PSC inspection: working towards a harmonized PSC Regime for Fisheries

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What is Port State Control?

• International Conventions allow the PS to exercise a limit of “control” over ships in their waters.

• Mechanism to verify compliance of ships is known as ‘PSC’

• PSC has assumed importance in the shipping industry because of consistent failure of the other responsible parties to fully meet their obligations.

PSC Codification

• Codification concept was born in 1982 pursuant to UNCLOS

IMO and ILO international conventions empowers countries to which ships travel to ensure that those ships do not pose an unreasonable threat to the safety of the ship, of its crew or to the marine environment in their waters

IMO ship identification number scheme was introduced in 1987 through adoption of resolution A.600(15), as a measure aimed at enhancing "maritime safety, and pollution prevention and to facilitate the prevention of maritime fraud". It aimed at assigning a permanent number to each ship for identification purposes.
**Purpose of Port State Control**

- The purpose of PSC is to “verify compliance with strict international safety and anti-pollution standards” of foreign vessels entering the PSC waters.
- “The objective of PSC is to detect and inspect sub-standard ships and to help eliminate the threat they pose to life, property, and the marine environment.”
- Substandard ship: A ship whose hull, machinery, equipment, or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformance with the safe manning document”

**Procedures for Port State Control**
- IMO Resolution A.787(19)
- Each MOU also has a Code of Good Practice
- Targeted regime for ship inspections
- Qualified PSCOs

**IMO Conventions**

- **IMO & ILO**: international conventions, the most common are:
  - International Convention for the Safety of Life at Sea (**SOLAS**)
  - International Convention for the Prevention of Pollution from Ships (**MARPOL**)
  - International Convention on Load Lines (**ICLL**)
  - International Convention on the Standards of Training, Certification (**STCW**)
  - Prevention of Collisions at Sea (**COLREG**)
  - International Tonnage Convention (**ITC**)
  - Merchant Shipping Minimum Standards (**ILO 147** (1976))
Why do we need PSC?

- Marine Environment
- Economic Development
- National Security
- Human Security
- Climate Change
- Piracy & IUU Fishing

PSC Inspection

Marine Safety

Accidents, Terrorists acts, Human trafficking, Pollution, Smuggling, Arms proliferation, Interstate disputes

Resilience

MSC & PMSA
ATLAFCO/SRFG/
FCWC/COREP
ECCAS/ECOWAS

Blue economy

Economic Development
Function of Port State Control

- Ensuring compliance with international rules;
- Detaining substandard shipping when warranted;
- Implementing a mutual agreed upon minimum of inspections;
- Applying a targeting system when selecting vessels to inspect;
- Harmonizing and strengthening PSC procedures as possible;
- Providing technical assistance and training where needed.

The Nature of PSC

PSC regime can usually Form within an MoU organizational structure

- Black sea MoU
- Caribbean MoU
- Indian Ocean MoU
- Mediterranean MoU
- Paris MoU
- Tokyo MoU
- Vina del Mar MoU
- Abuja MoU
- Ryad Gulf States MoU
• **What is a Regional MoU?**

“a convergence of will between the parties indicating an intended common line of action, rather than creating a legal commitment”

- Legal nature
  - Distinguish between Treaty and MOU
  - Binding v. non binding
  - Paris MoU is *legally binding* within the EU
- Advantages

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**Why are Regional MoU’s important?**

- Sharing of information pertaining to ships, their owners and their operators
- Reduce burden of repetitive inspections at port
- Give forewarning to maritime states of sub-standard ships within their midst. Assist PSC in eliminating sub-standard shipping

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**Contents of a Regional MoU**

- Members to MoU;
- Lists relevant instruments that will apply to the MoU;
- Reporting, **Ship Risk** profile, selection, inspection and detention;
- Banning;
- Information sharing system;
- Training programmes and seminars
- Organization
- Amendments
- Annexures

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9 Regional MoU on PSC Regimes Span the Globe

ABUJA MOU – GE not member
AfDB May 2014 annual meeting highlighted the importance of increased commitment to protecting West African coastal waters from illegal fishing.

EC: created its own system to prevent, deter and eliminate illegal, IUU fishing (Regulation 1010/2010 IUU certificate)

IMO helped to develop the MoU on the Establishment of a Sub-regional Integrated Coast Guard Network in West and Central Africa, also referred to as the IMO/MOWCA MoU, adopted in July 2008. Task Guard Function Network

Inter-regional Coordination Centre (ICC):IMO assisted ECCAS, ECOWAS and GGC in establishing the ICC, in accordance with the mandate established approved along with the adoption of the 2013 Code of Conduct.

IUU fishing is heavily implicated in overfishing in West Africa. Value of IUU fishing is estimated at US$ 1.3 billion; Senegal lost Senegal lost US$300 million or 2% of its GDP to IUU fishing in 2012. Guinea US$105 million (30% of legal reported catches; Sierra Leone US$ 29 million and Liberia US$12 million (Doumbou A. and al, 2017). Stopping subsidies to worst offenders could support national efforts to stop uncontrolled fishing by foreign fleets (e.g. Liberia’s ban on industrial trawlers in its EEZ).
A harmonized PSC inspection Regime for Fisheries is desired by the Ministers of Fisheries in the ATLAFCO Region which is included in the Abuja MoU area.

Workshop will be discuss
- The work done by B. Caillard;
- Validation of the study for a Harmonized PSC inspection
- The State of implementation of the PSMA efficiency of MCS
- WARF experience on PSC

The experiences of: FAO, ICCAT, SRFC, FCWC, ECOWAS COREP and countries/NSAs-CSOs

Presentation of the ECOWAS/PESCAO

Participants are invited to contribute to and base on the results of discussions,

Participants adopt the proposed draft plan of action for harmonized PSC inspection Regime for Fisheries

The round table between the EU & AU-IBAR and ATLAFCO on funding of the PoA on RHPSC

Adoption of Recommendations

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