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**FAO WORKSHOP ON IMPLEMENTING THE FAO AGREEMENT ON  
PORT STATE MEASURES TO PREVENT, DETER, AND ELIMINATE  
ILLEGAL, UNREPORTED AND UNREGULATED FISHING ON THE  
ATLANTIC COAST OF AFRICA**

**Praia, Cabo Verde, 20-24 July 2015**

FINAL DRAFT

Report of the  
FAO WORKSHOP ON IMPLEMENTING THE FAO AGREEMENT ON PORT STATE MEASURES TO  
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## **PREPARATION OF THIS DOCUMENT**

This is the final report of the Food and Agriculture Organization of the United Nations (FAO) workshop on implementing the 2009 FAO Agreement on port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, which was held in the Hotel Praiamar, Praia, Cabo Verde from 20 to 24 July 2015 for the African coastal countries of the Atlantic Ocean. Funding for the workshop was provided by the Norwegian Government through the project “Support to the effective application of the 2009 FAO Agreement on port State measures to combat illegal, unreported and unregulated fishing” (GCP/GLO/515/NOR).

FINAL DRAFT

FAO. Report of the FAO Workshop on Implementing the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing on the Atlantic coast of Africa, 20 to 24 July 2015. FAO Fisheries and Aquaculture Report. No. 1135. Rome, FAO. 2016. 35pp.

### **Abstract**

This document contains the report of the FAO workshop on Implementing the 2009 FAO Agreement on port State measures to prevent deter and eliminate illegal, unreported and unregulated fishing (“the Agreement”) was held at the Hotel Atlantica Praia Mar, Praia, Cabo Verde from 20 to 24 July 2015. The workshop was attended by 44 participants from 16 African coastal countries of Atlantic Ocean, in addition to representatives from three non-governmental organizations (NGOs), one intergovernmental organization, two regional fishery management organizations (RFMO) and two representatives from the European Commission. The workshop is organized 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. The workshop agenda included a number of items to inform the participants on the provisions and requirements of the PSMA, as well as the costs and benefits. The second half of the workshop brought the participants together in working groups to discuss challenges and recommendations in the region in terms of legal and policy, institutional and capacity building, operations, and finally regional cooperation. Funding for the workshop was provided by the Norwegian Government through the project “Support to the effective application of the 2009 FAO Agreement on port State measures to combat illegal, unreported and unregulated fishing” (GCP/GLO/515/NOR)

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FINAL DRAFT

## **WORKSHOP OPENING AND INTRODUCTION**

1. The Food and Agriculture Organization of the United Nations (FAO) workshop on *Implementing the 2009 FAO Agreement on port State measures to prevent deter and eliminate illegal, unreported and unregulated fishing* (“the Agreement”) was held at the Hotel Atlantica Praia Mar, Praia, Cabo Verde from 20 to 24 July 2015. The workshop was attended by 44 participants from 16 African coastal countries of Atlantic Ocean, in addition to representatives from three non-governmental organizations (NGOs), one intergovernmental organization, two regional fishery management organizations (RFMO) and two representatives from the European Commission. Participation from the FAO secretariat totalled seven people. A list of participants and support staff is attached as Appendix 2.

2. Mr Remi Nono Womdin, FAO Representative for Cabo Verde made a welcoming address, thanking the Government of Cabo Verde for graciously accepting FAO’s request to host this important workshop. He noted that this workshop is a timely event, as workshop participants can take advantage of many of the initiatives that are currently being developed at the national and regional level and share experiences and knowledge on existing and proposed policies and tools. He emphasized that the ratification and implementation of the Agreement by the countries in the region is strongly encouraged and that this would send a signal to the world that the region is serious in their desire to fight illegal, unreported and unregulated (IUU) fishing and to take the lead in considering various options to achieve this. His speech is attached below in Appendix 4.

3. Honorable Dr. Sara Maria Duarte Lopes, Minister of Infrastructure and Marine Economy, delivered an opening statement. She welcomed workshop participants to Cabo Verde and highlighted that the government of Cabo Verde places a high priority on ensuring the sustainability of its marine resources. She noted that IUU fishing is a phenomenon which adversely affects not only marine resources but also the livelihoods of those who depend on these resources, and reiterated the commitment of Cabo Verde in fighting IUU fishing and ensuring fisheries management works to maximize the contribution of the fisheries sector to the country.

4. Matthew Camilleri, Workshop Technical Secretary and Fisheries Liaison Officer, FAO Rome, introduced the workshop, including the structure and objectives of the workshop. He drew attention to the fact that this workshop is one of a series of regional workshops being held globally. He highlighted that the objectives of this workshop are to, raise awareness on the negative effects of IUU fishing and the benefits of developing and integrating strengthened and coordinated port State measures into existing monitoring, control and surveillance (MCS) tools; inform relevant stakeholders of the provisions and requirements of the Port State Measures Agreement (PSMA); and identification of the needs and challenges for the implementation of the PSMA at national and regional levels. Mr Camilleri then played a multimedia presentation entitled, “2009 FAO Agreement on port State measures”.

5. The administrative and organizational aspects of the meeting were discussed, and the agenda adopted. The agenda for the workshop is attached in Appendix 1 and the list of documents is attached in Appendix 3.

## **UNDERSTANDING PORT STATE MEASURES**

### **The Big Picture: Background and status of the Port State Measures Agreement and overview of port State measures in the global context.**

6. Mr Camilleri delivered a presentation introducing the 2009 FAO Agreement on Port State Measures (PSMA), highlighting how it fits within the framework of other binding and non-binding international instruments regarding fisheries management generally and those that address IUU fishing specifically. Particular attention was drawn to the 1982 UN Convention on the Law of the Sea (UNCLOS), the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement), and the FAO Code of Conduct for Responsible Fisheries (Code of Conduct, 1995). Additionally, the instruments which are particularly complementary to the PSMA were introduced, namely the International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), and the Voluntary Guidelines for Flag State Performance (2013). An overview of the provisions and main parts of the PSMA were presented, highlighting that these would be discussed in detail over the course of the workshop. The status of the PSMA was highlighted, noting that as of July 2015, only 12 States had become party to the Agreement, noting that the Agreement would enter into force 30 days after the 25<sup>th</sup> instrument of adherence was deposited with the FAO Director-General. Further, Mr Camilleri drew attention to the fact that to date only Gabon had become party to the Agreement of those participating in the workshop.

7. The discussion that followed included a number of operational and legal questions. The point was raised that the Agreement specifies the procedure for making a decision whether to allow entry into port, use of port and guidance on the inspections, however it does not specify the recommended course of action to follow the inspection, should IUU fishing be detected. Additionally questions were raised as to the level of proof of IUU required to deny entry to, or use of, port. The responses highlighted the importance of including specific cases into national legislation so that the inspector and national authorities know exactly what procedures can be applied, depending on the case. It was noted that it is up to the port State to decide what to do according to the provisions of the national legislation, but this needs to be included into the national legislation for the control authorities to be able to take action backed by the law. These specifications are not part of the PSMA. The information should also be transmitted to the flag State, which also could take action against the vessel within its rights and responsibilities as a flag State.

### **Overview of the provisions of the Port State Measures Agreement**

8. Mr Terje Lobach, FAO Consultant, presented a comprehensive overview of the FAO PSMA. He explained the overall framework and elaborated on the general provisions and requirements for entry into port, use of ports, inspections and follow-up actions, the role of flag

States and the provision that addresses the situation and needs of developing States. He focused in particular on the actions to be taken pursuant to the agreement and noted that those are minimum standards. He further underlined the importance of national integration and coordination as well as international cooperation and exchange of information.

9. In the following discussion, a number of issues were raised and clarified. The discussion began with discussing the merits of fisheries inspections at port rather than at sea, and then noting that many of the provisions contained within the PSMA are already existing in the national laws of some countries, which will make it easier to implement the Agreement. It was also noted that African countries led negotiations during the development of the Agreement to create an exception for neighbouring countries to be excluded from the provisions of the Agreement based on the fact that many would be carrying out subsistence fisheries. In these cases there are bilateral agreements. It was also raised whether it is better to allow entry into port to inspect vessels when there are doubts about IUU fishing rather than to deny entry; in response it was noted that port inspection and resulting actions are the ideal case, however the port State may not always have the capacity to deal with these cases in which case denial to enter the port as a minimum creates an inconvenience to the IUU vessels, as they will then need to travel further to find a port to land their catch. A point was also raised on the importance of including reefer vessels in the Agreement, which is covered under transport vessels at the first point of landing.

10. The discussion progressed, where it was noted that the port State has full sovereignty to decide which vessels, if any, enters its ports and the only exceptions to this are force majeure and the safety of the crew. Additionally, clarification was requested as to the role of a shipping agent requesting the permit for a vessel to enter an exclusive economic zone (EEZ); the response noted that the agent is equivalent to the vessel.

### **Introduction to national policy and laws needed to implement the Agreement**

11. Mr. Blaise Kuemlangan gave a presentation on the general policy and law considerations for implementing the Port State Measures Agreement. By way of introduction, he pointed to Article 38 (1) of the Statutes of the International Court of Justice as reference for the sources of international law. These include: a) international conventions, agreements, treaties (expressly recognized by States); b) international custom; c) the general principles of law recognized by civilized nations; d) judicial decisions and the teachings of the most highly qualified publicists. He explained that international law applies to States and international entities only and not individuals. In order for the requirements or principles of international to apply to individuals, such international law must be reflected in and applied through national policies and laws. States as the principal subjects of international law must be seen to give effect to principles and requirements of international law. Therefore, agreements such as the Port State Measures Agreement must be reflected in national policies and laws as the principal means by States to give effect to international law.

12. In order to illustrate the point that States must act to ensure that they honor their responsibilities as principal actors in international law, Mr. Kuemlangan referred to the recent

advisory opinion of the International Tribunal on the Law of the Sea in April 2015 which sets out flag State responsibilities in the context of combating IUU fishing. The tribunal opined that the flag State responsibility as stated in relevant fisheries international agreements requires States to act to ensure that IUU fishing does not occur and not necessarily that the act will actually result in fighting IUU fishing. National policies and laws that are put in place by States are good indicators that such States have dispensed their duty to act. It is therefore paramount that States who wish to implement the Port State Measures agreement initiate the establishment of laws and policies that implement the Agreement.

### **Regional fisheries cooperation – IUU fishing challenges in the region and mechanisms for MCS**

13. Piero Mannini, Senior Liaison Officer, FAO, addressed the role of regional fisheries cooperation to combat IUU fishing in the region. He pointed out the role of regional cooperation as essential to combat IUU fishing and iterated that key United Nations agreements and recommendations indicate the main mechanism for organizing this cooperative management on fisheries sustainability is through international bodies such as regional fisheries management organizations (RFMOs). Moreover, UNCLOS invites States to create such organizations where they do not exist, and suggests that cooperation can take place directly or through appropriate international, regional or sub regional fisheries organizations, whatever the geographical scale. Mr Mannini also highlighted that the Code of Conduct for Responsible Fisheries (CCRF) states that for transboundary fish stocks, straddling fish stocks, highly migratory fish stocks and high seas fish stocks, where these are exploited by two or more States, the States concerned should cooperate to ensure effective conservation and management of the resources, and that this should be achieved, where appropriate, through the establishment of a bilateral, subregional or regional fisheries management organizations or arrangement.

14. Reference was made to the RFB/RFMOs with overlapping convention areas and mandates in this particular area. It was noted that countries many of African coastal countries were members of three to four of these bodies. The activities of these bodies in combatting IUU fishing was noted, and Mr Mannini further highlighted the importance of coordinating this work to ensure maximizing their effectiveness and the utility for the establishment of regional coordination for implementing the PSMA along the Atlantic coast of Africa.

15. Abdelouahed Benabbou, Executive Secretary, COMHAFAT/ATLAFCO delivered a presentation on the activities related to IUU fishing. He began by emphasizing the importance of this workshop which represented a new impetus for States of the region to become party to this Agreement. He followed by highlighting that the importance of fishing along the Atlantic coast of Africa is undermined by also having some of the highest levels of IUU fishing in the world in proportion of the total catch in the region. He noted that COMHAFAT/ATLAFCO as a regional fisheries cooperation organization in the West African coastal region organization, is strongly committed to fight against IUU fishing. Mr Benabbou drew attention to the Rabat Declaration which was adopted by the Conference of Ministers and which enshrines the commitment of member states to do everything possible to fight effectively against this scourge. In this context and given the various initiatives taken at national or sub-regional level unanswered tangible effect, a Memorandum of Understanding was signed between the various

institutions operating in our area. The MoU was formulated on the basis of a common program, in which the fight against IUU fishing comprises an important component, and emphasizes better coordination of actions and more harmonized and rationalized resources mobilized.

16. Mr Benabbou informed the workshop of the formalization of an agreement to exchange information with the GFCM on vessels likely to commit acts of illegal fishing in COMHAFAT/ATLAFCO area. Further he noted an upcoming COMHAFAT/ATLAFCO workshop on MCS, and outlined an action plan being developed to improve the capacity of COMHAFAT/ATLAFCO in the fight against IUU fishing.

17. Mr Taoufik El Ktiri, PWG Chair, International Commission for the Conservation of the Atlantic Tuna (ICCAT), delivered a presentation on the initiatives ICCAT has been undertaking to combat IUU fishing. In particular, he noted the recommendation by ICCAT on a program for transshipment (Rec. 12-06), which stipulates that all transshipments of species covered by ICCAT must take place in ports, unless they are the subject of a follow-up within the framework of the regional program of transshipments. He also outlined the Regional Observer Program of the ICCAT for Bluefin tuna in the Eastern Atlantic and Mediterranean (ROP - BFT) as adopted.

#### **Linkages with other MCS tools**

18. Ms Alicia Mosteiro, Fisheries/MCS specialist, FAO, delivered a presentation entitled 'Linkages of port State measures with other MCS tools'. She began by introducing how the IPOA-IUU provides guidance on this by outlining the responsibilities for all States, flag, port, coastal and market, and how the principles of participation and coordination, transparency, and the implementation of an integrated approach to combatting IUU fishing are key. She further described the role of MCS guidance at the national and regional levels. At the national level, a number of MCS actions were recommended to be employed, including, but not limited to, records of all vessels, implementing vessel monitoring systems (VMS), observer programmes, and providing training and education to all persons involved in MCS operations. The role of the cooperation of States, through the relevant RFMOs was also emphasized, on exchanging data and information, investigations of IUU fishing, transferring expertise and knowledge and cooperation through international agreements. Examples of regional MCS tools were provided, including regional vessel records, region VMS, joint inspections schemes or procedures and regional MCS networks. Finally, at the global level Ms Mosteiro introduced the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (the Global Record), and its role as a tool for the implementation of the Agreement. She emphasized how the Global Record improves transparency and traceability of the information required, among others, by inspectors, to verify and validate vessel-related data or operations (risk analysis), thus being a key tool in the global exchange of certified information.

19. In the discussion which followed, the unique attributes of small-scale fisheries was raised, and whether a standard definition could be applied with reference to the Agreement. It clarified that there is not an international agreed upon definition of small scale or artisanal fisheries in terms of vessel size, and that national legislation would need to address this particular situation as it is at this level that small scale fisheries is defined.

## **Analysis of the cost/benefits of implementation of the FAO Agreement as a minimum standard in the region**

### *Costs and benefits of the implementation of the PSMA*

20. Ms. Alicia Mosteiro then presented the cost and benefits of the implementation of the agreement as a minimum standard for the region. In her presentation she touched upon the following issues: the situation of the agreement's implementation in the region, benefits and challenges of the agreement, reasons for non-ratification, cost and benefits of implementation, implications of non-ratification and assistance for implementation. In particular Ms Mosteiro also noted some of the reasons alleged by the countries for not implementing the Agreement. These reasons included: the lack of awareness by the administrations and governments of the implications to trade and of the benefits to management, outdated legal frameworks, need for cooperation between the countries, lack of political will, financial constraints, lack of cooperation between authorities, lack of training and the need for modern technology. Ms Mosteiro presented to the participants the benefits of the Agreement to effectively combat IUU fishing. These benefits included: reducing unfair competition from illegal fishers (promote legal fishers), contributing to the sustainability of the fisheries resources, securing legitimate income for fishers, strengthening fisheries governance and management, and improving the exchange of information at national and international level. At the end of her presentation Ms Mosteiro referred to Article 21 of the Agreement as a mechanism to support developing States in the implementation of the agreement.

### *Gabon*

21. Mr Paulin Mbeme Otsagha, Research Officer, Directorate of Legal Affairs and Surveillance, Gabon delivered a presentation on the experience of Gabon and port State measures. The presentation from Gabon focused on three areas, namely the presentation of physical assets and the state of the resource, the strategic vision for better fisheries management and the reforms to facilitate the implementation of the measures of the Agreement. It was noted that the status of the resource relates to the results of the last survey of the research vessel Fridtjof Nansen which showed stocks demonstrate a downward trend in the Gabonese fishery resources with regards to demersal stocks of main commercial species as well as pelagics. Further, the strategic vision of fisheries in terms of Gabon is based on the protection of marine ecosystems, the organization of sustainable fishing, respectful of ecosystems and landing 100 percent of catches and ensure these contribute to food sovereignty. Focusing on port State measures, Mr Otsagha highlighted that reforms undertaken to facilitate the implementation of port state measures were in terms of regulatory, institutional and operational aspects. Regulatory reforms included an updated fisheries act and implementing measures regarding VMS, discards, fishing areas and periods. Institutional reforms included creation and reorganization of different agencies with specific mandates, and operation reforms included strengthening fisheries monitoring and control means, and increasing the number of operational units to implement MCS.

22. The discussion focused on the presentation on Gabon, noting first a number of issues regarding its management plant and the challenge to implement adequate MCS with a lack of

resources. It was noted that scientific evaluation is weak in Gabon, particularly for demersal species and so the real potential of these species is not known. Further, the workshop was informed that as government is not sure about the level of the stock, the precautionary approach is applied and there is investment in both conservation measures and MCS to ensure the endurance of those stocks in the future.

23. Regarding the PSMA specifically, a question was raised whether Gabon had put legislation in place specifically for the implementation of the PSMA, for which the response was that even prior to the ratification of the PSMA, Gabon began anticipating the preparations. A relatively new fishing law, including dispositions for MCS tools to apply the international guidance on this was developed. Additionally, in Gabon there are specific dispositions relative to the implementation of the agreement. Gabon has also replied to the Code of Conduct questionnaire indicating all the MCS means they have put in place to support implementation of the Agreement. It was also noted that fisheries surveillance is currently a major concern for the government and that all administrations that have anything to do with the Maritime sector act together.

#### *South Africa*

24. Dino Govender, Chief Marine Conservation Inspector and Marisa Kashorte, Policy Analyst, South Africa, presented on the process that South Africa has undergone to become party to the PSMA. The accession process to the FAO's PSMA has been long and underway for approximately 5 years. It is at an advanced stage of the accession process however. South Africa strongly supports a legally binding instrument on port state measures and supports the drafting of a global record of IUU and authorised fishing vessels to complement mandatory port state measures. Further, South Africa understands that Port State Measures are only as effective as the countries that enforce them and that there are many countries that lack the resources to adequately enforce port state measures and their ports are well known to IUU fishers. South Africa has taken a decision that acceding to the FAO's Port State Measures Agreement and implementing its mechanisms to combat IUU for the protection of fisheries resources. To a large degree South Africa is already implementing most of the FAO's Port State Measures and is still committed to improve in this regards.

## **IMPLEMENTING PORT STATE MEASURES**

### **Summary of responses to the national questionnaire on port State measures**

25. Ms Lori Curtis, FAO Consultant, presented a summary of the responses to the questionnaire which was circulated prior to the workshop and is below as Appendix 5. This questionnaire was circulated to get a better understanding of the existing conditions in the region in terms of number of foreign vessels entering into port, as well as the legislative, institutional and operational capacity to implement port State measures in these countries. In total, 15 questionnaires were returned, 12 countries indicated that they had ports used by foreign fishing vessels, and three countries indicated that they did not have ports used by foreign fishing vessels. Of those countries that have ports used by foreign fishing vessels, the types of vessels included long-liners, seiners, and trawlers, of numerous nationalities. The main purpose of port

calls was for landing fish, followed by transshipment, refuelling, resupplying, maintenance, packaging and processing, as well as drydocking.

26. Of the 12 countries that have ports used by foreign fishing vessels, only one country indicated that it had denied vessels entry into port, while three countries indicated that vessels had been denied use of port after being granted entry. Reasons for denying the use of port included vessels entering port under false pretences, providing false documents, and vessels changing its name. Seven countries indicated that they have set levels of priorities for selecting foreign fishing vessels to inspect; explanations included that these were in line with obligations under a Regional Fishery Management Organization (RFMO), or that simply all vessels were inspected. Eleven of the twelve respondent countries indicated that there are standard operation procedures for inspections and they had a standard format for inspection reports.

27. The main constraints for effective port State measures included human capacity, interagency cooperation, inadequate information exchange and inadequate integration of other MCS tools. Regarding the existing legal conditions, the questionnaire responses generally indicated a legal framework that is in line with the implementation of the PSMA. For example, 10 of 12 countries indicated that their laws require both an advance request for permission to enter port and authorization for port entry. Nine countries indicated that their laws empower national authorities to deny a vessel entry into port and prohibit landings and transshipments if it was established that the catch was taken in manner that undermines the effectiveness of RFMO management measures. Additionally, more than 80 percent of countries indicated that their laws and regulations provided for the denial of the use of port in various circumstances coherent with what is required in the provisions of the PSMA.

28. Three countries that indicated they do not have ports used by foreign vessels. Of those, all indicated that they have bilateral MCS arrangements to undertake port State measures on their license foreign fishing vessels and two of the three indicated that their country cooperates in the implementation of regional MCS tools that support port State measures, such as regional observer programmes, surveillance activities and VMS. These countries indicated lack of awareness, inadequate infrastructure, financial constraints and lack of knowledge on implementation as the main constraints for adopting a regional arrangement on port State measures.

### **Introduction to operational procedures for port State measures**

29. Mr João Neves, Monitoring Control and Surveillance Officer of the North Atlantic Fisheries Commission (NEAFC), delivered a presentation addressing the operational steps that inspectors should consider when applying PSMA procedures. The presentation focused on data and information availability; on risk management prior to port entry with the presentation of basic risk matrix; and on inspection requirements and procedures (PSMA Annex B and C), and on the follow-up in case of infringement.

30. Mr. Neves stressed the importance of inter-agency coordination so as to operate in an efficient manner. He also noted the need to have systematic evaluation of inspection procedures and their timely amendment when considered necessary.

31. In the discussion that followed, it was noted that the risk matrix presented could also be used for liability; WWF gave the example of Australia, which provides annual detail reports on the methodologies applied, and any revisions to it. It was also raised that if a country does not have a risk matrix, it can use an already available one, and modified to the country's needs. Further discussion on the risk matrix noted that this tool helps to focus the inspection and also guides on the action that can be taken afterwards by the port State (allow entry or not, inspect or not, etc). It was discussed whether a port State can refuse entry to port based on the risk analysis explained in the presentation; the response was that each port State has every authority to decide what can and cannot be done in the port, and who can enter the port. It was further elaborated that the port State can even refuse entry to port without any evidence of IUU fishing and that writing what is needed into national law makes things clear for all parties. The exceptions of force majeure and the wellbeing of the crew were also noted.

32. It was also noted that some countries carry out inspections prior to allocating a fishing license, and that this is efficient, but questioned the effectiveness of carrying out the inspections afterwards in terms of preventing IUU. The response noted that inspection prior to fishing is normally an administrative inspection focusing mainly on documentation and has a different objective than carrying the inspection afterwards. There are different types of inspections (at port, at sea, prior to fishing, etc) and they all have different objectives. The PSMA focuses on foreign vessels coming to a port, and thus normally in that situation there is no possibility of carrying out inspections before the fishing activity.

### **Guidelines/checklists for implementing port State measures: legal, policy, institutional**

33. Mr Lobach delivered a presentation that introduced general considerations on the need for policy and legal frameworks as well as how to strengthen the institutional capacity and coordination to support implementation of port State measures. He emphasized that a strategy for implementation of the PSMA would need to assess the current policy, legal, and institutional frameworks and take appropriate actions. In this regard, he noted the considerations to be undertaken in order to develop such a policy and highlighted the provisions of the agreement that would need to be implemented within a domestic legal framework, and he also suggested ways to address possible institutional constraints.

### **Template for the development of national legislation for the implementation of the PSMA**

34. Mr Blaise Kuemlangan presented a template, which has been developed by the FAO/GEF Common Oceans Program to meet countries' challenges when developing and preparing national legislation to implement the agreement. The legislative template is generic, and can be adapted to different legal systems and national legal instruments. It consists of core provisions implemented directly from the FAO Agreement and supporting provisions. Mr Kuemlangan identified three steps in the analysis: Step A: review national fisheries legislation, prepare a checklist and recommendations, STEP B: Review national procedures, prepare a checklist and recommendations, STEP C: review other related national legislation and procedures to guarantee consistency. An important aspect to take into account when developing the legislation will be to identify the evidentiary standards for the country-- it is recommended that applicable

national evidentiary standards be used as long as they are consistent with those in the instrument. The core provisions Mr Kuemlangan referred to included: the designation of ports, prerequisites for entry or use of ports, conduct of inspections, force majeure or distress, and penalties and sanctions.

### **Guidelines/checklists for implementing port State measures: operational, capacity development**

35. Mr Kuemlangan made a presentation on the Guidelines for the implementation of port State measures in relation to the development of operational capacity. Mr Kuemlangan provided an overview of the agreements, mechanisms and actions needed to make port State measures operative. He emphasized that the Agreement is based on existing international law principles, particularly, on the sovereignty of States over their ports. In this regard the Agreement sets forth principles to assure that port States apply measures to prevent, deter and eliminate IUU fishing. Mr Kuemlangan added that the Agreement is more operational than other fisheries agreements. Many of the measures contained therein may be implemented unilaterally by the port State. Mr Kuemlangan referred to the Operational Guidelines prepared by FAO, FAO's Circular 1074, Appendix 9, and encouraged participants to use the Guidelines to analyse the operational gaps and needs in the implementation of port State measures.

### **Initiatives of other regional and international organizations**

#### *World Wildlife Fund*

36. Michele Kuruc, Vice-President, Ocean Policy, World Wildlife Fund delivered a presentation on the initiatives of the WWF in this area. She noted that a variety of technical tools exist to assist with detecting and fighting IUU. These tools will continue to be of great benefit when the Port State Measures Agreement comes into effect. The World Wildlife Fund, a global non-governmental organization, presented a broad overview of some of the most pertinent tools it has been piloting and supporting in Africa and in other regions around the world. This range included widely available vessel monitoring tools such as the Automatic Identification System (AIS) and VMS with an emphasis on analyzing and use of the data once collected, and also included whale tagging, using colored diodes on gillnets to keep protected sea turtles from getting caught in nets and drowning as bycatch, trade data analysis methodology, traceability projects, mobile apps for real-time data collection on IUU activity sighting, vessel catch and other important data fields, electronic monitoring systems with video cameras, and others. Ms Kuruc also informed the workshop that the United States has announced that it is closing its markets to IUU products. A brief update on the direction of that process was provided. Finally, an influential newspaper, the International New York Times, published an in-depth, multi-part, front page series on crimes at sea, during the week of the workshop, bringing attention to many of the issues the participants have been discussing.

#### *European Union*

37. Ms Louize Hill, IUU Fishing Team, delivered a presentation highlighting the role the EU is playing to fight IUU fishing. She began by noting that the EU is the world's biggest high value market for fisheries products with approximately 60 percent of fisheries products

consumed in the EU imported. Several international tools exist to fight IUU fishing: in order to implement its international obligations in line with these tools, the EU adopted the EU IUU Regulation in 2008 that entered into force in 2010. This Regulation forms part of the control pillar of the EU Common Fisheries Policy alongside the Control Regulation and the Fishing Agreements Regulation which control the activities of EU vessels in EU and international waters. The EU IUU Regulation provides a legal framework to control imports into the EU. States that wish to trade fisheries products with the EU must submit a Flag State Notification: presently around 92 countries are notified under the IUU Regulation. Every fisheries product imported into the EU must be accompanied by a Catch Certificate validated by the flag State and that follows the fish from the vessel, through any potential processing to the EU market. Effective implementation of the EU IUU Regulation is based on cooperation and collaboration between the European Commission, EU Member States, third countries and stakeholders and a number of tools exist to facilitate this cooperation, in particular the system of Mutual Assistance. This system allows the exchange of information and alerts can be issued allowing for the investigation of situations of risk, reducing the likelihood of IUU fisheries products reaching the EU market.

38. Another aspect of the EU IUU Regulation is the cooperation with third countries and possible listing of non-cooperating countries. At present the EU is in dialogue with over 50 countries, of these 18 have been warned of the risk of non-cooperation (pre-identification) and 4 have been identified and subsequently listed leading to trade measures. This process is dynamic and continuous and countries that show tangible progress can have the pre-identification status lifted or be delisted. This dialogue process has contributed to creating a new dynamic in fisheries governance in many countries and improved traceability. Moving forward, the EU supports global tools to fight IUU fishing including the Global Vessel Register and the FAO Catch Documentation Scheme; it promotes full implementation of the IPOA-IUU and adherence to the PSMA by all countries. Finally it promotes improved regional cooperation and collaboration in the areas of fisheries control and maritime security.

### *InfoPêche*

39. El Malagui Mohamed, Directeur D'INFOPECHE, delivered a presentation on the work that INFOPECHE has undertaken in fighting IUU fishing in the region. He introduced INFOPECHE as an Intergovernmental Organisation for Information and Cooperation on Fisheries Products Marketing in Africa, noting that it covers 29 countries, mostly in Africa. Its tasks are, among others, to provide information on fisheries products markets, including opportunities and supply prospects within and outside of Africa. For this, the institution has a network of information and communication supported by focal points in member countries.

40. This exchange and communication device enables it to play a crucial role in the fight against illegal unreported and unregulated fishing in particular in the fight against the trade of fishery products from IUU assumed. INFOPECHE plays a role in capacity building and awareness of the contracting parties and non-cooperating countries in the sustainable and concerted management of fishery resources, responsible fisheries and definition of optimal use strategies of marine resources. Its role is also to make available to the member countries its

expertise to help non-cooperating countries to get out of this situation and fight against IUU fishing. INFOPECHE is also aware of the impact of IUU fishing on fish trade and it is based on this that they plan their activities in Africa to fight against this phenomenon.

*Convention on the International Trade of Endangered Species (CITES)*

41. Ms Lori Curtis delivered a presentation on behalf of CITES, who could not be present at the workshop. She highlighted that CITES is a legally binding international agreement with 181 States Parties, which regulates international trade in specimens of wild animals and plants to ensure that such trade is legal, sustainable and traceable. The presentation outlined the type of CITES trade transactions most relevant in the context of the 2009 FAO Port State Measures Agreement, the corresponding existing provisions that apply to marine species listed under the Convention, in particular sharks and manta rays, and highlighted the synergies between the two instruments.

*FAO Sub Regional Office, Gabon*

42. Ms. Sonia Potso Koyo, Fisheries Expert, FAO Sub Regional Office Gabon delivered a presentation on the Technical Cooperation Programme (TCPf/GAB/3501) on "Strengthening capabilities against IUU fishing in Gabon." The Gabonese government issued a petition to the office of FAO sub-regional whose purpose was to help thwart the fight against IUU fishing has become a global scourge. The Gabon strength of its fishing potential has difficulties in controlling fishing activities and also with the creation of a new institutional framework, the National Agency of Fisheries and Aquaculture (NAFA) needs to strengthen the system of monitoring control and surveillance are felt. The project will therefore enable capacity: human capacity in the administration and operation of VMS, AIS, ERS (electronic logbooks), programming capacity, monitoring, evaluation and optimization of the MCS activities and finally strengthening coordination capacities of monitoring, control units and monitoring with institutions engaged in monitoring control and surveillance. The project is in the development stage.

**Development of a Guide for the implementation of international legal and policy instruments related to deep-sea fisheries and biodiversity conservation in areas beyond national jurisdiction**

43. Mr Lobach described component 1 of the GEF/FAO Deep Sea ABNJ Project which objective is to enhance sustainability in the use of deep-sea living resources and biodiversity conservation through the improved application of existing legal and policy instruments and best practises. He then focused on the development of an implementation guide, which would translate relevant provisions of instruments and best practices into practical drafting options for implementation in national frameworks and he provided an overview of global treaties and global "soft law" instruments, including indications about some relevant elements and provisions of those.

## **Port State Control**

44. Richard Owolabi, Technical Head, Memorandum Of Understanding On Port State Control For West And Central African Region (Abuja MoU), delivered a presentation on the objectives and status of the Abuja MoU. He highlighted that the Abuja MoU's Mission is to maintain a harmonized port State control inspection procedure for the region aimed at the reduction and eventual elimination of substandard ships, prevention of marine pollution and improvement of the living and working conditions of seafarers aboard ships. He introduced the concept of Port state control as the inspection of foreign ships visiting the port of another country. The purpose of the inspection is to determine the compliance level of the ships with relevant international conventions and codes governing maritime safety, marine pollution and the living and working conditions of seafarers on board ships. Further, he noted a number of critical success factors for effective port State control, including the development of harmonized port State procedures in all port States of the region, a modern and functional automated information database, and professional, well trained port State control officers.

### **Operational case studies and experience**

45. Mr Neves gave an overview of the measures adopted by NEAFC regarding requirements and procedures of port States and described two specific case studies providing a chronological review. An analysis of the monitoring, control and surveillance systems before and after introducing the IUU fishing concept (2004) was conducted as well as before and after introducing port State measures (2007).

46. The discussion that ensued focused on the role of total allowable catches (TACs), quotas and discards. It was noted that discards are no longer allowed in the EU. The fish caught by NEAFC members comes from NEAFC convention area or the EEZs of the members. If the fish is caught in third countries waters, they do not fall under the remit of NEAFC. With regards to the transshipment a notification has to be sent prior to the operation taking place. The compliance of that specific rule is done through matching of data annually.

### **Good governance and port State measures**

47. Mr Lobach delivered a presentation on the importance of good governance in implementing sound fisheries management and effective port State measures. He highlighted principles leading to good governance and factors that have adverse impacts on governance, including conflict of interest, in particular corruption. Concerning corruption, he explained the various types, risk areas and possible players in the context of port State measures. He also addressed ways to increase the understanding among decision makers of the advantage of port State measures, the fundamental need for governments to establish a policy on port State measures and to give due consideration of the capacity and resources required for their implementation

## **OUTCOMES OF THE WORKING GROUPS**

48. The third and fourth days of the workshop were dedicated to working in groups. Participants were divided into four working groups taking into consideration the diversity of profiles and gender equality. The working groups analysed port State measures from the legal,

operational, institutional and capacity building, and regional cooperation perspectives. Participants were invited to identify national and regional strengths and weaknesses, and to propose actions to overcome identified weaknesses. Final recommendations from the different working groups are listed in Appendix 7. The workshop participants formulated recommendations based on the four components: *legal and policy*, *operational*, and *institutional and capacity development*, and *regional cooperation* in the above-mentioned working groups. Recommendations were made under each of these categories with reference to national level and regional level.

49. With regards to *legal and policy* recommendations, at the national level these included: the incorporation into domestic law of the measures of prevention and fight against IUU fishing through appropriate measures (MCS responsibility of port States and flag States); and creating a fund for the financing of actions against IUU fishing;

50. The recommendations pertaining to *institutional and capacity building* included at the national level: Assisting countries on the implementation of feasibility studies and mobilization of funding from donors for building of port infrastructure; budgeting for training all the agents involved in fisheries inspections and seek external funding and technical support; develop MoUs between different administrations and develop a strategy to acquire the appropriate equipment. At the regional level these included developing a regional plan to fight against IUU fishing, regional training, the promotion of adherence to the PSMA at the regional level and the incorporation of relevant provisions of the PSMA in regional conventions.

51. The recommendations regarding *operational* aspects were focused on assessments and fact-finding in order to ensure that comprehensive actions were taken to address the challenges faced at both the national level and regional level. It was recommended that these assessments would be undertaken both by countries themselves (self-assessments) and by FAO.

52. Finally, with regards to *regional cooperation* the recommendations included: awareness campaigns on the harmful effects of IUU fishing, and the value of adopting the agreement on the PSMA, formulate an MoU to support the coordination between institutions and RFMOs, request FAO assistance to better support to operationalize existing tools through institutions and RFMOs, and the establishment of a regional fund for the implementation of regional cooperation.

53. There was some discussion after each group presented. After the group which addressed legal and policy issues presented, the Michele Kuruc of WWF, a former fisheries prosecutor, described the system used in the United States, where the seminal fisheries law provides that all fish taken or retained in any manner or in connection with or as a result of any prohibited act can be seized and forfeited to the government. She also described how the forfeited fish is often auctioned afterwards by the government and that the sale can be to anyone, including the violator. She stressed that fish is a commodity and not contraband per se. Sometimes the forfeited product is donated to the poor or in certain cases it will be destroyed. Also found in the same US law is a provision allowing the proceeds of seized assets to be used by the authorities for specified purposes such as necessary equipment, training, travel, witnesses and

contract services directly related to investigations and prosecutions dealing with fish. Other governments which have adopted similar statutory provisions have adopted formulas that work best for them, such as committing a portion of the proceeds to the general treasury of the country and committing a portion to fisheries enforcement.

54. Following the presentation from the group working on institutional and capacity building, it was noted that feasibility studies can be undertaken on ports before designating them to be a part of the PSMA and that the more important designation is to ensure that you meet the obligations in respect of capacity to do inspections and not in terms of profitability. With regards to the regional level, it was noted that there is lack of coordination among RFBs. There is strong proliferation of bodies in this region so their collaboration should be encouraged through political will, follow up actions, etc. to ensure that IUU fishing is addressed adequately.

55. In the discussion which followed the group working on operational issues sharing of resources, it was noted that there is often a concern in sharing the information and that there are some experiences in shared databases, in which there is an agreement to give different permissions (with different access) only to relevant information and not to all. This eases the concern in most cases. For example, for investigation some information may be needed from customs, etc

56. Finally, in the discussion which followed the group on regional coordination it was noted that regional cooperation is an excellent way to address IUU fishing in the region. As there are already many RFBs/RFMOs in the region the focus should be on strengthening their collaboration, since the mechanisms are already there. Actions have already been organized by COMHAFAT and this shows that some of the recommendations discussed during the workshop were already being implemented, which means the region is already moving forward. A performance review of RFBs/RFMOs is an excellent tool to assess and follow up advancements of the bodies.

### **Case Study**

57. During the third day a case study describing an IUU fishing event was presented. Participants were encouraged to discuss and identify relevant aspects of the case from the legal, institutional, and operational standpoints, following the Agreement and using the materials available at the workshop. Participants regarded this activity as an opportunity to put into practice what they had learnt during the workshop. The conclusions of this activity were delivered in the afternoon of the third day.

### **WORKSHOP EVALUATION**

58. Before the end of the workshop participants were provided with a questionnaire for its evaluation. The evaluation was to be completed anonymously. Evaluation questionnaires were delivered in English and French.

59. The forms to evaluate the workshop consisted of three parts: the first part had a number of specific questions on the objectives of the workshop and whether or not they were achieved, the second part focused on the presentation of the workshop, and finally the third part allowed

respondents to evaluate how their expectations of the workshop were met. Thirty-three evaluation forms were completed and returned; the overall score of the workshop was 4.1 out of 5.0. The results of the evaluation are included in Appendix 8.

### **WORKSHOP CLOSING**

60. Mr Camilleri expressed his gratitude to all the participants, the Government of Cabo Verde, the experts and the interpreters as well as to the team from FAO Representation Office in Cabo Verde.

61. Mr Camilleri encouraged participants to share with the respective authorities the workshop recommendations and to disseminate the benefits of ratifying and implementing the Agreement. The documents, presentations and working group outputs were provided to all participants on a USB device, for ease of communicating the main issues discussed and in advance of the receipt of the workshop report. Mr Camilleri closed the workshop reminding participants that FAO looks forward to continuing the technical cooperation with the countries, subject to availability of funds, as required. . He also remarked that Africa is a region that will be regarded as a priority in view of its great interest in and need for implementing the Agreement and adopting measures to combat IUU fishing.

62. The workshop was closed at 13:00 in the afternoon of 24 July 2015.

**Agenda  
Day 1**

<b>INTRODUCTION</b>	
08.00-09.00	Registration
09.00-10.00	<ul style="list-style-type: none"> <li>• Opening Ceremony               <ul style="list-style-type: none"> <li>○ Call to order</li> <li>○ Welcoming Address (<i>Rémi NonoWomdin, FAO Representative for Cabo Verde</i>)</li> <li>○ Opening Remarks from Chief Guest (<i>Her Excellency Minister of Infrastructures and Marine Economy, Mrs Sara Lopes</i>)</li> </ul> </li> <li>• Election of Chair</li> <li>• Administrative arrangements for the workshop</li> <li>• Technical matters concerning the workshop</li> <li>• Introduction (participants and resource persons)</li> </ul>
10.00-10.30	<ul style="list-style-type: none"> <li>• Introduction to the workshop (Matthew Camilleri, Fishery Liaison Officer, FAO and Technical Secretary for the workshop)</li> <li>• Multimedia presentation on the 2009 FAO Port State Measures Agreement</li> </ul>
10.30-10.45	Coffee break
<b>UNDERSTANDING PORT STATE MEASURES</b>	
10.45-11.30	The Big Picture: Background and status of the Port State Measures Agreement and overview of port State measures in the global context
11.30-12.00	Overview of the provisions of the Port State Measures Agreement
12.00-13.30	Lunch
13.30-14.00	Introduction to national policy and laws needed to implement the Agreement
14.00-14:45	Regional fisheries cooperation – IUU fishing challenges in the region and mechanisms for MCS
14.45-15.00	Coffee break
15.00-15.45	Linkages with other MCS tools <ul style="list-style-type: none"> <li>• National and regional MCS tools</li> <li>• The Global Record of Fishing Vessels</li> <li>• Catch documentation schemes and market measures</li> </ul>
15.45-16.30	Analysis of the cost/benefits of implementation of the FAO Agreement as a minimum standard in the region.
16.30	Close for the day

**Day 2**

<b>IMPLEMENTING PORT STATE MEASURES</b>	
09.00-09.30	Summary of responses to the national questionnaire on port State measures
09.30-10.15	Introduction to operational procedures for port State measures
10.15-10.30	Coffee break
10.30-11.00	Guidelines/checklists for implementing port State measures: legal, policy, institutional.
11.00-11.30	Template for the development of national legislation for the implementation of the PSMA
11.30-12.00	Guidelines/checklists for implementing port State measures: operational, capacity development.
12.00-13.30	Lunch
13.30-14.30	Initiatives of other regional and international organizations
14:30-15:00	Development of a Guide for the implementation of international legal and policy instruments related to deep-sea fisheries and biodiversity conservation in areas beyond national jurisdiction
15.00-15.15	Coffee break
15.15-15.45	Port State Control
15.45-16.15	Operational case studies and experience
16.15-16.30	Good governance and port State measures: <ul style="list-style-type: none"> <li>• Conflict of interest and corruption</li> <li>• Increasing understanding among colleagues and politicians on the needs and priorities of port State measures</li> </ul>
16.30	Close for the day

**Day 3**

<b>WORKING GROUPS and OUTCOMES</b>	
0900-10.30	<p><b>Working Group Task 1:</b> Four working groups will be formed to address the implementation of port State measures in the FAO Agreement as a minimum standard, taking into account the guidelines for implementation to be distributed prior to the Workshop.</p> <p>Purpose: identify existing strengths and gaps or constraints at national, sub-regional and regional levels and propose measures and actions that could address the gaps or constraints.</p> <p>The participants will be divided into the following groups:</p> <ul style="list-style-type: none"> <li>• Legal and policy</li> <li>• Institutional and capacity development</li> <li>• Operational</li> <li>• Cooperation through regional mechanisms (RFB/RFMOs)</li> </ul>
10.30-10.45	Coffee break
10.45-12.00	Continuation of working groups.
12.00-13.30	Lunch
13.30-14.30	<p>Chairpersons of each working group report to plenary.</p> <p><i>Commentary on the working group reports</i></p>
14.30-15.00	<p><b>Working Group Task 2</b></p> <p>Purpose: <b>In the light of the outcomes of Task 1</b>, identify and propose priorities for measures and actions at national, sub-regional and regional levels.</p> <p>The participants will be divided into the following groups:</p> <ul style="list-style-type: none"> <li>• Legal and policy</li> <li>• Institutional and capacity development</li> <li>• Operational</li> <li>• Cooperation through regional mechanisms</li> </ul>
15.00-15.15	Coffee break
15.15-16.30	Continuation of working groups.
16.30	Close for the day

**Day 4**

09.00-10.00	Chairpersons of each working group report to plenary. <i>Commentary on the working group reports</i>
10.00-10.30	<b>Working Group Task 3:</b> Participants will be formed into four working groups and given a fictitious situation featuring IUU fishing, port State measures, RFMO, coastal and flag State issues and will be asked to discuss and identify key issues raised.
10.30-10.45	Coffee break
10.45-12.00	Continuation of working groups
12.00-13.30	Lunch
13.30-15.00	Continuation of working groups
15.00-15.15	Coffee break
15.15-16.30	Chairpersons of each working group report to plenary. <i>Commentary on the working group reports</i>
16.30	Close for the day

**Day 5**

<b>WORKING GROUPS and OUTCOMES</b>	
09.00-10.30	Adoption of Workshop conclusions on priorities, actions and next steps, based on reports by Working Groups
10.30-10.45	Coffee break
10.45-11.30	Adoption of workshop conclusions (continued)
<b>CLOSURE OF WORKSHOP</b>	
11.30-12.00	Evaluation of workshop
12.00	Close of Workshop
12.00	Lunch

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### **MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL FOR WEST AND CENTRAL AFRICAN REGION**

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**Opening Statement**  
**Remi Nono Womdin**  
**Food and Agriculture Organization Representative**  
**Cabo Verde**

I have the great honor and pleasure to welcome you to this FAO Workshop on Implementing the 2009 Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, for the Atlantic coast of Africa. I wish to seize this early opportunity to thank the Government of Cabo Verde for graciously accepting FAO's request at short notice to host this important workshop.

Illegal, Unreported and Unregulated (IUU) fishing continues to be a threat to the effective conservation and management of fish stocks on the western coast of Africa. IUU fishing is causing economic and social losses for the coastal countries in this region and negatively impacts their food security and livelihoods.

The Agreement on Port State Measures, which many of the countries in this region had participated in its negotiation and adoption, is designed to intensify global collaboration between fisheries and port authorities, coast guards and navies. The aim of the Agreement is to eliminate IUU fishing, through concerted action of globally agreed minimum standards and measures for permitting or refusing entry into port and undertaking inspections and controls of foreign vessels in port.

The evolution of port State measures for fisheries management and enforcement has progressed through increasing recognition by the international community of their effectiveness and value in combating IUU fishing. Port State measures are cost-effective and have the potential to be a powerful tool to combat IUU fishing. A set of port state measures was initially developed as a voluntary scheme but it became a legally binding agreement, adopted at the FAO Conference in 2009 because FAO Members, among other things wished to enhance its potency. The Agreement is now hailed as a practical and visionary instrument which will serve to strengthen regional and international collaboration in efforts to put a stop to IUU fishing.

While the impact of IUU fishing is not well documented, we are all aware, you better than most, that its cost and impacts are serious, to both coastal States as well as legal fishers whose livelihood depends on these important marine resources.

Gathered for this workshop we have 18 countries, from Morocco to South Africa; diverse in many ways, but together form the coastline for an important area for fisheries, and sharing many common concerns with respect to IUU fishing. This workshop is a timely event, as you can take advantage of many of the initiatives that are currently being developed at the national and regional level and share experiences and knowledge on existing and proposed policies and tools. Only one country in attendance, Gabon, has ratified the Port State Measures Agreement; The ratification and implementation of the Agreement by the other countries in the region is strongly encouraged as this will send a signal to the world that the region is serious in their desire to fight IUU fishing and to take the lead in considering various options to achieve this. A recent regional initiative in the fight against IUU fishing which the region can build on is the reference to the Internal Tribunal on the Law of the Sea for an advisory opinion on flag state responsibilities in the high seas, the areas under the competence of the SRCP and in areas within national jurisdiction of the members of the CSRP.

This workshop is a part of a series currently taking place, planned by FAO and supported through funding by the Government of Norway. This series of workshop aims to identify existing gaps in capacities in the region and also to improve the understanding of the Agreement on port State measures and its implementation, in order to emerge from this workshop well-informed and equipped to deal with the challenge of addressing IUU fishing and also fully understanding the potential role this Agreement will have in ensuring that IUU fishing is eliminated. It is important that, regardless of the status of the Agreement in your country, first a foundation must be established for improving and understanding potential pathways and actions in combatting IUU fishing, and we hope this will be achieved through this regional workshop in the coming days.

I encourage distinguished participants to take the opportunity of this workshop to actively engage in discussing, exchanging information and experiences on this topic, and to work together to identify priorities, as well as the challenges, strengths and opportunities, for the practical implementation of the Agreement by all parties involved.

**Questionnaire on the implementation of the 2009 FAO Port State Measures Agreement****COUNTRY:****NAME AND POSITION:****EMAIL CONTACT:****DATE:**

**Purpose:** The purpose of this questionnaire is to better understand the current practices, procedures and laws of countries in the region concerning port State measures. Responses from all countries will be combined and analysed at the Workshop to provide a clear foundation for recommendations on the way forward at regional level.

**Instructions:** *Please collaborate with your expert colleagues in relevant areas (e.g. inspectors, lawyers) in completing this questionnaire.*

Countries *with ports used by foreign fishing vessels* are requested to complete **Part A**. The parts are:

- I. USE OF PORT – GENERAL
- II. INSPECTIONS
- III. LEGAL (Note this mainly consists of “yes/no” responses; where there is uncertainty, general reference to the relevant law will suffice.)
- IV. OPERATIONAL
- V. OTHER

Countries that *do not have ports used by foreign fishing vessels* are requested to complete **Part B**.

## PART A

## COUNTRIES WITH PORTS USED BY FOREIGN FISHING VESSELS

“**Fishing vessels**” include vessels used for fishing or fishing related activities.

“**Fishing related activities**” means any operation in support of, or in preparation for, fishing, including the packaging, processing, transshipping or transporting of fish that have not previously been landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.

“**Foreign fishing vessels**” means fishing vessels that are not registered in your country/do not fly your country’s flag.

I. USE OF PORT – GENERAL		
1. Please identify any port/ports in your country that is used by foreign fishing vessels.		
2. Approximately how many foreign fishing vessels call into port annually (average over past 2 years)?		
a. Approximately how many of these vessels <i>do not</i> hold, or have not applied for, fishing licenses issued by your country?		
3. What types of fishing vessels make port calls (approximate percentage if available)?	Purse seiners _____	Vessels used for related activities
	Longliners _____	_____
4. What is the nationality of the fishing vessels that make port calls (approximate percentage if available)?		
5. What is the purpose of their port calls (approximate percentage for each activities if available)?	Landing _____	Resupplying _____
	Transshipment _____	Maintenance _____

	Packaging, processing _____	Drydocking _____
	Refuelling _____	Other (please describe) _____
6. Have any foreign fishing vessels been denied entry into your port over the past two years?	Yes _____ No _____	
a. If yes, please explain.		
7. Have any foreign fishing vessels that have entered your port been denied the use of your port over the past two years (e.g. for landings, transshipment, packaging, processing, etc.)?	Yes _____ No _____	
a. If yes, please explain.		
<b>II. INSPECTIONS</b>		
8. Approximately how many foreign fishing vessels are inspected annually in port (average over past 2 years)?		
a. Approximately how many of these were pre-fishing inspections (over past 2 years)?		
b. Approximately how many inspections resulted in evidence of IUU fishing (over past 2 years)?		
9. Has your country set levels and priorities or other criteria for selecting foreign vessels to inspect?		
a. If yes, please describe briefly		
b. If no, what are the main reasons for port inspections?		
10. Are there standard operating procedures for port inspections?		
11. Is there a standard format for inspection reports?		
12. Where are the port inspection reports usually transmitted?	Flag State of vessel _____	Master's national State _____
	Relevant coastal State _____	FAO _____
	Relevant RFB/RFMO _____	Other _____
13. Please describe briefly any main strengths in your country of effective port inspections.		

<p>14. Please indicate any main constraints in your country for effective port measures (please check all relevant areas)?</p>	<p>Human capacity _____</p> <p>Legal authority _____</p> <p>Interagency cooperation _____ (e.g. with port authorities)</p> <p>Inadequate information exchange _____</p> <p>Inadequate integration of other MCS tools (e.g. VMS) _____</p> <p>Other (please describe) _____</p>
<b>III. LEGAL</b>	
<p>15. Do your laws and regulations require, for foreign fishing vessels:</p>	
<p>a. an advance request for permission to enter port?</p>	<p>Yes _____ No _____</p>
<p>b. authorization for port entry?</p>	<p>Yes _____ No _____</p>
<p>16. Do your laws and regulations empower national authorities, in relation to foreign fishing vessels, to:</p>	
<p>a. deny a vessel entry into port?</p>	<p>Yes _____ No _____</p>
<p>b. prohibit landings and transhipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of RFB/RFMO management measures/recommendations/resolutions?</p>	<p>Yes _____ No _____</p>
<p>c. deny use of port for landing, transhipping, packaging and processing of fish that have not previously been landed and for other port services, including refuelling and resupplying, maintenance and drydocking?</p>	<p>Yes _____ No _____</p>
<p>17. Do your laws and regulations provide for denial of use of port in the following circumstances, in relation to foreign fishing vessels?</p>	

a. the vessel does not have a valid and applicable authorization for fishing and related activities required by:	
i. its flag State?	Yes _____ No _____
ii. another coastal State in respect of its areas under national jurisdiction?	Yes _____ No _____
b. there is clear evidence that the fish on board was taken in contravention of coastal State requirements in areas under its national jurisdiction?	Yes _____ No _____
c. the flag State does not confirm, on request and in a reasonable time, that the fish on board was taken in accordance with requirements of a relevant RFB/RFMO?	Yes _____ No _____
d. there are reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities?	Yes _____ No _____
e. following inspection, there are clear grounds for believing that the vessel has engaged in IUU fishing?	Yes _____ No _____
18. How are your country's laws relating to the implementation of MCS- related laws in relation to foreign vessels in port (e.g. use of port, inspections, information and sanctions)?	Fully _____ Moderately _____ Weakly _____
<b>IV. OPERATIONAL</b>	
19. If applicable, please describe any operational or other procedures that are not addressed above in relation to:	
a. port entry      d. denial of use of port	
b. inspection      e. information exchange	
c. approvals      f. other	
<b>V. OTHER</b>	
20. Who is or will be responsible for accession or ratification of the 2009 FAO Port State Measures Agreement in your Government?	Name: Office: Contact details:

**PART B****COUNTRIES THAT DO NOT HAVE PORTS USED BY FOREIGN FISHING VESSELS**

1. Is your country a member of any regional fishery body or regional fisheries management organization (example WECAFC, CRFM, OSPESCA, ICCAT)?	Yes _____ No _____
2. How are the provisions of binding or non-binding measures/recommendations/resolutions by these bodies/organizations implemented by your country (comment optional)?	Fully _____ Moderately _____ Weakly _____
3. Does your country cooperate in the implementation of regional MCS tools that support port State measures, such as a regional observer programme, surveillance activities and VMS?	Yes _____ No _____
a. If yes, please explain.	
4. Does your country have any bilateral MCS arrangement to undertake port measures on their licensed foreign fishing, eg. pre-licensing inspection, with neighboring port States?	Yes _____ No _____
a. If yes, please explain.	
5. What do you consider to be the main benefits of adopting a regional arrangement on port State measures?	
6. What do you consider to be the main constraints for adopting a regional arrangement on port State measures?	
7. Please describe solutions to the constraints.	
8. What do you consider to be the main benefits for implementing minimum standards for port State measures in your national laws and procedures?	

## Working Group Outputs

	Recommendation	Strategy	PRIORITY	TERM
LEGAL AND POLICY ( <b>NATIONAL</b> )	Promote ratification of the PSMA to combat IUU fishing	Who: The administration in charge of fisheries and other authorities concerned How: Make technical guidance notes, workshops, seminars for technicians, political authorities, sing the media	H	S
	Integrate into national laws the prevention and fight against IUU fishing through appropriate measures (SCS responsibility of port states and flag states)	What: Revise national legislation Who: Government through the Ministry in charge of Fisheries in collaboration with other relevant authorities with the support of development partners How: By integrating the provisions of the 2009 FAO Agreement on PSM	H	S
LEGAL AND POLICY ( <b>REGIONAL</b> )	Encourage States in the region to conclude agreements and revive previous conventions in the fight against IUU fishing	What: convene inter-ministerial meetings to explain the benefits of the agreement Who: states, regional organizations, sub regional fisheries and FAO; How: developing draft agreements	H	S
	Harmonize national laws Reflection on the destination of products from IUU fishing	What: develop collaborative national working groups for the harmonization of legislation. Who: states, regional organizations, sub regional fisheries and FAO; How: through a comparative study of the various national laws in force	H	S
	Establishment of Regional Regional and subregional agreements relating to information exchange in the context of the fight against IUU fishing	What: convene inter-ministerial meetings to explain the benefits of exchange of information on IUU fishing Who: states, regional organizations, sub regional fisheries and FAO; How: sub-regional working groups, establishing national vessels registers and creating regional	H	S

	Recommendation	Strategy	PRIORITY	TERM
			High Medium Low	Short Medium Long
<b>OPERATIONAL (NATIONAL)</b>	# Ratification of the 2009 FAO Agreement on Port State Measures to combat Illegal, Unreported and Unregulated Fishing.	<b>WHO:</b> Government through the relevant ministry <b>WHAT:</b> Ratify the FAO 2009 Agreement <b>HOW:</b> Deposit of the document for ratification <b>WHEN:</b> Act now	HIGH	SHORT
	# Domesticate the 2009 FAO Agreement by making a National law.	<b>WHO:</b> Government through the relevant ministry <b>WHAT:</b> Ratify the FAO 2009 Agreement <b>HOW:</b> Deposit of the document for ratification <b>WHEN:</b> Act Know	HIGH	SHORT
	# Implement effectively this Agreement on PSM	<b>WHO:</b> National competent Authorities. <b>WHAT:</b> Implementing of FAO 2009 Agreement on PSM <b>HOW:</b> Flag State, Conduct National Seminar on PSM, Training PSM Officers to Implementing working procedures and tools for PSM <b>WHEN:</b> Act now	HIGH	SHORT
	Self-assessment at national levels.	<b>WHO:</b> Leading agency <b>HOW:</b> Self-assessment <b>WHAT.:</b> Self-assessment on implementation of 2009 FAO Agreement <b>WHEN:</b> within two years	HIGH	MEDIUM
<b>OPERATIONAL (REGIONAL)</b>	Fact finding visits to member States by FAO	<b>WHO:</b> FAO, by countries invations <b>WHAT.:</b> Fact finding Missions <b>HOW:</b> FAO Auditing scheme	HIGH	MEDIUM

INSTITUTIONAL AND CAPACITY DEVELOPMENT (NATIONAL)	Recommendation	Strategy	PRIORITY High Med Low	TERM Short Med Long
	Assisting countries on the implementation of feasibility studies and mobilization of funding from donors for the construction of port infrastructure;	What: port infrastructures for fishing Who: government How: national budget and partners	2	M
Sign in national budget budget lines for training of all staff involved in fisheries inspections and seek external funding and technical support;	What: training of fisheries inspectors; Who: Technical and government partners How: Establish a training plan	1	S	
Develop memoranda of understanding between the different administrations and the authority officially designated	What: coordinate actions among stakeholders in the maritime sector entities Who: Government through the authority officially designated How: The official authority invites other governments to consultation meetings, information and awareness to develop Memoranda	1	S	
Develop a strategy to acquire the appropriate equipment	What: Facilities Who: Government How: Set up an inspection plan that accepts all needs to reach the inspection plan;	1	S	
INSTITUTIONAL AND CAPACITY DEVELOPMENT (REGIONAL)	Develop a regional plan against IUU fishing	What: regional plan against IUU fishing Who: sub regional organization How: Hold meetings or workshops for the implementation of this regional plan	2	M
	Training	What: Train monitoring agents Who: regional organization and support FAO and other donors How: Harmonize the skills of inspectors through training plans	1	S,M,L
	Promote adherence to the PSMA	What: join the PSMA Who: regional organization partners with technical support How: Organize outreach workshops, Use the media; Make a plea to member governments or organizations; Create a platform for exchange of information and experience	1	S,M,L
	Integrate relevant PSMA provisions in regional conventions	What: integrate regional conventions Who: regional organization How to: revise Conventions	2	M

	<b>Recommendations</b>	<b>Strategy</b>	<b>PRIORITY</b>	<b>TERM</b>
Regional Cooperation	Awareness campaigns on the evils of IUU fishing, among States and the value of adopting the agreement on MREP	Definition of an offensive communication strategy focused on the misdeeds of IUU fishing and the benefits of adoption of relevant instruments; FAO, COMHAFAT and partner institutions (CSRP, CCPO, PRC, and INFOPECHE REPAO); Dissemination / extension by the institutions operating in the area;	High	Short
	Support the MoU for coordination between the institutions and RFMOs (COREP, SRFC, FCWC, and INFOPECHE) and ATLAFCO	Technical support for the operationalization of the MoU (actions coordination and harmonization); FAO and other partners;	Medium	Med
	Seek the FAO Council to better help operationalize existing tools through institutions and RFMOs			
	Establishment of a regional fund for the implementation of the Regional MCS	Study on the identification and implementation of sustainable financing mechanism instead of the regional MCS; FAO / COMHAFAT	Low	Short

**WORKSHOP EVALUATION**

		<b>1 LOW</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5 HIGH</b>	<b>Average score</b>
<b>1. Objectives of the Workshop</b>							
1.1	Do you consider that the objectives of the Workshop were met?	0	0	1	22	9	4.3
1.2	Do you understand the international, regional and national frameworks that relate to port State measures?	0	0	6	17	9	4.1
1.3	Do you now have an idea of the steps needed to implement the FAO Agreement on port State measures?	0	1	7	11	13	4.1
<b>2. Presentation</b>							
2.1	How do you judge the presentation of the Workshop overall?	0	0	10	12	10	4
2.2	Is the content relevant?	0	0	6	13	13	4.2
2.3	Were the presentations informative?	1	1	4	17	9	4
2.4	Were the presenters knowledgeable about their respective areas?	0	1	3	15	12	4.2
2.5	Did you benefit from the discussion?	0	0	6	14	9	4.1
<b>3. Your expectations from the Workshop</b>							
3.1	Did you benefit from the Workshop exercises?	0	1	5	15	11	4.1
3.2	Did the Workshop meet your expectations?	0	0	3	20	8	4.2
3.3	Was the Workshop a positive learning experience?	0	0	2	15	15	4.4
3.4	Was the time allocated to the training sufficient?	0	3	12	9	8	3.7



**This document contains the report of the FAO workshop on Implementing the 2009 FAO Agreement on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (“the Agreement”) was held at the Hotel Atlantica Praia Mar, Praia, Cabo Verde from 20 to 24 July 2015. The workshop was attended by 44 participants from 16 African coastal countries of Atlantic Ocean, in addition to representatives from three non-governmental organizations (NGOs), one intergovernmental organization, two regional fishery management organizations (RFMO) and two representatives from the European Commission. The workshop is organized 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. The workshop agenda included a number of items to inform the participants on the provisions and requirements of the PSMA, as well as the costs and benefits. The second half of the workshop brought the participants together in working groups to discuss challenges and recommendations in the region in terms of legal and policy, institutional and capacity building, operations, and finally regional cooperation. Funding for the workshop was provided by the Norwegian Government through the project “Support to the effective application of the 2009 FAO Agreement on port State measures to combat illegal, unreported and unregulated fishing” (GCP/GLO/515/NOR)**