

CLOSING PORTS TO IUU VESSELS

Implementing the IOTC Port State Measures Resolution

Illegal, Unreported and Unregulated (IUU) Fishing activities remain a severe problem in many of the world's fisheries and particularly in tuna fisheries.

One way to fight against IUU fishing is to close the ports located in the IOTC area to IUU vessels.

What is the impact of IUU fishing?

Illegal, Unreported and Unregulated fishing is a global threat to sustainable fisheries and to the management and conservation of tuna resources. It undermines:

- national laws of sovereign coastal States
- international agreements on the high seas to control the harvest of fish caught in the IOTC area
- the efforts of the IOTC to sustainably manage tuna resources
- and threatens food security, socio economic stability and productivity of legitimate fishermen.

What is being done to curb this scourge?

All fish harvested at sea must be landed at a port before it can be traded. One means of inhibiting IUU activities is to close ports to these operations. If harmonised between States, these measures can be a cost-effective tool that denies IUU fish from entering the global fish market. This helps remove the incentive for IUU operators by making it difficult and costly to sell their catch.

Internationally the importance of port State measures was recognised through the adoption in 1995 of the United Nations Convention on the Law of the Sea Fish Stocks Agreement (UNFSA). Under this agreement port States have a "right and duty" to develop measures to combat IUU fishing.

The battle against IUU fishing was further advanced in 2009 through the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing. This agreement encourages Regional Fishery Management Organisations (RFMOs) to implement corresponding

measures in their specific areas of competency.

The IOTC Resolution on Port State Measures to Prevent, Deter and Eliminate IUU fishing (IOTC PSMR) entered into force on 1 March 2011. It is a binding measure that applies to all IOTC Members and Cooperating Non-Contracting Parties (CPCs).

What are Port State Measures?

They are measures taken by a country pursuant to its sovereign authority over its national waters including its ports. The "Port State" authority provides a basis for actions to be taken against foreign flagged vessels distinguishing it from the State's authority over its own vessels.

To which vessels should the IOTC Resolution on PSM be applied?

The IOTC PSMR requires CPCs to deny port access and port services to foreign vessels, which may have engaged in, or supported, IUU fishing. 'Vessels' are defined broadly to include any type of vessel used or intended to be used for fishing or fishing-related activities. CPCs must not only apply the provisions of the IOTC PSMR in relation to foreign flagged vessels, but must ensure that equally effective measures are in place for their own vessels.

Principle of the iotc PSMR

The PSMR institutes a system of minimum standards for port State measures to monitor and control the activity of foreign fishing vessels and determine whether there is any involvement with IUU fishing.

It requires CPCs to designate ports which may be accessed by foreign flagged fishing vessels. These vessels are required to provide an advanced request for permission to enter port that includes information on their activities and the fish they have on board. This will give port State authorities an opportunity to identify vessels implicated in IUU fishing in advance of their arrival.

The Resolution involves participation of four main parties:

- the port State
- the flag State of the vessel
- the industry (owner, operator, agent and master of the vessel)
- the IOTC Secretariat.



What are the responsibilities of the port State?

The port State is required to apply the Resolution to all vessels not entitled to fly its flag (Foreign Vessels) that request entry to their designated ports, the exceptions being:

- vessels of a neighbouring State engaged in subsistence artisanal fishing;
- container vessels that are not carrying fish or only fish that has been previously landed.

The success of the IOTC PSMR hinges on the port State implementing the following:

- designating which ports foreign flagged vessels may enter
- setting up administrative processes in their designated ports to assess Advanced Requests to Enter Port (AREP)
- restrict port entry and access to port services by vessels that have engaged in IUU fishing or vessels supporting these activities, particularly those on the IUU vessel list of RFMOs
- conduct vessel inspections in the designated ports and meet minimum standards for inspections, inspection reports and training of inspectors
- integration and coordination of Port State Measures at the national level
- the sharing of information with relevant parties when evidence of IUU fishing is found including the results of inspections

What are the responsibilities of the flag State?

The primary responsibility of the flag State is to ensure its fishing vessels do not engage in IUU fishing. As a consequence the implementation of the PSMR requires fundamental aspects that the flag State must address that includes:

- encouraging its vessels to land, tranship, package and process fish, and use other port services, in ports of States that are acting in accordance with the Resolution

- ensuring its vessels cooperate with the port State
- requesting a port State to inspect their vessels when in port when there is evidence or suspicion of IUU activities
- investigating and taking action when a port State inspection has shown that one of its vessels have been engaged in IUU fishing or fishing-related activities.

What are the responsibilities of the fishing industry?

Port State Measures are not only confined to port State and flag State authorities. The fishing industry plays an important role in the implementation of the Resolution through the following:

- before entering port the master or the agent of the vessel must provide the Advanced Request of Entry in Port to the relevant port State authority
- when authorisation to enter port has been granted, the master or the agent of the vessel must present this authorisation the competent port State authority
- cooperation with the port State during the inspection of the vessel and be aware of the inspection procedures and provide the relevant assistance needed as well as any material and documents requested.



Responsibilities of the IOTC Secretariat

As part of its mission to support the actions taken by the Members and Cooperating Non-Contracting Parties to implement the resolutions, the implementation of the PSMR requires the IOTC Secretariat to:

- 1 Post on the IOTC web site:
 - the list of designated ports
 - the competent authority in each port State CPC
 - the prior notification period established by each CPC
 - the copies of all port inspection reports transmitted by port State CPCs including all forms related to a specific landing or transhipment.
- 2 To transmit the inspection reports to the relevant RFMOs.

This brochure aims at providing a general overview of the responsibilities of all parties associated with the implementation of the IOTC Resolution on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

For the complete and official requirements, consult the IOTC Resolution. If there is a discrepancy between the Resolution and this brochure, the official Resolution takes precedence.

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Implementing the IOTC Port State Measures Resolution Responsibilities of port States, flag States, the fishing industry and the IOTC Secretariat

Port State Measures
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