

2009

Compliance review: A study undertaken to support the development of a Regional MCS Strategy for Pacific Oceanic Fisheries

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Recommended Citation

Hanich, Quentin A.; Brown, Colin; Tsamenyi, Ben M.; Kroese, Marcel; Soutar, Duncan; and McDonald, Christian: Compliance review: A study undertaken to support the development of a Regional MCS Strategy for Pacific Oceanic Fisheries 2009, 1-365.
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Compliance review: A study undertaken to support the development of a Regional MCS Strategy for Pacific Oceanic Fisheries

Abstract

The achievement of FFA members' regional goals for their tuna fisheries depends heavily upon the effective implementation by national governments of a comprehensive range of MCS measures. In support of this, FFA members have established various regional MCS measures that provide a framework to enable effective management and control of the region's tuna fisheries. However, problematic implementation at the national level continues to undermine the ability of FFA members and the secretariat to fully implement these initiatives and effectively monitor and control the region's tuna fisheries, thereby threatening their returns. While some FFA members have developed strong MCS systems with high levels of implementation, much of the FFA membership continues to suffer from inconsistent implementation of MCS measures. Various studies have identified the need to improve MCS implementation, noting that weaknesses in MCS were critical obstacles to sustainable management and profitable development.. This is no simple task for any country – developed or developing; island or continent. In 2006, an international study assessed compliance by 53 countries (95% of global fish landings) with key provisions of the Code of Conduct for Responsible Fisheries. The study noted that approximately 57% of the countries 'failed' on compliance with MCS related measures. Of these, 30% had particularly poor 'fail' grades, including the regionally significant countries: France, Philippines, China, Indonesia, Taiwan, and Spain. Project Two reviews the implementation by FFA members of MCS measures and provides recommendations for improving performance and monitoring where necessary. This review focuses primarily on implementation of regional and global MCS measures that have been agreed to by the FFA membership.

Keywords

development, support, undertaken, fisheries, study, oceanic, review, compliance, pacific, strategy, mcs, regional

Disciplines

Law

Publication Details

Q. A. Hanich, C. Brown, B. M. Tsamenyi, M. Kroese, D. Soutar & C. McDonald (2009). Compliance Review: A study undertaken to support the development of a Regional MCS Strategy for Pacific Oceanic Fisheries. Honiara, Solomon Islands: Pacific Islands Forum Fisheries Agency.

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APPENDIX 3

PROJECT 2: COMPLIANCE REVIEW

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1. Compliance Review

1.1 Introduction

The achievement of FFA members' regional goals for their tuna fisheries depends heavily upon the effective implementation by national governments of a comprehensive range of MCS measures. In support of this, FFA members have established various regional MCS measures that provide a framework to enable effective management and control of the region's tuna fisheries. However, problematic implementation at the national level continues to undermine the ability of FFA members and the secretariat to fully implement these initiatives and effectively monitor and control the region's tuna fisheries, thereby threatening their returns. While some FFA members have developed strong MCS systems with high levels of implementation, much of the FFA membership continues to suffer from inconsistent implementation of MCS measures.

Various studies have identified the need to improve MCS implementation, noting that weaknesses in MCS were critical obstacles to sustainable management and profitable development.¹ This is no simple task for any country – developed or developing; island or continent. In 2006, an international study assessed compliance by 53 countries (95% of global fish landings) with key provisions of the Code of Conduct for Responsible Fisheries.² The study noted that approximately 57% of the countries 'failed' on compliance with MCS related measures. Of these, 30% had particularly poor 'fail' grades, including the regionally significant countries: France, Philippines, China, Indonesia, Taiwan, and Spain.

Project Two reviews the implementation by FFA members of MCS measures and provides recommendations for improving performance and monitoring where necessary. This review focuses primarily on implementation of regional and global MCS measures that have been agreed to by the FFA membership.

1.2 Approach and methodology

The objective of the Compliance Review was to assess the current level of, and impediments to, implementation by FFA members of agreed MCS measures. In brief, the Review aimed to:

- Identify areas where agreed MCS measures are not being implemented effectively or complied with;
- Suggest reasons for non compliance;
- Document current capability to undertake MCS operations in terms of national assets, human capacity and institutional arrangements; and
- Provide recommendations for monitoring and improving performance in complying with agreed MCS measures.

In order to undertake this assessment, the project team reviewed the MCS components of all relevant global, regional and sub-regional instruments that FFA (or PNA) members have agreed to implement, particularly:

- FFA Harmonised Minimum Terms and Conditions;
- Western and Central Pacific Fisheries Commission (WCPFC) conservation and management measures;
- Wellington Convention;
- PNA Vessel Day Scheme (VDS);
- FAO Code of Conduct for Responsible Fisheries;
- FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU);
- United Nations Law of the Sea Convention (LOSC); and the
- United Nations Fish Stocks Agreement (UNFSA).

Analysis of these instruments and relevant management literature identified ten MCS components that have been accepted by FFA members as fundamental to effectively managing and controlling the FFA region's tuna fisheries. FFA members have agreed that they will implement various measures that support these ten MCS components:

1. Licensing;
2. Vessel Monitoring System;
3. Observer Schemes;
4. Vessel Records and Authorisations to Fish;
5. Port Controls and Monitoring;
6. Prosecution;
7. Boarding and Inspection and At Sea Patrols;
8. Data Management and MCS Coordination;
9. Aerial Surveillance;
10. Legislation, Regulations and Management Plans.

Through a comprehensive literature review, and consultation with FFA members and regional experts, the review identified 50 performance indicators (PIs) within the ten MCS components. These PIs enabled the project team to assess how well FFA members were implementing the MCS components and meeting their regional commitments. In February 2009, the project team presented these draft PIs to the FFA MCS Strategy workshop for review. Members of the FFA MCS Strategy steering committee, FFA MCS experts and members of the consultancy consortium reviewed the draft measures and fine-tuned the performance indicators.

Over subsequent months, as the consultants travelled the region researching implementation of the ten components, the project team further refined the PIs through 'ground-truthing' in consultations with FFA members. Where these amendments raised significant content issues, the project team consulted widely within the broader study consortium and discussed the amendments via email with the FFA coordinator of the study.

1.2.1 Table: MCS Performance Indicators

Significance		Performance Indicator
Important Critical Critical Critical Critical	Licensing	<ol style="list-style-type: none"> 1. License form info meets or exceeds HMTc. 2. License conditions are consistent with HMTc. 3. License conditions are consistent with VDS monitoring requirements. 4. License conditions are consistent with WCPFC MCS requirements. 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.
Critical Critical Important Critical Critical	VMS	<ol style="list-style-type: none"> 1. All licensed foreign fish vessels carry approved MTUs reporting, consistent with HMTcs, via FFA when in EEZ. 2. All national fish. vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. 3. All local fishing vessels report to national VMS where required. 4. National VMS office, staff & equipment are operational & adequately trained. 5. VMS is monitored & potential violations or malfunctions are immediately queried. 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.
Critical Critical Important Critical Important Important	Observers	<ol style="list-style-type: none"> 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. 2. Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). 3. Trained observers are carried on some fishing trips by local fishing vessels. 4. Country has access to sufficient numbers of trained and contracted observers. 5. Country has adequately trained and resourced observer coordinator. 6. Observer reports are entered into database and/or forwarded to FFA/SPC.
Critical Critical Important Important Critical Critical	Vessel Record and Authorisations to Fish	<ol style="list-style-type: none"> 1. Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. 2. Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. 5. Vessels that may have breached WCPFC, 3IA, and/or W' gtn Convention investigated & prosecuted 6. Vessels are prohibited from fishing illegally in foreign EEZs.
Critical Critical Critical Critical Important	Port Controls and Monitoring	<ol style="list-style-type: none"> 1. All landings and transshipments of fish in port are inspected by trained officials. 2. Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. 3. Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions. 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat. 5. Port inspectors are adequately trained and resourced.
Critical Critical Critical Critical Critical Critical	Prosecutions	<ol style="list-style-type: none"> 1. Suspected license violations are investigated & prosecuted. 2. Suspected VMS violations are investigated & prosecuted. 3. Observer reports of violations are investigated & prosecuted. 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted.. 5. Investigation, prosecution & judicial authorities are adequately trained & resourced (capable of collecting analysing, presenting & considering technical evidence (i.e VMS & catch logbooks). 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.
Important Critical Important Critical Critical	Boarding and Inspection and Surface Patrols	<ol style="list-style-type: none"> 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km² of EEZ. 2. Country has capability to undertake boarding & inspections in EEZs. 3. Country has capability to undertake boarding & inspections in HS. 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. 5. At sea patrols are provided with all relevant VMS & fisheries data.

Important	Data Management and MCS Coordination 1. Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. 2. 100% of catch logbooks collected within 45 days of end of trip. 3. Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. 4. Domestic systems established for coordination of MCS operations between relevant agencies. 5. Systems established to cross check and verify MCS and fisheries data.
Critical	
Important	
Critical	
Important	
Important	Aerial Surveillance 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. 3. Aerial patrols are provided with all relevant VMS & fisheries data.
Important	
Important	
Critical	Legislation and Management Plans 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. 2. Legislation is adequately understood by relevant fisheries, police & judiciary. 3. Management plan exists and has been developed in consultation with stakeholders.
Important	
Important	

Performance against these PIs was assessed as ‘weak’, ‘moderate’ or ‘strong’. In most cases, implementation was assessed qualitatively. ‘Strong’ assessments recognised that the country in question had implemented key parts of a PI, if not all (i.e implementation of HMTCs was assessed as strong if the country implemented VMS, observer, reporting, pre-licensing inspections, transshipment prohibitions). ‘Moderate’ assessments recognised that the country implemented much of the PI, but missed a key part (i.e did not implement pre-fishing inspections as required under HMTCs, but did implement most other requirements). ‘Weak’ assessments recognised that the country was currently not implementing most or any of the key parts of a PI (i.e country did not require VMS, observers or pre-license inspections as required by the HMTCs). Where statistical analysis could be used (i.e for a PI with a numerical value such as 20% observer coverage), then the assessments were scored as:

- Weak = 0 to 33%;
- Moderate = 34% to 66%;
- Strong = 67% to 100%.

Assessments also recognised that legislation or license conditions may specify implementation of a PI, but institutional factors prevent this from occurring. On the other hand, assessments also recognised that legislation or license condition may not comply with a PI, but agencies were doing their best to implement such requirements anyway. In such cases, assessments attempted to balance these contradictions.

The PIs were then weighted to indicate their significance to the effective implementation of a MCS component. This weighting ensured that an assessment did not unreasonably consider an MCS component to be effectively implemented if the country performed strongly against 5 out of 6 PIs, but failed to meet a crucial indicator without which the MCS component was untenable. Consequently, the Review assessed each PI to determine its significance. PIs derived from binding instruments were automatically assessed as critically important in recognition of the binding commitment that FFA members have made to implement such measures:

- Important Performance Indicators: A weak performance against this PI would undermine the effective implementation of the MCS component overall.

- Critical Performance Indicators: A weak performance against this PI directly limits the implementation of the MCS component overall.

Using this methodology, the overall measure for a MCS component can be no higher than the lowest score recorded against critical performance indicators. For example, the average of all PIs in one component might be moderate, but if a country performed weakly against a critical PI, then the overall measure for that component is scored weak.

Given the expected data gaps that would occur throughout the study, and the limited information sources available to assess implementation of the MCS components, the project team inserted a confidence range to inform readers of the likely accuracy of the assessment. The Review graded the quality of the information upon which the assessment was based as either: 'low', 'moderate' or 'high'. Where assessments depend upon 'low' quality information sources, it is likely that the accuracy of the assessment will be significantly affected.

Much of the Review was based upon information collected through in-country consultations with officials and stakeholders in February, March and April 2009. In July and August, the Review distributed draft assessments to all FFA members and requested comment and feedback – particularly in regard to information gaps and matters that were quickly progressing (i.e observers in the build up to the 1 August 2009 deadline to meet the 100% observer requirement in support of the FAD closure). Most FFA members responded to these requests and assessments were correspondingly updated and re-assessed.

In its assessment of the performance of each FFA member, the Review identified successes, weaknesses and key obstacles, as well as potential responses that could improve implementation of effective MCS measures. In a few cases, some PIs and MCS components were assessed as N/A where the member was unable to engage in the specific activity related to that component (i.e Niue does not have a vessel registry and therefore does not need to implement requirements relating to authorisations to fish). If the member has the capability to engage in an activity, but currently doesn't, then the relevant component was assessed (i.e Samoa currently does not have any registered fishing vessels fishing beyond its EEZ, but does have a registry and an interest in expanding fishing into neighbouring EEZs through access agreements).

Following the national assessments, the Review then calculated the aggregate regional implementation in order to identify the priority implementation weaknesses across the region and recommend responses at a regional level. The national values for calculating the cumulative regional impact are as follows:

- Weak = minus 3;
- Weak/moderate = minus 1;
- Moderate = 0;
- Strong/moderate = 1;
- Strong = 3.

The national scores were then added up and the cumulative regional impact was assessed on the following range of values:

- Weak = minus 16 and below;
- Weak/moderate = minus 11 to minus 15;
- Moderate = 10 to minus 10;
- Strong/moderate = 11 to 15;
- Strong = 16 and above.

1.3 Regional Implementation of MCS Components

In some respects, it is a difficult time to study MCS implementation as much is happening very quickly across the region – particularly in regard to the observer and VMS programmes. In that light, it is likely that some of the findings of this report will quickly date as further progress is made; this demonstrates the strong progress in MCS implementation that is being made throughout the region.

The Pacific Islands region has made strong progress in many MCS components in recent years. The compliance review identified national examples of strong implementation where some members are now setting global benchmarks in MCS implementation. Similarly, the compliance review identified some MCS components that are implemented moderately well across the FFA membership and significant progress is being made. However, the review also identified some members that continue to struggle with MCS implementation across a number of components due to significant institutional and capacity weaknesses. Similarly, the review identified a few MCS components that require significant improvement across the region.

The compliance review identifies four priority MCS weaknesses based on the aggregate regional assessment: Data Management and MCS Coordination; Legislation and Management Plans; Port Controls and Inspections; and Observer Schemes. It should be noted that addressing these weaknesses will also improve the other six MCS components through flow-on benefits (i.e improving data management will have direct benefits for licensing through improvements in the quality of information upon which licensing decisions are made).

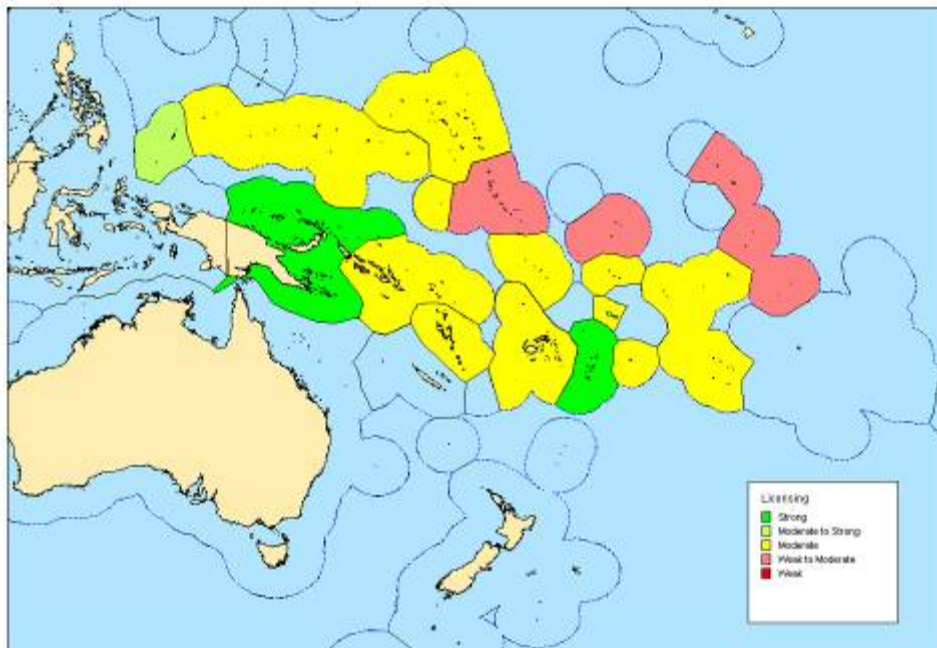
Table 1.3.1 summarises the overall implementation of the MCS components for each FFA member, and presents the aggregate regional implementation in order to identify regional priorities for capacity building. This chapter then briefly discusses the key implementation challenges across the region, and proposes priority responses that would improve the effectiveness of MCS to better enable implementation of regional MCS commitments. The chapter concludes with a recommendation for future monitoring and support of MCS implementation. The full report provided in the appendices describes the national reviews and potential responses to address the specific implementation challenges of each country.

1.3.1 Table: Summary of MCS implementation

MCS Component cumulative regional index of national implementation	Cook Island	FSM	Fiji	Kiribati	Marshall Islands	Nauru	Niue	Palau	PNG	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu	
1. Licensing Moderate (+6)	Moderate	Moderate	Moderate	Weak/ Moderate	Moderate	Moderate	Moderate	Moderate/ Strong	Strong	Moderate	Moderate	Moderate	Strong	Moderate	Moderate	
2. VMS Moderate/Strong (+12)	Moderate/ Strong	Moderate	Weak/ Moderate	Weak	Weak/ Moderate	Moderate	Moderate	Moderate	Strong	Strong	Moderate	Strong	Strong	Moderate/ Strong	Strong	
3. Observers Weak (-19)	Weak	Moderate/ Strong	Weak	Moderate	Moderate/ Strong	Moderate	Weak	Weak	Strong	Weak	Weak	Weak	Moderate	Weak	Moderate	
4. Vessel Record & Authorisation to Fish Moderate (-10)	Moderate	Strong	Weak	Weak	Weak/ Moderate	Weak/ Moderate	N/A	Weak/ Moderate	Strong	Weak/ Moderate	Weak	N/A	Moderate	Weak	Moderate	
5. Port Controls and Monitoring Weak (-16)	Weak	Moderate	Moderate	Weak	Moderate	Moderate	Moderate	Weak/ Moderate	Strong	Moderate	Weak	Weak	Moderate	Weak	Weak	
6. Prosecution Moderate (-3)	Strong	Strong	Weak	Weak/ Moderate	Weak/ Moderate	Weak/ Moderate	Moderate	Weak	Weak/ Moderate	Moderate	Moderate	Weak	Strong	Moderate/ Strong	Moderate	
7. Boarding, Inspection & Surface Patrols Moderate (-6)	Strong	Weak/ Moderate	Moderate	Moderate	Weak/ Moderate	Weak	Weak	Moderate	Moderate/ Strong	Moderate/ Strong	Moderate	Weak	Moderate	Moderate	Moderate	
8. Data & MCS Co-ord Weak (-31)	Weak/ Moderate	Weak/ Moderate	Moderate	Weak/ Moderate	Weak	Weak	Weak	Weak	Moderate	Weak	Weak	Weak	Weak	Weak	Weak/ Moderate	Weak
9. Aerial Surveillance Moderate/Strong (+12)	Strong	Weak/ Moderate	Weak	Moderate	Moderate	Weak/ Moderate	Moderate/ Strong	Moderate	Moderate/ Strong	Strong	Strong	Moderate/ Strong	Strong	Weak/ Moderate	Strong	
10. Legislation and Management Plans Weak (-22)	Moderate	Moderate	Weak	Weak	Moderate	Weak/ Moderate	Weak	Weak	Moderate	Weak	Weak	Weak	Moderate	Moderate	Moderate	

1.3.2 Licensing

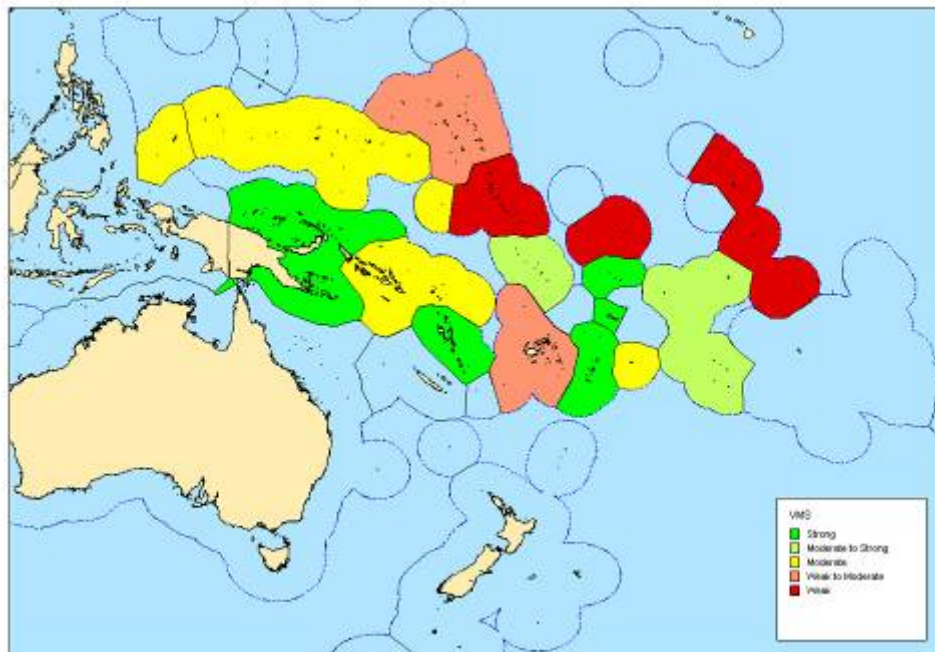
The aggregate regional implementation of licensing arrangements is **Moderate (+6)**. Licensing across the region is broadly consistent with most aspects of the HMTCs. A key weakness is the failure by most members to implement pre-fishing inspections. Significant concerns regarding enforcement of license conditions are discussed in MCS Component 6: Prosecutions. Weak enforcement of license conditions was particularly problematic in regard to late or non-submission of catch reports.



Map of FFA member's implementation of Licensing PIs

1.3.3 VMS

The aggregate regional implementation of VMS is **Moderate/Strong (+12)**. VMS has seen significant improvements across the region, including an increase in coverage levels, with the rollout of the Pacific VMS and regular training programmes. Ongoing concerns exist with the effectiveness of VMS monitoring at the national level and broadening the use of email alerts (entry/exit, on/off, entry into closed zones) to improve monitoring.

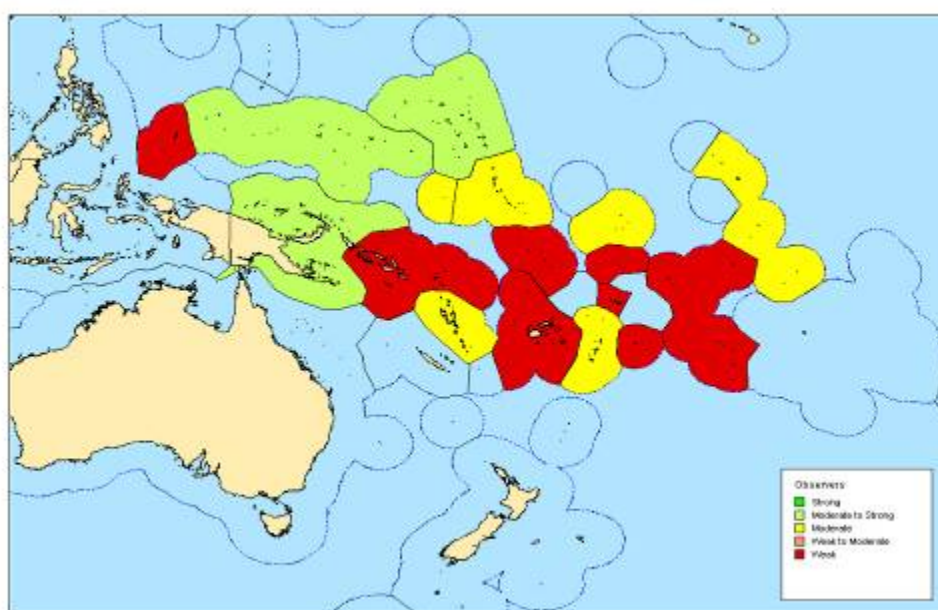


Map of FFA member's implementation of VMS PIs

1.3.4 Observers

The aggregate regional implementation of observer programmes is **Weak (-19)**. The demand on observer programmes across the region has grown significantly since the adoption of the PNA 3IA and CMM 08-01 100% observer coverage requirements. These developments have driven significant improvements in regional observer programmes and large increases in observer placements on purse seine vessels. These are significant achievements and will deliver important benefits to conservation and management. However, observer schemes across the region fail to meet coverage targets for longline fleets, partly due to the operational characteristics of longline vessels and resistance from DWFNs to placement of observers on longline vessels.ⁱ Furthermore, national observer programs suffer from poor coverage and are undermined by a shortage of observers, data management and institutional weaknesses. Similarly, weaknesses in observer debriefing and prosecution of observer reported violations undermines enforcement of license conditions. Between 1978 and 2001, the FFA fisheries violations database recorded 319 violations resulting in fines totalling USD\$12.4 million. Of these, only 6 violations (< 2%) were reported by observers.³ However, a review of observer reported violations identifies regular reports of significant violations that warrant investigation and prosecution.ⁱⁱ

These problems are exacerbated by the high turnover of observers, often caused by poor employment conditions, inconsistent and unpredictable work programs and/or lack of career development opportunities.ⁱⁱⁱ



Map of FFA member's implementation of Observer PIs

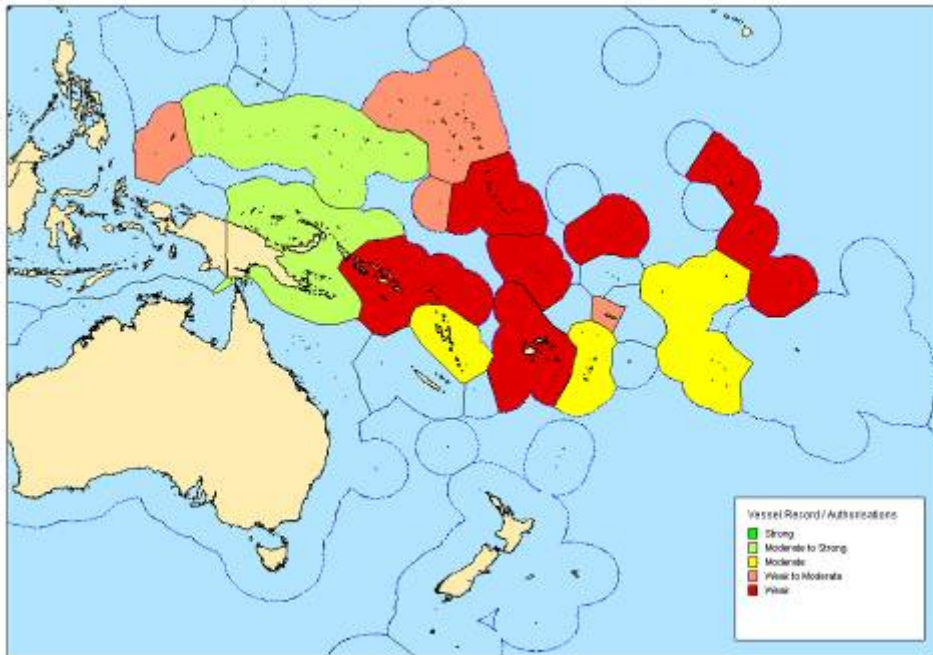
ⁱ It should be noted that the target coverage specified by the HMTTC for foreign fishing vessels is 20%. This applies to all foreign fishing vessels, including longline. Most longline fleets worldwide do not meet 20% coverage targets.

ⁱⁱ Given the increasing use of observers to monitor compliance with conservation measures (e.g 100% observer coverage during FAD closure period), the region will need to consider how to address the safety and operational questions relating to use of observer violation reports for prosecution purposes.

ⁱⁱⁱ Observer retention problems are often experienced in observer programs and require special planning to be overcome. In many cases, observers are only employed part time or only paid on placement.

1.3.5 Vessel Records and Authorisations to Fish

The aggregate regional implementation of Vessel Records and Authorisations to Fish is **Moderate (-10)**. Most FFA members with active vessel registries are implementing adequate processes to ensure compliance with flag state responsibilities (WCPFC/UNFSA). Some members with established but largely inactive registries do not currently have adequate flag State processes and legislation to ensure effective flag State control if industry were to start registering fishing vessels. Moreover, the legislative frameworks of some members are inadequate to allow implementation of relevant flag state controls such as prohibitions on illegal fishing in foreign EEZs.



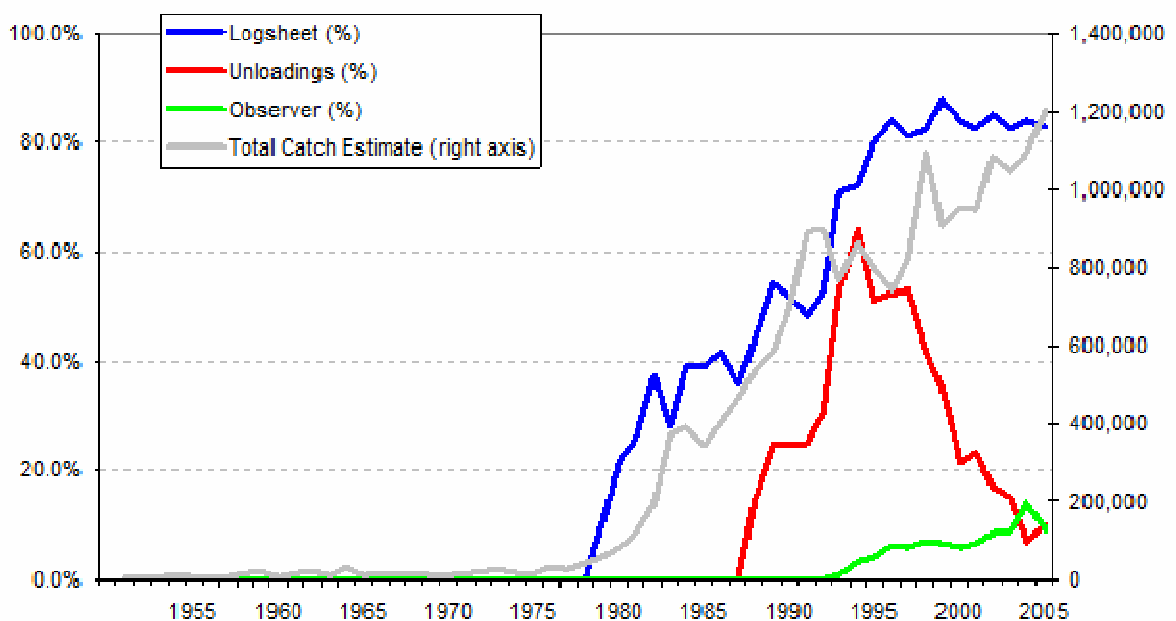
Map of FFA member's implementation of Vessel Record/Authorisations to Fish PIs

1.3.6 Port Controls and Monitoring

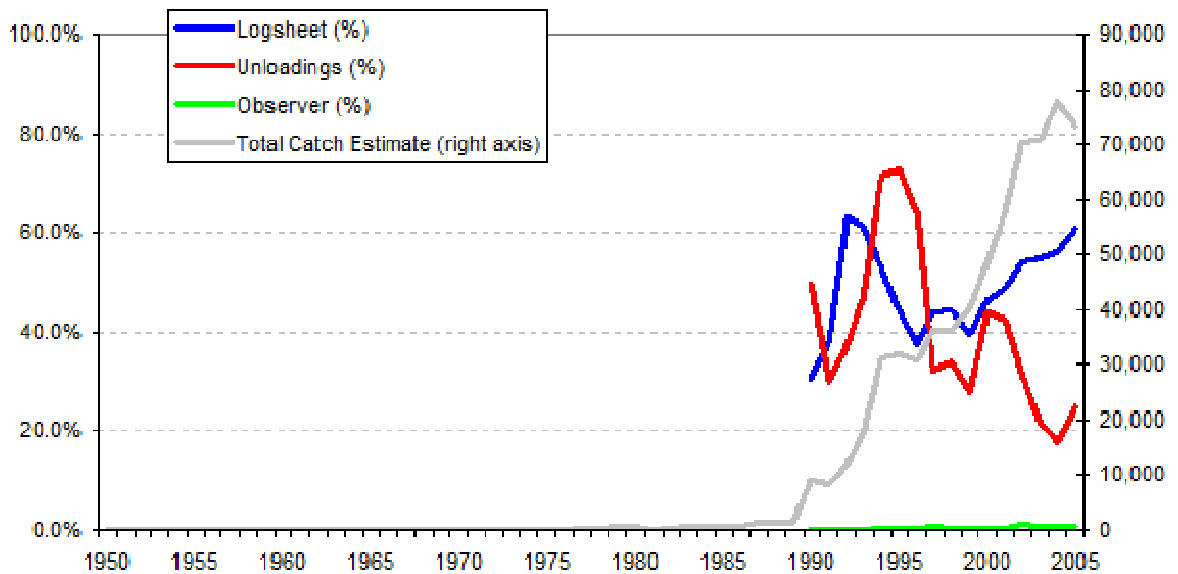
The aggregate regional implementation of port controls and monitoring is **Weak (-16)**. Port controls are becoming increasingly recognised as a critical component of an effective MCS regime. Developments in the FAO Port State Model, new market scheme initiatives such as the EC IUU Regulation 1005/2008⁴, and existing WCPFC and FFA agreements all impose responsibilities on port States to implement effective monitoring and control measures, particularly those FFA members with burgeoning onshore development projects and aspirations. However, implementation of port controls and monitoring is a concern across much of the FFA membership, partly due to weak processes in some countries and partly due to a lack of port infrastructure in some countries.

This is particularly of concern in regard to monitoring and inspection of unloadings and verifying that catch landings are consistent with logbooks. In 2006, the SPC Oceanic Fisheries Programme noted that inspections of unloadings had fallen to approximately 10% for purse seine vessels and just above 20% for longline vessels.

Purse Seine Vessels



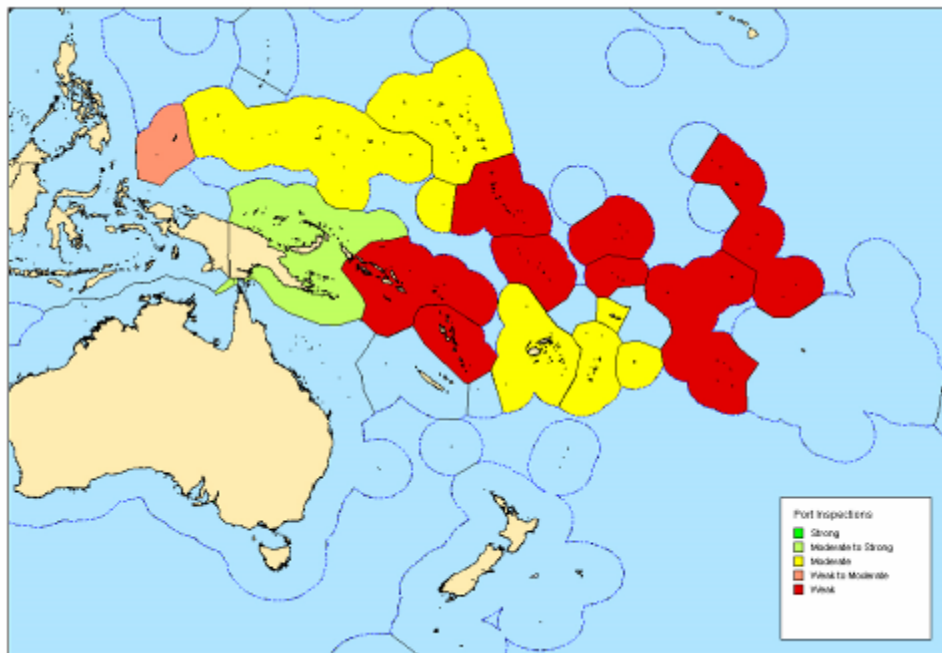
Longline Fishing Vessels



Source – OFP-SPC Presentation to First Tuna Data Workshop, October 2006, Noumea.

The lack of all-weather ports in some countries and no cooperative arrangements with neighbouring port States, significantly undermines the ability of some FFA members to monitor and control fishing activity in their EEZ. Few members complied with the HMTc pre-fishing inspection provisions and significant weaknesses also exist for the management and dissemination of port derived information.

The legislative framework in some members fails to provide necessary powers to effectively implement some port State controls, such as prohibitions on landing products derived from illegal fishing in foreign EEZs.



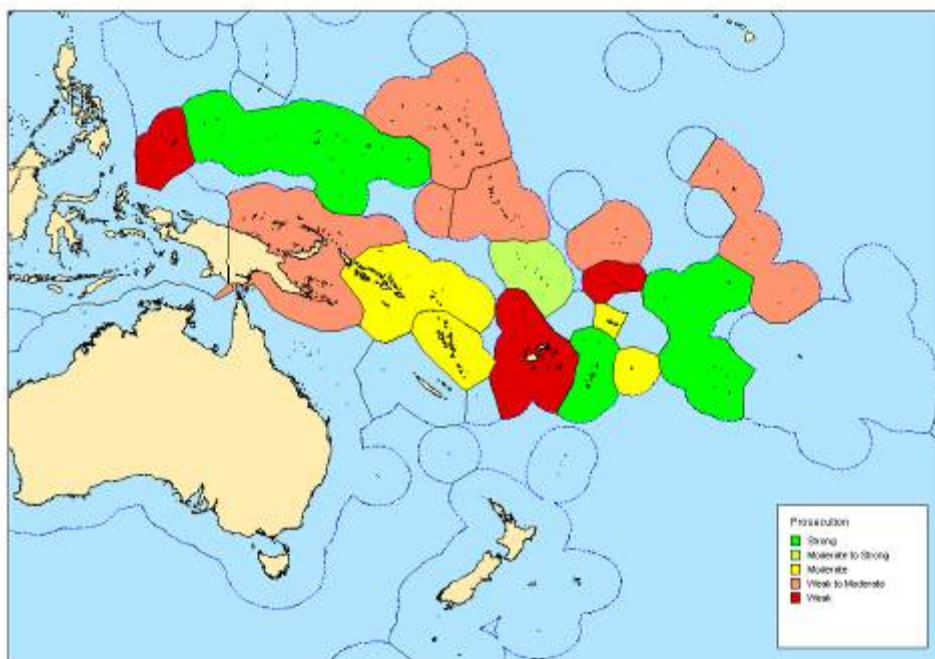
Map of FFA member's implementation of Port Controls and Monitoring PIs

1.3.7 Prosecutions

The aggregate regional implementation of fisheries violations is **Moderate (-3)**. A strong prosecutions capacity is important in creating a strong deterrence to IUU fishing. However, while the aggregate implementation across the region is moderate, there are a significant number of FFA members that have weak prosecution records. The regional aggregate is only graded as moderate because these members are offset by others that have very strong prosecution history and capacity.

Some FFA members appear to be very lenient on license condition violations. In many cases, no official notice or enforcement action is taken against infractions (such as non-reporting). A previous study suggested that enforcement of license conditions for foreign fishing vessels was undermined by the prevalent mindset that vessels may go elsewhere if license conditions are enforced.⁵ Similarly, some information sources noted corruption and political intervention concerns and an ongoing lack of transparency or accountability in licensing that undermined both prosecutions and the morale of national MCS staff.

Prosecutions are further undermined by weak coordination between fisheries, police and the judiciary - and weak knowledge in some members within fisheries, police and judiciary prosecutors on relevant laws, regulations, and significance of fisheries violations. Poor compliance with license conditions is also exacerbated by the often limited communication of license conditions to vessel owners and operators regarding their specific obligations.

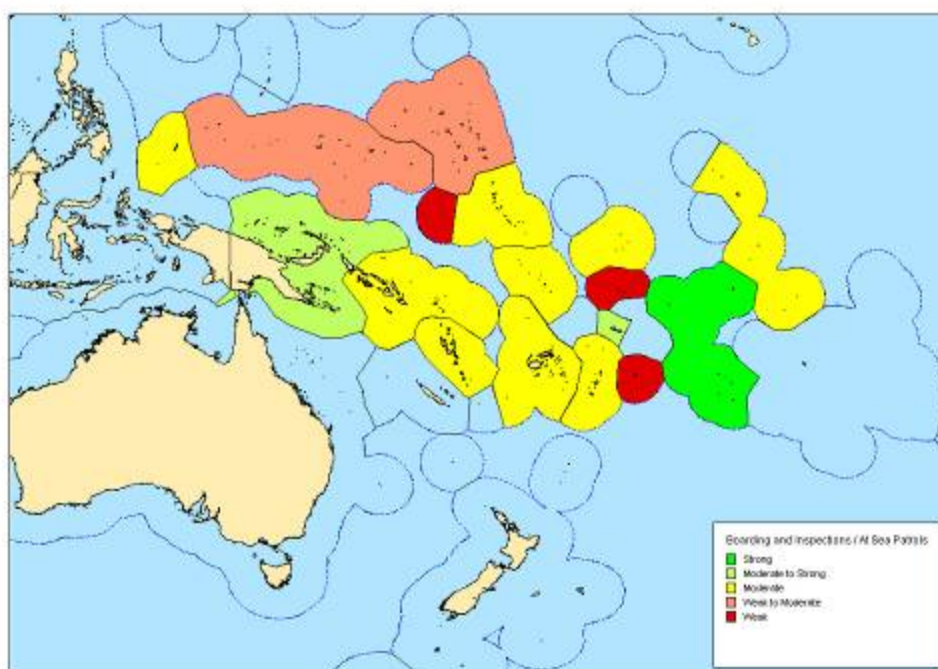


Map of FFA member's implementation of Prosecutions PIs

1.3.8 Boarding, Inspections and Surface Patrols

The aggregate regional implementation of boardings, inspections and surface patrols is **Moderate (-6)**. Given the absence of information on which to determine ‘optimum’ levels of surveillance for each EEZ, implementation was assessed against a generic benchmark of 6 days per 100,000km² of EEZ. This performance indicator does not assess whether a country is undertaking sufficient surface surveillance or not – it simply provides an index to measure relative surface patrol activity between EEZs.

The Review found that patrol boat crews are generally highly trained and motivated but limited by a lack of financial resources to undertake higher levels of patrol activity, as well as a lack of intelligence sharing and coordinated operational planning between fisheries and enforcement agencies.^{iv} For FFA member countries without any patrol vessel capability (Nauru, Niue and Tokelau) a key limitation was the lack of formal agreements with neighbouring or supporting countries to enable cooperation through joint fisheries patrols.



Map of FFA member's implementation of Boarding, Inspections and Surface Patrol PIs

^{iv} Projects 4 and 5 discuss these matters in greater detail.

1.3.9 Data Management and MCS Coordination

Data management and MCS coordination are the priority weaknesses across the region. The aggregate regional implementation of data management and MCS coordination is **Weak (-31)**. This is the weakest MCS component across the region and is a serious impediment to efficient and effective MCS operations at both the national and regional level. In 2006, the FFA MCS-WG noted that the following coordination and data management issues were regularly experienced in the conduct of MCS operations amongst FFA Members:

“Confusion over the legitimacy of licenses, registration, VMS requirements and maritime boundaries - resulting in considerable wasted enforcement effort and unnecessary inconvenience to legitimate fishers;

These problems are also a serious concern for fisheries management more broadly as a key function of MCS is to ensure accurate and timely information is available for scientific assessments to ensure managers can make informed decisions

At the regional level, MCS operations suffer from ineffective data sharing mechanisms, despite improvements through the introduction of the FFA Data Sharing Agreement. These problems are exacerbated by a lack of clarity over data ownership and weaknesses in data management. Recently, there has been some improvement in VMS data sharing between FFA members. However, some officials and stakeholders continued to express concerns/suspensions that vessels which are licensed in neighbouring EEZs, might also be fishing illegally in their own EEZ. Greater coverage of VMS data sharing arrangements amongst neighbouring FFA members would assist in addressing these concerns.

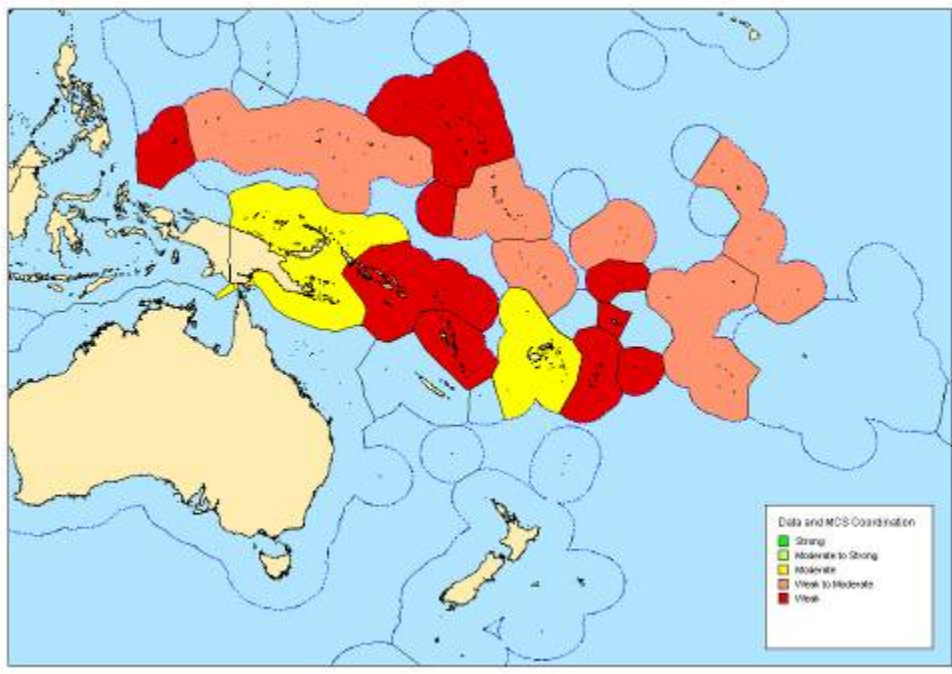
Day to day MCS operations continue to lack meaningful statistics. Previous studies have noted that much of the information being used to plan and implement surveillance and enforcement activities is anecdotal and contained within the minds of several key personalities. This is of particular concern given the high staff turnover in many FFA members, resulting in a loss of corporate memory when personnel move, and blockages in the decision making process when personnel cannot be located.⁶

Such regional problems are often mirrored, and exacerbated, by poor in-country co-ordination and communication processes between fisheries and other departments. Weak consultation and communication is problematic internally within fisheries departments, and externally between fisheries and other relevant agencies and stakeholders. Weak co-ordination and communication processes and skills (both at the institutional and individual level) are significant obstacles with negative impacts on implementation and operation of fisheries compliance programs across the region.

Furthermore, given the multi-disciplinary nature of fisheries management and MCS, poor coordination and communication often results in antagonism between the agencies responsible for implementation. This may lead to further obstacles to operations as agencies disagree on priorities or refuse to implement measures that other agencies have committed to in international fora without whole of government consultation. The conducting of multi-lateral and bilateral operations within sub-groups of FFA member countries and Australian, New Zealand, United States and

French Defence Forces provide good examples of how well national agencies and countries can work together more effectively to maximise the performance of compliance operations.

Data management is also a key challenge to the effective operation of various MCS components. Almost all information collected by the various MCS components and external sources is not currently stored in a format that allows it to be effectively analysed and cross verified without immense effort that is generally beyond the resources of national administrations (i.e VMS, observer violation reports and vessel sightings, port inspections, catch logbooks, licensing information, boarding and inspection reports, prosecutions and violations databases, vessel registration, aerial surveillance sightings, regional vessel records, IUU lists, customs and immigration databases, etc). This information is all directly relevant to MCS and licensing officials but is not used to its full potential. Data management weaknesses occurred throughout the various MCS components and impact most heavily on MCS coordination.

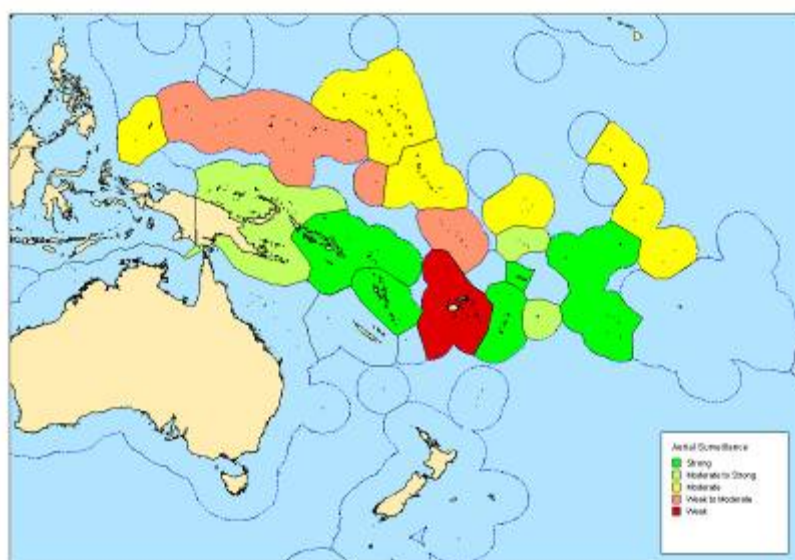


Map of FFA member's implementation of Data Management and MCS Coordination PIs

1.3.10 Aerial Surveillance

The aggregate regional implementation of aerial surveillance is **Moderate/Strong (12)**. Implementation was assessed against performance indicators that measured each FFA members' ability to support aerial surveillance patrols where they occurred, rather than actual levels of surveillance give this was beyond the control of most, if not all, Pacific Island members.

The Review found that the current level of aerial surveillance is largely determined by the FFA member's relationship with, and proximity, to key aerial surveillance providers. Some FFA members received very high levels of aerial surveillance per 100,000km² of EEZ, while in other countries, aerial surveillance was almost non-existent. A key obstacle for much of the region was the lack of opportunity for aerial surveillance patrols to be undertaken upon demand, or at the most strategically useful times. Ongoing problems with coordination and communication between relevant agencies were also an obstacle in some circumstances.

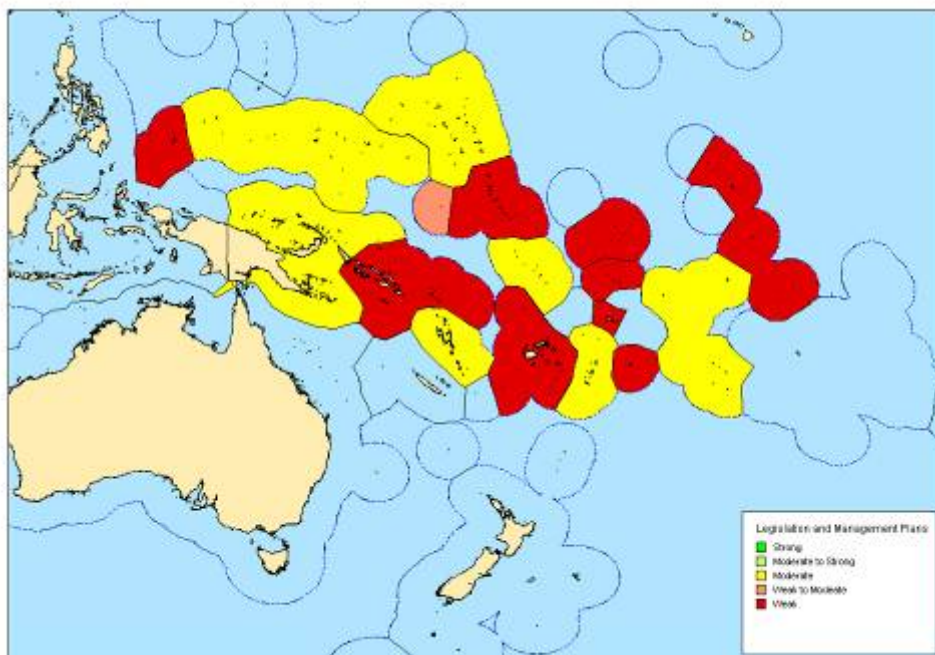


Map of FFA member's implementation of Aerial Surveillance PIs

1.3.11 Legislation and Management Plans

Updating legislation in response to recent developments within the WCPFC and PNA is a key priority across the FFA region. Despite ongoing efforts by the FFA Legal Division and other donor-funded legal assistance, legislation in many countries has not kept up with these developments and requires urgent review. The aggregate regional implementation of legislation and management plans is **Weak (-22)**. Effective MCS requires a comprehensive legislative framework that supports all relevant MCS components and provides for effective sanctions. Such sanctions should allow for the refusal, withdrawal or suspension of licenses and authorisations to fish in response to non-compliance by licensed fishing vessels with conservation and management measures. Sanctions for non-licensed vessels should be of adequate severity to deter illegal fishing. The Review found that MCS activities in most FFA members continue to be significantly undermined by weak and/or out of date legislation. Key flag and port State responsibilities lack adequate legislation and many WCPFC provisions are yet to be properly endorsed through legislation. Furthermore, the FFA region as a whole experiences significant weaknesses in its mechanisms to respond and endorse WCPFC conservation and management measures as they arise.

Fiji, Kiribati, Nauru, Niue, Marshall Islands, Palau, Samoa, Solomon Islands, Tokelau and Vanuatu are all currently at various stages of reviewing or updating legislation, or planning to review legislation for this purpose. However, some of these reviews have been ongoing for some years. Some FFA members - especially those with very small administrations find it very difficult to keep up with the constant demands from regional fora, particularly in regard to responding to new conservation and management requirements. The focus on participation in PNA, FFA and WCPFC meetings is a constant and significant drain on capacity



Map of FFA member's implementation of Legislation & Management Plan PIs

1.4 Regional Priority Responses

The effectiveness of regional institutions such as the PNA VDS and the WCPFC, rely intrinsically upon the effectiveness and ability of national fisheries departments and enforcement agencies to implement their MCS obligations. Similarly, the ability of these government agencies to ensure that their country complies with its regional MCS obligations, regulates regionally agreed measures and enforces appropriate sanctions is limited or supported by the effectiveness of the ‘whole-of-government’. Weaknesses in national governance can be a key constraint undermining or stalling national and regional management and development of the region’s fisheries.⁷

National implementation weaknesses and compliance failures are a key concern for FFA members for two reasons. Firstly, they weaken the ability of FFA members to effectively control their fisheries and maximise the benefits accruing to their communities. Secondly, these implementation failures pose political and legal ramifications in cases where FFA members fail to comply with agreed obligations.

The challenges summarised above require two levels of responses – regional or sub-regional responses, and national responses. These two levels of responses are inherently inter-linked.

National responses should be developed within the individual national context of each FFA member and be ‘owned’ by the national government. It is likely that responses that impose a ‘one size fits all’ analysis or solution will fail due to the breadth of difference between each FFA member. Additionally, responses should recognise the significant progress that some FFA members have made in developing their MCS capacity. This rise in capacity offers an opportunity for regional (and particularly sub-regional) co-operative capacity building between members that builds upon shared interests in protecting common fisheries resources.

Within this context, the project team have made six recommendations for consideration by FFA. The recommendations span the key MCS weaknesses across the region identified by the review, which, if addressed, will enable the FFA membership to improve the monitoring and implementation of MCS activities across the region.

1.4.1 Priority responses – National Focus

As global overfishing and overcapacity continue to increase pressure on the region, FFA members will require strong institutional and governance capabilities to effectively implement all the MCS components that are necessary to protect, manage and benefit from their tuna fisheries. Achieving this will require strategic and coordinated whole-of-government approaches that are capable of working across various departments and regulatory areas due to the complicated and convoluted nature of many of the management challenges.

Various studies have identified linkages between the ability of governments to implement effective fisheries management and the broader quality of national governance, or whole-of-government. The ability of FFA members to implement effective fisheries management, monitor fishing activities in port and at sea, enforce

regulations, maintain up to date legislation and comply with regional commitments - is limited or supported by the quality and effectiveness of government institutions across the whole-of-government, not just the fisheries Ministry.

The project team recommends that the FFA, and its associated agencies (PIF and SPC), focus more comprehensively on national capacity building programmes that support MCS outcomes through whole-of-government capacity building strategies (i.e. ensuring that all relevant agencies (Fisheries, Police, Attorney Generals, etc) have the necessary capacity to implement their MCS responsibilities). While much has been achieved at the regional level, the Compliance Review finds that national implementation has not kept up sufficiently to fully benefit from regional initiatives. In this light, the Compliance Review recommends that the FFA support the development of National Plans of Action on Illegal, Unreported and Unregulated Fishing (NPOA-IUU) for those countries that have not yet completed one, or need updating.^v Each NPOA-IUU should include a whole-of-government capacity building strategy to support its full implementation. These strategies should be discussed with aid donor partners and drive capacity building projects to ensure they meet national priorities in the national interest.

1.4.2 Priority responses – Data Management and MCS Coordination

As discussed above, the key obstacles to effective MCS at the national level identified across the region are weaknesses in Data Management and MCS Coordination.

In regard to data management, the Compliance Review recommends that the FFA urgently support the development of MCS data management and analysis mechanisms that can be utilised at the national level and cooperatively at the sub-regional and regional levels. This database should focus primarily on supporting national MCS data management needs and enabling MCS data analysis and cross-verification through automatic alerts when inconsistencies in data are recognised. Ideally, the database should be established in a manner that allows for external data sources (i.e. RFMO IUU lists, WCPFC vessel records, etc) to be cross-referenced by the database to detect relevant alerts and inconsistencies. The MCS database should allow for the following data sources to be managed, cross-verified and analysed:

- VMS;
- FFA Registry of Good Standing;
- Catch logbooks;
- Entry/exit reports;
- Licensing information;
- Prosecutions and violation databases;
- Vessels of Interest;
- Observer violation reports;
- Observer reported vessel sightings;
- Boarding and inspection reports;
- Port inspection reports;
- Port vessel lists;

^v The first NPOA-IUUs were developed in 2004 and now require review. Plans are required for PNG, Vanuatu and Tokelau. Solomons is planned to be done Sept 2009.

- Aerial surveillance sightings;
- Industry/stakeholder sourced vessel sightings;
- Export manifests;
- WCPFC Record of Fishing Vessels;
- WCPFC IUU List;
- Other RFMO IUU lists.

The Compliance Review notes that Project Three (Information Management) is addressing these questions in detail and provides specific recommendations to implement these responses.

In regard to MCS coordination, there is not surprisingly a direct link between the existence of national MCS coordination systems and the effectiveness of national MCS coordination. FFA members could significantly improve their MCS effectiveness through prioritising the development of national coordination processes through MOUs between relevant agencies, and/or the establishment of national MCS coordination committees that engage all relevant agencies at the domestic level. These processes should operate continuously with regular meetings of all relevant agencies – not just during regional operations.

The Compliance Review notes that Projects Four and Five (Regional MCS Coordination and Regional Capability) address these questions further and provide specific recommendations to implement these responses.

1.4.3 Priority responses – Legislation & Management Plans

The Compliance Review notes ongoing work within the FFA and various previous studies that have identified the need for updating legislation in light of developments within the WCPFC, HMTCs and the PNA Vessel Day Scheme. This Review recommends that FFA members prioritise reviewing and updating their fisheries legislation and adopt a legislative framework approach that specifies fundamental requirements (i.e flag and port State controls, boarding and inspection provisions on the high seas etc) while allowing for flexibility through subordinate legislation such as regulations, conditions of license and gazette notices as circumstances arise.

The Review recommends that particular attention be paid to sanctions, noting that forfeiture provisions are often not an effective deterrence or substitute for adequate sanctions given the often low value of fishing vessels throughout the region. In support of this, the Review recommends that the FFA secretariat work with national authorities to develop sanctions guidelines that reflect the severity of IUU fishing and its impact on environmental, social and economic matters.

Finally, the Review recommends that FFA further support regional prosecutions workshops on an annual basis and consider the development of a unified and harmonised prosecutions manual to assist FFA members in successful prosecutions, particularly in regard to the often technical nature of fisheries prosecutions.

1.4.4 Priority responses – Port Controls and Monitoring

Port monitoring offers an important ‘gateway’ to physically check that vessels are complying with license conditions, both before licenses are issued and during fishing activities, and provide an important enforcement opportunity without the high costs of surface patrols. Significant weaknesses in port controls and monitoring are undermining the effectiveness of MCS in many FFA members. Furthermore, many FFA members are not maximising the opportunities to utilise their ports to strengthen and support MCS. For example, the Review notes the weak implementation of the HMTC relating to pre-fishing inspections and recommends that FFA members prioritise implementation of the HMTC relating to pre-fishing inspections. The Review suggests that the FFA implement a requirement that all vessels on the FFA Registry of Good Standing must undergo a pre-fishing inspection before listing.

Port monitoring and inspections need to be supported by effective data management processes. However, as noted earlier, this is a significant weakness across the region. In 2006, a FAO & WCPFC sponsored workshop into the feasibility of a regionally harmonised Port State Inspection Scheme for FFA Members noted the urgency of this need and concluded that:

“Information management is the most critical area of the inspection process that requires strengthening.”⁸

In response, the Compliance Review recommends that the FFA consider the development of an MCS database for use by FFA members, as discussed above, and ensure that it explicitly addresses the data management requirements for port inspections.

Some FFA members do not have the option to implement strong port monitoring and inspection processes as they simply lack an adequate port within reasonable steaming distance from the fishing grounds. Where it is not practicable to require a vessel to enter a coastal State’s port (in circumstances where the coastal state does not have a port, or where the fishing ground is remote from the coastal State’s port), then the coastal State should cooperate with relevant port States to ensure that the vessel is inspected in accordance with the coastal State requirements in a convenient foreign port (for example – Cook Islands could establish cooperative mechanisms with American Samoa to enable 100% inspections of all Cook Island license longliners through Pago Pago).

Finally, to support increased port monitoring and control, the FFA should prioritise capacity building in port monitoring and consider establishing regional hubs in key ports that would enable inspections in accordance with all relevant coastal State licensing requirements – not just the port State’s licensing requirements.

1.4.5 Priority responses – Observer Schemes

Regional observer programmes have achieved much in the past few months in order to meet the new pressures of the two month FAD closure and the forthcoming 100% observer requirements for purse seine vessels.

However, observer coverage on longline vessels continues to be far below coverage targets and is a key weakness undermining fisheries management across the region. Whilst we note the immediate focus is on meeting PS requirements, we recommend that the FFA direct more focus to meeting observer targets on longline vessels. The Review notes that assisting members with meeting LL observer coverage targets is an important action in FFA's Regional Observer Strategy agreed at FFC67.

In recognition of the large difficulties in getting observers on to longline vessels (remote operations, length at sea, poor living conditions, DWFN opposition, etc), the Review recommends that the FFA supplement observer monitoring with electronic daily catch reporting through the VMS. The Compliance Review notes that the implementation of electronic daily catch reporting by the PNG National Fisheries Authority on both purse seine and longline fishing vessels, is utilising the same VMS technology as operated by the FFA. There appears to be no technical reason why such a regime could not also operate throughout the FFA region. Implementation of electronic daily catch reporting would be a strong response to problematic reporting by longline vessels throughout the bigeye, albacore and swordfish fisheries.

Furthermore, the Review recommends that the FFA explore additional forms of remote monitoring (such as drum monitors, cameras etc).

1.4.6 Priority Responses – Regular MCS implementation reviews

The Compliance Review provides a helpful tool to monitor and improve implementation of core MCS components, beyond the life of this one-off review. Given the highly dynamic nature of fisheries management within the FFA region, the Review recommends that the FFA update the Compliance Review (amending the performance indicators as necessary) and implement an annual or biennial review of MCS implementation utilising the methodology and performance indicators developed through this project. This review should be undertaken by national governments, reporting to the FFA MCS working group with assistance from the FFA secretariat. This will ensure national engagement in a regular review and maximise its benefits by building a greater understanding of MCS requirements and current levels of implementation.

The project team suggests the following schedule for implementing an annual/biennial review:

1. March 2010 – FFA Secretariat distributes draft National Compliance Review Guidelines and Forms to MCS-WG members for consideration. Guidelines and Forms are based upon methodology and national assessment tables provided in Full Project Two report provided in appendices.
2. April 2010 – MCS-WG discuss and consider adopting Compliance Review Guidelines and Forms with agreement that all members will undertake a National Compliance Review annually or bi-annually.
3. January/February 2011 – FFA members fill out the Compliance Review Forms in accordance with the agreed guidelines.
4. March 2011 – FFA members submit completed forms to the FFA Secretariat.
5. March/April 2011 – FFA Secretariat review and analyse National Compliance Review forms to identify regional trends in implementation and highlight

priority areas for capacity building and support. FFA Secretariat distributes an information paper reporting on National Compliance Review outcomes and analysis to MCS-WG members for consideration.

6. April 2011 – MCS-WG discusses analysis of National Compliance Review and identifies priority areas for FFA capacity building and support.
7. March 2012 – Repeat steps 1 through 6.

1.5 National Implementation and Responses

1.5.1 Introduction

As summarised above, the Review found that problematic implementation at the national level continues to undermine the ability of FFA members to effectively implement MCS measures, thereby maximising their returns. While some FFA members have developed strong MCS systems with good implementation, much of the Pacific islands region continues to suffer from inconsistent implementation of MCS measures.

This next section focuses specifically on each country's performance against the PIs. The Review suggests that FFA member countries could improve national MCS capability and coordination through supporting the following responses (lists are not proposed in order of priority):

1.5.2 National Priority MCS Responses

- **Cook Islands:**
 1. Build capacity in the national observer programme through regional recruitment;
 2. Establish cooperative approach with neighbouring ports (particularly Pago Pago) to boost port monitoring of Cook Island licensed vessels.
 3. Establish a comprehensive MCS data management system that enables automated cross-checking (verification) of different MCS datasets;
 4. Establish processes for cross-checking MCS and fisheries data to verify accuracy;
 5. Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement).
 6. Establish formal EEZ boundaries (delimit as required) and incorporate these into the FFA VMS system.
 7. Develop with other States involved in the albacore/swordfish LL fisheries, a cooperative management arrangement that has a fisheries wide perspective as opposed to an EEZ focus
- **Fiji:**
 1. Establish observer de-brief and violation follow-up processes for observer violation reports;
 2. Update legislation;

3. Establish a comprehensive MCS data management system that enables automated cross-checking (verification) of different MCS datasets;
 4. Establish processes for cross-checking MCS and fisheries data to verify accuracy;
 5. Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement).
- **FSM:**
 1. Establish a comprehensive MCS data management system (including sightings and violations databases) that enables automated cross-checking (verification) of different MCS datasets;
 2. Establish processes for cross-checking MCS and fisheries data to verify accuracy;
 3. Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement);
 4. Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc;
 5. Develop coordination processes and systems for briefings and information sharing/storage/analysis between fisheries and all relevant agencies (i.e police, AGs, etc);
 6. Develop MCS manual that includes standard operating procedures.
 - **Kiribati:**
 1. Implement new fisheries legislation as a matter of priority;
 2. Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement);
 3. Develop coordination processes and systems for briefings and information sharing/storage/analysis between fisheries and all relevant agencies (i.e police, AGs, etc);
 4. Develop MCS manual that includes standard operating procedures.
 5. Establish a comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets;
 6. Establish processes for cross-checking MCS and fisheries data to verify accuracy;
 7. Through cooperative arrangements with neighbouring ports, implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc;

8. Establish formal EEZ boundaries (delimit as required) and incorporate these into the FFA VMS system.
- **Marshall Islands:**
 1. Review and update legislation, particularly in regard to flag State responsibilities;
 2. Develop MOU between MIMRA and Registry office to ensure link between flag registration and authorisations to fish;
 3. Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement);
 4. Develop coordination processes and systems for briefings and information sharing/storage/analysis between fisheries and all relevant agencies (i.e police, AGs, etc);
 5. Develop MCS manual that includes standard operating procedures.
 6. Establish a comprehensive MCS data management system (including sightings and violations databases) that enables automated cross-checking (verification) of different MCS datasets;
 7. Establish processes for cross-checking MCS and fisheries data to verify accuracy;
 8. Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc.
 - **Nauru:**
 1. Through cooperative arrangements with neighbouring ports, implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc;
 2. Review fisheries related legislation to ensure compliance with international agreements including decisions agreed to as a party to the WCPF Convention and VDS, observer coverage and FAD fishing restrictions). Legislation should also increase penalty levels, provide for electronic monitoring including the possibility of electronic logbooks and video, the authorization of flag vessels and port State measure as elaborated by the FAO Scheme.
 3. Conclude Niue Treaty arrangements with neighbouring countries (particularly RMI and Kiribati) including for the sharing of MCS information and the conducting of surface patrols;
 4. Utilize ADF non-PPB country funding to support surface patrols in EEZ.
 5. Conclude ship-rider agreements with the US;
 6. Establish a comprehensive MCS data management system (including sightings and violations databases) that enables automated cross-checking (verification) of different MCS datasets;

7. Establish processes for cross-checking MCS and fisheries data to verify accuracy.
- **Niue:**
 1. Complete review of Fisheries legislation and Tuna Management Plan and implement as appropriate;
 2. Conclude Niue Treaty arrangements with neighbouring countries (Cook Islands, Tonga and Samoa) including for the sharing of MCS information and the conducting of surface patrols;
 3. Utilize ADF non-PPB country funding to support surface patrols in the Niue EEZ;
 4. Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement).
 5. Conclude ship-rider agreements with the US as a priority and France.
 6. Establish formal EEZ boundaries (delimit as required) and incorporate these into the FFA VMS system.
 7. Develop with other States involved in the albacore/swordfish LL fisheries, a cooperative management arrangement that has a fisheries wide perspective as opposed to an EEZ focus
 - **Palau:**
 1. Review fisheries related legislation(particularly relating to flag and port State controls) to ensure compliance with international agreements including decisions agreed to as a party to the WCPF Convention and VDS, observer coverage and FAD fishing restrictions);
 2. Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement);
 3. Facilitate new cooperative relationship between MLED and BRM as a matter of priority;
 4. Resolve poor compliance with licensing conditions relating to misreporting;
 5. Establish a comprehensive MCS data management system (including sightings and violations databases) that enables automated cross-checking (verification) of different MCS datasets;
 6. Establish processes for cross-checking MCS and fisheries data to verify accuracy.
 - **PNG:**
 1. Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement);
 2. Resolve licensing delays and end process of issuing comfort letters (in interim, ensure that all MCS operational agencies including PNGDF are given up-to-date information on vessels that hold comfort letters;
 3. Implement transparent and consistent responses to violations.

4. Review investigation and prosecution of minor violations to ensure that all violations are prosecuted in accordance with national laws.
- **Samoa:**
 1. Complete review of Fisheries legislation and Tuna Management Plan and implement as appropriate.
 2. Establish a comprehensive MCS data management system that enables automated cross-checking (verification) of different MCS datasets including with respect to observer reports and VMS.
 3. Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement).
 4. Establish formal EEZ boundaries (delimit as required) and incorporate these into the FFA VMS system.
 5. Conduct legal awareness and boarding and inspection training courses for MCS related officers.
 6. Develop with other States involved in the albacore LL fishery, a cooperative management arrangement that has a fisheries wide perspective as opposed to an EEZ focus
 - **Solomon Islands:**
 1. Develop an MOU between Fisheries and the Police Maritime Unit to establish areas of responsibility to ensure ongoing cooperation and coordination and agreement on standard procedures.
 2. Establish fisheries cooperation arrangements with neighbours and other port States where Solomons licensed vessels operate.
 3. Complete review of Fisheries legislation and Tuna Management Plan and implement as appropriate.
 4. Conduct familiarisation training covering the license conditions, VDS and WCPFC measures for both Fisheries and Police Maritime Unit officers.
 5. Observer coverage of longline vessels.
 6. Conclude data sharing arrangement including with respect to high seas and neighbouring zone VMS.
 - **Tokelau:**
 1. Develop through cooperative fisheries management arrangements with foreign port States, the capability to monitor and inspect fish which is caught in Tokelau and unloaded in foreign ports.
 2. Adopt Marine Areas Rules as appropriate.
 3. Develop a reporting process for vessels and gear sightings so that information can be used to establish vessels at fault and “longarm” enforcement implemented as appropriate.
 4. Develop cooperative arrangements with neighbours, port States and asset providers such as USCG and France to secure additional MCS capability including surface capability and ship-rider arrangements and sources of information for Tokelau.
 5. Negotiate with Samoa and ADF for the provision of patrols by Samoan patrol boat with funding from the ADF non-PPB Nations Package.

6. Establish formal EEZ boundaries (delimit as required) and incorporate these into the FFA VMS system.
- **Tonga:**
 1. Establish formal EEZ boundaries (delimit as required) and incorporate these into the FFA VMS system.
 2. Establish a comprehensive MCS data management system that enables automated cross-checking (verification) of different MCS datasets including with respect to observer reports and VMS.
 3. Develop formal MCS cooperation arrangements with neighbouring States to include full access to VMS information and the appropriate sharing of all relevant information.
 4. Fisheries and Crown Law to develop procedures for out of court settlements.
 - **Tuvalu:**
 1. Through cooperative arrangements with neighbouring ports, implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc;
 2. Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption and/or endorsement);
 3. Develop coordination processes and systems for briefings and information sharing/storage/analysis between fisheries and all relevant agencies (i.e police, AGs, etc);
 4. Develop MCS manual that includes standard operating procedures.
 5. Establish a comprehensive MCS data management system (including sightings and violations databases) that enables automated cross-checking (verification) of different MCS datasets;
 6. Establish processes for cross-checking MCS and fisheries data to verify accuracy.
 - **Vanuatu:**
 1. Review legislation as planned.
 2. Establish processes for cross-checking MCS and fisheries to data to verify accuracy.
 3. Establish fisheries cooperation arrangements with neighbours and other port States where Vanuatu licensed vessels operate including Suva and Pagopago.
 4. Adopt administrative penalty procedures to cover prosecution of less serious offences.
 5. Establish fisheries cooperation arrangements with neighbours and other port States where Vanuatu licensed vessels operate.

The following tables summarise the implementation by FFA members of the ten MCS components and their performance against the 49 performance indicators. To enable a

quick read of the results, the analysis is presented in the traffic light colours: Green = Strong; Yellow = Moderate; red = Weak.

Each implementation table is immediately followed by a table of potential responses that were identified during national consultations and literature reviews.

1.5.3 Cook Islands Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTc. STRONG	License conditions are consistent with HMTc. MODERATE	License conditions are consistent with VDS monitoring requirements. N/A	License conditions are consistent with WCPFC MCS requirements. STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. MODERATE	
2. VMS MODERATE/STRONG	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. STRONG	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. STRONG	VMS is monitored & potential violations or malfunctions are immediately queried. STRONG	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. MODERATE/STRONG
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. WEAK	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). WEAK	Trained observers are carried on some fishing trips by local fishing vessels. WEAK	Country has access to sufficient numbers of trained and contracted observers. WEAK	Country has adequately trained and resourced observer coordinator. STRONG	Observer reports are entered into database and/or forwarded to FFA/SPC. STRONG
4. Vessel Record & Auth. to Fish MODERATE	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. STRONG	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. STRONG	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. MODERATE	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. MODERATE	Vessels are prohibited from fishing illegally in foreign EEZs. STRONG
5. Port Controls and Monitoring WEAK	All landings and transshipments of fish in port are inspected by trained officials. WEAK	Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. STRONG	Government is empowered to prohibit landings & transshipments where the catch has been taken in manner that undermines VDS or WCPFC provisions.	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat.	Port inspectors are adequately trained and resourced. STRONG	

			STRONG	STRONG		
6. Prosecutions STRONG	Suspected license violations are investigated & prosecuted. STRONG	Suspected VMS violations are investigated & prosecuted. STRONG	Observer reports of violations are investigated & prosecuted. STRONG	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. STRONG	Investigation, prosecution & judicial authorities are adequately trained & resourced. STRONG	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols STRONG	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. MODERATE	Country has capability to undertake boarding & inspections in EEZs. STRONG	Country has capability to undertake boarding & inspections in HS. STRONG	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. STRONG	
8. Data & MCS Coordination WEAK/ MODERATE	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. STRONG	100% of catch logbooks collected within 45 days of end of trip. WEAK	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. STRONG	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG	Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG		
10. Legislation & M Plans MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. MODERATE	Legislation and regulations are adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. STRONG		

Cook Islands – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important, given lack of port visits by some CI vessels. • Cooperation with neighbours and service providers should be on-going to ensure that proper management is maintained at all times not just when an incident occurs. • Physical presence in Pagopago required to inspect vessels and monitor unloading as required. Need to have fisheries personnel in Pago to monitor boats including inspection and Observer.
2. VMS	<ul style="list-style-type: none"> • Need to have more FFA certified VMS installers in Pago and Raro. • VMS coverage of licensed vessels throughout their range. CI should have access to VMS information from adjacent high seas and particularly the eastern pocket. • VMS data should be incorporated into a fisheries management information system that allows VMS data to be cross-referenced (in real time) with other MCS data. • Stricter conditions should apply to faulty MTUs that force operators to ensure MTUs are functioning as required.
3. Observers	<ul style="list-style-type: none"> • Develop electronic catch reporting through VMS for longline vessels (given low/zero observer coverage rates). • Recruit observers from region if none forthcoming from CI. • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Increase use of penalties/incentives for on-time catch reporting.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • The cooperative arrangement with NMFS should also include provisions that allow Cook Islands to be compensated for any prosecutions undertaken in Pagopago. • Advantages may be obtained by joining forces with other PICS that license vessels based in Pagopago. • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Regularly review sanctions to ensure they have the desired deterrent effect. • Regionally standard (strong) sanctions would strengthen regional management. • Document cases to ensure retention of corporate knowledge and for possible use in future cases. • Ensure Regional Register is updated as changes to vessel information occurs through the year.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish a sighting and inspection database. • Access to adjacent HS VMS information (including eastern pocket) would enhance information base for planning purposes. • Satellite imagery would assist in allowing targeted operations.

8. Data & MCS Coordination	<ul style="list-style-type: none"> • Develop an MOU between MMR and MSC to ensure ongoing cooperation and coordination and agreement on standard procedures. • Establish an e-log system for the collection and storage of catch and effort information. • Establish fisheries cooperation arrangements with neighbours including French Polynesia. • Establish a comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Develop a database for the input of patrol information and cross-checking with other related information.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement). – i.e review MMR Act, 2005 in light of experiences with recent investigations and prosecutions as well as WCPFC developments and update 1995 License and Regulation of fishing vessels regulations and include authorisation provisions. • Develop bilateral fisheries management agreements with other States as envisaged under Section 33 of the MMR Act, Application of laws of other States. • Develop a management arrangement with French Polynesia and Kiribati for the management of the high seas pocket enclosed by all three entities.

1.5.4 Fiji Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTC. MODERATE	License conditions are consistent with HMTC. MODERATE	License conditions are consistent with VDS monitoring requirements. N/A	License conditions are consistent with WCPFC MCS requirements. STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. MODERATE	
2. VMS WEAK/MODERATE	All licensed foreign fish vessels carry approved MTUs consistent with HMTCs. STRONG	All national fishing vessels carry MTUs, consistent with HMTCs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. MODERATE	VMS is monitored & potential violations or malfunctions are immediately queried. MODERATE	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. WEAK/MODERATE
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. WEAK	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). N/A	Trained observers are carried on some fishing trips by local fishing vessels. STRONG	Country has access to sufficient numbers of trained and contracted observers. MODERATE	Country has adequately trained and resourced observer coordinator. MODERATE	Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE
4. Vessel Record & Auth. to Fish WEAK	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTCs. MODERATE	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. STRONG	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. WEAK	Vessels are prohibited from fishing illegally in foreign EEZs. WEAK/MODERATE
5. Port Controls and Monitoring MODERATE	All landings and transhipments of fish in port are inspected by trained officials. STRONG	Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. MODERATE/STRONG	Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions.	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat.	Port inspectors are adequately trained and resourced. STRONG	

			MODERATE	MODERATE		
6. Prosecutions WEAK	Suspected license violations are investigated & prosecuted. MODERATE	Suspected VMS violations are investigated & prosecuted. MODERATE	Observer reports of violations are investigated & prosecuted. WEAK	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE/STRONG	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. MODERATE
7. Boarding & Inspection and At Sea Patrols MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. MODERATE	Country has capability to undertake boarding & inspections in EEZs. STRONG	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. WEAK/MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE	
8. Data & MCS Coordination MODERATE	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. MODERATE	100% of catch logbooks collected within 45 days of end of trip. STRONG	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. WEAK/MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. MODERATE	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance WEAK	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. WEAK		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. N/A		Aerial patrols are provided with all relevant VMS & fisheries data. N/A	
10. Legislation & M Plans WEAK	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK		Legislation and regulations are adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. STRONG	

Fiji – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Suggested need for greater transparency and publicly accessible license list on web. • Improve training and processes to implement WCPFC provisions and requirements. • Cooperation with neighbours and service providers should be on-going to ensure that proper management is maintained at all times not just when an incident occurs.
2. VMS	<ul style="list-style-type: none"> • Need further training in VMS, particularly in relation to implementation of WCPFC VMS requirements. • Improve coordination between Fisheries and Navy. • Need to tighten processes relating to malfunctioning MTUs. • VMS data should be incorporated into a fisheries management information system that allows VMS data to be cross-referenced (in real time) with other MCS data. • Establishment of VMS alert processes to notify Fiji Fisheries of any potential violations.
3. Observers	<ul style="list-style-type: none"> • Improve observer employment conditions & recruitment processes to increase number of trained observers to meet 20% target. • Establish debrief processes for observers. • Establish processes and databases for recording and investigating observer reports of violations detected. • Consider development of Suva as a sub-regional hub for observer placements and port inspections. • Submit details of Fiji observer programme to WCPFC for authorisation under ROP requirements.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Current legislation review should be considered a priority and completed as scheduled in early 2010.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • Improve training consistency and number of trained port inspectors. • Enact port inspection processes, prohibitions and restrictions in regulations or legislation. • Improve coordination and data sharing between relevant agencies with interests and activities in Fiji ports. • Port information should be incorporated into a fisheries management information system that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Update legislation. • Resolve prosecution bottlenecks and increase investigations of detected violations. • Develop regular legal refresher training program in law, inspections, evidence gathering and report writing (NPOA-IUU).
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish a sighting and inspection database. • Access to adjacent HS VMS information would enhance information base for planning purposes. • Satellite imagery would assist in allowing targeted operations.. • Endorse patrol vessels for high seas B&I.

8. Data & MCS Coordination	<ul style="list-style-type: none"> • Establish a comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy. • Develop MCS manual that includes standard operating procedures. • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and Navy that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Endorse NTSA arrangement with Vanuatu.
9. Aerial Surveillance	
10. Legislation/Plans	<ul style="list-style-type: none"> • Ensure finalisation of new Oceanic fisheries legislation by March 2010. • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.5 FSM Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTc. MODERATE	License conditions are consistent with HMTc. MODERATE	License conditions are consistent with VDS monitoring requirements. MODERATE/STRONG	License conditions are consistent with WCPFC MCS requirements. MODERATE/STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. MODERATE	
2. VMS MODERATE	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. STRONG	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. WEAK/MODERATE	VMS is monitored & potential violations or malfunctions are immediately queried. MODERATE	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG
3. Observers MODERATE/STRONG	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. MODERATE/STRONG	Country (flag State) is capable of implementing 100% coverage on PS vessels. STRONG	Trained observers are carried on some fishing trips by local fishing vessels. MODERATE	Country has access to sufficient numbers of trained and contracted observers. STRONG	Country has adequately trained and resourced observer coordinator. MODERATE	Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE
4. Vessel Record & Auth. to Fish STRONG	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. STRONG	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. STRONG	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. WEAK/MODERATE	Vessels that may have breached WCPFC, 31A, and/or W'gtn Convention investigated & prosecuted. STRONG	Vessels are prohibited from fishing illegally in foreign EEZs. STRONG
5. Port Controls and Monitoring MODERATE	All landings and transshipments of fish in port are inspected by trained officials. MODERATE	Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. STRONG	Government is empowered to prohibit landings & transshipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. STRONG	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. MODERATE	Port inspectors are adequately trained and resourced. MODERATE/STRONG	

6. Prosecutions STRONG	Suspected license violations are investigated & prosecuted. STRONG	Suspected VMS violations are investigated & prosecuted. STRONG	Observer reports of violations are investigated & prosecuted. STRONG	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. STRONG	Investigation, prosecution & judicial authorities are adequately trained & resourced. (no response)	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols WEAK/MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. MODERATE	Country has capability to undertake boarding & inspections in EEZs. MODERATE	Country has capability to undertake boarding & inspections in HS. MODERATE	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. WEAK/MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. WEAK/MODERATE	
8. Data & MCS Coordination WEAK/MODERATE	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. MODERATE	100% of catch logbooks collected within 45 days of end of trip. MODERATE	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. STRONG	Domestic systems established for coordination of MCS operations between relevant agencies. WEAK/MODERATE	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance WEAK/MODERATE	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. MODERATE	Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. WEAK/MODERATE	Aerial patrols are provided with all relevant VMS & fisheries data. STRONG			
10. Legislation & M'gnt Plans MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. MODERATE	Legislation and regulations are adequately understood by relevant fisheries, police & judiciary. (no response)	Management plan exists and has been developed in consultation with stakeholders. MODERATE			

FSM – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. • Cooperation with neighbours and service providers should be on-going to ensure that proper management is maintained at all times not just when an incident occurs. • Improve training and processes to implement WCPFC provisions and requirements.
2. VMS	<ul style="list-style-type: none"> • Need to have more FFA certified VMS installers in FSM. • VMS coverage of licensed vessels throughout their range. • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data.
3. Observers	<ul style="list-style-type: none"> • FSM needs observer training courses, particularly just basic science/compliance. • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Further legislative/regulatory work may be required to strengthen flag State controls.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • FSM expecting to increase observer and port monitoring programmes due to WCPFC requirements – expects to use cost recovery to fund. • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Regularly review sanctions to ensure they have the desired deterrent effect.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Develop coordination processes and systems for briefings and information sharing/storage/analysis between fisheries and all relevant agencies (i.e police, AGs, etc) • Establish a sighting and inspection database. • Satellite imagery would assist in allowing targeted operations.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • 2006 Port Study noted that FSM viewed the development of a national capacity for scientific analysis on oceanic fisheries as an important priority and wanted to develop its own capacity to interpret and apply the regional results and to be able to interpret data from national monitoring programmes. In this light, it is recommended that FSM consider developing an MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. MCS data management system/database should enable automated cross-checking (verification) of different MCS datasets. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy. • Establish a formal coordination process or centre for coordination of MCS patrols/aerial surveillance that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Build data entry and management capacity. • Develop MCS manual that includes standard operating procedures.

9. Aerial Surveillance	<ul style="list-style-type: none">• Establish a formal coordination process or centre for coordination of MCS patrols/aerial surveillance that provides for pre-operation and post operation briefings and targeted operations informed by relevant data.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none">• Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.6 Kiribati Compliance Review and Recommendations

1. Licensing WEAK/ MODERATE	License form info meets or exceeds HMTc. STRONG	License conditions are consistent with HMTc. MODERATE	License conditions are consistent with VDS monitoring requirements. MODERATE	License conditions are consistent with WCPFC MCS requirements. MODERATE/STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. WEAK/ MODERATE	
2. VMS WEAK	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. WEAK	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. N/A	National VMS office, staff & equipment are operational & adequately trained. MODERATE	VMS is monitored & potential violations or malfunctions are immediately queried. WEAK	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. MODERATE
3. Observers MODERATE	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. MODERATE	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). STRONG	Trained observers are carried on some fishing trips by local fishing vessels. N/A	Country has access to sufficient numbers of trained and contracted observers. MODERATE	Country has adequately trained and resourced observer coordinator. MODERATE	Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE
4. Vessel Record & Auth. to Fish WEAK	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. WEAK/MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. MODERATE	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. MODERATE	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. WEAK	Vessels are prohibited from fishing illegally in foreign EEZs. WEAK/MODERATE
5. Port Controls and Monitoring WEAK	All landings and transshipments of fish in port are inspected by trained officials. MODERATE	Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. WEAK/MODERATE	Government is empowered to prohibit landings & transshipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. WEAK	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. MODERATE/STRONG	Port inspectors are adequately trained and resourced. MODERATE	

6. Prosecutions WEAK/ MODERATE	Suspected license violations are investigated & prosecuted. MODERATE	Suspected VMS violations are investigated & prosecuted. WEAK/ MODERATE	Observer reports of violations are investigated & prosecuted. MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. MODERATE
7. Boarding & Inspection and At Sea Patrols MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. WEAK	Country has capability to undertake boarding & inspections in EEZs. MODERATE	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE/STRONG	
8. Data & MCS Coordination WEAK/ MODERATE	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. MODERATE	100% of catch logbooks collected within 45 days of end of trip. WEAK/ MODERATE	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. MODERATE	Systems established to cross check and verify MCS and fisheries data. WEAK/ MODERATE	
9. Aerial Surveillance MODERATE	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. WEAK/MODERATE		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG	
10. Legislation & M Plans WEAK	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK		Legislation is adequately understood by relevant fisheries, police & judiciary. MODERATE/STRONG		Management plan exists and has been developed in consultation with stakeholders. MODERATE	

Kiribati – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Provide copy of license conditions with each license for each vessel. • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. Given characteristics of vessels fishing in Kiribati waters – this may require cooperative arrangement with convenient neighbouring port State or home flag State. • Cooperation with neighbours and service providers should be on-going to ensure that proper management is maintained at all times not just when an incident occurs. • Improve training and processes to implement WCPFC provisions and requirements.
2. VMS	<ul style="list-style-type: none"> • Strengthen processes relating to malfunctioning MTUs. • Establish VMS data storage and analysis processes that enable VMS data to be cross-referenced with other MCS data. • Establish VMS alert processes to notify Kiribati of any potential violations or movements into zones of interest. • Need improved internet connection. • Not enough trained staff – need increased capacity building.
3. Observers	<ul style="list-style-type: none"> • Establish processes to de-brief observers, identify violations and prosecute accordingly. • Increase observer pool. • Ensure all access arrangements include sufficient requirements to enforce observer coverage. • Develop regional or sub-regional observer agreements that allow Kiribati observers (or authorised foreign observers) to be stationed in regional observer hub ports. • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Update legislation to implement flag State responsibilities in accordance with WCPFC, 3IA and Wellington Convention. • Build capacity in Maritime to effectively manage registry and implement flag State responsibilities.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • Update legislation to implement port State responsibilities and ensure consistency with HMTCs and WCPFC. • Implement capacity building and training programme for port inspectors to update regularly on WCPFC developments.
6. Prosecution	<ul style="list-style-type: none"> • Update legislation. • Confirm maritime boundaries through due domestic and international processes (SOPAC assistance needs further funding). • Develop clear and consistent processes to ensure all that violation reports from both national and regional observer reports are immediately reviewed and responded to appropriately – perhaps through Fisheries • Administrative Penalty Committee and use of out of court small penalties to deter minor violations such as non-reporting of bycatch. • Strengthen responses to non-reporting VMS.

7. Boarding, Inspection & Patrols	<ul style="list-style-type: none"> • Endorse patrol vessels for HS B&I on WCPFC list (particularly relevant given that Kiribati patrol vessels transit HS to patrol Line Islands. • Implement processes for pre-patrol and post-patrol briefings that include all relevant agencies and ensure patrols are fully informed.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Database should include comprehensive database on VOI and past prosecutions as well as VMS, Observer violation reports, port inspections, logbooks, entry/exit reports, etc. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy. • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and Navy that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Develop MCS manual that includes standard operating procedures.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Implement processes for pre-patrol and post-patrol briefings that include all relevant agencies and ensure patrols are fully informed.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Implement new fisheries legislation as matter of urgency. • Develop Tuna Fisheries Management Plan in consultation with all relevant stakeholders. • Fisheries, police need further legal training and clarification to avoid clashes on powers of the authorise officers. • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.7 Marshall Islands Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTc. MODERATE	License conditions are consistent with HMTc. MODERATE	License conditions are consistent with VDS monitoring requirements. MODERATE	License conditions are consistent with WCPFC MCS requirements. MODERATE	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. MODERATE	
2. VMS WEAK/ MODERATE	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. STRONG	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. MODERATE	VMS is monitored & potential violations or malfunctions are immediately queried. WEAK/ MODERATE	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. MODERATE
3. Observers MODERATE/ STRONG	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. STRONG	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). STRONG	Trained observers are carried on some fishing trips by local fishing vessels. STRONG	Country has access to sufficient numbers of trained and contracted observers. MODERATE/ STRONG	Country has adequately trained and resourced observer coordinator. STRONG	Observer reports are entered into database and/or forwarded to FFA/SPC. STRONG
4. Vessel Record & Auth. to Fish WEAK/ MODERATE	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. WEAK/ MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. STRONG	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. STRONG	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. WEAK/ MODERATE	Vessels are prohibited from fishing illegally in foreign EEZs. WEAK/ MODERATE
5. Port Controls and Monitoring MODERATE	All landings and transhipments of fish in port are inspected by trained officials. STRONG	Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. STRONG	Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. STRONG	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat.	Port inspectors are adequately trained and resourced. MODERATE/ STRONG	

						MODERATE	
6. Prosecutions WEAK/ MODERATE	Suspected license violations are investigated & prosecuted. WEAK/ MODERATE	Suspected VMS violations are investigated & prosecuted. MODERATE	Observer reports of violations are investigated & prosecuted. MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. N/A	Investigation, prosecution & judicial authorities are adequately trained & resourced. WEAK/ MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG	
7. Boarding & Inspection and At Sea Patrols WEAK/ MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. WEAK	Country has capability to undertake boarding & inspections in EEZs. STRONG	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE		
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK	100% of catch logbooks collected within 45 days of end of trip. MODERATE	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. WEAK	Systems established to cross check and verify MCS and fisheries data. WEAK		
9. Aerial Surveillance MODERATE	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. MODERATE		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. MODERATE/ STRONG		
10. Legislation & M Plans MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. MODERATE		Legislation is adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. STRONG		

Marshall Islands – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Prescribe specific license conditions in accordance with HMTCs, VDS and WCPFC. • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important, given Majuro’s role as a key regional port. • Improve training and processes to implement WCPFC provisions and requirements.
2. VMS	<ul style="list-style-type: none"> • Need to increase staff capacity – particularly more trained VMS officers. • Need increased bandwidth and better hardware. • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data.
3. Observers	<ul style="list-style-type: none"> • Need to recruit more trained observers. • Develop a national Observer Manual based on the FFA Observer Manual incorporating necessary changes as a result of WCPFC and PNA developments (NPOA-IUU). • Develop a set of administrative procedures for the operation of the Observer Program that covers the logistical elements associated with observer placement and training including actions required for the return of regional observers that are off-loaded in Majuro (NPOA-IUU). • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Review and update legislation to ensure compliance with WCPFC/UNFSA. • Develop procedures for the control of registered fishing vessels that operate outside fishery waters. This includes the development of regulations as well as the development of terms and conditions of authorization (NPOA-IUU). • To ensure link between flag registration and fishing vessel authorization, an MOU needs to be agreed between MIMRA and the registry based on the requirement of The Fishing Access and Licensing Act, 2004 §411 (2) which allows MIMRA to require flag vessels to be authorized to operate outside the fishery waters (NPOA-IUU). • Increase legal training for all relevant officials
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • MIMRA require their own boat for accessing transshipment vessels in harbour for inspections. • MIMRA staff need training in interrogation of MTUs. • MIMRA needs to establish formal processes for evidence handling, storage and distribution to relevant authorities. • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Officers require further training, particularly in evidence collection, MTU interrogation. • Recruit legal officer as a matter of urgency (with ancillary benefits for WCPFC analysis).
7. Boarding &	<ul style="list-style-type: none"> • Develop coordination processes and systems for information sharing between fisheries and sea patrol.

Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Endorse RMI vessel for high seas B&I. • Establish a sighting and inspection database. • Satellite imagery would assist in allowing targeted operations.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Establish a comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy. NPOA-IUU recommended enhancing the MIMRA VMS (Pacific VMS) and the fisheries information system so that the systems are linked and data can be managed on a near real time basis. The NPOA-IUU noted that this will require a considerable increase in IT/Communications focus by SPC and FFA to cater for MCS aspects of analysis. • Establish a formal coordination process or centre for coordination of MCS patrols/aerial surveillance that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Establish NTSA arrangements with Kiribati and Nauru to include patrols by Lomor in those zones to coincide with patrols in southern RMI areas (NPIA-IUU). • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information (NPOA-IUU).
9. Aerial Surveillance	<ul style="list-style-type: none"> • Develop a database for the input of patrol information and cross-checking with other related information. • Establish a formal coordination process or centre for coordination of MCS patrols/aerial surveillance
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement). • Increase legal training of relevant fisheries and police, increase awareness in judiciary of fisheries matters in regard to MCS and prosecutions.

1.5.8 Nauru Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTC. MODERATE/STRONG	License conditions are consistent with HMTC. MODERATE	License conditions are consistent with VDS monitoring requirements. MODERATE	License conditions are consistent with WCPFC MCS requirements. MODERATE	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. MODERATE	
2. VMS MODERATE	All licensed foreign fish vessels carry approved MTUs consistent with HMTCs. MODERATE	All national fishing vessels carry MTUs, consistent with HMTCs, via FFA when in foreign FFA EEZ. N/A	All local fishing vessels report to national VMS where required. N/A	National VMS office, staff & equipment are operational & adequately trained. MODERATE	VMS is monitored & potential violations or malfunctions are immediately queried. MODERATE	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. MODERATE/STRONG
3. Observers MODERATE	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. MODERATE	Country (flag State) is capable of implementing 100% coverage on PS vessels. N/A	Trained observers are carried on some fishing trips by local fishing vessels. N/A	Country has access to sufficient numbers of trained and contracted observers. MODERATE	Country has adequately trained and resourced observer coordinator. WEAK/MODERATE	Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE
4. Vessel Record & Auth. to Fish WEAK/MODERATE	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. WEAK/MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. N/A	Vessels and fishing gear are marked in accordance with WCPFC & HMTCs. STRONG	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. STRONG	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. N/A	Vessels are prohibited from fishing illegally in foreign EEZs. WEAK/MODERATE
5. Port Controls and Monitoring MODERATE	All landings and transshipments of fish in port are inspected by trained officials. MODERATE	Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. STRONG	Government is empowered to prohibit landings & transshipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. MODERATE	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. MODERATE/STRONG	Port inspectors are adequately trained and resourced. MODERATE	

6. Prosecutions WEAK/ MODERATE	Suspected license violations are investigated & prosecuted. MODERATE	Suspected VMS violations are investigated & prosecuted. MODERATE	Observer reports of violations are investigated & prosecuted. WEAK/ MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. WEAK/ MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. MODERATE/ STRONG
7. Boarding & Inspection and At Sea Patrols WEAK	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. WEAK	Country has capability to undertake boarding & inspections in EEZs. WEAK	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. N/A	At sea patrols are provided with all relevant VMS & fisheries data. N/A	
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK	100% of catch logbooks collected within 45 days of end of trip. STRONG	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. WEAK/ MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. WEAK	Systems established to cross check and verify MCS and fisheries data. MODERATE	
9. Aerial Surveillance WEAK/ MODERATE	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. WEAK		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. WEAK		Aerial patrols are provided with all relevant VMS & fisheries data. MODERATE	
10. Legislation & M Plans WEAK/ MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK/MODERATE		Legislation is adequately understood by relevant fisheries, police & judiciary. WEAK/MODERATE		Management plan exists and has been developed in consultation with stakeholders. WEAK	

Nauru – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important given Nauru's limited options to adequately monitor fishing. Can be implemented through key ports (i.e FSM, PNG, RMI) and through cost-recovered home port visits where necessary (i.e Japan pays for PNG inspectors to travel to Japan for pre-inspections when required). • Update licensing and access arrangements as a matter of priority. • Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate.
2. VMS	<ul style="list-style-type: none"> • Tighten enforcement of VMS violation prosecutions. • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data. • Implement more regular training for VMS, including secondments to FFA and/or neighbours.
3. Observers	<ul style="list-style-type: none"> • Support national observer program as a matter of priority. • Establish processes and databases for recording and investigating observer reports of violations. • Liaise with FFA/SPC to ensure that all observer violation reports are immediately forwarded to relevant officer and followed up as appropriate.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Review fisheries related legislation to implement flag State responsibilities. • Develop regular refresher training program in fisheries law.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • Officials suggest that that they need better, more official looking uniforms which would make it easier to do their jobs and captains/ships would show more respect when officials are undertaking inspections on board. • Improve training of port inspectors, possibly through secondments to busier regional hub ports. • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information; • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Investigation and case-development procedures, including agreement of the responsibilities and roles of different Nauru government departments, need to be developed in 2009. • Enforce access agreement requirements that there be a resident agent established in order to respond to receive and respond to any legal notice. • Liaise with FFA/SPC to ensure that all observer violation reports are immediately forwarded to relevant officer and followed up as appropriate. • Develop an MCS procedures manual.

	<ul style="list-style-type: none"> • Regionally standard (strong) sanctions would strengthen regional management. • Document cases to ensure retention of corporate knowledge and for possible use in future cases.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish Niue Treaty arrangements with Kiribati and Marshall Islands to include patrols by their patrol craft in the Nauru EEZ. • Conclude a “ship rider” agreement with the US Coast Guard (USCG) allowing Nauru authorized officers, to conduct patrols on US vessels. • Establish a sighting and inspection database. • Satellite imagery would assist in allowing targeted operations.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Establish Niue Treaty arrangements with Kiribati and Marshall Islands to include patrols by their patrol craft in the Nauru EEZ. • Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy. NPOA-IUU recommended enhancing the MIMRA VMS (Pacific VMS) and the fisheries information system so that the systems are linked and data can be managed on a near real time basis. The NPOA-IUU noted that this will require a considerable increase in IT/Communications focus by SPC and FFA to cater for MCS aspects of analysis. • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information; • Negotiate maritime boundaries with Kiribati and Marshall Islands noting that technical information on base points is held at SOPAC and that coordinates are listed in the Sea Boundaries Act, 1997.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Review fisheries related legislation to ensure compliance with international agreements including decisions agreed to as a party to the WCPF Convention and VDS, observer coverage and FAD fishing restrictions), Legislation should also increase penalty levels, provide for electronic monitoring including the possibility of electronic logbooks and video, the authorization of flag vessels and port State measure as elaborated by the FAO Scheme. • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement). • Develop a Tuna Management Plan.

1.5.9 Niue Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTC. MODERATE	License conditions are consistent with HMTC. MODERATE	License conditions are consistent with VDS monitoring requirements. N/A	License conditions are consistent with WCPFC MCS requirements. MODERATE	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. STRONG	
2. VMS MODERATE	All licensed foreign fish vessels carry approved MTUs consistent with HMTCs. MODERATE	All national fishing vessels carry MTUs, consistent with HMTCs, via FFA when in foreign FFA EEZ. N/A	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. MODERATE	VMS is monitored & potential violations or malfunctions are immediately queried. STRONG	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. MODERATE
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. N/A	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). N/A	Trained observers are carried on some fishing trips by local fishing vessels. N/A	Country has access to sufficient numbers of trained and contracted observers. WEAK	Country has adequately trained and resourced observer coordinator. WEAK	Observer reports are entered into database and/or forwarded to FFA/SPC. WEAK
4. Vessel Record & Auth. to Fish N/A	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. N/A	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. N/A	Vessels and fishing gear are marked in accordance with WCPFC & HMTCs. N/A	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. N/A	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. N/A	Vessels are prohibited from fishing illegally in foreign EEZs. N/A
5. Port Controls and Monitoring MODERATE	All landings and transhipments of fish in port are inspected by trained officials. STRONG	Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. MODERATE	Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. MODERATE	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. STRONG	Port inspectors are adequately trained and resourced. MODERATE	

6. Prosecutions MODERATE	Suspected license violations are investigated & prosecuted. STRONG	Suspected VMS violations are investigated & prosecuted. STRONG	Observer reports of violations are investigated & prosecuted. STRONG	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. STRONG	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. MODERATE
7. Boarding & Inspection and At Sea Patrols WEAK	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. WEAK	Country has capability to undertake boarding & inspections in EEZs. WEAK	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. STRONG	
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. MODERATE	100% of catch logbooks collected within 45 days of end of trip. WEAK	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. MODERATE	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance MODERATE/STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE/STRONG		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG	
10. Legislation & M Plans WEAK	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK		Legislation is adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. MODERATE	

Niue – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Adopt proposed new license regulations (drafted by FFA) & if necessary secure capacity to facilitate passage of proposed legislation through the administrative process. • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important, given lack of port visits by some vessels. • Cooperation with neighbours and service providers should be on-going to ensure that proper management is maintained at all times not just when an incident occurs. • Through FFA enhance the Regional Register so that it is able to update vessel information should changes occur during the year. • Identify other sources of information able to be interrogated to verify the accuracy of information supplied by vessel operators in the license application form. • Integrate the licence register with other fisheries management information data sets.
2. VMS	<ul style="list-style-type: none"> • Adopt new VMS regulations. • VMS information should be an integral part of a fisheries management information system (database). • Develop expertise in use of MapInfo.
3. Observers	<ul style="list-style-type: none"> • Investigate the use of electronic monitoring and contracted observers from outside Niue. • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Adopt proposed legislation which provides for authorisations to fish outside the EEZ and control over nationals.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • As recommended by the 2005 FFA legislative review, Niue would need to implement the following port State obligations: establish rules for entry and exit into its ports so as to make conservation and management measures more effective; inspect documents, fishing gear, catch and other fisheries related issues when the vessel is in port or in the inland waters of Niue; prohibit landing and transshipment where the vessel has undermined conservation and management measures; provide information on Port State measures to Flag States, other States and to regional organizations; give advance warning of its Port State measures on a global basis so that vessel owners and operators can meet the requirements; • If in future Niue moves to license large foreign longliners operating in the sub-region, consideration should be given to joining forces with other PICS that license the same fleets that operate out of Pagopago, Suva and Port Vila. • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Detections of intrusions by unlicensed vessels would be enhanced with the use of satellite imagery. The use of this technology together with other established tools such as VMS and surface and air surveillance would be particularly useful against those vessels that are not VMS compliant. • To have a deterrent effect, sanctions need to be severe and uniform across the fishery. Niue should consider developing “fleet wide” impact legislation.
7. Boarding & Inspection and	<ul style="list-style-type: none"> • Establish a sighting and inspection database. • Access to adjacent EEZ and HS VMS information would enhance information base for MCS planning purposes.

At Sea Patrols	<ul style="list-style-type: none"> • Use of Satellite imagery would assist in providing a better picture of activity in the EEZ and may be useful for planning operations. Obtaining this would be expensive and it may be best approached jointly with others in the sub-region.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Automate cross-checking (verification) through the development of an integrated fisheries information database system. • Develop cooperative arrangements with neighbours, port States and asset providers such as USCG and France to secure additional MCS capability and sources of information for Niue. • Together with neighbouring countries, investigate the feasibility of obtaining satellite imagery.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Develop a database for the input of patrol information and cross-checking with other related information.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Implement legislation amendments as recommended in the FFA review and if necessary secure assistance to facilitate their passage through the necessary administrative procedures for adoption. • Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement). • Adopt Tuna Management Plan.

1.5.10 Palau Compliance Review and Recommendations

1. Licensing MODERATE/ STRONG	License form info meets or exceeds HMTc. STRONG	License conditions are consistent with HMTc. MODERATE/ STRONG	License conditions are consistent with VDS monitoring requirements. N/A	License conditions are consistent with WCPFC MCS requirements. MODERATE/ STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. MODERATE/STRONG	
2. VMS MODERATE	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. MODERATE	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. STRONG	VMS is monitored & potential violations or malfunctions are immediately queried. MODERATE	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. WEAK	Country (flag State) is capable of implementing 100% coverage on PS vessels. N/A	Trained observers are carried on some fishing trips by local fishing vessels. N/A	Country has access to sufficient numbers of trained and contracted observers. WEAK	Country has adequately trained and resourced observer coordinator. MODERATE	Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE
4. Vessel Record & Auth. to Fish WEAK/ MODERATE	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. WEAK/ MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC ??	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. ??	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. WEAK	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. WEAK	Vessels are prohibited from fishing illegally in foreign EEZs. WEAK/ MODERATE
5. Port Controls and Monitoring WEAK/ MODERATE	All landings and transshipments of fish in port are inspected by trained officials. STRONG	Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. MODERATE	Government is empowered to prohibit landings & transshipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. WEAK/ MODERATE	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. WEAK/ MODERATE		Port inspectors are adequately trained and resourced. WEAK/ MODERATE

6. Prosecutions WEAK	Suspected license violations are investigated & prosecuted. WEAK/MODERATE	Suspected VMS violations are investigated & prosecuted. ??	Observer reports of violations are investigated & prosecuted. WEAK	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. MODERATE
7. Boarding & Inspection and At Sea Patrols MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. STRONG	Country has capability to undertake boarding & inspections in EEZs. MODERATE	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. WEAK/MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. STRONG/MODERATE	
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK	100% of catch logbooks collected within 45 days of end of trip. MODERATE/STRONG	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. WEAK	Systems established to cross check and verify MCS and fisheries data. WEAK/MODERATE	
9. Aerial Surveillance MODERATE	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG	Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. WEAK/MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. ??		
10. Legislation & M Plans WEAK	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK	Legislation is adequately understood by relevant fisheries, police & judiciary. ??		Management plan exists and has been developed in consultation with stakeholders. STRONG		

Palau – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> Update license conditions to reflect developments in WCPFC, VDS and 31A.
2. VMS	<ul style="list-style-type: none"> Implement system of alerts. VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data.
3. Observers	<ul style="list-style-type: none"> Prioritise observer programme, recruitment, training and resourcing for coordination. Recruit observers from region if none forthcoming from Palau Improve observer employment conditions & recruitment processes to increase number of trained observers to meet 20% target. Establish debrief processes for observers. Establish processes and databases for recording and investigating observer reports of violations detected. Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> Amend legislation to update flag State responsibilities in accordance with WCPFC.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> Improve training for port inspectors, particularly in relation to WCPFC C&M requirements. Update legislation to enact port State controls in accordance with WCPFC. Improve data handling and information sharing processes.
6. Prosecution	<ul style="list-style-type: none"> Expand training for enforcement officers in fisheries law, inspections, evidence gathering and report writing – implement regular programme of refresher courses. Facilitate new cooperative relationship and MOU between MLED and BRM. Review legislation to ensure sanctions are consistent with regional benchmarks. Implement independent review of citation system to consider reintroduction. Resolve poor compliance with licensing conditions relating to misreporting.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Submit nomination of vessels/officers to WCPFC for endorsement on WCPFC HS B&I record.
8. Data & MCS Coordination	<ul style="list-style-type: none"> Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Establish data management system and processes to store and enable cross-verification of all relevant MCS and fisheries information to assess accuracy and identify IUU risks (including violations and VOI database). Establish formal processes for MCS coordination and information sharing between MLED and BRM and all other relevant agencies. Such processes ensure pre-operation and post-operation briefings. Given ongoing problems between MLED and BRM, consideration should be given to establishment of new independent coordination institution/committee that can manage MCS data and coordinate MCS operations.

	<ul style="list-style-type: none"> • Implement increased information sharing arrangements with neighbouring FFA members PNG, FSM, RMI.
9. Aerial Surveillance	<ul style="list-style-type: none"> • More training required in communication and coordination between base and aerial assets and between surface patrols and aerial patrols.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Implement new legislation. • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement). • Review 2001 tuna fisheries management plan

1.5.11 PNG Compliance Review and Recommendations

<p>1. Licensing STRONG</p>	<p>License form info meets or exceeds HMTc. STRONG</p>		<p>License conditions are consistent with HMTc. STRONG</p>	<p>License conditions are consistent with VDS monitoring requirements. STRONG</p>	<p>License conditions are consistent with WCPFC MCS requirements. STRONG</p>	<p>Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. STRONG</p>
<p>2. VMS STRONG</p>	<p>All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. STRONG</p>	<p>All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG</p>	<p>All local fishing vessels report to national VMS where required. STRONG</p>	<p>National VMS office, staff & equipment are operational & adequately trained. STRONG</p>	<p>VMS is monitored & potential violations or malfunctions are immediately queried. STRONG</p>	<p>Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG</p>
<p>3. Observers STRONG</p>	<p>Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. STRONG</p>	<p>Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). STRONG</p>	<p>Trained observers are carried on some fishing trips by local fishing vessels. STRONG</p>	<p>Country has access to sufficient numbers of trained and contracted observers. STRONG</p>	<p>Country has adequately trained and resourced observer coordinator. STRONG</p>	<p>Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE/STRONG</p>
<p>4. Vessel Record & Auth. to Fish STRONG</p>	<p>Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. STRONG</p>	<p>Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG</p>	<p>Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. STRONG</p>	<p>Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. STRONG</p>	<p>Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. STRONG</p>	<p>Vessels are prohibited from fishing illegally in foreign EEZs. STRONG</p>
<p>5. Port Controls and Monitoring STRONG</p>	<p>All landings and transhipments of fish in port are inspected by trained officials. STRONG</p>	<p>Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. STRONG</p>	<p>Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. STRONG</p>	<p>Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. STRONG</p>	<p>Port inspectors are adequately trained and resourced. STRONG</p>	

6. Prosecutions WEAK/ MODERATE	Suspected license violations are investigated & prosecuted. MODERATE	Suspected VMS violations are investigated & prosecuted. STRONG	Observer reports of violations are investigated & prosecuted STRONG	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. WEAK/ MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE/ STRONG	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols MODERATE/ STRONG	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. STRONG	Country has capability to undertake boarding & inspections in EEZs. MODERATE/ STRONG	Country has capability to undertake boarding & inspections in HS. MODERATE/ STRONG	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. STRONG	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE/ STRONG	
8. Data & MCS Coordination MODERATE	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. MODERATE	100% of catch logbooks collected within 45 days of end of trip. MODERATE	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE/ STRONG	Domestic systems established for coordination of MCS operations between relevant agencies. STRONG	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance MODERATE/ STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. STRONG		Aerial patrols are provided with all relevant VMS & fisheries data. MODERATE	
10. Legislation & M Plans MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. MODERATE		Legislation is adequately understood by relevant fisheries, police & judiciary. STRONG		Management plan exists and has been developed in consultation with stakeholders. STRONG	

PNG – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • 2006 Review of NFA licensing procedures proposed various recommendations to improve licensing and specifically recommended immediate end to 'comfort letters'. Suggest NFA urgently resolve licensing delays.
2. VMS	<ul style="list-style-type: none"> • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data.
3. Observers	<ul style="list-style-type: none"> • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Increase institutional capacity to investigate and prosecute violations. • Resolve licensing delays and end process of issuing comfort letters (at least in interim ensure that all MCS operational agencies including PNGDF are given up-to-date information on vessels that hold comfort letters. • Implement transparent and consistent responses to violations. • Review investigation and prosecution of minor violations to ensure that all violations are prosecuted in accordance with national laws.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Resolve licensing delays and end process of issuing comfort letters (at least in interim ensure that all MCS operational agencies including PNGDF are given up-to-date information on vessels that hold comfort letters. • Implement transparent and consistent responses to violations.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Implement licensing and MCS data recommendations from IT Strategic review as a matter of priority. • Encourage all relevant agencies into active participation in National Coordination Centre. • Finalise NPOA-IUU.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Resolve licensing delays and end process of issuing comfort letters (at least in interim ensure that all MCS operational agencies including PNGDF are given up-to-date information on vessels that hold comfort letters. • Implement transparent and consistent responses to violations.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Develop mechanisms that annually review WCPFC, PNA, HMTTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.12 Samoa Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTc. N/A	License conditions are consistent with HMTc. N/A	License conditions are consistent with VDS monitoring requirements. N/A	License conditions are consistent with WCPFC MCS requirements. MODERATE	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. N/A	
2. VMS STRONG	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. N/A	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. N/A	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. STRONG	VMS is monitored & potential violations or malfunctions are immediately queried. STRONG	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. N/A	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). N/A	Trained observers are carried on some fishing trips by local fishing vessels. WEAK	Country has access to sufficient numbers of trained and contracted observers. WEAK	Country has adequately trained and resourced observer coordinator. STRONG	Observer reports are entered into database and/or forwarded to FFA/SPC.
4. Vessel Record & Auth. to Fish WEAK/MODERATE	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. MODERATE	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. MODERATE	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. MODERATE	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. WEAK/MODERATE	Vessels are prohibited from fishing illegally in foreign EEZs. MODERATE
5. Port Controls and Monitoring MODERATE	All landings and transhipments of fish in port are inspected by trained officials. MODERATE	Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. MODERATE	Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. MODERATE	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. STRONG	Port inspectors are adequately trained and resourced. WEAK	

6. Prosecutions MODERATE	Suspected license violations are investigated & prosecuted. MODERATE	Suspected VMS violations are investigated & prosecuted. MODERATE	Observer reports of violations are investigated & prosecuted. MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols MODERATE/STRONG	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. STRONG	Country has capability to undertake boarding & inspections in EEZs. STRONG	Country has capability to undertake boarding & inspections in HS. MODERATE	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE	
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK	100% of catch logbooks collected within 45 days of end of trip. WEAK	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. MODERATE	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG	
10. Legislation & M Plans WEAK	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK		Legislation is adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. STRONG	

Samoa – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Implement new draft legislation and update fishing licence regulations as appropriate. • Implement pre-fishing inspections for all fishing vessels before license is issued.. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc.
2. VMS	<ul style="list-style-type: none"> • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data.
3. Observers	<ul style="list-style-type: none"> • Develop observer database as an integral part of the fisheries management information system.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Adopt revised new legislation which provides for the authorisation of flag vessels to operate outside the EEZ as well as compliance with WCPFC obligations.
5. Port Controls and Monitoring	<ul style="list-style-type: none"> • Boarding and inspection training for staff should be ongoing and particularly required for impending adoption of new legislation. • Establish an inspection regime with the US covering vessels that fish in Samoa and unload in Pagopago. • Improve training consistency and number of trained port inspectors. • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • The Offshore Unit has already established that it will manage the licensing regime and will factor in the applicant’s reporting history when licences are allocated. • Legal awareness training needs to be on-going particularly for MCS staff. • Boundary delimitation required and official boundaries used for VMS purposes.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish ship-rider agreements with asset providers including US, NZ, Australia and France as appropriate. • Establish a sighting and inspection database. • FFA to supply E-ops tool to aid in patrol planning and reporting. • Satellite imagery would assist in allowing targeted operations by capturing all vessels in or near EEZ including those that are not VMS compliant. • Resolve all outstanding EEZ boundary issues and ensure that these are incorporated into all official charts and the electronic maps. • Participation in the HS Inspection scheme requires registration with WCPFC.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Samoa port samplers stationed in Pagopago could be used by other licensing countries that have vessels landing there. • Establish communications framework with agencies such as TCU and PTCCC for the exchange of MCS related information. • Automate cross-checking (verification) through the development of an integrated database. • Develop with other States involved in the albacore LL fishery, a cooperative management arrangement that has a fisheries wide perspective as opposed to an EEZ focus.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Develop a database for the input of patrol information and cross-checking with other related information.

10. Legislation & Mgt. Plans

- Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).
- Adopt new legislation and update fishing licence regulations as appropriate.
- Conduct legal awareness training for relevant staff.

1.5.13 Solomon Islands Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTc. MODERATE	License conditions are consistent with HMTc. MODERATE	License conditions are consistent with VDS monitoring requirements. MODERATE	License conditions are consistent with WCPFC MCS requirements. MODERATE	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. STRONG	
2. VMS MODERATE	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. STRONG	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. STRONG	National VMS office, staff & equipment are operational & adequately trained. STRONG	VMS is monitored & potential violations or malfunctions are immediately queried. MODERATE	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. WEAK	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). STRONG	Trained observers are carried on some fishing trips by local fishing vessels. WEAK	Country has access to sufficient numbers of trained and contracted observers. STRONG	Country has adequately trained and resourced observer coordinator. MODERATE	Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE
4. Vessel Record & Auth. to Fish WEAK	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. WEAK/MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. STRONG	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. MODERATE	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. WEAK	Vessels are prohibited from fishing illegally in foreign EEZs. MODERATE
5. Port Controls and Monitoring WEAK	All landings and transshipments of fish in port are inspected by trained officials. STRONG	Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. STRONG	Government is empowered to prohibit landings & transshipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. WEAK/MODERATE	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. WEAK	Port inspectors are adequately trained and resourced. MODERATE	

6. Prosecutions MODERATE	Suspected license violations are investigated & prosecuted. STRONG	Suspected VMS violations are investigated & prosecuted. STRONG	Observer reports of violations are investigated & prosecuted. MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. STRONG	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. STRONG	Country has capability to undertake boarding & inspections in EEZs. STRONG	Country has capability to undertake boarding & inspections in HS. MODERATE	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. WEAK	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE	
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9. Aerial Surveillance STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG	Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG		
10. Legislation & M Plans WEAK	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK	Legislation is adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. WEAK/MODERATE		

Solomon Islands – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Update legislation including terms and conditions of licence to comply with 3IA and WCPFC obligations. • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. • Cooperation with neighbours and service providers should be on-going to ensure that proper management is maintained at all times not just when an incident occurs. • Improve training and processes to implement WCPFC provisions and requirements
2. VMS	<ul style="list-style-type: none"> • Secure access to VMS data from adjacent EEZ and HS areas. • Require through access agreement provisions that all licensed vessels report VMS throughout their range. • Develop or acquire technical capability to inspect MTUs for faults and tapering. • Establish arrangements with neighbouring port States where licensed boats operate to inspect MTU units as needed. • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data.
3. Observers	<ul style="list-style-type: none"> • Analysis of observer reports for MCS purposes would be useful for operational purposes including patrol planning and prosecutions. • Increase the observer fee component of the access arrangement to cover the cost of the national observer program. Costs will increase due to coverage requirements, additional data input requirements and the need to analyse data for MCS purposes. • Observation of longline vessels through observer placement or electronic means requires enhancement. • Consider development of Honiara as a sub-regional hub for observer placements and port inspections. • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Implement legislation covering 3IA, WCPFC obligations and flag State authority. • Increase use of penalties/incentives for on-time catch reporting.
5. Port Inspections	<ul style="list-style-type: none"> • Make legislative provision to ensure that fish taken in a manner which undermines VDS and WCPFC measures, is an offence. • Develop Cooperative arrangements with neighbouring port States to ensure that all licensed vessels that unload in foreign ports, are inspected • Familiarisation training covering VDS and WCPFC measures needed for both Fisheries and Police Maritime Unit officers. • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.

6. Prosecution	<ul style="list-style-type: none"> • Periodically review sanctions to ensure they have the desired deterrent effect. • Document cases to ensure retention of corporate knowledge and for possible use in future cases. • Ensure regular boarding and inspection training courses are conducted. • MCS officers should receive more detailed training with MTU hardware and operation. • Officers require up-skilling in investigation & evidence gathering as well as education in evolving fishing technology & legal requirements for WCPFC compliance.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish a sighting and inspection database. • Access to adjacent EEZ and HS VMS information (including north and eastern pocket) would enhance information base for planning purposes. • Register as a HSIS participant with the Commission to enable HS inspection by Solomon's enforcement officers. • Satellite imagery would assist in allowing targeted operations. • Fisheries and Police Maritime Unit to conduct joint patrol briefings.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Develop MOU between Fisheries & Police maritime unit to establish areas of responsibility & ensure cooperation/coordination & agreement on standard procedures. • Establish fisheries cooperation arrangements with neighbours and other port States where Solomons licensed vessels operate. • Establish a comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Establish a relational database for the input of patrol information and cross-checking with other related information.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Implement new legislation which has been developed to align with recent PNA and WCPFC developments. • Review and implement as appropriate the draft Tuna Management and Development Plan. • NPOA for sharks and an assessment to determine the need for an NPOA seabirds required . • Develop a mitigation plan for sea turtles based on the FFA regional plan. • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.14 Tokelau Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTC. STRONG	License conditions are consistent with HMTC. MODERATE	License conditions are consistent with VDS monitoring requirements. N/A	License conditions are consistent with WCPFC MCS requirements. STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. STRONG	
2. VMS STRONG	All licensed foreign fish vessels carry approved MTUs consistent with HMTCs. STRONG	All national fishing vessels carry MTUs, consistent with HMTCs, via FFA when in foreign FFA EEZ. N/A	All local fishing vessels report to national VMS where required. N/A	National VMS office, staff & equipment are operational & adequately trained. STRONG	VMS is monitored & potential violations or malfunctions are immediately queried. STRONG	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. WEAK	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). N/A	Trained observers are carried on some fishing trips by local fishing vessels. N/A	Country has access to sufficient numbers of trained and contracted observers. WEAK	Country has adequately trained and resourced observer coordinator. WEAK	Observer reports are entered into database and/or forwarded to FFA/SPC. N/A
4. Vessel Record & Auth. to Fish N/A	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. N/A	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. N/A	Vessels and fishing gear are marked in accordance with WCPFC & HMTCs. N/A	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. N/A	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. N/A	Vessels are prohibited from fishing illegally in foreign EEZs. N/A
5. Port Controls and Monitoring WEAK	All landings and transhipments of fish in port are inspected by trained officials. WEAK	Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. MODERATE	Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. MODERATE	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. N/A	Port inspectors are adequately trained and resourced. WEAK	

6. Prosecutions WEAK	Suspected license violations are investigated & prosecuted. MODERATE	Suspected VMS violations are investigated & prosecuted. MODERATE	Observer reports of violations are investigated & prosecuted. MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. WEAK	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. WEAK
7. Boarding & Inspection and At Sea Patrols WEAK	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. WEAK	Country has capability to undertake boarding & inspections in EEZs. WEAK	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. WEAK	At sea patrols are provided with all relevant VMS & fisheries data. WEAK	
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK	100% of catch logbooks collected within 45 days of end of trip. WEAK	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. MODERATE	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance MODERATE/ STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG	
10. Legislation & M Plans WEAK	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. WEAK		Legislation is adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. MODERATE	

Tokelau – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> Establish a pre-fishing inspection regime. Such a regime may involve a multi-faceted joint approach in cooperation with other FFA members and US authorities in Pagopago or where-ever vessels seeking to be licensed, are based. This joint approach could cover such activities as inspection, unloading, observer management, catch log collection etc.
2. VMS	<ul style="list-style-type: none"> VMS information should be an integral part of a fisheries management information system (database). Develop expertise in use of MapInfo.
3. Observers	<ul style="list-style-type: none"> Investigate the use of electronic monitoring and contracted observers from outside. Utilize observers from other FFA member countries
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none">
5. Port Inspections	<ul style="list-style-type: none"> Develop through cooperative fisheries management arrangements with foreign port States, the capability to monitor and inspect fish which is caught in Tokelau and unloaded in foreign ports. Adopt Marine Areas Rules as appropriate.
6. Prosecution	<ul style="list-style-type: none"> Detections of intrusions by unlicensed vessels would be enhanced with the use of satellite imagery. The use of this technology together with other established tools such as VMS and surface and air surveillance would be particularly useful against those vessels that are not VMS compliant. Develop a reporting process for vessels and gear sightings so that information can be used to establish vessels at fault and “longarm” enforcement implemented as appropriate. To have a deterrent effect, sanctions need to be severe and uniform across the fishery. Development of “fleet wide” impact legislation is a strong deterrent and should be implemented.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> Negotiate with Samoa and ADF for the provision of surface patrols by the Samoa patrol boat with funding from the ADF non-PPB Nations Package. Access to adjacent EEZ and HS VMS information would enhance information base for MCS planning purposes. Use of Satellite imagery would assist in providing a better picture of activity in the EEZ and may be useful for planning operations. Obtaining this would be expensive and it may be best approached jointly with others in the sub-region.
8. Data & MCS Coordination	<ul style="list-style-type: none"> Establish a comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets. Establish processes for cross-checking MCS and fisheries to data to verify accuracy. Develop cooperative arrangements with neighbours, port States and asset providers such as USCG and France to secure additional MCS capability and sources of information for Tokelau. Together with neighbouring countries, investigate the feasibility of obtaining satellite imagery.
9. Aerial Surveillance	
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> Finalise and adopt Marine Areas Rules as appropriate. Review Tuna Management Plan. Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.15 Tonga Compliance Review and Recommendations

<p>1. Licensing STRONG</p>	<p>License form info meets or exceeds HMTC. N/A</p>	<p>License conditions are consistent with HMTC. N/A</p>	<p>License conditions are consistent with VDS monitoring requirements. N/A</p>	<p>License conditions are consistent with WCPFC MCS requirements. STRONG</p>	<p>Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. N/A</p>	
<p>2. VMS STRONG</p>	<p>All licensed foreign fish vessels carry approved MTUs consistent with HMTCs. N/A</p>	<p>All national fishing vessels carry MTUs, consistent with HMTCs, via FFA when in foreign FFA EEZ. N/A</p>	<p>All local fishing vessels report to national VMS where required. STRONG</p>	<p>National VMS office, staff & equipment are operational & adequately trained. STRONG</p>	<p>VMS is monitored & potential violations or malfunctions are immediately queried. STRONG</p>	<p>Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG</p>
<p>3. Observers MODERATE</p>	<p>Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. N/A</p>	<p>Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). N/A</p>	<p>Trained observers are carried on some fishing trips by local fishing vessels. STRONG</p>	<p>Country has access to sufficient numbers of trained and contracted observers. WEAK</p>	<p>Country has adequately trained and resourced observer coordinator. MODERATE</p>	<p>Observer reports are entered into database and/or forwarded to FFA/SPC. STRONG</p>
<p>4. Vessel Record & Auth. to Fish MODERATE</p>	<p>Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. STRONG</p>	<p>Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. MODERATE</p>	<p>Vessels and fishing gear are marked in accordance with WCPFC & HMTCs. STRONG</p>	<p>Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. MODERATE</p>	<p>Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. STRONG</p>	<p>Vessels are prohibited from fishing illegally in foreign EEZs. STRONG</p>
<p>5. Port Controls and Monitoring MODERATE</p>	<p>All landings and transhipments of fish in port are inspected by trained officials. MODERATE</p>	<p>Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. STRONG</p>	<p>Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. STRONG</p>	<p>Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. STRONG</p>	<p>Port inspectors are adequately trained and resourced. MODERATE</p>	

6. Prosecutions STRONG	Suspected license violations are investigated & prosecuted. STRONG	Suspected VMS violations are investigated & prosecuted. STRONG	Observer reports of violations are investigated & prosecuted. STRONG	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. STRONG	Investigation, prosecution & judicial authorities are adequately trained & resourced. STRONG	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. STRONG	Country has capability to undertake boarding & inspections in EEZs. STRONG	Country has capability to undertake boarding & inspections in HS. MODERATE	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE	
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK/MODERATE	100% of catch logbooks collected within 45 days of end of trip. STRONG	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. WEAK	Domestic systems established for coordination of MCS operations between relevant agencies. WEAK	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG	
10. Legislation & M Plans MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. MODERATE		Legislation is adequately understood by relevant fisheries, police & judiciary. STRONG		Management plan exists and has been developed in consultation with stakeholders. MODERATE	

Tonga – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Incorporate mitigation requirements for sea turtles and seabirds as appropriate into licence terms and conditions noting that seabird mitigation should only be required south of 30°S and north of 23°N. • Run awareness programs for vessel operators with sea turtle, shark. Ensure vessels are equipped with appropriate turtle mitigation gear. • Adopt (draft) NPOA shark.
2. VMS	<ul style="list-style-type: none"> • Resolve EEZ boundary issues through the delimitation with neighbours of overlapping claims and incorporating established boundaries into official maps and charts as well as VMS. • Develop formal MCS cooperation arrangements with neighbouring States to include full access to VMS information and the appropriate sharing of all relevant information. • Initiate at WCPFC level the securing of adjacent HS VMS information. • Secure formal authorisation for officers to access the FFA VMS. • Renew ARGOS servicing arrangement.
3. Observers	<ul style="list-style-type: none"> • Examine the cost and benefit of the national observer program given the type of longline fishing being conducted, the size and number of vessels and other tools available including industry self-compliance (codes of practice) and port sampling. • Investigate the use of electronic monitoring.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Develop HS authorisation regulations including terms and conditions that include VMS, Observer, Inspection, mitigation and reporting provisions consistent with WCPFC obligations. • Develop authorisation procedures that ensure consistency between national and WCPFC vessel lists.
5. Port Inspections	<ul style="list-style-type: none"> • Together with other FFA members agree on a standard template port inspection report that is compliant with the FAO Port State Enforcement Scheme and an integral part of a regionally standard fisheries information management database. • Continue participation in the FFA Dockside Boarding training and together with FFA members establish regionally standard boarding and inspection procedures and have officers certified in these procedures.
6. Prosecution	<ul style="list-style-type: none"> • Regularly review sanctions to ensure they have the desired deterrent effect. • Regionally standard (strong) sanctions would strengthen regional management. • Document cases to ensure retention of corporate knowledge and for possible use in future cases. • Fisheries and Crown Law to develop procedures for out of court settlements.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish a sighting and inspection database for the input of sighting and inspection reports. • Develop formal MCS cooperation arrangements with neighbouring States to include full access to VMS information and the appropriate sharing of all relevant information. • FFA to supply E-ops tool. • Join with neighbouring States to secure periodic Satellite imagery of border areas. • Initiate at WCPFC level the securing of adjacent HS VMS information. • Establish with vessel operators a system of reporting of vessel sightings.

8. Data & MCS Coordination	<ul style="list-style-type: none"> • Review for possible adoption, the set of MCS guidelines developed under the AusAid Institutional Strengthening Project. • Develop an MOU between Fisheries and TDS to identify areas of responsibility and to ensure ongoing cooperation and coordination. In MCS related matters. • Establish fisheries management cooperation arrangements with neighbours and those others in the sub-region with an interest in albacore and swordfish fisheries. • Establish an integrated fisheries management information system for the automated verification of information and data and the development of reports for dissemination as appropriate.
9. Aerial Surveillance	
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Develop High Seas authorisation regulations including terms and conditions that include VMS, Observer, Inspection, mitigation and reporting provisions consistent with WCPFC obligations. • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.16 Tuvalu Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTC.	License conditions are consistent with HMTC. MODERATE	License conditions are consistent with VDS monitoring requirements. STRONG	License conditions are consistent with WCPFC MCS requirements. STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. MODERATE/STRONG	
2. VMS MODERATE/STRONG	All licensed foreign fish vessels carry approved MTUs consistent with HMTCs. STRONG	All national fishing vessels carry MTUs, consistent with HMTCs, via FFA when in foreign FFA EEZ. N/A	All local fishing vessels report to national VMS where required. WEAK	National VMS office, staff & equipment are operational & adequately trained. MODERATE	VMS is monitored & potential violations or malfunctions are immediately queried. MODERATE/STRONG	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. MODERATE/STRONG
3. Observers WEAK	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. WEAK	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). WEAK	Trained observers are carried on some fishing trips by local fishing vessels. N/A	Country has access to sufficient numbers of trained and contracted observers. WEAK	Country has adequately trained and resourced observer coordinator. WEAK	Observer reports are entered into database and/or forwarded to FFA/SPC. WEAK
4. Vessel Record & Auth. to Fish WEAK/MODERATE	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. MODERATE	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTCs. STRONG	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. MODERATE	Vessels are prohibited from fishing illegally in foreign EEZs. MODERATE
5. Port Controls and Monitoring WEAK	All landings and transhipments of fish in port are inspected by trained officials. MODERATE	Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. WEAK	Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. MODERATE	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. MODERATE	Port inspectors are adequately trained and resourced. WEAK/ MODERATE	

6. Prosecutions MODERATE/ STRONG	Suspected license violations are investigated & prosecuted. STRONG	Suspected VMS violations are investigated & prosecuted. MODERATE	Observer reports of violations are investigated & prosecuted. MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. STRONG	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. STRONG	Country has capability to undertake boarding & inspections in EEZs. MODERATE	Country has capability to undertake boarding & inspections in HS. WEAK	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE	
8. Data & MCS Coordination WEAK/ MODERATE	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK/ MODERATE	100% of catch logbooks collected within 45 days of end of trip. MODERATE	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE/STRONG	Domestic systems established for coordination of MCS operations between relevant agencies. WEAK/ MODERATE	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance WEAK/ MODERATE	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. WEAK/ MODERATE		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. MODERATE	
10. Legislation & M Plans MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. MODERATE		Legislation is adequately understood by relevant fisheries, police & judiciary. WEAK		Management plan exists and has been developed in consultation with stakeholders. WEAK/ MODERATE	

Tuvalu – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important given Tuvalu’s limited options to adequately monitor fishing. Can be implemented through key ports (i.e FSM, PNG, RMI) and through cost-recovered home port visits where necessary (i.e Japan pays for PNG inspectors to travel to Japan for pre-inspections when required). • Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate.
2. VMS	<ul style="list-style-type: none"> • Implement system of alerts. • Implement more regular training for VMS, including secondments to FFA and/or neighbours. • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data. • Negotiate maritime boundaries with Kiribati noting that technical information on base points is held at SOPAC.
3. Observers	<ul style="list-style-type: none"> • Need significant boost in training budget and increased trained observers. • Need method for emplacing observers in foreign ports where vessels land. • Establish processes and databases for recording and investigating observer reports of violations.
4. Vessel Record & Auth. to Fish	<ul style="list-style-type: none"> • Develop regular refresher training program in fisheries law.
5. Port Inspections	<ul style="list-style-type: none"> • Improve training of port inspectors and knowledge of powers. • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information; • Review legislation to ensure all port State responsibilities are applied. • Port information should be incorporated into a fisheries management information system (database) that allows port sourced data to be cross-referenced with other MCS data.
6. Prosecution	<ul style="list-style-type: none"> • Develop regular refresher training program in fisheries law.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Establish a sighting and inspection database. • Satellite imagery would assist in allowing targeted operations.

8. Data & MCS Coordination	<ul style="list-style-type: none"> • Tighten enforcement of catch logbook license conditions through citations or minor fines (i.e AUD\$10,000) for late submission. • Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Should be comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy. NPOA-IUU recommended enhancing the MIMRA VMS (Pacific VMS) and the fisheries information system so that the systems are linked and data can be managed on a near real time basis. The NPOA-IUU noted that this will require a considerable increase in IT/Communications focus by SPC and FFA to cater for MCS aspects of analysis. • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information;
9. Aerial Surveillance	<ul style="list-style-type: none"> • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data.
10. Legislation & Mgt. Plans	<ul style="list-style-type: none"> • Develop a Tuna Management Plan. • Review and update NPOA-IUU. • Develop regular refresher training program in fisheries law. • Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

1.5.17 Vanuatu Compliance Review and Recommendations

1. Licensing MODERATE	License form info meets or exceeds HMTc. STRONG	License conditions are consistent with HMTc. MODERATE	License conditions are consistent with VDS monitoring requirements. STRONG	License conditions are consistent with WCPFC MCS requirements. STRONG	Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record. STRONG	
2. VMS STRONG	All licensed foreign fish vessels carry approved MTUs consistent with HMTcs. STRONG	All national fishing vessels carry MTUs, consistent with HMTcs, via FFA when in foreign FFA EEZ. STRONG	All local fishing vessels report to national VMS where required. WEAK	National VMS office, staff & equipment are operational & adequately trained. STRONG	VMS is monitored & potential violations or malfunctions are immediately queried. STRONG	Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed. STRONG
3. Observers MODERATE	Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ. MODERATE	Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited). STRONG	Trained observers are carried on some fishing trips by local fishing vessels. STRONG	Country has access to sufficient numbers of trained and contracted observers. STRONG	Country has adequately trained and resourced observer coordinator. WEAK	Observer reports are entered into database and/or forwarded to FFA/SPC. MODERATE
4. Vessel Record & Auth. to Fish MODERATE/STRONG	Registered vessels are prohibited from fishing on HS unless authorised to do so in accordance with WCPFC. STRONG	Details of registered vessels authorised to fish are recorded and placed on WCPFC record consistent with WCPFC. STRONG	Vessels and fishing gear are marked in accordance with WCPFC & HMTcs. STRONG	Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC. MODERATE	Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted. MODERATE/STRONG	Vessels are prohibited from fishing illegally in foreign EEZs. STRONG
5. Port Controls and Monitoring WEAK	All landings and transhipments of fish in port are inspected by trained officials. STRONG	Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ. WEAK	Government is empowered to prohibit landings & transhipments where the catch has been taken in manner that undermines VDS or WCPFC provisions. WEAK	Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to appropriate domestic or foreign authorities and/or WCPFC secretariat. MODERATE	Port inspectors are adequately trained and resourced. MODERATE	

6. Prosecutions MODERATE	Suspected license violations are investigated & prosecuted. STRONG	Suspected VMS violations are investigated & prosecuted. MODERATE	Observer reports of violations are investigated & prosecuted. MODERATE	Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted. MODERATE	Investigation, prosecution & judicial authorities are adequately trained & resourced. MODERATE	Sanctions are consistent and adequate in severity to be effective & allow for refusal, withdrawal or suspension of authorisation to fish. STRONG
7. Boarding & Inspection and At Sea Patrols MODERATE	Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. STRONG	Country has capability to undertake boarding & inspections in EEZs. STRONG	Country has capability to undertake boarding & inspections in HS. MODERATE	Sightings & inspection data is collected, stored & provided to relevant authorities & WCPFC. MODERATE	At sea patrols are provided with all relevant VMS & fisheries data. MODERATE	
8. Data & MCS Coordination WEAK	Systems established for acquisition, storage & sharing of MCS data throughout relevant agencies with appropriate confidentiality conditions. WEAK	100% of catch logbooks collected within 45 days of end of trip. WEAK	Processes in place to share data & information with foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions. MODERATE	Domestic systems established for coordination of MCS operations between relevant agencies. WEAK	Systems established to cross check and verify MCS and fisheries data. WEAK	
9. Aerial Surveillance STRONG	Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks. STRONG		Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. MODERATE		Aerial patrols are provided with all relevant VMS & fisheries data. STRONG	
10. Legislation & M Plans MODERATE	Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures. MODERATE		Legislation is adequately understood by relevant fisheries, police & judiciary. MODERATE		Management plan exists and has been developed in consultation with stakeholders. STRONG	

Vanuatu – Recommended Responses

1. Licensing	<ul style="list-style-type: none"> • Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually at one of the key regional ports for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important, given proposed onshore developments in Vila.
2. VMS	<ul style="list-style-type: none"> • Given plans for growth in Vila as a port, need to have more FFA certified VMS installers. • VMS information should be incorporated into a fisheries management information system (database) that allows VMS data to be cross-referenced (in real time) with other MCS data.
3. Observers	<ul style="list-style-type: none"> • The Tuna Management Plan establishes the need for 100% observer coverage of locally based foreign vessels and encourages foreign fishing vessels to carry observers. An observer capacity has been established and will be developed further with assistance from FFA and SPC. • Establish processes and databases for recording and investigating observer reports of violations detected. • Observer reports of violations and sightings should be incorporated into a fisheries management information system (database) that allows it to be cross-referenced with other MCS data.
4. Vessel Record & Auth. to Fish	
5. Port Inspections	<ul style="list-style-type: none"> • Make legislative provision to ensure that fish taken in a manner which undermines WCPFC provisions, is an offence. • Formal arrangements covering inspection need to be established with foreign Port agencies where licensed vessels unload including Suva and Pagopago. • Familiarisation with WCPFC obligations and CMM requirements needed for both Fisheries and Police Maritime Wing officers.
6. Prosecution	<ul style="list-style-type: none"> • Regularly review sanctions to ensure they have the desired deterrent effect. • Document cases to ensure retention of corporate knowledge and for possible use in future cases. • Adopt administrative penalty procedures to cover prosecution of less serious offences.
7. Boarding & Inspection and At Sea Patrols	<ul style="list-style-type: none"> • Establish a sighting and inspection database. • Access to adjacent HS VMS information (including eastern pocket) would enhance information base for planning purposes. • Satellite imagery would assist in allowing targeted operations.
8. Data & MCS Coordination	<ul style="list-style-type: none"> • Develop an MOU between Fisheries and the Police Maritime Wing to establish areas of responsibility to ensure ongoing cooperation and coordination and agreement on standard procedures. • Enforce requirement for vessel agents to be responsible for vessels including submission of logs. • Establish fisheries cooperation arrangements with neighbours and other port States where Vanuatu licensed vessels operate. • Establish a comprehensive MCS data management system/database that enables automated cross-checking (verification) of different MCS datasets. • Establish processes for cross-checking MCS and fisheries to data to verify accuracy.
9. Aerial Surveillance	<ul style="list-style-type: none"> • Develop a database for the input of patrol information and cross-checking with other related information.

10. Legislation & Mgt. Plans

- Review legislation as planned.
- Develop NPOAs for IUU and seabirds.
- Develop an action plan for sea turtle mitigation following the guidelines established by the FFA Sea Turtle Mitigation Action Plan.
- Develop mechanisms that annually review WCPFC, PNA, HMTC and national developments and update legislation as necessary (through flexible approaches that minimise time required for adoption/endorsement).

Appendix: National Capability & Compliance Reviews

In order to assess performance against the performance indicators, and the consequent level of implementation of each MCS component, the project team travelled to 14 FFA members and interviewed official and stakeholders from each of the 15 FFA members. Consultations were guided by a questionnaire that focused on each performance indicator and identified relevant literature, regulations and data that could inform each assessment. Furthermore, the project team reviewed the following:

- Legislation and regulations for each of the 15 FFA members;
- Fishing vessel licenses, conditions, application forms, and databases;
- Flag State registries, authorisations to fish, FFA and WCPFC vessel records;
- Violations and prosecutions databases;
- Observer violation reports;
- Surveillance reports and summaries;
- Procedural guidelines and technical manuals;
- WCPFC Commission, Technical and Compliance Committee, and Scientific Committee papers and reports;
- FFA MCS Working Group and Forum Fisheries Committee papers and reports;
- PNA papers and reports;
- FFA, SPC and ForSEC consultancy studies;
- Global and regional research and consultancy reports and papers;
- and academic fisheries management literature;

The following appendices describe the national capability of each FFA member to meet the performance indicators. The tables measures the strengths and weaknesses against each PI and describe key relevant capabilities, such as legislation, human capacity, institutions, infrastructure, processes and systems, etc.

2.0.1 Cook Islands

MCS Measure	Level of Implementation		Implementation Factors in Licensing		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation	
1. Licensing	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Strong institutional capability and skills. Strong processes and implementation of MCS. Weaknesses <ul style="list-style-type: none"> Big zone & 1 patrol boat, lack of PB budget (set up new \$100k fund for quick action by PB), lack of observers, limited at port inspection Pago based boats, limited at sea inspection, EEZ boundaries not complete and no charts being printed with EEZ one consequence being don't investigate incursions under 5nm. Lack of MCS presence in Pago Pago prevents pre-inspections. 		<ul style="list-style-type: none"> Establish process for pre-fishing inspections before license is issued. Address weaknesses and use external assets and joint operations. Cooperation with neighbours and service providers should be ongoing to ensure that proper management is maintained at all times not just when an incident occurs. Currently have Niue Treaty with Samoa and Niue and a Fisheries Cooperation Agreement with US. (this is new and is being developed. Currently have ship-rider arrangement in place and moving toward inspection at port in Pago). Need cooperative arrangement with other neighbours including Fr. Polynesia. Need to understand reefer vessels that take fish from licensed vessels and unload in factory ports
Performance Indicators:	Assessment	Confidence Range			
IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Strong	High	Strengths <ul style="list-style-type: none"> Licensing form must be completed in full before licensed. Weaknesses <ul style="list-style-type: none"> Access to accurate information for verification purposes relating to vessel details, ownership, captain etc is limited. Regional Register is not regularly updated to capture changes that occur during registration year. 		
CRITICAL 2. License conditions are consistent with HMTC:	Moderate	High	Strengths <ul style="list-style-type: none"> License conditions consistent with HMTCs are provided for by Regulation. Fisheries Cooperation Agreement in place with USA and plans being developed for the proper monitoring of licensed vessels based in Pagopago. Weaknesses <ul style="list-style-type: none"> Foreign vessels are based outside of the Country (Pagopago) where MMR has yet to establish an MCS presence. Pre-fishing inspections are not undertaken for those vessels based in Pagopago. 		
CRITICAL 3. License conditions are consistent with VDS monitoring requirements.	N/A	N/A	Cook Islands is not party to PNA VDS.		

<p>CRITICAL 3. License conditions & allowable catch/effort consistent with WCPFC:</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • One of the objectives of the Longline Fisheries Plan, 2008 is to ensure that Cook Islands meets its international environmental and fisheries obligations, and positions Cook Islands for equitable participation in the regional tuna fisheries. • Targeting of shark is banned (5% fin/carcass ratio and wire trace conditions apply). • Plans of Action for seabirds, shark and turtles developed and mitigation measures required by licensed vessels implemented. • Vessels are required to be marked in accordance with the FAO Standard Specifications. • Only foreign vessels listed on the WCPFC Vessel List are eligible to be licensed. • SPC regional logs are required. • Catch and effort limits for BE, YF, albacore, Marlin and swordfish complied with. 	<p>such a Thailand and S.America. Information management is a critical area: E-OPS required.</p> <ul style="list-style-type: none"> • Physical presence in Pagopago required to inspect vessels and monitor unloading as required.
<p>CRITICAL 4. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record:</p>	<p>Moderate/</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • MMR verifies that vessels are carrying approved MTUs and on the FFA/WCPFC records before vessels are licensed. • List of licensed vessels is consistent with FFA & WCPFC record. CI now has 23 vessels on WCPFC List approaching 100% compliance. <p>Weaknesses</p> <ul style="list-style-type: none"> • Licensing application form does not specifically require vessel be on WCPFC register for vessels fishing beyond EEZ. • Physical inspections of those vessels based in Pagopago not undertaken. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Moderate/Strong		Strengths <ul style="list-style-type: none"> 100% VMS coverage. Strong institutions and processes. Highly trained staff Weaknesses <ul style="list-style-type: none"> Lack of inspections of northern boats operating out of Pago Pago. VMS coverage restricted to EEZ. Therefore don't see port calls or activity in high seas including eastern pocket. Unlicensed vessels not on the Regional Register may not be monitored in EEZ.. 	<ul style="list-style-type: none"> Need to have fisheries personnel in Pago to monitor boats including inspection and Observer. Need to have more FFA certified VMS installers in Pago and Raro. VMS coverage of licensed vessels throughout their range. Cook Islands should have access to VMS information from adjacent high seas and particularly the eastern pocket. VMS information should be an integral part of a fisheries management information system (database). Stricter conditions should apply to faulty MTUs that force operators to ensure MTUs are functioning as required. 	
	Performance Indicators:	Assessment	Confidence Range		Comment
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	High		<ul style="list-style-type: none"> 16 Taiwanese and 2 US LL licensed and reporting VMS. Previously no foreign FV since 2000.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	High		Strengths <ul style="list-style-type: none"> All flagged vessels operating in WCPFC area report to FFA VMS. Flagged vessels operating in other RFMO areas report VMS to Cook Islands.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	High	Strengths <ul style="list-style-type: none"> It is a condition of license that vessels are VMS compliant. All flag vessels fishing outside Cook Islands are monitored. All local vessels over 15 m are monitored. ARGOS now installed on all small vessels based in Rarotonga. 		
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Strong	High	Strengths <ul style="list-style-type: none"> 2 highly trained staff. 1 staff being trained and Secretary has received training and MSA at Patrol Boat trained. The operation is normally from 8-4pm but manned during incident periods. There is an operating manual for FFA VMS but rarely used. Regular checks conducted during patrols on weekends or holidays. As for the MSC, when Patrol Boat is out, all officers are aboard & MSC is manned by MSA. 		

			<ul style="list-style-type: none"> • The Patrol Boat Captain doubles as MSC Commander. • Patrol boat crew are trained to operate boat & conduct boarding and inspection. • The patrol boat is monitored by FFA VMS. • All fishing vessel info for planning is provided by MMR. • All info from patrol is relayed to MMR in hard copy or as Word doc. <p>Weaknesses</p> <ul style="list-style-type: none"> • No manuals for ARGOS. • Information not entered into a database for verification and analysis 	
CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> • VMS is monitored. Office can increase polling when concerned. ARGOS is now on every 30 minutes and cheaper than FFA. FFA currently 3hours. To verify requires inspection. • System notifies when there is an antenna blockage. If this occurs boats or agents are emailed to check unit and given instructions on how to activate (FFA MTUs). • Units must be serviced annually (FFA RR requirement) 	
CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.	Moderate/ Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> • Vessels at sea email daily & up to every 6 hours until unit is fixed. • Boats can be instructed to go back to port as a last resort. • Initial contact to vessel directly or thru agent by MMR. <p>Weakness</p> <ul style="list-style-type: none"> • There is no provision covering unlicensed vessels not on the Regional Register (but WCPFC listed) that may be in the EEZ with an apparent VMS problem. • Vessels are not routinely inspected in Pagopago including with respect to MTU/MTU. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
3. Observers	Overall assessment				
	Weak				
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Weak	High	Overall assessment <ul style="list-style-type: none"> Trained observer coordinator and data collection. Weaknesses <ul style="list-style-type: none"> No observer coverage of vessels based in Pagopago. No pool of Cook Islands observers available. Safety issues with Taiwan vessels. National Observer programme is not ROP accredited. 	<ul style="list-style-type: none"> Investigate the use of electronic monitoring and contracted observers from outside Cook Islands.
	CRITICAL 2. Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited)	Weak	High	Strengths <ul style="list-style-type: none"> Foreign vessels are required to carry and pay for observers. A formal arrangement is in place with the US to enable NIMFS assistance with respect to placement and de-briefing of CI Observers in Pagopago. Weaknesses <ul style="list-style-type: none"> 0% observer coverage 	
	IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Weak	High	Weaknesses <ul style="list-style-type: none"> Cook islands does not currently flag any purse seiners. National observer programme is not ROP accredited. No pool of PS observers available in-country. 	
	IMPORTANT 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Weak	High	Weaknesses <ul style="list-style-type: none"> 2% observer coverage 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Strong	High	Strengths <ul style="list-style-type: none"> Experienced observer on contract from Solomon Islands. Weaknesses <ul style="list-style-type: none"> No interest within Cook Islands in working as observers. 		
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Strong	High	Strengths <ul style="list-style-type: none"> TUFMAN is available for information input and management. Observer reports sent to SPC. 		

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
4. Vessel Record & Authorisations to Fish	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> Legislation controlling nationals and flag vessels with respect to driftnet fishing, foreign laws and RFMO CMMs, is in place. A record of authorised vessels is maintained by MMR and supplied to WCPFC. Catch and effort data is recorded and reported as appropriate to the coastal State and SPC/WCPFC. 	<ul style="list-style-type: none"> Increase use of penalties/incentives for on-time catch reporting. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Strong	High		Strengths <ul style="list-style-type: none"> Marine Resources Act, 2005 Section 21 (c) requires Cook Islands fishing vessels to be authorised to fish on the high seas.
	CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	High		Strengths <ul style="list-style-type: none"> Vessel database maintained by MMR 23 vessels currently registered in full compliance as of May 11.
	CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCS.	Strong	High		Strengths <ul style="list-style-type: none"> Condition of authorisation is for FAO Standard Vessel markings and Identification Both MMR and Ship's Registry require photos of vessels showing markings.
	IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Moderate	High		Strengths <ul style="list-style-type: none"> Flag vessels fishing in FFA EEZ subject to HMTC and report to coastal State High seas catch and effort reported to MMR, stored on TUFMAN and reported to SPC/WCPFC Weaknesses <ul style="list-style-type: none"> Periodic delays in receiving catch data beyond 45 days. No systematic collection of logbooks in Pagopago.
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W' gtn Convention investigated & prosecuted	Moderate	High	Strengths <ul style="list-style-type: none"> No prosecutions but Marine Resources Act, 2005 Section 29 (3) provides that no Cook Islands vessel or person shall engage in driftnet fishing activities. Offenders may be fined up to \$500,000. Weaknesses		

			<ul style="list-style-type: none"> Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	Strong	High	Strengths <ul style="list-style-type: none"> Marine Resources Act 2005 Section 21 provides that no person may use a Cook Islands fishing vessel for fishing in areas under the national jurisdiction of a foreign country except in accordance with the laws of that country. Ships Registry and MMR cooperate to ensure that vessel registration and authorisation processes are coordinated. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
5. Port Controls and Monitoring	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> All unloading in Rarotonga is monitored and vessels inspected. Formal cooperative arrangement with NMFS Weaknesses <ul style="list-style-type: none"> Capacity to inspect vessels based in Pagopago is limited and takes place occasionally by US NMFS authorities. 	<ul style="list-style-type: none"> The cooperative arrangement with NMFS should also include enforcement provisions that allow Cook Islands to be compensated for any prosecutions undertaken in Pagopago. Advantages may be obtained by joining forces with other PICS that license vessels based in Pagopago. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Weak	High		Strengths <ul style="list-style-type: none"> All vessels that unload in Rarotonga are monitored Weaknesses <ul style="list-style-type: none"> Most LL vessels unload in Pagopago & are only occasionally inspected by US NMFS officials.
	CRITICAL 2. Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Strong	High		Strengths <ul style="list-style-type: none"> Section 88 of the Marine Resources Act, 2005, prohibits the importation of fish caught in contravention of the laws of another State.
CRITICAL 3. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.	Strong	High	Strengths <ul style="list-style-type: none"> MMR Act, 2005 section 30 prohibits the possession and trade of fish taken in contravention of the Act including in contravention of a fisheries management agreement (WCPFC). Authorised Officers have powers of seizure over fish reasonably believed to have been taken, killed, transported, bought, sold...in contravention of the Act. 		
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities	Strong	High	Strengths <ul style="list-style-type: none"> Port inspection information is received from local authorised officers as well as Pagopago and French Polynesia authorities and acted upon as appropriate including providing information to foreign authorities and WCPFC. 		

and/or WCPFC secretariat.				
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Strong	High	Weaknesses • Insufficient coverage of vessels in Pagopago	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
6. Prosecutions	Overall assessment		Overall assessment		
	Strong		Strengths <ul style="list-style-type: none"> Well established culture of investigation and prosecution Weaknesses <ul style="list-style-type: none"> Detections limited by scope of monitoring, inspection and information analysis. 	<ul style="list-style-type: none"> Regularly review sanctions to ensure they have the desired deterrent effect. Regionally standard (strong) sanctions would strengthen regional management. Document cases to ensure retention of corporate knowledge and for possible use in future cases. Ensure Regional Register is updated as changes to vessel information occurs through the year. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Suspected license violations are investigated & prosecuted.	Strong	High		Strengths <ul style="list-style-type: none"> Licensing violations are investigated & prosecuted where appropriate. Prosecuted reporting violations, fishing without a license and fishing illegally within 12nms. 20 violations investigated in last 6 years including unlicensed foreign vessels and national vessels. 8 prosecutions or settlements.
	CRITICAL 2. Suspected VMS violations are investigated & prosecuted.	Strong	High		Strengths <ul style="list-style-type: none"> Incidents are rare. Tampering has occurred once or twice over the last 5yrs. 1 violation detected and investigated in past 5 years. No prosecution but advice from MMR provided on operation and positioning of units eg reset process, antenna clearance. Weaknesses <ul style="list-style-type: none"> Boats in Pago are rarely inspected (for MTU purposes).
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Strong	High	Strengths <ul style="list-style-type: none"> Prosecution and investigation capacity is strong. Weaknesses <ul style="list-style-type: none"> Observer coverage is extremely low and presently only covers vessels based in Rarotonga. 		
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted.	Strong		Strengths <ul style="list-style-type: none"> As much as possible, surface patrols are have air support and all patrols are targeted. Since 2003, 5 prosecutions have involved the use of assets. All fishing vessels that have been apprehended and brought to Rarotonga, have been successfully prosecuted. A close working relationship exists between MMR and MSC and as much as possible, patrols are targeted and coordination is of a high degree. 		

<p>CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • The Ministry is continuing to develop its capacity and can call on outside expertise as required. Recent cases involving US, Korean, Taiwanese and Spanish vessels have added valuable experience. 	
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Sanctions include fines of up to NZ\$1 million, forfeiture of vessel gear and catch. A license can be cancelled or suspended for a vessel used in contravention of the Act. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Strong		Strengths <ul style="list-style-type: none"> • High degree of coordination and cooperation between MMR and MSC. • Ship rider agreement with US. • HS Inspection registration with WCPFC • Well trained and experienced PPB crew. Weaknesses <ul style="list-style-type: none"> • Lack of database for analysis, sharing and reporting purposes. • USCG unwilling to apprehend suspect vessels. • PPB unable to undertake extensive HS patrols. 	<ul style="list-style-type: none"> • Establish a sighting and inspection database. • Access to adjacent HS VMS information (including eastern pocket) would enhance information base for planning purposes. • FFA to supply E-ops tool. • Satellite imagery would assist in allowing targeted operations. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000 km ² of EEZ.	Moderate	High		Strength <ul style="list-style-type: none"> • Target average of 75 days being maintained. • Cook islands surface surveillance intensity is 3 days per 100,000km² of EEZ. Weaknesses <ul style="list-style-type: none"> • Intelligence for targeted surveillance is lacking.
	CRITICAL 2. Country has capability to undertake boarding and inspections in EEZs	Strong	High		Strengths <ul style="list-style-type: none"> • PPB crew are highly trained and experienced.
IMPORTANT 3. Country has capability to undertake boarding and inspections in HS	Strong	High	Strengths <ul style="list-style-type: none"> • Registered participant in WCPFC HS Inspection scheme. • HS pocket patrol undertaken in July 2009. Weaknesses <ul style="list-style-type: none"> • Large zone, short range of PPB, lack of intelligence and budgetary constraints mean limited prospects for conducting HS patrols. • VMS information only received for activity in zone. Information on activity in HS pocket and adjacent HS not received.⁶ 		
IMPORTANT 4. Sightings & inspection data is	Moderate	High	Strengths <ul style="list-style-type: none"> • The WCPFC reporting requirements are complied with. 		

⁶ FFC70 authorized FFA to provide VMS information for areas bordering an EEZ.

properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.			<ul style="list-style-type: none"> Information is collected and available for dissemination. <p>Weaknesses</p> <ul style="list-style-type: none"> No sightings and inspection database where information can easily be cross-checked. Foreign vessels have not been inspected as yet so sending inspection reports to the flag State has not taken place. 	
CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> All data supplied and communications is maintained with MMR throughout operations. Fisheries officer taken on patrol when available. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment	
	Weak/Moderate		Strengths <ul style="list-style-type: none"> High level of cooperation and coordination between MMR and MSC, regional asset providers and agencies as well as NMFS/USCG. Weaknesses <ul style="list-style-type: none"> Information sources and analysis are limited. Logbook collection inadequate and exacerbated by not having an inspection presence in Pagopago where most licensed boats are based. 	<ul style="list-style-type: none"> Develop an MOU between MMR and MSC to ensure ongoing cooperation and coordination and agreement on standard procedures. Establish an e-log system for the collection and storage of catch and effort information. Establish fisheries cooperation arrangements with neighbours including French Polynesia. Automate cross-checking (verification) through the development of an integrated database.
Performance Indicators:	Assessment	Confidence Range	Overall assessment	
IMPORTANT 1. Systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Strong	High	Strengths <ul style="list-style-type: none"> MMR is the central agency and has established high levels of cooperation with MSC, Foreign Affairs and foreign MCS agencies. MCS Unit has been audited for security purposes. Weaknesses <ul style="list-style-type: none"> Information sources are limited Information is not stored on a database 	
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Weak	High	Strengths <ul style="list-style-type: none"> Some vessels based in Pagopago have started emailing scanned and XL spreadsheet logs. Weaknesses <ul style="list-style-type: none"> Logs are generally mailed and take 2-3 months to receive. Electronic logbook system not yet developed. 	
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	High	Strengths <ul style="list-style-type: none"> Formal cooperative arrangements in place with France, USA, Samoa and Niue. Information provided to RNZAF for Orion patrols as required. Weaknesses <ul style="list-style-type: none"> Processes need improving to adequately share data. Formal cooperative arrangements not in place for all neighbours including Kiribati and French Polynesia. 	

CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies	Strong	High	Strengths <ul style="list-style-type: none"> • High level of cooperation between MMR and MSC. • Re-activation of Combined Law Enforcement Group (CLAG) Weaknesses <ul style="list-style-type: none"> • No formal arrangement is in place between MMR and MSC on cooperation and coordination. 	
IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.	Weak	High	Weaknesses <ul style="list-style-type: none"> • No procedures manual • Cross-checking is manual 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
9. Aerial Surveillance	Overall assessment Strong		Overall assessment Strengths <ul style="list-style-type: none"> Aerial surveillance is provided by the NZ and French armed forces. License information provided. MMR/MSC officers accompany patrol when feasible. Patrol reports and photos made available to MMR. Weaknesses <ul style="list-style-type: none"> No relational database exists for storage and cross-check of patrol information. 		<ul style="list-style-type: none"> Develop a database for the input of patrol information and cross-checking with other related information.
Performance Indicators:	Assessment	Confidence Range			
IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing assets to meet identified risks	Strong	High	Strengths <ul style="list-style-type: none"> Cook Islands currently has approximately 94 hours of aerial surveillance per annum. Current aerial surveillance exceeds proposed benchmark for efficient distribution of regional aerial surveillance assets (i.e 28). 		
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities and WCPFC.	Moderate	High	Strengths <ul style="list-style-type: none"> Post patrol reports and photos made available to MMR. Any matters of interest are followed up on. Information from aerial patrols has been used in prosecutions. Weaknesses <ul style="list-style-type: none"> Information not stored in a relational database for cross-checking with other related information. 		
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Strong	High	Strengths <ul style="list-style-type: none"> All relevant information is provided including license list and VMS detections. 		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation, Regulations & Management Plans	Overall assessment Moderate		Overall assessment	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Legislation is adequate to implement & enforce HMTCS, PNA & WCPFC measures.	Moderate	High	Strengths <ul style="list-style-type: none"> Marine Resources Act, 2005 is based on principles contained in the 1993 Compliance Agreement, 1995 UNFSA and the FAO Code of Conduct. Plans developed with stakeholder involvement and reviewed regularly Weaknesses <ul style="list-style-type: none"> Review of base legislation conducted on an opportunistic basis. 	<ul style="list-style-type: none"> Review MMR Act, 2005 in light of experiences with recent investigations and prosecutions as well as WCPFC developments. Update 1995 License and Regulation of fishing vessels regulations and include authorisation provisions. Develop bilateral fisheries management agreements with other States as envisaged under Section 33 of the MMR Act, Application of laws of other States. Develop a management arrangement with French Polynesia and Kiribati for the management of the high seas pocket enclosed by all three entities.
IMPORTANT 2. Legislation is adequately understood by relevant fisheries, police & judiciary.	Moderate	High	Strengths <ul style="list-style-type: none"> MMR has a dedicated Legal Officer who has been actively involved in legal capacity building programs implemented by FFA. Weaknesses <ul style="list-style-type: none"> MCS officers require understanding of relevant laws developed. 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Strong	High	Strengths <ul style="list-style-type: none"> Both the Longline Fisheries Plan, 2008 concerning tuna fishing inside the EEZ & the draft Offshore Fisheries Plan which covers flag vessels operating outside the EEZ have been developed with stakeholder involvement 	

2.0.2 Fiji

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		<p style="text-align: center;">Overall assessment</p> <ul style="list-style-type: none"> Assessment below is largely in regard to foreign flagged domestic chartered vessels and Fiji vessels authorised to fish beyond Fiji EEZ. <p>Strengths</p> <ul style="list-style-type: none"> Fiji has committee-based licensing process that ensures multiple checks are undertaken before license is issued. Fiji has cap on number of licenses issued each year. Licensing is consistent with HMTCs and checks FFA registry and MTU. <p>Weaknesses</p> <ul style="list-style-type: none"> Some⁷ stakeholders suggested that Fiji lacks adequate capacity in its offshore fisheries management area, partly due to constant international meetings. Some stakeholders also suggested that Fiji lacks adequately trained staff with an adequate understanding of their mandate and regulatory powers, particularly applying to inspections, new WCPFC measures and licensing requirements. Some concerns that Fiji was not adequately implementing its requirements to check WCPFC record and meet WCPFC requirements. 	
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Moderate	High	<ul style="list-style-type: none"> All vessels licensed by Fiji are defined as “Fiji fishing vessels” under Fiji laws and therefore does not require to fully comply with HMTC provisions. <p>Strengths</p> <ul style="list-style-type: none"> License form must be completed in full before license is issued. License form includes some key fields from HMTCs. <p>Weaknesses</p> <ul style="list-style-type: none"> License form does not include all information as provided in HMTCs (i.e does not include FFA register numbers, satphone contacts, etc).

⁷ Fiji Government noted the current high importance of regional and international developments to Fijian interests. Fiji govt responded that Fiji is strategically trying to build skills and knowledge within the relevant ministries by involving of as many officials, Fisheries, Foreign Affairs and Attorney General's Chambers, at national, regional and international levels so they may effectively address Fijian interests.

CRITICAL 2. License conditions are consistent with HMTTC.	Moderate	High	Strengths <ul style="list-style-type: none"> License conditions and legislation specifically require VMS and other HMTTCs. Fiji require all its licensed vessels to be based in Suva. All vessels are boarded for inspection upon arrival and on departure. Furthermore part of the prerequisite for licensing are that they are to supply with application vessel registration certificate having vessel specification and detailed information, FFA VMS registration, vessel safety certificates etc, etc. Weaknesses <ul style="list-style-type: none"> Fiji legislation (2002) and license conditions do not specify exact measures to be implemented.
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (100% observer requirements and VDS registry).	N/A	N/A	Fiji is not party to PNA VDS.
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, etc).	Strong	High	Strengths <ul style="list-style-type: none"> License conditions and legislation specifically require VMS and other HMTTCs. Weaknesses <ul style="list-style-type: none"> Fiji legislation (2002) and license conditions do not specify exact measures to be implemented.
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Licenses are only issued to vessels with FFA approved MTU fitted and on the FFA register. Licenses are only issued to vessels on WCPFC record. Licenses are only issued to vessels with flag State authorisation. Authorisations are only issued after vessel has met appropriate seaworthiness and registration requirements. Weaknesses <ul style="list-style-type: none"> Some⁸ stakeholder concerns raised that Fiji fisheries did not have processes to effectively undertake inspections consistent with WCPFC measures – nor processes to check WCPFC record and ensure vessels met WCPFC requirements before issuing licenses.

⁸ Fiji government noted that the issuance of Fiji fishing licenses for in zones is the prerogative of Fiji Government and is guided by the provisions of existing fisheries legislation and Plans and that the WCPFC has no say whatsoever what we do in zone.

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall Assessment		
	Weak/ Moderate		Strengths <ul style="list-style-type: none"> All vessels report to VMS. Fiji has previously prosecuted vessel on VMS violation. Weaknesses <ul style="list-style-type: none"> Some uncertainty over what vessels with malfunctioning VMS must actually do. Coordination⁹ problems between Navy (traditionally VMS operator) and fisheries. 	<ul style="list-style-type: none"> Need further training in VMS, particularly in relation to implementation of WCPFC VMS requirements. Improve coordination between Fisheries and Navy. Need to tighten processes relating to malfunctioning MTUs. Establish VMS data storage and analysis processes that enable VMS data to be cross-referenced with other MCS data. Establishment of VMS alert processes to notify Fiji Fisheries of any potential violations. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	High		Strengths <ul style="list-style-type: none"> Legislation requires foreign fishing vessels to carry FFA VMS type approved MTU, to be installed as a condition of license.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	High		Strengths <ul style="list-style-type: none"> Offshore licensed fishing vessels are required to carry FFA VMS type approved MTU.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	High	Strengths <ul style="list-style-type: none"> Management plan requires that all foreign fishing vessels and domestic vessels over 12m must report to FFA VMS. 		
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Fiji Navy has VMS – Fiji Fisheries has recently requested VMS as well. Weaknesses <ul style="list-style-type: none"> Some stakeholder concerns about level of technical capacity to monitor VMS. Lack¹⁰ training in VMS in regard to WCPFC matters. 		

⁹ Fiji fisheries commented that there was no coordination problem. Fiji Fisheries sees the location of the VMS, which is the Navy base, is in a high security area and have reservations to make regular visits to the site for VMS purposes.

¹⁰ Fiji govt noted that the Commission is yet to conduct VMS training on its system.

<p>CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.</p>	<p>Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Fiji Navy has VMS – Fiji Fisheries until recently only got a daily snapshot. Fiji fisheries has recently requested VMS as well. <p>Weaknesses</p> <ul style="list-style-type: none"> • Some coordination problems in past between Navy and Fisheries over VMS. • Some concerns that a lot of the VMS generated data is not being effectively utilised by Fiji. 	
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Weak/ Moderate</p>	<p>Low (conflicting data between officials and some industry)</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Interviewees stated that vessels with malfunctioning MTUs must report regularly as a license condition. • Officials stated that they instruct the agent to advise the vessel to return immediately to port if MTU malfunctioning. <p>Weaknesses</p> <ul style="list-style-type: none"> • License condition only says that vessel must follow directions from Director of Fisheries in cases of malfunctioning MTUs. • Some industry stakeholders understood that the FFA requires all fishing vessels to return to port if their VMS is not working. They expressed relief that Fiji fisheries agreed that this was too expensive and allowed their fishing vessels to continue fishing at sea if their VMS was broken. They understood that they did not have to undertake any radio reports or other contact, they just had to get their VMS fixed next time the vessel visited port. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment		Overall assessment	
	Weak		<ul style="list-style-type: none"> Fiji fleet predominantly longline – previously has licensed 1 purse seiner. Strengths <ul style="list-style-type: none"> 12 trained observers. Weaknesses <ul style="list-style-type: none"> Observer coverage is 3% in 2009 (was 4.7% in 2008). Observers are not debriefed upon return (request has been made to SPC for training of coordinator). No recording of violations in Fiji, nor has seen any SPC/FFA list of violations. Fiji's national Observer Program¹¹ has been not been granted authorisation by the WCPFC Regional Observer Programme. 	<ul style="list-style-type: none"> Improve observer employment conditions and recruitment processes to enable increase in number of trained observers to meet 20% target. Establish debrief processes for observers. Establish processes and databases for recording and investigating observer reports of violations detected. Develop sub-regional agreement with other FFA members with mutual interests to develop Suva port as a sub-regional hub for observer placements and port inspections. Submit details of Fiji observer programme to WCPFC for authorisation under ROP requirements.
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Weak	Low (conflicting Info)	Strengths <ul style="list-style-type: none"> Fiji has a national observer target of 5%¹². Fiji has 12 trained observers. Weaknesses <ul style="list-style-type: none"> In 2009, observer coverage was 3% on domestic charter and local vessels with 12 observers on 60 vessels, an increase since 2003 SPC report noted that Fiji had 11 observers but they mostly worked onshore port sampling. In 2003, observer coverage of LL fleet was less than 1%. Does not have observer capacity to achieve 20%. 	
CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited).	N/A	N/A	Fiji does not flag any purse seiners.	

¹¹ Fiji government noted that national observers are full time employees of Fiji Government and first priority is national obligation. Regional obligation is secondary and will only participate in the ROP when we have additional observers specifically for ROP and necessary funds.

¹² Fiji noted that its national target is 5%, not 20% as suggested in HMTCs.

IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Strong	High	Strengths <ul style="list-style-type: none"> In 2006, the FFA LL Framework study noted that Fiji observer coverage was less than 4% on domestic charter and local vessels with 11 observers on 60 vessels.
CRITICAL 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Moderate	High	Strengths <ul style="list-style-type: none"> Fiji has 12 trained observers Weaknesses <ul style="list-style-type: none"> Does not have observer capacity to achieve 20%¹³.
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Fiji observer coordinator is an ex-observer. Weaknesses <ul style="list-style-type: none"> Observer coordinator needs some training in organisation and de-briefing.
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Fiji uses SPC forms and forwards all reports to SPC/FFA. Weaknesses <ul style="list-style-type: none"> Observers are not debriefed upon return. No local analysis. No recording of violations in Fiji, nor has seen any SPC/FFA list of violations.

¹³ Fiji govt commented that Fiji has requested FFA for 15 observers to be trained. Fiji intends for these observers to be contracted and specifically focus on the programme and requests from other FFA members. "In other words Fiji will have two sets of observers, the Government employed national observer and the contracted ROP observers."

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment		Overall assessment	
	Weak/Moderate		<p>Strengths</p> <ul style="list-style-type: none"> Fiji legislation and conditions broadly apply HMTc conditions. Fiji is working with FFA to update its legislation. This expected to be finalised in March 2010. <p>Weaknesses</p> <ul style="list-style-type: none"> Fiji legislation and license conditions do not specify exact measures in HMTc to be implemented (review underway and expected to update legislation in 2010). Fiji legislation and license conditions do not specify WCPFC requirements 	<ul style="list-style-type: none"> Amend and update legislation be consistent with new WCPFC provisions (note that Fiji is currently reviewing legislation and expects this to be completed in 2010)
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Fiji introduced processes to authorise vessels to fish on the high seas in 2004. <p>Weaknesses</p> <ul style="list-style-type: none"> Fiji does not have any such prohibition. 	
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> Fiji submits details of registered vessels to WCPFC and WCPFC record is up to date. 	
IMPORTANT 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTc.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Fiji legislation (2002) applies HMTc conditions. Interviewees responded that Fiji requires fishing vessels to be marked in accordance with WCPFC. <p>Weaknesses</p> <ul style="list-style-type: none"> Fiji legislation (2002) and license conditions do not specify WCPFC or exact measures to be implemented. 	
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> Fiji has a well developed system of data collection. Also has capability to log and generate data before transmission to SPC for review. Fiji has database of catch and effort data by species, gear and fleet. Using TUFMAN. 	

			<p>Weaknesses</p> <ul style="list-style-type: none"> Fiji govt noted that TUFMAN design is limited to catch and currently is not capable to incorporate other MCS data that is crucial to an effective MCS scheme nationally and regionally. 	
<p>CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted</p>	<p>Weak</p>	<p>Medium</p>	<ul style="list-style-type: none"> Fiji has not encountered any vessels violating WCPFC, 3IA and/or Wellington Convention provisions. <p>Weaknesses</p> <ul style="list-style-type: none"> Fiji legislation (2002) and license conditions do not specify WCPFC requirements. Fiji discourages driftnetting but does not have any provision in its legislation prohibiting it. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
<p>CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.</p>	<p>Weak</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> Fiji is working with FFA to update its legislation. This expected to be finalised in March 2010. <p>Weaknesses</p> <ul style="list-style-type: none"> Fiji does not have any such prohibition. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Controls and Monitoring	Overall assessment		Overall assessment	
	Moderate		Strengths <ul style="list-style-type: none"> Strong and consistent level of port inspections and port sampling. Fiji has a history of liaising with foreign authorities and agencies relating to suspicious landings and prosecuting based on inspections of catch logbooks. Weaknesses <ul style="list-style-type: none"> Fiji lack requisite regulatory or legislative provisions to apply port prohibitions and restrictions. Some coordination and information sharing concerns between relevant authorities with interests/activities in the port – although all key authorities board vessels together. 	<ul style="list-style-type: none"> Improve training consistency and number of trained port inspectors. Enact port inspection processes, prohibitions and restrictions in regulations or legislation. Improve coordination and data sharing between relevant agencies with interests and activities in Fiji ports. Improve on-site data verification systems through use of Map-Info software.
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All landings and transhipments of fish in port are inspected by trained officials.	Strong	High	
CRITICAL 2. Port authorities are empowered to prohibit landings and transhipments where it has been established that the catch has been	Moderate/Strong	High	Strengths <ul style="list-style-type: none"> Has previously denied entry to vessels that are not flagged to WCPFC members. Has draft legislation before cabinet prohibiting landings/transhipments of illegal catches. Weaknesses	

taken illegally in a foreign EEZ.			<ul style="list-style-type: none"> No provisions currently but under development. 	
<p>CRITICAL</p> <p>3. Port authorities are empowered to prohibit landings and transhipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.</p>	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> MCS workshop presentation stated that Fiji only allows into port vessels flying flags of contracting parties of the WCPFC (assumption that this includes CNMs). MCS workshop presentation stated that Fiji only allows Fiji licensed vessels, or vessels that have a permit to unload or tranship, to unload or tranship seafood products. MCS workshop presentation stated Fiji denies port access to foreign vessels fishing in the WCPO that are not on the WCPFC record. 2006 Port Study noted that Fiji will deny port access to any fishing vessel that has fished in any RFMO region that is not authorised to fish in that region, or has been identified by an RFMO as supporting or engaging in activities in contravention of RFMO measures. <p>Weaknesses</p> <ul style="list-style-type: none"> Fiji has no legislation enforcing prohibitions described above. Fiji is working with FFA to update its legislation. This expected to be finalised in March 2010. Interviewees stated that Fiji has no provisions prohibiting landings and transhipments from vessels that have undermined WCPFC or VDS provisions. 	
<p>CRITICAL</p> <p>4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.</p>	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Evidence from port inspections is provided to appropriate domestic authorities (i.e police). Suva has number of foreign embassies and Fiji has previously liaised with relevant embassies and foreign agencies in regard to violations of foreign vessels (e.g Fiji seized an Indonesian flagged vessel attempting to land SBT following discussions with Indonesia, Taiwan and CCSBT). Fiji provides annual reports to WCPFC of port inspections. Fiji has prosecuted a number of vessels for fishing in Fiji waters without a license on logbook evidence collected through port inspections. <p>Weaknesses</p> <ul style="list-style-type: none"> Some coordination and information sharing concerns between relevant authorities with interests/activities in the port. 	
<p>IMPORTANT</p> <p>5. Port inspectors are adequately trained and resourced.</p>	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> Fiji port inspectors and office are well equipped and trained. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
6. Prosecutions	Overall assessment Weak		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> 50 suspected fisheries violations have been detected in past 5 years. 13 longline vessels detained for fisheries violated in past 5 years. Most of these were on basis of inspection of catch logbooks that showed unlicensed vessels fishing in Fiji waters. 1 on basis of VMS. 12 successful prosecutions/settlements resulting in sanctions. Fiji is working with FFA to update its legislation. This expected to be finalised in March 2010. <p>Weaknesses</p> <ul style="list-style-type: none"> Delays in prosecutions. Outdated legislation. Lack of concerted effort from police & judiciary to prosecute as current state does not motivate detections/apprehensions. Only ~ 25% of detected violations investigated. 		<ul style="list-style-type: none"> Update legislation. Resolve prosecution bottlenecks and increase investigations of detected violations. Develop regular legal refresher training program in law, inspections, evidence gathering and report writing (NPOA-IUU).
	Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. License violations are investigated & prosecuted.	Moderate	Low	<ul style="list-style-type: none"> 2 cases of vessels not reporting entry/exit as required under license conditions have been recorded, though neither was prosecuted as neither violation was considered significant. 		
CRITICAL 2. VMS violations are investigated & prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Fiji has had one prosecution on VMS. Kyle Hurst from FA was brought in as expert witness and appeared in court as state witness. Case was a good precedent and educated court on VMS. 		
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Weak	Medium	<ul style="list-style-type: none"> No observer reported violations, nor investigations, nor prosecutions. <p>Weaknesses</p> <ul style="list-style-type: none"> Observers are not debriefed upon return. No recording of violations in Fiji, nor has seen any SPC/FFA list of violations. 		
CRITICAL 4. Fishing violations detected by aerial and surface surveillance operations are	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> 2004 successful prosecution of a longline fishing vessel arrested by patrol boat. <p>Weaknesses</p> <ul style="list-style-type: none"> No aerial surveillance so no detections by aerial operations 		

investigated and prosecuted.				
CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).	Moderate/ Strong	Medium	Strengths <ul style="list-style-type: none"> • Fisheries officers, police, patrol boat crews, prosecutors and judiciary are all trained in fisheries prosecutions. • Investigation, prosecution and judicial authorities have adequate training and resources to collect, analyse and present technical fisheries evidence (brought in FFA expert witness for VMS prosecution). 	
CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.	Moderate	High	Strengths <ul style="list-style-type: none"> • Forfeiture of vessels and catch is used. • Ongoing legislative review is expected increase sanctions and penalties to sufficient severity. Weaknesses <ul style="list-style-type: none"> • Current financial penalties are inadequate and low by regional standards, although penalties do allow for forfeiture of vessels and catch. 	

MCS Measure	Level of Implementation	Implementation Factors in At Sea Patrols		
		Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment Moderate	Overall assessment Strengths <ul style="list-style-type: none"> Fiji has 3 patrol vessels. Interviewees stated that Fiji undertook 4 patrols in 2007, 3 patrols in 2008 and 2 patrols in early 2009. Projects 4/5 estimate Fiji undertook 156 days in 2008. Fiji achieved a sea surface surveillance intensity of 2.1. Fiji has operational capability to undertake B&I in EEZ. Sea patrols have license lists and VMS. Sometimes get briefed by fisheries. Weaknesses <ul style="list-style-type: none"> Interviewees suggested that the required number of days to provide an adequate deterrence was 250 days per year. MCSWG report states that Fiji undertook no maritime patrols in 2008 due to financial constraints. Suspended from 2007 onwards. Fiji has not submitted details of its patrol vessels to the WCPFC and therefore is not authorised under the WCPFC B&I provisions to board and inspect foreign fishing vessels flagged to WCPFC CCMs.. Stakeholder interviewee stated that current patrol boat time was inadequate to deter IUU fishing in Fijian EEZ. Fiji has a lot of raw MCS data lying around and hopes that this can be entered into a TUFMAN based surveillance database. No VOI list. 		<ul style="list-style-type: none"> Develop coordination processes and systems for information sharing between fisheries and sea patrol. Endorse patrol vessels for high seas B&I.
	Performance Indicators: IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Assessment Moderate	Confidence Range Low (conflicting information)	Strengths <ul style="list-style-type: none"> Fiji has 3 patrol vessels. Interviewees stated that Fiji undertook 4 patrols in 2007, 3 patrols in 2008 and 2 patrols in early 2009. Projects 4/5 estimate Fiji undertook 156 days in 2008. Fiji achieved a sea surface surveillance intensity of 2.1. Weaknesses <ul style="list-style-type: none"> Interviewees suggested that the required number of days to provide an

			<p>adequate deterrence was 250 days per year.</p> <ul style="list-style-type: none"> • MCSWG report states that Fiji undertook no maritime patrols in 2008 due to financial constraints. Suspended from 2007 onwards. • Stakeholder interviewee stated that current patrol boat time was inadequate to deter IUU fishing in Fijian EEZ. 	
CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Fiji has operational capability to undertake B&I in EEZ. 	
IMPORTANT 3. Country has capability to undertake boarding & inspections in HS.	Weak	High	<p>Weaknesses</p> <ul style="list-style-type: none"> • Fiji has not submitted details of its patrol vessels to the WCPFC and therefore is not authorised under the WCPFC B&I provisions to board and inspect foreign fishing vessels flagged to WCPFC CCMs.. 	
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Weak/ Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Fiji intends to establish a surveillance database utilising TUFMAN <p>Weaknesses</p> <ul style="list-style-type: none"> • Fiji has a lot of raw MCS data lying around and hopes that this can be entered into a TUFMAN based surveillance database. 	
CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Sea patrols have license lists and VMS. • Sometimes get briefed by fisheries. <p>Weaknesses</p> <ul style="list-style-type: none"> • No VOI list. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Fiji has a data management program that inputs all data (catch logs, landings, port sampling, export packing lists, license details, VMS data). Allows for data analysis, dissemination of analysed data and national reports. Some coordination between fisheries and navy. Fiji fisheries sometimes briefs patrol boat crews before patrols. Navy sometimes debriefs to fisheries at end of patrol. Navy has independent access to VMS. Fisheries provides license lists to Navy. Fiji is establishing a surveillance database. Weaknesses <ul style="list-style-type: none"> ... but doesn't currently have the data entered nor processes established. Some concerns about actual level of implementation and use of data management program. Concerns that there is a lot of unused raw MCS data that is not entered into any database. Fiji shares data with Cook Islands, Solomon Islands and Vanuatu. Draft Niue Treaty subsidiary agreement with Vanuatu but yet to be endorsed by Cabinet. Previously participated in regional multi-lateral MCS operations but currently suspended. 		<ul style="list-style-type: none"> Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate; Establish processes for cross-checking MCS and fisheries to data to verify accuracy. NPOA-IUU recommended enhancing the MIMRA VMS (Pacific VMS) and the fisheries information system so that the systems are linked and data can be managed on a near real time basis. The NPOA-IUU noted that this will require a considerable increase in IT/Communications focus by SPC and FFA to cater
	Performance Indicators:	Assessment	Confidence Range		
IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Moderate	Low	Strengths <ul style="list-style-type: none"> Fiji has a data management program that inputs all data (catch logs, landings, port sampling, export packing lists, license details, VMS data). Allows for data analysis, dissemination of analysed data and national reports. Weaknesses <ul style="list-style-type: none"> Some concerns about actual level of implementation and use of data management program. Concerns that there is a lot of unused raw MCS data that is not entered into any database. 		

CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Strong	Low	Strengths <ul style="list-style-type: none"> Fiji collects 100% of all catch logbooks within 7days 	for MCS aspects of analysis. <ul style="list-style-type: none"> Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and Navy that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. Endorse NTSA arrangement with Vanuatu. Unfortunately TUFMAN is design is limited to catch and currently is not capable to incorporate other MCS data that is crucial to an effective MCS scheme nationally and regionally. Needs to have it further developed or the region to come up with another that responds to the exclusive needs of members and of cause user friendly.
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Weak/Moderate	Medium	Strengths <ul style="list-style-type: none"> Fiji shares data with Cook Islands, Solomon Islands and Vanuatu. Draft NTSA with Vanuatu but yet to be endorsed by Cabinet. Previously participated in regional multi-lateral MCS operations. Weaknesses <ul style="list-style-type: none"> Multi-lateral operations suspended in 2007. 	
CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Some coordination. Fiji fisheries sometimes briefs patrol boat crews before patrols. Navy sometimes debriefs to fisheries at end of patrol. Navy has independent access to VMS. Fisheries provides license lists to Navy. Fiji is establishing a surveillance database. Different agencies (i.e customs, fisheries, Navy) have intelligence capacities). Weaknesses <ul style="list-style-type: none"> Interviewees noted coordination and communication between fisheries and Navy is only fair and could be improved. 	
IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.	Weak	Medium	Strengths <ul style="list-style-type: none"> Fiji has TUFMAN and could build such capability. Weaknesses <ul style="list-style-type: none"> ... but doesn't currently have the data entered nor processes established. 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment Weak		Overall assessment Weaknesses • Fiji currently has no aerial surveillance	
Performance Indicators:	Assessment	Confidence Range		
IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Weak	High	Weaknesses • Fiji currently has no aerial surveillance	
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	N/A	N/A		
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	N/A	N/A		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation & Management Plans	Overall assessment		Overall assessment	
	Weak		Strengths <ul style="list-style-type: none"> Legislation and regulations are adequate to implement most HMTCs. Management plan was developed through comprehensive, consultative and contentious process, and then amended over following years in consultation with stakeholders. Fiji is working with FFA to update its legislation. This expected to be finalised in March 2010. Weaknesses <ul style="list-style-type: none"> Legislation and regulations are currently inadequate to implement and enforce WCPFC requirements. Previous attempts to revise legislations have been made but failed to reach enactment stage. 	<ul style="list-style-type: none"> Ensure finalisation of new Oceanic fisheries legislation by March 2010.
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Weak	Medium	
IMPORTANT 2. Legislation is adequately understood by relevant fisheries, police & judiciary.	Moderate	Low	Strengths <ul style="list-style-type: none"> Adequate level of understanding of legislation. Fisheries is working with judiciary to educate them on basics of fisheries management and its significance. Weaknesses <ul style="list-style-type: none"> Some concerns that government does not have high level of expertise to effectively interpret legislations/regulations and maximise their effect. 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Strong	High	Strengths <ul style="list-style-type: none"> Fiji Tuna Development and Management 2002 was developed through comprehensive, consultative and contentious process, and then amended over following years in consultation with stakeholders. 	

2.0.5 FSM

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		Overall assessment	
	Moderate		Strengths <ul style="list-style-type: none"> FSM considered things to be generally ok with licensing. License conditions require operations to be conducted in accordance with relevant foreign fishing agreement and HMTCs (through fishing agreement and reference). Weaknesses <ul style="list-style-type: none"> License conditions require operations to be conducted in accordance with relevant foreign fishing agreement but does not detail specific conditions or limits. These are included in additional operational condition attached to access agreement. 	<ul style="list-style-type: none"> Implement pre-fishing inspections for all vessels before issuance of licenses (for those vessels that don't enter Pohnpei – cost-recovery of FSM officials to convenient port).
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. License form info meets or exceeds HMTc License Form.	Moderate	Low	
CRITICAL 2. License conditions are consistent with HMTc.	Moderate	Low	Strengths <ul style="list-style-type: none"> License conditions require operations to be conducted in accordance with relevant foreign fishing agreement and HMTCs (through fishing agreement and reference). Weaknesses <ul style="list-style-type: none"> License conditions require operations to be conducted in accordance with relevant foreign fishing agreement but does not detail specific conditions or limits. These are included in additional operational condition attached to access agreement. License conditions do not require pre-fishing inspections (HMTc). 	
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (100% observer VDS registry).	Moderate/Strong	Low	Strengths <ul style="list-style-type: none"> Purse seine licensing limits effort by VDS and references HMTc, VDS and WCPFC requirements. Weaknesses <ul style="list-style-type: none"> License conditions require operations to be conducted in accordance with relevant foreign fishing agreement but does not detail specific conditions or limits. These are included in additional operational condition attached to access agreement. 	

<p>CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, observers, catch reporting, transshipments).</p>	<p>Moderate/ Strong</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • License conditions require operations to be conducted in accordance with relevant foreign fishing agreements such as WCPFC (through fishing agreement and reference). <p>Weaknesses</p> <ul style="list-style-type: none"> • License conditions require operations to be conducted in accordance with relevant foreign fishing agreement but does not detail specific conditions or limits. These are included in additional operational condition attached to access agreement. 	
<p>CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • FSM verifies that vessels are carrying approved MTUs and are on FFA/WCPFC records before issuing license. <p>Weaknesses</p> <ul style="list-style-type: none"> • FSM does not undertake pre-fishing inspections for all licensed vessels (HMTC). 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment	
	Moderate		<ul style="list-style-type: none"> • All licensed foreign fishing vessels fishing in FSM EEZ are reporting to FFAVMS. • All licensed vessels have FFA VID. • Legislation allows for MTU to be installed on vessels as a condition of license. 	
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> • All licensed foreign fishing vessels fishing in FSM EEZ are reporting to FFAVMS. • All licensed vessels have FFA VID. • Legislation allows for MTU to be installed on vessels as a condition of license. • Additional operating conditions (i.e VMS) are described in Access Agreement.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> • All flagged fishing vessels are reporting to FFA VMS. • Legislation allows for MTU to be installed on vessels as a condition of license. • All foreign and domestic vessels required to carry VMS.
	IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	Medium	Strengths <ul style="list-style-type: none"> • All local fishing vessels are reporting to FFA VMS.
	IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Weak/Moderate	Low (no response)	<ul style="list-style-type: none"> • VMS is operational – “like every piece of equipment once in a while it experiences minor technical problems”.
CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.	Moderate	Low (no response)	<ul style="list-style-type: none"> • Police operate VMS with NORMA sharing access. NORMA haven’t viewed VMS since 12/07. 	

<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Vessels with malfunctioning MTUs must report manually every 4 hours. • Within 24 hours of manual reporting commencing, vessels must submit a plan for how they shall resume MTU reporting. • If not possible to comply with manual reporting, then vessel must stow gear and go to designated port. 	
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MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment		Overall assessment	
	Moderate/Strong		<p>Strengths</p> <ul style="list-style-type: none"> Interviews responded that they had a sufficiently trained and resourced coordinator but would like more resources. FSM appears to be currently meeting 100% observer requirements for FAD closure. <p>Weaknesses</p>	<ul style="list-style-type: none"> FSM needs observer training courses, particularly just basic science/compliance.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Moderate/Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> FSM part report to WCPFC estimated 14.7% coverage for FSM flagged purse seiners and 38.5% for FSM flagged longliners in FSM EEZ. For foreign fleet - WCPFC part 1 report noted that observers were placed on 42 trips (1,120 sea-days). LL was 24% and PS was 17.7%. However, the report recommended these figures be viewed cautiously due to incomplete data. Taiwanese purse seine fleet coverage is good, largely because they unload in FSM. <p>Weaknesses</p> <ul style="list-style-type: none"> Interviewees stated that FSM does not require any specific observer coverage percentage. However 2006 port State consultancy states that NORMA maintains a target of 20% for EEZ. Interviews responded that Japanese fleet coverage is very low. Korean fleets are very low, they unload elsewhere. Previous port State consultancy estimates observer coverage of 4-5% on purse seine & pole-line in EEZ and low coverage rates for longline. SPC 2003 report estimated longline coverage of 1%. Estimates coverage of FSM Arrangement Vessels to be 20%. However, WCPFC part 1 report noted that observers were placed on 42 trips (1,120 sea-days). LL was 24% and PS was 17.7. However, the report recommended these figures be viewed cautiously due to incomplete data. 	

CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited) on 1 August 2009.	Strong	Low (conflicting information)	Strengths <ul style="list-style-type: none"> • FSM confirms that it is meeting 100% observer requirements for FAD closure. • Currently have 41 observers and will soon have another 20. 	
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Moderate	Medium	Strengths <ul style="list-style-type: none"> • License conditions allow for observers to be placed. Weaknesses <ul style="list-style-type: none"> • FSM does not require any specific observer coverage percentage. • Interviews estimated local vessel coverage is 15%. 	
IMPORTANT 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Strong	Medium	Strengths <ul style="list-style-type: none"> • MCS12 report noted recent recruitment of observers to total of 41 observers and noted that the observer programme is run by NORMA and very active. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Moderate	Low	Strengths <ul style="list-style-type: none"> • Interviews responded that they had a sufficiently trained and resourced coordinator but would like more resources. 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Moderate	High	Strengths <ul style="list-style-type: none"> • Interviews responded that NORMA used SPC standard form, reports were entered into TUFMAN, observers were debriefed and report was sent to SPC. Weaknesses <ul style="list-style-type: none"> • TUFMAN data is only up to date to April 2007. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
4. Vessel Record & Authorisations to Fish	Overall assessment Strong		Overall assessment Strengths <ul style="list-style-type: none"> FSM controls its flagged fishing vessels consistent with WCPFC and HMTc requirements. Weaknesses <ul style="list-style-type: none"> Concerns regarding level of catch reporting. 		<ul style="list-style-type: none"> Further legislative/regulatory work may be required to strengthen flag State controls.
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Strong	Medium	Strengths <ul style="list-style-type: none"> FSM legislation prohibits fishing vessels from fishing on WCPO HS unless authorised to do so in accordance with WCPFC. All FSM vessels are authorised to fish HS. 	
	CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	High	Strengths <ul style="list-style-type: none"> Interviewees stated that FSM registered vessels are recorded and placed on WCPFC record. Subsequent study confirmed this against WCPFC record. 	
	CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTc.	Strong	High	Strengths <ul style="list-style-type: none"> FSM requires WCFC/HMTc consistent vessel and gear markings. This is legislated in FSM Marine Resources Act 2002. 	
	IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Weak/Moderate	low	Strengths <ul style="list-style-type: none"> FSM collects catch and effort data from FSM flagged vessels using standard SPC catch log. Weaknesses <ul style="list-style-type: none"> FSM used to store data (not detailed, just totals) but now only collects data and forwards to SPC on DVD or email. Logsheet coverage of the locally based longline fleet was estimated in 2006 to be incomplete – maybe 50% (2006 consultancy on ports). Interviewees noted specific concerns with misreporting and underreporting. 	
CRITICAL 5. Vessels that may have breached WCPFC, 31A, and/or W'gn Convention	Strong	Medium	Strengths <ul style="list-style-type: none"> FSM Legislation requires its vessels fishing on high seas or in areas designated by fisheries management agreement to comply at all times with any applicable 		

investigated & prosecuted			<p>law or agreement and the terms of any applicable permit.</p> <ul style="list-style-type: none"> FSM has not found any examples of vessels breaching WCPFC, 31A or Wellington Convention conservation measures. 	
<p>CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.</p>	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> FSM vessels are prohibited from fishing illegally in foreign EEZs. No violations have been reported. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
5. Port Controls and Monitoring	Overall assessment		Overall assessment	
	Moderate		<p>Strengths</p> <ul style="list-style-type: none"> FSM has comprehensive port monitoring programmes with legislative requirements. FSM Marine Resources Act makes it an offence to import, export, transport, sell, receive, acquire, or purchase any fish taken illegally from another State. FSM regulates landings from HS and can prohibit transshipping/landings that may have beached WCPFC. <p>Weaknesses</p> <ul style="list-style-type: none"> 2007 purse seine unloading volume is incomplete and NORMA record indicates 162 vessels – while port visit log indicates a total of 268 vessels transhipped in Pohnpei port. Not all unloading data is processed therefore the current NORMA total is underestimate. FSM has data management weaknesses and requirements for capacity building. 	<ul style="list-style-type: none"> FSM expecting to increase observer and port monitoring programmes due to WCPFC requirements – expects to use cost recovery to fund. Improve data management and verification systems and processes.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> FSM has adopted HMTCs and therefore requires 24 hours notice from vessels wishing to enter port and all transshipments to occur in designated ports with 72 hours notice. All fishing and fishing support vessels are inspected in port to verify the accuracy of vessel, catch and activity reports (2006 port study). Legislation requires all vessels authorised to enter the FSM and wishing to call at an official port of entry, to obtain clearance from that authorised port of entry, file a manifest and be subject to inspection. Port inspections are carried out by Police in collaboration with NORMA (2006 consultancy on ports). Officers are trained through PPB and FFA MCS programmes. NORMA runs port sampling programme which employs 3 full time samplers for landings in Pohnpei. Coverage of locally based longliners was been high in the past while coverage of locally based purse seine fleet has been low. Landings data is collected via port sampling programme, although coverage has been incomplete. Part 1 report indicates that port sampling of longliners is 88% and purse seine 	

			<p>transhipments is 70%.</p> <p>Weaknesses</p> <ul style="list-style-type: none"> • 2007 purse seine unloading volume is incomplete and NORMA record indicates 162 vessels – while port visit log indicates a total of 268 vessels transhipped in Pohnpei port. Not all unloading data is processed therefore the current NORMA total is underestimate. 	
CRITICAL 2. Port authorities are empowered to prohibit landings and transhipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Strong	high	<p>Strengths</p> <ul style="list-style-type: none"> • FSM regulates landings from foreign EEZs (i.e VDS). • FSM Marine Resources Act makes it an offence to import, export, transport, sell, receive, acquire, or purchase any fish taken illegally from another State. 	
CRITICAL 3. Port authorities are empowered to prohibit landings and transhipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.	Strong	high	<p>Strengths</p> <ul style="list-style-type: none"> • FSM regulates landings from HS and can prohibit transhipping/landings that may have beached WCPFC. 	
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.	Moderate	medium	<p>Strengths</p> <ul style="list-style-type: none"> • FSM participates in FFA VOI where information is shared with other FFA members. <p>Weaknesses</p> <ul style="list-style-type: none"> • In 2006, FSM did not have processes to send reports of inspections to flag States. 	
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Moderate/Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Officers are trained through PPB and FFA MCS programmes. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment		Overall assessment	
	Strong		<p>Strengths</p> <ul style="list-style-type: none"> Between 2000 and 2005, FSM prosecuted 28 vessels for violations that included, unlicensed fishing, fishing in a closed area, not filling out catch logs (target species as well as by-catch), unlicensed transhipping, incorrect position reporting, switching the automatic location device (MTU) off, and immigration violations. Apprehensions involved the use of patrol craft, VMS and Observer information as well as dockside inspections. In 2006, there were currently three cases under investigation: one involving a longliner apprehended for fishing inside 12 nautical miles and two involving purse seiners apprehended during operation "Island Chief" for transshipment and reporting violations. Penalties for violating FSM law are amongst the highest in the region. Since 2004, FSM has arrested and charged 41 fishing vessels and successfully prosecuted or settled 29 of these, receiving approximately USD\$3.5 million in fines. Most frequently reported violations were bycatch, SSIs, setting on marine mammals. NORMA would normally follow up informally or formally depending on violation. Catch reporting violations would be followed up by NORMA whereas fishing in closed waters would be forwarded to Police. Most such violations would result in prosecutions or settlements. 	
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. License violations are investigated & prosecuted.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Part 2 report to WCPFC noted 4 investigations/prosecutions for breaches of license conditions in 2007. FFA VAP describes 3 reports of license violations in 2003 and 2004.
	CRITICAL 2. VMS violations are investigated & prosecuted.	Strong	Low	<p>Strengths</p> <ul style="list-style-type: none"> Regional media reported a VMS violation in 2007. Good prosecution record on various violations.
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Interviews responded observers were required to report violations but that few violations were reported. Most frequently reported violations were bycatch, SSIs, setting on marine mammals. NORMA would normally follow up informally or formally depending on violation. 	

			<p>Catch reporting violations would be followed up by NORMA whereas fishing in closed waters would be forwarded to Police.</p> <ul style="list-style-type: none"> • Most such violations would result in prosecutions or settlements. 	
<p>CRITICAL 4. Fishing violations detected by aerial and surface surveillance operations are investigated and prosecuted.</p>	<p>Strong</p>	<p>Medium.</p>	<p>Strengths</p> <ul style="list-style-type: none"> • FSM reported to MCS-WG 2009 that they boarded 34 foreign fishing vessels, arrested 11 arrests – resulting in fines totalling \$1,0005,582 for violations. • No reports of aerial surveillance initiated prosecutions. 	
<p>CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>	<p>??</p>	<p>Low (no response)</p>		
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Penalties for violating FSM law are amongst the highest in the region. In 2001 a carrier and purse seiner were each fined US\$1.2 million for transshipping without authorisation. • Marine Resources Act 2002 allows for adequate sanctions and forfeiture of catch, vessel and equipment. • Fishing license allows for penalties and immediate cancellation of license. • FSM industry (Devfish trip report #3 June 06) has previously expressed concerns that penalties are too high for technical fisheries offences. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Weak/Moderate		Strengths <ul style="list-style-type: none"> FSM reported to MCS-WG 2009 that they undertook 8 patrols in 2008, totalling 229 days at sea. FSM part two reported 6 patrols totalling 92 days in 2007. Projects 4/5 estimate that FSM requires 194 sea days. FSM reported to MCS-WG 2009 that they boarded 34 foreign fishing vessels, arrested 11 arrests – resulting in fines totalling \$1,0005,582 for violations.. FSM has nominated patrol boats under WCPFC HSB&I provisions. Weaknesses <ul style="list-style-type: none"> FSM estimates that they need 300 sea days. Surveillance does not provide a post-patrol brief to fisheries. Interviewees stated that fisheries never provides a pre-patrol briefing to Police. 	<ul style="list-style-type: none"> Develop coordination processes and systems for briefings and information sharing/storage/analysis between fisheries and all relevant agencies (i.e police, AGs, etc) 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Moderate	Medium		Strengths <ul style="list-style-type: none"> Surface surveillance intensity is 2.3 days per 100,000kms of EEZ. FSM reported to MCS-WG 2009 that they undertook 8 patrols in 2008, totalling 229 days at sea. FSM part two reported 6 patrols totalling 92 days in 2007. FSM reported to MCS-WG 2009 that they undertook 34 boardings and 11 arrests of foreign fishing vessels. Weaknesses <ul style="list-style-type: none"> FSM estimates that they need 300 sea days per year (in total).
	CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs.	Moderate	High		Strengths <ul style="list-style-type: none"> Pacific patrol boats have capability to board in EEZ, depending on sea-state conditions. Weaknesses <ul style="list-style-type: none"> Some problems with sea-state conditions preventing boardings.
IMPORTANT 3. Country has capability to undertake boarding & inspections in HS.	Moderate	High	Strengths <ul style="list-style-type: none"> FSM has nominated patrol boats under WCPFC HSB&I provisions. Weaknesses <ul style="list-style-type: none"> Pacific patrol boats have limited capability to operate in high seas. 		

<p>IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.</p>	<p>Weak/ Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • FSM legislation established a Surveillance Working group, chaired by NORMA that meets quarterly. <p>Weaknesses</p> <ul style="list-style-type: none"> • Interviewees noted room for improvement • Surveillance does not provide a post-patrol brief to fisheries. 	
<p>CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.</p>	<p>Weak/ Moderate</p>	<p>low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Interviewees rate cooperation between police and fisheries at 67.5% • FSM legislation established a Surveillance Working group, chaired by NORMA that meets quarterly. <p>Weaknesses</p> <ul style="list-style-type: none"> • Interviewees stated that fisheries never provide a pre-patrol briefing to Police. 	

MCS Measure	Level of Implementation	Implementation Factors in Legislation, Regulation & Management Plans		
		Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment Weak/Moderate	Overall assessment		
		<p>Strengths</p> <ul style="list-style-type: none"> FSM has data sharing arrangements with PNG, Niue Treaty subsidiary agreement with RMI & Palau, Sea-rider agreement with USCG, and VMS sharing (subject to receipt of reciprocal sharing agreement) with RMI, Palau, PNG and all aerial surveillance providers. FSM is active in hosting and participating in regional and sub-regional operations (NTSA Island Chief and Big Eye – RAI BALANG, Sea rider with USCG, visiting RAN and French Navy vessels). Interviewees stated that most vessels return catch reports within 45 days. <p>Weaknesses</p> <ul style="list-style-type: none"> Interviewees noted that there was some room for improvement and that better coordination between fisheries and surveillance (Police) was needed. Interviewees noted that previously the Police consulted with NORMA before bringing a fishing vessel in – now they don't consult as much and generally just bring vessel in and hand over to AGs. Concern that this may miss out on critical fisheries advice/information. No cross-verification systems established – occasionally have a look. 	<ul style="list-style-type: none"> 2006 Port Study noted that FSM viewed the development of a national capacity for scientific analysis on oceanic fisheries as an important priority and wanted to develop its own capacity to interpret and apply the regional results and to be able to interpret data from national monitoring programmes. In this light, it is recommended that FSM consider developing an MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Establish processes for cross-checking MCS and fisheries to data to verify accuracy. Establish a formal coordination process or centre for coordination of MCS patrols/aerial surveillance that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. Build data entry and management capacity. 	
	Performance Indicators:	Assessment		Confidence Range
	IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Moderate		Low
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Moderate	Low (conflicting information)		<p>Strengths</p> <ul style="list-style-type: none"> Interviewees stated that most vessels return catch reports within 45 days. <p>Weaknesses</p> <ul style="list-style-type: none"> 2006 Port Study estimated that logsheet coverage of foreign access LL, PS & pole-&-line is considered high 80%). 2006 Port Study estimated that logsheet coverage of locally based LL fleet has been problematic (may be around only 50%).

<p>IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.</p>	<p>Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Interviewees noted that FSM has agreement with US through the FFA to share VMS information. • FSM has data sharing arrangements with PNG, Niue Treaty subsidiary agreement with RMI & Palau, Sea-rider agreement with USCG, and VMS sharing (subject to receipt of reciprocal sharing agreement) with RMI, Palau, PNG and all aerial surveillance providers. • FSM is active in hosting and participating in regional and sub-regional operations (NTSA Island Chief and Big Eye – RAI BALANG, Sea rider with USCG, visiting RAN and French Navy vessels). 	
<p>CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies.</p>	<p>Weak/ Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Provides license lists to Police periodically. • FSM legislation establishes a Surveillance Working group which is chaired by NORMA and meets to discuss MCS issues. WG includes Police, NORMA, Finance, and Foreign Affairs and meets quarterly. <p>Weaknesses</p> <ul style="list-style-type: none"> • Interviewees noted that there was some room for improvement and that better coordination between fisheries and surveillance (Police) was needed. • Interviewees noted that previously the Police consulted with NORMA before bringing a fishing vessel in – now they don't consult as much and generally just bring vessel in and hand over to AGs. Concern that this may miss out on critical fisheries advice/information. 	
<p>IMPORTANT 6. Systems established to cross check and verify MCS and fisheries data.</p>	<p>Weak</p>	<p>Medium</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • No systems established – occasionally have a look. 	

MCS Measure	Level of Implementation	Implementation Factors in Aerial & Satellite Surveillance	
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment Weak/Moderate	Overall assessment	
	Performance Indicators:	Assessment	Confidence Range
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Moderate	Medium
	IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Weak/Moderate	Low
IMPORTANT 3. Aerial patrols are provided with all relevant VMS &	Strong	Medium	

- Establish a formal coordination process or centre for coordination of MCS patrols/aerial surveillance that provides for pre-operation and post operation briefings and targeted operations informed by relevant data.

- Strengths**
- FSM had 60 hours of aerial surveillance in 2008 (projects 4/5 estimate).
 - FSM has data sharing arrangements with all aerial surveillance providers.
 - FSM legislation established a Surveillance Working group, chaired by NORMA that meets quarterly.
 - FSM has data sharing arrangements with all aerial surveillance providers.
- Weaknesses**
- This is significantly less than required. The proposed benchmark for an efficient re-distribution of current aerial surveillance capacity recommends that FSM needs 109 hours. FSM estimates that FSM needs 500 hours.
 - Interviewees noted room for improvement
 - Surveillance does not provide a post-patrol brief to fisheries.

- Strengths**
- FSM had 60 hours of aerial surveillance in 2008 (projects 4/5 estimate).
- Weaknesses**
- This is significantly less than required. The proposed benchmark for an efficient re-distribution of current aerial surveillance capacity recommends that FSM needs 109 hours. FSM estimates that FSM needs 500 hours.

- Strengths**
- FSM legislation established a Surveillance Working group, chaired by NORMA that meets quarterly.
- Weaknesses**
- Interviewees noted room for improvement
 - Surveillance does not provide a post-patrol brief to fisheries.

- Strengths**
- FSM has data sharing arrangements with all aerial surveillance providers.

fisheries data.				
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MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
10. Legislation & Management Plans	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Legislation requires fishing to be conducted in accordance with relevant foreign fishing agreements (i.e HMTc, VDS and WCPFC requirements). Legislation is 2002 and is amended as necessary. Legislation is largely compliant with WCPFC and conservation measures. Some updating is required. Management Plan was established in 2000. 		
Performance Indicators:	Assessment	Confidence Range			
CRITICAL 1. Legislation is adequate to implement & enforce HMTcs, PNA & WCPFC measures.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Legislation requires fishing to be conducted in accordance with relevant foreign fishing agreements (i.e HMTc, VDS and WCPFC requirements). Legislation is 2002 and is amended as necessary. Legislation is largely compliant with WCPFC and conservation measures. Some updating is required. Weaknesses <ul style="list-style-type: none"> Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 		
IMPORTANT 2. Legislation is adequately understood by relevant fisheries, police & judiciary.	??	Low (no response)			
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Management Plan 2000. FSM intends to review plan soon. Weaknesses		

2.0.7 Kiribati

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		Overall assessment	
	Weak/ Moderate		Strengths <ul style="list-style-type: none"> Licensing conditions are under review. License conditions are generally consistent with HMTCs and WCPFC. Weaknesses <ul style="list-style-type: none"> Licensing conditions do not yet specify VDS requirements. Significant problems with vessels not operating VMS in accordance with license conditions or HMTCs. Transshipment is allowed (against HMTCs), but only with Kiribati observer on board. 	
	Performance Indicators:	Assessment	Confidence Range	<ul style="list-style-type: none"> Provide copy of license conditions with each license for each vessel. Implement pre-fishing inspections for all vessels before issuance of licenses (for those vessels that don't enter Pohnpei – cost-recovery of FSM officials to convenient port).
	IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Strong	High	
	CRITICAL 2. License conditions are consistent with HMTC.	Moderate	Medium	
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (all purse seine vessels are on VDS PS register).	Moderate	Medium		
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, observers, catch reporting, transshipments).	Moderate/ Strong	Medium		

<p>CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.</p>	<p>Weak/ Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • VMS is requirement of license and MTUs are supposed to be checked before license is issued. <p>Weaknesses</p> <ul style="list-style-type: none"> • Widespread problems with non-reporting MTUs. Also problems with Latin boats not yet operating VMS. 	
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MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> Kiribati includes FFA VMS as requirement of license conditions for most vessels. When VMS is malfunctioning – requirement is for manual reporting every 4 hours. Weaknesses <ul style="list-style-type: none"> Significant problems with compliance with VMS – many MTUs switched off or not operating. Some vessels do not have VMS on for months at a time before Kiribati notices. No-one in Kiribati can fix malfunctioning MTUs. 	<ul style="list-style-type: none"> Strengthen processes relating to malfunctioning MTUs. Establish VMS data storage and analysis processes that enable VMS data to be cross-referenced with other MCS data. Establish VMS alert processes to notify Kiribati of any potential violations or movements into zones of interest. Need improved internet connection. Not enough trained staff – need increased capacity building. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Weak	Medium		Strengths <ul style="list-style-type: none"> Kiribati includes FFA VMS as requirement of license conditions for most vessels. Weaknesses <ul style="list-style-type: none"> Some Latin boats still not reporting – working at it but having problems. Manual reporting in interim. Significant problems with compliance with VMS – many MTUs switched off or not operating.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	Medium		Strengths <ul style="list-style-type: none"> 1 Kiribati vessels is fishing under FSM arrangement and reporting to FFA VMS.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	n/a	n/a	<ul style="list-style-type: none"> Kiribati has some local boats less than 7 metres but VMS not required. 		
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Fisheries have one VMS unit – police have another. Equipment is working most of the time. VMS officer is monitoring VMS during working hours. Weaknesses		

			<ul style="list-style-type: none"> • Need more capacity building. • Internet connection is sometimes a problem – particularly around mid-day. Can be down for days at time. 	
<p>CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.</p>	<p>Weak</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • VMS officer is monitoring VMS during working hours. • Police monitor 24 hours during operations. • Sometimes check vessels VMS that have submitted an entry/exit report. If VMS doesn't show up, then contact them to tell them MTU not working. • Port inspections inspect MTUs on transshipping reefers and noted many MTUs were not working in violation of requirements. • Surface patrols also inspect MTUs. <p>Weaknesses</p> <ul style="list-style-type: none"> • But this is not done regularly due to capacity limitations. • Some vessels do not have VMS on for months at a time before Kiribati notices. • No-one in Kiribati can fix malfunctioning MTUs. • Internet connection is sometimes a problem – particularly around mid-day. Can be down for days at time. 	
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • License conditions require manual reporting at least every 8 hours. Practice is to require reporting every 4 hours. • Manual reporting is entered into TUFMAN. <p>Weaknesses</p> <ul style="list-style-type: none"> • Vessels can sometime go months before non-operating MTU is noted. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment Moderate		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> • Target for observer coverage is 5% for longliners and 20% for purse seiners. • Purse seine fleet has 19% coverage. • Kiribati has 33 observers. • Have 33 active observers – of which 5 are based on Christmas island. • Developing plans to meet 100% – intending to increase observer programme to 40. SPC agreed to train new observers in June plus run a refresher course. <p>Weaknesses</p> <ul style="list-style-type: none"> • Not enough observers to meet coverage targets. • Lack of money to pay observer costs and salaries. • Longline fleet less than .5% coverage. • Observer coordinator does not check national observer reports for violations, just sends them directly to SPC. • SPC does not communicate national observer violation reports to Kiribati. 	
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Target for observer coverage is 5% for longliners and 20% for purse seiners. • Have 5, 12-15 or 18 active observers – of which 5 are based on Christmas island (different sources indicate different numbers of observers in early 2009). • Korean longliners have requirement for 3 observer trips for one fishing agreement period. • Purse seine fleet has 19% coverage. <p>Weaknesses</p> <ul style="list-style-type: none"> • Not enough observers to meet coverage targets. • Longline fleet less than .5% coverage. • More than 100 Korean longliners – probably less than .5% coverage • Taiwan longline fleet has no observer coverage. • Japanese purse seine fleet has ?? observer coverage. • Spanish purse seine fleet has had one observer trip out of 9 vessels operating. • FSM and USMLT vessels all implement FFA observer coverage (i.e %20). 	

CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited) on 1 August 2009.	Strong	Medium	Strengths <ul style="list-style-type: none"> • Met FAD 100% requirements. • Intending to increase observer programme to 40. SPC agreed to train new observers in June plus run a refresher course. 	
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	N/A	High	<ul style="list-style-type: none"> • Local vessels are too small. 	
IMPORTANT 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Moderate	Medium	Strengths <ul style="list-style-type: none"> • Developing plans to meet 100% requirements – intending to increase number of observers to 40. SPC has agreed to train new observers in June plus run a refresher course for existing observers. Weaknesses <ul style="list-style-type: none"> • Not enough observers to meet coverage targets. • Lack of money to pay observer costs and salaries. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Moderate	Medium	Strengths <ul style="list-style-type: none"> • Have observer coordinator. Weaknesses <ul style="list-style-type: none"> • Some concerns about level of training. 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Moderate	Medium	Strengths <ul style="list-style-type: none"> • Use SPC/FFA forms and submit to SPC. Weaknesses <ul style="list-style-type: none"> • Observer reports are not entered into domestic database. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment Weak/Moderate		<p>Overall assessment</p> <ul style="list-style-type: none"> Most Kiribati registered vessels are based in other countries and dealt with through non-fisheries Ministry. <p>Strengths</p> <ul style="list-style-type: none"> Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC. Fisheries Act requires that licensed fishing vessels be marked with identification as assigned to that vessel. Kiribati is currently working with AusAID to update its legislation and regulations. <p>Weaknesses</p> <ul style="list-style-type: none"> Legislation does not prohibit Kiribati vessels from fishing on HS unless authorised to do so in accordance with WCPFC. Legislation does not prohibit Kiribati vessels from fishing illegally in foreign EEZs. 	
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Weak/Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Authorisation to fish is granted to Kiribati vessels that provide assistance to Kiribati development and joint ventured vessels. Kiribati is currently working with AusAID to update its legislation and regulations. <p>Weaknesses</p> <ul style="list-style-type: none"> Legislation does not prohibit Kiribati vessels from fishing on HS unless authorised to do so in accordance with WCPFC.
	CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.
	CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC& HMTCs.	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> Fisheries Act requires that licensed fishing vessels be marked with identification as assigned to that vessel. <p>Weaknesses</p>
		<ul style="list-style-type: none"> Update legislation to implement flag State responsibilities in accordance with WCPFC, 31A and Wellington Convention. Build capacity in Maritime to effectively manage registry and implement flag State responsibilities. 		

			<ul style="list-style-type: none"> Compliance with such requirements has not been monitored. It was anticipated that this would be a priority in 2009. Some confusion about what the actual requirements were. 	
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> Kiribati registered vessels are required to submit logsheets at the end of every trip. This data is entered and stored in TUFMAN and reported annually for national fleets. <p>Weaknesses</p> <ul style="list-style-type: none"> Less than 50% for LL fleets and over 70% for PS fleets. 	
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted	Weak	Low	<p>Weaknesses</p> <ul style="list-style-type: none"> Historical records are poorly maintained and only describe prosecutions. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	Weak/ Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Kiribati is currently working with AusAID to update its legislation and regulations. <p>Weaknesses</p> <ul style="list-style-type: none"> Legislation does not prohibit Kiribati vessels from fishing illegally in foreign EEZs. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Controls and Monitoring	Overall assessment		Overall assessment	
	Weak/Moderate		Strengths <ul style="list-style-type: none"> 100% of vessels are inspected by boarding parties of fisheries, customs, immigration and quarantine. Fisheries and Police Maritime Unit work closely to collect evidence of illegal fishing. Fisheries Administrative Penalty Committee reviews all illegal fishing cases and provides recommendations to the AG and Minister for Fisheries who then decide upon response. Kiribati is currently working with AusAID to update its legislation and regulations. Weaknesses <ul style="list-style-type: none"> Some concerns expressed at common practice of boarding parties walking off inspected vessels with 'gifted' tuna. Some concerns expressed at consistency of process for all inspections. No provisions in legislation prohibiting landings of illegal catches. 	<ul style="list-style-type: none"> Update legislation to implement port State responsibilities and ensure consistency with HMTCs and WCPFC. Implement capacity building and training programme for port inspectors to update regularly on WCPFC developments.
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Moderate	Medium	Strengths <ul style="list-style-type: none"> 100% of vessels are inspected by boarding parties of fisheries, customs, immigration and quarantine. Inspectors fill in foreign fishing boarding form. Weaknesses <ul style="list-style-type: none"> Some concerns expressed at common practice of boarding parties walking off inspected vessels with 'gifted' tuna. Some concerns expressed at consistency of process for all inspections.
CRITICAL 2. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Weak/Moderate	Low	Strengths <ul style="list-style-type: none"> Kiribati is currently working with AusAID to update its legislation and regulations. Weaknesses <ul style="list-style-type: none"> No provisions in legislation prohibiting landings of illegal catches. 	

<p>CRITICAL 3. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.</p>	<p>Weak/ Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Kiribati is currently working with AusAID to update its legislation and regulations. <p>Weaknesses</p> <ul style="list-style-type: none"> • No provisions in legislation prohibiting landings of catches taken in contravention of VDS or WCPFC. 	
<p>CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.</p>	<p>Moderate /Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Fisheries and Police Maritime Unit work closely to collect evidence of illegal fishing. • Fisheries Administrative Penalty Committee reviews all illegal fishing cases and provides recommendations to the AG and Minister for Fisheries who then decide upon response. 	
<p>IMPORTANT 5. Port inspectors are adequately trained and resourced.</p>	<p>Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Port inspectors have some training. <p>Weaknesses</p> <ul style="list-style-type: none"> • Lack inspection manual. • Office is not fully equipped. • However, more training in WCPFC matters would help. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment		Overall assessment	
	Weak/ Moderate		<p>Strengths</p> <ul style="list-style-type: none"> • Good record of investigating fisheries violations. • Fisheries license and enforcement unit regularly arrest vessels over license conditions and illegal fishing activities. • Fisheries Administrative Penalty Committee reviews all illegal fishing cases and provides recommendations to the AG and Minister for Fisheries who then decide upon response. • Prosecutions regularly settled out of court (fines \$3,000 to \$50,000) for breaches of licensing conditions. <p>Weaknesses</p> <ul style="list-style-type: none"> • Sometimes known incidences of illegal activity are not investigated or prosecuted due to lack of capacity, particularly in regard to incidents in Line Islands. • Uncertainty over Kiribati maritime boundaries has undermined prosecution cases, resulting in strong cases being dropped due to reasonable doubts that fishing activity occurred within Kiribati EEZ. • Fisheries Act is dated and requires significant updating. Kiribati notes examples of fishing incidents that could have been prosecuted if they had only been adequately addressed in the legislation. • No investigations or prosecutions based on observers (however, an earlier SPC/FFA report noted an anecdote from the 1990s of a Kiribati prosecution based on a observer report). • Significant problems with non-operating VMS. 	<ul style="list-style-type: none"> • Update legislation. • Confirm maritime boundaries through due domestic and international processes (SOPAC assistance needs further funding). • Develop clear and consistent processes to ensure all that violation reports from both national and regional observer reports are immediately reviewed and responded to appropriately – perhaps through Fisheries • Administrative Penalty Committee and use of out of court small penalties to deter minor violations such as non-reporting of bycatch. • Strengthen responses to non-reporting VMS.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. License violations are investigated & prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • 6 vessels prosecuted for license violations and successfully fined (settled out of court) since 2004. • Fisheries Inspection • Port inspections commonly fine vessels (\$5,000) for small violations. • Hai Soon 28 successfully prosecuted for illegal bunkering in March 2009 with fines over \$5,000,000. • Prosecutions regularly settled out of court (penalties \$3,000 to \$50,000) for breaches of licensing conditions. 	

			<p>Weaknesses</p> <ul style="list-style-type: none"> • Uncertainty over Kiribati maritime boundaries has undermined prosecution cases, resulting in strong cases being dropped due to reasonable doubts that fishing activity occurred within Kiribati EEZ. • Fisheries Act is dated and requires significant updating. Kiribati notes examples of fishing incidents that could have been prosecuted if they had only been adequately addressed in the legislation. • Bi-lateral access conditions can also include license conditions but enforcement is difficult. Always chasing logsheets, fishing activities and reports. Particularly problems with reporting by Korean longline fleets due to length of time at sea. 	
CRITICAL 2. VMS violations are investigated & prosecuted.	Weak/ Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • One example of tampering (but suspect more cases that they have not uncovered). • Prosecution in 2004 for not operating VMS amongst other things. <p>Weaknesses</p> <ul style="list-style-type: none"> • Significant problems with non-operating VMS. 	
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • National observers are debriefed and questioned about violation reports. • Observer reported violations are generally underreporting and MARPOL pollution. • Under-reporting is noted and recorded for subsequent negotiations with access partners. • MARPOL violations are forwarded to Ministry of Environment who is responsible for such matters. • FFA observers for FSM and USMLT debriefs observers. • Have been cases where observers have reviewed logbooks and determined that transshipments have occurred. In such cases, observer reports are forwarded to enforcement. <p>Weaknesses</p> <ul style="list-style-type: none"> • Observer coordinator does not check observer reports for violations, just sends them directly to SPC. • SPC does not communicate national observer violation reports to Kiribati. • No investigations or prosecutions based on observers (however, an earlier SPC/FFA report noted an anecdote from the 1990s of a Kiribati prosecution based on a observer report). 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Good record of prosecutions. 	

<p>CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Adequate training and skills for fisheries investigations and prosecutions, though some questions about technical capabilities regarding to VMS. <p>Weaknesses</p> <ul style="list-style-type: none"> • Lack of adequate resources to investigate some incidences, particularly in Line Islands. • Some questions regarding judiciary not utilising forfeiture provisions as allowed. 	
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Some examples of significant fines. <p>Weaknesses</p> <ul style="list-style-type: none"> • Some concerns that forfeiture provisions have not been utilised by courts, instead only using fines or administrative penalties. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> Approximately 80 days per year for surface patrols. 5 Maritime Patrols in 2008 with 8 apprehensions. Boarding parties include fisheries inspectors who bring licensing data and information on conditions. Weaknesses <ul style="list-style-type: none"> Surface surveillance intensity (0.6) significantly below benchmark. Kiribati has not nominated vessels on WCPFC list. 	<ul style="list-style-type: none"> Endorse patrol vessels for HS B&I on WCPFC list (particularly relevant given that Kiribati patrol vessels transit HS to patrol Line Islands. Implement processes for pre-patrol and post-patrol briefings that include all relevant agencies and ensure patrols are fully informed (i.e VOI intelligence, VMS, licenses, likely fishing zones). 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Weak	Medium		Strengths <ul style="list-style-type: none"> Approximately 80 days per year. 1 Pacific patrol boat does 4 to 8 trips per year and 1 trip to Line Islands. 5 Maritime Patrols in 2008 with 8 apprehensions. Weaknesses <ul style="list-style-type: none"> Surface surveillance intensity (0.6) significantly below benchmark.
	CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs.	Moderate	Medium		Strengths <ul style="list-style-type: none"> 1 Pacific patrol boats has capability to board in EEZ, depending on sea-state conditions. Weaknesses <ul style="list-style-type: none"> Some problems with sea-state conditions preventing boardings.
	IMPORTANT 3. Country has capability to undertake boarding & inspections in HS.	Weak	High		Strengths <ul style="list-style-type: none"> Kiribati has 1 Pacific patrol boat. Weaknesses <ul style="list-style-type: none"> Kiribati has not nominated vessels on WCPFC list. Police maritime wing were unaware that there was an opportunity to undertake B&I on HS and of WCPFC HSB&I.
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Moderate	Low	Strengths <ul style="list-style-type: none"> Sightings and inspections data is stored in excel database and shared between fisheries and police by radio. 		

CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Moderate /Strong	Low	Strengths <ul style="list-style-type: none"> Boarding parties include fisheries inspectors who bring licensing data and information on conditions. 	
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MCS Measure	Level of Implementation	Implementation Factors in Legislation, Regulation & Management Plans		
		Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment	Overall assessment		
	Weak/Moderate	<p>Strengths</p> <ul style="list-style-type: none"> Some MCS data stored in excel. Some MCS data stored in TUFMAN. Kiribati has agreed to share VMS data with Australia, FSM, Fiji, Palau, PNG and Tonga. NTSA between Kiribati and Nauru. Port inspections collect foreign fishing vessel boarding forms which are later reconciled with unloading forms to determine the actual catch landed or transhipped in port. Kiribati has negotiated other subsidiary agreement such as the Ship Rider agreement with the US resulting in the apprehension of Hai Soon 28 .Also has intentions to make arrangement with neighbouring countries like Nauru and Tuvalu and Marshall islands. <p>Weaknesses</p> <ul style="list-style-type: none"> No formal systems in place to regularly cross check and verify MCS and fisheries data. Weak whole-of-government coordination across all agencies with an interest/involvement in MCS operations and information. Poor coordination between fisheries and customs. No information is shared to customs from fisheries. 	<ul style="list-style-type: none"> Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Database should include comprehensive database on VOI and past prosecutions as well as VMS, Observer violation reports, port inspections, logbooks, entry/exit reports, etc. Establish processes for cross-checking MCS and fisheries to data to verify accuracy. Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and Navy that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. Develop MCS manual that includes standard operating procedures. 	
	Performance Indicators:	Assessment		Confidence Range
	IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Moderate		Low
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Weak/Moderate	high		<p>Strengths</p> <ul style="list-style-type: none"> PS is more reliable around 80%. This is calculated from 2008 collected logsheet. <p>Weaknesses</p>

			<ul style="list-style-type: none"> • LL about 30% collected at the end of each fishing trip. 	
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	Low	Strengths <ul style="list-style-type: none"> • Kiribati has agreed to share VMS data with Australia, FSM, Fiji, Palau, PNG and Tonga. • NTSA between Kiribati and Nauru. • Kiribati has negotiated other subsidiary agreement such as the Ship Rider agreement with the US resulting in the apprehension of Hai Soon 28 .Also has intentions to make arrangement with neighbouring countries like Nauru and Tuvalu and Marshall islands. 	
CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies.	Moderate	Medium	Strengths <ul style="list-style-type: none"> • Moderate and improving coordination between fisheries and police. Weaknesses <ul style="list-style-type: none"> • Lack of consultation with other relevant agencies such as customs. 	
IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.	Weak/ Moderate	Low	Strengths <ul style="list-style-type: none"> • Port inspections collect foreign fishing vessel boarding forms which are later reconciled with unloading forms to determine the actual catch landed or transhipped in port. Weaknesses <ul style="list-style-type: none"> • No formal systems in place to regularly cross check and verify MCS and fisheries data. 	

MCS Measure	Level of Implementation	Implementation Factors in Aerial & Satellite Surveillance	
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment Moderate	Overall assessment	
Performance Indicators:	Assessment	Confidence Range	<ul style="list-style-type: none"> Implement processes for pre-patrol and post-patrol briefings that include all relevant agencies and ensure patrols are fully informed (i.e VOI intelligence, VMS, licenses, likely fishing zones).
IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Weak/Moderate	Medium	
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Moderate	Medium	
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Strong	High	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation & Management Plans	Overall assessment		Overall assessment	
	Weak		Strengths <ul style="list-style-type: none"> Kiribati is currently working with AusAID to update its legislation and regulations. Weaknesses <ul style="list-style-type: none"> Legislation has not been significantly updated in decades. Existing legislation has no provisions implementing most WCPFC, HMTCs or PNA measures. Fisheries Act is dated and requires significant updating. Kiribati notes examples of fishing incidents that could have been prosecuted if they had only been adequately addressed in the legislation. 	<ul style="list-style-type: none"> Implement new fisheries legislation as matter of urgency. Develop Tuna Fisheries Management Plan in consultation with all relevant stakeholders. Fisheries, police need further legal training and clarification to avoid clashes on powers of the authorise officers
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Weak	Medium	Strengths <ul style="list-style-type: none"> Fisheries act allows Chief Fisheries Officer to establish licensing conditions as deemed appropriate. (Fisheries 1992). Kiribati is currently working with AusAID to update its legislation and regulations. New legislation and plans being developed – expected to be completed in 2010. Weaknesses <ul style="list-style-type: none"> Legislation has not been significantly updated in decades. Existing legislation has no provisions implementing most WCPFC, HMTCs or PNA measures. Fisheries Act is dated and requires significant updating. Kiribati notes examples of fishing incidents that could have been prosecuted if they had only been adequately addressed in the legislation. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
IMPORTANT 2. Legislation and regulations are adequately understood by relevant fisheries, police & judiciary.	Moderate/ Strong	Medium	Strengths <ul style="list-style-type: none"> Fisheries and Police attend short training and attachment overseas such as AMC short courses and other regional organised trainings. Fisheries, police and judiciary understand legislation reasonably well but could use more training. 	

<p>IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.</p>	<p>Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • New legislation and plans being developed – expected to be completed in 2010. <p>Weaknesses</p> <ul style="list-style-type: none"> • No Management plan exists. 	
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2.0.9 Marshall Islands

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		Moderate	
	Overall assessment		Strengths <ul style="list-style-type: none"> Marine Resources Act 1997 prescribes minimum terms for access agreements that refer to some HMTCs (i.e registry of good standing, observers and vaguely to the carriage of MTUs). Marine Resources Act 1997 prescribes minimum terms for access agreements that refer to FFA registry of good standing. RMI checks that vessels are on FFA registry and WCPFC record before issuing license. RMI checks that vessels has approved MTU before issuing license. Weaknesses <ul style="list-style-type: none"> Marine Resources Act 1997 is very vague when it comes to minimum conditions and does not clearly prescribe key commitments. However, additional requirements are apparently included in access agreement. Marine Resources Act 1997 does not prescribe pre-fishing inspections (HMTCs). 	
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Licensing form must be completed in full before license issued. Marine Resources Act 1997 prescribes minimum information requirements for licensing.
CRITICAL 2. License conditions are consistent with HMTC.	Moderate	Low (was not provided with access agreement conditions prior to draft)	Strengths <ul style="list-style-type: none"> Marine Resources Act 1997 prescribes minimum terms for access agreements that refer to some HMTCs (i.e registry of good standing, observers and vaguely to the carriage of MTUs). Weaknesses <ul style="list-style-type: none"> Marine Resources Act 1997 is very vague when it comes to minimum conditions and does not clearly prescribe key commitments. However, additional requirements are apparently included in access agreement. HMTC prefishing inspections are only carried out routinely on locally based longline vessels. 	
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (i.e VMS and	Moderate	Low (was not provided with	Strengths <ul style="list-style-type: none"> Marine Resources Act 1997 prescribes minimum terms for access agreements that refer to some HMTCs (i.e registry of good standing, observers and vaguely to the carriage of MTUs). 	

observers).		access agreement conditions prior to draft)	<p>Weaknesses</p> <ul style="list-style-type: none"> Marine Resources Act 1997 is very vague when it comes to minimum conditions and does not clearly prescribe key commitments. However, additional requirements are apparently included in access agreement. 	
<p>CRITICAL</p> <p>4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, observers, catch reporting, transhipments).</p>	Moderate	Low (was not provided with access agreement conditions prior to draft)	<p>Strengths</p> <ul style="list-style-type: none"> Marine Resources Act 1997 prescribes minimum terms for access agreements that refer to some HMTCs (i.e registry of good standing, observers and vaguely to the carriage of MTUs). <p>Weaknesses</p> <ul style="list-style-type: none"> Marine Resources Act 1997 is very vague when it comes to minimum conditions and does not clearly prescribe key commitments. However, additional requirements are apparently included in access agreement. 	
<p>CRITICAL</p> <p>5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.</p>	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Marine Resources Act 1997 prescribes minimum terms for access agreements that refer to FFA registry of good standing. RMI checks that vessels are on FFA registry and WCPFC record before issuing license. RMI checks that vessels has approved MTU before issuing license. <p>Weaknesses</p> <ul style="list-style-type: none"> Marine Resources Act 1997 does not prescribe pre-fishing inspections (HMTCs). 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Weak/Moderate		Strengths <ul style="list-style-type: none"> All licensed vessels fishing in RMI waters, and registered vessels fishing in foreign FFA waters, are reporting to FFA VMS. Weaknesses <ul style="list-style-type: none"> MIMRA monitoring of VMS is not really functional – only one senior official has access to VMS – can't be done when he is off-island (which is often). Ad hoc approach to monitoring. Not monitored very frequently or regularly. 	<ul style="list-style-type: none"> Need to increase staff capacity – particularly more trained VMS officers. Need increased bandwidth and better hardware. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	Medium		Strengths <ul style="list-style-type: none"> All licensed vessels fishing in RMI waters are reporting to FFA VMS.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	Medium		Strengths <ul style="list-style-type: none"> All RMI registered vessels fishing in other FFA waters are reporting to FFA VMS.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	Medium	Strengths <ul style="list-style-type: none"> All RMI registered vessels fishing in other FFA waters are reporting to FFA VMS. 		
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Moderate	Low	Strengths <ul style="list-style-type: none"> Sea Patrol office is functional. MIMRA and relevant Sea Patrol staff have been trained in MTU interrogation. Weaknesses <ul style="list-style-type: none"> MIMRA monitoring of VMS is not really functional – only one senior official has access to VMS – can't be done when he is off-island (which is often). Only one other staff who has VMS training but uncertainty about whether he is authorised to view VMS. High expense of internet (ADSL line costs USD\$3,000 per month) and lack of bandwidth are obstacles. 		

<p>CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.</p>	<p>Weak /Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Fisheries officer in MIMRA office has access to view VMS from time to time. <p>Weaknesses</p> <ul style="list-style-type: none"> • Ad hoc approach to monitoring. Not monitored very frequently or regularly. • No use of alerts. 	
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Moderate</p>		<p>Strengths</p> <ul style="list-style-type: none"> • Vessels with non-reporting MTUs get called by MIMRA. • Have to manually report every 4 hours by fax or email or return to port. 	

MCS Measure	Level of Implementation	Implementation Factors in Observers			
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.		
3. Observers	Overall assessment	Overall assessment			
	Moderate/Strong	<p>Strengths</p> <ul style="list-style-type: none"> RMI's national Observer Program has been granted interim-authorisation by the WCPFC Regional Observer Programme. RMI achieves close to 100% observer coverage for RMI registered longline and purse seine vessels. RMI aims at 20% for foreign vessels in RMI waters. Officials suggested that RMI currently has 50% coverage of foreign fishing vessels (except for Japanese). RMI currently has adequately resourced observer coordinator and office, but... <p>Weaknesses</p> <ul style="list-style-type: none"> RMI currently does not have sufficient observers to meet 100% requirements. Japanese vessels have refused some observers. 	<ul style="list-style-type: none"> Need to recruit more trained observers. Develop a national Observer Manual based on the FFA Observer Manual incorporating necessary changes as a result of WCPFC and PNA developments (NPOA-IUU). Develop a set of administrative procedures for the operation of the Observer Program that covers the logistical elements associated with observer placement and training including actions required for the return of regional observers that are off-loaded in Majuro (NPOA-IUU). 		
	Performance Indicators:	Assessment		Confidence Range	
	CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Strong		Low	<p>Strengths</p> <ul style="list-style-type: none"> RMI aims at 20% for foreign vessels in RMI waters. Officials suggested that RMI currently has 50% coverage of foreign fishing vessels (except for Japanese). <p>Weaknesses</p> <ul style="list-style-type: none"> Japanese vessels have refused some observers.
	CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited) on 1 August 2009.	Strong		Low	<p>Strengths</p> <ul style="list-style-type: none"> RMI achieves close to 100% observer coverage for RMI registered longline and purse seine vessels. RMI currently has 19 observers. RMI currently has adequately resourced observer coordinator and office, but... RMI meet 100% FAD requirements.
	IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Strong		Medium	<p>Strengths</p> <ul style="list-style-type: none"> Target coverage is not specified but currently estimates that over 90% of local trips (domestic and locally based foreign) have observers.
CRITICAL 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Moderate/Strong	Low		<p>Strengths</p> <ul style="list-style-type: none"> RMI currently has enough observers to more than meet 20% coverage. RMI currently has 19 observers. <p>Weaknesses</p> <ul style="list-style-type: none"> 2006 Field Study on Port State measures then noted that RMI observer coverage 	

			<p>was low, but RMI had a firm commitment to raise to 5-10% in the short term and 15-20% in the long term.</p> <ul style="list-style-type: none"> • 2008 Part 1 report noted that observer programme had suffered from significant decrease in number of observers. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • RMI has adequately trained and resourced observer coordinator. 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Strong	Low (conflicting information)	<p>Strengths</p> <ul style="list-style-type: none"> • Officials suggested that observer reports are entered into national database and forwarded to FFA/SPC. However, NPOA suggested that observer reports are forwarded to SPC for input into fisheries information system and analysis (with expectation that this will one day be in-house in Majuro). Either way, reports are forwarded to SPC/FFA. • Violation reports are sent to SPC. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment		Overall assessment	
	Weak/Moderate		<p>Strengths</p> <ul style="list-style-type: none"> Registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC. Marine Resources Act 1997 prohibits driftnet fishing. Marine Resources Act 1997 provides for suspension/cancellation of a license for vessels that may have breached access agreements (interpreted as including WCPFC and FSMA). <p>Weaknesses</p> <ul style="list-style-type: none"> Interviewees stated that their legislation prohibited vessels from fishing on the high seas unless authorised in accordance with the WCPFC. Marine Resources Act 1997 does provide for suspension/cancellation of a license for vessels that may have breached access agreements. This was interpreted by some officials as to include WCPFC and FSMA while other responses noted categorically that this did not include WCPFC. This is not actually relevant to the requirement which applies to flag State responsibilities to prohibit registered vessels from fishing on the high seas unless authorised in accordance with the WCPFC/UNFSA or fish illegally in foreign EEZs (regardless of whether there is an access agreement or not and regardless of whether the vessel is licensed to fish in RMI waters or not). 	<ul style="list-style-type: none"> Review and update legislation to ensure compliance with WCPFC/UNFSA. Develop procedures for the control of registered fishing vessels that operate outside fishery waters. This includes the development of regulations as well as the development of terms and conditions of authorization (NPOA-IUU). To ensure that there is a link between flag registration and fishing vessel authorization, an MOU needs to be agreed between MIMRA and the registry based on the requirement of The Fishing Access and Licensing Act, 2004 §411 (2) which allows MIMRA to require flag vessels to be authorized to operate outside the fishery waters (NPOA-IUU). Increase legal training for all relevant officials.
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Weak/Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> RMI requires that all registered vessels that fish beyond RMI EZ must be authorised to do so and on the WCPFC record. Any vessel not authorised may be refused port access. <p>Weaknesses</p> <ul style="list-style-type: none"> Interviewees stated that their legislation prohibited vessels from fishing on the high seas unless authorised in accordance with the WCPFC. Marine Resources Act 1997 does provide for suspension/cancellation of a license for vessels that may have breached access agreements. This was interpreted by some officials as to include WCPFC and FSMA while other responses noted categorically that this did not include WCPFC. This is not actually relevant to the requirement which applies to flag State responsibilities to prohibit registered 	

			<p>vessels from fishing on the high seas unless authorised in accordance with the WCPFC/UNFSA (regardless of whether there is an access agreement or not and regardless of whether the vessel is licensed to fish in RMI waters or not).</p> <ul style="list-style-type: none"> • FFA Legislation review states that RMI legislation currently does not comply with the WCPFC provision prohibiting vessels from fishing on the high seas without authorisation to fish. 	
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	Low	<p>Strengths</p> <ul style="list-style-type: none"> • Registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC. 	
IMPORTANT 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCS.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> • Marine Resources Act 1997 prescribes such requirements. • Interviewees stated that they require this. • RMI ship registry carries out routine inspections. 	
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Data is collected and stored in TUFMAN. • SPC logsheets are scanned. Data is manually entered. • Data entry is basically up-to-date. SPC has access to RMI database. 	
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted	Weak/ Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Marine Resources Act 1997 prohibits driftnet fishing. • Marine Resources Act 1997 provides for suspension/cancellation of a license for vessels that may have breached access agreements (interpreted as including WCPFC and FSMA). <p>Weaknesses</p> <ul style="list-style-type: none"> • No explicit prohibition in current legislation. Action can be taken against RMI licensed vessels that fish breach these conditions but not against RMI flagged (but not licensed) vessels that breach these conditions. 	
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	Weak/ Moderate	Low (conflicting information between reports, legislation and MIMRA responses)	<p>Strengths</p> <ul style="list-style-type: none"> • RMI has previously taken legal action against RMI flagged purse seine vessels for fishing illegally in foreign EEZs. These cases were based on observer evidence and resulted in fines. <p>Weaknesses</p> <ul style="list-style-type: none"> • Interviewees state that their legislation prohibits illegal fishing in foreign EEZs. However, there is no explicit prohibition in current legislation. Action can be taken against RMI licensed vessels that fish illegally in foreign EEZs but not against RMI flagged (but not licensed) vessels. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
5. Port Controls and Monitoring	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> All landings and transhipments in harbour are inspected. Marine Resources Act 1997 prescribes that it is unlawful for any person to import, export, receive, etc any fish taken, possessed, etc in violation of any law or regulation of another State upon implementation, on a reciprocal basis, of a fisheries management agreement between RMI and the relevant State in which such activities are agreed to be unlawful. This can be interpreted to apply the WCPFC's prohibition on fishing illegally in foreign EEZs to any attempt to land/tranship such catches into RMI. Weaknesses <ul style="list-style-type: none"> No formal processes for storage and distribution of evidence from port inspections, largely done in an ad hoc manner. 	<ul style="list-style-type: none"> MIMRA require their own boat for accessing transhipment vessels in harbour for inspections. MIMRA staff need training in interrogation of MTUs. MIMRA needs to establish formal processes for evidence handling, storage and distribution to relevant authorities. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All landings and transhipments of fish in port are inspected by trained officials.	Strong	High		Strengths <ul style="list-style-type: none"> All landings and transhipments in harbour are inspected.
	CRITICAL 2. Government is empowered to prohibit landings and transhipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Strong	Medium		Strengths <ul style="list-style-type: none"> Marine Resources Act 1997 prescribes that it is unlawful for any person to import, export, receive, etc any fish taken, possessed, etc in violation of any law or regulation of another State upon implementation, on a reciprocal basis, of a fisheries management agreement between RMI and the relevant State in which such activities are agreed to be unlawful. This can be interpreted to apply the WCPFC's prohibition on fishing illegally in foreign EEZs to any attempt to land/tranship such catches into RMI.
CRITICAL 3. Government is empowered to prohibit landings and transhipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC	Strong	Medium	Strengths <ul style="list-style-type: none"> Marine Resources Act 1997 prescribes that it is unlawful for any person to import, export, receive, etc any fish taken, possessed, etc in violation of any law or regulation of another State upon implementation, on a reciprocal basis, of a fisheries management agreement between RMI and the relevant State in which such activities are agreed to be unlawful. This can be interpreted to apply the WCPFC's prohibition on fishing illegally in foreign EEZs to any attempt to 		

provisions.			land/tranship such catches into RMI.	
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.	Moderate		Strengths <ul style="list-style-type: none"> • Informal processes exist for provision evidence to domestic and regional organisations. Weaknesses <ul style="list-style-type: none"> • No formal processes – largely done in an ad hoc manner. 	
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Moderate/ Strong	Medium	Strengths <ul style="list-style-type: none"> • Majuro is a busy transshipping port.. Interviewees stated that the port inspectors were by-and-large well trained and resourced. Weaknesses <ul style="list-style-type: none"> • MIMRA currently lack their own boat and have to opportunistically use other boats as they become available to board vessels for inspections. • MIMRA lack expertise in interrogating MTUs. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
6. Prosecutions	Overall assessment Weak/Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Sanctions are adequate. Sanctions allow for vessel forfeiture. Weaknesses <ul style="list-style-type: none"> RMI take few violations through to formal legal action. Some suggestion that this was partly due to a lack of legal expertise/capacity – partly due to a lack of priority for prosecutions. MIMRA lack adequate in-house legal capacity (re-advertising for an in-house lawyer). 		<ul style="list-style-type: none"> Officers require further training, particularly in evidence collection, MTU interrogation. Recruit legal officer as a matter of urgency (with ancillary benefits for WCPFC analysis).
	Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. License violations are investigated & prosecuted.	Weak/Moderate	Low (conflicting response)	<ul style="list-style-type: none"> Examples of Japanese vessels refusing to take-on observers. Vessels have been found targeting shark, some examples of failures to keep logbooks correctly, failures to properly record transshipments, etc. Strengths <ul style="list-style-type: none"> All detected license violations are followed up. License violations have been previously prosecuted for matters relating to catch reporting, VMS, pollution and bycatch, including targeting of shark. Some use of administrative sanctions for minor violations. Weaknesses <ul style="list-style-type: none"> Most violations are only followed up informally by talking to skipper/master and educating them on proper process or issuing a warning to offender. Very few violations have been formally investigated. 		
CRITICAL 2. VMS violations are investigated & prosecuted.	Moderate	Medium	<ul style="list-style-type: none"> Some local LL vessels have claimed that they were only trying to fix their MTUs when they malfunctioned and complained that the FFA system was lagging behind what they had already installed on their vessels. Strengths <ul style="list-style-type: none"> MIMRA follows up malfunctioning MTUs (informally). RMI through use of VMS detected Taiwanese LL fishing illegally in RMI waters and invoked NTSA with FSM for support. Case will go to WCPFC TCC for consideration for IUU listing. Weaknesses <ul style="list-style-type: none"> No prosecutions. 		

<p>CRITICAL 3. Observer reports of violations are investigated & prosecuted.</p>	<p>Moderate</p>	<p>Low (conflicting response)</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Observers report violations – these are sent to SPC. • RMI has previously taken legal action against RMI flagged purse seine vessels for fishing illegally in foreign EEZs. These cases were based on observer evidence and resulted in fines. • Observer reports of violations are taken up with vessel and treated seriously through administrative penalties or warnings. <p>Weaknesses</p> <ul style="list-style-type: none"> • But other respondents suggested that observers violation reports are not acted upon. • Respondents also suggested that action is only taken for major offences – but mostly through informal contacts. 	
<p>CRITICAL 4. Fishing violations detected by aerial and surface surveillance operations are investigated and prosecuted.</p>	<p>n/a</p>	<p>Low</p>	<ul style="list-style-type: none"> • No accounts of fishing violations detected by aerial or surface surveillance operations. 	
<p>CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>	<p>Weak /Moderate</p>	<p>Low</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • MIMRA lack adequate in-house legal capacity (re-advertising for an in-house lawyer). • RMI take few violations through to formal legal action. Some suggestion that this was partly due to a lack of legal expertise/capacity – partly due to a lack of priority for prosecutions. • Fisheries officers haven't received training. Sea patrol officer was offered training in 2007 but failed to show up. 	
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Sanctions are adequate. • Sanctions allow for vessel forfeiture. • RMI also utilises citation processes that allows enforcement officers to issue on-the-spot fines for minor violations. Matters only go to court when fisher denies the offence. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols Performance Indicators: IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ. CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs. IMPORTANT 3. Country has capability to undertake boarding & inspections in HS. IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC. CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Overall assessment Weak/Moderate		Overall assessment Strengths <ul style="list-style-type: none"> RMI has one patrol vessel. Weaknesses <ul style="list-style-type: none"> RMI surface surveillance intensity = 1.4 RMI's patrol vessel is not endorsed to undertake high seas B&I as RMI has not submitted details to the WCPFC register. No formal coordination or communication between fisheries and sea patrol. 		<ul style="list-style-type: none"> Develop coordination processes and systems for information sharing between fisheries and sea patrol. Endorse RMI vessel for high seas B&I.
	Assessment	Confidence Range			
	Weak	Medium	Strengths <ul style="list-style-type: none"> RMI has one patrol vessel. Weaknesses <ul style="list-style-type: none"> RMI surface surveillance intensity = 1.4 		
	Strong	Medium	Strengths <ul style="list-style-type: none"> RMI Sea Patrol highly trained and very capable of conducting boarding and inspections at sea. 		
	Weak	High	Weaknesses <ul style="list-style-type: none"> RMI's patrol vessel is not endorsed to undertake high seas B&I as RMI has not submitted details to the WCPFC register. 		
	Moderate	Medium	Strengths <ul style="list-style-type: none"> Sea Patrol provides reports to MIMRA upon request. These are then used to complete WCPFC part 2 reports and support MCS WG reports. Weaknesses <ul style="list-style-type: none"> No formal coordination or communication between fisheries and sea patrol. 		
	Moderate	Low	Strengths <ul style="list-style-type: none"> Sea patrol has access to VMS data. Licensing information is shared. Weaknesses <ul style="list-style-type: none"> No formal coordination or communication between fisheries and sea patrol. 		

MCS Measure	Level of Implementation	Implementation Factors in Legislation, Regulation & Management Plans			
		Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).		Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment	Weak		<ul style="list-style-type: none"> Develop a MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate; Establish processes for cross-checking MCS and fisheries to data to verify accuracy. NPOA-IUU recommended enhancing the MIMRA VMS (Pacific VMS) and the fisheries information system so that the systems are linked and data can be managed on a near real time basis. The NPOA-IUU noted that this will require a considerable increase in IT/Communications focus by SPC and FFA to cater for MCS aspects of analysis. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak	Low		<p>Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> RMI has a tri-lateral NTSA with Palau and FSM. TUFMAN is used to record and share licensing information. System works for sharing licensing information but not for anything else. <p>Weaknesses</p> <ul style="list-style-type: none"> No systems or processes for storing/distributing MCS data (i.e port inspections, sightings, inspection reports, violations, aerial surveillance etc). MIMRA lack adequate data entry staff. No formal coordination centre. No formal system of regular communication between sea patrol and fisheries. No systems in place to cross-check MCS and fisheries data.
	CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Moderate	Low		<p>Strengths</p> <ul style="list-style-type: none"> TUFMAN is used to record and share licensing information. System works for sharing licensing information but not for anything else. <p>Weaknesses</p> <ul style="list-style-type: none"> No systems or processes for storing/distributing MCS data (i.e port inspections, sightings, inspection reports, violations, aerial surveillance etc). MIMRA lack adequate data entry staff. No formal coordination centre. No formal system of regular communication between sea patrol and fisheries.
	IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	Low		<p>Strengths</p> <ul style="list-style-type: none"> RMI has a tri-lateral NTSA with Palau and FSM. Considering whether to extend to Nauru and Kiribati. <p>Weaknesses</p> <ul style="list-style-type: none"> No VMS data sharing agreements are currently in place.

<p>CRITICAL 4. Domestic systems established for coordination of MCS operations between relevant agencies.</p>	<p>Weak</p>	<p>Low</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • Coordination really only occurs during regional operations. • No systems or processes for storing/distributing MCS data (i.e port inspections, sightings, inspection reports, violations, aerial surveillance etc). • No formal coordination centre. • No formal system of regular communication between sea patrol and fisheries. 	
<p>IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.</p>	<p>Weak</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Observers check logsheets to ensure they match actual position, catch etc. <p>Weaknesses</p> <ul style="list-style-type: none"> • Other than observers at sea, no systems in place to cross-check MCS and fisheries data. 	<ul style="list-style-type: none"> • Establish a formal coordination process or centre for coordination of MCS patrols/aerial surveillance that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Build data management capacity to allow for the direct input into TUFMAN of MCS related observer report data to enable more timely verification and analysis (NPOA-IUU). • Establish NTSA arrangements with Kiribati and Nauru to include patrols by Lomor in those zones to coincide with patrols in southern RMI areas (NPIA-IUU). • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information (NPOA-IUU).

MCS Measure	Level of Implementation	Implementation Factors in Aerial & Satellite Surveillance	
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment Moderate	Overall assessment	
Performance Indicators:	Assessment	Confidence Range	
IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> RMI currently has approximately 27 hours of aerial surveillance per annum. <p>Weaknesses</p> <ul style="list-style-type: none"> Current aerial surveillance is half of proposed benchmark for more efficient and equitable distribution of regional aerial surveillance assets (i.e 54 hours).
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> Sea Patrol responsible for storage, collection and distribution – reported in annual reports. <p>Weaknesses</p> <ul style="list-style-type: none"> No formal coordination agency.
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Moderate/Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> VMS, Licensing and VOI routinely provided to aerial surveillance operations. <p>Weaknesses</p> <ul style="list-style-type: none"> No formal coordination agency

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation & Management Plans	Overall assessment		Overall assessment	
	Moderate		<p>Strengths</p> <ul style="list-style-type: none"> RMI plans to review legislation in 2009 to ensure compliance with new WCPFC measures. Sanctions are adequate and include forfeiture provisions. RMI Tuna Management was established in 2004, recently reviewed in 2008 and endorsed by MIMRA Board of Directors in 2009. Plan will be implemented in 2011 and addresses conservation and development objectives. <p>Weaknesses</p> <ul style="list-style-type: none"> Current legislation is not fully compliant with WCPFC provisions nor updated to implement VDS. Some suggestion that a lack of legal expertise/capacity in MIMRA is an obstacle to prosecutions – but MIMRA has just hired new Legal Advisor and hopes to address long over-due legal matters. 	<ul style="list-style-type: none"> Review and update legislation to implement WCPFC, HMTTC and VDS provisions. Increase legal training of relevant fisheries and police, increase awareness in judiciary of fisheries matters in regard to MCS and prosecutions.
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> RMI plans to review legislation in 2009 to ensure compliance with WCPFC. Sanctions are adequate and include forfeiture provisions. <p>Weaknesses</p> <ul style="list-style-type: none"> Current legislation is not fully compliant with WCPFC provisions nor updated to implement VDS.
IMPORTANT 2. Legislation is adequately understood by relevant fisheries, police & judiciary.	Moderate	Low	<p>Weaknesses</p> <ul style="list-style-type: none"> Some suggestion that a lack of legal expertise/capacity in MIMRA is an obstacle to prosecutions, MIMRA has just hired new Legal Advisor and hopes to address long over-due legal matters. Fisheries officers haven't received training. Sea patrol officer was offered training in 2007 but failed to show up. 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> RMI Tuna Management was established in 2004, recently reviewed in 2008 and endorsed by MIMRA Board of Directors in 2009. Plan will be implemented in 2011 and addresses conservation and development objectives. 	

2.0.11 Nauru

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		Moderate	
			<p>Overall assessment</p> <p>Only foreign purse seine vessels licensed – no domestic vessels. 3 bilateral access arrangements with NZ, Japan and EC. Access fees are proportional to reported catch.</p> <p>Strengths</p> <ul style="list-style-type: none"> Nauru will review licensing and access arrangements in 2009 to implement VDS and improve consistency with HMTCs and WCPFC. 1997 Fisheries Act requires licenses for foreign vessels to be part of access arrangement and includes conditions that vessel be on FFA register, VMS compliant, reporting conditions etc. <p>Weaknesses</p> <ul style="list-style-type: none"> Japanese access arrangement has not been reviewed since last consultation in 1998. As vessels don't land in Nauru, its very difficult to monitor their activities and check compliance. Lack of boarding and inspection patrols also make it very difficult to check compliance with license conditions. Current licensing arrangements encourage under-reporting to fee structure. Reliant on own cross-checking systems to determine if vessels are reporting accurately (compare logsheet reports with entry/exit reports of tonnages on board vessels. System is totally reliant on vessel supplied data and is not independently verified. To date, have not been receiving observer reports for FSM arrangement vessels. 	
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Moderate/Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Includes key fields. Form must be filled out in full before license issued. <p>Weaknesses</p> <ul style="list-style-type: none"> Lacks some ownership/operator details for verification purposes.
CRITICAL 2. License conditions are consistent with HMTC.	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> 1997 Fisheries Act requires licenses for foreign vessels to be part of access arrangement and includes conditions that vessel be on FFA register, VMS compliant, reporting conditions etc. Generally consistent. 2009 review will improve consistency with HMTCs. <p>Weaknesses</p>	
			<ul style="list-style-type: none"> Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important given Nauru's limited options to adequately monitor fishing. Can be implemented through key ports (i.e FSM, PNG, RMI) and through cost-recovered home port visits where necessary (i.e Japan pays for PNG inspectors to travel to Japan for pre-inspections when required). Update licensing and access arrangements as a matter of priority. Implement MCS database with appropriate processes for acquisition, storage and dissemination 	

			<ul style="list-style-type: none"> • Not clearly specified in license conditions, but through regulations and access arrangements. • Japanese access arrangement has not been reviewed since last consultation in 1998. • No pre-fishing or license inspections. 	<p>of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate.</p>
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (all purse seine vessels are on VDS PS register).	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> • 2009 review to explicitly incorporate VDS into all access arrangements. <p>Weaknesses</p> <ul style="list-style-type: none"> • 	
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, observers, catch reporting, transshipments).	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> • 2009 review will improve consistency with HMTCs. • 1997 Fisheries Act requires licenses for foreign vessels to be part of access arrangement and includes conditions that vessel be on FFA register, VMS compliant, reporting conditions etc. 	
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Nauru checks FFA/WCPFC records before issuing licenses. • Nauru requires vessel to have VMS. <p>Weaknesses</p> <ul style="list-style-type: none"> • But vessel and VMS cannot be physically inspected as vessels do not land in Nauru. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> Generally – all vessels are reporting. In cases where MTU is not reporting, Nauru will email company and ask vessel to stop fishing and go to port to fix MTU. In the interim, the vessel must report manually while MTU is in-operational. Weaknesses <ul style="list-style-type: none"> No alerts yet – but intend to implement alerts in 2009. VMS office has suffered from power cuts and internet bandwidth problems and has been temporarily relocated into Government ICT centre. Renovations will be completed and office will move back into NFMRA and integrated with Oceanic division. 	<ul style="list-style-type: none"> Implement system of alerts. Tighten enforcement of VMS violation prosecutions. Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate. Implement more regular training for VMS, 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Moderate	Medium		Strengths <ul style="list-style-type: none"> Generally – all vessels are reporting. Weaknesses <ul style="list-style-type: none"> Have had some problems with faulty MTUs
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	n/a	n/a		No flagged fishing vessels
	IMPORTANT 3. All local fishing vessels report to national VMS where required.	n/a	n/a		No local fishing vessels
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Moderate	Medium	Strengths <ul style="list-style-type: none"> One officer on VMS. Officer training is basically adequate. VMS officer recently spent two weeks in Honiara gaining work experience. Weaknesses <ul style="list-style-type: none"> VMS office has suffered from power cuts and internet bandwidth problems and has been temporarily relocated into Government ICT centre. Renovations will 		

			be completed and office will move back into NFMRA and integrated with Oceanic division.	including secondments to FFA and/or neighbours.
CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.	Moderate	Medium	Strengths <ul style="list-style-type: none"> • VMS is checked in the morning and evening on working days. – check vessel movements and speeds. • Potential violations are reported to oceanic fisheries manager for follow up. Weaknesses <ul style="list-style-type: none"> • No alerts yet – but intend to implement alerts in 2009. 	
CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.	Moderate/ Strong	Low	Strengths <ul style="list-style-type: none"> • In cases where MTU is not reporting, Nauru will email company and ask vessel to stop fishing and go to port to fix MTU. In the interim, the vessel must report manually while MTU is in-operational. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
3. Observers	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Development of observer program will be a priority in 2009. Weaknesses <ul style="list-style-type: none"> Nauru currently does not get observer reports from FFA multi-lateral programmes so limited understanding of compliance risks. No national specified targets or levels. Limited to FSM and USMLT observer programmes. There are provisions in bilateral fisheries agreements for observer placements but lack of port facilities and small size of EEZ has prevented observer placements from occurring (though could be emplaced in nearby Honiara). 		<ul style="list-style-type: none"> Support national observer program as a matter of priority. Establish processes and databases for recording and investigating observer reports of violations. Liaise with FFA/SPC to ensure that all observer violation reports are immediately forwarded to relevant officer and followed up as appropriate. Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Will be aiming to meet 100% WCPFC requirements. 5 newly trained observers with another 5 planned for training for 2010. Weaknesses <ul style="list-style-type: none"> No national specified targets or levels. Limited to FSM and USMLT observer programmes. There are provisions in bilateral fisheries agreements for observer placements but lack of port facilities and small size of EEZ has prevented observer placements from occurring (though could be emplaced in nearby Honiara). 	
	CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited) on 1 August 2009.	N/A	n/a	No flagged fishing vessels	
	IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	N/A	n/a	No local fishing vessels	
CRITICAL 4. Country has access to sufficient numbers of adequately trained and	Moderate	Medium	Strengths <ul style="list-style-type: none"> Development of observer program will be a priority in 2009. 5 newly trained observers with another 5 planned for training for 2010. 		

contracted observers.				and regionally as appropriate.
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Weak/ Moderate	Medium	Weaknesses <ul style="list-style-type: none"> Limited available staff but do have one staff member who has some observer training and could do job. 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Moderate	Low (contradictory info)	Strengths <ul style="list-style-type: none"> Observer reports are entered into database. Weaknesses <ul style="list-style-type: none"> Nauru currently does not get observer reports from regional observer programmes so limited understanding of compliance risks 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment		<p align="center">Overall assessment</p> <p>Nauru currently does not have any registered fishing vessels (two longline fishing vessels are tied up and for sale).</p> <p>Strengths</p> <ul style="list-style-type: none"> • 1998 Fisheries Regulations implements WCPFC/HMTC vessel and gear marking requirements. • Currently no vessels but Nauru indicated that it is up to date with all data for USMLT and FSM vessels and would meet flag State responsibilities to report data to WCPFC if it had vessels. 1997 Fisheries Act provides authority for collection, provision and exchange of data with international, regional or sub-regional organisations. • Nauru is intending to review its legislation in 2009 with the intention to implement all regional and international commitments. <p>Weaknesses</p> <ul style="list-style-type: none"> • FFA Legislation Review and analysis of Fisheries Act 1997 finds that there are no provisions prohibiting Nauru vessels from fishing illegally in foreign EEZs. Fisheries Act 1997 prohibits landings, transports etc in Nauru of fish products that have been taken, transported illegally in a foreign EEZ – but they do not prohibit illegal fishing in a foreign EEZ (i.e that only apply if the vessel undertakes a related activity in Nauru waters after the illegal activity). • Nauru currently lacks provisions to implement much of the WCPFC vessel record and authorisation to fish requirements. 	
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Weak/Moderate	Medium	<p>Nauru currently does not have any registered fishing vessels (two longline fishing vessels are tied up and for sale).</p> <p>Strengths</p> <ul style="list-style-type: none"> • Nauru is intending to review its legislation in 2009 with the intention to implement all regional and international commitments. <p>Weaknesses</p> <ul style="list-style-type: none"> • Nauru does not currently have provisions to prohibit vessels from fishing on HS in accordance with WCPFC unless authorised to do so. • Nauru currently lacks provisions to implement much of the WCPFC vessel record and authorisation to fish requirements. 	

<p>CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.</p>	<p>n/a</p>	<p>n/a</p>	<p>Nauru currently does not have any registered fishing vessels (two longline fishing vessels are tied up and for sale).</p>	
<p>IMPORTANT 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCs.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • 1998 Fisheries Regulations implements WCPFC/HMTC vessel and gear marking requirements. 	
<p>IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.</p>	<p>Strong</p>	<p>n/a</p>	<p>Nauru currently does not have any registered fishing vessels (two longline fishing vessels are tied up and for sale).</p> <p>Strengths</p> <ul style="list-style-type: none"> • Currently no vessels but Nauru indicated that it is up to date with all data for USMLT and FSM vessels and would meet flag State responsibilities to report data to WCPFC if it had vessels. 1997 Fisheries Act provides authority for collection, provision and exchange of data with international, regional or sub-regional organisations. 	
<p>CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted</p>	<p>n/a</p>	<p>n/a</p>	<p>Nauru currently does not have any registered fishing vessels (two longline fishing vessels are tied up and for sale). Nauru has not detected any violations by Nauru flagged vessels in past 5 years.</p>	
<p>CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.</p>	<p>Weak/ Moderate</p>	<p>Low (contradictory info)</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Nauru is intending to review its legislation in 2009 with the intention to implement all regional and international commitments. • Nauru officials thought that there were provisions prohibiting Nauru vessels from fishing illegally in foreign EEZs (Lacey Act type provisions) <p>Weaknesses</p> <ul style="list-style-type: none"> • FFA Legislation Review states that there are no such provisions. • Fisheries Act 1997 prohibits landings, transports etc in Nauru of fish products that have been taken, transported illegally in a foreign EEZ – but they do not prohibit illegal fishing in a foreign EEZ (i.e that only apply if the vessel undertakes a related activity in Nauru waters after the illegal activity). 	

MCS Measure	Level of Implementation	Implementation Factors in Port Inspections	
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Controls and Monitoring	Overall assessment Moderate	<p align="center">Overall assessment</p> <p>Foreign fishing vessels rarely visit port in Nauru. This undermines the viability of establishing a port sampling programme. Have been a few transshipments off port in the past but foreign fishing vessels rarely visit port in Nauru. This undermines the viability of establishing a port sampling programme. There were no inspections in 2008 and only one (bunkerer) in 2009.</p> <p>Strengths</p> <ul style="list-style-type: none"> • Fisheries Act 1997 prohibits landings, transports etc in Nauru of fish products that have been taken, transported etc illegally in a foreign EEZ. • Access to Nauru port is restricted to licensed vessels or foreign vessels entering for a lawful purpose. All licensed vessels are required to submit to inspection and catch sampling on port entry. Catch logs and unloading information is collected at port. • All vessels are inspected, but due to random nature of landings/transshipments, there are no set protocols nor any formal format for inspections (just taken written notes). • Nauru is intending to review its legislation in 2009 with the intention to implement all regional and international commitments. <p>Weaknesses</p> <ul style="list-style-type: none"> • Fisheries act does not specifically prohibit landings/transshipments of fish caught in violation of WCPFC or VDS. 	
	Performance Indicators:	Assessment	Confidence Range
CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Moderate	Medium	<p>Have been a few transshipments off port in the past but foreign fishing vessels rarely visit port in Nauru. This undermines the viability of establishing a port sampling programme. There were no inspections in 2008 and only one (bunkerer) in 2009.</p> <p>Strengths</p> <ul style="list-style-type: none"> • Access to Nauru port is restricted to licensed vessels or foreign vessels entering for a lawful purpose. All licensed vessels are required to submit to inspection and catch sampling on port entry. Catch logs and unloading information is collected at port. • All vessels are inspected, but due to random nature of landings/transshipments, there are no set protocols nor any formal format for inspections (just taken

- Officials suggest that that they need better, more official looking uniforms which would make it easier to do their jobs and captains/ships would show more respect when officials are undertaking inspections on board.
- Improve training of port inspectors, possibly through secondments to busier regional hub ports.
- Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information;
- Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all

			written notes). Weaknesses <ul style="list-style-type: none"> All vessels are inspected, but due to random nature of landings/transhipments, there are no set protocols nor any formal format for inspections (just taken written notes). 	fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate.
CRITICAL 2. Port authorities are empowered to prohibit landings and transhipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> Fisheries Act 1997 prohibits landings, transports etc in Nauru of fish products that have been taken, transported etc illegally in a foreign EEZ. 	
CRITICAL 3. Port authorities are empowered to prohibit landings and transhipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Fisheries Act 1997 provides that where there is reason to believe that a foreign fishing vessels has undermined any international, subregional or regional fisheries/marine conservation measure, or breached the laws of another State, Nauru fisheries is required to provide information and evidentiary material to the appropriate authorities. Nauru is intending to review its legislation in 2009 with the intention to implement all regional and international commitments. Weaknesses <ul style="list-style-type: none"> Fisheries act does not specifically prohibit landings/transhipments. 	
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.	Moderate /Strong	Medium	Strengths <ul style="list-style-type: none"> Report from port inspection and evidence (i.e logbooks etc) is forwarded to Nauru Department of Justice for prosecution. Some staff have undertaken some training in chain of evidence. Fisheries Act 1997 provides for the exchange of information with other States and organisations concerning fisheries management strategies. Where there is reason to believe that a foreign fishing vessels has undermined any international, subregional or regional fisheries/marine conservation measure, or breached the laws of another State, Nauru fisheries is required to provide information and evidentiary material to the appropriate authorities. 	
CRITICAL 5. Port inspectors are adequately trained and resourced.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Port inspectors office is located within MCS section of oceanic fisheries. Staff are trained but need more practical experience (difficult due to limited opportunities to inspect vessels). 	

MCS Measure	Level of Implementation	Implementation Factors in Prosecutions		
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
6. Prosecutions	Overall assessment Weak/ Moderate	<p style="text-align: center;">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> • In past 5 years, Nauru has investigated two fisheries violations – successfully prosecuting one. • Fisheries regs provide for significant fines & seizure/forfeiture of vessels & gear. • Some staff from fisheries, police and department of justice have undertaken FFA training in fisheries prosecutions. • 1 Observer report of illegal bunkering was investigated and prosecuted. Vessel was boarded in port and log was checked. Case was settled out of court for \$500k. <p>Weaknesses</p> <ul style="list-style-type: none"> • Nauru suspects systematic under-reporting as access fees are calculated proportional to reported catches. Concern that weak surveillance & monitoring is limiting its ability to monitor & enforce compliance with licensing conditions. • Nauru has experienced coordination problems between government agencies that has weakened cases (suspicions that too many agencies were getting involved – probably chasing proceeds of any subsequent fines). • Investigation, prosecution and judicial authorities do not have adequate training and resources to collect, analyse, present and consider technical fisheries evidence and must rely on fisheries authority. 		<ul style="list-style-type: none"> • Investigation and case-development procedures, including agreement of the responsibilities and roles of different Nauru government departments, need to be developed in 2009. • Enforce access agreement requirements that there be a resident agent established in order to respond to receive and respond to any legal notice. • Liaise with FFA/SPC to ensure that all observer violation reports are immediately forwarded to relevant officer and followed up as appropriate. • Develop an MCS procedures manual.
	Performance Indicators:	Assessment	Confidence Range	

<p>CRITICAL 1. License violations are investigated & prosecuted.</p>	<p>Moderate</p>	<p>Low</p>	<ul style="list-style-type: none"> No detections of license condition violations since 2004. <p>Weaknesses</p> <ul style="list-style-type: none"> Nauru suspects systematic under-reporting as access fees are calculated proportional to reported catches. Nauru has expressed concern that weak surveillance and monitoring is limiting its ability to monitor and enforce compliance with licensing conditions. As vessels don't land in Nauru, its very difficult to monitor their activities and check compliance. Nauru has experienced coordination problems between government agencies that has weakened cases (suspicions that too many agencies were getting involved – probably chasing proceeds of any subsequent fines). Lack of boarding and inspection patrols also make it very difficult to check compliance with license conditions. Current licensing arrangements encourage under-reporting to fee structure. Reliant on own cross-checking systems to determine if vessels are reporting accurately (compare logsheet reports with entry/exit reports of tonnages on board vessels. System is totally reliant on vessel supplied data & not independently verified. 	<ul style="list-style-type: none"> Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate.
<p>CRITICAL 2. VMS violations are investigated & prosecuted.</p>	<p>Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> No instances detected of MTU tampering. Only one violation detected in past 5 years. <p>Weaknesses</p> <ul style="list-style-type: none"> One violation that was detected was not investigated further nor prosecuted. 	
<p>CRITICAL 3. Observer reports of violations are investigated & prosecuted.</p>	<p>Weak/ Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> 1 Observer report of illegal bunkering was investigated and prosecuted. Vessel was boarded in port and log was checked. Case was settled out of court for \$500k. <p>Weaknesses</p> <ul style="list-style-type: none"> To date, have not been receiving observer reports for FSM arrangement vessels so Nauru has limited understanding of compliance risks. 	
<p>CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and prosecuted.</p>	<p>Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> 13 out of 18 fisheries related prosecutions in past 20 years have arisen from sightings by aerial surveillance patrols. Nauru receives ad hoc aerial surveillance from NZ and Australian Air Forces. <p>Weaknesses</p> <ul style="list-style-type: none"> Fisheries is not sent sighting reports after aerial surveillance flights. No investigations or prosecutions reported in past 5 years. Nauru does not have any surface patrol capability. 	

<p>CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>	<p>Weak/ Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Some staff from fisheries, police and department of justice have undertaken FFA training in fisheries prosecutions. <p>Weaknesses</p> <ul style="list-style-type: none"> • Investigation, prosecution and judicial authorities do not have adequate training and resources to collect, analyse, present and consider technical fisheries evidence and must rely on fisheries authority. 	
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Moderate/ Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Fisheries regulations act provides for significant fines and seizure/forfeiture of vessels and gear. Officials believe that they are adequate for foreign fishing vessels. • Nauru is intending to review its legislation in 2009 with the intention to implement all regional and international commitments. <p>Weaknesses</p> <ul style="list-style-type: none"> • Officials concerned that sanctions for local vessels are too low and provide an incentive for foreign vessels to exploit loopholes in current act and re-flag to Nauru as local vessel. 	

MCS Measure	Level of Implementation	Implementation Factors in At Sea Patrols			
		Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.		
7. Boarding, Inspection & At Sea Patrols	Overall assessment Weak	Overall assessment Strengths <ul style="list-style-type: none"> Nauru is interested in taking part in joint maritime surveillance operations with adjoining States using funding that may be available to countries that have benefited from the PBPP. Nauru is interested/considering a shiprider agreement with the USA. Nauru is discussing possible cooperation with FSM under a Niue Treaty arrangement. RMI has expressed interest in providing patrols of Nauru with funding from Australia. Weaknesses <ul style="list-style-type: none"> Nauru does not have any surface patrol capability. 		<ul style="list-style-type: none"> Establish Niue Treaty arrangements with Kiribati and Marshall Islands to include patrols by their patrol craft in the Nauru EEZ. Conclude a “ship rider” agreement with the US Coast Guard (USCG) allowing Nauru authorized officers, to conduct patrols on US vessels. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Weak	High		Weaknesses <ul style="list-style-type: none"> Nauru does not have any surface patrol capability and recorded 0 days per 100,000km of EEZ.
	CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs.	Weak	High		Weaknesses <ul style="list-style-type: none"> Nauru does not have any surface patrol capability.
	IMPORTANT 3. Country has capability to undertake boarding & inspections in HS.	Weak	High		Weaknesses <ul style="list-style-type: none"> Nauru does not have any surface patrol capability.
	IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	n/a	n/a		Weaknesses <ul style="list-style-type: none"> Nauru does not have any surface patrol capability.
	CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	n/a	n/a		Weaknesses <ul style="list-style-type: none"> Nauru does not have any surface patrol capability.

MCS Measure	Level of Implementation	Implementation Factors in Legislation, Regulation & Management Plans		
		Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment	Overall assessment		
	Weak	<p>Strengths</p> <ul style="list-style-type: none"> Nauru does not have any such domestic systems, but does share information through FFA in an ad hoc manner if required in relation to a specific incident. While there are no MCS coordination processes/systems in place, all relevant agencies can participate if they wish. Nauru cross-checks entry-exit reports with catch logbooks to check for under-reporting. <p>Weaknesses</p> <ul style="list-style-type: none"> No independent data is used in verification of logbook data (i.e all data is provided by fishing vessel). 	<ul style="list-style-type: none"> Establish Niue Treaty arrangements with Kiribati and Marshall Islands to include patrols by their patrol craft in the Nauru EEZ. Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate; Establish processes for cross-checking MCS and fisheries to data to verify accuracy. NPOA-IUU recommended enhancing the MIMRA VMS (Pacific VMS) and the fisheries information system so that the systems are linked and data can 	
	Performance Indicators:	Assessment		Confidence Range
	IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak		Medium
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Strong	Low		<p>Strengths</p> <ul style="list-style-type: none"> “We’d like to think that we are getting 100% of all catch effort logsheets collected 45 days after a fishing trip as it is a licensing requirement for all the fishing fleets. There are many ways of monitoring this level of compliance with VMS etc. It would be a big risk for vessels not to submit their logsheets as required.” <p>Weaknesses</p> <ul style="list-style-type: none">
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Weak/Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Nauru does not have any such domestic systems, but does share information through FFA in an ad hoc manner if required in relation to a specific incident. <p>Weaknesses</p> <ul style="list-style-type: none"> No process and ad hoc approach doesn’t always work – “there is clearly room for improvement in this area.” 	

<p>CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies.</p>	<p>Weak</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • While there are no such processes/systems in place, all relevant agencies can participate if they wish. <p>Weaknesses</p> <ul style="list-style-type: none"> • Nauru does not have any such domestic systems or processes. 	<p>be managed on a near real time basis. The NPOA-IUU noted that this will require a considerable increase in IT/Communications focus by SPC and FFA to cater for MCS aspects of analysis.</p> <ul style="list-style-type: none"> • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information; • Negotiate maritime boundaries with Kiribati and Marshall Islands noting that technical information on base points is held at SOPAC and that coordinates are listed in the Sea Boundaries Act, 1997.
<p>IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Nauru cross-checks entry-exit reports with catch logbooks to check for under-reporting. • Nauru cross checks all entry reports with VMS. <p>Weaknesses</p> <ul style="list-style-type: none"> • No independent data is used in verification of logbook data to monitor catches (i.e all data is provided by fishing vessel, no opportunity to use port sampling or observer data to cross reference). 	

MCS Measure	Level of Implementation	Implementation Factors in Aerial & Satellite Surveillance			
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.		
9. Aerial Surveillance	Overall assessment Weak/Moderate	Overall assessment			
		Strengths <ul style="list-style-type: none"> Nauru receives ad hoc aerial surveillance from NZ and Australian Air Forces. Aerial surveillance patrols are provided with a current list of all licensed vessels and a snapshot of current vessel activity extracted from VMS. Weaknesses <ul style="list-style-type: none"> Aerial surveillance is rare and inconsistent. Fisheries is not sent sighting reports after aerial surveillance flights. Current Nauru aerial surveillance (3 hours pa) is significantly less than proposed benchmark for efficient distribution of regional assets (19 hours). 	<ul style="list-style-type: none"> Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. 		
	Performance Indicators:	Assessment		Confidence Range	
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Weak		Medium	Strengths <ul style="list-style-type: none"> Nauru receives ad hoc aerial surveillance from NZ and Australian Air Forces. NZ provided an aerial surveillance flight in February 2009. Weaknesses <ul style="list-style-type: none"> Aerial surveillance is rare and inconsistent. Current Nauru aerial surveillance (3 hours pa) is significantly less than proposed benchmark for efficient distribution of regional assets (19 hours).
	IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Weak		Medium	Weaknesses <ul style="list-style-type: none"> Fisheries is not sent sighting reports after aerial surveillance flights.
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Moderate	Medium		Strengths <ul style="list-style-type: none"> Aerial surveillance patrols are provided with a current list of all licensed vessels and a snapshot of current vessel activity extracted from VMS. Weaknesses <ul style="list-style-type: none"> Foreign affairs is main contact point for aerial surveillance operations – some coordination issues. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation, Regulations & Management Plans	Overall assessment Weak/Moderate		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> Nauru is intending to review its legislation in 2009 with the intention to implement all regional and international commitments. Fisheries Act 1997 includes some provisions that support regional cooperation and information sharing requirements. Fisheries Act 1997 and licensing procedures generally support HMTCs. Fisheries Act 1997 currently enables Nauru to implement many of its general obligations arising from the WCPFC. Nauru is considering a final draft of a Nauru NPOA-IUU. <p>Weaknesses</p> <ul style="list-style-type: none"> Licensing conditions and legislation require updating to effectively implement specific provisions and conservation measures of the VDS and WCPFC. Legislation does not effectively implement flag State and port State responsibilities. Nauru currently has no tuna management plan. 	
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. Legislation and regulations are adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Weak/Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Fisheries Act 1997 includes some provisions that support regional cooperation and information sharing requirements. Fisheries Act 1997 and licensing procedures generally support HMTCs. Fisheries Act 1997 currently enables Nauru to implement many of its general obligations arising from the WCPFC. Nauru is considering a final draft of a Nauru NPOA-IUU. Nauru is reviewing its legislation and licensing to meet VDS and WCPFC obligations. <p>Weaknesses</p> <ul style="list-style-type: none"> Licensing conditions and legislation require updating to effectively implement specific provisions and conservation measures of the VDS and WCPFC. Legislation does not effectively implement flag State and port State responsibilities. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	

<p>IMPORTANT 2. Legislation and regulations are adequately understood by relevant fisheries, police & judiciary.</p>	<p>Weak/ Moderate</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Some staff from fisheries, police and department of justice have undertaken FFA training in fisheries prosecutions. • Nauru officials thought that there were provisions prohibiting Nauru vessels from fishing illegally in foreign EEZs (Lacey Act type provisions) <p>Weaknesses</p> <ul style="list-style-type: none"> • FFA Legislation Review states that there are no such provisions. • Fisheries Act 1997 prohibits landings, transports etc in Nauru of fish products that have been taken, transported illegally in a foreign EEZ – but they do not prohibit illegal fishing in a foreign EEZ (i.e that only apply if the vessel undertakes a related activity in Nauru waters after the illegal activity). • Investigation, prosecution and judicial authorities do not have adequate training and resources to collect, analyse, present and consider technical fisheries evidence and must rely on fisheries authority. 	
<p>IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.</p>	<p>Weak</p>	<p>Medium</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • No management plan. 	

2.0.13 Niue

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Legislative review conducted in 2005 and new legislation – Territorial Sea and Exclusive Economic Zone (Licensing) Regulations – drafted. Strong institutional capability and skills to license and maintain a register of vessels. At port inspection capacity for those vessels that unload in Niue. Weaknesses <ul style="list-style-type: none"> Lack of adoption of proposed new licensing regulations. 	
Performance Indicators:	Assessment	Confidence Range		
IMPORTANT 1. License form info meets or exceeds HMTc License Form.	Moderate	High	Strengths <ul style="list-style-type: none"> Proposed new licensing regulations comply with HMTc's Weaknesses <ul style="list-style-type: none"> Access to accurate information for verification purposes relating to vessel details, ownership, captain etc is limited. Regional Register is not regularly updated to capture changes that occur during registration year. 	
CRITICAL 2. License conditions are consistent with HMTc:	Moderate	High	Strengths <ul style="list-style-type: none"> Access conditions of proposed new license include HMTc's. Weaknesses <ul style="list-style-type: none"> Proposed new license legislation not yet adopted. 	
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (including 100% observer and VDS registry)	N/A	N/A	Niue is not a member of PNA	
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID,	Moderate	High	Strengths <ul style="list-style-type: none"> Conditions of proposed licence consistent with WCPFC. Weaknesses <ul style="list-style-type: none"> Proposed new legislation including revised licence terms and conditions, not yet adopted. 	

VMS etc):				
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record:	Strong	High	Strengths <ul style="list-style-type: none"> Vessels required to be on the Regional Register and WCPFC Vessel List as prerequisite and therefore MTU compliant. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> For the period that vessels were licensed, 100% VMS coverage. Strong institutions and processes. Highly trained staff. Weaknesses <ul style="list-style-type: none"> VMS coverage restricted to EEZ and therefore don't see activity in adjacent EEZs or high seas to the south of Niue. VMS does not detect non-compliant vessels. 	<ul style="list-style-type: none"> Adopt new VMS regulations. VMS information should be an integral part of a fisheries management information system (database). Develop expertise in use of MapInfo. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Moderate	High		Strengths <ul style="list-style-type: none"> For the period 2005-2007, up to 8 vessels were VMS compliant and monitored by Niue. Proposed new legislation compliant with HMTCs and WCPFC drafted. Weaknesses <ul style="list-style-type: none"> Proposed new legislation compliant with HMTCs and WCPFC yet to be adopted.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	N/A	N/A		Niue does not have a ship's registry and has no vessels authorised to fish beyond areas of national jurisdiction.
	IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	High		Strengths <ul style="list-style-type: none"> One local vessel is licensed to fish from 3 to 12nm and is VMS (ARGOS) compliant. This is mainly for safety reasons.
	IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Moderate	High		Strengths <ul style="list-style-type: none"> The Fisheries Division has 1 VMS officer and two others trained to monitor vessels. Weaknesses <ul style="list-style-type: none"> Information not entered into a database for verification and analysis. On-going MapInfo training required.
CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.	Strong	High	Strengths <ul style="list-style-type: none"> VMS monitored. System notifies when there is an antenna blockage. If this occurs boats or agents are emailed to check unit and given instructions on how to activate (FFA MTUs). 		

			<ul style="list-style-type: none"> • Units must be serviced annually (FFA RR requirement). • No violations detected to date. 	
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • New VMS regulations drafted to ensure compliance with HMTCs and WCPFC. • Current conditions of licence allow the Director to instruct the vessel on a desired course of action including immediate return to port. If problems occur the operator is required to notify the Director if the MTU fails to transmit or has failed to transmit, and comply with the directives of the Director until such time that the vessel's MTU resumes proper functioning. Zone entry/exit/weekly reports required by fax, telex, cable or other mode. Tampering provisions are included in the conditions of license <p>Weakness</p> <ul style="list-style-type: none"> • Proposed new VMS regulations not yet adopted.. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
3. Observers	Overall assessment Weak		Overall assessment Strengths <ul style="list-style-type: none"> Carriage of Observers is a standard condition of access. Fisheries Division has 2 FFA/SPC trained observers for regional and national duty and 1 trained observer for national duties. No foreign vessels currently licensed. Weaknesses <ul style="list-style-type: none"> No Observer Coordinator. Small pool of observers. 		<ul style="list-style-type: none"> Investigate the use of electronic monitoring and contracted observers from outside Niue.
Performance Indicators:	Assessment	Confidence Range			
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	N/A	N/A	Strengths <ul style="list-style-type: none"> No Foreign vessels are have been licensed since 2007. Carriage of observers a standard requirement of licence. Current pool of observers is 3 Weaknesses <ul style="list-style-type: none"> Difficulty in retaining regionally trained observers as they have not been permanent staff. 		
CRITICAL 2. Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited)	N/A	N/A	Niue does not have a ships' registry		
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	N/A	N/A	Local vessel is too small and only goes out to 12nm on short trips.		
CRITICAL 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Weak	High	Strengths <ul style="list-style-type: none"> Niue has 2 observers trained for regional and national duties and 1 trained for national duties. Weaknesses <ul style="list-style-type: none"> Small pool of observers and difficult to retain trained observers who are not permanently employed. 		
IMPORTANT 5. Country has adequately trained and	Weak	High	Weakness <ul style="list-style-type: none"> Niue does not have a trained observer coordinator. 		

resourced observer coordinator.				
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Weak	High	Strengths <ul style="list-style-type: none"> Any Observer data is sent to SPC. Weakness <ul style="list-style-type: none"> TUFMAN has not been installed at Fisheries. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment		<p style="text-align: center;">Overall assessment</p> <ul style="list-style-type: none"> Niue does not have a ship's registry and does not have vessels authorised to fish in areas beyond national jurisdiction. Proposed new legislation establishes control over nationals operating in areas outside national waters. 	
	N/A			
Performance Indicators:	Assessment	Confidence Range	<ul style="list-style-type: none"> Adopt proposed legislation which provides for authorisations to fish outside the EEZ and control over nationals. 	
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	N/A			
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	N/A			
IMPORTANT 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCS.	N/A			
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	N/A			
CRITICAL 5. Vessels that may have breached WCPFC, 31A, and/or W'gtn Convention investigated & prosecuted	N/A			
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	N/A			

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Control and Monitoring	Overall assessment		Overall assessment	
	Moderate		Strengths <ul style="list-style-type: none"> Fisheries has trained officials to undertake inspections. Processes are in place to forward inspection information to WCPFC and other States as appropriate. All vessels that unloaded in Niue for the 2005-2007 period were inspected but at present no offshore fishing vessels are licensed in Niue. Weaknesses <ul style="list-style-type: none"> Proposed new legislation relating to port State enforcement yet to be implemented. Niue port is not a hub and can only service small vessels. It is also prone to rough sea conditions. 	<ul style="list-style-type: none"> As recommended by the 2005 FFA legislative review in terms of compliance with Port State enforcement obligations, Niue would need to implement the following obligations: establish rules for entry and exit into its ports so as to make conservation and management measures more effective; inspect documents, fishing gear, catch and other fisheries related issues when the vessel is in port or in the inland waters of Niue; prohibit landing and transhipment where the vessel has undermined conservation and management measures; provide information on Port State measures to Flag States, other States and to regional organizations; give advance warning of its Port State measures on a global basis so that vessel owners and operators can meet the requirements; If in future Niue moves to license large foreign longliners operating in the sub-region, consideration should be given to joining forces with other PICS that license the
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All landings and transhipments of fish in port are inspected by trained officials.	Strong	High	Strengths <ul style="list-style-type: none"> All vessels that unloaded in Niue were monitored. Weaknesses <ul style="list-style-type: none"> Fisheries has limited personnel so attention to port inspection would not be possible for a large number of vessels.
CRITICAL 2. Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Moderate	High	Strengths <ul style="list-style-type: none"> Proposed new legislation provides for the prohibition of landings of fish taken illegally in a foreign EEZ. Weaknesses <ul style="list-style-type: none"> Current legislation does not provide for the prohibition of landing of fish taken illegally in a foreign EEZ. Proposed new legislation has yet to be implemented. 	
CRITICAL 3. Government is empowered to prohibit landings and transhipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.	Moderate	High	Strengths <ul style="list-style-type: none"> Current legislation allows for an authorized officer to stop, board, inspect and arrest if necessary, any fishing vessel suspected of committing an illegality. There is no specific provision for prohibiting landings for WCPFC offences. Legislation has been reviewed and proposed new legislation developed to ensure compliance with international legal instruments including the WCPF Convention and CMMs agreed by the Commission. 	

			Weaknesses <ul style="list-style-type: none"> Proposed new legislation yet to be implemented. 	same fleets that operate out of Pagopago, Suva and Port Vila.
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.	Strong	High	Strengths <ul style="list-style-type: none"> Processes are in place to forward inspection information to the Police for local prosecution purposes and/or to WCPFC and other State as appropriate. During the period of operations at Niue port 2005-2007, no violations were detected. Vessels were based in Niue and generally undertook 6 day trips. 	
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Moderate	High	Strengths <ul style="list-style-type: none"> Port inspectors received training through the FFA Dockside Training project. Weaknesses <ul style="list-style-type: none"> Lack of vessels calling in to port means the skills of inspectors are rarely tested. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Processes are in place to prosecute fisheries violations. No fisheries violations have been detected in the last 5 years. Weaknesses <ul style="list-style-type: none"> Detections limited by scope of monitoring, inspection and information analysis. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Suspected license violations are investigated & prosecuted.	Strong	High	Strengths <ul style="list-style-type: none"> Processes are in place to investigate and prosecute any violations by licensed fishing vessels. No fisheries violations have been detected over the last 5 years. Weaknesses <ul style="list-style-type: none"> Detections limited by inability to monitor all vessels (VMS) active in the sub-region throughout their range. Reporting violations limited by capacity to verify and analyse logs and other reporting regimes (zone entry/exit/weekly, unloading, inspection). 	
CRITICAL 2. Suspected VMS violations are investigated & prosecuted.	Strong	High	Strengths <ul style="list-style-type: none"> VMS is monitored by trained officers. Processes are in place to use VMS information relating to suspected fishing violations to support prosecution as appropriate. No fisheries violations have been detected over the last 5 years. 	
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Strong	High	Strengths <ul style="list-style-type: none"> Processes are in place to investigate and prosecute violations detected by Observers. No fisheries violations have been detected over the last 5 years. 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted	Strong	High	Strengths <ul style="list-style-type: none"> Processes are in place to investigate and prosecute violations detected by aerial and surface surveillance operations. No fisheries violations have been detected over the last 5 years. 	
CRITICAL 5. Investigation, prosecution and	Moderate	High	Strengths <ul style="list-style-type: none"> The Attorney General's Office participates in all relevant FFA programs with 	

<p>judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>			<p>respect to legislative development and training in fisheries prosecutions.</p> <ul style="list-style-type: none"> • Expertise for technical matters can be sourced from outside Niue including through FFA and New Zealand. • Fisheries staff benefit from FFA technical assistance including the occasional Docksides Boarding workshops. <p>Weaknesses</p> <ul style="list-style-type: none"> • Experience in prosecutions is lacking as there have been no prosecutions/settlements in recent years. 	
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Proposed new legislation provides for stronger sanctions consistent with the emerging regional standard among those countries that have reviewed their fisheries related legislation. <p>Weaknesses</p> <ul style="list-style-type: none"> • The principle legislation governing fisheries management and conservation the Territorial Sea and Exclusive Economic Zone Act, 1996 is now 13 years old. The maximum penalty of \$500,000 for fishing without a license is half of that imposed by neighbouring Cook Islands. The legislation needs updating and sanctions strengthened. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> • A Niue Treaty arrangement has been agreed with Cook Islands. • Tonga and Samoa have indicated a willingness to provide surface patrols. • Niue has accessed the ADF sponsored non-PPB Nations Package. Weaknesses <ul style="list-style-type: none"> • Surface surveillance intensity is only 1 day per 100,000km² of EEZ. • The current level of surface patrols is inadequate. In recent years only two patrols of 5 days each have been conducted (2008). • Severe budgetary restrictions apply. 	<ul style="list-style-type: none"> • Establish a sighting and inspection database. • Access to adjacent EEZ and HS VMS information would enhance information base for MCS planning purposes. • Use of Satellite imagery would assist in providing a better picture of activity in the EEZ and may be useful for planning operations. Obtaining this would be expensive and it may be best approached jointly with others in the sub-region. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Weak	High		Strength <ul style="list-style-type: none"> • A Niue Treaty arrangement has been agreed with Cook Islands. • Tonga and Samoa have indicated a willingness to provide surface patrols. • Niue has accessed the ADF sponsored non-PPB Nations Package. Weaknesses <ul style="list-style-type: none"> • Surface surveillance intensity is only 1 day per 100,000km² of EEZ. • The current level of surface patrols is inadequate. In recent years only two patrols of 5 days each have been conducted (2008). • Intelligence for targeted surveillance is lacking. • Niue does not have a patrol boat nor the resources to operate one.
	CRITICAL 2. Country has capability to undertake boarding and inspections in EEZs	Weak	High		Weaknesses <ul style="list-style-type: none"> • No dedicated patrol boat capability. • Staff constraints at Fisheries.
IMPORTANT 3. Country has capability to undertake boarding and inspections in HS	Weak	High	Weaknesses <ul style="list-style-type: none"> • No dedicated patrol boat capability. 		
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant	Moderate	High	Strengths <ul style="list-style-type: none"> • Processes are in place to transmit sightings and inspection information to relevant authorities. • In general the WCPFC reporting requirements are complied with through submission of 		

authorities & WCPFC.			the Part B report and any sightings and inspection information would be made available. Weaknesses <ul style="list-style-type: none"> • There is no sightings and inspection database where information can easily be cross-checked and disseminated as appropriate. 	
CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Strong	High	Strengths <ul style="list-style-type: none"> • All available information made available to Cook Islands authorities to facilitate patrols in 2008. Weaknesses <ul style="list-style-type: none"> • Information available is very limited at present given that no vessels are licensed and Niue does not have access to VMS information from neighbouring States or the high seas to the south. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
8. Data & MCS Coordination	Overall assessment		Overall assessment	
	Weak		Strengths <ul style="list-style-type: none"> The Fisheries Division is the central fisheries management agency and has good coordination and cooperation with all other government agencies as well as the NZ High Commission. Niue Treaty arrangement in place with Cook Islands for limited cooperation. Information provided to RNZAF for Orion patrols as required. Weaknesses <ul style="list-style-type: none"> Information sources and analysis are limited. Logs from some CI flag vessels supplied to Niue more than a year following the conclusion of fishing. No database system in place to assist with verification, analysis, report compilation and information dissemination. 	<ul style="list-style-type: none"> Automate cross-checking (verification) through the development of an integrated fisheries information database system. Develop cooperative arrangements with neighbours, port States and asset providers such as USCG and France to secure additional MCS capability and sources of information for Niue. Together with neighbouring countries, investigate the feasibility of obtaining satellite imagery.
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Moderate	High	Strengths <ul style="list-style-type: none"> The Fisheries Division is the central fisheries management agency and has good coordination and cooperation with all other government agencies as well as the NZ High Commission. Weaknesses <ul style="list-style-type: none"> Information sources are limited. Information is not stored on a database.
	CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Weak	High	Strengths <ul style="list-style-type: none"> Locally based longliners supplying the processing plant with fresh fish allowed for immediate collection of logs at unloading. Weaknesses <ul style="list-style-type: none"> Logs from some CI flag vessels supplied to Niue more than a year following the conclusion of fishing.
IMPORTANT 3. Processes in place to share data and information with other foreign MCS	Moderate	High	Strengths <ul style="list-style-type: none"> Niue Treaty arrangement in place with Cook Islands for limited cooperation. Information provided to RNZAF for Orion patrols as required. 	

agencies in support of regional MCS operations, with appropriate confidentiality conditions.			Weaknesses <ul style="list-style-type: none"> • Sharing arrangements so far only geared for limited periods when patrols are taking place. • Processes need improving to adequately share data. • Formal cooperative arrangements not in place with neighbours Samoa and Tonga. 	
CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies	Moderate	High	Strengths <ul style="list-style-type: none"> • Tuna Management Advisory Committee (inter-agency and private sector) established to advise on tuna management and development. • High level of cooperation between Fisheries and all other agencies including Police and AG. • SAR Plan identifies agencies and their responsibilities during SAR events. Weaknesses <ul style="list-style-type: none"> • Cooperation with other agencies takes place on an ad-hoc basis. There is no formal system established (this would be a low priority for Niue). 	
IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.	Weak	High	Weaknesses <ul style="list-style-type: none"> • No procedures manual. • Cross-checking is manual. • State of current knowledge indicates no incursions by unlicensed vessels but this could be a function of lack of detection tools. Perhaps with increased surveillance including satellite imagery, it may be proven that incursions are not uncommon. • No integrated database system to assist with analysis, report compilation and dissemination, is in place. 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment Moderate/Strong		Overall assessment	
	Performance Indicators:		Strengths <ul style="list-style-type: none"> The RNZAF provides on average, 4 patrols annually. Current Niue aerial surveillance (i.e 40 hours pa) exceeds proposed benchmark for efficient distribution of current regional aerial surveillance assets (i.e 5 hours pa). Weaknesses <ul style="list-style-type: none"> Information is not stored in a database that allows cross-checking with other related information. 	
	Assessment	Confidence Range	Strengths <ul style="list-style-type: none"> The RNZAF provides on average, 4 patrols annually. Current Niue aerial surveillance (i.e 40 hours pa) exceeds proposed benchmark for efficient distribution of current regional aerial surveillance assets (i.e 5 hours pa). 	
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Strong	Medium	Strengths <ul style="list-style-type: none"> RNZAF provides photos and position/activity reports of all sightings in digital form. Processes are in place to forward information to relevant authorities as appropriate. An authorised officer participates in the patrol where plan allows. Weaknesses <ul style="list-style-type: none"> Information is not stored in a database that allows cross-checking with other related information.
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities and WCPFC.	Moderate	Medium	Strengths <ul style="list-style-type: none"> AI information to assist with aerial patrol is provided. An authorised officer participates in the patrol where plan allows. Weaknesses <ul style="list-style-type: none"> Surrounding HS and EEZ VMS information not currently made available. 	
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data..	Strong	High		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation & Management Plans	Overall assessment		Overall assessment	
	Weak		<p>Strengths</p> <ul style="list-style-type: none"> Legislative review conducted in 2005 and PROPOSED new legislation consistent with international obligations including Fish Stocks Agreement, WCPF Convention and HMTCs. Tuna Management Plan drafted. <p>Weaknesses</p> <ul style="list-style-type: none"> Proposed new legislation and tuna management plan yet to be implemented. 	<ul style="list-style-type: none"> Implement legislation amendments as recommended in the FFA review and if necessary secure assistance to facilitate their passage through the necessary administrative procedures for adoption. Adopt Tuna Management Plan.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Weak	High	<p>Strengths</p> <ul style="list-style-type: none"> Legislative review conducted in 2005 and new legislation consistent with international obligations including Fish Stocks Agreement, WCPF Convention and HMTCs. <p>Weaknesses</p> <ul style="list-style-type: none"> Proposed new legislation not implemented. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
IMPORTANT 2. Legislation & regulations are adequately understood by relevant fisheries, police & judiciary.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Attorney General's Office participates in all legal development programs implemented by FFA including training and legislative development. Fisheries has access to AG's Office and outside technical expertise including through FFA. Niue High Court presided over by New Zealand Justice. Prosecutions, Dockside Boarding and Inspection workshop conducted in July 2009 involving Fisheries, Police, Customs and Quarantine officers. 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Tuna Management Plan developed in consultation with stakeholders is drafted and set for final review in September 2009. <p>Weaknesses</p> <ul style="list-style-type: none"> Tuna Management Plan not adopted. 	

2.0.15 Palau

MCS Measure	Level of Implementation		Implementation Factors in Licensing		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation	
1. Licensing	Overall assessment Moderate/Strong		Overall assessment Strengths <ul style="list-style-type: none"> Foreign fishing license are broadly consistent with HMTCs for Longline. Conditions for LL fleet prescribe pre-fishing inspections Weaknesses <ul style="list-style-type: none"> License conditions need to be updated to implemented 3IA upon entry into force. Japanese purse seine fleet is not required to undergo pre-inspection. 		<ul style="list-style-type: none"> Update license conditions to reflect developments in WCPFC, VDS and 3IA.
Performance Indicators:	Assessment	Confidence Range			
IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Strong	Low	Strengths <ul style="list-style-type: none"> Licensing processes prescribe good information requirements. 		
CRITICAL 2. License conditions are consistent with HMTC.	Moderate/Strong	Low	Strengths <ul style="list-style-type: none"> Foreign fishing license are broadly consistent with HMTCs for Longline. Conditions for LL fleet prescribe pre-fishing inspections. Foreign fishing license conditions for Japanese PS are weaker but still broadly consistent with HMTCs. Weaknesses <ul style="list-style-type: none"> License conditions need to be updated to implemented 3IA upon entry into force. Japanese purse seine fleet is not required to undergo pre-inspection. 		
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (i.e all purse seine vessels are on VDS PS register).	n/a	Low	No response		
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID,	Moderate/Strong	Low	Strengths <ul style="list-style-type: none"> Foreign fishing license are broadly consistent with WCPFC for Longline. Foreign fishing license conditions for Japanese PS are weaker but still broadly consistent with WCPFC requirements. 		

VMS, observers, catch reporting, transhipments).				
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.	Moderate/ Strong	Low	Strengths <ul style="list-style-type: none"> • Check that they are on the FFA record – not formally with the WCPFC – MLED check MTUs. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Moderate		<ul style="list-style-type: none"> No active Palau flagged fishing vessels (1 pole-line but its capsized) Strengths <ul style="list-style-type: none"> VMS is a requirement of Title 27. License conditions for local and foreign vessels are the same (both required to operate VMS). Licensing processes check to ensure vessels are on FFA VMS. LL vessels undergo pre-inspection. Weaknesses <ul style="list-style-type: none"> Two locally based LL and 5 Japanese fishing vessels are currently not reporting. Working to locate the whereabouts of these vessels. No use of alerts. 	<ul style="list-style-type: none"> Implement system of alerts. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Moderate	Medium		Strengths <ul style="list-style-type: none"> VMS is a requirement of Title 27. Licensing processes check to ensure vessels are on FFA VMS. LL vessels undergo pre-inspection. Weaknesses <ul style="list-style-type: none"> Two locally based LL and 5 Japanese fishing vessels are currently not reporting. Working to locate the whereabouts of these vessels.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	Low		<ul style="list-style-type: none"> No active Palau flagged fishing vessels (1 pole-line but its capsized) Strengths <ul style="list-style-type: none"> License conditions for local and foreign vessels are the same (both required to operate VMS).
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	Low	<ul style="list-style-type: none"> No active Palau flagged fishing vessels (1 pole-line but its capsized) Strengths <ul style="list-style-type: none"> License conditions for local and foreign vessels are the same (both required to operate VMS). 		
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Strong	Medium	Strengths <ul style="list-style-type: none"> VMS is fully operational and fully equipped. One FFA trained VMS operator along with 4 locally trained operators. 		

<p>CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • VMS is downloaded once a day during normal periods and 24 hours during operations. <p>Weaknesses</p> <ul style="list-style-type: none"> • No use of alerts. 	
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Strong</p>	<p>Low</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Required to manually report every 4 hours until returns to port. Vessels not allowed to leave port to resume fishing until MTU is fixed. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
3. Observers	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> NPOA has target of 20%. Interviewees suggested an informal target of 5-10%. Part 1 report suggested a target of 10%. Observer coordinator is based in MLED and has some resources – could use more Weaknesses <ul style="list-style-type: none"> Coverage is approximately 2-3%. Only 5 observers currently active. Palau is currently unable to provide sufficient observers to cover all 35 licensed purse seine vessels if all were to actively fish in Palau (Japanese PS have not been active in recent years). 	<ul style="list-style-type: none"> Prioritise observer programme, recruitment, training and resourcing for coordination. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Weak	Medium		Strengths <ul style="list-style-type: none"> NPOA has target of 20%. Interviewees suggested an informal target of 5-10%. Part 1 report suggested a target of 10%.. Weaknesses <ul style="list-style-type: none"> Coverage is approximately 2-3%.
	CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited) on 1 August 2009.	n/a	Low		<ul style="list-style-type: none"> Palau does not currently have any operational registered vessels.
	IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	n/a	Low		<ul style="list-style-type: none"> No local fishing vessels.
	CRITICAL 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Weak	Medium		Strengths <ul style="list-style-type: none"> 12 trained observers. Weaknesses <ul style="list-style-type: none"> Only 5 observers currently active. Palau is currently unable to provide sufficient observers to cover all 35 licensed purse seine vessels if all were to actively fish in Palau (Japanese PS have not been active in recent years).

IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Moderate	Low	Strengths <ul style="list-style-type: none"> Observer coordinator is based in MLED and is well trained/skilled but has limited resources – could use more. 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Moderate		Strengths <ul style="list-style-type: none"> Observer reports are forwarded to FFA/SPC. Informal processes to store/analyse observer data. Weaknesses <ul style="list-style-type: none"> Observer reports are not currently stored in Palau – but have plans to do so in future. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment		Overall assessment	
	Weak		<ul style="list-style-type: none"> No active registered vessels though there are reports of two Palau registered vessels fishing in ICCAT waters. 	
Performance Indicators:	Assessment	Confidence Range	<ul style="list-style-type: none"> Legislation has been reviewed and new amended legislation is under development. 	
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Weak/Moderate	Medium	<ul style="list-style-type: none"> Current legislation is inadequate to implement WCPFC flag State requirements. 	
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	??	Low	<ul style="list-style-type: none"> No active registered vessels though there are reports of two Palau registered vessels fishing in ICCAT waters. 	
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Weak/Moderate	Medium	<ul style="list-style-type: none"> Legislation has been reviewed and new amended legislation is under development. 	
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	??	Low	<ul style="list-style-type: none"> Current legislation is inadequate to implement WCPFC flag State requirements. 	
IMPORTANT 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCS.	??	Low	<ul style="list-style-type: none"> No active registered vessels in WCPFC waters. No response on existence or otherwise of processes to meet WCPFC requirements if vessel were to register to Palau. 	
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Weak	Low	<ul style="list-style-type: none"> No active registered vessels in WCPFC waters. No response on existence or otherwise of processes to meet WCPFC requirements if vessel were to register to Palau. 	
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gn Convention	Weak	Low	<ul style="list-style-type: none"> 1997 legislation only requires catch and effort information for vessels fishing in Nauru waters. 	
			<ul style="list-style-type: none"> No response 	
			<ul style="list-style-type: none"> Reports of two Palau vessels fishing in ICCAT waters. 	
			<ul style="list-style-type: none"> Amend legislation to update flag State responsibilities in accordance with WCPFC. 	

investigated & prosecuted			<ul style="list-style-type: none"> No legislation enabling prosecutions. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	Weak/ Moderate	Medium	<ul style="list-style-type: none"> No active registered vessels. Strengths <ul style="list-style-type: none"> Legislation has been reviewed and new amended legislation is under development. Weaknesses <ul style="list-style-type: none"> Current legislation is inadequate to implement WCPFC flag State requirements. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
5. Port Controls and Monitoring	Overall assessment Weak/Moderate		Overall assessment		
			Strengths <ul style="list-style-type: none"> 100% of unloads are inspected – check license compliance, MTU, markings, catch logs, port sampling. All evidence is handed over to MLED. Legislation has been reviewed and new amended legislation is under development. Weaknesses <ul style="list-style-type: none"> No processes for sharing information with foreign authorities or WCPFC sec. Port inspectors are not adequately resourced. Need further training. But other source responded that port was adequately resourced and trained. 	<ul style="list-style-type: none"> Improve training for port inspectors, particularly in relation to WCPFC C&M requirements. Update legislation to enact port State controls in accordance with WCPFC. Improve data handling and information sharing processes. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Strong	Medium		Strengths <ul style="list-style-type: none"> 100% of unloads are inspected – check license compliance, MTU, markings, catch logs, port sampling.
	CRITICAL 2. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Moderate	Medium		Strengths <ul style="list-style-type: none"> NTSA with FSM and RMI grants Palau Marine Law Enforcement Officers the authority to board and investigate landings/transshipments of vessels suspected of fishing illegally in FSM and RMI waters. Legislation has been reviewed and new amended legislation is under development. Weaknesses <ul style="list-style-type: none"> Existing legislation does not prohibit landings and transshipments of catches taken illegally in foreign EEZs.
CRITICAL 3. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.	Weak/Moderate	Medium	Strengths <ul style="list-style-type: none"> Legislation has been reviewed and new amended legislation is under development. Weaknesses <ul style="list-style-type: none"> Existing legislation does not prohibit landings and transshipments of catches taken in breach of WCPFC or VDS measures. 		
CRITICAL	Weak/	Low	Strengths		

4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.	Moderate		<ul style="list-style-type: none"> All evidence is handed over to MLED. Weaknesses <ul style="list-style-type: none"> No processes for sharing information with foreign authorities or WCPFC sec. 	
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Weak/ Moderate	Low (conflicting info)	Weaknesses <ul style="list-style-type: none"> Port inspectors are not adequately resourced. Need further training. One source commented that port was adequately resourced and trained. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
6. Prosecutions	Overall assessment Weak		<p align="center">Overall assessment</p> <ul style="list-style-type: none"> Most illegal fishing vessels are small wooden boats from Philippines and Indonesia. Government policy is to escort vessel to boundary, seize all fishing gear and order vessel to depart. No arrests are made to expense of housing and feeding crews – often whom are sick and require medical care. <p>Strengths</p> <ul style="list-style-type: none"> Sanctions allow for forfeiture of vessels. <p>Weaknesses</p> <ul style="list-style-type: none"> Ineffective relationship between MLED and Bureau of Marine Resources. Sanctions are currently inadequate and need to be tougher. Concerns that MLED views fisheries as a lower priority compared to other issues such as customs, immigration. Some concerns that some cases are dropped without good reason. Strong concerns regarding misreporting and widespread landings in Philippines in breach of license conditions. From 2001 to 2006, a citation system was used to enforce license conditions. This is considered to have been the only effective method used to force vessel operators to comply with license terms and conditions. Citations were issued for reporting and catch violations and attracted instant fines of \$500 to \$10,000. However, this was discontinued for the current term of access arrangements. Violations are reported frequently by observers but not investigated. 		<ul style="list-style-type: none"> Expand training for enforcement officers in fisheries law, inspections, evidence gathering and report writing – implement regular programme of refresher courses. Facilitate new cooperative relationship and MOU between MLED and BRM. Review legislation to ensure sanctions are consistent with regional benchmarks. Implement independent review of citation system to consider reintroduction. <ul style="list-style-type: none"> Resolve poor compliance with licensing conditions relating to misreporting.
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. License violations are investigated & prosecuted.	Weak/ Moderate	Medium	<ul style="list-style-type: none"> Found instances of misreporting and fishing before license issued. Violations are reported to MLED who then take over. <p>Weaknesses</p> <ul style="list-style-type: none"> Some concerns with cooperation between MLED and Bureau of Marine Resources. Concerns that MLED views fisheries as a lower priority compared to other issues such as customs, immigration. Some concerns that some cases are dropped without good reason. Strong concerns regarding misreporting and widespread landings in Philippines in breach of license conditions. From 2001 to 2006, a citation system was used to enforce license conditions. This is 	

			considered to have been the only effective method used to force vessel operators to comply with license terms and conditions. Citations were issued for reporting and catch violations and attracted instant fines of \$500 to \$10,000. However, this was discontinued for the current term of access arrangements.	
CRITICAL 2. VMS violations are investigated & prosecuted.	??	Low	No response	
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Weak	Low	<ul style="list-style-type: none"> Violations are reported frequently by observers. Weaknesses <ul style="list-style-type: none"> Violations are not investigated. No mechanism in existence to prosecute observer reported violations. No action currently in place to respond to observer violation reports regarding misreporting of bycatch and pollution. All licensed FVs are currently in violation of these activities and should be presented to the Palau Fisheries Advisory Committee for rectification. 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and prosecuted.	Moderate	Low	<ul style="list-style-type: none"> Most illegal fishing vessels are small wooden boats from Philippines and Indonesia. Government policy is to escort vessel to boundary, seize all fishing gear and order vessel to depart. No arrests are made to expense of housing and feeding crews – often whom are sick and require medical care. Strengths	
CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).	Moderate	Low	Strengths <ul style="list-style-type: none"> Some authorities have recent adequate training Weaknesses <ul style="list-style-type: none"> 	
CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Sanctions allow for forfeiture of vessels. Weaknesses <ul style="list-style-type: none"> Sanctions are currently inadequate and need to be tougher. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> Surface surveillance intensity 7.8 exceeded benchmark. Country has capability to undertake patrols in EEZ. Sightings data is shared with relevant domestic agencies and sometimes to FFA in some cases. No sightings shared with WCPFC because no patrols have been done on HS. Weaknesses <ul style="list-style-type: none"> Palau considers current surface surveillance inadequate – need more particularly in SW corner of EEZ. Palau has not nominated any vessels to WCPFC HS B&I record. 	<ul style="list-style-type: none"> Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Submit nomination of vessels/officers to WCPFC for endorsement on WCPFC HS B&I record. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Strong	Low		Strengths <ul style="list-style-type: none"> Surface surveillance intensity 7.8 exceeded benchmark.
	CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs.	Moderate	Low		Strengths <ul style="list-style-type: none"> Country has capability to undertake patrols in EEZ. Weaknesses <ul style="list-style-type: none"> Palau considers current surface surveillance inadequate, particularly in SW corner of EEZ.
	IMPORTANT 3. Country has capability to undertake boarding & inspections in HS.	Weak	Low		Weaknesses <ul style="list-style-type: none"> Palau has not nominated any vessels to WCPFC HS B&I record.
	IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Weak/Moderate	Low		Strengths <ul style="list-style-type: none"> Sightings data is shared with relevant domestic agencies and sometimes to FFA in some cases. No sightings shared with WCPFC because no patrols have been done on HS.
CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Strong/Moderate	Low	Strengths <ul style="list-style-type: none"> VMS info given over HF radio or Iridium phone. 		

			<ul style="list-style-type: none">• License list given before patrol.	
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MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment	
	Weak		<p>Strengths</p> <ul style="list-style-type: none"> Surface patrols are coordinated with aerial surveillance patrols conducted by USA Coastguard, NZ and Australian defence. NTSA with FSM and RMI. <p>Weaknesses</p> <ul style="list-style-type: none"> Only licensing information is shared from Bureau of Marine Resources to MLED. MLED controls VMS. Relationship between the two key agencies - Bureau of Marine Resources and MLED is weak and ineffective. 	
Performance Indicators:	Assessment	Confidence Range		
IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak	Low	<p>Weaknesses</p> <ul style="list-style-type: none"> Only licensing information is shared from Bureau of Marine Resources to MLED. MLED controls VMS. Relationship between the two key agencies - Bureau of Marine Resources and MLED is weak and ineffective. 	
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Moderate/Strong	Low	<p>Strengths</p> <ul style="list-style-type: none"> 100% port sampling. Monthly reports are required from LL locally based agents which includes catch logbooks. <p>Weaknesses</p> <ul style="list-style-type: none"> Unknown in regard to other fleets. 	
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> Surface patrols are coordinated with aerial surveillance patrols conducted by USA Coastguard, NZ and Australian defence. NTSA with FSM and RMI. <p>Weaknesses</p> <ul style="list-style-type: none"> 	
CRITICAL 4. Domestic systems established for coordination of MCS operations between relevant agencies.	Weak	Low	<p>Weaknesses</p> <ul style="list-style-type: none"> No systems in place. Bureau of Marine Resources is not invited to participate. 	

<p>IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.</p>	<p>Weak/ Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Ad hoc for catch logs and port landing reports. <p>Weaknesses</p> <ul style="list-style-type: none"> • No regular or routine processes. • Some very limited cross verification of VMS data surveillance sightings and catch logbooks but depends on availability of data and fisheries officers are not included in these types of activities. 	
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MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
9. Aerial Surveillance	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Current level of aerial surveillance (27 hours pa) exceeds benchmark of 16 hours pa. Weaknesses <ul style="list-style-type: none"> Palau considers that there is not a lot of aerial surveillance and they are entirely dependent upon external providers (Australia, NZ and USA) which occurs mostly during multi-lateral operations. 		<ul style="list-style-type: none"> More training required in communication and coordination between base and aerial assets and between surface patrols and aerial patrols.
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Strong	Medium	Strengths <ul style="list-style-type: none"> Current level of aerial surveillance (27 hours pa) exceeds benchmark of 16 hours pa. Weaknesses <ul style="list-style-type: none"> Palau considers that there is not a lot of aerial surveillance and they are entirely dependent upon external providers (Australia, NZ and USA) which occurs mostly during multi-lateral operations. 	
	IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Weak/Moderate	Low	Strengths <ul style="list-style-type: none"> Sightings data is shared with relevant domestic agencies and sometimes to FFA in some cases. Surface patrols are coordinated with aerial surveillance patrols conducted by USA Coastguard, NZ and Australian defence. 	
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	??	Low	No response		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation & Management Plans	Overall assessment		Overall assessment	
	Weak		Strengths <ul style="list-style-type: none"> Legislation has been reviewed and new amended legislation is under development. Weaknesses <ul style="list-style-type: none"> Current legislation is inadequate and does not broadly apply key provisions (i.e flag State responsibilities, port State responsibilities, various WCPFC conservation and management measures ad VDS. 	<ul style="list-style-type: none"> Implement new legislation. Review 2001 tuna fisheries management plan
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Weak	Low	
IMPORTANT 2. Legislation and regulations are adequately understood by relevant fisheries, police & judiciary.	??	Low	No response	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Strong	Medium	Strengths <ul style="list-style-type: none"> Management plan has been developed. Weaknesses <ul style="list-style-type: none"> 	

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MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		Strong	
	Performance Indicators:		Assessment	Confidence Range
	IMPORTANT 1. License form info meets or exceeds HMTc License Form.		Strong	High
	CRITICAL 2. License conditions are consistent with HMTc.		Strong	High
	CRITICAL 3. License conditions are consistent with VDS monitoring requirements (all purse seine vessels are on VDS PS register).		Strong	High
Overall Assessment			<p>Strengths</p> <ul style="list-style-type: none"> • PNG has well resourced licensing and compliance teams. • PNG has comprehensive processes for inspecting and issuing licenses. • PNG has comprehensive license conditions for each fleet. • Pre-license inspections are compulsory (Japanese pay for NFA to fly to Japan to inspect). <p>Weaknesses</p> <ul style="list-style-type: none"> • While not directly relevant to the PIs in this MCS component – significant concerns were expressed regarding delays in licensing and continued issuance of ‘Comfort Letters’. These interim endorsements are illegal and such fishing vessels are effectively fishing without any legal endorsement. Has resulted in multiple examples of patrols arresting unlicensed vessels that are subsequently released when comfort letter is provided, despite non-legal status of comfort letter. 	
			<p>Strengths</p> <ul style="list-style-type: none"> • Licence form is comprehensive and exceeds HMTc license form. 	
			<p>Strengths</p> <ul style="list-style-type: none"> • Licence conditions are consistent with HMTcs and specify appropriate conditions. • Pre-license inspections are compulsory (Japanese pay for NFA to fly to Japan to inspect). 	
			<p>Strengths</p> <ul style="list-style-type: none"> • Licence conditions are consistent with VDS monitoring requirements and specify appropriate conditions for each fleet. <p>Weaknesses</p> <ul style="list-style-type: none"> • When MTU is malfunctioning, license conditions require manual reporting every 8 hours or less if directed by authority (VDS requires reporting every 4 hours in such cases). Practice is to require manual reporting every 4 hours for all VMS. License condition is still consistent but perhaps misleading. 	
			<ul style="list-style-type: none"> • 2006 Review of NFA licensing procedures proposed various recommendations to improve licensing and specifically recommended immediate end to ‘comfort letters’. Suggest NFA urgently resolve licensing delays¹⁴. 	

¹⁴ NFA noted that Comfort letters are an administrative arrangement and only applied when all licensing processes have been followed and completed and only applied to renewals.

<p>CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, observers, catch reporting, transhipments).</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Licence conditions are consistent with WCPFC MCS requirements and specify appropriate conditions for each fleet. 	
<p>CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • NFA requires compulsory inspection of fishing vessels before license is issued. • NFA have established a process, checklist and paperwork to inspect and verify vessel details, including VMS and FFA/WCPFC registries. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment	
	Strong		Strengths <ul style="list-style-type: none"> All licensed vessels carry approved MTUs and report to NFA and FFA where required. VMS is specified in license conditions and regulations. PNG has highly capable and technically proficient VMS office and staff. VMS upgraded to support VDS. Currently undertaking VMS IT review. 	
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> All licensed foreign vessels carry approved MTUs and report to FFA and NFA when in EEZ. VMS is specified in license conditions.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> All licensed national vessels carry approved MTUs and report to FFA and NFA when in foreign EEZs. VMS is specified in license conditions.
	IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	High	Strengths <ul style="list-style-type: none"> All licensed local vessels carry approved MTUs and report to NFA when in EEZ. VMS is specified in license conditions.
	IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Strong	High	Strengths <ul style="list-style-type: none"> PNG has highly capable and technically proficient VMS office and staff. VMS on two sites: Macquarie in Sydney (primary site due to blackouts in PM NFA office) and Port Moresby. Officials are trained at ANCORS VMS course. VMS upgraded to support VDS. Currently undertaking VMS IT review.
CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.	Strong	High	Strengths <ul style="list-style-type: none"> NFA VMS has alerts that get emailed to officers when vessels cross boundaries (FFA VMS does not currently have alerts built in). Officers will look at NFA and FFA VMS together – if any infringements – then we will cross check vessels on both registers. 	

			<ul style="list-style-type: none"> • Officers look at FFA VMS once a day. All FFA VMS boats are also on NFA VMS with alerts programmed. • 4 VMS officers plus manager. 	
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> • When VMS is faulty, it generates an alert. Alert will suggest reason (internal blockage such as heavy weather, or heavy bucket). If internal, then will poll and if don't get a position, then can call the vessel into port (which is in license conditions). • Practice is to allow vessel to continue fishing trip and come into port at end, then officials will check MTU. Vessel must report manually every 4 hours position by email or by radio. For vessels that don't come into PNG port, then these vessels will be inspected in landing port. Be inspected by designated FFA officer (i.e FSM officer in Pohnpei). If in Japan, authorised installer would undertake inspection and try to resolve. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment Strong		Overall Assessment	
Performance Indicators:	Assessment	Confidence Range	Strengths <ul style="list-style-type: none"> • PNG currently has 127-168 observers with planning for 200 observers. • High levels of coverage. • Capable of implementing 3IA and WCPFC 100% observer requirements. Weaknesses <ul style="list-style-type: none"> • PNG has had some database problems but is reviewing its VMS IT needs. 	
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Strong	High (some discrepancy in exact figure but over 20% regardless)	Strengths <ul style="list-style-type: none"> • Domestic foreign vessels and PNG purse seiners 100% coverage. • Foreign access vessels between 20% (Lawson SPC Report 2008) and 65-70% (NFA workshop presentation 2009). • Domestic longline vessels 20% (shark is 6% while tuna is 25%) – no foreign LL. • Others 10% 	
CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited) on 1 August 2009.	Strong	High	Strengths <ul style="list-style-type: none"> • PNG is capable of implementing 100% coverage as required from 1 August onwards. 	
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Strong	High	Strengths <ul style="list-style-type: none"> • Domestic vessels 100% coverage. 	
IMPORTANT 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Strong	High	Strengths <ul style="list-style-type: none"> • PNG observer program largest in the region. • Currently have between 127 and 168 observers (depending upon source) – planning for 200 observers trained through Kavieng school (FFA employs some PNG observers and Japan is discussing employing PNG observers). • Industry generally positive on skills of observers. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Strong	High	Strengths <ul style="list-style-type: none"> • PNG has adequately trained and resourced observer coordinator. • In the process of appointing 4 regional observers in Lae, Wewak, Madang and Rabaul. 	

<p>IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.</p>	<p>Moderate /Strong</p>	<p>High</p>	<ul style="list-style-type: none"> • Further developing observer training at Kavieng College. <p>Strengths</p> <ul style="list-style-type: none"> • PNG uses SPC/FFA report templates. • PNG will be developing its own new observer database. • Observer reports are also sent to SPC and FFA regardless. 	
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MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment Strong		Overall assessment	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Strong	High	Strengths <ul style="list-style-type: none"> Fisheries Management Regulation 2000 and Fisheries Management Act and license conditions combine to form a strong regulatory regime for PNG registered vessels. 	
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded & placed on WCPFC record.	Strong	Medium	Strengths <ul style="list-style-type: none"> Fisheries Management Regulation 200 states that a license is required for a PNG fishing vessel which is used for fishing on the high seas ... or in accordance with a fisheries management arrangement or other agreement to which PNG is party. 	
CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCs.	Strong	High	Strengths <ul style="list-style-type: none"> PNG vessels are on WCPFC record. NFA records often exceed WCPFC requirements – NFA is working with WCPFC to harmonise records. 	
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Strong	High	Strengths <ul style="list-style-type: none"> License conditions require broadly marking requirements broadly consistent with HMTCs and WCPFC. 	
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted	Strong	High	Strengths <ul style="list-style-type: none"> Catch and effort data is collected from PNG vessels with greater than an 80% response rate. Data is stored and reported to SPC and WCPFC. 	
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	Strong	High	Strengths <ul style="list-style-type: none"> PNG has legislative capability to prosecute vessels for such breaches. Fisheries Management Regulation 200 states that a license is required for a PNG fishing vessel in accordance with a fisheries management arrangement or other agreement to which PNG is party. 	
			Strengths <ul style="list-style-type: none"> Fisheries Management Regulation 200 states that a license is required for a PNG fishing vessel which is used for fishing in the zone of another State. Fisheries Management Act 1998 includes Lacey Act provisions. PNG prosecuted vessel in 1996 for fishing illegally in Solomons EEZ. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Controls and Monitoring	Overall assessment		Overall Assessment	
	Strong		Strengths <ul style="list-style-type: none"> • PNG has strong port inspection institutions and legislative arrangements. • Fisheries Management Act 1998 makes it an offence to import fish that has been taken against the laws of another state. • Transhipments at sea is prohibited (except small group seiners) and required to take place in designated ports: Manus, Kavieng, Wewak, Lae, Vanimo, Alotau, Misima, Port Moresby. • Landings/transhipments are inspected by audit and certification unit of NFA. 	
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. All landings and transhipments of fish in port are inspected by trained officials.	Strong	Medium	Strengths <ul style="list-style-type: none"> • Compulsory port inspections in Lae, Madang and Wewak. • LL vessels landing catch for EC markets are inspected in port. • Transhipments at sea is prohibited (except small group seiners) and required to take place in designated ports: Manus, Kavieng, Wewak, Lae, Vanimo, Alotau, Misima, Port Moresby. • Landings/transhipments are inspected by audit and certification unit of NFA. • Provincial officers are designated by 1998 Act to oversee boarding and inspections in province. • PNG also runs port sampling programme. During port sampling periods, all vessels that land in Wewak, Madang, Lae and Rabaul are sampled. 2008 recorded 90 sampling days. • License conditions require all vessels to submit to port inspections. Weaknesses <ul style="list-style-type: none"> • Only one port inspector in Madang so sometimes vessels miss inspections due to work overload (plans to increase port inspections). 	
CRITICAL 2. Port authorities are empowered to prohibit landings and transhipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Strong	Medium	Strengths <ul style="list-style-type: none"> • Fisheries Management Act 1998 makes it an offence to import fish that has been taken against the laws of another state. • PNG monitors landings and processing to ensure that IUU catches are not included (with ramification for forthcoming EC IUU import controls). 	

<p>CRITICAL 3. Port authorities are empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.</p>	<p>Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • PNG monitors landings and processing to ensure that IUU catches are not included (with ramification for forthcoming EC IUU import controls). • In regard to PNG vessels, the Fisheries Management Regulation 200 states that a license is required for a PNG fishing vessel in accordance with a fisheries management arrangement or other agreement to which PNG is party. If such a vessel were to attempt landing catches taken in contravention of WCPFC/VDS/W'ton Convention, then it could be prosecuted. 	
<p>CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.</p>	<p>Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Port inspections that identify evidence of violations report back to enforcement who then follow the case up. If the violation occurs in PNG EEZ, then the matter is taken up in accordance with the National law and processes. If the violation takes place in the High Seas within WCPFC the matter is taken up through the Commission process 	
<p>IMPORTANT 5. Port inspectors are adequately trained and resourced.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • NFA Inspectors have clear instructions and training in MCS, inspections, audit and certification. EU food and safety conditions. EU has recognised NFA as accredited authority – all EU imports must have been inspected by NFA accredited officers. Opening up NFA offices in provinces. • FFA boarding and inspection training. • NFA have number of manuals that guide inspections (surveillance, port inspections manuals etc). 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
6. Prosecutions	Overall assessment Weak/Moderate		<p align="center">Overall Assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> NFA has strong compliance and enforcement team with trained and motivated staff. In 2005, six tuna vessels were prosecuted for illegal and unlicensed activities with fines ranging from \$10,000 to \$300,000 Fisheries cases are treated seriously. Most cases in fisheries are allocated grade 5 magistrate in recognition of seriousness of penalties. PNG violations are treated differentially depending on vessels – local vessels are treated through administrative processes avoiding lengthy and costly court proceedings – foreign vessels treated through. Sanctions are adequate. <p>Weaknesses</p> <ul style="list-style-type: none"> A lot of matters are not investigated or prosecuted due to lack of staff. Some concerns that NFA is too lenient on domestic based vessels with minor violations. Ongoing problems with delays in licensing and ‘Comfort Letters’ continues to causes some uncertainty in investigation and prosecutions. Concerns that political priorities to encourage onshore processing and development is undermining investigations/prosecutions of violations by licensed operators. 		<ul style="list-style-type: none"> Increase institutional capacity to investigate and prosecute violations. Resolve licensing delays and end process of issuing comfort letters (at least in interim ensure that all MCS operational agencies including PNGDF are given up-to-date information on vessels that hold comfort letters. Implement transparent and consistent responses to violations. Review investigation and prosecution of minor violations to ensure that all violations are prosecuted in accordance with national laws.
	Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. License violations are investigated & prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> PNG has well trained and highly skilled enforcement and compliance team. PNG prosecuted 75 violations (30% were fishing vessel related). <p>Weaknesses</p> <ul style="list-style-type: none"> Problems with delays in licensing and continued issuance of ‘Comfort Letters’ continue to raise concerns that some fishing vessels are effectively fishing without any legal endorsement. Has resulted in multiple examples of patrols arresting unlicensed vessels that are subsequently released when comfort letter is provided, despite non-legal status of comfort letter. Concerns that NFA is too lenient on domestic based vessels with minor violations. Concerns that some violations are not being investigated or prosecuted due to overload of cases and lack of enforcement and compliance staff. 		

CRITICAL 2. VMS violations are investigated & prosecuted.	Strong	Low	Strengths <ul style="list-style-type: none"> Two VMS cases were prosecuted in 2008. 	
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Strong	Medium	Strengths <ul style="list-style-type: none"> Incident reports are filed by observers where compliance infractions occur and may lead to enforcement action. Most of the related prosecutions involve obstruction of duties, Misreporting and under-reporting. Fishing in prohibited areas 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and prosecuted.	Weak/ Moderate	Medium	Strengths <ul style="list-style-type: none"> Surveillance are highly trained and comparatively well resourced. PNG has strong track record of patrol boats arresting and escorting multiple vessels to port for investigation. Weaknesses <ul style="list-style-type: none"> Strong concerns in PNG with NFA licensing where patrol boats are ordered to release vessels under escort to port, or investigations are discontinued in port as 'Comfort letters' are provided. Concerns that political priorities to encourage onshore processing and development is undermining investigations/prosecutions of violations by licensed operators. 	
CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).	Moderate/ Strong	Medium	Strengths <ul style="list-style-type: none"> Officers coming in to enforcement get training. Because of amount of fisheries cases going to court – there is an understanding that a magistrate will be allocated just to fisheries. NFA prosecutes fisheries cases with separate administrative processes. Weaknesses <ul style="list-style-type: none"> Sometimes licensing staff get called upon to appear as State witnesses in prosecutions – no training for such staff. 	
CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.	Strong	Medium	Strengths <ul style="list-style-type: none"> In 2005, six tuna vessels were prosecuted for illegal and unlicensed activities with fines ranging from \$10,000 to \$300,000 Legislation allows for forfeiture of vessels and catch. Foreign vessels and catch go forfeit. Some comments from industry that sanctions are draconian. Fisheries cases are treated seriously. Most cases in fisheries are allocated grade 5 magistrate in recognition of seriousness of penalties. Some concerns that provincial fisheries cases involving local operators are influenced by local corruption with inconsistent sanctions and prosecutions. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Moderate/ Strong		Strengths <ul style="list-style-type: none"> The current level of surface patrols is estimated at approximately 190 sea days (fisheries pays for 150 sea days per year). PNG has nominated patrol boats under WCPFC HSB&I provisions. PNG has strong track record of patrol boats arresting and escorting multiple vessels to port for investigation. Surface surveillance intensity (4.6) is 76% of benchmark 6 days per year. Weaknesses <ul style="list-style-type: none"> Strong concerns in PNG with NFA licensing where patrol boats are ordered to release vessels under escort to port, or investigations are discontinued in port as 'Comfort letters' are provided. 	<ul style="list-style-type: none"> Resolve licensing delays and end process of issuing comfort letters (at least in interim ensure that all MCS operational agencies including PNGDF are given up-to-date information on vessels that hold comfort letters. Implement transparent and consistent responses to violations. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> The current level of surface patrols is estimated at approximately 190 sea days (fisheries pays for 150 sea days per year). Surface surveillance intensity (4.6) is 76% of benchmark 6 days per year. 	
	CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs.	Moderate/ Strong	High	Strengths <ul style="list-style-type: none"> Pacific patrol boats have capability to board in EEZ, depending on sea-state conditions. Weaknesses <ul style="list-style-type: none"> Patrol boats limitations mean that sea-state conditions sometimes prevent boardings, particularly in Timor Sea due to local conditions. 	
	IMPORTANT 3. Country has capability to undertake boarding & inspections in HS.	Moderate/ Strong	High	Strengths <ul style="list-style-type: none"> PNG has nominated patrol boats under WCPFC HSB&I provisions. 	
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Strong	High	Strengths <ul style="list-style-type: none"> Sightings report are passed on to licensing and vessel database to establish its status. Particulars are also sent to VMS for verification Sightings information is also passed on to surveillance to verify in the event of a patrol taking place. 		

			<ul style="list-style-type: none"> • All inspection data are cross checked with the database to verify particulars as well as licence conditions and other applicable requirements • Reports are sent to any relevant authority where necessary. 	
<p>CRITICAL 6. At sea patrols are provided with all relevant VMS & fisheries data.</p>	<p>Moderate/ Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Patrols are briefed by fisheries and provided with relevant licensing and VMS data. • IT Strategic review under way that includes consideration of MCS data. • In future, VMS will be online and available to relevant agencies as required. Currently during ops, officers email or give hard copies of VMS data to Surveillance. <p>Weaknesses</p> <ul style="list-style-type: none"> • ‘Comfort letters’ cause concern as Patrol boats appear to have list of licensed vessels that does not include vessels with interim ‘comfort letters’. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment	
	Moderate		<p>Strengths</p> <ul style="list-style-type: none"> NFA funds defence surveillance operations to ensure adequate resources. Surveillance operations work through National Coordination Centre which also pulls in PNG defence, customs, NFA, police. MSA is located in National Coordinate Centre. NFA staff are emplaced there during operations. <p>Weaknesses</p> <ul style="list-style-type: none"> National Coordination Centre had wider membership but four listed are only remaining agencies still engaged. Not currently cross-checking data. Most reports are provided after 45 days and often in foreign language. 	<ul style="list-style-type: none"> Implement licensing and MCS data recommendations from IT Strategic review as a matter of priority. Encourage all relevant agencies into active participation in National Coordination Centre. Finalise NPOA-IUU.
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> MOU exist with defence that includes data sharing. NFA and Defence store comprehensive MCS information. NFA currently undertaking IT Strategic review which has proposed recommendations for improving data management to better enable data sharing, cross-referencing and data analysis. <p>Weaknesses</p> <ul style="list-style-type: none"> Much MCS data is stored, but not in a strategic or cohesive manner.
	CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> Catch logbooks collected with an 86% response rate (considered good). <p>Weaknesses</p> <ul style="list-style-type: none"> Most reports are provided after 45 days and often in foreign language.
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate/Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> NFA leadership and most industry strongly supportive of sharing data to improve MCS effectiveness, particularly in relation to LL vessels on Solomons/PNG boundary. Sharing VMS with other countries as required for operations, aerial surveillance etc. IT Strategic review under way that includes consideration of MCS data. 	

			<ul style="list-style-type: none"> Niue treaty subsidiary agreements (ratified or awaiting ratification) with Australia, Solomon Islands, Vanuatu, Fiji and New Caledonia. <p>Weaknesses</p> <ul style="list-style-type: none"> VMS data is only shared during operations – not year round. 	
<p>CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies.</p>	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> IT Strategic review under way that includes consideration of MCS data. MOUs between NFA and Defence. MOU with Police to include training. Inter-Agency coordination and cooperation generally considered good. NFA funds defence surveillance operations to ensure adequate resources. Surveillance operations work through National Coordination Centre which also pulls in PNG defence, customs, NFA, police. MSA is located in National Coordinate Centre. NFA staff are emplaced there during operations. <p>Weaknesses</p> <ul style="list-style-type: none"> National Coordination Centre had wider membership but four listed are only remaining agencies still engaged. Still finalising MOU with Police 	
<p>IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.</p>	Weak	High	<p>Strengths</p> <ul style="list-style-type: none"> IT strategic review noted comprehensive collection of data but noted weaknesses in database management. <p>Weaknesses</p> <ul style="list-style-type: none"> Database not easily suited to cross-checking of MCS data.. 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment Moderate/Strong		Overall assessment	
	Performance Indicators:		Assessment	Confidence Range
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.		Strong	Medium
	IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.		Strong	Medium
	IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.		Moderate	Medium
		Strengths <ul style="list-style-type: none"> Fisheries funds 120 hours per year. PNG undertook 138 hours of aerial surveillance for fisheries in 2008. Surveillance is briefed by fisheries & provided with licensing & VMS data. Weaknesses <ul style="list-style-type: none"> Current level of aerial surveillance is inadequate. Projects 4/5 estimate that 185 hours is required. Some concerns that fisheries has not been providing surveillance with adequate information on vessels with 'letters of comfort' 		<ul style="list-style-type: none"> Resolve licensing delays and end process of issuing comfort letters (at least in interim ensure that all MCS operational agencies including PNGDF are given up-to-date information on vessels that hold comfort letters. Implement transparent and consistent responses to violations.
		Strengths <ul style="list-style-type: none"> Fisheries funds 120 hours per year. PNG undertook 138 hours of aerial surveillance for fisheries in 2008. Weaknesses <ul style="list-style-type: none"> Current level of aerial surveillance is 77% of proposed benchmark (179 hours pa) for efficient distribution of aerial surveillance capability. 		
		Strengths <ul style="list-style-type: none"> IT Strategic review recently completed. NFA will have its own reporting terminal on vessels accessible by Observers to transmit any information back to the Authority for action depending on the nature and urgency. Sightings report are passed on to licensing and vessel database to establish its status. Particulars are also sent to VMS for verification. Sightings Information is also passed on to surveillance to verify in the event of a patrol taking place. All inspection data are cross checked with the database to verify particulars as well as licence conditions and other applicable requirements 		
		Strengths <ul style="list-style-type: none"> Surveillance is briefed by fisheries & provided with licensing & VMS data. IT Strategic review under way that includes consideration of MCS data. In future, VMS will be online and available to relevant agencies as required. Currently during ops, officers email or give hard copies of VMS data to surveillance. Weaknesses		

			<ul style="list-style-type: none">• Some concerns that fisheries has not been providing surveillance with adequate information on vessels with 'letters of comfort'	
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MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation & Management Plans	Overall assessment Moderate		Overall assessment	
Performance Indicators:	Assessment	Confidence Range	Strengths <ul style="list-style-type: none"> Fisheries Management Act 1998 broadly implements key provisions of the HMTCs, PNA and WCPFC through relevant provisions and reference to international agreements. Weaknesses <ul style="list-style-type: none"> Legislation does not address all WCPFC provisions (though processes and policy largely address these issues in practice). 	
1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Fisheries Management Act 1998 broadly implements key provisions of the HMTCs, PNA and WCPFC through relevant provisions and reference to international agreements. Weaknesses <ul style="list-style-type: none"> Legislation does not address all WCPFC provisions (though processes and policy largely address these issues in practice). Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
IMPORTANT 2. Legislation is adequately understood by relevant fisheries, police & judiciary.	Strong	Medium	Strengths <ul style="list-style-type: none"> NFA has been endorsed by state prosecutor and has responsibility for prosecuting fisheries violations through administrative panel. Only in matters of appeal to cases go to Attorney Generals (only 1 case in recent history). Generally high levels of understanding. Weaknesses <ul style="list-style-type: none"> Some concerns that some aspects of current processes might be inconsistent with act (in regard to times required to establish panels). 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Strong	High	Strengths <ul style="list-style-type: none"> Management plan has been developed through highly consultative process. Industry stakeholders are well engaged in management processes and well represented. 	

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MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		Overall assessment	
	Moderate		<p>Strengths</p> <ul style="list-style-type: none"> Samoa does not have bilateral fishing license arrangements with foreign fishing vessels. Licenses are reserved for nationals. The Tuna Management Plan has two major goals: sustainable fishing and maximising the economic and social benefits to the people of Samoa from the utilization of its tuna resources. The licensing function is to be transferred from the MCS unit to the Offshore unit in an effort to improve catch and effort reporting: a vessel's reporting history will be a consideration for future licensing. FFA has conducted a legislative review and new draft legislation consistent with international and regional fisheries management obligations is under consideration for implementation. <p>Weaknesses</p> <ul style="list-style-type: none"> Catch and effort logbook collection covers approximately 70% of the fleet. Approximately 50% of logbooks are at an acceptable level of quality. 	
Performance Indicators:	Assessment	Confidence Range		
IMPORTANT 1. License form info meets or exceeds HMTTC License Form.	N/A	N/A	<ul style="list-style-type: none"> Samoa does not have bilateral fishing license arrangements with foreign fishing vessels. Licenses are reserved for nationals. The Tuna Management and Development Plan has two major goals: sustainable fishing and maximising the economic and social benefits to the people of Samoa from the utilization of its tuna resources. Licensing form must be completed in full before consideration can be given. 	
CRITICAL 2. License conditions are consistent with HMTTC:	N/A	N/A	<p>Strengths</p> <ul style="list-style-type: none"> License terms and conditions a strictly for local fishing vessels. <p>Weaknesses</p> <ul style="list-style-type: none"> No provision for observers but a key issue in Samoa is that vessels are too small to accommodate additional personnel. An MTU is required but it is not stipulated that this should be FFA certified. 	
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (100% observer requirements and VDS registry).	N/A	N/A	<ul style="list-style-type: none"> Samoa is not a member of PNA. 	

<p>CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, WMS, etc)</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Samoa does not license foreign fishing vessels. • The Fisheries Amendment Act, 1999 requires foreign fishing vessels to be FFA VMS compliant. • An authorisation regime for flag vessels fishing outside the EEZ is provided for in proposed new legislation. <p>Weaknesses</p> <ul style="list-style-type: none"> • There is no authorisation regime in place. • MTU requirement does not specify type approval. 	
<p>CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record:</p>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Samoa does not license foreign fishing vessels. 	

MCS Measure	Level of Implementation	Implementation Factors in Vessel Monitoring System (VMS)		
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment	Overall assessment		
	Strong	Strengths <ul style="list-style-type: none"> • Samoa does not license foreign fishing vessels as the focus is on domestic development. • The Fisheries Amendment 1999, provides for the requirement that foreign fishing vessels be FFA VMS compliant. • Police Maritime Wing and Fisheries both monitor FFA VMS. • National VMS in place and monitoring 100% of local vessels. • No local vessels are authorised to fish outside EEZ. • It is a condition of licence that vessels over 15m be VMS compliant. 		
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	N/A	N/A	Strengths <ul style="list-style-type: none"> • Samoa does not license foreign fishing vessels as the focus is on domestic development. • The two locally based foreign (CI flag) fishing vessels are FFA VMS compliant.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	N/A	N/A	Strengths <ul style="list-style-type: none"> • The National VMS has been recently implemented with 100% coverage of local vessels. • Samoa vessels are not authorised to fish outside Samoa.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	High	Strengths <ul style="list-style-type: none"> • National VMS operational with 100% coverage of local vessels. 	
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Strong	High	Strengths <ul style="list-style-type: none"> • The National VMS has been recently implemented with 100% coverage of all local vessels. • VMS office equipment is in place • Staff have been trained to manage the system. 	

<p>CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • National VMS operational with 100% coverage of local vessels. • Police Maritime Wing and Fisheries both monitor FFA VMS. • Complete legislative review to ensure compliance with international obligations
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • National VMS operational with 100% coverage of local vessels. • Procedures for malfunctioning MTUs in place • Samoa does not license foreign vessels (the MTCs do not apply to local vessels)

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment Weak		Overall assessment Strengths <ul style="list-style-type: none"> Trained observer coordinator in place and data collection able to be undertaken. SPC available to assist with program. Working with vessel operators to educate them on the importance of accurate data collection. Weaknesses <ul style="list-style-type: none"> Target observer coverage is 5% but over the last 4 years less than 1% coverage has been achieved. Practical difficulties include unavailability of observers and safety issues with small craft taking on extra personnel. 	<ul style="list-style-type: none"> Develop observer database as an integral part of the fisheries management information system.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	N/A	N/A	<ul style="list-style-type: none"> Foreign vessels are not licensed in Samoa bilaterally. 	
CRITICAL 2. Country (flag State) has 100% observer coverage on PS vessels in accordance with WCPFC/3IA requirements	N/A	N/A	<ul style="list-style-type: none"> The only PS vessels licensed by Samoa are US and that observer programme is administered by FFA. 	
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Weak	High	Strengths <ul style="list-style-type: none"> Target observer coverage is 5% but over the last 4 years less than 1% coverage has been achieved. 2 staff now trained. The plan is to establish an Observer/port sampling unit in the Offshore unit. Weaknesses <ul style="list-style-type: none"> No active observers at present. 10 Observers were SPC/FFA trained in 2006 and the idea was to contract them from the private sector as required but this didn't work. They found other full-time jobs. 1 trained observer went on PS trips but got seasick on LL. Approach now is to train fisheries 	

			officers.	
IMPORTANT 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Weak	High	Strengths <ul style="list-style-type: none"> • 2 staff now trained. The plan is to establish an Observer/port sampling unit in the Offshore unit. Weaknesses <ul style="list-style-type: none"> • No active observers at present. 10 Observers were SPC/FFA trained in 2006 and the idea was to contract them from the private sector as required but this didn't work. They found other full-time jobs. 1 trained observer went on PS trips but got seasick on LL. Approach now is to train fisheries officers. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Strong	High	Strengths <ul style="list-style-type: none"> • Competent and trained observer coordinator in place. • A database is being developed to input Observer reports. • Viable observer capacity under development. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
4. Vessel Record & Authorisations to Fish	Overall assessment		Overall assessment		
	Weak/Moderate		Strengths <ul style="list-style-type: none"> Samoa has no registered fishing vessels operating outside the EEZ. FFA has conducted a legislative review and new draft legislation is under consideration for implementation. Included in this draft legislation are provisions relating to the authorisation regime. The Fisheries (Ban on Driftnet fishing) Act, 1999 prohibits the possession, carriage and use of driftnets. 	<ul style="list-style-type: none"> Adopt revised new legislation which provides for the authorisation of flag vessels to operate outside the EEZ as well as compliance with WCPFC obligations. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Moderate	High		Overall assessment Strengths <ul style="list-style-type: none"> Samoa has no registered fishing vessels operating outside the EEZ. FFA has conducted a legislative review and new draft legislation is under consideration for implementation. Included in this draft legislation are provisions relating to the authorisation regime.
	CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Moderate	High		Strengths <ul style="list-style-type: none"> Proposed new legislation includes provisions relating to fishing vessel authorisation that are consistent with WCPFC requirements.
	CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCS.	Moderate	High		Strengths <ul style="list-style-type: none"> Proposed new legislation includes provisions relating to fishing vessel authorisation that are consistent with WCPFC requirements.
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Samoa does not currently have registered vessels operating outside its EEZ but is interested in pursuing access arrangements with other (neighbouring) FFA member countries. If this were to happen, Samoa understands the obligation to report catch and effort information to the coastal State concerned as well as the Commission. A catch and effort database system operational. Proposed new legislation includes provisions relating to fishing vessel authorisation and reporting requirements that are consistent with WCPFC requirements. 		
CRITICAL	Weak/	High	Strengths		

<p>5. Vessels that may have breached WCPFC, 31A, and/or W'gtn Convention investigated & prosecuted</p>	<p>Moderate</p>		<ul style="list-style-type: none"> • The Fisheries (Ban on Driftnet fishing) Act, 1999 prohibits the possession and use of large driftnets. • Proposed new legislation provides for compliance with WCPFC obligations including CMMs. <p>Weaknesses</p> <ul style="list-style-type: none"> • Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
<p>CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Control over national and flag vessels that operate beyond the EEZ is provided for in the proposed new legislation developed by FFA. <p>Weakness</p> <ul style="list-style-type: none"> • Control over national and flag vessels that operate beyond the EEZ is currently not provided for. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Inspections	Overall assessment Moderate		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> Proposed new legislation provides for port State enforcement in line with international obligations. Port Sampling Program established in American Samoa to capture information from the larger vessels that unload in Pagopago. A cooperative port sampling arrangement is in place with NMFS <p>Weaknesses</p> <ul style="list-style-type: none"> An inspection regime of vessels that fish in Samoa and unload in American Samoa needs to be established with US officials. There is a high turn-over of staff in the MCS unit. In general the staff are inexperienced and lack training in inspection techniques. 	
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> All national boats that land in Apia are sampled and logs collected. The two foreign flag (CI) vessels are inspected whenever they dock and local vessels that leave and re-enter Samoa are inspected. The Offshore Section has recently established a port sampling operation in Pago with 2 port samplers stationed there to monitor offloading of all fish from Samoa vessels. Logs are also collected. Transshipment is required to take place at a designated port and to be monitored. <p>Weaknesses</p> <ul style="list-style-type: none"> Inspections by MCS are not a regular feature of the catch landing process and only occur for the two foreign vessels and for local vessels that leave the EEZ and re-enter (unload in Pagopago for eg). 	
CRITICAL 2. Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Proposed new legislation provides for the prohibition of landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ. <p>Weaknesses</p> <ul style="list-style-type: none"> Inspections by MCS officers are not a regular feature of the catch landing process. 	

<p>CRITICAL 3. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> Proposed new legislation to provide for such measures has been drafted and is under consideration for adoption. 	
<p>CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.</p>	<p>Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> Processes are in place to inspect all foreign vessels that enter Samoa ports as well as national boats which leave the EEZ and re-enter (unloading in Pagopago). Cases of illegal fishing are handled by in-house legal expertise. Issues involving foreign vessels fishing outside Samoa are facilitated by Foreign Affairs which is well aware of Samoa's international obligations and WCPFC Commission processes. 	
<p>IMPORTANT 5. Port inspectors are adequately trained and resourced.</p>	<p>Weak</p>	<p>High</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> There is a high turn-over of staff in the MCS unit. In general the staff are inexperienced and lack training in inspection techniques. The last training for MCS staff was in 2006. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment Moderate		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> The Ministry has a Legal Officer available to Fisheries for legal matters. Management of licensing regime now handled by Offshore unit and reporting history will now become a strong factor in the ability to obtain a licence. Fisheries willing to work with local fishers to educate them on the importance of complete and accurate catch and effort reporting. <p>Weaknesses</p> <ul style="list-style-type: none"> Last legal awareness training for MCS officers was in 2006. Detections limited by scope of monitoring, inspection and information analysis. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Suspected license violations are investigated & prosecuted.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> All vessels detected fishing without a licence are investigated. Since 2004 there have been 4 cases of illegal fishing prosecuted or settled. All of these involve local vessels fishing without a licence and one of these was for fishing in Tuvalu. The maximum fine was WST\$10,000. The licensing regime will in future be administered by the Offshore unit and it is anticipated that reporting will be improved because the fishers reporting record will be a criteria for license renewal. <p>Weaknesses</p> <ul style="list-style-type: none"> In the past reporting violations (maintenance and submission of catch and effort logs) may be investigated but have not been prosecuted since Fisheries has been more concerned with educating fisheries about the need for reports. 	
CRITICAL 2. Suspected VMS violations are investigated & prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> VMS tampering is prohibited. The two foreign (CI) vessels based in Apia are monitored while in the EEZ and are regularly inspected. Cook Islands monitors these vessels. No VMS violations have been suspected to date. Samoa is currently trialling VMS systems for use by the local fleet. <p>Weaknesses</p> <ul style="list-style-type: none"> No VMS in place at present to monitor local vessels. 	
CRITICAL	Moderate	Medium	Strengths	

3. Observer reports of violations are investigated & prosecuted.			<ul style="list-style-type: none"> • Observer provisions included in the Fisheries Amendment Act, 1999 and feature on the proposed new legislation. <p>Weaknesses</p> <ul style="list-style-type: none"> • Observer coverage has been insignificant and there is no history of Observer reports leading to prosecutions. • Observer provisions not included in conditions of licence. 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • Cases are rare. 1 hot pursuit last year of US fishing boat and an inspection conducted. The vessel was thought to be fishing in Samoa but later agreed at a higher level that vessel was in American Samoa waters. <p>Weaknesses</p> <ul style="list-style-type: none"> • The hot pursuit case high-lighted the problem with overlapping EEZ boundary claims. 	
CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> • No real problems. Current Attorney General was a fisheries officer and led the 2004 case. He has provided tools for handling cases. Fisheries runs the whole case including prosecution. • There is a Legal Officer at the Ministry available to Fisheries. <p>Weaknesses</p> <ul style="list-style-type: none"> • MCS Unit is focussed on inshore fisheries. • Greater awareness of legal obligations needed for offshore fisheries. • Last training for staff was 2006. 	
CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> • Sanctions include fines of up to WST\$1 million, forfeiture of vessel gear and catch. A license can be cancelled or suspended for a vessel used in contravention of the Act. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Moderate/ Strong		Strengths <ul style="list-style-type: none"> • Surface surveillance intensity or Samoa is the highest of all FFA member countries. • Fisheries personnel participate in every surface patrol. • Ship rider agreement with US under consideration. • Well trained and experienced PPB crew. • Niue Treaty arrangement with Cook Islands. • Visits by patrol vessels from France, USCG, Australia and NZ. Weaknesses <ul style="list-style-type: none"> • Intelligence for targeted surveillance is lacking. • Lack of database for analysis, sharing and reporting purposes. • Licence information from Fisheries not always accurate. 	<ul style="list-style-type: none"> • Establish ship-rider agreements with asset providers including US, NZ, Australia and France as appropriate. • Establish a sighting and inspection database. • FFA to supply E-ops tool to aid in patrol planning and reporting. • Satellite imagery would assist in allowing targeted operations by capturing all vessels in or near EEZ including those that are not VMS compliant. • Resolve all outstanding EEZ boundary issues and ensure that these are incorporated into all official charts and the electronic maps. • Participation in the HS Inspection scheme requires registration with WCPFC. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000 km ² of EEZ.	Strong	High		Strength <ul style="list-style-type: none"> • Surface surveillance intensity (15.1) for Samoa is the highest of all FFA member countries. • The Police Maritime Wing would like to increase patrol days from 33 to 50. Weaknesses <ul style="list-style-type: none"> • Intelligence for targeted surveillance is lacking.
	CRITICAL 2. Country has capability to undertake boarding and inspections in EEZs	Strong	High		Strengths <ul style="list-style-type: none"> • Capability is in place and Police Maritime Wing maintains a patrol plan.
IMPORTANT 3. Country has capability to undertake boarding and inspections in HS	Moderate	High	Strengths <ul style="list-style-type: none"> • Capability is in place with PPB and experienced crew. Weaknesses <ul style="list-style-type: none"> • Budgetary constraints mean limited prospects for conducting HS patrols. • Not registered with WCPFC HS Boarding and Inspection Scheme. 		
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant	Moderate	High	Strengths <ul style="list-style-type: none"> • Inspection reports are recorded in Excel for dissemination. • 1 hot pursuit case in 2008 involving a US fishing boat where an inspection took place and information relayed to flag State. 		

authorities & WCPFC.			Weaknesses <ul style="list-style-type: none"> No sightings and inspection database where information can easily be cross-checked, reports compiled and dissemination executed efficiently. 	
CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Moderate	High	Strengths <ul style="list-style-type: none"> Police Maritime Wing and Fisheries have access to FFA VMS information. All licence information is supplied by Fisheries MCS unit. A fisheries officer participates in every patrol. Weaknesses <ul style="list-style-type: none"> Inaccuracies have been found with the licence information including in relation to sea safety certification by the Ministry of Works, Transport and Infrastructure Pre-patrol briefs only provided when Orion on patrol. Patrols not targeted. Access to VMS data from surrounding EEZs (with licensed FFVs) is limited to Cook Islands and Tuvalu.¹⁵ 	

¹⁵ FFC70 has authorized FFA to provide VMS alerts to member countries of vessels operating close to EEZ boundaries.

MCS Measure	Level of Implementation	Implementation Factors in Legislation, Regulation & Management Plans		
		Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment	Overall assessment		
	Weak	<p>Strengths</p> <ul style="list-style-type: none"> • There is a moderate level of cooperation between Police Maritime Wing and Fisheries. • The Tuna Plan requires the Licensing, Surveillance and Enforcement Committee comprising of representatives from the Police, Ministry of Transport, Fisheries Division and Samoa Ports Authority, to oversee enforcement activities and requirements of the fishery. Regular meetings take place. • Samoa participates in sub-regional operations and has conducted surface patrols in other EEZs. • A Niue Treaty arrangement is in place with Cook Islands. <p>Weaknesses</p> <ul style="list-style-type: none"> • Information sources and analysis are limited. • 70% of logs either not submitted, submitted late and/or of unacceptable quality. • Information is not stored in a database system for analysis and access as appropriate for MCS purposes. 	<ul style="list-style-type: none"> • Samoa port samplers stationed in Pagopago could be used by other licensing countries that have vessels landing there. • Establish communications framework with agencies such as TCU and PTCCC for the exchange of MCS related information. • Automate cross-checking (verification) through the development of an integrated database. • Develop with other States involved in the albacore LL fishery, a cooperative management arrangement that has a fisheries wide perspective as opposed to an EEZ focus. 	
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. Systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak	High	<p>Strengths</p> <ul style="list-style-type: none"> • Local vessels prepared to report any incursions by foreign fishing vessels. • Licence information reported to Police as required. <p>Weaknesses</p> <ul style="list-style-type: none"> • MCS data is limited to licence and FFA VMS information. • Information is not stored in a database system for analysis and access as appropriate for MCS purposes.
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Weak	High	<p>Strengths</p> <ul style="list-style-type: none"> • Logs required to be submitted within 5 days of trip end. • 30% of catch logs submitted are of good quality and on time. • In 2009 2 port samplers stationed in Pagopago for collection of logs. <p>Weaknesses</p> <ul style="list-style-type: none"> • 70% of logs either not submitted, submitted late and/or of unacceptable 	

			quality.	
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	High	Strengths <ul style="list-style-type: none"> • Samoa participates in sub-regional operations and has conducted surface patrols in other EEZs. • Samoa has VMS data sharing with Australia, Cook Islands, Tuvalu and Vanuatu and has offered this on a reciprocal basis to Fiji, Kiribati, Nauru, NZ, Tokelau, Tonga, France and USA. • A Niue Treaty arrangement is in place with Cook Islands. • Information provided to relevant agencies for aerial patrols as required. Weaknesses <ul style="list-style-type: none"> • Information sharing is limited to VMS. • Immediate neighbours Tonga, Niue and Tokelau have not yet accepted VMS sharing with Samoa. • Fisheries management cooperation and coordination with other States with interests in the albacore LL fishery is limited. 	
CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies	Moderate	High	Strengths <ul style="list-style-type: none"> • The Tuna Plan requires the Licensing, Surveillance and Enforcement Committee comprising of representatives from the Police, Ministry of Transport, Fisheries Division and Samoa Ports Authority, to oversee enforcement activities and requirements of the fishery. Regular meetings take place. • PTCCC in Samoa and receives information on fishing vessels in the region. • A Transnational Crimes Unit (TCU) is resident in Apia. • Fisheries and Police Maritime cooperate in aerial patrols and surface patrols Weaknesses <p>Coordination and cooperation with PTCCC and TCU is low.</p>	
IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.	Weak	High	Weaknesses <ul style="list-style-type: none"> • Integrated MCS database absent. • Information and data is limited. • No procedures manual. • Cross-checking is manual. 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment		Overall assessment	
	Strong		Strengths <ul style="list-style-type: none"> • Aerial surveillance is provided by the RNZAF. • License information provided. • Authorised officers accompany patrol when feasible. • Patrol reports and photos made available to MCS authorities. Weaknesses <ul style="list-style-type: none"> • No relational database exists for storage and cross-check of patrol information. 	<ul style="list-style-type: none"> • Develop a database for the input of patrol information and cross-checking with other related information.
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing assets to meet identified risks	Strong	High	Strengths <ul style="list-style-type: none"> • Current aerial surveillance (31 hours pa) exceeds proposed benchmark (3 hours pa) for efficient and equitable distribution of regional aerial surveillance assets.
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities and WCPFC.	Moderate	High	Strengths <ul style="list-style-type: none"> • Post patrol reports and photos made available to MCS authorities. • Any matters of interest are followed up on. Weaknesses <ul style="list-style-type: none"> • Information not stored in a relational database for cross-checking with other related information. 	
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Strong	High	Strengths <ul style="list-style-type: none"> • All relevant information is provided including license list and VMS detections. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation, Regulations & Management Plans	Overall assessment		Overall assessment	
	Weak		Strengths <ul style="list-style-type: none"> FFA has conducted a legislative review and new draft legislation is under consideration for implementation. Tuna Management and Development Plan developed with stakeholder involvement and reviewed regularly. Legal support provided by Ministry Legal Officer and FFA. Weaknesses <ul style="list-style-type: none"> Last training for MCS officers was in 2006. 	<ul style="list-style-type: none"> Adopt new legislation and update fishing licence regulations as appropriate. Legal awareness training for relevant staff.
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. Legislation and regulations are adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Weak	High	Strengths <ul style="list-style-type: none"> FFA has conducted a legislative review and new draft legislation is under consideration for implementation. The draft legislation will enable adequate implementation and enforcement of HMTCs and WCPFC measures as appropriate. Weaknesses <ul style="list-style-type: none"> Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise.
IMPORTANT 2. Legislation & regulations are adequately understood by relevant fisheries, police & judiciary.	Moderate	High	Strengths <ul style="list-style-type: none"> The Fisheries Division has access to the Ministry's Legal Officer and can call on FFA for legal assistance. Weaknesses <ul style="list-style-type: none"> Last training for MCS officers was in 2006. 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Strong	High	Strengths <ul style="list-style-type: none"> The current Tuna Management and Development Plan will be reviewed in 2009. Fisheries legislation has recently undergone review by FFA and new legislation has been drafted. 	

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MCS Measure	Level of Implementation		Implementation Factors in Licensing		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to obstacles to implementation	
1. Licensing	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> • New updated legislation drafted. • License terms and conditions include most HMTCs. • Vessels required to be registered with FFA and WCPFC as a licensing prerequisite. • Licence list available on FFA website. Weaknesses <ul style="list-style-type: none"> • Police Maritime Unit reports that licence list not always accurate particularly with respect to vessels permitted to bunker or tranship and information for targeted patrols limited. • The licence permit does not include all information required by HMTCs . • Current legislation is dated and does not provide a framework to adequately implement WCPFC requirements. 		<ul style="list-style-type: none"> • Update legislation including terms and conditions of licence to comply with 3IA and WCPFC obligations.
Performance Indicators:	Assessment	Confidence Range			
IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Moderate	High	Strengths <ul style="list-style-type: none"> • Legislative review underway to update legislation including licence regulations and forms. Weaknesses <ul style="list-style-type: none"> • The licence form (Permit for Foreign Fishing Vessel) Form 1 of the First Schedule of the Fisheries (Foreign Fisheries) Regulations 1981 omits some features of the HMTC form (ANNEX 1) including Regional Register Number, year built and all reference to MTU details and alternate vessel contact details. • Concern expressed by Fisheries that the Regional Register was not being updated to keep track of vessel name changes. 		
CRITICAL 2. License conditions are consistent with HMTC:	Moderate	Medium	Strengths <ul style="list-style-type: none"> • License terms and conditions include most HMTCs. • Legislative review will aim to ensure HMTCs are incorporated as appropriate. Weaknesses <ul style="list-style-type: none"> • The terms and conditions of licence do not include the required reporting procedure in the case of MTU failure. • The terms and conditions of licence do not include the requirement to provide 72 hours 		

			notice of the intention to tranship.	
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (100% observer requirements and VDS registry).	Moderate	Low	Strengths <ul style="list-style-type: none"> • It is a condition of license that foreign vessels be FFA VMS and VDS compliant. • 100% observer coverage is a WCPFC requirement from 1 August to end Sept 2009. Non-compliant vessels have been ordered to port. • An Institutional Strengthening Program for Fisheries has recently concluded and a strategic management and development plan has been drafted to inter alia ensure that Solomon Islands is best positioned to fulfil its PNA and WCPFC obligations and to also take advantage of the opportunities this provides to bolster domestic development. • FFA is assisting with the development of new of Fisheries legislation following a legislative gaps analysis. Weaknesses <ul style="list-style-type: none"> • Conditions of license have not been updated to include 3IA or WCPFC requirements. 	
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, WMS, etc)	Moderate	Low	Strengths <ul style="list-style-type: none"> • An Institutional Strengthening Program for Fisheries is currently underway and a strategic management and development plan has been drafted to inter alia ensure that Solomon Islands is best positioned to fulfil its PNA and WCPFC obligations and to also take advantage of the opportunities this provides to bolster domestic development. • FFA is assisting with the development of new of Fisheries legislation following a legislative gaps analysis. Weaknesses <ul style="list-style-type: none"> • Fisheries legislation including the Tuna Management Plan is dated and requires development to ensure Fisheries is able to comply with its international conservation and management obligations and to implement CMMs agreed by the WCPFC. • Risk consultation with Fisheries indicates that Solomons does not have the legal framework to enable implementation of WCPFC CMMs. 	
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record:	Strong	Moderate	Strengths <ul style="list-style-type: none"> • All foreign vessels are required to be in good standing on the Regional Register and FFA VMS compliant as well as on the WCPFC Record of Vessels prior to licensing. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment	
	Moderate		Strengths <ul style="list-style-type: none"> 100% VMS coverage for foreign vessels and flag vessels authorised to fish outside EEZ. Fisheries Act provides for 8 hour manual reporting when MTU is faulty. Police and Fisheries are authorised to access FFA VMS. VMS monitoring personnel adequately trained. Weaknesses <ul style="list-style-type: none"> Local PL vessels not required to be VMS compliant. Fisheries officers not trained to examine MTU for faults or tampering. Foreign licensed vessels not able to be monitored outside of EEZ where it is suspected that illegal transshipment is occurring. It is possible that vessels that leave the EEZ turn off their MTU and then return to EEZ unmonitored. 	<ul style="list-style-type: none"> Secure access to VMS data from adjacent EEZ and HS areas. Require through access agreement provisions that all licensed vessels report VMS throughout their range. Develop or acquire technical capability to inspect MTUs for faults and tapering. Establish arrangements with neighbouring port States where licensed boats operate to inspect MTU units as needed.
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	Medium	
CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> Solomons has 4 PS vessels authorised to fish outside the EEZ and all are FFA VMS compliant. 	
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	High	Strengths <ul style="list-style-type: none"> The PS vessels are FFA VMS compliant and are monitored while in the EEZ. Domestic PL vessels are not required to be VMS compliant. 	

IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Strong	High	Strengths <ul style="list-style-type: none"> Two VMS staff are trained and monitor VMS during office hours and sometimes on weekends if required. 	
CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.	Moderate	High	Strengths <ul style="list-style-type: none"> VMS is monitored during office hours and occasionally on weekends. The system provides alerts that can be immediately queried. Weaknesses <ul style="list-style-type: none"> Cannot monitor vessels outside the EEZ and therefore it is possible that vessels that leave Solomons turn off their MTU and then return to EEZ (without switching on again). Staff do not normally monitor VMS after hours (budget constraint) and therefore any alarms during these periods cannot be queried immediately. 	
CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.	Strong	Medium	Strengths <ul style="list-style-type: none"> In the case of an MTU malfunction the Fisheries Act section 57 (3) requires the operator to immediately notify the Director and commence manual reporting at 8 hourly intervals. Vessels generally report manually as required. Weaknesses <ul style="list-style-type: none"> Manual reporting requirement in the case of a faulty MTU not included in license terms and conditions. Officers aren't trained to inspect an MTU to determine faults or tampering. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment Weak		Overall assessment Strengths <ul style="list-style-type: none"> The Observer Programme was reactivated in April 2008 and a new Coordinator appointed. The pool of observers is 61 in 2009. Observer coverage on PS reported to be 20% in 2007. Weaknesses <ul style="list-style-type: none"> Observer coordinator inexperienced. Observer Program under resourced in terms of budget and adequate number of trained observers. No observer coverage on foreign tuna and shark longliners for 8-10 years. 	<ul style="list-style-type: none"> Analysis of observer reports for MCS purposes would be useful for operational purposes including patrol planning and prosecutions. Increase the observer fee component of the access arrangement to cover the cost of the national observer program. Costs will increase due to coverage requirements, additional data input requirements and the need to analyse data for MCS purposes. Observation of longline vessels through observer placement or electronic means requires enhancement.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Weak	High	Strengths <ul style="list-style-type: none"> The Observer Programme was reactivated in April 2008 and a new Coordinator appointed. Observer coverage on PS reported to be 20% in 2007. Weaknesses <ul style="list-style-type: none"> Observer programme inactive for some months in 2007-2008. No coverage of LL for 8 to 10 years. No coverage of shark LL. 	
CRITICAL 2. Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited)	Strong	High	Strengths <ul style="list-style-type: none"> National observer programme ROP accredited. Additional observers trained May 2009. Weaknesses <ul style="list-style-type: none"> Observer funding insufficient. 	
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Weak	High	Weaknesses <ul style="list-style-type: none"> Coverage for local PS vessels required to be 100% but this is not currently being achieved. 2007 coverage was reported to be 100%. No coverage of LL for 8 to 10 years. No coverage of shark LL. 	

<p>IMPORTANT 4. Country has access to sufficient numbers of adequately trained and contracted observers.</p>	<p>Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • In 2009 Solomons has 61 SPC/FFA trained observers. <p>Weaknesses</p> <ul style="list-style-type: none"> • Insufficient budget allocated. 	
<p>IMPORTANT 5. Country has adequately trained and resourced observer coordinator.</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • A dedicated observer coordinator is in place. <p>Weaknesses</p> <ul style="list-style-type: none"> • The national observer coordinator is newly appointed and relatively inexperienced. Training at SPC scheduled to take place in 2009. (29) • Observer fees charged in access agreements are insufficient to cover the cost of a program that will be required to cover 100% of PS trips. (30) 	
<p>IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • TUFMAN is available for information input and management. • Observer reports are scanned and then emailed to SPC for database input and analysis. <p>Weaknesses</p> <ul style="list-style-type: none"> • There can be long delays in getting reports from observers. The report is required to be submitted within 14 days of trips end but some submissions take a month. • Current data entry capacity will be insufficient to adequately deal with the increased number of observer reports once the coverage increases to 100%. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
4. Vessel Record & Authorisations to Fish	Overall assessment Weak		Overall assessment Strengths <ul style="list-style-type: none"> Catch and effort data is recorded and reported as appropriate to the coastal State and SPC/WCPFC. Solomon Islands has 4 PS vessels on the WCPFC Vessel Record. New draft legislation has been developed and incorporates authorisation and control over nationals provisions. Weaknesses <ul style="list-style-type: none"> The Fisheries Act, 1988 makes no provision for the authorisation of local vessels to fish outside the EEZ. 		
	Performance Indicators:	Assessment	Confidence Range	Implement legislation covering 3IA, WCPFC obligations and flag State authority.	
	CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Weak/Moderate	High		Strength <ul style="list-style-type: none"> Solomon Islands has 4 PS vessels on the WCPFC Vessel Record. Weaknesses <ul style="list-style-type: none"> The Fisheries Act, 1988 makes no provision for the authorisation of local vessels to fish outside the EEZ. However, New draft legislation has been developed and incorporates authorisation and control over nationals provisions.
	CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	Medium		Strengths <ul style="list-style-type: none"> Solomon Islands has 4 PS vessels on the WCPFC Vessel Record.
	CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCs.	Strong	Low		Strengths <ul style="list-style-type: none"> Letters of authorisation are issued to the vessels and a condition of authorisation is for FAO Standard Vessel markings and Identification.
	IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Moderate	Medium		Strengths <ul style="list-style-type: none"> Flag vessels fishing in an FFA EEZ are subject to HMTCs and report to coastal State in accordance with coastal State laws. High seas and foreign EEZ catch and effort information is reported to Fisheries, stored on TUFMAN and reported to SPC/WCPFC.
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted	Weak	Medium	Strengths <ul style="list-style-type: none"> The Fisheries Act, 1988 section 33 (1) effectively bans driftnet fishing in the national waters. Any foreign or national vessel which engages in driftnet fishing 		

			<p>will be denied port access and the right to land, tranship or process fish. It is also an offence to possess a driftnet while licensed to fish in the Solomons..</p> <ul style="list-style-type: none"> • Purse seiners that fish bilaterally are subject to the laws of the coastal State and those that fish under the FSM arrangement are similarly bound by that arrangement. • Two Japan vessels were prosecuted in 2008 for transhipping on the HS and fined SB\$600,000 each. • There have been no prosecutions in relation to driftnet fishing. <p>Weaknesses</p> <ul style="list-style-type: none"> • Risk assessment consultation with Fisheries indicates that Solomons does not have the legal framework to enable implementation of WCPFC CMMs. • The PNA 3IA has not been implemented. • Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
<p>CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.</p>	<p>Moderate</p>	<p>Moderate</p>	<p>Strengths</p> <ul style="list-style-type: none"> • The Fisheries Act, 1988 section 56 (1) makes it an offence for a person to use a fishing vessel to land, import, export, tranship, sell, receive, acquire or purchase fish taken, possessed, transported or sold contrary to the laws of another State. • A legislative review has been undertaken with the broad objective ensuring that revised legislation will enable compliance with international obligations. <p>Weaknesses</p> <ul style="list-style-type: none"> • The Act does not provide for flag State authority including control over nationals. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Controls and Inspections	Overall assessment		Overall assessment	
	Weak		Strengths <ul style="list-style-type: none"> All foreign vessels that call into port are inspected and landings and transshipments of catch are monitored. Weaknesses <ul style="list-style-type: none"> There are no legal provisions to prohibit the landing or transshipment of catch taken in a manner that undermines VDS or WCPFC provisions. Inspection officials not fully aware of VDS and WCPFC requirements including CMMs. 	<ul style="list-style-type: none"> Make legislative provision to ensure that fish taken in a manner which undermines VDS and WCPFC measures, is an offence. Develop Cooperative arrangements with neighbouring port States to ensure that all licensed vessels that unload in foreign ports, are inspected Familiarisation training covering VDS and WCPFC measures needed for both Fisheries and Police Maritime Unit officers.
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Strong	Moderate	
CRITICAL 2. Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Strong	High	Strengths <ul style="list-style-type: none"> The Fisheries Act, 1998 section 56 (1) makes it an offence for a person to use a vessel to land, import, export, transport, sell, receive, acquire, purchase fish taken, possessed, transported or sold contrary to the laws of another State. 	
CRITICAL 3. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner	Weak	Medium	Strengths <ul style="list-style-type: none"> New draft legislation provides for the prohibition of landings and transshipments where it has been established that the catch has been taken in a manner that undermines VDS or WCPFC provisions. Weaknesses	

that undermines VDS or WCPFC provisions.			<ul style="list-style-type: none"> • There are no current legislative provisions empowering port authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner that undermines VDS or WCPFC provisions. • According to Fisheries, inspection officials are not fully aware of VDS and WCPFC requirements including CMMs. 	
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.	Moderate	Medium	Strengths <ul style="list-style-type: none"> • Every foreign fishing vessel that calls into port including for offloading and transshipment purposes is inspected. • Officials are aware that the WCPFC Convention does provide for flag States to undertake investigations if requested by a port State based on reasonable suspicion. • Procedures are in place to forward evidence to the Attorney General’s Office for consideration. Advice from FFA is also sought. Weaknesses <ul style="list-style-type: none"> • Inspections to date have not led to the provision of data to foreign authorities and/or WCPFC concerning illegal fishing activity. 	
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Moderate	High	Strengths <ul style="list-style-type: none"> • Fisheries and Police Maritime Unit officers have benefitted from boarding and inspection training provided by FFA. In addition Police Maritime Unit officers undertake periodic training as part of the PPB program. • Fisheries officers are adequately resourced with radio and digital camera equipment. Weaknesses <ul style="list-style-type: none"> • Port inspectors are not sufficiently trained in VDS and WCPFC requirements. • The last FFA dockside boarding workshop was in 2005. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment Moderate		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> All detected fisheries violations over the last 5 years were investigated and all 9 cases resulted in settlements being agreed. Boarding and Inspection as well as prosecution training is provided periodically by FFA. A new schedule of fines has been adopted which takes into account penalty levels applying in neighbouring countries and the relative value of the SIS. <p>Weaknesses</p> <ul style="list-style-type: none"> Lack of awareness of VDS and WCPFC obligations. Detections limited by scope of monitoring, inspection and information analysis. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Suspected license violations are investigated & prosecuted.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> All licence related violations are investigated and prosecuted as appropriate. Violations have included failure to maintain a daily catch log, VMS tampering and transhipping to an unlicensed carrier. These are usually resolved through the settlement process and fines have ranged from SB\$10,000 to SB\$100,000. 9 cases were reported to have been settled out of court over the last 5 years. Cases are settled relatively quickly. <p>Weaknesses</p> <ul style="list-style-type: none"> Fisheries officers report that evidence gathering and case development standards may not be of a level to stand up in court. Officers require up-skilling in investigation and evidence gathering as well as education in evolving fishing technology and legal requirements for WCPFC compliance. Budgetary constraints mean staff cannot be paid over-time and this limits monitoring and inspection capacity. In the Risk assessment consultation with Fisheries it is reported that foreign vessels are suspected to be transhipping illegally on the edges of the EEZ (173° E and at 13°S) but Project 4&5 consultation with Police Maritime Unit reveals that Fisheries does not provide adequate pre-patrol briefing nor information for targeted patrolling. 	

CRITICAL 2. Suspected VMS violations are investigated & prosecuted.	Strong	Medium	Strengths <ul style="list-style-type: none"> One case of MTU tampering was detected and prosecuted (settled) in 2004. Weaknesses <ul style="list-style-type: none"> Fisheries inspectors are not trained to examine MTU for faults or tampering.
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Observers are required to report on compliance. 2 prosecutions were reported to have occurred 2 years ago involving misreporting and licence issues. Weaknesses <ul style="list-style-type: none"> Observer reports are currently scanned and emailed to SPC for scientific analysis (no MCS analysis undertaken).
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted.	Strong		Strengths <ul style="list-style-type: none"> Surface surveillance: 2 cases in 2008 and 6 in 2007. FFA available to assist with technical expertise.
CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).	Moderate	Low	Strengths <ul style="list-style-type: none"> FFA provides boarding and inspection training. FFA available to assist with technical expertise. Evidence is collected and sent to the Attorney General's Office to determine whether or not to proceed with case development. Attorney General provides direction to Minister and Director of Fisheries. Weaknesses <ul style="list-style-type: none"> Attorney General's Office relies on Fisheries to provide technical expertise and this expertise is considered inadequate by Fisheries (eg. Ability to determine MTU fault or tampering is limited). Last FFA boarding and inspection training was in 2005 (require more training particularly in evidence gathering). Strengthening of evidence collection techniques in particular is required.
CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.	Strong	Medium	Strengths <ul style="list-style-type: none"> Sanctions include fines of up to SB\$2 million (driftnet fishing) and may include forfeiture of vessel, gear and catch. The fine for fishing without a licence or in contravention of a licence attracts a fine of up to SB\$1 million. The Fisheries Act, 1998 section 27 (1) provides for cancellation and suspension of a licence. Authorised officers have wide powers to stop, board and seize. A new schedule of fines has been adopted which takes into account penalty levels applying in neighbouring countries and the relative value of the SIS.

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> Police Maritime Unit provides between 128 and 160 fisheries patrol days annually. A Fisheries officer normally participates in patrols. Licence information provided to Police Maritime Unit by Fisheries. Well trained and experienced PPB crew. POLICE Maritime Unit has direct access to FFA VMS and license information. Weaknesses <ul style="list-style-type: none"> Lack of value added information provided for patrols (no analysis carried out). Vessel licence list is not always accurate. Fisheries unable to advise accurately on vessels eligible to tranship or bunker. (61) No pre-patrol briefs provided by Fisheries. No post-patrol brief is provided unless there is an apprehension. Solomons is not registered as a participant in the WCPFC High Seas Boarding and Inspection regime. 	<ul style="list-style-type: none"> Establish a sighting and inspection database. Access to adjacent EEZ and HS VMS information (including north and eastern pocket) would enhance information base for planning purposes. Register as a HSIS participant with the Commission to enable HS inspection by Solomon's enforcement officers. Satellite imagery would assist in allowing targeted operations. Fisheries and Police Maritime Unit to conduct joint patrol briefings. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000 km ² of EEZ.	Strong	High		Strength <ul style="list-style-type: none"> The PPB provides between 128 and 160 days of fisheries surveillance annually. Fisheries participates in about 70% of these patrols. Intensity (10.7) exceeds benchmark of 6 days per 100,000 km² of EEZ. Weaknesses <ul style="list-style-type: none"> Fisheries considers there is a need for additional days and suggests 40 to 60 more days annually. The Police Maritime Unit considers that intelligence for targeted surveillance is lacking. For example there is no VOI generated from Observer reports or log books, there is no industry or community based reporting scheme.
	CRITICAL 2. Country has capability to undertake boarding and inspections in EEZs	Strong	High		Strengths <ul style="list-style-type: none"> PPBs are operational and crews are trained and experienced.
IMPORTANT 3. Country has capability to undertake boarding and inspections in HS	Moderate	High	Strengths <ul style="list-style-type: none"> PPB is operational and crews are well trained and experienced. Weaknesses		

			<ul style="list-style-type: none"> • Solomon Islands is not a registered participant in the WCPFC HSBI regime. 	
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Weak	Low	Strengths <ul style="list-style-type: none"> • Post-patrol briefs are provided if an apprehension has occurred. Weaknesses <ul style="list-style-type: none"> • Fisheries advise that sightings and inspection data is not collected, stored and provided to relevant authorities and WCPFC. Post-patrol reports are for internal use only. • No sightings and inspection database is established where information can easily be cross-checked. • Inspection reports of foreign vessels have not been sent to the flag State. 	
CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Moderate	High	Strengths <ul style="list-style-type: none"> • Police Maritime Unit has direct access to VMS and license database. Weakness <ul style="list-style-type: none"> • Information to allow for more targeted patrols is lacking. • A pre-patrol briefing is not provided by Fisheries. • A post-patrol report is only provided by Police Maritime Unit following an apprehension. • A VOI list is not maintained. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> Police Maritime Unit has direct access to FFA VMS and license database. Weaknesses <ul style="list-style-type: none"> Cooperation and coordination between the principle MCS agencies Police Maritime Unit and Fisheries is weak. No formal arrangement exists to coordinate national MCS related agencies in relation to operations on a national or regional basis. Information sources and analysis are limited. An integrated fisheries information management system is not in place. 	<ul style="list-style-type: none"> Develop an MOU between Fisheries and the Police Maritime Unit to establish areas of responsibility to ensure ongoing cooperation and coordination and agreement on standard procedures. Establish fisheries cooperation arrangements with neighbours and other port States where Solomons licensed vessels operate. Automate cross-checking (verification) through the development of an integrated database system. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak	High		Weaknesses <ul style="list-style-type: none"> Information sources are limited. Information is not collected, stored or analysed as part of an integrated system for MCS purposes. The sharing of information and general cooperation between the two principle MCS agencies Police and Fisheries is lacking.
	CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Weak	Moderate		Weaknesses <ul style="list-style-type: none"> SPC reported logbook coverage of flag vessels for 2005 for: PL vessels was 38%, LL was 90% and PS was 48.7%. Not all licensed vessels call in to Honiara or land catch there (eg. Japan vessels) so there is no opportunity to collect logs from these vessels.
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	High	Strengths <ul style="list-style-type: none"> Solomons has opened its VMS information for access by all FFA members and is able to monitor VMS for Australia, Tuvalu, Samoa, Vanuatu and Nauru. Information provided to RNZAF, RAAF for aerial patrols as required. Licensing information posted on the FFA website. Solomons participates in Kurukuru operations. Weaknesses <ul style="list-style-type: none"> No formal arrangements in including Niue Treaty arrangements, are in place to develop cooperative and mutually beneficial long term MCS operations. Kurukuru operations are of short duration. 		

			<ul style="list-style-type: none"> • HS, PNG and Fiji VMS information not available. 	
CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies	Weak	Moderate	Weaknesses <ul style="list-style-type: none"> • No formal arrangement is in place between Fisheries and Police Maritime Unit on cooperation and coordination of MCS. • There is no coordinating Tuna Fisheries Management body as envisaged in the draft SI National Tuna Management Plan. 	
IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.	Weak	High	Weaknesses <ul style="list-style-type: none"> • The collection of necessary data to enable verification is weak. • There is no integrated MCS database to enter data for cross- checking and verification purposes. 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
9. Aerial Surveillance	Overall assessment Strong		Overall assessment	
Performance Indicators:	Assessment	Confidence Range	Strengths <ul style="list-style-type: none"> Aerial surveillance is provided by the NZ, Australian & armed forces meets benchmark for efficient and equitable distribution of regional aerial surveillance assets. License and VMS information provided. Fisheries/MSC officers accompany patrol when feasible. Patrol reports and photos made available to Fisheries. Weaknesses <ul style="list-style-type: none"> No relational database exists for storage and cross-check of patrol information. 	
IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing assets to meet identified risks	Strong	High	Strengths <ul style="list-style-type: none"> Current aerial surveillance meets benchmark for efficient and equitable distribution of regional aerial surveillance assets. 	
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities and WCPFC.	Moderate	High	Strengths <ul style="list-style-type: none"> Post patrol reports and photos made available to Fisheries. MCS officer accompanies patrol when feasible. Any matters of interest are followed up on. Weaknesses <ul style="list-style-type: none"> Information not stored in a relational database for cross-checking with other related information. 	
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Strong	High	Strengths <ul style="list-style-type: none"> All relevant information is provided including license list and VMS detections. Pre-patrol briefs are provided. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation, Regulations & Management Plans	Overall assessment		Overall assessment	
	Weak		<p>Strengths</p> <ul style="list-style-type: none"> Under the SIMROS project, a review of fisheries legislation has been undertaken and new legislation developed which provides for the implementation of HMTc, PNA & WCPFC management measures. A draft Tuna Management and Development Plan is under review. NPOA-IUU to be developed in September 2009. Strengthened penalty provisions adopted in 2009. <p>Weaknesses</p> <ul style="list-style-type: none"> Current legislation is outdated and does not take into account developments in regional fisheries management. There is no Tuna Management Plan in place. 	<ul style="list-style-type: none"> Implement new legislation which has been developed to align with recent PNA and WCPFC developments. Review and implement as appropriate the draft Tuna Management and Development Plan. NPOA for sharks and an assessment to determine the need for an NPOA seabirds required . Develop a mitigation plan for sea turtles based on the FFA regional plan.
Performance Indicators:	Assessment	Confidence Range		
1. Legislation and regulations are adequate to implement & enforce HMTc, PNA & WCPFC measures.	Weak	High	<p>Strengths</p> <ul style="list-style-type: none"> Under the SIMROS project, a review of fisheries legislation has been undertaken and new legislation developed which provides for the implementation of HMTc, PNA & WCPFC management measures. NPOA-IUU scheduled for development in September 2009. <p>Weaknesses</p> <ul style="list-style-type: none"> There is inadequate legislation in place to implement and enforce all HMTc (eg. VMS coverage limitations/HS transshipment, pre-fishing inspections not legislated for), PNA (3IA not implemented) and WCPFC (no flag State enforcement provisions). NPOA for sharks and an assessment to determine the need for an NPOA seabirds required . A mitigation plan for sea turtles has not been developed. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
2. Legislation & regulations are adequately understood by relevant fisheries, police & judiciary.	Moderate	Low	<p>Weaknesses</p> <ul style="list-style-type: none"> There is a lack of awareness of WCPFC obligations and CMM requirements. 	

<p>3. Management plan exists and has been developed in consultation with stakeholders.</p>	<p>Weak/ Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • A draft Tuna Management and Development Plan is under review. <p>Weaknesses</p> <ul style="list-style-type: none"> • Under section 7 of the Act, a plan has no legal force in itself however its provisions can be given legal force by being adopted in fishing license conditions or regulations. 	
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2.0.23 Tokelau

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Tokelau is a party to the Multilateral Treaty on Fishing with the US and licenses on a bilateral basis 3 New Zealand purse seiners and 2 Cook Islands longliners. Conditions of License generally comply with HMTCs. Weaknesses <ul style="list-style-type: none"> Pre-fishing inspections in accordance with MTCs are not undertaken. Conditions of licence do not incorporate WCPFC mitigation measures. 	
Performance Indicators:	Assessment	Confidence Range	<ul style="list-style-type: none"> Establish a pre-fishing inspection regime. Such a regime may involve a multi-faceted joint approach in cooperation with other FFA members and US authorities in Pagopago or where-ever vessels seeking to be licensed, are based. This joint approach could cover such activities as inspection, unloading, observer management, catch log collection etc. 	
IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Strong	Medium		
CRITICAL 2. License conditions are consistent with HMTC:	Moderate	High		
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (including 100% observer and VDS registry)	N/A	N/A		
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS etc):	Strong	Medium		
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record:	Strong	High		

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Strong		Strengths <ul style="list-style-type: none"> All licensed vessels are VMS compliant in accordance with MTCs. There is a dedicated VMS Officer in place and two other officers are authorised to access the FFA VMS. VMS Officer participates in regional training coordinated by FFA. Weaknesses <ul style="list-style-type: none"> Tokelau does not have access to VMS information from neighbouring countries and of particular concern is lack of information regarding PS activity in the Phoenix Group and adjacent high seas. VMS does not detect non-compliant vessels. 	<ul style="list-style-type: none"> VMS information should be an integral part of a fisheries management information system (database). Develop expertise in use of MapInfo. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	High		Strengths <ul style="list-style-type: none"> All licensed vessels are VMS compliant in accordance with MTCs. There is a dedicated VMS Officer in place and two other officers are authorised to access the FFA VMS. Proposed new legislation compliant with HMTCs and WCPFC drafted. Weaknesses <ul style="list-style-type: none"> Proposed new legislation compliant with HMTCs and WCPFC yet to be adopted.
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	N/A			Tokelau does not operate a ship's registry and has no vessels authorised to fish beyond areas of national jurisdiction.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	N/A		Tokelau does not have large local vessels fishing in offshore areas within the EEZ.		
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Strong	High	Strengths <ul style="list-style-type: none"> Tokelau has 1 VMS officer and two others with authorisation to access the FFA VMS. Weaknesses <ul style="list-style-type: none"> Information not entered into a relational database for verification and analysis. 		

			<ul style="list-style-type: none"> MCS related information is limited to VMS. 	
CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.	Strong	High	Strengths <ul style="list-style-type: none"> VMS monitored. System notifies when there is an antenna blockage. If this occurs boats or agents are emailed to check unit and given instructions on how to activate (FFA MTUs). Units must be serviced annually (FFA RR requirement). No violations detected to date. 	
6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.	Strong	High	Strengths <ul style="list-style-type: none"> National VMS requirements comply with HMTCs. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment Weak		Overall assessment Weaknesses <ul style="list-style-type: none"> No Observer Coordinator. No Observer Program. 	<ul style="list-style-type: none"> Investigate the use of electronic monitoring and contracted observers from outside. Utilize observers from other FFA member countries
Performance Indicators:	Assessment	Confidence Range	.	
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Weak	High	Weaknesses <ul style="list-style-type: none"> Tokelau does not have a national Observer Program. 	
CRITICAL 2. Country (flag State) is capable of implementing 100% coverage on PS vessels (ROP accredited).	N/A		<ul style="list-style-type: none"> Tokelau does not operate a ships' registry. 	
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	N/A		<ul style="list-style-type: none"> Tokelau does not have a national Observer Program. There are no large local vessels fishing in offshore areas of the EEZ. There is no local vessel licensing regime. 	
CRITICAL 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Weak	High	Weaknesses <ul style="list-style-type: none"> Tokelau does not have a national Observer Program. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Weak	High	Weakness <ul style="list-style-type: none"> Tokelau does not have a trained observer coordinator. 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	N/A		<ul style="list-style-type: none"> No national observer coverage to date and therefore no reports to manage. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment N/A		Overall assessment Strengths • Tokelau does not have a ship's registry and does not have vessels authorised to fish in areas beyond national jurisdiction.	
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	N/A			
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	N/A			
IMPORTANT 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCS.	N/A			
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	N/A			
CRITICAL 5. Vessels that may have breached WCPFC, 31A, and/or W'gtn Convention investigated & prosecuted	N/A			
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	N/A			

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
5. Port Inspections	Overall assessment		Overall assessment	
	Weak		<p>Comment</p> <ul style="list-style-type: none"> Tokelau does not have a port suitable to support the unloading and supply of foreign fishing vessels. Licensed vessels do not call in to port in Tokelau but generally unload in neighbouring Pagopago. <p>Strengths</p> <ul style="list-style-type: none"> Tokelau has undertaken a legislative review and new Marine Areas Rules are under consideration which if adopted will ensure that Tokelau is able to comply with international obligations including implementation of WCPF Convention and CMMs agreed by the Commission. <p>Weakness</p> <ul style="list-style-type: none"> There are no arrangements in place to monitor fish caught in Tokelau which is unloaded in foreign ports and in particular Pagopago. Current legislation does not provide for implementation of WCPFC provisions. 	<ul style="list-style-type: none"> Develop through cooperative fisheries management arrangements with foreign port States, the capability to monitor and inspect fish which is caught in Tokelau and unloaded in foreign ports. Adopt Marine Areas Rules as appropriate.
	Performance Indicators:	Assessment	Confidence Range	
CRITICAL 1. All landings and transhipments of fish in port are inspected by trained officials.	Weak		<p>Weaknesses</p> <ul style="list-style-type: none"> Tokelau does not have a port suitable to support the unloading and supply of foreign fishing vessels. Licensed vessels do not call in to port in Tokelau but generally unload in neighbouring Pagopago. Tokelau has no port monitoring capability for vessels that unload in foreign ports. 	
CRITICAL 2. Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Tokelau has conducted a review of its fisheries related legislation and with the assistance of FFA is currently developing new legislation that will prohibit landings of fish caught illegally in a foreign EEZ. <p>Weaknesses</p> <ul style="list-style-type: none"> Current legislation does not provide for the prohibition of the landing of fish caught illegally in a foreign EEZ. 	

<p>CRITICAL 3. Government is empowered to prohibit landings and transhipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • The Tokelau Territorial Sea and Exclusive Economic Zone Act, 1977 and the Fishing Regulations, 1988 allow for an authorized officer to stop, board, inspect and arrest if necessary, any fishing vessel suspected of committing an illegality. • A new set of Marine Areas Rules are currently under consideration to replace the Act. These Rules are intended to ensure that Tokelau is in compliance with international agreements to which it is a party including the WCPF Convention and to ensure implementation of CMMs agreed by the Commission. <p>Weaknesses</p> <ul style="list-style-type: none"> • There is no specific provision for prohibiting landings for WCPFC offences. Legislation has been reviewed and proposed new legislation developed to ensure compliance with international legal instruments including the WCPF Convention and CMMs agreed by the Commission. 	
<p>CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.</p>	<p>N/A</p>		<p>Comment</p> <ul style="list-style-type: none"> • Fishing vessels do not make port calls in Tokelau and therefore no inspections made. 	
<p>IMPORTANT 5. Port inspectors are adequately trained and resourced.</p>	<p>Weak</p>	<p>High</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • Tokelau has no trained Port inspectors. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
6. Prosecutions	Overall assessment		Overall assessment		
	Weak		<p>Strengths</p> <ul style="list-style-type: none"> No fisheries violations have been detected in the last 5 years. Recently drafted Marine Area Laws are now under consideration for adoption to replace existing fisheries legislation enacted in 1977. <p>Weaknesses</p> <ul style="list-style-type: none"> Detections limited by scope of monitoring, inspection and information analysis. “longarm” enforcement through the Regional Register and possibly WCPFC IUU List, not being utilized (gear markings on washed up beacons can be used as evidence). The Tokelau Territorial Sea and Exclusive Economic Zone Act, 1977 and Fishing Regulations, 1988 establish a maximum penalty of NZ\$100,000 for fishing without a licence and fishing in contravention of a licence and on conviction the penalty may include forfeiture of vessel, gear and catch. The maximum fine for most countries in the region over the past decade has been \$1 million. 	<ul style="list-style-type: none"> Detections of intrusions by unlicensed vessels would be enhanced with the use of satellite imagery. The use of this technology together with other established tools such as VMS and surface and air surveillance would be particularly useful against those vessels that are not VMS compliant. Develop a reporting process for vessels and gear sightings so that information can be used to establish vessels at fault and “longarm” enforcement implemented as appropriate. To have a deterrent effect, sanctions need to be severe and uniform across the fishery. Development of “fleet wide” impact legislation is a strong deterrent and should be implemented. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Suspected license violations are investigated & prosecuted.	Moderate	High		<p>Weaknesses</p> <ul style="list-style-type: none"> It is likely that violations have been detected unknowingly and as a result no investigations have resulted. For example sightings of vessel lights offshore is common as is drifting and coming ashore of PS nets and beacons. These detections have not been investigated further by fisheries officials. Detections limited by inability to monitor all VMS compliant vessels active in the sub-region throughout their range. Reporting violations limited by capacity to collect, verify and analyse logs and other reporting regimes (zone entry/exit/weekly, unloading, inspection).
	CRITICAL 2. Suspected VMS violations are investigated & prosecuted.	Moderate	Low		<p>Strengths</p> <ul style="list-style-type: none"> No fisheries violations relating to VMS have been detected, investigated and prosecuted. “longarm” enforcement tools are available in the form of the Regional Register and the WCPFC IUU List.
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Moderate	Low	<p>Weaknesses</p> <ul style="list-style-type: none"> No observer reports have been received. 		

<p>CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted.</p>	<p>Moderate</p>	<p>Low</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • No surveillance reports have been received. 	
<p>CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>	<p>Weak</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Tokelau is able to call on FFA and possibly New Zealand for assistance in the development and prosecution of a case. • Tokelau itself has a Legal Adviser currently engaged in the review of draft Marine Areas Rules. <p>Weaknesses</p> <ul style="list-style-type: none"> • Experience in prosecutions is lacking as there have been no prosecutions/settlements to date. 	
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Weak</p>	<p>High</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • The Tokelau Territorial Sea and Exclusive Economic Zone Act, 1977 and Fishing Regulations, 1988 establish a maximum penalty of NZ\$100,000 for fishing without a licence and fishing in contravention of a licence and on conviction the penalty may include forfeiture of vessel, gear and catch. The maximum fine for most countries in the region over the past decade has been \$1 million. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> Marine Areas Rules are being developed to allow Tokelau to participate fully in regional MCS activities including Niue Treaty type arrangement. Samoa has indicated a willingness to provide surface patrols. The ADF sponsored non-PPB Nations Package is designed specifically with Tokelau in mind. Weaknesses <ul style="list-style-type: none"> Tokelau does not have a surface surveillance capability and has no arrangements in place with asset providers to conduct periodic surface patrols. Tokelau's budgetary resources are extremely limited. 	<ul style="list-style-type: none"> Negotiate with Samoa and ADF for the provision of surface patrols by the Samoa patrol boat with funding from the ADF non-PPB Nations Package. Access to adjacent EEZ and HS VMS information would enhance information base for MCS planning purposes. Use of Satellite imagery would assist in providing a better picture of activity in the EEZ and may be useful for planning operations. Obtaining this would be expensive and it may be best approached jointly with others in the sub-region. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000 km ² of EEZ.	Weak	High		Strengths <ul style="list-style-type: none"> Marine Areas Rules are being developed to allow Tokelau to participate fully in regional MCS activities including Niue Treaty type arrangement. Samoa has indicated a willingness to provide surface patrols. The ADF sponsored non-PPB Nations Package is designed specifically with Tokelau in mind. Weaknesses <ul style="list-style-type: none"> Tokelau does not have any surface surveillance capability. Surface surveillance intensity is 0 days per 100,000km of EEZ.
CRITICAL 2. Country has capability to undertake boarding and inspections in EEZs	Weak	High	Weaknesses <ul style="list-style-type: none"> Tokelau has no capability to undertake boarding and inspections in the EEZ. 		
IMPORTANT 3. Country has capability to undertake boarding and inspections in HS	Weak	High	Weaknesses <ul style="list-style-type: none"> Tokelau has no capability to undertake boarding and inspections in the HS. Weaknesses <ul style="list-style-type: none"> Large zone, short range of PPB, lack of intelligence and budgetary constraints mean limited prospects for conducting HS patrols. 		

			<ul style="list-style-type: none"> VMS information only received for activity in zone. Information on activity in HS pocket and adjacent HS not received.¹⁶ 	
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Weak	High	Strengths <ul style="list-style-type: none"> The WCPFC reporting requirements are complied with. Information is collected and available for dissemination. Weaknesses <ul style="list-style-type: none"> No surface patrols have taken place in Tokelau. No sightings and inspection database where information can easily be cross-checked. Foreign vessels have not been inspected as yet so sending inspection reports to the flag State has not taken place. 	
CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.	Weak	High	Weaknesses <ul style="list-style-type: none"> No patrols have been undertaken to date. 	

¹⁶ FFC70 authorized FFA to provide VMS information for areas bordering an EEZ.

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment		
	Weak		Weaknesses	<ul style="list-style-type: none"> Automate cross-checking (verification) through the development of an integrated fisheries information database system. Develop cooperative arrangements with neighbours, port States and asset providers such as USCG and France to secure additional MCS capability and sources of information for Tokelau. Together with neighbouring countries, investigate the feasibility of obtaining satellite imagery. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak	High		Weaknesses <ul style="list-style-type: none"> All tuna management information including licence details and the Tuna Management Plan itself are kept on one computer and this computer was not in a working state at the time of the consultation. Information sources are limited. Information is not stored on a database.
	CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Weak	High		Weaknesses <ul style="list-style-type: none"> Logs are not collected but are apparently sent directly by the vessel operator to SPC for scientific analysis so no in country (MCS related) analysis is possible.
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	High	Strengths <ul style="list-style-type: none"> Tokelau has recently authorised FFA to open Tokelau's VMS data to all FFA members. Information provided to RNZAF for Orion patrols as required. Weaknesses <ul style="list-style-type: none"> Tokelau does not have formal MCS arrangements with any foreign MCS agency. 		
CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies	Moderate	High	Strengths <ul style="list-style-type: none"> The Council of Elders is regularly updated on all Tuna Management issues and this means everyone is informed. The Tokelau administration is small and relatively integrated. Weaknesses <ul style="list-style-type: none"> There is very little data to share aside from VMS information. MCS operations have been limited to the occasional air patrol. 		

<p>IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.</p>	<p>Weak</p>	<p>High</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> • No procedures manual. • Apart from VMS, no other information is collected. • No cross-checking takes place. • No integrated database system to assist with analysis, report compilation and dissemination, is in place. 	
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MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
9. Aerial Surveillance	Overall assessment Moderate/Strong		Overall assessment Strengths <ul style="list-style-type: none"> Current aerial surveillance exceeds proposed benchmark for efficient and equitable distribution of regional aerial surveillance assets. Post patrol reports and photos made available to Tokelau in digital form. Weaknesses <ul style="list-style-type: none"> Information not stored in a relational database for cross-checking with other related information. 		
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing assets to meet identified risks	Strong	High	Strengths <ul style="list-style-type: none"> Current aerial surveillance 6 hours pa of meets proposed benchmark for efficient distribution of regional aerial surveillance assets of 6 hours pa. 	
	IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities and WCPFC.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Post patrol reports and photos made available to Tokelau. Weaknesses <ul style="list-style-type: none"> Information not stored in a relational database for cross-checking with other related information. 	
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Strong	High	Strengths <ul style="list-style-type: none"> All relevant information is provided including license list and VMS detections. 		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
10. Legislation & Management Plans	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> • Tokelau has undertaken a legislative review and new Marine Areas Rules are under consideration which if adopted will ensure that Tokelau is able to comply with international obligations including implementation of the WCPFC Convention and CMMs agreed by the Commission. • Tuna Management Plan in place. Weaknesses <ul style="list-style-type: none"> • Current legislation dates from 1977 for the Act and 1988 for the Fisheries Regulations and does not adequately cater for WCPFC measures. • Tuna Management Plan not reviewed as required. 	<ul style="list-style-type: none"> • Finalise and adopt Marine Areas Rules as appropriate. • Review Tuna Management Plan. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Weak	High	Strengths <ul style="list-style-type: none"> • Tokelau has undertaken a legislative review and new Marine Areas Rules are under consideration which if adopted will ensure that Tokelau is able to comply with international obligations including implementation of the WCPFC Convention and CMMs agreed by the Commission. Weaknesses <ul style="list-style-type: none"> • Current legislation is dates from 1977 for the Act and 1988 for the Fisheries Regulations and does not adequately cater for WCPFC measures. • Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
	IMPORTANT 2. Legislation is adequately understood by relevant fisheries, police & judiciary.	Moderate	High	Strengths <ul style="list-style-type: none"> • The legislative review and development process has assisted in further developing awareness amongst fisheries and legal officers. 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Moderate	High	Strengths <ul style="list-style-type: none"> • Tuna Management Plan developed in consultation with stakeholders and required to be reviewed every 2 years. Weaknesses <ul style="list-style-type: none"> • Tuna Management Plan not reviewed as required in 2008. 		

2.0.25 Tonga

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to obstacles to implementation
1. Licensing	Strong		<p>Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> Tonga only licenses local fishing vessels. The licensing of foreign fishing vessels ceased in 2004 in order to support the development of the domestic fishing industry. In 2009, 11 tuna longline vessels have been licensed 9 of which are operational. Vessels are VMS compliant and monitored by Tonga Fisheries. <p>Weaknesses</p> <ul style="list-style-type: none"> Terms and conditions need to include mitigation measures for sea turtles. 	
Performance Indicators:	Assessment	Confidence Range		
IMPORTANT 1. License form info meets or exceeds HMTC License Form.	N/A	N/A	<p>Strengths</p> <ul style="list-style-type: none"> Tonga only licenses local fishing vessels. The licensing of foreign fishing vessels ceased in 2004 in order to support the development of the domestic fishing industry. In 2009, 11 tuna longline vessels have been licensed 9 of which are operational. 	
CRITICAL 2. License conditions are consistent with HMTC:	N/A	N/A	<p>Strengths</p> <ul style="list-style-type: none"> Tonga only licenses local fishing vessels. Some terms and conditions have been adopted including with respect to VMS, Observers, catch and effort reporting. Licensed tuna longliners target fish for the fresh fish export market, undertake relatively short trips, unload in Nukualofa and are therefore able to be closely monitored. 	
CRITICAL 3. License conditions are consistent with VDS monitoring requirements including 100% observer and VDS registry):	N/A	N/A	Tonga is not a member of PNA.	
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, etc):	Strong	Medium	<ul style="list-style-type: none"> Targeting of shark is banned (shark content maximum of 10% of total catch). This differs from the WCPFC requirement for 5% fin/carcass ration but may be easier to enforce. Vessels are required to be marked in accordance with the FAO Standard Specifications. SPC regional logs are required. Catch and effort limits for BE, YF, albacore. Marlin and swordfish complied with. Draft shark NPOA developed. 	

			Weaknesses <ul style="list-style-type: none"> • NPOA for seabirds required¹⁷. • Mitigation measures for turtles require implementing. 	
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record:	N/A	N/A	Tonga only licenses local vessels which are based in Tonga. These vessels are VMS compliant and monitored by Tonga Fisheries.	

¹⁷ Tonga responded that an NPOA was unnecessary as seabirds were not a concern in their EEZs.

MCS Measure	Level of Implementation	Implementation Factors in Vessel Monitoring System (VMS)		
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment	Overall assessment		
	Strong	<p>Strengths</p> <ul style="list-style-type: none"> • 100% VMS (ARGOS) coverage of local vessels. • Moderately-well trained staff. • Argos technical support available locally. • Vessels target fresh fish and undertake relatively short trips. • Declaration of EEZ in 2008. <p>Weaknesses</p> <ul style="list-style-type: none"> • FFA VMS coverage restricted to EEZ. Therefore don't see adjacent EEZ and high seas activity which would be useful for monitoring and enforcement purposes. • Delimitation required for overlapping boundaries. 	<ul style="list-style-type: none"> • Resolve EEZ boundary issues through the delimitation with neighbours of overlapping claims and incorporating established boundaries into official maps and charts as well as VMS. • Develop formal MCS cooperation arrangements with neighbouring States to include full access to VMS information and the appropriate sharing of all relevant information. • Initiate at WCPFC level the securing of adjacent HS VMS information. • Secure formal authorisation for officers to access the FFA VMS. • Renew ARGOS servicing arrangement. 	
	Performance Indicators:	Assessment		Confidence Range
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	N/A		
CRITICAL 2. All national fishing vessels carry MTUs, consistent with HMTCs, via FFA when in foreign FFA EEZ.	N/A			<ul style="list-style-type: none"> • All flag vessels operating in the WCPFC area are required to be WCPFC VMS compliant. • There are no flag vessels licensed to operate in foreign EEZs.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> • It is a condition of license that vessels are VMS compliant. An ARGOS Vessel Monitoring System (VMS) of the type approved by the Secretary is required to be installed on board the vessel by the Ministry or a designated service provider in accordance with the Ministry's installation specifications. The MTU shall not be moved, removed, interfered with, tampered with, altered, damaged, disabled or impeded in its operation, without the express permission of the Secretary. The VMS must be switched on and operating properly at all times, including when the vessel is in port, unless authorised in writing by the Secretary to switch off the MTU for a stipulated period. 	

<p>IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • VMS operator is well trained and experienced supported by well trained junior staff. • ARGOS technical expertise available locally. • VMS information provided for surface and aerial patrol purposes as required by service providers TDS & RNZAF. • ARGOS manual at the office, both hard copy & e-copy <p>Weaknesses</p> <ul style="list-style-type: none"> • Officers yet to be authorised to access the FFA VMS. • No access to VMS information from adjacent EEZs and HS. • Technical services contract for ARGOS needs to be renewed. • Information not entered into a database for verification and analysis. – Position data (lat and long) verification using VMS and logsheet data is done on a ad hoc basis 	
<p>CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • VMS is monitored and polling can be increased as required. • System notifies when there is an antenna blockage. • MTU has an independent emergency power backup. 	
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Licensed vessels target tunas for the fresh fish export market and therefore conduct relatively short trips (6 days to 3 weeks). • ARGOS technical support is available in Tonga and units can be readily checked. • The ARGOS system has a 2 day emergency power supply. • Boats can be instructed to go back to port as a last resort. If the Master discovers the MTU unit is not working, he must contact the Ministry immediately and assist in troubleshooting the system. If the Ministry still cannot receive a signal from the vessel, the Secretary shall determine the appropriate action on a case-by-case basis, which shall include immediate cessation of fishing, stowing away of fishing gear and heading to a port designated by the Secretary. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment Moderate		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> Observer Coordinator is well trained and experienced (currently on study leave) Only local boats are licensed and unload fresh fish in Nukualofa. In 2009 there are 9 vessels actively fishing. 2008 7 observers active with coverage of 9.2%. <p>Weaknesses</p> <ul style="list-style-type: none"> Current observer coordinator is inexperienced. 	
Performance Indicators:	Assessment	Confidence Range	<ul style="list-style-type: none"> Examine the cost and benefit of the national observer program given the type of longline fishing being conducted, the size and number of vessels and other tools available including industry self-compliance (codes of practice) and port sampling. Investigate the use of electronic monitoring and contracted observers from outside Tonga. 	
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	N/A	N/A		
CRITICAL 2. Country (flag State) has 100% observer coverage on PS vessels in accordance with WCPFC/31A requirements	N/A	N/A		
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Strong	High		
IMPORTANT 4. Country has access to sufficient numbers of adequately trained and	Weak	High		

contracted observers.			<ul style="list-style-type: none"> • Observer work considered lowly paid. • Observers reluctant to go to sea on unhygienic vessels. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Moderate	High	Strengths <ul style="list-style-type: none"> • Observer Coordinator is well trained and experienced (currently on study leave) 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Strong	High	Strengths <ul style="list-style-type: none"> • TUFMAN is available for information input and management and reports are forwarded to FFA/SPC when appropriate. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
4. Vessel Record & Authorisations to Fish	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> Legislation controlling nationals and flag vessels with respect to driftnet fishing, foreign laws and RFMO CMMs, is in place. A record of authorised vessels is maintained by Fisheries and vessel details supplied to WCPFC. Vessels are required to be marked according to the FAO standard. Weaknesses <ul style="list-style-type: none"> Guidelines for HS authorisation process are lacking. 6 vessels listed with WCPFC but 2 vessels listed on the WCPFC Record of Vessels do not appear on the Fisheries register. They have been deleted from Tongan registry but this information has not been yet forwarded to WCPFC in accordance with requirements. 	<ul style="list-style-type: none"> Develop HS authorisation regulations including terms and conditions that include VMS, Observer, Inspection, mitigation and reporting provisions consistent with WCPFC obligations. Develop authorisation procedures that ensure consistency between national and WCPFC vessel lists. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Strong	High	Strengths <ul style="list-style-type: none"> The Fisheries Management Act, 2002 Section 45 requires that a vessel be authorised to fish on the high seas. Six Tongan registered vessels are listed on the WCPFC Vessel Record. 	
	CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Moderate	High	Strengths <ul style="list-style-type: none"> Vessel database maintained by Fisheries. 6 vessels currently registered on the WCPFC Vessel Record as of May 14. Weakness <ul style="list-style-type: none"> 2 vessels listed on the WCPFC Vessel Record are not listed on the Fisheries register of vessels (Fung Sing 2, Lofa). They have been deleted from Tongan registry but this information has not been yet forwarded to WCPFC in accordance with requirements. 	
	CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCs.	Strong	High	Strengths <ul style="list-style-type: none"> FAO Standard Vessel markings and Identification of Fishing Vessels is a standard requirement for all licensed and authorised tuna fishing vessels. 	
IMPORTANT 4. Catch & effort data from registered vessels	Moderate	Medium	Strengths <ul style="list-style-type: none"> Reporting of swordfish catch South of 20°S required (CMM 2008-05) and will 		

is collected, stored & reported to coastal State/SPC &/or WCPFC.			be undertaken in 2009. <ul style="list-style-type: none"> • TUFMAN installed and operational. • All flag vessels unload at Nukualofa. • 	
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W'gtn Convention investigated & prosecuted	Strong	High	Strengths <ul style="list-style-type: none"> • No prosecutions but Fisheries Management Act, 2002 Section 67 establishes that driftnet fishing is an illegal act along with the possession of a driftnet in the fishery waters. Driftnet fishing offences carry a penalty of up to \$1.5 million. • Section 50 of the Fisheries Management Act, 2002 makes it an offence for nationals and authorized vessels to undermine WCPFC obligations and CMMs. To date no investigations or prosecutions relating to this have been undertaken. 	
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	Strong	High	Strengths <ul style="list-style-type: none"> • No flag vessels are authorised to fish in any foreign EEZ. • The Fisheries Management Act, 2002 Section 66 requires that fishing by a Tongan vessel/subject/person, in a foreign State must be conducted in accordance with the laws of that State. An offence of this nature may attract a fine of up to \$500,000. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
5. Port Controls and Monitoring	Overall assessment		Overall assessment	
	Moderate		Strengths <ul style="list-style-type: none"> Unloading by licensed vessels takes place in Nukualofa. Port sampling coverage in 2007 was estimated at 70% of unloading. Weaknesses <ul style="list-style-type: none"> Local vessels are not routinely inspected. 	<ul style="list-style-type: none"> Together with other FFA members agree on a standard template port inspection report that is compliant with the FAO Port State Enforcement Scheme and an integral part of a regionally standard fisheries information management database. Continue participation in the FFA Dockside Boarding training and together with FFA members establish regionally standard boarding and inspection procedures and have officers certified in these procedures.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Moderate	High	Strengths <ul style="list-style-type: none"> In 2007 approximately 70% of all unloadings were monitored by port samplers who also collected unloading and catch and effort information. All vessels are closely monitored by VMS and because the fleet is very small, discussion and collaboration between Fisheries Department and operators is maintained. Weaknesses <ul style="list-style-type: none"> Local vessels are not routinely inspected although the Department of Fisheries maintains close working relations with vessel operators.¹⁸ 	
CRITICAL 2. Government is empowered to prohibit landings & transshipments where it has been established that the catch has been taken illegally in a foreign EEZ,	Strong	High	Strengths <ul style="list-style-type: none"> The Fisheries Management Act 2002, Section 65 prohibits the importation, carriage or unloading of fish caught in contravention of the laws of another State. The penalty for such an offence is \$1 million and/or 4 years imprisonment. Section 64 makes the violation of internationally agreed conservation and management measures a prohibited act. Part X of the Act provides for powers to Authorised Officers which include powers of seizure over fish reasonably believed to have been taken, killed, transported, bought, sold...in contravention of the Act. 	
CRITICAL 3. Government is empowered to prohibit landings and transshipments	Strong	High	Strengths <ul style="list-style-type: none"> Section 50 of the Fisheries Management Act, 2002 makes it an offence for nationals and authorized vessels to undermine WCPFC obligations and CMMs. 	

¹⁸ Because the fleet is targeting fresh fish for export, transshipment is not considered an issue (Secretary Department of Fisheries).

where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.			To date no investigations or prosecutions relating to this have been undertaken. <ul style="list-style-type: none"> Section 68 of the Fisheries Management Act provides for powers to deny a vessel entry to Tonga if it is reasonably suspected that the vessel has contravened international fisheries conservation and management measures. Fines of up to \$500,000 are provided for. 	
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.	Strong	High	Strengths <ul style="list-style-type: none"> While port inspections are rare, the process of informing appropriate domestic and foreign authorities regarding possible violations is in practice. The 2008 Chin Huai 638 case followed the proper domestic and internationally agreed processes for the satisfactory resolution of the incident. 	
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Moderate	High	Weaknesses <ul style="list-style-type: none"> Training of inspectors has been limited to the occasional Dockside Boarding workshops conducted by FFA. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment Strong		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> All detected fisheries violations are investigated. Formal court and out of court procedures are implemented to prosecute violations. In 2008 Tonga utilized the WCPFC IUU List to extract compensation from a Taiwan LL for fishing without a licence in Tonga. Tonga Fisheries has a dedicated Legal Officer. <p>Weaknesses</p> <ul style="list-style-type: none"> Detections limited by scope of monitoring, inspection and information analysis. Procedures for out of court settlements not agreed between Crown Law and Fisheries. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Suspected license violations are investigated & prosecuted.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> All detected fisheries violations are investigated. Since 2004 there have been 3 prosecutions involving Taiwan longline vessels. The 2004 case involved a violation of licence conditions whereby the vessel Ching Fong Hwa 1 was found to have fished for shark (13.5 mt shark & 1.5 mt fins). The second incident involved the unlicensed fishing by Chi Huai 638.vessel found fishing in Tonga waters in 2008. This case was settled using the threat of WCPFC IUU List. There was also the Yang Szu 666 apprehended for illegal fishing in Tonga's waters in 2004 and settlement out of court. <p>Weaknesses</p> <ul style="list-style-type: none"> Detections limited by ability to fully monitor all vessels active in the EEZ. Detections limited by inability to monitor all vessels (VMS) active in the sub-region throughout their range. Reporting violations limited by capacity to verify and analyse logs and other reporting regimes (zone entry/exit/weekly, unloading, inspection). 	
CRITICAL 2.Suspected VMS violations are investigated & prosecuted.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> Incidents of possible VMS violations are required to be investigated. 1 possible violation detected, investigated and resolved in past 5 years. <p>Weaknesses</p> <ul style="list-style-type: none"> Detections limited by ability to fully monitor all vessels active in the EEZ. Detections limited by inability to monitor all vessels (VMS) active in the sub- 	

			region throughout their range.	
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Strong	High	Strengths <ul style="list-style-type: none"> No violations have been reported but Observers are required to monitor compliance. Observers are debriefed. 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted.	Strong	High	Strengths <ul style="list-style-type: none"> All detected violations are investigated. Prosecutions resulting from patrol boat detection involved the 2004 Ching Fong Hwa 1 and Yang Szu 666 cases. 	
CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).	Strong	High	Strengths <ul style="list-style-type: none"> Fisheries has a qualified Legal Officer supported by Crown Law and Police. FFA provides legal expertise on request. FFA provides regular Dockside Boarding and advanced prosecution training for fisheries officers and prosecutors (Police and Crown Law). Weaknesses <ul style="list-style-type: none"> Settlement process needs to be agreed with Crown Law. 	
CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.	Strong	High	Strengths <ul style="list-style-type: none"> Sanctions include fines of up to \$1.5 million, forfeiture of vessel gear and catch and imprisonment. A license can be cancelled or suspended for a vessel used in contravention of the Act. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> TDS provides a total of 76 days of patrol time. Well trained and experienced PPB crew. Fisheries provides information to TDS on request including license information and any relevant FFA VMS information is provided together with Argos VMS. Weaknesses <ul style="list-style-type: none"> Low degree of coordination between Fisheries and TDS. Lack of database for analysis, sharing and reporting purposes. High cost of operations is a significant inhibiting factor to conducting more patrols. Necessary intelligence for targeted surveillance is lacking. 	<ul style="list-style-type: none"> Establish a sighting and inspection database for the input of sighting and inspection reports. Develop formal MCS cooperation arrangements with neighbouring States to include full access to VMS information and the appropriate sharing of all relevant information. FFA to supply E-ops tool. Join with neighbouring States to secure periodic Satellite imagery of border areas. Initiate at WCPFC level the securing of adjacent HS VMS information. Establish with vessel operators a system of reporting of vessel sightings. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000 km ² of EEZ.	Strong	Medium		Strength <ul style="list-style-type: none"> TDS provides a total of 76 days of patrol time. Tonga surface surveillance intensity (5.3) almost equals benchmark. Weaknesses <ul style="list-style-type: none"> High cost of operations a big inhibiting factor.
	CRITICAL 2. Country has capability to undertake boarding and inspections in EEZs	Strong	High		Strengths <ul style="list-style-type: none"> PPB crew are highly trained and experienced.
IMPORTANT 3. Country has capability to undertake boarding and inspections in HS	Moderate	High	Strengths <ul style="list-style-type: none"> Surface capability exists. PPB crew are highly trained and experienced. Tonga participates in the joint regional operations such as Kurukuru. Weaknesses <ul style="list-style-type: none"> Tonga is not a registered participant in WCPFC HS Inspection scheme but intends to do so. Lack of intelligence for targeted surveillance and local budgetary constraints mean limited prospects for conducting HS patrols. VMS information only received for activity in EEZ. Information on activity in neighbouring EEZs and adjacent HS not received. 		

<p>IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Information is collected and available for dissemination. • The requirement to send inspection data to the flag State and WCPFC is understood. <p>Weaknesses</p> <ul style="list-style-type: none"> • No sightings and inspection database where information can easily be cross-checked. • There have been no violations detected by the TDS over the last 5 years. 	
<p>CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Fisheries provides information to TDS on request including license information and any relevant FFA VMS information is provided together with Argos VMS. <p>Weaknesses</p> <ul style="list-style-type: none"> • Fisheries not involved in surveillance planning. • There are no pre-patrol briefs by Fisheries. • Fisheries personnel do not participate in patrols. • TDS does not have access to FFA VMS. – 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment	
	Weak		<p>Strengths</p> <ul style="list-style-type: none"> A comprehensive set of MCS guidelines was developed under the AusAid Institutional Strengthening Project. Fisheries Department MCS officer maintains coordination with TDS. <p>Weaknesses</p> <ul style="list-style-type: none"> Limited sharing of data both nationally and regionally. 	
Performance Indicators:	Assessment	Confidence Range		
IMPORTANT 1. Systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak/Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> A comprehensive set of guidelines for Fisheries MCS was developed under the AusAid Institutional Strengthening Project . <p>Weaknesses</p> <ul style="list-style-type: none"> Information sources are limited Information is not entered and analysed on a database 	
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Strong	Medium	<p>Strengths</p> <ul style="list-style-type: none"> All licensed vessels are based in Nukualofa where they unload. 70% port sampling in 2007 and Fisheries report logs are collected at sampling. Remainder of logs collected from agents. 	
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Weak	High	<p>Strengths</p> <ul style="list-style-type: none"> Information provided to RNZAF for Orion patrols as required. <p>Weaknesses</p> <ul style="list-style-type: none"> Processes need improving to adequately share data. Formal cooperative arrangements not in place for all neighbours and those in the sub-region with an interest in the albacore and swordfish fisheries. 	
CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies	Weak	High	<p>Strengths</p> <ul style="list-style-type: none"> MCS Sub-Committee established as part of the Tuna Management Plan. <p>Weaknesses</p> <ul style="list-style-type: none"> MCS Sub-Committee last met in 2005. 	
IMPORTANT 5. Systems established to cross check	Weak	Medium	<p>Weaknesses</p> <ul style="list-style-type: none"> There is very little MCS information available to Fisheries. 	

and verify MCS and fisheries data.



- Information and data verification is not a feature of the MCS unit work.



MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
9. Aerial/Satellite Surveillance	Overall assessment Strong		Overall assessment Strengths <ul style="list-style-type: none"> • Aerial surveillance meets benchmarks for assessing use of existing assets. • Post patrol reports and photos made available to Fisheries. • Any matters of interest are followed up on. • Information from aerial patrols has been used in prosecutions. Weaknesses <ul style="list-style-type: none"> • Information not stored in a relational database for cross-checking with other related information. 		
Performance Indicators:	Assessment	Confidence Range			
IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing assets to meet identified risks	Strong	High	Strengths <ul style="list-style-type: none"> • Aerial surveillance meets benchmarks for assessing use of existing assets. 		
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities and WCPFC.	Moderate	High	Strengths <ul style="list-style-type: none"> • Post patrol reports and photos made available to Fisheries. • Any matters of interest are followed up on. • Information from aerial patrols has been used in prosecutions. Weaknesses <ul style="list-style-type: none"> • Information not stored in a relational database for cross-checking with other related information. 		
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Strong	High	Strengths <ul style="list-style-type: none"> • All relevant information is provided including license list and VMS detections. • Pre-patrol briefs provided. 		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation, Regulations & Management Plans	Overall assessment		Overall assessment	
	Moderate		<p>Strengths</p> <ul style="list-style-type: none"> The Fisheries Management Act, 2002 is based on principles contained in the 1993 Compliance Agreement, 1995 UNFSA and the FAO Code of Conduct. A Tuna Management Plan has been in effect for over a decade and was developed with stakeholder involvement. FFA has conducted a gaps analysis of national legislation and procedures vis a vis WCPFC and areas that require strengthening have been identified. <p>Weaknesses</p> <ul style="list-style-type: none"> Review of base legislation conducted on an opportunistic basis. 	<ul style="list-style-type: none"> Develop High Seas authorisation regulations including terms and conditions that include VMS, Observer, Inspection, mitigation and reporting provisions consistent with WCPFC obligations.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Legislation and regulations are adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Moderate	High	<p>Strengths</p> <ul style="list-style-type: none"> Fisheries Management Act 2002 is based on principles contained in the 1993 Compliance Agreement, 1995 UNFSA and the FAO Code of Conduct. FFA has conducted a legislative gaps analysis of national legislation and areas that require strengthening have been identified. <p>Weaknesses</p> <ul style="list-style-type: none"> High Seas authorisation regulations including terms and conditions that include VMS, Observer, Inspection, mitigation and reporting provisions consistent with WCPFC obligations need to be developed. 	
IMPORTANT 2. Legislation & regulations are adequately understood by relevant fisheries, police & judiciary.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> Fisheries has a dedicated Legal Officer who has been actively involved in legal capacity building programs implemented by FFA. Crown Law officers participate in FFA coordinated legislative programs including legal drafting and training. Industry representatives participate in regional and international fisheries management workshops and fora. <p>Weaknesses</p> <ul style="list-style-type: none"> MCS officers require enhanced understanding of relevant laws. An agreed set of procedures for settlements need to be agreed between Crown Law and Fisheries. 	

<p>IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • A Tuna Management Plan has been in effect for over a decade and was developed with stakeholder involvement. <p>Weaknesses</p> <ul style="list-style-type: none"> • The Tuna Management Advisory Committee and MCS Sub-Committee have not met since 2005. • Industry advises that Plan is supported but not enforced by Fisheries. 	
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2.0.27 Tuvalu

MCS Measure	Level of Implementation		Implementation Factors in Licensing	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment		Moderate	
	Performance Indicators:		Assessment	Confidence Range
	IMPORTANT 1. License form info meets or exceeds HMTC License Form.		??	Low
	CRITICAL 2. License conditions are consistent with HMTC.		Moderate	Medium
	CRITICAL 3. License conditions are consistent with VDS monitoring requirements (all purse seine vessels are on VDS PS register).		Strong	Medium
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, VMS, observers, catch reporting, transshipments).		Strong	Medium	
			<p>Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> License conditions and Marine Resources Act 2006 are broadly consistent with HMTCs, WCPFC and VDS. Prosecuted two vessels for license violations (non-reporting and mis-reporting) in past five years. <p>Weaknesses</p> <ul style="list-style-type: none"> No pre-license inspection and do not physically check vessel to verify MTU as vessels rarely visit Tuvalu. Depend heavily upon FFA register as lack of port visits make verification difficult. 	<ul style="list-style-type: none"> Implement pre-fishing inspections for all fishing vessels before license is issued. Pre-fishing inspection is an MTC. Vessels should be inspected annually for: MTU, vessel gear, storage/freezer capacity, markings, mitigation measures, wire trace, master and crew docs, safety, etc. This is particularly important given Tuvalu's limited options to adequately monitor fishing. Can be implemented through key ports (i.e FSM, PNG, RMI) and through cost-recovered home port visits where necessary (i.e Japan pays for PNG inspectors to travel to Japan for pre-inspections when required). Implement MCS database with appropriate

<p>CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record.</p>	<p>Moderate/Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Yes – though do not physically check vessel to verify MTU as vessels rarely visit Tuvalu. 	<p>processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate.</p>
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MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment		
	Moderate/Strong		Strengths <ul style="list-style-type: none"> VMS officer has done VMS training course. Police monitor VMS. Monitored daily. Using alerts. Manual reporting every 4 hours. Weaknesses <ul style="list-style-type: none"> No requirement to return to port. Concerns with operation of FFA VMS and discrepancy between FFA secretariat stating that a vessel was reporting to VMS, and informal viewing of neighbouring VMS that did not pick up vessel. VMS map may not be appropriate for Tuvalu as it does not show accurate boundaries. Recently lost a case due to boundary problems. No expertise in checking MTUs 	<ul style="list-style-type: none"> Implement system of alerts. Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate. Implement more regular training for VMS, including secondments to FFA and/or neighbours. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	Medium		Strengths <ul style="list-style-type: none"> Yes
	CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	N/A	Medium		<ul style="list-style-type: none"> No Tuvalu registered vessels.
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Weak	Medium	Strengths <ul style="list-style-type: none"> No national VMS 		
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Moderate	Medium	Strengths <ul style="list-style-type: none"> VMS officer has done VMS training course. Weaknesses <ul style="list-style-type: none"> VMS map may not be appropriate for Tuvalu as it does not show accurate boundaries. Recently lost a case due to boundary problems. No expertise in checking MTUs 		

<p>CRITICAL 5. VMS is monitored & potential violations or malfunctions are immediately queried.</p>	<p>Moderate/ Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Police monitor VMS. Monitored daily. Using alerts. <p>Weaknesses</p> <ul style="list-style-type: none"> • Concerns with operation of FFA VMS and discrepancy between FFA secretariat stating that a vessel was reporting to VMS, and informal viewing of neighbouring VMS that did not pick up vessel. 	<ul style="list-style-type: none"> • Negotiate maritime boundaries with Kiribati noting that technical information on base points is held at SOPAC.
<p>CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.</p>	<p>Moderate/ Strong</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Manual reporting every 4 hours. <p>Weaknesses</p> <ul style="list-style-type: none"> • No requirement to return to port. 	

MCS Measure	Level of Implementation		Implementation Factors in Observers		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
3. Observers	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> 4 observers (require retraining). Weaknesses <ul style="list-style-type: none"> Tuvalu has been collecting observer fees for past 5 years but has not employed any observers as vessels don't land in Funafuti. No observer target. Zero percent coverage Not sufficient number of observers to fulfil requirements and all observers need re-training. Observers need to be retrained but funding only available for operations, not for re-training. 	<ul style="list-style-type: none"> Need significant boost in training budget and increased trained observers. Need method for employing observers in foreign ports where vessels land. Establish processes and databases for recording and investigating observer reports of violations. 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Weak	Medium		Weaknesses <ul style="list-style-type: none"> No observer target. Zero percent coverage
	CRITICAL 2. Country (flag State) is capable of implementing 100% observer coverage on PS vessels (ROP accredited) on 1 August 2009.	Weak	Medium		Weaknesses <ul style="list-style-type: none"> No.
	IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	N/A	Medium		No local fishing fleet.
CRITICAL 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Weak	Low	Strengths <ul style="list-style-type: none"> MCS WG report stated there is only 1 observer employed. Interviewees stated that there 4 observers. Weaknesses <ul style="list-style-type: none"> Not sufficient number of observers to fulfil requirements and all observers need re-training. 		

			<ul style="list-style-type: none"> • Observers need to be retrained but funding only available for operations, not for re-training. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Weak	Medium	Weaknesses <ul style="list-style-type: none"> • No 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Weak	Medium	Weaknesses <ul style="list-style-type: none"> • No observer reports 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment Weak/Moderate		Overall assessment	
			Strengths <ul style="list-style-type: none"> Marine Resources Act 2006 prohibits vessels from fishing on WCPO HS or foreign EEZ unless authorised to do so. Weaknesses <ul style="list-style-type: none"> However, officials interviewed commented that they do not have provisions that prohibit vessels from fishing on the HS unless authorised or illegally in foreign EEZs. Implies that legislation is adequate, but understanding and implementation of legislation requires improvement 	<ul style="list-style-type: none"> Develop regular refresher training program in fisheries law.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Weak/Moderate	Medium	Strengths <ul style="list-style-type: none"> Marine Resources Act 2006 prohibits vessels from fishing on WCPO HS unless authorised to do so in accordance with WCPFC. Weaknesses <ul style="list-style-type: none"> However, officials interviewed commented that they do not have provisions that prohibit vessels from fishing on the HS unless authorised. 	
CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	Medium	Strengths <ul style="list-style-type: none"> Yes (though there is only one and it is not really a fishing vessel). 	
IMPORTANT 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCS.	Strong	Medium	Strengths <ul style="list-style-type: none"> Legislation requires vessels to be marked in accordance with WCPFC and HMTCS. 	
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	??	Low	Weaknesses <ul style="list-style-type: none"> No response as only one vessel which is a bunkerer. 	
CRITICAL 5. Vessels that may have breached WCPFC, 31A, and/or W'gtn Convention investigated & prosecuted	Moderate	Low	No reports, investigations or prosecutions of vessels breaching these requirements. Weaknesses <ul style="list-style-type: none"> Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	

<p>CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Marine Resources Act 2006 prohibits vessels from fishing illegally in foreign EEZs. <p>Weaknesses</p> <ul style="list-style-type: none"> • However, officials interviewed commented that they do not have provisions that prohibit vessels from fishing in foreign EEZs. 	
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MCS Measure	Level of Implementation		Implementation Factors in Port Inspections		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
5. Port Controls and Monitoring	Overall assessment		Overall assessment		
	Weak		Strengths <ul style="list-style-type: none"> Marine Resources Act 2006 empowers Minister to prohibit landings where there are reasonable grounds that the catch has been taken in a manner that undermines C&M measures. Weaknesses <ul style="list-style-type: none"> However, officials interviewed commented that they do not have provisions that prohibit such landings. No processes exist for providing evidence or information to foreign authorities or WCPFC. Given misunderstandings regarding applicable provisions, it seems likely that further training is required. 	<ul style="list-style-type: none"> Improve training of port inspectors and knowledge of powers. Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information; Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate. Review legislation to ensure all 	
	Performance Indicators:	Assessment	Confidence Range		
	CRITICAL 1. All landings and transshipments of fish in port are inspected by trained officials.	Moderate	Low		Strengths <ul style="list-style-type: none"> Fisheries conduct port inspections with Police.
	CRITICAL 2. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Weak	Low		Weaknesses <ul style="list-style-type: none"> No provisions.
CRITICAL 3. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.	Moderate	Low	Strengths <ul style="list-style-type: none"> Marine Resources Act 2006 empowers Minister to prohibit landings where there are reasonable grounds that the catch has been taken in a manner that undermines C&M measures. Weaknesses <ul style="list-style-type: none"> However, officials interviewed commented that they do not have provisions that prohibit such landings. 		
CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign	Moderate	Medium	Strengths <ul style="list-style-type: none"> Vessel Masters are cautioned on basis of evidence found. Catch logs are used for evidence. Police Commissioner and AGs are involved in prosecution or 		

EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.			settlement. Weaknesses • No processes exist for providing evidence or information to foreign authorities or WCPFC.	port State responsibilities are applied.
IMPORTANT 5. Port inspectors are adequately trained and resourced.	Weak/ Moderate	Low	Weaknesses • Given misunderstandings regarding applicable provisions, it seems likely that further training is required.	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment Moderate/ Strong		Overall assessment Strengths <ul style="list-style-type: none"> 2 violations have been detected in past 5 years. Both violations were investigated. Both investigations were settled with fines against the vessels. Interviewees believe that sanctions are adequate. Marine Resources Act 2006 allows for forfeiture on top of any fines. Weaknesses <ul style="list-style-type: none"> Language barriers can be a problem and lack of translators. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. License violations are investigated & prosecuted.	Strong	Medium	Strengths <ul style="list-style-type: none"> Prosecuted two vessels for license violations (non-reporting and mis-reporting) in past five years. Both violations were investigated and settled with fines against the vessels 	
CRITICAL 2. VMS violations are investigated & prosecuted.	Moderate	Medium	<ul style="list-style-type: none"> No violations investigated or prosecuted. 	
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Observers are required to report violations (but no observers). 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and prosecuted.	Strong		Strengths <ul style="list-style-type: none"> One violation detected, investigation and settled with fine. Weaknesses. <ul style="list-style-type: none"> No comment. 	
CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability	Moderate	Low	Strengths <ul style="list-style-type: none"> Training courses are provided through AMC and RAN to some involved. Weaknesses <ul style="list-style-type: none"> Language barriers can be a problem and lack of translators. 	

to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).				
CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.	Strong		Strengths <ul style="list-style-type: none"> • Interviewees believe that sanctions are adequate. • Marine Resources Act 2006 allows for forfeiture on top of any fines. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
7. Boarding, Inspection & At Sea Patrols	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Tuvalu PPB spent 50 days at sea in 2008. Surface surveillance intensity (6.2) exceeds benchmark. Weaknesses <ul style="list-style-type: none"> Interviewees stated that PPBs do not spent enough time at sea to meet requirements which is 200. Tuvalu has not nominated to WCPFC HS B&I scheme. Data sharing could be improved. 	
	Performance Indicators:	Assessment		
IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000km ² of EEZ.	Strong	Medium	Strengths <ul style="list-style-type: none"> Tuvalu PPB spent 50 days at sea in 2008 (nine operational trips). Surface surveillance intensity (6.2) exceeds benchmark. Weaknesses <ul style="list-style-type: none"> Interviewees stated that PPBs do not spent enough time at sea to meet requirements which is 200. 	
CRITICAL 2. Country has capability to undertake boarding & inspections in EEZs.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Tuvalu has 1 PPB with capability to patrol EEZ. 	
IMPORTANT 3. Country has capability to undertake boarding & inspections in HS.	Weak		Weaknesses <ul style="list-style-type: none"> Tuvalu has not nominated to WCPFC HS B&I scheme. 	
IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Stored on laptops. Weaknesses <ul style="list-style-type: none"> Not forwarded to WCPFC. Data sharing could be improved. 	
CRITICAL	Moderate		Strengths	

6. At sea patrols are provided with all relevant VMS & fisheries data.		<ul style="list-style-type: none">• Provision to share/coordinate information when patrols and planned and VOIs are prepared and given to police. Weaknesses <ul style="list-style-type: none">• Data sharing could be better.• PPB had FFA VMS but no budget to maintain.	
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MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment		
	Weak/Moderate		Strengths <ul style="list-style-type: none"> Information is gathered and provided but access to database is not shared. Information is shared with Police and FFA. Cooperation is effective. Key agencies share same building. Operation Kurukuru Weaknesses <ul style="list-style-type: none"> No formal coordination processes or systems. Information is not shared with others (?). Only 60% catch logbooks are returned within 45 days. No data management systems for MCS. Capacity is limited to manage data. 	<ul style="list-style-type: none"> Tighten enforcement of catch logbook license conditions through citations or minor fines (i.e AUD\$10,000) for late submission. Implement MCS database with appropriate processes for acquisition, storage and dissemination of data throughout all relevant agencies. Similarly, NPOA-IUU suggested that High priority be given to the full development of the fisheries information system (currently TUFMAN) under development by SPC and FFA so that all fisheries conservation and management related information including licensing, catch and effort, observer reports, inspections and prosecutions, is in a standard format and able to be integrated for use nationally and regionally as appropriate; Establish processes for cross-checking MCS and fisheries to data to verify accuracy. NPOA-IUU recommended enhancing the MIMRA VMS (Pacific VMS) and the fisheries 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Domestic systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak/Moderate	Medium		Strengths <ul style="list-style-type: none"> Information is gathered and provided but access to database is not shared. Information is shared with Police and FFA. Cooperation is effective. Weaknesses <ul style="list-style-type: none"> No formal coordination processes or systems. Information is not shared with others (?).
	CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Moderate	Medium		Weaknesses <ul style="list-style-type: none"> Only 60% are returned within 45 days.
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate/Strong	Medium	Strengths <ul style="list-style-type: none"> Information is shared with FFA through comprehensive VMS data sharing agreement. Considered to be effective. Participated in Operation Kurukuru. 		

<p>CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies.</p>	<p>Weak/ Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Key agencies share same building. • Information is gathered and provided but access to database is not shared. • Information is shared with Police • Cooperation is effective. • Operation Kurukuru <p>Weaknesses</p> <ul style="list-style-type: none"> • No formal coordination processes or systems. • Information is not shared with others (?) 	<p>information system so that the systems are linked and data can be managed on a near real time basis. The NPOA-IUU noted that this will require a considerable increase in IT/Communications focus by SPC and FFA to cater for MCS aspects of analysis.</p> <ul style="list-style-type: none"> • Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. • Complete information sharing agreements with neighbouring FFA member countries through the protocol administered by FFA. At a minimum this should include the sharing of VMS data but ideally should also include inspection, unloading, prosecution and catch and effort information;
<p>IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.</p>	<p>Weak</p>		<p>Weaknesses</p> <ul style="list-style-type: none"> • No systems. • Capacity is limited to manage data. 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
9. Aerial Surveillance	Overall assessment Weak/Moderate		Overall assessment		
			Strengths <ul style="list-style-type: none"> Tuvalu had 11 hours of aerial surveillance in 2008 through French and NZ defence forces. Aerial patrols are aligned with surface patrols. Weaknesses <ul style="list-style-type: none"> Tuvalu suggests that they need 400 hours pa. Aerial surveillance (11) is significant less than proposed benchmark for efficient distribution of current regional aerial surveillance assets (i.e 24 hours pa). 	<ul style="list-style-type: none"> Establish a formal process for coordination of MCS patrols/aerial surveillance between fisheries and other relevant domestic and foreign agencies that provides for pre-operation and post operation briefings and targeted operations informed by relevant data. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing regional assets to meet identified risks.	Weak/Moderate	Medium		Strengths <ul style="list-style-type: none"> Tuvalu had 11 hours of aerial surveillance in 2008 through French and NZ defence forces. Aerial patrols are aligned with surface patrols. Weaknesses <ul style="list-style-type: none"> Tuvalu suggests that they need 400 hours pa. Aerial surveillance (11) is significant less than proposed benchmark for efficient distribution of current regional aerial surveillance assets (i.e 24 hours pa).
	IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.	Moderate	Medium		Strengths <ul style="list-style-type: none"> Stored on laptops. Weaknesses <ul style="list-style-type: none"> No data management system for MCS data. Not forwarded to WCPFC. Data sharing could be improved.
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Aerial patrols are provided with relevant data. 		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
10. Legislation, Regulations & Management Plans	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Marine Resources Act 2006 renewed in 2006 and broadly consistent with HMTCs, WCPFC and VDS. Weaknesses <ul style="list-style-type: none"> Discrepancies between official interviews interpretations of legislation provisions and legislation implies weak understanding of some key provisions. National Development and Management Plan 2002-2006 was completed in 2001 but never endorsed. In 2004, the plan was reviewed but has also never been endorsed by cabinet. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Legislation and regulations are adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Moderate	Medium	Strengths <ul style="list-style-type: none"> Marine Resources Act 2006 renewed in 2006 and broadly consistent with HMTCs, WCPFC and VDS. Weaknesses <ul style="list-style-type: none"> Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
IMPORTANT 2. Legislation and regulations are adequately understood by relevant fisheries, police & judiciary.	Weak	Low	Weaknesses <ul style="list-style-type: none"> Discrepancies between official interviews interpretations of legislation provisions and legislation implies weak understanding of some key provisions. 	
IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.	Weak/ Moderate	Low	Weaknesses <ul style="list-style-type: none"> National Development and Management Plan 2002-2006 was completed in 2001 but never endorsed. In 2004, the plan was reviewed but has also never been endorsed by cabinet. 	

2.0.29 Vanuatu

MCS Measure	Level of Implementation	Implementation Factors in Licensing	
		<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to obstacles to implementation
1. Licensing	Overall assessment Moderate	Overall assessment Strengths <ul style="list-style-type: none"> License conditions as provided for in the Tuna Management Plan and Licence are consistent with HMTCs and in some cases are stronger eg., in the case of MTU failure, vessels are required to report every 2 hours and logbook submission is required within 10 days of trips end. Strong institutional capability and skills. TAC established. Fisheries regulations being amended to ensure compliance with WCPFC CCMs. Weaknesses <ul style="list-style-type: none"> From the report that there were 3 at port inspections during 2008, it can be deduced that the MTC to require pre-fishing inspections is not adhered to. 	
Performance Indicators:	Assessment	Confidence Range	
IMPORTANT 1. License form info meets or exceeds HMTC License Form.	Strong	High	Strengths <ul style="list-style-type: none"> Licensing form is broadly compliant with HMTC Common Regional Fisheries Licence Form. Weaknesses <ul style="list-style-type: none"> Omissions include: Master Address, Year Built and GRT. However, this information is available on the Regional Registered and is a required in the licence application form.
CRITICAL 2. License conditions are consistent with HMTC:	Moderate	Medium	Strengths <ul style="list-style-type: none"> License conditions as provided for in the Tuna Management Plan and Licence are consistent with HMTCs and in some cases are stronger eg., in the case of MTU failure, vessels are required to report every 2 hours and logbook submission is required within 10 days of trips end. Weaknesses <ul style="list-style-type: none"> From the report that there were 3 at port inspections during 2008, it can be deduced that the MTC to require pre-fishing inspections is not adhered to.
CRITICAL 3. License conditions are consistent with VDS monitoring requirements (100% observer	Strong	Medium	Strengths <ul style="list-style-type: none"> One of the goals of the Tuna Management Plan, 2008 is to ensure that Vanuatu meets its regional and international tuna fisheries related obligations.

requirements and VDS registry).			<ul style="list-style-type: none"> • Vanuatu is a longline fishery and there are no PS vessels licensed bilaterally. • All VU authorised PS are required to comply with relevant management measures as a condition of authorisation and foreign access license. 	
CRITICAL 4. License conditions are consistent with WCPFC MCS requirements (i.e vessel ID, WMS, etc)	Strong	High	Strengths <ul style="list-style-type: none"> • Fisheries regulations are being amended to ensure compliance with WCPFC CCMs. • Part 5 of the Fisheries Act No.55, 2005 requires compliance with the WCPF Convention. Section 14 requires that flag vessels be authorised to fish outside Vanuatu. • Vessels are required to be marked in accordance with the FAO Standard Specifications. • Only foreign vessels listed on the WCPFC Vessel List are eligible to be licensed. • SPC regional logs are required. • TACs established. • Shark plan developed and the targeting of shark is banned. 	
CRITICAL 5. Licenses are only issued to vessels with FFA approved MTU & on WCPFC & FFA Record:	Strong	Medium	Strengths <ul style="list-style-type: none"> • It is a standard requirement that foreign vessels be on the Regional Register and FFA VMS compliant as a prerequisite to being eligible for a licence to fish in Vanuatu. • All foreign vessels and flag vessels that operate in the WCPFC are required to be on the WCPFC Record of Vessels. Weaknesses <ul style="list-style-type: none"> • Locally based vessels can be exempted to be registered on FFA register and FFA approved MTU .. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Monitoring System (VMS)	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
2. Vessel Monitoring System (VMS)	Overall assessment		Overall assessment	
	Strong		<p>Strengths</p> <ul style="list-style-type: none"> 100% VMS coverage for foreign licensed vessels and flag vessels authorised to fish outside EEZ. Strong institutions and processes. Highly trained staff. <p>Weaknesses</p> <ul style="list-style-type: none"> Local vessels not required to be VMS compliant. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. All licensed foreign fish vessels carry approved MTU/MTUs reporting, consistent with HMTCs, via FFA when in EEZ.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> All foreign fishing vessels are required to be VMS compliant. MTU terms and conditions are extensive and tampering can attract a fine of VT\$50 million. MTU failure will require the operator to report to the Director every 2 hours and vessel can be ordered to port to fix the problem. Licence may be suspended for VMS failure. 	
CRITICAL 2. All licensed national fishing vessels carry approved MTUs reporting, consistent with HMTCs, via FFA when in foreign FFA EEZ.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> All flagged vessels operating in WCPFC area report to FFA VMS. Flagged vessels operating in other RFMO areas report VMS to the Vanuatu Maritime Authority the agency responsible for monitoring flag vessel operations. 	
IMPORTANT 3. All local fishing vessels report to national VMS where required.	Weak	High	<p>Weaknesses</p> <ul style="list-style-type: none"> The 9 domestic fishing vessels are not required to be VMS compliant. 	
IMPORTANT 4. National VMS office, staff & equipment are operational & adequately trained.	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> The Department of Fisheries responsible for the monitoring of licensed foreign vessels and authorised flag vessels. The operation is well resourced. 	
CRITICAL 5. VMS is monitored & potential violations or malfunctions are	Strong	High	<p>Strengths</p> <ul style="list-style-type: none"> VMS is monitored continuously and the capability exists to immediately query potential violations or malfunctions. 	

immediately queried.			<ul style="list-style-type: none"> The Vanuatu Maritime Authority is responsible for the issuing of fleet notices and is able to contact vessels relatively quickly.
CRITICAL 6. Vessels with non-reporting MTUs report position details at least every 8 hours until MTU fixed.	Strong	Low	Strengths <ul style="list-style-type: none"> It is a requirement in the case of MTU malfunction that the vessel operator immediately commence manual reports to the Director and continue to do so every 2 hours until the MTU is in working order. Weaknesses <ul style="list-style-type: none"> Available information was not at hand to verify whether or not the requirement or need to manually report has ever been instigated.

MCS Measure	Level of Implementation		Implementation Factors in Observers	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
3. Observers	Overall assessment Moderate		Overall assessment <ul style="list-style-type: none"> In 2009 Vanuatu has newly established 7 observers and 2 port samplers. As a result of the two SPC run courses in June 2009, Vanuatu has now 31 observer cadets In August another 2 attending regional training in Santo Since the operation of Fish processing plant, 100% placement on 2 locally based vessels with a total of 10 placements to date 100% coverage of all transshipments and unloadings Weaknesses <ul style="list-style-type: none"> Insufficient observers to meet 100% coverage of locally based foreign vessels as required in the Tuna Management Plan. 	<ul style="list-style-type: none"> The Tuna Management Plan establishes the need for 100% observer coverage of locally based foreign vessels and encourages foreign fishing vessels to carry observers. An observer capacity has been established and will be developed further with assistance from FFA and SPC.
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Trained observers are carried on 20% of all fishing trips by foreign fishing vessels in EEZ.	Moderate	High	Strengths <ul style="list-style-type: none"> The Tuna Management Plan requires 100% observer coverage on locally based foreign vessels As a result of the two SPC run courses in June 2009, Vanuatu has now 31 observer cadets. A further two observers are anticipated following the August course in Santo Since the opening of the Fish processing plant in 2009, 100% placement on 2 locally based vessels with a total of 10 placements to date 100% coverage of all transshipments and unloadings Weaknesses <ul style="list-style-type: none"> Low observer coverage to date. 	
CRITICAL 2. Country (flag State) has 100% observer coverage on PS vessels in accordance with WCPFC/31A requirements	Strong	Medium	Strengths <ul style="list-style-type: none"> National Observer programme is ROP accredited. Flag PS vessels are required to be observer compliant during FAD closure period in 2009 and 100% from 2010. 	
IMPORTANT 3. Trained observers are carried on some fishing trips by local fishing vessels.	Strong	High	Strengths <ul style="list-style-type: none"> Since the opening of the Fish processing plant in 2009, 100% placement on 2 locally based vessels with a total of 10 placements to date 	

IMPORTANT 4. Country has access to sufficient numbers of adequately trained and contracted observers.	Strong	High	Strengths <ul style="list-style-type: none"> • In 2009 Vanuatu has newly established 7 observers , 2 port samplers and 36 cadet observers • Vanuatu will work with SPC and FFA as well as other FFA member countries to ensure any future observer requirements are met. 	
IMPORTANT 5. Country has adequately trained and resourced observer coordinator.	Weak	High	Weaknesses <ul style="list-style-type: none"> • The national observer program has only just been established and at this stage there is no fully trained and resourced coordinator. 	
IMPORTANT 6. Observer reports are entered into database and/or forwarded to FFA/SPC.	Moderate	High	Strengths <ul style="list-style-type: none"> • TUFMAN is available for information input and management. 	

MCS Measure	Level of Implementation		Implementation Factors in Vessel Records & Authorisations to Fish	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
4. Vessel Record & Authorisations to Fish	Overall assessment		Overall assessment	
	Moderate/ Strong		Strengths <ul style="list-style-type: none"> Part 5 of the Fisheries Act No.55, 2005 requires compliance with the WCPF Convention. Section 14 requires that flag vessels be authorised to fish outside Vanuatu. A record of authorised vessels is maintained by the Department of Fisheries which also undertakes VMS monitoring. Catch and effort data is recorded and reported as appropriate to the coastal State and SPC/WCPFC. 	
	Performance Indicators:	Assessment	Confidence Range	
	CRITICAL 1. Registered vessels are prohibited from fishing on WCPO HS unless authorised to do so in accordance with WCPFC.	Strong	High	Strengths <ul style="list-style-type: none"> Part 5 of the Fisheries Act No.55, 2005 requires compliance with the WCPF Convention. Section 14 requires that flag vessels be authorised to fish outside Vanuatu. Authorisation procedures are set out in International Authorisation to Fish regulations.
	CRITICAL 2. Details of registered vessels with authorisation to fish are recorded and placed on WCPFC record consistent with WCPFC.	Strong	High	Strengths <ul style="list-style-type: none"> Flag vessel database maintained by the Vanuatu Maritime Authority. All flag vessels operating outside Vanuatu are required to be listed on the appropriate RFMO register. Vanuatu currently has 128 vessels authorised to fish with 83 authorised for the WCPFC Area.
	CRITICAL 3. Vessels and fishing gear are marked in accordance with WCPFC & HMTCs.	Strong	High	Strengths <ul style="list-style-type: none"> Condition of authorisation is for FAO Standard Vessel markings and Identification. Vessels are required to fulfil the registration requirements for both the FFA Regional Register and WCPFC Record of Vessels.
IMPORTANT 4. Catch & effort data from registered vessels is collected, stored & reported to coastal State/SPC &/or WCPFC.	Moderate	Moderate	Strengths <ul style="list-style-type: none"> Flag vessels fishing in an FFA EEZ are subject to HMTCs and report to coastal State in accordance with coastal State laws. High seas and foreign EEZ catch and effort information is reported to VMA, stored on TUFMAN and reported to SPC/WCPFC Catch and effort reporting by flag PS vessels has been high (SPC reported 102% 	

			in 2005). Weaknesses <ul style="list-style-type: none"> Catch and effort reporting by flag LL vessels has been weak (SPC reported 46.4% in 2005) 	
CRITICAL 5. Vessels that may have breached WCPFC, 3IA, and/or W' gtn Convention investigated & prosecuted	Moderate/ Strong	High	Strengths <ul style="list-style-type: none"> The ban on driftnet fishing is covered in Part 7 of the Fisheries Act and also in section 6 which allows refusal to issue a licence to a vessel that has at any time engaged in driftnet fishing. The Tuna Management Plan 4.1.8 lists driftnets under prohibited gear types. Purse seiners that fish bilaterally are subject to the laws of the coastal State and those that fish under the FSM arrangement are similarly bound by that arrangement. As a flag State, Vanuatu is required to investigate any incidents involving its vessels in accordance with WCPFC procedures. There have been no investigations or prosecutions required to be undertaken in relation to WCPFC, 3IA or Wellington Convention. Weaknesses <ul style="list-style-type: none"> Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 	
CRITICAL 6. Vessels are prohibited from fishing illegally in foreign EEZs.	Strong	High	Strengths <ul style="list-style-type: none"> The Fisheries Act No.55, 2005 section 4 (3) requires that an operator must not use a local vessel for fishing in any FFA member EEZ except in conformity with any harmonised MTCs. The terms and conditions of the International Authorisation to Fish requires the operator of the flagged vessel to comply with the applicable national laws of each coastal state party in whose jurisdiction it enters. 	

MCS Measure	Level of Implementation		Implementation Factors in Port Inspections	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
5. Port Inspections	Overall assessment Weak		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> In 2008 there were 3 at port inspections conducted. In 2009 there have been 13 port inspections on vessels off-loading in transhipment The Tuna Management Plan requires all locally based foreign vessels licensed to fish in Vanuatu to unload in Vanuatu. <p>Weaknesses</p> <ul style="list-style-type: none"> Most licensed vessels currently unload in either Suva or Pagopago and there are no formal arrangements with inspection agencies in those ports to inspect and report as appropriate. Inspection officials not fully aware of WCPFC requirements including CMMs. 	
	Performance Indicators:	Assessment	Confidence Range	<ul style="list-style-type: none"> Make legislative provision to ensure that fish taken in a manner which undermines WCPFC provisions, is an offence. Formal arrangements covering inspection need to be established with foreign Port agencies where licensed vessels unload including Suva and Pagopago. Familiarisation with WCPFC obligations and CMM requirements needed for both Fisheries and Police Maritime Wing officers.
	CRITICAL 1. All landings and transhipments of fish in port are inspected by trained officials.	Strong	High	
CRITICAL 2. Government is empowered to prohibit landings & transhipments where it has been established that the catch has been taken illegally in a foreign EEZ.	Weak	High		

<p>CRITICAL 3. Government is empowered to prohibit landings and transshipments where it has been established that the catch has been taken in manner that undermines VDS or WCPFC provisions.</p>	<p>Weak</p>	<p>Moderate</p>	<p>Strengths</p> <ul style="list-style-type: none"> All flag vessels are bound to comply with all obligations and requirements of any applicable Scheduled Treaty (Fisheries Act No.55, 2005 section 15 (1)). Under Part 11 of the Act, authorised officers are empowered to seize any vessel reasonably suspected to have committed an offence and any fish taken in the commission as well as arrest any person considered to have committed an offence. The Tuna Management Plan requires the taking into account of requirements and resolutions of all Tuna RFMOs to which Vanuatu is a member and signatory. <p>Weaknesses</p> <ul style="list-style-type: none"> There are no specific legislative provisions empowering port authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner that undermines WCPFC provisions. 	
<p>CRITICAL 4. Evidence from port inspections of illegal fishing (EEZ, HS, foreign EEZ) is provided to the appropriate domestic or foreign authorities and/or WCPFC secretariat.</p>	<p>Moderate</p>	<p>Moderate</p>	<p>Strengths</p> <ul style="list-style-type: none"> Vanuatu is not a central unloading port and most licensed vessels unload in Suva or Pagopago. Fisheries/MCS and Foreign Affairs officials are aware of the channels of communication for reporting incidents including to WCPFC and foreign States. Port inspection have increased from 3 in 2008 to 13 as of August 2009. This number will increase as the two newly established processing plants become fully operational and more vessels unload in Vanuatu. Recently an additional 14 locally based vessel licensed were issued in order to supply the plants. 	
<p>IMPORTANT 5. Port inspectors are adequately trained and resourced.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> Fisheries and Police Maritime Wing officers have benefitted from boarding and inspection training provided by FFA. In addition Police Maritime Wing officers undertake periodic training as part of the PPB program. <p>Weaknesses</p> <ul style="list-style-type: none"> Port inspectors are not sufficiently trained in WCPFC obligations and CMM requirements. 	

MCS Measure	Level of Implementation		Implementation Factors in Prosecutions	
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.
6. Prosecutions	Overall assessment Moderate		<p align="center">Overall assessment</p> <p>Strengths</p> <ul style="list-style-type: none"> Fisheries is restructuring and it is anticipated that a legal officer will be added to the staff compliment. 5 prosecutions have been conducted in the last 5 years. Training provided by FFA. <p>Weaknesses</p> <ul style="list-style-type: none"> Detections limited by scope of monitoring, inspection and information analysis. 	
Performance Indicators:	Assessment	Confidence Range		
CRITICAL 1. Suspected license violations are investigated & prosecuted.	Strong	Moderate	<p>Strengths</p> <ul style="list-style-type: none"> Licensing violations are investigated & prosecuted where appropriate. Prosecutions have related to not having a certified licence on board, non-compliance with vessels marking requirements, not maintaining a catch log. All cases go to court as Vanuatu does not have an administrative penalty system nor is out of court settlement practiced. <p>Weaknesses</p> <ul style="list-style-type: none"> The requirement to submit catch and effort logs within 10 days is not enforced. Landings of catch taken in Vanuatu and landed outside Vanuatu by licensed vessels are not monitored through port inspection or port sampling. 	<ul style="list-style-type: none"> Regularly review sanctions to ensure they have the desired deterrent effect. Document cases to ensure retention of corporate knowledge and for possible use in future cases. Adopt administrative penalty procedures to cover prosecution of less serious offences.
CRITICAL 2. Suspected VMS violations are investigated & prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> In 2008 there were 2 cases of malfunctioning MTUs investigated but none resulted in prosecution. <p>Weaknesses</p> <ul style="list-style-type: none"> It is difficult to tell without physical inspection whether malfunction is due to technical fault or tampering. 	
CRITICAL 3. Observer reports of violations are investigated & prosecuted.	Moderate	Low	<p>Strengths</p> <ul style="list-style-type: none"> Observer Programme newly established. Observers are required to report on compliance. 	
CRITICAL 4. Fishing violations detected by surface and aerial surveillance operations are investigated and successfully prosecuted.	Moderate	Medium	<p>Strengths</p> <ul style="list-style-type: none"> In 2008, there were 27 at-sea inspections leading to six investigations and 5 prosecutions. 	

<p>CRITICAL 5. Investigation, prosecution and judicial authorities are adequately trained and resourced, including capability to collect, analyse, present & consider technical evidence (i.e VMS & catch logbooks).</p>	<p>Moderate</p>	<p>Medium</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Fisheries is restructuring and it is anticipated that a legal officer will be added to the staff compliment. • Fisheries officers, prosecutors and judiciary participate in FFA coordinated training every 2 years. <p>Weaknesses</p> <ul style="list-style-type: none"> • High turnover of prosecution staff means familiarity with fisheries cases can be lacking. • Port inspectors are not sufficiently trained in WCPFC obligations and CMM requirements. 	
<p>CRITICAL 6. Sanctions are consistent and adequate in severity to be effective and allow for refusal, withdrawal or suspension of authorisation to fish.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Sanctions include fines of up to VT\$100,000,000 and may include forfeiture of vessel, gear and must include forfeiture of illegally caught fish. The Fisheries Act No.55, 2005 provides for the refusal, withdrawal and suspension of a licence or international authorisation to fish. 	

MCS Measure	Level of Implementation		Implementation Factors in At Sea Patrols		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
7. Boarding, Inspection & At Sea Patrols	Overall assessment		Overall assessment		
	Moderate		Strengths <ul style="list-style-type: none"> Surface surveillance intensity exceeds the benchmark of 6 days per 100,000 km² annually. In 2008 the patrol boat was operational for 76 days with 50 dedicated to fisheries. 27 boardings were conducted. A Fisheries officer normally participates in patrols by Police Maritime Wing. Licence, VMS and VOI information provided to Police Maritime Wing by Fisheries. Well trained and experienced PPB crew. Weaknesses <ul style="list-style-type: none"> Lack of database for analysis, sharing and reporting purposes. Budgetary constraints. Vanuatu is not registered as a participant in the WCPFC High Seas Boarding and Inspection regime. 	<ul style="list-style-type: none"> Establish a sighting and inspection database. Access to adjacent HS VMS information (including eastern pocket) would enhance information base for planning purposes. Satellite imagery would assist in allowing targeted operations. 	
	Performance Indicators:	Assessment	Confidence Range		
	IMPORTANT 1. Surface surveillance intensity meets or exceeds benchmark of 6 days per 100,000 km ² of EEZ.	Strong	High		Strength <ul style="list-style-type: none"> Surface surveillance intensity (7.4) exceeds the benchmark of 6 days per 100,000 km² annually. In 2008 the patrol boat was operational for 76 days with 50 dedicated to fisheries. 27 boardings were conducted. Weaknesses <ul style="list-style-type: none"> According to Police Maritime Wing, a total of 100 total sea days is required including for fisheries surveillance purposes. Fisheries considers that a minimum of 150 days for fisheries patrols should be a minimum. Intelligence for targeted surveillance is lacking.
	CRITICAL 2. Country has capability to undertake boarding and inspections in EEZs	Strong	High		Strengths <ul style="list-style-type: none"> PPB is operational and crew are highly trained and experienced.
IMPORTANT 3. Country has capability to undertake boarding and inspections in HS	Moderate	High	Strengths <ul style="list-style-type: none"> PPB is operational and crew are highly trained and experienced. Weaknesses <ul style="list-style-type: none"> Budgetary constraints allow for in-zone patrols only. Vanuatu is not a registered participant in the WCPFC HSBI regime. 		

<p>IMPORTANT 4. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities & WCPFC.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Annual WCPFC reporting requirements are complied with. • Information is collected and held with Police Maritime Wing until requested by Fisheries. Information dissemination is through Fisheries. <p>Weaknesses</p> <ul style="list-style-type: none"> • No sightings and inspection database is established where information can easily be cross-checked. • Inspection reports of foreign vessels have not been sent to the flag State. 	
<p>CRITICAL 5. At sea patrols are provided with all relevant VMS & fisheries data.</p>	<p>Moderate</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • All available information is supplied to Police Maritime Wing to support patrols. Information provided: Licence list, VMS and VOI list. <p>Weakness</p> <ul style="list-style-type: none"> • Information to allow for more targeted patrols is lacking. • A pre-patrol briefing is not provided by Fisheries. • A post-patrol report is only provided by Police Maritime Wing if requested by Fisheries. 	

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans	
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.
8. MCS Coordination & Data Verification/Sharing	Overall assessment		Overall assessment	
	Weak		Weaknesses <ul style="list-style-type: none"> Cooperation and coordination between the principle MCS agencies Police Maritime Wing and Fisheries is of a low level. No formal arrangement exists to coordinate national MCS related agencies in relation to operations on a national or regional basis. Logbook submission is low and other information sources and analysis is limited. An integrated fisheries information management system is not in place. 	<ul style="list-style-type: none"> Develop an MOU between Fisheries and the Police Maritime Wing to establish areas of responsibility to ensure ongoing cooperation and coordination and agreement on standard procedures. Enforce requirement for vessel agents to be responsible for vessels including submission of logs. Establish fisheries cooperation arrangements with neighbours and other port States where Vanuatu licensed vessels operate. Automate cross-checking (verification) through the establishment of an integrated database.
	Performance Indicators:	Assessment	Confidence Range	
	IMPORTANT 1. Systems established for acquisition, storage & dissemination of MCS data throughout relevant agencies with appropriate confidentiality conditions.	Weak	High	
CRITICAL 2. 100% of catch logbooks collected within 45 days of end of trip.	Weak	High	Weaknesses <ul style="list-style-type: none"> Logbook coverage is low because most licensed vessels unload outside of Vanuatu. Vessel agents are not complying with requirement to report. 	
IMPORTANT 3. Processes in place to share data and information with other foreign MCS agencies in support of regional MCS operations, with appropriate confidentiality conditions.	Moderate	High	Strengths <ul style="list-style-type: none"> Vanuatu has VMS sharing arrangements (365 days/year) with Australia, Samoa, Solomon Islands and Tuvalu and has offered to share VMS on a reciprocal basis with Fiji, New Zealand, France and USA. Information provided to RNZAF, RAAF and France for aerial patrols as required. Licensing information shared with neighbours on an informal basis. Vanuatu participates in Kurukuru operations. Weaknesses <ul style="list-style-type: none"> No formal arrangements in including Niue Treaty arrangements, are in place to develop cooperative and mutually beneficial long term MCS operations. Kurukuru operations are of short duration. 	

<p>CRITICAL 4. Domestic systems established for coordination of MCS operations & data sharing between relevant agencies</p>	<p>Weak</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> The Tuna Management Plan provides for the establishment of a Tuna Management Advisory Committee to implement the Plan, conduct annual reviews and to meet twice monthly as required. The Committee is to be comprised of representatives from Finance, Foreign Affairs, Police Maritime Wing, State Law Office, Civil Society, Tuna Industry Association, National Fishermen’s Association, Provincial Government and Fisheries. <p>Weaknesses</p> <ul style="list-style-type: none"> No formal arrangement is in place between Fisheries and Police Maritime Wing on cooperation and coordination of MCS. Meetings with potentially relevant agencies have been led by Fisheries but have never been sustained. 	
<p>IMPORTANT 5. Systems established to cross check and verify MCS and fisheries data.</p>	<p>Weak</p>	<p>High</p>	<p>Weaknesses</p> <ul style="list-style-type: none"> The collection of necessary data (eg. Logs) to enable verification on a timely basis is weak. There is no integrated database to enter data for cross- checking and verification purposes. 	

MCS Measure	Level of Implementation		Implementation Factors in Aerial & Satellite Surveillance		
			<u>Comment: Strengths and Weaknesses</u> (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	<u>Responses</u> Suggested responses to implementation obstacles.	
9. Aerial Surveillance	Overall assessment Strong		Overall assessment Strengths <ul style="list-style-type: none"> Aerial surveillance is provided by the NZ, Australian and French armed forces meets benchmark for efficient and equitable distribution of regional aerial surveillance assets. License, VOI and VMS information provided. Fisheries/MSC officers accompany patrol when feasible. Patrol reports and photos made available to Fisheries. Weaknesses <ul style="list-style-type: none"> No relational database exists for storage and cross-check of patrol information. 		<ul style="list-style-type: none"> Develop a database for the input of patrol information and cross-checking with other related information.
Performance Indicators:	Assessment	Confidence Range			
IMPORTANT 1. Aerial surveillance meets or exceeds benchmarks for assessing use of existing assets to meet identified risks	Strong	High	Strengths <ul style="list-style-type: none"> Current aerial surveillance (55 hours pa) meets benchmark (13 hours pa) for efficient and equitable distribution of regional aerial surveillance assets. 		
IMPORTANT 2. Sightings & inspection data is properly collected, stored & provided (where appropriate) to relevant authorities and WCPFC.	Moderate	High	Strengths <ul style="list-style-type: none"> Post patrol reports and photos made available to Fisheries. MCS officer accompanies patrol when feasible. Any matters of interest are followed up on. Information from aerial patrols has been used in prosecutions. Weaknesses <ul style="list-style-type: none"> Information not stored in a relational database for cross-checking with other related information. 		
IMPORTANT 3. Aerial patrols are provided with all relevant VMS & fisheries data.	Strong	High	Strengths <ul style="list-style-type: none"> All relevant information is provided including license list, VOI and VMS detections. 		

MCS Measure	Level of Implementation		Implementation Factors in Legislation, Regulation & Management Plans		
			Comment: Strengths and Weaknesses (i.e Factors in successful implementation and/or obstacles to implementation - capability, capacity, coordination, training, leadership & assets, resources).	Responses Suggested responses to implementation obstacles.	
10. Legislation & Management Plans	Overall assessment Moderate		Overall assessment Strengths <ul style="list-style-type: none"> Fisheries regulations revised in March 2009 to be consistent with the Act and requirements of CMMs that have been adopted since 2005. The Tuna Management Plan was revised in 2008 and is required to be reviewed annually by the Tuna Management Advisory Committee which is comprised of relevant stakeholders. Weaknesses <ul style="list-style-type: none"> Review of base legislation conducted on an opportunistic basis. 		<ul style="list-style-type: none"> Review legislation as planned. Develop NPOAs for IUU and seabirds. Develop an action plan for sea turtle mitigation following the guidelines established by the FFA Sea Turtle Mitigation Action Plan.
Performance Indicators:	Assessment	Confidence Range	Weaknesses		
CRITICAL 1. Legislation is adequate to implement & enforce HMTCs, PNA & WCPFC measures.	Moderate	High	Strengths <ul style="list-style-type: none"> Fisheries regulations revised in March 2009 to be consistent with the Act and requirements of CMMs that have been adopted since 2005. A review of the Act is planned for 2009 to ensure full compliance with HMTCs, PNA and WCPFC requirements. The Tuna Management Plan was revised in 2008 and is required to be reviewed annually by the Tuna Management Advisory Committee which is comprised of relevant stakeholders. Flag purse seiners that operate in the WCPFC Area are subject to the terms and conditions of access as required by the FSM or respective bilateral arrangements as appropriate. Weaknesses <ul style="list-style-type: none"> NPOAs for IUU and seabirds have not been developed. A mitigation plan for sea turtles has not been developed. Delays or weaknesses in mechanisms to implement and endorse WCPFC C&M measures as they arise. 		
IMPORTANT 2. Legislation is adequately understood by relevant fisheries, police & judiciary.	Moderate	High	Strengths <ul style="list-style-type: none"> Fisheries is being restructured and it is anticipated that a legal officer will be added to the staff compliment. Fisheries staff receive prosecution training every 2 years. Weaknesses <ul style="list-style-type: none"> There is a lack of awareness of WCPFC obligations and CMM requirements. There is a high turnover of government lawyers. 		

<p>IMPORTANT 3. Management plan exists and has been developed in consultation with stakeholders.</p>	<p>Strong</p>	<p>High</p>	<p>Strengths</p> <ul style="list-style-type: none"> • The Tuna Management Plan was revised in 2008 and is required to be reviewed annually by the Tuna Management Advisory Committee which is comprised of relevant stakeholders. • Implementation of the Plan is required to take into account requirements and resolutions of all Tuna RFMOs to which Vanuatu is a party or signatory. 	
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2. References

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- ¹ A few such reports include: FFA. 2004. Pacific Islands Oceanic Fisheries Management Project Needs Assessment. Pacific Islands Forum Fisheries Agency. Honiara. - Philipson et al. 2008. Longline Framework. FFA, SPC and ForSEC - Hanich, Q., Teo, F. and Tsamenyi, M. 2008. Closing the Gaps: Building Capacity in Pacific Fisheries Governance Governance and Institutions. Honiara, Pacific Islands Forum Fisheries Agency. – Meere, Frank. and Lack, Mary. 2008. Assessment of Impacts of Illegal, Unreported and Unregulated (IUU) Fishing in the Asia-Pacific. Asia Pacific Economic Cooperation (APEC). Singapore. - AusAID.. 2007. Valuing Pacific Fish: A Framework for fisheries-related development assistance in the Pacific. Canberra: Australian Agency for International Development (AusAID). - Cartwright, I and Preston, G. 2006. A Capacity Building Strategy for the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Forum Fisheries Agency. Honiara.
- ² Pitcher, Tony., Kalikoski, Daniela. And Pramod, Ganapathiraju. 2006. Evaluations of Compliance with the FAO (UN) Code of Conduct for Responsible Fisheries. Fisheries Centre Research Reports. Vol. 14. No. 2. Fisheries Centre, University of British Columbia. While the study included no Pacific island, it did include almost all the key DWFNs (i.e Japan, China, USA, South Korea, Taiwan) that fish within the region and key neighbours Indonesia and Philippines as well as Australia and New Zealand.
- ³ Gillett, 2005. Review of the FFA Observer Programme. FFA.
- ⁴ EC Regulation No. 1005/2008 'establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.
- ⁵ Hanich, Q., Teo, F. and Tsamenyi, M. 2008. Closing the Gaps: Building Capacity in Pacific Fisheries Governance Governance and Institutions. Honiara, Pacific Islands Forum Fisheries Agency.
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- ⁷ Clarke, Les. 2006. Pacific 2020 Background Paper: Fisheries. Canberra, Australian Agency for International Development (AusAID).
- ⁸ Brown, Colin. 2006. Field Study on Port State Measures for the FAO/FFA Regional Workshop to promote the full and effective implementation of Port State measures to combat IUU Fishing – FAO Consultant.