



MCS Fellowship Attachment Report

**Forum Fisheries Agency,
Honiara, 21-25 May 2001
Inspector Treson Kalsaf
Maritime Surveillance
National Police, Vanuatu**

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MONITORING, CONTROL AND SURVEILLANCE (MCS) FELLOWSHIP ATTACHMENT

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Attachment to the Forum Fisheries Agency

The Monitoring, Control and Surveillance (MSC) Fellowship Attachment Program is designed to facilitate the attachment at the FFA headquarters of the FFA member country MCS personnel for the purposes of researching and reporting on matters of particular concern to the fellow's home country on regional/international issues.

The title of this attachment is "The Role of MCS in the implementation of the Vanuatu Tuna Fisheries Management Plan"

In this fellowship, the intention was to research the following topics;

- a) The national and regional MCS assets currently available to Vanuatu, and
- b) Coordination of national and regional MCS assets available to Vanuatu to support the implementation of the Vanuatu Tuna Fisheries Management Plan,

This MCS Fellowship was supported by the Government of Canada through Phase II of the Canada South Pacific Ocean Development Program.

Introduction

The Vanuatu group of 80 islands lies roughly 500 miles west of Fiji and 258 miles north-east of New Caledonia between 12°S and 21°S (or 22°30S including Matthew and Hunter Islands) and 166°E and 171°E. The land area is approximately 12,189sq km, excluding Matthew and Hunter Islands. The Capital is Port Vila situated on the island of Efate. Vanuatu has a population of approximately 170,000.

Vanuatu became an independent Republic on 30 July 1980 and its head of State is the President. Laws are made by the elected Parliament of 52 members that also elects a Prime Minister as head of the executive. The Prime Minister appoints a Council of Ministers that is collectively responsible to Parliament.

1.0 The Vanuatu Tuna Fisheries Management Plan

The Vanuatu Tuna Fisheries Management Plan (the Plan) is a working document providing specific direction to managers and policy makers while being linked to clear set of objectives and principles.

Objectives

The Plan has been developed to meet four key objectives.

- a) To ensure that the exploitation of tuna resources that are found in and pass through Vanuatu waters is compatible with the sustainability of the stocks throughout their range.

- b) Within the limits of the sustainability objective, to ensure the harvest is taken in a way that maximizes the long term economic and social benefits received by the people of Vanuatu.
- c) To contribute to the food security of ni-Vanuatu.
- d) To meet regional and international responsibilities for tuna management.

Purpose

The purpose of developing the Plan is specifically is to:

- a) Provide a clear statement of objectives and direction for managing the tuna resources of Vanuatu;
- b) Provide a set of achievable and measurable goals and principles that will direct management towards the overall objectives;
- c) Establish clear and transparent rules for licensing, monitoring and regulating tuna fishing activities; and
- d) Put in place an administrative framework for ensuring the implementation of the Plan and mechanisms that allow it to be updated as condition change.

1.1 The Species

Species covered by the Plan are:	All highly migratory tuna species; and
	All other non-target, associated or dependent species taken in the course of fishing for tuna

1.2 The Area

The area of marine waters covered by the Plan includes:	<p>Internal waters;</p> <p>Archipelagic waters;</p> <p>Territorial Sea</p> <p>EEZ including those portions around Mathew and Hunter Islands; and</p> <p>All waters where Vanuatu flagged vessels fish for highly migratory tuna species</p>
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1.3 The Fishing Methods

Fishing methods that are covered by the Plan include:	<p>Longlining;</p> <p>Purse seining;</p> <p>Pole-and-lining;</p> <p>Trolling; and</p> <p>All other methods of fishing that target tuna and tuna-like pelagic fish.</p>
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2.0 Coordination of National and Regional Monitoring Control and Surveillance assets to support the Plan

The Monitoring Control and Surveillance (MCS) is tasked by the Plan to monitor the activities of foreign fishing vessels. In order to respond and effectively implement the Plan there was a need to prepare MCS strategies.

2.1 These Strategies include:

Vessel Monitoring System

An approved ALC, registered with the FFA member country VMS, must be installed on all foreign and locally based foreign fishing vessels and foreign carries in Vanuatu waters and by all local vessels of 20 metres or greater overall length.

Observer program

An Observer Program will be coordinated by the Fisheries Division to provide data collection, monitoring and surveillance services.

1. All foreign and locally based FFVs in Vanuatu waters and local vessels of 20 metres or greater overall length will be required to accept observers on board on request by the Fisheries Division for scientific, compliance, monitoring and other functions. Operators are required to assist the observer in their duties and to cover direct cost.
2. License holders may be charged a fee as part of their license fee to cover the basic costs of the programme.
3. Foreign fishing vessel owners will be responsible for the cost and logistics of getting observers from Vanuatu to the port of embarkation. These costs may be included in the basic observer fee charge on all licenses.

Port Sampling Program

A port sampling programme will be developed for the purposes of both compliance monitoring and scientific sampling. This programme will sample a portion of the catch from vessels in all categories that land or transship their catch in Vanuatu ports. All vessel operators will be required to cooperate with authorized officers in the course of port sampling activities.

Logbook Data

Operators of all licensed vessels will be required to provide logbook data including daily reports of catch and fishing effort in an approved format.

The entry of log sheets from foreign vessels will be forwarded to SPC for entry. Every log sheet that comes into the Fisheries Division will be recorded in a simple spreadsheet including the following information:

- Name of vessel
- Periods in Vanuatu EEZ (start and end dates)

The data from each log sheet will allow cross checking with the VMS and Telex Reports.

All license holders will be informed of the measures that may be taken if they do not meet the terms and conditions of their licenses and agreements for the provision of data in a timely and accurate fashion. These include:

1. The preferential placement of observers on non compliance vessels;

2. Targeted boarding by patrol boat;
3. Penalties charged against performance bond if these form part of their bilateral agreement;
4. Locally based foreign vessels may have their status revoked and be required to be foreign with associated license fees if they wish to continue to fish in Vanuatu waters; and
5. In cases of persistent breaches of the terms and conditions of license or bilateral agreements licenses will be revoked.

Aerial and surface patrols

The Plan is supportive of an effective enforcement regime. Towards this end over-flights and patrol boat operations will be coordinated and strategically deployed by the Police Maritime Wing in order to:

1. Detect and deter illegal unlicensed fishing activity;
2. Ensure licensed vessels are complying with the terms and conditions of their licenses and bilateral arrangement;
3. Increase the safety of the fishing industry through effective search and rescue activities

3.0 Implementation Status of Monitoring Control and Surveillance (MCS) Strategies:

National Observer Program

Vanuatu has yet to establish a national observer program.

Implementation of the Vessel Monitoring System:

Vanuatu is yet to implement national policies on FFA VMS due to delay on approval of the new fisheries legislation. However with the introduction of the new fishing format, all newly established bilateral fishing agreements include the installment of VMS as an endorsed condition under the MTCs.

To Increase Aerial Surveillance for Vanuatu waters

RAAF, RNZAF and the French Navy Airforce conduct aerial surveillance flights for Vanuatu.

Surface Patrols:

The Vanuatu's only patrol boat, RVS TUKORO, in its annual program is scheduled to conduct fisheries surveillance, EEZ and coastal patrol once a month for a duration of two to three weeks at sea.

National Legislation supporting MCS

Fisheries Act CAP 158 (the existing national legislation supporting MCS). PART III POWERS OF AUTHORISED OFFICERS AND COURT PROCEEDINGS

POWERS OF AUTHORISED OFFICERS

22. (1) For the purposes of enforcing this Act, any authorized officers may, without a warrant –
- (a) stop, board and search any fishing vessel in Vanuatu waters.....;
 - (b) require to be produced and examine and take copies of any license or other document required under this Act;
 - (c) Require to be produced and examine any fishing net or other fishing gear whether at sea or on land.
- (2) Any authorized officer, where he has reasonable grounds to believe that an offence has been committed under this Act may, without warrant –
- (a) enter and search any premises,where he has reason to believe that fish illegally taken is being stored;
 - (b) take samples of any fish found in any vessel or premises searched under this section;
 - (c) seized any vessel (together with its gear, stores and cargo), vehicle, fishing gear, net or other fishing appliance which he not reason to believe has been used in the commission of the offence or in respect of which the offence has been committed;
 - (d) seize any fish which he has reason to believe has been caught in the commission of the offence, or is being possessed in contravention of this Act;
 - (e) seize any explosive or poison which he has reason to believe has been used or is being possessed in contravention of this Act
- (3) Any vessel seized under subsection (2) and the crew thereof shall be taken to the nearest or most convenient port and the vessel may be detained pending the outcome of any legal proceeding under this Act

COURT'S POWERS OF FORFEITURE.

28. Where any person is convicted of an offence against this Act, the court, in addition to any other penalty imposed
- (a) may, order that any fishing vessel (together with its gear, stores and cargo), and any vehicle, fishing gear, net or other fishing appliance used in the commission of the offence be forfeited.

- (b) Shall order that any fish caught in the commission of such offence or the proceeds of sale of such fish and any explosive or poison in the commission of such offence be forfeited.

Existing fisheries legislation has been reviewed and amended with the assistance of Professor Martin Tsamenyi to include the provisions on VMS. The drafting is complete and now awaiting approval by the national ministerial cabinet.

Memorandum Of Understanding with the United States:

The Terms of the 1994 Minute of Agreement between the Forum Fisheries Agency member countries and the U.S. relates to the cooperation in fisheries monitoring and surveillance in the western and central Pacific. The minute provides for cooperation between the FFA member countries and the U.S. in all matters relating to fishing compliance in the western and central Pacific. It includes the:

- exchange of intelligence on fishing vessel activities in the region
- exchange of personnel to assist with the investigation of fisheries infringement
- exchange of information in the case of suspected violations; and
- fisheries enforcement training

Following consultation with appropriate Forum Fisheries Agency member country, the minute also provides for the U.S. to take action, consistent with U.S. law, against vessels that violate the conservation and management measures of Forum Fisheries Agency member countries.

In June 2001 the Maritime Boundary Delimitation Program should commence operations with SOPAC, based at Suva, Fiji.

4.0 National MCS assets available to Vanuatu

4.1 Personnel

The command of MCS of Vanuatu's EEZ, comes under the responsibility of the Commissioner of Police who appointed a Commander Maritime, a Superintendent of Police in charge of the Police Maritime Wing. PMW consisting of 26 personnel including; staffs based at the Maritime Cell (surveillance center), RVS TUKORO Ship's Company and base supporting staffs. (The diagram in Annex A shows the structure of the Police Maritime Wing).

4.2 Buildings

The Monitoring, Control and Surveillance unit is situated at the Vanuatu Police Headquarters, in the Joint Planning Operation Center) with supporting facilities at the MALA Base (Government Wharf)

4.3 Coordination Committee:

1. State Law Office
2. Fisheries Department
3. Police Maritime Wing
4. Vanuatu Maritime Authority (VMA)

4.5 Vessels

Vanuatu has a PPB, (Pacific class Patrol Boat) RVS TUKORO yearly programmed to conduct fisheries surveillance, EEZ and Coastal patrol once a month for the duration of two to three weeks at sea. The patrol also takes part in Police Operations.

4.6 Fisheries Legislation

- Fisheries (Amendment) Act 1989
- Fisheries (Consequential Repeals) Act (No.22 of 1983)
- Fisheries (Registration of Foreign Fishing Vessels) Order
- s. 7 Fisheries (Regulation of Foreign Fishing Vessels) LN27/83
- Fisheries Act (No 37 of 1982 Revised ed. 1988 (Cap. 158)
- Am. Act No.2 of 1989
- s.34 Fisheries Regulations (Order No. 49 of 1983) am LN30/86
- Maritime Zones Act (No.23 of 1981 Revised ed 1988 (Cap 138)

4.7 Vessel Monitoring System

The FFA VMS is operational and is based at the National Police Headquarters in a secured room accessed by authorized officers only.

4.8 Radio

The current radio contacts are mainly controlled by the Police through the communication cell in the Operation Center and using a primary and secondary HF frequencies. All operations of TUKORO are coordinated through the Operation Center that is responsible to maintain radio contacts with the patrol boat at an interval of one hour.

4.9 Other Assets

Port facilities are a wharf and a support shore base workshop that help in the maintenance and running of the patrol boat.

Fuel facilities are available from Shell Company, and British Petroleum in Port Vila and DCP through the MSA in its budget looks at the purchasing of fuel especially for Surveillance purposes.

A weather forecast facility for latest weather reports is always available and can be collected from Vanuatu Meteorological Services. It is also broadcast daily on the national radio.

5.0 Regional MCS Assets Available to Vanuatu

1. Fisheries Agreements and Licensing Database
2. People and Organisations Database
3. U.S. National Marine Fisheries Service
4. Vessel Monitoring System Register
5. Regional Observer Program
6. Regional Register
7. Violation and Prosecutions Database
 - Niue Treaty arrangements
 - Minimum Terms and Conditions of Fisheries Access
 - US Treaty arrangements
 - Marketing information
 - Surveillance information sources
 - Fisheries observers
 - Commercial air flights and cargo vessels
 - Scientific and historic data
 - Friendly fishing vessels
 - Coastwatchers
 - Visiting yachts
 - Fishing and yacht club members
 - Knowledge of fishing methods
 - Seasonal / climatic data

5.1 Patrol Vessels from Neighbouring Countries under the Niue Treaty

At this stage no agreements have been made with its neighbouring countries. Vanuatu is looking in making arrangements with Solomon Islands, Fiji and New Caledonia.

5.2 Aerial Surveillance by air forces from Australia, France and New Zealand

Vanuatu relies strongly on the RAAF, RNZAF and the French Navy Airforce for aerial surveillance support. Aerial surveillance flights are conducted over Vanuatu's EEZ once or twice every three months.

Conclusion

In conclusion I would like to thank the Government of Canada through Phase II of the Canadian South Pacific Ocean Development Program for the funding provided towards the attachment and. the Ministry of Foreign Affairs for Vanuatu for my nomination for the attachment. I would also like to thank the Director and Staff of the FFA for the support and assistance you've given me during my stay here with you. I'd like to mention few of the staff, people like, Andy Richards, (MMCS), Albert Carlot (VMSSO), Les Clark (FMA2), Fred Amoa (LO) and Norman Kapun (ITM). Thank for your time and contribution which makes it possible for me to produce this report. I really appreciate everything you've all done for me. God Bless you all.

Annex A

