



**TECHNICAL AND COMPLIANCE COMMITTEE
Fourth Regular Session**

2-7 October 2008
Pohnpei, Federated States of Micronesia

STATUS REPORT ON THE ELEMENTS OF THE ROP

WCPFC-TCC4-2008/07

5 September 2008

Paper prepared by the Secretariat

Introduction

1. Annex C of the Conservation and Management Measure 2007-01 describes an implementation schedule for the Regional Observer Programme (ROP). Elements of this schedule were discussed at the second meeting of the Inter-sessional Working Group for the Regional Observer Programme (IWG-ROP2) which met at Nadi, Fiji from 7-10 July 2008. This paper summarises the status of these elements of the ROP. It includes a list of additional ROP elements that will require consideration to support further development of the ROP.
2. TCC4 is invited to review the elements of the ROP discussed at IWG-ROP2 and provide advice in respect of their adoption at the Commission as part of the on-going process to develop the ROP.
3. At IWG-ROP2 CCMs committed to providing copies of their national observer programme materials and documentation to the Secretariat by 11 August 2008. A table summarising the status of submissions received is included at the end of this report (Table 1).

Elements of the ROP discussed at IWG-ROP2

4. Boxed text reflects the understanding reflected in the Summary Record of IWG-ROP1 and IWG-ROP2

Profiles of existing programmes

5. IWG-ROP1 adopted a table (IWG-ROP1 Summary Record, Appendix D) which CCMs agreed to complete as a means to profile existing monitoring and observation programmes with potential to contribute to the ROP. This table was further refined by the Secretariat so as to facilitate its completion by CCMs. A copy of the table with supporting codes is appended at **Attachment A**.

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| <ol style="list-style-type: none">6. At IWG-ROP1 CCMs agreed to use a table (IWG-ROP1 Summary Record, Appendix D) and to submit it to the Secretariat so profiles of existing observer programmes could be compiled. |
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7. Refer to Table 1a for a summary of responses received.

8. The IWG-ROP Chair encouraged all CCMs to complete and submit this table to the Secretariat so that a summary of the information submitted could support preparations for, and discussions at IWG-ROP2.

9. In addition, the Secretariat prepared a questionnaire for completion by CCMs on a voluntary basis. This questionnaire was designed to assist in determining the available observer resources among CCMs. The questionnaire was distributed in May 2008. As of the end of August, 18 responses had been received from CCMs. Refer to Attachment C of the IWG-ROP2 Summary Report for a compilation of the questionnaire replies. Refer to Table 1a for a summary of responses received.

Hybrid model

10. At the IWG-ROP2 several CCMs confirmed their support for the “hybrid model” as a basis for integration and development of the ROP and advised that they were actively refining their existing observer programmes to support this approach.

11. While some CCMs maintained issues such as “costs” was a matter to be decided upon at the Commission, others were of the view that this could be addressed bilaterally between those flag States requiring observers to meet their coverage obligations and observer providers. Vessel safety was also identified as an issue that could be addressed in a similar manner.

Data (data fields, data standards, and data management)

12. The IWG-ROP2 Chair noted that the types of data to be collected by ROP observers will be determined by science and compliance obligations and responsibilities, as agreed by the Commission and reflected in the CMMs and the Convention.

13. Some CCMs cautioned that it is important not to over-burden observers with an unrealistic set of tasks and data collection requirements at the risk of compromising both the quality of information collected and the efficiency of the ROP. Other CCMs advised that their existing observer programmes collect significantly more information than is currently being proposed for the ROP. The IWG-ROP Chair noted at IWG-ROP2, that the current document describing proposed data fields consists of the data collection requirements for all gear types. The data requirements for an observer deployed on a single vessel would be a significantly reduced sub-set of the existing document.

14. A revised and amended copy on WCPFC/IWG-ROP2/2008-16 “Candidate elements of the ROP with a focus on MCS elements was presented, as well as a revised and amended copy of Table 8 from the WCPFC/IWG-ROP2/2008-11 “Proposed ROP Data Fields”.

15. The IWG-ROP2 agreed that CCMs could provide comments by 11 August 2008 on these amended tables prior to sending them to the TCC4 for consideration.

16. Copies of the amended tables are appended as part of **Attachment B**.

17. Refer to Table 1a for a summary of responses received.

Data Fields

18. The IWG-ROP2 noted that the information collected in the Convention area by existing national, sub-regional and regional programmes¹ includes many of the fields being proposed for

¹ Although “regional” observer programmes are referred to in the Convention, the ROP will be the first “regional” observer programme in the Convention Area. Other programmes include the existing sub-

collection by ROP observers. It was accepted that these programmes may have difficulty changing their current data collection forms to a new format. The IWG-ROP2 agreed that as long as the data being collected was to the Commission standards, this is all that should be required in the early stages of the ROP.

19. The IWG-ROP2 agreed that the interim standard for “Data Fields, Management, Distribution and Use” will be that CCMs will use data fields collected by existing national and sub-regional programmes. It was also agreed that CCMs should provide copies of the data fields and formats of their programmes to the Secretariat, so that it could identify commonalities and gaps.

Data Management

20. It was noted that data flows from national, sub-regional and regional observer programmes to the ROP will result in considerable data processing demands being placed on the Secretariat. The IWG-ROP2 noted that interim arrangements for scientific structure and function of the Commission are currently being reviewed and that this may have implications for the way the Commission’s data is administered. It was also noted that current contractual arrangements for data administrative services with SPC-OFP could be expanded to cover any additional requirements arising from the ROP. This would promote consistency and avoid duplication. Whether data administration for the ROP is done at the Secretariat, or under contractual arrangements, there will be budgetary implications which will require the Commissions consideration.

21. It was noted that the current organisational structure for the WCPFC Secretariat provides for a post of Data Quality Officer to support to ROP data administration needs. This post is currently unfunded.

22. The IWG-ROP2 agreed to recommend that the WCPFC Secretariat should provide to the Commission, a costing for a range of options for data management for the ROP. These options should include, but not be limited to:

- a. use of existing national and sub-regional observer programmes’ data management arrangements;
- b. out-sourcing of Secretariat functions, e.g. to SPC-OFP under existing contract for data services; and
- c. centralized in the WCPFC Secretariat, e.g. including through funding of the Data Quality Officer position for the ROP.

23. The IWG-ROP2 also agreed that national, sub-regional and regional observer programmes submit their respective data forms to the Secretariat to commence a harmonization exercise and that these forms should be provided by 11 August 2008 to assist the Secretariat to prepare a paper on this subject for TCC4.

24. Table 1a provides a summary of responses received in respect of this request.

25. The Chair of IWG-ROP2 suggested that an expert working group may be required to consider options for transmitting information collected by observers to the Commission.

regional programmes administered by FFA (FSMA and US Treaty) and the numerous “national” observer programmes.

Data Standards

26. A small group at the IWG-ROP2, facilitated by Australia, considered issues associated with “Data and Data Standards” as presented in WCPFC/IWG-ROP2/2008-11 “Proposed ROP Data Fields”, focusing on those fields that remained unresolved at the conclusion of discussion on this matter at SC3 in 2007.

27. The outputs of the small group are contained in WCPFC/IWG-ROP2/2008-11 (Rev.1) and reproduced in Attachment H of the IWG-ROP2 Summary Report

28. Three data fields carried forward from the SC3 discussions that remained unresolved at IWG-ROP2 were referred to TCC4 for a final decision. In addition, the IWG-ROP2 requested TCC4 to review and finalise table 8 and some new data fields identified by the IWG-ROP2 for inclusion. The fields requiring further consideration at TCC4 are appended at **Attachment B**.

29. The square bracketed data fields plus the fields in table 8 contained in **Attachment B** require consideration by the TCC4. These data fields, if approved, together with previously agreed data fields would constitute the minimum data fields to be collected by ROP observers. The data fields approved by TCC4 will be forwarded to WCPFC5 for final endorsement together with other recommendations and advice relating to the ROP.

Definitions and Scope

30. The IWG-ROP2 was unable to reach consensus on the definition of: “principally”, “occasional”, “adjacent”, “independent”, “impartial” and “observer trip” as described in WCPFC/IWG-ROP2/2008-07(Rev.1).

31. The IWG-ROP2 recalled the need for a clear definition of these terms was associated with the decision taken at WCPFC2 to adopt the “Hybrid Approach” for the ROP and the need to ensure there is a shared understanding of the requirements of vessels authorised to fish in the Convention Area in respect of their participation in the ROP. These terms are included in CMM 2007-01 and the Convention. The WCPFC4 agreed, on the adoption of this Measure, that these terms required clear unambiguous definitions.

32. The IWG-ROP2 only had an opportunity to discuss “independent and impartial” in any detail. Some CCMs noted that the observer programmes² used as models, and which serve as a basis for a “hybrid approach”, source observers from a State other than the flag State of the vessel. Other CCMs believed that flag State observers could be used on their own flagged vessels to contribute to the ROP. To try and resolve this matter the U.S. tabled a proposal to the IWG-ROP2 defining “independent and impartial”. The criteria proposed by the U.S. may be used to develop a format for an affidavit signed by the observer or by contractual means declaring the observers independence (IWG-ROP2 Summary Report, Attachment F).

33. Several CCMs, noting linkages to other elements of the ROP, advised that they required more time to examine the U.S. proposal for the definition of “independent and impartial”. The meeting encouraged further discussion on definitions to be made at TCC4.

² The observer programmes operating under the FSM Arrangement and Multilateral Treaty on Fisheries, and the observer programme operating under CCAMLR.

Authorisation

Interim standards for the ROP

34. The IWG-ROP2 considered a list proposed by New Zealand for consideration as interim minimum standards to be met by existing national, sub-regional and regional observer programmes contributing to the ROP. The list included; “Observer Guides and Manuals”, “Training”, “Code of Conduct”, “Safety”, “ROP National Coordinators”, “Briefing and Debriefing”, “Equipment and Materials”, “Communications”, “Measuring Performance” and “Dispute Settlements”.

Observer guides and manuals

35. Observer Manuals are crucial in providing guidance on the objectives, scope of activities, standards, administrative arrangements and roles and responsibilities of observer programmes. An observer manual is an essential guide for each individual observer.

36. Some IWG-ROP2 participants advised that their current manuals already cover much of the material being considered for adoption in the ROP and, as a result, existing observer manuals could continue to be used in the short to medium term. It was noted that, over time, there is potential to achieve a significant degree of harmonisation of manuals used by programmes contributing to the ROP.

37. The IWG-ROP2 agreed that the interim standard for “Observer Manual/Guidelines” will be that CCMs have and use their respective Observer Manual/Guidelines and submit copies of these to the Secretariat.

38. Table 1b provides a summary of responses received in respect of this request.

Training

39. CCMs considered that existing observer training programmes should be capable of producing observers that can be authorised under the ROP.

40. The IWG-ROP2 agreed that the interim standard for “Training” is that training programmes should be in place and refined to ensure that they include observer-related matters linked to the decisions of the Commission. Training programmes should be available for review with training materials provided to the Secretariat.

41. Table 1b provides a summary of responses received in respect of this request

Code of conduct

42. The IWG-ROP2 noted that several CCMs supported the requirement for a “Code of Conduct” for observers, noting that the details and specifications of the Code for their programmes should be the CCMs’ responsibility. Where a Code of Conduct is not in place, the Secretariat could assist in the development of a Code – perhaps in the form of a template to serve as a reference with appropriate consideration of possible cultural and religious sensitivities.

43. The IWG-ROP2 agreed that the interim standard for “Code of Conduct” is that each CCM should have a Code of Conduct for their programmes. The Code will be available to each observer. A copy of the Code will be provided to the Secretariat. If a CCM does not have a Code of Conduct in place for its observer programme, one will be developed.

44. Table 1b provides a summary of responses received in respect of this request.

Safety

45. Several CCMs represented at IWG-ROP2 described their safety training programmes for observers. Some CCMs advised safety training for observers is undertaken by using vessel crew safety training programmes which are based on international standards. Other CCMs reported they conduct specialized at-sea safety training for observers. Several CCMs advised that observers are required to undergo safety training prior to entering their observer programme.

46. It was noted that under CMM-2007-01, CCMs must ensure that observers are adequately trained on safety issues and the flag States must ensure that captains ensure observers can carry out their duties safely.

47. The IWG-ROP2 agreed that the interim standard for “Safety” is that observers must undergo training in sea safety and emergency procedures, and that such procedures be made available to the Secretariat.

48. Table 1b provides a summary of responses received in respect of this request.

WCPFC National and Sub Regional Observer Programme Coordinator

49. CMM-2007-01, at Para 13, provides that “*Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP*”.

46. The IWG-ROP2 agreed that the interim standard for “Coordinating Placement” is that the WCPFC National Observer Programme Coordinator should be in place, there should be a system for observer placement administration and that documentation describing observer placement administration should be provided to the Commission

50. Table 1b provides a summary of responses received in respect of this request.

Briefing and Debriefing

51. De-briefing is integral to the process of ensuring that observer data is of the highest quality. Because briefing and de-briefing of observers occurs under existing programmes, establishing a new process would be redundant and bureaucratic.

52. The IWG-ROP2 agreed that the interim standard for “Briefing and De-briefing of Observers” is that there is a system for briefing and de-briefing of observers in place and documentation describing briefing and de-briefing be made available to the WCPFC Secretariat.

53. Table 1b provides a summary of responses received in respect of this request

Equipment and Materials

54. The IWG-ROP2 noted that observers require adequate equipment and materials to properly perform their duties, and there should be the minimum standard of equipment requirements for all observer programmes. Several CCMs stated that they already supply international standard equipment to their observers. It was suggested that each flag State work with its fishing industry so they are prepared in relation to the equipment requirements of an observer before observers board a vessel.

55. The IWG-ROP2 agreed that the interim standard for “Equipment and Materials” is that observers are provided with appropriate equipment, including safety equipment.

Communications

56. Observers require access to the communication technology of the vessel. The IWG-ROP2 noted that communication equipment is vessel dependent since communication equipment cannot be standardized throughout the fleet.

57. The IWG-ROP2 agreed that the interim standard for “Communications” is that observers have access to appropriate communication facilities, including emergency communication facilities.

Measuring performance

58. The Chair of the IWG-ROP2 suggested that the interim standard should be “measuring the observer programme’s performance” in relation to its contribution to the ROP. Within a programme, the performance of individual observers should be separately assessed.

59. The Chair proposed that the Commission should institute a mechanism to measure the performance of observer programmes contributing to the ROP. It would be preferred if this be a quantifiable measure so as to minimize potential subjectivity in an assessment. He noted that CMM-2007-01, para. 3, requires the Secretariat to report annually to the Commission on the operation of the ROP. To complement this it was noted that it would be useful to include reports from each CCM on the contributions of their observer programmes to the ROP. This could be included in their respective “Annual Reports Part 2” to the Commission.

60. The IWG-ROP2 agreed that the interim standard for “Measuring Performance” is a means to report to the Commission on the performance of the observer programme of a CCM to the Commission. A means to monitor and report on the performance of individual observers was envisaged to be a necessary element of each national, sub-regional or regional observer programme. To assist the ROP, CCM’s were encouraged to send to the Secretariat any materials they may have on measuring observer performance.

Dispute settlement

61. The IWG-ROP2 considered that bilateral arrangements between flag States and observer providers should include a mechanism to settle contentious issues relating to observer conduct. Only on rare occasions should disputes be passed on to the Commission for resolution. The IWG-ROP2 noted that disputes don’t always arise because of the behavior or non-performance of an observer, but may arise as a result of a broad range of issues.

62. The IWG-ROP2 agreed that the interim standard for “Dispute Settlement” is a dispute resolution mechanism in place between flag States and observer providers. If a dispute settlement mechanism is not in place one should be developed. A description of dispute resolution mechanisms should be provided to the Secretariat by CCMs.

63. Table 1b provides a summary of responses received in respect of this request.

Authorisation process

64. The Chair noted that since the IWG-ROP2 had agreed on a range of interim minimum standards, the next step was to propose a process for authorizing observers as provided for at Article 28(3) of the Convention.

65. Several CCMs noted that it will be impractical for the Secretariat to authorise individual observers. Instead, IWG-ROP2 proposed that the Secretariat authorise observer programmes to

contribute to the ROP, be they national, sub-regional or regional programmes. The process will need to be transparent so that it assures the Secretariat and the Commission that the program, and its observers, can meet the minimum standards agreed by the Commission.

66. The IWG-ROP2 agreed to recommend to the Commission that the function of the Secretariat, stipulated at Article 28(3) of the Convention, be clarified in that the authorisation will be in respect of national, sub-regional or regional observer programmes rather than individual observers. It was noted that CMM-2007-01 Para 12 (b) states that the Secretariat will authorise observer providers.

Authorisation of national and sub-regional observer programmes by the Secretariat

67. The IWG-ROP2 agreed on the following process for authorisation of national and sub-regional observer programmes by the Secretariat (refer to IWG-ROP2 Summary Report, para. 81-88).

i) CCMs seeking authorisation to have their national observer programme (NOP) included in the Commission Regional Observer Programme (ROP) shall submit an application to the Secretariat, which declares that their NOP meets the minimum standards for the ROP agreed to by the Commission and includes relevant supporting documentation to demonstrate compliance with the minimum standards. Relevant CCMs may also nominate sub-regional observer programmes to be authorised for inclusion in the Commission's ROP through the application process.

ii) Upon receipt of an application from a CCM for its national programme or relevant CCMs in respect of a sub-regional programme, and on the basis of an initial review for completeness of the application, the Secretariat will issue an Interim Authorisation for the NOP or sub-regional observer programme to be included in the Commission ROP. Interim Authorisations will be valid until July 1, 2012.

iii) If the Secretariat discovers a deficiency regarding compliance with one or more of the minimum standards, the CCM or sub-regional programme shall be contacted and notified of the deficiencies. The CCM or sub-regional programme will work with the Secretariat to correct the deficiencies within 90 days or some other time frame determined by the Secretariat in consultation with the CCM or sub-regional programme concerned. Failure to correct such deficiencies may result in the removal of the Interim Authorisation by the Secretariat.

iv) Before June 30, 2012, the Secretariat shall conduct a programme audit of each NOP and sub-regional programme that received an Interim Authorisation to ensure that they meet the minimum standards for the Commission ROP.

v) If the Secretariat finds a deficiency during the programme audit regarding compliance with one or more of the minimum standards, the CCM or sub-regional programme shall be contacted and notified of the deficiencies. The CCM or sub-regional programme will work with the Secretariat to correct the deficiencies within 90 days or some other time frame determined by the Secretariat in consultation with the CCM or sub-regional programme concerned.

vii) On the basis of the programme audit, the Secretariat shall authorise NOPs and sub-regional programmes to be included in the Commission ROP as each audit is successfully completed. If a programme audit has not commenced before 1 July 2012, the Secretariat, in consultation with the relevant CCM or sub-regional programme may extend the interim authorisation until the audit has been completed. If a CCM or sub-regional programme has failed to correct all deficiencies identified, the NOP or sub-regional programme may not be authorised until such deficiencies are corrected.

viii) All authorised NOPs and sub-regional programmes will be kept under continuous review by the Secretariat in order to ensure they continue to meet the Commission's minimum standards. CCMs shall ensure NOPs and sub-regional programmes are refined, as necessary, and within the agreed upon time frame, to meet any further standards adopted by the Commission

Role and functions of the audits

68. Several CCMs at IWG-ROP2 noted that the Secretariat would need to be adequately resourced to support an audit function for the ROP. The audit function could be undertaken by the Secretariat itself, a certified service provider or by certified independent observers.

69. The IWG-ROP2 recalled that IWG-ROP1 had been presented with material concerning the accreditation of national, sub-regional or regional observer programmes to contribute to the ROP. Annex B of the Draft Strategic Plan for the Development of the ROP included draft formats that provided a starting point for the development of an audit process. The IWG-ROP2 recommended that the minimum standards it agreed upon, be used for any audits commissioned in the near term and that these processes and formats be kept under review.

70. The IWG-ROP2 noted that audits may lead to the identification of areas requiring attention, audits can play a positive role in improving the efficiency and effectiveness of observer programmes. The IWG-ROP2 noted that, over time it would be the Secretariat's role to promote the means for observer programmes to collect data in a harmonised manner.

71. Noting that there was a need to examine budgetary implications so that the Commission is aware of the need to focus on this issue at WCPFC5, the meeting agreed (IWG-ROP2 Summary report Para (101) to the proposition on "Audit" as follows:

Audit

72. The IWG-ROP2 proposed that the role of an audit will be to work with CCMs to review the effectiveness of their programme's contribution to the ROP.

73. The purpose of the audit is to inform CCMs and the Commission:

- a) of any gaps in observer coverage of fleets active in the WCPO;
- b) of any gaps in respect of achieving standards agreed by the Commission;
- c) in relation to opportunities to harmonise the operations and activities of individual observer programmes;
- d) identify opportunities for achieving efficiency gains among contributing observer programmes; and
- e) of other matters as identified by the Commission and its subsidiary bodies.

74. The IWG-ROP2 recommended that the Secretariat work with CCMs to develop a process for undertaking audits. CCMs are encouraged to provide written submissions in relation to a process by Monday, August 11, 2008. It was recommended that this be available for initial consideration at TCC4.

75. Table 1a provides a summary of responses received in respect of this request.

Vessel Safety

76. The IWG-ROP2 recognized that observer safety training, and determining the safety of a vessel on which an observer is placed, are different issues.

77. The IWG-ROP2 noted that it is the responsibility of the observer programme to ensure the an observer is adequately trained on matters of safety at sea prior to authorisation and the responsibility of the flag State to ensure the safety of the vessel.

78. IWG-ROP2 discussed a Vessel Safety Check-list (VSC) (WCPFC/IWG-ROP2/2008-10) which proposed material for observers or observer providers to undertake a safety check on a vessel prior to an observer placement. It was accepted that the observer has the right of refusal to board a vessel if, by means of a fair and transparent appraisal, the vessel is considered unsafe. Some CCM participants at IWG-ROP2 noted that their existing programmes include such mechanisms and processes.

79. Some IWG-ROP2 participants noted that some vessels operating in the WCPO may not be able to meet strict safety criteria in place among some CCMs. They expressed concern that failure to satisfy the criteria on a VSC may have negative consequences for individual vessels. Other participants noted that failure to meet vessel safety standards should be a cause for major concern for the Commission, should that be identified as the reason agreed coverage rates for those fleets or vessels were not being met.

80. Mr. Tim Park (FFA Secretariat) volunteered to coordinate discussion on a safety check-list among IWG-ROP2 participants by electronic discussion with CCMs prior to TCC4.

Vessel size

81. The Chair of IWG-ROP2 noted that under “Special Situations” in para.12 (ix) of CMM-2007-01 relating to the deferral of the implementation schedule for small vessels, the minimum size of such vessels shall be considered by the IWG-ROP for recommendation to the Commission in 2008. The IWG-ROP2 noted two views in relation to the issue of a minimum size for vessels to receive observers under the ROP.

82. One view point was that small vessels should receive special consideration in relation to the ROP. Because of the design of the vessel, the available bunk area and size of the work area it made it difficult for some small vessels to accommodate and ensure the safety of an observer. There was also the operational aspect that requires consideration as often one of the crew would be required to leave the vessel to make room for an observer. Those CCM participants requesting this be given consideration in developing the ROP suggested that observer placements be limited to vessels over 30m.

83. The other viewpoint taken by some CCMs was that many observer programmes have been successfully placing observers on small vessels operating within their EEZs for many years, noting that most of their vessels were less than 24m, and taking safety into account, there should be no size limits placed on vessels to be boarded. They considered that if a vessel was capable of being authorised to fish on the high seas in the Convention Area it should be available to participate in the ROP.

84. At IWG-ROP2 there was no agreement on vessel size limitations in regard to observer boardings and this will need further consideration.

Costs

85. There will be cost implications if a national, sub-regional or regional programme is extended to contribute to the ROP. In order to assess costs there is a need to accurately describe each component of the ROP that is likely to incur an incremental cost not already borne by existing national, sub-regional or regional programmes. Full costing of observer programme elements requires an understanding of each component of the ROP likely to incur a cost. This includes deployment costs (transportation, per diem, insurance, administration fees, etc.).

Because of the economics and diversity of observer programmes run by CCMs, it was considered that these costs could not be standardized across existing national, sub-regional and regional programmes.

86. The IWG-ROP2 noted that the matter of costs requires further consideration at TCC and the Commission.

Cadre of observers (Observers for special situations)

87. Although there was limited discussion on the concept of a cadre of observers for special situations this issue is mentioned in the paper presented to TCC2 (WCPFC-TCC2-2006-11 Attachment 1).

88. Noting provision for the use of specialized observers (CCM-2007-01, Para 12(ix)) the IWG-ROP2 agreed that as time permits, the Secretariat will elaborate on the use of a cadre of specialized observers, taking into account different aspects of the ROP. This material will be provided to a future session of the IWG-ROP, TCC or the Commission.

Elements of the Regional Observer Programme (ROP) - requiring further discussion and direction;

At sea transshipment coverage

89. The ROP has potential to provide the means to verify transshipment at sea consistent with Article 4 of Annex 3 of the Convention. The ROP may coordinate and collaborate with national, sub-regional and regional observer programmes to ensure consistency of programme design, data collection activities and standards for the purpose of verifying transshipment.

ROP Manual (Observer Manual)

90. The ROP Manual will be a manual for management of the ROP, to be used by the ROP Coordinator, sub-regional and national programme coordinators (WCPFC National Observer Programme Coordinator) and CCM fishery managers. The Secretariat will be responsible for preparing the ROP Manual and its continued development. The main elements of the ROP Manual will include *inter alia*:

- a. current list of observer tasks;
- b. duties and roles of ROP observers;
- c. background on the Convention;
- d. ROP CMM 2007-01;
- e. CMMs involving observer input;
- f. elements of the hybrid model adopted for the ROP;
- g. strategy of the ROP;
- h. role of the national, and sub-regional programs;
- i. role of the national ROP Coordinator;
- j. role of the vessel operator;
- k. training standards;
- l. data standards;
- m. safety standards;
- n. reporting protocols;
- o. briefing and debriefing protocols and standards;

- p. data security and confidentiality;
- q. protocols for evaluation of observers performance and data quality;
- r. incident protocols;
- s. protocols for submission of data to the ROP;
- t. code of conduct -minimum standards;
- u. vessel safety standards for vessels;
- v. observer equipment -safety and work related;
- w. observer equipment -sampling; and
- x. summary of audit protocols and procedures for accreditation.

91. It is expected that the Secretariat will be responsible for compiling a library of CCM Observer Programme Manuals and will be also responsible for preparation and maintenance of a ROP Observer Manual.

ROP Workbook

92. Minimum data requirements will be stipulated in ROP Observer Workbooks. A workbook, for each gear-type will include, but not be limited to, data collection forms, instructions for the use of forms, tasks, sampling protocols, gear guides, and species identification guides. CCMs with established observer programmes that meet Commission ROP minimum standards and are able to deliver these standards to the Commission in a consistent manner, will use their own workbook, guides and forms. As noted above, over time, there may be potential to standardize these materials among national, sub-regional or regional programmes contributing to the ROP.

93. It is expected that the Secretariat will be responsible for maintaining library of CCM workbooks and will be also responsible for preparation and maintenance of a ROP Observer Workbook.

Special requirements of developing states

94. Consistent with Article 30(4) of the Convention, the Commission is obligated to assist with the needs of Small Island Developing States' capacity building to support participation in the ROP. Article 30 (4) of the Convention provides for "training and capacity building at the local level, development and funding of national and regional observer programmes". Such capacity building efforts may be supported from the Commission's core budget, the Special requirements Fund or voluntary contributions from CCMs for that purpose. Other opportunities, such as those provided through the UNFSA Part VII Fund, also exist.

Standardized procedures for deployment of ROP observer

95. Guidelines, procedures and minimum requirements for ROP observer providers and flag State vessels that carry ROP observers will need to be developed for observer deployment. This will be undertaken in consultation with national, sub-regional and regional observer programmes. It is anticipated that the IWG-ROP will oversee the development of these procedures.

Observer and observer trainer qualifications

96. Article 28(6)(c) of the Convention provides that "observers shall be trained and certified in accordance with uniform procedures to be approved by the Commission"

97. The IWG-ROP will be required to oversee the development of qualification procedures for trainers and/or training programmes including the development of minimum training standards and their periodic review and improvement.

Develop and manage a list of specific tasks for ROP observers for each fishery.

98. The IWG-ROP will be required to oversee the development of a list of tasks for authorised observer programmes contributing to the ROP. These tasks will support the collection of verified catch data, other scientific data and other additional information related to the fishery in the Convention Area and to monitor the implementation of CMMs adopted by the Commission. It is expected that the Secretariat will be responsible for coordinating the development, periodic review and dissemination of the list of observer tasks taking into account recommendations from the SC, TCC, NC and the Commission.

Achieve coverage levels established by the Commission

99. The Commission will determine the coverage levels by fleets and fisheries. Progress in achieving these coverage levels will be monitored by each CCM and will be reported in the Annual Report on the ROP by each CCM to the Commission and, as appropriate, each subsidiary body. The Secretariat will provide a complementary report to the Commission each year (CMM-2007-01 Para 3).

100. Procedures on how coverage levels are determined and monitored by the ROP are yet to be considered by the IWG-ROP.

101. It is expected that flag States will be responsible for achieving the coverage levels established by the Commission for vessels flying its flag, subject to Article 28 (4) and (5), in a flexible manner, taking into account the nature of the fishery and other relevant factors. The ROP CMM 2007-01 Annex C Para 6 states that:

102. “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 Para 9 and 10)”

Develop and maintain an ROP database

103. The Secretariat will be responsible for the development and maintenance of the ROP database. The ROP database should be able to accept ROP minimum standard data in different formats (i.e., those of existing observer programmes); Rules and procedures on how the database will be developed and maintained by the ROP are yet to be considered by the IWG-ROP.

Consider other means of collecting data required by the Commission.

104. The SC, TCC and the Commission will be responsible for considering other means of collecting data normally acquired by observers. Where appropriate, the Secretariat may be required to develop an integrated sampling design incorporating the various means of collecting data. Protocols for testing other forms of data collection methods will need to be developed, for example data collected by port sampling programmes.

Explore developing technologies for monitoring vessel operations and sampling the catch

105. The SC, IWG-ROP and TCC will monitor the development of new, relevant, technologies for monitoring vessel operations. Protocols the testing of new technologies by the ROP may be required subject to results that may be reported to the Commission by CCMs

responsible for national, sub-regional or regional observer programmes utilizing new technologies.

ROP website

106. The Secretariat will be responsible for development and maintenance of the ROP section on the WCPFC website. The Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission will apply to the management of ROP data placed on the website. Secure sections of the website, reserved for CCM access only, are planned for future development.

107. Items such as the ROP Programme Document, Strategy plan ROP Manual, ROP Workbooks, ROP summary reports, information regarding the status of the implementation of the ROP and summaries of ROP public domain data may be presented on the Commission's website

Fisheries to be monitored

108. The IWG-ROP1 commenced a process to confirm fisheries within the Convention Area to be monitored under the ROP. Some work remains to finalise agreement on this. In addition, there is a need to develop a schedule for observer coverage of each fishery. This element of the IWG-ROP's work is not yet complete.

Institutional Structure

109. The Commission has agreed to adopt a composite of existing, sub-regional programmes and the international observer programme arrangement of CCAMLR. This is often referred to as the "hybrid model". The IWG-ROP and elsewhere in the Commission, often experiences confusion on the institutional arrangements and elements of the "hybrid model". The IWG-ROP will be required to undertake further work in describing all the elements and institutional arrangements implied in the "hybrid model".

Accreditation and Authorisation of Debriefers

110. The IWG-ROP2 agreed that national, sub-regional and regional programmes will need to demonstrate that there is a system for "Briefing and De-briefing of observers" to receive authorisation to participate in the ROP. This is proposed as an interim arrangement. The IWG-ROP will be required to undertake additional work to develop debriefing standards.

Observer Data Security

111. The Ad-hoc Task Group [Data] (AHTG [Data]) has determined that personnel data for individual observers is non public domain. *The Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission* will apply to any personnel data held by the Commission.

Liability and Insurance

112. Members at the TCC3 wished to have information regarding general liability of the observer on board vessels and also wished to know what the observer programmes and vessels responsibility were regarding the liability of the observer on a vessel if something happens to the observer.

113. The question was also raised on who is liable if there is an observer on board and through their actions, they cause the vessel to lose valuable fishing time. a legal opinion on this was sought matter and a Canadian-funded expert in Maritime Law, Professor Edgar Gold, provided an

information paper to WCPFC4 (WCPFC4-2007/IP10) on this issue entitled “On board Fisheries Observer Legal Liability and Insurance”.

114. It was the view of several CCMs at the IWG-ROP2 that insurance is an issue that could be dealt with bilaterally between the observer provider and the flag State, and that, apart from observers that may be deployed for special situations by the Secretariat, the Commission should have no role in insurance issues.

Table 1a.

CCMs that have forwarded documentation to the Secretariat as requested at the IWG-ROP1 & 2 meetings.

Country	Obs. Vessel Monitoring Table IWG-ROP1	Voluntary Questionnaire Completed	Comments on proposed MCS elements and Table 8	Copies Data Forms Formats & Fields	Comments and submissions on audit process
Australia	Yes	Yes	Yes	Yes	Yes
China					
Canada					
Cook Islands		Yes		Yes	
EC		Yes			
FSM		Yes		Yes	
Fiji				Yes	
France					
Japan		Yes			
Kiribati		Yes		Yes	
Korea		Yes			
RMI		Yes		Yes	
Nauru					
NZ			Yes		Yes
Nuie					
Palau				Yes	
PNG		Yes		Yes	
<u>Philippines</u>		Yes			
Samoa					
Solomon Islands				Yes	
Chinese Taipei		Yes			
Tonga		Yes		Yes	
<u>Tuvalu</u>		Yes			
USA	Yes	Yes	Yes	Yes (Hawaii)	Yes
<u>Vanuatu</u>		Yes		N/A	
Territories					
Am Samoa					
CNMI					
Fr. Polynesia		Yes		Yes	
Guam					
New Caledonia				Yes	
Tokelau				Yes	
Wallis & Futuna		Yes		N/A	
C Non Members					
Belize	Yes				
Indonesia					
FFA		Yes		Yes	

Note

i) **Countries in Underlined** have indicated in their Questionnaire responses that they do not currently have national observer programmes.

ii) **Most FFA/SPC Pacific Island countries with observer programmes use the same harmonised formats and data collection fields developed by FFA and SPC.**

Table 1b.
Materials to be submitted to Secretariat.

Country	Copies of Manuals Guidelines & Materials	Copies Code of Conduct	Copies of Training Materials	Copies of Observer Safety Information	Copies of Briefing and Debriefing Materials	Copies of Dispute Resolution mechanism	Copies of Observer Placement Administration Documentation & name of National ROP Coordinator
Australia							
China							
Canada							
Cook Islands							
EC							
FSM							
Fiji							
France							
Japan							
Kiribati							
Korea							
RMI							
Nauru							
NZ							
Nuie							
Palau							
PNG							
<u>Philippines</u>							
Samoa							
Solomon Islands							
Chinese Taipei							
Tonga							
<u>Tuvalu</u>							
USA	Yes		Yes	Yes	Yes		
<u>Vanuatu</u>							
Territories							
Am Samoa							
CNMI							
Fr. Polynesia							
Guam							
New Caledonia							
Tokelau							
<u>Wallis & Futuna</u>							
C Non Members							
Belize							
Indonesia							
FFA							

Attachment A

Gear Type	Vessel Flag	Vessel Length <i>Code A - J</i>	Sector Area Fished	Catch and Effort				Observer Coverage		Implementation Status
				# of Vessels Active	# of Trips	Fishing Days or Hooks Set	Tonnes Caught	Year <i>Jan 1 - Dec 31</i>	Rate	
<u>GEAR TYPE</u> CODE GEAR TYPE PS - SINGLE PURSE-SEINE LL - LONG-LINE FC - FISH CARRIER PL - POLE AND LINE TR - TRAWLER MS - MOTHER-SHIP TL - TROLL VESSEL OT - OTHER (<i>PLEASE SPECIFY</i>) <u>VESSEL FLAG</u> Use (ISO 3166) THREE LETTER COUNTRY CODES (<i>list attached</i>)			<u>VESSEL LENGTH</u> - SIZE RANGES OF LENGTH OF VESSEL (LOA) CODE LENGTH RANGE A 0 - 9.9M B 10 - 12.9M C 13 - 15.9M D 16 - 19.9M E 20 - 23.9M F 24 - 29.9M G 30 - 39.9M H 40 - 49.9M I 50 - 59.9M J 60M AND OVER		<u>SECTOR AREA FISHED</u> - AREA FISHED BY THE VESSEL (Code as per attached code table) <u>CATCH AND EFFORT</u> # OF VESSELS ACTIVE - TOTAL VESSELS ACTIVE IN FLEET # OF TRIPS - TRIPS COMPLETED BY VESSELS IN LAST FULL YEAR. FISHING DAYS or HOOK SET - DAYS VESSEL FISHED DURING LAST FULL YEAR. TONNES CAUGHT - NO OF HOOKS SET IN LAST FULL YEAR. OBSERVER COVERAGE - TOTAL TONNES BY GEAR TYPE CAUGHT FOR LAST FULL YEAR YEAR - JAN 1 - DEC 31 (ENTER YEAR IN COLUMN) RATE - RATE OF OBSERVER COVERAGE ACHIEVED IN PERCENTAGE IMPLEMENTATION STATUS - STATUS OF NATIONAL & SUB REGIONAL OBSERVER PROGRAMME, i.e. No programme planned – `programme planned but not commenced – Commenced but needs developing – developed but needs additional work – fully functional					

**Codes with explanation to assist in the filling out of the WCPFC ROP
"Table to assist in reporting observer Vessel Monitoring undertaken under the ROP"**

#Sector Fished Codes	Sector Areas	Fleet type	Main Target Species	Gear Type codes
LL1	North of 15°N	Offshore/domestic	BET/YFT	Longline
LL2	South of 15°S	Offshore/domestic	BET/YFT	Longline
LL3	15°N - 15°S	Offshore/domestic	BET/YFT	Longline
LL4	North of 15°N	Distant-water	BET/YFT	Longline
LL5	South of 15°S	Distant-water	BET/YFT	Longline
LL6	15°N - 15°S	Distant-water	BET/YFT	Longline
LL7	South of 10°S	Offshore/domestic	ALB	Longline
LL8	North of 10°N	Offshore/domestic	ALB	Longline
LL9	South of 10°S	Distant -water	ALB	Longline
LL10	North of 10°N	Distant -water	ALB	Longline
LL11	10°N - 10°S	All Fleets	ALB	Longline
LL12	North of 15°N	All Fleets	SHARK	Longline
LL13	South of 15°S	All Fleets	SHARK	Longline
LL14	15°N - 15°S	All Fleets	SHARK	Longline
LL15	North of 15°N	All Fleets	SWORDFISH	Longline
LL16	South of 15°S	All Fleets	SWORDFISH	Longline
LL17	15°N - 15°S	All Fleets	SWORDFISH	Longline
PS18	North of 15°N	Distant-water	SKJ/YFT	Purse Seine
PS19	South of 15°S	Distant-water	SKJ/YFT	Purse Seine
PS20	15°N - 15°S	Distant-water	SKJ/YFT	Purse Seine
PS21	North of 15°N	Offshore/domestic	SKJ/YFT	Purse Seine
PS22	South of 15°S	Offshore/domestic	SKJ/YFT	Purse Seine
PS23	15°N - 15°S	Offshore/domestic	SKJ/YFT	Purse Seine
PL24	North of 15°N	Distant-water	SKJ/YFT	Pole & line
PL25	South of 15°S	Distant-water	SKJ/YFT	Pole & line
PL26	15°N - 15°S	Distant-water	SKJ/YFT	Pole & line
TR27	North of 15°N	Offshore/domestic	SKJ/YFT	Pole & line
PL28	South of 15°S	Offshore/domestic	SKJ/YFT	Pole & line
TR29	15°N - 15°S	Offshore/domestic	SKJ/YFT	Pole & line
TR30	15°N - 15°S	All Fleets	ALB	Troll
TR31	South of 30°S	All Fleets	ALB	Troll
OT32	WCPO Area	Offshore/domestic		Other
OT33	WCPO Area	Distant-water		Other

Please note the Codes for "Sector Area Fished" have been compiled for the purposes of filling out the " Table to Assist in Reporting of observer Vessel Monitoring undertaken under the ROP"

If a code does not suit your fleets situation please use code for 'Other'

Table 1 (c)

ISO 3166 CODES FOR WCPFC COUNTRIES	CODES
Members	
Australia	AUS
Canada	CAN
China	CHN
Cook Islands	COK
European Community	*EUR
Federated States of Micronesia	FSM
Fiji	FJI
France	FRA
Japan	JPN
Kiribati	KIR
Korea	KOR
Republic of Marshall Islands	MHL
Nauru	NRU
New Zealand	NZL
Niue	NIU
Palau	PLW
Papua New Guinea	PNG
Philippines	PHL
Samoa	WSM
Solomon Islands	SLB
Chinese Taipei	TWN
Tonga	TON
Tuvalu	TUV
United States of America	USA
Vanuatu	VUT
Participating Territories	
American Samoa	SMA
Commonwealth of the Northern Mariana Islands	MRA
French Polynesia	PYF
Guam	GUM
New Caledonia	NCL
Tokelau	TKL
Wallis and Futuna	WAL
Cooperating Non-member(s)	
Belize	BLZ
Indonesia	IDN

*Reference ISO 4217

Data fields referred to TCC4 by IWG-ROP2

Most data fields contained in Attachment H of the IWG-ROP2 Summary Report “WCPFC/IWG-ROP2 2008-11 Rev 1” were recommended to be approved by the Commission, however three data fields were referred to TCC4 for further discussion, the three data fields are:

CREW INFORMATION	
[Nationality of Crew]	Referred to TCC4 for further discussion
GENERAL VESSEL ATTRIBUTES	
[Vessel Fish Hold Capacity]	Referred to TCC4 for further discussion
POLE & LINE VESSEL ATTRIBUTES	
[Vessel Fish Hold Capacity]	Referred to TCC4 for further discussion

Observer Trip Monitoring Summary

1. The IWG-ROP2 agreed that Table 8 (WCPFC-IWG-ROP2-2008/11), as amended by a small working group during IWG2 would be provided to TCC4 for review and comment. The underlined text in red identifies the refinements proposed by the small working group.
2. Table 8 was developed from a similar Observer Trip Monitoring Summary that is currently used by sub regional and FFA national observer programmes in the WCPFC Convention Area. Its purpose is to assist in the reviewing of the observer data and to be able to understand quickly some of the problems that an observer claim were encountered when observing on a vessel. The early identification of problems can also assist the vessel masters to resolve or report on some of the alleged concerns reported by the observer before their vessel leaves port.

Table 8 Observer Trip Monitoring Summary

VESSEL TRIP MONITORING
Observer name & nationality:
Observer Trip number:
Observer Provider:
Name of Vessel:
Vessel Call sign:
Vessel Gear Type:
<u>Coastal state license:</u>
<u>Vessel certificate of registration:</u>
<u>WCPFC Authorisation:</u>
Did the vessel do <u>any of</u> the following: (indicate YES or NO; <u>for any YES response, please provide</u>

<u>additional explanation and information in space that will be provided below)</u>	
<u>inaccurately</u> record vessel positions on vessel log sheet for sets, hauling and catch;	Yes No
<u>inaccurately</u> record retained ‘Target Species’ in the vessel logs;	Yes No
<u>inaccurately</u> record ‘Target Species’ discards;	Yes No
<u>inaccurately</u> record retained By catch species	Yes No
<u>inaccurately</u> record By catch species discards;	Yes No
record species as a different species e.g. (Juvenile BET as YFT);	Yes No
interact with species of special interest;	Yes No
high grade or cull the catch;	Yes No
<u>fail to</u> comply with <u>any</u> Commission Conservation and Management measure;	Yes No
fish in areas where it is <u>not</u> permitted to fish;	Yes No
<u>fail to</u> report vessel position to countries, where required, when <u>entering and leaving an EEZ</u> [crossing to or from an EEZ into or out of the High Seas];	Yes No
transfer fish from, or to, another vessel at sea;	Yes No
request that an event not be reported by the observer;	Yes No
hinder the observer in the carrying out of their duties;	Yes No
<u>fail to</u> supply reasonable accommodation, food and facilities to the observer onboard the vessel;	Yes No
use a fishing method other than the method the vessel was designed or licensed;	Yes No
<u>lose any fishing gear;</u>	Yes No
<u>abandon any gear;</u>	Yes No
<u>fail to report any abandoned gear;</u>	Yes No
<u>dispose of any metals, plastics, chemicals or old fishing gear;</u>	Yes No
<u>discharge any oil;</u>	Yes No
<u>fail to monitor international safety frequencies;</u>	Yes No
<u>fail to stow fishing gear when entering areas where they were not authorised to fish;</u>	Yes No

Proposed new data fields

WCPFC / IWG-ROP2 / 2008-16 “Candidate elements of the ROP with a focus on MCS” were presented to the IWG-ROP2. These data fields are additional to the proposed data fields discussed at the SC3 and IWG-ROP2, (WCPFC-IWG-ROP2-2008/11). The fields deal with MCS elements of CMMs and the Convention. A small group at IWG-ROP2 was asked to look at these fields and come up with recommendations on these proposed fields.

The table of the small group’s recommendations is below and the IWG-ROP2 agreed that the proposed new data fields along with recommendations by the small group would be provided to TCC4 for review and comment.

Candidate Data Elements of the ROP with a focus on MCS	
Article 26 (Boarding and Inspection)	
Vessel Name of vessel making boarding.	Recommend NOT including on any table
Call-sign of vessel making boarding.	Recommend NOT including on any table
Nationality of boarding vessel	Recommend NOT including on any table
Freezer Type	Already included in Table 2 – (long line information and data)
Check from records on board if possible the following attributes: Where and when Built Length Moulded Depth Beam Gross registered tonnage Engine power	No Recommendations made by Small Group on this list
CMM 2004-03 - Specifications for the Marking and Identification of Fishing Vessels	
Hull markings consistent with CMM 2004-03	(Yes or No) Recommend including on Table 1 -(General vessel and trip information)
WIN markings consistent with CMM 2004-03	(Yes or No) Recommend including on Table 1 -(General vessel and trip information)
WIN format for markings consistent with CMM 2004-03	(Yes or No) Recommend including on Table 1- (General vessel and trip information)
CMM 2006-05 - Conservation and Management Measure for Sharks in the Western and Central Pacific Ocean	
Estimated shark fin weight by species	Recommend including on Table 6 –(Species of Special Interest)
Estimated shark carcass weight by species	Recommend including on Table 6- (Species of Special Interest)
CMM 2007-04 - Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds	
Seabirds captured alive and released	Already included on Table 6 – (Species of Special Interest - Landed on Deck)