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**FIRST MEETING  
OF THE  
TECHNICAL AND COMPLIANCE COMMITTEE  
OF THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF  
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC  
OCEAN, POHNPEI, FEDERATED STATES OF MICRONESIA,  
5-9 DECEMBER 2005**

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WCPFC/TCC1/08  
17<sup>th</sup> October 2005

**Background paper on the monitoring, control and surveillance (MCS) issues discussed  
within the context of the WCPFC Preparatory Conference process and the first meeting of  
the Commission**

Prepared by the Secretariat

## **I. INTRODUCTION**

1. This background paper was prepared by the Secretariat in order to assist Members in considering Agenda Item 4 on the provisional agenda for first meeting of the Technical and Compliance Committee (TCC) of the Commission (WCPFC/TCC/2005/02).
2. This paper provides consolidated information on the monitoring, control and surveillance (MCS) issues discussed within the context of the WCPFC Preparatory Conference process (PrepCon) and the first meeting of the Commission (WCPFC1), the results of those discussions, and what MCS issues and needs remain. In doing so, this paper identifies the existing documents and papers prepared by the PrepCon and/or adopted by the Commission relevant to each MCS issue listed on the TCC1 provisional agenda, including VMS standards, specifications and procedures, the MCS component of the observer program, boarding and inspection procedures, port State measures, port inspections, and transshipment monitoring. This background paper also seeks to identify, for the subsequent consideration of the Commission, as appropriate, options to advance the discussion on particular MCS items.

## **II. PREPCON WORKING GROUP III**

3. Working Group III was established at the second session of the PrepCon (February 2002) to consider issues relating to the MCS needs of the Commission. Mr. William Gibbons-Fly (U.S.A.) was appointed Chairman of WG.III.
4. The terms of reference for WG.III (WCPFC/PrepCon/13) adopted by the PrepCon at its second session, required WG.III to:
  - (a) identify the needs of the Commission relating to MCS;

- (b) in consultation with Working Group II, identify the objectives and priorities of the regional observer programme and to develop a scheme to deliver the programme in a manner consistent with the Convention. In addressing this matter, the Working Group should consider, inter alia:
  - (i) the rights, duties and responsibilities of observers and fishing vessel masters; and
  - (ii) the respective roles of the members of the Commission, including the role of the flag State, in the assignment and certification of observers;
- (c) develop procedures for practical implementation of a boarding and inspection scheme consistent with the provisions of article 26 of the Convention;
- (d) develop standards, specifications and procedures, consistent with the Convention, including article 24, for the operation of a vessel monitoring system (VMS);
- (e) provide options in relation to other monitoring, control and surveillance needs of the Commission; and
- (f) consider and provide advice on such other matters as may be referred to it by the Preparatory Conference or by other working groups of the Conference.

5. As a result of the work of WG.III, at its first session in December 2004, the Commission adopted:

- (a) the procedures for its record of fishing vessels and authorization to fish (as set out in Annex I of WCPFC/PrepCon/46),
- (b) procedures for Cooperating Non-Members (as set out in Annex II of WCPFC/PrepCon/46), and
- (c) specifications for the marking and identification of fishing vessels (as set out in WCPFC/PrepCon/47).

6. This paper provides a “stock-take” of the MCS items identified in the provisional TCC1 agenda; therefore, Members are invited to review the WG.III Final Report (WCPFC/PrepCon/46) for additional summary information on each of the matters within its terms of reference.

### **III. VMS STANDARDS, SPECIFICATIONS AND PROCEDURES**

7. PrepCon participants identified the development of the Commission’s vessel monitoring system (VMS), per Article 24 of the Convention, as a priority task early on in the work of WG.III. To facilitate consideration of the issue, the Interim Secretariat prepared a discussion paper for PrepConV on the institutional options for VMS cooperation among the parties to the WCPFC (WCPFC/PrepCon/WP.23). This discussion paper describes the use of and legal basis for vessel monitoring systems, describes the different institutional structures and arrangements regarding international cooperation on VMS, identifies options for VMS cooperation among the

WCPFC Members, identifies issues that must be addressed in order to develop a Commission VMS (such as defining the target fleets, agreeing on technical specifications regarding polling, position reports, and data exchange formats, and addressing legal and administrative issues) and outlines a plan to develop VMS cooperation among the WCPFC Members. The delegation of France also submitted a paper on options for VMS cooperation among the members of the Commission (WCPFC/PrepCon/DP.31).

8. WG.III was not able to formally consider the issue of the Commission's VMS during its sessions due to a lack of time and the need to complete work on other items viewed by the participants as essential to the immediate work of the Commission (such as procedures for the Commission vessel record and authorizations to fish, a vessel marking scheme, and guidelines for cooperating non-members). VMS was included in the future work program of the TCC developed by WG.III, and included among the recommended priorities for the first meeting of the TCC (please see paragraph 24 and Annex III of WCPFC/PrepCon/46).

9. In December 2004, WCPFC1 adopted the *Resolution on Conservation and Management Measures*, which resolved that the TCC shall consider the VMS program as a matter of priority at its 2005 meeting (WCPFC/Comm.1/8, Annex II).

#### **IV. MCS COMPONENT OF THE OBSERVER PROGRAM**

10. At PrepCon III, WG.III discussed the development of the MCS component of the Commission's observer program consistent with Article 28 of the Convention and adopted principal elements of the observer program (WCPFC/PrepCon/21) on the basis of an informal working paper prepared by the Chairman (WCPFC/PrepCon/WP.6). However, it was recognized by participants that these elements do not necessarily reflect all of the considerations that need to be taken into account in the development of the Commission's observer program. These additional issues should be addressed as part of future efforts to elaborate the observer program, in cooperation with WG.II (science).

11. At PrepCon IV, WG.III considered an informal paper prepared by the Chairman, which took into account the principal elements of the observer program identified at PrepCon III. In its discussions, WG.III identified following matters be considered in the development of the observer program (WCPFC/PrepCon/26):

- (a) the usefulness of coordinating and communicating with the Chairman of WG.II on the data collection needs of the Commission in order to determine an effective level of coverage;
- (b) the need to consider practical difficulties in implementing the observer program which has bearing on the design of the observer programs;
- (c) the need for coordination and planning to ensure, to the maximum extent practicable, compatibility with sub-regional and national observer programs already in place in the region;

- (d) the desirability for standardization of data collection including standardized reporting formats for information that is collected;
- (e) procedures relating to data confidentiality;
- (f) that the purpose of the observer program in its initial stages should be to focus on validation of catch but that other useful information such as vessel sightings could also be reported under the program;
- (g) the value of ensuring standardized and quality observer training;
- (h) the significance of a phased or incremental approach to the Commission's observer program; and
- (i) cost effectiveness.

12. WG.III agreed that the development of the observer program should build on the principal elements adopted at PrepCon III (WCPFC/PrepCon/21), and that the next step was for a discussion paper to be prepared on proposed guidelines for the rights, duties and responsibilities for observers, captains and crew, using similar guidelines adopted by other regional organizations and national governments as a starting point. This paper was prepared for PrepCon V (WCPFC/PrepCon/WP.17), but due to a lack of time it was not considered during the PrepCon.

13. In December 2004, WCPFC1 adopted the *Resolution on Conservation and Management Measures*, which resolved that the TCC shall consider the regional observer program as a matter of priority at its 2005 meeting (WCPFC/Comm.1/8, Annex II).

## **V. BOARDING AND INSPECTION PROCEDURES**

14. At PrepCon III, WG.III discussed the development of procedures for practical implementation of a boarding and inspection scheme, consistent with Article 26 of the Convention, and adopted principal elements for a boarding and inspection scheme (WCPFC/PrepCon/21) on the basis of an informal working paper prepared by the Chairman (WCPFC/PrepCon/WP.6).

15. At PrepCon IV, WG.III considered draft procedures for boarding and inspection pursuant to the Convention, which were prepared by the Chairman (WCPFC/PrepCon/WP.14). In addition to the comments and views expressed by participants to the Chairman in advance of PrepCon IV, and during the meetings of WG.III during PrepCon IV, Chinese Taipei, the European Community, Japan, Korea, and the members of the Forum Fisheries Agency tabled documents containing suggestions for improvements to WP.14 and alternative formulations of a boarding and inspection scheme. On the basis of these discussions and proposals, WP.14 was revised and considered at PrepCon V (WCPFC/PrepCon/WP.14.Rev.1). Recognizing that significant differences of view remained regarding the provisions of paragraph 17, regarding the conditions under which boarding and inspection will be authorized, participants focused much of

their discussions on the other technical and policy elements under consideration in the draft. PrepCon V advanced the discussion on a number of important elements of the draft procedures, but several key issues remain to be resolved.

16. The issue of boarding and inspection pursuant to Article 26 was not discussed at PrepCon VI, nor PrepCon VII, in order for WG.III to address those MSC needs of the Commission that were considered to be the most urgent in the short term, i.e., completing the Commission's record of fishing vessels and authorization to fish, procedures for cooperating Non Members, and a scheme for vessel and gear marking.

## **VI. PORT STATE MEASURES**

17. At PrepCon V, WG.III identified port State control as a priority MCS need of the Commission (WCPFC/PrepCon/33, paragraph 5). It was further noted that ongoing work at the FAO to convene a technical consultation on port State control issues may usefully inform future work on this issue (WCPFC/PrepCon/36, paragraph 3).

18. The UN Food and Agriculture Organization (FAO) convened the Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and at Unregulated Fishing (IUU) from 31 August to 2 September 2004 (*FAO Fisheries Report*. No. 759. Rome, FAO. 2004). The objectives of the Technical Consultation were to address substantive issues relating to the role of the port State in combating IUU fishing and to address principles and guidelines for the establishment of regional memoranda on port States measures to prevent, deter and eliminate IUU fishing. The Technical Consultation approved a Model Scheme on Port State Measures to Combat IUU Fishing, strongly supported the proposed Program of Assistance to facilitate human development and institutional strengthening in developing countries to promote the full and effective implementation of port States measures to combat IUU fishing, and supported the establishment of a database concerning relevant port State measures. The report and recommendations of the port State Technical Consultation were endorsed by the Twenty-sixth Session of the FAO Committee on Fisheries (COFI 26) in March 2005.

## **VII. PORT INSPECTIONS**

19. The WCPF Convention contains provisions on port inspections carried out by port States (Article 27(2)). This MCS issue was not substantively discussed during the PrepCon, but was included on the future work program for the TCC.

20. The 2004 FAO Model Scheme on Port State Measures (see paragraph 18 above) contains a detailed section on inspections to be used by port States in implementing the scheme, including annexes on Port State Inspection Procedures of Foreign Fishing Vessels, Results of Port State Inspections, Training of Port State Inspectors, and an Information System on Port State Inspections.

## **VIII. TRANSHIPMENT MONITORING**

21. The WCPF Convention contains provisions for regulating and monitoring transshipment (Article 29 and Annex III). Although this MCS issue was not substantively discussed during the

PrepCon, participants identified guidelines on transshipment as a priority MCS issue in order to promote accurate catch reporting and the effectiveness of conservation and management measures adopted by the Commission. Accordingly, developing guidelines to regulate and monitor transshipment was included in the future work program of the TCC developed by WG.III, and included among the recommended priorities for the first meeting of the TCC (please see paragraph 24 and Annex III of WCPFC/PrepCon/46).

## **IX. FUTURE WORK**

22. *Vessel monitoring systems (VMS).* The TCC could consider the discussion paper on the institutional options for VMS cooperation (WCPFC/PrepCon/WP.23), and the contribution by the delegation of France, to frame its deliberations to develop a Commission VMS, such as on the appropriate scale, target fleets, technical specifications, and timeframe for its implementation.

23. *MCS component of the observer program.* The TCC could consider the draft guidelines for the rights, duties and responsibilities for observers, captains and crew (WCPFC/PrepCon/WP.17) and identify, in cooperation with the Scientific Committee, recognizing the recommendations of SC1 regarding the data needs of the Commission and the scientific aspects of observer programs, the elements needed for the development of the observer program that is appropriate in coverage, design and cost, taking into account the specifics of the fisheries involved and existing regional and national observer programs, as well as developing a timeline for its implementation.

24. *Boarding and inspection procedures.* The Chair of TCC, in consultation with the former Chair of PrepCon WG.III, could issue a revised text of the draft procedures, taking into account the discussions and proposals made at PrepCon V.

25. *Port State measures and port inspections.* The TCC will consider a paper on how the provisions of the FAO Model Scheme may be applied by the Commission and Members in developing port State measures to implement Article 27 of the Convention. Regarding port inspections, the provisions and annexes of the Model Scheme could serve as a useful basis for the Commission and Members in considering future work on this issue. The experience of States and other regional fisheries management organizations, which include port inspections by port States in their MCS programs, may usefully inform deliberations on this issue.

26. *Transshipment.* The TCC will consider a paper on options to implement Article 29 of the WCPF Convention, taking into account the experience of States and other regional fisheries management organizations.

27. *Gear marking systems.* The TCC could consider using the background paper on possible components of regional vessel and gear marking systems (WCPFC/PrepCon/WP.18) as a starting point for its discussions to develop a system of marking and identifying fishing gear to implement Articles 14 and 24 of the WCPF Convention.

Annex I

**LIST OF DOCUMENTS CONSIDERED BY WORKING GROUP III AND ADOPTED  
BY WCPFC1 RELEVANT TO THE WORK OF THE TCC**

<i>Symbol</i>	<i>Title</i>	<i>Date of issue</i>
WCPFC/PrepCon/13	Working Group III (Monitoring, Control and Surveillance): Terms of Reference	1 March 2002
WCPFC/PrepCon/21	Summary report by the Chairman of the Working Group to the third session of the Preparatory Conference	22 November 2002
WCPFC/PrepCon/26	Summary Report by the Chairman of the Working Group to the fourth session of on the Preparatory Conference	9 May 2003
WCPFC/PrepCon/33	Summary Report by the Chairman of the Working Group to the fifth session on the Preparatory Conference	3 October 2003
WCPFC/PrepCon/36	Preparations for the Meetings of Working Group III during the sixth session of the Preparatory Conference (Note by the Chairman of Working Group III)	30 March 2004
WCPFC/PrepCon/39	Summary report by the Chairman of the Working Group to the sixth session of the Preparatory Conference	23 April 2004
WCPFC/PrepCon/WP.6	Needs of the Commission with respect to monitoring, control and surveillance (Proposal by the Chairman)	3 October 2002
WCPFC/PrepCon/WP.14	Draft Procedures for Boarding and Inspection Pursuant to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Working Paper by the Chairman of Working Group III)	24 April 2003
WCPFC/PrepCon/WP.14/Rev.1	Revised Draft Procedures for Boarding and Inspection Pursuant to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Prepared by the Chairman of Working Group III)	10 September 2003
WCPFC/PrepCon/WP.17	Draft Guidelines for the Rights, Duties and Responsibilities for Observers, Captains and Crew (Prepared by the Chairman of Working Group III)	10 September 2003
WCPFC/PrepCon/WP.18	Background Paper on possible components of Regional Vessel and Gear Marking System (Prepared by the Secretariat)	10 September 2003
WCPFC/PrepCon/WP.23	Discussion Paper on the Institutional Options for VMS Cooperation among the Parties to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Prepared by the Interim Secretariat)	2 April 2004
WCPFC/PrepCon/DP.31	Options for VMS Cooperation among the Parties to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Submitted by the Delegation of France)	20 April 2004
WCPFC/PrepCon/46	Final Report of Working Group III	7 December 2004
WCPFC/PrepCon/47	Specifications for the Marking and Identification of Fishing Vessels (Proposed by Working Group III)	7 December 2004
WCPFC/Comm .1/8	First Session of the Commission: Summary Record	10 December 2004