

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

**28 August – 1 September 2006
Mocambo Hotel
Nadi, Fiji**

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, and may diminish food security. Left unchecked, IUU fishing can completely negate the benefits of effective fisheries management.

Since the late 1990s, a number of international fora have issued calls to combat IUU fishing,¹ 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), which had been concluded within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries (“Code of Conduct”). In November, 2001, the United Nations General Assembly urged all States, as a matter of priority, to coordinate their activities and cooperate directly and, as appropriate, through relevant regional fisheries management organizations, in the implementation of the IPOA-IUU and to develop corresponding national plans of action (NPOAs).²

Since then, the IPOA-IUU has been the subject of ongoing high-level attention. To support implementation, the FAO has prepared and published Technical Guidelines³ and mounted a series of six regional workshops between 2003 and 2005 to build human capacity in developing countries for the elaboration of national plans of action to combat IUU fishing (NPOAs-IUU).⁴ Evaluations of the workshops by participants were very positive, and many called for related follow-up activities.

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.⁵

In recent years, there has been a deepening global focus on the role of port States in combating IUU fishing because of its essential role in combating IUU fishing. IUU fishers ultimately need to bring

¹ E.g. the Commission on Sustainable Development; the Asia-Pacific Economic Cooperation Fisheries Working Group; the United Nations General Assembly; the International Maritime Organization (IMO) Sub-Committee on Flag State Implementation; the IMO Marine Environment Protection Committee; the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

² See UNGA Resolution 56/13, paragraph 15.

³ FAO Fisheries Department. Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *FAO Technical Guidelines for Responsible Fisheries*. No. 9. Rome, FAO. 2002. 122p. The Guidelines are addressed to decisionmakers and policymakers associated with the management of fisheries, but they should also be of interest to fishing industries and other parties.

⁴ The regional workshops were held in Zimbabwe, Malaysia, Trinidad and Tobago, Fiji, Ghana and Egypt.

⁵ 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.

their catch to port for landing or transshipment. Some States, unwittingly or not, allow their ports to be used for this purpose and thereby facilitate IUU fishing. Some of those that do so knowingly have come to be known as “ports of convenience”. Other States, either on their own or in cooperation with like-minded States, have begun to limit and regulate access to their ports as a means to control IUU fishing.

However, even with ongoing cooperation, continuing challenges are emerging such as the need for improved coordination of catch and trade documentation, coordinated standards for technological requirements such as vessel monitoring systems (VMS), improved information systems and harmonized inspection requirements.

Improved strength and coordination of port State measures, as called for in the IPOA-IUU, will be necessary. FAO has played a leading role in this regard. It has coordinated two consultations relating to port State measures: the 2002 FAO Expert Consultation on Port State Measures,⁶ and the 2004 FAO Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing.⁷ In 2003, COFI recognized the important role of port States in combating IUU fishing.

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”).

At its Twenty-sixth Session in 2005, COFI acknowledged 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. Some Members requested that these measures be promoted in regional fisheries management organizations (RFMOs) for the development or improvement of the port State aspects of regional control schemes. The Committee endorsed the report and recommendations of the 2004 Technical Consultation, and agreed that follow-up work should be undertaken, especially with respect to operationalizing the FAO Model Scheme agreed at the Consultation.

A number of other organizations and fora have promoted or endorsed the FAO Model Scheme, including the UN General Assembly⁸ and the May, 2006 Review Conference on the UN Fish Stocks Agreement, which each called for a legally binding instrument setting minimum standards for port State measures. At its first meeting in December, 2005, the Western Central Pacific Fishery Commission (WCPFC) agreed to develop a regional scheme on port State measures based on the FAO Model Scheme. In addition, the International Monitoring, Control and Surveillance Network for Fisheries Related Activities (MCS Network) has featured the importance of port State measures in its activities.

Port State measures have been increasingly adopted by many RFMOs,⁹ and are also addressed in a number of international instruments.¹⁰ However, no systematic human capacity development

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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

programme currently exists at regional level to promote strengthening, coordination and implementation of the agreed measures. In order to begin addressing this need, the TrainFish Component of the FAO FishCode Programme is proposing a series of regional workshops to promote the full and effective implementation of port State measures to combat IUU fishing.

2. OBJECTIVE OF THE WORKSHOP

The objective of the workshop is to develop national capacity and promote regional coordination so that countries will be better placed to strengthen and harmonize port State measures and, as a result, meet the requirements of relevant RFMOs and implement the relevant IPOA-IUU tools and the FAO Model Scheme.

3. OUTCOMES AND IMPACT

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. build upon the awareness and understanding developed in the FAO regional workshops to elaborate NPOAs-IUU;
3. 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;
4. reach a clear understanding of the role of administrative arrangements in maximizing the effectiveness of port State measures;
5. 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;
6. build shared understanding and harmonization, as appropriate, of port State measures needed in the sub-region or region to prevent, deter and eliminate IUU fishing.

The outcomes of the workshop should result in strengthened capacity for countries to strengthen and coordinate their port State measures with the objective of preventing, deterring and eliminating IUU fishing.

4. FUNDING

The workshop will be funded primarily under the Training and Awareness for Responsible Fisheries (TrainFish) Component of the FishCode Programme of the FAO Fisheries Department. Additional support will be given under the FishCode component to support the activities of small island developing States (SIDS). Support will also be given by the Pacific Islands Forum Fisheries Agency, West and Central Pacific Fisheries Commission, Western Pacific Regional Fisheries Management Council, Government of New Zealand and by organizations and governments to be announced.

Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT) Indian Ocean Tuna Commission (IOTC), and North East Atlantic Fisheries Commission (NEAFC).

¹⁰ 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.

5. STRUCTURE OF THE WORKSHOP

The agenda, timetable and structure of the workshop will be similar to that of the FAO regional workshops to elaborate NPOAs-IUU, with a duration of five days. The emphasis of the workshop will be on providing essential information concerning regional requirements and relevant international instruments, including the IPOA-IUU paragraphs on port State Measures and the FAO Model Scheme. A field study on port State measures undertaken in four major fishing ports in the WCP region¹¹ will serve as a basis for discussion and identifying areas for strengthening and harmonizing the measures. Case studies and other tools will be used to build knowledge and skills to serve as a basis for strengthening and coordinating port State measures to combat IUU fishing. A provisional agenda and timetable is in Appendix 1.

5.1 Working groups

Working groups will meet during the workshop as a means of encouraging maximum group participation. Resource persons will prepare, in advance of the workshop, discussion guides for each working group. The resource persons (comprising FAO, international and regional experts) will assist the Convenor of working groups in finalizing the report of the group. Each report will be presented in plenary and be incorporated into the report of the workshop.

5.2 Location and dates

The workshop will be held at the Mocambo Hotel, Nadi, Fiji, from 28 August to 1 September 2006.

5.3 Invitations and Participation

The workshop will be by invitation which will be issued by the FAO Sub-Regional Office for the Pacific Islands. Participation by senior level fisheries managers, legal experts and policymakers is targeted, in order that the expected outcomes of the workshop can be realized. For cost and logistical reasons, invitations will be limited to two persons from each of the following countries with major fishing ports in the region: Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Papua New Guinea and Solomon Islands. Invitations will be extended to one person each from the Governments of the Cook Islands, Nauru, Niue, Palau, Samoa, Tonga, Tuvalu and Vanuatu. Observers will not be permitted to attend the workshop.

5.4 Partnership in workshop delivery

The delivery of the workshop will build on existing partnerships that FAO has in the Pacific Islands region. To this end cooperation in delivery will be sought from the Forum Fisheries Agency (FFA) and the Western and Central Pacific Fisheries Commission (WCPFC). The Western Pacific Regional Fisheries Management Council will support the attendance of resource persons from US Territories in the region.

FAO fisheries specialists, international and regional experts, including from the two regional fishery bodies will combine their skills to present materials, facilitate discussion and provide technical advice as required. The experts will also prepare discussion guides for each of the working groups. The proposed list of documents for the workshop is in Appendix 2.

The resource persons will assist in drafting the report for the workshop.

¹¹ Federated States of Micronesia (Pohnpei); Fiji (Suva); Papua New Guinea (Port Moresby); Republic of the Marshall Islands (Majuro).

5.5 Languages

The workshop will be conducted in English.

6 ADMINISTRATIVE ARRANGEMENTS

Administrative arrangements will be handled by the workshop coordinator.

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

Information about the workshop can be obtained from:

Masanami Izumi
Fishery Officer
FAO Sub-Regional Office
Private Mail Bag
Apia, Samoa
Phone: (685) 22 127
Fax: (685) 20 710
E-mail: masanami.izumi@fao.org

9 OFFICERS OF THE WORKSHOP

Officers of the workshop will include the following:

- | | |
|------------------------|------------------------------|
| • Workshop Coordinator | Masanami Izumi |
| • Technical Secretary | Judith Swan |
| • Secretary | Marianne Guyonnet, FAO, Rome |
| • Workshop Assistant | To be advised |

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

28 August – 1 September 2006

Mocambo Hotel

Nadi, Fiji

PROVISIONAL AGENDA AND TIMETABLE

MONDAY, 28 AUGUST 2006

08.30 – 09.00

Registration

09.00 – 10.00

- Welcome and opening of the workshop by Dr. Vili Fuavao, FAO Subregional Representative, Office for the Pacific Islands, Samoa and Mr. Feleti Teo, Director, Pacific Islands Forum Fisheries Agency, Solomon Islands
- Introduction of participants and resource persons
- Administrative arrangements for the workshop (Masanami Izumi, FAO, Samoa)
- Technical matters concerning the workshop (Judith Swan, FAO, Italy)

Coffee break

10.30 - 12.00

- FAO multimedia presentation on IUU fishing (David Doulman, FAO, Italy)
- Presentation: The role of the port State in combating IUU fishing and promoting long-term sustainability in fisheries (David Doulman)
 - Background and introduction - IUU fishing and port State measures
 - Port State measures to combat IUU fishing
 - Port State measures as reflected in NPOAs-IUU
 - IUU fishing issues in the Pacific Islands Subregion
- Questions, answers and observations

Lunch break

13.30 - 15.00

- FAO multimedia presentation on port State measures (Judith Swan)
- Presentation: Port State control – International Developments (Judith Swan)
 - International instruments/law
 - International developments affecting port State measures
 - General approaches at regional level
 - Linkages with other tools to combat IUU fishing
- Questions, answers and observations

Coffee break

15.30 – 17.00

- Presentation: The FAO Model Scheme on Port State Measures and Regional Approaches (Terje Lobach, International Legal Consultant, Norway)
- Questions, answers and observations

18.30 – 20.00

- Reception hosted by Dr. Vili Fuavao, FAO Subregional Representative, Office for the Pacific Islands, Samoa

TUESDAY, 29 AUGUST 2006

08.30 – 10.00 hours

- Presentation: Port State Measures Issues and Experiences at Regional Level
 - Regional Fishery Bodies – NEAFC, SEAFO, CCAMLR (Terje Lobach)
 - Indian Ocean Commission MCS Programme (Neil Ansell, Chief Technical Officer, MCS Programme, Indian Ocean Commission, Mauritius)
- Questions, answers and observations

Coffee break

10.30-12.00

- Presentation: WCP/FFA Regional Considerations and Priorities (Manu Tupou-Roosen, Legal Officer, FFA, Solomon Islands)
 - FFC decisions/direction regarding WCPFC regional port State scheme
 - Relevant regional agreements
 - Legal issues, including foreign/national vessels
 - Problems and constraints in implementing Model Scheme
- Questions, answers and observations

Presentation: FFA Regional Operational Issues

- FFA (Kevin Painter, Enforcement Advisor, FFA, Solomon Islands and Lamiller Pawut, Surveillance Operations Officer, FFA, Solomon Islands)
 - General outline of profiles of fishing in FFA members – fleets (foreign and domestic), IUU fishing, use of ports, transshipments, trade patterns
 - Relevant FFA programmes, databases
- Questions, answers and observations

Lunch break

13.30-15.00

- Presentation: WCPFC Regional Operational Issues (Martin Tsamenyi, Legal Service Provider, WCPFC Secretariat)
 - WCPFC – Background, Objectives of Technical and Compliance Committee regarding port State measures
 - General outline of profiles of WCPFC non-FFA members, CNPs – fleets, IUU fishing, use of ports, transshipment, trade patterns

- WCPFC regional systems – VMS, observer programmes, databases, etc., interface with FFA
- Questions, answers and observations
- Presentation: Findings and conclusions of field study on port State measures in major WCP fishing ports. (Colin Brown, FAO Consultant, Cook Islands)

Coffee break

15.30-17.00

- Presentation (continued): Findings and conclusions of field study on port State measures in major WCP fishing ports. (Colin Brown)
- Questions, answers and observations

WEDNESDAY 30 AUGUST 2006

08.30 – 1000

- Presentation: Case studies: Port State measures and activities in US Territories, and application of the FAO Model Scheme (Ray Tulafono, Director, Department of Marine and Wildlife Resources, American Samoa; Sylvan O. Igisomar, Director, Division of Fish and Wildlife, Saipan, Northern Marianas)
- Questions, answers and observations

Coffee break

10.30-12.00

- Presentation: Approaches to implement the FAO Model Scheme in key WCPFC developed member countries and Cooperating Non Parties (David Marx, Senior International Advisor, Ministry of Fisheries, New Zealand, others to be named as available)
 - Consideration of elements of FAO Model Scheme and national laws: process for implementation of Model Scheme
- Questions, answers and observations

Lunch break

13.30-15.00

- Presentation: Case Study/Studies of successful port State controls – prosecutions (Paul Ortiz, International MCS Network, USA)
- Questions, answers and observations

Coffee break

15.30 – 17.00

- Formation of four working groups, each to identify the following: (Judith Swan)
 - Main IUU fishing problems in region that can be addressed by port State measures (foreign/national, current/potential)
 - Gaps in the implementation of Model Scheme
 - Constraints, solutions to overcoming gaps

- Process for adapting/strengthening Model Scheme for region
- Key linkages (Trade, VMS, etc)

THURSDAY 31 AUGUST 2006

08.30 – 1000 hours

- Reports of the working groups (Commentary, T. Aqorau, D. Doulman and T. Lobach)
- Exercise: Bold Beauty
 - Participants to advise on fictitious situation where the foreign fishing vessel Bold Beauty is suspected of having conducted IUU fishing and port State measures must be taken.

Coffee break

10.30 – 12.00

- Conclusion of Bold Beauty exercise, reports to plenary (Commentary, K. Painter, P. Ortiz and D. Marx)

Lunch break

13.30 – 15.00

- Formation of four separate working groups to review FAO Model Scheme with a view to developing regional standards
 - Legal (regional and national legal requirements)
 - Information requirements and systems
 - Inspection procedures, results of PS Inspections
 - Training Programme

Coffee break

15.30 – 17.00

- Working groups in session.

FRIDAY 1 SEPTEMBER 2006

08.30 – 1000 hours

- Reports of the working groups and commentary (T. Aqorau, C. Brown and T. Lobach)
- Plenary discussion of results of the working groups and proposed follow-up to the workshop (Facilitator)

Coffee break

10.30 – 12.00

- Concluding comments (T. Aqorau, J. Swan and M. Izumi)
- Participants assessment of workshop (J. Swan)
- Conclusion of workshop

PROVISIONAL LIST OF DOCUMENTS

The following documents will be provided to participants prior to the workshop. Others may be included.

- 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing
- The role of the port State in combating IUU fishing and promoting long-term sustainability in fisheries (Doulman)
- Port State control – International Developments (Swan)
- Port State Measures to Combat IUU Fishing: Information paper on the FAO Model Scheme, and major issues in key RFMOs in implementing port State measures (Lobach)
- Regional Operational Issues in the West and Central Pacific Fisheries Commission (WCPFC)
- Field Study on port State measures in select WCP Small Island Developing States (Brown)

The following documents will be made available to participants at the workshop. Others may be included.

- 1993 FAO Compliance Agreement
- 1995 FAO Code of Conduct for Responsible Fisheries
- 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
- FAO Technical Guidelines No. 9, IPOA-IUU
- South Pacific Model National Plan of Action to Combat IUU Fishing (NPOA-IUU)