in providing the required definitions. This matter was taken up at IWG-ROP3 but there was no agreement on the definition for the following terms;

“principally”, “occasionally”, “adjacent”, “independent”, “impartial” and “observer trip”.

2. The situation continues to remain un-resolved to this day. The better understanding by members of the different fisheries and the reliance on national ROP observer programmes to provide data for analysis have advanced considerably since 2007. For the purposes of better describing the source and placement of observers this paper invites further discussion on the definitions of the terms used in the agreed language of CMM 2007-01.

3. The terms “principally”, “occasionally”, “adjacent”, “independent”, “impartial” and “observer trip” appear in the following two sections of the CMM 2007-01 for the Regional Observer Programme:

a) paragraph 14 that provides for the “***Guiding principles for operation of the Commission ROP***” states-

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).....

Footnote to this paragraph in the CMM 2007-01

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.

b) paragraph 6 of Attachment K, Annex C that sets out the Implementation programme for the Regional Observer Programme states:

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.

4. The scope of the ROP as contained in paragraph 5 of CMM 2007-01 should also be considered when considering these key terms:

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.*

5. At the IWG-ROP3 meeting the participants considered and were unable to agree on the definition for these terms as reported in paragraph 37 of the meeting's Summary report:

37. "Recalling that the terms "principally", "occasionally", "adjacent", and "independent and impartial" had been discussed at ROP-IWG2, ROP-IWG3 again considered definitions that would apply under the ROP. After considerable discussion it was apparent that consensus on definitions for these terms was not possible at this time"

6. IWG-ROP4 is, therefore, invited to revisit these terminologies contained in the CMM 2007-01 to gain a common understanding on the use of these key words in CMM 2007-01.

Towards a common understanding of key terms

7. The ensuing paragraphs attempt to provide some key considerations and factors in developing common definitions for these terminologies.

Principally

8. The word "Principally" will be defined by the flag State of the vessel, taking into account that vessels will fish in a single EEZ, and encompass the operations of coastal or offshore vessels in the that same EEZ. This would mean the vessel fishes within a single EEZ during a trip, and may leave that EEZ to fish occasionally on the high seas adjacent to the EEZ borders or in the waters of a neighboring country.

Occasionally

9. The word "Occasionally" will be determined by the flag State of the vessel and will encompass the operations of coastal or offshore vessels in a single EEZ. This would mean the vessel fishes within a single EEZ during a trip, and would for a portion of the time of the trip leave that EEZ to fish on the high seas adjacent to the EEZ borders or in a neighboring country.

Adjacent

10. The word “Adjacent” will encompass the operations of coastal or offshore vessels fishing in a single EEZ and also during a trip, may fish on high seas waters outside, but adjoining that countries maritime boundary.

Independent

11. For an observer to be “Independent” they must be able to execute their powers and functions in an uninfluenced and unbiased manner on board any vessel regardless of which flag the vessel is operating.

12. Accordingly the independent observer will be certified observers from an authorised ROP national and sub-regional programme. The programme and the observer will have no direct financial interest, ownership, and business links with vessels, processors, agents and retailers involved in the catching, taking, harvesting processing or selling of fish or fish product.

Impartial

13. The independent and “Impartial “observer whilst carrying out his duties shall be free from outside influence, from vessels, processors, agents, retailers, involved in the catching, taking, harvesting processing or selling of fish or fish product and will also be free from influence by non-government environmental, fishery and other related organizations; The independent and impartial observer shall be free to execute their powers and functions in an uninfluenced and unbiased manner on board vessels from their flag State and foreign fishing nations.

Observer trips

14. Defining coverage is based on the assumption that an observer trip is for the duration of a vessel leaving port to when they come back to port full or to unload would mean that a trip for some vessels could be very short and for others extremely long therefore to define trips for observer coverage will require different options to be considered.

15. Distant Water Fishing (DWFV) freezer long line vessels could be at sea on one extended trip that could be up to 18+ months, this is considered too long a period for an observer to carry out ROP duties, noting that the longline coverage can be determined by a number of other mechanisms besides trips. It is generally agreed that a vessel trip is the mechanism for coverage to be used for purse seine vessels and fish carriers. Mechanisms for observer coverage on pole and line and troll vessels are still to be determined however trips are considered the mechanism that will suit these vessel gear types.

The following considerations are proposed to guide what constitute an observer trip on each of the different vessel type:

a) Purse seine

Observer trip on vessels is for the period an observer is on board for the duration of the vessels fishing operation at sea. Commencement of trip is when the observer boards the vessel and end of trip in normal circumstances is when the vessel returns to port full or partially full to unload their entire catch.

b) Fish Carrier

Observer trip on vessels is for the period an observer is on board for the duration of the vessels operation at sea. Commencement of trip is when the observer boards the vessel and end of trip in normal circumstances is when the vessel returns to port full or partially full to unload their entire catch.

c) Longline

(i) Coastal and Offshore longline vessels

Observer trip is for the period an observer is on board for the duration of the vessels fishing operation at sea. Commencement of trip is when the observer boards the vessel and end of trip in normal circumstances is when the vessel returns to port full or partially full to unload their entire catch.

(ii) Distant Water Fishing Vessels

Observer trip on the larger DWFV may require the observer to be on board for a portion of the expected duration of the vessels fishing operation at sea. Commencement of trip is when the observer boards the vessel to when the vessel returns to port full or partially full to unload their entire catch or if required observer period on board may end after approximately an estimated minimum of 40¹ days at sea.

¹ Days based on an approximate coverage of sea days for a year as coverage rates are based on % coverage expected to be attained annually. Vessel will be required to make arrangements for observer to board and disembark the observer in port or to make arrangements for observer to be transferred to or from vessel coming from or returning to port.