Article 15. PORT STATE DUTIES AND MEASURES TAKEN BY A PORT STATE

1. Measures taken by a port State in accordance with this Convention shall take full account of the right and the duty of a port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.

2. Each Contracting Party shall, in accordance with measures agreed by the Commission, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.

3. Each Contracting Party shall, in accordance with measures agreed by the Commission, adopt regulations in accordance with international law to prohibit landings and transshipments by vessels flying the flag of non-parties to this Convention where it has been established that the catch of a stock covered by this Convention has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.

4. In the event that a port State considers that there has been a violation by a Contracting Party vessel of a conservation and management or control measure adopted by the Commission, the port State shall draw this to the attention of the flag State concerned and, as appropriate, the Commission. The port State shall provide the flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the flag State shall transmit to the Commission details of actions it has taken in respect of the matter.

5. Nothing in this article affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.

6. All measures taken under this article shall be taken in accordance with international law.

Article 16. OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT

1. The Contracting Parties, through the Commission, shall establish a system of observation, inspection, compliance and enforcement, hereafter "the System", to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention Area. The major purpose of the System is to ensure that Contracting Parties effectively discharge their obligations under this Convention and, where applicable, under the 1995 Agreement, in order to ensure compliance with the conservation and management measures agreed by the Commission.

2. In establishing the System, the Commission shall be guided, *inter alia*, by the following principles:

(a) fostering of cooperation among Contracting Parties to ensure effective implementation of the System;

(b) a System which is impartial and non-discriminatory in nature;

(c) verification of compliance with conservation and management measures agreed by the Commission; and

(d) prompt action on reports of infringements in contravention of measures agreed by the Commission.

3. In applying these principles the System shall, *inter alia*, comprise the following elements:

(a) control measures, including the authorisation of vessels to fish, the marking of vessels and fishing gear, the recording of fishing activities, and the near-to-real time reporting of vessel movements and activities by means such as satellite surveillance;

(b) an inspection programme, both at sea and in port, including procedures for boarding and inspection of vessels, on a reciprocal basis;

(c) an observer programme based on common standards for the conduct of observation, including, *inter alia*, arrangements for the placing of observers by a Contracting Party on vessels flying the flag of another Contracting Party with the consent of that Party; an appropriate level of coverage for different sizes and types of fishing vessels and fishery research vessels; and measures for reporting by observers of information regarding apparent violations of conservation and management measures, taking into account the need to ensure the safety of observers; and

(d) procedures for the follow-up on infringements detected under the System, including standards of investigation, reporting procedures, notification of proceedings and sanctions, and other enforcement actions.

4. The System shall have a multilateral and integrated character.

5. In order to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishery research vessels flying their flags in the Convention Area, the interim arrangements set out in the Annex, which forms an integral part of this Convention, shall apply upon entry into force of this Convention and remain in force until the establishment of the System or until the Commission decides otherwise.

6. If, within two years of the entry into force of this Convention, the Commission has not established the System, the Commission shall, at the request of any Contracting Party, give urgent consideration to adoption of boarding and inspection procedures in order to strengthen the effective discharge by Contracting Parties of their obligations under this Convention and where applicable, under the 1995 Agreement. A special meeting of the Commission may be convened for this purpose.

Article 17. DECISION MAKING

1. Decisions of the Commission on matters of substance shall be taken by consensus of the Contracting Parties present. The question of whether a matter is one of substance shall be treated as a matter of substance.

2. Decisions on matters other than those referred to in paragraph 1 shall be taken by a simple majority of the Contracting Parties present and voting.

3. In the taking of decisions pursuant to this Convention, a regional economic integration organisation shall have only one vote.

Article 18. COOPERATION WITH OTHER ORGANISATIONS

1. The Organisation shall cooperate, as appropriate, with the Food and Agriculture Organization of the United Nations and with other specialised agencies and organisations on matters of mutual interest.