

Report of the

**FAO/CECAF WORKSHOP ON PORT STATE MEASURES TO COMBAT
ILLEGAL, UNREPORTED AND UNREGULATED FISHING FOR THE
WEST AFRICAN SUBREGION**

Accra, Ghana, 9–12 June 2009



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PREPARATION OF THIS DOCUMENT

This is the final version of the report of the FAO/CECAF [Food and Agriculture Organization of the United Nations/Fishery Committee for the Eastern Central Atlantic] Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing for the West African Subregion that was held in Accra, Ghana, from 9 to 12 June 2009.

FAO.

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ABSTRACT

This document contains the report of the FAO/CECAF Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing for the West African Subregion, which was held in Accra, Ghana, from 9 to 12 June 2009. The objective of the Workshop was to develop national capacity and promote bilateral, subregional and regional coordination so that countries would be better placed to strengthen and harmonize port State measures and, as a result, implement the relevant tools of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing and the 2009 Chairperson's draft Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, when it enters into force. At the conclusion of the workshop a brainstorming session was held with the goal of looking ahead to identify aims and targets for bilateral, subregional and regional cooperation and harmonization of port State measures; identify some measures and mechanisms that could be used to implement harmonized port State measures on a bilateral, subregional and regional basis and to identify the scope for implementation of the draft Agreement by countries in the West African subregion. Funding and support for the workshop were provided by the FAO Regular Programme and by the Governments of Norway and Sweden through the FishCode Programme.

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OPENING OF THE WORKSHOP

1. The FAO/CECAF [Food and Agriculture Organization of the United Nations/Fishery Committee for the Eastern Central Atlantic] Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing for the West African Subregion, was held at the FAO Subregional Office for West Africa, Accra, Ghana, from 9 to 12 June 2009.
2. The Workshop was attended by 27 participants from 13 West African countries and one participant from a regional fisheries management organization or arrangement (RFMO/A). A list of participants and FAO staff and consultants who attended the Workshop is attached as Appendix B.
3. Mr Alhaji Jallow, Senior Fisheries Officer, FAO Subregional Office for West Africa, Accra, Ghana, CECAF Secretary and Workshop Coordinator, called the meeting to order. He introduced the Honourable Nii Amasah Namoale, Deputy Minister of Food and Agriculture, Accra, Ghana, and Ms Maria Helena Semedo, Subregional Coordinator for West Africa and Officer-in-charge, FAO Regional Office for Africa, Accra, Ghana.
4. Ms Semedo welcomed participants to the workshop and underscored the deleterious effects of illegal, unreported and unregulated (IUU) fishing. She referred to the benefits of port State measures in efforts to combat IUU fishing, noting that FAO had initiated a global series of regional workshops to enhance national capacity and promote regional cooperation. Her statement is in Appendix D.
5. The Honourable Deputy Minister made a statement in which he stressed the importance of port State measures in order to ensure that fisheries were used in a sustainable manner. His statement is in Appendix E.
6. The Agenda for the Workshop is attached as Appendix A and the list of documents is attached as Appendix C.

BACKGROUND AND INTERNATIONAL FRAMEWORK FOR PORT STATE MEASURES

7. The Workshop viewed in the English and French languages a multimedia presentation prepared by FAO on port State measures. It highlighted, *inter alia*, the status of world fish stocks, the need for port State measures, aspects of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU), the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (Model Scheme), the development of a binding instrument on port State measures and the need to block IUU-caught fish from entering international fish trade.
8. Dr David J. Doulman, Senior Fishery Liaison Officer, FAO, Rome, Italy, made a presentation entitled “International framework for port State measures to combat IUU fishing: towards more stringent and binding measures”. Its purpose was to provide an overview of the international framework for port State measures for fishing vessels, showing how these measures had evolved primarily to support improved goals of long-term sustainability and enhanced fisheries governance. The presentation outlined why port State measures had assumed an increasingly important role, concurrent with international concern about IUU fishing, and explained FAO’s plans to strengthen port State measures through the development of a legally-binding instrument.
9. In reviewing the evolution of port State measures, Dr Doulman discussed briefly the relevant provisions of the 1982 United Nations Convention on the Law of the Sea, Agenda 21 adopted by the 1992 United Nations Conference on Environment and Development, the 1993 FAO Compliance Agreement, the 1995 UN Fish Stocks Agreement and the relevant matters considered by the 2006 Review Conference of the Fish Stocks Agreement, the 1995 FAO Code of Conduct for Responsible Fisheries, the IPOA–IUU, the 2002 World Summit on Sustainable Development (WSSD) outcomes,

the Model Scheme, the fisheries resolutions of the United Nations General Assembly (UNGA) and decisions of the FAO Committee on Fisheries (COFI).

10. The presentation also highlighted FAO's role in capacity building to assist developing members address IUU fishing. Dr Doulman pointed out that WSSD, UNGA and COFI underscored the central role of capacity building to enable countries meet their obligations under international law. He added that FAO had an ongoing capacity building initiative and that seven regional workshops focusing on the implementation of port State measures had been organized.

11. In his conclusion, Dr Doulman noted that IUU fishing remained a serious impediment to sustainability in fisheries and that ongoing and strong political commitment was required to underpin measures that would restrict or prevent financial flows to IUU fishers. Since the main incentive to engage in IUU fishing is profit-driven, the use of market-related and port State measures probably offered the best opportunities to achieve this goal.

12. Ms Judith Swan, FAO Consultant, Rome, Italy, made a presentation entitled "Port State measures, linkages with other international initiatives, fisheries compliance tools and relevant FAO initiatives". She explained the basic framework of port State measures, noting that they are cost-effective and can be integrated into a coordinated system of port controls, as well as health, security and safety controls. However, there were many challenges, such as "ports of convenience", transshipment at sea and weak flag State control.

13. The focal role played by port State measures in relation to other key compliance tools was emphasized. The components and successful results of port controls developed by the International Maritime Organization (IMO) was described and opportunities for collaboration with controls for fishing vessels was noted, mindful that "vessels" subject to port State measures would include support vessels such as carrier ships.

14. A range of compliance tools had been developed by RFMO/As, and port State measures played a vital role in bolstering their effectiveness. For example, port entry and use could be denied to vessels on a RFMO/A IUU vessel list, and dockside checks could verify information provided by vessel monitoring systems (VMS) and catch certification. The governance role of RFMO/As in strengthening and harmonizing port State measures was underlined, noting the increasing number of RFMO/As and the expansion of their initiatives to address IUU fishing through port State measures.

15. The responsibility of flag States to effectively control their fishing vessels had not been successfully discharged by many States but an important role of flag States was emerging in the context of port State measures, both before use of port and after inspection. For example, flag States should confirm that their vessels cooperate with port States and request port States to inspect their vessels where IUU fishing activities were suspected. After inspection, flag States must investigate fully and report on actions it took against such vessels. Recognizing the need for many flag States to fulfil their role under international law, COFI in 2007 called for an Expert Consultation to develop criteria for assessing the performance of flag States and examine possible actions against vessels flying the flags of States not meeting such criteria. In 2009, COFI agreed that this should be followed by a Technical Consultation. These meetings will be held prior to the next session of COFI and it is expected that the role of flag States in promoting and ensuring effective port State measures will be examined.

16. Documentation and information collection and exchange that formed part of port State measures had a significant impact; it was sometimes easier to prove false documentation than to prove IUU fishing activities. Ms Swan noted the emerging trend where access to ports in a number of countries would depend on certification by the flag State that the fish to be offloaded was caught legally. Another potential documentation requirement under review at FAO included development of a Global Record of Fishing Vessels, which could improve traceability and transparency, and a global FAO overview of VMS was being compiled.

17. Finally, Ms Swan described the FAO initiative for human capacity development and institutional strengthening, through coordinating regional workshops on port State measures so that countries would be better placed to strengthen and harmonize port State measures. Ultimately they would contribute to the development of national standards, relevant RFMO/A requirements and a binding international instrument on port State measures.

18. In discussion, the issue of the types of vessels that fell within the scope of the Chairperson's draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (draft Agreement) was raised, and specifically whether research vessels were covered. It was explained that the draft Agreement provided a definition for "vessels" and that research vessels were not mentioned specifically. However, if a research vessel carried out IUU fishing activities separately from the terms of research, it could fall within the terms of port State measures.

19. The economic loss to a port State caused by denying a vessel access to port was addressed and the possibility of compensation to the port State raised, especially considering the value of past calls to African countries. It was noted that the issue had been raised elsewhere but there had not been much progress in defining the right to compensation or enforcement of such a right. Instead the focus was on preventing the owner from profiting and requiring market measures for importing fish with the aim of prohibiting trade in IUU-caught product.

20. Concern was expressed about the large number of artisanal vessels that fished in waters of adjoining West African States and it was explained that these vessels were covered in the draft Agreement as a result of an initiative of the African Group. The text excepted foreign artisanal vessels from its scope where they were carrying out subsistence fishing provided that the flag State and port State cooperated to ensure that the vessels did not engage in and/or support IUU fishing. The need for this provision to be consistent with international law was underlined.

21. The problem caused by transshipment at sea, resulting in "laundering" of IUU-caught fish, was raised. It was explained that the net was closing on such operations through mechanisms such as requiring a flag State to confirm that fish was caught legally before a market country would allow its importation. There had also been significant progress made by RFMO/As in controlling such transshipment.

BILATERAL, SUBREGIONAL AND REGIONAL APPROACHES TO IUU FISHING AND PORT STATE MEASURES

22. Mr Terje Lobach, FAO Consultant, Bergen, Norway, made a presentation entitled "Port State measures: some examples of regional and bilateral approaches". He provided an overview of action taken by RFMO/As concerning the implementation of port State measures. He focused both on general port State measures including notification requirements, inspections and actions by port States, and on other monitoring, control and surveillance (MCS) tools, which contained port State obligations. With respect to the latter tools, he explained the linkages to port State measures of various schemes of vessel listing, trade- and market-related measures as well as the regulation of transshipment.

23. Mr Lobach then went through actions taken by various RFMO/As such as the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the North East Atlantic Fisheries Commission (NEAFC) and the Southeast Atlantic Fisheries Organization (SEAFO). All these organizations had introduced systems of listing of IUU vessels, requiring, among other things, port States to take specific action against such vessels. Action agreed to by the various organizations varied. Some of them denied access while others allowed such vessels to port followed by a thorough inspection. Some organizations also had established so-called "positive lists", implying that port State action would be taken against vessels not included on those lists. Furthermore, Mr Lobach mentioned that many RFMO/As had introduced specific schemes concerning transshipment with SEAFO being the most

radical by banning all at-sea transshipment. For other RFMO/As, special requirements applied in ports. His presentation also indicated that many RFMO/As had agreed to trade- and market-related measures, containing special obligations for port States. In addition, CCAMLR had introduced a catch documentation scheme that required action by port States.

24. Mr Lobach gave details of the NEAFC scheme which to a great extent, built on the FAO Model Scheme. NEAFC had gone further by putting clear responsibilities on the flag State before a vessel was allowed to unload its catch or cargo. In this context he described the main problems of IUU fishing in the NEAFC area, which due to the new port State scheme and other MCS tools seemed to have been reduced considerably. Finally, he related the Polstar story concerning the reefer vessel that received redfish from six vessels on the NEAFC IUU vessel list, and consequently was regarded itself as an IUU vessel. It was therefore denied access to all ports of NEAFC parties. The vessel attempted to land its cargo in several non-member ports but these countries cooperated with NEAFC by refusing to receive the redfish. After a journey of almost three months the vessel managed to land the fish in China, Hong Kong Special Administrative Region. Mr Lobach concluded by saying that this story demonstrated that cooperation between port States was crucial to combat IUU fishing.

25. Dr Douman made a presentation entitled “IUU fishing in the West African subregion”. He commenced by providing background information on IUU fishing noting that it was a global problem found in all capture fisheries irrespective of their location. It impacted adversely efforts to sustainably manage fisheries targeting species that were high valued with a high market demand. The exclusive economic zones (EEZs) of developing countries were particularly susceptible to IUU fishing as were more isolated high seas areas.

26. With respect to the main IUU fishing problems and their solutions in the West African subregion, Dr Douman pointed out that he had drawn on the outcomes of the 2005 FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – West African Subregion.¹ The Workshop ranked IUU fishing problems by country in order to develop a regional ranking. He stressed that rankings were not official but that they provided a good perspective on IUU fishing problems and solutions for the subregion. The problems discussed included inadequate MCS, fishing unauthorized species and undersized species, use of prohibited gears and fishing methods, encroachment by foreign fishing vessels in the zone of national jurisdiction, unauthorized fishing in closed areas and seasons, inadequate legislation for IUU fishing and MCS and unreporting and misreporting of catches. For each of these problems the proposed solutions were also reviewed. It was noted that there was a conversion of solutions for some of the problems.

27. In conclusion, Dr Douman noted that IUU fishing was not diminishing and that IUU fishers were going to greater lengths to hide their operations as it became more difficult to operate. He stressed that IUU fishers had good operational intelligence, were highly motivated, innovative, dynamic and mobile. They relied heavily for their operations on support from States issuing “flags of convenience” and States operating “ports of non-compliance”. Because IUU fishing was financially motivated, Dr Douman stated that port State measures could be an effective tool in blocking the entry of IUU-caught fish into national and international markets, thereby removing the financial incentive for fishers to engage in IUU fishing.

28. A third presentation entitled “Current profile of IUU fishing activities and issues relating to port control in the subregion” was made by Mr Jallow. He noted that in the West African subregion IUU fishing was spreading rapidly and there was sometimes a reluctance by countries to take action against vessels involved in such fishing and their flag States because of possible diplomatic repercussions. However, he added that States should strive to pursue policies of responsible fisheries

¹ FAO. 2006. Report of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – West African Subregion. FAO Fisheries Report No. 792. FAO. Rome. 80p.

even in the face of such repercussions. He added that sovereign States should not bend to pressure from more powerful fishing States, especially when IUU fishing activities were involved. The need to limit or prevent political interference when measures against IUU fishing vessels were being contemplated or taken should be promoted in the subregion.

29. Mr Jallow pointed out that with the prevailing situation in the subregion, it was very important for countries to coordinate subregional action against IUU fishing. Cooperation and collaboration were means of eliminating weak links as countries sought to initiate measures against IUU fishing. There was an urgent need for all countries in the West African subregion to give priority to combating IUU fishing if success was to be achieved. There was no room for complacency and the use of flags of non-compliance, a major source of IUU fishing, should be eradicated.

30. Mr Jallow stressed that capacity and financial problems experienced by some West African countries were some of the constraints impacting on the implementation of international instruments such as the Code of Conduct and the IPOA-IUU.

31. At the 2005 West African Regional Workshop referred to above, a significant concern was the implementation of appropriate MCS tools, particularly given the widespread nature of IUU fishing in all areas and types of fisheries in the subregion. A need for advice was expressed in relation to tools for setting appropriate penalties, installation of MCS, alternatives to VMS systems and information exchange. In this regard, emphasis was put on prioritization, strategies and assistance for capacity building, options for information exchange and some potential components of penalties that could be included in the law for deterrence and punitive purposes, especially for serious IUU fishing and related offences.

32. Mr Jallow stressed that IUU fishing by artisanal and industrial fishers was common in the subregion. Common types of IUU fishing included operating without an authorization to fish, incursion into prohibited areas, the use of destructive fishing methods and the use of banned gear and mesh sizes. The overall impact of these activities led to dwindling resources, strong competition among vessels on the fishing grounds, conflict between industrial and artisanal fishers and the disappearance of some species.

33. As an example of subregional cooperation, Mr Jallow referred to the Subregional Fisheries Commission (SRFC) based in Dakar, Senegal. It had a successful subregional MCS programme with its headquarters, the Surveillance Operations and Coordination Unit (SOCU), in Banjul, The Gambia. SRFC members were involved in joint MCS operations, including aerial surveillance supported by marine operations. Although the initiative had been supported for four years by Luxembourg Development and will soon be supported further by the European Community for an additional four years, SRFC members also had contributed assets to support the joint operations. Importantly, the SRFC had promoted the development of a national vessel registers and a subregional register of fishing vessels. These registers had provided a good basis for the exchange of information between members. The SRFC was moving to implement VMS among its members as a means of complementing conventional MCS measures such as the use of patrol boats, coastal radar and surveillance aircraft, and was seeking to harmonize national legislation as a means of enhanced MCS cooperation. To be effective, these initiatives would require strong political will, which was not present in all countries.

34. Mr Jallow pointed out that IUU fishing in the subregion required countries to share MCS assets as a means of promoting more effective cooperation. For MCS programmes, the exchange of information between countries was essential. Participatory approaches to MCS could be useful and fishers should be encouraged to contribute to MCS efforts by reporting incidences of IUU fishing. He also proposed a list of actions to be undertaken by States in the subregion relating to measures to combat IUU fishing. This list is in Appendix F.

35. Mr Germain Dasyilva, Fisheries Officer, FAO Subregional Office for Africa, Accra, Ghana, advised the meeting that in the struggle against IUU fishing political interference could have also a positive impact. In fact, the adoption of the declaration entitled “Nouakchott Declaration on IUU fishing” by the SRFC Ministerial Conference demonstrated the willingness of countries to become involved in the fight against IUU fishing. This political will was also manifested through the creation of a specialized programme, the SOCU. The existence of this programme could be considered among the best proof of countries in their struggle against IUU fishing in organizing combined air and sea surveillance operations in order to identify and combat IUU fishing activities in the EEZs of SRFC Members. In addition the establishment at national level of registers and the preparation of a subregional register demonstrated the need to combat IUU fishing on the part of Members.

36. The political will of SRFC Members led them to sign, in 1993, a Convention concerning the identification of access and exploitation conditions for fisheries resources in their coastal waters. This Convention is actually in the process of being revised. Another Convention in relation to subregional cooperation concerning the right “hot pursuit” was also signed to enable the extradition of IUU fishing vessels.

37. A further initiative was the elaboration of a TCP project submitted to FAO concerning VMS that will be implemented in the near future. This TCP will raise awareness among countries about the potential of VMS as a complimentary tool to other fisheries MCS activities and will allow the development of a subregional strategy for VMS cooperation.

38. In discussion following the presentations, it was pointed out that the draft Agreement was being developed through an inclusive process at FAO. All FAO Members, RFMO/As and a good selection of international non-government organizations were invited to participate in the process. In this way the interest of all States were represented in the negotiation process.

39. On the issue of transshipment the participant from Sierra Leone advised the workshop that there were three designated transshipment zones in its port and that high seas transshipment was banned. Fishing vessels that were licensed could transship in port and were required to pay transshipment fees. Receiving vessels were not licensed though they were required to pay transshipment fees for fish received from licensed fishing vessels.

40. The workshop was advised that there were problems in the West African subregion where fishing vessels carried two valid licences from two countries. The issue of bunkering vessels (i.e. supplying fuel to vessels at sea) could be problematic and was flagged as a problem in the subregion. The workshop agreed that the review of national legislation was essential to ensure that it reflected changes in international law such as those that would be reflected in the draft Agreement. The need to strengthen national human and institutional capacity for countries in the subregion was stressed so that they would be in a position to meet the obligations of the draft Agreement.

41. Mr Séraphin Dedi Nadje, Secretary General of the Fishery Committee of the West Central Gulf of Guinea (FCWC), Accra, Ghana, acknowledged with satisfaction the FAO initiative to organize the workshop on port State measures and the struggle against IUU fishing that would benefit FCWC Members. He recognized that port State measures to combat IUU fishing had not yet been initiated in FCWC area although other initiatives by Member countries had been taken including:

- In Ghana a new fisheries plan had been adopted that gave priority to the struggle against IUU fishing;
- In Benin, a national plan of action to combat IUU fishing (NPOA–IUU) had been elaborated but not implemented;
- In Côte d’Ivoire, a programme of sustainable management of fisheries resources had been put in place including a committee of agencies from the national administration that would guide action against IUU fishing. The committee had organized a national training

workshop on IUU fishing, regular MCS patrols and the banning of unsustainable fishing practices.

42. At the regional level, a permanent working group on IUU fishing had been established and a regional action plan against IUU fishing including port State measures was under preparation.

ISSUES AND FRAMEWORK OF THE 2005 MODEL SCHEME ON PORT STATE MEASURES AND THE 2009 CHAIRPERSON'S DRAFT AGREEMENT ON PORT STATE MEASURES

43. Mr Lobach made a presentation entitled "An overview: key issues in the development of the 2005 Model Scheme on Port State Measures and the 2009 Chairperson's draft Agreement". He examined the global instruments and initiatives addressing IUU fishing in general, including their references to regional approaches. He focused specifically on port State measures and linkages to other MCS tools. In this regard Mr Lobach outlined the development of Model Scheme, leading up to its adoption at COFI in 2005. He highlighted the various elements of the Model Scheme, including its objective and scope, which vessels should be targeted by port authorities, the details of the prior notification requirements as well as possible reactions based on such notifications. He mentioned the standards concerning inspections in port, including formal requirements, the execution of an inspection and how to react if involvement in IUU fishing was detected during an inspection. He emphasized the importance of the annexes to the Model Scheme and their importance for capacity building.

44. With respect to linkages to other MCS tools, Mr Lobach addressed, in particular, the role of the flag State, transshipment, vessel lists and trade- and market-related measures. He informed the workshop about events leading to the development by RFMO/As of IUU vessel lists. They were an important tool for curbing IUU fishing and involved currently more than 100 countries. He examined thoroughly the role of the flag States, including legally-binding obligations derived from international instruments. He illustrated how the obligatory use of VMS had been implemented as an important tool for flag States to monitor their vessels and new avenues to strengthen the role of flag States in the fight against IUU fishing. Furthermore, he explained how global calls to address transshipment and the use of trade- and market-related measures had been responded to at the regional level.

45. In conclusion Mr Lobach provided an overview of the initiatives that had led to the ongoing negotiations for the elaboration of a binding agreement on port State measures, including the rationale for such an Agreement.

46. Ms Swan made a presentation concerning the 2009 Chairperson's draft Agreement.² She introduced the process and approach in the development of the instrument, and explained that although great strides had been made to reach agreement on many provisions at the FAO Technical Consultation to draft an Agreement on Port State Measures to Combat IUU Fishing, there were still some key issues that were not yet resolved. However, many countries appeared to be willing to work intersessionally to move forward towards agreement.

47. Ms Swan explained the framework of the Chairperson's draft text, and addressed provisions in detail. Issues under General Provisions were highlighted, noting the importance of defining the terms and those where agreement had not been finalized, particularly "illegal, unreported and unregulated fishing". Other provisions highlighted were the application of the Agreement and the encouragement to integrate port State measures at the national level, both of which remain to be agreed.

48. The step-by-step process established in the Chairperson's draft text for the port State to allow or deny the use of its ports was explained. Requirements included the designation of a port, advance

² Chairperson's Draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of 18 May 2009.

requests and information to be supplied by a vessel, authorization by a port State and situations where entry must be prohibited.

49. Ms Swan reviewed provisions in the text relating to the use of ports. She explained the wide range of purposes for which use could be denied.

50. Ms Swan described the comprehensive process for inspections and follow-up actions. It included setting levels and priorities for inspection, conducting inspections, inspection reports, transmittal of the inspection results, electronic exchange of information, training for inspectors and port State actions following inspection. The wide array of duties and standards for conducting inspections and reporting was emphasized.

51. It was pointed out that the increased emphasis on the role of the flag State, both before port entry and after inspection, reflected the will of the international community to enhance the duty of flag State responsibility.

52. The Article relating to the requirements of developing States was elaborated, noting its breadth and supportive approach. The different views of delegations at the Technical Consultation in relation to dispute settlement were described, as reflected in the Chairperson's draft text.

53. The final provisions of the Chairperson's draft text were reviewed and the considerations surrounding the unresolved issue of whether the Agreement should be concluded within or outside the FAO Constitution were explained. It was noted that FAO required a long process for any proposed amendments and that the FAO governing bodies would need to have input to any amendment process. It was acknowledged, in this context, that FAO Members not party to the Agreement could vote on amendments to the Agreement. An important matter was a provision requiring the convening of a Conference of the Parties to the Agreement on a regular basis would need to be included in the draft text. In this respect, FAO was unlikely to have funds to support this, or any other activity under the Agreement, a situation not anticipated to change in the future. Finally, an Agreement concluded outside of FAO would not be limited to FAO Members.

54. In conclusion Ms Swan reviewed some of the key outstanding issues to be considered at the third resumed session of the Technical Consultation in August 2009.

55. In discussion, the problem of complicity or unprofessional behaviour in national administrations was noted in two respects. Firstly, as a potential blockage in implementing measures to prevent vessels from entering port where there were clear grounds for believing IUU fishing had taken place, and secondly as a means of avoiding port State measures altogether where a foreign vessel was permitted under national law to fly the flag of the coastal State for fishing in its waters.

56. In the latter case, the level of sanctions for illegal fishing would also be relatively low. It was pointed out that the core problem was the discharge of flag State responsibility and port State measures were developed to address this. The FAO Expert and Technical Consultations on Flag State Performance, mentioned above, were expected to develop other means of promoting the implementation of strengthened flag State responsibilities. It was also noted that, in one case, an African coastal State had amended its laws so as not to allow a foreign vessel to fish in its waters under its flag to prevent the abuses in question.

57. The role of coastal States, flag States and port States in combating IUU fishing was clarified in response to questions from participants.

58. The issue of assistance for developing countries was raised, noting that two major costs were training and the purchase and maintenance of equipment. However, the cost-effectiveness of port State measures was emphasized and it was explained that the costs of implementation should not be high. Training guidelines had already been agreed and expensive equipment was not essential. An important

activity would be the revision of national legislation to allow the full implementation of the port State measures. In considering the level and type of assistance, the different levels of development among countries was acknowledged. In one case, a national forum would be organized as a first step for awareness raising on the need for enhanced port State measures.

59. The need for different agencies in the national administrations to communicate effectively on issues relating to port State measures was addressed. For example, communication and consultations were needed among the various authorities that registered vessels, issued licenses and certified that fish was caught legally.

NATIONAL COORDINATION AND IMPLEMENTATION OF PORT STATE MEASURES: PILOT PROJECTS AND CURRENT STRENGTHS AND CONSTRAINTS

Pilot projects

60. Ms Swan made an introductory presentation entitled “FAO national workshops on port State measures”. It reviewed the Mauritania and Senegal workshops on port States measures that were conducted in June and July 2008. The presentation addressed the organization of the workshops, the task that were undertaken, the processes followed and the outcomes.

61. Ms Swan advised the workshop that the national workshops had been supported by the World Bank West Africa Regional Fisheries Project (WARFP). The objective of the workshops was to develop national capacity and promote regional coordination on port State measures, address emerging international standards at a relatively early time and identify national measures that could be funded by WARFP. She noted that the tasks of the workshops were to identify institutional, legal, administrative issues and priority actions. At the institutional level the role of relevant institutions for implementing the instruments and the means of communication and knowledge sharing among institutions were considered. The legal and administrative issues focused on gaps and means of redressing problem areas and raising awareness about the instruments among stakeholders. The priority actions concerned the implementation of the relevant instruments.

62. Ms Swan outlined the process for the implementation of the pilot projects involved the recruitment of two national consultants (MCS and legal) from the subregion and the preparation of background scoping reports prior to the workshops. She added that the reports included a review and assessment of existing frameworks and an identification of changes required, the identification of constraints to the implementation of the instruments and the means for overcoming them and a workplan for building national capacity and implementing the instruments.

63. With respect to the outcomes of the pilot projects, Ms Swan explained that the workshops identified priority, legal and MCS activities and other constraints at the national level, identified areas for further consideration including key provisions in the draft Agreement, agreed on an indicative workplan and budget and developed a framework for a manual to implement port State measures. Ms Swan also pointed out that the workshops identified common needs including law reform, training, an operational manual, integration of port State measures with other areas and mechanisms for strengthening subregional cooperation.

64. Mr Pathé Demba Ba, FAO Consultant, Nouakchott, Mauritania, advised the meeting that the FAO/SRFC on IUU fishing in Nouadhibou, Mauritania, had enabled participants representing the relevant institutions to understand the importance of port State measures in the struggle against IUU fishing. The participants summarized the human and material means available and the capacity of the inspection personnel and MCS programmes. A number of recommendations were made to enable Mauritania to be ready to implement port State measures. The recommendations concerned legislation, training, MCS equipment and information requirements, adequate budget, sufficient means for personnel involved with the implementation of port State measures and regional and international cooperation.

65. Mr Ba noted that the workshops concluded that Mauritania would be in conformity with port State measures after it revised its legislation and improved training of MCS personnel.

66. Following the presentation, the issue was raised concerning the relationship between civilian and military personnel in the Mauritanian Délégation à la surveillance des pêches et au contrôle en mer (DSPCM). Mr Ba responded that there were no problems of cooperation between civilian and military personnel because they were all officials of the State of Mauritania.

67. The question was also posed as to why there was a dedicated MCS dock? It was pointed that a dedicated dock was necessary for DSPCM vessels, *inter alia*, for security reasons and confidentiality of operations.

68. Mr Ba was asked what had been the impact of MCS in Mauritania. He responded that IUU fishing had been eradicated completely since 2001. In addition sanction for IUU fishing had increased significantly from MRO 300 000 000 to more than MRO 1 400 000 000 between 1997 and 2007.

69. The question was posed as to what was the status of MCS officers in Mauritania. Mr Ba responded that MCS officers were senior officers from the National Marine who were designated by decree by the Council of Ministers.

70. Mrs Marième Diagne Talla, FAO Consultant, Dakar, Senegal, summarized the results of the Dakar, Senegal, workshops that were held in June and July 2008 on the Model Scheme to combat IUU fishing. She advised the workshop that Senegal had a sufficiently robust institutional, administrative and legal framework to implement port State measures. However she noted that some amendment of a legal nature would be required together with complementary training for MCS officers.

71. Mrs Diagne Talla pointed out that the report of the workshops listed a number of constraints for Senegal and communication difficulties at the subregional level. The report also included actions that might be undertaken to strengthen port State responsibilities in the context of combating IUU fishing. The improvement of the legal framework was also recommended as well as training for MCS officers. She noted that following the two Dakar workshops some actions had been taken.

72. In discussion following the presentation, it was noted that many of the problems raised in the context of Senegal were similar to those of other countries in the subregion. It was suggested in the workshop that national legislation should be revised to enable enhanced implementation of port State measures in West African countries.

73. In his commentary on the two presentations, Mr Jallow observed that the workshops in Mauritania and Senegal demonstrated that the countries had the means to ensure reasonable MCS capabilities that were required for the implementation of effective port State measures. He pointed out that both countries should consider addressing the following issues:

- improved integration and cohesion at the national level that would create an effective partnership among the concerned agencies;
- revised national legislation to incorporate port State measures requirements, indemnity for delays, loss of revenue and the role of military and civilian personnel;
- enhanced training for inspectors and other personnel required to implement port State measures;
- harmonized legal texts among countries to deter IUU fishing in the subregion;
- formulation of a procedures manual; and
- action to involve all relevant national agencies in the formulation of NPOAs–IUU.

74. Mr Kuemlanguan thanked the consultants for their comprehensive and informative presentations. He acknowledged the findings and recommendations and agreed with Mr Jallow that the situation and problems described in Mauritania and Senegal were similar for many countries in the

subregion. The similarities of these problems underscored the need to continue with concerted national and subregional MCS and other efforts against IUU fishing.

75. In his commentary on the report of the findings and follow-up action of the Mauritania workshop, Mr Kuemlangan noted with interest the finding that Mauritania was relatively well supplied in terms of MCS resources and capacity but that it was acknowledged also that problems remained in combating IUU fishing. The recommendation to ensure cooperation and cohesion among relevant national agencies was therefore pertinent. He noted that there seemed to be a lack of coordination between external partners like FAO when providing technical assistance (e.g. review of the fisheries legal framework). He expressed regret that the results of the Mauritania workshop were not integrated into the ongoing FAO legal review process and asked national authorities to ensure that external partners were informed about ongoing technical assistance projects so that they could complement each other for the benefit of the recipient country. With respect to actions to be carried out at the subregional level, Mr Kuemlangan urged countries to learn from other subregions such as the Pacific Islands region because it had dealt with issues such as harmonized measures and legislative frameworks including harmonized penalties that had equal and adequate deterrent effect.

76. In commenting on the presentation on the results and follow-up of the Senegal workshop, Mr Kuemlangan agreed with the findings and recommendations that were similar to those of the Mauritania workshop. He clarified some misunderstanding about international law and the right of port States to deny access. He stated that denial of access to port was a right of port States and that the only exception to this right to deny access was *force majeure* and distress. This principle was reflected in the draft Agreement currently under negotiation.

77. Mr Kuemlangan also noted that there was a problem with the lack of coordination and cohesion among relevant national agencies to implement port State measures. He encouraged that this problem be addressed in Senegal. He stressed again the need for cooperation at the subregional level and repeated the need for the West African subregion to examine how other regions in the world had dealt with similar issues and to learn from their experience.

Current strengths and constraints

78. Prior to the workshop a questionnaire was distributed to all participants seeking information concerning the current status of IUU fishing and the implementation of port State measures in their respective countries. Participants were requested to complete the questionnaire and submit it to the Secretariat in advance of the workshop. The questionnaire is in Appendix G.

79. At the workshop participants were invited to present the information they had provided in their questionnaires. This exercise enabled the workshop to have a snapshot of the nature of IUU fishing problems being encountered across the subregion and the status of the implementation of port State measures.

80. Mr Jallow commented on the participants' presentations noting that generally countries had few problems with inspections at port. He observed that improvement had been made in some cases where countries had designated dedicated fishery ports. However, he added that countries would need to improve their efforts on a number of fronts to implement port State measures fully and effectively, highlighting the following areas:

- improved institutional coordination to reduce conflicts especially between agencies responsible for revenue generation and resource management;
- reviewed legal framework to facilitate harmonization of legislation at the subregional level;
- enhanced capacity building for inspectors and others associated with the implementation of port State measures;

- strengthened exchange of information and networking to provide national vessel register requirements for a subregional database;
- improved infrastructure and specialized equipment to enable countries to deal effectively and quickly with violations; and
- enhanced efforts to sensitize national stakeholders about the importance of port State measures and its role in combating IUU fishing.

81. Following the presentations by participants of their responses to the questionnaires on national strengths and constraints in implementing port State measures, Mr Lobach commented on the trends in the responses, summarizing the situation in the West African subregion. With respect to the major IUU fishing problems the following problems were identified in the presentation:

- poaching (i.e. fishing without a licence or an authorization);
- unauthorized transshipment;
- fishing in closed areas or wrong zones;
- use of illegal fishing gear, and
- catching juvenile fish.

He observed that in entire subregion only 18 ports were used by foreign fishing vessels, with a total number of port calls of between 1 000 and 1 200 per year. In Mr Lobach's opinion this limited number of ports would be a considerable advantage for establishing harmonized port State measures for the subregion. He noted that all States had advance notification requirements and inspection procedures in place. However, most States did not have priorities for selecting vessels to be inspected or for denying the use of ports based on prior notifications.

82. Mr Lobach pointed out that although many States had taken action against vessels following an inspection disclosing IUU fishing, he queried whether the sanctions imposed were sufficient to deter IUU fishing. In relation to the issue of the availability of human capacity to implement port State measures, he observed that all participants considered capacity levels to be inadequate. This situation suggested that capacity building needed to be addressed through training, staff recruitment, collaboration between agencies and the provision of monitoring tools.

83. Furthermore Mr Lobach noted that all States were parties to some regional cooperation mechanisms but expressed concern that only seven countries were members of ICCAT, despite the fact that tuna and tunalike species managed by ICCAT occurred in the waters of the 13 coastal States whose participants were attending the workshop.

84. With respect to constraints in implementing port State measures, Mr Lobach identified the following issues:

- lack of logistics and equipment;
- lack of qualified staff;
- poor harmonization and cooperation among national agencies; and
- inappropriate legal framework.

In order to overcome these constraints, participants suggested that measures were necessary to ensure political will, capacity building through training and improved logistics, additional and adequate funding, strengthening internal cooperation and revision of legislation.

85. In conclusion, Mr Lobach noted that participants proposed that key areas for future subregional cooperation could include a harmonized penalty system, MCS harmonization, cooperation in VMS implementation, establishment of a subregional/regional fishing vessel register, subregional training programmes, establishment of in-country focal points and regular meetings for the exchange of information and experience.

LEGAL AND REGIONAL PERSPECTIVES ON PORT STATE MEASURES

86. Mr Blaise Kuemlangan, Legal Officer of the FAO Legal Office, Rome, Italy, gave a presentation on the key elements of law that were required to implement port State measures to combat IUU fishing. He contextualized his presentation by stating that international instruments such as the Model Scheme and other fisheries instruments needed national enabling legislation for implementation. He highlighted that certain port State measures could already be implemented under current fisheries legislation. For example, inspections in port, designation of inspectors and inspection procedures could have been elaborated already under existing fisheries legislation. However, these would need to be complemented so that the full range of port State measures could be implemented. To this end, the national fisheries legal framework should be reviewed and revised to ensure, *inter alia*, that it established the:

- scope or designation of vessels and areas subject to port State measures and exceptions;
- extraterritorial application of the law where appropriate;
- requirement for notification and request for entry into port;
- empowerment of inspectors and other fisheries officers to take the full range of port State measures;
- denial of port services in addition to denial of landing or transshipment in port;
- prescription of form and content of inspection reports and transmission of such reports after inspection;
- confidentiality of certain information; and
- punishment of, or penalties against, IUU fishers.

Other innovations such as the legal requirements modelled on the provisions of the US Lacey Act that prohibited the importation of fish that had been caught in contravention of another State's legislation might be considered also. In the review of legislation to implement port State measures, the Model Scheme, the draft Agreement after it is adopted and other related international fisheries instruments should be taken into account.

87. In discussion, it was pointed out the closure of ports to IUU-caught product could affect the supply of fish to a country and, as a result, food security. This issue could make it difficult at the political level to secure the necessary support for the implementation of port State measures and the adoption of legislation to underpin them. In this regard it was noted that two options could be considered. The first of these was the continued promotion of IUU fishing to support today's food supply and, at the same time, run the risk that fish stocks would be further depleted and completely overfished. Alternatively, there was the possibility to secure food security now and for future generations by addressing sustainability issues including IUU fishing that also implied the implementation of effective port State measures.

88. As a matter of clarification, it was further noted that port State measures set out in the draft Agreement applied only to foreign vessels and not to national vessels and their catches. For vessels from neighboring States an opportunity was provided in the draft Agreement for such States to agree on a system of port State measures that recognized the particular circumstances of neighboring countries.

89. The workshop agreed that in order to implement the draft Agreement once it was in force, there was a clear need to review and revise legislation. Furthermore, it was apparent that many countries in the subregion lacked the human capacity and other resources to undertake such a review. Some participants enquired whether FAO could provide assistance with this work. In response, it was advised that FAO could assist providing that resources were available. Avenues such as the TCP Programme and other trust funds administered through FishCode could possibly be used providing that a documented request was received from a country.

90. Participants referred to the issue of differential in penalty levels for IUU fishing violations in different countries in the subregion. It was noted that this situation could undermine efforts to address IUU fishing through the use of port State measures. It was pointed out that countries in the subregion should attempt to ensure that they had harmonized penalties to discourage IUU fishing vessels from operating in the subregion.

91. The workshop was informed that Ghana would soon introduce a requirement for operators to certify that their landed catches were not IUU-caught product. The workshop welcomed this development and it was agreed that the policy should be considered by other countries in the subregion.

92. In addition, the workshop was advised that if catches landed in the subregion were destined for the European Union market, certification to the effect that the landed catch was not taken by IUU fishing, would be mandatory as from January 2010. For this reason, countries in the subregion would be well advised to implement such a certification policy now to ensure that fish landed at their ports was legally caught.

93. Appendix H contains a list of useful databases and Web sites relating to port State measures.

FORMATION OF THE WORKING GROUPS AND THEIR REPORTS AND CONCLUSIONS

Multidisciplinary working groups: implementation of port State measures

94. Three multidisciplinary working groups were formed, two in French and one in English, to enhance the participatory nature of the Workshop and as a means of engendering broader and deeper discussion on concepts and issues relating to port State measures. The composition of the working groups for the two exercises is in Appendix I. Each working group was invited to consider a number of key issues as follows:

- main IUU fishing problems in the subregion that could be addressed by port State measures, distinguishing between foreign and national vessels and current and potential problems;
- strengths and constraints in implementing the measures in the draft Agreement;
- solutions for overcoming the constraints in implementing the measures in the draft Agreement;
- clear steps that national fisheries administrations might take to develop port State measures that implemented the relevant measures in the IPOA-IUU and the measures in the draft Agreement; and
- cooperative mechanisms to promote harmonized port State measures at bilateral, subregional or regional levels in the West African subregion.

95. The reports of the multidisciplinary working groups are in Appendix J.

96. Mr Lobach commended the three groups for their excellent work noting that he was sure that the findings would be an important basis for using port State measures to combat IUU fishing in the West African subregion. He then identified trends and common understanding in the groups concerning the five topics they had examined.

97. Concerning IUU fishing problems, Mr Lobach pointed out that the following problems were identified by all three working groups: poaching (i.e. fishing without a licence or an authorization), transshipment, fishing in prohibited areas, use of illegal gear and misreporting or failing to report. Two groups identified catching juvenile fish as an IUU fishing problem.

98. Mr Lobach observed that all the working groups had identified the existence of appropriate organizational structures within countries, national legal frameworks and the existence of subregional

and regional cooperation mechanisms as strengths for implementing the draft Agreement. Two groups regarded the limited number of ports as a strength. Constraints mentioned by all groups comprised a lack of political will, lack of qualified personnel, lack of financial resources and weak cooperation mechanisms at national, subregional and regional levels. Mr Lobach added solutions for overcoming the constraints proposed by the working groups including harmonization of legislation, training of personnel, creation awareness among politicians, adequate funding and strengthened national, subregional and regional cooperation.

99. When it came to steps to be taken by national administrations to implement port State measures, Mr Lobach stated that the working groups had proposed the following actions: review and, if needed, amendment of national legislation, consultation with stakeholders, coordination among relevant national agencies and enhancement of capacity including in the areas of human resource development, logistics and funding.

100. Mr Lobach concluded that all working groups had recognized the importance to reinforce subregional and regional cooperation. He noted that several other areas for cooperation and coordination had been mentioned in the presentations such as the establishment of training programmes, awareness raising campaigns and the exchange of information and experience. In particular the need for the harmonization and exchange of national legislation was emphasized.

101. Mr Ba remarked that the main IUU fishing problems in the subregion identified by the working groups included unauthorized fishing, fishing in prohibited areas, illegal transshipment of catch, non provision of fishing statistics and fishing for juveniles. The strengths that were identified by the groups included the existence of a national legal framework and MCS programmes. He noted that the constraints included a lack of harmonization at the national, subregional and regional levels, inadequately qualified human resources, a lack of political will, insufficient funding and poor communications.

102. With respect to solutions for overcoming the constraints in implementing the measures in the draft Agreement Mr Ba reported that the working groups had suggested strengthened national, subregional and regional cooperation; revised national legislation; promotion of political will; involvement of stakeholders; harmonized MCS; establishment of a national vessel list; restriction of transshipments at sea; promotion of the use of VMS and implementation of fish traceability schemes.

103. Cooperative mechanisms to promote harmonized port State measures at bilateral, subregional or regional levels in the West African subregion were summarized by Mr Ba. These mechanisms included the improvement of the means of communication, enhancement of national, subregional and regional cooperation, adoption of harmonized approaches at national the level and harmonized training for human resource development.

104. In discussion following the two commentaries, it was noted that none of the working groups referred to the failure by many vessels to display proper markings as a major IUU fishing problem in the subregion. The need to clarify the type of harmonization that was required was underscored. It could encompass both the harmonization of laws or of management measures.

105. The benefits of information sharing in respect of national laws were described together with the FAO Web site that made available national laws and legal provisions on port State measures. The workshop encouraged the exchange of information on national laws and regulations through subregional and regional arrangements.

Thematic working groups: legal aspects, inspection procedures and information requirements

106. Three thematic working groups were formed to review aspects of the draft Agreement with a view to developing bilateral, subregional or regional implementation strategies.

107. The working groups were requested to focus their discussions on:

- Group 1: legal aspects: training programmes for port inspectors;
- Group 2: inspection procedures: results of port State inspections; and
- Group 3: information requirements: information systems.

108. The reports of the thematic working groups are in Appendix K.

109. In her commentary Mrs Diagne Talla noted that working group 1 reaffirmed the importance of national legislation to assist with the implementation of port State measures. In fact she noted that it was easier for port inspectors from a certain State to apply national legislation. Subregional and regional cooperation was emphasized. She added that the proposal for the implementation of a training programme would be very important as a means of strengthening capacity at all levels. It was pointed out that the creation in the short or medium term of subregional or regional centres for skill enhancement of inspectors should be encouraged when it was recognized that initial training was limited. She stressed that language training for inspectors was recommended strongly.

110. With respect to working group 2, Mrs Diagne Talla observed that it had attempted to revise the draft Agreement. The importance of subregional and regional cooperation was noted together with some concerns relating to linguistics. Furthermore, it was suggested to define more precisely certain terms in the draft Agreement.

111. Mr Diagne Talla pointed out that working group 3 had examined information needs and aspects relating to an information system. The group focused on Annex A of the draft Agreement. The group agreed that the Annex was adequate subject to a few modifications. The second part of the group's work addressed Annex D relating to information systems. It was proposed that the use of electronic communications, the strengthening of subregional and regional strategies and the need to establish Web sites should be taken into consideration.

112. Mr Kuemlangan congratulated the working groups that had worked judiciously and constructively to ensure they made sound presentations.

113. With respect to working group 1, he observed that it had noted correctly the advanced nature of the draft Agreement and commended the group's focus on the legislative implementation of the substantive obligations rather than reviewing and commenting on the terms of the draft Agreement. He agreed with Mrs Diagne Talla that the group had correctly observed that the thrust of the draft Agreement's implementation would be at the national level through domestic legislation. However, he added that certain national efforts could be complemented at the subregional and regional levels. The suggestions for the training of trainers and the establishment of a regional training centre as important aspects of human resource development were also pertinent. On the issue of linguistic training for inspectors, it was observed that this might be the optimal situation but in the interim period, there might be a need for a pragmatic approach through the use of common question cards to obtain standard information such as names, nationality, etc.

114. Mr Kuemlangan considered that working group 2 had carried out a detailed analysis as was evident from their criticisms on use of certain terms in the French text of Annexes B and C. However, he noted that certain abbreviations such as LAN, TRX and PRO were based on standard English international field codes. A further issue that was important, as pointed out by the group, was the need for explanatory notes or guidelines on how to complete Annex C. He informed the workshop that guidelines in English had been developed and that they would be translated later into other languages. The reference to certain words such as "register" instead of "records" in the context of the recommendation referring to "regional" and "subregional" registers was an issue of poor translation. Mr Kuemlangan commended the group's efforts to shorten Annex C by merging and deleting certain fields, remarking that their suggestions for use of certain terms in the French version of Annex C such as the use of "patron" instead of "capitaine" in field 9 were useful.

115. Working group 3 was commended for highlighting cross-referencing issues. Mr Kuemlangan pointed out that the current reference using Roman numerals was erroneous. He added that the final text of the Agreement would be checked thoroughly by experts for language and terminology consistency. The group's suggestions for the exchange of real time information through computerized information systems and the development of Web sites were useful.

116. In the discussion that followed the commentaries, it was suggested that there was a need for the vessel agents and master to be present during the inspection and signing of the inspection report to avoid refusal by the master to sign the report when it was presented to him.

117. Participants observed that the suggestion for the specification of a port State's working language and the expectation that the master would be able to work in the designated working language could be difficult. It could not be expected that the master would know, for example, the port State's working language. It was pointed out by the participants who had been involved in the negotiation of the draft Agreement that the Annexes were originally about three pages each in length and that they had been shortened and simplified.

118. The difference in the use of "poissons" (plural) and "poisson" (singular) in different parts of the French text of the draft Agreement and the use of "to the extent possible" in Annex B paragraphs (d), (e) and (f) were discussed. With respect to the issue of "poisson/poissons", it was noted that this could be a typographical error that should be corrected. Concerning the use of the term "to the extent possible", the group suggested that it should be removed as the action specified in the above paragraphs were obligatory. In discussion, it was clarified that the use of the term "to the extent possible" was a safeguard for the inspector and the port State as there could be circumstances, such as complete verification, that would be impossible.

119. The workshop was reminded that the draft Agreement set out minimum standards for port State measures and that the language and suggestions made by the working groups could be used at a later date to strengthen the standards at subregional and regional level.

BRAINSTORMING: LOOKING AHEAD – AN AGENDA FOR THE SUBREGION ON PORT STATE MEASURES

120. Mrs Ndiaye Diop, Director of Marine Fisheries, Dakar, Senegal, led discussion in this session of the workshop. Mr Helguile Shep, Ministry of Animal Production and Fisheries Management, Abidjan, Cote d'Ivoire, served as Rapporteur. The session focused on three questions:

- What were the aims and targets for action by countries on port State measures at the subregional level?
- What were some national measures and mechanisms that could be used to implement harmonized port State measures on a bilateral, subregional and regional basis?
- What was the scope for the implementation of the draft Agreement by countries in the West African subregion?

121. The workshop agreed on the following agenda for the subregion on port State measures.

Aims and targets for action by countries

	Bilateral cooperation	Subregional cooperation	Regional cooperation
Identify the aims and targets for action by countries	<ul style="list-style-type: none"> ▪ protocol for the exchange of information; ▪ implementation of Web sites; ▪ revision of inspection procedures; ▪ harmonization of penalties; ▪ harmonization licence fees; ▪ strengthening of capacity; ▪ implementation of joint commissions; ▪ combination of means. 	<ul style="list-style-type: none"> ▪ memberships of RFMO/As; ▪ clear delimitation marine boundaries; ▪ exchange of information; ▪ sound management of shared stocks; ▪ conclusion of fisheries agreements; ▪ effective implementation of harmonized MCS; ▪ establish a database of all national legislation. 	<ul style="list-style-type: none"> ▪ coordination of ministerial meetings; ▪ development of a regional register for vessels; ▪ coordination and harmonization of all subregional programmes.

National measures and mechanisms that could be used to implement harmonized port State measures

	Bilateral coordination	Subregional coordination	Regional coordination
Identify national measures and mechanisms that could be used to implement harmonized port State measures	<ul style="list-style-type: none"> ▪ periodic workshops for the exchange of information; ▪ FAO working groups to follow up on port State measures at national level; ▪ implementation of a national internal collaboration mechanism among agencies. 	<ul style="list-style-type: none"> ▪ take account of port State measures in various agreements; ▪ joint trainings; ▪ political harmonization; ▪ framework to share MCS experience; ▪ partnerships agreements for MCS; ▪ establishment of a subregional vessel register. 	<ul style="list-style-type: none"> ▪ harmonization and coordination of subregional actions

Scope for the implementation of the draft Agreement in the West African subregion: constraints and strengths

- the draft Agreement on port State measures is currently only in draft so why is implementation being discussed?
- the text has not been signed yet or adopted but in the interim period States should work to implement its provisions;
- the implementation of port State measures in the subregion is weak;
- the existence of RFMO/As in the subregion is a strength for the future implementation of port State measures; and
- some aspects of port State measures are already been implemented in many of the countries in the subregion.

CLOSURE OF THE WORKSHOP

122. Ms Swan expressed deep appreciation to the resource persons for their expert contributions to the improved understanding of the process, issues and benefits involved in the development and strengthening of port State measures. She congratulated the participants for their commitment, interactive approach and vision in understanding the potential impact of port State measures on IUU fishing in the subregion and for their cooperation in identifying potential next steps at the national, subregional and international levels. Such actions could provide sound precedent for actions in other regions and contribute to deepened international cooperation.

123. Ms Swan praised the translator and interpreters for their work and paid tribute to the FAO Regional Office for Africa for its cooperation and support in coordinating the workshop. In addition she thanked the FAO Regular Programme and the Governments of Norway and Sweden for their continued financial support to capacity building essential for the broad and successful implementation of port State measures.

124. Dr Doulman echoed the sentiments of Ms Swan, thanking the participants for their productive and hard work, the staff of the Regional Office for Africa for their support before and during the workshop, the translator and the interpreters and the donors who had made the workshop possible. He also commended FAO colleagues based in Rome and the consultants and resource person for their dedication and commitment to the workshop. Dr Doulman stressed the importance of human resource development and institutional strengthening to promote more responsible and long-term sustainable fisheries in the West African subregion. The defeat of IUU fishing was essential if sustainability goals were to be realized. In this context he urged participants to do all within their means to facilitate the adoption and implementation of port State measures that would help block the flow of IUU-caught fish into international trade and onto international markets. He reminded participants, irrespective of their status in their national administrations, that they had a key role to play in combating IUU fishing and promoting food and livelihood security for the people of the West African subregion.

125. Mr Jallow expressed his appreciation to the participants for responding to FAO's invitation to be part of a group that would be a "pioneer" group in developing the Agreement on port State measures. The level of commitment and participation shown over the last three days had been most encouraging and he believed, yet again, that follow-up actions would be very positive in the subregion. Mr Jallow added that it had been a real pleasure for the CECAF Secretariat and the FAO Regional Office for Africa to host this workshop and that they would continue to work towards the successful implementation of the workshop's recommended actions. He wished all participants a safe return to their respective countries and families.

126. On behalf of the participants, Mr Mboup, Director of Protection and Fisheries Surveillance, Dakar, Senegal, expressed his thanks to FAO and all those involved in the organization and implementation of the workshop. He also thanked the Government of Ghana and the Ghanaian people for their respective contributions. Mr Mboup stressed that the participants had appreciated very much the subject matter of the workshop. He referred particularly to the generosity of the donors, the Governments of Norway and Sweden, for funding the workshop. Finally, he noted that the workshop would serve to promote enhanced international cooperation to eradicate IUU fishing in the West African subregion.

127. The Workshop closed at 14.30 hours on 12 June 2009.

Agenda

Opening of the workshop

Background and international framework for port State measures

Bilateral, subregional and regional approaches to IUU fishing and port State measures

Issues and framework of the 2005 Model Scheme on Port State Measures and the 2009 Chairperson's draft Agreement on port State measures

National coordination and implementation of port State measures: pilot projects and current strengths and constraints

Legal and regional perspectives on port State measures

Formation of the working groups and their reports and conclusions

Brainstorming: looking ahead – an agenda for the subregion on port States measures

Closure of the workshop

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List of documents

Chairperson's draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

<ftp://ftp.fao.org/FI/DOCUMENT/tc-psm/2009/PSMAgreement.pdf>

FAO. 2007. Draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. In FAO. 2007. Report of the Expert Consultation to Draft a Legally-binding Instrument on Port State Measures. FAO. Rome. 35p.

<ftp://ftp.fao.org/docrep/fao/010/a1375e/a1375e00.pdf>

FAO, 2005. Report of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – West African Subregion. Accra, Ghana, 28 November–2 December 2005. FAO Fisheries Report. No. 792. Rome, FAO. 2006. 80p.

<ftp://ftp.fao.org/docrep/fao/009/a0457e/a0457e00.pdf>

FAO. 2005. FAO Model Scheme on Port State Measures to Combat IUU Fishing. FAO. Rome. 46p. (English, French and Spanish languages in single volume)

www.fao.org/docrep/010/a0985t/a0985t00.htm

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Opening statement
by
Ms Maria Helena Semedo
Subregional Coordinator for West Africa
Officer-in-Charge, FAO Regional Office for Africa
Accra, Ghana

Good morning,

Honourable Deputy Minister of Food and Agriculture in charge of Fisheries,
Consultants and Experts,
Delegates of the 13 invited countries,
Colleagues from FAO,
Ladies and gentlemen,

It is my pleasure to welcome you all to the FAO Regional Office for Africa on the occasion of the opening of the Regional Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing in the West African Subregion.

Honourable Deputy Minister of Food and Agriculture responsible for fisheries development in Ghana, your presence here this morning despite your enormous responsibilities, is testimony to your personal commitment to the development of the fisheries sector not only in Ghana but also in Africa as a whole.

Illegal, unreported and unregulated (IUU) fishing has been propelled to international prominence because of its effect on sustainable fisheries management. By undermining fisheries management objectives, IUU fishing, which is an environmental crime, can lead to the collapse of a fishery sector by seriously impairing efforts to rebuild depleted fish stocks, which may result in long and short term economic losses and missed social opportunities.

It was in 2001 that the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IPOA–IUU) Fishing was adopted, followed in 2005 by an endorsement of the FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing by the FAO Committee on Fisheries (COFI). Since the COFI directive, there have been repeated international calls for a binding instrument on port State measures. Several consultations resulted in a draft legally-binding instrument and an Agreement. The consultation process will be concluded in August 2009 and the use of the key compliance tool of port State measures to combat IUU fishing will begin.

Honourable Deputy Minister, Ladies and Gentlemen,

The subregion is now faced with the need to implement one of the most cost-effective tools to combat IUU fishing. A range of action is required to implement the measures that include vessel reporting prior to entry into port, in-port inspections, reports on inspections, IUU and authorized vessel lists, complementary actions by flag States, information exchange and human capacity development. Actions such as denial of port access, landing, trans-shipment, trade, and export target the profitability of IUU fishers.

A growing number of regional fishery bodies (RFBs) are also developing, or have adopted regional schemes and are promoting human capacity development. Such regional initiatives will strengthen national efforts to block “ports of non-compliance”, where countries are unable or unwilling to apply effective port State measures.

In response to the international attention to the essential role of port State measures in combating IUU fishing, FAO has initiated a series of regional workshops to enhance national capacity and promote regional coordination. As a result of the initiatives, countries should be able to strengthen and harmonize port State measures.

Dear Participants,

You will have the opportunity to interact with international and regional experts and develop regional standards for port State measures based on the emerging draft Agreement.

I have no doubt that the results of the workshop will be of very high standard. I believe you will use this opportunity to develop your knowledge in reviewing the use of complementary compliance tools and recommend measures to implement port State controls in the West African subregion.

In conclusion, I would like to assure you all of the commitment of FAO in assisting Members in the fight against IUU fishing.

I wish you a very fruitful workshop and learning experience and thank you all for your attention.

Opening statement
by the
Honourable Nii Amasah Namoale
Deputy Minister of Food and Agriculture
Accra, Ghana

Chairperson,
Officer in Charge of FAO RAF – Ms Maria Helena Semedo,
Secretary of CECAF – Alhaji Jallow,
Consultants and Participants,
Ladies and Gentlemen,

I am greatly honored to be invited to address the opening session of this important Subregional Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (IUU).

The fisheries sector is one of the important sectors of our economy and its importance can not be overemphasized. The country's total annual fish production averages about 420 000 tonnes. Fish is the main contributor of the protein component of most Ghanaian dishes. It also contributes significantly towards the economy in terms of revenue and job creation. The fisheries sector accounts for about 5 percent of the country's agricultural gross domestic product.

The importance of fish in food security and health of our citizens can not be overemphasized. In order to provide fish to meet all these requirements it is important that the fish resources are harvested on sustainable basis.

It is against this background that fisheries management plan, policies, regulation and institutions are created to ensure that adequate data and effective monitoring, control and surveillance are put in place.

It is disheartening to observe that some operators in the sector operate illegally or provide inaccurate catch data, fish in unapproved zones and use under mesh net sizes or fish without licence. Some even do pair trawling and light fishing.

All these practices contribute to the depletion of the fish stocks and undermine fisheries management. Our coastal communities are deprived of their livelihood and the country is left with overfished stocks to manage.

As coastal, flag and port States we have a responsibility to ensure that the practices of IUU are brought to an end and this government is going to put measures in place to prevent and deft IUU fishing.

As port States we have a bigger responsibility as all IUU operators would need our services before they can operate. Every fish that is caught is landed and transshipped through a port or harbor.

Export, transshipment, supply of stores and bunkering services are just a few of the services that no fishing vessel if denied can operate in the subregion. So as port State our cooperation is critical and paramount.

With concerted effort from FAO member States in the form of information sharing it would be impossible for these illegal operators to be in business.

Most of our coastal States do not have modern patrol vessels to patrol our water effectively. We need to put in place the necessary international plan of action to combat IUU in concert with our neighbouring States.

To achieve these objectives, it would be important to have the necessary institutions involved in port operations to share information to combat IUU fishing. I call on the European Union States to assist with their satellite information and aid with speed boats because without speedboats and vessels, one can have all the information but the law and regulation breakers will escape with their illegal catches.

It is my fervent hope that at the end of the workshop the awareness of the deleterious effect of IUU fishing and the need to strengthened and coordinate port State measures among the participating States would be achieved.

It is my firm belief that this workshop would assist develop national capacity and promote bilateral, subregional and regional coordination so that the countries will be better placed to strengthen and harmonize port State measures.

Finally this workshop would provide the platform for participants to build and share understanding and harmonization as appropriate of port State measures needed in the subregion to prevent, deter and eliminate IUU fishing.

I therefore declare the workshop open and thank you for your attention.

Proposed actions to be undertaken by States in the subregion relating to measures to combat IUU fishing

States should take the following actions:

- Sensitize colleagues and government about the importance of developing an NPOA–IUU.
- Establish a process to develop an NPOA–IUU.
- Recommend a legislative review so the NPOA–IUU can take into account gaps, weaknesses and areas for strengthening in the law and can update as appropriate.
- Review policies and laws with a view to possible harmonization in the subregion and ensure that they are developed to accommodate future developments in the fisheries sector such as technology, trade and globalization.
- Review financial and budgetary aspects relating to the development of an NPOA–IUU.
- Review the MCS system to evaluate whether its structure and operations can adequately combat IUU fishing.
- Involve as many people as possible in MCS efforts, with the aim of promoting a participatory approach.
- Take measures to combat unreported catches and discards.
- Review possibilities for human capacity development and include them in the NPOA–IUU.
- Promote accurate and reliable collection of data to support the implementation of the NPOA–IUU.
- Support the importance of research in providing data and recommendations for fisheries management and in reinforcing national legislation.
- Strengthen bilateral and multilateral efforts to cooperate and consult with other countries in the subregion.
- Strengthen cooperation on a regional level through existing fisheries organizations.
- Promote expanded regional cooperation at all levels, including where possible the exchange of information, MCS, harmonization of legislation and policies and address gaps in cooperation.
- Consider strengthening human capacity development that provides for hands-on training through attachments to other countries in the subregion.
- In developing an NPOA–IUU, take note of the involvement of powerful interests in IUU fishing, including organized crime.

Questionnaire on national strengths and constraints in implementing port State measures

COUNTRY _____

NAME (optional) _____

E-MAIL CONTACT _____

<p>1. Describe up to three major IUU fishing problems in your country that can be addressed by port State measures taken in respect of foreign fishing vessels?</p>	
<p>2. How many ports in your country are used by foreign fishing vessels?</p>	
<p>3. If possible, please estimate the number of port calls by foreign fishing vessels per year in all ports in your country.</p>	
<p>4. Does your country require the foreign fishing vessels to provide information prior to entering into port? If “yes”, how much advance time is required?</p>	<p>Yes</p> <p>No</p>
<p>5. Does your country carry out inspections of foreign fishing vessels in port? If “yes” does your country have any priorities for selecting the vessels to be inspected?</p>	<p>Yes</p> <p>No</p>
<p>6. Does your country deny the use of its port to foreign fishing vessels that are believed to have engaged in IUU fishing, based on prior information? If “yes” please explain briefly:</p>	<p>Yes</p> <p>No</p>

<p>7. Does your country take actions against vessels found to have IUU-caught fish aboard?</p> <p>If “yes” please give brief examples.</p>	<p>Yes</p> <p>No</p>
<p>8. How would you describe your country’s human capacity to carry out port inspections?</p> <p>If “inadequate”, please suggest up to three ways in which human capacity should be strengthened.</p>	<p>Adequate</p> <p>Inadequate</p>
<p>9. Is your country a member of a regional fisheries management organization (RFMO/A)?</p> <p>If “yes” please identify the RFMO/A(s).</p>	<p>Yes</p> <p>No</p>
<p>10. Please indicate up to three major constraints or problems in implementing port State measures in your country.</p>	
<p>11. Please indicate up to three ways to overcome the constraints or problems identified in Question 10.</p>	
<p>12. Please suggest up to three key areas for future regional cooperation in the strengthening and harmonization of port State measures to combat IUU fishing.</p>	

Useful databases and Web sites relating to port State measures**FAO sources**

1. Model Scheme on port State measures to combat illegal unreported and unregulated fishing: www.fao.org/docrep/010/a0985t/a0985t00.htm
2. Database on port State measures (Port-Lex): <http://firms.fao.org/fishery/psm/en>
3. FAO legislative database – FAOLEX: <http://faolex.fao.org/faolex/index.htm>
4. ftp://ftp.fao.org/FI/brochure/fishcode/cofi_2007/ref_port_state_measures.pdf

Examples of RFMO/A port State measures schemes or regulations

1. North East Atlantic Fisheries Commission: www.neafc.org/system/files/scheme_2009.pdf
2. Indian Ocean Tuna Commission: www.iotc.org/English/resolutions.php

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 Mr Antoine Gaston DJIHINTO
 Mr Rui Armando Correia GONÇALVES
 MsTello Rachel GUEU
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 Ms Maria Auxilia CORREIA
 Mr Haye DIDI
 Mr Ben Césaire JOHNSON
 Mr Alpha Oumar MANET
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Resources persons

Mr Pathé Demba BA
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Working Group 3:

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 Mr Sheck Abdul SHERIF
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Resources persons

Mr Gunnar JOHNSON
 Mr Terje LOBACH

Reports of the multidisciplinary working groups

WORKING GROUP 1

a. Main IUU fishing problems in region that can be addressed by port State measures:

- fishing for prohibited or protected species;
- fishing in prohibited areas;
- fishing in closed seasons;
- taking juvenile species;
- use of prohibited gears;
- unauthorized transshipment;
- use of prohibited fishing practices;
- overfishing quotas;
- unreported fishing and false declarations of catches;
- unauthorized fishing;
- bribing inspectors;
- targeting unauthorized bycatch;
- not accepting observers; and
- counseling unauthorized catch.

b. Strengths and constraints in implementing the draft Agreement:

Strengths

- presence of means to combat IUU fishing in some countries;
- involvement of organizations;
- national legislation already incorporating some provisions of the draft Agreement;
- current subregional and regional cooperation;
- restriction on the number of ports being used for inspections, etc.; and
- involvement of port State in the struggle against IUU fishing.

Constraints

- lack of harmonization of legislation;
- lack of political will;
- difficulties in controlling the activities of small-scale fishers,
- lack of training for MCS officers;
- poor exchange of information;
- the quality of MCS equipment differs from one country to the other;
- inadequate human resources;
- large EEZs to be surveilled and controlled; and
- difficulties in controlling the traceability of catch.

c. Solutions for overcoming constraints:

- general implementation of VMS and automatic identification system (AIS);
- sensitization of stakeholders and effective control of norms;
- prohibition of transshipment at sea except in cases with an authorization;
- subregional and regional cooperation;
- harmonization of legislation;
- regulation of small-scale fishing activities; and
- strengthening capacity at all levels.

d. Steps that national fisheries administrations might take to implement port State measures:

- implementation of MCS at national level;
- regular inspections;
- control of transshipment and offloading of catch;
- involvement of stakeholders;
- implementation of a coordination structure for MCS operations; and
- elaboration of a MCS procedures manual.

e. Cooperative mechanisms to promote harmonized port State measures:

- create regional coordination centres to harmonized port State measures;
- develop and put in place a subregional MCS training programme;
- strengthen existing legislations;
- exchange experience and know how; and
- organize periodic workshops and seminars.

WORKING GROUP 2

a. Main IUU fishing problems in region that can be addressed by port State measures:

- unauthorized fishing;
- fishing juvenile species;
- fishing in unauthorized areas;
- false declarations (species, quantity, fishing areas, fishing vessel characteristics, etc.);
- illicit transshipment; and
- prohibited fishing gears.

Measures to be taken to address problems identified

- onboard inspections of documents;
- onboard inspections of catch;
- maritime and aerial MCS, including VMS; and
- inspection and expertise.

b. Strengths and constraints in implementing the draft Agreement:

Strengths

- existence of a national legal framework to combat IUU fishing;
- existence of a regional framework for cooperation and harmonization (COMHAFAT, CPCO, CRSP, COREP); and
- existence of fishing ports.

Constraints

- lack of harmonization in legislations;
- lack of trained personnel;
- lack of national, subregional, regional and international cooperation;
- lack of human, material and financial means; and
- lack of political will.

c. Solutions for overcoming constraints:

- harmonization of legislation;
- training and rotation of staff;
- strengthening cooperation;

- higher consideration in national budgets;
 - recruitment of staff;
 - equipment;
 - political will to implement measures; and
 - raise awareness in governments for good fisheries governance.
- d. Steps that national fisheries administrations might take to implement port State measures:
- ratification of the Agreement;
 - dissemination of information;
 - awareness among stakeholders;
 - revision of legislation;
 - sufficient, qualified and motivated human resources; and
 - adequate material means.
- e. Cooperative mechanisms to promote harmonized port State measures:
- national cooperation among agencies to implement port State measures;
 - creation of a national structure to implement port State measures;
 - implementation of a system of information at national and subregional levels (register); and
 - implementation of an operational subregional MCS system.

WORKING GROUP 3

- a. Main IUU fishing problems in region that can be addressed by port State measures:

- poaching;
- failure/inaccurate reporting of catches;
- fishing in prohibited zones;
- using prohibited gear;
- illegal transshipment at sea;
- falsification of documents;
- failure to fulfill landing obligations; and
- discharging of catches without authorization.

- b. Strengths and constraints in implementing the draft Agreement:

Strengths

- institutional setup for fisheries management (National Fisheries Administration and Collaborating Agencies);
- legal framework;
- national fisheries policies; and
- RFMO/As.

Constraints

- institutional and financial capacity (i.e. human, financial and logistics);
- weak regional or subregional cooperation and exchange of information in fishing activities;
- weak political commitment; and
- poor enforcement capacity at national, subregional and regional levels.

- c. Solutions for overcoming constraints:

- recruitment and training;
- adequate funding;
- strengthening national, subregional and regional cooperation and coordination;

- sensitization of parliamentarians; and
 - capacity building of law enforcement agents.
- d. Steps that national fisheries administrations might take to implement port State measures:
- formulation and review of national legislation to accommodate provisions of port State measures;
 - national training and sensitization programmes in port State measures;
 - stakeholders consultations;
 - comprehensive and updated national registry of fishing vessels;
 - strengthening interagency cooperation at national level;
 - establishing and enhancing communication links between subregional and regional port States;
 - institutional review at national level (i.e. MCS, information system)
 - designation of ports;
 - strengthening observer and data collection programmes; and
 - development of NPOAs–IUU.
- e. Cooperative mechanisms to promote harmonized port State measures:
- RFMO/A to encourage intergovernmental awareness raising of regulations prevailing in member countries;
 - RFMO/A should facilitate the establishment of a regional fisheries database;
 - establishing and enhancing communication links on subregional and regional levels;
 - RFMO/A to promote periodic consultations on port State measures;
 - ratification of maritime boundaries between countries;
 - subregional and regional MCS; and
 - joint patrols.

Reports of the thematic working groups

WORKING GROUP 1: legal aspects: training programmes for port inspectors

Legal aspects:

- for the MCS legal framework, reference must be made to national regulation;
- for implementation, national legislation must incorporate the provisions of the draft Agreement;
- once the Agreement is ratified, the definitions will need to be transposed into national law;
- each State will designate the competent authority responsible for the implementation of the Agreement;
- port access conditions must be provided for in the national legislation and subregional and regional agreements;
- actions to be taken after an infringement must be provided for in national legislation and subregional and regional agreements;
- the obligation to inform the flag State should also be provided for in national legislation; and
- follow up to the effective implementation of sanctions against culpable IUU fishing vessels will depend on subregional regional and international regulations.

Training programmes for port inspectors:

The programme is essentially for the training of fisheries inspectors. The programme contained in Appendix E to the draft Agreement is considered to be overall satisfactory. However, it could be complemented with a language training.

In order to implement the training programme for fisheries inspectors, it is proposed to elaborate a training programme for trainers and to create subregional and regional centres for the training of inspectors.

WORKING GROUP 2: inspection procedures: results of port State inspections

Note: underlined text are proposed changes by the working group

Port State inspection procedures

The inspector(s) shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the vessel owner is true, complete and correct, including through appropriate contacts with the flag State or subregional, regional and international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation on board;
- c) verify, to the extent possible, that the authorization(s) for fishing and fishing related activities is/are true, complete and correct and consistent with the information provided in accordance with Annex A;

- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and VMS data from the flag State or relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorization(s). The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size(s), devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorization(s);
- g) examine the fish to determine its quantity and composition, including by sampling. In doing so, the inspector(s) may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in illegal, unreported and unregulated fishing or fishing related activities;
- i) provide the report containing the result of the inspection to the master of the vessel including possible measures that could be taken, to be signed by the inspector and the master. The master's signature of the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the Master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the Master;
- j) arrange, where necessary and possible, for a translation of relevant documentation (clarify concerning the working language).

Report of the results of the inspection (include date and hour of vessel arrival)

1. Inspection report no		2. Port State			
3. Inspecting Authority					
4. Name of Principal Inspector		ID			
5. Port of inspection					
6. Commencement of inspection	<i>YYYY</i>	<i>MM</i>	<i>DD</i>	<i>HH</i>	
7. Completion of inspection	<i>YYYY</i>	<i>MM</i>	<i>DD</i>	<i>HH</i>	
8. Advanced notification received	<i>Yes</i>			<i>No</i>	
9. Purpose(s)	<i>LAN</i>	<i>TRX</i>	<i>PRO</i>	<i>OTH (specify)</i>	
10. Port and State and date of last port call			<i>YYYY</i>	<i>MM</i>	<i>DD</i>
11. Vessel name (<u>include</u>					

previous vessel name)						
12. Flag State (include previous vessel flag)						
13. Type of vessel						
14. International Radio Call Sign						
15. Certificate of registry ID						
16. IMO ship ID, if available						
17. External ID , if available						
18. Port of registry						
19. Vessel owner(s)						
20. Vessel beneficial owner(s), if known and different from vessel owner						
21. Vessel operator(s), if different from vessel owner						
22. Vessel master name and nationality						
23. Fishing master (owner) name and nationality						
24. Vessel (co-owner) agent						
25. VMS	No	Yes: National	Yes: RFMOs	Type:		
26. Status in RFMO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing						
Vessel identifier	RFMO	Flag State status	Vessel on authorized vessel list	Vessel on IUU vessel list		
27. Relevant fishing authorization(s)						
Identifier	Issued by	Validity	Fishing area(s)	Species	Gear	
28. Relevant Transshipment authorization(s)						
Identifier		Issued by		Validity		
Identifier		Issued by		Validity		
29. Transshipment information concerning donor vessels						
Name	Flag State	ID no.	Species	Product form	Catch area(s)	Quantity
30. Evaluation of offloaded catch (quantity)						
Species	Product form	Catch area(s)	Quantity declared	Quantity offloaded	Difference between quantity declared and quantity determined, if any	
31. Catch retained onboard (quantity)						
Species	Product form	Catch area(s)	Quantity declared	Quantity retained	Difference between quantity declared and quantity determined, if any	
32. Examination of logbook(s) and other documentation				Yes	No	Comments

33. Compliance with applicable catch documentation scheme(s)	<i>Yes</i>	<i>No</i>	<i>Comments</i>
34. Compliance with applicable trade information scheme(s)	<i>Yes</i>	<i>No</i>	<i>Comments</i>
35. Type of gear used			
36. Gear examined in accordance with paragraph e) of Annex B	<i>Yes</i>	<i>No</i>	<i>Comments</i>
37. Findings by inspector(s)			
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)			
39. Comments by the master (and signature)			
40. Action taken (and signature)			
41. Master signature (to be deleted)			
42. Inspector signature (to be deleted)			

WORKING GROUP 3: information requirements: information systems

Annex A

- Add a section for NRT and GRT;
- 15. Add crew list;
- 16. Species should be changed to target species/groups (category);
- Name of observer, if available;
- 18. In the cell “ID number” change to ID number/fishing authorization; and
- 19. In the cell “catch area”, change to “fishing area”.

Information systems

In implementing this Agreement, the Party shall:

- a) seek to establish computerized communication in accordance with Article 6, paragraph 1 and Articles 14 and 15 of this Agreement;
- b) establish, to the extent possible, Web sites to publicize the list of ports designated in accordance with Article 7 and 8 of this Agreement and the actions taken in accordance with Article 9 of this Agreement;
- c) It is possible; and
- d) This is ok.

This document contains the report of the FAO/CECAF Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing for the West African Subregion, which was held in Accra, Ghana, from 9 to 12 June 2009. The objective of the Workshop was to develop national capacity and promote bilateral, subregional and regional coordination so that countries would be better placed to strengthen and harmonize port State measures and, as a result, implement the relevant tools of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing and the 2009 Chairperson's draft Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, when it enters into force. At the conclusion of the workshop a brainstorming session was held with the goal of looking ahead to identify aims and targets for bilateral, subregional and regional cooperation and harmonization of port State measures; identify some measures and mechanisms that could be used to implement harmonized port State measures on a bilateral, subregional and regional basis and to identify the scope for implementation of the draft Agreement by countries in the West African subregion. Funding and support for the workshop were provided by the FAO Regular Programme and by the Governments of Norway and Sweden through the FishCode Programme.

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