



**FOURTH MEETING
INTERSESSIONAL WORKING GROUP
REGIONAL OBSERVER PROGRAMME (IWG-ROP4)
Novotel Hotel, Nadi, FIJI
July 6 - 8, 2015**

SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING AND REVIEW OF BACKGROUND

1.1 Welcome

1. The WCPFC Compliance Manager called the meeting to order, and introduced the WCPFC Executive Director, Mr Feleti P. Teo OBE, the IWG-ROP Chair, Mr Raymond Clarke and the Secretariat staff supporting the meeting. The WCPFC Executive Directors opening remarks are attached at **Attachment 1**.
2. The following members, cooperating non-members and participating territories (CCMs) attended IWG-ROP4: Australia, Cook Islands, Federated States of Micronesia (FSM), Fiji, Japan, Republic of the Marshall Islands (RMI), Nauru, Papua New Guinea (PNG), Solomon Islands, Chinese Taipei, Tonga, Tuvalu and United States of America (USA).
3. Intergovernmental organisations the Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement (PNA) Office, and the Secretariat of the Pacific Community (SPC) attended IWG-ROP4.
4. Observers representing University of the South Pacific (USP), Birdlife International and World Wildlife Fund (WWF) also attended IWG-ROP4.
5. A list of IWG-ROP4 meeting participants is at **Attachment 2**.

1.2 Adoption of Agenda

6. The provisional agenda (WCPFC-2015-IWG-ROP4-02_rev3) as adopted is at **Attachment 3**.

1.3 Chairs overview of ROP since the last IWG-ROP in 2009

7. The Chair overviewed the development and implementation of the Regional Observer Programme. He also paid tribute to Dr Charles Karnella, who was Chair for the first three meetings of the IWG-ROP, and had recently retired. The Chair provided some introductory remarks to guide the work of the IWG-ROP4 deliberations. He noted the following key points:

- i. The health and safety of the observer must be a prime consideration in the deliberations during the IWG-ROP;
- ii. IWG-ROP4 will be reviewing the procedures and pathways for data flows from observer to programme and through to the Commission and relevant countries;
- iii. The early years of the ROP was focussed on training and logistics to support the implementation of the 100% observer coverage on purse seine vessels requirement in CMM 2008-01 and its subsequent CMMs;
- iv. In more recent years, the emphasis in observer programmes has shifted to the issue of data quality and debriefing procedures, as well as implementation of the 5% coverage rate on longline vessels which might be considered a preliminary level;
- v. Ensuring the highest quality of data collected by observers must be an important consideration for the ROP;
- vi. The national and subregional Observer Coordinators, and their regular regional workshop (ROCW) will remain an important forum to support the implementation of the ROP;
- vii. Linkages to electronic-reporting technologies are going to be important for the IWG-ROP to keep in mind; and
- viii. As an observation, most observer programmes are operating under a user-pay model, with some differences in the levels of national government contributions. In moving to this model consideration will need to be given to how regional organizations which have traditionally provided capacity building and assistance can continue their appropriate roles moving forward under the user pay mode.

1.4 Status report from Secretariat and priorities as deemed by TCC, SC and WCPFC meetings

8. The Secretariat referred IWG-ROP4 participants to WCPFC-2015-IWG-ROP4-03 reviewing that many of the highlights for the ROP noted in the paper had been covered in the opening statements of the ED and the Chair. The Secretariat confirmed the paper as a reference document for participants and noted that the paper includes as attachments the ROP-related outcomes from WCPFC11 (excerpts from the WCPFC11 Summary Report), Article 28 of the Convention on Regional Observer Programme, CMM 2006-07 which established the IWG-ROP and CMM 2007-01 which operationalises Article 28 of the Convention.
9. It was noted that the ROP has both a science and compliance function, the report of IWG-ROP4 will also be tabled at SC and TCC for their comments, as appropriate.

AGENDA ITEM 2 — PREVENTING AND DETERING MISCONDUCT OF OBSERVERS

10. The Secretariat presented WCPFC-2015-IWG-ROP4-05. The Commission tasked the IWG-ROP4 to discuss the suggested mechanisms to Prevent and Deter Alcohol related misconduct of Observers (Ref: WCPFC11 Summary Report para 489 (i) and Attachment

M). The contents of WCPFC-2015-IWG-ROP4-05, Table 1 originated from the work of the ROCW, and subsequently developed through the ROP-TAG, for consideration by TCC.

11. Participants exchanged views on their experiences and observer programmes procedures for the issue. It was also noted that practices and circumstances on vessels may differ and that this was a factor that may need to be considered in the approach on this matter.
12. **The IWG-ROP agreed to recommend the suggested mechanisms (Table 1 of WCPFC-2015-IWG-ROP4-05) as Guidelines for national and subregional programmes. (Attachment 4)**
13. **IWG-ROP also agreed that it would be a helpful procedure to ensure that an individual vessels policy on alcohol consumption during a trip was clarified at the time of observer placement.**
14. **IWG-ROP recognised there may be merit in observer programmes considering a form that provides a mechanism for vessels to report back to the observer programme on the behaviour of an observer following the end of a trip.**

AGENDA ITEM 3 — ROP IDENTIFICATION CARDS

15. The Secretariat presented WCPFC-2015-IWG-ROP4-06, noting that the IWG-ROP was being asked to review, and provide as appropriate, recommendations on the guidelines for minimum required information for the ROP identification cards.

WCPFC GUIDELINES FOR OBSERVER IDENTIFICATION CARDS

Suggested minimum required information on the front of each card:

- 1) Name of the observer
- 2) Name of the observer provider
- 3) Nationality of the observer
- 4) Unique identifying number for the observer
- 5) Passport style photo of the observer

Information that could be placed on either the front or back of the card:

- 6) Issue date and Expiry date
- 7) WCPFC logo to indicate observer is ROP observer
- 8) Logo of Programme and or Country Flag

Optional information that could be included on the back of the card:

- 9) Signature of Observer;
- 10) Status of observer Qualifications.

16. The IWG-ROP4 participants exchanged views on their respective national requirements for observer identification, noting differences amongst programmes in the fields that are included, the period of validity of employment contract for observers, and the extent to which cards may support the role of the observer. It was noted that some observer

programmes operate primarily on non-ROP trips, while others may operate within the jurisdiction of multiple RFMOs (e.g., IATTC or IOTC), and this may add some complexity to having a standard “regionally issued” ID card for observers.

17. Some observer programme coordinators noted that they would like to provide an ID card to their observers and indicated that this was an area that they would like to receive assistance. SPC confirmed that they are in the final stages of preparations to issue Pacific Islands Regional Fisheries Observer (PIRFO) certification cards to all SPC/FFA trained observers. The WCPFC Secretariat reiterated their willingness to assist those national and subregional programmes that may require assistance with developing and producing observer ID cards.
18. **The IWG-ROP4 agreed to recommend that:**
 - i. **the currently agreed WCPFC Guidelines for Observer Identification Cards should continue as guidelines in the ROP;**
 - ii. **an observer ID card should be required for participant programmes in the ROP; and**
 - iii. **the Secretariat should provide assistance to those national observer programmes authorised to be part of the ROP, which need assistance in developing and obtaining observer ID cards for their observers.**
19. Participants were supportive of the Secretariat maintaining a centralised database of all ROP observers. In this respect it was reiterated that the Commission had already agreed to timeframes and reporting requirements for observer programmes to keep the Commission informed of their list of trained observers (TCC9 Summary Report paragraphs 198 – 200 WCPFC10 Summary Report paragraph 260).
20. **The IWG-ROP also recommended that previous commission decisions setting out the process for the Commission to be kept informed by ROP observer programmes of their lists of authorised observers should be implemented. In particular, it was recommended that:**
 - i. **All observer programmes authorised to be part of the ROP will send to the Commission Secretariat as soon as practical the names of those individuals who have been trained and qualified to operate as an observer in the ROP.**
 - ii. **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, e.g. February, May, August, November, February, etc.**
 - iii. **Observers 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.**

AGENDA ITEM 4 — HIGH SEAS TRANSSHIPMENT MONITORING

21. The Secretariat presented WCPFC-2015-IWG-ROP4-07, noting that the IWG-ROP was being asked to discuss and provide direction on transshipment notification rules, and proposed draft amendment to CMM 2009-06.
22. Following some questions of clarification of the proposal, the participants indicated their support to the principle being proposed, and noted their expectation that the procedures could improve transparency of high seas transshipment activities.
23. **The IWG-ROP supported in principle that the Commission consider adopting the proposed amendments to CMM 2009-06, to establish additional reporting requirements for receiving vessels operating in the Convention Area. (Attachment 5)**
24. **The IWG-ROP recommended as guidelines a suggested format for reporting to the Secretariat (Attachment 6).**
25. **The IWG-ROP noted that the TCC may have some editorial suggestions to the proposal in Attachment 5, and recommended that these should also be considered by the Commission, as deemed appropriate.**

AGENDA ITEM 5 — PROCESSES TO FACILITATE PROVISION OF OBSERVER DATA AND PLACEMENT INFORMATION TO THE COMMISSION

26. The Secretariat presented WCPFC-2015-IWG-ROP4-09, noting that the WCPFC11 tasking which was “noting that WCPFC11-2014-DP07 was not agreed, WCPFC agreed that the IWG-ROP should encourage discussion to develop processes to facilitate the provision of data, including observer reports, from the observer providers and placement information from Flag States to the Commission.”
27. The IWG-ROP4 participants discussed the Chairs proposal in WCPFC-2015-IWG-ROP4-09, and considered that with some modification, it may be possible for observer providers to provide some advanced notification to flag CCMs of possible alleged infringements by their vessels. Participants also agreed that the health and safety of the observer must be paramount in any proposed pre-notification process, and that the WCPFC data access rules can be applied in disseminations by the Secretariat to protect the identity of the observer. Flag CCMs could commence their investigations of possible alleged infringements, including contacting the relevant observer provider for additional details on the possible alleged infringement. The proposed pre-notification process is intended to provide through the Commission an advanced subset of ROP data, and would not alter the usual ROP data flows to the Commission.
28. **IWG-ROP recommended that all ROP authorized observer programmes provide to the Commission Secretariat in a timely manner the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 (Attachment 7), as a means of supporting a pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels. To facilitate the pre-notification process it was recommended that only those data elements answered in the affirmative by observers would be provided to the Commission Secretariat for transmittal to the flag CCM.**

29. **The IWG-ROP also recommended to support the pre-notification process, that there are two additional fields that should be provided by observer providers to the Commission Secretariat to support a flag CCMs investigations of any possible alleged infringements. These are:**
 1. **“start date of trip and end date of trip”**
 2. **“status of the debriefing process” i.e, “debriefed”, “pre debriefed” or “not debriefed”**
30. **The IWG-ROP agreed to recommend the proposed process in Attachment 7 as the basis of a pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels.**
31. **The IWG-ROP noted that the requirement of providing the pre-notification data elements to the Commission Secretariat, may not be required where there are domestic requirements enabling access by vessel operators to observer data.**

AGENDA ITEM 6 — ROP COVERAGE ON LONGLINE FLEETS

32. The Secretariat presented WCPFC-2015-IWG-ROP4-08, noting that in accordance with CMM 2007-01 that there has been a 5% ROP observer coverage rate requirement for longline vessels that has applied since 30 June 2012. WCPFC11 had agreed on some guidelines for flag CCM reporting on the implementation of the 5% ROP observer coverage rate, so as to improve the understanding and information on both a CCMs choice of metric and the level of coverage across WCPFC fisheries (WCPFC11 Summary Report para 483 – 486 and Attachment L). The Secretariat drew the attention of IWG-ROP participants to the final pages in the paper, which contained a circular sent by the Secretariat collating the CCM advised 2013 information on ROP longline coverage. It was noted that the guidelines remain open for review and adjustment by TCC, and the 2014 information reported by CCMs in their Annual Report Part 1 will be collated and reported to SC11 and TCC11. CCMs may also advise the Secretariat of any updates to their 2013 reported information, as the 2013 table will be included in papers to SC and TCC.
33. The IWG-ROP participants reviewed the progress made by CCMs in meeting their responsibilities for observer placements on longline fleets. They noted that for some fleets and fisheries there needs to be some continued effort needed to fully meet the longline observer coverage rate. It was also noted that it was clear that use of a different metrics can give an overall different coverage rate.
34. On reviewing the metrics that each CCM has chosen for 2013 reporting, the IWG-ROP3 participants noted footnote 3, and that one CCM had chosen a different metric from the four which CCMs had agreed would be reported on in the WCPFC11 decisions. The IWG-ROP participants agreed that additional information would likely assist SC and TCC with being able to compare with other metrics.
35. **The IWG-ROP encouraged CCMs to consider**
 - i. **reporting on ROP longline observer coverage rate in more than a single metric, to provide comparisons; and**

- ii. **more precisely defining the fisheries for measuring and monitoring ROP longline observer coverage, which considers the operational area and targeting practices of the vessels within a CCMs fleet.**

AGENDA ITEM 7 — ROP DATA FLOWS FROM OBSERVERS TO THE COMMISSION

36. The Secretariat presented WCPFC-2015-IWG-ROP4-04, noting that for a number of reasons, the TCC has not been able to assess the completeness and timeliness of ROP data submissions to the Commission. TCC10 had requested the IWG-ROP to encourage discussion to develop processes to facilitate the provision of data, including observer reports, from the observer providers and placement information from flag States, and to discuss and provide guidance on a more precise understanding of the responsibilities of the flag State in CMM 2007-01 Attachment K Annex C Paragraph 4.
37. The IWG-ROP4 participants noted that there are a variety of arrangements for provision of observer data to the Commission. The participants also noted that there has been improvement in the flows of observer data to the Commission in recent years, but that additional efforts are still needed.
38. IWG-ROP participants noted that it was possible that electronic technologies, particularly electronic reporting, could provide improvements to the timeliness of ROP data flows into the Commission.
39. **IWG-ROP recommended that flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission.**

AGENDA ITEM 8 — DEFINITIONS AND CLARIFICATIONS

Sourcing observers

40. The Secretariat presented WCPFC-2015-IWG-ROP4-10, and overviewed the background to the issue of sourcing of observers in the ROP. The IWG-ROP had been tasked by the Commission with providing advice on the matter of interpretation of CMM 2007-01 paragraph 9: “CCMs shall source observers for their vessels as determined by the Commission.” It was noted that there is a linkage between the Convention and CMM provisions on this matter, which suggests that for ROP trips, observers should be sourced from authorised ROP programmes. In the paper it was noted that there was a linkage between the sourcing and the views of different CCMs on the interpretation of the Hybrid Approach/Model (WCPFC-2015-IWG-ROP4-12).
41. FFA members noted that the papers on the sourcing of observers (IWG-ROP-10), and hybrid approach (IWG-ROP-11), (including the proposed definitions) omits a core principle of the hybrid approach. The hybrid approach is described in TCC1/14:

Under this approach Commission members would be free to choose the source of observers from either the national observer programmes of other Members or from the existing sub-regional programs

The FFA view is that the sourcing of observers from other observer programmes is a principle element in the implementation of the hybrid approach, and the basis for which FFA members have developed their programme and entered into arrangements with other CCMs.

Definitions

42. The IWG ROP reviewed WCPFC-2015-IWG-ROP4-12 that provided background information and draft definitions for a variety of terms related to the placement of observers on WCPFC ROP trips. The group modified several of the proposed definitions that are found in **Attachment 8**.
43. Although there was general agreement on the definitions developed for these terms, several delegations held the view that although the elaboration was helpful in clarifying some matters, that they should be reviewed by the TCC11 and SC11.
44. **IWG-ROP agreed that the group had taken the process of determination of definitions of key terms related to the placement of observers on ROP trips as far as it can at this time (as contained in Attachment 7) and that the matter be left open for TCC11 and SC11 review and input prior to consideration by the Commission.**

Hybrid Approach

45. The Secretariat presented WCPFC-2015-IWG-ROP4-11 which provided background information on the issue of implementation of the hybrid model for observer sourcing, along with a variety of suggestions as to how to more precisely define that approach. The objective is to allow for clarification of matters that have been the subject of controversy since the original decision to adopt an observer sourcing standard.
46. Although the paper provided a number of viable suggestions and that some delegations were willing to consider the proposed clarifications, other delegations believed that the issue of the source of the observers for ROP trips continues to need further consideration.
47. Longstanding views on the appropriate implementation of the hybrid approach were provided by various delegations. Although the views expressed suggest considerably different perspectives with respect to the sourcing of the observers, there appeared to be some agreement that CCMs believed a common approach may be of benefit to the Commission.
48. Some CCMs noted that currently provide the Secretariat on a recurrent basis a listing of the observers placed for ROP trips, and for some includes both information on the ROP observer programme and nationality of each observer. Other CCMs appear not to be providing this information.
49. **IWG-ROP recommended that all relevant CCMs provide to the Commission Secretariat a listing of the nationality of the observers and the national observer programme with which they are associated, placed on their flagged longline vessels for ROP-eligible trips. This information should be appended by fishery to the Table that is to be prepared by the Commission Secretariat, with assistance from SPC-OFP, which collates 2013 and 2014 ROP longline coverage rate information across the four metrics (WCPFC11 Summary Report para 483 – 83 Attachment L), relevant**

information would be subject to the Commissions data rules. If this is not possible to be included in advance of SC11, it should be included in the TCC11 version of the paper, to assist further deliberations on this matter.

AGENDA ITEM 9 — OTHER MATTERS

50. WWF recommended that issuing *inReach* satellite communicators to all deployed observers would significantly improve their safety and security and noted that a cursory analysis estimated that the cost of purchasing the device under an assumed 20% observer coverage of all vessels would cost only USD\$250K. This tool would (1) function as an Emergency Position Indicator Radio Beacon (EPIRB); and (2) function as a direct and unfettered line of communication between the observer and the observer provider. For communication, its value would be two fold by increasing the safety of the observer by offering a secure and immediate form of communication, while also providing a deterrent to potential threats, intimidation, or harassment from vessel crew.

AGENDA ITEM 10 — OUTCOMES/RECOMMENDATIONS & CLOSING

51. The workshop reviewed and agreed the recommendations and relevant attachments. Participants were invited to provide any further editorials of a non-substantive matter to the Secretariat before the end of the day.
52. The Chair thanked participants for their contributions to the discussions during the IWG-ROP4. He noted that although there were some remaining long-standing positions which were maintained during the discussions, that the meeting has been able to focus on the key priorities of ensuring observer health and safety, and provide recommendations towards ensuring the highest quality of data is collected by observers. The Chair also sought recognition of the strong support provided by the Secretariat in the preparation and implementation of this working group.
53. Tim Park, on behalf of the IWG-ROP4 participants thanked the Chair and the Secretariats support of the IWG-ROP meeting and its preparations.

WCPFC Executive Director; Mr Feleti Teo Statement at the Opening of the Meetings of the Inter-sessional Working Groups on the Regional Observer Programme and the Electronic Reporting and Monitoring

[At Nadi, Fiji on 6th July, 2015]

Colleagues, ladies and gentlemen. I appreciate and am grateful for the opportunity to make some remarks at this opening session of the meetings of the two inter-sessional working groups of the WCPFC taking place this week here in Nadi, Fiji Islands.

So let me firstly extend to you all participants a very warm welcome and a big nisa bula vianka to Nadi, Fiji Islands. But before I proceed with my remarks, let me acknowledge some people present in the room who have been instrumental in putting together the arrangements and materials for the two meetings. In that regard, I acknowledge the Chair-persons of the two working groups. Mr Ray Clarke of the USA who is the chair for the IWG on the Regional Observer Programme (ROP); and Ms Kerry Smith of Australia who is the Chair for the IWG on Electronic Reporting and Electronic Monitoring (ERandEM). Thank you both for your enormous input and guidance to the development of the meeting agenda and the meeting documentation.

As participants will recall there were two other IWGs that were tasked by the Commission to undertake specific tasks. One on FAD Managements Options and the other on a Catch Documentation Scheme. We do have with us this week Mr Brian Kumasi of PNG who is the chair of the FAD Management Options working group, and I wish to acknowledge him personally as well. We were also hoping to have with us this week the Chair of the Catch Documentation Scheme working group, Mr Alois Kinol also of PNG who due to other competing commitments he is unable to be with us this week.

Ladies and gentlemen. I had wanted to specifically acknowledge the Chair-persons of these IWGs because these officials have their own full time jobs, and because of these roles entrusted on them they have to put in extra efforts at no costs to the Commission but to the enormous benefits of all members of the Commission. So I commend and applaud all their efforts and the cooperative and collaborative manners in which they have worked with the Secretariat.

I also acknowledge representatives of all CCMs present here this week, in particular to those that provided feedback and input to the agenda and meeting material for the two meetings this week. I also acknowledge representatives of Observers, in particular those that have taken a keen and active interest in the work of these IWGs, I thank you also for your input.

I also acknowledge colleagues from our partner organisations, from FFA, SPC and USP. Last but not least, I acknowledge my own staff at the Secretariat.

As most of you know I am still relatively fresh at the Secretariat and I am most grateful for the technical guidance I receive from staff in our compliance division. We have with us here this week, Dr Lara Manarangi-Trott; the Compliance Manager; Mr Karl Staisch; Manager of the ROP; and Mr Donald David, Data Quality officer for ROP.

These meetings this week are in fact the first set of meetings of the Commission after I took office as your Executive Director in March of this year. And I made every efforts to be here for the start of what will be an interesting week as we collectively seek to improve the performance and operation of the ROP and to develop a new compliance tool for the Commission in the form of an electronic reporting and monitoring scheme.

So during the course of this week, we expect a mixture in the discussions of an existing compliance tool in the ROP and the discussion taking forward the aspiration to institute an electronic reporting and monitoring scheme for the Commission.

The first two and a half days, will involve discussions that will review and reflect on experiences from the implementation of the ROP over the last seven years. As you all know, the observer coverage in the tropical purse seine fishery has been at 100% for almost five years. The early years of implementing 100% observer coverage wasn't without its challenges for many of the national and sub-regional observer programmes as they strove to ensure supply of qualified and well trained observers to the ROP. In more recent times, there are now the requirement for 100% observer monitoring on the carriers receiving high seas transshipments, and the requirement for a minimum of 5% observer coverage in longline fisheries which has been in place for almost two years.

The IWG-ROP, under the chairmanship of Ray Clarke, is to review the operation and performance of the ROP and to seek to address the specific technical and operational issues identified and directed by the Commission in its meeting in Apia, Samoa last year. The underlying objective of the work of this IWG is to recommend improvements to the ROP and to promote a more consistent and more common understanding of the application of the ROP.

The second half of the week, is expected to focus on some preparatory work on a new and growing area of interest for the Commission. This is in the exciting area of utilizing existing electronic technologies in meeting reporting and monitoring responsibilities as Commission members. The preparatory work will, obviously need to take into account the efforts of many members of the Commission who have already commenced implementation of new electronic technologies to better support their fisheries monitoring, management and compliance and enforcement activities. In particular, the specific preparatory task that will be considered by the second IWG this week is the development of draft electronic reporting standards. It is also expected that a workplan for future work may be recommended, which among others will propose a schedule for the development of draft e-monitoring standards. The more immediate intention is to ensure that the Secretariat will have the capacity to receive a range of data and reports as required by CMMs and other decisions, which will be based on data collected through a members chosen national and / or sub-regional electronic technologies. The development of such standards and specifications, will be the task for the Electronic Reporting and Electronic Monitoring Inter-sessional Working Group to be chaired of Ms Kerry Smith. The ultimate objective of the work of this working group will be that, at some point in the future key, Commission members will be in a position to utilize these electronic technologies to meet their fisheries data reporting obligations.

So it will be a full work schedule for participants this week. I know most of you will be participating in both meetings. We have structured the agenda and meeting proceedings to keep them less formal and more interactive to facilitate free flowing discussions and participation.

Without taking up much more of your time I wish all of you successful deliberations.

And I wish Ray and Kerry well in presiding over you deliberations.

Thank you

END

Attachment 2 – participants list



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INTERSESSIONAL WORKING GROUP
REGIONAL OBSERVER PROGRAMME (IWG-ROP4)
Novotel Hotel, Nadi, FIJI
July 6 - 8, 2015**

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Attachment 3 –



**FOURTH MEETING OF INTERSESSIONAL WORKING GROUP OF REGIONAL OBSERVER
PROGRAMME (IWG-ROP4)
Novotel Hotel, Nadi, FIJI
July 6 - 8, 2015**

AGENDA WITH DRAFT INDICATIVE SCHEDULE

Monday 6th July 2015 (DAY 1)

Time	Agenda #	Item	WP IWG-ROP4-
0900	1.0	Opening of meeting/housekeeping	
0915	1.1	Appointment of Rapporteurs	
0920	1.2	Adoption of Agenda	
0930	1.3	Chairs overview of ROP since the last IWG-ROP in 2009	
0945	1.4	Status report from Secretariat and priorities as deemed by TCC ,SC and WCPFC meetings	03
1030	Morning Tea		
1100	2	Discuss the suggested mechanisms to Prevent and Deter Alcohol related misconduct of Observers <i>(Ref:WCPFC11 Summary Report para 489 (i) and Attachment M)</i>	05
1230	Lunch		
1330	3	Review and provide as appropriate recommendations on the guidelines for minimum required information for the ROP identification cards. <i>(Ref:WCPFC11 Summary Report para 482)</i>	06
1415	4	Discuss and provide direction on transshipment notification rules <i>(Ref:WCPFC11 Summary Report para 489 (ii))</i>	07
1500	Afternoon Tea		
1530	4 cont	<i>If needed, discuss and provide direction on transshipment notification rules (Ref:WCPFC11 Summary Report para 489 (ii))</i>	
	5	PRESENTATION: Noting that WCPFC11-2014-DP07 was not agreed, WCPFC agreed that the IWG-ROP should encourage discussion to develop processes to facilitate the provision of data, including observer reports, from the observer providers and placement information from Flag States to the Commission. <i>(Ref:WCPFC11 Summary Report para 493)</i>	09
1730	Finish Day 1		

Tuesday 7th July 2015 (DAY 2)

Time	Agenda #	Item	WP IWG-ROP4-
0900		Review of 1st Day	
0915	6	Advice from IWG-ROP on the metric for achieving 5% ROP longline coverage. Note WCPFC11 approved the guidelines for ROP longline coverage by fleet/fishery described in Attachment L Table 1, noting that it should be open to review and adjustments at future TCC meetings. <i>(Ref:WCPFC11 Summary Report para 483 – 486 and Attachment L)</i>	08
1030	Morning Tea		
1100	5 cont	CONTINUE DISCUSSION: Noting that WCPFC11-2014-DP07 was not agreed, WCPFC agreed that the IWG-ROP should encourage discussion to develop processes to facilitate the provision of data, including observer reports, from the observer providers and placement information from Flag States to the Commission. <i>(Ref:WCPFC11 Summary Report para 493)</i>	09
1230	Lunch		
1330	5 cont	<i>If needed, discuss “Noting that WCPFC11-2014-DP07 was not agreed, WCPFC agreed that the IWG-ROP should encourage discussion to develop processes to facilitate the provision of data, including observer reports, from the observer providers and placement information from Flag States to the Commission.”Ref:WCPFC11 Summary Report para 493)</i>	
	7	Discuss and provide guidance to WCPFC12 on the definition of the responsibilities of the providers and flag states in respect to the obligation CMM 2007-01 Attach K Annex C paragraph 4 <i>“4. No later than 31 December 2008: * Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission. * Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.” (Ref:WCPFC11 Summary Report para 489 (iii))</i>	04
1500	Afternoon Tea		
1530	8	Provide advice on matter of interpretation of CMM 2007-01 paragraph 9: “CCMs shall source observers for their vessels as determined by the Commission”. <i>(Ref:WCPFC11 Summary Report para 489 (iv))</i>	10
	8	Discuss the possible creation of an Annex to CMM 2007-01 or a separate CMM to define clearly and with no ambiguity the Hybrid model used for the Regional Observer Programme including Definitions – a. Principally b. Occasionally c. Adjacent. d. Independent and Impartial e. Observer Trip	11 12
1730	Finish Day 2		

Wednesday 8th July 2015 (DAY 3 - morning session only)

Time	Agenda #	Item
0900		Review of 2 nd Day
0915	8 cont	<i>If needed, continue discussion on Agenda 8 (Ref:WCPFC11 Summary Report para 489 (iv))</i>
	9	Other matters
	10	Clearance of Recommendations from IWG-ROP4
1030	Morning Tea	
1100	10 cont	Continue clearance of Recommendations from IWG-ROP4
1200	Finish Day 3	

Attachment 4 – table 1 of WCPFC-2015-IWG-ROP4-05

Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers

#	Suggested Mechanism	Possible result	Suggested Standards of the Commission to be applied
Training			
1	Continually and forcefully emphasize observer professionalism and pride early and often during training, clearly indicating that an observer is “on the clock” for the entirety of their observer contract and assignment.	This sets the frame for future observer behavior and could help self-select for observers less likely to engage in misconduct.	Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other code infringements.
2	Clearly and explicitly explain the rules, regulations, and Code of Conduct for observers related to misconduct, especially the consequences for violations, at several stages in training.	This should help improve the awareness of potential consequences and help deter some observers from engaging in misconduct.	Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other infringements.
3	Clearly and explicitly explain the rules and procedures for documenting potential misconduct violations. There should be a requirement of proof of misconduct which should place the burden on the vessel or vessel agent to provide an affidavit documenting the specifics of the observer misconduct, an opportunity for the observer to provide a response, and a written report summarizing the findings as well as an opportunity for both parties to comment in writing on the report.	This would ensure that the observer understands their rights and what steps they would take should they be accused of misconduct. Providing this information offers an additional incentive to behave while also informing the observer of their right to an unbiased investigation of the accusation.	Observer Training must contain a section on the rights and role of an observer in relations to any accusations made against him or her. Collecting of written affidavits plus substantiated evidence is required before any further undertaking can be made against the accused observer, hearsay and verbal complaints are not sufficient for remedial action or dismissal.
4	Clearly and explicitly explain the penalties schedule for violations, e.g. Arrest for alcohol related assault results in termination. The penalties schedule should include all scenarios, such as, if an observer is found guilty of misconduct that does not rise to the level of termination, the observer provider should provide a progressive performance evaluation that allows an observer to improve, with clear expectations in writing, including, where available, options for counseling and	This gives observers a clear understanding of what is at stake if they engage in misconduct and provides an additional deterrent effect, while also indicating to the observer their options for seeking treatment for <u>alcohol problems</u> .	An observer charged with a Code of Conduct infringement must be given every opportunity to defend him/herself against the claims that they have alleged to have committed. Drunkenness can be a problem for some who are normally good workers, all avenues of assistance should be made

#	Suggested Mechanism	Possible result	Suggested Standards of the Commission to be applied
	alcohol treatment and recovery programs.		available to the observer.
5	“3 strikes and you’re out rule” - Clearly and explicitly explain the penalties schedule for violations. If an observer is found guilty of misconduct that does not rise to the level of termination, then the observer should be informed and warned that they are on a “3 strike and you are out rule”. This allows an observer to improve, knowing that if they fail to do so; they will face termination from their observer role.	This gives observers a clear understanding of what is at stake if they engage in continual misconduct and provides an additional deterrent effect.	Observers who have problems with misconduct /drunkenness that is not considered a major event should be given a chance to redeem themselves. A standard for action for persons that continually offend should be put in place. The “3 strikes and you are out rule” could be applied for minor offences of drunkenness and other infringements.
Assignment			
6	Intervention at the point of assignment where the observer must read aloud the Code of Conduct before the observer provider and initial or otherwise acknowledge provisions specific to alcohol related misconduct.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given relevant sections to read and note on the Code of Conduct. This is a reminder what lays ahead of them if they infringe with misconduct and or drunkenness.
7	Intervention at the point of disembarking where someone explains the rules and consequences on what will happen if an observer drinks too much.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given copy of the Code of Conduct and solid verbal explanations’ on the relevant sections on the Code of Conduct. With emphasis on the local penalties and consequences if the observer breaches the Code of Conduct.
8	Prohibition and/or restrictions on the consumption of alcohol by observers during the term of their trip and return to home country.	Observer will not be permitted or will be expected to not exceed established limits for consumption of alcohol during their trip and return home subject to sanction. Dismissal as the penalty, will most likely deter some observers. <u>This is a rigid standard but prone to equitable</u>	All Observers are usually considered to be on contract from the start of their trip from their home base until they return to their home base; therefore they should not be permitted to indulge in the consumption of alcohol above specified limits for the period of their contract.

#	Suggested Mechanism	Possible result	Suggested Standards of the Commission to be applied
		<u>enforcement.</u>	
9	Requirement to remain on board the assigned vessel when in port and only disembark that vessel when the first flight out of the country to the observers homeport after completion of first trip comes available.	Cost implications as there would be no second trips, unless observers were not permitted to leave the vessel after the first trip and could only leave when departure for home country is organised.	Observers must stay on board vessels until the point of departure from the port to their home country occurs; also observers must stay on board in the port if they are asked to carry out a second trip on the vessel they are on board. Noting that there may be occasions that an observer disembarks the vessel to attend to personal business and/or for debriefing as appropriate.
10	All accommodation etc is organised with meals No alcohol permitted) and paid for by provider if observer lands in foreign port	Observer's accommodation and food (no alcohol permitted) is paid by provider to a set limit, - Small allowance to cover costs if observer has to travel or is going back for 2 nd trip.	Observer's accommodation and food is pre-organised and paid by provider. When an observer lands in a foreign port. This includes banning the sale of alcohol to the observer as part of the costs.

Attachment 5 – draft proposed amendments to CMM 2009-06

39bis. All fish carriers

- a) at least 24 hrs. prior to entry of the vessel into the WCPFC Convention area must inform the Commission Secretariat on their intentions to either tranship at sea, tranship in a designated port, tranship both in port and on the high seas or transit through the Convention Area;
- b) at least 24 hrs. prior to departing a port in the WCPFC Convention area must inform the Commission Secretariat on their intentions to tranship at sea or tranship in a designated port or tranship both in port and on the high seas or transit through the Convention Area;
- c) within 24 hrs. on completion of their transshipping activities at sea or in port in the WCPFC Convention Area must inform the WCPFC Secretariat of their destination port; and
- d) when intending to tranship at sea on entry into the Convention area, or departing from a port in the Convention area, will notify to the Commission Secretariat the name of the ROP certified observer onboard.

Notifications must contain the information in Annex IV to the Executive Director.

Note that the above proposed transshipment notification reporting to the Commission Secretariat is not intended to negate any current zone or port entry or exit procedures.

Annex IV

INFORMATION TO BE INCLUDED IN NOTICES TO THE EXECUTIVE DIRECTOR BY ALL FISH CARRIER VESSELS OF THEIR TRANSSHIPMENT INTENTIONS

The notices are to be made by all Fish Carrier vessels prior to entry into the WCPFC Convention Area or prior to departure from a port in WCPFC Convention Area

1. the Name and Call sign of the receiving vessel
2. the WCPFC Record of Fishing Vessel number (VID) of the receiving vessel
3. confirming the intention of the vessel, which is a choice of:
 - “intends to transship in port in the Convention Area”
 - “intends to transship at sea in the Convention Area”,
 - “intends to transship both in port and at sea in the Convention Area”, or
 - “is transiting through Convention area”.
4. the departure port
5. the intended date and time of departure from departure port (preferably in UTC)
6. the amount of catch on board at the time of this notice (in metric tons to the 1.0 level), and indication of whether when vessel when departs is Empty/Partially Full/Full
7. the days expected to remain in general area of transshipment location
8. the expected date of arrival and location of next port of entry
9. the name of WCPFC ROP observer on board, and the name of the WCPFC ROP programme that provided the observer

Attachment 6 - suggested format as guidelines for notices of fish carrier transshipment intentions

Using the data fields identified in Annex IV - the following format (FC-6) could be employed by interested CCMs:

Western Central Pacific Fisheries Commission			FC-6
Fish Carrier Intention			
WCPFC-May 2015			
Vessel Name	Vessel Call Sign (IRCS)	Vessel VID #	Intention of Carrier Vessel (cross all intentions) Transship at Sea <input type="checkbox"/> Transship in Port <input type="checkbox"/> Transit <input type="checkbox"/>
Vessels Intending to Transfer/Transship catch at Sea:	Vessels Intending to Transfer/Transship catch In a Designated port:	ROP Observer on board? <input type="checkbox"/> _____ ROP Observer Programme _____	
Original Departure Port	Original Departure Port	Vessel intending to Transit only in the Convention Area	
Date of departure ____/____/____	Date of departure ____/____/____	Original Departure Port	
Expected date of entering Convention area if coming from outside Convention Area; ____/____/____ N/A	Date of Entering Convention Area if coming from outside port ____/____/____ N/A	Date of Departure ____/____/____	
Intended At Sea Transshipment Location in Convention Area	Intended Designated Port for Transshipment	Date of Entering Convention area if coming from outside port ____/____/____ N/A	
Vessel fish on board (Circle) at departure port Empty Partially Full Full	If known, estimated date of departure from transshipment port ____/____/____	Destination Port	
Days expected to remain in general area of transshipment location.	Vessel – Fish on board (Circle) at departure time from transshipment port Empty Partially Full Full	If leaving WCPFC Convention Area - Est Date of departure ____/____/____ N/A	
If leaving WCPFC Convention Area - Est date of departure ____/____/____ N/A	If leaving WCPFC Convention Area - Est date of departure ____/____/____ N/A	Signed _____	

Attachment 7: The following procedure is provided as a guide for a proposed pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels:

- a) Observer, as part of their usual duties will complete the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 (see example below), for each trip;
- b) Observer keeps this report/form (and all other data) confidential and returns to home port or disembarkation point;
- c) Observer fully disembarks the vessel;*
- d) Observer transmits their data and reports per their standard procedures to an authorized observer provider/person for their national or subregional observer programme;
- e) Observer arriving back from the vessel in observer's home port, or if required, has to travel back to home country & awaits debriefing;
- f) Observer is debriefed as soon as is practicable after finishing the trip/trips*;

Pre-Notification Process

- g) In the event that there is a "YES" noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 the observer provider is expected where practicable, to promptly submit the relevant data to the Commission Secretariat (the data may be provided through the Commission data service provider (SPC-OFPP) or provided directly to the Secretariat).
- h) In considering the timeliness of the submission of the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3, the observer provider must ensure the observer is safely disembarked from the vessel and has returned to their home port, and where possible the observer has been fully debriefed.
- i) The observer provider may decide that further investigation of a "YES" noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or equivalent) is needed before the relevant data is submitted to the Commission Secretariat.
- j) If there is only "NO" noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or debriefing determines there to be only "NO" noted) the ROP data, including WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 would be submitted through usual processes to the Commission Secretariat.
- k) The Commission Secretariat will facilitate the provision of certain data fields in the relevant WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 and the additional supporting fields specified in IWG-ROP4 report para 28*** to the responsible flag CCM. In accordance with the data rules, the information that is provided to flag CCMs will exclude the name of the observer, their nationality and the observer trip ID, but will instead identify the observer provider programme that placed the observer.

l) The authorised Flag state official contacts can request from the observer provider** further supporting details for their investigations. Vessel captain/owners/point of contact will communicate with flag State official contacts regarding any alleged infringements.

m) The Commission Secretariat will facilitate the collation of communications related to the outcome of investigations of any “YES” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3, including from the flag CCMs.

*If an observers carries out one or more trips consecutively on the same vessel. That vessel cannot request through their official contacts a copy of the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 compiled by that observer until the observer has completely finished his trips on the vessel and has fully disembarked the vessel.

** Request could be sent via the Commission Secretariat or other sub regional organizations who would verify the persons making the request are genuine official contacts and could act as intermediators between the flag State and the provider if they so wish.

*** The IWG-ROP also recommended to support the pre-notification process, that there are two additional fields that should be provided by observer providers to support a flag CCMs investigations of any possible alleged infringements. These are:

1. “start date of trip and end date of trip”
2. “status of the debriefing process” i.e, “debriefed”, “pre debriefed” or “not debriefed”

Principally

1. The word “Principally” will be defined by the flag State of the vessel, taking into account that vessels will fish in a single EEZ, and encompass the operations of coastal or offshore vessels in the that same EEZ. This would mean the vessel fishes within a single EEZ during a trip, and may leave that EEZ to fish occasionally on the high seas adjacent to the EEZ borders or in the waters of a neighboring country.

Occasionally

2. The word “Occasionally” will be determined by the flag State of the vessel and will encompass the operations of coastal or offshore vessels in a single EEZ. This would mean the vessel fishes within a single EEZ during a trip, and would for a portion of the time of the trip leave that EEZ to fish on the high seas adjacent to the EEZ borders or in a neighboring country.

Adjacent

3. The word “Adjacent” will encompass the operations of coastal or offshore vessels fishing in a single EEZ and also during a trip, may fish on high seas waters outside, but adjoining that countries maritime boundary.

Independent

4. For an observer to be “Independent” they must be able to execute their powers and functions in an uninfluenced and unbiased manner on board any vessel regardless of which flag the vessel is operating.

5. Accordingly the independent observer will be certified observers from an authorised ROP national and sub-regional programme. The programme and the observer will have no direct financial interest, ownership, and business links with vessels, processors, vessel agents and retailers involved in the catching, taking, harvesting processing or selling of fish or fish product.

Impartial

6. The independent and “Impartial “observer whilst carrying out his duties shall be free from outside influence, from vessels, processors, vessel agents, retailers, involved in the catching, taking, harvesting processing or selling of fish or fish product and will also be free from influence by non-government environmental, fishery and other related organizations; The independent and impartial observer shall be free to execute their powers and functions in an uninfluenced and unbiased manner on board vessels from their flag State and foreign fishing nations.

Observer trips

7. Defining coverage is based on the assumption that an observer trip is for the duration of a vessel leaving port to when they come back to port full or to unload would mean that a trip for some vessels could be very short and for others extremely long therefore to define trips for observer coverage will require different options to be considered.¹

¹ Post-IWGROP4 it was pointed out that there is a definition in “Scientific Data to be Provided to the Commission, Attachment K, Annex 1. Standards for the Provision of Operational Level Catch and Effort Data: 1.2 Trip

8. Distant Water Fishing (DWFV) freezer long line vessels could be at sea on one extended trip that could be up to 18+ months, this is considered too long a period for an observer to carry out ROP duties, noting that the longline coverage can be determined by a number of other mechanisms besides trips. It is generally agreed that a vessel trip is the mechanism for coverage to be used for purse seine vessels and fish carriers. Mechanisms for observer coverage on pole and line and troll vessels are still to be determined however trips are considered the mechanism that will suit these vessel gear types.

The following considerations are proposed to guide what constitute an observer trip on each of the different vessel type:

a) Purse seine

Observer trip on purse seine vessels is for the period an observer is on board for the duration of the vessels fishing operation at sea. Commencement of trip is when the observer boards the vessel and end of trip in normal circumstances is when the vessel returns to port full or partially full to unload their entire catch.

b) Fish Carrier

Observer trip on fish carrier vessels is for the period an observer is on board for the duration of the vessels operation at sea including the coverage of all transshipment activities. Commencement of trip is when the observer boards the vessel and end of trip in normal circumstances is when the vessel returns to port full or partially full to unload their entire catch.

c) Longline

(i) Coastal and Offshore longline vessels

Observer trip for coastal and offshore longline vessels is the period an observer is on board for the duration of the vessels fishing operation at sea. Commencement of trip is when the observer boards the vessel and end of trip in normal circumstances is when the vessel returns to port full or partially full to unload their entire catch.

(ii) Distant Water Fishing Vessels

Observer trip on the larger DWFV may require the observer to be on board for a portion of the expected duration of the vessels fishing operation at sea. Commencement of trip is when the observer boards the vessel to when the vessel returns to port full or partially full to unload their entire catch or if required observer period on board may end after approximately an estimated minimum of 40² days at sea, or to when the observer is transferred to another vessel.

END

information, for all gear types that may be relevant to note: *“The start of a trip is defined to occur when a vessel (a) leaves port after unloading part or all of the catch to transit to a fishing area or (b) recommences fishing operations or transits to a fishing area after transshipping part or all of the catch at sea (when this occurs in accordance with the terms and conditions of article 4 of Annex III of the Convention, subject to specific exemptions as per article 29 of the Convention).”*

² Days based on an approximate coverage of sea days for a year as coverage rates are based on % coverage expected to be attained annually. Vessel will be required to make arrangements for observer to board and disembark the observer in port or to make arrangements for observer to be transferred to or from vessel coming from or returning to port.