



**TECHNICAL AND COMPLIANCE COMMITTEE**

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**PROVISION OF OBSERVER REPORTS TO CCMS AND OBSERVER CONDUCT**

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**WCPFC-TCC14-2018-14**

**12 September 2018**

**Paper submitted by the Chair WCPFC TCC Working Group on the Flow of Observer Reports  
and Observer Conduct**

**Provision of Observer Reports to CCMs and Observer Conduct**  
**Recommendations Prepared by the**  
**WCPFC TCC Working Group on the Flow of Observer Reports and Observer Conduct**  
**for the Fourteenth Regular Session of the WCPFC Technical and Compliance Committee**  
**11 September 2018**

The Technical and Compliance Committee (TCC) of the Western and Central Pacific Fisheries Commission formed a working group (WG) in 2017 to address two issues: (1) the need for CCMs to obtain copies of observer reports for their vessels in a timely manner so that they may fulfill their responsibility to undertake investigations of possible violations by their fishing vessels and nationals; and (2) observer conduct.

For each of these two issues, a brief background is provided below, followed by the findings and recommendations of the WG. More detailed descriptions of the two issues are provided in Attachment 1, a discussion paper prepared by the WG in February 2018.

## **1. OBSERVER REPORTS**

### **1.1 Background**

TCC13 (paragraph 161 of its [summary report](#)) formed the WG to:

*address the need for CCMs to obtain copies of observer reports for their vessels in a timely manner so that they may fulfil their responsibility to undertake investigations of possible violations. The group will explore ways to facilitate access to observer reports from both ROP Providers and the Secretariat, and will recommend possible improvements to the CMM for the Regional Observer Programme, the Agreed Minimum Standards and Guidelines of the Regional Observer Programme, and/or other Commission decisions.*

The TCC identified two possible means to obtain observer reports: from the Secretariat and from the Regional Observer Programme (ROP) Provider.

With respect to obtaining observer reports from the Secretariat, the Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission ([Data Rules](#)) already allow straightforward access by flag and coastal CCMs to observer data held by the Commission. However, the data held by the Commission are not the original and full observer “reports,” but rather electronic derivatives of those reports, and not necessarily anything beyond the Commission’s minimum required data fields.

With respect to obtaining observer reports from the ROP Provider, there is no explicit obligation for ROP Providers to provide observer reports to flag or coastal CCMs that request them. The [ROP Minimum Standards](#) state that, as part of the Pre-Notification Process standard, “authorised Flag state official contacts can request from the observer provider further supporting details for their investigations,” and as part of the Data Fields standard, “flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission.”

## 1.2 Findings

With respect to obtaining observer reports from the Secretariat, the WG found that because the Commission holds data for only the minimum required fields (and any additional information provided voluntarily by CCMs), which are not tailored to compliance-related needs, the information held by the Commission is not sufficient to support CCM investigations. Moreover, at least some CCMs would need copies of full observer reports, including the workbooks, journals, and trip reports, to support investigations. Thus, at least for some CCMs, even if the list of minimum required data fields were expanded to include more fields relevant to compliance, Commission-held observer data would not be sufficient to support investigations.

With respect to obtaining observer reports from the ROP Provider, the WG found that one impediment is poor communication. Requests are sometimes routed through multiple points before reaching (or not reaching) the appropriate point of contact. Another fundamental issue is the sometimes limited capacity of ROP Providers to fulfil requests. Some ROP Providers are marginally resourced to perform basic functions like debriefing and data management, so adding tasks like fulfilling requests for observer reports can be challenging.

The WG also recognized problems with the Pre-Notification Process, which has been incorporated as one of the ROP Minimum Standards. Although not directly related to the provision of observer reports, the WG found that improvement of the Pre-Notification Process could serve to more quickly inform CCMs of compliance issues and the need to undertake investigations. The routing of pre-notifications, which often involves delivery to the Commission’s data service provider and entry in its ROP database before being sent to the Secretariat, is such that pre-notifications are not received by flag CCMs as quickly as had been anticipated. The WG also found that the information included in the pre-notifications (in the WCPFC Observer Trip Monitoring Summary) is not tailored to the Commission’s priorities in terms of compliance, since that form was designed many years ago.

## 1.3 Recommendations

### **The WG recommends that the TCC:**

With respect to obtaining observer reports from the Secretariat:

1. Conduct further work, with input from the Secretariat and drawing from experiences using the Compliance Case File System and CCMs’ investigations, to determine what additional data fields, if any, should be added to the ROP minimum required data fields to support CCM investigations and more general compliance-related needs, such as flagging possible

violations of Commission decisions to trigger CCM investigations or as part of the Compliance Monitoring Scheme (also see recommendation 8).

With respect to obtaining observer reports from ROP Providers:

2. Recommend to the Commission revisions to CMM 2007-01 to highlight the importance of observer reports for CCM investigations and the need for CCMs to cooperate in the exchange of observer information, and to ensure that the appropriate points of contact are identified and kept up to date (in Attachment 2, see new paragraph 10bis and revisions to paragraphs 11 and 12).
3. Recommend to the Commission revisions to the ROP Minimum Standards to include an additional Minimum Standard, titled “Provision of Observer Reports,” that specifies the process for ROP Providers to respond to and fulfil requests for observer reports, including with respect to points of contact, timing, and what is to be included in the observer reports (see Attachment 3).
4. More fully consider gaps in the capacity of ROP Providers to respond promptly and fully to requests for observer reports, such as in terms of human resources, training, and equipment, and explore ways to fill those gaps, including the possibility of a process through which ROP Providers may seek and receive financial or other support from the Commission to improve their capacity.
5. Explore ways to support ROP Providers’ efforts to improve their debriefing processes such that observer reports can be more fully vetted and provided more quickly, including the possibility of giving higher priority to trips that are flagged through the Pre-Notification Process (also see recommendation 9).
6. Explore the potential utility of using the Compliance Case File System to facilitate and track CCM requests for observer reports.

With respect to the Pre-Notification Process:

7. Explore whether pre-notifications can be sent by ROP Providers directly to the Secretariat without first having to be entered in the data service provider’s ROP database along with all the minimum required data fields.
8. In concert with recommendation 1, redesign the WCPFC Observer Trip Monitoring Summary form to better align with the Commission’s priorities in terms of compliance.
9. In concert with recommendation 5, explore the role debriefing can have in reviewing and filtering Trip Monitoring Summaries to make pre-notifications as efficient and useful as possible.

## 2. OBSERVER CONDUCT

### 2.1 Background

WCPFC14 (paragraph 124 of its [summary report](#)) agreed to expand the scope of work of the WG to:

*include the issue of observer conduct, and tasked that working group to provide any recommendations to TCC14. The working group should consider Korea and Japan's proposal to WCPFC14 on observer conduct (WCPFC14-2017-DP19) and the deliberations of WCPFC14 on that proposal.*

The Commission governs the conduct of ROP observers through [CMM 2007-01](#) on the ROP, and through its [ROP Minimum Standards](#). CMM 2007-01's Annex A, Guidelines for the Rights and Responsibilities of Observers, includes several responsibilities that relate to observers' conduct on board fishing vessels, one of which is "k) Adherence to the ROP Code of Conduct for observers." This provision was adopted when it was anticipated that the Commission would adopt such a code of conduct. No explicit code of conduct has been adopted to date. Instead, based on the recommendations of the Commission's Intersessional Working Group – Regional Observer Programme (IWG-ROP) ([Summary Report of the IWG-ROP, July 2008](#)), in 2008 the Commission agreed to establish a minimum standard for ROP Providers in which each CCM should have a code of conduct in place.

The current ROP minimum standard on Code of Conduct states that "each CCM should have a Code of Conduct in place, available to each observer, available for review and if not in place, to be developed." The standard calls for the ROP Provider to monitor the conduct of the observer with respect to the applicable CCM code, investigate alleged breaches of the code, make recommendations for action based on such investigations, and report any such recommendations to the flag State and the Secretariat. The ROP Minimum Standards also include as an attachment, "Guidelines on suggested mechanisms to prevent Alcohol related misconduct of observers," which, based on the recommendations of the IWG-ROP ([Summary Report of IWG-ROP, July 2015](#)), WCPFC12 agreed are to be used as guides by ROP Providers.

In 2017 Korea and Japan proposed a conservation and management measure that would establish more explicit requirements and procedures with respect to the conduct of ROP observers ([WCPFC14-2017-DP19](#)). The proposal was largely in line with a draft code of conduct that had been developed by the IWG-ROP ([WCPFC/IWG-ROP2/2008-09](#)). The Commission's deliberations on Korea and Japan's 2017 proposal are summarized in paragraphs 112-124 of the [Summary Report of WCPFC14](#). Some of the concerns expressed in response to the proposal were that: (1) further progress is needed on ensuring the safety of observers before considering revisions to the Commission's provisions on observer conduct; (2) observer conduct is better addressed at the national level, and national programs already establish high standards for observer conduct; and (3) some of the proposed provisions of the proposal are already covered by CMM 2007-01 or sub-regional or national observer programs.

## 2.2 Findings

Based on the deliberations of WCPFC14, the WG found that a potentially viable solution would be for the Commission to maintain the current approach of leaving specific codes of conduct to be developed by individual ROP Providers, but to further develop the Commission's ROP Minimum Standard on Code of Conduct to specify particular elements that must be included in all ROP Providers' codes. The WG identified the following elements as being important for inclusion in all codes of conduct: protecting confidential information; respecting property, spaces, and practices used on the vessel; acting professionally; avoiding conflicts of interest; and avoiding intoxicants or using them responsibly. Additionally, the WG found that it would be important for each code to specify when each element is applicable, such as with respect to before boarding the fishing vessel, while on board, and upon disembarkation.

The WG also found that further development of the ROP Minimum Standard on Code of Conduct should be complemented by language in CMM 2017-01, as well as in the Suggested Mechanisms to Prevent Alcohol Related Misconduct of Observers, that emphasizes the duty of vessel operators and crew to facilitate observers' adherence to the applicable code of conduct, particularly with respect to the use of alcohol.

## 2.3 Recommendations

**The WG recommends that the TCC:**

1. Recommend to the Commission revisions to CMM 2007-01 to highlight the responsibility of vessel operators and crew to facilitate observers' adherence to the applicable code of conduct (in Attachment 2, see revisions to paragraphs 2 and 4 of Attachment K, Annex B).
2. Recommend to the Commission revisions to the ROP Minimum Standard on Code of Conduct to specify that each ROP Provider must have a code of conduct that addresses, at a minimum, each of several specific areas,<sup>1</sup> as well as processes and procedures to report, investigate, and resolve possible breaches of the code, as well as revisions to the Guidelines on Suggested Mechanisms to Prevent Alcohol Related Misconduct of Observers to highlight the vessel operators' duty of care with respect to observers' use of alcohol (see Attachment 3).

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<sup>1</sup> Some of the specific areas considered by the WG for inclusion in the Minimum Standard, such as compliance by the observer with applicable laws, respecting the hierarchy and rules of behavior on the vessel, not interfering with the lawful operations of the vessel, and communication between the observer and vessel operator, are already covered in paragraph 2 of Annex A of CMM 2017-01. However, the WG recognizes that there might be uncertainty as to whether those provisions of Annex A are mandatory, and suggests that clarification on that point might be needed to ensure that the list of specific areas to be included in the Minimum Standard on Code of Conduct is sufficient.

## **Provision of Observer Reports to CCMs and Observer Conduct**

### **Discussion Paper Prepared by the**

### **WCPFC TCC Working Group on the Flow of Observer Reports and Observer Conduct**

**2 February 2018**

The Technical and Compliance Committee (TCC) of the Western and Central Pacific Fisheries Commission (WCPFC or Commission) formed a working group in 2017 to address two issues: (1) the need for CCMs to obtain copies of observer reports for their vessels in a timely manner so that they may fulfill their responsibility to undertake investigations of possible violations by their fishing vessels and nationals; and (2) observer conduct (see Attachment 1).

## **1. OBSERVER REPORTS**

### **1.1 Background**

Data collected by fishery observers are valuable for monitoring compliance with the provisions of the Convention and the Commission's conservation and management measures. CCMs can use such data in their investigations of possible violations by their fishing vessels and nationals. The duty to undertake such investigations stems from Convention Article 23.5, which states that "Each Member of the Commission, shall, to the greatest extent possible, take measures to ensure that its nationals, and fishing vessels owned or controlled by its nationals fishing in the Convention Area, comply with the provisions of this Convention."

As the Commission's Compliance Monitoring Scheme (CMS) has developed, the expectations of CCMs to report on the measures they have taken to ensure compliance by their fishing vessels and nationals, including investigations of possible violations, has increased. It has become increasingly common for CCMs to report on the status and outcome of their investigations as part of the annual compliance review process.

In addition to the overarching obligation for CCMs to ensure compliance by their fishing vessels and nationals, Articles 23.5 and 25.2 obligate a Member, when requested by any other Member, and when provided with the relevant information, to investigate any alleged violation by its nationals or fishing vessels, and to report to the requesting Member and the Commission on the progress and outcome of the investigation.

The Commission has established several tools to facilitate the investigations that are required or expected of CCMs, as described below.

**Compliance Monitoring Scheme:** In accordance with the CMS, the Secretariat reviews many types of data held by the Commission, including observer data, vessel monitoring system data, high seas boarding and inspection data, and reports submitted by CCMs, and identifies possible violations of the provisions of the Convention and of conservation and management measures that are being reviewed in a given year. The Secretariat provides these "possible issues" to

CCMs in their draft Compliance Monitoring Reports, and CCMs then have an opportunity to follow up with investigations as they see fit.

**Compliance Case File System:** To facilitate the investigations required under Convention Articles 23.5 and 25.2, the Commission established an online Compliance Case File System, where investigation requests, progress and outcome reports are tracked. The system was first implemented in 2016, and in 2017 the system was expanded to include possible violations related to cetacean and whale shark interactions, as well as any identified through the “Pre-Notification Process” for observer data, described below.

**Regional Observer Programme:** One of the objectives of the Commission’s Conservation and Management Measure (CMM) for its Regional Observer Programme (ROP), [CMM 2007-01](#), is “to monitor the implementation of the conservation and management measures adopted by the Commission.” The ROP is composed of individual sub-regional, national, and independent programs (ROP Providers) that are authorized by the Secretariat to be a part of the ROP. The obligations of ROP Providers are spelled out in the Agreed Minimum Standards and Guidelines of the Regional Observer Program ([ROP Minimum Standards](#)). ROP Providers must meet these standards to be authorized as part of the ROP. Three of the minimum standards are relevant here:

- The minimum standard on “Coordinating Observer Placements and the Deployment of Observers” states that ROP Providers: “15) ensure all data obligations made at WCPFC meetings on ROP data is followed.”
- The minimum standard on “Data Fields” states “flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission.” More specifically, ROP Providers “should” submit ROP data to the Secretariat or SPC “where possible” within 100 days of observer disembarkation for purse seine vessels, and within 120 days for longline vessels.
- The minimum standard on the “Pre-Notification Process” calls for ROP Providers to provide early notice to the Secretariat of summary data for each trip that might indicate possible infringements of certain types of requirements.

The Pre-Notification Process was adopted in 2015 to make better use of observer data for investigations by flag and coastal CCMs. The process is triggered for each ROP trip for which the observer has indicated “yes” for any of the elements listed on the WCPFC Observer Trip Monitoring Summary (e.g., SPC/FFA General Form 3). In those cases, the ROP Provider is to quickly send the trip summary to the Secretariat, which then is to provide the information to the flag CCM, and if applicable, to the coastal CCM. In practice, the trip summary data are first entered into SPC observer databases and the Secretariat receives periodic updates of the datasets. The Secretariat uses those updates to generate compliance cases that are notified to the relevant CCMs through the online Compliance Case File System.

The Pre-Notification Process involves the sharing of only preliminary and partial information collected by the observer. The idea is not to provide the information needed for a full investigation, but rather to notify the flag CCM and/or coastal CCM in a timely manner of the



possible need to undertake a fuller investigation. The flag and/or coastal CCM would then have the opportunity to obtain a fuller set of the relevant observer data. To that end, the Pre-Notification Process states “1) The authorised Flag state official contacts can request from the observer provider further supporting details for their investigations. 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.”

**Data Rules:** Access to data held by the Commission is governed by the Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission ([Data Rules](#)) and the Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes ([High Seas Data Rules](#)).

Pursuant to the Data Rules (paras 5 and 19), flag CCMs have straightforward access to ROP data for their vessels, and coastal CCMs have straightforward access to ROP data for fishing activities in their waters. A CCM need only request the data from the Secretariat.

The High Seas Data Rules are designed to support monitoring, control, and surveillance activities, and they establish the means for any Member (i.e., other than the flag Member), to obtain ROP data collected on the high seas. Because the issue considered here is about investigations by flag CCMs for their vessels and by coastal CCMs for possible violations in their waters, these rules are probably not relevant.

## 2.2 Discussion

Difficulties in CCMs obtaining observer reports for investigations have been noted by the TCC over the last few years. The findings of the TCC in 2014 and 2017 were, respectively:

*CCMs noted the special circumstances surrounding assessments that require obtaining observer reports and conducting investigations. Some CCMs have noted difficulty in obtaining observer reports and CCMs recognize that investigating the allegations can take more time than is available in the process (para 23 of the 2014 Final Compliance Monitoring Report).*

*TCC13 noted that there has been improvement in the ability of flag states to obtain observer reports relevant to investigate alleged violations, but there remains room for improvement. TCC13 urged flag states and observer providers to engage while here at TCC and in the margins of other meetings to facilitate the provision of observer reports (para 11 of the 2017 Final Compliance Monitoring Report).*

In forming its working group to address the need to improve the ability of CCMs to obtain observer reports, the TCC identified two possible means to obtain them: from the Secretariat and from the ROP Provider.

**From the Secretariat:** As described above, the Data Rules allow straightforward access by flag and coastal CCMs to observer data held by the Commission. However, the data held by the

Commission are not the original and full observer “reports,” but rather electronic derivatives of those reports, and do not necessarily include data beyond the Commission’s minimum required data fields. They might not, for example, include the contents of the observer’s diary.

**From the ROP Provider:** There is no explicit obligation for ROP Providers to provide observer reports to flag or coastal CCMs that request them. Instead, as described above, the ROP Minimum Standards state that, as part of the Pre-Notification Process standard, “authorised Flag state official contacts can request from the observer provider further supporting details for their investigations,” and as part of the Data Fields standard, “flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission.”

Information and ideas are invited on how CCMs can obtain observer reports in a timely manner for the purpose of investigations. Questions to be considered might include:

**Obtaining observer reports from the Secretariat:**

1. With the 100-day and 120-day (soft) deadlines for ROP Providers to submit observer data to the Commission, does the Secretariat receive them soon enough for the purpose of subsequently providing them to CCMs for investigations if requested?
2. Do the Commission-held observer data include enough information for the purpose of investigations?
3. If not, what elements or aspects of the data are missing (e.g., certain data fields or sections; original hard copies; signatures)?
4. Are there specific ways to make Commission-held data a more practical source of observer data for CCM investigations?

**Obtaining observer reports from ROP Providers:**

1. Are the obligations of CCMs and ROP Providers clear enough when it comes to requesting observer reports and responding to such requests?
2. Are there knowledge constraints for ROP Providers in responding to requests for observer reports, such as unfamiliarity with the applicable procedures?
3. Are there communication problems in requesting and responding to requests for observer reports, such as unclear or inconsistent points of contact, or lack of follow-up communications on either side?
4. Are there timing constraints for ROP Providers in responding to requests for observer reports, such as the need to debrief observers or verify data before fulfilling requests?
5. Are there specific ways to improve the mechanisms for CCMs to request observer reports and for ROP Providers to fulfill those requests?

## 2. OBSERVER CONDUCT

### 2.1 Background

The Commission has adopted several provisions related to the conduct of ROP observers. Some CCMs believe that these existing provisions are insufficient. In 2017 the Commission considered a proposal from Korea and Japan that would establish more explicit standards, requirements, and procedures related to the conduct of observers ([WCPFC14-2017-DP19](#)). The Commission did not adopt the proposal, but tasked the TCC to take up the issue as part of the work of its intersessional working group addressing the provision of observer reports to CCMs, and in doing so, to take into account the proposal from Korea and Japan and the Commission’s deliberations on the proposal.

The Commission governs the conduct of ROP observers through [CMM 2007-01](#) on the ROP, and through its [ROP Minimum Standards](#).

**CMM 2007-01:** Paragraph 14 of CMM 2007-01, under the section “Guiding principles for operation of the Commission ROP,” states: “vi) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in Annex A — Guidelines for the Rights and Responsibilities of Observers.”

Annex A includes several responsibilities that relate to observers’ conduct on board fishing vessels, one of which is “k) Adherence to the ROP Code of Conduct for observers.” This last provision was adopted when it was anticipated that the Commission would adopt such a code of conduct. No explicit code of conduct has been adopted to date. Instead, based on the recommendations of its Intersessional Working Group – Regional Observer Programme (IWG-ROP) ([Summary Report of the IWG-ROP, July 2008](#)), in 2008 the Commission agreed to establish a minimum standard for ROP Providers in which each CCM should have a code of conduct in place, as described below.

**ROP Minimum Standards:** The ROP Minimum Standards must be met by sub-regional, national, or independent observer programs to be authorized to be part of the ROP. The minimum standard on “Code of Conduct” states that “each CCM should have a Code of Conduct in place, available to each observer, available for review and if not in place, to be developed.” The standard calls for the ROP Provider to monitor the conduct of the observer with respect to the applicable CCM code, investigate alleged breaches of the code, make recommendations for action based on such investigations, and report any such recommendations to the flag State and the Secretariat. The minimum standard is, in full:

#### *Code of Conduct*

*Code of Conduct should provide a set of guiding principles relating to accepted behaviour and standards of conduct, while working as an ROP Observer.*

### ***Standard Required***

*The agreed standard for “Code of Conduct” is that each CCM should have a Code of Conduct in place, available to each observer, available for review and if not in place, to be developed. IWGROP2/TCC4/WCPFC5*

### ***ROP expectation on Code of Conduct***

- *Code of Conduct will be monitored by the observer provider that supplies the observer for ROP duties.*
- *Alleged breaches reported by a vessel captain, or master, of the Code of Conduct by an ROP observer will be investigated by the observer provider.*
- *The observer provider will investigate any allegations of the breach of conduct, and may pass the alleged incidents onto others for further investigation, and according to the results of the investigation, the provider will make recommendations on any action to be taken.*
- *The recommended action by the observer provider should be reported to the vessel flag State and to the Secretariat of the Commission who may include the findings in their annual report to the TCC and Commission.*

*After considering the investigation carried out by the Observer Provider, the provider, if they deactivate the observer, must inform the Commission Secretariat.*

The ROP Minimum Standards also include as an attachment “Guidelines on suggested mechanisms to prevent Alcohol related misconduct of observers.” Based on the recommendations of the IWG-ROP ([Summary Report of IWG-ROP, July 2015](#)), WCPFC12 agreed that these will be used as guides by ROP Providers.

In 2017 Korea and Japan proposed a CMM that would establish more explicit requirements and procedures with respect to the conduct of ROP observers. The [proposal](#) includes five sections: (1) Obligations of observers with which “CCMs that provide observers under the ROP” would be required to ensure compliance; (2) actions to be taken in the event of reported observer misconduct; (3) specific responsibilities of vessel master and crew; (4) a process for observers to appeal instances in which actions are taken against the observer; and (5) a provision that the CMM will be subject to the Compliance Monitoring Scheme. The stated rationale for the proposal was that “there have been a growing number of incidents that involve ROP Observers’ misconducts that often threaten the safety of the crew on board and interfere with the proper functioning of the vessel for lawful fishing operations.”

The Commission’s deliberations on Korea and Japan’s 2017 proposal are summarized in (draft) paragraphs 112-124 of the [Draft Summary Report of WCPFC14](#). Some of the concerns expressed in response to the 2017 from Korea and Japan were that: (1) further progress is needed on ensuring the safety of observers before considering revisions to the Commission’s provisions on observer conduct; (2) observer conduct is better addressed at the national level, and national programs already establish high standards for observer conduct; and (3) some of the proposed provisions of the proposal are already covered by CMM 2007-01 or sub-regional or national observer programs.

## 2.2 Discussion

Information and ideas are invited on how to ensure reasonable standards for the conduct of ROP observers. Questions to be considered might include:

1. Are the Commission's existing decisions that relate to the conduct of ROP observers sufficiently clear? For example, are the respective roles of flag and coastal CCMs and ROP observers clear?
2. Are the Commission's existing provisions that relate to the conduct of ROP observers sufficient to ensure a reasonable standard of conduct by ROP observers?
3. If the Commission's existing provisions are not sufficient:
  - 3.1 Is there a need for the Commission to adopt its own code of conduct for all ROP observers?
  - 3.2 Alternatively, is there a need to establish more detailed minimum standards for the codes of conduct adopted by ROP providers?
  - 3.3 Are there particular aspects of observer conduct that are most important to be addressed?
4. Apart from the standards of conduct themselves, is there a need to change the mechanisms/processes for ensuring adherence to the standards? These could be Commission processes and/or processes established and applied by ROP providers pursuant to the Commission's minimum standards. For example, is there a need to address:
  - 4.1 Processes for vessel masters to report observer misconduct to the ROP provider?
  - 4.2 Processes for investigating reports of misconduct?
  - 4.3 Processes for responding to misconduct, such as consequences for observers and ROP providers?
  - 4.4 Processes for observers and/or ROP providers to appeal responses to misconduct?
  - 4.5 Processes for monitoring the performance of observers and ROP providers?

## **Attachment 1. Formation of the Working Group**

The Technical and Compliance Committee at its 2017 meeting (TCC13) formed a working group to address the flow of observer reports from observer providers to flag States. WCPFC14 subsequently expanded the work of the group to include the issue of observer conduct. The relevant paragraphs contained in the Provisional Outcomes Document from WCPFC14 are cited below:

*20. WCPFC14 noted that TCC13 formed an intersessional working group to “address the need for CCMs to obtain copies of observer reports for their vessels in a timely manner so that they may fulfil their responsibility to undertake investigations of possible violations. The group will explore ways to facilitate access to observer reports from both ROP Providers and the Secretariat, and will recommend possible improvements to the CMM for the Regional Observer Programme, the Agreed Minimum Standards and Guidelines of the Regional Observer Programme, and/or other Commission decisions.” (TCC13 Summary Report, para 161).*

*21. WCPFC14 agreed to expand the scope of work of that working group to include the issue of observer conduct, and tasked that working group to provide any recommendations to TCC14. The working group should consider Korea and Japan’s proposal to WCPFC14 on observer conduct (WCPFC14-2017-DP19) and the deliberations of WCPFC14 on that proposal.*

**Attachment 2**

**Fourth Regular Session  
Tumon, Guam, USA  
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**CONSERVATION AND MANAGEMENT MEASURE FOR THE  
REGIONAL OBSERVER PROGRAMME**

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**Conservation and Management Measure 2007-01**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*Recalling* Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

*Further recalling* Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

*Cognizant* of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

**Establishment of the Commission ROP**

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.
3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

### **Objectives of the Commission ROP**

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

### **Scope of the Commission ROP**

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01:

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

### **Functions of observers**

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

### **Obligations of CCMs of the Commission**

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

10bis. CCMs shall take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.



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

11. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

### **Role of the Secretariat**

12. Consistent with Article 15(4), the role of the Secretariat will be to:

- a) coordinate ROP activities, including, *inter alia*:
  - i) maintaining the ROP Manual and the ROP Observer Workbook;
  - ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
  - iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
  - iv) coordinating ROP activities with other RFMOs as directed and appropriate;
  - v) facilitating the use of authorized observers in the ROP;
  - vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
  - vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
  - viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
  - ix) managing and administering observers for special situations as directed by the Commission; ~~and~~
  - x) support staff necessary to effectively administer the ROP; and
  - ~~x~~xi) maintain on the Commission website an up-to-date list of the National Observer Coordinators and their contact information, and copies of, or links to, each ROP provider's code of conduct for its observers.
- b) authorize observer providers to the ROP.

### **Role of coastal States**

13. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP, and keep the Secretariat informed of any changes to the Coordinator and his/her contact information.

## Guiding principles for operation of the Commission ROP

14. The Commission ROP shall operate in accordance with the following principles:
- i) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
  - ii) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;<sup>11</sup>
  - iii) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;
  - iv) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub- regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.
  - v) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;
  - vi) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in Annex A — Guidelines for the Rights and Responsibilities of Observers.
  - vii) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.
  - viii) The Commission ROP shall ensure the security and confidentiality of non- aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.

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<sup>1</sup> See TCC2 Summary Report, para 54ii: "the need to integrate existing national and regional observer programmes into the Commission programme and "to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas."

## Attachment K, Annex A

### Guidelines on the Rights and Responsibilities of Observers

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

#### 1. The rights of observers shall include:

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

#### 2. The responsibilities of observers shall include:

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.

- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the ROP-applicable Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

## **Attachment K, Annex B**

### **Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew**

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

#### **Rights and responsibilities of vessel operators and captains**

- 1. The rights of vessel operators and captains shall include:**
  - a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
  - b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
  - c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
  - d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
  - e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.
- 2. The responsibilities of vessel operators and captains shall include:**
  - a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
  - b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
  - c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
  - d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
  - e) Allow and assist the ROP observer to carry out all duties safely.
  - f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
  - g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
  - h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties, ensuring the ROP observer is not coerced or convinced to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.

### **Rights and responsibilities of vessel crew**

#### **3. The rights of vessel crew shall include:**

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

#### **4. The responsibilities of the vessel crew shall include:**

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties, not coercing or convincing the ROP observer to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

## Attachment K, Annex C

### Implementation programme for the Regional Observer Programme

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
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.
5. During the period 1 January 2009–31 December 2010:
  - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

### Special circumstances

9. Fishing vessels used exclusively to fish for fresh fish<sup>2</sup> in the area north of 20 degrees north shall be accorded the following considerations:
  - i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.
  - ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.
  - iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.
  
10. The implementation schedule for the following vessels shall be deferred:
  - i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.
  - ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

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<sup>2</sup>For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.





## **Agreed Minimum Standards and Guidelines of the Regional Observer Programme**

The majority of the agreed minimum standards for the ROP were generated and discussed during the IWGROP(1) (2) (3) workshops 2007-2009 since then IWGROP4 2015 has added additional standards, and other standards have been individually discussed at various subsidiary meetings and are also included. The meetings where the standards were discussed recommended and agreed have been included at the end of each standard. Also included at the end of this document are suggested guidelines for ROP's to use as guides; these were agreed to be guidelines rather than agreed minimum standards.

A number of standards were agreed as per the IWG/SC/TCC meetings recommendations with no changes at the annual Commission meetings; Some IWG/SC/TCC recommendations were discussed further and changed at the Commission annual meeting. Therefore the Subsidiary body meeting recommendations may vary slightly in wording from the original recommendation from the Annual Commission meetings. All the agreed standards are required to be maintained by the Commission ROP's. The ROP expectations in these tables are guides unless indicated otherwise on how the minimum standard may be achieved.

The agreed minimum standards are part of the Commission Audit process of Regional Observer Programmes; questions related to the standards are asked during the audit process to determine if a programme is fulfilling the required standard, or whether the programme may need assistance to help achieve the required standards.

<b>Item</b>	<b>Standard Required</b>
<p><b><u>Authorization Process</u></b></p> <p>Authorisation process is the standards required to obtain interim and full authorisation to be part of the ROP.</p> <p>The process of gaining full authorisation is to be carried out following an audit of the programme to ensure that standards are in place or are being developed</p>	<p>The Secretariat will authorize national observer programmes, rather than individual observers; this is consistent with the Convention text. CMM-2007-01 Para 12(b) also states that the Secretariat will authorize observer providers. <i>IWGROP2/TCC4/WCPFC5</i></p> <p><b>ROP expectation on the authorisation process.</b></p> <p>Before auditing takes place the programme will have been interim authorised by the Secretariat according to the rules and standards as adopted by the Commission.</p> <p>This will necessitate all programmes to:</p> <ul style="list-style-type: none"> <li>• Supply manuals and guides to the Secretariat</li> <li>• Nominate a National ROP Observer Coordinator</li> <li>• Supply lists of all current observers.</li> <li>• Supply an official letter requesting ROP inclusion.</li> </ul> <p>Refer <i>IWGROP2/TCC4/WCPFC5</i></p>

Item	Standard Required
<p><b><u>Briefing and Debriefing</u></b></p> <p><u>Briefing</u> of observers is a specially arranged session with the observer and provider endorsed briefing personnel; Briefing is to ensure that the observer understand clearly the roles and duties the observers are expected to carry out on a vessel before a trip.</p> <p><u>Debriefing</u> of observers, is a specially arranged session with the observer and the provider endorsed debriefer to ensure that the data and information collected by an observer is checked for discrepancies and can be corrected before the Information is entered into a data base or used for analysis.</p> <p>It is also a period when the observer can report critical incidents for further attention.</p>	<p>The standard for “Briefing and De-briefing of observers” is that there is a system for briefing and de-briefing of observers in place and documentation describing briefing and de-briefing available to the Secretariat <i>IWGROP2/TCC4/WCPFC5</i></p> <p><b>ROP Expectation on the “Briefing and Debriefing” of Observers</b></p> <p>Different stages of briefing may be carried out before an observer departs on their trip</p> <ol style="list-style-type: none"> <li>1. Observers to be briefed by the provider</li> <li>2. Observer and vessel briefed together by authorised briefers or officer.</li> </ol> <p>* This may be done separately or combined in the one briefing if time does not permit two briefings.</p> <p><u>Briefing</u></p> <ul style="list-style-type: none"> <li>• Observer providers authorised by the Commission ROP are to ensure briefing of their observers is carried out</li> <li>• Briefings must be facilitated by an experienced facilitator and should be conducted at the beginning of an observer trip.</li> <li>• Briefings procedures should follow a consistent format.</li> <li>• Briefing should provide opportunities to ensure that both the captain and observer fully understand the role of the observer on board the vessel, and reinforce the responsibility of the vessel to accommodate and feed the observer to officer standard.</li> <li>• The utmost effort is made to ensure that a new observer should not be placed unless a proper briefing meeting can be arranged.</li> <li>• Providers may wish to have a briefing form that can be read out and agreed by the captain and observer by signing the form that they understand the conditions, roles, etc. when the observer is on board the vessel; a copy should be given to the captain.</li> </ul> <p><u>Debriefings</u></p> <p>Debriefing should be carried out at the end of each observer trip by an authorised provider debriefer.</p> <ul style="list-style-type: none"> <li>• Observer providers authorised by the Commission ROP should ensure rigorous debriefing of returning observers data, reports, health and wellbeing is carried out.</li> <li>• Debriefings should be facilitated by an experienced facilitator and should be conducted at the end of an observer trip after the observer leaves the vessel.</li> <li>• Debriefings procedures should follow a consistent format.</li> <li>• Debriefing of critical incidents should be reported immediately to the relevant authority’s as indicated in the provider procedures</li> </ul>

Item	Standard Required
<p><b><u>Briefing and Debriefing Training</u></b></p> <p>“Briefing Training” should be training carried out by qualified personnel.</p> <p>“Debriefing Training” will be specialised training by qualified personnel of a group of participants selected by a rigorous selection criteria to become fully authorised observer debriefers of all gear types.</p>	<p>The standard for qualification of observer debriefers is that debriefers will be experienced in observer matters and that CCMs will use existing national and sub-regional programme standards for debriefers. CCMs will prepare qualifications for a debriefer, available for review by the Secretariat.</p> <p><i>IWGROP3/TCC5/WCPFC6</i></p> <p><b>ROP expectation on the briefing and debriefing training of briefers and debriefers.</b></p> <p><u>Briefing Training</u></p> <p>Briefers should have undergone training programmes designed to educate them in the techniques of interviewing and they require the knowledge of the roles of an observer and understand the conditions that an observer may experience while at sea on a vessel.</p> <p><u>Debriefing Training</u></p> <p>Debriefing trainers should have undergone training programmes designed to educate them in the techniques of interviewing observers, and to debrief observer collected information and material.</p> <p>Debriefing training instructors should have:</p> <ul style="list-style-type: none"> <li>• an intimate knowledge of observer work, data collections and reporting;</li> <li>• experienced conditions at sea, preferably as an observer,</li> <li>• a good understanding of the fishery and the management of that fishery;</li> <li>• good communication skills that can give clear and understandable messages in a straight forward manner;</li> <li>• good knowledge of the Commission CMM’s relevant to Observers;</li> </ul> <p>Note</p> <p>Where practical NOP/SOP Programme Coordinators/ Managers should also take part in the training, in order to develop closer relationships with their potential debriefers and observers.</p>

<p><b>Item _____</b>  <b><u>Coordinating Observer Placements and the Deployment of Observers</u></b></p> <p>The provider of the observers will be responsible for the deployment of the observer and will ensure the selected observer is provided with all possible assistance to board a vessel.</p>	<p><b>Standard Required</b></p>
	<p>The standard for “Coordinating Placement” is the WCPFC National Observer Programme Coordinator should be in place, there should be a system for observer placement administration and documentation describing observer placement should be provided to the Secretariat. <i>IWGROP2/TCC4/WCPFC5</i></p> <p>The standard for deploying ROP observers is that CCMs shall use existing deployment procedures in place for their national and sub-regional programmes. CCMs will develop these procedures, and make them available for review by the Secretariat. <i>IWGROP3/TCC5/WCPFC6</i></p>
	<p><b>ROP expectation on Coordinating Observer Placements and the Deployment of Observers:</b></p>
<p>It is the responsibility of the observer provider to administer observer placements, including costs, which may be recovered by various means. Providers should organise the final payment of the ROP observers salary and sea allowances provided all commitments are completed as soon as practical after the observers return to port;</p> <p>The provider is expected to carry out the following functions;</p> <ol style="list-style-type: none"> <li>1) Communicate to flag State about intending deployments and arrange date and time of boarding’s.</li> <li>2) Communicate to the ROP observer on the agreed boarding date and time</li> <li>3) Assist with the procurement of observer visas, entry permits, waivers and any travel documents required to transport the observer to the departure or arrival port of the vessel.</li> <li>4) Organize all travel arrangements including air, bus or ferry schedules;</li> <li>5) Brief ROP observer on any prioritized scientific, biological, management and operational data that is required to be collected for each trip;</li> <li>6) Coordinate a briefing of the ROP observer and the vessel captain or master before departure to advise on the CMM and other obligations regarding the observer and vessel.</li> <li>7) Check the safety standards of the vessel before the observer departs;</li> <li>8) Ensure all relevant equipment to the ROP observer for carrying out their duties, including the collection of data and biological sampling is supplied.</li> <li>9) Supply forms and workbooks in whatever format is used in the national programme, but ensuring that it contain the ROP minimum data standards;</li> <li>10) Ensure the vessel understands that the observer has to have proper accommodation and bedding;</li> <li>11) Arrange another vessel for boarding preferably from the same flag State fleet if due to unforeseen circumstances the target vessel becomes unavailable due to mechanical or other problems such as safety, and is not favourable to the placement of an ROP observer;</li> <li>12) Arrange communication schedules with observers for the time they are on board the vessel;</li> <li>13) Debrief the ROP observer, using ROP authorised debriefers as soon as possible on their return to port;</li> <li>14) Collect from the observer all data, images, and reports after their trip;</li> <li>15) Ensure all data obligations made at WCPFC meetings on ROP data is followed.</li> <li>16) maintain regular contact with the observer after their return to provide technical support, personal support, and information on new developments, and to assure the ROP observer is in good health after the trip, and to inform the observer of any future boarding’s or relevant issues arising from the trip just completed;</li> </ol>	

Item	Standard Required
<p><b><u>Communications</u></b></p> <p>Communication means that the observer must be aware of the use of communications devices and equipment on board a vessel for their use when required.</p> <p><i>Note that from Jan 1<sup>st</sup> 2017 a two way texting device or a satellite phone will be communications independent of the vessel communications systems.</i></p>	<p>The standard for “Communications” is that observers have access to appropriate communication facilities, including emergency communication facilities while on board a vessel. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP Expectation on Communications for Observers</b></p>
	<ul style="list-style-type: none"> <li>• Providers should have established regular communication procedure with their observers during a trip;</li> <li>• Providers should ensure that observers understand Safety Communication Codes and protocols before boarding a vessel;</li> <li>• Providers should inform the vessel that they must allow the observer to have access to Communications and should assist when required;</li> <li>• Work related communications may be paid for by the provider unless other arrangements are in place.</li> <li>• Private communications should be available but paid for by the observer.</li> </ul>

Item	Commission Requirements
<p><b><u>Conservation and Management Measures - CMM's</u></b></p> <p>Providers should display the procedures and mechanism in which they keep observers informed on CMM requirements and should have the ability to carry out additional training on a regular basis of the monitoring requirements.</p>	<p>The providers are to ensure that all observers fully understand the *content of the CMM's especially in relation to their roles and tasks in monitoring the CMM,s (<i>Multiple meeting &amp; CMM references</i>)</p>
	<p><b>ROP expectation on CMM's for observers</b></p>
	<p>The observer programme will have in place the following:</p> <ul style="list-style-type: none"> <li>• A system to ensure all the programme and observers are continually updated on the requirements of the CMM's.</li> <li>• Ability to ensure observers can be trained in the monitoring of new tasks and roles brought about by the monitoring provisions of the CMM/s.</li> </ul> <p><i>Note* that the WCPFC Secretariat publishes a “Hand book of CMMs for WCPFC ROP observers” these hand books are available in electronic format on the WCPFC Website; or a hard printed copy is sent to all observer providers for distribution to observers. The hand book is updated annually and all providers are to ensure the correct dated copy is given to observers before they depart on a trip.</i></p>

Item	Standard Required
<p><b><u>Code of Conduct</u></b></p> <p>Code of Conduct should provide a set of guiding principles relating to accepted behaviour and standards of conduct, while working as an ROP Observer.</p>	<p>The agreed standard for “Code of Conduct” is that each <del>CCM-observer provider should</del> shall have a Code of Conduct in place <del>that is;</del> readily available to each observer <del>and to the operators of fishing vessels on which observers are deployed;</del> available for review and if not in place, to be developed, as well as to the Commission through the Secretariat, along with a process for reporting and resolving breaches of the code. <del>AWGROP2/TCCA/WCPFC5</del><i>[insert ref to relevant WCPFC decision document]</i></p> <p><b>ROP expectation on Code of Conduct</b></p> <ol style="list-style-type: none"> <li>1. <u>The observer provider shall have a code of conduct for its observers that includes, at a minimum, provisions that address all the following:</u> <ul style="list-style-type: none"> <li>• <u>Protection of confidential information, and avoidance of personal use of confidential information.</u></li> <li>• <u>Respect for property, workspaces, and personal spaces, as well as for sanitary practices used on the vessel and practices related to the use of substances such as alcohol, tobacco, and betel nut.</u></li> <li>• <u>Professionalism, such as with respect to maintaining independence and impartiality, and arriving in a timely manner to board the vessel.</u></li> <li>• <u>Avoiding conflicts of interest, including with respect to the receipt of money, gifts, and other inducements.</u></li> <li>• <u>Avoiding, and/or the responsible use of, alcohol and other intoxicants.</u></li> <li>• <u>The period of applicability of each provision, such as in terms of prior to boarding, upon boarding, while on board, upon disembarkation, and while traveling to and from the points of embarkation and disembarkation.</u></li> </ul> </li> <li>2. <u>The observer provider shall have processes and procedures through which:</u> <ul style="list-style-type: none"> <li>• <u>Observers are made aware of the importance of adhering to the code.</u></li> <li>• <u>The performance of observers with respect to the code is monitored.</u></li> <li>• <u>Possible breaches of the code can be reported by vessel operators or others.</u></li> <li>• <u>Possible breaches of the code are investigated and resolved.</u></li> <li>• <u>The outcomes of possible breaches reported by vessel operators, excepting reported possible breaches that are determined to be <i>de minimus</i>, are reported to the flag State of the fishing vessel and to the Secretariat.</u></li> <li>• <u>There is a time limit, consistent with applicable national laws, within which observers may be sanctioned for breaches of the code.</u></li> </ul> <p>➤ <del>Code of Conduct will be monitored by the observer provider that supplies the observer for ROP duties.</del></p> <p>➤ <del>Alleged breaches reported by a vessel captain, or master, of the Code of Conduct by an ROP observer will be investigated by the observer</del></p> </li> </ol>

	<p>provider.</p> <ul style="list-style-type: none"> <li>➤ <del>The observer provider will investigate any allegations of the breach of conduct, and may pass the alleged incidents onto others for further investigation, and according to the results of the investigation, the provider will make recommendations on any action to be taken.</del></li> <li>➤ <del>The recommended action by the observer provider should be reported to the vessel flag State and to the Secretariat of the Commission who may include the findings in their annual report to the TCC and Commission.</del></li> </ul> <p><del>After considering the investigation carried out by the Observer Provider, the provider, if they deactivate the observer, must inform the Commission-Secretariat</del></p>
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<p><b>Item _____</b></p> <p><b><u>Dispute Settlement</u></b></p> <p>Dispute occurs when two or more parties disagree over matters involving the roles and tasks of the observer, operations of the vessel, or any other issue involving the observer and a second party.</p> <p>The programme will have procedures to prevent the escalation of conflict, through mediation, facilitation, conciliation, and training.</p> <p>Disputes resolution may require the appointment of an appropriately-composed expert or technical panel.</p>	<p><b>Standard Required</b></p> <p>The standard for “Dispute Settlement” is a dispute resolution mechanism in place, and if not in place, to be developed, and a description of the dispute resolution mechanism provided to the Secretariat <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP expectation on Dispute Settlements</b></p>
	<p>The programme will have in place the following:</p> <ul style="list-style-type: none"> <li>• procedures to report disputes for both the observer and the vessel;</li> <li>• consultations process allowing all parties to make statements;</li> <li>• process to determine a resolution of the problem through mediation, facilitation and conciliation;</li> <li>• process to appoint an appropriately-composed expert or technical panels if required to resolve the dispute;</li> </ul>

Item <b>Data Fields</b>	Standard Required
<p>Data Fields and Minimum Data Standards are defined as Minimum Data Fields approved by the WCPFC for collection by ROP observers.</p>	<p>The agreed standard for “Data Fields, Management, Distribution and Use” will be that CCMs will use existing data field formats collected by their national or sub regional observer programmes (<i>SC3/IWGROP2</i>) /<i>TCC4/WCPFC5 – IWGROP3/TCC5/WCPFC6</i> and that also they will ensure that the Commission minimum data standard fields for the ROP are included in their data collection formats.</p> <p>Flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission. <i>IWGROP4/WCPFC12</i></p> <p>ROP data should be submitted to the Secretariat or SPC where possible within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels. <i>TCC9/WCPFC10</i></p> <p>ROP providers which place observers on fish carrier vessels that transship on the high seas should send the completed data forms, workbooks, reports and journals of the observer to the Commission Secretariat where possible within 120 days of the disembarkation of the observer from the carrier. <i>TCC10/WCPFC11</i></p>
	<p><b>ROP expectation on the collection of ROP Minimum Standard Data fields</b></p> <p>ROP data includes data collected by an observer when they are on the high seas or in zones other than the flag of the vessel they are aboard.</p> <p>Programmes may continue to use their own formats; however programmes will need to review the data collected by their observers to include the minimum data fields required by the Commission.</p> <p>Data collected by national (NOP) or sub regional observer programmes (SOP) on ROP trips, (original hard copy or unaltered scanned copy) will be sent to the Commission designated data provider ( SPC) or to the Commission Secretariat as soon as practical after the return of an observer from their trip. (Within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels and carrier vessels transshipping on the high seas.)</p> <p>All ROP observer data is confidential and may not be distributed or given to any unauthorized organisation or person without going through the Commission data access procedures and approval of the Executive Director of the WCPFC.</p>



Item	Standard Required
<p><b><u>Equipment and Materials</u></b></p> <p>Equipment and materials is equipment and materials that an observer will require to safely carry out their roles and tasks on board a vessel.</p>	<p>The standard for “Equipment and Materials” is that observers are provided with appropriate equipment, including safety equipment to carry out their roles and tasks on board a vessel. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP expectation on the equipment and Materials of Observers</b></p>
	<ul style="list-style-type: none"> <li>• Equipment and Materials should be dependent of gear type.</li> <li>• Equipment should be dependent on climate area the vessel is fishing.</li> <li>• Safety equipment includes items, lifejackets, hard hats, proper deck working boots or shoes, gloves and protective sun glasses.</li> <li>• Observers should not board vessels until they have been fully kitted out</li> <li>• Equipment for work must be in a good working order and safety gear should have regular checks.</li> </ul>

Item	Standard Required
<p><b><u>Insurance and Liability</u></b></p> <p>Providers are to ensure that their observers have health, safety and liability insurance available to them before embarking on an observer trip.</p>	<p>The standard for Insurance of Observers for ROP duties is that CCMs will use existing national standards for health and safety insurance. CCM providers of observers will make sure an observer placed on any vessel for ROP duties, has health and safety insurance. <i>IWGROP3/TCC5/WCPFC6</i></p>
	<p><b>ROP expectation on Insurance and Liability for observers</b></p>
	<p>The observer programme will have in place the following:</p> <ul style="list-style-type: none"> <li>➤ A national health and safety standard and insurance available for all observers.</li> <li>➤ A checking system ensuring that Observers are insured at all times during their employment should be in place. Includes insurance onboard a vessel, travel to and from the vessel, and other areas of observer employment i.e “waiting time” etc.</li> <li>➤ Observers should have regular health checks to ensure they are fit to carry out work on a vessel that could be at sea for long periods.</li> </ul>

Item	Standard Required
<p><b><u>Manuals &amp; Work Books</u></b></p> <p><b>Manual</b> is defined as a publications that serves to direct or indicate to an authorised observer by hard copy or electronic copy with information to assist with the roles and duties they are expected to carry out as an observer,</p> <p><b>Workbook</b> is defined as a book pad or electronic tablet that contains data collection forms, instruction or formats that an observer will be required to complete while carrying out their duties.</p> <p>Manuals and Workbooks may be a series of guides or may be produced as one publication.</p>	<p>The standard agreed by the Commission for ROP “Observer Manual/ Guidelines/Work books will be:</p> <p>CCMs have and use their respective Observer Manual/Guidelines and submit copies of these to the Secretariat.</p> <p>Each CCM National Observer Programme and Sub-Regional Observer Programmes will provide copies of their respective Observer Workbooks to the Secretariat. <i>IWGROP2/TCC4/WCPFC5 &amp; IWGROP3/TCC5/WCPFC6</i></p>
	<p><b>ROP expectation on the content of Manuals &amp; Work books</b></p> <p>Observer Manuals and Work books may include a number of publications or formats that an observer will use for guidance when carrying out duties on an observer trip. Manuals will be relevant to, and will contain current requirements and information for the use by the observers of the national programme.</p> <p>Manuals may be inclusive or may be produced individually and should include, but is not limited to; observer operations guides, species ID guides, gear type &amp; electronic guides, guides on reporting and handling species of special interest. Guidelines on collecting, security and handling of data collected by the observer including, photo, videos, digital images and any other form of data collection. General operational guides and data collection guide lines</p> <p>At least one manual/workbooks issued to an observer commencing a Regional Observer Programme (ROP) trip should contain annexes or sections on the requirements of the *Conservation Measures of the Commission (CMMs) and the details of the ROP.</p> <p>Copies of all national Manuals/Work books must be provided to the Secretariat of the WCPFC.</p> <p><i>*Note Handbook of CMMs for WCPFC ROP’s is available to all observers.</i></p>

Item	Standard Required
<p><b><u>Measuring Performance of Observers</u></b></p> <p>Measuring Performance of an observer” is a means to report on the performance of the observers with the programme.</p>	<p>The standard for “Measuring Performance” is a means to report on the performance of the observer programme and a means to report on the performance of individual observers as part of the annual reporting requirements established by the Commission. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP expectation on performance of observers</b></p>
	<p>Observers shall be:</p> <ul style="list-style-type: none"> <li>• trained and certified /authorised by their programmes;</li> <li>• trained to acceptable Commission standards;</li> <li>• expected, to collect quality data;</li> <li>• expected to make comprehensive and detailed written reports;</li> <li>• expected to show well-mannered behaviour on trips or when travelling to or from vessels;</li> <li>• clear of any criminal record;</li> <li>• able to travel through or to any country;</li> </ul>

Item	Standard Required
<p><b><u>Observer Coverage</u></b></p> <p>Observer coverage for each gear type is determined by the Commission.</p>	<p>Purse-seine vessels fishing within the area bounded by 20<sup>0</sup> N and 20<sup>0</sup> S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry effective 1 January 2010, an observer from the Commission’s Regional Observer Programme <i>WCPFC5 (CMM 2008-01)</i></p> <p>Observer coverage is 5% annually for long liners determined by Commission to be in place by June 2012. <i>WCPFC4(CMM 2007-01)</i></p> <p>For transshipments on the high seas 100% observer coverage with the observer deployed on the receiving vessel <i>WCPFC6 (*CMM 2009-06)</i></p>
	<p><b>ROP expectation on observer coverage</b></p>
	<p>Observer placements information by Commission authorised Regional Observer Programme ROP’s are to be conveyed to the Secretariat.</p> <p>Metrics for coverage for long liners includes, coverage; by trip; hook numbers; number of observer sea days; observed fishing days; observed sets. IWG4</p> <p><i>*CMM 2009-06 paragraph 13 (a) and (b) have indications on the coverage for different types of vessels, however carrier vessels over 33 metres and transshipping from long liners at sea; 100 % coverage is required on the receiving vessel,</i></p>

<p><b>Item ____</b></p> <p><b><u>Observer Trainers</u></b></p> <p>“Observer Trainers” are person who have been authorized by the NOP to train observers on their behalf. Trainers may be internal to the programme or may be specialists brought in from other programmes or organisations.</p>	<p><b>Standard Required</b></p>
	<p>The ROP standard agreed by the Commission for “Observer for observer Trainers will be:</p> <p>“CCMs will use existing national and sub-regional training standards. CCMs will develop trainer qualifications, available for review by the Secretariat.” <i>IWGROP3/TCC5/WCPFC6</i></p>
	<p style="background-color: #d3d3d3;"><b>ROP expectation on the use of trainers</b></p> <p>The best training instructors are those who have</p> <ul style="list-style-type: none"> <li>• an intimate knowledge of observer work, data collections and reporting</li> <li>• experienced conditions at sea as an observer,</li> <li>• a good understanding of the fishery and the management of that fishery,</li> <li>• to be able to communicate training messages in clear and straight forward manner.</li> </ul> <p>Observer Trainers should have undergone a series of training programmes designed to educate persons in the training of observers. NOP/SOP Programme Coordinators should also take part in the training, in order to develop closer relationships with their potential observers.</p>

Item	Standard Required
<p><b><u>Observer Training</u></b></p> <p>ROP Training should include but not be limited to</p> <ol style="list-style-type: none"> <li>1. Fisheries management;</li> <li>2. Understanding MCS;</li> <li>3. WCPFC Convention and related CMMs;</li> <li>4. Importance of observer programmes , understanding authority and responsibilities of observers,</li> <li>5. Safety at sea – emergencies at sea, survival at sea</li> <li>6. First Aid</li> <li>7. Species identification, including target, non-target, protected species, etc.</li> <li>8. Fishing vessel &amp; Gear types</li> <li>9. Vessel identification &amp; Markings</li> <li>10. Techniques of verification of catch logbooks</li> <li>11. Techniques of estimating catch and species composition</li> <li>12. Fish sampling, Measuring and Weighing techniques.</li> <li>13. Preservation of samples for analysis;</li> <li>14. Data collection codes and data collection formats</li> <li>15. Use of digital recorders, electronic notebooks.</li> <li>16. Knowledge of navigation including latitude/longitude; compasses; bearings;; chart work; plotting a position;</li> <li>17. Electronic equipment &amp; understanding their operation</li> <li>18. The use of radios &amp; communications devices</li> <li>19. Verbal debriefing &amp; Report Writing</li> <li>20. Health at Sea issues</li> </ol>	<p>Standard for “Observer Training” is that training programmes should be linked to the Commission’s decisions in place, available for review and training programme materials provided to the Secretariat <i>IWGROP2/TCC4/WCPFC5</i></p> <p><b>ROP expectation on the Training of Observers:</b></p> <p>Without specially designed training, an observer programme will suffer from unprofessional behavior, poor data outputs, and lack of respect from the industry and other sections of the fisheries management authorities. Training must therefore be considered as a key element in the development of an observer programme.</p> <p>The qualifications and background of current or potential observers must be analyzed in relation to the objectives of the programme and any proposed programme structure.</p> <p><b><u>Instructors</u></b></p> <p>The best training instructors are those who have an intimate knowledge of observer work, have experienced conditions at sea, have a good understanding of the fishery, and can communicate training messages in clear and straight forward manner. NOP/SOP Programme coordinators should also take part in the training, in order to develop closer relationships with their potential observers.</p> <p><b><u>Venues</u></b></p> <p>Training should be conducted in suitable training facilities with appropriate equipment. Marine colleges are favorable venues for observer training but are not essential.</p> <p><b><u>Education/ Entrance</u></b></p> <p>Qualifications for entry to observer training may vary from programme to programme. Some may require a degree level applicant, others a high school level and others may be required to participate in an entrance exam before being accepted into an observer course. Regardless of the entrance criteria the output of the training is the important result.</p> <p><b><u>Certification</u></b></p> <p>Observers will be authorised by these training programmes and must reach a high level of competency. Observer will be required to be categorized as fully trained in one or all of the gear types below</p> <p>a) Purse seine b) Longline c) Pole and Lined) Other gear types Troll, Trawl, hand line etc</p>

<p><b>Item</b> <b><u>Prenotification Process</u></b></p> <p>The pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels include data being provided to the coastal state when an alleged infringement takes place in a coastal state's waters.</p>	<p><b>Standard Required</b></p> <p>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 as a means of supporting a pre- notification process from observer providers to flag of possible alleged infringements by their vessels. <i>IWG4/TCC11/WCPFC12</i></p> <p><b>ROP Expectation on Prenotification</b></p> <ol style="list-style-type: none"> <li>1. 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 and as appropriate the relevant coastal State for alleged infringements in their waters.</li> <li>2. To support the pre-notification process, 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:             <ol style="list-style-type: none"> <li>a. “start date of trip and end date of trip”</li> <li>b. “status of the debriefing process”                 <ol style="list-style-type: none"> <li>i.e, “debriefed”, “pre-debriefed” or “not debriefed”</li> </ol> </li> </ol> </li> <li>3. 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. <i>IWG4/TCC11/WCPFC12</i></li> </ol>
<p><b>(Attachment 7 to IWGROP4 Summary Report),</b></p> <p><b>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:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>b) Observer keeps this report/form (and all other data) confidential and returns to home port or disembarkation point;</li> <li>c) Observer fully disembarks the vessel;*</li> <li>d) Observer transmits their data and reports per their standard procedures to an authorized observer provider/person for their national or sub-regional observer programme;</li> <li>e) Observer arriving back from the vessel in observer’s home port, or if required, has to travel back to home country &amp; awaits debriefing;</li> <li>f) Observer is debriefed as soon as is practicable after finishing the trip/trips*;</li> </ol> <p><b><u>Pre-Notification Process</u></b></p> <ol style="list-style-type: none"> <li>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).</li> <li>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.</li> </ol>	

- 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 Form3 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 all 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.
- \*\*\* as per the ROP Expectations para 2 above;

<b>Item _</b>	<b>Standard Required</b>
<p><b><u>Sea Safety</u></b></p> <p>Sea Safety involves the training of sea safety procedure observer receive before they are permitted to carry out duties on board a vessel at sea.</p>	<p>The standard for “Sea - Safety” is that all ROP observers must undergo training in sea safety and emergency procedures to an international standard and that such training procedures be made available to the Secretariat.</p> <p><i>IWGROP2/TCC4/WCPFC5</i></p> <p><b>ROP expectation on Sea Safety</b></p> <p>All observers are trained to an international standard on Safety at Sea by a certified person, school, college or maritime authority.</p> <p>Sea safety training should include instructions in the use of life rafts, life vests, first aid, fire extinguishers, rescue protocols and communications and other essential elements of safety.</p> <p>Observers should be made aware that they have the right to refuse to board a particular vessel if they consider it to be un-safe.</p> <p>A vessel safety certificate or form should be filled out by the provider/observer or by the person placing the observer to ensure all equipment is in survey, and there is adequate safety equipment to cater for the extra observer on board.</p>

<u>Item</u>	Commission Requirements
<p><b><u>Observer Safety at Sea and Emergency Action Plan (EAP)</u></b></p> <p>As part of responsibility of running and maintaining a ROP authorised national and sub regional observers programme; employers/providers must support observers in their ability to carry out their duties unimpeded and in a safe working environment.</p>	<p><b>To assist observers with Safety at Sea the following has been made mandatory from Jan 1<sup>st</sup> 2017.</b></p> <p>1. Each ROP authorised observer programme shall ensure that observers from their programme will be provided before any boarding for a trip,</p> <ul style="list-style-type: none"> <li>• <b>An approved independent two way communication satellite device*</b>; and</li> <li>• <b>a waterproof personal lifesaving beacon.</b></li> </ul> <p><i>*Noting that this may consist of a single device such as “Satellite Emergency Notification Device” or it may be a combination of an independent satellite-based system such as a Sat phone plus a portable lifesaving beacon (PLB).”</i></p> <p>2. Each CCM with an ROP authorised observer programme will ensure that they have an “<b>Emergency Action Plan</b>” (EAP) in place to accommodate any reported observer emergency including interference, harassment, intimidation and other personal safety issues. <b>TCC11/WCPFC12</b></p>
<p><b>To ensure that independent communications is available to an Observer; a “Two Way Communication Device” must be issued to all ROP observers on all trips.</b></p> <p>Observer safety is an issue of the highest and utmost importance and there must be a process in place (Emergency Action Plan (EAP) to handle reports that an observer may make on issue of safety including instances of harassment, intimidation, or assault.</p> <p><b>Note that the full implementation of this standard is required by Jan 1<sup>st</sup> 2017</b></p>	<p><b>ROP expectation for Observer Providers</b></p> <p>The Commission relies heavily on the scientific and monitoring data collected by observers in order to meet its objectives and observers must be able to do their jobs unimpeded and in a safe working environment, free from interference, harassment, intimidation, and assault. Each ROP authorised observer programme shall ensure that observers from their programme will be provided before a boarding for all trips, an independent two way communication satellite device and an approved personal lifesaving beacon; noting that both requirements may be combined in one instrument.</p> <p>There shall also be established in each programme a 24 hr emergency contact for the observer. The 24hr service need not be in the “Fisheries Departments” and other services like police, patrol boat bases maybe utilised. A set of procedures for an Emergency Action Plan (EAP) must be explained and fully understood before an observer departs on their trip. The EAP must include communications protocol and appropriate contact information in an emergency and as a minimum will include.</p> <ul style="list-style-type: none"> <li>• <b>When to report:</b> (Generally, observers should be required to report any instance of interference, harassment, intimidation, or assault as outlined in ROP training.)</li> <li>• <b>Who to report to:</b> (Observer programmes must have a “Designated Officer/s” who are responsible for maintaining a device capable of receiving a signal from the approved independent two-way satellite communication device.)</li> <li>• <b>Follow up responses:</b> (Observer programme must have an established procedure to initiate contact with the observer, the vessel, and, if necessary, the appropriate enforcement authority of Flag CCM’s and relevant Coastal CCM’s; this procedure must also include clear procedures that must be taken in the event of various emergencies.)</li> <li>• <b>Remedial action:</b> (Observer programme must establish appropriate measures for addressing violations made against observers.)</li> <li>• <b>Completing the EAP protocols</b> for observer related incident involving observer reporting of Interference Harassment, Intimidation must be resolved through a legal or nationally recognized procedure.</li> </ul> <p><b>TCC11/WCPFC12</b></p>



Item	Standard Required
<p><b><u>Vessel Safety Check list</u></b></p> <p><b>(VSC) format</b></p> <p>VSC format should be designed to evaluate the Safety of the vessel before an observer makes a boarding.</p> <p>The Commission has a guideline format on the ROP section of the WCPFC Website and national formats should be similar or the same.</p>	<p>The minimum standard for a Vessel Safety Checklist (VSC) will be that a CCM should have a VSC in place, and to be used prior to an observer boarding a vessel; and if not in place, CCMs may use, as a *guideline, the VSC developed by the Commission. CCM's should submit copies of their VSC to the WCPFC Secretariat. <i>IWGROP3/TCC5/WCPFC6</i></p> <p><b>ROP expectation on Vessel Safety</b></p> <p>All programmes will have a vessel safety format that can be used to determine if a vessel is safe for an observer to board.</p> <p>If not using the Commission VSC format, observer programmes should submit copies of their VSC to the Secretariat.</p> <p>A VSC will apply before each boarding of an observer on a vessel.</p> <p>Observer has the right to refuse the boarding if the VSC highlights that the vessel does not comply with expected standards</p> <p><i>* Copy of the guidelines is attached to the end of this document</i></p>

Item	Standard Required
<p><b><u>Provision of Observer Reports</u></b></p> <p><u>To support CCMs' investigations of possible violations, observer providers are to provide observer reports to requesting CCMs</u></p>	<p><u>The standard for "Provision of Observer Reports" is that the observer provider shall fulfil requests from CCMs for copies of observer reports for the purpose of investigating possible violations. [insert ref to WCPFC decision document]</u></p> <p><b><u>ROP expectation on the Provision of Observer Reports</u></b></p> <p><u>When the observer provider receives a valid request for an observer report, the provider shall provide a copy of the full observer report to the requesting CCM in a timely manner, where:</u></p> <ul style="list-style-type: none"> <li>• <u>A "valid" request is one that: (1) is from a CCM's Authorized MCS Personnel and is directed to the observer provider's National ROP Observer Coordinator; (2) is for a fishing trip within the scope of the ROP and concerns a fishing trip either in waters under the jurisdiction of the requesting CCM or by a fishing vessel flagged to the requesting CCM; and (3) provides enough information to identify the fishing trip.</u></li> <li>• <u>A "timely manner" means acknowledging the request within three business days, and providing the full observer report within 15 business days of the request or as otherwise agreed in consultation with the requesting CCM, and in any case only after the observer has disembarked the fishing vessel. Within those time constraints, efforts should be made to complete debriefing for the trip before provision of the observer report.</u></li> <li>• <u>A "full observer report" means, except as otherwise agreed with the requesting CCM, a paper or electronic copy of the full original observer report, including summary trip report, workbook, and diary/journal, or their equivalents. If specifically requested, it shall also include copies of</u></li> </ul>

any other written materials, photos, videos, or recordings collected by the observer as part of his or her duties. In the case of a fishing trip of a vessel not flagged to the requesting CCM, the full observer report shall not contain any information concerning fishing or other activities in waters outside the jurisdiction of the requesting CCM unless specifically authorized by the State in whose waters the fishing took place. The observer provider shall include with the full observer report an indication of the debriefing status of the report (i.e., “debriefed,” “pre-debriefed,” or “not debriefed”).

## **Agreed Guidelines of the Regional Observer Programme**

The agreed “Guidelines” for the ROP were mainly generated and discussed during different workshops; Guidelines for some ROP areas were decided, so as programmes still developing in these areas have a guide on the suggested way forward.


These are guidelines and are not binding and are only suggested guidelines for CCM’s or ROP’s to use as a guide to help when developing their programmes or dealing with issues in their programmes.

### **Observer Identification Cards Guidelines**

The current agreed guidelines for the ROP of the Commission are below, it is agreed that all observers should have proper observer identification; as some programmes already have ID for their observers, and they are not exactly the same; no fixed standard was determined. However it was agreed that the following guidelines should be considered when producing Observer Identification for ROP observer.

Noting that 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.

<b>Item _____</b>	<b>Standard Requirement</b>
<p><b><u>Observer Identification Cards</u></b></p> <p>The currently agreed WCPFC Guidelines for Observer Identification Cards should continue as guidelines in the ROP <i>IWGROP4/WCPFC12</i></p>	Observer ID card should be required for participant programmes in the Regional Observer Programme;
	<b>WCPFC Guidelines For Observer Identification Cards</b>
	<p>Suggested minimum required information on the front of each card:</p> <ol style="list-style-type: none"> <li>1) Name of the observer</li> <li>2) Name of the observer provider</li> <li>3) Nationality of the observer</li> <li>4) Unique identifying number for the observer</li> <li>5) Passport style photo of the observer</li> </ol> <p>Information that could be placed on either the front or back of the card:</p> <ol style="list-style-type: none"> <li>6) Issue date and Expiry date</li> <li>7) WCPFC logo to indicate observer is ROP observer</li> <li>8) Logo of Programme and or Country Flag</li> </ol> <p>Optional information that could be included on the back of the card:</p> <ol style="list-style-type: none"> <li>9) Signature of Observer;</li> <li>10) Status of observer Qualifications.</li> </ol>

	<p><b>WESTERN CENTRAL PACIFIC FISHERIES COMMISSION</b>  <b>REGIONAL OBSERVER PROGRAMME</b>  <b>VESSEL SAFETY CHECK</b></p>
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**VESSEL INFORMATION**

<b>TYPE OF VESSEL</b>	PS <input type="checkbox"/>	LL <input type="checkbox"/>	P&L <input type="checkbox"/>	OTHER <input type="checkbox"/>
NAME OF VESSEL				<b>Vessel Size (Length)</b>
FLAG STATE				< 16 metres <input type="checkbox"/>
VESSEL WCPFC WIN NUMBER				16-25 metres <input type="checkbox"/>
REGISTRATION NUMBER				26 -39 metres <input type="checkbox"/>
CALL SIGN				40-65 metres <input type="checkbox"/>
OWNER/OPERATOR				> 65 metres <input type="checkbox"/>
MASTER /CAPTAIN				

**VESSEL SAFETY CHECK (VSC)**

ITEMS TO BE CHECKED	YES	NO	N/A	COMMENTS
1. VESSEL MARKINGS TO WCPFC STANDARDS CMM 2004-03				
2. REGISTRATION DOCUMENTATION IN ORDER				
3. *VESSEL SURVEY DOCUMENTATION CURRENT				
4. *MARINE RADIO HF SSB OR SUBSTITUTE COMMUNICATIONS				
5. *MOUNTED FIRE EXTINGUISHERS (CURRENT CHECKED)				
6. *FIRE FIGHTING EQUIPMENT (IN GOOD ORDER)				
7. *NAVIGATION LIGHTS / VESSEL LIGHTS (WORKING ORDER)				
8. *SOUND PRODUCING DEVICES OR BELL				
9. *DISTRESS SIGNALS AND FLARES				
10. *CORRECT SIZE PERSONAL FLOATATION DEVICES AVAILABLE				
11. * APPROVED LIFE RAFT OR LIFE BOATS UNDER CURRENT SURVEY AND ADEQUATE FOR NUMBER OF CREW & OBSERVER				
12. OTHER WORK RELATED VESSELS ON BOARD THAT COULD BE UTILISED IN CASE OF EMERGENCY				
13. *EPIRBs (CURRENT SURVEY)				
14 * NAUTICAL CHARTS AND NAVIGATION AIDS (GPS/RADAR)				
15 *FIRST AID EQUIPMENT				
16 *SANITATION				
17. PHONE				
18. EMAIL/FAX				
19. * INSURANCE FOR OBSERVER WHILST ON BOARD				

VESSEL AT THE TIME OF CHECKING IS CONSIDERED TO BE UNSAFE FOR AN OBSERVER BOARDING

VESSEL AT THE TIME OF CHECKING MEETS THE REQUIREMENTS OF SAFETY FOR AN OBSERVER BOARDING

NAME OF CHECKER \_\_\_\_\_ POSITION \_\_\_\_\_

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

**NOTE** The Vessel Safety check (VSC) carried out by the “Checker” does not constitute or should be construed as a warranty or guarantee of the seaworthiness of the vessel, or the serviceability or adequacy of equipment on board. There is no assumption of liability of any kind for advice given and opinions expressed in connection to this VSC examination.

### EXPLANATION ON VSC REQUIREMENTS

1. VESSEL MARKINGS TO WCPFC CMM 2004-STANDARDS WCPFC markings are the same as FAO standards except that the WCPFC CMM 2004-03 will allow all letters of the alphabet to be used in the callsign.
2. REGISTRATION DOCUMENTATION IN ORDER Flag State Registration documentation papers must be on board and available to be viewed and must show registration number, boats name, country and port of registration.
3. VESSEL SURVEY DOCUMENTATION CURRENT Fishing Vessels and support vessels operating in the WCPFC must comply with their Flag State regulations and Code of Practice for Safety. Ship surveys including condition, safety and security aspects of hull, machinery and on board safety equipment must be available to be viewed.
4. MARINE RADIO HF SSB(WORKING ORDER) Marine SSB (Single Side Band) is a means of communications for many fishing vessels. The radio must be capable of transmitting and receiving frequencies used for emergency marine communications as agreed by the International Telecommunication Union (ITU) or by the Flag State of the vessel.
5. MOUNTED FIRE EXTINGUISHER, Fire extinguishers must be readily available and be of the correct type. Portable extinguishers require periodic maintenance therefore the last inspection date when last tested or refilled should be available. All must be currently serviceable and if possible should be checked to ensure extinguishes have not been fully or partially discharged.
6. FIRE FIGHTING EQUIPMENT Fire fighting must be readily available and be currently serviceable, a minimum standard of fire fighting equipment as designated by the flag state must be on all on all fishing vessels.
7. NAVIGATION LIGHTS AND VESSEL LIGHTS Vessels must be able to display international standard navigation lights between sunset and sunrise and in conditions of reduced visibility. Internal and external vessel lighting must be fully operational. In the case of power failure, battery operated safety lights must be appropriately placed to ensure a safe exit from the vessel.
8. SOUND PRODUCING SIGNALS OR BELLS Vessels must carry a sound producing device (whistle, horn, siren. or bell) capable of a prolonged blast or ringing for distress signaling purposes
9. DISTRESS SIGNAL AND FLARES. Vessels should have on board appropriate pyrotechnics devices that will suitably operate in both day and night emergency situations.
10. CORRECT SIZE PERSONAL FLOATATION DEVICE AVAILABLE Life Jackets must be approved types and in good serviceable condition, Life Jackets of suitable sizes must be readily accessible for the observer and all crew. Life jackets will not be stored away or locked in cupboards or rooms.
11. SOLAS APPROVED LIFE RAFT In addition to meeting the requirements of the (IMO) International Convention for the Safety of Life at Sea (Solas) life rafts must be currently in survey and be adequate to carry the amount of crew including the observer on board the vessel.
12. OTHER WORK RELATED VESSELS Many vessels have auxiliary vessels that can be used in emergency situations. Note these.
13. EPIRBs International Standard 406 MHz EPIRB. The signal frequency (406 MHz) has been designated internationally for use only for distress. Check to see the frequency number and position of these EPIRBs, a few vessels may have the older relatively common type of 121.5/243 MHz emergency beacons, these will be obsolete in late 2008.
14. NAUTICAL CHARTS AND NAVIGATION AIDS Vessel must have a set of appropriate, up to date nautical charts. Check to ensure that the Radar, GPS and any other navigational equipment is in good order and functioning.
15. FIRST AID EQUIPMENT The vessel must have adequate first aid facilities with current "use by dates" on all apparatus, drugs, dressings and other first aid paraphernalia.
16. SANITATION The vessel must have adequate clean, well maintained sanitation and bathing facilities.
17. PHONE EMAIL/FAX If the vessel has a Phone Fax or Email system note the numbers for future reference or emergencies.
18. INSURANCE All vessels must have insurance for the Observer when the observer is on board, often the observer is covered by adding him/her to the crew list, ask to see what insurance the vessel has and ensure adding the observer to the policy is permitted

The explanations in the Vessel Safety check are by no means exhaustive. Checkers should ensure that other aspects of the vessel are considered before an observer is placed aboard, e.g. Accommodation, Fishing strategy, Vessel Size, etc. If vessels are unable to supply some items listed e.g. Fax Phone, etc, it does not mean an observer cannot be placed. The ultimate boarding is in the hands of the observer, however items marked with an asterisk on the form must be adequate

### **Guidelines on suggested mechanisms to prevent Alcohol related misconduct of observers:**

Following a small number of complaints by vessels operators, observer providers and others; the following guidelines were compiled from different regional observer programme responses on the misconduct of observers due to alcohol consumption. The compilation of suggested mechanisms with possible results and possible solutions were presented at the IWGROP4 and then were agreed at WCPFC12 to be used as a guide for programmes, there are a number of scenarios that were proposed in the tables and ROP's are encouraged to consider some of the mechanisms that suite their programme.

<b>Item Preventing And Detering Misconduct Of Observers</b>  Guidelines on Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers –	<b>Standard Required</b>  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.  <u>Vessel operators that make alcohol directly or indirectly available to observers have a duty to avoid acts or omissions that reasonably may be foreseen as likely to cause harm to the observer or another person on the vessel.</u>  Recognise 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 <i>IWGROP4/WCPFC12( para 579 &amp; attachment 4)</i>
<b>ROP Expectation - Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers –</b>	

19.

Suggested Mechanism		Possible result	Suggested Standards of the Commission to be applied
<b>Training</b>			
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	<p>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.</p>	<p>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.</p>	<p>Observer Training must contain a section on the rights and role of an observer in relations to any accusations made against him or her.</p> <p>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.</p>
4	<p>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 alcohol treatment and recovery programs.</p>	<p>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>.</p>	<p>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.</p> <p>Drunkenness can be a problem for some who are normally good workers, all avenues of assistance should be made available to the observer.</p>
5	<p>“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.</p>	<p>This gives observers a clear understanding of what is at stake if they engage in continual misconduct and provides an additional deterrent effect.</p>	<p>Observers who have problems with Misconduct /drunkenness that is not considered a major event should be given a chance to redeem themselves.</p> <p>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.</p>

<b>Assignment</b>			
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 on the consumption of alcohol by observers during the term of their trip and return to home country.	Observer will not be permitted to drink any alcohol during their trip and return home subject to sanction. Dismissal as the penalty, regardless of how much is consumed will most likely deter some observers. <u>This is a rigid standard but prone to equitable enforcement.</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 for the period of their contract.
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 trip and could only leave when departure for home country is organised.to leave the vessel after the first	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.
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 <sup>nd</sup> 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.