



**TECHNICAL AND COMPLIANCE COMMITTEE**

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**MONITORING, CONTROL AND SURVEILLANCE (MCS) ACTIVITY  
CARRIED OUT IN THE SOUTHERN LONGLINE FISHERY BY NEW  
ZEALAND DURING MAY – AUGUST, 2016.**

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Submitted by New Zealand

## Background paper for WCPFC Technical and Compliance Committee, Pohnpei, 2016



### Monitoring, Control and Surveillance (MCS) activity carried out in the southern longline fishery by New Zealand during May – August, 2016.

#### 1. Background

The New Zealand Exclusive Economic Zone (EEZ) lies at the southern extent of a number of tuna fisheries, including yellowfin, bigeye, albacore, skipjack and southern bluefin. Due to the migratory patterns exhibited by these tuna species, the adjacent high seas that surround the New Zealand EEZ is considered to be of high importance to New Zealand's domestic fisheries management.

As Members of the Western Central Pacific Fisheries Commission (WCPFC) know, a number of legally binding Conservation and Management Measures (CMMs) have been put in place on the high seas in the Convention Area in order to effectively manage the key tuna species mentioned above as well as any fishing impacts on non-fish populations such as marine mammals and seabirds.

When the Commission adopts new or amended CMMs, the Members of WCPFC are then required to implement these CMMs through their own respective domestic processes so that their flagged vessels operate in accordance with these CMMs.

The Monitoring, Control and Surveillance (MCS) activities that New Zealand undertakes on the high seas is aimed at checking that fishing vessels operating specifically, in the southern longline fishery, are fishing in accordance with the legally binding CMMs that have been put in place by the Commission.

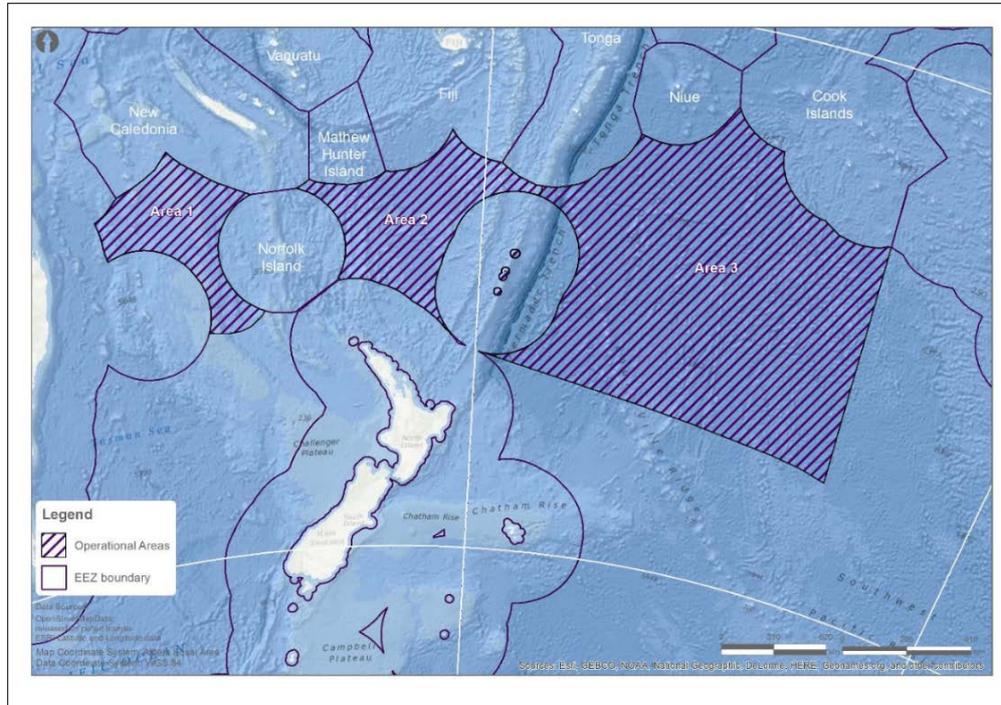
This activity is also being carried out with our international partners Australia, France (New Caledonia) and United States who also expend considerable time and effort undertaking MCS on the high seas in the WCPO.

This paper will summarise recent MCS activities that New Zealand has carried out in 2016, including the results of High Seas Boarding and Inspections (HSB&I). The information contained in this paper is

intended to not only inform all other Members of these MCS activities in the spirit of transparency, but to also provide background information to support other related discussions that will take place during TCC 12.

## 2. Summary of the MCS activities that New Zealand has carried out in 2016

The areas in which MCS activities were undertaken by New Zealand can be seen in the below map; the majority of the MCS activity was undertaken in Areas 2 and 3.



## 3. MCS Activities carried out in 2016

### High Seas Boarding and Inspection

A total of 37 vessels were inspected pursuant to CMM 2006-08 between 15/7/2016 – 1/08/2016, during all of the inspections, the vessel's crew were cooperative and allowed our inspectors full access to records, fish and gear.

*Photo showing retained catch during a standard fish hold inspection*



During each inspection, the vessels were inspected for compliance against relevant and applicable CMMs including;

CMM 2004-03	Specifications for the Marking and Identification of Fishing Vessels
CMM 2013-10	WCPFC Record of Fishing Vessels and Authorisation to Fish
CMM 2012-07	Mitigating Impacts of Fishing on Seabirds
CMM 2008-04	Prohibition on the use of Large Scale Driftnets
CMM 2008-03	Conservation and Management of Sea Turtles
CMM 2014-02	CMM for Commission VMS
CMM 2013-05	CMM for daily catch and effort reporting
CMM 2014-05	CMM for Sharks
CMM 2013-08	CMM for Silky Sharks
CMM 2011-04	CMM for Oceanic Whitetip
CMM 2009-06	CMM on the Regulation of Transshipment
Article 24	Article 24 of the WCPFC Convention – Flag State Duties

### Inspection results

During the course of the 37 vessel inspections, over 20 alleged breaches of the WCPFC CMMs and Convention Articles were detected. The alleged breaches that were detected included;

- Fishing while unauthorised by flag state (WCPFC Convention Article 24 (2))

Two vessels were boarded adjacent to the New Zealand EEZ that were alleged to have no authorisation to fish in the WCPFC convention area by their respective flag state. They were confirmed as carrying out fishing by a previous aerial surveillance flight and also had a significant amount of fish on-board indicating previous fishing activity.

The alleged breaches detected were considered to be ‘serious violations’ as defined under the HSB&I procedures and were notified to the flag state and Commission Secretariat as such.

#### Misreporting and non-reporting of catch (CMM 2013-05)

The vessel master on one of the alleged unauthorised vessels admitted to have misreported southern blue fin tuna as big eye tuna. The same vessel had also not declared shark catch which was concealed under a layer of albacore tuna. The vessel is also believed to have transhipped based on the master’s statement. Genetic testing of the apparent bluefin tuna was also carried out and subsequent results have confirmed that it was bluefin tuna.

The alleged breaches detected were considered to be ‘serious violations’ as there were multiple offences discovered as defined under the HSB&I procedures, these were notified to the flag state and Commission Secretariat.

- At sea Transshipment not notified to Secretariat or monitored by observer (CMM 2009-06)

During the inspection of the alleged unauthorised vessels it was also apparent that a transshipment had taken place that was not notified as is required under CMM 2009-06.

- Fishing outside of license authorisation (CMM 2013-10)

A number of vessels that were inspected had pre-conditions on their flag state authorisation, specifically that vessels were not authorised to fish south of 20 degrees south. These were confirmed as fishing when boarded in areas that were south of 20 degrees south.

According to the HSB&I procedures, these alleged breaches were viewed as serious violations, as such, these were notified immediately to the flag state and Commission Secretariat.

- Non-use of seabird mitigation measures (CMM 2012-07)

When approaching a fishing vessel, it was noted that they were setting longlines, no seabird mitigation measures were deployed. Once on board it was confirmed that they had been setting below 30°S.

- Non-compliant vessel markings (CMM 2004-03)

A significant number of vessels were not marked in accordance with CMM 2004-03, in all cases, the markings on the hull were less than the required 1m in height.

### **Follow up actions and next steps as a result of HSB&I activities**

In all cases, the breaches are allegations only, it is now for the relevant member to undertake an investigation into these instances of potential non-compliance and if appropriate, issue sanctions against the vessel owner. All flag states have been notified as required, on all occasions, the relevant flag states have acknowledged receipt and have confirmed that an investigation is underway.

We also note that the WCPFC Secretariat has helpfully developed an online case management system which will help track the results of all investigations from all HSB&I derived allegations.

#### In port inspections

In addition to the MCS activities that are carried out on the high seas of the WCPO, New Zealand has also recently ratified and implemented the FAO Port State Measures Agreement. Whilst this international instrument does not technically sit under the framework of the WCPFC, it nevertheless complements MCS activities that are carried out on the high seas of the WCPO for a number of reasons;

- breaches that are detected on vessels operating on the high seas that visit New Zealand ports can be further followed up, including further collection of evidence
- If a vessel has committed a serious breach on the high seas, port states can undertake a more thorough investigation of the alleged offence at the request of the relevant flag state.
- Vessels entering New Zealand ports are now required to notify entry into port 48 hours in advance, this allows time for inspectors to gather all available information from patrol vessels, this data helps to better target inspections
- Often questions around catch reporting and quantification exist during a HSB&I, however, a true determination of catch quantities and makeup is not always possible at sea, an inspection in port can provide a better quantification of catch on board.
- New Zealand has designated ports where foreign flagged vessels must go into if they wish to visit a New Zealand port for various reasons. This allows New Zealand authorities to only designate ports where there is sufficient capacity to undertake inspections of commercial vessels which are of significant size and complexity.

## AIS monitoring of possible transshipments

The below table shows that a number of transshipment events are believed to have occurred during the period 7/7/2016 and 10/8/2016. AIS data that was analysed showed that the carrier vessels rendezvoused with the corresponding fishing vessel in the same close vicinity for time long enough to undertake a possible transshipment.

Date	Carrier	Flag	RFV?	Fishing vessel	Flag	RFV?	Location	Position	Notification
7-Jul-16	carrier vessel # 1	carrier flag state # 1	Y	fishing vessel #1	fishing vessel flag state #1	Y	High Seas	East of NZ EEZ	Yes, but incorrect
8-Jul-16	carrier vessel # 1	carrier flag state # 1	Y	fishing vessel #2	fishing vessel flag state #2	Y	High Seas	East of NZ EEZ	Yes, but incorrect
26-Jul-16	carrier vessel # 2	carrier flag state # 2	Y	fishing vessel #3	fishing vessel flag state #1	Y	High Seas	East of NZ EEZ	No
26-Jul-16	carrier vessel # 2	carrier flag state # 2	Y	fishing vessel #4	fishing vessel flag state #2	Y	High Seas	East of NZ EEZ	No
9-Aug-16	carrier vessel # 3	carrier flag state # 2	Y	fishing vessel #5	fishing vessel flag state #1	Y	High Seas	East of NZ EEZ	No
10-Aug-16	carrier vessel # 3	carrier flag state # 2	Y	fishing vessel #6	fishing vessel flag state #2	Y	High Seas	East of NZ EEZ	No

New Zealand has lodged a standing request for access to all transshipment notifications (pursuant to the date 'rules') concerning transshipment events taking place south of 20° south. No corresponding transshipment notifications were received related to the events highlight by the AIS data.

However, it cannot be ruled out that these transshipment events concerned bunkering and provisioning, under the transshipment measure (CMM 2009-06), these do not currently need to be notified. A number of bunker vessels also undertake transshipment activities and this represents a possible gap in the ability for MCS personnel to identify any possible transshipments and compliance with CMM 2009-06.

*Recommendation – that the transshipment measure CMM 2009-06 be amended so that bunkering and provisioning activities are also to be notified to Commission. This will make it clearer to WCPFC Members who are monitoring areas of the high seas that alleged non-notified transshipment of fish are indeed related to bunkering or provisioning.*

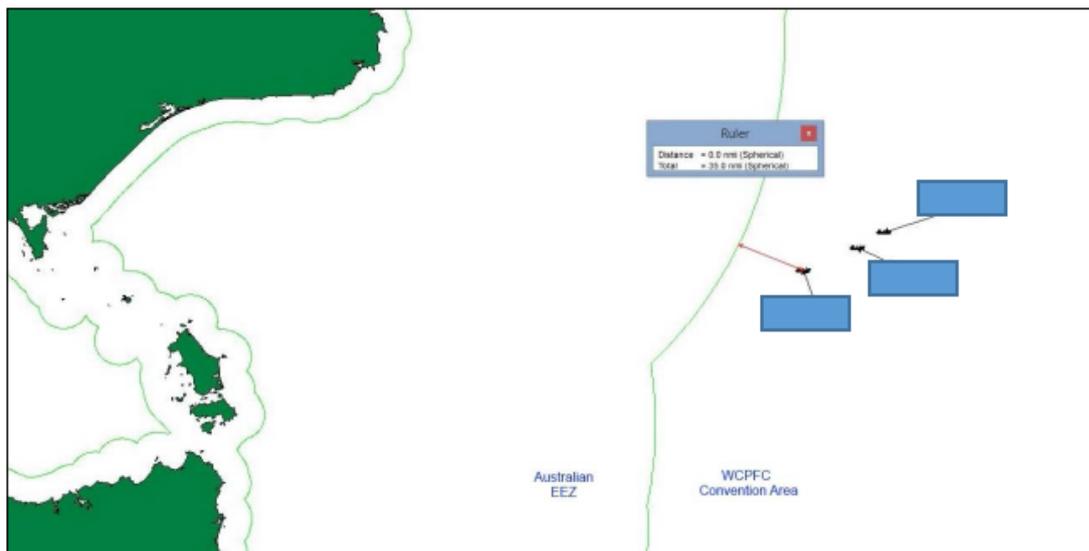
## Aerial surveillance to detect unlicensed fishing

During a routine aerial surveillance flight, a vessel was detected undertaking fishing activity in the Tasman Sea west of New Zealand, the vessel did not appear on the WCPFC RFV nor was it reporting to the WCPFC VMS.

This vessel was later boarded and inspected to the north of New Zealand. Subsequent investigations showed potential mis-reporting of southern bluefin tuna as bigeye tuna and also concealing and non- declaration of shark.

The vessel was again confirmed as not licensed to fish in the WCPFC convention area. The flag state concerned is currently investigating this.

*Aerial surveillance image of unlicensed vessel during early July (red circle indicates lines being set from stern)*



## **Operational issues with CMM 2008-06**

- Language difficulties remain even though we have multi-language questionnaires, these are used by inspectors to communicate with the master but inspectors may not understand the response that is given. A Naval Officer who could translate was embarked on some of our inspections to facilitate communication. More thought needs to be given to how the inspector can be helped in the situation that such translation services are not available.
- Paragraph 37 of CMM 2008-06 is out of date, this section, which defines “serious violations”, needs to be updated to reflect new CMMs which have since been adopted since the implementation of the HSB&I procedures.

## **Concluding remarks**

WCPFC has adopted a number of CMMs over recent times which have been put in place both to support effective fisheries management but to also protect the underlying marine ecosystem from the impacts of fishing. Adopting the CMMs at the Commission level is however only part of the work that needs to be carried out in order to achieve objectives of the Commission.

The implementation of the CMMs requires that Members not only enact domestic legislation in order to control their vessels through provisioned authorisations but also that their vessel’s fishing activities are monitored by way of a number of different MCS tools.

The tools that help to monitor fishing vessels for compliance include HSB&I, observers, VMS, port inspections, aerial surveillance and data analysis to name but a few.

It has been worrying to see such a high rate of non-compliance in 2016, particularly given that some of the key tuna stocks are in an overfished state already. If this level of non-compliance continues, it is highly likely that the ‘at risk’ stocks will become even more in danger of becoming over fished.