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**TECHNICAL CONSULTATION TO REVIEW PORT STATE
MEASURES TO COMBAT ILLEGAL, UNREPORTED AND
UNREGULATED FISHING**

Rome, Italy, 31 August-2 September 2004

**ESTABLISHMENT OF A DATABASE CONCERNING RELEVANT
PORT STATE MEASURES**

SUMMARY

This paper responds to a recommendation of the 2002 Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unreported Fishing (Expert Consultation) that FAO consider the establishment of a database concerning relevant port State measures. The paper proposes that the database concerning relevant Port State measures would not only complement another recommendation of the Expert Consultation for the use of MOUs on Port States measures but also existing FAO initiatives and global efforts to combat IUU fishing. The paper suggests that such a database could be established independently or merged with existing FAO Legal Office databases. The paper also invites the Technical Consultation to consider the merits of establishing such database and provide broad guidance in that regard.

BACKGROUND

1. The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) recognises the important role that port States can play in the global effort to stem illegal unreported and unregulated (IUU) fishing. Among the measures that are provided in the IPOA-IUU for Port States to pursue is enhancing cooperation, including the sharing of relevant information amongst regional fisheries management organisations or arrangements (RFMOs) and States through development of standard report forms.

2. In addition to measures such as the communication of the results of port State inspections, port States action to prevent, deter and eliminate IUU fishing can be enhanced by not only enabling a port State to have access to information from a Flag State about a vessel but also in obtaining information on the measures that other port States have applied in order to develop their own port State programmes to address IUU fishing. Such information can be available and accessible to States and the general public in an electronic database. To this end, the Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing in November 2002 recommended follow up actions by FAO through the establishment of a database concerning relevant Port State measures.¹

PURPOSE

3. The purpose of this paper is to advise the Technical Consultation on what is envisaged as appropriate follow-up action with respect to the recommendation of the Expert Consultation to establish a database concerning relevant port State measures. The paper explains that:

- The (electronic) database on port State measures can contribute to the prevention, deterrence and elimination of IUU fishing;
- The database complements the Expert Consultation proposal to encourage the conclusion between States of a memorandum of understanding (MOU) on port State measures and other global efforts to encourage responsible fisheries. Such a database would aid countries in carrying out port State duties and to direct inspections on those fishing vessels that have been or may be used in IUU fishing. The database would be developed from an analysis and inventory of current port State measures (ranging from national and regional port inspections schemes, information sharing schemes, legislation or regulations relating to port State measures) to prevent, deter and eliminate IUU fishing. The setting up of the database is based on the premise that state practice sets trends and induces other States to take further and similar action;
- The database would be developed in a phased manner;
- The development of the database would involve, *inter alia*, the construction of a system support for the database, search facilities and database maintenance system;
- Where possible, existing database systems would be used or the information on port State measures could be merged or linked with such existing systems. The combined or complementary databases would provide better information on State measures as coastal States, flag States and port States, and required action to prevent, deter and eliminate IUU fishing; and

¹ See Report of the Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, Rome, 4-6 November 2002, FAO Fisheries Report No. 692 at page 5.

- Development of the database would require active follow-up and commitment of resources by FAO Members.

A DATABASE ON PORT STATES MEASURES

4. It is noted in the world of fisheries management, particularly for monitoring, control and surveillance (MCS) that, in addition to moulding State action through international law and fisheries agreements or non binding instruments, current and collective state practice generally sets trends and prompts other States' in taking fisheries management and MCS decisions. In relation to fisheries, FAO has developed studies and databases such as the food and agriculture legislation database (FAOLEX)², coastal state requirements for fishing access database (FISHLEX)³ and the database on information on high seas fishing vessel authorisation to enhance flag state control (High Seas Vessel Authorisation Record or HSVAR).⁴ These databases are drawn on to develop better MCS, including compliance and enforcement programmes for FAO Members, particularly developing countries. This information is available for use within FAO in providing assistance to Members or are accessed and utilised directly by the public. A database on current port State measures will compliment the existing databases and supplement the proposal for use of MOUs on port States measures and the larger global effort on combating IUU fishing.

PHASED DEVELOPMENT OF A DATABASE ON PORT STATE MEASURES

5. The proposed database would be developed with the collaboration of the FAO Legal Office, the Fisheries Department and other relevant technical divisions and offices in a phased manner. This would involve:

- The commissioning of a study to examine analyse and inventory current port State measures.⁵
- The phased-design and trial of the database and the eventual commissioning of the database. The initial phase will examine the most viable database system which will also consider information and experience from the International Maritime Organization (IMO) that operates the IMO Global Integrated Shipping Information System (GISIS).⁶ An approach to IMO to share its experience on the design of its database would take advantage of the commitment made by IMO for cooperation to be extended to FAO towards developing a FAO port State control regime through the sharing of IMO's experience and knowledge.⁷
- An examination of design and system support of databases currently housed by FAO such as the High Seas (HSVAR) and FISHLEX and the possibility of merging the proposed database on port State measures with existing database(s) will also be examined. For example, FISHLEX was developed to present the inventory on coastal state requirements for foreign fishing vessel access compiled by a study that is updated

² The FAO Legal Office established and maintains FAOLEX which is a comprehensive database on food and agriculture legislation. See <http://faolex.fao.org/faolex/index.htm>.

³ FISHLEX was also developed and is maintained by the FAO Legal Office. Access to FISHLEX is possible directly on internet site See <http://faolex.fao.org/fishery/index.htm> or through FAOLEX.

⁴The FAO Fisheries Department established and maintains the HSVAR. See <http://www.fao.org/figis/hsvar/index.jsp>.

⁵ Such measures would include elements and measures of national and regional/RFMO-port State inspection schemes, information sharing schemes and legislation or regulations relating top port State measures

⁶ See the internet site of GISIS <http://www2.imo.org/ISPSCode/>. GISIS relates to maritime security and not port State control per se. It lessons that may be relevant here is only in relation to database system-design.

⁷ IMO submission to the General Assembly of the United Nations fifty-sixth session of Oceans and the Law of the Sea on the implementation of the United Nations Agreement for the Implementation of the Provisions of the Law of the Sea Convention of 10 December 1982 Relating to Straddling Fish Stocks and Highly Migratory Fish Stocks.

from time to time. The proposed database on port State measures could follow the same approach taken in the development of FISHLEX and the manner in which information from FISHLEX can be accessed.

- The maintenance, including updating, of the proposed database. The viability of establishing a dynamic website which is progressively enhanced by users (particular by designated State authorities) with appropriate security features in place would be examined in this context. In this regard, the experience and expertise of IMO with GISIS could also be useful.
6. The database would be maintained by the FAO Legal Office if and when it is established.

SUGGESTED ACTION BY THE TECHNICAL CONSULTATION

7. The Technical Consultation is invited to:
- consider the value of establishing information systems including a database on port States measures to enhance Port States action to combat IUU fishing, and
 - propose, as appropriate, the development of a database on port State measures by FAO subject to the availability of resources for this purpose and provide guidance on the establishment and implementation of such database.