

FAO/GFCM Workshop on Port State Measures to Combat IUU Fishing

Rome, Italy, 10-12 December 2007

INTERNATIONAL, REGIONAL DEVELOPMENTS LINKAGES WITH OTHER TOOLS

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PORT STATE MEASURES

➤ WIDELY CONSIDERED TO BE THE WAY OF THE FUTURE TO COMBAT IUU FISHING

- MOST UNDEVELOPED COMPLIANCE TOOL
- POTENTIALLY ONE OF THE MOST FORCEFUL TOOLS
- LEAST DANGEROUS
- MOST COST-EFFECTIVE



THE ULTIMATE WEAPON



SUMMARY

➤ PORT STATE MEASURES

- ROLE AND CHALLENGES



➤ GOVERNANCE

- IMO PORT CONTROLS 1982 +
- FAO PORT STATE MEASURES 2002 +
- RFMOs

➤ KEY LINKAGES

- FLAG STATE RESPONSIBILITY
- DOCUMENTATION AND INFORMATION
- VESSEL MONITORING SYSTEMS
- OTHERS

PORT STATE MEASURES

ROLE AND CHALLENGES



PORT STATE MEASURES



- INSPECTIONS
- ACTIONS
- INFORMATION
- RESULTS OF INSPECTION
- TRAINING OF INSPECTORS
- INFORMATION SYSTEMS

PORT STATE MEASURES COMBAT IUU FISHING BY PROHIBITING...



- PORT ACCESS
- LANDING,
TRANSHIPMENT,
PROCESSING

PORT STATE MEASURES COMBAT IUU FISHING BY PROHIBITING



- PORT SERVICES
- USE OF PORT
- SALE, TRADE, PURCHASE, EXPORT, IMPORT OF IUU CAUGHT FISH

PORT STATE MEASURES COMBAT IUU FISHING BY ENABLING



- SEIZURE,
FORFEITURE OF
CATCH
- CRIMINAL, CIVIL,
ADMINISTRATIVE
PROCEEDINGS
- COOPERATION WITH
FLAG STATE, RFMOs
ON ENFORCEMENT,
DETERRENCE

PORT STATE MEASURES COMBAT IUU FISHING BY ENABLING



- COST-EFFECTIVENESS
- EFFECTIVE INFORMATION SYSTEMS
- COORDINATED SYSTEM OF CONTROLS WITH HEALTH, SECURITY, POLLUTION, SAFETY MATTERS

PORT STATE MEASURES

SOME CHALLENGES



- “Ports of Convenience”
- Weak flag State control
- Transhipments at sea
- Weak regional cooperation
- Unclear procedures, giving rise to lack of coordination in taking port State measures
- Need for human capacity development: training, qualifications
- Need to strengthen linkages with tools such as VMS, information systems, trade
- Need for strong legal regime at all levels, with adequate enforcement measures, fines, penalties

GOVERNANCE

➤ IMO PORT CONTROLS

- 1982 FORWARD

➤ FAO PORT STATE MEASURES

- 2002 FORWARD

➤ RFMOs

IMO PORT CONTROLS

- IMO PIONEERED REGIONAL, GLOBAL PORT CONTROLS FOR MERCHANT VESSELS
- FROM **1982** - COORDINATED SYSTEM OF PORT CONTROLS
 - The Paris MOU established a co-ordinated system for vessel safety and pollution prevention standards
- KEY SUCCESS: DETENTION OF SUBSTANDARD SHIPS, MANDATORY CORRECTION OF DEFICIENCIES
 - Immediate economic impact
- OPPORTUNITIES FOR COLLABORATION
 - “FISHING VESSELS” include “support ships”, “carrier vessels”
 - SINGLE NATIONAL AUTHORITY can inspect both fishing and merchant vessels

IMO - FAO

Differences:

- IMO: ships, crews
- FAO: compliance with fisheries management measures

- IMO: highly trained PSC officers inspect
- FAO: fisheries inspectors (Model Scheme) under separate authority

- IMO: “black”, “grey” “white” lists, “banned” ships: actions taken by regional PSC regimes
- FAO: “IUU” “Authorized Vessel” lists: actions taken by RFMOs

IMO

COORDINATED SYSTEM OF CONTROLS MERCHANT VESSELS

- 1982 PARIS MOU ON PORT STATE CONTROLS
- REGIONAL MOUS – PORT STATE REGIMES
- IMO TECHNICAL CONVENTIONS
- IMO GLOBAL STRATEGY

IMO

1982 PARIS MOU ON PORT STATE CONTROL

- VESSEL SAFETY, SECURITY, ENVIRONMENTAL STANDARDS, LABOUR CONDITIONS
- +20,000 INSPECTIONS ANNUALLY
- 25 MARITIME ADMINISTRATIONS
- TARGETS SHIPS FOR INSPECTION
- DATABASES, INSPECTION, OFFICERS, DETENTION

IMO

REGIONAL MOUs

- INSPIRED BY PARIS MOU PROCEDURES
- INCORPORATE UNIVERSAL STANDARDS
- +90 COUNTRIES
- AUSTRALIA, ASIA-PACIFIC, INDIAN OCEAN, CARIBBEAN, BLACK SEA, MEDITERRANEAN, LATIN AMERICA, WEST & CENTRAL AFRICA

IMO

IMO TECHNICAL CONVENTIONS

- REQUIREMENTS FOR INSPECTIONS IN FOREIGN PORTS TO ENSURE IMO REQUIREMENTS MET
- BACK UP FLAG STATE CONTROL
- EXTREMELY EFFECTIVE ON REGIONAL BASIS

IMO

IMO GLOBAL STRATEGY FOR PORT STATE CONTROL

- TO ENSURE UNIVERSAL STANDARDS ARE APPLIED IN REGIONAL SYSTEMS

- CONTROL OFFICERS:
 - Professional profile
 - Training
 - Qualification requirements
 - General operating guidelines

IMO - FAO

JOINT FAO/IMO AD HOC WORKING GROUP ON IUU FISHING AND RELATED MATTERS, July 2007

RECOMMENDED THAT FAO AND IMO:

- Share information among regional organizations involving port State control regimes and RFMOs
- Identify enforcement options to act as incentives or deterrents
- Facilitate the harmonization of standards, definitions and terminologies

FAO

2002

FAO Expert Consultation on Port State Measures

2004

FAO Technical Consultation on Port State Measures **FAO
MODEL SCHEME**

2005

FAO Committee on Fisheries (COFI)

- Endorsed **FAO MODEL SCHEME**, encouraged implementation

2007

COFI: **Urgent need** for a comprehensive suite of Port State Measures; agenda for new **legally-binding instrument**

FAO Expert Consultation: **Draft Agreement** on Port State Measures to Combat IUU Fishing

FAO

- CALLS FOR BINDING INSTRUMENT TO BE DEVELOPED AS SOON AS POSSIBLE:
 - UN Informal Consultative Process
 - GA Sustainable Fisheries Resolutions
 - UN Fish Stocks Agreement Review Conference

FAO

2006 FORWARD

FAO REGIONAL WORKSHOPS ON PORT STATE MEASURES

West and Central Pacific	Pacific Islands Forum Fisheries Agency	August 2006
Indian Ocean	Indian Ocean Commission Indian Ocean Tuna Commission	June 2007
Mediterranean +	General Fisheries Commission for the Mediterranean	December 2007
Southern Africa		January 2008
South East Asia	Asia Pacific Fisheries Commission, Southeast Asian Fisheries Development Center	March 2008

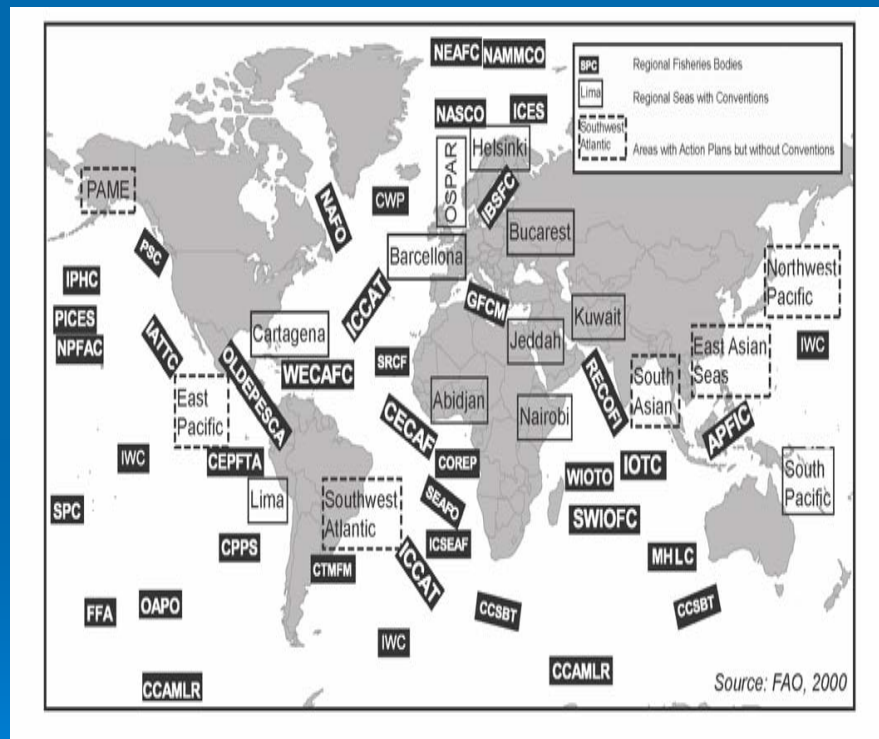
FAO

FAO REGIONAL WORKSHOPS ON PORT STATE MEASURES OBJECTIVE

Develop national capacity and promote regional coordination so countries will be better placed to strengthen and harmonize port State measures, and as a result

- implement the relevant IPOA-IUU tools and the FAO Model Scheme;
- contribute to the development and implementation of relevant RFMO requirements and a binding international instrument.

RFMOs



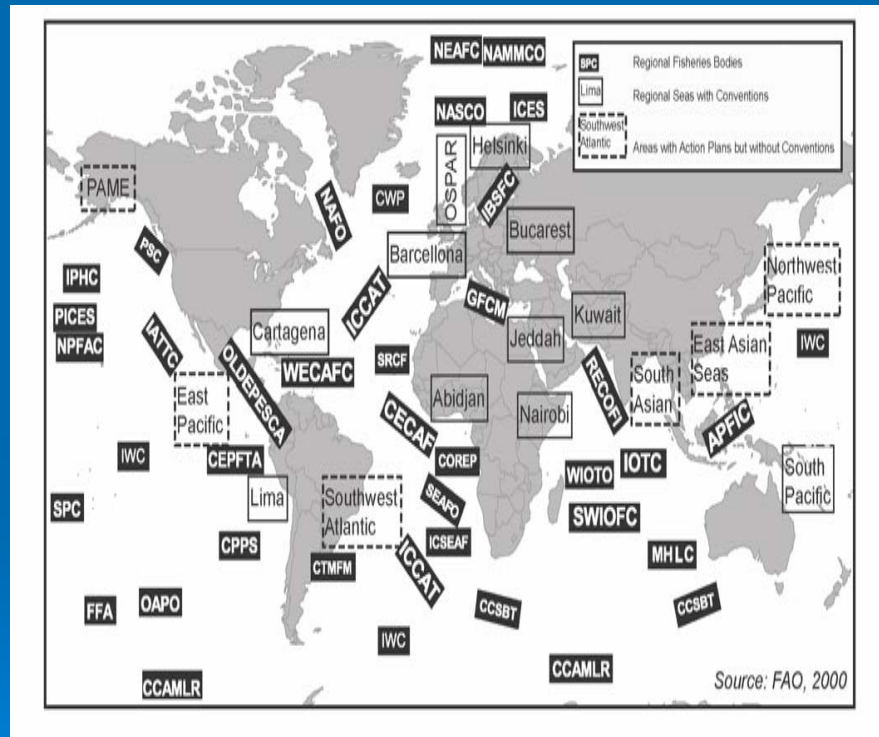
➤ STRENGTHENED GOVERNANCE

- Performance reviews
- Implementation of international instruments
- Coordination with other RFBs

➤ RAPID INCREASE IN THE NUMBER OF RFBs

- Six in the past five years

RFMOs



➤ GEOGRAPHICAL, SPECIES COVERAGE EXPANDING

➤ GROWING BODY OF RFMO MEASURES

➤ STRENGTHENED MCS TOOLS NEEDED

➤ PORT STATE MEASURES MOST COST-EFFECTIVE

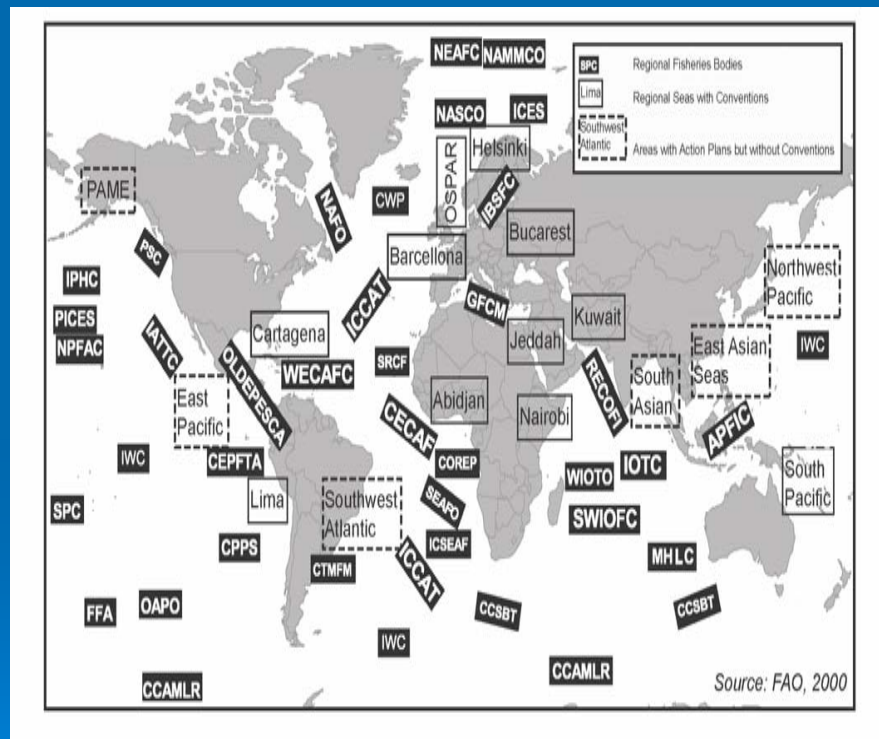
RFMOs

➤ MOST RFMO MEASURES CAN ONLY BE ENFORCED DURING OFF-LOADING

➤ PORT STATE MEASURES ENSURE VESSEL COMPLIANCE, AND MONITOR FISHERIES

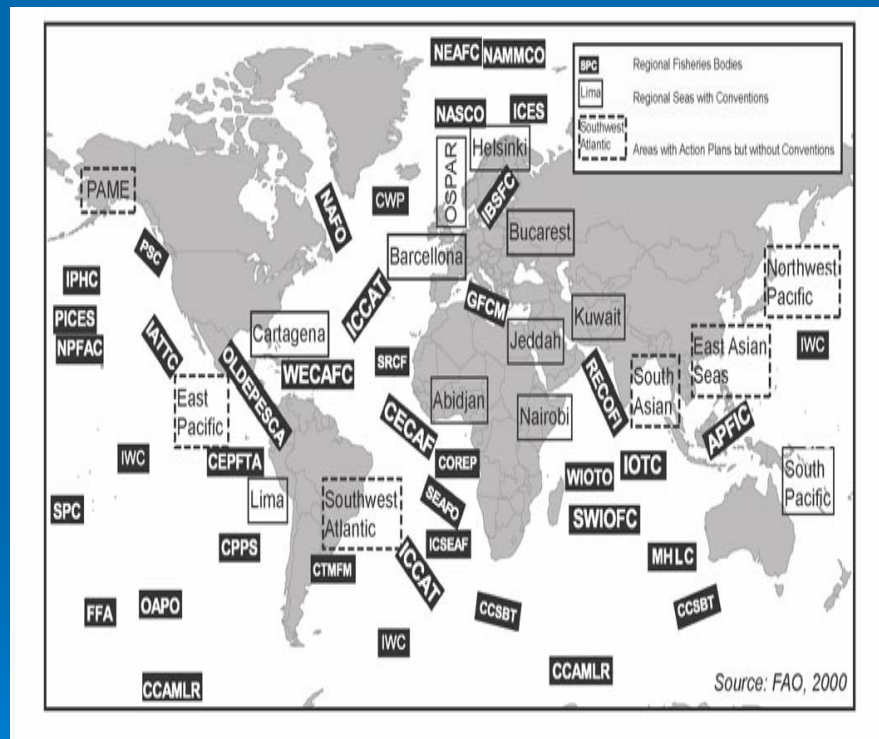
➤ RFMOs ARE INCREASINGLY ADOPTING OR STRENGTHENING REGIONAL SCHEMES

➤ STUDIES PROVIDE BASIS e.g. GAPS ANALYSES



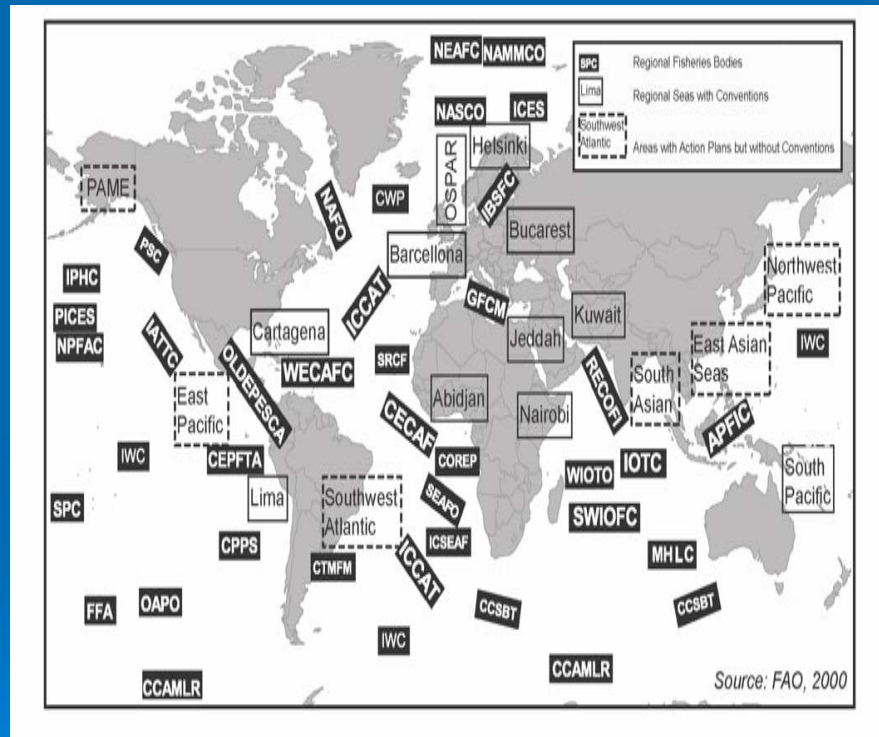
RFMOs

➤ SOME ELEMENTS OF RFMO SCHEMES



- Port Inspection Scheme
- Inspections on vessels of members, non-members
- Flag State cooperation
- Information system

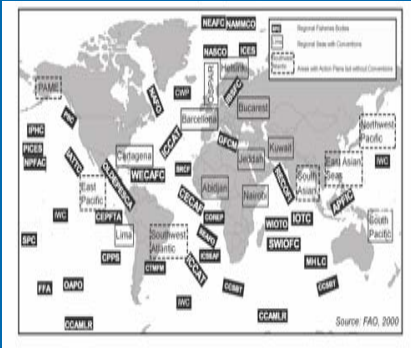
RFMOs



➤ FURTHER HARMONIZATION NEEDED

- Procedures
- Penalties: effective, harmonized

➤ AIM TO AVOID “PORTS OF CONVENIENCE”




RFMOs

LINKAGES WITH PORT STATE MEASURES

- Catch certification, trade documentation
- Flag State responsibility
- Vessel registration, licensing
- Monitoring transshipment
- Boarding and Inspection
- Observer Programme
- Vessel Lists (IUU, Authorized Vessels)
- Presumptions on IUU fishing
- Information sharing among members, with other RFMOs
- Regional VMS schemes
- Regional integrated information systems

KEY LINKAGES

- FLAG STATE RESPONSIBILITY
 - DOCUMENTATION AND INFORMATION
 - VESSEL MONITORING SYSTEMS
 - OTHERS
- 

FLAG STATE RESPONSIBILITY



- International, regional requirements must be implemented in the national laws of a flag State, including for fishing beyond the country's EEZ
- Flag States have the primary responsibility for compliance by their vessels with these requirements
- However, flag State responsibility is often not exercised because countries are unable or unwilling

FLAG STATE RESPONSIBILITY

CHANGING ROLE OF FLAG STATE DURING PORT INSPECTION



1993 FAO Compliance Agreement

- Flag State to be notified if
 - it is voluntarily in foreign port
 - there is reason to believe IUU fishing
- Parties then may make arrangements for investigations

1995 UN Fish Stocks Agreement

Sovereignty: No requirement to notify the flag State - may inspect, and prohibit landings, transshipments

FLAG STATE RESPONSIBILITY

CURRENT RFMO PRACTICE



- Flag State compliance is encouraged by some regional schemes that require them to verify information before a fishing vessel enters port
- Measures require parties to investigate allegations or reports concerning activities relating to vessels presumed to have carried out IUU fishing....without prejudice to flag State responsibility

FLAG STATE RESPONSIBILITY

COOPERATIVE ACTIONS FLAG STATES – PORT STATES



- INFORMATION
 - Vessels, vessel lists
 - Fish
 - Fishing Activities
 - Trade information

- INVESTIGATION

- ENFORCEMENT

FLAG STATE RESPONSIBILITY



EMERGING ROLE OF FLAG STATES IN RELATION TO PORT STATES

- COOPERATION IN IMPLEMENTATION
- REQUEST PORT STATE INSPECTION WHERE IUU FISHING IS SUSPECTED
- ENSURE VESSELS USE PORTS OF COUNTRIES THAT IMPLEMENT PORT STATE MEASURES
- REPORT TO PORT STATES, RFMOS, FAO ON ENFORCEMENT ACTIONS AGAINST IUU VESSELS

FLAG STATE RESPONSIBILITY

COFI 2007

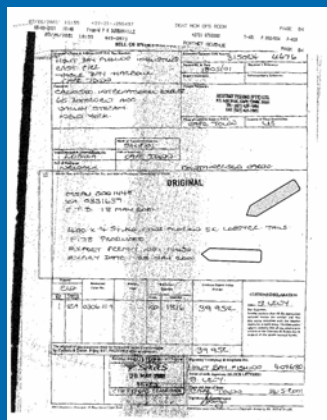


EXPERT CONSULTATION TO:

- Develop criteria for assessing the performance of flag States
 - Consideration: cooperation with port State in information provision and exchange, enforcement

- Examine possible actions against vessels from flag States not meeting such criteria
 - Consideration: prohibition of use of port

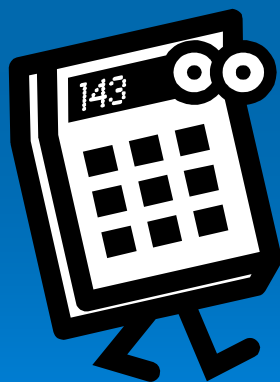
DOCUMENTATION INFORMATION



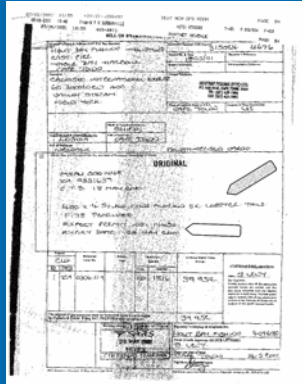
➤ PORT STATE IS FOCAL POINT FOR COLLECTING DOCUMENTATION, INFORMATION

➤ DOCUMENTATION, INFORMATION SYSTEMS KEY TO EFFECTIVE FISHERIES MANAGEMENT

- Catch documentation
- Trade certification - traceability
- Information required prior to port entry
- Reports of results of port inspections
- Regional, global databases, information systems



DOCUMENTATION INFORMATION



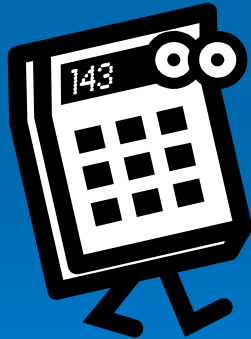
FACT:

➤ IUU FISHERS FALSIFY DOCUMENTS TO TRAFFIC THEIR CATCH

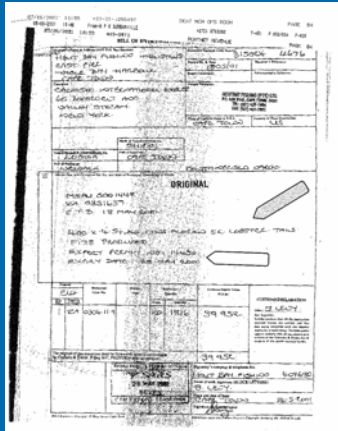
➤ PROOF OF DOCUMENTATION THAT IS:

- inaccurate
- falsified
- not submitted as required

CAN BE EASIER THAN PROVING IUU FISHING !!!

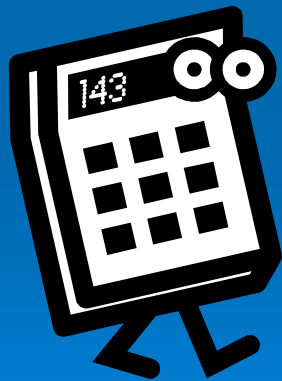


DOCUMENTATION INFORMATION



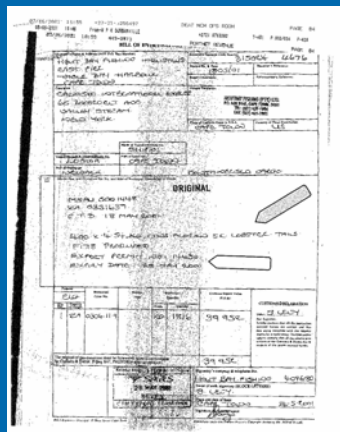
FACT:

➤ WHERE DOCUMENTATION IS FALSIFIED, INACCURATE , OFFENDERS CAN BE CHARGED WITH



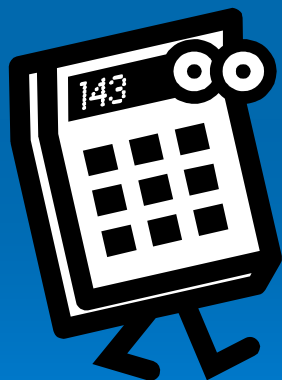
- IUU fishing...and/or
- Offences such as illegal export/import, sale, trade, conspiracy, fraud and money laundering

DOCUMENTATION INFORMATION



➤ INCREASING HARMONIZATION OF DOCUMENTATION

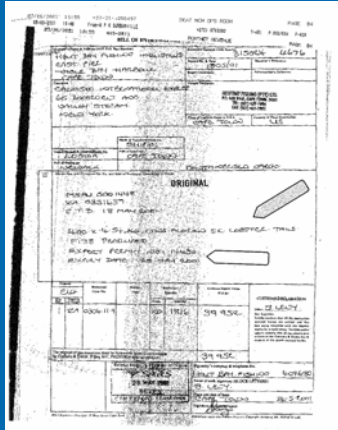
- FAO Model Scheme
- Draft Agreement on Port State Measures
- RFMOs



➤ EXPANDING INFORMATION SYSTEMS

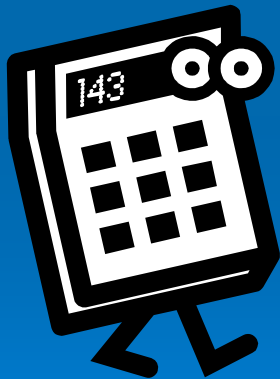
- RFMOs
- REIO
- Global databases, existing and future (e.g. Global Record, FAO PSM Database)

DOCUMENTATION INFORMATION



2005

FAO MINISTERIAL MEETING ON FISHERIES



➤ CALLED FOR A GLOBAL RECORD OF FISHING VESSEL THAT INCLUDES:

- refrigerated transport and supply vessels
- Permanent Vessel Identifier System
- Available information on beneficial ownership (noting confidentiality)

VMS



- Effective compliance tool because of exceptional speed and widespread acceptance.
- Used in conjunction with other management and surveillance tools; port inspections verify information

VMS

2005

ROME DECLARATION ON IUU FISHING



- Called for flag States to require that all large scale fishing vessels operating on the high seas be fitted with VMS no later than 2008.

VMS

2006

FAO Expert Consultation on the Use of Monitoring Systems and Satellites for Fisheries MCS



Recommendations being implemented by FAO:

- Updating the FAO Technical Guidelines for Responsible Fisheries/Vessel Monitoring Systems
- Developing a checklist of legislative requirements for the implementation of VMS, including access, use and sharing of data
- Working with the IMO on complementary monitoring technologies (automatic identification systems, vessel detection systems)

OTHER LINKAGES



➤ PORT INSPECTION ALSO INCREASINGLY VERIFIES INFORMATION REQUIRED for

- Related activities (resupply, transshipment)
- Ecolabelling
- Traceability
- Endangered species

SUMMARY

➤ PORT STATE MEASURES

- ROLE AND CHALLENGES



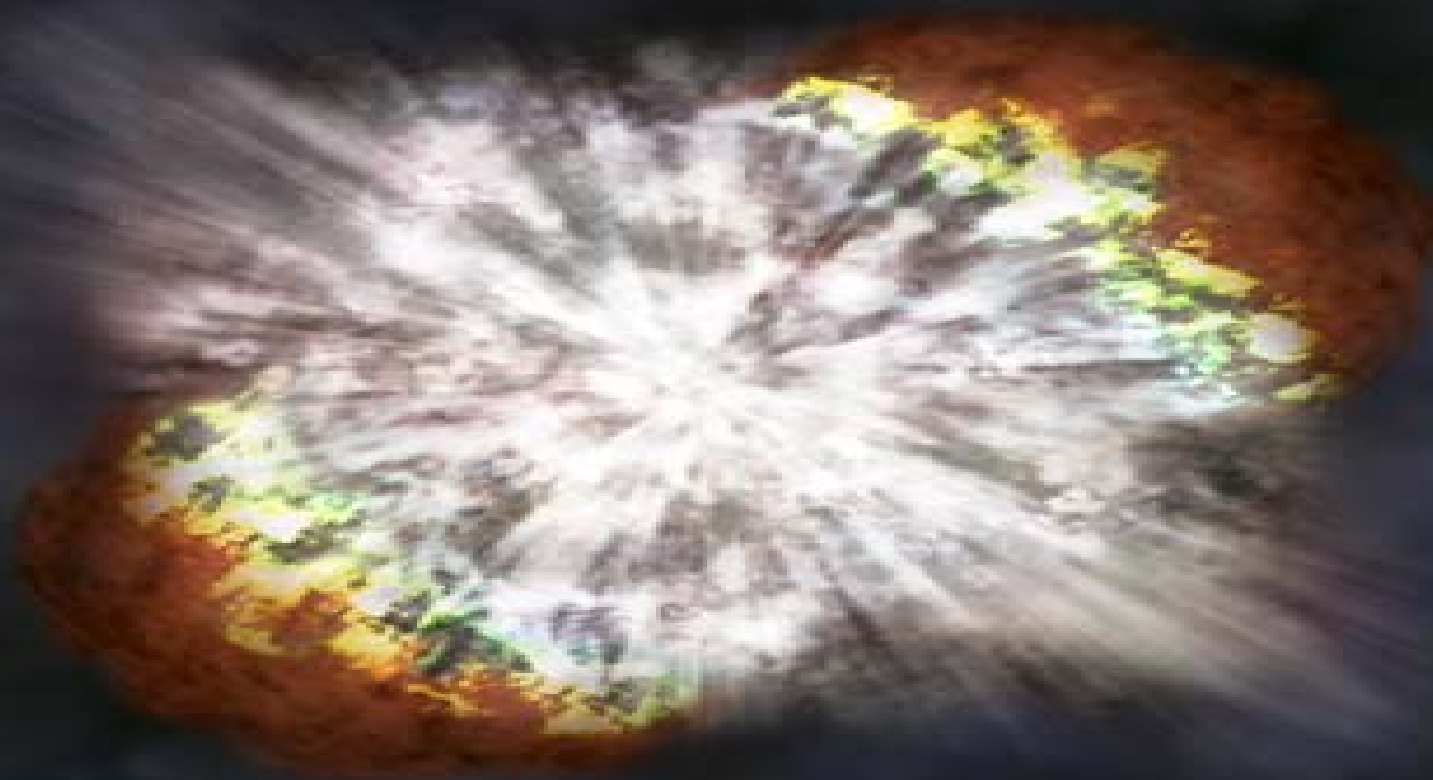
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