



**Intersessional Working Group
Regional Observer Programme
24-25th September**

DRAFT PROGRAMME DOCUMENT FOR THE REGIONAL OBSERVER PROGRAMME

WCPFC IWG-ROP2 2008 IP-02

The draft programme document was presented at WCPFC IWG-ROP1 as WCPFC IWG-ROP 2007 – 09 and is represented here for information and reference.



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REVISED DRAFT PROGRAMME DOCUMENT FOR THE REGIONAL OBSERVER PROGRAMME

WCPFC IWG-ROP 2007 - 09

Background

1. The recommendations of the Second Regular Session of the Technical and Compliance Committee (TCC2), Brisbane, Australia, 28 September to 2 October 2006, adopted by the Third Regular Session of the Commission (WCPFC3), included a requirement for the Inter-sessional Working Group on the Regional Observer Programme (IWG-ROP) to review the first draft of a Programme Document contained in WCPFC-TCC2-2006/11, in light of discussions reported in paragraphs 52-69 of the TCC2 report (Appendix B). The directive was for the IWG-ROP, on the basis of the review, to prepare a revised draft Programme Document.
2. The IWG-ROP process was to allow nominated observer experts to work by electronic means as much as possible on the development of the ROP. The programme document presented here is the result of the review on the MRAG document presented at TCC2 as well work that has been carried by electronic means by the nominated observer experts. It includes the incorporation of as many comments as possible that have been sent in by observer experts and CCMs to the Secretariat by July 23rd 2007.
3. Due to the vast differences of opinion contained in the comments to the draft programme document it was decided it would be difficult to come up with a programme document that is agreeable to all CCMs by electronic means, and that a physical meeting of the IWG-ROP would be required to assist in the development of the ROP. The accompanying draft programme document includes further refinements taking into account a number of view points by CCMs. This programme document will be discussed at IWG-ROP at its meeting in advance of TCC3.
4. This version of the ROP programme document has been changed to try and incorporate all suggestions, deletions, additions, and comments sent by CCMs to the Secretariat by 23rd July 2007. The text in a number of paragraphs was suggested by some CCMs to be removed completely from the document. However, unless there was full agreement on removing the text, the text is still included in the document, although it may be changed from the original text to incorporate views sent by other CCMs. Text recommended by some CCMs for deletion or inclusion is square bracketed for the convenience of IWG-ROP to make a decision on the status of the wording or the paragraphs.

REGIONAL OBSERVER PROGRAMME
[DRAFT] PROGRAMME DOCUMENT

2. Introduction

5. The ROP Programme Document is one of several documents relating to the Regional Observer Programme (ROP); other programme documents include the Strategic Plan for the Development of the ROP. Two other manual to be developed the ROP Manual and ROP Workbooks.

6. Consistent with Article 28 of the WCPFC Convention, the purpose of the ROP Programme Document is to present priorities and objectives; the institutional structure; the role of national, sub-regional and regional observer programmes; financial arrangements; and operational components for a WCPFC Regional Observer Programme that will be developed and implemented over a period of five (5) years commencing in 2008.

3. [Priorities and Objectives]

7. [Article 28(1) of the Convention (Appendix C) provides guidance for formulating the objectives of the ROP. The Commission shall “develop a Regional Observer Programme 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 conservation and management measures adopted by the Commission”.

8. In accordance with Article 12(2f) and Article 14(2c) the SC and TCC shall recommend to the Commission the priorities and objectives of the ROP.

9. In this regard, at its second meeting in August 2006, and as adopted by WCPFC3 in December 2006, the WCPFC Scientific Committee recommended the following high priorities for data collection from purse seiners and longliners:

- a) 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);
- b) data to allow the standardisation of fishing effort, such as gear and vessel attributes, fishing strategies, the depths of longline hooks, FAD use and setting activities of purse seiners, and other factors affecting fishing power;
- c) length and other relevant measurements of target and non-target species;
- d) 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; and
- e) the use and effectiveness of mitigation measures.

10. Priorities for data collection by the ROP for other gear types adopted by SC3 will be incorporated into a revised Programme Document to be prepared for the IWG-ROP at the conclusion of that meeting.

11. Additional or amended priorities and objectives may be recommended to the Commission in the future by the SC, TCC, NC and other subsidiary bodies that may be established.]

12. [In accordance with Article 30 (4c) of the Convention, which states that assistance to developing States shall, *inter alia*, be directed towards the development and funding of national and sub-regional observer programmes, the ROP will support a capacity building function.]

4. **Fisheries to be monitored**

13. Fisheries within the Convention Area are listed by gear type and flag with estimates from the SPC data base of recent annual catches and observer coverage rates. This information is used to characterise the nature of the fisheries to be covered. A coverage schedule for phased implementation is proposed in Appendix A

5. **Institutional Structure**

14. The Commission has agreed¹ to adopt a model that is a hybrid of national and sub-regional programmes, and the international observer programme model used by CCAMLR. Commission members will be free to choose the source of observers from either the national observer programmes of other members or from the sub-regional programmes. The vessels that currently carry sub-regional observers under the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (US Treaty) or the Federated States of Micronesia Arrangement for Regional Fisheries Access (FSMA) may continue to use these observers to fulfil the Commission's requirements for the ROP providing they are independent and impartial, and meet Commission standards.

[5.1 Role of the Commission and its subsidiary bodies

15. The Commission shall, through its subsidiary bodies (Scientific Committee, Northern Committee, and Technical and Compliance Committee), monitor the implementation of the ROP. The Commission may provide further direction to the ROP, as necessary, to improve the collection of verified catch data, other scientific data and other information related to the fishery in the Convention Area, and to monitor the implementation of the Conservation and Management Measures (CMMs) adopted by the Commission.]

5.2 Role of the Secretariat

16. The role of the Secretariat will be to:

- a) coordinate ROP activities;
- b) maintain the ROP Manual and ROP Observer Workbook
- c) ensure existing national programs and sub regional programmes participating in the ROP maintain standards as adopted by the Commission.
- d) report on the results of the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
- e) coordinate ROP activities with other RFMOs as directed and appropriate;
- f) ensure only authorised observers are used in the ROP ;
- g) authorise observer providers to the ROP,
- h) [ensure observer trainers and observer training courses for ROP observers maintain standards adopted by the Commission;]
- i) [ensure the ROP addresses the data and monitoring requirements of the Commission's CMMs;] and
- j) manage and administer observers for special situations as directed by the Commission

¹ Agreed at its second regular session in December 2005.

17. The Secretariat will coordinate the ROP through the position of Observer Programme Coordinator (OPC) who will be initially located at the Secretariat headquarters. This position will be supported from the Commission's annually approved core budget and will include Secretariat costs required to support the effective implementation and coordination of the ROP.

18. [In the medium term, the Secretariat will also support a position for a ROP Data Quality Officer. This position will be responsible for monitoring and reporting on data and information quality for the ROP]

5.3 Role of flag States

19. Article 28(4) states that "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 ROP, if required by the Commission." Article 28(5) states that "The provision of paragraph 4 shall apply to vessels fishing exclusively on the high seas in the Convention Area, vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States, and vessels fishing in waters under the jurisdiction of two or more coastal States..."

20. Further, Article 28(5) provides that, "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 ROP shall not undertake any of the activities specified in Article 28 paragraph 6(e) when the vessel is in the waters under the national jurisdiction of its flag State, unless the flag State of the vessel agrees otherwise."

21. [When a vessel is operating on the same fishing trip principally in waters under the national jurisdiction of its flag State, and also in the adjacent high seas, a national observer of the flag State, authorized under the ROP, may undertake their ROP duties when the vessel is on the high seas².]

22. Each member of the Commission shall ensure the coverage rate established by the Commission are achieved in regard to vessels flying its flag, in order to collect verified catch data, scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of CMMs.

23. [When required by the Commission, flag States will accept independent and impartial ROP-certified observers from national programmes, sub-regional programmes, a Commission pool, private contractors, or any combination thereof in accordance with Article 28(4) and (5).]

5.4 Role of coastal States

24. [The nomination of a WCPFC National Observer Coordinator (NOC) is the responsibility of each CCM. The NOC shall be the contact point on matters related to the ROP.]

5.5 Role of national and sub-regional observer programmes

25. The role of national and sub-regional programmes will be to provide and deploy observers authorised by the Secretariat taking into account any capacity limitations of Small Islands Developing States and Territories.

26. National and sub-regional programmes will be responsible, *inter alia*, for:

- a) Organising the recruitment, training, authorisation, administration and management of observers consistent with standards approved by the Commission;
- b) Monitoring observer health and safety issues;
- c) Maintaining a list of national observers authorised for deployment under the ROP;

² This was initially, informally discussed during TCC2. however definition of adjacent high seas is required

- d) Monitoring and addressing issues on the rights and responsibilities of the captain or master of the vessel and the crew, as well as the rights and responsibilities of observers as per Article 28 (7c);
- e) Monitoring and addressing issues associated with the ROP Observer Code of Conduct; and
- f) Organising briefing and de-briefing of observers consistent with standards approved by the Commission.
- g) Organise ROP data generated by national and regional observer programs, including security of forms, workbooks, reports and other observer collected information.

27. [The terms for the deployment of observers will be in accordance with the requirements of the Commission and will be available in the ROP Manual. The secretariat will develop for inclusion in the ROP Manual a draft model “Memorandum of Understanding” as a guide for a party providing an observer and a party utilising the observer’s services to ensure clarity of the roles and responsibilities for each of the parties.]

6. Financial arrangements

28. [Consistent with the hybrid approach (para.7), each CCM flag State will assume full responsibility for the costs associated with using ROP observers on vessels flying its flag.]

29. Cost recovery for observers contracted by the Secretariat for special purposes approved by the Commission will be the responsibility of the Commission.

29. The Commission will assume financial responsibility for the ROP Coordinator, Data Quality Officer .

30. [Costs associated with supporting the CCM nominated WPCFC National Observer Coordinators will be the responsibility of the CCMs.]

31. [Funding through the Commission special requirement fund or additional funds specifically given to the Commission related to capacity development for observer programmes will be managed and coordinated by the Secretariat.]

32. [The Secretariat will prepare a draft annual work program and budget which identifies the ROP components for which the Commission will be responsible. The draft annual work program and budget will be reviewed by the TCC which will recommend a work program and budget to the Commission for review and adoption.]

7. Operational components

7.1 Data standards, data collection forms and data quality

33. The Commission’s subsidiary bodies are responsible for making recommendations regarding minimum data standards for the ROP to the Commission.

34. Data collection forms used by ROP observers must conform to the minimum data standards established by the Commission.

35. [National and Sub Regional Observer programmes providing observers for ROP duties, shall maintain high standards of data quality through debriefing of observers by their ROP authorised debriefers

36. [The Secretariat’s Data Quality Officer will be responsible for monitoring ROP data quality and providing advice for improving data quality and standards for the ROP.]

7.2 Database and data security

37. [Data collected on ROP data forms and reports collected under the ROP will be verified for accuracy, and provided to the Commission on a timely basis. Data management will be undertaken by the Secretariat and service providers. The Secretariat will ensure that all ROP data is securely stored by the Secretariat. The data will be stored in an appropriate database to be administered by the Secretariat]

[38. ROP data management will be based on the Commission's Information Security Policy (ISP) which will be broadly based on ISO 17795 standards. Access to confidential data provided to the Commission will be restricted to authorized staff of the Secretariat and service providers approved by the Commission. All authorized staff and providers shall have read and signed the WCPFC Confidentiality Agreement and Statement of Non-Disclosure.]

39. ROP observers, observer coordinators and providers will be bound by appropriate confidentiality agreements relating to the ROP data.

40. [All data, discs, back-up data, reports, images, samples and other information collected and recorded by an ROP observer must be submitted to their observer provider or their observer provider's authorized representative at the completion of each trip. No copies of data or additional information related to the fishery will be retained by the observer, agents of the port state without authorisation from the Regional Observer Coordinator. In addition all observer providers or their governments must forward the original data to the Secretariat as soon as possible after the completion of an observer trip and can not retain ROP observer data.]

41. [CCMs may request through their nominated National Observer Coordinator a copy of the ROP observer's report of their vessels flying their flags from the Secretariat.]

8. Coverage

[41. The Commission's subsidiary bodies will make recommendations to the Commission regarding fisheries to be monitored, the type of coverage and the coverage rates.

42. SC2 recommended that:

- a) The objective of the Regional Observer Programme should initially be to attain a minimum coverage of 5 per cent of fishing effort [building to a target 20%] [longline: total hooks deployed; purse seine: days fished and searched)] across all strata to allow identification of specific issues. The distribution of observer effort is to be representative of species of interest, fishing areas, seasons and fishing fleets (types).
- b) The initial coverage will not deliver on all possible objectives [(e.g. ~~5 percent coverage may not be adequate~~] [such as the ability] to reliably quantify the incidental catch of [certain species such as] sea turtles and seabirds).
- c) The data collected from initial levels of coverage should be used to further determine the levels of coverage required to address specific issues of concern to the Commission. For example, coverage rates may need to be higher in certain areas or circumstances to obtain reliable estimates of the catch of some species (e.g. seabirds, sea turtles, marine mammals) or species populations that are particularly vulnerable, for fisheries for which information is currently unavailable, and for other specific issues of concern to the Commission.

43. In noting SC s recommendations in relation to interim coverage levels, the TCC recommended that these coverage levels could be applied in the early stages of the ROP, within the framework of existing national and sub-regional programmes, until more data become available with which to determine revised coverage and sampling requirements.

44. The Commission's subsidiary bodies will also consider coverage rates for transshipment and gear types other than longline and purse seine, and the size categories of vessels to be covered.]

9. Accreditation and Authorisation

9.1 Observer Providers

45. [CCM nominated national or sub regional Observer Providers to the Commission ROP must meet the accreditation requirements established by the Commission, The Secretariat will ensure that these requirements are maintained by regular auditing of the ROP observer providers.] The Standards required for the Observer Providers will be available in the ROP Manual. (*Still to be developed*)

9.2 Observers

46. [Each CCM shall be entitled to have its nationals included in the ROP as observers, providing they have gained ROP authorisation to approved Commission standards].

47. The Commission will establish minimum standards for ROP observer selection and authorisation, minimum standards and requirements will be available in the ROP Manual. The Secretariat will monitor observer programmes to ensure ROP standards are maintained.]

9.3 Debriefers

48. [Minimum requirements for authorisation of ROP debriefers and standards for observer debriefing will be established by the Commission and will be available in the ROP Manual. The Secretariat will monitor CCM observer programmes to ensure minimum ROP standards are maintained.]

9.4 Training and trainers

49. [Minimum requirements for ROP training and trainer authorisation will be established by the Commission and will be available in the ROP Manual. The Secretariat will monitor CCM observer programmes to ensure minimum ROP standards are maintained.]

10. ROP Manual

50. Best practices regarding operational and administrative aspects of the ROP observer programme will be documented in the ROP Manual. These aspects will include, *inter alia*, programme administration, Authorisation procedures for ROP providers, observers, training and trainers, placement of observers, briefing and debriefing of observers, flow of data, equipment and material, safety gear, communications procedures, safety, etc, etc.

11. Rights and responsibilities of observers, captains and crew

51. The rights and responsibilities of observers, captain or master of the vessel and crew when an observer is on board a vessel will be established by the Commission, and in accordance with Article 28 (7c) of the Convention: Observer Roles and Responsibilities deployed under the ROP will be set out in the ROP Manual.

52. While on board the vessel, the vessel operator shall provide to the observer, at no expense to the observer or observer provider, accident, life and health insurance coverage while the observer is on board the vessel, food, accommodation, medical facilities of such reasonable standard equivalent to those normally available to an officer on board the vessel, and as may be acceptable to the CCM whose representative is serving as the observer.

12. Code of Conduct

53. ROP observers will be required to comply with a Code of Conduct as set out in the ROP Manual and the Observer Workbooks. The Code of Conduct expected of ROP observers will be established by the Commission and will be monitored by the Secretariat and the observer providers supplying observers for the ROP.

13. Relations with other organisations

54. Article 22 states that the Commission shall cooperate with other relevant intergovernmental organisations. The Commission shall where required establish and ensure that any Memoranda of Understanding with these organisations provides for a regular consultative process to share information of mutual interest concerning the observer programmes of each organization.

DRAFT

Appendix A

FISHERIES TO BE MONITORED BY THE REGIONAL OBSERVER PROGRAMME

[Fisheries to be monitored by the ROP]

1 Table 1 presents annual catches of tuna (albacore, bigeye, skipjack and yellowfin) and observer coverage rates for each of the fisheries in the WCPFC Convention Area for the most recent year for which complete data are available in the SPC databases. The table also includes guidelines for the phased implementation of the ROP. Inactive fleets or fleets with negligible fishing effort in the Convention Area in recent years have been ignored.

[Observer coverage was determined on the basis of the number of hooks set for longline, and the number of days fished or searched for purse seine. The time period in the guidelines refers to the end of the calendar year. “Exploratory coverage” refers to the level of coverage required to characterise the fishing technique, the catches of non-target species and the size distribution of target species. It is implicit in the guidelines that observer coverage should be representative of the time-area distribution of fishing effort for each gear type, flag and sector. ‘Flag’ refers to WCPFC members, cooperating non-members and participating territories.]

2 The implementation guidelines proposed in Table 1 are based on the 5% coverage recommended by SC2. In its consideration of observer coverage, SC2 focussed on longline and purse seine; however, for other gear types, the level of catches of non-target species may be low and the size composition relatively stable, and a level of observer coverage that characterises the fishery in these regards may be sufficient in the initial phase of the ROP. Changes in coverage are subject to adoption by the Commission, and the required levels of observer coverage established by the Commission will be reviewed on a periodic basis through the SC, TCC and NC.

3 SC noted that the principal gap in data required for assessment purposes are for distant-water longline fleets. These fleets are regarded as a high priority for meeting the established coverage level.

4 For the domestic fisheries of Indonesia and the Philippines, the operational features of certain gear types and sectors may be constrained in the use of observers on a regular basis; for these fisheries, the level of observer coverage that is required and practical will be determined in the context of the Commission’s ongoing Indonesia and Philippines Data Collection Project (IPDCP).

Table 1. Current annual catches, observer coverage as determined by data held by SPC including additional corrections by CCMs on the ROP implementation guidelines for fisheries in the WCPFC Convention Area. - It should be noted that the coverage of fisheries in the list below will need to be adjusted once it is determined which vessel gear types exclusively operates entirely within the EEZs of their flag state and never venture onto the high seas.

Gear Type	Flag and Sector	Catch		Observer Coverage		ROP Implementation Guidelines
		Year	Tonnes	Year	Rate	
Longline	Australia	2005	3,037	2005	5.4%	Current coverage to be maintained
	China	2005	12,869	2005	0.7%	Coverage to increase to 5% by 2012
	Cook Islands	2005	2,962	2005	0.0%	Coverage to increase to 5% by 2012
	Federated States of Micronesia	2005	281	2005	4.4%	Coverage to increase to 5% by 2012
	Fiji	2005	11,405	2005	2.4%	Coverage to increase to 5% by 2012
	French Polynesia	2005	3,848	2005	2.7%	Coverage to increase to 5% by 2012

	Japan, Coastal	2004	24,101	2004	0.0%	Exploratory coverage by 2010
	Japan, Offshore and Distant-Water	2004	41,603	2004	0.1%	Coverage to increase to 5% of 2012
	Korea (Republic of)	2005	32,871	2005	0.0%	Coverage to increase to 5% by 2012
	New Caledonia	2005	2,114	2005	0.7%	Coverage to increase to 5% by 2012
	New Zealand	2005	844	2005	17.4%	Current coverage to be maintained
	Papua New Guinea	2005	3,351	2005	0.7%	Coverage to increase to 5% by 2012
	Samoa	2005	1,541	2005	0.6%	Coverage to increase to 5% by 2012
	Solomon Islands	2004	1,162	2004	11.7%	Current coverage to be maintained
	Chinese Taipei, Distant-Water	2005	27,988	2004	0.0%	Coverage to increase to 5% by 2012
	Chinese Taipei, Offshore	2005	24,456	2004	0.4%	Coverage to increase to 5% by 2012
	Tonga	2005	629	2005	0.7%	Coverage to increase to 5% by 2012
	United States (American Samoa)	2004	3,802	2004	0.0%	Coverage to increase to 5% by 2012
	United States (Hawaii)	2004	5,361	2004	16.6%	Current coverage to be maintained
	Vanuatu	2005	11,833	2005	0.0%	Coverage to increase to 5% by 2012
Pole and Line	Japan, Coastal	2004	10,966	2005	0.0%	Exploratory coverage by 2010
	Japan, Offshore and Distant-Water	2004	138,281	2005	0.0%	Exploratory coverage by 2010
	Solomon Islands	2004	6,882	2005	0.0%	Exploratory coverage by 2010
Purse Seine	China	2005	48,660	2005	4.3%	Coverage to increase to 5% by 2012
	European Union (Spain)	2005	3,431	2005	0.0%	Exploratory coverage by 2010
	Federated States of Micronesia	2005	27,505	2005	15.2%	Current coverage to be maintained
	Japan, Coastal	2005	730	2005	0.0%	Exploratory coverage by 2010
	Japan, Offshore and Distant-Water	2005	250,390	2005	0.0%	Coverage to increase to 5% by 2012
	Kiribati	2005	7,105	2005	0.0%	Coverage to increase to 5% by 2012
	Korea (Republic of)	2005	209,790	2005	4.1%	Coverage to increase to 5% by 2012
	Marshall Islands	2005	56,164	2005	28.9%	Current coverage to be maintained
	New Zealand	2005	16,438	2006	3.4%	Coverage to increase to 5% by 2012
	Papua New Guinea	2005	219,809	2005	16.7%	Current coverage to be maintained
	Philippines, Distant-Water	2005	33,853	2005	20.2%	Current coverage to be maintained
	Solomon Islands	2005	16,094	2005	26.9%	Current coverage to be maintained
	Chinese Taipei	2005	195,039	2005	5.9%	Current coverage to be maintained
	United States	2005	74,287	2005	21.5%	Current coverage to be maintained
	Vanuatu	2005	73,218	2005	10.4%	Current coverage to be maintained
Troll	New Zealand	2005	2,809	2005	0.0%	Exploratory coverage by 2010
	United States	2005	922	2005	0.0%	Exploratory coverage by 2010

Appendix B

Technical and Compliance Committee Second Regular Session Summary Report

Regional Observer Programme

52. The Secretariat introduced paper WCPFC-TCC2-2006/11, which outlines the progress on the implementation of the Regional Observer Programme (ROP). The Secretariat reported on its efforts to recruit an Observer Programme Coordinator (OPC), noting that this post had been re-graded and would be re-advertised following TCC2, with the intention of making an appointment to the post before the end of 2006. In the absence of a Coordinator, the Secretariat had advertised internationally for expressions of interest from qualified individuals or firms to prepare a draft Programme Document for the ROP. MRAG was awarded the contract to undertake this assignment, which included presentation of the draft Programme Document to TCC2.

53. MRAG's presentation described the key elements of the programme, including objectives, coverage, institutional arrangements, science, technical and compliance related elements of the programme, and a draft implementation plan. It was noted that recommendations of the Second Regular Session of the Scientific Committee (SC2), which considered scientific elements of the ROP, had been incorporated in the draft Programme Document.

54. Key points discussed in subsequent discussion included:

- i) the development of the ROP should be guided by the principles outlined in Article 28 of the Convention;
- 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;
- iii) the requirement for uniform standards for national and regional programmes contributing to the ROP. An assessment of standards in existing programmes will need to be undertaken in order to achieve this.
- iv) the need to ensure that observers are independent and impartial, in accordance with Article 28, noting that this requirement did not exclude national observers from operating on vessels of their flag State;
- v) the need to reduce costs of the ROP, given the existence of several observer programmes in the region;
- vi) the need to ensure cooperation and collaboration between the SC and the TCC to accommodate the two aspects of compliance and scientific data collection of the observers' role;
- vii) the need to consider issues associated with development and implementation of the ROP, such as size of vessels in relation to crew requirements, the type of fishery, and the logistics and costs involved in moving observers around the WCPO, particularly foreign observers, noting that these costs will be borne primarily by the industry; and
- viii) the need for an incremental approach to implementation, whereby target coverage rates and data quality standards for different components of the fishery are refined over an agreed time-frame. The time periods suggested were on the order of three to five years.

55. TCC2 agreed that the ROP should be based on existing national and sub-regional observer programmes, rather than establishing a full programme to be managed by the Secretariat. An exception to this could be the use of a small cadre of observers employed by the Commission Secretariat to address specific issues that arise, such as IUU fishing, training and certification. This cadre could also comprise experienced individuals from existing programmes, coordinated by Secretariat.

56. Some Members stated that a study should be conducted of all existing national and sub-regional observer programmes implemented by CCMs to identify the strengths and weaknesses of each programme. Programme strengths could then be used to develop the standards and benchmarks for the ROP.

57. TCC2 agreed that the standards and procedures for the ROP, such as access to observers, certification requirements for observers, achievement of Commission mandated observer coverage levels, and data collection requirements should be agreed on by the Commission. It was noted that certification of national and sub-regional observer programmes operating in the Convention Area was a key point in the successful implementation and maintenance of these standards, and would mitigate concerns regarding the use of national observers.

58. TCC2 discussed the need to ensure that all fisheries were, in principle, treated equally in terms the requirements to have observers onboard. TCC2 noted that observer coverage would not be the same across all fleets and all fisheries at all times, as observer coverage would be driven by data needs and required levels of precision.

59. In noting SC2's recommendations in relation to interim coverage levels, TCC2 noted that these coverage levels could be applied in the early stage of the ROP, within the framework of existing national and sub-regional programmes until more data become available with which to determine revised coverage and sampling requirements.

60. TCC2 noted the possibility of using alternative methods for gathering the types of data collected by observers. Japan advised TCC2 of trials it is undertaking of a mechanical observer system involving the placement of digital cameras onboard smaller vessels. Japan offered to provide TCC2 with periodic reports of this trial.

61. TCC2 also noted the importance of closer coordination between the TCC and the SC in the establishment of the objectives of the ROP.

62. TCC2 recommended the establishment of an inter-sessional working group (IWG-ROP) to expedite further development of the ROP, in conjunction with the employment of an Observer Programme Coordinator (OPC) by the Secretariat.

63. TCC2 recommended that the IWG-ROP be coordinated by the Commission's Observer Programme Coordinator through the WCFPC Executive Director.

64. Participation in the IWG-ROP should be open to all CCMs. To facilitate its work, the WCFPC Executive Director, in consultation with the TCC and SC Chairs, should establish points of contact among CCMs that wish to participate in the IWG-ROP. Should it be necessary to convene an inter-sessional meeting of the IWG-ROP, consideration should be given to minimizing costs by arranging it in association with another meeting that involves appropriate representation from CCMs. The 2007 budget for the Commission's approval would include US\$ 55,000 to support such a meeting, should it be required.

65. TCC2 agreed that while the work of the IWG-ROP was continuing, it was important for CCMs to maintain momentum on the issue by continuing their participation in national or regional observer programmes, and by encouraging those programmes to improve their standards and procedures in anticipation of the full implementation of the ROP within its time frames.

66. TCC2 noted a request from the Philippines for assistance with establishing a national observer programme in terms of guidance and advice that would facilitate its certification under the ROP.

67. Following discussions throughout the meeting, FFA members presented a detailed statement regarding their understanding of how the ROP will work at a higher level. This statement is appended as Attachment I. FFA members invited considered comments from CCMs in the inter-sessional period prior to Comm3.

68. FFA members and a number of other CCMs recommended that the Commission consider the future development of a Conservation and Management Measure as a basis for the establishment of the ROP.

Recommendations and technical advice from the TCC to the Commission

69. As a result of these deliberations, TCC2 recommended that:

- i) an inter-sessional working group (IWG-ROP) be established to expedite further development of the ROP, in conjunction with the employment of an Observer Programme Coordinator (OPC) by the Secretariat. Draft terms of reference for the IWG-ROP are appended as Attachment J; and
- ii) the Commission task TCC3 with developing a Conservation and Management Measure for the establishment of the ROP.

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Part VII – Regional Observer Programme

Article 28:

1. The Commission shall develop a regional observer programme 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.
2. The observer programme shall be coordinated by the Secretariat of the Commission, and shall be organized in a flexible manner which takes into account the nature of the fishery and other relevant factors. In this regard, the Commission may enter into contracts for the provision of the regional observer programme.
3. The regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission. The programme should be coordinated, to the maximum extent possible, with other regional, subregional and national observer programmes.
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.
5. The provisions of paragraph 4 shall apply to vessels fishing exclusively on the high seas in the Convention Area, vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States, and vessels fishing in waters under the jurisdiction of two or more coastal States. 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 regional observer programme shall not undertake any of the activities specified in paragraph 6 (e) when the vessel is in waters under the national jurisdiction of its flag State, unless the flag State of the vessel agrees otherwise.
6. The regional observer programme shall operate in accordance with the following guidelines and under the conditions set out in article 3 of Annex III of this Convention:
 - a) the programme shall provide a sufficient level of coverage to ensure that the Commission receives appropriate data and information on catch levels and related matters within the Convention Area, taking into account the characteristics of the fisheries;
 - b) each member of the Commission shall be entitled to have its nationals included in the programme as observers;
 - c) observers shall be trained and certified in accordance with uniform procedures to be approved by the Commission;
 - d) observers shall not unduly interfere with the lawful operations of the vessel and, in carrying out their functions, they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master for this purpose;
 - e) the activities of observers shall include collecting catch data and other scientific data, monitoring the implementation of conservation and management measures adopted by the Commission and reporting of their findings in accordance with procedures to be developed by the Commission;
 - f) the programme shall be cost effective, shall avoid duplication with existing regional, subregional and national observer programmes, and shall, to the extent practicable, seek to minimize disruption to the operations of vessels fishing in the Convention Area;
 - g) a reasonable period of notice of the placement of an observer shall be given.
7. The Commission shall develop further procedures and guidelines for the operation of the regional observer programme, including:
 - a) to ensure the security of non-aggregated data and other information which the Commission deems to be of a confidential nature;
 - b) for the dissemination of data and information collected by observers to the members of the Commission;
 - c) for boarding of observers which clearly define the rights and responsibilities of the captain or master of the vessel and the crew when an observer is on board a vessel, as well as the rights and responsibilities of observers in the performance of their duties.
8. The Commission shall determine the manner in which the costs of the observer programme would be defrayed.

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