



**Regional Observer Programme
Third Intersessional Working Group
Guam
17th – 21st March 2009**

PRELIMINARY ANNOTATED AGENDA

WCPFC/ROP-IWG3/2009-04

14th February 2009

- 1. OPENING OF THE MEETING**
- 2. APPOINTMENT OF RAPPORTEURS**
- 3. ADOPTION OF AGENDA**
- 4. CHAIR'S OVERVIEW OF ROP –IWG2, TCC4 AND WCPFC5 DECISIONS**

The ROP-IWG Chair will present an overview of decisions concerning the ROP taken at ROP-IWG2, TCC4 and WCPFC5.

- 5. STATUS REPORT FROM THE SECRETARIAT ON WORK UNDERTAKEN SINCE ROP-IWG2**

The Secretariat will present an update on the work that has occurred on elements contained in the Strategic Plan ([WCPFC/ROP-IWG2/2008/IP01](#)) since ROP-IWG2

- 6. STATUS REPORT FROM CCMS ON THEIR PREPERATION TO ENGAGE IN THE ROP AND ISSUES ARISING**

CCMs are invited to present a report on the preparations they have made to source or supply observers for the ROP and to take this opportunity to identify issues that may need further consideration as implementation of the ROP proceeds.

- 7. ROP-IWG2, TCC4 & WCPFC5 PRIORITIES**

The ROP-IWG2, TCC4 and the WCPFC5 meetings highlighted important elements of the ROP still requiring agreement for their application:

- 7.1 ROP IMPLICATIONS**

- a. FAD closure**

Background

CMM 2008-01 provides that, in 2009, the purse seine fishery in EEZs and on the high seas in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 August and 2400 hours on 30 September. During this period all purse seine vessels will be required to carry an observer from the Regional Observer Program on board, and without such an observer on board, will cease fishing and return directly to port. In 2010 and 2011 the closure is extended by one month to include July.

During the closures period a vessel may only engage in fishing operations if the vessel carries on board an observer from the Regional Observer Program to monitor that at no time does the vessel

deploy or service any FAD or associated electronic devices or fish on schools in association with FADs.

Discussion

The ROP-IWG3 is invited to discuss the implications for the ROP of these closures and, taking into account paragraph 14 of CMM 2008-01, propose options for the sourcing of observers for the period of the closure.

b. Catch Retention

Background

CMM 2008-01 provides that “In order to create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small bigeye and yellowfin tuna, CCMs shall require their purse seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S from 1 January 2010, subject to the Commission implementing the program for 100 percent coverage on purse seine vessels by the observers from the Regional Observer Program, to retain on board and then land or transship at port all bigeye, skipjack and yellowfin tuna.

Discussion

In the event that the ROP-IWG does not have another opportunity to meet prior to the commencement of the catch retention provision of CMM 2008-01 from 1st January 2010, ROP-IWG3 is invited to discuss any data and information that ROP observers could collect in an effort to monitor the implementation and application of this provision of the Measure.

c. High Seas Pocket Closures

Background

CMM 2008-01 provides that the high seas pockets (identified in Attachment D of the Measure) will be closed effective from 1 January 2010 unless the Commission decides otherwise at its 6th annual meeting in December 2009. At this meeting the Commission will also consider the closure of all high seas pockets in the Convention Area between 20 North and 20 South.

Discussion

The ROP-IWG3 is invited to discuss the implications of these closures for the ROP. The ROP-IWG3 may consider the data and information that ROP observers could collect in an effort to monitor the implementation and application of these provisions of the Measure.

7.2 VESSEL SAFETY CHECKLIST

Background

ROP-IWG1 and ROP-IWG2 began work on a Vessel Safety Checklist (VSC). This format will be used by observer providers or observers to determine the safety of the vessel from the perspective of the observer or an observer provider when a vessel has been selected for an observer deployment. Some preliminary discussion relating to this took place at IWG2 but elements of a standard checklist remain to be considered and agreed.

Discussion

ROP-IWG3 is invited to discuss and reach consensus on the elements of the Vessel Safety Checklist (VSC). Participants are referred to the paper “Determining Onboard Safety for Observers” [WCPFC/ROP-IWG2/2008/12](http://www.wcpfc.org/rop-iwg2/2008/12)

7.3 COST ISSUES

a. ROP observer data management

Background

Whether it is by the Secretariat or by a data service provider costs will be incurred annually managing data generated by the ROP. Such costs will include, *inter alia*, data entry, data quality control and verification, data consolidation, data transmission, data summaries etc.

Discussion

ROP-IWG3 is invited to consider paper [WCPFC5-2008/16](#) Attachment B which summarizes anticipated costs associated with ROP data management. Discussions will support the preparation of an annual budget, for consideration by the Commission, to support ROP data management and reporting.

b. Cost of ROP observer placements

Background

The IWG has considered a range of views on the source of funds to support the costs of observer deployments: An understanding should be developed between CCMs to determine fees and other associated costs for the placement of ROP observers. Refer to [WCPFC/ROP-IWG3/2009/07](#)

Discussion

The ROP-IWG3 is invited to consider and agree upon responsibilities for costs associated with achieving coverage rates by ROP observers agreed by the Commission.

7.4 VESSEL SIZE LIMITATION

Background

Some CCMs are concerned that the small size of some of their vessels means those vessels are incapable of carrying ROP observers. This is because on such vessels the work space and accommodation is limited and vessels are not well equipped to carry non-crew safely. These CCMs proposed that a vessel size limit be put in place where ROP observers would only be asked to carry out duties on vessels above a minimum vessel size. 24 metres has been proposed as the minimum length.

Other CCMs advise that they have successfully placed observers on vessels less than 24m in length. These CCMs indicated that there should be no vessel size limitation and that ROP observers should be placed on any vessel that was capable of operating on the high seas or the zones of two or more coastal States.

Discussion

ROP-IWG3 is invited to consider vessel size and whether a size limitation on vessels that ROP observers are asked to board should be placed on the ROP.

7.5 DEFINITIONS

- a. **Principally**
- b. **Occasional**
- c. **Adjacent**
- d. **Independent & Impartial**
- e. **Observer Trip**

Background

WCPFC4 agreed to the use of these terms in CMM-2007-01 (Para 13 (ii) and its footnote), and Annex C, but directed that the ROP-IWG2 develop clear definitions of these terms. A common understanding of the meaning of these terms is required to avoid confusion and mis-interpretation. Following limited progress towards reaching agreement on these terms at TCC4, WCPFC5 approved a third ROP-IWG be held in 2009 and directed that the definition of these terms be a priority for resolving at that meeting.

Discussion

The ROP-IWG3 has been directed as a priority to come up with agreed definitions of these terms in the context of their use in the ROP. [WCPFC5-2008/16](#) Attachment C proposed some possible definitions for these terms.

8. ADDITIONAL ELEMENTS OF ROP

Time permitting, ROP-IWG3 is invited to prioritise the following additional elements that require further consideration to support the effective implementation of the ROP and provide direction on application and implementation in 2009.

8.1 FISHERIES TO BE MONITORED

Background

Fisheries in the WCPFC Convention Area for the most recent year for which complete data are available, and guidelines for the phased implementation of the ROP, are contained in paper [WCPFC/ROP-IWG3/2009/08](#).

Discussion

ROP-IWG3 is invited to consider implementation strategies for each of the fisheries listed in [WCPFC/ROP-IWG3/2009/08](#).

8.2 COVERAGE LEVELS

Background

Subject to conservation and management measures and other decisions of the Commission, ROP coverage of fleets will be the responsibility of the flag States. The scope of coverage for each particular gear type is still to be determined.

WCPFC2 agreed that the target coverage for observers on vessels of the fleets fishing in the Convention Area would be 5 per cent. At WCPFC5, with the adoption of CMM 2008-01, this changed the coverage of purse seiners for 2009 to 20% - to apply to the Convention Area bounded by 20°N and 20°S. The coverage target for other gear types remains 5%. The coverage in 2010 and thereafter for purse seiners for the same area will increase to 100%, unless otherwise determined by the Commission. Except for vessels fishing exclusively for fresh fish in the area north of 20°N, ROP coverage for areas outside this boundary remain at 5% for all gear types.

Discussion

ROP-IWG3 is invited to discuss the means to implement and achieve the coverage rates adopted by the Commission, “and agree on the procedure required in attaining these coverage rates for their fleets”. The IWG is also required to determine the type of coverage, or metric, for each gear type that the coverage rate refers to. i.e. sea days, sets, trips, hooks, etc.

8.3 SOURCE OF OBSERVERS

Background

Recalling the suite of Conservation and Management Measures that have been adopted by the Commission to date, the ROP-IWG3 is invited to discuss the sourcing of observers to achieve the target coverage rates under the ROP.

8.4 CADRE OF OBSERVERS

Back ground

On the basis of discussion at ROP-IWG2, CCM-2007-01 (para.12 (ix)) provides that the Secretariat may utilize a cadre of specialized observers, if required, to assist with monitoring special situations, such as the implementation of a new CMM or to assist with audits. A small budget has been allocated for the use of such observers in 2009 where required.

Discussion

The ROP-IWG3 is invited to discuss procedures for the Secretariat to select observers for special situations. Some options and considerations relating to the deployment of such a small cadre of observers is provided in [WCPFC/ROP-IWG3/2009/09](#) “Planned use of a cadre of Observers for 2009”

8.5 OBSERVER AND OBSERVER TRAINER QUALIFICATIONS.

Back ground

ROP-IWG2 agreed that an interim standard for “Training” is that training programmes used by national or sub-regional observer programmes should demonstrate coverage of the Commission’s conservation and management measures and other decisions of the Commission and for the training materials to be available for review by the Secretariat.

Discussion

ROP-IWG3 is invited to propose harmonised minimum standards for training of ROP observers and minimum qualifications for Observer Trainers. ROP-IWG3 is also invited to consider procedures and protocols for the auditing role of the Secretariat in maintaining Minimum Training Standards.

8.6 STANDARDIZED PROCEDURES FOR DEPLOYMENT OF ROP OBSERVERS’

Background

Harmonised and standardised observer deployment procedures for Observer Providers will assist with the efficient implementation of the ROP. Issues that would benefit from consideration in this respect include: notification of boarding, timing, procedures for boarding, boarding sites or places, briefing and de-briefing arrangements, and purpose of the trip.

Discussion

The ROP-IWG3 is invited to consider and recommend harmonised standards and protocols for deployment of ROP observers. [WCPFC/ROP-IWG3/2009/10](#) has been prepared by the Secretariat to support discussions on these matters.

8.7 AUTHORISATION OF DEBRIEFERS AND REQUIRMENTS OF DEBRIEFING

Back ground

ROP-IWG2, and subsequently WCPFC5, agreed on the interim standards for briefing and debriefing. However no standard for the qualifications of the persons carrying out the briefing/debriefing has been considered. Therefore it is important that a harmonised debriefing strategy for the ROP including standards for qualification for debriefers.

Discussion

ROP-IWG3 is invited to consider harmonised standards and protocols for the authorisation of briefers and debriefers of ROP observers, training standards, qualifications and experience for briefers and de-briefers, an appropriate ratio between number of observer briefers/debriefers and observers and cost issues associated with briefing and de-briefing.

8.8 LIABILITY AND INSURANCE

Background

At TCC3 several CCMs requested information on the liability of observers while operating under an observer programme including in respect to financial loss to the vessel as a result of a disruption to its fishing time and the vessel's responsibility in the event of an incident involving the observer while on board. The question was also raised as to who is liable if there is an observer on board and through their actions, they cause the vessel to lose valuable fishing time.

The Chair of TCC, Mr Wendell Sanford (Canada) arranged for a legal opinion on this matter from Professor Edgar Gold, an international expert in maritime law, and this was made available to WCPFC4 ("On board Fisheries Observer Legal Liability and Insurance". [WCPFC/IWG-ROP2/2008/08](#)).

Although WCPFC4 directed that the paper and its implications be discussed at the ROP-IWG2 there was insufficient time at that session of the IWG for this to occur.

Discussion

ROP-IWG3 is invited to revisit Professor Gold's paper and provide advice and recommendations in relation to protocols and procedures for legal liability when an observer is deployed under the ROP plus to provide advice in respect of the responsibility for the costs of insuring ROP observers.

8.9 ROP WORKBOOK (Forms and Harmonisation)

Background

The ROP Workbook will contain data forms and other instructions, guidelines and requirements for ROP observers to carry out their duties when aboard a vessel. An important component of the Workbook will be a description of data to be collected by ROP observers. WCPFC5 approved a comprehensive list of minimum standard data fields to be collected by CCM observer programmes to enable them to contribute to the ROP. This does not restrict national or sub-regional programmes collecting additional data and information however when their observers are carrying out roles and responsibilities for the ROP they are required to collect, as a minimum, the data standards approved by the Commission.

Discussion

On the basis that CCMs will incorporate the minimum data requirements for the ROP in their national observer programmes, or sub-regional programmes as the case may be, the ROP-IWG3 is invited to provide advice and recommendations on the time frame, and content, for the development of a ROP Workbook that supports efforts to achieve harmonization among national and sub-regional observer programmes contributing to the ROP.

8.10 CONSIDER OTHER MEANS OF COLLECTING DATA COLLECTED BY OBSERVERS AND EXPLORE DEVELOPING TECHNOLOGIES FOR MONITORING VESSEL OPERATIONS AND SAMPLING THE CATCH.

Background

Previous ROP-IWGs have discussed alternative means for collecting data and information traditionally collected by observers.

Discussion

ROP-IWG3 is invited to discuss any recent technological or deployment developments that might be considered for future inclusion in the ROP for collecting observer-related information.

8.11 AT-SEA TRANSSHIPMENT

Background

Although a CMM for transshipment has not yet been adopted by the Commission it has been placed on the agenda for TCC5 and WCPFC6 with the intent that a Measure will be agreed and adopted in 2009. Recalling that the roles of an observer on a carrier would be more in line with a port sampler or monitor, rather than an at-sea observer, and that many transshipments are a 24 hour process, the IWG-ROP3 is invited to consider the role of the ROP in any future WCPFC transshipment conservation and management measure, providing advice and recommendations as appropriate.

Discussion

ROP-IWG3 is invited to discuss the role of observers or monitors during at-sea transshipment, specific training needs for observers who may be deployed for at-sea transshipment, deployment and disembarkation considerations, observer or monitoring needs in respect of 24-hour transshipment operations, data and information collection requirements, coverage rates, the role of the master and crew of the carrier vessel, cost considerations and other procedures and protocols that might support at-sea transshipment monitoring by ROP affiliated observers.

8.12 SPECIAL REQUIREMENTS OF DEVELOPING STATES

Background

Some developing States and participating territories already have observer programmes in place, others are still to develop national observer programmes and yet others, who may never develop a national programme, are interested in their trained and qualified personnel being able to participate in sub-regional or regional programmes.

Discussion

The ROP-IWG3 will discuss and make recommendations on the role that the Secretariat in relation to assisting with the full participation of developing State and participating territory CCMs in the ROP.

8.13 WEBSITE

Background

The Strategic Plan included the development of a dedicated ROP website that may serve as an information resource for vessel operators, observer trainers, CCM fisheries managers, observer providers and observers.

Discussion

The Secretariat will present a concept site map for the proposed dedicated ROP page on the Commission's website for discussion and suggestions for improvement. [WCPFC/ROP-IWG3 2009 /11](#)

9. OTHER MATTERS

The ROP-IWG3 is invited to raise any issues not already discussed

10. FUTURE OF THE ROP – IWG

Background

ROP-IWG3 is invited consider any outstanding issues that will be required to be resolved as implementation of the ROP proceeds. The ROP-IWG3 is invited to provide guidance on the means to address those issues, and a time frame for that work to be completed.

11. ADOPTION OF SUMMARY REPORT AND RECOMMENDATIONS FOR SC5, TCC5 AND WCPFC6

CCMs are invited to adopt the outcomes of the ROP-IWG3 for forwarding to SC5, TCC5 and WCPFC6 for further discussion, refinement as necessary and adoption.

12. CLOSING OF THE MEETING