

Report of the

**FAO/RECOFI REGIONAL WORKSHOP TO COMBAT ILLEGAL,
UNREPORTED AND UNREGULATED FISHING**

Muscat, Oman, 30 March–2 April 2009



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PREPARATION OF THIS DOCUMENT

This is the final version of the report of the FAO/RECOFI [Food and Agriculture Organization of the United Nations/Regional Commission for Fisheries] Regional Workshop to Combat Illegal, Unreported and Unregulated Fishing that was held in Muscat, Oman, from 30 March to 2 April 2009.

FAO.

Report of the FAO/RECOFI Regional Workshop to Combat Illegal, Unreported and Unregulated Fishing. Muscat, Oman, 30 March–2 April 2009.

FAO Fisheries and Aquaculture Report. No. 903. Rome, FAO. 2009. 30p.

ABSTRACT

This document contains the report of the FAO/RECOFI Regional Workshop to Combat Illegal, Unreported and Unregulated Fishing, which was held in Muscat, Oman, from 30 March to 2 April 2009. The objective of the Workshop was to develop national capacity and promote regional coordination so that countries would be better placed to combat illegal, unreported and unregulated (IUU) fishing activities, including through the development and implementation of relevant international fisheries instruments, taking appropriate measures at regional level and elaborating national plans of action to combat IUU fishing (NPOAs–IUU). The Workshop addressed: the nature, scope and impacts of IUU fishing; the international policy and framework to combat IUU fishing; the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; FAO Fisheries Technical Guidelines No. 9 and the development and role of NPOAs–IUU; port State measures to combat IUU fishing; the role of the flag State in combating IUU fishing; the state of fishery legislation in RECOFI Members and regional cooperation to defeat IUU fishing through regional fisheries management organizations or arrangements and regional plans of action to combat IUU fishing. Working groups were formed to enhance the participatory nature of the Workshop and as a means of engendering broader and deeper discussion on concepts and issues relating to IUU fishing. Participants considered a list of IUU fishing issues that had been distilled from discussion in the Workshop. For each issue they were requested to identify an appropriate tool for overcoming the constraint or problem, action to be taken and expected results for small-scale and industrial-scale fisheries at the national and regional levels. The final session of the Workshop entitled “Brainstorming: looking ahead – national, regional and international follow-up to the Workshop” sought to identify outcomes that could be addressed further by the RECOFI Working Group on Fisheries Management. Funding and support for the Workshop were provided by the FAO Regular Programme, RECOFI and the Governments of Oman and Sweden.

CONTENTS

OPENING OF THE WORKSHOP	1
IUU FISHING: NATURE, SCOPE AND ROLE OF RECOFI	1
INTERNATIONAL POLICY AND LEGAL FRAMEWORK TO COMBAT IUU FISHING	2
INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING, FAO FISHERIES TECHNICAL GUIDELINES No. 9 AND NATIONAL PLANS OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING.....	3
MAIN IUU FISHING PROBLEMS IN RECOFI REGION, POSSIBLE SOLUTIONS AND ROLE OF RECOFI TO SOLVE THEM.....	4
PORT STATE MEASURES	7
FLAG STATE PERFORMANCE.....	7
FISHERIES LEGISLATION IN RECOFI MEMBERS	8
REGIONAL COOPERATION TO DEFEAT IUU FISHING	9
FORMATION OF THE WORKING GROUPS AND THEIR REPORTS AND CONCLUSIONS	11
BRAINSTORMING: LOOKING AHEAD – NATIONAL, REGIONAL AND INTERNATIONAL FOLLOW-UP TO THE WORKSHOP	13
CLOSURE OF THE WORKSHOP	14

APPENDIXES

A Agenda.....	17
B List of participants.....	18
C List of documents.....	20
D Opening statement by Mr Mohamad Ibrahim Albraithen, Assistant Director-General and FAO Regional Representative for the Near East and North Africa, Cairo, Egypt.....	21
E Summary responses to the country questionnaire.....	23
F Basic data relevant to fisheries management and production in the RECOFI area.....	25
G Reports of the working groups.....	27

OPENING OF THE WORKSHOP

1. The FAO/RECOFI [Food and Agriculture Organization of the United Nations/Regional Commission for Fisheries] Regional Workshop to Combat Illegal, Unreported and Unregulated Fishing, was held at the Safeer International Hotel, Muscat, Oman, from 30 March to 2 April 2009.
2. The Workshop was attended by 14 participants from six RECOFI countries. The list of participants and FAO personnel who attended the Workshop is attached as Appendix B.
3. The Workshop was convened by FAO and RECOFI under the patronage of H.E. Husain bin Ali bin Zahir Al-Hilali, Attorney General, Muscat, Oman. It was officially opened by Mr Ibrahim bin Said bin Ibrahim Al-Bussaidi, Director General of Fisheries Resources, Ministry of Fisheries Wealth, Muscat, Oman. In his statement he stressed that RECOFI Members should work together to combat illegal, unreported and unregulated (IUU) fishing and to minimize its negative impact on fisheries management. Dr Piero Mannini, Senior Fisheries Officer and RECOFI Secretary, FAO, Cairo, Egypt, then made a statement on behalf of Mr Mohamad Ibrahim Albraithen, Assistant Director-General and FAO Regional Representative for the Near East and North Africa, Cairo, Egypt. He noted that IUU fishing was not new and that RECOFI Members had been addressing IUU fishing in different fora for several years. The text of the statement is in Appendix D.
4. Following the opening session, Dr Mannini invited participants to introduce themselves and explained administrative arrangements for the Workshop. This was followed by a presentation by Dr David Doulman, Senior Fishery Liaison Officer and Technical Secretary of the Workshop, FAO, Rome, Italy, that addressed the Workshop's technical issues and its anticipated outcomes. He noted the small-scale characteristics of most fisheries in the RECOFI region and the inherent problems caused by IUU fishing. He added that many of the problems were common to all capture fisheries irrespective of their scale, gear and location. He explained that the Workshop also provided an opportunity for information to be provided about new and evolving developments to combat IUU fishing.
5. The Agenda for the Workshop is attached as Appendix A and the list of documents is attached as Appendix C.

IUU FISHING: NATURE, SCOPE, IMPACT AND ROLE OF RECOFI

6. Dr Doulman made a presentation entitled "Nature, scope and impacts of IUU fishing: consideration of the main issues and solutions identified in the Near-East Region by the 2005 FAO Workshop on IUU fishing". It discussed the global nature of IUU fishing and its increasing visibility internationally. The negative impact of IUU fishing on efforts to manage fisheries in a sustainable manner was stressed noting that such fishing usually targeted high-value, high-market demand species where chances of apprehension were lowest. He added that developing countries and more isolated high seas areas were particularly susceptible to IUU fishing. The IUU fishing issues and their proposed solutions identified at the 2005 FAO Workshop on IUU fishing for the Near-East¹ were then reviewed.
7. Dr Mannini also made a supplementary presentation entitled "The role of RECOFI in combating IUU fishing". The presentation included an overview of key facts and issues related to fisheries in the RECOFI area. It was noted that total capture fisheries landings from the region had more than doubled, increasing from 300 000 tonnes in 1986 to a maximum of about 700 000 tonnes in 2006 (the most recent year for which FAO statistics were available). He commented that landings of the more valuable finfish species had declined in recent years in many countries in the region. Increased landings of secondary species had supported total fish landings.

¹ FAO. 2005. Report of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: Certain Countries of the Near East Region. FAO Fisheries Report No. 835. Rome, FAO. 57p.

8. Basic statistics and indicators compiled to provide a regional summary emphasized the predominant coastal, small-scale nature of RECOFI fisheries. They mainly exploited the stocks of demersal species in the Gulf area and pelagic fish stocks in the Sea of Oman. Some basic socio-economic information on the fisheries sector in RECOFI countries completed the regional outline.

9. Dr Mannini stressed the need to manage fish stocks on a regional basis. This was because of the shared nature of many of the stocks, which overall could make national fishery resources assessments and management initiatives of limited use in developing effective management plans. The 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) stated clearly the primary role of regional fisheries bodies such as the RECOFI in combating IUU fishing. Some examples were given of actions and activities that RECOFI could promote to prevent, deter and eliminate IUU fishing in the Commission's area. He concluded that RECOFI should endeavor to integrate measures to control IUU fishing with its other basic missions such as successful resources conservation, efficient catches and effort monitoring, effective fishing capacity management, sound scientific research, reliable fisheries data collection, compilation and dissemination. The achievement of these objectives necessarily requires the availability of adequate financial and human resources.

10. Following the presentation, participants raised a number of diverse issues concerning efforts to combat IUU fishing. Some of them underscored the importance of regional cooperation and the need for Members to work together to minimize the effects of IUU fishing. It was agreed that the dimension and scope of such fishing varied through the region, particularly between the areas of the Gulf and the Indian Ocean. One participant advised the Workshop that IUU fishing was not particularly prevalent in the area around Bahrain because of security patrols.

11. There was widespread agreement among the participants that all national agencies involved in combating IUU fishing should seek to coordinate their activities closely. It was suggested that one means of achieving such coordination would be to establish an umbrella agency to execute this role. However it would require adequate resources to achieve results.

12. In bottom trawl fisheries it was noted by some participants that little or inaccurate bycatch data were being reported. A participant from Oman pointed out that the use of observers could assist in reducing the severity of under- and non-reporting of catches. The participants from Bahrain, Qatar and United Arab Emirates advised the Workshop that the use of bottom trawl gear was prohibited within their national waters.

13. The Workshop was informed that in one area of the Gulf, IUU fishing was extremely prevalent in the monsoon period and that fishing at this time of the year often posed safety issues for vessels and fishers, requiring search and rescue at sea. This situation demonstrated the extent to which fishers would go to risk life and capital in pursuit of benefits from IUU fishing.

INTERNATIONAL POLICY AND LEGAL FRAMEWORK TO COMBAT IUU FISHING

14. Ms Judith Swan, Consultant, FAO, Rome, Italy, made a presentation on the international legal and policy framework on IUU fishing. She introduced the 1982 UN Convention on the Law of the Sea (1982 UN Convention), noting that fisheries was one of many areas addressed in the instrument and that the focus was on management, both in-zone and on the high seas. As global realities changed from a situation requiring management rules to one demanding a focus on addressing IUU fishing and related activities, international policies were developed at various fora, including the 1992 UN Conference on Environment and Development (UNCED) and 2002 World Summit on Sustainable Development. A number of declarations had been made, including a 2005 Ministerial Declaration in Rome to Combat IUU fishing.

15. Ms Swan explained the main components of post-UNCED instruments, including the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures

by Fishing Vessels on the High Seas (1993 FAO Compliance Agreement), the 1995 FAO Code of Conduct for Responsible Fisheries, the 1995 UN Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 Fish Stocks Agreement), the IPOA-IUU and the 2005 FAO Model Scheme on Port State Measures. In conclusion, she underscored the ongoing activities to strengthen the legal and policy framework to combat IUU fishing and their essential role for the regional harmonization of fisheries management.

16. Dr Mannini recalled that all RECOFI Members had ratified the 1982 UN Convention, but that only one Member was party to the 1993 FAO Compliance Agreement and two Members were party to the 1995 UN Fish Stocks Agreement. He strongly urged that consideration be given to the ratification of these instruments, as called for in the IPOA-IUU, as a basis for potentially powerful regional fisheries cooperation through RECOFI.

17. In discussion, the issue of the extent of the use of force by enforcement authorities such as navy or coast guard in dealing with IUU fishing activities was raised. It was explained that the international instruments did not provide generally for standards for the use of force; these standards appeared in national laws or regional/international enforcement agreements. The general rule was that the force should be proportionate to the violation in question.

18. The importance of ratification of international instruments was underscored. It was noted that a country was legally-bound to comply with the instrument upon ratification where the agreement had entered into force. However, a country was also free to implement the provisions of an international instrument without becoming party to it. Concern was expressed that the instrument might not offer incentives within their frameworks for countries to become party, and that after ratification political commitment for implementation may be weak.

19. Ms Swan explained that the benefits of, and incentive for, ratification most effectively originated at regional level but that failure to comply with an instrument after ratification could be addressed by other parties or dispute settlement.

20. Dr Mannini drew attention to the 2007 plenary discussion at RECOFI² where the Commission had encouraged countries to ratify the international instruments. The value of agreement by this Workshop on a strong recommendation for ratification of the instruments as a region was acknowledged, particularly in view of the potential role of RECOFI as a regional fisheries management organization or arrangement (RFMO/A) with a mandate to take binding management decisions. The instrument would serve as a robust legal base for the harmonization of fisheries management.

INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING, FAO FISHERIES TECHNICAL GUIDELINES No. 9 AND NATIONAL PLANS OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

21. Mr Gilles Hosch, Consultant, FAO, Rome, Italy, made a presentation entitled “The International Plan of Action to Prevent, Deter and Eliminate IUU Fishing, FAO Fisheries Technical Guidelines No. 9 and national plans of action to prevent, deter and eliminate IUU fishing”. The reasons for the formulation of the IPOA-IUU were explained and it stressed, that although the IPOA-IUU was a voluntary instrument, many of its provisions had been taken from binding international instruments such as the 1982 UN Convention, the 1993 FAO Compliance Agreement and the 1995 UN Fish Socks Agreement.

² FAO. 2007. Report of the Fourth Session of the Regional Commission for Fisheries. FAO Fisheries and Aquaculture Report No. 847. Rome, FAO. 48p.

22. The presentation also outlined the principles underpinning the IPOA–IUU and their rationale. Key principles of collaboration, transparency and non-discrimination were explained and illustrated with practical examples. The definitions of the three components of illegal, unreported and unregulated (IUU) fishing were analysed. It was highlighted that in the particular domains of unreported and unregulated fishing, the poor performance by some States in regulating and managing fisheries, and/or in duly supplying catch statistics to RFMO/As could lead such States unwittingly into IUU fishing situations without any wrongdoing on the part of their fleets. Mr Hosch pointed out that the term “IUU fishing” was often used as a catch-all term but that care should be exercised to specify what particular aspect of IUU fishing was being addressed.

23. The presentation went on to highlight key aspects of the IPOA–IUU, particularly with respect to measures by all States, coastal States, flag States and port States. Mr Hosch then discussed the development of national plans of action to combat IUU fishing (NPOAs–IUU), noting that political support from the outset was a key element for a plan’s success. He stressed that external technical expertise to analyse the national monitoring, control and surveillance (MCS) framework was often useful so as to ensure an objective and complete appraisal of its strengths and weaknesses. It was suggested that a well-formulated NPOA–IUU could identify IUU threats in key fisheries. The NPOA–IUU should also assist in identifying gaps in fisheries management and MCS. It was underscored that the development of a NPOA–IUU should be based on a consultative process and that stakeholders should be involved in its implementation under the coordination of the fisheries administration.

24. In discussion following the presentation, participants sought clarification on the difference between vessel registration and a vessel record. It was explained that the vessel registration involved conferring a flag. The vessel record, on the other hand, contained the vessel’s history with respect to flags, ownership, IUU fishing and related fisheries information.

25. With respect to the licensing of fishing vessels, the Workshop was advised that when a vessel operated beyond national jurisdiction, the flag State was obligated to exercise effective control over such vessels. This control was generally exerted through control measures such as the use of vessel monitoring system (VMS), catch declarations, etc. that were licence requirements. In some cases where a flag State encountered difficulties in meeting its obligations, a port State could render assistance if this was requested by the flag State.

26. Finally, concerning the licensing of foreign fishing vessels in national waters (e.g. under a fisheries access agreement), it was noted that the licensing country had no obligation to monitor the activity of such vessels in areas beyond their national jurisdiction. However, in the interests of cooperation and enhanced fisheries management it would be useful to exchange entry and exit reports for such vessels with neighbouring countries.

MAIN IUU FISHING PROBLEMS IN RECOFI REGION, POSSIBLE SOLUTIONS AND ROLE OF RECOFI TO SOLVE THEM

27. Dr Doulman introduced the questionnaire that had been dispatched by the Secretariat to RECOFI Members in advance of the Workshop. He explained that the purpose of the questionnaire was to gather information relating to IUU fishing problems and their solutions and review it in the Workshop so that it could be used ultimately for the development of follow-up action by the RECOFI Working Group on Fisheries Management.

28. Participants presented their responses for their respective countries to the questionnaire. The presentations are summarized below in order of the presentations. The responses to the questionnaire are attached in Appendix E.

Saudi Arabia

29. The participant from Saudi Arabia highlighted three key IUU fishing issues. The Workshop was advised that 210 illegal incursions by unlicensed Bahraini vessels had been detected in national waters over the past 10 years. He also informed the Workshop that recreational fisheries posed a serious challenge because of the use of unauthorized gear. Recreational fishers were limited to the use of hook and line gear but often were conducting commercial operations using other gear types. Other participants indicated a similar problem in their countries.

30. The participant from Bahrain, in response to a Saudi Arabian intervention, explained that one of the factors that encouraged this illegal behavior was the inconsistencies in the closed seasons of the shrimp fisheries in Bahrain and Saudi Arabia. While the fishery was closed from March to July each year in Bahrain, the corresponding closed season in Saudi Arabia extended from August to January. The Cooperation Council for the Arab States of the Gulf Fisheries Committee (GCC) had recommended a regional shrimp fishery closure for the entire Gulf from March to September, but this recommendation had been implemented in a variable manner.

Bahrain

31. The participant from Bahrain informed the Workshop that many of its fishers were not registered (approximately 75 percent), that the existing MCS system was weak and that there was excess fishing capacity with respect to Bahrain's limited maritime zones. These conditions led to overfishing. While not being an immediate IUU fishing problem, she underlined the impacts of land reclamation projects on coastal marine ecosystems, exacerbating problems in the fishery, causing declines in the trap fishery, and likely contributing to a rise in IUU fishing activity. She proposed that Iran and Oman, as the major RECOFI fishing countries, play an active role in promoting sustainable fisheries in the region.

Kuwait

32. The participant from Kuwait underscored the problems arising from non-harmonized closed seasons for the shrimp and zubaidy (*Pampus argentius*) fisheries. This was a problem for Kuwait and its neighbors. He urged that better communications be established among Kuwait, Iraq and Iran in relation to the management of these fisheries and their respective closed seasons. He added that the closed season for shrimp in Kuwait ran from mid-August to mid-January. The participant indicated that the non-harmonized seasons were encouraging non-licensed incursions from neighboring country vessels and that heavier sanctions were required to address this issue more effectively. He further noted that the regional trade in shrimp was an important factor that probably created incentives for Gulf countries not to harmonize closed seasons because the current situation created regional market price distortions that were likely benefiting several countries.

Qatar

33. The participant from Qatar stated that the major IUU fishing problem in his country was in recreational fisheries, especially with fishers not reporting catches. It transpired from discussion that some recreational fishers in Qatar might also be registered as commercial fishers. The participant expressed the view that VMS should be introduced throughout the Gulf, including for recreational fishing vessels.

Oman

34. The participant from Oman highlighted the incidence of seasonal incursions into northern national waters from across the Strait of Hormuz. He added that the Omani Navy and the Coast Guard were actively combating this illegal fishing and that Iran was cooperating actively when such incursions occurred. It was pointed out that coastal radar was instrumental in detecting these

incursions. With respect to Oman's Indian Ocean coast, the maritime zones were too vast to assert a sufficient operational presence and it was assumed that considerable unlicensed fishing took place there, including incursions by large-scale industrial fishing vessels. The participant highlighted the requirement for additional and more sophisticated MCS equipment and personnel to defend fully national waters.

35. The Workshop noted that they were security concerns in the region relating to smuggling and trafficking of arms, drugs and other prohibited goods. This illicit activity was a concern to fisheries administrations because fishing vessels often were used as the means of transport.

United Arab Emirates

36. The participant from the United Arab Emirates indicated that few IUU fishing problems existed in his country owing to the presence of an effective MCS system, which included VMS and port State inspection mechanisms. He noted that United Arab Emirates had implemented market-related measures to prevent the buying and selling of IUU fisheries products.

37. In discussion following the presentation, the Workshop agreed on the need for an ecosystem approach to fisheries (EAF), noting that extensive coastal developments and the closed and fragile nature of the RECOFI region, particularly the Gulf's geomorphology, required holistic and encompassing management approaches. The promotion of EAF was essential to maintaining fisheries productivity, livelihood security and, in some cases, combating IUU fishing.

38. The Workshop highlighted several areas where RECOFI could become involved more actively. These areas included, *inter alia*, the promotion of:

- human resource development;
- harmonized approaches to management, especially with respect to closed seasons, for main shared stocks; and
- adoption of a centralized VMS systems for all commercial fisheries that could also incorporate safety at sea/search and rescue functions for small-scale fisheries.

The Workshop also agreed that RECOFI could review and analyse the scope, extent and dynamics of IUU fishing and related activities in the Gulf and, taking account of this analysis, assess the effectiveness of national fisheries management frameworks in the region.

39. Mr Hosch summarized the discussion by categorizing broadly the IUU fishing issues being faced by RECOFI Members:

Illegal fishing

- violation of closed seasons and areas;
- fishing without a licence; and
- use of illegal fishing gear.

Unregulated fishing

- recreational fisheries;
- fishing capacity in specific fisheries;
- bycatch handling; and
- minimum species sizes and other basic management measures.

Unreported fishing

- limited bycatch reporting;
- limited recreational fish catch reporting; and
- catch from foreign fishing vessels violating national waters.

PORT STATE MEASURES

40. Ms Swan made a presentation entitled “Port State measures to combat IUU fishing: background, framework and current status of the legally-binding instrument”. She traced progress for the development of a legally-binding instrument on port State measures and reviewed the highlights of the current Chairperson’s draft Agreement on port State measures. She drew attention to provisions that would provide a basis for harmonization through RFMO/As, including information requirements and reports, inspections, port access and follow-up actions to port inspections.

41. In discussion, the issue was raised as to what steps should be taken where a port State had found reasonable grounds to believe that a foreign vessel, inspected in its port, had carried out IUU fishing. It was explained that the steps to be taken depended on where the IUU fishing activity had been conducted. The port State could initiate legal proceedings against the vessel if the activity had taken place within areas under its jurisdiction or upon request from the flag State or, under the Chairperson’s draft Agreement, upon request from a relevant coastal State. In addition, this action could be initiated pursuant to measures of a RFMO/A to which both the port State and flag State were parties. However, if the fishing activity had occurred beyond areas of national jurisdiction and none of these conditions were met, the port State should consult with flag State on further action.

42. It was noted that vessels entering the port of one country often might be carrying illegally-caught fish. In such cases, internal procedures relating to port entry and inspections should be developed and implemented.

43. The situation was addressed where a stateless vessel transshipped its high seas catch to another vessel on the high seas to avoid detection. It was explained that international law permitted States to take action against stateless vessels on the high seas in accordance with national and international laws. Such action could include bringing the vessel back to a national port and initiating legal proceedings against it.

FLAG STATE PERFORMANCE

44. Dr Douman made a presentation entitled “Role of flag States in preventing, deterring and eliminating IUU fishing”. It commenced by asking the question: why is poor flag State performance an issue? It then moved on to consider the role of countries as “flags of non-compliance” and the reason why some vessel owners purchased “flags of non-compliance”. The presentation moved to consider the relevant sections (in particular Articles 91, 92, 94, 63, 64, 117 and 118) of the 1982 UN Convention on the Law of the Sea and flag States obligation references in other international hard and soft law. The decisions by the FAO Committee on Fisheries (COFI) in 2007 and 2009 were reviewed. The objectives of the June 2009 Expert Consultation on Flag State Performance were outlined and the possibility of holding a Technical Consultation on Flag State Performance prior to the 2010 session of COFI was discussed.

45. In conclusion Dr Douman noted that many flag States were not meeting their obligations under international law and this was a concern for the international community. The possible development of criteria to assess the performance of flag States could have wide-ranging consequences for countries that operated open registries, issuing “flags of non-compliance”. He added that many “flags of non-compliance” vessels were poorly maintained and working and living conditions on them did not meet international safety and other standards. It had been estimated that about 15 percent of the world’s large-scale fishing fleet were either flying “flags of non-compliance”

or flags, the identity of which, was unknown. Moreover there was a strong correlation between “flags of non-compliance” and IUU fishing and that all countries should be aware fully of their flag State obligations with respect to vessels they licensed to operate beyond national jurisdiction.

46. Following the presentation there was some discussion concerning the revenue received from the sale of “flags of non-compliance”. The Workshop noted that given the low per-unit revenue from the sale of flags, countries risked acquiring a poor reputation as a flag State for very limited income.

47. Discussion focused on the desirability of having a harmonized approach to vessel registration for RECOFI Members. It was noted that GCC had promoted a harmonized approach but that national implementation was variable. It was pointed out that some Members did not register fishing vessels unless certain standards were met but that there was an ongoing problem for small-scale vessels that were unable generally to meet those standards. The Workshop proposed that RECOFI might investigate the issues and constraints inhibiting the harmonization of vessel registration and propose measures to overcome those constraints.

48. The Workshop stressed the importance of safety at sea for small-scale fishing vessels including the need for insurance. The participant from Kuwait explained that all vessels between 16 and 21 feet were required by the Ministry of Transport to be insured. The cost of the insurance was minimal at about EUR 50 per year. This requirement for insurance also extended to recreational fishing vessels. Fishing licences could not be issued to fishing or recreational vessels if they did not have insurance. The insurance was provided by a commercial company and there was no subsidy from government. The Workshop expressed interest in Kuwait’s policy on fishing vessel insurance and encouraged RECOFI to research how the insurance programme was structured and funded and provide information to RECOFI Members.

49. A partially completed datasheet was distributed to participants for their information. The purpose of the datasheet was to collect basic fisheries and related data relevant to management and production in the RECOFI area. The Secretariat had incorporated information from FAO sources and other information available publicly but additional input was required from Members. The Workshop was advised that the datasheet would be circulated to the RECOFI fisheries management focal points in advance of the October 2009 meeting of the Working Group on Fisheries Management for review, updating and completion. It was envisaged that the datasheet would be uploaded onto the RECOFI web Site and that it would be reviewed and updated periodically to ensure that the information it contained remained current. The partially completed datasheet is in Appendix F.

FISHERIES LEGISLATION IN RECOFI MEMBERS

50. Ms Swan made a presentation based on a draft paper prepared for the Workshop entitled “The state of fisheries legislation in RECOFI Members: how well can it address the challenges of IUU fishing and the implementation of international instruments?” She explained that the legislation review fell within the approved RECOFI Regional Strategy and Priorities for Regional Fisheries Management, adopted by the second session of the Working Group on Fisheries Management in October 2008. Prioritized strategies included the implementation of effective fisheries management through regional cooperation and harmonization, including shared stocks and fisheries of common interest, and promotion of legal review and revision of fisheries legislation to reflect policy and international commitments.

51. Informal translations of fisheries laws from six RECOFI Members formed the basis for the review, which identified gaps and shortcomings in the laws and ways to overcome these by reference to provisions in international instruments and best practices of other countries. A framework for review and discussion included the following:

- use of terms;
- objective, scope and application of the law;
- institutional and policy provisions;
- fisheries conservation, management and development;
- access regime;
- licensing system;
- international aspects;
- MCS;
- post-harvest and trade;
- evidentiary provisions;
- judicial/administrative processes; and
- violations/fines/penalties.

The draft review paper was made available to the participants, who would provide comments on their review of the laws in their respective countries.

52. In discussion, the participants expressed appreciation for the draft review and underscored its usefulness for reviewing legislation at national level and its relevance for the harmonization of fisheries regulation at regional level. It was anticipated that RECOFI Members would review the paper in greater depth and to facilitate this work participants requested FAO/RECOFI to translate the finalized paper into Arabic. The Secretariat advised that funding would be sought for this purpose. The Workshop acknowledged that there was a need for improvement to the laws and that the review would provide a sound basis for moving forward with RECOFI activities such as the harmonization of management and application of EAF.

53. The participant from Bahrain explained that relevant national laws and policy did not allow national vessels to fish beyond areas under national jurisdiction and did not allow non-national vessels to fly its flag. The need for fisheries legislation to be flexible was recognized but this must be balanced by clarity in areas such as institutional responsibilities, use of terms and MCS. In addition, legislation should be forward-looking and accommodate future developments through allowing additional actions and measures that were consistent with the objectives and principles of the law.

REGIONAL COOPERATION TO DEFEAT IUU FISHING

54. Ms Swan made a presentation entitled “Regional cooperation to combat IUU fishing through RFMO/As”. She explained that RFMO/As were seen as the only realistic option for the conservation and management of shared stocks, and referred to the rapid expansion of the role of RFMO/A governance through international instruments and by the establishment of many new RFMO/As. The difference between regional fishery bodies (RFBs) with advisory mandates and RFBs with management mandates (RFMO/As) was explained, and it was noted that RECOFI had a management mandate and was well positioned to play a strong role in regional fisheries management through measures relating to areas such as the management of fisheries exploiting shared stocks, fisheries MCS, establishment and use of information and databases and other measures to combat IUU fishing.

55. Ways in which States could work together through RFMO/As to combat IUU fishing activities, as provided for in the IPOA–IUU were explained, and participants were encouraged to focus on some areas that might be appropriate for the RECOFI region. The activities of RFMO/As to implement the IPOA–IUU were described, based on their responses to a 2003 FAO survey.³ Measures designated by RFMO/As as highly effective included information exchange on IUU fishing vessels and support vessels, development of observer programmes and development of action plans to combat IUU fishing. Some areas where significant activity among RFMO/As was reported included the

³ Swan J. 2004. International action and responses by regional fishery bodies or arrangements to prevent, deter and eliminate illegal, unreported and unregulated fishing. FAO Fisheries Circular No. 996. Rome, FAO. 64p.

development of compliance measures, mandatory reporting, maintaining lists of authorized and IUU vessels, monitoring landings and regularizing coordination with other RFMO/As.

56. The expanding coordination among RFBs was described, particularly through the biennial meetings of the Regional Fishery Bodies Secretariats Network (RSN). At the March 2009 meeting of the RSN, Members reviewed several issues discussed at COFI that were relevant to the work of RFBs and addressed issues on its own agenda, which included IUU fishing. In this regard, cooperation on certain MCS measures, including information development and exchange, were found to be very useful.

57. In conclusion Ms Swan noted that the role of RFBs in fisheries governance was expanding and strengthening worldwide and that they were taking wide-ranging initiatives to ensure that shared fish stocks were managed sustainably and that efforts were taken to combat IUU fishing.

58. Mr Hosch made a presentation entitled “RPOAs–IUU, regional initiatives and the need for regional cooperation” in which he presented the rationale for the development of RPOAs–IUU, presented information relating to existing RPOAs–IUU and how they were structured, discussed critical elements of regional cooperation in the fight against IUU fishing and outlined different actions required to promote sound fisheries governance.

59. With respect to the RPOAs–IUU, Mr Hosch pointed out that they normally resulted from a movement from the national to regional level. He explained that such action could bring a region together politically to combat IUU fishing while noting that in some cases not all countries were ready to move forward politically and logistically at the same pace. He stressed that there were no regional substitutes for failing to combat IUU fishing effectively at the national level.

60. Critical elements of regional cooperation were addressed in terms of joint fisheries patrols, information exchange, harmonization of legislation and the development of regional MCS projects. Mr Hosch reminded the Workshop that success in fisheries management did not hinge exclusively on solid MCS programmes and the will to combat IUU fishing. A range of complementary actions and activities were also required to ensure that fisheries were managed in a long-term sustainable manner.

61. In discussion following the presentations, the question of how fines and penalties were handled under reciprocal or joint enforcement regimes was addressed, with reference to cases where a violation occurred in the waters of one country and the enforcement and legal action was carried out in another. It was explained that the country where the offence occurred would need to be compensated for the resources taken from its waters, while the enforcing State had incurred costs in MCS operations. It was pointed out that countries should agree on a mechanism for the apportionment of costs and revenue when the MCS arrangement was established.

62. Consideration was also given to treating the financial arrangements as a basket to be divided among States participating in the arrangement. The practice of some countries that had adopted “Lacey Act” provisions was reviewed, where national laws created an offence to import fish that had been taken illegally from the waters of another country. Countries that adopted such a law made arrangements under a memorandum of understanding for reciprocal implementation, including the financial arrangements. Whichever option was chosen, States should not lose sight of the importance of the operations for deterrence and be mindful that fisheries enforcement should not be undertaken for the purposes of raising revenue.

63. MCS initiatives taken by some organizations that affected the RECOFI region were discussed. The role of the GCC Fisheries Unit in developing regional cooperation in MCS was addressed, including potential participation by RECOFI Members. Some possible factors in shaping the role of the GCC in this regard were noted, including the need to agree on targets and objectives, and whether in-country activities such as training would be included. It was also noted that the International MCS

Network provided information to support compliance but only three RECOFI Members had participated in it. These Members included Iran, Oman and United Arab Emirates.

64. Dr Mannini recalled that while other organizations and networks might be usefully addressing IUU fishing, RECOFI, as a RFMO/A, was the only organization mandated by its Members to adopt binding recommendations for fisheries management, including MCS measures and arrangements. He emphasized that RECOFI's powers needed to be put into practice. He added that to date no binding recommendations had been considered by RECOFI Members for the management of fisheries in the region.

65. The issue of financial contributions to RECOFI by its Members was flagged, noting that contributions were currently at a level of only USD 5 000 per year, substantially below contributions made by the Members of other RFMO/As. The contributions did not meet fully the needs of the region, considering the substantial range of activities that should be undertaken as agreed by Members in the RECOFI Regional Strategy and Priorities for Regional Fisheries Management and the List of Activities for the RECOFI Working Group on Fisheries Management (2008–2011). This issue would be further addressed at the next session of RECOFI in May 2009.

66. Dr Mannini also informed participants that COFI at its 2009 session had indicated the need to establish an organization similar to RECOFI for the Red Sea and that Yemen would form part of this organization. He also referred to a regional workshop on the effect of climate change on fisheries and aquaculture that was being coordinated by the Regional Office for the Near East and North Africa, Cairo. It will be held in November 2009. Eighteen countries will be invited and the participation of all RECOFI Members was encouraged.

FORMATION OF THE WORKING GROUPS AND THEIR REPORTS AND CONCLUSIONS

67. Dr Doulman explained to the Workshop that two working groups would be formed to enhance the participatory nature of the Workshop and as a means of engendering broader and deeper discussion on concepts and issues relating to IUU fishing. Each group was requested to select its chairperson and rapporteur to assist the chairperson prepare the group's report to be presented in plenary. The composition of the working groups was as follows:

Working group 1	Working group 2
AHMAD Mohamad Ali Ghalib	AL-AZMI Marzouq Al Haibi
AL-AGHBARI Hasan Hussein	AL-HATROSHI Qais Juma
AL-HEKMANI Ahmed Salem	AL-JABRI Adel Yehia
AL-SHABIBI Said Sulieman	AL-MAHREZI Juma Rashid
AL-SHEHAB Abdel Aziz Abd Allah	AL-TURAIIF Abdul Rahman Ali
AL-ZABI Ahmed Mohamed	AL-WAISI Ahmed Ali
KHALAF Ibtisam Abdallah (Ms)	ALMAWALY Abdullah Talib

68. To assist the working groups, a list of IUU fishing issues was identified by the Secretariat based on earlier discussions in the Workshop and information provided in the questionnaire. The working groups were requested to categorize the issues into national and regional and small-scale and industrial-scale fisheries, as appropriate. The list of issues was as follows:

- unlicensed vessel operations in the RECOFI area;
- unlicensed vessel operations in national waters by foreigners;
- unlicensed vessel operations in national waters by national operators;
- violations of closed seasons by foreign operators;
- violations of closed seasons and areas by national and foreign operators;
- use of illegal fishing gear by national and/or foreign operators;
- unregulated recreational fishery;

- excess national fishing capacity;
- excess fishing capacity for shared resources;
- handling bycatch;
- basic management measures (e.g. minimum species sizes);
- management frameworks for shared stocks;
- unreported bycatch;
- unreported catch in the recreational fisheries; and
- misreported or underreported catches in the national licensed fisheries.

69. The reports of the working groups are in Appendix G.

70. In discussion, Dr Doulman congratulated the working groups and stated that they had a very good understanding of issues, problems and main points. It was acknowledged that fisheries management issues varied among countries in the region and that this was reflected in the reports of the working groups. However, the reports showed a depth of understanding of a range of tools and actions that could be used to address IUU fishing activities.

71. Participants agreed that there was a need for the type of national and regional actions proposed in the working groups. Such action was becoming urgent in view of the sharp decline of commercial species throughout the region over the past ten years. This issue applied to all countries irrespective of their size. Serious IUU fishing activities were widespread and included fishing during closed seasons, catching undersized species and the use of illegal gear. It was imperative to treat these violations as crimes and not simply as illegal activities or other designations that minimized the problems.

72. The Workshop underscored the importance of informal communications among countries, particularly for MCS operations in respect of IUU fishers that moved through the waters of different countries.

73. Dr Mannini complimented the working groups on their proposed solutions to IUU fishing and recalled that the Workshop was taking place at the request of RECOFI Members. They recognized that IUU fishing was a serious problem in the region. Participants therefore should convey the results of the Workshop to the competent authorities in their countries. The results will be communicated also to RECOFI at its next session in May 2009.

74. Dr Mannini reminded the Workshop that RECOFI could play a strong role in combating IUU fishing because of the regional dimension of the activities involved. The importance of market-related measures was emphasized. He expressed the view that the Commission could take binding decisions in this regard. For enforcement matters, however, the Commission could only highlight solutions, living measures to be taken at national level. RECOFI could play a role in raising awareness among stakeholders and would support the development of NPOAs–IUU. There had been a strong call to elaborate national plans of action among Members following the Omani lead.

75. While recognizing that RECOFI could undertake a range of activities to combat IUU fishing, it was first necessary to identify common problems and issues at the regional level. The review of national legislation initiated by RECOFI would benefit Members and facilitate harmonization where this was considered appropriate.

76. Ms Swan reinforced the views expressed in relation to the working groups, particularly with respect to the importance of awareness rising. She suggested that awareness campaigns would be useful at both the national and regional levels. A regional strategy could be developed to promote awareness rising in a systematic manner. Ms Swan also underlined the value of a common information base, harmonious enforcement schemes and an adequate, harmonized level for fines, penalties and sanctions in respect of IUU fishing.

BRAINSTORMING: LOOKING AHEAD – NATIONAL, REGIONAL AND INTERNATIONAL FOLLOW-UP TO THE WORKSHOP

77. Ms Swan facilitated discussion for the brainstorming session. She explained that the exercise involved the identification of priority IUU fishing problems and possible actions to address them at the national, regional and international levels, as appropriate, from the perspective of RECOFI Members. She noted that the information gathered would help maintain momentum against IUU fishing in the region and provide a checklist for Members and the RECOFI Secretariat for follow-up work. It was agreed by the Workshop that the exercise should focus on five or six priority issues at each level together with the proposed solutions categorized by small-scale and industrial-scale fisheries. The summary of discussions, as agreed by the Workshop, is in Table 1.

Table 1: Summary of national, regional and international priority IUU fishing issues and proposed action to address the issues categorized by small-scale and industrial-scale fisheries

SMALL SCALE FISHERIES		
LEVEL	PRIORITY ISSUES	PROPOSED ACTION
NATIONAL	Economic gain from IUU fishing	<ul style="list-style-type: none"> ▪ Strengthening legislation to provide sufficiently high penalties to deter and punish the activities
	Catch during the closed season	<ul style="list-style-type: none"> ▪ Strengthened control of landings, including inspection ▪ Deterrent penalties ▪ Improved laws
	Overlap of responsibilities and insufficient coordination among competent authorities	<ul style="list-style-type: none"> ▪ National planning on coordination priorities and budget to combat IUU fishing, with a view to the centralization of responsibilities
	Use of illegal fishing gear	<ul style="list-style-type: none"> ▪ Improved laws ▪ Improved training for inspectors ▪ Research on improved gear
	Excess capacity, leading to IUU fishing	<ul style="list-style-type: none"> ▪ Stock assessment ▪ Assessment of fishing capacity, with the view of reduction as appropriate ▪ Reduction of licences
	Use of unlicensed vessels for IUU fishing	<ul style="list-style-type: none"> ▪ Maintaining a register of fishing vessels with sufficient information ▪ Designate authorized inspection officers
	Lack of awareness of all stakeholders about the consequences of IUU fishing	<ul style="list-style-type: none"> ▪ Develop a communications strategy, including awareness raising through all types of media
REGIONAL	Catch during the closed season	<ul style="list-style-type: none"> ▪ Harmonized legislation, including penalty levels ▪ Improve inspection capacity and training for the marine control team ▪ Cooperation in harmonizing marketing measures to prohibit trade, including through customs
	Use of illegal fishing gear	<ul style="list-style-type: none"> ▪ Improved coordination and regulation through RECOFI and GCC States
	Use of unlicensed vessels for IUU fishing	<ul style="list-style-type: none"> ▪ Develop minimum standards, a regional database for vessel registers and catch
	Insufficient reporting	<ul style="list-style-type: none"> ▪ Develop a regional database for catch with cooperation of RECOFI
	Illegal fishing	<ul style="list-style-type: none"> ▪ Establish an information centre within RECOFI
INTERNATIONAL	Export of IUU caught fish and fish products	<ul style="list-style-type: none"> ▪ Require catch certification and other documents required by the importing countries

INDUSTRIAL FISHERIES		
LEVEL	PRIORITY ISSUES	PROPOSED ACTION
NATIONAL	Lack of awareness of all stakeholders about the consequences of IUU fishing	<ul style="list-style-type: none"> ▪ Develop a communications strategy, including awareness raising through all types of media
	Bycatch (taking prohibited, undersized or endangered species, unreported and misreported catch)	<ul style="list-style-type: none"> ▪ Proper implementation of the laws ▪ Development of capacity for implementation; ▪ Use of bycatch reduction devices, including in the shrimp trawl fishery
	Market incentives to engage in IUU fishing	<ul style="list-style-type: none"> ▪ Reduce opportunities for the marketing of IUU caught fish, including through laws and trade measures
REGIONAL	Lack of awareness of all stakeholders about the consequences of IUU fishing	<ul style="list-style-type: none"> ▪ Develop a communications strategy through RECOFI
	Bycatch (taking prohibited, undersized or endangered species, unreported and misreported catch)	<ul style="list-style-type: none"> ▪ Coordination of the use of by-catch reduction devices ▪ Development of regional capacity for the control and reduction of bycatch
	Need for strengthened cooperation and coordination in the region to combat IUU fishing	<ul style="list-style-type: none"> ▪ Strengthen RECOFI
	Unlicensed fishing in the RECOFI area	<ul style="list-style-type: none"> ▪ Joint and harmonized enforcement
	Destruction of coral reefs by IUU fishing	<ul style="list-style-type: none"> ▪ Promote closer cooperation between RECOFI and ROPME
	Market incentives to engage in IUU fishing	<ul style="list-style-type: none"> ▪ Reduce opportunities for the marketing of IUU caught fish, including through laws and trade measures
INTERNATIONAL	Lack of acceptance of international instruments	<ul style="list-style-type: none"> ▪ Encourage acceptance of international instruments through RECOFI
	Market incentives to engage in IUU fishing	<ul style="list-style-type: none"> ▪ Reduce opportunities for the marketing of IUU caught fish, including through laws and trade measures
	Lack of international coordination to combat IUU fishing	<ul style="list-style-type: none"> ▪ Coordination between RECOFI and other RFBs or organizations (such as the GFCM, IOTC and proposed Red Sea Fisheries Commission)

CLOSURE OF THE WORKSHOP

78. Dr Doulman stated that it had been a pleasure to have been associated with the Workshop and congratulated participants for their active engagement in the discussions. He thanked Oman's Ministry of Fisheries Wealth and its staff for the excellent support before and during the Workshop and FAO colleagues and consultants for their outstanding inputs. He encouraged participants to share the information they had gained in the Workshop with their colleagues when they return to their respective Ministries. Dr Doulman expressed the view that wide dissemination of information about IUU fishing and how to combat it was an important step to defeat it. He concluded by noting that the outcomes of the Workshop would be considered for follow-up at the next meeting of the RECOFI Working Group on Fisheries Management in October 2009.

79. Dr Mannini thanked the participants for their commitment and contribution to the Workshop's outcome. He underlined that the Workshop had provided an optimal opportunity for participants to become acquainted with the concept of IUU fishing and the measures and actions, including port State and flag State measures, that might be taken to prevent and deter and eliminate it. The focus given to the regional situation and needs proved particularly valuable and permitted participants to highlight

some of the most relevant IUU fishing issues affecting RECOFI fisheries both at the national and regional levels. The Workshop demonstrated the importance of developing regionally-agreed approaches to address IUU fishing. There was a need for improved regional cooperation combining national efforts to combat IUU fishing in the RECOFI area in the most effective manner. The review of national fisheries legislations of RECOFI Members, currently undertaken with the support of FAO and RECOFI, was expected to contribute significantly in the struggle against IUU fishing. There was an ongoing need to continue raising awareness among stakeholders and the public that IUU fishing was a theft and a crime against the responsible and sustainable management of fisheries. The Workshop exhibited the commitment by RECOFI Members to address IUU fishing and it was hoped these efforts would be maintained and possibly increased. Dr Mannini thanked FAO and the Sultanate of Oman for the organization of the Workshop and for the continued support for RECOFI.

80. On behalf of the participants, Ms Khalaf Ibtisam Abdallah, Head, Planning and Monitoring Section, General Directorate for the Protection of Marine Resources, Manama, Bahrain, expressed her thanks to FAO and RECOFI for organizing the Workshop in response to a request from the Jeddah meeting of RECOFI in 2007. She gave special thanks to Dr Mannini and other FAO staff and consultants. She also thanked the Government of Oman for hosting the Workshop noting that it enabled participants to have excellent discussions on IUU fishing and the importance of achieving a common goal for RECOFI to protect fish stocks and to ensure that they are harvested in a sustainable manner. Ms Khalaf added that this goal would be achieved through the assistance of FAO and RECOFI in supporting the development of NPOAs–IUU and strengthening legislation to combat IUU fishing. She expressed the view that RECOFI would continue its efforts to promote training and provide technical assistance to facilitate better conservation and management of shared fisheries stocks in the region. Ms Khalaf wished all participants a safe and speedy journey home.

81. The Workshop closed at 12.00 hours on 2 April 2009.

Agenda

Opening of the Workshop

IUU fishing nature, scope and role of RECOFI

International policy and legal framework to combat IUU fishing

International plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing, FAO Fisheries Technical Guidelines No. 9 and national plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing

Main IUU fishing problems in RECOFI region, possible solutions and role of RECOFI to solve them

Port State measures

Flag State performance

Fisheries legislation in RECOFI Members

Regional cooperation to defeat IUU fishing

Formation of the working groups and their reports and conclusions

Brainstorming: looking ahead – national, regional and international follow-up to the Workshop

Closure of the Workshop

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List of documents

Chairperson's Draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

<ftp://ftp.fao.org/FI/DOCUMENT/tc-psm/2009/PSMAgreement.pdf>

FAO. 2002. Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. FAO Fisheries Technical Guidelines for Responsible Fisheries. No. 9. Rome, FAO. 122p.

<ftp://ftp.fao.org/docrep/fao/005/y3536e/y3536e00.pdf>

FAO. 2001. FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Rome, FAO. 24p.

<http://www.fao.org/DOCREP/003/y1224E/Y1224E00.htm>

Opening statement
by
Mr Mohamad Ibrahim Albraithen
Assistant Director-General and
FAO Regional Representative for the Near East and North Africa
Cairo, Egypt

Excellencies, Attorney General, Ladies and Gentlemen,

It is my pleasure to extend a warm welcome to each and all of you on the occasion of the opening of the FAO/RECOFI Regional Workshop on Combating Illegal, Unreported and Unregulated Fishing (IUU fishing) jointly organized by the Regional Commission for Fisheries (RECOFI) and the Food and Agriculture Organization of the United Nations (FAO). The FAO Regional Office for the Near East and North Africa is indeed honoured and pleased to be part of this forum aimed at considering options for cooperative action in the region.

IUU fishing is not new. It can be regarded as environmental crime and occurs in all capture fisheries: in inland fisheries and in marine fisheries, both within exclusive economic zones and on the high seas. All fisheries managers and policy makers are aware of the global and deleterious impacts of IUU fishing and the urgent need for countries and regional fisheries management organizations (RFMOs) to develop plans of action to combat IUU fishing.

Eight years ago, as the international community was intensifying its cooperation to combat overfishing through the development and implementation of international agreements, FAO Members adopted in 2001 the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). The IPOA-IUU, a voluntary instrument, is broad in scope and seeks to combat IUU fishing in a holistic, comprehensive and structured manner. It is consistent with other legally-binding fisheries instruments and encourages the use of a range of different measures that can be applied flexibly at the national and regional levels against IUU fishing.

The IPOA-IUU is a toolbox, and contains a large and diverse set of measures and actions for States and RFMOs to implement in the fight against IUU fishing. In the coming days, I am confident workshop participants will become familiarized with the tools that can achieve the best results in the RECOFI region, thereby enhancing the relevant regional and international frameworks to counter the criminal activities associated with IUU fishing.

This is not the first time countries in the Near East have come together to address common concerns about IUU fishing. Four years ago, in 2005, participants from six countries attended a FAO Workshop on the elaboration of national plans of action to combat IUU fishing (NPOAs-IUU). In prioritizing their challenges, many participants emphasized constraints in dealing with illegal incursions by industrial fishing vessels in terms of both enforcement and the legal process. I understand that this Workshop will provide the participants with information and recent initiatives relating to both areas, including a FAO Technical Consultation to Draft a Legally-binding Instrument on Port State Measures, a FAO Expert Consultation on Flag State Performance and commentary on national laws.

More recently, the fourth session of RECOFI in Jeddah, Saudi Arabia, in May 2007 addressed the issue of IUU fishing. The Commission stressed the importance of developing and implementing national plans of action to combat IUU fishing, requested FAO to organize an IUU fishing workshop for Members and encouraged Members to ratify or accept international instruments.

In addition, the second session of the RECOFI Working Group on Fisheries Management, held in Cairo, Egypt from 27 to 30 October 2008 considered identification and establishment of a regional strategy and priorities for a future plan of work, which included the convening of this Workshop. Workshop participants will be offered an opportunity to understand how to adapt relevant regional and international practices and instruments to regional needs, and to discuss proposed national, regional and international follow-up to the Workshop. It is hoped that this experience will build understanding, strengthen human capacity and promote closer relations among all participants, and thereby fortify our common efforts to combat IUU fishing.

Ladies and gentlemen,

This workshop is complementary to two series of FAO workshops to develop capacity to combat IUU fishing: the series of nine regional FAO workshops on developing NPOAs–IUU, and a further series of six regional workshops on port State measures to combat IUU fishing. We acknowledge with gratitude the many organizations and governments that support these important series of workshops, including our partners in the delivery of this present workshop, RECOFI and the Sultanate of Oman.

The considerable scope of interest and support received to date reflects a broad-based appreciation of the potential impact of strengthened and harmonized port state measures in combating IUU fishing activities.

Participants from six countries in the Near East region are attending this four day workshop, and have the opportunity to interact with international and regional experts during discussion periods. The participants will form working groups to consider how to deal with IUU fishing in the RECOFI area, and to identify tools and options available for use by Members at national and regional levels. They will also participate in a brainstorming session to discuss proposed national, regional and international follow-up to the Workshop. I am anticipating outcomes of a very high standard.

Bringing this Workshop to fruition has been a true team effort. I wish to extend my thanks to those in RECOFI and FAO who have worked together to ensure that enduring outcomes will be achieved for the benefit of all. Funding and support for the Workshop were provided by the FAO Regular Programme, RECOFI and the Governments of Oman and Sweden. Without the support of these Governments the Workshop would have not been possible.

I wish you all a full and very productive workshop.

Thank you very much, ladies and gentlemen, for your attention.

APPENDIX E

Summary responses to the country questionnaire

Countries	IUU fishing problem	Possible solutions	Possible RECOFI measures and action
Kuwait	Using illegal fishing gear	Require stricter regulations and rules	<ul style="list-style-type: none"> ▪ Apply strong and new regulations and rules for fishing activities ▪ Apply strict punishment against law breakers ▪ Inform RECOFI members of any updates in regulations or rules regarding fishing ▪ Members are obliged to provide the organization with information about fishing status on a regular basis and report any incidents concerning fishing of shrimps and <i>P. argentius</i> ▪ Emphasize the importance of monitoring and surveillance equipment
	Fishing in forbidden area (Kuwait bay and 3 nm zone)	Require remote monitoring system on the fishing boats	
	Communication problems with foreign fishers	Providing proper regulation manuals in different languages	
	Catching shrimp during breeding season with some neighbouring countries	Unify the breeding seasons among the countries	
	Catching the Zubaidy (<i>Pampus argentius</i>) problems	Active communication between Kuwait – Iraq – Iran	
	Fishing for Zubaidy during the breeding period	There should be stricter regulations and punishment	
Saudi Arabia	IUU fishing of Bahraini boats	Regulating season between neighbouring countries	<ul style="list-style-type: none"> ▪ Doing with all previous studies and suggestion
	IUU fishing of pleasure boats	Determination of the quantities	
	Bycatch dumping	Using methods that lead to a decrease of bycatch as well as studies on mesh size	
Bahrain	Illegal fishing : 1. Unauthorized gears 2. Fishing without license 3. Catch in closed season	Political will to implement the fisheries law no. 20 for the year 2002	<ul style="list-style-type: none"> ▪ Closing seasons for commercial species (i.e. groupers, kingfish) in GCC countries or ROPME sea area ▪ Uniformity of fisheries regulations in GCC countries and if possible in ROPME sea area ▪ Improve communication between member States regarding shared stocks ▪ Encourage marine protected areas in all countries ▪ Provide human resources budget and training to control illegal fisheries ▪ Financial compensation to solve the overfishing problem in the Gulf region ▪ All countries in the Gulf should implement the same guidelines in their countries for the benefit of the public
	Unreported fishing from recreational sector	Provide logistics and resources to enable the officials to collect data	
	Unregulated fishing: 1. Catch of fingerling 2. Catch in protected areas 3. Catch without a permit	Implementation of laws, provide resources and enhance fisheries management	
	Target species: groupers; coral fishes; kingfish	Closing seasons / locations	
	Overfishing	Reduce number of licenses through compensation	
	Sand mining in fisheries grounds	Find other alternatives for sand filling and reduce pressure on dredging activities	
	Reclamation of shallow waters	Eliminate reclamation activities to allow marine resources to recover	
Limited unauthorized fishing in territorial waters	Increase marine control through satellite images		
Qatar	Recreational fishing is the only activity not reported in Qatar, which can affect fish statistics data	Regulation to manage and control recreational fishing and to collect fish catch data of recreational fishing boats in all fishing ports of Qatar	The implementation of VMS by all RECOFI Members for all fishing boats, including speed boat (recreational fishing) to strengthen control of fishing vessel and to combat IUU fishing

Countries	IUU fishing problem	Possible solutions	Possible RECOFI measures and action
Oman	Using unauthorized fishing boats in territory waters	Improve law enforcement activities and implement high penalties and punishments	<ul style="list-style-type: none"> ▪ Improved co-operation between members of RECOFI ▪ Strategic programming, tactical targeting and sampling strategy ▪ Extend use of modern technologies and comprehensive data validation system ▪ Standardized and coordination inspection activities and procedures at sea and on land (transport and market) ▪ Action plan for RECOFI Members to improve their implementation to combat IUU fishing ▪ Improve framework for port control system ▪ Sharing information about IUU fishing activities between RECOFI Members.
	Using prohibited fishing gears	Control markets and import boarders and cease all prohibited gears used by fishing boats and vessels	
	Fishing unauthorized species (seasonally species)	Improve law enforcement activities by control locale markets and exports and implement high penalties and punishments	
	Fishing without licences	Improve law enforcement activities	
	IUU fishing in EEZ and TW	Improve MCS by cooperation between national agents and implement high penalties and punishments	
	Re-export unauthorized species		

Basic data relevant to fisheries management and production in the RECOFI area

Country and indicator	BAHRAIN	ISLAMIC REPUBLIC OF IRAN	IRAQ	KUWAIT	OMAN	QATAR	SAUDI ARABIA	UNITED ARAB EMIRATES
COUNTRY AND BASIC FISHERIES DATA⁴								
Population	963 000	68.9 million	23.9 million	2.4 million	2.6 million	0.6 million	22.8 million	2.4 million (est)
Length of continental coastline (km)	590	2 700	50	195	3 150	563	2640	1318
Maritime zones and extent (nautical miles)								
▪ territorial sea								
▪ contiguous zone								
▪ exclusive economic zone								
▪ continental shelf								
Estimated number of persons involved in marine capture fisheries								
▪ artisanal and small-scale fisheries					30 00			
▪ industrial fisheries								
▪ fish processing of all types								
Fish for direct consumption ('000 tonnes live weight)								
▪ production	11	401	23	6	115	9	57	110
▪ imports	4	34	2	13	27	5	109	80
▪ exports	5	19	na	0.6	64	2	2	25
Values (USD)								
▪ gross value of fisheries output	17.9 million (est)	394.2 million	11.9 million	22.9 million (est)	180 million	26.9 million	69.8 million	32.5 million
▪ trade value of fisheries imports	6.6 million	80.6 million	337 000	21.2 million	13.8 million	6.3 million	131.0 million	105.4 million

⁴ Data extracted from FAO Fishery Country Profiles. Figures have been rounded in some cases. Data are for Bahrain (2001); Islamic Republic of Iran (2003); Iraq (2003); Kuwait (2001); Oman (2005); Qatar (2001); Saudi Arabia (2001) and United Arab Emirates (2001).

Country and indicator	BAHRAIN	ISLAMIC REPUBLIC OF IRAN	IRAQ	KUWAIT	OMAN	QATAR	SAUDI ARABIA	UNITED ARAB EMIRATES
▪ value of fisheries exports	9.9 million	69.0 million	97 000	2.4 million	102.8 million	1.9 million	10.5 million	61.0 million
INTERNATIONAL INSTRUMENTS⁵								
1982 UN Convention on the Law of the Sea ⁶	Yes	No	Yes	Yes	Yes	Yes	Yes	No
1993 FAO Compliance Agreement ⁷	No	No	No	No	No	No	No	No
1995 UN Fish Stocks Agreement ⁸	No	Yes	No	No	Yes	No	No	No
NPOA-IUU ⁹	No	No	No	No	Yes	No	No	No
NPOA-capacity								
MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS								
United Nations ¹⁰								
FAO ¹¹	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
RECOFI ¹²	No	Yes	No	Yes	Yes	Yes	Yes	Yes
IOTC ¹³	No	No	No	No	Yes	No	No	No
RESPONDED TO THE 1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES QUESTIONNAIRE (2000-2008)								
2008	No	Yes	No	Yes	Yes	Yes	No	No
2006	No	No	No	No	Yes	No	No	No
2004	No	No	Yes	No	Yes	Yes	No	No
2002	No	No	Yes	No	No	Yes	No	No
2000	Yes	Yes	Yes	Yes	No	Yes	No	Yes

⁵ As at 8 January 2009.

⁶ The 1982 UN Convention on the Law of the Sea entered into force on 16 November 1994.

⁷ The 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas entered into force on 24 April 2003.

⁸ The 1995 UN Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks entered into force on 11 December 2001.

⁹ According to information available to FAO on NPOAs-IUU.

¹⁰ Information taken from <http://www.un.org/members/list.shtml>

¹¹ Information taken from http://www.fao.org/unfao/govbodies/memberships3_en.asp

¹² Membership in RECOFI is open to acceptance by Members and Associate Members of the Organization as well as by non-member States of the FAO that are coastal States or Associate Members which territories are situated wholly or partly within the Agreement Area. The current membership is the Islamic Republic of Iran, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates. Bahrain and Iraq participate but have not yet accepted the 1999 Agreement. Information taken from <http://www.fao.org/fishery/rfb/recofi/2/en>

¹³ Information taken from <http://www.iotc.org/English/info/comstruct.php>

Reports of the working groups

How to deal with IUU fishing in the RECOFI region – tools for use by Members at national and regional levels

WORKING GROUP 1**NATIONAL LEVEL**

Constraint or problem	Tool for overcoming constraint or problem	Action to be taken	Expected results
SMALL-SCALE			
Violations of closed seasons and areas by national and foreign operators	MCS	To implement/strengthen MCS and VMS	Stock recovery
Unregulated recreational fishery	Data	To require the use of logbook to regulate vessel operations	Improve control over vessels
Handling bycatch	Data and information	To regulate bycatch	Stock recovery
Unreported bycatch	Data	To monitor market and landing site	Good reporting and improved biodiversity
Unreported catch in recreational fisheries	Data	To improve inspections and raise awareness	Good reporting
Misreported or underreported catches in national licensed fisheries	Information	To strengthen sanctions	Good reporting
INDUSTRIAL SCALE			
Unlicensed vessel operations in national waters by foreigners	Air and sea surveillance	To increase sea and air patrols	Conservation of resources and combating IUU fishing
Unlicensed vessel operations in national waters by national operators	Inspection	To expand awareness among violators	Conservation of resources and control of vessels
Use of illegal fishing gear by national and/or foreign operators	Data and inspection	To ban imports/customs	Conservation of resources
Excess national fishing capacity	Data	To reduce the number of fishing licences	Stock conservation

Constraint or problem	Tool for overcoming constraint or problem	Action to be taken	Expected results
Excess fishing capacity for shared resources	Data	To allocate catch shares among vessels	Stock Conservation
Basic management measures (e.g. minimum species sizes)	Inspection	To improve legislation and market control	Implementation of laws
Management frameworks for shared stocks	Scientific research	To promote cooperation and coordination	Sustainable fisheries

Notes:

- 1) Encourage GCC countries to develop a NPOA–IUU similar to the plan developed by the Sultanate Oman so that regional and shared stocks would be managed sustainably for future generations.
- 2) RECOFI advise is required in areas relating to the provision of technical assistance, human resource development/capacity building and to revise national legislation to bring it in line with requirements to combat IUU fishing.
- 3) Raise awareness among stakeholders including the fishing industries.

REGIONAL LEVEL

Constraint or problem	Tool for overcoming constraint or problem	Action to be taken	Expected results
SMALL-SCALE			
Misreported or underreported catches in national licensed fisheries	Data and inspection	To improve training for inspection and data collection	Enhanced database
INDUSTRIAL SCALE			
Unlicensed vessel operations in the RECOFI area	Air and surface surveillance	To strengthen sanctions	Combating IUU fishing
Unlicensed vessels operations in national waters by foreigners	Data	To strengthen sanctions	Reduce the number of violations and combat IUU fishing

Constraint or problem	Tool for overcoming constraint or problem	Action to be taken	Expected results
Violations of closed seasons by foreign operators	Information; patrol	To list vessels and strengthen sanctions	Reduce the number of violations and combat IUU fishing
Violations of closed seasons by national and foreign operators	VMS Information	To list vessels and strengthen sanctions	Improved stock management
Use of illegal fishing gear by national and/or foreign operators	Data; patrol	To carry out inspections on a regular basis and enhanced the awareness of inspectors	Improved stocks status
Excess fishing capacity for shared resources	Data; patrol	To allocate resource shares	Improved fisheries management
Management frameworks for shared stocks	Research	To continue to follow up research, result, data exchange and documentation	Promotion of sustainable fisheries

WORKING GROUP 2

NATIONAL LEVEL

Constraint or problem	Tool for overcoming constraint or problem	Action to be taken	Expected results
SMALL-SCALE			
Unlicensed vessel operations in the in national water by foreigners	Coastal radar; air and sea patrols	To implement VMS	Improved MCS in territorial water
Unlicensed vessel operations in the national water by national operators	Coastal radar; air and sea patrols	To improve law enforcement activities and implement higher penalties and punishments	Better control of fishing efforts and stock management
Violations of closed seasons by foreign operators	Coastal radar; air and sea patrols	To control fish entering local markets and for exports	Better control of fishing efforts and stock management
Violations of closed seasons and areas by national and foreign operators	Coastal radar; air and sea patrols	To control fish entering local markets and for exports	Better control of fishing efforts and stock management
Unregulated recreational fishery	Patrols	To inform the competent authority	Improved stock management
Unreported catch in recreational fisheries	VMS	To specify fishing gear and quotas	Obtain missing data

Constraint or problem	Tool for overcoming constraint or problem	Action to be taken	Expected results
INDUSTRIAL SCALE			
Use of illegal fishing gear by national and/or foreign operators	Patrols; port inspections	To support officers through training and the provision of modern equipments	Improved stock management
Excess fishing capacity	Data analysis	To determine catch quotas and control and regulate the issuing of new licensing	Sustainably managed stocks; minimized bycatch
Handling bycatch	Patrols; port inspections	To improve the selectivity of fishing gear	Decreased bycatch
Unreported bycatch	Patrols; reporting	To improve the selectivity of fishing gear and commence a programme for marine extension	Improved stock management

REGIONAL LEVEL

Constraint or problem	Tool for overcoming constraint or problem	Action to be taken	Expected results
SMALL-SCALE			
Unlicensed vessel operations in the RECOFI area	Coastal radar; sea and air surveillance	To implement VMS	Improved regional MCS.
INDUSTRIAL SCALE			
Basic management measures (e.g. minimum species sizes)	Data and information collection	To analyse data information	Define the proper parameters for managing stocks
Excess fishing capacity for shared resources	Coastal radar; sea and air surveillance	To secure agreement among countries involved for capacity management	Sustainably manage stocks
Management frameworks for shared stocks	Data collection and analysis	To conclude an agreement among affected countries	Sustainably manage stocks
Misreported or under-reported catches in national licensed fisheries	Port inspections	To educate fishers and train data collectors	More accurate data and statistics

This document contains the report of the FAO/RECOFI Regional Workshop to Combat Illegal, Unreported and Unregulated Fishing, which was held in Muscat, Oman, from 30 March to 2 April 2009. The objective of the Workshop was to develop national capacity and promote regional coordination so that countries would be better placed to combat illegal, unreported and unregulated (IUU) fishing activities, including through the development and implementation of relevant international fisheries instruments, taking appropriate measures at regional level and elaborating national plans of action to combat IUU fishing (NPOAs–IUU). The Workshop addressed: the nature, scope and impacts of IUU fishing; the international policy and framework to combat IUU fishing; the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; FAO Fisheries Technical Guidelines No. 9 and the development and role of NPOAs–IUU; port State measures to combat IUU fishing; the role of the flag State in combating IUU fishing; the state of fishery legislation in RECOFI Members and regional cooperation to defeat IUU fishing through regional fisheries management organizations or arrangements and regional plans of action to combat IUU fishing. Working groups were formed to enhance the participatory nature of the Workshop and as a means of engendering broader and deeper discussion on concepts and issues relating to IUU fishing. Participants considered a list of IUU fishing issues that had been distilled from discussion in the Workshop. For each issue they were requested to identify an appropriate tool for overcoming the constraint or problem, action to be taken and expected results for small-scale and industrial-scale fisheries at the national and regional levels. The final session of the Workshop entitled “Brainstorming: looking ahead – national, regional and international follow-up to the Workshop” sought to identify outcomes that could be addressed further by the RECOFI Working Group on Fisheries Management. Funding and support for the Workshop were provided by the FAO Regular Programme, RECOFI and the Governments of Oman and Sweden.

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