

Report of the First Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

OPENING OF THE MEETING

1. The first meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was held in Oslo, Norway from 29 to 31 May 2017. The session was attended by 34 Parties to the Agreement, and by observers from 15 States, 12 intergovernmental and 2 international non-governmental organizations. A list of delegates and observers is attached as Appendix B.
2. The Minister of Fisheries for Norway, His Excellency, Mr Per Sandberg, inaugurated the meeting and delivered an opening statement (Appendix C).
3. His Excellency, Mr Tommy E. Remengesau Jnr, President of the Republic of Palau delivered an opening statement (Appendix D).
4. Mr Árni Mathiesen, Assistant Director-General, Fisheries and Aquaculture Department, FAO delivered an opening statement (Appendix E).

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON

5. Mr Vidar Landmark, Director General, Ministry of Trade, Industry and Fisheries, Norway, was unanimously elected Chairperson of the meeting. Mr Waldemar Coutts, Ambassador of Chile to Norway, was unanimously elected Vice-Chairperson.

DESIGNATION OF THE RAPPORTEUR

6. The Parties entrusted FAO with the responsibilities of rapporteur for the meeting.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE MEETING

7. The meeting adopted the agenda without modification (Appendix A).
8. The Chairperson suggested that, in the absence of agreed procedures, the meeting could follow the General Rules of the FAO and the Principles and Procedures that govern Conventions and Agreements concluded under Article XIV and XV of the FAO Constitution, and Commissions and Committees established under Article VI of the Constitution, until specific procedures are discussed and agreed upon. The Parties agreed with such an arrangement.
9. The Parties agreed that FAO assumes the role of Secretariat for the meeting.

STATUS OF THE 2009 FAO AGREEMENT ON PORT STATE MEASURES AND DEVELOPMENTS

10. The Secretariat introduced document PSMA/2017/3 and informed the meeting that 47 States and the European Union (EU) had deposited instruments of adherence. The meeting noted that the number of Parties had almost doubled since entry into force of the Agreement on 5 June 2016.

11. Parties making statements on the status of implementation of the Agreement at national level, reinforced their commitment to the Agreement and the fight against illegal, unreported and unregulated (IUU) fishing. Several States highlighted the initiatives that they had taken to strengthen fisheries management and control with a specific focus on the Agreement, covering operational, institutional, and legal and policy aspects.

12. Several Parties recognized the efforts of FAO, States and other international organizations in providing support for the implementation of the Agreement, whilst noting that a number of challenges remain to be addressed, such as training of inspectors, increased coordination at the national and regional level, and enhanced information sharing mechanisms.

13. It was indicated by several Parties that consideration should be given to the role of complementary instruments and tools in supporting the Agreement, in particular the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), the Voluntary Guidelines for Catch Documentation Schemes, and tools developed by regional fisheries management organizations (RFMOs).

14. Furthermore, it was stressed that critical challenges, such as information on transshipments, development of robust risk assessment procedures, cooperation throughout the value chain and real time information on vessels and inspection results, should be addressed.

15. Parties called on countries not yet party to the Agreement to deposit their instruments of adherence in order to enhance the effectiveness of the Agreement to combat IUU fishing. Some non-parties present stated that they were in the process of becoming party to the Agreement, and also expressed their commitment to implementing port State measures but that it was important for non-parties to fully understand the implications of the obligations under the Agreement before becoming a Party.

16. The meeting noted the importance of the outcomes of these discussions to shape the next steps for the implementation of the Agreement. Additionally, it was recognized that, for instance, The Ocean Conference to be held in New York, USA, 5 to 9 June 2017, and Our Ocean Conference to be held in Malta, 5 to 6 October 2017, and other upcoming international conferences, would provide excellent opportunities to showcase the global commitment to fight IUU fishing and call for an increased uptake of the Agreement itself.

REVIEW OF THE REQUIREMENTS FOR THE IMPLEMENTATION OF THE AGREEMENT

17. The Secretariat introduced document PSMA/2017/4 on matters concerning the implementation of the Agreement. The Secretariat highlighted a number of issues on the roles of port, flag and other State responsibilities, as well as the role of FAO, RFMOs and other international organizations and bodies. It noted that there were a number of issues identified for decision, including requirements of the Agreement, guidance on transmittal, electronic exchange and publication of information, guidance on regular and systematic monitoring and review of the implementation of the Agreement, and the necessity to convene informal consultations and intersessional meetings, as appropriate.

18. The Chairperson recalled the need to conclude this meeting with clarity on the way forward, and to avoid getting into the technical details, which could be delegated to technical working group.

19. Regarding port and flag State responsibilities under the PSMA, some Parties identified RFMOs as important entities to assist with implementation of the Agreement. However, it was noted that not all States are contracting Parties of RFMOs and that implementation is ultimately the prerogative of the Parties.

20. A number of successful initiatives related to port State measures were highlighted, including those implemented through RFMOs and other existing regional initiatives. Additionally, other organizations provided examples relevant to the implementation of the PSMA, such as the International Maritime Organization (IMO) with its port State control regime for cargo vessels, and the UN/CEFACT with its standardized system of codification, and INTERPOL with Purple Notices and the I24 information system.

21. Parties noted that lessons should be drawn from these initiatives and examples, whilst noting the need for flexibility and minimal burden on the Parties. Along these lines, the Parties noted that guidance on the implementation of the PSMA should not be overly prescriptive, as countries and regions are different and require tailored approaches based on operational realities at national and regional levels.

22. IMO stressed that port State activities need to be coordinated inter-sectorally at national, regional and international levels, and informed the meeting of the joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters between FAO, IMO and International Labour Organization (ILO), which acts as an important forum to ensure coordination among relevant agencies.

23. The Parties agreed that FAO should play an important role in gathering information including on designated ports, national contact points, and any other relevant information useful for the implementation of the Agreement, possibly through relevant templates. FAO should also seek to gather information on contact points from non-parties, as this information would be useful for the implementation of the Agreement.

24. FAO was called upon to enhance financial and technical support with regards to capacity development efforts, including for small island developing States (SIDS), for which implementation is particularly difficult. Following this, the Secretariat outlined FAO's global capacity development programme to support both developing States Parties and non-parties, noting that several projects are already underway.

TRANSMITTAL, ELECTRONIC EXCHANGE AND PUBLICATION OF INFORMATION

25. Parties agreed that a staged approach should be adopted with regards to data exchange, initially prioritizing the need to access basic information, such as on designated ports and national contact points, as soon as possible, in order to ensure that Parties can begin with the implementation of certain requirements immediately. At a later stage, more advanced information systems could be developed, based on information exchange requirement referred to in the Agreement. It was highlighted that transparency and accessibility with regards to information exchange would be crucial, and that the need for accuracy would have to be taken into consideration. Additionally, it was agreed that FAO should identify a point of contact as soon as possible, so that the relevant information can be provided to FAO.

26. Parties also agreed that the FAO should produce draft templates for reporting of information and that these templates should be provided to the Parties for their comments and feedback. The need to keep requirements and templates simple was stressed by a number of Parties and non-Parties. It was noted that some Parties already submit information to their respective RFMOs, and using these procedures and mechanisms as examples could be useful, particularly for developing States with small fisheries administrations and limited resources.

27. Regarding publication of information, Parties agreed that a dedicated section within the FAO website could be developed for this purpose, with templates for submitting information.

28. It was noted that national contact points must be identified and communicated to FAO, and that initially this could be communicated through email to the designated focal point at FAO. Given that personnel in departments often change, it was agreed that an institutional contact be submitted and individual contact points in the institution could also be submitted. Parties emphasized that institutional contacts may be publicized on a dedicated section of the FAO website, while information on individual contacts shall only be accessible by the Parties.

29. Several Parties indicated that they have already begun to designate ports and some indicated they already have designated ports. It was agreed that this information should be sent to FAO immediately, as it is critical that vessels are aware of which ports they can enter.

30. Parties agreed that an open-ended technical working group be established to provide guidance on elaborating information exchange mechanisms and other technical matters, including the need to provide for varying levels of access depending on the nature of the information provided. The meeting of this technical working group is expected to be convened in 2018.

REQUIREMENTS OF DEVELOPING STATES

31. The Secretariat introduced document PSMA/2017/5.

32. Parties established the Part 6 Working Group and approved the Terms of Reference (ToR) attached in Appendix X.

33. It was agreed that the ToR for the funding mechanisms should be discussed and elaborated by the Part 6 Working Group.

34. The Parties identified the urgency of beginning the work of the Part 6 Working Group and that meetings should initially be convened annually and where possible aligned with other relevant meetings such as the Committee on Fisheries (COFI).

MONITORING, REVIEW AND ASSESSMENT OF IMPLEMENTATION OF THE AGREEMENT

Monitoring schemes and assessments

35. The Parties recognized the importance of ensuring regular and systematic monitoring and review of the implementation of the Agreement, as well as assessment of progress made toward achieving its objective.

36. The Parties agreed on the development of a specific questionnaire for the purpose of monitoring implementation of the Agreement, as well as recording challenges faced. It was agreed that the Secretariat would formulate a prototype web-based questionnaire, to be reviewed and refined by the aforementioned technical working group. This questionnaire may be adapted and refined by the Parties, as appropriate.

37. In addition, the Parties agreed that it would be necessary to conduct the review of implementation through the questionnaire every two years initially and thereafter at such frequencies to be determined by the Parties.

Rules of procedure

38. The Parties requested the Secretariat to prepare draft Rules of Procedure for meetings of the Parties and any subsidiary working groups based on the General Rules of the FAO, and relevant rules of COFI. The Parties also called upon the Secretariat to informally disseminate the draft Rules of Procedure to Parties

for comments which will then be incorporated in a revised draft to be agreed at the next meeting of the Parties.

Date and venue of the next meeting of the Parties

39. Whilst noting that, the Parties should hold a meeting to review the implementation of the Agreement and assess the progress in achieving its objective after four years of the entry into force of the Agreement, the Parties agreed that other meetings should be held more frequently especially in the initial years of implementation. To this end, Parties agreed to hold meetings every two years along with supplementary technical meetings as required.

40. The Parties agreed that their second meeting will be held in Chile, on a date to be confirmed by Chile in coordination with the Secretariat, not later than 2019. The Parties agreed that the meeting to review and assess the implementation of the Agreement will be hosted by the EU in 2020. The Parties also accepted the invitation from Indonesia to host a meeting of the Parties in 2022.

41. The Parties expressed their appreciation for the offers by Chile, Indonesia and the EU to host meetings of the Parties.

42. In the particular case of SIDS and other developing States, it was noted that they may not be well represented at international meetings due to the difficulty posed by costs associated with such meetings. Parties agreed on the importance of convening regional meetings, in advance of the meeting of Parties, where they can support coordination and monitoring of the implementation of the Agreement in advance of the meetings of Parties among concerned States.

ANY OTHER MATTERS

43. The meeting acknowledged with appreciation the generosity of the Government of Norway in hosting this first meeting of Parties, and kindly thanked the Chair and Vice-Chair for their effective guidance and management. The meeting also thanked the Secretariat for the preparation and assistance to the meeting.

ADOPTION OF THE REPORT

44. The Parties agreed that the report be published as an FAO report. The report was adopted on 31 May at 18.00.