

5th Meeting of the Scientific Committee

Shanghai, China
23 - 28 September 2017

SC5-Doc12

2017 2nd DRAFT CMM for a SPRFMO Observer programme

Michael Tosatto – OPWG Chairperson

Background

Last year during SC4 the Scientific Committee commented on paper [SC-04-06](#) which was an earlier draft Conservation Management Measure (CMM) for the SPRFMO Observer programme. The SC provided a number of comments which can be found in section 9 (page 20) and annex 6 (page 39) of last year's [SC4 report](#). After receiving those comments the Observer Programme Working Group (OPWG) continued its work and the Draft CMM was considered by the Compliance and Technical Committee (CTC) during its 2017 meeting.

CTC4 provided the OPWG with its new [2017 terms of reference](#) and the Chairperson, Mr. Michael Tosatto (United States of America), is now submitting text for a new DRAFT CMM for a SPRFMO Observer programme (2017 draft 2) to the Scientific Committee for its review and recommendations.

For reference the timeline for the OPWG is currently:

- April 28: The OPWG Chair circulates a first draft for the SPRFMO Observer Programme (2017 draft 1).
- May 26: OPWG representatives provide comments on 2017 draft 1.
- August 18: The OPWG Chair circulates a second draft (2017 draft 2). *Revised date*
- August 20: The OPWG Chair submits draft 2 to the 2017 Meeting of the Scientific Committee.**
- October 2: OPWG representatives provide comments on 2017 draft 2. *Revised date*
- October 27: The OPWG Chair circulates a final draft of the text. The OPWG shall submit the final text to the 2018 Meeting of the Compliance and Technical Committee, or decide whether to report back regarding the progress of its work. Any proposal for consideration at the annual meeting would need to be

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CMM X-YR
Conservation and Management Measure for the
SPRFMO Observer Programme

The Commission of the South Pacific Regional Fisheries Management Organisation,

RECOGNISING the United Nations General Assembly Sustainable Fisheries Resolution 71/123, that encourages the development of observer programmes by Regional Fisheries Management Organisations and arrangements to improve data collection;

RECALLING that Article 28 of the Convention calls for the establishment of an observer programme to collect verified catch and effort data, other scientific data and additional information related to the fishing activity in the Convention Area, and its impacts on the marine environment;

NOTING that Article 28 sets out the functions of the observer programme and that the observer programme shall be coordinated by the Secretariat of the Commission in a flexible manner to take account of the fisheries resources and other relevant factors;

NOTING that the primary function of observers onboard fishing vessels is the collection of scientific information and that observers are not enforcement officials but that Article 28 specifies that the information collected by the observer programme shall, as appropriate, also be used to support the functions of the Commission and its subsidiary bodies, including the Scientific Committee and Compliance and Technical Committee;

ACKNOWLEDGING that poor quality data impacts the ability of the Commission to adopt effective and timely conservation and management measures (CMMs);

DETERMINED to ensure the collection of data, accounting for all sources of mortality in SPRFMO fisheries, for both target species, by-catch, and interaction of fishing activities with the environment and species occurring in the SPRFMO area, to improve the certainty of future scientific advice while taking into account ecosystem considerations;

RECOGNISING the international nature of the fishing activity and management of SPRFMO species and the consequent need to embark well-trained and accredited observers to improve the collection of relevant data, in terms of consistency and quality;

RECOGNISING the nature of the observer’s work at sea and that the collection of sensitive information needs to be coupled by safe conditions for observers while on board, in order to guarantee their integrity and safeguard the quality and impartiality of the information collected and the programme.

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RECOGNISING that observer programmes are used at both the national and Regional Fisheries Management Organization (RFMO) levels for the purpose of collecting scientific and environmental data and that coordination with these programmes shall be pursued to the maximum extent possible;

ACKNOWLEDGING that electronic monitoring systems have been successfully tested in some fisheries and that the Commission should explore minimum standards for their implementation as practical and appropriate;

ADOPTS the following CMM in accordance with Articles 8 and 28 of the Convention:

1. The SPRFMO Observer Programme (SPRFMO OP) shall apply to fishing vessels flying the flag of a Member or CNCP and fishing in the Convention Area, excluding vessels exclusively operating as carrier vessels or transshipment vessels. The Commission will address the applicability of the SPRFMO OP to carrier vessels and transshipment vessels at a later date.
2. The SPRFMO OP shall consist of independent and impartial observers sourced from observer programmes or service providers accredited by the Commission, for the collection of the information specified in Paragraph 17 below of this CMM. The SPRFMO OP, without compromising the quality of the collected information, shall share information with other regional and national observer programmes, as appropriate, and consistent with the Commission’s confidentiality rules.
3. The Commission shall explore and, where feasible, implement other means of collecting information for the SPRFMO OP, including the use of electronic monitoring in place of, or in conjunction with, human observers.
4. Consistent with Article 28(1), the SPRFMO OP shall be coordinated by the Secretariat of the Commission and operated in accordance with the standards, rules and procedures detailed in this CMM and its annexes.
5. Members and CNCPs shall only use national observer programmes or service providers accredited in accordance with the minimum standards for accreditation detailed in Annex C for fishing vessels flying their flag operating in the Convention Area.
6. [Aus: Nothing in this CMM prejudices the rights of each Member and CNCP to choose particular observers, including observers exclusively accredited to its own national observer programme, providing that the observer programme is accredited. Individual observers may refuse to participate on a particular fishing vessel covered by this CMM.]
7. Members and CNCPs shall be responsible for meeting the level of observer coverage as set by the Commission in existing and future CMMs, and shall ensure that all fishing vessels flying their flag to which this CMM applies accept observers from the SPRFMO OP while operating in the Convention Area, and follow the requirements established in the annexes of this CMM.

Commented [Chair1]: Would be helpful to have more background to help determine if inclusion of this paragraph is needed.

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8. Members and CNCPs shall ensure that observers are placed on its vessels based on a statistically designed sampling scheme that ensures a representative coverage, as practical.
9. Members and CNCPs shall document the sampling scheme used for the observer placements on fishing vessels flying their flag and provide this information in an annual implementation report as described in Annex D.
10. The CTC, with input from the SC, shall review each Member or CNCP's sampling scheme on an annual basis as part of the Compliance and Monitoring Scheme set forth in CMM 10-YR and provide recommendations for improvement, as needed.
11. No later than [30 days] after adoption of this measure, Members and CNCPs shall provide the Secretariat with the information on national observer programmes or service providers that intend to obtain accreditation. The information must include the following: (1) the name and contact details of the programme or provider coordinators; and (2) manuals, guidelines, instructions, regulations or workbooks relevant to describe the requirements and duties of the programme's or provider's observers. These programmes or providers will be authorized on an interim basis to provide observers to meet the Commission's observer coverage requirements for a period of two years or until they receive full accreditation, whichever period is longer. If such an observer programme or provider has not received accreditation within two years, a Member or CNCP may submit a request to the Commission for the observer programme or provider to continue to be authorized on an interim basis for one additional year or until full accreditation is received, whichever is longer.
12. Members and CNCPs shall provide the SPRFMO Secretariat with the details of any national observer programmes or service providers they wish to nominate for accreditation under the SPRFMO OP in accordance with the accreditation process in Annex C. After accreditation, each observer programme or provider will be evaluated by the Secretariat for continued participation in the SPRFMO OP every [five/three] years, in accordance with the standards contained in Annex C.
13. In order to receive and maintain accreditation, a national observer programme or service provider must meet the minimum standards for accreditation contained in Annex C and ensure that the programme operations are conducted by independent and impartial observers. This means that both the national observer programme or service provider and individual observers may have no direct financial interest, ownership or business links with vessels, processors, agents and retailers involved in the catching, taking, harvesting, transporting, processing or selling of fish or fish product. In particular, the programme, provider, and observers:
 - a) may not have a direct financial interest, other than the provision of observer services, in the fishery under the purview of the Commission, including, but not limited to: i) any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing of fish; ii) any business selling supplies or services to any vessel or processor in the fishery; iii) any business purchasing raw or processed products from any vessel or processor in the fishery;

Commented [Chair2]: We need to determine the appropriate time needed to gather and submit information for the interim accreditation. Suggest 30, but no more than 90 days.

Commented [opwg3]: We need to determine the frequency for the evaluation of accredited programmes. The WCPFC use a five year cycle.

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- b) may not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, inordinate accommodation, loan or anything of monetary value from anyone who either conducts activities that are regulated by a Member or CNCP connected with its services or the Commission, or has interests that may be substantially affected by the performance or nonperformance of the observer's official duties;
 - c) may not serve as an observer on any vessel or at any processors owned or operated by a person who previously employed the observer in another capacity (e.g., as a crew member); and,
 - d) may not solicit or accept employment as a crew member or an employee of a vessel or processor while employed by an observer provider.
14. Members and CNCPs shall ensure that observers do not unduly interfere with the 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 minimise disruption to the operation of vessels fishing in the Convention Area.
15. Members and CNCPs shall ensure that observers on vessel flying their flag are not unduly obstructed in the discharge of their duties unless there is a documented safety issue.
16. Members and CNCPs shall ensure that vessel operators and crew on vessels flying their flag comply with the provisions of Annex B that specify the responsibilities of vessel operators, captains, and crew.
17. Members and CNCPs shall ensure that observers collect the information specified in Annex 7 of CMM 02-YR in the manner set forth in that CMM, and that the data are provided to the Secretariat as specified in CMM 02-YR, and shall also provide relevant observer information required under any other CMM.
18. Members and CNCPs shall ensure that observers and data collected for the SPRFMO OP are put through a data quality assurance process, which will be reviewed by the Commission as part of the SPRFMO OP accreditation and review process.
19. The Secretariat shall prepare an annual report, using information from National Reports, observer data, and all other relevant information, on the implementation of the SPRFMO OP for presentation at each annual meeting of the CTC and Commission that will be distributed to Members and CNCPs 30 days prior to each meeting, including but not limited to: (1) information on problems that have been encountered; (2) recommendations for improving current standards and practices; (3) progress towards the objectives of this CMM; (4) developments in observer and observational methods; (5) constraints to implementation/accreditation/objectives; and (6) recommendations for improvement.
20. The CTC shall consider the recommendations produced by the Secretariat's implementation report and provide advice to the Commission thereon, including in relation to any proposed actions to be taken.

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21. The Secretariat shall compile and disseminate a summary of the most recent year’s observer data holdings to the Scientific Committee (SC) no later than 60 days in advance of each annual SC meeting to ensure that the best scientific information is available. The Secretariat may provide raw anonymized data if such data are requested by the SC. Data confidentiality must be maintained as set forth in procedures specified in Paragraph 7 of CMM 02-YR and in any other data confidentiality procedures that may be adopted by the Commission.
22. The CTC shall consider, at the earliest opportunity, the development of additional observer safety requirements and review the implementation of this measure at least every three years.
23. The SC will periodically review and provide advice on the appropriate level of observer coverage that is required to support: (1) long-term scientific and conservation objectives and (2) specific short-to-medium-term research questions, along with recommendations of how best to measure fishing effort by fishery for all fisheries and other significant variables.

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Annex A: Rights and Responsibilities of Observers in the SPRFMO Observer Programme (SPRFMO OP)

1. The rights of observers shall include:
 - a. Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered.
 - b. Full access to and use of all facilities and equipment of the vessel necessary to carry out the observer’s duties, including but not limited to: full access to the bridge, catch before being sorted, processed catch and any bycatch on board, as well as areas which may be used to hold, process, weigh, and store fish.
 - c. Full access to the vessel’s records including its logbooks and documentation for the purpose of reviewing records inspection and copying, vessel diagrams, as well as access to navigational equipment, charts and radios, and access to other information related to fishing activities.
 - d. Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
 - e. 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, freezer to store specimens, scales, etc.
 - f. Access to the working deck or hauling station during net or line retrieval and to specimens (alive or dead) on deck in order to collect and remove samples.
 - h. Access to food, accommodations and medical facilities that meet international maritime standards, as well as sanitary facilities of a standard equivalent to those normally available to an officer on board the vessel.
 - j. Full access to verify safety equipment onboard (through a safety orientation tour provided by officers or crew), before the vessel leaves dock, and the ability of recording any pertinent information including life rafts capacity, radios, expiration dates, etc.
 - k. Full access to communication equipment onboard that allows the observer to communicate with the observer program on land at any time in case of emergencies.
 - l. Unrestrained permission to record any pertinent information including but not limited to video and still images.
 - l. A permanent delegate or supervisor on land to communicate with at any time while at sea.
 - n. Ability to decline to board a vessel if safety issues are detected, such as expired life rafts, restricted capacity of the rafts, expired fire extinguishers, malfunctioning safety equipment, inadequate accommodations, etc., and the ability to communicate the safety issues to the vessel captain, observer provider, Secretariat, and flag State.
 - p. Upon request, receiving assistance of the crew to perform their activities including sampling, handling large specimens, releasing incidental specimens, measurements, etc.
 - q. Expectation of privacy in observer personal areas.

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2. The responsibilities of the observers shall include:
- a. Carrying complete and valid documents before boarding the vessel, including, when relevant, passport, visas, and certificates of onboard security training, and submitting copies of such documents to the national observer programme managers.
 - b. Carrying identification documents issued by the Member or CNCP.
 - c. Accepting and complying with confidentiality rules and procedures regarding the fishing operations of the vessels and of the vessel owners.
 - d. Maintaining independence and impartiality at all times while on duty in the SPRFMO OP.
 - e. Complying with SPRFMO OP protocols for observers while carrying out SPRFMO OP duties on board a vessel.
 - f. Complying with the laws and regulations of the Member or CNCP whose flag the vessel is flying.
 - g. Respecting the hierarchy and general rules of behavior that apply to the vessel personnel.
 - h. Performing duties in a manner that does not unduly interfere with the operations of the vessel and while carrying out their functions giving due consideration to the operational requirements of the vessel and communicating regularly with the captain or master of the vessel.
 - i. Operating in accordance with the conflict resolution procedures established by the program under which the observer is employed.
 - j. Being familiar with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, emergency drills, and first aid kits.
 - k. Communicating regularly with the vessel captain on relevant observer issues and duties.
 - l. Respecting the traditions of the crew and customs of the flag State of the vessel.
 - m. Refraining from actions that could negatively affect the image of the SPRFMO OP.
 - n. Adhering to any codes of conduct for observers.
 - o. Promptly writing and submitting reports to the Commission or national programme in accordance with any procedures that may be adopted by the Commission.
 - p. Before boarding the vessel, ensuring that the embarkation point is free of obstacles, and wearing a personal flotation device and taking appropriate safety precautions when embarking and disembarking.
 - q. Communicating as regularly as is required with the program managers on land.

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Annex B: Rights and Responsibilities of Vessel Operators, Captain and Crew

1. The rights of vessel operators and captains shall include:
 - a. The expectation that when required to take on board a SPRFMO OP Observer, the timing of the placement shall be agreed upon by the observer provider and the vessel captain or owner.
 - b. The ability to conduct operations of the vessel without undue interference due to the observer’s presence and performance of the observer’s duties.
 - c. The 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.
 - d. [The captain shall have the opportunity to review and comment on observer-collected information, and shall have the right to include additional information deemed relevant or a personal statement.]
2. The responsibilities of vessel operators and captains shall include:
 - a. Accepting onboard the vessel one or more persons identified as observers by the SPRFMO OP when required by the Commission or the Member or CNCP to which the vessel is flagged.
 - b. If required as a complementary monitoring tool, installing and maintaining functioning electronic monitoring systems or devices throughout the selected fishing trips.
 - c. Ensure the observer has access to the catch before any sorting, grading or other separation of the components of the catch are made
 - d. Ensuring that vessels operating in the Convention Area include space for the observer to conduct bycatch sampling or other sampling as needed, in a safe manner that limits interference with vessel operations. A dedicated sample station and/or other equipment (such as MCP scales and/or flow scales) to the extent that there are established standards set by the Commission for different types of vessels would satisfy this responsibility.
 - e. Maintaining an inspection report of the sampling area, and make a diagram available to the observers.
 - f. Not altering the sampling space during an observed trip, once established, unless approved by the Commission and the observer. Any alterations will be described in writing, and include the basis for the alterations and if the alteration is permanent or temporary.
 - g. Informing the crew regarding the timing and objectives of the SPRFMO OP and schedule for observer boarding, as well as their rights and responsibilities when an observer from the SPRFMO OP boards the vessel.
 - h. Assisting the SPRFMO OP observer to safely embark and disembark the vessel at an agreed upon place and time.
 - i. Allowing and assisting the SPRFMO Observer Programme observer to carry out all duties safely.
 - j. Allowing the SPRFMO OP observer full access to the vessel’s records including vessel logs and documentation for the purpose of records inspection and copying.
 - k. Allowing access to navigational equipment, charts and radios, and access to other information related to fishing.

Commented [Chair4]: This would presumably occur on completion of the observer’s trip. We need to determine whether to include this requirement and if so, determine what information to be provided. We would need to comply with data confidentiality requirements.

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- l. Permitting access to additional equipment, if present, to facilitate the work of the SPRFMO OP observer while onboard the vessel, such as baskets, scales, high powered binoculars, photo cameras, stationary, electronic means of communication, safety gear (life vests, hard hats, immersion suits, strobe lights, personal locator beacons) etc.
 - m. Allowing and assisting the SPRFMO OP observer to remove and store samples from the catch, and allow the observer access to stored specimens.
 - n. Providing the SPRFMO OP observer, while onboard the vessel, at no expense to the observer or the SPRFMO OP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a standard equivalent to those normally available to an officer onboard the vessel.
 - o. Allowing and assisting full access to and use of all facilities and equipment of the vessel that is necessary for the observer to carry out his or her duties, including full access to the bridge and any internet capabilities, fish onboard, catch before being processed, fish product on board and areas which may be used to hold, process, weigh, and store fish.
 - p. Ensuring the SPRFMO OP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, or offered a bribe in the performance of their duties.
 - q. Following an established mechanism adopted by the Commission for solving conflicts.
 - r. Cooperation with the observer when the observer is sampling the catch.
 - s. Providing notice to the observer at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
 - t. The provision to the observer of adequate space on the bridge or other designated area for clerical work and adequate space on the deck or factory to perform observer duties.
 - u. Provision of personal protective equipment, including a personal locator beacon to the observer.
 - v. Provision to the observer timely medical attention in case of physical or psychological illness or injury.
3. Rights of vessel crew shall include:
- a. The SPRFMO OP observer complying with the general rules of behavior, hierarchy, and laws and regulations of the Member or CNCP whose flag the vessel is flying.
 - b. Being given a period of prior notice of the placement of a SPRFMO OP observer by the Captain.
 - c. Expectation of privacy in crew personal areas.
 - d. The ability to carry out duties associated with normal fishing operations without undue interference due to the SPRFMO OP 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 SPRFMO OP observer or impeding or delaying observer duties.
 - b. Complying with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the Member or CNCP whose flag the vessel is carrying.

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- 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. Allowing and assisting the SPRFMO OP observer to carry out all duties safely.
 - e. Allowing and assisting the SPRFMO OP observer to remove and store samples from the catch.
 - f. Complying with directions given by the vessel captain with respect to the SPRFMO OP observer duties.
5. The responsibilities of vessel captains shall also include providing a safety orientation tour to the observer on boarding and before the vessel leaves the dock and ensuring that the observer completes a vessel safety checklist.

The orientation shall include:

- a. Safety documentation of the vessel.
- b. Location of life rafts, raft capacities, observer’s assignment, expiration, installation, etc.
- c. Location of emergency radio beacons indicating position in case of emergency.
- d. Location of immersion suits and personal floating devices, their accessibility, and the quantities for everyone onboard.
- e. Location of flares, types, numbers, and expiration dates.
- f. Location and number of fire extinguishers, expiration dates, accessibility, etc.
- g. Location of life rings.
- h. Procedures in case of emergencies and essential actions of the observer during each type of emergency, such as a fire on board, recovering a person overboard, etc.
- i. Location of first aid materials and familiarity with crew members in charge of first aid.
- j. Location of radios, procedures for making an emergency call, and how to operate a radio during a call.
- k. Safety drills.
- l. Safe places to work on deck and safety equipment required.
- m. Procedures in case of illness or accident of the observer or any other crew member.

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Annex C: Minimum standards for accreditation for the SPRFMO Observer Programme

The minimum standards are part of the Commission’s validation process for national programmes and service providers to receive accreditation to participate in the SPRFMO OP. Documentation is reviewed and questions related to the standards are asked during the validation process to determine if a programme or provider is fulfilling the required standard, or whether the programme or provider may need assistance to help achieve the required standards. When required to provide written documentation, the programme or provider will provide it in English and may also provide a copy in additional languages if desired.

Accreditation Process

The Secretariat will coordinate the accreditation of national observer programmes and observer service providers. The qualification of individual observers is the responsibility of national programmes or service providers.

Commented [Chair5]: We need to determine ow the accrediting will be accomplished. By Secretariat staff; by a group of experts from Commission members; or by an external assessment undertaken by a third party

An evaluation of the national observer programme or service provider shall be carried out [by an agent designated by the Secretariat] to ensure that the minimum standards described in this annex are in place or are being developed before accreditation is given. All programmes or providers that are seeking accreditation under the SPRFMO OP shall:

1. Provide manuals, guides training materials and other necessary information to demonstrate meeting a standard as described in this annex.
2. Provide the name and contact details of the observer programme or provider coordinator.
3. Send an official letter requesting accreditation.

Minimum Standards for Observer Qualifications

The national observer programme or service provider shall demonstrate that observers that are recruited into their programme have the following qualifications and attributes:

1. Relevant education or technical training and/or experience for the fleets concerned, including for the fisheries involved.
2. Soundness of mind and body and capable of working under stressful psychological and physical situations that can be demonstrated by standard psychological and medical tests.
3. Ability to work at sea with a crew on a cooperative basis over long and continuous periods.
4. No record of violent crime and no record of committing any type of crime within the last five years, and are not restricted from obtaining travel documentation, if necessary.

Until the Commission has developed specific additional criteria, all national programmes and service providers shall provide the criteria used to assess these skills and attributes, including any specific conditions that would render a person ineligible to work as a fisheries observer, for review.

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Minimum Standards for Observer Training

National observer programmes or service providers shall cover the following components in their initial and regular [annual] refresher training:

1. Fisheries management
2. Understanding monitoring, control and surveillance mechanisms
3. The Convention and related CMMs
4. Importance of observer programmes, including understanding authority and responsibilities of observers
5. Safety at sea, including emergencies at sea, survival at sea, management of conflicts, and cold water survival
6. First aid training, appropriate to working at-sea or in remote situations
7. Species identification, including target, non-target, protected species, seabirds, marine mammals, sea turtles invertebrates indicating vulnerable marine ecosystems, etc.
8. Fishing vessel and fishing gear types
9. Vessel identification and markings
10. Techniques of verification of catch logbooks
11. Techniques of estimating catch and species composition
12. Fish sampling, measuring and weighing techniques, and sampling methodologies
13. Preservation of samples for analysis
14. Data collection codes and data collection formats
15. Use of digital recorders, electronic notebooks
16. Knowledge of navigation including latitude/longitude, compasses, bearings, chart work, plotting a position
17. Electronic equipment used for observer work and understanding their operation
18. The use of radios and communications devices to a level necessary to be able to operate such devices in routine and emergency situations
19. Verbal debriefing and report writing

Until the Commission has developed specific additional criteria, all national programmes and service providers shall provide the training programme materials, specific to fisheries/methods in which that Member or CNCP is active, for review:

Fisheries:

- Pelagic finfish fishery
 - Purse seine
 - Pelagic trawl
- Squid fishery
 - Squid jig
- Demersal fishery
 - Trawl
 - Longline
 - Drop line/Dahn line
 - Pot/traps

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Minimum Standards for Observer Trainers

National programmes or service providers shall demonstrate that observer trainers have the following minimum skills and have been authorised by that national programme or service provider to train observers:

1. Advanced education or technical training in observer work, data collections and reporting.
2. Experience at sea as an observer or other expertise in fisheries with a good understanding of the relevant fisheries and its management.
3. The ability to communicate training messages in a clear and straight forward manner.
4. Advanced knowledge of the Convention and related CMMs.

Trainers may be internal to the programme or may be brought in to provide training. Programme Coordinators should also take part in the training, in order to develop closer relationships with their potential observers.

Until the Commission has developed specific additional criteria, all programmes and providers shall provide the trainer qualifications or other criteria used to hire trainers for review as part of the accreditation process.

Minimum Standards for Measuring Performance of Observers

National observer programmes or service providers shall use the following minimum criteria to assess the performance of observers:

1. Extent to which they are trained by their programmes to an acceptable standard, either by formal certification or other demonstrable means on an annual basis.
2. Ability to collect quality data.
3. Ability to make comprehensive and detailed written reports.
4. Demonstrated good conduct and cooperative behaviour while deployed on trips and when travelling to or from vessels.

Until the Commission has developed specific additional criteria, all national observer programmes and service providers shall provide the criteria used to assess observer performance, including any specific actions that would be taken if an observer demonstrates poor performance, for review by the Secretariat.

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Minimum Standards for Briefing and the Data Quality Assurance Process

National observer programmes or service providers shall demonstrate that there is a system for briefing observers and an observer data quality assurance process in place that guarantees that at minimum:

1. Observers clearly understand the roles and duties they are expected to carry out on a vessel.
2. That a programme or provider may choose to use a standard briefing form that can be read out and agreed upon by the captain and observer and that by signing the form that they understand the conditions, roles, etc. when the observer is on board the vessel. If used, this form should be retained by the captain.
3. The data and information collected by an observer is checked for discrepancies and can be corrected before the information is entered into a database or used for analysis.

Until the Commission has developed specific additional criteria, all programmes and providers will provide the protocols followed for briefings and the data quality assurance process for review.

Minimum Standards for Briefing and Data Quality Assurance Process Training

National observer programmes or service providers must demonstrate that observer trainers have the following attributes and have been authorised by that programme or provider to provide briefings and to conduct the data quality assurance process.

Briefer and Data Quality Assurance Process Training

Briefers should have basic training designed to educate them in effective communications and conflict resolution. They should have knowledge regarding the roles of an observer and a thorough understanding of the conditions that an observer may experience while at sea on a vessel. They should also have knowledge of the purpose and content of the SPRFMO OP, the Convention and relevant conservation and management measures.

Both Briefers and those responsible for the Data Quality Assurance Process should have:

1. An intimate knowledge of observer work, data collections and reporting.
2. Experienced conditions at sea, preferably as an observer.
3. A good understanding of the fishery and its management.
4. Good communication skills, and can give clear and understandable messages in a straightforward manner.
5. Good knowledge of the Commission’s CMMs relevant to observers.

Until the Commission has developed specific additional criteria, all national programmes and service providers shall provide the trainer qualifications for review.

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Minimum Standards for Observer Identification Cards

National observer programmes or service providers shall provide observers with identification cards.

Minimum required information on the front of each card:

1. Full name of the observer
2. Full name of the observer provider or programme
3. Nationality of the observer
4. Unique identifying number for the observer
5. Passport style photo of the observer

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

1. Issue date and expiry date
2. Crest or logo of provider or programme and flag of Member or CNCP

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

1. Signature of observer;
2. Status of observer qualifications

All programmes and providers shall provide a sample observer ID card for review.

Minimum Standards for Coordinating Observer Placements and Observer Deployments

National observer programmes or service provider must demonstrate responsibility and capacity for the timely deployment of observers and will ensure that the selected observer receives all possible assistance during the entire length of their cruises.

It is the responsibility of a national programme or service provider to administer observer placements, including costs, which may be recovered by various means of that Member or CNCP’s choosing, in order to maintain independence and impartiality of observers as described in this measure and ensure that all commitments are completed as soon as practical after the observers return to port. The national observer programme or service provider is expected to carry out the following minimum functions related to observer placement:

1. Communicate to the vessel and if required, to the Member or CNCP about upcoming deployments and arrange the date and time of briefings and deployments.
2. Organise all travel arrangements including air, bus or ferry schedules.
3. Coordinate a briefing for the observer and the vessel captain before departure to advise on all obligations regarding the observer and vessel.
4. Check the status of vessel safety including safety equipment before the observer departs.
5. Supply forms and workbooks in an appropriate format ensuring they contain the SPRFMO minimum data standards as specified in CMM 02-YR.

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Until the Commission has developed specific additional criteria, all national programmes and service providers shall provide the protocols used to place observers, including any specific actions that would be taken if a vessel fails to pass the required pre-deployment safety check for review.

Minimum Standards for Equipment and Materials

National observer programmes or service providers must demonstrate that observers are provided with appropriate equipment, including safety equipment, to carry out their roles and responsibilities on board a vessel. Observer providers or programmes must follow the following guidelines:

1. Equipment and materials should be specific to gear type and area the vessel is fishing.
2. Safety equipment includes lifejacket, personal locator beacons, immersion suits, hard hat, proper deck working boots or shoes, gloves and protective sun glasses.
3. Equipment for work must be in a good working order and safety gear should be checked and current, i.e. un-expired.

Until the Commission develops specific additional criteria, all programmes and providers will provide the protocols used to ensure observers are provided adequate equipment and materials, including any specific actions that would be taken if a piece of equipment fails to pass required pre-deployment safety checks for review.

Minimum Standards for Conservation and Management Measures

National observer programmes or service provider shall provide observers with appropriate information regarding SPRFMO conservation and management measures (CMMs). National programmes and service providers may develop a handbook or guide on “CMMs for observers” available in hard copy or electronic format.

Minimum Standards for Communications

National programmes or providers must demonstrate that observers are provided with appropriate communications equipment or have access to appropriate communication facilities while on board a vessel and that appropriate procedures are in place, including:

1. A two-way communication device and a waterproof personal lifesaving beacon are issued to all observers on all trips to ensure that observers have access to independent communications. 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 satellite phone plus a portable lifesaving beacon.
2. Established regular communication procedures with their observers during a trip.

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3. Ensure that observers understand safety communication codes and protocols before boarding a vessel.

Until the Commission has developed specific additional criteria, all programmes and providers will provide the protocols used to provide communications support to observers for review.

Minimum Standards for the Code of Conduct

National observer programmes or service providers must demonstrate that observers have implemented measures (contained in a Code of Conduct) for preventing misconduct of observers, including requirements of Annex A and implemented as follows:

1. The conduct of observers will be monitored.
2. Alleged breaches reported by a vessel captain will be investigated.
3. Based on the results of the investigation, the programme or provider will determine the appropriate action to be taken.
4. The incident and the action taken by the programme or provider should be included in the annual implementation report.

Until the Commission has developed specific additional criteria, all programmes and providers shall provide documentation of the measures implemented regarding observer misconduct, including any specific actions that would be taken if misconduct is substantiated, for review.

Minimum Standards for Dispute Settlement

National observer programme or service providers shall demonstrate the existence of at a minimum:

1. Procedures to report disputes for both the observer and the vessel.
2. A fact-finding process allowing all parties to make statements.
3. A process to resolve the problem through mediation, facilitation and conciliation.

All programmes and providers shall provide the documentation of the measures implemented to resolve disputes for review.

Minimum Standards for Insurance and Liability

National observer programmes or service providers must demonstrate that observers have health, safety and liability insurance commensurate with existing national standards for such insurance before placing the observer on a vessel.

Commented [Chair6]: We may need to determine whether this is standard of the observer nationality, of the provider nationality, or of the nationality of the vessel?

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Minimum Standards for Observer Safety Emergency Action Plan (EAP)

National programmes or service providers must demonstrate that procedures are in place to support observers in their ability to carry out their duties unimpeded and in a safe working environment, including an established Emergency Action Plan (EAP) to handle reports that an observer may make regarding unsafe conditions including instances of harassment, intimidation or assault. The EAP should include an established 24-hour emergency contact for observers and as a minimum protocol will include:

1. When to report: Generally, observers should be required to immediately report any instance of interference, harassment, intimidation, or assault, unless it is unsafe to do so.
2. Who to report to: A designated point of contact, responsible for maintaining a device capable of receiving a signal from the approved independent two-way satellite communication device at all times.
3. Follow up responses: An established procedure to maintain contact in order to resolve the situation with the observer, the vessel, and if necessary, the appropriate enforcement authority of the Member or CNCP.

All programmes and providers shall provide the emergency action plan for review during the accreditation process.

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Annex D: Format for Annual Report on Implementation of Observer Programme

Report Components

The national observer program or service provider implementation report should be a component of the National Reports submitted by Members and CNCPs to the Scientific Committee and developed in accordance with the “Guidelines for Annual National Reports to the SPRFMO Scientific Committee,” (“Guidelines”). This report should provide a brief overview of observer programs for SPRFMO fisheries. It is not intended to replace submitted papers containing proper analyses of collected observer data and related scientific issues. This report should include the following sections, in addition to the observer information provided as detailed in Section 2.5 of the “Guidelines”:

A. Observer Training

An overview of observer training conducted, including a description of training program provided to observers, *i.e.* regular training course, or re-training for returning observers, and the number of observers trained.

B. Observer Coverage Design and Implementation

Details of the design of the observer placement scheme, including:

1. The fleets, fleet components or fishery components covered by the programmes.
2. How vessels were selected to carry observers within the above fleets or components.
3. How observer coverage was stratified: by fleets, fisheries components, vessel types, vessel sizes, vessel ages, fishing areas and seasons.
4. Number of observer deployments per fishery, and percentage of observed trips of the total vessel trips in the fishery or percentage of other metric used to establish observer coverage.
5. The number and reason(s) for any observer placements cancelled, and a time schedule to address the reason(s) and render the vessel observable.
6. A report that includes the number of vessels, total number of trips of each vessel, and the total number of fishing days.

C. Observer Safety Issues

Summary of observer safety issues arising during the fishing year.