



"Strengthening Fisheries Management in ACP Countries"



Final Technical Report

**Support to the implementation of the FCWC regional plan of action on IUU fishing**

Project ref. N°CU/PE1/SN/11/011

**Region: West Central Gulf of Guinea  
Countries: Benin, Côte d'Ivoire, Ghana,  
Liberia, Nigeria and Togo**

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A project implemented by: Peter Manning



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## Support to the implementation of the FCWC regional plan of action on IUU fishing

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### List of abbreviations and acronyms

ACP	African Caribbean and Pacific
ALC	automatic location communicators
APS	Africa Partnership Station
COREP	Regional Fisheries Committee for the Gulf of Guinea
CSR	Commission Sous-Régionale des Pêches
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization
FCWC	Fisheries Committee for the West Central Gulf of Guinea
FFA	Forum Fisheries Agency
FMC	Fisheries Monitoring Centre
GDP	Gross Domestic Product
IUU	Illegal Unreported and Unregulated fishing
MCS	Monitoring Control and Surveillance
MT	Metric Tonne
NPOA-IUU	National Plan of Action to combat Illegal Unreported and Unregulated fishing
PSMA	Port State Measures Agreement
RFB	Regional Fisheries Body
RFMO	Regional Fisheries Management Organisation
RPOA-IUU	Regional Plan of Action to combat Illegal Unreported and Unregulated fishing
VMS	Vessel Monitoring System
WARFP	West African Regional Fisheries Project





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## Support to the implementation of the FCWC regional plan of action on IUU fishing

### Summary

#### 1. English

The 3rd Session of the Ministerial Conference of the Fisheries Committee for the West Central Gulf of Guinea (FCWC) met in December 2009 and adopted the FCWC's Regional Plan Action on IUU fishing in the maritime zones of the FCWC Member countries (RPOA-IUU). The Ministers mandated the Chair of the Ministerial Conference and the Secretary General of the FCWC "to take all the necessary measures for the implementation of the regional plan".

The FCWC's Regional Plan of Action on IUU Fishing has three parts. The third part adopts a comprehensive set of 72 measures addressing each of the issues discussed in Part II, which reviews the key features of the FAO's International Plan of Action on IUU fishing (IPOA-IUU) and assesses the performance of FCWC member countries in relation to them. Subsequently the Conference of FCWC Ministers adopted a Strategic Action Plan on the 10 December 2010, establishing as a strategic goal the enhancement of "efficient, cost effective and sustainable fisheries monitoring, control and surveillance" and the establishment of "mechanisms for effective regional cooperation in MCS and enforcement". This report seeks to contribute to this quest by identifying practical ways of giving effect to the FCWC's RPOA-IUU and Strategic Plan.

The Report reviews the evidence available in the National Reports for each Member State compiled as part of the process leading to the drafting of the RPOA –IUU in 2009. This information was supplemented from other sources wherever it was possible to do so. The information found in the National Reports paints a picture of some variability in MCS across the region, that it is generally weak, but that there is a strong commitment by the Member States of the FCWC to work together to establish an effective, sustainable MCS system in the region.

Very little information is available in the national reports on whether the six countries had vessel monitoring systems (VMS), on what systems they were if they had them, how old they were, whether they were functioning or not and, if not, why they were not functional. Two designs for sharing VMS data in the FCWC region are considered: the first is a system whereby the FCWC Secretariat would be mandated to operate a regional fisheries monitoring centre (FMC) with automatic re-transmission of data to the FMCs of Member States. A second option is one through which VMS data would be exchanged directly between countries, with software programmed so as to automatically copy the relevant VMS data to the neighbouring coastal state in the event of a vessel crossing into the EEZ of that state. As there was too little information available to make a recommendation and as it would involve the commitment of capital and annual operating funds, it is strongly recommended that a thorough feasibility study be undertaken to inform the decision on what system would be optimal for the FCWC region.





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The rough assessment is attempted regarding the readiness of FCWC Member States to implement port State measures, but again the information contained in the National Reports is too sketchy for it to substitute for a proper capacity needs assessment. There is very little information on the existence of port inspectorates, which are central to successful implementation of the Port State Measures Agreement. Neither is there any information on the number of port visits by foreign-flagged vessels.

This Report concludes by making a recommendation that a coherent package of projects, to be implemented at a regional and national levels, be considered as a way of implementing 17 of the Measures identified as priorities in the RPOA-IUU. These include the initiative regarding national and regional fishing vessel and fishing licence registers, the Port State Measures Agreement and vessel monitoring systems.





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### 2. Français

La troisième session de la Conférence ministérielle de la Comité des Pêches du Centre Ouest du Golfe de Guinée (CPCO) s'est réunie en décembre 2009 et a adopté le Plan d'Action Régional du CPCO sur la pêche illicite non déclarée et non réglementée (INN) dans les zones maritimes des pays membres du CPCO (PAR –INN). Les ministres ont mandaté le président de la Conférence Ministérielle et le Secrétaire Général du CPCO “de prendre toutes les mesures nécessaires pour l'implémentation du plan régional.”

Le Plan d'Action Régional du CPCO sur la Pêche INN comporte trois parties. La troisième partie adopte une série complète de 72 mesures qui répondent à toutes les questions soulevées dans la deuxième partie, laquelle revoit les caractéristiques essentielles du Plan d'Action Internationale du ONUAA/FAO sur la Pêche INN (PAR-INN) et évalue la performance des pays membres du CPCO selon ces caractéristiques. Par la suite, la Conférence des Ministres CPCO a adopté un Plan d'Action Stratégique le 10 décembre 2010, établissant comme objectif stratégique, la promotion d'un “monitorage, un contrôle et une surveillance des pêcheries (

MCS) efficace, économique et durable” et l'établissement de “mécanismes pour une coopération régionale efficace de MCS et son application.” Ce rapport cherche à contribuer à cette quête en identifiant les moyens pratiques qui pourraient effectuer le PAR-INN et le Plan Stratégique du CPCO .

Le Rapport revise les preuves disponibles dans les Rapports Nationaux pour chacun des États membres, compilées dans le cadre du processus qui a conduit à la rédaction du PAR-INN en 2009. Cette information a été complétée d' autres sources où c'était possible de le faire. L'information contenue dans les Rapports Nationaux dépeint l'image d'une certaine variabilité dans le MCS à travers la région, qu'il est généralement faible, toutefois, qu'il y a un fort engagement de la part des États membres du CPCO à travailler ensemble pour établir un système efficace et durable dans la région.

Il y a très peu de renseignements dans les Rapports Nationaux (des six pays) sur l'existence (dans les six pays) des systèmes de surveillance des navires de pêche par satellite (SNN ou VMS - Vessel Monitoring Systems), sur leurs types de dispositifs , leurs âges, sur leur fonctionnement et les raisons pour lesquelles ils ne fonctionneraient pas. Deux modèles d'échange de données VMS dans la région CPCO sont pris en considération: le premier est un dispositif qui prévoit que le Secrétariat CPCO serait mandaté à gérer un centre de surveillance des navires de pêche par satellite (C.S.P ou Fisheries Monitoring Center – F.M.C.) avec la retransmission automatique des données aux États membres CPCO. La seconde option serait d'échanger les données VMS directement entre les pays, aidée d'un programme informatique qui copie les données relevant au pays côtier voisine façon automatique, dans l'éventualité qu'une navire passe dans la ZEE de cet état. Comme il y avait trop peu d'informations disponibles pour faire une recommandation et comme cela





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necessiterait l'engagement d capitale et des fonds d'exploitation annuels, il est fortement recommandé q'une étude approfondie de faisabilité soit entreprise, pour guider la décision concernant quel système serait optimal pour la région CPCO.

Il y a des tentatifs de conduire une évaluation approximative concernant le niveau de préparation des États membres du CPCO à implementer les mesures du ressort de l'État du Port, mais à nouveau, l'information dans les Rapports Nationaux est trop incomplet pour constituer une évaluation des besoins en renforcement des capacités. Il n' y a que très peu d'informations disponibles sur l'existence des inspectorats des Ports, qui sont essentielles à la mise en application de l'Accord relatif aux Mesures du Ressort de l'État du Port. Il n'y a pas non plus d'informations sur le nombre de visites des ports par les navires battant pavillon étranger.

Ce Rapport conclut par une recommandation qu'un paquet cohérent de projets, à appliquer sur le plan régional et national, soit considéré come un moyen de mettre en œuvre 17 des Mesures identifiées comme prioritaires dans le PAR-INN. Celles-ci comprennent l'initiative concernant les registres des navires et des permis de pêche régionaux et nationaux, l'accord relatif aux mesures du ressort de l'État du Port et des systèmes de Surveillance des navires de pêche par satellite.





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### Main Report

#### **1. Regional Plan of Action on IUU Fishing, Declaration of Ministers on the fight against IUU Fishing and the FCWC Strategic Plan**

The Ministers in charge of fisheries of the member countries of the Fisheries Committee for the West Central Gulf of Guinea (FCWC) met in December 2009 in the Third Ordinary Session of the Ministerial Conference and adopted the FCWC's Regional Plan Action aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing (RPOA-IUU) in the maritime zone of FCWC member countries. They expressed their deep concern about the intensification of IUU fishing in the region and damage it was causing to their national economies. The Ministers went on to mandate the Chair of the Ministerial Conference and the Secretary General of the FCWC "to take all the necessary measures for the implementation of the regional plan"<sup>1</sup>. The Ministers also invited the international community to support FCWC member countries in their efforts to combat IUU fishing. In response to this, the ACP Fish II project decided to support efforts by the FCWC to identify practical steps that would contribute to a reduction and eventual elimination of the scourge of IUU fishing in the region.

The FCWC's Regional Plan of Action on IUU Fishing has three parts. Part I describes in summary form the physical dimensions of the fisheries of FCWC countries; the catch, the contribution of fisheries to GDP, employment in the sector and numbers of vessels operating in the sector for each country; policy, legal and regulatory aspects; the status of management plans, fisheries administration and the monitoring control and surveillance systems.

Part II systematically reviews the key features of the FAO's International Plan of Action aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing (IPOA-IUU) and assesses the performance of FCWC member countries in relation to these requirements. It examines the responsibility of states in relation to international legal instruments; national laws; the control exercised by state over their nationals; how the problems of ships without nationality are addressed; sanctions that have a deterrent impact; measures to deal with states not cooperating with regional fisheries management organisations; the question of economic incentives to persons, vessels or companies known

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<sup>1</sup> FCWC Declaration of Accra on combating Illegal Unreported and Unregulated Fishing, 18<sup>th</sup> December 2009.





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to be engaged in IUU fishing; monitoring control and surveillance systems; the adoption of national plans of action on IUU fishing (NPOA-IUU); cooperation between states in the fight against IUU fishing; registers of fishing vessels; authorisations to fish; coastal and port state measures; international trade measures and the role of Regional Fisheries Management Organisations (RFMO). The assessments of the performance of the FCWC member countries in relation to the above issues was made on the basis of national assessments made in 2009 following visits to each of the six member countries.

**Part III** of the RPOA-IUU then adopts a comprehensive set of 72 measures addressing each of the issues discussed in Part II which, if effectively implemented, would be expected to lead to the elimination of IUU fishing in the region. It is with Part III of the RPOA-IUU that this report is most concerned. An indication of the priority that should be accorded each of the measures is identified by asterisks. The challenge of this assignment is to identify a set of practical initiatives that could begin the process of implementing the RPOA-IUU, provide a firm basis for incremental advances in introducing further measures, and make a positive contribution to meeting the ultimate objective of preventing, deterring and eliminating IUU fishing in the region.

Following the adoption of the RPOA-IUU by the Conference of Ministers, the FCWC formed a Working Group on the Fight against Illegal, Unreported and Unregulated Fishing. The outcomes of the first and second meetings<sup>2</sup> of the Working Group will be considered alongside the RPOA as a reflection of the priorities identified by member countries<sup>3</sup>.

The Conference of FCWC Ministers adopted a Strategic Action Plan on the 10 December 2010. By doing so they established as a strategic goal the enhancement of “efficient, cost effective and sustainable fisheries monitoring, control and surveillance” and the establishment of “mechanisms for effective regional cooperation in MCS and enforcement to stop illegal, unreported and unregulated (IUU) fishing in the West Central Gulf of Guinea”<sup>4</sup>. It should be noted that the Ministers established as a measure of success:

1. Progress towards a modernized vessel tracking system in West Central Gulf of Guinea waters
2. Safer and more efficient fishing operations within the region

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<sup>2</sup>Held in Accra, Ghana - 28- 30 April 2010, and in Monrovia, Liberia -18-20 May 2011 respectively.

<sup>3</sup> Addressing the state of registers of fishing vessels and fishing licences and the sharing of this information was identified as a priority at the first meeting of the FCWC Working Group on IUU fishing, and became the subject of the working document for the second meeting of the Working Group - Oceanic Développement (2011). "Study on the national registers of industrial fishing ships in FCWC countries" (Draft report).

<sup>4</sup>Paragraph 10, 4. FCWC Strategic Plan 2011-2020, Summary for Donor Meeting





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3. Regional framework / plan is developed and implemented to deter, prevent and eliminate IUU fishing in the region.
4. Increased emphasis by compliance officers on education and working in partnership with operators<sup>5</sup>

With a Strategic Plan in place and a Region Plan of Action on IUU fishing defined in detail, the need to take specific, practical action to meet these goals couldn't be more apparent.

### 2. National Reports relating to Monitoring, Control and Surveillance

The analysis below is primarily dependent on the set of national reports produced by a consultant for purposes of validating the basic information required in the development of the FCWC Regional Plan of Action on IUU fishing. However, much of the specific information required for this current initiative is not available from the national reports or the Regional Plan of Action. Efforts have been made, therefore, to supplement this information from other sources. More specifically, an attempt was made to request this information from the member countries in the form of questionnaires but so far it has not been possible to obtain further clarification.

The Strategic Plan and an eleven page summary of it prepared for donors were made available. However, there are not yet "MCS project ideas" associated with the FCWC Strategic Plan, despite the statement in the summary that "fourteen Concept Notes have been developed". These Concept Notes are still being prepared.

From both the national reports prepared in 2009 and other accounts, there are a large number of fishing vessels and fishing-support vessels engaged in IUU fishing in the EEZs of the six FCWC member countries. This is widely recognized within the region. Urgently and effectively addressing the problem is seen as a priority by the FCWC.

#### 2.1 Republic of Benin

The Government of Benin adopted a National Plan of Action on IUU Fishing and a draft of a new Fisheries Act has been produced in order, inter alia, to give legal force to the NPOA-IUU adopted by Benin. However, the new proposed legislation has now been in draft form for several years and has not yet come into force.

**Organisation and structure of the MCS function:** The Department of Fisheries of the Ministry of Agriculture, Livestock and Fisheries is responsible for managing the fisheries. At

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<sup>5</sup> Focus area 4, page 9.





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the time the national report was written, there was no MCS unit as such in the Ministry but that there was a reorganization of the Fisheries Department intended which was expected to provide for an MCS unit.

The Ministry responsible for merchant **navy** is responsible for the registration of vessels, including fishing vessels. The Department of Fisheries is responsible for issuing and administering fishing licences. The registration of vessels and granting of fishing licences do not apply to the artisanal fisheries. There is, however, a traditional registration process at the level of fishing communities for the registration of artisanal vessels but this has apparently not formally recognised and in any case does not cover all pirogues.

The Benin Navy has responsibility for sea patrols, including for ensuring compliance with fisheries regulations but there was no information provided relating to the frequency of the sea patrols or the arrangements between the Fisheries Department and the Navy over the involvement of fisheries officers.

**Legislation:** A draft comprehensive fisheries bill was being considered at the end of 2009 to replace and consolidate the existing legislation. More recently, the ACP Fish II program has supported the finalisation of the draft fisheries legislation and the preparation of fisheries regulations through the provision of technical assistance. This will apparently provide for registration of vessels operating on the high seas or in the water under the jurisdiction of another coastal state and a requirement for an authorisation to fish.

**Equipment:** The Benin Navy has two 27m, 200 HP patrol vessels donated by China some years ago. In addition there are small coastal boats with outboard motors of 45 HP and 25 HP which experience frequent breakdowns. The Navy was to acquire “two fast motor boats” before the end of 2009. There is mention of the possibility of acquiring patrol boats as part of the French cooperation programme. In 2010 the US provided the Benin Navy with two 27’ Defender Class patrol boats. These vessels are powered by twin 225 HP outboard motors, capable of speeds in excess of 46 knots. However, their range is limited to 150-175 nm and are good for coastal patrol but would not be capable of adequately patrolling the whole of the EEZ.

Where imprecision exists in the definition of maritime boundaries of FCWC members, the FCWC could provide a useful forum for agreeing on these boundaries, an issue which could become significant in establishing a regional MCS system.

Artisanal fishers are provided with VHF radio equipment intended to enable them to actively assist with intelligence reports on the location of vessels fishing illegally in the inshore areas.

Note that, as a result of public being sensitised to the problem of IUU fishing, some vessels engaged in industrial prospecting have helped identify IUU vessels.

The Navy has a Communications Centre equipped with AIS and receive signals from the coastal radar that covers part of the coast.



**Comment [p1]:** Shipping? The merchant navy is the term used in English for commercial shipping.



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At the time the report was written, an Argos VMS system had been identified and automatic location communicators (ALCs) were to be installed on any industrial vessels operating in Benin's EEZ. As far as could be ascertained it has not yet been acquired.

**Financial resources:** No comment is made in the national report regarding financial resources available.

**Human resources:** Although not explicitly dealt with in the national report, it is clear that human resource capacity to meet the demands of an effective fisheries management system is in short supply.

It is strongly recommended that a through capacity needs assessment is undertaken to gauge more accurately the capacity gaps which needs to be addressed in order to run an effective MCS system.

### 2.2 Republic of Côte d'Ivoire

It is widely believed that there is extensive IUU fishing in the waters of Côte d'Ivoire. Like other FCWC Member States, there is a commitment by the fisheries authority to bring an end to IUU fishing in Ivorian waters and in the wider region as a whole.

**Organisation:** The Ministry of Animal Production and Fishery Resources is responsible for the management of the fisheries of Côte d'Ivoire. The Department of Fishery Production (DPH) is the department primarily responsible for carrying out the Ministry's responsibilities in relation to fisheries and has specific responsibility for enforcing fisheries laws and regulations. Monitoring, control and surveillance (MCS) operations are entrusted to an MCS division within the sub-Department responsible for marine fisheries. The MCS division, at the time that the national report was written in 2009, was not operational. This is understood to still be the case.

The Department of Fisheries Production has responsibility for sea patrols undertaken with the assistance of the Navy. The inspectorate responsible for vessel safety sometimes also undertakes sea patrols directed at compliance with fisheries regulations.

While there are inspectorates responsible for vessel safety and for sanitary and phytosanitary conditions, there is no designated inspectorate for compliance with fisheries regulations although individual fisheries officers periodically function as compliance inspectors.

**Legislation** The existing law governing fisheries (Law No. 86-478, of 1st July 1986) was to be repealed and replaced by a new law which will provide for effective management of fisheries resources and would accommodate the international legal commitments of Côte d'Ivoire. The new legislation is to apply to both fishing vessels and those engaged in "fishing related

**Comment [p2]:** Does the Department of Fisheries production have assets to conduct patrol at sea? My understanding from my field visit to Abidjan at the end of 2009, is that they do not have patrol boats and rely on naval vessels. I don't think that has yet changed.





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activities". It is not known whether the new legislation is now in force or is still awaiting being enacted.

**Structure:** The institutional structure needs to be clarified and appropriate changes made so that the roles of different agencies within the government is clear in relation to monitoring, control and surveillance. The Department of Fishery Production took the initiative to establish an inter-Ministry working group on fisheries to facilitate greater cooperation and information sharing between national agencies that have a connection to the fishing industry.

**Equipment:** The Department had an Argos VMS system installed in 2007. Five members of staff were trained to use it and it operated for a year during the 2007 pilot phase when no operating fee was charged. Thirty national vessels had ALCs fitted and it apparently worked well. However, the foreign exchange has not been available to pay the fees since then, so the system has not been operational since the end of 2007. The staff trained in the use of the system was subsequently assigned to other duties.

It was not possible to establish what patrol vessel or vessels the Navy have available for sea patrols, what their condition is or how frequently patrols were undertaken. Until recently it was not possible for the Government to acquire patrol boats as they were deemed to have a military application and, as such, were subject to an international embargo.

**Financial resources:** A shortage of financial resources, at least in the form of foreign exchange, was clearly a problem in 2009 as the Government was unable to pay for the operational costs of the Argos VMS system.

**Human resources:** There is a considerable need for training, particularly of MCS personnel<sup>6</sup>. An inspectorate responsible for enforcement of fisheries management measures needs to be established, which should include a port inspectorate. Recruits for the inspectorate, whether from among existing staff or from outside the Ministry, would need training.

**Overall analysis** The legal and institutional framework was weak. There was apparent institutional conflict between government agencies (ameliorated to some extent by the establishment of the inter-ministerial working group), a lack of adequate patrol boats and operational funds, the VMS system was not functioning, and there was no port inspection being undertaken. This makes Cote d'Ivoire a target for IUU fishing. However, with the disturbances of the early months of 2011 at an end and with the installation of an internationally recognised government in Cote d'Ivoire, the capacity to undertake effective MCS activities may gradually improve.

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<sup>6</sup> Note that ACP Fish II program in PE2 will be supporting a regional MCS training workshop.





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### 2.3 Republic of Ghana

**Organisation and structure:** The Department of Fisheries of the Ministry of Food and Agriculture is responsible in Ghana for fisheries management, including enforcement. The Department has a division responsible for MCS which in 2009 had 10 staff, including the director. There is an inter-agency MCS unit that includes representatives of the MCS division, the navy, the air force and the secretariat of the Fisheries Commission.

The Fisheries Commission was established by the Fisheries Commission Act (Act 457) of 1993. It is made up of seven representatives of government departments and three industry representatives and was established to advise the Fisheries Department.

There are parallel traditional systems of fisheries management of importance for the artisanal subsector. The chief fisherman, as the representative of the local administration and head of the local fishing community, ensures compliance with the law at landing sites, mediates the resolution of conflicts and exercises a leadership role in other fisheries matters.

**Legislation:** The Fisheries Act of 2002 (Act 625) governs the Ghanaian fisheries sector. It amended and consolidated existing laws on fisheries. Inter alia, it provides for enforcement through a special MCS unit that works in collaboration with the Ghana Navy, Air Force, Ministry of Defence and Ministry of Justice for effective policing and prosecution of offenders. It provides for arrest, seizure, detention, fines, forfeitures and temporary bans for offending fishing vessels. The Act establishes a register of fishing vessels. All Ghanaian fishing vessels, once registered with the Registry of Ships for which the Ghana Maritime Authority<sup>7</sup> is responsible, must register with the Registry of Fishing Vessels. Every fishing vessel must have a licence to fish in Ghanaian waters and Ghanaian fishing vessels are prohibited from landing fish or transshipping outside of Ghana. It is not clear whether Ghanaian vessels are permitted to transship at sea and, if so, under what conditions.

The National Report on the status of Ghana's MCS system considers the legislative and regulatory framework to be in need of revision in relation to illegal fishing. Fisheries Regulations, 2010 (LI 1968) were adopted by Parliament in 2010.

The report also cites the absence of a requirement of a certificate of origin for imported products as contributing to a lack of control that encourages IUU fishing.

**Equipment:** The MCS division is said to have office equipment and computers for the purpose of managing the issuance of fishing licences.

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<sup>7</sup> Established under Act 630 of 2002 and charged with the responsibility of monitoring, regulating and coordinating activities in the maritime industry.





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There is a VMS system in place, but no details were available about which system it is or how old it is. It is not operational at present as the subscription for the service has not been paid. It is not clear whether this is due to a shortage of foreign exchange or whether it is due to resistance by national ship owners who point to the fact that, while they are monitored, there are foreign IUU vessels fishing with impunity in Ghanaian waters. If the latter is the case, there is a political problem that needs to be solved by winning over national ship owners to the idea that they need to be part of the solution to IUU fishing and could become an active component of the surveillance system.

The national report also cites a lack of patrol boats, aerial surveillance, coastal radar stations and other coastal surveillance as contributing to weaknesses in the MCS system. However, in 2010, Ghana received four more Defender class patrol boats from the USA APS programme<sup>8</sup> which were reported to follow on the delivery of three other Defender Class boats in 2008.

**Financial resources:** The monitoring, control and surveillance system is not sufficiently funded to carry out its responsibilities effectively.

**Human resources:** There is said to be a shortage of trained and capable people to run the MCS system effectively.

### 2.4 Republic of Liberia

**Organisation:** The Bureau of National Fisheries, an agency under the oversight of the Ministry of Agriculture, is responsible for fisheries management in Liberia. A monitoring, control and surveillance (MCS) centre has recently been established which will coordinate VMS monitoring and sea and air patrols. The Bureau coordinates its MCS activities with the Liberian Coast Guard, the Bureau of Maritime Affairs, the Liberian National Police, the Ministry of Justice and the Bureau of Immigration and Naturalisation. Information on the exact organisation of the MCS function was not available.

**Legislation:** It would appear that the Law on Marine Fisheries (Title 24 of the Liberian Code of Laws) of 1976 is still in force. A revised fisheries act was being discussed in 2009 but as far as could be ascertained, a revised draft does not yet exist. New fisheries regulations were published in December 2010 which replaced the "Revised Fishing Rules and Regulations" (1973). Wide powers are given to Bureau of National Fisheries inspectors and observers and the regulations provide for a licence fee of 10% of the value of the fish harvested during the licensing period. The new regulations extend the zone reserved for artisanal and semi-industrial vessels (vessels of less than 90 feet in length) to six nautical miles. Licences require that only fishing gear permitted as a condition of the licence can be used on a vessel. The

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<sup>8</sup><http://crossedcrocodiles.wordpress.com/2010/03/28/ghana-us-naval-partnering-hosting-a-us-sea-base/>





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new regulations provide for a fine of up to one million United States Dollars, and to detention and confiscation of the fishing vessel and gear.

**Equipment:** Liberia has recently had a VMS system installed for which no technical details were available. The West Africa Regional Fisheries Programme (WARFP), through which the purchase was funded, envisages that Liberia will be part of a “regional satellite-based vessel monitoring system”. Information regarding what system has been installed was not obtainable.

The report also mentions the purchase of a patrol vessel and the installation of a coastal radar system through this programme. In February 2011, two of the Defender Class patrol boats were delivered to the Liberian Coast Guard.<sup>9</sup>

**Human and Financial resources:** The report does not specifically address these issues but, as a country still emerging from a long period of conflict, there is a general shortage of skilled human resources and of finance. This is partly being addressed by the WARFP programme and additional support would need to complement the efforts currently underway in Liberia.

**Overall analysis of MCS system:** Coordination of monitoring, control and surveillance is entrusted to the Bureau of National Fisheries. The Coast Guard of the Ministry of Defence and the Bureau of Maritime Affairs are the other principal agencies involved in the MCS system. Although the report says that there is no functioning MCS system operational in Liberia at present, it would appear that this has progressed since the national report was written, particularly with the implementation of the WARFP.

### 2.5 Federal Republic of Nigeria

**Organisation:** The Department of Fisheries and Aquaculture of the Ministry of Agriculture and Rural Development is responsible for the management of marine fisheries in the Federal Republic of Nigeria. The Federal Government exercises sole authority for over Nigeria’s maritime zones. The Directorate has a division responsible for monitoring, control and surveillance (MCS) which works with the Nigerian Navy, the Maritime Police, Customs and the Nigerian Maritime Administration and Safety Agency to carry out its duties. The latter has responsibility for the registration of ships and keeps a Register of Fishing Vessels (Merchant Shipping Act (No. 27), 2007).

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<sup>9</sup>There were made available through the USA APS Programme.

See: [http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=13752:liberia-receives-us-patrol-boats&catid=51:Sea&Itemid=106](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=13752:liberia-receives-us-patrol-boats&catid=51:Sea&Itemid=106)





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The Fisheries Act requires that all vessels used for fishing in Nigeria's waters require a fishing licence to do so. This is, however, only applied to industrial vessels. The register of fishing licences contains "standard information", according to the national report. Licences are issued to vessels operated as a joint venture or are wholly owned by Nigerian nationals.

Unspecified weaknesses are reported by the author of the national report, who also refers to "the gap between the legislation and the practice".

As in most countries, several government agencies are involved in one way or the other with MCS. In Nigeria these are the Ministry of Defence (Navy), the Ministry of the Environment, the Ministry of Finance, the Nigerian Maritime Administration and Safety Agency (NIMASA) and the Port Authority. However, there is no formal consultative framework coordinating their activities.

Mention is made of the "cooperation of socio-professional organisations in the monitoring, control and surveillance exercise through the exchange of information and early warning system". (This seems to be important but is not expanded on and it is not too clear what it means.)

The designation of landing sites is also mentioned as part of the MCS effort, limiting the number of places where fish may be landed and facilitating the control of fishing, particularly that of the artisanal fleet.

No other information on the organisation or structure of the MCS function was available.

**Legislation:** The principal legislation governing fishing is the Sea Fisheries Act (No. 71), 1992. It makes Provision for the control, regulation and protection of sea fisheries in Nigeria's waters. The first part of the Act is concerned with the licensing of "motor fishing boats" while the second part addresses enforcement, the prohibition of certain fishing methods and offences and penalties. The ACP Fish II program has supported the review of the Act and revised draft legislation was prepared and validated by a national workshop in May 2011. It is now in the hands of the legal drafters. The proposed legislation extends the scope of the Act, and, *inter alia*, provides for the inclusion of fisheries management measures such as fisheries management plans, the determination of total allowable catches, the limitation of fishing effort and the use of VMS.

**Equipment** The Nigerian Navy patrols Nigeria's EEZ and combating illegal fishing is one of several objectives of the patrols. The report speaks of two patrol boats in the Lagos zone. An unspecified number of patrol boats in the Niger Delta zone are said to be better equipped and the zone has a communications centre. Generally the patrol boats are described as "large and slow". It is not clear how many patrol boats there are, how old they are, their condition, whether they are operational and, if not, why not.





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The national report makes no mention of the existence of a VMS system operating for vessels within the Nigerian EEZ. However, there is apparently a VMS system but it is not known whether or not it is operational nor are there details available of the system.

**Financial resources:** The lack of financial resources is cited as a constraint on the more effective exercise of the MCS function, but the point is not elaborated.

**Human resource:** The report says that there is a “very wide network of Inspectors (about 30 for Lagos alone)” but no further figures are provided.

**Overall analysis of MCS system:** Relying mainly on the assessment provided in the national report, MCS system in Nigeria appears to be weak with inadequate resources devoted to combating IUU fishing. Ships belonging to Italy, Greece, Russia, Cameroun, China, Korea and Togo are reported to be frequently observed fishing in Nigeria’s waters and the problem appears to be getting worse. While there is reliance on the Navy for fisheries patrols, addressing the problem of piracy takes precedence over the regulation of the fishing industry. The report states that, during the decade until 2009, there was “no case of an arrest or imprisonment of the crew despite the frequency of IUU fishing in the waters of Nigeria”, confirming the weaknesses of the MCS in Nigeria.

### 2.6 Republic of Togo

**Organisation:** The Department of Fisheries and Aquaculture of the Ministry of Agriculture, Livestock and Fisheries was established as a Department in 2009. It was responsible for the management of fisheries in Togo. Monitoring, control and surveillance activities are the responsibility of the Department. In 2009 there were two officials and six inspectors in the MCS division. No further information is provided on the structure and functioning of the MCS unit

The Navy undertakes patrols in the EEZ. Others involved in the MCS function are the fisheries police (a Department of the Navy), the port management authority, the Department of the Environment and the Marine brigade. The report suggests that roles of Government agencies in the overall MCS function are not clear and consultation and coordination between them is weak.

**Legislation:** The principal legal instruments that regulate fishing activity in Togo are Act 98-012 of 11 June 1998<sup>10</sup> which constitutes the basic fisheries law, and the Ministerial Decree

**Comment [p3]:** As far as I know there is no operational VMS system in Nigeria at the moment. However, the Nigerian Government is actively looking for donor support to acquire such a system. Note that VMS-related provisions have been introduced in the draft fisheries law. Dedi told me that VMS equipment was in place, that he thought it was operational but was not certain. Is that correct, Dedi? From the links below, it would seem that Nigeria has an operational VMS system: <http://shippingposition.com/details.php?category=news&id=680> <http://allafrica.com/stories/200905181285.html>

<sup>10</sup> Under its Programme Estimate 2, the ACP Fish II programme will be supporting a review of this legislation.





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No. 68/2010 which establishes the conditions of exploitation of fishery resources in marine waters.

Article 16 of the Act 98-012 requires an annual fishing licence issued by the Minister responsible for fisheries for fishing vessels over 25 gross tonnage, while the Director of Fishing issues those for vessels of 25 gross tonnage or lower.

If a vessel owner wishes to register a fishing vessel in Togo then the owner must first apply for a fishing licence in respect of that vessel.

**Equipment:** The Navy has two fast 32m motor boats for fisheries patrol which, in 2009, were said to be in good condition and operational. The Navy also has a communications centre and makes use of the AIS system. There is no mention of a VMS system existing in Togo.

**Financial and human resources:** the report is not clear about this, although from the general tone of the national report, it is clear that there are too few human, financial and technical resources devoted to the MCS function. The report cites "Inadequate logistical and operational means to undertake proper surveillance; inadequate operating and maintenance funds for surveillance units; inadequate human and institutional capabilities; and poor coordination and exchange of data and information."

### 2.7 Overall assessment of the MCS function in FCWC countries.

The state of monitoring, control and surveillance is variable across the region but generally weak (see Table 1 below). Commendable efforts in some countries have been made to improve MCS and, overall, there is a strong commitment in the region to doing so. This is evident in the adoption of the Regional Plan of Action to combat IUU fishing by the FCWC Ministers Conference and the creation of a Working Group to combat IUU fishing. However, serious weaknesses in MCS exist<sup>11</sup>.

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<sup>11</sup> It needs to be emphasised that this assessment is largely based on second information contained in the National Reports on the "Status of Fisheries and the Monitoring, Control and Surveillance systems in Countries of the Fisheries Committee for the Gulf of Guinea", assessment contained in the "Regional Plan of Action Aimed at Preventing, Deterring and Eliminating Illegal, Unreported and Unregulated Fishing". Both documents date from 2009 and it was not possible to verify the facts or to adequately fill in missing important detail.



**Comment [p4]:** Does this mean that a licence can be issued prior to a vessel being registered?

It seems that an application for a license must first be made before a vessel can be registered. See AM N ° 68/2010/ MAEP of August 4, 2010 Article 3: "any ship or canoe owner or his representative wishing to register his vessel in Togo is required to submit in advance an application for fishing license to the fishing authority." ..from *Oceanic Développement May 2011 / Draft report*



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	MCS Unit/Division	Inspector-ate	VMS equipment	VMS operational	Coastal radar
Benin	Not yet – intend to establish one	No	? intend to get Argos system	no	Partial coverage
Côte d'Ivoire	One was formally established, but it is not currently functional	No	Yes, Argos	Not operational due to non-payment of subscriptions	no
Ghana	yes	yes	Has VMS. But System unknown	Not operational due to non-payment of subscriptions	Yes (not in national report)
Liberia	Yes, newly established.	?	Yes. System unknown.	operational	?
Nigeria	Yes	yes	Yes, system unknown	unknown	?
Togo	no	?	none	No	Yes, partial coverage

*Table 1 Summary of status of MCS. This information was gleaned from the National Reports, but supplemented where possible by other sources, including the internet and information provided by the FCWC Secretariat. Other components of the MCS function are not included due to a lack of information from available sources.*

The structural and functional detail of MCS within each Government was largely not contained in the National Reports. Consequently the assessments of necessity are limited. From this limited evidence available, two countries, Ghana and Nigeria, had functioning MCS units.

The same two countries have inspectorates for compliance with fisheries regulations<sup>12</sup>. No further details were available regarding the organisation of the inspectorates, what inspections are undertaken, and with what frequency. There is no indication of the competency of the inspectorates or levels of training, or the adequacy of the inspectorates in terms of numbers in relation to the volume of traffic they need to deal with.

The VMS systems are discussed below.

### 3. VMS Systems of Member States

Four of the six countries have vessel monitoring systems (VMS) installed. One country, Côte d'Ivoire has an Argos system but the suppliers of the other three are not known. Only one of these four systems, that of Liberia, is definitely operational while another, that of Nigeria may be operational at present. There is no further detail regarding the systems installed or

<sup>12</sup>To be distinguished from inspectorates for vessel safety and for sanitary and phytosanitary conditions.



**Comment [p5]:** Again with respect to Nigeria this is contradictory with your previous statement in the country review above. See my comment on page 19. I have adjusted the text here to reflect the uncertainty regarding Nigeria.



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how up to date they are. Two of the systems are not operational apparently due to the lack of foreign exchange needed for the satellite subscription fees. There was also some suggestion in the National Reports, however, that there was political opposition to them from the national vessel owners resulting from decisions to require that national vessels carry automatic location communicators (ALC), while this was not required of the foreign-flagged vessels operating in the EEZs.

Overall the sustained use of VMS has not been established at a national level and there is as yet no regional cooperation in the sharing of VMS data. However, Member States committed themselves to cooperating in the exchange of VMS data by adopting Measure 47 of the RPOA-IUU which reads: "Promote and coordinate the conclusion of agreements between the member countries for strengthening multilateral cooperation and exchange of necessary data and information (VMS)".

Institutional arrangements for VMS cooperation need to be decided so that whatever systems are installed, they are designed for compatibility and facilitate information sharing. It is possible to identify two possible ways in which the Member States might cooperate in sharing VMS data:

1. FCWC Member States could delegate responsibility to the FCWC Secretariat to operate the VMS system for the region on behalf of the six member states. This option would mean that the FCWC would establish a fisheries monitoring centre (FMC) which would receive reports from the VMS receiving station and would automatically transmit them to the FMC of all six Member States. The seventeen states of the Forum Fisheries Agency (FFA) in the Pacific (i.e. Australia, New Zealand and the 15 small island states) have a system designed and operating in this way.
2. A system could be designed through which VMS data would be exchanged directly between countries. The fisheries authorities of the FCWC countries agree to exchange specific VMS information and agree to procedures for doing so. Each Member State would agree to have an operational FMC which will receive VMS positions and other specified information from vessels flying its flag and from foreign-flagged vessels fishing in its EEZ. If a vessel crosses from the EEZ of one member country to another, the flag State's VMS software would automatically copy this position information to the FMC of the coastal Member State into whose EEZ the vessel has moved. The type of VMS system and practical issues such as uniform position transmission rates would need to be agreed. The system should be capable of automatic transmission to the other States of the identity of the vessel, its geographic position and the date and time that the position was recorded. The EU operates a system similar to this for its own waters.

**Comment [p6]:** I think we are still a very long way of any of these two options. In my view the first step should be to agree on a type of VMS system to be put in place at the national level (to ensure the compatibility of VMS systems used in the region) and agree on the way forward to improve VMS information sharing. Strengthening national systems should be a priority. **Hmmm.... but if you are seriously looking at sharing data, its important to think and discuss where you want to get to and the two approaches have different implications. But I agree that there is a lot to do before either option could become a reality.**





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	MCS Unit <sup>1</sup>	Port Inspector-ate <sup>2</sup>	State of Registers <sup>3</sup>	Communication national agencies <sup>4</sup>	Communication regional & global <sup>5</sup>	VMS <sup>6</sup>
Benin	0	0	1	1	1	0
Côte d'Ivoire	1	0	?	1	1	1
Ghana	3	2	2	2	1	1
Liberia	2	?	1	2	1	3
Nigeria	2	2	2	1	1	3

**Comment [p8]:** See comments above. See my response on page 19

Negotiations regarding similar systems or creating a broader West African system should be pursued with the other two sub-regional bodies, COREP and CSRP, because of the known movement of vessels between these regions, and consideration given to wider collaboration involving member States of all three RFBs.

**Comment [p7]:** This is an interesting idea but neither COPEP nor FCWC are at a sufficiently advanced state. There wide discrepancies between members in SRFC (e.g. Mauritania and Guinea Bissau). (a) I considered that but thought that, at the very least, similar systems could be established facilitating the development of a broader West African system in the future. Even if agreement is not immediately reached, discussions/negotiations about this idea would get countries thinking more realistically about the type of solution that is needed. (b) the challenge of needing to engage in negotiation on such an issue may help sub-regional bodies to advance and become more relevant to their members.

#### 4. Implementation of Port State Measures in Member States (6)

The task of accurately assessing the readiness of FWFC Member States to implement port State measures is one that necessitates direct engagement with players on the ground in each of the countries through a properly structured process of assessing capacity needs. The attempt made below, therefore, constitutes a rough pre-assessment exercise as it is based largely on the national reports prepared in 2009. These reports were not prepared with this specific task in mind and lack much of the information needed for a more accurate and complete assessment. The information available is sketchy and relies to a large extent on the judgements of the author of the national reports

In Table 2 below, a rough assessment is made of the readiness of FCWC Member States to implement port State measures. The column headings denote the main factors that need to be considered in making an assessment (see notes below the table) of the capacity to implement port State measures. Values from 0-4 are used to indicate, from the evidence available, the degree to which there is a complete absence of that factor (0) to it being completely satisfactory (4). A question mark (?) is used to indicate the complete absence of information.





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Togo	0	?	1	1	1	0
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*Table 2: summary assessment of readiness of Member Countries to implement port State Measures*

**Notes:**

- <sup>1</sup> Their needs to be a functioning, proactive MCS unit coordinating MCS functions and communications with other national agencies, countries and relevant RFBs.
- <sup>2</sup> A well-trained Port Inspectorate meeting the minimum training standards cited in Annex E of the PSMA and following the procedures for port inspection required by the Annex B of the PSMA.
- <sup>3</sup> Registers of fishing and fishing support vessels; Register of Fishing Licences, authorisations to fish and tranship well maintained and up to date, and shared regionally and, as appropriate, beyond the immediate region.
- <sup>4</sup> There needs to be good communication and collaboration with national agencies involved with fishing and fishing support vessels in port such as the port authority, customs, port police, those responsible for sea patrols (e.g. Navy or Coast Guard), vessel safety inspectors, fish quality inspectors.
- <sup>5</sup> Good regional collaboration and sharing of information and intelligence on movement of vessels, what activity they have been engaged in and their history, where appropriate. (A value of 1 is used to indicate as there is agreement in principle to share information.)
- <sup>6</sup> VMS in the context of port State measures relates to the ability of a country to function as a responsible flag State and coastal State by providing appropriate information on the movement of vessels within its VMS system

It becomes apparent from examination of Table 2 that there is a serious shortfall in capacity of FCWC Member Countries to effectively implement port State measures. The inadequacy in general of capacity for port inspections, which need to meet the minimum standards as set out in Annex E of the PSMA, is clear, even although the specific gaps in capacity can only be identified through the process of a full and through capacity needs assessment. Communications and information sharing, both between national agencies involved in port visits by vessels engaged in fishing and fishing related activities, and between MCS authorities at a regional level, clearly needs strengthening, a factor recognised by Member States in the National Reports and their adoption of the RPOA-IUU.

A basic part of the information that needs to be accessible to MCS officers is the registration details of vessels that might visit their waters or enter their ports, details of fishing licences, and fishing and transhipment authorisations. There is a commendable effort being made to harmonise this basis data with a view to sharing it regionally, not least of which was the May





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2011 FCWC Working Group meeting on the subject. It is also necessary to share intelligence and other information on vessel activity.

The establishment of full VMS coverage in the region is an integral part of the architecture of improved MCS.

### 5. Proposed priority Activities for Member States and FCWC Region

The Ministerial Conference of the FCWC, in its Declaration of the 17<sup>th</sup> December 2009, adopted the FCWC Regional Plan of Action on IUU fishing. In so doing the Ministers adopted some 72 proposed measures to be implemented by Member States. Many of them could be grouped together contributing to a more coherent set of activities that would practically advance the fight against IUU fishing in fulfilment of the commitments made by Member States through adoption of the RPOA-IUU.

#### 5.1 Fishing vessel registers and licenses

The initiative on improving and harmonizing national fishing vessel registers and the creation of a regional database of the content of the national fishing vessel registers and the details of fishing licenses of member states, fulfills Priority Measures 8, 11, and partially fulfills Measures 36 and 62. This initiative should be pursued as a project.

A fundamental requirement of an effective MCS system is that certain basic information about vessels engaged in fishing and fishing-related activities be recorded and readily accessible to those who need it. Basic information relating to the identity and history of a vessel is recorded in the register of fishing vessels. In addition, specific information relating to fishing licenses, other fishing authorisations, and transshipment authorisations should be readily and rapidly accessible to facilitate verification of these authorisations.

This information is fundamental for responsible fisheries management and essential for the functioning of an effective MCS system. Without such information it is not possible to know what fishing effort being deployed in the EEZs of the countries concerned or to have any idea of the scale of the fishing operations being undertaken.

In the longer term registers of fishing vessels and of fishing licenses, authorisations and transshipments should cover as large a proportion as is considered feasible of vessels harvesting fish in the waters of each country. However, the proper registration of semi-industrial and industrial vessels as proposed in the report is a first essential step and could make a major contribution to the fight against IUU fishing.

The movement of semi-industrial and industrial vessels between the EEZ's of FCWC member states and also beyond the geographic area covered by the FCWC, make it important for the fishing vessel registry information and fishing license and other information to be accessible





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to authorities regionally. Indeed, harmonisation of the registration systems and the sharing of this information over a wider area, including those covered by COREP and the CSRP, would considerably improve the availability of information essential for effective MCS. This is particularly important for port States to have access to such information at times of port inspections as vessels enter particularly the larger ports from all parts of the west African region.

Vessels engaged in “fishing related activities” should also be included in the register of fishing licenses. Transshipments at sea are common in the region and are often used as a means of hiding/obscuring the source of a catch caught illegally. The Port State Measures Agreement, therefore, does not refer only to fishing vessels but refers throughout to vessels engaged in “fishing or fishing related activities”. In this way the PSMA applies to all vessels in some way engaged in IUU and not simply those directly involved in harvesting. The first session of the FAO Technical Consultation on Flag State Performance held in Rome 2-6 May 2011 for the same reason considered the same formulation. Registration data of vessels engaged in fishing related activities and transshipment authorisations should also be part of the data considered for this regional initiative.

Recognising the importance of this, the FCWC commissioned a study of “National Registers of Industrial Fishing Ships in FCWC Countries”. It also decided to hold the second meeting of its Working Group on the fight against IUU fishing (Monrovia, 17-19 May 2011) on establishing comprehensive and harmonized registers of fishing ships and fishing licences and the sharing of this information at a regional FCWC level through the creation of regional FCWC registers. The study of national registers was used as a working document for the Working Group meeting.

This is an important project proposal and an essential component of the set of activities discussed further below. It will not be further elaborated in this report as the proposal has already been exhaustively discussed in some detail in the vessel registry study commissioned by the FCWC. It is important, however, to emphasise that without this project being implemented, the effectiveness of developing capacity to implement port State measures will be diminished.

### 5.2 Port State Measures

Preparing for the implementation of the Port State Measures Agreement, which had not yet been adopted by Members of the FAO when the RPOA-IUU was drafted, would result in implementation in whole or in part of Measures 33, 34, 39, 50, 51 and 52.

The first meeting of the FCWC’s Working Group on the fight against Illegal, Unreported and Unregulated Fishing (Accra, Ghana, 28-30 April 2010), recommended that Member States sign the “Agreement on Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing” (PSMA), thus by implication declaring an intent to



**Comment [p9]:** Only industrial fishing vessels. The meeting was held to discuss the Oceanic Développement draft report on “national registers of industrial fishing ships in FCWC countries”.

**Comment [p10]:** A regional register. It is spoken of in the above draft report as a regional register, although, strictly speaking it is an information system containing information from national registers. This becomes evident from



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implement the Agreement. The PSMA is a legally binding international instrument adopted by the FAO Conference on the 22<sup>nd</sup> November 2009.

Port State measures for foreign-flagged vessels engaged in fishing and fishing related activities are a relatively cost-effective component of a Monitoring, Control and Surveillance (MCS) system. As such they are attractive and effective when properly implemented. The main costs involved relate to the establishment and maintenance of an adequate, well-trained fisheries inspectorate, properly integrated into the rest of the MCS system and with good levels of communication between national agencies involved in port inspections (e.g. customs, vessel safety inspectorate) and the movement of vessels into port (e.g. the port authority). Good cooperation and sharing of appropriate information with other states and regional and global bodies is also important for the effective functioning of the PSMA. .

If effectively and universally implemented, the PSMA would close all ports to fishing and fishing-support vessels engaged in IUU fishing activities. The more difficult and costly it becomes for IUU fishing operators to land their catch, the more likely it is that they will consider it not worthwhile fishing illegally.

It was evident from 4. above that, although committed to implementing the PSMA, the Member States of the FCWC are not ready, either as individual states or as a regional group, to implement the agreement.

While port State measures are applied at a national level, there is an important regional dimension to their effective application. If vessels that have been engaged in illegal activity are refused entry to a port, are unable to land their catch and benefit from port services, they will seek another port in the region to do so. If ports within a region do not agree on the levels of inspection and generally create an even playing field, IUU vessels are going to seek out the port where they believe their illegal activity is least likely to be detected. Preparation for implementing the PSMA is important and needs to be undertaken at both a regional and national level.

It is recommended, therefore, that a set of projects that prepare for and implements port State measures in keeping with the PSMA be considered for implementation at national and regional level. Although the PSMA is still to enter into force, there is nothing to stop countries from implementing port State measures in keeping with their international rights and responsibilities.

### **5.3 An integrated Vessel Monitoring System**

The proposal to introduce comprehensive VMS coverage for the region through an integrated system in which data is shared with other Member States, would implement Measures 22,23,25,26,28,30 and 47.





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The value of a well-integrated Vessel Monitoring System, where the data is shared regionally, is greater than the sum of individual national systems where the VMS data is not shared between states within the region. Each country's FMC would have the value added of additional information over and above what they would receive if the VMS data received was confined to their own waters. Being able to assess developments with the benefit of the bigger picture of what is happening in the waters of neighbouring states

Two approaches to developing automated systems to share VMS data in the region were discussed in section 3 above. Far too little information was available from the national reports to make an informed recommendation. The capital costs and annual operating costs of the two systems, both involving scarce foreign exchange, would need to be carefully considered. It is strongly recommended that a thorough feasibility study be commissioned to better inform the decision that Member States would need to make.

Project profiles for the above priority actions are proposed in Annex 4.





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**Annex 1**

**ACP Fish II – Strengthening fisheries management in ACP States  
9 ACP RPR 128 Accounting No. RPR/006/07 – 9<sup>th</sup> EDF**

**RFU Senegal: Western Africa  
Project A - Terms of Reference**

Project title	Support to the implementation of the FCWC regional plan of action on IUU fishing. Estimated cost: €9814.44.
Action Plan Reference	Activity 2.1, Project N°: A6, Budget: <10,000 euro (RFU Western Africa)
Administrative management	Coordination Unit (CU), Brussels
Technical management	ACP Fish II Regional Manager and Fishery Committee for the West Central Gulf of Guinea (FCWC)
Context	<p>The fisheries sector plays an important role in the economies of the sub-region and is considered a strategic sector. It is generally highly involved in national growth and poverty reduction strategy documents (GPRSD) of FCWC member states.</p> <p>Nevertheless, the member states have a low capacity for monitoring fishing activities. An analysis of the state of affairs of IUU fishing in each country was carried out as part of the preparation of the FCWC regional plan of action on IUU fishing.</p> <p>This analysis revealed a large disparity between the national institutions responsible for the management, control and surveillance of fisheries in their ability to fight IUU fishing. There is a great potential in marine fisheries resources and increasing fishing activities, by both local and foreign vessels. The analysis also shows that FCWC countries must elaborate a common regional strategy with a view to effectively fighting IUU fishing activities taking place in their waters that fall under their jurisdiction.</p> <p>The absence of a Monitoring, Control and Surveillance System (MCSS), of tailored regulation creating sufficient deterrence, and of control measures at sea and in port combined with free access granted to small-scale and coastal fisheries without distinction on the grounds of nationality demonstrate the complexity of the situation and the importance of strengthening regional</p>





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	<p>cooperation in order to fight IUU fishing.</p> <p>In view of this, the member states of FCWC adopted a ministerial Declaration on IUU fishing in order to show their commitment to fighting this type of fishing. They also adopted a regional plan on the fight against IUU fishing (2009) and created a working group on IUU fishing (2010).</p> <p>The creation of this working group is a precondition for the implementation of the aforementioned plan of action on IUU fishing. It will serve as a forum for discussion and a platform allowing states to come to define an efficient operational strategy for the fight against IUU fishing. It is in this context that the ACP Fish II Programme will assist the working group on IUU fishing to implement the regional plan of action on IUU fishing.</p>
<p>Objectives</p>	<p>The project will:</p> <ul style="list-style-type: none"> <li>• Facilitate the operational implementation of the FCWC regional plan of action on IUU fishing;</li> <li>• Strengthen regional cooperation in MCS.</li> </ul>
<p>Activities to be carried out by the consultant</p>	<p>The consultant will carry out the following activities:</p> <ol style="list-style-type: none"> <li>1. Become familiar with the regional plan of action on IUU fishing and the declaration of FCWC Ministers on the fight against IUU fishing (1 day);</li> <li>2. Read national reports relating to monitoring, control and surveillance (MCS), become familiar with the MCS project ideas of the FCWC strategic plan and analyse, for each of the member states of FCWC, the current state of affairs with a view to evaluating the institutional and technical capacities of the authorities responsible for MCS in the region (organisation, structure, equipment and financial and human resources) (3 days);</li> <li>3. Analyse, both technically and operationally, the vessel monitoring systems of each FCWC member state in place to follow fishing activities in FCWC's waters, and propose activities targeting interconnection and regional coordination (3 days).</li> <li>4. Assess the state of affairs in each FCWC member state as regards the implementation of port state measures in conformity with the model scheme on port state measures to combat IUU fishing and the port state measures agreement (2 days);</li> <li>5. Propose concrete activities for the implementation of the regional plan of action on IUU fishing, at the regional and the national level, as well as an appropriate coordination mechanism. In this respect, define the role to be played by each member state, the working group on IUU fishing and the FCWC Secretariat (5 days);</li> <li>6. Design and develop project profiles for projects aiming to facilitate the implementation of certain measures in the regional plan of action on IUU fishing, especially those relating to MCS, port state and flag state (5</li> </ol>





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	days); 7. Write a final report of activities (2 days).						
Expected results	The expected results are: <ul style="list-style-type: none"> <li>• A progress report responding point by point to the activities listed above including specific recommendations aiming to facilitate the implementation of the regional plan of action on IUU fishing and to reinforce regional cooperation in MCS.</li> <li>• Project profiles, annexed to the report, for projects aiming at facilitating the implementation of certain measures in the regional plan of action on IUU fishing.</li> </ul>						
Format of each report	<p><b><u>Format:</u></b> MS Word with numbered pages</p> <p><b><u>Structure:</u></b> Title pages following the template provided Contents pages with three levels only List of annexes, list of tables, list of graphics, list of photos Abbreviations and acronyms Summary (1 to 2 pages), in English and in French Main report (maximum 20 pages) Conclusions and recommendations (each recommendation should be preceded by a conclusion), stemming from the main report</p> <p><b><u>Annexes</u></b> Annex 1: Terms of reference Annex 2: Schedule and people met (contact details included) Annex 3: Itineraries Annex 4: Project profiles Other annexes can be added</p>						
Supervision of reports	FCWC and the RFU will provide comments on the provisional report and the final report, which will be submitted to the CU for approval. The payment of fees will take place following the approval of the final report by the CU.						
Duration	<p>Indicative number of days for each activity:</p> <table border="1"> <thead> <tr> <th>N°</th> <th>Activity</th> <th>Duration (days)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Review of the regional plan of action on IUU fishing, ideas for MCS projects from the FCWC strategic plan and national MCS reports</td> <td>4</td> </tr> </tbody> </table>	N°	Activity	Duration (days)	1	Review of the regional plan of action on IUU fishing, ideas for MCS projects from the FCWC strategic plan and national MCS reports	4
N°	Activity	Duration (days)					
1	Review of the regional plan of action on IUU fishing, ideas for MCS projects from the FCWC strategic plan and national MCS reports	4					





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	2	Analysis of MCS systems put in place by member states and proposals for activities targeting regional interconnections and coordination	3
	3	Analysis of current situation of implementation of port state measures	2
	4	Proposal of specific activities for the implementation of the regional plan of action on IUU fishing	6
	5	Design of project profiles aiming to facilitate the implementation of certain measures contained in the regional plan of action	6
	6	Drafting of final report of activities	2
		Total duration (working days)	23
Project start date	February/March 2011		
Deadlines for submission of reports and payment of fees	<p>The Final Technical Report (FTR) which will take into account the various observations made by FCWC and the RFU/CU, must be delivered no later than 14 days after the end of the mission.</p> <p>Timetable of payments: an advance covering incidental expenditure (per diem/DSA, travel and other expenses) will be paid on signature of the contract.</p> <p>Fees will be paid in their entirety following the approval of the final technical report by the CU in Brussels.</p>		
Experience and qualifications of the consultant	The consultant must have an advanced university degree in the area of fisheries, marine affairs, law or economics, or prove possession of equivalent qualifications and must demonstrate several years of professional experience in the area of fisheries enforcement (at least 3).		
Location and travel	The consultant will be based in Tema, Ghana, in the FCWC Secretariat General.		





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### **Annex 2: Schedule and people met**

The purpose of the trip to Accra, Ghana, was to consult with the Secretary General of the FCWC:

Mr. Seraphin DEDI NADJE,  
Secretary General of FCWC  
4th floor of Fisheries Research Institute Building,  
Community Area II,  
P.O. Box: BT 62 Tema  
Ghana  
Telephone: + 233 (0)303 20 53 23  
Mobile: +233 20 75 86 321  
Email: [secretariat@fcwc-fish.org](mailto:secretariat@fcwc-fish.org)





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**Annex 3: Itinerary**

Rome – London	20 May 2011
London – Accra	21 May 2011
Accra – London	25 May 2011
London – Rome	7 June 2011





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### Annex 4: Project Profiles

#### **1. Harmonising and sharing registry data of vessels engaged in fishing and fishing related activities and the exchange of data on licences and fishing and transshipping authorisations**

The FCWC took the initiative of commissioning a “Study on the National Registers of Industrial Fishing Ships in FCWC Countries” to address the question of improving and harmonizing national fishing vessel registers and the creation of a regional database (referred to as a regional register) of the content of these registers and the details of fishing licenses of Member States. This initiative fulfills **Priority Measures 8, and 11 of the RPOA-IUU and partially fulfills Measures 36 and 62** and should be pursued as a project.

The draft report<sup>13</sup> of the study concludes with recommendations regarding the creation of a “fishing ships” section in the National Register of Ships or the maintenance of Registers of Fishing Ships. In addition it recommends registers of fishing licences issued to national ships and registers of fishing licenses issued to foreign ships. The Report also proposes the regional sharing of this information.

This information is a fundamental requirement for responsible fisheries management and is essential for the functioning of an effective MCS system. Without this information it is not possible to know the fishing effort being deployed in the EEZs of the countries concerned or to have any idea of the scale of the fishing operations being undertaken. The movement of semi-industrial and industrial vessels between the EEZ’s of FCWC member states and also beyond the geographic area covered by the FCWC, make it important for the fishing vessel registry information and fishing license information to be accessible to authorities regionally.

Consideration needs to be given to the inclusion of two additional issues. The first is the inclusion in the fishing registers of vessels “engaged in fishing related activities”, such as carrier vessels and supply vessels<sup>14</sup>. It is important that these be included in the vessels covered by the fishing vessel registers at a national and regional level because they often facilitate IUU fishing. Thus the Port State Measures Agreement consistently refers not just to fishing vessels, but to vessels engaged in “fishing and fishing related activities”<sup>15</sup>.

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<sup>13</sup> FCWC, May 2011, “Study on the National Registers of industrial fishing ships in FCWC countries”, Draft Report prepared by Océanic Developpement for the FCWC. Funded by ACP Fish II.

<sup>14</sup> This would require clear definitions of “fishing vessel” and “vessels engaged in fishing related activities” in the relevant legislation.

<sup>15</sup> Port State Measures Agreement, Article 1(j) on the use of terms.





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The second issue that should be considered in this initiative is “authorisations” to fish and tranship. The term “authorizations” is used in the Compliance Agreement and the UN Fish Stocks Agreement to describe permission to fish in the high seas (Compliance Agreement) and/or areas beyond national jurisdiction (UN Fish Stocks Agreement). The flag State may issue an authorisation, as distinct from a license, to a flag vessel to fish on the high seas or in the EEZ of another state, which would need to have issued a licence to that vessel to do so. Equally, a state may require that a vessel has an authorisation to tranship and may determine conditions (e.g. the presence of an inspector) to do so. These constitute the means by which better control can be exercised over such activity. Part of the information required in advance of port entry in the PSMA are the authorisations to fish and tranship.

This is an important project proposal and complements the project profiles presented below. An approach to improving fishing vessel registers and sharing license information has already been adequately discussed in some detail in the vessel registry study commissioned by the FCWC. It is important, however, to emphasise that without this project being implemented, the effectiveness of developing capacity to strengthen the MCS function in FCWC countries and the capacity to effectively implement port State measures will be diminished.

### 1.1 National projects:

- a) A review of the registers of ship/fishing ships and of licence records was carried out for five of the six FCWC member countries as part of the “Study on the National Registers of Industrial Fishing Ships in FCWC Countries”<sup>16</sup>. These reviews should be extended to include vessels “engaged in fishing related activities” and the records of fishing and transhipment authorisations should be added to the registers of fishing licences to meet the requirements for being able to implement port State measures. In the case of Côte d’Ivoire, a full review of the Register of Ships/fishing ships, the record of fishing licences, and fishing and transhipment authorisations needs to be done.
- b) Once agreement is reached<sup>17</sup> regionally on a standard minimum set of data which registers should contain, the amendment of the national registers should be carried

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<sup>16</sup> Oceanic Développement (2011). “Study on the national registers of industrial fishing ships in FCWC countries” (Draft report). It was not possible at the time to review the position in Côte d’Ivoire, due to the conflict the country experience in the early part of 2011.

<sup>17</sup> The second meeting FCWC Working Group on IUU fishing (Monrovia, May 2011) may have reached agreement on a recommendation on this question. However, the report of the meeting was not available at the time of writing.





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out<sup>18</sup> to comply with the agreement. A proposal is made in the draft report by Oceanic Développement<sup>19</sup> on what the minimum set of data for the registers should be. The redesign of the registers should preferably be done in electronic form to facilitate data sharing.

### 1.2 Regional Projects:

- a) A draft agreement for sharing information contained in the fishing vessel registers and licence/authorisation registers, should be prepared, with minimum agreed standards appended, to serve as a discussion document. This should include a proposal for the form that the sharing of information should take. This could then be discussed at the next Session of the Conference of Ministers and agreement reached on how to proceed with implementation. A draft agreement could be based upon Annex 1 of the Oceanic Développement study but should be amended to include the fishing support vessels and authorizations to fish and transship.
- b) The mechanism for sharing information should be developed and implemented, with the FCWC Secretariat possibly hosting the facility as proposed in the Oceanic Développement study.

## 2. Implementing the Port State Measures Agreement

The implementation of the “Agreement on Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing” (PSMA), was adopted by the FAO in November 2009 and had not been agreed, therefore, when the RPOA-IUU was drafted. However, implementation of the PSMA would result in implementation in whole or in part of RPOA-IUU Measures **33, 34, 39, 50, 51 and 52**.

The first meeting of the FCWC’s Working Group on the fight against Illegal, Unreported and Unregulated Fishing (Accra, Ghana, 28-30 April 2010), recommended that Member States sign the PSMA, thus by implication declaring an intent to comply with and implement the Agreement. The PSMA is a legally binding international instrument adopted by the FAO Conference on the 22<sup>nd</sup> November 2009 and will enter into force 30 days after the deposit of the 25<sup>th</sup> instrument of ratification or accession.

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<sup>18</sup> Agreement was reached in principle to share registration and licence data through the adoption of the RPOA-IUU.

<sup>19</sup> See footnote 16





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The PSMA targets foreign-flagged vessels engaged in fishing and fishing related activities. It's a relatively cost-effective component of a monitoring, control and surveillance (MCS) system and targets a set of vessels that are a particular concern in the FCWC region. The implementation of the PSMA would stimulate a number of components of the MCS system. Checking information supplied by a vessel prior to entering port would require access, for example, to vessel registration data, to fishing licence details, and to fishing and transhipment authorisations. VMS data would be used by an inspectorate to check claims relating to the locality of where a catch was taken. It would necessitate, and therefore stimulate, good communications with the flag States of vessels and with other coastal states in the region, particularly relating to intelligence relating to the activities and history of the vessels. If the requirements of the PSMA are met, then there will be in place a well-trained port inspectorate that would also be used to inspect the national fleet.

A project implementing the PSMA would have both regional and national components.

### 2.1 Regional projects:

There is a need for defining and building an agreement on regional cooperation with regard to MCS in general and the implementation of the PSMA in particular. The FCWC should commission an annotated draft agreement covering issues which call for coordination and harmonisation. An example would be the need to agree to levels of port inspection to avoid so as to create a level playing field and avoid a negative competitiveness of being the most lenient. The study should be available well ahead of a session of the Conference of FCWC Ministers at which agreement on it will be sought. Some work has been done on this in as much as registers of fishing vessels and licences have already been the subject of a study<sup>20</sup>.

High level regional conference involving senior officials and Ministers should take place

- to raise awareness of port State measures, and aimed at reaching agreement on implementing the PSMA
- to agree on levels and standards of port inspection
- to agree to systematically share information, particularly records kept in fishing vessel registers, records of licences, authorisations to fish, and authorisations to tranship.
- To agree to an integrated regional VMS system.
- Agree on series of well-planned joint regional sea patrols.

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<sup>20</sup> As noted above this should be expanded to include support vessels and authorisations to fish and tranship.





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### 2.2 National projects:

In each of the six FCWC countries

- National workshop involving all who may have some involvement in port inspections (fisheries officers (MCS), customs, port authority, coast guard/Navy if responsible for patrols, port police, industry)
  - to raise awareness of the PSMA and the joint responsibilities of those involved.
  - To develop a national vision of how best to implement the PSMA so that the system that emerges is, from the outset, one which reflects the perceptions of national stakeholders regarding implementation.
  - Based on this national vision, agree on the human capacity and institutional arrangements needed to effectively Implement the Agreement. This exercise would help to build ownership of the system established as a result.
- Undertake an assessment of human, institutional and technical capacity available and compare it to the agreed requirements for implementing the PSMA, in this way arriving at the capacity gap that exists. Undertaking a properly structured capacity needs assessment would enable more accurate targeting of priority capacity needs instead of risking future expenditure on areas of competence not in need of further support.
- Develop a capacity building plan on the basis of the assessment. Identify courses and other forms of training (eg on the job mentoring) and develop course curricula specifically designed for the target groups. Of particular importance would be the training of fisheries inspectors.
- Implement training courses,
- undertake institutional strengthening,
- acquire necessary technical capacity.

### 3.VMS

The proposal to introduce comprehensive VMS coverage for the region through an integrated system in which data is shared with other Member States, would implement **Measures 22,23,25,26,28,30 and 47**.

The value of a well-integrated Vessel Monitoring System, where the data is shared regionally, is considerably greater than the sum of individual national systems where the VMS data is not shared between states within the region. Each country's fisheries





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monitoring centre (FMC) would have the value added of additional information over and above what they would receive if the VMS data received was confined to their own waters.

Two approaches to developing automated systems to share VMS data in the region were discussed in section 3 above. Far too little information was available from the national reports to make an informed recommendation. The capital costs and annual operating costs of the two systems, both involving scarce foreign exchange, would need to be carefully considered. It is strongly recommended that a thorough feasibility study be commissioned to better inform the decision that Member States would need to make.

### 3.1 Regional project

This project has long-term implications both in terms of a commitment to share data and, significantly, a financial commitment involving scarce foreign exchange. It therefore should be carefully considered before any decisions are made. A thorough feasibility study should be undertaken which should take into consideration a range of issues that would impact on a decision:

- An initial step would be to make a clear assessment of national VMS capacity, both in terms of equipment, financial implications, and trained personnel.
- The FCWC needs to develop a long-term vision of the future scope and role of VMS, which could become a significant part of the FCWC's information system. Does the FCWC envisage, for example, restricting the system to vessel position information or intend, in the longer term, to include catch reporting and electronic logbooks.
- Technical issues should be considered, including the specifications of the VMS units with particular regard to the minimum frequency for position reports and the polling requirements, tamper proofing of the units and data formats.
- Terms and conditions would need to be developed and agreed for the use of VMS information by the FCWC and its members.
- The cost implications of the two options discussed in section 3 above need to be analysed and how they could be sustainably financed needs to be examined.

The results of the feasibility study would need to be considered by the FCWC Working Group on IUU fishing in the first instance which would make a recommendation for a decision by the Conference of Ministers.





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### **3.2 National**

A regional VMS system will take some time to establish. In the interim, a proper assessment should take place of VMS in each of the six countries to see what could be done in the shorter term, to explore solutions sustainably finance them and to resolve any other problems that have been encountered. The assessment should include the human resource capacity needs.

Reactivation of dormant VMS systems would probably require the training of new personnel or the retraining of existing staff. This should be part of the assessment.

