

**FFA**

FORUM FISHERIES COMMITTEE
ONE HUNDRED AND TWENTY FOURTH MEETING

28 October 2022

Honiara, Solomon Islands

Agenda Item:	6
Paper Number:	FFC124–WP04
Title:	Declaration of Partnership between FFA, OCO, PIDC and PICP

Summary:

Maritime security is fundamental to not only the security and sovereignty of Pacific island countries, but also to maintaining the sustainability of fisheries. In order to address threats to maritime security effectively, there is a need for agencies, both nationally and internationally, to cooperate and coordinate efforts as recognised by Leaders in the Boe Declaration on Regional Security.

This paper provides an update on the work to formalise cooperation between the Secretariat and the Oceania Customs Organisation (OCO), Pacific Immigration Development Community (PIDC) and Pacific Islands Chiefs of Police (PICP) including advice on plans for cooperation and data sharing arrangements. The draft Declaration of Partnership between the FFA, OCO, PIDC and PICP is being finalised [and, if ready in time, will be put to the Committee for consideration].

Recommendations:

The Committee is invited to:

- (i) **note** the progress on formalising cooperation between the FFA, OCO, PIDC and PICP including on the plans for cooperation and data sharing arrangements; and
- (ii) **review** the latest draft Declaration of Partnership attached.

Background

1. Maritime Security and Maritime Domain Awareness (MDA) continues to be a priority for Forum members as it is essential for national security, sovereignty and economic development.
2. For the FFA, any continuing successes enjoyed in the fisheries sector cannot be sustained without a comprehensive approach to maritime security. This is especially important for the Pacific with its vast ocean geography and limited resources for monitoring and security.
3. Formalising cooperative arrangements amongst national and regional security related agencies will enhance the interagency cooperation required to successfully address maritime security threats.
4. To this end FFC122:
 - i. *supported the Secretariat exploring the formalisation of cooperation between the FFA, OCO, PIDC and PICP; and*
 - ii. *tasked the Secretariat to provide a report for the consideration of Special FFC124 with further details on the plans for cooperation and data sharing arrangements consistent with the ISMS Policy.*

Maritime Security and COVID

5. From 2020, most of the maritime security efforts were focused on the COVID pandemic and national responses as PICs closed their borders. A positive product of this was the set up of processes for greater coordination amongst relevant agencies including police, military, health, immigration, customs and fisheries. This sets a great foundation for further coordination and cooperation in maritime security.
6. However, because of the predominant focus on COVID and further impacts on monitoring and surveillance, there is an enhanced risk of increased illegal activities occurring within members' EEZs.

Broader Maritime Security Cooperation

7. Cooperation between the Secretariat in particular with OCO and the Pacific Transnational Crime Coordination Centre (PTCCC) have been on an adhoc basis and predominantly during surveillance operations and investigations of specific vessels of interest. Notably, PTCCC was an observer to Operations Rai Balang, Tuimoana and Island Chief 2022 to assist in situational awareness of operation outcomes and Members' interagency coordination on potential transnational crime related issues.
8. The Secretariat also contributed to annual Pacific Transnational Crime Network Transnational Crime Assessment reports, with focus on environmental crime in the Pacific especially Illegal, Unregulated and Unreported (IUU) fishing.
9. To keep abreast of relevant broader security issues, the Secretariat participates at related meetings including the Forum Sub-Committee on Regional Security. More recently the Secretariat participated in a Pacific Regional Law Enforcement Conference with a theme of "Disrupting Transnational Crime in the Pacific". This conference was organised by PIDC, OCO and PICP and it was clear that existing regional coordination of maritime operations and MDA tools such as the Regional Surveillance Picture and VMS from FFA are significant for monitoring and detection of transnational crime in the Maritime Domain. Cooperation and networking at both the national and regional levels continues to be a key focus and the development of the Declaration of Partnership (DoP) was welcomed by participants.

10. Related to this is geopolitical movements and increasing evidence including from recent media releases, on the interest of development and commercial partners in providing support in this maritime security/domain space. And although this presents opportunities for the Pacific in terms of further developing of technologies to monitor our maritime domain, there is the risk from a lack of coordination and duplication of effort which may even undermine maritime security in the region. Clearly there is a need for a coordinated/integrated approach which further cooperation between the FFA, OCO, PICP and PIDC through this DoP will support.

11. It is envisaged that this cooperation will continue with areas of potential cooperation including:

- Targeting investigation and prosecution of Vessels of Interest (VOI) with additional intelligence from these agencies;
- In the implementation of the Persons of Interest (POI) initiative where additional personal, crew or company information from these agencies may be required;
- Evidence collected from observers/EM showing illegal activities occurring on the fishing vessel can be used for prosecution; and
- During fisheries surveillance operations, information gathered (such as by the ASP aircraft) on non-fisheries related criminal activities may, through authorised channels, be reported to these agencies for further investigation and tasking to national stakeholders.

Plans for Cooperation

12. A Declaration of Partnership is currently in place between OCO, PIDC and PICP (which PTCCC sits under). And, it is envisaged that if endorsed by FFC, the FFA sign a similar Declaration of Partnership with these three agencies.

13. The latest draft Declaration is attached and, if endorsed by all partners in time, will be provided for the consideration of FFC Members.

14. The draft sets out the proposed scope of cooperation as follows:

Cooperation by the Parties may be in relation to, or include, but is not limited to:

- a) conducting **regular and systematic joint meetings** including ongoing participation (as observers) at each Party's annual governance meeting (noting the respective governance meeting rules on joining as observers);
- b) **encouraging the collection and sharing of relevant information and intelligence** (in accordance with respective Parties information sharing policy) and best practices;
- c) promoting **coordinated delivery of training** and participation;
- d) supporting national efforts to develop and strengthen **inter-agency cooperation**;
- e) coordinating contributions to **strategic regional assessment reports** and regional prioritisation processes; and
- f) promoting better understanding and appreciation of each Party's role and function for **enhancing closer cooperation between all agencies**.

15. As seen, the provisions on cooperation are high level and general in nature including conducting regular meetings, promoting coordinated training and encouraging the sharing of information.

16. On resourcing, the draft DoP advises that each party will meet its own costs and appropriate joint funding proposals may be developed.

Data Sharing Arrangements

17. On the data sharing arrangements, as seen above, provision (b) advises that the sharing of information is “encouraged”. Furthermore, the sharing of data will be in accordance with the respective Parties’ information sharing policies, which for the FFA will be the ISMS policy.

18. It is therefore envisaged that where there is relevant non-fisheries related information (eg. in relation to drug trafficking, people smuggling, illicit goods, marine pollution) collected in the course of fisheries duties, this may be shared by the Secretariat with the relevant partner (and our national fisheries contact) for appropriate actions.

19. And if classified fisheries data is required, the FFA will seek the approval of the data owners in accordance with the ISMS Policy Statement 1A Annex A and/or NTSA Articles 19(7) and 20(3) to share data with the specific participants or organisations.

20. A section in the draft Declaration on confidentiality also ensures that any data approved to be shared will be used for the purpose for which the data was requested.

Status of draft

21. The Committee may note that at the time of writing this paper all Secretariats have agreed to this as the final draft. The status of this final draft with the partners are as follows:

- OCO: Customs Heads have approved to sign the DoP and OCO will submit to a information sharing working group for confirmation;
- PICP: have the approval to sign the DoP; and
- PIDC: will submit this final draft to their governing council meeting held in the week of 17 October, with the proposal to approve signing.

Conclusion

22. Interagency cooperation is crucial in ensuring maritime security and the security of the region’s fisheries resources. This supports the commitment of Leaders in the Boe Declaration on strengthening the existing regional security architecture and in particular to improve coordination among existing security mechanisms.

23. It is the Secretariat’s view that the Declaration will provide a good basis from which to enhance cooperation with these agencies and importantly act to complement and support national interagency cooperation including the development of similar national MoUs (such as that in place in Fiji and other PICs).

24. And (if the final draft Declaration is approved by all partners), the Secretariat requests FFCs favourable consideration for the FFA Secretariat to finalise and to sign this Declaration.



Declaration of Partnership on Regional Cooperation in Law Enforcement, Border, Fisheries and Maritime Security

Declaration of Partnership on Regional Cooperation in Law Enforcement, Border, Fisheries and Maritime Security between the Regional Organisations of:

- Oceania Customs Organisation (OCO)
- Pacific Immigration Development Community (PIDC)
- Pacific Islands Chiefs of Police (PICP)
- Pacific Islands Forum Fisheries Agency (FFA)

(Hereinafter referred to as "the Parties")

Preamble

This Declaration expands upon the previous Declaration of Partnership on Regional Cooperation in Law Enforcement and Border Security as agreed by the Regional Organisations of OCO, PICP and PIDC and which came into effect on 13 August 2018.

The Parties to this Declaration:

Recognise that transnational organised crime, illegal, unreported and unregulated (IUU) fishing, and cross border security represents an increasing and serious threat and risk to the Pacific region;

Acknowledge that transnational criminal activity undermines efforts to maintain a safe and secure Pacific;

Acknowledge that transnational criminal enterprises are flexible and dynamic, with criminal networks that seek to exploit opportunities and maximise profits irrespective of the commodity and with little regard for land or sea borders and related national interests;

Recognise that no single law enforcement or border security agency can, single-handedly, address these threats and risks;

Confirm the value of cooperation and partnership of regional organisations to support and complement national efforts to combat these threats and risks;

Acknowledge that strengthening regional cooperation on transnational organised crime also aligns with the Pacific Islands Forum (PIF) Framework for Pacific Regionalism, including the Biketawa Declaration and the Boe Declaration, in furthering the objectives of a safe and secure Pacific;

Agree to co-operate together in areas of mutual interest as set out below in the terms of this Declaration.

1. Vision

Maintaining safe and secure Pacific communities through strengthened and coordinated regional law enforcement, surveillance, security cooperation and partnerships.

2. Purpose

To promote awareness and cooperation through collaboration of the Parties in combating transnational organised crime.

3. Status

This Declaration is a principles-based document under which the Parties will work together collaboratively using these principles on matters of mutual interest and responsibility.

4. Scope of Cooperation

Cooperation by the Parties may be in relation to, or include, but is not limited to:

- a) conducting regular and systematic joint meetings including ongoing participation (as observers) at each Party's annual governance meeting (noting the respective governance meeting rules on joining as observers);
- b) encouraging the collection and sharing of relevant information and intelligence, under the relevant legal frameworks or arrangements regarding information sharing, and best practices;
- c) promoting coordinated delivery of training and participation;
- d) supporting national efforts to develop and strengthen inter-agency cooperation;
- e) coordinating contributions to strategic regional assessment reports and regional prioritisation processes; and
- f) promoting better understanding and appreciation of each Party's role and function for enhancing closer cooperation between all agencies.

5. Resources for Implementation

The Parties will be responsible for identifying and providing appropriate resources. Each Party will meet its own cost. Where feasible and appropriate, joint-funding proposals may be developed.

6. Confidentiality

The Parties undertake not to use or further disclose the information provided/shared under this Declaration except in accordance with this Declaration, or for the purpose for which the information was requested, or otherwise as required or authorised by law.

7. Commencement, Duration and Termination

This Declaration will come into effect upon the date that all Parties adopt the Declaration. This Declaration is intended to remain in effect for an unlimited duration. It may be terminated at any time if one or more of the Parties decide to withdraw.

8. Review and Amendment

The Parties may review this Declaration annually and may make any amendments to the Declaration provided all Parties mutually agree.

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Oceania Customs Organisation

..... / / 2022
Pacific Islands Chiefs of Police

FORUM FISHERIES COMMITTEE EYES ONLY

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Pacific Immigration Development Community

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Forum Fisheries Agency