



FCWC

Fisheries Committee for
the West Central Gulf of Guinea



PROTOCOL FOR THE ESTABLISHMENT AND OPERATION OF A REGIONAL FISHERIES MONITORING, CONTROL AND SURVEILLANCE CENTRE

Tema, Ghana
December 2019

CPCO

Comité des Pêches pour le Centre Ouest
du Golfe de Guinée



FCWC

Fisheries Committee for the West Central
Gulf of Guinea

**PROTOCOL FOR THE ESTABLISHMENT AND OPERATION OF A REGIONAL
FISHERIES MONITORING, CONTROL AND SURVEILLANCE CENTRE**

PREAMBLE.

Considering the United Nations Convention on the Law of the Sea signed in Montego Bay on 10 December 1982, particularly section 118 which encourages the conclusion of regional and sub-regional agreements for cooperation in the fisheries sector and other relevant international treaties;

Reaffirming their commitment to the principles and standards set out in the Code of Conduct for Responsible Fisheries (CCRF) of the Food and Agriculture Organization (FAO) of the United Nations;

Recalling their willingness to implement the International Plan of Action (IPoA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, adopted in 2001 by the Food and Agriculture Organisation Conference; and recognizing the terminology contained within.

Conscious of the need to implement the international provisions on maritime safety and the protection of the marine environment issued by the International Maritime Organization (IMO);

Considering the Convention of 7th November 2007 establishing the Fisheries Committee for the West Central Gulf of Guinea (FCWC) stating the common interest of its Member States (MS) to ensure appropriate management, long term conservation and sustainable use of their fisheries resources;

Considering the Strategic Action Plan of the Fisheries Committee for The West Central Gulf of Guinea, adopted in 2011 by the Conference of Fisheries Ministers of the Fisheries Committee for the West Central Gulf of Guinea and one of whose components relates to "the harmonization of conditions of access and use of fisheries resources taking into account international fisheries agreements and human migration";

Considering the Regional Plan of Action on Illegal, Unreported, Unregulated Fishing, adopted in 2018 by the Conference of Fisheries Ministers Committee on the West Central Gulf of Guinea,

Recognising the West Africa Task Force (WATF) as one of the mechanisms of the Fisheries Committee for the West Central Gulf of Guinea for the fight against illegal fishing and its associate crimes;

Desiring to promote artisanal and industrial fishing, given its importance in Member States of direct and indirect job creation, contribution to food security and poverty reduction;

Conscious of the need to incorporate the provisions of the Port State Measures Agreement of the Food and Agriculture Organisation to combat Illegal, Unreported and Unregulated Fishing, adopted in Rome in November 2009;

Desiring to ensure effective harmonization of their policies and legislation with a view to use the fisheries resources of the maritime areas under the respective jurisdictions of the Member States better, to the benefits of their present and future generations;

Convinced of the need to prepare the conditions of the policies and strategies of the Member States for integration at sub-regional level, with a view to promoting the conservation, management and sustainable exploitation of their fisheries resources;

CHAPTER ONE

OVERVIEW

Article One

Member States (MS) of the Fisheries Committee for the West Central Gulf of Guinea (FCWC), namely Benin, Cote d'Ivoire, Ghana, Liberia, Nigeria and Togo shall set up a Regional fisheries Centre for Monitoring, Control and Surveillance (RC MCS) to contribute to:

- (i) Coordination of specific aspects of Fisheries Monitoring, Control and Surveillance in the Fisheries Committee for the West Central Gulf of Guinea area;
- (ii) Research and exchange of information relevant to Illegal Unreported Unregulated fishing and crimes associated with fishing;
- (iii) Harmonization and coordination of working methods in these Centres;
- (iv) Planning, monitoring and coordination of joint monitoring operations carried out following Fisheries Committee for the West Central Gulf of Guinea initiatives;
- (v) Development of a Regional Observer Program, a Regional Fishing Vessel Record containing the list of recognized or declared Illegal, Unreported, Unregulated fishing Vessels and a Regional Vessel Monitoring System (VMS) covering all Member State zones.

Article 2

The Regional Fisheries Monitoring, Control and Surveillance Centre is an integral part of the Fisheries Committee for the West Central Gulf of Guinea's services and works under the direct responsibility of the Fisheries Committee for the West Central Gulf of Guinea, Secretariat General.

CHAPTER II

ORGANISATION OF THE REGIONAL FISHERIES MONITORING, CONTROL AND SURVEILLANCE CENTRE (RC MCS)

Article 3

The Regional Fisheries Monitoring, Control and Surveillance Centre is led by a Regional Coordinator (RC), an official from a Member State who is sufficiently qualified in fisheries Monitoring, Control and Surveillance and equipped in research, processing and analysis of information related to control and monitoring fishing vessels.

The Coordinator shall be recruited according to the rules and practices established at the Fisheries Committee for the West Central Gulf of Guinea, particularly the document on the structure and mechanism for funding the FCWC which was adopted in 2008 by the Conference of Ministers.

Article 4

The Coordinator shall be assisted in the coordination missions of Fisheries Monitoring, Control and Surveillance activities by technical officers specialized in the control and inspection of fishing vessels, and in the analysis and processing of data from the various fishing vessels monitoring instruments.

Recruitment of these technical officers shall comply with the Fisheries Committee for the West Central Gulf of Guinea selection rules.

Article 5

The Regional Fisheries Monitoring, Control and Surveillance Centre shall be housed in the Republic of Ghana.

It has functional and secure working premises with the appropriate basic equipment to carry out its missions of facilitation and coordination of Fisheries Monitoring, Control and Surveillance activities in the Fisheries Committee for the West Central Gulf of Guinea region.

Article 6

The Secretariat General of the Fisheries Committee for the West Central Gulf of Guinea shall ensure the equipping, functioning and management of the Regional Monitoring, Control and Surveillance Centre

CHAPTER III

FUNCTIONING OF THE FISHERIES MONITORING, CONTROL AND SURVEILLANCE CENTRE

Article 7

The Regional Fisheries Monitoring, Control and Surveillance Centre shall be empowered to exchange all operational information useful for detecting, identifying and prosecuting a fishing vessel engaging in Illegal, Unreported, Unregulated fishing or in support of such activity, directly with Member States national fisheries surveillance centres;

Article 8

The Regional Fisheries Monitoring, Control and Surveillance Centre shall exchange information and data to help with research and identification of vessels involved in Illegal, Unreported, Unregulated fishing with other regional fisheries bodies, with the authorization of the Secretary General of the Fisheries Committee for the West Central Gulf of Guinea;

Article 9

The Regional Fisheries Monitoring, Control and Surveillance Centre shall use all available sources of information, including:

- a. Information from Member States fisheries surveillance centres;
- b. Existing data in the sub-regional fishing vessel record and in national fishing vessel record;
- c. Patrol reports of the various Member States naval and air surveillance assets;
- d. Inspection reports of fisheries inspectors, national fisheries observers and sub-regional fisheries observers embarked on fishing vessels;
- e. Fisheries Committee for the West Central Gulf of Guinea and Member States websites and any other relevant websites;
- f. Information coming from other Regional and National Centres of non-Member States
- g. All other external sources of information.

Article 10

The Regional Fisheries Monitoring, Control and Surveillance Centre establishes permanent and / or regular communication links with all Fisheries Committee for the West Central Gulf of Guinea Member States Monitoring, Control and Surveillance centres and if necessary, with the Regional Centre for Maritime Security in West Africa (CRESMAO) and other countries or authorities.

Article 11

Radio frequencies, and the modalities of information transmission (voice, Morse code, telex, fax, internet etc), service period, the format of the messages and their periodicity of transmission shall be the subject-matter of a restricted internal document, drafted up by the Fisheries Committee for the West Central Gulf of Guinea

Article 12

Member States designate focal points, or other duly authorized persons, to facilitate the collection and regular transmission of information to the Regional Monitoring, Control and Surveillance Centre.

Article 13

The Regional Fisheries Monitoring, Control and Surveillance Centre shall update and disseminate addresses and contacts of all national fisheries monitoring structures and focal points appointed by the Member States.

CHAPTER IV

IMPROVING THE ENVIRONMENT FOR SURVEILLANCE

Article 14

Member States set up a national fisheries Monitoring, Control and Surveillance centre to cooperate fully with the FCWC's Regional Fisheries Monitoring, Control and Surveillance Centre.

Article 15

Member States shall adopt a minimum of basic principles and provisions to establish a good monitoring system for fishing activities in their Economic Exclusive Zones, including:

- a. The establishment of a national fishing licence record managed by the fisheries administration;
- b. The management of a national fisheries observer program;
- c. Installation of a satellite tracking device for fishing vessels;

Article 16

Member States include in their national fisheries legislation:

- a. The obligation for fishing vessels to be registered in a national authorised fishing vessel record and necessary information shall be transmitted to the sub-regional fishing vessel record;
- b. Compulsory boarding of an observer for monitoring activities of all authorised fishing vessels;
- c. Having a functional transponder compatible with the system used in the country, aboard all authorised fishing vessels;
- d. Automatic transfer of information from the national Vessel Monitoring System device to the regional VMS
- e. The obligation for any foreign fishing vessel authorized to fish in Member State waters to continuously send its VMS signal to the Regional Monitoring, Control and Surveillance Centre, through the national system.
- f. Shall accept information from vessel monitoring systems as evidences of fishing infraction.
- g. Pooling surveillance assets among States and respecting organizational terms and conditions for joint fisheries surveillance operations.

Article 17

The Member States and the Fisheries Committee for the West Central Gulf of Guinea shall work for regional compatibility of monitoring equipment and the harmonization of working methods, inspection and control of fishing vessels.

CHAPTER V

INFORMATION AND DATABASE EXCHANGE

Article 18

The Member States collect and put online the various information selected to feed the regional database according to the format and schedule provided for in this program.

Article 19

The Member States commit to exchange the following information with the Regional Monitoring, Control and Surveillance Centre:

- a. List of all national as well as all fishing vessels
- b. List of all fishing vessels operating within its Exclusive Economic Zone and all foreign fishing vessels operating under a fishing, chartering or other fisheries agreements;
- c. List of all vessels authorized to fish in external waters including areas and conditions of authorization.
- d. List of fishing vessels of another Member State and fishing vessels foreign to the region, operating in several Member States at the same time, including tuna vessels, long liners, trawlers with multiple fishing authorizations of the different Member States,
- e. The list of vessels supporting or transporting fish products and vessels targeting migratory or shared species that regularly operate in their national Exclusive Economic Zone;
- f. Vessels whose names appear on the list of Illegal, Unreported, Unregulated fishing vessels from Regional Fisheries Management Organisations (RFMO);
- g. Offenses considered to be very serious, including deliberate and repeated raiding into the no-fishing zone, illegal fishing in neighbouring States, fishing targeting protected species, fishing with prohibited gears, committed by fishing vessels operating under agreement, charter or other arrangements and the sanctions and measures adopted for that purpose;
- h. Serious offenses committed by foreign fishing vessels, with no authorization in any Member States in the sub- region;
- i. Sanctions taken against Illegal, Unreported, Unregulated vessels and follow up actions;
- j. Fishing vessels recognized as Illegal, Unreported, Unregulated fishing vessels, or collaborating with this activity, or failing to respect conservation measures;
- k. Vessels suggested by a Member State for inclusion in the Illegal, Unreported, Unregulated fishing vessel list, as well as the reasons for the listing;

- l. Information on all fishing vessels engaging in Illegal, Unreported, Unregulated fishing, reported in the sub region, by the available media, including observers, naval and air surveillance assets, electronic surveillance systems, by regional fishing organisations, Non-Governmental Organisations working in the field of fishing vessels surveillance, or any other means;
- m. Information on national Monitoring, Control and Surveillance operations, bilateral and sub-regional Monitoring, Control and Surveillance operations as well as those with third party States,
- n. Information from VMS / AIS control instruments that can be used as evidence in judicial or administrative proceedings

Article 20

All information shall be transmitted in accordance with formats defined by the Secretariat General of the Fisheries Committee for the West Central Gulf of Guinea.

Article 21

The Regional Monitoring, Control and Surveillance Centre analyses, then restates the conclusions drawn from all the information received from the Member States, at the request of a State and / or according to the timetable chosen by the Secretary General of the Fisheries Committee for the West Central Gulf of Guinea, such as:

- Data on offenses with the follow-up reserved for them;
- Identity of repeat offenders;
- Inaccurate reports on overlapping licenses of fishing vessels;
- Inconsistencies in the information recorded on fishing vessel activities;
- Identification of vessel owners and nationalities of suspected vessels engaging in Illegal, Unreported, Unregulated fishing;
- Follow-up of administrative or judicial proceedings filed by a Member State.

CHAPITRE VI

EXCHANGE OF INFORMATION BY ELECTRONIC MEANS FOR TRACKING FISHING VESSELS

Article 22

The Fisheries Committee for the West Central Gulf of Guinea shall establish a comprehensive fisheries vessel monitoring system for all vessels operating under Member States jurisdiction, called "regional VMS".

Article 23

Member States shall have a fisheries vessel monitoring system for standardized fishing vessels if possible, with other existing systems in the Member States.

Article 24

Member States shall arrange for information from their fisheries vessel monitoring systems to be transmitted to the regional VMS as required.

Article 25

The electronic information on fishing vessel monitoring in Member States transmitted to the regional VMS is classified as confidential and restricted.

Article 26

Analysis made by the Regional Fisheries Monitoring, Control and Surveillance Centre on the information received from the fishing vessel monitoring systems of the Member States are retransmitted, as and when needed, to the States concerned and to the WATF, or at a frequency established by Member States

CHAPTER VII

AMENDMENTS

Article 27

Any amendment proposed by a Member States. which does not call into question, the context and the basis of this protocol, shall be approved by simple consultation with the Member States, and shall be an integral part of the protocol.

ARTICLE 28

In case of Force Majeure, judgement will be made based on the statutory texts governing the organisation and functioning of the FCWC

Article 29

This protocol is written in English and French; both texts are equally authentic.

This protocol is approved by the Conference of Ministers of the FCWC on the thirteenth day of December in the year two thousand and nineteen, in Cotonou, in the Republic of Benin.

Signed by the FCWC Secretary General

Dédi Séraphin