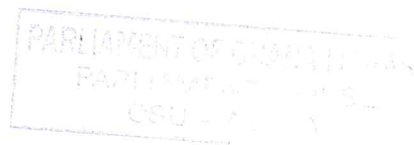


**IN THE FOURTH SESSION OF THE SIXTH
PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE ON FOOD,
AGRICULTURE AND COCOA AFFAIRS**

ON THE

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



28TH JULY, 2016

**REPORT OF THE COMMITTEE ON FOOD, AGRICULTURE
AND COCOA AFFAIRS ON THE ASCENSION UNTO THE UN AGREEMENT
ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE
ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

1.0 INTRODUCTION

- 1.1 The UN Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (popularly known as Port State Measures Agreement) was laid in Parliament on 25th July, 2016.
- 1.2 Pursuant to the provisions of Article 75 and Order 176 of the Standing Orders of Parliament, the Agreement was referred to the Committee on Food, Agriculture and Cocoa Affairs for consideration and report to the House.

2.0 DELIBERATIONS

- 2.1 The Committee met on 27th July, 2016 with officials of the Ministry of Fisheries and Aquaculture Development and the Fisheries Commission and considered the Convention. In attendance at the meeting were the Hon. Minister for Fisheries and Aquaculture Development, Hon. Hanny Sherry Ayittey, Deputy Minister, Hon. Benita Sena Okity-Duah, Acting Chief Director of the Ministry, Mrs Cecilia Erzuah and other officials from the Ministry and the Fisheries Commission. The Committee is grateful to the Minister and her team for their inputs and clarifications.

3.0 REFERENCE MATERIALS

- 3.1 In considering the Agreement, the Committee made reference to the following documents:
- I. The 1992 Constitution of Ghana; and
 - II. The Standing Orders of Parliament.

4.0 BACKGROUND INFORMATION

- 4.1 The Port State Measures Agreement was adopted by the Food and Agriculture Organization (FAO) of the United Nations Conference on 22 November 2009.

- 4.2 Ghana signed the Agreement on 28 October 2010, signifying the country's commitment to comply with the principles and standards contained in the Agreement.
- 4.3 The Agreement principally aimed at mobilising global effort to prevent, deter and eliminate illegal, unregulated and unreported (IUU) fishing through the implementation of effective Port State Measures with the ultimate goal of ensuring the long-term conservation and sustainable use of marine living resources and marine ecosystems.

5.0 THE KEY PROVISIONS OF THE AGREEMENT

- 5.1 At national level, Port State Measures related to fisheries should be coordinated and integrated into a broader system of port controls and other measures to prevent IUU fishing, including exchange of information between relevant national agencies and coordination of implementing activities;
- 5.2 The Agreement encourages cooperation and exchange of information among Contracting Parties and relevant international and regional organizations;
- 5.3 The Agreement makes provision for the establishment of conditions by each port State, in accordance with its sovereignty, for port entry: designation of ports, prior notification of port entry, minimum information to be provided, port entry authorization or denial of entry, port inspection and *force majeure* provisions;
- 5.4 Port States can impose conditions for use of ports for landing, trans-shipment, packaging and processing of fish not previously landed, and other port services such as refuelling, resupplying, maintenance and dry-docking;
- 5.5 Contracting Parties are to determine a sufficient level of annual vessel inspections and set priorities on which vessels to inspect;
- 5.6 Inspection reports are to include a standard set of information to be transmitted to the flag State, other concerned States and relevant regional fisheries management organizations (RFMO);
- 5.7 Port State actions following inspection, where there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, include: (a) the prompt notification of the flag State; and (b) denial of use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services;

- 5.8 Flag States are to require their vessels to: (a) cooperate with the port State during inspection; (b) request the port State to inspect IUU-suspect vessels; (c) encourage vessels to use ports of Agreement-compliant States; (d) investigate and take enforcement action in cases of IUU fishing; and (e) report on action taken against vessels suspected of IUU fishing activities.
- 5.9 The Agreement recognizes the special requirements of developing States and, therefore, made provisions for technical and financial assistance to support such countries to implement the Agreement.

6.0 OBSERVATIONS

- 6.1 The Committee was informed that Ghana has supported efforts aimed at fighting IUU fishing. For instance, Ghana is a member of International Commission for the Conservation of Atlantic Tunas (ICCAT) as well as Fisheries Committee for West Central Gulf of Guinea (FCWC) - both Treaties work towards fighting against IUU fishing. The Port State Measures Agreement reinforces the existing effort by extending the collaboration to the global level.
- 6.2 The Minister informed the Committee that the greatest challenge confronting sustainable management of fish stocks is IUU fishing. According to the Minister, IUU fishing has multiple negative economic and social consequences ranging from the deprivation of legitimate fishers of their livelihood to hindering gathering of accurate data for effective stock assessments.
- 6.3 The Minister also indicated that accession to the Agreement would enable Ghana implement effective sustainable measures to reverse the declining marine fishery resources. It would in particular, assist the Ministry in enforcing control measures outlined in the 5-year Development Plan of the Ministry which ultimately seeks to secure sustainable management of fish stocks.
- 6.4 It was further noted that entities engaged in IUU are increasingly becoming dynamic and sophisticated in their operations. The Minister indicated that IUU has been identified as a maritime threat along with piracy, illicit trafficking (e.g. drugs, weapons, human) and marine pollution and, as such, should be addressed within the broader and integrated maritime framework

6.5 The Committee also observed that the Agreement recognizes the special requirements of developing States in relation to the ability to implement their obligations. As a result, the Agreement has made provision for Special Fund to support such countries to effectively implement the tenets of the Agreement. It was noted that the assistance is not limited to the Fisheries Commission, but also other agencies such as the Ghana Ports and Harbours Authority and the Ghana Maritime Authority.

6.6 The Minister indicated to the Committee that Ghana's participation in the Agreement will not require additional financial and other resources for implementation. The Fisheries Commission, under the Ministry of Fisheries and Aquaculture Development will continue to implement the provisions of the Agreement within the framework of its existing mandate. Ghana would however obtain significant financial benefits through support for capacity building.

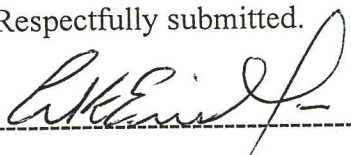
7.0 CONCLUSION AND RECOMMENDATION

7.1 The Committee has thoroughly examined the Agreement and is of the view that Ghana's accession will be beneficial to the country.

7.2 Also, given the importance of fisheries for Ghana's economy and the long history of Ghana's positive engagement with the UN Food and Agriculture Organization, the option of non-accession of the Port State Measures Agreement would not be in the interest of Ghana.

7.3 The Committee accordingly recommends to the House to accede to the UN Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (popularly known as Port State Measures Agreement).

Respectfully submitted.



HON. GABRIEL K. ESSILFIE
(CHAIRMAN OF THE COMMITTEE)



KOFI MENKAH (MR.)
(ASSISTANT CLERK TO THE COMMITTEE)

July, 2016