Report of the

FAO REGIONAL WORKSHOP ON THE ELABORATION OF NATIONAL PLANS OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

SOUTHERN AND EAST AFRICA SUBREGION

Kariba, Zimbabwe, 24–28 November 2003
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This is the final report of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Southern and East Africa Subregion held at the Lake View Inn, Kariba, Zimbabwe, from 24 to 28 November 2003.


ABSTRACT

This document contains the report of, and the paper presented at, the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Southern and East Africa Subregion which was held at Kariba, Zimbabwe, from 24 to 28 November 2003. The purpose of the Workshop was to assist countries in the southern and eastern African region to develop capacity so that they would be better placed to elaborate national plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOAs–IUU). The Workshop addressed the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) in detail and the Technical Guideline that had been developed to support the implementation of the IPOA–IUU; two case studies; decision-making about IUU fishing and skills development through identification of key issues relating to the NPOA–IUU, the vehicle through which the IPOA–IUU will be implemented by countries. Working Groups were formed to encourage maximum participation. A review of regional fishery issues was discussed including ways of improving collaboration and identifying regional priorities. The document prepared by Ms J. Swan entitled “National plans to combat illegal, unreported and unregulated fishing: Models for coastal and small-island developing States” was funded through FishCode Programme component projects GCP/INT/849/USA (“Support for the Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing”) with Trust Fund support from the Government of the United States of America, and GCP/INT/823/JPN (“Responsible Fisheries for Small Island Developing States (SIDS)”), with Trust Fund support from the Government of Japan.

Distribution:

Participants
FAO Fisheries Officers, Regional and Subregional Offices
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OPENING OF THE WORKSHOP

1. The FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Southern and East Africa Subregion was held at the Lake View Inn, Kariba, Zimbabwe, from 24 to 28 November 2003.

2. The Workshop was attended by 33 participants from FAO Members and one Observer. A list of participants is attached as Appendix B.

3. The Workshop was called to order by the Workshop Coordinator, Mr Aubrey Harris, Senior Fishery Officer, Subregional Office for Southern and East Africa, Harare, Zimbabwe. He introduced FAO Officers attending the Workshop and invited participants to introduce themselves. Mr Harris then invited Mr Wilson Mhlanga to make some opening remarks on behalf of the Zimbabwe Parks and Wildlife Management Authority.

4. Mr Wilson Mhlanga, Acting Officer-in-Charge for Lake Kariba Fisheries Research Institute, Kariba, welcomed participants to the Workshop on behalf of the Director-General of the Zimbabwe Parks and Wildlife Management Authority and the Acting Chief Ecologist (Aquatic) of the Management Authority. Mr Mhlanga noted the timeliness of the Workshop especially in view of the important social and economic role of fisheries in the southern and eastern African region. He further noted that illegal, unreported and unregulated (IUU) fishing was a problem for countries in the region and it was leading to losses from the fisheries sector. As a consequence, he urged that such fishing be addressed with priority, encouraging participants to take full advantage of the Workshop.

5. Mr Harris then invited Ms Victoria Sekitoleko, FAO Subregional Representative for Southern and East Africa, Harare, Zimbabwe, to speak. She welcomed participants to the Workshop on behalf of FAO, noting that it was a great pleasure to present the opening address. Ms Sekitoleko’s statement is attached as Appendix D.

6. Mr Philippe Michaud, Adviser, Seychelles Fishing Authority, Mahe, Seychelles, was selected as Workshop Facilitator.

7. The Agenda for the Workshop is attached as Appendix A and the list of documents is attached as Appendix C.

8. The Technical Secretary of the Workshop, Dr David Doulman, Senior Fisheries Liaison Officer, Fisheries Department, FAO, Rome, Italy, provided an overview of the technical issues to be addressed in the Workshop. He stated that the objective of the Workshop was to develop capacity so that countries would be better placed to elaborate their national plans of action to prevent, deter and eliminate IUU fishing (NPOAs–IUU). It was pointed out that these NPOAs, the vehicles by which the IPOA–IUU would be implemented, should be elaborated by June 2004. However, he added that it appeared that few countries would meet this deadline. Dr Doulman outlined the topics to be addressed by the Workshop: the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) and the Technical Guideline that had been developed to
support the implementation of the IPOA–IUU; the examination of two case studies; decision-making about IUU fishing, and skills development through identification of key issues relating to the NPOA-IUU. He advised that five Working Groups would be formed to encourage maximum participation. In addition, it was noted that the Workshop would review regional fisheries issues, ways of improving collaboration and the identification of fisheries priorities.

9. With respect to the outcome of the Workshop, Dr Doulman noted that it should lead to an increased awareness about the problems and effects of IUU fishing and the need for countries to take concerted action to combat it; an in-depth and comprehensive understanding of the IPOA–IUU and its technical guideline; a clearer definition of the steps that countries should take to develop their NPOAs–IUU; a sharing of experiences about IUU fishing by the participants, and a greater appreciation of the need for enhanced regional harmonization of measures to combat IUU fishing in southern and eastern Africa.

10. A presentation on IUU fishing terminology and definitions as contained in the IPOA–IUU was made by Dr Doulman. There was extensive discussion on the concepts underlying, and issues relating to, the definitions, especially as they applied to inland fisheries. In this respect, participants noted that illegal and unreported fishing was more readily apparent in inland fisheries than unregulated fishing. It was further noted that in the negotiations leading up to the conclusion of the IPOA–IUU, the focus of discussion and concern had primarily been on marine industrial fisheries. For this reason, some participants were of the opinion that sound NPOAs–IUU could be developed for marine fisheries though it was likely that NPOAs–IUU for inland fisheries, where IUU fishing problems were apparent, might be less robust. It was pointed out that some inland fisheries had both subsistence and commercial components. The Workshop was advised that the commercial component was often characterized by high vessel mobility and inaccurate/unreliable catch reporting.

BACKGROUND TO THE 1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND THE 2001 FAO INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

11. Dr Doulman commenced his presentation by stating that the IPOA–IUU had been concluded within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries. He provided information relating to the Code of Conduct in terms of its background; process of elaboration; purpose and objectives; and structure and implementation. He pointed out that the effective implementation of the Code of Conduct provided a challenge for countries in their efforts to devise appropriate fisheries policies and measures that would promote adjustment in the fisheries sector so that responsible and long-term sustainability outcomes would be achieved.

12. The presentation relating to the IPOA–IUU provided information about the extent, scope and impact of IUU fishing; the international responses to IUU fishing at the global, regional and national levels; the elaboration process within FAO for the IPOA–IUU; the structure and contents of the IPOA–IUU, including the challenges to be met by regional fishery management organizations or arrangements (RFMOs) if their conservation and management effort were to be successful. Dr Doulman noted that IUU fishing flourished principally because some countries failed to meet their obligations under international law with respect to effective flag State control. For this reason, countries and RFMOs were
required to look beyond conventional solutions and adopt and implement a wider and more innovative suite of measures to combat IUU fishing. This was one of the fundamental reasons why FAO had agreed to elaborate the IPOA–IUU. He indicated that the IPOA–IUU had the potential to contribute to long-term sustainable fisheries. When reinforced and supported by other national and international fisheries instruments, the IPOA–IUU could marshal and facilitate cooperative and targeted action against the root cause of IUU fishing. The paper upon which the presentation was based is attached as Appendix E.

13. Some participants noted that although they had been aware of the elaboration of the IPOA–IUU, a lack of financial capacity had prevented their countries from participating in the process leading up to the adoption of the IPOA–IUU. Participants agreed that had their countries contributed more fully to the negotiation process they would have felt a greater sense of “ownership” of the IPOA–IUU. Such “ownership” could have expected to engender more enthusiastic involvement in the implementation process.

14. The Workshop noted the voluntary nature of the IPOA–IUU. Some participants queried whether, that in view of the need to address IUU fishing on all fronts if progress was to be made in combating the problem, the IPOA–IUU should not have been concluded as a binding instrument. It was pointed out that although the IPOA–IUU was voluntary, countries after having developed their NPOAs–IUU, should review their fisheries and policy legislation to ensure that it reflected their position on IUU fishing. Participants agreed that it was preferable to have strong and enforceable national legislation rather than a binding international instrument.

15. Many participants noted the important role played by fisheries monitoring, control and surveillance (MCS) in combating IUU fishing. The importance of vessel monitoring systems (VMS) was also highlighted. It was pointed out that MCS/VMS could be expensive and time-consuming to implement. The role being played by the International MCS Network was discussed and some participants requested further information about the Network. Participants were referred to the Network’s webpage (http://imcsnet.org) for further details.

16. Some participants raised the issue of MCS observer programmes and their costs. Several participants advised the Workshop that in their countries the cost of these programmes was borne by industry. The Workshop agreed that it was reasonable to consider observer costs as a fisheries management cost that should not be borne by government. It was noted by some participants that when the cost of observer programmes costs were initially raised with industry, there was opposition to meeting these costs. However, in time this opposition subsided and full cost recovery was now practiced in a number of industrial fisheries in the region.

17. Some participants also pointed out that a recurring problem with observer programmes was unprofessional behaviour on the part of observers. It was suggested that a rigorous training programme and the installation of a strong sense of professionalism could assist in addressing such behaviour. Another means could be to require observers to account for their time on board vessels by completing an activity log on an hourly basis and detailed post-trip report and debriefing. The Workshop was informed that in another region such accounting had proved beneficial in encouraging a strong professional commitment on the part of observers.
18. With respect to MCS observer training, the Workshop was advised that there were good training facilities in the region. It was noted that countries in need of such training could possibly seek assistance under Technical Cooperation between Developing Countries (TCDC) arrangements from the countries with those facilities.

19. The need for regional cooperation if IUU fishing was to be effectively addressed was underscored by many participants. The Workshop noted that it would be relatively futile for one country to adopt stringent port State measures, for example, and for its neighbours not to implement similar types of measures. It was agreed that regional cooperation in the implementation of measures to combat IUU fishing was required if loopholes were to be closed and weak points eliminated.

20. With respect to the management of shared inland fisheries, the Workshop took note that regional cooperation would only be achieved through a formal mechanism. It was noted that such collaboration could also seek to harmonize fisheries regulations and activities in a wide range of areas including IUU fishing. In the absence of such regional cooperation, it was suggested that the Code of Conduct should be used as the yardstick for management and problem-solving (i.e., national actions taken should reflect, and be consistent with, the Code of Conduct). In the cases of the Indian Ocean Tuna Commission (IOTC) and the Lake Victoria Fisheries Organization (LVFO), it was pointed out that these organizations are, inter alia, promoting cooperation and harmonization through information exchanges and joint MCS arrangements.

21. Some participants noted that a precedent existed for the harmonization of measures in fisheries in the region. This harmonization has been promoted by the Southern African Development Community (SADC) with the assistance of FAO. SADC has a Fisheries Protocol that provides the overall framework for fisheries cooperation of SADC States. This had been signed by all States but was yet to be ratified. Some participants speculated that there was a lack of political will on the part of some governments to take the necessary steps towards implementation of regional or international instruments. Other participants pointed out that the lack of implementation could be due to technical and financial constraints on the part of Members.

22. The Workshop noted a planned meeting of SADC Fisheries Ministers that would focus on the problems of, and means of addressing, IUU fishing. It was agreed that this meeting would greatly benefit efforts in the region to combat IUU fishing.

23. Some participants spoke of the need for effective coordination at the national level to ensure that IUU fishing was addressed in an expeditious and consistent manner. It was noted, for example, that coordination between the agency responsible for vessel registration and the agency responsible for the issuing of fishing authorizations sometimes led to inconsistent decisions. It was pointed out that the IPOA–IUU encouraged governments to promote effective national coordination in their efforts to combat IUU fishing.

24. The Workshop noted, with some satisfaction, that the IPOA–IUU recognized the special requirement of developing countries and, in particular, the human and institutional capacity constraints they encountered in implementing the IPOA–IUU. The Workshop was encouraged by the activities listed in paragraph 86 of the IPOA–IUU and wished to be further informed of the possibilities of assistance. Some participants noted their lack of technical and financial capacity to undertake fisheries policy reviews to reflect IUU fishing issues in terms
of the measures contained in the IPOA–IUU. Participants acknowledged that FAO assistance for such policy reviews would be especially valuable and for the subsequent review of fisheries legislation to reflect the elements included in their NPOAs–IUU.


25. A presentation on the contents of the IPOA–IUU and its associated Technical Guideline was made by Dr Doulman. It was pointed out that there was close correspondence between both documents and that the Technical Guideline served as a reference source for the IPOA–IUU and the steps to be taken to elaborate a NPOA–IUU. It was stressed that the IPOA–IUU should be viewed as a “toolbox” and that countries would need to assess their national needs with respect to IUU fishing and determine which tools were most appropriate in their situations.

26. The Workshop acknowledged the benefit of an “inclusive” approach to addressing IUU fishing as called for in the IPOA–IUU and in elaborating and implementing NPOAs–IUU. It was noted that governments should sensitize fishers, fishing communities and companies about the adverse impacts of IUU fishing and the need to reduce such fishing as a means of enhancing fisheries management. The Workshop recognized that national meetings with stakeholder groups, possibly in local languages, would be required. It was pointed out that FAO had already produced simple language texts explaining the Code of Conduct and IUU fishing. These texts could be translated into the region’s major languages. However, it was also noted that additional materials such as comics might be required to more fully convey messages to fishing communities.

27. Some participants were of the view that the elaboration of fishery management plans could assist in stemming the incidence of IUU fishing in both inland and marine fisheries. The Workshop recognized that while such plans would not eliminate IUU fishing, they could assist in combating it. Furthermore, participants agreed that it would be highly beneficial if countries incorporated issues relating to their NPOAs–IUU into fisheries sectoral plans/strategies when these were being developed.

PRESENTATION OF THE CASE STUDIES ON THE NPOAs–IUU

28. Two model case studies were presented in the Workshop to demonstrate how countries should elaborate a NPOA–IUU. One case study reflected the situation of a small island developing State, the Alpha Islands, while the other case study related to a continental coastal State, the Republic of Galactia. The names of the countries in the case studies were fictitious though the respective fisheries profiles were based on real data and information.

29. Mr Paul Nichols, Special Adviser to the Minister, Ministry of Fisheries and Marine Resources, Windhoek, Namibia, presented the fisheries profile and the NPOA–IUU for the Alpha Islands. The fisheries profile addressed the fishing industry, fishery management, the Fisheries Act, research and training, development assistance and international and regional law and relations. The NPOA–IUU for the Alpha Islands closely followed the suggested outline for a NPOA–IUU in the Technical Guideline supporting the implementation of the IPOA–IUU.

30. Mr Aubrey Harris presented the fisheries profile and the NPOA–IUU for the Republic of Galactia. The subject matter covered in this presentation was similar in nature and scope to the information presented for the Alpha Islands.

31. With respect to the incidence of IUU fishing in subsistence/small-scale fisheries, the Workshop noted that over the last decade, community management has been introduced in several inland fisheries. The results achieved had been variable and some participants pointed out that the more extensive introduction and implementation of community-based management posed a challenge for some governments. It was also noted that in one instance the rate of implementation of community-based management had been hampered by the concurrent commercialization of fisheries. Some participants indicated that effective inland fisheries management required a mix of management measures: a co-management approach whereby both government and stakeholders (rather than fishing communities alone) participated in the management process.

32. In discussions relating to vessel registration and the maintenance of records of fishing vessels, it was apparent that only a small number of countries in the region had registration procedures and records in place for semi-industrial and industrial vessels. Some participants advised the Workshop that these countries were reviewing registration procedures and updating records of fishing vessels. It was stressed that such procedures and records were necessary to combat IUU fishing and that all countries with semi-industrial and industrial vessels operating in their fisheries should seek to institute a registration system and maintain up to date records of all registered fishing vessels.

33. The Workshop acknowledged that transshipment of catches at sea in marine fisheries created loopholes for fisheries management and could encourage and support IUU fishing. It was noted that in other regions, transshipment is banned and that this action has had a positive impact on fisheries management. It was stressed that transshipment at sea served to undermine efforts to manage fisheries in a sustainable manner.

34. Participants pointed out that transshipment on the fishing grounds also took place in inland fisheries and it had caused similar problems to those evident in marine fisheries. In particular, it was noted that transshipment in inland fisheries distorted data upon which stock assessment and management decisions were based and, in some instances, led to illegal transfers of fish, often with a loss of revenue to governments. The Workshop agreed that the transshipment of fish on the fishing grounds in inland fisheries was a source of major concern for countries and that it should be addressed through bilateral arrangements and multilateral mechanisms.

35. The Workshop addressed economic incentives at some length. It was pointed out that there were “good” and “bad” incentives and that the latter category could promote fleet overcapacity leading, in turn, to IUU fishing. In the southern and east African region, it was agreed that a distinction should be made between incentives provided to industrial fleets and incentives provided to artisanal fishers (e.g., fuel subsidies). The Workshop expressed the view that a justification could be made for the payment of certain incentives that supported artisanal fishing and the capture of fish for food. It was agreed that the consideration of the issue of economic incentives in small-scale fisheries should be deferred by countries until after FAO had completed its work on economic incentives in fisheries.
36. The Workshop noted that the IPOA–IUU encouraged a review of sanctions to ensure that they were of sufficient severity to deter IUU fishing. It was agreed that countries should ensure that sanctions for IUU fishing offences should be commensurate with the gravity of the offence. Moreover, participants noted that a clear distinction should be made between offences that were of serious nature (e.g., illegally fishing within an EEZ) and those of a less serious, administrative nature (e.g., failure to provide a daily report).

37. The issue of catch documentation schemes and traceability of fish was discussed by the Workshop. It was stated that some of the schemes have sizeable loopholes and that they were open to manipulation. As a general rule, it was noted that the longer the chain of “custody” from the point of capture to the consumer, the greater the difficulties in attempting to ensure that fish maintained its traceability.

38. Some participants reiterated that inland fisheries production was extremely important in the region and in some cases exceeded marine production where countries had both marine and inland sectors. These participants expressed concern about a lack of a strong inland fisheries “voice” in international fora. It was noted that at the FAO Committee on Fisheries (COFI), countries with important inland fisheries should ensure that national and regional interests and priorities for inland fisheries should be well articulated.

PROBLEM-SOLVING: MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING

39. To reinforce the concepts and information presented in the Workshop concerning measures to prevent, deter and eliminate IUU fishing and to encourage participants to interpret and apply these concepts, a problem-solving exercise was undertaken. The outline of the exercise is attached as Appendix F.

40. Participants were requested to work in small groups and to decide what initial steps were required to address the IUU fishing problems presented in the exercise. A summary of the findings of the small groups is presented below.

Chief Fisheries Officer

- Notify the port State about the IUU fishing infringement and request that the port State detain the vessel pending a joint inspection of the vessel, its catch and documentation;
- Inform the Ministry of Foreign Affairs about the IUU fishing incident and the steps that were being taken;
- Inform the Oceanic Fisheries Commission about the IUU fishing incident and request if it has any information about the vessel including whether the vessel has prior infringements in the Convention Area and whether it was “blacklisted”;
- Inform the International MCS Network about the incident and request information relating to any prior IUU fishing activities;
- Inform the Government Solicitor about the incident;
- Inform the Ministry of Foreign Affairs in the importing country about the IUU fishing incident indicating that the fish is destined for markets in that country;
- Prepare a comprehensive brief for the Minister.
Representative from the Government Solicitor

- Undertake an assessment of information relating to the IUU fishing incident that is already available;
- Determine what legal action can be taken against the vessel under national law and through regional mechanisms;
- Advise legal counterparts in the port State of developments with the incident;
- Provide input for the Minister’s brief.

Senior MCS Officer

- Undertake preparations to travel for the joint inspection of the vessel in the port State;
- Undertake an assessment of the value of the catch;
- Monitor the movement of the IUU fishing vessel, if this is possible, in a discreet manner;
- Ensure that the investigations are kept confidential.

President of the Fishers Association

- Pass back information to members about steps being taken by the Government to address the incident but owing to the need for confidentiality, provide no precise details of the investigations to the membership.

Coordinator of the International MCS Network

- React to the request regarding information on the vessel and any past offences;
- Respond to the request received concerning the vessel.

Director of the Oceanic Fisheries Commission

- Advise what steps that members might take in this situation;
- Check if there is a record of the IUU fishing vessel in the record of the Oceanic Fisheries Commission and respond appropriately;
- Initiate an inquiry with other RFMOs concerning IUU fishing activities in their respective convention areas by the vessel;
- Await the outcome of the legal process against the vessel before taking further action (e.g., requesting the Oceanic Fisheries Commission to “blacklist” the vessel);

41. The problem-solving exercise indicated that participants had grasped the essential elements of the IPOA–IUU and the initial actions required to address the IUU fishing problem outlined in the exercise. Participants identified the major issues quickly and worked enthusiastically to map out a course of action. An important outcome of the problem-solving exercise was the realization by participants that regional cooperation was indispensable in combating IUU fishing in such circumstances.
REGIONAL FISHERIES ISSUES, WAYS OF IMPROVING COLLABORATION AND IDENTIFICATION OF FISHERIES PRIORITIES

42. The Workshop was briefed by Mr Harris on the structure of FAO and on the priorities of its Fisheries Programme. It was pointed that some ten years ago, FAO undertook a process of decentralization to achieve the following:

- Strengthen regional offices;
- Create subregional offices, and
- Increase FAO country offices.

43. The Workshop was informed that with decentralization, technical assistance was nearer to the Members, the response to regional and country needs and requests was faster; and that the cost of delivery was reduced significantly.

44. The Workshop noted that the fisheries priorities in the Subregional Office for Southern and East Africa can be identified and agreed through the following FAO fora:

- Committee on Fisheries (COFI);
- FAO Regional African Conference;
- FAO’s Fisheries Session Meetings;
- Fisheries technical consultation and regional workshops;
- FAO Country Representation for Southern and East Africa, and
- FAO Country Offices.

45. The Workshop was informed that within the FAO Fisheries Department, technical support was provided to Members by the following Divisions:

- Fishery Resources Division (FIR);
- Fishery Policy and Planning Division (FIP);
- Fishery Industry (FII) Division, and
- Fishery Information, Data and Statistics Unit (FIDI).

46. The Workshop noted that FAO could provide technical support to Members using its regular programme funds (RP) for normative and field activities and Technical Cooperation Programme/Projects (TCP). Other vehicles for support available to member countries were through Trust Funds, partnerships such as the World Bank, Africa Development Bank (AFBD), Global Environmental Facility (GEF), etc.

47. Participants formed into five Working Groups to jointly identify some of the major fisheries issues within the Southern and East African subregion and to consider ways that FAO and other international organizations could collaborate and assist the subregion in addressing some of these issues.

48. The main subregional issues were identified as: declining fish catches; weak institutional capacity for research, fisheries development and management; management of some stocks largely being undertaken by non-regional countries; a lack of accurate information on many of the fisheries resources; insufficient exchange of information on monitoring control and surveillance; need for better assessment of stocks and particularly to
move from single species to multispecies, ecosystem approaches; inadequate research into and management of shared fisheries resources.

49. Invariably, the Working Groups identified inadequate human, financial and technical resources as the major constraints underlying most of the fisheries issues in the subregion. In addition, there were insufficient channels of communication for dialogue and ways of cooperatively optimising the use of meagre resources. It was considered that existing RFMOs tended to focus only on capture fisheries and neglected the growing importance of aquaculture. RFMOs therefore required strengthening in order to enhance regional cooperation in many fields. Other constraints identified were: weak policies and/or outdated legislation, lack of cooperation in MCS activities between countries of the region, inadequate reporting by foreign and local vessels, lack of information for fisheries management and inadequate data collection structure and procedures.

50. Solutions to these constraints focused on the need to increase the availability of human, material and financial resources in support of national capacity building. There was general agreement that resources had to be mobilised both internally through national funding and externally through FAO assistance and the donor community. It was noted that some countries did not charge fees for the exploitation of their fisheries and marine resources or that where such fees were in place, they were either nominal, or that the systems of fee collection were not effective. For such countries, the effective introduction of levies could increase the funds available internally. The example was given of Namibia where the costs of all fisheries administration, research and management is passed onto the fishing industry through various fees and levies. While this was perhaps a special case of a country with large fishery resources, the principle of having the fisheries sector pay for all the management costs had relevance to several other countries of the subregion with semi-industrial and industrial fisheries.

51. It was noted that within the subregion, there were some differences between countries in the levels of technological advancement within the fisheries sector (in both capture fisheries and aquaculture). Increased technological and information exchange among countries in the subregion could boost fisheries production and more importantly ensure sustainability and add value to the production. It was felt that existing regional mechanisms could be better utilised (such as the SADC Protocol on Fisheries and the SADC Council of Fisheries Ministers) and cooperation should be increased through RFMOs and programmes (such as the Lake Victoria Fisheries Organization (LVFO), the South East Atlantic Fisheries Organization (SEAFO), the Benguela Environment Fisheries Inter-action and Training (BENEFIT) Programme and the Benguela Current Large Marine Ecosystem (BCLME) Programme). Where such organizations and programmes did not exist, their establishment should be accorded high priority as it was considered that these were useful vehicles to address some of the major regional fisheries constraints. The view was expressed that RFMOs should not only focus on capture fisheries but increasingly also cater for developments in aquaculture. Other solutions suggested included: national reviews of policies and update legislation to harmonize with regional requirements; establishment and/or enhancement of regional MCS networks including building capacity in inspection as well as acceding to and implementing the 1982 UN Convention on the Law of the Sea and relevant instruments (e.g., the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement); better assessment of available stocks and exploratory surveys for new fisheries, and increasing regional participation in research programmes.
52. FAO and other international organizations could help address these issues by:

- the formation and operationalization of RFMOs;
- continuing to provide technical assistance and expertise in ongoing or new programmes;
- bringing together political leaders, managers, scientists, non-governmental organizations (NGOs) and other stakeholders to strengthen national, regional and international cooperation; and
- the FAO Subregional Office in Harare should consider organizing a technical consultation on the regional fisheries issues identified so that regional FAO Members can prioritize their importance and develop appropriate strategies to address them.

FORMATION AND REPORTS OF THE WORKING GROUPS

Formation of the Working Groups

53. Five Working Groups were formed to enhance the participatory nature of the Workshop and as a means of generating broader and deeper discussion on the action to be taken to elaborate NPOAs–IUU. The Working Groups were also seen as an important vehicle for generating input from experienced fisheries personnel participating in the Workshop. The Working Groups focused on the process to be followed for the elaboration of NPOAs–IUU. The Working Groups formed were:

- Working Group 1: Inland Fisheries
- Working Group 2: Inland Fisheries
- Working Group 3: EEZ Fisheries
- Working Group 4: EEZ Fisheries
- Working Group 5: High Seas Fisheries

54. The composition of each of the Working Groups is attached as Appendix G. The reports of each of the Working Groups are in Appendix H. The Working Groups were requested to identify the Ministries/Departments involved in the elaboration of a NPOA–IUU; what constraints were likely to be faced in the development of a NPOA–IUU; how these constraints might be overcome; how national resources could be mobilized to meet the June 2004 deadline for the elaboration of a NPOA–IUU and what considerations affected the ability of countries to deliver a NPOA by the deadline. In addition, participants outlined the steps to be undertaken in elaborating a NPOA–IUU focusing on major activities, approvals required and possible timeframes.

55. There was a high degree of complementarity in the responses to the questions posed for the Working Groups. The responses indicated that participants had a broad understanding of the issues involved though some Groups showed less depth concerning the steps required for the elaboration of a NPOA–IUU. Significantly, despite fundamental differences, it was apparent that the nature and scope of IUU fishing problems in marine fisheries were similar to those problems encountered in inland fisheries.

56. In discussions about the results in the Workshop, it was evident that many countries were already implementing measures to address IUU fishing even though they did not have explicit NPOAs–IUU in place. Participants noted, for example, that efforts were being
undertaken to build awareness about IUU fishing; the need for sustainability in fisheries; implementation of MCS programmes and implementation and strengthening of registration arrangements for vessels. The Workshop recognized the value and importance of drawing together these different measures into a single coherent framework provided by a NPOA–IUU.

57. Some participants reminded the Workshop that a NPOA–IUU was simply a plan of scheduled future actions and that participants should not lose sight of this fact. It was reiterated that a NPOA–IUU provided a suite of forward-looking activities with a proposed timetable for action. The Workshop agreed that it would be very helpful for countries if they could be provided with a model NPOA–IUU based on real conditions in a developing countries. It was noted that FAO in 2004/05 intended to assist several countries elaborate their respective NPOAs–IUU with documented texts as to how these NPOAs were developed and what constraints and difficulties were encountered.

GENERAL OBSERVATIONS BY THE WORKSHOP FACILITATOR AND PROPOSED FOLLOW-UP ACTIONS

General Observations

58. IUU fishing seriously undermined efforts to conserve and manage fish stocks in all capture fisheries. It was a growing problem, particularly in developing countries, both in marine and inland fisheries, especially because they had limited means to deal with it.

59. The Workshop provided a checklist of what was required to be done to combat IUU fishing. The Workshop raised the awareness of participants about the problem and highlighted the fact that countries are sovereign and it was up to them to decide for themselves what was best for their particular circumstances. The IPOA–IUU provided a framework which should be fairly easy for countries to follow in elaborating their NPOAs–IUU.

60. The Workshop gave useful advice and information to participants, some of whom had experienced difficulty in attending relevant UN meetings concerning IUU fishing. Information about such fishing is provided on the FAO website (http://www.fao.org/fi) and could be of great assistance.

61. There were several areas in combating IUU fishing which could be both inexpensive and effective as was highlighted in the problem-solving exercise undertaken in the Workshop. These included joining the International MCS Network, exchange of information among countries, enactment of legislation, etc.

62. The issue of subsidies and economic incentives and the way in which they could support IUU fishing was well understood. However, there remained a number of uncertainties about such incentives in terms of their use in small-scale fisheries.

63. There were many similarities between coastal and inland fisheries in terms of the problems they faced in combating IUU fishing (e.g., transshipment at sea and in inland waters, catch/statistics and other activities that undermine fisheries management). Lessons learnt from one fishery could be easily and usefully transferred to the other.
Proposed Follow-up Action

64. The Workshop proposed several follow-up actions by countries, FAO and other international agencies, as appropriate, to further support the elaboration and implementation of NPOAs–IUU in southern and east Africa. These actions were:

- To develop a technical guideline to support the implementation of the IPOA–IUU in inland fisheries.
- To provide a separate questionnaire for inland fisheries in future relating to the implementation of the IPOA–IUU.
- To defer consideration of the issue of economic incentives in subsistence/artisanal/small-scale fisheries as they pertain to the implementation of the IPOA/IUU until FAO had completed its current work on economic incentives in fisheries.
- To enhance or institute systems of national vessel registration and maintain national records of registered vessels for all semi-industrial and industrial fishing vessels operating in marine and inland fisheries in the region. This registration process should be seen as a minimum requirement and countries are encouraged to register all fishing vessels.
- To translate the two simple-language documents “What is the Code of Conduct for Responsible Fisheries” and “Stopping Illegal, Unreported and Unregulated Fishing” into major languages of the region;
- To consider additional regional workshops for the elaboration of NPOAs-Sharks and NPOAs-Capacity.
- To encourage countries to consider the benefits of membership of the International MCS Network and similar networks in combating IUU fishing.

CLOSURE OF THE WORKSHOP

65. The Workshop Facilitator thanked FAO for organizing the Workshop which he said was both timely and very helpful. It provided participants with the necessary tools to prepare NPOAs–IUU. As a result of the Workshop, the various international instruments, such as the Code of Conduct for Responsible Fisheries and the IPOA–IUU were now more comprehensible and clearer to participants. The Workshop Facilitator urged participants to seize the opportunity and to do their utmost to tackle the serious threat posed by IUU fishing.

66. On behalf of the FAO Subregional Representative for Southern and East Africa, the Workshop Coordinator, Mr Harris, thanked all participants for their cooperation and active participation in the Workshop. He expressed FAO’s continued commitment to the implementation of the IPOA–IUU in the region in close cooperation with Members and, as appropriate, regional organizations. He pointed out that this Workshop had been a good opportunity for many senior fisheries officials of the subregion to meet and address the important issue of IUU fishing, as well as to exchange views on other relevant regional fisheries issues. He expressed the hope that participants would continue to keep contact with the Subregional Office so that some of these regional issues could be addressed. Finally, he thanked his FAO colleagues and participants for a successful Workshop and wished them a safe and pleasant journey home.

67. The Technical Secretary, Dr Doulman, also thanked the participants and FAO colleagues for their dedication and hard work during the Workshop. He expressed his
gratitude to the Workshop Facilitator. The Technical Secretary stressed the importance of the effective implementation of the IPOA–IUU in the southern and east African region where the responsible management and utilization of all fisheries were of the utmost social and economic importance. He reiterated that FAO gave high priority to the implementation of the IPOA–IUU, to achieving long-term sustainable outcomes in fisheries and to ensuring that the fisheries sector made a maximum contribution to food security. The Technical Secretary expressed his gratitude to the staff of FAO’s Subregional Office for Southern and East Africa in facilitating administrative arrangements for the Workshop.

68. On behalf of the Workshop participants Mr. Peter Katso Schivute, Chief Control Fisheries Officer, Walvis Bay, Namibia, thanked Ms Victoria Sekitoleko, FAO Subregional Representative for Southern and East Africa and her dedicated staff for their hard work in making this workshop a success. He pointed out that Ms Sekitoleko’s opening statement provided valuable advice as to the direction that countries should take concerning fisheries management and development. Mr Schivute gave particular thanks to Mr Harris, Mr Ssentongo and Ms Chagonda from the FAO Subregional Office, Harare as well as to Dr Doulman and Ms Guyonnet from the FAO Fisheries Department, Rome. He stated that their hard work and dedication in preparing the various Workshop sessions had been much appreciated by participants. Mr Schivute also added that FAO had brought the participants together to speak a common language about how to combat IUU fishing. Participants recognized that IUU was a major impediment to the achievement of long-term sustainable fisheries. IUU fishing was also a universal phenomenon that occurred in both marine and inland capture fisheries. He noted that the workshop had been successful in highlighting the issue of IUU fishing and in identifying appropriate courses of action to address the scourge. As a result, participants were now well armed to return to their countries to develop their respective NPOAs–IUU. In conclusion Mr Schivute urged participants to take home what they had learned and share it with colleagues. He added that participants must strive to ensure that the IPOA–IUU is turned into action rather than just remaining a statement of good intent.

69. The proposed follow-up action to the Workshop, as reflected in paragraph 64 of this Report, were adopted on 28 November 2003.
APPENDIX A

AGENDA

OPENING OF THE WORKSHOP

BACKGROUND TO THE 1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND THE 2001 FAO INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING


PRESENTATION OF THE CASE STUDIES ON THE NPOAs–IUU

PROBLEM-SOLVING: MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING

REGIONAL FISHERIES ISSUES, WAYS OF IMPROVING COLLABORATION AND IDENTIFICATION OF FISHERIES PRIORITIES

FORMATION AND REPORTS OF THE WORKING GROUPS

- Formation of the Working Groups
- Reports of the Working Groups

GENERAL OBSERVATIONS BY THE WORKSHOP FACILITATOR AND PROPOSED FOLLOW-UP ACTIONS

- General Observations
- Proposed Follow-up Action

CLOSURE OF THE WORKSHOP
APPENDIX B

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APPENDIX C

DOCUMENTATION PRESENTED

- Agenda

- 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: Background and Progress towards Implementation. David J. Doulman, FAO Fisheries Department. Rome, Italy.
OPENING STATEMENT
by
Ms Victoria Sekitoleko
FAO Subregional Representative for Southern and East Africa
Harare, Zimbabwe

Dear participants,

Welcome to the FAO workshop on the elaboration of National plans of Action to combat of Illegal, Unreported and Unregulated fishing.

You have come from the far reaches of this continent to discuss and work on this subject to find ways of combating IUU.

Illegal, Unreported and Unregulated fishing is an aspect that pervades many countries of the subregion. It prevents the proper management of an important sustainable natural resource, fish. At the local scale, it can produce overfishing where the natural ability of the system to produce at its optimum is significantly impaired. This in turn results in lost economic and social opportunities. At regional level, as we all know, all the water bodies are interlinked, so the effect will spread.

And finally, at the broader scale, Illegal, Unreported and Unregulated fishing prevents the countries of the subregion from deriving the due benefits from their territorial waters and exclusive economic zones.

Most of you are from Africa, so it will be of no surprise when I say to you that we should be always clear as to the goals of all our actions. Our actions have to aim at the establishment and maintenance of food secure nations where increased opportunities exist for the people to have a reasonable and dependable livelihood within the natural resources, and specifically the fisheries sector.

In this respect I appeal to you to make your voices heard in forums that determine the distribution of technical and financial resources for the continent. In FAO the main forum for fisheries is the Committee for Fisheries, which is held in Rome, every two years. You will need to properly brief your Ministers and representatives so that the fisheries priorities of the region are well represented in the deliberations of this committee.

On this continent, there will always be many players, for example, the Southern African region has several economic organisations such as SADC, COMESA, COI and well as initiatives across the continent espoused within NEPAD. Apart from the FAO, which is the UN Organization with the prime mandate in Fisheries, there are other UN Agencies, partners and donors, NGOs and the business community with interests in the fisheries sector. All these mechanisms should be used to the greatest extent possible to achieve the goals of food security and economic development.

We should, of course, always be vigilant and aware of all the related issues.

Since the late 1980’s and particularly during the 1990s, it has become evident that wild fish stocks, accessible to Southern and East African fisherfolk, are increasingly reaching a state of full exploitation. There are a few countries that have potential for significant increases in the total harvest of fish but for most countries only minimal increases can occur.

Also in the last three or four decades, an important component of African fish stocks have been exploited by non-African enterprises often based outside the continent while the overwhelming majority of Africa’s fishers have been engaged in near-shore or canoe based fisheries. The
development of capital intensive African industrial fisheries has been limited largely in this subregion to South Africa and Namibia.

In the new century, policies and strategies must be revised and emphasis placed on a combination of (i) control and containment of capture fisheries; (ii) encouragement and expansion of the aquaculture sector; and, (iii) increasing value added in all fish products.

The expansion of aquaculture and value-adding of fish products are both aspects that I personally attach much importance to. In fact, I hope that during this workshop you will have the opportunity to visit one of the largest cage-culture operations in Africa.

However, coming back to capture fisheries, improved governance will be the foundation for control and containment of the capture fisheries sector.

In order to improve governance countries will need to ensure: (i) a fisheries juridical system; and (ii) a fisheries management system. The fisheries management system must include a system for monitoring, control and surveillance. This in turn will increasingly make use of satellite based vessel monitoring systems (VMS) to facilitate the control of industrial fishing vessels as well as smaller fishing vessels.

Importantly, there will be need to make greater use of and obtain increased benefits from national exclusive economic zones not only through these monitoring systems but also through greater localisation of processing and fishing effort currently undertaken by foreign fishing fleets.

These issues of governance, fisheries management, monitoring control and surveillance are issues that you will have to deal with in the development of National plans of Action for Combating Illegal Unregulated and Unreported fishing.

I understand that the workshop is structured so that on leaving here, participants can expect to have:

- a raised awareness of the deleterious impacts of Illegal, Unreported and Unregulated fishing and the need for concerted and decisive national action
- a comprehensive understanding of the related International Plans of Action and their relationships with other international fisheries instruments
- a clearer definition of the steps your country can take to address the illegal, unreported and unregulated fishing issue
- and a shared understanding how by acting in the subregional context, these steps can be easier and more effective.

In conclusion, I believe that your activities this week should help provide skills and knowledge that will benefit your countries in addressing the larger fisheries issues of this decade. I wish you a successful workshop where you work hard, contribute and learn a lot, but also take time to enjoy these beautiful Lake surroundings.

I have great pleasure in declaring this workshop open.
INTRODUCTION

The international community has identified illegal, unreported and unregulated (IUU) fishing to be a major impediment to the achievement of long-term sustainable fisheries as called for, *inter alia*, in Chapter 17 of Agenda 21, the 1995 FAO Code of Conduct for Responsible Fisheries, the UN Millennium Development Goals and the Johannesburg Plan of Implementation. This is because the activities of IUU fishers undermine national and regional efforts to implement management measures that are designed to promote responsible fisheries. This is an especially grave situation given that FAO in 2002 estimated that some 75 percent of world fisheries are already being fully exploited, overexploited or depleted.

IUU fishing is virtually a universal fishing problem that occurs in marine and inland capture fisheries. Despite common misunderstandings about IUU fishing, it is not confined to any particular group of fishers, though experience shows that IUU fishing is widely practised in those fisheries – both within exclusive economic zones (EEZs) and on the high seas – where the prospects for apprehension are lowest and by fishers that operate vessels that are not subject to effective flag State control. This means that many countries, because of their limited means to implement effective measures in their EEZs to regulate legitimate and illegitimate fishing activities, are subject to re-occurring IUU fishing by both national and foreign fleets.

The work of some regional fishery management organizations or arrangements (RFMOs), which are the cornerstones for the promotion of international cooperation in fisheries management, report that IUU fishing in their convention areas by both member and non-member flag vessels is widespread and handicaps their efforts to rationally manage fisheries. This is critical because if RFMOs are not in a position to fulfil their mandates with respect to management, the outlook for the sustainable utilization of many of the world’s commercially important fish stocks is bleak.

The international community further recognizes that IUU fishing is symptomatic of other problems facing the fisheries sector. These problems need to be resolved in a timely manner if IUU fishing is to be prevented, deterred and eliminated. These problems include, *inter alia*:

- ineffective fisheries management that fails to regulate fishery inputs and outputs;
- excess fleet capacity in some fisheries and the “pushing out” and re-flagging of vessels from managed fisheries as regulations tighten in these fisheries to other fisheries that are unmanaged or poorly managed. Often this process involves a migration of displaced fleet capacity;
- masking of the real economic costs of vessel construction and fishing operations through the payment of fisheries-related subsidies; and

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1 David J. Doulman, Senior Fishery Liaison Officer, Fisheries Department, FAO, Rome, Italy.
3 Adopted in 1995 by the Twenty-eighth Session of the FAO Conference.
4 Adopted in 2000 by the United Nations General Assembly at its Fifty-fifth Session.
5 Adopted in 2002 by the World Summit on Sustainable Development (WSSD).
7 This point was highlighted at the Twenty-fifth Session of the Committee on Fisheries. Many countries pointed out that IUU fishing, often by displaced vessels, undermines efforts to sustainably manage fisheries at both national and regional levels.
consistent failure by many countries, and in particular some countries that operate open registries for fishing vessels, to meet their international obligations with respect to the control of fishing vessels flying their flags.

There are no global data on the full extent and cost of IUU fishing. The nature of this type of fishing does not readily permit global estimation with any significant degree of confidence. However, some RFMOs are working to assess the regional extent and impacts of IUU fishing. In one case, for example, it is estimated by an RFMO that catches of one commercially-valuable species could be exceeding permitted catch levels by nearly 300 percent.

As a consequence of RFMO assessments of the scope and effects of IUU fishing, it should be possible to:

- consolidate a broader, though incomplete, perspective on IUU fishing across regions; and
- determine more accurately how such fishing is hindering RFMOs from fulfilling their mandates and achieving more responsible fisheries.

It is acknowledged that the implementation of measures by RFMOs to combat IUU fishing are only as effective as their members permit them to be because RFMOs are not supra-national entities. A failure by RFMOs to effectively address IUU fishing reflects, to some degree, a lack of political will by their members to take concerted and calculated steps to control fishing vessels that engage in activities that undermine the work of RFMOs and thereby render their fisheries management efforts sub-optimal.

A further serious and moral consideration relating to IUU fishing is that such fishing is contributing to food insecurity in some coastal and inland fishing communities that are heavily dependent on fish for food and revenue derived from the sale of fishing licences and from fish exports. While this is not a recent phenomenon in some regions, information available to FAO from country reports and discussions in fora such as the FAO Committee on Fisheries (COFI) indicates that the incidence and depth of IUU fishing is increasing, sometimes at the expense of impoverished small-scale fishers.

It has also been noted by some countries that IUU fishing seriously prejudices the interests of commercial fishers who abide by their national and regional authorizations to fish. This occurs because IUU fishers do not face the same constraints in terms of operating costs, catch limits, etc, nor do IUU fishers implement the same safety standards for fishing and support vessels and crews as is required by their counterparts who do not engage in IUU fishing.

INTERNATIONAL ACTION TO COMBAT IUU FISHING

FAO has been at the forefront of international efforts and action to address IUU fishing. The Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries states, inter alia, that countries would develop a global plan of action to deal effectively with all forms of IUU fishing including fishing vessels flying "flags of convenience". This seminal Declaration set the international stage for efforts to prevent, deter and eliminate IUU fishing and provided the impetus and framework for FAO to pursue a structured suite of activities relating to the elaboration of an IPOA—

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8 A lack of political will to take action to curb IUU fishing is a major constraint to dealing effectively with this type of fishing. Moreover, there is a tendency for some States to take refuge behind national policies and legislation as a means of avoiding or deferring commitments that are necessary to combat IUU fishing.

9 There is a growing impatience with diplomatic approaches to IUU fishing and the members of some RFMOs are contemplating the adoption of "name and shame" policies for vessels and flags that are perpetual IUU fishing offenders.

10 Some governments are inclining to the view that IUU fishing is no longer a "soft or administrative offence" and that such fishing should be regarded as a more serious offence. This notion is being promulgated with the view that those fishers who engage in illegal and unreported fishing should be subject to more severe sanctions than at the present time.

11 Adopted in 1999 by the FAO Ministerial Meeting on Fisheries.
IUU. From 1999 onwards, Sessions of the FAO Committee on Fisheries (COFI) and the FAO Council have discussed and reviewed developments concerning IUU fishing, culminating in the endorsement of the IPOA–IUU by the Hundred and Twentieth Session of the FAO Council in June 2001.

Following the adoption of the Rome Declaration on Responsible Fisheries and the IPOA–IUU, growing international concern about IUU fishing led the issue to be addressed by United Nations General Assembly (UNGA). Indeed, IUU fishing has been considered each year since 2000 in UNGA resolutions. These resolutions have, _inter alia_:

- condemned IUU fishing in all its forms;
- called on States to implement full and effective flag State control over vessels flying their flags;
- encouraged bilateral and regional cooperation to combat IUU fishing;
- urged States to address IUU fishing and to implement the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) though the elaboration of national plans of action (NPOAs) by 2004, as called for in the IPOA–IUU; and
- encouraged the implementation of effective monitoring, control and surveillance (MCS) and vessel monitoring systems (VMS) as a means of combating IUU fishing.

Within the ambit of the UNGA, IUU fishing has also been reviewed by all sessions of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) since its inception in 2000. The reports of these meetings, which are forwarded annually to the UNGA for consideration, have noted, _inter alia_:

- IUU fishing presents an urgent and serious challenge to the international community if sustainable fisheries are to be achieved;
- the necessity to secure a global consensus on reversing declines in fish stocks and taking coordinated steps to address overfishing and the continuing problem of IUU fishing;
- the significance of FAO’s work in elaborating and promoting the implementation of the IPOA–IUU;
- the requirement for all States and RFMOs to take action to implement the IPOA–IUU;
- the need for effective flag State control if IUU fishing is to be combated;
- the importance of further examining and clarifying the role of the ‘genuine link’ in relation to the duty of flag States to exercise control over vessels flying their flags; and
- the role of port States in preventing, deterring and eliminating IUU fishing and encouraged FAO to continue its work in promoting port State measures to combat IUU fishing.

With a sharp focus on fisheries issues and the need to secure sustainable outcomes in the fisheries sector as promulgated at the United Nations Conference on Environment and Development (UNCED), the World Summit on Sustainable Development (WSSD) addressed, _inter alia_, the scope and effects of IUU fishing. The Johannesburg Plan of Implementation, which also reflects certain decisions adopted by COFI, called for States to implement the 1995 FAO Code of Conduct for Responsible Fisheries and its related IPOAs and guidelines. Significantly, the Johannesburg Plan of Implementation urges that States implement by 2004 national and, where appropriate, regional plans of action to give effect to the IPOA–IUU.

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13 Agenda 21 provides the principles and a programme of action for achieving sustainable development.
14 The Plan also specifies deadlines for five fisheries issues including the development and implementation of national and regional plans of action to put into effect the IPOA for the management of fishing capacity by 2005; the establishment of representative networks of marine protected areas by 2012; and the application of the ecosystem approach to fisheries by 2010; the restoration of depleted stocks not later than 2015.
Furthermore, to enhance the implementation of the IPOA–IUU and to reduce the incidence of IUU fishing and fishing fleet overcapacity, the Johannesburg Plan of Action urged States to establish effective MCS systems for fishing vessels, including by flag States and to eliminate subsidies paid to the fishing industry that contribute to IUU fishing.

At the regional level, as noted above, many RFMOs and other organizations that do not have specific fisheries management functions are directing attention to IUU fishing. In addition to keeping IUU fishing under review and heightening their Members’ awareness about the problem, some RFMOs and international organizations have discussed, made recommendations and passed resolutions on IUU fishing as a means of condemning and combating it. Some RFMOs, in their efforts to combat IUU fishing, have taken measures, inter alia, to:

- encourage non-Members to become parties to their organizations;
- implement new, and strengthen existing, policies, procedures and mandates;\(^{15}\)
- develop black or white lists of vessels with a view to gaining the greater cooperation of flag States;
- implement catch certification and traceability controls on catch so that the marketing of fish taken by fishers who are known to have engaged in IUU fishing will be made more difficult, if not blocked completely.
- RFMOs that have addressed IUU fishing, made recommendations or passed resolutions directed at preventing, deterring and eliminating IUU fishing include, inter alia, the Commission for the Conservation of Antarctic Marine Living Resources, the Indian Ocean Tuna Commission, the International Convention for the Conservation of Atlantic Tunas, the North-East Atlantic Fisheries Commission, the Northwest Atlantic Fisheries Organization, and the Preparatory Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.\(^{16}\)

The need to address IUU fishing on all fronts and in all its forms continues to be a major focus of international attention. The international community acknowledges the gravity of such fishing and its environmental, economic and social consequences.

**IMPLEMENTATION OF THE IPOA–IUU**

IUU fishing flourishes primarily because many States fail to meet their obligations under international law with respect to flag State control. In a world where States exercised effective control over fishing vessels flying their flags the incidence of IUU fishing would be greatly reduced. However, States are not meeting their flag State obligations either because they are unable or unwilling to do so. This situation has necessitated that the international community look beyond conventional solutions to combat IUU fishing and adopt and implement a wider and more innovative suite of measures that are important secondary defences when flag States do not meet their international obligations. Indeed, this was one of the fundamental reasons why FAO Members opted to elaborate the IPOA–IUU.

\(^{15}\) In paragraph 80 of the IPOA–IUU, measures that States might adopt through RFMOs to take action to strengthen and develop innovative ways to combat IUU fishing are proposed. These measures include institutional strengthening, development of compliance measures, mandatory reporting, cooperation in the exchange of information, development and maintenance of records of fishing vessels, using trade information to monitor IUU fishing, MCS, boarding and inspection schemes, observer programmes, market-related measures, definition of circumstances in which vessels are deemed to have engaged in IUU fishing, education and public awareness programmes, development of action plans, examination of chartering arrangements, exchange of information on an annual basis among RFMOs, estimation of the extent, magnitude and character of IUU fishing in the convention area, records of vessels authorized to fish and records of vessels engaged in IUU fishing.

\(^{16}\) Some RFMOs have also adopted resolutions relating to fishing by non-parties on stocks subject to management with a view to seeking their cooperation to halt their IUU fishing activities.
The IPOA–IUU is a voluntary instrument concluded within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries. The IPOA–IUU is a comprehensive instrument that may be viewed as a ‘toolbox’ whereby a State can ‘mix and match’ or ‘tailor’ measures contained in the IPOA to meet its particular IUU fishing needs and challenges. In a flexible way, and as appropriate, the IPOA–IUU urges that measures be taken by:

- all States (international instruments, national legislation, NPOAs, cooperation between States, publicity and technical capacity and resources);
- flag States (fishing vessel registration, records of fishing vessels and authorizations to fish), coastal States; and
- port States.

In addition, the IPOA–IUU addresses: internationally agreed market-related measures; research; the role of RFMOs in combating IUU fishing; the special requirements of developing countries; reporting on progress with the implementation of the IPOA–IUU; and the role of FAO.

In late 2002, many countries reported to FAO that IUU fishing impacts their efforts to achieve sustainable fisheries. Moreover, about one third of the FAO Membership stated that such fishing is problematic and is hampering their efforts to implement the 1995 FAO Code of Conduct for Responsible Fisheries.

In their reporting, Members advised FAO that IUU fishing occurs in both marine and freshwater capture fisheries, but that the extent and full impact of IUU fishing is not well known in all cases. In addition, Members reported on the types of IUU fishing being encountered in their fisheries. Such types of fishing include:

- unauthorized incursions into EEZs and inshore areas especially by foreign fishing vessels. Some Members noted that such incursions are adversely impacting production by small-scale fishers;
- unauthorized fishing in closed and restricted areas;
- incomplete catch and effort reporting by industrial fleets. The under-reporting of catches was identified as a significant problem;
- lack of compliance by fishers with the terms of their fishing authorization;
- use of banned fishing gears;
- fishing with explosives and poisons; and
- use of dams for the illegal netting of fish in inland fisheries.

In their efforts to curb IUU fishing, Members have taken measures to:

- strengthen the functions of RFMOs;
- accept and ratify international instruments such as the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement;
- strength policy and legislation to conform with the IPOA–IUU including provisions for tougher vessel licensing and the deregistration, decommissioning and scrapping of vessels that have engaged in IUU fishing;
- improve mechanisms to more effectively address flag State and port State responsibilities;
- implement measures to give greater control over nationals working on fishing vessels of any flag State;
- implement measures to against “flag of convenience vessels”;
- impose higher penalties and imprisonment terms for IUU fishers;

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17 This information is taken from written information provided to FAO in 2002 and from discussions at the Twenty-fifth Session of the Committee on Fisheries. It should be noted that this long list of measures is largely confined to a limited number of countries.
• enhance MCS and the mandatory implementation of VMS;
• improve vessel observers’ programmes;
• seize and destroy catches resulting from IUU fishing so that fishers will not benefit from their illicit activities;
• seize and destroy fishing gear belonging to fishers when it is known that their vessels have engaged in IUU fishing;
• implement more comprehensive catch reporting;
• strengthen regional cooperation, through RFMOs, to reduce avenues for IUU fishing;
• introduce catch certification schemes to trace the origin of fish and prohibition of certain landings if there are reasonable grounds to believe that the fish has been taken by IUU fishers; and
• build awareness among stakeholders, including fishers’ associations, concerning the extent and detrimental effects of IUU fishing.

Forty-seven Members indicated to FAO that they had taken steps towards developing and implementing their NPOAs. Twenty-three Members indicated that they would finalize their NPOAs in the near future while a further 18 Members reported that their NPOAs would be completed before the 2004 deadline.

For monitoring and reporting on progress with the implementation of the IPOA–IUU, Members, RFMOs and non-governmental organizations (NGOs) are invited to report to FAO every two years in the context of their reporting relating to the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries. An analysis of the information provided by respondents is important in that it:

• enables FAO to assess and highlight difficulties being encountered by countries in their implementation efforts, and
• indicates priorities and development assistance needs so that donors might more effectively channel and target assistance to priority areas identified by countries.

Based on information available to FAO it is concluded that the rate at which IUU fishing NPOAs are being developed and implemented falls short of the desired pace necessary to effectively combat such fishing. Developing countries, in particular, are experiencing difficulties in complying with the implementation deadline because of a limited technical capacity and, in some cases, financial means.

In assessing progress towards the development and implementation of NPOAs to combat IUU fishing it should be noted that a period of three years, as specified in the IPOA–IUU, is a relatively limited timeframe within which to undertake the required background work, elaborate a draft NPOA, have it cleared through domestic processes and then commence implementation. It should also be recognized that since UNCED there have been a number of important international fishery instruments (including several that have been adopted in regions) that require considerable national assessment and in turn, implementation. This situation has led to “implementation overload”, for both developing and developed countries. Taking a broader perspective on the implementation of all post-UNCED fishery instruments and the national burden associated with it, delays in implementation should be anticipated. Nonetheless, given the importance of IUU fishing and its effects on sustainability, every effort should be to combat such fishing as a matter of urgency.

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18 As provided for in paragraphs 25 to 27 of the IPOA–IUU.
19 This deadline is June 2004, three years after the adoption of the IPOA–IUU by the FAO Council.
CAPACITY BUILDING AND INSTITUTIONAL STRENGTHENING TO COMBAT IUU FISHING

The serious effects of IUU fishing on responsible fisheries prompted countries, in adopting the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries, to take action to elaborate an IPOA–IUU to deal effectively with such fishing. The elaboration and implementation of NPOAs, which give effect to the IPOA–IUU, presupposes that countries have the technical and financial means to do so. The IPOA–IUU recognizes20 the special requirements of developing countries, in particular the least development among them and small island developing States, in terms of the financial, technical and other assistance needed to meet their commitments under the IPOA–IUU and other obligations under international law.

The challenges presented by IUU fishing have generated bilateral and multilateral responses to assist developing countries enhance their capacities to address these challenges. Bilateral assistance, very often of a practical and ‘hands on’ nature, has been provided to countries in a number of key areas including, inter alia, MCS and VMS training, improving vessel boarding and inspection procedures, enhancing observer programmes, implementing catch documentation schemes and strengthening port inspection procedures. Multilateral cooperation is also growing, especially in MCS-related areas concerning the real-time sharing of information, through such initiatives as the International MCS Network. These bilateral or multilateral strategic initiatives are likely to be maintained, expanded and deepened through time as a means of enhancing national capacities in developing countries. It is anticipated that through time these initiatives will assist in closing weaker ‘links’ in the IUU fishing chain that IUU fishers seek to exploit.

FAO targets activities in developing countries so as to build capacity and strengthen institutions in promoting long-term sustainable fisheries. Information available to FAO concerning the implementation of the IPOA–IUU indicates that many developing Members are in need of technical assistance to enhance their capacities to elaborate and implement their NPOAs.

The IPOA–IUU proposes that FAO, in cooperation with relevant international financial institutions and mechanisms (IFIs), should assist developing countries implement the IPOA–IUU. The proposed FAO activities include the:

- review and revision of national legislation;
- improvement and harmonization of fisheries and related data collection;
- strengthening of regional institutions; and
- strengthening and enhancing of integrated MCS systems, including satellite vessels monitoring systems (VMS).

FAO has been providing assistance to developing countries in these four areas as part of its Regular Programme and trust-fund activities. FAO has:

- implemented a programme of assistance for developing countries to review and revise national fisheries and related legislation. Since 1995 this programme has also focussed on incorporating, as appropriate, the principles and requirements of post-UNCED fishery instruments into relevant fisheries laws.
- assisted developing countries upgrade their data collection, processing, reporting and harmonization capabilities.21 Technical assistance at national and regional levels is a significant component of FAO's Programme of Work and Budget involving both normative and field programme activities. Outputs of normative activities include

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20 Part V of the IPOA–IUU.

21 Collection of basic data on catches, fishing effort and prices provide important indicators for a wide variety of fisheries applications. In addition, more detailed data (fishing vessels, gear and operations; socio-economic data; etc.) from regularly conducted fishery surveys are an important source of fishery information of wide utility and scope.
technical documents on statistical methodology and guidelines for data collection. Field programme activities involve project formulation and implementation, technical backstopping and organization of training courses and workshops. FAO is also involved in the promotion of cost-effective and sustainable approaches and techniques for the collection of fishery statistical data.

- encouraged RFMOs to enhance their capacities to better fulfil their mandates and to this end has taken steps to encourage dialogue and collaboration between them. Where fisheries organizations do not have mandates to manage fish stocks, FAO fosters cooperation among their members with a view to stimulating and strengthening bilateral and regional fisheries activities; and
- promoted the implementation of MCS and VMS systems in countries through policy and practical training. Capacity building in this area stresses the central role of MCS in fisheries management and the different VMS systems that might be deployed. In some subregions agreement has been reached on the compatibility of national MCS and VMS systems. Such compatibility also requires that there be harmonized fisheries legislation and strengthened international cooperation through the exchange of real-time and other information.

The IPOA–IUU further calls on FAO to:

- collect information and data for further analysis aimed at identifying factors and causes contributing to IUU fishing;
- support the development of national and regional plans to combat IUU fishing;
- collaborate with international agencies and, in particular, the International Maritime Organization (IMO), to further investigate the issue of IUU fishing, in particular, by strengthening measures by port States;
- convene a consultation on the implementation of catch certification and documentation requirements; and
- investigate the benefits of establishing and maintaining global databases, including but not limited to, information provided for in Article VI (Exchange of Information) in the 1993 FAO Compliance Agreement.

Since the FAO Council endorsement of the IPOA–IUU, FAO has undertaken, and is undertaking, activities designed to heighten international awareness about the scope and impact of IUU fishing, its adverse impacts on sustainable fisheries and the management efforts of RFMOs and as a means of supporting initiatives to combat such fishing. These activities include the:

- translation and wide dissemination of the IPOA–IUU;
- preparation, translation and wide distribution of comprehensive technical guidelines to support the implementation of the IPOA–IUU;
- preparation, translation and distribution of a simple language publication entitled “Stopping IUU Fishing,”
- cooperation with RFMOs in convening an Expert Consultation of Regional Fishery Bodies on Harmonization Certification;
- convening an Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. The documents from this Consultation will form the basis for follow-up in 2004 when an FAO Technical Consultation on Port State

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22 This document is designed to sensitize fishers and fishing communities to the effects of IUU fishing. FAO, on a request basis, also prepares papers for a general readership together with and inputs for FAO and non-FAO training courses concerning IUU fishing and how problems flowing from such fishing might be addressed through the implementation of the IPOA–IUU.

23 This meeting was held in La Jolla, USA in January 2002.

24 Held at FAO Headquarters, Rome, Italy from 4 to 6 November 2002. The IMO participated in this Consultation. FAO also maintains a dialogue with IMO on a broad range of fisheries-related matters.
Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing will be convened. It will address substantive issues relating to the role of the port State and, as appropriate, principles and guidelines for the establishment of regional memoranda of understanding on port State measures to prevent, deter and eliminate IUU fishing:

- convening an Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing, in cooperation with the Government of the United States of America; \(^{25}\)
- mounting regional workshops to assist developing countries elaborate NPOAs; and
- assisting developing countries, on a request basis, to assess national situations with respect to IUU fishing and the development of proposed courses of action to address it.

Recognizing the linkage between IUU fishing and fishing fleet overcapacity, FAO will convene a Technical Consultation to review progress with, and promote the full implementation of, the IPOA–IUU and the International Plan of Action for the Management of Fishing Capacity.\(^{26}\)

A further and fertile area for work that might be initiated in countries as a means of combating IUU fishing is the development of dialogue and partnerships between governments and industry. Some countries are already focussing on such partnerships to encourage industry to assist in solving IUU fishing problems. This development is highly positive and should be encouraged.

As opportunities present themselves FAO also participates in international and national meetings to disseminate information about the implementation of the IPOA–IUU and the steps that countries should take to develop NPOAs and to combat IUU fishing. This is an important means of sensitizing stakeholders about their respective roles in the implementation process, forging and bolstering partnerships and promoting transparency.

**CONCLUSION**

IUU fishing occurs in all marine and inland capture fisheries. It is a severe problem in many fisheries because it undermines the capacity of national administrations and RFMOs to sustainably manage fisheries. It is for this reason that the international community has given high priority to combating IUU fishing wherever it occurs and in all of its forms.

FAO has taken a leading role in the international action to prevent, deter and eliminate IUU fishing. At the request of its Members FAO in 2001 concluded an international plan of action to address such fishing. Since then IUU fishing and the need to effectively implement the IPOA–IUU has been considered by all major fishery meetings, RFMOs, the UNGA and WSSD.

The implementation of the IPOA–IUU requires that NPOAs–IUU be elaborated and put in place. This places an additional burden on fishery administrations and RFMOs, many of which are already suffering from “implementation fatigue”. Significantly, the IPOA–IUU recognizes the need to assist developing countries meet the requirements of the international plan through its provisions relating to the special requirements of developing States.

IUU fishing is not a new phenomenon. It has plagued fisheries management and deprived resources owners of revenue for decades. However, the incidence of IUU fishing is increasing as:

- more fish stocks decline;
- tighter fisheries management arrangements are introduced;

\(^{25}\) The objectives of the Conference, convened in Miami, USA, from 23 to 25 September 2003, are (i) to raise awareness among flag States of IUU fishing problems associated with the operation of open registries for fishing vessels and (ii) identify modalities through which flag States can give effect to measures to prevent, deter and eliminate IUU fishing.

\(^{26}\) The Consultation is scheduled to be held at FAO Headquarters, Rome, Italy in June 2004.
• MCS and VMS are strengthened;
• more stringent port State control measures are introduced;
• countries move to enact measures relating to the control over nationals working on fishing vessels, irrespective of where the vessels are fishing or the flags they fly;
• RFMOs review their mandates pertaining to IUU fishing and its associated problems;
• countries and RFMOs start to develop listings of IUU fishing vessels and exchange more real time information (e.g. through the MCS International Network) on fishing infringements and the operation of rogue IUU fishing vessels; and
• prices for scarcer fish rise (e.g. cod, halibut etc).

These trends are unlikely to change in the near future. This means that IUU fishing will continue at levels that undermine efforts to implement responsible and sustainable fisheries practices. Vigilance and closer international cooperation is needed at all levels if IUU fishing is to be prevented, deterred and eliminated as foreseen in the IPOA–IUU.
OUTLINE OF THE ROLE PLAYING/PROBLEM SOLVING:
MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING

PROBLEM: The foreign flagged vessel, “Galapagos Beauty”, a 550 GRT stern trawler has been fishing for the last four days in the EEZ of the Republic of Zoro. The vessel is not authorized to fish in the EEZ. The vessel has been making good catches of pomp, cot and rouly, all of which are high valued species and have strong market demand in Europe and North America.

The Chief Fisheries Officer (CFO) in Angona, the capital of Zoro estimates that the vessel has taken 200 tonnes of these species in the four day period while operating in the country’s EEZ. His estimates are based on records of past catches, industry intelligence and photographs taken from the air while the vessel was hauling its net.

The vessel, according to its markings and flag which are clearly visible from the air, is registered in Camilla, a small island state in the Southern Ocean. Zoro’s CFO has contacted the Registry Manager in Camilla. He has advised that there is no record of this vessel on the registry.

Zoro’s medium-scale fishers who operate vessels of upto 200 GRT have protested to the Minister for Fisheries in Angona claiming that this larger foreign vessel is taking fish that they are legitimately authorized to catch. These fishers claim that the “Galapagos Beauty” is in fact flying more than one flag. Questions have been asked in parliament about what action the Government is taking to deal with this incursion. The Minister is under pressure to respond with a strong reply.

Zoro has a limited MCS capacity. It has only one small multi-purpose vessel that is used for MCS and search and rescue when and if required. However, the Government does have a light aircraft that it uses regularly to surveille the EEZ. It is used for fisheries, customs and search and rescue purposes. Zoro is a new member of the International MCS Network.

Intercepted radio conversations between the captain of the “Galapagos Beauty” and the vessel owner, who lives in Falu, have revealed that the fish will be offloaded in a neighbouring country in the port of Hella, 350 kms from Angona, in two days time. Apparently, the catch has been sold on a forward contract and is destined for transport to a national supermarket chain in Zetland.

Zoro is a member of the Oceanic Fisheries Commission which maintains information on IUU fishing activities submitted by members. The Commission also has a ‘blacklist’ of IUU fishing vessels.

MEASURES TO ADDRESS THE PROBLEM: The Minister has called a meeting of officials and a representative from the fishing industry in his office. Those involved in the meeting, either in person or by telephone, are:

1. Minister
2. CFO
3. Representative from the Government Solicitor
4. Senior MCS Officer
5. President of the Fishers Association
6. Coordinator of the International MCS Network
7. Director of the Oceanic Fisheries Commission

ACTION: To develop a strategy to deal with the problem.
APPENDIX G

COMPOSITION OF THE WORKING GROUPS

WORKING GROUP 1 – Inland Fisheries

Leader: OLYEL Daisy Aciro (Ms)
Rapporteur: MAGAGULA Freddy
Members: ABEGAZ Hussen
          KANYARU Roger
          KAPASA Cyprian K.
          KARIUKI Johnson Wainaina
          MANASE Moffat Mzama
          MMOPELWA Trevor G.
          NGWARAI Kenneth

WORKING GROUP 2 – Inland Fisheries

Leader: MHLANGA Wilson
Rapporteur: NADIOPE Eric
Members: KACHINJIKA Orton Malion
          KIYUKU Antoine
          MAGUSWI Charles T.
          MSIBI Johannes Mandla
          Nengu Shaft Mbuso
          NORCHE Feta Zeberga

WORKING GROUP 3 – EEZ Fisheries

Leader: ANDOM Ghebretensae
Rapporteur: NICHOLS Paul
Members: ALI MOHAMED Youssouf
          MATIPA Rabson
          MICHAUD Philippe

WORKING GROUP 4 – EEZ Fisheries

Leader: RAMCHARRUN Boodhun
Rapporteur: ANDRIANTSOA Mamy Hyacinthe
Members: IRUNGU Edward Mwangi
          MABUNDA Abel
          GAMMAM Saleh
          SCHIVUTE Peter Katso

WORKING GROUP 5 – High Seas Fisheries

Leader: PAYET Rondolph
Rapporteur: JEHANGEER Mohammud Ismet
Members: ANDRIAMISEZA Olga (Ms)
          BOMBA Francisco Victor Agostinho
          WILLIAMS James
APPENDIX H

REPORTS OF THE WORKING GROUPS

WORKING GROUP 1 – INLAND FISHERIES

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministries responsible for fisheries
  - Departments/division/section/unit of fisheries
- Ministry of Justice/Attorney General Chambers
- Ministry/department responsible for defense and/or security (i.e. police and defense)
- Ministry of Transport and communication
- Ministry of Foreign Affairs
- Ministry responsible for local government and/or community development
- Ministry responsible for trade and industry
- Ministry responsible for water, environment and natural resources
- Ministries of Finance and Economic development
- Ministry/Department of parks and wildlife

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Lack/limited finance
- Limited institutional capacity
  - Inadequate human resource
  - Lack of expertise
- Low prioritization and/or marginalization of the fisheries sector
- Lack of public awareness of the importance of the fisheries section
- Lack/low lobbying for inland fisheries
- Low/wrong perception by government (particularly central ministries/departments)
- Lack/inadequate fisheries policies and legislation
- Inadequate reliable fisheries statistical data

3) How can these constraints be overcome?

- Develop and review fisheries policies and legislation
- Regional exchange of expertise
- Sourcing of funds from local government and donor agencies
- Improve data collection, compilation, analysis and dissemination
- Improve public awareness and lobbying of the fisheries sector in country and internationally
- Intensify consultation and cooperation within stakeholders
- Establish and strengthen regional mechanism for cooperation in fisheries
- Strengthen institutional capacity at all levels

4) How can national resources be mobilized to elaborate an NPOA–IUU before the June 2004 deadline?

- Solicit for emergency adequate funds
- Extend deadline
5) What considerations affect the ability of countries to deliver an NPOA–IUU by June 2004?

- Funding
- Availability of human resources
- Time limit
- Regional/bilateral cooperation

6) Steps to be undertaken in elaborating a NPOA–IUU

<table>
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<tr>
<th>ACTIVITY</th>
<th>APPROVALS REQUIRED</th>
<th>STARTING DATE</th>
<th>FINISHING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Develop the NPOA</td>
<td>Yes</td>
<td>July 2005</td>
<td>June 2008</td>
</tr>
<tr>
<td>4. Implementation of NPOA</td>
<td>Yes</td>
<td>July 2008</td>
<td>Eternity</td>
</tr>
</tbody>
</table>

WORKING GROUP 2 – INLAND FISHERIES

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Malawi - Department of Fisheries, Ministry of Natural Resources and Environmental Affairs
- Botswana - Department of Wildlife and National Parks, Ministry of Environment, Wildlife and Tourism
- Zimbabwe - Parks and Wildlife Management Authority, Ministry of Environment and Tourism
- Zambia - Department of Fisheries, Ministry of Agriculture and Cooperatives
- Swaziland – Fisheries Section, Ministry of Agriculture and Co-operatives
- Burundi - Department of Fisheries, Ministry of Agriculture and Livestock
- Uganda - Department of Fisheries Resources, Ministry of Agriculture, Animal Industry and Fisheries
- Ethiopia - Department of Livestock and Fisheries, Ministry of Agriculture

Other Ministries involved may include Justice, Internal Affairs, etc.

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Lack of RFMOs for fisheries in shared waters
- Inadequate funding
- Inadequate capacity/personnel (due to other commitments and shortage of manpower)
- Inadequate technical capacity
- Political support for progress to be made
- Lack of autonomy of fisheries sector in the country due to organizational structure
- Government policy (e.g., agricultural subsidies which influence the need for fisheries subsidies)
- Priorities of the Department/Ministry involved in the elaboration of NPOA - IUU
- Lack of and/or inadequate policy guidelines and legal framework in fisheries
3) How can these constraints be overcome?

- Establish appropriate RFMOs
- Source internal or external funding e.g.
- Build technical capacity
- Seek political support through sensitization/awareness
- Adopt NPOA in line with Government policy
- Prioritize elaboration of NPOA–IUU in the annual workplan
- Review/formulate national policies and legislation

4) How can national resources be mobilized to elaborate an NPOA–IUU before the June 2004 deadline?

- Review annual workplans and budgets to accommodate NPOA–IUU
- Lobby for supplementary budget provisions

5) What considerations affect the ability of countries to deliver an NPOA–IUU by June 2004?

- 2004 Annual workplans have already been approved – and cannot be revised
- Lack of and/or inadequate policy guidelines and legal framework in fisheries
- Time constraints for fisheries personnel

6) Steps to be undertaken in elaborating a NPOA–IUU

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>APPROVAL REQUIRED</th>
<th>STARTING DATE</th>
<th>FINISHING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seek authority to elaborate NPOA</td>
<td>Yes</td>
<td>9/12/2003</td>
<td>16/12/2003</td>
</tr>
<tr>
<td>Develop Terms of Reference for elaboration of NPOA–IUU</td>
<td>No</td>
<td>16/12/2003</td>
<td>31/12/2003</td>
</tr>
<tr>
<td>Submit Terms of Reference for approval</td>
<td>Yes</td>
<td>1/1/2004</td>
<td>07/01/2004</td>
</tr>
<tr>
<td>Revise workplan and budget</td>
<td>Yes</td>
<td>8/01/2004</td>
<td>15/01/2004</td>
</tr>
<tr>
<td>Submit revised workplan for approval and budget</td>
<td>Yes</td>
<td>15/01/2004</td>
<td>20/01/2004</td>
</tr>
<tr>
<td>Appoint Team (Task Force) to elaborate NPOA</td>
<td>Yes</td>
<td>20/01/2004</td>
<td>27/01/2004</td>
</tr>
<tr>
<td>Develop first Draft of NPOA</td>
<td>No</td>
<td>27/01/04</td>
<td>31/03/04</td>
</tr>
<tr>
<td>Hold stakeholder workshop to discuss NPOA–IUU</td>
<td>No</td>
<td>01/04/2004</td>
<td>02/04/2004</td>
</tr>
<tr>
<td>Incorporate comments into draft</td>
<td>No</td>
<td>16/04/04</td>
<td>30/04/04</td>
</tr>
<tr>
<td>Prepare final draft</td>
<td>No</td>
<td>03/05/04</td>
<td>14/05/05</td>
</tr>
<tr>
<td>Circulate final draft</td>
<td>No</td>
<td>17/05/04</td>
<td>21/05/04</td>
</tr>
<tr>
<td>Submit final draft for approval</td>
<td>Yes</td>
<td>24/05/04</td>
<td>28/05/04</td>
</tr>
<tr>
<td>Publish NPOA document</td>
<td>No</td>
<td>01/06/04</td>
<td>30/06/04</td>
</tr>
<tr>
<td>Commence implementation of NPOA–IUU</td>
<td>No</td>
<td>01/07/04</td>
<td></td>
</tr>
</tbody>
</table>
WORKING GROUP 3 – EEZ FISHERIES

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

The Competent Authority for:

- Fisheries (marine and inland)
- Trade and industry
- Maritime affairs
- Police/justice
- Attorney General’s Office
- Legal matters
- National Planning
- Ports administration
- Foreign affairs

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Policy and legal framework
- Availability and quality of human, financial and material resources
- Human capacity
- Institutional capacity
- Cooperative mechanisms between Competent Authorities
- Ability to identify the scope and nature of the IUU problem
- Lack of good governance
- Channels of communication between all stakeholders

3) How can these constraints be overcome?

- Develop strong policy framework in support of NPOA–IUU
- Develop strong legal framework in support of NPOA–IUU
- Allocate sufficient resources for elaboration of NPOA–IUU
- Request Technical Assistance as required
- Secure donor assistance for equipment and training (development of national capacity)
- Raise awareness of IUU issues and the obligation for the State to act responsibly as a good international citizen
- Improve inter-stakeholder cooperation
- Improve inter-stakeholder communication
- Support human resource development
- Improve governance structures and modalities
- Utilise Technical Cooperation between Developing Countries, especially south-south cooperation
- Improve collaboration through and with RFMOs and relevant regional and international instruments

4) How can national resources be mobilized to elaborate an NPOA–IUU before the June 2004 deadline?

- Conduct inclusive national stakeholder consultation to:
  - raise IUU awareness
  - identify problems, constraints and issues
  - agree a strategy on elaboration of Plan
  - identify Competent Authority responsibilities and mechanisms for cooperation
  - identify financial implications and develop budget accordingly
- Draft NPOA for circulation, review and finalization
5) What considerations affect the ability of countries to deliver an NPOA–IUU by June 2004?

- Competing national priorities
- Availability of human, material and financial resources
- Relative importance of fisheries sector in the national economy
- Political importance/profile of the Competent Authority for fisheries
- Degree of awareness and importance attached to addressing IUU fishing
- FAO has the duty of reminding member States of their obligations to IPOA–IUU in general, especially in regard to the deadline

6) Steps to be undertaken in elaborating a NPOA–IUU

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>APPROVAL REQUIRED</th>
<th>STARTING DATE</th>
<th>FINISHING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competent Authority for fisheries identifies IUU problems</td>
<td></td>
<td>1-12-03</td>
<td>31-12-03</td>
</tr>
<tr>
<td>Write first draft NPOA–IUU and circulate to stakeholders</td>
<td></td>
<td>1-1-04</td>
<td>21-1-04</td>
</tr>
<tr>
<td>Conduct national consultation</td>
<td></td>
<td>22-1-04</td>
<td>23-1-04</td>
</tr>
<tr>
<td>Revise first draft according to feedback</td>
<td></td>
<td>24-1-04</td>
<td>31-1-04</td>
</tr>
<tr>
<td>Circulate second draft to all stakeholders for comment</td>
<td></td>
<td>1-2-04</td>
<td>28-2-04</td>
</tr>
<tr>
<td>Final revision</td>
<td>Minister</td>
<td>1-3-04</td>
<td>7-3-04</td>
</tr>
<tr>
<td>Cabinet approval</td>
<td>Cabinet</td>
<td>8-3-04</td>
<td>20-3-04</td>
</tr>
<tr>
<td>Gazette, deposit with FAO</td>
<td>Permanent Secretary</td>
<td>21-3-04</td>
<td>31-3-04</td>
</tr>
</tbody>
</table>

WORKING GROUP 4 – EEZ FISHERIES

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministry in charge of fisheries activities

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- National Legislation’s do not adequately address issues related to IUU
- MCS does not exist within the statutes i.e. no regulations are in place
- No observer Programmes
- Terms and conditions of licensing do not address IUU aspects
- Lack of coordination between line ministries during registration
- Undeterrent penalties
- Lack of enough equipment to carry out adequate surveillance
- Sovereignty issues not yet finalized on disputed maritime boundaries and EEZ
- Failure by some states to be signatories to the 1982 UN Convention and RFMOs
- Lack of political will
- Inexistence of harmonized laws and regulations in accordance with the 1982 UN Convention
- Absence of clear conservation measures regarding discard of by-catch
- Transshipment not adequately addressed
3) How can these constraints be overcome?

- Legislation to be revisited, reviewed, amended, updated and improved as the case may be, to ensure that IUU is fully addressed
- Introduction of regulations to cater for issues not addressed by the existing legislation
- A high powered technical committee to oversee and address noted inadequacies to be established
- Need to establish an observer programme and provide relevant training
- Government to mobilize human and material equipment required for MCS
- Identify fields for technical assistance
- Demarcation of maritime boundaries in accordance with the UN delimitation laws
- Make efforts to accede to the 1982 UN Convention and join RFMOs
- Sensitizing political leaders on the need to eliminate IUU
- Harmonizing national laws in order to accommodate the 1982 UN Convention requirement
- Ban discards at sea
- Establishing RFMOs and MCS
- Vigorous media campaigns through documentaries and well designed TV, radio and print media information networks.

4) How can national resources be mobilized to elaborate an NPOA–IUU before the June 2004 deadline?

- The proposed high powered technical committee to be established immediately with clear term of references to deal with the issues mentioned in 2 and 3 above

5) What considerations affect the ability of countries to deliver an NPOA–IUU by June 2004?

- Legislation is a slow process
- Developing countries suffer from inadequate financial, technical, and human resources required for rapid response to IUU requirement

WORKING GROUP 5 – HIGH SEAS FISHERIES

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministry/Authority/Department responsible for fisheries
- Ministry responsible for Foreign Affairs/Ports
- Coast Guard
- Attorney General’s Office
- Prime Minster’s Office

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Awareness of all ministries/departments/stakeholders on NPOA – IUU
- Technical expertise in international law of the sea in relation to fisheries
- Ratification of 1995 UN Fish Stock Agreement and other relevant international instruments.
- Membership of regional bodies
- Political will
- Support for the fishing industry
3) How can these constraints be overcome?

- Raise awareness of Ministries and all stakeholders on NPOA–IUU
- Enlistment of appropriate staff
- Ratification of 1995 UN Fish Stock Agreement and relevant international instrument
- Become member of the regional bodies (contracting and non-contracting party)
- Regional Ministers meeting on NPOA–IUU

4) How can national resources be mobilized to elaborate an NPOA–IUU before the June 2004 deadline?

- Set up a task force under the aegis of the Ministry responsible for fisheries (all stakeholders and appropriate ministries)
- Liaise with RFMO and governments

5) What considerations affect the ability of countries to deliver an NPOA–IUU by June 2004?

- Technical capacity – knowledge on international instruments
- Administrative bottle necks for example comments/approval by ministries and stakeholders

6) Steps to be undertaken in elaborating a NPOA–IUU

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>APPROVAL REQUIRED</th>
<th>STARTING DATE</th>
<th>FINISHING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submit report of this workshop to the relevant Ministry with the recommendation to elaborate the NPOA–IUU</td>
<td>Permanent Secretary – responsible for fisheries</td>
<td>8 Dec 2003</td>
<td>15 Dec 2003</td>
</tr>
<tr>
<td>Prepare a brief for Cabinet for approval to form a NPOA–IUU Task Force</td>
<td>Cabinet Approval</td>
<td>5 Jan 2004</td>
<td>10 Jan 2004</td>
</tr>
<tr>
<td>Setting up of Task Force and nomination of members and drafting committee</td>
<td></td>
<td>12 Jan 2004</td>
<td>30 Jan 2004</td>
</tr>
<tr>
<td>Information/data gathering by fisheries Department to be presented to the Task force</td>
<td></td>
<td>1 Feb 2004</td>
<td>7 Feb 2004</td>
</tr>
<tr>
<td>Drafting of NPOA–IUU</td>
<td></td>
<td>8 Feb 2004</td>
<td>24 Feb 2004</td>
</tr>
<tr>
<td>Organise a workshop to present the details of the draft NPOA–IUU to all stakeholders and take on board comments.</td>
<td></td>
<td>1 March 2004</td>
<td>7 March 2004</td>
</tr>
<tr>
<td>Review of the second Draft of the NPOA–IUU by the Task Force and circulate to all Stakeholders for final comments</td>
<td></td>
<td>8 March 2004</td>
<td>15 March 2004</td>
</tr>
<tr>
<td>Submission of the NPOA–IUU to Cabinet for Approval</td>
<td></td>
<td></td>
<td>30 March 2004</td>
</tr>
</tbody>
</table>
This document contains the report of, and the paper presented at, the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Southern and East Africa Subregion, held at Kariba, Zimbabwe, from 24 to 28 November 2003. The purpose of the Workshop was to assist countries in the southern and eastern Africa region to develop capacity so that they would be better placed to elaborate national plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOAs–IUU). The Workshop addressed the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) in detail and the Technical Guideline that had been developed to support the implementation of the IPOA–IUU; two case studies; decision-making about IUU fishing and skills development through identification of key issues relating to the NPOA–IUU, the vehicle through which the IPOA–IUU will be implemented by countries. Working groups were formed to encourage maximum participation. A review of regional fishery issues was discussed including ways of improving collaboration and identifying regional priorities. The document prepared by Ms J. Swan entitled “National plans to combat illegal, unreported and unregulated fishing: models for coastal and small-island developing states” was funded through FishCode Programme component projects GCP/INT/849/USA (“Support for the Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing”) with Trust Fund support from the Government of the United States of America, and GCP/INT/823/JPN (“Responsible Fisheries for Small Island Developing States (SIDS)”) with Trust Fund support from the Government of Japan.