

The terms used and the provisions contained in the national laws or regulations and other official documents that are made available in this site do not imply the expression of any opinion or judgment whatsoever by the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or constitutional status of any country, territory or maritime area, or concerning the delimitation of their borders or boundaries.



REPUBLIC OF FIJI

NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Jointly prepared by the Offshore Fisheries Division,
Fisheries Department, Ministry of Fisheries and Forests and
the Pacific Islands Forum Fisheries Agency (FFA)

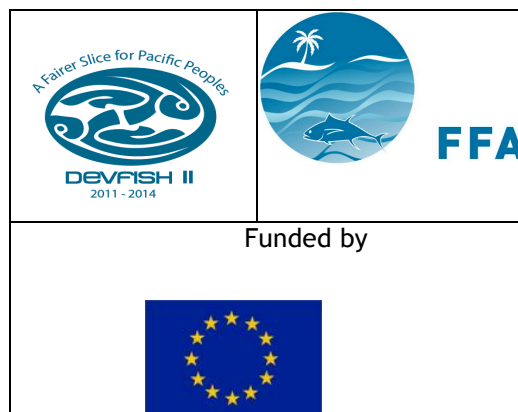


Table of Contents

PART 1. INTRODUCTION TO THE NPOA IUU	
1.1 Purpose of the NPOA.....	10
1.2 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.....	10
1.3 Definition of Illegal, Unreported and Unregulated Fishing	11
1.4 Why is IUU fishing a problem?.....	12
PART 2. BACKGROUND TO FIJI’S FISERY SECTOR	13
2.1 Profile of the Republic of Fiji fisheries.....	13
2.2 Marine Fisheries.....	15
Catch and fleet size	15
Economic role of the fishing industry	17
Development prospects.....	19
PART 3. MCS GOVERNANCE.....	21
3.1 Statutory enforcement and management organisations.....	21
3.2 Fisheries management measures.....	26
PART 4. THE NPOA FOR FIJI	30
4.1 Scope of Fiji’s NPOA	30
4.2 All State and Coastal State Responsibilities.....	31
International Instruments	31
National Legislation	32
Control over nationals	32
Vessels without Nationality	33
Penalties	34
Non-Cooperating States	35
Economic Incentives	35
Monitoring, Control and Surveillance.....	35
National Plan of Action	36
Cooperation between States.....	47
Publicity.....	48
Capacity and Technical Resources	49
4.3 Flag State Responsibilities.....	49
Vessel registration.....	49

Fishing Vessel Registration	50
Authorisation to fish	50
4.4 Port State Measures	51
4.6 Trade Related Measures.....	52
4.7 Research.....	52
4.8 Regional Fisheries Management Organisations	53
4.9 Particular needs of developing countries	53
4.10 Implementing the NPOA - IUU.....	54

ACRONYMS

1982 UNCLOS	United Nations Convention on the Law of the Sea of 10 December 1982
Compliance Agreement	1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas
1995 UN Fish Stock Agreement	Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
ACP	Asia, Caribbean and Pacific
ALC	Automatic Location Communicators
AMC	Australian Maritime College
ANCORS	Australian National Centre for Oceanic Resources and Security
CAE	Compliance Analysis Engine
CC	Catch Certificate
CCM	Contracting Member, Cooperating non-Member
CCRF	Code of Conduct for Responsible Fisheries
CDS	Catch Documentation Scheme
CEA	Cost Efficiency Analysis
CITES	Convention on International Trade in Endangered Species
CMM	Commission Management Measure
COFI	FAO Committee on Fisheries
DPP	Director of Public Prosecutions
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agriculture Organisation
FFA	Forum Fisheries Agency
GDP	Gross Domestic Product
FOC	Flag of Convenience
HACCP	Hazard Analysis Critical Control Point
HTAC	Hybrid Total Allowable Catch
IMS	Information Management Systems
IMO	International Maritime Organization
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
LMMA	Locally Managed Marine Areas
LL VDS	Longline Vessel Days Scheme
MCS	Monitoring, Control and Surveillance
MFF	Ministry of Fisheries and Forests
MOV	Means of Verification
MTCs	Minimum Terms and Conditions for Fishing Access
MTU	Mobile Transceiver Units
Niue Treaty Law	1991 Regional Treaty on Cooperation in Fisheries Surveillance and Enforcement
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
OFD	Offshore Fisheries Division
OFMD	Offshore Fisheries Management Decree
OFMR	Offshore Fisheries Management Regulation
OVI	Objectively Verifiable Indicators

RIMF	Regional Information Management Facility
RFMOs	Regional Fisheries Management Organizations
RoV	Record of Vessels
SIDS	Small Island Developing State
SOPAC	South Pacific Geoscience Commission
SPC	Secretariat of the Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme
TUBS	TUFMAN Observer Module
TUFMAN	SPC Tuna Fisheries Database Management System
TAC	Total Allowable Catch
TCC	Technical Compliance Committee
UN	United Nations
UNCED	United Nations Conference on Environment and Development
USP	University of the South Pacific
VMS	Vessel Monitoring System
VOGS	Vessels of Good Standing
VOI	Vessel of Interest
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean

EXECUTIVE SUMMARY

This document outlines the Republic of the Fiji's National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU). It has been developed in accordance with the International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU) adopted in 2001 by the Food and Agriculture Organization of the United Nations (FAO). The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) is a voluntary instrument developed by FAO, and adopted by COFI in 2001. The IPOA-IUU is one of four IPOAs that insert themselves within the framework of the FAO Code of Conduct for Responsible Fisheries (CCRF, 1995). The IPOA-IUU enunciates the principles and measures to prevent, deter and eliminate IUU fishing, at the level of States, Regional Economic Integration Organizations and Regional Fisheries Management Organizations (RFMOs). This document builds on the previous NPOA-IUU prepared in 2007 and adopted in 2009.

The document is in four parts; the first providing background information and definitions, the second a brief overview of the fisheries sector, the third compares fisheries conservation and management regulations, policies and practices with the "tool box" of mechanisms provided in the IPOA-IUU and the fourth a summary of supporting actions to enhance the overall objective of eradicating IUU fishing. The Plan Log Frame supports the task of implementing these actions.

Fiji is a small Pacific Island State with an exclusive economic zone (EEZ) of 1,290,000 sq km, and has a relatively high dependence on fisheries resources for food security and income, as well as a thriving export trade. It is estimated that around 40% of total fish production (20,000 tonnes) is taken from inshore areas by subsistence and artisanal fishers. The tuna vessel catch inside national waters amounts between 6,700 - 12,000 tonnes, with much the same caught outside the EEZ. Exports are in the region of 41,000 tonnes, stressing the importance of Fiji as a regional trading hub. Annual per capita fish consumption has been estimated to be in excess of 44-62 kilograms per capita.

In terms of the offshore fishing sector, this is dominated by the tuna longline fishery with around 60 per cent of catch being albacore followed by yellowfin, bigeye tunas and an assortment of associated by-product species including billfish and other pelagic commercial species like mahi-mahi and opah.

As of November 2013, Fiji was host to 299 fishing vessels of which 193 are foreign flagged and 97 Fiji flagged. Out of the total, 65 were licensed to fish in Fiji's EEZ of which 11 are flagged to China and 54 to Fiji. The other 43 Fiji flagged vessels were authorised to fish in areas beyond national jurisdiction of the Western and Central Pacific Fisheries Commission (WCPFC), as well in other EEZs (Cook Islands, Kiribati, Solomon Islands, Tuvalu, Tokelau and Vanuatu), and under the licence conditions for those countries. Additional foreign fishing activity inside the Fiji EEZ may also take place under separate multi-lateral or bilateral arrangements where United States of America purse seine vessels and Japanese longline and pole and line fishing vessels may fish within Fiji's EEZ.

Foreign flagged fishing vessels fishing in the high seas or within other national EEZs also uses Fiji's shore based infrastructure. The servicing of such groups of vessels generates significant revenue to Fiji's economy making the offshore fishing sector as the major contributor to the economy through export in 2012.

Fisheries management is under the responsibility of two divisions within the Fisheries Department of the Ministry of Fisheries and Forests (MFF), The Offshore Fisheries Division (OFD) is responsible for all offshore fishing arrangements which includes fishing inside archipelagic waters, the national EEZ and areas beyond national jurisdiction within the WCPFC Convention Area. OFD is responsible for the processing of all fishing licences for the offshore fisheries whilst a committee comprising of other Government agencies having stakes in the sector does the determination on their issuance. The Division is also responsible for all regulatory functions of the sector. These duties are conducted in accordance with national measures under the OFMD and the OFMR and the regionally adopted management measures formulated by the WCPFC and the Niue Treaty. The management arrangements and conditions are laid down in the minimum terms and conditions for fishing access (MTCs), and the Forum Fisheries Agency (FFA) may provide support in the formulation of these.

Inshore management falls under the responsibility of the Inshore Fisheries Division. Management of this sector is conducted in cooperation with traditional resource owners. Within each customary fishing ground the Fisheries Act provides for the regulation of fishing through government/custodian, i.e. the co-management functions implemented by the *qoliqoli*. There are currently 411 *qoliqolis* covering the entire extent of Fiji reefs and lagoons (the internal waters of Fiji) and contribute significantly to the socio-economic of the coastal dwellers of the nation.

The process of reviewing Fiji's approach to the conservation and management of fisheries in terms of the IPOA-IUU has underlined the urgent need to consolidate and update fisheries management laws and the equally urgent need to strengthen enforcement mechanisms to ensure that conservation and management measures are complied with and that fish stocks are harvested in a sustainable manner. A review of the Fisheries Act and Marine Spaces Act was completed in 2012, and adjustments incorporated through the Offshore Fisheries Management Decree and the drafting of the Offshore Fisheries Management Regulation. The decree incorporates the principles elaborated in the WCPFC Convention and FAO Code of Conduct for Responsible Fisheries and that allows Fiji to comply with its international fisheries obligations including Port State Measures. The Decree also makes provision for extended powers of compliance and monitoring for vessels fishing inside and outside the Fiji EEZ.

As well as continuing to strengthen its national management capacity, Fiji will continue to work with regional and international partners to ensure the conservation and long term sustainable use of regionally shared tuna stocks as well as the protection of the environment. In particular, Fiji is committed to the development of a fisheries management arrangement for South Pacific albacore and will work with other neighbouring countries with an interest in the albacore fishery towards this end.

Fiji will carry out on-going reviews of its NPOA-IUU. The document serves as a working tool to support the implementation of a monitoring, control and surveillance system within Fiji. It may be submitted to FAO and other parties in order to illustrate the compliance actions being taken.

To effectively implement the OFMD, OFMR and the various management plans and guidelines formulated over the recent years, it is only proper that we have in place the appropriate capacity, both human resources and supported by the necessary funds. Fortunately for Fiji, the political support in combatting IUU fishing was evident when Government approved 25 additional establishment positions with funds to the OFD in 2013. At the same time the expansion also saw the establishment of a new Investigation unit within the Division.



PART 1: INTRODUCTION TO THE NPOA - IUU

1.1 Purpose of the NPOA

This document outlines the Republic of Fiji's National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

The Fiji's National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU) has been developed in accordance with the International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU). The IPOA-IUU was adopted in 2001 by the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO).

1.2 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

The IPOA-IUU was developed as a voluntary instrument within the framework of the FAO Code of Conduct for Responsible Fisheries.

The objective of the IPOA is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate RFMOs established in accordance with international law.

The IPOA-IUU serves as a comprehensive "toolbox" of measures to address IUU fishing in a range of contexts. The IPOA-IUU contains general measures targeted at all States, as well as measures targeted specifically at flag States, coastal States and port States. It also contains market-related measures, measures to support the special requirements of developing countries in their achievement of the objective of the IPOA-IUU, and measures to be taken by States through RFMOs. Some of the IPOA-IUU provisions reflect obligations that many States have accepted as binding, either through global instruments, RFMOs or through national legislative instruments.

The IPOA-IUU incorporates the following principles and strategies:

Participation and coordination: to be fully effective, all States should implement the IPOA-IUU either directly, in cooperation with other States, indirectly through relevant RFMOs or through the FAO and other appropriate international organisations. The full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations, should be encouraged.

Phased implementation: Measures to prevent, deter and eliminate IUU fishing should be based on the earliest possible phased implementation of NPOAs-IUU, and regional and global action in accordance with the IPOA-IUU.

Comprehensive and integrated approach: Measures to prevent, deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdictions in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, where appropriate and to cooperate in order to ensure that measures are applied in an integrated manner. The action plan should address all economic, social and environmental impacts of IUU fishing.

Conservation: Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.

Transparency: The IPOA-IUU should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct for Responsible Fisheries.

Non-discrimination: The IPOA-IUU should be applied without discrimination in form or in fact against any State or its fishing vessels.

1.3 Definition of Illegal, Unreported and Unregulated Fishing

The IPOA-IUU defines IUU fishing according to the definition below: Fiji also uses this definition in its NPOA-IUU.

Illegal fishing refers to activities:

- conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of States that are parties to a relevant RFMO but operate in contravention of the conservation and management measures adopted by that organisation and by which the States are bound, or relevant provisions of the applicable international law; or
- in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant RFMO.

Unreported fishing refers to fishing activities:

- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- undertaken in the area of competence of a relevant RFMO, which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.

Unregulated fishing refers to fishing activities:

- in the area of application of a relevant RFMO that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or
- in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

The IPOA-IUU notes that unregulated fishing may take place in a manner, which is not in violation of applicable international law, and may not require the application of measures envisaged under the IPOA-IUU.

1.4 Why is IUU fishing a problem?

In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issue of IUU fishing in world fisheries is a serious and increasing concern. IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organisations can fail to achieve management goals. This situation leads to the loss of both short-term and long-term social and economic opportunities and to negative effects on trade, food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted.

To avoid detection, IUU fishers often violate certain basic safety requirements, such as keeping navigation lights switched off at night, which puts other users of the ocean at risk. Operators of IUU vessels also tend to deny to crew members fundamental rights concerning the terms and conditions of their labour, including those concerning wages, safety standards and other living and working conditions.

In addition to its detrimental economic, social, environmental and safety consequences, the *unfairness* of IUU fishing raises serious concerns. By definition, IUU fishing is either an expressly illegal activity or at minimum, an activity undertaken with little regard for applicable standards. IUU fishers gain an unjust advantage over legitimate fishers. In this sense, IUU fishers are “free riders” that benefit unfairly from sacrifices made by others for the sake of proper fisheries conservation and management. This situation undermines the morale of legitimate fishers and, perhaps more importantly, encourages them to disregard the rules as well. Thus, IUU fishing tends to promote additional IUU fishing, creating a downward cycle of management failure.

The unreported nature of IUU fishing makes it particularly difficult to quantify. Available information nevertheless indicates that, for some important fisheries, IUU accounts for up to 30 percent of total catches. Moreover, available information strongly suggests that, despite apparent improvement in some regional situations, the amount of IUU fishing worldwide is increasing, as IUU fishers seek to avoid compliance with stricter fishing regulations that are being imposed to deal with downturns in a growing number of fish stocks. While some estimates suggest that IUU fishing may account for as much as one quarter of total catch in the world’s oceans, fully reliable data on IUU fishing are by definition, scarce.

IUU fishing is a dynamic, multi-faceted problem, which cannot be effectively addressed by any single strategy. A multi-pronged approach is required at international, regional and national levels, with buy-in from all stakeholders involved and affected.

The IPOA-IUU contains a range of effective tools to address IUU fishing. Widespread implementation of the provisions contained in the IPOA-IUU presents an opportunity for States and RFMOs to reinforce existing measures and to implement new measures to address IUU fishing.



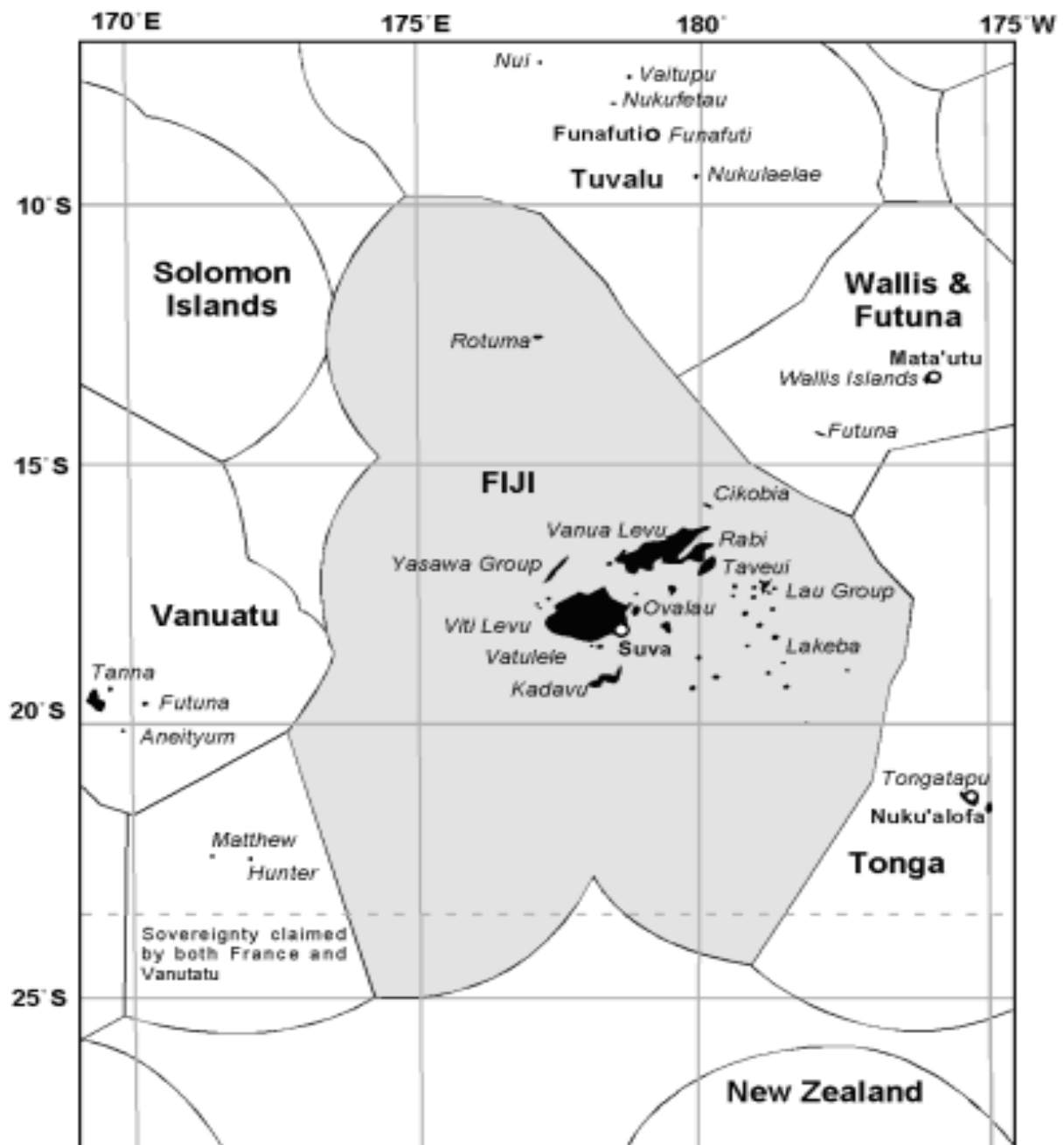
PART 2. BACKGROUND TO FIJI'S FISHERY SECTOR

2.1 Profile of the Republic of Fiji fisheries

Population	946,320
Land Area	18,273 square kilometres
Number of Islands	322 (110 inhabited)
Exclusive Economic Zone	1,290,000 square kilometres
Length of coastline	5,010km
Geographic Position	174° E to 178° W 12° S
Gross Domestic Product (GDP)	US\$ 2.9 billion
Share of fisheries export in the GDP	2.8%
Fishery exports	FJD324.6 million (2011)

Fiji is an archipelagic island nation comprising about 322 islands with a total land area of 18,273 sq. km. and a surrounding EEZ of about 1.3 million sq. km. It is geographically positioned at 174° West and 178° East longitude and 12° and 22° South latitude. The group includes two large high islands, several medium-sized high islands, and numerous small islands and atolls. Most of the islands are surrounded by fringing and barrier coral reefs. Much of Fiji's coastal waters occur off the main islands of Viti Levu and Vanua Levu, and the islands of the Lau, Mamanuca and Yasawa groups.

Map 1: Fiji's EEZ and surrounding national EEZ and high Seas pockets



Fiji's population is currently estimated to be 860,741. About forty per cent of the population are non-iTaukeis. The iTaukeis control much of the inshore fishing areas and do most of the subsistence fishing, but a substantial portion of the coastal commercial fishing is carried out by other Fijians.

2.2 Marine Fisheries

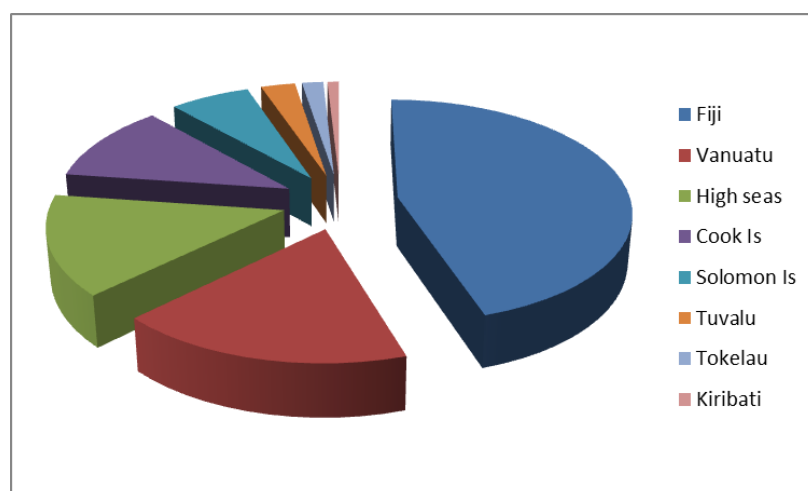
Catch and fleet size

Fiji's marine fisheries are estimated to generate annual landings of about 20,000 tonnes. Fishing is divided into three sub-sectors: subsistence, coastal commercial, and offshore/industrial. The distinction between subsistence and coastal commercial fishing in the larger, less isolated islands is often blurred.

The subsistence fishery targets mainly reef-fish, beche-de-mer, octopus, seaweed, lobster, mud crab, and various bivalve molluscs. These resources make a large contribution to domestic food supplies. It has recently been estimated that 50 percent of all rural households are involved in some form of subsistence fishing and that about 8,500 tonnes of fish are landed each year, or slightly more than half of all domestic production.

The offshore fishery consists of the tuna longline sector with some rare instances of purse seining. Catches by the domestic longline fleet inside national waters is around 6,700 - 12,000 tonnes. Catches outside national waters amounted to around 4,500 tonnes. Around forty five per cent was taken inside Fiji waters (2011). The remainder is taken in the waters of Vanuatu, Cook Is, Solomon Is, Tuvalu, Tokelau and Kiribati (40%), as well as the high seas (15%) (Figure 1).

Figure 1: Distribution of tuna longline catch by Fiji flagged vessels (2011)



Source: SPC

Catch of tuna is presented in Table 1. The catch is dominated by albacore, which accounts for around 60% of the product, yellowfin around 10% and bigeye tuna, less than 5%.

Table 1: Total catches (tonnes) of albacore, big eye, skipjack and yellowfin for the Fijian fleet in the WCPFC area between 2000 and 2010

Years	2000	2002	2004	2006	2008	2010	2011
Catch	9,660	11,551	17,312	15,472	11,664	10,060	11,286

Source: WCPFC, tuna yearbook, 2011

An additional 25% of the catch comprises various shark species, billfish (blue striped and black marlin, swordfish and sailfish), as well as wahoo, mahi mahi and opahs.

Because of a number of factors, Fiji has served as a base for a significant number of tuna vessels since the 1970s. Suva offers vessels a central location, relatively extensive port and ship servicing facilities, onshore processing capability, convenient air links and generally low cost advantages.

Table 2: Longline vessel numbers and operational specifications for vessels operating under the control of OFD, excluding bilateral arrangements

Vessel grouping	Specific differentiation	Number
Archipelagic	Domestic flagged Fishing within archipelagic waters, fish hold carrying capacity of less than 40 cubic meters, uses less than 2,500 hooks per set and the owner is 100% Fiji citizen. Also authorized to fish within the EEZ	14
Operating within the EEZ but not in AW	Domestic flagged operating within the national EEZ, and listed in the WCPFC list of authorized vessels. Licensed for 36 months, and authorisations renewable every 3 months for distant water permits.	40 ¹
Operating within the EEZ but not in AW	Bare boat charter, operating within the national EEZ, with licences reviewed annually.	11
Distant water	Authorised to fish outside national waters including high seas and other country EEZs (Cook Is, Kiribati, Solomon Islands, Tokelau, Tuvalu and Vanuatu) with third country permit, but not in national waters. Also listed on the WCPFC list of authorised vessels. Licensed for 36 months, and authorisations renewable every 3 months for distant water permits.	43
DWFN vessels based in Suva	Foreign flagged vessels using Suva as their base and travels to other EEZs or the high seas to take fish, all of which are long line vessels.	193
All vessels		299

Economic role of the fishing industry

The per capita consumption of fish has been estimated by the Fisheries Department to be between 44 and 62 kilograms in recent years. This is comprised of 45 percent subsistence production, 15 percent artisanal production and 40 percent imports (both canned and frozen).

Fiji has the largest and most active domestic longline fishery of all Pacific ACP countries serving as a base for both local and foreign fishing vessels and with substantial on-shore processing capacity. In 2011, a total of 654 offloading permits were issued. The number of

¹ Some of the Fiji flagged Fiji licensed vessels also have authorisations to fish outside Fiji's national jurisdiction and licenses for other EEZs within the WCPFC Convention Area.

in-port transshipments is low (only 9 in 2012) since most vessels preferred landing their catches direct to reefer containers that are then re-exported. Fiji does allow transshipment of fresh and chilled fish for the sashimi market Fiji licensed vessels fishing inside national waters under the presence of observers. Aside from the national fleet, around 97,000 tonnes was offloaded in 2011 into Fiji (Table 3). This includes vessels from China (59%), Taiwan (33%) and Vanuatu (5%), with a very small number of other landings from Cook Is, Japan, Tuvalu, USA and Korea. The foreign flagged vessels predominantly operate inside other national EEZs under specific bilateral or charter arrangements, or are authorised to fish inside the high seas zones by their respective flag state.

Table 2: Landings into Fiji ports by foreign flagged vessels

Landings categories	China	Taiwan	Vanuatu	Cook islands	USA	Japan	Tuvalu	Korea	Total
	Processors categories	23,563	1,353	972	34	-	6	127	-
Reefer categories	26,251	30,026	3,558	-	-	571	268	-	60,673
Storage categories	1,042	0	0	-	-	-	-	-	1,042
Storage to processor categories	24	0	0	-	-	-	-	-	24
Levuka/PAFCO	6,319	237	502	799	-	-	37	-	7,893
Transshipment	0	30	0	-	790	-	-	201	820
Total landings	57,198	31,646	5,032	833	790	577	431	201	96,507

Source: OFD-MFF

There are number of processing factories operating in either Suva or Levuka. Pacific Fishing Company (PAFCO) specialises in producing cooked loins for export to the US. There are three value added companies, Golden Ocean Fisheries Limited, Foods Pacific Ltd and Tosa Busan (Fiji) Limited that produce product for the EU, Japan and the US markets. All other producers prepare whole fresh fish for the sashimi markets, as gilled and gutted (G&G), headed and gutted (H&G) and loins. Two other local canners supply the local market.

Table 3: Volume and value of longline tuna exports from Fiji, 2011 (Live weight equivalents)

Product group	Metric tonnes	US\$ million
Tuna for canning	23,181	66.4
Sashimi tuna	11,343	203.3
Loins	4,675	49.2
Non tuna species	2,027	5.7
Total	41,226	324.6

Table 4.1: Volume (Mt) of Export from the Fiji National Fleet for the year 2011- 2013.

SPECIES	2011	2012	2013
Albacore	6,210	8,827	2,743
Bigeye	587	1,159	329
Yellowfin	2,353	3,071	967
Other	2,222	3,021	971
TOTAL	11,372	16,078	5,010

NOTE:

The volume for the year 2013 is provisional as this is not the finalised 2013 data set. Information from the industry is still forthcoming via the data reconciliation process.

Table 4.2: Volume (Mt) and Value (FJD) of Export from the Fiji National Fleet for the year 2011- 2013.

SPECIES	2011		2012		2013	
	Volume	Value	Volume	Value	Volume	Value
Albacore	6,210	\$29,267,795	8,827	\$27,375,795	2,743	\$10,823,694
Bigeye	587	11,850,700	1,159	23,331,200	329	6,704,900
Yellowfin	2,353	45,487,160	3,071	60,109,300	967	18,656,595
Others	2,222	20,453,000	3,021	27,870,000	971	8,885,600
TOTAL	11,372	\$107,058,093	16,078	\$138,686,295	5,010	\$45,070,790

NOTE:

The volume and value for the year 2013 is provisional as this is not the finalised 2013 data set. Information from the industry is still forthcoming via the data reconciliation process.

The inshore artisanal fishery landed 8,500 tonnes of finfish (67 percent) and invertebrates (33 percent) in 2011. The number of artisanal fishers in 2011 was estimated at 5,500 and the number of registered inshore fishing vessels was 2,750.

Fiji also benefits from licensing revenue including through bilateral arrangements with foreign fishing entities including the Government of Japan as well as through the regional fishing arrangement covering access by US purse seiners. Most foreign flagged longline vessels, including the Japanese, offload into containers, or very occasionally into carriers, whilst the purse seine fleet will offload into carriers. Carrier transshipments by 12 purse seiners accounted for around 1,000 tonnes in 2011.

Development prospects

In accordance with the National Tuna Management Plan (2014-2018), Fiji has established a ceiling of 60 longline licenses and this ceiling is based on the maximum economic yield for the three major species of albacore, yellowfin and bigeye tunas and our aspiration as a small island developing State for growth for the next 5 years. Within the same management plan, Fiji has also set a tuna Total Allowable Catch (TAC) of 12,000 tonnes, of which 6,000-8,000 tonnes may comprise albacore.

Given the importance of fisheries to Fiji's economy in the form of generating employment as well as export earnings, and in recognition of the *rights and obligations under international law of small island developing States and Territories CCMS in the Convention Area*, Fiji has also actively encouraged additional expansion in its fleet, operating in other parts of the Convention area. This is seen as a necessary development given the need to support the domestic processing sector. In doing so Fiji is being mindful of access efforts into the fishery

in this area and has come up with a policy for its fleet that are fishing in areas beyond Fiji's national jurisdiction.

The fishing sector's share of GDP accounted just under 3% for the years from 2009 to 2011, exceeding the share attributable to the sugar industry. In addition, the 2008 manufacturing survey indicates that fish processing operations in that year employed almost 1200 people, representing just under 5% of total employment in the manufacturing sector. According to the National Export Strategy (2006), 9100 people were at that time employed in the industry as a whole, including harvesting activities.



PART 3. MCS GOVERNANCE

Figure 2: OFD Schematic and activity sections

POSITION	SECTIONS			TOTAL
	Management	Operations	Services	
Established:				
Principal Fisheries Officer	1	0	0	1
Senior Research Officer	1	[1]		1
Senior Fisheries Officer	1		[1]	1
Clerical Officer	2			2
Fisheries Officer		3	3	6
Assistant Fisheries Officer		5	4	9
Fisheries Assistant		19	12	31
Sub-Total (Established)	5	27	19	51
Government Wage Earners:				
Drivers	2			2
Project²:				
SPC Data Entry			2	2
FAO/GEF GEMP		1		1
Regional Observer Programme³:				
			27	27
GRAND TOTAL	7	28	48	83

Statutory enforcement and management organisations

The primary agency responsible for the implementation of offshore fisheries conservation and management legislation is the Offshore Fisheries Division (OFD), a component of the Fisheries Department. The powers of OFD encompass all those relating to the implementation of the licensing, monitoring (both manual and electronically), enforcement and investigation systems, with the exception of maritime surveillance and fishing vessel registration. The OFD has three principal sections: Administration, Operations and Services that are broken down into the following six subsections: Control/Compliance, Enforcement/Surveillance, Investigation, Data Management, Monitoring and Industry Enhancement.

² SPC project to assist data entry commenced in 2013 and to conclude in 2014. The other project is on the FAO/GEF funding to start in 2014 on e-monitoring.

³ WCPFC ROP – number of trained observers placed on board sub-regional arrangement vessels and those on Fiji flagged vessels principally fishing in the high seas. This is different from the 8 full-time observers who are placed on board Fiji licensed vessels fishing principally within Fiji fisheries waters and are under the Services Section of the OFD.

Within these sections:

The Principal Fisheries Officer and two 2 Senior Fisheries Officers oversees the Offshore Fisheries Division with each Senior Fisheries Officers looking after the Operations and Services of 6 sections of the Division.

In addition to the above there are two clerical officers who deals with the monitoring of both the financial and administration aspects of the Division with 2 drivers that assist in the transporting officers to carry out their work.

A Fisheries Officer is then responsible for the overall supervision of all activities within each sub-section whilst the Assistant Fisheries Officers coordinates the delivery of the sub-section's responsibilities and the Fisheries Assistants carry out the implementation of the functions:

Operations:

i. Control and Compliance:

Control and Compliance is responsible for the administration of licensing of domestic and foreign vessels, authorisations of Fiji vessels fishing outside of Fiji's national jurisdiction including adjusting MTCs as and when required, preparation and issuance of all permits, issuance of penalty notices where applicable and ensuring all revenues collected are correctly credited into their respective assigned allocations. The section is also responsible for the identification of non-compliance of licensing/permitting conditions and suspect violations identified by observers from placements and that of non-compliance of the Endangered and Protected Species Act on fisheries resources.

ii. Enforcement/Surveillance:

Enforcement/Surveillance with responsibility for the enforcement of the provisions of the Offshore Fisheries Management Decree and its regulations and international, regional and sub-regional policies on the sustainable management of the offshore fisheries, the surveillance of all Fiji flagged vessels in-zone and beyond Fiji's national jurisdiction through dockside boarding and inspection in Fiji's 3 designated fisheries ports and through VMS and other electronic means. These officers are also responsible for the supervision of landings for the purpose of verification of catch logsheets.

iii. Investigation:

The Investigation section is responsible for the investigation of all reported suspect violations of the fisheries laws and policies pertaining to offshore fisheries and the preparation of case files for the prosecution.

Services:

iv. Monitoring -

Observer programmes:

Fiji has two observer programmes: the national where observers are placed on board the domestic fleet fishing entirely within Fiji's fisheries waters and that of the regional where observers are placed on board other flagged vessels and Fiji vessels fishing outside Fiji's fisheries waters.

Port sampling:

Apart from the monitoring and recording of fishing activities on fishing vessels, Observers are also utilised in port sampling of catch being landed by licensed vessels.

Biological sampling:

Furthermore, observers are also utilised in the collection of biological samples from fish whilst on placement and also in port on fish parts that cannot be extracted whilst at sea. Samples are then referred to SPC Biologists for scientific analysis.

Observer De-briefing:

The observer de-briefing process is crucial for the programme whereby the De-briefer takes the observers through their report to ensure that the data therein are accurate and complete and that any non-compliance issues are extracted for further action by the relevant section.

v. **Data Management:**

Data management involves the recording of all received data and produced documents directly pertaining the management controls on the offshore fisheries before them going into the data room. In the data room, the data are then sorted and then inputted into their various files for proper storage and latter analysis for management use internally and other Government agencies like the Bureau of Statistics, Ministry of Strategic Planning, Ministry of Finance and the Reserve Bank of Fiji.

vi. **Industry Enhancement:**

The section is the Department's focal point for the industry and handles all issues that come from the industry that needs addressing by the Department.

The total staff within OFD are 52 established positions, 2 project positions 35 observers under the WCPFC ROP. With the implementation of the GEF/FAO Global Project on e-Monitoring in 2014, we will expect an additional project staff that is to be based at OFD.

The VMS system used is the FFA SmartTrac supplemented by the Regional Surveillance Picture in Google Earth. These are two separate interfaces allowing tracking via a traffic light system, red for Vessels of Interest (VoI). Polling takes place in 4 hourly intervals for longliners. The monitoring via VMS is located at the OFD Office and at the Fiji Navy, allowing for 24/7 cover.

Data records are entered into the SPC Tuna Fisheries Database Management System (TUFMAN) (Box 1). TUFMAN has a crosscheck facility, extracting from the various input components, e.g. port sampling with log books, and with an interface with VMS positions. Current experience is that there are some delays in logsheet data entry limiting the potential for cross checks to be effective. OFD's intent is to move to a system of electronic logbooks (e-logbooks) by 2018 or earlier if permissible, and adapt to a fully integrated electronic crosschecking system thereafter. OFD is to trial camera technology supported by FAO. The aim will be to introduce camera technology on all vessels by 2018.

Box 1: A description of the SPC TUFMAN system

TUFMAN (Tuna Fisheries Database Management System) is a database tool developed for Pacific Island Countries to manage their tuna fishery data. It provides for data entry, data management, data quality control, administration, and reporting. The system is the same throughout the region but is highly customizable and setup specifically for the needs of each of the individual countries. It has been developed over many years and has evolved from a simple system to one that is becoming a comprehensive tuna data management tool.

TUFMAN functionality includes the following areas:

- Licensing (Fisheries Agreements, Vessel Licences and Registration)
- National Fleet
- Logsheet Data
- Observer Trip Summary Information
- Port Sampling
- Vessel unloadings and Packing Lists
- Additional data such as: Vessel Activity Log, Trip Coverage, Telex Reports
- Comprehensive Reporting Module
- Various auxiliary functions such as: “Data Registry”, Linking of data that comes from different sources, Generating estimates based on various sources, User administration, Site customisation (Licence setup, Profile setup), managing Reference Data, etc.

In addition, TUFMAN has the ability to import and export data (e.g. output reports to Excel and import VMS data).

As at the time of this report, TUFMAN has been augmented with TUBS, a comprehensive system to manage the detailed observer reports in addition to the summary trip information currently recorded in TUFMAN.

From the technical perspective, TUFMAN is a ‘client-server’ application that utilises standard technology such as Microsoft Access and MapInfo. It is also proposed to enhance TUFMAN to Enhancing to web-based applications.

OFD’s coverage of vessel inspection is 100% for those coming in from outside Fiji’s fisheries waters, including both national and foreign vessels whilst those fishing only within Fiji’s fisheries waters are given lower preference. Foreign catch logsheets, landing (or transshipping forms) are sent to SPC, and the flag State.

The Packed Lists cover all consignments from the vessel to the next point of delivery, which might include container or processing and handling point. Full traceability means that one vessel might have more than one pack list, depending on the breakdown of the consignment (processing/packing/container).

Observer coverage in 2011 was 6%. This is above the requirement set out in WCPFC CMM 2008-01, which specifies a target of 5% for longline vessels. Observers are debriefed on disembarkation and thereafter enter the data into the SPC TUFMAN Observer Module (TUBS). TUBS is a comprehensive system to manage the detailed observer reports, including inputs function for the required modules, a debriefing support system, and reporting function. A facility also exists to cross check observer data with that held in TUFMAN.

A further SPC/FFA designed support system in preparation is the Compliance Analysis Engine (CAE) couples with the Regional Information Management Facility (RIMF). This is the regional Information Management System (IMS) that will be designed to hold all relevant member information that is first inputted into the system via their own respective national

IMS. This is a new system proposed to be built for use within countries. The main purpose of the CAE is in establishing a comprehensive compliance history of vessels and their masters based on all available data. The system will strengthen the use of various data sources, and in particular, the data within national systems (TUFMAN/TUBS), combined with the data from the VMS system. At its core, the CAE will feature both automated and user-assisted methods (checks) for cross-referencing the same types of data provided by different sources to uncover and identify possible violations. These compliance checks would make use of existing data already collected within the national databases and combine it with information available from the MCS Regional Information Management Facility. Fiji may need to revise its current database and replaced with a more comprehensive and a much more user-friendlier one customised to Fiji's need.

Examples of different types of compliance checks expected will include:

- verifying positions reported in logsheets with VMS data and Observer data;
- identifying consistent variations between what is reported in terms of catch quantities or species when an observer is present or not;
- extracting potential violations from Observer Gen-3 forms;
- comparing the date a logsheet is submitted with when it is due; and
- verifying vessel details.

Other government agencies involved in oceanic fisheries include:

The Fiji Navy, which has responsibility for undertaking maritime surveillance and enforcement.

The main assets comprise three patrol boats of 32m length in the Pacific Patrol Boat Class (PPBs). Operations are for 200 days a year, each vessel deploying for 25 days, Patrols also extend to the high sea pockets. Inspection data is not presently entered into TUFMAN, but plans are in motion for OFD to process the inspection data.

Prior to the military coup, Fiji also received support from the Australian, French, New Zealand and US Defence forces via the Quadrilateral Coordinating Group as part of a coordinated action plan through operation *Kurukuru* or any other regional surveillance operation where Fiji may play a role. May continue to use their surveillance assets in these exercises but will have to foot all associated costs whilst using military assets like patrol vessels.

The Navy also operates a separate Fisheries Monitoring Centre with two dedicated officers, covering periods when MFF officers are not on duty. The Navy's system does not incorporate the Google interface, which is required to monitor Vols. In addition, the PPBs do not have the VMS system installed on board. There is presently limited interaction between OFD and the Navy. Fisheries inspectors do not participate in boarding and there is no coordination of actions between the Navy and OFD. The Navy also cite specific areas of weakness such as identification of the required documents, licences, logbooks and other statutory documents.

Other principal organisations involved include

The Solicitor General's Chambers, which provides legal advice and is responsible for legal drafting requirements;

The Police who are responsible for formal arrest and case preparation

The Director of Public Prosecutions, which is responsible for, court prosecutions

The Marine Safety Authority of Fiji (MSAF), which is responsible for vessel registration and safety

Fiji Ports Corporation Limited (FPCL), which is responsible for pilotage and berthage, and also coordinates inspections for all foreign vessels entering port

The Ministry of Foreign Affairs and International Corporation, which is active in the international aspects of fisheries policy, including work related to the WCPF Convention and other regional and international aspects of fisheries affairs;

The Ministry of Industry and Trade, which is responsible for policy negotiations, that relates to trade in fish and fishery products.

3.2 Fisheries management measures

The Marine Spaces Act (Cap. 158A) establishes the archipelagic waters of Fiji and a twelve nautical mile territorial sea. The Act also establishes a 200 nautical mile exclusive economic zone (EEZ) over which Fiji has sovereign rights for the purposes of exploring and exploiting, conserving and managing the natural resources of the seabed, subsoil and super-adjacent waters. Formal declaration of the archipelagic waters and the EEZ is contained in the Marine Spaces (Archipelagic Baselines and EEZ) Order.

The primary legislation controlling foreign fishing activity in the EEZ is the Marine Spaces (Foreign Fishing Vessels) Regulations, 1985 along with subsequent amendments, which includes the 2002 amendment and the Offshore Fisheries Management Decree 2013. The Offshore Fisheries Management Decree 2013 outlines the basis for adopting management decisions. These include:

- adopt measures to ensure the long-term sustainability of fisheries resources and promote the objective of their optimum utilisation;
- ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore, where appropriate, target stocks at levels capable of producing maximum sustainable yield,;
- apply the precautionary approach in accordance with this Decree;
- assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
- adopt measures to minimise waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species, and impacts on associated or dependent species, in particular endangered species and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;
- protect biodiversity in the marine environment, especially habitats of particular significance for fisheries resources;
- take measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;
- take into account the interests of artisanal, subsistence fishers and local communities including ensuring their participation in the management of fisheries;
- maintain traditional forms of sustainable fisheries management;
- ensure broad participation by Fiji nationals in activities related to the sustainable use of fisheries resources;

- collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes; and
- implement and enforce conservation and management measures through effective monitoring, control and surveillance.

Fiji currently has two management tools with regard to the longline fishery in its national waters, a total allowable catch (TAC) for all tuna species and a restriction on the number of vessels it licenses to fish in its national waters. Following the adoption of the FFA South Pacific albacore zone based management regime, Fiji will implement either a hybrid total allowable catch (HTAC) management scheme, or a system of longline VDS. Fiji will allocate its share of the regional limits or in the absence of this, set a self-imposed TAC, based on Maximum Sustainable Yield (MSY), using effort controls vessel numbers as laid down in the Tuna Management Plan (70). Fiji will monitor all catches against its national catch limit from licensed vessels active in-zone or fishing outside Fiji's EEZ.

The main features of the Offshore Fisheries Management Decree are that it defines:

- The terms for issuance of a licence to Fiji nationals including an extension of the validity to 36 months;
- the provision to amend and revoke licences;
- prohibited fishing methods;
- licence authorisations and requirements and restrictions applied to fishing vessels operating outside Fiji waters;
- the record of fishing vessels;
- the enforcement powers of compliance officers;
- the observer designation rules and their duties;
- the requirements for the Vessel Monitoring Systems (VMS) and Mobile Transceiver Units (MTUs);
- the requirements for complying with Port State Measures;
- the restrictions and conditions on transshipment;
- legal jurisdiction and evidential requirements; and
- a system of fixed penalties.

A summary of national monitoring tools that apply to the vessels include:

- restrictive entry licensing;
- authorisation when fishing outside national waters;
- use of a Mobile Transceiver Units (MTUs) and Vessel Monitoring System tracking inside and outside the national EEZ;
- offloading or transshipping into designated ports which include Suva, Levuka and Lautoka, and if abroad, Apia;
- no transshipment at sea, including in the high seas, without consent;
- logbook reporting;
- weekly catch reports;
- carriage of observers as selected;
- weekly catch reports;
- entry and exit requirements;
- 24 hours advance notice when calling into port;
- offloading and transshipping inspections including declarations of SPC offloading and transshipping forms; and
- completion of packing lists for processing and sales requirements.

Other specific safety and security requirements are also required when fishing outside national waters. These relate to use of ticketed engineers and requiring customs clearance

In addition to these measures, Fiji is obliged to implement regional measures, as formulated through the Western and Central Fisheries Commission (Table 5). A summary of these measures is provided in Table 4 below:

Table 4: WCPFC measures relevant to the Fiji

CMM 2004-03 Marking of fishing vessels	<ul style="list-style-type: none"> • Specifications for the marking of fishing vessels
CMM 2007-01 Regional Observer Programme	<ul style="list-style-type: none"> • Functions of Regional observers • Obligations of the CCMs • Role of the coastal state • Guiding principles for the operation of the ROP
CMM 2007-02 VMS in the Convention area	<ul style="list-style-type: none"> • Application of the Commission VMS (geographical distinction) • Applicable to all vessels > 24 m • VMS Standards Specifications Procedures (SSPs)
CMM 2008-03 Sea Turtles	<ul style="list-style-type: none"> • Implement FAO Guidelines; • Comatosed turtles to be brought on board and resuscitation attempted; • Proper handling and release techniques and equipment to be applied as per WCPFC Guidelines; • Purse seine operators to follow specific procedures to avoid /release turtles; and • Purse seine operators to report all interactions and provide reports to WCPFC.
CMM 2009-01 Record of fishing vessels and authorisation to fish	<ul style="list-style-type: none"> • Authorisation to fish • Members record of fishing vessels • WCPFC record of fishing vessels
CMM 2009-03 Swordfish	<ul style="list-style-type: none"> • Reporting on the number of vessels fishing for swordfish
CMM 2009-06 Transshipment	<ul style="list-style-type: none"> • Notification of designated ports and ports of transshipment • Reporting on transshipments in the high seas • Carriage of observers and definition of their monitoring duties • Transshipping authorisations (longliners) if applicable
2010-03: Compliance monitoring (replaced by 2011/06)	<ul style="list-style-type: none"> • Monitoring and reporting systems implemented to ensure that members implement: • Catch and effort limits; • Catch and effort reporting; • Spatial and temporal closures and gear restrictions; • Observer and VMS requirements; and • Scientific data provision, reporting and handling.
2010-05, Conservation and management measure for South Pacific Albacore	<ul style="list-style-type: none"> • The CMM was originally put in place to prevent vessels fishing northern albacore shifting effort to southern albacore. • Restrictions do not apply to apply to Small Island developing State and Territory CCMs in the Convention Area for whom South Pacific albacore is an important component of the domestic tuna fishery in waters under their national jurisdiction, and who may wish to pursue a responsible level of development of their fisheries for South Pacific albacore. • They do apply to Commission Members, Cooperating Non-Members, and participating Territories (CCMs) for South Pacific albacore in the Convention Area south of 20° S above current (2005) or recent historical (2000-2004) number of fishing vessels. • CCMs that actively fish for South Pacific albacore in the Convention Area south of the equator shall cooperate to ensure the long-term sustainability and economic viability of the fishery for South Pacific albacore. • A commitment for strengthening the collection of data. • This measure will be reviewed annually on the basis of advice from the Scientific Committee on South Pacific albacore.
2010-07: Sharks	<ul style="list-style-type: none"> • Members comply with reporting systems confirming confirmation of the

	<p>Implementation of the National Plan of Action on Sharks</p> <ul style="list-style-type: none"> • Require full utilisation through retention of carcass; and • Implement 5% fin to weight ratio, requiring fins and carcasses to be offloaded <u>together at the point of first landing</u> • Prohibit retention, transshipment or trading in fins caught in contravention • Encourage live release of sharks in non-target fisheries
CMM 2011-04 , Oceanic white tip shark	Prohibits all CCMs from retaining on board, transshipping, storing on a fishing vessel, or landing any oceanic white tip shark, in whole or in part, in the fisheries covered by the Convention.

Performance against the implementation of the WCPFC measures is assessed annually by the Technical and Compliance Committee (TCC8) of WCPFC under the conditions of WCPFC 2011-06 (CMM 2010-03/2011-06). It is noteworthy that Fiji was judged to be compliant on the application of all CMMs in 2011.

PART 4. THE NPOA FOR FIJI



4.1 Scope of Fiji's NPOA

The Fiji's NPOA-IUU closely follows the structure of the IPOA-IUU. Like the IPOA-IUU, the Fiji's NPOA-IUU addresses general measures targeted at all States, as well as measures targeted specifically at flag States, coastal States and port States. The NPOA-IUU focuses principally on tuna fisheries and as such considerable importance is attached to the role of RFMOs in fisheries management, particularly with respect to high seas fisheries management.

Fiji revised its fisheries legislation to ensure consistency with the 1993 FAO Compliance Agreement, the 1995 UN Fish Stocks Agreement, and immediate ratification of the management measures that are required by WCPFC.

The Fiji NPOA-IUU will be reviewed and if necessary, revised every four years for submission to FAO. The NPOA is a working document that supports the implementation of a strong monitoring, control and surveillance system. It contains objectives, actions and activities that will be applied by the agencies involved in Fiji's fisheries compliance system. This will be achieved through the implementation of the following strategies:

- Consolidating and enhancing the monitoring, control and surveillance of the offshore fisheries;
- strengthening tasking activities between responsible government agencies (OFD, Fiji Navy, MSAF, Director of Public Prosecutions and Fiji Ports) timely return of fish export data and catch log sheets;
- maintaining the TUFMAN and TUBS reporting systems and strengthening through the application of improvements to these systems and other analytical processes;
- collaborating with regional institutions including FFA, SPC and WCPFC to meet regional data entry, analysis, and reporting standards;
- working with authorities from other national agencies where Fiji vessels are active;
- working with industry to strengthen national compliance;
- strengthening human resource compliment and capacity;
- strengthening the national observer programme;
- adopting Port State Measures and implementing the required enforcement;
- working closely with the Solicitor General's office to secure a robust legislation;
- enforcing regulations through the application of a punitive sanction system; and
- implementing the Fiji Tuna Development and Management Plan 2012-2016.

4.2 All State and Coastal State Responsibilities

International Instruments

Articles 10 to 15 encourages States to give full effect to appropriate norms of international Law. This includes the ratification of UNCLOS, 1982, the FAO Compliance conservation and management measures of competent regional fisheries management organizations (RFMOs).

Fiji is a party to the following international legal instruments relating to fisheries conservation, management and development:

Table 5: Summary of ratification of major international fisheries instruments by Fiji

Instrument	Status
WCPF Convention	Ratified in 2000
1982 UN Convention of the Law of the Sea	Ratified in 1982
1995 UN Fish Stocks Agreement	Ratified in 1996
Driftnet Convention	Ratified in 1994
Port State Measures	Not formally ratified but incorporated through the Offshore Decree (2013)
Convention on International Trade in Endangered Species (CITES)	Ratified in 1973
FAO Code of Conduct	Accepted and implemented through the Offshore Decree
IPOA-IUU	Endorsed in 2004
Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement	Ratified in 1991
Convention on Biological Diversity	Endorsed in 1992

The endorsed agreements have been formally adopted in the various national regulations including the Marine Spaces Act (Cap. 158A) and Fisheries Act Cap 158. The Offshore Fisheries Management Decree, 2012, supports the application of port state measures.

NPOA action point 1: To implement Port State Measures, through the tools defined within the Offshore Fisheries Decree; and to formally sign Port State Measures, which will conform to the World that Fiji is committed to the fight against IUU.

National Legislation

Articles 16 and 17 encourages States to develop a legislation which covers in an effective manner all aspects linked to IUU fishing, notably the application of licensing conditions.

National legislation was defined in the Marine Spaces Act 1985, which provides for the establishment of internal, archipelagic, territorial and EEZ boundaries as well as the continental shelf; and the Fisheries Act 1942, which regulates domestic fishing activity. Parts of these acts are in the process of being repealed and replaced by the Offshore Fisheries Management Decree, 2012, which strengthens a number of areas. In summary these include:

- Recognizing the role of the support agencies, MSAF and Fiji Ports in the fight against IUU, both in respect to undertaking pre checks of vessel histories prior to registration, the powers of delisting vessels not in good standing and the importance of Fiji ports in supporting the monitoring of vessel movements;
- defining conditions for vessels applying for licences, which may have had a record of non-compliance with the WCPFC, or other RFMO conventions;
- defining the powers and membership structure of the Offshore Fisheries Advisory Council;
- defining the terms and conditions for Fiji flagged vessels when operating outside the national EEZ;
- defining the reporting obligations required of domestic vessels;
- defining the system to carry out Port State checks;
- revising the powers of fishery officers and observers;
- revising a penalty schedule and making provision for the application of fixed penalties;
- clarifying the rules pertaining to transshipments; and
- refining the definitions of VMS, the use of MTUs and the use of VMS as legal evidence.

NPOA action point 2: The effective application of the Offshore Fisheries Management Decree.

Control over nationals

Articles 18 and 19 encourage States to exercise control over their nationals in order to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. They also encourage States to cooperate with other States to identify such nationals involved in IUU fishing, and to discourage nationals to re-flag vessels under the jurisdiction of States not meeting their flag State responsibilities.

A Fiji fishing vessel means any fishing vessel which is registered in Fiji or the operations of which are based on a place in Fiji and which is wholly owned by, or is under exclusive charter to, a natural person who is a resident of, or a company incorporated in, Fiji.

In 2004, Fiji, in recognition of the *rights and obligations under international law of Small Island developing State and Territory CCMS in the Convention Area*, introduced the requirement for all flag vessels to be authorised to fish in areas beyond national jurisdiction.

As is the case for other members of the WCPFC, Fiji is required to submit details of all authorised vessels to the Commission for inclusion on the WCPFC Record of Vessels (RoV). As has been identified earlier, Fiji's national legislation and licence conditions focus primarily on fishing activity within its EEZ. This brought about allegations that Fiji was not monitoring nor implementing the required controls on its vessels when fishing in foreign waters, or the high seas. However, it should be said that once authorized, and with the corresponding acknowledgement of third party state, when fishing in national waters of the third country, these vessels are required to conform to the specific country licensing rules. However, in recognition of fishing on the high seas, and also in recognition of a need to continually monitor Fiji nationals, the national government implemented a number of control rules through amendments to the Offshore Fisheries Management Decree. These include confirmation that each vessel has been issued with a licence by the respective licensing authority, and a strengthening of reporting obligations including weekly catch reports. These vessels can also be tracked by VMS, and when fishing on the high seas, regional observers are required to be on board. The Fiji Navy also undertakes a small proportion of its patrol time on the high seas. Furthermore, under their licence conditions, Fiji vessels cannot transship on the high seas, and may only transship in Levuka, Suva and Lautoka, when operating inside national waters, and Apia, when fishing outside national waters.

The risks of non-compliance might include: fishing without authorization, transshipping at sea, failure to report, tampering with the VMS, under-reporting, mis-reporting and non-reporting of both targeted and by-catch species.

When reissuing the licence or distant water authorisations, OFD, through its Licensing Review Committee, assesses the compliance of each vessel in the previous period. A track record of non-compliance will result in the licence being withdrawn.

NPOA action point 3: Monitor all Fiji flagged vessels when fishing in archipelagic, within 200 miles and in distant waters, including the high seas by: maintaining an up to date RoV; authorising high seas activity; requiring submission of logsheets; receiving weekly catch reports; recording exits and entries; monitoring by VMS, and receiving transshipping reports when taking place in a designated port; and reviewing the compliance record of these vessels every 3 months. Evidence of Non-compliance will thus impact on any subsequent authorisation.

Vessels without Nationality

Article 20 invites States to take measures to eliminate IUU fishing activities of fishing vessels without nationality on the high seas.

The creation of the RoV held by WCPFC (<http://www.wcpfc.int/record-fishing-vessel-database>) and the FFA Vessels of Good Standing (VOGS) (<http://www.ffa.int/node/42>) has contributes substantially to helping fisheries surveillance agencies throughout the region in their ability to identify industrial fishing vessels which are not authorised to operate within the WCPFC region. Prior to registration vessel owners are required to submit details to FFA including ownership, as well as vessel characteristics (Fishing method, Flag, vessel name, length, GRT) and supporting details (IRCS and details of any modifications made). During this process, FFA undertakes a check on the vessels history. Prior to licensing, OFD undertakes a check against all RFMO black lists and once checked, will then submit details

to the RoV (the positive list). All Fiji flagged vessels authorized to fish outside of Fiji waters are listed on the WCPFC positive list, with the exception of the 14 vessels authorized to fish in archipelagic waters, which do not have a distant water entitlement. A weakness in the system is the inadequate link between the MSAF and OFD. Vessel checks should be undertaken prior to registration. This requires a Memorandum of Understanding (MoU) and development of a Standard Operating Procedure (SOPs) between MSAF and OFD to ensure that all vessels are checked against the FFA VOGS and RFMO lists.

Fiji also introduced the system of pre notification and detention of any unauthorized fishing vessel calling into port (Port State Measures) as a section of the Offshore Fisheries Management Decree. The application of a control procedures requires a MoU and SOPs between Fiji Ports and OFD-MFF.

Vessels without nationality are not currently perceived as a major cause for concern, or a source of IUU fishing activity. However, there have been some incidences of unlicensed fishing within the adjacent high seas pockets, by longliners and carriers without nationality. The only effective means of detecting these vessels would be by using hard assets (Pacific Patrol Boats, supported through Joint Operations (with the support of foreign navies and aircraft), and respective air forces and through an industry Seawatch Programme. The fact the international support facility is not presently available to Fiji also increases the risk level of unauthorised fishing within its EEZ, and until such time as this issue is resolved, Fiji needs to strengthen its ability to detect unauthorised fishing. The two actions will be implemented. A Seawatch system would require issuing details of RFMO black lists, the RoV and Fiji licensed vessel details through web links, and establishing a Seawatch hotline for vessels to contact. This will also require improved coordination between OFD-MFF and the Fiji Navy to allow a coordinated response to any information received.

NPOA action point 4: Establish and implement a MoU and SOPs, between MSAF and OFD-MFF, on IUU checking procedures prior to vessel registration.

NPOA action point 5: Establish and implement a MoU and SOPs, between Fiji Ports and OFD-MFF, on the application of Port State Measures.

Does this need another action point to establish the seawatch system

Penalties

Article 21 of the IPOA-IUU encourages States to ensure that sanctions for IUU fishing be of sufficient severity to effectively eliminate IUU fishing, and deprive offenders of the benefits derived from such activities.

The penalty system has seen three important revisions as part of the Offshore Fisheries Management Decree, the establishing of a fixed penalty system, the scheduling of severe fines for non-compliance and licence revocation. These revisions are covered in the Offshore Fisheries Management Decree and apply to vessels fishing inside and outside national waters (Appendix 2). OFD will also publish the details of penalties applied to all licensed fishing vessels

NPOA action point 6: Implement the system of fixed penalties and also ensuring that the details are made known through a reporting system.

Non-Cooperating States

Article 22 encourage States to eliminate actions of non-cooperating States which engage in IUU fishing to a relevant regional fisheries management

The relevant RFMO in the Fiji context is the WCPFC. Fiji is a member of the WCPFC, and strives in equal terms to translate yearly WCPFC resolutions into tangible action at the national level.

WCPFC membership presently excludes important countries, such as the Indonesia and Vietnam. However they participate as cooperating non-members in the WCPFC meetings, and as such are required to comply with the WCPFC management measures.

The WCPFC positive list of fishing vessels mechanism provides for vessels from any other country being barred from being granted licenses to fish in WCPFC member State waters. However, all issues pertaining to harmonized Port State Control measures throughout the WCPFC area, and the landing of potentially illegal or non-reported catches in the ports of lenient and non-cooperating States bordering the WCPFC area of competence, could be a cause for concern. This issue is addressed under Port State Measures (Section 4.4).

Economic Incentives

The IPOA-IUU, in its article 23, incites States to ensure that no economic support, including subsidies, be granted to entities (persons, companies or vessels) involved in IUU fishing.

Direct economic incentives and subsidy schemes are not commonplace in Fiji. However, *ad hoc* grants have been provided for specific supporting investments such as upgrading for HACCP compliance. Tax concessions may also be are provided for companies undertaking investments.

OFD therefore proposes that economic support will be withheld from companies, vessels and persons that are involved in IUU fishing. This will include the withholding of development incentives in the form of grants, soft loans and tax holidays.

NPAO Action point 7: Qualifications for any form of economic incentive should include due referral to the compliance record of the associated company.

Monitoring, Control and Surveillance

Articles 24 and its sub-sections recommend that States put in place comprehensive and effective fisheries monitoring, control and surveillance (MCS) arrangements, notably by giving due thought to the following: a) regulated access to waters and resources; b) records

of vessels and owners; c) vessel monitoring systems (VMS); d) observer programmes; e) training for MCS personnel; f) planning and funding MCS activities in an effective manner; g) promoting industry awareness for the need for MCS ; h) promoting understanding of MCS issues within the national judicial system; i) systems for the acquisition, storage and dissemination of MCS data; and j) effective implementation of national and internationally agreed boarding and inspection regimes.

MCS issues have recently been addressed by two assessments of MCS capacity and performance in Pacific Ocean Fisheries: A regional MCS strategy for Pacific Ocean Fisheries (FFA/MRAG, 2009) supporting the development the Regional MCS Strategy which was endorsed by Pacific Island leaders in 2010; and complying with the implementation of Regulation 1005/2008 on IUU fishing (GOPA/EuropeAid). An important part of the recommendations formulated under these two technical assistance missions was to propose improvements in coordination strategy and the more effective and efficient use of the MCS tools at hand; and to strengthen the amendments to the legal framework currently in place. The latter has largely been dealt with through the changes to Offshore Fisheries Management Decree. The MRAG MCS report largely sought to set in place a number of working tools, based on an assessment of risks to the fishery. This report was somewhat dated, but, FFA/MFF stakeholder workshop revised the risk ratings (likelihood, consequence and residual risk) and reviewed the tools (Table 8). These help to examine whether the existing tools are effective in reducing risk levels, or whether new tools require strengthening, and what specific actions are then required to reduce the risk levels to Low.

National Plan of Action

Articles 25 to 27 encourage States to develop their NPOA-IUU in close consultation with interested stakeholders, including RFMOs, industry and NGOs, to assess its implementation on a regular basis, and to ensure the internal, national coherence and coordination of efforts.

Potential non-compliance risks are identified from the composition of coastal, flag state and port state measures. These are defined in the OFD, and WCPFC CMMs. Likelihood (of offence), Consequence, Risk Rating and Adequacy of existing MCS tools, were determined by the collective views of the stakeholders. These included OFDs-MFF, the Fiji Navy, MSAF, Fiji Ports and the fishery sector. The process of reducing the risk level to residual risk is determined by the MCS tools in place in order to reduce these risks, if possible, to Low. A high or medium risk would determine whether these tools are applied efficiently and effectively, and if additional measures or actions are required to make the risk level more effective and efficient. The actions form the basis on the national tools in place as part of the NPOA. The effectiveness of these actions and measures is determined by the ability to ensure that the tools in place will either deter or identify IUU. Efficiency is determined by the ability to determine the most appropriate tools in the most cost effective manner.

Effective tools include:

- On land monitoring, control and surveillance: Licensing, authorization and pre inspection checks; vessel lists, designated ports, pre notification, logbooks and offloading and transshipping inspections; and licensed processors and traceability checks (packing lists); training; and standard operating procedures;

- At sea monitoring, control and surveillance: Vol and CAE and VMS, observer coverage, weekly reports, logbooks, zonal exit and entry, navy deployment and boarding inspections, at sea intelligence (Seawatch), aerial surveillance, SOPS and training.
- Data entry and analysis: Data entry, cross checking and forensic accountancy
- Deterrence: A strong sanction system, industry awareness and peer pressure (as well as the above)

Efficiency tools include:

- Risk monitoring strategies, record keeping and Cost Efficiency Analysis

Table 7: Strategic risk assessment of potential non-compliance issues by Fiji flagged vessels

	Risk	Likelihood	Consequence	Risk Rating	Tasking in place	Adquacy of existing MCS	Residual Risk	Required additional actions
	COASTAL STATE							
1	Fishing without registration	Unlikely	Major	Moderate	National registration requirements, MoU between OFD and MSAF, IUU checks against authorised lists (FFA, WCPFC and others)	Strong	Low	SOPS (e.g. SOPX1: Registration check record to be held on site with dates of checks against FFA Good Standing List version X, and WCPFC date x) AND training
2	Fishing without domestic licence	Unlikely	Major	Moderate	Licence tenure for 3 years, annual review; VMS tracking, Boarding at sea, Inspection on offloading / transshipping, catch log reporting and every Wednesday reporting	Strong	Low	SOPS (e.g. SOPX2 no re registration w/out sampling of X% of VMS tracking recorded, clean reports of inspections at sea, etc) AND training
3	Fishing without authorisation	Moderate	Major	High	RoV listing, authorisation permit (3 monthly review), foreign licence check, VMS tracking, Boarding at sea, Inspection on offloading / transshipping and catch log verification, vessel documents verification for inconsistencies	Strong	Low	SOPS and training
4	Processors receiving illegally caught fish	Moderate	Major	High	Traceability checks allied to strict penalties for non compliance	Strong	Low	Annual license review
5	Failure to report catch of target species (non reporting/misreporting/under reporting)	Moderate	Moderate	Moderate	Logbooks, weekly catch reports, exit & entry reports, offloading and packing lists, observer reports, TUFMAN / TUBS and cross checking	Moderate	Moderate	SOPS, training and more rapid data entry and transition to e-logbooks, and Integrated Management System and Observer coverage
6	Failure to report non tuna species	Moderate	Moderate	Moderate	Logbooks, weekly catch reports, exit & entry reports, offloading and packing lists, observer reports, TUFMAN / TUBS and cross checking	Moderate	Moderate	As above
7	Misreporting at catch position	Unlikely	Major	Moderate	VMS, Vols, Navy Patrol	Moderate	Moderate	Increase sea patrols, improved coordination between OFD and the Fij Navy, and use of industry intelligence through Seawatch
8	Failure to report endangered species	Likely	Moderate	High	Logbooks, Observer reports, Boarding at sea and port inspection	Moderate	Moderate	Observer training and crew awareness workshops, Increased observer coverage, Port inspection for shark fins
9	Failure to report days fishing inside territorial waters	Unlikely	Major	Moderate	VMS, Vols, Logbooks, exit & entry reports, Observers, Navy observation	Strong	Low	SOPS and training
10	Failure to report days fishing on the high seas	Unlikely	Major	Moderate	VMS, Vols, Logbooks, exit & entry reports, Observers, Navy observation	Moderate	Moderate	Increased Naval presence on the HS

	Risk	Likelihood	Consequence	Risk Rating	Tasking in place	Adquacy of existing MCS	Residual Risk	Required additional actions
	COASTAL STATE cont							
11	Non compliance with VMS provisions	Unlikely	Major	Moderate	VMS, VOIs	Strong	Low	SOPS and training
12	Failure to report entry and exit	Unlikely	Moderate	Moderate	Exit & entry reports	Moderate	Modetare	Licence reporting conditions and fixed penalties
13	Non or delayed submission of logbooks	Unlikely	Moderate	Moderate	Unloading inspections, licence provisions and reporting stipulations	Strong	Low	Licence reporting conditions and fixed penalties
14	Failure to carry an observer	Unlikely	Major	Moderate	Observer designation	Moderate	Modetare	Increased observer coverage for Vols
15	Use of non prescribed gear	Moderate	Major	High	Boarding at sea, port inspection, observer reports	Moderate	Modetare	Increased observer coverage for Vols, Boarding inspections at sea and on land
16	Non conformity with turtle and seabird mitigation requirements	Unlikely	Intermediate	Low	Boarding at sea, port inspection, observer reports	Low	Low	Increased observer coverage for Vols, Boarding inspections at sea and on land
17	Transshipping at sea inside territorial waters	Unlikely	Intermediate	Moderate	VMS, Vols, Observer coverage	Low	Low	CAE and 'Seawatch'
18	Transshipping on the HS and other national waters	Unlikely	Intermediate	Moderate	VMS, Vols, Observer coverage	Low	Low	CAE and 'Sewatch'
19	Unauthorised landing in domestic port	Unlikely	Intermediate	Moderate	VMS, Vols, Observer coverage	Low		CAE and 'Seawatch'
20	Unauthorised landing into foreign ports	Unlikely	Intermediate	Moderate	VMS and collaboration arrangements with foreign port States	Low	Low	Collaboration with Vanuatu, Cook Is, Kiribati, Tuvalu, Solomon Is
	FLAG STATE							
22	Registration of IUU vessels	Unlikely	Major	Moderate	National registration requirements, MoU between OFD and	Strong	Low	SOPS and training
23	Unlicensed fishing within the EEZ	Moderate	Major	High	Navy deployment	Weak	High	Increased Navy coverage, Risk assessment workshops, and launching Seawatch system
	PORT STATE							
24	Landings by IUU vessels in national ports	Unlikely	Major	Moderate	OFD and Fiji ports advance notice	Intermediate	Modetare	Training and SOPS for OFD and Fiji Ports, supported by MoU between the two agencies

NPOA actions aimed at reducing residual risks are outlined below. Specific support actions and objectively verifiable indicators are provided in Appendix 1.

Registering, licensing, authorization and pre inspection checks.

Fiji implements system of vessel registration (undertaking check on IUU activity prior to registration including a check on vessel history). Licensing and authorisation may take place thereafter, but compliance performance is continually monitored. Authorisation to fish also requires evidence of an access entitlement/licence if outside high seas waters.

The MSAF maintains a register of flag fishing vessels. OFD maintains a record of all vessels authorised to fish within and beyond Fiji waters. In compliance with the 1995 UN Fish Stocks Agreement, the 1993 Compliance Agreement and the WCPF Convention, information held on authorized vessels includes the following details:

- Name of fishing vessel, registration number and port of registry;
- Previous name and flag;
- Name, address and nationality (for beneficial owners) of owner or owners;
- Name and nationality of master;
- Normal crew compliment;
- International Radio Call Sign;
- Vessel Communications types;
- Where and when built;
- Type of Vessel;
- Type of fishing method;
- Fishing gear details;
- Length, depth and breadth;
- Gross register tonnage;
- Power of main engines; and
- Carrying capacity including freezer, brine tanks and storage.
- Fuel and water capacity;
- Safety equipment;
- the history of non-compliance by that vessel, in accordance with national laws, with conservation and management measures or provisions adopted at a national, regional or global level.

For vessels authorized to fish in the WCPF Convention area, additional information required for the Record of Fishing Vessels includes:

- WCPFC Identification Number (WIN)
- The form and number of the authorization granted by the flag State including any specific areas, species and time periods for which it is valid.

The requirement for nationals to be licensed to fish is provided for under Section 5 of the Fisheries Act and any license issued is personal and non-transferrable. Any vessel used for fishing is required to be registered under Section 6. Licences are granted for three years, and subject annual revision of terms and conditions. All charter vessels licensed are subject to specific conditions, to ensure compliance with conditions - boat owner and charter.

Before sailing, all vessels are subject to pre inspection checks to ensure that vessels have the right paperwork onboard and are compliant with all the terms of the vessel licence, including having an operating ALC onboard, and are fishing with authorized fishing gears. These actions

are implemented and covered under the Offshore Fisheries Management Decree. **All vessels will undergo a pre IUU check prior to registration, an annual licence and authorization review check and a pre fishing inspection.** These will be supported by the preparation of SOPs. The objectively verifiable indicator (OVI) will be the number of IUU checks completed cross-checked with the number of vessels registered and licensed.

NPOA Action point 8: Finalise the MOU between MSAF and OFD-MFF which identifies a clear sequence of activities, along with a standard operating procedure process for registration, licensing and authorization. This also relate to the removal of vessels if a licence is removed.

Vessel lists, designated ports and pre notification and offloading inspections.

OFD-and Fiji Ports are to develop a single vessel list, which will contain the details of pre notifications received, along with evidence of compliance with WCPFC/FFA VOGS and conformation that none of the vessels are named on an IUU list. The system is already supported by the existence of the WCPFC positive list, as well as FFA VOGS, and RFMO black lists. This action requires a MoU between OFD and Fiji Ports, along with the development of a SOP. As part of this SOP:

- Before granting an authorisation to a foreign fishing vessel to enter into its ports, the OFD will undertake a full background check of the vessel's history on a risk analysis basis (e.g. first time a vessel call to any of its designated ports. Where there is clear evidence that a vessel has engaged in IUU fishing activity, OFD should not allow the vessel to use its port facilities, and should report the matter to the flag State of the vessel, other relevant third States, and the relevant RFMO(s), as applicable. If it decides to allow the vessel to enter port, this vessel should be fully inspected.
- Fiji Ports will not accept the berth application of a foreign fishing vessel if its agent has not presented the authorisation granted by the FD to access port.

All fishing vessel entries will be entered by **Fiji Ports into designated port category and signed off by OFD-MFF.** Provision will also be made to a field entry from the Seawatch system, in the event of an unauthorised landing. This will **include adding awareness training of the Seawatch system to the network of the Inshore Fisheries Department, MFF and qoliqoli.** The OVI will be the number of vessels providing pre notification, and percentage that are non-compliant.

NPOA Action Point 9: Finalise the MoU between Fiji ports and OFD-MFF with provision for SOPs and the creation of a consolidated data base containing details of fishing vessel visits;

NPOA Action Point 10: Establish an awareness training (Seawatch) for IFD and qoliqoli to the reporting of potentially unauthorized vessel landings or transshipments outside designated ports;

NPAO Action Point 11: Reaffirm the guidelines for integrating non-compliance assessment as part of the annual licence review (fishing vessels and fish processing plants).

Logbooks, weekly reports and entry and exit reporting

Fiji applies the same reporting systems used across the Western and Central Pacific Ocean (WCPO). Each vessel licence and authorisation states that logsheets are submitted within 72 hours, weekly reports (submitted every Wednesday) and exit entry submissions, with 24 hour pre notification. The main issue is the ability to improve the timing for submission into the

TUFMAN database. To improve the timing of data entries OFD has employed an additional 2 data entry clerks. The OVI (explain OVI) is the percentage of logsheets submitted within 72 hours of landing and percentage entered within 48 hours of receipt. The longer-term intention will be to change to a system of e-logbooks. This is being supported by the development of the National IMS and the RIMF. The proposed date for e-logbook and IMS implementation is 2018 or sooner if possible. This OVI will be implementation of the e-logbook system by 2018.

Foreign vessels submit entry and entry notifications and logsheets on landing. Copies of the logsheets are sent to the respective national competent authorities and to SPC.

NPOA Action Point 12: Improve the frequency of logbook entries to within 48 hours of receipt;

NPOA Action Point 13: Implement IMS with an e-logbooks by 2018.

Benchmarking

MFMR will review its policy of benchmarking inspections. Up to now, the policy has been to inspect all vessels. Benchmarking allows for specific, risk-based, targeting and provides for improved budgeting efficiencies. An outline proposal for the application of benchmarking is set out in Appendix 3.

NPOA Action Point 14: Implement a benchmarking strategy with higher level inspections for landing inspections, at sea boarding and processing plant inspections based on risk level

Risk monitoring strategies

OFD-MFF and the Fiji Navy should implement weekly or fortnightly risk monitoring sessions in order to determine inspection and boarding strategies. This will be supported by the provision of the intelligence from the VMS monitoring officers, CAE on specific vessel activities, Seawatch, other Pacific island countries and FFA. MSAF, Fiji ports, the police and the Director of prosecutions will be requested to attend such meetings as and when there are relevant issues. The OVI will be the agreed tasking sheets.

NPOA Action Point 15: Implement monitoring meetings between OFD-MFF, the Fiji Navy, and other agencies if required.

Offloading inspections

Each vessel, including all offshore domestic and foreign will be subject to an offloading inspection. **The offloading vessel inspection benchmark action will be 100% vessel inspection.** However, in the event of there being any shortfalls in staffing (e.g. through sickness, or alternative deployment priorities, in response to risk monitoring programmes), offloading actions will be based on ensuring that all Vols are inspected. A SOP will be developed for offloading inspections. The expected contents will support the checking procedures as laid out below (Box 2). Inspection, logsheet and offloading verification and validation triggers will form part of the SOP. The objectively verifiable indicator will be 100% offloading and transshipment forms submitted to OFD for data entry.. The OVI will be the number of offloading inspections.

Box 2 Prescribed compliance duties to the nominated competent authority compliance checks before signing section 9

1. Has the vessel requested permissions for the transshipment
2. Is the vessel listed in the WCPFC and FFA register
3. Are there any compliance issues outstanding for the vessel
4. Is the fishing licence of the vessel valid during all the period of catch to be validated
5. Has the catch logsheet of the vessel for the trip to be validated been received
6. Has the VMS of the vessel been operational during the period of catch to be validated (if the vessels are foreign flagged, VMS tracking data from flag state would be needed)
7. Are the positions of the catch logsheet the same as those reported by VMS (same as 5)
8. Has the observer validated the date of the catch logsheet (if applicable)
9. Have the figures on the catch certificate to be validated been checked with the catch logsheet catches report (if appropriate)
10. Are all the data on the catch certificate correct

Navy deployments and boarding

Fiji Navy has sole responsibility for boarding fishing vessels. The number of deployments is presently 200 days. However, unlicensed fishing is assessed as High Risk. The removal of support through Joint Deployment actions (e.g. Operation *Kurukuru*) is likely to have increased the risk. The Navy will reassess its deployment priorities in response to the risk monitoring strategy-tasking requirements. This may not necessarily mean an increase in the number of days, but an improvement in efficiency and effectiveness of the Navy deployment actions. The OVI will be the number of boarding and sightings.

The Navy will also undertake proportionate days in the high seas, reflecting the degree of effort in these zones (at least 15%), or higher, if the risks of unauthorised fishing and transshipments are perceived to be higher. The OVI will be the number of days spent by the Fiji Navy on the high seas.

OFD inspectors will accompany the Fiji Navy on patrol duty in order to provide detailed information to the Navy officers on licence issues and management measures. The OVI will be the number of fishery inspectors deployed on Navy vessels. A SOP will also be formulated to assist the Navy in undertaking boarding. An additional OVI will be SOP strengthened.

NPOA Action point 16: Fiji Navy to reassess its deployment strategies based in the Risk management strategies and task sheets identified by the weekly risk management tasking actions. This may also include an increase deployment on the high seas;

NPOA Action Point 17: OFD will ensure that a fisheries officer is present on a Navy patrol vessels.

Vessel Monitoring System, Vessels of Interest and Compliance Engine Analysis

Fiji's VMS system is applied to all vessels fishing inside and outside the national EEZ. The two operational centres, OFD-MFF and the Fiji Navy use the systems in slightly different ways. OFD analyses vessel positions relative to authorisations and cross checks these against exit and entry data as well as weekly reports. It also uses the Google interface to track Vols,

pinpointed collectively by national and regional intelligence. The Navy uses VMS to assist in its deployment activities. However, it does not have the Google interface and cannot recognize Vols, nor do the Navy ships have access to the VMS system.

OFD and the Navy propose to make a number of changes to strengthen the application of the VMS system:

- OFD will adopt the CAE, which will provide a higher level of input into the definitions of Vols. This information will be shared with the Navy and agencies where Fiji authorized vessels also fish
- All the Navy ships will carry a VMS facility
- Google interface will be supplied to the Fiji Navy and its vessels

Fiji requires any vessel transiting the national EEZ to be operating its VMS system.

The OVIs will be CAE incorporated into identifying Vols, All Navy PPBs to carry VMS with the Google interface.

NPOA Action Point 18: VMS to be extended to the PPBs, with Google interface

NPOA Action Point 19: OFD will undertake higher levels of vessel compliance assessments using CAE, which will feed through to the Vol/Google earth interface system

NPOA Action Point 20: Fishery officers will accompany the Navy patrols and provide onboard awareness in fishery management measures

NPOA Action Point 21: All vessels, not licensed to fish in Fiji waters and transiting the Fiji EEZ, will operate their its ALC.

Observer coverage

Fiji has strengthened its observer compliment to 38 observers, including extending activities to all vessels authorized to fish on the high seas. Observer attrition can be problematic, which requires a continued commitment to training.

It should be noted that observers are used for scientific purposes and specific attention will be paid to use of gears and recording of target species catches and bycatch. However, observers are acknowledged as an important deterrent, and their evidence can be used to secure offences.

Whilst, a general rule is not to encourage transshipping, it is recognized that these vessels targeting the fresh sashimi market, within the national EEZ need the support of carriers. In such cases, observers will also be present on these carriers. The OVI will be the number of observers deployed, percentage observers deployed, and identification where observer evidence has contributed to identifying a fishery offence.

OFD will maintain a high level of observer training and supporting debriefing processes. Data entry into TUBs will be improved to allow for effective use of the cross checking system. The OVI will be percentage observer debriefing and data entry within 4 days from disembarkation.

The observer system will also be supported by the FAO sponsored electronic monitoring system, commencing in April 2013. It is planned to have cameras placed on 70 vessels

within 5 years. Selection of these vessels will include any Vols listed under the Fiji flag. The OVI will be camera's installed on all Vols by 2018.

NPOA Action Point 22: Fiji will continue to strengthen its observer system through an ongoing strengthening through continual training;

NPOA Action Point 223: Observers will be required to be present when vessels fish in the high seas, on the limited number of authorized carriers and any Vol;

NPOA Action Point 24: Increased efficiencies will take place in the debriefing and TUBS data entry process;

NPOA Action Point 25: Cameras will be installed on all Vols by 2018.

Licensed processors and traceability checks

MFF issues a monthly export permit to Fiji processors. These are reviewed and can be withdrawn in the event of evidence of processing IUU caught fish. On landing all vessel consignments must be accompanied by a packing list. EU Catch Certificates (CCs) may also accompany the packing lists. The benchmark will be all licences subject to annual review. A record of all packing list assigned to each vessel offload. A SOP will be completed for recording and cross-referencing packing lists. The EU CC will be consistent with the record shown on each packing list. Verification and validation processes will form part of the SOP procedure. The OVI will be the number of packlists and EU CCs issued, validation procedures implemented and processing licences authorized annually.

NPOA Action Point 26: Ensure that the packing list traceability system, includes provision for cross checking with the EU CC system, if required, i.e. if product is to be exported to the EU

Standard Operating Procedures

Based on the above, the following SOPs will be prepared:

- An IUU vessel check (OFD-MFF and MSAF)
- A licence and authorization compliance check (OFD-MFF and MSAF)
- A port notification and clearance check (Fiji Ports and OFD-MFF)
- Offloading vessel inspection check (OFD-MDD)
- Navy boarding procedures
- A processing licence compliance check (OFD-MFF)
- Packing list and EU CC verification and validation system (OFD-MFF)
- Data entry procedures

NPOA Action Point 27: Revise and update the suite of SOPs

Training

Most of the fishery officers have undertaken MCS training beyond tertiary level. These comprise workshops and short courses delivered by regional organisations such as the Forum Fisheries Agency (FFA) the Secretariat of the Pacific Community (SPC), The University of the

South Pacific (USP) and the Australian National Center for Ocean Resources and Security (ANCORS), (a Division of the University of Wollongong). Training topics relevant to land based inspection include dockside boarding & inspection, data management, licensing, and investigation.

Some specific skills requiring further support for fishery officer training included:

- Collection, evaluation, preservation and presentation of evidence (for fisheries officers but not necessarily observers)
- analytical skills
- boarding and inspection procedures
- operation of electronic tracking systems such as VMS
- information management systems such as TUFMAN
- the Information Management System (IMS).
- basic knowledge of fishing gear methodology used in the region
- basic sea safety (particularly if boarding)
- report writing
- identification & sampling relevant fish species (though essential for observers),
- use of communication equipment such as radio telephony
- computer operations
- understanding of the Observer program

Some specific skills requiring support for higher-level managers include:

- Prioritising & planning MCS activities
- optimizing the use of analytical tools - IMS, CAE and CEA
- supervising & managing staff; and
- project management and operational planning

Navy Officers are well trained and credentialed in core Navy functions through Naval Officer training and most had undertaken courses and attended workshops related to MCS including dockside boarding (FFA), fisheries surveillance (Australian Maritime College (AMC)) and internal courses like maritime law enforcement and MCS prosecution awareness. Navigation, sea safety, radiotelephony and electronic tracking systems are skills that are generally core to all Navy personnel and values, security, analysis and evaluation appear to be well covered in Navy training at officer level in particular. Training by AMC and involvement in regional exercises such as Operation *Kurukuru* has ceased since the 2006 coup. This has had a negative impact on current training opportunities.

Specific areas raised as requiring additional attention included:

- Understanding of national laws, fisheries agreements
- knowledge of fishing gears and the development of the relevant WCPFC CMMs .
- collection, evaluation and evidence gathering for example may need further evaluation to determine if the current levels are really adequate.

The most appropriate training methodologies are short, targeted courses; mentoring/practically focused training in the work place; and two way attachments with staff attachments at other MCS agencies and capacity building by experienced MCS advisers. There is a preference for in-country training where suitable facilities exist because it is more effective both from a cost and training delivery perspective and support this

There is also a need for the development and delivery of short workshops for support MCS agencies such as Fiji Ports, and MSAF that gives a general overview of MCS and the specific relevance of IUU issues within the Pacific.

Shortcomings in access to training have been explored in cooperation with FFA. FFA is also in process of developing a Regional Standard MCS course, which should be available by 2014.

The OVI will be the number of personnel attending training courses, number of short courses and the number of attachments at other MCS agencies.

NPOA Action Point 28: Set out a 5 year training schedule for fishery inspectors focusing on the 13 needs identified above;

NPOA Action Point 29: Set out a 5 year training schedule for senior enforcement managers and Navy personnel based on the 4 priorities listed above. Provision must include attachments for Senior fishery and Naval officers with to suitable MCS agencies.

Industry awareness and Seawatch

Fiji OFD will hold annual industry workshops at the start of each fishing year. These will be supported by all Government agencies, and attended by all the major fishing and processing companies operating in Fiji. The workshops will address new management measures (as devised by WCPFC) and amendments to licence conditions, a review of non-compliance risks and a report on the effectiveness of industry participation (Seawatch).

The Seawatch system will be supported by the availability of a 24 hour hotline system. Reports will be anonymous, but recorded and dispatched based on the urgency of the report. The actions taken by OFD in response to the hotline reports will be recorded.

The OVIs will be OFD industry workshops, and Seawatch reports.

NPOA Action Point 30: Annual industry management compliance workshops implemented by OFD

NPOA Action Point 31: Seawatch system implemented.

Record keeping and mechanisms to improve the efficiency of the deployment options

Aside from the various OVI and Means of Verification (MoV)s identified in the log frame, it is important to identify the offences detected by each of the compliance measures, have a record of the costs of deployment. These allow for an assessment of the relative efficiencies of each deployment action. An appropriate recording system will be incorporated into the SPC TUFMAN system in order to assist programming and oversight by the Principal Fisheries Officer.

NPOA Action Point 32: With the support of FFA and SPC, design a data base extension to record of means of penalties applied and means of detection and costs of deployment will be formulated as a means to assess deployment and cost efficiencies ,

Cooperation between States

Articles 28 to 31 encourages States to cooperate under the following headings: a) exchange

of information on records of vessels authorized to fish; b) acquisition, management and verification of data and information from fishing; c) allow respective MCS personnel to cooperate in the investigation of IUU fishing; d) cooperate at the levels of technology transfer, harmonizing policies and MCS, notably through signing international agreements. States are also encouraged to inform FAO and RFMOs about vessels deleted from their records of vessels authorized to fish, to designate and publish initial formal contact points for IUU fishing matters, as well as to cooperate directly (through agreements or arrangements) with other States for the enforcement of flag State measures applicable to management and conservation measures on a national, regional or global scale.

OFD will establish an MoU with each of the countries where its registered vessels are operating, and where foreign vessels are landing into Fiji.

OFD will maintain a record of all vessels authorized to fish inside other national waters. This will be made available to all the PICs. The following details will be made available.

- Vessel details, including ownership and ship's master;
- Compliance record;
- Exit and entry reports.

Other countries will also provide access to VMS for any vessel entering the Fiji zone, to transit, or land its products into Fiji ports.

As and when the IMS goes regional, fields will be established that allow for shared access.

The OVIS for this action will include MoUs signed with foreign agencies and a vessel authorization data base.

NPOA Action Point 33: OFD-MFF to sign an enforcement MoUs with Vanuatu, Solomon Islands, Cook Is, Tuvalu, Kiribati and Tokelau

NPOA Action Point 34: OFD to create a record of fishing vessels authorised to fish outside national waters, with accessibility provided to respective national licensing authorities

NPOA Action Point 35: OFD ensures that access into the Fiji zone is conditional on flag states providing access to VMS for these vessels

NPOA Action Point 36: IMS to be developed to include a field for shared access to vessel reporting details

Publicity

Article 32 encourages States to publicize widely full details of IUU fishing and actions taken to eliminate it.

With the view to ensure that rules are clear, and that consequences of illegal fishing are known, it will be important to publicize what MCS activities are carried out by Fiji. Information will include details on the number of boarding and inspections made by both OFD and the Fiji Navy, the infringements detected, and fines implemented. Details of specific penalties applied will be made publically available. OFD will be responsible for the collation of the details and will publish the information on its functional website up and running will facilitate this task. Summary information will also be provided on the MFF website.

NPOA Action Point 37: A publically available data base containing details of monthly actions - inspection and boarding, cross checks and offences detected by type, and details of penalties implemented.

At the regional/international level, MCS related information is relayed to FFA and WCPFC. As a member of the WCPFC, Fiji is required to provide certain tuna fisheries management information to the secretariat on an annual basis at a minimum, including IUU tuna fishing related information. The FFA website: www.ffa.int provides for the posting of IUU related information including apprehensions and prosecutions and eventually the WCPFC website will post a list of IUU vessels for the region.

For some years now, FFA has maintained a prosecutions database along with a VOI database with information submitted by member countries. The intention is to eventually integrate this information into the emerging fisheries information system being developed jointly by FFA and SPC. The system will include other data sets including licensing, catch and effort, inspections, unloading and will be linked to the Regional Register and VMS.

Capacity and Technical Resources

Article 33 encourages States to make available the necessary technical capacity and resources needed to implement the NPOA-IUU, noting that this might include the establishment of appropriate financial mechanisms at national, regional or international levels.

Details of the operational MCS resources, both hard and human, have been discussed earlier (Part 3). Training needs and mechanisms to implement the NPOA-IUU are dealt with under under the sub-section *Training*.

4.3 Flag State Responsibilities

Vessel registration

Articles 34 to 41 encourages flag States to exert the necessary control over vessels flying their flag to minimize possible IUU fishing activities. It also encourages States to avoid flagging vessels with an established IUU fishing record (unless proven changes of ownership and operators have occurred), or to support flag hopping for purposes of non-compliance. Finally, flag States are encouraged to firmly link vessel registration and the issuing of fisheries licenses.

There is a mechanism in place which links vessel registration and issuing of fisheries licenses, MSAF being responsible for conferring the flag, and OFD being responsible for authorising the issuing of a license. However, the practical mechanism, which has MSAF submitting flag applications of fishing vessels to OFD for approval (the condition being that a fishing license will be issued to the vessel), is not enshrined in an inter-institutional agreement. As stated earlier, this MoU will incorporate provision for a check on IUU

records. This has already been dealt with under the sub-section *Registering, licensing, authorization and pre inspection checks*.

With respect to longliners flying the Fiji flag, and landing all of their catch in port, there are minimal control issues.. This has not necessarily been so for the fleet of Fiji flagged longliners of Taiwanese and Chinese origin, which operate under a Fiji flag throughout the WCPO. The OFMD now provides the basis to extend controls to all vessels fishing outside the EEZ. This also ensures compliance with the designated port system and prevention of unauthorized transshipments.

Fishing Vessel Registration

Articles 42 and 43 encourages flag States to keep a register of vessels authorized to fly its flag, for vessels fishing within its waters, as well as for vessels fishing in waters beyond national jurisdiction.

This issue has already partly been dealt with under sub-section *Registering, licensing, authorization and pre inspection checks*.

In addition to this, it is advisable to ensure that a copy of the vessel's infraction record received from the previous flag State (in case it was demanded and received at the time of registration), as well as a copy of the current infraction log be maintained and updated within OFD's individual vessel licence files. This consolidated record could then be made available to future flag States on an automatic supply or demand basis.

NPAO Action Point 38: MSAF and OFD to ensure that as part of the registration and licensing SOPs, a copy of the vessel's infraction record received from the previous flag State is received prior to processing.

NPOA Action Point 39: MSAF and OFD to maintain a records of infractions to be passed to future flag states.

Authorisation to fish

Articles 44 to 50 encourages flag States to ensure that each fishing vessel entitled to fly its flag, and fishing in waters beyond national jurisdiction, be duly authorized by the flag State.

The IPOA-IUU lists potential information to be inscribed in the authorization, and against which conditionalities the issuing of an authorization can be leveraged (VMS, reporting conditions, etc.). It also encourages States to make transshipment at sea conditional upon prior authorization and submission of detailed information of fish to be transshipped. Finally, it encourages flag States to ensure that catch, landing and transshipment data, aggregated by zone and species, be submitted to the relevant regional organizations.

OFD is the authority granting high seas fishing authorizations, and Fiji vessels fishing beyond the waters under its jurisdiction without such an authorization have not as yet

been detected. Copies of fishing licenses subscribed to in overseas jurisdictions are asked for by OFD.

Transshipment issues have been addressed elsewhere, and the authority should firmly aim for zero transshipments at sea unless under exceptional circumstances.

4.4 Port State Measures

Articles 52 to 64 encourages port States to put the necessary controls in place at the level of port installations (ports or offshore terminals). Measures to implement, and conditions to apply include the following: a) provide reasonable advance notice and seek permission to enter port; b) refuse landing or transshipping authorisation to vessels in port, for which IUU fishing activities have been established; c) publicize ports which foreign vessels may be permitted access, and ensure on site capacity to conduct inspections; d) communicate data flowing from inspections (vessel identification, quantities of catch on-board, etc.) to interested parties (incl. RFMOs & flag State); e) immediately report detected infractions to the flag State of the inspected vessel; f) publicize the national strategy and procedures on Port State Controls concerning fishing vessels, and train officers accordingly; g) cooperate bi-laterally or regionally, as appropriate, to develop compatible Port State Control measures; h) assume that vessels calling to port, flying the flag of a non-member or non-cooperating State of a relevant RFMO, have engaged in IUU fishing, and order the master to establish that catch on-board was taken in a manner consistent with regional management and conservation measures; i) enhance information flows amongst relevant RFMOs on Port State Controls.

The OFD contains provision for the implementation of a system of Port State Measures. However, it is noted that system is new and its implementation will require a strengthening of communications between Fiji Ports and OFD. This is dealt with in sub-section *Vessel lists, designated ports and pre notification and offloading inspections*.

The tools of Port State Measures (PSM) in Fiji, include the providing of advance notice before entering port, inspection of 100% of all vessels calling to port of landing or transshipping fish, the refusal to authorize illegal fish to be transshipped or landed in Fiji's designated ports by vessels identified as having engaged in IUU fishing. With respect to point h) in the previous paragraph, WCPFC has already established a positive list, along with a black list. A consolidated approach to PSM is also being developed for all members and cooperating non-members of WCPFC.

Other issues needing more attention pertain to the information currently submitted to flag States of vessels inspected, and then charged and fined for perpetrated fisheries infractions. The publicity of Port State Controls and principles ruling them would also need to be clearly displayed on dedicated pages under MFF's website.

NPOA Action Point 40: Publicise details of any vessel detected as attempting to land into Fiji ports

NPOA Action Point 41: Perpetrated fisheries offences and infractions identified on any foreign vessel will be transmitted to the flag state concerned, and details of infractions detected and penalties stated on the MFF website

4.6 Trade Related Measures

The IPOA-IUU encourages States to take steps, consistent with international law, to prevent fish caught by vessels identified by the relevant RFMO to have been engaged in IUU fishing being traded or imported into their territories. The IPOA-IUU also suggests that certification and documentation requirements should be standardised to the extent feasible, and electronic schemes developed where possible, to ensure effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

Measures will be taken to implement the WCPFC Catch Documentation Scheme (CDS) that will be formulated by WCPFC.

At present the only export related catch documentation scheme in place is the EU Catch Certificate. Implementation of the scheme requires OFD to verify the catch certificates and annexes, stating that the information shown in the CCs is accurate. This verification process also signifies that the vessel from which the product has been exported has been caught by a vessel compliant with national management measures. Any perceived discrepancy requires validation against other documents. Validation can be undertaken against a range of documents including logsheets, unloading declarations, and inspections, port sampling, observer reports and packing lists. Proposals are also in-hand to allow for incorporation into the regional IMS system once developed. OFD is also able to verify foreign landings under section 7 of the catch certificate.

NPOA Action Point 42: OFD authorised officers will validate CCS and if in doubt verify the CCs using the corresponding inspection reports to certify the validity of the catches. They should undertake relevant cross checks between logbook sheets, list of fishing vessels (receiving raw material sheets, packing lists and inspection reports. These cross checks should be done systematically but more in depth verifications may be done randomly if the work load is high or systematically if very few CC are issued. Validation of section 7 for flag vessels will also require a check against registration and national licence.

NPOA Action Point 43: Details of the validated catch certificates should be stored on a data base, and in time should form a component of the IMS.

NPOA Action Point 44: Fiji will continue to support the implementation of the WCPFC CDS.

4.7 Research

Article 77 encourages States to engage in scientific research to derive methods permitting to identify fish species from samples of processed products, notably through work on genetic markers and protein profiling

OFD supports the research functions of the Secretariat of the Pacific Community (SPC) through the provision of port sampling information and observer observations. SPC is also the recipient of all logsheets.

The main objective of the SPC Oceanic Fisheries Programme is to provide a regional service, which provides information, advice and direct assistance to the region through SPC member governments, either individually or collectively, in using living marine resources in the most productive and responsible manner possible. Activities include tuna fisheries stock assessment, marine ecosystem research for pelagic fisheries, and fisheries information and databases within the area of competence. Observer observations are used primarily to record stock parameters for tunas, billfish and sharks, whilst port sampling is used to record a wider sample set of biological parameters, as well as a cross check of logsheet data.

4.8 Regional Fisheries Management Organisations

Articles 78 to 84, encourages States to ensure the respect and enactment of policies and measures adopted with respect to combating and eliminating IUU fishing by relevant RFMOs. Further to this, States are encouraged to adopt suggested management measures, even if not members of these organizations. The IPOA-IUU also invites States to strengthen RFMO capacity in combating IUU fishing across the board, to encourage the participation of non-members, to create relevant linkages with other relevant RFMOs, and finally encourages States to take measures against States failing to adopt agreed measures or control its nationals and vessels - through the RFMO and agreed procedures.

Fiji is an active member of WCPFC, and implements its resolutions. The application of the WCPFC CMMs are monitored annually. Failure to implement measures results in a compliance review. The 2012 Technical Compliance Committee judged Fiji's application of the CMMs to be compliant. Fiji will continue to implement the WCPFC CMMs as are relevant to its fleet.

4.9 Particular needs of developing countries

Articles 85 and 86, calls for the support to developing countries, notably in developing and implementing their NPOA-IUUs, in order for these countries to achieve a position where they can fully acquit themselves of the actions they have signed up to under their NPOA-IUUs, as well as their obligations under international law, including their duties and responsibilities as flag and port States.

The NPOA-IUU for Fiji was developed with the technical assistance from FFA, supported by financial assistance from the European Union Devfish II programme, It should be highlighted. Devfish support was also made available for Fiji in the preparation of the Offshore Fisheries Management Decree. These collective documents will provide the basis of ensuring that Fiji will diligently apply measures to combat IUU fishing and will also diligently apply WCPFC Management Measures and the key provisions of international instruments such as the FAO Compliance Agreement and the UN Fish Stocks Agreement (as already subscribed into national law).

Fiji also receives technical assistance in the fisheries sector from a number of bilateral donors. Assistance is also obtained from the international organizations of which Fiji is a member, including FAO and other United Nations agencies. Fiji has benefited from partnerships with the following agencies:

- Government of Japan (Japanese Trust Fund) Observer training, Data management training;
- Government of Australia and NZ Aid through FFA (VMS training, dockside training);
- European Union (EU) - ACP Fish II awareness programme of new degree and investigation ACP supporting development of SOPS;
- Food and Agriculture Organization of the United Nations (FAO) - PSMA training - through FFA;
- Korea- data workshop / PSM (international workshop).

Currently, the most important weakness affecting Fiji ability to combat against IUU fishing is the weak operational MCS framework in place. Important efforts should therefore focus on constructing a functional and effective framework for operational MCS through the application of the NPOA IUU and the development of National MCS strategies under the Regional Monitoring, Control and Surveillance Strategy (RMCSS) and activities defined. The RMCSS is to support compliance with fisheries management frameworks and associated measures at national, sub-regional, regional and Commission levels to ensure the long term sustainability of oceanic fish stocks and associated economic benefits flowing from them to Pacific Island Countries. The Fiji Government clearly understands the need for support funding for implementation, particularly against the background of Fiji's importance as a regional processing and export hub.

Fiji will diffuse its NPOA-IUU widely, in order to signal its willingness to collaborate on regional and international scales with partner nations and organizations, communicating what measures are foreseen to further close the net on IUU fishing incidence, inside, and beyond waters under national jurisdiction.

The NPOA-IUU should most definitely serve as a basis on which partnerships for assisted implementation should be discussed and agreed

4.10 Implementing the NPOA - IUU

Beyond the drafting, publishing and circulating of the national plan of action, it will be crucial to foresee its implementation.

Fiji has clearly signalled both its capacity and willingness to meticulously plan and budget annual work plans on a long term basis to ensure implementation of the activities defined within the programme log frame. While the NPOA-IUU involves a host of institutions and agencies at the national and regional level, it should be clearly established that OFD-MFF, by virtue of its mandate to administer the fisheries sector, is the lead agency to organize the implementation of the NPOA-IUU, and is duly obliged to communicate in pro-active and results-oriented ways with the relevant partners, especially at the national level, in order to get foreseen initiatives implemented.

The implementation of the NPOA-IUU will necessarily have to follow the same course of planning and budgeting as already in place. The ideal way of integrating the NPOA-IUU would be to prioritize and cost proposed measures, and to integrate them into the existing planning and implementation tool, guaranteeing that NPOA-IUU measures will be implemented on a normalized, planned and budgeted basis, contiguous with all other foreseen activities. A system of monitoring and evaluation has been set to support the implementation process, and identify whether the required outcomes are being achieved.

Appendix 1: Fiji NPOA-IUU Supporting Actions: Logical Framework Matrix

Overall Goal	Objective Verifiable Indicator	Means of Verification	Assumptions
Effective application of monitoring, control and surveillance to eliminate IUU	All active MCS systems operating effectively	<ul style="list-style-type: none"> • OFD annual report 	<ul style="list-style-type: none"> • Government support • Joint agency tasking • Sufficient financial resources available • Technical expertise available
Project Purpose			
In line with the guidelines elaborated in the IPOA-IUU, strengthen MCS to prevent, deter and eliminate illegal, unreported and unregulated fishing	Completion of supporting actions identified in the NPOA- IUU/Log frame	<ul style="list-style-type: none"> • Fiji NPOA-IUU Review • MFF/OFD annual report • Annual Reports including to WCPFC 	<ul style="list-style-type: none"> • NPOA-IUU adopted and support activities implemented • Required personnel and budgetary support in place
Outcomes			
1. Illegal activities identified, deterred and/or prosecuted			

<p>Activity 1.1: Controlling national vessel registration licensing and authorisations</p>	<p>MSAF and MFF staff assigned</p> <p>Standard Operating Procedure designed by MASF/OFD-MFF and FFA and staff trained</p> <p>Prior to registration IUU checks undertaken on owner and vessel history (MSAF). This should include provision of information from any preceding flag state.</p> <p>Prior to registration, checks against licence qualification criteria (OFD-MFF)</p> <p>Once licensed and registered listed on combined OFD-MFF and MSAF Register including evidence of licence verification and IRCS</p> <p>Listing on WCPFC and FFA VOGS</p> <p>Prior to Distant Water Authorisation, evidence of foreign licence entitlement (if fishing in third country zones)</p> <p>Pre fishing inspection SOPS (1 for OFD-MFF and 1 for MSAF)</p> <p>Annual pre fishing inspection check for vessel compliance, vessel crew and safety.</p> <p>Provision made for de-registration in the vent of licence removal</p>	<p>Staff roster</p> <p>MoU and SOPs/Staff training workshop report</p> <p>Registration check list completed for each vessel (MSAF)</p> <p>Licence check list completed for each vessel (OFD-MFF)</p> <p>Fiji records of individual vessel compliance history</p> <p>WCPFC RoV, RFMO black list, FFA VOGS</p> <p>Summary registration, licence and Distant Water Authorisation document on the website</p> <p>Pre fishing SOPS (OFD-MFF and MSAF)</p> <p>Pre fishing inspection report summary (OFD-MFF and MSAF)</p> <p>Published record of offences (website)</p>	<p>Cooperation between national agencies</p> <p>Support from FFA (VOGS)</p> <p>Provision of details of unauthorized fishing from other sources (RFMO black list) and preceding flag registration</p>
---	--	--	--

<p>Activity 1.2: Controlling foreign vessel licence and pre fishing inspection</p>	<p>OFD-MFF staff assigned</p> <p>Standard Operating Procedure designed by OFD-MFF and FFA and staff trained</p> <p>Prior to licensing, IUU checks undertaken on owner, ships master and vessel history for each vessel covered under fisheries agreement (MSAF)</p> <p>Once licensed, listed on licenced record including evidence of licence verification and IRCS</p> <p>Pre fishing inspection SOPS (1 for OFD-MFF and 1 for MSAF, with training from FFA)</p> <p>Pre fishing inspection check for fisheries compliance and vessel safety and crewing requirements (OFD-MSAF)</p> <p>On the spot fines for non-compliance</p>	<p>Staff roster</p> <p>MoU and SOPS/Staff training workshop report</p> <p>Vessel check against WCPFC RoV, RFMO lists and Compliance Analysis Engine (CAE)</p> <p>Licence check list completed for each vessel (OFD-MFF)</p> <p>WCPFC RoV, RFMO black list, FFA VOGS</p> <p>Summary licence document on the website</p> <p>Pre fishing SOPS (MFF and MSAF)</p> <p>Pre fishing inspection report summary (MFF and MSAF)</p> <p>Record of offences, penalty points and fines, and means of detection recorded</p>	<p>Cooperation between national agencies</p> <p>Support from FFA (VOGS)</p> <p>Provision of details of unauthorized fishing from other sources (RFMO black list) and preceding flag registration</p>
---	--	--	--

<p>Activity 1.3: VMS monitoring and surveillance</p>	<p>Agreed monitoring system (24/7 for Vols and joint operations)</p> <p>Staff assigned by OFD-MFF and Fiji Navy</p> <p>Standard Operating Procedure designed by OFD-MFF and FFA and staff trained</p> <p>Sharing intelligence through the FFA network on Vols</p> <p>CAE incorporated into Vol definitions</p> <p>Vol system applied and Google earth facility extended to Fiji Navy</p> <p>Navy ships provided with SmartTrac / Google on board</p> <p>Daily reporting weekly debriefings</p> <p>Implement fixed penalties for non-compliance and means of detection</p>	<p>MoU between OFD-MFF and Fiji Navy</p> <p>VMS agreement with FFA</p> <p>Staff roster</p> <p>Equipment housed at OFD-MFF, Fiji Navy and on PPBs</p> <p>SOP and training workshop</p> <p>Computers upgraded to include Google earth interface</p> <p>CAE reports</p> <p>Daily reports and debriefings</p> <p>Records of VMS/ALC non compliance</p> <p>Publically available record of offences. Points, fixed penalties applied and means of detection.</p>	<p>VMS system fully operational for all users</p> <p>Effective use of VMS information in support of deployment activities</p> <p>Application to all vessels transiting the EEZ (including those licensed by other flag states, and with specific WCPFC authorization to fish on the high seas</p>
---	---	--	---

<p>Activity 1.4: Gear monitoring, shark and turtle mitigation measures.</p>	<p>Update all gear prohibitions at the start of the licensing year (or as and when required)</p> <p>Inspection checks for gear, shark and turtle mitigation incorporated into SOPs for boarding and vessel landing inspection form</p> <p>Duties assigned to and training for fisheries inspectors, navy boarding officers and observers on gear prohibitions</p> <p>Industry awareness workshops supported by FFA/SPC (1 per annum)</p> <p>Establish industry hotline ('Seawatch')</p> <p>Review detection process in fortnightly MCS coordination meetings to identify tasking strategies against potential risk and intelligence</p> <p>Inspection checks on gear, shark and turtle mitigation measures for domestic and foreign vessels by observers, inspectors and Navy boarding officers</p> <p>Inspection forms submitted by OFD-MFF and Fiji Navy</p>	<p>Licence MTCS upgraded to reflect any gear restrictions</p> <p>Inspection and observer SOPs upgraded</p> <p>Training records</p> <p>Gear inspection check list of vessel boarding form/and vessel landing inspection form</p> <p>Presentation PPT and Workshop attendance records</p> <p>Seawatch hotline number and record of the number of calls relating to offence type</p> <p>Fortnightly tasking sheets</p> <p>Inspection form check lists</p> <p>Publically available record of offences detected and fixed penalties</p>	<p>Effective application of control systems</p> <p>Appropriate training courses implemented for fishery officers, observers and industry</p>
--	--	--	--

<p>Activity 1.5: Monitoring and controlling unauthorized transshipments at sea inside and outside territorial waters</p>	<p>Minimalise transshipping authorisations</p> <p>Identify risks and effective means of detecting illegal transshipping: Observer, CAE/Vol/VMS, Navy observation, Industry 'Seawatch' (or aerial surveillance). Usually done through CEA) (checking offence detection against deployment means)</p> <p>Review detection process in fortnightly MCS coordination meetings to Identify tasking strategies against potential risk and intelligence</p> <p>Incorporate communication and response process between MFF-OFD and Fiji Navy into SOPs; -</p> <p>Establish a Seawatch hotline</p> <p>Implement fixed penalties for non-compliance</p>	<p>Licence MTCs prohibiting transshipments</p> <p>Assessment of efficiencies in deterrence and detection</p> <p>Fortnightly tasking sheets</p> <p>Hotline number and record of the number of calls recording offence type.</p> <p>Publically available record of offences detected and fixed penalties (Website and annual report)</p>	<p>Only a limited number of dispensations granted</p> <p>Effective coordination of enforcement actions</p> <p>Effective resourcing in monitoring transshipments</p>
<p>Activity 1.6: Controlling unauthorised landing in domestic port</p>	<p>Designated ports specified in MTC</p> <p>Landing pre notification for all vessels specified in MTC</p> <p>Review detection process in fortnightly MCS coordination meetings to Identify tasking strategies against potential risk and intelligence</p> <p>Establish a Seawatch hotline</p> <p>Implement fixed penalties for non-compliance</p>	<p>Licence MTCs</p> <p>Fortnightly tasking sheets</p> <p>Hotline number and record of the number of calls recording offence type.</p> <p>Publically available record of offences detected, penalty points and fixed penalties and means of detection (Website and annual report)</p>	<p>Effective coordination of enforcement actions</p> <p>Effective resourcing in deploying fishery officers</p>

<p>Activity 1.7: Controlling unauthorised landing into foreign ports</p>	<p>Review foreign designated port allowances</p> <p>Designated ports specified in MTC</p> <p>Establish an MoU with third country national agencies including exchange of intelligence</p> <p>Review detection process in fortnightly MCS coordination meetings to identify tasking strategies against potential risk and intelligence</p> <p>Implement fixed penalties for non-compliance</p>	<p>Licence MTCs</p> <p>MoU with Vanuatu, Cook Is, Solomon Is, Kiribati, Tuvalu and Tokelau</p> <p>Fortnightly tasking sheets</p> <p>Hotline number and record of the number of calls recording offence type.</p> <p>Publically available record of offences detected, penalty points and fixed penalties and means of detection (Web site and annual report)</p>	<p>Effective cooperation with other flag states</p> <p>Effective resourcing in monitoring transshipments</p>
<p>Activity 1.8: Processors receiving illegally caught fish</p>	<p>Traceability checks (packing lists) and production reports</p> <p>Licenses authorized</p>	<p>Packing lists, EU CCs and evidence of validation checks</p> <p>Processing licence list</p>	<p>Ability to detect illegally caught product through traceability systems</p>
<p>2. Reporting activities identified, deterred and/or prosecuted</p>			

<p>Activity 2.1: Monitoring of catch reporting of target species (non-reporting/misreporting/under reporting)</p>	<p>Data collectors and inputters engaged</p> <p>Vessel inspection (unloading) and data entry SOPs designed</p> <p>TUFMAN system fully operational</p> <p>Data enterers and collectors trained</p> <p>The number of offloading inspections</p> <p>Percentage logsheets submitted within 72 hours of landing and percentage logbooks and unloading inspections entered within 48 hours of receipt and Submission of foreign logsheets to SPC and third countries to within xx.</p> <p>Observer reports entered into TUBS within 48 hours</p> <p>Cross checking procedures undertaken xx Use of CAE to support cross checking: Logbooks, Observer reports, VMS positions</p> <p>Development of e-logbooks by 2018</p>	<p>Staff roster</p> <p>Record of catch (TUFMAN)</p> <p>Record of boarding, weekly reports, unloading and packing checks inspections, logbooks (TUFMAN)</p> <p>Record of computer terminals in operation</p> <p>Training workshops and certificates</p> <p>Record of data entries completed, when received, entered and time to complete.</p> <p>Record of data entries completed, when received, entered and time to complete.</p> <p>Number of cross checks undertaken manually or by use of TUFMAN interface</p> <p>Progress report on e-logbooks</p>	<p>Appropriate human and computer resources provided</p> <p>Availability of appropriate training</p> <p>Effective cross checking procedures in place</p>
--	--	---	--

<p>Activity 2.2: Monitoring of catch report of endangered species</p>	<p>Record keeping incorporated into ETP awareness workshops</p> <p>Endangered species logbooks completed</p> <p>Observers engaged (>=5%) and the number of reports submitted within 48 hours</p> <p>Observer records inputted into TUBS within xx days</p> <p>ETP Logbook data recorded</p> <p>Fixed penalties for non-compliance</p>	<p>Workshop curricula and workshop records</p> <p>ETP logbooks completed. Offloading inspections (TUFMAN)</p> <p>Observer roster</p> <p>Record of observer data entries completed, when received, entered and time to complete</p> <p>Record of ETP logbook data entries completed, when received, entered and time to complete</p> <p>Publically available record of non recording offences detected, points and fixed penalties</p>	<p>Effective application of the observer scheme as well as vessel offloading inspections</p> <p>Availability of appropriate training</p>
<p>Activity 2.3 Monitoring and controlling misreporting of catch positions</p>	<p>VMS, TUFMAN and Navy sighting cross tabulations implemented</p> <p>VMS intelligence from FFA</p> <p>Observer reports</p> <p>Development of e-logbooks and Integrated Management System by 2018</p>	<p>Record of cross tabulations (TUFMAN)</p> <p>Details of communiques with FFA</p> <p>IMS procurement, and e-logbook Details of communiques installation records</p>	<p>VMS and cross checking systems effectively applied</p> <p>Appropriate intelligence systems in place (Navy sightings and Seawatch)</p>
<p>Activity 2.4: Monitoring compliance with reporting of days fishing inside territorial waters</p>	<p>VMS in place and Navy sighting cross tabulations implemented</p> <p>Development of e-logbooks and Integrated Management System by 2018</p>	<p>VMS records and ship sightings entered on TUFMAN</p>	<p>VMS and cross checking systems effectively applied</p> <p>Appropriate intelligence systems in place (Navy sightings and Seawatch)</p>
<p>Activity 2.5: Monitoring compliance with reporting days fishing on the high seas</p>	<p>VMS in place and Navy sighting cross tabulations implemented</p> <p>VMS intelligence provided by FFA</p> <p>Development of e-logbooks and Integrated Management System by 2018</p>	<p>VMS agreement with FFA</p> <p>VMS records, and ship sightings entered in TUFMAN</p> <p>Details of communiques with FFA</p>	<p>VMS and cross checking systems effectively applied</p> <p>Appropriate intelligence systems in place (Navy sightings and Seawatch)</p>

Activity 2.6: Monitoring compliance with entry and exit reporting	VMS, weekly reporting	VMS and weekly report entries (position and catch)	VMS and cross checking systems effectively applied Appropriate intelligence systems in place (Navy sightings and Seawatch)
Activity 2.7: Non or delayed submission of logbooks	The number of logbooks submitted within 72 hours	Cross checks identify missing records and logbook frequencies	Application of fixed penalties for compliance
Activity 2.8: Failure to carry an observer	Number of trips reported Observer deployment on Vols Camera's installed on all Vols by 2018	Observer deployment records	Cooperation from industry Application of effective sanctions for obstruction
3. Reporting activities identified, deterred and/or prosecuted			
Activity 3.1: Unlicensed fishing within the EEZ and high seas	SOPS developed for boarding inside and outside the EEZ Navy deployment (days), boarding and sightings Seawatch reports Intelligence supplied by WCPFC and other PIC countries Prosecutions secured Submission to WCPFC for black listing and removal from VOGS	SOPs developed Navy deployment records (operational days, sightings and boarding records) (TUFMAN) Number of hotline calls Details of intelligence received Publication of offences (website and annual report)	Appropriate resourcing for the Fiji Navy Effective risk monitoring procedures in place Effective use of Seawatch intelligence

Activity 3.2: Landings by IUU vessels in national ports	<p>MoU between OFD-MFF and Fiji Ports</p> <p>SOPS developed for Fiji Ports and OFD-MFF</p> <p>Number of vessels providing pre notification, and percentage that are non-compliant</p> <p>Awareness raising and Seawatch and hotline (if appropriate)</p> <p>Inspection and boarding records</p> <p>Detentions and penalties for unauthorized fishing of appropriate</p>	<p>MoU and SOPS</p> <p>Record of vessel pre-notifications held on one central data base, with acknowledgement of IUU check on receipt of pre notification</p> <p>Awareness pamphlets and Hotline call records</p> <p>Reports of IUU vessel notifications and details of action taken (Annual report)</p>	<p>Appropriate resourcing for OFD and Fiji Ports</p> <p>Effective risk monitoring procedures in place</p> <p>Effective use of Seawatch intelligence and support from IFD and fishing communities</p>
4. Effectiveness and Efficiencies improved			
Activity 4.1: Training	<p>The number of personnel attending training courses, number of short courses and the number of attachments at other MCS agencies</p>	<p>Workshops attendance lists and training certificates issues</p>	<p>Appropriate institutional support</p> <p>Continued donor support</p>
Activity 4.2 Reporting and analysis	<p>Recording and reporting system on infractions detected and means of detection</p> <p>Cost Efficiency Analysis</p>	<p>TUFMAN reporting system</p> <p>CEA assessment report</p>	<p>Appropriate analytical skills available</p>
Activity 4.3: Monitoring and evaluation	<p>Report on activities fulfilled and actions recommended</p> <p>External audit with 3 years</p>	<p>OFD M&E report</p> <p>External audit report</p>	<p>Appropriate resources allocated to M&E</p>

Appendix 2

SCHEDULE 11 (Regulation 52)

OFFENCES TO WHICH AN OFFSHORE FISHERIES FIXED PENALTY NOTICE APPLY

<i>Section/ Regulation</i>	<i>Description of Offence</i>	<i>Fixed Penalty</i>
s.23(1) & Reg. 18	Use of a vessel for test or exploratory fishing without the permission of the Permanent Secretary	\$3,000
s.23(1) & Reg. 18	Use of a vessel for test or exploratory fishing in contravention of authorisation conditions	\$2,000
s.24	Use, permits to be used or attempts to use of any explosive/firearm/poison/or other noxious substance or other prohibited items contrary to section 24(1)	\$10,000
s.24	Carriage or possession of any explosive/firearm/poison/or other noxious substance contrary to section 24(1)	\$10,000
s.24	Landing, sale or receipt of fish taken using a prohibited fishing item or method contrary to section 24(4)	\$10,000
s.26	Use of a sport or recreational fishing vessel in the fisheries waters without a licence contrary to section 26(2)	\$2,000
s.26	Use of a Fiji fishing vessel by a crew member for fishing/related activity/other activity in the internal waters/archipelagic waters/territorial sea/exclusive economic zone without a licence or authorisation contrary to section 26(4)	\$1,000
s.39(3)	Failure to provide information required for the Record of Fishing Vessels contrary to section 39(3)	\$1,000
s.41 & Reg. 19	Fisheries scientific research in the exclusive economic zone without authorisation contrary to section 41(4)	\$2,500
s.41 & Reg. 19	Fisheries scientific research in the exclusive economic zone in contravention of the laws of Fiji/conditions of authorisation contrary to sections 41(3) and (4)	\$2,000
s.74	Failure to install a mobile transceiver unit contrary to section 74(1) and (7)	\$5,000
s.74	Failure to maintain a mobile transceiver unit contrary to section 74(1) and (7)	\$5,000
s.74	Failure to operate a mobile transceiver unit contrary to section 74(1) and (7)	\$5,000
s.74	Failure to consent to the monitoring of a mobile transceiver unit contrary to section 74(1) and (7)	\$5,000
s.77	Failure to comply with the requirement for port sampling contrary to section 77(2), (3) and (6)	\$4,000
s.93	Interference with evidence contrary to section 93	\$10,000
s.103	Removal of item in custody contrary to section 103(1)	\$5,000
<i>Regulation</i>	<i>Description of Offence</i>	<i>Fixed Penalty</i>
Reg. 3	Fishing within a prohibited area	\$10,000
	Fishing within a restricted area	\$10,000
Reg. 4	Failure to comply with seasonal and species restrictions	\$10,000
Reg. 5	Failure to comply with restrictions relating to endangered or protected fish species	\$10,000
Reg. 6	Use of prohibited fishing gear	\$10,000

Reg. 6	Use of prohibited fishing method	\$10,000
Reg. 7	Failure to comply with an international conservation and management measure	\$10,000

Offences relating to chartering, acquisition, modification and construction of fishing vessels

Reg. 10	Failure to comply with the requirements of charter of a foreign fishing vessel	\$10,000
Reg. 11	Failure to comply with the requirements of charter of a Fiji fishing vessel	\$10,000
Reg. 12	Acquisition/ modification/ construction of a fishing vessel without written authorization	\$10,000
Reg. 12	Failure to comply with the terms and conditions of authorisation	\$15,000

Offences relating to landings, imports and exports

Reg. 49	Landing catch without a permit	\$3,000
Reg. 49	Landing catch in contravention of conditions of landing permit	\$1,000
Reg. 13	Import of fish or fish products without a permit	\$2,000
Reg. 13	Failure to comply with the terms and conditions of a import permit	\$1,000
Reg. 13	Export of fish or fish products without a permit	\$3,000
Reg. 13	Failure to comply with the terms and conditions of a export permit	\$2,000
Reg. 14	Export of fish or fish products without a catch certificate	\$3,000
Reg. 14	Failure to comply with the terms and conditions of a catch certificate	\$2,000
Reg. 13	Failure to provide true, complete and accurate information for the export of fish and fish products	\$3,000
Reg. 13	Failure to provide true, complete and accurate information for the import of fish and fish products	\$3,000
Reg. 13	Failure to comply with declared standards for the import or export of fish and fish products	\$3,000
Reg. 13	Failure to pay the “whole fish levy”	\$575 per tonne

Fishing in contravention of licence terms and conditions

Reg. 21	Failure to keep on board and display the original or certified copy of licence in the wheelhouse	\$1,000
Reg. 21	Failure to clearly display the international radio call sign or flag State Registration number	\$1,000
Reg. 21	Failure to submit daily catch reports after completion of a fishing trip	\$1,000
Reg. 23	Failure to complete daily catch reports in the English language	\$1,000
Reg. 23	Failure to provide true, complete and accurate catch records	\$2,000
Reg. 21	Failure to land all fish taken in Fiji	\$5,000
Reg. 21	Failure to allow an authorised officer to board the vessel in Fiji fisheries waters for the purposes of inspection and examination	\$10,000
Reg. 21	Failure continuously monitor the international distress and calling frequency and the international safety and calling frequency	\$1,000
Reg. 21	Failure to keep on board an up-to-date copy of the International Code of Signals	\$1,000
Reg. 21	Discharge of any object or substance likely to cause damage to	\$5,000

	or deterioration in the quality of the marine resources	
Reg. 21	Failure to store any object or substance likely to cause damage to or deterioration in the quality of the marine resources	\$3,000
Reg. 21	Failure to maintain catch log	\$1,000
Reg. 21	Failure to maintain engineer's log	\$1,000
Reg. 21	Failure to maintain ship's log	\$1,000
Reg. 21	Failure to maintain freezer log	\$1,000
Reg. 21	Failure to appoint and maintain an agent resident in Fiji	\$1,000
Reg. 21	Failure to comply with the requirements for vessel marking	\$1,000
Reg. 21	Failure to provide notification of changes to information submitted in an application for a licence/authorisation/permit	\$1,000
	Fishing in contravention of licence terms and conditions - targeting other species	\$2,000
Reg. 39	Fishing in contravention of licence terms and conditions - Fiji fishing vessel failing to provide vessel reports:	
	(i) Wednesday report;	\$1,000
	(ii) at least 48 hrs prior to entry/exit from Fiji fisheries waters;	\$500
	(iii) at least 24 hrs prior to entry/exit from waters under jurisdiction of another State;	\$500
	(iv) at least 24 hrs prior to entry/exit to the port of another State;	\$1,000
	(v) at least 24 hrs prior to estimated time of entry into any designated fisheries port in Fiji;	\$1,000
	(vi) at least 24 hrs prior to estimated time of entry/exist from high seas areas identified as special management areas by a regional fisheries management organisation to which Fiji is a member;	\$1,000
	(vii) zone entry/ exit notification;	\$3,000
	(viii) port entry/ exit notification;	\$500
		\$500
Reg. 39	Fishing in contravention of licence terms and conditions - Foreign fishing vessel failing to provide vessel reports:	
	(i) Wednesday report;	\$1,000
	(ii) at least 48 hrs prior to entry/exit from Fiji fisheries waters;	\$500
	(iii) at least 24 hrs prior to estimated time of entry into any designated fisheries port in Fiji;	\$1,000
	(iv) zone entry/exit notification;	\$500
	(v) port entry/exit notification;	\$500
Reg. 49	Failure to provide landing report in accordance with prescribed requirements	\$1,000
Reg. 34	Failure to provide transshipment report	\$1,000
Reg. 35	Failure to provide bunkering report	\$500
Reg. 36	Failure to provide provisioning report	\$500
Reg. 13	Failure to provide import/export report	\$1,000

Minor offences relating to vessel monitoring system

Reg. 21	Failure to report manually upon notification by the Director	\$1,000
Reg. 32	Failure to comply with directives of the Director	\$1,000
Reg. 32	Removal of a mobile transceiver unit without prior permission of the Director	\$3,000

Offences for Related Activities		
s.78(3) & 106(2) & Reg. 34	Transshipping without authorisation	\$4,000
s.78(3) & 106(2) & Reg. 35	Bunkering without authorisation	\$2,000
s.78(3) & 106(2) & Reg. 36	Provisioning without authorisation	\$2,000
s.78(3) & 106(2) & Reg. 34	Transshipping in contravention of authorisation terms and conditions	\$2,000
s.78(3) & 106(2) & Reg. 35	Bunkering in contravention of authorisation terms and conditions	\$1,000
s.78(3) & 106(2) & Reg. 36	Provisioning in contravention of authorisation terms and conditions	\$1,000

Minor Offences relating to authorised officers

s.72	Failure to facilitate safe boarding of an authorised officer	\$1,000
s.72	Failure to comply with instructions of an authorised officer	\$1,000
s.72	Failure to produce valid documents requested by an authorised officer	\$1,000
Reg. 37	Access or attempt to access the equipment, journal or documents of an authorised officer on board the vessel	\$1,000
Reg. 37	Damage, destruction or attempt to damage or destroy the equipment, journal or documents of an authorised officer	\$1,000
Reg. 37	Failure to provide a translator	\$500

Minor Offences relating to observers

s.72(1)	Failure to take an observer on board a vessel when required by the Director	\$1,000
Reg. 38	Access or attempting to access the equipment, journal or documents of an observer on board the vessel	\$1,000
Reg. 38	Damage, destruction or attempt to damage or destroy the equipment, journal or documents of an observer	\$1,000

Offences relating to use of ports

Reg. 42	Failure to comply with port notification requirement	\$1,000
Reg. 42	Entry and use of a designated port without written authorisation	\$5,000
Reg. 42	Failure to comply with the condition of use and entry to port	\$1,000
Reg. 43	Failure to give an authorised officer all necessary assistance and information (foreign fishing vessel inspection)	\$3,000
Reg. 44	Failure to give an authorised officer all necessary assistance and information (Fiji fishing vessel inspection)	\$2,000
Reg. 46	Failure to apply for inclusion on the Record of Fishing Vessels Using Ports in Fiji.	\$1,000
Reg. 47	Failure to comply with a condition of inclusion on the Record of Fishing Vessels Using Ports in Fiji	\$500

Offences relating to Record of Offshore Fishing Companies

Reg. 27 Failure to apply for inclusion on the Record of Offshore Fishing Companies \$1,000

Reg. 27 Failure to comply with the conditions of inclusion on the Record of Offshore Fishing Companies \$500

Reg. 27 Failure to provide true, complete and accurate information \$500

Offences relating to Record of Fish Processing Establishments

Reg. 28 Failure to apply for inclusion on the Record of Fish Processing Establishments \$1,000

Reg. 28 Failure to comply with the conditions of inclusion on the Record of Fish Processing Establishments \$500

Reg. 28 Failure to provide true, complete and accurate information \$500

Offences relating to Record of Fish Exporters and Importers

Reg. 29 Failure to apply for inclusion on the Record of Fish Exporters and Importers \$1,000

Reg. 29 Failure to comply with the conditions of inclusion on the Record of Fish Exporters and Importers \$500

Reg. 29 Failure to provide true, complete and accurate information \$500

Miscellaneous

Reg. 53 Failure to mark fishing gear

(i) Radio beacon \$500

(ii) Float or Buoy \$20

(iii) Line shooter \$500

(iv) Spool/Main line hauler \$500

(v) Branch line basket \$100

(vi) Fish Aggregating Device \$500

(vii) Branch line hauler \$500

(viii) Others \$100

Reg. 55 Interference with fishing gear or support craft owned or operated by another person \$5,000

Reg. 55 Obstruction of fishing gear or support craft owned or operated by another person \$5,000

Reg. 55 Retrieval of fishing gear or support craft owned or operated by another person \$10,000

Reg. 55 Possession of fishing gear or support craft owned or operated by another person \$10,000

Appendix 3:

Compliance benchmarking

The purpose of this SOP is to identify a series of performance indicators and the performance targets that relate specifically to the Foreign flagged and Fijian Flagged for High Seas fisheries sector.

Performance targets for other sectors will be developed in time by the Operations.

The purpose of these indicators is to:

- Clarify and standardise compliance performance monitoring across the sector
- Enable compliance benchmarking over time
- Provide regular assessments of compliance for fisheries policy decisions and in language and a format that can be incorporated into the FFA Regional Fisheries Surveillance Center (RFSC).

The performance indicators to focus are

Performance Indicator 1: Pre and post fishing inspection

Performance Indicator 2: Retrospective analysis and cross checking

Performance Indicator 3: Fishing documentation

Performance against these indicators will be assessed either through a pre-trip inspection by a Fishery Officer, a post-fishing documentation review and audit, and via at sea boarding procedures.

Selection of the benchmarks will be based on the following codes:

Table 1: Vessel Compliance Index

Index & Marker	Risk Level	Criteria	Benchmark
-5 Pulsating Large - Red	Non-Compliant	<ol style="list-style-type: none"> 1. Vessel is on an RFMO IUU List; 2. Vessels is not on WCPFC Record of Fishing Vessels (RFV) and is fishing for, or transshipping highly migratory fish species (HMFS) in the High Seas (HS); or 3. Vessel's Owner, Master or Beneficial Owner/s is known⁴ to have fished or is fishing in contravention of a national fisheries law or a Conservation and Management Measure (CMM) of an RFMO. 	100%
-4 Large - Red	Very High Risk of conducting IUU	<ol style="list-style-type: none"> 1. Vessel Owner, Master or Beneficial Owner/s is suspected of fishing in contravention of a national fisheries law or a CMM of an RFMO; 2. Observer Report, Compliance Inspection Report or Compliance Analysis detected a known or suspected contravention of a national fisheries law or an RFMO's CMM in the last two years. 3. Vessel is not reporting VMS data as expected. 4. Vessel's has a position history of fishing adjacent to EEZs to which it is not licensed which demonstrates a consistent level of non-compliance 	100%
-3	High Risk	<ol style="list-style-type: none"> 1. Vessel is on an NGO's IUU Blacklist; 2. Vessel has a position history of transiting EEZs where it is not 	100%

⁴Known is taken to be innocent until proven guilty under either national or international law .

Large - Orange	of conducting IUU	<p>licensed or is not the most direct route;</p> <p>3. Vessel has not had an observer on board or a compliance inspection within last 2 years.</p> <p>4. Vessel authorised for the HS in which it is operating and either an observer trip or compliance inspection was undertaken in the last 12 months;</p>	
Medium Orange	Medium Risk of conducting IUU	<p>1. Vessel licensed for EEZ in which it is operating and either an observer trip or compliance inspection was undertaken in the last 12 months; or</p> <p>2. Vessel's has a position history of fishing adjacent to EEZs to which it is not licensed which demonstrates at least one serious offence detected in the last 2 years</p>	50%
-2 Medium - Light Green	Medium Risk of conducting IUU	<p>1. Vessel licensed for EEZ in which it is operating and either an observer trip or compliance inspection was undertaken in the last 12 months; or</p> <p>2. Vessel's has a position history of fishing adjacent to EEZs to which it is not licensed.</p>	30%
-1 Small - Light Green	Low Risk of conducting IUU	<p>1. Vessel licensed for EEZ in which it is operating and an observer trip or compliance inspection was undertaken in last 12 months. Only minor or no infringement detected.</p>	20%

Performance Indicator 1 – Pre and post fishing Inspections

This performance indicator relates to the requirement for a vessel to be in possession of the correct permits, documentation paperwork, and fishing gear before the vessel participates in any fishing activity. Specifically this performance indicator relates to a vessel's ability to fish legally and includes the following:

- valid fishing permits
- valid certification of registration
- valid and operational VMS
- good standing report
- fishing gear that meets legal requirements
- appropriate logbooks or electronic forms for the type of fishing the vessel expects to be engaged in
- current copies of the required non-regulatory documentation
- evidence that the vessel can comply with the Observer Standard.

Performance target: An inspection target of 20% (Small light green) to 100% (> large orange) has been set for this indicator. A high target is considered appropriate because there is little interpretation required in meeting this performance indicator in that a vessel either has a valid fishing permit, logbooks, and legal fishing gear on board or it does not.

Performance Indicator 2 – Retrospective Analysis and cross checking

This performance indicator relates to the reconciliation of the key documents that make up the harvest against landing and logbook declarations, harvest returns, and fish receiver returns that occur at the company level.

This is enforced via processing establishment inspections and pre export data reconciliation

It is important to note that when discrepancies are identified in this area the follow-up investigation often results in simple and valid reasons for the discrepancy.

Performance target: This is a complex performance indicator in terms of setting and achieving a performance target. An inspection target of 20% (Small light green) to 100% (> large orange) has been set for this indicator. However, it is expected that the risk level will fall as operators improve their knowledge and experience in undertaking in-house retrospective analysis.

Measured performance against this target will not include discrepancies that were subsequently found to be due to administrative or data entry error.

Performance Indicator 3 – Fishing documentation

This performance target relates to vessel/crew compliance with paperwork and catch documentation requirements associated with the harvest of fish and the storage of that fish on-board the vessel as well as any associated non-fish interactions. The specific elements of this indicator include:

- accurate and timely completion of catch logsheets
- accurate and timely completion of non-fish by-catch and protected species records

Performance target: This indicator is administrative and operational in nature and the process to comply is relatively uncomplicated. An inspection target of 20% (Small light green) to 100% (> large orange) has been set for this indicator. It recognises that the completion of documentation inevitably can result in non-deliberate errors with regards to data entry mistakes. This target level could be increased over time.

Reporting Frequency

Performance of the sector against these three indicators will be reported every quarter. Each report will provide information on:

- number of inspections in each category
- performance against indicator
- comparison of performance against last quarter