



## Roadmap for the implementation of the FAO Agreement on Port State Measures

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### Working together to combat IUU fishing

The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) was approved by the FAO Conference at its Thirty-sixth Session under paragraph 1 of Article XIV of the FAO Constitution. The Agreement, which is binding on the Parties, entered into force on 5 June 2016. As of 17 February 2017, there were 42 Parties to the Agreement, including the European Union. Whilst this represents a major achievement in the global effort to combat illegal, unreported and unregulated (IUU) fishing, the Parties to the PSMA must now work together towards its effective implementation, including by encouraging the non-Parties to adhere to the Agreement.

The 2030 Agenda for Sustainable Development highlights the importance of building partnerships and strengthening stakeholder participation as key to progress and success in promoting and effectively implementing activities in support of Sustainable Development Goals targets. FAO and its multiple partners in this area work to ensure that the complex issue of IUU fishing is addressed in a cohesive manner.

### Putting the PSMA into action

The 1<sup>st</sup> Meeting of the Parties to the PSMA and 1<sup>st</sup> Meeting of the ad hoc Working Group to be established under Article 21 of the Agreement will be held in Oslo from 29 to 31 May 2017 and from 1 to 2 June 2017, respectively. Both meetings will be hosted by the Government of Norway. The 1<sup>st</sup> Meeting of the Parties is expected to address various aspects of the implementation of the PSMA, including:

- the responsibilities of the concerned States, Regional Fisheries Management Organizations (RFMOs), FAO and other international organizations and bodies;
- matters concerning the transmittal, electronic exchange and publication of information;
- procedures for monitoring, review and assessment of the implementation of the Agreement, and;
- the rules of procedure for the meetings of the Parties.

The 1<sup>st</sup> Meeting of the Parties may consider periodically convening informal consultations and ad hoc technical open-ended Working Groups to discuss matters related to the implementation of the Agreement. As called for by the Agreement, review meetings will also take place, at least every four years, in order to review and assess its effectiveness. As appropriate, FAO will provide Secretariat and administrative support to such consultations and meetings.

## Requirements of developing States

Article 21 represents a key component of the Agreement, concerning the requirements of developing States that underscores the issue of capacity building to facilitate the Agreement's implementation.

The 1<sup>st</sup> Meeting of the ad hoc Working Group to be established under Article 21 of the Agreement is expected to: (i) review the functioning of the ad hoc Working Group; (ii) discuss and agree on priorities for supporting developing States Parties in the implementation of the Agreement, and; (iii) make recommendations to the Parties on the establishment of funding mechanisms, including a scheme for contributions, identification and mobilization of funds. The Terms of Reference for funding mechanisms should take into account various possible mechanisms, types of assistance and necessary administrative processes that should be in place to effectively facilitate the uptake of the Agreement, as well as experiences and developments of similar funding mechanisms of other international instruments, such as the United Nations Fish Stocks Agreement and other initiatives developed by FAO.

Building upon, *inter alia*, support provided by the Government of Norway to identify the policy, institutional, legal and operational requirements for the effective implementation of the provisions of the Agreement, FAO has formulated a global capacity development Programme to step up assistance to developing countries in the implementation of the Agreement and complementary instruments. The Programme is expected to respond to multiple requests for assistance received by FAO from States, including those affected by trade sanctions imposed due to non-compliance with set requirements. The Programme may be considered by the Parties as an overall framework for the administration and management of the funding mechanisms under Article 21. So far, the United States of America has confirmed a contribution to the Programme (US\$900 000 plus in-kind contribution; project under formulation) and discussions are underway to secure funding from the Republic of Korea (US\$2.5 million; as pledged during the 32<sup>nd</sup> Session of COFI). FAO is currently seeking the backing of other potential partners and donors.

Meanwhile, FAO funded national, regional and inter-regional Technical Cooperation Programmes, with funding in excess of US\$1.5 million, are currently on-going to assist a number of countries enhancing their capacity to combat IUU fishing through port State measures and complementary instruments.

## FAO's responsibilities in the implementation of the PSMA

The entry into force of the PSMA brought about new duties for FAO in relation to its implementation. The Agreement requires, *inter alia*, that:

- Parties provide a list of designated ports to FAO and that the list is publicised by FAO.
- Parties designate an authority that shall act as a focal point for the exchange of information under the Agreement and notify FAO of the designation.
- Parties transmit the results of each inspection to the flag State and to other relevant Parties and States, RFMOs, FAO and other relevant international organisations.
- Parties cooperate to establish an electronic information-sharing mechanism, preferably coordinated by FAO.
- FAO requests relevant RFMOs to provide information concerning measures or decisions adopted and implemented in relation to the Agreement.
- Flag States report to Parties, port States, other relevant States, RFMOs and FAO on actions taken, as a result of port State measures, in respect of their vessels which have engaged in IUU fishing.
- Parties, directly or through FAO, other specialised agencies of the United Nations and RFMOs provide assistance to developing States Parties in line with the provisions under Article 21 of the Agreement.
- Parties ensure regular monitoring and review of the Agreement as well as assessment of progress in achieving its objective, within the framework of FAO.
- FAO contributes, as appropriate, to: (i) fostering cooperation among Parties in the implementation of the Agreement; (ii) determining the minimum levels of inspection of vessels; (iii) the development of procedures to identify States not acting in accordance with the Agreement.