
**TECHNICAL REPORT No. 5 – ASSESSMENT OF THE CAPACITY NEEDS
REQUIRED (HUMAN AND INSTITUTIONAL) AND THE CURRENT LEVEL
OF IMPLEMENTATION OF PORT STATE MEASURES IN THE IORA
REGION**

**‘TECHNICAL ASSISTANCE TO IORA
FOR THE IMPLEMENTATION AND
COORDINATION OF IORA ACTION
PLAN ON FISHERIES,
AQUACULTURE AND MARINE
ENVIRONMENT’**

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ABBREVIATIONS AND ACRONYMS

AFD	Agence Française De Développement
AREP	Advance Request for port Entry
BE	Blue Economy
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CGFM	Cluster Group for Fisheries Management (IORA)
CMM	Conservation and Management Measure (<i>i.e.</i> binding RFMO Resolution)
CNCP	cooperating non-Contracting Party
CPC	Contracting Parties and Cooperating non-Contracting Parties (IOTC)
EEZ	Economic Exclusive Zone
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FSU	Fisheries Support Unit
GIS	Geographical Information Systems
IGAD	Intergovernmental Authority on Development
IOC	Indian Ocean Commission
IORA	Indian Ocean Rim Association
IORA MS	Indian Ocean Rim Association Member States
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, Unreported and Unregulated (fishing activities)
LDC	Least Developed Countries
MCS	Monitoring, Control and Surveillance
MoU	Memorandum of Understanding
MS	Member States
MT	Metric Ton
PFE	Participating Fishing Entity
PIR	Port inspection report
PSM	Port State Measures
PSMA	Port State Measures Agreement (2009)
RFMO	Regional Fisheries Management Organization
SAR	Satellite Aperture Radar
SIDS	Small Island Developing States
SIOFA	Southern Indian Ocean Fisheries Agreement
SME	Small Medium Enterprise
SOFRECO	Société Française de Réalisation, d'Études et de Conseil
SWIOFISH	South West Indian Ocean Fisheries Governance and Shared Growth Project
TA	Technical Assistance
ToR	Term of Reference
UAE	United Arab Emirates
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System
WB	World Bank

1. Introduction and methodology

The Indian Ocean Rim Association (IORA) and France through the Agence Française de Développement (French Development Agency) (AFD) signed a Memorandum of Understanding (MoU) on the 9th March 2020 for “Strengthening the Capacities of IORA in Promoting the Blue Economy and Fisheries Management”.

The partnership will support the implementation of the IORA Action Plan (2017-2021) with an allocation of EUR1 million over three years. It will offer expertise, training, networking and material resources to decision makers, officials and experts working to promote regional cooperation in blue economy and fisheries management issues. In addition, the project will strengthen the capacity of the IORA Secretariat.

The overall objective of the technical assistance (TA) is to “support IORA and its Member States in the coordination and implementation of the Action Plan on Blue Economy (BE) and Work Plan of IORA CGFM, with a strong focus on fisheries, aquaculture and protection of marine environment.”

One of the specific objectives of this TA is to support the IORA in achieving the objective of its BE Work Plan “to combat IUU (illegal, unreported and unregulated) fishing in IORA region”. In the context of this objective, the activity 1.1 “conduct an assessment of the capacity needs required (human and institutional) and the current level of implementation of Port State Measures (PSM) in the IORA region” is planned as part of the IORA Work Plan. Due to the current international sanitary situation and coverage of the study, it was not possible to undertake field missions in each of the 22 IORA Member States (MS). The consultant undertook an assessment of publicly available and published information for Port State measures, as well as a detailed questionnaire, basing the work on two distinct types of data sources:

1. Published data and reports produced by International Organisations (e.g. FAO), ngos, research institutes, ongoing and previous regional projects, Regional Fisheries Management Organisations like in particular the Indian Ocean Tuna Commission (IOTC);
2. A questionnaire sent to the IORA MS to collect country specific information not normally published, being of a more operational character.

The questionnaire used was developed by PEW and NFDS and extracted from the Report “Implementing the Port State Measures Agreement: A Methodology for Conducting a Capacity Needs Assessment” (April 2017). This questionnaire (see annex 1) was sent to the IORA MS in October 2020 through the IORA Secretariat and helped the project gather basic information on the IORA MS’s capacity needs regarding PSM. In March 2021, the level of response from the IORA MS was around 36% although the TA team aimed at 50%¹. The IORA Secretariat postponed several times the deadline to ensure the highest level of response. At the end around 4 months were given to the countries to provide filled-in questionnaires.

The report mainly assesses two aspects of the PSM:

1. The current status of implementation of, on one side, the PSMA and, on the other side, of the IOTC relevant resolution on PSM in the IORA MS;
2. The basic capacity needs assessment of IORA MS based on the results of the questionnaire.

The report starts with a presentation of the fishing ports in the IORA region involving activities of foreign fishing vessels and presents the results from the IUU Fishing Index². The report then assess the

1 On the 10th March 2021, the following IORA MS sent back a filled-in questionnaire: Bangladesh, Indonesia, Madagascar, Malaysia, Mauritius, Maldives, Seychelles and Sri Lanka.

2 <http://iuufishingindex.net/>

status of ratification and implementation of the PSMA in IORA MS (section 3). In that section, a brief presentation of the agreement is made followed by an analysis of the status of ratification and implementation in IORA MS (including a brief analysis of the legal frameworks in IORA MS). FAO activities (i.e. FAO global Capacity Development Programme) to support strengthening the capacity of parties to the PSMA are also briefly described.

The report then assesses the PSM frameworks adopted by Regional Fisheries Management Organisations (RFMOs) in the Indian Ocean (i.e. CCSBT, IOTC and SIOFA) and in particular of the IOTC PSM resolution(s)³ and status of implementation in IORA MS (section 4). Twenty countries out of the 22⁴ IORA MS are Contracting Parties to the IOTC⁵ and therefore the review of the work of the IOTC Committee of Compliance (CoC) regarding the PSM Resolution appears as the most appropriate and effective way to assess the status of implementation of PSM in most of the IORA MS, at least for the species covered by this RFMO. For the two IORA MS that are not IOTC Members, the resulting analysis is weaker, as little information from other sources was available.

The report then presents an analysis of the results of the questionnaire: “Basic” Capacity Needs Assessment sent to IORA MS (section 5). The final sections of the report (6 and 7) present the conclusions and emerging trends in the region, and recommendations for the IORA.

2. Presentation of the fishing ports in the IORA region

2.1. Data available on foreign fishing vessels in IORA MS ports

Ports are the critical point of entry of fish into the land-based supply chain and provide the opportunity for 100% monitoring of all fish landed or transshipped⁶. According to IOTC data (2019), a **total of 577 508 MT**⁷ of fish were declared through the e-PSM⁸ portal (see sections 4.1 and 4.2) as being onboard vessels while requesting entry into ports, and of which 319 333 MT were declared to be landed and 208 167 MT were declared to be transhipped⁹. For the main tuna species, Skipjack (SKJ), Yellowfin (YFT), Big eye (BET), Albacore (ALB), Southern bluefin (SBT) aggregated tuna, the total quantity declared to be onboard were 523 988 MT in 2019¹⁰. Skipjack represented 41% of this total quantity while yellowfin accounted for 20%. For the main billfish species, swordfish (SWO), blue marlin (BUM), black marlin (BLM), Indo-pacific sailfish (SFA), striped marlin (MLS), short-billed spearfish (SSP) and longbill spearfish (SPF), the total quantity declared as being onboard was 11 049 MT in 2019¹¹. Swordfish represents 71% of the total quantity of billfish species declared as being onboard followed by blue marlin accounting for 16%.

The table 1 below presents the breakdown of the quantities declared on board, landed and transhipped per designated port in the IORA MS according to the information entered in the e-PSM.

3 CMM 16/11 On port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

4 In December 2020, France became the 23rd member of Indian Ocean Rim Association. However, this report does not cover France as the activity was already ongoing since August 2020.

5 Commonwealth of Australia, People's Republic of Bangladesh, Union of Comoros, Republic of India, Republic of Indonesia, Islamic Republic of Iran, Republic of Kenya, Republic of Madagascar, Malaysia, Republic of Maldives, Republic of Mauritius, Republic of Mozambique, Sultanate of Oman, Republic of Seychelles, Federal Republic of Somalia, Republic of South Africa, Democratic Socialist Republic of Sri Lanka, United Republic of Tanzania, Kingdom of Thailand and Republic of Yemen.

6 Stop Illegal Fishing (2020) Moving Tuna: Transshipment in the Western Indian Ocean. Gaborone, Botswana.

7 Summary Report on compliance support activities, IOTC-2020-CoC17-03_Rev2

8 With the support of the Global Partnership for Oceans (GPO) of the World Bank, the IOTC Secretariat has developed the e-PSM application, which is accessible through the IOTC website, to support the implementation of IOTC Resolutions on PSM

9 Summary Report on compliance support activities, IOTC-2020-CoC17-03_Rev2

10 Ibid.

11 Ibid.

In the designated ports of Sri Lanka, Kenya and in Mozambique, the vessels concerned are only longliners while in Port Victoria there were only purse seiners calling. In Cape Town and Port Louis, the types of vessels are more varied and include cargo freezers, longliners and purse seiners. The biggest quantities transshipped and landed were in Port Victoria (more than half of the total quantities declared) representing a total of around 282 959 MT.

Table 1 : Quantities of catch onboard, to be landed/transshipped declared by vessels in 2019 by port (in kg)

Port	Vessel type	Onboard quantity (Kg)	To be landed quantity (Kg)	To be transhipped quantity (Kg)
23C Port (THA) ⁶	Cargo Freezers	5,939,225	5,939,225	0
Antsiranana (MDG)	Purse seiners	48,279,937	34,135,300	13,829,725
	Cargo Freezers	1,346,000	1,346,000	0
Beira (MOZ)	Longliners	263,575	263,575	53,835
Cape Town (ZAF)	Longliners	23,585,142	14,520,901	1,641,463
	Cargo Freezers	6,405,876	232,450	39,985
	Trawlers	2,821,525	2,389,525	0
	Line vessels	400,000	0	0
	Multipurpose	830,148	72,408	0
	Longliners and Carrier vessels	3,607	3,607	0
Colombo (LKA)	Longliners	3,108,710	0	2,661,650
Durban (ZAF)	Longliners	5,627,795	3,661,751	1,282,014
Galle (LKA)	Longliners	2,164,990	0	0
Mombasa (KEN)	Longliners	1,064,017	738,934	417,711
Nacala (MOZ)	Longliners	10,475	10,475	0
Penang (MYS)	Longliners	31,180	0	0
Phuket Deep Sea port (THA)	Longliners	24,564	24,564	0
Phuket Fishing port (THA)	Longliners	161,505	161,505	0
Phuket Srithai Co., Ltd port (THA)	Longliners	62,000	0	0
Port de Pointe des Galets (EU)	Cargo Freezers	728,258	605,343	485,449
Port Louis (MUS)	Purse seiners	11,036,002	10,773,002	263,000
	Longliners	46,171,225	1,675,041	41,408,707
	Cargo Freezers	128,742,138	84,698,535	12,174,037
Port Victoria (SYC)	Purse seiners	282,959,125	154,748,410	131,500,597
Singapore (SGP)	Purse seiners	1,023	723	400
Thajeen Union Port Co., Ltd port (THA)	Cargo Freezers	1,737,662	1,737,662	0
TJ Land Company Limited port (THA)	Cargo Freezers	4,002,432	1,593,579	2,408,853
	Total	577,508,136	319,332,515	208,167,426

Source: Summary report on compliance support activities, IOTC-2020-CoC17-10_Rev1 [E]

According to the IOTC Secretariat, data and reports are prepared based on the information provided by the CPCs in conformity with CMM 16/11 on PSM (see section 4.3). Table 1 shows that foreign fishing vessels are mainly calling into the ports of 10 IORA MS that are also a member of IOTC. These are Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Tanzania, Thailand, Seychelles Sri Lanka and South Africa.

However, in 2019 one foreign fishing vessel submitted an Advance Request for Port Entry (AREP) through the IOTC e-PSM requesting access to the port of Shahid Rajaee Pt/Bandar Abbas (Iran) and eight foreign fishing vessels submitted an AREP requesting access to the port of Singapore, which is however not an IOTC CPC and does not actively implement its PSM procedures. In Maldives, 17 calls were made through the e-PSM to get access to 4 designated ports in 2019. The purpose of the visits of these vessels is unknown but in its answer to our questionnaire (see Annex 1) Maldives indicated that on average between 20 to 30 foreign flagged reefers and less than two foreign flagged fishing vessels visit its ports annually.

Table 2 below presents the information gathered by the IOTC Secretariat on the number of foreign fishing vessel calls into their ports in 2019 (e-PSM data).

Table 2 : Number of calls made through the e-PSM in IOTC and IORA MS ports in 2019

Port of call- country name	Port of call-name	Port calls (AREP) in 2019
Iran, Islamic Republic of	Shahid Rajaee Pt:Bandar Abbas	1
Kenya	Mombasa	30
Madagascar	Antsiranana	29
Malaysia	Penang	3
Maldives	Maandhoo	3
	Male	1
	Hoadedhdhoo	1
	Kooddoo	12
Mauritius	Port Louis	974
Mozambique	Beira	44
	Maputo	3
	Nacala	1
Seychelles	Port Victoria	467
Singapore	Singapore	8
South Africa	Durban	83
	Cape Town	282
Sri Lanka	Galle	34
	Colombo	91
Thailand	Phuket Deep Sea port (Phuket Province)	2
	Thajeen Union Port Co., Ltd port (Samut Sakhon Province)	1
	23C Port (Samut Prakan Province)	2
	TJ Land Company Limited port (Samut Prakan Province)	2
	Sabasathaporn Company Limited port (21B) (Samut Prakan Province)	1
	Phuket Srithai Co., Ltd port (Phuket Province)	6
	Phuket Fishing port (Phuket Province)	7

Source: Summary report on compliance support activities, IOTC-2020-CoC17-03_Rev2

As presented in table 2, the IORA MS with the highest number of port calls made through the e-PSM is Mauritius with **974 calls of foreign vessels** which are mainly engaged in the longline fishery and fly the flag of Taiwan and China¹². Mauritius has declared only one designated port which is Port Louis,

¹² <https://www.pewtrusts.org/en/research-and-analysis/data-visualizations/2020/port-activity-study-reveals-potential-for-illegal-fish-to-enter-markets>

the main port in the Western Indian Ocean for longline transshipment from vessels to carriers, containers, or cold storage and for carriers to offload to containers and cold storage¹³. Carrier vessels mainly fly the flag of Taiwan, Panama, Liberia and Malaysia¹⁴. Two factories for canning and processing tuna and by-products are located in Port Louis. It provides dry docking, vessel repairs and maintenance but also logistics including bunkering, crew change and supply services mainly for longline vessels and carriers¹⁵. In 2019, foreign fishing vessels declared 95 476 MT of fish landed and 53 583 MT of fish transshipped through e-PSM (see table 1). The biggest quantities were landed by cargo freezers (more than 84 698 MT) followed by purse seiners (around 10 773 MT) (see table 1). The proportion of vessels that have not been fishing in the Mauritius EEZ is around 80%.¹⁶

Seychelles, with a single designated port (Port Victoria), concentrates a big part of the foreign fishing vessel activities of the Indian Ocean ports. In 2019, 467 foreign fishing vessels presented an AREP through the e-PSM to gain access to Port Victoria. Port Victoria is the main port in the Western Indian Ocean for purse seine transshipment to carriers, containers or cold storage. Most of the foreign fishing vessels fly the flag of France and Spain and some the flag of Korea. Carrier vessels transshipping in Port Victoria fly the flag of Spain, Bahamas, Netherlands, Panama or Malta¹⁷. The Indian Ocean Tuna cannery (IOT) is located there, processing tuna with production levels of 280-290 MT per day in 2019 and 330-335 MT per day in 2020¹⁸. Port Victoria also provides logistics including bunkering, crew change and supply services mainly for purse seine vessels, carriers and supply vessels.¹⁹

Port Louis and Port Victoria are much frequented for transshipment and/or unloading of tuna catches, notably because purse seine vessels in the Western Pacific Ocean and the Indian Ocean are not permitted by the relevant RFMOs to tranship at sea (the Western and Central Pacific Fisheries)²⁰.

In 2019, 29 foreign fishing vessels presented an AREP through the e-PSM to access the port of Antsiranana in Madagascar. Although Madagascar has designated 5 ports, most of the foreign fishing vessels visit the port of Antsiranana. Those fishing vessels are engaged mainly in the purse seine fishery. Few purse seine transshipments take place in this port to cold storage and occasionally carriers or containers (around 3 to 7 reefers and 6 to 15 supply vessels per year²¹). One cannery for processing tuna and by-products is located there. Antsiranana also provides limited logistics including bunkering, crew change and supply services. In 2019, foreign fishing vessels declared in total through e-PSM 34 135 MT landed and 13 830 MT transhipped by purse seiners (see table 1). The proportion of vessels that have not been fishing in Madagascar's EEZ is around 85%.²²

Among the IOTC CPCs, South Africa ranks second with 365 calls made through the e-PSM in 2019. These fishing vessels are mainly visiting the port of Cape Town (282 AREPs) and are engaged in the

13 Stop Illegal Fishing (2020) Moving Tuna: Transshipment in the Western Indian Ocean. Gaborone, Botswana.

14 <https://www.pewtrusts.org/en/research-and-analysis/data-visualizations/2020/port-activity-study-reveals-potential-for-illegal-fish-to-enter-markets>

15 Stop Illegal Fishing (2020) Moving Tuna: Transshipment in the Western Indian Ocean. Gaborone, Botswana.

16 Answer provided by Mauritius to the questionnaire sent by the IORA Secretariat "basic information for capacity needs assessment for implementing the PSMA".

17 <https://www.pewtrusts.org/en/research-and-analysis/data-visualizations/2020/port-activity-study-reveals-potential-for-illegal-fish-to-enter-markets>

18 <https://allafrica.com/stories/202006060127.html>

19 Stop Illegal Fishing (2020) Moving Tuna: Transshipment in the Western Indian Ocean. Gaborone, Botswana.

20 Hosch, G. *et al.* (2019) "Any Port in a Storm: Vessel Activity and the Risk of IUU-Caught Fish Passing through the World's Most Important Fishing Ports," *Journal of Ocean and Coastal Economics*: Vol. 6: Iss. 1, Article 1.

DOI: <https://doi.org/10.15351/2373-8456.1097>

21 Answer provided by Madagascar to the questionnaire sent by the IORA Secretariat "basic information for capacity needs assessment for implementing the PSMA".

22 Ibid.

longline fishery from the Atlantic and Indian Oceans.²³ Cape Town is an important port for longline transshipments, and landings into cold storage and containers. It provides in addition logistics including bunkering, crew change, dry-docking and supply services²⁴. In 2019, foreign fishing vessels declared in total through e-PSM 16 987 MT of fish landed and 1 681 MT of fish transhipped in Cape Town (see table 1). Around 2 389 MT were landed by trawlers (mainly demersal species – and hence not falling under IOTC rules) and 14 521 MT by long liners (see table 1).

Singapore, which is not a member of IOTC, operates two fishing ports at Jurong and Senoko, providing services to both foreign and local fishing vessels. Jurong Fishery Port (JFP) is an international port for foreign fishing vessels to land their fish catch. JFP serves as a docking and bunkering base for foreign fishing vessels operating in the Indian and Pacific Oceans. It is also a marketing and distribution centre for fresh fish. Fishing vessels and fish reefer boats calling at JFP unload their catch for wholesale through fish merchants. The fish sold at JFP are also imported from these sources:

- By sea from Indonesia;
- By land from Malaysia and Thailand;
- By air from Australia, Bangladesh, China, India, Myanmar, Taiwan and Vietnam.

Frozen tuna is also transhipped in JFP. According to a recent study, 159 fishing vessels (57,773 m³ total hold size) visited JFP making it the 50th most frequented port in 2017²⁵. However, Singapore is not yet party to the PSMA. In 2019, foreign purse seiners declared through the e-PSM to have landed 723 kilos of fish and transhipped 400 kilos of fish (see table 1). These data are however most likely below the actual quantities landed and transhipped by foreign fishing in Singapore. Considering the fact that as Singapore is not member of the IOTC, it does not have to comply with IOTC Resolutions.

Finally, regarding the flag of the vessels that made port calls through the e-PSM application, the vessels are mainly flying the flag of Taiwan, EU (combined), Seychelles, China, Japan, Korea, Mauritius and Panama. The table below presents the number of calls by flag State registered in the e-PSM application (From 6 May 2016 to 2nd May 2019).

23 Stop Illegal Fishing (2020) Moving Tuna: Transshipment in the Western Indian Ocean. Gaborone, Botswana.

24 Ibid.

25 Hosch, G. et al. (2019) Supplement 2: Appendices

Table 3 : number of calls by flag State registered through the e-PSM application (From 6 May 2016 to 2nd May 2019).

Flag State	Port calls
China	380
Taiwan, Province of China	2210
EU Spain	424
EU France	310
EU UK	21
EU Portugal	34
EU Italia	7
EU Netherland	1
EU Lithuania	7
Indonesia	10
Iran	4
Japan	271
Kenya	22
Korea	169
Liberia	28
Madagascar	15
Malaysia	90
Maldives	23
Mozambique	17
Mauritius	179
Oman	13
Philippines	1
Seychelles	631
Tanzania	5
Thailand	26
Panama	120
Other	120

Source: Summary report on compliance support activities, IOTC-2019-CoC16-11 [E]

2.2. Results from the IUU Fishing Index

The IUU Fishing Index provides a measure of the degree to which states are exposed to and effectively combat IUU fishing. The IUU Fishing Index provides an IUU fishing score for all coastal states of between 1 and 5²⁶. The Index allows countries to be benchmarked against each other, and assessed for their vulnerability, prevalence and response to IUU fishing. To assess and score Port State risk, 7 indicators have been identified and classified into 3 categories: 1) Port score by vulnerability²⁷, 2) Port score by prevalence²⁸ and 3) Port score by response²⁹ as presented in the table below.

Table 4 : Port score and selected indicators in the IUU Fishing Index methodology

Port Score	Indicators
Port score by vulnerability	Number of fishing ports ³⁰
	Port visits by foreign fishing or carrier vessels ³¹
Port score by prevalence	Views of MCS practitioners on port state compliance incidents ³²
	View of fisheries observers on port state compliance incidents ³³
Port score by response	Party to the PSMA ³⁴
	Designated ports specified for entry by foreign vessels ³⁵
	Compliance with RFMO port state obligations

Source: the IUU Fishing Index <http://iuufishingindex.net/>

The index provides an analysis of index scores by individual country, region, and ocean basin. The table presents below the port overall score and port scores by vulnerability, prevalence, and response for the 22 IORA MS.

26 1 being the best, and 5 the worst.

27 Vulnerability – indicators that relate to a risk that IUU fishing is present.

28 Prevalence – indicators that relate to known/suspected IUU incidents.

29 Response – indicators that relate to actions setting out to reduce IUU fishing.

30 This indicator measures the number of ports in a country.

31 This indicator measures whether foreign fishing vessels make visits to ports in countries.

32 This indicator measures the number of times that MCS practitioners who responded to a survey, mention individual countries' as being notable for compliance incidents in their ports.

33 This indicator measures the number of times that fisheries observers who responded to a survey, mention individual countries' as being notable for compliance incidents in their ports.

34 This indicator measures whether countries have acceded to the PSMA.

35 This indicator measures whether countries have specified specific ports as being places in which foreign vessels must land their fish.

Table 5 : Port scores calculated for the IORA MS

Country	Port score by vulnerability	Port score by prevalence	Port score by response	Port overall score
Australia	4.50	1.00	1.00	1.78
Bangladesh	4.00	1.00	3.13	2.61
Comoros	3.00	1.00	3.50	2.56
India	4.50	1.00	2.60	2.47
Indonesia	5.00	1.50	2.50	2.72
Iran	4.50	1.00	3.80	2.87
Kenya	3.50	1.00	1.75	1.89
Madagascar	4.00	2.50	1.75	2.50
Malaysia	4.50	1.50	3.80	3.07
Maldives	4.00	1.00	1.75	2.00
Mauritius	3.50	3.00	1.75	2.56
Mozambique	4.00	2.00	2.20	2.60
Oman	4.00	1.00	1.00	1.80
Seychelles	3.50	1.50	1.75	2.06
Singapore	4.00	2.50	5.00 ³⁶	3.42
Somalia	4.00	1.00	2.20 ³⁷	2.80
South Africa	4.00	2.00	2.80	2.80
Sri Lanka	4.00	1.50	1.00	1.83
Tanzania	4.00	1.00	4.25	3.11
Thailand	5.00	2.50	1.00	2.39
United Arab Emirates ³⁸	4.50	1.00	5.00	2.83
Yemen	4.00	1.00	4.63	3.28

Source: the IUU Fishing Index <http://iuufishingindex.net/>

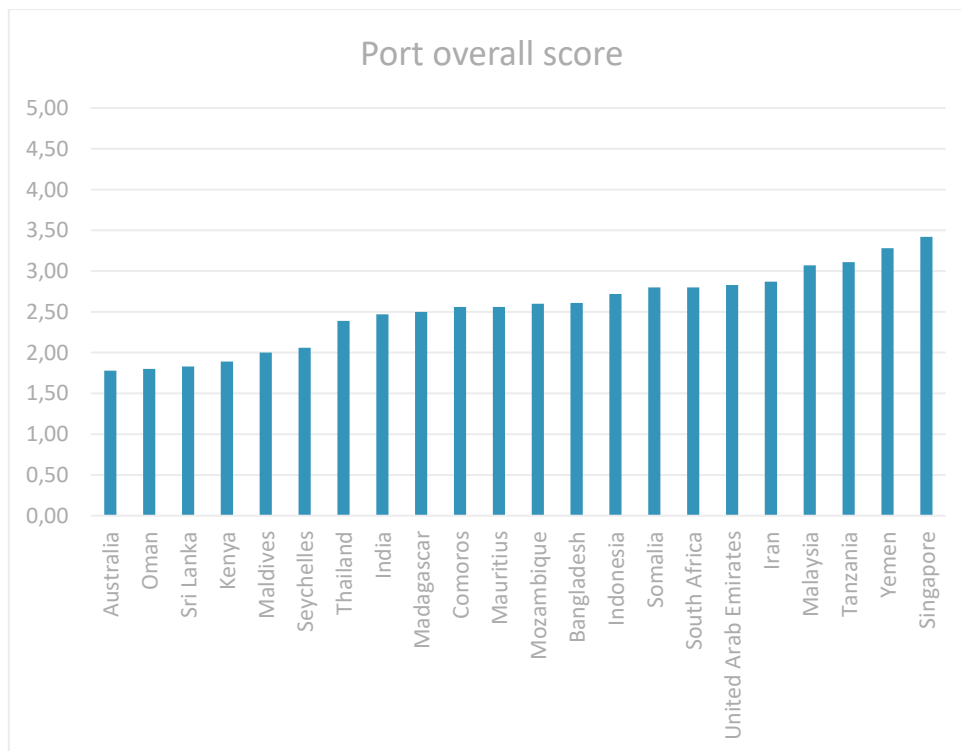
The graphic (figure 1) presents the port overall scores of the 22 IORA MS sourced from table 5 from the lowest to the highest score. As we can see Singapore has the highest score with 3.42 which is partly explained by the fact that Singapore is not party to the PSMA³⁹. Data were also not available for the indicator “designated ports specified for entry by foreign vessels”. Yemen also has quite a high score with 3.28 which is in line with the findings of the IOTC compliance report (see section 4.3.3). In 2020, Yemen was qualified non-compliant with the 6 requirements listed under the IOTC Resolution 16/11 on PSM as no information was provided. Therefore, the port score by response for Yemen is quite high considering the fact that Yemen is also not party to the PSMA (2009).

36 Only indicator “Party to the PSMA” applies here. For the indicator “Designated ports specified for entry by foreign vessels” no data were available and the indicator “Compliance with RFMO port state obligations” is not applicable as Singapore is not party to any RFMO.

37 For the indicator “Designated ports specified for entry by foreign vessels” no data were available.

38 Only indicator “Party to the PSMA” applies here. For the indicator “Designated ports specified for entry by foreign vessels” no data were available and the indicator “Compliance with RFMO port state obligations” is not applicable as Singapore is not party to RFMO.

39 Singapore is however member of the Southeast Asian Fisheries Development Center (SEAFDEC) – which is not an RFMO.



Source: Based on data from the IUU fishing index

Figure 1 : Port overall score for the 22 IORA Member States

The countries with the lowest (and thus best) scores (below 2) are Australia, Kenya, Oman and Sri Lanka. Following the listing by the EU of Sri Lanka as a non-cooperating country in the fight against IUU fishing in 2014, Sri Lanka has deployed great efforts to improve its MCS system including by establishing port State measures.

3. The PSMA: current status of ratification and implementation in the IORA region

3.1. Presentation of the Agreement

The Agreement on Port State Measures is the first binding international agreement that specifically targets illegal, unreported, and unregulated (IUU) fishing. It lays down a minimum set of standard measures for Parties to apply when foreign vessels seek entry into their ports or while they are in their ports. Drawn up in 2005 and approved by the FAO Conference at its Thirty-sixth Session on 22 November 2009, the Agreement entered into force in June 2016, thirty days after the date of deposit of the 25th instrument of adherence.

The objective of the agreement is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, in order to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems. In outline it requires parties to designate ports to which foreign fishing vessels may request entry, to determine requests for entry by foreign fishing vessels and to deny entry and/or the use of port facilities to vessels that are determined to have engaged in IUU fishing. Subsequent provisions address inspections and follow up actions and list specific flag State duties. The Agreement also includes specific requirements for developing countries and foresees the need to adopt cooperation mechanisms and provide technical assistance to these countries in order to implement effective port State measures.

The Agreement does not apply to national vessels, in recognition of the sovereignty of the port State over its own flag vessels. It requires the Parties, among other things, to:

- Cooperate and exchange information with relevant States, FAO, other international organizations and RFMOs (article 6);
- Adopt measures on entry into ports (part II) including: designation of ports (article 7), advance request for port entry (minimum standard and information required detailed in Annex A) (article 8) and authorization or denial of port entry (article 8);
- Adopt measures on use of ports (article 11) : Parties should deny use of their ports for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if specific conditions as laid down in the Agreement are fulfilled (e.g. evidence of IUU fishing activities, lack of valid fishing authorization, etc.);
- Inspect vessels in accordance with agreed minimum levels of inspection and to achieve the objective of the Agreement. Parties should ensure that inspections are undertaken in conformity with the Agreement provisions and that information on the results of the inspection are well documented and shared with relevant parties (Part III, Annexes B and C). Parties should also guarantee that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex E of the Agreement;
- Fulfil its role as flag State (article 20): Each Party shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement. In addition, flag States should take effective and appropriate measures (i.e. investigation and enforcement) if there are evidences that a vessel flying its flag is involved in IUU fishing activities and communicate them to the relevant State, FAO and RFMOs;
- Provide assistance to developing States Parties either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations and bodies, including RFMOs to support the implementation of this Agreement (article 21).

The implementation of the PSMA should incur a number of benefits, including that it:

- Complements the efforts of flag States in fulfilling their responsibilities under international law – it provides an opportunity for port States to check and verify that vessels not flying their flags and that seek permission to enter their ports, or that are already in their ports, have not engaged in IUU fishing;
- Enhances flag States control over vessels as it requires the flag State to take certain actions, at the request of the port State, or when vessels flying their flag are determined to have been involved in IUU fishing;
- Requires better and more effective cooperation and information exchange among coastal States, flag States and regional fisheries management organizations and arrangements (RFMOs);
- Seeks to prevent the occurrence of so-called ports of non-compliance (formerly known as ports of convenience);
- Is a cost-effective tool in ensuring compliance with national and international law and regional conservation and management measures adopted by RFMOs;
- Contributes to strengthened fisheries management and governance at all levels. Implementing port state measures through national legislation will give an incentive to establish coordinated procedures and facilitate intra-agency cooperation;
- Has a positive influence on fisheries conservation and management by contributing to more accurate and comprehensive data collection, enhancing vessel reporting to national administrations and RFMOs, permitting assessments concerning the extent to which vessels have complied with operational authorizations and licenses to fish, promoting regional fisheries cooperation and harmonization among coastal States and RFMO Members, and

facilitating the more rigorous implementation of international labour, safety and pollution standards on vessels;

- Can prevent fish caught from IUU fishing activities from reaching national and international markets. By making it more difficult to market fish through the application of port State measures, the economic incentive to engage in IUU fishing is reduced. In addition, many countries have also decided to prohibit trade with countries that do not have port state measures in place.

The two categories of foreign vessels that may be excepted are described in the Agreement (article 3 on application):

- Artisanal vessels of neighbouring States engaged in subsistence fishing;
- Container vessels carrying no fish or fish that have been previously landed, if there are no clear grounds for suspecting support to IUU fishing.

Countries may also decide not to apply the Agreement to vessels chartered by nationals exclusively for fishing under areas of national jurisdiction, but they are subject to measures as effective as those applied in relation to flag vessels. Therefore, the coverage of the PSMA is quite large and includes also small-scale vessels and not only industrial fishing vessels as countries tend to limit its scope to.

3.2. Constraints and challenges to the implementation of the FAO Port State Measures Agreement⁴⁰

There are many constraints and challenges to the implementation of the 2009 FAO Port State Measures Agreement, particularly for developing countries. This is implicit in Article 21(4) of the Agreement, which calls on Parties to cooperate to establish funding mechanisms to assist developing States in the implementation of the Agreement. The mechanisms are to be directed specifically towards: (i) developing national and international port State measures; (ii) developing and enhancing capacity, including for MCS and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel; and (iii) MCS and compliance activities relevant to port State measures, including access to technology and equipment⁴¹.

The FAO has organized a global series of FAO Regional Workshops to improve human and technical capacity for countries to strengthen and coordinate their port State measures. In this context, working groups in each of the Workshops identified constraints to the development of port State measures and proposed ways to overcome the constraints. The constraints identified were generally consistent throughout the various regions. They related mainly to institutional arrangements, technical requirements, legal considerations, financial needs, human resource development, and regional and international concerns⁴².

Political will and good governance are essential prerequisites to meet the challenges of overcoming the constraints. Although, in many cases, the FAO regional workshops identified the lack of political will and good governance as a major constraint, a need for raising awareness was also indicated as a possible solution to overcoming the problems. The various constraints described may always exist, but knowledge of the problems and identification of challenges that should be addressed in achieving

40 This section is a summary of the main findings from section 6 of the FAO report "A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated Fishing". See Annex 9 for a Summary of constraints identified by the FAO in implementing the PSMA.

41 Douman, D.J. and Swan, J. A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. FAO Fisheries and Aquaculture Circular No. 1074. Rome, FAO. 2012. 165 pp.

42 Ibid.

solutions will contribute to overcoming the obstacles. They must be addressed comprehensively and in different, mutually reinforcing ways⁴³.

3.3. Status of ratification and implementation

3.3.1. IORA MS Party to the PSMA

There are currently **67 countries** which are parties to the PSMA⁴⁴. Among the 22 IORA MS, **only 14** countries have ratified the Agreement. The table below presents the list of IORA MS which have ratified or accessed to the PSMA. Comoros, India, Iran, Malaysia, Singapore, Tanzania, United Arab Emirates and Republic of Yemen are not yet party to the PSMA. Although it could be justified for Comoros which does not have yet port facilities to attract or even receive foreign fishing vessels, some countries like Malaysia, Tanzania or Singapore, as we have seen previously (see section 2.1), have foreign fishing vessels visiting their ports which highly justify becoming party to the PSMA.

Table 6 : List of IORA MS party to the PSMA

Country	Date of ratification or accession
Australia	2015-07-20
Bangladesh	2019-12-20
Indonesia	2016-06-23
Kenya	2017-08-23
Madagascar	2017-03-27
Maldives	2017-03-17
Mauritius	2015-08-31
Mozambique	2014-08-19
Oman	2013-08-01
Seychelles	2013-06-19
Somalia	2015-11-09
South Africa	2016-02-16
Sri Lanka	2011-01-20
Thailand	2016-05-06

Source: FAO

3.3.2. PSMA Applications for Designated Ports and Contact Points

The FAO developed a database providing the list of designated ports and national authority contacts⁴⁵. The table below presents the countries which communicated their list of designated ports to the FAO and the list of national authority contacts communicated to the FAO by the FAO member States also member of the IORA (the full list of designated ports communicated to the FAO can be found in annex 7)⁴⁶.

43 Doulman, D.J. and Swan, J. A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. FAO Fisheries and Aquaculture Circular No. 1074. Rome, FAO. 2012. 165 pp.

44 Up to 31 October 2020.

45 <http://www.fao.org/fishery/port-state-measures/psmaapp/?locale=en&action=qry>

46 Up to 31 October 2020.

Table 7 : Information provided by the FAO on IORA MS designated ports and contact points

Country	Party to the PSMA	National focal point	List of designated ports
Australia	Yes	Australian Fisheries Management Authority	List of designated ports provided
Bangladesh	Yes	No information available	No information available
Comoros	No	No information available	No information available
India	No	No information available	No information available
Indonesia	Yes	Directorate of Fishing Port	List of designated ports provided
Iran	No	No information available	No information available
Kenya	Yes	No information available	List of designated ports provided
Madagascar	Yes	No information available	No information available
Malaysia	No	No information available	No information available
Maldives	Yes	No information available	List of designated ports provided
Mauritius	Yes	No information available	No information available
Mozambique	Yes	No information available	List of designated ports provided
Oman	Yes	No information available	No information available
Seychelles	Yes	Seychelles Fishing Authority	List of designated ports provided
Singapore	No	No information available	No information available
Somalia	Yes	Ministry of Fisheries and Marine Resources	No information available
South Africa	Yes	Department of Agriculture Forestry and Fisheries	No information available
Sri Lanka	Yes	No information available	No information available
Tanzania	No	No information available	No information available
Thailand	Yes	Fish Quarantine and Inspection Division, Department of Fisheries	List of designated ports provided
United Arab Emirates	No	No information available	No information available
Yemen	No	No information available	No information available

Source: FAO

As presented in Annex 7, the PSMA database is quite incomplete, and information is missing for both non-parties and an important number of parties to the PSMA. The information provided to the IOTC Secretariat in the context of CMM 16/11 On port state measures is often more complete (see section 4.3 and annex 2). Countries that are party to the PSMA have indeed provided information to the IOTC Secretariat on their designated ports and Period Advance Notice (e.g., Madagascar, Tanzania and Iran) but not to the FAO yet. It is also interesting to notice that there are few inconsistencies between the FAO database and the IOTC list of designated ports.

For example, on the FAO database Australia has only 59 designated ports against 63 on the IOTC list of designated ports (see Annex 2). A recent study on PSM found that national PSMA- or PSM-related information are very hard to locate in all cases and that publicizing of PSM information, by individual States and by FAO, as provided for in the PSM Agreement, is severely lacking⁴⁷. The study noticed that this lack of public information also limits the depth of analysis that may be achieved by studies when looking into the performance of individual ports. The study recommended that the “FAO should endeavour to greatly improve the collection of comprehensive data on PSMA implementation by its

⁴⁷ Hosch, G. et al. (2019)

Members, for public hosting and that such data should go beyond the strict requirements of the PSMA, for States that wish to submit and/or publicize such information. Ideally, such data would include the following:

- a. Name and location of designated port;*
- b. Links to port authority websites;*
- c. Link(s) to rule set(s) governing prior notification and authorization; for port entry, including risk assessment inspection requirements and potential penalties;*
- d. Link(s) to legislation establishing designated ports;*
- e. Contacts (central fisheries administration and port-specific authorities)”⁴⁸.*

During the second meeting of the Parties to the Agreement on the PSM in June 2019, the efforts of the Parties to upload their data onto the PSMA-App was recognized, noting that, as of 3 June 2019, 331 ports had been designated and associated information uploaded by 32 Parties, as well as national contact points from 42 States. Parties that had not done so were called on to designate ports and national contact points and upload the relevant information. A number of Parties noted that they had recently designated ports that would soon be uploaded onto the PSMA-App. Observer States were informed that non-parties may also upload information on national contact points for the purpose of facilitating the implementation of the Agreement.⁴⁹

The Parties also reaffirmed during this meeting that the transmittal, electronic exchange and publication of information are key components of the PSMA and essential for meeting its objective. The FAO undertook a feasibility study for the development of a **global information exchange system** (GIES) in support of the implementation of the Agreement. The Parties supported the recommendations of the Technical Working Group on Information Exchange (TWG-IE), agreeing that the GIES should be operational as soon as possible⁵⁰. In particular to satisfy the requirements of the PSMA, the ability to securely share law enforcement sensitive inspection results and information on denial of port entry should be completed as a first step as soon as possible⁵¹.

It is important to note that the IOTC has developed a similar system called e-PSM which has been designed and developed to facilitate and assist the Contracting Parties and Cooperating non-Contracting Parties (CPCs) of the IOTC to implement the IOTC Resolutions related to Port State Measures (PSM) (see sections and 4.3.1 and 4.3.2). As some overlaps are to be expected between the GIES and the already established and well-functioning e-PSM application, cooperation between the FAO and the relevant RFMOs running similar system(s) would be expected to limit the administrative burden for the States and operators in the industry.

48 Hosch, G. *et al.* (2019).

49 FAO. 2019. Report of the second meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Santiago, Chile, 3-6 June 2019. FAO Fisheries and Aquaculture Report No. 1272. Rome.

50 “The Parties also expressed their preference for a GIES as an integrated system using a modular and phased implementation approach, and requested FAO to develop a prototype for the System by the next meeting of the TWG-IE. It was emphasized that the system should be developed closely with relevant Regional Fisheries Bodies and networks, taking into account existing national and regional port State measures systems, the requirements of developing State Parties, as well as business continuity, recovery and confidentiality requirements. Furthermore, the Parties agreed that active participation by States can be an important element to maximize the potential of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels to support the functioning of the GIES. FAO was encouraged to thoroughly test the prototype in a number of regions to ensure that Parties with different circumstances are able to assess its feasibility and limit the burden”.

51 FAO. 2019. Report of the second meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Santiago, Chile, 3-6 June 2019. FAO Fisheries and Aquaculture Report No. 1272. Rome.

3.4. Monitoring, review, and assessment of the implementation of the Agreement

According to the article 24 of the PSMA, “Parties shall, within the framework of FAO and its relevant bodies, ensure the regular and systematic monitoring and review of the implementation of this Agreement as well as the assessment of progress made towards achieving its objective”. Moreover, the Agreement planned that “four years after the entry into force of this Agreement, FAO shall convene a meeting of the Parties to review and assess the effectiveness of this Agreement in achieving its objective”.

In the context of this article, the official process to monitor the implementation of the PSMA and assess its effectiveness in achieving its objective was launched by FAO in November 2020 through a questionnaire adopted by the PSMA Parties (see annex 5 for the FAO questionnaire) during the aforementioned second meeting of the Parties to the PSMA. The Parties noted that the questionnaire is an initial tool to be used in the process to monitor and review the effectiveness of the Agreement and may be amended and adapted according to the needs identified by the Parties. The aggregated results (by FAO region) will be presented at the 3rd meeting of the Parties to the PSMA. In addition, the Secretariat will invite Regional Fishery Bodies (RFBs) to provide information on their implementation of the Agreement.

States also report on the status of implementation of the PSMA and other instruments related to combatting IUU fishing through the SDG reporting process, namely for indicator 14.6.1. In the context of the regional statistical analysis of responses by FAO members to the 2020 questionnaire on the implementation of the Code of Conduct for Responsible Fisheries and Related Instruments, an analysis per region has been undertaken on the implementation of the PSMA as presented in the two tables below.

Table 8 : Status of ratification for the 2009 FAO PSMA and information provided by FAO Members (%)⁵²

Region (number of respondents in brackets)	Members who are party to the PSMA	Members who have initiated the process of becoming party to the PSMA	Members who have designated ports, as required under the PSMA	Members who have designated a contact point, as required under the PSMA
Africa (16)	56.25	42.86	68.75	68.75
Asia (15)	53.33	57.14	60.00	60.00
Europe (14)	57.14	16.67	46.15	46.15
Latin America and the Caribbean (25)	56.00	45.45	48.00	56.00
Near East (9)	44.44	40.00	12.5	25.00
Northern America (2)	100.00	-	100.00	100.00
Southwest Pacific (8)	87.50	0.00	62.50	75.00
Total (89) and averages	58.43	40.54	52.87	57.47

Source: regional statistical analysis of responses by FAO members to the 2020 questionnaire on the implementation of the Code of Conduct for Responsible Fisheries and Related Instruments, COFI/2020/SBD.4

Half of the countries which are respondents in the Asian region are IORA MS. As we can see in the table still half of the countries in this region are not yet Party to the Agreement. Only a bit more than half (around 60%) have designated ports and a contact point, as required under the PSMA. These results

⁵² Asia includes the following IORA MS: Bangladesh, India, Indonesia, Malaysia, Maldives, Singapore, Sri Lanka and Thailand. Africa includes the following IORA MS: Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, South Africa. Near East includes the following IORA MS: Iran, Oman, United Arab Emirates, Somalia and Yemen. South West Pacific includes the following IORA MS: Australia.

confirm the remarks made in the previous section regarding the population of the FAO database on PSM.

A bit less than half of the countries which are respondents in the African region are IORA MS. The results of this region are quite similar to the ones analysed for the Asian region but with slightly better results for the African region (almost 70% have designated ports and a contact point, as required under the PSMA).

The region with the lowest percentages is the Near East which includes 5 IORA MS out of 9 respondents. In this region only 12.5% have designated ports, as required under the PSMA.

Table 9 : Implementation of the 2009 FAO PSMA⁵³

Region (number of respondents in brackets)	Implementation of the provisions of the PSMA with regards to:*			
	Policy	Legislation	Institutional Framework	Operation and Procedures
Africa (16)	3.50	3.44	3.38	3.38
Asia (15)	3.27	3.47	3.27	3.27
Europe (13)	3.62	3.62	3.54	3.31
Latin America and the Caribbean (25)	3.20	3.32	3.20	3.08
Near East (8)	3.00	3.00	2.88	3.00
Northern America (2)	4.50	5.00	4.00	4.00
Southwest Pacific (8)	4.00	4.13	4.00	4.00
Total (87) and averages	3.41	3.49	3.36	3.30

Source: regional statistical analysis of responses by FAO members to the 2020 questionnaire on the implementation of the Code of Conduct for Responsible Fisheries and Related Instruments, COFI/2020/SBD.4

*Implementation not limited to those who are party to the PSMA. Average of responses, range from “1” being “Not” at all to “5” being “Fully”

As we can see in the table presented above, the region with the lowest implementation score concerning the PSMA is the Near East with an average score of 2.97. The lowest score concerns the institutional framework (2.88). The African region has an average score of 3.42 and its lowest score is on the institutional framework and operations and procedures. The Asian region has an average score of 3.32 with a quite strong score on legislation but equally lower for the policy, institutional framework and operations and procedures aspects.

Therefore, progress in the implementation of the PSMA is still needed in these regions, also when compared to other better performing regions, such as Northern America and the Southwest Pacific.

⁵³ Asia includes the following IORA MS: Bangladesh, India, Indonesia, Malaysia, Maldives, Singapore, Sri Lanka and Thailand. Africa includes the following IORA MS: Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, South Africa. Near East includes the following IORA MS: Iran, Oman, United Arab Emirates, Somalia and Yemen. South West Pacific includes the following IORA MS: Australia.

3.5. Brief analysis of legal frameworks in the IORA MS⁵⁴

The implementation of the PSMA requires an approach that includes policy decisions, legal revision and new operational procedures.

To support the Parties in the implementation of the Agreement the FAO has developed three checklists for implementing the 2009 PSMA⁵⁵:

- Operational checklist (detailing operational procedures which should be in place);
- Policy checklist;
- Legal checklist.

The table 10 below analyses the implementation of the key provisions of the PSMA in the legislation of IORA MS based on the FAO legal checklist for the provisions on entry into port (Part II, articles 7 to 10), on use of ports (Part III, article 11) and on inspections and follow-up actions (Part IV, articles 12 to 18). This checklist has however been simplified to provide a general overview of the legal measures in place in the IORA MS. The annex 3 of this report provided a more detailed analysis of the PSM legal provisions in place in the IORA MS.

Table 10 : Brief legal analysis of key FAO PSM provisions

Country	Party to the PSMA	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
Australia ⁵⁶	Yes	X ⁵⁷	X	X
Bangladesh ⁵⁸	Yes			
Comoros ⁵⁹	No			
India ⁶⁰	No	X		
Indonesia ⁶¹	Yes	X	X	X
Iran ⁶²	No			
Kenya	Yes	X	X	X
Madagascar	Yes	X	X	X

54 Where legal provisions could be identified.

55 A guide to the background and implementation of the 2009 FAO agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

56 Australia did not have adopted specific regulation on PSM following the ratification of the PSMA. The Fisheries Management Act 1991. Act No. 162 of 1991, as amended by Act No. 96 of 2010, included provisions on port permit, on approval for landing for foreign fishing vessels and inspections of these vessels. However, these provisions do not fully reflect the content of the PSMA and in particular article 11. See annex 3 for extracts of the relevant legal provisions.

57 “X” means that the country has some relevant measures in place on these particular aspects of the PSMA.

58 No relevant legal provisions were identified in the Fish Act of 1950 and Fish Rules of 1985.

59 No relevant legal provisions were identified in the Law n°82-015 on the activity of foreign fishing vessels in the Maritimes Zones of Comoros although there is a title dedicated to the Police of Fishing activities but at sea and not at port.

60 The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules of 1982 contains few provisions on entry into port of foreign fishing vessels however they apply only to licensed foreign fishing vessels in India.

These provisions also do not fully reflect the provisions on entry into port (article 7 to 10) of the PSMA.

61 Although Indonesia has adopted the Ministerial Regulation No. 39/PERMEN-KP/2019 on implementation of the PSM to prevent, deter and eliminate IUU fishing, it cannot be considered that the Regulation fully translated the PSMA as the provisions of the article 11 on use of ports of the Agreement are only partly transposed.

62 No relevant legal provisions were identified in the Law of Protection and Exploitation of the Fisheries Resources of the Islamic Republic of Iran.

Country	Party to the PSMA	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
Malaysia ⁶³	No			
Maldives ⁶⁴	Yes			
Mauritius ⁶⁵	Yes	X	X	X
Mozambique ⁶⁶	Yes			
Oman ⁶⁷	Yes			
Seychelles ⁶⁸	Yes	X	X	X
Singapore	No			X ⁶⁹
Somalia ⁷⁰	Yes			
South Africa ⁷¹	Yes	X		
Sri Lanka	Yes	X	X	X
Tanzania	No	X	X	X
Thailand	Yes	X	X	X
UAE ⁷²	No			
Yemen ⁷³	No			

As indicated above (see section 3.2), some developing countries still have old fisheries legislations in force. These do often not address current challenges such as combatting IUU fishing and in particular the use of PSM. For example, the Bangladesh Protection and Conservation of Fish was adopted in 1950 and has not been revised since then. According to the Department of Fisheries, a new law and regulations are under approval process.⁷⁴ Therefore, it should be expected that the new fisheries act would include provisions on the PSMA as Bangladesh is party to the Agreement. Somalia, which is party to the PSMA, is also currently in the process of revising its legislation of 1985, and which will include provisions to implement the PSMA.

63 In accordance with the FISHERIES ACT 1985 As at 1 November 2012 “entry by the foreign fishing vessel into Malaysian ports, whether for the inspection of its catch or for any other purpose” can be part of the foreign fishing vessel permit conditions (see provisions 19). However, these provisions cannot be considered as in line with the PSMA.

64 Fisheries Act of Maldives ACT NO. 14/2019 foresees that “the Ministry shall have the power to make regulations as necessary to prevent, deter and eliminate illegal, unreported and unregulated fishing by all persons in the maritime zones of the Maldives and by Maldivians outside the maritime zones of the Maldives” (provision 44).

65 THE FISHERIES AND MARINE RESOURCES ACT 2007 Act No. 27 of 2007 of Mauritius includes some relevant provisions on PSMA but it does not fully translate the key provisions of the PSMA. Seemingly no PSM Regulations adopted so far.

66 No relevant provisions were identified in the Fisheries Act No. 22/2013.

67 No English translation available of the Royal Decree No.20/2019 promulgating the Law on Living Aquatic Wealth.

68 Seychelles Fisheries ACT of 2014 is currently under revision in order to fully comply with the PSMA.

69 Inspection only of documents required in the Fisheries (fishing harbour) Rules of 1996.

70 No relevant provisions were identified in the Law No. 23 of November 30, 1985.

71 The Marine living resources regulations (1998), as amended, only contain relevant provisions on designated ports and on prior notification only for transshipments.

72 No English translation was available of Protection and development of marine resources Federal Law No. 23 of 1999 and no relevant provisions were identified in the Ministerial Resolution No.232 of 2001 issuing the Implementing Regulation for Federal Law No.23 of 1999. It is however doubtful as the UAE is not party to the IOTC and does not have to comply with the IOTC PSM Resolution 16/11 and is not Party to the PSMA that the UAE has adopted relevant legislation or regulations to implement the PSMA provisions.

73 Relevant legislation identified such as the Law No. 2 of 2006 on the Regulation of Fishing and the Development and Protection of Marine Life was only available in Arabic. It is however doubtful as Yemen does not comply with the IOTC PSM Resolution 16/11 and is not Party to the PSMA that Yemen has adopted relevant legislation or regulations to implement the PSMA provisions.

74 Based on the answer received by the Marine Section of the Department of Fisheries of Bangladesh in the questionnaire sent to the IORA MS (see annex 1 for the questionnaire template sent).

Some countries which have recently ratified the PSMA have not yet adopted national legislation or regulations to comply with the provisions of the agreement. This is for example the case of Maldives which has ratified the agreement on Port State Measures (PSM) in 2017 and is in the process of formulating a national regulation to implement the PSM⁷⁵. Fish carrier vessels collecting fish from fish purchasers in the Maldives for transport to canneries in other countries are currently not well controlled, making it difficult to know whether these vessels might be used for transshipment while travelling to canneries in other countries⁷⁶. However, the new regulation referred to above covers these vessels and provides the regulatory basis for their control⁷⁷.

So far, few countries have fully transposed into their national legislation the core PSMA provisions. Indonesia has recently adopted Ministerial Regulation No. 39/PERMEN-KP/2019 on implementation of the PSMA to prevent, deter and eliminate IUU fishing. The scope of this Ministerial Regulation covers (article 2):

- a. Implementation;
- b. Institutional matters;
- c. Mechanisms and procedures on foreign vessels' entry into port;
- d. Education and training of PSM officers; and
- e. Monitoring and reporting.

The Regulation is very comprehensive and includes provisions on request for entry into port (Part One), force majeure (Part Two) and Follow Up of Inspection Result (Part three). However, the Regulation does not fully reflect PSMA article 11 on use of ports which states that *“where a vessel has entered one of its ports, a Party shall deny, pursuant to its laws and regulations and consistent with international law, including this Agreement, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if: [listing the cases].”* The Regulation only mentions that a foreign vessel authorized to enter a port may be subject to inspection by PSM Officers and that based on the inspection report of the PSM, the PSM Inspection team coordinator shall report the result of the inspection and the decision to deny such the Foreign Vessel the use Port services to the PSM Authority Secretariat. In order to fully reflect the PSMA, the Regulation should in principle list all the circumstances described in article 11 of the Agreement leading to this denial of use for port and also the purposes of use (landing, transshipping, packaging and processing of fish which have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking).

Sri Lanka has also adopted comprehensive Regulations in 2015 for the Implementation of Port State Measures. According to these Regulations *“no person shall except under authority of a license issued by the Director General of the Department of Fisheries and Aquatic Resources, (hereinafter referred to as the “Director General”) land, tranship, pack or process fish taken outside Sri Lanka waters by a foreign fishing boat, or obtain services such as resupplying, maintenance and drydocking for such boat*

75 This Regulation will provide for requirements related to prior notification of port entry, use of designated ports, restrictions on port entry and landing/transshipment of fish, restrictions on supplies and services, documentation requirements and port inspections, as well as related measures, such as IUU vessel listing, trade-related measures, and sanctions.

76 Maldives NPOA-IUU of July 2019.

77 The draft amendments to the Licensing Regulation also now mandate collector vessels and reefers to obtain a license for operations. The changes to the regulation have also spelled out various other requirements for such vessels to ensure that their operations can be remotely monitored by the Ministry in charge of fisheries in Maldives. The Ministry will need to conduct increased levels of inspections at the point of loading of these carrier vessels in the future, in association with the Customs Service.

at any port of Sri Lanka, authorized by the Director General".⁷⁸ The Regulation includes three schedules including the application for fish landing / transshipment / maintenance and port services by foreign fishing boats in designated and declared ports of Sri Lanka (schedule I), the information to be provided in advance by boat requesting port entry (schedule II) and the different types of licences (for landing or transshipment) (schedule III). The Regulation also states that every foreign fishing vessel permitted to enter port should be inspected in accordance with the procedures detailed in schedule IV, emulates annex III of the IOTC PSM Resolution 16/11. However, the Regulations of 2015 include a denial to enter a Sri Lankan port based on suspicion of IUU fishing but not a denial of use of port in conformity with the article 11 of the PSMA⁷⁹.

Thailand has also introduced in its Royal Ordinance on Fisheries B.E. 2558 (2015) key provisions on PSM and more generally on the fight against IUU fishing. Interestingly in addition to the regular provisions found in other legislations on designated ports, advanced request to port entry, denial of access and use of port for IUU fishing vessels, the Ordinance contains provisions on artisanal fishing and PSM and reflect the exception stated within the PSMA on artisanal fishing vessels from neighbouring countries. According to the Ordinance (Section 97), *"the Minister may issue a notification to prescribe that a fishing vessel of a flag state which shares a border with the Kingdom of Thailand undertaking artisanal fishing does not have to comply with all or certain provisions under section 95 and section 96. In this regard, the Minister shall also have the power to determine a guideline for such vessels to comply with in order to prevent IUU fishing"*.

Finally, some fisheries acts foresee the possibility to adopt Ministerial regulations on PSM. This is the case for example of the Malaysia Fisheries Act of 1985 which states that the Minister may make regulations specifically or generally (...) *"to regulate the landing of fish, to provide for the management and control of fishing ports and fish-landing areas, and to appoint such agencies as may be required to effect such management and control"* (provision 61). However, it does not appear that Malaysia has yet adopted such regulations. In the same way, the Fisheries Act of Maldives NO. 14/2019 foresees that *"the Ministry shall have the power to make regulations as necessary to prevent, deter and eliminate illegal, unreported and unregulated fishing by all persons in the maritime zones of the Maldives and by Maldivians outside the maritime zones of the Maldives"* (provision 44). Therefore, it is possible to adopt PSM Ministerial Regulations under this provision of the Act to comply with the PSMA which Maldives is now party to. In the same way Tanzania has included provisions on PSM in the Fisheries Regulations of 2009 as the Fisheries Act of 2003 specifies that the Minister may make

78 Article 2 (1) of FISHERIES AND AQUATIC RESOURCES ACT No. 2 OF 1996 REGULATIONS made by the Minister of Fisheries under Section 61(1)(l) and (t) of the Fisheries and Aquatic Resources Act, No.2 of 1996

79 Article 11 of PSMA: "Where a vessel has entered one of its ports, a Party shall deny, pursuant to its laws and regulations and consistent with international law, including this Agreement, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if:

- (a) the Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
- (b) the Party finds that 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;
- (c) the Party receives 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;
- (d) 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 organization taking into due account paragraphs 2 and 3 of Article 4; or
- (e) the Party has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing, including in support of a vessel referred to in paragraph 4 of Article 9, unless the vessel can establish:
 - (i) that it was acting in a manner consistent with relevant conservation and management measures; or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in paragraph 4 of Article 9.

“regulation necessary or expedient for the purpose of protecting, conserving, developing, regulating or controlling the capture, collection, gathering, processing, storage or marketing of fish, fish products, aquatic flora or products of aquatic flora”, including “on prohibiting, regulating or controlling the activities of foreign fishing vessels within territorial waters”. The Act of 2003 also states that the Minister shall by notice published in the Gazette impose conditions that are necessary for the proper management of fisheries which are - (j) *regulating the landing of fish and providing for management of fish landing stations*. Although the provisions on PSM in the Regulation of 2009, the year of the adoption of the PSMA, are quite basic, they fulfil the key provisions under the PSMA (i.e. designated ports, advance notification and information, denial of port use and inspection of foreign fishing vessels and inspection procedures).

3.6. FAO activities to support strengthening the capacity of parties to the PSMA⁸⁰

Following the approval of the PSMA, FAO initiated a global awareness-raising and capacity building campaign to ensure that States understood both the benefits of the PSMA as well as the requirements of implementation, should they become Party. It also gave countries, RFMOs, and other organizations an opportunity to discuss their concerns and questions regarding the process for becoming Party and their responsibilities in the implementation of the PSMA.

Following this campaign and to bolster FAO’s technical assistance in combatting IUU fishing, FAO developed a global Capacity Development Programme, which is currently ongoing, to provide assistance to developing States to implement the Port State Measures Agreement, complementary instruments and tools. Technical assistance and capacity development is being delivered by FAO through three different mechanisms:

- Technical Cooperation Programmes (TCPs);
- FAO’s Global Capacity Development Programme;
- PSMA Assistance Fund to be established within the framework of Part 6 of the PSMA.

Technical Cooperation Programmes (TCPs)

Assistance is being provided through TCPs in support of activities either specifically concerning the adoption and implementation of the PSMA or related to the broader context of combatting IUU fishing. Since 2015, thirty-seven countries have received support through TCPs.

FAO’s Global Capacity Development Programme to support the implementation of the PSMA and complementary international instruments and regional mechanisms to combat IUU fishing

The Programme was endorsed by FAO in December 2016. All projects developed under the Programme aim at improving States’ capacity for the effective implementation of port State measures (PSMs) and complementary monitoring, control and surveillance (MCS) operations, measures and tools to combat IUU fishing, with the implementation of different Programme elements in each country depending on their state of advancement in the adoption and implementation of provisions and procedures consistent with the PSMA and complementary MCS operations, measures and tools to combat IUU fishing.

At the country level, projects’ activities include assistance to:

- Strengthen national policy and legislative frameworks to combat IUU fishing;
- The strengthening of MCS enforcement institutions and systems, including through South-South Cooperation and mechanisms for regional harmonisation, coordination and cooperation;

⁸⁰ Information extracted from the FAO website in October 2020.

- The enhancement of capacity to improve flag State performance in line with the FAO Voluntary Guidelines, to perform inspections in port and to more effectively take action against persons and entities engaged in IUU fishing; and,
- The implementation of market access measures, such as catch documentation and traceability schemes.

PSMA Assistance Fund to be established within the framework of Part 6 of the PSMA

In the future, Parties to the PSMA will also be able to access support through the PSMA Assistance Fund to be established by the Parties and administered by FAO within the framework of Part 6 of the PSMA. The draft terms of reference for the funding mechanisms to assist developing States parties was recommended for consideration by the Parties at their next meeting.

The Part 6 Working Group requested that FAO develop a global Capacity Development tool. Its scope is to manage and disseminate information in view of initiatives and to support the implementation of assistance under the FAO umbrella programme or other mechanisms.

All IORA MS which are party to the PSMA, with the exception of Australia, benefit from capacity development support provided by the FAO. The annex 8 presents the current ongoing and recent activities (up to October 2020) led by the FAO which cover gap analysis and legal/policy aspects. Unfortunately, no information and reports were made available to this Study by the FAO as these documents can only be disclosed with the approval of the countries concerned which could not be secured in the framework of this TA to the IORA, and therefore it is not possible to establish in how far these initiatives covered efforts to put in place PSM-related legislation and procedures.

4. Port State Measures adopted by the Regional Fisheries Management Organisations in the IORA region

Regional Fisheries Management Organisations (RFMOs) play a key role combatting IUU fishing. Since the adoption of the PSMA they have greatly supported the implementation of PSM at the regional level, allowing to make compulsory to its members the provisions of the Agreement through the adoption of Conservation and Management Measures (CMMs), taking in its key elements.

Concerning the IORA MS, there are three RFMOs that are competent and have adopted PSM-related CMMs:

- The Commission for the Conservation of Southern Bluefin Tuna (CCSBT);
- The Southern Indian Ocean Fisheries Agreement (SIOFA);
- The Indian Ocean Tuna Commission (IOTC).

This report mainly focuses on the IOTC considering the fact that some 90% of IORA MS are IOTC members. However, it is important to note what PSM-type measures have been proposed and adopted by all RFMOs that are relevant to the Indian Ocean context.

4.1. The measures adopted by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

CCSBT's objective is to ensure, through appropriate management, the conservation and optimum utilisation of the global southern bluefin tuna (SBT) fishery. The Commission also provides an internationally recognised forum for other countries/entities to actively participate in SBT management. The members are Australia, Indonesia, Japan, Republic of Korea, New Zealand, South Africa. Only three IORA MS are also members of CCSBT.

CCSBT adopted a CMM for a CCSBT Scheme for Minimum Standards for Inspections in Port in October 2015. The CMM entered into force on 1 January 2017 and was updated in October 2018. The scheme applies to foreign fishing vessels, including carrier vessels other than container vessels, entering CCSBT member state ports.

Under this scheme, a Member wishing to grant port access to foreign fishing vessels carrying SBT or fish products originating from SBT (not previously landed or transhipped at port) shall, amongst other things:

- Designate a point of contact for the purposes of receiving notifications;
- Designate ports to which foreign fishing vessels may request entry;
- Ensure that there is sufficient capacity to conduct inspections in every designated port;
- Require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transhipment to provide certain required minimum information with a least 72 hours prior notification; and
- Inspect at least 5% of foreign fishing vessel landing and transhipment operations in their designated ports each year.

The Committee of Compliance made few comments in its last annual report (2020) on the implementation of the resolution. The main comment concerned South Africa and Taiwan which did not submit port inspection reports within the specified 14-day timeframe. No comments were made on the compliance with the 5% threshold inspection of foreign fishing vessel landing and transhipment operations.

CCSBT has established an information register relating to its scheme for minimum standards for the inspection in port of foreign Fishing Vessels and Carrier Vessels carrying SBT. The information to be provided by CCSBT Members and Cooperating Non-Members (CNMs) for this register is as follows:

- A point of contact for receipt of port entry requests;
- A point of contact for receipt of inspection reports (pertaining to the Member's own vessels);
- A list of designated ports of entry; and
- The required pre-notification period (in hours) for port entry requests.

Ports that do not appear on the designated list of ports are deemed not to be acceptable Member or CNM ports of entry for the Fishing Vessels or Carrier Vessels mentioned above. The designated ports of entry and contacts submitted by Members and CNMs is provided on the CCSBT website⁸¹. It is interesting to note that in the information on Indonesia updated on the 18/10/2018 it is specified that there is no designated port currently and that "*Indonesia does not currently allow foreign fishing or carrier vessels into its ports and it is still in the process of finalising a new regulation to implement port state measures*". However, this information is not up to date as on the FAO and IOTC lists of designated ports there are 5 designated ports in Indonesia (see annex 2 and section 3.3.2), and there is no regulation in place denying foreign fishing vessels entry into Indonesian ports. There seems to be a confusion in the administration between the prohibition of foreign fishing vessels to fish in Indonesian EEZ (which is indeed currently not allowed) and the prohibition of entering and using ports for foreign fishing vessels (which is not reflected anywhere in the legislation). Finally, Indonesia has adopted the Ministerial Regulation No. 39/PERMEN-KP/2019 on implementation of the PSM to prevent, deter and eliminate IUU fishing (see section 3.5).

81 <https://www.ccsbt.org/en/content/ccsbt-register-designated-ports-and-contacts>

4.2. The measures adopted by the Southern Indian Ocean Fisheries Agreement (SIOFA)

The SIOF Agreement was signed in Rome the 7th of July 2006 and entered into force in June 2012. To date, SIOFA has ten Contracting Parties: Australia, China, the Cook Islands, the European Union, France on behalf of its Indian Ocean Territories, Japan, the Republic of Korea, Mauritius, the Seychelles and Thailand, one Participating Fishing Entity (PFE): Chinese Taipei and one Cooperating Non-Contracting Party (CNCP): Comoros. Kenya, Madagascar, Mozambique and New Zealand are also signatories to this Agreement but have not ratified it.

The objectives of this Agreement are to ensure the long-term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking into account the needs of developing States bordering the Area that are Contracting Parties to this Agreement, and in particular the least developed among them and small-island developing States. This Agreement covers fishery resources including fish, molluscs, crustaceans and other sedentary species within the area, but excluding highly migratory species (Annex I of UNCLOS) and sedentary species subject to the fishery jurisdiction of coastal states (Article 77(4) of UNCLOS).

Recognising that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating IUU fishing, SIOFA adopted the CMM 2017/08 Conservation and Management Measure establishing a Port Inspection Scheme (Port Inspection) in line with the PSMA. The CMM includes provisions on designation of ports, advance request for port entry of foreign vessels, Use of ports by foreign vessels and inspections.

In accordance with paragraph 2 of CMM 2017/08 establishing a Port Inspection Scheme, SIOFA Contracting Parties, CNCPs and PFEs designate ports to which foreign vessels may request entry. Any subsequent changes to this information shall be notified at least 30 days before the change takes place to the SIOFA Secretariat who will update the register accordingly. The current register (updated on the 05/10/2020) is very incomplete and misses information on Seychelles and Mauritius for the IORA MS. Thailand provided a complete list of designated ports with information on the notification period and contact of the authority. This list includes 25 designated ports of which one for Cambodian flagged vessels (Kanlaphanga port), three only for Malaysian flagged vessels (Narathiwat Port, Tak Bai Pacific Port Pattani fishing port) and one only for Malaysian and Indonesian flagged (Satun Port). The same list has been provided to the IOTC secretariat but without specifying that certain designated ports are only for vessels flagging the flag of specific countries (see annex 2 of IOTC list of designated ports)⁸².

The website of SIOFA also contains information on port access denials which could be a very useful tool to track suspected IUU fishing vessels. However, currently information is published only on one suspected vessel to which port access was denied by Thailand.⁸³ The fact that so little information is available on port access denials demonstrates either the lack of communication from the Contracting Parties to SIOFA on the cases of denials and/or the limited implementation of the provision of the PSMA and CMM 2017/08 allowing to deny port access to foreign fishing vessels suspected of having been involved in IUU fishing. This tendency is also confirmed with the IOTC (see section 4.3.3.3 on the number of port access denials communicated to the IOTC by the CPCs).

⁸² The only difference concerns the port Go Dang Thai Fish Co Ltd which is written Godung on the IOTC list.

⁸³ <http://apsoi.org/mcs/port-access-denials>

4.3. The IOTC PSM resolutions and their status of implementation in the IORA region

4.3.1. Presentation of the IOTC Resolutions on Port State Measures

The IOTC has adopted two main resolutions related to the Port State Measures (PSM):

- CMM 16/11 on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;
- CMM 05/03 relating to the establishment of an IOTC Programme of Inspection in Port.

4.3.1.1. *Resolution 16/11 On port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing*

In 2010, aware of the powerful and cost effective compliance tool of Port States measures to combat IUU fishing activities in the Indian Ocean, the IOTC adopted a Resolution on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (IOTC Resolution 10/11 on PSMR, superseded by Resolution 16/11). The Resolution, which entered into force on 1 March 2011, is inspired by the 2009 FAO Agreement on Port State Measures but placed in the context of the IOTC mandate. The port State competent authority (fisheries administration) of the Coastal CPCs of the IOTC, where foreign vessels offload tuna and tuna like species or call into port to use port services, are responsible for the implementation of the Resolution. The Resolution does not apply to “vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing; and 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 that such vessels have engaged in fishing related activities in support of IUU fishing”. This scope is in line with the PSMA provisions. Therefore, the Resolution does not only apply to industrial fishing vessels above a certain length (e.g. 24 meters) like other IOTC Resolutions and cover as well small-scale fishing vessels catching tuna species in the IOTC area of coverage.

The Resolution includes, among others, provisions on entry into ports (i.e. designation of ports, advance request for port entry and port entry, authorisation or denial), use of port, inspections and follow-up actions (i.e. levels and priorities for inspection, conduct of inspections, results of inspections, transmittal of inspection results, training of inspectors, Port State actions following inspection and Information on recourse in the port State), role of flag State and requirements of developing States.

In accordance with the Resolution, “Each CPC shall carry out inspections of at least 5% of landings or transshipments in its ports during each reporting year. Inspections shall involve the monitoring of the entire discharge or transshipment and include a crosscheck between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board”.

Table 11 : Reporting requirements under CMM 16/11

Reporting requirements	Deadlines	Responsible State
Report the list of designated ports, details of competent authority, period of advance notice	By 31st December, 2010	CPC Port State
Transmit all inspection reports to the master of the inspected vessel, the flag State and the IOTC Secretariat	Within 3 working days	CPC Port State
Notify the flag State, the IOTC Secretariat, and other relevant RFMOs of detected offence / denial of port services	Notify the flag State, the IOTC Secretariat, and other relevant RFMOs of detected offence / denial of port services	CPC Port State
Inform CPCs, relevant States, RFMOs & the FAO on actions taken against a vessel	Any time (event-based reporting)	CPC Flag State

There are four reporting requirements under this Resolution, of which three apply to port States, and one to flag States. Two of these relate to notifications which are triggered only in case an infringement is detected. These requirements are summarized in the table 11 presented above.

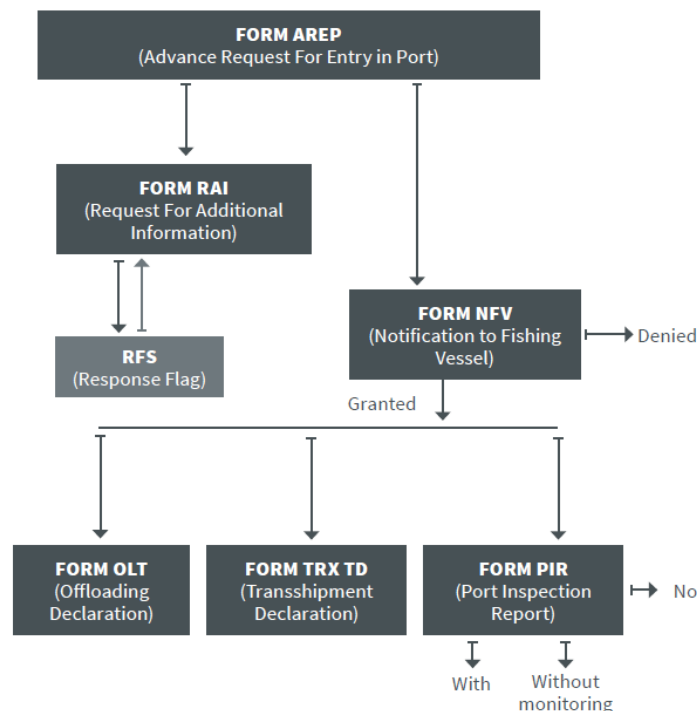


Figure 2 : the e-PSM process

Source: IOTC e-PSM Application: User Manual for the Port State Competent Authority, 2016

The resolution provides reporting templates for the advance request for entry into port – AREP (Annex 1) and the port inspection report – PIR (Annex 3). These templates have to be customised and adapted where necessary by each CPC individually. The (internet based) e-PSM application developed by the

IOTC Secretariat came into operation in 2016, and enables vessels to submit AREPs, and port States PIRs electronically via the e-PSM application. The figure above summarises the e-PSM process (see also the text box 1 for more detail).

4.3.1.2. *IOTC Resolution 05/03 relating to the establishment of an IOTC Programme of Inspection in Port*

Recognising the fact that the inspection in port is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing, the IOTC CPCs adopted in 2005 the Resolution 05/03 relating to the establishment of an IOTC Programme of Inspection in Port. Each CPC shall adopt regulations in accordance with international law to prohibit landings and transshipments by Non-Contracting Party vessels where it has been established that the catch of the species covered by the Agreement establishing the IOTC has been taken in a manner which undermines the effectiveness of Conservation and Management Measures adopted by the Commission.

In accordance with the Resolution, “each CPC shall submit electronically to the IOTC Executive Secretary by 1 July of each year, the list of foreign fishing vessels which have landed in their ports tuna and tuna-like species caught in the IOTC area in the preceding year. This information shall detail the catch composition by weight and species landed”.

4.3.2. **Work undertaken by the IOTC to support the implementation of the PSM resolutions and to strengthen capacity**

In line with the provision of the PSMA, the Resolution 16/11 provides that the “IOTC CPCs shall cooperate to establish appropriate funding mechanisms to assist CPCs developing States in the implementation of this Resolution”. These mechanisms shall, inter alia, be directed specifically towards:

- Developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
- Monitoring, control, surveillance and compliance activities relevant to port state measures, including access to technology and equipment; and
- Listing cpcs developing states with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this resolution.

IOTC capacity building activities are supported by:

- Direct contributions from CPCs to the capacity building fund: China and EU;
- International organisations, NGOs: the World Bank (WB), BOBLME project (financed by GEF and FAO), ACP fish II (financed by EU), ABNJ tuna project (financed by GEF and FAO), Smartfish project (financed by EU) and WWF.

In this context, the IOTC offers to CPCs **PSM legal assistance** to translate the relevant PSM obligations of IOTC Resolution 16/11 into binding national legal requirements in order to enhance the effective of implementation of port State measures at national level⁸⁴. A model PSM template regulation has been produced and is available in 3 languages (English, French and Portuguese) (see annex 6 for the English template). Since 2015, 12 CPCs (Comoros, Kenya, Madagascar, Maldives, Malaysia, Mauritius,

⁸⁴ Article X of the IOTC Agreement focuses on the implementation of the decisions of the Commission. In practice, the Members have the obligation to transpose, into their national law, relevant Conservation and Management Measures adopted by the Commission.

Mozambique, Seychelles, Somalia, South Africa, Tanzania and Yemen) have been assisted to transpose the relevant obligations of IOTC Resolutions into their national legislation, in order to enhance the implementation and compliance to IOTC Resolutions. Seychelles is receiving this legal assistance since 2018 to amend the current Fisheries Act of 2014 to comply with the IOTC Resolutions including the Resolution on PSM. The draft amended Fisheries Act now fully comply with all the provisions of the PSMA and therefore the IOTC PSM Resolution.

In addition, the IOTC provides **national PSM training courses** to CPCs related to the administrative and operational aspects of the implementation of the Resolution 16/11. A training package has been developed, which includes a manual, a species identification guide, a translation guide, a notebook, a training programme and as well an inspectors kit and a PSM library. The PSMA training is composed of a theory and a practical component where port inspections are conducted. The methodology comprises, as well, of follow up missions to provide support to the implementation of the Resolution 16/11 and assess the progress of the implementation of the port State measures Resolution 16/11. So far, the IOTC has undertaken PSM training courses in Sri Lanka, Indonesia, Madagascar, Tanzania, Mozambique, Oman, Kenya, Mauritius, Seychelles, South Africa (Cape Town), Thailand, Malaysia, Djibouti, Somalia, Maldives. The IOTC also provides regional PSM training courses with the objective to increase the Port State Control capacity of the developing States - coastal CPCs on implementing operational aspects of the PSM resolution related to national interagency collaboration and regional cooperation (Advance Request of Entry in Port, port inspection and follow up actions). So far, the IOTC has undertaken these regional PSM training courses in the Western IOTC Countries (Madagascar, October 2015) and in the Eastern IOTC countries (Thailand, October 2016).

The IOTC also offers support to CPCs for the **implementation of the e-PSM application system**. The objective of the activity was to develop an information system/web-based application accessible through the IOTC web site (e-PSM), to support the implementation of IOTC resolutions on Port State Measures (Resolution 16/11, 05/03 and 12/05), thus facilitating the implementation of the Resolutions on Port State Control adopted by the Commission (see box 1 below). A regional training course on e-PSM took place in Maputo (Mozambique) in June 2015. The IOTC also organized national training courses on e-PSM between 2016 and 2017 in Sri Lanka, Indonesia, France (EU), Madagascar, Tanzania, Mozambique, Oman, Kenya, Mauritius, Seychelles, South Africa, Thailand, Malaysia. Over 450 individuals, from 14 IOTC member States (Port State' officials and industry personnel), have been trained to use the e-PSM application⁸⁵. As of 31 May 2020, through the e-PSM application: 7,283 vessel files have been created and 17,546 PSM forms have been submitted; of which; 7,169 are advance request of entry into port (AREP), 5,545 are notifications (NFV) of entry into port authorised, 3 notifications (NFV) of entry into port denied and 3,238 are port inspection reports. The application is being used by 42 flag States, 15 IOTC port States and more than 1,500 vessels' representatives (fishing agents/vessel masters)⁸⁶.

The IOTC also fosters **sharing of experience on port State measures**. This activity provides a mechanism for the sharing of experiences between port State Competent Authorities in charge of the implementation of IOTC port State measures, at national level. The activity involves the relocation of one PSM supervisor/administrator and two port inspectors from a port State Competent Authority to another port State CPC, to work and share experiences on the implementation of port State measures on the following topics: port State Competent Authority (Structure, personnel, budget, challenges, etc.); Legal provision at national level to implement port State measures (exchanges of legislation); Inter-agency cooperation at national level; Port inspection procedures adopted at national level, including monitoring of offloading; Use of the e-PSM application, work flow processes, including

85 IOTC-2020-CoC17-10_Rev1 [E]

86 Ibid.

analysis of AREP and vessel's risk assessment. During the exchange, port inspectors conduct inspection and monitor offloading. The inspection/monitoring team is composed of inspectors from the two port State Competent Authorities. In September 2019, PSM exchange was conducted between Thailand and Seychelles⁸⁷.

In addition, the IOTC promotes **interagency cooperation** to implement effectively PSM. A model MoU on interagency cooperation (see annex 6 of this report) and a guideline on best practices for interagency and regional cooperation has been developed to assist CPCs to strengthen cooperation among national agencies implementing PSM. The Secretariat of the IOTC does not have information on the use of this MoU template by CPCs.

It is important to mention that these tools and initiatives are directly inspired from the FAO PSMA and their application does not have to be limited to tuna and tuna like species and could have a broader application in the IORA MS.

Finally, the IOTC is planning to mobilize a PSM technical expert to work in close collaboration with the competent authority of the port State CPCs (of SWIOFC members) and provide assistance and undertake activities related to the implementation of port State measures⁸⁸.

87 Summary report on compliance support activities, IOTC-2020-CoC17-10_Rev1 [E]

88 The PSM technical expert will undertake the following tasks:

- Assist the IOTC Compliance Section to implement the IOTC activities of the project related to port State measures and provide technical support and on the job PSM training to the developing States - coastal CPCs of the IOTC responsible for the implementation of the port State measures and to facilitate and strengthen the implementation of the PSM Resolution, thus ensure the long-term conservation and sustainable use of the tuna resources;
- Conduct in country mission to assist CPCs to implement port State measures, conduct gap analysis and assess the port State performance with the objective to identify constraints/gaps in the exercise of port State responsibilities, and identify the needs and corrective actions. The effective implementation of the port State measures Resolution by coastal CPCs requires a variety of aspects to be considered, developed and/or strengthened, to improve the implementation capacity of the port State measures resolution by the concerned CPCs. At the national level, the most relevant aspects relate to the policy, legal, institutional, human resources and operational framework;
- Based on the results of the assessment and the identification of needs and corrective actions, a detailed road map/action plan addressing the policy, legal, institutional, human resources and operational framework aspects shall be drafted in order to enhance port State performance.

Box 1: Presentation of the IOTC e-PSM application

Made of three independent modules, the e-PSM application has been designed and developed to facilitate and assist the Contracting Parties and Cooperating non-Contracting Parties (CPCs) of the IOTC to implement the IOTC Resolutions related to Port State Measures (PSM).

Module 1: e-PSM Forms and Processes

The first module, e-PSM forms and processes, is a working and communication platform for the fishing industry, the port States CPCs, the flag State CPCs to implement their responsibilities in terms of Resolution 16/11. As the first step of the PSM process, this module allows the fishing industry to submit electronically to port State CPCs an advance request for entry into port (AREP) to decide whether to authorise or deny the entry of the vessel into its port and communicate this decision to the vessel or to its representative. The PSCA may send a Request for Additional Information (RAI-AREP) to the master or to the agent of the vessel asking for more details. The vessel representative receives the RAI-AREP and must reply to the PSCA by sending the requested information. The PSCA examines the answers and if they are not satisfactory, the PSCA can send another RAI-AREP. Once the RAI-AREP/replies process is completed to the satisfaction of the PSCA, the PSCA sends a "Notification to the Fishing Vessel" (NFV) to the master or to the agent of the vessel which can be: 1) Port entry authorised: the vessel can enter port; 2) Port entry authorised but use of port facilities denied until completion of a port inspection and clearance by the competent authority; 3) Port entry denied: the vessel cannot enter port.

Module 2: e-PSM Library

The second module, e-PSM library, is an information sharing platform to IOTC CPCs where PSM related information can be found, such as:

- Information on designated ports, designated competent authority in each port State CPC and prior notification period established by each CPC;
- e-PSM application user manuals (Industry manual, port State CPCs manual and flag State CPCs manual);
- PSM forms created in the Module 1: Advance Request of Entry into Port (AREP) and Port Inspection Reports (PIR) (Restricted access);
- Documents, technical reports, meeting reports, video on various fisheries topics (e.g. tuna fisheries management, fisheries Monitoring Control and Surveillance (MCS) and port State measures, etc.);
- Internet link to useful internet resources (e.g. vessel movement information, port information, etc.).

Module 3: e-PSM Reporting

The third module, e-PSM reporting, is a report building tool where reports related to the activities of foreign vessels in its port or activities of its flagged vessels in foreign ports can be generated. This module allows CPCs to generate the mandatory report required by Resolution 05/03 (Details of landing of foreign vessels in ports), as well as the mandatory report required by Resolution 17/06 (Details of transshipments of flag vessels in foreign ports).

Source: <https://www.iotc.org/compliance/port-state-measures>

4.3.3. Status of implementation of IOTC Port State Measures Resolutions in the IORA region

4.3.3.1. List of designated ports, Competent Authorities and periods of notice

In accordance with the IOTC CMM 16/11, each “CPC shall designate and publicise the ports to which vessels may request entry pursuant to this Resolution”. Moreover, “each CPC shall provide a list of its designated ports to IOTC Secretariat before 31 December 2010, which shall give it due publicity on the IOTC website. Each CPC shall, to the greatest extent possible, ensure that every port designated and publicised has sufficient capacity to conduct inspections pursuant to this Resolution.” However, the IOTC Secretariat does not have the mandate to verify if in practice the CPCs have sufficient capacity to undertake these inspections.

Among the IOTC CPCs (also IORA MS), only three countries have not provided a list of their designated ports to the IOTC Secretariat: Comoros, India and Yemen. According to the IOTC Secretariat, Yemen has currently other priorities while India does not consider that the PSM Resolution applies as no landing or transhipment by foreign vessels takes place in its port in conformity with their declaration to the IOTC Secretariat. Comoros does not yet have fishing port infrastructures to receive foreign fishing vessels. It also does not have currently an industrial fleet. A 2019 study from the World Bank looked at the possibility of developing the national fleet and establish a fishing port in Comoros with limited hosting capacity. The country with the highest number of designated ports is Australia with 63 designated ports, followed by Thailand (25), Maldives (7), Indonesia (5) and Sri Lanka (5). The table below presents the number of designated ports in the IOTC CPC member of the IORA.

Table 12 : Number of designated ports in IOTC CPCs also IORA member

IOTC CPC member of IORA	Number of designated ports
Australia	63
Bangladesh	3
Comoros	0
India	0
Indonesia	5
Iran	3
Kenya	4
Madagascar	5
Malaysia	2
Mozambique	3
Maldives	7
Mauritius	1
Oman	1
Seychelles	1
Somalia	4
South Africa	3
Sri Lanka	5
Tanzania	4
Thailand	25
Yemen	0
TOTAL	139

Source: IOTC website

Among the CPCs that have provided information on their designated ports only Bangladesh did not provide any information to the IOTC Secretariat on the Period of Advance Notice (PNA). According to the IOTC Resolution 16/11, each CPC shall require the information requested in Annex I (of the PSM Resolution) to be provided before granting entry to a vessel to its port at least 24 hours before entering port or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours. Concerning the countries that have provided this information to the IOTC Secretariat, the PNA is normally comprised between 24 and 72 hours (see the annex 2 for full detail on PNA and designated ports). For a few designated ports the delay is reduced to 3 to 6 hours (e.g. Kanlapangha port in Thailand) which is a quite limited timeframe to analyse the information provided in the AREP.

4.3.3.2. Overview of the level of compliance with the IOTC PSM Resolutions

CMM 16/11 came into effect on 1st March, 2011. As presented in the previous section, to date 19 CPCs, of which 17 IORA MS, with ports situated in the IOTC Area have provided information on their designated ports, competent authorities and notification period required by foreign vessels to request entry into the CPC's port(s).

To date 11 port State CPCs, of which 10 are IORA MS⁸⁹, provide information on inspections conducted on foreign vessels and submit Port Inspection Reports (PIR), in line with the requirement of paragraph 13 of CMM 16/11 (see table 13 below)⁹⁰. Among IORA MS, in 2019 only Tanzania and South Africa did not submit PIR with forms related to monitoring/inspection of landings/transshipments. The submission of the PIR is done through the e-PSM application, which has been operational since 2016. Made of three independent modules, the e-PSM application has been designed and developed to facilitate and assist the Contracting Parties and Cooperating non-Contracting Parties (CPCs) of the IOTC to implement IOTC resolutions relating to PSM (see box 1 and figure 2 on the e-PSM application).

The table below presents the information transmitted by IOTC CPCs and IORA MS to the IOTC Secretariat regarding the number of calls and inspections of foreign fishing vessels in their designated ports.

Table 13 : Port Inspection reports (PIR) transmitted to the IOTC Secretariat in 2016 to 2019 by port State CPCs⁹¹

	Port State CPC	MUS	MYS	KEN	MOZ	SYC	MDG	TZA	THA	LKA	ZAF
2016	Nb of calls in port	734	2	N/I	24	327	26	8	63	50	526
	Nb of vessel inspected	716	2	N/I	24	324	26	8	63	15	35
	Nb LAN/TRX inspected	4	1	N/I	0	3	2	0	63	0	35
	Nb PIR received ⁹²	6 ^m 48 ^e	1 ^e	0	24 ^m 19 ^e	112 ^m 5 ^e	33 ^e	4 ^m	6 ^m 2 ^e	7 ^m 12 ^e	10 ^m 33 ^e
	Nb monitoring form received	0	0	0	N/A	0	0	N/A	0	0	10
2017	Nb of calls in port	884	12	6	17	618	42	0	145	54	574

89 Mauritius, Malaysia, Kenya, Mozambique, Seychelles Madagascar, Tanzania, Thailand, Sri Lanka and South Africa.

90 Summary Report on the Level of Compliance 2020, IOTC-2020-CoC17-03_Rev2 [E]

91 (LAN=Landing; TRX= Transshipment). N/A = no offloading in KEN, TZA and MOZ port for the concerned years; N/I = no information provided by the CPC. Nb of calls in port, Nb of vessel inspected, Nb LAN/TRX inspected are numbers declared by the CPC in the Compliance Questionnaire. m = submission of PIR hard copy/email; e = submission of PIR through e-PSM application

92 m = submission of PIR hard copy/email; e = submission of PIR through e-PSM application

	Port State CPC	MUS	MYS	KEN	MOZ	SYC	MDG	TZA	THA	LKA	ZAF	
	Nb of vessel inspected	690	12	6	15	198	47	24	144	32	65	
	Nb LAN/TRX inspected	40	3	0	4	0	3	0	108	26	65	
	Nb PIR received	600 ^e	0	6	15 ^e	123 ^m	33 ^e	16 ^m	89 ^e	33 ^e	67 ^e	
	Nb monitoring form received	18	0	0	0	0	4	0	108	26	37	
2018	Nb of calls in port	809	22	7	14	N/I	17	0	89	105	639	
	Nb of vessel inspected	737	10	7	14	226	17	0	89	39	106	
	Nb LAN/TRX inspected	8	0	0	0	6	3	0	54	27	106	
	EPSM											
	Nb of calls in port	809	22	7	84	432	17	0	89	105	639	
	Nb PIR received	637 ^e	10	4	10	184 ^m	33 ^e	0	90 ^e	36 ^e	95 ^e	
	Nb monitoring form received	0	0	N/A	0	5	3	N/A	54	20	83	
2019	Nb of calls in port	876	3	7	12	152	28	0	18	76	473	
	Nb of vessel inspected	744	3	7	12	152	28	0	18	34	132	
	Nb LAN/TRX inspected	17	N/A	N/A	8	5	7	0	9	30	46	
	EPSM											
	Nb of calls in port	746	3	7	124	474	28	0	18	76	473	
	Nb PIR received	746	3	7	17 ^e	14 ^e	28 ^e	0	18 ^e	39 ^e	0	
	Nb monitoring form received	17	N/A	N/A	0	0	7	N/A	9	10	0	

Source: Summary Report on the Level of Compliance 2020, IOTC-2020-CoC17-03_Rev2 [E]

It is interesting to note that according to the data provided by the CPCs most of the foreign fishing vessels calling in their ports are inspected except for South Africa where only around 7% of the foreign vessels were inspected in 2019.

It should be noted that these figures presented in the IOTC summary report on the level of compliance for 2020 do not match the ones included in the IOTC summary report on compliance support activities for the same year (see table 2 in this report) which were presented in the section 2.1 of this report as introduction (i.e. number of port calls/AREP through the e-PSM). The IOTC Secretariat justified these discrepancies as it relies on CPC declarations which can be incorrect. In particular for Seychelles, the differences are quite important: 152 calls declared by Seychelles against 474 calls made through the e-PSM for 2019. In the same way Mozambique declared only 12 calls in ports against 124 AREP made through the e-PSM. South Africa on the other hand declared the same number of calls for 2019 (473 calls declared against 473 AREP made through the e-PSM). Madagascar, Malaysia, Kenya, Sri Lanka, Tanzania, and Thailand's declarations are also accurate and match the number of AREP made through the e-PSM. Mauritius is the only country which declared more calls in port (876) than the AREP submitted in the e-PSM application (746). The IOTC Secretariat should normally clarify and address these discrepancies with the CPC concerned.

According to CMM 05/03 relating to the establishment of an IOTC programme of inspection in port, "each CPC shall submit electronically to the IOTC Executive Secretary by 1 July of each year, the list of

foreign fishing vessels which have landed in their ports tuna and tuna-like species caught in the IOTC area in the preceding year. This information shall detail the catch composition by weight and species landed.” To date, 8 CPCs (6 IORA MS) with ports, of which located in the IOTC Area have provided information on landings in 2018 of foreign vessels into their ports or have provided a NIL report (see section below on detailed review of compliance with CMM 05/03 in IORA MS).

The IOTC Secretariat has identified some critical work that is required to be carried out to transpose the PSM Resolution into domestic legislation (development of a template PSM regulation, under the support of the GEF/FAO/ABNJ tuna project was undertaken) and facilitate the exchange of information between the concerned CPCs, the Secretariat and other interested parties through the e-PSM application that became functional in May 2016⁹³.

According to the IOTC Secretariat, the implementation of the IOTC PSM resolution, which reflects almost in its entirety the FAO PSMA, have led to the identification and listing of nine vessels in the IOTC IUU Vessels List⁹⁴.

Figures 3 and 4 presented below, illustrate the level of compliance with the implementation of IOTC PSM resolutions (05/03 and 16/11) from 2010 to 2019.

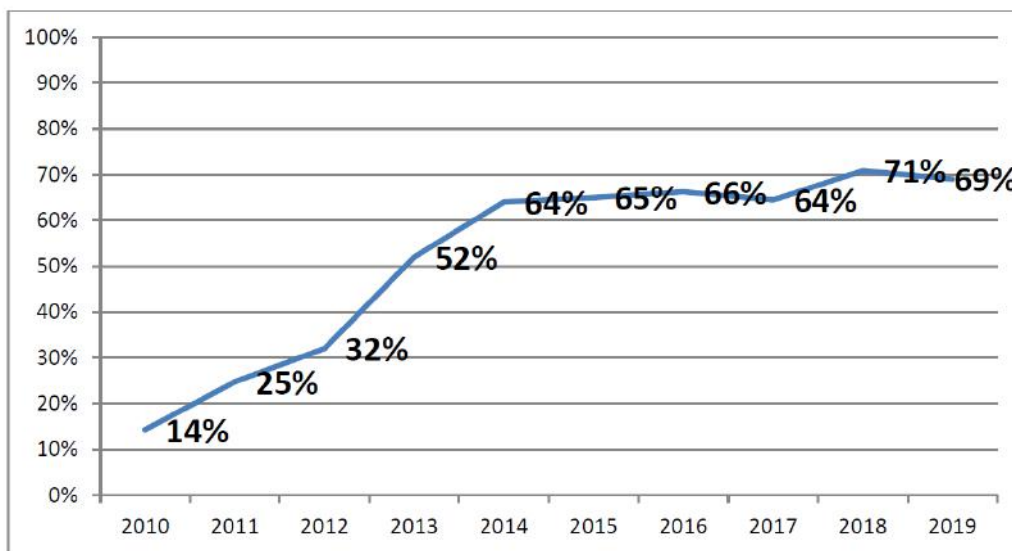


Figure 3 : The progress of compliance to Resolutions 05/03 and 16/11, between 2010 and 2019⁹⁵

Source: Summary report on the level of compliance, IOTC-2020-CoC17-10_Rev1 [E]

As can be observed in the figure above, the compliance with both resolutions 05/03 and 16/11 has greatly improved between 2010 and 2015. However, since 2015 the level of has plateaued and reached only 69% in 2019.

93 Summary report on the level of compliance, IOTC-2020-CoC17-10_Rev1 [E]

94 Summary report on compliance support activities, IOTC-2019-CoC16-11 [E]

95 Note: The level of compliance is expressed in percentage for CPCs to which the 6 reporting requirements are applicable

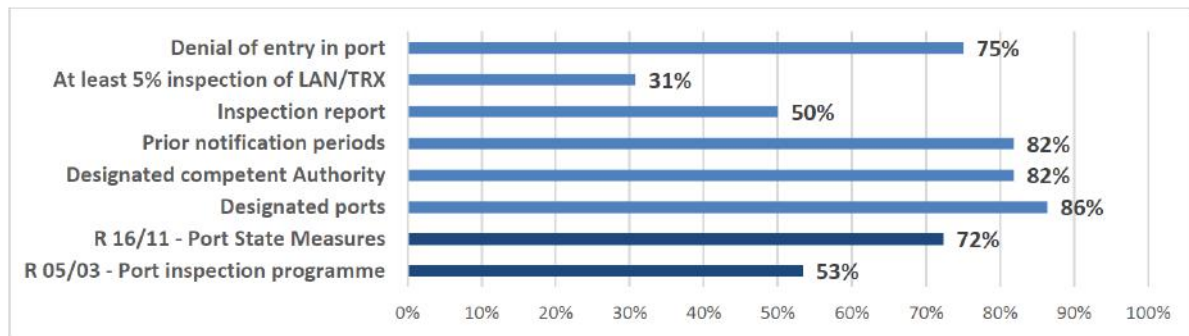


Figure 4 : Compliance level of Resolutions related to PSM (Res. 05/03; 16/11)

Source: Summary report on the level of compliance, IOTC-2020-CoC17-10_Rev1 [E]

Figure 4 clearly shows that the biggest struggles for IOTC CPCs concern compliance with the port inspection programme (CMM 05/03), the obligation to monitor at least 5% of the transshipments and landing operations and the need to send inspection reports to the IOTC Secretariat (CMM 16/11). According to the IOTC Secretariat the countries which are not compliant or partly compliant undertake, however, some monitoring of unloading operations (around 3% for Seychelles for example).

These gaps are clearly reflected in the discussions which took place during the last annual session of the Committee of Compliance (CoC) (1-2 October 2020). The CoC noted the **very low level of compliance** (an average of 31% across all CPCs) with para 10.1 of Resolution 16/11: “each CPC shall carry out inspections of at least 5% of landings or transshipments in its ports during each reporting year”. The CoC also noted that inspections in ports are a crucial measure for the effective management of the fisheries at regional level, to ensure an accurate reporting of catches and more generally to support the implementation of effective measures to promote the sustainable use and the long-term conservation of living marine resources.

The CoC noted that this measure has been the focus of concerted capacity building efforts by the IOTC Secretariat. This measure is very important for combatting IUU fishing in the IOTC Area and encouraged the CPCs to engage the IOTC Secretariat if further assistance is required to improve their implementation and reporting systems⁹⁶.

Therefore, the CoC recommended that CPCs carrying out less than 5% of inspection on landings or transshipments in their ports during each reporting year to provide the IOTC Secretariat with an explanatory note, indicating the obstacles that prevent them from reaching the goal and the remedy action they intend to deploy.⁹⁷ Finally, the CoC recommended that the IOTC Secretariat compile this information with the aim of presenting it at the CoC18 in 2021.

Moreover, the assessment made by the CoC is mainly done on whether the reporting obligation is being complied with, and not on the quality of the report or the information provided. The IOTC Secretariat does not have the mandate or capacity to verify the content of the report, or any other information submitted by the CPCs. The IOTC Secretariat relies on the declarations of the CPCs without questioning their accuracy. A country is therefore considered compliant if it provided the information in accordance with the Resolution requirements. However, being compliant with the reporting obligations does not necessarily mean that further capacity building is not necessary to ensure the quality of the reporting, like the PIR for instance.

⁹⁶ Report of the 17th Session of the Compliance Committee, By correspondence, 1-2 October 2020, IOTC-2020-CoC17-R[E]
⁹⁷ Ibid.

4.3.3.3. Level of compliance with the IOTC PSM Resolutions in IORA MS

The Annex 4 presents in detail the level of compliance in the IOTC CPCs that are also member of the IORA with regards to the provisions of the IOTC Resolutions 16/11 and 05/03.

As it can be observed few countries are in a situation of non-compliance. Only Yemen is fully non-compliant with the reporting requirements of the IOTC PSM Resolutions as it has not provided any information to the IOTC Secretariat. Since the war started, there are barely any fishing activities taking place in the Yemen's EEZ and no foreign fishing vessels are expected to use the fishing ports in the country.

Regarding CMM 05/03 and the obligation for the CPCs to submit electronically to the IOTC Secretariat each year, the list of foreign fishing vessels which have landed in their ports tuna and tuna-like species caught in the IOTC area in the preceding year and information on the catch composition by weight and species landed, the level of compliance is currently around 50% (see figure 4). Only Madagascar is non-compliant for the current status. Oman, Somalia and Yemen are non-compliant for both previous and current status as they did not provide any of the required information. Mozambique was non-compliant for the previous status but became compliant in the latest period. Many countries consider that this provision is not applicable to them, and justify it by the fact that foreign fishing vessels do not land in their fishing ports or are not authorized to do so (i.e. Sri Lanka). The justification given by Indonesia *"the transshipment in port is prohibited according to the Ministerial Regulation No. 30/PERMEN-KP/2012"* is particularly interesting considering the fact that this reporting requirement covers landing and not transshipment operations. Moreover, such a provision cannot be readily identified in the referenced regulation. However, and as we have seen above (see section 3.5) Indonesia has adopted detailed ministerial regulation on the implementation of PSM (N°39/PERMEN-KP/2019).

India considers both CMMs 16/11 and 05/03 entirely not applicable as no landings or transshipments by foreign vessels take place in its ports. It has been reported that there are very limited fisheries inspection operations taking place at fishing ports and small harbours along the coastline.⁹⁸ In its implementation reports submitted in 2018, 2019 and 2020, India indicated to the IOTC that it has not licensed foreign vessels for fishing in its EEZ/high seas. Moreover, no information was provided on the implementation of the Resolution 16/11 or 05/03. India also did not submit its implementation reports for 2017 and 2016. Finally, India indicated to the IOTC Secretariat in the previous years (2018, 2017, 2016) that it did not allow foreign fishing vessels to enter its ports⁹⁹, however without specifying under which legal provisions.

Bangladesh as well indicated to the IOTC Secretariat that there is no landing from foreign vessels in national ports. In its answer to the questionnaire provided in the context of this study, Bangladesh indicated that calls from foreign fishing vessels in its ports are very rare (maybe one or two within two years). Limited information exists on this aspect. However available information suggests that there are very few inspections at landing sites and docks.¹⁰⁰ According to the WB, licensing and monitoring is severely inadequate due to limited institutional capacity, with less than 3 percent of the artisanal fleet currently holding valid licenses and only about 50 percent of the industrial fleet subject to partial monitoring, control, and surveillance (MCS) coverage. Existing fisheries governance and management

98 Pramod, G. (2010) Illegal, Unreported and Unregulated Marine Fish Catches in the Indian Exclusive Economic Zone, Field Report, Policy and Ecosystem Restoration in Fisheries, Fisheries Centre, University of British Columbia, BC, Vancouver, Canada, 30 pages.

99 See for example IOTC-2018-CoC15-CR07 [E] IOTC Compliance Report for: India Report produced on: 12/04/2018

100 Promod, G. (2018) Bangladesh-Country Report, 7 pages, IN: Policy the Open Seas: Global Assessment of Fisheries Monitoring, Control and Surveillance in 84 countries, IUU Risk Intelligence- Policy Report No.1, Canada, 820 pages.

regimes, which are unable to curb domestic illegal unregulated and unreported (IUU) fishing, have led to unsustainable fishing levels and sector underperformance¹⁰¹.

Iran also provided the same justification regarding the absence of landings from foreign fishing vessels in 2018, as did Maldives.

Sri Lanka specified to the IOTC Secretariat that foreign fishing vessels are not allowed to land in Sri Lankan ports but only to transship. According to the Sri Lankan PSM Regulations of 2015, landing, transship, pack or process fish from foreign fishing vessels in Sri Lankan ports are allowed but only if authorized through the issuance of a licence issued by the Director of DFAR.¹⁰² Although not prohibited by the legislation, in practice DFAR does not authorise foreign fishing vessels to land fishing products in designated ports. Foreign fishing vessels mainly transship (in Galle or Colombo) or access one of the 5 designated ports for maintenance purposes. In 2016, no transshipment took place in Colombo while 31 were carried out in 2017 and 40 in 2019. No transshipment took place in Galle in 2019 (DFAR data).

Regarding the compliance with the **provision 13.1 (transmission of inspection report)** stating that “*The port State CPC shall, within three full working days of the completion of the inspection, transmit by electronic means a copy of the inspection report and, upon request, an original or a certified copy thereof, to the master of the inspected vessel, to the flag State, to the IOTC Secretariat*”, few countries were non-compliant or partly compliant. Maldives, Seychelles, Somalia and Yemen were not compliant for the current status (and previous status for Somalia and Yemen). Mauritius, Mozambique and Kenya were both considered compliant regarding the content of the information provided but late in providing the information. South Africa was considered partly compliant regarding the content and late in providing the information for the current and previous status. While Mauritius had the highest number of foreign fishing vessels visiting its port (746 AREP in 2020), it submitted 100% of PIR for these calls through the e-PSM (see table 13). Madagascar, Thailand, Malaysia and Kenya have also submitted 100% of PIR for the foreign fishing vessels submitting an AREP through the e-PSM (see table 13). However, the number of foreign fishing vessels visiting the designated ports in these countries is quite low according to the e-PSM data and country declarations. Seychelles struggled more to comply with this reporting obligation as the number of vessels calling in Port Victoria is much higher. Seychelles also declared that for the 152 calls made in Port Victoria, 100% of the vessels were inspected. However, for the 474 AREP made through the e-PSM only 14 PIR were submitted by Seychelles.

As mentioned above, the compliance with the para 10.1 of Resolution 16/11: “*each CPC shall carry out inspections of at least 5% of landings or transshipments in its ports during each reporting year*” is causing difficulties for CPCs having large numbers of foreign fishing vessels visiting their ports, including Mauritius, Mozambique, Seychelles and South Africa. Mauritius is considered partly compliant for submitting 17 LAN/TRX monitoring forms through the e-PSM, which represent around 3.2% of the total landings and transshipments for 2020. This is an improvement compared to its previous status where Mauritius was qualified non-compliant. As indicated above, Seychelles is only partially using the e-PSM application. In 2020, although a total of 474 calls were made through the e-PSM of which 265 for landings and transshipments, Seychelles did not submit any LAN/TRX monitoring forms. In the same way, Mozambique has not submitted any LAN/TRX monitoring forms to the IOTC Secretariat, although 124 port calls were made on the e-PSM and of which 29 for the purpose of

101 Project appraisal document on a proposed credit in the amount of SDR 171.3 Million (US\$240 million equivalent) to the people’s republic of Bangladesh for a sustainable coastal and marine fisheries project, Report No: PAD2473.

102 “2. (1) No person shall except under authority of a license issued by the Director General of the Department of Fisheries and Aquatic Resources, (hereinafter referred to as the “Director General”) land, transship, pack or process fish taken outside Sri Lanka waters by a foreign fishing boat, or obtain services such as resupplying, maintenance and drydocking for such boat at any port of Sri Lanka, authorized by the Director General. “

landing catch. South Africa declared that 46 landings and transshipments were monitored but did not submit any LAN/TRX monitoring forms. It was therefore considered partly compliant only.

No case of denial of entry into port (in conformity with provision 7.3 of CMM 16/11) was communicated by the CPCs / IORA MS to the IOTC Secretariat for the year 2020 (see table 14 below). As it can be observed in table 14, very few cases of denial of entry into port have been reported by the IOTC CPCs / IORA MS over the past 4 years (12 in total). Only Malaysia reported 8 denials during this period, even though it is not party to the PSMA. Mauritius also reported 1 denial in 2018 and 2 in 2016. Thailand reported 1 denial in 2017. The denial of entry into port of vessels suspected to be involved in IUU fishing activities is one of the key provisions of the PSMA, mirrored in the IOTC PSM resolution.

Table 14 : Number of cases of denial of entry in port reported to the IOTC Secretariat over the past 4 years by the IORA MS¹⁰³

IOTC CPC member of IORA	Cases of denial of entry in port reported in CoC 2020	Cases of denial of entry in port reported in CoC 2019	Cases of denial of entry in port reported in CoC 2018	Cases of denial of entry in port reported in CoC 2017
Australia				
Bangladesh				
Comoros				
India				
Indonesia				
Iran				
Kenya				
Madagascar				
Malaysia		2	5	1
Maldives				
Mauritius		1		2
Mozambique				
Oman				
Seychelles				
Somalia				
South Africa				
Sri Lanka				
Tanzania				
Thailand			1	
Yemen				
TOTAL	0	3	6	3

Source: National IOTC Compliance Reports for 2020, 2019, 2018 and 2017

103 0 means either that the CPC communicated 0 denial to the IOTC Secretariat or that it considered this part of Resolution 16/11 not applicable.

5. Results of the questionnaire: “Basic” capacity needs assessment

As explained at the beginning of this report (see section 1), a questionnaire¹⁰⁴ was sent to IORA MS through the IORA Secretariat to collect basic information for a capacity needs assessment for implementing the PSMA (see annex 1). The response level from IORA MS was around 36%, falling substantially short of the TA team modest aim of 50%.¹⁰⁵ The IORA Secretariat postponed several times the deadline to ensure a better response rate. At the end, some 4 months were given to countries to provide their responses. Regarding the content of the questionnaire, more than half of the questions aimed at understanding the activities of foreign fishing vessels in the IORA MS and the PSM measures in place. The rest of the questions focused more on the capacity needs assessment providing however only very basic elements to undertake an analysis of these needs.

Following an analysis of the questionnaires and IORA MS answers, it was possible to observe and analyse some trends.

First all, 100% of the respondents answered that there is a form of cooperation or coordination between the departments/agencies/authorities and the fisheries department/agency/authority involved in the movement and inspection of foreign vessels in their ports. However, few countries have indicated that a formal MoU has been signed between these agencies to formalise this cooperation (i.e. Mauritius and Maldives). Other IORA MS are in the process of concluding such an agreement (i.e. Indonesia and Seychelles).

According to the answers received, 100% of the IORA MS which did respond require foreign fishing vessels to provide information before they enter port. The delay mentioned by the IORA MS to provide the required information varies between 24 and 72 hours. It is interesting to note that 4 countries specified that an AREP should be submitted through the IOTC e-PSM system.

On inspections, only Bangladesh said that no foreign-flagged fishing vessels and vessels engaged in fishing-related activities are inspected in their ports as foreign vessels are not allowed to fish in the Bangladesh EEZ without prior permission of the government. Seychelles and Indonesia indicated that the selection of fishing vessels to be inspected is made through a risk assessment. Mauritius, Malaysia and Maldives indicated that all foreign fishing vessels calling in their port are inspected. All IORA MS indicated that they refuse the use of their ports to vessels where, after inspection, there are clear grounds for believing that they have engaged in IUU fishing or fishing-related activities in support of IUU fishing. However, as we have seen previously this is not always reflected in the national legal framework (see section 3.6 and annex 3).

Regarding IUU fishing, 75% of the IORA MS answering to the questionnaire consider that foreign fishing in their EEZ is a potential issue but only around 37% of them think that on the other hand domestic IUU fishing in their EEZ is a problem. Interestingly, only 75% of the respondents think that port State measures would be effective against IUU fishing and/or serve as a deterrent.

Among the IORA MS which did respond, **88% consider that the human capacity to carry out port inspections is inadequate** (see figure 5 below).

104 Questionnaire developed by PEW and NFDS and taken from the Report “Implementing the Port State Measures Agreement A Methodology for Conducting a Capacity Needs Assessment”, April 2017.

105 On the 10th March 2021, the following IORA MS sent back a filled in questionnaire: Bangladesh, Indonesia, Madagascar, Malaysia, Mauritius, Maldives, Seychelles and Sri Lanka.

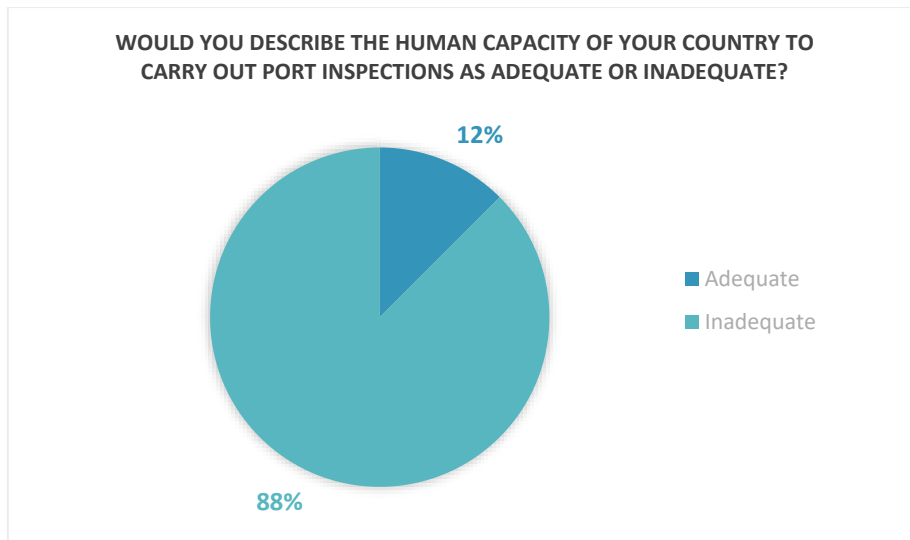


Figure 5 : Analysis of answers received for question 12

When qualifying the reasons why the countries consider that their human capacity is inadequate to carry out port inspections, the main reason mentioned by the IORA MS was the **lack of training** followed by the **insufficient number of inspectors** available at port for purposes of implementing the Agreement (see figure 6 below).

No IORA MS considered that human resources may be limited (both in capacity and in numbers) because of insufficient prioritization of port inspections. Moreover, to the question “are the Government and your Minister supportive of MCS activity?” (question 13), 100% of the IORA MS answered positively.

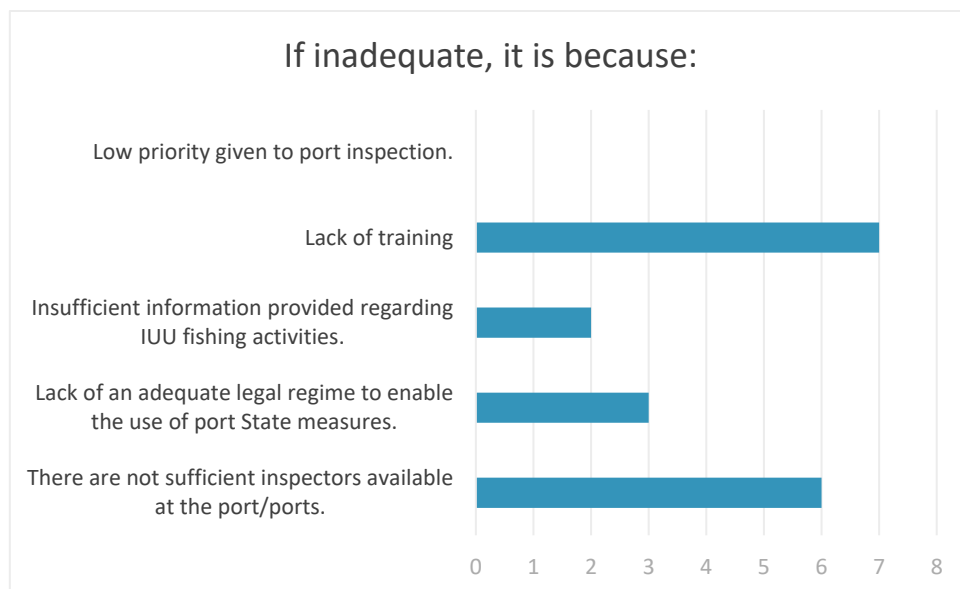


Figure 6 : Analysis of answers received for question 12 on reasons to consider inadequate their human capacity to carry out port inspection

Regarding the institutional and legal framework, the IORA MS are only 62% to consider that senior government officials have sufficient knowledge of relevant international agreements and standards to guide the development of policy relating to and implementation of PSMA (see figure 7). Moreover,

only 50% of respondents consider that institutions (laws, regulations and rules, and the bodies established to implement them) are adequate and that laws/regulations/rules within which the inspectors operate are sufficient to enable them to inspect and act on the outcome of the inspection effectively (see figure 8). Also, only 50% of respondents consider that the way in which the inspectorate is organized facilitates the task of inspecting vessels. Moreover, 57% of respondents indicated that there is a system for the collection, storage, analysis and exchange of information relating to port State measures. There is therefore here still space for some improvements.

Sri Lanka indicates here as a further explanation that port inspectors need onboard training with the port inspectors of other states, in a port where all types of fishing vessels are present. It further emphasized that this would allow sharing of knowledge and experience. It should be noted here that the IOTC fosters this kind of exchange and sharing of experiences (see section 4.3.2). Maldives also underlined the need to further strengthen institutional coordination to utilize the limited number of inspectors available.

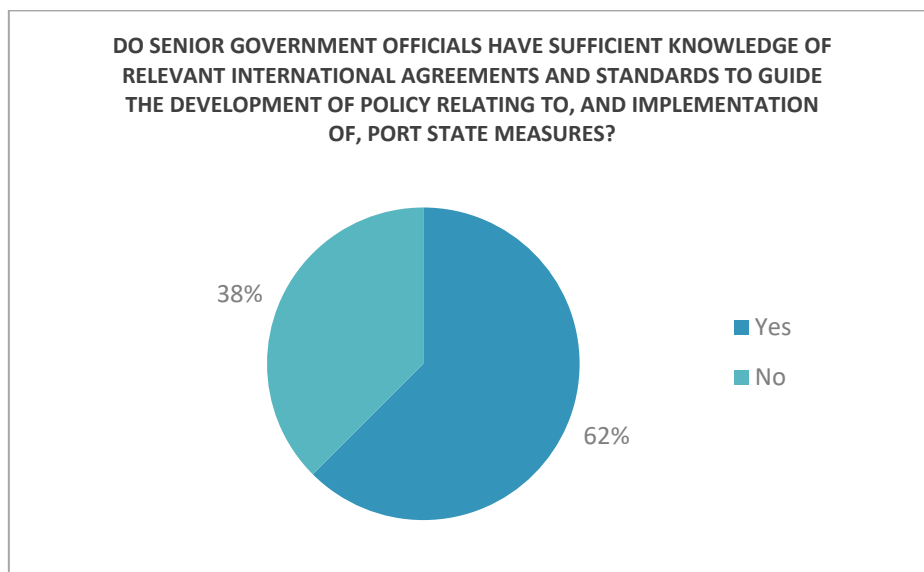


Figure 7 : Analysis of answers received for question 12 ii.

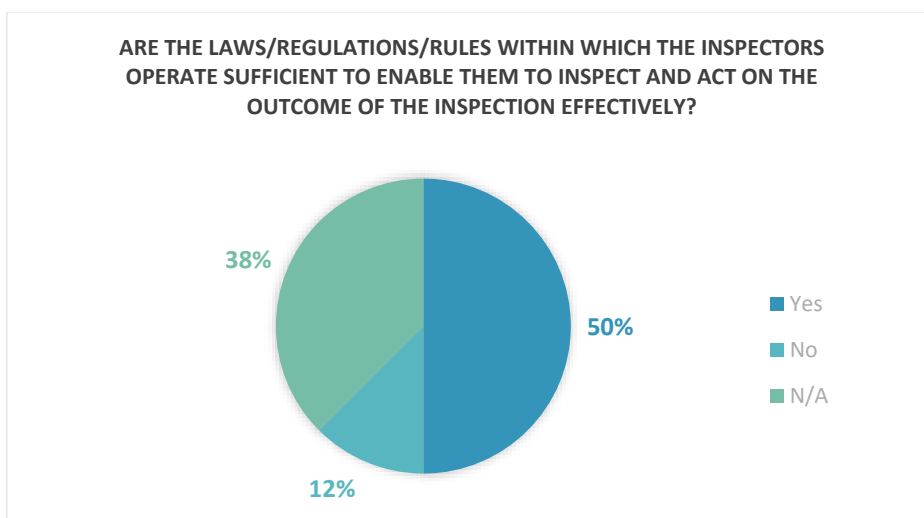


Figure 8 : Analysis of answers received for question 14 (a)

Figure 9 presents the most important constraints identified by IORA MS in relation to human capacity and the implementation of the PSMA. The lack of training but also of knowledge appears again as the main constraints (7 countries out of 8 mentioned this constraint), followed by the lack of sufficient human resources. Language barriers and communication issues also arise as important constraints, as well as administrative matters and validation of documents¹⁰⁶.

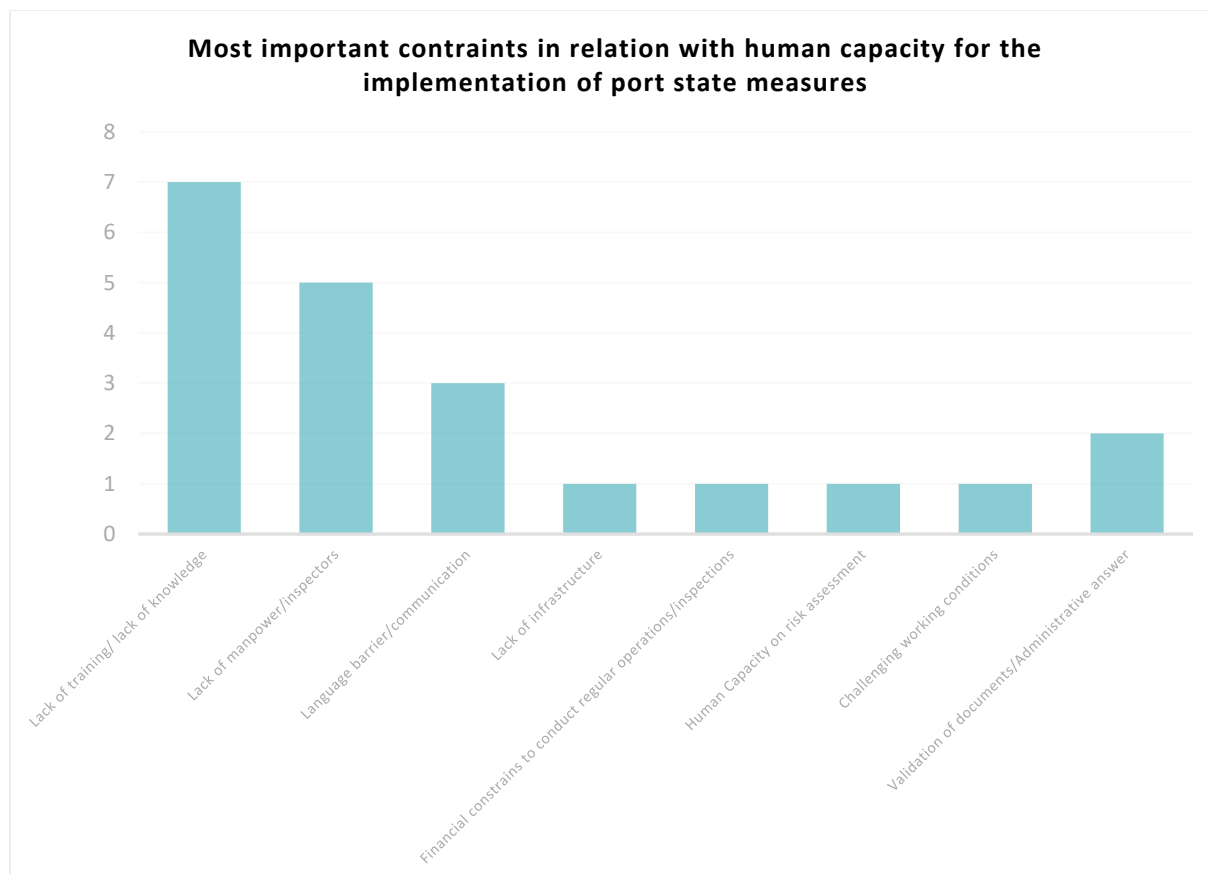


Figure 9 : Analysis of answers received for question 15

The actions proposed by respondents to overcome these constraints are summarised in the table below.

Table 15 : Actions proposed by the IORA MS to overcome the constraints in relation with human capacity for the implementation of PSMA

IORA MS	Actions identified
Bangladesh	Proper Training
	Developments of infrastructure and development of operational protocol
Indonesia	Capacity building on risk assessment
	Capacity building on inspection method
	Capacity building on information exchange

¹⁰⁶ “validation of documents” was an answer provided by Malaysia to the question 16. As no communication and exchange was possible with the questionnaire respondents in the context of this study, it was not possible to clarify the meaning of some of the answers requiring further clarifications.

IORA MS	Actions identified
Madagascar	Enforcement of the national law (<i>décret/arrêté</i>) for the implementation of PSM (proportion of bycatch, etc)
	Training and team-building for Inspectors with access to information
	High level of administrative response wherever an action is taken about PSM
Mauritius	Recruitment of port officials including inspectors
	Provision of training
	Provision of proper facilities and equipment
Malaysia	Interpreter
	Prompt and adequate information and feedbacks from Flag state
Maldives	Through effective training programs the officers/staffs from other implementing agencies shall be given training on how to conduct port inspections. Also the Limited resources available at the Coast Guard for monitoring the entire EEZ Limitation in modern technological tools for conducting monitoring operations
Sri Lanka	Conduct capacity building programs to officials of different capacity levels From senior policy makers to middle managers, port inspectors and authorized officers
	Onboard training for Port inspectors
	Preparation of language cards in different languages with most common questions which could be shared during inspection
Seychelles	Minimum regional operational standards for implementing PSM (partly covered by IOTC)

Source: Questionnaires received from the IORA MS

Required capacity building and training at different levels (in particular of port inspectors) is again the most important action needed by the IORA MS to overcome their difficulties in implementing PSMA. The need to improve cooperation and exchange of information with Flag State was also mentioned such as the necessity to overcome communication and language barriers through the use of interpreters or language cards as proposed by Sri Lanka.

6. Emerging trends and conclusions

The analysis undertaken in this report allows for several observations to be made. Regarding the status of ratification of the PSMA, more countries in the IORA region became party to the Agreement in the past five years (10 countries out of the 14 countries currently Party to the Agreement). Despite this significant improvement, the remaining countries that are not yet party to the Agreement (Comoros, India, Iran, Malaysia, Singapore, Tanzania, UAE and Yemen) should consider becoming party to the PSMA as a priority, especially considering the fact that most of these countries have foreign fishing vessels visiting their ports. The IORA Secretariat, in this regard, could bring its support by emphasizing the importance of the PSMA and its effectiveness in combatting IUU fishing.

The implementation of the PSMA in some signatory IORA MS is still partial and requires more efforts and commitment from them. In particular, the communication to the FAO of information on designated ports and other relevant information under the Agreement arises as a major weakness. Only 4 IORA MS out of the 22 have communicated complete information on the designated ports and national focal points to the FAO. As indicated above, this information was communicated to the IOTC Secretariat in the context of IOTC resolutions, demonstrating that countries are willing and able to cooperate and to provide the necessary information under relevant international frameworks. The IORA Secretariat could play a role in raising awareness among its members on the importance to communicate complete and accurate information to the FAO and RFMO Secretariats.

The exchange of information (article 6 of the PSMA) is a key element of the PSMA which states that *“In order to promote the effective implementation of this Agreement and with due regard to appropriate confidentiality requirements, Parties shall cooperate and exchange information with relevant States, FAO, other international organizations and regional fisheries management organizations, including on the measures adopted by such regional fisheries management organizations in relation to the objective of this Agreement”*. As stipulated in the PSMA this exchange of information should take place at different levels but in particular among the FAO, international organisations like IORA, RFMOs and relevant States of the region. As presented in this report the IOTC have developed a very useful and effective tool to exchange information: the e-PSM which has been designed and developed to facilitate and assist IOTC CPCs to implement the PSM-related IOTC resolutions. The FAO is also developing a global information exchange system (GIES) in support of the implementation of the Agreement. As the new platform will most likely overlap with the already well established and functioning e-PSM application, it will be important to have a reflexion between the FAO and the IOTC (and any other RFMO in the world running similar system) to limit the administrative burden for the States and operators in the industry and ensure the maximum effectiveness of the system. In this context, the IORA Secretariat could promote the exchange of information through existing electronic systems and databases such as the e-PSM.

As presented in this report, the IORA MS face several constraints in implementing PSM and complying with the PSMA and IOTC PSM resolutions. First of all concerning the legal framework although some countries have revised their legislations and/or adopted regulations to comply with the FAO Agreement, still around half of IORA MS lack national provisions transposing the key substance of the Agreement. Even when countries adopted relevant provisions on PSMA, the legal texts sometimes only partially transpose the FAO Agreement and miss some important aspects, limiting its scope and effectiveness. Regarding the scope of the FAO Agreement, it also appears that IORA MS often limit the application of the PSMA to industrial-scale fishing vessels although the agreement also applies to semi-industrial vessels to a certain extent. It was observed in the report that some countries tend to limit the application of the Agreement not only to certain categories of vessels but also to certain uses of their ports. As we have seen, some IORA MS tend to consider the IOTC PSM resolution (and therefore the FAO Agreement) not applicable to their countries justifying this decision by the absence of transshipments and/or landings of foreign fishing vessels, although the PSMA framework applies to any entry and use of port services by foreign fishing vessels. The IORA Secretariat should therefore support the full implementation of the PSMA and RFMO PSM resolutions across the region, by discouraging an altered, limited and incorrect interpretation of the Agreement and its related RFMO resolutions.

The findings of the report also show that IOTC CPCs and IORA MS have made great progress over the past ten years in complying with PSM resolutions, in particular with IOTC CMM 05/11. This was made possible thanks to the great support provided by IOTC at different levels to strengthen capacity of developing countries. However, countries having large numbers of foreign fishing vessels using their ports are still struggling with the obligation to monitor at least 5% of landings or transshipment operations during each reporting period. The obligation to transmit the inspection reports to the IOTC Secretariat is also generally not well complied with by CPCs concerned by this provision. Moreover, as indicated above, the assessment made by the CoC is mainly done on the reporting obligation and not on the quality of the report or information provided. Therefore, a compliant country might still need further capacity building to improve reporting quality.

Also, despite the fact that the IOTC has developed great tools (e.g. PSM Regulation template, MoU template on interagency cooperation) to support the CPCs in complying with the PSM Resolutions and facilitating the implementation of these resolutions, it seems that these instruments are not widely used by the CPCs / IORA MS. 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 PSMA-type frameworks.¹⁰⁷ These processes will only be achieved by setting 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 through, among other measures, the adoption of MoUs. The PSMA invites each Party, to the greatest extent possible, to integrate or coordinate fisheries related port State measures with the broader system of port State controls and integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing-related activities in support of such fishing (article 5 of the PSMA). Although various IORA MS have adopted NPOA-IUUs supporting this integrated approach, many countries still have issues in addressing IUU fishing as a problem requiring interagency cooperation at the national level. The IORA Secretariat can support through the Cluster Group for Fisheries Management (CGFM) the need to adopt an integrated approach to fight IUU fishing in the region and to fully integrate all PSM aspects into the overall MCS workflows.

One of the key provisions of the PSMA is the possibility for the Port State to deny entry into its port of fishing vessels or supporting vessels in case of suspicion of IUU fishing (article 9). As observed in this report very few cases of denial of entry in port have been reported to the IOTC Secretariat by the CPCs and IORA MS over the past 4 years (in total only 12). These figures could to a certain extent question the importance of IUU fishing activities and presence of IUU fishing vessels in the region often put forward by the countries in the Indian Ocean. On the other hand, it could also mean that foreign fishing vessels involved in IUU fishing avoid requesting access to ports in IOTC CPCs and seek entry to ports of countries not bound by the FAO PMSA or RFMOs measures.

Finally, some important trends could be identified based on the answers received from the questionnaire sent to the IORA MS through the IORA Secretariat (see section 5 and Annex 1). While all responding IORA MS agreed that their government and its responsible Minister support MCS activities, 88% of them considered that the human capacity for port inspections is inadequate. The main reasons mentioned were the lack of training followed by an insufficient number of inspectors available at port for purposes of implementing the Agreement. The lack of training is the main constraint identified by IORA MS providing responses in relation to human capacity for the implementation of PSM. Actions proposed by IORA MS to overcome this constraint include training at different levels and capacity building activities on inspection method, risk assessment and information exchange. The language barrier is also a constraint for the port States which must communicate with foreign fishing vessels and their crew entering their port. While a lot of initiatives to strengthen capacity of port States are undertaken in the IORA region as presented in this report, further support is needed in particular with regards to the inspection of vessels (i.e. species identification) and monitoring of offloading operations as required in the IOTC and CCSBT CMM (at least 5% of landings or transshipment operations).

¹⁰⁷ Port State Measures Guidelines on best practices for interagency cooperation at national level and regional cooperation, IOTC, 2020.

7. Recommendations

Based on the results and observations made in this report, the following recommendations arise.

The IORA Secretariat, in consultation with the CGFM and the WGBE, should seek to:

- Encourage Member States that have ratified the PSMA to ensure that their PSM-related information is submitted to FAO, and other relevant RFMOs, for public hosting of the relevant information – including on designated ports;
- Encourage Member States that are not party to the PSMA to become party to the FAO PSMA;
- Support Member States to translate PSM requirements within their national legislation;
- Conclude an MoU with the FAO and subsequently one with the IOTC to formalise cooperation with these institutions in particular in the context of combatting IUU fishing in the region;
- Support Member States address the identified capacity needs avoiding duplication with other similar ongoing initiatives and in cooperation with IORA Member States wishing to assist (such as Australia and France), the FAO, the IOTC and relevant projects in the region;
- Engage with the IOTC and the FAO to organize a regional workshop to promote the effective implementation of the IOTC PSM resolutions, the IOTC initiative on sharing of experience on PSM and its tools (e.g. e-PSM, legal templates, MoU, guides, training materials, etc.) and to promote FAO's support to the implementation of the PSMA;
- Support interagency cooperation through the adoption of formal cooperation mechanisms such as MoUs between national authorities involved in PSM using existing templates (e.g. IOTC MoU template);
- Advocate an integrated approach to combatting IUU fishing in the Indian Ocean that integrates PSM into all relevant MCS initiatives;
- Promote the exchange of information by Member States through existing electronic systems and databases such as the e-PSM.

IORA Member States that are Contracting Parties to the relevant RFMOs in the region should seek to:

- Improve their compliance with the reporting requirements and other obligations of the RFMOs PSM Resolutions and CMM, in particular with regards to the obligation to carry out inspections of at least 5% of landings or transshipments in their ports in the case of the IOTC and CCSBT;
- Improve the quality of the reporting in the context of the IOTC PSM resolutions, as necessary;
- Ensure coherency among the PSM information communicated to the different RFMOs involved in the region (i.e. CCSBT, IOTC and SIOFA).

Annex 1: Questionnaire sent to the IORA MS through the IORA Secretariat



TECHNICAL ASSISTANCE TO IORA FOR THE IMPLEMENTATION AND COORDINATION OF IORA ACTION PLAN ON FISHERIES, AQUACULTURE AND MARINE ENVIRONMENT

“Combatting illegal unreported and unregulated fishing in the IORA region”

Questionnaire for the activity 1.1 “conduct an assessment of the capacity needs required (human and institutional) and the current level of implementation of Port State Measures (PSM) in the IORA region”

Background Information

The Indian Ocean Rim Association (IORA) and France through the Agence Française de Développement (French Development Agency) (AFD) signed a Memorandum of Understanding (MoU) on the 9th March 2020 for ‘Strengthening the Capacities of IORA in Promoting the Blue Economy and Fisheries Management’.

The partnership will support the implementation of the IORA Action Plan (2017-2021) with an allocation of EUR1 million over three years. It will offer expertise, training, networking and material resources to decision makers, officials and experts working to promote regional cooperation in blue economy and fisheries management issues. In addition, the project will strengthen the capacity of the IORA Secretariat.

The overall objective of the technical assistance (TA) is to “support IORA and its Member States in the coordination and implementation of the Action Plan on Blue Economy and Work Plan of IORA CGFM, with a strong focus on fisheries, aquaculture and protection of marine environment.”

One of the specific objectives of this project is “to combat IUU (illegal, unreported and unregulated) fishing in IORA region”. In the context of this objective, the activity 1.1 “conduct an assessment of the capacity needs required (human and institutional) and the current level of implementation of Port State Measures (PSM) in the IORA region”, as part of the IORA Action plan, has been initiated during the first six months of the project. Due to the current international sanitary situation and coverage of the study, the use of a questionnaire to assess the capacity needs of the IORA Member States is required. The following questionnaire will help the project gather basic information on the IORA Member States’ capacity needs regarding PSM.

Basic Information for Capacity Needs Assessment for Implementing the PSMA¹⁰⁸

Country:	Name of respondent :
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Role/position of respondent:	Phone number:
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E-mail address:

1. Which entity (agency/unit/division/authority) has primary responsibility for implementing port State measures for fishing vessels in your country?

2. List any other government departments/agencies/authority involved in regulating the movement and inspection of foreign vessels of all types in your port.

3. Is there any cooperation or coordination between these departments/agencies/authorities and the fisheries department/agency/ authority? If yes, what form does the cooperation take?

4. (a) Which ports are used by foreign-flagged vessels that undertake fishing or fishing-related activities (refuelling, reefers, supply vessels)?

(b) Name any ports officially designated for use by foreign-flagged fishing vessels.

5. (a) Estimate how many port calls are made by foreign-flagged fishing vessels to your ports annually.

(b) Estimate how many port calls are made by foreign-flagged reefers and supply vessels to your ports annually.

¹⁰⁸ Questionnaire developed by PEW and NFDS and taken from the Report “Implementing the Port State Measures Agreement A Methodology for Conducting a Capacity Needs Assessment”, April 2017.

Reefers?

Supply vessels?

(c) What proportion of these vessels have not been fishing in your EEZ?

(d) What proportion of these vessels may have been fishing both in your EEZ and elsewhere?

6. Are foreign-flagged fishing vessels required to provide information before they enter port?

(a) If yes, how long before entry into port are they required to submit the information?

(b) If yes, are they required to submit the information on a particular form?

7. Are foreign-flagged fishing vessels and vessels engaged in fishing-related activities inspected in your ports?

(a) If yes, how is the selection made of which vessels to inspect?

8. Does your country refuse entry into port of vessels that are reasonably suspected or known, on the basis of information provided in advance, to have been involved in IUU fishing? If yes, provide a brief explanation.

9. Does your country refuse the use of its ports to vessels where, after inspection, there are clear grounds for believing that they have engaged in IUU fishing or fishing-related activities in support of IUU fishing?

10. Does your country belong to one or more RFMOs? If yes, please indicate which ones.

11. (a) Describe the three most serious problems of IUU fishing in your country. Consider the following potential problem areas:

- Domestic IUU fishing within your EEZ
- Foreign IUU fishing within your EEZ
- IUU fishing vessels flagged to your country fishing on the high seas

(b) Would port State measures be effective in enforcing against such fishing and/or serve as a deterrent?

12. Would you describe the human capacity of your country to carry out port inspections as adequate or inadequate?

If inadequate, is it because (mark appropriate answer):

- i. There are not sufficient inspectors available at the port/ports designated for purposes of implementing the Agreement and/or relevant regional standards.
- ii. Lack of an adequate legal regime to enable the use of port State measures (i.e., the laws do not provide a clear basis for effective inspection and action).
- iii. Insufficient information provided regarding IUU fishing activities.
- iv. Lack of training—training needed for new recruits and retraining for others—to accommodate new developments.
- v. Low priority given to port inspection.
- vi. Other reasons (describe).

13. About the institutional and legal framework:

i. Are the Government and your Minister supportive of MCS activity?

ii. Do senior government officials have sufficient knowledge of relevant international agreements and standards to guide the development of policy relating to, and implementation of, port State measures?

iii. Is there adequate legal capacity for accommodating international and regional standards on port State measures into national laws?

iv. Describe any other constraints.

14. Would you describe institutions (laws, regulations and rules, and the bodies established to implement them) as adequate or inadequate?

If inadequate,

(a) Are the laws/regulations/rules within which the inspectors operate sufficient to enable them to inspect and act on the outcome of the inspection effectively? If not, please provide a brief explanation.

(b) Does the way in which the inspectorate is organized sufficiently facilitate the task of inspecting vessels? If not, please briefly explain how it could be improved.

(c) Does a system exist for the collection, storage, analysis and exchange of information relating to port State measures and, if so, is it adequate? Please explain.

(d) Does there exist a policy and operational system for the exchange of information with the flag States, RFMOs and other international organizations? Please explain.

15. What would you regard as the three most important constraints in relation to human capacity for the implementation of port State measures?

16. What would you regard as the three most important actions needed to overcome the constraints and strengthen human capacity to implement port State measures? Please list in order of priority.

Annex 2: IOTC list of designated ports and other relevant information¹⁰⁹

Country_ Code	Port Name in UNLOCODE	Port Name	Period Advance Notice (hours)	Competente Authority (CA)
AUS	Albany	Albany	24	Australian Fisheries Management Authority
AUS	Ardrossan	Ardrossan	24	Australian Fisheries Management Authority
AUS	Ball Bay, Norfolk Island	Ball Bay, Norfolk Island	24	Australian Fisheries Management Authority
AUS	Bowen	Bowen	24	Australian Fisheries Management Authority
AUS	Brisbane	Brisbane	24	Australian Fisheries Management Authority
AUS	Broome	Broome	24	Australian Fisheries Management Authority
AUS	Bunbury	Bunbury	24	Australian Fisheries Management Authority
AUS	Bundaberg	Bundaberg	24	Australian Fisheries Management Authority
AUS	Burnie	Burnie	24	Australian Fisheries Management Authority
AUS	Cairns	Cairns	24	Australian Fisheries Management Authority
AUS	Carnarvon	Carnarvon	24	Australian Fisheries Management Authority
AUS	Cascade Bay, Norfolk Island	Cascade Bay, Norfolk Island	24	Australian Fisheries Management Authority
AUS	Christmas Island	Christmas Island	24	Australian Fisheries Management Authority
AUS	Cocos (Keeling) Islands	Cocos (Keeling) Islands	24	Australian Fisheries Management Authority
AUS	Coffs Harbour	Coffs Harbour	24	Australian Fisheries Management Authority
AUS	Dampier	Dampier	24	Australian Fisheries Management Authority
AUS	Darwin	Darwin	24	Australian Fisheries Management Authority
AUS	Derby	Derby	24	Australian Fisheries Management Authority
AUS	Devonport	Devonport	24	Australian Fisheries Management Authority
AUS	Eden	Eden	24	Australian Fisheries Management Authority
AUS	Esperance	Esperance	24	Australian Fisheries Management Authority
AUS	Exmouth	Exmouth	24	Australian Fisheries Management Authority
AUS	Fremantle	Fremantle	24	Australian Fisheries Management Authority

¹⁰⁹ Update from September 2020.

Country_ Code	Port Name in UNLOCODE	Port Name	Period Advance Notice (hours)	Competente Authority (CA)
AUS	Geelong	Geelong	24	Australian Fisheries Management Authority
AUS	Geraldton	Geraldton	24	Australian Fisheries Management Authority
AUS	Gladstone	Gladstone	24	Australian Fisheries Management Authority
AUS	Hay Point	Hay Point	24	Australian Fisheries Management Authority
AUS	Hobart	Hobart	24	Australian Fisheries Management Authority
AUS	Launceston	Launceston	24	Australian Fisheries Management Authority
AUS	Lord Howe Island	Lord Howe Is	24	Australian Fisheries Management Authority
AUS	Lucinda	Lucinda	24	Australian Fisheries Management Authority
AUS	Mackay	Mackay	24	Australian Fisheries Management Authority
AUS	Melbourne	Melbourne	24	Australian Fisheries Management Authority
AUS	Melville Bay	Melville Bay	24	Australian Fisheries Management Authority
AUS	Milner Bay	Milner Bay	24	Australian Fisheries Management Authority
AUS	Mourilyan	Mourilyan	24	Australian Fisheries Management Authority
AUS	Newcastle	Newcastle	24	Australian Fisheries Management Authority
AUS	Port Adelaide	Port Adelaide	24	Australian Fisheries Management Authority
AUS	Port Alma	Port Alma	24	Australian Fisheries Management Authority
AUS	Port Bonython	Port Bonython	24	Australian Fisheries Management Authority
AUS	Port Giles	Port Giles	24	Australian Fisheries Management Authority
AUS	Port Hedland	Port Hedland	24	Australian Fisheries Management Authority
AUS	Port Huon	Port Huon	24	Australian Fisheries Management Authority
AUS	Port Kembla	Port Kembla	24	Australian Fisheries Management Authority
AUS	Port Kennedy	Port Kennedy	24	Australian Fisheries Management Authority
AUS	Port Latta	Port Latta	24	Australian Fisheries Management Authority
AUS	Port Lincoln	Port Lincoln	24	Australian Fisheries Management Authority
AUS	Port of Botany Bay	Port of Botany Bay	24	Australian Fisheries Management Authority
AUS	Port Pirie	Port Pirie	24	Australian Fisheries Management Authority
AUS	Port Walcott	Port Walcott	24	Australian Fisheries Management Authority
AUS	Portland	Portland	24	Australian Fisheries Management Authority

Country_ Code	Port Name in UNLOCODE	Port Name	Period Advance Notice (hours)	Competente Authority (CA)
AUS	Spring Bay	Spring Bay	24	Australian Fisheries Management Authority
AUS	Stanley	Stanley	24	Australian Fisheries Management Authority
AUS	Sydney	Sydney	24	Australian Fisheries Management Authority
AUS	Sydney Bay (Kingston), Norfolk Island	Sydney Bay (Kingston), Norfolk Island	24	Australian Fisheries Management Authority
AUS	Thevenard	Thevenard	24	Australian Fisheries Management Authority
AUS	Townsville	Townsville	24	Australian Fisheries Management Authority
AUS	Wallaroo	Wallaroo	24	Australian Fisheries Management Authority
AUS	Weipa	Weipa	24	Australian Fisheries Management Authority
AUS	Westernport	Westernport	24	Australian Fisheries Management Authority
AUS	Whyalla	Whyalla	24	Australian Fisheries Management Authority
AUS	Wyndham	Wyndham	24	Australian Fisheries Management Authority
AUS	Yamba	Yamba	24	Australian Fisheries Management Authority
BDG	Chittagong	Chittagong	Not Provided	Custom, Port authority and FIQCO.
BDG	Mongla	Mongla	Not Provided	Custom, Port authority and FIQCO.
BDG		Paira	Not Provided	Custom, Port authority and FIQCO.
COM	No information provided	No information provided		No information provided
IND	No information provided	No information provided		No information provided
IDN	Archipelagic Fishing Port Palabuhanratu-West Java	Archipelagic Fishing Port Palabuhanratu-West Java	48	Directorate of Fishing Port, Ministry of Marine Affairs and Fisheries
IDN	Ambon, Molucas	Archipelagic Fishing Port Ambon-Maluku	48	Directorate of Fishing Port, Ministry of Marine Affairs and Fisheries
IDN	Bitung, Sulawesi	Oceanic Fishing Port Bitung-North Sulawesi	48	Directorate of Fishing Port, Ministry of Marine Affairs and Fisheries
IDN	Padang	Oceanic Fishing Port Bungus-West Sumatera	48	Directorate of Fishing Port, Ministry of Marine Affairs and Fisheries
IDN	Oceanic Fishing Port Nizam Zachman-Jakarta	Oceanic Fishing Port Nizam Zachman-Jakarta	48	Directorate of Fishing Port, Ministry of Marine Affairs and Fisheries
IRN	Shahid Bahonar	Shahid Bahonar	240	Iran Fisheries Organization

Country_ Code	Port Name in UNLOCODE	Port Name	Period Advance Notice (hours)	Competente Authority (CA)
IRN	Chah Bahar	Shahid Beheshti	240	Iran Fisheries Organization
IRN	Shahid Rajaei Pt/Bandar Abbas	Shahid Rajaii	240	Iran Fisheries Organization
KEN	Mombasa	Mombasa	48	Kenya Fisheries Service
KEN	Malindi	Malindi	48	Kenya Fisheries Service
KEN	Lamu	Lamu	48	Kenya Fisheries Service
KEN	Shimoni	Shimoni	48	Kenya Fisheries Service
MDG	Antsiranana	Antsiranana	48	Centre de Surveillance des Pêches
MDG	Majunga (Mahajanga)	Mahajanga	48	Centre de Surveillance des Pêches
MDG	Toamasina	Toamasina	72	Agence Portuaire Maritime et Fluviale
MDG	Ehoala	Ehoala	48	Agence Portuaire, Maritime et Fluviale
MDG	Tulear	Tulear	48	Agence Portuaire Maritime et Fluviale
MYS	Langkawi	Langkawi Port, Kedah	336	Department of Fisheries Malaysia
MYS	Penang	Penang Port, Penang	336	Department of Fisheries Malaysia
MDV	Male	Male	72	Ministry of Fisheries and Agriculture
MDV	Felivaru	Felivaru	72	Ministry of Fisheries and Agriculture
MDV	Funaddoo	Funaddoo	72	Ministry of Fisheries and Agriculture
MDV	Maandhoo	Maandhoo	72	Ministry of Fisheries and Agriculture
MDV	Hoadedhdhoo	Hoadedhdhoo	72	Ministry of Fisheries and Agriculture
MDV	kooddoo	kooddoo	72	Ministry of Fisheries and Agriculture
MDV	Maradhoo	Maradhoo	72	Ministry of Fisheries and Agriculture
MUS	Port Louis	Port Louis	72	Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Island
MOZ	Beira	Beira	48	Administração Nacional Das Pescas
MOZ	Maputo	Maputo	48	Administração Nacional Das Pescas
MOZ	Nacala	Nacala	48	Administração Nacional Das Pescas
OMN	Salalah	Salalah Port	72	Ministry of Agriculture and Fisheries
SYC	Port Victoria	Port Victoria	48	Seychelles Fishing Authority

Country_ Code	Port Name in UNLOCODE	Port Name	Period Advance Notice (hours)	Competente Authority (CA)
SOM	Mogadishu	Mogadishu	48	Ministry of Fisheries and Marine Resources, Federal Republic of Somalia
SOM	Kismayo	Kismayo	48	Ministry of Fisheries and Marine Resources, Federal Republic of Somalia
SOM	Bossaso	Bossaso	48	Ministry of Fisheries and Marine Resources, Federal Republic of Somalia
SOM	Berbera	Berbera	48	Ministry of Fisheries and Marine Resources, Federal Republic of Somalia
ZAF	Cape Town	Cape Town	24	Department of Agriculture Forestry and Fisheries
ZAF	Durban	Durban	24	Department of Agriculture Forestry and Fisheries
ZAF	Port Elisabeth	Port Elisabeth	24	Department of Agriculture Forestry and Fisheries
LKA	Dikovita Fishery Harbour	Dikovita Fishery Harbour	24	Department of Fisheries and Aquatic Resources
LKA	Colombo	Colombo comercial port	24	Department of Fisheries and Aquatic Resources
LKA	Galle	Gale Commercial port	24	Department of Fisheries and Aquatic Resources
LKA	Trincomalee	Trincomalee commercial port	24	Department of Fisheries and Aquatic Resources
LKA	Hambantota	Hambantota Commercial port	24	Department of Fisheries and Aquatic Resources
TZA	Dar Es Salaam	Dar Es Salaam	72	Deep Sea Fishing Authority (DSFA)
TZA	Mtwara	Mtwara	72	Deep Sea Fishing Authority (DSFA)
TZA	Tanga	Tanga	72	Deep Sea Fishing Authority (DSFA)
TZA	Zanzibar	Zanzibar	72	Deep Sea Fishing Authority (DSFA)
THA	Phuket	Phuket Fishing port (Phuket Province)	72	Phuket Fish Inspection Office
THA	Phuket Srithai Co., Ltd port	Phuket Srithai Co., Ltd port (Phuket Province)	72	Phuket Fish Inspection Office

Country_ Code	Port Name in UNLOCODE	Port Name	Period Advance Notice (hours)	Competente Authority (CA)
THA	Phuket Deep Sea port	Phuket Deep Sea port (Phuket Province)	72	Phuket Fish Inspection Office
THA	Chainavee Port	Chainavee port (Samut Sakhon Province)	72	Samut Sakhon Fish Inspection Office
THA	Thajeen union Port	Thajeen Union Port Co., Ltd port (Samut Sakhon Province)	72	Samut Sakhon Fish Inspection Office
THA	Songkhla	Songkhla Deep sea port (Songkhla Province)	72	Fish Quarantine and Inspection Regional Center 3 (Songkhla)
THA	Southern Logistics (2009) Co., Ltd port	Southern Logistics (2009) Co., Ltd port (Songkhla Province)	72	Fish Quarantine and Inspection Regional Center 3 (Songkhla)
THA	Songkhla Fishing port 2	Songkhla Fishing port 2 (Tha Sa-an) (Songkhla Province)	72	Fish Quarantine and Inspection Regional Center 3 (Songkhla)
THA	Ranong	Tanasarn port (Ranong Province)	6	Ranong Fish Inspection Office
THA	Kanlapangha port	Kanlapangha port (Trad Province)	3	Trat Fish Inspection Office
THA	Pattani	Pattani Fishing port (Pattani Province)	3	Narathiwat Fish Inspection Office
THA	Narathiwat	Narathiwat Fishing port (Narathiwat Province)	3	Narathiwat Fish Inspection Office
THA	Tak Bai Pasific Port	Tak Bai Pacific port (Narathiwat Province)	3	Narathiwat Fish Inspection Office
THA	Satun	Satun Fishing port (Satun Province)	3 - 12	Satun Fish Inspection Office
THA	Godung Thai Fa Co., Ltd port (Bangkok)	Godung Thai Fa Co., Ltd port (Bangkok)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	33A-B port (Bangkok)	33A-B port (Bangkok)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)

Country_ Code	Port Name in UNLOCODE	Port Name	Period Advance Notice (hours)	Competente Authority (CA)
THA	Public Warehouse Organization port (2 storehouse port No. 27 A) (Bangkok)	Public Warehouse Organization port (2 storehouse port No. 27 A) (Bangkok)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	Thanapornchai Co., Ltd port (Samut Prakan Province)	Thanapornchai Co., Ltd port (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	TJ Land Company Limited port (Samut Prakan Province)	TJ Land Company Limited port (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	No. 11B port (Samut Prakan Province)	No. 11B port (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	7C port (Samut Prakan Province)	7C port (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	No. 7 port (Samut Prakan Province)	No. 7 port (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	23A Port (Samut Prakan Province)	23A Port (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	23C Port (Samut Prakan Province)	23C Port (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
THA	Sabasathaporn Company Limited port (21B) (Samut Prakan Province)	Sabasathaporn Company Limited port (21B) (Samut Prakan Province)	72	Fish Quarantine and Inspection Regional Center 2 (Bangkok)
YEM	No information provided	No information provided		No information provided

Source: Table prepared by the Author based on the IOTC list of designated ports dated from 2020 09 14

Annex 3: Analysis of PSM legal provisions in the IORA MS¹¹⁰

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
Australia	<p>Fisheries Management Act 1991. Act No. 162 of 1991, as amended by Act No. 96 of 2010, section 94(1)-(4) 94 Grant of port permits</p> <p>(1) AFMA may, upon application made in the approved form, if it appears to AFMA to be appropriate to do so for the purpose of monitoring movements of foreign fishing boats, grant to a person a port permit authorising the person, or a person acting on that person’s behalf to bring a specified foreign fishing boat in respect of which a foreign fishing licence is not in force: (a) from a point outside the AFZ to a specified port in Australia or in an external Territory; and (b) from that port to a point outside the AFZ.</p> <p>(2) An application made for the grant of a port permit must provide AFMA with such information as it reasonably requires for a proper consideration of the application.</p> <p>(3) A port permit is granted subject to the following conditions: (a) the permit may be revoked under subsection (5); (b) no compensation is payable because the permit is revoked.</p> <p>(4) A permit granted under this section: (a) is subject to such other conditions as are specified in the permit; and (b) comes into force on the day specified for the purpose in the permit or, if no day is so specified,</p>	<p>Fisheries Management Act 1991. Act No. 162 of 1991, as amended by Act No. 96 of 2010, section 103(1C)-(1D) 103 Foreign boats not to land fish in Australia (...) (1C) The Minister may give a person written approval of the landing or transhipment of fish. The approval may be expressed to be subject to conditions. (1D) The conditions to which an approval may be expressed to be subject include: (a) a condition that the person (the approved person More text) to whom the approval relates notify a specified person of the landing or transhipment; and (b) a condition that the approved person give a specified person a return of the species and quantity of fish landed or transhipped; and (c) a condition that the landing or transhipment occur under the supervision of a specified person. This does not limit subsection (1C). (...)</p>	<p>Fisheries Management Act 1991. Act No. 162 of 1991, as amended by Act No. 96 of 2010, section 84 84 Powers of officers</p> <p>(1) An officer may: (aa) for the purposes of boarding a boat that is at a place where the officer may board it under paragraph (a) or (b): (i) require the master to stop the boat at such a place to allow the officer to board it; and (ii) if the master does not stop the boat as required and the boat is not an Australian flagged boat, use any reasonable means consistent with international law to stop the boat (including firing at or into the boat after firing a warning shot, and using a device to prevent or impede use of the system for propelling the boat); and (a) board a boat in the AFZ or in Australia or an external Territory or a boat that the officer has reasonable grounds to believe has been used, is being used, or is intended to be used, for fishing in the AFZ and may: (i) search the boat for fish, for equipment that has been used, is being used, is intended to be used or is capable of being used for fishing or for any document or record relating to the fishing operations of the boat; and (ii) break open any hold, compartment, container or other receptacle on the boat that the officer has reasonable grounds to believe contains anything that</p>

¹¹⁰ This table has been entirely developed and filled-in by the author.

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
	<p>on the day on which it is granted; and (c) subject to this Act, remains in force until the day specified for the purpose in the permit; and (d) is authority for entry to the specified port on such number of occasions as is specified in the permit. (...)</p> <p>Policy Guidelines for Foreign Fishing Boats Seeking access to Australian ports under section 94 of the Australian Fisheries Management Act 1991 (2001) Policy Guidelines to Section 94: Applications for a port permit should be made to AFMA by the company operating the foreign fishing boat, the master of the foreign fishing boat or an Australian-based agent appointed by the owner of the foreign fishing boat. All applications must be made in writing using the AFMA application form accessible from the AFMA website.</p> <p>All applications for port permits must contain the following information required by AFMA and other Australian authorities (including the Australian Quarantine and Inspection Service and Australian Customs Service): Section (i) boat name; vessel type; IMO number; Vessel Registration; International Radio Call Sign; Vessel Flag; Description of vessel (eg size, colour scheme, GRT etc); Section (ii) Inmarsat number; Inmarsat type; Section (iii) Ports for which access is required; estimated time of arrival at port; estimated departure from port; last port of call; next port of call; (...)</p>		<p>may afford evidence as to the commission of an offence against this Act; and (...)</p>
Bangladesh	No relevant legal provision identified	No relevant legal provision identified	No relevant legal provision identified
Comoros	No relevant legal provision identified	No relevant legal provision identified	No relevant legal provision identified
India	The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules of 1982	No relevant legal provision identified	The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules of 1982

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
	<p>(4) “The Central Government or an officer designated by it may, on receipt of an application, after making such enquiry as may be relevant, grant a licence in Form B for all or any of the following purposes, namely :— to land fish or fish products at an Indian port; (vi) to purchase or obtain bait, outfits, provisions or supplies including fuel) at an Indian port ; (vii) to effect repairs at an Indian Port”.</p> <p>5. Terms and conditions of licence.—(1) Every licence, shall be subject to the following terms and conditions, namely :— (...) (g) the master of the vessel shall communicate the- information, to be notified under clause (0. to the officer of the Coast Guard in Coast Guard in Porbander, Bombay Cochin, Taticorin, Madras, Vishakhapatnam, Paradeep, Haldia or Port Blair , at least twenty-four hours before the commencement or cessation of fishing. He shall record in communication log, the Indian Standard Time and the contents of each communication made under this clause. All the communication shall be in English.</p> <p>(l) the master of the vessel or a person acting on behalf of the master shall, when authorised by the licence to visit an Indian Port, notify the authority specified in the licence of the estimated time of entry of the vessel into that port not less than twenty four hours prior to that estimated time.</p>		<p>5. Terms and conditions of licence.—(1) Every licence, shall be subject to the following terms and conditions, namely :—</p> <p>(t) the master of the vessel shall, at any time, while within the maritime zone of India, at the request of an authorized officer, proceed forthwith for inspection to a place at sea and to a port as may be specified by that officer;</p>
Indonesia	<p>Regulation No. 39/Permen-Kp/2019 on the Implementation of PSMA¹¹¹.</p> <p>Article 8 Every Foreign Vessel entering port must submit a written request for port entry to the PSM Authority Secretariat.</p>	<p>Regulation No. 39/Permen-Kp/2019 on the Implementation of PSMA</p> <p>Article 9 (1) Based on the request as referred to in Article 8, the PSM Authority Secretariat conducts analysis of the request for port entry. (2) For the analysis of the request for port entry as referred to in paragraph (1), the PSM</p>	<p>Regulation No. 39/Permen-Kp/2019 on the Implementation of PSMA</p> <p>Article 12 (2) A Foreign Vessel authorized to enter into port pursuant to paragraph (1) may be subject to inspection by PSM Officers in accordance with the procedures as specified in Annex II, which constitute</p>

¹¹¹ Regulation of the Minister of Marine Affairs and Fisheries of the R.I. No. 39/Permen-Kp/2019 on the Implementation of Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
	<p>(2) The request for port entry as referred to in paragraph (1) may be made by the owner of the Foreign Vessel, master of the vessel, or their representatives in Indonesia, by attaching the following documents:</p> <p>a. Nationality/Registry Certificate, namely a certificate stating the nationality identification of a vessel issued by the Flag State;</p> <p>b. International Tonnage Certificate, namely a certificate of measurement stating the key dimensions of the vessel, such as overall length overall (LOA), breadth (BJ), depth (D), and dead weight Tonnage (DWT) and gross tonnage (GT);</p> <p>c. Transshipment Declaration (for vessels conducting transshipment in high seas), namely a declaration of transshipment signed by the observer;</p> <p>d. Last Port Clearance, namely an authorization for departure issued by the harbormaster of the vessel's last port of call; and</p> <p>e. Relevant Fishing Authorization, namely the authorization to conduct fishing and/or transporting of fish.</p> <p>(3) Request for port entry as referred to in paragraph (1) shall be submitted by seven times twenty-four hours prior to the Foreign Vessel entering port.</p> <p>(4) The format for request for port entry as referred to in paragraph (1) is as set forth in Annex I, which constitute an inseparable part of this Ministerial Regulation.</p>	<p>Authority Secretariat may require additional information from the Flag State, coastal state, other coastal state, and the relevant RFMOs and international organizations. Article 10 (1) Result of the analysis as referred to in Article 9 paragraph (1) may [result in]; a. authorization of entry into port; or b. denial of entry into port. (2) The PSM Authority Secretariat communicates the authorization or denial of entry as referred to in paragraph (1) to the master of the vessel, owner of the vessel, or their representatives in Indonesia by no later than three times twenty-four hours prior to the vessel's entry into port. (3) The authorization or denial of entry as referred to in paragraph (1) shall be communicated by the PSM Authority Secretariat to the PSM Inspection Team, the Flag State, coastal state, RFMO and the relevant international organizations. (4) Insofar as there is indication that the Foreign Vessel requesting for port entry is engaged in IUU fishing or IUU fishing related activities, such Foreign Vessel may be granted entry into port for inspection.</p> <p>Article 12 (1) A Foreign Vessel authorized to enter Port in accordance with the authorization of entry as referred to in Article 10 paragraph (1) letter a shall be required to present, through the master of the vessel, owner of the vessel, or the representative of the vessel in Indonesia, the said entry authorization to the PSM Inspection team upon arrival of the vessel at the port.</p>	<p>an integral part of this Ministerial Regulation. (3) Inspection as referred to in paragraph (2) shall be conducted to ensure the consistency of the physical aspect of the Foreign Vessel with the pertaining documents as provided pursuant to Article 8 paragraph (2).</p> <p>(4) Where the inspection set forth in paragraph (3) indicate any inconsistency is found between the physical aspect of the Foreign Vessel and the pertaining document, the PSM Officer shall report the result of the inspection to the PSM Inspection Team coordinator to subsequently deny such Foreign Vessel the use of Port services.</p> <p>(5) Based on the inspection report of the PSM Officers as referred to in paragraph (4), the PSM Inspection team coordinator shall report the result of the inspection and the decision to deny such the Foreign Vessel [the use Port services] to the PSM Authority Secretariat.</p> <p>(6) Based on the report of the PSM Inspection Team coordinator referred to in paragraph (5), the Secretariat of the PSM Authority shall communicate the decision to deny the Foreign Vessel the use Port facilities to the relevant flag states, coastal states, RFMO and other relevant international organizations.</p> <p>(7) Where no evidence of IUU Fishing is found during the Inspection, the PSM Officer shall submit the report on the inspection result to the PSM Inspection team coordinator to further grant authorization [for the Foreign Vessel] to use Port services.</p> <p>(8) PSM Officers shall oversee activities or the use of Port facilities during the time the Foreign Vessel is in the Port up to the time it departs.</p> <p>(9) The format of the report setting forth the inspection result as referred to in paragraphs (4) and (7)</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
			<p>is as provided in Annex III, which constitute an inseparable part of this Ministerial Regulation.</p> <p>Article 14 If the result of the Inspection performed by the PSM Officer indicates sufficient evidence that the Foreign Vessel is engaged and/or involved in IUU Fishing:</p> <p>a. notification shall be communicated to the flag State, coastal State, RFMO and relevant international organizations, and the state of nationality of the vessel's master;</p> <p>b. such Foreign vessel shall be denied use of port services; or</p> <p>c. legal proceedings shall be initiated pursuant to the national laws and regulations.</p>
Iran	No relevant legal provision identified	No relevant legal provision identified	No relevant legal provision identified
Kenya	<p>Fisheries Management and Development Act, 2016 (No. 35 of 2016).</p> <p>158. (1) No foreign fishing vessel shall use a port in Kenya for landing, transshipping, packaging, or processing of fish or for other port services including, inter alia, refuelling and resupplying, maintenance and dry docking, unless —</p> <p>(a) the port has been designated for use by foreign fishing vessels;</p> <p>(b) the operator has given at least forty-eight hours' advance notice or such other notice as may be prescribed or required by the Director-General;</p> <p>(c) the operator has provided to the Director-General such information as may be prescribed or required;</p> <p>(d) in the case of a foreign fishing vessel, a written authorization for the use of such port has been issued by the Director-General; and</p> <p>(e) where the Director-General has authorized entry of such vessel into port, the master of the vessel or, in the case of a foreign fishing vessel, the vessel's representative presents the authorization for entry</p>	<p>Fisheries Management and Development Act, 2016 (No. 35 of 2016).</p> <p>159. (1) Authorization to enter a port shall be denied where there is sufficient proof that a vessel seeking entry into port has engaged in illegal, unreported and unregulated fishing, or in fishing-related activities in support of illegal, unreported and unregulated fishing, or appears on a list of vessels which have engaged in such fishing or fishing related activities adopted by a regional fisheries management organization in which Kenya is a member or cooperating non-member, in accordance with the rules and procedures of such organization and in conformity with international law.</p> <p>(2) Without prejudice to subsection (1), authorization for a vessel to enter a port may be given exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring or eliminating illegal, unreported and unregulated fishing and fishing-related activities in support of illegal, unreported and unregulated fishing.</p>	<p>Fisheries Management and Development Act, 2016 (No. 35 of 2016).</p> <p>161. (1) In carrying out inspections of fishing vessels in port, authorized officers shall follow such procedures as may be prescribed or the Director-General may require to the extent possible, and-</p> <p>(a) present to the master of the vessel an identification document prior to an inspection;</p> <p>(b) in case of appropriate arrangements with the flag State of a foreign fishing vessel, invite that State to participate in the inspection;</p> <p>(c) not interfere with the ability of the master of a foreign fishing vessel, in conformity with international law, to communicate with the authorities of the flag State;</p> <p>(d) make all possible efforts to-</p> <p>(i) avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of authorized officers on board, and to avoid action that would adversely affect the quality of the fish on board;</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
	<p>into the port to an authorized officer or other competent officer upon the vessel's arrival at Port.</p>	<p>(3) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not less than fifty million shillings or to imprisonment for a term not less than ten years or to both.</p> <p>160. (1) Where a foreign fishing vessel has entered one of its ports, the Director-General shall deny that vessel the use of the port for the landing, transshipping, packaging or processing of fish which have not been previously landed, or for refuelling, resupplying, maintenance, dry-docking and other port services where —</p> <p>(a) the vessel does not have a valid and applicable authorization to engage in fishing or fishing-related activities required by its flag State;</p> <p>(b) the vessel has not been granted a valid and applicable licence to engage in fishing or fishing related activities required under this Act;</p> <p>(c) there is clear evidence that the fish on board was taken in contravention of applicable requirements of any coastal State in respect of areas under the national jurisdiction of that coastal State;</p> <p>(d) the flag State of any foreign fishing vessel does not confirm within a reasonable period of time on the request of the Director-General that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization; or</p> <p>(e) there are reasonable grounds to believe that the vessel was otherwise engaged in illegal, unreported or unregulated fishing or fishing-related activities in support thereof unless the operator of the vessel can establish-</p> <p>(i) that it was acting in a manner consistent with relevant conservation and management measures; or</p> <p>(ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that</p> <p>Denial of the use of port to a foreign fishing vessel.</p> <p>was provisioned was not at the time of provisioning a vessel referred to in subparagraph (e);</p> <p>(2) Notwithstanding subsection (1), a vessel shall not be denied the use of port services essential to the safety and health of the crew and the safety of the vessel, provided</p>	<p>(ii) facilitate communication with the master or senior crew members of the vessel; and</p> <p>(e) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel.</p> <p>(2) A report of the inspection shall promptly be provided to the Director-General in such form as may be prescribed or as the Director-General may require.</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
		these needs are duly proven, or, where appropriate, for the scrapping of the vessel. (3) The operator of a vessel which uses a port where such use has been denied pursuant to subsection (1) commits an offence and shall be liable on conviction to a fine not less than fifty million shillings or to imprisonment for a term not less than ten years or to both. (4) Any person who, knowing or having reasonable cause to believe which a vessel has been denied the use of port, takes any action in assisting such vessel to use the port, or to provide it with goods or services which have been denied, commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding ten years or to both.	
Madagascar	<p>LOI n° 2015 – 053 portant Code de la pêche et de l'aquaculture Article 62 : Sans préjudice des textes réglementaires en vigueur, lorsqu'un navire de pêche étranger ayant exercé des activités de pêche au-delà des eaux maritimes sous juridiction nationale veut accéder à un port de pêche malagasy ou à une installation terminale au large, aux fins notamment de réapprovisionnement en carburant, de l'avitaillement, de transbordement et de débarquement, il doit faire une demande auprès du service compétent du Ministère en charge de la Pêche et de l'aquaculture. Les conditions et modalités de l'accès au port sont fixées par voie réglementaire. Lorsqu'un navire de pêche étranger se trouve volontairement dans un port de pêche malagasy ou une installation terminale au large, aucun organisme aquatique se trouvant à bord de ce navire ne doit être ni débarqué, ni transbordé sans l'inspection préalable du navire par une autorité chargée du contrôle et de la surveillance des pêches, ou sans l'autorisation de débarquement ou de transbordement émise par l'autorité</p>	<p>LOI n° 2015 – 053 portant Code de la pêche et de l'aquaculture Article 62 : (...) Lorsqu'un navire de pêche étranger se trouve volontairement dans un port de pêche malagasy ou une installation terminale au large, aucun organisme aquatique se trouvant à bord de ce navire ne doit être ni débarqué, ni transbordé sans l'inspection préalable du navire par une autorité chargée du contrôle et de la surveillance des pêches, ou sans l'autorisation de débarquement ou de transbordement émise par l'autorité chargée du contrôle et de la surveillance des pêches. Article 70 : Si à la suite d'une inspection effectuée par les agents visés à l'article 66 de la présente loi, un navire de pêche étranger est suspecté d'avoir participé à des opérations de pêche en haute mer en violation des mesures internationales de gestion des pêcheries adoptées dans les organisations régionales de pêche dans lesquelles Madagascar est membre ou dans le cadre d'Accords internationaux sur la préservation et la gestion des ressources halieutiques auxquels il est partie contractante, ou si le navire de pêche est suspecté d'être répertorié sur les listes des navires de pêche ayant participé à des activités de pêche illicite, non déclarée et non réglementée établies</p>	<p>LOI n° 2015 – 053 portant Code de la pêche et de l'aquaculture Article 68 : Pour la recherche des infractions, les agents visés par l'article 66 sont habilités : f) à examiner et prendre copie de tous les documents administratifs et techniques relatifs au navire ; g) à inspecter, à quai ou en rade, tout navire de pêche et, à cette fin, à effectuer toutes les opérations de contrôle prévues dans les alinéas d, e, et f ci-dessus ; Article 71 : Toute action de l'inspecteur des pêches doit faire l'objet de procès-verbal. Le procès-verbal dressé et dûment signé par deux inspecteurs de pêche fait foi jusqu'à inscription de faux.</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
	chargée du contrôle et de la surveillance des pêches. Article 63 : Les services compétents du Ministère en charge de la Pêche et de l'aquaculture désignent le(s) port(s) où les débarquements ou les transbordements sont autorisés.	par les organisations régionales de gestion de pêches, l'autorité chargée du contrôle et de la surveillance des pêches est tenue: a) d'interdire à ce navire de procéder au débarquement ou au transbordement de ses captures dans un port ou rade malagasy et d'accéder aux installations portuaires dans les zones sous juridiction malagasy ; b) de notifier, dans les meilleurs délais, les autorités compétentes de l'Etat de pavillon de la mesure appliquée ; c) de fournir aux autorités compétentes de l'Etat de pavillon, toutes les informations relatives aux agissements allégués ; d) d'informer les organisations régionales de pêches qui ont inclus les navires concernés dans leurs listes de navires de pêche ayant participé à des activités de pêche illicite, non déclarée et non réglementée.	
Malaysia	No relevant legal provision identified	No relevant legal provision identified	No relevant legal provision identified
Maldives	No relevant legal provision identified	No relevant legal provision identified	No relevant legal provision identified
Mauritius	THE FISHERIES AND MARINE RESOURCES ACT 2007 Act No. 27 of 2007 54. Entry into a Mauritian port The master of any foreign fishing boat or foreign fishing vessel or his agent shall, by letter, fax or email, at least 72 hours before entry into port, notify the Permanent Secretary and inform him of the purpose of its call into port, submit to him a copy of the vessel, or boat's authorisation to fish, and information on the quantity of fish on board	THE FISHERIES AND MARINE RESOURCES ACT 2007 Act No. 27 of 2007 57. Implementation of international fishery conservation and management measures (1) Subject to sections 17(2) and 39, the master or owner of a foreign fishing boat or foreign fishing vessel shall not land or tranship fish or fish products, except – (a) in a port or at an offshore terminal of Mauritius; and (b) upon obtaining a written clearance from the Permanent Secretary.	THE FISHERIES AND MARINE RESOURCES ACT 2007 Act No. 27 of 2007 57. (2) For the purposes of subsection (1)(b), the fishery control officer may board and inspect a foreign fishing boat or foreign fishing vessel, and may – (a) examine and take copies of the certificate of registry, the fishing licence and any other relevant documents, including fishing logbooks; (b) inspect the fishing gear; (c) examine any navigational, position fixing, observation or communication equipment, or other device on board; 3) Where pursuant to an inspection under subsection (2), the Permanent Secretary has reason to believe that a foreign fishing boat or foreign fishing vessel was involved in any fishing activity in contravention of any international fishery conservation and management measure, he may – (a) prohibit the boat or vessel to land or tranship its fish in a Mauritian port or at an offshore terminal; (...)

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
Mozambique	No relevant legal provision identified	No relevant legal provision identified	No relevant legal provision identified
Oman	(no English translation available of the Royal Decree No.20/2019 promulgating the Law on Living Aquatic Wealth)	(no English translation available of the Royal Decree No.20/2019 promulgating the Law on Living Aquatic Wealth)	(no English translation available of the Royal Decree No.20/2019 promulgating the Law on Living Aquatic Wealth)
Seychelles	<p>Article 14 of the FISHERIES ACT of 2014: The master of a foreign fishing vessel-</p> <p>(a) not licensed pursuant to section 11 shall, by fax or email or any other means approved by the Authority, at least 48 hours; or</p> <p>(b) licensed pursuant to section 11 shall, by fax or email or any other means approved by the Authority, at least 24 hours, before the expected time of arrival of the vessel in the harbour or Port Victoria, notify the Authority, in addition to any other authority or body required under any other written law, of the purpose of its call and provide any position report that may be required.</p>	<p>Article 55 of the Fisheries Act of 2014: 55.(1) Where a foreign fishing vessel is in the harbour, Port Victoria or other place in Seychelles waters or at a Seychelles offshore terminal, no fish or fish products shall be landed or transhipped unless an authorisation to do so has been granted by the Authority and, where required, or directed by the Authority, an inspection of the fishing vessel has been carried out by an authorised fishery officer.</p> <p>(2) Where pursuant to an inspection under this Act, the Authority has reasonable grounds to believe that a foreign fishing vessel has engaged in, or supported, illegal, unreported and unregulated fishing or is included in a list of vessels having engaged in, or supported, such kind of fishing established by a Regional Fisheries Management Organisation or any other appropriate regional or international organisation, the Authority shall-</p> <p>(a) deny the vessel the use of the harbour, Port Victoria or other place in Seychelles waters or offshore terminal for landing, transhipping, packaging or processing fish or for other port services, including, inter alia, refuelling and resupplying, maintenance and dry docking, save where the use of port services is essential to the safety and health of the crew or the safety of the fishing vessel;</p> <p>(b) . promptly notify the competent authority of the flag State of the vessel of its decision and, as appropriate, 'relevant coastal State, Regional Fisheries Management Organisation and other international organisations; and</p> <p>(c) request the flag State of the vessel to fully and immediately investigate the matter and for that purpose' provide it with any information, including evidentiary material, relating to that matter.</p>	<p>Article 51 of the Fisheries Act of 2014: 51.(1) For the purposes of enforcing the provisions of this Act and any regulations made thereunder, an authorised fishery officer may, without a warrant-</p> <p>(a) stop any person conveying or believed to be conveying fish or fish products and inspect any such fish or fish products which the person is found to be conveying, and for that purpose open, search and examine any vehicle, equipment, baggage, package or container in which such fish or fish products are or may be or are believed to be conveyed; (...).</p>
Singapore	No relevant legal provision identified	No relevant legal provision identified	<p>Fisheries (fishing harbour) rules of 1996. Inspection of documents 18. (1) A fishery officer, may when he boards any fishing vessel —</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
			<p>(a) require the licensee, the owner, the master or any of the crew of any vessel to produce any log-book or other documents relating to the crew or any member thereof in their respective possession or control;</p> <p>(b) require any master to produce a list of all persons on board his vessel, and take copies of the log-book or documents or of any part thereof;</p> <p>(c) muster the crew of any vessel; and summon the master of any vessel to appear and give any explanation concerning the vessel or the crew or the log-book or documents produced or required to be produced.</p> <p>(2) Any person who, on being duly required by a fishery officer, fails without reasonable cause to produce to him any such log-book or document as he is required to produce under this rule, and who refuses to allow the log-book or document to be inspected or copied or impedes any master of the crew required under this rule, or refuses or neglects to give any explanation which he is required under this rule to give, or knowingly misleads or deceives a fishery officer, shall be guilty of an offence under these Rules.</p>
Somalia	No relevant legal provision identified	No relevant legal provision identified	No relevant legal provision identified
South Africa	<p>Marine living resources regulations (1998), as amended</p> <p>Section 74. A holder of a commercial fishing permit may not-</p> <p>(a) land any fish or any part or product thereof at any place, except at a designated landing point;</p> <p>(...)</p> <p>section 85(3) The owner or master of any fishing vessel shall give to the fishery control officer at least 48 hours notice of any transshipment of fish or any supplies, and shall provide the information that may be requested by the fishery control officer, including the details of any of the vessels involved, and the type of fish or fish products.</p>	No relevant legal provision identified	No relevant legal provision identified

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
Sri Lanka	<p>Implementation of Port State Measures to Prevent, Deter and Eliminate IUU Fishing Regulations 2015.</p> <p>(2) Director General shall take steps to prevent such activities specified in paragraph (1) of the regulation being carried out in any port in Sri Lanka except in a port designated and declared in the Indian Ocean Tuna Commission or any port of Sri Lanka authorized by the Director General.</p> <p>3. Every application for a license specified in regulation 2 shall be made substantially in the form specified in schedule I hereto and shall be accompanied by certified copies of boat registration issued by the Flag country, certificate of authorization to fish in high seas issued by the Flag country or any coastal state, the advance declaration in schedule II hereto and any other document requested by the Director General with a fee of ten thousand rupees.</p> <p>4. An application referred to in regulation 3 shall be made at least forty-eight hours in advance prior to the entering of the boat into the designated port for the first time and twenty-four hours in advance prior to the re-entering of such boat to the designated port or immediately after the end of fishing operation. if the time distance to the port is less than twenty-four hours.</p> <p>5. (1) The license shall be substantially in the form specified in Part I, II and III of Schedule III for landing, transshipment and for maintenance, dry docking and port of services respectively.</p>	<p>Implementation of Port State Measures to Prevent, Deter and Eliminate IUU Fishing Regulations 2015.</p> <p>2. (1) No person shall except under authority of a license issued by the Director General of the Department of Fisheries and Aquatic Resources, (hereinafter referred to as the "Director General") land, transship, pack or process fish taken outside Sri Lanka waters by a foreign fishing boat, or obtain services such as resupplying, maintenance and dry docking for such boat at any port of Sri Lanka, authorized by the Director General.</p> <p>7. When the Director General has sufficient evidence to believe that the boat seeking entry into the designated port has been engaged in Illegal, Unreported and Unregulated fishing (hereinafter referred to as IUU fishing) related activities or in support of such fishing, in particular the boat on a list of vessels having been engaged in IUU fishing or such fishing related activities adopted by a Regional Fisheries Management Organization, he shall deny entry to the designated port and such decision shall be communicated to the Flag country of the boat, coastal country of which, the fishing is authorized, State of which the master of the boat is a national and the Indian Ocean Tuna Commission.</p>	<p>Implementation of Port State Measures to Prevent, Deter and Eliminate IUU Fishing Regulations 2015.</p> <p>8. Every foreign boat permitted entry to the port, shall be inspected by the qualified inspectors authorized in writing in that behalf for that purpose in accordance with the procedure in schedule IV hereto and submit the report of port inspection in the format specified in schedule V hereto to the Director General. The Director General shall transmit the port inspection report to the Flag country and the Indian Ocean Tuna Commission in conformity with the relevant resolutions adopted.</p> <p>9. The master, skipper or the captain of any boat subject to inspection shall cooperate with the inspector in carrying out the inspection procedure.</p> <p>10. The inspector shall avoid any undue delay when carrying out any inspection in order to ensure minimum interference and inconvenience in respect of a passage of such vessel and degradation of the quality of the fish.</p>
Tanzania	<p>THE FISHERIES REGULATIONS, 2009 [G.N. No. 308 OF 28/8/2009]</p> <p>56 (3) The Director shall in consultation with the Tanzania Ports Authority designate and publicise Tanzanian ports to which fishing vessels may be permitted to access.</p>	<p>THE FISHERIES REGULATIONS, 2009 [G.N. No. 308 OF 28/8/2009]</p> <p>56 (7) The Director may deny use of any Tanzanian port for landing, transshipping or processing of fish if the vessel-</p> <p>(a) at the relevant time was engaged or supported illegal, unreported and unregulated fishing and trade;</p>	<p>THE FISHERIES REGULATIONS, 2009 [G.N. No. 308 OF 28/8/2009]</p> <p>56 (6) An Authorised Officer shall carry out inspection as per procedure stipulated in QA/RS/30(a) report the results of inspection as prescribed in QA/RS/30(b) set out in the Sixth Schedule.</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
	<p>(4) The Director shall, subject to the provisions of sub-regulation (3) ensure that every designated port has sufficient capacity to conduct inspections.</p> <p>(5) A fishing vessel that intends to use any of the designated ports for the purpose of landing fish, transshipping catch or for any fisheries related transaction shall provide advance notification and information as prescribed in Form 26 set out in the First Schedule.</p>	<p>(b) has been sighted as being engaged in, or supporting illegal, unreported and unregulated fishing and trade;</p> <p>(c) has been reported to have engaged or supported illegal, unreported and unregulated fishing and trade.</p>	<p>145.- (1). An Authorised Officer shall, in addition to powers conferred upon him under these regulations, have powers to -</p> <p>(a) enter with or without search warrant any fish and aquaculture establishment, market, shop, motor vehicle, vessel that he reasonably suspects of contravening the provisions of the Act and these Regulations or any other related legislation.</p> <p>(b) enter with or without search warrant, a foreign vessel that is in any fresh or marine water body or in port that he reasonably suspects of being used in connection with fishing or any other activity carried on contrary to these regulations.</p>
<p>Thailand</p>	<p>Royal Ordinance on Fisheries B.E. 2558 (2015)</p> <p>Section 95. A non-Thai fishing vessel wishing to import aquatic animals and aquatic animal products into the Kingdom shall notify the competent official by no less than forty-eight hours in advance prior to its arrival at a port of entry. Data in the notice and ports of entry shall be as designated by the Minister.</p> <p>The competent official shall verify the data pursuant to paragraph one and notify the master of the vessel of the result within twenty-four hours after having been notified of the request for a berthing.</p> <p>In the case where a non-Thai fishing vessel fails to comply with the rules under paragraph one, or where there is a cause for suspicion that the fishing vessel in question has undertaken IUU fishing or has been involved in IUU fishing, the competent official shall not allow the requested berthing with the exception of reasons related to the safety of crewmen or of the fishing vessel, or in light of a force majeure case.</p>	<p>Royal Ordinance on Fisheries B.E. 2558 (2015)</p> <p>Section 96. When a fishing vessel has been authorized to berth at a port pursuant to section 95 and has completed berthing, a request for permission for the importation of aquatic animals shall or aquatic animal products be lodged. After permission therefor has been granted, aquatic animals or aquatic animal products may then be unloaded from the fishing vessel.</p> <p>The competent official shall not permit any importation under paragraph one unless the owner of the vessel or the master of the vessel can prove that:</p> <p>(1) the fishing vessel has been granted a fishing license or a license for activities related to fisheries issued by a flag state or a coastal state;</p> <p>(2) the fishing vessel can produce evidence to prove that it has not undertaken IUU fishing;</p> <p>(3) the owner of the vessel or the master of the vessel certifies in writing that the flag state shall certify in due course that the aquatic animals caught in accordance with the regulations of the international organisations concerned.</p> <p>In a case in which the owner of the vessel or the master of the vessel cannot prove as per paragraph two, the Director-</p>	<p>Royal Ordinance on Fisheries B.E. 2558 (2015)</p> <p>Section 102. When performing duties pursuant to this Royal Ordinance, the competent official shall have the following powers:</p> <p>(4) control a fishing vessel, stop a fishing vessel or a fishing or transshipment operation, or order a fishing vessel master to berth the fishing vessel at a port, or to embark a fishing vessel, or enter any fishing ground in order to exercise inspection and control to ensure compliance with this Royal Ordinance; where there is reasonable cause for suspicion that an offence under this Royal Ordinance has been committed;</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
		<p>General shall have the power to order that the fishing vessel leave the Kingdom within a period of time prescribed and notify the flag state or any other country concerned and international organisations thereof. In the case where the fishing vessel does not leave the Kingdom within the period of time prescribed or when there exists clear evidence that the fishing vessel has undertaken IUU fishing, or in a case in which the fishing vessel is a stateless vessel, the Director-General shall have the power to order that the fishing vessel and all the properties on board any such vessel be confiscated and put up for sale by auction or destroyed. The proceeds of sale by auction shall, after deduction of expenses related to that sale and other expenses, be seized by the Department of Fisheries until the owner of the vessel or master of the vessel is able to provide proof under paragraph two. If the owner of the vessel or master of the vessel is unable to provide such proof within one year of the sale by auction, the proceeds of sale shall vest in the state, unless otherwise ordered by the court.</p> <p>The sale by auction as per paragraph three shall not involve any aquatic animals or aquatic animal products. In this regard, the Director-General shall have the power to order the destruction thereof or have appropriate arrangements made with a view to distributing them to impoverished or underprivileged members of the public without any charge.</p> <p>In a case in which a fishing vessel is unable to produce evidence pursuant to paragraph two, but there is no clear evidence to prove that it has undertaken IUU fishing prior to its berthing at the port, the competent official may allow access to fuel and food provisions or maintenance services as necessary.</p>	
UAE	<p>No English translation available of Protection and development of marine resources Federal Law No. 23 of 1999</p> <p>No relevant provisions identified in the and Ministerial Resolution No.232 of 2001 issuing the</p>	<p>No English translation available of Protection and development of marine resources Federal Law No. 23 of 1999</p>	<p>No English translation available of Protection and development of marine resources Federal Law No. 23 of 1999</p> <p>No relevant provisions identified in the and Ministerial Resolution No.232 of 2001 issuing the</p>

Country	Part II Entry into Port articles 7 to 10	Part III Use of ports article 11	Part IV on inspections and follow-up actions articles 12 to 18
	Implementing Regulation for Federal Law No.23 of 1999	No relevant provisions identified in the and Ministerial Resolution No.232 of 2001 issuing the Implementing Regulation for Federal Law No.23 of 1999	Implementing Regulation for Federal Law No.23 of 1999
Yemen	Law No. 2 of 2006 on the Regulation of Fishing and the Development and Protection of Marine Life was only available in Arabic	Law No. 2 of 2006 on the Regulation of Fishing and the Development and Protection of Marine Life was only available in Arabic	Law No. 2 of 2006 on the Regulation of Fishing and the Development and Protection of Marine Life was only available in Arabic

Source: Author’s own elaboration”

Annex 4: Table of compliance for the IORA MS with regards to the IOTC PSM Resolutions¹¹²

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
Australia	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	N/A	N/A	No landing by FFV in its ports in 2018.	
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C	Has designated 378 ports ¹¹³	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C	Report received/Rapport reçu 30.07.12	
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C	Report received/Rapport reçu 30.07.12	
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	N/A	N/A	C	C	Report received/Rapport reçu: 14/11/2019 1 foreign vessel inspected No foreign vessel landing or transshipment in 2019 No denial of entry in port in 2019	Australia conducted an inspection of a Japanese flagged vessel on 11 November 2019 and emailed a copy of the report to the flag State, FAO, IOTC Secretariat and WCPFC secretariat within 3 days (14 November 2019). Email attached for reference.
	Res. 16/11 (10.1)	At least 5% inspection of TRX	Since 01.03.2011	N/A	N/A	C	C		
	Res. 16/11 (7.3)	Denial of entry in port		N/A	N/A	C	C		
Bangladesh	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	N/A	N/A	No landing from foreign vessels in national ports.	

112 C = Compliant / *Conforme*; N/C= Non-compliant / *Non conforme*; N/A = Not Applicable / *Non applicable*; P/C = Partially Comply / *partiellement conforme* ; L = Late / *en retard* ; CAP = Compliance Action Plan / *Plan d'Action sur l'application*; CQ = Compliance Questionnaire / *Questionnaire d'application*

113 This answer seems to be wrong but appeared as such in the report IOTC-2020-CoC17-CR01 [E/F] for Australia.

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C	Received: 15. 04.18. Has reported 3 ports: Chittagong, Mongla, Paira.	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods		N/C	N/C	N/C	N/C	No information provided.	
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	N/A	N/A	N/A	N/A	Source: IOTC-2020-CoC17-CQ02 Call in port: 0 ; Foreign vessel inspected: 0 ; LAN/TRX monitored: 0. PIR submitted 0. No vessel denied port entry in 2019.	
	Res. 16/11 (10.1)	At least 5% inspection TRX	Since / Depuis 01.03.2011	N/A	N/A	N/A	N/A		
	Res. 16/11 (7.3)	Denial of entry in port		N/A	N/A	N/A	N/A		
	Comoros	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	N/A	N/A	No port for foreign vessels
Res. 16/11 (5.1)		List of designated ports	Since / Depuis 31.12.10	N/A	N/A	N/A	N/A		
Res. 16/11 (5.1)		Designated competent Authority		N/A	N/A	N/A	N/A		
Res. 16/11 (5.1)		Prior notification periods		N/A	N/A	N/A	N/A		
Res. 16/11 (13.1)		Inspection report		N/A	N/A	N/A	N/A		
Res. 16/11 (10.1)		At least 5% inspection TRX		N/A	N/A	N/A	N/A		
Res. 16/11 (7.3)		Denial of entry in port		N/A	N/A	N/A	N/A		
India	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	N/A	N/A	No landing or transhipment by foreign vessels in its port. Source: IOTC-2020-CoC17-IR08	
	Res. 16/11 (5.1)	List of designated ports		N/A	N/A	N/A	N/A		

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (5.1)	Designated competent Authority	Since / Depuis 31.12.10	N/A	N/A	N/A	N/A		
	Res. 16/11 (5.1)	Prior notification periods		N/A	N/A	N/A	N/A		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection /	N/A	N/A	N/A	N/A		
	Res. 16/11 (10.1)	At least 5% inspection TRX		N/A	N/A	N/A	N/A		
	Res. 16/11 (7.3)	Denial of entry in port	Since 31.12.10	N/A	N/A	N/A	N/A		
Indonesia	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	N/A	N/A	The transhipment in port is prohibited according to the Ministerial Regulation No. 30/PERMEN-KP/2012	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C	Source: Ministerial Decree No. 52 Year 2020. Update the list of designated ports: 1.Nizam Zachman Oceanic Fishing Port 2.Bitung Oceanic Fishing Port 3.Bungus Ocea	
	Res. 16/11 (5.1)	Designated competent Authority	Since / Depuis 31.12.10	C	C	C	P/C	The CQ indicates that the national regulation to implement PSM is still in process of finalization after Indonesia ratified the PSM Agreement by Presidential Regulation No. 43 year 2016. Source: IOTC-2020-CoC17-CQ09	Indonesia has established regulation regarding PSM implementation, which is Ministerial Regulation No. 39 year 2019. Nevertheless, It has not been implemented since the process of determining the designated competent Authority is still on progress.

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C	Source : Chapter IV Article 8 (point 3) of Ministerial Regulation No. 39 year 2019. Prior notification has to be transmitted to the Port State no later than 7 X 24hrs before entry the port.	
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	N/A	N/A	N/A	N/A	Source: IOTC-2020-CoC17-CQ09 e-PSM application: Call in port: 0; Foreign vessel inspected: 0	
	Res. 16/11 (10.1)	At least 5% inspection TRX		N/A	N/A	N/A	N/A		
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	N/A	N/A	N/A	N/A		
Iran	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	N/A	N/A	No foreign vessels in port in 2018.	
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C	Not Party of FAO PSMA.	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	N/A	N/A	N/A	N/A	Call in port: 0; Foreign vessel inspected: 0; LAN/TRX monitored: 0, denial of entry 0 Source: IOTC-2020-CoC17-CQ10	
	Res. 16/11 (10.1)	At least 5% inspection TRX		N/A	N/A	N/A	N/A		
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	N/A	N/A	N/A	N/A		
Kenya	Res. 05/03 (8)	Port inspection programme	01.07	L	C	N/A	N/A	No call for landing in 2018 (e-PSM).	
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C	Party to FAO PSMA 23.08.19 Has designated one port	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C		

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	L	C	L	C	Source IOTC-2020-CoC17-CQ12: Call in port: 7; Foreign vessel inspected: 7; LAN/TRX monitored: 0. PIR submitted 7. 7 PIR submitted through e-PSM.	
	Res. 16/11 (10.1)	At least 5% inspection TRX		N/A	N/A	N/A	N/A	No port call for LAN/TRX purpose in 2019 (e-PSM).	
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	L	C	C	C	Source IOTC-2020-CoC17-CQ12: No vessel denied port entry in 2019.	
Madagascar	Res. 05/03 (8)	Port inspection programme	01.07	C	C	N/C	N/C	No report provided for 2018	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C		
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods	Since 31.12.10	C	C	C	C	Party to FAO PSMA 27.03.17. Has designated 5 ports. Has reported that CSP is the sole competent authority in Madagascar in the framework of the PSM.	
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	L	C	L	C	Source - IOTC-2020-CoC17-CQ14: Calls in port: 28; Foreign vessels inspected: 28; PIR submitted 28; LAN/TRX monitored: 7. e-PSM : 28 inspection reports provided in 2019. Using e-PSM application.	
	Res. 16/11 (10.1)	At least 5% inspection TRX	Since 01.03.2011	C	C	C	C	LAN/TRX monitoring forms provided in e-PSM	

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (7.3)	Denial of entry in port		C	C	C	C	Source IOTC-2019-CoC16-CQ14: has reported no vessels were denied entry in port.	
Malaysia	Res. 05/03 (8)	Port inspection programme	01.07	L	C	C	C	Received 22.03.19, for the year 2018 e-PSM: 1 port call for landing purpose in 2018.	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C	Information updated on 24.02.16 Has designated two ports/A désigné deux ports.	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods	Since 31.12.10	C	C	C	C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	L	C	C	C	Source IOTC-2020-CoC17-CQ15: Call in port: 3; Foreign vessel inspected: 3; inspection report 3. e-PSM: 3 port calls, 3 PIR submitted. Using e-PSM application.	
	Res. 16/11 (10.1)	At least 5% inspection TRX		L	C	N/A	N/A	e-PSM: no port call for LAN/TRX purpose in 2019.	
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	C	C	C	C	Denial of entry in port: 0	
Maldives	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	N/A	N/A	NIL report received 26.06.19, Has declared no landing in 2018	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C	Update 20.09.17. Has designated 7ports: Male, Felivaru, Funaddoo,	
	Res. 16/11 (5.1)	Designated competent Authority	Since 31.12.10	C	C	C	C	Maandhoo, Hoadedhdhoo, kooddoo, Maradhoo.	

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	C	C	N/C	N/C	Source IOTC-2020-CoC17-CQ16: Call in port: 12; Foreign vessel inspected: 12; LAN/TRX monitored: 0. e-PSM: 19 port calls from foreign carrier vessels in 2019, no inspection report submitted.	
	Res. 16/11 (10.1)	At least 5% inspection TRX		N/A	N/A	N/A	N/A	No port call for LAN/TRX in 2019, source e-PSM.	
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	C	C	C	C	No vessel denied entry in port, Source IOTC-2020-CoC17-CQ16	
Mauritius	Res. 05/03 (8)	Port inspection programme	01.07	C	C	C	C	Received: 30.06.19	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C		
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods	Since 31.12.10	C	C	C	C	Party to FAO PSMA 31.08.15. Has designated one port.	
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	L	P/C	L	C	Source IOTC-2020-CoC17-CQ17: Call in port: 876; Foreign vessel inspected: 744; LAN/TRX monitored: 17. PIR submitted 737	
	Res. 16/11 (10.1)	At least 5% inspection TRX		L	N/C	L	P/C	e-PSM: 746 PIR, Call in port LAN 234, TRX 288. 17 LAN/TRX monitoring forms submitted (3,2%) Using fully e-PSM application.	
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	C	C	C	C	Source IOTC-2020-CoC17-CQ17: no vessel denied port entry in 2019.	

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
Mozambique	Res. 05/03 (8)	Port inspection programme	01.07	N/C	N/C	C	C	Report received 01.07.19. E-PSM: 12 calls in port for landing in Mozambique in 2018, source e-PSM.	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C		
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods	Since 31.12.10	C	C	C	C	Has designated 3 ports. Party to the FAO PSMA: 19.08.14	
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	L	P/C	L	C		
	Res. 16/11 (10.1)	At least 5% inspection TRX		N/C	N/C	N/C	N/C	Source - IOTC-2020-CoC17-CQ18: Call in port: 12; Foreign vessel inspected: 12; LAN/TRX monitored: 8, PIR submitted 0. e-PSM: 17 PIR received, 124 port calls made in 2019, 29 for LAN, source e-PSM, no LAN/TRX monitoring forms submitted.	
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	C	C	C	C	Source - IOTC-2020-CoC17-CQ18: has not denied entry in port in 2019. Using partially e-PSM application	
Oman	Res. 05/03 (8)	Port inspection programme	01.07	N/C	N/C	N/C	N/C	Mandatory report not provided for the year 2018.	No vessels reported
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C		
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C	Has designated 1 port, Salalah	
	Res. 16/11 (5.1)	Prior notification periods	Since 31.12.10	C	C	C	C	Port Party to FAO PSMA 1st August 2013 (Source FAO).	
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	N/A	N/A	N/A	N/A	Source IOTC-2020-CoC17-CQ19:	

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (10.1)	At least 5% inspection TRX	Since 01.03.2011	N/A	N/A	N/A	N/A	Call in port: 0 Denial of entry: 0 Source IOTC-2020-CoC17-CQ19	
	Res. 16/11 (7.3)	Denial of entry in port		N/A	N/A	N/A	N/A		
Seychelles	Res. 05/03 (8)	Port inspection programme	01.07	C	C	C	C	Received 01.07.19.	
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C	Party to the FAO PSMA 19.06.13. Has designated 1 port	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C		
	Res. 16/11 (13.1)	Inspection report		3 days after inspection	L	P/C	N/C		N/C
	Res. 16/11 (10.1)	At least 5% inspection TRX	L	P/C	N/C	N/C			
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	C	C	C	C	No denial of entry in port, source IOTC-2019-CoC16-CQ22	
Singapore	Not party to IOTC. Not party to FAO PSMA								

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
Somalia	Res. 05/03 (8)	Port inspection programme	01.07	N/C	N/C	N/C	N/C	No information provided.	
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C	Received / Reçu: 01.07.15: has designated 4 ports (Mogadiscio, Kismayo, Berbera & Bosaso)	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	N/C	N/C	N/C	N/C	No information provided. / Aucune information fournie.	
	Res. 16/11 (10.1)	At least 5% inspection TRX	Since 01.03.2011	N/C	N/C	N/C	N/C		
	Res. 16/11 (7.3)	Denial of entry in port		N/C	N/C	N/C	N/C		
South Africa	Res. 05/03 (8)	Port inspection programme	01.07	C	C	L	C	Received: 31.08.20	
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C	Has designated 3 ports. (Cape Town, Durban, Port Elizabeth). /	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	L	P/C	L	P/C	Source: IOTC-2020-CoC17-CQ25: Call in port: 415 FV, 58 CV; Foreign vessel inspected: 132; Source e-PSM: PIR submitted 84; LAN/TRX monitored: 46. e-PSM application: 0 PIR submitted, 0 LAN/TRX monitoring forms submitted. Received summary 31.08.20 – not to IOTC Standard.	Inspection Reports sent to the IOTC Secretariat - 31/08/2020
	Res. 16/11 (10.1)	At least 5% inspection TRX	Since 01.03.2011	L	C	L	P/C		

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (7.3)	Denial of entry in port		C	C	C	C	Source: IOTC-2020-CoC17-CQ25 No denial in 2019	
Sri Lanka	Res. 05/03 (8)	Port inspection programme	01.07	C	C	N/A	N/A	Source: E-mail dated 28.07.20 Sri Lanka only permits foreign fishing vessels to tranship in its designated ports. No landing is allowed.	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C	Has designated 5 ports.	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods	Since 31.12.10	C	C	C	C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	L	C	C	C	Source: IOTC-2020-CoC17-CQ26 Call in port: 76; Foreign vessel inspected: 34; TRX monitored: 30. e-PSM application: 39 PIR submitted, 10 TRX monitoring forms submitted. Use fully e-PSM application.	
	Res. 16/11 (10.1)	At least 5% inspection TRX		L	C	C	C		
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	C	C	C	C	Source: IOTC-2020-CoC17-CQ26 No vessel denied entry into port	
Tanzania	Res. 05/03 (8)	Port inspection programme	01.07	N/A	N/A	L	C	Received: 28.07.20 NIL Report in 2019.	
	Res. 16/11 (5.1)	List of designated ports		C	C	C	C	Received: 15.04.14 Has designated 4 ports	
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods	Since 31.12.10	C	C	C	C		

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	C	C	N/A	N/A	Source IOTC-2020-CoC17-CQ28 Calls in port: 0; Denial of entry: 0	
	Res. 16/11 (10.1)	At least 5% inspection TRX	Since 01.03.2011	C	C	N/A	N/A		
	Res. 16/11 (7.3)	Denial of entry in port		C	C	N/A	N/A		
Thailand	Res. 05/03 (8)	Port inspection programme	01.07	C	C	C	C	Received: 24.06.19	Has designated 25 ports
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	C	C	C	C		
	Res. 16/11 (5.1)	Designated competent Authority		C	C	C	C		
	Res. 16/11 (5.1)	Prior notification periods		C	C	C	C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	C	C	C	C	Source: IOTC-2020-CoC17-CQ29 Calls in port: 18; Foreign vessels inspected: 18; LAN/TRX monitored: 9; Denial of entry: 0 e-PSM application: 17 PIR submitted, 2 LAN/TRX monitoring forms submitted. Use fully e-PSM application.	
	Res. 16/11 (10.1)	At least 5% inspection TRX	Since 01.03.2011	C	C	C	C		
	Res. 16/11 (7.3)	Denial of entry in port		C	C	C	C		
United Arab Emirates	Not party to the IOTC. Not party to the FAO PSMA								
Yemen	Res. 05/03 (8)	Port inspection programme	01.07	N/C	N/C	N/C	N/C	No information provided.	
	Res. 16/11 (5.1)	List of designated ports	Since 31.12.10	N/C	N/C	N/C	N/C		
	Res. 16/11 (5.1)	Designated competent Authority		N/C	N/C	N/C	N/C		

Country	Source	Information required	Deadline	Previous Status		Current Status		Observations	CPC Remarks
				Timeline	Content	Timeline	Content		
	Res. 16/11 (5.1)	Prior notification periods		N/C	N/C	N/C	N/C		
	Res. 16/11 (13.1)	Inspection report	3 days after inspection	N/C	N/C	N/C	N/C		
	Res. 16/11 (10.1)	At least 5% inspection TRX		N/C	N/C	N/C	N/C		
	Res. 16/11 (7.3)	Denial of entry in port	Since 01.03.2011	N/C	N/C	N/C	N/C		

Source: Table prepared by the Author based on a compilation of the information available in the IOTC National Compliance Reports from 2020

Annex 5: FAO questionnaire for the review and assessment of the effectiveness of the PSMA 2009

The purpose of this questionnaire is to act as an informative tool for the Parties to review and assess the effectiveness of the Agreement in achieving its objective. Parties are encouraged to provide as much information as possible, and to the extent they deem appropriate, and may use the comment box to elaborate on the answers provided. The approach and format of this questionnaire is similar to that of the Code of Conduct for Responsible Fisheries questionnaire. The aggregated results will be presented to the 2020 Meeting of the Parties to the PSMA.

This questionnaire may be amended and adapted according to the needs identified by the Parties. The space provided for comments may also be used to indicate need for clarification on the phrasing of the question, and in the case that a Party chooses not to answer a question, this comment box may also be used to provide explanatory notes as to the reason. The comments will be used to assist the Parties in fine-tuning and improving the questionnaire itself so that it better serves its purpose. Questions marked with * are complementary in nature and are intended to provide additional information to the Parties in the review and assessment. [Scale to be inserted, as in CCRF (1-5)]

List of terms in the context of this questionnaire:

“Agreement” – Agreement on Port State Measures (PSMA)

“FAO” – Food and Agriculture Organization of the United Nations

“IGO” – Inter-Governmental Organization

“IUU fishing” – illegal, unreported and unregulated fishing

“MCS” – fisheries monitoring, control and surveillance

“VMS” – vessel monitoring system

“AIS” – automatic identification system

“NGO” – Non-Governmental Organizations

“PSM” – Port State measures

“RFMO/A” – Regional Fisheries Management Organization or Arrangement

Question Number	Questions	Response Type	Comments
	Application (Article 3)		
1.1	Has your country reviewed its legislation to determine whether it allows your country to fulfil its obligations under the Agreement?	Yes/No	
1.1.1	Were changes required to your country's legislation in order to implement your country's obligations under the Agreement?	Yes/no	
1.1.1.1	To what extent has your country completed the necessary processes to bring changes into your legislation in order to implement your country's obligations under the Agreement.	Scale 1-5	
1.2	If no, do you have plans to review your legislation to ensure your country enabled to fulfil its obligations under the Agreement?	Yes/No	
1.3	Does your country engage in cooperation with neighbouring countries to prevent artisanal fisheries for subsistence engaging in IUU fishing?	Yes/No/or N/A	
1.3.1	Does your country have measures in place to ensure that these vessels do not engage in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
1.4	Does your country have a procedure in place to identify if fish on board container vessels, that had previously been landed, were not sourced from vessels conducting IUU fishing or fishing related activities in support of such fishing?	Yes/No	
1.4.1*	Have there been cases in your country where a container vessel was found to be carrying fish, previously landed, which was sourced from IUU fishing activities?	Yes/No/NA	
1.5	Does your country apply this Agreement to vessels chartered by your country exclusively for fishing in areas under your national jurisdiction and operating under your country's authority?	Yes/No/NA	
1.5.1	Does your country have measures in place to ensure that such vessels are subject to measures as effective as measures applied in relation to vessels flying your flag?	Yes/No	
	Relationship with international law and other instruments (Article 4)		
2.1	Is your country implementing any measures relevant to the PSMA in compliance with the requirements of the respective RFMO/A(s), to which your country is a Party?	Yes/No/NA	
	Integration and cooperation at national level (Article 5)		

Question Number	Questions	Response Type	Comments
3.1	To what extent has your country taken measures for exchanging information and coordinating activities among relevant agencies for the implementation of this Agreement?	Scale	
3.2*	Which of the following agencies / ministries play a role in the implementation of this Agreement:	-	
3.2.1	Customs	Yes/No	
3.2.2	Fisheries	Yes/No	
3.2.3	Health		
3.2.4	Immigration	Yes/No	
3.2.5	Maritime	Yes/No	
3.2.6	Navy / Coast guard	Yes/No	
3.2.7	Police	Yes/No	
3.2.8	Port authority	Yes/No	
3.2.9	Veterinary / Quarantine	Yes/No	
3.2.10	Other (specify)	Yes/No	
3.3	To what extent has your country taken measures to integrate PSMs with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such activities, taking into account as appropriate the FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing?	Scale	
	Cooperation and exchange of information (Article 6)		
4.1	In order to promote the effective implementation of the Agreement, does your country cooperate and/or exchange information in relation to the objective of the Agreement with:	-	
4.1.1	Other relevant States	Scale	
4.1.2	Relevant RFMO / As	Scale	
4.1.3	FAO	Yes/No	
4.1.4	Other IGOs	Scale	
4.1.5	Other (specify)	Yes/No	

Question Number	Questions	Response Type	Comments
	Designation of ports (Article 7)		
5.1	Has your country designated ports to receive foreign vessels that are conducting fishing and fishing related activities, as required under the Agreement?	Yes/No	
5.1.1*	Does any of the designated ports restrict landings to specific types of products? (i.e. frozen, refrigerated, fresh)	Yes/No	
5.2	Has the list of designated ports been provided to the FAO?	Yes/No	
5.3	In each of the designated ports, to what extent is there sufficient capacity to conduct inspections pursuant to the Agreement?	Scale	
	Advance request for port entry (Article 8)		
6.1	Does your country require an advance request for port entry?	Yes/No	
6.1.1	Does your country require, as a minimum standard, the information requested within Annex A of the Agreement, prior to granting entry to a vessel into its port?	Yes/No	
6.1.1.1*	Does the advance request for port entry in your country go beyond the information required on Annex A of the Agreement?	Yes/No	
6.1.2*	What is the general minimum required time for the advance request for port entry? (please specify)	Hours	Need box to explain further details
6.1.3*	Are there any particular situations where a different minimum required time for the advance request for port entry applies?	Yes/No	
	Port entry, authorisation or denial (Article 9)		
7.1*	Which State agencies / ministries will implement the procedures and/or the activities related to the authorisation or the denial of entry into port?	-	
7.1.1	Customs	Yes/No	
7.1.2	Fisheries	Yes/No	
7.1.3	Health	Yes/No	
7.1.4	Immigration	Yes/No	

Question Number	Questions	Response Type	Comments
7.1.5	Maritime	Yes/No	
7.1.6	Navy / Coast guard	Yes/No	
7.1.7	Police	Yes/No	
7.1.8	Port authority	Yes/No	
7.1.9	Veterinary / Quarantine	Yes/No	
7.1.10	Other (specify)		
7.2	After receiving an advanced request for port entry, does your country determine whether the vessel was engaged in IUU fishing or fishing related activities in support of such fishing in order to authorise or deny entry into port?	Yes/No	
7.2.1*	Does your country have a standardised method to determining whether vessels requesting port entry have engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
7.2.1.1	Does this standardised method include a risk assessment?		
7.3*	Which State agencies / ministries will participate in the process of determining whether to authorise port entry for those vessels making requests?	-	
7.3.1	Customs	Yes/No	
7.3.2	Fisheries	Yes/No	
7.3.3	Health	Yes/No	
7.3.4	Immigration	Yes/No	
7.3.5	Maritime	Yes/No	
7.3.6	Navy / Coast guard	Yes/No	
7.3.7	Police	Yes/No	
7.3.8	Port authority	Yes/No	
7.3.9	Veterinary / Quarantine		
7.3.10	Other (specify)	Yes/No	
7.4*	Which State agencies / ministries will participate in the process of determining whether to deny port entry for those vessels making requests?		
7.4.1	Customs		

Question Number	Questions	Response Type	Comments
7.4.2	Fisheries		
7.4.3	Health		
7.4.4	Immigration		
7.4.5	Maritime		
7.4.6	Navy / Coast guard		
7.4.7	Police		
7.4.8	Port authority		
7.4.9	Veterinary / Quarantine		
7.4.10	Other (specify)		
7.5	To determine whether to authorise entry into port, is the cooperation of a vessel's flag State requested?	Yes/No	
7.5.1*	To determine whether to authorise entry into port, is the cooperation of a vessel's flag State requested only when the risk assessment so determines?	Yes/No	
7.6*	Which data / information sources are used to inform the decision to authorise or deny entry into port?	-	
7.6.1	National records (including fisheries and other relevant ministries / agencies)	Yes/No	
7.6.2	VMS	Yes/No	
7.6.3	AIS	Yes/No	
7.6.4	Electronic logbook	Yes/No	
7.6.5	Fishing license/authorisations	Yes/No	
7.6.6	Compliance history	Yes/No	
7.6.7	RFMO/A records	Yes/No	
7.6.8	Data / information from the flag State	Yes/No	
7.6.9	Data / information from other relevant States (coastal and port States)	Yes/No	
7.6.10	Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels	Yes/No	
7.6.11	Other regional or international vessel records (specify)	Yes/No	
7.6.12	Other (specify)	Yes/No	

Question Number	Questions	Response Type	Comments
7.7	Does your country have measures in place to deny vessels entry into port when there is sufficient proof that it has conducted IUU fishing activities or activities in support of such fishing, in particular the inclusion into a list of vessels engaged in such fishing or fishing related activities adopted by RFMO/A(s), in conformity with international law ?	Yes/No	
7.7.1*	Has your country denied a vessel entry into port due to having sufficient proof that the vessel had conducted IUU fishing or fishing activities in support of such activities?	Yes/No	
7.8	In the case of denial of entry, is the decision communicated, to the extent possible, to:	-	
7.8.1	The flag State	Yes/No	
7.8.2	Relevant coastal States	Scale	
7.8.3	Relevant RFMO/A(s)	Scale	
7.8.4	Other relevant international organisations (specify)	Scale	
	Force Majeure (Article 10)		
8.1	Does your country have provisions in place to allow entry into port in accordance with international law for reasons of force majeure or distress?	Yes/No	
	Use of ports (Article 11)		
9.1*	Which State agencies / ministries will enforce the procedures and/or the activities related to the authorisation or the denial of use of port?	-	
9.1.1	Customs	Yes/No	
9.1.2	Fisheries	Yes/No	
9.1.3	Health	Yes/No	
9.1.4	Immigration	Yes/No	
9.1.5	Maritime	Yes/No	
9.1.6	Navy / Coast guard	Yes/No	
9.1.7	Police	Yes/No	
9.1.8	Port authority	Yes/No	

Question Number	Questions	Response Type	Comments
9.1.9	Veterinary / Quarantine		
9.1.10	Other (specify)	Yes/No	
9.2	Once a vessel has entered its ports, does your country have measures in place to deny use of port if it finds that:	-	
9.2.1	The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by its flag State?	Yes/No	
9.2.2	The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by the coastal State in respect to areas under the national jurisdiction of that State?	Yes/No	
9.2.3	There is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect to areas under the national jurisdiction of that State?	Yes/No	
9.2.4	The flag State does not confirm within a reasonable period of time that the fish on board the vessel was taken in accordance with applicable requirements of a relevant RFMO?	Yes/No	
9.2.5	There is reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
9.3*	Have there been any cases where your country has denied use of port due to:	-	
9.3.1	The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by its flag State?	Yes/No	
9.3.2	The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by the coastal State in respect to areas under the national jurisdiction of that State?	Yes/No	
9.3.3	There is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect to areas under the national jurisdiction of that State?	Yes/No	
9.3.4	The flag State does not confirm within a reasonable period of time that the fish on board the vessel was taken in accordance with applicable requirements of a relevant RFMO?	Yes/No	
9.3.5	There is reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
9.4	In the case of denial of use of port, is the decision communicated to the extent possible to:	-	
9.4.1	The flag State	Yes/No	
9.4.2	Relevant coastal States when appropriate	Scale	

Question Number	Questions	Response Type	Comments
9.4.3	Relevant RFMO/A(s) when appropriate	Scale	
9.4.4	Other relevant international organisations (specify)	Scale	
9.5	Does your country withdraw its denial of the use of its port, if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply?	Yes/No	
9.5.1	In cases where your country has withdrawn its denial of use of its port, does your country promptly notify those to whom the notification was issued?	Yes/No	
	Levels and priorities for inspection (Article 12)		
10.1	Do you have a minimum level of inspection that your country considers to be required to achieve the objectives of this Agreement?	Yes/No	
10.2*	Does your country inspect the number of vessels in its ports required to reach an annual level of inspection that is sufficient to achieve the objective of this Agreement?	Yes/No comment	
10.2.1*	Has this minimum level of inspection been attained?	Yes/No	
10.3	In determining which vessels to inspect, are measures in place to prioritise:		
10.3.1	Vessels denied entry or use of port in accordance with this Agreement?	Yes/No/NA	
10.3.2	Request from other relevant Parties, States or RFMO/A requesting that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing?	Yes/No/NA	
10.3.3	Other vessels with clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No/NA	
10.4*	Have there been cases in your country where a vessel has been inspected due to information obtained on:		
10.4.1	Vessels denied entry or use of port in accordance with this Agreement?		
10.4.2	Request from other relevant Parties, States or RFMO/A requesting that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing?		

Question Number	Questions	Response Type	Comments
10.4.3	Other vessels with clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing?		
	Conduct of inspections (Article 13)		
11.1*	Which State agencies/ministries will conduct the inspection of the vessel?		
11.1.1	Customs	Yes/No	
11.1.2	Fisheries	Yes/No	
11.1.3	Health	Yes/No	
11.1.4	Immigration	Yes/No	
11.1.5	Maritime	Yes/No	
11.1.6	Navy / Coast guard	Yes/No	
11.1.7	Police	Yes/No	
11.1.8	Port authority	Yes/No	
11.1.9	Veterinary / Quarantine		
11.1.10	Other (specify)	Yes/No	
11.2	To what extent do your country's inspection procedures:	-	
11.2.1	include the functions set forth in Annex B as a minimum standard?	Scale	
11.2.2	ensure that inspections are carried out by properly qualified inspectors are authorised for this purpose, taking into account the guidelines set out in Annex E of the Agreement for the training of inspectors?	Scale	
11.2.3	require inspectors, prior to an inspection, to present to the master of the vessel an appropriate document identifying the inspector as such?	Scale	
11.2.4	ensure that its inspectors examine all relevant areas on board, the nets and any other gear, equipment, and any other document or record on board that is relevant to verifying compliance with relevant conservation and management measures?	Scale	
11.2.5	require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and document as may be required, or certified copied there of?	Scale	

Question Number	Questions	Response Type	Comments
11.2.6	in case of appropriate arrangements, invite the flag State of the vessel to participate in the inspection?	Scale	
11.2.7	make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board?	Scale	
11.2.8	make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter?	Scale	
11.2.9	ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel?	Scale	
11.2.10	not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State?	Scale	
	Results of inspections (Article 14)		
12.1	Does your country, as a minimum standard, include the information set out in Annex C of the Agreement in the written report of the results of each inspection?	Yes/No	
12.1.1*	Do the written reports go beyond the information set out in Annex C?	Yes/No	
	Transmittal of inspection results (Article 15)		
13.1	Does your country transmit the results of each inspection to the flag State of the inspected vessel?	Scale	
13.2	Does your country transmit the results of each inspection to, as appropriate:	-	
13.2.1	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	Scale	
13.2.2	The State of which the vessel's master is a national	Yes/No	
13.2.3	RFMO/A(s)	Scale	
13.2.4	FAO	Yes/No	
13.2.5	Other relevant international organizations (specify)	Yes/No	

Question Number	Questions	Response Type	Comments
	Electronic exchange of information (Article 16)		
14.1	Has your country designated an authority that shall act as contact point for the exchange of information under this Agreement?	Yes/No	
14.2	Does your country have a national communication mechanism that allows for direct electronic sharing of information relevant to this agreement?	Scale	
14.3*	Does your country use any electronic information exchange mechanism to communicate with a vessel's flag State, other port or coastal States?	Yes/No	
14.3.1	Does your country use any bilateral electronic information exchange mechanisms	Yes/No	
14.3.2	Does your country use any regional electronic information exchange mechanisms	Yes/No	
14.4	To what extent is information to be transmitted through information exchange mechanisms consistent with Annex D of the Agreement?	Scale	
	Training of inspectors (Article 17)		
15.1	To what extent has your country trained its inspectors, taking into consideration the guidelines for the training of inspectors set forth in Annex E of the Agreement?	Scale	
15.2*	Have any of your country's national inspectors participated in PSM training courses conducted by other States / organisations?	Yes/No	
15.2.1	If yes, please indicate which organisations:	-	
15.2.1.1	Other Parties	Yes/No	
15.2.1.2	Non-Parties		
15.2.1.3	FAO	Yes/No	
15.2.1.4	RFMO/A(s)	Yes/No	
15.2.1.5	Other (specify)	Yes/No	
	Port State actions following inspection (Article 18)		
16.1	Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, does your country have a process in	-	

Question Number	Questions	Response Type	Comments
	place to promptly notify its findings to:		
16.1.1	The flag State	Yes/No/NA	
	And as appropriate:		
16.1.2	Relevant coastal States	Scale	
16.1.3	Relevant RFMO/As	Scale	
16.1.4	Other international organizations (specify)	Scale	
16.2	In such cases, does your country have a process in place to deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Agreement, including Article 4?	Scale	
16.3*	Have cases occurred in your country where vessels have been denied use of port following an inspection, where there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
	Information on recourse in a port State (Article 19)		
17.1	Does your country have a process in place to maintain the relevant information on recourse available to the public in accordance with the Agreement, with regard to PSMs taken pursuant to:		
17.1.1*	Article 9 - Port entry, authorization and denial	Yes/No	
17.1.2*	Article 11 - Use of ports	Yes/No	
17.1.3*	Article 13 - Conduct of inspections	Yes/No	
17.1.4*	Article 18 - Port State action following inspection	Yes/No	
17.2	Does your country have a process in place to provide information on recourse to the owner, operator, master or representative of a vessel, in accordance with the Agreement, with regard to PSMs taken pursuant to:		
17.2.1	Article 9 - Port entry, authorization and denial	Yes/No	

Question Number	Questions	Response Type	Comments
17.2.2	Article 11 - Use of ports	Yes/No	
17.2.3	Article 13 - Conduct of inspections	Yes/No	
17.2.4	Article 18 - Port State action following inspection	Yes/No	
17.3*	Has your country provided information on recourse to the owner, operator, master or representative of a vessel with regard to PSMs taken pursuant to:		
17.3.1	Article 9 - Port entry, authorization and denial	Yes/No	
17.3.2	Article 11 - Use of ports	Yes/No	
17.3.3	Article 13 - Conduct of inspections	Yes/No	
17.3.4	Article 18 - Port State action following inspection	Yes/No	
17.4	Does your country have measures in place to report the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate?	Yes/No	
17.5*	Has your country reported the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate?	Yes/No	
17.6	In cases where other Parties, States or international organisations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, does your country have a process in place to inform them of any change in this decision?	Yes/No	
17.7*	In cases where other Parties, States or international organisations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, has your country has your country informed them of any change in this decision?	Yes/No/NA	
	Role of flag State (Article 20)		
18.1	Does your country require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement?	Yes/No	
18.2	In accordance with Article 20 paragraph 2 of the Agreement, does your country, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Agreement?	Yes/No/NA	
18.3	Does your country encourage vessels entitled to fly your flag to land, tranship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Agreement?	Yes/No	

Question Number	Questions	Response Type	Comments
18.4	In cases where, following port State inspection, your country receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly your flag has engaged in IUU fishing or fishing related activities in support of such fishing, does it immediately and fully investigate the matter and, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations?	Yes/No	
18.5	Does your country, in its capacity as a flag State, report to other Parties, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly your flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
18.6	Does your country ensure that measures applied to vessels entitled to fly your flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in paragraph 1 of Article 3?	Yes/No	
	Requirements of developing States (Article 21)		
19.1	Has your country obtained external assistance on PSMA implementation?	Yes/No/NA	
19.2	Please select from which actors you received external assistance:	-	
19.2.1	Other States	Yes/No	
19.2.2	FAO	Yes/No	
19.2.3	RFMO/A(s)	Yes/No	
19.2.4	Other (specify)	Yes/No	

Annex 6: IOTC MoU template on interagency cooperation and coordination for effective PSM in relation to fishing and fishing related activities

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 ports 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 10/11 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:

- (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*, refueling 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, decisionmaking, 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 7: Information provided by the FAO on IORA MS designated ports and contact points

Country	Party to the PSMA	National focal point	List of designated ports
Australia	Yes	Australian Fisheries Management Authority	<ol style="list-style-type: none"> 1. Port Kembla 2. Port of Cocos (Keeling) Islands 3. Gold Coast Broadwater 4. Port of Gladstone 5. Darwin Port 6. Port of Hay Point 7. Port of Mourilyan 8. Lord Howe Island 9. Port of Port Bonython 10. Port of Port Lincoln 11. Port of Portland 12. Ball Bay 13. Cascade Bay 14. Sydney Bay (Kingston) 15. Newcastle Harbour 16. Port Botany 17. Port of Thursday Island (Port Kennedy) 18. Port Pirie 19. Port of Wallaroo 20. Port of Launceston (Bell Bay) 21. Geelong Port 22. Port of Melbourne 23. Port of Hastings 24. Port of Eden 25. Sydney Harbour 26. Coffs Harbour International Marina 27. Port of Ardrossan 28. Albany Port 29. Bunbury Port 30. Port of Whyalla 31. Port Adelaide 32. Port Giles 33. Port of Burnie 34. Port of Devonport 35. Port Latta 36. Port of Hobart 37. Port of Port Hedland 38. Derby Port 39. Melville Port - Marine Supply Port 40. Port of Milner Bay 41. Port of Bowen 42. Port of Brisbane 43. Port of Bundaberg 44. Cairns Seaport 45. Port of Lucinda 46. Port of Mackay 47. Port of Rockhampton (Formerly Port Alma) 48. Port of Townsville

Country	Party to the PSMA	National focal point	List of designated ports
			<ul style="list-style-type: none"> 49. Port of Weipa 50. Port of Thevenard 51. Port of Esperance 52. Port of Broome 53. Port of Dampier 54. Port Walcott 55. Geraldton Port 56. Wyndham Port 57. Fremantle Harbour 58. Port Yamba 59. Port of Christmas Island
Bangladesh	Yes	No information available	No information available
Comoros	No	No information available	No information available
India	No	No information available	No information available
Indonesia	Yes	Directorate of Fishing Port	<ul style="list-style-type: none"> 1. Bungus Fishing Port 2. Port 3. Nizam Zachman Fishing Port 4. Bitung Fishing Port 5. Port of Benoa
Iran	No	No information available	No information available
Kenya	Yes	No information available	1. Mombasa
Madagascar	Yes	No information available	No information available
Malaysia	No	No information available	No information available
Maldives	Yes	No information available	<ul style="list-style-type: none"> 1. Kooddoo Port 2. Funaddoo Port114 3. Male' Port 4. Felivaru Port 5. Hoadedhdhoo Port 6. Maradhoo Port
Mauritius	Yes	No information available	No information available
Mozambique	Yes	No information available	Maputo Beira (Sofala) Nacala (Nampula)
Oman	Yes	No information available	No information available
Seychelles	Yes	Seychelles Fishing Authority	1. Mahe Quay (Victoria, Mahe)
Singapore	No	No information available	No information available
Somalia	Yes	Ministry of Fisheries and Marine Resources	No information available
South Africa	Yes	Department of Agriculture Forestry and Fisheries	No information available
Sri Lanka	Yes	No information available	No information available
Tanzania	No	No information available	No information available
Thailand	Yes	Fish Quarantine and Inspection Division, Department of Fisheries	<ul style="list-style-type: none"> 1. Narathiwat Fishing port 2. Phuket Srithai Co., Ltd port 3. Tak Bai Pacific port 4. Phuket Deep Sea port 5. Songkhla Fishing port 2 (Tha Sa-an)

114 Funaddoo Port appears twice in the list with a different location. Most likely there is a mistake and the right port is “Maandhoo port”.

Country	Party to the PSMA	National focal point	List of designated ports
			6. Southern Logistics (2009) Co., Ltd port (Songkhla) 7. 33A-B port (Bangkok) 8. 7C port (Samut Prakan) 9. No. 7 port (Samut Prakan) 10. Thajeen Union Port Co., Ltd port (Samut Sakhon) 11. Phuket Fishing port (Phuket Province) 12. Tanasarn port (Ranong) 13. Kanlapangha port 14. Public Warehouse Organization port (2 storehouse port No. 27 A) (Bangkok) 15. No. 11B port (Samut Prakan) 16. Songkhla Deep sea port (Singhanakhon District) 17. Satun Fishing port 18. Godung Thai Fa Co., Ltd port 19. 23A Port (Samut Prakan) 20. Chainavee port 21. TJ Land Company Limited port (Samut Prakan) 22. Pattani Fishing port 23. Thanapornchai Co., Ltd port 24. Sabasathaporn Company Limited port (21B) (Samut Prakan) 25. 23C Port (Samut Prakan)
United Arab Emirates	No	No information available	No information available
Yemen	No	No information available	No information available

Source: Table prepared by the author based on the information provided on the FAO website <http://www.fao.org/fishery/port-state-measures/psmaapp/?locale=en&action=qry>

Annex 8: List of FAO past and ongoing capacity development initiatives

Year	Implementing institution	Project	Donor	Thematic area	FAO region	Country
2016-18	FAO	TCP/SRL/3603	FAO Regular Programme	Legal and policy / Institutional set-up and capacity	RAP	Sri Lanka
2017	FAO	TCP/INT/3603	FAO Regular Programme	Gap analysis	RAF	South Africa
2017	FAO	TCP/INT/3603	FAO Regular Programme	Gap analysis	RAP	Thailand
2017	FAO	TCP/INT/3603	FAO Regular Programme	Gap analysis	RAF	Mozambique
2017	FAO	TCP/INT/3603	FAO Regular Programme	Gap analysis	RAF	Somalia
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAF	United Republic of Tanzania
2018	FAO	GCP/INT/307/NOR	Norway	Legal and policy / Institutional set-up and capacity	RAP	Sri Lanka
2018	FAO	GCP/INT/307/NOR	Norway	Gap analysis	RAP	Indonesia
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAF	Kenya
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAF	Madagascar
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAF	Comoros
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAF	Mozambique
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAF	Seychelles
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAF	Somalia
2018	FAO	GCP /INT/304/EC-TBC	EU	Legal and policy	RAP	Bangladesh
2018	FAO	TCP/CMB/3606/C3	FAO Regular Programme	Legal and policy	RAP	Cambodia
2018	FAO	TCP/MAL/3601/C1	FAO Regular Programme	Legal and policy	RAP	Malaysia
2018	FAO	TCP/RAS/3621	FAO Regular Programme	Legal and policy	RAP	Bangladesh
2018	FAO	GCP/INT/307/NOR	Norway	Capacity Building – Fisheries Law and Governance	RAP	Indonesia
2018-19	FAO	TCP/MDV/3603/C3	FAO Regular Programme	Legal and policy	RAP	Maldives
2018-19	FAO	TCP/RAS/3621	FAO Regular Programme	Legal and policy	RAP	Myanmar
2018-19	FAO	TCP/RAS/3621	FAO Regular Programme	Legal and policy	RAP	Thailand

Source : FAO <http://www.fao.org/port-state-measures/capacity-development/overview/en/>

Annex 9: Summary of constraints identified by the FAO in implementing the PSMA

Institutional arrangements. These are regarded as a constraint from various points of view. A major concern is the need for stronger interagency relationships. In many governments, this is caused by unclear mandates of agencies and lack of interagency cooperation, and results in a poor exchange of information or lack of information sharing. For example, there should be clear lines of authority and decision-making between the agency responsible for fisheries and those responsible for broader port controls, general enforcement matters, legal decision-making (e.g. as to whether there is sufficient evidence of IUU fishing) and, as appropriate, market-related measures. Another serious problem is the lack of infrastructure and resources to implement the Agreement. The availability of financial resources for such infrastructure and resources can be a major constraint, especially for developing countries, so eligible countries should seek support including from bilateral or multilateral donor or technical assistance programmes.

Technical requirements – information systems. The technical constraints most often identified in the FAO regional workshops related to the lack of information systems and need for improved information exchange. The information system requirements under Annex D in the Agreement include seeking to establish computerized communication, establishing Web sites to publicize the list of designated ports and actions taken under the Agreement, identification of each inspection report by a unique reference number, and using a designated international coding system. In addition, integrated databases and information systems are needed for quick and effective decision making, particularly when considering whether a vessel should be allowed to enter port or, once in port and possibly before inspection, whether the use of port should be denied. A related constraint is the general lack of information technology resources. In this respect, the challenge is to establish an integrated information system so that officials or inspectors can access a broad range of information easily and swiftly. Collecting the required information from foreign vessels can also be a constraint because of language barriers, and language was also identified as a constraint for international communication and participation.

Legal considerations. The constraints relating to legal considerations in implementing the Agreement range from the national to international levels. It is emphasized that countries may apply the Agreement provisionally before it enters into force, or may implement its terms without being a Party. The legal considerations are therefore relevant in such circumstances. It was believed by some participants at the FAO regional workshops that there was limited awareness about evolving international law in their countries, including the Agreement and other fisheries instruments. At the regional level, many countries face constraints in ensuring full and effective legal implementation of measures and decisions of RFMOs in which they participate. An associated problem is that national law could be inconsistent with requirements in the Agreement and associated instruments. To meet these challenges, the FAO developed a legal checklist against national legislation, and identify gaps, inconsistencies and proposed revisions. Importantly, a significant constraint for some countries is a generally weak or inadequate legal framework. Fisheries and related laws are sometimes very old and pre-date the international instruments developed since the mid-1990s. This occurs to a greater extent in developing countries, and the challenge is to seek legal assistance from donor countries or organizations to review and update legislation.

Financial needs. The lack of financial means, which provide the support for all activities to implement the Agreement, may be considered as one of the most formidable constraints. It was identified as a constraint by participants in all of the FAO regional workshops. However, it should be recognized that port State measures offer one of the most cost-effective ways of combating IUU fishing.

Market State measures. These measures are being used increasingly to combat IUU fishing. Their purpose is to prevent IUU-caught product from entering national and international markets. These measures can include the banning of products from States found to be undermining conservation and management measures, or rejecting shipments that lack the required documentation of their legal provenance.

Human resource development. The FAO regional workshops identified a wide range of constraints relating to human resource development. These included: the lack of trained personnel; inadequately trained personnel (including MCS officers, legal officers and other stakeholders); and insufficient training programmes. The challenges associated with capacity development are exacerbated in situations where there is a high degree of staff turnover. This is typically an issue in small-island developing States, for example, where trained and skilled persons from ministries of fisheries are promoted within government, move to the private sector or migrate overseas.

Regional fisheries management organizations and arrangements. Several RFMOs have adopted a variety of measures for port controls over the years, such as the IOTC which has adopted almost all of the relevant provisions of the Agreement. The challenge will be for members to implement the policy, legal, institutional and operational aspects at the national level and ensure training of relevant personnel. A potential constraint for non-participants in RFMOs is swift and easy access to information needed by managers as a prerequisite for taking port State measures, such as whether a vessel is on an IUU vessel list or the applicable conservation and management measures.

Source: Doulman, D.J. and Swan, J. A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. FAO Fisheries and Aquaculture Circular No. 1074. Rome, FAO. 2012. 165 pp.