ESSENTIAL REFERENCES

INTERNATIONAL INSTRUMENTS

1982 United UN Convention on the Law of the Sea Ports are subject to the sovereignty of the coastal State because they are considered as internal waters. Articles 218-220, in the context of marine pollution (Part XIII, Section 5).

1993 FAO Compliance Agreement Parties are required to cooperate internationally, including making arrangements regarding the undertaking by port States of investigatory measures as may be considered necessary to establish whether a fishing vessel has been used contrary to the provisions of the Agreement. Article V.

1995 UN Fish Stocks Agreement A port State “has the right and the duty” to take certain measures in its ports. These measures include the inspection of documents, fishing gear and catch and, when it has been established that the catch was illegally taken, to prohibit landings and transhipments. Article 23.

1995 FAO Code of Conduct for Responsible Fisheries The duties of port states are described and include the adoption of measures necessary to achieve and to assist other States in achieving the objectives of the Code. Article 8 (3).

Full text of all "Essential References on Port State Measures" available on-line at:

2001 FAO International Plan of Action on Illegal, Unreported and Unregulated Fishing (IPOA-IUU) States are encouraged to use port State measures, in accordance with international law, to control port access by fishing vessels in order to prevent, deter and eliminate IUU fishing. Measures include ascertaining whether vessels have the necessary authorization to fish and collecting details on the fishing trip prior to permitting a vessel access to the port. Paragraphs 52 – 64.

2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing Voluntary minimum standards for port State measures are provided, including the responsibilities of a port State, inspections, follow-up actions, information requirements for vessels and information systems, training of inspectors to improve their effectiveness and harmonization of controls and reporting standards among countries.

FAO PUBLICATIONS


Full text of all "Essential References on Port State Measures" available on-line at:


**FAO Human Resource Development and Capacity Building**


*FAO Regional Workshop on the elaboration of National Plans of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing – Certain Countries of the Near East Region*, Egypt 2005.


*FAO/FFA Regional Workshop to promote the full and effective implementation of Port State Measures to Combat IUU Fishing*, Fiji, 2006.

**United Nations – Recent Outcomes**

UN Open Ended Informal Consultative Process on Oceans and the Law of the Sea (ICP) 2005. States were encouraged “... to apply the FAO Port State Model Scheme at the national and regional levels, promote its application through regional fisheries management organizations and consider the possibility of adopting a legally binding instrument”. Sixth Meeting, A/60/99, (2005).

UN General Assembly Resolutions on Sustainable Fisheries 2005. The UNGA recognized “... the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level and through regional and subregional fisheries management organizations and arrangements, and encourages States to apply the model scheme on port State measures endorsed by the Committee on Fisheries at its twenty-sixth session...”

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in March 2005 at the national and regional levels, to promote its application through regional fisheries management organizations and arrangements and bodies, and to consider, when appropriate, the possibility of developing a legally binding instrument”. UNGA Resolution 60/31, (2005);

2006. The UNGA:

- called attention to “the need for more work to develop port State measures and schemes, and the critical need for cooperation with developing States to build their capacity in this regard”;

- recognized “the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, particularly those identified in the Model Scheme on Port State Measures to Combat Illegal, Unreported, and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations in 2005, and to promote the development and application of minimum standards at the regional level”;

- encouraged States “to initiate, as soon as possible, a process within the Food and Agriculture Organization of the United Nations to develop, as appropriate, a legally binding instrument on minimum standards for port State measures, building on the Model Scheme on Port State Measures to Combat Illegal, Unreported, and Unregulated Fishing and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations”;

- also encouraged States “with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations or arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management”. UNGA Resolution 61/105, (2006).

UN Fish Stocks Agreement Review Conference

2006. The Review Conference recommended that States individually and collectively through RFMOs “adopt all necessary port State measures, consistent with Article 23 of the Agreement, particularly those envisioned in the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, and promote minimum standards at the regional level; and in parallel, initiate, as soon as possible, a process within FAO to develop, as appropriate, a legally binding instrument on minimum standards for port State measures, building on the FAO Model Scheme and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing”. Report of the Review Conference. A/CONF.210/2006/15.

RECENT MINISTERIAL FORA

The Rome Declaration on the implementation of the Code of Conduct for Responsible Fisheries adopted by the FAO Ministerial Meeting on Fisheries, March 1999.

The Rome Declaration on Illegal, Unreported and Unregulated Fishing adopted by the FAO Ministerial Meeting on Fisheries, March 2005.


Full text of all "Essential References on Port State Measures" available on-line at:

Round Table Conference on measures against Illegal, Unreported and Unregulated Fishing, August 2006.

**Publications**


Full text of all "Essential References on Port State Measures" available on-line at: