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2009 FAO Agreement on Port State Measures

Third Meeting of the Part 6 Working Group

Santiago, Chile, 7 June 2019

KEY DISCUSSION ITEMS

The Part 6 Working Group is invited to:

- consider the Terms of Reference for the funding mechanisms under Part 6 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated¹;
- make recommendations on priorities for the use of the Part 6 Assistance Fund;
- make recommendations on approaches to mobilize voluntary financial contributions to the funding mechanisms;
- discuss the establishment of the panel to review applications and make recommendations on the assistance to be granted under the Part 6 Assistance Fund, in conformity with the Terms of Reference of the funding mechanisms;
- note developments in the implementation of FAO's Global Programme to support the implementation of the Agreement and complementary international instruments to combat illegal, unreported and unregulated fishing;
- note the development of FAO's Global Portal for Capacity Development to combat illegal, unreported and unregulated fishing.

¹ At their Second Meeting, the Parties are invited to review and adopt the draft Terms of Reference for the Funding Mechanisms under Part 6 of the Agreement.

I. Introduction

1. The special requirements of developing States concerning the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement), are addressed under Part 6 of the Agreement, and through the ad-hoc working group established by the Parties to the Agreement (hereinafter referred to as the Part 6 Working Group), the terms of reference of which were adopted at the First Meeting of the Parties to the Agreement, held from 29 to 31 May 2017, in Oslo, Norway and are available as PSMA_Part6WG3/2019/Inf.3²

II. Outcomes of the First and Second Meetings of the Part 6 Working Group

2. The Part 6 Working Group has met annually since the conclusion of the First Meeting of the Parties to the Agreement.

3. The First Meeting of the Part 6 Working Group was held in Oslo, Norway, from 1 to 2 June 2017. At this meeting, the Part 6 Working Group recommended that support provided through the funding mechanisms under Part 6 of the Agreement should consider three main areas, namely, legal and policy aspects, institutional set-up and capacity building needs, and operations and procedures, and that these areas should be considered cohesively.

4. The Part 6 Working Group reviewed and revised the funding mechanisms under Part 6 of the Agreement and recommended Draft Terms of Reference for the funding mechanisms under Part 6 of the Agreement³, including the establishment of an Assistance Fund as one component of assistance that is to be provided in accordance with Article 21 of the Agreement (hereinafter referred to as the Part 6 Assistance Fund). The Part 6 Working Group also emphasized the important linkage between activities to be supported by the Part 6 Assistance Fund, which benefits developing States Parties, and FAO's Global Programme in support of the implementation of the Agreement, which also supports non-parties.

5. The Second Meeting of the Part 6 Working Group was held in Rome, Italy, from 5 to 6 July 2018. At this meeting, the Part 6 Working Group reviewed the progress made at the first meeting. Concerning the recommended Terms of Reference for the funding mechanisms under Part 6 of the Agreement, the Part 6 Working Group noted that further clarity was required in terms of the criteria and priorities to be used by the panel to be established by FAO, in consultation with the Parties, to review the applications, and made recommendations on the assistance to be provided by the Trust Fund to be established under the Part 6 Assistance Fund.

6. The Part 6 Working Group noted the importance to avoid duplication of capacity development interventions concerning the implementation of the Agreement, and discussed the necessary functionalities of the capacity development portal to be developed and hosted by FAO under its Global Programme.

III. Implementation of the Terms of Reference for the Funding Mechanisms under Part 6 of the Agreement

7. The Terms of Reference for the funding mechanisms under Part 6 of the Agreement were put forward for review and adoption by the Parties at the Second Meeting of the Parties (Santiago, Chile, 3-6 June 2019); the Terms of Reference are available as PSMA_Part6WG3/2019/Inf.4⁴. The Part 6 Working Group, in line with its Terms of Reference, should make recommendations on priorities for the use of the Part 6 Assistance Fund and on the approaches to mobilize voluntary financial contributions to the funding mechanisms.

² <http://www.fao.org/port-state-measures/meetings/part-6-working-group/part-6-documents/en/>

³ Available as Appendix 1 in PSMA/2019/5 <http://www.fao.org/3/mz809en/mz809en.pdf>

⁴ <http://www.fao.org/port-state-measures/meetings/part-6-working-group/part-6-documents/en/>

8. For the consideration of applications and granting of assistance under the Part 6 Assistance Fund, FAO should establish a panel to review applications and to make recommendations on the assistance to be granted⁵. The Part 6 Working Group should discuss the establishment of this panel.

IV. FAO's Global Programme to support the Implementation of the Agreement and Complementary Instruments to combat Illegal, Unreported and Unregulated Fishing

9. In 2017, FAO launched the Global Programme to support the implementation of the PSMA and complementary international instruments (hereinafter referred to as the Programme). The Programme, which aims at contributing to national, regional and global efforts to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, represents the overall framework within which FAO and its development partners articulate and mobilize coordinated actions in support of the implementation of port State measures at the national, regional and global levels. Developing States and Small Island Developing States (SIDS), both Parties and non-parties to the Agreement, can benefit from the Programme.

10. The Programme is aligned with Sustainable Development Goal (SDG) 14 of the 2030 UN Agenda for Sustainable Development, and in particular SDG 14.4 which calls for ending overfishing, IUU fishing and destructive fishing practices by 2020 through, inter alia, capacity building and support for monitoring, control and surveillance (MCS), compliance and enforcement systems.

11. The Programme addresses the capacity development needs outlined in Article 21 of the Agreement, extending also to complementary international instruments, guidelines and tools, as well as relevant regional mechanisms to combat IUU fishing. The Programme additionally supports the development of global information systems in support of the implementation of the PSMA, and assists concerned States with travel costs to participate in the meetings of the Parties to the PSMA and subsidiary working groups, and in the meetings of the Working Groups of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record).

12. The Programme currently comprises ten projects with funding in excess of USD 15 million from the European Union (EU), Iceland, Norway, the Republic of Korea, Spain, Sweden and the United States of America.

13. On the implementation of the Programme at the national level, on the basis of assessed needs and capacities, FAO has supported the formulation of national strategies and action plans to implement the Agreement and complementary international instruments to combat IUU fishing in 29 coastal States since the entry into force of the Agreement, on 5 June 2016. Twenty-three of these strategies have been developed since the First Meeting of the Parties to the Agreement.

14. Support on domestic policies and legislation has been, or is currently being, provided to 16 developing States Parties, non-parties and SIDS to ensure alignment with the requirements of the Agreement. Support on operations and MCS has been, or is currently being, provided to eight developing States Parties, non-parties and SIDS to adopt procedures and systems in line with the Agreement. Additionally, 37 officials from 11 countries have received legal training on international fisheries law, and 24 officials from seven countries have received training on MCS and port inspection procedures. Finally, four countries have benefitted from national-level seminars on the Agreement.

15. Details of the Programme, including countries that have benefitted from the above-mentioned assistance are included in Appendix 1.

⁵ In cases of applications for assistance with travel related expenses, FAO may make decisions on applications without referral to the panel.

V. Coordination of Capacity Development Initiatives

16. Since the Second Meeting of the Part 6 Working Group, to improve coherence and coordination, FAO has engaged/ continued to be engaged in a number of initiatives with States and organizations that implement capacity-building activities in support of the implementation of the PSMA and complementary instruments. These include, the European Fisheries Control Agency of the EU, the European Fisheries Development Advisory Network, the National Oceanic and Atmospheric Administration of the US Department of Commerce, the Pacific Islands Forum Fisheries Agency, the Southeast Asian Fisheries Development Center (SEAFDEC), and Stop Illegal Fishing.

17. FAO is in the process of developing the Global Portal for Capacity Development to combat IUU fishing, the objective of which is to publicize all relevant initiatives in a timely manner, and to promote synergies, complementarities and exchanges among relevant programmes, projects, and institutions, whilst avoiding overlap and duplication of interventions.

18. A technical and graphical analysis to define the information technology requirements for the design, development and launch of the portal has been undertaken since the Second Meeting of the Part 6 Working Group. The analysis has also explored the type of content that should be publicized through this portal, the roles and responsibilities for data inputting by various actors, and the steps to be taken by users who will be inputting data. The portal is expected to be functional by the end of 2019.

Appendix 1**FAO's Global Programme to support the Implementation of the Agreement and Complementary International Instruments to combat Illegal, Unreported and Unregulated Fishing**

1. In 2017, FAO launched the Global Programme to support the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (the PSMA or the Agreement) and complementary international instruments to combat illegal, unreported and unregulated (IUU) fishing (hereinafter referred to as the Programme). The Programme aims at contributing to national, regional and global efforts to prevent, deter and eliminate IUU fishing.
2. Developing States and Small Island Developing States (SIDS), both Parties and non-parties to the Agreement, can benefit from the Programme
3. The Programme includes activities to:
 - (a) Assess the needs to strengthen national legislation, institutional set up, and monitoring control and surveillance (MCS) systems and operations with respect to port, flag, coastal, and market States responsibilities, including the drafting of national strategies and road maps to implement related measures.
 - (b) Support the formulation or review of relevant fisheries policies and laws.
 - (c) Support the strengthening of MCS institutions, systems and operations, including through mechanisms for regional coordination and cooperation.
 - (d) Improve flag State performance and implement market access measures, such as catch documentation and traceability schemes.
 - (e) Develop and implement training, capacity building, and operational support material and programmes.
 - (f) Develop and implement global information systems in support of the implementation of the PSMA, including the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), the PSMA global capacity development portal, and a global information exchange system to support the implementation of the PSMA.
 - (g) Support travel to relevant PSMA meetings, including the meetings of the Parties and subsidiary working groups, and relevant Global Record meetings.
4. On the implementation of the Programme at the national level, on the basis of assessed needs and capacities, FAO has supported the formulation of national strategies and action plans to implement the Agreement and complementary international instruments to combat IUU fishing in 29 coastal States since the entry into force of the Agreement, on 5 June 2016. Twenty-three of these strategies have been developed since the First Meeting of the Parties to the Agreement.
5. Support on domestic policies and legislation has been, or is currently being, provided to 16 developing States Parties, non-parties and SIDS to ensure alignment with the requirements of the Agreement. Support on operations and MCS has been, or is currently being, provided to eight developing States Parties, non-parties and SIDS to adopt procedures and systems in line with the Agreement. Additionally, 37 officials from 11 countries have received legal training on international fisheries law, and 24 officials from seven countries have received training on MCS and port inspection procedures. Finally, four countries have benefitted from national-level seminars on the Agreement.
6. Details of the countries that have benefitted from capacity development assistance to support the implementation of the PSMA and complementary instruments to combat IUU fishing under the Programme are included below in Table 1. Countries that have benefitted from national-level seminars are listed in Table 2.

7. In addition to capacity development assistance, the Programme also supported:
- (a) The development and launch, in July 2018, of a fully operational and public Global Record Information System for the Global Record. With the creation of the Global Record Information System (<http://www.fao.org/global-record/information-system/en/>) and access provided to FAO members, the procedure for participating in the Global Record Information System is being institutionalized, while standards and mechanisms for data exchange are being advanced. As at May 2019, 57 countries are now participating in the Global Record Information System, including seven African, five Asian, 26 European, 12 Latin American and Caribbean, five Pacific, and two North American countries. A total of 9 184 vessels have been uploaded into the Global Record Information System.
 - (b) The overhaul of FAO's portal for the PSMA (<http://www.fao.org/port-state-measures/en/>), as well as the development of a new website for IUU fishing (<http://www.fao.org/iuu-fishing/en/>), both available in the six FAO official languages. Besides background information, the PSMA portal temporarily hosts the PSMA Web Application for Designated Ports and Contact Points (<http://www.fao.org/port-state-measures/operational-resources/en/>), information on the meetings of the PSMA Parties and subsidiary working groups, details of FAO past and on-going capacity development initiatives concerning the PSMA/ IUU fishing, and resources.
 - (c) The (on-going) revision of FAO's global database on port State measures (Portlex - <http://www.fao.org/legal/databases/portlex/en/>), to displays country profiles - including international commitments, participation in Regional Fisheries Management Organizations (RFMOs), national plans of action on IUU fishing, active list of most relevant legislation, and records on specific national legal provisions implementing the PSMA – as well as RFMOs profiles and relevant RFMO information, including countries participating to RFMO, scope, objectives and competence area of the RFMO, active list most relevant resolutions, and records on specific provisions implementing PSMA. Presently there are 99 country profiles.
 - (d) The participation of representatives of developing countries and SIDS in relevant meetings of the Parties, and in the meetings of the Global Record Informal Open-Ended Technical and Advisory Working Group (GRWG). More specifically, since the First Meeting of the Parties and First Meeting of the Part 6 Working Group, the Programme supported:
 - the participation in the Second Meeting of the Parties (Santiago, Chile, 3-6 June 2019) and Third Meeting of the Part 6 Working Group of representatives of 39 developing countries and SIDS; of which 32 developing States Parties and SIDS (provisional);
 - the participation in the Second meeting of the PSMA Open-Ended Technical Working Group on Information Exchange (TWG-IE, Seoul, Republic of Korea, 15-17 May 2019) of representatives of 42 developing countries and SIDS - of which 25 Parties to the PSMA - representing 78% of the Parties to the PSMA and 75% of all countries and regional economic integration organizations attending the meeting, respectively;
 - the participation in the Fifth Meeting of the GRWG (Seoul, Republic of Korea, 13-14 May 2019) of representatives of 42 developing countries and SIDS, representing 93% and 77% of the developing countries and SIDS, and of all countries and regional economic integration organizations attending the meeting, respectively;
 - the participation in the First Meeting of the TWG-IE (London, United Kingdom, 16-20 April 2018) of representatives of seven developing States, of which 5 developing States Parties.
 - the participation in the Fourth Meeting of the GRWG (London, United Kingdom, 11-13 April 2018) of representatives of 10 developing States, of which 6 developing States Parties.
 - the participation in the Third Meeting of the GRWG (Rome, Italy, 26-28 June 2017) of representatives of 14 developing States, representing 40% of all countries and regional economic integration organizations attending the meeting.

8. In addition, the development of a global information exchange system for the transmittal, electronic exchange and publication of information is due to commence shortly, pending guidance of the Parties to the PSMA⁶.

⁶ Refer to PSMA/2019/4: Transmittal, electronic exchange and publication of information
<http://www.fao.org/3/mz890en/mz890en.pdf>

Table 1. National level PSMA-related capacity development support

Country	Past and ongoing Capacity Development Support related to the PSMA												
	Party to the PSMA	National Strategy and Road Map		In-country legislative/policy support		In-country MCS assistance		Legal Training			MCS/Port Inspection training		
	Yes/No	Yes/No	Date of workshop	Yes/No	Date	Yes/No	Date	Yes/No	Date	# participants	Yes/No	Date	# participants
Bahamas	✓	✓	Nov-18	✓	2017	✓	Jul-19						
Cambodia				✓	Jul-18								
Costa Rica	✓	✓	Feb-19	✓	Jul-19						✓	Jun-18	3
Cuba	✓	✓	May-17										
Dominica	✓	✓	Feb-17										
Dominican Republic		✓	Sep-18	✓	Jul-19								
Ecuador	✓	✓	Jan-19	✓	ongoing	✓	Jul-19				✓	Jun-18	3
Federated States of Micronesia								✓	Sep-18	2			
Gabon	✓	✓	Oct-17										
Ghana	✓	✓	Jun-18	✓	May-19			✓	Jul-18	3			
Guinea	✓	✓	Jun-17			✓	ongoing				✓	Dec-18	4
Guyana	✓	✓	May-17	✓	ongoing								
Indonesia	✓	✓	Feb-18	✓	Nov-18	✓	Dec-18	✓	Jul-18	4			
Jamaica		✓	May-18										
Madagascar	✓	✓	Nov-18								✓	Dec-18	4
Malaysia				✓	Feb-19								
Maldives	✓			✓	May-19								
Marshall Islands								✓	Sep-18	1			
Mauritania	✓										✓	Dec-18	4
Mozambique	✓	✓	Feb-17										
Myanmar	✓	✓	Oct-17										
Namibia	✓	✓	May-18					✓	Jul-18	4			
Palau	✓	✓	Aug-17										

Country	Past and ongoing Capacity Development Support related to the PSMA												
	Party to the PSMA	National Strategy and Road Map		In-country legislative/policy support		In-country MCS assistance		Legal Training			MCS/Port Inspection training		
	Yes/No	Yes/No	Date of workshop	Yes/No	Date	Yes/No	Date	Yes/No	Date	# participants	Yes/No	Date	# participants
Panama	✓	✓	Feb-19								✓	Jun-18	3
Papua New Guinea				✓		✓	ongoing	✓	Sep-18	6			
Peru	✓	✓	Feb-19	✓	ongoing	✓	Jul-19				✓	Jun-18	3
Philippines	✓	✓	Apr-19										
Saint Vincent and the Grenadines	✓	✓	Apr-19	✓	Nov-18			✓	Jul-18	4			
São Tome and Principe	✓	✓	Feb-18										
Solomon Islands								✓	Sep-18	3			
Somalia	✓	✓	Apr-17										
South Africa	✓	✓	Feb-17										
Sri Lanka	✓			✓		✓	ongoing	✓	Sep-18	4			
Sudan	✓	✓	Oct-17	✓	Jul-19			✓	Sep-18	4			
Thailand	✓	✓	Sep-17										
Tonga	✓	✓	Nov-17										
Trinidad and Tobago		✓	Sep-18	✓	ongoing	✓	Jul-19						
Vanuatu	✓	✓	Oct-17					✓	Sep-18	2			
Total Parties	29	26		11		6		7		25	7		24
Total non-Parties	9	3		5		2		4		12	0		0
TOTAL	38	29		16		8		11		37	7		24

Table 2. National-level seminars on the Agreement

Country	National seminar on PSMA	Date
Republic of Korea	✓	Jan-18
Russian Federation	✓	Mar-19
Singapore	✓	May-16
Ukraine	✓	Dec-17
Total	4	