



South Africa Follows ‘3 Treaties’ Path to Better Fishing Fleet Oversight

The nation aims to be a global model of inter-agency cooperation on labour and safety issues

Overview

Illegal, unreported and unregulated (IUU) fishing is a serious global problem that threatens the health and stability of ocean ecosystems and places strain on the food and economic security of coastal communities. It is frequently linked to fraud, corruption, human trafficking, modern slavery and other crimes, and poses grave risks to the safety, health and security of fishers and vessels at sea.¹

South Africa is taking strong steps to address the harms associated with IUU fishing and providing a new model of enforcement that other nations could adopt. This country is one of only a few in the world and the only member of the Southern African Development Community to have agreed to all of the international agreements that target IUU fishing and vessel and labour safety. Known collectively as the “three treaties,” these agreements require inspections of fishing vessels in port that, if coordinated, could support national authorities in monitoring and controlling IUU-related issues:

- **The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, commonly known as the Port State Measures Agreement or PSMA, is the only binding international treaty specifically designed to eradicate IUU fishing.**² The treaty, which entered into force in 2016 and is overseen by the U.N. Food and Agriculture Organization, outlines best practices for port controls and requires Parties to integrate or coordinate their national-level processes for port and vessel inspections and for information exchanges to the greatest extent possible.³

Under the agreement, Parties must assess foreign fishing vessels seeking to access their ports and port services for IUU fishing risk by verifying the vessels' identity, authorizations and activities through what is known as the advance request for port entry, along with obtaining intelligence from other agencies and States. When a risk assessment develops evidence of IUU fishing, the State should deny that vessel entry to port to prevent the offloading of illicit catch to the marketplace. The PSMA's practices also serve as cost-effective tools to more effectively fight IUU fishing, because targeted implementation can support other enforcement measures and minimize the need for expensive enforcement at sea.

- **The Cape Town Agreement (CTA)** falls under the purview of the U.N. International Maritime Organization and outlines standards for design, construction, maintenance and equipment - including navigation, communication and life-saving appliances - for fishing vessels of 24 metres or more in length to ensure that ships are well constructed and do not contribute to the dangers fishers face.⁴ The CTA also empowers flag, port and coastal States to inspect fishing vessels for the required safety mechanisms. As more States complete implementation of the CTA provisions, the agreement has the potential to boost safety, not only for the more than 64,000 existing oceangoing fishing vessels, but also for all future vessels constructed by signatory flag States.
- **The Work in Fishing Convention No. 188 (C188),** which entered into force in 2017 under the auspices of the U.N. International Labour Organization, addresses the occupational safety, health and medical care needs of workers on board fishing vessels at sea and ashore. It mandates rest periods, written working agreements and social security protection that places fishers on par with workers in other hazardous professions.⁵ The C188 also requires decent living conditions on vessels, including access to food and reasonable accommodations, and allows port States to inspect vessels to ensure compliance and enforcement.



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South Africa pursues coordinated port inspections

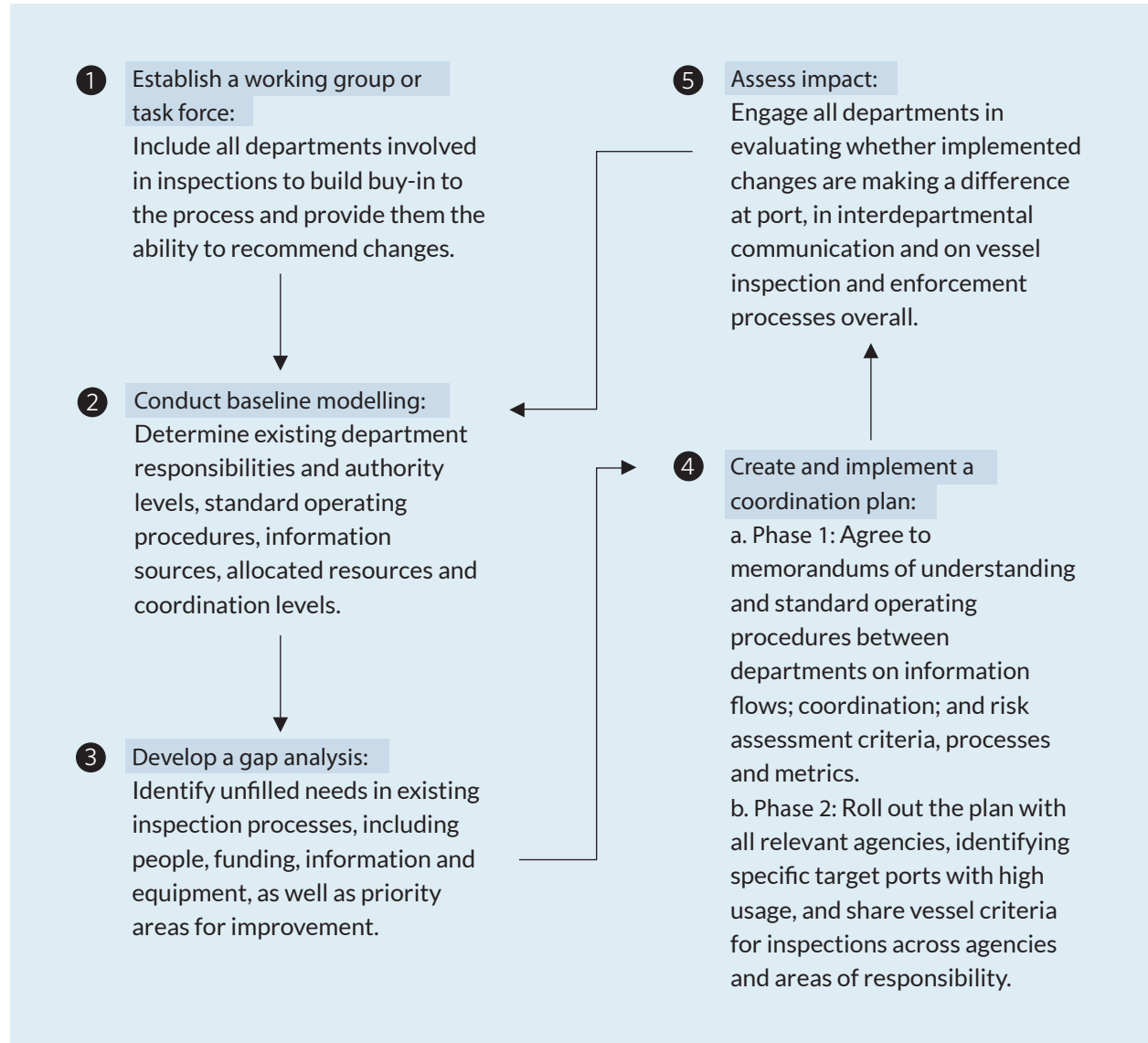
In 2024, the South African government convened the agencies responsible for enforcing each treaty in Cape Town to assess how the country could improve its systems for implementing the treaties' provisions. The key project for attendees was assessing how to improve harmonization and compliance across the three treaties and, ultimately, how to better detect and impede operators running unsafe, abusive or IUU fishing vessels. The convening resulted in a new approach defined by inter-agency cooperation, which includes comprehensive information exchange; collaboration on vessel inspections; and adoption of vessel risk assessments that combine the requirements of the PSMA, CTA and C188. Although these efforts may seem daunting, South African officials identified a set of practical steps to help improve efficiency and results.



Figure 1

Harmonized Fishing Vessel Inspection Processes Comply With the 3 Treaties

South Africa's workflow





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Although the standard operating procedures (SOPs) for treaty implementation may be similar across jurisdictions, they will vary to reflect individual nations' organizations and authorities. At South Africa's 2024 convening, fisheries inspectors from the Department of Forestry, Fisheries and the Environment (DFFE) and ship surveyors from the South African Maritime Safety Authority (SAMSA) – who carry out safety and labour inspections for the Department of Transport and Department of Employment and Labour – agreed to take specific actions to drive vessel inspection harmonization and efficiency forward:

1. Fisheries officers from the DFFE include labour risk criteria when deciding whether to allow a vessel to enter port or prioritizing inspections and, if they have labour concerns about a vessel, they notify SAMSA surveyors, who then either join the fisheries inspection or prioritize that vessel in their own investigations. And SAMSA inspectors reciprocate during their port or vessel inspections, so that all relevant government agencies are informed and engaged about IUU fishing, safety and labour abuse risks.
2. Departments involved in inspections, which could include fisheries and transport, will develop SOPs to improve collaboration, particularly for higher risk vessels, to ensure that inspectors are fully aware of the process and systems for inter-agency information-sharing.
3. The SOPs will include advice on how to notify relevant authorities of potential non-compliance with each treaty so they can assess the situation and act as needed.
4. Government agencies will encourage the use of body cameras by safety and labour officials during inspections, mirroring what is already done by fisheries officers, to ensure effective real-time information-sharing between agencies.
5. Fisheries officers' inspections will be slightly modified to incorporate labour and safety issues.
6. Safety and labour inspectors will check for indications of fisheries violations – such as fresh water in storage tanks where there should be seawater, which may be a sign of transshipment (or transfer of catch) – and immediately notify fisheries inspectors for further investigation when needed.
7. Inspectors will check for evidence that a vessel's markings or flag are inconsistent with its documented or certified information.

By incorporating these points of coordination between port officials and inspectors and making a commitment to share information with other relevant government agencies, South Africa can ensure that all agencies with a stake in port controls and vessel safety are informed of vessel movements, actions taken after an inspection and potential rule violations. Once these systems and processes are fully integrated, the quick dissemination of information gleaned from risk assessments and port inspections will ensure that all authorities are fully informed and able to work together to prevent IUU fishing activities and improve safety and labour standards on board fishing vessels.

South Africa's strategic coordination efforts demonstrate a powerful example to other countries that effective and efficient harmonization of the three treaties is possible. Through its commitment to fill gaps in implementation by adopting the agreed workflow, the government shows that it takes seriously not only port, safety, labour and fishery enforcement, but also its role as a party to the PSMA, CTA and C188. Other governments with a stake in the health of the ocean and fisheries – and in eliminating illegal activities – should look to follow South Africa's example.

Endnotes

- 1 "In Hot Water: Climate Change and Crime Convergence in the Fisheries Sector," Cathy Haenlein, Royal United Services Institute, Aug. 1, 2023, <https://rusi.org/explore-our-research/publications/commentary/hot-water-climate-change-and-crime-convergence-fisheries-sector>.
- 2 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, U.N. Food and Agriculture Organization, 2009, <https://www.fao.org/3/i5469t/i5469T.pdf>.
- 3 Agreement on Port State Measures, U.N. Food and Agriculture Organization.
- 4 "2012 Cape Town Agreement to Enhance Fishing Safety," International Maritime Organization, <https://www.imo.org/en/MediaCentre/HotTopics/Pages/CapeTownAgreementForFishing.aspx>.
- 5 International Labour Organization, Work in Fishing Convention, 2007 (No. 188), C188 (2007), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188.

For more information, please visit: pewtrusts.org/internationalfisheries

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