The FAO Port State Measures Agreement; towards its effective implementation

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International fisheries instruments

- UNCLOS (1982)*
- UN Fish Stocks Agreement (1995)*
- FAO Compliance Agreement (1993)*
- FAO Port State Measures Agreement (2009)*
- International Plans of Action on Sharks, Seabirds, Capacity, IUU (1999-2001)
- Strategies on information for STF, STA (2003-2008)

* Binding

Contain relevant provisions to combat IUU fishing
Port State measures are **potent and cost-effective** means to combat IUU fishing by preventing foreign fishing vessels engaged in IUU fishing from using ports and landing their catches, thereby reducing the incentive of such vessels to continue to operate and blocking fishery products derived from IUU fishing from reaching national and international markets.

The **2009 FAO Agreement on Port State Measures** lays down a minimum set of standard procedures, measures and actions to be applied by Port States.

The Agreement entered into force on 5th June 2016 (30 days after deposit with FAO DG of the 25th instrument of ratification, acceptance, approval or accession).

As at 10th March 2017, there are 42 Parties (including the EU) to the Agreement.
FAO capacity development programme for PSM (2012-2016)

FAO delivered a global series of regional capacity development workshops between 2012-2016 to:

• facilitate the accession to the PSMA in order to bring it into force as soon as possible and to ensure that it is accepted internationally in the widest possible manner

• contribute to the development of national capacity to maximize the benefits available through the effective use of the Agreement

• promote bilateral, subregional and/or regional coordination for the effective implementation of PSM

103 countries participated in the regional workshops
Which factors hinder adherence to the PSMA?

- Lack of knowledge / appreciation of the impacts of IUU fishing and the benefits of the PSMA
- Lack of political will and weak governance framework
- Complex / lengthy internal processes to adhere to international agreements
- Recognition of insufficient operational capacity to conduct inspections and implement port State measures
- Recognition of weak legislative framework for fisheries enforcement and prosecution
- Wariness of financial implications
- Satisfaction with national and or regional mechanisms in place for combatting IUU fishing
- Concerns about economic loss from port services
Overview of the PSMA requirements and operations
Challenges in implementing the PSMA and complementary instruments to combat IUU fishing

For the PSMA and complementary instruments to be effective, Parties would need to move ahead with developing implementation strategies, supported by sound policy, legal and institutional frameworks, as well as operational mechanisms sustained by sufficient human and financial resources.
First meeting of the Parties to the PSMA
Oslo, Norway 29-31 May 2017

- Review of responsibilities
  Port State, flag States, other States, RFMOs, FAO and other international organisations and bodies

- Transmittal, electronic exchange and publication of information;
  National authority, designated ports, inspection results and actions taken, global electronic exchange mechanism

- Requirements of developing States;
  Establishment of ad hoc working group under Article 21 (first meeting 1-2 June 2017, Oslo, Norway)

- Monitoring, review and assessment of implementation of the Agreement;
  Monitoring schemes and assessments, rules of procedure and frequency of meetings
The ad hoc working group shall make recommendations to the Parties on the establishment of funding mechanisms.

Experience and developments of similar funding mechanisms (e.g., UN Fish Stocks Agreement Part VII fund), global FAO initiatives and regional schemes shall be taken into account.

Types of assistance and the administrative processes to administer support will be defined.
FAO is broadening its capacity development programme to combat IUU fishing by

……supporting the cohesive implementation at national and regional levels of
the provisions of the PSMA and complementary international instruments and
regional mechanisms.

Identification, prioritization and planning of activities will be country-led, informed and participatory. Special attention will be given to countries affected by the EU yellow/red carding scheme.
The Programme is focussing on:

- Strengthening national and regional policy and legislative frameworks to combat IUU fishing

- Reinforcing regional and country level means and competencies to carry out coordinated and cost-effective MCS operations to combat IUU fishing through port State measures and complementary measures

- Developing national, regional and global information systems and knowledge management systems to support the implementation of the PSMA and complementary international instruments, regional mechanisms and market measures
Combatting IUU fishing requires strong commitment and concerted action, including at regional level through RFMOs, by:

- Flag States
- Port States
- Coastal States
- Market States

Widespread global coverage of the implementation of the PSMA is required, including through strengthened regional mechanisms.

Performance monitoring and assessment of States’ responsibilities defined in international fisheries instruments and regional governance frameworks (review processes, encouraging compliance and deterring non-compliance).

Strengthening of international cooperation and directed capacity development.

Increased advocacy to combat IUU fishing, including through the observance of an International Day for the fight against IUU fishing – 5 June (GFCM initiative; endorsed by COFI 32; adopted by FAO Council 155; for approval by FAO Conference in 2017; expected declaration by UNGA in 2017).
THANK YOU FOR YOUR ATTENTION