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Report of the

**SECOND MEETING OF THE PART 6 WORKING GROUP ESTABLISHED
BY THE PARTIES OF THE AGREEMENT ON PORT STATE MEASURES
TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND
UNREGULATED FISHING**

Rome, 5–6 July 2018

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PREPARATION OF THIS DOCUMENT

This is the final version of the report of the second meeting of the Part 6 Working Group established by the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which was held in Rome, Italy, from 5 to 6 July 2018.

ABSTRACT

This document contains the report of the second meeting of the Part 6 Working Group established by the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, held in Rome, Italy, from 5 to 6 July 2018. The Part 6 Working Group reviewed outcomes of its first meeting, noting with respect to the funding mechanisms to be put in place to assist developing States with the implementation of the PSMA that further clarity is required in terms of the criteria and priorities that will be used to review applications for assistance. The Part 6 Working Group discussed at length the requirements of developing States for the implementation of the PSMA, noting legal, operational, and technical challenges and identifying where existing tools are already available to address these challenges. The Working Group received a detailed update of FAO's Global Capacity Development Programme in support of the PSMA, as well as heard from other international organizations, non-governmental organizations, States and other entities on their respective capacity development initiatives in support of the PSMA. Finally, the Part 6 Working Group discussed the necessary functionalities of the capacity development portal that is to be developed and hosted by FAO under the PSMA global programme.

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OPENING OF THE MEETING

1. The second meeting of the Part 6 Working Group established by the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) was held in Rome, Italy from 5 to 6 July 2018. The meeting was attended by 16 Parties to the Agreement, and by observers from 11 States, 4 intergovernmental and 3 international non-governmental organizations. A list of Parties and observers is attached as Appendix B.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE MEETING

2. The meeting adopted the agenda without modification (Appendix A).
3. Mr Terje Løbach, Specialist Director, Directorate of Fisheries, Norway, resumed his role of chairperson of the meeting.

STATUS OF THE PSMA

4. The Part 6 Working Group took note that there were currently 55 Parties to the PSMA, the majority of which were developing States, and that 7 Parties had deposited instruments of adherence to the PSMA since the last meeting of the Part 6 Working Group. Additionally, it was noted that 7 signatories to the PSMA had not yet become Party; these were encouraged to initiate the formal process to becoming Party.

REVIEW OF THE OUTCOME OF THE FIRST MEETING OF THE PART 6 WORKING GROUP

5. The Part 6 Working Group recalled the outcomes of its first meeting held in Oslo, Norway, from 1 to 2 June 2017, which discussed the main requirements and priorities of developing States in the implementation of the Agreement, and recommended that support should consider legal and policy aspects, institutional set-up and capacity, and operations and procedures. The first meeting recognized the important support that existing regional fisheries management organizations (RFMOs) can provide in delivering assistance to developing States Parties, noting that 116 countries are a member of at least one RFMO. Finally, at the first meeting, the Part 6 Working Group agreed on draft Terms of Reference for the funding mechanisms to assist developing States Parties in the implementation of the PSMA, which should be considered by the Parties at their next meeting, anticipated to be held in 2019.

6. The meeting noted that further clarity is required in terms of the criteria and priorities to be used by the panel to review the applications and make recommendations on the assistance to be provided by the Trust Fund to be established under the PSMA Assistance Fund.

OVERVIEW OF REQUIREMENTS OF DEVELOPING STATES FOR THE IMPLEMENTATION OF THE PSMA

7. The Chair highlighted the importance of taking into account policy and legal frameworks, operational procedures and training, and institutional setup and capacity when analyzing the needs and requirements for the implementation of the PSMA. During discussions, it was highlighted that developing countries should be able to determine their capacity development needs.

8. The Part 6 Working Group emphasized the importance of having robust policy and legal frameworks in place to ensure the effective implementation of the PSMA. It was noted that appropriate legal frameworks are one of the key elements enabling the port State to take action against illegal, unreported and unregulated (IUU) fishing.

9. The FAO Secretariat highlighted that there was flexibility for States in the implementation of the PSMA, for example minimum inspection levels, depending on their level of capacity, as long as it is sufficient to achieve the objective of the PSMA.

10. The meeting discussed the challenges that exist in the implementation of the PSMA at the operational level, in particular the conduct of sufficient inspections with sometimes limited resources. The use of risk assessment tools to prioritize inspections was highlighted as a key tool to address this challenge.

11. Institutional capacity and interagency coordination at the national level was highlighted as a key challenge for countries; it was noted that identifying institutional responsibilities and procedures in national frameworks or regulations will be particularly important to ensuring the effective implementation of the PSMA on the ground. It was suggested that tools outlining the decision making process for the implementation of the different elements of the PSMA would be useful to assist in overcoming these challenges, and that some such tools have already been developed.

12. The Part 6 Working Group took note of the outcomes of the Open-ended Technical Working Group on Information Exchange meeting, held in London, United Kingdom from 16 to 18 April 2018 and appreciated the progress on the development of the PSMA information exchange portal, noting the importance of information exchange in the effective implementation of the PSMA.

FAO GLOBAL CAPACITY DEVELOPMENT PROGRAMME IN SUPPORT OF THE PSMA, COMPLEMENTARY INSTRUMENTS AND TOOLS

13. The status of FAO's global capacity development programme in support of the PSMA, complementary instruments and tools was presented, including the projects underway, their resource partners and the recipient countries.

14. The Part 6 Working Group took note that the objective of FAO's global programme was the improved States' capacity for the effective implementation of port State measures and complementary Monitoring Control and Surveillance (MCS) operations, measures and tools to combat IUU fishing. This programme extends to both Parties and non-parties to the PSMA. The expected benefits included the reduction in the incidence of IUU fishing, positive impacts on national economies, improved livelihoods of coastal communities, and increased food security of coastal communities depending on the sustainability of local marine eco-systems. The Working Group acknowledged the main support provided through the programme, including the conduct of gap analyses and drafting strategies and action plans as a starting point, and then followed by the strengthening of national policy and legislative frameworks and MCS enforcement institutions and systems, improving flag State performance, while also addressing coastal State responsibilities and market access measures, as well as relevant requirements of regional mechanisms, as required.

15. Participants requested that the FAO share any assessment framework, for example criteria and priorities, for the global capacity development programme.

16. The meeting appreciated that the portfolio of ongoing projects within the global programme (currently funded by the European Union, Norway, Sweden, and United States of America [USA]), amount to over USD 10 million over a 5 year period, and that additional projects were in the pipeline (funded by the Republic of Korea).

OTHER RELEVANT CAPACITY DEVELOPMENT INITIATIVES BY STATES, INTERNATIONAL ORGANIZATIONS, NON-GOVERNMENTAL ORGANIZATIONS AND OTHER ENTITIES

17. The meeting appreciated the capacity development initiatives presented by the Bay of Bengal Programme Inter-Governmental Organisation, the European Fisheries Control Agency, the Pacific Islands Forum Fisheries Agency, the Pew Charitable Trusts, the Southeast Asian Fisheries Development Center, Senegal, the USA, and acknowledged the important efforts undertaken by these States and organizations to improve MCS and combat IUU fishing in general and in particular the implementation of the PSMA. The meeting also welcomed the information submitted by Iran on their capacity development initiatives relevant to the PSMA. A short summary of these initiatives is available in Appendix C.

SUPPORT AND CAPACITY DEVELOPMENT PRIORITIES AND COORDINATION

18. The meeting appreciated the work undertaken by the Secretariat to provide an online repository of ongoing FAO activities and projects related to combatting IUU fishing, highlighting its usefulness to avoid duplication of interventions. It was noted information available should not only feature FAO projects, but also those being conducted outside the PSMA Assistance Fund and FAO global capacity development programme. The Secretariat informed the meeting that a broader PSMA capacity development portal to be hosted by FAO was being developed under the PSMA global programme. This portal may also provide information on relevant capacity development initiatives of concerned donors, bi-lateral and multi-lateral projects, international financial institutions, and other inter-governmental and non-governmental organizations. It was encouraged for all interested entities to share such information. One of the objectives of the portal would be to publicize all relevant initiatives in a timely manner and to promote synergies, complementarities and exchanges among relevant programmes, projects, and institutions, whilst avoiding overlapping and the duplication of interventions.

ADOPTION OF THE REPORT

19. The report was adopted on 6 July 2018 at 15.10

CLOSURE OF THE MEETING

20. The meeting was closed on 6 July 2018 at 15.10.

Agenda

1. Opening of the meeting
2. Adoption of the agenda and arrangements for the meeting
3. Status of the PSMA
4. Review of the outcome of the first meeting of the Part 6 Working Group
5. Overview of requirements of developing States for the implementation of the PSMA
 - Policy and legal frameworks
 - Institutional setup and capacity
 - Operational (MCS, inspection, enforcement etc.)
 - Data collection and information exchange
 - Other
6. FAO Global Capacity Development Programme in support of the PSMA, complementary instruments and tools
7. Other relevant capacity development initiatives by States, international organisations, non governmental organisations and other entities
8. Support and capacity development priorities and coordination
9. Adoption of the conclusions and recommendations
10. Closure of the meeting

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Summaries of presentations on relevant capacity development initiatives by states, international organizations, non-governmental organizations and other entities

European Fisheries Control Agency (EFCA)

The representative from the European Fisheries Control Agency made a presentation entitled “Capacity building actions on MCS linked to the PSMA”. An overview of the Agency’s mission and activities was provided. In this regard, reference was done to activities such as operational coordination in the EU, strengthening of capacity/training and EU coast guard functions. It was underlined that the Joint Deployment Plans (JDPs) are a tool through which the EFCA organises and coordinates the deployment of national human and technical means of control (such as patrol vessels) and inspection pooled by EU Member States. Reference was also made to the risk analysis in support of the JDP planning and deployment of fisheries control means of the MS. In relation to training, it was underlined EFCA’s role in the development of training material (including e-learning tools) for Union and non-Union fisheries inspectors.

The work on the international versant of the EFCA was also briefly presented, where it was mentioned that the Agency supports the EU in the international dimension of the Common Fisheries Policy (CFP), the fight against IUU activities as well by assisting the Union to cooperate with third countries and international organisations dealing with fisheries, including RFMOs. The example of the training manuals developed for non-EU countries on sea and port inspection, which support to the implementation of the PSMA, was provided.

It was highlighted that following the amendment of EFCA’s founding regulation by the European Parliament and the Council in September 2016 on the European Coast Guard initiative, cooperation has been extended to the European Border and Coast Guard Agency (FRONTEX) and the European Maritime Safety Agency (EMSA) in order to support national authorities in carrying out Coast Guard functions. Sharing, fusing and analysing information; providing, surveillance and communication services and building capacity were provided as some examples of areas of cooperation between the three EU agencies.

The capacity development initiative PESCAO (“Improved Regional Fisheries Governance in Western Africa”) was presented. It was outlined EFCA’s contribution in the context of the project in particular on actions related to i) support to the implementation of operational coordination and regional development of monitoring, control and surveillance (e.g. implementation of infrastructure and equipment of regional fisheries control centers; joint regional fisheries control missions and chartering of air assets in support of joint operations); and ii) support to capacity building activities, including national legal and institutional strengthening and training (e.g. development of harmonized training programs to the inspectors, development and publication of training materials and training of trainers, fisheries inspectors and judicial staff).

In conclusion, the EFCA provided some concrete examples of the type of assistance to be provided to developing States Parties in the implementation of the PSMA (within the frame of the PESCAO project) such as i) identification and formulation of the beneficiary countries needs for the implementation of the PSMA; ii) development of a common core / sectoral qualification framework (SQF) based in particular on Annex E of the FAO Agreement on PSMA and; iii) assistance to recognize the principal authority and responsibility of the Port State Fisheries Services as part of the implementation of the PSMA.

Pacific Islands Forum Fisheries Agency (FFA)

The representative from the Pacific Islands Forum Fisheries Agency (FFA) informed participants of a five-year project, initiated in 2017 and entitled the Pacific Islands Port State Measures Project. The overall goal of the project is “Reduced IUU fishing in the Pacific through cooperative MCS programmes”. This project aims to develop a regional PSM framework consistent with regional and international standards and agreements, including the PSMA. The project will develop implementation tools to apply the regional framework, as well as national strategies and implementation tools to build capacity and strengthen FFA Members' PSM. As part of this work, the project focuses on reviewing legislative and policy frameworks, and develop training and capacity development programmes.

Activities thus far have included a regional port monitoring workshop, carried out in February 2018, to develop a coordinated and strategic approach for implementation at national level, using inputs from major FFA port states. A second regional workshop is planned for 2019, which will focus on data requirements, data standards and process standards to further develop the draft regional PSM framework.

Additionally, FFA is implementing a Regional MCS Strategy (2018-2023) that has significant PSM-related work areas and priorities, including ensuring that regional standards are in place for effective and efficient MCS systems, quality information is available and accessible to national and regional offices to be able to assess IUU fishing risks and plan MCS activities accordingly, and effective compliance and enforcement procedures are in place.

The Pew Charitable Trusts

The representative from The Pew Charitable Trusts provided an overview of Pew’s Ending Illegal Fishing Project and relevant capacity building initiatives under this campaign. Pew’s Ending Illegal Fishing Project aims to secure policies to combat IUU fishing and ensure safety at sea, promote technology for MCS, and inform enforcement efforts to make sure that the policies are implemented. There is also a market engagement piece to close the loop and ensure that there is nowhere for IUU-caught fish to be sold.

This campaign, in cooperation with the New Partnership for Africa’s Development, has developed a simple and robust Capacity Needs Assessment¹, to determine the specific needs of a country in applying the PSMA, and to provide a framework for developing a plan to bridge identified gaps. It includes a capacity checklist, to compare national standards against the PSMA requirements on human resources and institutional capacity, and a questionnaire to determine the extent to which the PSMA is accommodated within the laws and regulations of the country. The methodology provides recommendations to achieve consensus among stakeholders on an honest assessment of the gap between existing capacity and what is required to effectively implement the PSMA.

Pew has supported the Central America Fisheries and Aquaculture Organization (OSPESCA) in carrying out a 2-phased project on port State measures. Under Pescapuertos, a regional capacity needs assessment identified challenges and opportunities for implementing the provisions of the PSMA, highlighting the need for regional minimum requirements for port controls, strengthened institutional capacity with special emphasis on port inspectors, and regional inter-institutional coordination, particularly through links between OSPESCA and COCATRAM (Central American Commission of Maritime Transport). Then, a Memorandum of Understanding was set up between OSPESCA and COCATRAM, through which a workplan was established for joint actions towards PSMA implementation. A proposal for a regional regulation on port State measures was also developed and should shortly be adopted.

¹ <http://www.pewtrusts.org/en/research-and-analysis/reports/2017/04/implementing-the-port-state-measures-agreement>

Similarly, in the Pacific, Pew supported the Pacific Islands Forum Fisheries Agency (FFA) in commissioning a regional gap analysis to examine the performance of FFA members' existing port state controls against the PSMA and other relevant regional measures. Various recommendations resulted, including consideration of the existing MCS programme in the region; improvement of information exchange and inter-agency cooperation; avoidance of economic loss through port entry denial; and evaluation of expansion of FFA's Harmonized Minimum Terms and Conditions and WCPFC's CMM's, apart from promotion of PSMs at a national level.

Pew has also worked with Stop Illegal Fishing on FISH-i Africa, through which a network of officials in East Africa was set up to quickly and effectively exchange information and intelligence. This, along with services provided by a technical team, facilitates due diligence and risk assessment, for example to request information about new or unknown vessels requesting port entry for the first time, or to check the history of a new vessel.

In collaboration with Satellite Application Catapult, Pew has also supported the development of Oversea Ocean Monitor, a platform that combines satellite monitoring and imagery data with comprehensive fishing vessel databases and oceanographic data, and the establishment of OceanMind as a fisheries intelligence group. Together, these help national authorities monitor and detect suspicious fishing activity and assess the risk of port access by vessels requesting entry.

To further target support for PSMA implementation going forward, Pew's Ending Illegal Fishing Project is also working on a study to quantify the activity in the world's ports of foreign-flagged industrial vessels engaged in fishing and fishing-related activities, as well as the potential risk IUU fishing activity, in order to identify the ports and port States in which implementing the PSMA would have the greatest impact toward diminishing IUU fishing.

South East Asian Fisheries Development Center

The representative from the South East Asian Development Center explained that for the Southeast Asian Region, the Plan of Action on Sustainable Fisheries for Food Security Towards 2020 which was adopted in the ASEAN-SEAFDEC Conference "Fish for the People 2020: Adaptation to a Changing Environment" in Bangkok, Thailand in June 2011 emphasizes to build up capacity among Member Countries, including functions for regional and sub-regional cooperation, to effectively meet the requirements of port state measures and flag state responsibilities.

In support of the implementation of PSM for the ASEAN region, and in anticipation of the entry into force of the PSM and the need for strengthened regional cooperation, The SEAFDEC by Training Department (TD) has been promoting PSM activities to Member Countries.

The capacity development for Asian Member States (AMS) was organized via the Regional Training on Port State Measures Implementation in Southeast Asia in February 2018 in Bangkok, Thailand by The SEAFDEC Training Department (TD) in collaboration with Food and Agriculture Organization of the United Nations (FAO) and the United States National Oceanic and Atmospheric Administration (NOAA). This training focused on 1) preparation of national legal aspects, policy and institutional of PSM implementation, 2) PSMA inspection of vessels, and 3) lesson learned on PSM implementation in Thailand. The training came up with better understanding on implementation of Port State Measures in Member Countries, the situation and preparation on PSM implementation in the region and way to practical improvement of Port State Measures, and the regional cooperation to support the implementation of PSM in the region.

Moreover, the series of the Meeting and Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia were organized in collaboration with other international organization such as FAO, USAID and *etc.* The results came up with 1) modules of training curriculum on PSM for general, manager, inspector and policy level, 2) constraints, problem on PSM implementation in the region, and 3) actions and need for regional cooperation to support the implementation of the Port State Measures through

recommendations that SEAFDEC and partners should support and assist Member Countries to implement PSM activities through enhanced understanding of the requirements contained in the PSM and to provide capacity building by engaging persons at all level and to strengthen regional cooperation towards combating IUU fishing within the ASEAN region.

In June 2018, the Regional Technical Consultation (RTC) on International Fisheries-related Issues was organized. The RTC also discussed on PSM issue and came up with recommendations as 1) the difficulties faced by countries in the implementation of the PSMA is related to the communication system of the concerned States that would enable them to obtain/verify information about questionable fishing vessels and 2) the list of focal persons should be shared among the Parties to facilitate PSMA implementation.

However, SEAFDEC will continue to cooperation with Asian Member States and partner to support the implementation of PSM to improve fisheries management and reduce IUU fishing in Southeast Asia.

Senegal

The representative of Senegal explained that before being party of PSMA, relevant provisions of this agreement had been integrated into the national fisheries law and specifically in the section regarding the fight against IUU fishing.

He explained that since 2015, an Intelligence Unit has been implemented in the main industrial landing site (in the port of Dakar), and works continuously. Monthly, on average, 80% of foreign vessels are systematically inspected.

In the past, some training courses were provided through some project or programs as PRAO (Regional fishery Program for West Africa), among others. But, these training were not organized around questions about fishing control on foreign vessels.

The representative of Senegal highlighted that what is needed now in terms of training is to improve knowledge and skills for fisheries inspectors and observers in conducting investigations on board of fishing vessels and particularly on foreign vessels.

United States of America

The representative of the National Oceanic and Atmospheric Administration (NOAA) of the United States of America (USA) gave an overview of the USA's implementation of the PSMA, and the capacity development programs it has supported since the entry into force of the PSMA.

The NOAA Fisheries Office of Law and Enforcement has developed a Port State Measures Inspector Training Program that focuses on the operational aspects of implementing the PSMA with emphasis on roles and responsibilities of PSM inspectors, methods to detect IUU-fishing activity and the ability to conduct thorough fisheries inspections of foreign-flagged fishing and fishing-support vessels that enter a country's ports. The training modules cover all items listed in Annex E of the Agreement and is adaptable to the priority needs of a requesting country. This training program was piloted domestically in American Samoa and Guam, internationally at the request of Indonesia in August 2016, and has since been modified and delivered in Indonesia and the Philippines.

The NOAA Office of Law Enforcement has also developed a complimentary curriculum on PSMA implementation that is tailored for high-level officials and managers. This curriculum covers broader issues such as legal requirements, governmental policy needs and inter-agency/ministry coordination and communication strategies to effectively implement the PSMA and has been delivered to Indonesia as well as regionally in Southeast Asia and Latin America and the Caribbean.

Iran (Islamic Republic of)

Relevant capacity development initiatives for ports by Iran:

1. Transferring the management of fishing ports to the fishing cooperatives and including the fishermen in fisheries management.
2. Organizing fishing ports through separating the place of the parking lot and the location of the drain fish of the vessels in order to increase hygiene and better management of the port and facilitate the entry and exit of the vessels.
3. Use of CCTV systems in fishing ports to control and manage the traffic of the vessels.
4. Establishment of a resource conservation unit (coastal guard) in fishing ports.
5. Follow up on the implementation of a fish Tracking Code as a pilot in one of the fishing ports.

This document contains the report of the second meeting of the Part 6 Working Group established by the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, held in Rome, Italy, from 5 to 6 July 2018. The Part 6 Working Group reviewed outcomes of its first meeting, noting with respect to the funding mechanisms to be put in place to assist developing States with the implementation of the PSMA that further clarity is required in terms of the criteria and priorities that will be used to review applications for assistance. The Part 6 Working Group discussed at length the requirements of developing States for the implementation of the PSMA, noting legal, operational, and technical challenges and identifying where existing tools are already available to address these challenges. The Working Group received a detailed update of FAO's Global Capacity Development Programme in support of the PSMA, as well as heard from other international organizations, non-governmental organizations, States and other entities on their respective capacity development initiatives in support of the PSMA. Finally, the Part 6 Working Group discussed the necessary functionalities of the capacity development portal that is to be developed and hosted by FAO under the PSMA global programme.

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