



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

IOTC

PORT STATE MEASURES GUIDELINES ON BEST PRACTICES FOR INTERAGENCY COOPERATION AT NATIONAL LEVEL AND REGIONAL COOPERATION



2015

Cover photograph: Fisheries protection officer conducting a port inspection, Port Louis, Mauritius (© IOTC).

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The guideline has been prepared by Christopher Heinecken and Judith Swan under the supervision of the IOTC Secretariat with the financial support from the Development Grant Facility (DGF) to the Global Partnership for Oceans (GPO) of the World Bank. The grant is managed by the Indian Ocean Commission.

Bibliographic entry:

IOTC, 2015. Guidelines on best practices for interagency cooperation at national level and regional cooperation. *IOTC, Seychelles*. 58 pp.

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Abbreviations and acronyms

AREP	Advanced Request to Enter Port
ATF	Authorisation to Fish (Flag State)
CCRF	Code of Conduct for Responsible Fisheries (of the FAO)
COFI	Committee on Fisheries (of the FAO)
CPC	Contracting Parties and Cooperating Non-Contracting Parties
EEZ	Exclusive Economic Zone
ETA	Estimated time of arrival
ETD	Estimated time of departure
FAO	Food and Agriculture Organization of the United Nations
GT	Gross tonnage
IMO	International Maritime Organization
INTERPOL	International Police Organisation
ILO	International Labour Organisation
IOTC	Indian Ocean Tuna Commission
IPOA IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	Illegal, unreported and unregulated fishing
LOA	Length overall
MCS	Monitoring Control and Surveillance
MoU	Memorandum of Understanding
NCP	Non Contracting Parties
PSC	Port State Control
PSM	Port State Measures
PSMR	Port State Measures Resolution (Resolution 16/11 on <i>Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing</i>)
RFMO	Regional Fisheries Management Organization
SOP	Standard Operating Procedures
UNODC	United Nations Office on Drugs and Crime
VMS	Vessel Monitoring System

Terms

Fish	Means all species of highly migratory fish stocks covered by the IOTC Agreement.
Fishing	Means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.
Fishing related activities	<p>Any operation in support of, or in preparation for, fishing, including:</p> <ul style="list-style-type: none">• landing;• packaging;• processing;• transshipping; or• transporting <p>fish that have not been previously landed at a port, and provisioning personnel, fuel, gear and other supplies at sea.</p>
IUU	Illegal, unreported and unregulated fishing refers to the activities set out in paragraph 1 of the Resolution 11/03.
Port	Includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying.
Resolution 16/11	<i>IOTC Resolution on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing</i>
Use of Port	Includes landing, transshipping, packaging and processing of fish that have not been previously landed and other port services such as refuelling and resupplying, maintenance and dry-docking.
Vessel	Means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

1. Introduction

1.1. Explanation of the objectives and content of the Guidelines

One of the constraints to the effective implementation of port State measures (PSM) to combat illegal, unreported and unregulated (IUU) fishing - and related activities in support of such fishing – is the lack of coordination and cooperation among the various responsible national agencies that are either directly or indirectly involved with the administration and functioning of a country's port activities and national security.

At times, interagency relations can be strained and frustrating, and responsible national authorities may not communicate vital information to national agencies or regional contacts. Such situations, which often arise from a lack of understanding or planning, can defeat any hope of coming to grips with IUU fishing.

The objective of this document is to prevent such situations from occurring by providing guidelines of best practices for the implementation of IOTC Resolution 16/11 on port State measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in terms of regional cooperation and national interagency coordination.

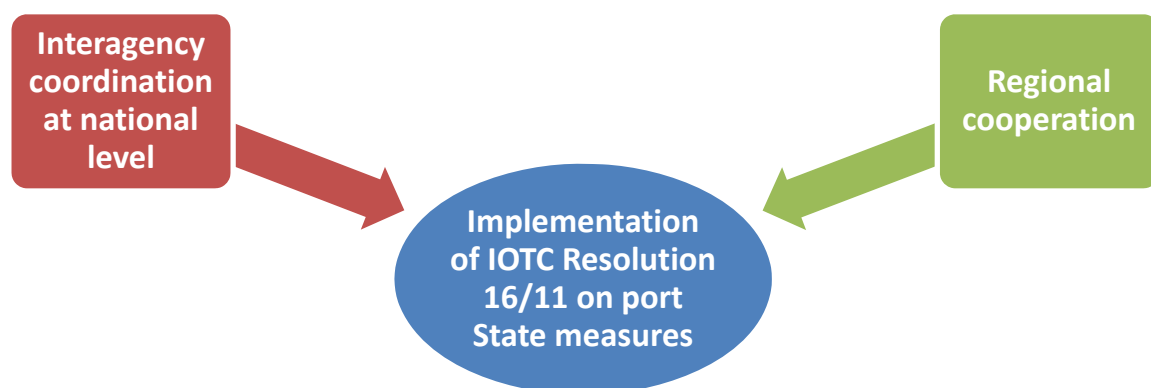


Figure 1: Key cooperation requirements of IOTC Resolution 16/11.

The Guidelines are almost identical to the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO Agreement) and the best practices of countries to implement each requirement – including IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) and other countries in the international community.

The Guidelines are intended to provide practical information and guidance to port State competent authorities (or administration) that can be adapted to reflect national practices, policies and other relevant international arrangements in force governing the management of highly migratory species, the control of fishing and fishing related activities and the implementation of port State measures.

1.2. Minimum standards for cooperation and best practices

The success of the implementation of both the IOTC Resolution 16/11 and FAO Agreement depends on the *implementation* and *harmonization* of the *minimum standards* for port State measures that they require. Implementation of harmonized minimum standards, in turn, depends on best practices for:

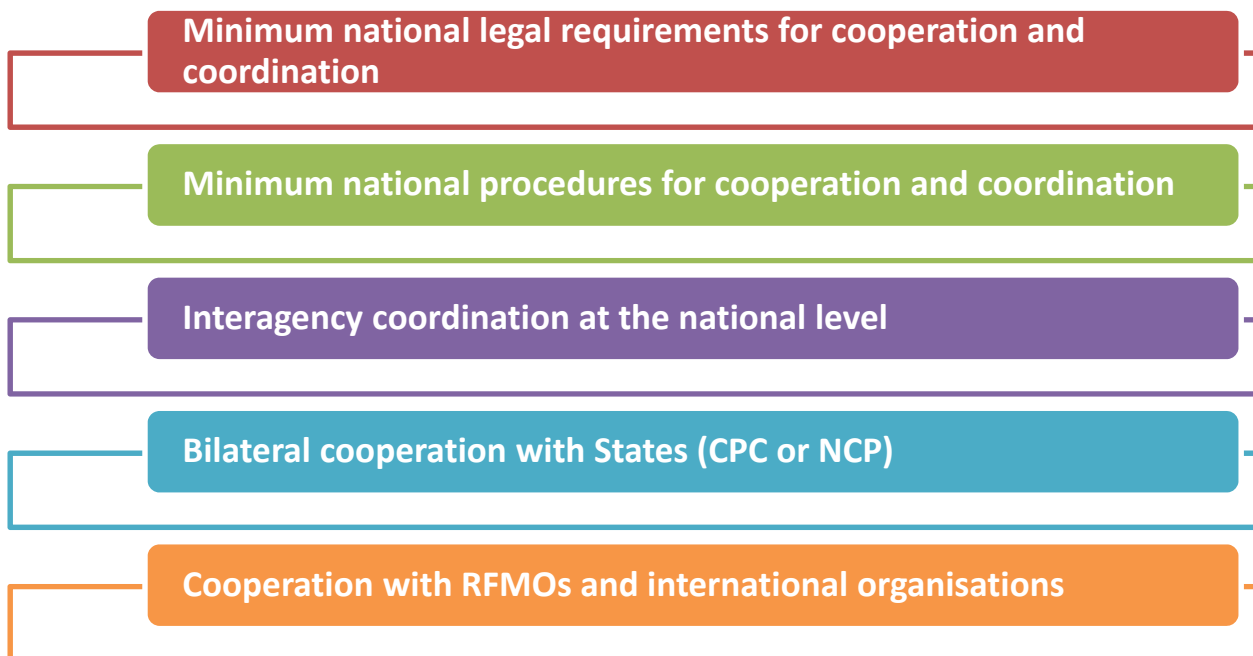


Figure 2: Port State Measures and minimum standards for cooperation - best practices.

The importance of each of these minimum standards is described below, followed by a step-by-step description of “best practices” for national interagency coordination and regional cooperation.

1.3. Brief overview of key concepts of the IOTC Resolution 16/11

When and where should port State measures be applied, as a minimum standard? Key concepts in the IOTC Resolution 16/11 are clear in this regard, and address vessels, fish, fishing, fishing related activities, IUU fishing, port and use of port, described below. Countries are free to apply more stringent requirements.

Vessels refer to:

- Foreign vessels (those not entitled to fly your country’s flag).¹
- Vessels seeking entry into port, or are in port; and
- Vessels that are used for, equipped to be used for, or intended to be used for, fishing or fishing related activities – i.e. fishing, transport, supply, other vessels.

¹ There are two exceptions: (a) artisanal subsistence vessels from a neighbouring country where countries cooperate to ensure that they don’t engage in IUU fishing or fishing related activities; and (b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting IUU fishing related activities.

Fish refers to:

- all species of highly migratory fish stocks covered by the IOTC Agreement.

Fishing refers to:

- searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.

IUU fishing refers to:

- the activities in paragraph 1 of IOTC Resolution 11/03

Port refers to:

- offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying.



Figure 3: Tuna purse seiner involved in 3 offloading operations in port Victoria, Seychelles – landing to a cannery, transshipment to a carrier vessel and to a container.

The **use of port** is an important concept, because vessels must be denied the use of port in certain circumstances. Denial of use of port will offer opportunities for inspection and enforcement, but will also result in severe financial loss for the vessel owners and operators.

The denial of the use of port applies to landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, among other things, refuelling and resupplying, maintenance and drydocking.

Some uses of port are shown in Figure 4. It will be important for national legislation to underpin denial of port use under specified circumstances, and to provide for violations where any person uses a port in contravention of a denial.

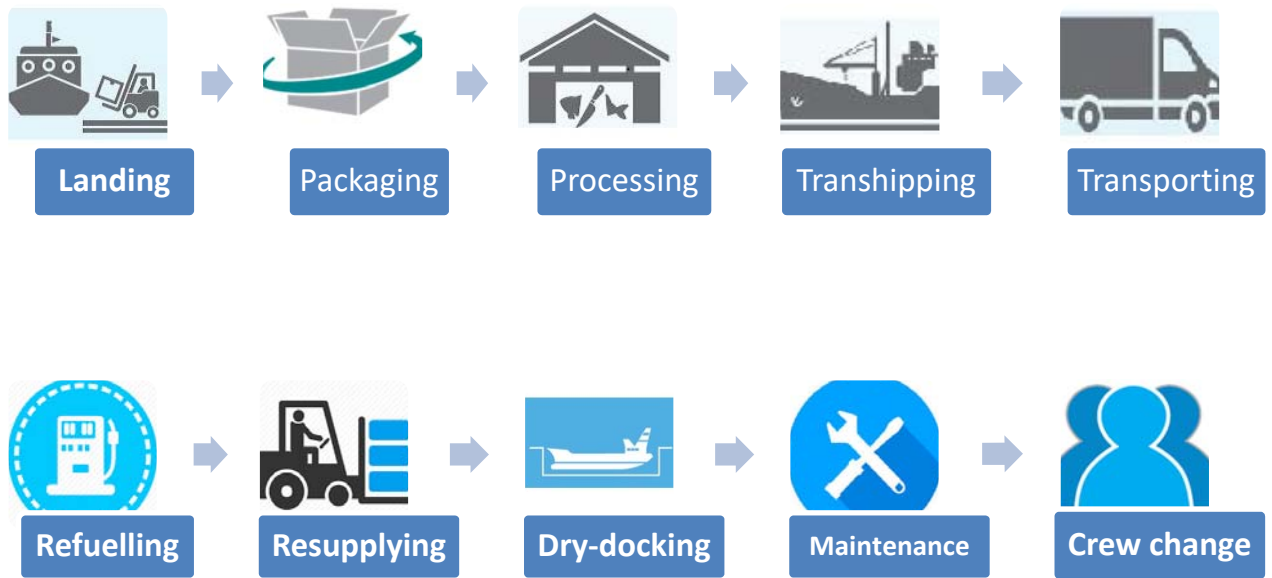


Figure 4: Application of PSM - port call purposes.



Figure 5: Tuna landing operation in the port of Dikovita, Sri Lanka.

2. Interagency integration and coordination at the national level

The text of *IOTC Resolution 16/11*, for requires integration and coordination at the national level.

CPCs are required ,to the greatest extent possible to integrate or coordinate fisheries related port State measures with the broader system of port State controls, such as those for merchant vessels. They must also integrate measures with other national measures that address IUU fishing, such as monitoring control and surveillance (MCS) arrangements, and take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies.

INTEGRATION AND COORDINATION AT THE NATIONAL LEVEL

CPCs are required, to the greatest extent possible, to:

- a) *“integrate or coordinate fisheries related port State measures with the broader system of port State controls;*
- b) *integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing...;*
- c) *take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Conservation and Management Resolution.”*

The fisheries agency generally takes the lead for implementing IOTC Resolutions, but because there are many aspects to IUU fishing - as well as ports and national enforcement – countries are encouraged to establish interagency coordination. Some activities that could be incidental to, or associated with IUU fishing and other relevant agencies include import/export of fish and fish products (health, customs, trade, veterinary), international criminal activity (illegal smuggling of drugs, arms, people), non-compliance with fisheries and other legislation (Attorney-General’s Office, foreign affairs, police, defense), use of port (port authority, trade and industry, labor, immigration).

Although fisheries authorities are recognised as the primary authority responsible for implementing the IOTC Resolutions, other agencies exercise control over import and export of products from foreign vessels entering port, including fishing vessels and fish products and these can also have an impact on combating IUU fishing.

National agencies that enforce other international arrangements may overlap with fisheries activities, such as the IMO system of port controls and the standards set by the

World Customs Organisation on trade to combat the smuggling of illicit goods through ports. Such controls impact on all products from foreign vessels landed in port, including fish products.

Another example is the need for coordination with border police due to the criminal nature of IUU fishing activities and the association of some fishers with crimes such as drug smuggling or human trafficking. They are responsible for monitoring international criminal activities and often work with Interpol.

The possibility of parallel investigations taking place without the awareness and cooperation of one or other of the national agencies could result in conflicting decisions and actions jeopardising sensitive investigations of all concerned.

These examples illustrate the need for interagency coordination, which can be effected through an agreed Memorandum of Understanding (MoU) among all concerned agencies. An MoU would provide a legal mandate, avoid overlapping activities, identify procedures or a process to develop them, promote cooperation, and clearly define areas where coordination is required, designate the responsible agencies and specify the information that needs to be shared for a consolidated front to combat IUU fishing.

2.1. The broader system of port controls

The broader system of port controls involves a number of different government agencies involved in fisheries and port management. Each may operate independently, within its own mandate given under national legislation.

The Fisheries Authorities should have the statutory responsibility for the conservation and management of fish in areas within and beyond national jurisdiction in accordance with international law and IOTC Resolutions, and for ensuring the implementation of IOTC Resolutions.



Figure 6: Tuna landing operation to a cannery in port Victoria, Seychelles.

Therefore, they would be well positioned as having lead authority and responsibility to coordinate the implementation of IOTC Resolution 16/11.

Their responsibilities support such authority, and include the conservation and management of the fisheries resources, the collection, maintenance, exchange and dissemination of fisheries-related data and information, liaison with regional fisheries bodies, including IOTC, and other countries on fisheries matters and the monitoring, control and surveillance of fisheries and related activities, including inspection and enforcement.

National agencies that will foreseeably be involved or have a mandate over decisions and operations involving foreign fishing vessels in port and where cooperation will be required would include, *inter alia*:

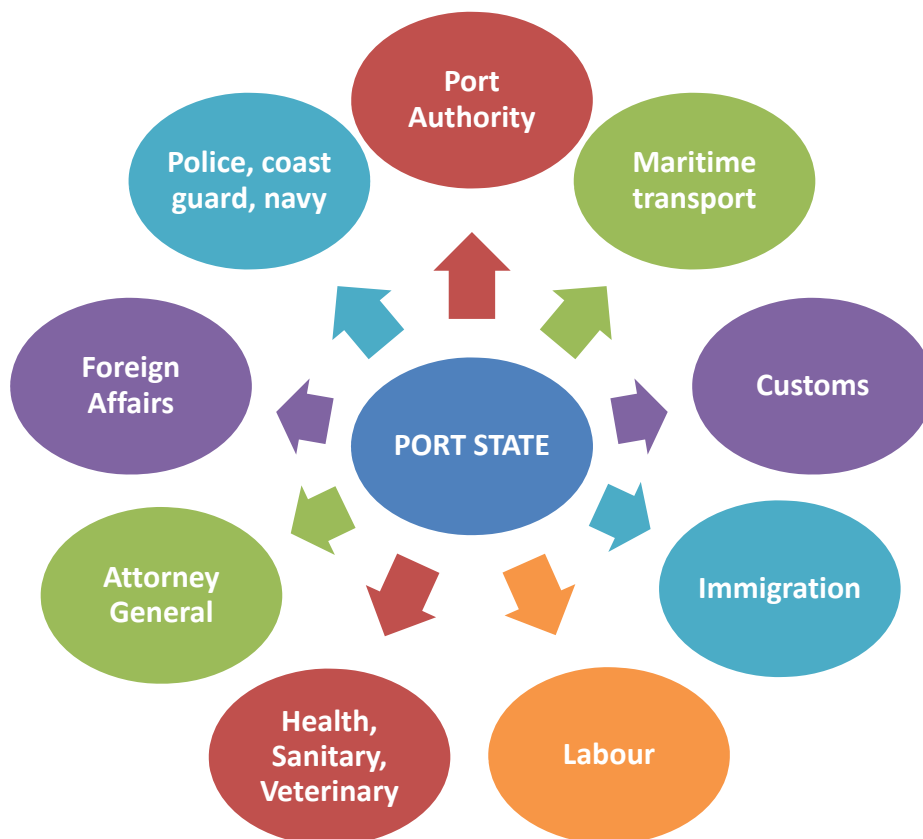


Figure 7: Interagency cooperation - national agencies with which cooperation should be established to implement port State measures.



Figure 8: The bay of Antsiranana, Madagascar, where the port of Diego Suarez is located.

What is Port State Control?

Port State Control (PSC) is the inspection of foreign ships in national ports to verify that the condition of the ship and its equipment complies with the requirements of agreed international standards and that the ship is manned and operated in compliance with these rules. International Maritime Organization (IMO) and International Labour Organization (ILO) conventions provide the basis for the implementation of port State control.

Many of IMO's and ILO's most important technical conventions contain provisions for ships to be inspected when they visit foreign ports to ensure that they meet IMO/ILO requirements. However, the inspections do not target fishing vessels.

These inspections were originally intended to be a back up to flag State responsibility, but experience has shown that they can be extremely effective, especially if organized on a regional basis. A ship going to a port in one country often visit other countries in the region before embarking on its return voyage and it is to everybody's advantage if inspections can be closely co-ordinated.

This ensures that as many ships as possible are inspected but at the same time prevents ships being delayed by unnecessary inspections. The primary responsibility for ships' standards rests with the flag State - but port State control provides a "safety net" to catch substandard ships.

IMO has encouraged the establishment of regional port State control organizations and agreements on port State control. Memoranda of Understanding (MoUs) have been signed covering all of the world's oceans: Europe and the north Atlantic (Paris MoU); Asia and the Pacific (Tokyo MoU); Latin America (Acuerdo de Viña del Mar); Caribbean (Caribbean MoU); West and Central Africa (Abuja MoU); the Black Sea region (Black Sea MoU); the Mediterranean (Mediterranean MoU); the Indian Ocean (Indian Ocean MoU); and the Riyadh MoU.

To establish broader systems of port controls and strengthen cooperation between fisheries agencies and other national agencies, the following areas need to be addressed:

1. *Identify mandates and procedures.* A primary concern is to assess the relevant legal mandates of the various agencies in relation to port State measures and, where there may be weaknesses, conflicts or inconsistencies, ensure cooperative processes through an interagency agreement of protocol such as a memorandum of understanding (MoU). The MoU should endeavour to:
 - ensure that the fisheries authority has the lead overall responsibility for measures involving fisheries;
 - specify the roles of all agencies in relation to each relevant requirement of the IOTC Resolution on port State measures;
 - describe the decision-making authority and process; and
 - describe the communications requirements, including focal points, contacts and access to databases.
2. Where possible and desirable, legal amendments to the mandates of the various agencies may be explored with senior management.

The broader system of port controls Government agencies involved in port management

Government agency	Mandate & area of intervention
Fisheries Authorities (Competent authority in the PSMR)	Lead authority responsibility to implement port State measures described in the IOTC Resolution 16/11. Receive requests to enter port (AREP), conduct inspections, allow/deny use of port services.
Port Authority	Receive requests to enter port, control entry into port, manage berthing and use of port facilities and services.
Maritime/Transport Authority	Inspect vessels to ensure international maritime standards are complied with (e.g. safety of life at sea, prevention of pollution, living and working conditions onboard).
Customs	Inspect and provide customs clearance for fish, fish products and other items to be landed or transhipped in port.
Immigration	Inspect identification documents showing nationality of master and crew, and ensure validity of documentation. The role of Immigration officers is to ensure that immigration legislation is enforced.
Health/Sanitary/Veterinary Authority	Inspect fish and fish products to ensure compliance with relevant national standards, laws and regulations.
Labour	Inspect and investigate to ensure that relevant national and international standards for labour are being met.
Police, Coast Guard, Navy	Investigate and enforce national laws.
Attorney General	Ensure national laws are adequate to implement the IOTC Resolution 16/11, review outcomes of investigations and support legal or administrative proceedings in cases of suspected non-compliance or violations.
Foreign Affairs	Take necessary action pursuant to applicable international and national law and policy, including with flag States, other coastal and port States, IOTC CPCs and relevant regional and international organizations.

Port State Control and maritime conventions

There are several key instruments that have been adopted by the International Maritime Organization (IMO). They set international standards concerning a wide range of matters related to the safety of life at sea; the prevention of pollution by vessels; the living and working conditions on board ships. The key international maritime conventions are:

- International Convention on Load Lines 1966, as amended, and its 1988 Protocol, (LOADLINES 66/88);
- International Convention for the Safety of Life at Sea (SOLAS), 1974, its Protocol of 1978, as amended, and the Protocol of 1988, (SOLAS 74/78/88);
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended (MARPOL 73/78);
- International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978, as amended (STCW 78);
- Convention on the International Regulations for Preventing Collisions at Sea 1972, as amended (COLREG 72),
- International Convention on Tonnage Measurement of Ships 1969 (TONNAGE 1969).

Port State control and labour conventions

There are three key instruments that have been adopted by the International Labour Organization (ILO) at the 94th and 96th Sessions of the International Labour Conference. They set international standards concerning a wide range of matters related to the work on-board ships and the work in the fishing sector. The key international labour conventions are:

- Maritime Labour Convention, 2006 (MLC, 2006);
- Work in Fishing Convention, 2007 (No. 188 or C188); and
- Work in Fishing Recommendation, 2007 (No. 199 or R199).

The objective of the Convention C188 is “to ensure that fishers have decent conditions of work *on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security*”.

The Convention C188 has requirements for all vessels and higher requirements for certain vessels (generally those 24 metres in length and over, but also for those at sea for extended periods of time), concerning:

- safety on board fishing vessels;
- food, accommodation and medical care at sea;
- employment practices, insurance and liability.

Work in Fishing Recommendation 2007 (No. 199) provides additional guidance on the matters covered by the Convention C188.

The MLC 2006 has entered into force in August 2013 and the C188 may come into force 12 months after it has been ratified by 10 states, eight of which must be coastal countries. As of May 2014, the convention has been ratified by Argentina (2011), Bosnia and Herzegovina (2010), Republic of the Congo (2014), Morocco (2013), and South Africa (2013), all of which are coastal states.

Most of the labour and maritime conventions are not applicable to fishing vessels or are applicable to fishing vessels above a certain length (LOA) or tonnage (GT), however they may be applicable to vessels involved in fishing related activities, such as reefers, carrier vessels or any support vessels.

2.2. Integrating port State measures with other measures to combat IUU fishing

IOTC Resolution 16/11 calls for CPC port States *to integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.*

The FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), a voluntary instrument, was endorsed by COFI in 2001. The IPOA-IUU is one of four IPOAs that were elaborated within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries.

The IPOA-IUU sets out principles and measures to prevent, deter and eliminate IUU fishing, at the level of States (coastal, flag, market and port States), Regional Economic Integration Organizations and Regional Fisheries Management Organizations (RFMOs). At the level of States, it enunciates the principles and measures that should be taken under various states jurisdictions: coastal State, flag State, market State and ultimately port States.

For CPCs that have developed a NPOA IUU with a set of measures, including Monitoring Control and Surveillance arrangements, the Resolution requires that those measures be integrated with the port State measures of the IOTC Resolution 16/11.

The main areas where integration with PSM should be established are under coastal and market State responsibilities and could include the following:

- licensing of foreign vessels and regulation of access to waters and resources;
- Vessel Monitoring Systems (VMS);
- observer programmes;
- planning and funding MCS activities and enforcement actions (inspections at sea);
- fisheries enforcement information system; and
- access to market and market States measures.

2.3. Exchange of information among relevant national agencies and coordinate their activities in implementing the IOTC Resolution 16/11

A broad perspective of information flow for foreign vessels seeking entry into port can be viewed in a series of simplified sequential phases, from their planned arrival to departure. At each step there should be several agencies involved, each having specific objectives in coordinating access to port and use of port facilities and services.

These can be placed into four broad categories:

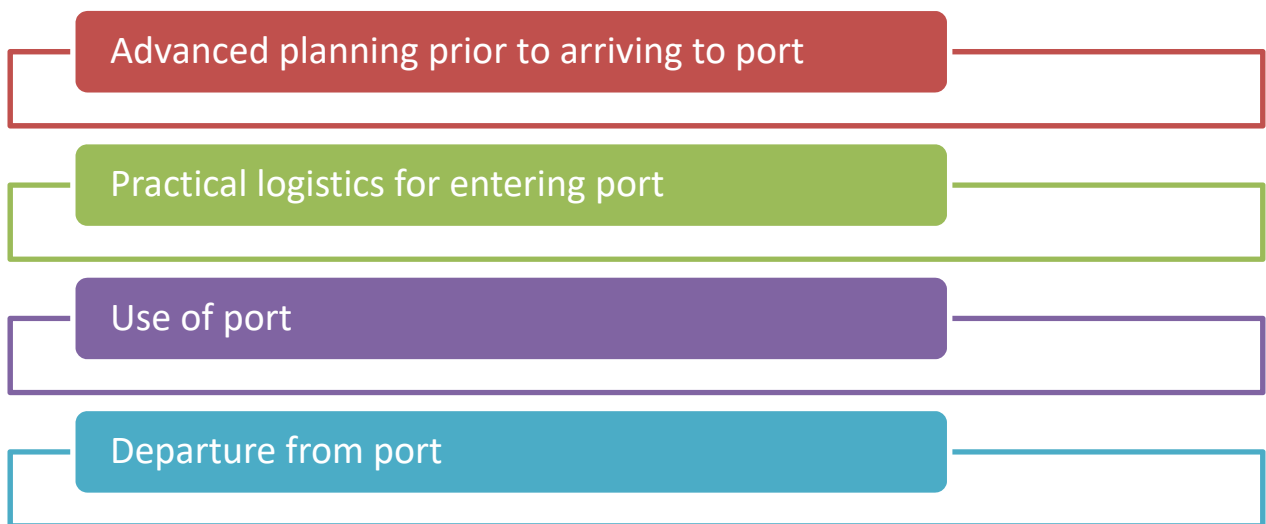


Figure 9: Main sequential phases of a vessel activity in port.

In parallel, the implementation of the IOTC Resolution 16/11, in term of PSM process, matches these phases in:

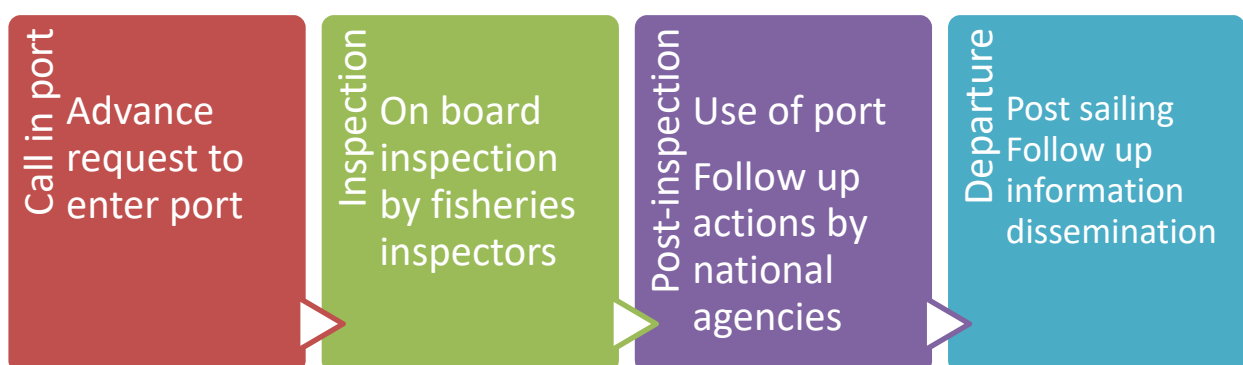


Figure 10: Vessel activity in port & the PSM process.

In each of these phases there is an overlap and a requirement for the exchange of information and cooperation between the vessel, its representatives, fisheries authorities and relevant national agencies, necessary for planning and managing a vessel's port visit (Table 1).

Phase of planned port visit	Fisheries Authorities Implementation of IOTC Resolution	Various Agencies Coordination of vessel activities in port and services
Advanced notice of date and time of arrival to port	Advanced Request to Enter Port (AREP) Analysis of AREP Port State decision: Deny or grant port entry	Advance notice port control and pilot (if applicable)
		Planned berthing space
		Advance notice to berthing parties
		Notification to health sanitary and veterinary services
On-board Inspection	On-board Inspection by fisheries inspectors	Joint inspection coordination with national agencies
		Requests for port services
		Finding & decision on potential action(s)
Use of port Follow up actions	Port State decision: Deny or grant use of port	Fisheries notification, grant/deny use of port
		Delivery of port services
	Monitoring catch off-loaded	Requests for customs services for import and export of goods
Vessel departure and post sailing	Post-sailing reports and clearance for departure Follow-up information dissemination	Port, customs and immigration clearance
		Advance notice to port control and pilot
		Advance notice to berthing parties

Table 1: Essential information exchanges during the PSM process to coordinate port services.

The fisheries authorities usually have a statutory responsibility for the implementation of IOTC Resolutions that include the collection and exchange of fisheries-related data and information.

Similarly, other national agencies routinely and independently collect and disseminate information in accordance with their mandates concerning vessels coming to port (Annex 1), and are often unaware of the same or similar requirements of other agencies.

An understanding of all other agencies' obligations and cooperation among them would serve to save time and effort and could result in more effective decision-making and discharge of their various responsibilities. To achieve this level of cooperation there is a need to establish inter-agency committees and through these, develop legally binding MoUs (Annex 2), that can develop or enhance the working relationships between the responsible fisheries authority and other primary agencies in port management and vessel and product control.

BEST PRACTICES - GUIDE FOR INTERAGENCY COOPERATION – DECISION MAKING

Create INTERAGENCY COMMITTEE tasked with:

- establishing procedures for port State measures to be carried out by “front line” fisheries managers and inspectors, in cooperation with other agencies as needed;
- establishing clear lines of communication and procedures to be carried out in coordination with other key national agencies involved with providing services to vessels in port.

ENSURE that:

- fisheries authorities are recognised as the statutory lead authority for decisions on foreign fishing vessels entering port and in port;
- port authorities and other relevant agencies are legally bound to cooperate with the fisheries authority;
- a national hierarchy is identified concerning responsibilities and communications relating to fishing vessels requesting entry into, or that are in port.

2.4. Interagency Memorandum of Understanding (MoU)

The objective of an interagency MoU is to strengthen the combined efforts of the agencies to effectively implement national laws and international obligations that address IUU fishing.

An independent assessment should be made of existing national legislation and relations among agencies that describes relevant mandates and procedures, recommends for best practices in interagency cooperation to implement IOTC Resolution 16/11 requirements on a national level.

The assessment should cover the relevant legal mandates of the various national agencies in relation to port State measures and identify where there may be weaknesses, conflicts or inconsistencies and, develop cooperative processes that endeavour to:

- ensure the fisheries authority has lead overall responsibility for measures involving fisheries and fisheries related activities taking place prior to entry into port and in port;
- specify the roles of all agencies in relation to each relevant requirement of the IOTC Resolution;
- describe the decision-making authority and process; and
- describe communications requirements in-country and regionally, including focal points, contacts and databases.

Guidelines on best practices for interagency cooperation at national level and regional cooperation

The process should be facilitated at senior decision making level within the State. The objective would be to identify mechanisms for cooperation and, identify changes that should be made to the mandates (by law) of national agencies or the procedures. Consideration should be given at this point to establishing MoU among agencies to facilitate cooperative working relationships within the law.

A clear national hierarchy should be established among all agencies involved with foreign fishing vessels entering port and facilitate regional and international cooperation by identifying legally responsible authorities for the exchange of information.

Minimum legal requirements

The operational activities for port State measures are mainly carried out by “front line” fisheries managers and inspectors, in cooperation with other agencies as needed. As shown above, clear procedures are required for effective operations, but many of the procedures require underpinning by national law.

For example, if vessel operators are not legally required to report, or inspectors don't have the legal authority to inspect or take information, or there is no legal authority to deny the use of port under stated circumstances, the procedures may be useless.

Even worse, a vessel operator may bring legal action against the port State for proceeding without sufficient legal authority.

Conversely, there must be legal obligations on the owner, operator, master and crew of a vessel to cooperate and assist with an inspection, not to obstruct inspectors, to provide all information and reports required by law, and to give information that is true, complete and correct.



Figure 11: Landing of tuna from a carrier vessel to a cannery in the port of Antsiranana, Madagascar.

INTERAGENCY MEMORANDUM OF UNDERSTANDING

Objectives of an interagency MoU:

- strengthen working relationships between national Fisheries Authority and relevant agencies (*to exercise effective port State measures over foreign fishing vessels*);
- strengthen combined efforts of agencies to effectively implement national laws and international obligations (*to combat IUU fishing and fishing related activities*);

MoU among applicable agencies responsible for ports:

- Fisheries;
- Port Authorities;
- Maritime/Transport Authorities;
- Customs Authorities;
- Immigration Authorities;
- Health/Sanitary Authorities;
- Veterinary Authorities;
- Labour Authorities;
- Police;
- Coast Guard/Navy;
- Attorney General,
- Foreign Affairs.

The MoU should endeavour to:

- ensure the fisheries authority has lead overall responsibility (*for measures involving fisheries and fisheries related activities taking place in ports*);
- specify the roles of all agencies to requirement of the IOTC Resolution 16/11;
- describe the decision-making authority and process; and
- describe communications requirements, including focal points, contacts and databases.

In many countries, there is a mistaken belief that all legal authority and responsibilities are in place. However, surveys of some of the CPCs legislation done under IOTC-related projects in recent years have shown that the legislation does not normally provide the necessary authority and mandate.

A programme of assistance for some CPCs to strengthen national legislation has been identified so that port State measures – including laws and procedures - may be more effectively implemented.

It will, therefore, be necessary for each country to ensure that a minimum “best practices” standard of legal authority exists.

Minimum standards for cooperation with other CPCs and IOTC

The ability of vessels to move freely across high seas areas of different RFMOs and the waters under jurisdiction of coastal States requires efficient and consistent cooperation among port States and RFMOs to combat IUU fishing.

To be effective, such cooperation should be endorsed on a national level and national agencies in charge of implementation need to be identified.



Figure 12: Direct offloading of tuna from a purse seiner into a container in port Victoria, Seychelles.

The cooperation amongst port States, flag States, the IOTC and other relevant RFMOs are, to a large extent, dependant on and interconnected to processes at national level that requires the exchange and verification of information for analysing an advanced request to enter port (AREP) and reporting inspection results. Fundamental areas for sharing information include:

- IUU vessel listing by RFMOs or any other relevant international organisation;
- flag State issue of authorisations to fish (ATF) and any other relevant licences to fish on the high seas in the area of competence of relevant RFMOs;
- issuance of fishing license by a coastal State for its national waters;
- authorisation of vessel by RFMOs to fish within their area of competence;
- provision of VMS information from flag State, coastal State, RFMOs; and
- relevant transshipment authorisation and transshipment declarations.

3. Best practice guide to national interagency cooperation

Cooperation and information exchange, including notification, among fisheries authorities and other national agencies in the implementation of the IOTC Resolution 16/11 on port State measures can occur at five steps within the PSM process:

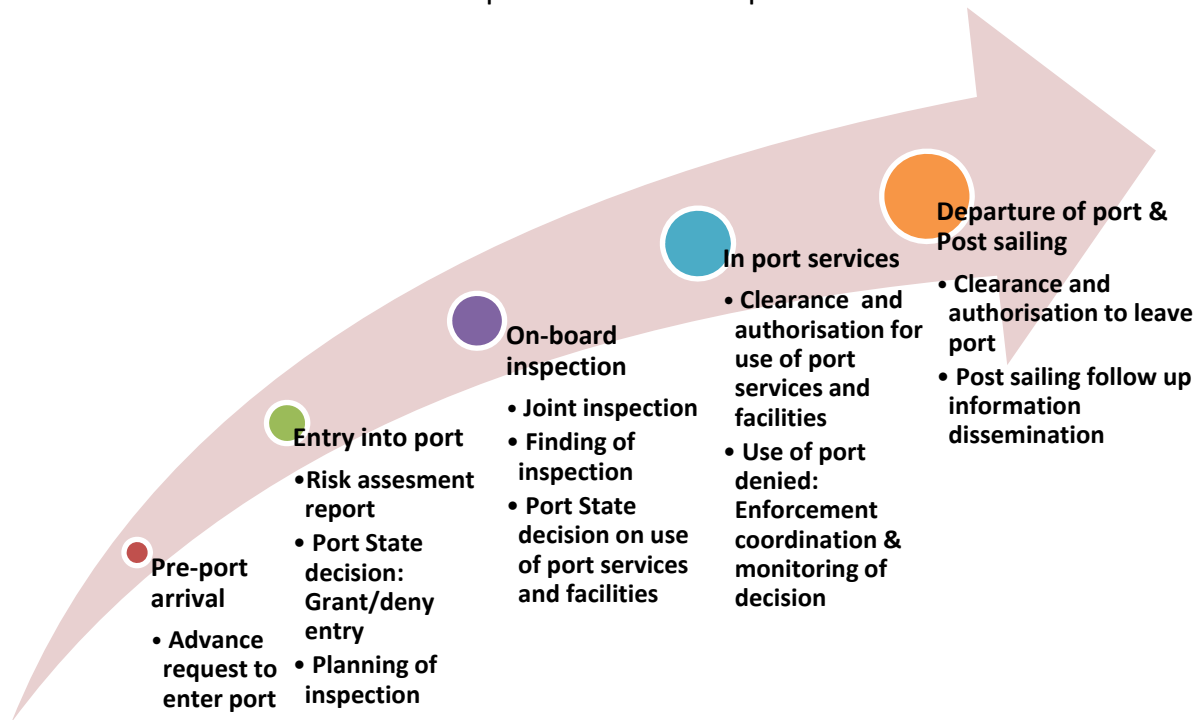


Figure 13: The five steps requiring cooperation and information exchanges between national agencies.

The greatest need for cooperation among fisheries authorities and other national agencies follows the decision to allow or deny a vessel port entry (figure 13), in such case cooperation is essential when the vessel has been denied the use of port facilities (e.g. high risk profile vessel) to ensure the vessels is not provided port services. It should be noted that a clear procedure should be established to notify agencies when deny of use of port has been imposed and lifted.

Cooperation during the port inspection also requires cooperation among national agencies, especially in the case where the vessel is denied the use of port facilities (triggered by the results of the port inspection), the vessel is detained (e.g. custody requires cooperation with the police), the catch is seized and auctioned (e.g. cooperation with sanitary/health authorities to certify that the catch is fitted for human consumption).

Clearance procedures for the departure of the vessel should be established. The departure from port should requires the authorising agency (in general port authority or harbour master) to coordinate with other national agencies to ensure that the vessels has fulfilled all requirements (legal, technical and financial) to be authorised to depart the port. A vessel should be able to leave port only if it is fully compliant with all technical requirements of the IOTC Conservation and Management Measures (e.g. Flag State authorisation to fish and vessel's documents on-board, marking of vessel and fishing gear, VMS is functioning, fishing logbook on-board, turtle mitigation devices on-board, etc..).

3.1. Analysis of the AREP - Port entry, authorization and denial

The IOTC Resolution, in section 6, requires a fishing vessel wishing to enter a port of a CPC to provide the information requested in Annex 1 (AREP) of the Resolution 16/11 at least 24 hours before entering into port, or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours.

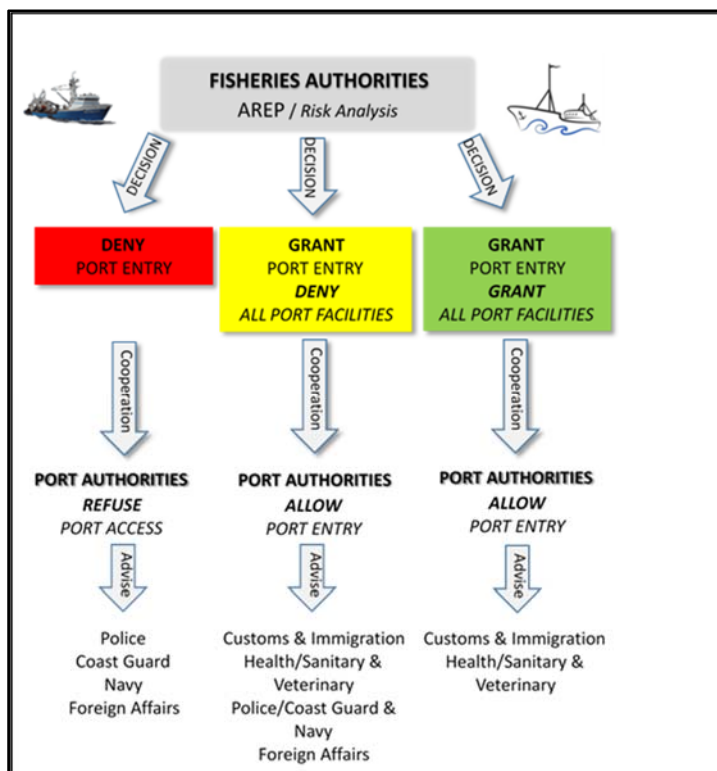


Figure 14: AREP analysis and cooperation required from relevant authorities.

This requires the port State to have national legislation and the capacity in place to receive, process and analyse an AREP in advance of a vessel arriving at the port limits. This is a minimum standard and *there is nothing preventing a port State’s legislation to require a longer lead period to allow sufficient time to do a risk assessment on the vessel that provided the AREP.*

The AREP sets up the procedure to research and verify a vessel’s background and fishing activity history prior to it entering port and depending on all information received, and in terms of section 7 of the IOTC Resolution 16/11 make a decision to:

- Allow port entry and access to port facilities**

where no evidence exists that the vessel has engaged in IUU fishing;

- Deny port entry**

where there is “sufficient proof” to suspect that a vessel has been implicated in IUU fishing;

- Allow port entry for inspection, but deny access to port facilities**

where there are reasonable grounds to suspect that the vessel may have engaged in IUU fishing and inspect the vessel;

- Allow the vessel entry to port when (Force majeure)**

in exceptional circumstances, a vessel request entry for force majeure or distress or after port entry the vessel request services to address the wellbeing or safety of the crew.

Figure 15: Port State decisions following a request to enter in port.

Note: In an event of force majeure, the use of port should be denied except for the purposes for which force majeure has been requested.

The primary level for national cooperation at this stage would be between fisheries authorities, in their role to assess a vessels request to enter port and port authorities that are directly involved with coordinating the vessels entry into port. Port authorities may also interact with other agencies, such as customs and immigration and sanitary/health, that have legal mandates to perform specific tasks that may not directly involve the fisheries authorities.

Fisheries must be recognised as the statutory lead authority for making decisions on foreign fishing vessels entering port. Other agencies involved with fishing vessels in port must be legally bound to cooperate fully with fisheries to uphold any decisions involving fishing vessels, which include decisions to deny port entry or allow the full process of port inspection to follow when entry is allowed, but port facilities are denied.

When a vessel is denied entry into port (paragraph 7.3 of the IOTC Resolution 16/11), the port State is required to communicate this decision to the flag State of the vessel and/or coastal State(s) and/or the IOTC Secretariat. Following such communication, it is recommended that the port State keep national agencies in copy of such communication.

Port authorities that manage vessels entry into port, berthing and provision of port facilities (refuelling, docking and repairs) must be aware that a decision to deny a vessel entry into port is legally binding, and that they are required to conform by refusing port entry if a fishing vessel, which has been denied permission to enter port, attempts to request direct from port authorities for a pilot or permission to enter port.



Figure 16: The port of Zanzibar, Tanzania.

The port authorities need to further ensure that the vessel remains outside the port limits, and refuse or prevent any port services being rendered to them via port supply vessels without the knowledge of the fisheries authorities.

Depending on the circumstances and possible involvement of other entities that may include:

- flag State requests involving compliance on their own vessels; or
- investigations by regional or international organisations such as INTERPOL, in accordance with international law and in cooperation with the port State's police or water wing of port security;

that require a vessel to be boarded outside the port for the purposes of inspecting for crimes other than those related to fisheries. In these instances there needs to be a means of formal communication between all agencies involved to coordinate their actions.

Taking into consideration the confidentiality and sensitive nature of investigations, it is essential that these processes are legally supported in the national legal framework or a MoU.

A risk in maintaining cooperation among agencies exists when the authority and procedural knowledge rests with a few senior managers. Cooperation is jeopardised when key personnel are moved or not available to make operational decisions when urgently needed. It is, therefore, essential that interagency cooperation be strengthened through establishing stable internal structures and operating procedures within agencies.

Best practices recommended for a national fisheries authority to overcome these risks would be to:

- establish and formally designate a department within their authority responsible for receiving and processing AREPs submitted by foreign vessels with sufficient manpower to deal with all situations;
- establish formal standard operating procedures (SOPs), in terms of the MoU with the relevant departments of other agencies;
- publicise the contact details for this department directly to:
 - all relevant national agencies;
 - relevant regional fisheries management organisations
 - CPCs flag States of vessels which regularly enter and make use of port facilities.

BEST PRACTICE GUIDE TO IMPLEMENTATION OF IOTC PORT STATE MEASURES

IOTC Resolution 16/11 viewed in three main phases:

1. **BEFORE ARRIVAL TO PORT**, assessment of the AREP, decision whether to permit entry to port;
2. **AFTER PORT ENTRY**, on either occasion, decision whether to prohibit use of port following;
 - a. assessment of evidence of IUU fishing, prior to inspection, and/or;
 - b. during/after inspection;
3. **FOLLOW-UP** information dissemination after inspection and where port use is denied.

The fisheries authority is recognised as the statutory lead authority for making decisions on foreign fishing vessels entering port.

The primary level for national cooperation between:

- fisheries authorities; and
- port authorities.

Other agencies involved with fishing vessels in port are legally bound to cooperate with fisheries and port authorities to uphold decisions made by the fisheries authority involving fishing vessels, which include:

- decision to deny port entry; or
- decision to grant or deny port facilities.

Figure 17:
Offloading of a
purse seine
net in port
Victoria,
Seychelles.



3.2. Standard Operating Procedures between Fisheries Authorities and other relevant agencies

The interagency MoU and SOPs between port and fisheries authorities needs to provide clear guidance on procedures to follow for the main decisions that can be made from the AREP analysis prior to the vessel entering port:

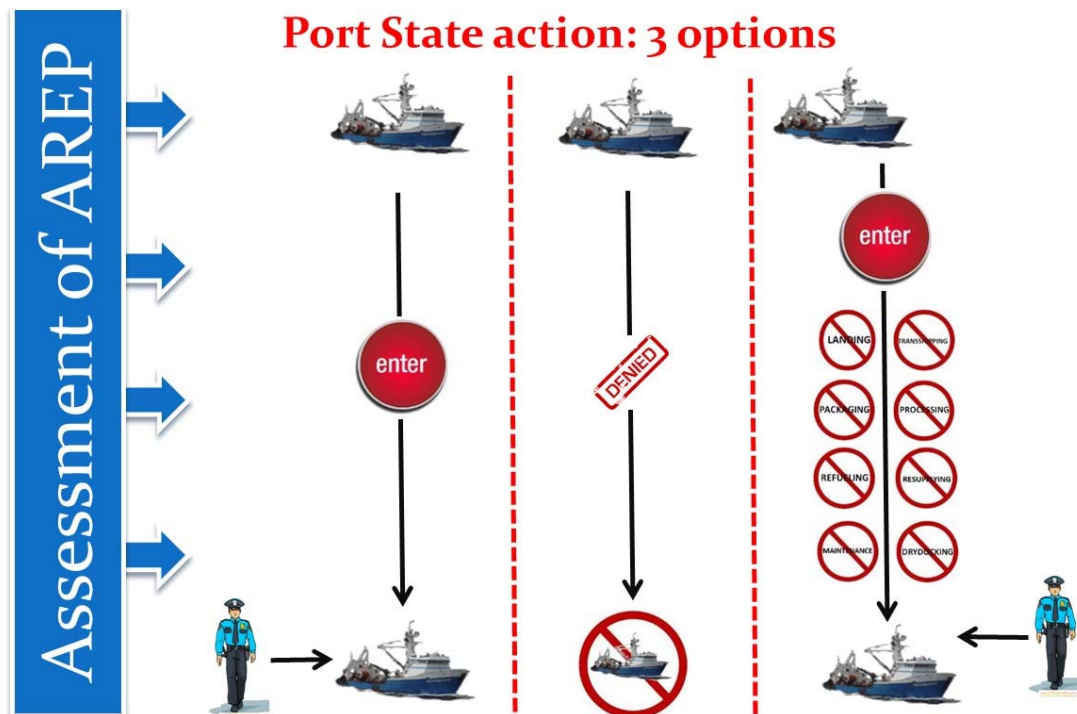


Figure 18: The three main possible port State actions following the assessment of the AREP.

Denial of port entry

The fisheries authority advises port authority to refuse the vessel permission to enter port. The port authority denies the vessel port entry. However, in the event of a vessel requesting port entry directly from port authorities for *force majeure* or distress, in terms of section 8 of the IOTC Resolution 16/11, there are key actions that can be established in a SOP that include:

- the port authority first reports the situation back to the fisheries authority before;
- taking sanitary/health/veterinary authorities or port engineers to the vessel outside the port to assess the health status or extent of any emergencies in order to decide if the situation requires immediate port entry;
- where there is clear evidence of an emergency, the vessel be brought into port and automatically denied any port facilities except for the purposes for which force majeure has been requested (e.g. services for the health and safety of the crew).



Allow port entry for inspection but deny port facilities prior to the vessel being inspected by the fisheries authority

Where a vessel, suspected of involvement of IUU fishing, is given permission to enter port “*exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law*” or it has gained entry into port for any other reason without prior permission from the fisheries authorities, it must be denied access to all port services prior to the inspection taking place by the fisheries authorities.

The exception being for rendering assistance to the crew or vessel in distress (force majeure).

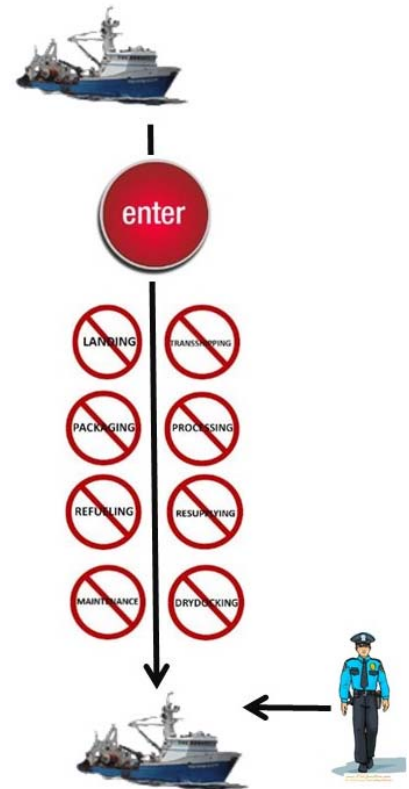
Deny port use under specified circumstances, no inspection necessary

Furthermore in terms of paragraph 9.1 of the Resolution 16/11, where a vessel has entered ports it shall be denied all port services if the port State obtains evidence that:

- the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
- the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that State;
- there is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
- the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organisation; or
- the port State has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing.

The fisheries authority must advise port authority to allow the vessel into port, making it clear that the vessel is denied any further port services until the fisheries authority have concluded their inspection. The decision must be communicated to all relevant divisions and agencies that are likely to be associated with the vessel entry to port, that include specifically:

- port bunkering to prevent refuelling;
- vessel agents to be informed to prevent resupply or commencement of landing or transhipment by port stevedores.



Notwithstanding the denial of port facilities the following agencies will most likely be required to first board the vessel for international port requirements:

- customs and immigration to apply their regulations;
- port health to inspect vessel and crew for infectious diseases and providing Maritime Declaration of Health;
- veterinary services to inspect and possible quarantine fish products; and
- port security or border control.

Where possible fisheries authorities should cooperate with port authorities and accompany them onto the vessel to ensure compliance with the conditions imposed for port entry.

Allow port entry and access to port facilities

A port State will authorise entry into its ports with access to port facilities where a vessel has complied with all the requirements of the AREP and there is no evidence of it being involved in IUU fishing.

In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the port State upon the vessel's arrival at port.

The fisheries authority advises port authority to allow the vessel into port and grant all request for use of port facilities. The decision must also be communicated to all relevant divisions and agencies that are likely to be associated with the vessel in port that can include *inter alia*:

- port bunkering;
- vessel agents, for resupply or commencement of landing or transshipment by port stevedores; and
- port engineers for repairs and maintenance.



3.3. On-board inspection in port and follow up actions

The inspection of a vessel in port can have two main outcomes depending of the findings of the inspection:

- the vessel is granted access to port services; or
- the vessel is denied any further access to port services.

The MoU and SOPs between port and fisheries authorities needs to provide clear guidance on procedures to follow for each of these decisions that follows the inspection.

The priorities for inspection of foreign fishing vessels by CPC port States provided in Section 10 of the IOTC Resolution 16/11 require at least 5% of landings or transhipments in its ports during each reporting year to be inspected. The level of inspection must include the monitoring of the entire discharge or transhipment and include a crosscheck between the quantities by species recorded in the AREP and the quantities by species landed or transhipped.

The decision following the assessment of the AREP will determine the priority for inspection. When inspection is required prior to granting port services, cooperation between the fisheries authorities' inspection team and port authorities will be needed to ensure that the vessel is denied all port services, until the inspection is complete and a decision is made to grant or deny further port services.

The exception being a situation where the vessel requests assistance for *force majeure* or distress and requires port services essential for the safety or health of the crew, or the safety of the vessel. In these situations the same SOP that applies to a vessels requesting entry to port under *force majeure* would apply.

It is recommended that the port authorities communicate all requests of this nature to the fisheries authorities and cooperates to verify the genuine nature and seriousness of the situation.

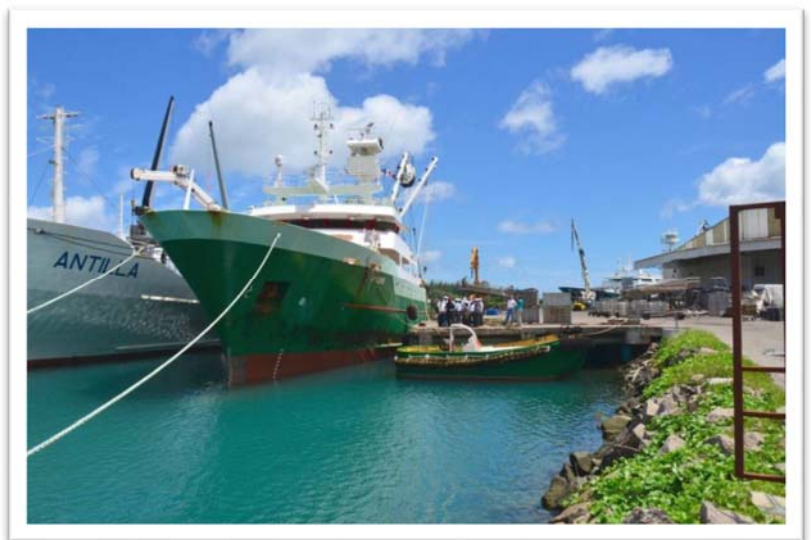


Figure 19: Purse seiner and carrier vessel in transhipment operation in Port Victoria, Seychelles.

After a vessel has entered port, ongoing cooperation is required between fisheries and other agencies to meet the outcomes of the inspection processes in terms of the IOTC Resolution 16/11 (paragraph 9.1 (a) to (e) and paragraph 15.1 (b)), should evidence then be found that implicates the vessel of any illegal fishing or fishing related activities not previously suspected, a decision to deny further port services can be made. The situation could also develop into a formal investigation with a view to prosecution.

The fisheries authorities must be supported by national legislation to be able to conform to the IOTC Resolution 16/11 and international law and have the mandate to enforce these measures. There also needs to be clear levels of cooperation between fisheries authorities to prevent continued services being granted to the vessel, and if necessary cooperation with port security services, or police, to place the vessel under arrest while investigations continue.

3.4. Port State actions following an inspection

Should the results from an inspection produce evidence that a vessel has been involved in IUU fishing, further cooperation from the flag State or relevant coastal State(s) may be pursued to verify this evidence and obtain sufficient proof to deny the vessel further port services and take any additional actions appropriate in terms of section 15 of the IOTC Resolution 16/11.

4. Best practice guide to cooperation at regional level

The preamble to the Resolution 16/11 specifically notes “the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures.”

At different stages in the implementation of the Resolution 16/11 bilateral cooperation between States and cooperation with regional and international organizations are essential (the main contacts are provided in the Table 2). Such cooperation should occur during the analysis and reporting outcomes of the AREP, during the port inspections and action(s) taken following an inspection, and involves several, or all, of the following:

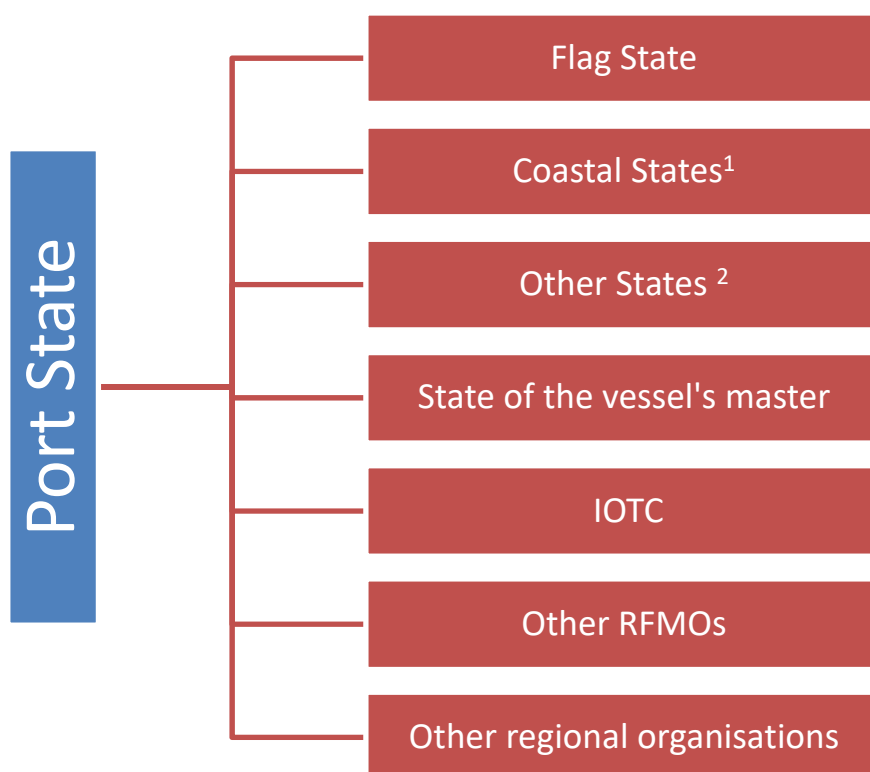


Figure 20: Cooperation and communication requirements at regional levels.

1: Coastal State(s) of the Indian Ocean or coastal State(s) of other oceans,

2: for which there is evidence through inspection that its flag vessel has engaged in IUU fishing.

Name of the organisation	Email contact
Tuna RFMOs	
ICCAT - International Commission for the Conservation of Atlantic Tunas	info@iccat.int
WCPFC - Western and Central Pacific Fisheries Commission	wcpfc@wcpfc.int
IATTC - Inter-American Tropical Tuna Commission	info@iattc.org
IOTC - Indian Ocean Tuna Commission	secretariat@iotc.org
CCSBT - Commission for the Conservation of Southern Bluefin Tuna	compliance@ccsbt.org

Name of the organisation	Email contact
Other RFMOs/RFBs and International organisations	
SWIOFC - Southwest Indian Ocean Fisheries Commission	aubrey.harris@fao.org
RECOFI - Regional Commission for Fisheries	piero.mannini@fao.org
CSRP - Commission Sous-Régionale des Pêches	spcsrp@spcsrp.org
CECAF - Fishery Committee for the Eastern Central Atlantic	gail.lugten@fao.org
SEAFDEC - Southeast Asian Fisheries Development Center	secretariat@seafdec.org
APFIC - Asia-Pacific Fishery Commission	fao-rap@fao.org
NEAFC - North-East Atlantic Fisheries Commission	surveillance@neafc.org
NAFO - Northwest Atlantic Fisheries Organization	info@nafo.int
NASCO - North Atlantic Salmon Conservation Organisation	hq@nasco.int
SEAFO - South-East Atlantic Fisheries Organisation	info@seafo.org
SIOFA - South Indian Ocean Fisheries Agreement	secretariat@iotc.org
SPRFMO - South Pacific Regional Fisheries Management Organisation	secretariat@sprfmo.int
CCAMLR - Convention on Conservation of Antarctic Marine Living Resources	ccamlr@ccamlr.org
GFCM - General Fisheries Commission for the Mediterranean	gfc-secretariat@fao.org
International organisations	
ILO - International Labour Organization (UN)	ilo@ilo.org
UNODC - United Nations Office on Drugs and Crime	untoc.cop@unodc.org
IMO - International Maritime Organization	info@imo.org
FAO - Food and Agriculture Organization of the United Nations	matthew.camilleri@fao.org
INTERPOL - International Police Organization	environmentalcrime@interpol.int

Table 2: Name and contacts of regional and international organisations.

4.1. Analysis of the AREP - Port entry, authorization and denial

To facilitate regional cooperation, a port State should publicise contact details of their national fisheries and port agencies that have the mandate to interact with relevant authorities and organisations on both a national and international level. The IOTC Resolution 16/11 (section 5) specifically requires that “*Each CPC shall designate and publicise the ports to which vessels may request entry pursuant to this Resolution*” and by default this include the contact details of their national competent authorities that have been mandated to implement port State measures.

Designated ports and contacts of Port State competent authorities are available for download from the Compliance page of the IOTC web site.

RECOMMENDATIONS FOR REGIONAL COOPERATION

Establish networks for regional and international communication to facilitate cooperation and exchange of information at different stages in the implementation of the IOTC Resolution 16/11 that includes:

- Regional organisations:
 - IOTC CPC flag States or coastal States;
 - IOTC Secretariat; and
 - Secretariats of other RFMOs.
- International organisations:
 - Food and Agriculture Organization (FAO UN);
 - International Maritime Organisation (IMO UN);
 - International Labour Organization (ILO UN)
 - United Nations Office on Drugs and Crime (UNODC); and
 - International Police Organization (INTERPOL).

The risk of a vessel having engaged in IUU fishing or fishing related activities must first be determined through a process of verifying on the IOTC website and with any relevant RFMO, if the vessel is on their list of IUU vessels.

The exchange of information and cooperation by the port State with the flag State, relevant coastal States and RFMOs is needed here to verify information provided in the AREP. In addition, in order for a port State to make a final decision on port entry within a prescribed time there needs to be rapid responses from the relevant States and RFMOs for information requested to verify specific information submitted in the prescribed fields of the AREP that will include, *inter alia*:

- VMS information on the vessels real time movements;
- status of the vessel on the IOTC list of vessels, including any IUU vessel listing;
- relevant fishing authorisation(s) from flag State;
- relevant fishing authorisations from RFMOs and coastal States;
- relevant transshipment authorisation(s);
- transshipment information concerning donor vessels,
- catch documentation scheme.

It is important to note that the same level of cooperation and information exchange should be expected during the inspection in port when no AREP has been submitted and the vessel is already in port.

Vessel Monitoring System

The port State can request from the flag State or relevant coastal State VMS information to verify information on the areas fished by the vessel in the period from its last port call.

This information may be used to cross-reference with the ATF conditions, or verify if the vessel has fished in a closed area or in the EEZ of a coastal State for which it does not have a valid fishing license.

Status in IOTC, including any IUU vessel listing

The analysis process of an AREP will require verification of the vessels details on the IOTC record of authorised vessels provided by the CPCs. Where there are discrepancies in the vessels' details (identifier, characteristics, information on owner and operator, authorised period), or if a vessel does not appear on the IOTC list then the port State will request from the IOTC Secretariat confirmation that the vessel is either not on the list or that there is a misunderstanding of the name or details provided on the AREP. This verification process would also require cooperation from the flag State.

Where vessels have indicated they have been operating in the Area of Competence of another RFMO the port State can request cooperation from the relevant RFMO to provide confirmation of registration on the authorised vessels list of the RFMO.

The internet addresses of record of authorised vessels and the contacts of tuna RFMOs are provided in Table 3, below.

Name of the organisation	Internet link
ICCAT - International Commission for the Conservation of Atlantic Tunas	http://www.iotc.org/vessels Email: info@iccat.int
WCPFC - Western and Central Pacific Fisheries Commission	http://www.wcpfc.int/vessels Email: wcpfc@wcpfc.int
IATTC - Inter-American Tropical Tuna Commission	http://www.iattc.org/VesselListsENG.htm Email: info@iattc.org
IOTC - Indian Ocean Tuna Commission	http://www.iotc.org/vessels Email: authorised.vessels@iotc.org
CCSBT - Commission for the Conservation of Southern Bluefin Tuna	http://www.ccsbt.org/site/authorised_vessels_and_farms.php Email: compliance@ccsbt.org

Table 3: Internet addresses & contacts of record of authorised vessels of tuna RFMOs.

The internet addresses of IUU vessel list of regional organization are provided in Table 4, below.

Name of the organisation	Internet link
NEAFC - North-East Atlantic Fisheries Commission	http://www.neafc.org/mcs/iuu/blist
NAFO - Northwest Atlantic Fisheries Organization	http://www.nafo.int/fisheries/fishery/iuu/list.html
SEAFO - South-East Atlantic Fisheries Organisation	http://www.seafo.org/Management/IUU
SPRFMO - South Pacific Regional Fisheries Management Organisation	https://www.sprfmo.int/conservation-measures/iuu-lists/#SPRFMO
CCAMLR - Convention on Conservation of Antarctic Marine Living Resources	http://www.ccamlr.org/en/compliance/illegal-unreported-and-unregulated-iuu-fishing
ICCAT - International Commission for the Conservation of Atlantic Tunas	http://www.iccat.int/en/IUU.asp
WCPFC - Western and Central Pacific Fisheries Commission	http://www.neafc.org/mcs/iuu/blist
IATTC - Inter-American Tropical Tuna Commission	https://www.iattc.org//VesselRegister/IUU.aspx?Lang=en
IOTC - Indian Ocean Tuna Commission	http://www.iotc.org/vessels
CCSBT - Commission for the Conservation of Southern Bluefin Tuna	www.ccsbt.org

Table 4: Internet addresses of IUU list of regional organisations.

Relevant fishing authorisation(s), flag State

The port State can request the cooperation from the flag State to provide copies of vessel registration and safety certificates to verify the name of owners and operators and copies of the vessels authorisation to fish (ATF) within the IOTC Area of Competence, or any other RFMOs indicated on the AREP.

Flag State authorisation to fish presented by the vessel requesting entry into port can be verified against the templates ATF, competent authority issuing the ATF, signature and stamps used on the ATF, such information is available to CPCs on a secure page of the IOTC web site at <http://www.iotc.org/compliance/authorizations-templates-samples> (Credentials can be obtained by contacting the IOTC Secretariat; secretariat@iotc.org).

Relevant fishing authorisation(s), coastal States

Where vessels have indicated they have been operating within the national jurisdiction of a coastal State, the port State can request cooperation from the coastal State to provide copies of the fishing license to verify that the vessels operated with the required conditions of the authorisation.

Coastal State fishing license presented by the vessel requesting entry into port can be verified against the templates of coastal State fishing license, competent authority issuing the license, signature and stamps used on the license, such information is available to CPCs on a secure page of the IOTC web site at <http://www.iotc.org/compliance/authorizations-templates-samples>

(Credentials can be obtained by contacting the IOTC Secretariat; secretariat@iotc.org).

Relevant transhipment authorisation(s)

The port State can request from the flag State of a vessel that has transhipped fish at sea, verification of its authorisations to tranship fish within the relevant RFMO area, which includes details of the names and RFMO identification numbers and validity of the authorisation(s). Copies of transhipment declaration detailing the quantities and species of fish for each transhipment can also be requested.

Transhipment information concerning donor vessels

The fishing authority can request from the CPCs, verification of transhipment authorisations provided to their flagged vessels to tranship fish at sea to another vessel. Copies of the transhipment declaration may also be requested from the flag States of the donor vessels and where relevant the Secretariat of the relevant RFMO in whose waters transhipments took place.

When a vessel is denied entry into port, the port State is required to communicate this decision to:

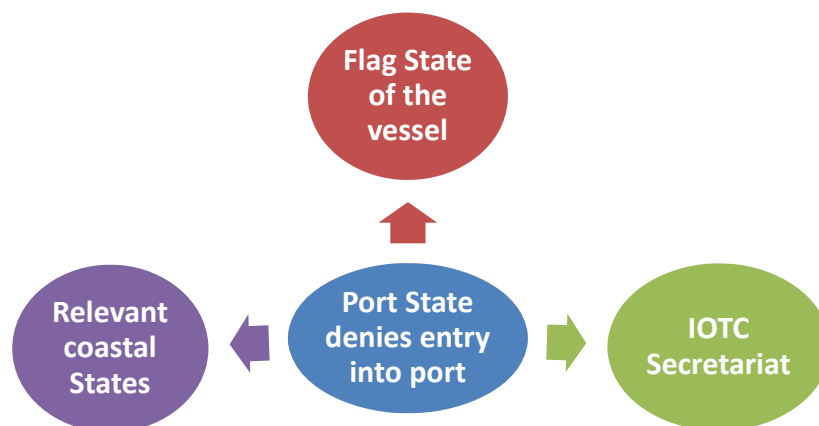


Figure 21: Regional cooperation and communication requirements when a vessel is denied entry into port (IOTC Resolution 16/11, paragraph 7.3)

Note: The IOTC Secretariat may communicate this decision to Secretariats of other RFMOs to combat IUU fishing at a global level.

4.2. Denial of use of port

Denial of use of port

Where a CPC has denied the use of its port in accordance with the Resolution 16/11, it shall promptly notify the flag State and, as appropriate, relevant coastal States, IOTC or other regional fisheries management organizations and other relevant international organizations of its decision:

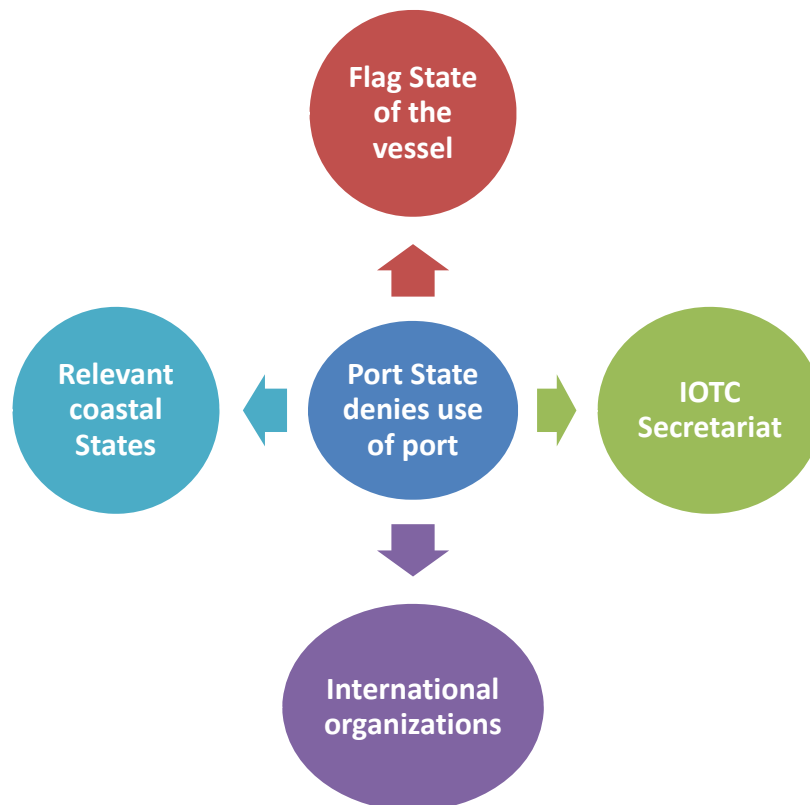


Figure 22: Regional cooperation and communication requirements when a vessel is denied use of port.

Note: International organizations could include United Nations agencies (e.g. FAO, UNODC, IMO, ILO), other tuna RFMOs, Interpol or Regional economic integration organisations (IOC, SADC, ASEAN, IGAD), where appropriate.

Withdraw of denial of use of port

Where a CPC has withdrawn its denial of use of port, it must promptly notify those to whom a notification was issued (Figure 22).

4.3. Port State actions following an inspection

Should the results from an inspection produce evidence that a vessel has been involved in IUU fishing, further cooperation from the flag State or relevant coastal State(s) may be pursued to verify this evidence and obtain sufficient proof to deny the vessel further port services and take any additional actions appropriate in terms of section 15 of the IOTC Resolution 16/11.

Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing, the inspecting CPC (Port State) shall promptly notify its findings to:

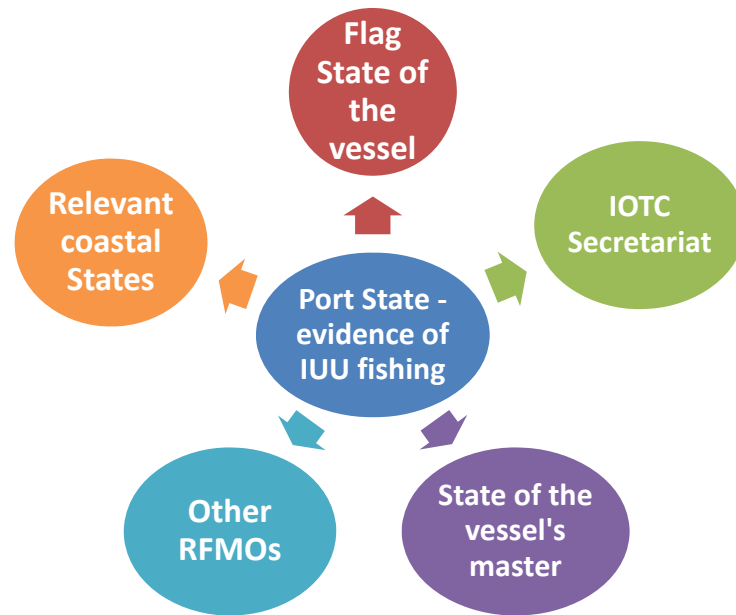


Figure 23: Regional cooperation and communication requirements when there is evidence that a vessel has engaged in IUU fishing activity.

In terms of paragraph 17.4 of the Resolution 16/11, where, following a port State inspection, a flag State CPC receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.

When a flag State receives a report of inspection with evidence of IUU fishing, it should launch a flag State investigation and report the results of the investigation and the actions it has taken to the following entities:

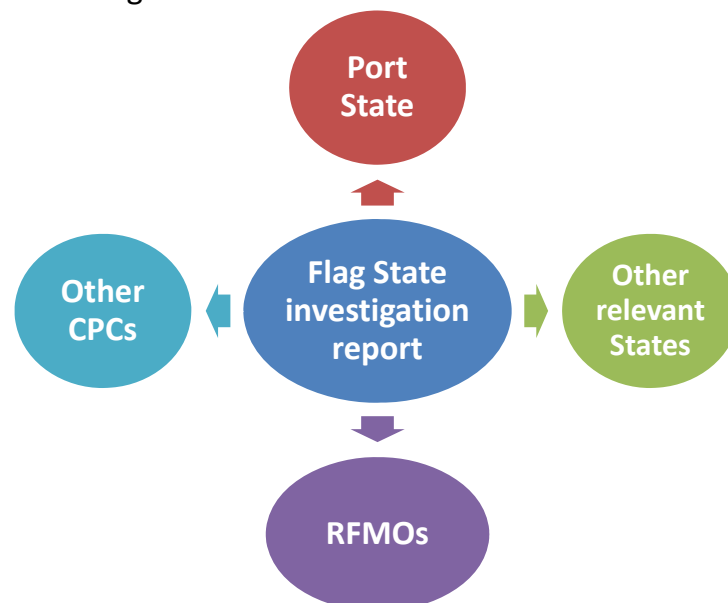


Figure 24: Regional cooperation and communication requirements following a flag State investigation.

However, It should be noted that considering the nature of the recipients, the best practices should be that the port State requires circulation to CPCs of the flag State notification of IUU evidence and investigation responsibility, and the subsequent flag State investigation report and action(s) taken be circulated to IOTC CPCs.

A summary of notification, communication and information requirements for port states and flag states is provided at annex 3.

5. Conclusion

The effective implementation of port State measures to combat IUU fishing - and related activities in support of such fishing depends on CPCs establishing an environment conducive to coordination and cooperation among responsible national agencies and with regional and international organizations at all stages of implementing the Resolution 16/11.

These processes will only be achieved through support from a senior level within the CPC to set up mechanisms for coordination, review the legal mandates of the relevant agencies and ensure a coordinated approach to regional and international measures, actions and relations..

ANNEX 1

Summary of levels of interagency responsibilities and areas of cooperation in the implementation of IOTC Resolution 16/11 on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

NATIONAL AUTHORITIES [AGENCIES]

NATIONAL AUTHORITIES [AGENCIES]	PRIMARY RESPONSIBILITY AND FUNCTIONS	COOPERATION	IMPLEMENTATION OF THE RESOLUTION
Cooperation at National Level			
National Government.	Recognized as CPC in terms of resolution and responsible for passing national legislation.		Implementation of the Resolution.
Foreign affairs.	International relations.	Provide guidance in international cooperation and relations, based on regional and international law and obligations.	Implementation of the resolution.
Fisheries Authority [Minister of Fisheries].	Overall responsible for all national fisheries departments.	Interact with government and other government departments on national and international responsibilities in applying the resolution Facilitate in convening an inter-agency committee and authorising developing MOUs and SOPs.	Implementation of the resolution.
Senior Port Authorities.	Overall responsibility for all port operations on national level.	Interact with government and Fisheries in coordination on national and international responsibly in terms of the resolution. Facilitate in convening an inter-agency committee and authorising developing MOUs and SOPs.	Implementation of the resolution.
Port Manager / Port Control.	Responsible for managing and governing port operations. Control of vessels entering port.	Cooperate with relevant fisheries authorities to apply decision made in accordance with the analysis of the AREP and inspection.	AREP. Vessel inspection.
Customs and Immigration.	Customs responsible for regulating import and export of products. Immigration responsible for clearing vessel and crew after the vessel enters port.	Cooperate with fisheries authority in information exchange and inspection of vessels.	Vessel inspection.

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NATIONAL AUTHORITIES [AGENCIES]	PRIMARY RESPONSIBILITY AND FUNCTIONS	COOPERATION	IMPLEMENTATION OF THE RESOLUTION
Port security /Border police / State security authority.	Responsible for securing ports in accordance with international shipping and port facilities Can investigate vessel for possible crimes and secures vessel if arrested.	Cooperate with fisheries authority for information exchange and with inspection to secure a vessel suspected of IUU fishing	AREP. Vessel inspection. Follow-up actions.
Attorney general.	Prosecution of vessel, seizure.	Advise on legal matters for arrest, seizure and prosecution of vessel following inspection in terms of national law.	Vessel inspection. Follow-up actions.
Port health.	Responsibility for inspection of vessel and crew for infectious diseases and providing Maritime Declaration of Health. Vessels are checked for rodents and sanitation conditions. Water and food supplies to vessels are monitored.	Cooperate with information exchange and inspection of vessels. Advise on health where a vessel claims force majeure or distress.	AREP. Vessel inspection.
Veterinary services.	Veterinary officer responsible monitoring and possible quarantine of all fish products. Board and inspect and can place a vessel under surveillance.	Cooperation for information exchange and inspection of products. Advise on quarantine requirements.	Vessel inspection.
Labour.	Monitor crew exchange and can investigate any reports on labour abuses and possible human trafficking and slavery	Cooperate with customs and immigration and fisheries authorities regarding crew during inspection to investigate human trafficking.	Vessel inspection.
Vessel agents.	Serve as intermediate and are primary link between vessels and all authorities for foreign vessels entering port. Facilitate with permits and clearing of products and arranging port services.	Cooperate with fisheries authorities and other national agencies in preparation of documents and obtaining relevant permits and permissions and coordinating port services.	AREP. Vessel inspection.

INTERNATIONAL AND REGIONAL AUTHORITIES

INTERNATIONAL AND REGIONAL AUTHORITIES	PRIMARY RESPONSIBILITY AND FUNCTIONS	COOPERATION	IMPLEMENTATION OF THE RESOLUTION
International and Regional Cooperation			
Flag State.	Responsible for their flagged vessels authorisation and operations in accordance with Part 5 of the resolution.	Cooperate with port State fishing authorities by providing information requested on their vessels in the analysis of the AREP; Participate and assist with inspection of their vessels while in the port of a port State.	AREP. Vessel inspection. Follow-up.
Port State.	Responsible for implementation of the resolution.	Cooperate with all relevant regional and international organisations in the implementation of the resolution.	AREP. Vessel inspection. Follow-up.
IOTC Secretariat.	In accordance with Part 5 of resolution responsible for posting relevant public information on the IOTC website and posting on the secure part of the website copies of Port inspection reports and related landing forms. Transmit inspection reports to relevant RFMOs.	Facilitate communication and cooperation between CPCs and RFMOs by providing information.	AREP. Vessel inspection. Follow-up.
Coastal States.	Responsible for providing authorisation and monitoring foreign vessels in areas under their jurisdiction.	Cooperate with information requests on authorisations provided to foreign vessels permitted to fish within the waters under their jurisdiction. Communicate with port State on vessels reported to have engaged in IUU fishing or related activities.	AREP. Vessel inspection. Follow-up.
RFMO.	Responsible for the management of the fisheries within their area of competence. Record of vessels that have been found to have engaged in IUU fishing or related activities within their area of jurisdiction.	Cooperate with flag States and port States and other RFMOs in providing information on vessels that have been found to have engaged in IUU fishing or related activities within their area of jurisdiction.	AREP. Vessel inspection. Follow-up.

ANNEX 2

DRAFT

MEMORANDUM OF UNDERSTANDING

**ON INTERAGENCY COOPERATION AND COORDINATION FOR EFFECTIVE PORT STATE
MEASURES IN RELATION TO FISHING AND FISHING RELATED ACTIVITIES**

BETWEEN THE

[FISHERIES AGENCY]

AND

**[APPLICABLE AGENCIES RESPONSIBLE FOR PORTS, MARITIME TRANSPORT, CUSTOMS,
IMMIGRATION, HEALTH/SANITARY, VETERINARY, LABOUR, POLICE, COAST GUARD,
NAVY, ATTORNEY GENERAL, FOREIGN AFFAIRS]**

Note: This is a template which may be tailored to the language and circumstances used in each country. For this reason, indicative language which may be amended is shown in *[square brackets]* and indicative content in *italics*.

1. PURPOSE AND OBJECTIVE

1.1. The purpose of this interagency Memorandum of Understanding (MOU) is to strengthen the working relationships between the [*Fisheries Agency*] and [*applicable agencies responsible for Ports, Maritime Transport, Customs, Immigration, Health/Sanitary, Veterinary, Labour, Police, Coast Guard, Navy, Attorney General, Foreign Affairs*] in relation to exercising effective port State measures over foreign fishing vessels that call into the port[s] of [*country*].

1.2 The objective of this MOU is to strengthen the combined efforts of the agencies to effectively implement national laws and international obligations of [*country*] that address illegal, unreported and unregulated (IUU) fishing and fishing related activities, with a view to ensuring the long-term conservation and sustainable use of living marine resources and marine ecosystems.

1.3 Underlying the purpose and objective of this MOU is the recognition by agencies that:

- (a) port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating IUU fishing and fishing related activities;
- (b) vessels involved in IUU fishing and fishing related activities may also be involved in other national or transnational criminal activities; and
- (c) integration of port State measures into the broader system of port controls at national, regional and international levels is essential to achieve maximum efficiency and effectiveness in addressing all such activities.

1.4 This MOU establishes a process and framework for notification, consultation and coordination among agencies in the procedures, actions and measures to be taken in relation to vessels seeking entry or in port and requirements for information, inspection and enforcement.

2. BACKGROUND

2.1 Port State Measures

2.1.1 This MOU provides a foundation for cooperation and coordination in the implementation of, *inter alia*, the legally binding Resolution 16/11 of the Indian Ocean Tuna Commission on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (“IOTC Resolution”). It establishes a framework for procedures, actions and measures in relation to vessels seeking entry into port or in port and incorporates requirements of the IOTC Resolution, including the following definitions:

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- (a) “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
- (b) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
- (c) “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying;
- (d) “use of port” includes landing, transshipping, packaging, and processing of fish and for other port services including, *inter alia*, refuelling and resupplying, maintenance and drydocking, and
- (e) “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

2.1.2 The vessels which are subject to port State measures, as described in the IOTC Resolution, include those that are not entitled to fly the flag of [country] that are seeking entry to its ports or are in one of its ports, with some stated exceptions relating to artisanal vessels of neighbouring States and container vessels not carrying fish or carrying previously landed fish providing there are no clear grounds for suspecting the vessels have engaged in fishing related activities that support IUU fishing.

2.1.3 The IOTC Resolution requires integration and coordination at the national level. To this end, [country] is required, to the greatest extent possible, to:

- (a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;
- (b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and
- (c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of the IOTC Resolution.

2.1.4 This MOU aims to facilitate such integration and coordination among agencies, integrate port State measures with other measures to combat IUU fishing and provide a platform for exchanging information and coordinating activities of all relevant national agencies in the implementation of the IOTC Resolution.

2.2 General mandates of agencies

2.2.1 The [Fisheries Agency] has the statutory responsibility for the conservation and management of fish in areas under national jurisdiction, and for ensuring the implementation of binding IOTC Resolutions which may apply to all areas in which IOTC has competence. Its responsibilities include the collection, maintenance, exchange and dissemination of fisheries-related data and information, liaison with regional fisheries bodies, including IOTC, and other countries on fisheries matters and the monitoring, control and surveillance of fisheries and related activities, including inspection and enforcement. As such, this MOU acknowledges the lead authority and responsibility of the [Fisheries Agency] to facilitate implementation of the port State measures described in the IOTC Resolution and this MOU.

2.2.2 The general mandates of other agencies, as they relate to this MOU, are as follows: *(to be completed as appropriate, some suggestions are given in italics. Relevant laws establishing the agencies may be quoted)*

- (a) Port Authority *(e.g. receive requests to enter port, control entry into port, facilitate inspections, allow/deny use of port services)*
- (b) Maritime Transport *(e.g. receive reports from and inspect vessels used for fishing related activities), including carrier and supply vessels, inspect vessels to ensure certain maritime standards are met – e.g. pollution, labour and safety and as necessary detain vessels)*
- (c) Customs *(e.g. inspect and provide customs clearance as appropriate for fish, fish products and other items to be landed or transhipped in port)*
- (d) Immigration *(e.g. inspect identification documents showing nationality of master and crew, and ensure validity of documentation)*
- (e) Health/Sanitary and Veterinary *(e.g. inspect fish and fish products to ensure compliance with relevant national standards, laws and regulations)*
- (f) Labour *(e.g. inspect and investigate to ensure that relevant national and international standards for labour on board the vessels are being met)*
- (g) Police, Coast Guard, Navy *(e.g. investigate and enforce national laws in accordance with respective mandates, enforce denial of use of port)*
- (h) Attorney General *(e.g. ensure national laws are adequate to implement the IOTC Resolution, review outcomes of investigations and support legal or administrative proceedings in cases of suspected non-compliance or violations.)*

- (i) Foreign Affairs (e.g. take necessary action pursuant to applicable international and national law and policy, including with flag States, other coastal and port States, IOTC CPCs and relevant regional and international organizations)

2.2.3 Nothing in this Agreement is intended to diminish or other-wise affect the authority of any agency to implement its respective statutory mandate.

3. COOPERATION, COORDINATION AND INTEGRATION OF PORT STATE MEASURES

3.1. Cooperation and Coordination

3.1.1. Agencies shall exercise the fullest possible cooperation and coordination among themselves, at all organizational levels and in particular among focal contact points to be agreed pursuant to paragraph xx, in developing procedures for notifications and data and information requirements and exchange, verifying information as appropriate, maintaining databases, ensuring effective vessel inspection and enforcement and liaising with flag States, other coastal and port States, IOTC CPCs and relevant regional and international organizations and facilitating training for inspectors.

3.1.2. The [*Fisheries Agency*] shall facilitate a process to develop interagency procedures to cooperate and coordinate efforts at all relevant times to carry out the purpose and objective of this MOU, including:

- (a) requiring relevant information from a vessel requesting entry into port;
- (b) receiving and exchanging such information promptly;
- (c) liaising as appropriate with organizations, States or other contacts outside [*country*];
- (d) deciding whether to allow port entry, and if so whether it is conditional;
- (e) deciding whether to refuse use of port after entry into port but prior to inspection;
- (f) identifying which vessels to inspect;
- (g) carrying out inspections;
- (h) reporting on inspections;
- (i) deciding whether to refuse use of port after inspection and communicating the decision;
- (j) enforcing refusal of use of port;
- (k) deciding whether to take other measures;
- (l) transmittal of inspection reports and communication of any measures taken;
- (m) taking legal or administrative action, and communicating the decision to take such action; and
- (n) establishing and maintaining a database to record and facilitate the above actions.

3.1.3. The procedures to be developed pursuant to paragraphs 3.1.1 and 3.1.2 shall take into account relevant national laws and procedures and aim to address any existing gaps. The respective agencies agree to take steps to further strengthen existing laws and procedures as appropriate.

3.1.4. To facilitate the understanding of IUU fishing, the IOTC Resolution and other IOTC Resolutions legally binding upon [*country*] and to support the development of such procedures, the [*Fisheries Agency*] shall provide the other agencies with all necessary background information.

3.1.5. The agencies agree to cooperate fully in the development of the procedures, which should be finalized by [January 1, 20**], and to implement them upon their approval.

3.1.6. The agencies agree to fully implement any decision made in accordance with the agreed procedures, and until such procedures are in place to cooperate fully to implement decisions and directions by the [*Fisheries Agency*] that are taken to implement the IOTC Resolution.

3.1.7. By [January 1, 20**] and at the beginning of each succeeding fiscal year, the agencies will develop an annual work plan to identify and define the priorities to be addressed during the year. The workplan will include, *inter alia*:

- (a) a report of port State measures taken in the previous year, including successes, constraints and solutions to constraints; and
- (b) a plan for strengthening cooperation and coordination to implement port State measures in the ensuing year, including identification of specific procedures, training and information exchange, including:
 - i. risk management;
 - ii. relevant laws and procedures, and their adequacy to achieve the purpose and objectives of this MOU;
 - iii. operations and compliance;
 - iv. intelligence and information sharing;
 - v. funding;
 - vi. information and communications technology;
 - vii. human capacity development;
 - viii. joint communications; and
 - ix. international relations.

3.1.8. The [*Senior manager*] of the [*Fisheries Agency*] shall coordinate interagency meetings to develop and review procedures and the implementation of the work plan agreed pursuant to this MOU and address matters of general cooperation and coordination. Meetings shall be held at least [*monthly*] and each agency agrees to attend at the most senior level possible.

3.1.9. Each agency agrees to designate a focal contact for carrying out interface activities, with responsibilities that include ensuring and facilitating prompt and effective communication, decision making, cooperation and coordination in taking actions and

measures and reporting on outcomes in order to aid the control and enforcement process.

3.1.10. Each agency agrees to prepare and distribute to all relevant personnel a suitable directive concerning the effective implementation of this MOU. The agencies will update this information as the need arises and will ensure that relevant managers and personnel are provided with a copy of this MOU and the applicable directive.

3.1.11. All information shall be kept up to date by all agencies.

3.1.12. Resolution of interagency policy issues concerning this MOU and specific areas of implementation will be coordinated by the [Office of the Cabinet]. Resolution of issues concerning inspection and enforcement activity involving the mandate of any agency jurisdiction will be coordinated by [the Attorney General].

3.2. Information and data exchange

3.2.1. The agencies agree to promptly exchange all data and information falling within the purpose and objective of this MOU, including that relating to vessels (including *inter alia* their requests for and authorization of entry into port, duration of port call, proof of IUU fishing or related activities and all other information), planned inspections, results of inspections, reasonable grounds to believe non-compliance with IOTC Resolutions or national laws, denial of port use, legal or administrative action and all other information necessary to ensure effective and coordinated law enforcement.

3.2.2. The agencies agree to integrate relevant data and information falling within the purpose and objective of this MOU into existing databases or registers of information as appropriate, and to provide for interagency access to such databases.

3.2.3. This MOU contemplates data exchange through both hard copy and computer data bases, in accordance with procedures to be established in accordance with paragraph 3.1.2.

3.3. Inspections

3.3.1. The agencies may conduct joint inspections as necessary in accordance with their mandates and the purpose and objective of this MOU. Such inspections may be in accordance with an annual work plan which is developed in accordance with paragraph 3.1.6, priorities agreed at [monthly] meetings held in accordance with paragraph 3.1.7 and/or scheduled on an *ad hoc* basis.

3.3.2. Where inspectors, in the course of conducting separate inspections, discover situations involving potential violations of the other agency's laws or regulations, or non-compliance with IOTC Resolutions, referrals to the appropriate office will be undertaken as described below.

3.4. Referrals

3.4.1. For law enforcement purposes, the agencies agree to identify a system to track and manage referrals of proof or reasonable belief that IUU fishing or related activities in support of such fishing have occurred, potential violations of national laws or IOTC Resolutions, allegations of violations, or situations requiring inspection, evaluation or follow up, as appropriate.

3.5. Training

3.5.1. The agencies agree to support joint inspection and enforcement initiatives by cooperating in the development and conduct of periodic training programs for each other's personnel in the respective laws, regulations, and compliance requirements of each agency, as appropriate, to ensure that valid referrals are made when proof or reasonable belief that IUU fishing or related activities in support of such fishing have occurred or potential violations are found.

3.5.2. This MOU contemplates exchanges of appropriate training materials and information and development of specialized training activities in accordance with procedures that may be established separately.

3.6. Financial arrangements

3.6.1. Except where otherwise provided in this MOU or agreed separately, each agency shall bear its own costs of fulfilling its commitments pursuant to this MOU.

4. ENTRY INTO FORCE, AMENDMENT, PERIOD OF VALIDITY

4.1. Entry into force

4.1.1. This MOU enters into force upon signature of all parties. Until such time as all parties have signed, each agency shall ensure provisional implementation in the spirit of cooperation and coordination.

4.2. Amendment

4.2.1. This MOU may be amended in writing by the consent of all parties.

4.3. Period of validity

4.3.1. This MOU shall continue in effect unless modified in writing by mutual consent of both parties or terminated by either party upon 30 days advance written notice to the other.

ANNEX 3

RESOLUTION 16/11 ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

NOTIFICATION, COMMUNICATION AND INFORMATION REQUIREMENTS FOR PORT STATES AND FLAG STATES

RESOLUTION 16/11 Paragraph or Annex	INFORMATION TO BE NOTIFIED	RECIPIENTS of INFORMATION	REQUIREMENTS FOR TRANSMISSION
Part 1 Integration and coordination at the national level Section 4 (c).	In the implementation of Resolution 16/11 CPC are expected to exchange all information necessary at a national level to coordinate activities,	<ul style="list-style-type: none"> • Fisheries Authorities, • Port Authority, • Relevant Maritime Agencies associated with port activities, <i>inter alia</i>: <ul style="list-style-type: none"> ○ Customs ○ Immigration ○ State health authorities ○ Harbour police ○ Navy/Coast Guard ○ Foreign Affairs ○ Wildlife Services 	Information requiring verification or requests for follow-up action implement the Resolution.
Part 2 Designation of ports Section 5.1.	CPC to provide a list of designated ports that foreign vessels may request entry to.	IOTC Secretariat.	IOTC Secretariat to publicise on the IOTC website.
Part 2 Advance request for port entry Sections 6.1, 6.2. & Annex 1.	Information in Annex 1 to be provided in advance by foreign vessels (fishing or fishing related vessel) requesting port entry.	Port State Fisheries authority.	At least 24 hours before arriving at the port the information in Annex 1 to be provided to the port State fishing authority.
Part 2 Port entry, authorisation or denial Section 7.1.	<ul style="list-style-type: none"> • Request for information to verify content of Annex 1, • Requested information can include: <ul style="list-style-type: none"> ○ Validity of authorization to fish issued to the vessel, ○ VMS information, ○ Authorization to tranship or receive fish, ○ Transshipment declarations. 	<ul style="list-style-type: none"> • Flag State, • Port States that may have issued the vessel authorization to fish in its exclusive economic zone, • RFMOs where the vessel has previously operated. 	Request for information should be confirmed within a reasonable period of time.
	Communicate decision to authorise or deny entry into port.	The vessel or its representative.	
Sections 7.3.	Communicate the decision to deny the	<ul style="list-style-type: none"> • The flag State, • As appropriate and to the extent possible, 	By most direct and appropriate means.

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RESOLUTION 16/11 Paragraph or Annex	INFORMATION TO BE NOTIFIED	RECIPIENTS of INFORMATION	REQUIREMENTS FOR TRANSMISSION
	entry of the vessel into a port	<ul style="list-style-type: none"> ○ relevant coastal States, ○ IOTC Secretariat. 	
	IOTC Secretariat may, if deemed appropriate to combat IUU fishing at global level, communicate this decision.	Secretariats of other RFMO's	
Part 3 Use of ports Section 9.1, 9.3, 9.5.	Communicate the decision to deny the use of its port in accordance with Sections 9.1 after granting a vessel permission to enter port.	<ul style="list-style-type: none"> ● Flag State, ● As appropriate, relevant: <ul style="list-style-type: none"> ○ coastal States, ○ IOTC Secretariat, ○ Other regional fisheries management organisations, ○ Relevant international organisations. 	By most direct and appropriate means.
	Communicate the decision to withdraw its denial for a vessel the use of its port.		
Part 4 Transmittal of inspection results Section 13 Section 13.1.	Copy of the inspection report and upon request, an original or a certified copy thereof.	<ul style="list-style-type: none"> ● The master of the inspected vessel, ● The flag State, ● The IOTC Secretariat, ● As appropriate, to: <ul style="list-style-type: none"> ○ The flag State of any vessel that transhipped catch to the inspected vessel, ○ The relevant CPCs and States, including those States for which there is evidence through inspection, ○ that the vessel has engaged in IUU fishing, or fishing related activities in support of such fishing, ○ within waters under their national jurisdiction ○ The State of which the vessel's master is a national. 	Transmit by electronic means within three full working days of the completion of the inspection.
Section 13.2.	IOTC Secretariat shall transmit the inspection reports.	Relevant regional fisheries management organisations.	Transmit by electronic means and post the inspection report on the IOTC website.
Port State actions following inspection. Section 15.1 (a).	Communicate the findings where following an inspection, there are clear grounds for believing that a vessel has engaged IUU fishing or fishing	<ul style="list-style-type: none"> ● The flag State, ● The IOTC Secretariat, ● As appropriate, to: <ul style="list-style-type: none"> ○ relevant coastal States, ○ other regional fisheries management organization. 	Immediate notification.

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RESOLUTION 16/11 Paragraph or Annex	INFORMATION TO BE NOTIFIED	RECIPIENTS of INFORMATION	REQUIREMENTS FOR TRANSMISSION
	related activities in support of such fishing.	<ul style="list-style-type: none"> ○ state of which the vessel's master is a national. 	
Section 15.3.	Request from the flag State to take additional measures that are in conformity with international law.	Port State.	
Information on recourse in the port State Section 16.1.	Make relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that CPC pursuant to sections 7, 9, 11 or 15, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the CPC.	<ul style="list-style-type: none"> ● Vessel flag State, ● The owner, ● Operator, ● Master, ● Vessel representative. 	
Section 16.2.	Port State must communicate any change in its decision.	Other Parties, States or international organisations that have been informed of the prior decision pursuant to sections 7, 9, 11 or 15.	
Role of CPCs flag States Section 17.2.	CPC flag State shall request a port State to inspect the vessel or to take other measures	Relevant port State authority.	

Guidelines on best practices for interagency cooperation at national level and regional cooperation

RESOLUTION 16/11 Paragraph or Annex	INFORMATION TO BE NOTIFIED	RECIPIENTS of INFORMATION	REQUIREMENTS FOR TRANSMISSION
	consistent with this Resolution where there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of such State.		
Section 17.5.	In its capacity as a flag State, report on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.	<ul style="list-style-type: none"> • Other CPCs, • Relevant port States, • As appropriate: <ul style="list-style-type: none"> ○ Other relevant States, ○ Regional fisheries management organisations, ○ FAO. 	
Part 7 Duties of the IOTC Secretariat Section 19.1.	<ul style="list-style-type: none"> • the list of designated ports, • the prior notification periods established by each CPC, • the information about the designated competent authority in each port State CPC, • the blank copy of the IOTC Port inspection report form. 	Public access to IOTC website.	
Section 19.2.	Port inspection reports transmitted by port State CPCs.	All CPCs with access to the secure part of the IOTC website.	Without delay.
Section 19.3.	Posted together all forms related to a specific landing or transshipment.		
Section 19.4.	Inspection reports.	Relevant regional fisheries management organisations	Without delay.

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