



**PORT STATE
MEASURES**
to stop illegal fishing

KEEPING ILLEGALLY CAUGHT FISH OUT OF AFRICAN PORTS



GG-E301
248KG



ILLEGAL FISHING WHY DOES IT MATTER?

While the economic losses to illegal, unreported and unregulated (IUU) fishing are hard to estimate, figures have put annual global losses as high as \$23.5 billion. Illegal operators are driven by money, and key hotspots for their operations include the major tuna and pelagic fisheries in the Indian Ocean and West Africa. The effects of illegal fishing can be severe, particularly for African coastal states facing many development challenges with limited income.



The losses to coastal communities dependent on fish as a source of nutrition, employment and income are well documented as fishers around Africa report dwindling catches, incursions of industrial vessels into restricted areas and deliberate damage to their vessels and gear.

IUU fishing contributes to over exploitation of natural fisheries resources and has negative impacts on efforts to rebuild already depleted fish populations and damaged ecosystems. The United Nations report that more than two-thirds of the world's fisheries have been overfished or are fully harvested and more than one third are in a state of decline. Action is needed now to protect ocean health, biodiversity, and fisheries resources to ensure that fisheries continue to provide food and nutrition, livelihood and financial benefits for the people of Africa.

The need to protect Africa's fisheries resources has never been greater as population growth is expected to lead to a global population high of 9.8 billion in 2050, with much of that increase coming from the 26 African countries projected to double their population by 2050.

Large scale illegal fishing is very often systematic, organised and transnational and can go hand in hand with other criminal activity. This is either because of illegal activity related to the business of fishing (e.g. tax evasion, money laundering) or because those involved are linked to other activities of transnational organised crime such as drugs smuggling, human trafficking or trade in illegal wildlife products which takes place intertwined within the operations of fishing.

As expectations of blue growth place new pressure on the marine environment it is important to remember that a thriving and sustainable blue economy assumes a compliant marine and fisheries sector. If they are not, the concept of blue growth will fail, not contribute to national or regional growth and may even become self-destructive.

USING OUR PORTS TO STOP ILLEGAL FISHING



Since all fish must be landed, and industrially caught fish must pass through a port to be traded and consumed, preventing vessels carrying illegally harvested fish from accessing ports around the world is an effective way to prevent and deter IUU fishing.

Denying port entry and access to port services, and consequently preventing illegal seafood from entering trade, increases the costs associated with illegal fishing operations and removes the financial incentives for engaging in these activities.

Port States are responsible under international law to control and monitor fishing vessels entering and using their ports and fish being moved through their ports. They have an opportunity to stop illegal fishing from going unpunished – and securing a reputation as a compliant and professional State.

WHAT IS THE PORT STATE MEASURES AGREEMENT?

The Food and Agriculture Organization (FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) is the first binding international agreement to specifically target IUU fishing. The PSMA came into force in 2016 and enables port officials to deny foreign vessels access to their port, and to services such as refuelling and repairs, if they are suspected of illegal activities. Vessels can be turned away or subjected to immediate inspection on arrival and prohibited from landing their fish if there is evidence that it was caught or transhipped illegally.

By implementing the PSMA within regions and globally, the incentive to fish illegally is reduced and illegally caught fish is prevented from reaching national and international markets. The provisions of the PSMA apply to fishing vessels and support vessels seeking entry into a designated port of a foreign State.

The PSMA builds on the sovereignty that port State countries have over their ports, enabling them to close the loopholes and opportunities that illegal operators exploit. By developing cooperation at national, regional and international level as well as putting systems and procedures in place to identify and inspect high-risk vessels, the process of PSMA implementation will develop capacity, skills and systems that will build stronger fisheries enforcement efforts.

The PSMA will be most effective if all port States within a region join and work collaboratively. This would effectively close a region to the possibility to land illegal catch or to be able to service vessels or their crews, this would make illegal hotspots, less profitable and less attractive to illegal operators.

BENEFITS OF THE PORT STATE MEASURES AGREEMENT



INSTITUTIONAL

DESIGNATED PORTS

- For foreign flagged vessels allows for focused expertise and resources.

ROBUST LEGAL FRAMEWORK

- To allow for appropriate inspection, enforcement and sanctions for illegal fishing and related crimes.

WORKING TOGETHER

- Cooperation with allied authorities is integral to the implementation of PSMA and will bring benefits across all fisheries work.

Led by fisheries authorities with enhanced liaison with allied authorities, the implementation of the PSMA will bring with it institutional, organisational and operational benefits that will lead to more stringent and more effective port procedures for dealing with fishing vessels to improve control of the fisheries sector. Successful implementation will provide the necessary foundation for blue growth in the fisheries and maritime sectors.



ORGANISATIONAL

ADVANCE REQUEST FOR ENTRY INTO PORT (AREP)

- For foreign flagged vessels allows for focused expertise and planning.

RISK ASSESSMENT

- To identify high risk vessels and catch before it gets to port.

BEST USE OF RESOURCES

- Identifying high risk vessels allows for effective targeting of resources and effort.



IN ACTION



KEEPING ILLEGAL FISHING VESSELS OUT OF OUR PORTS

- Denying access to known or suspected IUU fishing vessels disrupts illegal operators and reduces the costs for developing countries.



KEEPING ILLEGALLY CAUGHT FISH OUT OF OUR PORTS

- Compulsory inspections of high risk vessels and a random selection process for inspections of low risk vessels to make sure illegally caught fish is not landed.



IMPROVING PORT EFFICIENCY

- More efficient port visits for compliant vessels.



OUTCOMES

IMPROVED SECTOR GOVERNANCE

- Through stronger controls and increased transparency of decision making.

IMPROVED MONITORING, CONTROL AND SURVEILLANCE

- At a national, regional and international level.

BUSY PORTS

- Effective and efficient port controls will allow for investment and development to support national fisheries growth and encourage compliant operators to use efficient ports.

BLUE GROWTH

- Can only be built with a compliant and secure fisheries sector.

SUPPORTING THE IMPLEMENTATION OF THE PORT STATE MEASURES AGREEMENT

The PSMA sets out the minimum controls a State should use when foreign fishing vessels enter, or apply to enter one of its ports, and to verify that all fish landed were legally caught.

However, for this agreement to succeed it needs to be widely fulfilled, with important steps in the preparation, implementation and application of the PSMA, being applied. Details of these requirements are:

COOPERATION AND AWARENESS

MoUs established for cooperation between agencies.

Information sharing procedures established.

Networks established for crosschecking information and providing alerts.

COMPLIANCE AND ENFORCEMENT

Human and institutional capacity developed.

Training and equipment.

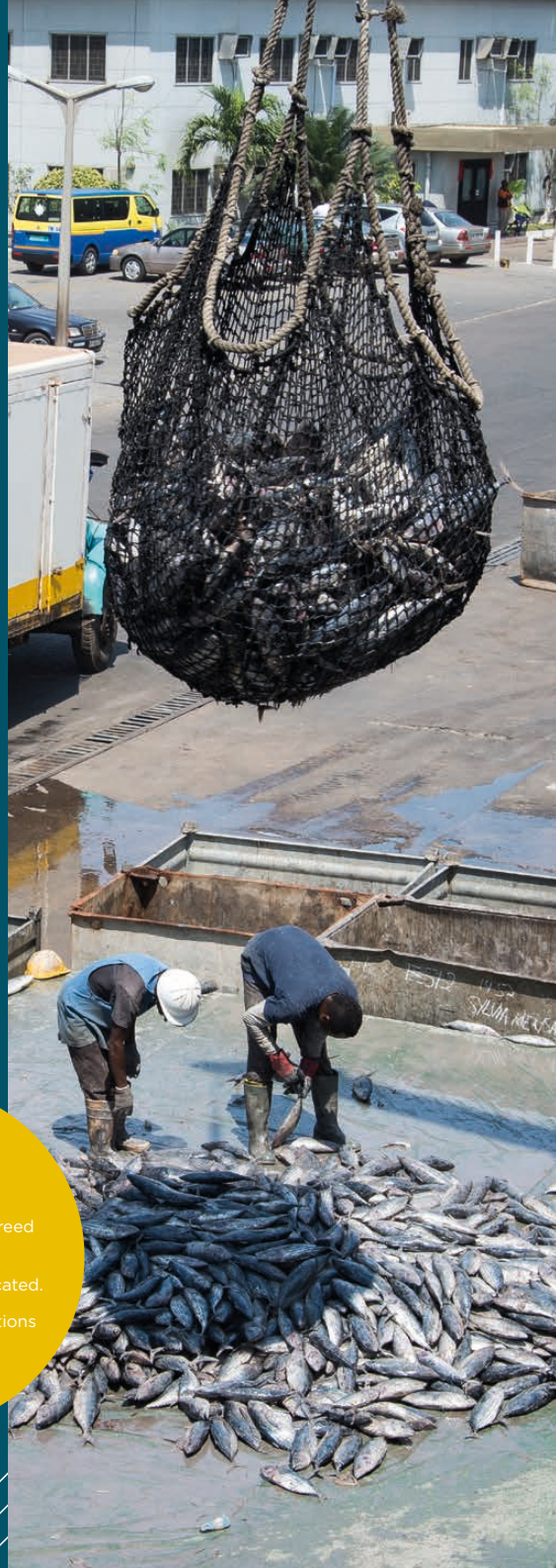
Procedures established for risk assessment, inspection, information sharing and post inspection follow up.

LEGAL AND POLICY

Mandates of agencies agreed and empowered.

PSMA provisions domesticated.

Fines, penalties and sanctions set for deterrence.



LEGAL AND POLICY

ADEQUATE POLICY AND LEGAL FRAMEWORKS ESTABLISHED NATIONALLY

The policy and legal frameworks must be established nationally for robust implementation of the PSMA and other international legal instruments relating to fisheries.

ACTION REQUIRED

Among others, the mandate of agencies and personnel and the level and type of fines, penalties and sanctions will need to be considered with reference to regional and international best practices and mandated in the policy and legal frameworks.

National legislative implementation includes:

- The port State's rights, requirements and authorities relating to entry and use of port by vessels.
- Duties and liabilities of the vessel operators and agents/representatives.
- Powers of port State personnel in relevant authorities including inspectors, and duties of the master and crew towards such personnel.
- Information, reporting and communication requirements.
- Memorandum of understanding and/or assistance agreements to increase cooperation between agencies and their ability to act collaboratively.

WHO IS INVOLVED?

- Ministry responsible for fisheries.
- Other authorities related to port inspections.
- Ministry of justice.
- Office of the Attorney General.
- Parliamentary approval is usually required.

CHALLENGES

- Policy and legal reform can take time to achieve and timelines can be highly influenced by other processes in the sector or nationally.

BENEFITS

- Effective enforcement processes will increase successful action against illegal operators, which in turn will provide deterrence and increase compliance.
- Up to date legal frameworks are needed to address the challenges of fisheries related crimes such as forced labour and trafficking.

COMPLIANCE AND ENFORCEMENT



DEVELOPING HUMAN, INSTITUTIONAL AND TECHNICAL CAPACITY

A sufficiently staffed, adequately trained and well-informed inspectorate, operationally well integrated with other elements of the monitoring, control and surveillance (MCS) system is essential for effective port State measures implementation.

ACTION REQUIRED

Capacity is required for a range of elements including information gathering and sharing, cross checking of information and vessel inspections. Vessel inspections are at the heart of successful PSMs and they are an area where improved capacity is needed, often port inspections are conducted but do not identify illegal catch, false documents and other irregularities related to the vessel or catch causing illegal catch to enter the markets and illegal operators are falsely being classified as legitimate.

WHO IS INVOLVED?

- Senior fisheries personnel.
- MCS personnel including fisheries inspectors.
- Personnel from other agencies related to implementing PSMs.

CHALLENGES

- The capacity needs required to implement the PSMA must fit the country-specific context and link to national standards in place.
- Development of human resources is a lengthy process that is best achieved through a combination of on-the-job and classroom-based training.
- Monitoring technology and equipment is necessary to conduct due diligence checks on vessels and their operators.
- Corruption may be embedded and systemic.

BENEFITS

- Training and support will benefit all aspects of fisheries MCS and enforcement activity.
- Positive role models and expert support will support greater awareness of correct procedures and increased confidence to do the right thing.

BEST PRACTICE SYSTEMS AND PROCEDURES ESTABLISHED

Tools, mechanisms and procedures are required to enable authorities to do their job; they can be as simple as checklists or as complex as an integrated database. Each country will need to undertake a gap analysis to identify the tools and mechanisms already in place, what is working and what can be developed further and built on.

ACTION REQUIRED

A national information sharing mechanism will be required to link the different national agencies and partners and enable rapid exchange of information on fishing vessels and inspections.

The development of standard operating procedures (SOPs) based on the FAO guidelines to assist with:

- Decision making on the risk level of a fishing vessel.
- Procedures for inspections.
- Information sharing and management.
- Actions required following the inspections leading to prosecutions.

WHO IS INVOLVED?

- Senior fisheries personnel.
- MCS personnel including fisheries inspectors.
- Related PSM authorities.

CHALLENGES

- Oversight is required to ensure that procedures are followed.
- Resistance to new ways of doing things may undermine efforts towards implementation of the PSMA.

BENEFITS

- Standardised reporting and exchanges of information will improve port level information on vessel activity and fish landings.
- Established procedures reduce the opportunity for mistakes.
- Formalised risk assessment procedures ensure that effort is well directed.
- Transparency of systems reduces opportunity for corruption.

COOPERATION AND AWARENESS



NATIONAL INTERAGENCY COOPERATION

Interagency cooperation is an essential element of implementing PSM. Systematic interagency cooperation will result in more prosecutions of illegal operators both for fisheries violations and other illegalities or crimes in the sector, greater prosecutions will directly increase deterrence.

ACTION REQUIRED

A process and framework for consultation and coordination among authorities and agencies is required to ensure that procedures, actions and measures taken in relation to vessels that are seeking entry to, or that are in port are coordinated. The coordination of information gathering, information sharing, inspection and enforcement between these agencies is required as well as coordination of information sharing with external agencies.

WHO IS INVOLVED?

National agencies for PSM implementation, in addition to fisheries, may include:

- Port authorities
- Maritime/transport authorities
- Health authorities
- Customs authorities
- Immigration authorities
- Police/defence authorities

CHALLENGES

- National agencies often have different and sometimes competing agendas and priorities. Building trust, understanding and effective communication takes time and effort. Fisheries officials may not be adequately mandated to lead in coordinating agencies.

BENEFITS

- Improved identification of illegal fishing activity.
- Effective enforcement action.
- Increased transparency.
- Reduced opportunities for corruption.



REGIONAL AND INTERNATIONAL COOPERATION WITH FLAG AND PORT STATES

Cooperation with other States is required so that cross-checks on vessel information can be made and so that other ports can be informed to also deny vessels carrying illegally caught fish or known to be engaged in illegal fishing, permission to enter.

ACTION REQUIRED

Identification of key contacts with priority flag and port States.

Development of a systematic means to communicate and cooperate with important flag and port States.

Involvement of regional fisheries management organisations to establish and support communication.

Regional alert system to be established between ports.

WHO IS INVOLVED?

- Key flag States of distant water fishing nations.
- Key flag States of reefers and vessels involved in support of fishing fleets.
- Regional flag and port States and regional fisheries bodies.

CHALLENGES

- Lack of understanding or awareness of needs may result in poor or slow response rates.
- Language barriers can make communication difficult.
- Changing personnel can result in lost contacts and lack of continuity.

BENEFITS

- Faster responses to information requests.
- Improved verification of vessel identity information and authorisations.
- Better risk assessment and more targeted inspection of vessels.
- Increased transparency and reduced corruption.

A man wearing a light blue cap, an orange safety vest over a white t-shirt, and dark jeans is sitting on a red barrel. He is looking towards the camera with a neutral expression. The background is a rusty, brown metal wall with large, faded yellow and blue graffiti that includes the words "NO GLOBAL" and "REALIZE". The overall scene suggests a maritime or industrial setting.

**THE PSMA IS A SIGNIFICANT
INTERNATIONAL DEVELOPMENT
IN GLOBAL EFFORTS
TO STOP ILLEGAL FISHING
AND TO STRENGTHEN
FISHERIES MANAGEMENT
AND GOVERNANCE.**

Information gathered in port can make costly, at-sea monitoring and control activities more targeted and effective. Full inspections, as required by the PSMA, help assess the risk that vessels have been involved in IUU fishing and then direct further action to where the risk is considered highest, saving time and resources and leading to a greater chance of successful enforcement action.

The PSMA can be used to prohibit entry into port or use of port services by vessels that are suspected of carrying out IUU fishing or related activities.

Stop Illegal Fishing, with support from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and The German Federal Ministry for Economic Cooperation and Development (BMZ), is implementing an initiative: 'Supporting the implementation of the Port State Measures Agreement (PSMA) in selected African countries', known as PSM-to-SIF. Over nearly four years, Stop Illegal Fishing will work to implement multi-agency port State measures to stop illegally caught fish and illegal operators entering African ports, in order to promote a legitimate and equitable environment for all fishers and their communities.

Stop Illegal Fishing is working in cooperation and coordination with the FAO to develop and implement National Strategies and Action Plans to implement the PSMA and related instruments to end illegal fishing in PSM-to-SIF partner countries. Stop Illegal Fishing is also working with these partner countries to support the implementation of the Action Plans and to build national capacity to implement PSMs.

By working in close cooperation with the FISH-i Africa and West Africa Task Forces, experiences, tools and lesson learning will be shared regionally. This will help to identify and overcome the many shared challenges faced by fisheries inspectors working on the frontline of stopping illegal fishing.



Stop Illegal Fishing is working with port, coastal and flag States at a practical and policy level to support the uptake and effective implementation of the PSMA. For more information on stopping illegal fishing and port State measures visit: www.stopillegalfishing.org



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