



**FAO/GFCM REGIONAL WORKSHOP ON
PORT STATE MEASURES TO COMBAT IUU FISHING**



Rome, Italy, 10 – 12 December 2007

Workshop Prospectus

1. INTRODUCTION

Illegal, unreported and unregulated (IUU) fishing occurs in all capture fisheries and poses a direct and significant threat to effective conservation and management of many fish stocks. By frustrating fishery management objectives, IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild depleted fish stocks. This in turn may result in lost economic and social opportunities, both short-term and long-term. Left unchecked, IUU fishing can completely negate the benefits of effective fisheries management.

Since the late 1990s, a number of international fora issued calls to combat IUU fishing, and in March 2001, the FAO Committee on Fisheries (COFI) adopted the International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU). The IPOA-IUU contains a large and diverse set of measures for States to take to combat IUU fishing, individually and in collaboration with other States. Some of these measures are designed for use by all States; others are tailored for application by flag States, coastal States and port States.¹

In recent years, there has been a deepening global focus on the role of port States. IUU fishers ultimately need to land or tranship their catch in port, and port controls are seen as a cost-effective way to combat their fishing activities. Improved strength and coordination of port State measures will be necessary to maximize the benefit from such controls.

FAO has played a leading role in this regard,² culminating in the acknowledgement by COFI at its Twenty-sixth Session in 2005 that there was a need to strengthen port State measures as a means of combating IUU fishing in a more substantive manner given that the lack of agreed, binding measures provided a loophole. The Committee endorsed the FAO Model Scheme on Port State Measures to Combat IUU Fishing, and agreed that follow-up work should be undertaken, especially with respect to operationalizing the FAO Model Scheme.

The FAO Model Scheme is a voluntary instrument and provides minimum standards for a range of activities and requirements, including:

¹ The term “coastal State” is generally understood to mean a State bordering a marine area. The term “flag State” is generally understood to mean a State in whose territory a vessel is registered and whose flag a vessel is entitled to fly. The term “port State” is generally understood to mean a State in whose port a vessel is seeking or has obtained access, and for the purposes of the IPOA-IUU ports include offshore terminals.

² FAO convened an Expert Consultation in 2002 (FAO. Report of the Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. Rome. 4-6 November 2002. *FAO Fisheries Report* No. 692. Rome, FAO. 2002. 22p.) and a Technical Consultation in 2004 (Report of the Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and unregulated Fishing. Rome, 31 August – 2 September 2004. *FAO Fisheries Report*. No. 759. Rome, FAO. 2004. 34p.) The 2004 Technical Consultation: identified a need to facilitate human resource development and institutional strengthening in developing countries so as to promote the full and effective implementation of port State measures to combat IUU fishing; recommended that FAO consider establishing a database concerning relevant port State measures; and agreed on a Model Scheme on Port State Measures to Combat IUU Fishing (“FAO Model Scheme”).

- information to be given prior to entry into port;
- guidelines for inspection of vessels while they are in port;
- actions to be taken when an inspector finds there is reasonable evidence for believing that a foreign fishing vessel has engaged in, or supported, IUU fishing activities; and
- information that the port State should provide to the flag State.

The FAO Model Scheme also sets out inspection procedures, information to be included in the results of port State inspections, elements of a training programme for port State inspectors and the basics for an information system on port State inspections.³

FAO has undertaken a wide range of activities to support the implementation of the IPOA-IUU and the Model Scheme, including human resource development and capacity building at the regional level.

Port State measures have been increasingly adopted by RFMOs,⁴ and are also addressed in a number of international instruments.⁵ A number of international organizations and fora have promoted or endorsed the FAO Model Scheme, including the UN General Assembly,⁶ and have called for a legally binding instrument setting minimum standards for port State measures. This culminated at the Twenty-seventh Session of COFI in March 2007 when the Committee acknowledged the urgent need for a comprehensive suite of port State measures and the strong support expressed on the proposal to develop a new legally binding instrument which would be based on the 2001 FAO IPOA-IUU and the FAO Model Scheme.

As a first step, a Draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was developed by a FAO Expert Consultation held in Washington DC USA, 4-8 September 2007. It will be reviewed by a FAO Technical Consultation to be held in Rome, Italy 23-27 June 2008, and referred to the Twenty-eighth Session of COFI in March, 2009.

The Thirty-first Session of the General Fisheries Commission for the Mediterranean (GFCM), held in Rome in January 2007, endorsed the suggestion made by its Compliance Committee (COC) that a workshop on Port State Measures should be convened for the benefit of GFCM Members, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the FAO Model Scheme on Port State Measures. The Commission further acknowledged with satisfaction the offer made by FAO to jointly organize such a workshop with the COC.

The workshop is being organized as an outcome of the COC and will, *inter alia*, review GFCM Members' port State measures and assess the strengths, weaknesses, gaps and constraints for regional cooperation and effective implementation of the FAO Model Scheme. The review will be based on the analysis of the responses to the attached questionnaire and accordingly will contribute to an enhanced understanding of port State measures and actions needed at national and regional level to

³ More information related to port State measures, including the Model Scheme, is at: ftp://ftp.fao.org/FI/DOCUMENT/tc-psm/port_state_biblio.pdf.

⁴ Including Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT) Indian Ocean Tuna Commission (IOTC), and North East Atlantic Fisheries Commission (NEAFC).

⁵ The instruments include the 1982 United Nations Convention on the Law of the Sea, the 1982 Paris Memorandum of Understanding on port State Control, the 1995 United Nations Fish Stocks Agreement, and the 1995 FAO Code of Conduct. See also the 2006 and 2007 UN General Assembly Resolutions on Sustainable Fisheries.

⁶ General Assembly. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. A/RES/60/31. 17 November 2005. paragraph 42.

combat IUU fishing. It is anticipated that the follow-up to the workshop will be recommendations to the COC for actions or measures that may be considered by GFCM.

2. OBJECTIVE OF THE WORKSHOP

The main objective of this workshop will be to strengthen national capacity and to promote regional coordination with the view to facilitate the process toward consolidating and harmonizing port State measures by GFCM Members, and the implementation of the relevant provisions of the:

- “General guidelines for a GFCM Control and Enforcement Scheme”⁷ adopted by the Commission at its 29th session held in Rome in February 2005;
- GFCM Recommendations relating to Vessel Monitoring Systems and transshipment;⁸ and
- FAO Model Scheme.

In this respect, the Workshop will follow up on the outcomes of the 2004 GFCM Workshop on Illegal, Unreported and Unregulated Fishing in the Mediterranean.⁹

3. OUTCOMES

The expected outcomes of the workshop are to:

1. raise participants’ awareness of the deleterious effects of IUU fishing and the need for strengthened and coordinated port State measures, so that countries may act in a concerted and decisive manner to prevent, deter and eliminate such fishing;
2. assure the comprehensive understanding of the regional requirements and relevant international instruments, including the FAO Model Scheme on port State measures, and their relation to participants’ countries;
3. reach a clear understanding of the role of administrative arrangements in maximizing the effectiveness of port State measures;
4. identify clear steps that national fisheries administrations might take to develop port State measures that implement regional requirements, the FAO Model Scheme and relevant measures in the IPOA-IUU;
5. build shared understanding and harmonization, as appropriate, of port State measures needed in the region to prevent, deter and eliminate IUU fishing; and
6. reach a clear understanding of the process to develop a legally binding instrument on port State measures.

The outcomes of the workshop will be improved capacity for countries to strengthen and coordinate their port State measures with the objective of preventing, deterring and eliminating IUU fishing, and a report of the workshop to be presented to the COC for review and consideration.

4. FUNDING

The workshop will be funded under the FAO Regular Programme, GFCM, the FAO Norwegian Trust Fund for Port State Measures, and the FAO FishCode Programme (Sweden - Training and Awareness).

⁷ Appendix H of the Report of the 29th session.

⁸ These form sub-recommendations of Recommendation GFCM/31/2007/3 Concerning Selected ICCAT Recommendations.

⁹ The Report of the “GFCM Workshop on Illegal, Unreported and Unregulated fishing in the Mediterranean”, Rome, 23 and 26 June 2004, is available on the site of the Commission (www.fao/fcm.org).

5. PROGRAMME, TIMETABLE AND STRUCTURE OF THE WORKSHOP

The provisional programme, timetable and structure of the workshop are in Appendix 1. The emphasis of the workshop will be on providing essential information concerning regional requirements and relevant international instruments and processes, including the FAO Model Scheme. Responses to a GFCM questionnaire on port State measures distributed in May 2007 and based on implementation of the FAO Model Scheme will serve as a basis for discussion and identifying areas for cooperation within the GFCM.

5.1 Working groups

Working groups will meet during the workshop as a means of encouraging maximum group participation and developing recommendations for consideration by the GFCM Compliance Committee. The resource persons (comprising FAO, international and regional experts) will assist the Convenor of each working group by providing advice as required, and in finalizing the report of the group. Each report will be presented in plenary and be incorporated into the report of the workshop. Resource persons will provide commentary on the report of each working group, and will assist in drafting the report for the Workshop.

5.2 Location and dates

The workshop will be held at FAO in Rome, Italy from 10-13 December 2007.

5.3 Invitations and Participation

The workshop will be by invitation which will be issued by FAO to States whose nationals are currently fishing in the GFCM Area of Competence. Participants' work experience should be directly related to the development, review or operationalization of port State measures, in order that the expected outcomes of the workshop can be realized. Observers will not be permitted to attend the workshop.

5.4 Partnership in workshop delivery

The delivery of the workshop will be carried out in partnership between FAO and GFCM.

5.5 Language

The workshop will be conducted in English.

5.6 Documents

The proposed list of documents for the workshop is in Appendix 2. Powerpoint presentations delivered at the workshop will be made available afterwards on the GFCM website.

6 ADMINISTRATIVE ARRANGEMENTS

Administrative arrangements will be handled by the GFCM.

7 REPORT AND OUTPUT OF THE WORKSHOP

The report of the workshop will be published in the FAO Fisheries Department report series. The technical secretary of the workshop will oversee and coordinate the production and distribution of the report.

8 WORKSHOP INFORMATION

General information about the workshop can be obtained from the GFCM Website:

www.gfcm.org

Information regarding participation, nominations and logistical arrangements is available from:

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9 OFFICERS OF THE WORKSHOP

Officers of the workshop are:

- Technical Secretary Judith Swan
- Workshop Assistant Nicola Ferri