



COMMISSION OF SMALL-SCALE, ARTISANAL FISHERIES AND AQUACULTURE OF LATIN AMERICA AND THE CARIBBEAN

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STATE OF THE PORT STATE MEASURES AGREEMENT TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Introduction

The Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the PSMA, or the Agreement) was adopted by the FAO Conference at its 36th Session (Rome, 18-23 November 2009) under paragraph 1 of Article XIV of the FAO Constitution, by Resolution No. 12/2009 of 22 November 2009. The Agreement entered into force on 5 June 2016.

The PSMA is the first binding international agreement that specifically addresses illegal, unreported and unregulated (IUU) fishing. It is intended to prevent, deter and eliminate IUU fishing by preventing IUU vessels from landing at their ports. In this way, the PSMA reduces the incentive for such vessels to continue operating, while preventing fishery products from IUU fishing to reach national and international markets. Effective implementation of the PSMA ultimately contributes to the long-term conservation and sustainable use of living marine resources and marine ecosystems. The PSMA provisions apply to fishing vessels seeking to enter a designated port of a State that is different from their flag State.

As of August 2022, there were 72 Parties to the Agreement, including the European Union (EU) as a Party representing its 27 Member States.¹

¹ The list of Parties is available at <https://www.fao.org/port-state-measures/background/parties-psma/en/>. More information on signing and deposit of instruments is available at: <http://www.fao.org/treaties/results/details/en/c/TRE-000003/>.

In 2017, FAO launched a global programme to support the implementation of the PSMA and complementary international instruments to combat IUU fishing. The Programme addresses the needs for capacity building outlined in Article 21 of the Agreement, and extends to complementary international instruments, guidelines and tools, as well as relevant regional mechanisms to combat IUU fishing. The Programme endorses the development of global information systems to support the PSMA implementation and assists interested States with travel costs to participate in meetings of the PSMA Parties and subsidiary working groups, and in meetings of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) working groups.

The Programme is aligned with the Sustainable Development Goal (SDG) 14 of the United Nations 2030 Agenda for Sustainable Development and, in particular, with SDG 14.4, which calls for ending overfishing, IUU fishing and destructive fishing practices by 2020 through, inter alia, capacity building and support to monitoring, control and surveillance (MCS), compliance and enforcement systems.

The Programme comprises 18 projects with funding of almost USD 28 million, including resource partners such as the EU, Germany, Iceland, Norway, the Republic of Korea, Spain, Sweden and the USA. Information on these projects is available on the Global Capacity Building Portal. <https://gcdp.review.fao.org/search>.

Beneficiaries and Activities

The Programme is designed for both developing States and Small Island Developing States (SIDS), whether Parties or non-Parties to the PSMA, and includes:

- (a) assistance to recipient countries in assessing the needs for strengthening national legal frameworks, institutional set-up and MCS systems and operations with respect to port, flag and riparian states and market responsibilities, including the development of national strategies and roadmaps for implementing the necessary measures;
- (b) support to recipient countries in the formulation or revision of fishery policies and laws to implement the PSMA;
- (c) support to recipient countries in strengthening MCS institutions, systems and operations, including regional coordination and cooperation mechanisms;
- (d) support to recipient countries in strengthening inter-agency cooperation for effective implementation of the PSMA;
- (e) assistance to recipient countries to improve flag state performance and implement market access measures, such as fishing documentation and traceability schemes;
- (f) the development of knowledge products, operational material, training and capacity building programmes;
- (g) the implementation and further development of global information systems in support of the PSMA implementation, including the Global Information Exchange System (GIES) and the Global Record; and
- (h) support to the organisation and facilitation of the relevant PSMA meetings, including travel support for the participation of the countries concerned.

Progress in implementation

Since the entry into force of the Agreement on 5 June 2016, FAO has supported 55 countries, including 43 Parties and 12 non-Parties, to strengthen their capacity to effectively implement the PSMA. This support is demand driven and tailored to countries' specific requirements to enhance their legal, policy, institutional, operational and technical capacities. International training on fisheries law and port inspections is also provided. Details of capacity building support related to the PSMA are as follows:

Indonesia		1	1	1					1								1	
Jamaica*		1	1	1					1		1					1	1	1
Kenya		1																
Liberia		1	1	1					1	1	1							
Madagascar		1	1						1									1
Maldives							1											
Marshall Islands*																		1
Mauritania	1																	1
Micronesia (Federated States of)*																		1
Mozambique		1	1	1	1	1	1		1									1
Myanmar		1	1															
Namibia		1	1															1
Palau		1	1						1									
Panama		1	1	1	1	1					1	1						1
Papua New Guinea*		1	1															1
Peru		1	1	1	1				1		1							1
Philippines		1	1	1	1	1			1	1		1	1					1
Saint Kitts and Nevis		1																
Saint Vincent and the Grenadines		1	1															1
Sao Tome and Principe*		1	1															
Senegal	1																	
Sierra Leone		1	1	1					1	1								
Solomon Islands*																		1
Somalia		1	1					1						1				
South Africa		1	1															
Sri Lanka		1						1										1
Sudan		1	1			1					1							1

Suriname*		1	1	1	1					1					1				
Thailand		1	1									1							
Tonga		1	1																
Trinidad and Tobago		1	1	1		1			1		1	1			1	1			
Uruguay	1																		1
Vanuatu		1	1																1
TOTAL		43	38	18	8	7	2	2	sixteen	10	11	4	5	2	5	6	4	23	7

Countries with * are not part of the PSMA.

The following outputs have been developed/are in the process of being completed under the Programme in terms of knowledge, resources and operational material:

- Technical Guidelines on Methodologies and Indicators to Estimate the Magnitude and Impact of IUU Fishing (Volumes 1, 2 and 3). The 'best practice' framework set out in these guidelines will serve as reference for all those involved in conducting, commissioning or evaluating IUU fishing estimation studies.
- A series of practical tools/checklists to enable States and practitioners to: (i) assess the implementation of flag, riparian and port State responsibilities and market-related measures to combat IUU fishing, (ii) review and align legislation and policies frameworks with the requirements of relevant international instruments to combat IUU fishing, and (iii) review and update MCS systems and operations in accordance with international standards and requirements (ongoing). These include:
 - 'checklists and technical guidelines to combat Illegal, Unreported and Unregulated (IUU) Fishing. Volume I: a Consolidated Checklist of riparian, flag and port State responsibilities to combat Illegal, Unreported and Unregulated (IUU) fishing'¹;
 - 'checklists and technical guidelines to combat Illegal, Unreported and Unregulated (IUU) Fishing. Volume II: a legal checklist of the main duties and responsibilities of riparian, flag and port States and internationally agreed market-related measures to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing'².
- 'Understanding and implementing fishing documentation schemes: a guide for national authorities'.³ The guide would provide detailed instructions on how to establish the necessary processes and procedures at the national level, to verify the legal status of their catches and landings in ports and to trace the chain of custody of these legal fishing products to the point of export or final sale.
- MCS Toolbox - Fisheries Monitoring and Enforcement (to be published). The MCS Toolbox aims to provide a comprehensive overview of the different aspects of fisheries monitoring, control and enforcement. It reviews and analyses States' competences and responsibilities for fisheries control and enforcement, the organisation and use of MCS assets, as well as the tools, mechanisms, programmes, technologies, methodologies and other solutions currently available to fisheries enforcement authorities. The document also describes procedures and practices for the investigation and sanctions of infringements and provides some considerations on the evaluation of the effectiveness of national legal and administrative frameworks.
- A comprehensive Training Programme and material for national and international capacity building trainings/initiatives, including: public international law, law of the sea, fisheries law, fisheries management; fisheries monitoring, control and surveillance; fisheries compliance, cooperation and port. State measures. Model courses are being implemented in several training centres, including collaboration with other entities.

¹ <http://www.fao.org/port-state-measures/resources/detail/en/c/1419023/>

² <https://www.fao.org/port-state-measures/resources/detail/en/c/1419027/>

³ <https://www.fao.org/documents/card/en/c/cb8243en>

Activities related to global information systems in support of PSMA implementation include: (a) further development and implementation of the FAO Global Record; (b) the GIES for the transmission, electronic exchange and publication of information produced under the PSMA; (c) a PSMA Global Capacity Development Portal; (d) the revision of the Database on Port State Measures (Portlex).

The FAO Global Record is a tool that involves State authorities and Regional Fisheries Management Organisations (RFMOs) in the compilation of a comprehensive and up-to-date online repository of vessels engaged in fishing operations. Following its first operational version launched in April 2017, a fully operational and public Global Record Information System was launched in July 2018. Since then, participation in the initiative has steadily increased, especially in the FAO Regions of Europe, North America and Latin America and the Caribbean. Other FAO regions, such as Asia, Africa and the Pacific, have also shown more participation and this is expected to continue to grow in the near future. To date, 66 FAO Members participate in the Global Record, including nearly 12,000 vessels of all types and sizes, either below or above 100 gross tonnage, representing almost half of the total eligible fleet (the fleet owned by the International Maritime Organisation, IMO). From 2022, a new, updated version of the Global Information System will be implemented in stages. Special attention is being paid to the usability and user-friendliness of the system, data statistics and new mechanisms for data exchange. The implementation of automatic data exchange mechanisms based on APIs, such as FLUX Transportation Layer (FLUX-TL), would represent one of the main enhancements.

Transmission, electronic exchange and publication of information are key components of the PSMA and essential to fulfil its objective. Article 16 of the PSMA stipulates that Parties should cooperate to establish an information exchange mechanism, preferably coordinated by FAO, together with relevant multilateral and intergovernmental initiatives, and to facilitate the exchange of information with existing databases relevant to the Agreement.

At their second meeting, the PSMA Parties emphasised that the GIES should be developed in close collaboration with relevant regional fisheries bodies and networks, taking into account existing national and regional PSM systems, the requirements of developing States Parties, as well as business continuity, recovery and confidentiality requirements. The Parties also recognised that the GIES should have a direct link to the Global Record and provided guidance on the design and development of the System, requesting FAO to develop a prototype of the System for the third meeting of the Parties to the PSMA. At the third meeting the Parties agreed that the GIES prototype developed by FAO should begin the pilot phase.

In December 2021, following the launch of the PSMA GIES pilot phase, more than half of the port States worldwide will be able to exchange information with relevant States, FAO and other entities on measures and decisions taken with respect to foreign-flagged fishing vessels, such as results of inspections carried out and refusals of access for vessels requesting to enter or use their ports. This exchange of information will help States to have timely access to certified information, and thus be in a better position to close the ports to IUU vessels or inspect them in port.

FAO has also developed and launched a Global Capacity Building Portal to combat IUU fishing (<https://gcdp.review.fao.org/search>), which aims to make all relevant initiatives known in a timely manner and to promote synergies, complementarities and exchange programmes, projects among relevant institutions, while avoiding overlapping and duplication of interventions. Institutions can upload information on past, planned or ongoing projects, as well

as to link materials of resources developed from these projects, while facilitating the search according to various criteria. Contact information for each project can also be uploaded to the Portal to facilitate cooperation between funding or implementing institutions.

Portlex has been revised and has a new structure, including a data entry template and an improved back-end beta version. The online launch is planned for the second half of 2022. The new structure includes improved search functionalities and displays country profiles, including international commitments, participation in RFMOs, national action plans to combat IUU fishing, an active list of the most relevant laws linked to FAOLEX records, and records on specific national regulations implementing MSPs. At present, there are 143 country profiles. The new structure also includes RFMO profiles and relevant RFMO information.

Since 2017, the Programme has supported the organisation and conduct of the second and third Meetings of the Parties to the PSMA; two meetings of the PSMA Part 6 Working Group (2018 and 2019); two open-ended meetings of the PSMA Technical Working Group on Information Exchange (TWG-IE) (2018 and 2019); and three meetings of the Global Record Informal Open-Ended Technical and Advisory Working Group (GRWG, 2017, 2018, 2019). Participation in the Meeting of the Parties, Part 6 Working Group meetings and TWG-IE meetings sponsored by the Programme represent more than 70 percent of PSMA developing Parties attending meetings and 70 percent of all Parties attending meetings, suggesting the importance of such support to ensure adequate participation of developing States..

Additional information and documents are available at:

PSMA website: <http://www.fao.org/port-state-measures/en/>

IUU website: <http://www.fao.org/iuu-fishing/en/>

Global Record website: <http://www.fao.org/global-record/en/>

Portlex website: <https://portlex.review.fao.org/>