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WESTERN CENTRAL ATLANTIC FISHERY COMMISSION

Report of the

**FAO/WECAFC WORKSHOP ON IMPLEMENTING THE 2009 FAO
AGREEMENT ON PORT STATE MEASURES TO COMBAT ILLEGAL,
UNREPORTED AND UNREGULATED FISHING**

Port of Spain, Trinidad and Tobago, 24–28 March 2014

Report of the
FAO/WECAFC WORKSHOP ON IMPLEMENTING THE 2009 FAO AGREEMENT ON PORT STATE
MEASURES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Port of Spain, Trinidad and Tobago, 24–28 March 2014

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PREPARATION OF THIS DOCUMENT

This is the final report of the Food and Agriculture Organization of the United Nations (FAO)/and the Western Central Atlantic Fishery Commission (WECAFC) Workshop on Implementing the 2009 FAO Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing that was held at the Hyatt Hotel in Port of Spain, Trinidad and Tobago, from 24 to 28 March 2014.

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ABSTRACT

This document contains the report of the FAO and WECAFC Workshop on Implementing the 2009 FAO Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing (the Agreement), which was held in Port of Spain, Trinidad and Tobago, from 24 to 28 March 2014. The workshop focused on the implementation of the Agreement from a legal and policy, institutional and capacity development, and operations point of view. Following the introduction, participants were apprised of IUU fishing characteristics in the Caribbean region including its impact on resources and economic consequences. Port State measures in the global context were considered together with the use of port State measures to prevent, deter and eliminate IUU fishing. The key provisions of the Agreement and implications for regional fisheries management organizations (RFMOs) were highlighted along with RFMO practices in supporting the implementation of port State measures. A questionnaire on port State measures that had been provided to the participants in advance of the workshop was analysed, disseminated and presented to the participants. The role of fisheries managers and inspectors in implementing port State measures was considered and ways of moving forward with the implementation process addressed. Stakeholders' perspective on port State measures and good governance issues were reviewed. Participatory activities led to the formulation of action planning and workshop recommendations at the national and regional levels. Opportunities for regional cooperation to implement port State measures were addressed in detail. The anonymous evaluation of the workshop was positive. Funding and support for the workshop were provided by the Government of Norway (Trust Fund GCP/GLO/515/NOR).

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OPENING OF THE WORKSHOP AND INTRODUCTION

1. The Food and Agriculture Organization of the United Nations (FAO) and the Western Central Atlantic Fishery Commission (WECAFC) Workshop on Implementing the 2009 FAO Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (the Agreement) was held at the Hyatt Hotel in Port of Spain, Trinidad and Tobago, from 24 to 28 March 2014.
2. The Workshop was attended by 93 participants from 25 countries from the Caribbean and Latin American Region, and resource persons from FAO, WECAFC Secretariat and the North East Atlantic Fisheries Commission (NEAFC). A list of participants and resource persons is attached as Appendix B.
3. Ms. Christine Chan A. Singh, Director of Fisheries, Trinidad and Tobago, called the workshop to order and welcomed the participants on behalf of the organizers and the Government of Trinidad and Tobago. She introduced the national anthem of Trinidad and Tobago and then gave the morning prayer. She then invited Mr Barton Clarke, FAO Representative to Trinidad and Tobago to give an opening statement. Mr Clarke's statement is attached in Appendix D.
4. Mr Raymon van Anrooy, Fishery and Aquaculture Officer, FAO Subregional Office for the Caribbean, Barbados, then gave his opening remarks on behalf of the FAO Subregional Office for the Caribbean. His statement is attached in Appendix E. The Permanent Secretary to the Ministry of Food Production of Trinidad and Tobago Ms Joan Hanibal-Phillips, also addressed the workshop. Her speech is in Appendix F.
5. The Agenda for the workshop is attached as Appendix A and the list of documents is attached as Appendix C.
6. Ms Christine Chang A. Shing, Director of Fisheries, Ministry of Food Production, Trinidad and Tobago, was unanimously elected as Chair of the workshop.
7. Mr Matthew Camilleri, FAO Fisheries Liaison Officer, Rome, Italy, and Technical Secretary of the Workshop, gave an overview of administrative arrangements and technical matters for the workshop.
8. As an introduction to the workshop and to the Port State Measures Agreement, a multimedia presentation was delivered.

UNDERSTANDING PORT STATE MEASURES

The Big Picture: Background and status of the Port State Measures Agreement and overview of port State measures in the global context

9. Mr Camilleri gave a presentation entitled "The Big Picture: Background and status of the Port State Measures Agreement and overview of port State measures in the global context". In his presentation he recalled the impacts of IUU fishing on the long term sustainability of fisheries resources, food security and biodiversity conservation, and highlighted the importance of the Agreement as a potent and effective tool to combat IUU fishing. He informed the participants of the current status of the Agreement and gave an outline of its provisions, underscoring, *inter alia*, the vital role of RFMOs in curbing IUU fishing through regionally-agreed port State measures schemes compliant with the minimum standards laid down in the Agreement. He also referred to the consideration which the Agreement gives to the requirements of

developing States through specific provisions which provide, *inter alia*, for the establishment of funding mechanisms to assist developing States in the implementation of the Agreement.

10. The discussion that followed related to the relevance of the Port State Measures Agreement to the small island developing States (SIDS) of the Caribbean, given that most of them do not have ports where foreign vessels can land their catch. It was highlighted that the Agreement provides a common standard and enables collective action and discourages port shopping. A related discussion was the Agreement's influence on trade measures and the rules of the World Trade Organization (WTO). The participants appreciated that the Agreement aims to stop the trade of illegally caught fish and makes it difficult for these products to enter the market.

Regional fisheries cooperation – IUU fishing challenges in the region and mechanisms for Monitoring Control and Surveillance (MCS)

11. Mr Peter Murray, Caribbean Regional Fisheries Mechanism (CRFM) Programme Manager, gave a presentation on CRFM initiatives to combat IUU fishing. He presented an overview the main initiatives and the general approaches of the CRFM.

12. Mr. Manuel Pérez, fisheries consultant, Central America Fisheries and Aquaculture Organization (OSPESCA), presented the past and ongoing work regarding MCS and initiatives to combat IUU fishing in the countries which are party to the Central America Integration System (SICA for its Spanish acronym). It was noted that the Organization is promoting a new approach for fisheries governance consisting of the shift from voluntary agreements toward the adoption of binding agreements under the SICA framework. Among the binding agreements mentioned were the adoption of the gradual implementation of a vessel monitoring system and the development of a regional fisheries and aquaculture register. Mr Pérez explained that the subregion, with support of FAO, had also developed national plans of action in each country to combat IUU fishing. He added that in the international arena, OSPESCA is member of the international MCS network and had signed a Memorandum of Understanding with CRFM which includes the cooperation and coordination on IUU fishing issues.

13. The discussion that followed these two presentations focused on the initiatives undertaken by countries in relation to port State measures and whether the initiatives and measures taken incorporate small-scale or artisanal fisheries. The workshop noted that the vessel registries that have been put in place related mainly to industrial vessels but also aim to include artisanal and small-scale vessels as well as information on port States.

Overview of the provisions of the Port State Measures Agreement

14. Ms Judith Swan, FAO Consultant, presented an overview of the 2009 FAO Port State Measures Agreement. She explained the overall framework and elaborated on the general provisions and requirements for entry into port, use of ports, inspections and follow-up actions, the role of flag States and the provision that addresses the situation and needs of developing States. Mr Blaise Kuemlangan, Chief of the Development Law Service, FAO Legal Office, Rome, Italy, explained the process for ratification, acceptance, approval or accession to the Agreement.

15. In discussion, it was recognized that countries needed to undertake a proper assessment of port State control of vessels used for fishing and fishing related activities, in light of the measures set out in the Agreement. It was noted that the assessments would vary throughout the region because of the various levels of activity in different countries, and that a best approach for the region should be developed, which is practical and cost effective.

Introduction to national policy and laws needed to implement the Agreement

16. Mr Kuemlangan delivered a presentation that introduced general considerations on the need for policy and legal frameworks to support implementation of port State measures. He noted that policy, legal, and institutional frameworks are the three pillars for port State measures implementation. He emphasized the need for having policies on port State measures which, if a soft but vital institutional approach to implement port State measures is taken, demonstrates political will and guides development of frameworks, and identifies strategies and actions for eventual implementation.

17. Mr Kuemlangan further gave a general outline of what a proper policy framework should contain. He discussed the need to identify current challenges, gaps and opportunities, to outline approaches and objectives, and to identify measures and the strategies and actions needed for implementation. Additionally, Mr Kuemlangan emphasized the importance of identifying information needs and how these and other needs can be addressed, as well as the need to monitor and review the basic framework. With regard to the legal framework, Mr Kuemlangan emphasized that it compliments and implements policy, makes commitments and actions enforceable, sets out responsibilities of stakeholders including government and private individuals, and sets out sanctions for non-compliance.

Linkages with other MCS tools

18. Ms Alicia Mosteiro, FAO Consultant, MCS Operations Specialist and Global Record Technical Manager, Rome, Italy, introduced the role of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) in supporting the implementation of the Agreement. She provided an overview on the Global Record, the need for such tool, its benefits, recent actions and future perspective. She highlighted particularly the objectives of increasing transparency and traceability of fishing vessels, their operations and fish products. In this regard, she indicated that the Global Record could play a crucial role as a supporting tool for the port authorities to carry out risk assessment by verifying and validating the information (on foreign vessels) provided through the provisions of the Agreement (particularly Annex A, information in advance to port entry and Annex C, inspection results) against certified information made available through the Global Record. In this regard, she explained that the Unique Vessel Identifier (UVI) will play a key role in identifying vessels in a permanent and unequivocal way hence acting as linkage with other initiatives or systems such as the Agreement (IMO number requested in Annexes A and C), Voluntary Guidelines for Flag State Performance (historical information for registration authorities) and market-related measures (traceability, Catch Certification Schemes). This linkage role will enhance synergies through information sharing and dissemination.

Analysis of the cost/benefits of implementation of the FAO Agreement as a minimum standard in the WECAFC region

19. Mr van Anrooy, WECAFC Secretary delivered a presentation analyzing the costs and benefits of implementation of the Agreement as a minimum standard in the WECAFC region. He started by providing some background on concerted actions within the CRFM, OSPESCA and WECAFC frameworks in relation to combating IUU fishing and the promotion of port State measures. The promotion of the Code of Conduct for Responsible Fisheries in the region and the WECAFC Resolution on strengthening the implementation of international fisheries instruments were highlighted. Challenges of implementing port State measures in the WECAFC region were listed, which included, among other things the existence of ports of convenience, weak flag State control, transshipments at sea, weak regional cooperation (without regional fisheries management organizations [RFMOs]), unclear procedures giving

rise to lack of coordination in applying port State measures, a need for human capacity development, a need to strengthen linkages with other tools, and a need for a strong legal regime at all levels, with adequate enforcement measures, fines and penalties.

20. He then provided reasons why Caribbean countries have not yet ratified the Agreement, referring to his discussions with counterparts in the WECAFC member States, as well as benefits of ratification and implementation in the region. Implications of non-ratification were presented as well, and examples were given on the potential impact of non-ratification.

21. During the ensuing discussion, questions regarding the costs and benefits were raised. The participants were interested in knowing more about the procedure for the analysis and the results. Considering that the region mostly has small-scale fisheries, the real benefits of ratifying the Agreement were questioned. It was pointed out that even though the industrial fisheries sector is small and there are few ports for landing, ratification and implementation of the Agreement will also protect small scale fisheries.

IMPLEMENTING PORT STATE MEASURES

Summary of responses to the national questionnaire on port State measures

22. Ms Karine Erikstein, Associate Legal Officer, FAO, gave a presentation on the responses to the national questionnaire on port State measures. The questionnaire had been distributed to the participants about two months prior to the workshop. Most of the participating countries had responded to the questionnaire, and the purpose of Ms Erikstein's presentation was to report on those responses and portray the situation for port State measures in the region. To that end, the presentation gave a summary report with aggregated responses to the questionnaires, and offered a summary analysis of gaps, constraints and action needed.

23. The discussion that followed concerned the extent of IUU fishing in the region. The analysis of the questionnaires had shown that there was little evidence of IUU fishing in the region. However, participants reported that there was widespread IUU fishing taking place in the region. The conclusions from the questionnaires suggested that implementation of port State measures would be beneficial to the region. The importance of inter-agency cooperation and regional cooperation in MCS to combat IUU fishing was highlighted.

Introduction to operational procedures for port State measures

24. In his presentation, Mr João Neves, Monitoring Control and Surveillance Officer of the North Atlantic Fisheries Commission (NEAFC), addressed the operational steps that inspectors should consider when applying PSMA procedures. The presentation focused on information availability and risk management prior to port entry, inspection requirements and procedures, and on the follow-up in case of infringement. Mr. Neves stressed the importance of inter-agency coordination so as to operate in an efficient manner. He also noted the need to have systematic evaluation of inspection procedures and their timely amendment when considered necessary.

25. During the discussion following the presentation it was pointed out that the minimum requirements are easy to implement if there are already established MCS structures in a country such as a Coast Guard or multi-agency taskforce. The participants appreciated that without these established structures there may be different actors/agencies following different strategies and procedures and it would be important to integrate the strategies or to give certain actors/agencies powers to conduct fisheries related inspections.

Additionally, they agreed that national information centres such as national police services should be able to handle fisheries related information and the new INTERPOL initiative was given as an example. Finally, participants stressed the importance of having clear instruction and guidelines for inspectors and raised questions of applicability and exceptions for vessels of neighbouring States and to the scrapping of vessels.

Guidelines/checklists for implementing port State measures: operational, capacity development

26. Ms Judith Swan delivered a presentation on an operational and capacity checklist for implementing port State measures, based on Appendix 9 of the FAO Guide to the implementation of the Agreement (FAO Fisheries and Aquaculture Circular No. 1074). It was noted that artisanal vessels of neighboring countries that engage in subsistence fishing would not be covered as long as the countries cooperated to ensure that they do not engage in fishing or fishing related activities. For effective enforcement operations, the necessity of having a strong legal basis and cooperation among parties was recognized. A major constraint to combating IUU fishing was considered to be continuous attempts by some flag States to thwart enforcement, and this should be addressed in the implementation of port State measures.

27. It was noted that many countries that were not a part of the negotiations related to the Agreement, took actions that were contrary to the provisions of the Agreement. It was recognized that there need to be mechanisms in place to overcome this problem, including through cooperation and collaboration at regional level. Questions were asked as to whether there were cooperative arrangements and agreements in place regionally, and what a framework for this agreement would entail, including measures that can be taken under the Agreement. Measures identified included denial of entry and use of ports and other regional measures adopted by RFMOs. The obligations of flag States as laid down in international instruments, including the recently adopted Voluntary Guidelines for Flag State Performance, were highlighted. Additionally, the participants recognized the importance of having national legislation and policy enabling the State to take legal action against vessels engaged in IUU fishing and to enable cooperation at the national level.

Port State Control Measures

28. Mr Colin P. Young, Regional Maritime Adviser, International Maritime Organization (IMO), gave a presentation on IMO port State control procedures. He explained that under the provisions of applicable conventions, the flag State is responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give the applicable conventions full and complete effect so as to ensure that, from the point of view of safety of life and pollution prevention, a ship is fit for the service for which it is intended and seafarers are qualified and fit for their duties.

29. Mr Young explained that the IMO acknowledges that the effective implementation and enforcement of the global maritime standards contained in its conventions is primarily the responsibility of the flag State, however, it has simultaneously recognized that the exercise of the right to carry out port State control (PSC) also makes an important contribution to the prevention and eradication of sub-standard shipping. He added that the Organization accordingly welcomed the establishment of nine PSC regimes worldwide with the Caribbean Memorandum of Understanding on Port State Control (CMoU) being established in the region from 1996. He then presented some central IMO resolutions and the Cape Town Agreement, as well as the Global Integrated Ship Information System (GISIS) module on PSC inspections which is now available to Member States and which is being further developed.

30. During the discussion that followed Mr Young's presentation, questions were raised regarding what type of inspections were carried out and whether they include fishing vessels of any size. Mr Young explained that there are synergies and consistencies made between IMO and through the Agreement

which underscore the fact that lessons had been learnt from the port State regime under the IMO conventions and that, though currently not in place, some kind of regime will be implemented for fishing vessels. The participants recognized the benefits of coordinating the activities conducted under the Agreement and the IMO resolutions and agreements.

Guidelines/checklists for implementing port State measures: legal, policy, institutional

31. Ms Erikstein and Mr Kuemlangan gave an overview of the legal, policy, and institutional guidelines needed for implementing port State measures. The presentation first presented the relevant policies that exist at the national and regional levels and their policy considerations. The issue of whether certain standards and minimum requirements were adequate was discussed. When discussing initial policy considerations at the regional level, the presenters noted that in cases where the current minimum requirements were not adequate, they could be used as a basis for more stringent requirements in the future. Policy considerations at a national level addressed the legislation and procedures in place, integration and coordination issues, the role of flag States and the priority needs for assistance, training and cooperation.

32. The presenters focused next on the legal aspects of port State measures implementation, addressing possible constraints, weaknesses, and gaps in the law. The presentation introduced elements that could constitute a basic legal framework based on the minimum requirements of the Agreement. The presentation also touched upon: the responsibilities of enforcement officers and inspectors, burden of proof and the general presumption of IUU fishing in cases of false, misleading or incorrect information. The presenters noted how this presumption should be only used in limited circumstances and how its permissibility must be made clear in the law.

33. Analysis of the institutional weaknesses and constraints to implementation followed, such as the need to establish a clear mandate, sufficient capacity, interagency cooperation, information and communication mechanisms, and financial needs. The presenters emphasized the significance of interagency cooperation and information exchange through formalization, designated compliance and enforcement activities, and protocol and strategy on swift communication.

34. As a follow-up to the presentation, the participants asked for a clarification on the general presumption of IUU fishing in cases of false, misleading or incorrect information which was clarified further by the presenters.

Capacity Needs Assessment Methodology

35. Ms Virginia Gascón, Senior Policy Advisor, The Pew Charitable Trusts (PEW), Ending Illegal Fishing Project, presented the Methodology for Capacity Needs Assessments (CNA Methodology) Towards Implementation of the Agreement and discussed lessons learned from its application. To better assess national capacity to implement the Agreement, Pew, in cooperation with the New Partnership for Africa's Development, the Stop Illegal Fishing working group, and six African countries, developed the CNA Methodology.

36. Ms Gascón explained that the CNA Methodology is a user-friendly guide supported by checklists, questionnaires, and other analytical tools designed to assess the performance of existing systems and to identify country-specific capacity-building needs. She added that it was designed to aid the development of capacity-building plans for effective implementation and ratification of the Agreement. The workshop was informed that the CNA Methodology is being applied by a number of States in the eastern tropical pacific region, with support from the Non-governmental Organization (NGO) MarViva, as part of an effort to build capacity toward the Agreement implementation.

37. The discussion that followed touched upon easy methods to report, including specific application for mobile phones. PEW added that involvement in the region and collaboration with FAO are goals for the future. Ms Gascón added that PEW has focused on capacity-building and related efforts, and has been working in the Caribbean and African region with “stop illegal fishing” working groups in which countries work together and share information and experience.

Operational case studies and experience

38. Mr Neves gave an overview of NEAFC measures, including, in particular, the port State control (PSC) requirements and procedures, providing a chronologic review through two case studies. This included a description of MSC requirements and procedures before and after the introduction of the IUU concept (2004) and before and after the introduction of the PSC (2007).

39. In response to questions about access to data concerning particular fisheries, vessels and markets, Mr Neves responded that NGOs are playing a greater role in regional information sharing leading to improved monitoring efforts. Others asked questions concerning the implementation of the Agreement in light of the challenges that arise, particularly with regard to the definitions. Furthermore, concerns were raised relating to the possibility of involvement in legal action against secretariats by vessel operators as a consequence of the implementation of the Agreement by RFMOs. Others questioned the reduction of IUU activities after regional implementation of the Agreement. In response to this, Mr Neves stated that experts valued that before NEAFC’s IUU list there was an estimated as much as 40 percent of the redfish in the market was caught illegally when the list was introduced, but when the IUU vessels stopped fishing and TACs were respected, average prices went up. Finally, the role of RFMOs in creating transparency in fisheries trade aspects was highlighted.

Good governance and port State measures

40. Mr Camilleri delivered a presentation on the importance of good governance in implementing sound fisheries management and effective port State measures, highlighting principles leading to good governance and factors which have adverse impacts on governance, including conflict of interest and corruption. He also addressed the fundamental need for governments to establish a policy on port State measures and to give due consideration of the capacity and resources required for their implementation.

41. During the discussion, Mr Camilleri mentioned the importance of collaboration among countries regionally, and participants mentioned the importance of focusing on implementation and the tendency to forget the formal and informal structures and actors that must be involved in the implementation process. Additionally, issues were raised on the need for good governance and good decision-making, in particular to find ways to address the needs of the most vulnerable stakeholders. In addition, other participants mentioned the need to create political will and increase political capacity building, as opposed to depending solely on national agencies.

WORKING GROUPS AND OUTCOMES

42. Participants were split into three working groups to address the implementation of port State measures from the legal and policy, institutional and capacity development, and operational perspectives, while considering the benefits to implement the Agreement through regional cooperation mechanisms. Participants were invited to identify existing strengths and gaps or constraints at national, subregional and regional levels, and to propose measures and actions that could address the gaps or constraints. The composition of the Workings Group is in Appendix H.

43. In the light of the outcomes of the above exercise, participants were then encouraged to identify and propose priorities for measures and actions to be taken at national, subregional and regional levels.

Summary of Working Groups outcomes by issue

44. The following paragraphs provide a brief overview of the recommendations and strategies discussed by the working groups, organized by issue. The table in Appendix I provides a more detailed summary of the outcomes of the Working Groups.

45. The legal and policy strategies for implementing port State measures were all considered as high priority. Along with recommendations that other countries become parties to the Agreement, the Working Groups called for local and regional meetings to raise awareness of issues that the Agreement could address and remedy. Other recommendations concerned necessary amendments to national policy frameworks and legislation to reflect the legal framework of the Agreement.

46. Operational recommendations of the Working Groups ranged from high to medium priority. The recommendations called for the development of a regional plan of action to combat IUU fishing and the creation of an integrated regional database to support fisheries management. Particular aspects of capacity building were also discussed, ranging from training of implementation procedures to planning and support. Creation of regional catch certification schemes and tracking systems for fishing vessels were also recommended though noted as medium priority level objectives that could be achieved in the medium to long term.

47. Institutional and Capacity Development related strategies ranged from high to low priority. The Working Groups particularly emphasized the need for improvement of regional and international coordination amongst relevant national agencies and equipping, developing and expanding facility infrastructures of ports of all countries in the region so that they meet international standards. The Working Groups also highlighted the need for improving coordination amongst countries, through development of information systems and other sharing mechanisms.

48. The outcomes and recommendations of the Working Groups were presented to the 15th Session of WECAFC for its consideration. In light of these recommendations, WECAFC adopted Resolution WECAFC/15/2014/9 on the implementation of the Port State Measures Agreement and the FAO Voluntary Guidelines on Flag State Performance in the region. Resolution WECAFC/15/2014/9 is in Appendix J.

Case study

49. The Working Groups were presented with a fictitious situation featuring IUU fishing, port State measures, RFMOs, coastal State and flag State issues. They were invited to discuss and identify key legal, institutional and operational issues which characterized the case in the light of the provisions of the Agreement, international law and other international and regional instruments. The participants highly welcomed this exercise as an opportunity to bring together the knowledge and experience acquired during the workshop.

WORKSHOP EVALUATION

50. At the end of the last day, the participants were invited to complete a workshop evaluation form. The sheets were distributed in both English and Spanish.

Evaluation

51. The workshop evaluation forms consisted of two parts: the first part included three sections where participants were asked to rate a number of statements; and the second part asked for specific comments on each section of the workshop. A summary of the responses is included in Appendix K.

52. Most participants rated the aspects of the workshop in the medium to high category. Participants considered that the workshop attained its objectives and most have obtained a higher understanding of international, regional and national frameworks related to port State measures. The presentations were considered informative and relevant by most participants, who also felt that they benefitted from the group exercises and that the resource persons were highly knowledgeable.

CLOSURE OF THE WORKSHOP

53. Mr Camilleri expressed his sincere gratitude to all the participants, presenters and resource persons. He encouraged participants to inform their national authorities of the recommendations of the workshop and to raise awareness about the benefits of implementing the Agreement, particularly in combating IUU fishing and safeguarding the long-term sustainability of fisheries in the region. In conclusion, he added that as a follow-up to the workshop, FAO looks forward to providing further support to countries, as required, subject to the availability of funds.

54. The workshop closed at 12.30 hours on 28 March 2014.

Agenda

Monday, 24 March 2014

INTRODUCTION	
08.00-09.00	Registration
09.00-10.00	Opening <ul style="list-style-type: none"> • Call to order <ul style="list-style-type: none"> ○ Opening of the Workshop FAO ○ WECAFC ○ Government of Trinidad • Election of Chair • Administrative arrangements for the workshop • Technical matters concerning the workshop • Introduction (participants and resource persons)
10.00-10.30	Introduction to the workshop Multimedia presentation on the 2009 FAO Port State Measures Agreement Matthew Camilleri FAO, Fisheries Liaison Officer / Technical Secretary of the Workshop
10.30-11.00	Coffee break
UNDERSTANDING PORT STATE MEASURES	
11.00-11.30	The Big Picture: Background and status of the Port State Measures Agreement and overview of port State measures in the global context Matthew Camilleri
11.30-12.30	Regional fisheries cooperation – IUU fishing challenges in the region and mechanisms. for MCS: CRFM and OSPESCA Peter Murray, CRFM Program Manager Manuel Pérez, OSPESCA Fisheries consultant
12.30-13.30	Lunch
13.30-14.30	Overview of the provisions of the Port State Measures Agreement Judith Swan, FAO, Consultant Blaise Kuemlangan, FAO, Chief, Development Law Service
14.30-15:00	Introduction to national policy and laws needed to implement the Agreement Blaise Kuemlangan
15.00-15.30	Coffee break
15.30-16.15	Linkages with other MCS tools <ul style="list-style-type: none"> • National and regional MCS tools • The Global Record of Fishing Vessels Manuel Perez Alicia Mosteiro, FAO, Consultant

16.15-17.00	Analysis of the cost/benefits of implementation of the FAO Agreement as a minimum standard in the WECAFC region. Raymon Van Anrooy
17.00	Close for the day

Tuesday, 25 March 2014

IMPLEMENTING PORT STATE MEASURES	
09.00-09.45	Summary of responses to the national questionnaire on port State measures Karine Erikstein, FAO, Associate Legal Officer, Development Law Service
09.45-10.30	Introduction to operational procedures for port State measures João Neves, North East Atlantic Fisheries Commission, Monitoring Control and Surveillance Officer
10.30-11.00	Coffee break
11.00-11.45	Guidelines/checklists for implementing port State measures: operational, capacity development Judith Swan
11.45-12.30	Guidelines/checklists for implementing port State measures: legal, policy, institutional. Karine Erikstein and Blaise Kuemlangan
12.30-13.30	Lunch
13.30-14.15	Port State Control Procedures Colin P. Young, Regional Maritime Adviser (Caribbean), International Maritime Organization
14.15-15.30	Capacity Needs Assessment Methodology Virginia Gascon – Pew Charitable Trusts
15.00-15.30	Coffee break
14.00-15.00	Operational case studies and experience João Neves, North East Atlantic Fisheries Commission, Monitoring Control and Surveillance Officer
15.30-16.15	Good governance and port State measures: <ul style="list-style-type: none"> • Conflict of interest and corruption • Increasing understanding among colleagues and politicians on the needs and priorities of port State measures Matthew Camilleri
17.00	Close for the day

Wednesday, 26 March 2014

WORKING GROUPS AND OUTCOMES	
0900-10.30	<p>Working Group Task 1: Four working groups will be formed to address the implementation of the Agreement as a minimum standard, taking into account the guidelines for implementation to be distributed prior to the Workshop.</p> <p>Purpose: identify existing strengths and gaps or constraints at national, subregional and regional levels and propose measures and actions that could address the gaps or constraints.</p> <p>The participants will be divided into the following groups:</p> <ul style="list-style-type: none"> • Legal and policy • Institutional and capacity development • Operational • Cooperation through regional mechanisms. <p>Introduced and coordinated by Judith Swan Facilitators: Karine Erikstein, Blaise Kuemlangan, João Neves, Alicia Mosteiro</p>
10.30-11.00	Coffee break
11.00-12.30	Continuation of working groups.
12.30-13.30	Lunch
13.30-14.30	<p>Chairpersons of each working group report to plenary.</p> <p>Commentary on the working group reports</p>
14.30-15.00	<p>Working Group Task 2</p> <p>Purpose: In the light of the outcomes of Task 1, identify and propose priorities for measures and actions at national, subregional and regional levels.</p> <p>The participants will be divided into the following groups:</p> <ul style="list-style-type: none"> • Legal and policy • Institutional and capacity development • Operational • Cooperation through regional mechanisms <p>Introduced and coordinated by Matthew Camilleri Facilitators: Karine Erikstein, Blaise Kuemlangan, João Neves, Alicia Mosteiro</p>
15.00-15.30	Coffee break
15.30-17.00	Continuation of working groups. The Working Groups are requested to submit their reports to the Secretariat by the end of the day.
17.00	Close for the day

Thursday, 27 March 2014

09.00-10.00	Chairpersons of each working group report to plenary. Commentary on the working group reports
10.00-10.30	Adoption of Workshop conclusions on priorities, actions and next steps, based on reports by Working Groups
10.30-11.00	Coffee break
11.00-12.30	Adoption of Workshop conclusions (continued)
12.30-13.30	Lunch
13.30-15.00	Working Group Task 3: Participants will be formed into four working groups and given a fictitious situation featuring IUU fishing, port State measures, RFMO, coastal and flag State issues and will be asked to discuss and identify key issues raised. Introduced and coordinated by Blaise Kuemlangan Facilitators: Karine Erikstein, Matthew Camilleri, João Neves, Alicia Mosteiro
15.00-15.30	Coffee break
15.30-17.00	Continuation of Working Groups
17.00	Close for the day

Friday, 28 March 2014

WORKING GROUPS AND OUTCOMES (Continued)	
09.00-10.30	Chairpersons of each working group report to plenary. Commentary on the working group reports
10.30-11.00	Coffee break
CLOSE OF WORKSHOP	
11.00-11.30	Evaluation of workshop Matthew Camilleri and Karine Erikstein
11.30-12.30	Close of Workshop
12.30	Lunch

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APPENDIX C

List of documents

FAO. 2010. *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Accord relatif aux mesures du ressort de l'État du port visant à prévenir, contrecarrer et éliminer la pêche illicite, non déclarée et non réglementée. Acuerdo sobre medidas del Estado rector del puerto destinadas a prevenir, desalentar y eliminar la pesca ilegal, no declarada y no reglamentada.* Rome. 100 pp.

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FAO. 2012. *A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.* FAO Fisheries and Aquaculture Circular No. 1074. Rome. 165 pp.

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(also available at <http://www.fao.org/docrep/017/i2677t/i2677t00.htm>)

Opening speech
by
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I have the great honour and pleasure to welcome you to this FAO/WECAFC Regional Workshop on Implementing the 2009 Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, on behalf of the FAO Sub-regional Coordinator for the Caribbean, Mr Deep Ford.

The focus on the potential of port State measures as a powerful and cost-effective tool to combat IUU fishing was initiated at FAO ten years ago. The 2001 International Plan of Action to Prevent, Deter and Eliminate IUU fishing had elaborated the actions and measures that should be taken by a port State to a greater extent than any previous international fisheries instrument. As a consequence, the voluntary FAO Model Scheme on Port State Measures was developed in two Expert Consultations and adopted in 2005. Within four months of its endorsement by COFI, there were calls in international fora for a legally binding agreement.

The Agreement, developed over two and a half years and adopted by the FAO Conference in 2009, has been hailed as a practical and visionary instrument that would serve to strengthen regional and international collaboration in efforts to eradicate IUU fishing.

Several regional fishery bodies have already adopted effective schemes on port State measures with outstanding results. At national level, an increasing number of countries are working to implement the measures through laws, policies, operational procedures and improved intelligence and communications.

There is no question that this tool is clearly needed in the WECAFC region, where IUU fishing is carried out by national operators in national waters, by neighboring regional fleets poaching in another country's waters and by industrial scale tuna fleets poaching in deeper offshore waters.

Some of the benefits of implementing port State measures include contributing to the sustainability of the resource and the legitimate income of fishers, strengthened linkages with – and enhanced impact of - other compliance tools and international agreements, improved training, obtaining robust information that can be effectively used for fisheries management and cooperation with flag States to halt poaching by their vessels. Port State measures can help to enforce conservation and management measures taken by regional fisheries management organizations in areas of the high seas. Properly implemented, they can also deter illegal transshipment at sea.

In CARICOM, IUU fishing is estimated at between 17 percent and 20 percent annual catch. The impact is not well documented, but it definitely costs tens of millions of US dollars annually to the coastal States and legitimate fishers. This is big business, and is fuelled by criminal activity. Eighty percent of Member States identified IUU fishing as one of the main threats to sustainability and development of fish stocks in the region.

This region has worked together to confront IUU fishing through cooperation and collaboration, including adoption of the 2010 Castries (St. Lucia) Declaration on IUU Fishing and development of a Caribbean Community Common Fisheries Policy. It is timely, and imperative, to intensify the momentum

from these initiatives and, noting the successful examples of other regions, develop a roadmap for further collaboration in implementing port State measures.

We recognize that there is no “quick fix”. The aim of this Workshop is to provide a better understanding of what port State measures are, how they can be integrated with other MCS tools and the need for legal authority, an inspectorate that is sufficiently staffed, adequately trained and well informed, information systems and intelligence-sharing among national agencies.

With this knowledge and understanding, you will be called upon to identify strengths, weaknesses and priorities for implementing port State measures in our region. The priorities you develop will be reported to WECAFC XV for consideration by Members.

This regional workshop is part of a series planned by FAO to develop capacity for improved understanding and implementation of the 2009 Agreement on Port State Measures. All workshops are designed to take into account the different needs of each region, and to identify a way forward. Assistance to developing countries that become party to the Agreement will be available to further assist with capacity development, after the Agreement enters into force.

Considering the powerful, cost-effective nature of port State measures and the potential benefits to the sustainability of the fisheries resources, ratification and implementation of the Agreement by countries in this region is strongly encouraged. However, it is important that first a foundation is established for improved understanding and future actions, and we hope this will be achieved over the coming days.

I wish you a productive and inspiring week ahead, and I have the pleasure of declaring this Workshop open.

Opening statement
by
Mr Raymon van Anrooy
WECAFC Secretary and Fishery and Aquaculture Officer
FAO Subregional Office for the Caribbean

Honourable Permanent Secretary,
Excellencies,
Distinguished Delegates and Observers,
Ladies and Gentlemen,

It is for me a great honor and pleasure to welcome you on behalf of WECAFC to this Workshop on the implementation of the 2009 FAO Port State Measures Agreement.

Illegal, Unreported and Unregulated (IUU) fishing continues to be a threat to the effective conservation and management of fish stocks in the Wider Caribbean Region, despite many efforts by the authorities and other stakeholders. IUU fishing is causing economic and social losses for the Wider Caribbean countries and negatively impacts their food security. Fishers that fish legally receive competition from illegal fishers. A large chunk of the catch goes currently unreported and we have in many countries in the region major gaps in fisheries legislation that need to be addressed.

The FAO Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (2009) has been designed to intensify global collaboration between fisheries and port authorities, coast guards and navy's. The aim is to eliminate illegal fisheries, through globally agreed standards for concerted action, enabling better inspections and controls at the ports, on vessels and increasing flag state responsibility.

Many of you know that WECAFC is at the forefront in promoting the Code of Conduct for Responsible Fisheries in the region. The 14th session of WECAFC held in Panama in 2012 increased awareness and promoted the Code and related instruments. At that session the Commission issued a "Resolution on Strengthening the Implementation of International Fisheries Instruments". The Resolution urged the then 33 members to become party to legally-binding international fisheries instruments including the Agreement.

However, now we are two years later and none of the Caribbean and Central American members of WECAFC have ratified the PSMA so far. Uncertainty about the costs and benefits of implementing the Agreement seems to be high. FAO and WECAFC hope that this capacity building workshop will give you the tools to assess the need in your country to ratify and implement the Agreement and provide you with answers to any question you may have in terms of implementation of the Agreement.

This workshop is supported substantially by the Government of Norway. Norway is a major fishing country, which is always at the forefront of new developments in the fisheries sector. Norway is world-wide promoting responsible fisheries management and development and thus a key partner of FAO by supporting the implementation of the Port State Measures Agreement.

WECAFC works in the Caribbean in close partnership with most other stakeholders active in fisheries, including amongst others the Caribbean Regional Fisheries Mechanism, OSPESCA, Caribbean Fisheries Management Council of the USA, Caribbean Network of Fisherfolk Organizations, CERMES of the University of the West Indies and the Caribbean Large Marine Ecosystem (CLME) project.

The WECAFC Secretariat is therefore happy to announce that all these partners are joining WECAFC in promoting the Agreement in the region. We also recognize the important contributions of CRFM and the CLME to this regional workshop, as both organizations assisted generously by supporting participation of some key stakeholders in this workshop. Thank you CRFM and CLME!

Moreover, as you have seen in the information note of this workshop, the PEW Charitable Trust and the Marine Stewardship Council are other organizations that aim to contribute to the success of this workshop. Both organizations have arranged side events today and tomorrow evening in which they will outline their views for reaching sustainable fisheries in the region.

Ladies and Gentlemen,

While this workshop carries FAO/WECAFC in the title, it could not have been organized without the strong support from the Government of Trinidad and Tobago, and particularly the Ministry of Food Production. I would like to thank the Permanent Secretary, and through him the Government and people of Trinidad and Tobago, for making available the fine support of the staff of the Fisheries Division, and for providing these excellent facilities for this meeting. Our special thanks are due to Ms Christine Chan A Shing, Director of the Fisheries Division and vice-chairperson of WECAFC, Ms Nerissa Nagassar of the Fisheries Division and all other very nice staff of the Ministry that assist us these days.

I would like to end this welcome statement by thanking my FAO colleagues from FAO Headquarters, the Sub-regional Office for the Caribbean and the FAO Representation here for their efforts in making this workshop possible. In this respect, Marion Alleyne of the Representation in Trinidad and Tobago and Bertha Simmons who assists me in Barbados deserve special mention as they made every effort to ensure we all could participate.

Finally, I would like to thank all for joining in this important workshop. I wish you a fruitful workshop with lots of new insights and ideas that will further the implementation of the Agreement in the region.

Thank you.

Opening remarks
by
Ms Joan Hanibal-Phillips
Permanent Secretary

Good morning distinguished guests, delegates and representatives of various state and other agencies and organizations. I use this opportunity to welcome you on behalf of the Ministry of Food Production to this workshop on implementing the 2009 FAO Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated (or IUU) Fishing. The Ministry of Food Production is pleased to host this extremely significant workshop in collaboration with the Food and Agriculture Organization. Many of you have travelled long distances to be with us today, and we are most appreciative of the effort you have made to be here, the process will be incomplete and rendered insignificant without your valuable participation.

The Ministry of Food Production is dedicated to ensuring the food security of Trinidad and Tobago. With this in mind, we are committed to taking steps towards protecting our marine resources and preventing or deterring actions that can undermine the effectiveness of pertinent management and conservation measures. In this regard the Port State Measures Meeting has been convened and will specifically address awareness of the provisions of the Agreement, which in the case of Trinidad and Tobago cuts across the statutory and executive responsibilities of a number of State agencies such as The Maritime Services Department of the Ministry of Transport; the Customs and Excise Department of the Ministry of Finance and the Economy; the Trinidad and Tobago Coast Guard of the Ministry of National Security; the Port Authority of Trinidad and Tobago, and others. In this regard I am happy to acknowledge the presence among us of representatives of these agencies here today. This is very encouraging and lays the foundation for the collaboration and coordination that will be required for the implementation of This Agreement in Trinidad and Tobago and in particular in the Island territories of the region where resources are limited.

The safety of ports and fisheries is quite significant to the food security of the Caribbean region. In 2010, the Caribbean Regional Fisheries Mechanism (CRFM) Ministerial Council signalled the priority accorded to this through the endorsement of the Castries, St. Lucia Declaration on illegal, unreported and unregulated (IUU) fishing, to encourage its members to take measures to combat this practice. In order to deal with issues of this nature, and deficiencies in port state management and regulation, the CRFM and Caribbean member States of the Western Central Atlantic Fishery Commission (WECAFC), have assembled at this meeting to engender an understanding of how the Agreement can be used as an instrument for policy change in the region as well as foster collaboration among countries of the region directed at the common goal of effectively addressing IUU fishing.

We are honored to participate in this Meeting, and to have the opportunity to find a way forward for the security of our natural marine and fishery resources through the possible adoption of the Agreement. We are here, as well, to illustrate to various competent agencies, the costs and benefits of the Agreement. The implementation of the provisions of this policy will not only bring structure to port State management in the Caribbean, but will provide a much needed path towards food resource preservation for our people and posterity.

I welcome all of you, again, with the hope of achieving a consensus for the advancement of the Agreement in the Caribbean region. Thank you.

APPENDIX G

FOR SUBMISSION BY 28 FEBRUARY 2014
TO: Karine.erikstein@fao.org

Questionnaire on the implementation of the Agreement

COUNTRY:

NAME AND POSITION:

EMAIL CONTACT:

DATE:

Purpose: The purpose of this questionnaire is to better understand the current practices, procedures and laws of countries in the region concerning port State measures. Responses from all countries will be combined and analysed at the Workshop to provide a clear foundation for recommendations on the way forward at regional level.

Instructions: Please collaborate with your colleagues expert in relevant areas (e.g. inspectors, lawyers) in completing this questionnaire.

Countries with ports used by foreign fishing vessels are requested to complete **Part A**. The parts are:

- I. USE OF PORT – GENERAL
- II. INSPECTIONS
- III. LEGAL (Note this mainly consists of “yes/no” responses; where there is uncertainty, general reference to the relevant law will suffice.)
- IV. OPERATIONAL
- V. OTHER

Countries that do not have ports used by foreign fishing vessels are requested to complete **Part B**.

PART A

COUNTRIES WITH PORTS USED BY FOREIGN FISHING VESSELS

“Fishing vessels” include vessels used for fishing or fishing related activities.

“Fishing related activities” means any operation in support of, or in preparation for, fishing, including the packaging, processing, transshipping or transporting of fish that have not previously been landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.

“Foreign fishing vessels” means fishing vessels that are not registered in your country/do not fly your country’s flag.

I. USE OF PORT – GENERAL	
1. Please identify any port/ports in your country that is used by foreign fishing vessels.	
2. Approximately how many foreign fishing vessels call into port annually (average over past 2 years)?	
a. Approximately how many of these vessels <i>do not</i> hold, or have not applied for, fishing licenses issued by your country?	
3. What types of fishing vessels make port calls (approximate percentage if available)?	Purse seiners _____ Longliners _____ Vessels used for related activities _____
4. What is the nationality of the fishing vessels that make port calls (approximate percentage if available)?	
5. What is the purpose of their port calls (approximate percentage for each activities if available)?	Landing _____ Transshipment _____ Packaging, processing _____ Refuelling _____ Resupplying _____ Maintenance _____ Drydocking _____ Other (please describe) _____
6. Have any foreign fishing vessels been denied entry into your port over the past two years?	Yes _____ No _____
a. If yes, please explain.	
7. Have any foreign fishing vessels that have entered your port been denied the use of your port over the past two years (e.g. for landings, transshipment, packaging, processing, etc.)?	Yes _____ No _____
a. If yes, please explain.	

II. INSPECTIONS							
8. Approximately how many foreign fishing vessels are inspected annually in port (average over past 2 years)?							
a. Approximately how many of these were pre-fishing inspections (over past 2 years)?							
b. Approximately how many inspections resulted in evidence of IUU fishing (over past 2 years)?							
9. Has your country set levels and priorities or other criteria for selecting foreign vessels to inspect?							
a. If yes, please describe briefly							
b. If no, what are the main reasons for port inspections?							
10. Are there standard operating procedures for port inspections?							
11. Is there a standard format for inspection reports?							
12. Where are the port inspection reports usually transmitted?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Flag State of vessel _____</td> <td style="width: 50%;">Master's national State _____</td> </tr> <tr> <td>Relevant coastal State _____</td> <td>FAO _____</td> </tr> <tr> <td>Relevant RFB/RFMO _____</td> <td>Other _____</td> </tr> </table>	Flag State of vessel _____	Master's national State _____	Relevant coastal State _____	FAO _____	Relevant RFB/RFMO _____	Other _____
Flag State of vessel _____	Master's national State _____						
Relevant coastal State _____	FAO _____						
Relevant RFB/RFMO _____	Other _____						
13. Please describe briefly any main strengths in your country of effective port inspections.							
14. Please indicate any main constraints in your country for effective port measures (please check all relevant areas)?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Human capacity _____</td> </tr> <tr> <td>Legal authority _____</td> </tr> <tr> <td>Interagency cooperation (e.g. with port authorities) _____</td> </tr> <tr> <td>Inadequate information exchange _____</td> </tr> <tr> <td>Inadequate integration of other MCS tools (e.g. VMS) _____</td> </tr> <tr> <td>Other (please describe) _____</td> </tr> </table>	Human capacity _____	Legal authority _____	Interagency cooperation (e.g. with port authorities) _____	Inadequate information exchange _____	Inadequate integration of other MCS tools (e.g. VMS) _____	Other (please describe) _____
Human capacity _____							
Legal authority _____							
Interagency cooperation (e.g. with port authorities) _____							
Inadequate information exchange _____							
Inadequate integration of other MCS tools (e.g. VMS) _____							
Other (please describe) _____							
III. LEGAL							
15. Do your laws and regulations require, for foreign fishing vessels:							
a. an advance request for permission to enter port?	Yes _____ No _____						
b. authorization for port entry?	Yes _____ No _____						
16. Do your laws and regulations empower national authorities, in relation to foreign fishing vessels, to:							
a. deny a vessel entry into port?	Yes _____ No _____						
b. prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of RFB/RFMO management	Yes _____ No _____						

<p>measures/recommendations/resolutions?</p>	<p>d. deny use of port for landing, transshipping, packaging and processing of fish that have not previously been landed and for other port services, including refuelling and resupplying, maintenance and drydocking?</p>	<p>Yes _____ No _____</p>
<p>17. Do your laws and regulations provide for denial of use of port in the following circumstances, in relation to foreign fishing vessels?</p>		
<p>a. the vessel does not have a valid and applicable authorization for fishing and related activities required by:</p>	<p>i. its flag State? ii. another coastal State in respect of its areas under national jurisdiction?</p>	<p>Yes _____ No _____ Yes _____ No _____</p>
<p>b. there is clear evidence that the fish on board was taken in contravention of coastal State requirements in areas under its national jurisdiction?</p>		<p>Yes _____ No _____</p>
<p>c. the flag State does not confirm, on request and in a reasonable time, that the fish on board was taken in accordance with requirements of a relevant RFB/RFMO?</p>		<p>Yes _____ No _____</p>
<p>d. there are reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities?</p>		<p>Yes _____ No _____</p>
<p>e. following inspection, there are clear grounds for believing that the vessel has engaged in IUU fishing?</p>		<p>Yes _____ No _____</p>
<p>18. How are your country's laws relating to the implementation of MCS-related laws in relation to foreign vessels in port (e.g. use of port, inspections, information and sanctions)?</p>		<p>Fully _____ Moderately _____ Weakly _____</p>
<p>IV. OPERATIONAL</p>		
<p>19. If applicable, please describe any operational or other procedures that are not addressed above in relation to:</p>	<p>a. port entry b. inspection c. approvals d. denial of use of port e. information exchange f. other</p>	
<p>V. OTHER</p>		

<p>20. Who is or will be responsible for accession or ratification of the 2009 FAO Port State Measures Agreement in your Government?</p>	<p>Name: _____ Office: _____ Contact details: _____</p>
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PART B

COUNTRIES THAT DO NOT HAVE PORTS USED BY FOREIGN FISHING VESSELS

<p>1. Is your country a member of any regional fishery body or regional fisheries management organization (example WECAFC, CRFM, OSPESCA, ICCAT)?</p>	<p>Yes _____ No _____</p>
<p>2. How are the provisions of binding or non-binding measures/recommendations/resolutions by these bodies/organizations implemented by your country (comment optional)?</p>	<p>Fully _____ Moderately _____ Weakly _____</p>
<p>3. Does your country cooperate in the implementation of regional MCS tools that support port State measures, such as a regional observer programme, surveillance activities and VMS? a. If yes, please explain.</p>	<p>Yes _____ No _____</p>
<p>4. Does your country have any bilateral MCS arrangement to undertake port measures on their licensed foreign fishing, eg. pre-licensing inspection, with neighboring port States? a. If yes, please explain.</p>	<p>Yes _____ No _____</p>
<p>5. What do you consider to be the main benefits of adopting a regional arrangement on port State measures?</p>	
<p>6. What do you consider to be the main constraints for adopting a regional arrangement on port State measures?</p>	
<p>7. Please describe solutions to the constraints.</p>	
<p>8. What do you consider to be the main benefits for implementing minimum standards for port State measures in your national laws and procedures?</p>	

APPENDIX H

Composition of the Working Groups

Legal and policy		Operational		Institutional	
Merlene Bailey	Belize	Delice Pinkard	Belize	Rolerick Sobers	Barbados
Cesar Augusto Díaz	Colombia	Andres Avella	Colombia	Felicia Cruz	Belize
Cecilia Soto	Costa Rica	Francis Cornelius	Dominica	Luisa Maldonado	Colombia
Mitchell Moran	Grenada	Pedro Montero	Dominican Republic	Tyrone Hidalgo	Guatemala
Judy Ann Neil	Jamaica	Ferique Shortte	St. Vincent and the Grenadines	Karen Joseph	Nicaragua
Michael Choo	Trinidad and Tobago	Peter Mohammed	Trinidad and Tobago	Wayne Edmead	St. Kitts and Nevis
Sarika Maharaj	Trinidad and Tobago	Nadia Ramphal	Trinidad and Tobago	Mark Charran	Trinidad and Tobago
		Natasha Hosein	Trinidad and Tobago	Ricky Seepersad	Trinidad and Tobago

Outcomes of the Working Groups

Recommendations	Strategies	Priority	Term
LEGAL AND POLICY			
1. Governments should become party to (ratify, accede or approve) the PSMA	Regional organizations should endorse the PSMA and encourage the various governments to become party. This could be included on the agendas of OSPESCA and CMOU meetings which will be held in June 2014.	High	Short
2. PSMA should be placed high on the agenda at local and regional meetings.	Raise awareness of the issues affecting the non-implementation of PSMs and advantages of implementation, thus sensitizing the public to lobby for further actions by policy makers.	High	Short
3. Include in the national policy framework priorities to allocate sufficient human, technical and financial resources for legislation, including the necessary training for the authorized officers to enforce the legislation.	Develop a policy framework for consideration by Government.	High	Short
4. The national policy should require the Minister to appoint a permanent board or committee for addressing implementation and operational issues.	These issues should be addressed at Cabinet level.	High	Short
5. Governments should amend their laws to address IUU fishing, including admissibility of evidence and ensuring deterrent penalty levels.	<p>Where applicable, countries should :</p> <ul style="list-style-type: none"> • conduct a legal review of existing legislation to ensure they address IUU fishing and implement the PSMA; • continuously hold stakeholder consultations before, during and after the drafting of legislation to ensure support by stakeholders and political level; • harmonise legislation to ensure the minimum standards of the PSMA are met; • have continuous training of the authorised officers in matters pertaining to IUU Fishing and port State matters; 	High	Short

Recommendations	Strategies	Priority	Term
	<ul style="list-style-type: none"> provide authority in legislation for the Fisheries Department to develop the capacity to conduct their own enforcement patrols with their own surface assets; and Launch public awareness and sensitization programs on all of the aforementioned matters. 		
6. Legislation should identify responsibilities of agencies and include mechanism for inter-agency coordination and information sharing.	Establish an MOU among relevant agencies for joint fisheries operations where this does not exist	High	Short
7. The legislation should place greater emphasis on the responsibility of flag States for the actions of their vessels, including those vessels on IUU vessel lists.	<p>Amend/enhance the Caribbean MOU on PSC and SIRPAC to:</p> <ol style="list-style-type: none"> capture the database for fishing vessels, including vessels engaged in or suspected of engaging in IUU fishing; enable access to all authorized agencies who utilize these databases; allow for exchange of information among States and with regional and global vessel databases and information systems with the aim of combating IUU fishing. 	High	Medium
8. Designated ports should be identified for calls by foreign fishing vessels.	<ul style="list-style-type: none"> Review all existing ports that receive foreign fishing vessels to verify if they have the capacity to conduct inspections in accordance with the PSMA, in particular Article 7. Promulgate the designation of specific ports for foreign fishing vessels. 	High	Short
9. Harmonize the legal basis for operations and standardize measures.	<ul style="list-style-type: none"> Governments should consider establishing cooperative arrangements, including mechanisms for adopting best practices in the management of shared stocks. Harmonization of legal practices should be added to the agenda of the relevant regional meetings of heads of government. 	High	Long

Recommendations	Strategies		Priority	Term
OPERATIONAL				
10. Develop a Regional Plan of Action to combat IUU fishing.	A permanent task force should be established to develop a process for strengthening regional measures to combat IUU fishing		High	Short
11. Consider the use of existing databases (eg. The Regional Clearance System) or the creation of an integrated regional database, if deemed necessary, to support fisheries management and combat IUU fishing.	<ul style="list-style-type: none"> • Review existing databases to determine their accessibility, applicability and legality, and undertake a gaps analysis assessment. • Identify a suitable location for the database and carry out an expert study to establish a regional database that may be accessed at national and regional level by relevant agencies. 		High	Short
12. Develop a plan and seek support for equipment and training.	<ul style="list-style-type: none"> • Identify the relevant countries or agencies that are willing and capable of conducting training in MCS and PSM implementation. • In the case of obtaining VMS equipment, States can incorporate fees for the purchase of all equipment and accompanied services into their licensing and registration fee. • Fees for all fisheries services should be implemented and used for training and the purchase of other necessary monitoring equipment. 		High	Long
13. Strengthen human capacity specifically for implementing port State measures.	<ul style="list-style-type: none"> • Liaise with regional bodies that could facilitate the exchange of experience among countries. • Train relevant personnel to conduct port State inspections. 		High	Short
14. Ensure that recruited staff have necessary qualifications and certifications.	Set minimum requirements for the application/recruitment of qualified and suitable personnel.		High	Short
15. Establish a regional VMS.	Ensure legislation and operational procedures address requirements for VMS.		Medium	Medium
16. Encourage port States to require VMS for fishing vessels of a regionally agreed measurement or criteria.	Create and implement a regional MOU highlighting the agreement of making it mandatory for fishing vessels of a regionally agreed measurement or criteria to have a VMS unit on board.		High	Medium

Recommendations	Strategies	Priority	Term
17. Encourage port States to consider a tracking system for fishing vessels of a size below the regionally agreed measurement or criteria.	Submit proposals for financial assistance towards implementing and establishing a VMS, or an alternative tracking system, for fishing vessels of a size below the regionally agreed measurement or criteria.	Medium	Long
18. Encourage establishment of a network for purposes of MCS in the region.	Regional bodies or countries should consider the development of such a network, including a list of official contacts for exchange of information in key areas for implementation of the PSMA.	High	Short
19. Establish a regional catch certification scheme for specified fisheries.	Species-specific regional working groups should consider establishment of a catch certification scheme.	Medium	Medium
INSTITUTIONAL AND CAPACITY DEVELOPMENT			
20. Establish a sharing mechanism endorsed by national agencies where at least two persons from agencies involved can be designated as contacts charged with the receipt and dissemination of information relating to PSMA	<ul style="list-style-type: none"> • Agencies should provide and circulate a list of contacts from the relevant agencies that will be responsible to disseminate information upon request. • Develop an educational program focused on procedures of dissemination of information to stakeholders at national level. • Inter-agency meetings should be held on a regular basis to discuss and disseminate information. 	High	Medium
21. Formalize information systems for vessels and their activities, including registration, records and other data.	<ul style="list-style-type: none"> • Develop a vessel registration and record of vessels database incorporating all information on the national fleet in accordance with applicable international standards. • Encourage the submission of catch and vessel data to relevant national, regional and international entities. • Provide annual incentives to compliant operators / vessel owners for timely submissions and cooperation. 	High	Long
22. All member States in the region to equip their ports in order to qualify as designated ports in accordance with international standards.	<ul style="list-style-type: none"> • Formulate and submit proposals for source funding to develop or improve the current port facilities in each country and to train relevant personnel to carry out the port functions set out in the PSMA. • Develop and expand port facility infrastructure to accommodate large scale foreign fishing vessels. 	High Low Medium	Long Medium Short

Recommendations	Strategies	Priority	Term
<p>23. Encourage port States to be active and follow up in the dissemination of information as is agreed on in the PSMA.</p>	<ul style="list-style-type: none"> • Frequent communications (phone calls, emails) and meetings (conference calls) to remind port States to comply with the information sharing requirements. • States' technical representatives to meet on a regular basis, e.g. every two years, and share experiences, successes and lessons learned using PSMs to combat IUU fishing. • Regional bodies to develop and endorse an MOU with port States solidifying their commitment to provide information upon request. 	<p>High</p> <p>Medium</p>	<p>Long</p> <p>Short</p>
<p>24. Improve the regional and international coordination among the relevant national agencies.</p>	<ul style="list-style-type: none"> • Create a master list of points of contact. • Heads of Government / Ministers officially nominate and endorse the contact person(s). 	<p>High</p> <p>High</p>	<p>Short</p> <p>Short</p>

APPENDIX J

Resolution WECAFC/15/2014/9 on the implementation of the Port State Measures Agreement and the FAO Voluntary Guidelines on Flag State Performance in the region

The Western Central Atlantic Fishery Commission (WECAFC):

DEEPLY CONCERNED about the illegal, unreported and unregulated fishing in the WECAFC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Small Island Developing States, and the increasing need for food security in the region;

CONSCIOUS of the respective roles of the port State and the flag State in adopting effective measures and meeting agreed criteria to promote the sustainable use and the long-term conservation of living marine resources;

RECOGNIZING that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including flag State measures, port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

ACKNOWLEDGING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

FURTHER ACKNOWLEDGING the need to improve the performance of flag States in meeting their international responsibilities, including through ensuring it meets agreed criteria and enhancing cooperation between coastal States and flag States;

AWARE of the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through implementation of port State measures and improved flag State performance;

TAKING NOTE OF the binding Agreement on port State measures to combat IUU fishing which was adopted and opened for signature within the framework of FAO in November 2009, and desiring to implement this Agreement in an efficient manner in the WECAFC Area;

TAKING FURTHER NOTE of the Voluntary Guidelines on Flag State Performance, adopted by a FAO Technical Consultation in February 2013 and submitted to the FAO Committee on Fisheries for review and endorsement at its Thirty-first Session in June, 2014;

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, WECAFC Members may adopt more stringent measures in accordance with international law;

RECOGNIZING that both instruments provide for cooperation with and assistance to developing countries to adopt and implement port State measures and improve flag State performance;

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter (“the Convention”);

RECALLING the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Resolutions by

Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

RECALLING the WECAFC Resolution on strengthening the implementation of international fisheries instruments in the Caribbean region adopted at the 14th Session in 2012, in which Members agreed to take actions and measures to strengthen the implementation of existing international fisheries instruments and those that may be developed in the future;

NOTING the FAO/WECAFC Regional Workshop on Port State Measures held in Trinidad, 24-28 March 2014;

ADOPTS in accordance with the provisions of Article 6 (b) of the WECAFC Revised Statutes, the following Resolution:

1. WECAFC Members make all efforts to become party to the FAO Agreement on Port State Measures where this has not been done, and to implement the Voluntary Guidelines on Flag State Performance in relation to vessels entitled to fly their flag and through cooperation with flag States.
2. WECAFC Members cooperate and collaborate, including through WECAFC, to share information and identify priorities in the process of implementing the FAO Agreement on Port State Measures and Voluntary Guidelines on Flag State Performance, and give full consideration to implementation of the outcomes of the 2014 FAO/WECAFC Port State Measures Workshop.
3. WECAFC Members harmonize, to the greatest extent possible, measures and actions taken to implement the FAO Agreement on Port State Measures and Voluntary Guidelines on Flag State Performance.
4. WECAFC Members cooperate through the Secretariat, as appropriate, to:
 - (a) identify such assistance to developing countries as may be relevant or required in the implementation of these instruments; and
 - (b) monitor progress on the implementation of the instruments.

APPENDIX K

Workshop evaluation
24 Responses were received

	LOW	UP	MEDIUM	UP	HIGH
	1	2	3	4	5
1. Objectives of the Workshop				3	5
1.1 Do you consider that the objectives of the Workshop were met?				7	17
1.2 Do you understand the international, regional and national frameworks that relate to port State measures?			3	12	11
1.3 Do you now have an idea of the steps needed to implement the FAO Agreement on port State measures?			2	8	14
2. Presentation			1	1	1
2.1 How do you judge the presentation of the Workshop overall?			2	11	12
2.2 Is the content relevant?			1	7	16
2.3 Were the presentations informative?				6	18
2.4 Were the presenters knowledgeable about their respective areas?				5	18
2.5 Did you benefit from the discussion?				6	17
3. Your expectations from the Workshop					1
3.1 Did you benefit from the Workshop exercises?				5	19
3.2 Did the Workshop meet your expectations?				11	13
3.3 Was the Workshop a positive learning experience?				6	18
3.4 Was the time allocated to the training sufficient?			5	11	9
Total	0	0	14	103	189

ASPECTS OF THE WORKSHOP THAT WERE MOST BENEFICIAL

- Time: enough time was allotted for questions and answers. (1)
- Participation was good. (1)
- Presentations were excellent, Very informative lectures. (5)
Summary of PSMA; the synopsis of all the work presented in comprehensive format which allowed participants to feel like they were part of the complete process from beginning to end.
- Lots of relevant information was received.
- Exercises were helpful, group exercises which allowed participants from various designations to share their knowledge and experiences. (3)
- “Sea breeze exercise” was particularly helpful in understanding the interaction that takes place/ought to take place. (1)
- Case study discussion, assimilating the information and analysis with respect to PSMA to identify possible recommendations. (1)
- Legal perspective and analysis from the legal team, particularly Blaise Kuemlangan, Strong knowledge base. (3)
- In particular, analysis of the following topics: Understanding the scope of the PSMA; Application of port state responsibility and its benefit; Interpretation of the articles contained in the PSM; Impact of the PSMA on IUU fishing. (1)
- The need for states to ratify the PSMA; the global overview of IUU fishing and its linkage association with trans-national crimes; the benefits to be gained from implementing PSM regionally to combat IUU fishing; the process of identifying recommendations via working groups. (1)
- Considering the existing frameworks to implementing this agreement, need for legal framework, ways to get participants involved. (1)
- Discussion of strategies that must be implemented; gaps/constraints of the PSM from every country; the national legislation relating to PSM.
- Identifying strengths, gaps, and recommendations in a group environment. (1)
- National vs. regional comparison. (1)
- Presentations were very helpful in raising understanding of issues. (1)
- Collaboration: workshop provided an excellent environment for collaboration with relevant parties from various countries within the region.
- Understanding the strengths, weaknesses, gaps in implementation.
- Group presentations; benefit of experience/knowledge of facilitators working with the groups; different people from different divisions.
- Discussion with different countries allowed for a different perception and understanding of PSM. (2)
- Providing literature on digital USB for referencing. (1)
- It was interesting to see that each country was experiencing similar issues. (1)

ASPECTS OF THE WORKSHOP THAT WERE LEAST BENEFICIAL

- More time should be allocated for topics. (3)
- Breaks were too long. (2)
- Time was not well-balanced, some presentation were too fast and difficult to process. (1)
- Time for group work was too limited. (2)

- Overview of regional fisheries cooperation was not sufficient and useful, could have instead focused on how the region has not achieved some minimal standards. (1)
- All areas discussed were of great importance to the developments of the PSMA. (1)
- Presentation by the IMO representative needs to be more succinct (failed to provide the linkage required for PSM and fishing vessels). (1)
- The focal point must be on port state measures and their applicability to foreign fishing vessels. (1)
- Exercise/scenario should have been presented on the morning of the penultimate day. (1)
- Initial presentation should have been done in the afternoon.

WAYS IN WHICH THE WORKSHOP MIGHT BE IMPROVED

- The presentations could have been summarized and shortened (3); Should be shorter overall, around three days (1); group presentations were too long.
- Working groups should be given more time to work. (2)
- Split up the tasks with the groups. (1)
- Less presentations. (1)
- Needs improvement with time management (time should be extended). (1)
- The workshop should be at least five days. (1)
- There was more information that should be presented and shared, especially in respect to the current situation which exists in the various regions. (1)
- Ways to learn, adapt, or improve should be discussed. (1)
- PEW's capacity needs assessment: methodology is not an accepted toolkit for PSMA (it was unnecessary info at this first state in awareness and capacity building). (1)
- Providing an on-site visit to the host country port of entry for fishing vessel. (1)
- Allow representatives of different countries to give account of his country situation on the subject matter. (1)
- Hearing personal experience from the representatives in their areas of responsibility. (1)
- It would be beneficial to each country if there was a representative from a legal unit, enforcement unity, and fisheries management/inspector. (1)
- Time should be managed better and exercises should be shorter/more concise. (3)
- Presentations should be available in English and Spanish (perhaps two screens could be made available). (1)
- Provide a complete plan of action necessary for implementing PSM constraints.
- Use PSM of a particular country and analyze the strengths and weaknesses of the PSM policies in an effort to improve their regulations.
- Discussion with different countries allowed for a different perception and understanding of PSM.
- Develop a structured schedule for discussion and provide a desk alarm to notify groups when time is up for each activity. (1)

OTHER COMMENTS

- Very high standard of the workshop. (1)
- All analysis and comparisons were relevant and made the PSM concept clearer. (1)
- Knowledge of PSM application and implementation was broadened. (1)
- Beneficial to learn about existing agreements and tools that are available regionally and internationally that can be used as a platform for moving forward.
- Realization that the many provisions already exist and that the global community in general will be on the same level in trying to implement the PSMA.

- Guidance and facilitation by Mathew Camilleri throughout the workshop was much appreciated. (1)
- Very well selected group of people for the presentations. (2)
- “Most productive workshop that I have attended in a while”. (1)
- Work of the group will yield “real results”. (1)
- “Knowledge acquired at this workshop has empowered me with the tools to assist in encouraging my country to consider being a party to the PSMA”. (1)
- Well executed, high standards set by both resource persons and participants. (3)
- Good atmosphere created by hosts and facilitators.
- Workshop should be in the roundtable rather than theatre style.

This document contains the report of the FAO/WECAFC Workshop on Implementing the 2009 FAO Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing (the Agreement), which was held in Port of Spain, Trinidad and Tobago, from 24 to 28 March 2014. The workshop focused on the implementation of the Agreement from a legal and policy, institutional and capacity development, and operations point of view. Following the introduction, participants were apprised of IUU fishing characteristics in the Caribbean region including its impact on resources and economic consequences. Port State measures in the global context were considered together with the use of port State measures to prevent, deter and eliminate IUU fishing. The key provisions of the Agreement and implications for regional fisheries management organizations (RFMOs) were highlighted along with RFMO practices in supporting the implementation of port State measures. A questionnaire on port State measures that had been provided to the participants in advance of the workshop was analysed, disseminated and presented to the participants. The role of fisheries managers and inspectors in implementing port State measures was considered and ways of moving forward with the implementation process addressed. Stakeholders' perspective on port State measures and good governance issues were reviewed. Participatory activities led to the formulation of action planning and workshop recommendations at the national and regional levels. Opportunities for regional cooperation to implement port State measures were addressed in detail. The anonymous evaluation of the workshop was positive. Funding and support for the workshop were provided by the Government of Norway (Trust Fund GCP/GLO/515/NOR).



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