

VESSEL MONITORING SYSTEM (VMS)

Abstract

The full implementation of a centrally administered satellite-linked VMS system would require all CCSBT Member and cooperating Non-Member licensed vessels, engaged in fishing activity in the Indian, South Atlantic and South Pacific Oceans, to be equipped with a satellite-linked vessel monitoring device.

Discussion

1. Australia seeks Members' agreement to the attached proposal with a view to adopting it at CCSBT14 as a resolution on establishing a CCSBT Vessel Monitoring System (VMS).
2. The cost of illegal, unreported and unregulated (IUU) fishing runs into billions of dollars and the purpose of a centralised vessel monitoring system (CVMS) is to reduce the extent of IUU fishing.
3. All Australian vessels will have VMS by 1 July 2007.
4. A satellite-linked vessel monitoring system (VMS) should:
 - a) require that all licensed vessels fishing in the Indian, South Atlantic and South Pacific Oceans, be equipped with a satellite-linked vessel monitoring device;
 - b) continuously and automatically report data, including details on vessel identification, geographical position, date and time, communicated simultaneously, at least every 4 hours while fishing in the Indian, South Atlantic and South Pacific Oceans;
 - c) only have minimal exemptions, which would need to be defined, with processes and criteria for exclusion put in place by the CCSBT;
 - d) be tamper resistant and located in a sealed unit with official seals that indicate whether the unit has been accessed or tampered with;
 - e) be fully operational at all times and data should be transmitted as required. The onus for the correct operating and transmitting would be the responsibility of vessel he masters and owners; and
 - f) be active at all times however, with approval from the Secretariat, may be switched off if the vessel is in port for a period of more than one week. Appropriate sanctions should be applied if this is not complied with.
5. In the event of technical failure or non-functioning of the device, the master or owner should communicate by electronic means every 6 hours and should take steps to

immediately repair or replace the device. The flag state should not permit any fishing activity by the vessel until the device is fully operational.

6. All reports and message should be sent simultaneously to a land based fisheries monitoring centre in the flag state and the CCSBT Secretariat (being the VMS central administrator).

Background

CC-WG01 (April 2007)

7. *Input requested by CC chair from members:* At the first CCSBT Compliance Committee Working Group (CC-WG01) meeting in April 2007, Australia submitted a paper and draft VMS resolution for consideration by Members.
8. Following CC-WG01 in April 2007, the Compliance Committee chair provided a workplan for intersessional work by Members. The workplan called for Members to provide comments on Australia's CC-WG01 paper, but Australia only received comments from New Zealand.
9. CC-WG01 reported that monitoring, control and surveillance (MCS) measures should be considered as a package identified harmonisation of MCS measures across the tuna RFMOs should be urgently addressed through effective cooperation and coordinating.
10. The Kobe Joint RFMO meeting identified that technical work needs to be done on: harmonizing trade tracking systems and tagging systems; establishing a global list of IUU vessels; and harmonization of transshipment and control measures.
11. Australia presented a draft resolution for a centralised vessel monitoring system (paper CCSBT-CC/0704/06). Members reconfirmed the need for a VMS for southern bluefin tuna vessels, particularly on the high seas. However, there was disagreement regarding the need for a centralised vessel monitoring system (CVMS) within the CCSBT.
12. The effectiveness of CVMS was supported by the 2006 FAO Expert Consultation on Vessel Monitoring Systems. For Members and Cooperating Non-Members that do not have the capacity to implement their own VMS, they could rely on a centralised CCSBT reporting system instead of having to develop their own system.
13. It is important to have harmonised VMS systems with other RFMOs. For example when a vessel moves from the WCPFC area of competence to the IOTC area of competence it would effectively disappear from the CVMS system of the WCPFC. It would be unclear if that vessel had continued into the IOTC area of competence or turned back into the WCPFC area.
14. Australia was against the adoption of the Indian Ocean Tuna Commission (IOTC) model since it was a transitional model drafted to assist developing States. Given the experience of the CCSBT Members, the CCSBT did not need such a transition arrangement. All CCSBT Members are fully capable of implementing VMS and some CCSBT Members are primary manufacturers of VMS hardware.

15. There are already VMS standards and they had already been agreed to in binding measures by Members of this Commission in IOTC and WCPFC which are both area based RFMOs with areas of competence that overlap the distribution of SBT.
16. Japan asked Australia how to secure confidentiality in terms of “representatives”, which include Ministers. Australia responded that Australian Ministers would be bound under international law by CCSBT confidentiality provisions.
17. The CC-Chair provided a workplan tasking Japan to “confirm, in terms of the confidentiality and use of VMS Reports, the provision of data for Government representatives as well as officials”. Australia has been waiting for this information so it can complete an amended draft resolution for circulation to Members; however this information has not been provided.

CCSBT13 (2006)

18. Australia believes that a centralised VMS would be an invaluable tool in combating illegal, unreported and unregulated fishing.
19. VMS is necessary to ensure transparency and that a centralised VMS would not take away from flag states the capacity to still manage their own vessels – indeed it would be expected that flag states would continue to monitor their own vessels.

CCSBT12 (2005)

20. To improve compliance and management outcomes for its domestic fishery, and to better meet international management obligations, Australia amended its reporting arrangements, requiring daily VMS or manual reporting of catch and tow vessel locations¹.
21. Taiwan wrote that from April 2002, it is mandatory for the vessels that catch SBT shall be equipped with VMS equipment in order to monitor location of the vessels².
22. The Government of Japan (GOJ) took necessary measures to control and monitor the fishery, which include requesting to install VMS for all the SBT targeting vessels and to report their positions to GOJ on daily basis³.

CCSBT11 (2004)

23. The GOJ took necessary measures to control and monitor the fishery including a requirement for fishing vessels to install VMS on-board and report daily positions to GOJ⁴.

Attachment

- *Amended resolution on establishing a CCSBT Vessel Monitoring System*

¹ CCSBT12 Report, Att. 8-1: Australia’s Annual Review of the SBT Fishery

² CCSBT12 Report, Att. 8-2: Review of Taiwan’s SBT Fishery of 2003/2004

³ CCSBT12 Report, Att. 8-3: Review of Japanese SBT Fisheries in the 2004 Fishing Season

⁴ CCSBT11 Report, Att. 8-3: Review of Japanese SBT Fisheries for the 2003 Fishing Season

Attachment 7

Resolution on establishing a CCSBT Vessel Monitoring System

(~~for adoption~~adopted at the Fourteenth Annual Meeting – 16 -19 October 2007)

Resolution on establishing the CCSBT Vessel Monitoring System

The Extended Commission for the Conservation of Southern Bluefin Tuna (CCSBT),

Recalling that, at its thirteenth annual meeting, the Extended Commission agreed to develop and implement a CCSBT Vessel Monitoring System (the 2006 VMS resolution);

Recognising the need for monitoring, control and surveillance measures to apply to all sectors of the global ~~s~~Southern ~~b~~Bluefin ~~t~~Tuna fishery;

Recognising the importance of the CCSBT Vessel Monitoring System as an integral part of an effective monitoring, control and surveillance regime for the southern bluefin tuna fishery, in particular to ensure the long-term sustainability of the stock;

Mindful that adoption of a vessel monitoring system was identified as an important monitoring, control and surveillance measure to deter illegal, unreported and unregulated fishing in the Course of Actions adopted at the Kobe Joint Meeting of Tuna Regional Fisheries Management Organisations from 22 – 26 January 2007;

Recognising the need to stipulate minimum standards and other requirements for the CCSBT Vessel Monitoring System;

Aware that some Members and other regional fisheries management organizations have established Vessel Monitoring Systems and that the experiences of such Members and organizations may be useful in developing and implementing a Commission for the Conservation of Southern Bluefin Tuna Vessel Monitoring System;

Agrees, in accordance with paragraph 34(b) of Article 8 of the Convention for the Conservation of Southern Bluefin Tuna, that:

1. The Members and Cooperating Non-Members of the Extended Commission shall adopt and implement satellite-linked Vessel Monitoring Systems (VMS) for vessels fishing for Southern Bluefin Tuna on the following basis:
 - a. for such vessels fishing in the IOTC Area, in accordance with IOTC Resolution 06/03 On Establishing a Vessel Monitoring System Programme (including Annex 1 to that Resolution);
 - b. for such vessels fishing in the WCPFC Area, in accordance with WCPFC Conservation and Management Measure 2006-06 “Commission Vessel Monitoring System” (including Annex 1 to that Measure);
 - c. for such vessels fishing in the CCAMLR Area, in accordance with CCAMLR Conservation Measure 10-04 (2006) “Automated Satellite-Linked Vessel Monitoring System (VMS)” (including Annex 10-04/A and Annex 10-04/B to that Measure);

- d. for such vessels fishing in the ICCAT Area, in accordance with ICCAT Recommendation 03-14 “Recommendation by ICCAT concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area”; and
 - e. for such vessels fishing in any other high seas area where there is no VMS-, in accordance with IOTC Resolution 06/03 On Establishing a Vessel Monitoring System Programme (including Annex 1 to that Resolution).
2. The application of the VMS provided for in paragraph 1(a-e) shall be consistent with any modifications to those VMS that may be adopted by those respective Commissions from time to time.
3.
 - a. The Members and Cooperating Non-Members of the Extended Commission shall provide VMS summary reports annually in advance of the Compliance Committee meeting and in the format recommended by the Second Meeting of the Compliance Committee.
 - b. In relation to incidents concerning specific vessel(s) when the vessel(s) are suspected to have operated in contravention of CCSBT conservation and management measures, Members and Cooperating Non-Members of the Extended Commission may request another Member and Cooperating Non-Member of the Extended Commission which is the flag state/fishing entity of the vessel(s) to provide VMS data on the vessel(s) on a case by case basis. The Member and Cooperating Non-Member which receives such request shall:
 - (i) investigate the incidents and provide details of the investigation to the Member or Cooperating ~~n~~Non-Member which requested VMS data; or
 - (ii) provide VMS data on the vessel(s) to the requesting Member or Cooperating Non-Member, which will inform the results of its investigation to the ~~flag state~~ Members or Cooperating Non-Member which is the flag state/fishing entity of the vessel(s).
4. The Extended Commission agrees to adopt the confidentiality and security provisions attached in Annex I in relation to the information provided pursuant to paragraph 3(b).
5. The Secretariat shall review and report to the Compliance Committee in 2009 on the implementation of this resolution and any possible measures to improve its effectiveness as a component of the monitoring, control and surveillance regime for the SBT fishery. Such review shall take account of any developments by other RFMOs, including development of a harmonised VMS across tuna RFMOs
6. This resolution does not supersede the 2006 VMS resolution adopted at CCSBT 13.

Annex I – Confidentiality, Use and Security of VMS Data

Confidentiality and use of VMS Data

1. VMS data shall be confidential and may only be provided or used as permitted by this resolution.
2. Members and Cooperating Non-Members of the Extended Commission which receive VMS data from another Member or Cooperating Non-Member of the Extended Commission shall maintain the confidentiality of those data and shall not use the data except as specified in the resolution. In particular, Members and Cooperating Non-Members of the Extended Commission which receive VMS data may only provide those data to representatives and officials of the Government Member or Cooperating Non-Member for the purposes outlined in paragraph 3 of this Annex.
3. Members and Cooperating Non-Members of the Extended Commission may only use those VMS data to monitor compliance with CCSBT conservation and management measures.

Information technology security

4. Members and Cooperating Non-Members of the Extended Commission which receive VMS data shall adopt secure information technology systems to ensure that the confidentiality of VMS data is maintained.

VMS Data Confidentiality Policies

5. Members and Cooperating Non-Members of the Extended Commission which propose to request VMS data shall prepare a VMS Data Confidentiality Policy and provide that Policy to the Secretariat and all other Members and Cooperating Non-Members of the Extended Commission. The VMS Data Confidentiality Policy shall outline all measures which the Member and Cooperating Non-Members of the Extended Commission proposes to implement to ensure it complies with the requirements in Annex I of this resolution.