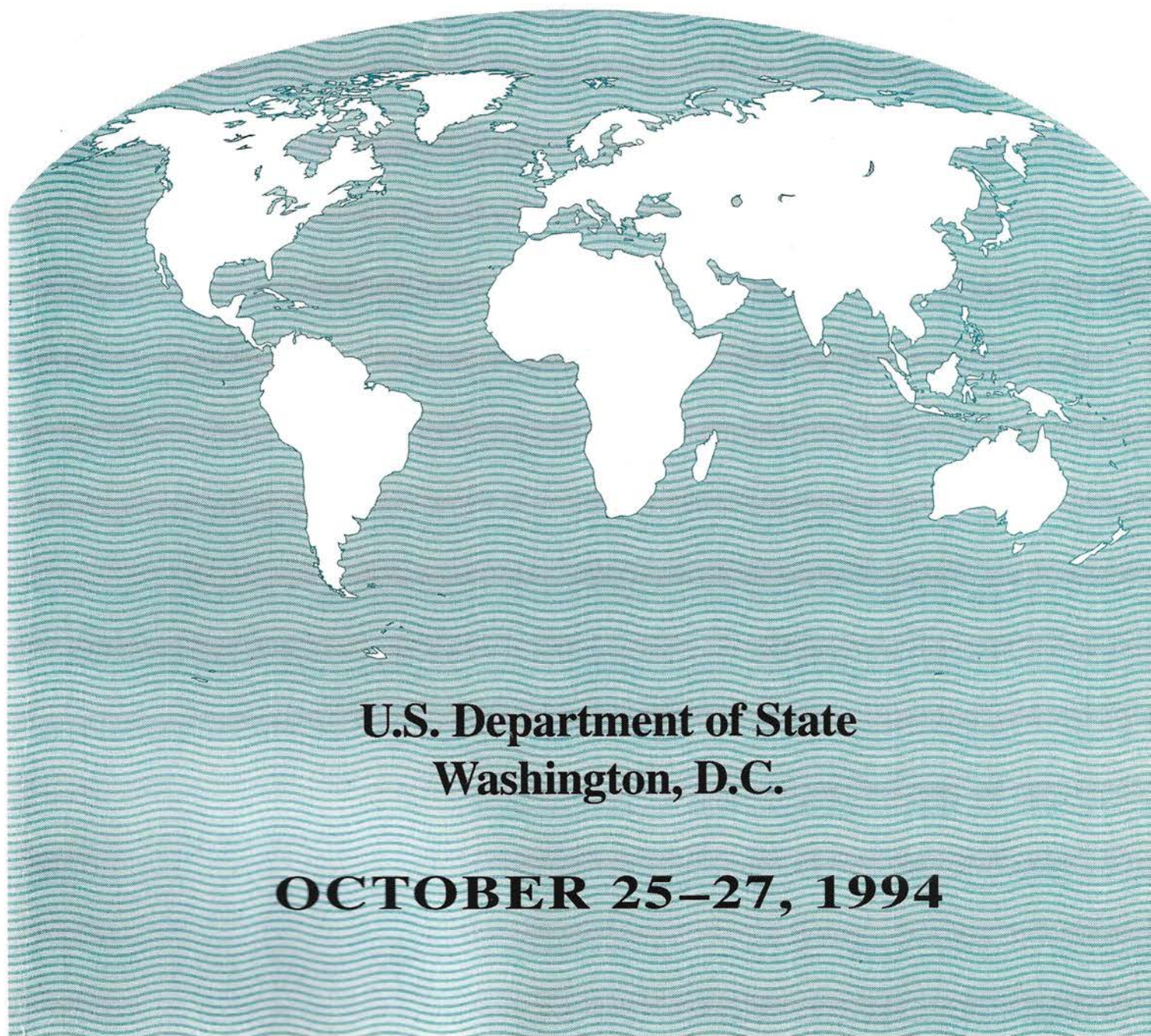


**REPORT OF
THE GLOBAL FISHERIES
ENFORCEMENT WORKSHOP**



**U.S. Department of State
Washington, D.C.**

OCTOBER 25-27, 1994

This document is an abridged compilation of materials presented at the Global Fisheries Enforcement Workshop. It was not possible to include all of the material submitted, and during the editing of this report, some presentations were shortened or omitted due to incompatible format or content, specifically materials originally presented in an audio/visual format. For a complete version of individual presentations, please contact the authors listed in the List of Participants and Attendees, page 208.

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Fisheries Enforcement in the European Community

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The contents of this paper produced by the Directorate-General for Fisheries of the Commission of the European Communities do not necessarily reflect the official views of the Institutions of the Community.

The European Community

The European Community comprises 12 Member States (Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, The Netherlands, Portugal and the United Kingdom of Great Britain and Northern Ireland).

All Member States, except Luxembourg, are concerned by fishing activities.

There are four acceding Member States (Austria, Finland Norway and Sweden) which might join the Community as from 1 January 1995.

The Community is managed by a number of common institutions, of which the most important are:

- a democratically elected *Parliament*
- a *Council* representing the Member States and composed of government ministers
- a *Commission* which has the power to initiate, and to ensure compliance with, Community legislation (executive body)
- a *Court of Justice* which ensures that Community law is observed.

The Common Fisheries Policy (CFP)

The CFP is one of the Community's integrated common policies, and involves a significant transfer of authority from the Member States to the Community.

The CFP is a typical case of European integration and concerns all aspects of Community activities from external relations, including fisheries agreements with third countries, to regional policy. The main areas of the CFP are:

- marketing and trade measures
- structural policies
- conservation of fish stocks.

Conservation Policy

The EC's conservation policy has been designed to provide the maximum protection for stocks. This policy is based on information provided by STECF, the Community's Scientific, Technical and Economic Committee for Fisheries and by ICES, the International Council for the Exploration of the Sea.

The main instruments of the EC's conservation policy are:

- the technical measures
- the exploitation rates.

The technical measures are aimed at the protection of young fish. Reducing catches of young fish is of paramount importance. It ensures they are given a reasonable chance to continue spawning. The protection of young fish is achieved through a variety of technical measures. These cover essentially the mesh size of fishing nets and the minimum size or weight of fish landed. They also include limits on different fishing seasons, areas where certain types of fishing are banned and restriction on fishing gear and vessels.

The exploitation rates are based on the concept of TAC's, total allowable catches for each stock, covering a species in a given area. Stock levels are assessed annually, essentially by fisheries biologists within STECF and/or ICES. On the basis of this scientific advice, the European Commission presents proposals for TACs for the various stocks. The final decision on the level of catches that can be made for the following year is taken by the council of (Fisheries) Ministers each December.

TACs are divided into national quotas according to agreed allocation keys. When a TAC or a quota has been exhausted, the fishery must be closed, a policy endorsed by the European Court of Justice.

Access to Fishing Grounds

From the Beginning of 1977, the Community's Member States extended their fishing zones in the North Atlantic to 200 nautical miles in a coordinated action (Council Resolution of 3 November 1976).

The Council also agreed that, as from 1 January 1977, the exploitation of fishery resources in the 200-mile zone of the Member States by fishing vessels of third countries shall be governed by agreements between the Community and the third countries concerned.

Third countries which have at present fishing rights in Community waters include Norway, Sweden, and the Baltic States (Estonia, Latvia, and Lithuania). Fishing vessels of these countries must have a license to fish in Community waters and have to report their entry/exit and catches from the sea to the European Commission.

Fishing vessels from other third countries have no right to fish in the Community 200-mile zone, but certain control measures will apply to them:

- 1) system of communications of movements and of catches held on board (Art. 2, par. 2 of Council Regulation No. 2847/93)
- 2) 72 hours advance notice before landing in a Community port (Art. 10, par. 1(c) of Council Regulation No. 2847/93).

The general principle applying to Member States is that their fishing vessels have access to each others' waters, irrespective of nationality, except the coastal bands (12 miles). Access to coastal waters is reserved for local fishermen. This exception was necessary to prevent a sudden invasion of fishing boats from other parts of the Community.

But that freedom outside 12 miles is not total. The Community has designated protected areas where the right to fish is limited.

From January 1995 all vessels fishing in Community waters will need to have a license.

Unauthorized Foreign Fishing In Community Waters

Unauthorized foreign fishing in Community waters seems not to be a major problem.

The number of detected infringements of foreign vessels is low and there is no targeted surveillance on them.

Unauthorized foreign fishing by vessels of countries not having fishing rights is probably limited for geographical reasons. In the east, Community waters are mainly bounded by Norwegian waters, in the north they are largely bounded by Faroese waters, so that direct entry from international waters is not possible. In the west, the situation is different, but there the continental platform ends well within the 200-mile zone so that foreign vessels have to penetrate deeply inside Community waters before they can hit fishing grounds. Furthermore, aerial surveillance and surface patrolling in ICES sub-areas VI and VII are quite extensive.

Monitoring, Control, and Surveillance of Fishing Activities

Fishing activities must be monitored to ensure that conservation measures and access rules adopted by the Community are respected.

Notwithstanding that the rules are adopted at Community level, the main responsibility for ensuring that the rules are applied lies with the competent authorities of the Member States. The national authorities must police the waters of the Member States concerned and control the landings on its territory.

It should be taken into account that the MCS resources (manpower, patrol vessels, aircraft) as well as the legal means and the sanctions differ from one Member State to another and that this may entail differences in the way fishing activities are monitored and in the way infringements are prosecuted. Sanctions, decided by National Court, may range from fines, confiscation of gear and catch, or even the fishing vessel, to temporary suspension or permanent withdrawal of fishing licenses.

The Organization of the MCS services differs indeed from one Member State to another. Some have inspection services dedicated specifically to fisheries activities whilst others call on several different government departments which also perform functions other than fisheries surveillance.

The Community is helping the Member States by providing financial aid to strengthen their control measures. Under this scheme, Member States have mainly applied for a financial contribution to the purchase of fishing protection vessels and aircraft.

The European Commission, the executive body of the Community, has its own team of fisheries inspectors, which increased from 7 in 1983 to 22 today. Their task is to inspect the national MCS services, but not the fishermen themselves. They are the "eyes and ears" of the European Commission.

In 1993, a decision was taken to extend fisheries control to the port-harvest sector in order to allow for cross-checks between the details entered into the logbooks by the fishermen on the one hand and the landing declarations and the various sales notes issued on the other hand. To that end the information will have to be entered on computerised data bases.

The European Commission is indeed in favor of the use of modern technologies for MCS tasks. This is further illustrated by its interest in the potential of satellite monitoring.

Member States are at present implementing pilot projects for satellite monitoring, involving around 350 vessels throughout the Community. Different technologies such as { Argos, Euteltracs, and in alphabetical order) will be used to track their movements during the rest of this year and in 1995. The pilot projects are funded with ECU 10 million from the Community budget. The results of the exercise will provide the input for a decision of the Council on the future use of satellite monitoring.

The way in which the pilot projects are set up is also an illustration of the cooperation between Member States. Each Member State operates through a fisheries monitoring centre (FMC), which must be able to determine the position of its fishing vessels included in the pilot project, wherever they operate. The data from each vessel are always directed to the FMC of its Flag State. If the vessel's position is in the waters under the jurisdiction of another Member State, the Flag State FMC will retransmit the position data to the relevant Coastal State FMC. By this procedure each Member State would receive information relating to all vessels included in the pilots and located in waters under its jurisdiction.

COMMISSION REGULATION (EC) No 897/94

of 22 April 1994

laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 as regards pilot projects relating to continuous position monitoring of Community fishing vessels

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Article 3 of Regulation (EEC) No 2847/93 provides for the carrying out by Member States of pilot projects, in respect of certain categories of Community fishing vessels, relating to continuous position monitoring systems, either land- or satellite-based and using satellite communications for data transmission, and, as appropriate, the carrying out of pilot projects relating to automatic position recorders, before 30 June 1995;

Whereas the purpose of these pilot projects is to assess which technology to use and which vessels to include in the aforesaid systems so that the Council may, before 1 January 1996, decide if and when they are to be used for improving the effectiveness of surveillance of fishing activities;

Whereas it is therefore necessary, in order to ensure that Member States carry out these pilot projects, to lay down the detailed rules of application, in particular with regard to the number of vessels, per Member State, to be included in the pilot projects, the procedure for the collection and computerized processing of data transmitted by or recovered from the vessels in question and the procedure for communicating such data among Member States;

Whereas, in order to ensure the monitoring of the pilot projects and cooperation among Member States, the Commission must be informed by the Member States as and when the pilot projects are to be carried out;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

This Regulation lays down certain conditions under which Member States are to carry out the pilot projects provided for in Article 3 of Regulation (EEC) No 2847/93 relating to continuous position monitoring systems, either land- or satellite-based and using satellite communications for data transmission, and, as appropriate, the pilot projects concerning automatic position recorders.

Article 2

1. Member States shall take the necessary steps to carry out:

- (a) pilot projects relating to the continuous position monitoring of Community fishing vessels using satellite communications which will apply to a minimum number of vessels flying the flag of a Member State, which must be at least equal to the number of the Member State's vessels exceeding 50 metres in length, if that number is more than 10, or not less than 10 otherwise. The minimum number of vessels for each Member State is specified in Annex I;
- (b) if they so wish, complementary pilot projects relating to the recording of continuous position monitoring of Community fishing vessels, using an automatic position recording system which will apply to not more than the number of vessels provided for in respect of the pilot projects referred to under (a).

2. Member States shall ensure that the pilot projects referred to in paragraph 1 apply to vessels exceeding 17 metres in length. However, Member States may apply pilot projects to a limited number of vessels less than 17 metres in length where the activities of such vessels are subject to fishing effort restrictions.

3. The pilot projects must be carried out as from 1 July 1994. They must be operational in all Member States as from 1 October 1994 and remain operational at least until 30 June 1995.

4. Without prejudice to the conditions set in paragraph 1, Member States may decide to carry out joint pilot projects.

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

Article 3

The competent authority responsible for carrying out the pilot projects shall be designated by each Member State, which shall communicate to the Commission, not later than one month after the entry into force of this Regulation, the name, address, telephone number and fax number of that authority.

Article 4

Each Member State shall take the necessary steps to ensure that the pilot projects comprise:

- (a) installations on board the vessels flying its flag which are to take part in the pilot projects;
- (b) computerized installations allowing the competent authorities referred to in Article 3 to process the data transmitted by or recovered from the fishing vessels referred to in Article 2 as well as the data communicated by the competent authorities of the other Member States.

Article 5

In the case of the pilot projects using the satellite-based communication system, the installations referred to in Article 4 (a) must:

1. allow the continuous position monitoring, with a position error which must be less than 500 metres and a confidence interval of 99 %, of vessels flying the flag of the Member State concerned, from an earth station or a satellite, regardless of the maritime waters in which they are operating or the port they are in;
2. ensure the automatic transmission, on a hourly basis, of data relating to the geographical position, with a position error which must be less than 500 metres and a confidence interval of 99 %, and the date and time of the recording of the said position, of the vessels flying the flag of the Member State concerned, to the competent authority of the flag Member State referred to in Article 3 and, with the agreement of the flag State, to the Commission at its request;
3. be such as to ensure the reliability of the data referred to in point 2.

Article 6

In the case of the complementary pilot projects using an automatic position recording system, the installations referred to in Article 4 (a) must:

1. allow the automatic and continuous recording of geographical position, with a position error which must be less than 500 metres and a confidence interval

of 99 %, and the date and time of the recording of the said position, regardless of the maritime waters in which the vessels are operating or the port they are in;

2. be such as to ensure the reliability of the data referred to in point 1.

Article 7

The installations referred to in Article 4 (b) must enable the flag Member State, whatever the system used, to:

1. collect, process, record and centralize in computer-readable form the data referred to in Articles 5 (2) and 6 (1). Member States shall take steps to ensure such data are kept on record until 31 December 1995;
2. communicate in an automatic way the data transmitted by or recovered from its vessels to the competent authority of the Member State the maritime waters of which the vessels concerned are operating and, with the agreement of the flag State, to the Commission, at its request.

Article 8

1. Member States shall cooperate so as to ensure the communication of the data referred to in Article 7 (2).

2. Each flag Member State shall take the necessary steps to ensure that the individual data transmitted by its vessels as part of the pilot projects referred to in Article 2 (1) (a) are communicated to the competent authority referred to in Article 7 (2) within 60 minutes of receipt of the data by the flag Member State and in any case within 120 minutes of the transmission of the data by its vessels.

To this end, Member States may use a data exchange format that is mutually acceptable.

3. The competent authority referred to in paragraph 2 which receives the data shall take the necessary steps to process them by computer.

Article 9

1. Not later than one month before the pilot projects become operational, Member States shall forward to the Commission the information specified in Annex II relating to the carrying out of their pilot projects. However, Member States which have transmitted such information pursuant to Council Decision 89/631/EEC⁽¹⁾, shall be exempt from this obligation.

Member States shall inform the Commission regularly of the carrying out of their pilot projects.

⁽¹⁾ OJ No L 364, 14. 12. 1989, p. 64.

2. In the event of a vessel having to be added, withdrawn or replaced, or the data relating to a vessel having to be altered, the Member State whose flag the vessel concerned is flying shall inform the Commission thereof.

Article 10

In order to facilitate cooperation among Member States, the Commission shall communicate to each Member State the data it has received under Article 9 and shall ensure the pilot projects carried out by each Member State are monitored in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 2847/93.

Article 11

Before 31 March 1995, each Member State shall submit to the Commission an interim assessment report on the

pilot project(s) which it has carried out. Before 31 August 1995 each Member State shall submit its final assessment report, containing in particular details as to the cost-effectiveness of the systems, guarantees as to their transparency and recommendations relating to the future of continuous position monitoring systems for Community fishing vessels.

On the basis of these reports, the Commission shall transmit to the Council a comprehensive assessment report on the pilot projects carried out by the Member States, containing, as appropriate, proposals relating to the definitive introduction of a continuous position monitoring system for Community fishing vessels.

Article 12

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 April 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

ANNEX I

Member State	Number of vessels exceeding 50 m in length (fleet register situation at October 1993)	Minimum number of vessels as referred to in Article 2
Belgie/Belgique	0	10
Deutschland	15	15
Danmark	4	10
España	124	124
France	67	67
United Kingdom	19	19
Ελλάς	9	10
Ireland	3	10
Italia	17	17
Nederland	14	14
Portugal	47	47

ANNEX II

Information referred to in Article 9:

- number of vessels concerned and their technical description (internal fleet register number, name, external identification number, length, tonnage, motive power, radio call sign, type of vessel, type of fishing normally engaged in),
- the technical characteristics of the installations referred to in Article 4.