



*INTERNATIONAL NETWORK FOR THE  
COOPERATION AND COORDINATION OF  
FISHERIES-RELATED MONITORING, CONTROL  
AND SURVEILLANCE ACTIVITIES*

The Expert Consultation on Fishing Vessels Operating under Open Registries and Their Impact on Illegal, Unreported and Unregulated Fishing

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**Introduction<sup>1</sup>**

The world's oceans are abundant sources of food and wealth. However, wild capture fisheries resources are under increased pressure throughout the world. Most established fisheries are fully utilized and many have been depleted. Three-quarters of the world's fisheries are either fully exploited or over-exploited. Overfishing, unauthorized fishing and pollution are threats to sustainability. There is an increased recognition by fisheries agencies worldwide of the need to conserve existing fisheries, rebuild stocks where overfishing has occurred and to protect stocks and the marine environment from illegal, unregulated and unreported (IUU) fishing.

Marine fishing takes place inside coastal waters under the control of fishing States. It also occurs on the high seas and on stocks that

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<sup>1</sup> The presentation given at the Expert Consultation highlights a few examples of actual cases and situations from the past, where the resources and contacts now available through the MCS Network could have made a real difference in handling the case, both in terms of outcomes and resources expended. This accompanying paper describes the MCS Network and complements the scenarios described in the presentation.

straddle or migrate across boundaries. Many fish stocks are attractive to IUU fishers, who often have no long-term interest in the preservation of the resource.

All fisheries agencies have a common interest in developing the most cost-effective means of protecting their fisheries resources and regional interests. Investment in research and fisheries management will not be fully realized if measures cannot be implemented and enforced.

Recognizing that fisheries monitoring, control and surveillance professionals from different nations often do not know one another or cannot readily contact one another, and the essential need for such contacts to successfully pursue MCS activities, the need gave rise to the creation of the International Network for the Cooperation and Coordination of Fisheries Related Monitoring, Control, and Surveillance Activities (MCS Network).

## **Background/History**

There is interest in providing for the long term development of sustainable marine resources around the world, and the benefits derived from cooperation and coordination in fisheries-related monitoring, control and surveillance activities are well known. To this end, the country participants in the International Conference on Monitoring, Control and Fishing Surveillance (Santiago, Chile, January 2000) indicated their intention to create an international network for the coordination of fisheries-related enforcement.

This intention from the Santiago Conference was translated into reality in Key Largo, Florida, in 2001, when the Executive Committee of the MCS Network was convened for the first time. The Committee was tasked with the creation, elaboration and implementation of an international network for coordination and cooperation in fisheries-related MCS.

Draft terms of reference were developed by Chile and these served as a starting point for the Committee in its Key Largo session. The current Terms of Reference were derived from the draft developed by Chile. The details of the operations of MCS Network are outlined in the Technical Terms of Reference. The terms outline the MCS Network's objectives and functions, organization, protocol for information exchange and information requirements.

Executive Committee participants present in Key Largo included representatives from national organizations/institutions charged by their governments with responsibility for fisheries-related monitoring, control and surveillance. The Executive Committee countries that participated were Australia, Canada, Chile, Peru, and the United States of America. The European Commission was also represented. An FAO representative participated as an observer.

The Executive Committee discussed the need for a mechanism to foster enhanced cooperation and coordination on many levels including: basic, working-level contacts, coordination ability, experience exchanges, training, joint cooperation activities, and access to information among fisheries control professionals. Examples were shared on the benefits such cooperation and access have yielded as well as the frustrations and complications that can result when coordination and cooperation were lacking.

### **Goals/Objectives**

The goal of the Network is to improve the efficiency and effectiveness of fisheries-related MCS activities through enhanced cooperation, coordination, information collection and exchange among national organizations and institutions responsible for fisheries-related MCS. The Network works to strengthen MCS capabilities in participating countries through coordination and cooperation with the goal of deterring, reducing, and eliminating IUU fishing and other harmful activities to living marine resources in the world's oceans. It is designed to support countries in their attempts to satisfy their obligations arising from international agreements and their national responsibilities in performing MCS functions.

While acknowledging a concentration on fishing, the Network takes a marine ecosystem-wide approach to its activities.

### **Membership**

The MCS Network is a voluntary arrangement of national organizations and institutions in charge of fisheries-related MCS activities in their countries. These organizations and institutions are interested in

coordinating and cooperating in order to deter and eliminate IUU fishing and strengthen their MCS programs.

Membership is voluntary. Taking into account the many different national situations and organizational configurations, the Network has determined that each country is in the best position to determine the level of participation that is appropriate. Each member may participate within the limits of its current resources, and is encouraged to participate further as resources are available. The Network respects the varying laws, regulations or restrictions each country places on sharing various types of information and confidentiality.

Special account is taken of the needs of developing countries, whose participation in combating IUU fishing is critical.

The Network, like MCS activity, involves multiple disciplines- investigators, agents, inspectors, attorneys, prosecutors, biologists, foreign affairs specialists, and others. All contribute to successfully resolving MCS matters.

Given the sensitive nature of MCS information, those outside of government cannot have full access to all Network information. However, the Network has recognized the value those outside government can often contribute. An appropriate category of membership for such interested entities and individuals is under consideration.

## **Costs**

Membership is free. No costs are associated with joining or participating, other than travel to meetings.

## **Operation**

The details of the operations of MCS Network are outlined in the Technical Terms of Reference, which were developed at the Key Largo meeting in 2001 and adopted unanimously. The Terms outline the MCS Network's objectives and functions, organization, protocol for information exchange and information requirements.

An Executive Committee guides the Network in its growth and operations. The Executive Committee meets periodically and stays in touch through telephone, fax, mail and electronic communications.

The Network is intended to have an informal and operational level focus. It is not a substitute for formal government-to-government relations. It also does not confer any additional authorities on MCS organizations. However, it does allow more efficient use of existing powers and authorities.

It is intended to complement any existing regional cooperative networks or committees. The MCS Network provides a global mechanism for exchange of information where none has existed in the past.

## **Website**

Much information is already carried on the web and publicly available. The Executive Committee determined the Network should have a website and where possible, include or link to useful information which is already publicly available.

The address for the MCS Network website is: <http://www.imcsnet.org>. This address provides access to the "public" portion of the MCS Network website. The website carries the name of the national contact for each member country as well as useful information about its laws, vessels, permitting requirements and more. General reference material is also located on the website regarding various topics and historical information about the Network itself.

Each member is responsible for working with the website administrator to update its own submissions.

Though important, the website is not the major value of the Network; contacts and communications are. While electronic access is pervasive, it is not universal. INTERPOL, the international policing organization, has fewer than 50% of its members web-enabled. Just as in INTERPOL, this is not a barrier to membership or participation in the MCS Network.

## **Language**

The Website carries most documents in English and Spanish. To date, Executive Committee meetings have been conducted in English and Spanish. French language materials have also been considered.

## **Joining**

### **Contact Information**

To join the MCS Network, or request more information on activities and membership, you can use the application form located on the website, or you can contact the individuals listed below.

Alejandro Covarrubias  
Chile, Executive Secretary  
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Valparaiso, Chile

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(32)819300 *facsimile*  
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## APPENDIX 1 Terms of Reference and Report

Key Largo January 25, 2001

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## TECHNICAL TERMS OF REFERENCE

INTERNATIONAL NETWORK FOR THE COOPERATION AND COORDINATION  
OF FISHERIES-RELATED MONITORING, CONTROL AND SURVEILLANCE ACTIVITIES

### PREAMBLE

Recognizing:

The responsibilities of States to manage fisheries in which their nationals are engaged and/or benefit;

The interest of States in providing for the long term development of sustainable marine resources;

The range and extent of fishing activities within and across coastal waters and the high seas;

The impacts of fishing on non-target species and the wider marine environment;

The costs of ensuring compliance by foreign and domestic vessels with fisheries management and conservation measures;

The benefits of coordination and cooperation in fisheries-related monitoring, control and surveillance (MCS);

The advantages of collecting and sharing MCS information, and

The requirements of States to implement fisheries-related MCS measures pursuant to national, regional and international law, including:

Article 8.1.4 and other provisions related to MCS from the Code of Conduct for Responsible Fisheries,

Item 12J of the Declaration of Rome on the Application of Code of Conduct adopted during the FAO ministerial meeting on fisheries held 10 and 11 March 1999,

Articles V, VI, and VII of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, Annex I, Standard Requirements for the Collection and Sharing of Data of the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and

Article 24 of the International Plan of Action to Prevent, Deter and Eliminate Illegal Unregulated and Unreported Fishing.

The country participants in the International Conference on Monitoring, Control and Fishing Surveillance (Santiago, Chile, 25 and 26 January 2000) indicate their intention to create an international network for the coordination of fisheries-related enforcement.

### 1. DEFINITION

The International MCS Network is an arrangement of national organizations/institutions in charge of

fisheries-related MCS activities, which have been authorized by their countries, to coordinate and cooperate in order to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing.

## 2. **OBJECTIVES AND FUNCTIONS**

- 2.1 The objectives of the International MCS Network are to improve the efficiency and effectiveness of fisheries-related MCS activities through enhanced cooperation, coordination, information collection and exchange among national organizations/institutions responsible for fisheries-related MCS.
- 2.2 States shall achieve these objectives through the following functions:
  - a) identifying their national organizations/institutions responsible for fisheries-related MCS, and the primary contact person who shall act as the main national coordinator for the purposes of this network;
  - b) collecting and providing timely and accurate MCS information to other parties to the arrangement;
  - c) considering requests and, where appropriate and possible, cooperating in joint fisheries-related MCS activities;
  - d) promoting technical assistance, training, experience exchange, and institutional development, to increase MCS knowledge and capability amongst participating parties;
  - e) considering the particular needs and obstacles faced by developing countries; and
  - f) identifying and designating an International MCS Network Administrator.

## 3. **ORGANIZATION**

- 3.1 Participation in the International MCS Network will be voluntary. Organizations/Institutions responsible for MCS will be able to participate by notifying the International MCS Network Administrator through the use of a written format that will be available on the International MCS Network Website.
- 3.2 The organizations/institutions responsible for MCS may participate and contribute within the limits of their current resources, and are encouraged to participate further as resources are available.
- 3.3 In order to access the websites of each participating organization/institution responsible for MCS, the International MCS Network Website Administrator will maintain a hyperlink on the International MCS Network Website that allows access to the points of contact and to the web-available information identified in "INFORMATION REQUIREMENTS". The Network Administrator will assign passwords and manage access to the website.

## 4. **PROTOCOL FOR INFORMATION EXCHANGE**

- 4.1 Organizations/institutions should cooperate in the collection, exchange and transmission of information within the constraints of laws and conventions of each State relating to the confidentiality and protection of private, restricted and privileged information.
- 4.2 To the greatest extent practicable, the information identified in "INFORMATION REQUIREMENTS" should be made available through access to the International MCS Network.
- 4.3 For information that cannot be accessed through the International MCS Network Website, requests should be made of the contact person(s) or designated person(s) identified on the International MCS Network Website. The contact person or designees should ensure that inquiries are responded to promptly.
- 4.4 Subject to the operation of freedom of information and privacy laws applicable to each participant, information which can be supplied in response to requests shall be treated as being supplied in confidence and held in a secure manner unless otherwise permitted by the participant providing the information.

## 5. **INFORMATION REQUIREMENTS**

- 5.1 Consistent with their national legislation, the following information should be collected and maintained by each organization/institution in order to facilitate MCS coordination and cooperation. This should include at a minimum, that information required under the FAO Compliance Agreement and, to the extent possible, as proposed under the International Plan of Action to combat IUU fishing.
- 5.2 The exchange of information shall be carried out according to the protocol described in "PROTOCOL FOR INFORMATION EXCHANGE"
  - 5(a) Organizational/Institutional Contact Information
    - Primary Contact officer (name, telephone numbers, fax, e-mail, language).
    - Name and positions of key personnel (address, telephone numbers, fax, e-mail, website)
    - Name of relevant fisheries MCS organizations/institutions, (general description of organization and structure)
  - 5(b) Vessel Related Information
    - Name of vessel
    - Registration number (IMO number, if available)
    - Flag of vessel
    - Previous flag state and date of change
    - Previous names of vessel and date of change

- Register and port of registration
- International radio call sign
- Name and address of owners (telephone numbers, fax, e-mail, website)
- Name and address of previous owners
- Name and address of shipbuilder (telephone numbers, fax, e-mail, website)
- Fishing system at time of construction (type of vessel)
- Currently installed fishing systems
- Where and date built
- Length (m)
- Base port of operations
- Color photograph
- Vessel positioning system (type)
- Maximum beam (m)
- Pillar (m)
- Moulded depth (m)
- Hold capacity (m3)
- Gross register ton (GRT) (gross tonnage)
- Net register ton (NRT) (net tonnage)
- Displacement (tons)
- Rated power main engine (hp)
- Rated power auxiliary engines (hp)
- 5(c) Fishing Permits/Authorizations
  - Name of the vessel
  - Natural or legal person authorized to fish
  - Areas, scope and duration of the authorization
  - Scientific name of species or FAO Code, fishing gear authorized, and where appropriate, other applicable management measures
  - Vessel monitoring systems
  - Catch reporting requirements
  - Reporting and other conditions for transshipping
  - Observer coverage, maintenance of fishing and related log books
  - Navigational equipment
  - Compliance with applicable international conventions and national laws and regulations
  - Marking of fishing vessels
  - Compliance with other aspects of fisheries arrangements
  - Internationally recognized registration number
- 5(d) Catch/Landing Information
  - Name of Vessel
  - Vessel logbook data
  - Landing data, where relevant
  - Sale and/or export data
- 5(e) MCS Information
  - Name of Vessel

Vessel inspection information

Record of sightings and movements

Action/contact officers

Violation history and penalty information (vessel, companies, persons) in accordance with national laws

5(f) Fisheries Laws

Legislation/regulations and policies relating to particular fisheries and conservation measures.

6. INTERNATIONAL MCS NETWORK COSTS

6.1 Participants providing information, cooperation or assistance, or participating in joint exercises, shall bear the costs of providing that service unless there is a prior written agreement otherwise.

6.2 The costs related to administration/operation of the International MCS Network will be borne by whomever administers the network.

## APPENDIX 2 Santiago Declaration



### ILLEGAL, UNREGULATED AND UNREPORTED FISHING

The Conference affirms that the FAO is the international forum with the membership, the expertise and the mandate spell out efforts to achieve sustainable fisheries and also recognises FAO coordination with International Maritime Organisation, IMO, World Trade Organisation, WTO, Commission on Sustainable Development, CSD on the issue.

The Conference recommends urgent action designed to solve the problem of illegal, unregulated and unreported fishing, and urges all States to support and take part in the FAO initiative on this subject.

The Conference further affirms that flag States must carry out their duties with respect to fishing vessels flying their flags, in particular:

- (1) Take measures to ensure that these vessels not undermine the effectiveness of international conservation and management regimes;
- (2) Not allow any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless it has been properly authorised by the flag State;
- (3) Not authorise any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless the State is satisfied that it is able to exercise effectively its control over that vessel.

The Conference urges States:

- to ratify and apply the United Nations Fish Stocks Agreement as a matter of urgency that have not ratified the Agreement not to act in a manner inconsistent with the provisions of the Agreement.
  - to accept and apply the FAO Compliance Agreement as a matter of urgency .
  - to implement the FAO Code of Conduct for Responsible Fisheries, including the international plans of action concluded within the framework of the Code.
  - to undertake to provide to FAO detailed information on fishing vessels on their registries, as specified in Article VI of the FAO Compliance Agreement, on a voluntary basis, even before the Agreement enters into force.
- to take measures to ensure that their fisheries processors, brokers and dealers do not process or trade in IUU-harvested fisheries resources.
- to take actions available to coastal and port states under international law to deter IUU fishing.
  - to share information on incidents of IUU fishing
- to undertake to provide to FAO detailed, non-confidential information on fisheries catch and effort data.

Santiago, 26 January, 2000

## **DECLARATION OF THE INTERNATIONAL CONFERENCE**

### **"RESPONSIBLE FISHING DECLARATION**

#### **SANTIAGO 2000"**

The representatives from agencies responsible for monitoring, control and surveillance of fishing activities participating in the Conference on the International Monitoring, Control and Surveillance of Fishing Activities, from 25 to 26 January, 2000, in Santiago, Chile.

In support of implementation of the Code of Conduct for Responsible Fisheries have agreed on the following:

#### **INTERNATIONAL NETWORK FOR COORDINATION OF FISHERIES ENFORCEMENT**

The Conference recommends that the States make their best efforts to organise and to establish an international network for coordination of fisheries enforcement to facilitate the establishment of cooperation, information and technical assistance mechanisms in the areas of monitoring, control and surveillance.

The international network will be technical in nature and it will be constituted by the agencies responsible for fisheries monitoring, control and surveillance in the countries that voluntarily agree to participate in it. Because the international network is voluntary, it does not reflect a binding commitment by participating States or agencies under international or national law. Agreed network activities will be subject to the will and availability of each participant.

The Conference recommends that FAO, subject to the availability of funding and the necessary FAO approvals, coordinate the international Monitoring, Control and Surveillance, (MCS) network, and promote participation by lesser-developed countries in the network.

The Conference recommends that States make their best efforts to establish contact with the MSC authorities of neighbouring States and/or States fishing in the same area.

Conference participants and other interested States and entities are invited to meet again before the February 2001 meeting of FAO Committee on Fisheries (COFI) to consider terms of reference for an international network for cooperation on fisheries enforcement. Draft terms of reference and a draft agenda will be prepared by an executive committee composed of Chile, the United States, Australia, Peru and Commission of the European Community.

**Attachment 1**