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pour l'alimentation
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General Fisheries Commission
for the Mediterranean
Commission générale des pêches
pour la Méditerranée



CONFERENCE MINISTERIELLE SUR LA
COOPERATION HALIEUTIQUE ENTRE LES
ETATS AFRICAINS RIVERAINS
DE L'OCEAN ATLANTIQUE

Joint workshop

“Supporting the regional implementation of the FAO Port State Measures Agreement: a decisive step toward an international Day of the fight against IUU fishing”

Tangiers 6, 7 & 8 December 2016

Concept note

On 28 October 2015¹, a Memorandum of Understanding (MoU) was signed between ATLAFCO and the GFCM in order to promote cooperation between the two organizations in the fight against IUU fishing. Through this MoU, both organizations committed to joining efforts in raising awareness about IUU fishing, particularly by mobilizing their Member States towards the ratification of the FAO Agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (the PSMA) and by garnering support for the FAO initiative for an international day for the fight against IUU fishing.

Contextual summary:

Initiatives to combat IUU fishing have increased within the past 20 years and have recently been intensifying. For example, efforts have been underway to create or update legal and institutional arrangements to meet the requirements of regulations to fight IUU fishing.

Despite these efforts, however, some countries of the ATLAFCO area continue to face technical, institutional and financial difficulties. To address these difficulties, ATLAFCO adopted an action plan against IUU fishing on 8 September 2014. ATLAFCO took further action by also concluding a number of MoU with sub-regional organizations (i.e. COREP, SRFC and FCWC) and institutions operating in the fisheries sector in the area in order to better coordinate activities, to strengthen cooperation and to encourage concerted action in the fight against IUU fishing².

The GFCM has also taken significant action to curb IUU fishing within its area of application. In 2008, one year prior to the adoption of the PSMA, GFCM member states adopted recommendation GFCM/32/2008/1³ setting mandatory minimum standards for monitoring, control and inspection, within member state ports, of fishing vessels not flying the flag of the port state.

Within the GFCM area of application, several states have also encountered difficulties in the implementation of port state measures. The causes of these difficulties are diverse and can include the lack of designated ports, shared skills between institutions and inadequate training of staff with regards to the minimum international inspection standards.

¹ http://comhafat.org/fr/files/parteneriat/doc_parteneriat_033.pdf.

² Signed in Agadir, 22 February 2015.

³ Available: <http://www.fao.org/3/a-ax881e.pdf>.

To be effective, the fight against IUU fishing requires full political will and collective action at all levels, including better coordination between relevant RFMOs and RFBs.

The PSMA⁴, which entered into force on 5 June 2016, provides an unprecedented opportunity for the implementation of sustainable mechanisms for port inspection to counteract IUU fishing activities and to further strengthen cooperation between RFMOs and RFBs.

Within the PSMA, the primary responsibility falls on port/coastal states who are members of RFMOs and RFBs. The ratification by a state of the agreement does not automatically imply, however, that it has the capacity for its implementation. To facilitate implementation of the PSMA, ATLAFCO and GFCM member states will need to:

- Align national legislations with accurate international instruments in order to have appropriate legislative and institutional frameworks;
- Strengthen coordination between national maritime authorities;
- Build capacity;
- Implement inspections in the field.

It is to be noted that flag state responsibilities have been specified in the advisory opinion of the International Tribunal of the Law of the Sea, released on 2 April 2015, following the request of the SRFC.

In order to ensure carry out the fight against IUU fishing, the principal actors (states, RFBs, RFMOs, civil society, professionals) shall notably endeavor to:

- Build global political will;
- Ratify binding legal instruments (the PSMA);
- Harmonize policies and legislation;
- Build capacity;
- Disseminate documents and accessible information;
- Involve all relevant stakeholders;
- Implement a coordinated and effective inspection system, as envisioned through the PSMA;
- Mobilize an international day in the fight against IUU fishing;
- Consider the economic impacts of IUU fishing (e.g. crime in fisheries);
- Challenge the commercial fishing interests, which continue to dominate all other constraints to fighting IUU fishing.

The objectives and issues to be addressed within the workshop are the following:

The primary objective of this workshop is to develop a practical understanding of the PSMA and to identify the specific needs of African and GFCM states towards its effective implementation. This objective will be achieved through debates and discussions on the specific needs and challenges.

⁴ Available: <http://www.fao.org/3/a-i5469t.pdf>.

To achieve this objective, the following is foreseen to be carried out:

- Identify constraints to the implementation of the PSMA in ATLAFCO and GFCM member countries and initiate discussions on the need for capacity building;
- Encourage states to harmonize their policies and to work in a concerted manner through RFMOs, RFBs and/or partnerships such as the COMHAFAT-GFCM MoU⁵;
- Develop a complete picture of the role of inspectors and inspection mechanisms to be put in place;
- Involve civil society, such as REJOPRAO-SIPA, in the delivering of fair and documented information;
- Promote awareness of international measures against IUU fishing;
- Encourage member states to harmonize their national legislations with international recommendations;
- Facilitate the presentation of the instruments of accession to the PSMA;
- Clarify the operational modalities of implementing port state measures;
- Develop regional and national capacities to maximize the benefits available through effective use of the PSMA;
- Promote bilateral, sub-regional and/or regional coordination towards effectively fighting IUU fishing;
- Undertake a feasibility study of a regional COMHAFAT-GFCM inspection program, based on the common elements that will be identified by the workshop.

The expected results are twofold:

- The first is the understanding of the PSMA and its implementation prerequisites to encourage states that have not yet ratified the Agreement to do so. For those who have ratified the Agreement, work is expected to be carried out towards the full implementation of the Agreement, based on specific recommendations drawn from the discussions. Furthermore, it is expected that support will be garnered for the celebration of an international day for the fight against IUU fishing
- The second expected result will cover port inspection at the regional and trans-regional level in order to determine joint actions between ATLAFCO and GFCM, which will support the training of inspectors in the future.

⁵ This MoU is of exceptional importance since it focuses exclusively on actions to fight IUU fishing. This instrument, adopted last year, is the basis of our workshop.