

Study on China's accession to the Agreement on Port State Measures

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Abstract: The Port State Measures Agreement adopted by the Food and Agriculture Organization aims to adopt and implement effective port state measures to prevent, deter, and eliminate illegal, unreported, and unregulated fishing activities, thereby ensuring the long-term conservation and sustainable use of marine living resources. After the entry into force of the Agreement, China has made a statement to actively study and join the Agreement. However, joining the Agreement also faces problems such as lack of coordination in domestic institutional mechanisms, mismatched port capabilities, lack of uniformity and universality in port measures, and inherent deficiencies in the Agreement have constrained China's accession. In this regard, China should actively follow up and study the interpretation and implementation dynamics of the Agreement, review and construct domestic legislative frameworks, enhance the soft power of implementing port state measures, and seize the opportunity of joining the Agreement on Port State Measures to strive for authority in the field of port state measures and even in the management and conservation of marine fishery resources.

Keywords: Agreement on Port State Measures; Illegal Unreported and Unregulated Fishing; Port State Jurisdiction; Flag State Jurisdiction

1. Introduction

Illegal, unreported, and unregulated fishing is a global problem that leads to overfishing of fishery resources and damage to marine ecosystems, endangering global food security, fisheries economy, and sustainable fisheries development. It is estimated that global illegal, unreported, and unregulated fishing losses range from \$10 billion to \$23.5 billion annually, equivalent to 11 million to 26 million tons.

Illegal, unreported, and unregulated fishing is not only a concern for sustainable fisheries, but also a security issue. It has always been closely related to other crimes related to or committed using the fishing industry, such as forging fishing permits, tax crimes, money laundering, drug trafficking, smuggling, and arms trafficking. Combat illegal, unregulated, and unreported fishing activities. go fishing. Since the 1990s, the Food and Agriculture Organization of the United Nations (FAO) has taken the lead in combating illegal, unreported and unregulated fishing activities at the international level, and has gradually developed an international legal and policy framework to combat such activities. On November 22, 2009, the Food and Agriculture Organization approved the Agreement on Measures for Port States to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Activities. (hereinafter referred to as the "Agreement") aims to prevent, deter, and eliminate illegal, unregulated, and unregulated fishing activities through effective port state measures, in order to ensure the long-term conservation and sustainable use of marine living resources. This agreement is the first binding international agreement specifically targeting illegal, unregulated, and unregulated fishing. According to the provisions of the Agreement, it shall come into effect 30 days after the 25th country deposits its instrument of ratification, acceptance, approval or accession with the Director General of the Food and Agriculture Organization, and shall come into effect on June 5, 2016, marking the beginning of a new era in combating illegal fishing.

2. Basic Information on the Agreement on Port State Measures

2.1 Main Contents of the Agreement on Port State Measures

The Port State Measures Agreement consists of 37 articles and 5 annexes. The main content of

this agreement is divided into ten sections: General Provisions; arrival; Port usage; Inspection and tracking; The role of the flag state; The requirements of developing countries; Dispute resolution; Non contracting parties; Inspection, review, and evaluation; And the final clause. The Agreement provides for a set of minimum standard measures to be applied by parties when foreign vessels attempt to enter or exist in their ports. Port states may verify through the implementation of prescribed procedures that these vessels have not engaged in illegal, unreported, and unregulated fishing activities, and implement other inspection and enforcement measures to prevent catch from entering domestic and international markets and to deter those who do not comply from continuing to operate. According to the agreement, port officials can order inspections of vessels with poor legal records, or vessels that officials believe may engage in or support illegal fishing. When improper behavior is detected during inspections, port officials may refuse entry for ships. Port countries also have an obligation to share investigation results with neighboring ports and countries to prevent fishermen engaged in illegal fishing from "port consumption". The agreement also allows port states to refuse to provide refueling and other services to vessels that may be related to illegal fishing or illegal transfer of catch. The core of the Agreement focuses on the second part on port entry, the third part on port use, and the fourth part on inspection and follow-up, namely Articles 7 to 19, which are the main manifestations of the provisions of the Agreement on port state measures and their implementation standards. Firstly, in terms of port entry management, the second part stipulates the designation of ports, prior requirements for entering ports, permission or refusal to enter ports, and force majeure or marine disasters. The port state is required to determine whether the vessel is engaged in or supporting activities related to illegal, unregulated, and unregulated fishing based on Annex A submitted in advance by foreign vessels seeking to enter its port and the information it has about the vessel, and decide whether to allow or refuse the vessel to enter the port and use port services. Using port services. The second and third parts, "The Use of Ports," discuss the circumstances and exceptions in which port states may refuse the

use of ports by ships. Finally, the fourth section "Inspection and Follow up Actions" specifies the level and focus of inspection, the conduct of inspection, the results of inspection, the transmission of inspection results, the exchange of electronic information, training of inspectors, actions taken by the port country after inspection, and the status of port country assistance. According to the Agreement, port states have an obligation to inspect port vessels, and Annex B is the minimum performance standard. Based on the inspection results, a written report containing the information in Annex C is submitted, and the port state is obligated to notify the inspection results and decide whether to allow the vessel to use the port based on the inspection results.

The three components of core port measures depend on the port inspection capabilities of port states, cooperation between countries or regional fisheries management organizations, and effective information sharing mechanisms, which are also reflected in the Agreement as supplementary mechanisms for port states to implement port state measures. The Port State Measures Agreement emphasizes the capacity building of developing countries, the obligations and responsibilities of flag states in combating illegal, unreported and unregulated fishing, and clearly stipulates that contracting parties should establish communication and information exchange mechanisms as much as possible, which should be consistent with the international coding system.

2.2 Status of Development of the Agreement on Port State Measures

During the one-year open signing period after the adoption of the Port State Measures Agreement, a total of 23 countries signed the agreement.. As of August 2023, the Agreement has 78 contracting parties, and the United Nations Development Programme (UNDP) has been cooperating with it since its establishment, currently covering 63% of coastal countries around the world. The significant increase in coverage of the Agreement will help it become legally binding at the practical level and contribute to the effective implementation of port state measures to combat illegal, unregulated, and unregulated fishing at the global level.

Within the framework of the Port State Measures Agreement, the Food and Agriculture

Organization has developed two main supplementary implementation tools to support signatory countries in combating illegal, unregulated, and unregulated fishing activities: the Global Information Exchange System and the Global Records of Fishing, Refrigerated Transport, and Supply Ships (hereinafter referred to as the "Global Records"). The agreement envisions the establishment of a global information exchange system that enables all parties to cooperate with relevant countries, FAO, other international organizations, and regional fisheries management organizations to exchange information on refusal of entry into ports, inspection results, and flag state actions. Global Records is a progressive global initiative aimed at quickly disclosing data on fishing vessels and their related activities certified by national authorities. The program aims to provide a single point of access to information on vessels involved in fishing and related activities, with the ultimate goal of combating illegal, unregulated, and unregulated fishing activities by improving transparency and traceability. In this context, the term "single access point" refers to a unique vessel identifier (UVI), which is currently a unique number assigned to a vessel globally based on the International Maritime Organization's Ship Identification Number (VIN) system. Once granted, regardless of any changes in flag, ownership, name, or other status, the UVI will track the vessel throughout its entire lifecycle. In addition, currently, the Maritime Organization's vessel identification numbers have been assigned to 23000 fishing vessels worldwide, indicating the organization's commitment to improving transparency and traceability of fisheries sector activities.

At present, the Port State Measures Agreement has established five types of conference mechanisms, including the Conference of Parties mechanism, Information Exchange Technology Working Group, Part Six Working Group, PSMA Strategic Ad hoc Working Group, and Regional Coordination Meeting, to provide regular monitoring and development support for the implementation of port state measures. The Conference of the Parties shall be convened every two years to discuss issues related to the implementation of the Agreement. After the Agreement enters into force, a review conference shall be convened every four years

to review the implementation of the Agreement and evaluate progress in achieving its objectives. As of October 2023, the agreement has held four meetings of the contracting parties and one review meeting. The Information Exchange Technology Working Group is an informal, open access technology working group established by contracting parties, aimed at providing guidance on detailed information exchange mechanisms and other technical matters, including varying degrees of access required based on the characteristics of the information provided. The third ACWG meeting was held in Rome in December 2022. The sixth working group was established in accordance with paragraph 21 of the Agreement, to report and make recommendations to the contracting parties on the priority of utilizing funding mechanisms at the request of developing countries, and to identify funding mechanism donors. On the other hand, the mechanism of the Strategic Ad hoc Working Group was established at the Third Conference of the Parties and Review Conference in 2021, with the aim of developing strategies to enhance the effectiveness of the Agreement. Finally, there is a dynamic regional coordination meeting mechanism. The Food and Agriculture Organization of China (FAO) will hold a series of regional coordination meetings during 2022 on the implementation of the Agreement, inviting contracting and non contracting parties, as well as regional fisheries institutions, to participate in the meetings. The focus will be on summarizing the Agreement and its implementation at the regional level, the challenges faced by the region and the region, including relevant RFOs.

3.China's Accession to the Port State Measures Agreement Significance and Progress of China's Accession to the Agreement on Port State Measures

3.1 Significance of China's Accession to the Agreement on Port State Measures

In a study, former FAO fisheries official Borg demonstrated that the length of time non contracting parties engaged in land-based fishing (port access indicators) through vessels of contracting and non contracting parties to the Agreement between 2016 and 2021 resulted in inadequate implementation of port state measures. The study found that the domestic

landing volume of all non partisan ships has doubled, and concluded that this trend is largely driven by China. The proportion of domestic landings in China has increased by 2.4 times, while other non contracting countries have increased by 1.7 times. In contrast, ships flying the flag of contracting parties did not show significant changes overall during the same period. As a contracting party, the domestic landing rate of the Republic of Korea has significantly decreased from 75% in 2016 to 41% in 2021. As an important port country, China faces the risk of becoming a port state measure gap when neighboring countries have joined the Agreement but China has not yet joined and implemented the Port State Measures Agreement. This agreement will provide free port conditions for China's illegal fishing, and the risk of being "exploited" by illegal fishing vessels is even higher.

In addition to its status as a port state, China's flag state status is equally important for the implementation of the Port State Measures Agreement. According to the Agreement, if one party refuses to use its port in accordance with the Agreement, it shall immediately notify the flag state of this decision; If the flag state is a contracting party to the Agreement, when it receives an inspection report from the port state indicating clear reasons to believe that a vessel entitled to fly its flag is engaged in illegal, unregulated, and unregulated fishing or fishing related activities to support such fishing, the flag state also has an obligation to fully investigate and implement the Agreement in accordance with the law. Legal enforcement obligations include imposing sanctions on ships, such as fines or revocation of registration, and reporting investigation reports and enforcement actions to the Food and Agriculture Organization, relevant port countries, and regional fisheries management organizations. The scale and fishing volume of China's deep-sea fishing fleet rank first in the world. In 2020, China's fishing catch will account for nearly 15% of the global catch, exceeding the sum of the second and third largest countries. Out of the 11.8 million tons of catch reported in China in 2020, a total of 2.3 million tons belong to deep-sea fisheries. China bears significant flag state responsibilities. As a flag state, it is of great significance to carry out information exchange and inspection with Chinese ships from other port countries in

accordance with the provisions of the Agreement.

3.2 Progress of China's Accession to the Agreement on Port State Measures

One year after the official entry into force of the Port State Measures Agreement, China has stated that it will "implement" and "actively join" the agreement, and is currently in the stage of actively promoting and studying the agreement, but has not yet initiated the process of joining international agreements.

China has made joining the Port State Measures Agreement a key focus of its fisheries and fisheries management work in the past few years. The 13th Five Year Plan for the Development of National Oceangoing Fisheries, released in December 2017, prioritized the implementation of important international agreements such as the United Nations 2030 Agenda for Sustainable Development, the United Nations Fish Stocks Agreement, and the Food and Agriculture Organization's Port State Measures Agreement. As one of the important tasks, the Port State Measures Agreement and other important international documents are the earliest public statements issued by China at the domestic official level regarding the Port State Measures Agreement. Based on this, the 2018 Key Points for Fisheries and Fisheries Management Work proposed for the first time that China will "accelerate the research and approval of major international instruments such as the Port State Measures Agreement.". Promote accession to the Port State Means Agreement, which has been incorporated into fisheries and fisheries policy priorities.

China has released the White Paper on the Compliance of China's Oceangoing Fisheries, expressing its stance on joining the Port State Measures Agreement to the international community. In November 2020, China first published the "White Paper on Compliance of China's Oceangoing Fisheries (2020)", which fully informed the international community of China's principles, policy measures, and the effectiveness of compliance in managing mid to upper level fisheries. The white paper also stated that it will gradually establish a port inspection system for mid to upper level fishing vessels. Eliminate illegal, unreported, and unregulated fishing activities, and carry out departmental coordination to gradually improve port inspection capabilities

China has made commitments to the Port State Measures Agreement in international multilateral forums. In December 2022, Geng Shuang, the Deputy Permanent Representative of China to the United Nations, emphasized in his speech on the theme of "Oceans and the Law of the Sea" at the 77th session of the General Assembly that China has always been committed to the sustainable development of fisheries and has always adopted a "zero tolerance" attitude towards illegal, unregulated and unreported fishing activities. China has always adopted a "zero tolerance" policy towards illegal, unreported, and unregulated fishing activities, firmly supporting the international community in cracking down on illegal fishing activities, continuously strengthening the supervision of its own fishing vessels, and is studying the possibility of joining the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal Fishing. In addition, many experts and scholars have also expressed their views on China's accession to the Port State Measures Agreement. For example, Tang Gui, Dean of the School of Marine Culture and Law at Shanghai Ocean University, stated that China's accession and implementation of the Port State Measures Agreement will undoubtedly help combat illegal, unregulated, and unreported fishing activities on a global scale. He hopes that China will approve the agreement no later than 2020. During the United Nations negotiations in New York, Tang stated in an email that "as the central government agency responsible for fisheries in China, the Fisheries Administration of the Ministry of Agriculture and Rural Affairs is making every effort to promote China's accession to the agreement."

4. Difficulties in China's Accession to the Agreement on Port State Measures

According to the provisions of the Port State Measures Agreement, an application for accession shall be submitted to the depositary, namely the Director General of the Food and Agriculture Organization, by depositing an instrument of ratification, acceptance, approval or accession. The Agreement shall come into effect 30 days after the deposit of the document, without any reservations or exceptions to its provisions. If China intends to join the Port State Measures Agreement, before submitting the instrument of accession to the Food and

Agriculture Organization, it should first initiate the accession process in accordance with its domestic constitution, the Treaty Conclusion Procedure Law, and the Measures for the Administration of Signed Treaties. At present, China's accession to the Port State Measures Agreement is still in the active research stage, and China will face many obstacles.

4.1 Lack of Convergence of Institutional Mechanisms

Firstly, many departments in China are involved in combating illegal and unregulated fishing activities through port measures. Their powers and responsibilities are dispersed, and there is a lack of a unified department specifically responsible for conducting port inspections on foreign vessels engaged in illegal and unreported fishing activities. China's ports are divided into general ports and fishing ports. A general port refers to an area that has functions such as ship entry and exit, berthing and mooring, passenger loading and unloading, cargo loading and unloading, barge and storage, and corresponding dock facilities, and is composed of a certain range of water and land areas. This is the responsibility of the maritime management agency; Fishery ports refer to artificial or natural ports that specialize in serving fishery production, providing fishing vessels with berthing, sheltering, loading and unloading of catch, and supplementing fishery supplies. They include fishing specialized docks, fishing specialized waters, and fishing vessel specialized anchorages in comprehensive ports [Article 60 of the Port Law]. The management of fishery ports is the responsibility of the fishery administrative department, usually the department responsible for agriculture and rural affairs at all levels of government. The government department responsible for agriculture and rural affairs. The classification and grading management of ports is related to the lack of domestic authorities capable of effectively implementing port measures under the Agreement, and the implementation of port state measures involves multiple departments. For example, in 2019, China promoted the implementation of measures by port states to crack down on illegal and unregulated fishing vessels, which required multi departmental coordination between the Ministry of Agriculture and Rural Affairs, the Ministry of Foreign Affairs, the

Ministry of Public Security, the Ministry of Transport, the General Administration of Customs, and the State Administration for Market Regulation. Arrange and execute. The implementation of port state measures against illegal, unregulated, and unregulated fishing in China poses high administrative obstacles. The efficiency and sustainability of port measures are limited, and the mismatch between domestic institutional mechanisms and the rights and obligations stipulated in the Agreement has become one of the obstacles to China's accession to the Port State Measures Agreement.

4.2 Mismatch in Port Capacity

China's existing port measures have limited capacity. The Agreement requires port states to be able to carry out IUU fishing verification on foreign vessels seeking to enter their ports, exchange electronic information, and fulfil obligations such as notification of flag states and international cooperation. From a practical perspective, China's IUU fishing crackdown operates mainly under the policy framework of the RFMOs to which it is a member, as evidenced by informing all domestic ports of the list of a total of 247 IUU fishing vessels published by the seven RFMOs to which it is a member, placing them under the scope of deployment and control, preventing them from entering China's ports, refusing to allow such vessels to bunker, replenish, repair, and dock in China's ports, denying Refuse to allow such fishing vessels to refuel, replenish, repair and dock in Chinese ports, and refuse to allow their catches to be unloaded, transshipped, packaged and processed in Chinese ports, etc. The list of the abovementioned fishing vessels was also notified to the relevant domestic supervisory and management authorities of fishing ports, so as to prevent them from entering Chinese fishing ports. [Press Office of the Ministry of Agriculture and Rural Affairs, Multi-Ministry Joint Implementation of Port State Measures Against IUU Fishing Vessels, List of 247 IUU Fishing Vessels to be Notified to Domestic Ports.

http://www.moa.gov.cn/xw/zwdt/201901/t20190107_6166268.htm, 2019.] its port state measures are limited to the list of fishing vessels, the autonomy, mobility and demand capacity building of ports to detect and combat IUU fishing needs to be improved, and the

breadth and depth of port inspection capacity is insufficient.

Port measures lack universality and uniformity. As for foreigners and foreign vessels engaging in fishery production, biological resources investigation and other fishery-related activities in the sea area under China's jurisdiction, China has a departmental regulation, the Interim Provisions on the Administration of Fishery Activities of Foreigners and Foreign Vessels in the Sea Area under the Jurisdiction of the People's Republic of China, to regulate the foreign affairs of fishing ports, adopting a licensing system for foreign vessels in China's fishing ports, and building up a system for fishing port construction that integrates the safety monitoring, disaster warning, information service, fishing vessel and visa management, and the construction of the fishing port. It has also built a comprehensive service and management platform for fishing ports that integrates safety monitoring of fishing ports, disaster warning, information services, fishing vessel visas, fishing vessel inspections, crew training, fisheries enforcement, etc., and has integrated Internet and Internet of Things technologies to promote the standardised management of ports, vessels, people and catches.[]Specialised legal norms and comprehensive fishing port inspections reflect, to a certain extent, China's port measures for foreign vessels. However, outside of fishing ports, Chinese maritime administration agencies generally limit their inspections of international ships entering and leaving ports to those ports (harbours) that are relevant to navigational safety, as evidenced by the certificates required for foreign ships to go through entry and exit procedures.[]There is a basic lack of port measures for IUU fishing in customs and port inspections, and the non-universal and non-uniform nature of port measures constrains China's accession to the Agreement on Port State Measures.

4.3 Inherent Shortcomings of the Agreement on Port State Measures

The minimum standard nature of the Agreement limits its effectiveness in combating illegal, unregulated, and unregulated fishing activities through the implementation of port state measures. Some countries implement port state measures, which impose higher standards on foreign vessels and lower standards on

domestic vessels, resulting in a certain degree of discriminatory treatment. On the one hand, as the minimum standard for port state measures, the treatment of unreported, unreported, and unregulated fishing vessels under the Agreement still focuses on flag states. Port states only have the obligation to inspect, refuse entry into ports, provide port services, and notify. The effectiveness of the Agreement depends on the continuous expansion of its coverage. Although the Agreement on Port State Measures has 78 contracting parties and the number of contracting parties is rapidly increasing, China's accession will also inject new vitality and momentum into the Agreement, but this will not change the situation where the coverage of the Agreement is still limited. According to the provisions of the Agreement and China's practice of converting international treaties, China cannot directly apply the Agreement after ratification, but needs to undergo certain legislative transformations and corresponding institutional reforms. Therefore, how to handle the contradiction between the domestic reform efforts required to join the Agreement and the effectiveness of the Agreement after accession is still constrained, which requires China to seize the opportunity to join the Agreement. On the other hand, the preamble of the Agreement states that "a binding international instrument on minimum standards for port state measures shall be established, indicating that under international law, countries exercising sovereignty over their ports may take stricter measures", indicating that the Port State Measures Agreement is only a minimum standard instrument, and other port states may formulate and implement stricter measures. Other port countries can establish and implement higher standards and stricter port measures. In 2008, the European Union passed the Community System for the Prevention, Suppression and Elimination of Illegal, Unreported and Unregulated Fishing Activities. When implementing port state measures, the EU conducted very strict inspections on non EU member state vessels. The convenience and speed of EU member state vessels being allowed to enter ports to some extent constituted discriminatory treatment towards foreign vessel inspections. This to some extent constitutes discriminatory treatment towards foreign ship inspections. As a minimum standard, the PSM agreement seeks

to establish a global coverage and foundation for port measures, while the dual standards of some countries in practice contradict the former, which can easily lead to disputes between port states, ships, and even flag states.

5. Difficulties in Response to China's Accession to the Agreement on Port State Measures

It should be pointed out that China has not yet joined the Agreement, but this does not mean that China does not have port state measures. At the domestic level, China has implemented port state measures to combat illegal fishing in collaboration with multiple departments. In 2019, the Ministry of Agriculture and Rural Affairs and the Ministry of Foreign Affairs jointly consulted with the Ministry of Public Security, the Ministry of Transport, the General Administration of Customs, and the State Administration for Market Regulation to promote the implementation of national measures to combat illegal, unreported, and unregulated fishing in ports. At the international level, China actively promotes the fulfillment of port state obligations within the framework of relevant regional fisheries management organizations. China has informed various ports of the list of unreported, unreported, and unreported fishing vessels published by relevant regional fisheries management organizations, and has refused to allow these fishing vessels to enter Chinese ports for unloading, resupplying, and refueling activities. At the same time, the above-mentioned fishing vessel list was also notified to the domestic fishing port supervision and management department to prevent these fishing vessels from entering Chinese fishing ports. The 2016 Antarctic Tiger Tooth Fish Case of the Antarctic Marine Resources Conservation Commission was a typical case of China cooperating with regional fisheries management organizations to implement port state measures to combat illegal, unregulated, and unregulated fishing. How to cope with the difficulties and obstacles faced, as well as how to align domestic port state measures with international standards, are issues that China should consider in actively promoting accession to the Agreement at this stage.

5.1 Dynamic Follow-Up and Study of the Agreement

The interpretation, application, and actual implementation of the Port State Measures Agreement should be dynamically tracked and analyzed. Tracking and analyzing the interpretation and implementation dynamics of the Agreement and other relevant international instruments is of great significance, especially for China's future implementation of port state measures. The provisions of the Agreement are not always specific and clear, nor can they guarantee full consistency with practice. Different interpretations of the Agreement will lead to different regional practices. In this regard, we should closely monitor the development of the interpretation of the Agreement, analyze the differences between different interpretations, and formulate interpretations that are beneficial to China based on its actual situation. In addition, it is necessary to track the implementation strategies and specific actions of other contracting parties to the Port State Measures Agreement, in order to identify and understand the progress and problems of individual contracting parties in domestic implementation, and draw on feasible implementation strategies and actions to provide useful precedents and references for China's future implementation of port state measures.

5.2 Review of Domestic Legal Frameworks Relating to Fisheries, Marine and Port Matters

Review the national legislative framework for preparing to join the Port State Measures Agreement and promote the establishment of a monitoring and inspection system based on ports to combat illegal, unregulated and unregulated fishing activities, in order to ensure effective implementation and compliance with the Agreement. This includes several aspects: firstly, clearly defining the legal effectiveness and scope of application of the Port State Measures Agreement. The purpose of legislation is to safeguard the power and responsibility of the state in port state measures, ensure that relevant national authorities have the right to take necessary measures, monitor and inspect the compliance of foreign ships coming to Hong Kong with the law, and support corresponding law enforcement agencies and procedures. Secondly, establish

domestic legal requirements and standards related to the Agreement. These requirements and standards should be linked to the provisions of the Agreement, especially to the inspection items required in the Annex, in order to achieve international convergence of port measures. In addition, corresponding systems and mechanisms should be established to ensure the effective implementation and supervision of the Agreement, including the establishment of regulatory bodies for port state measures and corresponding punishment and sanction mechanisms, to ensure the enforceability of the Agreement on the basis of minimum standards. Finally, a competitive review of China's international treaties related to fisheries should also be conducted to ensure consistency between domestic legislation and international treaties, in order to avoid insufficient effectiveness and legislative confusion caused by contradictory conflicts.

5.3 Strengthening Port Supporting Capacity Building

Strengthen the construction of professional talent teams, enhance hard and soft power, and implement various measures of port countries. One possible approach is to join existing capacity building frameworks and mechanisms at the international level, and strengthen the international and professional nature of talent training on the basis of international cooperation. The member states of the Port State Measures Agreement have requested assistance from the Asia Pacific Fisheries Commission in developing regional guidance and capacity building to implement port state measures. The Asia Pacific Fisheries Commission and the Food and Agriculture Organization for Asia and the Pacific Regional Office, with the assistance of the Thai Ministry of Fisheries, have launched a "Port Inspection Training Course", which is attended by national institutions and departments responsible for implementing various aspects of the work. These personnel may include fisheries, customs, immigration, coast guard, police, navy, port authorities, and maritime officials.

5.4 Timing of Accession to the Agreement on Port State Measures

The opportunity to join the Port State Measures Agreement is to gain a voice in the field of port state measures, and even in the management

and conservation of marine fishery resources. China is currently not a contracting party to the Port State Measures Agreement and has held several meetings of the contracting parties since 2023, resulting in us losing some of our agenda setting and voting rights in the field of Port State Measures. At the forefront of the current competition between the United States and China, the United States and the West are gradually forming a siege on China, and are exerting pressure on China in various aspects, including the international fisheries sector. It is important to seize the opportunity to join the Port State Measures Agreement and strive for the power to formulate and influence rules in international fisheries related affairs in the context of great power competition.

Since its entry into force in 2016, the number of contracting parties to the Port State Measures Agreement has rapidly increased. This agreement aims to combat illegal, unregulated, and unregulated fishing activities and applies to all foreign vessels seeking entry into the ports of the contracting parties. It is an international treaty filled with mandatory requirements that impose profound restrictions on the fisheries management systems of the contracting parties. Under the guidance of the 14th Five Year Plan and the 2035 Long Range Plan, China has proposed to deeply participate in global ocean governance, actively develop the Blue Partnership, deeply participate in the formulation and implementation of international ocean governance mechanisms and related rules, promote the construction of a just and reasonable international ocean order, and contribute to the construction of a community with a shared future for the ocean. China's accession to the Port State Measures Agreement is a major trend in protecting marine ecology and promoting sustainable marine fisheries.

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https://www.gov.cn/zhengce/zhengceku/2018-12/31/content_5434021.htm, 2018.
- [22]The main certificates that the vessel needs to upload in the vessel profile form required for inspection are: nationality certificate, international tonnage certificate, international load line certificate, international certificate for the prevention of oil pollution, minimum safe manning certificate, CLC certificate, certificate of compliance of the shipping company, safety management certificate, security certificate, ship safety inspection (PSC, FSC) report and wreck removal liability insurance or other financial assurance The certificates are all related to ship safety and navigation safety, and there are no certificate requirements for IUU fishing inspections.
- [23]Ministry of Agriculture and Rural Development, White Paper on China's Pelagic Fisheries Compliance (2020).
http://www.yyj.moa.gov.cn/gzdt/202011/t20201120_6356632.htm, 2020.
- [24]In 2016, China cooperated with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to inspect the catch of a Cambodian refrigerated carrier entering Chinese ports, which was suspected of illegally reproducing Antarctic dogtooth fish. The results of scientific tests confirmed that the catch was Antarctic toothfish, and the cargo agent failed to provide proof of legal fishing in accordance with the relevant CCAMLR regulations, and the cargo was temporarily detained in the port of Yantai, with all the proceeds from the auction of the illegal cargo being later donated to CCAMLR.
- [25]As stated in the FAO Convention on the Prevention, Deterrence and Elimination of Illegal, Unreported and Unregulated Fishing, adopted on 2 March 2001, the cargo was not transported to the port of Yantai.
- [26]Wei, D. C., Study on the change of international rules for the conservation of marine fishery resources [M]. Beijing: Ocean Press, 2019.