

**FFA****FORUM FISHERIES COMMITTEE**
124th Meeting**28 October 2022**
Honiara, Solomon Islands

Agenda Item:	6
Paper No:	FFC124-WP.05 B
Title:	ToRs USTT Observer Programme Review

Summary

In accordance with FFC122 tasking and on behalf of the FFC Sub-Committee, the Secretariat presents the draft Terms of Reference for United States Tuna Treaty Observer Programme Review for consideration by Members.

Recommendations

The Committee is invited to approve the Terms of Reference.

REVIEW OF FFA US TREATY REGIONAL FISHERIES OBSERVER PROGRAMME

TERMS OF REFERENCE

Background

The Pacific Island Parties (PIPs) have called for a review of the Observer programme for placement of observers on US purse seine vessels operating under the *Treaty on Fisheries between Certain Governments of the Pacific Island States and the Government of the United States of America* (the “the US Treaty Observer Programme”). The expectation of PIPs is that the review will consider all options for efficient delivery of observer services to US vessels including cost effectiveness of outsourcing the observer programme including to the PNA Observer Agency (POA) or possibly to the national programme(s) of PIPs themselves.

The FFA Secretariat is currently responsible for the implementation of the MOU between the American TunaBoat Association (ATA) and the Pacific Islands Forum Fisheries Agency (FFA) with a current fixed budget provision of US\$1.4 mil per annum for the administration of the US Treaty Observer Programme.

The MOU provides the framework for provision of fisheries observer services for vessels licensed to fish under the US Treaty.

The key services that FFA has provided under the MOU include:

1. Coordination of placements of observers;
2. Facilitating/coordination of transport of observers to point of embarkation and from disembarkation to their home;
3. Timely payment of observer wages and incidental costs;
4. Briefing and debriefing of observers;
5. Communicating to ATA incidents reported at debriefing sessions, taking into consideration the need to not interfere with ongoing investigations;
6. Administration and management of the US Treaty observer programme;
7. Training of observers and debriefers; and
8. Data collection by observers on US flag purse seine vessels, management of the data, and dispersion of data to Secretariat of the Pacific Community (SPC) as the regional Science provider.

Budgetary provisions

The Treaty has been in operation for over 32 years, involving several extensions of the financial package since it first came into force in June 1988, noting that the Treaty does not have a sunset clause. The annual budget of the US Treaty Observer Programme has varied over the period but has averaged around US\$1 million. The US

Treaty Observer programme budget is recovered directly from the US industry (ATA), and while it is in addition to the payment for the observer levy through the FFA Vessel Register (US\$2,625 a year for each purse seine vessel), it impacts directly on the ability of the industry to purchase fishing days from PIPs. As such, all parties to the Treaty have an interest in ensuring cost-effective provision of observer services to the US fleet.

The major expenditure of the US Treaty Observer Programme is for the placement of observers on US-flagged vessels fishing pursuant to the Treaty which involves air travel and allowances during the period of their engagement. Certain regional observer support services are funded by a levy included as part of the FFA vessel register fee, and it will be important to distinguish these services from those funded under the Treaty.

An average of five staff, comprising a Programme Manager, two Observer Placement Officers and two Data Entry Officers, were engaged permanently to administer and manage the US Treaty Observer programme until 2020 when Covid led to travel restrictions that impacted observer placements.

Purpose of the Review

A review is timely given the renegotiation of the Treaty, the reduction in the size of the US fleet and its area of operation, and developments at sub-regional level - particularly the advent of the PNA Observer Programme, now believed to be the largest observer programme in the World and used by purse seine fleets fishing in PNA+ waters (the main area of interest to the UST fleet), and the widespread use of electronic submission of observer reports.

Furthermore, the FFA Strategic Plan (2020-2025) anticipates reviews to ensure structure and delivery models of services provided by the Agency are fit-for-purpose. The last review of the US Treaty Observer Programme was done in 2011.

Objective of the Review

The main objective of this review is to provide an assessment of the services delivered by the US Treaty Observer Programme and to consider options that will be more cost-effective and efficient going forward for a US fleet of only 12-13 vessels, taking into account the need for IATTC cross-endorsed observers as well as the ability for ATA to source observers from across the FFA membership.

The objective of the review is to assess the performance of the current operational functions of the programme that includes, but not limited to:

- *Observer equipment(s) and asset(s) resourcing;*
- *Observer briefing and placement;*

FORUM FISHERIES COMMITTEE EYES ONLY

- *Observer tracking;*
- *Observer repatriation;*
- *Observer debriefing; and,*
- *Observer remuneration.*

Important to consider as part of the review, the US Treaty Observer Programme has not only provided observer placement services but also provides broader technical support to members such as:

- *Implementation of the observer livelihood and safety study recommendations;*
- *Implementation of the observer compensation scheme;*
- *Providing advice on technical observer related matters at the WCPFC;*
- *Leading the annual Regional Observer Coordinators workshop (ROCW);*
- *Coordination and delivery of observer training to support national observer programs in collaboration with SPC and key partners;*
- *Continue to engage on regional observer matters relating to the WCPFC ROP;*
- *Leading role in developing the minimum PIRFO standards in collaboration with SPC and national programmes; and*
- *Generally, a regional point of contact for observer programme matters and national observer coordinators.*

The assessment will provide advice and options for improvement in efficiency and cost-effectiveness of the US Treaty Observer Programme and cost benefit analysis for continuation of the programme under the revised Treaty arrangements for 2023/2024 and beyond.

Scope of Work

This Consultant is expected to undertake the following:

1. Review the following specific areas of work of the US Treaty Observer Programme unit within FFA:
 - a) Observer Programme structure and business services plan;
 - b) Payment of observer fees by the American Tunaboat Association (ATA);
 - c) Observer placements;
 - d) Observer safety and insurance;
 - e) Trip reports and debriefing;
 - f) Observer payment of allowances;
 - g) Observer data management;
 - h) Annual report to PIPs;
 - i) Coordination of annual regional observers meeting/workshop; and

- j) Formulation and approval of the annual budget and work programme.
- 2. Consult with PIPs on service delivery areas and with relevant regional organisations (PNAO, SPC) on the observer services provided under the US Treaty.
- 3. Provide an assessment of the cost-effectiveness and efficiency of the delivery of those services by FFA over this period relative to the costs of the PNA Observer Agency and, if possible, national programmes.
- 4. Consider the services required under future Treaty arrangements taking into account the size of the US fleet operating under the Treaty and associated observer placement requirements, and availability of observer services provided in the region such as the POA or national programmes.

The DDG and Observer Programme Manager will be the main informants for this review but the Consultant will report to the steering committee.

Deliverables

The review is expected to deliver a report that will cover the following:

- (i) Overview of the current operational requirements under the Treaty in relation to observer services;
- (ii) Assessment of the relevance of the US Treaty Observer Programme workplan and activities for the implementation of the Treaty including which costs should be recovered from the US industry versus those that should be funded through the overall observer cost recovery levy associated with the FFA Vessel Register;
- (iii) Assessment of the cost-effectiveness and efficiency of the current US Treaty Observer Programme budget against the respective work programmes and activities in comparison with other programmes;
- (iv) Identification of changes that may be required to deliver observer services more efficiently under the US Treaty; and
- (v) Make recommendations relating to:
 - a. The required observer services to be provided under revised Treaty arrangements;
 - b. Improving the cost-effectiveness and efficiency of the delivery of these observer services;
 - c. The observer services costs to be recovered from the US industry;
 - d. The ability for ATA to source observers from all FFA members; and
 - e. Observer related services currently carried out by the US Treaty Observer Programme staff that are not specific to the US Treaty, and how these should be funded in future.

Time Schedule and Reporting Requirement

This work is to be completed by (date to be discussed) and a report shall be provided to the Secretariat for circulation to and discussion with members, noting that a draft will be provided to the Steering Committee for feedback and direction.