



VANUATU NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING



FFA



Vanuatu National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported & Unregulated (IUU) Fishing

2015

*Prepared by the Vanuatu Department of Fisheries
Acknowledging assistance from the Pacific Islands Forum Fisheries Agency (FFA)*

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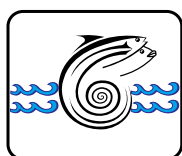
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Approval of the Vanuatu National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing

The Vanuatu National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing is made in accordance with Part 3 Section 6(1)(a) of the Fisheries Act No. 10 of 2014.

Commencement date

By virtue of powers conferred upon the Minister responsible for Fisheries pursuant to Section 6(1)(a), the approval of the Vanuatu Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing is hereby given that implementation of this NPOA-IUU will commence on 04..... day of June..... 2015.



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Acronyms and abbreviations

ACP	African, Caribbean and Pacific States (Lome Convention IV)
ALC	Automatic location communicator
APSM	FAO Agreement on Port State Measures (2009)
CA	Competent authority
CCS	Catch certification scheme (under the EU-IUU Regulation)
CCSBT	Commission for the Conservation of Southern Blue fin Tuna
CD	Compliance Division
CDS	Catch documentation scheme (under an RFMO)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMM	Commission Management Measures
CNFC	China National Fishing Company
CO	Carbon monoxide
DevCO	Development cooperation
DG MARE	Directorate General for Maritime Affairs and Fisheries (EC)
DG SANCO	Directorate General for Health and Consumer Protection (EC)
DPH	Department of Ports and Harbour
DWFN	Distant water fishing nation
EC	European Commission
EEZ	Exclusive economic zone
EU	European Union
EU-IUU Regulation	Council Regulation (EC) 1005/2008 & Commission Regulation (EC) 1010/2009 on IUU fishing
EUR	Euro
FAD	Fish aggregating device
FAO	Food and Agriculture Organization of the United Nations
FAOCA	FAO Compliance Agreement (1993)
FFA	Forum Fisheries Agency
FMC	Fisheries Monitoring Centre
FOC	Flag of convenience
FPA	Fisheries Partnership Agreement
FSM	Federated States of Micronesia
FSMA	Federated States of Micronesia Arrangement
FVO	Food and Veterinary Office (of DG SANCO)
GDP	Gross domestic product
H&G	Headed and gutted
HACCP	Hazard analysis critical control points
HSP	High seas pockets
IA	Implementation arrangement
IATTC	Inter American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IFIMS	Integrated Fisheries Information Management System
IMO	International Maritime Organization
IMS	Information management system
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	International Plan of Action to Combat, Deter and Eliminate Illegal, Unregulated and Unreported Fishing (FAO, 2001)
IRCS	International radio call sign
ITC	International Trade Centre
IUU	Illegal, unregulated and unreported (relating to fishing)
JDP	Joint deployment programme

LL VDS	Longline vessel day scheme
M	Million
MALFFB	Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity
MCS	Monitoring, control and surveillance
mm	Millimetres
MoU	Memorandum of understanding
MPA	Marine protected area
Mt	metric tonnes
MTC	Minimum terms and conditions
n.a.	Not available
NFC	National Fisheries Corporation
Nm	Nautical miles
NOFA	National Offshore Fisheries Association
NPOA-IUU	National Plan of Action to Combat, Deter and Eliminate Illegal, Unregulated and Unreported Fishing
PAE	Party allowable effort
PMW	Vanuatu Police Maritime Wing
PNA	Parties to the Nauru Agreement
PNAO	Parties to the Nauru Agreement Office
PNG	Papua New Guinea
PPB	Pacific patrol boat
QMS	Quality management system
RFMOs	Regional fisheries management organizations
RMI	Republic of the Marshall Islands
RPOA	Regional plan of action
RSW	Refrigerated Sea Water
SIDS	Small island developing states
SOP	Standard operating procedure
SPC	Secretariat of the Pacific Community
sq km	square kilometers
TAE	Total allowable allocation
TCC	Technical and Compliance Committee
TOR	Terms of reference
TUBS	Tuna Observer Database System
TUFMAN	Tuna Fisheries Database Management System
ULT	Ultra low temperature
USD	US dollar
VDS	Vessel day scheme
VFA	Vanuatu Fishermen's Association
VFD	Vanuatu Fisheries Department
VISR	Vanuatu International Shipping Registry
VMS	Vessel monitoring system
VMSL	Vanuatu Maritime Services Limited
VOGS	Vessels of good standing
VoI	Vessels of interest
VQIS	Vanuatu Quarantine and Inspection Services
VUV	Vatu
VVR	Vanuatu Vessel Register
WCP	Western and central Pacific
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and central Pacific Ocean

Executive summary

Vanuatu'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) 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 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 task of implementing these actions is supported by the Plan Log Frame.

The fisheries sector in Vanuatu plays an important role in the national economy contributing 1.3% of GDP (2011). In 2007 the total value added from fishing was USD 6.5 M¹ (EUR 5.3 M). Registration and licensing fees paid by foreign fishing vessels to fish for tuna in the Vanuatu EEZ represented USD 2 M (EUR 1.6 M)², comprising 2% of total revenue and grants of the Vanuatu Government³. In 2007 the annual consumption of fishery products was 33 kg per capita⁴.

Seventy-two percent (72%) of the rural households in Vanuatu possess fishing gear and are engaged in fishing. About two thirds of the 72% of rural households fish mainly for consumption and the rest fish for selling either occasionally or frequently. In 2012, around 250 Vanuatu nationals were directly employed in the fisheries sector from a national total workforce of 40,000⁵ (0.7% the working population). Individuals earning an income from fisheries are self-employed fishers, crew on locally based foreign vessels and a small number of processing workers.

The Actions arising from the NPOA align with the principles of transparency, integration and cooperative information and asset sharing: within and between the Vanuatu Government, Vanuatu's regional and global partners such as FAO, FFA, SPC, the relevant RFMOs; market states; and industry. Specific Actions of note:

- Ratification of the Fish Stocks Agreement, Compliance Agreement, Niue Treaty Subsidiary Agreement, and FAO Port State Measures.
- Facilitate whole of government collaboration for international engagement.
- Develop and maintain a comprehensive and integrated information management system.
- Reaffirm the importance of the *Fisheries Bill 2013*.
- Require industry vessels, onshore processors, importers and exporters to electronically report all data requirements by 2014, contributing to establishing traceability systems from point of capture to point of export or import;
- Vessels operating beyond national jurisdictions to have 100% observer coverage.
- Implement a communication strategy to maximise voluntary compliance and has the desired deterrence effect.
- Establish an interagency standard operating procedure (registrations, inspections, etc.).

¹ Gillett R. 2009. Fisheries in the Economies of Pacific Island Countries and Territories. Asian Development Bank, Manila, Philippines

² Idem

³ Idem

⁴ FAO, 2010

⁵ ADB, 2010

Vanuatu will continue to work with regional and international partners to ensure the conservation and long-term sustainable use of highly migratory and straddling stocks as well as the protection of the environment. In particular, Vanuatu is committed to the development of a regional sustainable fisheries management arrangement for South Pacific albacore.

Vanuatu will carry out ongoing reviews of its NPOA-IUU, which serves as a working tool to support the continued strengthening of a monitoring, control and surveillance system within Vanuatu. It may be submitted to FAO and other parties to demonstrate the compliance actions it is taking.

PART 1



Introduction to the NPOA-IUU

1.1 Purpose of the NPOA-IUU

The purpose of Vanuatu's National Plan of Action is to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU), by providing comprehensive, effective and transparent measures in accordance with national and international law.

It 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).

The NPOA-IUU serves as a comprehensive 'toolbox' of measures to address IUU fishing in a range of contexts. The NPOA-IUU contains measures targeted specifically at Vanuatu as a flag state, coastal state and port state. It also contains market-related measures, measures to support the special requirements of developing countries in Vanuatu's achievement of the objective of the NPOA-IUU, and measures to be taken by Vanuatu through regional fisheries management organizations (RFMOs).

Some of the NPOA-IUU provisions reflect obligations that many states have accepted as binding, either through global instruments, RFMOs or through national legislative instruments.

1.2 NPOA Principles and Strategies

The NPOA-IUU incorporates the following principles and strategies:

Participation and coordination: To be fully effective, the NPOA-IUU should be implemented by Vanuatu either directly, in cooperation with other states, or indirectly through relevant RFMOs, or through the FAO or other appropriate international organizations. 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 the 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. The action plan aims to address the 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 NPOA-IUU will be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct for Responsible Fisheries.

Non-discrimination: The NPOA-IUU will be applied without discrimination in form or in fact against any state or its fishing vessels.

1.3 Definition of illegal, unreported & unregulated fishing

Consistent with the IPOA-IUU, Vanuatu defines IUU fishing as follows.

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 organization 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 organization.

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 organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; 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.

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 organizations 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 lit at night, which puts other users of the ocean at risk. Operators of IUU vessels also tend to deny 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' who 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 global 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 NPOA-IUU contains a range of effective tools to address IUU fishing. Widespread implementation of the provisions contained in the NPOA-IUU presents an opportunity for Vanuatu to reinforce existing measures and to implement new measures to address IUU fishing.

PART 2



Background to Vanuatu's fishery sector

2.1 Profile of the Vanuatu's fisheries

Population	251,784
Land area	12,281sq km
Length of coastline	3,132 km
Size of EEZ	794,299 sq km
Share of fisheries in GDP	1.30%

Source: SPC (2011). 2011 Populations and Demographic Indicators. Spreadsheet, downloaded from: http://www.spc.int/sdp/index.php?option=com_docman&task=doc_download&gid=344&Itemid=42&lang=en. Secretariat of the South Pacific Commission, CIA World factbook, National Fishery Sector Overview Vanuatu Seas around Us Project, ADB report, Gillett (2009)

Vanuatu, an island state located in the Western Pacific, is bounded to the South-west by New Caledonia, to the north by the Solomon Islands, to the east by a high seas 'donut hole' and to the south-east by Fiji (Fig. 1). Matthew and Hunter Islands, east of New Caledonia, are claimed by both Vanuatu and France.

Vanuatu consists of an archipelago of about a dozen large islands and 70 smaller inhabited islands. Around 200 islets are not inhabited. The islands plus associated reefs lie between latitudes 13°S and 21°S and longitudes 166°E to 172°E in the western Pacific Ocean. The archipelago measures approximately 850 km in length. Vanuatu islands are rather mountainous, with 35% of the country being above 300 m and 55% having slopes greater than 20°. Santo is the largest of the islands and is 4,010 km² in area. Malekula follows, with a land area of 2,069 km² and Efate, where the capital city Port Vila is located, has a land area of 980 km². Erromango closely follows with a land area of 900 km², but is sparsely populated (1,560 people according to the 1999 Vanuatu National Census). Tanna has a land area of 565 km² and is ranked as the sixth-largest island after Ambrym (682 km²). Tanna, however, has the highest population density with 46 habitants per km².

Vanuatu's economy is based primarily on small-scale agriculture, which provides a living for about two-thirds of the population. Fishing, offshore financial services, and tourism, with nearly 197,000 visitors in 2008, are other mainstays of the economy.

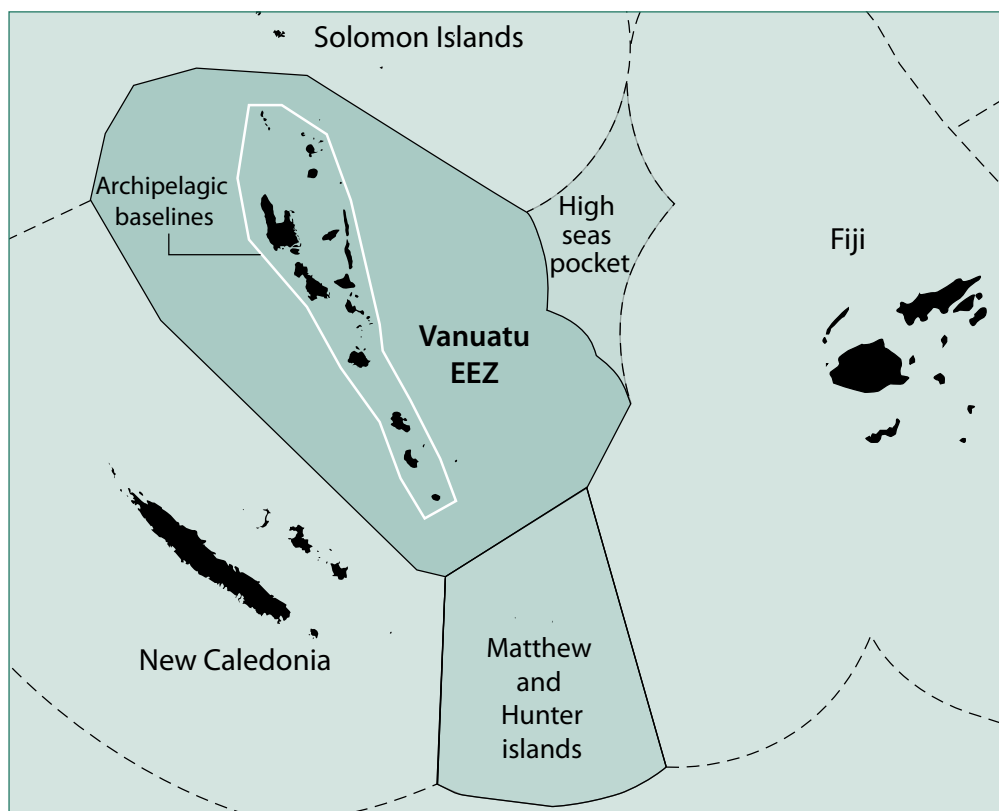


Figure 1. Vanuatu and neighbouring countries, Vanuatu’s EEZ, Matthew and Hunter islands, archipelagic baselines and eastern high seas pocket

The fisheries sector in Vanuatu plays an important role in the national economy, contributing 1.3% of GDP (2011). In 2007, the total value added from fishing was USD 6.5 M⁶ (EUR 5.3 M). Registration and licensing fees paid by foreign fishing vessels to fish for tuna in the Vanuatu EEZ represented USD 2 M (EUR 1.6 M)⁷, comprising 2% of total revenue and grants of the Vanuatu Government⁸. In 2007 the annual consumption of fishery products was 33 kg per capita per annum⁹.

Seventy-two per cent of rural households in Vanuatu possess fishing gear and are engaged in fishing. These fishing households number 15,758; of these 11,577 (73%) fish mainly for home consumption, 4,127 (26%) for home consumption with occasional selling, and 74 (less than 1%) mainly for sale. In 2012, around 250 Vanuatu nationals were directly employed in the fisheries sector from a national total workforce of 40,000 (0.7% of the working population).

2.2 Marine fisheries

Catch and fleet size

Vanuatu’s marine fisheries comprises two distinct components: the offshore Vanuatu international fishing fleet and a coastal fishery.

⁶ Gillett R. 2009. Fisheries in the Economies of Pacific Island Countries and Territories. Asian Development Bank, Manila, Philippines

⁷ Idem.

⁸ Idem.

⁹ FAO, 2010

Offshore fisheries

The Vanuatu international fishing fleet, as of May 2013, was made up of 147 fishing vessels and comprises tuna long line fishing vessels, reefer carrier vessels, purse seine fishing vessels, squid jiggers, pole and line fishing vessels, stern trawlers and squid torch and light fishing vessels. The fishing fleet is dominated by tuna long line fishing vessels, followed by reefer carrier vessels and purse seine fishing vessels (Fig. 2).

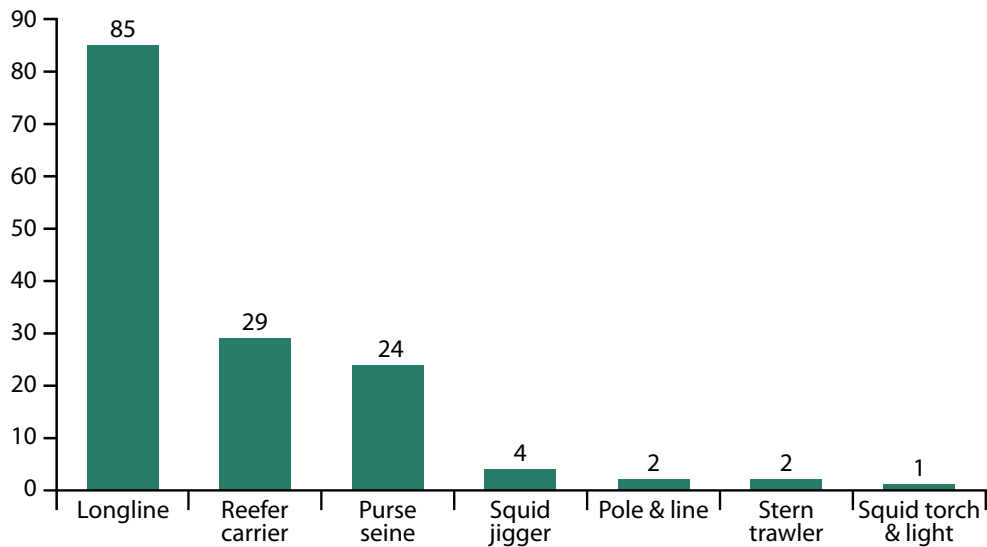


Figure 2. Vanuatu fishing fleet by vessel type as of 31st May 2013

Vanuatu fleet by area of operation

The majority of the Vanuatu flag fishing vessels operate within the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area. The fishing vessels have authorizations to operate in more than one tuna RFMO convention areas. Some, particularly the reefer carriers come under the area or species of four RFMOs (Fig. 3).

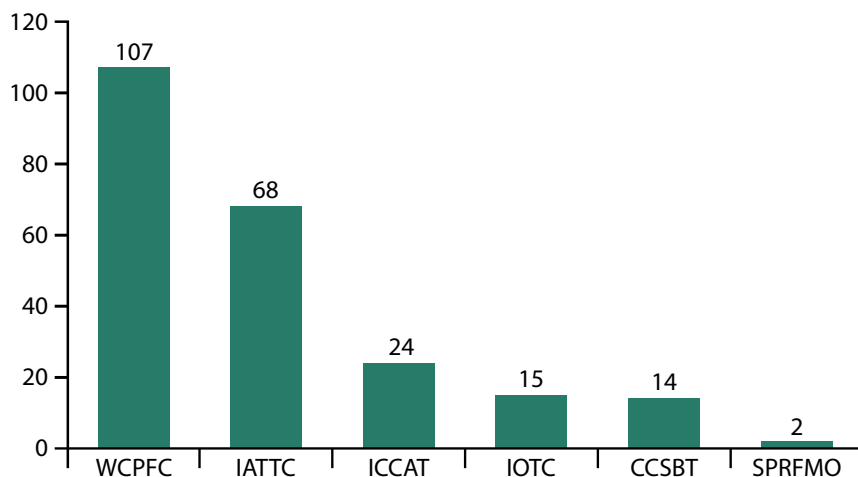


Figure 3. Vanuatu fleet by Tuna RFMO Convention Area as of 31st May 2013

Vanuatu fishing fleet type per tuna RFMO convention area

Composition of fishing fleet differs within Tuna RFMO convention areas. Operation within the WCPFC convention area fishing fleet is dominated by tuna long line fishing vessels, purse seine fishing vessels and reefer carriers. At the IATTC convention area, the fleet is dominated by long line fishing vessels and reefer carriers.

At the ICCAT, IOTC and CCSBT convention areas, the fleet is dominated by reefer carriers. At the CCAMLR convention area, the fleet is mainly stern trawlers (Figs 4–9).

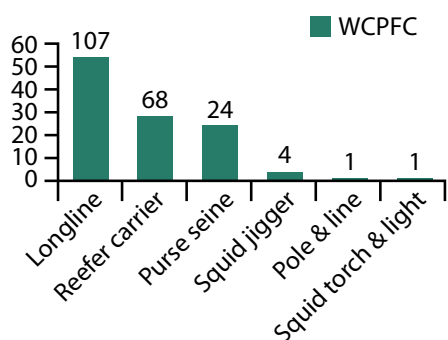


Figure 4. Type of Vanuatu fishing fleet in WCPFC CA

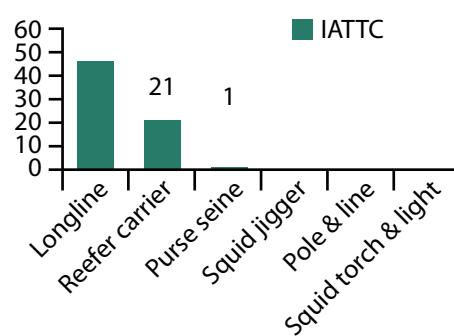


Figure 5. Type of Vanuatu fishing fleet in IATTC CA

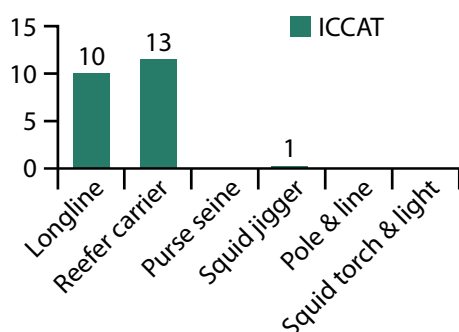


Figure 6. Type of Vanuatu fishing fleet in ICCAT CA

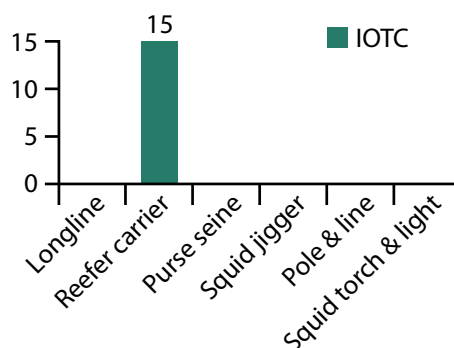


Figure 7. Type of Vanuatu fishing fleet in IOTC CA

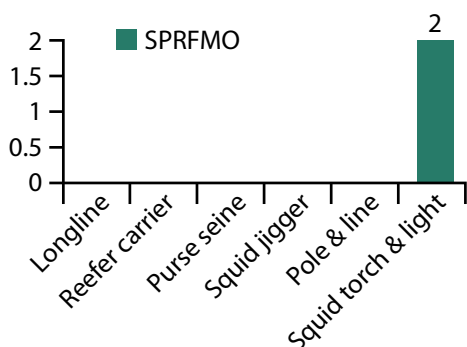


Figure 8. Type of Vanuatu fishing fleet in SPRFMO CA

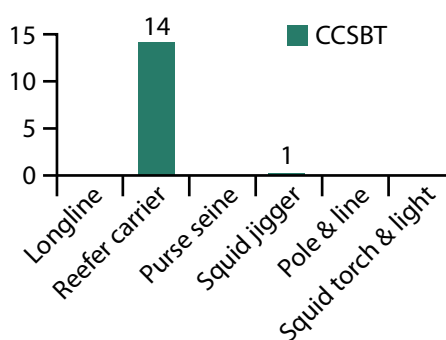


Figure 9. Type of Vanuatu fishing fleet in CCSBT CA

Catch

In 2010, recorded catch from Vanuatu-registered offshore fleet in the western and central Pacific Ocean was 38,861 mt. 61% was caught by the purse seiners and 39% by longliners (Table 1).

Table 1. Production by Vanuatu flagged vessel from 2000 to 2010 (mt)

Year	2006	2007	2008	2009	2010
Longliners	11,254	11,477	6,981	9,806	15,141
Purse seiners	61,903	71,281	38,718	37,840	23,720
Total	73,157	82,758	45,699	47,646	38,861

Source: SPC data series (2011). Note that 2011 data is not available.

In 2010, foreign total catches in Vanuatu’s EEZ was 4,874 mt, valued at USD 25 M (EUR 19 M). All of the catch was attributed to longline vessels (Table 2). These catches have noticeably declined, with vessels spending a larger proportion of their time in high seas areas, or in other fishing zones, most notably in Solomon Islands waters, where fishing activity has increased.

Table 2. Catches in Vanuatu’s EEZ by locally based foreign and distant water nation vessels (mt).

	2006	2007	2008	2009	2010
China	1,171	627	930	2,760	1,541
Fiji	4,324	2,292	3,301	1,913	1,067
Taiwan	2,462	2,301	1,842	2,260	2,220
Vanuatu	1,585	1,257	766	226	47
Total	9,543	6,477	6,839	7,159	4,874

Source: SPC data series (2011). Note that 2011 data is not available.

An average annual longline catch for a small pocket longliner in the Pacific is around 220 mt.¹⁰

Annual catch report for vessels outside of the WCPFC is around 15,000–18,500 mt.

The offshore longline vessels target albacore, yellowfin and bigeye tuna. There are some bycatch species, usually accounting for no more than 25% of the total volume of catches. Yellowfin and big eye tuna are destined for the sashimi market in Japan and USA, and may be air freighted, or sent via ultra low temperature (ULT) freezer. Albacore is largely sold for canning, usually destined for sales to two canneries, one in Fiji and the other in the Solomon Islands. Other species include billfish (marlins and swordfish), sharks or wahoo, opahs and mahimahi. These by-products are sold on the domestic market or to Australia.

The offshore purse seine vessels registered in Vanuatu, but not fishing in Vanuatu waters, target three main tuna species, which are skipjack (around three-quarters of the total tuna catches), yellow fin and big eye tuna. The purse seine-caught tuna are stored in refrigerated sea water (RSW) tanks, and subsequently transhipped onto carrier vessels or landed directly into PNG. Around 90% of the purse seine catch comprises skipjack.

Pole and line vessels do not land catches in Vanuatu, but rather offload in Japanese ports. Almost all of their catch (99.8%) comprises skipjack.

Eight transshipment permits were given to vessels transhipping in national and foreign waters in 2011. These were all allocated to Tuna Fishing (Vanuatu) Limited. The official VFD statistics show the quantity transhipped in Vanuatu waters was 701 mt, noting that compliance risk assessments identify this as having a high risk of mis-reporting and the amount may be under-reported.

A total of 50 longline unloadings were made into Port Vila in 2011, comprising 43% big eye, 31% yellow fin, and 26% other species.

Coastal fisheries

Coastal fishing, within 12 nm, is primarily carried out for domestic markets and subsistence purposes. The combined catch from the domestic fleet is less than 3,500 mt and the product is destined mainly for local households, markets, hotels and restaurants.

There is an export-orientated coastal fishery for trochus, bêche-de-mer, aquarium fish and shark fin. There is currently a moratorium on the take of trochus and bêche-de-mer to enable these stocks to recover. Invertebrate species are also very important in the inshore commercial and subsistence fisheries. These include coconut crab, green snail, giant clams, trochus, various crustaceans, and bêche-de-mer. Trochus is especially important in Vanuatu. It is a source of cash for remote communities. There is also a thriving aquarium trade.

¹⁰ Banks R. 2012. Strategic study on longline fishing in the Melanesian Spearhead Group, FFA.

Coastal commercial fishing comprises 13 vessels, between 7 m and 14 m in length. These vessels alternate between two types of fishing operation, either using surface troll lines or deepwater drop lines. The principal catches from each group are surface pelagic species (from trolling) and deepwater snappers (from drop lines). These vessels are licensed and controlled by VFD. All catches are sold onto the domestic market. The estimated annual catch by this sector is between 500 mt and 600 mt. However, not all vessels have been submitting catch returns, which makes recording from this sector difficult. VFD is in the process of establishing a logbook system for this fishery, moving from an earlier system of sales receipts.

Coastal artisanal fishing (vessels under 7 m) are estimated to number around 100, operating from the provinces of Malampa, Shefa and Tafea. These vessels use vertical drop lines to fish and target an array of species. VFD lists the 22 species that are believed to be the most important finfish in Vanuatu: *Naso lituratus* (orangespine unicornfish), *Kyphosus cinerascens* (highfin rudderfish-topsail drummer), *Epinephelus merra* (honeycomb grouper), *Variola louti* (lunartail grouper), *Scarus blochi* (quoy's parrotfish), *Cheilinus undulatus* (napoleonfish-maori wrasse), *Hemigymnus melapterus* (black edge thicklip wrasse), *Plectorhynchus gibbosus* (black sweetlips), *P. orientalis* (oriental sweetlips), *Chaetodon lineatus* (lined butterflyfish), *Lethrinus harak* (blackspot emperor), *L. miniatus* (longnose emperor), *Sargocentron tieroides* (pink squirrelfish), *Lutjanus fulvus* (flametail snapper), *L. gibbus* (humpback snapper), *Mulloidichthys flavolineatus* (yellowstripe goatfish), *Siganus canaliculatus* (seagrass rabbitfish), *S. doliatus* (pencil-streaked rabbitfish), *Acanthurus lineatus* (bluebanded surgeonfish - convict tang), *Sphyrnaena genie* (blackfin barracuda), *Valamugil seheli* (bluespot mullet), *Caranx melampygus* (bluefin trevally) and *Gerres oyena* (oyena mojarra).

Artisanal subsistence production for 2008 was estimated at 3,500 mt, with a value of USD 15.7 M¹¹ (EUR 12.7 M).

Development prospects

In accordance with the *Revised Tuna Management Plan National* (2009), Vanuatu has established limits on licence numbers (Table 3) and total allowable catch for the major tuna species inside the Vanuatu EEZ (Table 4). Provision is made for expansion of the international fishing fleet fishing operating beyond the Vanuatu EEZ, managed in accordance with the catch and efforts limits set by the respective RFMOs.

The economic priorities for the sector are to generate revenue from fishing rights, licences and authorizations; and to support the generation of employment for the Vanuatu population through the development of its fish processing sector, requiring vessels to carry Vanuatu crew and expansion of the observer program.

Table 3. Vanuatu limits on licence numbers

Category	Foreign licence	Locally-based foreign	Local
Tuna longline	100	40	40
Tuna purse seine	10	10	10
Tuna pole & line	10	10	10
Other	0	5	Artisanal 200; Commercial 6; Beche-de-mer, aquarium, trochus 6
Game & sport	0	50	15
Research	2		2
Exploratory	2		2

Table 4. EEZ TACs for major tuna species

Species	Total allowable catch per year (mt)
Albacore	10,000
Yellowfin	3,000
Bigeye	1,000
Skipjack	3,000
Billfish	1,000

¹¹ Fisheries in the Economies of the Pacific Island Countries and Territories, Gillett (2009) <http://www.adb.org/sites/default/files/pub/2009/pacific-fisheries.pdf>

PART 3



MCS Governance

3.1 Institutional arrangements

The fisheries resources in Vanuatu are managed by the Department of Fisheries under the *Fisheries Act No. 55 of 2005*, *Maritime Zones Act 1981* and related fisheries regulations, and other supplementary legislation for commercial fishing, both by local and foreign vessels, have been enacted and are in force.

Vanuatu Fisheries Department

VFD is the primary government agency responsible for oceanic and coastal fisheries management through the administration of the *Fisheries Act 2005*. The department operates under the Ministry of Agriculture, Livestock, Forestry and Fisheries and Biosecurity (MALFFB). Department staffing comprises around 42 full-time positions, with an additional 37 contracted observers. The department's annual budget is presently sourced from funds allocated from central government resources, and is considerably less than the annual revenue generated by the Fisheries Department from licence fees and other sources. The aim is to increase the staff complement to around 56 full-time staff, supported by revenues generated from licence fees (a management fund).

The department comprises five divisions, three of which have relevance to oceanic and coastal fisheries management:

- The *Compliance and Licensing Division*, which licences permits and certifies all regulated oceanic fisheries activities and ensures that licence holders comply with licence conditions. The section is also responsible for making provision for legal strengthening and prosecutions and data collection. The compliance section comprises VMS monitoring, logbook collection and data entry and deployment of observers. VFD has seven authorized fisheries inspectors (including senior staff members) and 36 observers. Five inspectors are dedicated solely to compliance.
- The *Development, Capture Division*, which is responsible for the management of artisanal fisheries, including supporting the diversification of fishing activities (offshore sea mounts and tuna fishing), a FAD development programme, a domestic market development programme, and the development of artisanal management measures for domestic species, especially for deepwater snappers.
- The *Management and Policy Division*, which is responsible for oceanic fisheries policy development and implementation. Activities include management planning, policy analysis, investment (local and foreign), proposal appraisal, development of management plans, and information dissemination.

The Vanuatu Seafood Verification Agency, established in 2012, is responsible for seafood safety. It is transitioning the transfer of this responsibility from the Vanuatu Quarantine and Inspection Services (VQIS)¹², with its three staff undergoing training in hazard analysis critical control points (HACCP) and reviewing seafood safety legislation. This section is in the process of taking over responsibility from VQIS, also a department of MALFFB.

¹² VQIS, as with VDS is part of the Department of MZQFF and was previously responsible for inspection and certifying exports of all fish products (processed and alive). Vanuatu has no capacity to check micro biological and heavy metal contaminants.

VFD has recently resumed and internalised services outsourced to a private company Tuna Fishing (Vanuatu) Company. The services were associated with monitoring and control of the international fishing fleet, services include: VMS monitoring, logbook administration, observer placements, collection of fees and fines and expansion promotion of this fleet. A dedicated 'International Fishing Unit' has been created under the VFD Compliance and Licensing Section with seven full time employees: Principal International Fisheries Officer; Flag State FIMS Officer; Senior International Fisheries Data Officer; International Fisheries Authorization Officer and three Data Entry Clerks.

Maritime Administrator (Vessel Registry)

The *Maritime Act , Chapter 131 (2006)*¹³ establishes the Vanuatu International Ship Registry (VIRS), administered by the Maritime Administrator which includes issuing licences and certificates, collecting fees, and ensuring compliance with vessel and crew safety obligations, including compliance with IMO conventions and applicable international instruments.

The Minister of Maritime, subject to approval from the Council of Ministers, may appoint or reappoint, on terms that the Minister deems fit, any person or persons, or body corporate, to perform the functions of the Maritime Administrator. Vanuatu Maritime Services Limited performs the functions of Maritime Administrator and operates an International vessel registry, the Vanuatu International Ship Registry (VISR), on behalf of the Government.

Vessels eligible to be on the VISR are seagoing vessel engaged in foreign trade owned by a citizen of Vanuatu, and vessels on bareboat charter to a citizen of Vanuatu. Declarations are required on the status of the vessel prior to application to the registry. Information is required on all beneficiaries. In the event that the Maritime Administrator has reason to suspect previous non-conformity with other state registries or international law he or she has the right to request further information and not accept application for registration to the VISR. The Commissioner routinely consults other registries including those occasions where a vessel seeks to transfer flag to the VISR.

There are approximately 500 vessels on the VISR, of which around 170 are fishing vessels.

State Law Office

The State Law Office has responsibility for the drafting of all new bills for Parliament and all subsidiary legislation, such as regulations and orders, the gazettal of legislation, providing copies of legislation to the Government and members of the public, and provision of national and international legal advice.

It is the lead agency for negotiating and ratifying international agreements.

Police Maritime Wing

The Police Maritime Wing has responsibility for at-sea fishery inspections and falls under the Department of the Ministry of Internal Affairs. The PMW is multi-tasked with providing enforcement services for Customs and Excise, and Immigration. It comprises a Marine Commander, with 20 officers who are authorized fisheries officers with two specialised in the use of Vanuatu's VMS.

Vanuatu has two surface assets available for at-seas inspections: the *RVS TUKORO*, a 31.5 m Pacific Patrol Boat based out of Port Vila, and the *RVS Turoroa*, a 12.3 m patrol vessel. The *RVS Tukoro* is authorised to undertake high seas boarding and inspections.

Department of Ports and Harbour

The Department of Ports and Harbour is responsible for the operation and management of the international ports of Port Vila, Luganville and other declared ports. It functions to provide adequate infrastructure, and facilitates the satisfaction of ports users (customers), especially shipping companies and consignees. This includes the issuing of port permits for fishing vessels seeking access to Vanuatu's ports for the purpose of victuals, refuelling,

transshipment and unloading catch. The issuance of permits requires DPH to liaise with VFD, to ensure fishing vessels are inspected and that permits are not issued to vessels associated with or undertaking IUU activity.

3.2 Fisheries management measures

The *Fisheries Act 2005* covers all aspects of law relating to fisheries issues. The core policy instrument is the *Tuna Management Plan 2009*, with powers directly attributable from the *Fisheries Act*. The Plan outlines:

- specific objectives and national management measures to be undertaken;
- work tasks by assigned organization (the Vanuatu Fisheries Department (VFD)) and the Police Maritime Wing of Vanuatu);
- achievable and measurable goals including agency reporting requirements; and
- mechanisms to fund various VFD activities including fisheries compliance (from licence revenues), a development fund, and support funding for the Vanuatu Fishermen's Association (VFA).

The Plan's goals are to:

- collect accurate data on the stock status, exploitation rates and fishing activities within Vanuatu's EEZ;
- implement the necessary tools and procedures (e.g. licences, MCS, terms and conditions, bilateral agreements, authorizations) for managing all Vanuatu licensed and/or flagged vessels fishing for tuna;
- implement a program for developing a sustainable local tuna fishing industry, in order to meet the objectives of maximizing benefits to the people of Vanuatu and providing increased food security; and
- provide an administrative structure that effectively manages the fishery on an ongoing basis and responds to changing circumstances.

The Act also sets conditions relating to local fishing vessels, foreign fishing vessels, compliance with international obligations, general licensing provisions, including the powers of officers, a schedule of penalties and powers of confiscation, the Vanuatu whale sanctuary, other prohibited activities (including driftnet fishing) and jurisdiction and evidence.

The Act gives power for the regulation of transshipment activities. Specific authorization to tranship is required from the Director of Fisheries. If authorized to tranship in national waters, an observer is required on board. Transshipment authorizations are also required for Vanuatu-licensed vessels operating in distant waters.

The fisheries legislation in Vanuatu may be revised occasionally, and amendments supported by the State Law Office. The process of amending acts requires the drafting of a policy paper by the Director (in this case the VFD), which may then be considered by the Tuna Management Advisory Committee. Once drafted, the amendments are submitted to the Development Committee of Officials (DCO) for discussions and endorsement. Once endorsed by the DCO, the amendments are submitted to the Council of Ministers for approval. Parliamentary instructions are then issued to the Director, and redrafted amendments are circulated. Once agreed, the State Law Office submits the final draft to Parliament to be tabled by the Minister of Agriculture, Quarantine, Forestry and Fisheries. A critical constraint to the evolution of national acts is that Parliament has two sittings per year. Final drafts that fail to be heard may be delayed, or in some cases dropped if there is a change in government.

The Fisheries Act of Vanuatu was recently revised, resulting in the draft *Fisheries Bill 2013: An Act to repeal the Fisheries Act [Cap. 315] and to make provision for the management, development and regulation of fisheries within Vanuatu waters, and for the control of fishing vessels entitled to fly the flag of Vanuatu outside of Vanuatu waters*

¹³ Available at <http://www.vanuatuships.com/node/20>

in a manner consistent with Vanuatu's international obligations, and for related matters, to be placed for further consideration by all national stakeholders before being submitted to Cabinet for endorsement. The Fisheries Bill 2013 provides for Vanuatu's extra-territorial provisions in the control of its nationals operating outside its national jurisdiction and flag state responsibility.

The Act also endorses international conventions, including the following:

- Agreement for the Establishment of the Indian Ocean Tuna Commission
- Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean
- Convention on the Conservation of Antarctic Marine Living Resources
- Convention for the Establishment of an Inter-American Tropical Tuna Commission
- International Convention for the Conservation of Atlantic Tunas
- Multi-lateral Treaty on Fisheries between the Government of United States of America and certain Pacific Island States
- Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region
- South Pacific Forum Fisheries Agency Convention
- United Nations Convention on the Law of the Sea

Changes to these conventions, in the form of management measures, are automatically binding in law, and are not subject to approval by the Council of Ministers or Parliament.

Changes to RFMO Conservation Management Measures (CMMs) have, up until now, not been automatically binding, such that some CMMs have not been integrated in licence minimum terms and conditions (MTCs), e.g. RFMO CMMs on shark conservation. Proposed new changes to the Act, presently in draft, include provision for 'giving effect to international conservation measures', thereby providing the powers for the Minister to gazette any changes in global, regional or sub-regional measures, including where Vanuatu is a non-contracting party. This allows for any management change to be automatically included into vessel licence MTCs. Changes to the Act also make provision for acceptance of the United Nations Fish Stocks Agreement (UNFSA), FAO CCRF and the FAO Compliance Agreement.

Additional changes provide the duty to ensure that Vanuatu vessels fishing in international waters, and within the countries of other EEZs, to comply with the respective management measures from these zones. The Law provides the power for the Director of Fisheries to withdraw authorization or revoke a licence, should there be evidence of wrongdoing.

Performance against the implementation of RFMO measures is assessed annually by the Technical and Compliance Committees of the respective RFMOs Vanuatu is a party or cooperation non-member to.

PART 4



Action for Vanuatu

4.1 Scope of Vanuatu's NPOA

The Vanuatu NPOA-IUU closely follows the structure of the IPOA-IUU. Like the IPOA-IUU, the Vanuatu NPOA-IUU addresses general measures targeted at all countries, as well as measures targeted specifically at flag states, coastal states and port states. The NPOA-IUU focuses principally on highly migratory and straddling stocks, as considerable importance is attached to the role of RFMOs in fisheries management.

4.2 All state and coastal state responsibilities

International instruments

IPOA-IUU Articles 10 to 15 encourage states to give full effect to appropriate norms of international law. This includes the ratification of UNCLOS, 1982, the FAO Compliance Agreement, and the conservation and management measures of competent regional fisheries management organizations (RFMOs).

Vanuatu has ratified the major international legal instruments relating to fisheries conservation, management and development, with the exception of:

1. *United Nations Agreement for the Implementation of the Provisions 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 1995* (the UN Fish Stocks Agreement) and the *FAO Compliance Agreement*, which sets a range of flag state duties for effective jurisdiction and control in relation to the activities of fishing vessels.
2. *FAO Port State Measure (FAO PSM)*, which would serve to benefit Vanuatu as many of its flagged vessel are utilizing foreign ports beyond the logistical control of Vanuatu. The FAO PSM has provision for port states to provide inspection reports to Vanuatu. It also designates ports which would assist Vanuatu in seeking greater control of their vessels, and streamlining the administrative burden associated with pursuing bilateral agreements with port states that its flagged vessels utilize.
3. *Niue Treaty Subsidiary Agreement (NTSA)* – Recently opened for signature and ratification by FFA members, this is a framework for parties to take cooperative actions, using their port states jurisdictions. It provides that parties cooperate in carrying out MCS activities in their ports, whether by carrying out activities of another party, or by permitting personnel from another party to conduct MCS activities in their port. This applies to monitoring, landing or transshipment operations, inspection of fishing vessels, or taking enforcement action, such as seizing catch, or holding a vessels in port while an investigation is undertaken.

Given the nature of Vanuatu's global international fishing fleet, strong controls are required in order to maintain and fulfill its international obligations, directed at:

- A systematic and uniform whole-of-government approach for negotiating and engaging with RFMOs. Ensuring that ongoing management has the capacity and skill to implement international conservation and management measures, meet annual financial contributions, meet reporting requirements, and participate at meetings, and align top-down international policies with bottom-up operational issues when negotiating and implementing complex international agreements.
- Clear fleet management plans for each of the respective RFMOs whose areas of competence the Vanuatu flagged vessels are operating in. The 'Revised Tuna Management Plan' provides species TAC and fleet number restriction only for fishing activities occurring in national waters.
- Dedicated international fisheries expertise within VFD and the Office of State Law, avoiding the risk of competing political agendas and capacity, which may delay ratification of outstanding international instruments (Office of State Law responsibility), and/or agreed-to RFMO conservation measures that are contrary to national policy (VFD responsibility).

NPOA Action: Annual negotiation frameworks required for each international instrument, with ministerial endorsement from State Legal Office, fisheries, treasury, customs, Maritime Authority and police portfolios. Frameworks set out: 1. objectives for the year ahead; 2. summary outcomes from the previous year or series of negotiation; 3. lead negotiators/commissioners and government advisors; 4. actions required to achieve objectives; 5. schedule of meetings; 6. statement of compliance with RFMO reporting and implementation requirements; and 7. statement of fiscal requirements including expected participation costs and contributions.

NPOA Action: Ratify UNFSA, FAO Compliance Agreement, FAO PSM and NTSA.

NPOA Action: Develop and implement an international fleet management plan, specifying catch and effort controls and specific conditions for each RFMO that Vanuatu authorizes or intends to authorize vessels to operate in. Plans and licence conditions reviewed annually incorporating outcomes of most recent RFMO negotiations to ensure harmonization with international obligations.

National legislation

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

The Fisheries Act of Vanuatu was recently reviewed, resulting in a draft *Fisheries Bill: An Act to repeal the Fisheries Act [Cap. 315] and to make provision for the management, development and regulation of fisheries within Vanuatu waters, and for the control of fishing vessels entitled to fly the flag of Vanuatu outside of Vanuatu waters in a manner consistent with Vanuatu's international obligations, and for related matters.*

The draft *Fisheries Bill* provides for:

- Vanuatu's extra-territorial provisions in the control of its nationals operating outside its national jurisdiction and flag state responsibility.
- Strengthening the linkage and conditionality of vessels with flag state registration, and compliance with applicable fisheries authorizations and licences. Formalizing an interagency cooperative agreement to eliminate IUU loopholes, such as undertaking pre-checks of vessel histories prior to registration, the powers of delisting vessels not in good standing and the importance of Vanuatu ports in supporting the monitoring of vessel movements.
- Creating a statutory oversight Management Advisory Committee.
- Defining the terms and conditions for Vanuatu-flagged vessels when operating outside the national EEZ.

- Defining the reporting obligations required for domestic vessels.
- Defining the system for carrying 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 conditions attached to transshipment.

NPOA Action 4: Expedite introduction of the *Fisheries Bill 2013*.

Control over nationals

IPOA-IUU 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.

The VISR maintains the register of the operators or beneficial owners of vessels flying its flag, including their nationality. In this way, Vanuatu can identify its nationals, should a vessel be involved in IUU fishing. Vanuatu also liaises regularly with other countries and licensing authorities for the purposes of controlling nationals who may be involved in IUU fishing.

The *Fisheries Bill 2013* makes it an offence for a Vanuatu national to contravene a fisheries law of another jurisdiction, ensuring that it has the legislative means to control its nationals working in other countries. It also proposes that the registration of fishing vessels will require VFD to maintain a fishing vessel register, including details on operators, owners and beneficial owners.

When fishing in foreign waters, Vanuatu nationals are required to conform to the specific country licensing rules. It requires corresponding acknowledgement of the third party states that this is the case.

An assessment of compliance by the applicant, agents, vessel operators and vessel owners should be undertaken, preferably through a VFD licensing application and review panel.

Cross checks are to be undertaken with RFMO IUU vessels lists and the FFA Regional Information Management System. Instances of operators or owners associated with IUU vessels will result in the licence application being rejected, unless appropriate sanctioning can be demonstrated.

NPOA Action: Establish a VFD Licensing Application and Review Panel, with a standard operating procedure for assessing the compliance history of owners and operators applying to register or licence their vessels.

Vessels without nationality

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

Vessels without nationality refers to vessels not flying the flag of any state or vessels flying the flag of two or more states (Article 92 of *UNCLOS*), under *UNCLOS*, flag states extend their sovereignty to vessels entitled to fly their flag and offer protection to those vessels against all but explicitly sanctioned acts by other states. Vessels without nationality have no such protection, and any state has the 'right of visit' on the high seas.

Vanuatu, in maintaining its Vessel Register, supports and has in place mechanisms to prevent vessels from becoming stateless during a transfer to a new flag.

To date, Vanuatu has not encountered fishing vessels suspected of being without nationality in the Vanuatu EEZ or on the high seas. Should Vanuatu detect any fishing activities by a vessel without nationality on the high seas, this would be presumed and deemed to undermine the conservation and management measures of the respective RFMO; a serious violation, for which Vanuatu would instigate or support IUU listing and sanctioning procedures (consistent with WCPFC CMM).

Penalties

IPOA-IUU Article 21 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 *Fisheries Act, No. 55 2005* provides guidelines on prohibited acts and associated penalties, including:

- Unauthorized fishing: penalties not exceeding VT 50 M (EUR 440,000) (local fishing vessels and locally based foreign vessels) to VT 100 M (EUR 875,000) (foreign fishing vessels and international obligations).
- Breach of licence conditions, obstructing an officer in performance of duties, gents obligations, ban on driftnet fishing: penalties not exceeding VT 100 M (875,000).
- Protection of whales, fishing in marine reserves, unauthorized transshipments, unauthorized fish processing: penalties not exceeding VT 50 M (EUR 437,000).
- Prohibited fishing methods: penalties not exceeding VT 10 M (EUR 87,500).
- Failure to supply data and catch information, or providing inaccurate information: penalties not exceeding VT 1 M (EUR 8,750).

A sanction system is in place, supported by a schedule of fines, as well as a system of detentions in port and the powers to remove a licence for consistent offenders. However, there have been few prosecutions, partly attributable to the reliance of the *Fisheries Act* on criminal proceedings requiring a burden of proof beyond reasonable doubt, which has associated complex and resource-intensive court procedures.

Administrative sanctions through fines and civil penalties have not been applied to date, since it is not provided for under the *Fisheries Act CAP 315 of 2005*. Introducing powers to implement the administrative penalty system forms part of the *Fisheries Bill 2013*. The appropriate revision provides powers to the Director of Fisheries to apply an administrative sanctioning regime, after consultation with the minister and written consent from the Attorney General.

Vanuatu, as an FFA member, has, on a number of occasions, exercised the option to collectively withdraw or suspend vessels from the FFA Regional Vessel Register. The consequence arising is that the 17 FFA members would deny licensing of foreign fishing vessels in their coastal waters. The IUU deterrence value of this action is regularly relied upon to ensure compliance, particularly with VMS provisions.

Vanuatu, in each of the RFMOs it is a member of, has supported IUU listing of vessels where there are clear grounds that the IUU activity has occurred without appropriate sanctioning by the flag state of the vessel or coastal state when applicable.

NPOA Action: Expedite introduction of the *Fisheries Bill 2013*.

Non-cooperating states

IPOA-IUU Article 22 encourages States to eliminate actions of non-cooperating States to a relevant regional fisheries management organization which engages in IUU fishing.

Vanuatu recognizes that RFMO member states (or the states negotiating a new RFMO agreement) may have difficulty in deciding whether other states, particularly 'distant water fishing nations', seeking participation in

the RFMO, should be invited to do so. There is a possibility that states excluded from full participation in an RFMO, and thereby denied access to the fisheries under the management arrangements of that RFMO, may fail to prevent fishing vessels flying their flags, or their nationals, from engaging in IUU fishing in the RFMO's region of competence. Vanuatu will pay close attention to this issue in its further work within the RFMOs to which it belongs, or which it is engaged in creating, with a view to reducing the incidence of IUU fishing, while also complying with its *UNCLOS* (and related) obligations under international law.

Vanuatu has a number of carrier vessels that operate under the competence of CCSBT and while not a member to CCSBT, it ensures its carrier vessels cooperate with the conservation measures of CCSBT, particularly the CCSBT CDS measure.

Vanuatu remains committed to, and is working towards ratification and implementation of, the *1995 United Nations Agreement on Straddling and Highly Migratory Fish Stocks*, and is working on implementing its provisions.

NPOA Action 2: Ratifying UNFSA, FAO PSM and NTSA is of equal applicability to this component of the NPOA.

Economic Incentives

IPOA-IUU Article 23: states to avoid conferring economic support, including subsidies, to entities (persons, companies or vessels) involved in IUU fishing.

Direct economic incentives and subsidy schemes are not commonplace in Vanuatu. However, ad hoc grants have been provided for specific supporting investments, such as upgrading for HACCP compliance and establishment of processing facilities. Tax concessions may also be provided for companies undertaking onshore processing investments only.

VFD, in collaboration with the Vanuatu Investment Promotion Authority (portfolio responsibility for labour, immigration, customs), when considering applications, proposals or eligibilities for any form of economic incentives, as a matter of course undertakes background checks to ensure the applicant is not associated, affiliated with, or has facilitated IUU activities.

Monitoring, control and surveillance

IUU-IPOA Article 24 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 of 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.

Vanuatu's MCS program is assessed for its comprehensiveness and effectiveness through VFD's annual report and meetings of the MAC. In the regional context, Vanuatu reports to the FFA annual MCS Working Group meeting, in relation to its MCS program and national high risk IUU activities. This reporting is used to guide future FFA technical support and assistance to Vanuatu and set regional priorities and strategies for the year ahead for the collective FFA membership.

Compliance risk assessments have been undertaken for each of the RFMOs Vanuatu-flagged vessels are licensed to operate in, based on recognized risk management standards. However, the risk assessments are undertaken on an ad hoc basis, and it should be standard procedure for this to be undertaken annually with regular review throughout the annual reporting periods. They form the foundation of compliance plans and are used to establish compliance activity priorities and resource allocations.

Compliance activities are directed at all components of a fishery, from catching to the export sectors. Compliance strategies are based on maximizing voluntary compliance and deterrence. Intelligence-fed operations focusing on high risk operators and vessels through targeted operations is a key strategy that VFD works with. Vanuatu’s highest strategic IUU risks are represented in Table 4.1.

Table 4.1. High-risk IUU activities

Locally based longline	Foreign DWFN longline	Vanuatu distant water longline	Purse seine	Carriers
Under-reporting of catch landed abroad	Under-reporting landed abroad	Failure or misreport catch	Failure or misreport catch	Not report transshipment loading and unloading details
Transshipping in the EEZ and high seas	Transshipping in the EEZ and high seas.	Non-compliance with observer carriage requirements		Receiving IUU product
Under-reporting non-tuna by catch, particularly shark	Under-reporting non-tuna by catch, particularly shark	Under-reporting non tuna by catch, particularly shark		Transshipment notifications
Mammal, turtle and seabird mitigation	Mammal, turtle and seabird mitigation	Mammal, turtle and seabird mitigation	Mammal, turtle and whale shark mitigation	
WCPFC reporting requirements	WCPFC reporting requirements	RFMO reporting requirements	RFMO reporting requirements	RFMO reporting requirements

Existing MCS core arrangements include:

- a functional licensing system, including for all locally based industrial foreign vessels, carriers, bunkers and fish processing establishments;
- a complement of observers, trained to a regional standard;
- MCS support from FFA, regional surveillance picture (Google Earth);
- enforcement officers, to monitor landings in VAN ports;
- observer on carrier vessels to monitor transshipments;
- a functioning and comprehensive VMS system;
- two Patrol Vessels, managed by the maritime police;
- a port sampling system which include landings;
- additional support provided by QUADs (US, France, Australian and NZ Defence);
- a designated port system, but only for locally based foreign vessels; and
- data sharing agreements – particularly for VMS and vessels of interest.

Reporting and monitoring

A condition of each VFD vessel licence and authorization requires transshipment declarations to be submitted within 72 hours, weekly reports (submitted every Wednesday), exit entry submissions within 24 hours, and logsheets to be submitted within seven days from the time of unload. The main issue is the ability to improve the timing and means for submission into the FIMS database (which integrates with the regional FFA and SPC systems). To improve the timing of data entries, VFD will employ an additional three data entry clerks. The

longer-term intention is to change to a system of e-logbooks. The legislative provisions for enabling electronic submission of this data is sufficient; however, VFD currently has no technical options available that would enable industry to provide logbook data and undertake transactions (e.g. licence and transshipment applications or notifications) electronically.

VFD's primary responsibility for monitoring its fleet requires consolidation and integration of its software systems and databases. To a certain extent, it also requires integration with information systems of the wider Vanuatu Government, and its international partners, including SPC, FFA and those countries in which Vanuatu-flagged vessels traffic.

The resumption of monitoring functions previously outsourced to the Vanuatu Tuna Fishing Company has had a resultant impact on VFD in terms of funding, capacity and IMS structures. Resumption of these functions should be done in a manner which modernizes the management of Vanuatu's fisheries, particularly with the provision of data from industry electronically and enabling online transactions to be performed by industry. E-solutions should be explored to design a suite of tools to maximize efficiencies around existing procedures and that takes into account how government-to-business transactions are performed. VFD has, to date, made limited use of the internet and technology for the distribution, receipt and integration of data and information.

Intel analysis (targeting MCS operations)

Analysis of the various data holdings is weakened by delays in the submission and input of catch logsheets (with an allowance of up to 15 days) and logsheets data entry into FIMS and therefore integration with SPC's TUFMAN (up to 6 months). Delays are occurring with the entry of observer data. Modernization of Vanuatu's MCS data management is required, by: 1. Eliminating delays in populating the respective databases for logsheets, observers and inspections; and 2. Developing an integrated fisheries information system to effectively monitor the Vanuatu fishing fleet.

The Vanuatu fisheries information system is, to a certain degree, integrated with the FFA/SPC Regional Information Management Systems, which among other things, are used to generate the Regional Surveillance Picture, enabling MCS officers of the 17 member countries to share vessels' compliance history, location, and assessed IUU risk for those vessels on the FFA Register of Good Standing. The RIMF features 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 make use of existing data already collected within the national databases and combine it with information available from the MCS Regional Information Management Facility. For example, it has a VMS reconciliation function to identify vessels with outstanding logsheets.

The functions and development of Vanuatu's FIMS is elaborated in Annex 2. Developments are directed at:

- the comparison of position data from logsheets, VMS and observers;
- identifying under-reporting which occurs in the absence of inspectors or observers;
- rapid extraction of a vessel's history of possible violations (Observer Gen-3 forms);
- checking the date a logsheet is submitted with when it is due; and
- comparing and identifying vessel mismatches between the national registers (Fishing Vessel Register, port permits, Flag Register, FFA Register of Good Standing, RFMO Records of Vessels, and RFMO IUU lists).

Vanuatu should, as a matter of priority, develop its FIMS so that it can receive logsheet, transshipment and unloading data automatically through industry-to-government technology solutions, and require the international fishing fleet to report electronically at the time of unload or transshipment.

NPOA Action: Develop and implement a data user and exchange policy, documents procedures and protocols for auditing, valuation, creation, storage, use, dissemination, archival and deletion of data.

This Activity complements the Activity with respect to ratification of the *Niue Treaty Subsidiary Agreement* which has specific provision for cooperative sharing of MCS information for the purpose of analyzing and targeting national and regional operations.

NPOA Action: Develop an Integrated Fisheries Information and Management System (IFIMS)

- Collate, analyze, authenticate, disseminate and store all fisheries data and information.
- Automatically perform compliance validation for compliance with national legislation.
- Provide analysis of catch and fisheries monitoring data to meet national and international reporting obligations.

NPOA Action: Maximize industry e-business solutions. Industry owners and operators required to implement and use:

Electronic logsheets (e-logsheets)

- Industry consultations will be undertaken to establish the feasibility of alternative electronic options and preferences for providing logsheet fields.
- e-logsheets will be developed based on the current logsheet fields.
- e-logsheets must be completed and submitted electronically to VFD prior to or at the time of landing or transshipment.

Online transactions

- A web-based licence renewal, notifications and payment system, with a price incentive and transition plan to be applied, phasing out manual applications and transactions within one year.

At sea inspections

The Police Maritime Wing (PMW) has responsibility for boarding fishing vessels. With its two patrol vessels the PMW plays a central role in reducing the risks of unauthorized fishing, misreporting catch positions and non-compliance with the FAD closure. Given the limited number of surface assets, targeted intelligence driven operations are a necessity, requiring close collaboration between PMW, VFD and regional MCS partners.

The *Fisheries Act of 2005* requires VFD and the MPW through the Fisheries Management and Surveillance Working Group, to formulate and implement operational plans that include at sea inspections. Planning of MPW at sea inspections, as with VFD dockside and transshipment inspection, is preceded by Intel analysis involving VMS, licence, observer, AIS and historical compliance records. Specific attention is usually paid to vessels of interest (VoIs)¹⁴ and geographical high risk areas of interest such as jurisdictional boundaries and fish behavioural characteristics.

VFD fisheries officers occasionally accompany PMW boarding and inspections of fishing vessels to facilitate cooperation and information exchange, and to develop operational context.

The PMW is regularly involved in regional operations involving more than 10 countries, running its command centre along with other FFA members' command centres, coordinated through the FFA Joint Coordination Command Centre. Where regional operations have an 'area of operation' that includes Vanuatu's EEZ or adjoining high seas, PMW are directly involved in the development of the 'concepts of operations'

¹⁴ FFA compiles a list of vessels of interest, which draws from suspicious behaviour observed through VMS monitoring or intelligence collected from national authorities and flag states.

and 'operation orders', and in providing watch keepers to the FFA Joint Coordination Command Centre, along with its patrol vessels.

Inspection and surveillance reports are entered into the TUFMAN MCS module, which integrates and updates the FFA Regional Fisheries Surveillance database. This database generate a regional surveillance picture, which shows the IUU risk rating of vessels, and location of vessels, and has access to vessel details. The PMW and VFD have continual access to the regional surveillance picture.

Observer Program

Vanuatu's Observer Program consists of the observer coordinator, two de-briefers and on average 40 observers. The observers undertake their duties under contract to VFD. Vanuatu's intention is to extend observer coverage activities to all vessels authorized to fish beyond national jurisdiction. It is estimated that this would require at least three de-briefers and 60 observers to be trained and brought into Vanuatu's National Observer Program.

Observer management is assisted with the FIMS Module Observer Programme Management (OPM), which keeps a record of observer placements, location, payments, accreditation, and observer details (visas, passports, etc).

The Vanuatu National Observer Program is accredited and meets the standards of the WCPFC Regional Observer Program. Observers and Debriefers are accredited to the regional FFA/SPC Pacific Island Regional Fisheries Observer (PIRFO) training standards.

For the Vanuatu longline fleet operating in the WCPFC, coverage in 2011 was 5%, consistent with WCPFC requirements.

For the purse seine vessels and carrier fleet Vanuatu requires 100% observer coverage. Within this, the IOTC Observer Program requires placement of observers as nominated and provided by the IOTC Secretariat.

Observers are debriefed on disembarkation and thereafter enter a summary of the trip details into the FIMS Observer Module (TUBS). The remainder of the trip data is entered by Vanuatu and SPC data clerks. TUBS is a comprehensive system to manage the detailed observer reports, including an 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 FIMS. Delays with the input of data should be improved; it is preventing real-time verification of details observed during the trip, including compliance with, and the science for, developing national and international conservation management measures.

The debriefing process has a linkage between the Investigation and Compliance arms of VFD and the PMW, where serious violations are identified during debriefing.

Vessel Monitoring System

Foreign fishing vessels authorized to fish inside Vanuatu's EEZ and Vanuatu fishing vessels operating beyond its EEZ within the WCPFC area of competence are required to use an FFA type approved mobile transmitting unit (MTU), which reports to the FFA Vessel Monitoring Centre (this data is on-forwarded to WCPFC).

Vanuatu fishing vessels operating under the competence of RFMOs other than WCPFC are required to carry a MTU, which reports directly to the Vanuatu Vessel Monitoring Centre.

Vanuatu, through the WCPFC data rules, is receiving position data for all WCPFC vessels on the high seas within 100 nm of its EEZ. Vanuatu is yet to invoke the 'flick the switch' (termed by WCPFC) to monitor WCPFC vessels transiting its EEZ.

Vanuatu has in place VMS data sharing arrangements with most of its FFA partners, which enables port-to-port monitoring of vessels on the FFA Vessel Register.

NPOA Action: Transition to 100% observer coverage of the longline international fishing fleet by June 2014, with industry awareness raising on placement and user-pay requirements, and undertake sufficient observer recruitment, training and accreditation.

NPOA Action: Observers equipped with electronic recording devices. Observer placed on all vessels of interest (the OVI will be 100% debriefing, data entry within four days from the trip's end date, and all Gen 3 incidences referred to VFD, PMW and VISR for investigation).

NPOA Action: 'Flick the switch' to monitor all vessels on the WCPFC VMS that are inside Vanuatu's EEZ.

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 internal and national coherence and coordination of efforts.

Through this NPOA, Vanuatu gives full effect to the IPOA-IUU. Although the IPOA-IUU is a voluntary instrument, Vanuatu has given binding effect to its major provisions, insofar as the provisions are Vanuatu's sole responsibility, through the enactment of comprehensive domestic legislation and regulations. For provisions of the IPOA-IUU which require international cooperation, bilaterally, regionally or globally, Vanuatu will strive to take a leading role in negotiating and giving international effect to fisheries conservation and management measures which implement those provisions – where possible under legally binding agreements and arrangements. The development and implementation of this NPOA will involve close consultation with relevant national and regional agencies (e.g. FFA and SPC), and RFMOs, as well as the fishing industry and non-governmental organizations.

Vanuatu will regularly monitor and review its MCS program and national legislation in light of the adverse effects and dynamic nature of IUU fishing, to consistently strengthen its capacity to combat IUU fishing.

Consistent with the IPOA-IUU, Vanuatu will formally review and amend the NPOA periodically (at least every four years) to reflect these regulatory and management changes.

Cooperation between states

IUU-IPOA, Articles 28 to 31, encourage 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.

Vanuatu is an active participant in, and party or cooperating non-member to, the RFMOs listed in Section 2. Their establishing instruments provide for direct cooperation in the effective conservation and management of fisheries and, in recent years, have become the vehicles for enhancing efforts to combat IUU fishing, including indirect response to the IPOA-IUU. Details of specific provisions to combat IUU fishing through these cooperative mechanisms are provided in relevant sections of this national plan of action.

As stated previously, Vanuatu will work towards the ratification of the Niue Treaty Subsidiary Agreement and the FAO Port State Measure. These agreements provide the framework for Vanuatu to cooperate with port, coastal and flag state counterparts. Vanuatu will actively encourage those states with an immediate interest in Vanuatu flagged vessels, ports or fisheries to work towards ratification of such agreement, particularly, and where appropriate, Fiji, Solomon Islands, PNG and New Caledonia.

Vanuatu will pursue bilateral agreements with those states where multilateral agreements are not being pursued and the need arises for cooperative surveillance and enforcement activities. Vanuatu is in the process of entering a bilateral Agreement with Fiji.

Vanuatu has reciprocal information sharing Agreements in place with most of the FFA membership. This includes VMS, compliance details of vessels on the FFA Register, and inspection details. Vanuatu, through FFA, shares certain data to target the aerial and water surveillance activities of the Quadrilateral Surveillance Providers (Australia, France, the US and New Zealand) to FFA.

VFD notes, in the interest of transparency, the need to make public a record of all vessels authorized to fish inside other state waters, including vessel details on ownership and ship's master. Those states licensing Vanuatu flagged vessels will be given the opportunity to receive automatic entry and exit reports from the Vanuatu VMS.

NPOA Action: VFD to make public a record of all vessels authorized to fish inside other state waters, including vessel details on ownership and operators.

NPOA Action: Vanuatu to have bilateral agreements with other potential states, such as Fiji, Solomon Islands, PNG, Cook Islands and Kiribati

NPOA Action: Vanuatu to provide coastal states licensing Vanuatu-flagged vessels to fish in their waters the opportunity to receive automatic entry and exit reports.

Note: these activities complement *NPOA Activity: expedite ratification of UNFSA, PSM and NTSA.*

Publicity

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

Disseminating details of what constitutes IUU fishing, along with sanctions, and its social, economic and environmental impacts on the fishery, is essential for maximizing voluntary compliance and IUU deterrence. The general public, industry and government each have a role to play, either as information disseminators, target audience or both.

VFD regularly holds industry consultations with the domestic-based fleet on its fisheries management frameworks, either through public forums or the Management Advisory Committee. VFD is currently in the process of disseminating back-to-base communication mechanisms with isolated Vanuatu communities, to report suspected IUU activities. It will be important to ensure this system integrates with the Police Crimes Hotline. Consultations and dissemination within government generally occurs through the Management Advisory Committee.

VFD is working through the FFA membership to create a regional IUU hotline for the public and industry to report suspected illegal activities – an initiative supported by the Pacific Island Tuna Boat Association (PITIA).

The gazettal of rules, regulations and sanctions is a requirement of all Vanuatu legislation. However, it must be conveyed to industry in an appropriate manner, through a dedicated Vanuatu fisheries website, and through directed correspondence to licence holders. Communications campaigns to disseminate information on the likelihood and repercussions of being caught is underutilized by VFD.

There is a need for Vanuatu to refocus its publicity in a manner which maximizes voluntary compliance, conveying:

- an understanding of the reasons for a rule or regulations (i.e. why it is there);
- the belief that those reasons are sound; and
- a belief that by complying the community (or individual) receives a benefit.

There is a need for Vanuatu to refocus its publicity in a manner which maximizes the deterrence effect, conveying:

- the likelihood of 'getting caught'; and
- the likely repercussions/sanctions.

NPOA Action Point 30: Vanuatu to maintain a single website for all Vanuatu-related fisheries matters, including details of IUU fishing and actions taken to eliminate it. Complementary education and warning notices sent to industry, such as changes to or non-compliance with national and international laws.

Capacity and technical resources

IPOA-IUU 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.

Resources

The VFD annual budget is approved and funded by the central government. The NPOA's successful implementation is dependent on funds to establish and equip the VFD International Fisheries Management Section with additional full-time staff, with appropriate funding for overheads, travel and IT systems development for modernizing the VFD MCS program.

The *Revised Tuna Management Plan 2009* has specific provision for the establishment of a Fisheries Development and Management Fund, external to the government's general revenue account, to finance activities associated with, amongst other things, improved monitoring and enforcement of foreign, locally based foreign and local fishing vessels. The establishment and management of the fund, as envisioned by the Plan, should be reviewed for its effectiveness and for assurances that the resources are available to implement the NPOA-IUU.

Technical capacity

Most of Vanuatu's fishery officers (VFD and MPW) have undertaken MCS training beyond tertiary level. These comprise workshops and short courses delivered by regional organizations 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 Centre for Ocean Resources and Security (ANCORS) (a division of the University of Wollongong).

The Police Maritime Wing is trained with credentials in core maritime deployment functions, through the Pacific Patrol Boat Program, with specific enforcement and surveillance training organised for naval and fisheries officers.

Vanuatu's observers and de-briefers are required to meet the regional PIRFO competency standards developed by SPC and FFA.

Vanuatu was involved in a regional training needs analysis, and has supported the development of a regional MCS Competency Based Foundation Course for all FFA MCS officers. Competency modules have been agreed to, and FFA are currently finalizing competency standards for:

- collection, evaluation, preservation and presentation of evidence analytical skills;
- understanding of the fisheries management framework, including licensing and authorization conditions;
- boarding and inspection procedures,

- operation of electronic tracking systems such as VMS;
- relevant national and regional information management systems;
- fishing gear methodology used in the region;
- basic sea safety;
- report writing;
- identification and sampling relevant fish species;
- use of communication equipment such as radio telephony;
- computer operations;
- understanding of the wider MCS programs;
- prioritizing and planning MCS activities;
- optimizing the use of analytical tools – IMS, CAE and CEA;
- supervising and managing staff; and
- project management and operational planning.

Attainment of the competency standards will be through a combination of 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.

VFD technical capacity will require enhancement with respect to IT and international law as it moves forward with integrated fisheries information management systems and e-reporting. This should be done in a manner which gives full effect to national and international obligations and reporting responsibilities.

The OVI will be the number of personnel that meet minimum competency standards as deemed by the director, accounting for existing and future regional competency standards. This will be incorporated within the VFD annual employee evaluation appraisal process.

NPOA Action Point: Ensure all staff have attained minimum competency standards for undertaking their duties.

NPOA Action Point: VFD to employ or retain a full-time international fisheries lawyer; and a database programmer.

4.3 Flag state's responsibilities

Vessel registration

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

Articles 42 and 43 encourage 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.

At the present time there is no specific legal or statutory requirement for fishing vessels registered on the VISR to demonstrate conformity, compliance or good standing in regard to any national or international fishery management. Until recently, no checks on past compliance with fishery management regulations or agreements by

vessels, or IUU status, were undertaken when entities made application for vessel to join the Vanuatu Vessel Register (VVR). Vanuatu has twice issued fleet safety letters, which specifically addressed the subject of fishery management regulations, warning Vanuatu-flagged vessels to comply with national and international laws.

Vanuatu recently implemented an interagency coordination mechanism, which links vessel registration and issuing of fisheries licences, Maritime Administrator being responsible for conferring the flag, and VFD being responsible for authorizing the issuing of licences. The *Fisheries Bill 2013* proposes that these mechanisms become a statute, whereby the Maritime Administrator will make its decision to register a fishing vessel conditional upon it being in good standing on the proposed Vanuatu Record of Fishing Vessels to avoid the registration of vessels having undertaken or suspected of IUU activities.

All foreign fishing vessels must be in good standing on the Vanuatu Record of Fishing Vessels in order to be registered as Vanuatu flagged fishing vessels and be issued with an International Authorization to Fish Licence (IAFL). The owner, operator, charterer, lessee or agent of any fishing vessel entitled to fly the flag of Vanuatu who knowingly provides false information will have its IATFL revoked, the fishing vessel will be deleted from the Vanuatu Record of Fishing Vessel and the VISR and be declared an IUU fishing vessel.

The fishing vessel owner or the operator shall:

- a. demonstrate that the vessel is not listed on any RFMO IUU list unless the ownership of the vessel has transferred and the owner provides sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control, of the vessel;
- b. declare that the fishing vessel has not been used in contravention with conservation and management measures or provisions adopted at national, regional or global level;
- c. demonstrate that the fishing vessel has been removed or is in the process of removal from its previous registry with no outstanding or pending IUU issues;
- d. provide evidence of the fishing vessel RFMO(s) registrations with the previous flag;
- e. explain the reasons behind the change of the fishing vessel's flag; and
- f. provide copies of all fishing licences demonstrating that the vessel is allowed to operate in a third party state's jurisdiction.

This application procedure for the VRFV should be supported by VFD requiring a copy of the vessel's fisheries compliance record from the previous flag state to be maintained on the applicant's file. The file is to be maintained for the period that the vessel is flagged. Should it transfer to another flag, the consolidated record can be made available to future flag states.

NPOA Action: Finalize the *Fisheries Bill 2013*, creating a Vanuatu record of fishing vessels linked to the Vanuatu Shipping Register, with criteria to prevent flag-hopping and flagging IUU vessels.

NPOA Action: The Maritime Administrator and VFD to ensure that, as part of the registration and licensing standard operating procedures (SOPs), a copy of the vessel's infraction record received from the previous flag state is made available and maintains a records of instances of non-compliance to be made available to future flag states.

Authorization to fish

NPOA-IUU 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.

VFD is the authority responsible for authorizing fishing activities in waters beyond its national jurisdiction. To date, Vanuatu has not detected Vanuatu-flagged vessels fishing beyond its national jurisdiction without such an authorization.

Vanuatu fishing vessels as a condition of authorization to fish are required to record, maintain and provide catch statistics to the appropriate authorities whenever operating within the regions or sub-regions:

- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
- Inter-American Tropical Tuna Commission (IATTC)
- International Commission for the Conservation of Atlantic Tunas (ICCAT)
- Indian Ocean Tuna Commission (IOTC)
- Commission for the Conservation of Southern Pacific Blue fin Tuna (CCSBT)

Vanuatu, when issuing authorizations makes it a condition to comply with the conservation management measures of the respective RFMOs. However, it does not provide Vanuatu's interpretation of these international measures, many of which have ambiguous requirements and may be applied in a variety of different means. Vanuatu's interpretation of RFMO conservation measures, as they apply to vessels, should, when deemed necessary be reflected in legislation and conditions of authorization.

Vanuatu makes it a condition of all international fishing authorization to report by VMS to the VFD national monitoring centre and RFMO Secretariats (if required by the RFMO). Vanuatu is in the process of transitioning to 100% observer coverage of its international fishing fleet. All carrier and bunkering vessels that transship are required to carry an observer. Vanuatu will, by 2014, no longer authorize high sea transshipments by way of condition to existing transshipment authorizations.

NPOA Action: Expedite the *Fisheries Bill 2013*, which requires the gazettal of international conservation measures or parts that authorised vessels must comply with.

NPAO Action: Vanuatu to put in control measures for sea transshipments by 2014 for fishing and carrier vessels that cannot demonstrate traceability of the product to 1. Fishing trip logsheet and 2. Forward consignment of the product.

NPOA Action: By 2014, all vessels intending to undertake transshipments must have 100% observer coverage.

NPOA Action: By 2014, all carrier vessels must have 100% observer coverage.

NPOA Action: By 2014, 5% observer coverage for all long line vessels fishing beyond national waters should be met.

4.4 Port state measures

IPOA-IUU Articles 52 to 64 encourages port states to put necessary controls in place at the level of port installations (ports or offshore terminals). Measures to implement, and conditions, include: a) advance notice and permission to enter port; b) refuse landing or transshipping authorization to vessels in port, for which IUU fishing activities have been established; c) publicize ports to 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 onboard, etc.) to interested parties (incl. RFMOs and 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 bilaterally or regionally, as appropriate, to develop compatible port state control measures; h) assume that vessels calling to port, or 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 onboard was taken in a manner consistent with regional management and conservation measures; i) enhance information flows amongst relevant RFMOs on port state controls.

Vanuatu maintains a 100% observer coverage and inspection of all vessels coming into port for unloading of fresh fish to the domestic fresh processing plant and transshipment of frozen fish to carriers to be exported overseas.

Vanuatu's port state measures include the requirements for advance notice before entering port, inspection of 100% of all vessels calling to port of landing or transshipping fish. The proposed *Fisheries Bill 2013* prohibits fish to be transshipped or landed in Vanuatu-designated ports by vessels identified as having engaged in IUU fishing.

Vanuatu Fisheries Department coverage of vessel unloading within its Ports is 100%, including both national and foreign vessels. Foreign logsheets, and unloading (or transshipping) forms are sent to SPC.

Fisheries officers enter inspections details into the FIMS, although there are no standard operating procedures in place, and the level of systems integration with PMW MCS TUFMAN and the FFA RIMF requires enhancement to ensure integration and comparison of national and sea inspections with in-port inspections.

Box 1. Compliance checks for Vanuatu port inspections.

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 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 logsheet the same as those reported by VMS?
8. Has the observer validated the date of the logsheet (if applicable)?
9. Have the figures on the catch certificate to be validated been checked with the logsheet catches report (if appropriate)?
10. Are all the data on the catch certificate correct?
11. Is the check risk-based targeted (check with the validation tool status of VMS and logbooks)?

The level of coordination between VFD and the Department of Ports and Harbour should be enhanced with the development of VFIMS to integrate details of pre-notifications received, previous compliance history, including WCPFC/FFA vessels of good standing (VOGS) and confirmation the vessel is not on an RFMO IUU list. Maintenance of VFIMS should be supported by an inter-agency VFD VMSL SOP for undertaking background checks and risk assessment in order to target inspections. Consistent with international law, known IUU vessels should be prevented from entering Vanuatu ports unless due to force majeure or for the purposes of sanctioning the vessel.

The proposed *Fisheries Bill* will formalize these requirements. Notably, they are consistent with the FAO PSM and the *Niue Treaty Subsidiary Agreement*, and are a step towards the ratification of these agreements. The measures are consistent with, and meet the objective of, the IUU IPOA on port state measures.

In order to effectively validate, monitor and control fish landings by Vanuatu-flagged fishing vessels, the Vanuatu government, through the Fisheries Department, will enter into systematic agreements, either multilaterally or bilaterally, with states where Vanuatu-flagged fishing vessels are landing their catches, to ensure real and complete control of the fishing landings by public agents authorized to certify the quantity offloaded.

For the purpose of promoting the effectiveness of international conservation and management measures, and pursuant to treaties or arrangements, VFD should look to regulate the designation and publication of ports in Vanuatu to which foreign fishing vessels, Vanuatu-flagged fishing vessels or local fishing vessels authorized to fish on the high seas or Vanuatu waters, may be permitted to access. The VFD website should have a page dedicated to its port state requirements.

Vanuatu will pursue stronger port states measures within the RFMOs that it is active in, consistent with the FAO PSM. In WCPFC, Vanuatu will continue to work with its FFA members, with the development of a proposed WCPFC port states measure to be considered in 2013.

To maximize effectiveness, the Vanuatu port monitoring system should undertake regular reviews and develop interagency-agreed SOPs, which set out the respective roles, responsibilities and information flows between the Port Authority and VFD, and with compliance check procedures.

NPOA Action: Develop Interagency VFD and DPH standard operating procedure for fisheries port inspection, to include compliance history checks and log-sheet verification and validation triggers. (The objectively verifiable indicator will be 100% data entry of offloading, inspection and transshipment forms.)

NPOA Action: Ratify UNFSA, FAO PSM and NTSA support this component.

4.5 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 standardized to the extent feasible, and electronic schemes be developed where possible, to ensure effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

Vanuatu's authorized fishing vessels are required to comply with one or more of following RFMO trade-related measures:

- CCSBT southern blue fin CDS;
- IATTC bigeye tuna SDP;
- ICCAT blue fin tuna, bigeye tuna, swordfish tuna SDPs;
- IOTC big eye Tuna SDP; and
- ICCAT swordfish and bigeye SDPs

Under the IOTC and ICCAT, Vanuatu authorized officers at certain points in the commodity chain verify the product was caught, received or unloaded in accordance with relevant national and international conservation management measures. Dependent on the particular scheme, this may require cross-checks between catch and transshipment logsheets, relevant RFMO vessel registers, including IUU lists, and compliance checks with national and international measures.

Vanuatu will continue to be a proponent and active supporter of the development and implementation of a WCPFC CDS.

In recognition of the responsibility of Vanuatu to exercise its jurisdiction and control over vessels it flags, a system should be extended to catch certification and verification process for all product taken or received by its vessels or ports, and product taken in a third party's EEZ by Vanuatu-flagged vessels. This would require assurance from the third party state that the product was taken in accordance with its national laws.

The applicable trade-related measures should, to the extent possible, be standardized within Vanuatu's systems and applied broadly to all Vanuatu-flagged vessels. This would require enhancement to the following:

- VFD fisheries information management systems, to have the function of identifying discrepancies which may result in non-issuance of catch certificates and/or require further investigation and action.

- Demonstrating traceability from Vanuatu import and export points to the actual fishing trip and therefore logsheet, VMS and observer workbooks for the particular trip.
- Assurances that all seafood products imported into Vanuatu are accompanied by a valid catch certificate that the product was taken in accordance with relevant national and international conservation measure.
- Ensuring that Vanuatu processors and fish receivers have in place internal traceability. Current systems prevent tracing export product to the fishing trip.
- Coordination and complementary verifications procedures within VFD Divisions of Seafood Safety and MCS.
- A systematic approach for ensuring Vanuatu meets the minimum requirements of the respective RFMOs catch documentation schemes.
- Coordination and complementary verification procedures with those states landing or transshipping product from Vanuatu-flagged vessels.
- Requiring owners or operators of every Vanuatu-flagged fishing vessel to complete a catch certificate application, attesting to the veracity of the details for landing or unloading, including:
 1. product unloaded (transshipped or landed): type of species, catch areas, jurisdiction and dates, estimated live weight and verified weight landed;
 2. attestation from vessel offloading and receiving vessel or receiver that the product was received in accordance with applicable national and international conservation and management measures; and
 3. declaration on export and import of the fisheries product, including the vessel name and flag, flight number, airway bill number, truck nationality and registration number, other transport documents and container number.

NPOA Action: Implement by 2015 a catch certification and traceability system for all Vanuatu-exported wild caught seafood products, which verifies compliance with national and international health standards and fisheries conservation measures.

NPOA Action: Require by 2014 all seafood products imported into Vanuatu to be accompanied by a valid catch certificate, which demonstrates compliance with health standards and relevant national and international management measures.

NPOA Action: Require by 2014 all landings of authorized Vanuatu fishing vessels to demonstrate traceability to the fishing trip from which the catch was taken.

4.6 Research

IPOA-IUU Article 77 encourages states to engage in scientific research to derive methods permitting the identification of fish species from samples of processed products, notably through work on genetic markers and protein profiling.

Vanuatu is not a large-scale processor of fish products, and as a small island developing state has not directed its research priorities, to date, towards work on genetic markers and protein profiling. Vanuatu recognizes the need for this research, given the multi-species catch compositions, with some species classed as overfished or CITES-listed, and will advocate for and support future research work in relevant forums, including the RFMOs it participates in.

Vanuatu will continue to support the research functions of SPC through funding contributions, provision of catch and effort data and sampling programs.

4.7 Regional Fisheries Management Organizations

IPOA-IUU Articles 78 to 84 encourages states to ensure the respect for and enactment of policies and measures adopted with respect to combating and eliminating IUU fishing by relevant RFMOs. Further, states are encouraged to adopt suggested management measures, even if they are not members of these organizations. The IPOA-IUU 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 to take measures against states failing to adopt agreed measures or control their nationals and vessels – through the RFMO and agreed procedures.

Vanuatu is party to and an active member of the RFMOs (or their equivalents) established by the following conventions or agreements: IOTC, CCAMLR, WCPFC, ICCAT, IATCC and the FFA. Vanuatu will continue to act in these RFMOs to implement binding measures to combat IUU fishing. In most cases, Vanuatu domestic laws and regulations have been amended to give effect to such measures.

Each of these RFMOs have a compliance committee, which meets annually to review each member's and cooperating non-member's compliance in the previous year. Vanuatu's record of compliance has been at a high level, with a number of isolated non-compliance instances described below.

WPFC

In 2012, Vanuatu under the WCPFC Compliance Monitoring Scheme, was not assigned a status of Compliance; non-compliance arising from shark, seabird and the transshipment measures.

IOTC

In 2011 Vanuatu failed to comply with the obligation to report on the implementation of the IOTC conservation and management measures. Vanuatu had also not participated in any IOTC Scientific Committee meeting, and had not submitted its national report to the IOTC Scientific Committee and failed to complete a compliance questionnaire. Vanuatu has not fulfilled the obligation imposed by IOTC to submit its opinion to IOTC on the removal of some IUU vessels from various countries from the IOTC IUU vessels list for 2011. Vanuatu has failed to transmit some mandatory information under the IOTC 07/02 Resolution on the recording of the vessels authorized to operate in the IOTC area.

ICCAT

ICCAT issued a letter of identification regarding Vanuatu, concerning its reporting deficiencies in 2010 and 2011, for a failure to comply with its obligation to communicate statistics, data and information such as annual report, data on Task I (statistics referring to fleet), data on Task II (catches size), compliance tables and some transshipment declarations or reports.

In all instances, Vanuatu has acted to put in place measure of remediation. A moratorium on longline fishing in the IOTC has been declared until Vanuatu can issue revised logsheets. Vanuatu's VFIMS development, VFD's establishment of an international fisheries unit, and industry e-reporting requirements, are being implemented and designed to mitigate RFMO reporting non-compliance.

Vanuatu, as a member of FFA, has been instrumental in the development of many WCPFC CMM proposals. The majority of WCPFC binding CMMs have originated through Vanuatu's FFA membership.

Fishing by Vanuatu-flagged vessels and/or nationals in waters and for species subject to the jurisdiction of RFMOs to which Vanuatu is not a party or a cooperating non-member has not arisen to any extent. Vanuatu prohibits such fishing without explicit Vanuatu authorization, and makes it a condition of authorization to comply with the conservation and management measures of the relevant RFMO.

Vanuatu is in the process of developing NPOAs for sharks, seabirds and turtles. Many of the RFMOs have similar conservation measures for these species, however there are often subtle variations between each; for example, the shark fin ratio application to green weight has been subject to a variety of interpretations. Vanuatu will work towards a standard management arrangement, to be applied across the fleet, which exceeds the baseline requirement set by the respective RFMOs. For example, Vanuatu should explore the options of banning the take of sharks and the use of wire traces across the fleet, the use of tope poles to mitigate seabird interactions, and specify turtle de-hookers on all longline vessels.

NPOA Action: Vanuatu-flagged vessels and Vanuatu nationals prohibited from fishing in waters and for species under the jurisdiction of those RFMOs other than in conformity with their conservation and management measures (*Fisheries Bill 2013*).

NPOA Action: Ensure Vanuatu meets its reporting obligations for the RFMOs it is a party or cooperating non-member to.

NPOA Action: Vanuatu to implement NPOAs for sharks, turtles and seabirds, and not to delay minimum standard condition of authorization for all fishing interactions with sharks, seabirds, turtles and mammals.

The OVI will be 100% compliance in all RFMOs.

4.8 Particular needs of developing countries

IPOA-IUU Articles 85 and 86 call for support to developing countries, notably in developing and implementing their NPOA-IUUs and giving effect to international obligations, duties and responsibilities as coastal, flag and port states.

The NPOA-IUU for Vanuatu was developed with the technical and financial assistance of FFA, and the European Union DevFish II programme. FFA and DevFish support was also made available for Vanuatu in the preparation of the *Fisheries Bill 2013*. These collective measures will provide the basis of ensuring that Vanuatu moves towards a system of maximizing the effectiveness of its MCS programs to prevent, deter and eliminate IUU fishing.

Vanuatu has received technical assistance in the fisheries sector from a number of bilateral partners, and international organizations of which Vanuatu is a member:

- Government of Japan (Japanese Trust Fund) – Observer training, Data management training;
- Government of Australia and NZ Aid through FFA – VMS training, development of the Niue Treaty Subsidiary Agreement, IMS development, dockside training;
- European Union (EU) – ACP Fish II technical support for development of MCS SOPS and DevFish II for technical and financial support establishing the Seafood Verification Agency;
- Food and Agriculture Organization of the United Nations (FAO) through FFA – PSMA training; and
- Korea – data workshop/PSM (international workshop).

The Vanuatu NPOA-IUU Actions will serve as a sound means to direct future cooperation with partners. In this respect, particular attention is drawn to Vanuatu's need to urgently modernize its management of the fleet through electronic business solutions directed at:

- improvement and harmonization of fisheries and related data collection;
- strengthening regional institutions; and
- strengthening and enhancing integrated MCS systems.

Vanuatu 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, both inside and beyond waters under national jurisdiction.

4.9 Implementing the NPOA–IUU

Vanuatu’s 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 Vanuatu’s fisheries compliance systems.

The *Logical Framework Matrix* in Attachment A sets out how Vanuatu will manage the implementation of the NPOA. It requires a whole-of-government approach, with oversight from the portfolio ministers of trade, commerce, transport authority, and fisheries. The Fisheries Maritime Advisory Committee will, as a standing agenda item, monitor implementation of the NPOA and provide ministers with implementation reports.

The formalization and documentation of standard operating procedures are essential for the successful implementation of the NPOA-IUU, a number of the following are in draft form (EU-ACP Project) and require formalization:

- IUU vessel checks (VFD, DPH, VISR)
- A licence and authorization compliance check (VFD and VISR)
- A port notification and clearance check (VFD and DPH)
- An offloading vessel inspection check (VFD and PMW)
- A processing licence compliance check (VFD)
- An export catch certification verification and validation system (VFD Seafood Agency, Customs and VFD International Fisheries Unit)
- Data entry procedures (VFD)

NPOA Action Point: Formalize and document standard operating procedures

NPOA Action Point: Regularly report NPOA implementation to relevant portfolio ministers and executive.

Annex 1. Vanuatu NPOA-IUU supporting actions: Logical Framework Matrix

Overall goal	Objective verifiable indicator
Effective application of monitoring, control and surveillance to eliminate IUU	All active MCS systems operating effectively
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/Logframe
Outcomes	
1. Illegal activities identified, deterred and/or prosecuted	
Activity 1.1: Preventing the registration and licensing of vessels with an IUU history	<p>VFD and VISR staff assigned</p> <p>VFIMS to enable online applications for fishing vessels registration and authorizations</p> <p>Standard Operating Procedure designed by VFD, VISR, and FFA</p> <p>Prior to registration IUU checks undertaken on owner and vessel history (MID). This should include provision of information from any preceding flag state</p> <p>VFD checking IUU black lists</p> <p>Prior to registration, checks against licence qualification criteria (VFD)</p> <p>Once licensed and registered listed on combined VFD Fishing Register including evidence of licence verification</p> <p>Listing on relevant RFMO vessels register including the FFA VOGS</p> <p>Pre-fishing inspection and fishing vessel safety inspection SOPs (VRD and VISR)</p> <p>Annual pre-fishing inspection check for vessel compliance, vessel crew and safety</p> <p>Provision made for deregistration in the event of licence removal</p> <p>Discretion exists to apply on-the-spot fines or other administrative sanctions for illegal activity.</p> <p>Listed on FFA VOGS and WCPFC list (excluding archipelagic vessels)</p>
Activity 1.2: Controlling foreign vessel licences	<p>VFD staff assigned and International Fisheries Unit established under the Compliance Manager</p> <p>Standard operating procedures developed and implemented by VFD which complement FFA regional vessel of interest (Vol) compliance indexing procedures</p> <p>Prior to licensing, IUU checks undertaken on owner, ships master and vessel history for each vessel covered under fisheries agreement (VFD), noting that FFA often provides this service for members</p> <p>Once licensed, listed on licensed record, including evidence of licence verification and IRCS</p> <p>Pre-fishing inspection SOPs (VFD and recognition of other FFA member's implementation of inspection procedures as set out by harmonized minimum term and conditions (HMTCS))</p> <p>Pre-fishing inspection check for fisheries compliance and vessel safety and crewing requirements</p> <p>Annual compliance review with an individual licence point system established</p>
Activity 1.3: Controlling unauthorized fishing in Vanuatu waters	<p>PPB deployment</p> <p>Joint operations</p> <p>Establish intelligence systems supported by FFA</p>

Means of verification	Assumptions
<ul style="list-style-type: none"> VFD and PMW annual report 	<ul style="list-style-type: none"> Whole of government support and tasking Sufficient financial resources available Technical expertise available
<ul style="list-style-type: none"> Vanuatu NPOA-IUU review VFD annual report Management Advisory Committee reports to ministers Maintaining a positive compliance status in each RFMO 	<ul style="list-style-type: none"> NPOA-IUU adopted and support activities implemented Required personnel and budgetary support in place
<p>Staff roster</p> <p>MoU and SOPs/staff training workshop report</p> <p>Registration check list completed for each vessel (VFD and VISR)</p> <p>Record of lists checked</p> <p>Fishing licence check list completed for each vessel (VFD)</p> <p>Vanuatu maintains records of individual vessel, owner and operator compliance history</p> <p>RFMO RoV, RFMO IUU lists and FFA VOGS</p> <p>Summary registration, licence and Distant Water Authorization document on the website</p> <p>Pre-fishing SOPs (VFD)</p> <p>Pre-fishing inspection report summary (VFD and VISR)</p>	<p>Cooperation between national agencies</p> <p>Support from FFA (VOGS)</p> <p>Provision of details of unauthorized fishing from other sources (RFMO blacklists) and preceding flag registration</p>
<p>Staff roster</p> <p>SOPs/staff training workshop report</p> <p>Vessel check against WCPFC RoV, RFMO lists and Compliance Analysis Engine (CAE)</p> <p>Licence checklist completed for each vessel (VFD)</p> <p>Vessel check record against WCPFC, IOTC and other RoV/RFMO lists and CAE</p> <p>Summary licence document on the website</p> <p>Pre-fishing SOPs (VFD and VISR) and pre-fishing inspection report</p> <p>Compliance record of Vanuatu flags and nationals</p>	<p>Cooperation between national agencies</p> <p>Support from FFA (VOGS and CAE)</p> <p>Provision of details of unauthorized fishing from other sources (RFMO IUU lists) and preceding flag registration</p>
<p>Records of sea days</p> <p>Press notices</p> <p>MoUs with other countries, FFA transmissions</p>	<p>Continued funding for VFD activities</p> <p>Continued support from Australian Defence for PPBs</p> <p>Continued support from foreign surveillance providers</p>

Outcomes (cont.)	Objective verifiable indicator
Activity 1.4: VMS monitoring and surveillance	<p>Agreed monitoring system (24/7 for Vols and joint operations)</p> <p>Staff assigned by VFD</p> <p>SOPs designed by VFD, PMW and FFA; staff appropriately trained</p> <p>Sharing intelligence through the FFA network on Vols</p> <p>Catch and effort (CAE) incorporated into Vol definitions</p> <p>Daily reporting and weekly debriefings</p>
Activity 1.5: Gear monitoring.	<p>Update and clarify gear prohibitions within the licensing arrangements</p> <p>Undertake regular inspection checks for purse seine and longline gear incorporated into SOPs for boarding and vessel landing inspection form</p> <p>Incorporating a system of benchmarking into the inspection process to improve efficiencies</p> <p>Duties assigned to and training for Compliance Division (CD) inspectors, boarding officers and observers on gear prohibitions</p> <p>Industry awareness workshops supported by FFA/SPC (1 per annum)</p> <p>Review detection process in fortnightly MCS coordination meetings to identify tasking strategies against potential risk and intelligence</p> <p>Inspection forms submitted by CD</p>
Activity 1.6: Monitoring and preventing unauthorized transshipments at sea inside and outside territorial waters	<p>Minimize transshipping authorizations</p> <p>Identify risks and effective means of detecting illegal transshipping: observer, CAE/Vol/VMS, CD, VMPWh, or aerial surveillance</p> <p>Review detection process in fortnightly MCS coordination meetings to identify tasking strategies against potential risk and intelligence</p>
Activity 1.7: Controlling unauthorized landing in domestic port	<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>Coast watch hotline</p>
Activity 1.8: Controlling unauthorized landing into foreign ports for Vanuatu-flagged vessels	<p>Other authorized and designated ports outside Vanuatu specified in MTC</p> <p>Evidence of authorization from foreign licences to land at other country ports</p> <p>Landing notice transmitted to VFD as part of MTC</p> <p>Review detection process in fortnightly MCS coordination meetings to identify tasking strategies against potential risk and intelligence</p>
Activity 1.9: Processors receiving illegally caught fish	<p>Traceability checks (packing lists) and factory entry logsheets (VFD) supported by a SOP</p> <p>Processing licences authorized by state and/or MID, with powers to remove licences established (Department of Justice and VFD)</p>

Means of verification	Assumptions
<p>VMS agreement with FFA</p> <p>Staff roster</p> <p>Equipment housed at VFD</p> <p>SOP and training workshop CAE reports</p> <p>Daily reports and debriefings</p> <p>Records of VMS/ALC non-compliance</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 within the EEZ (without exemption)</p>
<p>Licence MTCs upgraded to reflect any gear restrictions</p> <p>Inspection and observer SOPs upgraded</p> <p>Training records</p> <p>Benchmarking targets recorded for each fishing group</p> <p>Gear inspection checklist of vessel boarding form/and vessel landing inspection form</p> <p>PowerPoint presentations and workshop attendance records</p> <p>Fortnightly tasking sheets</p> <p>Publicly 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>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>Publicly available record of offences detected and fixed penalties (website and annual report)</p>	<p>A limited number of dispensations granted</p> <p>Effective coordination of enforcement actions</p> <p>Effective resourcing in monitoring transshipments</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>Publicly 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>Licence MTCs</p> <p>Foreign vessel licence</p> <p>MoU with other PNA countries</p> <p>Fortnightly tasking sheets</p> <p>Publicly 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</p>
<p>Packing lists, EU CCs and evidence of validation checks.</p> <p>Processor demonstrates internal traceability of product received and on-forwarded</p>	<p>Ability to detect illegally caught product through traceability systems</p>

Outcomes (cont.)	Objective verifiable indicator
2. Reporting activities identified, deterred and/or prosecuted	
Activity 2.1: Monitoring of catch reporting of target species (non-reporting/mis-reporting/under-reporting)	<ul style="list-style-type: none"> Data collectors and inputters engaged Vessel inspection (unloading) and data entry SOPs designed VFIMS fully operational and receiving data electronically for all vessel reporting requirements. Data enterers and collectors trained Number of offloading inspections Percentage of catch logsheets submitted within 72 hours of landing and percentage of catch logsheets and unloading inspections entered within 48 hours of receipt and submission of foreign logsheets Penalty system revised for late catch logsheets, and associated restrictions on port clearance Observer reports entered into TUBS within 48 hours IMS systems and e-logbooks Cross-checking procedures undertaken weekly. Use of CAE to support cross-checking: catch logsheets, observer reports, VMS positions Development of e-logbooks by 2018 Fixed penalties applied for non-compliance
Activity 2.2: Monitoring of catch report of endangered species	<ul style="list-style-type: none"> Record keeping incorporated into endangered, threatened and protected (ETP) species awareness workshops Endangered species catch logsheets completed Observers engaged ($\geq 5\%$) and the number of reports submitted within 48 hours Observer records inputted into TUBS within 48 hours ETP catch logsheet data recorded
Activity 2.3 Monitoring and controlling mis-reporting of catch positions	<ul style="list-style-type: none"> VMS, TUFMAN and CD sighting cross-tabulations implemented VMS intelligence from FFA Observer reports Development of e-logbooks and Integrated Management System by 2016
Activity 2.4: Monitoring compliance with reporting of days fishing inside EEZ waters	<ul style="list-style-type: none"> VMS in place, observer reports and CD sighting cross-tabulations implemented Development of e-logbooks and integrated management system by 2016
Activity 2.5: Monitoring compliance with reporting LL days fishing on the high seas	<ul style="list-style-type: none"> VMS in place and CD sighting cross tabulations implemented VMS intelligence provided by FFA Development of e-logbooks and Integrated Management System by 2016
Activity 2.6: Monitoring compliance with entry and exit reporting	<ul style="list-style-type: none"> VMS, weekly reporting
Activity 2.7: Failure to carry an observer	<ul style="list-style-type: none"> Number of trips reported Observer deployment on purse seiners (100%) and LL based on Vols ($\geq 5\%$) Look for technological solutions Cameras installed on all Vols by 2018

Means of verification	Assumptions
<p>Staff roster</p> <p>Record of catch (VFIMS)</p> <p>Record of boardings, weekly reports, unloading and packing checks inspections, catch logsheets (VFIMS)</p> <p>Record of computer terminals in operation</p> <p>Training workshops and certificates</p> <p>Record of data entries completed, when received and entered, and time to complete.</p> <p>Number of cross-checks undertaken manually or by use of VFIMS interface</p> <p>Progress report on IMS and e-logbooks</p> <p>Publicly available record of non reporting offences detected and fixed penalties</p>	<p>Appropriate human and computer resources provided</p> <p>Availability of appropriate training</p> <p>Effective cross-checking procedures in place</p>
<p>Workshop curricula and workshop records</p> <p>ETP logsbooks completed. Offloading inspections (VFIMS)</p> <p>Observer roster</p> <p>Record of observer data entries completed, when received and entered, and time to complete</p> <p>Record of ETP logbook data entries completed, when received, entered and time to complete</p> <p>Publicly 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>Record of cross tabulations (VFIMS)</p> <p>Details of communiqués with FFA</p> <p>IMS procurement, and e-logbook Details of communiqués installation records</p>	<p>VMS and cross-checking systems effectively applied</p> <p>Appropriate intelligence systems in place (CD sightings)</p>
<p>VMS records and ship sightings entered on VFIMS</p>	<p>VMS and cross-checking systems effectively applied</p> <p>Appropriate intelligence systems in place (CD sightings)</p>
<p>VMS agreement with FFA</p> <p>VMS records, and ship sightings entered in VFIMS</p> <p>Details of communiqués with FFA</p>	<p>VMS and cross-checking systems effectively applied</p> <p>Appropriate intelligence systems in place (CD sightings)</p>
<p>VMS and weekly report entries (position and catch)</p>	<p>VMS and cross-checking systems effectively applied</p> <p>Appropriate intelligence systems in place (CD sightings)</p>
<p>Observer deployment records</p> <p>Licence conditions amended to include observer coverage for foreign vessels</p>	<p>Cooperation from industry</p> <p>Application of effective sanctions for obstruction</p>

Outcomes (cont.)

3. Reporting activities identified, deterred and/or prosecuted

Activity 3.1: Landings by IUU vessels in national ports	SOPs developed for VFD
	Number of vessels providing pre-notification, and percentage that are non-compliant
	Awareness raising and coast watch and hotline
	Inspections undertaken and vessels detained
	Detentions and penalties for unauthorized fishing as appropriate

4. Effectiveness and efficiencies improved

Activity 4.1: Sanctions	Review the issue of compounding offences
	Evaluate and revise sanction schedule for multiple offences based on PNA economic data
Activity 4.2: Establish points system	Set up a transparent points penalty system for owners and masters, without the opportunity for removal through compounding
Activity 4.3: Training	The number of personnel attending training courses, number of short courses and the number of attachments at other MCS agencies
Activity 4.4: Reporting and analysis	Recording and reporting system on infractions detected and means of detection
	Cost efficiency analysis
Activity 4.5: Monitoring and evaluation	Report on activities fulfilled and actions recommended
	External audit within 3 years

Means of verification	Assumptions
<p>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 VMSL and VFD</p> <p>Effective risk monitoring procedures in place</p> <p>Effective use of coastwatch intelligence and fishing communities</p>
<p>Revised schedule</p>	
<p>Vessel, owner and masters penalty point list</p>	
<p>Workshops attendance lists and training certificates issues</p>	<p>Appropriate institutional support</p> <p>Continued donor support</p>
<p>VFIMS reporting system</p> <p>CEA assessment report</p>	<p>Appropriate analytical skills available</p>
<p>VFD, VISR and State Departments annual report</p> <p>External audit report</p>	<p>Appropriate resources allocated to M&E</p>

Annex 2. Vanuatu Fisheries Information Management System (VFIMS) developments

Development of Vanuatu's Fisheries Information Management System (FIMS) is a joint collaboration between Vanuatu, the Pacific Islands Forum Fisheries Agency (FFA) and the Oceanic Fisheries Programme of the Secretariat of the Pacific Community (SPC).

In concept and under development is a comprehensive information management environment for a 'one-stop shop' integrating national and regional databases, systems, tools and services to support fisheries management and monitoring, control and surveillance (MCS), nationally, regionally and globally.

VFD is working with FFA and SPC to integrate the following application, and therefore data into its IMS. The integration of data is essential for modernizing fleet management and catch certification, which requires extensive cross-matching of observer, logbooks and VMS data, particularly where its fleet are operating in a multi-jurisdictional context.

The IMS is made up of a series of 'modules' for the respective Vanuatu MCS programs, which are described below.

TUFFMAN module

Provides for data entry, data management, data quality control, administration, and reporting. This module was developed by SPC and is customizable and set up specifically for the needs of Vanuatu. Vanuatu currently has two versions of TUFFMAN: one hosted on the VFD server for the Vanuatu domestic fleet, and another with the Vanuatu fishing fleet for the management of the international fisheries fleet. TUFFMAN functions include:

- Licensing (Fisheries Agreements, Vessel Licences and Registration) – IATF Application are entered into TUFFMAN and IATF certificate is produced in TUFFMAN
- Logsheet data
- Observer trip summary information
- Port sampling inspection data
- Vessel unloading and packing lists
- Additional data such as: vessel activity log, trip coverage, telex reports
- Report generation
- Various auxiliary functions such as: 'data registry', linking of data that comes from different sources, generating estimates based on various sources, user administration, site customization (licence setup, profile setup), managing reference data, etc.

VFD and SPC have prioritized the integration and amalgamation of the VFD coastal fleet TUFFMAN system with the international fishing fleet TUFFMAAN system.

Currently, VFD can only access reports for the WCPFC convention area. This will enable VFD to report by ocean area, FAO area, and different RFMOs' convention areas, without having to rely on an external service provider. Amalgamation requires geo-coding respective RFMO areas of competence and designated port.

VFD will make available in the near future system design and electronic logbooks for vessels operators to update the TUFFMAN module with logbook data at the time of unload.

TUBS module

The FIMS TUBS module manages and provides the interface for entering observer workbook data. It augments the summary trip information initially recorded in TUFFMAN as part of the de-briefer process.

Logbook reconciliation module

Vanuatu FIMS has a module 'Logbook Recon', which automatically compares and checks vessels' compliance for the submission of logbooks per trip and the status of entry of the logbook data into TUFMAN. The analysis is reliable and compares logsheet trips with VMS trips.

Currently, the analysis can only run reports for those vessels on the FFA Register. It is not available for those vessels reporting VMS directly to WCPFC (the VMS trip cannot be established because of the WCPFC VMS data sharing rule) and those vessels reporting directly to Vanuatu VMS (the VMS data is not integrated with TUFMAN, this requires geo-coding of the CLS system to establish VMS trips).

VFD is to work in collaboration with SPC and FFA to enable the FIMS module to reconcile logbook submission and all Vanuatu fishing trips that are in VMS reporting.

VFD is to work with SPC and FFA to enable this FIMS module to compare logbook position data with observer, VMS and licence condition data, as agreed by FFC in 2013.

Observer program management (OPM)

This module assists VFD in the management of its observers, including personal, visa, passport, location, payment and qualification details. It is also used to manage the debriefing process to ensure that observer workbooks have been entered into the TUBS module.

High sea's transshipment module

This module is used to manage transshipment notifications and declarations received from Vanuatu-flagged receiving vessels (carrier vessels) and offloading vessels (fishing vessels). Currently, carrier vessels submit a transshipment notification to the department prior to the transshipment and a transshipment declaration form to confirm the actual transshipment activity. Fishing vessels are required to submit an unloading form for high Sea's transshipment.

Future modules to be developed

Vanuatu record of fishing vessels

A new FIMS module is to be developed. The record of fishing vessels module will be designed to ensure that vessel details on this record are consistent with the flag register and the list of authorization. FFA and SPC have agreed standard reference tables for vessel details (available on the SPC website), and these should be used for future Vanuatu FIMS development.

FIMS should have an inbuilt rule and level of integration with other databases to ensure that a vessel cannot be entered onto the register of flagged vessels or granted an authorization unless the vessels is on the record of fishing vessels.

The record of fishing vessels is to be made available to the public by automatically updating the VFD website.

RFMO reporting

A new FIMS module is to be developed to assist VFD in the management of its RFMO reporting obligations. Ongoing training and workshops are provided by SPC's Oceanic Fisheries Programme and IOTC will run an in-country data management workshop upon official request to the IOTC Secretariat.

Vessel monitoring system (VMS)

VFD FIMS future development includes creating a single sign in the VMS module. This will require the amalgamation of data from the three different VMS that Vanuatu is using to monitor its fleet. The module will create a single picture (and login) of Vanuatu's fishing fleet.

Vanuatu's VMS currently sits outside of the Vanuatu FIMS. It consists of three different systems:

1. FFA VMS uses FFA vendor software 'Smartrak'. Currently, 82 Vanuatu active vessels on the FFA List of Good Standing, which are actively reporting on the FFA VMS. Vanuatu and FFA collaboratively provide compliance monitoring of this system, and it has a compliance average of 99.5%.
2. WCPFC VMS uses WCPFC vendor software 'Smartrak', noting that there is a separate login to the FFA VMS although there is a level of integration between the FFA and WCPFC VMSs.
3. Vanuatu VMS, use Vanuatu vendor software 'CLS THEMIS WEB', for those vessels not reporting to WCPFC and FFA. It applies to any type of VMS, e.g. CLS Argos, CLS Thorium, Inmarsat.

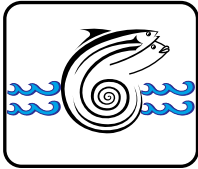
In concept data from the two systems will be warehoused and uploaded to create a single picture similar to the FFA Regional Surveillance Picture, which incorporates data from the WCPFC and FFA VMS data.

Vanuatu surveillance picture

Vanuatu FIMS is to develop a surveillance picture where vessel locations and assessed risk of non-compliance are depicted on a single global mapping interface.

This will be similar in concept to, and will most-likely leverage its system design on, the FFA Regional Surveillance Picture, except that it will include all of the Vanuatu vessels operating beyond the WCPO.

Note: Vanuatu, under FFA data sharing rules and agreements, has access to the Regional Surveillance Picture, which is a depiction of vessels movements and vessels compliance risks. It enables VFD to readily access information on the compliance history of the vessels and licence details for any of the 17 FFA member countries.



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