



Conclusions and Recommendations Compendium from Regional Workshops on Illegal, Unreported, and Unregulated Fishing within the Project:

**“Strengthening the control of illegal, unreported and
unregulated fishing in the Eastern Tropical Pacific Seascape”**



MarViva Foundation

2016



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MarViva Foundation

2016

Edition: Advocacy Program, MarViva Foundation

Design and layout: Andres Artavia Tencio

Printed in San Jose, Costa Rica

December 2016



PRESENTATION

Illegal fishing is a present global problem, and the Southeast Pacific of our continent is no exception. Illegal fishing damages marine ecosystems, depletes fish stocks and threatens the food security of countries. The food of millions of people depends on the success we can achieve in combating illegal fishing.

It is difficult to quantify the impact of illegal fishing, but it is clear that environmental, socio-economic and public investment losses related to it are enormous. FAO estimates that 50% of global catches are of illegal origin, causing State losses of approximately \$ 23.5 billion annually. Illegal fishing is the main threat to fisheries management. This scourge threatens every responsible fisheries management initiative. Illegal catches, in many cases, result in overfishing, making us fish more than the ecosystem can support.

At the end of three years of execution, the project: Strengthening the control of illegal, unreported and unregulated fishing in the Eastern Tropical Pacific Seascape- Ports Project - it is clear that, although circumstances and capabilities differ between countries, fisheries and maritime authorities agree on the importance of combating and discouraging these fishing practices. However, greater political will and decision-making are required to achieve greater impact on national and regional initiatives.

Some of our countries possess more limitations than others, but in general, there is a noted need to:

- Improve regulations implementation.
- Harmonize national standards in a regional context.
- Strengthen controls and fisheries inspection.
- Access systematized and fisheries intelligence information at national, regional and international levels.
- Improve coordination between institutions and between countries.
- Improve implementation of existing regulations and sanction application.
- Adopt pending ratification international instruments.
- Develop illegal fishing risk analysis and management systems.
- Strengthen regional technical cooperation and experience and information exchange between countries.

Interesting initiatives to combat illegal fishing worldwide and in the region have been developed. The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and its regional (as the one promoted by CPPS) and national plans, are some examples. The adoption of the Agreement on Port State Measures (PSM) by Chile, Uruguay, Costa Rica, the United States, the European Union, and several Caribbean countries, among others, led to the entry into force of this agreement on June 5th 2016. A few months later, Panama also adopted the agreement. These are all important instruments in the fight against illegal fishing activity and the conservation of ocean resources.

Countries that take serious steps against illegal fishing are giving a powerful message to other countries. Those kinds of messages should be the ones given in our region.

The achievement of a better implementation of the law, increased attention to the scientific evidence when dictating regulations, proposed measures to break the large gaps between public policy and the implementation of the legislation, at all levels, international-national-regional-local, between Institutions, and of course taking actions, are fundamental issues for combating illegal fishing. Nothing is achieved by adopting new international conventions and treaties or by issuing new laws and regulations if these are not complied with, if those who fail to comply are not held accountable and appropriately punished.

Illegal fishing is an environmental crime, it is a global problem that countries cannot face alone; international efforts and cooperation between countries is required to successfully combat and discourage it.

From MarViva Foundation we trust that efforts made during this three year Project, have served to overcome some challenges faced by our region for the elimination of illegal fishing, generating, at the same time, a stronger consciousness over the threat represented by these activities in terms of responsible management of marine and fisheries ecosystems.

Viviana Gutierrez Delgado

Regional Coordinator for the Project

MarViva Foundation



Within the framework of its Strategic Axis 4: Consolidated Regional Strengths, the South Pacific Permanent Commission (CPPS) has initiated actions at regional level to promote the FAO Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing. These actions are supported by instruments that outline elements of intergovernmental policy among CPPS member states, such as the Commitment of Galapagos for the 21st Century, whose numerals 3, 7, 15 and 38 highlight the risks and threats of illegal fishing practices.

Illegal, unreported, and unregulated fishing (IUU) has consequences that go beyond state boundaries, involving whole regions and affecting complex ecosystems. The Eastern Tropical Pacific Marine Corridor and the Southeast Pacific region are not exempt from this problem. Treaties and national legislation for illegal fishing combat, adopted by the countries bordering the South-East Pacific, are important tools for responsible fishing with undoubted repercussions on the region's economies, the environment and food security.

In this context, CPPS, as an intergovernmental body, seeks to promote the creation of spaces that enable sharing knowledge of responsible fishing practices through strategic partnership with other organizations that facilitate similar initiatives at a regional and global level.

In this regard, there has been a noticeable synergy achieved between CPPS and MarViva Foundation in IUU fishing matters, supported by a cooperation agreement. Both organizations seek to facilitate horizontal and multidisciplinary training through the exchange of lessons learned, the participation of national and international experts, the execution of associative projects, among others.

Both the CPPS and MarViva are considering within their planning for the near future, to continue this important commitment and will be seeking synergies to achieve the best results for the region in the near future.

Sea Captain Julian Reyna

General Secretary

CPPS

INTRODUCTION

The following compendium summarizes in one single document, the main conclusions and recommendations resulting from regional and international workshops conducted by MarViva Foundation, the Permanent Commission for the South Pacific, and other strategic allies. These workshops were conceived in the frame of the project Strengthening the control of illegal, unreported and unregulated fishing in the Eastern Tropical Pacific Seascape, all with financial support from Oceans5 organization, between June 2013 and July 2016.

Among the main allies are: the Central American Maritime Transport Commission (COCATRAM), PEW Charitable Trusts, Conservation International, the Scientific University of South in Lima Peru, the FAO Regional Office for Latin America and the Caribbean, the National Fishing and Aquaculture Service of Chile (SERNAPESCA) and the General Direction of the Maritime Territory and Merchant Marine (DIRECTEMAR) of Chile; the National Aquaculture and Fisheries Authority of Colombia (AUNAP) and the Maritime General Directorate of Colombia (DIMAR); the Vice Ministry of Aquaculture and Fisheries of Peru; the Costa Rican Fisheries and Aquaculture Institute (INCOPECSA) Costa Rica, and the Aquatic Resources Authority of Panama (ARAP). In addition, the chancelleries of Costa Rica, Panama, Colombia, Ecuador, Chile and Peru, of OSPESCA and INTERPOL, supported the activities.

Also, participants included: from Chile, SERNAPESCA, DIRECTEMAR, the Judicial Power of Chile; from Colombia, AUNAP, DIMAR, the Attorney General of the Nation, the Colombian Ocean Commission and the Judicial Branch; from Costa Rica, the National Coast Guard Service (SNG), INCOPECSA, the Ministry of Agriculture and Livestock (MAG), the Port Maritime Division, the National Animal Health Service (SENASA), the Customs General Directorate, the Judicial Branch; from Ecuador, the Technical Secretariat of the Sea, the State Attorney General, the Ministry of Transport and Public Works of Ecuador, the Judicial Council of Ecuador, the Ecuadorian Navy; from Guatemala, Directorate of International Affairs of Guatemala; from El Salvador, the Port Maritime Authority; from Honduras, the Directorate General Merchant Marine of Honduras; from Nicaragua, the General Directorate of Water Transport; from Panama, ARAP, the Ministry of Agricultural Development, the Ministry of Environment, the National Aeronautic Service, the National Customs Authority, the Public Ministry, the Judicial Branch, the Supreme Court of Justice, the Maritime University of Panama; from Peru, the Vice Ministry of Fisheries and Aquaculture (PRODUCE), the General Directorate of Captaincies and Coast Guard and the Institute of the Sea of Peru (IMARPE).

These spaces for discussion and technical capacity development allowed for knowledge exchange and institutional coordination improvement, along with promotion of cooperation between countries of the region, all for the combat of illegal, unreported, and unregulated fishing (IUU).

In the case of Colombia, Costa Rica, and Panama, these workshops were complemented by a series of actions executed by MarViva on a national level. Between the most important actions executed were: the elaboration of a vessel database and registry (SISPA) in Costa Rica, the update of vessel registry in Panama, elaboration and officialization of fisheries inspections protocols, commercial species and invertebrates identification guides elaboration, creation of a regulations database, FAO Agreement on Port State Measures (PSMA) online course, digital forms elaboration (in Costa Rica and Panama), the purchase of mobile devices for the total of fisheries inspectors, and the design for a formation program for inspectors.

In addition, a constant effort was made on the promotion of illegal fishing regulations promotion, inter-institutional coordination improvement, and the PSMA Agreement adoption, which was adopted by Costa Rica (2015) and Panama (2016).

The mentioned activities and, in general, products obtained with the project as a whole, are the result of action lines and needs identified in coordination with national authorities and embodied in the document "Regional diagnosis of conditions and evaluation of the institutional capacities needs for the FAO Agreement on Port State Measures implementation in Costa Rica, Panama, and Colombia", developed by MarViva at the beginning of this process.



According to FAO, 29% of global fish stocks were overfished or extinct in 2011 and well over half of global fish stocks are fully exploited

State on Fish and Agriculture, FAO, 2014.

REGIONAL SEMINAR FOR PORT STATE OFFICIALS (MARITIME AND FISHERIES)

San Jose-Costa Rica, June 3rd to 5th, 2013

Objective:

Promote the regulations implementation for PSMA Agreement compliance in the maritime and fisheries fields, as for contributing with navigation safety, human life protection, marine pollution prevention and IUU fishing control.

Imparted by:

Sea Captain Nery Jose Barrientos Giron from the Marine Vice Ministry of Guatemala, Captain Jose Martin Rendon Medina from the General Direction of Merchant Marine of Honduras, Corvette Captain Alex Rich from DIRECTEMAR, Chile, and Engineer Fernando Antonio Naranjo Gatica from SERNAPESCA, Chile.

Organized by:

MarViva Foundation and COCATRAM.

Participants:

1. International Affairs Direction of Guatemala
2. Maritime and Ports Authority from El Salvador
3. Merchant Marine General Direction of Honduras
4. Aquatic Transport General Direction of Nicaragua
5. Maritime and Ports Division of Costa Rica
6. Maritime Authority of Colombia



International authorities and speakers on the Regional Seminar for Port State Officials.

San José, Costa Rica, 2013.



Sea Captain Nery Jose Barrientos Giron, Vice Ministry of Marine of Guatemala..
San José, Costa Rica, 2013.

▲ Conclusions:

Participants made presentations where they exposed topics such as the definition of IUU fishing and its impact, PSMA Agreement, its fundamental elements and implementation, general inspection procedures, among others. A discussion time was enabled where highlights included:

1. Among the minimum requisites for a fisheries inspector should be: ethics, regulations knowledge, general inspection procedures such as report writing, statistics, captain interview techniques, data analysis, etc.
2. The inspector in charge of a vessel inspection should know the law.
3. The professionalization level and profile of the inspectors should be revised.

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From left to right, Luis Fernando Coronado, Director of the Maritime and Ports Division of Costa Rica; Jorge Jimenez Ramon, General Director of MarViva; and Otto G. Noack, Executive Director SICA-COCATRAM, during the opening act of the Regional Seminar for Port State Officers. **San José, Costa Rica, 2013.**



WORKSHOPS: SCOPE OF THE FAO AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

San Jose-Costa Rica, June 6th and 7th, 2013

Panama City-Panama, July 9th to 11th, 2013

Cartagena de Indias-Colombia, September 30th, October 1st and 2nd, 2013

Objective:

Inform and sensitize fisheries inspectors about the contents, importance and scope of the FAO Agreement within IUU fishing combat.

Imparted by:

Different institutional speakers and experts from SERNAPESCA, Chile.

Organized by:

MarViva Foundation, COCATRAM, INCOPECA, ARAP, AUNAP, Conservation International (Colombia).

Participants:

1. Costa Rica Fisheries and Aquaculture Institute (INCOPECA)
2. Aquatic Resources Authority of Panama (ARAP)
3. Colombia National Aquaculture and Fisheries Authority (AUNAP)
4. Maritime Authority of Panama (AMP)
5. Panama's National Aircraft Service

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Officials of AUNAP, Martha Lucia de la Pava and Deputy Coast Guard.
Cartagena de Indias, Colombia, 2013.



Judge Victor Benavides, during the opening ceremony of the Workshop Scope of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Unreported and Unregulated Illegal Fishing
Ciudad de Panamá, 2013.

▲ Conclusions:

After the presentations, which covered issues such as the definition of IUU fishing and its impact, the PSM Agreement, its most fundamental elements and its application scope, general inspection procedures, among others; the participants had a discussion space in which they highlighted aspects such as:

1. Participants' awareness of the importance of the MERP Agreement and its scope was increased.
2. The importance of inter-agency coordination for effective control of IUU fishing was recognized.
3. The need to generate greater political will in countries to achieve the adoption of the PSMA Agreement and to combat illegal fishing was noted.

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REGIONAL WORKSHOP FOR THE IN-SITU CAPACITY BUILDING IN IUU FISHING AUDITING IN THE FRAME OF SOUTH-SOUTH COOPERATION

Valparaiso-Chile, September 2nd to 6th, 2013

Objective:

Train the Southeast Pacific Fisheries Inspectors in techniques and strategies for the control of fishing activities, and in particular on the FAO Agreement on Port State Measures.

Imparted by:

National Fisheries and Aquaculture Service of Chile (SERNAPESCA).

Organized by:

MarViva Foundation, CPPS, Conservation International and SERNAPESCA.

Participants:

1. National Fisheries and Aquaculture Service of Chile (SERNAPESCA)
2. Army of Chile
3. National Aquaculture and Fisheries Authority of Colombia (AUNAP)
4. Ministry of Transport and Public Works of Ecuador
5. Vice Ministry of Aquaculture and Fisheries of Ecuador
6. Vice Ministry of Fisheries of Peru
7. Costa Rica Fisheries and Aquaculture Institute (INCOPECA)
8. Aquatic Resources Authority of Panama (ARAP)

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Training of inspectors during field visit to Caletas Port, together with SERNAPESCA authorities.

Valparaíso, Chile, 2013.



The participants observe fishing product inspection techniques in Caletas Port
Valparaíso, Chile, 2013.

▲ **Conclusion:**

The needs to promote the PSMA Agreement in the participating countries and strengthen the internal legal framework were highlighted, as well as the urge to improve inspection procedures using shared experiences during the workshop. Likewise, the creation of a regional coordination network was proposed.



Participants and organizers of the Regional Workshop for the In-Situ Capacity Building in IUU Fishing Auditing in the Frame of South-South Cooperation.
Valparaíso, Chile, 2013.

▲ **Recommendations:**

1. Establish a Latin-American Fisheries Auditing Authorities Web, for the promotion of information exchange and lessons learned, motivating cooperation between countries from the region to optimize fisheries auditing procedures.
2. Execute a risk management analysis within the fisheries auditing systems, determining the number of inspections needed to maintain an effective monitoring over the fishing activity.

SIDE EVENT TO DEVELOP REGIONAL COOPERATION AGAINST ILLEGAL, UNREPORTED, AND UNREGULATED FISHING

During the Fourth IMCS Global Fisheries Enforcement Training Workshop

San Jose- Costa Rica, February 21st, 2014

Objective:

Bring together a diverse group of MCS practitioners and policy-makers to identify best practices in tools and methodologies that can be used to fight Illegal, Unreported, and Unregulated (IUU) fishing.

Organized by:

MarViva Foundation, IMCS Network, Conservation International, PEW Charitable Trusts, Ministry of Agriculture of Costa Rica, and INCOPESCA.

Participants:

1. Pew Caritable Trusts
2. Trygg Mat
3. Stop Illegal Fishing
4. Fisheries Ministry of Mauritius
5. Ministry of Agriculture of Costa Rica
6. Seychelles Fisheries Authority
7. Tanzania Fisheries Authority
8. Panama National Authority of Aquatic Resources (ARAP)
9. Costa Rican Fisheries and Aquaculture Institute
10. Indian Ocean Commission
11. FFA
12. AFMA
13. Interpol
14. OSPESCA
15. Aquaculture and Fisheries National Authority (AUNAP)
16. Colombian Ocean Commission
17. Ministry of Production (Vice-Ministry of Fisheries) of Peru
18. Technical Secretariat of the Sea, Ecuador
19. Permanent Commission for the South Pacific (CPPS)
20. National Fisheries and Aquaculture Service of Chile (SERNAPESCA)
21. Forever Costa Rica



Meaghan H. M. Brosnan, manager of project Ending Illegal Fishing of Pew Charitable Trusts. San José, Costa Rica, 2014.



Participants and organizers of the Side Event to Develop Regional Cooperation Against Illegal, Unreported, and Unregulated Fishing. **San José, Costa Rica, 2014.**

▲ Conclusions:

Participants identified a list of good practices for IUU fishing combat, which include:

1. Harmonization of legislation and internal procedures to international, regional, and national context.
2. Development of national and regional mechanisms for information sharing in an effective and simple way.
3. National level cooperation between every authority with functions related to fisheries control and surveillance.
4. Vessel monitoring systems enforcement, as an IUU control and surveillance strategy.
5. Highlight the transparency principle in every IUU fishing combat procedure.



Group work and presentation of conclusions during the Event. **San José, Costa Rica, 2014.**

FIRST REGIONAL COOPERATION SESSION ON THE IMPLEMENTATION OF THE FAO AGREEMENT ON PORT STATE MEASURES TO COMBAT IUU FISHING

Bogota-Colombia, April 29th and 30th, 2014

Objective:

Share experiences, identify best practices for the implementation of the PSMA and propose opportunities for regional and sub regional cooperation between government authorities of Colombia, Costa Rica and Panama and other guests, on the implementation of the Port State Measures.

Imparted by:

Sandra Andraka, project consultant and Viviana Gutierrez, MarViva.

Organized by:

MarViva Foundation, CPPS and COCATRAM

Participants:

1. Permanent Commission for the South Pacific (CPPS)
2. Costa Rican Fisheries and Aquaculture Institute (INCOPESCA)
3. Ministry of Transportation of Costa Rica (MOPT)
4. Aquatic Resources Authority of Panama (ARAP)
5. Maritime Authority of Panama
6. National Authority for Aquaculture and Fisheries of Colombia (AUNAP)
7. General Maritime Directorate of Colombia (DIMAR)
8. Ministry of Foreign Affairs of Ecuador, observer
9. Central American Commission of Maritime Transport (COCATRAM)

Conclusions:

There is a need to develop a regional support strategy among government authorities to foster communication and to promote training of its operational bodies, and to also raise the PSMA subject from the technical to the political scope.



Viviana Gutierrez, Regional Coordinator of the Project, presents the main conclusions of the Diagnosis of Needs for the Implementation of the PSM Agreement in Costa Rica, Panama and Colombia.
Bogotá, Colombia, 2014.

Recommendations:

1. Professionalization of inspectors.
2. Investment in training and equipment.
3. Have a network of regional inspectors for the exchange of experiences.
4. Design and execution of a regional program to strengthen the body of inspectors at PSMA regulations.
5. Training for inspectors should be comprehensive (including technical, legal, and conduct aspects) to carry out inspections effectively.
6. Strengthen and promote regional technical assistance programs to prepare States for the best understanding of the Agreement facing its implementation, prioritizing inspectors and technological means that can facilitate operations.
7. Design a regional training plan in the PSM Agreement, with the responsible institutions by country and regionally, with the following criteria: sequence and constant; directed at all levels from management, legal, operational and fisheries sector.
8. Establish and review the profiles of inspectors.
9. Institutionalize the body of inspectors in each country through standards, to provide them with formal training, incentives and other resources.
10. Creation of a single database of the contracting States that establishes with certainty which vessels have engaged in illegal fishing.
11. Join efforts to ratify the PSM Agreement, as far as possible, by the largest number of countries.
12. Hold regional meetings and integrate more countries to exchange experiences in operational, legal, policy, among others.
13. Progress in actions that strengthen the institutional framework in the regional framework towards PSM.
14. National strategies integrated in a regional strategy to achieve the implementation of the MERP, with data and information exchange.
15. Strengthen the role of the Flag State to advance control of IUU fishing in effective regional cooperation.
16. Promote multilateral agreements (MAs) for the exchange of information.



From left to right: Guillermo Ramirez, Legal Counsel of INCOPECSA; Antonio Porras, Technical Director of INCOPECSA; and Marcelo Nilo, Director of Scientific and Fisheries Affairs of the CPPS.

17. Maintain permanent regional contact and encourage face-to-face meetings.
18. We must have procedural rules for risk analysis and assessment to have a record of ships.
19. It is necessary to adapt national legislation taking into account the fishing activity.
20. Harmonize national standards in a regional context.
21. Analyze national regulatory frameworks and move towards appropriate internal regulation for the implementation of the PSM Agreement.
22. Identify and communicate designated ports.

WORK SESSIONS: NATIONAL EFFORTS TO ATTEND ILLEGAL FISHING: INTERINSTITUTIONAL COORDINATION AS A TOOL FOR GOVERNMENTAL MANAGEMENT

San Jose-Costa Rica, November 28th, 2014 and December 2nd, 2014

Bogota-Colombia, February 9-13, 2015

Panama City-Panama, November 26th, 2014

Objective:

Develop a structural and content analysis of the fisheries policy and regulations to determine the presence of regulatory gaps and their need for modification with a view to the implementation of the PSM Agreement.

Imparted by:

Dr. Alejandro Covarrubias, Chilean expert on illegal fishing, fisheries inspection and implementation of the PSM.

Organized by:

ARAP, AUNAP, INCOPECA and MarViva Foundation

Participantes:

1. Costa Rican Fisheries and Aquaculture Institute (INCOPECA)
2. Costa Rica National Coast Guard Service
3. Navigation and Security Directorate of the Ministry of Public Works and Transport of Costa Rica
4. National Service of Animal Health of Costa Rica (SENASA)
5. General Directorate of Customs of Costa Rica
6. National Authority for Aquaculture and Fisheries of Colombia (AUNAP)
7. Ministry of Foreign Affairs of Panama
8. Ministry of Agricultural Development of Panama
9. Aquatic Resources Authority of Panama (ARAP)
10. National Customs Authority of Panama
11. Maritime Authority of Panama
12. Ministry of Public Security of Panama
13. Panama National Aircraft Service
14. Supreme Court of Justice of Panama
15. National Environment Authority of Panama (Ministry of Environment, from 2015)
16. Counselors of Deputies of the National Assembly of Panama
17. Maritime University of Panama
18. International Fishing Foundation (FIPESCA)
19. Designated by the Municipality of David



Participants in the “Working Sessions: National efforts to address illegal fishing”.

Bogota, Colombia, 2015.

Conclusions:

From the workshops held in the 3 countries, SWOT analyses were made and discussions were conducted, from which it was determined that there are no significant regulatory gaps preventing the PSM Agreement from being implemented. However, institutional improvements should be made to implement the recommendations.

Edwin Cantillo, Legal Advisor of Costa Rica's National Coast Guard Service, holds a presentation of illegal fishing during an event organized with the Congress' Presidency.
San José, Costa Rica, 2014.



Recommendations:

The recommendations issued in the 3 countries converge the necessity to:

1. Strengthen inspectors training programs for and professionalize inspection personnel.
2. Promote the ratification and implementation of the Agreement on Port State Measures.

WORK SESSION: CAPACITY BUILDING FOR THE RISK ANALYSIS IN THE SUPERVISION OF THE FISHING ACTIVITY

San Jose – Costa Rica. March 3rd, 4th and 5th, 2015

Objective:

Conduct a regional workshop in Costa Rica, aimed at interacting with the government authorities of Colombia, Costa Rica and Panama, and provide specific guidelines and methods that strengthen institutional capacities to better combat illegal fishing, both national and international.

Imparted by:

Dr. Alejandro Covarrubias, Chilean expert on illegal fishing, fisheries inspection and implementation of the PSM.

Organized by:

ARAP, AUNAP, INCOPECA and MarViva Foundation

Participants:

1. Costa Rican Fisheries and Aquaculture Institute (INCOPECA)
2. National Authority for Aquaculture and Fisheries of Colombia (AUNAP)
3. Aquatic Resources Authority of Panama (ARAP)
4. Representative of the Foreign Ministry of Panama
5. Representative of the Foreign Ministry of Costa Rica

Conclusions:

Based on the results and what was observed during the Workshop, the institutions of the fisheries authority of the three countries are in conditions to implement the PSM Agreement; design a Training and Capacities Building Plan for Fish Inspectors; and design a Control Plan using the methodology with risk management.

Recommendations:

1. Propose to the fishing institutions a modification and reorientation of the fishing regulations, going from a vision of the institution to a vision of the sectorial administration.
2. Provide fishing institutions with more direct assistance in the design of the Monitoring and Training Plan.

INTERNATIONAL MEETING OF PROCESCUOTORS AND FISHING AUTHORITIES ON ILLEGAL FISHING, LEGISLATION AND SANCTIONAL PROCESSES IN THE SOUTHEAST PACIFIC

Lima - Peru, March 30th and 31st and April 1st, 2016.

Objective:

Share information, experiences, procedures and legal interpretations regarding international and national legislation aimed to combat illegal fishing in the Pacific Coast region, from Costa Rica to Chile, in administrative and judicial procedures to impose sanctions, including the processes of investigation, presentation and evaluation of the evidence.

Imparted by:

FAO, Deputy Minister of Fisheries and Aquaculture of Peru, General Secretary of Fisheries of Spain.

Organized by:

CPPS, Scientific University of the South and MarViva Foundation.

Participants:

1. Aquatic Resources Authority of Panama (ARAP)
2. Public Ministry of Panama
3. National Authority for Aquaculture and Fisheries of Colombia (AUNAP)
4. Attorney General of the Nation of Colombia
5. Attorney General of the State of Ecuador
6. National Service of Fisheries and Aquaculture of Chile (SERNAPESCA)
7. Vice Ministry of Fisheries and Aquaculture of Peru
8. General Directorate of Captaincies and Coast Guard of Peru
9. Institute of the Peruvian Sea (IMARPE)
10. Ministry of Foreign Affairs of Peru

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From left to right, Juan Carlos Requejo, Deputy Minister of Fisheries and Aquaculture of Peru; Fernando Felix, Regional Technical Coordinator of the Action Plan for the Protection of the Marine Environment and South Pacific Coastal Areas of the CPPS; Josefina Takahashi Sato, Academic Rector of the Scientific University of the South; and Viviana Gutierrez, Regional Coordinator of the Project of MarViva Foundation.

Lima, Perú, 2016.

▲ Conclusions:

There are internal aspects of fisheries management in the participating countries, which, being common, have different realities and opportunities for cooperation between countries. Within these opportunities some were identified for the strengthening of capacities and effectiveness of national systems and for developing a regional deterrent strategy by applying harmonized policies among neighboring countries within the region.

The exchange of experiences is extremely relevant and it is of interest to know the legislation of each country regarding the fishing activity, how they deal with its implementation and the problems they encounter regarding illegal fishing. It is necessary to have an early intervention in cases of illegal fishing, and for this it is fundamental to take advantage of the shared concern of the countries of the region.

Certain aspects are highlighted such as the strengthening of cooperation between countries; working on the issue of the application of administrative penalties in addition to penal sanctions; the adoption and application of international regulations with special interest in the PSM Agreement; and the provision of means to share relevant information.



Representatives of the participating authorities along with the organizers of the event.

Lima, Perú, 2016.

▲ Recommendations:

1. It is necessary to improve the traceability of fishing, the control of vessels and their entry to port, updating lists of vessels involved in serious violations (red list), and other homologated categories or comparable classification. Capture documents may be used to establish traceability and issue a transport certificate to ensure the sustainability of the fishery resource between States, through cooperation agreements.
2. Create a regional database among States in which fishing ban periods and minimum sizes per species are identified.
3. Share information about vessels that have committed illegal activities through various regional agreements. This can be channeled through the chancelleries of the respective States.
4. It is recommended that States that have not yet done so adopt and ratify the Agreement on Port State Measures.
5. Strengthen the capacities of fishery inspectors for their professionalization, through joint regional trainings, such as this type of event. It is also important to ensure the job stability of trained officials by establishing a career line and making the line of work attractive to the official.
6. States are required to tighten sanctions and modify standards to discourage illicit activities. It is desirable to periodically review regulatory gaps through a mechanism that makes regulations more realistic and applicable.
7. Urge the authorities of each country to approve and ratify the Convention on the Port State, the PSM Agreement and to put it into practice (Ecuador, Peru and Panama, at the time have not yet signed the Agreement. In all, this possibility is being valued).
8. Create a network for coordination and exchange of information between maritime, fishing, administrative, judicial and other relevant authorities, through contact points that will expeditiously allow access to information relevant to the resolution of legal cases, which can be: registration of the vessel, georeferencing points, full identification of citizens, IMO number, presumed offense of which it is charged, filing of the process (what authority has it), crew qualification (order of departure) and immigration status.
9. Establish a computer system that allows access to queries on the lists of endangered or vulnerable marine species, in accordance with International Law. This recommendation coincides with that of the previous group.
10. Coordinate joint training between fisheries control institutions and justice operators. It is common for judicial authorities to be more focused on the terrestrial issue, and it is difficult for them to understand aspects in maritime spaces. The exchange with those responsible for the implementation of administrative regulations can be effective and valuable.

FIRST INTERNATIONAL MEETING OF JUDGES AND MARITIME AUTHORITIES ON ILLEGAL FISHING, PROCEDURES AND LEGISLATION IN THE SOUTHEAST PACIFIC

Guayaquil-Ecuador, July 28th and 29th, 2016.

▲ Objective:

Generate knowledge on the basis of sharing information, experiences, procedures and legal interpretations with respect to international and national regulations aimed at combating illegal fishing in the Pacific Coast region, from Costa Rica to Chile, in judicial proceedings and evidence management, from the perspective of the judges operating the system.

▲ Organized by:

MarViva Foundation and CPPS

▲ Participants:

1. Judicial Branch of the Republic of Costa Rica
2. National Coast Guard Service of Costa Rica
3. Judicial Branch of the Republic of Panama
4. Aquatic Resources Authority of Panama (ARAP)
5. Judicial Branch of the Republic of Colombia
6. General Maritime Directorate of Colombia
7. Council of the Judiciary of Ecuador
8. Ecuadorian Navy
9. Judicial Power of Chile
10. National Fisheries and Aquaculture Service of Chile (SERNAPESCA)
11. Ministry of Foreign Affairs of Peru

▲ Conclusions:

Sometimes, pecuniary sanctions may be more dissuasive than criminal sanctions, depending on the penalties imposed. It is necessary to concentrate on the application of preventive and dissuasive measures that involve a lower cost to control and audit measures. The authorities are currently focusing on catches, but it is also necessary to discourage buyers from effectively combating illegal fishing.

The strengthening of institutional capacities is imperative for better controls and it is also necessary to improve the presentation and support of evidence for the assessment of judicial and administrative authorities.



Karen Garcia, representative of ARAP Panama, receives her certificate from the Secretary General of the CPPS, Sea Captain Julian Reyna.
Guayaquil, Ecuador, 2016.

▲ Recomendaciones:

1. Establish methods of traceability to determine the source of the resource, as well as the establishment of sanctioning measures in cases of non-compliance.
2. Propose innovative measures for more effective control, ranging from port controls proposed by the MERP Agreement, to the use of technology as tools to support control and monitoring management.
3. Adapt the internal regulations of the countries to homologate according to the criteria proposed in the international regulations.
4. Strengthen national and international cooperation and coordination.
5. Identify steps to be followed in each of the stages of the audit processes to facilitate the work of the personnel of the competent entities.
6. Implement initiatives to promote responsible fishing and consumption.
7. Establish complementary sanctions such as temporary or definitive suspensions of operating permits of the activity.
8. To recognize the probative value of new technological methods of control such as satellite monitoring records and drones, among others.
9. Promote clarity in the roles and competencies of government entities involved in the processes related to illegal fishing.
10. Seek the allocation of higher budgets to the competent entities to combat illegal, unreported and unregulated fishing.



Sara Dueñas Enriquez, representative of the Ministry of Foreign Affairs of Peru, during her presentation.
Guayaquil, Ecuador, 2016.



Illegal fishing is an environmental crime, it is a global problem that countries cannot face alone, it requires international efforts and cooperation among States to successfully combat and discourage it.

