International and Regional Cooperation in Fisheries MCS

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COMHAFAT/ATLAFCO
- Role of States;
- Regional Cooperation Agreements on MCS;
- Memorandum of Understanding on Port State Control;
- ICCAT;
- Intervention of RFOs; ATLAFCO and REFMA;
INTRODUCTION

MCS is a key component of fisheries management and its effective implementation can serve as both a deterrent and enforcement mechanism to combat IUU fishing. Assessment of the strengths and weaknesses of IUU/MCS systems, revealed KEY priority thematic areas to strengthen regional cooperation in MCS to combat IUU fishing:

• Regional training programs on Needs Assessment on the implementation of IUU Fishing – PSMA;
• Comprehensive review of national legislation and regulations in the regions;
• Improvement in data collection and sharing;
• Strengthen on-going Regional Observer Programs and develop others, as appropriate;
• Promote involvement of regional and multilateral organizations;
• Strengthen on-going regional MCS systems and establish others, as appropriate;
• Regional capacity building in a number of key aspects of MCS;
ROLE OF STATES

The primary responsibility for implementing policy reforms by the Member States.

• The ministry, department or agency in-charge of the sector in each country will regulate, promote, support, guide, and coordinate the implementation of reforms through broad consultative processes with other stakeholders;

• Develop at country level, action plans of priority tasks to be undertaken;

• Give prominence to Advocacy for fisheries development needs;

• Seek external funds from donors and other development partners;

• Investing in capacity development to the maximum extent possible using internal funds;

• Promote both vertical and horizontal partnerships for implementing reforms;

• Ensuring national priorities are continually reviewed and applying strategies suggested in this framework;
ROLE OF STATES

Suggested recommendations by The African Union 2050 Africa’s Integrated Maritime Strategy (2050 AIM Strategy) to combat IUU Fishing include:

• All Member States are to report any IUU fishing activity to the AU for supplementary stringent dissuasive actions through all available channels deemed appropriate;

• Effective licensing and control of vessels allowed to fish by flag States;

• Real-time positional reporting by licensed vessels via Vessel Monitoring Systems (VMS);

• Surveillance and interception of irresponsible fishing by on-water patrols;

• Implementation of technical regulations for the safety of non-convention fishing vessels;

• Promotion of effective flag State implementation in a broader context through the enforcement of RFMO measures, such as ‘white’ or ‘black lists’ to identify ‘bad actors’;
ROLE OF STATES

UNCLOS requires States to cooperate with one another in:

• Conservation and management of the living resources of the high seas;

• Establishment of sub-regional or regional fisheries organizations where the nationals of more than one State are engaged in exploiting the same living resources or different living resources in the same area;

• Management of straddling and highly migratory fish stocks;
The Monitoring Component of MCS should, integrate and verify information from the licensing unit:

- Sea-going units (sightings and inspections), observers;
- VMS and satellite imagery;
- Port inspection;
- Logbooks, production logbooks;
- Vessel identification, activity and location;
- Data on fishing patterns;
- Fishers and community profiles with respect to socio-economic factors, dependency and earnings from fishing and any other fisheries information;

These data are useful to verify licensing conditions and to assess catch and effort for resource assessment and fisheries management planning.
ROLE OF STATES

The Control Component of MCS requires appropriate and enforceable legislation to implement the approved, participatory fisheries management plans. Effective controls must address five key areas:

• The powers and responsibilities of all fisheries personnel from the Minister to the lowest level, including any contract personnel that are part of the MCS scheme;

• International conservation agreements such as UNCLOS, UN Fish Stocks Agreement, FAO Compliance Agreement, the CCRF, PSMA and the IPOA on IUU Fishing;

• National fishing activities;

• Minimum terms and conditions for fishing;

• Penalties for non-compliance;
The **Surveillance Component** of MCS requires data collection, communication and education of stakeholders involved in participatory conservation activities. The basic infrastructure required should consist of at least the following:

- **A National Headquarters** for the coordination of fisheries operations with a network of linked field offices.

- **A Central Operations Room** where current status of fishing operations can be shown.

- **A Communications System** to all fisheries centres and mobile platforms in the field for both safety and control of operations.

- **A Computer Data System** for licensing and vessel registration, data collection and analysis.

- **Surveillance Equipment** Depending on local conditions and local government budgetary constraints, this equipment might include aircraft, vessels, air surveillance, sea surveillance (coastal, offshore and boarding equipment), VMS and satellite imaging technology, radar, GIS equipment and land transportation.
National Level

• Strong national support at ground level is an absolute requirement for effective MSC;
• Countries of a region provide foundational building blocks;
• National departments deeply involved in MSC measures;
• Develop national inter-departmental Working Groups to improve collaboration between Agencies with Fisheries Directorate functioning as the lead national agency.

  • Typically departments for Working Group would be:
    • Port Authorities and Import/Export
    • Licensing and Quotas, Scientific and
    • Bureau of Statistics
    • Compliance, Patrols and Defence
    • Justice and the Judiciary
    • Transport and Harbours
    • Foreign Affairs

• Each Department should if possible sign an MOU with the Fisheries Directorate. Each MOU would be specific to the Department.

This convention imposes the regulation of the access to the resource by a system of authorization and the adoptive conservation measures (introduction of rest periods, temporary or local prohibition of exploitation activities, prohibition of destructive techniques and abandonment of gear in the natural environment).
2) The Lomé Charter;

Transforms the African maritime security agenda from a mainly soft law, non-binding approach of the AIM Strategy to a hard law and a legally binding treaty approach;

Provides linkages between maritime security and safety, and the huge prospects of utilizing the marine spaces and resources as a key driver of Africa’s economic and social development;

Provides a legally binding definition of Blue/Ocean Economy;

Article 3
Objectives

The objectives of the present Charter shall be to:

a) prevent and suppress national and transnational crime, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking transiting through the sea and IUU fishing;
3). Fisheries Committee for the Eastern Central Atlantic (CECAF)

Committee promotes the sustainable utilization of the living marine resources within its area of competence by the proper management and development of the fisheries and fishing operations.

Provides advice on monitoring control and surveillance, especially as regards issues of a subregional and regional nature.

All ATLAFCO members are signatories except Namibia.
4). Regional Fisheries Commission of the Gulf of Guinea (COREP)

The Regional Fisheries Commission of the Gulf of Guinea is an intergovernmental organization and a specialized agency of the Economic Community of Central African States.

Framework for cooperation with the Multinational Coordination Center (MCC), which ensures coordination of surveillance actions for securing the part of the Gulf of Guinea, in the prospect of setting up an MCS system at the regional level.

**Member States** - Cameroon, Congo, DR Congo, Gabon and Sao Tome and Principe and two observers Angola and Equatorial Guinea.
SRFC reinforces cooperation between Member States and coordination of policies in terms of:

• The conservation and exploitation of fisheries resources in the sub-region;

• The adoption of international best practices

• Development of sub-regional cooperation with regard to monitoring, controls and surveillance;

• Development of Members' research capacities in fisheries sciences on the sub-regional level

**Members:** Cabo Verde, Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal, Sierra Leone.
The Fisheries Committee for the West Central Gulf of Guinea (FCWC) was established in 2007 to facilitate cooperation in fisheries management among members following a request by ATLAFCO in July 2005 to FAO to establish a sub-regional committee of fisheries in the west central part of the Gulf of Guinea.

The countries have several shared fish stocks and identified a need for cooperation and shared management of these resources.

Its function relating to MCS include;

- Enhance cooperation in respect of relations with distant water fishing countries;
- Strengthen sub-regional cooperation in monitoring, control, surveillance and enforcement, including the progressive development of common procedures;
- Promote the development of standards for the collection, exchange and reporting of fisheries data;

**Member countries:** Liberia, Côte d’Ivoire, Ghana, Togo, Benin, and Nigeria.
Recommendations that will help strengthen sub-regional cooperation on MCS

• Determine sub-regional priorities in MCS implementation that transcends different memberships and participation in the region;

• Strengthen sub-regional cooperation on MCS amongst the States by:

  • Establishing formal arrangements and framework between regional fisheries bodies and arrangements with policy and management functions (i.e. SRFC, FCWC, ICCAT and COREP) that will facilitate exchange of information on IUU fishing and data obtained from MCS tools;

  • Creating awareness and encourage member states to implement relevant provisions of the Policy Framework and Reform Strategy for fisheries and aquaculture in Africa;

  • Adopt lessons learnt from successful fisheries programs such as ACP Fish 2, GOWERMA, PESCAO, FishGov, SIF, FISH-i Africa and IOC’s SmartFish etc at the sub-regional level;
Recommendations that will help strengthen sub-regional cooperation on MCS:

• Engage in MCS activities with other States of the region;

• Conduct regional training on both the legal and practical aspects of Vessel Monitoring System and Observer Program to facilitate cooperation among legal and technical personnel;

• Ensure that any formal arrangement that will be developed within the region have provisions that will enable wider cooperation with other African sub-regions;

• Investigate how Regional Fisheries MCS Coordination Centre can facilitate MCS cooperation with other African States;

• Incorporate provisions of fisheries partnership agreement and other bilateral cooperation arrangements in domestic legislation;
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

Port State Control (PSC) is an inspection regime for participating countries to inspect foreign-registered ships in their national ports and take action against ships that are not in compliance with the requirements of international conventions, such as SOLAS, MARPOL, STCW, and the MLC.

- Verify that the condition of the ship and its equipment in compliance with international regulations
- Authenticate that the ship is manned and operated in compliance with these rules
- Data on deficiencies recorded during port state control inspections in a regular period,
- No of detentions that year.

Detention of the ship is the last course of action that a PSCO would take upon finding deficiencies aboard the vessel.

Courses of action a PSC may impose on a ship with deficiencies are;

- Deficiencies can be rectified within 14 days for minor infractions.
- Under specific conditions, deficiencies can be rectified when the ship arrives at the next port.
- Deficiencies must be rectified before the ship can depart the port.
- Detention of the ship occurs.
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

Paris MOU (blue),
Tokyo MOU (red),
Indian Ocean MOU (green),
Mediterranean MOU (dark green),
Acuerdo de Vina del Mar (yellow),
- Caribbean MOU (olive),
- Abuja MOU (dark red),
- Black Sea MOU (cyan) and
  Riyadh MOU (navy).
ABUJA MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

The Abuja MoU on Port State Control in the Region of West and Central Africa was signed 1999 by the representatives of sixteen coastal states on the African Atlantic coast.

The main activity of this instrument is the harmonization of the practices and procedures of the Port State Control in all countries in the region, aimed at:

- safety of the operation of vessels standards in this region to ensure maritime safety and security,
- protection of the marine environment,
- the improvement of the living and working conditions of ship crews,
- The facilitation of regional cooperation and exchange of information between Member States.

All ATLAFCO Members State are party to this MoU except Morocco.
ABUJA MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

On acceptance and depositing of instruments of acceptance with the Secretary General of the Abuja MOU, countries become full members of the MoU Relevant International Conventions

- The International Convention on Load Lines, (LOADLINE 66)
- The International Convention on Safety of Life at Sea, 1974 (SOLAS 74)
- The Protocol of 1978 relating to the International Convention for Safety of Life at Sea, 1974
- The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)
- The International Convention on standards of Training, Certification and Watch keeping for Seafarers, 1978 (STCW 78)
- The Convention on the International Regulations for preventing Collisions at Sea, 1972; (COLREG 72);
- The International Convention on Tonnage Measurement of Ships, 1969; (TONNAGE 69), and
The International Commission for the Conservation of Atlantic Tunas is an intergovernmental fishery organization responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and its adjacent seas.
INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT)

ICCAT contracting and cooperating parties adopt conservation measures within their management of highly migratory species through resolutions and recommendations:

• The allowable catch rates (TAC) by species based on the advice of its Scientific Committee;

• The coordination of research (including collection and analysis of fishery statistics) on species it manages;

• Regional observer programs,

• Information gathering and exchange on fishing activities and tuna fishing (including "IUU" fishing activities).
1. ESTABLISH AN AD HOC WORKING GROUP ON FISH AGGREGATING DEVICES (FADs)

- the reporting and MCS measures for fishing activities carried out in association with FADs;

- take a step that will strengthen ICCAT’s MCS regime to promote implementation of and compliance with conservation and management measures;

- An ad hoc Working Group is established with the Terms of Reference that included:
  - Consider ways to reduce juvenile catches of bigeye and yellowfin tuna caught in FADs fishing;

2. ICCAT SCHEME FOR MINIMUM STANDARDS FOR INSPECTION IN PORT

- take a step that will strengthen ICCAT’s monitoring, control, and surveillance regime to promote implementation of and compliance with conservation and management measures;
3. **ACCESS AGREEMENTS**

- FOC to notify the Commission prior to beginning fishing activities of the existence of such agreements and provide to the Commission information concerning these agreements, including:
  - Monitoring, control, and surveillance measures required by the flag CPC and coastal State involved with a particular specification of:
    - the National authority (contact coordinates) responsible for issuing fishing licenses or permits,
    - the National authority (contact coordinates) responsible for MCS activities.

4. **SUPPORT EFFECTIVE IMPLEMENTATION MINIMUM STANDARDS FOR INSPECTION IN PORT**

- A special Monitoring, Control, and Surveillance Fund (MCSF) be established to support and strengthen the development and implementation of effective systems of port inspection by developing CPCs in order to meet or exceed the minimum standards set out in Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port.
- Funds from the MCSF shall be used to provide technical assistance to port inspectors and other relevant enforcement personnel from developing CPCs.
5. **ESTABLISHING AN ICCAT SCHEDULE OF ACTIONS TO IMPROVE COMPLIANCE AND COOPERATION WITH ICCAT MEASURES**

In determining non-compliance and appropriate actions to address non-compliance with ICCAT conservation and management measures, a set of guidelines for an ICCAT schedule of actions will be applied which include:

- Category C: Monitoring, Control, and Surveillance (MCS) measures, including:
  - Failure to implement MCS measures, catch documentation schemes/statistical document programs, observer programs, transshipment controls, and VMS requirements
  - Failure to exercise port CPC controls, including port inspection requirements
  - Failure to exercise flag CPC controls

6. **MANDATE AND TERMS OF REFERENCE ADOPTED BY THE COMMISSION FOR THE ICCAT CONSERVATION AND MANAGEMENT MEASURES COMPLIANCE COMMITTEE (COC)**

- Pursuant to this review, assess the status of each CPC’s implementation of and compliance with ICCAT conservation and management measures, including MCS measures;
7. **ESTABLISH A WORKING GROUP TO DEVELOP AMENDMENTS TO THE ICCAT CONVENTION**

- A Working Group is established with the Terms of Reference that includes principles related to monitoring, control, and surveillance measures (MSC), force majeure, and responsible international trade should be duly taken into account.

8. **THE PROCESS FOR SEEKING CAPACITY BUILDING ASSISTANCE**

- A Port Inspection Expert Group for Capacity Building and Assistance is established with the following Terms of Reference:

1. Identify state-of-the-art needs assessment tools, training materials, and programmes related to port inspection.

2. A special Meeting Participation Fund (MPF) be established for the purposes of supporting representatives from those ICCAT Contracting Parties which are developing States to attend and/or contribute to the work of the Commission and other subsidiary bodies.
Roles expected of sub-regional fisheries organizations

The establishment of a sub-regional fisheries organization is easily justified by the international nature of the fight against IUU fishing. Sub-regional fisheries organizations were created to strengthen cooperation between Member States. As such, they will have to take care of:

- Improvement of the administrative and legal environment of sub-regional surveillance by proposing to States, the implementation of certain provisions,

- The follow-up and accompaniment of the States to the signature and ratification of all the texts adopted in the sub-region and the international texts relating to the rules of responsible fishing.

- The design and implementation of a concerted sub-regional monitoring strategy for fisheries, consistent, easy to implement and effective, pooling the human, financial and material resources that would complement national efforts.

- Research and mobilization of financial, logistical and expertise resources with external technical and financial partners for the benefit of the Member States, with a view to improving the monitoring system.

- Facilitation of permanent exchange of information, and overall monitoring of the activities of fishing vessels in the sub through a sub-regional coordination center for fisheries monitoring.

- The planning and coordination of joint monitoring missions (if planned) organized by sub-regional organizations.
Roles expected of sub-regional fisheries organizations

- The harmonization of the training of the personnel in charge of the controls of the sub-region and possibly the establishment of a sub-regional or subregional observer program.

- Defining and setting up a sustainable mechanism for financing sub-regional activities.

- The definition of metrics for the overall assessment of the program and monitoring of MCS activities in all Member States.

- Exchange of fisheries data and information including MCS actions and activities of fishing vessels operating in the sub-region through a subregional coordination center.

- The implementation of international agreements and other instruments on responsible fisheries in accompanying the States to the signature of these texts.

- The mobilization of technical and financial partnerships in support of the SCS of the Member States, capacity building of SCS staff in the countries of the subregion, and

- The implementation of ship monitoring instruments such as the subregional register of able to follow those who live in the waters of many at once and those guilty of IUU fishing, and the subregional observer program.

- The establishment and management of a fishing vessel monitoring instrument such as a sub-regional register of fishing vessels, capable of tracking vessels operating in several States at a time and vessels recognized practicing or collaborating with IUU fishing activities.
MINISTERIAL CONFERENCE ON FISHERIES COOPERATION BETWEEN THE AFRICAN STATES BORDERING THE OCEAN ATLANTIC (COMHAFAT)

Created in 1989, COMHAFAT is an intergovernmental organization that brings together 22 countries from Morocco to Namibia. It encourages:

• Promoting cooperation in fisheries management and development;

• The development, coordination and harmonization of the efforts and capacities of the Member States to preserve, exploit, develop and commercialize fishery resources;

• Strengthening solidarity with landlocked African States and States in the region geographically disadvantaged.

• The actions of the ATLAFCO are reflected in particular by:
  • Strengthening maritime vocational and technical training;
  • The development of fisheries research and marine sciences;
  • The promotion of trade and the valorization of fishery products;
The IPOA on IUU Fishing also suggests a number of ways for States through RFOs, can do more to prevent, deter and eliminate IUU fishing. Among other things, COHAFAT can therefore contribute to:

a) collect and disseminate information relating to IUU fishing;

b) identify vessels that are engaging in IUU fishing and co-ordinate measures against them;

c) identify States whose vessels are engaging in IUU fishing and urge identified States to rectify such behavior;

d) call on their members to take action against vessels without nationality that are fishing in the relevant region;

e) adopt rules to ensure that vessel chartering arrangements do not lead to IUU fishing;

f) adopt port inspection schemes, restrictions on transshipment at sea and schemes creating a presumption that fish harvested by non-member vessels in the relevant region should not be permitted to be landed in ports of members;

g) adopt catch documentation and/or trade documentation schemes; and

h) adopt other market-related measures to combat IUU fishing.
• The support of the international community, the United Nations, the FAO, the European Union in the fight against IUU fishing and acts of piracy;

• The support of several financial partners and various NGOs interested in the protection of the marine environment and the fight against IUU fishing;

• Synergy between the different sub-regional fisheries organizations and the Communities Regional Economic Regimes (RECs);

• Regional cooperation mechanisms.
REFMA - Grouping of African Maritime Training Institutions

- Develop a Standard MCS Training Operations Manual for Member countries in the region

- Development and update of National MCS Training Research and Development Strategic Plans in line with the Regional MCS strategy

- Provision of a study on information systems supporting fisheries controls in the region

- Provision of Research Findings and Scientific Advice to Government of MS

- Coordinate articulated utilization of available relevant Funding for international Training on MCS such as UNFSA Funds; IMCS ICCAT etc

- Liaison with relevant international institutions and organizations such as DOALOS; NOAA; NORAD; IMR; UNU-FTP; INTERPOL etc – Collaboration and Partnership Desk

- Customized Training Programmes, consolidated and comprehensive Training Hand Book. Training Modules/Manual

- Develop MCS Training and Implementation Programmes such as Observer Programme; VMS; MCS Planning, Review and Management; Vessel Registration ETC;
CONCLUSION

Collectively AU MS should combat IUU fishing by judiciously implementing the identified priorities, strategies and plan of action.

The strength of a regional mechanism will depend on the strength of MCS at national level, hence MS should continuously improve on their MCS system.

It is important that any formal arrangements within regions or sub-regions have provisions that will enable wider cooperation with other African sub-regions or regions.

It is also important that institutions and organizations directly involved in regional MCS initiatives (RECs, RFMOs, RFBs, Projects) maintain close working contact to ensure synergy in their work and avoid duplications, so that some key activities could be achieved through cooperation and partnership.