

## BACKGROUND FOR AGENDA ITEM VII.c.iii.<sup>1</sup>

### Topic: Port State Measures

For more than a decade, there has been a general understanding among the international fisheries community that port State control schemes and measures can be an important component of efforts to deter illegal, unreported, and unregulated (IUU) fishing activities. Recognition of the importance of port State measures is reflected in provisions for such measures in global instruments such as the UN Fish Stocks Agreement and FAO International Plan of Action on IUU fishing (IPOA-IUU), actions taken by States individually and through regional fisheries management organizations (RFMOs), and culminated in the adoption of the Port State Measures Agreement (PSMA) at the 36<sup>th</sup> Session of the FAO Conference in 2009. The PSMA is designed to combat IUU fishing through, *inter alia*, establishing minimum standards for the conduct of fishing vessel inspections and inspector training by port States; requiring Parties to the Agreement to investigate and take appropriate enforcement action in response to IUU activity detected during an inspection; requiring denial of port entry and/or use of ports for landing, transshipping, and other services to vessels that have been engaged in IUU fishing; and assisting developing States in their development and implementation of effective port State measures.

Concurrent with progress on this issue at the global level reflected in the PSMA, the international community has highlighted the importance of the adoption of port State measures at the regional level, as reflected in United Nations General Assembly Resolution on Sustainable Fisheries and the resolutions and recommendations of previous meetings of the Kobe process:

#### 2010 UN General Assembly [Resolution 65/38](#):

*“Recognizing the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement, consistent with international law, effective port State measures to combat overfishing and illegal, unreported and unregulated fishing, the critical need for cooperation with developing States to build their capacity, and the importance of cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization in this regard ...”*

#### Recommendations of Kobe II Workshop on Monitoring, Control and Surveillance (MCS):

“Port State Measures

1. Encourage RFMO Members to consider signing and ratifying the FAO Port State Measures Agreement at their earliest opportunity.
2. Where they do not already exist, where appropriate, adopt port State control measures that are consistent with the FAO Port State Measures Agreement, and that take into account the specific characteristics and circumstances of each RFMO.”

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<sup>1</sup> This background paper was developed to provide information and help frame the discussion on this agenda item. It does not necessarily reflect the position of any delegations participating in Kobe III, and is not meant to limit the discussions on this or any other topic.

In furtherance of the minimum standards in the PSM Agreement and international calls for actions at the regional level, in recent years IATTC, ICCAT, IOTC, and WCPFC have considered proposals for comprehensive port State measures schemes modeled on the PSMA. IOTC adopted a scheme at its 2010 annual meeting<sup>2</sup>, and the development of schemes by other tuna RFMOs is expected to continue.

At Kobe III, participants could exchange views on such aspects associated with port State measures as special requirements of developing States in implementing such measures, challenges to implementation, strategies for effective and realistic implementation by tuna RFMOs, minimum standards and harmonization of measures among the tuna RFMOs and member States, and collaboration and cooperation among the five tuna RFMOs and their member States, including information sharing.

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<sup>2</sup> The IOTC adopted Port State Measures as Resolution 10-11, incorporating major requirements of the PSMA.