



Food and Agriculture
Organization of the
United Nations

AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING



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Responsible for yearly catches reaching tens of millions of tonnes and depriving the global fisheries economy of several billion US dollars annually, IUU fishing is a global threat to fisheries resources and marine ecosystems, undermining national, regional and global efforts to manage fisheries sustainably and conserve marine biodiversity. IUU fishing severely affects the livelihoods of fishers and other fishery-sector stakeholders and exacerbates poverty and food insecurity.

The use of port State measures was included as a core element in the International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing adopted in 2001 within the framework of the FAO Code of Conduct for Responsible Fisheries. Further recognizing that port State measures constitute an efficient and potent tool to combat IUU fishing, FAO Members developed a Model Scheme on Port State Measures in 2005 which formed the basis for the technical discussions and negotiations, leading up to the adoption of the binding Agreement on Port State Measures to Prevent Deter and Eliminate IUU Fishing, which was approved by the FAO Conference at its Thirty-sixth Session in 2009.

The Agreement lays down a minimum set of standard measures for port States to apply when foreign vessels seek entry into their ports or while they are in their ports. Through the implementation of defined procedures to verify that such vessels have not engaged in

IUU fishing and other inspection and enforcement measures, fish caught from IUU fishing activities could be blocked from reaching national and international markets, thereby reducing the incentive for perpetrators to continue to operate. Mindful of the fact that effective implementation of the Agreement requires sound policy, legal and institutional frameworks, as well as robust operational mechanisms sustained by sufficient human and financial resources, the Agreement provides for the requirements of developing States, including the establishment of funding mechanisms.

The worldwide implementation of the Agreement coupled with better performance by flag States, supported by effective Monitoring, Control and Surveillance (MCS) and supplemented by market access and trade measures would not only strengthen international efforts to curb IUU fishing but would, as a result, also support the strengthening of fisheries management and governance at all levels. This will constitute a substantial contribution to protecting our oceans and ensuring that their wealth can be handed over to the next generations.

This is the spirit of the United Nations Sustainability Development Goals, which the international community has endorsed to ensure prosperity, food security and sustainability in a world, where no one is left behind.

José Graziano da Silva
FAO Director-General

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Illegal, Unreported and Unregulated (IUU) fishing is a broad term which includes:



Fishing and fishing-related activities conducted in contravention of national, regional and international laws.



Non-reporting, misreporting or under-reporting of information on fishing operations and their catches.



Fishing by “Stateless” vessels.



Fishing in convention areas of Regional Fisheries Management Organizations by non-party vessels.



Fishing activities which are not regulated by States and cannot be easily monitored and accounted for.

Global estimates indicate that **IUU fishing** is responsible for annual catches of up to **26 million tonnes**, with a value of up to **US\$ 23 billion**.

ILLEGAL, UNREPORTED AND UNREGULATED FISHING

THE AGREEMENT

What is the PSMA?

The Port State Measures Agreement is the first binding international agreement to specifically target IUU fishing. Its main objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. In this way, the agreement reduces the incentive of such vessels to continue to operate while it also blocks fishery products derived from IUU fishing from reaching national and international markets.

The effective implementation of the PSMA ultimately contributes to the long-term conservation and sustainable use of living marine resources and marine ecosystems. The provisions of the PSMA apply to fishing vessels seeking entry into a designated port of a State which is different to their flag State.

Benefits of the PSMA

- ✓ combats IUU fishing in a cost-effective and efficient manner
- ✓ protects the livelihoods of legitimate fishers
- ✓ enhances flag States' control over their fishing vessels
- ✓ promotes effective cooperation and information exchange among coastal States, flag States and Regional Fisheries Management Organizations and Arrangements
- ✓ prevents the occurrence of “ports of non-compliance”
- ✓ contributes to strengthened fisheries management and governance at all levels
- ✓ provides for the requirements of developing countries

How does the PSMA work?

Port State Measures (PSM) are requirements established or interventions undertaken by port States, which a foreign fishing vessel must comply with or is subjected to as a condition for use of ports within the port State. These would typically include requirements related to prior notification of port entry, use of designated ports, restrictions on port entry and landing/transshipment of fish, restrictions on supplies and services, documentation requirements and port inspections, as well as related measures, such as IUU vessel listing, trade-related measures and sanctions.

Under the PSMA, parties to the Agreement would be obligated to implement those measures outlined in the PSMA. A general overview of how this would look in practice is illustrated below:

How does the PSMA work?

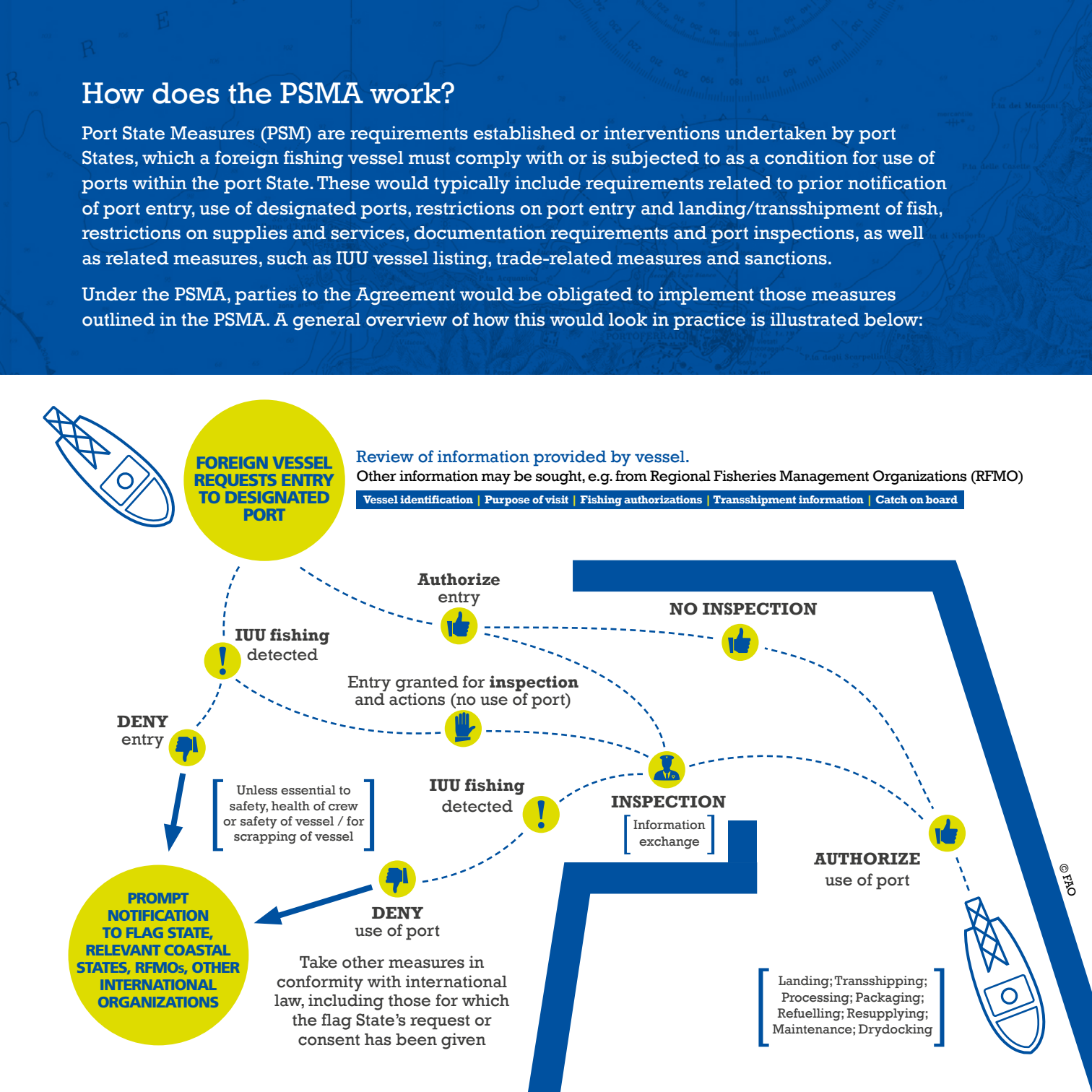
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INSTRUMENTS

International Instruments to address IUU fishing

A few key international instruments have been developed to address IUU and, together, offer a powerful suite of provisions, which can be used to combat IUU fishing. These include:



FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, (1993) aims to prevent the “re-flagging” of vessels under the flags of States that are unable or unwilling to enforce international fisheries conservation and management measures.

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International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (2001) is a purposely designed toolbox, concluded within the framework of the FAO Code of Conduct for Responsible Fisheries, to combat IUU fishing, for use by all States, flag States, coastal States and port States.

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FAO Agreement on Port State Measures to Prevent, Deter and Eliminate, Illegal, Unreported and Unregulated (IUU) Fishing (2009) aims to prevent fish caught by foreign fishing vessels engaged in IUU fishing activities from being landed and entering international markets, thus removing the incentive to engage in IUU fishing.

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Voluntary Guidelines for Flag State Performance (2014) aims to prevent, deter and eliminate IUU fishing through the effective implementation of flag State responsibilities. This instrument is a valuable tool for strengthening compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels.

FAO capacity building and awareness raising activities on the PSMA

In an effort to build capacity and promote awareness on the benefits of the implementation of the PSMA, FAO has delivered seven regional workshops around the globe since 2012 involving some 100 States, Regional Fisheries Management Organizations, Intergovernmental Organizations, and Non- Governmental Organizations. The main aims of these workshops were to:

- facilitate the submission of instruments of adherence 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 PSMA; and
- promote bilateral, subregional and/or regional coordination for the effective implementation of the PSMA

In order to reinforce and broaden the delivery of assistance, FAO has recently formulated a global capacity development umbrella programme entitled “Support for the implementation of the 2009 FAO Agreement on Port State Measures and complementary instruments to combat illegal, unreported and unregulated fishing”. This five-year programme aims to enhance the capacity of developing countries in combatting IUU fishing, by strengthening their policy, legal and operational frameworks in line with the PSMA and other relevant international instruments and regional schemes. The programme will be implemented through a number projects and the expected outputs include:

- reduction in the incidence of IUU fishing;
- positive impacts on national economies and improved livelihoods of coastal communities;
- an increase in food security of coastal communities depending on the sustainability of local marine eco-systems;
- reduction in pressure on the sustainability of marine fisheries and environmental damage;
- improvement in fisheries governance; and
- reduction in incidence of other illegal activities associated with IUU fishing.

FAO CAPACITY BUILDING



PROCESS TO BECOME A PARTY TO THE PSMA

The PSMA was opened for signature in November 2009 for one year. Signing the PSMA constituted the obligation not to defeat the objective and purpose of the Agreement. The PSMA entered into force on 5 June 2016, once the required 25 instruments of adherence had been deposited with the FAO Director-General. The process to become Party to the PSMA is outlined below.

States or regional economic integration organizations
that intend to become **Party to the PSMA**

Signatory to the PSMA?

YES

Deposit original **instrument
of ratification, acceptance
or approval** with the FAO
Director-General

NO

Deposit original **instrument
of accession** with the FAO
Director-General

PARTY

An updated list of the parties to the PSMA is available here: www.fao.org/fileadmin/user_upload/legal/docs/037s-e.pdf