



Food and Agriculture  
Organization of the  
United Nations



## IMPLEMENTATION OF PORT STATE MEASURES

LEGISLATIVE TEMPLATE  
FRAMEWORK FOR PROCEDURES  
ROLE OF REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

### Effectively combating IUU fishing

Port State Measures are robust, front-line actions that effectively combat illegal, unreported and unregulated (IUU) fishing in all marine areas – whether under national jurisdiction or the high seas. National implementation of minimum standards for these measures, as agreed at global and regional levels, is vitally important for the sustainability of tuna and all other fisheries resources.

The entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (FAO Agreement) on 5 June 2016, reflected the successful culmination of global efforts to combat IUU fishing by setting harmonized minimum standards for measures to be taken at port. By May 2017, 46 countries had already become party.

The FAO Agreement targets IUU fishing and supportive related activities, and its reach extends to areas within and beyond national jurisdiction. Port State measures impose sanctions, including

denial of entry into port or use of port,<sup>1</sup> for vessels suspected of IUU fishing or related activities such as transhipment.<sup>2</sup> They also provide minimum standards for inspection and information requirements. Exchange of information with - and among - RFMOs, coastal States, flag States, port States and international organizations underpin the measures.

### Conservation and management measures in RFMOs

At regional level, most regional fisheries management organizations (RFMOs) have adopted a range of port State measures in conservation and management measures (CMMs) that are legally binding on their members. In 2010, the Indian Ocean Tuna Commission (IOTC) adopted Resolution 10/11 on Port State Measures that is almost identical to the FAO Agreement. Many other RFMOs continue to review and strengthen their CMMs on port State measures to align them with the FAO Agreement, in part encouraged by their performance reviews.

<sup>1</sup> Uses of port to be denied include landing, transhipping, packaging, and processing of fish and for other port services including, inter alia, refueling and resupplying, maintenance and drydocking.

<sup>2</sup> Related activities include any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transhipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.



## National action

Countries are legally obligated to develop and implement legislation on port State measures, either as a party to the FAO Agreement or a member of a relevant RFMO, or both. In addition, procedures to support the legislation – including interagency cooperation – need to be developed. These tasks may present challenges for many countries in terms of national capacity or for other reasons.

### Support for national implementation of port State measures

Support for national implementation of port State measures is provided in the FAO publication, ***Implementation of Port State Measures - Legislative template, framework for procedures, role of regional fisheries management organizations***, authored by Judith Swan, which focuses on the implementation of two legal instruments - the FAO Agreement and IOTC Resolution.

The publication provides a legislative template and related information for use by port States to facilitate implementation, and can be adapted to different legal systems, institutions and instruments. The objective is twofold: to provide generic legislative templates for the development of national legislation; and to explain broader context of port State measures. It also introduces a framework for procedures and explains the role and responsibilities of RFMOs. Relevant CMMs adopted by a range of RFMOs are detailed.

### Target audience

The target audiences are global. They seek to understand, adopt and activate port State measures, whether or not their countries currently are party to the FAO Agreement or an RFMO.

At national level, the publication will be useful for government experts charged with

implementing legal and procedural aspects of port State measures – and supporting provisions such as enforcement authority – including legal and fisheries personnel, as well as the many other agencies that play a role, such as maritime/port authorities, police, navy, customs and foreign affairs. It will also inform other stakeholders and civil society.

At regional level, it affords RFMOs and their members a basis for to assessment and, where appropriate, strengthening of their measures.

Internationally, it is useful for civil society in promoting better understanding the development of port State measures and key issues for its implementation.

### Developed by the Common Oceans ABNJ Tuna Project

The publication was developed under the framework of the Common Oceans ABNJ Tuna Project, funded by the Global Environment Facility and implemented by FAO. The Common Oceans ABNJ Tuna Project harnesses the efforts of a large and diverse array of partners, including the five tuna RFMOs, governments, inter-governmental organizations, non-governmental organizations and private sector, to achieve responsible, efficient and sustainable tuna production and biodiversity conservation in the ABNJ.

Swan, J. 2016. *Implementation of port State measures – Legislative template, framework for procedures, role of regional fisheries management organizations*. Rome, FAO.

The publication is available online:

English version: [www.fao.org/3/a-i5801e.pdf](http://www.fao.org/3/a-i5801e.pdf)

French version: [www.fao.org/3/a-i5801f.pdf](http://www.fao.org/3/a-i5801f.pdf)

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