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## **AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

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The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was approved by the FAO Conference at its Thirty-sixth Session (Rome, 18-23 November 2009) under paragraph 1 of Article XIV of the FAO Constitution, through Resolution No 12/2009 dated 22 November 2009.

The Agreement was open for signature at FAO from 22 November 2009 until 21 November 2010, by all States and regional economic integration organizations. Pursuant to Article 26, the Agreement is subject to ratification, acceptance or approval by the signatories. Instruments of ratification, acceptance or approval are to be deposited with the Director-General of FAO, the depositary of the Agreement.

Pursuant to Article 27, the Agreement is open for accession by any State or regional economic integration organization that did not sign it. Instruments of accession are to be deposited with the Director-General of FAO.

Pursuant to Article 29, the Agreement shall enter into force thirty days after the date of deposit with the Director-General of FAO of the twenty-fifth instrument of ratification, acceptance, approval or accession.

### **Participants:**

The following States and regional economic integration organization are Parties to the Agreement:

Australia, Barbados, Chile, Costa Rica, Cuba, European Union – Member Organization, Gabon, Guyana, Iceland, Mauritius, Mozambique, Myanmar, New Zealand, Norway, Oman, Palau, Republic of Korea, Saint Kitts and Nevis, Seychelles, Somalia, South Africa, Sri Lanka, United States of America, Uruguay.

Further information on signature and deposit of instruments is provided below:

<b>Participant</b>	<b>Signature</b>	<b>Ratification</b>	<b>Acceptance</b>	<b>Approval</b>	<b>Accession</b>
Angola	22 Nov 2009				
Australia	27 Apr 2010	20 Jul 2015			
Barbados					2 Feb 2016
Benin	28 Sep 2010				
Brazil	22 Nov 2009				
Canada	19 Nov 2010				
Chile	22 Nov 2009	28 Aug 2012			
Costa Rica					4 Dec 2015
Cuba					25 Mar 2016

Participant	Signature	Ratification	Acceptance	Approval	Accession
European Union – Member Organization	22 Nov 2009			7 Jul 2011	
France	19 Nov 2010				
Gabon	26 Apr 2010		15 Nov 2013		
Ghana	28 Oct 2010				
Guyana					7 Mar 2016
Iceland	22 Nov 2009	16 Jun 2015			
Indonesia	22 Nov 2009				
Kenya	19 Nov 2010				
Mauritius					31 Aug 2015
Mozambique	4 Nov 2010	19 Aug 2014			
Myanmar					22 Nov 2010
New Zealand	15 Dec 2009	21 Feb 2014			
Norway	22 Nov 2009	20 Jul 2011			
Oman			1 Aug 2013		
Palau					30 Nov 2015
Peru	3 Mar 2010				
Republic of Korea					14 Jan 2016
Russian Federation	29 Apr 2010				
Samoa	22 Nov 2009				
Saint Kitts and Nevis					9 Dec 2015
Seychelles					19 Jun 2013
Sierra Leone	23 Nov 2009				
Somalia					9 Nov 2015
Sri Lanka					20 Jan 2011
South Africa					16 Feb 2016
Turkey	9 Nov 2010				
United States of America	22 Nov 2009	26 Feb 2016			
Uruguay	22 Nov 2009	28 Feb 2013			

## Declarations

### Chile (declaration made upon ratification of the Agreement):

*“The Republic of Chile, pursuant to Article 31 of the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing:*

- 1. Reaffirms that, in accordance with Article 1, sub-paragraph e), of the Agreement “illegal, unreported, and unregulated fishing” refers to the activities set out in*

*paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing.*

2. *Reaffirms the exercise of its sovereignty over the ports located in its territory in accordance with International Law, including the right to deny entry thereto or to adopt more stringent measures than those provided for in the Agreement and agreed upon, among others, in Articles 4 and 9.*
3. *In the exercise of this sovereignty, it issued Supreme Decree No. 123 of 3 May 2004 (Diario Oficial of 23 August 2004), which was subsequently amended by Supreme Decree No. 329 of 30 December 2009 (Diario Oficial of 30 January 2010), both from the Ministry of Economy, Development and Reconstruction, which stipulate:*

*“Without prejudice to the laws regulating landing, the national policy concerning the regular use of the country’s marine terminals for logistics operations, resupplying and repairs by foreign-flagged fishing vessels that fish in adjacent high seas assumes:*

*a) That the flag State of the vessels undertaking fishing activities exercise effective jurisdiction, enabling it to effectively assume its responsibilities with regard to said vessels.*

*b) That the said State cooperate with Chile, as a coastal country, in the conservation of the transzonal and highly migratory stocks of the adjacent high seas, when such species are common or associated with those existing in Chile’s Exclusive Economic Zone.*

*c) That this cooperation be expressed in the negotiation, adoption, and application of conservation measures compatible with those applied to the same resources in the marine areas under national jurisdiction.*

*d) That the vessels undertaking this fishing activity permanently use, within and outside Chile’s Exclusive Economic Zone, a satellite positioner compatible with and connected to the Chilean system, as and when required by the regulations or provisions of the competent national authorities.*

*e) That these vessels be subjected to the same controls and inspections required of national vessels, in accordance with international practice and the recommendations of international conservation and fisheries organisations, maritime security, and marine environmental protection, to which Chile is Party.*

*When the fishing vessels indicated in the first paragraph use other vessels to provide them with services such as logistical support, provisioning, or preparation for fishing, including the transport of people, transshipment or transportation of aquatic resources or products thereof, fuel, fishing gear, materials, or any other supplies, access to ports and port services for the vessels providing such services will be granted insofar as the fishing vessels meet the requirements stated previously in paragraphs a), b), c), d), and e).”*

#### **Saint Kitts and Nevis (declaration made upon accession to the Agreement)**

*Declaration by the Federation of Saint Christopher (St. Kitts) and Nevis, pursuant to Article 31 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*

*Saint Christopher and Nevis:*

- 1. Fully supports the implementation of all international fisheries instruments developed through the United Nations System that have as a goal the prevention, deterrence and elimination of IUU fishing;*
- 2. Values the objective and application of the FAO Agreement on Port State Measures, but states that, as a Small Island Developing State, the number of port calls by foreign fishing vessels is negligible;*
- 3. Acknowledges its role as a flag State under Article 20 of the FAO Agreement vis-à-vis vessels registered in Saint Christopher and Nevis and fishing in areas beyond national jurisdiction;*
- 4. Calls on other parties to cooperate, as described under Article 21 of the FAO Agreement concerning the requirements of developing States, in order to strengthen existing capacity of Saint Christopher and Nevis to implement the Agreement;*
- 5. Is in the process of harmonizing its fisheries legislation with the provisions of the FAO Agreement;*
- 6. Does not modify or exclude or modify the legal effect of the provisions of the FAO Agreement, but calls attention to the limited application of the FAO Agreement to the small-scales fisheries sector of Saint Christopher and Nevis and the goodwill and bona fides with which Saint Christopher and Nevis is nonetheless proceeding to become party to the Agreement, implement its terms as applicable and to the extent possible, and ultimately contribute to sub-regional, regional and global efforts to combat IUU fishing.*