



THIRD REGULAR SESSION

Apia, Samoa

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

WCPFC3-2006-DP05

10th November 2006

Submitted by FFA Members

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 WCPFC-TCC1-2005/14;

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 implementation of the WCPFC Observer Programme.

1. The Commission hereby establishes the WCPFC Regional Observer Programme.
[date for implementation]

2. The Commission hereby establishes an intersessional working group on a regional observer programme (IWG-ROP) to expedite further development of the regional observer programme. The TOR for the IWG-ROP are attached as Attachment 1.
3. The ROP will operate in the following way:
 - a) The Commission, taking into account the advice and recommendations from the IWG-ROP, shall:
 - i) for fishing activities where observers will be provided by CCMs or sub-regional programmes, set minimum levels of observer coverage and sampling protocols to be implemented by CCMs on their vessels operating outside their jurisdiction, including patterns of coverage by CCM national observers and WCPFC observers
 - ii) determine fishing activities where WCPFC observers will be placed by the Commission where necessary to ensure the effective implementation of the Convention. In such cases, the Commission shall select vessel trips for observation, place WCPFC observers onboard and meet their costs, and establish arrangements for the financing of those costs, which may include the establishment of levies to be paid by the CCMs involved.
 - iii) establish standards and procedures for:
 - I. collection, compilation and management of data and information from the ROP in accordance with rules and procedures recommended by the Ad-Hoc Task Group [Data] and the Commissions Information Security Policy
 - II. certification of WCPFC Observers and for accreditation of national and existing sub-regional observer programs as providers of WCPFC observers
 - iv) establish processes for the review and audit of CCM implementation of the Commission requirements for observers on vessels operating outside the jurisdiction of their CCM
 - v) determine rights, duties and responsibilities of observers, captain and crew
 - b) Each CCM shall:
 - i) ensure the placing of observers on its vessels operating outside its jurisdiction in accordance with standards and procedures established by the Commission.
 - ii) enter into arrangements with other CCMs or with existing sub-regional programs for the provision of WCPFC observers to meet the requirements of the Commission

- iii) report to the Commission on any apparent violation of the provisions of this Convention or any conservation and management measure adopted by the Commission by any CCM detected as a result of reports from observers on its vessels and any investigation or actions taken in respect of the apparent violation
- c) Each CCM or sub-regional program providing WCPFC observers shall, *inter alia*, provide the following services:
 - i) implementation of the technical and operational protocols for the observer role and tasks, including data management issues, as required by the Commission
 - ii) day to day management of observers, including all personnel and financial matters, and the co-ordination of all logistical components
 - iii) place and recover observers
 - iv) arrange for debriefing of observers
 - v) ensure the provision of reports prepared by its observers to CCMs of vessels on which its observers were placed, any coastal state CCMs in whose waters vessels operated with its observers on board and the Commission Secretariat
- d) The Commission Secretariat shall facilitate the day to day management of the regional observer programme according to the recommendations of IWG-ROP as endorsed by the Commission.

**INTERSESSIONAL WORKING GROUP ON A REGIONAL OBSERVER
PROGRAMME (IWG-ROP) – Terms of Reference**

1. The TOR for 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 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.
2. 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 53 to 69 the TCC2 report and prepare a revised draft.
 3. The IWG-ROP should work inter-sessionally and to the maximum extent possible, conduct its work by electronic means.
 4. 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