

**FAO/FFA REGIONAL WORKSHOP TO PROMOTE THE FULL AND EFFECTIVE
IMPLEMENTATION OF PORT STATE MEASURES TO COMBAT IUU FISHING**

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**Mocambo Hotel
Nadi, Fiji**

WCP/FFA REGIONAL CONSIDERATIONS AND PRIORITIES

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1. FFC DECISIONS/DIRECTIONS REGARDING WCPFC REGIONAL PORT STATE SCHEME

FFC 61 Decision

- Preliminary work on the status of port State measures in the member countries was tabled at FFC 61.
(Matrix to be distributed at workshop checks the port State measures in each member country against key port State actions – revealed gaps in most legislation – limitation to this matrix was that it was largely based on the legislation publicly available at the time).
- To fulfill its obligation to the WCPF Commission and provide an inventory of its port State measures, FFC 61 noted that NZ had supplied its detailed port State measures to the Commission Secretariat and that the latter had indicated it may use the NZ approach as a basis for a template.
- To assist member countries to fulfill this obligation to the Commission, the FFA Secretariat has sent out a template to the member countries based on the NZ approach. Template attached.

2. RELEVANT REGIONAL AGREEMENTS

FFA Convention

- harmonization of policies;
- cooperation;
- collection, analysis, evaluation and dissemination of information;
- technical advice, information and assistance.

MTCs

- application of MTCs in port (MTC 11);
- pre-fishing inspections (MTC 16);
- rest of MTCs include measures that relate to port State enforcement.

The US Treaty

- broader cooperation;
- licence conditions.

The Niue Treaty

- general cooperation;
- cooperation in the implementation of the MTCs;
- exchange of information;
- cooperation in fisheries surveillance and law enforcement.

The Wellington Convention

- measures against driftnet fishing activities.

The Nauru Agreement

- minimum terms and conditions;
- cooperation and coordination.

The FSM Arrangement

- cooperation in enforcement;
- port State enforcement.

The Palau Arrangement

- Framework to cooperate in establishment and implementation of a system of observation and inspection or to develop surveillance and enforcement procedures, consistent with regionally agreed initiatives.

3. LEGAL ISSUES

- gaps in existing legislation;
- Lacey Act-type provisions;
- discrepancy between the legislation and the access agreements;
- locally-based foreign fishing vessels;
- application of the MTCs;
- clarification of powers of authorized officers;
- designation of authorized officers.

Related issues

- lack of resources to enforce the legislation;
- lack of familiarity with legislation;
- access to legislation

4. PROBLEMS AND CONSTRAINTS IN IMPLEMENTING MODEL SCHEME

- The Model Scheme is intended for developed and developing countries. However, some provisions in the Model Scheme need to be tailored to the Pacific context – small, poor, developing island countries with very limited means of enforcing their laws.
- Some countries will need to amend legislation in order to incorporate some of the provisions of the Scheme – this can be a long process.
- Training of authorized officers so they are fully aware of their powers and duties under any new legislation.
- Continuity after training.
- Coordination with line agencies.
- Current frameworks to enable the exchange of information with other countries are under-utilised – this should be assisted by the FFA MCS website and the Commission's port State scheme.
- Circulation of appropriate contact points in flag States when detect one of their vessels involved in IUU fishing – this should be assisted by the FFA MCS website and the Commission's port State scheme.
- Limited resources such as finance, manpower/skills.
- Requirement in the Scheme to “ensure that the result of a port inspection is presented to the master of the vessel” – provides the opportunity for the master to influence the officers' report.