



# **VANUATU INTERNATIONAL FISHING FLEET MANAGEMENT POLICY**

Fisheries Department  
PORT VILA


**APPROVAL OF THE VANUATU INTERNATIONAL FISHING FLEET  
MANAGEMENT POLICY**


This Vanuatu International Fishing Fleet Management Policy is made in accordance with Part 4, Section 11 of the Fisheries Act No. 10 of 2014, is hereby approved on this date.

By virtue of powers conferred upon the Minister for Fisheries, under Part 4, Section 10(1) of the Fisheries Act No. 10 of 2014.

**COMMENCEMENT DATE**

By virtue of powers conferred upon the Minister responsible for Fisheries, under Section 6(1), 10(1) and 11(5) of the Fisheries Act No. 10 of 2014, Notice on the implementation of the Vanuatu International Fishing Fleet Management Policy is hereby given on...<sup>9<sup>th</sup></sup>.....day of <sup>July</sup>.....2015.

  
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Honourable Christopher EMELEE (MP)  
**Minister Responsible for Fisheries**



## Foreword

The Republic of Vanuatu's International Fishing Fleet has grown over the years since the inception of the Vanuatu International Shipping Registry in 1981. The increased number of flagged fishing vessels has therefore resulted in the increase in fishing effort over the past years in the different Regional Fisheries Management Organizations Convention Areas where Vanuatu is a member, particularly in the Western and Central Pacific Fisheries Commission Convention Area; the Inter-American Tropical Tuna Commission Convention Area; the International Commission for the Conservation of Atlantic Tuna Convention Area, the Indian Ocean Tuna Commission Convention Area and the South Pacific Regional Fisheries management Organization Convention Area.

Proper management and administration of fishing activities carried out by these fleets were of main concern to the Government of the Republic of Vanuatu.

Management was also essential because the economic return at which this fishing activity is developing is growing and has a potential of expanding if there are proper mechanisms such as this instrument in place.

This instrument is produced as a result of the Vanuatu's priority areas for economic development in the next five years outlined in the national 'overarching productive sector policy'.

1. A State whose vessels fish on the high seas shall take such measures as may be necessary to ensure that vessels flying its flag comply with sub-regional and regional conservation and management measures and that, such vessels do not engage in any activity which undermines the effectiveness of such measures.
2. A State shall authorize the use of vessels flying its flag for fishing on the high seas only where it is able to exercise effectively its responsibilities in respect of such vessels under the Convention and this Agreement.
3. Measures to be taken by a State in respect of vessels flying its flag shall include:
  - (a) control of such vessels on the high seas by means of fishing licenses, authorizations or permits, in accordance with any applicable procedures agreed at the sub-regional, regional or global level;
  - (b) establishment of regulations:
    - (i) to apply terms and conditions to the license, authorization or permit sufficient to full fill any sub-regional, regional or global obligations of the flag State;
    - (ii) to prohibit fishing on the high seas by vessels which are not duly licensed or authorized to fish, or fishing on the high seas by vessels otherwise than in accordance with the terms and conditions of a license, authorization or permit;
    - (iii) to require vessels fishing on the high seas to carry the license, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person; and
    - (iv) to ensure that vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of other States;

(c) establishment of a national record of fishing vessels authorized to fish on the high seas and provision of access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information;

(d) requirements for marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels;

(e) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with subregional, regional and global standards for collection of such data;

(f) requirements for verifying the catch of target and non-target species through such means as observer programmes, inspection schemes, unloading reports, supervision of transshipment and monitoring of landed catches and market statistics;

(g) monitoring, control and surveillance of such vessels, their fishing operations and related activities by, inter alia:

(i) the implementation of national inspection schemes and sub-regional and regional schemes for cooperation in enforcement pursuant to articles 21 and 22, including requirements for such vessels to permit access by duly authorized inspectors from other States;

(ii) the implementation of national observer programmes and sub-regional and regional observer programmes in which the flag State is a participant, including requirements for such vessels to permit access by observers from other States to carry out the functions agreed under the programmes; and

(iii) the development and implementation of vessel monitoring systems, including, as appropriate, satellite transmitter systems, in accordance with any national programmes and those which have been sub-regionally, regionally or globally agreed among the States concerned;

(h) regulation of transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined; and

(i) regulation of fishing activities to ensure compliance with sub-regional, regional or global measures, including those aimed at minimizing catches of non-target species.

4. Where there is a subregionally, regionally or globally agreed system of monitoring, control and surveillance in effect, States shall ensure that the measures they impose on vessels flying their flag are compatible with that system.

PART VI

COMPLIANCE AND ENFORCEMENT

Article 19

Compliance and enforcement by the flag State

1. A State shall ensure compliance by vessels flying its flag with sub-regional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks. To this end, that State shall:

(a) enforce such measures irrespective of where violations occur;

(b) investigate immediately and fully any alleged violation of sub-regional or regional conservation and management measures, which may include the physical inspection of the vessels concerned, and report promptly to the State alleging the violation and the relevant sub-regional or regional organization or arrangement on the progress and outcome of the investigation;

(c) require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;

(d) if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned; and

(e) ensure that, where it has been established, in accordance with its laws, a vessel has been involved in the commission of a serious violation of such measures, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with.

2. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, inter alia, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.

## **Preface**

Vanuatu became an active member of the United Nations since gaining its independence in 1980 and as part of its commitments towards its membership it has comply with the different international obligations in place to enhance the management of its fisheries development. This policy will carry Vanuatu forward to meet the different regional and international fishing arrangements, agreements, treaties, conventions, and commissions to have a sound effective and efficient management of its offshore fisheries resources.

### List of Acronyms and Abbreviation

RFMO	-	Regional Fisheries Management Organizations
IOTC	-	Indian Ocean Tuna Commission
ICCAT	-	International Commission for the Conservation of Atlantic Tuna
IATTC	-	Inter-American Tropical Tuna Commission
WCPFC	-	Western and Central Pacific Fisheries Commission
CCSBT	-	Commission for the Conservation of Southern Bluefin Tuna
CCALMR	-	Commission for the Conservation of Antarctic Living Marine Resources
SPRFMO	-	South Pacific Regional Fisheries Management Organization
UNCLOS	-	United Nations Convention on the Law of the Sea
FFA	-	Forum Fisheries Agency
SPC	-	Secretariat of the Pacific Community
IUU	-	Illegal, Unregulated or Unreported
FOC	-	Flag-Of-Convenience
VMSL	-	Vanuatu Maritime Services Limited
FAO	-	Food and Agriculture Organization
ATF	-	Authorization to Fish
IATFL	-	International Authorization to Fish License
VMS	-	Vessel Monitoring System
VISR	-	Vanuatu International Shipping Registry
ALC/MTU	-	Automatic Location Communicators/Mobile Transmission Units
VFD	-	Vanuatu Fisheries Department
MALFFB	-	Ministry of Agriculture, Livestock, Forestry, Fisheries, and Biosecurity
EEZ	-	Exclusive Economic Zone

## VANUATU INTERNATIONAL FISHING FLEET MANAGEMENT POLICY

### **BACKGROUND**

#### **Establishment of the Vanuatu International Shipping Registry**

1. The Maritime Act [Cap 131] that was passed in 1981 soon after independence established Vanuatu as an open registry nation. The aim of the registry was as a means of revenue generation for the Government but also to operate an efficient and convenient open registry system through offices based in New York, with representation in other major shipping centers worldwide.
2. The Vanuatu International Shipping Registry (VISR) or “the Maritime Administrator” (as per Section 4 of the Maritime Act [CAP131], currently under the management of Vanuatu Maritime Services Limited (VMSL) operates within the framework of the Vanuatu Financial Center, which was originally established in 1971 to provide a comprehensive center for financial, investment, banking, accounting and legal services.

#### **Regional Fisheries Management Organizations**

3. A large number of foreign fishing vessels have registered as Vanuatu flagged fishing vessels and operating throughout all oceans of the world, this prompted Vanuatu to become obligated as a responsible flag state to either become a member, an observer or a signatory to the following Tuna Regional Fisheries Management Organizations (RFMO) in whose area of competence the Vanuatu flagged fishing vessels are operating:
  - Indian Ocean Tuna Commission (IOTC),
  - Inter-American Tropical Tuna Commission (IATTC),
  - International Commission for the Conservation of Atlantic Tuna (ICCAT),
  - Western and Central Pacific Fisheries Commission (WCPFC),
  - Commission for the Conservation of Southern Bluefin Tuna (CCSBT),
  - Commission for the Conservation of Antarctic Living Marine Resources (CCALMR), and,
  - South Pacific Regional Fisheries Management Organization (SPRFMO).

#### **International Treaties**

4. In addition to the RFMOs, Vanuatu also subscribed to the following international treaties and conventions relevant to the international management of fisheries:
  - the 1982 United Nations Convention on the Law of the Sea (UNCLOS);
  - the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Vanuatu has not yet ratified the agreement;
  - the 1995 Agreement for the Implementation of the Provisions 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. Vanuatu has not yet ratified the Agreement; and,
  - By virtue of its membership of FAO, Vanuatu also subscribes to the 1995 FAO Code of Conduct for Responsible Fisheries. Although signatory governments are expected to abide by its provisions, the Code is not legally binding and thus does not require accession or ratification.



### **Regional Organization**

5. In addition to its membership of RFMOs and subscription to International Treaties, Vanuatu participates in many other regional Organizations. These include the South Pacific Forum Fisheries Agency (FFA) and the Secretariat of the Pacific Community (SPC), neither of which is a true RFMOs, but both of which provide technical assistance to member states in regard to their national fishery management arrangements.

### **Illegal, Unregulated and Unreported Fishing**

6. Many RFMOs cover large areas that take in both national waters and high seas, where all nations are technically free to fish. As a result, management measures generally cannot be imposed by the RFMOs but instead have to be negotiated through mutual agreement among RFMO members and non-members.
7. One of the major problems facing RFMOs is that of illegal, unregulated, and unreported (IUU) fishing. IUU fishing occurs when fishing vessels operate in defiance of national fishery laws or regulations, or in contradiction of the spirit of regionally agreed management arrangements. IUU vessels frequently evade national controls and regulations by deliberately seeking out and registering themselves in open registry or flag-of-convenience (FOC) nations<sup>1</sup>, which normally do not have stringent national measures or have limitations to enforcement RFMO Recommendations, Resolutions, or Conservation and Management Measures. The vessels themselves may engage in rapid and frequent change-of-flag and change-of-name practices to avoid sanctions and legal proceedings against them. IUU vessels are often highly mobile, and may shift fishing grounds or oceans in order to continue IUU fishing for the same or other species.
8. Because of the increasing degree to which formerly unregulated fisheries are now being managed, IUU fishing has increased in recent years, to the point where it has begun to attract the attention of international advocacy and conservation organizations. In order to avoid being 'tarred with the same brush' as other open registry nations, Vanuatu needs to make efforts to ensure that vessels on the VISR operate in compliance with national and regional fishery management arrangements and conservation and management measures.

### **Costs of Vanuatu participation in RFMOs**

9. The most obvious direct cost of Vanuatu's participation in regional fishery bodies is the financial contribution that the Government has to make to the relevant Commission or Secretariat in order to be a member. In most cases this is linked to the catch taken by Vanuatu flagged fishing vessels operating in the area covered by the RFMOs. In the case of IATTC, IOTC, ICCAT, SPRFMO and WCPFC arrangements are currently in place to recover these costs from the fishing industry.
10. Potential costs of enforcing flag state responsibilities arise mainly from the requirement for Vanuatu to carry out the following activities:
  - Issue and maintain records of authorizations to fish (ATFs);
  - Maintenance of a Registry of the Vanuatu International fishing fleet;

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<sup>1</sup> The open registry nations most often accused of supporting IUU fishing include Belize, Cambodia, Equatorial Guinea, Honduras, Panama, and St. Vincent and the Grenadine Islands. Vanuatu is generally not included in this category but the very fact that it is an open registry nation leads automatically to the implication that it is a potential facilitator of IUU fishing.

- Additional budgetary requirements for additional human resources to administer, manage, monitor, and regulate the operations of the international fishing fleet;
- Collection of fishery statistics, verification, processing and analysis and provision to five (5) RFMOs which Vanuatu is an active member on an annual basis;
- Participation in the RFMOs Observer Programs;
- Establishment and maintenance of a Flag State vessel monitoring system to monitor fishing activities of Vanuatu-flagged fishing vessels in RFMOs Convention Areas;
- Enforcement of compliance with RFMOs' Recommendations, Resolution, and Conservation and Management Measures by Vanuatu-flagged fishing vessels;
- RFMOs Annual Contribution fees; and,
- Participation costs (Airfares, DSAs) in all RFMOs annual sessions, annual RFMOs Scientific meetings, and annual RFMOs Technical Compliance meetings. An average of 12 RFMO related meetings per year are held all over the world.

#### **Benefits of Vanuatu participation in RFMOs**

11. The registration of fishing vessels on Vanuatu's International Shipping Registry provides the government with revenue in the form of registration fees and levies. There is an opportunity to secure additional revenue from the licensing or permitting of fishing activities by these vessels, although to date this opportunity has not been taken advantage of. There is also the prospect that Vanuatu may be able to secure quota allocations in certain fisheries based on the historical participation of its fleet in those fisheries. The more fishing vessels that are attracted to join the Vanuatu International Shipping Registry, the greater the potential benefits, both immediate and long-term. As regards to benefits, these may accrue through:
  - Direct revenue generation by charging for international authorizations to fish licenses;
  - Direct revenue generation by charging for high seas transshipment permits;
  - Direct revenue generation by charging for inspection fees;
  - Direct revenue generation by charging for catch certification fees;
  - Direct revenue generation by charging for catch validation fees; and,
  - Ultimately, allocation of quota to Vanuatu by RFMOs; and,
  - In - direct revenue generation by charging for flag state VMS registration fees;
12. By virtue of its participation in RFMOs, Vanuatu is in a position to generate significant amounts of revenue for Government through charging the Vanuatu flagged fishing vessels for the different permits, certifications and authorization licenses listed above to fish in areas managed by RFMOs to which Vanuatu is a party. Considerations in setting the level of the fee should be that:
  - Government recovers in full the costs that it incurs in managing the fishery, including any contributions it make to the RFMOs;
  - Ideally the fee generates additional revenue for Government; and,
  - The fee is not so high as to dissuade fishing vessels from joining or staying on the VISR.

#### **International Authorizations to Fish License (IATFL)**

13. In order to fish in the areas of the RFMOs to which Vanuatu a contracting and non-contracting party, Vanuatu-flagged vessels should be issued with an international authorization to fish license by the Vanuatu Government. This is the responsibility of

the Fisheries Department. Issuance of an IATFL by the Government implies that the vessel concerned has been found to be in compliance with the requirements of the relevant Convention, and with Vanuatu's own fisheries national legislation.

#### **Quota**

14. The prospect of quota allocations is likely to be a particularly important benefit. Quota allocations provide the state with opportunities to promote domestic fishery development, or to generate additional revenue through the sale or sub-allocation of its quota share. In order to secure quota allocations, however, flag states will need to meet their obligations under RFMO Conventions, including providing data and ensuring compliant behavior by their fishing vessels.
15. A major potential benefit of Vanuatu improving its monitoring and compliance-enforcement capabilities is the prospect of being allocated quota in some of the management areas in which its vessels fish. Fish quota allocations are essentially saleable commodities, which can be used by the Government to raise revenue or provide favourable growth conditions for the domestic fishing industry.

#### **Data**

16. One of the most burdensome and significant costs of participating in RFMOs is the collation and submission of catch, effort and other information from Vanuatu-flagged vessels. The difficulties would be increased proportionally in regard to vessels on the VISR, which in the main never visit Vanuatu, and which may be at sea in remote areas for extended periods. Modern computer technology (e.g. VMS systems which integrate catch reporting mechanisms, and the use of shipboard computers to e-mail electronic versions of completed log-sheets) provide opportunities to overcome traditional obstacles to data collection.
17. In addition to ensuring compliance with the requirements of RFMOs, there is another reason why catch, effort and other data on the operations of Vanuatu's fishing vessels are needed. This is to ensure that, when quota allocations are being made, Vanuatu is able to negotiate from a position of information, knowledge and strength, and is thus able to argue strongly for the most favourable allocations or conditions. These two different aims require somewhat different approaches to collecting and maintaining fishery data.

#### **Vessel Monitoring Systems**

18. At the present time the information available to any Vanuatu entity concerned with the management of Vanuatu-flagged fishing vessels is insufficient to enable a basic understanding of the fleet's activities, let alone to allow for monitoring or compliance enforcement. There is a pressing need for more comprehensive information on the location and activities of the fleet. This will need to be progressively expanded on and institutionalized so that up-to-date information is always available in regard to each fishing vessel on the VISR.

19. The basic requirement is that Vanuatu-flagged fishing vessels must carry and operate Flag state approved automatic location consoles (ALCs/MTUs) when operating in the Convention areas of RFMOs where Vanuatu is a member.

**Compliance and enforcement**

20. The various RFMOs in which Vanuatu participates require that the fishing vessels of member states comply with national and regional fishery management arrangements. Where compliance is in doubt, member states are under an obligation to investigate and if necessary rectify any breaches or infringements that take place.
21. The operation of VISR poses certain threats. If Vanuatu-flagged fishing vessels ignore national or regional management arrangements in the areas where they operate, sanctions or penalties may be imposed on Vanuatu as the responsible flag state. Most sanctions imposed by regional fisheries organizations are intended to directly penalize the fishing fleet, and this will act as a deterrent to other fishing vessels joining the VISR. In addition, if Vanuatu comes to be known as a 'rogue state' in regard to fishery compliance, bona fide vessels will in general avoid the VISR, while vessels seeking to evade controls will be attracted to it, thus worsening the degree of non-compliance. Non-compliant behaviour by fishing vessels will compromise Vanuatu's prospects of securing quota allocations, since these are likely to take into account not only the flag state's catch history, but also its history of compliance and data provision. Vanuatu's failure to meet its responsibilities as a member and a flag state could have economic or other repercussions.

## INTRODUCTION

22. This policy paper outlines a policy directions, strategies and measures aimed at strengthening Vanuatu's capacity to manage, monitor, and control the registration and operations of all the Vanuatu flag fishing vessels on the VISR known as the Vanuatu International Fishing Fleet.

## SCOPE

23. The scope contained in this policy document covers all flagged fishing vessel as defined in Part 1 of the Fisheries Act No. 10 of 2014.

## OBJECTIVES

24. The Policy has four (4) main Objectives:
- a. Ensure that the Vanuatu international fishing fleet is managed by the Fisheries Department as the competent authority;
  - b. Ensure that only IUU-free vessels are registered under the Vanuatu flag and to maintain an IUU-free fleet;
  - c. Ensure that the Vanuatu international fishing fleet comply with the RFMO Conservation and Management Measures, Recommendations and Resolutions; and,
  - d. Monitor and control the operations of the Vanuatu international fishing fleet.

## POLICY STRATEGIES

### Policy 1 - International Fisheries Unit

25. The Fisheries Department shall establish an International Fisheries Unit within the Fisheries Compliance Division, which will be tasked to manage, monitor, report, and control the operations of the Vanuatu International Fishing Fleet. The operation of the Unit should be under the supervision of the Manager of the Fisheries Compliance Division.
26. The unit will consist of seven (7) positions:
- **Principal International Fisheries Officer** - Responsible for liaison in regard to data provision and compliance between Vanuatu government bodies, RFMOs and national government fishery agencies where Vanuatu flag fishing vessels are operating. Supervises design of data and compliance management systems and carries out data and compliance analyses and interpretation as required. Advises the Manager of the Fisheries Compliance Division on reporting and compliance strategies in regard to maximizing benefits from participation in the RFMOs.
  - **Flag State FIMS Officer** - Responsible for computer system and the Flag State Fisheries Information and Management System, particularly monitoring of all Vanuatu flag fishing vessels.
  - **Senior International Fisheries Data Officer** – Responsible for database design and maintenance, data collection, data quality monitoring and verification, data analysis, production of routine and RFMOs' reports as required.
  - **International Fisheries Authorization Officer** – Responsible for appraisal and verifications of foreign fishing vessel applications to register under the Vanuatu flag, maintains the Vanuatu Record of Fishing Vessels, appraise International Authorization to Fish License (IATFL) Applications and issue IATFLs.

- **Data Entry Clerk 1** - Responsible for data entry and verifications for all flagged fishing vessels operating in the IOTC, IATTC and ICCAT Convention Areas.
- **Data Entry Clerk 2** – Responsible for data entry and verifications for all flagged fishing vessels operating in the WCPFC Convention Area.
- **Data Entry Clerk 3** – Responsible for data entry and verifications for all flagged fishing vessels operating in the SPRFMO Convention Area.

**Policy 2 - Vanuatu International Fleet Management**

27. The Vanuatu Fisheries Department (VFD) is the primary agency responsible for oceanic and coastal fisheries management. The VFD operates under the Ministry of Agriculture, Livestock, Forestry, Fisheries, and Biosecurity (MALFFB). As such the management of the Vanuatu international fishing fleet, including the following shall be the sole responsibility of the Fisheries Department of the Government of the Republic of Vanuatu:
- a. Activities related to flag state responsibility, including the collection of fisheries related information;
  - b. Keeping a register of all Vanuatu flag fishing vessels;
  - c. Keeping a VMS register of all Vanuatu flagged fishing vessels;
  - d. Managing the routine collection and management of fisheries-related information from the Vanuatu flag fishing vessels;
  - e. Developing and maintaining the Vanuatu flag state FIMS;
  - f. Collecting revenue owed to the Government of Vanuatu by operators of the Vanuatu flag fishing vessels;
  - g. Issuance of IATF Licenses, High sea Transshipment permits, catch validations, catch documentations, inspection and certification, and Vanuatu Record of Fishing Vessel Certificates;
  - h. Data collection and reporting;
  - i. Appraisal of Vanuatu flag registration applications by foreign fishing vessels against the approved registration criteria;
  - j. Investigation and prosecutions of infringements by Vanuatu flag fishing vessels;
  - k. Setting of quotas and collections of levies;
  - l. Carry out Ports States Measures, and Catch documentation and Traceability Schemes; and,
  - m. Control operations of all Vanuatu flag fishing vessels.

**Policy 3 - Vanuatu Record of Fishing Vessels**

28. The Fisheries Department will, for the purposes of effective implementation of RFMO CMMs, Recommendations and Resolutions, maintain a Vanuatu international fleet registry, which will be called Vanuatu Record of Fishing Vessels.
29. The Vanuatu record of fishing vessels will contain the following information:
- a. the vessel's name, previous names (if known), registration numbers and port of registry;
  - b. the vessel's previous flags (if any);
  - c. the vessel's International Radio Call Sign (if any);
  - d. the names, addresses and details of the vessel's beneficial owners and operators;
  - e. where and when the vessel was built;
  - f. the type of vessel;
  - g. the vessel's length;
  - h. the type of fishing method or methods;
  - i. the moulded depth of the vessel;

- j. the beam of the vessel;
  - k. the gross tonnage and gross registered tonnage of the vessel;
  - l. the power of the main engine or engines of the vessel;
  - m. vessel navigation and position fixing equipment;
  - n. any other information or relevant documentation the Director of Fisheries requires for the purpose of giving effect to international conservation and management measures;
  - o. processing equipment;
  - p. Intended area of operation, intended port of discharge and species to be targeted;
  - q. Recent photos of the vessel.
  - r. Name and nationality of master;
  - s. Vessel communication types and numbers (INMARSAT A, B and C numbers and satellite telephone number);
  - t. Normal crew complement;
  - u. The nature of the authorization to fish granted by Vanuatu; and,
  - v. Carrying capacity, including freezer type, capacity and number and fish hold capacity.
30. The Director of Fisheries may require further information to be provided if such information is necessary in order for Vanuatu to comply with relevant measures adopted by any regional or sub-regional fisheries management organization or arrangement of which the Vanuatu is a member.
31. The Vanuatu Record of Fishing Vessels shall be in addition to any requirements for registration of vessels entitled to fly the flag of Vanuatu under Vanuatu law. Therefore all fishing vessels entitled to fly the flag of Vanuatu and intending to fish in areas outside Vanuatu waters shall apply in writing to the Director of Fisheries in a prescribe form as may be determined by the Director of Fisheries from time to time, providing the information required outlined above, to be recorded on the Vanuatu Record of Fishing Vessels.
32. Applications for recording will be made by the owner, or operator, or charterer, or lessee, or agent of the fishing vessel and accompanied by an application fee as may be prescribed.
33. If the Director of Fisheries is satisfied that the fishing vessel complies with the requirements for recording of a fishing vessel on the Vanuatu Record of Fishing Vessels, the Director of Fisheries will record the vessel on the Vanuatu Record of Fishing Vessels.
34. Upon recording the fishing vessel on the Vanuatu Record of Fishing Vessel, the Director of Fisheries will immediately advice the VISR to register the fishing vessel under the Vanuatu Flag.
35. The Director of Fisheries may cause to be provided to any foreign government and international, regional or sub-regional fisheries management organization such information on the Vanuatu Record of Fishing Vessels, additions to the Record, deletions from the Record, the withdrawal of any international authorization to fish

license, information that a vessel is no longer entitled to fly the flag of the Vanuatu, if such information is required to fulfill any international obligations of Vanuatu.

36. All foreign fishing vessels must be in good standing with the Vanuatu Record of Fishing Vessels in order to be registered as Vanuatu flagged fishing vessels and be issued with an International Authorization to Fish License. The owner, operator, charterer, or lessee, or agent of any fishing vessel entitled to fly the flag of Vanuatu who knowingly provides false information will have its IATFL revoked and the fishing vessel deleted from the Vanuatu Record of Fishing Vessel and the VISR and be declared an IUU fishing vessel.

**Policy 4 - Criteria for Registering of Foreign Fishing Vessels under the Vanuatu Flag**

37. The Fisheries Department will within its legal framework legalize specific criteria applicable for the registration of fishing vessels permitting to avoid the registration of vessels having or suspected to have committed IUU activities in the past. In this regard, the Maritime Administrator will make its decision to register a fishing vessel conditional upon it being in good standing with the Vanuatu Record of Fishing Vessels and granted written approval by the Department of Fisheries.
38. The Department of Fisheries will make its decision to grant approval to the Maritime Administrator for registration of a fishing vessel conditional upon being satisfied that the said fishing vessel comply with the below listed criteria and conditional upon its being prepared to provide to the vessel an authorization to fish in waters beyond Vanuatu's jurisdiction.

***IUU Fishing Activity Verification/Assessment***

39. The fishing vessel owner or the operator shall:
  - a. Demonstrate that the vessel has never been listed on any RFMO Illegal Unreported and Unregulated (IUU) List (with the exception of a newly constructed fishing vessel) unless the ownership of the vessel has subsequently changed. In this respect, the new owner shall provide sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of the vessel;
  - b. Demonstrate that no fishing vessel (other than the one(s) to be considered for registration under the flag of Vanuatu) under its ownership and/or management has ever been listed on any RFMO IUU List during the 5 previous years;
  - c. In the event it is demonstrated that the owner or the operator does not satisfy with the above requirement, the Department of Fisheries may still consider the registration of a fishing vessel if after having taken into account all relevant facts, it determines that flagging the vessel would not result in IUU fishing.
  - d. Declare that the fishing vessel under consideration for registration has never operated in contravention with conservation and management measures or provisions adopted at national, regional or global level; and,
  - e. Provide all information as requested by the Department of Fisheries.

***Deregistration from Previous Flag***

40. The fishing vessel owner or the operator shall:
  - a. Demonstrate that the fishing vessel has been deleted (or about to) from its previous registry with no outstanding or pending issues;
  - b. Provide evidence of the fishing vessel RFMO(s) registration with the previous flag; and,



- c. Explain the reasons behind the change of the fishing vessel's flag.

#### **Registration**

41. The fishing vessel owner or the operator shall:
  - a. Provide the following additional information:
    - i. the previous names of the fishing vessel, if any and if known;
    - ii. name, address and nationality of the natural or legal person in whose name the vessel is registered ;
    - iii. name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel;
    - iv. name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;
    - v. name and ownership history of the vessel, and,
    - vi. vessels dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel.
  - b. Apply for an IMO ship number (if not already granted) serving to identify the fishing vessel throughout its service as it remains the same when the ship's owner, country of registry or name changes.

#### **Driftnet Fishing**

42. The fishing vessel owner or the operator shall declare that the fishing vessel has not and will not engaged in driftnet fishing activities.

#### **Judicial Issues**

43. The fishing vessel owner or the operator shall declare that none of the fishing vessel under its ownership or operation has outstanding or pending fishing related judicial issues with any coastal states.

#### **Over-Capacity**

44. The fishing vessel owner or the operator shall commit that the Fishing vessel shall not contribute to over-capacity of the approved Vanuatu flag fishing vessel capacity, and/or inconsistent with relevant over-capacity CMM endorsed by RFMOs, which Vanuatu is a member.

#### **Consent to Comply with Vanuatu Fisheries Act**

45. The fishing vessel owner or the operator shall:
  - a. Comply with Reporting and MCS, including all relevant and applicable legal requirements stipulated under the Vanuatu Fisheries Act and Fisheries Regulations;
  - b. Comply with terms and conditions of the International Authorization To Fish License (IATFL);
  - c. Ensure that the fishing vessel must be able to report automatically to the Vanuatu Flag State Vessel Monitoring System using a Vanuatu type approved ALC/MTU unit;
  - d. Pay in full necessary fees as may be prescribed from time to time; and,
  - e. Ensure that the fishing vessel shall fully comply with all relevant RFMO CMMs, Resolutions and Recommendations applicable to the authorized fishing zone.

#### **Policy 5 - De-registration of Vanuatu Flagged Fishing Vessels from the FFA Regional Register**

46. Adding vessels to the VISR offers a quick, low-cost way to build the Vanuatu fishing fleet, and will best position Vanuatu to take advantage of quota allocations and access limitations in the future. The development of fishery management agreements may provide advantages for open registry nations like Vanuatu, since many fishing interests will be looking to register under the flags of RFMO member nations in order to gain access to resources that may otherwise be closed to them.
47. The Fisheries Department will make a strong stance against flagged fishing vessels' non-compliance. When it occurs, the fishing vessel will be deleted from the Vanuatu Record of Fishing Vessels and the Maritime Administrator will be instructed by the Director of Fisheries to de-register the fishing vessel from the VISR. The rigid approach to strong suspicion of infringement will be publicized widely, both among Vanuatu's fishing fleet and more widely in the international fishing/ fisheries management community and RFMOs.
48. When a fishing vessel is penalized for transgressing a RFMO CMM or a fishery management regulation, this information will be circulated to all RFMOs of which Vanuatu is a member, by the Director of Fisheries in order to remind or warn other flagged fishing vessels of Vanuatu's seriousness in regard to fishery management rules and also as a demonstration of Vanuatu's good intent.
49. The Director of Fisheries will notify the Pacific Islands Forum Fisheries Agency (FFA) of all Vanuatu flagged fishing vessels operating in the WCPFC Convention Area that are in good standing with the Vanuatu Record of Fishing Vessels.
50. FFA maintains the Regional Register of Fishing Vessels having good standing in the Pacific Islands region. Entry on the Regional Register is a pre-condition for licensing by FFA member countries. A Vanuatu flagged fishing vessel that commits a violation or infringement of fishery regulations in one FFA member country will be de-registered from the FFA Regional Register, the Vanuatu Record of Fishing Vessel and the VISR thus preventing it from being licensed to fish in any other FFA member country and the WCPFC Convention Area.

#### **Policy 6 - International Authorization to Fish License**

51. The Fisheries Department will establish a system whereby Vanuatu issues International Authorization to Fish licenses to all fishing vessels on the VISR and in good standing with the Vanuatu Record of Fishing Vessel.
52. International Authorization to Fish License applications must contain basic information on the vessel, its owners, operators, and on its agent/s.
53. International Authorization to Fish License conditions will stipulate certain basic regulatory requirements, including position and catch reporting, compliance rules, use of the approved Vanuatu flag state VMS or similar systems appropriate to the area where the vessel is operating, acceptance of observers, and prohibitions or restrictions on bunkering and transshipment.
54. A fee schedule will be devised that is appropriate to the different types of fishing vessels on good standing with the Vanuatu Record of Fishing Vessel and registered on

the VISR. As the Fisheries Department increases its knowledge about the activities of Vanuatu-flagged fishing vessels, consideration will be given to moving towards a catch-based license fee assessment in the future or a vessel day based license fee.

55. Any IUU fishing activities conducted by a Vanuatu Flagged fishing vessel will prevent issuance of renewal of or new International Authorization to Fish License to the concerned Vanuatu flagged fishing vessel and will automatically result in a definite withdrawing of the International Authorization to Fish License, deletion from the Vanuatu Record of Fishing Vessel and de-registration from the VISR.

**Policy 7 - National and International conservation and management measures**

56. A common perception of the use of flags of convenience is that vessel owners switch flag from states, which apply conservation measures to those, which do not effectively exercise flag state responsibilities. Many open registry nations have been criticized for this reason but Vanuatu has only occasionally been among them, and in some cases the criticism has been ill founded<sup>2</sup>. However it seems likely that Vanuatu is still perceived as a nation that is likely to be lax about fishery management measures, and this may be a major factor attracting large numbers of foreign long-liners to the VISR.
57. As such, as a responsible flag state as well an active member of the IOTC, ICCAT, IATTC, WCPFC and SPRFMO, Vanuatu through the Fisheries Department must establish mechanisms that give legal effect to the Conservation and Management Measures (CMM) endorsed by the RFMOs. In this regard, the legal framework will be revised to allow the Minister of Agriculture, Livestock, Forestry, Fisheries, and Biosecurity, in consultation with the Director of Fisheries:
  - a. will publish in the Gazette a list of the global, regional or sub-regional organizations or arrangements to which Vanuatu is a party or a cooperating non contracting party;
  - b. further publish in the Gazette the international conservation and management measures which shall have the force of law in Vanuatu and on all Vanuatu flagged fishing vessels;
  - c. may, for the purpose of giving effect to any treaty entered into by Vanuatu or any international conservation and management measure or arrangement or RFMO to which Vanuatu is a party or is a cooperating non contracting party, make such regulations or give notice in the Gazette or attach such conditions to an international authorization to fish license as the Minister may consider necessary or expedient for this purpose; and,
  - d. will publish in the Gazette no less than every six months any conditions that have been imposed on individual international authorization to fish licenses.
58. Vanuatu flagged fishing vessels on good standing with the Vanuatu Record of Fishing Vessel and on the VISR will be directed to comply with national and regional conservation and management measures in the areas where they fish. Vanuatu flagged fishing vessels, which fail to comply will be sanctioned either by financial or other penalties, or by de-registration, or both.

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<sup>2</sup> Allegations have been made on several occasions that Vanuatu-flagged vessels have been engaging in IUU fishing, and it has subsequently turned out that the vessels involved were not from Vanuatu.

59. Where any Vanuatu flagged fishing vessel is used in contravention of a RFMO CMM published in the Official Gazette by the Minister, or national measures in areas where they fish, the master, owner and operator shall each commit an offence and be liable to a penalty.

**Policy 8 - High Seas Transshipment**

60. In the endeavor to deter the Vanuatu flagged fishing vessels from engaging in IUU related fishing activities, effective control mechanisms will be put in place to ensure that all high seas transshipment activities conducted by all Vanuatu flagged fishing vessels are monitored and controlled.
61. All Vanuatu flagged fishing vessels (including Carrier vessels) wishing to engage in High seas transshipments must have the Vanuatu flag state approved VMS and carry an observer to monitor the transshipment activity.
62. All high sea transshipments by the Vanuatu flagged fishing vessels (including Carrier vessels) will be authorized by the Fisheries Department. Vanuatu flagged fishing vessels (including Fish Carriers) intending to carry out high sea transshipments must submit to the Fisheries Department a 15 days notice. The Fisheries Department will appraise the application to ensure appropriate controls are in place prior to providing an authorization and notifying the relevant RFMO concerned.
63. A high seas transshipment fee schedule will be devised by the Fisheries Department that is appropriate to the different types of fishing vessels on good standing with the Vanuatu Record of Fishing Vessel and registered on the VISR.

**Policy 9 - Employment of Vanuatu Nationals**

64. As a requirement for operating under the Vanuatu flag, there will be recruitment of up to 5 Vanuatu nationals by all Vanuatu flag fishing vessels on good standing with the Vanuatu Record of Fishing Vessel and registered on the VISR.

**Policy 10 – Domestication**

65. All Vanuatu flagged fishing vessels will be encouraged to explore the opportunities and possibilities to invest on onshore processing establishments in Vanuatu as part of the International Authorization to Fish License conditions.
66. The Minister in consultation with the Director of Fisheries may, from time to time;
- a. announce initiatives designed to boost the development of the domestic tuna industry, and to maximize benefits to Vanuatu from the management and development of the Vanuatu flagged fishing vessel fleet; and,
  - b. announce strategies setting out conditions of operation for domestic charter Vanuatu flagged fishing vessels, including fees and charges to be paid, provided that an increase in this category reduces foreign access into the Vanuatu EEZ.
67. Guidelines and conditions, which support the domestication policy, will be developed for licensing and operation of all Vanuatu flagged fishing vessels in the tuna fishery, so that potential investors are aware of the Government's requirements.

### **Policy 11 - Catch Validations**

68. Monitoring, catch validation, catch certification and control landing of fish catch by all Vanuatu flagged fishing vessels will be carried out by the Fisheries Department or appointed authorized inspectors.
69. In order to effectively validate, monitor and control fish landings by the Vanuatu flagged fishing vessels, Vanuatu Government through the Fisheries Department will enter into systematic agreements with states in which Vanuatu flagged fishing vessels are landing their catches to ensure real and complete control of the fishing landings by public agents authorized to certify the quantity off loaded.
70. A validation and inspection fee schedule will be devised by the Fisheries Department that is appropriate to the different types of fishing vessels on good standing with the Vanuatu Record of Fishing Vessel and registered on the VISR.

### **Policy 12 - Port Measures**

71. References to ports in this section include offshore terminals and other installations for landing, transshipping, re-fuelling or resupplying vessels and apply both within Vanuatu waters and in areas beyond Vanuatu waters.

#### ***Designation of Ports outside Vanuatu EEZ***

72. In order to control and monitor landing of fish catch by Vanuatu flagged fishing vessels, the Fisheries Department will designate and regulate a limited number of designated Ports outside the Vanuatu EEZ to ensure that Vanuatu is able to effectively carry out landing controls, by itself or in the framework of a cooperation agreement.

#### ***Designation and Regulation of Ports inside Vanuatu EEZ***

73. For the purpose of promoting the effectiveness of international conservation and management measures or pursuant to treaties or arrangements, the following will be regulated by the Fisheries Department:
  - a. The designation and publication of ports in Vanuatu to which foreign fishing vessels, Vanuatu flagged fishing vessels or local fishing vessels authorized to fish on the high seas, or Vanuatu waters may be permitted to access;
  - b. The designation of port inspectors;
  - c. Training and qualifications of port inspectors;
  - d. Establishing the procedures, the contents of and the results to be obtained from an inspection regime, including the adoption of port measures adopted by a sub-regional, regional or global fisheries organization, or pursuant to a treaty or arrangement;
  - e. Prescribing the powers of inspectors, the mode of conducting an inspection, including the power to inspect any area of a Vanuatu distant water fishing vessel, the catch (whether processed or not), any fishing gear, equipment or other gear and document which the inspector deems necessary to verify compliance with relevant conservation and management measures;
  - f. Requiring the provision of such assistance or information as may be needed in order to undertake inspections;
  - g. Requiring, prior to allowing port access to a foreign fishing vessel, or a Vanuatu flagged fishing vessel that such vessel provides notice prior to entering Vanuatu ports or Vanuatu exclusive economic zone for the purpose of port access, including vessel identification, any authorization to fish, information on fishing

- trip and vessel monitoring systems, quantities of fish on board and such other documentation or information as may be made by the Fisheries Department;
- h. Regulating or prohibiting the landing, transshipment, packaging or processing of fish, or re-fuelling or resupplying a vessel, including the prohibition of port access of a vessel which has been identified or reported as having been engaged in or supporting IUU fishing activities in contravention with regional, sub-regional or global conservation measures, or where there are reasonable grounds for presuming that the fishing vessel has been engaged in such activity;
  - i. Regulating or prohibiting the port access of a vessel that has been included on the list of vessels maintained by sub-regional, regional or global fisheries organizations that are believed to have been engaged in illegal, unregulated or unreported fishing; and,
  - j. Regulating or prohibiting the landing, transshipment, packaging or processing of fish, or re-fuelling or resupplying a vessel, including the prohibition of port access of a vessel which has been identified or reported as having been engaged in or supporting IUU fishing activities in areas under national jurisdiction in contravention of the laws of a particular country, or fishing on the high seas without an authorization to do so from its flag state or where there are reasonable grounds for presuming that the fishing vessel has been engaged in such activity.

#### ***Regional & Sub-regional Cooperation***

74. For the purpose of promoting the effectiveness of international conservation and management measures or pursuant to treaties or arrangements, the following will be regulated by the Fisheries Department:
- a. Authorizing the cooperation and exchange of information, including inspection results with other States and sub regional, regional or global fisheries organizations; and,
  - b. Providing for any other measures that may be agreed to by sub-regional regional or global fisheries organizations, or pursuant to a treaty or arrangement.

#### ***Prohibition of foreign vessels entering Designated Vanuatu Ports***

75. The Department of Fisheries, in consultation with the relevant agencies involved in Port management:
- a. May prohibit from entering a port of Vanuatu a fishing vessel or fleet of fishing vessels which have been identified as being engaged in or supporting IUU fishing in contravention of international conservation and management measures and whose flag State is not a member of, nor is it a cooperating non contracting Party to, that regional or sub-regional fisheries organization, unless it can be established that the catch on board has been taken in a manner consistent with the relevant conservation and management measures; and,
  - b. May refuse entry to a port of Vanuatu to a fishing vessel which there is reasonable grounds to believe is without nationality, or has operated under the flags of two States and has used them according to convenience.

#### **Policy 13 - Size of the International Fishing Fleet**

76. The Fisheries Department will develop a fleet management plan in order to put the number of Vanuatu flagged fishing vessels in coherence with the national mechanisms and measures which are being implemented to control and effectively monitor the operation of the international fishing fleet.

#### **Policy 14 – Monitoring, Control and Surveillance**

77. It is essential for the effective management of (and maximization of revenues from) its international fishing fleet that Vanuatu has a clear picture of the activities of foreign fishing vessels operating under the Vanuatu flag. As such, the Policy document contains important requirements for:
- a. Vessel Monitoring System,
  - b. Observers on Vanuatu flagged fishing vessels,
  - c. Management and analysis of the Logbook information, and
  - d. Compilation and cross checking of information.
78. Current information on the level and location of fishing effort by the Vanuatu international fishing fleet is of unknown accuracy and information on catch rates is also questionable. For these reasons the uniform application of VMS to determine information on effort combined with an Observer Programme to give defensible information on catch rates is essential to give Vanuatu basic information required to manage its international fishing fleet.

#### ***VMS***

79. As the competent public authority for the management of the all Vanuatu flagged fishing vessels, the Fisheries Department will establish a Fisheries Information Management System (FIMS) to enable monitoring at near real time the location and activities of the fleet. The system will also allow for integration of Electronic reporting of data log-sheets. An electronic reporting obligation (e-logbook, prior notifications) will be introduced in order to improve the quality and the level of control. An electronic system will permit control "on near real time".
80. An approved ALC/MTU, registered with the Vanuatu Flag State VMS, must be installed on all Vanuatu flagged fishing vessels (including fish carriers, bunkers and support vessels) authorized to fish in RFMO Convention Areas where Vanuatu is a member.
81. The operator of each Vanuatu flagged fishing vessel will be responsible for the costs of the type approved ALC/MTU and for the costs of all transmissions by that device, which originate from the fishing vessel.
82. The operator of each Vanuatu flagged fishing vessel will ensure that the type approved ALC/MTU is operational at all times while the fishing vessel is in all Vanuatu waters including those around Mathew and Hunter Islands, high seas, and in all RFMO Convention Areas where Vanuatu is a member.

#### ***Observer Programme***

83. A National Observer Programme will be coordinated by the Fisheries Department to provide data collection, monitoring and surveillance services.
84. All Vanuatu flagged fishing vessels (including carrier vessels) in Vanuatu waters, high seas, and in RFMO Convention areas where Vanuatu is a member are required to accept observers on board on request by the Fisheries Division for scientific, compliance, monitoring and other functions. The Vanuatu flagged fishing vessel operators are required to assist the Observer in their duties and to cover direct costs.

85. Vanuatu flag fishing vessels will be charged an observer fee as part of their International Authorization to Fish License fee to cover the basic costs of the National Observer programme.
86. The Vanuatu flagged fishing vessel owners or operators will be responsible for the costs and logistics of getting observers from Vanuatu to the port of embarkation, disembarkation and return to Vanuatu. These costs will be included in the basic observer fee charged on all International Authorization to Fish Licenses.

**Policy 15 - Information dissemination**

87. In order to inform Vanuatu-flagged fishing vessel owners, operators or masters about their obligations under the various Conventions to which Vanuatu is a party, effort will be made by the Fisheries Department to provide them with relevant information and documentation. Such information will include copies of the Vanuatu Fisheries Act and Regulations, RFMO CMMs, the Tuna Management Plan, NPOAs for Sharks/sea birds/IUU/marine turtles, texts of Fishery Conventions and Treaties, and similar materials.

**Policy 16 - Administrative Sanctions**

88. A sanction system is currently in place in the Fisheries Act, supported by a schedule of fines, supported by a system of detentions in port. Penalties for fisheries-related offences include fines, forfeiture of fish and vessels. An IUU fishing vessel may also be "black-listed" on the FFA Regional Register which would deny it the ability to be licensed to fish in any FFA member State EEZ. However, up to now, there have been few prosecutions. A major constraint is that all prosecutions are dealt with in the Court. This leads to delays, as court sessions are limited and most often the court already has other hearings in process.
89. Administrative sanctions have not been applied to date since it is not provided for under the Fisheries Act CAP 315 of 2005.
90. The Fisheries Department will establish within the current legal framework a deterrent regime of administrative sanctions to penalize Vanuatu flagged fishing vessels that commit a violation or infringement of the RFMO CMMs where Vanuatu is a member, non-compliance with the data collection and reporting obligations or fishery regulations in national governments where the Vanuatu flagged fishing vessel is fishing.
91. The level of fees will be in proportion with the level of incomes generated by the IUU fishing activities at stake.

**Policy 17 - Catch Certification**

92. In order to support global efforts to combat illegal, unreported and unregulated fishing activity, the Fisheries Department will develop and implement a system of catch certification, which will accompany all exported wild caught seafood products by Vanuatu flagged fishing vessels.
93. The catch certificate will contain the following:
  - a. basic information to identify the vessel, such as the name of the Vanuatu flagged fishing vessel, home port and registration number, call sign, license number, Inmarsat number and IMO number (if issued);



- b. information on the product, the type of species, catch areas and dates, estimated live weight and verified weight land, as well as the applicable conservation and management measures and any transshipment at sea; and,
  - c. information and declaration on export and import of the fisheries product, including the vessel name and flag, flight number, airway bill number, truck nationality and registration number, other transport documents and container number.
94. The master of every Vanuatu flagged fishing vessel will be required to complete the catch certificate, which will be submitted to the Director of Fisheries who will validate each catch certificate, attesting to the veracity of the details required of such certificate.
95. All seafood products imported into Vanuatu for reprocessing for the purpose of re-export will also be accompanied by a valid catch certificate. A catch certificate system developed and implemented by a RFMO or arrangement to Vanuatu is a member or a cooperating non-member will be accepted as a valid catch certificate.

**Policy 18 - Fishing by Vanuatu Flagged Vessels in Waters Beyond National Jurisdiction**

96. The Fisheries Department will ensure that specific measures are adopted to enable:
- a. Vanuatu to give effect to international conservation and management measures adopted by global, regional or sub-regional regional organizations or agreements, or arrangements to which Vanuatu is a party or where it is a cooperating non contracting party, as well as to obligations arising under the FAO Compliance Agreement and the United Nations Fish Stocks Agreement;
  - b. Vanuatu to take into account the objectives of the FAO Code of Conduct for Responsible Fisheries and the FAO International Plan of Action to Prevent Deter and Eliminate Illegal Unreported and Unregulated fishing; and,
  - c. Vanuatu to establish a system for the regulation and control of its international fishing fleet vessels operating in areas beyond the national jurisdiction of Vanuatu.
97. The obligation will apply:
- a. Within the jurisdiction of Vanuatu including Vanuatu waters;
  - b. To any fishing vessel of Vanuatu and any act or omission occurring on or by such a vessel wherever that vessel may be; and
  - c. To any act or omission by an authorized officer whether within or beyond national jurisdiction.

***Application for an international authorization to fish License***

98. The owner, charterer or operator of a Vanuatu flagged fishing vessel will apply for an international authorization to fish license in respect of that vessel by completing an application in a notarized form prescribed by the Director of Fisheries.
99. The international authorization to fish license application form shall contain details of:
- a. The vessel's name, previous names (if known), registration numbers and port of registry;
  - b. The vessel's previous flags (if any);
  - c. The vessel's International Radio Call Sign (if any);
  - d. The names, addresses and details of the vessel's beneficial owners and operators;
  - e. Where and when the vessel was built;
  - f. The type of vessel;
  - g. The vessel's length;

- h. The type of fishing method or methods;
  - i. The moulded depth of the vessel;
  - j. The beam of the vessel;
  - k. The gross tonnage and gross registered tonnage of the vessel;
  - l. The power of the main engine or engines of the vessel;
  - m. Vessel navigation and position fixing equipment;
  - n. Any other information or relevant documentation the Director of Fisheries requires for the purpose of giving effect to international conservation and management measures;
  - o. Processing equipment;
  - p. Intended area of operation, intended port of discharge and species to be targeted; and,
  - q. Recent photos of the vessel.
100. The Director of Fisheries will notify the applicant of the decision to issue or deny a licence within 10 days of receipt of an application.
101. The Director of Fisheries shall refuse to or not grant an international authorization to fish license:
- a. If the fishing vessel, its owners charterers or operators are not in good standing on the Vanuatu Record of Fishing Vessels; or
  - b. If the fishing vessel is on a list of fishing vessels maintained by a regional fisheries management organization of vessels that are believed to have engaged in illegal, unreported, or unregulated fishing; or
  - c. Where it has been established that the fishing vessel has been involved in the commission of a serious violation of an international conservation and management measure until such time as all outstanding sanctions imposed under Vanuatu law in respect of the violation have been complied with; or
  - d. There is reason to believe that the vessel has engaged in trafficking of people, drug trafficking, or has treated fish workers, or fishing vessel crews, or observers on board in a cruel or inhumane manner; or
  - e. To a fishing vessel that is not registered in accordance with the provisions of the relevant Vanuatu legislation governing registration of foreign fishing vessels; or
  - f. In respect of a fishing vessel unless satisfied that Vanuatu will be able to exercise effectively its responsibilities under applicable international conservation and management measures with respect to that vessel; or
  - g. In respect of any fishing vessel, if that fishing vessel was previously authorized to be used for fishing on the high seas by a foreign State, and
    - i. the foreign State suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or
    - ii. the foreign State, within the last three years preceding the application for an international authorization to fish license, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures; or
    - iii. the fishing vessel is at the time of application for an international authorization to fish license is on list of vessels maintained by a global or regional fisheries organization that are believed to have engaged in illegal, unregulated or unreported fishing activities.
102. The restriction on issuance of an international authorization to fish license to a fishing

vessel that is not registered in accordance with the provisions of the relevant Vanuatu legislation governing registration of foreign fishing vessels if the ownership of the Vanuatu flagged fishing vessel has changed since the vessel undermined international conservation and management measures, and the new owner has provided sufficient evidence to the Director of Fisheries demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.

103. No international authorization to fish license will be issued to a Vanuatu flagged fishing vessel until such time as the applicant has provided to the Director of Fisheries, the name and address of an agent based in Vanuatu who has legal authority to act on behalf of the vessel, its owner, charterer, operator or master, to receive formal communications under this Act, and to provide details of the beneficial ownership of the vessel.

***Conditions attaching to an international authorization to fish license***

104. Every international authorization to fish license will be in the prescribed form and will contain the following conditions:
- i. the vessel shall not engage in any activities which undermine the effectiveness of international conservation and management measures; and
  - ii. the licence holder shall report such information as the Director of Fisheries requires, including the area of fishing operations, vessel position and catch statistics, including all conditions outlined under the FAO flag state responsibility.
105. The Director of Fisheries will set out additional conditions based on status of the fishery and compliance measures in a fisheries plan or plans that apply to fishing beyond the EEZ, or by means of conditions attached to individual licenses, introduce such measures as necessary and appropriate to carry out the obligations of Vanuatu under the FAO Compliance Agreement and the Fish Stocks Agreement, and applicable international conservation and management measures including, but not limited to, the following
- a. the area or areas in which fishing is authorized;
  - b. the period, times or particular voyages during which fishing is authorized;
  - c. the descriptions, quantities, size or presentation of fish that may be taken;
  - d. the method of fishing to be undertaken and type of gear to be used;
  - e. the marking of gear;
  - f. a requirement that the vessel carry observers on board during fishing operations on the high seas;
  - g. a requirement that access be permitted to foreign observers;
  - h. a requirement that specific ALCs/MTUs be carried, and the requirements governing its operation;
  - i. measures to be taken to avoid catching non-targeted species;
  - j. requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data;
  - k. requirements for verifying the catch of target, non-target species and discards; and
  - l. the stowage of gear.
106. The Director of Fisheries may vary any conditions attached to an international authorization to fish license where the Director of Fisheries is satisfied that this is necessary to ensure compliance by Vanuatu with its obligations under the FAO Compliance Agreement or the United Nations Fish Stocks Agreement, or in respect of any applicable international conservation and management measures.

107. Where the Director of Fisheries varies any conditions attached to an international authorization to fish license the Director of Fisheries will notify the license holder and the local agent of such variation within fifteen (15) working days.
108. Where the International Authorization to Fish License conditions are varied by the Director of Fisheries, the license holder will comply with the conditions within fifteen (15) working days after notification of variation.
109. Where it is necessary to implement international conservation and management measures relating to the living resources of the high seas as a matter of urgency, the Director of Fisheries will set a period of not less than ten (10) working days by which time compliance with the conditions of a license that have been varied will be observed.

***Validity of an international authorization to fish license***

110. An international authorization to fish license is valid for three (3) years or such other period as may be specified in the license.
111. A annual international authorization to fish license fee schedule will be devised by the Fisheries Department that is appropriate to the different types of fishing vessels operating with the RFMOs where Vanuatu is a member and that are on good standing with the Vanuatu Record of Fishing Vessel and registered on the VISR
112. An international authorization to fish license is void in the event that the vessel in respect of which it was granted is no longer entitled to fly the flag of Vanuatu.

***Cancellation or suspension of an international authorization to fish license***

113. An international authorization to fish license may be cancelled or suspended:
  - a. where it appears to the Director of Fisheries that it is necessary or expedient to do so for the conservation or management of living marine resources in the high seas; or,
  - b. where the Director of Fisheries has reason to believe that the fishing vessel has been engaged in illegal, unreported, or unregulated fishing activity; or,
  - c. where the Director of Fisheries has reason to believe that the fishing vessel has been used in the commission of a serious violation of an international conservation and management measure; or,
  - d. has been involved in trafficking of people, drug trafficking, or has treated fish workers and observers on board in a cruel or inhumane manner.
114. Before an international authorization to fish license is cancelled or suspended, the holder of the licence will be informed of the intention to revoke or suspend giving reasons for such action and shall be invited to make written submissions within fifteen (15) days of the receipt of the notification.

***Use of vessels of other flags by Vanuatu citizens on the high seas***

115. No person, being a citizen of Vanuatu, or a body corporate established under the laws of Vanuatu may use a foreign fishing vessel registered in another country for fishing or related activities on the high seas except in accordance with a qualifying authorization issued by the flag State.
116. A qualifying authorization may be issued
  - a. by a State that is a party to the United Nations Fish Stocks Agreement; or

b. by a State that is a party to the FAO Compliance Agreement.

117. The Minister of Agriculture, Livestock, Forestry, Fisheries and Bio-security may publish in the Official Gazette any State or category of States as States that may issue a qualifying authorization.

***Use of Vanuatu fishing vessels in areas under the jurisdiction of another State***

118. No person will use a Vanuatu flagged fishing vessel for fishing or related activities:

- a. in an area under the national jurisdiction of a foreign country except in accordance with the laws of that country and with an International Authorization to Fish License issued by the Director of Fisheries;
- b. in an area subject to a multilateral access agreement or related agreement except in accordance with that agreement;
- c. on the high seas except in accordance with an International Authorization to Fish License issued by the Director of Fisheries; and,
- d. in an area subject to international conservation and management measures except in accordance with those measures.

***Quotas and fees***

119. The Director of Fisheries will, by notice published in the Gazette, allocate fishing rights, such as quotas to Vanuatu flagged fishing vessels and determine the level of fees payable in respect of those rights.

120. In determining quotas and the level of fees, the Director of Fisheries will have due regard to the fisheries management costs of Vanuatu in fulfilling its obligations under international law as well as agreements in place.

***Security or Bond for release of fishing vessel***

121. Where a Vanuatu flagged fishing vessel is taken or detained and a charge is laid against the master, owner or charterer of the vessel in respect of the offence for which the vessel has been detained, the master, owner or charterer of the vessel may, at any time before the determination of the charge, apply to the Minister of Agriculture, Livestock, Forestry, Fisheries and Bio-security for the release of the vessel on provision of a security or bond.

122. On hearing the application in relation to detainment, the Minister of Agriculture, Livestock, Forestry, Fisheries and Bio-security may order the release of the fishing vessel after being satisfied that reasonable security or bond has been given to the Department of Fisheries in respect of the aggregate of the maximum penalty to which the owner, master or charterer may be liable and taking into account the cost and expenses which the Department of Fisheries may recover.