



*"Our Fish, Our Future"*

# **VANUATU MONITORING, CONTROL, SURVEILLANCE (MCS) AND INSPECTION PLAN**

**Government of the Republic of Vanuatu  
Fisheries Department**

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## **1. CONTEXT**

Fishing sector in Vanuatu contributes to food security, social and economic development of the country. The total annual average revenue collected from issuance of foreign fishing licenses and International Authorization to Fish Certificate is about 150 million vatu. Other benefits derived from the fishing industry include employment in the processing business, crewing and observer on both foreign and flag vessel.

Illegal, unreported and unregulated (IUU) fishing activities contributed to overfishing and unsustainable fish stocks. Vanuatu as a responsible coastal, port and flag State endeavors to collaborate with other States in the fight against IUU fishing activities in its EEZ and beyond its national jurisdiction where its flag fishing vessels are active.

In 1981, Vanuatu became an open registry through the enactment of the Maritime Act (Cap 131). Given that a large number of foreign fishing vessels are registered as Vanuatu flagged fishing vessels and operating throughout all oceans of the world, Vanuatu became obligated as a responsible flag state to either become a member, an observer or a signatory to the following Regional Fisheries Management Organizations (RFMOs) in whose area of competence the Vanuatu flagged fishing vessels are operating. These RFMOs include: Indian Ocean Tuna Commission (IOTC); Inter-American Tropical Tuna Commission (IATTC); International Commission for the Conservation of Atlantic Tuna (ICCAT); Western and Central Pacific Fisheries Commission (WCPFC); Commission for the Conservation of Southern Bluefin Tuna (CCSBT); and Commission for the Conservation of Antarctic Living Marine Resources (CCALMR). Vanuatu is also a party to the United Nation Law of the Sea Convention (UNLOSC), the United Nations Fish Stocks Agreement (UNFSA), Food and Agriculture Organization (FAO) Compliance Agreement, the FAO Port State Measure Agreement and the Niue Treaty Agreement. Other international fisheries instruments that Vanuatu observes include the FAO Code of Conduct for Responsible Fisheries, International Plan of Action on IUU, Sharks, Seabird and vessel capacity management.

The Main legal instrument for the conservation, management and development of fisheries resources in Vanuatu including the control, monitoring and surveillance of Vanuatu flagged fishing vessels is the Fisheries act No. 55 of 2005 CAP315. The primary instrument for the registration of Vanuatu flagged fishing vessels is the Maritime Act (CAP 131).

As a coastal, port and flag State, Vanuatu has put in place legislative framework and monitoring mechanism such as vessel monitoring system (VMS), National Observer Program, Port sampling program, sea patrol program, aerial surveillance program and other data collection programs.

While these have been put in place, many reports including the recent EU Mission Report have identified issues that Vanuatu needs to place serious attention for significant improvements. A key area identified for improvement is the legal framework to strengthen the monitoring, control and surveillance of both foreign fishing vessels and the Vanuatu flagged fishing vessel fleet.

In 2012, Vanuatu Fisheries Department initiated a review process of the Vanuatu Fisheries Act CAP 315 No. 55 of 2005. The objective of the review is to comprehensively review and update the offshore and inshore legislation of Vanuatu to i) ensure that they are aligned with regional and international best practice; and ii) provide the necessary framework towards ensuring that fisheries resources are managed sustainably and in the best long term interest of the people of the Republic of Vanuatu. The review process has been completed and the new draft fisheries bill is scheduled to be tabled in the Vanuatu parliament in March of 2014.

This document is the Vanuatu Monitoring, Control and Surveillance (MCS) and Inspection Plan. The development of this plan is part of Vanuatu's reporting obligations to the EU but with an overall aim of improving the management and control of the foreign fishing vessels within Vanuatu EEZ and the Vanuatu flagged fishing vessel fleet active around the world. The objective of this plan is to provide a guide to the Vanuatu Fisheries Department in operationalising its coastal, port and flag State MCS responsibilities.

## **2. VISION**

An efficient MCS and inspection plan to support the monitoring and control of the foreign and locally- based foreign fishing vessel activities inside Vanuatu's EEZ and the activities of the Vanuatu Flagged Fishing vessel Fleet outside Vanuatu's national jurisdiction

## **3. GOALS AND OBJECTIVES**

### **Goal 1: Fishing vessels are being inspected prior to licensing and authorizations**

#### **Objective: Establish and implement an effective port State scheme**

- Implement 100% dockside inspection coverage on all foreign fishing vessels and Vanuatu flagged fishing vessels
- Designation of ports
- Implement the requirement of prior entry notification
- Implement inter-agency cooperation
- Implement training and capacity building programs for inspectors
- Appointment of authorized/inspection officers

**Goal 2: All foreign, locally-based foreign fishing vessels and Vanuatu flagged fishing vessels are licensed and authorized**

**Objective: Strengthen and implement an effective licensing and authorization regime**

- Implement 100% requirement for all fishing vessels and Vanuatu flagged fishing vessels to be licensed
- Implement 100% requirement for all Vanuatu flagged fishing vessel to be authorized
- Vessels have been or deemed to have engaged in IUU fishing activities will not be licensed

**Goal 3: Foreign licensed fishing vessels and Vanuatu flagged fishing vessels do not engaged in IUU fishing activities**

**Objective 1: To implement an effective VMS reporting system**

- Implement license and authorization condition requiring all vessels to carry a VMS system onboard
- Implement the requirement on manual reporting if VMS is malfunction
- Implement penalties such as fines or cancellation of license on vessels who are found to tamper with or for non-reporting through VMS or manual reporting

**Objective 2: Implement appropriate level of observer coverage on foreign and Vanuatu flagged fishing vessels**

- Implement 100% observer coverage on all locally-based foreign fishing vessels fishing inside Vanuatu EEZ
- Implement 5% observer coverage on all foreign fishing vessels fishing inside Vanuatu EEZ
- Implement 100% observer coverage on all Vanuatu flagged Carrier vessels
- Implement 5% observer coverage on Vanuatu flagged fishing vessels
- Increase the capacity of the Vanuatu National Observer Program by 50%
- Implement 100% observer coverage on all Vanuatu flagged fishing vessels wishing to engaged in at sea transshipments

**Objective 3: Strengthen and implement an effective data collection, submission and reporting mechanism**

- Implement license and authorization conditions for data collection and submission
- Implement requirement for cancellation of license and authorization
- Strengthen data collection and entry capacity
- Strengthen and implement databases

## **Goal 4: Prevent, deter and eliminate IUU fishing activities**

### **Objective: Implement measures that will prevent, deter and eliminate IUU fishing activities**

- Implement the requirement for 100% of vessels wishing to fish within Vanuatu EEZ to have onboard a functioning VMS reporting system
- Implement IUU vessel listing (RFMO)
- Establish and implement Vanuatu IUU vessel list
- Implement the Vanuatu Records of fishing of vessels
- Reporting IUU vessels to WCPFC for potential listing
- Implement observer program
- Conduct port sampling exercise
- Implement boarding and inspection scheme at sea
- Implement stringent licensing conditions
- Implement port State measure
- Implement stringent penalties against IUU offenders

## **4. MONITORING MECHANISM**

### **4.1 Observer Program**

The Vanuatu National Observer Program (VNOP) will play a crucial role in the implementation of this plan in terms of monitoring and surveillance of foreign, locally-based foreign and Vanuatu flagged fishing vessels. This year 2014, VNOP will start to expand in its capacity by 50%. A total of 20 observers will be trained on an annual basis after 2014 until such time the capacity of the VNOP is capable to provide observer coverage on all Vanuatu flagged fishing vessels, foreign fishing vessels (fishing inside Vanuatu EEZ) and locally-based foreign fishing vessels.

### **4.2 High seas transshipment**

The potential of Vanuatu flagged fishing vessels to engage in IUU fishing activities through high seas (HS) transshipment is a major concern. To ensure high HS transshipment is effectively monitored and controlled, Vanuatu will continue to implement 100% observer coverage on all Vanuatu flagged Carrier vessels, prohibit high seas transshipment on fishing vessels unless fishing vessel wishing to conduct HS transshipment carry onboard an observer and must apply for HS transshipment permit to the Director of Vanuatu Fisheries Department 72 hours prior to scheduled transshipment date and time.

### **4.3 Vessel monitoring system**

Vessel monitoring system (VMS) is one of the key MCS tools. Vanuatu will continue to implement 100% requirement as conditions for license and authorization of foreign fishing vessels, locally-based foreign fishing vessels and Vanuatu flagged fishing vessels to have onboard VMS. This is to ensure vessel activities are closely monitored in near real time for potential infringements.

### **4.4 Data collection and reporting**

Vanuatu Fisheries Department will continue to ensure through license and authorization conditions that operational catch data are collected or submitted, entered and maintained. This year 2014, the Department will work to establish and implement e-log and e-reporting to improve efficient flow of data.

## **5. OPERATIONAL REQUIREMENTS**

The effective implementation of this plan relies on the efficient use and sharing of assets, tools and personnel across all stakeholders including government agencies, fishing industry and the shipping Registry and other public authorities and partners outside Vanuatu. The matrix (Annex A) illustrates and designates the different stakeholders and the roles they will play in the plan.

### **5.1 Human resource**

Human resources are a key component in the effective implementation of this plan. Vanuatu Fisheries Department has a Division of Licensing and Compliance staffed with knowledge and skill personnel on MCS matters. Where there are gaps in knowledge and skill level, capacity building programs through in-house and external training, workshops or attachments/fellowships must be undertaken to close such gaps as a long term solution. As a short term solution, the Government of the Republic of Vanuatu will establish and work through agreements with States and individual to fulfill its flag and port State duties to implement this plan.

### **5.2 Inter-agency cooperation**

The implementation of the operational plan depends on strong inter-agency cooperation. This cooperation should involve sharing of assets, information and personnel (i.e. expertise). The agencies that should cooperate under this plan include but not limited to: Vanuatu Fisheries Department, Customs, Immigration, Biosecurity, Police Maritime Wing, Ports and Harbor, fishing industry and the Vanuatu Maritime Services Limited.

The Vanuatu Maritime Services Limited network of Inspectors will be used initially for the inspection of Vanuatu flagged fishing vessels prior to registration and issuance of International Authorization to Fish certificates.

The Matrix (Annex A) showed the roles of each agency in this plan. In implementing this plan, the Vanuatu Fisheries Department will be the lead agency due to its legislative mandate regarding fisheries matters. In collaboration with all stakeholders, an operational base will be decided and established to coordinate the MCS activities under this plan. Regular meetings should be conducted between these agencies to keep all agencies updated on issues of interest.

This inter-agency concept will also be promoted and encouraged with States where Vanuatu flagged fishing vessels are active.

Vanuatu Fisheries Department as the lead agency in the implementation of this plan will promote and engage with other line agencies mentioned above in Vanuatu and public authorities in other States through some sort of agreements.

### **5.3 Finance**

A cost benefit analysis exercise should be conducted to ensure that the cost of implementing the operational strategy is not overly costly. The implementation should be cost effective.

Given the fact that the fishing industry (Vanuatu flagged fishing vessel and foreign fishing vessels), it is not unreasonable for Vanuatu Fisheries Department to develop a self-sustaining mechanism for supporting the implementation of the strategy. The concept, better known as “user pays” system will be implemented to support the implementation of the operational plan.

To operationalize this concept, Vanuatu Fisheries Department will:

- Consider the option of building an MCS fee in the licensing and permitting fee structure
- Consider allocating a portion of fees or fines for infringements for purposes of MCS activities through a system of consolidated revenue (System of consolidated revenues)
- Cost sharing in MCS activities should be considered to minimize cost and improve coverage. For example, joint sea patrol, cost sharing arrangements.

## **6. REVIEW**

Establishing a review process is another important component of the MCS operation plan to ensure issues arise are dealt with in a timely manner.

Due to the dynamic nature of the fishing industry and the Vanuatu flagged fishing fleet, this operational plan will be reviewed from time to time as necessary.

## ANNEX A

Overall Goal	Objectives	Measures	Means of verification	Implementation agencies	Target date/Remarks
Fishing vessels are being inspected prior to licensing and authorization	Establish and implement an effective port State scheme	Implement 100% dockside inspection coverage on all foreign fishing vessels and Vanuatu flagged fishing vessels	Dockside inspection reports	VFD/VPMW/Ports and Harbor/Customs Department/Immigration	On-going. The existing network of Inspectors of the Vanuatu Maritime Services Limited will be used initially for port inspection of Vanuatu flagged fishing vessels
		Designation of landing ports	Gazette records	VFD/SLO	2014
		Implement the requirement of providing prior notification of entry	Entry reports	VFD/Ports and Harbor Department	On-going
		Implement inter-agency cooperation or State cooperation	Copies of MOA/MOUs	VFD	2014
		Appointment of authorized officers/inspectors	Gazette records	VFD/SLO	2014
		Implement training and capacity building programs for Inspectors and Authorized Officers	Training reports	VFD	2014
All foreign fishing vessels, locally-based foreign and Vanuatu flagged fishing vessels are licensed and authorized	Strengthen and implement an effective licensing and authorization regime	Implement 100% requirement for all fishing vessels wishing to fish inside the Vanuatu EEZ to be licensed	Foreign license records	VFD	On-going
		Implement 100% requirement for all Vanuatu flagged fishing vessels to be authorized	Authorization records		
		Vessels have been or deem to engage in IUU activities will not be licensed or authorized	RFMOs Fishing Vessel Records and IUU vessel list FFA Records of fishing vessels		

Foreign licensed fishing vessels, locally- based foreign and Vanuatu flagged fishing vessels do not engaged in IUU fishing activities	To implement an effective VMS reporting system	Implement license condition requiring all foreign, locally-based foreign and Vanuatu flagged vessels to carry a VMS system onboard	License and authorization conditions	VFD/Vessel operator	On-going
		Implement requirement on manual reporting if VMS is malfunction	Manual reporting reports	VFD/Vessel operator	
		Implement penalties such as fines or cancellation of license and authorization on vessels who are found to tamper with or for non-reporting through VMS or manual reporting	Records of fines/Cancellation of license	VFD/Vessel operator/SLO	
	To implement an effective Vanuatu National Observer Program	Implement 100% observer coverage on locally-base foreign fishing vessels fishing inside Vanuatu EEZ	Records of observer placements	VFD/Vessel operators	On-going
		Implement a minimum 20% observer coverage on all foreign fishing vessels licensed to fish in Vanuatu EEZ	Records of observer placements	VFD/Vessel operators	Implement 20% minimum observer coverage in 2014 with an increase of 10% every year after 2014
		Implement 100% observer coverage on all Vanuatu flagged Carrier Vessels	Records of observer placements	VFD/Vessel operators	On-going
		Implement 100% observer coverage on all Vanuatu flagged purse seine vessels	Records of observer placements	VFD/Vessel operator	On-going
		Implement 5% observer coverage on other Vanuatu flagged fishing vessels	Records of observer placements	VFD/Vessel operators.	A 5% increase of observer coverage every year after 2014

		Vanuatu National Observer Program capacity is increased by 50%	Training reports	VFD/Vanuatu maritime college/SPC/FFA	A 50% increase on the observer capacity in 2014. Training of 20 observers every year after 2014 until enough observer is trained to provide appropriate observer coverage on all foreign, locally-based and Vanuatu flagged vessels
		Implement 100% observer coverage on all Vanuatu flagged fishing vessels wishing to engage in at sea/ high seas transshipment. At sea or high seas transshipment is prohibited without an observer onboard the fishing vessel	Observer placement reports/Transshipment reports, notifications and permits	VFD/Vessel operator	Vanuatu flagged vessels wishing to conduct high seas transshipment must obtain permission from the Director of Vanuatu Fisheries Department 72hours prior to scheduled transshipment date
Strengthen and implement an effective data collection, submission and reporting mechanism		Implement license and authorization conditions for data collection, submission and reporting	Data reports	VDF/Vessel operators	On-going
		Establish and implement e-log and e-reporting system	E- reporting system in place	VFD	2014

		Implement the requirement for cancellation of license and authorization on failure to provide data	License and authorization cancellation records	VFD	On-going
		Strengthen data collection and entry capacity	VFD Organizational structure and MOUs with relevant authorities	VFD	2014
		Improve database capability	VFD reports	VFD	2014
Prevent, Deter and eliminate IUU fishing activities	Implement measures that will prevent, deter and eliminate IUU fishing	Implement the requirement for 100% of foreign and Vanuatu flagged fishing vessels and Carriers to have onboard a functioning VMS reporting system	License records/VMS track records	VFD	On-going
		Establish and implement Vanuatu IUU vessel records	IUU vessel records	VFD	On-going
		Implement IUU vessel listing (RFMO)	Records of IUU vessel list	VFD/FFA	On-going
		Implement Vanuatu Records of fishing Vessels	Records	VFD	
		Implement Vanuatu Records of foreign and locally-based licensed vessels	Register of foreign and locally-based vessels	VFD/FFA	On-going
		Report IUU vessel to WCPFC for potential listing	IUU vessel list/TCC report	VFD	On-going
		Implement Observer program	Observer placement reports	VFD	On-going
		Conduct port sampling program	Port sampling reports	VFD	On-going
		Implement boarding and inspections at sea	Boarding and inspection reports	Police Maritime Wing	On-going
		Conduct at sea patrol in Vanuatu EEZ	Sea patrol report	Police Maritime Wing	On-going
		Implement aerial surveillance program	Aerial surveillance reports	Police Maritime Wing	On-going
		Implement stringent licensing conditions	License condition	VFD	On-going
		Implement Port State measures	Port State inspection reports	VFD/Ports and Harbor Department	On-going

		Implement stringent penalties against IUU offenders	Fisheries act and regulation/Court records/penalty notice receipts	VFD/Courts	On-going
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