



TECHNICAL AND COMPLIANCE COMMITTEE
8th Regular Session

27 September - 3 October 2012
Pohnpei, Federated States of Micronesia

Issues of importance from the ED

WCPFC-TCC8-2012-08
24 September 2012

Introduction

- 1) Rule 11 para 3 states “The Executive Director shall keep the members of the Commission informed of any issues or matters which may be of interest to the Commission”. Further Rule 2(i) allows for the Executive Director to put items on the provisional agenda for a WCPFC meeting, which he deems necessary to be raised.”
- 2) The following issues are raised as they either create issues for members in understanding their intent or could be improved if modified.

Observers

- 3) There are several issues concerning the conduct of the observer program that we raised previously and are now revised following the completion of the review of the Observer programs. The issues are listed below and the Secretariat seeks guidance on members as to how you want these progressed. The first issue on the Captains access to reports has been raised by the ROP TAG and as it is a policy issue may need your attention at this meeting.

Proposals for Vessel Captains/Operators to review ROP reports (*Operationalizing CMM 2007-01 Attachment B paragraph 1(c)*)

- 4) Explanation of process, when an observer returns from a trip
 - a) On return to port after a trip, a disembarking observer in general has not completed any written report and is given time usually 7-21 days to write their trip report. Therefore an observer does not generally have a preliminary or written report when he/she returns to port to disembark a vessel. Any wording suggesting an observer make available a ‘preliminary’ “draft” or any type of written report before a vessel departs is generally not possible under the current understanding of “observer reports”
 - b) On return to port an observer fills out a “Vessel Trip Summary” which is in a data format and is often referred to as General Form-3 or GEN-3 in the Pacific Island and some other programmes. It is a series of questions to which the observer answers “YES” if activity described on the form was detected; or “NO” if the observer did not witness this activity

occurring while he was on the vessel. (Copy of this form is attached) The GEN-3 form along with all the data collected by the observer is considered totally confidential, and can only be released to authorized personnel.

- c) It should be noted that sometimes an observer does one trip on a vessel, and instead of disembarking is asked to continue on the vessel for a second trip. When this occurs, generally the observer will retain his data and information collected on the first trip, and will collect similar data on his 2nd trip on the vessel. On return to his provider the observer is generally debriefed on the two trips at this time.
- 5) The Commission needs to decide whether the Gen -3 form can be substituted for the report described in CMM 2007-01 Annex B 1 (c) and what documentation it wants the Captain to see and in what timeframe.

Purse Seine vessels wishing to transit without an observer

- 6) The Commission Secretariat is continually asked to grant exemption to vessels so they can transit without an observer. The vessels wish to go to the shipyards, transit between ports within the Convention area to pick up crew or for some other reason; in all cases the vessel asking for exemptions indicate they have no intention of fishing and are prepared to stow or lock down fishing equipment while transiting.
- 7) The Commission Secretariat does not have the power to grant such an exemption; legal opinion is that it is a flag State responsibility to grant exemption to the vessel. However the general opinion is that there should be some reporting and monitoring observer coverage responsibilities when a vessel has no observer that should be put in place. The vessel should also understand that some coastal states have laws or rules for vessels wishing to transit without an observer through the waters of their EEZ.
- 8) Currently, all purse seine vessels are required to have on board an observer when they are fishing in the Convention area. (100% coverage); However if a vessel declares it is not fishing and takes all the appropriate steps to lock down its gear, it could be considered that it is not fishing and therefore may not require an observer.
- 9) To avoid confusion there needs to be some procedures in place so there is no misunderstanding on what is required.

Defining terminology so there is a common understanding.

- 10) Definitions of some key words have been put forward at TCC meetings and there has been no consensus, hence many of the key words regarding the ROP in the Convention and CMM remain undefined. This has caused confusion amongst many members. TCC6 agreed to allow the Audit process to be completed so some of the findings may be used to assist in coming up with definitions.
- 11) ***Recalling “TCC6 agreed to continue to resolve the outstanding definitions and issues listed above from Table 1 of TCC6-2010/08.TCC6 agreed to revisit the issue of definitions following completion of ROP audits in light of any relevant findings emerging.***

- 12) The words that remain undefined but have strong implications on how the ROP programme is organised and operationally run are the words "principally", "occasional", "independent", "impartial" and "observer trip" "Vessel size". The current situation is that many countries are interpreting these words that are in the Convention and or the CMM,s in many different ways and without being defined this will continue The audit process did have some findings that would be helpful in any procedure agreed upon to define these words.
- 13) The Commission needs to decide on a process to have these words defined and the issue resolved.

Port Coordinators

- 14) Recently while working with the IATTC on cross endorsement I became aware that one of the strengths of the IATTC observer program was that they had in place IATTC employed Port Coordinators in the main transshipment ports. These Coordinators served a dual role of coordinating placements and debriefing and also monitoring the transshipments and the through put of the canneries.
- 15) These staffs are IATTC employees and are paid from contributions. I have a feeling that this type of arrangement may well compliment the current WCPFC Observer program and as such consideration should be given to providing budget and structure to the proposal.

Reviewing the training and update aspects of the observer program.

- 16) One of the issues that came up in the observer program review was consistency in training and quality of observers and their knowledge of the CMMs and the application of Commission rules and provisions. It is suggest that the Commission consider how we provide up to date information to observers and observer providers on Commission changes and rules so that they are better placed to undertake their role.

IT Review

- 17) This year we have presented a review of IT Security and in particular the security arrangements around VMS. This report is WCPFC-TCC8-2012-13 There are two main aspects of this report that we will work on as a priority, the first being to improve the documentation of our processes and secondly to move the Guam based backup to a more professional location.

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