



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

STANDARDISED PROCEDURES FOR ROP OBSERVER DEPLOYMENT

**WCPFC/ROP-IWG3/2009-010
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Introduction

1. In accordance Article 28(4) "Each member of the Commission shall ensure that fishing vessels flying its flag in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the regional observer programme, if required by the Commission." ROP observers will be deployed directly by CCM national and sub-regional observer programmes (ROP providers), and in some cases, by the Secretariat.
2. Each CCM of the Commission shall be entitled to have its nationals included in the observer programme.
3. It is the responsibility of the flag State to ensure that the captain or master of its vessels are fully aware of the requirements and obligations that the vessel may be under as described in conservation and management measures or other decisions of the Commission. (This is not the responsibility of the observers on board the vessel)
4. Trip selection will need to comply with sampling and coverage protocols approved for specific fisheries by the Commission.

Coverage

5. 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.
6. The Secretariat will be responsible for monitoring observer coverage levels throughout the Convention Area according to the requirements of the Commission.
7. The selection of specific trips to be observed and the achievement of required coverage for the ROP will be decided between the flag State and the authorised observer providers.
8. The placement of observers for special purposes shall be at the discretion of the Secretariat taking into account any guidelines established by the Commission.

Deployments to achieve coverage levels agreed by the Commission

9. There are several operational scenarios that will require ROP coverage:
 - For domestic vessel that only fish within their own EEZ and on the high seas;

- Under bilateral fisheries access arrangements whereby a coastal State requires vessels it licenses to carry an observer;
- For flag States fishing beyond their national jurisdiction;
- Observers deployed for special situations by the Secretariat.

10. The flag State will communicate with an authorised observer provider to source ROP observers in accordance with the Commission's standards and procedures.

11. Each flag State, through its relevant national authority or nominated fishing association, will ensure that a reasonable period of notice is given to observer providers regarding observer deployment needs. Similarly, in the event of deployments done at the request of a coastal State CCM, or the WCPFC Secretariat, vessel agents and operators will be given reasonable notice regarding an impending deployment.

Selection of observers

12. The vessel flag State will select a suitable authorised CCM provider who has available ROP- authorised observers to carry out duties on the vessel. – for convenience observers could be chosen from the CCM's who have bilateral agreements with the flag State of the vessel.

13. Observers who have been selected for ROP duties must be trained and certified to Commission minimum standards.

14. After selecting the observer for deployment, the provider should ensure the following applies:

- a) Observers selected for ROP duties must be authorised to Commission ROP standards for the gear type they will encounter on the trip.
- b) Observers about to be placed on a vessel should be fully aware of any alleged questionable issues recorded in previous observer trips on the same vessel.
- c) All observers regardless of experience should have an onboard briefing preferably conducted by the ROP National Observer Coordinator where possible, with the Master, owners or agents and the observer before departure of the vessel.

Observer fees for placements

15. Observer fees vary across the Convention Area, it is important to ensure the fee structure is capable of servicing the national needs and the ROP requirements. Observer fees are normally part of a bilateral access agreement negotiation and should be calculated to ensure programmes can achieve their target coverage and goals. Observer fees should be non negotiable and are generally treated separately to any access fee.

16. Flag States who do not have bilateral access to a member country but wish to use the observers from that country will need to come to an agreement on the cost structure to be used between the flag State and the country providing the observers.

17. There are a number of ways to pay for the observers costs. Whatever method is decided that suites the parties, it should be adequate to ensure that the observer receives the correct remuneration and benefits relevant to the standards set by the observer provider.

18. When determining fee structures or payments there are many costs that need to be taken into account The fees should be realistic to cover all the costs of the observer placement, travel, equipment and the administration of the observer

19. Refer WCPFC/ROP-IWG3 2009-07 for a comprehensive list of elements that need to be taken into account when determining fee requirements for an observer programme.

Observer Requirements

20. Observers may be required to travel from their homes to the port of embarkation in another country. Before the ROP observer departs for the trip, observer providers will ensure that the observer has a valid passport with at least 6 months before the expiry date. Observer Providers will also ensure that the observers they are providing have relevant visas for travel.

21. Observers will be required to be medically fit for a placement and a certified medical report proving their fitness may need to be produced and shown to providers or vessel operators, before departing their home country. Fitness to board a vessel and whether there is a need for a medical examination of the observer prior to the trip is the Observer Provider's responsibility. Each observer should have a regular medical and dental check up to ensure they are fit to carry out work in an environment where there are no medical facilities.

Travel Costs

22. Travel costs include air, bus, ferry, visa, entry permit, daily subsistence allowance, excess luggage costs and any other approved costs. The provision for these is usually included in agreements between Observer Providers and client flag States utilising their observers.

Provider responsibilities for observer deployment

23. CMM 2007-01 Attachment K, Annexes A&B (Rights and Responsibilities of Observers, Vessel Captain /Master and Crew) provides guidance in the case when boarding of an observer is agreed between the flag State and the provider.

24. The provider will be responsible for the deployment of the observer including ensuring that the selected observer is provided with all possible assistance to board a vessel. It is the flag State's responsibility to ensure the vessel is informed, as soon as practical, when a boarding is to take place. A list of items to be used as a guide to ensure proper deployment of the observer is provided below.

Observer Providers will *inter alia*:

- a) advise the vessel in a reasonable time¹, the name of the ROP observer and agree with the vessel on the time and date of the observer boarding;
- b) advise the ROP observer on the agreed boarding date and time (the ROP observer should board earlier than this time if the vessel gives permission to do so);
- c) assist with the procurement of observer visas, entry permits, waivers and any travel documents required to transport the observer to the departure or from the arrival port of the vessel;
- d) organize all travel arrangements including air, bus or ferry schedules;
- e) arrange a briefing of the ROP observer on any prioritized scientific, biological, management and operational data that is required to be collected for each trip;
- f) coordinate a briefing of the ROP observer and the vessel captain or master before departure to advise on the obligations regarding the observer and vessel, and to check the safety standards of the vessel before the observer departs;
- g) supply all relevant equipment to the ROP observer for carrying out their duties, including the collection of data and biological sampling;
- h) supply forms and workbooks that contain the ROP minimum data standards;

¹ Reasonable time is defined as being well in advance of the vessel's departure and at least sufficient time for the vessel to prepare for the observer's boarding.

- i) assist the ROP observer on any matters related to their trip or the boarding of the vessel, ensure the observer has proper accommodation and bedding;
- j) arrange another vessel for boarding preferably from the same flag State fleet if due to unforeseen circumstances the target vessel becomes unavailable due to mechanical or other problems such as safety, and is not favorable to the placement of an ROP observer;
- k) arrange communication schedules with observers while they are on board the vessel;
- l) arrange a debriefing of the ROP observer, using ROP authorised debriefers as soon as possible on their return to port;
- m) collect from the observer all data, images, and reports after their trip;
- n) arrange the final payment of the ROP observers salary and sea allowances as soon as practical after the observers return to port;
- o) maintain regular contact with the observer after their return to provide technical support, personal support, and information on new developments, and to assure the ROP observer is in good health after the trip, and to inform the observer of any future boardings or relevant issues arising from the trip just completed;

Flag State and Vessel obligations

25. When a boarding of an observer is agreed by the flag State and the provider.

- a) The responsibility of informing the flag State's vessel Captain/Master within a reasonable time that an observer is to board the vessel will be with the flag State.
- b) The flag State vessel master will agree on a boarding date and time and relay this to the flag State authority and the provider of the observer.
- c) The flag State vessel master will inform the person, persons or company nominated by the vessel to organise the observer boarding and will relay this to the provider.
- d) Failure on behalf of the flag State to inform the vessel master of the boarding will not negate the boarding if the provider has been advised by the flag State to supply an observer.

The following protocols will apply.

- e) A vessel chosen by the flag State to take an observer cannot refuse the placement of that observer.
- f) The vessel when designated to take an observer can not leave port until one hour after the agreed time of boarding has expired if the observer is not on board. (A vessel is not permitted to leave earlier than the agreed boarding, time unless the observer is already on board the vessel).
- g) The captain or master will ensure the observer is received on board and will ensure the accommodation is to Commission standards. The captain will also be responsible to explain all meal times, and other vessel routine before the vessel departs on its fishing trip.

Placement briefings

26. The observer provider should ensure that a briefing of the observer outlining any issues or special tasks is made before they board the vessel. The provider should also organise with the vessel a briefing with the observer, captain and agent/owner if possible. This will provide an opportunity to ensure that both the captain/owner and observer fully understand their respective roles rights and duties while the observer is on board the vessel.

27. The observer provider should ensure that before the ROP observer is deployed he/she will be fully briefed on:

- a) trip requirements and expectations;
- b) sampling regimes;

- c) special circumstances of the trip (these must be fully understood by the observer before departure);
- d) relevant and current Commission Conservation and Management Measures (CMMs); and
- e) observer or data collection priorities determined by the Commission (these must be fully explained to the observer before the vessel departs).

28. A placement meeting on board the vessel should involve an authorised officer from the provider, preferably the WCPFC National Observer Coordinator, the authorised ROP observer and the vessel captain /master; a company representative/owner or agent. If required and available, an interpreter should also be involved, particularly if there is a potential issue with the observer being placed on the vessel.

29. Items that should be addressed and or checked at this briefing could include *inter alia*:

- a) Vessel registration; check to ensure the vessel is the correct vessel to be boarded and currently registered with its flag State;
- b) Observer accommodation must be of an acceptable standard to the observer;
- c) Vessel insurance to ensure observer is covered by the vessel's insurance when on board;
- d) Current vessel safety standard surveys, including current survey status on the life saving equipment carried out by an authorised flag State authority;
- e) Observer's requirement to be able to utilise and record information from the bridge equipment for the recording of information required by the observer to carry out their duties; including lat / long positions and UTC (GMT) and ship's time;
- f) Ensure observer is given vessel safety procedures/drills, written description (if available) and free access to check for properly fitting life-jackets if required;
- g) Safe working /sampling area for the observer when on deck should be convenient for the observer but should not be an obstruction to the vessel's operations. Vessel captain/master/crew should indicate to observer safe and unsafe areas of the vessel.

30. The vessel captain, observer and provider should ask any questions that need clarification before the departure of the vessel. If available a company agent or vessel owner and a company interpreter could also be present if there are any potential issues.

The vessel captain/master will be briefed by the provider or observer on:

- a) Observers roles and rights;
- b) Observer Code of Conduct;
- c) Obligations the vessel is under, when there is an observer on board;
- d) Obligations to allow an observer to carry out his/her work in a safe and agreeable manner;
- e) Sampling regimes, with requirements such as safe sample storage.

Briefing Formats

31. The ROP will develop a briefing format to be used by national programmes that may wish to use this format. However briefing formats used by current observer programmes are acceptable providing the basic components of the ROP format are covered. To ensure there is a clear understanding of the requirements, the briefing form should be signed by the Captain and the Observer when it is clearly understood by both parties. A copy of the briefing should be attached to the observer's ROP trip report and data prior to being sent for analysis.

Disembarkation

32. When the vessel is fully loaded or intends to return to port, the observer should be notified as soon as possible and provided with the following information and assistance by the vessel captain/master:

- Destination Port;
- Expected time and date of arrival;
- Reason for visit (e.g. unloading, pick up parts, etc);
- Allow observer to communicate above information to provider;
- Vessel crew will assist observer to organise any samples and equipment for removal from the vessel;
- After vessel arrives at port, allow observer to stay on board (where practical) until departure as per travel arrangements, and or for the continuation of the trip as previously arranged.

Observer collected data

33. Data, images and other information collected by the observer whilst on an ROP trip remains confidential and should be handled in a secure manner. Data handling protocols and procedures will be as described in the Commission's *Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission* including any supplementary rules and procedures that might be adopted in relation to compliance and enforcement on the high seas.

Debriefing

34. 34. Procedures for debriefing of observers on return to port will be carried out, where practical and possible, in accordance with the minimum standards as adopted by the Commission.