

ILLEGAL, UNREPORTED AND UNREGULATED FISHING

10th INTERNATIONAL FORUM

Chatham House, London
16th and 17th March 2017

FAO PORT STATE MEASURES AGREEMENT

Judith Swan

SUMMARY

DEVELOPMENT AND KEY ELEMENTS OF PSMA

LINKAGES WITH OTHER MCS TOOLS

ROLE AND ACTIVITIES OF RFMOs

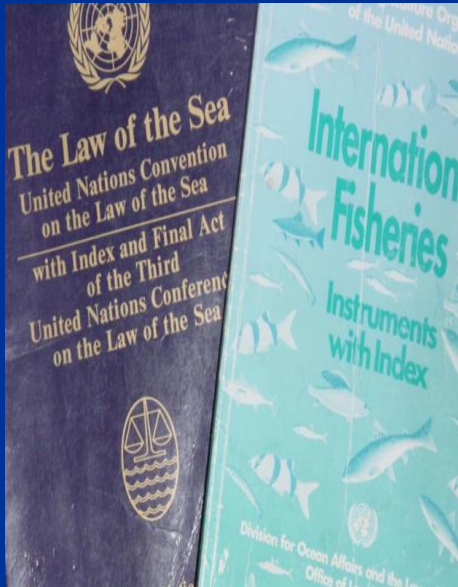
CONCRETE ACTIONS

CASE STUDY

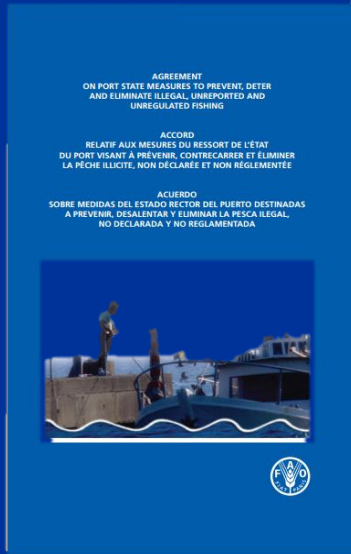


DEVELOPMENT OF PORT STATE MEASURES THROUGH INTERNATIONAL FISHERIES INSTRUMENTS

- 1982 UN Law of the Sea Convention
- 1993 FAO Compliance Agreement
- 1995 FAO Code of Conduct for Responsible Fisheries
- 1995 UN Fish Stocks Agreement
- 2001 FAO International Plan of Action - IUU Fishing
- 2005 Model Scheme on Port State Measures
- 2009 FAO Agreement on Port State Measures



Ratifications, acceptances, approvals, accessions (41) March 2017

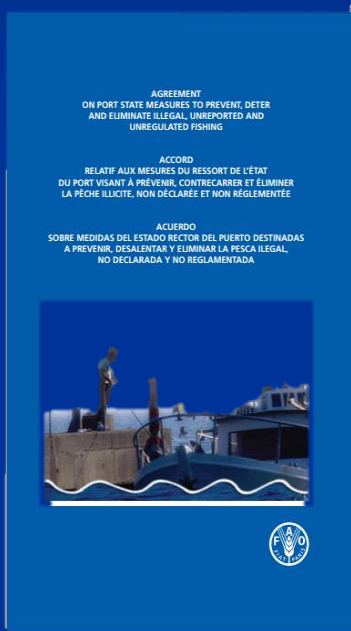


Australia, Bahamas, Barbados, Cape Verde, Chile, Costa Rica, Cuba, Dominica, European Union – Member Organization, France, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Iceland, Indonesia, Mauritania, Mauritius, Mozambique, Myanmar, New Zealand, Norway, Oman, Palau, Panama, Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Seychelles, Somalia, South Africa, Sri Lanka, Sudan, Thailand, Tonga, United States of America, Uruguay, Vanuatu

KEY ELEMENTS OF THE AGREEMENT

APPLICATION

- **Foreign** fishing vessels and fishing support vessels.
- Fishing conducted in marine areas and “**fishing related activities** in support of IUU fishing” -
 - any operation in support of, or in preparation for, fishing, including
 - landing
 - packaging
 - processing
 - transshipping or
 - transporting
 - fish that have not been previously landed at a port, and provisioning personnel, fuel, gear and other supplies at sea.



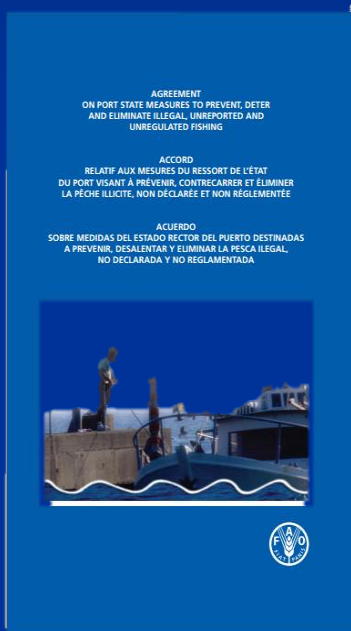
KEY ELEMENTS OF THE AGREEMENT

USE OF PORT

“Use of port” to be denied where IUU fishing is suspected/established includes:

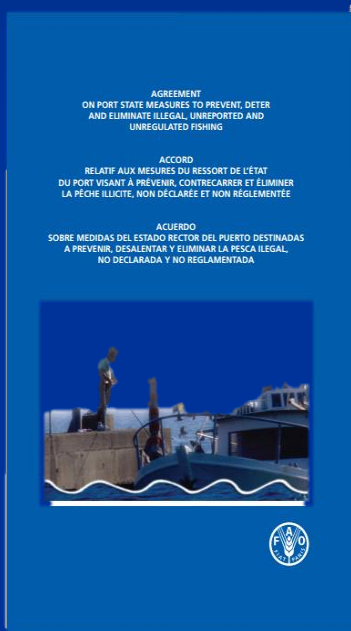
- landing
- transshipping
- packaging
- processing

fish that have not been previously landed and other port services such as refuelling and resupplying, maintenance and drydocking.



KEY ELEMENTS OF THE AGREEMENT

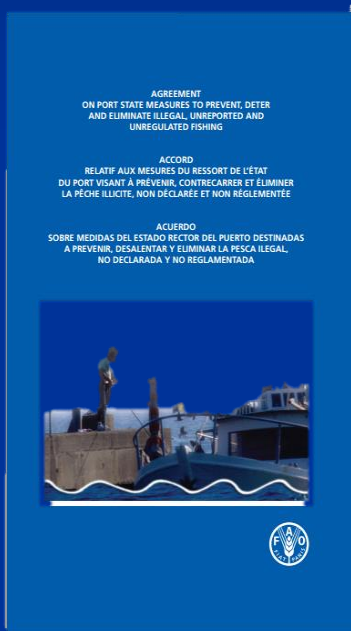
FRAMEWORK – STEP BY STEP



- Port entry requirements and authorization
- Deny port entry
- Deny use of port before inspection in certain circumstances
- Inspection in port
- Deny use of port after inspection
- Needs good intelligence, communications, information sharing – nationally, regionally and globally

KEY ELEMENTS OF THE AGREEMENT

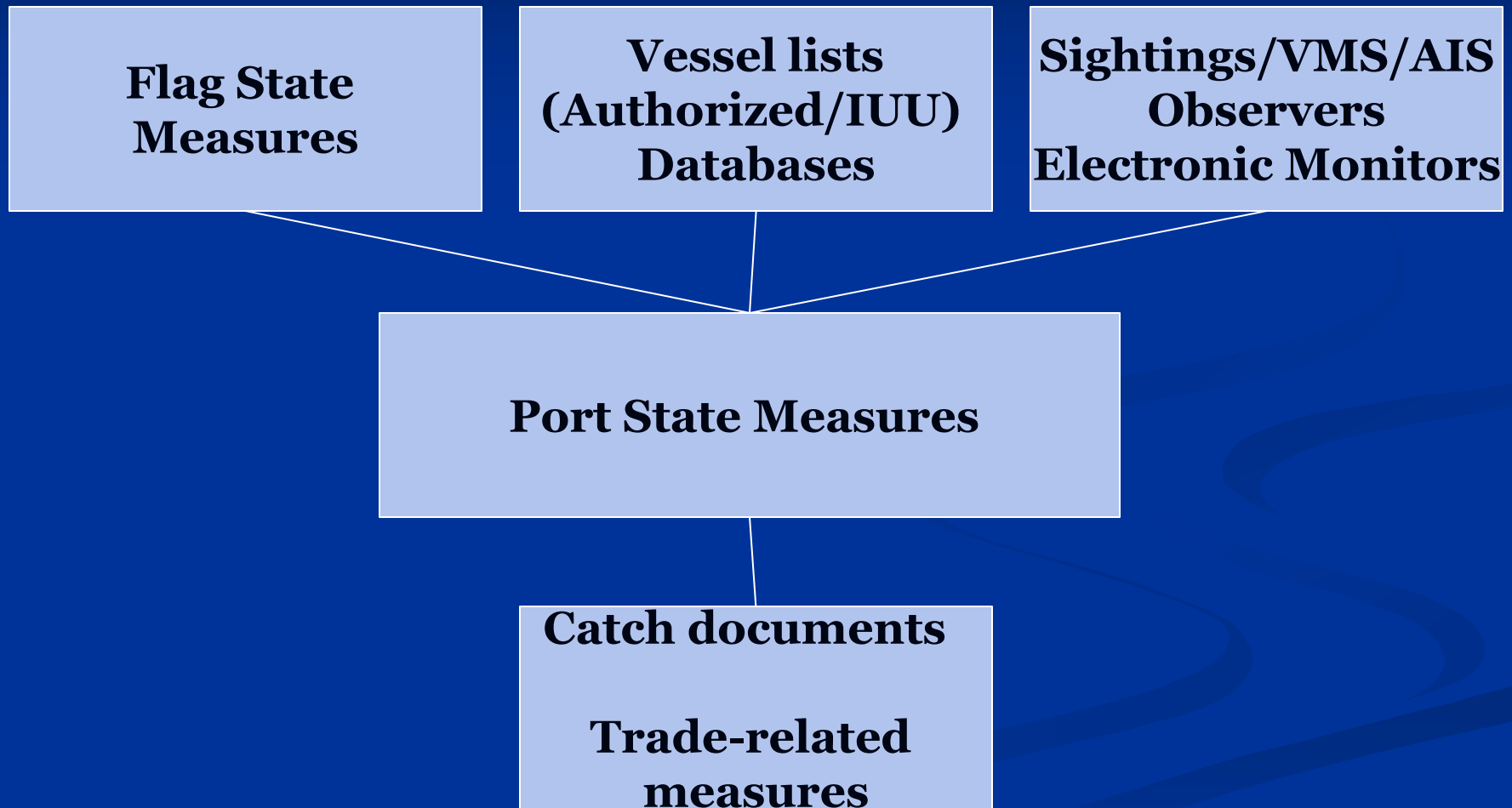
FRAMEWORK - GENERAL



- Elaborates information requirements for vessel reporting and inspection reports
- Requires reports/information to be transmitted
- Provides guidelines for inspections and training of inspectors
- Elaborates the role of parties as flag States
- Provides for assistance to developing States
- Serves as a minimum standard for global harmonization of port State measures that will have strong economic and legal impacts for IUU vessel operators.

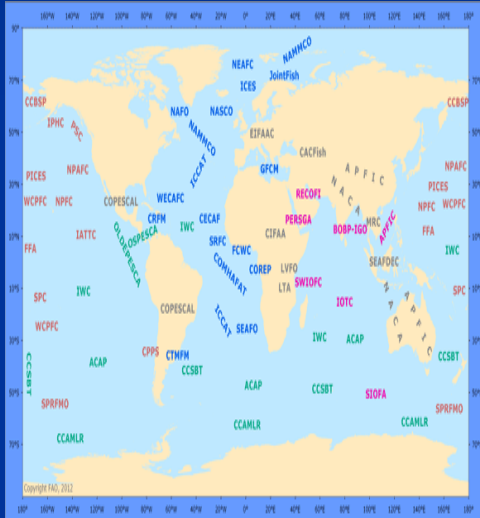
LINKAGES

PSM AND OTHER KEY MCS TOOLS



ROLE AND ACTIVITIES OF RFMOs

IMPACT OF AGREEMENT



1. Performance Reviews
2. Strengthened, cost-effective PSM measures
3. Strengthened linkages, e.g. comprehensive MCS system
4. RFMO port State measures are binding on members
5. Support for developing State members

CASE STUDY

F/V PREMIER

Demonstrates the exercise of sovereignty, extraterritoriality against a F/V registered and owned in South Korea by Dongwon Industries.



November 2011 –May 2012	Operating in Liberian waters
Charged with unlicensed fishing in Liberia territorial sea – forged license	
May-November 2012	Operating from Abidjan, Ivory Coast
November 2012	Videod in South Africa, en route to Indian Ocean
January-March 2013	Licence denial: Kenya, Mozambique
	Offloading denial: Seychelles
April 2013	Licence renewal denied: Tanzania
	Offloading denial: Mauritius (twice)
VESSEL PAID FINE TO LIBERIA: 2 Million US Dollars, PREMIER offloaded in Sri Lanka, returned to Busan, South Korea, changed name	

CASE STUDY

F/V PREMIER

IMPACT

- Fine
- Denial of fishing opportunities by three countries
- Denial of port use by two countries
- Port fees, fuel costs
- Loss of economic benefit from catch

COOPERATION

2 RFMOs, 7 port/coastal States, 1 market State
NGOs (Trygg Mat Foundation, Stop Illegal Fishing, Fish-i Africa)

LEGISLATION

Liberia, Kenya, Mauritius, Mozambique, Seychelles, Tanzania



CONCRETE ACTIONS



- Ratify Agreement – Strengthen RFMO Measures
- IMPLEMENTATION - INTEGRATION
 - Legislation
 - Procedures
 - Interagency cooperation
 - Capacity building
 - Strengthen Information, Communications Systems
 - Strengthen flag State measures
- Review available assistance
- Support ongoing assessment and implementation of port State measures at all levels

Thank

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