



TWELFTH REGULAR SESSION

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RECOMMENDED PRE-NOTIFICATION PROCESS FROM OBSERVER PROVIDERS TO FLAG CCMS OF POSSIBLE ALLEGED INFRINGEMENTS BY THEIR VESSELS

WCPFC12-2015-21b

13 November 2015

Paper by IWG-ROP Chair

The IWG-ROP4 received a paper related to a process to facilitate the provision of data, including observer reports, from the observer providers and placements from Flag States to the Commission” (WCPFC-2015-IWG-ROP4-09). 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.

The recommendations from the IWG-ROP were:

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 to IWG-ROP4 Summary Report), 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 to IWG-ROP4 Summary Report 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.

Attachment 7 of the IWG-ROP4 Summary Report has been reproduced here as Annex 1. Noting a suggestion from Republic of Marshall Islands, the Secretariat and the IWG-ROP Chair have developed a flow chart to illustrate the proposed steps in the process, which is provided here as Annex 2..

Recommendation

The Commission is invited to accept the recommendations from the IWG-ROP to establish a pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels (as contained in paragraphs 29 – 31 and Attachment 7 of IWG-ROP4 Summary Report and as illustrated in the proposed flowchart (Annex 2)).

IWG-ROP4 Summary Report 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-OFP) 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.

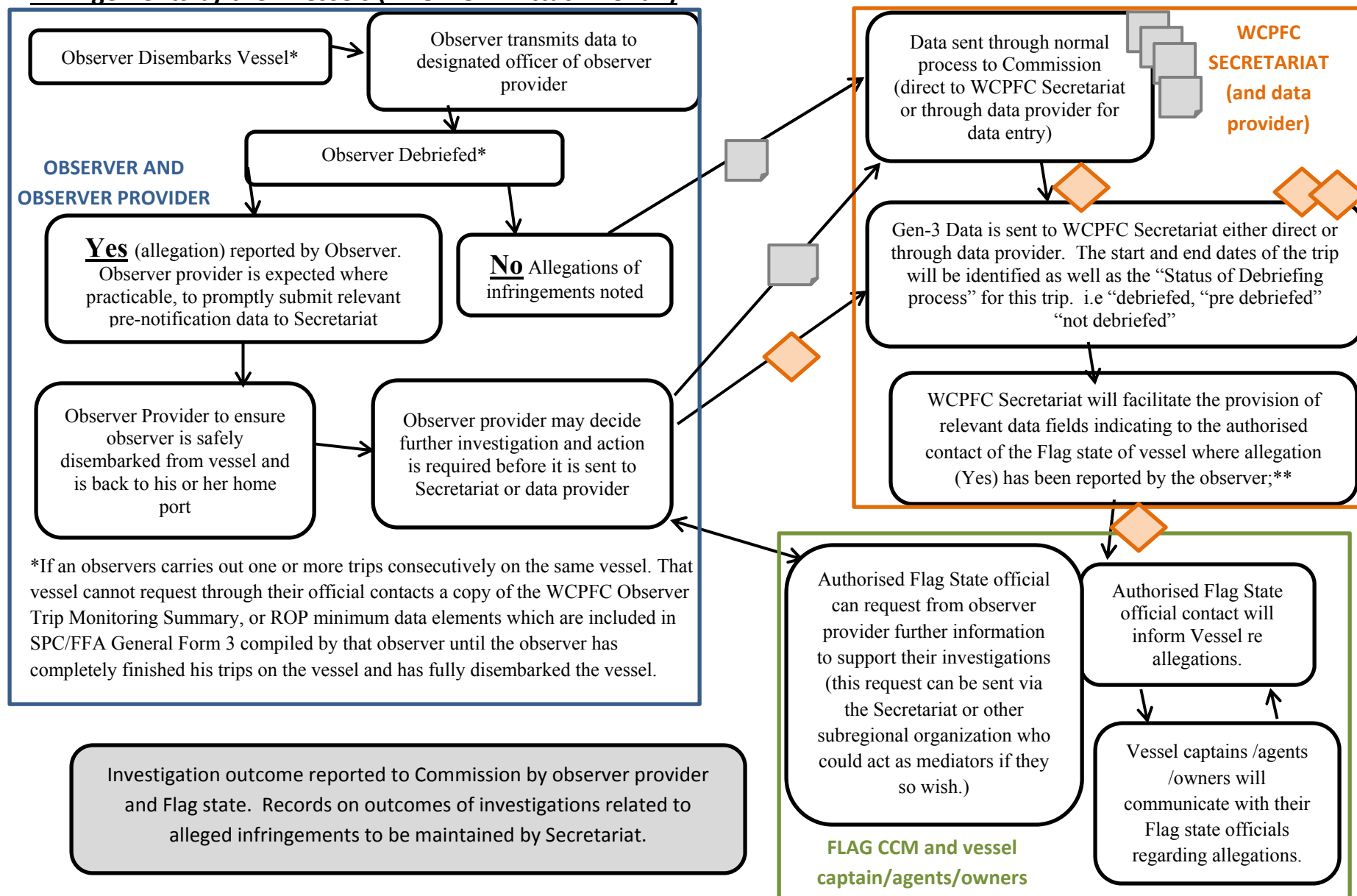
*If an observers carries out one or more trips consecutively on the same vessel. That vessel cannot request through their official contacts a copy of the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 compiled by that observer until the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

IWG-ROP4 recommended Pre-Notification Process from observer providers to flag CCMs of possible alleged infringements by their vessels (IWG-ROP4 Attachment 7)



**Note: that in accordance with the data rules, the information that is provided to flag CCM will not include name of observer their nationality and the observer trip ID, but will instead identify the observer provider that placed the observer. The start and end dates of the trip will be identified as well as the "Status of Debriefing process" for this trip. i.e "debriefed", "pre debriefed" "not debriefed"