

TOWARDS A BLUE ECONOMY: USING PORTS TO DEVELOP LEGAL, SAFE AND FAIR FISHERIES



WHAT HAPPENS ON BOARD FISHING VESSELS AND WHY IT MATTERS

Annual global economic losses to illegal, unreported and unregulated (IUU) fishing are thought to be as high as \$23.5 billion USD, while in the Southern African Development Community region the loss is conservatively estimated to represent \$10 billion USD annually. The illegal operators involved in industrial IUU fishing are driven by money and their tactics are generally deliberate, organised and systematic. They break fisheries rules to reduce operational costs and to increase profits from the sale of fish and seafood.



Illegal operators also minimize their upfront costs and increase their profits by cutting costs involved with the safety of their vessels and the provision of fair and safe conditions for their crew. These might include the use of inadequate equipment or inappropriate modifications to the vessel, operating the vessels for extended periods without undergoing inspections or safety certifications, or forcing crew to work long hours with inadequate rest or food.

There is increasing international recognition that poor safety standards and substandard working conditions are a hallmark of vessels that also engage in illegal fishing. This produces a range of related and associated crimes including document forgery, vessel identity fraud, tax evasion and modern-day slavery.

COMMON TECHNIQUES USED:

- ✓ Document forgery
- ✓ Vessel identity fraud
- ✓ Flags of convenience
- ✓ Hidden ownership
- ✓ Corruption
- ✓ Forced labour

THE IMPACT:

- Fish**
Unsustainable fishing.
Conservation and management measures undermined.
- Maritime security**
Lawless culture.
Rise in piracy and other maritime crimes.
- Economy**
Financial losses.
Missed opportunity for blue growth.
- Environment**
Damaged ecosystem.
Loss of biodiversity.
- People**
Livelihoods put at risk.
Exploited crew.

Therefore, stopping illegal fishing can contribute to the achievement of a range of development aspirations including the sustainable development goals, the growth of blue economies, and the furtherance of human rights.

GLOBAL ISSUES AND GLOBAL MARKETS REQUIRE GLOBAL RULES



Fishing is a global industry, dependent on a global regulatory system to operate efficiently and fairly. In addition the threats to fisheries and the forces and pressures driving change within fisheries are often from outside fisheries, requiring complex and multi-sector responses.

GLOBAL PRESSURES

- **Increasing demand** – an increasing human population is resulting in an increase in demand for fish and seafood to feed growing populations and provide much needed protein at an ever-cheaper cost.
- **Overcapacity** – to make sure that domestic needs are met harmful subsidies are contributing to overcapacity in the sector and creating an unlevel playing field, with distant water fishing nations subsidising vessel building and fuel costs, allowing their fleets to travel further and catch more.
- **Climate change** – is impacting on traditional fishing grounds as stocks move in response to warming oceans, and people move in response to extreme weather and its impact on them.

BLUE ECONOMY AGENDAS

- **The Southern African Development Community** 2015 to 2063 Industrialisation Strategy and Roadmap identifies the importance of mainstreaming the blue economy concept for accelerated industrialisation.
- **The African Union** recognises the inherent challenges faced by its member States in realising the full benefits from the various sectors of the blue economy; notably, the menace of illegal fishing in the exclusive economic zones.
- **Piracy and illegal drug trafficking** are serious challenges in the ocean sector, posing a real threat not only to the safety of vessels and their crew but also to the economies of affected countries.
- **Significant institutional and governance challenges** constrain the ability of countries to effectively formulate and implement policies relating to growth of their blue economies.



THE POWER OF PORTS

Ports and port States play a unique role in the governance of the fisheries and maritime sectors. Port States are responsible under international law to control and monitor fishing vessels entering and using their ports and fish being moved through their ports. They have an opportunity to stop illegal fishing from going unpunished, and to identify unsafe vessels and unfair working conditions.

Activity at sea is difficult to monitor and oversee, making regulations and laws hard to enforce. Ports provide the most effective, low-cost opportunity to check, inspect and act against illegal operators. Port States control whom they allow to use their port for offloading, transshipment and for servicing of the vessel and crew. They provide a critical control point for foreign flagged vessels operating in or transiting national waters.

Denying port entry and access to port services, and consequently preventing illegal seafood from being landed and entering trade, increases the costs associated with illegal fishing operations and removes the financial incentives for engaging in these activities. Identifying illegal catches before or during landing is important as after they have been landed it becomes more difficult to detect illegalities that occurred before or during fishing.

Access to port to offload or tranship catch, take on fuel, crew and provisions or undergo repairs and maintenance is essential for fishing vessels. The denial of port access or services and the requirement for in-port inspection provides a powerful means of identifying illegal fishing activity and of disrupting the operations of illegal vessels.

WE CAN USE OUR PORTS AS A POWERFUL TOOL TO:

- Refuse access to known or suspected IUU fishing vessels.
- Promote a legitimate and equitable environment for all fishers.
- Identify high-risk vessels for inspection or investigation.
- Work across agencies to identify, sanction and stop illegal operators.
- Establish systems and procedures that reduce the risk of corruption.
- Target repeat offenders who systematically fish illegally or operate unsafe vessels.
- Increase compliance in the industrial sector to support a sustainable artisanal sector.
- Improve governance and maritime security.

To do so, certain systems need to be in place. Requiring advanced requests for port access gives authorities time to gather information on a vessel and make an informed decision to grant or deny port access and services and whether to prioritise the vessel for an inspection. Once in port, inspections are important to identify an array of violations including illegal fishing, forgery and fraud, safety issues and forced labour.

MADAGASCAR'S PORTS

Five ports in Madagascar are designated under the PSMA to receive foreign flagged fishing vessels, these are: Antsiranana, Ehoala, Mahajanga, Toamasina and Toliara.



	Antsiranana	Ehoala	Mahajanga	Toamasina	Toliara
Managing company or port authority	Agence Portuaire, Maritime et Fluviale	QIT Madagascar Minerals	Agence Portuaire, Maritime et Fluviale	Société de Gestion du Port Autonome de Toamasina	Agence Portuaire, Maritime et Fluviale
Total port traffic (metric ton) 2015	271,749	335,878	338,973	6,219,602	n/a
Vessel calls 2015	315	40	n/a	624	24
Container traffic (TEUs) 2015	7,800	5,026	n/a	220,000	2,986
Importance for PSM implementation	High	Low	Moderate	Moderate	Low

ANTSIRANANA

Also known as Diego Suarez

Primarily a container port serving two container lines. Home to a tuna cannery, which seasonally attracts some purse seine tuna vessels to offload. This has diminished in recent years with some French flagged vessels preferring to offload in Victoria, Seychelles. Other fishing vessels also tranship to foreign transport vessels.

EHOALA

Also known as Port of Taolagnaro or Fort Dauphin

Opened in 2009 Ehoala is privately operated and used primarily for the export of mined dry bulk, but also handles containers and transhipment of fish. Occasional port for foreign fishing vessels and foreign flagged container vessels transporting fish.

MAHAJANGA

Also known as Majunga

Mahajanga is mainly used for local traffic on Madagascar's West coast and neighboring islands, as well as by local operators. Long haul vessels or container ships cannot berth at Mahajanga port and so anchor in deeper waters where transhipment to barges must take place to load and offload. Mahajanga is the home port of the national trawlers fishing for shrimp.

Big prawn farms are located South and North of Mahajanga and use the port to export their products. Occasional foreign flagged container vessels transporting fish and occasional foreign longline vessels visit the port.

TOAMASINA

Also known as Tamatave

Madagascar's main port, handling containers, dry and liquid bulk and general cargo, it handles 75% of Madagascar's freight. 70% of its traffic is containerised. Locally flagged trawler and longliner vessels offload fish in port, occasional foreign vessels visiting, mainly longline vessels. Occasional foreign flagged container vessels transporting fish.

TOLIARA

Also known as Tulear

The port is mainly an import and export harbour, where the main product imported is cement and exports are timber, maize and cassava. Locally flagged vessels offload fish in ports, occasional foreign vessels visit, mainly trawlers. Occasional foreign flagged container vessels transporting fish.

	Number of fisheries inspectors	Inspector's access to port	Advance request for entry to port	Interagency cooperation & communication	Procedures	Training
Antsiranana	2	Established	Established	Established	Developing	Established
Ehoala	1	Not yet in place	Developing	Developing	Not yet in place	Developing
Mahajanga	6	Developing	Developing	Developing	Developing	Developing
Toamasina	1	Developing	Developing	Developing	Developing	Developing
Toliara	2	Not yet in place	Developing	Developing	Not yet in place	Developing

Established Developing Not yet in place

THREE TREATIES FOR PORT STATE CONTROL

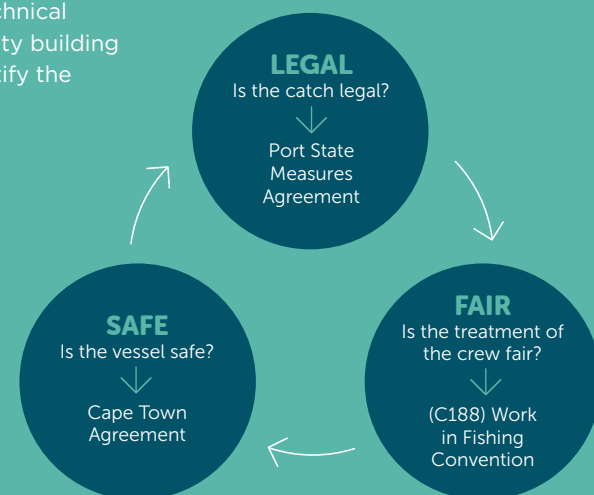
The membership of the Food and Agriculture Organization (FAO), the International Maritime Organization (IMO) and the International Labor Organization (ILO) have developed a framework of international instruments to use ports to block illegally caught fish from being landed, to reduce the number of accidents and fatalities and to improve safety and working and living conditions in the fisheries sector.

The three treaties are the:

- FAO Agreement on Port State Measures (PSMA)
- IMO Cape Town Agreement (CTA)
- ILO Work in Fishing Convention No. 188 (C188)

The number of States ratifying and implementing these internationally binding instruments is increasing and the PSMA and ILO C188 are in force while the CTA is expected to enter into force shortly. To become truly effective tools, it is important that the minimum standards and requirements from these international instruments are adopted as widely as possible.

FAO, IMO and ILO jointly support the ratification and implementation of these instruments through for example, exchange of information for improving safety, working and living conditions and reducing IUU fishing. Technical and legal support and capacity building is available for States that ratify the international instruments.



WORKING TOGETHER TO DEVELOP LEGAL, SAFE AND FAIR FISHERIES

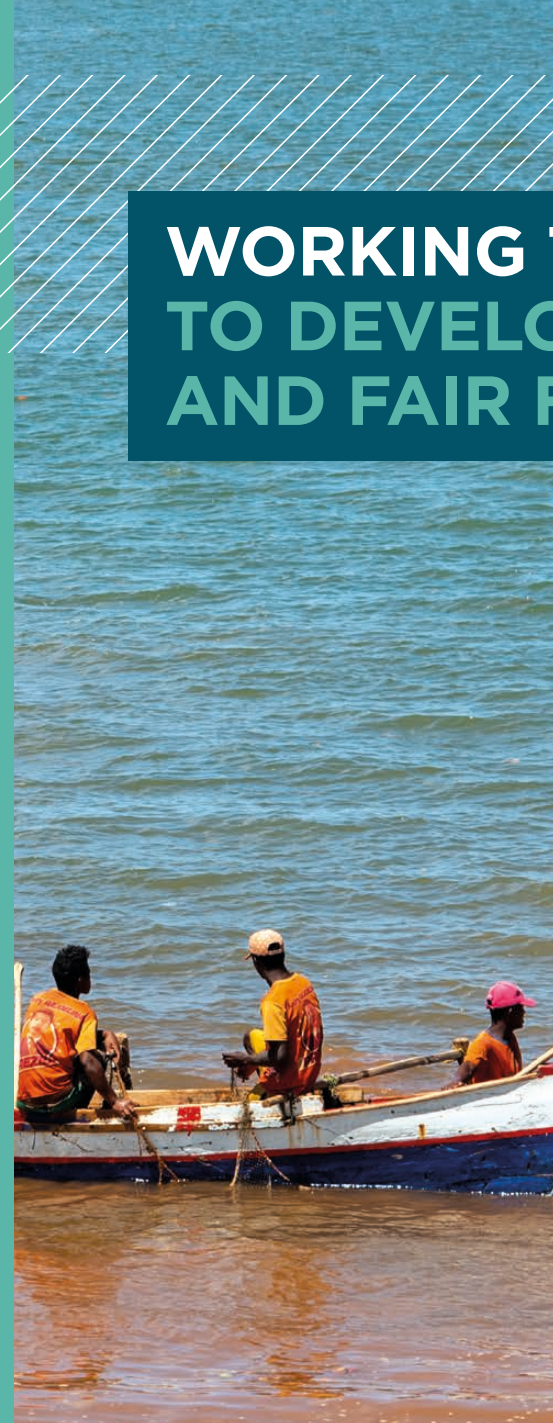
The benefits of harmonized implementation of the three international agreements, PSMA, CTA and C188 is an effective means of targeting illegal fishing as operators found violating safety or labour standards are likely violators of other laws and regulations and vice versa.

Growing an interagency approach with enhanced liaison between allied authorities will support harmonised implementation of the treaties and achievement of their objectives. It provides for more stringent and more effective port procedures and increases benefits for legal operators. By engaging with other agencies improved control of the fisheries sector will send a strong signal rejecting IUU fishing activity and promoting sustainable management.

Close cooperation between port authorities, maritime officials and fisheries inspectors is particularly important for exercising control over foreign flagged fishing and support vessels. In addition, cooperation with the marine police, safety, customs, immigration and labour authorities as

well as the coastguard or navy are necessary at different stages of risk assessment, inspection and enforcement processes, required to implement port State measures.

Establishing working groups with communication channels for routine sharing of information and an alert system for notification when high-risk or illegal activity is identified are key. This also facilitates crosschecking and verification of information, sharing of resources and cooperation on risk assessment and cases of illegal fishing. Procedures and protocols for the exchange of information and coordination of activities among relevant authorities have proved to be very useful in supporting interagency cooperation.





AGREEMENT ON PORT STATE MEASURES

Is the catch legal?

WHAT IS IT?

The United Nations (UN) Food and Agriculture Organization (FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) is the first binding international agreement to specifically target IUU fishing.

WHY IS IT IMPORTANT?

Becoming a party to and implementing the provisions of the PSMA means that a country is working to keep illegally caught fish and illegal vessels out of their ports.

Regional clusters of ports implementing the PSMA will effectively block illegal operators from a region, forcing them to relocate, putting them out of business or forcing them to change their way of doing business and to operate legally.

STATUS

The 2009 PSMA came into force in 2016.

Strong uptake of the PSMA demonstrates the recognition that port controls are a low cost, highly effective means of stopping illegal fishing.

MADAGASCAR STATUS

Madagascar acceded in March 2017.

As a member of the Indian Ocean Tuna Commission (IOTC) Madagascar is also bound to implement Resolution 10/11 on port State measures for tuna and tuna like species.

Madagascar is working to implement port State measures in five of its ports: Antsiranana, Ehoala, Mahajanga, Toamasina and Toliara. These have become designated PSMA ports.

WHAT DOES THE PSMA DO?

- Strengthens controls to prevent illegally caught fish from entering the global market.
- Provides a coordinated system of port measures, including requirements for vessels, information exchange and vessel inspections.
- Can be used to detect and enforce against IUU caught fish.
- Enables port officials to deny foreign vessels access to their port, and to services such as refuelling and repairs, if they are suspected of illegal activities.
- Vessels can be turned away or subjected to immediate inspection on arrival and prohibited from landing their fish if there is evidence that it was caught or transhipped illegally.

WHICH VESSELS DOES IT APPLY TO?

The provisions of the PSMA apply to fishing vessels and support vessels seeking entry into a designated port of a foreign State.

Targets foreign flagged vessels, but the processes and standards are applicable to all industrial vessels including foreign operated by locally flagged.

BLUE ECONOMY BENEFITS

The PSMA builds on the sovereignty that port State countries have over their ports, enabling them to close the loopholes and opportunities that illegal operators exploit.

By developing cooperation at national, regional and international level as well as putting systems and procedures in place to identify and inspect high-risk vessels, the process of PSMA implementation will develop capacity, skills and systems that will build stronger fisheries enforcement efforts.

The PSMA will be most effective if all port States within a region join and work collaboratively. This would effectively close a region to the possibility to land illegal catch or to be able to service vessels, this would make illegal hotspots less profitable and less attractive to illegal operators.

By implementing the PSMA within regions and globally, the incentive to fish illegally is reduced and illegally caught fish is prevented from reaching national and international markets.

THE CAPE TOWN AGREEMENT

Is the vessel safe?



WHAT IS IT?

The International Maritime Organization (IMO) 2012 Cape Town Agreement (CTA) outlines safety standards for commercial fishing vessels and details regulations that countries party to the agreement must adopt to protect fishing crews and their observers.

WHY IS IT IMPORTANT?

Fishing is one of the most dangerous professions in the world. It is estimated that thousands of fishers lose their lives every year. The need for an international treaty covering fishing vessel safety, matching the protection offered by International Convention for the Safety of Life at Sea (SOLAS) for seafarers, is vital for effective control and monitoring of fishing vessels.

Illegal operators often ignore regulations governing ship modifications, operate for extended periods without undergoing safety inspections, and fish in dangerous weather.

The CTA calls for harmonized fisheries, labour, and safety inspections.

STATUS

Not yet in force.

The CTA will enter into force once a minimum of 22 States, with an aggregate 3,600 fishing vessels of 24 meters in length and longer operating on the high seas, ratify the Agreement.

In 2019, 48 States signed the Torremolinos Declaration committing to ratify the CTA by October 2022 (10 years after its adoption).

MADAGASCAR STATUS

Not yet ratified.

WHAT DOES IT DO?

Outlines mandatory international requirements for stability and associated seaworthiness, machinery and electrical installations, life-saving appliances, communications equipment and fire safety, as well as fishing vessel construction.

The requirements are aimed at ensuring that vessels remain watertight, weathertight, strong, and stable, even under adverse conditions such as ice and extreme weather.

Guidance is given to ensure that spaces are not dangerous to crew, that lifesaving appliances are available and sufficient, and that adequate emergency procedures are in place.

Requires vessels to be fitted with radiocommunications equipment capable of transmitting and receiving search and rescue information, distress signals, and all other relevant communications.

Vessels also must be able to safely navigate and signal.

WHICH VESSELS DOES IT APPLY TO?

Provisions of the CTA apply to fishing vessels 24 meters in length and over.

It aims to target commercial fishing operations on the high seas, or outside their national waters.

States that are party to the Agreement have a significant period of time to prepare before regulations must be met.

A party to the Agreement may exempt a vessel if it considers the requirement unreasonable, or if the vessel is only operating within its exclusive economic zone.

BLUE ECONOMY BENEFITS

States with international port facilities would be able to better protect fish stocks and biodiversity in their waters.

Reduce the risk to nationals who work as crew and observers on board foreign-flagged vessels.

Increase the transparency of fishing operations, working conditions, and safety standards—even if the vessel's flag State is not a party to the CTA.

Increase the safety of vessels and minimize the risk of incidents that are dangerous, costly, and time consuming to resolve.

Could serve as a vehicle for mandating IMO numbers and automatic identification systems on fishing vessels.

These measures would enable States to accurately identify and track vessels, improving transparency and providing a means to assess vessel safety and crew welfare.



WORK IN FISHING CONVENTION NO. 188

Is the treatment of the crew fair?

WHAT IS IT?

The International Labor Organization's Work in Fishing Convention No. 188 (C188) sets basic standards for decent work conditions in the commercial fishing industry.

WHY IS IT IMPORTANT?

The Convention, applicable to all types of fishing vessels, regardless of their size, aims to provide minimum standards to protect fishers in all aspects of their work. It will help improve working and living conditions on board fishing vessels on a global level.

Fishing vessels and their crews are excluded from nearly all international maritime regulations, such as safety

certifications or working condition inspections, meaning that exploitative practices can go undetected.

Reports show that fishing crews on the high seas, or outside a flag State's national jurisdiction, are increasingly composed of migrant workers whose status puts them at risk of exploitation by operators. They may be at sea for months at a time, and are often isolated, because they do not speak the language of the other crew members or skipper. In such circumstances, fishers often lack a way to report violations of safety standards on their vessels.

Operators who under report catch or fish illegally are less likely to provide their crews with adequate labour conditions, training, or safety equipment, and more likely to fish in hazardous weather.

STATUS

The ILO Work in Fishing Convention (2007) 188, was adopted in 2007 to enter into force on 16 November 2017.

C188 supersedes previous conventions relating to fishers and applies to all fishers and fishing vessels engaged in commercial fishing operations.

MADAGASCAR STATUS

Madagascar is not a party.

WHAT DOES IT DO?

It helps to ensure decent working conditions on board fishing vessels and allows for minimum requirements to be enforced through labour inspections in foreign ports.

Ratifying States must designate a competent authority or authorities and establish mechanisms for coordination among relevant authorities at the national and local levels, as appropriate, and define their functions and responsibilities with respect to the Convention.

Establish a system for ensuring compliance with the requirements of the Convention including for inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws

Outlines minimum requirements for work on board, including for:

- Conditions of service, accommodation and food.
- Occupational safety and health protection.
- Medical care and social security.
- Recruitment, contracts and pay.

WHICH VESSELS DOES IT APPLY TO?

The Convention applies to all commercial fishing operations. It excludes subsistence and recreational fishing.

Additional, higher requirements are provided for vessels of 24 metres in length and over and for those that remain out at sea for three days and more.

Vessels solely used for the transportation and processing of fish would normally be covered by the Maritime Labour Convention, 2006.

BLUE ECONOMY BENEFITS

Fishers' wages and working conditions would be protected and couldn't be used to compensate for the ever more pressing global competition between fishing companies and fleets.

Stop the exploitation of vulnerable migrant crew.

Increase the opportunities for crew sourcing from coastal and port States in the Western Indian Ocean.

To ensure a level playing field and fair competition among fishing companies across the world, especially considering the strong international dimension of the fishing sector.

COOPERATION AND INFORMATION SHARING

The value of cooperation, collaboration and information sharing between allied agencies helps each sector to contribute towards Madagascar's blue growth in a fair, safe and sustainable manner.



TO BUILD NATIONAL INTERAGENCY COOPERATION

- Build on the understanding of existing gaps in implementing the PSMA.
- Define the roles and responsibilities for each of the administrations involved.
- Consider the need for joint procedures and information exchange between agencies.
- Establish a workplan for improved implementation of the three treaties.
- Identify capacity-building needs across agencies.
- Establish systems and mechanisms for communication and information exchange.



TO SHARE INFORMATION REGIONALLY

- Support the regional processes that are ongoing within the Southern African Development Community Monitoring, Control and Surveillance Coordination Centre, the Southwest Indian Ocean Fisheries Commission, and the Indian Ocean Commission as they facilitate the development of mechanisms to check and share information on fishing activities and vessels.
- Routinely share information on vessels for the systematic cross checking and validation of vessel identities and authorisations and participate in mechanisms such as a SADC basecamp portal for information sharing.
- Build links to regional fishery bodies, including the Indian Ocean Tuna Commission and to regional maritime security centres.



TO SHARE INFORMATION GLOBALLY

- Increase systematic cooperation with coastal, flag, port and market States by responding quickly to requests for information to implement port State measures or requests for information related to safety and crew.
- Participate in international organisations and fora to help develop understanding of other States' needs and to make evidence of violations available.
- Share data on landings and transshipment with coastal States and regional fisheries bodies.

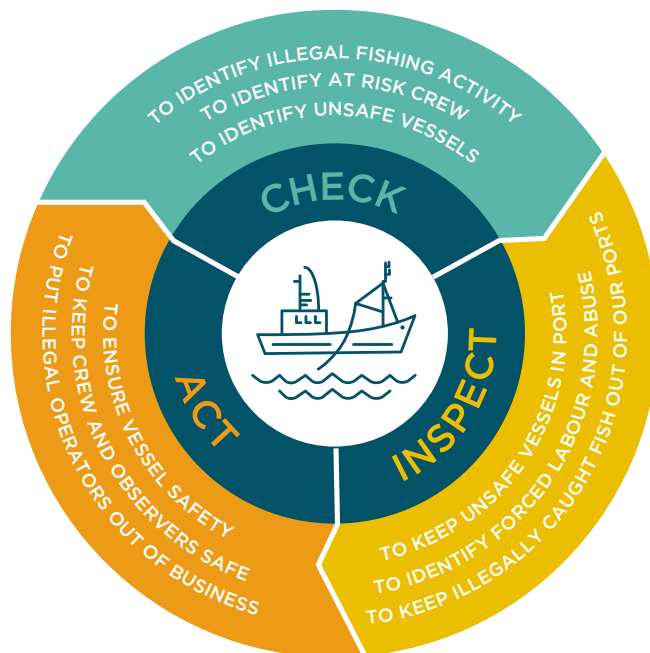


TO BE TRANSPARENT

- Make information on port visits and flagged and licenced fishing vessels easily accessible and publicly available. Illegal operators have long taken advantage of the lack of public information available on fishing vessels and their activity.
- Make the port access process clear and transparent and provide public access to information on vessels in port as this enables cross-checking and validation by other port States as well as flag, coastal and market States.

Implementation of the Agreement on Port State Measures (PSMA) and complimentary international instruments and mechanisms in Madagascar is supported by Stop Illegal Fishing, with funding from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and The German Federal Ministry for Economic Cooperation and Development (BMZ).

The impact of this work is anticipated to improve opportunities for blue growth and to contribute to the generation of food, nutrition and socio-economic development that will help end poverty and hunger in Madagascar and Africa.



For more information go to:
www.stopillegalfishing.org



[Facebook.com/stopillegalfishing](https://www.facebook.com/stopillegalfishing)



[Twitter.com/S_I_F](https://twitter.com/S_I_F)



Implemented by

