



Second Intersessional Working Group Regional Observer Programme

**Nadi, Fiji
7 -10th July 2008**

OVERVIEW OF DISCUSSION ON THE ROP AT 2007 COMMISSION MEETINGS

WCPFC/IWG-ROP2/2008-13

INTRODUCTION

1. This paper is an overview of decisions and discussion involving the Regional Observer Programme made at Commission meetings in 2007: SC3, IWG –ROP 1, TCC3, and WCPFC4.

SC3

2. SC3 recommended endorsement of six scientific objectives to be considered in the development of the Commission's Regional Observer Programme (ROP) all of which are high priority:

- To record the species, fate (retained or discarded) and condition at capture and release (e.g. alive, barely alive, dead, etc.) of the catch of target and non-target species; depredation effects; and interactions with other non-target species, including species of special interest (i.e. sharks, marine reptiles, marine mammals and sea birds);
- To collect data to allow the standardization of fishing effort, such as gear and vessel attributes, and fishing strategies. etc;
- To sample the length and other relevant measurements of target and non-target species;
- To sample other biological parameters, such as gender, stomach contents, hard parts (e.g. otoliths, first dorsal bone), tissue samples, and collect data to determine relationships between length and weight, and processed weight and whole weight;
- To record information on mitigation measures utilized and their effectiveness; and
- To record information on the catch and fishing effort during bait fishing, when bait fishing is undertaken by the tuna fishing vessel.

3. On the issue of data fields to be collected for science a recommendation endorsed by the SC3 was that:

- Appendix III of the Statistics Working Group -SWG Report “Provisional Minimum List of Fields of Scientific Data to be collected by the Regional Observer Programme” be used as the starting point for future discussions on minimum scientific data to be collected by the ROP.

Recognising that

- consensus agreement was reached on slightly over 100 scientific data fields;
- a number of proposed ROP data fields were square bracketed for future discussion as no consensus could be reached on these fields.

4. The approved scientific fields and square bracketed fields plus fields associated with monitoring compliance have been included in WCPFC/IWG-ROP2/2008-11.

IWG-ROP 1

5. The first Inter-sessional Working Group on the ROP (IWG-ROP 1) was held just prior to TCC3 in 2007. The chair of IWG-ROP1, Dr Charles Karnella, reported that although IWG-ROP1 had progressed many issues relating to the ROP additional work was required in relation to:

- an implementation schedule¹,
- costing arrangements, and
- the types and sizes of vessels to be included in the ROP.

6. The IWG-ROP1 agreed that, of the 16 items listed in paragraph 2 of CMM-2006-07, several would benefit from priority consideration by the IWG: i), ii), iii), iv), ix), xi), xiii) and xv).

- i. comment on the adequacy of near and long term objectives for the design of the ROP;
- ii. consider the institutional and 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;
- ix. consider operational procedures and guidelines for security of observer data;.
- xi. prepare guidelines for the rights, duties and responsibilities of observers;
- xiii. consider data management needs for the ROP;
- xv. consider a code of conduct for observers and procedures for monitoring observer’s compliance with the code;

7. In reviewing these priority items, the IWG–ROP1 agreed the following principles would apply:

- a) cost effectiveness;
- b) consistency of standards with those of existing regional, sub-regional and national programmes;

¹ Agreed at WCPFC4 as part of the CMM 2007-01Annex C

- c) flexibility;
 - d) standardized data security; and
 - e) avoidance of unnecessary duplication through the use of systems, standards and procedures that are already in existence in the region, to the extent possible.
8. The IWG-ROP1 recommended to the Commission that:
- it be tasked with continuing its work in 2008 in accordance with the ToR and process identified in CMM-2006-07;
 - WCPFC4 may provide further direction in relation to the on-going work of the IWG; and
 - the documentation provided to the IWG (listed below) be maintained as working papers and continue to be used as a basis for the work of the IWG.
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| WCPFC IWG-ROP/2007/05 - | Background information Regional Observer Programme |
| WCPFC IWG-ROP/2007/06 - | Draft Strategic Plan (original) for the Regional Observer Programme with CCM Comments |
| WCPFC IWG-ROP/2007/07 - | Revised Draft Strategic Plan for the Regional Observer Programme |
| WCPFC IWG-ROP/2007/09 - | Revised Draft Programme Document for the Regional Observer Programme |
| WCPFC IWG-ROP/2007/10 - | Minimum Data Standards for the Regional Observer Programme (Draft) |
9. IWG-ROP1 reviewed, and then referred, the revised first draft for a CMM for the ROP (WCPFC/IWG-ROP/2007-04) to TCC3 for further consideration.

TCC3

10. Following the IWG-ROP1 TCC3 agreed to:
- continue the work of the IWG-ROP;
 - hold a meeting in the margins of WCPFC4 to further progress elements of the ROP ;
 - hold a further meeting of the IWG-ROP in 2008 to begin integrating other elements of the ROP, and
 - forward the draft CMM on implementation of the ROP, as amended by TCC3, to WCPFC4 for consideration.
11. A legal opinion on liability and insurance issues associated with onboard fisheries observers, commissioned by Canada, was also available to WCPFC4 for consideration (Refer WCPFC4 -2007/IP10).
12. An implementation plan, drawing on existing regional, sub-regional and national programmes, was proposed that included an objective of achieving an interim 5% observer coverage by 2010. This proposal:
- noted that CCMs will also be expected to meet additional observer obligations that may be included in CMM's to be adopted by WCPFC,
 - included provision for exemptions from immediate implementation under special circumstances, and

- is subject to a timeline for implementation and reporting on progress with implementation to the Commission.
13. Several CCM,s were of the view that the ROP should be provisionally implemented in 2010, with target observer coverage of 5% achieved by 2014. They stated
- that clear data management rules should be in place before the ROP is implemented; and
 - that small vessels should be exempt from the programme.
14. On the issue of costs, it was noted that the Convention Article 28 paragraph 2 and 6, part b and Article 30, paragraph 4, part c concerning assistance to developing States, need to be considered when discussing costs and responsibility of costs.
15. It was noted that the IWG-ROP had agreed on the coordinating role of the Secretariat for the ROP and that an augmentation to the Commission budget in 2008 to support this coordination would be required.
16. Citing the benefits and responsibilities of the ROP for all CCMs, some CCM's associated themselves with a statement that the Convention is not explicit on the issue of cost, and that competing priorities for the limited funds available to the Commission must be considered.
17. On the issue of procedures for sourcing observers, a majority of CCMs agreed that,
- in the first instance, observers should be sourced from the existing observer programmes operating in the region; and
 - if observer requirements exceed the capacity of regional programmes, other sources could be employed.
18. Regarding the obligations of the observers, a majority of CCMs agreed that the requirement for observers to explain Commission CMM's to the vessel master was neither appropriate nor necessary, this obligation being the responsibility of the flag State.
19. A 'Code of Conduct' for observers, has been drafted and, when agreed upon, may become a supplemental reference to CMM 2007-01.
20. A supplementary paper on ROP implementation (WCPFC-TCC3- 2007/DP-09) provided a starting point under which existing programmes, some of which have been operating for 20 years, could be utilized to start the Commission's ROP. The proposal in the paper DP-09 provides for:
- implementation in early 2008,
 - an interim observer coverage target of 5%
 - provisions for exemptions should the schedule pose difficulties for particular fisheries.

It was also noted by some CCMs that:

- a 5% observer coverage should be considered a minimum initial level,
- higher coverage may be required for some scientific, as well as compliance purposes,
- a higher goal of perhaps 20% was suggested as an appropriate level.

21 Several FFA members voiced strong support for initiation of the ROP in 2008. They noted that the ROP is required to avoid further delays in implementing other important CMMs, including

- transshipment,
- catch retention plans,
- fish aggregation device (FAD) management, and
- enhanced data collection.

22. Japan distributed WCPFC-TCC3-2007/DP-15, reflecting its views as expressed in the IWG-ROP. Japan proposed that

- the ROP would begin in 2010 and would be progressively expanded to 5% coverage by December 2014,
- the preparation of procedures and specifications to support the implementation of the ROP would require at least two years, and
- a review of the ROP to consider further improvements be scheduled for 2015.

23. Chinese Taipei and Korea, in supporting the implementation timeline proposed by Japan, noted:

- the definition of the scope and target fisheries of the ROP, and
- the relationship between the ROP and other WCPFC CMMs, are inseparable from discussions of its implementation.

24. Some CCMs noted that fully-functional observer programmes are already operating in the area and these should provide the foundation for the WCPFC ROP.

WCPFC4

25. A draft CMM for the Regional Observer Programme with two annexes (Annex A - Guidelines for the Rights and Responsibilities of Observers and Annex B - Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew (WCPFC-TCC3-2007/32)) was tabled as part of the TCC3 report to the Commission. The draft CMM included several bracketed items for further clarification by WCPFC4. WCPFC4 slightly amended the CMM – ROP and associated annexes and was able to agree to the removal of the square brackets.

26. In doing, WCPFC4 deferred the following items for further consideration by the IWG-ROP in 2008:

- the minimum size of vessels requiring an observer,
- definitions of the terms—“principally”, “occasional”, “adjacent”, “independent” and “impartial” and “trip” contained in the CMM 2007-01, and
- other operational aspects of the ROP.

27. The agreed CMM-ROP 2007-01, which entered into force on 15 February 2008, provides for gradual development of the programme through to 2012.

28. WCPFC4 confirmed the selection of Dr Charles Karnella (USA) to chair the IWG-ROP work during 2008.