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TERMS OF REFERENCE FOR VMS AUDIT

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Paper prepared by FFA DDG and WCPFC ED

DRAFT TERMS OF REFERENCE FOR THE JOINT FFA/WCPFC PACIFIC VMS AUDIT

INFORMATION PACKAGE

BACKGROUND

WCPFC

The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) entered into force in June 2004 creating one of the first regional fisheries management organizations to be established since the 1995 adoption of the United Nations Fish Stocks Agreement (Agreement). The objective of the Convention, and hence the Western and Central Pacific Fisheries Commission (WCPFC), is to ensure the long-term conservation and sustainable use of highly migratory fish stocks in the Convention Area in accordance with the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the Agreement.

The WCPFC currently has 25 Members, seven Cooperating Non-Members, three Pacific Overseas Territories from each of France and the US, and Tokelau are included as Participating Territories within the Commission. Additional information concerning the WCPFC, including copies of recent decisions, is available from www.wcpfc.int

In December 2007, the WCPFC agreed on the framework for the establishment of the Commission VMS (CMM 2007-01), specifying amongst others the nature and specifications of the Commission VMS as a stand-alone system:

- developed in and administered by the Secretariat of the WCPFC under the guidance of the Commission, which received data directly from fishing vessels operating on the high seas in the Convention Area; and
- with the added capability that it can accept VMS data forwarded from the FFA VMS, so that the fishing vessels operating on the high seas in the Convention Area will have the option to report data via the FFA VMS.

On the 1 April 2009, WCPFC began monitoring high seas positions of fishing vessels authorized to fish for highly migratory fish stocks in the WCPFC Convention Area. The 5th Regular Session of the Commission (WCPFC5) held at Busan, Korea in December 2008 approved the standards, specifications and procedures for the operation of the WCPFC's near-real time, satellite-based vessel monitoring system (SSPs). The SSPs specify the wish of Commission members at that time, that the operation of VMS programs within waters under national jurisdiction shall be the exclusive responsibility of the Coastal State. The "WCPFC VMS" uses the infrastructure managed by the Pacific Islands Forum Fisheries Agency (FFA) which also supports a VMS for FFA members in their national waters. When referred to as a single system the WCPFC VMS and the FFA VMS are collectively referred to as "Pacific VMS". WCPFC5 endorsed a Service Level Agreement ("SLA") between the WCPFC and FFA regarding the FFA's support of the WCPFC VMS.

The WCPFC VMS is an open architecture, integrated service that utilizes FFA-owned IT VMS infrastructure, software and services. It consists of the Sydney, Australia-based co-location services under an FFA contract with Macquarie Telecom Data Centre. The vessel position reporting to the WCPFC VMS varies from hourly to four-hourly intervals. Over 2,750 fishing vessels are being monitored in the high seas of the Convention area. The WCPFC Record of Fishing Vessels lists over 6,500 vessels, and it is expected that more of these fishing vessels will be reporting to the system in the near future. In the last 12 months, a number of coastal members of the Commission have entered into bilateral arrangements with the WCPFC to extend the WCPFC VMS to waters under national jurisdiction.

Additionally, with the adoption in December 2009 of the “Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and information compiled by the Commission for the purpose of monitoring, control or surveillance (MCS) activities and the access to and dissemination of high seas VMS data for scientific purposes”, the Commission has an established framework that many Commission members have commenced using in 2010 to access high seas VMS position reports out to 100 nautical miles from their EEZs, for high seas enclaves, for active MCS operations, and on request. Some concern has also been expressed by Commission members about the higher than anticipated costs for the WCPFC VMS; cost-efficiency is noted as desirable and possible cost recovery mechanisms are currently being explored.

FFA

The Pacific Islands Forum Fisheries Agency (FFA) was established in 1979 in response to the member countries’ desire to promote regional cooperation and coordination in respect of fisheries issues and their concern to secure maximum benefits from the living marine resources of the region, in particular the highly migratory species.

Under the 1979 FFA Convention, the FFA consists of the Forum Fisheries Committee (FFC) which is the governing body, and a Secretariat. The Agency presently has seventeen members, each of which is represented at the FFC. The Convention places the seat of the Agency at Honiara, and an Agreement between the Agency and the Government of Solomon Islands defines the diplomatic status of FFA.

The FFA Secretariat, with a current establishment of approximately seventy five positions, is organised into four divisions; Fisheries Management, Fisheries Development, Fisheries Operations and Corporate Services. FFA is led by an executive management unit headed by the Director-General.

In 1988, a regional meeting of fisheries surveillance officers from FFA member countries discussed the possibility of using satellite technology to enhance other compliance measures used by FFA member countries in their respective EEZs. From those early discussions that were reported to the FFC, the concept was developed by the FFA Secretariat in collaboration with fisheries officials from FFA member countries, into a FFA VMS Business Plan.

The FFA VMS Business Plan identified two main business problems, namely illegal fishing and misreporting and/or under reporting of catches of tuna in FFA member countries' Exclusive Economic Zones (EEZs), that total approximately 30 million square kilometres of ocean.

The FFA VMS provides the FFA member countries with a cost-effective tool to enhance other measures in place in their EEZs to ensure fishing vessel operators comply with national fisheries regulations. The system has been built to exacting standards and has been rigorously tested to provide the functionality required by FFA member countries.

Foreign fishing vessels applying for licences to fish in the EEZs of the FFA members are advised by their national licensing authorities that a pre-condition of obtaining a licence is that the vessel must first be registered on the FFA Vessel Register and monitored by the FFA VMS System. The decision to require a fishing vessel to register on the FFA Vessel Register is therefore the responsibility of FFA member countries, not the FFA Secretariat. There are currently over 1251 vessels of all types being monitored by the FFA VMS.

TERMS OF REFERENCE

The consultants to be appointed to conduct this joint FFA/WCPFC Pacific VMS Audit shall have no affiliation or direct linkage or vested interest with the current service provider(s) for three years or any direct linkage or affiliation with other commercial service providers.

OBJECTIVES

The objectives of this joint FFA/WCPFC Pacific VMS Audit are as follows:

- To assess the WCPFC VMS and the services currently provided within the SLA and provide options for improvements in its operations to meet current and future requirements.
- To assess the FFA VMS services currently provided within the SLA and provide options for improvements in its operations to meet current and future requirements.
- To assess and recommend the most operationally effective mechanisms to strengthen cooperation between the WCPFC and FFA (and where possible, their respective Service Providers) in the implementation of the WCPFC VMS within the requirements of the current arrangements (SLA, SSPs, CMMs) and general best practice standards for the provision of high quality and timely data to support fisheries management, including through better informed and targeted MCS monitoring of fishing vessels in the WCPFC Convention area that is cost effective.

- To assess whether the current arrangements allow sufficient access and control by each organisation to address their respective mandate with respect to responsible fisheries management.

SCOPE OF WORK

The Audit will cover all aspects of data security and administration of the Pacific VMS. This will include the policy, protocol, software and hardware systems of the FFA, WCPFC and, where legally possible, all relevant service providers to either.

The audit will define and assess current practice against criteria to be determined from the SLA, SSPs, CMMs and general best practice standards.

In addition, the audit will also assess the performance of the Pacific VMS in terms of its overall objective – the provision of high quality and timely data to support fisheries management, including through better informed and targeted MCS. This will include a review of the SLA, SSPs and CMMs themselves.

Technical system requirements:

- Assess current systems in place to ensure security of Commission VMS Data in accordance with Commission standards, rules and procedures.
- Assess existing VMS software applications to effectively address the requirements under the SLA, SSPs and CMMs.
- Assess existing system redundancy and recovery as a result of any failures with specific attention on the recovery procedures and the minimum window of downtime allowed before new vessel positions are lost while the system is still down for each system.
- Assess the effectiveness of current mechanisms and service provider responses for access to the WCPFC in-zone VMS data for CCMs and FFA high seas data for its Members, and provide options for enhancement.

System redundancy requirements:

- Assess potential alternative operational VMS applications, how each compares with the current VMS applications, costs, and its suitability to address the requirements under FFA-WCPFC SLA, the Commission SSPs and CMMs.
- Assess the VMS data redundancy options for the potential alternative VMS applications.

Service Level Agreement Arrangements:

- Assess the cost effectiveness of current contractual and operational arrangements under the SLA.
- Evaluate current procedural and operational requirements.
- Anticipated future operational requirements.

- Evaluate the effectiveness and efficiency of the current SLA between FFA and WCPFC in providing the Commission VMS needs; administrative, technical, legal, and security systems that comprise the Pacific VMS, including, where legally possible, the service providers' agreements, response times and cost effectiveness, and make recommendations as to how these may be improved to more effectively meet the needs of the WCPFC members.

Implementation Recommendations for Improvement:

- Prioritise the implementation of any proposed improvements to the various components comprising the Pacific VMS, including indicative costs and proposed implementation timeframes, noting the existing differences in system configurations. Prepare a business and implementation plan for the proposed improvements to the Pacific VMS, including the scope of work and estimated costs.

ACCESS TO/DISCLOSURE OF INFORMATION

In undertaking this audit as a cooperative effort, WCPFC and FFA shall both ensure that all relevant data, policies, protocols, systems, costs etc held by them, or held by third parties on their behalf are available, where legally possible, for review by the selected auditor.

Terms of the contract for the review will include specific provisions for written and legally binding undertakings regarding non-disclosure and discretion when dealing with sensitive information.

Terms of the contract shall stipulate activities agreed to be undertaken by the audit.

OUTPUTS

Detailed report including options, recommendations, costs and implementation schedule for all tasks noted in the SCOPE OF WORK within three weeks of the completion of the field assessment.

OVERSIGHT

Acknowledging the importance of the VMS to both agencies, the Audit shall be overseen at the strategic level by the Executive Director of the WCPFC and the Director-General of the FFA.

The role of the Executive Director and Director-General will be to jointly select an independent consultant(s) to undertake the work, and act as a clearing house for contentious issues (i.e. those other than day to day technical issues that one would expect such an audit to reveal). Given the specialized nature of the review and desire to complete the study within a short time the two agencies agree that the Consultant(s) may be jointly selected without requirement for competitive bidding.


The Executive Director and Director-General, will be the final decision makers for any points of uncertainty or conflict during the process, including determining what is “relevant data, information etc” for the audit.

The Executive Director and Director-General, shall determine the exact terms of the contract.

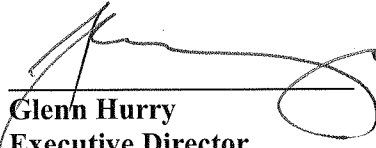
The Executive Director and Director-General, shall receive the final report from the auditor and shall decide how and when to release the result to members of both parties for, consideration and discussion as well as providing guidance regarding implementation of recommendations.

PROVISIONAL INDICATIVE SCHEDULE

Task	Time frame
Selection of consultants	Mid December 2010
Draft consultancy report	End February 2011
Secretariats review of the draft	Mid March 2011
Final consultancy report	Late March 2011
Circulation to Members	Thereafter


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Pacific Islands Forum
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Date: December 1, 2010


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