



**SEVENTH REGULAR SESSION**  
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**VESSEL MONITORING SYSTEM REPORT FOR THE COMMISSION**

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**WCPFC7-2010/27**

**22 October 2010**

**ISSUES:**

1. A number of issues have been raised by Commission members that Commissioners are invited to discuss and resolve including the following:

- Boundary protocols
- VMS Audit and costs;
- Cost Recovery
- Standardization of Commission ALC/MTUs;
- SSPs resolution of issues;
- Procedures and protocols for high seas monitoring and reporting anomalies;
- Rules and processes for monitoring IATTC/WCPFC overlap area.

**ADVICE AND RECOMMENDATIONS:**

2. **Boundary Protocols:** Members have raised concerns about the different interpretation of the exact boundary lines that apply in the WCPFC. This matter was discussed at length at TCC6 and the meeting noted that the boundary delimitation and the establishment of boundary coordinates was an issue beyond the mandate of the Commission to resolve. It was suggested CCMs consider providing advice to fishing fleets that they stay a certain distance (5-10 miles) away from the boundaries if there are any ambiguities. It was also noted that once boundaries are delimited and finalized, the information relating to the final coordinates will be published on the UN website.

A common sense approach would be for companies to establish the exact maritime boundaries with member countries prior to fishing in their waters. An alternative solution may be for CCMs to use common, publicly available outer limits of Maritime Boundaries for VMS with all regional VMS, *without prejudice* to ongoing boundary negotiations. If the second option was to be agreed then the UN publicly available boundary limits, SOPAC updated *without prejudice* limits could be accepted as the common Pacific region standard for VMS boundaries for monitoring;

3. **VMS Audit and Costs:** As the Commission VMS operates under an agreement with the FFA both parties are now in the process of agreeing a terms of reference (TOR) for an audit of the performance of the system. This audit will be completed early in the New Year. An internal WCPFC review indicated efficiencies could be gained and improvements made and these concerns will be included in the agreed Audit TOR.

4. As the FFA and WCPFC are now both receiving VMS services through the same service provider, the WCPFC7 is invited to review the current VMS structure and arrangements and determine if there is a more cost effective structure for the delivery of the VMS service that would be of benefit to all parties in the Commission.

5. **Cost Recovery:** At present the Commission supports the operation of the Commission VMS through its annual budget, approximately 13.8 per cent of which was allocated for the Commission VMS in 2010. The Commission tasked the Secretariat to look at cost recovery options to more effectively address the rapid rise in the number of vessels being monitored each year.

TCC6 has developed a Terms of Reference for a study on cost recovery options and its implications for the budget and this will be discussed under item 7.2.1.

6. **Standardization of ALC/MTUs:** Paragraphs 2.9 and 2.13 of the SSPs state that CCMs are to carry out a periodic audit of a representative sample of installed ALCs. To date no audits have been reported to the Commission. CCM are reminded that these audits are to be reported in the Part 11 reports. Information on the type of units being used helps the Secretariat and the VMS provider better understand performance issues that may arise. CMM 2007-02 applies.

7. **Outstanding SSP issues for resolution:** Definitions remaining in bracketed text in the SSPs, and lack of full access to Commission VMS data is hampering system operations, and creating data gaps. This lack of full data means the Commission cannot verify either, receipt of all high seas data to which it is mandated to monitor, or its invoices for services, the latter resulting in possible overcharging of system costs to Commission members. This was discussed at TCC6 and the meeting recommended that the Secretariat be tasked to develop further work on SSPs relating to the Commission VMS in light of the comments from CCMs, and in the context of the VMS security audit. WCPFC7 is invited to consider allowing the Secretariat, under current confidentiality access rules, appropriate authority for full access to the data for which it is paying for operational and financial verification purposes. This would allow for a more efficient operation.

8. **Procedures and protocols for high seas monitoring:** Currently when the Secretariat is monitoring the VMS and discovers anomalies in the tracks and performance of vessels it writes to the CCM and asks that the issues be followed up and resolved and that the Secretariat be advised of the outcome. Some CCMs do this other anomalies remain unresolved. The Commission is invited to provide guidance to the Secretariat on this process and decide on how it would like this type of information on potential IUU activity reported to the Commission.

9. **The Overlap Area with IATTC:** TCC6 recommended that the ED meet with his IATTC counterpart as a first step to try to resolve this outstanding issue and to report back to TCC7 on progress. The boundary for the WCPFC which overlaps the established IATTC boundaries is causing issues with compliance under WCPFC CMMs including VMS operations.

## DETAILS

### Boundary Protocols

10. To assist in implementing the Commission VMS the Secretariat requires coastal States to provide the coordinates for their outer maritime limits within the Convention Area.

11. The South Pacific Applied Geoscience Commission (SOPAC) has agreed to share with the WCPFC Secretariat the Pacific Islands' 200 nautical mile notional boundaries, the same data which was

delivered to the FFA Secretariat on a “*without prejudice to boundary delimitation negotiations*” basis. An update of the data set was provided to WCPFC Secretariat in May 2010. This consists of publicly available data (UN), original FFA data and recently updated data from SOPAC’s Maritime Boundaries Programme. This data describes the present state of the WCPFC Secretariat’s data holdings on the geographical position of the 200nm outer limits for SOPAC member countries in WSG84 format.

12. These two sets of boundaries can be shared with members, **noting:**
- that nationally set boundaries with final delimitation take precedence, and for boundaries not yet delimited, the nationally set boundary should be considered the outer limit; and
  - for Pacific VMS the boundaries shall be UN delimited boundaries and the SOPAC *non-prejudicial* boundary for the purposes to initial investigations of fishing in unauthorized areas.

### **VMS Audit, Costs and Service Level Agreement with FFA**

13. Paragraph 7.3.3 of the SSPs requires, in part, the Secretariat to develop and manage a service level agreement (SLA) with the FFA for provision of VMS services. This SLA was signed by the Secretariats of the WCPFC and FFA in early December 2008. Since then the WCPFC Secretariat has met quarterly with the FFA Secretariat to monitor the delivery of SLA services in support of Commission VMS implementation.

14. This Agreement has been encountering difficulties in its implementation due to the requirement for the Commission to depend on a non-contracted, third party service provider via FFA (hereinafter called the third party service provider), for key system services, while the third party service provider is not bound by legal agreement to the Commission for the full functional operations and maintenance of the Commission VMS in a manner as determined by the Commission Members.

15. The Secretariat relied on the annual VMS Security Audit (SSPs para 6.10) the first to be this year, to identify areas of concern and make recommendations as to how to move forward for a more effective and secure arrangement for the Commission VMS services in cooperation with FFA. There has been agreement with the FFA Secretariat to expand this audit into a wider joint audit of VMS for both agencies to promote closer cooperation, better control of the systems for Members of both organizations, and greater cost efficiencies for both parties.

16. The partial Audit completed on contract by the Commission, although certainly incomplete, raised enough concerns in several security and data integrity areas within the WCPFC and FFA Secretariats to stimulate a joint Pacific wide VMS audit to address these and any new concerns to ensure greater cooperation with FFA, greater control of the system by the two agencies, and greatly reduced costs, noting the results of preliminary costs comparisons. These issues are of particular concern to the Commission with respect to the requirement for annual, independent security and data integrity audits and the review of CMM 2007-02 in 2011.

### **VMS Cost Recovery**

17. At present the Commission supports the operation of the Commission VMS through its annual budget, approximately 13.8 per cent of which was allocated for the Commission VMS in 2010.

18. Approximately 2,900 fishing vessels are currently being monitored in the high seas of the Convention Area by the Commission VMS1. Of these, approximately 1,440 report directly to the Commission VMS and the remainder report to the Commission VMS via the FFA VMS when they enter

the high seas in the Convention Area2. Since the RFV currently contains records of 6,200 vessels there is potential for many more of them to require monitoring by the Commission VMS in the near future.

19. The Commission has the option of either continuing to support the operation of the Commission VMS through its annual budget or institute an equitable cost-recovery scheme based on the widely accepted principle of “user-pays”.

#### **ALCs/MTU Comply with WCPFC Standards**

20. Paragraphs 2.9 and 2.13 of the SSPs state that CCMs are to carry out a periodic audit of a representative sample of installed ALCs. The results of these audits will be provided to the Commission by CCMs in the Part 2 component of their respective annual reports to the Commission and those results compiled by the Secretariat into a VMS Audit Report Document. At the time of preparation of this paper no audit reports had been included in Part 2 Annual Reports received by the Secretariat. This creates a potential gap in compliance with the CMMs on standardization of ALC/MTUs which needs to be addressed by each member and regionally.

#### **SSPs – Resolution of issues relating to bracketed text and proposal for modification.**

21. In their current form, some sections of the SSPs constrain the WCPFC Secretariat from effectively managing the Commission VMS. These sections include bracketed text in paragraphs 5.4 and 5.5 of the SSPs, part of paragraph 5.3 and the need for an additional paragraph (7.3.11).

22. At the WCPFC6, CCMs including the US and FFA members who have been working on this issue, reported several outstanding issues still remain to be settled. Although it was recommended that CCMs work to resolve issues relating to bracketed text in paras 5.4 and 5.5 of the VMS SSPs, the Secretariat has not been advised of any such resolution.

23. The issue of full access to the Commission data is key to the Commission for control of the system, for both operational and fiscal audit purposes, especially noting the revelation of lack of full data for the high seas being made available to the Commission, and high operational costs that could not be verified. It is for this reason that the Secretariat is recommending a change in SSPs as follows:

**“The WCPFC Secretariat shall have administrative rights/privileges to all Commission VMS data in order to effectively manage the system.”**

#### **Process for High seas monitoring**

24. The Commission mandate, as the only agency approved to view and monitor the VMS tracks of all registered vessels on the high seas, includes the requirement to monitor the high seas closures as well as the FADs closures, but there are no directions as to how, or to whom to report anomalies. In light of the lack of direction, the Secretariat has been notifying the flag state of the vessel in question of the events (15 to date) with copies of the VMS information to assist the flag state in the control of their vessels in accordance the UNFSA, WCPFC Convention and CMM 2009-01. There have 14 responses of which 8 are still under investigation and 6 resolved.

25. The Commission is invited to provide guidance on what action the Secretariat should take in such instances and follow up actions in case of no response from the flag State.

#### **WCPFC and IATTC overlap area**

26. Certain vessels were observed carrying out 'suspect' activities on the high seas of the Convention area which overlaps with IATTC area. The Secretariat advised the flag state of these activities, but the flag state advised that they had the right to operate in that area which was under IATTC jurisdiction. The Secretariat seeks guidance from the Commission as to its role in this area and appropriate steps to address this emerging management concern.