



**Second Intersessional Working Group  
Regional Observer Programme**

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

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**Review of Conservation and Management Measure for the ROP: CMM- 2007-01**

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**WCPFC/IWG-ROP2/ 2008-14**

**Review of CMM 2007-01**

1. A draft CMM for the Regional Observer Programme (WCPFC-TCC3-2007/32) was forwarded to WCPFC4 from TCC3 with six (6) paragraphs either bracketed, or containing words or sentences bracketed for further discussion and clarification by WCPFC4. Two completed annexes A and B were attached to the draft CMM. Annex C on the implementation of the ROP was to be discussed and further developed at WCPFC4.

2. Following consideration of the TCC3 version of the draft CMM for the ROP, along with recommendations from a WCPFC4 informal working group meeting on ROP issues, chaired by Dr Charles Karnella (USA); the changes to the CMM on the ROP and the addition of Annex C – “Implementation Programme for the Regional Observer Programme” were presented to the WCPFC4 meeting. The CMM on the ROP was adopted by WCPFC4 as CMM-2007-01 and included the following annexes.

- Annex A Guidelines on the Rights and Responsibilities of Observers
- Annex B Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew.
- Annex C Implementation Programme for the ROP (still required development)

3. To ensure the effectiveness of CMM-2007-01, there will be roles, responsibilities, obligations and implications relating to the ROP for the Secretariat and CCMs. The roles and responsibilities arising from this decision are summarized in Table 1. (CMM-2007-01 paragraphs 1-13).

**Table 1. Review of the Roles Responsibilities, Obligations and Implications relating to CMM-2007-01**

CMM-2007-01	Role, Responsibility or Obligation	Implication
1. There is hereby established the Commission ROP which shall be coordinated by the Secretariat of the Commission	Secretariat	Coordination of the management and operations of the ROP by the Secretariat
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached at Annex C.	Sub-regional and national programmes already operational in the region  IWG-ROP shall continue to develop the framework and important elements of the ROP	Supply of ROP observers and the submission of observer collected data to WCPFC.  IWG ROP will meet to discuss issues such as minimum vessel size, training, observer authorization, observer's roles, responsibilities of observers, data requirements, cost issues, coverage levels and other items required to operate the ROP.
3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme	Secretariat	Annual report to be produced
4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the Conservation and Management Measures adopted by the Commission	Secretariat, Flag States, Observer providers Observers	Ensure authorised observers are collecting data as approved by the Commission and are monitoring the CMMs where appropriate. Data to be verified against documentation available for catch, gear and management areas.
5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01: i) vessels fishing exclusively on the high seas in the Convention Area; and ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal states.	Flag State, Coastal States Observer Providers	Ensure approved authorised observers are placed on vessels to achieve the Commission observer coverage rate. Ensure data for ROP trips is made available to the WCPFC

<p>6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.</p>	<p>Observer Providers Observers Flag State</p>	<p>Monitor CMMs. Collect data and information as instructed. Ensure approval has been granted by flag State before collecting data and information in their national jurisdiction.</p>
<p>7. Each CCM of the Commission shall ensure that fishing vessels fishing 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 Commission ROP if required by the Commission.</p>	<p>Flag States - Observer Provider</p>	<p>If vessel is nominated for an observer boarding, ensure acceptance of the authorised observer from authorised sub regional and national observer programmes for ROP duties.</p>
<p>8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.</p>	<p>Flag State - Secretariat</p>	<p>Ensure coverage levels as adopted by the Commission are maintained</p>
<p>9. CCM's shall source observers for their vessels as determined by the Commission. 9b. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.</p>	<p>Flag State Observer provider Flag State Secretariat</p>	<p>Ensure certified observers are used for ROP duties Ensure that all vessels have a full understanding of the 'Guidelines on the Rights and Responsibilities of Observers' and the 'Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew.' Ensure vessel captains have full understanding of any special duties that have been authorised by the Commission.</p>
<p>10. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The</p>	<p>IWG-ROP TCC SC NC</p>	<p>Monitor and supervise Develop and prioritize objectives Assess results and provide direction Ensure ROP is adequately resourced</p>

<p>Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP</p>	<p>Secretariat WCPFC</p>	
<p>11. Consistent with Article 15(4), the role of the Secretariat will be to:</p> <ul style="list-style-type: none"> <li>a) coordinate ROP activities, including, <i>inter alia</i>; <ul style="list-style-type: none"> <li>i) maintaining the ROP Manual and the ROP Observer Workbook;</li> <li>ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;</li> <li>iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;</li> </ul> </li> <li>iv) coordinating ROP activities with other RFMOs as directed and appropriate;</li> <li>v) facilitating the use of authorized observers in the ROP;</li> <li>vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;</li> <li>vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs; and</li> <li>viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;</li> <li>ix) managing and administering observers for special situations as directed by the Commission; and to support staff necessary to effectively administer the ROP</li> </ul>	<p>Secretariat</p>	<ul style="list-style-type: none"> <li>i. Produce and maintain manuals and workbooks as required</li> <li>ii. Ensure standards are maintained by regular audits of sub regional and national programmes</li> <li>iii. Produce reports as required</li> <li>iv. Communicate regularly with other RFMOs</li> <li>v. Ensure authorised observers are used</li> <li>vi. Audit observer training courses to ensure standards are maintained</li> <li>vii. Maintain data standards and monitoring requirement as required</li> <li>viii. Collect information, compile and store and make available to CCM's in accordance with Commission procedures</li> <li>ix. Coordinate operations for special circumstances as approved by the Commission and assist staff in the administration of the ROP</li> </ul>

<p>12. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP.</p>	<p>All CCMs</p>	<p>Submit name of person and contact details to Secretariat on who will handle ROP operational observer matters and issues.</p>
<p>13. The Commission ROP shall operate in accordance with the following principles:</p> <p>i). The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;</p> <p>ii) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat<sup>1</sup></p> <p>iii). The Commission ROP shall be organized in a flexible manner which takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;</p> <p>iv). To ensure cost effectiveness and to avoid duplication, the Commission’s ROP shall be coordinated, to the maximum extent possible, with other regional, sub-regional and national observer programmes; and to this extent, the Commission may enter into contracts or appropriate arrangements for the provision of the regional observer programme.</p>	<p>Flag States - Observer providers</p> <p>Flag States - Observer providers</p> <p>Flag State Observer provider Secretariat, &amp; WCPFC Secretariat Sub Regional and National Observer programmes Observer providers</p> <p>Flag State - Observer Providers</p> <p>Observers Observer providers</p>	<p>i. Independent and Impartial observers as defined by the Commission will be used when required</p> <p>ii. Authorised national observers can be used on vessel flagged to their country, if vessel ventures onto high seas adjacent to their zone</p> <p>iii. Vessel types and fisheries to be monitored will need to be determined.</p> <p>iv. Integration of sub regional and national observer programmes with ROP. Assessment on private observer providers if required.</p> <p>v. coverage targets will be met and data and information made available to the Commission</p>

<sup>1</sup> Refer to the Summary Report of TCC2, paragraph 54 ii) “the need to integrate existing national and regional observer programmes into the Commission programme and “to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas.”

<p>v). the Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;</p> <p>vi). Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in <b>Annex A</b> – Guidelines for the rights and responsibilities of observers.</p> <p>vii). The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in <b>Annex B</b> - Guidelines for the rights and responsibilities of vessel operators, captains and crew.</p> <p>viii) The Commission ROP shall ensure the security and confidentiality of non-aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission’s Rules and Procedures for Access to, and Dissemination of, <u>Data Compiled by the Commission.</u></p>	<p>Flag State</p> <p>Flag State Observer providers Observers</p> <p>Secretariat Observer providers Observers</p>	<p>vi. ‘Code of Conduct’ and ‘Guidelines’ to be adhered to by all Observers Vessel operators are to be made aware of the Guidelines for the rights and responsibilities of observers...</p> <p>vii Vessel operators and observers are to be made aware of the Guidelines for the rights and responsibilities of vessel operators, captains and crew. Code of Conduct’ and ‘Guidelines’ to be adhered to by all Observers</p> <p>viii. Secretariat, observer providers and observers to be aware of rules and procedures for confidentiality and security in the access and dissemination of data compiled by the Commission.</p>
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