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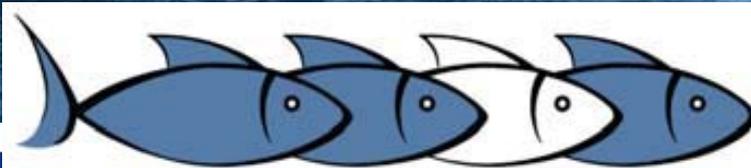
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A Working group of the NEPADS'
International Partnership for African
Fisheries Programme



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Role and importance of Port State controls in tackling IUU fishing – including PSM toolkit quiz

CCAMLR/NEPAD Illegal, Unregulated, Unreported (IUU) Fishing Workshop

Cape Town 24-27 July 2012

Port State controls/measures

- Designation of ports
- Advance notification
- Inspections at port
- Prohibition of landing or transhipping
- Denial of access to port
- Information Sharing Networks
- Enforcement measures
 - Vessel detention
 - Seizure of catch and gear



Role and Importance

Port State controls are key part of IUU MCS framework, complement regional controls, flag state controls, economic controls

Recognized as a cost effective and cooperative system. No expensive surveillance aircraft/vessels required

Utilizes cooperation within existing regional frameworks and the benefits modern communications frameworks



Concept – The Port State control and IUU Fishing

Port State Control – Part of a series of monitoring control and surveillance (MCS) in the IUU battle

The effect of the port state to close ports to IUU fishing operators and deny them **profit** from IUU fishing

Object of the PSM Agreement is to “prevent illegally caught fish from entering international markets through ports”

– Art. 4



IUU continues because it is profitable to IUU operators

It is not profitable for the flags or ports targeted by IUU operators

It has been noted in the past that flag states make as little as \$300 USD from issuing licences and registration to IUU boats, and .

Offshore IUU operators make profits of millions and millions of \$\$ USD

The costs of involvement with IUU fishing are getting higher, as are the implications for states which inadvertently support IUU



Economic disincentives to IUU

- Exist in many RFMO's through indirect measures such as catch certification and inspection scheme e.g.. CCAMLR has a requirement for inspection of all vessels carrying toothfish
- All Toothfish must be accompanied by a verified catch document (DCD)
- Similar measures exist in RFMO such as IOTC
- Port State Measures Agreement, sets minimum standards, and does not prevent the implementation of higher standards

The importance of regional cooperation

- Regional and international cooperation with regard to the Port State Control is a **key tool against IUU**
- Several of the key PSMA Articles focus on developing networks of regional cooperation to identify IUU target vessels and prevent them from entering ports

The approaching IUU incrementally through the Port State Controls

Incremental approach to detecting, interception of IUU through advance notice allowing authorities to establish IUU status of vessel

Denial due to IUU status or

Inspection to minimum standards to detect possible or disguised IUU

Inspection and refusal of port services where IUU activity is established

Inspection and allow port access, report to flag state for follow up

Information sharing networks



Why is Port State Control important for the African nations?

- High number of port visits from many flag vessels
- Often foreign vessels fish in coastal EEZ
- High volume and value of product
- First port of landing for > 50% of product
- Many species under the management of RFMOs to which regional members is either a member or is a Co-operating Non-Contracting Party, e.g. Tuna RFMO
- Foreign vessels are important in supporting economic activities in ports (agents, NPA, stevedores, cold stores, ship repair companies, import and export companies etc)





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Any Questions?



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FAO Port State Measures Video

PSM Quiz 1

What vessels are the subject of the port state measures agreement?

1. All fishing and cargo vessels
2. Foreign flag fishing vessels
3. Artisanal vessels of the coastal and neighbouring states

Answer - Option 2

- Art 1(j) - “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, *fishing or fishing related activities*.
- Art 1(c) and (d) defines *fishing and fishing related activities*
- Art 3(1)(a), (b)
 - Vessels not flying its flag (foreign vessels)
 - Not artisanal vessels of coastal states
 - Not cargo ships carrying previously landed fish

PSM Quiz 2

The PSMA seeks integration and coordination in the following area's:

1. National
2. Regional
3. Global
4. None of the above
5. All of the above



Answer – 5 All of the above

- **Art 5 - Integration and coordination at the national level**

- **Art 6 - Cooperation and exchange of information e.g. (3)**

- Parties shall cooperate, at the subregional, regional and global levels, in the effective implementation of this Agreement including, where appropriate, through FAO or regional fisheries management organizations and arrangements.



PSM Quiz 3 – select correct statements

Designation of ports and advance are:

1. Beneficial as they allow time to verify the particulars of vessels and their status
2. Enhance port capacity to facilitate inspection by limiting the available number of ports to foreign fishing vessels
3. Inconsistent with international law and are an impediment to free trade

Answer 3

- Statements 1 and 2 are true
- Statement 3 is not sound and not consistent with the international law of coastal state jurisdiction

PSM Quiz 4

Select the correct statements from below:

1. All foreign fishing vessels must be inspected to conform with the PSMA
2. The PSMA is the highest standard of port control available to a coastal state
3. The PSMA can assist States is cooperating with the requirements of various RFMO's

Answer 4

Statement 3 – true

Statement 1 – incorrect only those vessels necessary to meet the objective of the PSMA

Statement 2 – there is no prohibition on States adopting higher or more stringent controls than the PSMA it is a minimum standard

PSMA Quiz 5

A Port state should allow port access and services to IUU listed vessels when?

1. They are in a genuine *force majeure* situation and port access and services are essential to the safety or health of the crew or the safety of the vessel
2. for the scrapping of the vessel.
3. The vessels agent has made all the necessary arrangements to resupply the boat

Answer 5

- 1 and 2 - Art 10 and Art 11(2)
- 3 – The progression of previously made arrangements is not a valid reason to allow port access