

Strengthening ICCAT's Port State Measures (PSMs)

(Discussion paper submitted by the United Kingdom)

Background

Port State measures (PSMs) are widely recognised as effective controls. If implemented effectively, they can act as the first line of defence in the fight against illegal, unreported and unregulated (IUU) fishing by restricting landing opportunities for illegal catch.

The United Kingdom requests that ICCAT considers some further revisions to its *Recommendation by ICCAT amending Recommendation 18-09 on port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (Rec. 23-17)* to better align with the minimum standards of the United Nations Food and Agriculture Organization's Agreement on Port State Measures (PSMA), and to improve and address gaps and inconsistencies in the language.

The PSMA is the first and only legally-binding, international agreement specifically designed to prevent, deter and eliminate IUU fishing. Closer alignment with the PSMA will minimise the risk of IUU-caught ICCAT-managed species from reaching the market and will help harmonise PSMs across all regional fisheries management bodies.

Issue

Cooperation between different agencies and the sharing of data in real time are both critical for effective decision making at ports. This informed decision making is an essential tool in the fight against IUU fishing. Consistency in inspector training to ensure that there are adequate standards in place to carry out effective controls at port would ensure a uniform approach by all CPCs.

Comparing [Rec. 23-17](#) to the PSMA, the UK has identified gaps and inconsistencies on these issues, including in the areas of:

1. Integration and coordination at the national level;
2. Cooperation and exchange of information;
3. Port entry, authorisation or denial;
4. Training of Inspectors;
5. Information on recourse in the port State;
6. Additions to the General Provisions.

We present, in the table in **Annex 1**, the gaps we have identified together with supplementary information to highlight, in our view, the importance of addressing them via future amendments to [Rec. 23-17](#).

Conclusion

The UK suggests and would welcome:

- a) An open discussion, regarding the elements suggested above during the sessions of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) at this year's Commission meeting;
- b) Continuous intersessional dialogue on the elements suggested above, leading up to the 18th Meeting of the Working Group on Integrated Monitoring Measures (IMM) in 2025.

The UK would be happy to share draft amended text in advance of next year's IMM meeting so that further discussion can take place, and/or work with other interested CPCs to take this forward.

<i>Port State Measures Agreement text</i>	<i>Current ICCAT Rec. 23-17 text</i>	<i>Justification</i>
<p>Integration and coordination at the national level</p> <p>Article 5 Each Party shall, to the greatest extent possible:</p> <p>(a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;</p> <p>(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</p> <p>(c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Agreement.</p>	<p>There is no current text in the Recommendation that addresses integration and coordination at the national level. It would be a new proposed paragraph.</p>	<p>Information exchange is crucial at both international and domestic levels, as often different national agencies and services need to cooperate to carry out effective checks and block suspected IUU vessels from receiving port services.</p> <p>The inclusion will encourage CPCs to integrate national systems between agencies and agree lines of communication/standardise process that would benefit conservation and management measures, similar to those set out in the 2001 FAO Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. These could be agreed through the development of standard operating procedures or memoranda of understanding.</p>
<p>Cooperation and exchange of information</p> <p>Article 6</p> <p>1. 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.</p> <p>2. Each Party shall, to the greatest extent possible, take measures in support of conservation and management measures adopted by other States and other relevant international organizations.</p> <p>3. Parties shall cooperate, at the subregional, regional and global levels, in the effective implementation of this Agreement including, where appropriate, through FAO or regional fisheries management organizations and arrangements.</p>	<p>There is no current text in the Recommendation that addresses cooperation and exchange of information. It would be a new proposed paragraph.</p>	<p>Cooperation and the exchange of real time data between the ICCAT Secretariat, relevant State, other RFMOs and other relevant bodies through the development of an electronic information system, or the adoption of the PSMA Global Information Exchange system would strengthen cooperation. Collaboration with other RFMOs who have an e-PSM system in place may minimise costs to develop.</p> <p>By cooperating effectively through the rapid exchange of information, with due regard to confidentiality requirements, CPCs would be able to exchange intelligence to inform risk assessments and would promote more effective monitoring control and surveillance that would minimise the risk of IUU fishing.</p>

<p>Port entry, authorization or denial</p> <p>Article 9</p> <p>1. After receiving the relevant information required pursuant to Article 8, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, each Party shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.</p> <p>2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the Party upon the vessel's arrival at port.</p>	<p>Para 16. After receiving the relevant information pursuant to paragraph 13, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the port CPC shall decide whether to authorize or deny the entry of the vessel into its port.</p> <p>There is no current text in the Recommendation that addresses the need for a master of the vessel or the vessel's representative to present the authorisation for entry to the port State upon arrival at the port. This would be a new proposed paragraph.</p>	<p>We would propose adding additional text in Para 16 suggesting that the port CPC would need to communicate the decision to the vessel or representative. Alignment would clarify obligations with communication decisions to the vessel or its representatives.</p> <p>Adding a separate paragraph that aligns with Article 9(2) would provide a control check that would promote greater security at port entry. This assigns a proportional and corresponding responsibility to the vessel seeking port access to confirm their entry authorisation with the competent authorities of the port CPC.</p>
<p>Training of inspectors</p> <p>Article 17</p> <p>Each Party shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex E. Parties shall seek to cooperate in this regard.</p>	<p>There is no current text in the Recommendation that addresses the training of inspectors.</p>	<p>Ensuring that authorised inspectors are trained in accordance with ICCAT's established training manual and to further encourage cooperation amongst CPCs in this regard. It is noted that Annexes B and E of the PSMA set out detailed guidelines on the inspection procedures and the training of inspectors respectively. This could be utilised in conjunction to the ICCAT PSM Inspector Training Manual.</p> <p>The current ICCAT PSM fails to account for several issues regarding inspectors and inspection that can be found in the PSMA and other RFMO measures. The codification of the ICCAT manual in the training process would eliminate said gaps.</p> <p>Alignment with the Article 17 would provide stringent minimum standards in Inspector training. This would cover Annex B and E of the PSMA and promote greater security and transparency within the Port State Control measures.</p>

<p>Information on recourse in the port State</p> <p>Article 19</p> <p>1. A Party shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that Party pursuant to Articles 9, 11, 13 or 18, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the Party.</p> <p>2. The Party shall inform the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse. Where other Parties, States or international organizations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, the Party shall inform them of any change in its decision.</p>	<p>There is no current text in the Recommendation that addresses information on recourse in the port State.</p>	<p>ICCAT has no minimum standards for recourse in the port State in the Recommendation.</p> <p>This addition would ensure that CPCs have a system in place to share relevant information on the final outcomes of the PSM processes, including information on recourse following PSM implementation, purpose of recourse, and rights to compensation for any unlawful action, additionally any outcome of recourse, with relevant flag States, owners, operators, masters, and representatives, as well as the public.</p> <p>It would establish an accountability mechanism so that affected vessels and/or their representatives, would be able to gain access to the relevant information upon request.</p>
<p>General provisions</p> <p>Article 20</p> <p>3. Each Party shall encourage vessels entitled to fly its flag to land, transship, 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. Parties are encouraged to develop, including through regional fisheries management organizations and FAO, fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Agreement.</p>	<p>There is no current text in the Recommendation that encourages flag State responsibilities over its fleet i.e. for vessels entitled to fly its flag that land, transship, package and process fish and other port services, to act in accordance with Rec. 23-17.</p>	<p>Addition to the general provisions would ensure and strengthen flag State responsibility even further.</p> <p>Flag States have a responsibility to ensure that their vessels contribute to sustainable fishing practices, and the use of ports that comply with internationally accepted best practices in preventing IUU fishing.</p> <p>This addition to the General Provisions would motivate flag States to encourage their vessels to use the services of port States that act in accordance with the anti-IUU fishing measures prescribed in this Recommendation which, as ICCAT CPCs, they are already adhering to.</p>