



Port State Measures Agreement

Table of Contents

- The benefits of ratifying and implementing the 2009 FAO Port State Measures Agreement
- FAO's efforts in support of the implementation of the Agreement
- Relevant PSMA publications

The benefits of ratifying and implementing the 2009 FAO Port State Measures Agreement

The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009¹. The main purpose of the Agreement is to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing through the implementation of robust port State measures. The Agreement envisages that parties, in their capacities as port States, will apply the Agreement in an effective manner to foreign vessels when seeking entry to ports or while they are in port. The application of the measures set out in the Agreement will, inter alia, contribute to harmonized port State measures, enhanced regional and international cooperation and block the flow of IUU-caught fish into national and international markets. The Agreement will enter into force 30 days after the deposit of the 25th instrument of ratification, acceptance, approval or accession. The Agreement is binding and stipulates minimum port States measures. However, countries are free to adopt more stringent measures than those outlined in the Agreement.

In order to have full effect and to be enforced on a national level, the requirements of the Agreement should be incorporated into national legislation. Even before the Agreement has entered into force, States, including those that do not wish to become a party, could implement the port State measures set out in the Agreement. Through its regular work and contacts with countries, FAO encourages them to include port State measures in their national legislation, and actively promotes the implementation of the Agreement in project work. It might not be obvious to countries why port state measures are important in the fight against IUU fishing, and why they should be addressed in updating existing, or adopting new, legislation. A brief review of the benefits of ratifying and acceding to the Agreement and implementing its provisions is useful. These considerations are in addition to the positive effect of ratification and accession of the Agreement by as many States as possible, as soon as possible, so as to lead to its early entry into force and its universal acceptance.

IUU fishing is a major problem in capture fisheries and poses a serious threat to the effective conservation and management of many fish stocks. IUU fishing can at worst lead to the total collapse of a fishery or at least seriously impair the condition of fish stocks, including efforts to rebuild stocks that have been over fished. These situations, in turn, are likely to lead to a loss of economic revenue, both directly through fish sales, and

The Agreement

Text of Port State Measures Agreement

Status of Port State Measures Agreement

Circular State letters

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing - 2012

Transmittal of certified true copies of the Agreement for the purposes of signature, ratification, acceptance, approval or accession, as appropriate - 2010

Signature of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing - 2009

indirectly through social opportunities, such as employment. Enhanced port state measures have an important role in combating IUU fishing, principally because it complements the efforts of flag States in fulfilling their responsibilities under international law. The Agreement provides an opportunity for port States to check and verify that vessels not flying their flags and that seek permission to enter their ports, or that are already in their ports, have not engaged in IUU fishing.

The Agreement also enhances flag States control over vessels as the Agreement requires the flag State to take certain actions, at the request of the port State, or when vessels flying their flag are determined to have been involved in IUU fishing. This responsibility for flag States should ensure that they continue to exercise control over vessels flying their flags in areas beyond their national jurisdiction. The Agreement requires also better and more effective cooperation and information exchange among coastal States, flag States and regional fisheries management organization and arrangements (RFMOs).

Furthermore, the Agreement's seeks to prevent the occurrence of so-called ports of non-compliance (formerly known as ports of convenience). Countries operating ports of non compliance do not regulate effectively the fishing and fishing-related activities that take place in the ports, including determining whether IUU-caught fish are landed, transhipped, processed and sold in the ports. Ratifying and acceding to the Agreement and implementing its measures robustly will reduce the number of ports of non compliance and opportunities for vessels to dispose of IUU-caught fish with relative ease. Port state measures are a cost-effective tool in ensuring compliance with national law and regional conservation and management measures adopted by RFMOs. This is because port States do not have to expend time, effort and resources in monitoring, pursuing and inspecting vessels at sea. Port inspections and controls are very much cheaper and safer than alternative, more conventional air and surface compliance tools. Port State measures, if used in conjunction with catch documentation schemes, have the potential to be one of the most cost-effective and efficient means of combating IUU fishing.

The ratification and accession of the Agreement and its implementation will contribute to strengthened fisheries management and governance at all levels. Implementing port state measures through national legislation will give an incentive to establish coordinated procedures and facilitate intra-agency cooperation. As a compliance and enforcement tool, port State measures will have a positive influence on fisheries conservation and management by contributing to more accurate and comprehensive data collection, enhancing vessel reporting to national administrations and RFMOs, permitting assessments concerning the extent to which vessels have complied with operational authorizations and licenses to fish, promoting regional fisheries cooperation and harmonization among coastal States and RFMO Members, and facilitating the more rigorous implementation of international labour, safety and pollution standards on vessels.

The Agreement places a particular responsibility on RFMOs, and several of its provisions stress the importance of regional cooperation through such bodies. Regional cooperation can assist port States and other States that are RFMO members by ensuring that they benefit from information obtained through the implementation of port State measures. The Agreement will, through the duties it places on RFMOs, facilitate and strengthen regional cooperation, including harmonization. RFMOs have an important role to play in the implementation of the Agreement. They are likely to develop region-specific port State measures that take into account the special needs and challenges of countries in the region.

The Agreement's most potent effect in terms of its potential to curb IUU fishing is that through the implementation of its provisions, including those relating to denial of access to ports, port inspections, prohibition of landing, and detention and sanction, can prevent fish caught from IUU fishing activities from reaching national and international markets. By making it more difficult to market fish through the application of port State measures, the economic incentive to engage in IUU fishing is reduced. In addition, many countries have also decided to prohibit trade with countries that do not have port state measures in place.

The adoption of the Agreement sought to enhance fisheries conservation and management, to combat IUU fishing and to reduce the volume of IUU-caught product entering national and international markets. By reducing financial gains from IUU fishing the international community was of the view that the incentive to engage in such fishing would be reduced. Used in combination with other tools, port State measures should

reduce the level of IUU fishing globally.

1. FAO Conference Resolution 12/2009 approving the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

FAO's efforts in support of the implementation of the Agreement

Technical meeting

In accordance with a request from the FAO Committee on Fisheries (COFI) in 2011, FAO convened an **informal open-ended technical meeting** in November 2011 to review draft terms of reference (TORs) for the ad hoc working group, referred to in paragraph 6 of Article 21 of the Agreement, concerned with the requirements of developing States. These draft terms of reference were endorsed by the meeting and will be referred to COFI at its thirtieth session in 2012 for possible adoption. When established, the ad hoc working group will consider the draft terms of reference for funding mechanisms under Article 21 which were also reviewed and endorsed by the meeting.

Capacity development

FAO has initiated a global series of regional workshops which aim to:

- provide essential information about the Agreement focusing on the role, responsibilities and obligations of the port State
- heighten awareness about the benefits of implementing the Agreement
- facilitate knowledge building and skills development for managers and inspectors in relation to the Agreement, in preparation of the coming into force of the Agreement
- review stakeholders' perspective on port State measures and good governance issues
- promote the strengthening and harmonization of port State measures at regional level
- highlight the importance of developing concerted actions between port States and flag States in implementing port State measures effectively
- encourage the reinforcement of the implementation of existing Regional Plans of Action to combat IUU fishing and the development of new ones
- facilitate exchange of national experiences in combating IUU fishing, including through participation in group problem solving exercises and other participatory activities dealing with real world situations
- highlight the role of regional fisheries management organizations and arrangements (RFMOs) in the implementation of the Agreement
- draw up related national and regional action plans and recommendations in general, legal and policy, institutional and capacity development and operations terms
- identify opportunities for regional cooperation to implement port State measures

FAO organized the first in this series of workshops in Bangkok, Thailand (23 to 27 April 2012) in collaboration with the Asia-Pacific Fishery Commission (APFIC). This workshop was funded through the FAO regular programme and extra-budgetary resources, namely contributions from the Government of the Republic of Korea (Trust Fund GCP/INT/136/ROK), the Indian Ocean Tuna Commission (IOTC) and the Australian Fisheries Management Authority (AFMA).

[View the report.](#)

Caribbean

This FAO/WECAFC workshop was held in Port of Spain, Trinidad and Tobago (24–28 March 2014). Twenty-five countries from the Central America and Caribbean region participated as well as national and international CSOs and a number of intergovernmental organizations. Funding for this workshop was provided by the Government of Norway (Trust Fund GCP/GLO/515/NOR).

[View the report](#)

South America

This FAO workshop was held in Montevideo, Uruguay (29 Sept–3 Oct 2014). Fourteen countries from South America participated as well as national and international CSOs and a number of intergovernmental organizations. Funding for this workshop was provided by the Government of Norway (Trust Fund GCP/GLO/515/NOR). The report is forthcoming.

North West Indian Ocean

This FAO workshop was held in Colombo, Sri Lanka (1-5 June 2015). Fifteen countries from the North West Indian Ocean (Somalia to Sri Lanka) participated as well as national and international CSOs and a number of intergovernmental organizations. Funding for this workshop was provided by the Government of Norway (Trust Fund GCP/GLO/515/NOR). The report is forthcoming.

Atlantic Coast of Africa

This FAO workshop was held in Praia, Cabo Verde (20-24 July 2015). Sixteen countries from the Atlantic coast of Africa participated as well as national and international CSOs and a number of intergovernmental organizations. Funding for this workshop was provided by the Government of Norway (Trust Fund GCP/GLO/515/NOR). The report is forthcoming.

Mediterranean

To be held in early 2016.

To support FAO's capacity-development efforts in port State measures, FAO published *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*. (D. Doulman and J. Swan, 2012). This publication is also intended to be used as a reference tool for fisheries practitioners and students.

Contribution to other regional initiatives

IUU fishing workshop for African States

FAO contributed to a four-day workshop on illegal, unreported and unregulated (IUU) fishing held in Cape Town, South Africa, in July 2012. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the New Partnership for African Development (NEPAD) agency's Partnership for African Fisheries (PAF) Stop Illegal Fishing working group (SIF) delivered this workshop, with assistance from the Department of Agriculture, Forestry and Fisheries, South Africa (DAFF); the Australian Fisheries Management Authority (AFMA); and the UK Foreign & Commonwealth Office (FCO). 40 participants from 19 African States with responsibilities relating to port State controls attended. The workshop focused on assessing and developing Port State controls to combat illegal fishing activity and ensure that effective controls are in place at their maritime borders.

See more:

- <http://www.ccamlr.org/en/compliance/illegal-unreported-and-unregulated-iuu-fishing-workshop-cape-town-2012>
- <http://www.facebook.com/IuuFishingWorkshop2012CapeTown>

Relevant PSMA publications

 Recommendation MCS-GFCM/32/2008/1. Regional scheme on port state measures to combat illegal, ...

(2015)

-  **Implementation of Port State Measures. Port inspections: Guide to activities and tasks (vol. 3)**
Dunn, S.; Funge-Smith, S.; Lee, R. (2013)
-  **Implementation of Port State Measures. Technical guide to port inspection of fishing vessels ...**
Dunn, S.; Funge-Smith, S.; Lee, R. (2013)
-  **Implementation of Port State Measures. Port inspection workshop workbook for trainers (vol. 2)**
Dunn, S.; Funge-Smith, S.; Lee, R. (2013)
-  **Report of the FAO/APFIC Workshop on Implementing the 2009 FAO Agreement on Port State Measures**
...
FAO (2012)
-  **A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures ...**
Doulman, D.J. and Swan, J. (2012)
-  **Report of the Informal Open-ended Technical Meeting to Review Draft Terms of Reference for the ...**
(2012)
-  **Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and ...**
FAO (2010)
-  **FAO Port State Measures Agreement - Human resource development**
(2010)
-  **Report of the Technical Consultation to Draft a Legally-binding Instrument on Port State ...**
FAO (2009)
-  **Model Scheme on port State measures to combat illegal, unreported and unregulated fishing. ...**
FAO (2007)
-  **Report of the Expert Consultation to Draft a Legally-binding Instrument on Port State ...**
FAO (2007)
-  **Report of the Technical Consultation to Review Port State Measures to Combat Illegal, ...**
FAO (2004)
-  **IPOA - International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and ...**
(2001)

