



**TECHNICAL AND COMPLIANCE COMMITTEE
NINTH REGULAR SESSION
26th September – 1 October 2013
Pohnpei,
Federated States of Micronesia**

WCPFC ROP Technical Advisory Group (TAG) Report

WCPFC-TCC9-2013-14_Rev 1

Introduction

TAG commenced in 2012 under the terms of reference that were approved by WCPFC8 (attachment 1) in accordance with the TOR a list of items was developed that required operational input from the TAG. TCC8 recommended as follows *“TCC8 recommended to WCPFC9 that the ROP-TAG continue its work under the current terms of reference until March 2014”*.

At TCC8 the ROP-TAG presented a paper TCC8 2012-14 on ROP –TAG issues under discussion by the group. The meeting asked the ROP_TAG to consult broadly and to report back to TCC9 on recommendations to finalize issues, however a number of the TAG issues presented in this paper were beyond the scope of the TAG as TAG Members were concerned that they were matters of policy and as such were for the Commission to decide.

A few operational issues listed in the TAG paper presented last year have been further developed through dialogue in 2013, and other TAG issues were added following input from participants or from recommendations of the FFA/SPC Regional Observer Coordinators Workshop,(ROCW) the TAG has put a regional approach on the issues in this paper, with a resulting 19 TAG recommendations.

The Commission has 43 Members, and 23 observer programmes; consequently there are differing viewpoints on some of the issues; however the TAG recommendations have tried to capture the comments and suggestions from all who participated. The adoption of these recommendations would provide direction for all observer programmes that are part of the ROP.

Nine issues summarized in the dots points below are being discussed in this TAG Report

1. Observer ID cards
2. Mechanisms to prevent and stop misconduct of observers.
3. Verifying observers on board for 100% observer coverage on Carriers
4. Streamlining data transmissions , method to verify number of observer trips
5. Accommodation and onboard and facilitation for female observers
6. Communications by observers prior to arriving in foreign and or home ports
7. Notifications of newly trained observers to the Commission ROP Recommendation:
8. Mechanisms to decrease incidents of corruption, black mail, bribery and extortion.
9. Up to date summaries of CMMs that affect observer activities

Full details including participant comments and suggestions are included in Table 1,

A summary of the recommendations of the nine (9) issues is indicated below;

Issue 1

Develop clear and standard observer credentials, e.g. ID cards for all ROP observers and develop a method to enable all ROP observers to be able to attain this credential.

Recommendation: TCC9 agree that:

- 1. WCPFC will develop a Observer ID Card for use by ROP observers.**
- 2. Observer ID cards used for identification of an ROP observer must include the WCPFC logo;**
- 3. ROP Observer ID cards have and show a unique regional number for each ROP observer; with unique regional numbers to be issued and managed by the WCPFC Secretariat;**

Issue 2

Identify mechanisms to prevent and stop misconduct of observers.

Recommendation: TCC9 agree that:

- 4. TCC9 directs the WCPFC Secretariat to develop and circulate prior to TCC10 a paper on a Minimum Standard in relation to mechanisms on how to prevent and stop misconduct of observers. Comments should be provided and the paper adjusted and then presented for discussion and endorsement at TCC10.**

Issue 3

Identifying an exit/entry or leaving port in the Convention area reporting process, to ensure all fish carriers intending to tranship at sea have a certified ROP observer on board

Recommendation: TCC9 agree that:

- 5. The WCPFC Secretariat will develop a reporting mechanism for fish carriers to notify the Secretariat of their transshipping and any other intentions prior to operating in the Convention area.**
- 6. Observer providers must inform the Secretariat when an observer from their programme is placed on a fish carrier.**

Issue 4

Streamlining data transmissions between the regional observer programmes and the Commission Secretariat and or SPC, also to assist and develop a method that the SPC (Commission data providers) can work out how many trips they need to receive data for each year.

Recommendation: TCC9 agree that:

- 7. Observer Providers and flag States of vessels; supply on a regular basis to the WCPFC Secretariat, ROP placement and disembarkation information of observers.**
- 8. All observer data collected by ROP observers must be sent to the Commission data provider. (SPC) or to the Commission Secretariat.**

Issue 5

Accommodation and onboard and facilitation for female observers

Recommendation: TCC9 agree that:

- 9. purse seine vessels will reconfigure cabin allocation as soon as practical, so there is a single person cabin available for use by all ROP observers;**

10. female observers on a purse seine vessel with an all-male crew must be accommodated in a single person cabin;
11. purse seine vessels will reconfigure toilet and shower facilities as soon as practical so there is female only toilet and shower facilities when on board;
12. if a cabin assigned to a female observer does not have its own toilet and shower facilities that can be provided for the exclusive use of the observer, then the scheduling of the use of shower facilities must be established and made clear to all members of the crew and the observer;
13. long line and other gear type vessels accommodating observers, especially female observers, should make available a single person cabin; if this is not possible due to the configuration of the vessel or its size; female observers should only be considered where adequate privacy, including toilet and shower facilities can be guaranteed. The observer provider will make the decision on the adequacy of the facilities for the placement.

Issue 6

Communications by observers prior to arriving in foreign and or home ports

Recommendation: TCC9 agree that:

14. ROP observers must inform the providers in the port which the vessel is heading at least 72 hrs before arrival in the port. Information to be supplied should include;
 - scheduled date and time of arrival;
 - whether observer will stay on vessel for another trip (trip must be approved by provider of the observer);
 - requirements that the observer may wish to have assistance, such as pickups, accommodation, flights, etc;

Issue 7

Notifications of newly trained observers to the Commission ROP Recommendation:

Recommendation: TCC9 agree that:

15. All observer programmes authorised to be part of the ROP will send to the Commission Secretariat as soon as practical the names of trained observers, who have been trained and qualified to operate as an observer in the ROP;
16. All observer programmes authorised to be part of the ROP must inform the Commission Secretariat of the status of their active observer list at least every 3 months. i.e. Feb, May, Aug, Nov and Feb
17. Observer removed from an active observer list of a national programme for serious breaches of their Code of Conduct or for other reasons, must be informed to the Commission Secretariat as soon as practical, when the observer is deactivated.

Issue 8

The FFA/SPC Regional Observer Coordinators Workshop asked that the TAG be tasked to look at operational mechanisms to decrease incidents of corruption such as black mail, bribery and extortion.

Recommendation: TCC9 agree that:

18. The Commission task the Secretariat with contracting a qualified consultant on the issues of observer corruption, to look at all types of corruption including black mail, bribery and

extortion and report the findings and offer solutions as appropriate to TCC10 and WCPFC11.

Issue 9

TAG look at the inclusion in documentation handed out to observers when leaving for a trip, of up to date summaries of CMMs that affect observer activities

Recommendation: TCC9 agree that

- 19. The Commission Secretariat will prepares and produces a “Handbook of WCPFC Conservation Management Measures” (CMMs) relevant to on board fisheries observers; CMM Handbook to be updated on an annual basis.**

Table 1 TAG Issues with Comments Suggestions and Recommendations.

TAG Issues	Observations and suggested solutions received from various TAG participants.
<p>Issue 1</p> <p>Develop clear and standard observer credentials, e.g. ID cards for all ROP observers and develop a method to enable all ROP observers to able to attain this credential.</p> <p>Rationale</p> <p>It is realised that a number of observer programmes already issue observer cards for their national observers and this card should not be seen to be a replacement for those cards. Programmes may continue to produce ID cards using any logo they wish to identify their programme or identify their country.</p> <p>Having the Commission logo on a card produced as ID Cards for the Convention area would help regionalise the observer ID Card. This would be helpful when observers are boarding foreign vessels in foreign ports, and should help with travel and immigration when the cards have been in use for a while and become more widely known.</p>	<p>Issue 1</p> <p>There seems to be agreement by all programmes that an <u>Observer ID Card</u> should be developed as soon as practical;</p> <p>The following dot points was thought by most to be advantageous information to be placed on all ID cards issued as a minimum requirement;</p> <ul style="list-style-type: none"> • Name of Observer • Name of Observer Provider • Expiry Date of ID Card issued <i>(suggested by a participant to be renewed every 3 years)</i> • Observer Passport Nationality <i>(A couple participants not sure if this is required, but most agree it would assist with immigration when observers are travelling)</i> • Unique Regional ID number <i>(Some not sure on whether a national id number isn't sufficient, others suggested that to be a regional card a unique number should be supplied by the WCPFC)</i> • Observer ID Card for the Convention Area ROP observers to be supplied by a central body who can supervise the records on a regional basis; • Individual provider logos and flags to be included for each CCM; • Regional accreditation standards adopted by FFA Members under the PIRFO banner provide an appropriate base for a regional ID card. This would then further the recognition of the 'PIRFO brand' across the fleets in the region. It would carry the PIRFO logo and the (provider) programme name under which they have a contact and date of issue (expiry). If the observer provider programme is accredited to operate in the ROP, the WCPFC logo would be included on the card. De-accreditation of a programme from the ROP would mean the removal of the WCPFC logo. • WCPFC Secretariat should develop a template which the various ROP programmes can adopt including unique

	<p>number/code for the observer from WCPFC, this programme will adopt said Observer ID template.</p> <ul style="list-style-type: none"> • It would be cheaper and less likely to have hiccups if card production was administered by one central provider of the cards, particularly if card is to be recognized regionally, however I can see that programmes may want to personalize designs somewhat so this might be worth teasing out in a survey with a clear request of preference. Also suggest that the PIRFO symbol be included for all PIRFO trained observers, although not at the expense of the card design looking too cluttered.
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TAG Recommendations 1-3 to TCC9

TCC9 agree that;

- 1. WCPFC will develop an Observer ID Card for use by ROP observers.**
- 2. Observer ID cards used for identification of an ROP observer must include the WCPFC logo;**
- 3. ROP Observer ID cards have and show a unique regional number for each ROP observer; with unique regional numbers to be issued and managed by the WCPFC Secretariat;**



<p>Issue 2</p> <p>Identify mechanisms to prevent and stop misconduct of observers.</p> <p>Comment</p> <p>The TAG participants have identified a number of mechanisms to help prevent and stop misconduct of observers. These mechanisms could form the basis of an Commission Minimum standard that would need further work and agreement;</p> <p>The mechanisms identified by TAG participants allow providers to have some ideas when they review their Code of Conduct for their programmes;</p> <p>Besides cases of violence infringements of the Code of Conduct mainly due to alcohol, a small number of observers can cause problems that do not involve violent or drunken activities. They cause problems because they have overspent their allowances (usually on alcohol or other distractions) and leave port on a vessel or travel home without making payments to hotels and other outlets they have utilized.</p> <p>Many TAG participants saw misconduct as a problem but at the same time noted that the majority of observers cause no problems and did not want these observers to be penalised because of the actions of a few observers.</p>	<p>Issue 2</p> <p>TAG participants agreed that all programmes do have in place a ‘Code of Conduct’ and that observers should be called to account, if there is any breach of this Code and no leniency should be shown for serious or repeated incidents.</p> <p>There were number of comments and suggestions by participants listed in the dot points below to try and curtail the problems caused by a small number of observers.</p> <ul style="list-style-type: none"> • Do not allow Agents to give the observer any money unless the amount has been previously authorised by the provider in writing. • Inform the Master and/or Captain not to give the observer any money. • Where possible observers should have bank accounts that allow them to have ATM cards that they can use overseas? This way a provider would have more control on what the observer is receiving and can arrange appropriate agreed DSA/perdeims payment (online) It is noted that this may be difficult with government rules and in some areas with local banks • Observers should be made stay to on board a vessel until it departs, or until their flight is due when it comes to a foreign port. • Port Arrangement for hotel and meals should apply to observers who need it and not across the board.
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	<ul style="list-style-type: none"> • Advise vessel captains and masters to not give observers alcohol or invite them out to ships parties when in port. • The non payment of bills by an observer should be treated as a serious event under the Code of Conduct; offending observers should be retired from the programme. • Advances should not be allowed during boarding, but observers shall be paid on the last day prior to vessel departure from port. • Implementation needs to be at the discretion of the provider, not made mandatory – not all arrangements will work in all situations. • The payment of observer services must be given in a staggered basis. To avoid problems in spending the lump sum payments effected by the Agents/Providers or Contractors/ Fishing Vessel Owner to the observer the following scheme can be applied. • Let the Provider/ Owner/ Contractor book and pay directly the hotel accommodation of the observer to avoid misuse of the intended funds thereof. A considerable amount for the food allowance shall be directly paid to the observer for him/her to budget/manage. No other charges shall be honoured. • The payment of observer fees must be in accordance with the following percentage (%): <ul style="list-style-type: none"> a. 50% of the observer fees shall be paid upon embarkation/ boarding of the observer. b. 20% of the observer fees' shall be paid upon disembarkation and submission of pending reports to the Contracting Party. c. 30% of the observer fees shall be paid upon submission of full completed observer reports to the Contracting Party.
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TAG Recommendations 4 to TCC9

TCC9 agree that;

- 4. TCC9 directs the WCPFC Secretariat to develop and circulate prior to TCC10 a paper on a Minimum Standard in relation to mechanisms on how to prevent and stop misconduct of observers. Comments should be provided and the paper adjusted and then presented for discussion and endorsement at TCC10.**

<p>Issue 3</p> <p>Identifying an exit/entry or leaving port in the Convention area reporting process, to ensure all fish carriers intending to tranship at sea have a certified ROP observer on board</p>	<p>Issue 3</p> <p>This issue and further policy discussion on this matter is included in the 5th Annual ROP Report <i>WCPFC-TCC9-2013-RP02</i></p> <p>Comments by TAG participants</p>

<p>Overview</p> <p>If a fish carrier intends to tranship only in port then no observer is required, however if they intend to tranship at sea an observer is required.</p> <p>There is no current method of distinguishing what a carrier's intentions are when they come into either the Convention Area or leave from a port at the commencement of their trip in the Convention Area. It is therefore difficult to monitor 100% observer requirements.</p>	<ul style="list-style-type: none"> • Without knowing the fish carriers intention prior to their operation in the Convention Area it is not possible to ensure that fish carriers observer coverage for at sea transhipments is 100% • All carriers operating in the Convention Area should be required to inform the Commission Secretariat of their intentions, at the commencement of their trip; Communication should include intention on whether carrier intends transshipping at sea, in port or both. • Carriers should declare to the Commission Secretariat entry and exit into the WCPFC Convention area; this declaration would where required include the name of observer and observer provider in the entry report.
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TAG Recommendations 5-6 to TCC9

TCC9 agree that;

5. **The WCPFC Secretariat will develop a reporting mechanism for fish carriers to notify the Secretariat of their transshipping intentions, prior to operating in the Convention area.**
6. **Observer providers must inform the Secretariat when an observer from their programme is placed on a fish carrier**

<p>Issue 4</p> <p>Streamlining data transmissions between the regional observer programmes and the Commission Secretariat and or SPC, also to assist and develop a method that the SPC (Commission data providers) can work out how many trips they need to receive data for each year.</p> <p>Overview</p> <p>It is generally accepted that many observer programmes are sending information to SPC via the use of scanners or by other electronic means in a timely manner. However in some circumstances not all data is being sent. There are a number of reasons for this, including 'provider coordinators' determining that some observer data is not useful, and therefore is not sent to SPC.</p> <p>SPC, the "Commissions Data Provider' has difficulty calculating exactly how many trips they will receive observer data for each year; therefore some of the tables produced showing data gaps may not be correct.</p> <p>CMM 2007-01 Para 12 indicates the Commission Secretariat is required to provide reports of coverage of all gear types, and to do so, they rely heavily on observer providers and/or flag States supplying information. If the providers and flag States provided coverage information on a regular basis (monthly). SPC could use this trip information collected by the Commission Secretariat to determine how many</p>	<p>Issue 4</p> <p>There is policy discussion on this matter included in the 5th Annual ROP Report <i>WCPFC-TCC9-2013-RP02</i></p> <p>Comments by TAG participants on this issue;</p> <ul style="list-style-type: none"> • Create a dedicated website for Regional Observer Program to facilitate encoding and storing of electronic data reporting and monitoring. • Recalling that observer coverage is an obligation of the flag state to monitor. However CMM 2007-01 gives the role of the Secretariat to coordinate ROP activities, including receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels. FFA observer providers need to facilitate the monitoring of coverage levels. This could include providing placement summaries. 7. Observer Providers should supply on at least a monthly basis, placement and disembarkation of observers in their ports. Flag States should supply on at least a monthly basis all boarding's made on their vessels. This information should be sent to the WCPFC Secretariat who could then produce a monthly and annual report of all boarding's. 8. If ROP member countries are having trouble sending information of trips completed, then maybe have ROP countries enter trips into an online site of SPC? • Placement formalities must be implemented and be active in the ROP of all member countries. There's been a

<p>observer trips they will need to receive data for the period. This would make reported data gaps accurate, and also would assist in following up on data that has not been sent to the data provider.</p> <p>Electronic reporting is being tested and this may assist in the timeliness of receiving data when developed, especially for observers on board purse-seine vessels.</p>	<p>downfall in this resulting in difficulties in data collections, accommodations and observers issues.</p> <p>9. Improve monthly reporting to the Commission Secretariat on observer placements on vessels.</p>
<p>TAG Recommendation 7-8 to TCC9</p> <p>TCC9 agree that:</p> <p>7. Observer Providers and flag States of vessels; supply on a regular basis to the WCPFC Secretariat, ROP placement and disembarkation information of observers.</p> <p>8. All observer data collected by ROP observers must be sent to the Commission data provider. (SPC) or to the Commission Secretariat.</p>	
<p>Issue 5</p> <p>Accommodation and onboard facilitation for female observers</p> <p>Overview</p> <p>Observer coverage on purse seine vessels fishing 20N - 20S in the WCPFC Convention Area is 100% therefore purse seiners need to accommodate an observer at all times whether they are male or female; purse seine vessels should change their crew and officer cabin configurations and make available a separate single person cabin for an observer regardless of whether they are male or female.</p> <p>Currently on some purse seine vessels, accommodation may be space dependant and they may not have the facilities to accommodate women in a separate cabin. In these cases the provider should check to ensure there is adequate privacy for the female observer. A vessel currently unable to accommodate an observer in a single person cabin would be expected to alter their cabin configurations when they next visit a ship yard, to accommodate an observer in a single room cabin.</p> <p>Female observers would expect a vessel to have a private shower and toilet for female observer, however if this is not possible, the presence of a female observer on board will require some scheduling and changes in crew habits.</p> <p>Female observer will have different problems when placed on long liners and whilst there are many female observer placements on varying sizes of long liners in many programmes around the world, including a number of placements by ROP authorised programmes. It is recognised there may be some accommodation and showering inconvenience associated with these placements.</p>	<p>Issue 5</p> <p>All participants agreed that all gear type vessels will have to accommodate female observers; and the following comments and suggestions were made;</p> <ul style="list-style-type: none"> • Female observers placed on a vessel with an all-male crew where possible must be accommodated in a separate cabin; • If a female observer is sharing a cabin with other crew some coordination of privacy is required; • A female observer should have their own toilet and shower facilities that can be provided for the exclusive use of the female observer. • In cases where the facilities do not allow the female observer to have their own shower and bathroom facilities then the scheduling of the use of shower facilities must be made clear to all members of the crew and the observer. • If a vessel does not have separate cabins for female observers, accommodation proposed must be approved by the provider and the observer, before the observer boards the vessel. • Purse seine vessels should now be familiar and prepared for 100% observer coverage; all purse seine vessels should have a dedicated observer space and bunk. Observers also have an obligation of security of their data. So in addition to the personal privacy requirements of female observers, all observers need to be able to secure their data and should be accommodated accordingly. • This issue is much more difficult on longliners, special arrangements between provider and operator would need to be in place, should a female observer be placed on small longliners. • This really is an issue between providers and operators

	<p>to ensure the safety and security of their observers.</p> <ul style="list-style-type: none"> • As far as purse seine vessels is concerned there is now 100% coverage. Vessels need to alter the configuration of their crew quarters, to accommodate an observer in a single cabin, or if this is difficult no more than a two-man cabin, no matter if they are male or female. • The standard as agreed for observers is accommodation for observers to officer standard. If vessels honoured this agreement there should not need to be special allowance for a female as the cabin should be fit for either male or female. • Integrate this into national license conditions. The observer room on a purse seiner should be a designated observer cabin onboard for both male and female observers. • Observers on purse seiners should have separate private room to be used by both males and females. • It is time that purse seiners have dedicated accommodation for observers and it is long overdue that observer treatment onboard be lifted to the officer status that has been required ever since I came into the region 20 years ago. Some smaller purse seiners in the region (Philippine purse seiners in PNG that have been required to have 100% coverage for a lot longer) have already set the example with dedicated observer cabin with toilet and shower – there is therefore no longer any excuse for most larger purse seiners not to do the same – it should be mandatory. The female observer will then be a non-issue for purse seiners although the guidelines for longline coverage will also need to be looked at.
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Recommendations 9 -13 to TCC9

TCC9 Agrees that:

- 9. purse seine vessels will reconfigure cabin allocation as soon as practical, so there is a single person cabin available for use by all ROP observers;**
- 10. female observers on a purse seine vessel with an all-male crew must be accommodated in a single person cabin;**
- 11. purse seine vessels will reconfigure toilet and shower facilities as soon as practical so there is female only toilet and shower facilities when on board;**
- 12. if a cabin assigned to a female observer does not have its own toilet and shower facilities that can be provided for the exclusive use of the observer, then the scheduling of the use of shower facilities must be established and made clear to all members of the crew and the observer;**
- 13. long line and other gear type vessels accommodating observers, especially female observers, should make available a single person cabin; if this is not possible due to the configuration of the vessel or its size; female observers should only be considered where adequate privacy, including toilet and shower facilities can be guaranteed. The observer provider will make the decision on the adequacy of the facilities for the placement.**

<p>Issue 6</p> <p>Communications by observers prior to arriving in foreign and or home ports</p> <p>Overview</p> <p>To be able to better facilitate observers when they arrive on a vessel in a port, and to prevent observer programme personnel from having to facilitate the observer at very short notice, as well as the requirements to organise disembarkation and flights and other in-port requirements. It was felt by many providers that ROP observers must inform the providers of their intending arrival in the port to which the vessel is heading. The observer should inform the provider when they are scheduled to arrive and also what requirements they may wish to have organised such as pickups, accommodation, flights etc.</p> <p>The observer should do this either, by going through his own provider, or direct to the provider in the country where the vessel intends to come to port.</p>	<p>Issue 6</p> <p>TAG participants had various views on this issue, but all agreed that when an observer is coming into a port that the knowledge of their arrival is important to the provider at that port, as these providers are generally asked to assist in the facilitation of the observer.</p> <ul style="list-style-type: none"> • Observer providers should have proper coordination with other providers, and should notify the observer programme of the country in case they have an observer which will board/disembark in one of their ports. • Information should be conveyed by the observer when it is known, preferably at least 3 to 4 days before the observer’s vessel is scheduled to arrive. The information the observer should supply is the name of the port and their estimated arrival date and time, and whether they are wishing to disembark or continue on their trip. The earlier the information is given the better it will be in helping to find another observer, therefore not delaying the eventual departure of the vessel. • Notification well in advance with at least 48 hours notification before port entry. This is necessary to provide enough time for the coordinators, agents and vessel companies to arrange for repatriation, allowances, accommodation etc. • The observer must indicate within an absolute minimum of 5 days if he/she is wishing to disembark the vessel and if required have travel organised. • Observers as a routine should remain in contact with their provider. The observer provider should have a weekly reporting system that indicate the end of a trip is imminent and whether he/she intends to disembark.
<p>Recommendations 14 to TCC9</p> <p>TCC9 Agrees that :</p> <p>14. ROP observers must inform the providers in the port which the vessel is heading at least 72 hrs before arrival in the port. Information to be supplied should include;</p> <ul style="list-style-type: none"> • scheduled date and time of arrival; • whether observer will stay on vessel for another trip (trip must be approved by provider of the observer); • requirements that the observer may wish to have assistance, such as pickups, accommodation, flights, etc; 	

Issue 7

Notifications of newly trained observers to the Commission ROP.

Overview

Observers that are used in the ROP were to be originally authorised by the Commission Secretariat (Article 28 Para 3 of the Convention); However, members decided at the IWG –ROP meetings that this process would be time consuming, costly and difficult to do on an individual basis. It was agreed that a sensible approach would be to authorize programmes and that this would automatically authorise the observer providing the observer was nominated and had been trained as per the required minimum standards of the Commission.

It was agreed that at the time of being audited for authorisation to be part of the ROP, all programmes would submit lists of their active observers to the Commission Secretariat.

As a large number of observers are being utilised across all programmes, it is important to have a central point of information and knowledge of the names of authorised observers from all ROP programmes.

Fishing vessels and fish carriers often check with the Commission Secretariat to ensure the person they are getting on board for a trip is a qualified observer;

In the past a small number of observers have been detected on board vessels to which there is no knowledge, after checking and trying to confirm that the observer on board has undergone the appropriate training as required by the Commission standards. Most were found to be newly qualified observers, but their status was not known to the Commission Secretariat at the time. This created unnecessary work in trying to verify the person on board was a qualified observer.

Issue 7

Participants across the board agreed that having a central list of observers would assist all programmes to ensure the person they are dealing with is a properly trained qualified observer.

- CCMs Observer Programmes should update the Commission Secretariat of their active lists of observers and to also remove observer that are blacklisted in their programmes.
- Having a centralised list of observers does facilitate the use of authorised observers, and ensures that only certified observers of accredited programmes are used, and that the ‘observer’ is not a reassigned crew member of the vessel;
- SPC and FFA Training teams should send the list of successful observers from FFA/SPC countries right after the training to the Commission Secretariat;
- Up to date lists should be sent to the Commission Secretariat but consideration needs to be given as to when an observer name is to be removed from the list of active observers – if there is a period of inactivity the observer name should be removed from the list?
- Having an active list of observer is good, but we need to make sure we remove observers who have violated their Code of Conduct.

Recommendation 15 -17 to TCC9

TCC9; Agrees that

- 15. All observer programmes authorised to be part of the ROP will send to the Commission Secretariat as soon as practical the names of trained observers, who have been trained and qualified to operate as an observer in the ROP;**
- 16. All observer programmes authorised to be part of the ROP must inform the Commission Secretariat of the status of their active observer list; at least every 3 months. i.e. Feb, May, Aug, Nov and Feb**
- 17. Observer removed from an active observer list of a national programme for serious breaches of their Code of Conduct or for other reasons, must be informed to the Commission Secretariat as soon as practical, when the observer is deactivated.**

<p>Issue 8</p> <p>The FFA/SPC Regional Observer Coordinators Workshop asked that the TAG be tasked to look at operational mechanisms to decrease incidents of corruption such as black mail, bribery and extortion.</p> <p>Overview</p> <p>At the recent “<i>International Fisheries Observer & Monitoring Conference</i>” held in Chile, a delegate raised concerns about the ability of WCPO observers to collect worthwhile observer information. The WCPFC and SPC delegates at this meeting defended the ability of WCPFC observers very strongly, and many countries and overseas programmes also showed strong support for the WCPFC ROP.</p> <p>However, during these discussions it was raised that a number of WCPFC observers had discussed anecdotally to personal in some of the ports that vessels were trying to, or had bribed them to not report certain incidents. There are a couple of known cases involving observer bribery & corruption reported in ROP of the WCPFC.</p> <p>The recent FFA/SPC Regional Observer Coordinators Workshop (ROCW) proposed ways of deterring these incidents occurring including paying higher salaries for observers, programmes refraining from using vessels or agents to pay observers (advances, tickets etc.), limiting the number of trips on same vessel, training debriefers to look for signs of unethical or illegal behaviour and ensuring successful investigations resulting in severe penalties are widely reported. Suggestions were made at the ROCW that the TAG could look at some of the operational aspects to prevent this issue, however they also thought that a Commission consultancy to look at the issue may also be a good idea.</p>	<p>Issue 8</p> <p>TAG participants all showed great concern about this issue and many suggestions and solutions were offered</p> <ul style="list-style-type: none"> • The concern about corruption such as black mail, bribery and extortion must be resolved by the observer Providers by devising operational mechanisms; • The Commission TAG does need to develop guidelines to reduce the opportunity and perception of corrupt arrangements between observers and the vessel operators. • A regional (PIRFO) operational manual would facilitate the adoption of transparent financial mechanisms by Pacific observer providers; • This is beyond the responsibility of the TAG, and TAG should recommend to the Commission, to employ an expert “Criminal Corruption Consultant” to prepare a report on corruption, bribery, by vessels and blackmail and extortion by observers when on vessels. The report should include possible causes and solutions to the problems if it was found to be occurring; • This is beyond scope of the TAG; • To assist in controlling these issues, there should be a substantial increase in salary and sea days allowances; • Give incentives for observers who report incidents onboard the vessels- include these incentives in their contracts with their employers; • Certified debriefers must be able to identify incidents onboard. –debriefing training should focus more on how to identify these incidents or issues; • A consultancy on this matter would allow us to learn the true extent of such activities so we know just how much work needs to be done would be helpful; • This issue is a very good reason to move quickly towards electronic recording of observer activities – real time recording with instruments that trap time and position data with every data point entered; this will go a long way to helping us investigate just how honest a worker an observer onboard is.
<p>Recommendation 18 to TCC9</p> <p>TCC9 Agrees that</p> <p>18. The Commission task the Secretariat with contracting a qualified consultant on the issues of observer corruption, to look at all types of corruption including black mail, bribery and extortion and report the findings and offer solutions as appropriate to TCC10 and WCPFC11.</p>	

<p>Issue 9</p> <p>TAG look at the inclusion in documentation handed out to observers when leaving for a trip, of up to date summaries of CMMs that affect observer activities.</p> <p>Rationale</p> <p>Observers need to have the latest information on the information they are collecting; there are many rules on restrictions, closures and other compliance issues, as well as special reporting of items for scientific purposes. These are introduced or revised on a continual basis at WCPFC meetings and it is difficult for observers in the field to keep up with all the changes.</p> <p>The failure of delegates at meetings in passing on this information to the observer programmes that need to know is often given as a reason why observers are uninformed of any changes, although it has been noted that observer coordinators and managers can get this information from the WCPFC website almost immediately it has been approved.</p> <p>The Commission Secretariat have created power point presentations for use at observer training sessions on relevant CMM's that involve observer input and some countries have devised their own training modules on this matter. The power point presentations have also been used to create electronic documents on CMMs by some observer programmes.</p> <p>There are a number of propositions to have a CMM document produced on an annual basis. There would be some small costs involved if were to be produced as a publication each year.</p> <p>TAG participants pointed out that National Programmes, PNA, and FFA also have rules that could influence observer data input.</p>	<p>Issue 9</p> <p>TAG participants generally support that the WCPFC Secretariat should produce a document each year to give to observers.</p> <p>TAG participants suggestions and comments</p> <ul style="list-style-type: none"> • A simple, but professional looking A5 handbook updated and distributed <u>every year</u> should be produced with cover title “How WCPFC CMMs affect Observers”2013; This handbook should have elements of CMMs that have impact on observer activities and clearly describe what observers need to know in order to better carry out their work to support those CMMs. • Documentation should include fisheries policies and regulations of each country, as compatible measures relevant to CMMs, so that national observers should also be aware. Handbooks/Manuals must be developed by each observer programme and to be submitted to Secretariat to be made available for download online and must be updated regularly. • Providers should be informed on the Web Site when new information and requirements on CMMs are available • CMM's should be printed inside observer workbooks. • Other organisations such as PNA, FFA and the individual countries with observer programmes will often have rules that observers may need to be aware of as well. Therefore if the WCPFC create a document of CMM rules that affect observer activities on its website, it would be worthwhile if other information from other organisations was also included. • The Commission Secretariat should update all regional coordinators on relevant CMMs so we can issue to observers or inform them during national refresher courses or pin up on office notice boards for observer references. • The Commission Secretariat has been asked for this information and programmes are developing summary materials that are being used in training. • National programme coordinators generally do not attend Commission meetings; therefore a CMM list should be made available by the WCPFC Secretariat. • Direct sourcing of information from Secretariat to coordinators level is important because some of the information does not come down to our level from our bosses attending these meetings.
<p>Recommendation 19 to TCC9</p> <p>TCC9 Agrees that</p> <p>19. The Commission Secretariat will prepares and produces a “Handbook of WCPFC Conservation Management Measures” (CMMs) relevant to on board fisheries observers; CMM Handbook to be updated on an annual basis.</p>	

Attachment 1.



**Eighth Regular Session
Tumon, Guam, USA
26–30 March 2012**

TERMS OF REFERENCE FOR THE ROP TECHNICAL ADVISORY GROUP

WCPFC8-2011-25

DRAFT TERMS OF REFERENCE FOR ROP TECHNICAL ADVISORY GROUP

1. The purpose of establishing a ROP Technical Advisory Group, established as the subsidiary body of the TCC, is to address, in a manner consistent with the Convention and CMMs, operational and technical issues of the Regional Observer Programme (ROP):
2. The ROP Technical Advisory Group will consist of all nominated sub regional and national ROP Coordinators from programmes authorised to be part of the ROP; a representative from the WCPFC Secretariat and a representative of the Science Provider (SPC) and as needed qualified individuals nominated by CCMs.
3. The ROP Technical Advisory Group shall report to the TCC and Commission only on technical and operational issues of the WCPFC ROP.
4. The ROP Technical Advisory Group will conduct its business electronically unless otherwise requested by the Commission.
5. The ROP Technical Advisory Group will consider, from a technical and operational basis, and provide recommendations to TCC on:
 - a. the development of minimum technical and operational standards for practical implementation and operational advice of the ROP consistent with Article 28 of the Convention and the CMMs of the WCPFC Commission; and
 - b. any technical and operational matters regarding the ROP referred to it by the Commission, the TCC, the SC or the NC.
6. The ROP Technical Advisory Group will advise the TCC and the Secretariat on the development of a method of work and communications that will enable ROP technical and operational issues to be identified and resolved.
7. In developing its recommendations, the ROP Technical Advisory Group shall take into account the need for cost-effectiveness and, where applicable, identify the costs associated with the various mechanisms and processes identified.
8. The ROP Technical Advisory Group will not provide recommendations on matters related to policy or review existing agreements or CMMs. When a question as to whether a matter is viewed by participants as being related to policy or review existing agreement or CMMs, it will be referred to the WCPFC Legal Advisor for a final determination.
9. The Technical Advisory Group will perform its work from immediately after Commission approval until September¹ 2012 unless a decision is taken to extend the TAG.