



**Intersessional Working Group  
Regional Observer Programme  
24-25<sup>th</sup> September**

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**DRAFT PROGRAMME DOCUMENT FOR THE REGIONAL OBSERVER PROGRAMME WITH COMMENTS**

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**WCPEC\IWG-ROP\ 2007-08**

**Introduction**

The TCC2 meeting held in Brisbane 2006 was presented a final report prepared by Marine Resources Assessment Group Ltd (MRAG) titled “Western and Central Pacific Fisheries Commission Design Elements of a Regional Observer Programme for the Western and Central Pacific Ocean Region” Following discussion on this report it was decided because of its length and content, that this document should be reviewed. The TCC2 also established Terms of Reference for an Intersessional Working Group (IWG \_ROP) to be made up of CCM nominated observer experts to work on developing documentation for the ROP.

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 observer experts. It includes all the comments sent in by observer experts and CCMs to the Secretariat by July 23<sup>rd</sup> 2007. Due to the vast differences of opinion on some of the subject matter contained in the draft programme document it was decided it would be difficult to come up with a document that is agreeable to all members by electronic means.

The document sent to members for comment by 23<sup>rd</sup> July has not been changed and shows proposed deletions, additions, comments and suggestions by different countries in the right hand side of the pages. Also included as attachments, are covering letters sent from some member countries when they submitted their comments, these should be read in conjunction with the comment on the programme document.

## **PRELIMINARY REVIEW OF WCPFC-TCC2-2006/11**

### **1. 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 1). The directive was for the IWG-ROP, on the basis of the review, to prepare a revised draft Programme Document.

2. The draft Programme Document prepared for TCC2 was rich in information. It presented a significant amount of background information while at the same time providing a structure and description for the ROP Programme Document.

3. The IWG-ROP is invited to provide comments and suggestions on the accompanying Programme Document by July 23 so that further refinements can be made in advance of SC3.

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# 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, the ROP Manual and ROP Workbooks<sup>1</sup>.

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 2) 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  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.

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<sup>1</sup> Refer to the accompanying glossary for a description of various elements of observer programmes.

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 in Appendix A of the Draft Strategic Plan for the Development of the Regional Observer programme. This information is used to characterise the nature of the fisheries and to identify other relevant factors necessary to develop a phased implementation plan for the ROP.

### 5. Institutional Structure

14. The Commission has agreed<sup>2</sup> 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.

#### 5.1 Role of the Commission and its subsidiary bodies

15. 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) report on the results of the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
- c) coordinate ROP activities with other RFMOs as directed and appropriate;
- d) authorise observers and or associated Programmes;
- e) arrange certification of providers, trainers and training;
- f) ensure the ROP addresses the data and monitoring requirements of the Commission's CMMs; and
- g) manage and administer observers for special situations such as verifying transshipment or monitoring fisheries of special interest.

17. The Secretariat will coordinate the ROP through the position of Observer Programme Coordinator (OPC) 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.

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<sup>2</sup> Agreed at its second regular session in December 2005.

18. In the medium term, the Secretariat may 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 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 seas<sup>3</sup>.]

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. Each CCM shall nominate a WCPFC National Observer Coordinator, who 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 certified and authorized 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, certification, administration and management of observers consistent with standards developed by the Commission;
- b) Monitoring observer health and safety issues;
- c) Maintaining a list of national observers authorised for deployment under the ROP;
- 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

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<sup>3</sup> This was initially, informally discussed during TCC2.


f) Organising briefing and de-briefing of observers.

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27. The terms for the deployment of observers will be in accordance with the requirements of the Commission. A draft model “Memorandum of Understanding” between a party providing an observer and a party utilising the observer’s services is still to be developed.



## 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.  Commission will assume financial responsibility for the ROP Coordinator, Data Quality Officer and observers contracted by the Secretariat for special purposes.

30.  Costs associated with supporting the WPCFC National Observer Coordinators (para.17) will be the responsibility of the CCMs.

31. Funding through the Commission related to capacity development for observer programmes will be managed and coordinated by the Secretariat.

32.  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. Observer programmes shall endeavour to maintain high standards of data quality through debriefing of observers by certified 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 under the ROP will be verified for accuracy, and provided to the Commission on a timely basis. The data will be stored in an appropriate database to be administered by the Secretariat. Data management will be undertaken by the Secretariat and service providers.

38. 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. All authorized staff must sign 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. 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.

## 8. Coverage

41. The Commission's subsidiary bodies will make recommendations to the Commission regarding fisheries to be monitored and 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 (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 to reliably quantify the incidental catch of 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 the 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 may 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 certification

### 9.1 Providers

45. Observer Providers must meet the accreditation requirements established by the Secretariat.

### 9.2 Observers

46. Each member of the Commission shall be entitled to have its nationals included in the ROP.

47. Candidates for ROP observers must meet ROP requirements for selection and certification. The Secretariat will establish minimum standards for observer selection and minimum standards for certifying observers in the ROP, to be used by ROP observer providers.

### 9.3 Debriefers

48. Minimum requirements for certification of ROP debriefers will be established by the Secretariat.

### 9.4 Training and trainers

49. Minimum requirements for ROP training and trainer certification will be established by the Secretariat.

Japan - Trainer certification (paragraph 49) is not stipulated in the Convention and complicates the system, thus it should be deleted.

## 10. ROP Manual





50. Best practices regarding operational aspects of observer programmes will be documented by the Secretariat in the ROP Manual. These aspects will include, *inter alia*, programme administration, placement of observers, briefing and debriefing of observers, flow of data, equipment and material, safety gear, communications procedures, safety, 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 (Appendices G and H of the Draft Strategic Plan for the development of the ROP).

52. While on board the vessel, the vessel operator shall provide to the observer, at no expense to the observer or observer provider, full insurance cover 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.

53. The conduct expected of ROP observers is specified in a Code of Conduct (Appendix I of the Draft Strategic Plan for the development of the ROP).

#### **12. 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.

**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.

## **Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific**

### **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. Commission shall determine the manner in which the costs of the observer programme would be defrayed.

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