



Food and Agriculture Organization  
of the United Nations



# Addressing IUU fishing: Implementation of international instruments and tools to achieve sustainable fisheries

Interagency PSMA Awareness Workshop, *Port Moresby*, 28 June 2021

# Sustainable Development Goals

Target 14  
unreport  
restore f

Target 14  
overcapa  
unreport

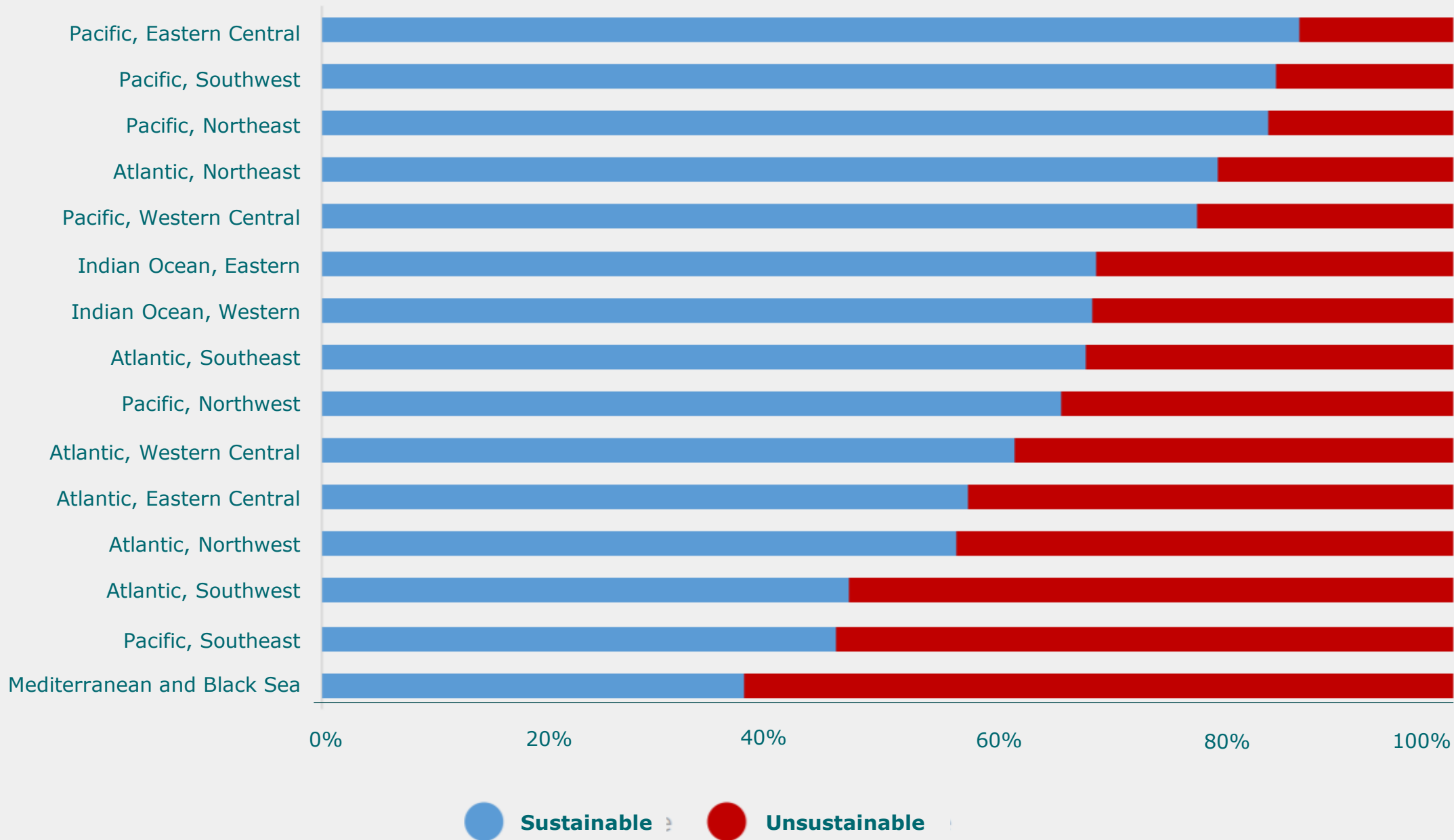
legal,  
(...) to  
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contribute to



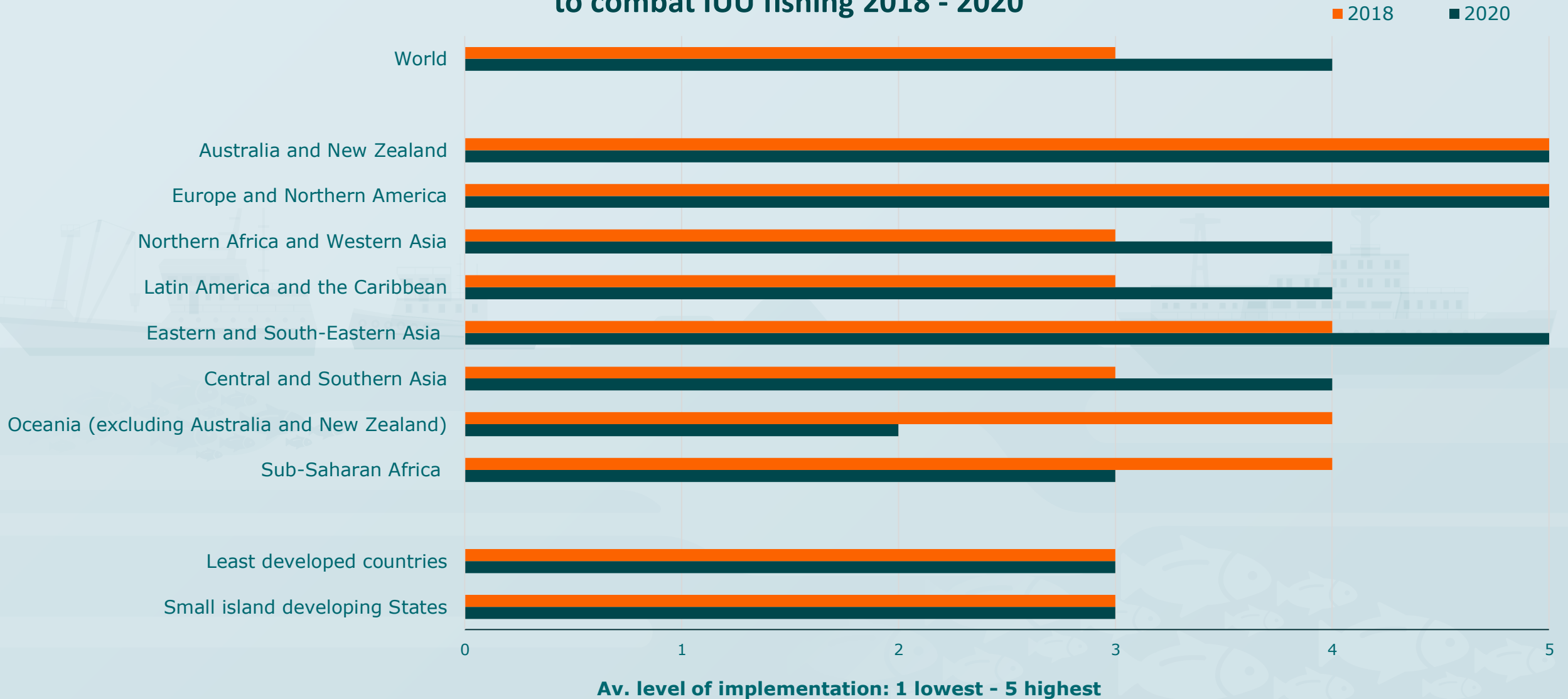
contribute to achieving these Targets

# SDG Indicator 14.4.1



# SDG Indicator 14.6.1

## Progress in the degree of implementation of instruments to combat IUU fishing 2018 - 2020



# Responsible Fisheries Management

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Sound fisheries management  
guarantees the  
**long-term conservation and  
sustainable use of fisheries resources....**  
**....maintaining their diversity and  
availability for present and future  
generations**



# The Fisheries Management Process

International law + policy and regional CMMs

Objective and Consideration

Review Process

**U<sub>rp</sub>**

**Data Collection, Research and Analyses**  
 Fish stocks, ecology, environment, catch, effort, fishing operations, trade, processing, socio-economics etc.

Formulation of Fisheries Policy and Legislative Framework

**Implementation + Enforcement**

- Effective legal, administrative and institutional structures
- Management actions
- Reporting
- Monitoring, Control and Surveillance
- Management in partnership

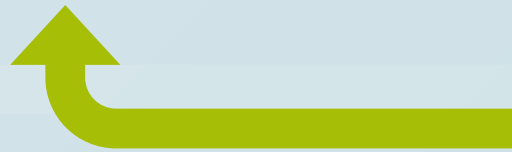
**I**

**U<sub>rp</sub>**

**Adoption of Fisheries Regulations**

- U<sub>rg</sub>** Technical measures **I**
  - Catch Control
  - Capacity/Effort Control
  - Seasonal closures
  - Access Control
- Post harvest and trade measures

**Formulation of Management Plans**  
 Multidisciplinary and stakeholder participation **I**



# Illegal, Unreported and Unregulated (IUU) Fishing



**Fishing and fishing-related activities conducted in contravention of national and international law, including other international obligations**



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



**Fishing by “Stateless” vessels**

**Fishing in convention areas of RFMOs by non-party vessels**

**Fishing activities which are not regulated by States**

**Fishing in areas or for fish stocks for which there are no conservation or management measures**

# Illegal, Unreported and Unregulated (IUU) Fishing



Found in all types of fisheries and occurs in all waters



Poses a serious threat to marine ecosystems and undermines efforts to manage fisheries sustainably and conserve marine biodiversity



Threatens the livelihoods of fishers and other stakeholders, and exacerbates malnutrition, poverty and food insecurity



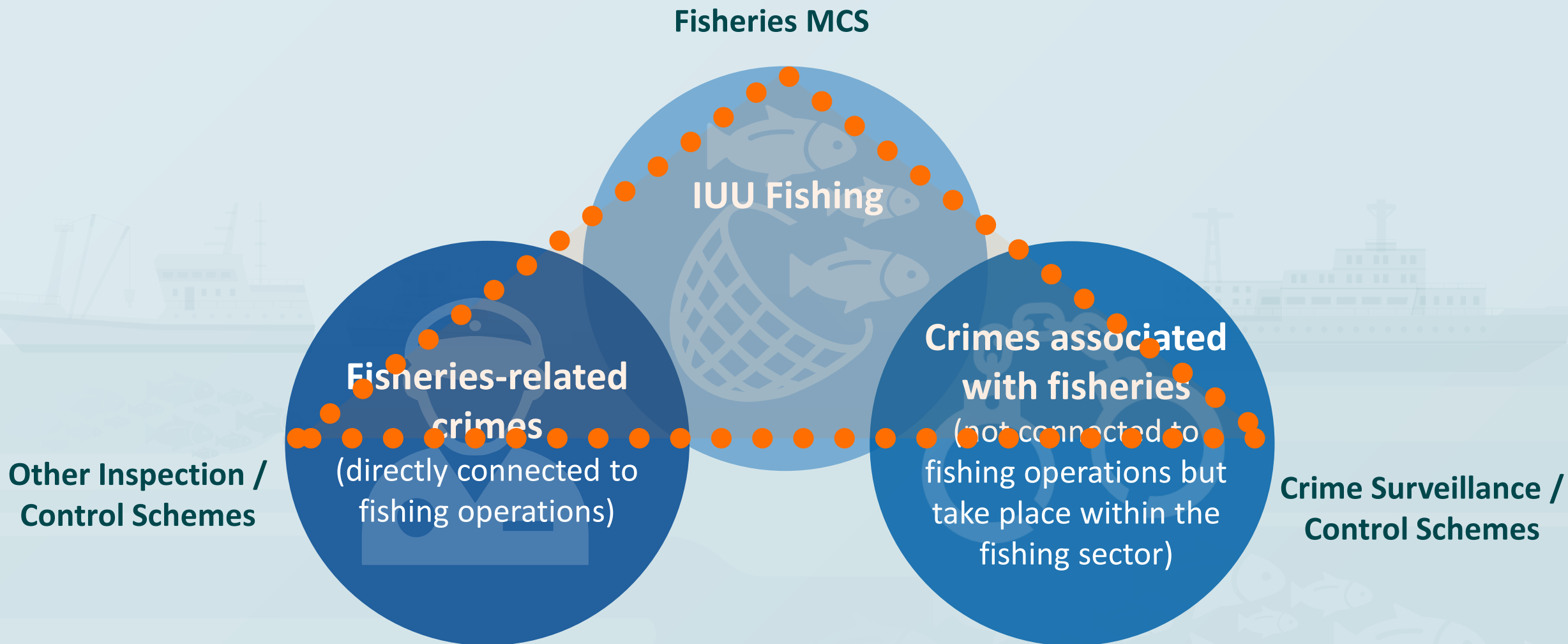
Takes advantage of corrupt administrations and exploits weak management regimes



Motivated by economic gain and may be associated with organized crime and linked to indecent working conditions and forms of slavery

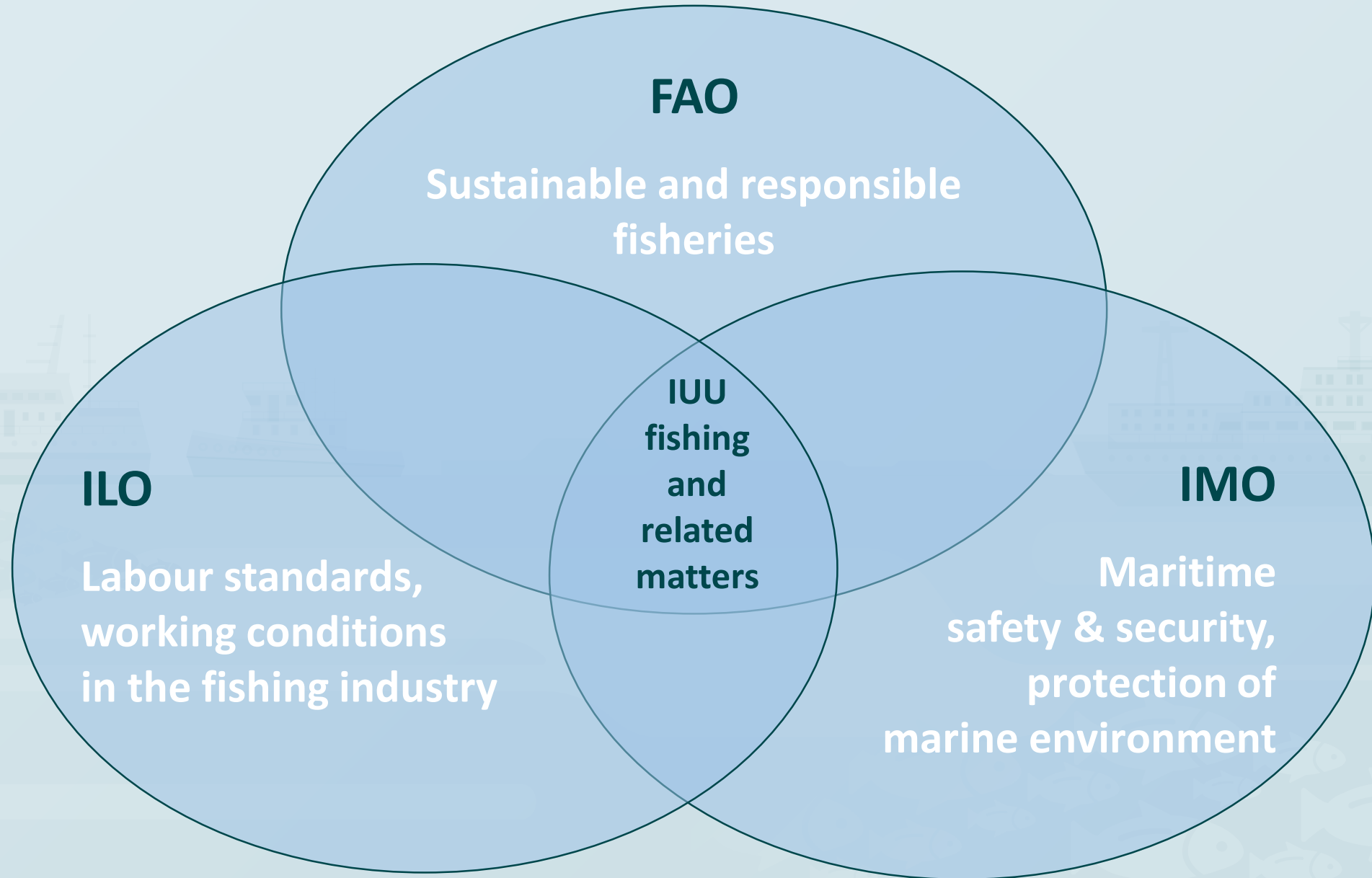


# Connection between IUU Fishing and Crimes in the Fishery Sector



# FAO/IMO/ILO JWG on IUU fishing and related matters

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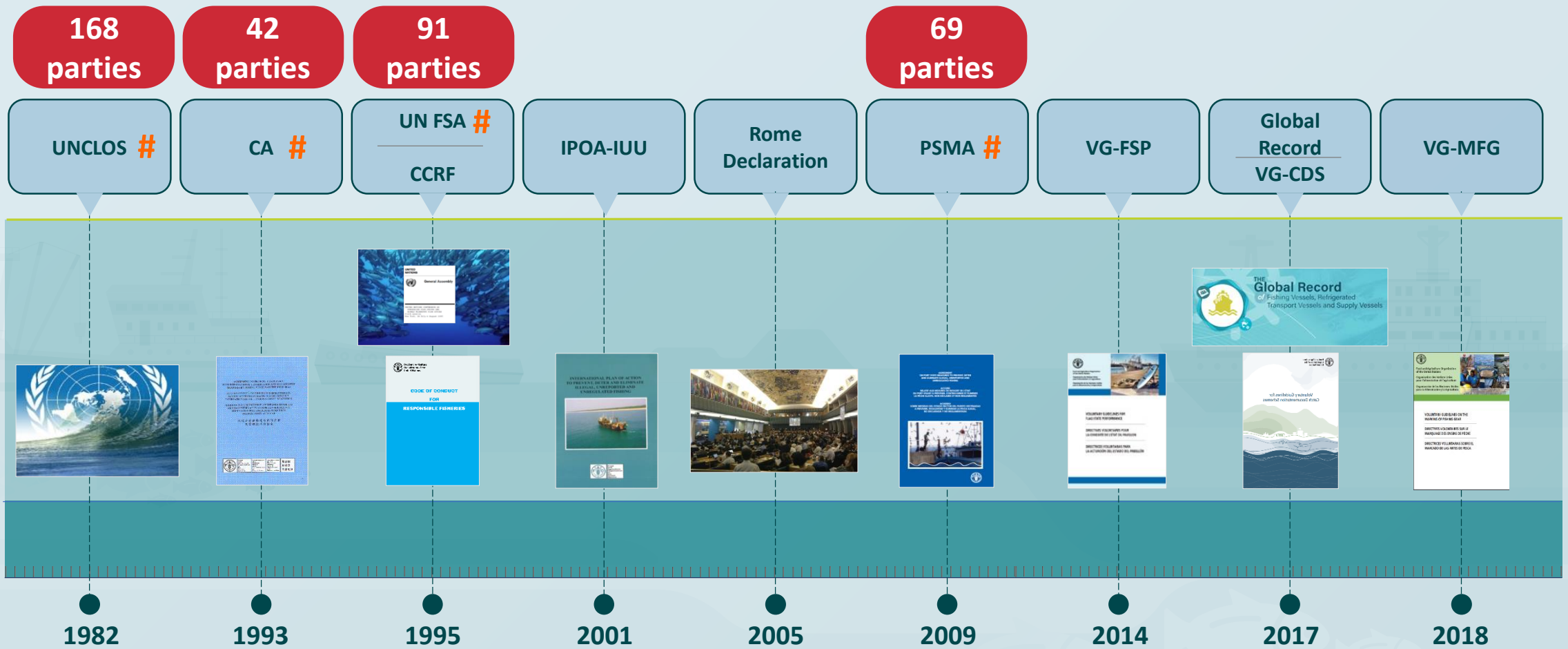


# FAO/ILO/IMO JWG: Objective

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- Collaborate in order to coordinate efforts to address IUU fishing and related matters within the context of each UN agency's mandate.
- Promote global, regional and national cooperation on matters related to the fishing sector among the various public actors involved.
- Support the development of ways to increase coordination and information sharing for inspection procedures at national level (→ capacity development).

# International Fisheries Instruments and Tools to combat IUU Fishing

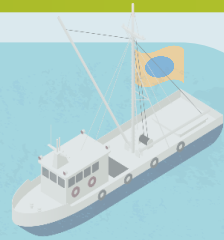


# Binding

Flag State, Port State, Coastal State, Market State RESPONSIBILITIES

# Flag, Port, Coastal, Market State Responsibilities

## Flag State



Has the responsibility to:

- exercise effective jurisdiction and control over vessels flying its flag wherever they operate (in areas under national jurisdiction, in ABNJ and other States' waters)
- ensure that their flagged vessels comply with CMMs

## Port State



Has the responsibility to:

- implement effective measures to verify that foreign flagged vessels entering its ports have not engaged in IUU fishing or related activities
- deny port entry or take other inspection / enforcement measures to prevent fish caught from IUU fishing from reaching the market

**Information-sharing  
and  
cooperation**

## Coastal State



- Has the sovereign right to explore, exploit, conserve and manage the resources in areas under its national jurisdiction
- has the responsibility to adopt and effectively implement appropriate measures to conserve and manage those resources

## Market State



Has the responsibility to:

- prevent fish caught by vessels identified to have been engaged in IUU fishing being traded or imported
- cooperate, including through RFMOs, to adopt multilaterally agreed trade-related measures (e.g. CDS)
- improve transparency and ensure traceability of fish or fish products

# Combating IUU Fishing

- **Strong political will and concerted action, including through RFMOs, by:**

- Flag States
- Port States
- Coastal States
- Market States

- **Capacity and resources to:**

- Detect IUU fishing

MCS

- Enforce regulations

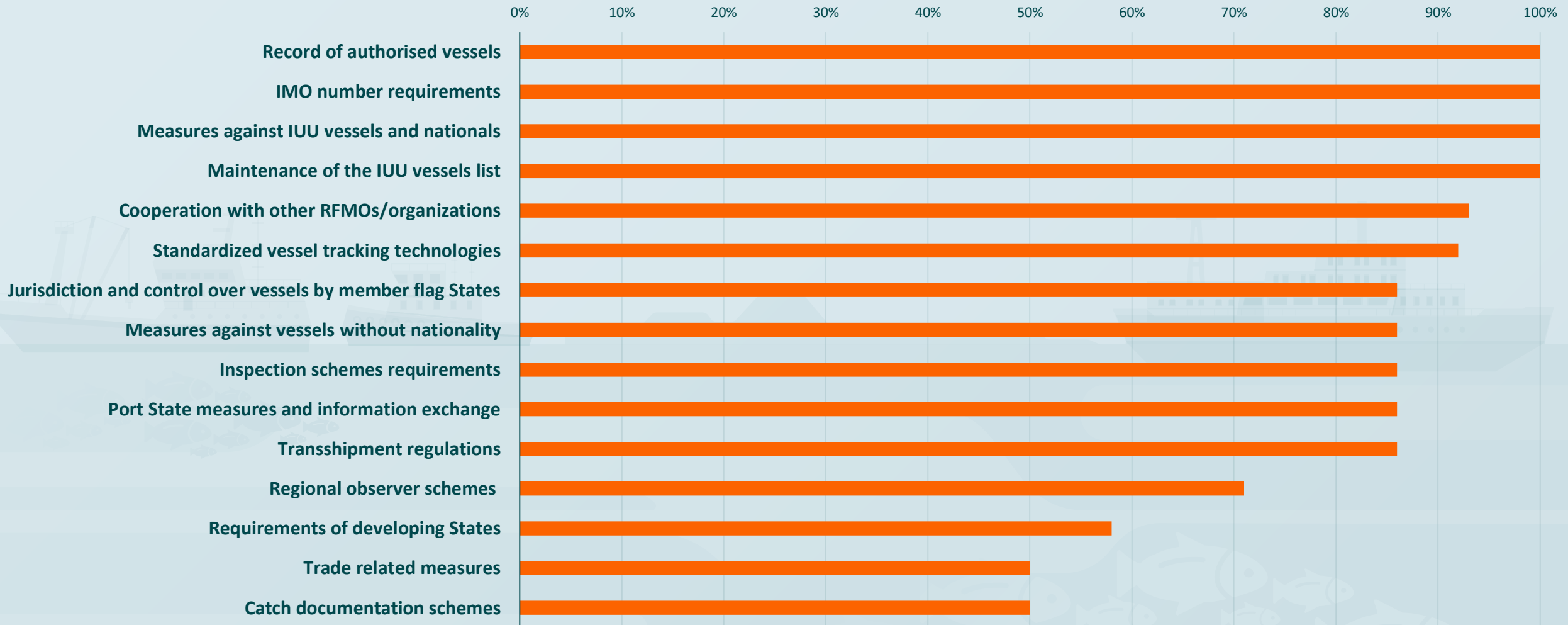
- Take action and prosecute

Enforcement



# RFMO Conservation Measures

% RFMOs that adopted the CMM (global: based on 14 RFMOs)



\*As at 15.10.2020

# Port State Measures Agreement

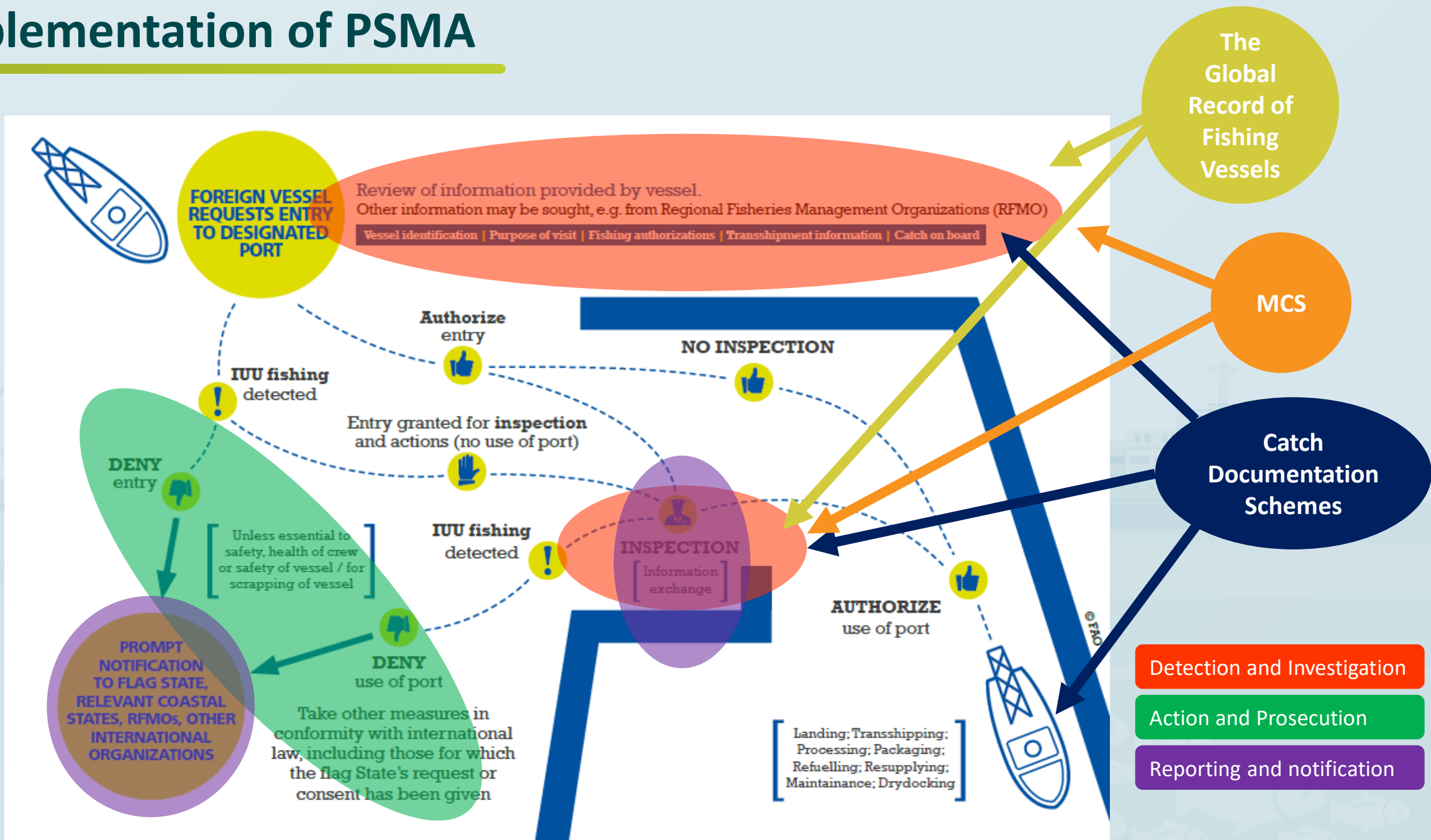


## Objectives of the Agreement:

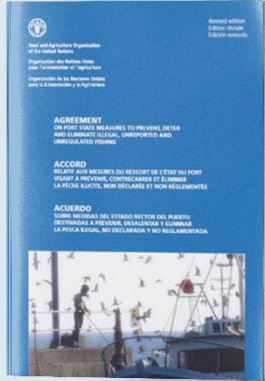
- First binding international agreement to specifically target IUU fishing
- Main objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches
- Reduces the incentive of IUU fishing vessels to continue to operate
- Blocks fisheries products derived from IUU fishing from reaching national and international markets



# Implementation of PSMA

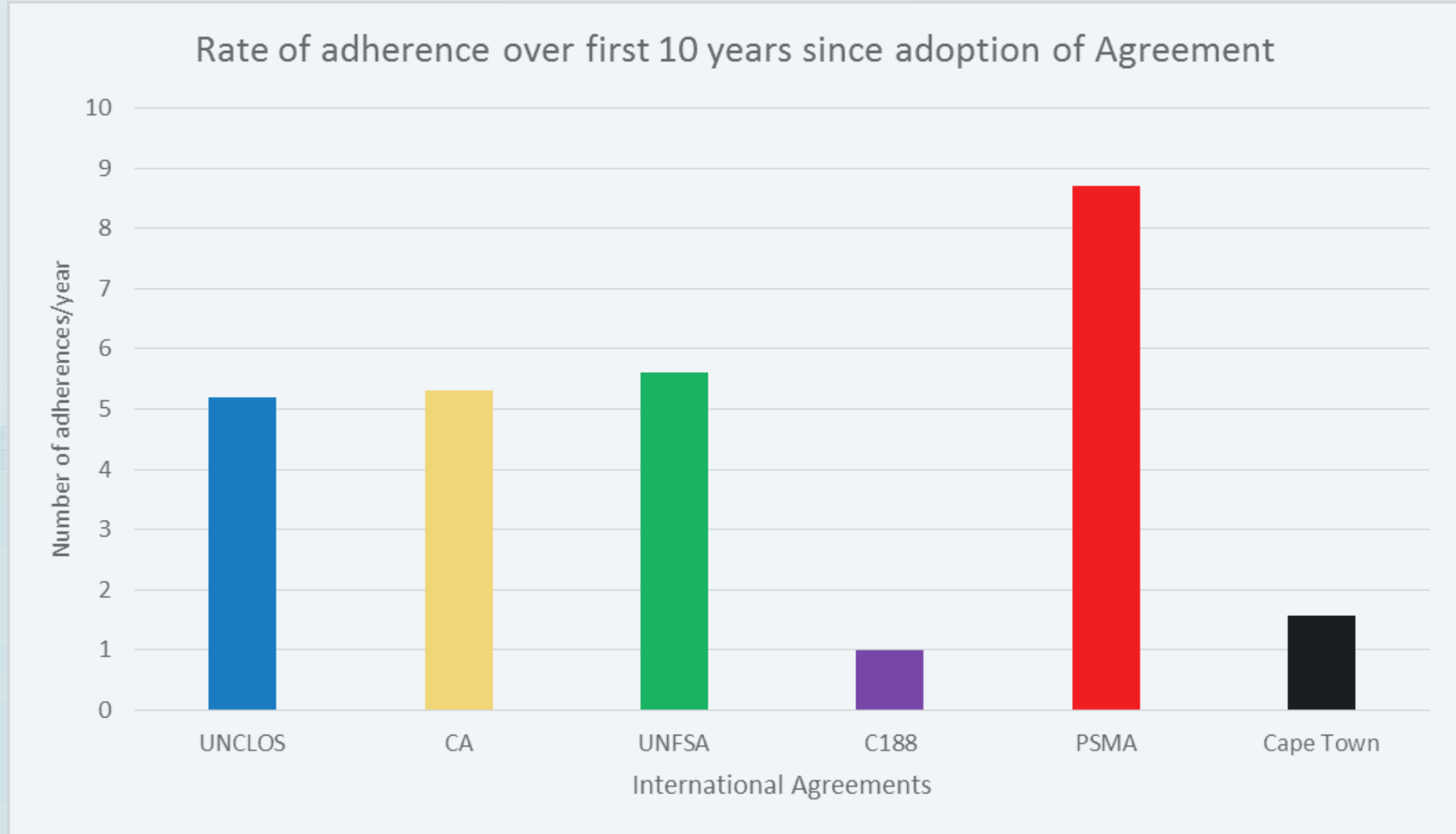


# Status of the PSMA



The PSMA entered into force on **5 June 2016**

(30 days after deposit with FAO DG of the 25th instrument of ratification, acceptance, approval or accession)



# Status of the PSMA



*Disclaimer: The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dashed lines on maps represent approximate border lines for which there may not yet be full agreement*

# Putting the PSMA into Action

**PSMA**  
Regional Coordination  
Meetings for  
Asia and Pacific

**Postponed to 2022**

## Meeting of the Parties (MOP) to the PSMA

MOP 1: Oslo, Norway, 29 – 31 May 2017

MOP 2: Santiago, Chile, 3 – 6 June 2019

MOP 3: Held virtually, hosted by the European Union, 31 May – 4 June 2021

- Review and assess the effectiveness of the Agreement in achieving its objectives
- Information exchange

## PSMA Open-Ended Technical Working Group on Information Exchange

1st meeting: London, United Kingdom, 16 – 18 April 2018

2nd meeting: Seoul, Korea, 15 – 17 May 2019

3rd meeting: Date and venue TBD

## PSMA Part 6 Working Group – Requirements of Developing States

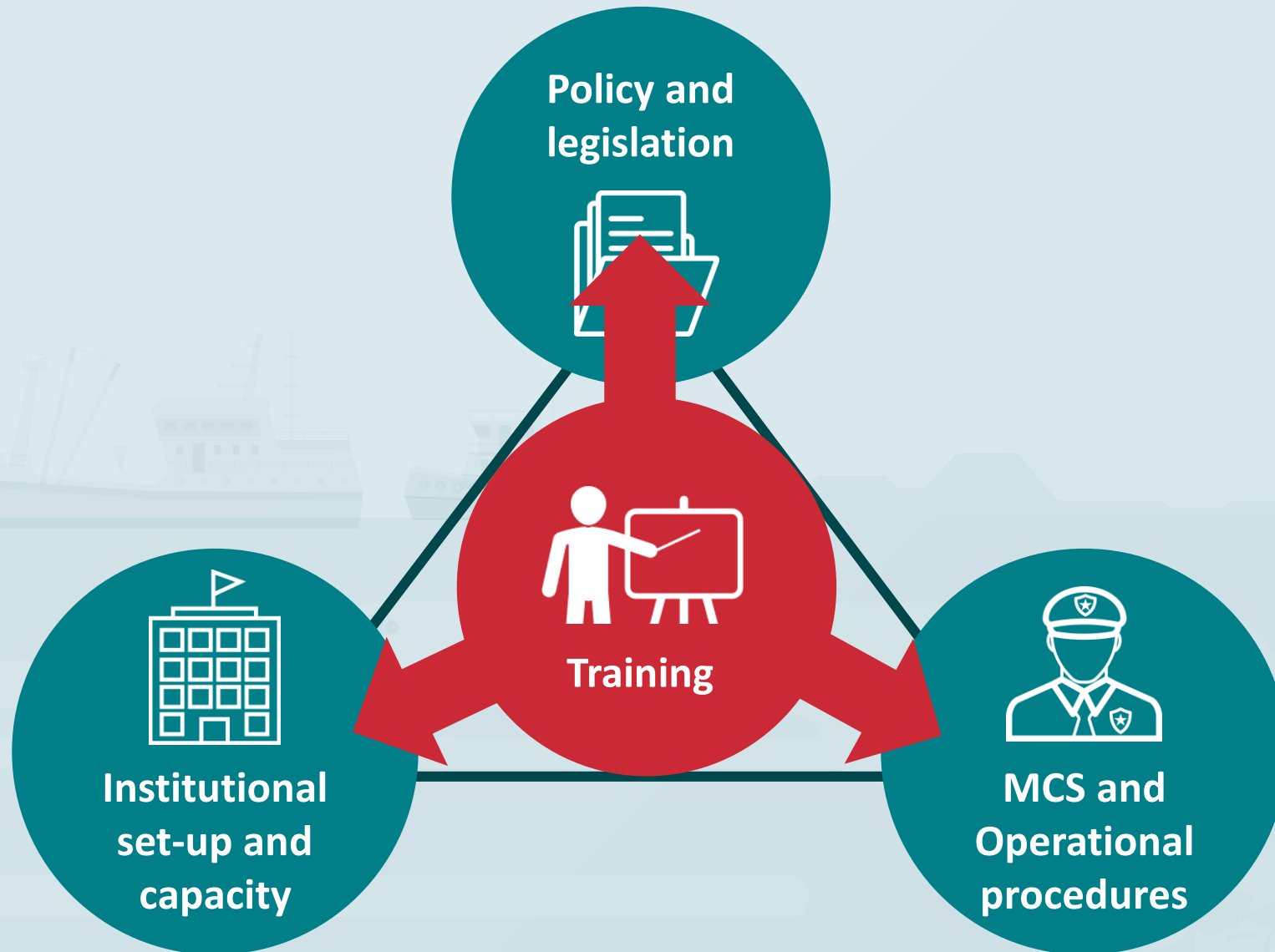
1st meeting: Oslo, Norway, 1 – 2 June 2017

2nd meeting: Rome, Italy, 5 – 6 July 2018

3rd meeting: Santiago, Chile, 7 June 2019

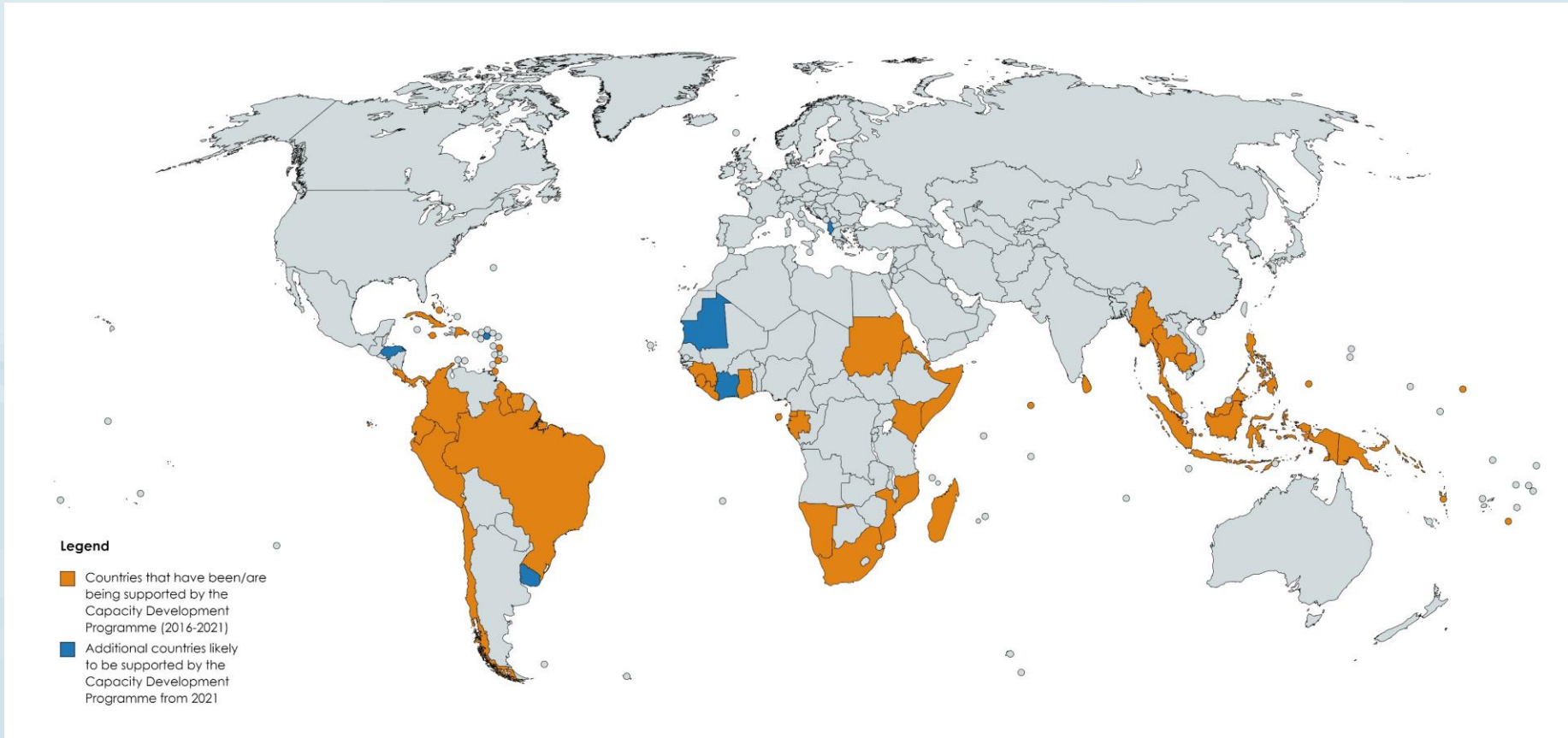


# Capacity Development for Combatting IUU fishing



# FAO PSMA Global Capacity Development Programme

## Support to 43 countries (2017-2020)\*



- Support to implement the PSMA and flag, coastal and market State responsibilities
- Currently 11 projects (approx. 20 million USD) funded by the EU, Germany, Iceland, Norway, Rep. Korea, Spain, Sweden and USA\*

# FAO Web sites on combatting IUU Fishing

## IUU Fishing

The screenshot shows the FAO website page for "Illegal, Unreported and Unregulated (IUU) fishing". The header includes the FAO logo and navigation links. The main content area features a large image of a fishing vessel and a headline: "Key points identified to assist Ghana's PSMA implementation after launch of several initiatives". Below this, there is a text block explaining that IUU fishing remains one of the greatest threats to marine ecosystems. A sidebar on the right highlights the "5 June 2018 International Day for the Fight against Illegal, Unreported and Unregulated (IUU) Fishing". At the bottom, there are four icons representing "PSMA", "Global Record", "Catch Documentation Schemes", and "Joint Working Group on IUU Fishing".

## PSMA

The screenshot shows the FAO website page for the "Agreement on Port State Measures (PSMA)". The header includes the FAO logo and navigation links. The main content area features a large image of a group of people in front of a building and a headline: "The IMO International Maritime Law Institute hosts the first FAO-IMLI International Fisheries Law Training Course". Below this, there is a text block explaining that the PSMA is the first binding international agreement to specifically target illegal, unreported and unregulated (IUU) fishing. A sidebar on the right has a "Did you know?" section with bullet points about the PSMA's impact. At the bottom, there are two icons representing "PSMA Parties" and "Capacity Development", along with a "Latest" section listing the agreement.

## Global Record

The screenshot shows the FAO website page for the "Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels". The header includes the FAO logo and navigation links. The main content area features a large image of a map of Latin America and a headline: "Latin America is closing the net on IUU fishing". Below this, there is a text block explaining that the Global Record is a global and collaborative initiative to make available, in a rapid way, certified data from State authorities. A sidebar on the right has a "Did you know?" section with bullet points about the scale of IUU fishing. At the bottom, there are three icons representing "Who is it for", "IUU Fishing", and "Unique Vessel Identifier", along with a "Latest" section listing the meeting of the Global Record Working Group.

# PSM, PSMA and PNG

## What's already in place? What's new? What's next?

- **PSMA basic obligations are part of the Regional Measures – WCPFC CMM 2017 -02**

**40B. GIVING EFFECT TO INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES (NEW SECTION 40A).**

*(1) The Minister shall publish in the National Gazette a list of the global, regional or sub- regional organizations or arrangements to which Papua New Guinea is a party or a cooperating non contracting party.*

*(2) The Minister shall, upon receiving a recommendation from the Board of the National Fisheries Authority, publish a Notice in the National Gazette, the international conservation and management measures which shall have the force of law in Papua New Guinea and on all fishing vessels registered in Papua New Guinea and in doing so the Notice may specify that only a certain part or parts of an international conservation and management measure shall have such effect.*



# PSM, PSMA and PNG

## What's already in place? What's new? What's next?

- PSMs already part of the Fisheries Management Act (as amended)

### PART VI A – PORT STATE MEASURES

#### 63A. PORT ENTRY.

- (1) *The Managing Director may prohibit entry or allow conditional entry to a port of Papua New Guinea, a vessel which has been identified as being engaged in or supporting fishing in contravention of any international conservation and management measure unless it can be established that the catch on board has been taken in a manner consistent with the relevant conservation and management measures.*
- (2) *A prohibition under subsection (1) may apply to an individual vessel or to a fleet of vessels.*
- (3) *The Managing Director may refuse entry or allow conditional entry to a port of Papua New Guinea a fishing vessel which, he has reasonable grounds to believe, is without nationality, or has operated under the flags of two states and has used them according to convenience.*
- (4) *The Managing Director may revoke authority to enter or remain in port **or may require a vessel to be detained** in port under such conditions as are approved where he has reasonable grounds to believe that the vessel has been fishing in contravention of international conservation and management measures or is without nationality, or has operated under the flags of two or more states and has used them according to convenience.*
- ...
- (7) *A person who fails to comply with the provisions of this section or with any regulations made in accordance with this Part commits an offence.*

#### 63B PORT MEASURES - (Minister's regulatory powers for PSMs)

# PSM, PSMA and PNG

## What's already in place? What's new? What's next?

- **PSMs already part of the Fisheries Management Act (as amended)**

**A provision of the Fisheries Management Act as amended already provides for taking action that is more than what is provided for (but anticipated under article 18 (3)) under the PSMA.**

### **75. ACTIVITIES CONTRARY TO THE LAWS OF ANOTHER STATE.**

*(1) Notwithstanding Section 3(2), this section applies to all persons, vessels, fishing and other activities to which this Act has application.*

*(2) Subject to Subsection (1), any person who, within Papua New Guinea or in the fisheries waters - on his own account, or as the partner, agent or employee of another person, lands, imports, exports, transports, sells, receives, acquires or purchases; or causes or permits a person acting on his behalf, or any fish taken, possessed, transported or sold, contrary to the law of another State commits an offence.*

- ***PNG has already tested this provision in court successfully! Kemp Ada v Lin Wen Beau***
- ***Suspected offences of document fraud and false registration not followed up. Case also a good example of why we need interagency collaboration !!***

# PSM, PSMA and PNG

## What's already in place? What's new? What's next?

- **Interagency cooperation and coordination**

**PSMs to be part of the integrated in MCS and the broader port state control.**

- FAO welcomes the initiatives undertaken so far to promote interagency cooperation and coordination
- FAO stands ready to assist under its PSMA Global Capacity Programme and Technical Cooperation Programme (TCP) enhance inter-agency cooperation and coordination for the effective implementation of PSMs
  - Agree on area of activities for FAO assistance and work plan
  - Elaboration of a TCP for support to FFA Members including PNG

**Thank You**



*any questions?*