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## REGIONAL COMMISSION FOR FISHERIES

### Ninth Meeting of the Working Group on Fisheries Management

Kuwait, State of Kuwait, 24-26 November 2015

### Outcomes of the FAO regional workshop on the Port State Measures Agreement for the North West Indian Ocean

#### Executive Summary

The purpose of this paper is to provide information on the outcomes of the 'Regional workshop on the FAO 2009 Agreement on port State measures to combat, deter and eliminate illegal, unreported and unregulated fishing in the North West Indian Ocean', held in Colombo, Sri Lanka from 1 to 5 June 2015. In addition, this paper provides an update on the implementation of the PSMA globally and regionally, and highlights the role of RFMOs such as RECOFI in fighting IUU fishing.

#### The WGFM is invited to:

- Consider the outcomes of the regional FAO workshop on the port State measures agreement for the North West Indian Ocean, with particular reference to the requested role that RECOFI, as one of the relevant RFMOs in the North West Indian Ocean, plays in the implementation of the PSMA and combatting IUU fishing.

## BACKGROUND INFORMATION

Illegal, unreported and unregulated (IUU) fishing remains a major global threat to the long-term sustainable management of fisheries and the maintenance of productive and healthy ecosystems, as well as to the stable socio-economic condition of many of the world's fishing communities. Motivated by economic gain, IUU fishing takes advantage of corrupt administrations and exploits weak management regimes, especially those of developing countries lacking the capacity and resources for effective monitoring, control and surveillance (MCS). It is found in all types and dimensions of fisheries, occurs both on the high seas and in areas under national jurisdiction, concerns all aspects and stages of the capture and utilization of fish, and may sometimes be associated with organized crime.

The international community has put forward several initiatives, instruments and tools to combat IUU fishing worldwide in a cooperative way. Several countries, Regional Fishery Bodies (RFBs) and other international entities have engaged in a wide-range of initiatives over the years to implement the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). FAO is working on various fronts to combat IUU fishing through an integrated approach that includes awareness raising, knowledge building, and support to the development, adoption and implementation of global instruments such as the 2009 FAO Agreement on Port State Measures (PSMA). The worldwide implementation of the provisions of the PSMA, in conjunction with other tools such as the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), catch documentation schemes and other MCS tools, is believed to be one of the most cost-effective and efficient means of combating IUU fishing. Denying port entry to foreign fishing vessels engaged in IUU fishing and the prohibition of landing their catches are considered to be highly effective deterrents to the operators and owners of such vessels. In addition, the Voluntary Guidelines for Flag State Performance, recently endorsed by the FAO Committee on Fisheries, are expected to provide a valuable tool for strengthening compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels.

## EFFORTS TO COMBAT IUU FISHING IN THE RECOFI REGION

### *Regional workshops*

In December 2005, an FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate IUU Fishing (NPOA-IUU) in the Near East Region was held in Cairo, Egypt<sup>1</sup>. The purpose of the Workshop was to assist countries in the region to develop capacity to elaborate national plans of action to prevent, deter and eliminate IUU fishing. A review of the major IUU fishing problems in the region was undertaken and their possible solutions were also discussed. The Workshop agreed that, *inter alia*, the following action should be taken:

Another regional workshop focusing on combatting IUU fishing was held between 30 March and 2 April 2009 in Muscat, Oman<sup>2</sup>. The workshop had identified urgent national and regional actions to tackle the problem of IUU fishing which was contributing to the sharp decline of commercial species throughout the region. The workshop underlined that IUU fishing activities were widespread and included fishing during closed seasons, catching undersized species and the use of illegal gear. The workshop also 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.

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<sup>1</sup> FAO Fisheries Report No. 793 (Arabic: <ftp://ftp.fao.org/docrep/fao/009/a0459a/a0459a00.pdf> English: <ftp://ftp.fao.org/docrep/fao/009/a0459e/a0459e00.pdf> )

<sup>2</sup> FAO Fisheries and Aquaculture Report No. 903 <http://www.fao.org/3/a-i0917e.pdf>

### *IUU in RECOFI*

In the light of the outcomes of the 2009 workshop, RECOFI, at its fifth session, encouraged Members to take steps to combat IUU fishing and considered the development of a reporting system for IUU fishing violations. Such a reporting system was discussed at the third and fourth meetings of the WGFM, and after lengthy deliberations participants agreed on the need to conduct a feasibility study “to review the development of regional databases for violations, establish a list of vessels authorised to fish by Members and the establishment of an MCS information exchange scheme<sup>3</sup>”. However, the Sixth Session of RECOFI was unable to reach consensus on whether the study should proceed. As a compromise, the Commission had agreed that (i) the matter be revisited at the next meeting of the WGFM; (ii) the concept for the study be modified to incorporate, as a first step, preliminary assessments by Members of the extent of IUU fishing in their respective national jurisdiction; and (iii) a framework for future work related to IUU fishing, and how it should be addressed. As a follow up to this guidance, the WGFM agreed to carry out a survey on the status and extent of IUU fishing in their respective countries, however, to date, this initiative has not been undertaken. At the seventh session of RECOFI (May 2013), the Commission recognised once again the threats posed by IUU fishing to the sustainability of fisheries in the region and agreed on the drawing up a regional plan of action to combat IUU fishing through the RECOFI Working Group on Fisheries Management (WGFM). At its seventh meeting (November 2013), the WGFM recognised the urgent need for capacity development in port State measures in the region and agreed that a regional workshop should be organised within the framework of FAO’s global capacity development programme on the implementation of the 2009 FAO Agreement on Port State Measures and other related instruments which aim to combat IUU fishing. At the eighth meeting of the WGFM, it was noted that a regional workshop would be organized in early 2015 for coastal countries of the north west Indian Ocean and including all RECOFI member countries.

## **PORT STATE MEASURES AGREEMENT**

### *Capacity development*

At its 31st Session in June 2014, the FAO Committee on Fisheries (COFI) emphasized the importance of the coming into force of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing as soon as possible. COFI also encouraged FAO to continue with the delivery of its capacity development programme to strengthen and harmonize port State measures. The Arabian Sea, including the RECOFI area, Red Sea and Gulf of Aden, was identified as a priority region in this capacity development programme which is currently largely supported by a project funded by the Norwegian government. In this respect, and considering RECOFI’s appeal, FAO, in collaboration with the RECOFI Secretariat and other regional and international entities, convened a regional workshop in Colombo, Sri Lanka from 1 to 5 June 2015 for the coastal countries of the North West Indian Ocean. The workshop was attended by 42 representatives from 15 coastal countries of the North West Indian Ocean (Arabian Sea and adjacent seas and gulfs), in addition to representatives from non-governmental organizations (NGOs), 1 intergovernmental organization, 1 regional fishery management organization (RECOFI) and a representative from the European Commission. Participation from RECOFI member countries included Iran (I.R.), Iraq, Oman, Bahrain, Saudi Arabia and Qatar.

The main objective of the regional workshop was to improve the understanding of the provisions of the PSMA, to highlight the policy, legal, institutional and operational requirements for effective implementation of the provisions, and to enhance the necessary skills of national officers in the implementation of port State measures.

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<sup>3</sup> Terms of reference drafted by the Ministry of Fisheries Wealth, Sultanate of Oman.

The workshop participants formulated recommendations based on three components: *legal and policy*, *operational*, and *institutional and capacity development*, in the above-mentioned working groups. Recommendations were made under each of these categories with reference to national level and regional level.

With regards to legal and policy recommendations, these included: ensuring there is a minimum legal framework so that the Agreement can be implemented, facilitating internal measures to convince the decision-makers of the importance and effectiveness of PSMA, cooperating with international organizations to persuade countries to accede to the Agreement, and encouraging member states of regional organizations to actively enhance the role the organizations play in the implementation of the Agreement.

High priority operational recommendations included: conducting awareness programs at the national level to educate stakeholders, coordinating between relevant authorities at the national level, conducting a gap analysis for relevant laws and regulations at the national level, harmonizing legislation, implementing the PSMA through regional fisheries management organizations (RFMOs), and establishing capacity building programs for fisheries legislatures at the regional level.

Recommendations with regards to institutional and capacity development, which participants agreed were high priority, included: sensitizing key stakeholders on the importance of PSMA and the consequences of not implementing the Agreement, and implementing regular training programs and evaluation for relevant officials. Recommendations at the regional level included bettering regional cooperation and coordination on issues related to the implementation of the PSMA, and establishing mechanisms to share information.

#### *Status of the PSMA globally and in the RECOFI Region*

As of November 12 2015, 13 countries have become party to the PSMA, while many other countries have pressed ahead with their internal procedures to become a Party to the Agreement, some of which being in an advanced stage. Of the RECOFI member countries, only Oman is party to the PSMA, which it accepted on 01/08/2013