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Indian Ocean Tuna Commission  
Commission des Thons de l'Océan Indien

IOTC Regional Observer Scheme

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## Observer Program Development & Logistic Coordination Workshop

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### Observer Logistic Coordination

# OLC Guide: Observer Programme Development Observer Deployment and co-ordination

[IOTC ROS OLC]



CapMarine  
Capricorn Marine Environmental

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Indian Ocean Tuna Commission  
IOTC Secretariat  
Le Chantier Mall (2nd floor)  
PO Box 1011  
Victoria Mahé - SEYCHELLES.  
Tel: +248 4225494  
Fax: +248 4224364  
Email:

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## **ABSTRACT**

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The objectives of this document are to provide Observer Coordinators with a guide of the procedures and documentation to develop an observer programme, for deploying observers to sea and the processes for supporting them while they are at sea, debriefing them when they return, and revise, process, manage and report data collected to national and regional organizations.

## **PROGRAMME OUTLINE**

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The training of the Observer Co-ordination Team (OCT) covers a wide range of components that are integral in managing an observer programme. Key components include:

1. Observer programme mandate (international, regional and national) and objectives
2. Observer programme coverage and number of observers required
3. Observer programme management structure (institutional structure, financial means, co-ordination team)
4. Observer recruitment, registration, training and administration
  - a. Observer trainer and coordinators
  - b. Observer training policy
  - c. Observer competency
  - d. Contracts of employment and salaries
  - e. Code of conduct
  - f. Insurance and Liability
  - g. Leave
  - h. Emergency Action Plan (EAP)
5. Sensitizing and planning deployments with the fishing industry and vessel operators
  - a. Allocation of observers to vessels
  - b. Deployment notification processes
  - c. Memorandum of Understanding (MOU) with vessel operators
  - d. Dispute settlement
  - e. Mechanisms for coordination with observer programmes of other CPCs
6. Observer deployment
  - a. Health and Safety checks and pre-sea safety inspections process
  - b. Preparation of observer gear lists, sampling equipment and materials
  - c. Preparation of trip instructions and of summary of IOTC Resolutions and CMMs of relevance to the observer scheme

- d. Manuals, data collection forms and minimum data fields
  - e. Observer briefing process
  - f. In-trip coordination
  - g. Observer communications and reports (deployment & periodic & ad-hoc)
7. Observer disembarkation
- a. Observer debriefing
  - b. Data cross-checking and verification
  - c. Observer trip reports
  - d. Data management, processing, quality control and reporting procedures
  - e. Data submission to the IOTC Secretariat
8. IOTC ROS e-reporting tools (installation, management and usage)
9. Training of debriefers;
10. Training of observer trainers.

Covering these components will best be achieved through a blended training process where participants will acquire required theoretical background via the completing of a set of e-training modules; will be directly involved in designing materials best suited to their needs and taking into account their knowledge of their national fishery research, through an interactive training process; and gain practical experience by being mentored into participating to observer training, briefing, deployment and debriefing activities including the management and submission of data from at least one observer deployment.

The training manual provides a guide to the essential aspects of setting up and managing an observer programme, together with a guide to the format and information expected for the relevant documents required at the different stages of observer deployment. Emphasis is placed on the processes for supporting observers at sea and the value of effective debriefing and data verification at the end of a deployment.

## BACKGROUND

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Regional Observer Schemes (ROS) have increasingly been adopted by Regional Fisheries Management Organisations (RFMO's) as an 'independent' source of detailed information on the fisheries being managed. The ROS provides for the organisation information that can be used to verify the gear types used in the convention area, as well as catch and effort data independent from that reported in vessels logbooks. In addition, observer data can provide information on the effectiveness of mitigation measures and an indication of vessels adherence to management measures adopted by the Commissions of the RFMOs.

Recognising that observer programmes could successfully be used for the purposes of collecting scientific information at both the national and RFMO level, the Indian Ocean Tuna Commission (IOTC) adopted Resolution 09/04 *on a Regional Observer Scheme* in 2009 at its 13<sup>th</sup> Session. This was superseded in 2010 by Resolution 10/04, and again in 2011 by the current Resolution 11/04.

In adopting the ROS, the Commission acknowledged the United Nations General Assembly "Sustainable Fisheries" Resolution 63/112, which encourages the development of observer programmes by regional fisheries management organizations and arrangements to improve data collection in their area of management.

The Commission also emphasised that in terms of Articles IX and XI of the IOTC Agreement, Contracting Parties and Cooperating Non-Contracting Parties (hereafter CPC) have the obligation to fully comply with the IOTC Conservation and Management Measures (CMMs) and are required to submit, on the request of the Commission, any available statistical, biological and other scientific information needed for the purposes of the Agreement in maintaining the resources of tuna and tuna-like fishes of the Indian Ocean.

The IOTC Resolution 11/04, specifically states that:

1. *The objective of the IOTC observer scheme shall be to collect verified catch data and other scientific data;*
2. *In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC area of competence of 24 meters overall length and over, and under 24 meters if they fish outside their Exclusive Economic Zone (EEZ) shall be covered by this observer scheme. For vessels under 24 meters if they fish outside their EEZ, the above-mentioned coverage should be achieved progressively by January 2013.*
3. *When purse seiners are carrying an observer as stated in paragraph 1, this observer shall also monitor the catches at unloading to identify the composition of bigeye tuna catches. The requirement for the observer to monitor catches at unloading is not applicable to CPCs already having a sampling scheme, with at least the coverage set out in paragraph 2.*
5. *CPCs shall:*
  - a. *Have the primary responsibility to obtain qualified observers. Each CPC may choose to use either deployed national or non-national of the flag State of the vessel on which they are deployed;*

6. The cost of the observer scheme in paragraph 2 and 3 shall be met by each CPC.

The IOTC as an RFMO therefore places the responsibility on each of its CPC's to establish a legal mandate for their flagged vessels to accommodate observers. Inherent to the requirement for observer coverage is the associated need for the CPC to develop and coordinate its national observer programme(s) to provide observer services for their flagged vessels.

The implementation of the ROS by IOTC CPCs officially commenced on 1<sup>st</sup> July 2010 and is based entirely on national implementation. In a positive step for supporting the implementation of the ROS, the Commission adopted in 2016, Resolution 16/04 On the implementation of a pilot project in view of promoting the Regional Observer Scheme of IOTC.

The framework of the Pilot Project, is centred around five key components that aim to tackle key issues that currently undermine the collection and analysis of high-quality data through the development of new technologies, tools, standards and processes and their operationalisation in selected voluntary CPCs.

The conducting of Observer Logistic Coordination Workshops and the creation of this document was done under Component 1 of the IOTC ROS Pilot Project. A component that seeks to address the problem of establishing observer programmes from scratch where there are few resources, expertise, and experiences to draw on through the development of a full training programme package for Observer Programme Coordinators and Observers.

This document also considers the IOTC ROS Standards<sup>1</sup> for the development and management of observer programmes. These are to be taken into consideration when developing CPCs' National Observer Programmes.

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<sup>1</sup> Endorsed "in principle", by the Commission in June 2019, on the understanding that further comments can be made, and that the standards will be reviewed based on these comments and other feedback made during the implementation phase.

## OBJECTIVES

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It is important to establish clear objectives before implementing an Observer Programme. These may include objectives for scientific information (total catch and effort including bycatch, discards and high grading, biological sampling of catches [e.g. diet, spawning condition, fish length etc.]) and/or compliance information (observation of fisheries laws, regulations and plans, permit controls and validation of vessel logbooks). Both scientific and compliance information, are needed for sustainable fisheries management.

Participants of OCWs are to identify CPCs' observer program objectives and to include them in CPCs' *Observer program development & observer logistical co-ordination guide*.

## MANDATE

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The placement of observers in terms of national and/or international programmes requires a “*legal mandate*”. The mandate provides the legal obligation for its flagged vessel to accommodate an observer when requested and outlines the conditions for these deployments. An observer coordinator can therefore request any vessel covered by the IOTC Resolution 11/04 to accommodate an observer in accordance with this mandate.

The functions of the *Observer Coordinator* are; to facilitate the safe deployment of observers' to designated vessels and optimise the conditions for their work on-board.

IT IS NOT their function to demand or force a vessel to “*unwillingly*” carry the observer.

The mandate for vessels to carry observers and the functions of the observer may be prescribed through a number of organisations involving both national and international fisheries:

- observer requirements are incorporated into the national fisheries legislation and are prescribed in the licence conditions issued to the vessel;
- Regional Fisheries Management Organisations (RFMOs) can request CPC's to make provision for their flagged vessels to carry observers; and
- fisheries scientists may require observers to collect specific data for the management of the fishery.

The licencing conditions and situations influencing observer deployments and coordination are determined by the nationality of the vessel and the area of operation. Three basic scenarios exist:

1. *National flagged vessels operating within their Exclusive Economic Zone (EEZ)*. These deployments often involve smaller vessels in the artisanal fishery that operate closer inshore. Trips may be short, one-day to a week depending on how the product is processed and preserved.
2. *National flagged vessels operating within the EEZ and on the high seas*. A vessel operating on the high seas is expected to conform to the licence conditions imposed by the flagged state, as well as the conditions of the RFMO for the area. Vessels in these fisheries are often larger and can undertake trips of several months.
3. *Foreign flagged vessels with permits issued to them by a country, allowing them to operate within their EEZ*. The coastal State can require the vessel to accommodate an observer for the

period that they operate within their EEZ. These vessels may operate on both the high seas and within the countries EEZ. Depending on the size of the vessel and the sector in which they operate, trips can last up to several months.

The carrying of Observers requires the support of international legal instruments such as:

- UNCLOS
- UN Fish Stocks Agreement (1995)
- Recognised conventions and RFMO (e.g. IOTC)
- National Legislation
- Bilateral agreements; etc.

At a national level, appropriate legislation is essential for the establishment of an Observer Programme, as it provides the mandate and authority to place Observers on a vessel as needed. If the obligation to take an Observer is not entrenched in the national fisheries-related legislation, then there can be no legal requirement for a vessel operator to take an Observer.

The most common legal instruments are through:

- Fisheries Act
- Fisheries Regulations
- Vessel Licence conditions
- Fishing Licence conditions
- Conditions pertaining to an Access Agreement
- Other legal instruments when the authority is provided for by any of the above (ex: MoUs).

### ***International mandate***

At international level, Articles 61, 62, 63 and 64 of the United Nations Convention on the Law of the Sea (UNCLOS) specify that signatories have an obligation to utilise and conserve living resources as well as provide Observers and specify fisheries research programmes and guidelines. This relates to the UN Fish Stocks agreement (A/CONF.164/37, 1995) on highly migratory species and also on stocks of a transboundary nature. Coastal and Island states have the obligation to monitor fisheries, to collect relevant data for their management and also to prevent and deter illegal, unreported and unregulated fishing (IUU).

It should also be kept in mind that all signatories to UNCLOS have also agreed to carry Observers as prescribed in Article 62 – that is a vessel not carrying an Observer from the flag of the coastal state when fishing inside the EEZ of a coastal state may be obligated under the permit conditions specified by the coastal state, to carry Observers.

### ***Regional mandate***

#### **Regional Fisheries Management Organisations**

##### **The Indian Ocean Tuna Commission (IOTC)**

In 2011 the IOTC agreed to the creation of a Regional Observer Scheme (ROS) to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC Area

through the implementation of national observer programmes (refer to IOTC Resolution 11/04 On a Regional Observer Scheme).

Furthermore, IOTC ROS Standards ENDORSED by the Commission in June 2019 include a process to assess CPCs national observer programmes in terms of their compliance with IOTC standards.

The IOTC as a Regional Fisheries Management Organisation (RFMO) therefore places the responsibility on each CPC to establish a legal mandate for their flagged vessels to accommodate observers and inherent to this requirement is the associated need for the CPC to develop and coordinate its national observer programme/s (via national institutes and/or independent service providers).

CPC participating to the present project are members of the IOTC and are therefore expected to comply with IOTC Resolutions relevant to the observer programme, and with IOTC ROS standards.

#### **Workshop Task 1 - Review relevant IOTC Resolutions relevant to the Observer Programme**

Participants will cross-reference the relevant text of the Fisheries Act and Regulations with IOTC resolutions relevant to the observer programme and to identify legislation gaps.

#### **Workshop Task 2- Review IOTC ROS standards and guidelines**

Participants of Observer Coordinator Workshops (OCW) are to take into consideration IOTC ROS standards and guidelines, ENDORSED by the IOTC Commission at its 23<sup>rd</sup> session, when developing *CPC Observer program development & observer logistical co-ordination guide*.

#### **Other Regional Fisheries Management Organisations**

CPC participating to the present project are members of other RFMOs and are therefore expected to comply with RFMOs Resolutions and standards relevant to the observer programme.

#### **Workshop Task 3 - Review relevant RFMO Measures pertaining to Observer Programs**

Participants are to identify other RFMOs likely to influence the terms and conditions for CPC observer deployment and to include relevant sections of RFMOs' resolutions that support the implementation of CPC's observer program within the *CPC Observer program development & observer logistical co-ordination guide*.

### ***National mandate***

#### **National organisations and legislation**

#### **Workshop Task 4 - Review national legislation that provides legal mandate to the observer program**

Participants are to identify national organisations most likely to influence terms and conditions for CPC observer deployment and relevant sections of national legislation that support the implementation of CPC's observer program and to include them in *CPC Observer program development & observer logistical co-ordination guides*.

## COVERAGE AND STRATIFICATION

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Observer coverage will depend of programme objectives and should meet at a minimum that specified in Resolution 11/04: On a Regional Observer Scheme (or any subsequent superseding Resolution). Coverage should be stratified across gear type, vessel size, target species, area and season, to be representative of the entire fleet so that there will be minimal bias in results from the extrapolation of observer data. There should also be adequate observer representation across all individual vessels over the long term.

### **Requirements**

#### **Indian Ocean Tuna Commission (IOTC)**

IOTC ROS standards, specifies that “*Observer coverage required is, at a minimum that specified by the Commission*”, currently detailed under Resolution 11/04: On a Regional Observer Scheme, para 2:

*2. In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC area of competence of 24 meters overall length and over, and under 24 meters if they fish outside their Exclusive Economic Zone (EEZ) shall be covered by this observer scheme. For vessels under 24 meters if they fish outside their EEZ.*

And detailed under ROS expectation on Observer Coverage, that:

*CPCs are to endeavour that the minimum level of coverage is met, and that the coverage is representative of the entire fleet so that there will be minimal bias in results from the extrapolation of observer data.*

*CPCs should, to the extent possible, ensure that coverage is stratified across gear type, vessel size ( $\geq 24m$  and  $< 24m$ ), target species, area and season. There should also be adequate observer representation across all individual vessels over the long term.*

*If the minimum level of coverage is not met by a flag CPC, any other CPC may, subject to the consent of the flag CPC who has not met its coverage, place an observer to fulfil required tasks until that flag CPC provides a replacement or the target coverage level is met.*

*This standard does not preclude the right of the coastal state to mandate the deployment of a national observer on vessels operating within their EEZ, regardless of the presence of an observer from another CPC.*

*CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type.*

#### **Workshop Task 5 - Review the national fleet size and number of observers required**

Participants at OCWs are to calculate CPC’s observer program coverage and stratification level as well as the number of observers required to meet estimated coverage and to include those calculations in the *CPC Observer program development & observer logistical co-ordination*

## PROGRAMME MANAGEMENT AND SUPERVISION

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An Observer Programme can adopt one of the following management structures:

- a) Management staff and observers employed by the fisheries authority;
- b) Management staff employed by the fisheries authority and observers contracted to the programme either as private contract workers or outsourced to an independent observer service provider;
- c) Management staff and observers form a separate entity to the fisheries authority, either as a government agency (or other similar semi-private organisation) or an independent observer service provider contracted to the fisheries authority.

When considering Observer Programme management structure, it is important to keep in mind that the aim is to achieve the programme objectives in the most efficient way, taking into account the social, political and economic environment.

### **Workshop Task 6 - Prepare an organogram for the observer program management structure**

Participants are to identify CPC's observer program management structure, and to detail it in the *CPC's Observer Program Development & Observer Logistical Co-ordination Guide*.

### ***Observer Coordination Team (OCT)***

The formation of a unit with dedicated staff within the fisheries organisation or an independent institution tasked with the development and continuous management of the program is a fundamental component for the development, management and coordination of national observer programs. This single entity is essential to both the development and success of an observer program, which will also affect the continuity and quality of information provided back to the IOTC.

Observer co-ordination team key functions include:

- Accounting and finance (personnel and finance)
- Observer co-ordination (programme management & development, liaison)
- Observer recruitment and training
- Data management (briefing & debriefing, data verification, management, processing, quality control and reporting to national and regional organisations).

The type and number of staff involved on an Observer Program can differ enormously from a small programme, with perhaps one co-ordinator running the entire operation, to a programme managed from a head office with satellite offices at other key sampling ports. Observer Coordination teams should be appropriately qualified, experienced in observer coordination matters or been trained to accomplish necessary functions.

### **Workshop Task 7 - Prepare a list of names and organogram for the observer program logistical management**

Participants are to identify CPCs' Observer Coordination Team staff and their respective functions, and to list them under *CPCs' Observer program development & observer logistical co-ordination guide*.

## ***Financial means***

### **Budget**

It is essential to estimate Observer Program start-up and annual operational costs at the start of an Observer Program. These include: 1) office accommodation, equipment, and costs; 2) management team and observer salaries; 3) observer equipment, training and technology; 4) insurances and 5) personnel administration (travel, per-diems, etc.).

#### **Workshop Task 8 - Discuss the long-term financial viability of the national observer program**

Participants are to estimate CPCs' Observer Program start-up and annual operational costs and to

### **Funding**

Observer Programmes can be directly funded by the CPC State(s) through the channelling of central government funds into the programme (through the provision of personnel and equipment or as a lump sum) or indirectly through a levy system on the fishing industry (direct levy or payment linked to the use right -vessel licence, access right, etc.; access agreements; levy against the number of sea-days). In some cases, NGOs might fund an Observer programme or an industrial body (fishing association) might collectively fund a programme.

In developing countries cooperating partners (donor agencies) may be able to provide financial or technical assistance to a country for developing or sustaining an Observer Programme. Financial assistance given by a cooperating partner is usually time-bound, and the programme must therefore be sure to plan for withdrawal of the assistance (FAO, 2003).

If the Observer Programme is partially or fully supporting a regional fishery organization then the responsibility for payment will normally fall to the flag state of the vessel or to the fisheries management organization managing the fishery. The programme will then be able either to exist within the organization or to be outsourced to perform specified tasks and paid accordingly.

In any of the above situations, the most important aspects to consider are that the Observer Program should:

- 1) be self-sustaining;
- 2) develop proper procedures for advance payments;

#### **Workshop Task 9 - Discuss the long-term financial viability of the national observer program**

Participants are to discuss possible funding options that allow for the implementation of a long-term, self-sustained Programme, that preserves capacity built and develops proper procedures for advance payments, and to include it in *CPC Observer program development & observer logistical*

# STANDARDS AND PROCEDURES FOR THE RECRUITMENT, TRAINING AND REGISTRATION OF OBSERVERS

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## ***Recruitment***

The OCT should have significant input into the recruitment and selection of observers and for some programs may be expected to manage this process.

Observers work alone, often for long hours and mostly without supervision. To do this, they must have a high degree of personal integrity and loyalty to their employer.

Good observers are a valuable asset to a program and need to be well managed and supported.

The key aspect for building up a team of observers is to recruit persons with the correct academic background and qualities to work at sea. Therefore, the following minimum requirements should apply:

- minimum age of 18 years;
- candidates for on-board monitoring should provide a certificate of medical fitness (STCW or equivalent) issued by an authorised medical practitioner;
- minimum secondary school academic qualification and a school leaving certificate; (recognition of prior learning and or experience can also be taken into account);
- proven literacy competency;
- proven mathematical competency to undertake statistical calculations of catch compositions and catch determination;
- police clearance certificate;
- history of strong socially acceptable ethical standards in the areas of honesty and public behaviour.
- applicants must not have participated in any activity that would;
  - cause reasonable question of the impartiality or objectivity with which the program is administered;
  - significantly impair the observer's ability to perform his/her duties; or
  - adversely affect the efficient accomplishment of the program's mission.

Observers fill a *"position of trust"* and a compulsory signed statement of *"non-affiliation"* can be requested from applicants. They need to affirm that they have no direct financial interest with a rights holder in the fishery they monitor, including the vessels or shore-side facilities involved in the catching or processing of the product. Nor should they have any interest in companies selling supplies or services to those vessels or shore-side facilities, or companies purchasing raw or processed products from these vessels or shore-side facilities. The interests of a spouse or minor child are also considered those of the observer.

Each candidate should be interviewed and complete a pre-recruitment assessment test as part of the selection process. Referees provided in a candidate CV should be questioned about candidates' work habits, ability to adapt and improvise, ability to work alone and complete work in a timely manner, physical fitness, capacity to live in potentially hostile environments, and their ability to maintain standards of conduct.

### **Workshop Task 10 - Prepare a national recruitment policy and guideline**

Participants are to draft a list of recruitment requirements in the form of a recruitment checklist and personnel information form for administrative purposes, these are to be included in the *CPCs' Observer program development & observer logistical co-ordination guide*.

### ***Training requirements***

Implementing the observer training program may not necessarily be the responsibility of the OCT. Observer training can be undertaken by the institution managing the observer program, by specialists brought in from other programs or be outsourced to specialised organisations. In either event, the OCT should participate in the drafting of observer training requirements and be familiar with IOTC ROS training requirements for ROS observers.

### **Workshop Task 11 - Prepare a guideline to train observers**

Participants are to research the availability of institutions in their country or region that can undertake the outsourced health and safety training that observers must have before they can be deployed. Participants are also to prepare a guideline to train observers inclusive of minimum requirements to access training, and minimum training requirements. These are to be included in the *CPCs' Observer program development & observer logistical co-ordination guide*.

### ***Registration***

According to IOTC ROS Standards, the CPC-approved Observer Provider will be responsible for the submission of a request for observer registration to the IOTC Secretariat and for guaranteeing that observers meet ROS expectations on IOTC observer registration.

### **Workshop Task 12 - Prepare draft procedures for registering observers with IOTC**

Participants are to draft procedures for registering observers to be deployed in the context of the national implementation of the IOTC Regional Observe Scheme, with the IOTC Secretariat according to the process detailed under the IOTC ROS Standards. These are to be included in the *CPCs' Observer program development & observer logistical co-ordination guide*.

### ***Administration***

The administration process surrounding coordination of the observer programme is a key aspect in the management of observers and includes the following:

- Observer contracts of employment and salaries
- Insurance
- Managing leave and time-off

### **Contracts of Employment and Salaries**

Observers should be offered contracts of employment that can be either a fixed salary or an *ad hoc* contract for each trip working on a “sea-going rate”, or a combination of both (Annexure 2). The choice of salary option will depend on the type of programme, the type of Observers and the income sources. Table1 considers these options from a financial point of view.

**Table 1 - Comparison of financial implications for Observer salaries.**

Contract type		Advantages	Disadvantages
Monthly rate (fixed monthly rate with no sea allowance)		Observer can be used on shore (e.g. data processing); No additional salaries are required for training courses; Provides financial security; Facilitates financial planning of the programme.	Observers have no financial incentive to go to sea; Extra space is required on shore and tasks need to be allocated and supervised; More effort is required in personnel management
Sea-day rate (only paid when at sea <sup>2</sup> )		If the income is related to vessel sea-days, programme financial planning is easy to carry out; Observers will always be incentivised to go to sea	Observers only available for other tasks when on shore if tasks are paid for; Observer lacks financial security.
Combination rate	Monthly salary at a fixed low rate complete by sea going allowance	Observer can be used on shore (e.g., data processing); No additional salaries are required for training courses; Provides financial security; Observers will want to go to sea as the bulk of the salary comes from sea allowance	Difficult to financially plan the programme; Extra space is required on shore and tasks need to be allocated and supervised; More effort is required in personnel management.
	Monthly salary at a normal fixed rate complete by a low sea going allowance	Staff can be used on shore (e.g., data processing); No additional salaries are required for training courses; Inherent financial security; Easy to plan financially.	No financial incentive to go to sea

These contracts should specify:

- salaries and sea going rates;
- compliance to labour regulations with respect to leave and taxes;
- the observer’s job description;
- disciplinary action for non-performance;
- conditions for the deployment and the maintaining observer protocol on-board;
- observer confidentiality; and
- personal accident and injury insurance.

<sup>2</sup> Travel days, stand-by days and report writing days are at the discretion of the organisation. In some cases, Observers are paid full rates “door to door” while other organisations might only charge full rates once the Observer has boarded the vessel and all standby and travel days might, for example, be charged at 50% of the agreed sea-day rates.

Where observers are paid a salary, they may be entitled to other benefits in terms of the country's labour regulations, such as paid leave. Observers working on *ad hoc* contracts that are paid for their sea-time only, may be exempt from some of these conditions and benefits. Observers on a fixed salary may also have clauses that pay them an additional rate for the time they are at sea. It is important that all rates and administrative deductions for tax or any other benefits are clearly outlined in contracts and that observers' are made aware of these conditions prior to them being deployed.

Where observers have dependants and responsibilities ashore, it may be necessary to pay them a portion of their earnings on a monthly basis (normally 50%), while they are at sea for trips that may last several months. The balance is then reconciled at the end of the trip after the observers have submitted their data and reports.

Contracts must cover the observer's job description and the work expected from them and these are often cross referenced to the IOTC data collection requirements. Salaried observers require a job description for their work ashore.

As a manager it is important to have legal recourse to manage negligence, non-performance or discipline of observers when they do not perform to expectation or comply with the expected work ethics. The disciplinary procedures must be clearly outlined in the contract to avoid any legal counter actions should an observer need to be disciplined for some reason.

The logistical procedures for deploying the observer, protocols on-board, disembarkation and debriefing need to be specified. These include timelines for submission of data and reports. Observer protocols can be cross referenced to the international observer protocols from their training but may also be specified for various observer programs.

Observers must understand and sign a detailed affidavit in their contracts to ensure the confidentiality of the data and information they record. An example of a confidentiality statement is provided in (Annexure3). A copy of this should be provided to the vessels captain when the observer embarks. Data confidentiality should specifically include positions and catch data recorded during a trip.

### **Workshop Task 13 - Prepare a draft observer contract of employment**

Participants are to discuss and prepare observer contracts and administrative process for paying observers and invoicing vessel operators. These are to be included in the *CPCs' Observer program development & observer logistical co-ordination guide*.

### **Observer Leave**

Observers on fixed salaries have prescribed leave for time worked. In some cases, it may be necessary to include additional leave based on time spent at sea. While at sea, observers are effectively working a full seven days a week. During this time, they are unable to manage many aspects of their personal life. Following an extended trip, it is common practice to allocate additional leave to the observer based on the number of days spent at sea, before expecting them to continue with their daily land-based work routine. For example: "one-day-off for every seven sea-days".

Observers that work on *ad hoc* contracts usually have breaks where they are off-contract, which is effectively their own time. The OLC must avoid using *ad hoc* observers on consecutive long

assignments without giving them sufficient time off between trips. Observers working on this basis often accept the work, regardless of the interval between trips as they are dependant solely on the income from their days at sea. However, continuous time at sea, under strenuous working conditions, can have a detrimental physiological and psychological effect which can influence both the quality of their work and their impartiality. This is especially the case if they are deployed on-board the same vessel on consecutive trips. It may be necessary to come to an agreement with the observers to determine a minimum break between trips.

#### **Workshop Task 14 - Prepare as part of the observer contract observer leave or rest periods**

Participants are to discuss and agree on observer prescribed leave / contract breaks and administrative process. These are to be included in the *CPCs' Observer program development & observer logistical co-ordination guide*.

### **Insurance**

During the time that observers are on contract, they should be insured for personal accident and injury in the workplace. International fishing is considered one of the occupations with the highest risk of personal accident and injury. Due to these high risks and costs of the insurance and possible high claims, it is advisable to seek professional legal advice when drawing up these clauses in a contract.

Insurance cover can be separated into two categories:

- Insurance cover for the *Observer "while on-board the vessel"*. Vessels generally have insurance cover, (P&I insurance) for the vessel and crew and an option is for the vessel to include the observer in their insurance cover for the trip. This requirement has to be clearly specified with the vessel owners or operators. To be covered by the vessels insurance the observer must be signed on to the vessels articles with the crew for the time they are on-board. There are various categories in the P&I rules governing insurance of crew and passengers on-board. Therefore, the OLC must confirm that the observer is signed on in a category where they will be covered fully by the vessels insurance. Furthermore, one should note, that only Observers in the possession of a valid STCW Basic Safety Training certificate (compliant with STCW95 amended in 2010), can be signed on to a vessels articles with the crew and covered by vessel insurance for the duration of their embarkation.
- Insurance cover for the observer, *"while on contract but not on-board"* is usually taken by the observers contracting organisation and often takes the form of a "travel insurance policy" that covers them for the period traveling to or from the vessel. Observers, for various reasons may find themselves ashore for long periods in foreign ports. The importance of this cover cannot be underestimated.

#### **Workshop Task 15 - Prepare as part of the observer contract details for insurance and where possible research the availability of these**

Participants are to discuss and agree on how observers on contract are to be insured for personal accident and injury in the workplace. Conclusions are to be included in the *CPCs' Observer program development & observer logistical co-ordination guide*.

## **SENSITIZING AND PLANNING DEPLOYMENTS WITH THE FISHING INDUSTRY AND VESSEL OPERATORS**

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The fishing industry must be advised well in advance of the intention to deploy observers onto their vessels. In many instances, the industry will attempt to request exemption for carrying observers, citing limited accommodation and safety reasons. A common excuse is *“the vessel is surveyed for the exact number of crew only”*. It is for this reason that they be officially advised of their licence and permit conditions and the mandate in these for them to accommodate an observer.

Advanced notification with a preliminary outline of the programs objectives provides the industry with sufficient time to prepare for the observer. It also reduces the chances of a company or vessel refusing an observer on the grounds that they have limited capacity and did not have sufficient notice of the impending deployment.

### ***Circular to all Vessels***

A generic official communique can be compiled and sent to all the fishing companies (Annexure 4). This may also be published in an official publication. The advantage of this process is that all the companies receive the same notice at the same time and there is less chance of a single company posing an objection when it is accepted by all the other companies.

#### **Workshop Task 16 - Prepare a notice to sensitize the industry on the observer programme**

Participants are to prepare a brief to sensitizing the vessel operators and fishing industry of the observer programme, and to include it in *CPC Observer program development & observer logistical co-ordination guide*.

Following the general communique, a number of specific documents and notifications must be sent to the vessels operators and/or owners prior to deploying the observer. These include:

- a Memorandum of Understanding (MOU); and
- notification of deployment.

### ***Memorandum of Understanding (MoU)***

The Memorandum of Understanding, (Annexure 8) is possibly the most important document that must be negotiated with the vessel operator prior to the deployment of the observer. This is an agreement directly between the observer provider and the vessel that includes all the terms and conditions for the observer’s deployment, the observer protocols, their prescribed work schedules and the responsibilities of the vessel in providing support for the observer. The MoU also provides the first opportunity to address the health and safety aspects for the observer on-board the vessel and should clearly reference and outline elements of an Emergency Action Plan (EAP). The document is divided into several sections, each drawn up to suit the specific conditions surrounding the observer program and the relevant vessel, or vessels involved.

#### ***Section 1      General Terms & Conditions***

Section1 introduces the observer program and the mandate for the observer deployment. It requests advance copies of the vessel safety certificates and insurance document and outlines the

requirement for the observer's insurance and pre-sea safety inspection. Provision is made for both parties to resolve any disagreements by mutual consent.

### *Section 2 Conditions for Observer Deployment*

Section 2 covers the overall conditions for observer deployments. Specific aspects addressed in this section include:

- Expected duration of the trip;
- Conditions for embarkation and disembarkation in port or via a transfer vessel;
- Procedure to be followed in the event of the observer becoming ill or injured; and
- Provides for a "Pre-sea" inspection and "Familiarisation tour" to be undertaken by the observer and/or OLC. The minimum safety requirements are specified, which must be met before the observer will be permitted to embark.

By specifying in the MoU the minimum safety requirements as a prerequisite that prescribes "*that the observer is not permitted to embark*" unless these are all met, removes this decision from the observer. This prevents pressure being placed on the observer by the vessels personnel, to overlook or accept a situation where their safety may be compromised while on-board.

### *Section 3 Vessel Operator's Responsibilities for Observer Deployment*

Section 3 requests, from the vessel operator, details of the vessel and logistical information that covers the port of departure and return for the pending trip. It provides the conditions for contracting and arranging the observer's travel arrangements by the OLC. This section also provides the procedure for signing the observer onto the vessels articles and defines the expected working conditions, accommodation, and facilities available to the observer.

### *Section 4 Observer's Responsibilities on-board Vessels*

Section 4 defines the observer's responsibilities and protocol in terms of the observer program. These are covered in detail in the appendix to the MoU.

### *Section 5 Entry into Effect, Duration and Termination*

Section 5 covers the formalities for both parties to sign the MoU whereby they agree to the conditions described in the sections above and their associated appendices. It also defines the tenure of the agreement.

### *Appendices to the MoU*

Appendices to the MoU provide detailed descriptions of the observer role and protocols and the vessels responsibilities towards the observer. The specific minimum safety requirements and pre-sea inspection forms are included to provide the vessel an advanced preview of these requirements.

### **Workshop Task 17 - Prepare a draft MOU to be signed with vessel operators that will be taking an observer**

Participants are to draft a MoU to be used in cooperation with the vessel operator onto which an observer is to be deployed, and to include it in *CPC Observer program development & observer logistical co-ordination guide*.

- incorporate and cross-reference the relevant legislative text from the Act that provides the legal mandate requiring the vessel to accommodate the observer;
- incorporate the relevant text from the IOTC Resolution 11/04 requiring the deployment of the observer's on vessels operating within the IOTC Convention Area;
- include the relevant responsibilities of the vessel;
- include the observer's tasks to be undertaken during a trip; and
- include the observers' protocols that are expected to be adhered to by the observer.

### ***Notification of deployment***

The notification of deployment is the first step in the deployment process (Annexure 4). A notice is sent to the vessel operator either by email or fax, requesting them to accommodate an observer on their next trip. The signed return of this notice provides the OLC with the confirmation that the operator has acknowledged their requirement to accommodate an observer for their next trip. If a MoU has not yet been sent to the vessel owner or operator, this will normally follow the notification.

The wording of the notice (Annexure 4) refers to the mandate or program requiring the observer coverage. If for any reason the vessel should sail without the observer or without contacting the OLC, after they have acknowledged the notification, then the OLC will have recourse to report this to the relevant authorities.

### **Workshop Task 18 - Prepare a draft letter of notification to a vessel or company to advise them to receive an observer**

Participants at OCWs are prepare a letter of notification that will be used to provide vessel operators advanced notice of their requirement to take an observer for a specific period, and to include it in *CPC Observer program development & observer logistical co-ordination guide*.

### ***Mechanisms for sharing and coordination of observers with other CPCs Observer Programmes***

Different mechanisms can be used for the sharing and the coordination of observers among Observer Programmes for multiple CPCs. These can take the form of formal or informal meetings or be developed into a Memorandum of Understanding between CPCs' observer programmes. The MoU should state at least:

- Parties taking part in the MoU
- MoU objective(s)
- Definition and conditions of the cooperative observation (observer sharing)
- Data sharing and confidentiality
- The zone(s) of cooperation
- Settling of disputes

- (etc.)

**Workshop Task 19 - Research and discuss areas where countries and entities can cooperate with observer programs.**

Participants are to research the need to share Observers with other Observer Programs, they should also research existing MoUs for the sharing of observers between CPCs. Drafted documents are to be included in the *CPC Observer program development & observer logistical co-ordination guide*.

## **PREPARATION OF THE OBSERVER FOR DEPLOYMENT AND OBSERVER BRIEFING**

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Each observer deployment follows a sequence of pre-defined steps:

- observer selection and notification;
- observer briefing;
- logistics to embark;
- pre-seas safety inspection and report;
- in-trip reporting;
- disembarkation logistics;
- debriefing;
- report and data verification; and
- submission of data to IOTC.

Once a vessel has been identified and advised that it will be required to carry an observer it is necessary to select and advise an observer as soon as possible, (at least three weeks in advance for trips likely to be longer than two months). This allows the observer time to settle their personal affairs and prepare themselves for the time they will be away from their home and families.

### ***Observer briefing process***

A detailed briefing protocol and equipment checklist is essential for all deployments to prevent important items or issues being overlooked. Forgetting essential sampling equipment, such as scales or measuring boards can have a significant detrimental effect on the observer's performance at sea. The briefing process should start well in advance of the expected deployment date to allow for the submission of the MOU with the vessel operators and preparation of gear and to make travel arrangements where necessary.

A guide to prepare Briefing Notes is provided in (Annexure 4). These notes have to be designed to cover all the observer's tasks for the trip. The briefing notes should include *inter alia*:

- Details of the trip logistics;
- Details of the vessel and where possible the names of the Captain and Fishing Masters;
- Overview of the program, including its mandate and objectives;
- Summary of IOTC Resolutions of relevance to the observer scheme;
- Detailed sampling instructions;
- Gear issue check lists;

- Reporting protocols; and
- Health and safety procedures

### **The Observer program overview**

Observers that have been trained for a specific program should have training manuals and workbooks that cover the program objectives. The workbooks should be revised adding any recent revisions or changes that may have been made to the program. This section also covers the mandates for the observer's deployment and revises their expected protocols and conduct whilst on-board.

Documents summarising this information are important as the observer can make these available to the vessels captain or fishing master to explain their work while on-board and what assistance from the vessel will be required.

### **Deployment travel Logistics**

Where observers have to travel to a destination to meet a vessel and/or return after an assignment they need to be briefed on the itinerary and requirements for visas or immigration letters when crossing borders into other countries. The validity of the observer's passport must be checked so that it will cover the expected duration of the trip. It will also be necessary to check that they have their medical certificates and safety certificates up to date and are in possession of their inoculation cards (yellow card). These details will be recorded in the Deployment Notification form (Annexure 4).

### **Vessel and Trip Details**

The MoU; Section 3 (Annexure 8) includes a request for the vessel details from the vessel owners, and is used in the briefing. This provides the observer with some idea of the possible conditions in which they will be working and allows them to prepare sufficient gear and data forms for the trip. The observer is also briefed on the expected date and port of departure of the vessel. The preliminary notification details are recorded on the Deployment Notification form (Annexure 4).

In addition, a vessel search on the internet and on the IOTC list of authorised vessels can provide additional details on the vessel specifications.

### **Summary of IOTC Resolutions of relevance to the observer program**

OLC's should issue an updated compendium of national and international legislation of relevance to the observer program and should discuss in detail with the observer any recently included regulations, amendments and CMMs (<http://www.iotc.org/cmms>) to ensure that observers fully understand their content especially in relation to their roles and tasks in monitoring the national regulations under the NOP and the CMMs under the IOTC ROS.

### **Detailed sampling instructions**

OLC's should prepare detailed sampling instructions for the trip that should be discussed thoroughly with the observer. The instructions must provide a guide to all the sampling and data collection requirements for the time they will be on-board and provide a guide on how to approach the work at sea and needs to address possible questions that may arise (Annexure 5).

## Gear check lists

A list of the gear required for both sampling and safety is vital to ensure that the observer is fully equipped before they leave (Annexure 6). In the rush just prior to departure, it is easy to overlook important items that could negatively affect the observer's work at sea. Keeping in mind the cost of the observer to a program, the value of a detailed checklist cannot be underestimated.

Participating Fisheries Scientists or international organisations may request specialised sampling protocols. The relevant gear must be added to this list. The gear checklist and gear maintenance will be an important part of the observer's briefing.

Items on a check-list should include *inter alia* the following main categories:

- List of sampling equipment
  - Weighing scales
  - Measuring board and or callipers or flexible measuring tape
  - Genetic sampling vials and fixative
- Data forms
  - Trip details
  - Vessel and gear
  - Fishing event forms, i.e. setting longlines or shooting net of purse seine.
  - Catch composition
  - Biological sampling
  - Bycatch interaction
  - Miscellaneous; IUU vessel report, waste disposal, processing etc.
- Reporting forms
  - Deployment report
  - Five-day report
  - Preliminary report format
  - Cruise report format
  - Distress codes
- Electronic logs
  - Electronic notebooks with logbook programs loaded
  - Calculator
- Safety equipment - working
  - Personal Floatation Device, (PFD)
  - Hard hat
  - Safety boots
  - Foul weather gear
  - Gloves
  - Eye-ware
- Safety equipment – emergency
  - Life jacket
  - Immersion suit
  - EPIRP
  - Two-way satellite phone
- ID and reference guides

A detailed list of gear and equipment is attached in Annexure 5. Coordinators can draw from these to prepare a “*trip specific check-list*” for different fishing sectors or vessels where the observers will be deployed and depending on the sampling requirements.

#### **Workshop Task 20 - Prepare draft of generic observer briefing notes and gear checklists**

Participants at the OCW are to prepare briefing notes, documents, checklists, and SOP’s for an observer deployment. These documents are to be included in the *CPC Observer program development & observer logistical co-ordination guide*.

### ***In-trip coordination***

#### **Reporting protocols**

From the time of sailing and throughout the duration of the trip, observers will routinely be required to send reports to the OLC. These reports are designed to cover logistics, progress, and safety aspects in terms of the EAP. The foundation for setting up the protocols for communications between a vessel and the OLC starts with the MoU. In the MoU these will be specified and in signing this document the vessel operator acknowledges these requirements. Any subsequent problems that they may be encountered with vessels in establishing communication with the observer can be referred to the MoU.

Observers must be provided with the report templates and report writing guides that they must use during the trip and these should be acknowledged when signing off their gear and briefing forms. Outlines of Deployment, Status Reports and the final Trip Report are provided in (Annexure 7).

#### **Deployment Reports**

Deployment reports are submitted shortly after sailing (within 24-hours). The content includes confirmation of the vessels sailing time and the outcome of the pre-sea inspection as well as details of their flight and logistics prior to boarding.

The most important function of the deployment report is that it confirms a secure means of communication between the observer and the OLC is in place. If a report is late, (normally 24-hours after the time it was expected) the OLC should attempt to contact the vessel through the vessel operator to make inquiries why it was not received. If a report is still not received, within a further 24-hours, it can then be safely assumed that there is no means of formal communication with the vessel and the vessel operators must be contacted, to make arrangements either to establish these by the most practical means or it may be necessary to request the immediate return of the observer. Consideration should be taken that a breakdown in communication may also be an indication of a problem has occurred with the vessel and emergency search and rescue operations may have to be initiated.

#### **Routine Status Reports**

Observers should be required to send status reports routinely throughout the trip. These can be prescribed at specific periods or on a fixed day of the week. For example; a 5-day report period would require reports to be sent on the 1st, 6th, 11th, 16th, 21st and 26th days of the month; alternatively, reports could be sent on a specific day of the week, i.e., every 7-days. The mandatory requirements for reports to be sent on a routine schedule also sensitises the vessel personnel to the

process, preventing questions or resistance to observer requests to communicate with their OLC ashore.

Status reports are designed to provide a summary of operations, catch and sampling undertaken within the preceding period. This will provide the OLC with the status of the observer's work and make it possible to take remedial action if there are any problems preventing the observer from meeting their objectives. It also provides the opportunity for the observer or the OLC to ask questions or get responses to specific queries.

There is also a safety aspect in the routine sending of the reports. If for any reason a report is not received on its due date, following a similar procedure to the deployment report, the observer's coordinator can start the process to establish contact with the vessel, first directly, and then via the vessels operators. If reports have been received regularly and suddenly stop, it may be concluded that there is a problem either with the observer's well-being or the vessel and appropriate action will have to be taken.

### **Preliminary trip report**

At the conclusion of the trip and prior to disembarking, observers should prepare a brief report summarising their work and events during the trip. The report should include details of their work on-board, a summary of catch and any notable incidences with respect to bycatch, the vessels operations, weather, and their work on-board. The report should be in the same format as the trip report. The observer will be expected to provide a copy to the Captain or Fishing Master for their comment and they must be advised that these should be returned to the observer's controlling agency within a specific time period if the vessel or company has any comment or information to add. The preliminary report also forms the basis for the observer's debriefing.

### **Trip Report**

At the end of a trip the observer must write a detailed trip report. The OLC needs to provide the observer with the report format they must use. The observer's preliminary report will be discussed in the observer's debriefing and the OLC can use this opportunity to advise the observer to include or describe in more detail any specific comments or records that may have come out of the preliminary report, or from discussions at the debriefing.

The trip report is usually written in a prescribed format. The overall objects of these reports are to provide a summary of the observer's activity and the data collected during the trip. The report also provides an opportunity to report information that is not routinely captured on the data forms or electronic logs. Observers can also explain data that has been captured that may be queried due to specific conditions, or the situation at the time.

To assist the observer in writing their reports the format includes several main headings, or sections with sub- headings. These ensure that the observer reports all information in a systematic format, making it easier for the OLC to both read and engage the observer during the debriefing.

The basic outline and headings of the report would include:

- Formal cover page that includes trip reference number, vessel name, observer's name and trip start and end dates
- Trip summary, *[Instruct observers that this is only compiled after they have written the report]*

- Observer and vessel details
- Cruise itinerary
- Fishing operations
  - Fishing strategy
  - Gear details
  - Lost gear
  - Catch
  - Processing
- Observer Sampling and Biological Data Collected
  - Sampling methodologies
  - Samples taken and storage location
- Summary of weather and oceanographic conditions
- Environmental interactions with vulnerable marine fauna
- Waste management
- Vessel sightings
- General report back

### Observer Notebooks

Observers should be instructed to write-up and maintain a detailed notebook throughout the trip. Scientific observers need to be encouraged to record and report on any additional information that may be of interest and that may not be captured in the standard data forms and logbooks.

Keeping in mind the requirements for the preliminary and cruise reports, the information that should be recorded in the observer's notebook should cover observations made as well as additional information not directly recorded on the data sheets. *For example: Information on fishing strategy; searching time and cues. Effect of area fished and gear loss. Does the catch composition, condition, size etc. of the target species and by-catch differ from area to area and any evident effects of moon phase, sea temperature or water depth on the catch composition.*

Observers should record any problems they may have encountered in executing their tasks and can make suggestions for improvement.

#### **Workshop Task 21 - Prepare generic drafts for observer reports and guide to report writing**

Participants are to prepare formats for the different reports and a guide to the observer on how to complete the reports. These documents are to be included in the *CPC Observer program development & observer logistical co-ordination guide*.

## **OBSERVER DISEMBARKATION AND POST-TRIP COORDINATION**

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The observer disembarkation and post-trip coordination is the last logistical process of an observer's deployment. Like the process of preparing the observer for the trip and facilitating their embarkation, the debriefing follows a fixed process that includes:

- Administration for disembarkation
  - travel logistics;
  - observer gear, report, and data return; and

- observer safety check
  - wellbeing; and
  - critical incidents.
- Data preliminary checks
  - data checking (paper & electronic versions);
  - preliminary trip report review;
  - observer notebooks.
- Observer debriefing (full face-to-face debriefing)
  - preparation for the debriefing interview (e.g. filling standard debriefing forms); and
  - implementation of the debriefing interview (e.g. highlight discrepancies on the data, provide feedback to the observer for correction, etc.).
- Observer evaluation and feedback
  - evaluation of observer performance using standard evaluation forms and score sheets;
  - providing written feedback to the observer if improvement required;
  - providing written feedback to the NOP Coordination Team and observer programme Board;
- Observer final data and trip report submission
- Observer trip fees reconciliation
- Final trip data submission; to:
  - national counterparts
  - foreign counterparts
  - RFMOs

### ***Administration***

The administration process begins with the notification of the observer’s disembarkation and return logistics. The observer must submit any travel receipts and fill in a form that confirms their date of landing, disembarkation and when their contract ends. This is the information that will be used to reclaim reimbursable costs from operators and determine the final payment to the observer.

The gear list used in the deployments needs to be signed off. Safety gear must be checked for serviceability and where necessary be serviced ready for re-deployment. Consumable materials must be accounted for and if any losses have occurred these must be noted. Both the OLC and the observer must sign off the check-list to acknowledge the content.

To ensure rigorous post-trip administration, a form “check-list” should be prepared to check that each aspect of the process has been completed, which includes submission of the preliminary report, gear return and submission of the data forms and electronic data as well as observer health and wellbeing.

### ***Preliminary checks***

All observer data, electronic and hard-copies, observer draft trip report and observer notebooks must be collected from the observer and this process must be recorded on the debriefing check-list for administrative purposes.

The verification is a long process and may have to be undertaken by independent persons trained for this purpose (de-briefer) or by the persons that work with the data, or who capture the data onto a data base. The process includes cross-checking all the data on both the data forms and electronic entries, the draft trip report and observer notebooks. The process allows for inconsistencies in the written data and electronic data to be queried. The observer must explain during the debriefing interview the reasons for inconsistencies and why certain data fields have been left blank.

### ***Observer debriefing interview (full face-to-face debriefing)***

Debriefing interview should be conducted as soon as possible, after the observer leaves the vessel, by a person that has at-sea experience as an observer (preferably with the relevant gear type), understands how observer data is used by scientific personnel, recognizes common errors made by observers and presents strong interpersonal communication skills.

Where possible, debriefing personnel should undertake training programmes designed to educate them in the techniques of interviewing observers and of debriefing observer collected information and material.

The process allows for inconsistencies in the written data and electronic data to be queried. The observer must explain the reasons why certain data fields have been left blank.

One of the most important aspects of checking the data with the observer is to test the quality and accuracy of the data. This also provides a means to test the observer's competency and can assist in identifying further training needs.

In preparation for the Trip Report, the preliminary trip report should be reviewed with the observer. Any comments received back from the vessels captain or the operator can also be discussed with the observer. The observer should be instructed to take note of the final Trip Report format and report writing guidelines.

### ***Submission of the Trip Report***

The final task in the post-trip coordination process is to review and accept the observer's trip report. The OLC must ensure that the report is written in the prescribed format and is accurate. The report writing ability of the observer may be limited, especially if they are not writing the report in their first language. It may be necessary for the OLC to complete several edited reviews before accepting a final draft. Keep in mind that the report may be widely circulated amongst peers in the field.

### ***Data Submission to IOTC***

Once the report and data have been checked and approved by the OLC it must be submitted to the IOTC secretariat via the approved channels and using approved formats. It is possible that there will be feedback or further queries on the report and data and the OLC must be prepared to deal with these and where necessary revert queries back to the observer.

After final acceptance of the data and report all hard copies of data collected and back-up data should be archived in a secure location.

### **Workshop Task 22 - Prepare check-lists for debriefing, data checking and data submission**

- Participants are to prepare check-lists for debriefing, data checking and data submission. These documents are to be included in the *CPC Observer program development & observer logistical co-ordination guide*.

## **IOTC ROS DATA COLLECTION AND MANAGEMENT TOOLS**

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CPCs that have agreed to use IOTC ROS data collection and management tools will capture, manage and submit observer data to the IOTC Secretariat using these tools.

The ROS tools currently include the:

- e-Collection interface (targeting scientific observers)
- National Database interface (deployed at national institutions at country level)
- Regional Database interface (hosted by the IOTC Secretariat)

The e-Collection interface is a multi-platform software that has a minimal memory and hardware foot-print and that can be installed on the most common operating systems (Windows, Mac OSX and Linux). Being an offline tool, it does not require users to be under network coverage to function properly. Although it requires network connection for its installation and for the sending of data to the National Database. The e-Collection and reporting interface aims to resemble to the IOTC ROS standard data collection forms as closely as possible to provide a user-friendly graphical interface to support observers in recording the various gear-dependent data fields on a trip-by-trip basis.

The National Database interface is a specific application - meant to be deployed locally, once for each participating CPC - designed with the purpose of incorporating all scientific data collected by observers for a specific flag country and provide the CPC with the skeleton of a National Observer Database. This database can be exported as a standalone Microsoft Access database for the national focal point to analyse its content and extend its basic data extraction capabilities.

The National Database interface is capable of synchronizing its content with the centralized Regional Observer Database (hosted by the IOTC secretariat), that will accommodate and collate only the set of information marked as “mandatory / optional for reporting” under the “IOTC ROS minimum standard data-fields”.

### **Workshop Task 23 - Complete e-learning training tasks**

- Participants from a CPC that agreed to use IOTC ROS data collection and management tools to collect, manage and submit observer data to the IOTC, are to complete e-training course modules designed to educate them in the installation and usage of ROS eTools. They are also to gain practical experience by being mentored in the input, management and submission of data from at least one observer deployment.

## **DEBRIEFERS TRAINING**

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Ideally, NOP personnel responsible for observer debriefing (called from now on debriefers) should present strong interpersonal communication skills, have previous experience as an observer

(preferably with the relevant gear type) and be aware of observer data uses for scientific, management, and compliance purposes and its importance to national and regional organisations.

To be able to conduct effective debriefing, debriefers should be trained in the:

- use of interview strategies and techniques applied during debriefing session;
- follow up of debriefing process;
- importance of observer data and usages, the identification of common errors made by observers when collecting data and their impact;
- distinguishing of incidents, critical incidents, non-compliance and infringements that may be discovered/reported during the debriefing process and most adequate follow up processes; and
- usage and interpretation of national and regional organisations debriefing instructions and templates (if existent).

#### **Workshop Task 24 - Complete e-learning training tasks**

Participants at the OCWs are to complete e-training course modules designed to educate them in the techniques of interviewing observers and of debriefing observer collected information and material. OCT staff responsible for debriefing are to gain practical experience by being mentored in the completing of at least one debriefing process.

## **TRAINING OF OBSERVER TRAINERS**

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Implementing the observer training program may not necessarily be the responsibility of the OCT. Observer training can be undertaken by the institution managing the observer program, by specialists brought in from other programs or be outsourced to specialised organisations. In either event, the OCT should be familiar with observer training and assessment processes.

Without specially designed training an observer program will suffer from unprofessional behaviour, poor data quality and lack of respect from the industry and other sectors of the fisheries management authority. Training must therefore be considered a key element in establishing an Observer Program. Therefore, the following trainers' minimum requirements should apply:

- Skills
  - able to communicate training messages in clear and straight forward manner
  - capacity to communicate in the language of the students
  - technical expertise in the area of training, high personal credibility and integrity
- Qualifications
  - a good understanding of the fishery and the management of that fishery
  - level of education similar or higher than the level of education required to access training (i.e., secondary school certificate)
  - it is desirable that the trainer has a vocational training qualification
- Desirable experience

Observer Trainers that have experienced conditions at sea as an observer, have a good understanding of the fishery, have undergone a series of training programmes designed to educate persons in the training of observers or Trainers with extended experience in the training of observers and debriefing should be given preference.

### **Workshop Task 25 - Complete On-line task for e-training observers**

Participants are to complete e-training course modules on training and assessing Observers. OCT staff that present the skills, qualifications, experience and desire to become a trainer are to participate, where possible, in the CPCs' Observer Training Course to gain practical experience by being mentored in the planning, organising and delivering of training to a group of Observers and with the planning, designing and developing of assessment activities, assessing competence, and participating in the assessment validation of a group of Observers.

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## **SAFETY AT-SEA**

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Fisheries observers play a vital role in the effective management and long-term viability of fisheries, through the provision of independent at-sea scientific, monitoring and compliance data. As a result, national authorities and RFMOs often require observer presence on board fishing vessels operating within their area of authority.

By working onboard fishing vessels Observers are exposed to the same risks as professionals from the sea fishing sector, a sector recognised worldwide as the most hazardous industry to work in, accounting for significantly higher rates of fatal and/or serious accidents when compared to other sectors. Unfortunately, due to their role in monitoring and compliance, observers sometimes face additional safety issues during the fishing trip. These may take several forms but can include intimidation, harassment, interference, bribery, and violence<sup>3</sup>. On occasion this safety issues have been serious enough to endanger observers lives and have even led to observer casualties<sup>4</sup>. The need to protect observers whilst at sea has been recently recognized by multiple RFMOs, including the IOTC.

### ***Precautionary actions***

There are measures that exist within CPCs management tools to prevent and deter unfavourable treatments towards observers. These measures include:

- ✓ Background checks on vessels requesting observers
- ✓ National fisheries legislation
- ✓ Observer training on safety
- ✓ Personal lifesaving and safety equipment
- ✓ Observer briefings

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<sup>3</sup> WWF 2018. Policies and recommendations to improve the safety of fisheries observers deployed in tuna fisheries.

<sup>4</sup> In 2017, a report by Human Rights at Sea found six cases of disappearances of observers in the Pacific.

### **Workshop Task 26 - Prepare a safety checklist for observers**

Participants are to list CPC management tools to prevent and deter unfavorable treatments towards observers to be included in the *CPC Observer program development & observer logistical coordination guide*.

### ***Vessel Safety Check***

A Vessel Safety Check (VSC) it's a procedure outlining vessel minimum safety requirements and safety equipment, established to guarantee that Observers are deployed on safe/seaworthy vessels. The VSC procedure shall apply to all vessels onto which an observer is embarked; including any vessels used to transfer observers. Observers, Observer Coordinators, vessel Master/Captain, vessel Operators/Owners and relevant entities are to be provided with the list of minimum safety requirements against which vessel safety conditions shall be surveyed.

According to IOTC ROS Safety-at-sea standards, CPCs are responsible to ensure that their NOPs have a vessel safety check form containing a list of minimum safety requirements in line with those of the Commission.

A VSC procedure must be drafted early in the development of the CPC observer program. The VSC form must contain a list of minimum safety requirements in line with the safety-at-sea standard procedures agreed by the IOTC Commission.

### **Workshop Task 27 - Prepare a safety checklist for observers**

Participants at OCWs are to research and prepare an VSC form to be included in the *CPC Observer program development & observer logistical coordination guide*.

### ***Emergency Action Plan***

An Emergency Action Plan (EAP) is a written procedure detailing the appropriate response to observer emergency situations at sea, and outlining required responses for Observers, Observer Coordinators, vessel Master/Captain, vessel Operators/Owners, and Coastal States and Flag States. The EAP shall provide for all observer emergencies and include different scenarios on fishing vessels. Observers, Observer Coordinators, vessel Master/Captain, vessel Operators/Owners and relevant entities are to be provided with a checklist covering each emergency and the steps necessary to prepare for and control the emergencies when it arises.

According to IOTC ROS Safety-at-sea standards, CPCs are responsible to ensure that an EAP is in place to accommodate any reported observer emergency and that it is included in any MoU established for the deployment of international observers in the context of the IOTC ROS<sup>5</sup>.

An EAP must be researched and drawn up early in the development of the CPC observer program. The EAP must also include standard operating procedures (SOP) covering a range of possible scenarios that will require emergency action by both the vessel and the observers OCT and include authorities of the CPC fisheries organisations. In extreme situations this may require assistance from government international relations and immigration authorities.

Key elements of an EAP will include:

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<sup>5</sup> IOTC–2019–S23–10\_Rev1[E] - Regional Observer Scheme standards, page 10 & 11.

- emergency communication from both the observer to the OLC and OLC to the observer;
- emergency medical evacuation procedures in the event the observer has a life-threatening accident or falls seriously ill;
- emergency action in the event the observer is threatened with violence or personal harm by any of the crew; and
- vessel SOP in the event the observer dies, or is suspected to have fallen overboard.

Elements of the EAP will be included and referenced in the MOU with vessel operators. The observer reporting routine and observer reporting requirements also have a Health and Safety function as part of the EAP but should also include the issue of provision of a dedicated satellite phone to the observer with detailed instructions on emergency communications.

Routine reporting by the observer requires a dedicated OLC and back-up personnel, to be available at all times to be able to receive and react to a possible emergency report from an observer. As observers can be deployed over a wide range of time zones and this may incur an “after hour” duty requirement for OLC’s.

**Workshop Task 28 - Discuss and prepare a heading list for an emergency action plan for the national observer program**

Participants are to research and prepare an EAP to be included in the *CPC Observer program development & observer logistical coordination guide*.

# ANNEXURES

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## ***Annexure 1 Standards for the IOTC Regional Observer Scheme***

In June 2019, the Commission ENDORSED, in principle, the following standards for the Regional Observer Scheme (ROS), in order for the Secretariat to implement the ROS, on the understanding that further comments can be made, and that the standards will be reviewed based on these comments and other feedback made during the implementation phase.

1. Observer Coverage

Observer coverage required is, at a minimum that specified by the Commission.

2. Authorisation process (audit and authorisation of NOPs)

Method by which National Observer Programmes will be assessed against IOTC requirements to obtain authorisation to become part of the ROS.

3. Programme performance

Assurance that best practices are met and that standards are maintained after authorisation and continue to reflect ROS requirements.

4. IOTC Observer registration

Procedure used to demonstrate that observers meet IOTC agreed requirements.

5. Code of conduct

Set of guiding principles relating to accepted behaviour and standards of conduct while working as an Observer.

6. Observer trainer

Individual responsible for the delivery of a/multiple observer training component(s). Trainer skills, qualifications and experience should meet agreed regional standards.

7. Observer training policy

Provides a foundation for ensuring standardised training which is of sufficient quality, comprehensive and kept up-to-date.

- Education/Entrance: Qualifications for entry to observer training should meet ROS minimum pre-requisites for the accreditation of observers;
- Training: Training should meet as a minimum ROS Basic Observer Training curriculum;
- Assessment: To successfully complete training candidates should meet or exceed ROS minimum competency standards.

8. Observer competency

Capacity to meet and maintain observer competency standards against agreed ROS competency standards.

9. Observer deployment and at-sea coordination

The carrying out of functions required to embark / disembark observers, to establish and maintain communications with the observers and to provide them with all possible assistance during the deployment period.

10. Observer Coordinator(s)

Person(s) that coordinates observer operations, manages data collection and transmission, assures quality of information through debriefing and serves as the contact point for observer issues.

The Observer Coordinator shall be appropriately qualified, experienced in observer coordination matters or been trained to accomplish necessary functions based on ROS Observer Coordinator training standards.

11. Observer briefing and debriefing

Briefing of an observer is a specially arranged session with the observer and provider briefing personnel. Briefing is to ensure that the observer understand clearly the roles and duties that he/she are expected to carry out on a vessel before a trip.

Debriefing of an observer, is a specially arranged session with the observer and the provider debriefing personnel to ensure that the data and information collected by an observer is checked for discrepancies and can be corrected before the information is used for analysis. It is also a period when the observer can report critical incidents for further attention. System for briefing and debriefing of observers should follow a consistent format and include ROS agreed standard briefing/debriefing procedures.

12. Equipment and materials

Includes all essential items that observers will require to meet their vessel and to carry out their duties on board a vessel in a competent and safe manner.

13. Manuals and data collection forms

Manual is defined as publications that serve to provide observers with information to assist with the roles and duties they are expected to carry out, including instruction on the filling of data collection forms, prescribed data formats, units and codes.

Data collection forms are paper and/or electronic forms that an observer will be required to complete while carrying out its duties.

14. IOTC CMMs

IOTC Secretariat publishes a “Compendium of active CMMs for the IOTC”, available in electronic format on the IOTC Website (<http://www.iotc.org/cmms>). The compendium is updated annually and is to be given to observers before deployment.

15. Observer communications

Access and routine use of devices to contact the Observer Provider as well as training in the use of these communications devices and equipment.

16. Safety-at-sea

Procedures established to guarantee that observers are deployed on safe/seaworthy vessels, and that at-sea observer emergencies and reports on issues of safety (including instances of harassment, intimidation, or assault) are immediately and effectively handled.

Safety procedures will include a 'Vessel safety' check form containing a list of minimum safety requirements in line with those of the Commission and a 'Emergency Action Plan' (EAP) that includes, as a minimum, ROS agreed safety-at-sea standard procedures,

17. Insurance and Liability

Observer health, safety and liability insurance.

18. Dispute settlement

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 onboard the vessel.

Dispute settlement is conducted via the implementation of procedures to prevent the escalation of conflict, through mediation, facilitation, conciliation, and training.

Disputes resolution may require the appointment of an appropriately-composed expert or technical panel.

19. Data fields

Minimum data fields for reporting approved by the IOTC.

20. Data management, processing and reporting and quality control

Data management, processing, and reporting and quality control requirements approved by the IOTC. Observers to collect, at a minimum, the ROS Minimum Standard Data Fields using IOTC standard codes.

## **Annexure 2      Guide to an observer contract<sup>6</sup>**

### **Observer Agency Details**

#### **Contract of Employment (Ad hoc Sea-Going)**

Name (Full name of employee)                      (Identity No.)

Date of birth    Sex

Employer contact

Next of Kin

Address:

Date

This contract constitutes the entire agreement between yourself and the “OBSERVER AGENCY DETAILS” and supersedes all negotiations, representations or agreements, whether oral or written, preceding this contract. We hereby confirm your appointment as an contract observer to the **(Country)** Fishing Authority, (herein after abbreviated as OBSERVER AGENCY DETAILS) for the period commencing on or about the;

**Date;**                      \_\_\_\_\_, **on-board the Fishing vessel;**

**Vessel Name;** \_\_\_\_\_

1. You are appointed as a Scientific Observer in terms of the **(Country)** National Scientific Fisheries Observer Programme **(Country)**
2. This contract shall commence from the time of appointment to the vessel [**vessel name**] (hereafter referred to as the Vessel), departing from [**port of embarkation**] on or about [**expected date of departure**] and shall terminate on completion of the fishing trip (deemed completed once the vessel is alongside and access from the vessel to the quayside secured) and you return to [**observers home base**].

#### **Position and Duties**

3. The main outputs of your position are as provided for in the Terms of Reference for National Scientific Observers. Your duties will be specify by the Managers and co-ordinators who are responsible for directing your work at sea in terms of the program requirements and any other specific work required by your controlling authority. These will be discussed in more detail with you in your detailed trip briefing.
4. Please note that, when on ships articles or at sea, you are also subject to the authority of the vessel skipper, or his duly authorised deputy, in respect of all matters concerning safety at

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<sup>6</sup> Note this annex provides only a guide to aspects that can be included in an observer contract. All contracts should be reviewed by a professional legal entity that takes countries labour regulations into account.

sea, crew well-being or on-board ship management, as provided for in the Merchant Shipping Act of 1951 and the International Maritime Organization's Convention (SCTW) for safety on-board fishing vessels.

### **Contract Period and Renewals**

5. Your employment will be for the period described on page 1 of this contract and is strictly subject to the Observer Programme. **[REF OBS PROGRAMME ToR]**
6. This contract of employment may be renewed by mutual agreement at the end of this period for a further term/s on the same, or different, terms and conditions. Any renewal will be initiated solely by the OBSERVER AGENCY DETAILS, having given due consideration to its needs and to your satisfactory performance. Only in such instances will the terms of any possible renewal of this contract be discussed with you. It is therefore expressly agreed that any renewal of this contract should not create any expectations, nor will it create the right, to further contracts in the future.

### **Place of Work and Compulsory Rest Periods**

7. Your operational base will be from the OBSERVER AGENCY DETAILS's headquarters based. You will be deployed from this base and will work on fishing vessels as specified in section 2.
8. For sea-going trips of seven days or longer and before you undertake a further sea-going trip, you will be required to take a compulsory rest period of one day for each continuous seven-day period worked at sea. This rest period will commence immediately after such trip and cannot be accumulated as paid leave.
9. Should you be required to work for the OBSERVER AGENCY DETAILS whilst ashore, including your attendance of training activities required by the OBSERVER AGENCY DETAILS, then your place of work will be considered to be the OBSERVER AGENCY DETAILS's premises

### **Work Arrangements, Working Time and Leave**

10. Your working time when at sea will be based upon an "Observer day", which is defined as any 24-hour period day spent at sea, commencing from your time of arrival aboard a fishing vessel for purposes of carrying out your duties. Where a full Sea Day, as defined above, is less than 24 hours (e.g. landing and sailing days, or short trips of a few hours), the OBSERVER AGENCY DETAILS, in its sole discretion will decide whether you are paid for a full day or part thereof. In so doing, Management of the OBSERVER AGENCY DETAILS will apply their minds to the specific merits of each instance of this nature - taking cognisance of the type of fishery involved.
11. You will be briefed on how to structure your working time and activities whilst at sea, it is expected of you to utilise your time prudently so that you may fulfil all your contractual duties to the standards required, whilst obtaining adequate rest wherever possible.
12. Note that due to the nature of your work, the OBSERVER AGENCY DETAILS does not consider overtime, weekends or public holidays when determining salary rates. Boarding or

disembarking on vessels to which you have been appointed can take place at any time and also on weekends and public holidays, depending on the operational requirements of the OBSERVER AGENCY DETAILS and the modus operandi of the specific fishing sectors.

### **Remuneration**

**13. You will receive a daily wage of \_\_\_\_\_per Observer day at sea applicable to this contract only.**

14. Proportional wages will be paid at the end of each month commencing during your first month of employment. Payments will only be made directly into your designated bank account and no cash payments are permitted. No cash advances will be given except when expenses relating to travel and accommodation in the course of your normal duties are required.

### **Deductions**

15. The OBSERVER AGENCY DETAILS reserves the right to make any deduction from your wages that is required or allowed in law. This includes deductions for normal employee income tax and contributions to the **(Country)** Pension Fund.

### **Discipline**

16. You will be subject to the disciplinary procedure and rules of the OBSERVER AGENCY DETAILS as determined from time to time, including discipline for missing vessel sailings.

17. Subject to the provisions of applicable labour legislation, this contract may be summarily terminated under the following circumstances:

- any deliberate action on your part that is considered by the OBSERVER AGENCY DETAILS to jeopardise the safety of a vessel or any of its crew;
- any proven cases of theft, including fish product and vessel / OBSERVER AGENCY DETAILS equipment;
- breach of confidentiality;
- unlawful behaviour and/or any action considered to bring the OBSERVER AGENCY DETAILS in disrepute; and
- any repeated breach of the OBSERVER AGENCY DETAILS's Rules and Disciplinary Code attached to this contract and which form part thereof;

18. Any financial losses incurred by the OBSERVER AGENCY DETAILS may be reclaimed from any monies owing to you or proceedings may be instituted to recover these losses from your assets.

## **OBSERVER AGENCY DETAILS Policies and Procedures**

19. Other than conditions of service detailed in this contract and attachments, you will be subject to the conditions of service laid down in the OBSERVER AGENCY DETAILS's policies and procedures as amended from time to time.

## **Security**

20. In addition to its own security provisions the OBSERVER AGENCY DETAILS expects you to be alert and vigilant at all times so as to prevent stock, equipment or monetary losses. This provision applies mutates mutandis to property of the OBSERVER AGENCY DETAILS's clients whilst you are on their vessels at sea.

## **Confidentiality & Copyright**

21. All information of a confidential nature acquired by you during the course of your employment with the OBSERVER AGENCY DETAILS shall not be disclosed to any person outside of the OBSERVER AGENCY DETAILS during, or after, your employment. "Confidential information" shall include, but shall not necessarily be limited to:

- the OBSERVER AGENCY DETAILS's trade secrets, products, new developments, methods and techniques;
- all discoveries, inventions, devices, improvements, machines and processes;
- the identity of the OBSERVER AGENCY DETAILS's clients; and
- all information, data, sound or visual recordings, documents or photographs gathered or obtained by you during the course of your duties with the OBSERVER AGENCY DETAILS in the course of carrying out the directives of the Minister of Environmental Affairs or his officials.

22. Likewise, no information as described above shall be used, disclosed or published in any way by you, or through your efforts, unless it is already in the public domain and you have been authorised by the OBSERVER AGENCY DETAILS, in writing, to do so.

23. All rights in the work carried out by the OBSERVER AGENCY DETAILS and yourself, including any copyright therein, in any inventions, designs and technical information including maps, plans, photographs, drawings, tapes, statistical data, published and unpublished results, reports, computer programmes, etc. and any right to apply for patents arising under this contract shall vest in and become the property of the OBSERVER AGENCY DETAILS, except where other property rights exist.

## **General Conditions of Employment**

24. As a sea-going Observer you are required to be medically fit (minimum OBSERVER AGENCY DETAILS requirement is a valid medical certificate and, by signing this contract, you are not only confirming your knowledge of the nature of the work you will do for the OBSERVER AGENCY DETAILS, but also your state of health and fitness to perform this under the

abnormal level of risk that a working environment at sea will present, including the risk of possible injury or even death.

25. Any equipment and clothing supplied by the OBSERVER AGENCY DETAILS for your use during this contract shall remain the property of the OBSERVER AGENCY DETAILS. This must be returned upon the termination of services under this contract in a clean and reasonable condition. Any damages to these, beyond reasonable and normal wear and tear, shall be claimed from you by the OBSERVER AGENCY DETAILS
26. We trust that your association with the OBSERVER AGENCY DETAILS will be mutually beneficial. Kindly signify your acceptance of the contents of this letter by signing in full below and by initialling the bottom right-hand corner of each page.

Yours sincerely

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*(For the OBSERVER AGENCY DETAILS)*

**Acceptance Clause:** By my signature hereto, I accept the conditions of employment as set out in this letter.

*Employee's signature*

*Date*

*Witness' signature*

*Date*

### Annexure 3

### Statement of Confidentiality<sup>7</sup>

#### Statement of Confidentiality

#### APPOINTMENT OF SCIENTIFIC OBSERVER \_\_\_\_\_

Observer Provider \_\_\_\_\_ -- to the FV \_\_\_\_\_

#### **Mandate for deployment**

AND WHEREAS the observer named hereunder has been contracted to the vessel FV \_\_\_\_\_ by Observer Provider \_\_\_\_\_

State as follows:

1. the Observer shall exercise the scientific, compliance, monitoring and other functions as determined by the Minister of the Department or his nominee;
2. the observer shall maintain strict confidentiality in terms of his contractual obligations. All information, data, sound or visual recordings, documents or photographs gathered or obtained by the Observer in the course of carrying out the directives of the Minister shall only be reported or disclosed to the Department and to the vessel's owner/operator as named hereunder;
3. no information as described above shall be used, disclosed or published in any way by the observer, and the Observer Provider in any way or for any reason other than reporting to the Department and the owner / operator; and
4. the Observer shall continue to be bound by the provisions of this undertaking of confidentiality after his contractual obligations have been completed.

**VESSEL:**

**OWNER / OPERATOR:**

**DATE OF VOYAGE:** On embarkation from

**OBSERVER DETAILS:**

*Signed by the Observer:*

\_\_\_\_\_

Date: \_\_\_\_\_

*Signed for Observer Provider:*

\_\_\_\_\_

Date: \_\_\_\_\_

<sup>7</sup> Note this annex provides only a guide to aspects that can be included in an observer contract. All contracts should be reviewed by a professional legal entity that takes countries labour regulations into account.



## **Annexure 4      *Industry sensation***

### **Industry sensation - Circular to all Vessels**

#### **Content needs to include:**

1. reference to IOTC Resolution 11/04 on a Regional Observer Scheme;
2. the Fisheries Authorities has completed an observer training and will be implementing an Observer Program from (put Date);
3. synopsis of the data to be collected and the responsibility of the vessel;
  - a. vessel must take an observer for a pre-determined time;
  - b. what the observer will be doing;
  - c. there will be an MOU between the OBSERVER AGENCY DETAILS and vessels concerning the observer programme; and
  - d. contact details.

#### **Formal Notice to Vessel to Vessel Operator to Accommodate Observer**

1. Reference IOTC Resolution 11/04 on a Regional Observer Scheme.
2. Reference to vessel requirements in terms of High Seas Act [*mandate to accommodate an observer when requested*].
3. Synopsis of the data to be collected and the responsibility of the vessel:
  - a. vessel must take an observer for a pre-determined time;
  - b. what the observer will be doing; and
  - c. programme contact details.
4. Prepare draft MOU between OBSERVER AGENCY DETAILS and vessel. Request that a signed copy be returned.
5. Request a copy of vessel's safety certificate and survey report/certificate.
6. Request evidence of vessel's insurance.
7. Request information on area fished.
8. How long the observer will be there.
9. Port of embarkation (date).
10. How will observer get on board?
11. Trip information.
12. Arrangements for observer return to port.
13. Observer accommodation.



**Vessel Notification (example of basic format)**

<b><u>E-mail or Facsimile Transmission</u></b>	
Date	<i>Date of fax</i>
From	<i>OLC organisation</i>
<i>Fax Number</i>	
To	<i>Faxed to [Company and or Vessel Operators]</i>
For Attention	<i>Vessel Manager</i>
Fax Number	<i>Number faxed to;</i>
CC	<i>Copy to Authority mandating observer deployment</i>
No. pages	<i>Number of pages for this fax</i>

**NOTIFICATION: PLACEMENT OF A SCIENTIFIC OBSERVER ON BOARD THE VESSEL [Vessel name]**

With reference to ***[provide reference to the organisation and mandate for observer deployment]*** we hereby notify you of our requirement to deploy a scientific observer on board the vessel ***[Vessel name]*** on your next fishing trip.

Please note that we require a minimum of ***[Minimum 48-hours' notice required]***<sup>8</sup> (both fax and telephonically) of the vessels final planned sailing date, time and port of departure.

Kind regards,

***[Signed and dated by OLC]***

Please sign and return to ***[Fax Number for OLC]*** to acknowledge receipt.

Vessel Name	
Port of departure	
Date of departure of vessel	
Time of sailing	
<u>Sign</u>	<u>Date</u>
<u>Name</u>	

<sup>8</sup> Advance notice of a vessels estimated date of departure must make provision for all logistics as well as notifying the observer. Recommended that vessel be requested to provide a provisional date at least 3-weeks in advance, depending on the duration of their trips.

## **Annexure 5      Guide to preparing the observer briefing notes**

(Country) National Scientific Observer Program

### **Guide to preparing the observer briefing notes**

The objectives of the observers briefing notes are to provide a guide for the briefing process and serve as a comprehensive reference document for the observer at sea. This section provides a basic outline to assist the OLC in compiling briefing notes for a specific trip or fishing sector.

Briefing note must be revised continuously to meet changing objectives or the specific requirements of scientists. The briefing notes can be prepared under several sections that are listed below with suggested content headings. Relevant data forms that the observer has to fill in during the trip should be listed for each section.

### **Program Introduction / Overview**

Provide the mandate to deploy observers

Observer programme objectives:

- **(country)** obligations to report data from longline fishery to IOTC;
- data analysis / fisheries management;
- relevant scientists involved; and
- what the data is used for; the *regional management of the fisher to ensure a sustainable resource*.

Observers will have been provided with a “Deployment Notification Form” that provides them with advanced details of the vessel, itinerary of the trip and checks observers’ certification. A copy of this should be included in the briefing notes.

### **Vessels details**

Provide all available details about the vessel, its owner, operator and captain.

Discuss the Deployment Notification Form Provide and where necessary cross reference to IOTC vessel list. Observers will have to verify these when completing the vessel data forms and cross reference to SWIOFP and IOTC data collection guides to check if any additional information is required.

*[Relevant data forms]*

### **Observer protocol**

Advised observers of their expected behaviour and any note any special protocols that should be followed on-board that may be relevant to the vessel or crew for the specified vessel. This can have

a significant impact on their acceptance on-board and receiving cooperation from the vessel in achieving their tasks. Be conscious of customs and superstitions.

### **Observer sampling**

Provide detailed sampling protocols that will be undertaken and list the relevant data forms that will be completed for these operations.

The details of the forms should be discussed and cross reference to the relevant guides and protocols for different organisations.

### **Species sampling**

- No. samples to be taken
- Sample selection; *(strategy the simpler the better) Don't let the observer decide they must be directed):*
  - statistically random;
  - stratified; or
  - pre-selected.
- Biometrics to be recorded:
  - length (specify one or more length measurements);
  - weight measurements (specify weight and level of accuracy); and
  - sex and maturity (clearly specify maturity staging key).
- Age and growth (otoliths, spines, vertebra and scales)
- Hook position
- Fish condition (alive or dead)
- Predated upon

### **Fishing Operations**

Discuss measurements for recording effort, fishing strategy and oceanographic and weather condition for each fishing event. Direct the observer to the relevant forms for recording these data.

- Effort
  - Number of hooks, number of baskets
  - Start and End and Soak time, *(these need to be standardised and clearly specified to the observer)*
- Fishing Strategy
  - Depth

Bait

Light sticks

Fishing Cue. (*SST Chlorophyll*)

- Weather;
  - specify units for recording wind strength and direction and sea and swell
  - water colour.
  - moon phase
- Total catch
  - Catch composition, by species and weight
  - Retained target catch, species
  - Retained bycatch, species or aggregated, (*one of the observers' tasks are to accurately record the species composition of bycatch*)
- Discarded species
- Depredation
- Processing of catch
- Storage of catch,
- Transshipment of catch

### **Species of Special Interest observations (as defined by the IOTC)**

Instruct observers to report for 100% of the operation and record on the relevant forms. Note form numbers and required paragraphs in the trip reports. Observers are to report on bycatch mitigation measures deployed and their effectiveness. Instruct observers on the importance of keeping accurate, organised and consistent notebooks.

Just as important as recording incidences it is just as important to record no incidences in the catch including items such as hooks being bitten off or missing.

### **Daily activities (time management)**

Advise the observer to plan their daily routine around their sampling, data recording and personal time. It is suggested that observer should always try to get a minimum of a continuous 4-hour sleep in every 24-hour period.

Note on some vessels it may also be important to be awake at certain times.

### **Observer Checklist**

- Coordinators must go through the gear and equipment check lists in detail with the observer.
- Observers must sign issued gear and equipment forms to acknowledge receipt.

- Check observers have personal items for trip:
  - medication;
  - hygiene; and
  - appropriate clothing.
- Contact details of the observers next of Kin
- Data capture onto electronic data forms
  - advise observers on the requirement to capture electronic data; and
  - provide them with relevant programs and instructions.
- Reporting
  - Observers must be briefed in detail on their reporting protocols:
    - deployment report;
    - status report;
    - preliminary trip report; and
    - trip report.

## Annexure 6 Deployment and equipment check-lists

(Country) National Scientific Observer Program

### Deployment and equipment check-lists

#### Deployment Check-list

Trip number (this should begin with trip's start date, followed by IOTC observer number, and vessel main gear code as per IOTC classification)	[2018/01/23-IOTCFRA001-PS] YYYY/MM/DD – IOTC Observer No. - vessel main gear code
Notification Date	
Logistic Coordinator	
Coordinator contact details	

Observer Details			
Observer name			
Observer number			
Email Address			
Nationality			
Passport number			
Seamen's book No.			
Medical expiry date			
Date of last survival course			
Vessel Details			
Vessel Name			
Call sign			
Vessel Nationality (Flag)			
IMO number			
Fishing Sector			
Gear type			
Area of operation			
Fish Storage (Freezer/Brine freeze/Ice)			
Vessel Owner		Contact No. / email	
Vessel Charterer		Contact No. / email	
Vessel Agent		Contact No. / email	
Captain's name		Contact No. / email	
Deployment Logistics			
Date of departure			
Embarkation Date			
Port of embarkation			
Expected date of return			

Expected Port of return	
Allocated trip length	
Observer contract-( <i>Ad-hoc/fixed contract</i> )	
Contract start date	
Notes	

### Equipment and Gear Check-List

<b>Observer name</b>	<b>Signature/</b>
<b>Vessel name</b>	
<b>Sector</b>	
<b>Coordinator</b>	<b>Signature/</b>

<b>Observer gear allocation</b>	<b>Detail</b>	<b>Issued Number</b>	<b>Returned</b>
<b>Biometric Sampling gear</b>			
Measuring board			
Callipers ( <i>30cm, 1m, 1.5m</i> )			
Measuring tape			
Scales (Variable)			
<b>Biological sampling</b>			
Dissection kit			
Knives			
Scissors			
<b>Consumables</b>			
Sampling Bags			
Cryo Tubes for DNA samples			
Aluminium foil			
Waterproof paper (Labelling)			
Pencil			
Permanent marker			
Stationary (including scientific calculator) Regular paper, note book.			
<b>Miscellaneous</b>			
Weighing/storage bins			
Large woven storage bags			
Laptops + cables			
Camera			

Calculator			
ID Guides			
Voice recorder & Condoms			
<b>Health &amp; Safety working gear</b>			
Work gloves			
PFD's			
Safety helmet			
Safety boots			
Waterproof gear			
Sunscreen			
Reflector vest			
Sunglasses			
Safety knife			
<b>Emergency gear</b>			
Dry bag			
Immersion suite			
Life jacket			
Personal EPIRB			
Satellite phone			
Handheld GPS			
First aid kit and medication			
Harness			
Signal mirror			
Whistle			
Emergency blanket			
Waterproof flashlight			
Water bottle			
<b>Data collection forms</b>			
Vessel deployment			
Vessel trip details			
Vessel and equipment			
Fishing gear ( <i>sector specific</i> ) long line (pelagic)			
Biological sampling forms			
Fishing event forms ( <i>Sector specific</i> )			
Meteorological form			
Large marine fauna form			
Vessel sightings IUU form			
Daily Activity form			
Waste disposal form			

Daily production form			
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## **Annexure 7      Observer Reporting**

*(Country) National Scientific Observer Program*

### **Observer Reporting**

#### **Observer’s Deployment Report**

*(To be submitted within 24-hours of the vessels departure from port)*

Date		
Observer		
Vessel Name / Call sign		
Company		
Captain / Fishing Master		
Vessel Contact Details	Number	
	Email	

<b>Deployment Details</b>	
Briefing Date	
Contract “Start Date”	
Flight No’s <i>(Observers must retain their flight boarding passes)</i>	
Departure date from	
Departure time from	
Landing date at destination	
Landing time at destination	
Safety Inspection completed (yes /no)	
Boarding date	
Sailing Date	
Sailing Time	
Port of departure	

Comment

### Observer Status Report Format

Vessel Name / Call sign	
Observer	
Date / Report Period	
Location at time of report	

No. sets sampled in period		
Number and / or weight per species retained or discarded <i>(Increase number rows as required)</i>		
Species	Retained	
	Released	
Number and / or weight per species sampled <i>(Increase number rows as required)</i>		
Species	Retained	
	Released	
Seabird Marine mammal interactions <i>(Give brief details)</i>		
IUU vessels sighted or detected <i>(Give details, date / time / position)</i>		
Lost gear recovered <i>(Give details)</i>		

General Comments (*comment on any items considered important for immediate attention*)

**Trip Report layout main headings**

Observer comments and notes to be added under each relevant heading

---

Tuna Observer Cruise Report

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Observer Name	:
Vessel Name:	
Cruise Type ( <i>Tuna, Swordfish or shark</i> ):	
FAO Area	
Cruise Date	
From:	
To:	

*Trip report (MUST BE STAND ALONE)*

**Trip Summary**

<b>Vessel details</b>	
Vessel Name;	
International call sign / IMO number (if available)	
Port of registry	
Length of vessel / GRT / No. of crew	
Name of Captain/Fishing Master	
Electronic equipment.	
<b>Trip details</b>	
Time and date of departure <i>(time and date he/she sailed)</i>	
Time and date of return to port.	
Total trip length (days)	
Transit/steaming days <i>(moving from port to fishing area / one fishing area to another).</i>	
Days lost to weather / mechanical breakdown etc.	
Fishing Effort	
Time and date fishing started.	
Time and date fishing ended.	
Total No. of sets.	
No. of hooks set.	
Areas fished (5x5 degree grid references).	

<b>Total Catch Details of Target Species and commercial by-catch</b> <i>Details obtained from Vessel Captain and Logbook</i>				
Species	Number Retained	Number Discarded	Processing Code	Weight

<b>Catch recorded during line hauling observation (Observer data)</b>					
Total number of hooks observed during hauling observations					
Species	Retained	Discarded			Total caught
		Alive	Injured	Dead	

<b>Incidental bycatch of endangered and protected species (sharks, birds, turtles and mammals):</b>				
Species	Dead / Alive	Released Y/N	Injured Y/N	Cause of injury

<b>Number of Species sampled for biometrics</b>					
Species	Length	Sex	Maturity	Other (specify)	Other (specify)

**Bycatch mitigation measures.**

**Tag information (tags recorded, tags kept).**

**Summary of environmental conditions during trip.**

**Gear lost**

**Garbage disposal on-board**

**Vessel health and safety**

**Problems encountered with database and data forms**

**Conditions on board.**

**Appendices**

Copy pre-sea inspection  
Photographs

## **Annexure 8**

### **(Country) National Scientific Observer Program Memorandum of Understanding**

#### MEMORANDUM OF UNDERSTANDING

between

MINISTRY OF AGRICULTURE, FORESTRY, FISHERIES, AND RURAL TRANSFORMATION (hereinafter  
termed OBSERVER AGENCY DETAILS)

In terms of;

**(Country)** and Grenadines National Scientific Observers Programme

**&**

**FV [name of vessel] vessel Owner / operator**

**[Insert FV owner or operator name]**

Insofar as the OBSERVER AGENCY DETAILS has an obligation in terms of the IOTC Recommendation 16-14 for the implementation of the **(Country)** National Scientific Observers Programme for the **(Country)** and Foreign Industrial Fishing Fleets, *which* requires the placing on board of participating vessels independent observers to record data and information as described in (Appendix 1) - *Tasks of the Observers*, and

**[Insert FV owner or operator name]**

As a registered vessel of **(Country)** and the Grenadines operating on the High Seas required to participate in the Programme, the following text will form the basis of a mutual understanding between both parties.

**Section 1**  
**General Terms & Conditions**

1. A Vessel Operator receiving one or more Observers will take appropriate measures within its competence to ensure to the extent possible that any Observers designated by OBSERVER AGENCY DETAILS will be taken on board such vessel to observe and permitted to fulfil the tasks as set out in Appendix 1 in terms of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation 16-14 and collect scientific information on the said vessel that are of research interest to the institution affiliated with the OBSERVER AGENCY DETAILS.
2. For the implementation of the Programme, vessels Captains shall accept deployment of observers on their vessel and agree to the “Obligations of the Master” in Appendix 2.
3. Vessel Operators will also be required to ensure seaworthiness and safety of the vessel platform consistent with **(Country)** Maritime Safety Administration guidelines on safety for vessels.
4. For all vessels proof of seaworthiness in the form of the vessels valid safety certificate and a copy of the vessels P&I insurance policy will be submitted in advance of the observers deployment to the OBSERVER AGENCY DETAILS Observer Logistic Coordinator,  
***Mr/Mss/Miss [insert name of country Observer Logistic Coordinator] (a/c insert name of country Observer Logistic Coordinator affiliating institution)***
5. Observers must be signed onto the vessels articles for the trip at the time of the observer embarkation.

**Section 2**  
**Conditions for Observer Deployment**

6. The anticipated duration of a single observer deployment on board a Vessel is expected to be not longer than ***[specify days according to the average trip length for the relevant fishery]*** and shall not, without prior agreement between the Observer Logistic Coordinator and the Vessel Operators exceed these limits.
7. The Vessel Operator shall take such steps as are necessary, including the instruction of its Vessel(s) and/or Fishing or Support Vessel(s) to assist in the efficient and safe disembarkation of the observer, in accordance with agreed procedures for placing or recovering observers from vessels, Appendix 4.
8. In the event of the observer on-board becoming seriously sick or injured, then the vessel owner will be requested to repatriate the observer by any means as soon as practically possible for the best professional treatment and/or to the observers home base in terms of their P&I insurance cover.
9. Where possible, observer embarkation/disembarkation directly onto Vessels shall take place in port by the quayside in order to ensure the safest means of transferring observers to/from vessels. However, when this is not feasible, three (3) options exist for observer transfer (Appendix 4):

- Option 1: Transfer from/to a launch in and around a port area.
- Option 2: Transfer at-sea from the Vessel to a vessel that has recently left port; and
- Option 3: Transfer at-sea from the Vessel onto a vessel returning to port

The Vessel Operator shall take such steps to ensure that these operations are performed under the conditions set out in Appendix 4.

10. At the time of embarkation and prior to the vessel leaving port or getting underway, (if the observer embarks via a launch or transfer vessel), the Observers shall be required to conduct a pre-sea inspection and familiarisation tour of the vessel as described in Appendix 5.
11. Should there be any major deficiency recorded in the safety standards on-board and the vessel does not comply with any single item of the “**minimum compulsory safety requirements**” listed below, the Observer will not be permitted to embark on the vessel. The details of this shall be reported to the Observer Logistic Coordinator immediately by the most direct means of communication available. In this situation a full report will be submitted to the Vessel Operator and the OLC
12. The following selection of items covered by Pre-Sea Inspection (Appendix 5) are the “*minimum requirements*” for an observer to be permitted to sign onto the designated vessel.

**Minimum safety requirements before an observer will be permitted to embark**

Safety Certificate (Safety Management Certificate)

The vessel must have on-board a current and valid Safety Certificate that does not expire for a period of at least four months from the date of embarkation of the observer. The total crew compliment on board the vessel INCLUDING THE OBSERVER must not exceed the maximum specified number of crew listed in the safety certificate.

Life Rafts

The Life rafts capacity must have the capacity to accommodate the full crew compliment; including the observer. *(In other words, the total life raft capacity must be equal to or exceed 100% of the vessels compliment)*

Life Rafts must be within their serviceable date, which must cover the expected maximum duration of observer deployment.

All Life Rafts must be fitted with a serviceable Hydrostatic Release mechanism.

Life Jackets

There must be a total number of life jackets on-board, readily available at the emergency muster stations to accommodate each of the compliment on-board the vessel.

All Life Jackets must comply with IMO – SOLAS LSA standards.

GMDSS Requirements

The vessel must be GMDSS compliant in accordance to its tonnage and its area of

operation.

Any component of the GMDSS requirement that is out of date or unserviceable will render the vessel as NOT being GMDSS compliant.

These items shall include inter alia EPIRB's, SART's and distress flares and rockets.

13. This procedure will apply to all vessels onto which an observer is embarked; including any vessels used to transfer observers. It is noted however, that a pre-sea inspection may not be possible in the case of observers embarking on a transfer vessel at sea. For this reason, the Observer Logistic Coordinator requires all vessels taking on-board an observer for the first time to do so in port. Should circumstances require subsequent observer changeovers may take place without the vessel returning to port, following the procedures described in Appendix 4. The only exception to this would be in an emergency situation, in which case the Observer Logistic Coordinator will endeavour to obtain copies of the relevant safety documents from the transfer vessel operators in advance of the transfer taking place.

### Section 3

#### Vessel Operator's Responsibilities for Observer Deployment

14. In order to initiate observer deployment, the Vessel Operator shall submit the following information in an advance to the Observer Logistic Coordinator:
- *Name of Vessel*
  - *Flag State and Registration Number;*
  - *Call Sign*
  - *Port of departure*
  - *Port of observer embarkation;*
  - *Method of deployment onto the vessel, (Ports side, Harbour Launch Vessel Transfer);*
  - *Date of departure of Vessel / Transfer Vessel;*
  - *Planned Fishing area*
  - *Fishing Method and gear*
  - *Target species*
  - *Port of arrival / observer disembarkation*
  - *Date of arrival / observer disembarkation*
  - *Other port visits expected (location and date) (Where applicable for vessels that may fish outside the countries EEZ)*
  - *The name and contact details of the agents/operators responsible for managing operations*

- *Confirmation that the Vessel has Protection and Indemnity (P&I) or equivalent insurance.*<sup>9</sup>
  - *Copy of the vessels current Safety Certificate Relevant copies of the vessels fishing licenses.*
15. The Observer Logistic Coordinator will make travel arrangements for the observer in accordance with the information forwarded by the notice, supplied by the Vessel Operator in paragraph 14. Every effort shall be made by the Vessel Operator to provide accurate information regarding ports of embarkation and disembarkation at the earliest opportunity to enable the Observer Logistic Coordinator to make travel arrangements for the observer in a timely and efficient manner. Wherever possible, the Observer Logistic Coordinator will confirm this information directly with the Vessel Operator prior to making travel bookings for the observer.
  16. The observer is contracted for the trip, should the plans of the vessels subsequently deviate from those originally provided to Observer Logistic Coordinator in paragraph 14, (e.g. change of dates and ports of embarkation and/or disembarkation / or the vessel fails to comply to the minimum safety requirements. The Observer Logistic Coordinator will liaise with the vessel operator whether to keep the observer on stand-by or cancel the deployment. The vessel operators will be liable for any cost incurred from changes in the program where these were not communicated to the OLC in advance and before the deployment process commenced.
  17. The mobilisation of the observer from their home to the point of embarkation will only commence when **the MoU is signed by the Vessel Operator** and has been received by the Observer Logistic Coordinator. It is the responsibility of the Vessel Operator to send the signed copy of the MoU to the Observer Logistic Coordinator directly.
  18. For all Vessels (including transfer vessels) receiving an Observer for the first time, the observer must be embarked in port at the quayside. The Vessel Operator shall make arrangements for the vessel to be in port at the pre-arranged time and place for embarkation of the observer. If it is not possible for the vessel to be berthed, the only acceptable means of boarding will be via a registered launch for port berthing operations, (paragraph 9 Option 1). In these situations, the agents for the vessel shall be required to accompany the Observer on-board to assist the observer and remain on-board until the Pre-Sea safety inspection has been completed.
  19. Vessel Operators shall ensure that their captains and crew make the following arrangements for the observer whilst on-board the Vessel in accordance with ICCAT Recommendation 16-14, (Appendix 2) and that:
    - The Observer signs on “ships articles” and is designated part of vessels crew for the duration of the trip, (this is to be facilitated by the vessel’s agent);
    - Observers shall be allowed access to the fishing gear and equipment and the vessel catch records, to perform their functions, as stipulated in Appendix 1;
    - Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their reporting requirements: ;

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<sup>9</sup> Since the observer is designated as part of the ship’s crew, he/she is included in the ship’s insurance provisions for officers as provided by the vessel’s P&I certificate. The Observer Coordinator will arrange additional, independent and adequate insurance provision for observers.

- satellite navigation equipment; and
- electronic means of communication.
- Observers shall be provided accommodations, including lodging, food and sanitary facilities, equal to those of the officers on board the Vessel;
- Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out their duties as Observers (see Appendix 1);
- The Vessel Operator shall ensure, where possible that captains, crew and vessel owners cooperate and assist observers in the performance of their duties if requested.

#### **Section 4**

##### **Observer's Responsibilities on-board Vessels**

20. Observers shall comply with the *Standards of Conduct and Behaviour of Observers* (Appendix 3), specifically:
- Observers shall treat as confidential all information with respect to the fishing operations and accept this requirement in writing as a condition of appointment as an observer;
  - Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned; and
  - Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel personnel.

#### **Section 5**

##### **Entry into Effect, Duration and Termination**

21. The arrangements described by this MoU are applicable upon its signature.
22. This MoU represents the entire understanding between the parties in respect of the Programme and supersedes any prior written or oral representations, warranties or agreements.
23. The present MoU will be for a period of one (1) year after the date of signature, or any other period as agreed by both parties in writing.
24. Either Party may discontinue its participation in activities under this MoU at any time, and should notify the other Party in writing. The termination shall take effect at a specified time after receipt by the addressee of the notice to terminate.
25. Any dispute arising out of this MoU should be settled amicably between the two parties.

**For the**

*[insert name of country Observer Logistic*

**For the Vessel Operator**

*[insert name of Vessel owners or operator*

Coordinator affiliating institution]

responsible for vessel]

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Signed:

Signed:

---

Observer Logistic Coordinator

Position for and on behalf of the affiliating institution

Date:

Date

---

Witnesses:

Witnesses:

Date:

Date

---

### MoU Appendix 1

#### Tasks of the Observers

In terms of the **(Country)** Fisheries Observer Programme; Fisheries Observers will be responsible for the following research and sampling tasks will include, *inter alia*, to:

- a) record and report upon the fishing activity of the observed vessel, which shall include at least the following:
  - a. data collection, that includes quantifying total:
    - i. target catch;
    - ii. recording discards and by-catch (including sharks, sea turtles, marine mammals, and seabirds);
    - iii. recording disposition status of by-catch, (i.e., retained, discarded dead, released alive);
    - iv. estimating or measuring size composition of target and by-catch, as practicable;
    - v. the collection of biological samples for life history studies (e.g., gonads, otoliths, spines, scales);
    - vi. report on all tags found in turtles and collect and report on all tags found on fish and sharks;
  - b. record fishing operation information, including:
    - i. location of lines set and hauled by latitude and longitude;
    - ii. fishing effort information (e.g., number of sets, number of hooks, etc.);

- iii. date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity;
  - iv. general condition of released animals related to survival rates (i.e. dead/alive, wounded, etc.).
- b) observe and record the use of by-catch mitigation measures and other relevant information;
- c) to the extent possible, observe and report environmental conditions (e.g., sea state, climate and hydrologic parameters, etc.).
- d) perform any other scientific tasks as recommended by SCRS and agreed by the Commission.

## MoU Appendix 2

### Obligations of the Master

In terms of the IOTC Resolution 11/04 on a Regional Observer Scheme, CPCs shall ensure that the Master of the vessel to which the observer is assigned:

- a) permits appropriate access to the vessel and its operations;
- b) allows the observer to carry out his/her responsibilities in an effective way, including by:
  - a. providing appropriate access to the vessel's gear, documentation (including electronic and paper logbooks), and catch;
  - b. communicating at any time with appropriate representatives of the scientific institute or domestic authority;
  - c. ensuring appropriate access to electronics and other equipment pertinent to fishing, including but not limited to:
    - i. Satellite navigation equipment; and
    - ii. Electronic means of communication;
  - d. ensuring that no one on board the observed vessel tampers with or destroys observer equipment or documentation; obstructs, interferes with, or otherwise acts in a manner that could unnecessarily prevent the observer from performing his/her duties;
  - e. intimidates, harasses, or harms the observer in any way; or bribes or attempts to bribe
  - f. the observer.
- c) provides accommodation to observers, including berthing, food and adequate sanitary and medical facilities, equal to those of officers; and
- d) provides the observer adequate space on the bridge or pilot house to perform his/her tasks, as well as space on deck adequate for carrying out observer tasks.

## MoU Appendix 3

### Standards of Conduct & Behaviour of Observers

#### Definitions

*Conflict of interest* - Participation in activities or relationships with other persons, resulting in the impairment or possible impairment of a person's objectivity in performing the contract work.

*Direct financial interest* - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of duties under the contract.

#### Conduct

1. An individual is only considered a certified observer when trained and employed by the OBSERVER AGENCY DETAILS
2. Observers may not participate in any activity which would:
  - i) Cause a reasonable person to question the impartiality or objectivity with which the Observer Program is administered;
  - ii) Significantly impair the observer's ability to perform his/her duties.
  - iii) Adversely affect the efficient accomplishment of the Program's mission
3. Observers may not have direct financial interest in the observed fishery, other than the provision of observer services including, but not limited to, vessels or shore-side facilities involved in the catching or processing of the products of the fishery, companies selling supplies or services to those vessels or shore-side facilities, or companies purchasing raw or processed products from these vessels or shore-side facilities. The interests of a spouse or minor child are considered those of the observer.
4. Observers may not solicit or accept, directly or indirectly, any gratuity, gift, favour, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by OBSERVER AGENCY DETAILS, or who has interests that may be substantially affected by the performance or non-performance of the observers' official duties.
5. Observers may not serve as observers on any vessel or at any shore-side facility owned or operated by a person who previously employed the observer in any capacity.
6. Observers may not solicit or accept employment as a crew member or an employee of the vessel or shore-side processor in any fishery while employed as an observer.
7. A person may not serve as an observer in a fishery during the 3 consecutive months following the last day of his/her employment as a paid crew member or employee in that fishery.
8. Observers may not engage in an activity that may give rise to the appearance of a conflict of interest that may cause another individual to question the observer's impartiality, fairness or judgment.
9. Observers must avoid any behaviour that could adversely affect the confidence of the public in the integrity of the Observer Programme including, but not limited to the following:

- i) Observers must diligently perform their duties.
- ii) Observers must accurately record their sampling data, write complete reports. If the observer chooses to report any suspected violations of regulations relevant to conservation of marine resources or their environment that they observe, it must be done honestly.
- iii) Observers must preserve the confidentiality of the collected data and observations made on board the Vessels
- iv) Observers must refrain from engaging in any illegal actions or any activities that would reflect negatively on their image, on other observers, or the Observer Program, as a whole. This includes, but is not limited to:
  - i. Engaging in drinking of alcoholic beverages while on duty
  - ii. Engaging in the use or distribution of illegal substances
  - iii. Becoming physically or emotionally involved with vessel personnel
  - iv. does not hinder or interfere with the fishing activities and the normal operations of the vessel;
  - v. e) participates in a debriefing session(s) with appropriate representatives of the scientific institute
  - vi. or the domestic authority responsible for implementing the observer program;

### **Obligations of the Observer**

Observers are to ensure that:

- a) they do not interfere with the electronic equipment of the vessel;
- b) they are familiar with the emergency procedures aboard the vessel, including the location of life rafts, fire extinguishers and first aid kits; and
- c) they communicate as needed with the Master on relevant observer issues and tasks.

### **Protocol**

While on-board, observers must follow the protocols below:

- a) Observers shall treat all information relating to the fishing operations of the vessel as confidential;
- b) Observers shall comply with requirements established in the laws and regulations of the flag State;
- c) Observers shall respect the hierarchy and general rules of behaviour, which apply to all vessel personnel.

In particular the observer protocol requires that:

- a) they adhere to the authority of the Captain regarding vessel operation and safety at sea;
- b) they have no authority to advise or direct any of the vessels operational activities, nor has he/she have any authority over the vessels personnel;

## MoU Appendix 4

### CONDITIONS FOR OBSERVER DEPLOYMENT & RECOVERY AND VESSEL TRANSFER OPERATIONS

In the event that observer embarkation/disembarkation directly onto Vessels is not possible in port by the quayside, three (3) options exist for observer transfer. In each case, transfers shall be made during daylight hours and sea conditions must be evaluated and judged to pose no undue risk to the observer before any at sea transfer can take place.

Option 1: Transfer from/to a launch in and around a port area.

Option 2 Transfer at-sea from a vessel left port onto the designated vessel.

Option 3: Transfer at-sea from the observed vessel onto a vessel returning to port.

All of these options involve transfers between the observed vessel and another vessel at-sea and for Options 3 does not permit a **Pre-sea Boarding Inspection** (see Appendix 5) to be performed.

This procedure is not without risk and the Observer Logistic Coordinator shall agree to its implementation only under the following Terms and Conditions:

The Observer Logistic Coordinator will apply the following protocol when taking decisions regarding observer deployments:

1. **Low risk** options will have priority

Embarkation and Disembarkation - In port or within port limits

- Directly onto the vessel tied up alongside
- Onto a launch to transfer to the vessel at anchor via local port services

2. **Medium risk options** using a transfer vessel will be considered, but only if the vessels involved have been identified and approved by the Observer Logistic Coordinator to undertake such transfers. These transfer vessels will require port inspection and must have a clean safety record issued by the flag state safety authority and must submit safety certification and inspection documentation.

3 **High risk options**

In the event of the observer being ill or injured the above condition may be overlooked.

Transfers must be conducted using the following operational guidelines which reflect best practice health and safety standards for transferring individuals at sea: The following protocols will be taken into account at all times:

- only Observers that have been trained and instructed in vessel safety requirements to be deployed;
- all vessels designated by Vessels Operators must be identified and cross referenced with the list of vessels previously inspected or verified by the Observer Logistic Coordinator;
- prior to transfer onto a transfer vessel, valid safety certification must be submitted to or verified by the Observer Logistic Coordinator; and

- the Observer Logistic Coordinator will approve transfer on the basis of safety certification.

For an out-going Observer using a transfer vessel for deployment onto a designated Vessel:

- where appropriate a Safety Inspection (equivalent to the Pre-sea Boarding Inspection; see Appendix 5) will be performed on all vessels;
- observers will notify the Observer Logistic Coordinator of the results of the Inspection. If satisfactory the transfer can proceed and report “safe transfer” to the Observer Logistic Coordinator. If the Inspection results are not satisfactory, the Observer Logistic Coordinator will notify the Vessel Operator;
- 1 hour prior to transferring the Observer to the Vessel, Observers will report details of the timing and location of the transfer to the Observer Logistic Coordinator; and
- once the transfer has been completed the Observer will conduct an Inspection on the vessel and report the results to the Observer Logistic Coordinator.

For returning Observers being transferred from a Vessel onto a transfer vessel:

- only in exceptional circumstances will observers be transferred to vessels with the intention to deploy gear prior to returning to port;
- 1 hour prior to the transfer, Observers will report details of the timing and location of the transfer to the Observer Logistic Coordinator;
- once the transfer has been completed the Observer will conduct an Inspection on the vessel and report the results to the Observer Logistic Coordinator;
  - if satisfactory the transfer will be permitted to proceed and the observer will report “safe transfer” to the Observer Logistic Coordinator.
  - if the Inspection results are not satisfactory, the observer is to abort the transfer and report to the Observer Logistic Coordinator who will notify the Vessel Operator that the observer will not be permitted to proceed with the transfer.

Any indication of poor sea conditions or inadequate protocols and equipment supplied by the vessels will result in the transfer being aborted.

The Observer Logistic Coordinator will not compromise on observer safety and if conditions are not suitable, the observer will remain on the originating vessel until suitable transfer arrangements can be made

## Observer transfer report format

### **Transfer Vessel Details**

- Name
- RFMO Record Number, if applicable
- Flag
- Registration Number
- Call sign
- Agent/Owner/Charterers details
- Vessel's Communication
  - Telephone
  - Fax
  - Telex
- Confirmation of valid Protection & Indemnity certification

### **Operational Details**

- Current date
- Current position
- Transfer date
- Transfer position
- Port of arrival / departure
- Estimate time of arrival / departure

## MoU Appendix 5

### Pre-Sea Boarding Inspection

*Fill in fields where possible and comments where necessary.*

Observer / Observer Logistical Coordinator.		<b>Signature</b>	
Vessel Agent		Signature	

#### Vessel Details:

Vessel Name			
Captain Name			
Call Sign			
Flag			
Size GRT			
LOA			
Number of Crew			
Vessel contact Number	Telephone		
	Fax		
	Inmarsat (A/C/M) & No.		
Vessel Agents	Name		
	Telephone		
	Fax		
	Mobile		
	Email		

#### Safety Equipment:

Valid Safety Certificate (Y/N)		Issuing Authority	
Life Boats			
Type	Number	Capacity	Launch method

			Gravity Davit or Free Fall
<b>Life Rafts</b>			
Type	Number	Capacity	Hydrostatic release Yes / No
			Date Service Due
<b>Life Jackets</b>			
Type	Number	Location	SOLAS Approved
Inflatable/Packed		Cabin /Muster Station/ Both	Yes/ No
<b>Immersion Suits</b>			
	Number	Location	SOLAS Approved
		Cabin/Muster Station/ Both	Yes/ No
<b>Life Buoys</b>			
	Number	Free Release Yes / No	Light/SART Attached
Flares: Location		If checked No. / Exp Date	
First Aid Materials Location		Certified Medical Officer	
<b>Fire Extinguishers</b>			
Positioned in main corridor's (Y/N)		Charge seals intact (Y/N)	
Positioned on bridge (Y/N)		Charge seals intact (Y/N)	

**GMDSS Requirements:**

Radio Equipment	HF	MF	VHF	INMARSAT	NAVTEX
	Operational yes or no				

EPIRB's					
Type	Number	Location	Release manual / float free		
SART's	Number	Location	Release manual / float free		

**Accommodation:**

Single Cabin or Sharing	Comment
Vessel Emergency Evacuation and Muster Stations Lists – Displayed (Y/N)	

**General Comments:**