

PNG AND THE FIGHT AGAINST IUU FISHING



This report is about Papua New Guinea's contribution to the global fight against Illegal, Unreported and Unregulated (IUU) fishing, and the support and guidance PNG has received from the European Union to improve its legislation and compliance systems.

The European Union IUU regulation

IUU fishing constitutes one of the most serious threats to the sustainable exploitation of living aquatic resources. European (EC) Regulation No 1005/2008 of 29 September 2008 establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

The IUU regulation provides the European Union with a tool to target behaviour that falls under the definition of IUU fishing and which causes the most serious damage to the marine environment, the sustainability of fish stocks, and the socioeconomic situation of fishermen abiding by the rules on conservation and management of fisheries resources.

The first step taken by the European Union when it is seeking action from a third country is to issue a notification of the possibility of the offending State being placed on the list of "non-cooperating third countries" under the regulation – commonly called a "yellow card".

PNG and tuna fishing

The importance of tuna fishing to PNG cannot be overstated. The tuna industry generates wealth from exports, employment, and foreign vessel access fees, and is a critically important source of food for many coastal communities.

The PNG tuna fishery is the largest in the Western and Central Pacific region, but it is still only a part of a much bigger fishery, extending over millions of square kilometres of tropical oceanic waters.

PNG aspires to promote sustainable fisheries, to maximise economic returns and to become the tuna processing capital of the Asia-Pacific region.

For more than a decade, PNG placed a significant emphasis on tuna fishery development. Five canneries are now operational, a further two are under construction and another is under negotiation.

This focus on development has meant that some of the policy and legislation necessary to manage the growing industry did not receive enough attention. Simply put, both the legislation and the management plan needed to be reviewed and updated. The European Union brought these shortfalls to our attention and we have now spent over a year undertaking major reforms.

The Government of PNG does not condone or support illegal fishing in any form. This commitment has been given in correspondence between the Prime Minister of PNG, the Hon Peter O'Neill, and the European Union, demonstrating unequivocal political support at the highest level.

The Government of PNG, through its National Fisheries Authority (NFA), is committed to combating IUU fishing, both in its fisheries waters and through supporting its Pacific neighbours, through regional cooperation. This cooperation involves the eight Parties to the Nauru Agreement (PNA), the seventeen members of the Pacific Islands Forum Fisheries Agency (FFA) and the twenty six members of the Western and Central Pacific Fisheries Commission (WCPFC).

**NEW REQUIREMENT
IN LAW FOR DECISION
MAKERS TO TAKE INTO
ACCOUNT THE BROADER
ECOSYSTEM AND THE
PRECAUTIONARY
PRINCIPLE.**



**NEW MAXIMUM
PENALTIES IN
LAW, UP TO A
MAXIMUM OF 20
MILLION KINA
(US\$ 8 MILLION)
FOR REPEAT
OFFENDERS**

Tuna fishery statistics

- » The global catch of major tuna species is around 4.5 million tonnes.
- » More than 55% of the world's tuna catch comes from the Western and Central Pacific Ocean, around 2.5 million tonnes.
- » The catch of major tuna species from PNG waters is estimated at around 500,000 tonnes - 11% of the global catch, and 20% of the WCPO catch.
- » The export value of tuna from PNG to all countries averages around USD 230 million (2012-2014).
- » The export value of tuna from PNG to Europe averages around USD 120 million (2012-2014).
- » Around 15,000 Papua New Guineans are employed in the tuna industry.

About Papua New Guinea

PNG is one of the most culturally diverse countries in the world with a population of over 7 million people. More than 80% of the population live in customary communities.

PNG is an archipelagic nation made up of the eastern half of the island of New Guinea, with around 600 smaller islands spanning latitudes from the equator to 12 degrees south – more than 1,300 kilometres. The Exclusive Economic Zone is almost 2.5 million square kilometres.

PNG has 848 officially recognised languages although English is the language used for law and government, and is the most commonly used language for trade.

PNG is a member of the Commonwealth of Nations and shares a special relationship with other Commonwealth countries. This includes the ten Pacific Commonwealth countries of: Australia, Fiji, Kiribati, Nauru, New Zealand, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

Necessary reforms:

The European Union identified a range of reforms necessary to ensure PNG meets its obligations under international law, including improving PNG's tuna fishery management arrangements and its monitoring, control and surveillance systems - with a particular focus on catch traceability.

The European Union has not imposed any new regulation but does require Third Countries to comply with their international obligations as flag, coastal and market States.

**NEW LAWS
WERE NEEDED
TO IMPLEMENT
INTERNATIONAL
LAW, AND CREATE
EFFECTIVE
DETERRENTS
TO IUU FISHING.**

**MORE THAN 11%
OF THE GLOBAL
CATCH OF MAJOR
TUNA SPECIES COMES
FROM PNG'S WATERS**



THE NFA IS COMMITTED TO WORKING WITH ALL INTERESTED PARTIES, IN PARTICULAR WITH OFFICIALS FROM THE EUROPEAN UNION, IN THE FIGHT AGAINST IUU FISHING.



THE AMENDED TUNA MANAGEMENT PLAN PROVIDES A CONTEMPORARY FRAMEWORK FOR RESOURCE MANAGEMENT WITH A COMPREHENSIVE TOOLKIT OF MEASURES TO DRIVE SUSTAINABILITY.

Dialogue with European union staff

PNG has responded to issues identified by the European Union. A series of official dialogues have been held to ensure an effective action plan was developed and monitored. The first of these was held in Brussels on 23 June 2014. On 16 July 2014 a formal action plan was prepared, with deadlines and milestones.

Further meetings to monitor progress were held in Port Moresby on 3 and 4 November 2014, in Apia on 9 December 2014, in Tokyo on 26 and 27 March 2015 and in Brussels on 8 and 9 July 2015. At each of these meetings PNG reported on its progress with the reforms. European Union officials subsequently provided constructive feedback on draft texts and as a result, revised action plans have been developed.

The European Union has maintained a cooperative approach in its dealings with PNG. The “yellow card” is not an end in itself but a means to encourage Third Countries to move forward with reforms to meet their international obligations, to implement effective legislation and supporting frameworks and systems.

Twelve months of policy and regulatory reform

PNG's focus has been on four main areas of strategic reform:

- i. Amending the Fisheries Act and Regulations;
- ii. Preparing a new tuna fishery management plan;
- iii. Creating a National Plan of Action for IUU fishing, to underpin a strong compliance scheme.
- iv. Improving catch traceability systems through our Catch Documentation Scheme.

A range of operational level reforms aimed at improving systems, procedures, and structures, have also been progressively implemented.

Reforms implemented

A range of policy and regulatory reforms have been designed to address the outcomes sought. These reforms have dramatically improved the legal and administrative capacity to combat IUU fishing, including:

- » The Fisheries Management Act 1998 and the Fisheries Management Regulation 2000 have been amended to give effect to PNG's obligations under international law and a new Tuna Management Plan has been implemented. This revised legal framework ensures compliance with international law applicable to the conservation and management of fishery resources, implements conservation and management measures in PNG's archipelagic waters that are comparable with WCPFC measures, improves the overall framework for fisheries management and supports a coherent scheme of compliance;
- » Effective implementation and enforcement of revised national legislation and of existing national and regional legal frameworks and measures;
- » Improved traceability of fishery products through comprehensive record

keeping, enhanced port inspections, a stronger focus on enforcement, and collaboration with other PNG Government agencies;

- » Effective enforcement and follow up of infringements;
- » Strengthened and improved fishing licence systems;
- » Improvements to monitoring, control and surveillance systems, especially the catch certification scheme;
- » Strengthened administrative capacity, ensuring effective monitoring of vessels operating under PNG's flag and in waters under PNG jurisdiction; and
- » Strengthened and improved co-operation with other States, in particular the flag states of vessels operating in waters under PNG jurisdiction.

AMENDMENTS TO LEGISLATION INCLUDE:

- » A new, comprehensive, fundamental objective requiring decision makers to take into consideration the whole ecosystem and to take a precautionary approach;
- » Providing for a total allowable effort to be established for a fishery;
- » Providing for non-binding memoranda of understanding (MOU) with States, government departments and other organisations;
- » Giving effect to Conservation and Management Measures of the WCPFC;
- » Providing additional grounds for refusing to issue, cancel or suspend a fishing licence;
- » Requiring licence applicants to provide additional details, including beneficial owners of vessels and previous flag States, vessel names, and registrations;
- » Extending the powers of Fishery Officers to undertake inspections beyond PNG's waters;
- » Increasing court imposed penalties to a maximum of \$5 million Kina (US\$ 2 million) for a first offence, and \$20 million Kina (US\$ 8 million) for a repeat offence within 24 months;
- » Creating the power to issue a fixed penalty notice fine, with offences and amounts set by regulation, to sit between a warning and court prosecution;
- » Creating a framework for the inspection and sanction of foreign flagged fishing vessels through provisions for Port State Measures.
- » Providing for additional transparency through the provision or publication of a range of licensing and catch data;
- » Changes to the composition of the NFA Board to improve governance and;
- » Creation of a second Deputy Managing Director position to support the implementation of a new organisational structure.

A NEW TUNA MANAGEMENT PLAN IMPLEMENTS BOTH THE REGIONAL VESSEL DAY SCHEME AND A NEW ARCHIPELAGIC WATERS DAY SCHEME. COMPLYING WITH THE PLAN IS A CONDITION OF HOLDING A LICENCE. THE NEW PLAN HAS BEEN IMPLEMENTED USING A RANGE OF CONTEMPORARY TOOLS AND STRATEGIES INCLUDING:

- » Limiting fishing effort;
- » A precautionary approach to fisheries management;
- » An ecosystem approach to fisheries management;
- » The use of area and time specific restrictions;
- » The use of reference points and harvest control rules;
- » Vessel licensing and registration;
- » Management of fish aggregating devices;
- » Cost recovery for management costs;



THE PNG FISHERIES MANAGEMENT (AMENDMENT) ACT 2015 GIVES US POWERS AND PENALTIES TO RIVAL FISHERIES LAW ANYWHERE IN THE WORLD.

- » National and regional research and monitoring;
- » Regional and international agreements, treaties and obligations; and
- » Bilateral and multilateral memoranda of understanding.

A COHERENT SCHEME FOR FISHERIES MONITORING, CONTROL AND SURVEILLANCE:

- » A National Plan of Action for IUU fishing has been developed and approved along with related supporting actions, activities, and documents including:
 - A risk matrix;
 - A supporting actions framework;
 - An Operational Compliance Strategy;
 - A new Port State Measures Inspection Procedure;
 - Review of enforcement SOPs;
 - Review of Observer Manual and SOPs;
 - Development of infringements and prosecutions decision support policy; and,
 - Development of a judiciary bench book.
- » To improve catch traceability the PNG Catch Documentation Scheme has been the subject of extensive review and capacity building within NFA, for other Government agencies and with industry, including:
 - Review of Catch Documentation Scheme Standard Operating Procedures (SOPs);
 - Training for both government officials and industry; and,
 - Boosting NFA staff numbers to achieve a targeted 100% offload inspection rate.
- » Specific actions implemented as evidence of direct action against IUU fishing include:
 - Closing the controversial dogleg fishery;
 - Establishing a 12 nautical mile no-fishing surveillance buffer zone along the maritime boundary between PNG and Indonesia; and,
 - Improving traceability through increased monitoring of mothership operations in archipelagic waters

LICENSING OF VESSELS NEEDS TO BE A TRANSPARENT PROCESS AND LICENCE CONDITIONS NEED TO BE UNDERSTOOD AND ENFORCEABLE, THROUGH:

- » Licensing of vessels, (now subject to a reviewed and updated licensing policy);
- » The licensing policy being publicly available through the NFA website;
- » A list of licensed vessels to be published on the NFA website twice each year; and,
- » Advisory meetings held with vessel owners and operators.

MOU'S ARE BEING USED AS A TOOL TO REACH AGREEMENT ON DATA SHARING AND ON CO-OPERATION ON A RANGE OF FISHERIES MANAGEMENT AND ENFORCEMENT PROJECTS AND ACTIVITIES. NFA HAS:

- » Reviewed its data sharing policy;
- » Engaged in bilateral discussions with key fishing partners;
- » Made catch data available through NFA's Fisheries Information Management System to enable effective and efficient catch certification; and,
- » Established a joint agency working group to promote effective co-operation and collaboration.



A NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE, ILLEGAL, UNREPORTED AND UNREGULATED FISHING IS DRIVING THE REFORM PROCESS FOR THE PNG FISHERIES COMPLIANCE PROGRAM.



NEW SKILLS BEING ADDED IN INTELLIGENCE ANALYSIS, INVESTIGATIONS, & PROSECUTIONS, TO TARGET SYSTEMIC CRIME.



ORGANISATIONAL REFORMS INCLUDE:

- » Audits of regulatory obligations;
- » A new compliance structure including the establishment of a dedicated tuna enforcement unit;
- » A new high level organisational structure to ensure sufficient senior management resources are dedicated to critical tasks; and,
- » Ensuring adequate funding is available to meet critical challenges.

More to do

There is always more to do in the fight against IUU fishing. PNG will continue to work collaboratively across the region and with European Union officials in pursuit of that goal.

- » A key ongoing focus is the improvement of data collection and management. The Fisheries Information Management System (FIMS) is achieving this through the use of tablets to record and transmit data in near-real-time, in particular for catch, catch offload, and observer data. Significant progress is being made in this area towards a world class system.
- » All the key tuna stocks are under high levels of fishing pressure and need to be carefully monitored. PNG is prepared to take the steps necessary to support necessary changes to fishery management arrangements to ensure stocks remain sustainable.
- » A review of the feasibility and cost benefit of aerial surveillance across the region is planned by the FFA and NFA later this year.
- » A renewed effort on education about the changes will need to be followed by a significant enforcement campaign as reforms are progressively implemented.
- » New skills and capacity will be needed within the NFA and these are being progressively acquired through capacity building of existing staff, and the recruitment of twenty new officers. A particular focus will be on intelligence analysis, investigations, and prosecutions, aimed at attacking systemic crime by repeat offenders. MCS staff are moving to new offices designed to accommodate the increased staff numbers and to meet the specific needs of a professional enforcement team.

NFA is grateful for assistance provided by:

- *The Prime Minister, the Hon Peter O'Neill, CMG; the Minister for Fisheries the Hon Mao Zeming, MP, and the Government of PNG.*
- *The PNG Office of Legislative Counsel for its support in drafting the Act and Regulation amendments.*
- *The Pacific Islands Forum Fisheries Agency for a range of technical support consultancy projects funded by both NZAID, and the EU Devfish program.*
- *The United Nation Food and Agriculture Organisation for its technical support.*

**INCREASED
TRANSPARENCY,
BETTER ACCESS
TO DATA, AND A
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INTERNAL AUDIT
ARE ALL
IMPORTANT
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**PNG, AND IN
PARTICULAR THE
NATIONAL FISHERIES
AUTHORITY, GIVES A
COMMITMENT TO
CONTINUE TO WORK
WITH OFFICIALS FROM
THE EUROPEAN
COMMUNITY IN
THE FIGHT AGAINST
IUU FISHING.**



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